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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

SENATE—*Tuesday, January 27, 1998*

The 27th day of January being the day prescribed by S. Con. Res. 68 and S. J. Res. 39 for the meeting of the 2d session of the 105th Congress, the Senate assembled in its Chamber at the Capitol at 12 noon.

The Senate was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. The Senate will come to order. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, by Your grace You guided the founding of this Nation to be a demonstration of democracy under Your sovereignty. We praise You for Your timely inspiration and interventions all through our history. Our motto, "In God we trust," and our affirmation, "One Nation under God," express our sure confidence and the source of our courage.

As we begin the work of this second session of the 105th Congress, we commit our lives to You anew. We thank You for the privilege of pressing forward to the next phase of Your vision for our beloved Nation. We open our minds to think Your thoughts. Give us Your perspective on the problems we face and Your power to solve them.

Help the Senators to listen to one another so their debate on issues will be a dialogue leading to creative resolutions combining the best of the supernatural wisdom You provide through many minds.

We turn our eyes to You and to the strategic work that You have given this Senate to do. Our times are in Your hand; in mutual trust we stand. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President. Welcome back, Mr. President. It is a pleasure to see you presiding in the Chair as we begin this new year.

Mr. President, I say to the Chaplain, we look forward to hearing your prayers throughout the year.

QUORUM CALL

Mr. LOTT. Mr. President, I suggest the absence of a quorum in order to ascertain the presence of a quorum to begin the second session of the 105th Congress.

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Allard
Coverdell
Daschle
Enzi
Grassley
Hutchinson
Lott
McConnell
Moynihan
Sessions
Stevens
Thurmond

The PRESIDING OFFICER (Mr. SESSIONS). A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham
Ashcroft
Bennett
Bingaman
Bond
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Craig
Domenici
Durbin
Faircloth
Feinstein
Ford
Glenn
Gorton
Gramm
Grams
Gregg
Hagel
Helms
Hollings
Inhofe
Kempthorne
Kerry
Kyl
Leahy
Mack
Nickles
Reed
Reid
Roth
Smith, (NH)
Smith, (OR)
Snowe
Specter
Warner

The PRESIDING OFFICER. A quorum is present.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. LOTT. Mr. President, a quorum having been ascertained, I send a resolution to the desk informing the President that a quorum is present in the Senate and ask that it be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 164) was agreed to, as follows:

S. RES. 164

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDING OFFICER. Pursuant to the resolution, the majority and minority leaders are appointed as members of the committee.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. LOTT. Mr. President, I now send a second resolution to the desk informing the House that a quorum is present and ask that it be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 165) was agreed to, as follows:

S. RES. 165

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. LOTT. I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a committee on the part of the House to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. this evening, Tuesday, January 27, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

APPOINTMENTS MADE DURING THE SINE DIE ADJOURNMENT

Mr. LOTT. I now send to the desk a list of appointments that were made during the sine die adjournment of the Senate and ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To the Congressional Award Board, pursuant to Public Law 96–114, as amended, Martis James Davis, of New York (Nov. 21, 1997).

To the National Bipartisan Commission on the Future of Medicare, pursuant to Public Law 105–33, the Senator from Texas (Mr. Gramm), the Senator from Tennessee (Mr. Frist), Illene Gordon, of Mississippi, and Deborah Steelman, of Virginia (Nov. 25, 1997).

To the Panel to Review Long-Range Air Power, pursuant to Public Law 105–56, J. James Exon, of Nebraska (Dec. 12, 1997).

To the National Council of the Arts, pursuant to Public Law 105–83, Richard J. Durbin, of Illinois (Dec. 31, 1997).

To the Social Security Advisory Board, pursuant to Public Law 103–296, in consultation with the Chairman of the Senate Committee on Finance, Sylvester J. Schieber, of Maryland (Jan. 19, 1998).

To the Congressional Award Board, pursuant to Public Law 96–114, Clinton Bristow, Jr., of Mississippi (Jan. 20, 1998).

To the Census Monitoring Board, pursuant to Public Law 105–119, Joe D. Whitley, of Georgia, and Max W. Williams, of Mississippi (Jan. 20, 1998).

To the Congressional Award Board, pursuant to Public Law 96–114, Felix Sanchez, of Washington, D.C. (Jan. 26, 1998).

WELCOME, COLLEAGUES

Mr. LOTT. Mr. President, first and foremost, I welcome our colleagues back to the Senate from what I hope has been a restful and a beneficial period of time. I think it has been very good for the Senators to be able to spend some time with their families, be able to perhaps read a book, to work with their constituencies, and in many cases look into very important foreign policy and international issues. I know this has been a very good time for our colleagues to do some things that were long overdue, and I hope they enjoyed and benefited from it.

SECOND SESSION OF THE 105TH CONGRESS

Mr. LOTT. Mr. President, I also hope that all Members are ready for what I hope will be a very productive second session of the 105th Congress. I have spent some time with the distinguished Democratic leader. We have talked in general about bills we want to try to consider before the Easter recess in April, and of course we have gone over the schedule just for this week. We have a number of very important legislative items that we need to consider before the Easter recess, including, I hope, even a budget resolution. I think it is important this year that we not go after April the 15th to take up a budget resolution. I will be talking further to the chairman of the Budget Committee and the ranking member and the leadership to make sure that we are all in agreement in that effort.

Mr. President, I ask unanimous consent that the list of potential floor items and a calendar for the first week of the session be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF POTENTIAL ITEMS THAT MAY BE CONSIDERED IN THE SENATE PRIOR TO THE SCHEDULED EASTER RECESS

Auto choice bill.
Budget resolution.
Campaign Fin. Reform.
Caribbean Basin Initiative.
China/Religious Persecution.
Cloning Bill.
Coverdell Education Savings accounts.
IMF.
Iran Proliferation Sanctions Act.
ISTEA.
Medicare Private Practice.
Mexico De-certification.
NATO enlargement.
Powder Cocaine Penalties Act.
Property Rights.
PUHCA reform.
Ronald Reagan national airport bill.
Securities Reform.
Supplemental Appropriations.

SENATE SCHEDULE—JANUARY 28–30

Wednesday, Jan. 28:

Special Orders; Policy Lunches; Vote on Judicial Nominations: Aiken, Silverman, and Story.

Thursday Jan. 29:

Ronald Reagan National Airport bill.

Friday, Jan. 30:

Senate not in session.

SCHEDULE

Mr. LOTT. Mr. President, no legislative or executive business will be transacted during today's session. Therefore, no votes will occur during the session of the Senate today. We will recess mid to late afternoon to reconvene at 8:30 p.m. this evening in the Chamber. All Members are asked to be in the Chamber at approximately 8:30 in order that we can go over as a body to the Hall of the House of Representatives to hear the President's State of the Union Address beginning at 9 p.m. this evening.

During tomorrow's session we will consider three judicial nominations, those being Barry Silverman to be a circuit judge for the ninth circuit, Richard Story, to be a district judge for the northern district of Georgia, and Ann Aiken, to be a district judge in Oregon. We hope to enter into a time agreement of approximately 2 hours, with rollcall votes expected on each nomination. Therefore, there could be three votes tomorrow, Wednesday. In fact, I think the Members should expect that there will be three votes.

Then on Thursday of this week we hope to consider the Ronald Reagan airport bill which is presently in the Commerce Committee. Amendments could be offered. Therefore, votes can be expected to occur on that item on Thursday of this week.

The Senate will not be in session on Friday. Following the Senate's consideration of the Ronald Reagan bill, the Senate would proceed over until Monday, February 2nd. The schedule for Monday will be announced later in the week. However, no votes will occur during the session on Monday. We do expect votes, of course, Tuesday, Wednesday, and Thursday of next week.

We will be talking to committee chairmen, sponsors of bills and with the Democratic leadership to decide exactly what bills could come up. We are considering possibly the PUHCA legislation, the Public Utilities Holding Company Act modifications. We are still considering a cloning bill that I believe could be considered. We have several others that we are considering, as well.

Next week we expect to take up the FEC, the Federal Election Commission nominees, the nomination of Mr. Satcher to be the Surgeon General, and possibly two more Federal judges that are now going through the process of being cleared.

I do want to say, again, Mr. President, I appreciate the year we had last year. I thought we had a good year. I thought we accomplished a great deal for the American people, most of the time with very little rancor. I want us to continue to be able to work together for the interests of the people and do it in a way where Members are not exhausted and they can do their work during the daylight instead of always at night.

I want to thank those of you that work for the Senate here in the Chamber. You do outstanding work and we quite often don't thank you sufficiently for the way you help us keep things running smoothly doing the people's business here in the Senate.

I do look forward to a very active year even though we may have around 100 legislative days—because of the necessity of adjourning early in October for the election. There are several things we need to do and we will do for the best interests of the American people. I look forward to working with the Senate and working with the leadership on both sides of the aisle.

SECOND SESSION OF THE 105TH CONGRESS

Mr. DASCHLE. Mr. President, I welcome back the majority leader and again wish him a happy New Year and commend him for his leadership. During the past 3 months, when we have not been here, I have seen him on several public appearances and, as always, he has been articulate and very forthcoming with regard to the schedule and our plans for the coming weeks. I welcome the opportunity to work closely with him as we pursue our national agenda, and appreciate very much the cooperation he has already demonstrated in helping Senators make plans both in terms of days, as well as weeks, ahead. I trust the past 3 months have been productive and enjoyable, Mr. President, and I expect it has provided us with rest and the perspective to fulfill our obligations now.

It is obvious we return under very difficult circumstances. Allegations have been made against the President and have been vehemently denied. The legal process continues, flawed as it may be. While the circumstances may be extraordinary, the work of this Government must go on. The American system is uniquely constructed to withstand the winds of controversy and crisis which howl throughout history, and this moment is no exception. Important matters are at hand, dealing with both foreign and domestic policy, and the American people have a right to insist that their leaders continue to give those matters their full attention.

Congress has a clear responsibility—a duty and an obligation—to go about our work on behalf of the American people. Despite allegations, investigations, and obvious distractions, our country would be ill-served if we were to allow interruption in the steady function of Government or the remarkable progress that we have made on matters of great importance to our Nation.

Democratic Senators begin this year with a true sense of accomplishment over what we have achieved and a sense of purpose directed toward the challenges ahead. We need to continue the economic momentum born of the 1993 budget plan, a momentum that will propel us in 1998 to the first balanced budget in over 30 years, and our first opportunity in our lifetime to reduce the accumulated debt.

South Dakotans, like all Americans, have made clear their expectations. Having just returned from home, my conversations with South Dakotans remain clear and well understood. South Dakotans have urged us to work together, to continue to demonstrate that democracy can be both responsive and effective in addressing the challenges that lie ahead. They say, build on the extraordinary budgetary and economic record of the last 5 years, pay off the debt, solve the Social Security and Medicare problems we face. Remember that 42 million of us have no health insurance—find a way to solve that national embarrassment. Remember, above all, in this new age of information, that education, beginning virtually at birth, is one of the most important responsibilities of government at every level. There is so much to be done: Improve wages and child care, fix our political finance system that is broken and in great need of repair, be a leader to the world.

New and old democracies around the world look to us for leadership, and there is no one else. In Iraq and Bosnia, in Europe and Asia, America's leadership is needed now more than ever. That is the message given to me by South Dakotans back home over and over again. Their wisdom dictates our collective response.

Now is the time to go to work. As the majority leader has already indicated, we have very few days in this session of Congress. We must approach our work with urgency and with energy.

We must make the most of each one. Over the past few months, Democrats in the Senate and House, working with the administration, have built a legislative agenda that addresses many of the challenges our country must face. It will build on the themes that we hear tonight in the State of the Union Message. It represents the legislative embodiment of the priorities contained in the President's budget to be submitted next week.

So, again, I look forward to working closely with the majority leader. We will all certainly work with our Republican colleagues, because we believe this can be a most productive session. We begin today by extending a hand of partnership and a sincere hope for real success. I thank, again, the majority leader for offering me the opportunity to respond to his kind remarks.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MEASURE PLACED ON CALENDAR—S. 1530

Mr. LOTT. Mr. President, I understand there are two bills due for a second reading. I ask that the title of the first bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read as follows:

A bill (S. 1530) to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

Mr. LOTT. Mr. President, I object to further consideration of this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MEASURE PLACED ON CALENDAR—H.R. 2709

Mr. LOTT. Mr. President, I ask unanimous consent that the second bill be read the second time.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read as follows:

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

Mr. LOTT. Mr. President, I object to further proceedings on this item at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I understand we are in morning business and that I have 20 minutes under the order, is that correct?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of the morning business, not to exceed the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes.

Mr. LEAHY. Will the Senator yield for a unanimous consent request? I will be very brief.

Mr. GREGG. Yes, I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be recognized for 10 minutes following the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object. I ask to modify that by allowing Senator HELMS to speak for a period of 3 minutes prior to my speaking.

Mr. LEAHY. I certainly have no objection to that, Mr. President. I see the distinguished Chairman on the floor. After the distinguished Senator from North Carolina and the distinguished Senator from New Hampshire, I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized for 3 minutes.

MRS. ALICE WYNNE GATSIS SPEAKS ON THE 10TH AMENDMENT

Mr. HELMS. Mr. President, the North Carolina General Assembly embarked in 1997 on a significant course—that of inviting some of our State's best-known and best-qualified citizens to address joint sessions of the legislature's house and senate. Dr. Billy Graham, for example, made a remarkable and unforgettable appearance during the year.

Meanwhile, the North Carolina General Assembly's Select Committee on Federal Education grants heard a splendid address by a prominent and learned North Carolina lady, Mrs. Alice Wynne Gatsis, of Rocky Mount, whose distinguished husband is a retired general of the U.S. Army, Andrew J. Gatsis.

General and Mrs. Gatsis are stouthearted defenders of the U.S. Constitution. They are exceedingly knowledgeable about the perils confronting this Nation as a result of constant tampering with the intent and the meaning of the Constitution. In short, Alice Wynne Gatsis and her husband understand the miracle of America.

That, Mr. President, is why the North Carolina General Assembly's Select Committee on Federal Education Grants invited Mrs. Gatsis to address the committee on November 10 of last year.

Mr. President, I have in hand the text of Mrs. Gatsis' address and, being enormously impressed with her remarks, I have decided to share them with Senators and others who read the Congressional Record.

Therefore, Mr. President, I ask unanimous consent that the text of Mrs. Gatsis' address be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Alice Wynne Gatsis—November 10, 1997—Speech to the N.C. General Assembly—House of Representatives—Select Committee on Federal Education Grants

Note: For purposes of definition, and the benefit of any egalitarians among us, I will be referring to man and men generically in the sense of man being the human race—it is not my intention to slight the ladies.

Mr. Chairman, ladies and gentlemen, I have been invited to speak this morning on the Tenth Amendment, that heart of the U.S. Constitution which says, "The powers not delegated by the Constitution or prohibited by it to the States are reserved to the states, respectively or to the people."

You may be asking yourselves, busy people that you are, an important committee with an important mission, why this subject at this time?

It seems to me that every now and then in a nation there comes a time when there is a need for restoration, a resetting of the pillars that are the foundation of all that is great in America. It must be apparent to many in both public and private life that the time has come.

It must be apparent, as well, that for some time an evolutionary process of unconstitutional usurpation of power has escalated to an alarming degree, and in spite of the law of the government (the Constitution) which forbids it.

All aspects of the domestic affairs of the people have become a federal concern to the point where we now have a president and congressmen, and, yes, innumerable bureaucrats, bureaucrats who appear to be accountable to nobody, addressing daily the domestic affairs of the people from soup to nuts.

It was not pleasing to hear Donna Shalala, Secretary of Health and Human Services, say, at her confirmation hearings in the first Clinton administration, that the President views the states as "laboratories" for the federal government. Her statement represents the apotheosis of many years of usurpation and preemption which has taken place in all administrations, not just the Clinton administration, for the last fifty years. It has slipped into our great free system on quiet little feet, taking a step forward and a step back but steadily advancing in the path toward centralizing and unifying the divided and enumerated powers which have made us a free people. There are reasons innumerable that such unlawful inroads have been made, perhaps federal money, perhaps false philanthropy, perhaps expediency. It is not necessary to engage in the "politically correct" subjective analysis of "why." Objective judgment reveals that the problem exists and must be addressed, if the first great republic in history is to be the inherited blessing of our descendants.

Attention to the 10th amendment is growing as its importance cannot be overestimated. What would the system be like without it? Where would you be?

The founders were not ignorant men; they drew on their knowledge of Greek and Roman law, the American colonial experience, the English legacy of common law and checks upon power, the Christian theories of natural law and then they added that best and newest ingredient, government at the local level. State legislators sit at the pinnacle close to the people with their powers enumerated over all domestic law. There is no finer elective position in the country. The authority of state legislators, faithfully executed has power in many ways to keep America stable.

Thankfully, it can be said that the 200 year old Constitution stands, relatively unchanged, amended only 17 times since the Bill of Rights. Within it, the 10th Amendment, in spite of assaults against it, stands unchanged too, because when Con-cons and conferences of the States come along, the people realize that their Constitution is endangered and combine to preserve it.

One of the strongest reasons for defeating the Equal Rights Amendment, once the emotional aspects of it were put in perspective, was that it was a major 10th amendment issue, the second part of this amendment transferred all authority over the domestic affairs of the nation to the Federal level. Not everyone realized that this was the true goal but constitutionalists did.

Standing in the way of ratification of the United Nations Treaty on the Political Rights of Women and the U.N. Treaty on the Rights of the Child is the Tenth Amendment.

The discredited health plan of the first Clinton administration ran into roadblocks as the bevy of lawyers assigned to the health care commission were told, "You can't do that because of the 10th amendment."

The recent Supreme Court ruling that the Religious Freedom Restoration Act is unconstitutional, drove a dagger into the heart of some conservatives who will bend the Constitution a bit if their issue is at stake, but Religious Freedom Restoration Act really is unconstitutional. The ruling of the court made it clear that the enforcement power of the 14th amendment does not override the broad powers of the 10th.

One great ally of the Tenth Amendment is Supreme Court Justice Clarence Thomas. He has-enunciated hard nosed positions limiting federal power. Writing about him, Joseph Sobran said, "In the 1995 Term Limits Case, he insisted on the pertinence of the Tenth Amendment and added a brilliant new twist to the debate. The Tenth not only limits the federal government to its enumerated powers, he argued, it reserves to the states and to the people all powers not specifically denied to them."

The clear purpose of the founders when they produced the U.S. Constitution was to create a federal government with strictly limited powers. It was the states who created the federal government not the other way around. Their shared attitude was best expressed by Thomas Jefferson when he said, "In questions of power then, let no more be said of faith in man, but bind him down with the chains of the Constitution." Also he said, after reading the new constitution, which he, of course, had no part in writing, "I assume that if the federal government were to be involved in education, there would have to be a constitutional amendment." There has been no constitutional amendment in this area, because it is understood that the American people do not want education transferred to the federal level. They are the rightful authorities over the education of their children; their authority is protected by the 10th amendment and state legislators are obligated to uphold that right—no where in the Constitution is "here-in granted" for the federal government to make laws about education and no where is there authority for legislators to transfer *voluntarily* their enumerated power to another branch of government.

There are those who would, if possible, scrap the Constitution. They have openly said so; they are prominent people, known public figures. One of their spokesmen, Professor James McGregor Burns said it, during the observance of the 200th anniversary of the ratification of the Constitution. I thought it a strange way to celebrate this occasion, but he said "let's face reality, the framers have simply been too shrewd for us. They have out witted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to turn the founders upside down, to put together what they put asunder, we must directly confront the constitutional structure which they erected." This quote comes from page 160 of Professor Burns book *Reforming American Government*.

Threads of this agenda from *Reforming American Government* surface from time to time. For instance in Newt Gingrich's new contract with America 2000. He wants that year's Republican candidates for the House, Senate and Presidency to run as a team committed to enacting a 10 point contract with America. He foresees a parliamentary-like campaign in which the entire national party runs on a unified platform. This has the net effect of solidifying allegiance to the Party and diluting allegiance to the Constitution and Congressional constituents. The Contracts with America are 10th amendment issues, because they generally address domestic affairs—but never mind that—"conservative" activists are already trying to get their issues into the Contract.

Identifying the undermining of local state government, several legislatures have passed 10th amendment resolutions, and more of them will be as evidence mounts that the federal government is out of control, and that ignoring the oath that public servants take is dangerous to the liberty of all.

State legislators are so important. You are not only, by decree, closest to the people, along with county and city government, but you come from among us—the people. You are our neighbors, our friends and part of the businesses and activities that make up our various communities. Any qualified citizen can sit in the halls of the legislatures if fellow citizens so elect. Once that happens and the oath is taken, you become a citizen-legislator who can represent the rest of us only by strict adherence to the law of the Constitution. Since the majority are not always right, that adherence to the Constitution assures justice for all. The 10th amendment, then, protects the law-makers and the people to whom they are bound. This is an arrangement worth preserving;

Why then have state legislators been allowing their just powers to slip away? Federal bureaucracies are doing more and more unconstitutional runs around them.

It is time for a wake up call. As this committee prepares to take up its duties, more end runs are occurring in Washington. On Friday president Clinton traded off some of his national education standards for a couple of years, and the House voted overwhelmingly to fund charter schools by one hundred million dollars, giving them a certain autonomy if they teach performance-based education. The President, who has no enumerated authority, any more than Congress does, over education has highly endorsed charter schools as long as they teach national standards. The net effect will be the nationalizing, long term, of the school system, putting it into the hands of special interest private boards, gradually absorbing current public and private schools.

So much for elected local school boards, so much for local legislators if they let it continue.

The more these federal intrusions into education create massive failures in education, the more bent these federal "nannies" seem to be on more of the same.

Will state legislators seize the initiatives which are rightfully and lawfully theirs? If they do not, as I have said before, they will end up figure heads in a regional satrapy run from somewhere on high.

Never before in recent times has the choice been so well defined—On the one side is the Republic of the United States of America a nation under God as defined by the Declaration of Independence, a nation governed by God's law as incorporated into the Constitution. It establishes limited government, and divided powers. Most of all it leaves citizens free to guide and direct their own lives. God given rights are unalienable and may not be taken away; they are eternal.

At the opposite end of the spectrum is the United Nations Charter which enshrines the religion of man (generically speaking) as the source of rights. Man through government can give and take away rights from other men, women and children. It is government farthest from the people run by councils of "wise" men. We will have to choose whom we will serve. Knowing that where the spirit of God is, there is the spirit of liberty. I trust that citizen and legislator alike will not remove the ancient landmarks which our fathers have set.

In summary, this select committee has some very serious matters to investigate, probably the tip of the iceberg—in an ongoing chore. I wish you well and hope that you will ever keep before you the basic truths of the 10th amendment base. The law is on your side.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. INHOFE. Will the Senator yield for a moment for a unanimous-consent request?

Mr. GREGG. Yes.

INHOFE. Mr. President, I ask unanimous consent that after the Senator from Vermont takes his time, I be allowed to have 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

WHAT TO DO WITH THE BUDGET SURPLUS

Mr. GREGG. Mr. President, this evening we will hear from the President of the United States in his State of the Union Address. We live in a time where the United States is extraordinarily fortunate. We are at peace. We are a Nation that has great prosperity. We are a Nation with a balanced budget for the first time in 25 years. This is all good news. But there looms on the horizon a fiscal policy which, if we do not address in the coming near term, will dramatically undermine our Nation and make it difficult to pass on to our children a country of prosperity. That, of course, is the pending retirement, beginning in the latter part of the next decade, of the postwar baby-boom generation, that huge demographic group of which I and the President are members, which has impacted this country this very decade in some unique way, and which in the next two decades will, as a result of their retiring have an impact of basically bankrupting this country in the Social Security system, which so many seniors rely on, if we do not address these concerns.

The opportunity to address these concerns is today. It is much like that oil filter ad, "You can pay me now or you can pay me later." The opportunity to make changes in our Social Security system, which will allow for its solvency, allow it to be a strong and vibrant part of our fabric as a Nation, the opportunity for those changes to be effective and to be done reasonably, is much better today than if we wait for 4, 5, or 10 years.

In addition, of course, as we head into a time of surplus, there will be, as a basic policy in this Chamber and in the House, over the next few months a question of how we use that surplus. What is generating the surplus should be the first question. What is generating the surplus is the Social Security trust fund. For the foreseeable future, the extent to which we generate a surplus at the Federal level will be as a result of the fact that more people are paying Social Security taxes than are taking benefits out of the Social Security trust fund. It is not a surplus generated, therefore, as a result of the day-to-day operation of Government being in surplus, of having raised more tax revenues for the day-to-day operation of the Government—defense, education, environmental protection, building roads, for those accounts income surplus; rather, it is a surplus generated by the fact that people who pay payroll taxes are paying more in payroll taxes to support people on retirement under Social Security than they need to.

That should be retained as a primary point as we move down the road of addressing the surplus issue. Therefore, I would like to posture that if we are going to be responsible as legislators and as keepers of our Nation's future, we have an obligation to address the issue of Social Security and address it in the short-term, rather than to wait. I also would like to suggest a manner in which we might consider addressing it. One of our goals, as we look at the issue of the surplus, should be to give people tax relief. Another goal, as we look at the issue of the surplus, should be to pay down the Federal debt. A third goal, as we look at the issue of addressing how we are going to deal with the surplus, should be to increase the savings of the American people. A fourth goal should be to assure the solvency of the most critical Federal program that we have, the Social Security system.

All four of those goals can be significantly advanced if we intelligently approach the use of the surplus and apply it to benefit the Social Security system. How can we do that?

Well, the best way would be to cut the Social Security tax. This is the most regressive tax we have. It is also the taxes generating the surplus. If we were to reduce the Social Security tax so that the average wage earner, instead of paying approximately 7½ percent, would end up paying 6½ percent; it would mean that the average wage earner in this country would receive the benefits directly of a tax cut, the purpose of which would be to refund to them the surplus which is being generated by the Federal Government.

In such a tax cut, if we were to say to the folks receiving it, the wage earners, the people paying the payroll tax, if we were to say that the tax cut must be saved in an account designated in your name, a personal savings account, such as an IRA account, then we would be accomplishing a second goal, which would be to allow individuals who are seeing retirement coming at them to begin to specifically have an account in the Social Security structure which would be in their name and on which they could participate in the investment decisions, and which would most likely return a much better return than the present Social Security system returns, and which would give them an actual savings vehicle.

Third, the practical effect of cutting the tax for people who are wage earners and allowing them to save would be that we would begin the process of refunding the liability in the Social Security system. The Social Security system today has a $3 trillion unfunded liability. So that as the postwar baby-boom generation hits the system in 2008, which is the first year when the system starts to pay more out than it takes in, there becomes a liability that must be paid for through either increased taxes or by reducing the benefit structure of approximately $3 trillion. Well, to the extent that we can encourage people to save by cutting their taxes today and putting those tax cuts into savings accounts, we can significantly reduce the unfunded liability of the Social Security system, which will, in turn, reduce the debt of the Federal Government, which would be another goal in using the surplus that we presently are confronting, or which we are soon to have.

So it is great news that we have this surplus. After 25 years, it is extraordinary news. But the proper management of this surplus is clearly one of the core public policy questions that we have to face as a Congress. It is my view that the proper management of this surplus should involve returning to the taxpayers the funds that were paid in, which gave us the surplus, allowing us to give the taxpayers an opportunity to save for their retirement, and to assure the solvency of the Social Security system, and to begin to pay down the Federal debt. These are the goals that I believe we should be looking at.

I am hopeful that the President, in his State of the Union Address, will set forth a process and a procedure for allowing us to reach these types of goals. So I look forward to hearing the President's proposals in his State of the Union, and I certainly look forward to the next few months as this Congress wrestles with the issue of how to preserve and protect the Social Security system at the same time that we address the budget surplus.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

ICE STORMS IN THE NORTHEAST

Mr. LEAHY. Mr. President, I see my friend from New Hampshire leaving the floor, and I note that he and I have shared a difficult time in the past few weeks with the ice storms in both of our States. But both New Hampshire and Vermont are coming out well. I know that Maine is now still digging out. They have gone through a terrible time, as have the people in upstate New York, and even the Province of Quebec. I note that throughout all that time, every time I called FEMA, James Lee Witt, or anybody else at the Federal level, the response was instantaneous and effective, and that I appreciate.

THE ROLE OF INDEPENDENT COUNSEL

Mr. LEAHY. Mr. President, I want to discuss a serious matter. I hesitate to comment on ongoing law enforcement investigations. I have always felt that way.

I am not going to jump into the swirling mix of rumor and revelation and innuendo that has transfixed many in Washington over the last several days. I spent nearly a decade as a prosecutor. I have a very strong sense of what prosecutors should and can do. I am one who has tried to keep any kind of ideological partisanship out of law enforcement decisions. I did that during the time I was a prosecutor, and I have urged that same thing to prosecutors since.

But I am troubled that the independent counsel law has itself been corrupted and no longer serves its intended purpose. The law was part of a congressional effort to create a mechanism that would reassure the American people that partisanship was not influencing prosecutorial decisions, and that law enforcement judgment was being exercised by those who did not have an ax to grind either way—by those who approached matters from a law enforcement point of view, and not—not—from a lodestone set in a partisan rock.

I cannot say with confidence that this is the case with the current Whitewater counsel. I look at the continuing and very selective leaks and tactics employed by Mr. Starr's office over the last few years, and particularly over the last few days. And, like so many other Vermonters and so many other Americans, it gives me pause to see these kind of tactics that no prosecutor should ever condone in his or her offices.

I have seen reports that two weeks ago he was intent on constructing a sting operation to engage the President of the United States in secretly recorded conversations. Have we sunk this low, Mr. President, that we would do things like this?

I have seen complaints that he sought to pressure a young woman and threaten her mother and father if she did not cooperate in allegations that she was counseled to lie under oath.

Maybe I am missing something here, Mr. President. But this is a far distance from investigating a decade-old land deal in Arkansas. Having spent more than $30 million of taxpayers' money in what apparently became a self-perpetuating investigation, the goal now seems to go about getting the President by whatever means necessary.

Last summer I was critical of efforts by Mr. Starr's office to involve itself in allegations of marital infidelity. The justification then to justify the leaks coming out of Mr. Starr's office was that maybe pillow talk might lead to the discovery of some evidence relevant to this decade-old land deal in Arkansas.

Now it seems that the current activities of Mr. Starr's office seem oddly coordinated to aid in a civil lawsuit against the President. The Paula Jones case has had a gag order on it from the beginning. Yet every single day we find the lawyers and those allied with Ms. Jones selectively leaking depositions and court proceedings to the public. Almost in conjunction—almost in the same package—we see items selectively leaked from Mr. Starr's office with one passing the other. You would think it was the same law firm carrying out this civil case. I have never ever seen a prosecutor do something like that in a State court, a Federal court, or any kind of a case.

Having been a prosecutor, I have a sense for the enormous power in that office. If you have $30 million to spend you have the most power any prosecutor could ever have. But with that power comes a responsibility. Decisions about what to pursue and what to prosecute are among the weightiest exercises of public authority. Exercised irresponsibly and without accountability the prosecutor's power is easily abused and is left to go towards effectively partisan purposes.

My point is that at this juncture we need an independent counsel who is clearly removed from partisanship and who can exercise independent judgment. But the country has neither. This is the most partisan, unjustified, means to an end investigation that I can ever remember in my life. Rather than succeed in insulating the power of the prosecutor from abusive partisan purposes, the independent counsel law appears to have captured partisan forces. This goes beyond any question of what might have happened in Whitewater or anywhere else. It is the tactics being used. The tactics tend in many ways to become so outrageous that they can only be considered partisan. If you want people to have confidence in the result of an investigation, then the investigation has to be nonpartisan, and it has to be perceived to be nonpartisan so that all people can respect what comes out of it.

Frankly, Mr. President, from what I am hearing throughout the country, as well as in my own State, people do not expect any idea of impartiality or nonpartisanship from the prosecutor's office. I hope that Mr. Starr will quickly take steps to change that, and will quickly take steps to stop having his office somehow coordinating itself with a civil case, a civil case involving Paula Jones.

I say this because the country is facing some other issues that also have to be attended to.

On Friday I flew back to Vermont, as I do so often during the month, and I picked up every newspaper that I could on the way up just to read in the airplane. There on the front page of a major newspaper were all of the stories of what leaks are coming out of the Paula Jones case and what leaks are coming out of Mr. Starr's office. Tucked almost as an afterthought were such stories as this: The Pope making a historic visit to Cuba, with all the ramifications that means; Microsoft's settlement with the Justice Department and implications that is going to have for jobs and consumer protection in the years to come; the Unabomber, who terrorized this country for years, pleads guilty; U.S. forces move to arrest a war criminal, something we have not seen I don't think since the time of Nuremberg; the successive visits by Benjamin Netanyahu and Yasser Arafat to this country and the implications on the peace process for the Middle East. There are other such significant stories: The question of whether we are going to have to go into Iraq and act unilaterally because our allies don't appear to have the guts to stand up to Saddam Hussein. All of these things are tucked back, I say to my colleagues, almost in the fast-food ads in the newspaper. Every one of these things is going to have an enormous effect on your life, on my life, and on the lives of the American people, just as the State of the Union Message will tonight, just as what we do on the floor of the Senate this year.

These are the things that need debate. I am not suggesting that it is wrong to ask questions about the conduct of anybody—not of me, of you, of the President, or anybody else. I am not suggesting that. But what I am suggesting is let us not forget that we represent the most powerful nation history has ever known and the greatest economy history has ever known, at a time of economic boom. Let us not lose sight of what the American people want us to do in protecting this country.

But also let us ask—and I asked the same question incidentally during the activities of the special prosecutor in the Reagan era—let us ask whether we undermine the very things we want to protect in this country by allowing a special prosecutor situation to go way out of bounds of what its original aim was—especially when it becomes ideological, partisan, and allied with those who are carrying out civil cases which have nothing to do with the issue initially contemplated by Whitewater.

Mr. President, I will speak on this more as we go along. I see other Senators who are seeking the floor. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank you. I ask that I be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMISE OF OUR DEFENSE BUDGET

Mr. INHOFE. Mr. President, I have a great deal of concern over some of the things that we have been hearing during this interim when we have been considering what we would do if a surplus should become a reality. And we and many people have talked about problems in child care, in Medicare, in the environment, and in education. But the one thing, the one area, that we have the greatest deficiency in America in, and the great threat facing us, is what has happened with the demise of our defense budget and what has happened to our defense system.

Being the chairman of the Senate Armed Services Readiness Subcommittee, we have had occasion to go around and pay visits to a number of our installations. Mr. President, this is not something that has just come on recently. Although now is when the public has finally a wake-up call, thanks perhaps to Saddam Hussein and Iraq, and realizes that there is a great threat out there.

I would like to read just one paragraph out of the 1998 Defense Authorization Act under, "The Storm Clouds Are On The Horizon."

> There are two key factors that threaten to undermine the readiness of our forces—a lack of adequate funding and the over commitment of a greatly reduced force structure. Unless we take necessary steps to correct these problems our military capability will incur significant degradation as we enter into the 21st century.

Mr. President, during this interim period, I visited a number of installations, including Nellis Air Force Base out in the Mojave Desert, and national training systems: The Army Advanced Training System, the Marine Advanced Training Center at Twentynine Palms, and the San Diego naval operations. Also, I have had occasion to be in Camp Lejuene, Fort Bragg, and Fort Hood, and these installations that are trying to keep us prepared throughout America, and throughout the world.

I can tell you that we really have a serious problem. We find that our operations are up, that now we have U.S. forces that have been used in 36 countries in the last 9 years. In the 9 years prior to that there was only 22 countries. We have had over a 300-percent increase in the pace of operations since 1990. We have 26 Army contingency operations in the 7 years since 1991 compared to 10 operations in the 30 years prior to that time. There were 26 operations in just 7 years compared to 10 over the previous 30 years. What this means is we have a "op tempo," or a first tempo, which is a term that is used to measure how busy our people are that are out there and how this is going to affect all of our other operations.

So we actually have two problems that we are faced with. One problem is the fact that we have reduced our budget to an artificially low rate that puts us in the position where we cannot carry out the minimum expectations for the American people. And to be specific about it, we have roughly one-half of the force strength today that we had in 1991. I am talking about one-half the Army divisions, one-half the tactical air wings, and one-half of the ships floating out there. So that is a serious problem.

Then we have stood on this floor time and again and talked about the problems of our deployment on these contingency operations. I can remember standing on this floor in November of 1995 and saying that we cannot afford to send our American troops into Bosnia, and that if we do send them into Bosnia we will incur an operation and an obligation that will sustain the next two decades. The President assured us and promised us. He didn't estimate it, Mr. President. He said that this operation will not exceed 12 months, and that all of our troops will be home from Bosnia for Christmas in 1996. Of course, we knew that wasn't true. We knew the President was not telling the truth. I remember going over there and talking to them. When I told them up there in the northeast sector, the U.N., that it was going to be a 12-month operation, they laughed, and they said, "You mean 12 years." They said it is like putting your hand in the water and leaving it there for 12 months. Take it out, and nothing has changed. The President also said that the cost would be $1.2 billion. Guess what? It has now gone over $8 billion in that effort.

That is not even a part of it. When the American people are told that we only have 8,500 troops over there in Bosnia, that is not true either because if you count the troops as of last week that are in Croatia and the Moravian countries, it is well up to over 12,000 troops. You go over to the 21st Tatical Command in Germany that supplies the logistics for the operation in Bosnia, and they are at 100-percent capacity, and their op tempo rate is 60 percent higher than it should be. What that means in normal terms is that if something happens in Iraq they have to support that logistically on the ground from the 21st Tactical Command. You go 10 miles down the road to Ramstein Air Force Base where they have the 86th Airlift operation, and I defy you to go there and find any ramp space that isn't being used as the C–141s, C–5s and DC–17s that are bringing in everything going to Bosnia are transferring onto C–130s, and off they go. We are using 100 percent of our capacity there. So that is a very, very serious problem that has to be corrected. We cannot do that and continue to try to rebuild a defense operation that has been decimated mostly by this administration. As we go around to these installations, we find that our retention rate is down, the divorce rate is up, and that we are approaching the hollow force days of the late 1970's. We know the two reasons: the budget cuts and the contingency operations.

We have stood on this floor for the last 5 years and talked about the threat that is facing the United States of America. It is not just that we are not adequately prepared in our state of readiness to take care of normal operations should something erupt, for example, in Iraq or Iran or Syria or North Korea, but we also do not have a national missile defense system. In 1983 we started one that should have been deployable by the year 1998. That is now. Someone was pretty smart back there. And yet this administration stopped that in 1992. We are now 5 years behind, if we get right back in, which I think we will now because there is a wake-up call that the American people have heard. And that is, I would have to say, some good news, that even right now this administration is agreeing with what they have refuted over the last 5 years.

I was very pleased to hear Secretary of Defense Bill Cohen stand up and say that we now know there are over 25 nations that have weapons of mass destruction, either biological, chemical or nuclear, and are working on the missile means to deliver those as far as the United States of America. When Bill Cohen stood up and said Saddam Hussein—keep in mind, here is a guy who murders his own grandchildren—and Iraq under our close supervision still has enough DX gas to kill every man, woman and child on the face of this Earth in 60 seconds, finally America is waking up, and I am very pleased that has happened.

I have a couple articles here that I will not read from because my time is running out, but one article is the one that is the cover story of the current U.S. News & World Report that is out on the newsstands today. It is called: "Can peacekeepers make war?" And they get into the fact, as we have found, that if we had to bring these troops back and put them in a combat environment, it would take between 4 and 6 months to train them. So that exacerbates our problem. And the other is in the National Review. I ask unanimous consent that both of these articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1).

Mr. INHOFE. Mr. President, we are going to have to do something and do that something pretty quick. Unfortunately, as the chairman of the Readiness Committee, I recognize the fact that we are going to have to come up with some money right away, in this coming fiscal year budget, in the defense authorization bill and the defense appropriations bill. We are finding that the Defense Department has engaged in policies that have caused us to foolishly use money that should have been used for readiness. So I am standing here saying we are going to have to do—the money can only come from one place. If we are going to try to keep our retention rate or get it back up, if we are going to stop the divorce rate going up, we are going to have to put some money in quality-of-life and force strength, and the only place that can come from is modernization.

As a strong supporter of the F-22, I can only stand on the floor of the Senate and say we are going to have to delay that program unless we are able to come up with some money to put into our budget for the coming fiscal year.

People who are very wise say, well, that is what we depend upon for future readiness, the F-22. Yes, we do, but we have to make a tradeoff for current readiness or future readiness. It has to be current readiness, with the threat that faces us.

I am here to tell you that we are facing a greater threat today than at any time since World War II. We have a reduced force, and we cannot meet that threat. It has to be changed.

I yield back the remainder of my time.

EXHIBIT 1

[From the U.S. News, Jan. 19, 1998]

CAN PEACEKEEPERS MAKE WAR?

(By Richard J. Newman)

In January 1991, eight Apache helicopters from the Army's 101st Air Assault Division were assigned to fire the first shots of the Persian Gulf war. Flying with their lights out, 50 feet off the desert floor, the Apaches sneaked deep into western Iraq and destroyed two key radar sites. The dangerous mission, which largely blinded Saddam Hussein to the subsequent deluge of attack aircraft, was a complete success.

Seven years later, the 101st is not performing so gloriously. During a November mock battle at the Army's National Training Center at Fort Irwin, Calif., the division's gunners failed to destroy any of the antiaircraft missiles of the "opposition force." As a result, the OpFor shot down all the 101st's Apaches when they tried to mount a deep-strike mission. The OpFor put away half of its antiaircraft missiles, and the 101st tried again. Once more, all its helicopters were shot down. Then the OpFor put all its missiles away—and still shot down six Apaches with tanks and other guns, losing only four tanks in the process. While the OpFor was probably a tougher foe than the Iraqi military, officials familiar with the NTC say the 101st's performance reflects a general deterioration in the last five years in the capabilities of units training at Fort Irwin. It's a "very sad situation here," said one NTC official.

Throughout America's armed forces, there is mounting evidence that conventional combat skills—and the warrior ethic that goes with them—are being eroded by a combination of downsizing, budget cuts, and widespread commitments to noncombat operations in Bosnia, the Middle East, and elsewhere. A December report by a Senate Budget Committee analyst cited "extremely serious Army-wide personnel and training (i.e., readiness) problems," such as units half staffed in key positions like infantry and mechanics. With troop levels being cut to free more money for high-tech weapons systems, the report predicted, those problems will get worse.

Soldiers seem to agree: In a 1997 "leadership assessment," Army officers in 36 percent of a series of focus groups said their units don't know how to fight; nearly half of those groups expressed concern about the Army's growing "hollow," a provocative allusion to the inept, so-called hollow force of the 1970s.

In the Air Force, "mission capable" rates for some fighter jets, which measure how many planes can be ready for war on short notice, are more than 15 percentage points lower than they were in 1989. "We've got some severe stresses," says Gen. Richard Hawley, head of the Air Force's Air Combat Command. "There's not enough resilience in the force." Even the Navy and the Marine Corps, which are better structured to endure long deployments, are struggling. Downsizing and budget cutting have left some ships short of parts and crew members and have forced commanders to increase their estimates of how long it would take to be ready to fulfill wartime tasks. Last fall Rear Adm. Daniel Murphy, the Navy's head of surface warfare, said it may be necessary to pay bonuses to sailors in the surface fleet—like those paid to aviators and submariners—to keep experienced sailors in the Navy.

Do gaps in the force matter? The U.S. military can obviously afford to relax the hair-trigger posture that became the norm over 40 years in the cold war. U.S. defense funding is roughly equal to that of the next six spenders combined. The once-feared Soviet military has dwindled from 4 million troops in 1990 to a Russian force of 1.2 million—with such problems that it could not defeat a ragtag rebel force in the tiny province of Chechnya in 1995. Analysts think it will be at least 15 years before a "peer competitor" such as China or a resurgent Russia could challenge the United States militarily. No country now poses a serious threat to American territory.

More with less. But in many ways the American military has a uniquely demanding job today. Instead of preparing largely for territorial defense, U.S. troops must safeguard vaguely defined American and global "interests" in an increasing number of far-flung places. Since 1990, U.S. armed forces have been utilized in 36 foreign missions, compared with just 22 between 1980

1989, according to analysis by the Congressional Research Service. And there have been fewer troops and dollars to carry out those missions. Since 1989, administrations of both parties have cut the armed forces by one third, and the defense budget by 30 percent, after inflation. The changes were inevitable, with the demise of the Soviet threat, but they still affect the military's ability to meet increasing demands.

The busy pace that results appears to be driving out more experienced service members than ever. In the Marine Corps, 23 of the 175 captains chosen last year to attend the prestigious Amphibious Warfare School in Quantico, Va., decided instead to leave the Marines; statistics weren't kept before 1995, but officials say it used to be rare for more than three or four to drop out. The Army recruited only 70 percent of the infantrymen it needed in the year ending last September, though Army officials expect that to improve. A 1997 report released by Rep. Floyd Spence, chairman of the House National Security Committee, cited Army statistics showing that 125 infantry squads—equivalent to about five 500-man battalions—are unmanned, keeping units from training at the appropriate combat strength. And increasingly, Army and Air Force units put off combat training because they are too busy with "low intensity" missions or need the money elsewhere.

In the past, military leaders have used readiness "scares" to plead for more money for favored weapons or other programs. These days, most Pentagon officials understand that total defense budgets will not rise—and so a gain for one branch comes out of another's share. But they also complain that frequent "low intensity" missions—such as peacekeeping, counterdrug operations, humanitarian efforts, and even joint exercises with new Eastern European allies—are diluting the war-fighting capability of U.S. troops by disrupting combat training and breaking down unit cohesion. Ultimately, that is producing an identity crisis: Is the American military's purpose still "fighting and winning our nation's wars," as the Pentagon's national military strategy states? Or are America's enemies so few and feeble that U.S. troops can focus less on war and more on other problems throughout the world?

By its own benchmarks, U.S. military manpower and readiness are falling short. Since 1993 the government's national security strategy has called for U.S. troops to be prepared to fight two regional wars, presumably in Korea and Iraq, less than 45 days apart. (Before that, the Pentagon planned for one very large war with the Soviet Union and lesser conflicts elsewhere, but didn't quantify them.) The Pentagon's quadrennial defense review, released last May, said U.S. forces also must be prepared for greater involvement in "smaller-scale contingencies," such as peacekeeping in Bosnia and the ongoing enforcement of the Iraqi no-fly zones—even though at the same time the Pentagon cut the military by 62,000 troops.

That reduction was part of a deliberate trade-off to pay for new weapons, such as the joint strike fighter and the F–22 aircraft, a new carrier, and tank upgrades. Many analysts agree on the need to modernize some fighting platforms that are 15 to 20 years old. Yet to some officials, the Pentagon's reliance on the offerings of defense contractors borders on a dysfunctional dependency. "We can beat the Chinese or the Russians, but we can't beat Lockheed Martin or Ingalls Shipbuilding," says Army Lt. Col. Ralph Peters, an intelligence analyst who has written widely on strategic planning. "We're spending so much money on aircraft and ships that we'll paralyze the future force." Bases that are no longer needed to support a smaller force also suck up cash. The Pentagon wants to close some of them but has met resistance from Congress.

Such trade-offs make it harder to meet demands on the military today. A classified Pentagon memo written after a Joint Staff war game last spring said the game "made it obvious that we cannot sustain current levels of overseas presence," citing negative effects on "maintenance, personnel, and training readiness." Frederick Kagan, a history professor at West Point, says downsizing alone would make it difficult for the United States to fight even one regional war today. The Army, he says, has only six heavy divisions—too few to field the six division equivalents that fought in the Persian Gulf war while still leaving one division in South Korea to deter an invasion from the north. John Correll, editor of Air Force magazine, points out that the Pentagon said it would take 24 fighter wings to win two wars when it first scripted that scenario in 1993. The Air Force has since been cut to 20 fighter wings, but the Pentagon says this is still enough.

Perhaps most significant is that the declining emphasis on war fighting is not being managed—it is just happening haphazardly as units cut whatever corners on training time and war-fighting preparations they can in order to fulfill assigned missions or meet their budgets. In the Persian Gulf region, for instance, there are usually anywhere from 100 to 300 aircraft enforcing the no-fly zone over southern Iraq. Pilots of F–15, F–16, and A–10 jets typically fly four-hour patrols that consist mainly of "left-hand turns." The flights are so routine and uneventful that pilots pass the time asking each other movie-trivia questions over their radios. During 45- to 90-day tours in the desert, pilots spend so little time practicing combat maneuvers that when they return home, it takes two to three months of training before they are considered fully ready for war again. A 1997 Rand study even suggests that repetitive air patrols may amount to "negative training," desensitizing crews to dangers and degrading their situational awareness.

Synergy. Those problems on their own may be manageable. But shortfalls in training, readiness, and manpower often feed on one another, multiplying the impact of each. For the 69th Fighter Squadron at Moody Air Force Base in Georgia—which soon will leave for a 60-day rotation enforcing the Iraqi no-fly zone—a shortage of spare parts means ground crews must regularly "cannibalize" jets, taking parts from one to make another fly. That is not a new practice. But the wing's recent cannibalization rate, which measures parts taken from jets versus missions flown, has topped 25 percent, three times higher than its 8 percent goal. Overall, the wing's goal is a mission-capable rate of 80 to 84 percent; but rates have been below 70 percent for over a year. The mission-capable rate for all F–16s belonging to Air Combat Command is 77 percent, down from 90 percent in 1989; for F–15 air-to-air fighters the rate has fallen from 85 percent to 77 percent.

With a smaller military, troops are being sent more frequently on drawn-out missions such as those in Bosnia—which President Clinton last month declared to be an open-ended commitment—and the Persian Gulf, where the U.S. commitment is 7 years old and growing. Increasingly long deployments away from home and aggressive hiring by growing commercial airlines are driving many pilots out of the Air Force once they have fulfilled their seven-year commitment. In the A–10 squadron at Moody, six out of the nine pilots eligible to leave this year decided to do so—despite increased bonuses of up to $22,000 for staying in. Throughout the Air Force, retention rates for pilots fell to an estimated 75 percent in 1997, down 12 points from 1995 levels. The Air Force has had other pilot crunches—in the early 1980s, for example, when airlines were aggressively luring away fliers—but the problem then was not exacerbated by budget cuts and increased missions, as it is now.

The Air Force is compensating by running more people through flight school—but with junior pilots replacing senior ones, there could soon be a sharp drop in overall experience levels. Mechanics and other key personnel are also affected. One C–130 pilot says: "We're getting a lot of [mechanics] with no C–130 experience. They ask, 'How do you turn this thing on?' If he's asking how to turn it on and it's his job to fix the system, there's obviously a problem." Many pilots fear that such shortages could lead to more accidents.

The Army faces similar strains. After one infantry unit returned from a peacekeeping mission in Macedonia in 1994—where it went without its Bradley fighting vehicles—it received the lowest score in its division on tests of its ability to shoot and operate its Bradleys. A Rand study to be released within the next month found that Army troops sent frequently on peace operations, such as military police and certain transportation units, are underprepared for their wartime tasks.

As the service most dependent on people, the Army is particularly vulnerable to ripple effects that begin with personnel shortfalls. A lack of infantrymen, mechanics, and mid-grade officers forces the Army to stitch units together in order to field the appropriate force for missions in places such as Bosnia. That in turn breaks up units, undermining the cohesion needed for infantry, tanks, artillery, and aviation to fight as "combined arms"—a level of performance critical to success in modern combat.

The 1st Armored Division in Germany epitomizes the problem. It has two staffs—one in Germany, one in Bosnia—and troops in at least three different regions. "The logic of maintaining readiness is thrown astray by this piecemeal discombobulation," says an Army general. The Joint Chiefs of Staff have begun to study what would happen if units doing peace operations were suddenly needed in a war—or two wars. Early findings: Moving troops out of one place and into a war zone would "put a strain on an already fragile transportation system," according to one classified Pentagon document. Another cites "many more risks"—including the potential loss of equipment in a hasty withdrawal and the two to six months it would take to retrain units for war.

Above all, some fear that soldiers are not learning the basic lessons needed to succeed in war. Units going through the National Training Center or the Joint Readiness Training Center in Louisiana are barely more than half staffed, says retired Marine Corps Gen. John Sheehan. That, the Senate Budget Committee report noted, violates the Army's doctrine to "train just as you go to war."

"We're raising a generation of young leaders who are not learning to run large organizations," says Sheehan. "They won't know how to command their troops even if they get them all in a war." More important may be the messages sent by top commanders. "We have no leaders talking to us about how important it is to prepare your soldiers for battle so they don't die in combat," says an Army major. "It's disheartening to many of us." That may also be causing deeper problems not easily fixed by more funding, higher-tech weapons, or better training. "The brass are refusing to stand up for the warrior spirit," says John Hillen, a Persian Gulf war veteran and fellow at the Council on Foreign Relations. Recent imbroglios over the proper role of women in the military have added to the distractions.

Hanging touch. Top Pentagon leaders insist the military is not going soft. In an interview last week, Gen. Henry Shelton, chairman of the Joint Chiefs of Staff, dismissed comparisons between the demoralized force of the 1970s and today's. "There is a world of difference between where we were then and where we are now," he said. "We have a tremendously talented bunch of young men and women." Nor does Shelton believe that anecdotal reports of problems, on their own, indicate a readiness shortfall. He and others say that the Pentagon's carefully monitored readiness statistics do not indicate serious degradations in the force.

But those figures—which measure how long it would take a unit to be ready for war—are somewhat subjective, based on commanders' own estimates of how well their troops are trained. Some doubt their validity. "The readiness rates are false," one Army colonel flatly states. "There is a lot of pressure from higher-ups to inflate them. It's like all the students are getting A's, then flunking the final exam." Shelton does acknowledge some readiness "issues," particularly problems with highly skilled troops leaving the service. Some senior and retired leaders who served during the 1970s think those are ominous signs. They say that readiness tends to slip gradually at first—but at a point begins to drop precipitously, and then becomes very hard to reverse.

The Pentagon has protected some of its key units from cutbacks and other distractions. The 2nd Infantry Division in South Korea, for example, which could absorb the brunt of a North Korean invasion with less than three days' notice, is staffed at over 100 percent, including some "augmentees" from the South Korean Army. Commanders are so focused on war they are almost scornful of any other type of mission. "We don't face the same problems stateside units do," says Lt. Col. Robert Sweeney, former commander of the 4th Squadron, 7th Cavalry Regiment. "My focus is clear. I'm not going to be doing humanitarian operations." Even though assignments to Korea are considered a "hardship tour"—an entire year's deployment, with no family allowed for most troops—commanders say a clear focus, and a ready enemy, make it easy to sustain morale.

JSTARS, where are you? But even there the tip of the spear may be getting duller. U.S. military planners in South Korea say budget constraints and competing demands elsewhere keep them from getting enough access to "special mission" assets such as Joint STARS surveillance aircraft, F-117 stealth fighters, and F-15E strike jets. "We're being told to be more efficient," says an intelligence staffer in Seoul. "But efficiency doesn't cut it in war. Redundancy does." Some analysts think new technology may greatly reduce the numbers of ground troops and conventional platforms needed in a war. But relying on new systems before they are battle tested leaves troops feeling they have less margin for error.

Shortfalls appear to be more serious in the Persian Gulf, where a rematch with Iraq would probably come with more advance warning—but still be bloody. A radar operator who has worked at an airfield in Kuwait says there are no longer any backups for the facility's radar, the only ground-based system available for tracking nearby aircraft, including enemy planes. "We're a forward operating unit and we still don't get what we need," he says. "When that baby goes down and you realize there's no backup, you start saying, 'Where is the priority?'"

Troops' morale, an intangible but essential ingredient of success in combat, can weather temporary problems. But persistent shortages and seemingly never-ending commitments take a toll. "Troops don't understand why, if what they do is so important, they don't give us the tools to do it," says Lt. Col. Michael Snodgrass, commander of the 69th Fighter Squadron at Moody Air Force Base. Enthusiasm suffers first. Before Desert Storm, says Col. Billy Diehl, acting commander of Moody's 347th Wing, the Air Force's annual Red Flag aerial combat exercise "was the highlight of the year." But in 1996, when he arrived at Moody, "everybody was thrilled that it was canceled."

A more important casualty is confidence. A C-130 pilot says that due to training cutbacks, "My own skills are nowhere near where they were. Some of the new guys, I'm deathly afraid to go to war with them. They just don't have the training." John Stillion, a former Air Force navigator and Rand analyst, says that on a recent visit to an Air Force base, morale was "far worse than I've ever seen it. I'm amazed at how bitter they sounded."

Surprisingly, few in the military—which studies show is overwhelmingly conservative today—feel the solution is to withdraw from its peacekeeping missions in the world's trouble spots. One typical Army colonel strongly objects to the political gamesmanship of setting unrealistic deadlines for troop adjustments in places such as Bosnia. But nonetheless, he believes U.S. troops should be there: "It is appropriate use of the military, mainly because nobody else can do it."

Some practical steps could help strike a better balance between preparing for war and preserving peace. Many in the Army would like to see the National Guard shoulder more of the burden for peacekeeping. Rand researchers and others argue that a more modular structure would make the Army much more flexible. Ideas include self-supporting combat groups of about 5,000 troops—one third the size of a division—or discrete support units that can each carry out a variety of functions, instead of specializing in transportation or engineering. Some in the Air Force are pushing a "cop on the beat" approach, enforcing no-fly zones with random patrols, augmented by sensors that detect air and ground movements.

But what America's troops crave most is a clear message from their leaders stating the purpose of U.S. forces. Are they warriors, whose main job is to fight and win wars? Or police assigned to prop up struggling nations and keep the world safe for American commerce? If U.S. forces must fulfill both roles, how can they do each well? Many members of the military believe that before those questions can be answered, there needs to be greater awareness of what U.S. troops accomplish by being everywhere they are—and what risks are involved in spreading them ever thinner. "We need a better understanding among the American public that we have interests outside the United States," says Lt. Gen. Joseph Hurd, commander of the 7th Air Force in South Korea. Once those interests are sorted out, it wouldn't hurt to inform the troops in the ranks, either.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET SURPLUS

Mr. GRAMS. Mr. President, as we reconvene today for the second session of the 105th Congress, there is important work ahead of us. I am certain my colleagues join me in acknowledging that regardless of the headlines and the commotion that is going on outside this chamber, the Senate cannot be distracted from its responsibility to carry out the will of the people. America's families, its taxpayers, have great expectations of us, and we must not let them down. So I look forward to what we can accomplish together on their behalf.

I have to admit, though, that I have mixed feelings about the session ahead of us. I think Will Rogers explained my predicament best when he said, "This country has come to feel the same when Congress is in session as when the baby gets hold of a hammer."

When the baby finds the hammer, somebody almost always gets hit over the head. In 1998, the "hammer" is the much-anticipated budget surplus, and I am afraid it may very well be the taxpayers who get whacked by it.

Earlier this month, the Congressional Budget Office projected that the federal deficit would decline sharply this year from its original estimate of $125 billion to $5 billion. It also forecast a $14 billion surplus in 2001 and a total of $665 billion in surpluses by the end of the next decade.

Now, tax dollars are always considered "free money" by the big spenders here in Washington, and the thought of all that new "free money" is creating a feeding frenzy here on Capitol Hill. The rush to spend is like something right off the Discovery Channel, like the free-for-all that results when a pack of hungry predators gets hold of a piece of raw meat. A ravenous creature in its own right, Washington will attack a pile of tax dollars and spend, spend, spend until it is all gone—until the bones have been stripped of every last morsel of meat.

Mr. President, with all due respect to my colleagues in both chambers, I am disgusted by this "stampede to spend," and angry that it is being championed on both sides of the political aisle. I am a Republican, elected by the people of Minnesota to carry out my promise to lower their taxes and rein in a federal government that has grown out of control. Republicans gained control of Congress because we are the champions of the taxpayers—the American people trusted us to carry out our promise when we said, "Elect a Republican majority and we will help you build a better life for yourselves and families by curbing Washington's impulse to spend your precious tax dollars."

They certainly did not elect Republicans thinking we would build a bigger, more expensive government the first chance we got.

Not only are we rushing to join the spending stampede, but we are doing it before the budget is actually balanced, before a surplus actually exists, before even a single surplus dollar makes its way into the federal treasury.

If this is a race to prove who can be the most "compassionate" with the taxpayers' dollars, it is a race nobody is going to win, and one the taxpayers most certainly will lose. When is Washington going to understand that you cannot buy compassion? And Washington cannot give something to Americans, without taking more from Americans. I hear the big spenders say that

Americans are struggling so Washington needs to do more. And "more" always means taking more from Americans so Washington can control, shape, and direct our families and our lives.

Who is going to stand up in this chamber for the taxpayers if the Republicans will not? If our party is abandoning our commitment to fiscal responsibility—the commitment that built a congressional majority—we are abandoning the taxpayers as well. And do not think the taxpayers have not noticed. One of my constituents, Dale Rook of Beardsley, Minnesota, summed up the feelings of many in a recent letter: "It appears that the Democrats are still in control of both Houses of Congress," he wrote. "Why? What has happened to the Republican Party?" he wrote. A lot of us are asking that very same question.

Of course, the Republicans do not have a monopoly here when it comes to spending. I am deeply troubled by what is happening on Capitol Hill among both parties, and every taxpayer ought to be as well. And as a Senator representing the nation's families—America's hard-working, taxpaying families—I pledge that they will not be forgotten.

Let me speak specifically about the deficit and the anticipated surplus. Both Congress and the President have rushed to claim the credit for the decline in the federal deficit. Mr. President, I think we should give credit where credit is due. In this case, the credit really belongs to the robust American economy and the working Americans who propel it. And Washington should not be allowed to take that away from American families, workers, and business. Washington should not gain more control of our spending.

The economy, not any government action, has produced this unprecedented revenue windfall. These unexpected dollars have come directly from working Americans—taxes paid by corporations, individuals and investors. If the economy continues to generate 8 percent revenue growth as in recent years, we could soon enjoy unified budget surpluses.

However, Mr. President, we must remember this is a surplus only under a unified budget. That means Social Security surpluses that the government borrowed to pay its bills are also counted in the projection. Payroll taxes from the current generation of workers provides far more money than is needed to finance benefits for today's retirees; the extra money is used for other government programs. Without borrowing from the Social Security trust funds, the real federal deficit could be $116 billion, rather than a $14 billion surplus in 2001. In fact, the total deficit will be nearly a trillion in the next ten years. This means we will see deficits, not surpluses, as far as the eye can see.

In any event, if the budget surpluses, indeed, occur, with or without Social Security borrowing, the question of how to apply these surpluses remains critical. In my view, the right way to use any potential budget surplus is to return those funds to working Americans and their children in the form of meaningful tax relief, national debt reduction, and channeling them toward solutions to our long-term financial imbalances, thus ensuring our economy continues to grow. Since the unexpected revenue has come directly from working Americans, it is only fair to return it to them. Despite the first, tentative steps we took last year toward real tax reform for families, the tax burden on the American people is still historically high. It is sound policy to use part of the surpluses to lower the tax burden and allow families to keep a little more of their hard-earned money.

Over the past 30 years, we have amassed a $5.5 trillion national debt thanks to Washington's culture of spending. A newborn child today will bear about $20,000 of that debt the moment he or she comes into the world. Each year, we sink more $250 billion into the black hole of interest payments, which could be better spent fighting crime, maintaining roads and bridges, and equipping the military. It is sound policy to use part of any surpluses to begin paying down the national debt and reducing the financial burden on the next generations.

The budget surpluses also give us a great opportunity to address our other long-term financial imbalances. Federal unfunded liabilities could eventually top $14 trillion, bankrupting our government if no real reform occurs. It is vitally important that we use the budget surpluses to finance these reforms, not to try to buy popularity—spending in the name of compassion and need, while putting our entire futures at financial risk.

If we fail to fix these long-term fiscal time bombs, the federal deficit could come back and haunt us in a catastrophic way, shattering the health of our future economy and placing an unbearable burden on our children and grandchildren. According to the CBO, the federal deficit would increase to $11 trillion and the national debt would balloon to $91 billion in 2035 without substantial entitlement reform.

Some of my colleagues have suggested that we put the surpluses into the Social Security trust funds. I generally agree that we should build real assets for the trust funds by returning borrowed Social Security surplus into it. But our Social Security system is in serious financial trouble—a fiscal disaster-in-the-making that is not sustainable in its present form as the Senator from New Hampshire outlined a few minutes ago. Simply funneling money back into a broken system will not help fix the problem. It will not build the real assets of the funds for current and future beneficiaries and it does not address the flaws of the current pay-as-you-go finance mechanism. Without fundamental reform, the system will consume all the surpluses and go broke. Using the budget surpluses to build real assets by changing the system from pay-go to pre-funded is the right way to go.

The wrong way is to spend all those dollars on new government programs, which is exactly what President Clinton has proposed to do, even before a surplus is realized. The President has recklessly planned to expand Medicare, rather than reforming it to preserve it from soon going broke. He is also seeking a $22 billion increase in child-care expenditures and subsidies. This is after Washington increased child care expenditures by 500% in the last two years, going from $4 billion to $20 billion a year just one year ago. Although I think it is good to bring tax credits back to the table, it is wrong for Washington to control daycare for American families. The President also wants to throw more money into federal education programs for local schools without addressing the real problems of the system. And advocating Washington take more control of education rather than State and local governments and local school boards.

Despite the President's rhetoric that the era of big government is over, President Clinton, with the help of congressional spenders, has made it even bigger. Actual annual government spending has increased from $1.3 trillion to $1.6 trillion since Mr. Clinton took the White House, adding over $1.2 trillion to the national debt.

Even under the '97 budget agreement, spending will increase to nearly $1.9 trillion in 2002, a growth of 18 percent over 1992 levels. Is there any sign of leaner government anywhere? No. Like the overweight diner who lunches on lettuce and peaches with the family then sneaks a pint of ice cream once the kitchen lights have been turned off, the enablers of big government profess their new-found fiscal restraint but hungrily pounce on your tax dollars at the first opportunity.

We must never, never, never repeat the mistake we made in 1997. If you will remember, as soon as the CBO discovered a $225 billion revenue windfall that "might" be received by the federal government in the next six years, Congress and the President spent all of it, to expand existing programs and create new programs. Not a penny is left. Few wasteful and unnecessary programs were eliminated. The savings we achieved through welfare reform are almost completely wiped out.

If the budget surpluses are not returned to the American people in the form of debt reduction or tax relief, I am absolutely certain Congress and President Clinton will spend them all for new and expanded government programs. When it is paid for by the taxpayers, Washington has never been able to resist raiding the freezer for that late-night pint of ice cream.

Listen to what the people are saying. A Time/CNN poll conducted in mid January reveals that most Americans—78 percent of them—believe that spending the budget surplus to reduce the national debt should be a top priority. Sixty-eight percent also favored using the surplus to cut federal income taxes.

I'm hearing that same message in the calls, faxes, letters, and e-mails I have received this month. Here are the words of Mark Keppel of Minneapolis:

> I want you to know how strongly your constituency feel that you do not allow those feeding at the taxpayer trough to waste this opportunity to reduce our huge current debt burden.
>
> These tax collections are over-collections of our money, and we wish to either reduce our outstanding debt or have this surplus returned to us, not reallocated to new, unfunded projects. Can that be any clearer?

Brian Tice, a 27-year-old constituent of mine from Anoka, was equally clear. "If our country is bankrupted," he wrote, "my lifetime of savings and my retirement will go down with it. I encourage you to stand firm against those . . . who will pressure you into spending the surplus on social and special interest programs."

After hundreds of billions of new spending and over a trillion in new debts, President Clinton announced on January 5th that he will submit a balanced budget to Congress for the 1999 fiscal year. I am encouraged by his announcement. I welcome the President's intention to balance the budget. But why wait another year?

The robust economy has offered us a historic opportunity to finally put our fiscal house in order. We should, and can, balance the budget this year by trimming just a few wasteful government-spending programs.

Compared to nearly $1.7 trillion in annual government spending, a $5 billion spending cut is peanuts. And if we can achieve it, it will balance the federal budget for the first time since 1969, and think of the positive impact it would have on our economy. That is why my colleagues, Senators BROWNBACK, INHOFE, ASHCROFT, ALLARD, HUTCHINSON and myself sent a letter to the congressional leadership early this month, urging Congress and the President to work together to achieve a balanced budget this year, rather than the next year, by rescinding $5 billion from the 1998 budget.

More importantly, the sooner we balance our budget the less pain we will suffer in the future. As I said earlier, the long-term fiscal time bombs we are facing require that we take action quickly. Escalating Social Security and Medicare costs pose the primary threat to the federal government's long-term solvency. We have only ten-year's time to fix Social Security. If it is mishandled, millions of Americans could suffer. Medicare is already in a horrific situation. It has accumulated over a trillion-dollar deficit and will soon be broke. Immediate action has to be taken to preserve and improve it.

There are trillions of other federal unfunded liabilities that we cannot ignore. These include entitlement programs other than Social Security and Medicare: federal civilian and military pensions, railroad retirement benefits, federal insurance programs, bank deposit insurance, private pension insurance, and a huge portfolio of guaranteed loans, environmental cleanup, and deferred maintenance and life-cycle costs for equipment and infrastructure—all of which have some risk of going sour and costing the government substantial sums down the road.

If we balance the budget this year, it will give us a little more time and a little more flexibility to focus on and fix these long-term financial liabilities.

Mr. President, I began this statement by quoting Will Rogers. As I conclude, let me quote him once again:

> There is not a man in the country that cannot make a living for himself and family. But he cannot make a living for them and his government, too, the way his government is living. What the government has got to do is live as cheap as the people.

Our immediate task should be to regain the confidence of the American people by achieving a balanced budget and keeping it balanced by shrinking the size of the government. That is, by asking government to live as cheap as the people. By doing so, we will reduce interest rates, increase national savings, create more jobs, provide more meaningful tax cuts, and generate more revenues. More importantly, we will shrink the financial burden for our children and grandchildren.

As the Senate meets today to open the second session of the 105th Congress, I urge my colleagues to recall the promises they have made to the American taxpayers. Embrace those promises, and put the needs and desires of the people ahead of the impulse to leave a legacy of compassion—a legacy that could bury the taxpayers if left unchecked. Let us work with the President to achieve a balanced budget this year and begin a new era of government accountability.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to speak for 8 minutes as in morning business, to be followed immediately by my colleague, Senator ALLARD, for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL and Mr. ALLARD pertaining to the submission of S. Res. 166 and S. Res. 167 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

DARTON COLLEGE

Mr. COVERDELL. Mr. President, today I rise to recognize an outstanding institution in my home state of Georgia, Darton College.

Recently, I was contacted by one of the school's students who wrote to express his pride and support of his school and the educational opportunity that he is being provided. Mr. President, it is my belief that the finest accolade a school can receive is the praise of its students and, in turn, their success.

There are many battles on the American playing field each day, in the business world, political world, the judicial world, but none can be more important than those being fought in the classrooms of our learning institutions. Because, after all, our nation depends on these educational institutions to provide us with the necessary tools to win the other battles we encounter in our lifetime.

Mr. President, with that in mind, I would like to express my support for continued success and prosperity for past, current and future students, faculty and staff of Darton College.

1997 FALL PAGES

Mr. DASCHLE. Mr. President, when the first session of the 105th Congress ended last November, a group of young men and women also ended their term as United States Senate Pages. Today, I rise on behalf of the Senate to say "thank you" to these young people.

Pages are an integral part of our daily life here in the Senate, and I salute them for their tireless service, and would like to express the appreciation of the Senate for their fine work.

Many people, Senators included, may not fully appreciate the rigorous nature of page life. Their daily routine is not an easy one, and is one that begins early each morning. Senate pages rise early in order to attend classes. Upon concluding class work, the pages make their way to the Capitol to prepare for the day's session. Preparing the Senate Chamber for a day's session entails securing and placing on each Senator's desk the appropriate legislative documents that will be under discussion during the session, as well as securing supplemental documents that become available throughout the day.

Pages are on the go constantly, and are called upon to perform a variety of tasks—in addition to their tasks associated with preparing the Senate chamber for daily sessions. These might include obtaining documents requested by individual Senators, running errands between the Capitol and the Senate office buildings, as well as assisting

Cloakroom personnel at the regularly scheduled conference luncheons.

Once the Senate has concluded business for the day, the pages return to their dorm and prepare for the next day's classes and, we hope, get some much-needed sleep. While a day in the life of a page is filled from morning to night, each page continually discharges his or her tasks efficiently and cheerfully.

In the first session of the 105th Congress, these young people witnessed the enactment of a balanced budget agreement ironed out between the Administration and the Congress that will soon result in a balanced budget. This historic event was the result of months of negotiations and required both sides, Democrats and Republicans, to be willing to accede on policy issues of importance to each side—the give and take of the legislative process.

Mr. President, our country's future lies with the generation of those young people who sit to the left and right of the Presiding officer.

I hope that some of what the pages have witnessed here will inspire them to pursue a career of public service. As they have returned to their hometowns, perhaps they have taken with them an appreciation and better understanding of our system of government and the importance of the legislative process. Perhaps in the years ahead, one or more of that group will return here to serve as members of the Senate.

Again, I say goodbye to the pages and hope that they all enjoyed their experience in the United States Senate. Speaking on behalf of my Democratic colleagues and all members of the Senate, we wish for them a bright and successful future.

Mr. President, I ask unanimous consent that the names of the 1997 Fall Senate pages be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

1997 FALL PAGES

REPUBLICANS

Adamson, Justin, Idaho.
Austin, Chesley, Vermont.
Bowers, Jackson, South Carolina.
Brown, Sarah, New Hampshire.
Dorn, Lauren, South Carolina.
Grade, Renee, Washington.
Holson, William, Delaware.
Jaussi, Richard, Utah.
Johnson, Junior, South Carolina.
Martira, Nancy, Rhode Island.
Maurer, Michelle, Arkansas.
McFerron, Ben, Maryland.
Moody, Justin, Alaska.
Ordner, David, Indiana.
Parker, Marisa, Mississippi.
Satcher, Bess, South Carolina.
Shevlin, Thomas, New York.
Studdert, Michael, Utah.

DEMOCRATS

Eschenbacher, Christian, Montana.
Graff, Garrett, Vermont.
Knowles, James, Oregon.
Koontz, Megan, Iowa.
Larson, Tiffany, South Dakota.
Lichtblau, Daniel, New York.
Miller, Anne, Massachusetts.
Raizada, Avinash, Michigan.
Soriano, Jennifer, Hawaii.
Towns, Rachel, Wisconsin.
Wiese, Dayton, South Dakota.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, Senators may be intrigued to learn that during the 74 days Congress was in recess, the federal debt increased by more than $57 billion.

To be exact, the increase (from November 13, 1997 to January 26, 1998) totaled $57,033,087,681.31 (Fifty-seven billion, thirty-three million, eighty-seven thousand, six hundred eighty-one dollars and thirty-one cents).

This increase is a blunt reminder that even when Congress takes a break, the federal debt does not. The federal debt will continue to soar unless and until Congress changes the status quo. Presently, each citizen's share of the national debt is $20,424.89.

Mr. President, with this in mind, let me begin where we left off:

At the close of business yesterday, Monday, January 26, 1998, the federal debt stood at $5,487,280,357,810.54 (Five trillion, four hundred eighty-seven billion, two hundred eighty million, three hundred fifty-seven thousand, eight hundred ten dollars and fifty-four cents).

Five years ago, January 26, 1993, the federal debt stood at $4,171,138,000,000 (four trillion, one hundred seventy-one billion, one hundred thirty-eight million).

Ten years ago, January 26, 1998, the federal debt stood at $2,448,079,000,000 (Two trillion, four hundred forty-eight billion, seventy-nine million).

Fifteen years ago, January 26, 1983, the federal debt stood at $1,196,856,000,000 (One trillion, one hundred ninety-six billion, eight hundred fifty-six million).

Twenty-five years ago, January 26, 1973, the federal debt stood at $449,476,000,000 (Four hundred forty-nine billion, four hundred seventy-six million) which reflects a debt increase of over $5 trillion—$5,037,804,357,810.54 (Five trillion, thirty-seven billion, eight hundred four million, three hundred fifty-seven thousand, eight hundred ten dollars and fifty-four cents) during the past 25 years.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business and allowed to speak for 10 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

SECOND SESSION OF THE 105TH CONGRESS

Mr. DORGAN. Mr. President, as we begin a new year in the U.S. Congress, the second session of this Congress, I look forward with anticipation to a number of issues we must address. I hope we can do that in a bipartisan way, and I hope we will not be distracted by a lot of other things that come up during the year and that we will actually accomplish some good things for the country.

I recognize that outside this Chamber there is now a scandal that exists in this country. We will undoubtedly learn the facts about the allegations that have been made, and the American people will make a judgment based upon those facts. That is the way it should be. To make judgments about allegations and about rumors and about planted stories, and so on, before the facts are known is not a proper way to deal with them.

But notwithstanding what is happening outside this Chamber, we have responsibilities here. I was interested to learn that in the first hour and a half of this second session, we had people come to the Chamber of the Senate, once again, and tell us about how our country works and what is wrong with our country. It was interesting to me that the Chamber lights had hardly become warm when we had Members come to the floor to, once again, talk about who the big spenders are. "Oh, the big spenders on this side" and "the big spenders on"—it is interesting that nothing ever changes.

I watched the American music awards show on television last night. I thought to myself as I listened to a bit of this this morning that, had this discussion taken place yesterday, we could have entered some of this dialog for best rap artist or best presentation in rap music. It certainly is a rap. There is no tune there, but they never miss a lyric. It is that this side represents the big spenders.

I just want to begin for a moment today to talk about where we are and how we got here and what our need is this year to address critical issues for this country.

First of all, where are we? We are in a country that is blessed with a very strong economy. Things are going well in this country. Unemployment is down. Welfare is down. Crime is down. Inflation is down. Economic growth is up. More people are working. Things are better in this country.

I heard not too many minutes ago someone say, "But none of that has anything to do with Congress; it has to do with a good economy." I remind Members of Congress that in 1993, this President and this Congress decided to take a tough vote. Are we going to put this country back on track? Are we going to tell the American people that we are serious about wrestling this crippling budget deficit to the ground? Are we going to cast a hard vote, an unpopular vote, a tough vote? The answer was yes. We did, by one vote in the U.S. Senate and one vote in the

U.S. House of Representatives, cut spending. Yes, we increased some taxes, and we said to the American people we are serious about getting this country's fiscal house in order. We are going to wrestle that Federal deficit to the ground. And the fact is, it gave the American people confidence. They said, "These folks are serious; they understand this is a serious problem for this country and they are willing to make tough votes."

I went home to my State and said, "I voted yes. I voted yes because I believe it is the best thing for this country to send a signal to the markets, the American citizens and everyone in this world that this country cares about these issues and we intend, this President intends and this Congress intends, to get our fiscal house in order." And by one vote we passed a plan in 1993 that set this economy off into a universe of economic growth and economic opportunity—by one vote.

This economy rests on people's confidence. If people are confident about the future, they do things that reflect that confidence: They buy cars; they buy houses; they invest; they do things that reflect their confidence about the future. If they are not confident, they make different decisions. Based on people's confidence or lack of it, this economy moves forward or lurches backward.

My point is, for someone to say this is all accidental is to ignore history. This is not accidental. This President deserves some credit for a fiscal policy that was tough and no nonsense and said we care about wrestling this Federal budget deficit to the ground. And this Congress, those of us in it who voted yes on that, participated in it.

I might add, while people are pointing across aisles, as I heard earlier, about big spending in the Congress, we did not even get one vote by accident from the other side of the aisle for a fiscal policy that says we are going to solve this deficit problem.

We come to today with a good economy and, I think, some good news ahead of us. I hope all of us, reaching across the aisle, can decide we have a common agenda. When people sit around their homes in the evening and have supper together and talk about their lives, what do they talk about? They talk about these things: Are our kids going to a good school, getting a good education? Do we have a good job or opportunity for a decent job that pays well with decent benefits? Do our children or grandparents have an opportunity for health care that is good? Can they afford it? Are our streets safe, our neighborhoods safe? Is the air clean, the water we drink safe, the food we eat safe? What about our roads? In what condition are our roads and bridges? And what about family farms and those who produce our food? Those are the issues that people care about and want us to do something about.

Let me tick off about four areas that we have to grapple with quickly. We just heard two discussions a moment ago about surplus. One said we are not spending enough money; we need to spend more on defense. The second one said it is the other folks over here on this side of the aisle who are the big spenders, and so forth, and talked about the surplus. There is no surplus.

The only basis on which anyone can claim they balanced the budget is to take nearly $100 billion out of Social Security trust funds and use it over in the budget to claim there is a surplus. There is no surplus, and no one in this room ought to be persuaded to spend the surplus that doesn't exist. To the extent we will have a surplus after we have made whole the Social Security funds and used those trust funds for the purpose for which they were intended, when we get to that point, and only when we get to that point, will we have a surplus. And when we do, I think at least a part of that surplus ought to be used to pay down just a part of the Federal debt. In good times, you ought to be able to reduce indebtedness. But no one ought to rush around talking about a surplus that doesn't exist.

I believe that President Clinton will call tonight to use the accumulated revenues that come from a better economy to make good on those trust fund bonds, and that is exactly what we ought to do. No one ought to claim a surplus as long as those who are using those trust funds are using them as operating revenues.

Let me tell the Presiding Officer that, if you look at the Congressional Budget Office, which puts out byzantine reports, their most recent report shows that if a budget which they claim is in balance at some point—next year, I guess—they claim that the debt won't continue to grow. Why will they claim that? Because they don't include all the debt. I have just written them a letter saying you can't give us half-answers and half-truths. The answer is, when they claim the budget is in balance, the Federal debt will continue to increase, which is prima facie evidence that this notion of a budget being in balance when you are misusing Social Security trust funds is a fraud.

Campaign finance reform. We must address it and do it quickly. We had a little house race in New York State. In the middle of that race for one house seat in New York State, $800,000 of out-of-State money came in under the notion of express issue advocacy, brought in against a candidate—I understand that was not money accountable to anybody; it could be soft money, corporate money—brought in precisely to defeat a congressional candidate, but essentially laundered through a system that now permits that kind of laundering so that no one in that district will ever know whose money it was. Is it unlimited corporate money that goes into this system and then is washed up through some congressional district someplace to defeat a specific candidate and, therefore, it is not accountable? It is polluting the political system. It is wrong, and anyone in this Chamber who stands up and defends that, in my judgment, doesn't understand what the Founding Fathers decided about this political system of ours.

That ought not be the case, and we ought to take steps to change it. We are going to push and push in this Chamber to get a vote on these issues and get campaign finance reform done. Some will continue to filibuster. They have a right to filibuster, but the American people have a right to expect us to clean up this mess, and the sooner the better.

Health care. We ought to deal with health care. We ought to do that soon. I read in the New York Times about a woman who had fallen in an accident. Her brain was swelling. She was in an ambulance being rushed to the hospital. She had the presence of mind to say to the ambulance drivers, "I don't want to go to the nearest hospital," and she named it by name. "I want to be taken to a hospital farther away." This is a woman with a brain injury, in the back of an ambulance, speeding down the street. She said that because she knew by reputation that when you are wheeled into that nearest hospital, your health is a matter of their bottom line—dollars and cents. She said, "I want to go to a hospital where I am wheeled into an emergency room where they are not going to look at me with respect to dollars and cents."

Managed care. What does it mean to quality of care all across this country? We ought to address that. Do patients have rights? If so, what are the rights? Do they have a right to find out from their doctors in this country what the treatment options are? If not, why not? Who is withholding that information from patients and why? Which patient doesn't get it? Is it some function of a bottom line in some company that is making money off health care? Is it some 24-year-old accountant in some office 200 miles away that is telling a doctor what kind of health care that doctor can perform on that patient and what the doctor can tell that patient about the patient's options? This Congress has a right and a responsibility to deal with those health care issues, and we ought to do it soon in this session.

Mr. President, the issue of education is also critically important. There isn't a country that shortchanges education and remains a strong world-class power. Thomas Jefferson, at the start of this system, said anyone who believes this country can be ignorant and free believes in something that never was and never will be.

We can do things to improve education in the country, but I am not one who believes it is bankrupt. How did we get to where we are? Does anyone want to leave this country to find better health care somewhere else? Do you know anybody who wants to go to a world-class university who looks overseas? Most of them are here in this country.

I am not one who says it is a bankrupt system, but we can improve it. We ought to get reports on our schools. We get reports about our kids. As parents and taxpayers, we deserve a report card about how our schools are doing in educating our kids.

Finally, Mr. President, we need to deal with the highway bill, and we need to do that quickly. On our agenda, we ought to decide tomorrow the highway bill ought to be brought to the floor of the Senate. We were supposed to have done it last year and didn't. And we were told now it will be the first item on the agenda this year.

I am told it may wait until the budget bill. I appeared on a television program this morning with the chairman of the relevant committee in the House of Representatives. He says, well, he is ready to bring up the bill in the House, but he has an agreement with the Speaker not to bring it up until the budget bill. That means 2, 3, or 4 months from now. That cannot happen.

We cannot wait 3 or 4 months for a highway bill that was supposed to have been passed last year. You do that and you have contractors in States that cannot do bid lettings, you have people being laid off of projects where the project should go forward to build and repair roads and bridges. So we cannot do that.

We need to expect, in the next day or two, that the majority leader will do what he told us he would do; that is, bring the highway bill to the floor of the Senate. Let us debate it and let us move it out.

Oh, they are worried about an amendment that is going to be offered to it. I understand that. But, you know, you can worry about amendments forever. Bring the bill to the floor, let us have a vote on the amendments and send the bill to conference —and let us put some pressure on the Speaker to do the same on the House side—and get a highway bill out so the American people can have some certainty about what kind of investment we are going to make in bridges and roads and repairs and the building of that infrastructure.

People pay taxes. It goes into a trust fund to do it. And I think they should be able to expect that we are going to do what is necessary.

Finally, Mr. President—and I know the Senator from Minnesota is waiting to speak so I will finish—I want to say, in the midst of all that is happening in this country now, there are some who perhaps get discouraged about this process of ours. And I understand why that can be the case. It is an unusual process.

A free and open democratic society is in some cases a society that does not look good from time to time. And yet, if you look at our system through a couple hundred years of very successful democracy, you see as democracies pass through angst and anxiety and pain and suffering and all the other things, it tends to make an open and democratic society make tough, thoughtful decisions about its future.

We have abolished slavery. We have survived depressions. We have defeated Hitler. We have cured polio. We have sent people to the Moon. I mean, we can talk a lot about what this country has endured and what this country has done.

My only point is, I do not think any of us ought to at this point in time be discouraged about democracy and about Congress and about our Government and about the press and about all the institutions in our lives. It is a good place to be. I do not know of anybody who wants to go elsewhere. I do not know of anybody who wants to exchange it for some other location in the world.

We should not be discouraged. Our job, it seems to me, is to do our work for the American people. And there is plenty of work to do. I have mentioned some—education, health care, finish the job on fiscal policy, deal with highways, deal with campaign finance reform, and more. And that is just a start.

I am here and I am ready, and I hope my colleagues feel the same. We ought to join hands and say there are things that Democrats and Republicans believe in and can do together. And we will be persuaded to do that if we can just turn off the rap music, turn off the rap that one side is all wrong and the other side is all right, one side is big spenders and the other side is not.

I finally say this. I do not think there is a plugged nickel's worth of difference between the two aisles in the U.S. Senate—Republicans and Democrats—in terms of how much they want to spend. Is there a difference on what they want to spend money for? Absolutely. But I will guarantee you, for everybody who stands up on one side of the aisle wanting to spend money on one program, there is somebody on the other side standing there saying, "No. I want it spent on my priorities." What we need to do is join together and, through this process, find the right priorities for this country's future.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized to speak for 10 minutes.

Mr. WELLSTONE. Mr. President, I thank the Chair.

ARTICLE BY ROBERT REICH

Mr. WELLSTONE. Mr. President, I ask unanimous consent that an article in this past Sunday's New York Times Magazine, "When Naptime Is Over, The placid public mood is an illusion. Real Issues rumble beneath the calm and could soon send a wake-up call," by Robert Reich, former Secretary of Labor, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows;

[From the New York Times Magazine, Jan. 25, 1998]

WHATEVER HAPPENED TO POLITICS?

(By Robert B. Reich)

There's no longer any political news, a reporter friend confided recently, explaining why "human interest" stories were oozing like syrup across his newspaper's front pages. We're in the Bland Decade now, a time when citizens march on Washington not to affect politics but to vow they'll be better people and when politicians speak out mainly to urge niceness: volunteer your time, enter into dialogues on race, hire someone off welfare, please. Apparently we need little more than charity, moral uplift and perhaps a modest program or two. Politics is dead, or so it seems.

The easiest explanation for this torpor is that the nation is fat, like an overstuffed bear starting hibernation. It's no longer the economy, stupid. Six years ago, a prolonged recession hurt white-collar workers, giving some urgency to the politics of "change." Prosperity, though, is a powerful sedative. Forget politics for now, we seem to be saying. Let's compare stock portfolios, banter about culture and identity and tut-tut over problems decades hence, like an insolvent Social Security trust fund or excessive greenhouse gases.

The great economic contests have been won. Communism vanished before it was even vanquished. The Japanese competitive threat is now a sorry heap of bad debt. European welfare states heave under double-digit unemployment. And here in the land of plenty we've never had it so good. Wealth is exploding, unemployment is at a 24-year low, inflation is quiescent (the Federal Reserve Board chairman, Alan Greenspan, publicly raised concerns about *deflation*), the stock market is riding high. American capitalism is the envy of the world.

But look more closely and the easy explanation falls short. Most Americans don't have it so good. They have jobs, but most wages and benefits are stuck or continue to drop. Wealth has exploded at the top, but the wages of people in the bottom half are lower today in terms of purchasing power than they were in 1989, before the last recession. This is in sharp contrast to every previous recovery in the postwar period. Corporate downsizing and mass layoffs are still the order of the day, which partly explains why so few workers demand raises in this tight labor market. They'd rather keep their jobs.

The reality is that Wall Street's advance hasn't been widely shared. The richest 1 percent hold more than 35 percent of the nation's wealth. The typical middle-class family has no more than $7,000 in stocks and $12,500 in mutual funds, according to a 1995 survey by the Federal Reserve and the Treasury Department. Even the recent market surge isn't likely to have changed this very much, given what has happened to wages.

Whatever savings Americans do have are imperiled by hospital bills. A growing portion of the public lacks health insurance—in 1989, 33 million Americans under age 65 were without it; by 1996, 41.3 million. (The President's proposal to extend Medicare coverage to early retirees and displaced workers as young as 55, which would be the largest expansion in 25 years, is expected to add only 300,000 to the rolls.)

Despite the boom, inequality has widened. The nation's poverty rate is slightly higher than it was before the last recession. In 1989, 12.6 million, or 19.6 percent, of the nation's children lived in poverty; now it's 14.5 million, or 20.5 percent. The Conference of Mayors reports rising demand for food and shelter among the homeless. And the successes of the civil rights movement notwithstanding, today's urban schools are more racially segregated than in the 1980's.

So why, then, the prevailing political somnolence? Traditional politics has been all about who's gaining and who's losing. Yet it has lately become unfashionable, indeed in poor taste, to notice such things. In the present upbeat climate, downbeat data are slightly subversive. It is necessary to minimize all worry about the economy lest the public lose confidence, a perfect tautology. Bankers and business leaders have become cheerleaders in the nationwide pep rally. Onward! Upward!

Recent polls show, accordingly, high rates of consumer confidence. A record 40 percent of consumers queried in the Conference Board's December survey called jobs "plentiful," although, tellingly, only 28 percent expected their own wages to rise. These are the ones who have heard the distant roar of surging wealth and assume that the rising tide will lift them, too—which may explain the record level of consumer debt. Personal bankruptcies are also at a record high.

Will politics revive when the economic tide ebbs and hardships appear like shipwrecks on the tidal flats? Not necessarily. Even in 1992, with the nation mired in recession, political engagement was grudging. Americans wanted "change" to get the economy moving again. But there was no sense of moral urgency. It was simply time to replace old management with new. Most Americans had long before stopped believing in government as a force for much good in their lives.

Some people will say we don't need a vital politics to be a vital society. We can expand the circle of prosperity through grass-roots moral activism, spearheaded by community groups, socially responsible businesses, not-for-profits, religious organizations and compassionate individuals—perhaps all deftly linked by fax and modem, a "virtual" social movement. Commentators rightly stress the importance of such civic engagement. But they make a serious mistake labeling it as an alternative to politics. Throughout our history, civic activism has been the precursor, and the propellant, of political movements.

Almost a century ago, American politics appeared similarly listless despite growing social problems. As today, the economy was booming, jobs were plentiful and vast fortunes were being accumulated. Yet real wages had stopped growing, and the gulf between rich and poor was widening into a chasm. New technologies (steam engines, railway locomotives, the telephones, steam turbines, electricity) were transforming the nation, pulling families off the farms and immigrants from aboard and depositing many into fetid slums. Wall Street magnates were consolidating their empires. Government was effectively bought by large corporations, and the broad public was deeply cynical. William McKinley won re-election—legened has it, on a pledge to "stand pat"—and as the century closed, the nation seemed politically comatose.

Within three years, however, there was an outburst of reform: muckrakers like Lincoln Steffens and Ida Tarbell exposed corruption, and the middle class demanded fundamental change; small businessmen railed at monopolies; Wisconsin's crusading Governor, Robert La Follette, enacted legislation regulating health and safety in factories; Oregon limited the hours of work for women (no more than 10 per day); Theodore Roosevelt, McKinley's energetic Vice President who took over after McKinley was assassinated, set out to bust the trusts; suffragists marched; campaigns were organized for pure food and drug laws, workers' compensation and a minimum wage. Politics gained new life and meaning.

What happened? Indignation, which had been rising steadily, suddenly burst out and flooded the country. Citizens were already active at the local level, as they are today. Common morality simply couldn't abide the way things were going. Yet instead of opting for revolution or radical change, Americans preferred to spread the benefits of the emerging industrial economy, thereby saving capitalism from its own excesses.

Another foreshadowing occurred in the placid Eisenhower era. The overall economy was doing nicely then as well, even though its benefits had not reached the rural poor, many of whom were black. Politics had grown inert. Ike golfed. In 1954, the Supreme Court decided that separate schools were not equal. In 1957, Eisenhower dispatched Federal troops to Little Rock's Central High School. But who could have predicted that within a few years the civil rights movement would have remolded American politics with the Civil Rights Act of 1964 and the Voting Rights Act of 1965?

The next revival of American politics can be expected to follow a similar course. The current economic boom has bypassed too many; the gap between winners and losers has grown too wide. Fortunately, there is a common morality at the heart of this capitalist democracy that ultimately keeps us on track and keeps us together. Glimpses of it can be had even in these languid times. For example, a majority of Americans supported last year's increase in the minimum wage to $5.15, although only a tiny fraction stood to benefit. It was a matter of simple fairness. Or consider the broadscale indignation stirred up by revelations of garment sweatshops.

We got another glimpse this summer, when a sudden groundswell of support forced a skinflint Congress to extend health care to millions of children. And a majority of Americans supported the United Parcel Service strikers, not because the public is particularly fond of organized labor but because it seemed unfair for U.P.S. to pay its part-time work force so little.

Recall also the firestorm when, almost exactly two years ago, AT&T announced it was firing some 40,000 employees and then gave the boss stock options that raised his total compensation to $16 million, from $6.7 million. Recall, by contrast, the celebration of Aaron Feuerstein, the owner of Malden Mills in Lawrence, Mass., who, after his synthetic-fleece business burned to the ground, assured his employees that he'd stick by them until the factory was rebuilt.

The pressure keeps rising. A final glimpse came just before the holidays, when the public signaled unease about giving the President "fast track" authority to whisk trade treaties through Congress without amendment and most members of the House of Representatives, including many Republicans, refused to support it. That may be a mistake. Trade is good for America. But the public's negative reaction shouldn't be seen as a repudiation of free trade. It was, at bottom, a matter of fairness: trade hurts some people, and we haven't made adequate provision for the losers.

Trade may, in fact, be the precipitating issue this time around. The economic implosion in East Asia will continue to reverberate here, as bahts, won, rupiahs, ringgit and yen drop in value relative to dollars—one of the biggest price-cutting contests in world history. American consumers will have the benefit of bargain-basement sales, but the cheap imports will put additional downward pressure on the wages of lower-skilled Americans. The tumult also will crimp profits of American companies that export to the region, causing more layoffs here. If the Asian flu turns more deadly, the infection here will be all the worse. However resolved, the Asian crisis portends larger jolts, as the global economy absorbs the surging output of 1.2 billion Chinese—more than a fifth of the world's population. When the current recovery ends, the underlying reality will be starkly evident and the political debate surrounding trade will intensify.

To an extent, that debate has already begun. The tension between economic nationalism and globalism is emerging as one of the most significant fissures in American politics, and it runs through both parties—as shown by the current dispute over financing for the International Monetary Fund.

But it would be unfortunate indeed if the revival of American politics were to turn on the question of whether the nation should engage in more or less commerce with the rest of the world. The underlying choice is larger, more important and more subtle: ultimately, we must decide whether we want to slow the pace of globalization or else take bold steps to help today's losers share in the benefits of the new economy. I cannot predict the outcome of that great debate to come, but I can express a clear preference. It is that we expand the circle of prosperity and that we do so on a scale that matches the challenge.

A new nationalism founded on shared prosperity might, for example, support "re-employment insurance" that would enable people who lose their jobs to move to new ones with far less disruption and pain than is the norm today. (If the new job paid less, half the difference should be offset for a year by a wage subsidy.)

In that spirit, we could enlarge and expand the earned-income tax credit—a reverse income tax that makes work pay if you're at or near the bottom. We could bring a larger portion of the next generation into the circle of prosperity by rebuilding decaying schools and helping states equalize spending between rich and poor school districts. And we would make sure that everyone has access to adequate health care and child care.

To finance all of this—and move beyond the small, feel-good programs that lack adequate scale to make much of a difference—we could simply reverse the current trend in public finance and adopt a truly progressive tax system (including payroll taxes).

None of this will come easily or without a fight. But in the end, the nation will be stronger and better for bringing everyone, or nearly everyone, along. Future historians looking back on the Bland Decade will conclude that, as before, American politics wasn't really dead. It was only caught napping.

Mr. WELLSTONE. I thank the Chair. It is really a superb article.

THE LEGISLATIVE AGENDA

Mr. WELLSTONE. Mr. President, I want to just speak briefly. I think we are all back. As the Senator from North Dakota said, I think most of us really are focused on the legislative work, Democrats and Republicans. I think that people want us to be focused on our work. But our work is connected to our conversations with people in our States, what people have said to us, and trying to connect what we do as legislators to the betterment of the lives of people that we serve.

Mr. President, I was impressed with Secretary Reich's piece because I have found in my travels in Minnesota and around the country that while all of the macroeconomic statistics look good—for that I am grateful; the GDP and other indicators of economic performance, the official levels of unemployment, a record low, so on and so forth—that in many ways we have a paradox which is that we also, at least since we started collecting social science data, we have the most stratification in our society that we have ever had.

We have the most glaring inequalities, and I think we have been moving to two Americas. It is not the other America that Michael wrote about in a very important book in 1963 about poverty, which I know the presiding officer has been concerned about, but it is two different Americas.

You have one America with mounting access to all the things that I suppose you could say make life richer in possibilities, and you have another America struggling to make ends meet.

You have one America that is barreling down the information superhighway, and you have another America without even the rudimentary skills to participate in our economy or to participate in our polity or to participate in our society.

You have one America with the economic resources to purchase the security of gated communities, living in gated communities, and you have another America that is beset by the decay of some of our very important social institutions which we have to rebuild if we are to rebuild communities, libraries, hospitals, and schools.

You have one America that is focused on a booming stock market, and you have another America that is faced with the insecurities of a job market still with all of the downsizing and the latest news about AT&T, I think, laying off 18,000 employees.

You have one America that every summer sort of plans a trip to Asia or Europe, and you have another America where the discussion is, "How can we scrape up enough money to take the family to a ballgame?"

Mr. President, I find that, in just touring the cafes in Minnesota—I want to draw from my data, which is now less social science data and just conversations with people. You know, most people in the country—poor people, middle-income people, professional people, it does not really matter—from really almost all walks of life, I think first and foremost, are very focused on how they can earn a decent living and how they can give their children the care they know their children need and deserve.

To me, that translates into lots of specific conversations. I could talk a lot about health care. But there is one conversation I cannot forget. It was with a woman. I met her a year ago. It was very sad. Her husband is about 40 and found out he had cancer and was given a couple months to live. I met them about 2 months ago, and she reintroduced me to her husband, who is now in a wheelchair.

She said, "You know, Senator, the doctors said that my husband had only 2 months to live, but he's a real fighter. And I want you to come on over and say hello." You know how that happens when we are out and about. Of course, I did and was pleased to talk to him. Then she took me aside and said, "Every day it is just a nightmare. I'm constantly on the phone trying to find out what my insurance companies will cover, what they will not cover. It is a constant battle."

Mr. President, I think, therefore, health care is very much on the agenda. I do not have time to talk about all the specifics of policy, but I am very interested in making sure it is not just bottom-line medicine. I am very interested in all of us, Democrats and Republicans, making sure there is some consumer protection and also that the caregivers are able to give the kind of care they went to medical school or nursing school to be able to give.

I am very interested in our really thinking about a strategy, going into the next century, about how do we obtain universal coverage, comprehensive care. And I think it can be a decentralist thrust with States figuring out ways to do it within a national framework, within a package of benefits, affordable, and with consumer protection. That is a bill I look forward to introduce.

I think we can do better. I loved working with Senator DOMENICI on mental health. I tell you, there is an area I am really looking forward to do work on as a legislator and that Senator BEN NIGHTHORSE CAMPBELL is going to be working with me on. That is in the whole area of the Substance Abuse Parity Act, trying to make sure that people—it is just wrong. People who are struggling with alcoholism, for example, where they get detox treatment once or twice, then there is no longer any coverage.

We can do much better. There is a tremendous amount of discrimination here. We can do much better as a nation. I look forward to working on that legislation.

Mr. President, above and beyond health care, I would like to talk just a little bit about jobs, and jobs with decent wages. I have had a chance to travel. It has been the best work I have done outside of Minnesota.

I would love to travel with you, I say to the Presiding Officer, because I think as a Senator from Indiana you have focused a lot on these issues. We may have different approaches, but you have just a tremendous commitment to this.

I have traveled in a lot of low-income communities from Letcher County, KY, where my wife's family is from, to Appalachia to Chicago to Baltimore to East L.A., to Watts to urban and rural Minnesota to the delta in Mississippi.

There are two questions people ask in these communities. One of those questions is, "Where are the jobs that we can be trained for and that we can find to support our families on?"

I think raising the minimum wage—I was speaking with Senator KENNEDY about this—is absolutely on the mark. I think we must do it. I think it is a matter of economic justice. It is also true, however, as William Julius Wilson, in his fine book about a year and a half ago, makes the fine point that in some communities and ghettos there is the disappearance of work, there is no work.

So the question is, how do we build the human capital and make sure there are jobs that are community-building jobs? And how do we link that with the private sector? How do we ultimately make sure people are able to get transitional jobs for a year to build those skills, to build community? And we can then at the same time have the job training and track the private-sector capital in those communities.

I think it is a real priority, if we are concerned about these issues of race and gender and poverty and children. They are all far more correlated and interrelated than some of us want to admit.

Another area I want to talk about is the President's initiative on child care. Two points I would like to make.

Again, I do not do justice to the policy debate which we will have, but at least I want to just try to survey this.

I think the President has really laid forth some good proposals. I think we can do more and should do more, and I want to talk about that. We have to make sure that the tax credits, if that is the way we go, are refundable so families with incomes under $28,000 who did not have a tax liability can benefit.

I think the after-school care is extremely important. But you know what? I read in the paper—and maybe, Mr. President, you are a part of this that Senator CHAFEE and others were talking about—how it is we also can target resources to families where one parent stays at home. I think that is an excellent idea.

I met with so many couples in Minnesota where one of them will say, "You know, Senator, one of us is not working. We understand why both parents work, but we made the decision not to. We forgo the income. We think one of us should be at home during these early years. And why not have some of the funding stream go toward providing us with some assistance?"

I think that is an excellent idea. I hope we can really kind of combine efforts and do something about early childhood development. It is so important.

The medical evidence—Mr. President, you have held some hearings—it is irrefutable and irreducible. We have to do well for these children. They are all God's children. And if we do not do well for these children—the private sector, public sector, community based—by age 3, many of them will never be ready for school. They will never be ready for life. And I cannot think of a more important investment. I want to talk some about that as well.

Mr. President, I will finish up because I only reserved 10 minutes for myself. I just say to my colleagues, there is so much work to be done, so many problems.

I was in East Grand Forks the other day. Last year we were on the floor talking about the floods. It was heartbreaking. James Lee Witt has just done a great job. I so appreciate what he has done for Minnesota. And FEMA came through. But you know what? We lost a third of our housing stock from the flood in East Grand Forks. There are seniors on fixed incomes, low-income people. They cannot find housing. We are going to have to build that housing. There is going to be State money. Maybe we can leverage Federal money.

There are many real problems, many important issues that face families in Minnesota and all across the country. I have delineated some of them.

I urge my colleagues, get out on the floor, do the work in committee, bring the bills and the amendments out here. Just do the work.

I can't resist this, since the Chair happens to be one of my very good friends and is about to tell me I am out of time, I look forward to debating Senator COATS out here on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I ask unanimous consent to speak as in morning business for a period of time not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 1572 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRYAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY and Mr. WELLSTONE pertaining to the submission of S. 1573 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair would just inform the Senator that, under a previous order, each Senator is allowed to speak for up to 10 minutes as in morning business.

Ms. MOSELEY-BRAUN. Thank you very much. I am pleased to hear it. I will not take the 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

OUR CRUMBLING SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, tonight the President of the United States will address the country in the State of the Union Address and much of the focus of that speech, we have been told, will be on the subject of education, something that I know the Presiding Officer has worked on over the years, and certainly I have worked on as my No. 1 priority since I came to the U.S. Senate. I am really pleased, however, that among the items in the area of education that the President will touch on is a particular item that I have labored long and hard on since I came to the Senate, and that is the issue of our crumbling schools.

The President will tonight propose an initiative to rebuild our crumbling schools by making available support for local efforts to deal with the facilities and the infrastructure of their schools in the respective parts of the country.

The centerpiece of the proposal that will be announced tonight is a plan to provide tax credits to help stimulate local school construction and modernization. The plan will help States and school districts address the enormous backlog of deferred maintenance to upgrade their schools to incorporate and accommodate modern technologies and to build new classrooms to accommodate soaring enrollment where appropriate.

The plan—and I would like to talk specifically about it—will propose the creation of a new class of zero-interest bonds which can be used exclusively for school facilities and infrastructure development. Instead of receiving interest payments on these bonds, purchasers of the bonds will instead receive Federal income tax credits.

This innovative plan will stimulate at least $22 billion—$22 billion—worth of school improvements over the next several years. Frankly, it is exactly the kind of new thinking and the kind of new partnership and innovative and creative financing that we will need to address the issue of our crumbling school infrastructure.

I would like to take a moment to revisit how this issue came about. Coming out of State and local government, I was very concerned that we maintain, on the one hand, the values of local control of education, but at the same time find some way to relieve the pressure on the local property taxes that elementary and secondary education so often requires.

Among the issues that seemed to me to be the most pressing and the most difficult for local districts to address was the question of school facilities. The buildings in which many of our children go to school are literally falling down around them. Most of these buildings have been built a generation ago when I was in school or the Presiding Officer was in school. Frankly, over time, these things just wear down. So you can see all over, certainly all over my State of Illinois and, indeed, all over the country, that our school facilities are crumbling right in front of us. Students talk about the fact that the windows are broken or the roof leaks or the lights—it even got to the point where Charles Schulz with the Peanuts cartoon did a series where Peppermint Patty is sitting in the classroom and raindrops are falling on her head.

The point is, we can do better. So I commissioned a study by the General Accounting Office to look at the issue of crumbling schools. They went around and did a really exhaustive and highly acclaimed survey in which they documented $112 billion worth of deferred needs in terms of our school infrastructure; $112 billion required to rebuild the schools, to fix the plants, to provide our children with an environment that is suitable for learning.

In addition to the aesthetics of it, that we want our kids to go to classrooms that are comfortable, consider for a moment that you cannot use a computer unless you plug it into the wall. If the electrical system is not there, then we will be denying our youngsters the opportunity to get trained, denying our work force the opportunity to be trained to compete in this global economy. It seems to me this is something of national importance and import and that it makes sense for the Federal Government to weigh in to help local districts meet the needs, the $112 billion worth of needs, all over the country.

I started down this trail attempting to get a modest appropriation. I went in and got $600 million authorized and $100 million appropriated to this end. Then in the Congress of 1994, the $100 million that I had gotten appropriated for rebuilding the crumbling schools was taken back in the rescission package. So there was no money for it.

We started the ball up the hill again, and the second time around, we were able to get the support of the White House and the Department of Education, and they proposed a $5 billion tax credit program to do this. That went up through committee and then eventually fell because of the lack of support last year.

We have continued with this. Frankly, at every step of the way, even though we failed to actually get the full appropriation that we wanted, the public support built and built and built to the point that in the last session of the Congress, when we passed the Tax Relief Act, we were able in that bill to get some support for local districts going into the capital markets to borrow money. We changed the arbitrage rules a little bit. We raised the bond cap. So we were able to get some financial support but certainly not the $5 billion that we had hoped to get.

Now the issue has gotten to the top of the pop charts, and polling data tells us again that 79 percent of the American people think there is an appropriate Federal role in rebuilding educational facilities.

This proposal that the President will announce tonight will allow us to access about $22 billion—now, that is not the whole $112 billion—but $22 billion will help local districts repair their crumbling schools without having to increase property taxes. It seems to me that that is an absolutely appropriate role for us to take, given the national security interests, given the future of our work force, given the national stakes in all of this. If we can begin to have Federal support of elementary and secondary education in ways that preserve local control of education but allow us to contribute national resources to the enormous task that is before us, then we would have done our duty, frankly, by this next generation.

So I am very pleased that the creative financing proposal that will be mentioned tonight represents a new direction, a new partnership. I believe firmly that the days when we can point fingers and say, "Well, it's the local taxpayers' fault that the schools are falling down," or, "It's the State government's fault the schools are falling down," or somebody else's fault, the days of fingerpointing are over. In fact, my mother used to say, when you point a finger, you always have three of them pointing back at yourself.

If we can begin to have a new kind of partnership where States and local governments and the National Government work together to provide our children with the education that they need and the work force development that our country deserves, we will have discharged our responsibility to them and to the future of this Nation.

We certainly have every opportunity with this proposal to go forward and pass this legislation. I am hopeful that we will do better this time around in achieving bipartisan support for the approach that says this is a new partnership; this new partnership will maintain local control and will give, if anything, local governments some financial support with regard to the challenge they face in rebuilding their crumbling schools.

I am very excited about it, but having had two previous successes that were undone, I am not going to get overly excited until such time as the President actually signs the bill. But I am very encouraged, Mr. President, that the force of this idea has continued to support it and the force of this concept means, I think, that it is an idea whose time has come. That being the case, I feel very confident that, if not now, we will eventually pass legislation to rebuild our crumbling schools so that America's schoolchildren are given suitable environments in which they can learn.

With that, I thank the Chair and I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVE JUDGMENT

Mr. SPECTER. Mr. President, I have sought recognition to comment on statements made earlier today by Senator LEAHY concerning Independent Counsel Kenneth Starr. Senator LEAHY has challenged Mr. Starr on a number of items, matters of very substantial concern.

I telephoned Mr. Starr to find out what the facts were. Both Senator LEAHY and I are on the Judiciary Committee, which has oversight over the Department of Justice and also the independent counsel. Senator LEAHY began his presentation by noting that he had spent nearly a decade as a prosecutor, and I have a similar background, actually a little longer than a decade, but about the same. Senator LEAHY then commented about his concern about law enforcement being nonpartisan and nonideological, and on the facts. I most certainly agree with Senator LEAHY on his assertions to that extent. Then Senator LEAHY proceeded to criticize Mr. Starr for conducting a partisan investigation, for making leaks to the press, by coordinating the investigation with what is going on in the civil case involving Ms. Paula Jones, and charging that there was a sting operation to engage the President of the United States in secretly recorded conversations. All of these are obviously very serious accusations.

Mr. President, it seems to me that the current controversy involving the President and Ms. Monica Lewinsky is something that ought to be put behind the country at the earliest possible time. I made public statements last week when the President was questioned about this matter, while Chairman Arafat was in his office, and said that I thought it inappropriate to have that question and bad practice for the President to respond to that question, and made public statements last week and over the weekend about what I consider to be an unwise media frenzy on this matter—that we all ought to wait and see what the facts are before coming to any conclusions, and in the interim the President ought to be permitted to carry out his duties because they are very, very important duties.

I agree with what Senator LEAHY said when he recited the issues of foreign policy, Iraq, the State of the Union, and the matters which the President has to deal with.

There have been many reports in the press about what Mr. Starr did and how he got into this investigation and whether his activities were an inappropriate extension of what he had been authorized to do prior to the time he took his first steps on this matter involving Ms. Monica Lewinsky. Mr. Starr told me this afternoon in a telephone conversation that he did engage in a consensual monitoring in the eastern district of Virginia on a conversation with Ms. Linda Tripp and Ms. Monica Lewinsky. It was a consensual monitoring because it was consented to by Ms. Linda Tripp. Mr. Starr told me that Ms. Linda Tripp had been a witness on independent counsel matters in the past involvinving the White House Travel Office and Mr. Foster, and that the consensual monitoring was undertaken to corroborate what Ms. Linda Tripp had told Mr. Starr independently.

Mr. Starr said it was an appropriate exercise of his existing jurisdiction because in his investigation involving

Mr. Webr Hubble, Mr. Hubble's situation involved a matter where an individual was involved in providing job arrangements for Mr. Hubble outside the District of Columbia with a certain prospective employer. Mr. Starr said that the same person was involved in providing a job opportunity for Ms. Monica Lewinsky outside the District of Columbia with the same prospective employer and that this connection was sufficient for Mr. Starr to proceed with this consensual monitoring, which Mr. Starr pointed out was done professionally by the FBI and, as Mr. Starr described it, in a completely appropriate manner. Mr. Starr advised that he then took this matter to the Department of Justice after he had completed the consensual monitoring.

Mr. President, I will not become involved here in what the factual allegations are, what Ms. Tripp said or what Ms. Lewinsky said, because the issue which concerns me and the thrust of what Senator LEAHY complained about is the propriety of Mr. Starr's activity, and that need not involve the allegations and the substance. I think there has already been enough talk about that, in any event.

Mr. Starr then advised that he took the tape recordings to the Department of Justice, met with the senior attorney and the public integrity section. There was a collaborative determination between the Department of Justice and independent counsel as to who should carry out the further investigation. Mr. Starr advised that the Attorney General then asked the special court of the District of Columbia Circuit to specifically enlarge Mr. Starr's jurisdiction so that he could proceed with this investigation.

Now, we all know that Attorney General Reno has been very circumspect in the independent counsel issue as to appointment and as to extending jurisdiction—that has been a subject matter which has been talked about on this floor a great deal, to a substantial extent by this Senator. But the facts as Mr. Starr outlined them are that he proceeded in this way just as outlined, which is entirely appropriate because of the connection between what happened with Ms. Monica Lewinsky and what happened with Mr. Webster Hubble. That was obviously approved by Attorney General Reno when she then acted on information which Mr. Starr brought to her to request the special court of the District of Columbia Circuit to enlarge Mr. Starr's jurisdiction.

I asked Mr. Starr further about the other statements which Senator LEAHY had made. I now quote from the transcript:

> Senator LEAHY: I look at the continuing and very selective leaks and tactics employed by Mr. Starr's office over the last few years and particularly over the last few days.

I asked not only Mr. Starr about the leaks, which he emphatically denied, but also about the composition of the personnel who were handling this sensitive material, and Mr. Starr gave me some substantial detail about the attorneys who were on the matter in terms of their backgrounds and in terms of their professionalism, which Mr. Starr says is the effort made and he thinks is always the effort made, to avoid the leaks. We all know in Washington, DC, or for that matter, any place, the difficulty of establishing leaks, but if someone makes a contention, as Senator LEAHY does, as to leaks, the question is, what is the proof of those leaks.

Mr. Starr made an emphatic denial regarding the leaks, and spoke of the professionalism of the people that have the confidential information.

Senator LEAHY went on to say earlier today, "I have seen reports of two weekends ago that he," referring to Mr. Starr, "was intent on conducting a sting operation to engage the President of the United States in secretly recorded conversations. Have we sunk this low, Mr. President, that we would do things like this?"

I asked Mr. Starr about that, and he emphatically denied it. I, too, have seen press reports about the proposed sting operation, but I think it is very important that as we accord the President the presumption of innocence and as we look for proof before coming to any judgments about anyone, that the same thing apply to Mr. Kenneth Starr, the independent counsel, and that a serious accusation about the sting operation ought to have some authentication and verification before it is made on the floor of the U.S. Senate. At least that is my opinion.

Senator LEAHY went on earlier today saying, "I have seen complaints," he is referring to Mr. Starr, "he sought to curse a young woman"—I asked Kenneth Starr about that, and again he denied it in absolute terms—"and threatened her mother and father if she did not cooperate." Again, Mr. Starr denied that in absolute terms.

Senator LEAHY then went on to say, "Mr. Starr's office seems oddly coordinated to aid the civil lawsuit against the President involving the Miss Paula Jones case." Again I asked Mr. Starr about that, and it has been denied.

Mr. President, I make these comments after talking to Kenneth Starr, particularly to state for the record exactly how Mr. Starr got into this matter on the consensual monitoring. A consensual monitoring under Virginia law is appropriate when one party to the conversation agrees to it so that in the action by Mr. Starr and the FBI agents in recording the conversation of Ms. Monica Lewinsky and Ms. Linda Tripp, where Ms. Linda Tripp has consented to it—that was a lawful consensual monitoring—and as explained by Mr. Starr, the nexus or connection justifying his conduct was because the same person had suggested providing a job opportunity for Ms. Monica Lewinsky with the same employer who had made similar activity with respect to Mr. Webster Hubble.

It would be my hope that as this matter proceeds, that there would be a toning down of the decibel level and a real effort made to find out what the facts are before accusations are made against anybody. I think that applies to President Clinton, as I said so last week and over the weekend, and applies to Mr. Starr, and there has been a concern expressed that there is now an orchestrated effort made to discredit Independent Counsel Kenneth Starr. I do not know whether that is true or not. There have been a number of statements coming out, but whatever the charges and accusations that were made against anybody—President Clinton, Independent Counsel Starr, anyone—they ought to be backed up by the facts and not a recitation of something that appeared in the newspaper where we know of the questionable reliability of what appears in the press.

The real issue here is not necessarily what Mr. Starr has done but what the underlying facts are on the substantive matter at issue. If Mr. Starr has acted in an inappropriate manner, that can be reviewed at some time. When you deal with issues such as those involved here, we are not looking at a respective criminal case where the admissible evidence is judged on certain standards. We are looking at a real determination to find what the facts are so that we can make a determination as to what ought to be done in this matter.

It is my view that once the facts are asserted, there will be general agreement about what the conclusions ought to be. But it is not the Independent Counsel's conduct at issue here. I think the Independent Counsel ought to conduct himself in a manner which comports with the manner of decency. That is his job and responsibility. Also, I think that he is entitled not to be vilified in newspaper headlines or newspaper stories. But the facts ought to be ascertained. The facts as Mr. Starr outlines them to me justify the steps that he took. That is not my view alone; that is corroborated by what Attorney General Reno has done in the case.

Mr. President, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitted sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table.

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of the 105th Congress, distinguished guests, my fellow Americans:

Since the last time we met in this chamber, America has lost two patriots and fine public servants. Though they sat on opposite sides of the aisle, Representatives Walter Capps and SONNY BONO shared a deep love for this House and an unshakeable commitment to improving the lives of all our people. In the past few weeks they have been eulogized; tonight, let us send a message to their families and friends—let us celebrate their lives, and give thanks for their service to their nation.

For 209 years, it has been the President's duty to report to you on the State of the Union. Because of the hard work and high purpose of the American people, these are good times for America. We have more than 14 million new jobs. The lowest unemployment in 24 years. The lowest core inflation in 30 years. Incomes are rising, and we have the highest homeownership in history. Crime has dropped for a record five years in a row, and the welfare rolls are the lowest in 27 years. Our leadership in the world is unrivaled. The state of our union is strong.

But with barely 700 days left in the 20th Century, this is not a time to rest; it is a time to build, to build the America within our reach.

An America where everybody has a chance to get ahead with hard work. Where every citizen can live in a safe community. Where families are strong, schools are good, and all young people can go on to college. An America where scientists find cures for diseases from diabetes to Alzheimers to AIDS. An America where every child can stretch a hand across a keyboard and reach every book ever written, every painting ever painted, every symphony ever composed.

Where government provides opportunity, and citizens honor the responsibility to give something back to their communities. An America which leads the world to new heights of peace and prosperity.

This is the America we have begun to build; this is the America we can leave to our children—if we join together to finish the work at hand. Let us strengthen our nation for the 21st Century.

Rarely have Americans lived through so much change, in so many ways, in so short a time. Quietly but with gathering force, the ground has shifted beneath our feet, as we move into an information age, a global economy, a truly new world.

For five years now, we have met the challenge of these changes as Americans have at every turning point—by renewing the very idea of America; widening the circle of opportunity, deepening the meaning of our freedom, forging a more perfect union.

We have shaped a new kind of government for the Information Age. I thank the Vice President for his leadership and the Congress for its support in building a government that is leaner, more flexible, a catalyst for new ideas. Most of all, a government that gives the American people the tools they need to make the most of their own lives.

We have moved past the sterile debate between those who say government is the enemy and those who say government is the answer. My fellow Americans, we have found a third way. We have the smallest government in 35 years, but a more progressive one. We have a smaller government, but a stronger nation.

We are moving steadily toward an even stronger America in the 21st Century. An economy that offers opportunity. A society rooted in responsibility. And a nation that lives as a community.

AN ECONOMY THAT OFFERS OPPORTUNITY

First, Americans in this chamber and across our nation have pursued a new strategy for prosperity: Fiscal discipline to cut interest rates and spur growth. Investments in education and skills, in science and technology and transportation, to prepare our people for the new economy. New markets for American products and American workers.

When I took office, the deficit for 1998 was projected to be $357 billion, and heading higher. This year, our deficit is projected to be $10 billion, and heading lower.

For three decades, six Presidents have come before you to warn of the damage deficits pose to the nation. Tonight, I come before you to announce that the federal deficit—once so incomprehensibly large that it had eleven zeroes—will be, simply . . . zero.

We will submit to Congress for 1999 the first balanced budget in 30 years.

And if we hold fast to fiscal discipline, we may balance the budget this year—four years ahead of schedule.

Turning a sea of red ink into black is no miracle. It is the product of hard work by the American people and of two visionary actions in Congress—the courageous vote in 1993 that led to a cut in the deficit of 90% . . . and the historic bipartisan balanced budget agreement passed by this Congress. And if we maintain our resolve, we will produce balanced budgets as far as the eye can see.

We must not go back to unwise spending, or untargeted tax cuts, that risk reopening the deficit. Last year, we enacted targeted tax cuts, so that typical middle class families will now have the lowest tax in 20 years.

My plan to balance the budget next year includes new investments and new tax cuts targeted to the needs of working families: for education, child care, and the environment.

But whether the issue is tax cuts or spending, I ask all of you to meet this test: approve only those priorities that can actually be accomplished without adding a dime to the deficit.

If we balance the budget for next year, it is projected that we will then have a sizeable surplus in the years immediately afterward. What should we do with this projected surplus?

I have a simple four word answer: Save Social Security first.

Tonight, I propose that we reserve 100% of the surplus—that's every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st Century.

Let us say to all Americans watching tonight—whether you are 70 . . . or 50 . . . or just beginning to pay into the system—Social Security will be there when you need it. Let us, tonight, make this commitment: Social Security first.

I urge all Americans to join us—in facing these issues squarely, and forming a true consensus on how to proceed. We'll start by conducting nonpartisan forums in every region of the country, and I hope that lawmakers of both parties will participate. We will host a White House conference on Social Security in December. And one year from now, I will convene the leaders of Congress to craft historic, bipartisan legislation to achieve a landmark for *our* generation—a Social Security system that is strong in the 21st Century.

In an economy that honors opportunity, *all* Americans must be able to reap the rewards of prosperity.

Because these times are good, we can afford to take one simple, sensible step to help millions of workers struggling to provide for their families: We should raise the minimum wage.

The information age is first and foremost an education age . . . in which education must start at birth and continue throughout a lifetime.

Last year, from this podium, I said education was our highest priority. I laid out a ten point plan to move us forward, and urged us all to make sure politics ends at the schoolhouse door.

Since then, this Congress and the American people have responded, in the most important year for education in a generation . . . expanding public school choice . . . opening the way to 3,000 charter schools . . . working to connect every classroom to the information superhighway . . . committing to expand Head Start to 1 million children . . . launching America Reads, sending thousands of college students into our schools to make sure all our 8 year olds can read.

Last year I proposed, and you passed . . . 220,000 new Pell Grant scholarships for deserving students. Student loans are already less expensive and easier to repay, and now you can deduct the interest. Families all over America can put savings into our new, tax free education IRAs. And this year, for the first two years of college, families will get a $1,500 tax cut—a Hope Scholarship that will cover the cost of most community college tuition. And for junior and senior year, graduate school, and job training, there's a lifetime learning credit.

So I have something to say to each and every American family listening tonight: your children can go on to college. If you know a child from a poor family, tell her not to give up. She can go to college. If you know struggling young parents who are worried they won't be able to save for their children's education, you tell them not to give up. Their children can go on to college. If you know somebody caught in a dead-end job, afraid he can't afford the classes that will get him better jobs for the rest of his life, tell him not to give up. He can go to college.

We can make college as universal as high school is today. And my friends, this will change the face of 21st Century America.

We have opened wide the doors of the world's best system of higher education. Now we must make our public elementary and secondary schools the best in the world, too—by raising standards, raising expectations, and raising accountability.

Thanks to the actions of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in 4th grade reading and 8th grade math. Parents have a right to know whether their children are mastering the basics.

And every parent already knows the key: good teachers and small classes. Tonight I propose the first ever national effort to reduce class size in the early grades. My balanced budget will help to hire 100,000 new teachers who have passed a state competency test. With these teachers, we will reduce class size in the first, second, and third grades to an average of 18 students a class.

If I've got the math right, more teachers teaching smaller classes requires more classrooms. So I also propose a school construction tax cut to help communities modernize or build 5,000 schools.

We must also demand accountability. When we promote a child from grade to grade who hasn't mastered the work, we do that child no favors. It is time to end social promotion in America's schools.

Last year, in Chicago, they made that decision—not to hold children back, but to lift them up. Chicago stopped social promotion, and started mandatory summer school to help students who are behind to catch up. I proposed an effort to help other communities follow Chicago's lead. Let's say to them: Stop promoting children who don't learn, and we will give you the tools you need to make sure they do.

I also ask this Congress to support our effort to enlist colleges and universities to reach out to disadvantaged children starting in the 6th grade—to give them guidance and hope so they too can go on to college.

As we enter the 21st Century, the global economy requires us to seek opportunity not just at home, but in all the markets of the world. We must shape this global economy, not shrink from it. In the last five years, we have led the way in opening new markets, with 240 trade agreements that remove foreign barriers to products bearing the proud stamp, "Made in the USA."

Today, record high exports account for fully one third of our economic growth. I want to keep them going, because that's the way to keep American growing and to advance a safer, more stable world.

This is a great opportunity for America. I know there is opposition to more comprehensive trade agreements, rooted in two fears; first that our trading partners will have lower environmental and labor standards which will give them an unfair advantage in our markets—and do their own people no favors; and, second, that with more trade, more of our workers will lose their jobs and have to start over.

We should seek to advance worker and environmental standards around the world. It should be a part of our trade agenda. But we can't influence other countries' decisions if we send a message to them that we're backing away from trade.

This year, I will send legislation to Congress, and ask other nations to join us, to fight the most intolerable labor practice of all—abusive child labor.

We should also offer help and hope to those Americans temporarily left behind by the global marketplace, or by the march of technology.

That is why we have more than doubled funding for training dislocated workers since 1993—and if my new budget is adopted, we will triple it.

That is why we must do more, more quickly, to help workers who lose their jobs for any reason. We help communities when their military base closes. We ought to help them in the same way if their factory closes.

And that is why, again, I ask the Congress to continue its bipartisan work to consolidate the tangle of training programs into a GI Bill for Workers, a simple skills grant so people can move quickly to new jobs and higher incomes.

Change is not always easy, but we have to reap its benefits. And remember the big picture: While we have been entering into hundreds of new trade agreements, we have been creating millions of new jobs.

So this year we will forge new partnerships with Latin America, Asia and Europe. We should pass the new African Trade Act.

And I renew my request for the fast track negotiating authority necessary to open more new markets and create more new jobs, which every President has had for two decades.

Whether we like it or not, in ways that are mostly positive, the world's economies are more and more interconnected.

Today, an economic crisis anywhere can affect economies everywhere. Recent months have brought serious financial problems to Thailand, Indonesia, South Korea and beyond.

Why should Americans be concerned about this?

First, these countries are our customers—and if they sink into recession, they won't be able to buy the goods we want to sell them. They are also our competitors—and if their currencies lose their value, the price of their goods will drop, flooding our market and others with cheap goods, making it tougher for our people to compete. Finally, they are our strategic partners. Their stability bolsters our security.

The American economy remains sound and strong—and I want to keep it that way. But because the turmoil in Asia will have an impact on all the world's economies, including ours, making that negative impact as small as possible is the right thing to do for a safer world—and the right thing to do for America.

Our policy is clear. No nation can recover if it does not reform itself. But when nations are willing to undertake serious economic reform, we should help them to do it. So I call on Congress to renew America's commitment to the International Monetary Fund.

Preparing for a far-off storm that may reach our shores is far wiser than ignoring the thunder until the clouds are overhead.

A SOCIETY ROOTED IN RESPONSIBILITY

A strong nation rests on the rock of responsibility.

A society rooted in responsibility must first promote the value of work, not welfare. We can be proud that after decades of finger pointing and failure, together we ended the old welfare system. Now we are replacing welfare checks with paychecks.

Last year, after a record four year decline in welfare rolls, I challenged our nation to move two million more Americans off welfare by the year 2000. I am pleased to report that we have also met that goal—two years ahead of schedule.

This is a grand achievement, the sum of many acts of individual courage, persistence and hope. For 13 years, Elaine Kinslow of Indianapolis, Indiana was on and off welfare. Today, she is a dispatcher with a van company. She's saved enough money to move her family to a good neighborhood. And she's helping other welfare recipients get to work.

Elaine Kinslow and all those like her are the real heroes of the welfare revolution; there are millions just like her across America. I am happy she could join the First Lady tonight. Elaine, we are very proud of you.

We must all do more to make welfare reform a success—providing child care, helping families move closer to available jobs, challenging more companies to join the welfare-to-work partnership, increasing child support collections from deadbeat parents who have a duty to support their own children. I also want to thank Congress for restoring some benefits to immigrants who are here legally and working hard—and I ask you to finish the job this year.

We must make it possible for hard-working families to meet their most important responsibilities.

Two years ago, we helped guarantee that Americans keep their health insurance when they change jobs. Last year, we extended health care to up to 5 million children. This year, I challenge Congress to take the next historic steps.

160 million Americans are in managed care plans. These plans can save money and can improve care. But medical decisions should be made by medical doctors, not insurance company accountants.

I urge the Congress to write into law a Consumer Bill of Rights that says this: You have the right to know all your medical options—not just the cheapest. You have the right to choose the doctor you want for the care you need. You have the right to emergency room care, wherever and whenever you need it. You have the right to keep your medical records confidential. Traditional care or managed care, every American deserves quality care.

Millions of Americans between the ages of 55 and 65 have lost their health insurance. Some are retired; some are laid off; some lost their coverage when their spouses retire. After a lifetime of work, they are left with nowhere to turn. So I ask the Congress: let these hardworking Americans buy into the Medicare system. It won't add a dime to the deficit—but the peace of mind it will provide will be priceless.

Next, we must help parents protect their children from the gravest health threat they face: an epidemic of teen smoking, spread by multimillion dollar marketing campaigns.

So I challenge Congress: let's pass bipartisan, comprehensive legislation that will improve public health, protect tobacco farmers, and change the way tobacco companies do business forever. Let's do what it takes to bring teen smoking down. Let's raise the price of cigarettes by up to $1.50 a pack over the next ten years, with penalties on the tobacco industry if it keeps marketing to kids. Tomorrow, like every day, 3000 children will start smoking. 1000 of them will die early as a result. Let this Congress be remembered as the Congress that saved their lives.

In the new economy, most parents work, harder than ever. They face a constant struggle to balance their obligations to be good workers—and their even more important obligations to be good parents.

The Family and Medical Leave Act was the very first bill I signed into law. I ask you to extend the law to cover 10 million more workers, and to give parents time off for parent-teacher conferences and doctor's visits.

Child care is the next frontier. Last year, the First Lady and I hosted the very first White House conference on child care. From all corners of America, we heard the same message: we must raise the quality of child care and make it safer and more affordable.

Here is my plan: Help families to pay for child care for one million more children. Scholarships and background checks for child care workers, and a new emphasis on early learning. Tax credits for businesses that provide child care for their employees.

And a larger child care tax credit for working families—so that if you pass my plan a family of four with an income of $35,000 and high child care costs will no longer pay a penny of federal income tax.

You know, I have often wondered how my mother—as a young widow—would have been able to go away to school if my grandparents had not been able to care for me. She and I were lucky. How many other families never get that same opportunity? We don't know the answer to that question. But we do know what the answer should be: Not a single family should have to choose between the job they need and the child they love.

A society rooted in responsibility must provide safe streets, safe schools, safe neighborhoods.

We are pursuing a strategy of more police, tougher punishment and smarter prevention, with crimefighting partnerships with local law enforcement and citizen groups.

I can report to you tonight that it is working. Violent crime is down, robbery is down, assault is down, burglary is down . . . for five years in a row, all across America.

Now we need to finish the job of putting 100,000 more police on the streets.

Again I ask Congress to pass a juvenile crime bill that provides more prosecutors and probation officers to crack down on gangs, guns and drugs, and bar violent juveniles from buying guns for life.

And I ask you to dramatically expand our support for after-school programs. Most juvenile crime is committed between the hours of 3 in the afternoon and 8 at night. We can keep so many of our children out of trouble in the first place if we give them someplace to go other than the streets.

Drug use is on the decline. I thank General Barry McCaffrey for his leadership, and I thank this Congress for passing the biggest anti-drug budget in history. Now I ask for the resources to hire, 1,000 new border patrol agents, and to deploy sophisticated new technologies, to help close the door on drugs at our borders.

Police, prosecutors, and prevention programs, good as they are, can't work if the court system doesn't work. Today, there are large numbers of vacancies in the federal courts. Here is what the Chief Justice of the United States wrote: "[Judicial] vacancies cannot remain at such high levels indefinitely without eroding the quality of justice." I ask the United States Senate to heed this plea, and vote on the highly qualified judicial nominees before you, up or down.

We must exercise responsibility not only at home but abroad.

On the eve of a new century, we have the power and the duty to build a new era of peace and security. But today's possibilities are not tomorrow's guarantees.

America must stand up for its interests and stand against the poisoned appeals of extreme nationalism. We must combat an unholy axis of new threats from terrorists, international criminals and drug traffickers. These 21st Century predators feed on technology and the free flow of information, ideas and people. And they will be all the more lethal if weapons of mass destruction fall into their hands.

To meet these challenges, we are helping to write international rules of the road for the 21st Century, protecting those who join the family of nations, and isolating those who do not.

Within days, I will ask the Senate for its advice and consent to make Hungary, Poland and the Czech Republic the newest members of NATO. For fifty years, NATO contained Communism and kept America and Europe secure. These three formerly Communist countries have said "yes" to democracy. I ask the Senate to say yes to them—our new allies.

By taking in new members and working closely with new partners, including Russia and Ukraine, NATO can help to assure that Europe is a stronghold for peace in the 21st Century.

Next, I will ask Congress to continue its support for our troops and their mission in Bosnia. This Christmas, Hillary and I traveled to Sarajevo with Senator and Mrs. Dole and a bipartisan Congressional delegation. We saw children playing on the streets, where two years ago they were hiding from snipers and shells. Shops are filled with food, cafes alive with conversation.

The progress is unmistakable—but not yet irreversible. To take firm root, Bosnia's fragile peace still needs the support of American and allied troops when the current NATO mission ends in June. Senator Dole said it best: this is like being ahead in the fourth quarter of a football game. Now is not the time to walk off the field and forfeit the victory.

I wish all of you could have seen our troops in Tuzla. They are very proud of what they are doing in Bosnia. And America is very proud of them. One of those brave soldiers is sitting with the First Lady tonight—Army Sergeant Michael Tolbert. His father was a decorated Vietnam vet. After college in Colorado, he joined the Army. And last year, he led an infantry unit that stopped a mob of extremists from taking over a radio station that is a voice of democracy and tolerance in Bosnia.

In Bosnia and around the world, our men and women in uniform always do their mission well. Our mission must be to keep them well-trained and ready . . . to improve their quality of life . . . and to provide the 21st Century weapons they need to defeat any enemy.

I also ask Congress to join me in pursuing an ambitious agenda to reduce the serious threat of weapons of mass destruction.

This year, four decades after it was first proposed by President Eisenhower, a comprehensive nuclear test ban treaty is within our reach. By ending nuclear testing, we can help to prevent the development of new and more dangerous weapons and make it more difficult for non-nuclear states to build them. I am pleased to announce that four former chairmen of the Joint Chiefs of Staff—Generals John Shalikashvili, Colin Powell, David Jones and Admiral William Crowe—have endorsed this treaty. I ask the Senate to approve it—this year.

Together, we also must confront new hazards: chemical and biological weapons and the outlaw states, terrorists and organized criminals seeking to acquire them.

Saddam Hussein has spent the better part of this decade, and much of his nation's wealth, not on providing for the Iraqi people but on developing nuclear, chemical and biological weapons—and the missiles to deliver them. The United Nations weapons inspectors have done a remarkable job, finding and destroying more of Iraq's arsenal than was destroyed during the Gulf War itself. Now, Saddam Hussein wants to stop them from completing their mission.

I know I speak for everyone in this chamber, Republicans and Democrats, when I say to Saddam Hussein: You cannot defy the will of the world. You have used weapons of mass destruction before. We are determined to deny you the capacity to use them again.

Last year, the Senate ratified the Chemical Weapons Convention to protect our soldiers and citizens from poison gas. Now, we must act to prevent the use of disease as a weapon of war and terror. The Biological Weapons Convention has been in effect for 23 years. The rules are good, but the enforcement is weak. We must strengthen it with a new international inspection system to detect and deter cheating.

In the months ahead, I will pursue our security strategy with old allies in Asia and Europe and new partners from Africa to India and Pakistan . . . from South America to China. And from Belfast, to Korea to the Middle East, America will continue to stand with those who stand for peace.

Finally, it's long past time to make good on our debt to the United Nations. More and more, we are working with other nations to achieve common goals. If we want America to lead, we must set a good example. As we see so clearly in Bosnia, allies who share our goals can also share our burdens. In this new era, our freedom and independence are actually enriched, not impoverished, by our increasing interdependence with other nations.

A NATION THAT LIVES BY COMMUNITY

Our Founders set America on a permanent course toward "A more perfect union." It is a journey we can only make together—living as one community.

First of all, we must continue to reform our government—the instrument of our national community.

Everyone knows elections have become too expensive, fueling a fundraising arms race. This year, by March 6, the Senate will vote on bipartisan campaign finance reform proposed by Senators McCAIN and FEINGOLD. Let's be clear: a vote against McCain-Feingold is a vote for soft money, for the status quo. I ask you to strengthen our democracy and pass campaign finance reform.

Even more, we must address the reason for the explosion in campaign costs—the high cost of media advertising. I will formally request that the Federal Communications Commission act to provide free or reduced cost television time for candidates. The airwaves are a public trust, and broadcasters also have a responsibility to help strengthen our democracy.

Under the leadership of Vice President GORE, we have reduced the federal payroll by 300,000 workers, cut 16,000 pages of regulations, eliminated hundreds of programs, and improved the operations of virtually every agency. But we can do more.

Like every taxpayer, I am outraged by the reports of abuses by the IRS. We need some changes there: new citizen advocacy panels, a stronger taxpayer advocate, phone lines open 24 hours a day, relief for innocent taxpayers. Last year, by an overwhelming bipartisan margin, the House passed sweeping IRS reforms. This bill must not languish in the Senate. Tonight I challenge the Senate: pass our bipartisan package of IRS reforms as your first order of business.

A nation that lives as a community must value its communities.

For the past five years, we have worked to bring the spark of private enterprise into inner city and poor rural areas—with community development banks, more commercial loans into poor neighborhoods, cleanups of polluted sites for development. Under the continued leadership of the Vice President, we propose to triple the number of empowerment zones, which give businesses incentives to invest in poor areas and create jobs. We also should give poor families more help to move into homes of their own. And we should use tax cuts to spur the construction of more low income housing.

Last year this Congress took strong action to help the District of Columbia. Let us renew our resolve to make this capital city a great city for all who live and visit here.

Our cities are the vibrant hubs of our great metropolitan areas. They are still the gateways for new immigrants, from every continent, coming to work for their own American Dream. Let's keep our cities going strong into the 21st Century.

Our communities are only as healthy as the air our children breathe, the water they drink, the Earth they will inherit.

Last year, we put in place the toughest-ever controls on smog and soot. We moved to protect Yellowstone, the Everglades, Lake Tahoe. We expanded every community's right to know about the toxics that threaten their children.

Yesterday, our food safety plan took effect, using new science to protect consumers from dangers like e-coli and salmonella.

Tonight, I ask you to join me in launching a new Clean Water Initiative, a far-reaching new effort to clean our rivers, lakes and coastal waters.

Yet our overriding environmental challenge is a worldwide problem requiring worldwide action: the gathering crisis of global warming.

The vast majority of scientists have concluded unequivocally that if we do not reduce the emissions of greenhouse gases, at some point in the next century we will disrupt our climate and put our children and grandchildren at risk. This past December, America led the world to reach a historic agreement committing nations to reduce greenhouse gas emissions through market forces, new technology and energy efficiency.

We have it in our power to act right here, right now. I propose $6 billion in tax cuts and research and development to encourage innovation, renewable energy, fuel efficient cars, energy efficient homes.

Every time we have acted to heal our environment, pessimists have said it would hurt our economy. Well, today our economy is the strongest in a generation—and our air and water are the cleanest in a generation. Americans have always found a way to grow the economy and clean the environment at the same time. And when it comes to global warming, we'll do it again.

Finally, community means living by the defining American value—the ideal heard round the world—that we are all created equal.

Throughout our history, we have not always honored this ideal—and we have never fully lived up to it. Often it is easier to believe that our differences matter more than what we have in common. It may be easier, but it is wrong.

What must we do in our day and generation to make sure that America truly becomes one nation, even as we become more and more diverse?

The answer cannot be to dwell on our differences, but to build on our shared values. We all cherish family and faith, work and community, freedom and responsibility. We all want our children to grow up in a world where their talents are matched by their opportunities.

I have launched a national initiative on race to help us to recognize our common interests and bridge the opportunity gaps that keep us from becoming One America.

Let us begin by recognizing what we *still* must overcome. Discrimination against any American is un-American. We must vigorously enforce the laws that make it illegal. I ask your help to end the backlog at the Equal Employment Opportunity Commission. 60,000 of our fellow citizens are waiting in line for justice, and we should act now to end that wait.

We also should recognize that the greatest progress we can make toward building one America lies in the progress we make for all Americans.

When we open the doors of college to all Americans, when we rid all our streets of crime, when there are jobs available to people from all neighborhoods, when we make sure that all parents have the children they need, we help to build one nation.

We, in this chamber and in government, must do all we can to address this continuing American challenge. But we will only move forward if all Americans—including every one of you watching at home tonight—are also committed to this cause.

We must work together, learn together, live together, and serve together. On the forge of common enterprise Americans of all backgrounds can hammer out a common identity. We see that in the United States military, in the Peace Corps, in AmeriCorps, wherever people of all races and backgrounds come together in a shared endeavor.

With shared values, meaningful opportunities, honest communication, and citizen service, we can unite a diverse people in freedom and mutual respect. We are many. We must be one.

THE MILLENNIUM—GIFTS TO THE FUTURE

In that spirit, let us lift our eyes to the new millennium. How will we mark that passage?

This year, Hillary and I launched the White House Millennium Program to promote America's creativity and innovation, and to preserve our heritage and culture into the 21st Century. Our culture lives in every community—and every community has places of historic value that tell our stories as Americans. We should protect them. I am proposing a public private partnership to advance our arts and humanities and to celebrate the millennium by saving America's treasures, great and small.

While we honor the past, let us imagine the future.

The entire store of human knowledge now doubles every five years. In the 1980s, scientists identified the gene causing cystic fibrosis—it took 9 years. Last year, we located the gene that causes Parkinson's Disease—in only 9 days. Within a decade, "gene chips" will offer a roadmap for prevention of illness throughout a lifetime. Soon, we will be able to carry all the phone calls on Mother's Day on a single strand of fiber the width of a human hair. A child born in 1998 may well live to see the 22nd Century.

Tonight, as part of our gift to the millennium, I propose a 21st Century Research Fund for pathbreaking scientific inquiry. This will be the largest funding increase in history for the National Institutes of Health, the National Science Foundation, and the National Cancer Institute. We have already discovered genes for breast cancer and diabetes. I ask you to support this initiative, so that ours will be the generation that finally wins the war against cancer . . . and begins a revolution in our fight against all deadly diseases.

As important as rapid scientific progress is, science must continue to serve humanity, never the other way around. We must prevent the misuse of genetic tests to discriminate against any American. And we must ratify the ethical consensus of the scientific and religious communities, and ban the cloning of human beings.

We should enable all the world's people to explore the far reaches of cyberspace.

The first time I reported to you on the State of the Union, only a handful of physicists used the World Wide Web. Now, in schools, libraries, homes and businesses, millions of Americans surf the Net every day.

We must give parents the tools they need to protect their children from inappropriate material on the Internet. And the Internet is an exploding global marketplace of ideas as well as commerce.

I ask Congress to step up support for building the next generation Internet, which will operate up to a thousand times faster than today.

Even as we explore innerspace, in the new millennium we will open new frontiers in outer space.

Throughout history, humankind has had only one place to call home—the planet Earth. Beginning this year, 1998, men and women from 16 countries will build a foothold in the heavens—the international space station. With its vast expanses, scientists and engineers will set sail on this uncharted sea of limitless mystery and unlimited potential.

And this October, a true American hero, a veteran pilot of 149 combat missions, and one five hour space flight that changed the world, will return to the heavens.

Godspeed, John Glenn.

You will carry with you America's hopes, and on your uniform you will carry America's flag, marking the unbroken connection between the deeds of America's past and the daring of America's future.

Nearly 200 years ago, a tattered flag, its broad stripes and bright stars still gleaming through the smoke of a fierce battle, moved Francis Scott Key to scribble a few words on the back of an envelope. Those words became our national anthem. Today, that Star Spangled Banner, along with the Declaration of Independence, the Constitution, and the Bill of Rights are on display just a short walk from here. They are America's treasures, and we must save and preserve them for the ages. I ask all Americans to support our project to restore all of our treasures so that generations of the 21st Century can see for themselves the images and the words that are the old and continuing glory of America.

An America that has continued to rise through every age, against every challenge; a people of great works and greater possibilities, who have always found the wisdom and strength to come together as one nation—to widen the circle of opportunity—to deepen the meaning of our freedom—to form that more perfect union. Let that be our gift to the 21st Century.

God Bless You, and God Bless the United States of America.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on December 4, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills and joint resolution:

H.R. 1604. An Act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

H.R. 1658. An Act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

H.R. 2265. An Act to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending the criminal copyright infringements provisions, and for other purposes.

H.R. 2476. An Act to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

H.R. 2796. An Act to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997.

H.R. 2977. An Act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

H.R. 2979. An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes.

H.R. 3025. An Act to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

H.R. 3034. An Act to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customers user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

H.J. Res. 95. Joint Resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

H.J. Res. 96. Joint Resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on December 4, 1997 during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 11:46 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 548. An Act to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse".

H.R. 595. An Act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse".

H.R. 1262. An Act to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes.

H.R. 1476. An Act to settle certain Miccosukee Indian land takings claims within the State of Florida.

H.R. 2165. An Act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2007. An Act to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project.

H.R. 2207. An Act to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico.

H.R. 2233. An Act to assist in the conservation of coral reefs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 137. Concurrent Resolution expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity.

H. Con. Res. 197. Concurrent Resolution calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

At 4:01 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1564. An Act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

The message also announced that the House has agreed to the following resolutions:

H. Res. 336. Resolution stating that the Clerk of the House informs the Senate that a quorum of the House is present and that the House is ready to proceed with business.

H. Res. 338. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Sonny Bono, a Representative from the State of California.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 201. Concurrent Resolution providing for an adjournment of both Houses.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 548. An Act to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1262. An Act to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1476. An Act to settle certain Miccosukee Indian land takings claims within the State of Florida; to the Committee on Indian Affairs.

H.R. 2165. An Act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2007. An Act to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Energy and Natural Resources.

H.R. 2207. An Act to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico; to the Committee on Environment and Public Works.

H.R. 2233. An Act to assist in the conservation of coral reefs; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H.Con. Res. 137. Concurrent Resolution expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity; to the Committee on Foreign Relations.

H.Con. Res. 197. Concurrent Resolution calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

S. 1530. A Bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

H.R. 2709. An Act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3282. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to rescissions for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–3283. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a notice of fund transfers; to the Committee on Appropriations.

EC–3284. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

EC–3285. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison at MacDill Air Force Base, Florida; to the Committee on Armed Services.

EC–3286. A communication from the Assistant to the Secretary of Defense (Nuclear and Chemical and Biological Defense Programs), transmitting, pursuant to law, a report on the Deep Digger program; to the Committee on Armed Services.

EC–3287. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3288. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within seven days of enactment, dated October 16, 1997; to the Committee on the Budget.

EC–3289. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within seven days of enactment, dated October 20, 1997; to the Committee on the Budget.

EC–3290. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3291. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3292. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule entitled "Adjustment of Status to That of Person Admitted for Permanent Residence" (RIN1125–AA20) received on November 6, 1997; to the Committee on the Judiciary.

EC–3293. A communication from the Deputy Assistant Administrator, Office of Diversion Control, transmitting, pursuant to law, a rule entitled "Temporary Exemption From Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products" (RIN2900–AH72) received on November 4, 1997; to the Committee on the Judiciary.

EC–3294. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, a rule entitled "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" received on November 4, 1997; to the Committee on the Judiciary.

EC–3295. A communication from the Secretary of the Navy, transmitting, pursuant to law, a proposal to transfer an aircraft carrier; to the Committee on Armed Services.

EC–3296. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Death of Appellant During Pendency of Appeal" (RIN2900–AI86) received on October 21, 1997; to the Committee on Veterans' Affairs.

EC–3297. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Veterans and Reservist Education: Additional Educational Assistance While Serving the Selected Reserve" (RIN2900–AI79) received on October 24, 1997; to the Committee on Veterans' Affairs.

EC–3298. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, one rule entitled "Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty" (RIN2900–AI90) received on October 28, 1997; to the Committee on Veterans' Affairs.

EC–3299. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, one rule entitled "Grants to States for Construction or Acquisition of State Home Facilities" (RIN2900–AI84) received on November 24, 1997; to the Committee on Veterans' Affairs.

EC–3300. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a rule entitled "National Flood Insurance Program: Insurance Coverage and Rates" received on October 28, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3301. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a rule entitled "Disaster Assistance; Snow Assistance" received on October 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3302. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report entitled "The Modernization of the Authorities of the Defense Production Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3303. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to Treasury securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–3304. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3305. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to Treasury auctions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3306. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a rule entitled "Risk-Based Capital Requirements"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3307. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3308. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Restrictions on Advances to Non-Qualified Thrift Lenders" (RIN3069–AA60) received on October 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3309. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report entitled "Flood Insurance Compliance"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3310. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 1997 through September 30, 1997; ordered to lie on the table.

EC–3311. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–160 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3312. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–161 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–163 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–164 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–166 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3316. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–167 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3317. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–168 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–169 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3319. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 12–170 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3320. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–171 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–172 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–176 adopted by the Council on October 7, 1997; to the Committee on Governmental Affairs.

EC–3323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–177 adopted by the Council on October 7, 1997; to the Committee on Governmental Affairs.

EC–3324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–180 adopted by the Council on October 7, 1997; to the Committee on Governmental Affairs.

EC–3325. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of the District of Columbia's Public Library's Procurement and Financial Management Practices and the Library's Relationship with the District of Columbia Public Library Foundation"; to the Committee on Governmental Affairs.

EC–3326. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of ANC 6C Covering the Period October 1, 1993 through December 31, 1996; to the Committee on Governmental Affairs.

EC–3327. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the Bahamas; to the Committee on Banking, Housing, and Urban Affairs.

EC–3328. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of Presidential Determination 97-36 on the Export-Import Loan to China for Shanghai Metro; to the Committee on Banking, Housing, and Urban Affairs.

EC–3329. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, two rules including a rule entitled "Deposits" (RIN 1550–AB00, 1557–AB14, 3064–AB57, 1550–AB11) received on October 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3330. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the availability of credit to small business; to the Committee on Banking, Housing, and Urban Affairs.

EC–3331. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Regulation D" received on October 31, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3332. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Rules Regarding Availability of Information" received on November 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3333. A communication from the Deputy Director, US&FCS/Russia-NIS Program Office, International Trade Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Cooperative Agreement Program for an American Business Center in Russia" received on November 4, 1997; to the Committee on Foreign Relations.

EC–3334. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Removal of Restrictions on Importation of Defense Articles" (RIN1512–AB62) received on November 6, 1997; to the Committee on Foreign Relations.

EC–3335. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Foreign Relations.

EC–3336. A communication from the Director of the International Labor Organization, transmitting, pursuant to law, the reports entitled "Program and Budget for 1998-99 (Summary and Analysis)" and "The ILO and Global Change: 1990–97"; to the Committee on Foreign Relations.

EC–3337. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the American Institute in Taiwan; to the Committee on Foreign Relations.

EC–3338. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3339. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3340. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the United Nations agencies and affiliated agencies; to the Committee on Foreign Relations.

EC–3341. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of thirty-one notices of proposed issuances of export licenses; to the Committee on Foreign Relations.

EC–3342. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, a rule entitled "Census Tract Program for Census 2000" received on October 21, 1997; to the Committee on Governmental Affairs.

EC–3343. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for September 1997; to the Committee on Governmental Affairs.

EC–3344. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "The Privacy Program" received on October 22, 1997; to the Committee on Governmental Affairs.

EC–3345. A communication from the Federal Acquisitions Regulation Secretariat, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, a rule, a rule entitled "Alternative Dispute Resolution" (RIN9000–AH72) received on November 1997; to the Committee on Governmental Affairs.

EC–3346. A communication from the Director of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the report on the Public Health Service Commissioned Corps Retirement System; to the Committee on Governmental Affairs.

EC–3347. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, one rule entitled "Fellowship and Similar Appointments in the Excepted Service" (RIN3206–AH91) received on October 28, 1997; to the Committee on Governmental Affairs.

EC–3348. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, a draft bill of proposed legislation entitled "Federal Employees' Group Life Insurance Improvement Act of 1997"; to the Committee on Governmental Affairs.

EC–3349. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3350. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on November 12, 1997; to the Committee on Governmental Affairs.

EC–3351. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on October 21, 1997; to the Committee on Governmental Affairs.

EC–3352. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3353. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report for fiscal year 1996; to the Committee on Governmental Affairs.

EC–3354. A communication from the Office of the Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities for the period ending September 30, 1996; to the Committee on Governmental Affairs.

EC–3355. A communication from the Office of the Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities for the period ending September 30, 1996; to the Committee on Governmental Affairs.

EC–3356. A communication from the Independent Counsel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for the period March 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3357. A communication from the Independent Counsel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for the period March 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3358. A communication from the Office of Special Counsel, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3359. A communication from the Deputy Independent Counsel, transmitting, pursuant to law, the annual report under the Inspector General Act on audit and investigative activities during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3360. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3361. A communication from the President and Chief Executive Office of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3362. A communication from the Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3363. A communication from the Regulatory Policy Official, National Archives and Records Administration, transmitting, pursuant to law, a report of a rule entitled "Transfer of Electronic Records to the National Archives" (RIN3095–AA70), received on October 23, 1997; to the Committee on Governmental Affairs.

EC–3364. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3365. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3366. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3367. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3368. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3369. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3370. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Office of the Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3371. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the strategic plan for fiscal years 1997 to 2002; to the Committee on Governmental Affairs.

EC–3372. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the Office of the Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3373. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3374. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Program Fraud Civil Remedies Act (PFCRA); to the Committee on Governmental Affairs.

EC–3375. A communication from the Executive Director of the United States Arctic Research Commission, transmitting, pursuant to law, the report under the Inspector General and Federal Managers' Financial Integrity Acts for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3376. A communication from the Chair of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3377. A communication from the Chairman of the U.S. Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3378. A communication from the President and Chief Executive Officer of the U.S. Enrichment Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3379. A communication from the Executive Director of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the report under the Inspector General and Federal Managers' Financial Integrity Acts for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3380. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the Office of the Inspector General and the Federal Managers' Financial Act (FMFIA) for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3381. A communication from the Acting Director of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect and the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3382. A communication from the General Sales Manager and Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, a rule governing the financing of commercial sales of agricultural commodities received on October 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3383. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Amendment to the Production Flexibility Contract Regulations" (RIN0560–AF25) received on October 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3384. A communication from the Administrator of the Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tart Cherries Grown in the States of Michigan" received on October 24, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3385. A communication from the Acting Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Commodity Supplemental Food Program-Caseload Assignment" (RIN0584–AC60) received on October 28, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3386. A communication from the Acting Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3387. A communication from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "General Crop Insurance Regulations"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3388. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "Mediterranean Fruit Fly"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3389. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, six rules including a rule entitled "Walnuts Grown in California"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3390. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Patent Preparation and Issuance" (RIN1004–AC88) received on November 4, 1997; to the Committee on Energy and Natural Resources.

EC–3391. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule entitled "Regulations for the Licensing of Hydroelectric Projects" received on October 30, 1997; to the Committee on Energy and Natural Resources.

EC–3392. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Metals Initiative for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–3393. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Emissions of Greenhouse Gases in the United States 1996"; to the Committee on Energy and Natural Resources.

EC–3394. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Oil and Natural Gas Resource Management Program: Cumulative Effects 1992–94"; to the Committee on Energy and Natural Resources.

EC–3395. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, two rules including a rule entitled "Indiana Regulatory Program"; to the Committee on Energy and Natural Resources.

EC–3396. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, three rules including a rule entitled "Energy Conservation Program for Consumer Products" (RIN1904–AA38, AA52); to the Committee on Energy and Natural Resources.

EC–3397. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 97–49 through 97–53; to the Committee on Finance.

EC–3398. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Notices 97–56, 58–60, 63, 64, 66; to the Committee on Finance.

EC–3399. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Rulings 97–44, 47; to the Committee on Finance.

EC–3400. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Announcements 97–111, 114; to the Committee on Finance.

EC–3401. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of three actions on decisions received on November 5, 1997; to the Committee on Finance.

EC–3402. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Treasury regulation entitled "Tax Treatment of Cafeteria Plans" (RIN1545–AV43) received on November 6, 1997; to the Committee on Finance.

EC–3403. A communication from the Regulatory Policy Officer of the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Mendocino Ridge Viticultural Area (95R–017P)" (RIN1512–AA07) received on November 4, 1997; to the Committee on Finance.

EC–3404. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Anticounterfeiting Consumer Protection Act" (RIN1515–AC10) received on November 12, 1997; to the Committee on Finance.

EC–3405. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled "The Savings Bond Simplification Act of 1997"; to the Committee on Finance.

EC–3406. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, a draft of proposed legislation to modify the marking of certain silk products and containers; to the Committee on Finance.

EC–3407. A communication from the Deputy Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicare Program" (RIN0938–AG03) received November 3, 1997; to the Committee on Finance.

EC–3408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicare Program" (RIN0938–AI16) received on October 30, 1997; to the Committee on Finance.

EC–3409. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Miscellaneous Educational Revisions" (RIN2900–AI69) received on October 28, 1997; to the Committee On Labor and Human Resources.

EC–3410. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitative Services), transmitting, a report relative to persons with disabilities; to the Committee on Labor and Human Resources.

EC–3411. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "To Assure the Free Appropriate Public Education of All Children With Disabilities"; to the Committee on Labor and Human Resources.

EC–3412. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, two rules including a rule entitled "Unemployment Insurance Program Letter Nos. 41–97 and 44–97"; to the Committee on Labor and Human Resources.

EC–3413. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, two rules including a rule entitled "Allocation of Assets in Single-Employer Plans" (RIN1212–AA82) received on November 12, 1997; to the Committee on Labor and Human Resources.

EC–3414. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, three rules including a rule entitled "National Awards Program for Model Professional Development" (RIN1850–ZA02, AA52) received on November 12, 1997; to the Committee on Labor and Human Resources.

EC–3415. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, two rules including a rule entitled "Longshore Act Civil Money Penalties Adjustment" (RIN1215–AB17); to the Committee on Labor and Human Resources.

EC–3416. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, four rules including a rule entitled "Quality Mammography Standards" (RIN0910–AA24, AA93, AA59); to the Committee on Labor and Human Resources.

EC–3417. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on family planning for fiscal years 1994 and 1995; to the Committee on Labor and Human Resources.

EC–3418. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Metropolitan Area Treatment Enhancement System for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3419. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled Mammography Quality Standards (RIN0910–AA24) received on November 13, 1997; to the Committee on Labor and Human Resources.

EC–3420. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Deceptive Use of Leakproof" received on November 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3421. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on ombudsman activities with the New Independent States for the period July 1 through September 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3422. A communication from the Office of the Director of the Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, a report entitled "Federal, State, and Local Transportation Financial Statistics: Fiscal Years 1982–94"; to the Committee on Commerce, Science, and Transportation.

EC–3423. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on civil aviation security for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3424. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the administration of the Marine Mammal Protection Act" for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–3425. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the budget; to the Committee on Commerce, Science, and Transportation.

EC–3426. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–3427. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, six rules; to the Committee on Commerce, Science, and Transportation.

EC–3428. A communication from the Deputy Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC–3429. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules; to the Committee on Commerce, Science, and Transportation.

EC–3430. A communication from the Principal Deputy (Acquisition and Technology), Under Secretary of Defense, transmitting, pursuant to law, the selected acquisition reports for the period July 1 through September 30, 1997; to the Committee on Armed Services.

EC–3431. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the Nonproliferation and

Disarmament Fund; to the Committee on Foreign Relations.

EC–3432. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, sixteen rules; to the Committee on Commerce, Science, and Transportation.

EC–3433. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, 191 rules; to the Committee on Commerce, Science, and Transportation.

EC–3434. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 97–45 received on November 17, 1996; to the Committee on Finance.

EC–3435. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 97–46 received on November 17, 1996; to the Committee on Finance.

EC–3436. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Notice 97–67 received on November 17, 1996; to the Committee on Finance.

EC–3437. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Notice 97–68 received on November 17, 1996; to the Committee on Finance.

EC–3438. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule received on November 17, 1997; to the Committee on Finance.

EC–3439. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of determination and certification relative to antiterrorism; to the Committee on Foreign Relations.

EC–3440. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3441. A communication from the Chairman of the U.S. International Trade Commission, transmitting, a draft to proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 2000; to the Committee on Finance.

EC–3442. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the transmittal of the certification of proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3443. A communication from the Independent Counsel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–3444. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 1997; to the Committee on Governmental Affairs.

EC–3445. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, one rule entitled "Reduction in Force Performance Management" (RIN3206–AH32) received on November 17, 1997; to the Committee on Governmental Affairs.

EC–3446. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to the law, the report of the Office of the Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3447. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the U.S. Government: Fiscal Year 1998"; to the Committee on Governmental Affairs.

EC–3448. A communication from the Deputy Assistant Administration, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, one rule entitled "Implementation of the Comprehensive Methamphetamine Control Act of 1996; Possession of List I Chemicals, Definitions, Record Retention, and Temporary Exemption From Chemical Registration for Distributors of Combination Ephredrine Products" (RIN1117–AA42) received on November 17, 1997; to the Committee on the Judiciary.

EC–3449. A communication from the President of the National Safety Council, transmitting, pursuant to law, the report of the combined financial statements for the fiscal years ended on June 30, 1997 and 1996; to the Committee on the Judiciary.

EC–3450. A communication from the Chief Financial Officer of the National Aeronautics and Space Administration, transmitting, pursuant to the law, a report relative to mixed waste; to the Committee on Environment and Public Works.

EC–3451. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, a report relative to a prospectus; to the Committee on Environment and Public Works.

EC–3452. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, a rule entitled "Energy Conservation Program for Consumer Products" (RIN1904–AA93) received on October 21, 1997; to the Committee on Energy and Natural Resources.

EC–3453. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the rule entitled "Illinois Regulatory Program" received on October 21, 1997; to the Committee on Energy and Natural Resources.

EC–3454. A communication from the Director of the Office of Thrift Supervision, Department of Treasury, transmitting, pursuant to law, the biennial report on the Flood Insurance Compliance Program for calendar years 1996 and 1997; to the Committee on Finance.

EC–3455. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, two rules including one rule entitled "Snow Load Map for Manufactured Homes" received on November 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3456. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, one rule entitled "Import/Export User Fees" received on November 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3457. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, one rule relative to importation of pork products received on November 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3458. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, one rule relative to quarantine regulations received on November 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3459. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, the report concerning institutions of higher education that have been deemed ineligible for certain federal funding; to the Committee on Armed Services.

EC–3460. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "DoD Freedom of Information Act Program" received on November 17, 1997; to the Committee on Governmental Affairs.

EC–3461. A communication from the Secretary of the Navy, transmitting, pursuant to law, a notice to award a contract with options covering a nine year period; to the Committee on Armed Services.

EC–3462. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a cost comparison study relative to Elmendorf Air Force Base (AFB), Alaska; to the Committee on Armed Services.

EC–3463. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3464. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for October 1997; to the Committee on Governmental Affairs.

EC–3465. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to accounts containing unvouchered expenditures; to the Committee on Governmental Affairs.

EC–3467. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3468. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, fifteen rules including a rule entitled "Travel Reimbursement"

(RIN9000–AH77, AH75, AG87, AH24, AH80, AH79, AH50, AH37, AH76, AH81, AH18, AH78, AH74) received on December 2, 1997; to the Committee on Governmental Affairs.

EC–3469. A communication from the Secretary of the Interior, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3470. A communication from the Attorney General, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3471. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual reort under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3472. A communication from the Director of the United States Information Agency, Department of State, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3473. A communication from the Secretary of Transportation, transmitting, pursuant to law, the management report on management decisions and final actions of the Office of the Inspector General audit recommendations for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3474. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3475. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3476. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3477. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3478. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3479. A communication from the Executive Officer of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar years 1995 and 1996; to the Committee on Governmental Affairs.

EC–3480. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3481. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3482. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3483. A communication from the Office of the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3484. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of April 1, 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3485. A communication from the Regulatory Policy Official, National Archives and Records Administration, transmitting, pursuant to law, a report of a rule entitled "Prices and Availability of Federal Register, Acceptance of Digital Signitures" received on December 2, 1997; to the Committee on Governmental Affairs.

EC–3486. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–3487. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, one rule entitled "Student Educational Program" (RIN3206–AH82) received on December 3, 1997; to the Committee on Governmental Affairs.

EC–3488. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3489. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, a draft bill of proposed legislation to provide for the correction of retirement coverage errors; to the Committee on Governmental Affairs.

EC–3490. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule relative to cost-of-living allowance (RIN3206–AH51) received on December 3, 1997; to the Committee on Governmental Affairs.

EC–3491. A communication from the Chairman of the Board of Governors, United States Postal Service, transmitting, pursuant to law, the semiannual report for the period ending September 30, 1997; to the Committee on Governmental Affairs.

EC–3492. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3493. A communication from the Board Members of the Railroad Retirement Board, transmitting, a draft bill of proposed legislation to make permanent the exemption of certain trust funds; to the Committee on Governmental Affairs.

EC–3494. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3495. A communication from the Commissioner of the Office of Social Security, transmitting, pursuant to law, the accountability report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3496. A communication from the President of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3497. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3498. A communication from the Chairman of the Board of Directors of the Corporation For Public Broadcasting, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3499. A communication from the Chairman of the U.S Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3500. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3501. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3502. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3503. A communication from the Chairman of the U.S. Nuclear Waste Technical Review Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997 and the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3504. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997 and the report of the Office of Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3505. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997 and the report of the Office of Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3506. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Evaluation of the Accounts and Operation of the Office of Tourism and Promotions for Fiscal Years 1996 and 1997; the Committee on Governmental Affairs.

EC–3507. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a Treasury regulations received on January 27, 1998; to the Committee on Finance.

EC–3508. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Final Sequestration Report for fiscal year 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

EC–3509. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting" (RIN1018–AB80) received on November 25, 1997; to the Committee on Environment and Public Works.

EC–3510. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report relative to highway construction; to the Committee on Environment and Public Works.

EC–3511. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to a prospectus; to the Committee on Environment and Public Works.

EC–3512. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period July 1, 1997 through September 30, 1997; to the Committee on Environment and Public Works.

EC–3513. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, six rules including a rule entitled "Perimeter Intrusion Alarm Systems"; to the Committee on Environment and Public Works.

EC–3514. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule received on October 17, 1997; to the Committee on Environment and Public Works.

EC–3515. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule received on October 30, 1997; to the Committee on Environment and Public Works.

EC–3516. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule received on October 30, 1997; to the Committee on Environment and Public Works.

EC–3517. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule received on November 25, 1997; to the Committee on Environment and Public Works.

EC–3518. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule received on December 9, 1997; to the Committee on Environment and Public Works.

EC–3519. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a notice relative to an emergency; to the Committee on Environment and Public Works.

EC–3520. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to navigation improvements at Miami Harbor, Florida; to the Committee on Environment and Public Works.

EC–3521. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a hurricane and storm damage reduction project; to the Committee on Environment and Public Works.

EC–3522. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC–3523. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a storm damage reduction and shoreline protection project; to the Committee on Environment and Public Works.

EC–3524. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Lake Worth Inlet, Palm Beach Harbor, Florida; to the Committee on Environment and Public Works.

EC–3525. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a deep-draft navigation project; to the Committee on Environment and Public Works.

EC–3526. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on October 22, 1997; to the Committee on Environment and Public Works.

EC–3527. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on October 17, 1997; to the Committee on Environment and Public Works.

EC–3528. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on October 17, 1997; to the Committee on Environment and Public Works.

EC–3529. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on October 21, 1997; to the Committee on Environment and Public Works.

EC–3530. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on November 4, 1997; to the Committee on Environment and Public Works.

EC–3531. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on November 4, 1997; to the Committee on Environment and Public Works.

EC–3532. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on November 6, 1997; to the Committee on Environment and Public Works.

EC–3533. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on November 7, 1997; to the Committee on Environment and Public Works.

EC–3534. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on November 12, 1997; to the Committee on Environment and Public Works.

EC–3535. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on November 13, 1997; to the Committee on Environment and Public Works.

EC–3536. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on November 19, 1997; to the Committee on Environment and Public Works.

EC–3537. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, thirteen rules received on November 21, 1997; to the Committee on Environment and Public Works.

EC–3538. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on November 25, 1997; to the Committee on Environment and Public Works.

EC–3539. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, eight rules received on November 25, 1997; to the Committee on Environment and Public Works.

EC–3540. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on December 2, 1997; to the Committee on Environment and Public Works.

EC–3541. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, eight rules received on December 4, 1997; to the Committee on Environment and Public Works.

EC–3542. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on December 5, 1997; to the Committee on Environment and Public Works.

EC–3543. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on December 5, 1997; to the Committee on Environment and Public Works.

EC–3544. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on December 10, 1997; to the Committee on Environment and Public Works.

EC–3545. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on December 10, 1997; to the Committee on Environment and Public Works.

EC–3546. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of the budget request for fiscal year 1999; to the Committee on Rules and Administration.

EC–3547. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated November 21, 1997; to the Committee on the Budget.

EC–3548. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3549. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated December 1, 1997; to the Committee on the Budget.

EC–3550. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated December 4, 1997; to the Committee on the Budget.

EC–3551. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated November 21, 1997; to the Committee on the Budget.

EC–3552. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, seven rules including a rule entitled "Loan Guaranty: Electronic Payment of Funding Fee"; to the Committee on Veterans' Affairs.

EC–3553. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, four rules; to the Committee on the Judiciary.

EC–3554. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, two rules received on December 9, 1997; to the Committee on the Judiciary.

EC–3555. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of calendar year 1996 Forensic DNA Laboratory Improvement Program grant awards; to the Committee on the Judiciary.

EC–3556. A communication from the Director of the Office for Victims of Crime, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, a report on accomplishments for fiscal years 1995 and 1996; to the Committee on the Judiciary.

EC–3557. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a rule entitled "Loan Policies and Operations" (RIN3052-AB78) received on November 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3558. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "1997-Crop Peanuts" (RIN0560–AF01) received on November 19, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3559. A communication from the Administrator of the Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Pea Crop Insurance Regulations" received on December 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3560. A communication from the Acting Administrator, Marketing and Regulatory Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Winter Pears Grown in Oregon, Washington, and California" received on November 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3561. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Raisins Produced From Grapes Grown in California" received on November 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3562. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, nine rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3563. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC–3564. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC–3565. A communication from the Acting Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, the report of determinations relative to institutions of higher education; to the Committee on Armed Services.

EC–3566. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, a rule received on November 25, 1997; to the Committee on Armed Services.

EC–3567. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a cost comparison; to the Committee on Armed Services.

EC–3568. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on payment of restructuring costs under defense contracts for fiscal year 1997; to the Committee on Armed Services.

EC–3569. A communication from Deputy Assistant Secretary of Defense, Program Integration, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report on the Military Retirement System for fiscal year 1996; to the Committee on Armed Services.

EC–3570. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a report entitled "Rewarding, Organizing, and Managing People for the 21st Century, Time for a Strategic Approach"; to the Committee on Armed Services.

EC–3571. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a rule entitled "Assessment of Fees" (RIN1557–AB41) received on December 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3572. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3573. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on November 19, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3574. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Civil Monetary Penalty Inflation Adjustment" (RIN1550–AB01) received on November 25, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3575. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Liquidity" (RIN1550–AA77) received on November 18, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3576. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–3577. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the national emergency with respect to Serbia and Montenegro; to the Committee on Banking, Housing, and Urban Affairs.

EC–3578. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the national emergency with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–3579. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, three rules; to the Committee on Banking, Housing, Urban Affairs.

EC–3580. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, two rules; to the

Committee on Banking, Housing, Urban Affairs.

EC–3581. A communication from the Legal Counsel of the Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, four rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–3582. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–3583. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to Worker Adjustment Assistant Training Funds; to the Committee on Finance.

EC–3584. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, a rule entitled "Welfare-to-Work Grants" (RIN1205–AB15) received on November 21, 1997; to the Committee on Finance.

EC–3585. A communication from the Chief of Staff of Social Security, transmitting, pursuant to law, a rule entitled "Definition of United States Resident" (RIN0960–AE05) received November 25, 1997; to the Committee on Finance.

EC–3586. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to telemedicine services; to the Committee on Finance.

EC–3587. A communication from the President of the United States, transmitting, pursuant to law, a report concerning emigration laws; to the Committee on Finance.

EC–3588. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the operation of the Andean Trade Preference Act; to the Committee on Finance.

EC–3589. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Notices 97–62, 65, 69, 73; to the Committee on Finance.

EC–3590. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Rulings 97–48, 49, 51, 53; to the Committee on Finance.

EC–3591. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Announcements 97–120, 122; to the Committee on Finance.

EC–3592. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, two Treasury regulations; to the Committee on Finance.

EC–3593. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule received on December 5, 1997; to the Committee on Finance.

EC–3594. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC–3595. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the notice of a military justification; to the Committee on Foreign Relations.

EC–3596. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the Korean Peninsula Energy Development Organization; to the Committee on Foreign Relations.

EC–3597. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report under the Denton Program for the period July 1, 1996 through June 30, 1997; to the Committee on Foreign Relations.

EC–3598. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Foreign Relations.

EC–3599. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3600. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the prevention of nuclear proliferation for calendar year 1996; to the Committee on Foreign Relations.

EC–3601. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report on the administration of the Foreign Agents Registration Act for the period July 1 through December 31, 1996; to the Committee on Foreign Relations.

EC–3602. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a Treasury regulations received on January 27, 1998; to the Committee on Finance.

EC–3603. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, two rules including a rule entitled "Minerals Management Service" (RIN1010–AC06, 1004–AC91); to the Committee on Energy and Natural Resources.

EC–3604. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Safety Belt Use Within the NPS System" (RIN1024–AC63) received on December 8, 1997; to the Committee on Energy and Natural Resources.

EC–3605. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–3606. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Implementation of the Debt Collection Improvement Act of 1996" (RIN1029–AB90) received on November 25, 1997; to the Committee on Energy and Natural Resources.

EC–3607. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and stripper well oil overcharge funds for the period January 1 through March 31, 1997; to the Committee on Energy and Natural Resources.

EC–3608. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on low-level radioactive waste management program for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–3609. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Clean Coal Technology Demonstration Program for the period January 1, 1996 through June 30, 1997; to the Committee on Energy and Natural Resources.

EC–3610. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, two rules received on December 2, 1997; to the Committee on Energy and Natural Resources.

EC–3611. A communication from the Assistant Secretary of the Interior for Water and Science, transmitting, pursuant to law, a rule entitled "Adjusted 1988 Newlands Project Operating Criteria and Procedures" (RIN1006–AA37) received on December 11, 1997; to the Committee on Energy and Natural Resources.

EC–3612. A communication from the Co-Chairs of the Franklin Delano Roosevelt Memorial Commission, transmitting, pursuant to law, the final report of the Commission; to the Committee on Rules and Administration.

EC–3613. A communication from the Director of the Office of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January through September 1997; to the Committee on the Judiciary.

EC–3614. A communication from the Navy Wives Clubs of America National Treasurer, transmitting, pursuant to law, the report of the audit of the NWCA for the period September 1, 1996 through August 31, 1997; to the Committee on the Judiciary.

EC–3615. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated December 4, 1997; to the Committee on the Budget.

EC–3616. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment dated December 10, 1997; to the Committee on the Budget.

EC–3617. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, transmitting, pursuant to law, the reports of two rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3618. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the rule entitled "Loan Policies and Operations" (RIN3052–AB81) received on December 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3619. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Application Processing" (RIN1550–AA83) received on December 18, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3620. A communication from the President of the United States, transmitting, pursuant to law, a report on a national emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–3621. A communication from the President of the United States, transmitting, pursuant to law, the report of the executive order prohibiting certain transactions with respect to UNITA; to the Committee on Banking, Housing, and Urban Affairs.

EC–3622. A communication from the President of the United States, transmitting, pursuant to law, the report of a statement of justification; to the Committee on Foreign Relations.

EC–3623. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3624. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Rewards Program Participants; to the Committee on Foreign Relations.

EC–3625. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3626. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Authority to Approve Federal Home Loan Bank Bylaws" (RIN3069–AA70) received on December 29, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3627. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–33; to the Committee on Appropriations.

EC–3628. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3629. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within seven days of enactment; to the Committee on the Budget.

EC–3630. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Active Military Service Certified Under Section 401 of Public Law 95–202 (RIN2900–AI91) received on January 5, 1998; to the Committee on Veterans' Affairs.

EC–3631. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the strategic plan for fiscal years 1998 through 2003; to the Committee on Veterans' Affairs.

EC–3632. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report on the National Institute of Justice for calendar year 1996; to the Committee on the Judiciary.

EC–3633. A communication from the Chairperson of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the report entitled, "Racial and Ethnic Tension in American Communities: Poverty, Inequality, and Discrimination"; to the Committee on the Judiciary.

EC–3634. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–3635. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the court's report for fiscal year 1997; to the Committee on the Judicary.

EC–3636. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, three rules; to the Committee on Energy and Natural Resources.

EC–3637. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the High Plains States Groundwater Demonstration Program; to the Committee on Energy and Natural Resources.

EC–3638. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, a rule received on December 17, 1997; to the Committee on Energy and Natural Resources.

EC–3639. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Energy Outlook 1998"; to the Committee on Energy and Natural Resources.

EC–3640. A communication from the Freedom of Information Act Administrator, Office of the General Counsel, Legal Services Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–3641. A communication from the Secretary of Education, transmitting, pursuant to law, the report on the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1997; to the Committee on Labor and Human Resources.

EC–3642. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Minimum Income Annuity" (RIN2900–AI83) received January 8, 1998; to the Veterans' Affairs.

EC–3643. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, six rules including a rule entitled "Sweet Corn Insurance Regulations" received on January 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3644. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of four rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3645. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt" (RIN0579–AA83) received on January 8, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3646. A communication from the Administrator of the Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Rural Rental Housing Assistance" (RIN0575–AC15) received on December 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3647. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the rule entitled "Royalty Relief for New Leases in Deep Water" (RIN1010–AC14) received on January 9, 1998; to the Committee on Energy and Natural Resources.

EC–3648. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule received on January 9, 1998; to the Committee on Energy and Natural Resources.

EC–3649. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Mississippi Regulatory Program" received on January 7, 1998; to the Committee on Energy and Natural Resources.

EC–3650. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status for Brother's Inland Tuatara" (RIN1018–AD06) received on January 5, 1998; to the Committee on Environment and Public Works.

EC–3651. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered and Threatened Wildlife and Plants" (RIN1018–AD07) received on January 9, 1998; to the Committee on Environment and Public Works.

EC–3652. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Surface Transportation Research and Development Plan; to the Committee on Environment and Public Works.

EC–3653. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule entitled "Nuclear Fuel Cycle Facility Accident Analysis Handbook" received on January 8, 1998; to the Committee on Environment and Public Works.

EC–3654. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a deep-draft navigation project in Charleston Harbor, South Carolina; to the Committee on Environment and Public Works.

EC–3655. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to an environmental restoration project for the Lower Savannah River, Georgia and South Carolina; to the Committee on Environment and Public Works.

EC–3656. A communication from the Acting Assistant of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project for the Blue River Basin at the Dodson Industrial District, Kansas City, Missouri; to the Committee on Environment and Public Works.

EC–3657. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on the status of the Hazardous Air Pollutant Program; to the Committee on Environment and Public Works.

EC–3658. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Superfund Innovative Technology Evaluation Program"; to the Committee on Environment and Public Works.

EC–3659. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on the mercury study; to the Committee on Environment and Public Works.

EC-3660. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on December 12, 1997; to the Committee on Environment and Public Works.

EC-3661. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, nineteen rules received on December 12, 1997; to the Committee on Environment and Public Works.

EC-3662. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on December 17, 1997; to the Committee on Environment and Public Works.

EC-3663. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on December 18, 1997; to the Committee on Environment and Public Works.

EC-3664. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on December 18, 1997; to the Committee on Environment and Public Works.

EC-3665. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on December 22, 1997; to the Committee on Environment and Public Works.

EC-3666. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on December 29, 1997; to the Committee on Environment and Public Works.

EC-3667. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on January 5, 1998; to the Committee on Environment and Public Works.

EC-3668. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on January 7, 1998; to the Committee on Environment and Public Works.

EC-3669. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on January 7, 1998; to the Committee on Environment and Public Works.

EC-3670. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, fifteen rules received on January 7, 1998; to the Committee on Environment and Public Works.

EC-3671. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on January 7, 1998; to the Committee on Environment and Public Works.

EC-3672. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on January 8, 1998; to the Committee on Environment and Public Works.

EC-3673. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, three rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-3674. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, a rule entitled "Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping by Card Clubs" (RIN1506-AA18) received on January 7, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3675. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, two rules received on January 7, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3676. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to the continuation of the Libyan Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC-3677. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Risk-Based Capital Standards" received on December 22, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3678. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the U.S. government for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3679. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule received on December 29, 1997; to the Committee on Armed Services.

EC-3680. A communication from the Acting Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a notice relative to a cost comparison study of the DOD Civilian Payroll functions; to the Committee on Armed Services.

EC-3681. A communication from the Acting Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a notice relative to a cost comparison study of the DOD Retired and Annuitant Payroll functions; to the Committee on Armed Services.

EC-3682. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report of a determination to combine multiple depot-level maintenance and repair workloads; to the Committee on Armed Services.

EC-3683. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-3684. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Acquisition Workforce Reductions"; to the Committee on Armed Services.

EC-3685. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Naval Petroleum Reserve Numbered 1, Elk Hills, California; to the Committee on Armed Services.

EC-3686. A communication from the Director of the Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, a rule received on December 29, 1997; to the Committee on Armed Services.

EC-3687. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Albania, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan; to the Committee on Finance.

EC-3688. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistant, Ukraine, and Uzbekistan; to the Committee on Finance.

EC-3689. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the trade and employment effects of the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC-3690. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the trade and employment effects of the Andean Trade Preference Act; to the Committee on Finance.

EC-3691. A communication from the National Director, Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule received on December 12, 1997; to the Committee on Finance.

EC-3692. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule received on January 8, 1998; to the Committee on Finance.

EC-3693. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access"; to the Committee on Finance.

EC-3694. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule received on January 8, 1998; to the Committee on Finance.

EC-3695. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, two rules; to the Committee on Finance.

EC-3696. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Notices 97-74, 77, 98-1 through 98-7; to the Committee on Finance.

EC-3697. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of thirteen Treasury regulations; to the Committee on Finance.

EC-3698. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of three actions on decisions received on January 6, 1998; to the Committee on Finance.

EC-3699. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Empowerment Zone Employment Credit" received on December 30, 1997; to the Committee on Finance.

EC–3700. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of three rules received on January 6, 1998; to the Committee on Finance.

EC–3701. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Rulings 97:55–57, 98:1, 98:4; to the Committee on Finance.

EC–3702. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 97:55, 57, 98:1–10, 98:13; to the Committee on Finance.

EC–3703. A communication from the Assistant Secretary of Federal Maritime Commission, transmitting, pursuant to law, a rule received on December 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report relative to the budget; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the study of the contribution of bycatch to charitable organizations; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Assistant Secretary of Commerce for Communications and Information, transmitting, pursuant to law, a report concerning the Telecommunications and Information Infrastructure Assistance Program; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Director of the Program Office of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, a report relative to the Advanced Technology Program; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Director of the Bureau of Economic Analysis, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of two rules concerning surveys of international transactions in services; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Task Force On Assistance To Families of Aviation Disasters"; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "High-Speed Ground Transportation For America"; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a notice on the enforcement policy statement on U.S. origin claims; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report on the appliance labeling rule received on January 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report on individual reference services; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, eleven rules; to the Committee on Commerce, Science, and Transportation.

EC–3715. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule received on January 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3716. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on November 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3717. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of six rules; to the Committee on Commerce, Science, and Transportation.

EC–3718. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of fifteen rules; to the Committee on Commerce, Science, and Transportation.

EC–3719. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of four rules; to the Committee on Commerce, Science, and Transportation.

EC–3720. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of nine rules; to the Committee on Commerce, Science, and Transportation.

EC–3721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of 191 rules; to the Committee on Commerce, Science, and Transportation.

EC–3722. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–190 adopted by the Council on September 22, 1997; to the Committee on Governmental Affairs.

EC–3723. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–191 adopted by the Council on October 7, 1997; to the Committee on Governmental Affairs.

EC–3724. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–198 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3725. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–199 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3726. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–200 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3727. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–204 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3728. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–205 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3729. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–209 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3730. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–210 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3731. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–211 adopted by the Council on November 4, 1997; to the Committee on Governmental Affairs.

EC–3732. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3733. A communication from the Chairman and General Counsel of the U.S. National Labor Relations Board, transmitting jointly, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3734. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3735. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3736. A communication from the Chairperson of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3737. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3738. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3739. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3740. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3741. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3742. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3743. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3744. A communication from the Senior Deputy Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3745. A communication from the Chairman of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3746. A communication from the Chair of the Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3747. A communication from the Director of the Policy and Communications Staff, National Archives at College Park, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3748. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3749. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3750. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3751. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3752. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3753. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3754. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3755. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3756. A communication from the Attorney General, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3757. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3758. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3759. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3760. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3761. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3762. A communication from the Chief Executive Officer of the Corporation For National Service, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3763. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3764. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3765. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3766. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3767. A communication from the Inspector General of the U.S. General Services Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3768. A communication from the Chairman and Chief Executive Office of the Farm Credit Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3769. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3770. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3771. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3772. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the annual reports on the system of internal accounting and financial controls in effect during fiscal year 1997 and under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3773. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual reports on the system of internal accounting and financial controls in effect during fiscal year 1997 and under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC–3774. A communication from the Director of the Morris K. Udall Foundation Scholarship and Excellence In National Environmental Policy Foundation, transmitting, pursuant to law, the annual reports on the system of internal accounting and financial controls in effect during fiscal year 1997 and under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3775. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual reports on the system of internal accounting and financial controls in effect during fiscal year 1997 and under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3776. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3777. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3778. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled "Block Group Program for Census 2000" received on January 5, 1998; to the Committee on Governmental Affairs.

EC-3779. A communication from the Director of the Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to locality-based comparability payments; to the Committee on Governmental Affairs.

EC-3780. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, an aggregate report on personnel for fiscal year 1997; to the Committee on Governmental Affairs.

EC-3781. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List; to the Committee on Governmental Affairs.

EC-3782. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the list of reports, testimony, correspondence, and other publications for November 1997; to the Committee on Governmental Affairs.

EC-3783. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Internal Revenue Service; to the Committee on Governmental Affairs.

EC-3784. A communication from the General Manager of the Washington Metropolitan Area Transit Authority, transmitting, pursuant to law, the comprehensive annual financial report for the fiscal year ended June 30, 1997; to the Committee on Governmental Affairs.

EC-3785. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of management reform plans; to the Committee on Governmental Affairs.

EC-3786. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the reports of seven rules; to the Committee on Governmental Affairs.

EC-3787. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, the report entitled "Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii"; to the Committee on Energy and Natural Resources.

EC-3788. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC-3789. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, one rule relative to business persons received on January 12, 1998; to the Committee on the Judiciary.

EC-3790. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3791. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3792. A communication from the Chairperson of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency"; to the Committee on the Judiciary.

EC-3793. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for 1997; to the Committee on the Judiciary.

EC-3794. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, one rule entitled "Establishing New Research Data Centers (RDC)" received on January 15, 1998; to the Committee on Governmental Affairs.

EC-3795. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3796. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-3797. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Federal Advisory Committee Act and the Negotiated Rulemaking Act; to the Committee on Governmental Affairs.

EC-3798. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3799. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, one rule relative to agency relationships (RIN3206-AH72) received on January 15, 1998; to the Committee on Governmental Affairs.

EC-3800. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3801. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3802. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report on internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3803. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3804. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the Federal Employees Clean Air Act; to the Committee on Governmental Affairs.

EC-3805. A communication from the Independent Counsel, Office of the Independent Counsel, transmitting, pursuant to law, the annual report for the period ending September 30, 1997; to the Committee on Governmental Affairs.

EC-3806. A communication from the Deputy Financial Officer of the National Credit Union Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3807. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List; to the Committee on Governmental Affairs.

EC-3808. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3809. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3810. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-3811. A communication from the Chairman of the Board of Governors, United States Postal Service, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-3812. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3813. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC-3814. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3815. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a notice of approval for a personnel management demonstration project for the Department of the Navy; to the Committee on Governmental Affairs.

EC–3816. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled "District of Columbia Public Schools Performance Audit: Fiscal Year 1997 Capital Improvement Program Procurement Process"; to the Committee on Governmental Affairs.

EC–3817. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–224 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC–3818. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–223 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC–3819. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–219 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC–3820. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–194 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC–3821. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report on the status of GPO access; to the Committee on Rules and Administration.

EC–3822. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations; to the Committee on Appropriations.

EC–3823. A communication from the Acting Director of the Indian Arts and Crafts Board, Department of the Interior, transmitting, pursuant to law, a rule entitled "Protection for Products of Indian Art and Craftsmanship" (RIN1090–AA45) received on January 15, 1998; to the Committee on Indian Affairs.

EC–3824. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on contract support cost funding in Indian self-determination contracts and compacts; to the Committee on Indian Affairs.

EC–3825. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report that a reward had been paid pursuant to 22 U.S.C. 2708; to the Committee on Foreign Relations.

EC–3826. A communication from the President of the United States, transmitting, pursuant to law, a report on negative security assurances; to the Committee on Foreign Relations.

EC–3827. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, a rule entitled "Records Maintained on Individuals (Privacy Act)" (RIN1901–AA62) received on January 21, 1998; to the Committee on Energy and Natural Resources.

EC–3828. A communication from the Federal Register Liaison Officer of the Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a rule entitled "Federal Timber Contract Payment Modification" (RIN1004–AC69) received on January 12, 1998; to the Committee on Energy and Natural Resources.

EC–3829. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Multiple Use, Mining" (RIN1004–AD05) received on December 10, 1997; to the Committee on Energy and Natural Resources.

EC–3830. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Niobrara National Scenic River; to the Committee on Energy and Natural Resources.

EC–3831. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report from foreign entities for fiscal year 1997; to the Committee on Armed Services.

EC–3832. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Future Years Defense Program; to the Committee on Armed Services.

EC–3833. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of libraries at F.E. Warren Air Force Base, Wyoming; to the Committee on Armed Services.

EC–3834. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report on the strategic overview of the Navy's commercial activity studies; to the Committee on Armed Services.

EC–3835. A communication from the Secretary of Defense, transmitting, a report of a retirement; to the Committee on Armed Services.

EC–3836. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC–3837. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report on the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–3838. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–3839. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC–3840. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on outreach to gulf war veterans; to the Committee on Veterans Affairs.

EC–3841. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3842. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–3843. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a Presidential Determination relative to the Palestine Liberation Organization (PLO); to the Committee on Foreign Relations.

EC–3844. A communication from the President of the United States, transmitting, pursuant to law, a determination relative to the People's Republic of China; to the Committee on Foreign Relations.

EC–3845. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3846. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule relative to U.S. nationals and the government of North Korea, received on December 4, 1997; to the Committee on Foreign Relations.

EC–3847. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a rule regarding international traffic in arms regulations, received on December 8, 1997; to the Committee on Foreign Relations.

EC–3848. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a rule regarding issuance of immigrant visas, received on January 5, 1997; to the Committee on Foreign Relations.

EC–3849. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Grape Grown in a Designated Area of Southeastern California; Temporary Suspension of Continuing Assessment Rate" received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3850. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to tart cherries, received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3851. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to oranges, grapefruit, tangerines, and tangelos grown in Florida received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3852. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to onions grown in South Texas received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3853. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to grapes grown in a designated area of southeastern California received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3854. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to tomatoes grown in Florida and imported tomatoes received on January 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3855. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to the importation of ruminants, meat, and meat products received on January 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3856. A communication from the Manager of the Federal Crop Insurance Corporation, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, a rule relative to hybrid seed corn received on January 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3857. A communication from the Manager of the Federal Crop Insurance Corporation, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, a rule relative to the availability of information to the public received on January 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3858. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–3859. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, a rule entitled "Financial Assistance for Internship Program for Postsecondary Students" received on December 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–3860. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report on tar, nicotine, and carbon monoxide of the smoke of 1249 varieties of domestic cigarettes for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–3861. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on January 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3862. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on January 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3863. A communication from the Deputy Assistant Administrator For Fisheries, Department of Commerce, transmitting, pursuant to law, a rule received on January 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3864. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, two rules; to the Committee on Commerce, Science, and Transportation.

EC–3865. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, two rules received on January 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–3866. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, six rules received on January 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC-3867. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, fifteen rules received on Transportation.

EC–3868. A communication from the AMD (Performance Evaluation and Records Management), Federal Communications Commission, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC–3869. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–3870. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-3871. A communication from the President of the United States, transmitting, pursuant to law, the notice of the continuation of the emergency regarding terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–3872. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–3873. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to the People's Republic of China (China); to the Committee on Banking, Housing, and Urban Affairs.

EC–3874. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Membership Eligibility" (RIN3069-AA66) received on January 21, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3875. A communication from the Acting Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, a rule received on January 21, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3876. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report regarding the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–3877. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Securities Credit Transactions" received on January 9, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3878. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3879. A communication from the President of the United States, transmitting, pursuant to law, a report concerning emigration laws and policies of Mongolia; to the Committee on Finance.

EC–3880. A communication from the Secretary of Agriculture, initiative for fiscal year 1997; to the Committee on Finance.

EC–3881. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule received on January 12, 1998; to the Committee on Finance.

EC–3882. A communication from the Assistant Secretary of Health and Human Services (Administration For Children and Families), transmitting, pursuant to law, a rule received on December 10, 1997; to the Committee on Finance.

EC–3883. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on data processing; to the Committee on Finance.

EC–3884. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, three rules; to the Committee on Finance.

EC–3885. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedures 98: 11, 12, 14-16; to the Committee on Finance.

EC–3886. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of three regulations; to the Committee on Finance.

EC–3887. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Rulings 98: 3, 6-8; to the Committee on Finance.

EC–3888. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–3889. A communication from the Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "The Incidence and Severity of Sediment Contamination in Surface Waters of the United States"; to the Committee on Environment and Public Works.

EC–3890. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, two rules including one entitled "Approval and Promulgation of Air Quality Implementation Plans" received on January 13, 1998; to the Committee on Environment and Public Works.

EC–3891. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, one rule entitled "Consolidation of Certain Food and Feed Additive Tolerance Regulations" received on January 13, 1998; to the Committee on Environment and Public Works.

EC–3892. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, Incorporated by Approved State Hazardous Waste Program for Florida" received on January 15, 1998; to the Committee on Environment and Public Works.

EC–3893. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, one rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" received on January 15, 1998; to the Committee on Environment and Public Works.

EC–3894. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, two rules including one entitled "Commonwealth of Puerto Rico; Final Approval of State Underground Storage Tank Program" received on January 16, 1998; to the Committee on Environment and Public Works.

EC–3895. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, one rule entitled "Significant Uses of Certain Chemical Substances" received on January 20, 1998; to the Committee on Environment and Public Works.

EC–3896. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report under the Superfund Amendments and Reauthorization Act of 1986 (SARA) for fiscal year 1997; to the Committee on the Environment and Public Works.

EC–3897. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Blair County, Pennsylvania, demonstration project; to the Committee on Environment and Public Works.

EC–3898. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding Freedom of Information Act Amendments (RIN3150-AF78) received on January 7, 1998; to the Committee on Environment and Public Works.

EC–3899. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule relative to deliberate misconduct by unlicensed persons (RIN3150–AF35) received on January 22, 1998; to the Committee on Environment and Public Works.

EC–3900. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Labor and Human Resources.

EC–3901. A communication from the Secretary of Labor, transmitting, pursuant to law, the reports of the Advisory Council on Employee Welfare and Pension Benefit Plans; to the Committee on Labor and Human Resources.

EC–3902. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the American Red Cross; to the Committee on Labor and Human Resources.

EC–3903. A communication from the Chief Executive Officer of the annual report for calendar year 1995; to the Committee on Labor and Human Resources.

EC–3904. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Labor and Human Resources.

EC–3905. A communication from the Chairman of the Commission On Dietary Supplement Labels, transmitting, pursuant to law, the final report of the Commission; to the Committee on Labor and Human Resources.

EC–3906. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report entitled "Federal Sector Report on EEO Complaints and Appeals" for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3907. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the employment of minorities, women and people with disabilities in the Federal government; to the Committee on Labor and Human Resources.

EC–3908. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final performance report regarding the Prescription Drug User Fee Act of 1992; to the Committee on Labor and Human Resources.

EC–3909. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Council on Alzheimer's Disease for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3910. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Safety of Imported Food Act of 1997"; to the Committee on Labor and Human Resources. Services, transmitting, pursuant to law, the report on the results of the evaluations of the 100-Hour Rule Waivers in California, Utah and Wisconsin; to the Committee on Labor and Human Resources.

EC–3911. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the results of the evaulations of the 100-Hour Rule Waivers in California, Utah, and Wisconsin; to the Committee on Labor and Human Resources.

EC–3912. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the implementation of the Age Discrimination Act for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3913. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Health Service Corps for calendar year 1995; to the Committee on Labor and Human Resources.

EC–3914. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on assistance to persons with developmental disabilities for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–3915. A communication from the Assistant Secretary of Labor for Pension and Welfare Benefits, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC–3916. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, the report of a rule entitled "Respiratory Protection" (RIN1218–AA05) received on January 5, 1998; to the Committee on Labor and Human Resources.

EC–3917. A communication from the Director of Regulations Policy in Management Staff, Office of Policy, Food and Drug Administration, Department of Health & Human Services, transmitting, pursuant to law, seventeen rules including one rule with respect to carcinogenicity testing of compounds used in food-producing animals; to the Committee on Labor and Human Resources.

EC–3918. A communication from the Secretary of Education, transmitting, pursuant to law, the report concerning surplus Federal real property; to the Committee on Governmental Affairs.

EC–3919. A communication from the Chairman of the Jacob K. Javits Fellowship Board, transmitting, pursuant to law, an interim report relative to modifications to the program; to the Committee on Labor and Human Resources.

EC–3920. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule regarding 21st Century Learning Centers Program (RIN1850–ZA01) received on November 25, 1997; to the Committee on Labor and Human Resources.

EC–3921. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule regarding Federal Work-Study Programs (RIN1840–AC50) received on November 25, 1997; to the Committee on Labor and Human Resources.

EC–3922. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule regarding protection of human Labor and Human Resources.

EC–3923. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule regarding relief from regulatory provisions for student assistance received on January 15, 1997; to the Committee on Labor and Human Resources.

EC–3924. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule regarding the Federal Family Education Loan and William D. Ford Federal Direct Loan Programs (RIN1840–AC45) received on December 15, 1997; to the Committee on Labor and Human Resources.

EC–3925. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, Department of Education, transmitting, pursuant to law, a rule entitled "Student Assistance General Provisions: Standards of Financial Responsibility" (RIN1840–AC36) received on November 21, 1997; to the Committee on Labor and Human Resources.

EC–3926. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC–3927. A communication from the Assistant of Labor for Mine Safety and Health Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC–3928. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the reports of three rules; to the Committee on Labor and Human Resources.

EC–3929. A communication from the Assistant of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule received on December 3, 1997; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–299. A resolution adopted by the Michigan Association of Resource Conservation and Development Councils relative to the Natural Resources Conservation Service; to the Committee on Appropriations.

POM-300. A resolution adopted by the North Alabama Mayor's Association relative to Redstone Arsenal; to the Committee on Armed Services.

POM-301. A resolution adopted by the Council of the City of Monterey Park, California relative to the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

POM-302. A resolution adopted by the Jerry Voorhis Claremont Democratic Club, Claremont, California, relative to the tobacco industry; to the Committee on Commerce, Science, and Transportation.

POM-303. A resolution adopted by the Council of the City of Lakewood, California relative to the Los Angeles River; to the Committee on Energy and Natural Resources.

POM-304. A resolution adopted by the East Tennessee Development District relative to American Heritage Rivers; to the Committee on Energy and Natural Resources.

POM-305. A resolution adopted by the Council of the City of Oak Ridge, Tennessee relative to the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

POM-306. A resolution adopted by the General Assembly of the Presbyterian Church (USA) relative to the Middle East peace process; to the Committee on Foreign Relations.

POM-307. A resolution adopted by the Virginia Coal and Energy Commission relative to global warming; to the Committee on Foreign Relations.

POM-308. A resolution adopted by Pilipino-American Political Aggregation, Inc. relative to the proposed "Filipino Veterans Equity Act"; to the Committee on Veterans' Affairs.

POM-309. A resolution adopted by the Council of the City of Dixon, California relative to a veterans' hospital; to the Committee on Veterans' Affairs.

POM-310. A joint resolution adopted by the Assembly of the State of California; to the Committee on Commerce, Science, and Transportation.

Assembly Joint Resolution No. 36

Whereas, Motor vehicle accidents are the leading cause of death and injury to children; and

Whereas, A properly installed child passenger restraint system can reduce the risk of serious or fatal injury to a child in a crash by 71 percent and reduce the need for hospitalization by 67 percent, and child restraint systems are 50 percent effective in preventing minor injury; and

Whereas, The National Highway Traffic Safety Administration (NHTSA) estimates that if all child safety seats were correctly installed in vehicles, 5,300 injuries would be prevented and the lives of 500 young children would be saved each year; and

Whereas, NHTSA estimates that child restraint systems saved the lives of 2,934 children under the age of five years in the United States from 1982 through 1995; and

Whereas, NHTSA estimates that 600 children under five years of age were killed and approximately 70,000 were injured due to improper, or lack of, use of child car safety seats in the United States in 1996; and

Whereas, In 1996, the Department of the California Highway Patrol issued 15,516 citations for noncompliance with child restraint system laws; and

Whereas, As many as 80 percent of all child safety seats are used incorrectly in the United States, and safety seat checkups conducted in California have shown that as many as 92 percent of child safety seats in the state are misused; and

Whereas, The Department of the California Highway Patrol reports that 30 of the 48 children under four years of age who died as passengers in 1993 were in a car seat, but only eight of those car seats were properly installed; and

Whereas, Of the children who died in California car accidents in 1995, 85 percent would have survived had they been sitting in correctly installed child restraint systems; and

Whereas, The impact received by a child in an improperly installed child restraint system at 30 miles per hour is the same as being thrown out of a third-story window; and

Whereas, For a child traveling in a vehicle, the most dangerous place to be is in an adult's arms, otherwise known as the "child crusher position"; and

Whereas, In a crash at approximately 30 miles per hour, a 10-pound infant will be ripped from a belted adult's arms with a force of almost 200 pounds; and

Whereas, A mother weighing 100 pounds, sharing an adult seat belt with her child, in a car traveling 25 miles per hour, on impact will throw 2,500 pounds of pressure against the child; and

Whereas, According to NHTSA, 479 children could have been saved nationwide in 1995 if they had been properly restrained in their child care safety seat; and

Whereas, For consumers the most likely point of contact for information regarding child restraint systems for new vehicles is the automobile dealer, and yet sales, service, and parts personnel are generally unaware of child restaint system installation problems and techniques, and supplemental tools needed for installation; and

Whereas, The only other existing sources of information and assistance about child restraint systems for consumers are printed manuals, instructions, and labels provided by child restraint system and automobile manufacturers; and

Whereas, While some of this information is mandated by regulation, it is often provided at the discretion of the manufacturer, and does not necessarily accurately display or describe proper installation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature encourages the National Highway Traffic Safety Administration to continue developing and assembling data on CD ROM to demonstrate which child restraint systems are compatible with which vehicles; and be it further

Resolved, That the Legislature supports the recommendations of President Clinton that, under the National Transportation Department Plan, every child car safety seat have two standard buckles at its base, that every automobile manufacturer install standard latches in the back seat that are designed specifically to fasten these buckles, that universal attachments be developed to secure the top of the child care safety seat to the automobile's interior, and that the new safety system, referred to as the Uniform Child Restraint Anchorages (UCRA), be available for purchase by 1999; and be it further

Resolved, That the Legislature commends the General Motors Corporation for committing $10.6 million for a five-year partnership with the National SAFE KIDS Campaign to promote correct installation and use of child restraint systems; and be it further

Resolved, That the Legislature commends the automobile manufacturers that are currently developing and disseminating safety information, and encourages all automobile manufacturers to develop educational materials on the correct placement and installation of child restraint systems in their vehicles for use by automobile dealer sales, service, and parts personnel, child restraint system trainers, and child restraint system manufacturers; and be it further

Resolved, That warnings of incompatibility between vehicle seating positions and child restraint systems should be prominent in automobile and child restraint system owner's manuals, as well as in vehicles; and be it further

Resolved, That child restraint system manufacturers should develop comprehensive, consistent language on and illustration of, correct installation of child restraint systems in their instruction manuals; and be it further

Resolved, That the Legislature encourages the manufacturers of child restraint systems to identify which automobile makes and models their products are compatible with, and enclose this information in the initial child restraint system packaging; and be it further

Resolved, That an intensive child restraint system educational campaign on the correct use and installation of child restraint systems should be undertaken by federal and state governments and automobile and child restraint system manufacturers; and be it further

Resolved, That the Legislature memorializes the President and Congress of the United States to work together to promote and support practical methods of encouraging automobile manufacturers to address the problems discussed in this resolution as well as the safety risks that arise because of the problems; and be it further

Resolved, That the Legislature urges the President and Congress of the United States to encourage automobile manufacturers, that are not presently informing their customers about the need to correctly install child restraint systems, to take steps to educate consumers with regard to the correct installation procedures for child restraint systems; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Administrator of the National Highway Traffic Safety Administration, and to the Chief Executive Officers of the General Motors Corporation.

POM-311. A joint resolution adopted by the Assembly of the State of California; to the Committee on Environment and Public Works.

Assembly Joint Resolution No. 39

Whereas, the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991 represented a watershed event in the evolution of federal transportation policy; and

Whereas, the reauthorization of ISTEA is expected to be adopted by the United States Senate and House of Representatives later this year; and

Whereas, all members of California's Congressional delegation have created a caucus which has advocated on behalf of California and its interests during the ISTEA reauthorization process; and

Whereas, several proposals are currently being considered by the United States Senate and House of Representatives; and

Whereas, in considering these proposals for reauthorizing ISTEA, the federal government is evaluating numerous factors for calculating the distribution of federal Highway Trust Fund moneys; and

Whereas, each of these proposals contain some provisions that will be fiscally beneficial to California, and some provisions that will be fiscally detrimental to California; and

Whereas, current federal program categories limit the flexibility of the states with regard to the manner in which the states may spend their funding; and

Whereas, the Congestion Mitigation and Air Quality (CMAQ) Program has proven to be effective at improving air quality in California given the state's substantial air quality improvement needs despite the current funding limitation on the program for large states; and

Whereas, California has traditionally been a "donor" state, having received on average over the six-year authorization of ISTEA just 91 percent of the amount California provided in gas tax revenues to the Highway Account of the federal Highway Trust Fund over that period; and

Whereas, recent projections estimate that, within the next two years, international trade will account for 25 percent of California's economy, and intermodal goods movement as a result of international trade places a significant burden on the state's transportation infrastructure; and

Whereas, it is imperative that the federal government place a high priority on providing transportation funding for the heavy infrastructure needed to advance the nation's competitiveness in accommodating the growing international trade shipped through the nation's ports, airports, and border crossings; and

Whereas, California has been compelled to divert hundreds of millions of dollars from county, street, and road allocations to pay for border infrastructure improvements needed as a result of increased commercial and industrial traffic caused by the North American Free Trade Agreement; and

Whereas, local and regional transit systems are indispensable to the daily transportation needs of millions of Californians; and

Whereas, California has recently enacted welfare reform legislation that is expected to result in a significant increase in transportation and transit needs of new workers leaving welfare; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to enact legislation to reauthorize ISTEA in a manner that ensures more flexibility for states in spending Highway Trust Fund moneys, increases the amount of funding designated for the CMAQ program and removes the current limitations on CMAQ allocations to larger states, guarantees that each state receives at least 95 percent of its contribution to the Highway Account of the federal Highway Trust Fund each year, provides adequate funding to reflect the level of intermodal activity in each state, and allocates funding to offset the cost of local improvements to California's border infrastructure needed as a result of the implementation of the North American Free Trade Agreement, ensures consistent funding support for transit, and reflects support at the highest funding level possible for discretionary welfare-to-work transportation access programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the United States Senate, to each member of the United States House of Representatives Committee on Transportation and Infrastructure, each member of the United States Senate Committee on Environment and Public Works, and each Senator and Representative from California in the Congress of the United States.

POM–312. A resolution adopted by the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

SENATE RESOLUTION

Whereas, Environmental Protection Agency (EPA) mandates have forced Pennsylvania and the Northeast states to make significant reductions in ground-level ozone pollution by requiring the reduction of ozone-causing emissions from factories and power plants and vehicles that go beyond those adopted in other states; and

Whereas, The EPA reduced the standard for ground-level ozone pollution from 120 parts per billion to 80 parts per billion on July 18, 1997; and

Whereas, The EPA Clean Air Scientific Advisory Committee concluded in reviewing the standard that there is no "bright line" below which the public health impacts of ozone pollution are significantly worse than above a certain level; and

Whereas, The studies the EPA conducted of the potential health impacts from ozone pollution were inaccurate and overstated the potential health benefits from a revised ozone standard; and

Whereas, The EPA failed to comply with the Small Business Regulatory Enforcement Fairness Act that requires agencies to determine the impact of regulations on small businesses; and

Whereas, The EPA set the new ground-level ozone standard without proposing how the standard was to be implemented by states, what obligations stationary or mobile sources will have or what the deadline is for compliance; and

Whereas, Air monitoring data from the summer of 1997 show that air coming into Pennsylvania from states to the west and south already violates the new ground-level ozone standard adopted by the EPA; and

Whereas, The Ozone Transport Assessment Group recommended on June 12, 1997, that the EPA adopt a uniform, region-wide standard for reducing ozone-causing emissions in a 37-state area; and

Whereas, Pennsylvania-based utilities and businesses are already at a competitive disadvantage and Pennsylvania's motorists are impacted more harshly because the Commonwealth is required to reduce ozone pollution to more stringent levels than states to the west and south to meet the existing ozone standard; and

Whereas, The EPA has provided no assurances that other states will be required to take steps to control ozone-causing pollutants that contribute to present ozone violations in Pennsylvania; and

Whereas, The EPA set a standard for particulate without conducting the necessary background studies to document how widespread and significant the particulate problem may be, therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States and the EPA to halt the imposition of the National Ambient Air Quality Standards for ground-level ozone and particulate and reconsider its decision to impose even more stringent standards upon this Commonwealth until the required studies and impact analyses are completed; and be it further

Resolved, That the EPA not require Pennsylvania and other Northeast states to adopt new or expanded control measures until states contributing to ozone violations in this Commonwealth are required to control pollution to at least the same levels as Pennsylvania; and be it further

Resolved, That the EPA grant the petitions filed by the Commonwealth and other Northeast states under Section 126 of the Clean Air Act seeking uniform reductions in ozone-causing air pollution in states which contribute to ozone violations in Pennsylvania; and be it further

Resolved, That the EPA be prohibited from reclassifying any region of this Commonwealth to a more stringent ozone pollution designation where ozone pollution violations are primarily caused by pollution coming from other states; and be it further

Resolved, That copies of this resolution be transmitted to the Pennsylvania Congressional Delegation and the Administrator of the EPA.

POM–313. A joint resolution adopted by the Assembly of the State of California; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, A recent study by the U.S. General Accounting Office (GAO) found that Mexican trucks entering the United States often fail to meet basic federal safety standards; and

Whereas, Investigators from the GAO found that Mexican trucks entering the United States may have serious safety violations, including broken suspension systems, substandard tires, inoperable brakes, overweight loads, and unsecured and hazardous cargo; and

Whereas, Mexico has no nationwide automated systems for monitoring the safety history or violation records of Mexican companies and drivers, and it is therefore difficult for California law enforcement personnel to obtain essential safety data; and

Whereas, If trucks from Mexico are allowed unrestricted access to the state, verification of foreign insurance policies and access to the foreign judicial system will be very difficult when accidents occur, possibly resulting in the delay of settlements and payments to those involved; and

Whereas, Large quantities of illegal drugs are smuggled into California from foreign nations, including Mexico; and

Whereas, The federal government has chosen not to implement provisions of the North American Free Trade Agreement that called for unlimited access by Mexican trucks to the territory of the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and Congress of the United States to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and continue efforts to assure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug enforcement laws; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-314. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Governmental Affairs.

HOUSE RESOLUTION

Whereas, Richard Humphreys was born on February 13, 1750, in Tortola, British Virgin Islands, and arrived in Philadelphia as a teen to receive apprenticeship training in goldsmithing and silversmithing; and

Whereas, Richard Humphreys was a dedicated member of the Society of Friends, an active citizen in community affairs, a philanthropist who valiantly served as a Captain in the Colonial Army during the Revolutionary War; and

Whereas, Upon his death in 1832, Richard Humphreys' convictions led him to donate a portion of his wealth for the purpose of educating former slaves; and

Whereas, Cheyney University of Pennsylvania, the first institution in America devoted to the vocational education of descendants of the African race, was founded in 1837; and

Whereas, Cheyney University of Pennsylvania has continued its proud heritage and celebrates 160 years of service to the academic community in 1997; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memoralize the Citizens' Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring Richard Humphreys, Quaker, goldsmith and philanthropist, on the 160th Anniversary of the founding of Cheyney University of Pennsylvania; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, to each member of Congress from Pennsylvania, the Citizens' Stamp Advisory Committee, the Board of Governors of the United States Postal Service and the Postmaster General.

POM-315. A resolution adopted by the Senate of the Legislature of the State of Texas; to the Committee on Governmental Affairs.

SENATE RESOLUTION NO. 55

Whereas, Americans recognize and appreciate the enormous sacrifices made by United States military personnel who served courageously in the Vietnam War and the conflict in Southeast Asia, some of whom are still classified as missing in action; and

Whereas, While the status of most of the American soldiers who lost their lives or were injured during this long military engagement is certain, the fate of more than 2,000 military personnel remains unknown decades after the United States' final withdrawal from Vietnam; and

Whereas, The unresolved status of those brave individuals is, understandably, a source of great concern for their families, their friends, and their fellow citizens and represents a chapter in our nation's history that cannot be satisfactorily concluded until their whereabouts are known; and

Whereas, Recognizing the importance of this vital obligation to American military personnel and their families, the United States Congress has sought to locate these individuals in the past and should continue to take all necessary steps to fulfill this important duty in the future; now, therefore, be it

Resolve, That the Senate of the State of Texas, 74th Legislature, hereby request the Congress of the United States to continue its efforts to determine the location and status of all United States military personnel still missing in Southeast Asia; and, be it further

Resolved, That official copies of this Resolution be prepared for the President of the United States, the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress.

POM-316. A joint resolution adopted by the Assembly of the State of California; to the Committee on Labor and Human Resources.

ASSEMBLY JOINT RESOLUTION NO. 37

Whereas, It is estimated that 26,800 new cases of ovarian cancer will develop in the United States in 1997, and that ovarian cancer will cause approximately 14,200 deaths in 1997; and

Whereas, Ovarian cancer ranks second among gynecological cancers in the number of new cases each year and causes more deaths than any other cancer of the female reproductive system; and

Whereas, Approximately 78 percent of ovarian cancer patients survive longer than one year after diagnosis and more than 46 percent of these patients survive longer than five years after diagnosis. If diagnosed and treated before the cancer spreads outside of the ovary, the five-year survival rate is 92 percent. However, only approximately 24 percent of all cases of ovarian cancer are detected at this stage; and

Whereas, Ovarian cancer research is desperately needed. Research would encourage more women to undergo screening tests earlier, as well as reduce medical costs associated with later discovery; and

Whereas, House Bill No. 953, authored by Representative Patsy Mink, the Ovarian Cancer Research and Information Amendments of 1997, would authorize $90 million to conduct ovarian cancer research; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support House Bill No. 953 by Representative Patsy Mink, the Ovarian Cancer Research and Information Amendments of 1997; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-317. A joint resolution adopted by the Assembly of the State of California; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, There are 110,000,000 landmines scattered in 69 countries, with this figure increasing dramatically year by year, continuing violence against civilians long after warfare has ceased; and

Whereas, These landmines are widely deployed in the developing countries of Asia, Africa, and Latin America; and

Whereas, Another victim is killed or maimed by landmines every 20 minutes, more than 25,000 each year, and most of the victims are children playing or women peasants seeking to feed their families; and

Whereas, In the worst affected areas, the landmines play havoc with the economy; refugees cannot return home, farmers cannot till the fields, relief shipments cannot be delivered, animals cannot reach waterholes, suitable lands are overfarmed, health care systems are overwhelmed, mine clearance costs are exorbitant; and

Whereas, The United States has been a major producer and exporter of anti-personnel landmines for a quarter century, although it has declared a moratorium, recently extended to 1999, on the export of anti-personnel landmines; and

Whereas, Many U.S. military leaders, including General Schwarzkopf, have confirmed that there is no need for anti-personnel landmines as weapons; and

Whereas, The United States has recognized the humanitarian cost of anti-personnel landmines and is pursuing efforts in the United Nations and elsewhere to address the problem; and

Whereas, Despite international momentum for a global ban on anti-personnel landmines, the latest United Nations conference failed to negotiate a ban; and

Whereas, More than 150 U.S. humanitarian organizations including the Red Cross, CARE, Save the Children, Catholic Relief Services, and World Vision, have joined more than 500 humanitarian organizations around the world in calling for an immediate ban on the production, stockpiling, use, and transfer of anti-personnel landmines; and

Whereas, The United States has joined over 70 other nations in putting forth a United Nations resolution calling for an international ban on the production, stockpiling, use and transfer of anti-personnel landmines, as well as being an active participant in the recent conference in Ottawa, Canada, that called for an international treaty; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California encourages the leaders of the United States to work with our allies and other nations toward the creation of an international ban on the manufacture, stockpiling, sale and use of antipersonnel landmines; and be it further

Resolved, That the Legislature of the State of California also urges the President and the Congress of the United States to turn the recently enacted three-year extension of a moratorium on exports of anti-personnel landmines into a permanent ban; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-318. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky; to the Committee on Foreign Relations.

SENATE RESOLUTION

Whereas, the United States is a signatory to the 1992 Rio Framework Convention on Global Climate Change ("FCCC"), and currently is participating in international negotiations pursuant to a United Nations agreement negotiated in Berlin in 1995 ("Berlin Mandate") to expand the scope of the FCCC; and

Whereas, the Berlin Mandate requires the United States, Western Europe, Japan, and other advanced industrial nations ("Developed Country Parties") to negotiate legally binding quantified emission limitation and reduction objectives for greenhouse gases for the post-2000 period, while not increasing the commitments of developing countries such as China, India, and Mexico ("Developing Country Parties"); and

Whereas, the United States and other Developed Country Parties are pursuing policies aimed at reducing emissions of greenhouse gases to 1990 levels by the year 2000, pursuant to the terms of the FCCC; and

Whereas, man-made emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal, and natural gas fuels by industries, automobiles, and other uses of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than 90% of its total energy supply; and

Whereas, Developing Country Parties exempt from the Berlin Mandate are expected to increase their rates of economic growth and fossil fuel use over the next two decades, and to surpass the United States and other Developed Country Parties in total emissions of greenhouse gases; and

Whereas, 1997 studies prepared by the United States government estimate that legally binding requirements for the stabilization of greenhouse gases at 1990 levels would result in the loss of 900,000 jobs in the United States, sharply increased energy prices, reduced family incomes and wages, and severe losses of output in energy-intensive industries; and

Whereas, the exemption in the Berlin Mandate for new commitments by Developing Country Parties creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from Developed Country Parties to Developing Country Parties; and

Whereas, increased emission of greenhouse gases by Developing Country Parties would offset any environmental benefits associated with emission reductions achieved by the United States and other Developed Country Parties; and

Whereas, on July 25, 1997, the United States adopted Senate Resolution No. 98 by a vote of 95–0, expressing the Sense of the Senate that "the United States should not be a signatory to any protocol to or other agreement regarding, the Framework convention on Climate Change. * * * which would require the advice and consent of the Senate to ratification, which would mandate new commitments to mitigate greenhouse gas emissions for the Developed Country Parties, unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for Developing Country Parties"; and

Whereas, Senate Resolution No. 98 further states that "the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Developed and Developing Countries, and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, and tax increases"; Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky urge the President of the United States to avoid entering into any new climate treaty commitments pursuant to the Berlin Mandate that could lead to the loss of jobs, income, or economic development in the United States, or to increases in the price of energy to consumers, without corresponding commitments by Developing Country Parties as called for in United States Senate Resolution No. 98.

Section 2. The Senate of the General Assembly of the Commonwealth of Kentucky urges the United States Senate to reject any proposed protocol or other amendment to the FCCC that is inconsistent with this Resolution, or that does not comply fully with United States Senate Resolution No. 98.

Section 3. The Clerk of the Senate is directed to transmit copies of this Resolution to the Honorable Bill Clinton, President, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Albert Gore, Vice President, Old Executive Office Building, Washington, D.C. 20510; the Honorable Wendell H. Ford, 173A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Mitch McConnell, 361A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Ed Whitfield, 236 Cannon House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 412 Cannon House Office Building, Washington, D.C. 20510; the Honorable Anne Northup, 1004 Longworth Office Building, Washington, D.C. 20510; the Honorable Jim Bunning, 2437 Rayburn House Office Building, Washington, D.C. 20510; the Honorable Harold Rogers, 2468 Rayburn Office Building, Washington, D.C. 20510; and the Honorable Scotty Baesler, 113 Cannon House Office Building, Washington, D.C. 20510.

POM–319. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

Senate Resolution

Whereas, antipersonnel land mines kill or maim an average of 71 persons per day, the majority of whom are civilian; and

Whereas, the estimated 80,000,000 to 110,000,000 antipersonnel land mines strewn across at least 64 countries cause havoc in the economics of developing nations: refugees cannot return home, farmers cannot till fields, relief shipments cannot be delivered, herd animals cannot approach water holes, health care systems are overwhelmed by land mine victims and clearance costs are extraordinary; and

Whereas, the ecological and economic impact of antipersonnel land mines has yet to be fully calculated; and

Whereas, land mines render arable land useless and contribute to over-farming of suitable land; and

Whereas, the President of the United States spoke out at the United Nations in 1994 for a universal ban on the production, export, and use of land mines subsequent to which the United States has banned the export of land mines; now, therefore, be it

Resolved, That the Massachusetts Senate urges the United States to take action to negotiate an international ban on the manufacture, stockpiling, transfer and use of antipersonnel land mines, with a view to completing the negotiations as soon as possible, by active participation in the Ottawa process by which an international treaty banning antipersonnel land mines will be ready for signing in December, 1997; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officers of the Congress and to the members thereof from this commonwealth.

POM–320. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

House Resolution No. 260

Whereas, The United States is a signatory to the 1992 Rio Framework Convention on Global Climate Change (FCCC) and currently is participating in international negotiations pursuant to a United Nations agreement negotiated in Berlin in 1995 (Berlin Mandate) to expand the scope of the FCCC; and

Whereas, The Berlin Mandate requires the United States, western Europe, Japan and other advanced industrial nations (Developed Country Parties) to negotiate legally binding quantified emission limitation and reduction objectives for greenhouse gases for the post-2000 period while not increasing the commitments of developing countries such as China, India and Mexico (Developing Country Parties); and

Whereas, The United States and other Developed Country Parties are pursuing policies aimed at reducing emissions of greenhouse gases to 1990 levels by the year 2000 pursuant to the terms of the FCCC; and

Whereas, Man-made emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal and natural gas fuels by industries, automobiles and other uses of energy; and

Whereas, The United States relies on carbon-based fossil fuels for more than 90% of its total energy supply; and

Whereas, Developing Country Parties exempt from the Berlin Mandate are expected to increase their rates of economic growth and fossil fuel use over the next two decades and to surpass the United States and other Developed Country Parties in total emissions of greenhouse gases; and

Whereas, The 1997 studies prepared by the United States Government estimate that legally binding requirements for the stabilization of greenhouse gases at 1990 levels would result in the loss of 1.7 million jobs in the United States, sharply increased energy prices, reduced family incomes and wages and severe losses of output in energy-intensive industries; and

Whereas, The exemption in the Berlin Mandate for new commitments by Developing Country Parties creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from Developed Country Parties to Developing Country Parties; and

Whereas, Increased emissions of greenhouse gases by Developing Country Parties would offset any environmental benefits associated with emissions reductions achieved by the United States and other Developed Country Parties; and

Whereas, On July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95–0, expressing the Sense of the Senate that:

"(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Countries Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement"; and

Whereas, Senate Resolution No. 98 further states that "the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof"; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania call upon the President of the United States to avoid entering into any new climate treaty commitments pursuant to the Berlin Mandate that could lead to the loss of jobs, income or economic development in the United States or to increases in the price of energy to consumers without corresponding commitments by Developing Country Parties as called for by Senate Resolution No. 98; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania call upon the United States Senate to reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with Senate Resolution No. 98; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate and to the members of the United States Senate.

POM-321. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

Senate Resolution No. 101

Whereas, The United States is a signatory to the 1992 Rio Framework Convention on Global Climate Change (FCCC) and currently is participating in international negotiations pursuant to a United Nations agreement negotiated in Berlin in 1995 (Berlin Mandate) to expand the scope of the FCCC; and

Whereas, The Berlin Mandate requires the United States, western Europe, Japan and other advanced industrial nations (Developed Country Parties) to negotiate legally binding quantified emission limitation and reduction objectives for greenhouse gases for the post-2000 period while not increasing the commitments of developing countries such as China, India and Mexico (Developing Country Parties); and

Whereas, The United States and other Developed Country Parties are pursuing policies aimed at reducing emissions of greenhouse gases to 1990 levels by the year 2000 pursuant to the terms of the FCCC; and

Whereas, Man-made emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal and natural gas fuels by industries, automobiles and other uses of energy; and

Whereas, The United States relies on carbon-based fossil fuels for more than 90% of its total energy supply; and

Whereas, Developing Country Parties exempt from the Berlin Mandate are expected to increase their rates of economic growth and fossil fuel use over the next two decades and to surpass the United States and other Developed Country Parties in total emissions of greenhouse gases; and

Whereas, The 1997 studies prepared by the United States Government estimate that legally binding requirements for the stabilization of greenhouse gases at 1990 levels would result in the loss of 1.7 million jobs in the United States, sharply increased energy prices, reduced family incomes and wages and severe losses of output in energy-intensive industries; and

Whereas, The exemption in the Berlin Mandate for new commitments by Developing Country Parties creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from Developed Country Parties to Developing Country Parties; and

Whereas, Increased emissions of greenhouse gases by Developing Country Parties would offset any environmental benefits associated with emissions reductions achieved by the United States and other Developing Country Parties; and

Whereas, On July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95-0, expressing the Sense of the Senate that:

"(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period; or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement"; and

Whereas, Senate Resolution No. 98 further states that "the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof"; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania call upon the President of the United States to avoid entering into any new climate treaty commitments pursuant to the Berlin Mandate that could lead to the loss of jobs, income or economic development in the United States or to increases in the price of energy to consumers without corresponding commitments by Developing Country Parties as called for by Senate Resolution No. 98; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania call upon the United States Senate to reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with Senate Resolution No. 98; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate and to the members of the United States Senate.

POM-322. A petition from citizens of the United States relative to global climate change; to the Committee on Foreign Relations.

POM-322. A petition from citizens of the United States relative to global climate change; to the Committee on Foreign Relations.

POM-323. A resolution adopted by the United Union of Roofers, Waterproofers and Allied Workers relative to the Million Solar Roof Initiative; to the Committee on Energy and Natural Resources.

POM-324. A petition from a citizen of the State of North Dakota relative to a redress of grievance; to the Committee on the Judiciary.

POM-325. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

Assembly Resolution No. 185

Whereas, Teterboro Airport is located in the boroughs of Teterboro and Moonachie in Bergen County, New Jersey, a heavily populated residential and commercial area; and

Whereas, Teterboro Airport is designated as one of the reliever airports for Newark International Airport's scheduled airline service and also functions as a major business aviation center for corporate and private aviation operations; and

Whereas, In recent years the character of Teterboro Airport has changed from an airport which has had a limited number of larger jet aircraft and corporate jet activity to one in which a greater number of larger jets are permitted to operate at the airport and where corporate jet activity operates at a high level; and

Whereas, Plans are being discussed to expand corporate jet activity at Teterboro Airport by using it as a reliever airport for Newark International Airport's corporate jet traffic; and

Whereas, The confluence of airline traffic from Newark International Airport, Teterboro Airport, LaGuardia and Kennedy Airports over the residential communities of northern New Jersey, such as the communities of Hasbrouck Heights, Little Ferry, Lodi, Moonachie, South Hackensack and Wood-Ridge in the Teterboro area, creates an intolerable level of aircraft noise for residents of these communities which adversely affects their physical and mental health and well-being, and lowers the property values of their residences; and

Whereas, It is in the public interest for steps to be taken to control the level of aviation noise caused by excessive aircraft traffic at Teterboro Airport and prevent the expansion of further corporate jet activity at that facility; now, therefore; be it

Resolved by the General Assembly of the State of New Jersey.

1. The Congress of the United States and the Federal Aviation Administration are respectfully memorialized to take appropriate steps to control the level of aviation noise at Teterboro Airport in Bergen County, New

Jersey, and to prevent the expansion of further corporate jet activity at that facility.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, every member of Congress from this State and the Director of the Federal Aviation Administration.

POM-326. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 169

Whereas, The Port of New York and New Jersey ("port district") is at a critical and historic juncture in its economic development as the Northeast's primary transportation hub; and

Whereas, The port district's transportation network will be increasingly pressured to facilitate the movement of both people and freight commodities throughout the port district as efficiently and as cost effectively as possible; and

Whereas, Although the port district is endowed with an existing rail-freight infrastructure, this infrastructure is in need of comprehensive repair and modernization and is currently underutilized because of these conditions, resulting in a considerable imbalance between the use of rail freight and the use of truck freight throughout the port district; and

Whereas, The New York Cross Harbor Railroad (NYCHRR), the port district's only interstate short-line marine rail-freight carrier, with direct links to the recently approved "Conrail, CSX and the Norfolk & Southern Network," is considered a key rail-freight hub for the port district and an integral part of the effort to improve interstate rail-freight commerce between the economic and transportation networks of New Jersey and New York; and

Whereas, The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) is a six-year program authorized to provide a total of $155 billion for highway and mass transportation purposes; and

Whereas, ISTEA has provided significant, annual federal funding to New Jersey and all other states to help develop a strong, globally-competitive economy and to improve the mobility, safety and well-being of our nation's residents; and

Whereas, The NYCHRR has requested, as part of the reauthorization of the ISTEA, approval of a project, entitled the "Rail Freight Initiative," to enhance the NYCHRR's operational infrastructure and to upgrade its operational equipment, in order to bolster its ability to facilitate interstate commerce in the port district; and

Whereas, This "Rail Freight Initiative," would include a minimal expenditure of $4.75 million from the ISTEA reauthorization bill, with 80 percent of the estimated project cost coming from the federal government, and with the NYCHRR funding the remaining 20 percent; and

Whereas, $1.5 million of the $4.75 million cost will be used for improvements to the NYCHRR's Greenville Yards facilities in Jersey City, which will allow the NYCHRR to handle much higher volumes of rail freight, without cost to the State of New Jersey or the city of Jersey City; and

Whereas, Congressional approval of the "Rail Freight Initiative" will serve to correct the current imbalance between regional truck freight and the use of rail and intermodal freight systems throughout the Port of New York and New Jersey, and promote the development of, and the investment in, enhanced rail, intermodal and float-barging systems within the port district; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is memorialized to approve a project request, as part of reauthorization of the federal Intermodal Surface Transportation Efficiency Act of 1991, to support the efforts to enhance, trans-harbor rail-freight float-barging operations throughout the Port of New York and New Jersey.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, and each member of Congress elected thereto from New Jersey.

POM-327. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Foreign Relations.

Whereas, Thousands of Holocaust survivors who fled Poland and Eastern Europe to the United States, Israel, Russia and other Eastern European nations may be living around the world, not knowing that family members from whom they were separated during the Holocaust are also still alive; and

Whereas, In July 1996, Russian resident Solomon Bromberg and his sister, Israeli resident Rivka Bromberg Feingold, were reunited after a separation of more than 60 years, both having believed that their entire family had been murdered during the Holocaust; and

Whereas, The Bromberg siblings were reunited after a business acquaintance, returning from a trip to Russia, contacted Israel's Jewish Agency, an organization which attempts to reunite family members separated during the Holocaust; and

Whereas, Many other Holocaust survivors are trying to locate living family members from whom they were separated during the Holocaust, thereby highlighting the significance of efforts long pursued by organizations such as the Red Cross and Israel's Jewish Agency to reunite family members separated during the Holocaust; and

Whereas, Coordinated efforts of the United States, foreign nations, especially Israel, Russia, Poland and other Eastern European nations, and organizations such as the Red Cross and Israel's Jewish Agency will help to reunite family members separated during the Holocaust; and

Whereas, A concurrent resolution sponsored by Congressman Robert Franks introduced in the United States Congress encouraging the Secretary of State, foreign nations and others to work together to support the effort to reunite family members separated during the Holocaust has yet to be reported from the Committee on International Relations to the entire House of Representatives; now, therefore,

Resolved by the General Assembly of the State of New Jersey:

1. This House recognizes the enormous significance of helping families locate family members who may have survived the Holocaust, pays tribute to the inspirational efforts of those helping reunite family members separated during the Holocaust and endorses every attempt to coordinate these meaningful efforts.

2. This House urges the United States Congress to adopt House Concurrent Resolution 14 of 1997, which encourages the Secretary of State, foreign nations, especially Israel, Russia, Poland and other Eastern European nations, and organizations such as the Red Cross and Israel's Jewish Agency to coordinate efforts to help reunite family members separated during the Holocaust.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Majority Leader of the United States Senate, the Speaker of the House of Representatives and every member of the Committee on International Relations of the House of Representatives.

POM-328. A resolution adopted by the Council of the City of Lincoln Park, Michigan relative to a proposed global warming treaty; to the Committee on Foreign Relations.

POM-329. A resolution adopted by the Orange County Legislative Delegation of the Legislature of the State of Florida relative to the former Orlando Naval Training Center; to the Committee on Armed Services.

POM-330. A resolution adopted by the Council of the City of Crossville, Tennessee relative to the Obed River; to the Committee on Environment and Public Works.

POM-331. A resolution adopted by the Alaska Federation of Natives, Inc. relative to the Artic Council; to the Committee on Foreign Relations.

POM-332. A resolution adopted by the Tennessee Great Smoky Mountains Park Commission relative to the Foothills Parkway; to the Committee on Environment and Public Works.

POM-333. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 304

Whereas, Over the past 111 years, Westinghouse Electric Corporation, a Pittsburgh institution, has developed into a major national and international force in the fields of nuclear development, power generation, manufacturing and research, having helped create America's nuclear naval fleet and establishing worldwide leadership in the commercial nuclear power fields; and

Whereas, More than 7,000 people in western Pennsylvania are employed by Westinghouse Electric Corporation, and thousands of other jobs are affected by the spin-off effects of Westinghouse Electric Corporation's business enterprises; and

Whereas, On December 1, 1997, Westinghouse Electric Corporation is changing its name to CBS Corporation and moving its headquarters from Pittsburgh to New York City; and

Whereas, Westinghouse Electric Corporation has announced the sale of its non-nuclear power generation business, which had $2.2 billion in sales last year, to its former competitor, Siemens AG, a German company, for $1.53 billion; and

Whereas, Westinghouse Electric Corporation has announced plans to sell its commercial nuclear power business, and the leading bidders are expected to be Siemens AG of Germany; Framatome SA, partially owned by the French government; or the Swedish/Swiss-owned ASEA Brown Boveri; and

Whereas, The sale of the Westinghouse nuclear and non-nuclear business divisions to foreign-owned companies could have an impact on the military preparedness of the United States; and

Whereas, The elimination of such a leading company in the domestic energy market may serve to restrict that market and stifle free market trade, thereby having a detrimental impact on American consumers and suppliers; and

Whereas, The Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice each have the authority to examine the antitrust implications of the proposed Westinghouse Electric Corporation sale of its nuclear and non-nuclear business holdings; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to direct both the FTC and the Department of Justice to examine the proposed actions of Westinghouse Electric Corporation to determine whether the sales would stifle competition, significantly raise consumer and supplier prices or detrimentally impact suppliers of the nuclear and non-nuclear power generation market; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1237. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes (Rept. No. 105-159).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself and Mr. McCain):

S. 1569. A bill to amend the Internal Revenue Code of 1986 to raise the 15 percent income tax bracket into middle class income levels, and for other purposes; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1570. A bill to limit the amount of attorneys' fees that may be paid on behalf of States and other plaintiffs under the tobacco settlement; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 1571. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. BRYAN (for himself, Mr. Enzi, Mr. Reid, and Mr. Sessions):

S. 1572. A bill to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Mr. Wellstone, Ms. Moseley-Braun, Ms. Mikulski, Mr. Kerry, Mr. Torricelli, and Mrs. Boxer):

S. 1573. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

By Mr. Campbell:

S. 1574. A bill to prohibit the cloning of humans; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. Helms, Mr. Thurmond, Mr. Allard, Mr. Abraham, Mr. Sessions, Mr. McConnell, Mr. Lott, Mr. Smith of Oregon, Mr. Hagel, Mr. Hatch, Mr. Faircloth, Mr. Lugar, Mr. Coats, Mr. Gregg, Mr. Nickles, Mr. Mack, Mr. Grassley, Mr. Frist, Mr. Brownback, Mr. DeWine, and Mr. Grams):

S. 1575. A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport"; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 164. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

S. Res. 165. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. CAMPBELL (for himself and Mr. Allard):

S. Res. 166. A resolution recognizing the outstanding achievements of the Denver Broncos in winning Super Bowl XXXII; considered and agreed to.

S. Res. 167. A resolution recognizing the outstanding achievement of the Denver Bronco's quarterback, John Elway, in the victory of the Denver Broncos in Super Bowl XXXII; considered and agreed to.

By Mr. HUTCHINSON (for himself, Mr. Lott, Mr. Nickles, Mr. Coverdell, Mr. Coats, Mr. Gregg, Mr. DeWine, Ms. Collins, Mr. Enzi, Mr. Murkowski, Mr. Shelby, Mr. Inhofe, Mr. Ashcroft, Mr. Kempthorne, Mr. Faircloth, Mr. Helms, Mr. Brownback, Mr. Allard, Mr. Smith of Oregon, Mr. Roberts, and Mr. Mack):

S. Res. 168. A resolution expressing the sense of the Senate that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. Grams, Mr. Torricelli, Mr. D'Amato, Mr. Wellstone, Mr. Inouye, Mr. Bond, Mr. Moynihan, Mr. Lieberman, Mr. Abraham, Mr. Stevens, Mr. Jeffords, Mr. Hutchinson, and Mr. Daschle):

S. Res. 169. A resolution to designate February 3, 1998, as "Four Chaplains Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL (for himself and Mr. McCain):

S. 1569. A bill to amend the Internal Revenue Code of 1986 to raise the 15 percent income tax bracket into middle class income levels, and for other purposes; to the Committee on Finance.

THE MIDDLE CLASS TAX RELIEF ACT OF 1998

Mr. COVERDELL. Mr. President, I rise today to introduce the Middle Class Tax Relief Act of 1998. Last year, this Congress passed historic legislation: the Balanced Budget Act providing the first balanced budget in nearly thirty years, and the Taxpayer Relief Act providing tax relief for the first time in sixteen years. As a result, faith in the Nation's economy is strong, and we are seeing the results of that faith.

Now is the time for us to consider sweeping middle class tax relief. This tax relief proposal accomplishes several goals. First, it directs the vast majority of the relief to those who feel the tax squeeze the most: middle-income taxpayers.

Second, because it is across-the-board relief, every middle class taxpayers wins. Every American earning $25,000 taxable income or more would see relief. Estimates by the Tax Foundation show that approximately 25 million taxpayers would see tax relief this year with two-thirds earning less than $75,000 annually.

Third, it provides significant marriage penalty relief without adding complexity to the tax code.

Fourth, this is one of the very few proposals that is also entirely consistent with the long-term goal of a flatter, simpler tax code.

My proposal, the Middle Class Tax Relief Act, achieves these goals by raising the roof on the 15% individual income tax bracket. In other words, it returns middle class taxpayers to the lowest individual income bracket. Married couples with taxable income of $70,000 or less would be taxed at the 15% tax bracket, an increase over the 1998 threshold of $42,350. The threshold for heads of households would be $52,600, an increase over the current threshold of $33,950. Finally, the thresholds for single workers would be set at $35,000, an increase over the current threshold of $25,350.

In the coming weeks, a great deal of discussion will focus on providing the American people with the tax relief they need and deserve, and how that is to be accomplished. There are a number of proposals providing tax relief, some of which I am a supporter. However, I believe the Middle Class Tax Relief Act will be successful ultimately because it is actually achievable during this Congress. I ask my colleagues to join me in this effort.

By Mr. McCAIN:

S. 1571. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

THE SENIOR CITIZEN'S FREEDOM TO WORK ACT

Mr. McCAIN. Mr. President, I rise today to introduce the "Senior Citizen's Freedom to Work Act." This bill would fully repeal the erroneous Social Security earnings limit.

Since coming to the Senate in 1987, I have been working to eliminate the discriminatory and unfair Earnings Test.

I am pleased that in 1996, Congress passed and President Clinton signed into law my bill, the Senior Citizens Right to Work Act. This legislation took a step in the right direction by increasing the earning threshold for senior citizens from $11,520 to $30,000 by the year 2000. Now it is time to eliminate the unjust Earnings Test in its entirety.

Most Americans are shocked and appalled when they discover that older Americans are penalized for working. Nobody should be penalized for working or discouraged from engaging in work. Yet, this is exactly what the Social Security Earnings Test does to our nation's senior citizens. The Social Security Earnings Test punishes Americans between the ages of 65 and 70 for their attempts to remain productive after retirement.

The Social Security Earnings Test mandates that for every $3 earned by a retiree over the established limit, $19,999.92 in 1998, the retiree loses $1 in Social Security benefits. This is clearly age discrimination, and it is very wrong. Due to this cap on earnings, our senior citizens, many of whom exist on fixed, low-incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an outrageous 55 to 65 percent tax bite and even higher. This earnings limit is punitive and serves as a tremendous disincentive to work. An individual who is struggling to make ends meet on approximately $19,000 a year should not be faced with an effective marginal tax rate which exceeds 55 percent.

The Social Security Earnings Test is a relic of the Great Depression, designed to move older people out of the workforce and create employment for younger individuals. This is an archaic policy and should no longer be our goal because our nation's labor pool is shrinking. Many senior citizens can make a significant contribution, and often their knowledge and experience compliments or exceeds that of younger employees. Tens of millions of Americans are over the age of 65, and together they have over a billion years of cumulative work experience. These individuals have valuable experience to offer our society, and we need them.

In addition, experts predict a labor shortage when the "baby boom" generation ages, and it is evident that employers will have to develop new sources of income as our elderly population continues to grow much faster than the number of workers entering the workforce. According to the U.S. Chamber of Commerce, "retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000." To me it seems counterproductive and foolish to keep willing, diligent workers out of the American workforce. Our country must continue to support pro-work, not pro-welfare policies.

More importantly, many of the older Americans penalized by the earnings test need to work in order to cover their basic expenses; health care, housing and food. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the earnings test.

It is important to note that wealthy seniors, who have lucrative investments, stocks, and substantial savings are not affected by the earnings limits. Their supplemental "unearned" income is not subject to the earnings threshold. The earnings limit only affects seniors who must work and depend on their earned income for survival.

Finally, let me stress that repealing the burdensome and unfair earnings test would not jeopardize the solvency of the Social Security funds. Opponents who claim otherwise are engaging in cruel scare tactics. It is important to remember that the Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits which they should not be losing because they are trying to survive by supplementing their Social Security income. Furthermore, certain studies indicate that repealing the earnings test would result in a net increase of $140 million in federal revenue.

Mr. President, there is no compelling justification for denying economic opportunity to an individual on the basis of age. It is quite evident that the earnings test is outdated, unjust and discriminatory. I urge my colleagues to support this legislation which would eliminate this egregious law.

By Mr. BRYAN (for himself, Mr. ENZI, Mr. REID, and Mr. SESSIONS):

S. 1572. A bill to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities; to the Committee on Indian Affairs.

GAMING ACTIVITIES LEGISLATION

Mr. BRYAN. Mr. President, Senators ENZI, REID and I are today introducing legislation to stop the Interior Department from moving forward with regulations that in my view trample on States rights and invade the province of Governors and State legislators to determine what kinds of gaming activities will occur in their States. This proposed regulation flies in the face of the intent of Congress.

I must say I am disappointed we are forced to take this step and would hope that the Secretary of the Interior would reconsider his ill-advised action. Last week the Secretary of Interior proposed rules that would allow the Interior Department to be the sole arbiter in the compacting process as to what kinds of gaming activities can be conducted on Native American lands. This is being done over the strong objections of the Nation's Governors and the Nation's Attorneys General, as well as the intent of Congress.

I believe that in so doing, the Secretary is overstepping his authority and is making a grave mistake. In what I consider particularly convoluted logic, the Department has asserted that because the courts have struck down certain provisions of the Indian Gaming Regulatory Act, referred to as IGRA, that they can step in and decide on their own what gaming activities States must allow tribes to engage in.

I think by way of background, Mr. President, it may be helpful to share with my colleagues the basis of the underlying legislation as it relates to Native American gaming activities. In 1988, the Congress passed the Indian Gaming Regulatory Act, and in so doing, tribal gaming activities were and are divided into three categories, with class I being reserved as traditional Indian games, class II being bingo-type games, and class III being casino-type games. Now, with respect to class III gaming, under the law, States and tribal governments negotiate a compact as to what type of games are to be permitted, if any, within class III.

Under recent court decisions, Governors are required to negotiate with tribes only on gaming activity that is permitted by law in that State. For instance, Hawaii and Utah prohibit all forms of gaming, and therefore their respective Governors are not required to negotiate with tribes for any types of gaming activity. In Nevada, where we permit all forms of casino gaming, that is class III gaming, the State is required to enter into a compact with tribes allowing them to engage in all forms of gaming, and indeed without conflict or controversy five such compacts have been entered into.

The Secretary has chosen, however, to put his own legal interpretation of what types of gaming activities must be put on the negotiating table. This so-called "scope of gaming" issue was fought out in the courts and decided in favor of Governors in the Rumsey case. The Rumsey case held that Governors are not forced to negotiate other gaming activities that are not permitted in the State in general.

The Secretary appears to be trying to circumvent this decision and would force States, for example, that would allow a lottery and require them to negotiate with Indian tribes to make slot machines available, even though slot machines are illegal in that State. Given this clearly skewed legal interpretation, it seems to me that the Governors' fears are well-founded.

The Department holds the position of fiduciary and trust obligation to the tribes and is an acknowledged advocate for tribal interests. The Department is taking the position that it should be the sole arbiter between the interest of the State and tribes in negotiating what form and scope of gaming should be permitted when it clearly has a bias in favor of one of the parties.

It is no wonder the Governors said in their December 5 letter to President Clinton that they will actively oppose any independent assertion by the Secretary of his power to authorize tribal governments to operate class III gaming.

Mr. President, I ask unanimous consent the December 5, 1997, letter addressed to the President by the Western Governors' Association, signed by its chairman, Governor Knowles of Alaska, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, December 5, 1997.

WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC

DEAR MR. PRESIDENT: It is the understanding of the Western Governor's Association that the Secretary of Interior has proposed a rule-making on Indian Gaming that would usurp the Governors authority to enter into compact negotiations on gaming with Indian tribes. States have repeatedly voiced their concerns about the Secretary's desire to promulgate this rule. On October 10, a letter was sent by the National Governors' Association Chairman and Vice Chairman to the Secretary of Interior on this rule-making proposal.

It is evident that the states' concerns have gone unheard or at least have not been responded to by the Secretary. As a former Governor, you can appreciate how troubling it is when a cabinet member fails to consider or enter into a dialogue with us about state's legitimate concerns.

The Secretary is using the Seminole Tribe of Florida vs. Florida decision by the Supreme Court to inappropriately expand his authority. The Indian Gaming Regulatory Act (IGRA) established a procedure whereby decisions could be made when a state and tribe were unable to agree to the terms of a compact. Before the Secretary is authorized to provide a compact to a tribe under IGRA, the courts must first make a finding of bad faith on the part of the state. When the Supreme Court stuck down the portion of IGRA that permitted tribes to sue states in Federal Court, it eliminated the mechanism for arriving at a finding of bad faith by the court. It would be inappropriate for the Secretary to now take the authority to render a finding of bad faith and then to authorize a gaming compact to a tribe over the objections of a state. Moreover, the Secretary's action contradicts the clear intent of Congress as embodied in the final Interior conference report that you signed, which imposes a one-year moratorium on imposition of a procedure that would result in tribal Class III gaming in the absence of a tribal-state compact as required by law.

As the National Governors' Association policy states "nothing remains in the Indian Gaming Regulatory Act or any other law that endows the Secretary with the authority to independently create such a process. The Governors will actively oppose any independent assertion by the Secretary of the power to authorize tribal governments to operate Class III Gaming. State and tribal governments are best qualified to craft agreements on the scope and conduct of Class III Gaming under IGRA." Furthermore, under the duties of the office, the Secretary has a special legal relationship to Native Americans, and it would be impossible for him to be objective in making decisions settling compact differences between states and tribes—in effect the Secretary becomes a self-appointed judge and jury.

There are difficult issues, and we understand the Secretary intepretating his role as advocate for Native Americans. However, Governors have Constitutional responsibilities to all of the people of our states. Based on these responsibilities we are compelled to tell you that the Secretary started down an unproductive path when we concluded that the Interior Department should become the sole arbiter in the compact process.

We urge you to find a resolution to the conflicts between the states and tribes that is more appropriate than that initiated by the Secretary. The Western Governors Association stands ready to participate in such an effort.

Sincerely,

TOM KNOWLES,
Governor of Alaska,
Chairman.

Mr. BRYAN. The Governors have repeatedly called the Secretary's proposal an inappropriate expansion of his authorities. Governors of the State in the process of negotiating a gaming compact with tribes will be severely disadvantaged by this proposal. Tribes will be much better off letting the Secretary of the Interior decide their fate—believing they can get a better deal from a person who is an acknowledged advocate for their interests and indeed encourages gaming as a means of generating tribal revenues.

The Department asserts the States must be acting in bad faith for the Secretary to strip the States of their rights. Of course, the Secretary is the judge and jury over whether the States, in fact, are negotiating in bad faith. To make matters even worse and to heighten the concerns the Governors have, the Department has informed us that they would consider the actions of Governor Wilson of California to be negotiating in bad faith because he refuses to negotiate with any tribe that persists in operating illegal games on tribal reservations. As Governor Wilson has indicated, he has a simple rule: If it is legal under State law, all can do it; if it is not legal under State law, no one can do it. The Governor wants the tribes to cease and desist illegal gaming activities before he will negotiate a compact or legal game, and the Interior Department would consider that bad faith.

Now, that situation is not peculiar to California alone. Let me cite an example, if I may, Mr. President, in a letter addressed to the Honorable Bruce Babbitt, Secretary of the Interior, July 1, 1996, on behalf of the National Governors' Association. I quote a single paragraph from that letter. It arises out of the situation that occurred in the State of Florida.

The factual situation underlying the U.S. Supreme Court's decision in Seminole is an example of typical tribal-State conflict over IGRA implementation. Florida refused to negotiate with the Seminole Tribe over the operation of slot machines. Slot machines are prohibited by Florida law, and state voters have rejected three referenda to legalize such devices, as well as other casino-style games. The state's public policy and the preference of Florida citizens with respect to this type of gambling activity could not be clearer. Yet the Seminole Tribe proceeded to take the state to court on the grounds that Florida had failed to negotiate in good faith, even though the state was merely negotiating within the limits of state law and state public policy on gambling.

Again, under the proposed regulation, the Interior Department would interpret the Florida situation as being one of bad faith and therefore the Interior Department could step in—in effect, supersede the negotiations and the position taken by Florida's Governor in response to voter preference and public policy in the State of Florida—and to negotiate a compact that could conceivably allow a full range of casino gaming activity contrary to the public policy of that State.

Mr. President, I am personally offended that the Department has chosen to proceed with rulemaking in clear violation of the intent of Congress. Members will recall that Senator ENZI and I attached language to the Interior appropriations bill which imposes a moratorium on the Department implementing such a rule. The language reads: "During fiscal year 1998, the Secretary may not expend any funds made available under this act to review or approve any initial tribal-State compact for class III gaming entered into on or after the day of the enactment of this act, except for a compact which has been approved in accordance with IGRA and State law." That contemplates the negotiating process between Governors and the tribal governments, as I indicated previously.

Nevertheless, the Department has chosen to ignore our intent and to proceed with putting this process in place, which Congress has clearly said it doesn't want. Since the Department has chosen to ignore the clear intent of Congress, we are forced to stop this power grab once again through the legislative process.

I might note over 100 compacts between States and tribes for class III gaming have been successfully negotiated. As I pointed out previously, five of those compacts are in place in Nevada. In only a handful of States has the compacting process failed. I believe the failure can be attributed to the unwillingness of Federal prosecutors to close down illegal tribal gaming operations. Tribes running illegal operations have no incentive to reach an agreement with States as long as they face no consequences for their illegal gaming activities.

In California alone, tribes are operating 14,000 illegal slot machines. It is not clear to me why the Secretary of Interior feels the need to stack the deck even further against the interests of those States who do not favor, as a matter of public policy, slot machines in their States.

So, Mr. President, I hope that the Secretary will reconsider this ill-advised proposal. If not, we will work with the Nation's Governors and Nation's attorneys general on this legislation to block the emasculation of States' rights.

This bill is introduced by myself, Senator ENZI, and Senator REID.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. KENNEDY (for himself, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. KERRY, Mr. TORRICELLI and Mrs. BOXER):

S. 1573. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

THE FAIR MINIMUM WAGE ACT OF 1998

Mr. KENNEDY. Mr. President, on behalf of Senators WELLSTONE, MIKULSKI, MOSELEY-BRAUN, KERRY, TORRICELLI, BOXER, and myself, I am introducing the Fair Minimum Wage Act of 1998, a bill to raise the minimum wage in three annual increases of 50 cents each in the next three years, to bring the minimum wage from its current level of $5.15 an hour today to $6.65 an hour on September 1 in the year 2000. Congressmen BONIOR and GEPHARDT are introducing identical legislation in the House of Representatives.

After the third year, the legislation calls for the minimum wage to be indexed, so that it will rise automatically as the cost of living increases. Working Americans should not have to depend on the whim of Congress each election year to determine whether they are paid a fair minimum wage.

In 1996, after a hard-fought battle in the last Congress, we raised the minimum wage, and the economy continued to grow. The scare tactics about lost jobs proved to be as false as they are self-serving. A recent study by the Economic Policy Institute documents that "the sky hasn't fallen" as a result of the last increase.

Raising the minimum wage does not cause job loss for teenagers, adults, men, women, African-Americans, Latinos, or anyone else. Certainly, the 12 million Americans who would benefit from this legislation deserve the increase.

We know who these workers are. Sixty percent are women. Nearly three-quarters are adults. Half of those who would benefit from this bill work full-time. Over 80 percent of them work at least 20 hours a week. They are teachers' aides and child care providers. They are single heads of households with children. They are people who clean office buildings in countless communities across the country. Working 40 hours a week, 52 weeks a year, minimum wage workers earn $10,712 a year—$2,600 below the poverty level for a family of three.

No one who works for a living should have to live in poverty. In good conscience, we cannot continue to proclaim or celebrate the Nation's current prosperity while consigning millions who have jobs to live in continuing poverty.

The value of the minimum wage still lags far behind inflation. To have the purchasing power that it had in 1968, the minimum wage today would have to be $7.33 an hour instead of the current level of $5.15 an hour. That fact is a measure of how far we have not just fallen short, but actually fallen back, in giving low-income workers their fair share of our extraordinary economic growth.

In the past 30 years, the stock market, adjusted for inflation, has gone up by 115 percent, while the purchasing power of the minimum wage has gone down by 30 percent. Lavish end-of-the-year bonuses were recently distributed on Wall Street—but not to the working families on Main Street, who actually created the wealth in the first place.

Americans understand that those on the bottom rungs of the economic ladder deserve a raise. Seventy-six percent of those surveyed in the January 21 ABC-Washington Post poll said they supported increasing the minimum wage.

Seventy-seven percent of those surveyed by Peter Hart Research earlier this month specifically supported a three-year, $1.50 increase.

The American people understand the unfairness of requiring working families to subsist on a sub-poverty minimum wage. Across the country, soup kitchens, food pantries and homeless shelters are increasingly serving the working poor, not just the unemployed. In 1996, according to the U.S. Conference of Mayors, 38 percent of those seeking emergency food aid held jobs —up from 23 percent in 1994. Low-paying jobs are the most frequently cited cause of hunger. Officials in 67 percent of the cities cited this factor.

I look forward to the early enactment of this legislation. Twelve million working Americans deserve a helping hand. No one who works for a living should have to live in poverty.

Mr. President, we have had the opportunity, since the minimum wage was increased in the last two years, to test the validity of the principal argument in opposition to this bill. We will hear this claim again this year on the floor of the U.S. Senate, and that is, that this adds to the problems of inflation. Yet, we have had virtually no inflation over these last 18 months.

We will also hear that raising the minimum wage will cause the loss of hundreds of thousands of jobs. I can already hear the same tired, old arguments we have heard every time this body has debated an increase in the minimum wage—an estimate that we will lose anywhere from 200,000 to 300,000 to 400,000 jobs. Those were the statements made the last time we debated this issue on the floor of the Senate. And our good Republican friends in the House of Representatives said there was absolutely no way that their body was going to consider an increase in the minimum wage, and there was strong opposition over here among the Republican leadership in the Senate even to giving us an opportunity to vote on this measure. It was only after lengthy efforts that we were able actually to gain a vote and to develop bipartisan support for the minimum wage. Ultimately, the Senate of the United States and the House of Representatives responded after we added significant tax reductions for businesses to the legislation.

Mr. President, if we do not take action now to increase the minimum wage, then the progress we made in the last two years is gradually going to deteriorate. Even with a three-year increase of 50 cents, 50 cents, and 50 cents, by the third year the about 40 cents of the value of that $1.50 would have dissipated because of inflation. We are talking about working families who are trying to make it in this country, who have played an important role in this whole economic expansion. But those at the bottom rungs of the economic ladder have not gotten their fair share of the extraordinary prosperity that we are experiencing under President Clinton's leadership.

So I don't understand why there is such opposition to the very modest increases that we are talking about, that even if implemented will hardly permit workers to provide for their families and be out of poverty. As a result of the 1996 welfare reform legislation, many, many more people were thrown into poverty. In many instances, they are not going to get the health care or the day care that they need, depending on a particular State's rules in this regard. But there will be millions of Americans who will be out there in the job market without the health care for their children that Medicaid would have provided or child care coverage that welfare benefits would have provided.

What we are asking is that at least we pay them a livable wage. I don't think a single parent, with $10,000 or $12,000, is going to have the kind of child care that any of us would understand or respect. Yesterday, I was in Dorchester, Massachusetts, meeting with parents about an after school program, which has been in effect for a number of years. It's going to be expanded. The mayor of Boston calls it the 2-to-6 program, and is trying to make available, in all parts of Boston, after-school programs for children. It is a very ambitious program. We have seen our Republican Governor indicate that he is supporting the after-school program. I listened to the parents who were out there, who talked about what happens after their children are 12 years old. The State of Massachusetts has a program that provides modest support for this kind of program for children up to 12 years old, but cuts it off there. Parents with tears in their eyes were saying, "We work hard trying to provide for our families, and we just can't make it. Our children are going home and staying in an empty house in the afternoon." They pray that they are not going to get themselves in trouble, that the worst thing that will happen to them is they will just watch television. It might cost those parents $5 or $10 a week, maybe $20 a month to be able to have an after-school program. I expect that any single mom getting an increase in the minimum wage wouldn't think that much of a problem. That is happening in many communities in this country.

The PRESIDING OFFICER. Under the previous order, the 10 minutes allocated to the Senator have expired.

Mr. KENNEDY. I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we will have a chance to debate this issue. It is not one that should take a great deal of time to review. We have been through this debate time and time again. It hasn't got the complexities of many of the proposals the President will be talking about tonight. It is basic and fundamental. Every Member of this body has addressed this issue and voted on it one way or the other. It is going to be really a reflection of our values.

Finally, Mr. President, by not increasing the minimum wage, we leave many workers so poor that they are eligible for government assistance programs, such as food stamps. These programs are being paid for by other workers' taxes. In effect, these employees are subsidizing the businesses that aren't paying a fair wage. I think that is wrong.

We will have a chance to review the latest economic information available. We have to address that issue. We understand it. Some of us believe that Americans who work hard and play by the rules ought to be able to get a livable wage as a matter of principle. To achieve that goal, we have to address the impact on inflation and job loss. We will make that argument and we will make it with a great deal of enthusiasm. Two articles from the Wall Street Journal show that the increase in the minimum wage did not cause job loss or increase inflation. I will include those articles in the RECORD at the appropriate place following my remarks. Here was the newspaper that opposed it hammer and tong the last time we had the increase. I do not suggest that they are going to editorialize in favor of it this time. But, nonetheless, the various studies have shown that there is no evidence that modest increases in the minimum wage would harm the economy or cause job loss.

Mr. President, I don't know what will be in the President's State of the Union speech tonight. There are some reports that he will indicate support for an increase in the minimum wage. And if he does I hope that our Chambers will show support for that proposal because I know it will make all the difference in the world for millions of Americans and their families. Increasing the minimum wage will allow them to look to the future with a greater sense of hope.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have a couple of questions that I may want to put to my colleague in just a moment.

Mr. President, the Senator from Massachusetts touched on two concerns that I want to speak about for a brief period of time. The Senator mentioned welfare. Earlier when I was speaking I didn't talk about the welfare bill. But I want the Senator to know that as we see the reports that this has been a huge success because there are 4 million fewer people receiving welfare assistance, I think there has been a lot of confusion. Welfare reform doesn't mean that there are fewer people on welfare. It doesn't mean you reduce the number of people receiving assistance. It means you reduce poverty. That is what it is about. It works if you are reducing the poverty for these families which are 90 percent women and children.

When I have been traveling around the country it is heartbreaking. The Senator talks about after school. There are 3- and 4-year olds home alone right now. That should not be the case because mothers are told to work. There are also preschoolers who are in very ad hoc arrangements with a relative for this week or that week, then somebody else the next week. We don't have affordable child care. In East LA in Los Angeles there is a waiting list of 30,000 for affordable child care. The President will be speaking about that tonight. Mr. President, there are first- and second-graders.

I met a woman in Los Angeles who broke down crying because she is so scared because her first-grader goes home alone—she is at work—to a very dangerous housing project, and is told to lock the door, and take no phone calls. There are children who don't play outside right now.

So when the Senator from Massachusetts talked about child care, I just want to emphasize the fact that welfare reform only means reduction of poverty. It means that children are in safe places receiving good child care. That is not happening.

Mr. President, I also want to point out that there are too many mothers who in our community colleges who are now told, "You cannot pursue your education. You have to work." The job is $5.15, and if the minimum wage isn't higher one year later they will be worse off.

I am going to have an amendment for student deferment for those mothers because that is toward economic self-sufficiency, and another amendment that is going to require States to provide to Health and Human Services the data in 6 months as to how many families are moving toward economic self-sufficiency because you just can't eliminate people from assistance and cut off assistance if people do not have the jobs and decent wages.

Mr. President, I wanted to ask the Senator this question. The Senator from Massachusetts was speaking to an issue that I hear about everywhere I go, and it sounds like the President is going to be speaking to it, which is that I think people in our country believe that if you play by the rules of the game and you work 40 hours a week or thereabouts 52 weeks a year you ought not to be poor in America. That is what this is about. The last time we had a debate on the minimum wage the Senator from Massachusetts just insisted that the Senate would address this issue. Does the Senator intend to make this such a precise priority for his work that one way or another all Senators are going to be voting on this? Are we going to have it on the floor of the Senate? Are we going to have the debate? Are we going to have a vote on it so all Senators can be held accountable to working families, or not?

Mr. KENNEDY. Absolutely, Senator. We will vote on this issue, and the earlier the better as far as I am concerned, so that minimum wage earners can continue the progress that they have made during the last 2 years. We will vote on this measure. I think that those who are opposed to it will give the Senate the opportunity to vote on it—at least I certainly hope they will. But the Senator is quite correct. We will vote on it one way or the other, and I think we take to heart that Congressman GEPHARDT, Congressman BONIOR and others have an identical bill. They are strongly committed. As Senators remember, there is a more complicated rule process over in the House of Representatives. But there is no reason in the world that we in the Senate cannot have an opportunity to vote on that measure and attach it to legislation and send it over to the House. We will do that and continue to do it until we are successful.

Mr. WELLSTONE. Mr. President, I am an original cosponsor. I am pleased to hear that because that is part of what I am here for as a Senator.

Let me ask the Senator from Massachusetts one final question. We don't just look at polls. But does the Senator have, in terms of what people in the country have been saying about raising the minimum wage 50 cents a year over the next 3 years—and we index it after that—is there broad public support that is a matter of simple elementary judgment?

Mr. KENNEDY. The Senator is correct. It is interesting that studies from this month show even greater support for the increase than we saw when we began this debate in the last Congress. Most Americans understand that we have had this extraordinary prosperity for millions of Americans over the period of the last 6 years. Most Americans understand that it has been working families who have made a difference. Those families include minimum wage earners—teachers' aides, who work in classrooms; health care aides, who work in nursing homes; and people who clean office buildings in communities across the country. Those men and women work hard, and they take pride in their work. Many of them have children, and we all know how hard it is to try to raise a family on $5.15 an hour. All those workers ask is to be treated fairly.

One of the most startling developments in the last few years is the number of working families who are using soup kitchens, food pantries and homeless shelters in cities across the country. The U.S. Conference of Mayors released a study showing that in 1996, 38% of those seeking emergency food aid are working—not unemployed. This is up from 23% in 1994. And, officials in two-thirds of the cities cited low wages as a primary reason for hunger. I don't know whether the Senator has this problem in rural communities in his region of the Nation. But in urban areas, almost 40 percent of those seeking emergency food aid are working, and they still can't make it.

All we are saying is that if you are working you shouldn't have to go to a soup kitchen. When you are working, you shouldn't have to bring your children to a soup kitchen in order to be fed. The minimum wage is designed to prevent such problems. It has been a part of the fabric of our society since the late 1930's, and it has been something which has had bipartisan support in the past. We are hopeful that it will have bipartisan support this time. Ultimately we will have it. But it had bipartisan support under President Bush, and President Nixon supported the increase as well. And Republicans in this body have supported it, too.

Many of our colleagues are constantly talking about the importance of rewarding work in our society. But when you have people who are able-bodied, who want to work, and who have jobs—there is something wrong if they can't make it on their own. There is something wrong if we do not try to address that problem.

Mr. WELLSTONE. I have one final question.

The people who contribute don't have a lot. They are not the heavy hitters. They are not the ones always here in Washington to lobby us.

How does the Senator think we could win this fight?

Mr. KENNEDY. The Senator makes a good point because the organizations, the National Federation of Independent Businesses, the National Restaurant Association and others are out there already trying to discourage people from supporting this program. We will have a chance to deal with their arguments when we see what has actually happened in terms of the expansion of the restaurant industry and employment among restaurant workers. The Senator is no less interested in expanded employment or adequate income for restaurant workers than I am, and they still have done better with our modest increases in the past, and they will in the future.

I want to ask if the Senator will agree with me on one other proposition. We will hear during the debate that at least a quarter of these are teenagers who are making the minimum wage. In my State, tuition at the University of Massachusetts in Boston costs $4297. These students are still 18 and 19 years old. They are teenagers, and many of them are working. These students need the money.

Mr. WELLSTONE. Mr. President, it is my time. I ask unanimous consent to have 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Many of their parents never went to college. These are teenagers. These students are trying to earn enough to buy their books and maybe attend an athletic event once in a while or be able to pay in order to rent athletic equipment. These students—and yes, they are teenagers—are working long and hard, and they deserve the increase, too.

Mr. WELLSTONE. Mr. President, the Senator asked about Minnesota. Just two final points.

One, I was speaking on the floor earlier and I said that I think most families are focused on how you earn a decent living and how you give your children the care you know they need and deserve. I think the minimum wage bill is an important step in that direction along with whatever we can do on affordable child care and health care. That is the key to family income in this country.

I spoke earlier about the record of inequality. Secretary Reich had a very important piece in the New York Times about it. But now we see, Mr. President, a merger with education because, as a matter of fact, I say to my colleagues and my friend from Massachusetts what I find when I travel around Minnesota—and I was a college teacher for 20 years—is that many students are taking 6 years to graduate and not 4 years because now students are working on the average of 25 or 30 hours a week at two minimum-wage jobs.

So we now are talking about a piece of legislation that speaks to the issue of how families can have more income and also how students can afford their higher education. Many of these students are 18 and 19. But let's not trivialize the teen part. They are young women and young men who are working hard to be able to go to school. You had better believe that this minimum wage bill is really of critical importance to these young people as to whether or not they are going to be able to complete their education and do well financially.

So the Senator is absolutely correct. There is the strongest correlation to education and affordable education which I think all of us agree is an absolutely crucial issue.

Mr. President, today I am co-sponsoring a bill introduced by my colleague and friend Senator TED KENNEDY, cosponsored by a number of others, a measure which I consider to be one of the most important items we can pass and enact this year—the "American Family Fair Minimum Wage Act of 1998." Our bill would increase the minimum wage by 50 cents a year during each of the next three years. After that, it would index further increases in the minimum wage to increases in the cost of living.

This 3-year increase of $1.50—raising the federal minimum wage to $6.65/hour by September 1 of the year 2000, and pegging it to inflation in succeeding years—is the most immediate and practical step we can take to deliver to American working families a message of economic justice and principle. The message is this: if you work hard and play by the rules in America, you should not live in poverty. Unfortunately, that is not necessarily the case today for many working Americans with families. We need to address that problem.

Full time work at minimum wage generates an income of approximately $10,700 a year. That's $2,600 below the poverty line for a family of three in this country. Minimum wage is not a living wage in America today. Even after the most recent increase, the federal minimum wage is worth far less in real dollars than it was in the 1960s and 1970s.

Remember, the minimum wage disproportionately affects women. Sixty percent of those earning the minimum wage are women. Teachers' aides, child care providers, service-sector employees—some of the hardest working people in America, performing crucial tasks. Many of these women are single heads of households with child. One of the quickest ways we as a Congress could take a step toward real gender equity with regard to pay would be to pass an increase in the minimum wage and send it to the President. I am sure he will sign it. That would immediately improve the economic situation of millions of working women, many with families.

Increasing the minimum wage will benefit those who need it most in America—adults, women, working families. Seventy-five percent of those currently receiving minimum wage workers are adults; 60 percent are women; 50 percent work more than 35 hours a week; 82 percent work at least 20 hours a week.

Look at a few numbers which tell a story.

The Center for Budget and Policy Priorities recently released a report showing that income inequality grew in 48 of 50 states since the late 1970s. The decline in real incomes of the poorest one-fifth of families with children in America averaged 21 percent, or $2,500.

Since 1968, the stock market, adjusted for inflation, grew by 115 percent while the purchasing power of the minimum wage declined by 30 percent.

To reflect the purchasing power it maintained in 1968, today's minimum wage would have to be at $7.33/hour, not $5.15. So even a carefully charted increase to $6.65/hour will not make up the entire difference, but it will put us back on a road to responsibly representing our constituents.

For nearly the last two decades, the bottom 20 percent of income earners in this country haven't experienced growth like most Americans. Instead, they have lost 9 percent in real family income growth, while the top 20 percent have gained more than 26 percent.

Our bill is about justice. In recent weeks and months, I have traveled around this country: East and South Central Los Angeles, Baltimore, Chicago, the Mississippi Delta, Appalachia, as well as in my home state of Minnesota. I have repeatedly seen the struggles of hard working, dedicated people who want to improve their lives, but they can't find jobs that will pay them a livable wage.

Now increasing the minimum wage will not compromise the economy and it will not harm the falling unemployment rate. Consider that in September 1996, just one month prior to the minimum wage increase from $4.25 to $4.75, the national unemployment rate was at 5.2 percent. By December 1997, two months after the second annual increase to $5.15, the U.S. unemployment rate fell to 4.2 percent. And retail trade jobs, where a disproportionate amount of low wage workers are employed, increased slightly. Job opportunities in this country are not compromised by this legislation. In fact, the very importance and value of job opportunities to all Americans is exactly what is enforced by this legislation.

Today's economy continues to perform well. Yet the minimum wage—part of that same economy—has progressively fallen back. In 1996, we started to pave the right path to justice by increasing the minimum wage, but more must be done.

So I stand in support as the first cosponsor of this bill and urge Democrats and Republicans alike to support Senator KENNEDY's initiative and to support the American workforce by passing the Family Fair Minimum Wage Act of 1998. Thank you.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I ask for 2 final minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, this chart here illustrates very clearly the purchasing power of the minimum wage since 1959. All of these figures are in 1997 dollars, adjusted for inflation. In 1968 the real value of the minimum wage was $7.33. In 1995 it was down to $4.32 an hour. In the 1996 legislation, we added two additional steps. On September 1, 1997, the second step took effect, raising the minimum wage's value to $5.15 an hour. If we do nothing, by the year 2000, it will be $4.66 an hour. Our legislation proposes that it go up to $6.18, in three steps. Again, this is the what the minimum wage will buy in 1997 dollars, if our legislation becomes law. Even that increase will leave minimum wage earners below where they were in the 1960s and 1970s. The legislation is a very modest step forward, and I believe that working families have earned it.

I thank the Chair. I ask unanimous consent that the two articles that I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMISTS ALTER MINIMUM-WAGE VIEW—NEW DATA SHOW SMALL INCREASE DOESN'T COST JOBS

(By David Wessel)

WASHINGTON.—Revisiting their own controversial research, a pair of prominent economists concluded that better data support their original assertion: Raising the minimum wage moderately doesn't cost jobs.

In the new work, David Card of the University of California at Berkeley and Alan Krueger of Princeton University used reports filed by employers and collated by the U.S. Bureau of Labor Statistics. Their earlier work, an influential element in Democrats' successful campaign to lift the minimum wage, relied on a telephone survey of employers that their critics attacked.

With the new data, the economists looked at fast-food employment in New Jersey and Pennsylvania at two key points: first, after an 80-cent-an-hour increase in New Jersey's minimum wage in April 1992 that didn't affect workers in Pennsylvania and, second, after an October 1996 50-cent increase in the federal minimum wage to $4.75. The federal increase only affected Pennsylvania because New Jersey's minimum wage was above the federal level.

LITTLE OR NO EFFECT

"The New Jersey (1992) minimum wage increase had either no effect, or a small positive effect, on fast-food industry employment in New Jersey vis-a-vis eastern Pennsylvania," the economists conclude. Between February and November 1992, fast-food employment grew by 3% in New Jersey but fell by between 1% and 3% in eastern Pennsylvania. What's more, after the October 1996 wage boost that affected only Pennsylvania, fast-food employment rose more sharply in that state than New Jersey. Between December 1995 and December 1996, fast-food employment grew by 11% in eastern Pennsylvania counties and by 2% in New Jersey.

The argument by Mr. Card and Mr. Krueger, a former chief economist in the Clinton Labor Department, challenged the conventional wisdom among mainstream economists that raising the price of workers' labor meant employers would buy less of it. The Clinton administration embraced it. House Speaker Newt Gingrich derided it as "spurious" and House Majority Leader Richard Armey, an economist, called it "counterintuitive." Several big-name economists dismissed it.

The details of the analysis and data drew fire first from an employers' group, the Employment Policy Institute, that gathered data of its own to refute it. Later, economists David Neumark of Michigan State University and William Wascher of the Federal Reserve Board supplemented EPI's data with data of their own and argued that fast-food payrolls did what economic textbooks predicted; grew more slowly in New Jersey than in Pennsylvania after the 1992 New Jersey wage increase.

REMAINS UNPERSUADED

Mr. Wascher isn't persuaded by the new data. "We never found very strong negative effects of the minimum wage on fast-food establishments," he said yesterday. "We speculated these franchise agreements are very restrictive and that the bigger effects might be at mom-and-pop establishments." He said BLS data for all eating and drinking establishments, not just fast-food outlets, show that payrolls in New Jersey generally rise more than those in Pennsylvania between February and November, but that the difference was smaller in 1992 when the New

Jersey minimum wage was raised than in 1991 or 1993.

The new Card-Krueger work, to be published shortly as a working paper by Princeton, hasn't been widely circulated yet among their critics. The authors acknowledge that their data don't tell whether employers facing higher minimum wages reduce the average hours per worker; the figures only count how many people were employed.

Despite assertions from employer groups and many mainstream economists that lifting the minimum wage would reduce the number of jobs available to young and unskilled workers and increase unemployment, the recent strength of the economy has pushed the jobless rate down. Retailers and other employers of low-wage workers are complaining more about labor shortages than wage increases.

The federal minimum wage was lifted to $5.15 an hour on Sept. 1, 1997.

Chicken Feed: Minimum Wage Is Up, But a Fast-Food Chain Notices Little Impact—Economic Boom Lifts Profit; Firm's Main Problem Is Hiring, Retaining People—Pressures on Job Are Rising

(By Bernard Wysocki Jr.)

FALLS CHURCH, VA.—The minimum wage was a hot issue 18 months ago, pitting business against labor, Republicans against Democrats.

In April 1996, David Rosenstein, a fast-food entrepreneur, staunchly opposed a proposed two-step rise to $5.15 an hour as "a bad idea." The middle managers at his 13 Popeyes Chicken & Biscuits restaurants didn't know how they would cope.

How times have changed.

Today, despite the now-higher minimum wage, Mr. Rosenstein's restaurants are prospering. Operating profits are up 11% from last year on a 10% rise in sales, which are running at a $14 million annual clip. He recently raised prices. He has opened a new store. And in a sign of boom times, he knocked out a wall and doubled the size of his spacious office.

"The economy is good. Business is good," says the 49-year-old Mr. Rosenstein, whose restaurants are franchisees of Atlanta-based AFC Enterprises. What about that minimum-wage increase? "I think we saw it in more dire terms than it worked out," he says.

FEW PROTESTS

Indeed, the minimum-wage increase has turned into one of the nonevents of 1997, thanks mostly to the economy's continuing strength. Low-wage Americans—nearly 10 million workers, by some estimates—got a raise. But amid the current prosperity, hardly anybody noticed. So, when the second step, a 40-cent-an-hour raise, kicked in seven weeks ago, on Sept. 1, few cheered, but even fewer protested.

Critics had argued that higher wages would squeeze profits because employers, beset by competitors, couldn't raise prices. Nationwide, it is hard to generalize about that. But Mr. Rosenstein recently raised nearly every price on his menu—biscuits went up 20% and the average item 5%—with hardly a peep from customers. "I'm surprised, very surprised," says Kenneth Hahn, the chain's director of operations.

Others had warned that raising the minimum wage would create inflated pay demands by those making slightly above-minimum wages. Not here. Work crews at Mr. Rosenstein's Virginia stores were averaging $5.54 an hour in 1996 and get only $5.60 today—a raise of 1%.

And although some academics say higher wages draw better-skilled teenagers out of school and into the workplace, displacing lower-skilled people, the Popeyes managers see nothing of the kind. If anything, their talent pool is weakening, drained by the booming economy.

COLLATERAL DAMAGE

Even though Mr. Rosenstein's worst fears weren't realized, lots of other things have happened in the past 18 months.

A tour of these Popeyes stores and conversations with the fry cooks and biscuit makers, the store supervisors and managers indicate that while the minimum-wage issue has retreated to the back burner of American politics, the big issues now are, in a sense, the collateral damage of the economic boom; intensified competition, a scarcity of good workers, high staff turnover and job burnout.

The wage increase itself has had major impact at only one outlet, at the Popeyes store on Rhode Island Avenue in the District of Columbia. There, the local hourly minimum is set at $1 over the federal minimum, and on Sept. 1, the district's minimum went to $6.15. Managers have cut back hours and piled more work on employees. Mr. Rosenstein says the operating profits at this one outlet fell to $34,000 for the 12 months ended Aug. 31 from $46,000 a year earlier.

ESCAPING TO MARYLAND

And so, when his Metropolitan Restaurant Management Co. looked for expansion sites in and around Washington, he went across the line into Maryland and opened there, largely to escape the $6.15 wage.

As several U.S. cities propose a so-called living wage, with minimums higher than the federal one, opponents such as the employer-backed Employment Policies Institute in Washington argue that low-wage employers will shun higher-wage locales. There may be something to that, as shown by Mr. Rosenstein's unwillingness to open another store in the high-wage district.

The really gut issue facing his company, however, is intensified competition. That may seem ironic: Its financial results are good, and the price increases have held. But on the darker side, the managers and the workers alike say that, on a day-to-day operating basis, the competitive environment has become tougher.

Back in the spring of 1996, Mohammed Isah, who manages the Popeyes store on City Line Avenue in West Philadelphia, fretted about the impending wage increase and wondered where the extra productivity he would need would come from. He vowed to scale back part-timers' hours and increase their workloads.

And he did. Sitting at one of his tables, Mr. Isah, once a bank manager in his native Nigeria, nods in the direction of a middle-age employee sweeping the floor. When the wage went up on Sept. 1 he halved her hours. Meantime, full-timers have taken up that slack. Nowadays, one person sets up the registers, then starts the biscuits, then does assorted odd tasks before business picks up at lunch time. Mr. Isah freely concedes that people are working twice as hard for their modest raise.

Yet the increased minimum wage isn't what is really driving Mr. Isah's hardball productivity drive. A few months ago, a Kentucky Fried Chicken outlet opened just a half-mile down City Line Avenue. Even the Popeyes managers agree that it's quite a site for a fast-food place: a renovated old home with fireplaces, walls sconces and a winding staircase.

When Kentucky Fried Chicken opened, Mr. Isah's sales declined. Although some business has now returned, his sales are running 2% below 1996 levels, and his operating profit is down 10%. His bosses say he is a good, hard-working manager, but the harsh business environment is putting pressure on him and his staff. "You have people doing two or three people's jobs. Eventually, it gets to them," he says, and they are burning out from overwork. Turnover is rising as good people search for jobs elsewhere. Looking ahead, he sees more problems. He even has a written list of his concerns: Morale will drop. Quality of work will fall. Dependability will wane. Absenteeism will rise.

RISK OF VICIOUS CIRCLE

The Popeyes managers know that trimming staff can be self-defeating, and they haven't eliminated any full-time positions in the past 18 months. If hours drop, service declines, and sales and profit can suffer. A vicious circle can develop.

Mr. Rosenstein's New Castle, Del., outlet along busy Route 13 is gripped by more competition—not only for business but also for talent. The store manager there left the company earlier this year to run a Boston Market outlet. The Popeyes chain, which pays its store managers $30,000 to $45,000 a year, couldn't match the Boston Market pay, Frank Williams, the district manager, says. Outer managers had to pitch in until a replacement was found.

As the store suffered from patchwork management, business faltered. In addition, crew hours were cut back, and cleanliness suffered. That's the sort of thing that really rankles Mr. Williams, and, on a recent day, he was sitting in the New Castle restaurant, drawing up a long list of tasks for his store manager.

Popeyes managers are in a bind. They can push their people only so far, especially in an economy with so many job opportunities. They need to keep their employees. In the more prosperous locations, such as the Popeyes in Rockville, Md., an acute labor shortage keeps pushing up the work crews' pay. In April 1996, it averaged $6.01 an hour; today, it averages $6.42 Managers there say the increase has nothing to do with federal law and everything to do with supply and demand.

"My senior fry cook, he makes $8.75 an hour," says Mohsen Eghtesadi, district manager for Metropolitan's two Maryland restaurants. He waves his hand toward the Rockville Pike, a busy commercial strip. "Look at all these sit-down restaurants opening up. They can pay $10 an hour, $12 an hour. For us to keep good employees, we really have to increase their pay."

"It's a chicken war," Mr. Eghtesadi says. He adds, with a wry smile, "And we are chicken warriors."

MUCH COMPETITION FOR STAFF

His problems are just a tiny example of the sharper competition for talent. With much of the economy thriving, the national unemployment rate has dropped below 5%. In the fast-food business, expansion-minded chains need experienced supervisors and managers. Even good fry cooks, earning $8 an hour or so, are constantly vulnerable to raids by other chains.

Mr. Hahn, the director of operations, spends far more time these days weeding out the losers among job candidates. The chain does extensive background checks on all supervisors and puts managerial candidates through a series of psychological pencil-and-paper tests. The Popeyes bosses try to find candidates whose profiles match those of their successful store managers. Matchups have become rare.

At entry-level employment, more applicants are young women looking for jobs as part of the welfare-to-work movement. With fast-food employers inundated by welfare recipients, the minimum-wage issue takes a back seat to other concerns.

Seven weeks ago, Sharie Ross got a raise to $5.15 an hour, serving up fast food at the New Castle outlet, up from the $5-an-hour minimum in Delaware. She hardly noticed because, as a welfare-to-work employee, her main worry is the gradual loss of her welfare benefits.

"I still get food stamps; that's $98 a month," says Ms. Ross, 20. But when she started work five months ago, the state of Delaware picked up the cost of day care for her two children. To her, keeping that $200-a-month subsidy is more important than a few cents an hour in extra pay.

Yet a booming economy can mask all sorts of operating difficulties. That is true in many businesses, and it is true at Mr. Rosenstein's fried-chicken empire. One rule of thumb: If sales growth continues, all the other problems are manageable. In the past 18 months, sales at many of Mr. Rosenstein's stores have grown at double digits—and have surprised him. "You budget for a 2% or 3% rise. To budget for a 10% rise is, well, irresponsible," he says.

But in his Prince William County, Va., stores, sales are booming. He pulls out his sales projections—$3,751,000 this year, up more than 10%. His hourly wage costs are up 7%, mostly because hours worked are up 6%. His projected 1997 profit at these stores is $270,000, up from $234,000 last year.

Mr. Rosenstein thinks his company will continue to be prosperous if the economy keeps booming. But, he adds, "If there's a downturn, it's going to be nasty."

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Minimum Wage Act of 1998".

SEC. 2. MINIMUM WAGE INCREASE.

(a) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.65 an hour during the year beginning on September 1, 1998;

"(B) $6.15 an hour during the year beginning on September 1, 1999;

"(C) $6.65 an hour during the year beginning on September 1, 2000; and

"(D) beginning on September 1, 2001, $6.65 an hour, as adjusted by the Secretary on each September 1 to reflect increases in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which data are available.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on September 1, 1998.

By Mr. CAMPBELL:

S. 1574. A bill to prohibit the cloning of humans; to the Committee on Labor and Human Resources.

THE HUMAN CLONING PROHIBITION ACT

Mr. CAMPBELL. Mr. President, today I am introducing a bill to prohibit the cloning of humans. This act would further extend last year's efforts by last year's law which banned federal funding of human cloning. Under my bill, there would be an outright ban on human cloning, whether publicly or privately funded.

The scientific term for human cloning is "human somatic cell nuclear transfer." That is what my bill would ban. My bill would not undermine or stifle scientific research in the area of genetics that promises to combat and cure disease in humans. This research includes the cloning of animals and human cells other than embryo cells.

I am not a scientist and do not wish to insert myself in the process of scientific research and advances, from which we all benefit. However, when science crosses over the boundary of what is ethically and morally appropriate research, I have an obligation to respond on behalf of myself and my constituents. Congress—and its lawmaking authority—is the only mechanism available to address the issue of human cloning and assert the will of the American people that it not go forward.

We have a responsibility to protect the moral and ethical foundation upon which this country was built. In recognizing that responsibility, both the Senate and House committees with jurisdiction have carefully looked at the implications of moving forward with legislation to ban human cloning. They have tapped the experts in the science of genetics and have confirmed what we as laymen believe—the cloning of humans is morally unacceptable and scientifically dangerous.

During a March 12, 1997, House Committee on Science, Subcommittee on Technology hearing, the National Bioethics Advisory Commission testified that there is sufficient cause to warrant legislation because a developing child would be subject to undue harm as a result of current unscientifically plausible technology. In summarizing the Commission's report before the Subcommittee, its Chairman, Dr. Harold T. Shapiro, noted that this deficiency in the technology was coupled with far-reaching concern that human cloning is not deemed morally acceptable by society as a whole.

A final hearing was held July 22, 1997, during which Dr. Hessell Bouma, a professor of biology, said it best. The transcript states that "he stressed the uniqueness, freedom, and respect intrinsic to human life. Cloning, Dr. Bouma testified, is in direct violation of all three, and therefore should be prohibited by law."

Mr. President, I don't think any of us can argue with that.

I would like to urge my colleagues to take swift action and impose a ban on human cloning. We are all aware of the activities in Chicago to move forward with a human cloning experiment, so time is of the essence. I would ask that we work together over the coming weeks to pass a bill to prevent this and future efforts to wrongly clone humans.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act".

SEC. 2. FINDING.

Congress finds that the Federal Government has a moral obligation to the nation to prohibit the cloning of humans.

SEC. 3. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—It shall be unlawful for any person to—

(1) clone a human being; or

(2) conduct research for the purpose of cloning a human being or otherwise creating a human embryo.

(b) FEDERAL FUNDS.—No Federal funds may be obligated or expended to knowingly conduct or support any project of research the purpose of which is to clone a human being or otherwise create a human embryo.

(c) DEFINITION.—As used in subsection (a), the terms "clone" and "cloning" mean the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

SEC. 3. ENFORCEMENT.

(a) CIVIL PENALTIES.—Whoever is found to be in violation of section 2 shall be subject to a civil penalty of not more than $5,000 for each such violation.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A individual found to be in violation of section 2 shall not be eligible to receive any Federal funding for research regardless of the type of research being conducted for a period of 5-years after such violation.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. GRAMS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 322, A bill to amend the Agricultural market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 323, A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 412

At the request of Mr. LAUTENBERG, the names of the Senator from Arkansas (Mr. BUMPERS), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 412, A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 497, A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 570

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 570, A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 578, A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 659

At the request of Mr. GLENN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 659, A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 769, A bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 836, A bill to offer small businesses certain protections from litigation excesses.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Virginia (Mr. ROBB), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 887, A bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 943, A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 1021

At the request of Mr. HAGEL, the names of the Senator from Mississippi (Mr. LOTT), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1021, A bill to amend title 5, United States Code, to provide that consideration may not be denied to 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1081

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1081, A bill to enhance the rights and protections for victims of crime.

S. 1104

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1104, A bill to direct the Secretary of the Interior to make corrections in maps relating to the Coastal Barrier Resources System.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1141, A bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1215

At the request of Mr. ASCHCROFT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1215, A bill to prohibit spending Federal education funds on national testing.

S. 1222

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1222, A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1237

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1237, A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1244, A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Oregon (Mr. SMITH), the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1260, A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1293

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1293, A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families.

S. 1307

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1307, A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits and to extend continuation coverage to retirees and their dependents.

S. 1311

At the request of Mr. LOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1311, A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1320

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1320, A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1326, A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from

Illinois (Mr. DURBIN), the Senator from Tennessee (Mr. FRIST), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1334, A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1334, supra.

S. 1360

At the request of Mr. ABRAHAM, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1360, A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1379

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1379, A bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1482

At the request of Mr. COATS, the names of the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1482, A bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1554

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1554, A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from Utah (Mr. HATCH), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 164—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 165—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF SENATE IS ASSEMBLED

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 165

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION—166—RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE DENVER BRONCOS IN WINNING SUPER BOWL XXXII

Mr. CAMPBELL (for himself and Mr. ALLARD) submitted the following resolution; which was considered and agreed to.

S. RES. 166

Whereas on August 14, 1959, a passion was born in the heart of the Rocky Mountain Region that brought such memories as "Orange Crush," "The Drive," "The Fumble," "The Three Amigos," and 4 previous Super Bowl appearances;

Whereas the fans of the Denver Broncos are recognized throughout the National Football League (referred to in this resolution as the "NFL") for their unconditional allegiance to the team, contributing to 229 consecutive sold-out stadium home games;

Whereas the Denver Broncos' organization assembled a championship caliber coaching staff who created a championship caliber team;

Whereas the Denver Broncos played in 4 previous Super Bowls without winning, represented the American Football Conference in Super Bowl XXXII which had not won a Super Bowl in 13 years, and was considered the underdog in the game; and

Whereas after almost 40 years, the Denver Broncos became champions of the NFL with a victory in Super Bowl XXXII over the defending national champions and perennial contenders, the Packers from Green Bay, Wisconsin: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding achievement of the Denver Broncos in winning Super Bowl XXXII on January 25, 1998; and

(2) congratulates the players, staff, and fans of the Denver Broncos for a terrific football season and a thrilling victory in Super Bowl XXXII.

SENATE RESOLUTION 167—RECOGNIZING THE OUTSTANDING ACHIEVEMENT OF JOHN ELWAY IN THE VICTORY OF THE DENVER BRONCOS IN SUPER BOWL XXXII

Mr. CAMPBELL (for himself and Mr. ALLARD) submitted the following resolution; which was considered and agreed to.

S. RES. 167

Whereas since becoming quarterback for the Denver Broncos in 1983, John Elway has been involved in some of the most striking comeback victories in the history of the National Football League (referred to in this resolution as the "NFL");

Whereas John Elway has been a Pro Bowl quarterback, was named NFL Most Valuable Player in 1987 and the American Football Conference's Most Valuable Player in 1993, holds numerous NFL passing records, and is the all-time winningest quarterback in the history of the NFL;

Whereas John Elway's leadership, dedication, and perseverance symbolizes excellence in these qualities for the entire Nation and represents these qualities for America to the world; and

Whereas John Elway, an exceptional athlete, has sustained a high level of personal competitiveness and has finally led his team to the honor of a Super Bowl championship: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding achievement of the Denver Broncos' quarterback, John Elway; and

(2) congratulates John Elway as the winning quarterback of Super Bowl XXXII.

Mr. CAMPBELL. Mr. President, tonight the President of the United States will outline some important issues for our consideration during the second half of this Congress, and, as I have sat here for the last 40 minutes listening to some of my colleagues, they have spoken with great emphasis on the importance of the points on which they are going to agree and disagree with him. But today I rise, with my friend Senator ALLARD, to submit two resolutions that are on a happier note. These resolutions are to honor the outstanding achievement of the Denver Broncos in their winning of Super Bowl XXXII.

The first resolution recognizes the entire Broncos organization and the other honors John Elway, the team's veteran leader, who happens to be a personal friend of both Senator ALLARD and myself. For the first time in 13 years, an AFC team has won the Super Bowl, and it is only the second time a wild-card team has won since 1980. Indeed, they were the underdog in the betting from Las Vegas to Atlantic City and all points in between.

As those football fans among us might know, the Broncos have glimpsed victory on four prior occasions, but had victory elude them each time. All of that changed this past Sunday. With an inspiring team effort, they beat the odds and the legendary Green Bay Packers, a team as talented and formidable as any of the championship Packer teams before it.

So sure were some people that the Broncos would lose, one electric appliance merchant in Farmington, NM, and Durango, CO, offered unlimited free appliances to customers on the day before the game if the Broncos won. Under the agreement, the customers would have only had to pay if the Broncos lost. Lucky for him, he had the foresight to take out a $300,000 insurance policy, which barely covered his losses to jubilant customers as the unexpected happened and they showed up yesterday at both of his stores to collect on their free appliances.

In a brilliant athletic and strategic contest, both the Denver Broncos and the Green Bay Packers reflected qualities that we all value and admire: hard work, teamwork, preparation, dedication, and sportsmanship above all things. For that, and a beautiful display of terrific physical talent, both teams must be commended and applauded.

I want to highlight the Denver team, of course, because I am from Colorado and because they displayed a resilience and perseverance in overcoming four previous Super Bowl losses, qualities which any one of us must cheer who, in any type of endeavor, has ever tried and failed.

The Denver team succeeded with the leadership of John Elway, the MVP performance of Terrell Davis, a skilled offensive line that proved confidence and heart can compete with size, and a defense that proved as strong as it was fearless against a formidable offense.

Our second resolution specifically honors John Elway for his outstanding accomplishment in leading the Broncos to its fourth Super Bowl appearance and its first Super Bowl victory. In bringing his team a national championship, Mr. Elway has given us lessons in the game of football for years to come, and Sunday he gave us a new lesson in perseverance, dedication and true sportsmanship. He is certainly a hero.

Mr. ALLARD. I thank the senior Senator from Colorado for yielding.

Mr. President, as a fifth generation Coloradan who has rooted for the Broncos since they were first organized in the early 1960's, I want to give my Mile High Salute! A Super Bowl victory has been a long time coming for Broncos fans. Broncos fans have searched for an identity theme from "Orange Crush" in honor of one of their best defensive teams to "the Mile High Salute." Many of the themes were lost in time through legal hassles or disappointing seasons. But "the Mile High Salute" is here to stay, etched in history with a Super Bowl Victory!

Rules limiting the celebration of success on the football field have made it difficult for players and coaches to express their emotions. "The Mile High Salute" has become the Broncos symbol of success on the field. I do not believe there is a more honorable and appropriate way of celebrating in the game of football. The salute is honorable. Denver is the Mile High City. The Mile High Salute has come to mean more than success and honor with the Super Bowl Victory. It has come to mean dedication, hard work, exceeding peoples' expectations, team work and unity, and giving the spirit of competition its just reward. It is in this context that I give my Mile High Salute.

I want to salute the Green Bay Packers organization. They are a great organization and Wisconsin can be proud of them. They made this Super Bowl one of the best ever. They have a legacy in football that is honored throughout America. I know both my colleagues in the Senate from Wisconsin are avid supporters.

My good friend Congressman SCOTT KLUG, who I joined in the U.S. House of Representatives in 1991, got carried away with his enthusiasm for his Green Bay Packers and placed a wager with me. Instead of me providing him with Colorado beef he has the honor of bestowing on me some great Wisconsin cheese. SCOTT is retiring and I will miss him in the Congress because he has done such a great job in bringing about true reform. America is better because of his leadership in the U.S. House of Representatives.

I extend a Mile High Salute to the offensive and defensive Broncos linemen. They truly exemplify the team spirit and exceeded expectations with the smallest line in the National Football League. Known as the "Orange Hush," these are men that have an oath of silence, who routinely arrive an hour early for morning meetings so they can watch extra videotape together, who eat meals together, who dress together in the same locker room area, who study the Bible together, and who, most importantly, show up on game day together.

An obvious Mile High Salute goes to both quarterback John Elway and running back Terrell Davis. They recognized that they didn't do it alone even though they have become heroes of the game.

John Elway is topping off his marvelous career with a Super Bowl win! Many top NFL quarterbacks never have the opportunity to claim a Super Bowl victory. He will eventually be in the Football Hall of Fame. I know him personally and cannot think of anyone more deserving of such an honor. He is supported by a wonderful wife Janet and family.

Fifteen years ago few people in the Denver community could have guessed the impact this young quarterback from Stanford would have on the State of Colorado. Today, John Elway reigns as the king of the comeback and the winningest quarterback in NFL history. He is one of the most recognized figures in American sports. Aside from his considerable athletic accomplishments, Elway has proven himself time and again to be the heart and soul of his team. As important as Elway's role is in Colorado sports, he plays a greater role in the community. Over the years he has worked tirelessly for the charities of Colorado, and the Elway Foundation is responsible for hundreds of thousands of dollars in donations. I think that in the hearts and minds of all Broncos fans this one is indeed for John.

Terrell Davis returned to the San Diego area and his high school alma mater to demonstrate the can do attitude. I personally am amazed at his courage, work ethic, and commitment to winning for the Broncos team. His 157 yards rushing and record three touchdowns in a Super Bowl will be remembered. But this was only the culmination of his best season ever. Davis has grown from a 196th pick in 1995 draft to a Super Bowl MVP and 1,750 yard rusher in 15 regular season games. Davis will long be known by the nickname TD as he averaged one touchdown in every game he played in the 1997–1998 season.

I salute the entire Broncos staff, owners, and coaches. Mike Shanahan has done a great job and certainly is deserving of the honor as a winning Super Bowl coach. Coach Shanahan and his staff have done an incredible job of taking what was a 7–9 team in 1994 to a 12–4 team with the heart to persevere through one of the most difficult roads to the Super Bowl with victories in Kansas City and Pittsburgh. The team statistics speak for themselves, the Broncos offense was ranked number one in the League with 367 yards per game and the defense was the top rated unit in the AFC only allowing 292 yards per game. I congratulate Pat Bowlen because I know that good leadership starts at the top.

I want to recognize the general manager of the Broncos. John Beake is a good friend and has a great family. He does a great job of representing the Broncos organization. Both he and his wife Marcia need to be recognized for their fight to eliminate drug abuse. Just another example of how the Broncos organization has reached out into the community.

I give a Mile High Salute to the fans of the Broncos. They are the best. Many, like my wife Joan, were attending Bronco games when they were playing at the old University of Denver football stadium and wore vertically striped socks. Their enthusiasm has not waned over the years.

It is an honor for me to represent everyone in Colorado in the U.S. Senate. It is especially exciting to be here while winning Super Bowl XXXII. While I was interviewed last week about the President's scandals. I stated a number of times that people in Colorado have their priorities straight. They want their Broncos to win the Super Bowl and that's what they're talking about!

Joan and I only wish we could be in Colorado helping our friends and neighbors in giving the Broncos and their fans a Mile High Salute.

SENATE RESOLUTION 168—EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF EDUCATION, STATES, AND LOCAL EDUCATION AGENCIES SHOULD SPEND A GREATER PERCENTAGE OF FEDERAL EDUCATION TAX DOLLARS IN OUR CHILDREN'S CLASSROOMS

Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. COATS, Mr. GREGG, Mr. DEWINE, Ms. COLLINS, Mr. ENZI, Mr. MURKOWSKI, Mr. SHELBY, Mr. INHOFE, Mr. ASHCROFT, Mr. KEMPTHORNE, Mr. FAIRCLOTH, Mr. HELMS, Mr. BROWNBACK, Mr. ALLARD, Mr. SMITH of Oregon, Mr. ROBERTS, and Mr. MACK) submitted the following resolution; which was referred to the Committee on Labor and Human Resources.

S. Res. 168

Whereas the people of the United States know that effective teaching takes place when the people of the United States begin (1) helping children master basic academics, (2) engaging and involving parents, (3) creating safe and orderly classrooms, and (4) getting dollars to the classroom;

Whereas our Nation's children deserve an educational system which will provide opportunities to excel;

Whereas States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars;

Whereas several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars;

Whereas while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom;

Whereas American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually;

Whereas, according to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction;

Whereas, according to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers;

Whereas too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth;

Whereas getting 90 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $1,800 in additional funding per classroom across the United States;

Whereas more education funding should be put in the hands of someone in a child's classroom who knows the child's name;

Whereas President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.";

Whereas President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent; and

Whereas President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy: Now, therefore, be it

Resolved, That the Senate urges the Department of Education, States, and local educational agencies to work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

SENATE RESOLUTION—169—TO DESIGNATE FEBRUARY 3, 1998 AS "FOUR CHAPLAINS DAY"

Mr. HATCH (for himself, Mr. GRAMS, Mr. TORRICELLI, Mr. D'AMATO, Mr. WELLSTONE, Mr. INOUYE, Mr. BOND, Mr. MOYHIHAN, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. STEVENS, Mr. JEFFORDS, Mr. HUTCHINSON, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 169

Whereas February 3, 1998, is the 55th anniversary of the sinking of the United States Army transport Dorchester, an event that resulted in the loss of nearly 700 lives in 1943 and for which witnesses have recounted in the Congressional Record the heroism of 4 chaplains of different faiths, Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; Lieutenant John P. Washington, Catholic; and Lieutenant Clark V. Poling, Dutch Reformed;

Whereas witnesses have verified that during the approximate 18 minutes the ship was sinking after being torpedoed off the coast of Greenland, the 4 chaplains went from soldier to soldier calming fears and handing out life jackets and guiding men to safety and when there were no more life jackets, they removed their own life jackets and gave them to others to save their lives and were last seen arm-in-arm in prayer on the hull of the ship;

Whereas many of the 230 men who survived owed their lives to these 4 chaplains, and witnesses among them recounted the unique ecumenical spirit and love for their fellow man these 4 demonstrated that were later illustrated in a popular postage stamp issued by the United States in 1948 with the title "Interfaith in Action";

Whereas Congress passed House Concurrent Resolution 90 in 1957 to honor these 4 chaplains and the men who died with them, and President Truman and President Eisenhower issued similar proclamations calling for national recognition and participation in memorial services throughout the land that have been observed annually by the American Legion on the first Sunday in February;

Whereas Congress undertook to create a special medal for valor given to the memory of the 4 chaplains in 1960 and never to be repeated; and

Whereas memorials to the chaplains' heroic sacrifice abound in many places throughout the country including the Heroes Window in the National Cathedral in Washington, D.C.: Now, therefore, be it

Resolved, That the Senate—

(1) requests the President of the United States to issue a proclamation designating February 3, 1998, as "Four Chaplains Day"; and

(2) invites the people of the United States, of all religions and creeds and in all communities, to observe this date with appropriate ceremonies, celebrations, and commemorations.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Medicare Fraud Prevention: Improving The Medicare Enrollment Process."

This hearing will take place on Thursday, January 29, 1998, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy Shea of the Subcommittee staff at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, February 3, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Donald J. Barry to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

The hearing will take place Wednesday, February 4, 1998 at 9:30 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Allyson Kennett at (202) 224-5070.

ADDITIONAL STATEMENTS

SURFACE TRANSPORTATION EXTENSION ACT OF 1997

• Mr. CHAFEE. Mr. President, S. 1519, a bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991, was introduced and passed the Senate on November 10, 1997. The bill was passed by the House on November 12, 1997, and sent to the President for approval.

Because the measure was considered and passed on the same day as its introduction, the Committee on Environment and Public Works was not referred S. 1519, and a report was not filed. Subsequent to the passage of the legislation, however, the Congressional Budget Office issued a cost estimate, as required under the Senate rules. Therefore, I ask that a letter from the Director of the Congressional Budget Office, dated December 1, 1997, be printed in the RECORD.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 1, 1997.

Hon. FRANKLIN D. RAINES,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. RAINES: The Congressional Budget Office has prepared the enclosed estimate of the pay-as-you go effects of S. 1519, the Surface Transportation Extension Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Clare Doherty and Kristen Layman, both of whom can be reached at 226-2860.

Sincerely,
JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE: PAY-AS-YOU-GO-ESTIMATE, DECEMBER 1, 1997

S. 1519: SURFACE TRANSPORTATION EXTENSION ACT OF 1997, AS CLEARED BY THE CONGRESS ON NOVEMBER 12, 1997

S. 1519 would provide a temporary extension of highway and transit programs authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The bill would provide contract authority of approximately $8.7 billion for programs carried out by the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Transit Administration (FTA). Of that total, $15 million would be for the FHWA minimum allocation program, which is exempt from the obligation limitation that applies to the bulk of FHWA's spending. In addition to providing contract authority, S. 1519 would authorize the appropriation of $372 million for the Federal Transit Administration for the first half of fiscal year 1998.

The minimum allocation program is the only program reauthorized in S. 1519 that has outlays that are classified as direct spending. All other outlays from authorizations in S. 1519 would be discretionary because they either would result from discretionary appropriations for fiscal year 1998 or would be subject to obligation limitations included in the 1998 appropriation act for transportation (Public Law 105-66).

S. 1519 would provide $15.46 million for the minimum allocation program for the six-day period from January 26, 1998, through January 31, 1998. For the purposes of estimating the pay-as-you-go impact of the act, this amount has to be extrapolated through 2002, based on the spending authority provided in the legislation. This approach is required under the Balanced Budget Act of 1997, which stipulates that an expiring mandatory program with current-year outlays in excess of $50 million be assumed to continue at the program level in place when it is scheduled to expire.

The $15.46 million in contract authority for six days translates into an annualized level of $639 million for January 26 through the remainder of fiscal year 1998 and for each subsequent fiscal year. By comparison, the current CBO baseline for the minimum allocation program includes contract authority of $639 million for 1998, but assumes annual increases to reflect projected inflation for subsequent years. Thus, CBO estimates that enacting S. 1519 would produce pay-as-you-go savings of $62 million in outlays over the 1998-2002 period, relative to the current baseline.

CBO's estimate of S. 1519's impact on outlays from direct spending is summarized in the following table for fiscal years 1998-2007. For purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Also, only direct spending outlays are subject to pay-as-you-go requirements; the discretionary outlays from contract authority subject to obligation limitations are not considered for pay-as-you-go purposes.

ESTIMATED EFFECTS OF S. 1519 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Changes in outlays	0	−2	−8	−19	−33	−47	−63	−80	−97	−115
Changes in receipts	Not applicable									

The CBO staff contacts for this estimate are Clare Doherty and Kristen Layman, both of whom can be reached at 226-2860. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.•

TRIBUTE TO DR. WALTER GAMEWELL "CURLY" WATSON

• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the exemplary career and extraordinary life of one of South Carolina's most beloved citizens: Dr. Walter Gamewell "Curly" Watson.

Dr. Watson, who will turn 88 in February, was born in Trenton, South Carolina, on the same farm he owns today. He graduated from The Citadel college during the height of the Great Depression. Although he earned the highest grade point average in his class, he was—like so many of us during that time—unable to find work. So in order to earn money for medical school, he taught math and coached football at high schools in Edgefield, South Carolina, and Bainbridge, Georgia, for the following seven years.

Finally, in 1939, he was able to enter medical school; and in 1943, he graduated from the Medical College of Georgia. After interning and completing his residency at University Hospital in Augusta, Dr. Watson served two years as an Army physician in Korea and the Philippines.

Before shipping out, Dr. Watson married Audrey Bazemore, a University Hospital nurse whom he met during his residency. Today, the two remain devoted to one another.

In fact, it was only at Audrey's insistence that Walter agreed to allow University Hospital to bear his name. He is notorious for avoiding attention and eschewing praise. Indeed, Dr. Watson's life and career are marked by his humility.

Dr. Watson began his private practice 50 years ago, joining the practice established by Senator STROM THURMOND's late brother J. W. While delivering over 50 babies a month for most of the past 50 years, Watson also found time to serve his hospital, church, and community. He led Grace Methodist Church's efforts to build two new sanctuaries, as well as its relief mission for the victims of Hurricane Hugo. And for over 40 years, Watson has served as the team physician for North Augusta High School.

Walter Watson also has received numerous accolades from his peers in the medical profession. Among other honors, he was named Professor Emeritus of obstetrics and gynecology at the Medical College of Georgia. And the hundreds of letters he has received over the years from friends, colleagues, and patients are testament to his unsurpassed bedside manner and deft human touch.

Perhaps greatest among Watson's accomplishments is his success as a family man. He raised five children, all of whom have grown up to be well-respected members of their community. All four of his daughters became nurses; they received their first training from their father.

Today, Mr. President, the University of Georgia Hospital names its Women's Center in Dr. Watson's honor. I can think of no more fitting tribute to this man who has given much to his community while asking nothing in return. At a time when many speak of the need to foster volunteerism, Dr. Walter Watson's life serves as a lesson in humility, faith, commitment, professionalism, and service. Beloved teacher, healer, father, and husband: Walter Watson is an inspiration to us all.•

BUILDING DEDICATION AT BAY COLLEGE

• Mr. ABRAHAM. Mr. President, today I rise in honor of Bay College in Escanaba, Michigan. This innovative educational institution is excited to celebrate the dedication of its new University Center. The completion of this new building will provide many exciting opportunities for students and the college.

In addition to expanding higher education access to bachelor and master degree programs for area citizens, the Joseph L. Heriman University Center houses eight new computer classrooms/labs in its student Computing Center; a net of nine new classrooms which include the computer classrooms, three business classrooms, an interactive television (ITV) classroom and one mobile ITV for distance education. The Center also provides accommodations for industrial training and technology transfer, customized training for technical skills upgrade and professional development seminars and workshops.

The opening of this building will bring many benefits to the college and the local community. Again, I would like to congratulate Bay College and commend its administration, faculty and students on their efforts. Also, I would like to wish the college the brightest of futures as they enter this exciting period in their history.•

RETIREMENT OF MR. JOHN L. SMITH

Ms. MOSELEY-BRAUN. Mr. President, on February 27, 1998, the state of Illinois and our nation will lose a valuable public servant. After 23 years as the Director of the United States Small Business Administration's (SBA) Chicago District Office, John L. Smith is retiring. It is my honor to commend him on a distinguished career of service to our nation.

Mr. Smith began a 47-year public service career in 1951 with a 4 year stint in the United States Navy. Following his discharge, Mr. Smith attended the Robert Morris School in his hometown of Pittsburgh, Pennsylvania where he received a degree in Business Administration.

In 1967, Mr. Smith began working in the civil service with the U.S. Department of Commerce's Economic Development Administration where he worked as a loan specialist in several assignments throughout the East Coast. Prior to that, Mr. Smith had been the Director of Financial Assistance for the Business and Job Development Corporation in Pittsburgh.

In 1973, Mr. Smith came to Chicago to serve as the Regional Administrator for the Commerce Department's Office of Minority Business Enterprise. In that position, Mr. Smith admirably directed activities in 10 states and managed over $5 million in grant and contract funds.

In 1975, Mr. Smith began his long tenure as Director of the SBA's Chicago District Office. Over the past 23 years, he has managed the Chicago Office and a smaller branch office in Springfield. Additionally, he has been responsible for overseeing both offices' SBA loans, management assistance, government contracting, and advocacy programs for small businesses across Illinois. On his watch, small businesses in Illinois have received several billion dollars worth of loans and federal contracts.

In addition to his professional successes, Mr. Smith and his wife have raised four adult children. John L. Smith has also worked to better his community and our nation through volunteering his time and abilities to organizations such as the American Heart Association, the Boy Scouts of America, the Kiwanis Club and the United Fund.

Without a doubt, the citizens and the economy of the state of Illinois have benefitted greatly from John L. Smith's able and dedicated leadership. He leaves behind a strong and proud record of accomplishment at the Small Business Administration, as well as a remarkable career of government service. I wish him good luck and God's speed in all of his future endeavors.

A TRIBUTE TO DON TIBBETTS

• Mr. GREGG. Mr. President, I rise today to pay tribute to Don Tibbetts, "Dean of the New Hampshire State House Press Corps" who recently retired after 24 years of news reporting on national and state politics for the Union Leader and the New Hampshire Sunday News.

Don has witnessed many historical events over his career, from the thrill of the first in the nation presidential primary to the comings and goings of countless Governors. He has endured seemingly endless hearings and press conferences, yet has reported on each of them with style, substance, and integrity.

In a state where people take their politics very seriously, Don was able to give the people of New Hampshire their daily diet of important facts about the events, votes, meetings, and rulings that impact their lives. What is remarkable about Don in this time of editorial journalism is the way Don gave his loyal readers the facts in an unbiased way and let them make their own judgments.

In the State House, Don was constantly on the lookout for news, churning out several stories each day. His "Under the State House Dome" column was a must read for anyone who wanted to be informed about the latest yet to break news and information about politics in New Hampshire.

Although Don is a lifelong member of the Fourth Estate, which often has a skeptical or even adversarial stance toward government officials, he always went the extra mile to listen to both sides of the story and reflect these views in his stories.

The only time he did not play it down the middle was when he was on the golf course, where he has been known to hit an occasional errant shot.

As someone who Don has covered for many years, I will miss him, and I know that his colleagues at the Union Leader and in the press corps will miss him too. The real questions is if Don will miss any of us. I wish both Don and Jane the best of luck in their future endeavors.

Those of us in government will greatly miss his reputation as an honest broker of the facts, a perceptive historian and judge of people, and for helping to keep the job of governing enjoyable.•

IN HONOR OF THE PALMIERIS' FIFTIETH WEDDING ANNIVERSARY

• Mr. MOYNIHAN. Mr. President, I would like to call to your attention a most momentous and joyful occasion. Theresa and Joseph Palmieri of Brooklyn, New York will celebrate their fiftieth wedding anniversary on January 31, 1998.

Theresa and Joseph were wed at Saint Rosalie Catholic Church in Brooklyn, New York on January 31, 1948. The couple was introduced at a "Welcome Home" for Joseph after his return from service during World War II. Living and working on Long Island, New York for the past thirty-five years, the Palmieri family includes daughters Jo Ann and Theresa, sons Paul and Joseph, and seven grandchildren.

In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death do us part . . ." seriously, demonstrating successfully the timeless principles of love, honor, and fidelity.

Mr. President, I ask that you join me, our colleagues, and the entire Palmieri family in recognizing the wonderful sense of achievement and happiness that marks the golden wedding anniversary of Joseph and Theresa Palmieri.●

THE TYRE LODGE MASONIC TEMPLE OF COLDWATER

● Mr. ABRAHAM. Mr. President, I rise today in recognition of Tyre Lodge Masonic Temple in Coldwater, Michigan. On January 17, the lodge celebrated its 150th anniversary. To put this in perspective, this lodge was issued its charter 15 years before President Abraham Lincoln delivered the historic Gettysburg Address.

The Tyre Lodge has been a pillar of its community for many years. Volunteering their time, efforts and talents into an organization, Masons have consistently provided invaluable services to their community. The members of the lodge have always searched for new ways to provide opportunities for their fellow members and citizens of their local community. This strong commitment to helping other individuals is outstanding, and I commend each member of the association for all their tireless efforts.

On February 7, the lodge will be hosting a dinner and program to celebrate this achievement, and I would like to express my warmest wishes for a successful evening. Again, I would like to thank the members of the lodge for their dutiful dedication to the Coldwater community, and wish them the brightest of futures.●

TRIBUTE TO MARSHALL FLOYD

● Mr. BINGAMAN. Mr. President, I would like to take a moment and pay tribute to a teacher in New Mexico who is an excellent example of service and commitment to education and the students of Albuquerque, New Mexico.

Marshall Floyd has been a teacher at Highland High School since 1953, a member of numerous educational related boards, and has received a wide variety of educational honors, including being the recipient of the Outstanding Biology Teacher of New Mexico by the National Association of Biology Teachers in 1974 and receiving the Science Teacher of the Year Citation from the New Mexico Science Teachers Association in 1981. In 1990, Albuquerque Public Schools named Highland High School's new science building after him in recognition of his service to the school and the educational community.

Mr. President, on January 12, the community of Albuquerque and Highland High School paid tribute to this remarkable teacher, and today I join with my fellow New Mexicans in expressing my admiration for Marshall Floyd's continued dedication to educating the students of New Mexico and his commitment to the community of Albuquerque.●

THE HOLOCAUST VICTIMS REDRESS ACT

● Mr. D'AMATO. Mr. President, I rise today to congratulate the House of Representatives on passage of S. 1564, "The Holocaust Victims Redress Act."

The bill was passed by the Senate on November 13, 1997, and was referred back to the House where it was originally introduced by my colleagues, the chairman of the House Banking Committee, Representative JIM LEACH, and chairman of the House International Relations Committee, Representative BEN GILMAN. I am very pleased that we have been able to work together to pass this important legislation enabling the correction of a horrible injustice after the war. Now, needy survivors can obtain some measure of justice and dignity.

Mr. President, this important bill contains two main provisions. First, the bill authorizes $25 million for a U.S. donation to the fund established by the United States and the United Kingdom at the London Conference on Nazi Gold in December. Second, the bill authorizes $5 million for research into the issue and translation of foreign language documents coming from this effort. The administration has been fully supportive of this effort. Undersecretary of State Stuart Eizenstat, particularly, has played a vital role in this effort and without him we would not be where we are today on the issue.

Regarding the $5 million authorized in the bill for research, it is my strong belief that the management of these funds should be granted to the United States Holocaust Memorial Museum. This museum is the one organization uniquely capable of conducting research like this, research that is a core function of its mission. The Museum, I might add, has been an invaluable aid to the Banking Committee during our on-going inquiry into the disposition of Holocaust-era assets by Swiss banks from before, during, and after the Holocaust. Accordingly, I can think of no better group to manage the research funding from this bill than the United States Holocaust Memorial Museum.

Mr. President, I again want to thank my colleagues for their help in obtaining passage for this important bill. If we are going to try to obtain justice for victims of the Holocaust. While much more needs to be done on this issue, this is an important measure in this long overdue effort.●

CHILD SUPPORT PERFORMANCE IMPROVEMENT ACT

● Mr. ROCKEFELLER. Mr. President, the Senator from Massachusetts (Mr. KERRY) has been added as a cosponsor to S. 1293, the Child Support Performance Improvement Act. Senator SNOWE and I introduced this legislation last year to call for critical ways to strengthen child support enforcement, including an effort to address the critical need for medical support among children with absent parents.

It is an honor to have Senator KERRY, a long-time child advocate and leader, join Senator SNOWE and me in our effort to promote effective and efficient child support enforcement. Senator KERRY's commitment to this issue is well known, and he has been aggressive pushing for action through previous legislation.

Today, we are joining forces to promote our bill, S. 1293, and to work together on a new initiative to resolve the lingering barriers that prevent enforcement of medical child support, a crucial aspect of support and stability for children and families. Senator KERRY's special commitment to medical support is clear. Working with him and other colleagues, we want to eliminate the barriers which hinder State agencies from effectively implementing the 1984 Federal law that requires States to petition for medical child support, if it is available from non-custodial parents. Our law says children should not be discriminated against in health care coverage in cases of divorce, but we need to work together to ensure that this obvious principle works in practice. Public health coverage, through Medicaid or the new children's health initiative, should not be a substitute for private insurance from parents when such insurance is available. We hope to ensure that children get coverage they need and deserve.

To achieve our goals, we want to work with congressional colleagues, child advocates, State leaders, interested business groups and the administration to ensure that we forge consensus on ways to tear down existing barriers to health care coverage that is fair and streamlined.

The technical nature of this issue is complicated. But the reality for children and families is clear—medical coverage means that parents have the peace of mind that their children can obtain the health care that is so vital for a healthy, successful childhood. I welcome Senator KERRY's support and urge all of my colleagues to join in this effort.

Mr. KERRY. Mr. President, I am pleased to join the distinguished Senator from West Virginia as a cosponsor of this very important child support legislation. He has long been a leader on these issues and I am delighted to work with him to ensure that children get the support they need and deserve. I particularly look forward to working together to pass medical enforcement legislation. At least 700,000 children nationwide have a health insurance order through an ERISA-protected plan where the noncustodial parent fails to provide the required coverage. Providing an efficient, effective way for child support agencies to enforce the requirement for medical child support coverage through ERISA-protected plans would result in more children with private health insurance and reduced public costs for medical coverage.•

RECOGNITION OF ZION GROVE MISSIONARY BAPTIST CHURCH

• Mr. BOND. Mr. President, I rise today to recognize a tremendous accomplishment by the Zion Grove Missionary Baptist Church and Reverend Frank L Selkirk III, Ph.D. As of December 31, 1997, the Church has raised enough money, from members and the Kansas City, MO, community to pay their mortgage.

The Zion Grove Missionary Baptist Church Family will commemorate this achievement with a "Mortgage Burning Ceremony" on January 18. The hard work and perseverance of all the members at Zion Grove Missionary Baptist Church will begin to show in 1998 when money becomes available for new programs and possible expansion.

I congratulate Zion Grove Missionary Baptist Church for their hard work and success. Additionally, I commend staff and members for their spirit and energy throughout their many years of existence and wish them continued success in enriching the Kansas City community for years to come.•

DANIEL J. KEARNEY

• Mr. KERRY. Mr. President, today I wish to recognize and mourn a loss for the working men and women of this country.

On Friday, January 2, 1998, Mr. Daniel J. Kearney of Cohasset, MA, passed away. On that day the Commonwealth of Massachusetts, and the United States of America lost an individual who embodied and protected the most cherished principles of this Nation.

From his military service to his fervent support of the labor movement, Mr. Kearney led a quintessentially American life, one that contained family and sacrifice, struggle and victory. He married the late Mary A. MacGrath, and together they raised daughters Gail and Linda. His distinguished service in the U.S. Navy spanned the period from World War II through Korea, and he maintained this commitment to his Nation through leadership and service in the Veterans of Foreign Wars and the American Legion.

Mr. Kearney began his long career in the labor community as an apprentice blacksmith at the Boston Naval Yard in 1946, where he graduated from the Boston Naval Shipyard Apprentice School. In 1952, he served as a program engineer for the Navy, and this resulted in his becoming a contract negotiator for shipbuilding in 1956. In this position, Mr. Kearney worked on the construction and conversion of nuclear attack and ballistic missile submarines, helping navigate our Nation's defense through a historic and complex transition.

His largest contribution to this country, however, was his relentless and passionate advocacy on behalf of working men and women, and his early posts in the Navy yards of Massachusetts were the origin of his life-long campaign for organized labor.

He went on to organize, and to serve as a union officer and local president of, various American Federation of Government Employees locals, lead the Philadelphia Council of the AFGE and serve as President of the Massachusetts State Council of Locals. He served as National Vice President of the AFGE, and later as Vice President Emeritus of AFGE's New England District.

Dan Kearney's faith in the electoral processes of this country, both local and national, was another passion. Beginning back when John F. Kennedy was first elected to Congress, and continuing through Senator Edward Kennedy's re-election in 1994 and my own re-election in 1996, Mr. Kearney was a welcome fixture in the Democratic campaigns of Massachusetts. For him, coordination of grass roots politics was another tool to help people improve their lives, and he gave it his all.

In later years, the issues facing senior Americans became his campaign, and his sincere advocacy of fairness and decency resulted in an appointment to the White House Council on Aging. As recently as several weeks ago, he dropped by my Boston office with thoughts on issues facing seniors, retired government employees, and the labor movement as a whole.

He leaves a loving family and many friends, and he leaves the world better for his efforts. As we celebrate his life, we offer our condolences and sympathy to all who knew and loved him.•

TRIBUTE TO VIRGINIA WHITE

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Virginia White, a public servant of outstanding integrity and honesty, who is retiring after 25 years of service to her community. On January 31, Virginia will end her tenure as Meridian Township Clerk.

In 1972, Virginia was first elected as Township Clerk on the promise to improve her community. Not only did she fulfill her pledge, but she began a long, meritorious career serving the people of Meridian Township. During her time as clerk, she established a reputation for hard work and dedication to serving her community. While a clerk, Virginia's dedication to Meridian Township was unsurpassed and she maintained the greatest of commitments to public service. Mr. President, Virginia White is one of few individuals I can think of who truly embodies the ideals and principles that define the term "public servant."

Virginia's desire to better her community reached far beyond Meridian Township. When she co-founded the Michigan Association of Clerks, a network was formed which brought city and township clerks across the State of Michigan together. Additionally, in an effort to create better systems of local governance, she wrote a national manual on conducting elections. Together, these efforts reflect Virginia's longstanding pursuit to provide her municipality with the best possible clerk. I am proud to say she accomplished this goal with great distinction. Although Virginia will be greatly missed, I know she is looking forward to a well-deserved retirement. I join her family, friends, and colleagues in wishing her all the best with her new endeavors and a bright future.•

TRIBUTE TO RETIRED MAYOR BETTY JO RHEA

• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to one of South Carolina's leading ladies, Betty Jo Rhea. Betty Jo retired as Mayor of Rock Hill, SC, on January 20. With her retirement, my State loses one of its most beloved politicians and progressive leaders.

Betty Jo Rhea began her career of public service over 25 years ago, when she was appointed to the Rock Hill Parks and Recreation Commission. She was elected to the Rock Hill City Council in 1977, and has spent the last 20 years in the thick of her city's political fray.

In 1986, Rhea became Rock Hill's first woman Mayor. When she retired in January after 12 years in the office, she also was one of the city's longest serving and most popular mayors. During her tenure, Betty Jo focused her prodigious energies on attracting jobs to the region and preventing economic collapse in the wake of the closing of the textile mills that had underpinned Rock Hill's economy.

She has been incredibly successful. Not only did she help prevent a severe recession, she led Rock Hill in an economic rejuvenation. Under her leadership, the city built three business parks to attract large industries, began a downtown revitalization and preservation program, and started a successful recycling program in cooperation with Rock Hill Clean and Green.

But Betty Jo didn't stop there. She also went abroad to promote Rock Hill, serving as the region's most successful ambassador. She was President of the Municipal Association of South Carolina, on the board of the U.S. Conference of Mayors, and active in the National League of Cities.

In recognition of her achievements and dedication to her community, the Municipal Association of South Carolina awarded Rhea the Allison Farlow Award, its highest honor. And in appreciation of her support for recycling, conservation, and greenery programs, Rock Hill Clean and Green created the Rock Hill Environmental Action (RHEA) award, named in her honor. For Rhea's contributions to the community, Winthrop University bestowed on her an honorary doctorate.

As Betty Jo's friends and admirers know, her greatest attributes are her sunny disposition, charm, and complete devotion and loyalty to Rock Hill and its people. Of course, these qualities haven't hurt her in politics, either. They have won her many friends and allies; and no doubt her success as Mayor has been aided by her habit of baking homemade bread for City Council members at Christmas.

Fortunately for South Carolina, Betty Jo Rhea's retirement from her duties as Mayor is not a retirement from public life and community service. She is set to begin her new career as head of a fund-raising campaign for the arts, and she plans to volunteer with the Salvation Army. Rhea's days of ribbon-cutting are over, but the people of Rock Hill can look forward to many more years of her wise counsel and progressive leadership.

Mr. President, I salute Betty Jo Rhea. She exemplifies all the virtues of citizenship and political leadership. She has pursued politics not out of egotism, but rather from the sincere desire to help her neighbors and strengthen her community. Thanks to her leadership, Rock Hill has not only weathered economic hardship, it has ridden the storm to ever-rising economic heights.

As one of her many fans remarked upon her retirement, Betty Jo Rhea truly was "a people's mayor."•

RECOGNITION OF REPRESENTATIVE BONNIE SUE COOPER

• Mr. BOND. Mr. President, I rise today to recognize Missouri State Representative Bonnie Sue Cooper for her outstanding contributions to the American Legislative Exchange Council (ALEC). As last year's chairwoman, Bonnie Sue set a new leadership standard that will be a challenge for all future chairpersons.

ALEC is the largest bipartisan, individual membership association of State legislators in the country. After serving as vice-chairwoman for 2 years, Bonnie Sue was voted chairwoman for the 1997 term. According to Arkansas Speaker of the House Bobby Hogue, "In the year Bonnie Sue has been chairman there has been progress on every front at ALEC. It has strengthened its policy making operations and raised its profile among both legislators and the private sector." Speaker Hogue replaced Bonnie Sue as chairman.

Bonnie Sue has been an incredible leader, not only in the State of Missouri, but also at a national level. I enjoy seeing leadership of Bonnie Sue's caliber and know that there are only bigger things to come for her. I congratulate Representative Cooper on another outstanding year and wish her success in the future.•

PUBLIC-PRIVATE PARTNERSHIPS

• Mr. GRAHAM. Mr. President, we continue to see positive signs reflecting the strength of our national economy. Thirty-year mortgage rates remain low, consumer confidence is high and unemployment is down.

In the midst of these sustained positive trends, America faces new challenges as we approach a new century. Among them: meeting a critical need for skilled technology workers and the continuing effort to move more Americans from welfare to work.

We are an innovative people and I'm confident that we can meet new challenges, in part via public-private partnerships. One of the key people in America advancing the concept of public-private partnerships is Mr. Greg Farmer. As Florida's Secretary of Commerce, Mr. Farmer pioneered public-private partnerships at the state level, doing more with less tax dollars.

Now in the private sector, with Nortel, Mr. Farmer and his company are helping provide high-tech equipment to schools and technology training to help move people from welfare to work. On January 13, 1998, Mr. Farmer testified before the Senate Committee on Labor and Human Resources. I commend his testimony to my colleagues and all those interested in public-private partnerships as a means of reducing welfare dependency and advancing job training. I respectfully ask that his testimony be printed in the RECORD:

The testimony follows:

STATEMENT OF GREG FARMER, VICE PRESIDENT, GOVERNMENT RELATIONS AND INTERNATIONAL TRADE, NORTEL

Mr. Chairman, Members of the Committee. My name is Greg Farmer, and I am Vice President for Government Affairs and International Trade for Nortel (Northern Telecom). It gives me pleasure to be with you this morning to discuss some of the things Nortel is doing in the Washington, D.C. area to help prepare inner city youth for a fruitful life beyond high school, whether it be college or acquiring a special skill.

Bell Atlantic is a household word and all of you are certainly familiar with it. You might not be as well acquainted with Nortel (even though—and I hesitate to say this in case you had a telephone problem this morning—the Senate does have our telephone switch). Nortel is the leading global supplier of fully digital network solutions and services. We design, build and integrate digital networks that communicate voice, data, image and video for customers in the information, communications, entertainment, education, government and commerce markets. Our customers are local and long distance telecommunications companies, businesses, universities, governments, cable television companies, competitive local access providers, Internet services providers and other network operators around the world. We operate in 150 countries around the globe. We have more employees in the U.S. than anywhere else. Here, we are based in Nashville, Tennessee and have major state-of-the-art centers—including research and development, manufacturing, semiconductor and software-engineering facilities—in nine other states. And we have sales and services offices in every state of the union. We count Bell Atlantic as a good customer, and I am pleased to be on the panel today with my friend Bill Freeman.

Yesterday the Administration announced a massive public-private effort aimed at high tech training. This was in response to concerns by economists and business leaders that U.S. companies have a critical shortage of skilled technology workers. The initiative, which will include millions of dollars in grants to fund educational programs, comes as a new survey shows that 1 in every 10 information technology jobs in the U.S. is unfulfilled.

This comes as no surprise to Nortel. As with other telecommunications companies, education and workforce development is an essential part of Nortel's overall business strategy. Our industry requires highly skilled workers at even the most basic entry level positions. We are constantly looking for opportunities to work with organizations that provide training and enhance our workforce.

The Administration ought to take a good look at Capital Commitment. It is a stellar example of a high tech training program that works. It is a shiny gem; a diamond in a rusty crown. And I hope some of those grants will go to Capital Commitment so it can continue the incredible success it has enjoyed in the past.

One only need hear the Ricky Mozee story to understand the cascading good this program has for individuals and for our community. Ricky Mozee is a walking, talking welfare-to-work success story. Before finding Capital Commitment in 1992, Ricky was a drug and alcohol abuser, living on welfare in the tough streets of Anacostia. In his own words, he had no future; his family had no future; he was afraid to dream. He was fighting his addictions and looking at an 84 percent unemployment rate in his community. Then he found Capital Commitment. Today, he has a high paying job as a telecommunications supervisor at National Airport. He owns a house in suburban Maryland. He supports a wife and three children. He is a poster boy for what the future could be, if we get it right.

When LaVerne and Ernest Boykin established Capital Commitment in 1991, their vision to train inner city youth in telecommunications and life skills and to facilitate job opportunities for them resonated well with our corporate goals. Since that time, Nortel has been actively involved with Capital Commitment. We have observed a dramatic increase in employment opportunities for the unemployed, under-employed, at risk youth and single parents from the District of Columbia. As a result, we have also observed a significant shift of money from public assistance to taxable income.

In those early days, we worked with the Capital Commitment management team to identify factors critical for their success and discovered their needs went far beyond financial support.

Nortel's support of Capital Commitment since its inception includes:

Providing well over $1 million in funding, equipment and personnel resources (switches, computers and state-of-the-art office equipment as well as technical expertise, training materials);

Providing management advice and coaching;

Taking the lead in turning Capital Commitment into an industry sponsored organization;

Establishing a fundraising golf tournament;

Working to replicate Capital Commitment in California & Texas;

Serving on Capital Commitment's Board (Stuart Mapes, Nortel's National Director of Minority and Women Business Program).

In addition, I am pleased to announce today that Nortel will donate and install a new Nortel Central Office Switch to be used for advanced training.

We have also worked with Bell Atlantic and other private companies to expand corporate funding of the program. I might add here that one of the most telling successes of this program is the fact that Nortel and other corporate sponsors of Capital Commitment have been diligent in working cooperatively. We work with our customers, such as Bell Atlantic, MCI and Sprint, but also with our competitors, such as Seimens and Lucent, in promoting this program. There is something in it for each of us. Not only does it make us sleep a little easier at night to know that we are being good corporate citizens and helping disadvantaged youth become a part of this dynamic industry; but also, in a cold business sense, we are receiving great benefits too.

Nortel and the telecommunications industry in general are in constant need of highly qualified technical employees. Capital Commitment graduates students who are highly trained in these skills. We have hired over 100 Capital Commitment graduates who have proven to be well trained, competent and reliable employees. As a matter of fact, Capital Commitment graduates have a 90+ percent placement rate and an impressive 80+ percent retention rate! This welfare-to-work program really works.

There is another aspect to this program which is missing from other traditional welfare-to-work programs. The Boykins teach their students critical lifeskills and stress to their students the importance of "paying back" their communities. Many of their graduates return to Capital Commitment to help instruct students, or pay back their communities by being role models for others. So the legacy of Capital Commitment lives on in their graduates and provides long term benefits to the community.

I am committed to spreading the word about Capital Commitment. I have personally taken numerous Administration officials through the program. I found that a tour of Capital Commitment makes believers out of all who go there. My goal is to find sources of federal, state and local funding to help this incredible program expand. I would encourage each of you to take time from your very busy schedules to visit Capital Commitment, which is located a few short miles from here. There is nothing any of us can say to you today that will have the impact a personal visit will have. It will, I know, be time well spent.

We at Nortel believe very strongly that Capital Commitment is an important and solid example of how business can work within the community to provide increased opportunity for movement from welfare-to-work in highly paid, career oriented jobs in a high growth industry. The need for skilled technicians to enter this industry is growing rapidly so it is incumbent upon us to accelerate efforts to assure continued progress for this important program. Capital Commitment provides opportunities for our most disadvantaged citizens to become productive, well paid workers in this dynamic industry.

Having said all of this, there is trouble in paradise. Capital Commitment is a shiny gem but it sits in a rusty crown, badly in need of attention by our policy makers.

We at Nortel believe that corporate-community partnerships are the key to educating and gainfully employing a greater number of high skilled workers. However, there is a third critically important partner needed in these job training programs if they are to be successful: the government.

I worry that Capital Commitment might not be able to continue because it is lacking financial support of any kind by the government.

It is the government's role to encourage programs which take people who are on welfare and turn them into gainfully employed, responsible citizens who pay taxes and otherwise contribute to their community. This is what Capital Commitment does so well. And the corporate community by all accounts has been extremely generous with financial and other resources to help them achieve this goal. The corporate community benefits from the program; we strongly support the program. And while the Government also has much to gain from these efforts, there has been little effort by the government to encourage this activity.

Capital Commitment is a victim of its own success. Ernest and LaVerne Boykin triumphed in setting up a high quality welfare-to-work program that actually works. It takes people off of welfare and helps them get jobs in a growing industry.

Capital Commitment is a public-private partnership without the public. The government has simply not done its part in encouraging this most successful program.

In my previous two stints at public service, I learned first-hand the benefits of converting traditional governmental functions into public-private partnership.

As Florida's Commerce Secretary I converted several functions within the department to public-private partnerships, including film and motion picture promotion, sports promotion and tourism promotion. Finally the economic development function was converted to a public-private partnership (Enterprise Florida), completely eliminating the Department of Commerce, which might appeal to some of you.

As U.S. Under Secretary of Commerce for Travel and Tourism, I convened the first-ever White House Conference on Tourism charged with planning strategy for the industry for the next five years. The number one recommendation was that the agency be converted to a public-private partnership.

The reason is that a public-private partnership leverages maximum resources in the most positive way possible. It achieves the public purpose the government wants to achieve; it brings the discipline of business to the operation; it provides accountability; it is cost effective by nature because business simply will not be a part of something which is not effective. History shows public-private partnerships are almost always more effective in terms of achievement and cost than government working alone.

As an aside, you may all be aware that there is an effort underway in D.C. to revive a plan endorsed by the White House to create a National Capital Revitalization Corporation, a separate legal entity that would oversee development activities in struggling commercial areas across the city. The corporation, a public-private partnership, would be charged with drafting a strategic economic development plan for the city and would have the power to acquire property, issue bonds and conduct other activities which would ensure economic growth happens.

I endorse this plan because I believe there is no where else in this country that needs a public-private effort to revitalize the economy more than the District of Columbia.

Capital Commitment would fit well into this new economic plan. But what we have with Capitol Commitment now is a public-private partnership in which the public has not been present. The results have a tremendous public return. Over 500 former welfare recipients now are earning high wages, paying taxes and contributing to the economic development of their communities. A proven success record. Yet there has been precious little government investment and apparently no realization of the value this program has in achieving a critical government goal.

Before I conclude, let me briefly tell you about some of our other efforts to be helpful in D.C.

Nortel recognizes that computer-based learning is crucial in preparing our students for the 21st Century. So, 18 months ago, we began a program to assist the D.C. school system. We began by providing computers to Burrville Elementary and Hine Junior High School. Nortel also provided the expertise and training necessary to ensure the computers were operable and the teachers knew how to instruct the children. Access to the Internet was an essential ingredient. The computers were most successful at Burrville and Hine, well run schools with excellent teachers and children eager to learn. However, we soon learned that much more needed to be done.

To respond to this need, we assembled a coalition of federal and city government officials and private corporations aimed at providing inner city D.C. schools with computers, software and Internet access. We met to discuss how, working together, we could provide on an ongoing basis, computers, access to the Internet, software and technical support to inner city schools. It soon became apparent, however, that there was no accounting system for tracking what the D.C. schools presently have or what they need. So we had to start from scratch. Before we could be truly helpful, we first needed to get a handle on what the D.C. school system already had, what was working and what was not and exactly what was needed. A more structured organization was required.

This led to the creation of Partners in Technology (PIT), a non-profit foundation established to foster technology-based public-private partnerships in the D.C. school system. I am pleased to serve as Chairman of the Board of PIT.

The goal of PIT is to improve the quality of education in our local educational institutions by increasing the level and maximizing the impact of community investments made by the private sector. We learned from experience that to be most effective takes more than just donating equipment.

PIT is funded by corporate charter members and is seeking matching funding for programs and operations from private, public and federal sources.

Although in its infancy, PIT—in partnership with the District Branch of Tech Corps—has already initiated:

Researching and developing plans for an "acceptable" standard work station/computer that will meet the overall education needs of the student. This includes working closely with the D.C. Public Schools in providing assistance and consultation on strategic planning and inventory management. For instance, PIT is in discussions with DC Tech Corps in looking at ways to develop effective technology training programs for the faculty. PIT understands it cannot be effective unless we have trained educators that can and want to teach students how to use the tools of technology in order to enhance their education.

Establishing a pilot project which is being tested to allow schools to turn over obsolete computer equipment for a credit by a computer remanufacturer. This credit may be used to purchase state-of-the-art equipment and comprehensive computer training for teachers. In addition, local non-profit remanufacturers have expressed an interest in working to provide repair training and intern opportunities for D.C. students in the schools and at their facilities.

Coordinating the establishment of a computer program within the D.C. public schools which will establish student clubs with faculty-adult supervision.

These are just a few of the activities already undertaken by PIT. High on our list is to assist the D.C. Public Schools in compiling an accurate inventory of all computer/phone equipment and systems. This will include an inventory of each school's human and corporate resources. This is a critical step in providing the necessary information for intelligent and effective planning.

We plan to be more active as we develop and believe we can become a highly effective link for the D.C. public schools. We want to ensure that D.C. has the computer equipment they need and the teachers have the resources they need to ensure proper operation of the equipment, access to the super highway and training so D.C. students are assured of having a good, solid education which will prepare them for a good future.

We have coupled our efforts with Capital Commitment and PIT. Capital Commitment has arranged office space for PIT in its facility, and we have provided computers for both organizations to enhance their effectiveness.

Again, thank you for allowing me to present to you this morning to discuss these two important programs, both of which could be easily transported to other parts of the country where there is also critical need.

We encourage other corporations to join us in ensuring that organizations like Capital Commitment and PIT are securely funded. And we would also encourage our policy makers to take a careful look at programs like these for government funding. These are programs where a little bit of funding can go a very long way in enhancing economic development to the betterment of all citizens.

We need to provide the shiny gem that is Capital Commitment with a gleaming crown so it can beacon far and wide to others who can copy this program and get into the business of turning lives around.

I would be happy to answer any questions.●

BRUCE AND KATHY CONTWAY

● Mr. BURNS. Mr. President, I rise today to commend two Montana artists for their dedication and talent.

In the West, we are accustomed to western art whether in the form of a Charlie Russell painting or a Frederick Remington bronze. But today I would like to recognize the future of Western bronze sculpture art defining our nation's roots and the hardy souls who lived off the land and gave us the rich history that will always be a part of our nation's beginning.

Bruce and Kathy Contway of Whitehall, Montana, have helped to preserve that history as well as to find their own place in history as American artists. These two artists are becoming well-known internationally for their abilities and their works celebrating a colorful Native American and Old West past. Their art has helped to make accessible to all of us the distinctive culture and customs of this nation's first inhabitants.

The Contways, have certainly earned the honors they have received. Their dedication and hard work were recently rewarded when they each received the admiration of their peers and fans alike.

1997 was a year of recognition for the Contways. Bruce was named the Indian Arts and Crafts Association (IACA) Artist of the Year and was also awarded the steer wrestling and bareback riding bronze commissions during the 1997 Calgary Stampede Trophy Bronze Competition. Kathy was awarded the envy of all artists participating in the Stampede competition—the Chuckwagon Race Outriders bronze. Mr. President, bronze artists everywhere understand the significance of these honors.

The work of Bruce and Kathy indicates a strong pride in their Native American heritage. Their remarkable talent combined with modest self-recognition is an inspiration to young artists across our country. And their desire to pass on their legacy and pride is a tribute to all Montanans.

Among their peers, Bruce and Kathy are considered world-class artists. Among their neighbors, Bruce and Kathy are considered friends. The Contways are very involved in the local community. Accomplished high school and college rodeo stars, they enjoy working with local students in the high school's rodeo club.

Last December, the front page headline of the Whitehall Ledger read, 'Contway art "Stampedes" to great year'. The article was a fitting tribute to two of Montana's best. Artists with this kind of talent are difficult to find, and you can bet that a Contway bronze will be a treasured work of art on any lucky owner's mantel.●

THE CONGRESS-BUNDESTAG EXCHANGE

● Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Parliament have conducted an annual exchange program for senior staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern. The program is now in its 15th year and has strong support and participation from federal agencies as well as corresponding support from the German government.

A staff delegation from the United States Congress will be chosen to visit Germany March 22 to April 4 of this year. During the two week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for three weeks this summer. They will attend similar meetings here in Washington and visit the districts of Congressional Members.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. The ongoing situation in Bosnia, the future expansion of NATO and the proposed expansion of the European Union, as well as plans for a single currency will make this year's exchange particularly relevant.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district over the July Fourth break, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah, in my office at 706 Hart Senate Building, by Thursday, February 12.●

TRIBUTE TO THE GALLATIN AMERICAN LEGION POST 17 SOFTBALL TEAM

● Mr. FRIST. Mr. President, as a physician I have long advocated maintaining a healthy lifestyle. I'm always amazed when individuals prove that exercise and eating right are simple requirements for remaining healthy and staying young at heart. The Gallatin American Legion Post 17 Softball team is just such a group that is having fun staying healthy and exercising regularly.

This is no ordinary softball team, these ladies are sixty-years of age and older. This special team is comprised of women from all over middle Tennessee. The team was formed in 1994. They practice each Monday in Gallatin and in the winter they keep up their stamina by using the Gallatin Sports Complex for their weekly softball practices. That same year they participated in the State tournament and won. Since then they are proud to be a force to reckon with on the Senior's Softball circuit.

This past spring the team traveled to Tucson, Arizona to participate in the International Senior Olympic Games. The competition drew more than 12,000 seniors over sixty-years-old from all over the world who competed in a variety of athletic events. The Gallatin American Legion Post 17 Softball team, with 13 players and two coaches, faced competition from nine teams across the United States and Canada. These ladies played hard and their dedication and determination paid off when they came home with the gold medal. They won each of the six games in which they played and outscored their Olympic competitors 122–10.

Since winning the International Olympics gold medal these women have not rested on their laurels. They're back on the field practicing and playing the game. Because of the increase in interest in women's softball for seniors, leagues have cropped up across the country, and they gather for yearly tournaments. The ladies of Gallatin American Legion Post 17 maintain their busy schedule with practices and games to defend their international title.

This newly developed enthusiasm for senior athletic groups is truly inspiring. These women serve as role models for younger generations and encourage participation from other seniors. They are living examples of the happiness that seniors can find in exercising and maintaining a healthy lifestyle. I want to congratulate the Gallatin American Legion Post 17 Softball team not only for winning the gold medal at the International Senior Citizen's Olympics but for also winning in the game of life. These ladies are active and healthy, taking advantage of their older years rather than letting old age take care of them. I wish them the best of luck in the future.●

TRIBUTE AND THANKS TO AL ALM

● Mrs. MURRAY. Mr. President, in just a few days, the Department of Energy will lose one of its best, most able and selfless public servants. Al Alm, Assistant Secretary for the Department of Energy's Environmental Management program, is leaving federal service on January 31.

Al epitomizes the best in public service. Integrity and responsibility are his hallmarks. He has left those marks throughout the government, in academia, and in private industry. Al's government service has included positions in the Atomic Energy Commission, the Bureau of the Budget, the Council on Environmental Quality, the Environmental Protection Agency, and two stints in the Department of Energy. He has been a tireless advocate for the programs in which he has been involved, most notably for me, cleanup of our nation's most polluted former defense nuclear production sites.

I personally found Al to be the most accessible and helpful assistant secretary in the administration. He worked closely with me, other members of the Washington congressional delegation, our staffs, and our constituents to ensure Hanford's most important programs received adequate funding and support. Al's steadfast support for Hanford, in the face of so many competing needs, has been outstanding. Whether it is safety, funding, expediting work, or employee concerns, he has been out in front. I will sorely miss Al.

Al has accomplished a lot in the 20 months in which he has served as the leader of Environmental Management. He has led the charge in revitalizing management and focusing energy on getting sites—and programs—closed, or well on their way to closure, by 2006. The billions of dollars and decades of time saved are extraordinary in themselves, but the public health and environmental protection are the real, tangible results of his efforts. He has helped us develop a goal and start moving toward that goal.

Mr. President, I want to say a big thank you to Al Alm on behalf of myself and my Senate colleagues. We will miss him and his leadership of a very difficult, complex and controversial program. We wish him all the best in whatever endeavors he undertakes and hope he leaves knowing how much we have appreciated his enthusiasm and hard work.●

RECOGNITION OF STEVEN MILLER

● Mr. BOND. Mr. President, I rise today to recognize Steven Miller whose dedication to Missouri athletics has earned him a place in the Missouri State Track and Cross Country Coaches Hall of Fame. For more than 20 years Coach Miller has strived to make his Francis Howell High School team in St. Charles, Missouri one of the best.

Under Coach Miller's guidance, The Francis Howell track team has won 22 out of 39 Conference titles and the Cross Country team has won 10 out of 18. Even more impressive are the individual accomplishments by his former athletes. Coach Miller has coached one pole vaulter who proceeded to the 1996 Summer Olympics, a woman distance runner who became a two-time NCAA Division I All-American, more than 50 athletes who have become coaches, 14 state champions and a girl's cross country team who won the state championship in 1987.

High school athletics is an area that I believe helps to teach very important values to young people and it is always encouraging to learn of a coach with the drive and commitment to excellence shown by coach Miller. Coaches, athletes and parents at Francis Howell High School are fortunate to have such an inspirational role model and educator.

I congratulate Coach Miller for his hard work and success. Additionally, I commend his undying energy throughout his many years of coaching and wish him continued success at Francis Howell High School.●

TRIBUTE TO WATO RADIO

● Mr. FRIST. Mr. President. I would like to congratulate WATO radio in Oak Ridge, Tennessee for 50 years of radio broadcasting excellence. WATO got its start in 1948 when it was commissioned by the Department of Energy (DOE), which in those days was known as the Atomic Energy Commission.

WATO was the first radio station established on a military reservation. It was created as a service to the growing community that resulted with the establishment of the DOE Oak Ridge Reservation in the early 1940's. Over the years, WATO has kept Oak Ridgers in touch with the DOE and other government related entities. The station has also made the community an important part of their programing, through its coverage of local events. Whether it be educational activities, athletic events or providing the community with important service announcements, WATO is very much involved in the Oak Ridge community.

Mr. President. WATO has become a familiar voice to area residents. Their support of the Oak Ridge community and their close relationship with DOE, the areas most prominent employer, have made WATO a vital part of the community. I commend the time and commitment that WATO has invested over the past 50 years in their programing and their relationship with the people of Oak Ridge. I wish them another 50 years of success.•

1997 YEAR END REPORT

The mailing and filing date of the 1997 Year End Report required by the Federal Election Campaign Act, as amended, is Saturday, January 31, 1998. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 12:00 noon to 4:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

UNANIMOUS CONSENT AGREEMENT—NOMINATIONS OF ANN AIKEN, BARRY SILVERMAN AND RICHARD STORY

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, as in executive session, I ask unanimous consent that at 10:30 a.m. on Wednesday, January 28, the Senate proceed to executive session to consider en bloc the following nominations on the executive calendar: No. 454, Ann Aiken; No. 486, Barry Silverman; No. 488, Richard Story.

I further ask unanimous consent that there be a total of 2 hours for debate, equally divided between the chairman and ranking member.

I further ask consent that at 2:15 on Wednesday the Senate proceed to 3 consecutive votes on the confirmation of the nominations. I finally ask consent that following the votes, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1575

Mr. SPECTER. Mr. President, on behalf of Senator LOTT, I understand that S. 1575, which was introduced earlier today by Senator COVERDELL, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

Mr. SPECTER. On behalf of Senator LOTT, I now ask for a second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will be read on the next legislative day.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE DENVER BRONCOS AND THEIR QUARTERBACK JOHN ELWAY

Mr. SPECTER. Mr. President, on behalf of Senator LOTT, I ask unanimous consent that the Senate immediately proceed en bloc to the consideration of Senate resolution 166 and Senate resolution 167, which were submitted earlier today by Senators CAMPBELL and ALLARD.

The PRESIDING OFFICER. The clerk will report the resolutions, en bloc.

A resolution (S. Res. 166) recognizing the outstanding achievements of the Denver Broncos in winning Super Bowl XXXII.

A resolution (S. Res. 167) recognizing the outstanding achievement of the Denver Broncos' quarterback, John Elway, in the victory of the Denver Broncos in Super Bowl XXXII.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles agreed to, the motions to reconsider be laid upon the table, and that any statements related to these resolutions appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 166 and S. Res. 167) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 166

Whereas on August 14, 1959, a passion was born in the heart of the Rocky Mountain Region that brought such memories as "Orange Crush," "The Drive," "The Fumble," "The Three Amigos," and 4 previous Super Bowl appearances;

Whereas the fans of the Denver Broncos are recognized throughout the National Football League (referred to in this resolution as the "NFL") for their unconditional allegiance to the team, contributing to 229 consecutive sold-out stadium home games;

Whereas the Denver Broncos' organization assembled a championship caliber coaching staff who created a championship caliber team;

Whereas the Denver Broncos played in 4 previous Super Bowls without winning, represented the American Football Conference in Super Bowl XXXII which had not won a Super Bowl in 13 years, and was considered the underdog in the game; and

Whereas after almost 40 years, the Denver Broncos became champions of the NFL with a victory in Super Bowl XXXII over the defending national champions and perennial contenders, the Packers from Green Bay, Wisconsin: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding achievement of the Denver Broncos in winning Super Bowl XXXII on January 25, 1998; and

(2) congratulates the players, staff, and fans of the Denver Broncos for a terrific football season and a thrilling victory in Super Bowl XXXII.

S. RES. 167

Whereas since becoming quarterback for the Denver Broncos in 1983, John Elway has been involved in some of the most striking comeback victories in the history of the National Football League (referred to in this resolution as the "NFL");

Whereas John Elway has been a Pro Bowl quarterback, was named NFL Most Valuable Player in 1987 and the American Football Conference's Most Valuable Player in 1993, holds numerous NFL passing records, and is the all-time winningest quarterback in the history of the NFL;

Whereas John Elway's leadership, dedication, and perseverance symbolizes excellence in these qualities for the entire Nation and represents these qualities for America to the world; and

Whereas John Elway, an exceptional athlete, has sustained a high level of personal competitiveness and has finally led his team to the honor of a Super Bowl championship: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding achievement of the Denver Broncos' quarterback, John Elway; and

(2) congratulates John Elway as the winning quarterback of Super Bowl XXXII.

FOUR CHAPLAINS DAY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate resolution No. 169, submitted earlier today by Senator HATCH and others.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res 169) to designate February 3, 1998, as "Four Chaplains Day".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, S. Res. 169, commemorates the "Immortal Four Chaplains" whose brave sacrifice is an inspiring story of personal honor and patriotism. Their heroism of 55 years ago stands today as an eloquent and enduring example of service, fellowship, and love.

On February 3, 1943, a German U-boat torpedoed the American transport ship Dorchester, sinking it off the coast of Greenland. Among the nearly 1,000 American soldiers aboard the Dorchester were four chaplains whose selfless acts of courage have left a distinguished legacy, a legacy that we hope to honor and remember in this resolution.

Survivors' accounts describing the short 18 minutes that the ship was sinking report that Lieutenant George L. Fox, a Methodist minister; Lieutenant Alexander D. Goode, a Jewish rabbi; Lieutenant John P. Washington, a Catholic priest; and Lieutenant Clark V. Poling, a Dutch Reformed minister worked to alert the soldiers to the danger and direct them to safety. They distributed life jackets until no more were available. Then, these four Army chaplains removed their own life jackets and gave them to four soldiers.

One soldier witnessed a chaplain giving his gloves to a panicked GI shivering in the Arctic air to prevent the young man from returning to his cabin for his own. The chaplains helped 230 men to safety and then chose to remain to calm and comfort the nearly 700 who went down with the ship. True to their faiths and to their fellowmen until the end, they were last seen, arms linked in prayer, on the hull of the ship.

A postage stamp in 1948 entitled "Interfaith in Action" commemorated their bravery. Congress passed a concurrent resolution in 1957 to honor these chaplains and those who died with them. Presidents Truman and Eisenhower also issued proclamations calling for national participation in memorial services throughout the country. The American Legion holds an annual commemorative service on the first Sunday of February.

This coming Sunday, February 3, 1998 marks the 55th anniversary of an episode in our history that is tragic yet uplifting. Let us remember these acts of bravery which were not bound or limited by creed or rank. Their timeless sacrifice reminds us that we should not be divided by our differences, but that we should face the travails of our nation together, with faith and strength.

I urge the speedy passage of S. Res. 169.

Mr. GRAMS. Mr. President, there are acts of courage and personal sacrifice that are so great that they should never be forgotten. There are acts which decades—even centuries—later still reverberate, and touch our soul as a nation. Surely, the heroic deeds of the "Immortal Four Chaplains" count among such acts.

These four Chaplains sacrificed their lives to save the lives of others when the *Dorchester*, a transport ship, was torpedoed by a German U-boat off the coast of Greenland on February 3, 1943. During the 18 minutes that the *Dorchester* was sinking, the four Army Chaplains—a Jewish rabbi, a Catholic priest, and two Protestant ministers—worked to comfort the frightened men and direct them to safety. They distributed life jackets, and when there were no more in the storage locker, the Chaplains removed their own life jackets and gave them to waiting soldiers.

Rabbi Alexander Goode did not ask whether the soldier that he was giving his life jacket to was Jewish; Father John Washington did not ask whether he was Catholic; Reverend George Fox did not ask whether he was Methodist; and Reverend Clark Poling did not ask whether he was Dutch Reformed. The Chaplains simply took off their own life jackets and gave them to the next in line.

The Chaplains were last seen on the hull, with their arms linked together in prayer, consoling the men who remained on the ship with a final service. The way that they died is so poignant because it reflects the way that they lived—full of devotion to God and serving the needs of their fellow men. As one survivor noted, the Chaplains "were always together . . . they carried their Faith together."

Of the 902 servicemen, merchant seamen and civilian workers aboard the *Dorchester*, only 230 survived. Many of them owed their lives to the actions of the four Chaplains. Their heroic actions served as an inspiration to the survivors of the *Dorchester;* they should be an inspiration to us now.

The courage of these four Chaplains, and their service to our country did not go unrecognized. Each was posthumously awarded the Distinguished Service Cross for services beyond the call of duty; memorials to their sacrifice have been placed around the country, including in the Pentagon and the National Cathedral; a postage stamp entitled "Interfaith in Action" was issued in their memory; and in 1957, Congress declared the anniversary of the sinking of the *Dorchester* to be a day for the commemoration of the deaths and the heroic acts of the four Chaplains.

Tragically, however, the memory of their selfless acts has faded. Aside from the American Legion, which has annually observed the anniversary of their deaths, few continue to recognize this somber occasion.

I am proud to say, however, that some very special individuals in Minnesota are working to ensure that the legacy of the Four Chaplains lives on through The Four Chaplains Foundation, including: David Fox of Hopkins; Barbara Koch of Long Lake; Ardis Wexler of Edina; Kevin Applequist of St. Anthony; Phil Brain of Edina; Ambassador Robert Flaten of Northfield; Shiro Katagiri of Minneapolis; Representative Jim Rhodes of St. Louis Park; Helen Fulford of Bloomington; John Swon of Edina; Bettine Clemen of Minnetonka; and Vice President Walter Mondale of Minneapolis. These Minnesotans, joined by equally dedicated people around this Nation, and the world, have established the Four Chaplains Humanity Prize to ensure that the spirit of these Chaplains is celebrated through a living memorial. This prize will be awarded to those who have been willing to put their lives in danger to grant assistance to persons of a different creed or color.

Mr. President, it is fitting that on the 55th anniversary of the sinking of the *Dorchester*, and the 50th anniversary of the issuance of the commemorative stamp, Congress once again honors the memory of these four Chaplains by designating February 3, 1998 as "Four Chaplains Day." We have a duty to make sure that a grateful nation never forgets their sacrifice, and continues to celebrate the ideals for which they stood.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 169

Whereas February 3, 1998, is the 55th anniversary of the sinking of the United States Army transport Dorchester, an event that resulted in the loss of nearly 700 lives in 1943 and for which witnesses have recounted in the Congressional Record the heroism of 4 chaplains of different faiths, Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; Lieutenant John P. Washington, Catholic; and Lieutenant Clark V. Poling, Dutch Reformed;

Whereas witnesses have verified that during the approximate 18 minutes the ship was sinking after being torpedoed off the coast of Greenland, the 4 chaplains went from soldier to soldier calming fears and handing out life jackets and guiding men to safety and when there were no more life jackets, they removed their own life jackets and gave them to others to save their lives and were last seen arm-in-arm in prayer on the hull of the ship;

Whereas many of the 230 men who survived owed their lives to these 4 chaplains, and witnesses among them recounted the unique ecumenical spirit and love for their fellow man these 4 demonstrated that were later illustrated in a popular postage stamp issued by the United States in 1948 with the title "Interfaith in Action";

Whereas Congress passed House Concurrent Resolution 90 in 1957 to honor these 4 chaplains and the men who died with them, and President Truman and President Eisenhower issued similar proclamations calling for national recognition and participation in memorial services throughout the land that have been observed annually by the American Legion on the first Sunday in February;

Whereas Congress undertook to create a special medal for valor given to the memory of the 4 chaplains in 1960 and never to be repeated; and

Whereas memorials to the chaplains' heroic sacrifice abound in many places throughout the country including the Heroes Window in the National Cathedral in Washington, D.C.: Now, therefore, be it

Resolved, That the Senate—

(1) requests the President of the United States to issue a proclamation designating February 3, 1998, as "Four Chaplains Day"; and

(2) invites the people of the United States, of all religions and creeds and in all communities, to observe this date with appropriate ceremonies, celebrations, and commemorations.

ORDER FOR RECESS AND ADJOURNMENT

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 p.m. this evening for the joint session of Congress.

Mr. President, I further ask unanimous consent that immediately following the conclusion of the joint session, the Senate automatically stand in adjournment until 10:30 a.m., Wednesday, January 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 28, 1998

Mr. SPECTER. Mr. President, I further ask unanimous consent that on Wednesday, January 28, immediately following the prayer, the routine requests through the morning hour be granted and the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I also ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. on Wednesday for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, on behalf of Senator LOTT, I ask unanimous consent that following the votes at 2:15 p.m., there be a period for the transaction of morning business with Senator COVERDELL, or his designee, being recognized for the first 90 minutes and Senator DASCHLE, or his designee, being recognized for the next 90 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. As agreed to previously, tomorrow morning the Senate will debate, in executive session, the nominations of 3 judges. Also by consent, there will be 3 consecutive votes on the confirmation of those nominations following the weekly policy luncheons beginning 2:15 Wednesday afternoon. Following those votes, the Senate will be in a period for the transaction of morning business.

RECESS

Mr. SPECTER. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:22 p.m., recessed until 8:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR AN ADJOURNMENT OF BOTH HOUSES

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the adjournment resolution, H. Con. Res. 201, the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 201) was agreed to.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

Mr. LOTT. Mr. President, I understand the Senate will proceed as a body to the Hall of the House of Representatives to hear the State of the Union address. I believe we will be leaving in about 4 or 5 minutes, so I will yield the floor so we can assemble and go to the other body. I yield the floor.

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives.

Thereupon, at 8:47 p.m., the Senate, preceded by the Secretary of the Senate, Gary Sisco, the Vice President, and the President pro tempore (Mr. THURMOND), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:30 p.m., the Senate adjourned until tomorrow, January 28, 1998, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1998:

DEPARTMENT OF VETERANS AFFAIRS

TOGO DENNIS WEST, JR., OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS, VICE JESSE BROWN, RESIGNED.

THE JUDICIARY

JOHN D. KELLY, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE FRANK J. MAGILL, RETIRED.

MARSHA L. BERZON, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JOHN T. NOONAN, JR., RETIRED.

KIM MCLEAN WARDLAW, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. CLIFORD WALLACE, RETIRED.

JUDITH M. BARZILAY, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE DOMINICK L. DICARLO, RETIRED.

DELISSA A. RIDGWAY, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE NICHOLAS TSOUCALAS, RETIRED.

WILLIAM P. DIMITROULEAS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE NORMAN C. ROETTGER, RETIRED.

ROBERT G. JAMES, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE JOHN M. SHAW, RETIRED.

JAMES W. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

STEPHAN P. MICKLE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA VICE MAURICE M. PAUL, RETIRED.

JOHNNIE B. RAWLINSON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA VICE LLOYD D. GEORGE, RETIRED.

RICHARD W. ROBERTS, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE CHARLES R. RICHEY, RETIRED.

GREGORY MONETA SLEET, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE JOSEPH J. LONGOBARDI, RETIRED.

EMILIO W. CIVIDANES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE JOHN MAXWELL FERREN.

HOUSE OF REPRESENTATIVES—*Tuesday, January 27, 1998*

The House met at 12 noon.

The SPEAKER. This being the day fixed by Public Law 105-140 of the 105th Congress, enacted pursuant to the 20th Amendment to the Constitution for the meeting of the 2nd session of the 105th Congress, the House will be in order.

The prayer will be offered by the Chaplain.

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

O God, our help in ages past and our hope for years to come, we ask Your blessing upon us and upon all Your people. Your prophets of old have called us to do justice, to love mercy and to walk humbly with You, and on this special day in the life of this place, we pray for those gifts. O gracious God, may we do the works of justice so all people are treated with equity and truth, may we open our hearts to express mercy to all people in great need, and may we, in all humility and goodwill, sustain our noble traditions and serve the common good. Bless us this day and every day we pray. Amen.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Yates
Young (FL)

☐ 1240

The SPEAKER. On this rollcall, 364 Members have recorded their presence by electronic device.

Under the rule, further proceedings are dispensed with.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 607. An act to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 191. An act to throttle criminal use of guns.

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

S. 1172. An act for the relief of Sylvester Flis.

S. 1213. An act to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 1566. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes.

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 335) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 335

The SPEAKER pro tempore (Mr. DREIER). The Chair appoints as Members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT).

NOTIFICATION TO THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 336) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 337) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That unless otherwise ordered, before Monday, May 18, 1998, the hour of daily meeting of the House shall be 2 p.m. on Mondays; 11 a.m. on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 18, 1998, until the end of the second session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENTS OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 201) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 201

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 28, 1998, it stand adjourned until 12:30 p.m. on Tuesday, February 3, 1998; that when the House adjourns on Thursday, February 5, 1998, it stand adjourned until 3 p.m. on Wednesday, February 11, 1998; and that when the House adjourns on Thursday, February 12, 1998, it stand adjourned until 12:30 p.m. on Tuesday, February 24, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, February 13, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, February 23, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1245

HOUR OF MEETING ON WEDNESDAY, JANUARY 28, 1998

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on 1:00 p.m. Wednesday, January 28, 1998.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, January 28, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOLOCAUST VICTIMS REDRESS ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate bill (S. 1564) to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, and I do not intend to object, but I do want to make a statement on the record with regard to the unanimous consent request for the House to consider H.R. 1564, the Holocaust Victims Redress Act.

Before I do that I ask the proponents of the bill for an explanation of the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as the gentleman knows, we attempted to have a hearing on this issue last year. We were unable to because the witness who was to come before us had to cancel his appearance.

Would the gentleman set forth his objections to our bill?

Mr. HAMILTON. Mr. Speaker, I yielded for the purpose of an explanation of the bill. Does the gentleman want me to go ahead and state my objection?

Mr. GILMAN. Please.

Mr. HAMILTON. Mr. Speaker, let me state at the outset that Federal assistance for victims of the Holocaust is a very compelling priority. These victims have suffered as much as any human being. They have known the evil and the brutality that sometimes lurks unfortunately in the heart of man. It is fitting and understandable that the United States should be responsive. Restitution for victims of the Holocaust deserve our support.

Therefore, I will support S. 1564, and I commend my friend the gentleman from Iowa [Mr. JIM LEACH], the chairman of the Committee on Banking and Financial Services, for introducing the companion bill in the House, H.R. 2591.

While I support the substance of this bill and will vote for it and not object to the unanimous consent, I am nonetheless deeply disappointed by the process. This is the first Committee on

International Relations bill in this session and the committee, by the chairman's decision, has been bypassed. I do not know of any reason to rush this bill through on the first day of the session without giving members of the Committee on International Relations an opportunity to consider the bill.

I fully understand that the chairman had some difficulty in scheduling administration's witnesses, but that is true on almost any bill we have when we are dealing with high level administration officials. H.R. 2591 was referred solely to the Committee on International Relations on October 1 of last year. Despite my request, the committee has not held a single hearing on the bill. There has been no committee deliberation on it and no markup.

S. 1564 was passed by the Senate on November 13th, 1997 and was referred to the committee. It is substantially the same as the bill authored by the gentleman from Iowa [Mr. LEACH] and also did not have any consideration by the House Committee on International Relations. So the committee is taking a bill with a very worthy purpose, handed to us by an outside group and urging its approval without a serious examination of it.

Now, there's nothing wrong or unusual about that, in looking to outside groups for information and advice, but it is not responsible for the Congress——

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I would like to finish my statement, if I may.

Mr. LEACH. The gentleman has the time, of course.

Mr. HAMILTON. But, yes, under my reservation of objection, I will be happy to yield to the gentleman.

Mr. LEACH. I would not be so timorous to ask the gentleman to yield except on a point of fact.

This bill was written exclusively by the chairman of the House Committee on Banking and Financial Services. No outside group presented this bill or suggested the bill prior to its introduction. I state that to the gentleman as a matter of fact and would request a correction.

Mr. HAMILTON. I am quite willing to accept the word of the gentleman from Iowa because I have great confidence in his word.

Mr. LEACH. I thank the gentleman.

Mr. HAMILTON. Mr. Speaker, continuing under my reservation of objection, there is nothing wrong to looking to outside groups for information and advice, but what is not responsible is for the Congress to pass a bill without independently considering the various questions that it raises. The members of the committee have not had an opportunity to study this bill adequately. We do not have any idea of the implications and its dimensions.

This measure begins a new Federal program. Thirty million dollars is authorized for contributions to charitable organizations to assist survivors of the Holocaust but, in my mind at least, many questions abound: Where is the money coming from? Is a new appropriation going to be required? What programs, if any, will be cut in order to allocate the funds for this program? Who determines who gets what relief? Which victims will be compensated, which victims will not be compensated? Will richer beneficiaries get the same amount as poorer beneficiaries? Is this a one-shot deal or the beginning of a permanent program with annual appropriations?

I do not think we are doing our job as a committee and I do not think we are doing our job as a Congress if we cannot delve into such questions.

S. 1564 directs the President to direct his representative to seek and vote for an agreement to make contributions to a reparation fund. My understanding is that creation of such a fund was announced in December 1997. At the very least this inaccuracy would have been corrected at a committee markup.

I understand that there is pressure to act on this bill. It has the broad support of the Congress, it has my support as its stands, but I think we could have done a better job. It has the support of the administration. We all want to do the right thing to help the victims of the Holocaust but the process that we are following is flawed. The committee is not doing its job. The Congress is not in a position to do its job as an institution. I believe a better process would result in a better draft of the bill.

I ardently hope that the Committee on International Relations' first action this session, waiving jurisdiction, does not mark a trend for the upcoming session. I hope that on measures of important policy issues before the Committee on International Relations during the session, including remaining issues related to Holocaust restitution, we will have timely and balanced consideration in the committee.

I understand there are other Members who may want to speak, and I am happy to yield at this point to the proponents of the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I am happy to yield to the gentleman from New York [Mr. GILMAN], the distinguished chairman.

Mr. GILMAN. Mr. Speaker, in response to the gentleman's concern about waiving jurisdiction, as the gentleman knows we attempted to hold a hearing on this issue last year, at the end of last year. We were unable to because the witness who was to come before us had to cancel his appearance because the Secretary of State was testifying elsewhere on the Hill and the department frowns on having its officers testify on the same day a Secretary is testifying. We tried to accommodate the witness and he was not able to rearrange his schedule.

I understand that, in any event, the Committee on Banking and Financial Services, as the gentleman from Iowa [Mr. LEACH] will testify, held a hearing on this issue in June of 1997, as well as one hearing in a prior Congress in December of 1996. Meanwhile, the Senate passed this measure. It is not a controversial measure, and if we can arrange for the appropriate witnesses to appear, we will certainly conduct a hearing to dig into the issues that the gentleman is raising with regard to the financing.

There are other bills and resolutions on this general subject pending before our committee, but the chairman of the Committee on Banking and Financial Services and I thought that given the fact that survivors are passing away every day while awaiting satisfaction of just claims, that we should move the bill as expeditiously as possible.

I do appreciate my colleague's willingness to allow the bill to move forward at this time and we certainly will try to accommodate his concerns in the coming weeks in this new session.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Mr. Speaker, under my reservation of objection, I will be happy to yield to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, let me first explain some of the background of this bill to my distinguished friend, with whom I have had talks prior to this session and with whose staff we have consulted.

This bill is the result of several extensive hearings in the House Committee on Banking and Financial Services that will be followed up by more hearings in the next several weeks. The bill, as I would repeat again, was introduced after these hearings at the exclusive instigation of the chairman of the Committee on Banking and Financial Services. And I would say to my distinguished friend, the implication of outside group pressure is not a very appropriate one.

I would also say that one of the backgrounds for trying to push the bill at the very end of the last session related, A, to the fact that the Senate passed it in virtual identical form to the bill that my distinguished colleague the gentleman from New York [Mr. GILMAN] and I introduced with broad bipartisan support, including the gentleman from New York [Mr. LAFALCE], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Illinois [Mr. YATES], another gentleman from Illinois [Mr. JACKSON]; and on the Republican side the gentleman from Pennsylvania [Mr. FOX], the gentlewoman from Maryland [Mrs. MORELLA], and the gentlewoman from New York [Mrs. KELLY].

This bill caught the so-called groups that the gentleman implies are behind it by surprise. It was exclusively based upon hearings before the Committee on Banking and Financial Services, and the timing related to the fact that international negotiations were to commence in December to deal with this subject matter calling for international support. And we wanted to make it clear that the United States would be a participant so that our participation could help leverage substantial foreign support.

□ 1300

Now, the gentleman from Indiana (Mr. HAMILTON) indicates that he believes the bill is faultily crafted in a timing sense at this point in time because certain negotiations have occurred.

The gentleman is partially but not fully correct. The decision that was made in the negotiations in December opened up the prospect of further international support, but no agreement has been made on what support individual countries will make. So the bill, in its verbiage, is entirely appropriate and entirely accurate.

Now let me go back a little bit about what stands behind the bill. This bill was initially introduced in the House of Representatives. It would provide $25 million as a U.S. contribution to the organizations serving survivors of the Holocaust and an additional $5 million for archival research to be managed by the Holocaust Museum.

The second aspect, the additional $5 million for the Holocaust Museum, came from the United States Senate, one that I believe is thoroughly appropriate. Our bill only referenced the Holocaust Museum without a designated number. But I believe it is appropriate, as the Senate has done, to put in a precise number.

The bill would also declare the sense of Congress that all governments take appropriate actions to ensure that artwork seized or extorted by the Nazis or by the Soviets be returned to their original owners or heirs. I think that is an entirely appropriate position for the United States Government to take and this Congress in particular. After all, the Holocaust was the greatest crime in history; and I believe this bill is something that provides a material redress and is entirely appropriate.

But, most of all, this bill is a reminder that the past must never be forgotten. Sometimes issues of the past are more controversial than issues of the present; and sometimes there is nothing more difficult than to judge the past, to establish what might be described as retrospective justice.

It must be understood that history doesn't have a statute of limitations. People cannot be allowed to disappear from the earth without tracks, without moral if not monetary restitution. And when one really thinks it through, one has to recognize that one of the impelling aspects of the Holocaust was avarice. This bill says, in effect, that even at a very late moment in time avarice will not be rewarded.

Finally, let me indicate to the gentleman from Indiana (Mr. HAMILTON), because he has raised some questions that I believe are specifically answered in the legislative language, this bill is not a new appropriation. It is a redirection of formerly appropriated funds. There are no ongoing implications of funding. It is entirely designed to assist the Department of State in its current ongoing activities.

It has the strong support of the administration; and here I want to tip my hat to the Under Secretary of State, Stuart Eizenstat, for his leadership on this issue, which I think has been thoroughly appropriate.

Finally, let me also say as strongly as I can to the gentleman from Indiana (Mr. HAMILTON), for whom I have no higher respect of anyone in this body, that the hearing record established in the House Committee on Banking and Financial Services is extensive and extraordinary.

I had not, in working on the legislation, intended that the resources be derived from the State Department budget. But that is what the administration recommended; and, therefore, that is the way this bill is designed.

But I would assure the gentleman that the hearing record is extensive, it is compelling, and it is extraordinary. I recognize that the gentleman has certain concerns. I also recognize that the gentleman is supportive, and for that I am very appreciative.

Mr. HAMILTON. Mr. Speaker, reclaiming my time, may I simply say to my good friends, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services, that I don't mean to be too critical here of their conduct. I understand that they operate under considerable pressures, particularly with an important bill like this is.

I do think my position with regard to process here is entirely correct. This is an important bill. It does require a substantial authorization. It could very well be an authorization that will be repeated in the years ahead.

Very few members of this institution know very much about this bill. The House Committee on International Relations was the committee of jurisdiction, not the Committee on Banking and Financial Services. We did not have hearings on it. We did not have any discussions on it. It simply comes to the floor.

I do not see how any Member can defend that kind of a process for an important bill, and I rise only on the point of process and that is all.

Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman very much for yielding.

As I assured the gentleman before, we will conduct whatever hearings are needed to fully explain the issues that the gentleman has raised.

I wanted to thank the gentleman from Iowa (Mr. LEACH) for bringing the measure before us. He endeavored to do this at the end of the last session, and because of the business at hand we were not able to do it at that time.

I rise in strong support of this measure; and I wanted to take the opportunity to commend our colleague, the gentleman from Iowa (Mr. LEACH), for his leadership on this important issue. As chairman of our Committee on Banking and Financial Services and as senior member of our House Committee on International Relations, Chairman LEACH expended a great deal of effort to make certain that justice would be achieved for victims whose assets were confiscated by the Nazis and looked into the issue extensively.

The heinous crimes conducted by the Nazis decades ago still leave their mark today as elderly survivors struggle around the world to meet even their most basic needs and as heirs discover that valued family possessions, such as paintings, are hanging today in museums and private homes around the globe.

The Holocaust Victims Redress Act recognizes that there are numerous Jewish victims of the Holocaust who still remain uncompensated and who are in dire financial circumstances in their twilight years. Accordingly, the Leach bill authorizes $25 million to support restitution efforts to survivors residing in our Nation and elsewhere; and an additional $5 million is authorized to the Holocaust Memorial Museum to be distributed for archive value research to assist in the resolution of assets that were looted or extorted from the victims of the Holocaust.

Our Nation, under Secretary Eizenstat's initiative, is pressing 15 claimant nations for the speedy distribution of nearly six metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold. This is the body established by France, by Great Britain and our Nation at the end of World War II to return gold looted by Nazi Germany to the central banks of nations occupied during the war by Germany.

Our Nation asks that these nations contribute a substantial portion of any distribution they received to Holocaust survivors in recognition of the recently documented fact that this gold includes gold stolen from the individual victims in the Holocaust. This measure also expresses a sense of Congress that all governments should undertake in good faith to facilitate the return of private and public properties, such as works of art, to the rightful owners in cases where assets were confiscated during the Holocaust and where there is reasonable proof that the claimant is the rightful owner.

This sense of the Congress resolution builds on the London Conference on Nazi Gold held in December, since the Holocaust Museum announced in London that it will sponsor a follow-on conference on looted artwork and other assets early this summer.

Having recently visited Poland with some of my colleagues, I became familiar with Poland's efforts to speed up the restitution of Jewish communal properties. We commend the Polish government for their recent legislation and hope that those funds might be used to clarify issues related to the ownership of those properties, and we hope other countries will follow suit.

Accordingly, the legislation before us will be of great assistance in helping our Nation to move the issue of asset restitution forward and is most worthy of our consideration.

Mr. Speaker, I urge my colleagues to join in support of this measure.

I thank the gentleman from Indiana (Mr. HAMILTON) for yielding me the time.

Mr. HAMILTON. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I rise on the reservation of the gentleman from Indiana (Mr. HAMILTON) not because I do not support the bill. In fact, I do support the bill and compliment the gentleman from Iowa (Mr. LEACH) on his efforts to put this legislation together. I had, however, hoped to offer an amendment to it in order to address an issue of equal gravity to Holocaust survivors. That is the issue of unpaid life insurance policies from the Holocaust.

Recently, I received a letter from a constituent outlining his attempt to collect on the life insurance policy owed to his father who was killed by the Nazis. He was given $30 for the life of his father and has never heard from the insurance company again. Because of this story and others like it and the fact that there were over 1.3 million policies sold to Germans at the time, Congress must act to right this wrong.

In light of the circumstances under which the bill is being considered, I will now introduce legislation today requiring European insurance companies to report to the Attorney General the names of anyone they insured who is listed on either the Holocaust Museum's Registry of Jewish Holocaust Survivors or on Yad Veshem's Hall of Names in Jerusalem.

Had the opportunity been presented, I would have offered this, the Comprehensive Holocaust Accountability in Insurance Measure, as an answer to the legislation presently before us. Of course, I am very pleased that the House is able to act quickly at the beginning of this session to redress victims of the Holocaust. They have awaited reparations for so long, and this measure is a step in the right direction. I only wish that it had been a larger step for victims of the Holocaust.

Mr. Speaker, I include for the RECORD the following:

JANUARY 21, 1998.

U.S. Congressman MARK FOLEY

DEAR SIR: I read in the Palm Beach Post of 1/21/98 that you are going after the insurance crooks such as the German Allianz.

Many years ago (it must be maybe 30 years ago—or somewhat less) I received a letter from Allianz where they had found that my father had a life insurance with them—and they were settling with me as his heir.

They sent me the princely sum of about 20 to 30 dollars and said that the claim thus was settled.

I never heard from them again and at the time I felt it was hopeless to go any further.

Anyhow in the files of Allianz there is definitely the name of (my father who was murdered by the Nazis) and my name.

Thank you.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman from Indiana (Mr. HAMILTON) for yielding.

First, let me say, the gentleman has discussed this issue with me; and I would say the gentleman's leadership is very appreciated. It is the gentleman from Iowa's belief that the insurance issue is much larger than the banking issue, and we will be holding a hearing on February 12 on this issue. I believe it is a very important subject matter of a little different dimension and direction, and we intend to pursue legislation in this arena, and I believe it is very important that we do so.

I would only ask the indulgence of the gentleman from Indiana (Mr. HAMILTON) to make a point, though, that I think has been misunderstood by the other side. That is, not only was this bill introduced at the exclusive direction of the chairman of the House Committee on Banking and Financial Services without any prior input from any source, the pressure to bring it to the floor entirely emanates from the chairman of the House Committee on Banking and Financial Services, partly because of disappointment that it was not brought just as the House came to adjournment because of the timing matters that occurred then. And the leadership agreed that they would bring it up as the first item of this session, which I think is very important, and partly because it is the view of the gentleman from Iowa that, in a negotiating circumstance, it is very important to press forward.

I raise this as profoundly as I can because the implications on this House floor that there are pressures from outside groups is inappropriate.

This bill is a statement of the moral direction of the House of Representatives as a reflection of the American people, not of any particular group.

Mr. HAMILTON. Mr. Speaker, reserving the right to object, may I simply say that we just had an example of why this bill should go through the regular process. A Member of this institution wanted to offer an amendment to it. He is excluded from doing so.

Now, that is the name of my objection here. We have orderly processes in this House. We ought to follow them.

A Member on the other side of the aisle was excluded from offering an amendment. Why? Because my colleague wanted to push this thing through on unanimous consent today. That is not the way the House of Representatives should do business.

Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

□ 1315

Mr. ENGEL. Mr. Speaker, I thank my friend from Indiana for yielding.

Mr. Speaker, I certainly am sympathetic to the bill, but I think the gentleman from Indiana (Mr. HAMILTON) does make a valid point about committees and committee process and committee hearings.

I want to add my voice in support of the underlying legislation. For several months now I have been working on legislation which would force insurance companies that have not paid Holocaust victims what they are supposed to be paid, to force them to do so. I think one of the most obscene things that has come to light during this whole process has been the role of the insurance companies in stonewalling and not paying Holocaust victims and their families and descendants what is rightfully due to them. So I think it is very, very important in this Congress that we focus on this issue and that we move on this issue.

I am a member of the Committee on Commerce, and the bill will come through the Committee on Commerce in terms of the bill forcing insurance companies. I already have several cosponsors, and will drop the bill in today. I am working with the Holocaust Museum and the people of the Holocaust Museum on this bill. I think that it is very, very important that we move swiftly on the bill that I am dropping in today, which has bipartisan support.

I wanted to make this comment because I think this issue is very, very important. I am very sympathetic to the objections of my friend, the gentleman from Indiana (Mr. HAMILTON), and I hope we can resolve this so this very important legislation, as well as my legislation, gets passed very, very soon, so that the victims of the Holocaust and their descendants will at least get what is rightfully due them.

Mr. HAMILTON. Mr. Speaker, before I withdraw my reservation, may I say I was pleased to have the assurance of the two chairmen, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. GILMAN) that there will be further hearings on the bill. I thank them for that, and look forward to cooperating with them in that regard.

Mr. LEACH. Mr. Speaker, the Holocaust Victims Redress Act, the result of a series of hearings in the House Banking Committee, is a virtual carbon copy of a bill introduced by Chairman GILMAN and myself in the previous session. There are a number of co-sponsors, including Members from both sides of the aisle: Congressmen JOHN LAFALCE, KEN BENTSEN, MARTIN FROST, SIDNEY YATES, JESSE JACKSON, Jr., LUIS GUTIERREZ, JON FOX, MICHAEL MCNULTY, JIM SAXTON, JAMES MCGOVERN, BARNEY FRANK, BRAD SHERMAN, and MARK FOLEY; and Congresswomen CONNIE MORELLA, CAROLYN MALONEY, and SUE KELLY.

The bill authorizes up to $25 million as a U.S. contribution to organizations serving survivors of the Holocaust and an additional $5 million for archival research, to be managed by the Holocaust Museum, to assist in the restitution of assets looted or extorted from Holocaust victims by the Nazis. It would also declare the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis, or by the Soviets, be returned to their original owners or their heirs.

The Holocaust was the greatest crime in human history. This measure will provide some material redress for inadequate restitution of assets seized by the American Government during World War II which belonged to Holocaust victims.

But most of all, this measure is a reminder the past must never be forgotten and that it is often more controversial than issues of the present.

While little is more difficult than to judge the past, to establish what in this case must be called retrospective justice, it must be understood that history does not have a statute of limitations. People cannot be allowed to disappear from earth without tracks, without moral if not monetary restitution.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services has held since December 1996, chronicling how the Nazis looted gold from the central banks of Europe as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom, and France, was created to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amounting to six metric tons, is worth anywhere from $50 million to $70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution was strengthened by the horrific revelation in a May 1997 report from Under Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, resmelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to $25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

I had hoped that the House would act on this bill at the end of the last session so the U.S. delegation attending an international conference on Nazi-looted gold in London in December could report that the United States had agreed to make a contribution to this fund. Nevertheless, I am pleased that the House is taking up the bill today at the first opportunity of this session.

I might add that a contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States identified $198 million in German-owned assets in the United States as well as another $1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, Congress recognized that some of the assets held in the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to $3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a $500,000 contribution. Although the documentary record on asset ownership remains sparse, it is likely that heirless assets in the United States were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims provides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our committee last year, Under Secretary Eizenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities, and artwork also be examined. To help answer these questions, the legislation would direct $5 million to the United States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and activities that would support Holocaust remembrance and education activities.

I am pleased to report that the London conference mentioned earlier, Under Secretary of State Eizenstat announced that the United States would host a second international conference in 1998 to look further into the issue of assets looted by the Nazis. In that context, it is important to note that the second title of the bill deals with Nazi-looted art which is expected to be among the topics to be discussed at the next conference.

A witness at the Banking Committee's hearing last June noted that, "The twelve years of the Nazi era mark the greatest displacement of art in history." Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacist notion that certain modern art was degenerate and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries were confiscated while others were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Vichy government tried to object on international legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities no longer to be citizens. Hence, the Nazis claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply.

This reasoning cannot be tolerated by civilized people, and one purpose of the legislation before us today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country's borders or conquered territory.

In closing, I would like to announce that the Committee on Banking and Financial Services will be holding its third hearing on the subject of Nazi-looted gold, dormant bank accounts in Switzerland, and other assets taken from victims of the Holocaust on February 12. At that time, the Committee plans to hear testimony from Under Secretary Eizenstat, Swiss Ambassador Thomas Borer, and two panels of witnesses discussing the topics of looted art and insurance.

Again, Mr. Speaker, I urge the unanimous adoption of S. 1564. Thank you.

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding to me. I want to express my strong support for the passage of this legislation.

Let me say at the outset that I share the concerns which were raised by the distinguished ranking member of the Committee on International Relations, Mr. HAMILTON, about the inappropriate way in which this bill comes to the floor of the House today. We should have held hearings, and we should have had proper consideration of this legislation in the Committee. There is not such urgency in the adoption of this legislation that we could not have followed regular procedures in the consideration of this bill.

Having said that, however, Mr. Speaker, I want to indicate my strong support for S. 1564—the Holocaust Victims Redress Act. I want to thank my dear friend, Congressman JIM LEACH, the Chairman of the Banking Committee, who introduced a similar bill in the House of Representatives and who has shown great sympathy for this issue. I also want to thank my dear friend, Congressman BEN GILMAN, the Chairman of the International Relations Committee, for his efforts and support of this legislation.

Mr. Speaker, the Holocaust Victims Redress Act directs that the United States Government support the contribution of all or of a substantial portion of the gold remaining under the control of the Tripartite Gold Commission to charitable organizations to assist survivors of the Holocaust. It also authorizes the President to obligate up to $30 million for such distribution. It authorizes appropriations for archival research to assist in the restitution of assets looted from Holocaust victims and for other activities to further Holocaust remembrance and education. The legislation urges efforts to facilitate the return of private and public property—primarily works of art—which were seized during the period of Nazi rule to the rightful owners in cases where the ownership can be established.

Mr. Speaker, it is most appropriate that we take the action proposed in this legislation. Thousands and thousands of the victims of Nazi terror suffered the destruction of their lives, the murder of their family members, and debilitating illnesses resulting from their unbelievable hardships. It is only appropriate that we acknowledge this suffering and take these modest steps to assist the victims.

The Administration has indicated its support for the approach that this legislation takes. The United States Government recognizes that a portion of the gold looted by the Nazis contained a significant amount of gold stolen or coerced from victims of the Holocaust. I am delighted that the Administration favors the proposal that the remaining gold, or most of it, be contributed to the "Special Persecutee Relief Fund" which was announced in December 1997, and I welcome the positive reaction from many of the potential donors to this fund. I do hope, Mr. Speaker, that the neutral countries who received Nazi gold during the course of World War II will also make generous contributions to this fund. It is most appropriate in view of the benefits they enjoyed as a result of the Nazi gold that was moved to their countries during the war.

I am also pleased, Mr. Speaker, that the Administration has shown United States leadership by indicating our intention to participate in this fund with a contribution of up to $25 million. This should be an incentive for countries which have claims under the Tripartite Gold Commission and countries which were neutral in World War II to join in making significant contributions to this fund. Our contribution is indeed a modest amount—and I hope that our participation will increase—but I do hope that it will encourage others.

Mr. Speaker, no amount of monetary reparation and no amount of recognition or expressions of sorrow can ever compensate for the unspeakable suffering that the victims of the Holocaust have endured. It is important, however, that we make this gesture of recognition—regardless of how small it is in the face of the enormity of the injustice against these victims.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Victims Redress Act".

TITLE I—HEIRLESS ASSETS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Among the $198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated $1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over $400,000,000 in bank deposits) were assets whose beneficial owners were believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might not have any legal heirs, and legislation was enacted to authorize the transfer of up to $3,000,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide $500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to ⅙th of the authorized maximum level of "heirless" assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the reconsideration of the limited $500,000 settlement.

(6) While a precisely accurate accounting of "heirless" assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestituted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for the speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which is at least equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York for that purpose.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise unobligated in the Treasury of the United States, the President is authorized to obligate subject to paragraph (2) an amount not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of $25,000,000 for all such fiscal years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President $5,000,000 for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

TITLE II—WORKS OF ART

SEC. 201. FINDINGS.

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal export of art work and calls for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1564, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HON. SONNY BONO, REPRESENTATIVE FROM THE STATE OF CALIFORNIA.

Mr. LEWIS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 338) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That the House has heard with profound sorrow of the death of the Honorable Sonny Bono, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS), the dean of the California Congressional delegation, is recognized for 1 hour.

Mr. LEWIS of California. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. BROWN).

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was with great sadness that I was awakened in the middle of the night during the recess. I want to share with my colleagues that I was struggling in my subconscious, attempting to put together words that were of condolence to my colleague the gentleman from Massachusetts [Mr. KENNEDY] regarding the recent tragic loss in his family, only to be awakened by a telephone call from a reporter, Jim Specht, who writes for a number of newspapers in our region, Jim told me of the tragic accident that led to the death of our friend and colleague, SONNY BONO.

To say the least, we were all shocked by this development. SONNY BONO is one of those very, very unusual people you meet very rarely in public life or in life in general.

SONNY is survived by his oldest children, Christy and Chastity, and by his lovely wife Mary and their children, Chesare, who is 9 years of age, about to be 10, and Chianna, who is 6.

During the time he was with us, SONNY demonstrated to all of us that he is one of the most unusual characters you could ever meet. But by way of background, SONNY BONO came to California when he was 7 years old and moved to Los Angeles. Following high school he got his first job, that of being a meat truck driver. I think we all know that his heart lay in the entertainment business. In those early days he was developing his skills as a music writer. Often on those trips around the city of Los Angeles making stops for his product purpose, he would also drop off at various locations various songs that he had developed.

SONNY's talent became very apparent to all the world when his then girlfriend, Cherilyn Sarkasian, and he made their first recording together, among a number of recordings that led to that show known as Sonny and Cher. Between 1971 and 1974, Sonny and Cher were among the great hits across the country. They had an impact upon young people of that age that is remembered by all.

Following that work, which eventually came to an end, the partnership came to an end, about 1974, SONNY went on with his business over a period of time. He then took the next step in terms of his most amazing career. In the early 1980s, he established what were to become known as Bono Restaurants, first in Los Angeles, then in Texas. I began to personally get to know SONNY when he opened such a restaurant in Palm Springs, California. At that time, the location of the restaurant was actually in my own district.

In Palm Springs, he quickly became known by anybody who enjoyed both the entertainment as well as the fun restaurant opportunity in Palm Springs. As he developed that process in Palm Springs, he found himself having some difficulty with local government regulations. It seems there was a conflict that arose over a sign that he needed for his restaurant. Local bureaucracy, he would suggest, was getting in the way. That kind of led to a minibattle that caused SONNY a different way, perhaps for the first time, to especially focus upon politics.

With that confrontation, when the local person resisted what he thought was sensible public policy, he indicated that maybe the best alternative for him was to run for office and become that person's boss, SONNY wanted to make sure that sense was made out of local policy. With that, SONNY became the mayor of Palm Springs.

Known by all in Southern California in connection with that, after some time carrying forward that work, he ran for the U.S. Senate. I mention that, even though he was unsuccessful in the primary process, only by way of giving a preliminary hint of the quality and mix that is the character of SONNY BONO.

The person who won that primary, Bruce Hershenson, along with our colleague TOM CAMPBELL and SONNY all ran in that primary, Bruce eventually won the primary. But in spite of an intense process, SONNY and Bruce Hershenson developed a personal relationship that was as deep as any I have ever seen in public affairs. They were fast friends and loyal friends from that point to this day forward.

SONNY ran for the House of Representatives in 1994 when the seat became vacant, as our colleague Al McCandless decided to retire. With his election who will ever forget SONNY's early stay in the House. I wonder how many of those of you who are here with me today remember that event in which he was a guest during his first term at the annual press club dinner, a black tie affair. You know how we all love those black tie affairs.

SONNY was one of the speakers chosen that evening during his first term, and I remember very, very clearly SONNY's giving formal written remarks, from the start I could sense he was not particularly comfortable with them.

About halfway through the remarks, he turned, and it looked as though somebody was a little perplexed. He said, hey, you are trying to give me the hook, huh, an old slang line for people in the entertainment business to get you off the stage.

With that, Sonny threw aside his written remarks and began talking about his real feelings about his experience in the House. It is really amazing what developed. A half an hour late, he had these cynical press people rolling in the aisle.

SONNY BONO demonstrated his sense about the House and used his sense of humor ofttimes in times of critical circumstance to bring us together.

In our Conference, time and time again, he illustrated that his voice was exactly what was needed to provide the sort of oil that allows us to work together. He did that not only in our Conference, but also on both sides of the aisle as well.

SONNY served with us in the House as a member of the Committee on the Judiciary. He was very active in the war on drugs and demonstrated an ongoing and active interest in copyright law and intellectual property concerns.

You will hear a good deal today about his most important concern as it relates to the environment, for he has been the co-chairman of our task force dealing with the Salton Sea, which, as many of you may know, is the largest inland lake in the West. It clearly involves the most important environmental challenge that faces the United States insofar as the West is concerned.

SONNY also worked on the Committee on National Security and played a very big role in making sure that our Armed Forces have the quality and strength that are required for this country that now leads the free world.

Mr. Speaker, with that, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California, Mr. BROWN, is recognized for 30 minutes.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me time, and I also appreciate very much what my colleague from California has said about SONNY BONO and giving some of his background before he came to Congress.

Mr. Speaker, I recall fairly clearly my own first awareness of SONNY as a part of the duo of SONNY and Cher. I am not one normally given to spending a lot of time with popular entertainers, but I was struck by this couple who made a very great impression on me, and SONNY in particular, because I was not convinced that he had any obvious talents. But he did pass the critical test of being extremely successful and extremely popular, and one cannot quarrel with success.

Obviously, as the gentleman from California (Mr. LEWIS), has already reported, he had talents that extended into a variety of fields.

I first became personally acquainted with him, of course, after he was elected to the Congress, and I observed his operations here on the floor. As with most new Members, it seemed to me he was not quite sure what he was doing much of the time, but he learned with great rapidity. I came to admire the way in which he grasped opportunities to participate in a variety of different issues and generally bring a high degree of common sense to the consideration of those issues.

As my colleague, the gentleman from California (Mr. LEWIS), has indicated, we became involved, those of us in what we call the Inland Empire region of Southern California, which includes the counties of San Bernardino, Riverside and Imperial, we became involved as a group, all of the Members from that region, in efforts to achieve some remediation of the problems of the Salton Sea. I will not deal unduly on that at this point.

But we all recall the fact that in the Congress 3 or 4 years ago, the California delegation had somewhat of a reputation as being, shall we say, lacking in cohesiveness. Some of us became concerned with that problem and began to initiate steps to distinguish between those things which were worthy of lack of cohesiveness and those which really deserved cohesiveness.

□ 1330

In other words, we began to try and define those areas where it was appropriate for Congressmen in California to work together regardless of party, and those equally or more important areas where we needed to be divided on the basis of political principle. And we learned a number of lessons, and we began this process of working together, and my experience with SONNY and my appreciation for him began to rise as I had the opportunity to participate with him in these vital areas which were nonpartisan in their scope, but which related to the welfare of all of our constituents in our respective districts.

I will not belabor the details of this particularly, although I may come back to them a little bit later, but my last recollection of SONNY was in his office in Palm Springs where we had one of the meetings of our task force, we call it the Inland Empire Salton Sea Task Force, and SONNY of course is a cochairman of that task force, brought us together in his office to discuss at that point the impending visit of the Secretary of the Interior. I will tell my colleagues that SONNY's efforts as a cochairman of the task force were unique and very successful in focusing the attention of the Executive Branch on the need to take some action there.

He was the kind of a person who worked easily to bring people together, and I wish that trait were more common amongst our colleagues. I will always remember him as a gentleman, one who could bring us together, could bring about agreement with regard to critical issues, could identify critical problem areas and focus discussions on them in a way which is not too usual amongst the Members of Congress, and which I think will create a lasting monument to his work as an elected public official.

Mr. Speaker, at this time, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me this time.

I have a statement covering an outline, a brief outline, of some of the services and contributions that SONNY BONO made as a member of the House Committee on the Judiciary, and I am going to ask that that be printed in the RECORD, but I have some remarks I would like to make that are more of a general nature than a specific recitation of his great contributions to the House Committee on the Judiciary.

Mr. Speaker, contemplating the untimely death of our colleague and really our brother, SONNY BONO, forces us to confront the mystery of life and death. It makes us ask the question to which there is no answer in this lifetime: Why me, Lord? SONNY's impact on us was like a skyrocket. It was bright, it was beautiful, and very brief. He left us many examples of how we should understand our vocation as legislators, how we should treat each other as brothers and sisters and of the value of laughter and inner joy.

SONNY, in one brief lifetime, was a resounding success in 4 difficult careers: Songwriting, performing, mayor of an important city, and a Congressman. SONNY laughed often, he loved much, especially his wife, Mary, and his children. He won the respect and the affection of all who knew him. He appreciated beauty and he saw the good in others. He was an authentic free spirit. Among the many lessons we can draw from his example, the one most important to me are three words that his life said to every person, young or old, who has a burning desire to achieve. "Yes, you can."

SONNY, I know you are up there. Do not forget us, because we will never forget you.

Mr. Speaker, tomorrow this House will remember in a memorial service the life and work of Representative SONNY BONO, who lost his life tragically in a skiing accident on January 5, 1998. As we convene to reflect on his remarkable life, I would like to recognize his achievements as a valued member of the House Judiciary Committee.

SONNY was not a lawyer, and yet he requested to become a member of the Judiciary Committee out of his concern for the issues entrusted to its jurisdiction. I was happy to recommend his placement on the Committee and I know that I speak for its entire membership when I say that his refreshing approach to legislation and his immediate contributions were appreciated on both sides of the aisle.

How SONNY became a Member of Congress is a classic American tale that should be studied by anyone interested in pursuing politics. Unable to cut through the municipal bureaucracy necessary to simply put a sign in front of his restaurant in Palm Springs, California, SONNY ran for Mayor to fix the problem himself. Elected twice to that position, Sonny succeeded in bringing government closer to the people and in bringing new revenue, including an International Film Festival, to his city and its surrounding areas. Elected to the 104th Congress in 1994, this ambitious freshman's first bill called for another initiative to bring government closer to the people: the appointment of a three-judge court panel, already used in Voting Rights Act and apportionment cases, to hear constitutional challenges to popular referenda voted upon by the entire population of a state. His reasoning was simple: when the citizens of a state vote directly on an issue that is important to their lives, and a direct majority speaks, one judge should not be able to delay the execution of the will of the people of an entire state for years. This sophisticated measure was aimed at addressing the legal aftermath of the affirmative action and immigration referenda in his home state.

SONNY BONO, the self-proclaimed non-lawyer, had to argue for this bill before a Judiciary Committee comprised of legally-trained members. He effectively laid out his case. SONNY's bill was reported to the full House by the Committee. Then, as a freshman, Representative BONO went to the floor of the House armed only with the logic of his arguments and convinced a majority of his colleagues to support passage of his bill.

Mr. Speaker, Congress can be a daunting institution for anyone to master. SONNY BONO, as a freshman, tackled a serious subject like judicial reform and made it his first effort at lawmaking. His legislation has been reintroduced this Congress and is pending before the Judiciary Committee as part of the Judicial Reform Act of this Congress.

His gifts reflected SONNY's diverse background as a songwriter, entertainer, business owner and Mayor. Those experiences gave him a unique perspective on issues as diverse as tax reform, immigration and intellectual property. As a member of the Subcommittee on Courts and Intellectual Property, he worked hard to negotiate difficult legal solutions to problems facing the country as the Internet becomes a new means of distributing books, music, software, and movies. To Sonny, these were not just theories to be discussed, they were part of his life. He had the unique distinction of being someone who could understand the practical effects of legislation in this area.

Many of us attended the funeral service in SONNY's home of Palm Springs and saw, along with the rest of the country on their televisions, the hundreds of people who stood in line to pay their last respects to this unique and gifted citizen. SONNY will be remembered as an ambitious member of Congress who represented with distinction the interests of his district and the interests of our country. I join with my colleagues in remembering his political career, and send prayers of comfort to his wife Mary and his children Chesare, Chianna, Chastity and Christy. The people of the 46th District of California are fortunate to have had SONNY BONO as their Representative, and those of us who worked closely with him are fortunate to have experienced his refreshing candor and lighthearted wisdom.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding me this time. I first met Sonny a little over 3 years ago. The only contact I had with Sonny prior to that is when I had dinner at his restaurant in Palm Springs, Sonny's. We both share that common background. My family was in the restaurant business for close to 45 years.

Three years ago we started this relationship and we became very close, both as friends and as colleagues. We represented most of Riverside County, shared a district line in many communities together. And he always just was so excellent at what he did in representing his constituents, and let me put a word in for his staff, especially Brian, his chief of staff, who did an excellent job for Sonny over the years; Frank, Beverly, the whole staff.

I would like to talk briefly about the last time I saw Sonny. I got a call on a Friday afternoon that, this was two weeks before Christmas, that Sonny wanted to have a meeting, and I am sure all of us were busy, all had things that we wanted to do that Sunday two weeks before Christmas, but Sonny wanted to meet with us, it was important. And we were all there: JERRY LEWIS, GEORGE BROWN, DUNCAN HUNTER, myself, SONNY, meeting in his office to talk about something he loved, something we all care about: The Salton Sea. And for two-and-a-half hours we sat in his office and we discussed ways we could finally resolve this issue that was important to every one of us. All of us have different backgrounds as both individuals or politicians, but Sonny could bring us all together, and I was thinking about that even while I was driving down on that Sunday that certainly we all cared about the Salton Sea, but we all cared about SONNY BONO, and I think that that was one of the reasons we were there, if not the most important thing, because Sonny was somebody you just liked to be around, somebody you wanted to be with.

So as we come back to Congress for the second half of the 105th, we are going to miss Sonny, those moments sitting back here in the Chamber when we needed that little lift, that joke, that smile. I think all of us will always remember Sonny's smile that we are just not going to have with us anymore. But we will have that memory, and we certainly have all of our prayers for Mary and the children, and we wish them Godspeed. Thank you, Mr. Chairman.

Mr. BROWN of California. Mr. Speaker, I yield myself an additional 6 minutes.

Mr. Speaker, Mr. CALVERT's recitation of this meeting that brought us together in SONNY's office just before Christmas leads me to offer some additional comments about some of SONNY's unique contributions. He did have a background in business as well as a background as mayor of the City of Palm Springs, and in looking at this new challenge that faced him as a Member of Congress with a huge environmental problem that was getting worse in the form of the Salton Sea, SONNY made several what I considered to be unique contributions to pointing in the direction of solutions.

One of the first things that he did was to bring the group of us together with some consultants who had extensive experience with solving environmental problems and developing unique solutions to ecological and environmental conditions. One of these was an internationally known designer who had worked all around the world and who brought to us the possibility that we could turn a declining Salton Sea, declining in an economic sense, into an asset by doing something that none of us had thought about before, and that was creating islands in the sea which could be developed for recreational and commercial purposes.

That was the kind of thing that SONNY easily perceived that I think was more difficult for the rest of us. We have, of course, some interest in the commercial development of casinos in southern California by Indian tribes, and SONNY established a dialogue with the local Indian tribes who did not have casinos, about the possibility of doing something of that sort. And lo and behold, the Indians were very interested. The idea of building islands which could be developed for recreational and commercial use is now one of the things which may lead to an economically viable solution to the problems of the Salton Sea.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, the gentleman's discussion regarding the extension of that Sunday meeting where the five of us were together, which is the last time I was with SONNY as well, and the remarks of the gentleman caused me to say that indeed, Congressman BROWN and I have looked at the problems of the Salton Sea for some time, and especially my colleague from San Bernardino County has expressed long-standing concern, since he was born in Imperial County, which has a piece of the Salton Sea, but all of us somewhat frustrated over the years watching this incredible asset deteriorate the way it has.

At one time the annual commercial values surrounding the Salton Sea were about $100 million a year, and it has come to the point now with a combination of sewage that flows from the New River into the Salton Sea, the sewage that flows from Mexico adds to a tremendous problem. There is salt that flows from the agricultural activities that are adjacent to the Salton Sea. It is a reality that as of this moment what is a very, very important national asset and important environmental asset will all but be wasted and lost unless we take some action in a very short period of time. Maybe 5 years from now it will be too late.

Well, it was SONNY taking over the chairmanship of this task force and helping us all to focus in a special way that the gentleman from California reminds me has helped us crystallize a process here that I think will end up leading to a solution, maybe an expenditure of hundreds, not tens of millions, but hundreds of millions of dollars, but nonetheless, the result on the other end being a legacy to SONNY's service here that is most important.

Mr. BROWN of California. Well, now that the gentleman has made that comment, following SONNY's death there was a major economic conference convened in his district to examine the economic impacts of further decline or revival of the Salton Sea. It was conducted by the University of California based on an economic study that they had made, and this bore out what SONNY's instincts told him I think was possible. The detailed analysis showed that by reversing the decline of the Salton Sea and reviving it as an attractive environmental and recreational location, that this could, by the estimate of the economist who prepared the report, add to the cash flow of the region as much as $1 billion a year.

Now, this just astounded all of us who had looked at it, and I think SONNY, because of his own keen interest in recreational and economic development which he had demonstrated during his period as mayor, was not as surprised as some of the rest of us at what the potential was.

□ 1345

Essentially, what this report said, and we will be making a great deal of use of it, is that the economic potential of activities related to a living and vital Salton Sea is probably equivalent to that of the agriculture which is the world's most productive that surrounds the Salton Sea. This is something that we will probably be spending more time investigating and bringing forth, but we owe this to SONNY's instincts as much as anything else.

Mr. Speaker, I will, for the rest of my life, pay tribute to that instinct which gave us the hook, you might say, to create a realistic interest in a practical solution to the problems of this great body of water.

Mr. LEWIS of California. Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) and the gentleman from California (Mr. BROWN) for having brought this to the floor today.

Mr. Speaker, I do not have a prepared statement. I am going to do this from the seat of my pants. But that is probably the way SONNY would have done it, so I do not think I will violate any protocol as far as he is concerned.

The distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the House Committee on the Judiciary, has already indicated that SONNY was a valued member of the full committee. He and I sat on the Subcommittee on Courts and Intellectual Property, and I came to know SONNY very well in that capacity.

Mr. Speaker, some recent weeks ago a group of mine from North Carolina from my congressional district asked me to bring a celebrity back home for a special event, and I asked them to identify a celebrity since we are not all celebrities here. They mentioned the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Oklahoma (Mr. WATT) and SONNY BONO, Steve and J.C. being football luminaries and SONNY the entertainer.

I said, "You all name who your favorite of the three would be." "We don't have a favorite," they said. The chairman finally came to me and said, "How about SONNY BONO? See if we can get him down here."

I went to SONNY, and he responded favorably, and he showed up in Greensboro, North Carolina, at the home of Charlie and Mary Elizabeth Irving back in November. A cold rain had fallen that entire afternoon, and SONNY was the headline. I say to the gentleman from California (Mr. LEWIS), he packed them in. They were standing outside as the soft rain fell listening to SONNY talk for 35 to 40 minutes.

Mr. Speaker, time and again he referred to himself as a simple man from the streets; but his words were warmly embraced not only by those exposed to the rain outside but by those who were protected from it inside.

My constituents who attended that event that night came to know him favorably even though he was only there for a little over 2 hours. In fact, that event, I say to the gentleman from California, may well have been his final public appearance.

Shortly after his untimely death, a syndicated columnist wrote an article that appeared in the largest daily in my district, the Greensboro News and Record, depicting SONNY as a clown, a buffoon, an inept, unqualified Congressman.

My constituents who visited with him that rainy night in November were hopping mad. They weren't angry; they were hopping mad about it. They called our offices down home and up here taking great umbrage in that article.

I responded to the article pretty clearly, refuting and disavowing the unkind and uncivil portrayal of SONNY BONO in her article. Mr. Speaker, I bet 125 to 150 people saw me within 24 hours after my article appeared. They were personally offended by the syndicated columnist's article.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I ask my colleague to yield at this point because he is raising a very, very important item that kind of goes to the heart of some of the mystery of SONNY BONO.

The early days of SONNY and Cher, it was very obvious that he was the butt of the jokes that were part of their routine. But what was not so obvious was that SONNY was the person who produced those programs. He wrote the jokes and had the strength of character to see the value of his being the butt of the jokes.

The fool in this event involves the person who does not understand that strength and that quality. For SONNY BONO without any question, among other things, understood the value of humor properly placed and the strength it could have in terms of making a point and indeed in terms of bringing people together. It is a quality that is sorely missed by all of us but one that is absolutely needed in a body like the House of Representatives.

Mr. COBLE. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his contribution. Indeed, that is true.

In fact, I told one of the columnists who called me for a comment about SONNY as a result of having shared membership on the Judiciary subcommittee I mentioned earlier. I said, oftentimes, he would give the appearance that he just fell off the turnip truck yesterday, but before you knew it the dart was released from his hand and the next time you saw the dart was when you were removing it from your own eye.

SONNY, as the gentleman from California just pointed out, had the ability to laugh at himself. It is too bad more of us on this Hill do not have that ability and do not practice it more often. He was the butt of the joke, and I think he enjoyed being the butt of the joke.

Mr. Speaker, as the distinguished gentleman from Illinois (Mr. HYDE) chairman of the Committee on the Judiciary previously said during his time on this matter, "SONNY, do not forget us," because, as Cher said at the funeral, she said, "He was the most unforgettable character I have ever met."

I can assure you, SONNY, we in this people's House will never forget you.

I thank the gentleman from California (Mr. LEWIS) for this time.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I rise in strong support of the resolution recognizing the achievement our late colleague, SONNY BONO. His district is only about half an hour's drive from the district that I serve.

I speak straight from the heart when I say that SONNY was a dear friend. One thing I have learned over the last 5 years in Washington is how hard it is to find a true friend, someone who will stay with you during the good times and someone there during not so good times. SONNY was that kind of true friend.

SONNY had a unique ability of mixing humor with hard work. But we will remember him for making us laugh even during the stressful times. SONNY had a serious side too: Helping try to stop drug abuse, trying to improve food safety, trying to rescue the Salton Sea, on and on and on.

Mr. Speaker, he used to joke about my "Southern accent." But I know now everyone, including SONNY, can understand me clearly when I say that, "We all miss you, SONNY."

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) and the gentleman from California (Mr. BROWN) for leading this discussion and this tribute to SONNY BONO.

Obviously, the House lost a star over the break; and I am not referring to SONNY BONO being the star of the entertainment industry. He was a star around here. A star is, what, something in the sky that shines brightly; and SONNY always shined brightly.

His eyes sparkled, and he had a smile that was an uplifting smile. Whenever one felt down or was engaged in a controversy or got a little bit too involved and was a little bit captured by the moment and did not see the big picture, SONNY would always bring us down to earth and let us realize that, yes, what we are doing is important but not to be so enrapt by it that we lost sight of the values and the things that we really believe in.

SONNY was a star also in the entertainment industry and, as such, when he came here he became a champion of the rights of song writers and other people and for intellectual property issues, which is an issue that is close to my heart. SONNY went out, and he knew this area very well. He knew about song writers and writers and other creative people in our society and made that a point, to be their champion, because that was his area of expertise.

But, Mr. Speaker, his involvement and his activity went well beyond that area. SONNY was a patriot. SONNY ran for office because he wanted to make things better. He was someone from the entertainment industry and at times people would underestimate SONNY for that reason.

It was easy for me not to underestimate SONNY BONO, especially with the excuse of saying he is just a former rock and roll star or an actor, because I had already worked for someone who had been underestimated his entire political career by people who said, "Do not worry about him; he is just a former actor." But just like Ronald Reagan, SONNY BONO, yes, was a former actor, but he was a patriot who had a gut instinct about the people, people as individuals and people as the general public.

SONNY, perhaps one of the reasons he had this gut instinct, the same way Ronald Reagan had this gut instinct, was that he had not been in politics all of his life and he had been in contact with large numbers of people outside of the political context for a number of years. In that, he developed a relationship with people and knew them and appreciated them.

So SONNY contributed a lot during his short time period here. He contributed a great deal to the spirit of this body, and we will miss him. And, as has been expressed here today, I will personally miss him. SONNY was a man I respected deeply because he just knew people. He understood people. He understood the situations, and he was trying to do what he could for his country. What more can people ask than that?

So, with that, I believe in God and I believe in the hereafter and I believe SONNY, just like as has been expressed today, he is with us today and his spirit will be in this hall today with those people who serve in Congress.

Mr. Speaker, he shines brightly now, a star in the heavens overlooking the work that this body does to try to make this a better country to serve our people in the best way we can.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would like to join in expressing appreciation to the gentleman from California (Mr. LEWIS) and the gentleman from California (Mr. BROWN) for taking this time and pursuing this very important resolution.

We were all very shocked and saddened, the world was shocked and saddened, with the tragedy that struck SONNY BONO, and I have got to say that I miss him. I think about him constantly. I think about Mary and the children, and I think about the impact that he had on so many of us.

Like most, I plead guilty to having been a little bit skeptical when this 1970s, long-haired, mustachioed, bell-bottomed singer-songwriter decided that he was going to come to the United States Congress, and I wondered what impact it would have.

Then I began to think about what it was that the founders envisaged for this institution. James Madison and Thomas Jefferson both talked about how disparate walks of life should be represented here in the people's House. And, to my knowledge, SONNY was, in fact, the only 1970s long-haired, mustachioed, bell-bottomed singer-songwriter to serve in the institution. So, actually, SONNY BONO's presence here was exactly what Thomas Jefferson and James Madison wanted.

One of the things that SONNY got very involved in, I remember his coming to me shortly after he was elected, and he said, "David, I want to sit down and work with you and the Speaker and others and put together a task force that will underscore the very important relationship that should exist between the Congress and the Republican party and the entertainment industry, the music industry, the film industry, the television industry." He took a very, very important leadership role in pursuing that and did, I believe, a spectacular job.

We have gotten to the point where there is an understanding of how it is that the Republican party, quite frankly, really does embody many of those shared goals: An opposition to censorship and dealing with intellectual property violations, finding new markets for exports coming from the entertainment industry in California. So there are a lot of very important things that have been to this point unheralded that SONNY was intimately involved in.

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I think that one of my colleagues probably said it best in a statement that I read in the paper when he said, many people run for Congress and come to Washington acting like they are very smart, and they are really not too bright. Well, SONNY BONO ran for Congress with this image of being less than intelligent, and it was obvious from his work and his life that he was an extraordinarily bright person.

Mr. Speaker, I will miss him greatly and join in sending condolences, as we all have time and time again, officially here from the floor of the Congress to all the members of SONNY BONO's family.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PACKARD), from beautiful downtown San Diego and other territory in California.

Mr. PACKARD. Mr. Speaker, I consider it a real privilege to get up on the floor and speak of my friend SONNY BONO. SONNY really became a heavyweight in everything he did. I think he started out perceived as a lightweight in most everything he did, but before it was done, he rose to the point where he really became an influence, a significant influence, in everything he did.

In the entertainment industry he started out conceived as a lightweight and one that would never make an impact, and few people in the entertainment industry have made a greater impact than SONNY BONO has.

Then he went to the city of Palm Springs, was elected mayor. I served as a mayor. I know the impact that a mayor has on a community, and SONNY BONO, I am sure, was perceived initially that it was kind of a fluke that he would be elected. But before he was done, he made a powerful impact upon the quality of life in Palm Springs. It is a better place to live and work than it was before SONNY BONO served.

Then he came to Congress. In the Congress of the United States unquestionably he was perceived to be a lightweight when he came, but it did not take long until we recognized that he carried a powerful wallop and made a powerful influence for good in this institution. He made his mark. He has been a heavyweight in everything he has touched.

I admire him. I love him. I appreciated the work he did. I hope that we will keep him as a memorable Member of this body. It is a better place to serve because of SONNY BONO.

Often our leadership, when things were the most tense in our Conference meetings or in here on the floor of the House, they would ask SONNY BONO to take the edge off of things, to pull our delegation together and to bring us back to reality. And SONNY BONO had an incredible talent of using his wit and his ability with comedy to really bring us back to reality. And then he would always wrap up with a very serious point that he used his tremendous ability at wit to initiate.

I really appreciated that talent in SONNY BONO. He expressed it and used it several times, sometimes at the request of our leadership. I remember NEWT GINGRICH himself asked at one time SONNY BONO to take the edge off of the real tension that existed recently in our Conference. What a masterful job he did of bringing us right back to where we needed to be and accomplished exactly what we needed to be done.

He was a master at it. But he was a heavyweight in everything he did. He was a heavyweight legislator, make no mistake about it. We are going to miss him dearly in this body.

I truly pray for his family that they will recognize the great service that he has rendered both to the people of America through the entertainment industry, to the people of Palm Springs in his service there, to the people of America in his service here in the House of Representatives. He has truly made his mark in the world. We want to thank SONNY BONO.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. BROWN) has 17½ minutes remaining, and the gentleman from California (Mr. LEWIS) has ½-minute remaining.

Mr. BROWN of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I appreciate that we as colleagues recognize that SONNY BONO belonged to America. SONNY BONO was known to me as a fellow colleague on the House Committee on the Judiciary. He sat on one side as a Republican, I on the other side as a Democrat. But my tribute to him comes more as a believer in his view and the way he carried himself, that he was an American who came here to serve his constituents and to serve this country.

I would remember sometimes he would add to the very serious deliberations that all of us would engage in with just a slight bit of humor. He would always say, I am not a lawyer, and I hear a lot of lawyers talking in this room. But whenever he would offer his insight, it brought about clarity and frankness that we all could appreciate.

He would draw down that pompousness that lawyers may tend to have by just saying to us, make it plain, let everybody understand it. And once we stood back from his challenge, we would say, he is right. What are we doing here other than making sense for the American people. I appreciated that in SONNY BONO, and I thank him.

I think all of us have got a fuller sense of appreciation of what we call changing careers. Everybody was something else when they came to this body. In fact, the Founding Fathers were always something else. They were farmers and artisans and lawyers and teachers. They came and spent a few months here and went back to their work. So what was wrong with being from the music industry and an entertainer? Nothing.

He brought us a different perspective, his sense of humor, but his commitment to the ideals of this country. So I would simply like to say, as a member of the House Committee on the Judiciary where I got to know him most, thank you, SONNY BONO, for what you brought to this body. Thank you, SONNY BONO, for not being a lawyer and making just plain sense, for I do believe that your presence in this body and your membership on the House Committee on the Judiciary, which was extremely unique as a nonlawyer, added to the processes of government, reaffirmed the Constitution of the United States and as well reaffirmed your place in history.

God bless SONNY BONO and his family, and God bless America.

Mr. BROWN of California. Mr. Speaker, I know of no other requests for time on my side, but I know that there are on the other side. I yield the balance of my time to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker I rise today to add my voice to the chorus of voices singing the praises of our colleague SONNY BONO. I am not sure there is anything I can say that has not already been spoken. It was with deep sadness that I learned of SONNY's death. In life he was vibrant and witty, always quick to offer a smile, an amusing story or a simple word of encouragement.

Many of our colleagues have shared personal stories about working with

SONNY, but I would like to share something a member of my staff just today told me which illustrates why SONNY was loved in life and why he will be remembered in death.

My aide told me of an encounter he had with SONNY in 1995. He was walking between the House office buildings when he encountered SONNY in the street. When they passed, my staffer gave SONNY a puzzled look. SONNY, realizing that my staffer recognized him but maybe couldn't place the name with the face, turned around and said hello.

I tell this story simply because it is indicative of SONNY's engaging personality. In his long and immensely successful career, SONNY never got too big to remember those around him. He was at ease with Hollywood stars, politicians, his constituents and, of course, his wonderful family, and, most important, SONNY made those around him feel at ease.

SONNY visited my district for a Lincoln Day dinner last year and won the hearts of my constituents immediately. In fact, I had to get him out of town quickly because I was afraid they would ask him to move to Florida and challenge me.

I think it is important, Mr. Speaker, not to let stories of SONNY's generosity and kindheartedness overshadow his legislative accomplishments. He was a serious and effective legislator. He was an average guy in a business where we often take ourselves too seriously. He worked diligently on behalf of his constituents, and he entered the political arena for the right reasons. I repeat that. He entered the political arena for the right reasons, because he saw the problem, in his case, of business shackled by excessive regulations, and he figured the best way to solve that problem was to change it himself. He was a true citizen legislator.

I would like to close by sharing the impression SONNY has left on me. I am sure that those of you who attended his funeral and those who watched on television were struck not by the profound sadness of the affair, but by the joy and happiness which SONNY brought into people's lives. Mixed with the tears of joy and happy memories of SONNY was that unforgettable picture. Each time the television camera cut to a shot of SONNY's picture with that engaging smile, I could not help but laugh and think, that is SONNY. It was almost like he was there. And the thing is, SONNY is here with each and every one of us who had their opportunity to work with him and share a piece of his unique perspective on life.

So let me wish Mary and their wonderful children, Chesare and Chianna, God's blessings. They may have lost a father, but they have gained a House full of aunts and uncles. I think I speak on behalf of my colleagues by saying we will always be willing to help whenever it is needed.

SONNY, may you keep them smiling up there.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, my heart, along with the hearts of all of my colleagues, is with SONNY BONO at this time. I would like to submit my tribute for the RECORD. I am delighted that we are spending this time, and I am delighted we are having a memorial service that we will all attend tomorrow for this same purpose. This Chamber will deeply miss SONNY BONO.

Mr. Speaker, the world watched and mourned as SONNY BONO was laid to rest in Palm Springs a few weeks ago, and many of our colleagues here were among those present. It is a rare person whose passing causes us all to stop and reflect, and I want to take a moment and explain why, to my mind, SONNY BONO's life touched so many people.

I think it is because he was uniquely American. His life was proof of all the things that we believe make America special, and like Ronald Reagan before him, he did it all with the smile and the kind words that come from a man who is at peace with himself and who believes in what he is doing.

The more I got to know SONNY, the more respect I had for him, and the more I counted him as a friend. I don't think anyone in the last 10 years has made me laugh so hard as SONNY, but most importantly, he made all of us laugh at the right times. SONNY knew when things had become too serious, when we were all becoming swollen with our own importance, and when instead of anger and recriminations we needed laughter and unity. He had a unique ability to use humor to remind us of who we are and what we should be doing.

SONNY's parents wanted him to be a doctor. But he wanted to be in show business, so he went to Hollywood, and took a job that allowed him to pursue his dream—he drove a meat truck. What does this have to do with Hollywood and the music business? Nothing, except that by taking this job and delivering meat along Sunset Boulevard, SONNY was able to drop off recordings of his songs at record companies along his route. This was typical of SONNY's persistence in pursuing his goals—he always believed there was a way, whether it seemed obvious or not. And as we all know, he was right—his records became hits, and he ended up entertaining millions of Americans every week on national television. This kind of confidence is uniquely American—SONNY knew that there would be opportunities, and that all he needed was talent and determination to succeed.

When SONNY left show business, he went into the restaurant business, and in the private sector he learned a lesson that too many people in Washington, DC have either never learned or have forgotten—the government interferes far too much into the private lives of citizens. As a businessman, SONNY found that government thought it could tell him what kind of a sign he could put on his restaurant.

Unfortunately, he discovered, it could—so SONNY ran for mayor and made the changes that he thought needed to be made. The people who had seen what he could do overwhelmingly voted to send him to Congress to give him a chance to make some needed changes here as well.

SONNY was just getting started when he was taken from us, but he had already made a difference. We passed legislation here in the House that he wrote which was designed to protect the voters in my state, legislation that would prevent a single judge from overturning the will of the people as expressed through a statewide ballot initiative.

In short, though SONNY BONO was successful, and though he did serious work, he never took himself, or this body, too seriously. He knew that the important things in life should be enjoying your family, enjoying your work, and chasing whatever dreams you have, whether it's a gold record or a Senate seat. In that, he set a good example for us all.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to thank the gentlemen from California (Mr. LEWIS) and (Mr. BROWN) for arranging this opportunity to memorialize our good friend, SONNY BONO. And it is with a great deal of sadness that I join with our colleagues in expressing our deepest condolences upon the tragic, untimely and premature passing of our colleague from California, SONNY BONO.

It is difficult in our society to achieve any phenomenal success in any given field. SONNY was one of the few people to achieve distinction in four different occupations: songwriting, show business, managing a restaurant business and, most important, public service.

I first came to know SONNY during his first term in the Congress. His knowledge of the copyright law, his dedication to intellectual property rights and his indignation over the pirating of American works by other nations, particularly the People's Republic of China, was one of significant assistance to those of us on our Committee on International Relations as we wrestled with those issues.

He brought to the Congress his experience and insight, which were rare, and he will not soon be forgotten. It was pointed out at the time of his passing that SONNY BONO is one of the few Members of Congress ever to habitually attend hearings of other committees, committees he did not serve on, simply because the subject was of interest to him or because he wanted to learn more about the issue. As a former restaurant owner, SONNY understood and brought to the Congress an understanding of the burdens faced by our small business owners. He had told me that most of us in the Congress cannot truly comprehend the extensive paperwork and the bureaucratic red tape burdening those who merely sought to follow the American dream of business ownership.

As mayor of Palm Springs, California, SONNY understood the problems faced by our local governments in small cities. The television interviews with Palm Springs residents, which were broadcast in the wake of his passing, underscored how much appreciated and loved he was by the residents of his home town in California. He brought to the mayor's office professionalism, seasoned with a generous helping of common sense. His revitalization of downtown Palm Springs with such innovations as a film festival has set a model which mayors and town supervisors throughout our Nation have sought to emulate.

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SONNY will always be remembered in this body for his enthusiasm and his vigor. And at a time in Washington noted for extreme partisanship, SONNY made a point of reaching across the aisle to befriend and to aid all Members of our body. SONNY's heart was as big as the outdoors, and he will long be remembered for his ability to bring people together.

Mr. Speaker, I join in extending my deepest condolences to SONNY's widow, Mary, to his children, and to the many Americans who loved and respected SONNY BONO. He was a voice we needed. SONNY will be sorely missed.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman very much and commend him and the gentleman from California (Mr. BROWN) for bringing this special order so that all of us would have an opportunity to speak about our fallen colleague, SONNY BONO.

I certainly rise first with sympathy and condolences for his family. This is a horrible loss to them and we send prayers of understanding, prayers of comfort for this time of great sorrow in their lives.

We all speak today with a very heavy heart and great sadness that this would happen. It is always tragic when we stand here to eulogize a fallen colleague, but it is much more difficult and sad when that colleague is taken from us at the pinnacle of their life, before their time.

SONNY BONO brought his wonderful spirit and sense of humor to all of us here in the Capitol, here in the House of Representatives, and a good sense of humor is always bipartisan, and SONNY BONO was. He had a good word for everyone, Republican, Democrat. He had a kind word for everyone. He was never, that I could see, in a bad mood. He was always in a good mood. He was never pessimistic. He was always optimistic. He was always very, very optimistic that we could solve our problems.

He brought another great gift. He brought the gift of humor. He had the facility to, no matter how important the situation, no matter how tense, no matter how much controversy surrounded an issue, he would bring his wonderful sense of humor that made us all laugh, made us all stop, and made us all consider whether or not we really wanted to be as serious as we were about a subject.

But I want to say that he always took his office and the issues facing this country seriously. He always reminded the rest of us about one thing; that as important as the issues are, as seriously as we take ourselves, we were basically sent here to address the needs and concerns of a half a million people in our districts, and there was nothing that SONNY took more seriously than that. He cared about the people he represented and he worked in their behalf. This, of course, is a message that all of us must remember every day that we serve.

Fate robbed us of the presence of SONNY BONO, but fate will never take away his spirit from the people's House of Representatives. I commend the gentlemen. We will all miss SONNY BONO, and our hearts and prayers go out to his family at this time of great sorrow.

Mr. LEWIS of California. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. LEWIS) has 6 minutes remaining. There is a total of 6 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise in recognition of a gentleman who changed not only many of us personally but who changed this institution overall. SONNY BONO truly was the Will Rogers of this Congress. He was a man who brought common sense and the reminder to all of us that what really matters is what happens to America, not what happens to those of us in Congress. He reminded all of us that the people who are really important are not people in Washington, D.C. but the people out in the rest of America.

I think that I had the privilege of knowing SONNY actually before the other Members of Congress for a lot of reasons, not just because I was from California but because myself and SONNY BONO ended up being seated together during freshman orientation, and it was my privilege to learn about a man who had gone through many things, who had accomplished many things without all the benefits and advantages that many of us here in Congress had.

SONNY BONO was a man who was able to remind us again and again that we are not what is essential for America, but what we do for the American people is what is absolutely essential. SONNY's legislative packages were not highlighted with great press conferences and great activity, but things like defending the right of the initiative of the people's vote by requiring three judges to review the citizen's initiatives before it is overturned was basic, strong, good legislation, not just for California but for all of America.

SONNY BONO's position on the Salton Sea that the Federal Government and the State government and local communities should work together to help clean up environmental problems was a strong message that SONNY BONO was able to send us.

Mr. Speaker, SONNY's death hit many of us very, very personally. Mary Bono and her children had their husband and father taken away from them at a very critical time in their life, and our hearts go out to Mary and the children. Congress may think about the fact, and those of us that knew SONNY may say, Congress will not be the same without SONNY BONO on that front aisle reminding all of us to be up front. I think what we need to remember is Congress will never be the same because SONNY BONO sat in that first aisle and was so up front.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, those of us who gather today gather to celebrate the life of a man who, while small in physical stature, had a giant heart and a remarkable way of putting us all at ease.

We were both elected in 1994, and having grown up watching Sonny and Cher, he was an instant celebrity to us and to many Americans. But he was also one who found time in his day to help give an idea, an insight, a solution to a problem that many who had graduated from college could not think of because it was not in a textbook. SONNY BONO lived a life of having to struggle and survive and prosper by ingenuity, hard work and determination. So his solutions were not always something you would find in the Harvard Law Review, but really something he scratched out when he was working as a restaurateur, a songwriter, a creative partner in Sonny and Cher.

He did a lot for his country and a lot for his district by bringing that simple sense of purpose to this Chamber, a Chamber that is rich in history and sometimes too steeped in tradition to recognize that there is a time when we all have to just laugh and say we are Americans first, we are not partisan gladiators in a war, but we are Americans. And SONNY had that wonderful ability to bring forth that smile and that spirit.

He worked on, as the gentleman from California (Mr. BRIAN BILBRAY) said, the Salton Sea, and labeling of produce, and so many other issues that affect us, but he was, at the bottom of it all, most proud that he was a husband and a father, proud of what Chastity was doing in her life now, proud of the two children he was raising with Mary, proud of the work he had done with his partner and collaborator, Cher, and I guess proud of the fact that he got to serve in this great Chamber as a Member of the United States House.

For that bit of opportunity that all of us knew him, we thank God for the richness that he blessed us with giving us SONNY. We thank the people of California for sending him. And we really thank Mary and his children for sharing him with us. It takes a lot to be in this body. It takes a lot from our families and our families deserve all the credit. Not the Member, but the family, for enduring the sacrifice that it takes to serve this country.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I wish to thank the gentlemen from California (Mr. LEWIS) and (Mr. BROWN) for bringing this. This is not easy. I think it is easier for me today than it was for some of us when we went to SONNY'S funeral.

SONNY had a unique way about him to make every person he met feel as though they were his friend, and that they were his only friend and that they were his best friend. He had a unique ability to do that. He did not care who an individual was. And I think that is why so many people in America feel as though when SONNY passed that we all feel a loss because he had an impact on so many people. Yes, my heart goes out to Mary and the children, but to everyone who feels as though somehow their life has been diminished because of the loss of SONNY BONO.

We have also been enriched. I wanted to say here that when I think of my good friend SONNY, his office was right next to mine, we sat next to each other for three years on two different committees, and when I think of SONNY, I think of an individual who is good natured. He had a winning smile and charm. He had the power of the twinkle in his eye. When he got the twinkle in his eye, everyone better look out because he was going to suck us into his excitement. He brings out that youthful excitement.

He was a charming, simple person. He had a quiet unassuming way about him. I think it was because even though he recognized his fame, he was humble and gracious because he had lived the peaks and valleys of celebrity status. So he said basically do not take yourself too seriously. Remember why you are here. SONNY was amused by the political fakery that he would see in this institution. So he kept himself very simple and he would remind us all the time by doing different things.

I have to take a moment, if I may, and share with America that SONNY served on the Committee on the Judiciary, and he was not a lawyer and he did not care for lawyers. I know he once said the Committee on the Judiciary would be a great committee if it did not have so many lawyers on it. He was the only nonlawyer on the Committee on the Judiciary.

One day the gentleman from Florida (BILL MCCOLLUM) had introduced the Youth Predator Act. Some on the committee were upset about the word "predator," and we debated the word all day. Now, SONNY was exhausted by lawyers playing their word games and debating one word all day, and we were going into the night and all of a sudden the rear doors of the Committee on the Judiciary burst wide open, and here comes a gentleman in carrying in these stacks of pizzas. SONNY grabs the microphone and he asks for the gentleman from Illinois (Chairman HYDE) to yield to him and he asks for a recess because he has bought pizzas for everyone.

Basically what he was doing was saying just calm down, relax, let us think about who we are and how we serve. And that was one of the great attributes of our dear friend. He taught us all by his words and his actions not to take ourselves too seriously and to remember we are here as the public servants.

I think of my dear friend. He had a heart alive to all of the beauties of nature. And as soon as he found out that I was a Frenchman, because he could not understand how "Buyer" could be pronounced Buyer, and I explained to him, he would tickle me sometimes and called me Monsieur de Buyer. So to my good friend I refer to you as a la mode, which is French, according to your style, SONNY.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution, H.R. 338, memorializing SONNY BONO.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent, since our time is running out, for an additional 20 minutes to complete the discussions regarding this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Hearing no objection, an additional 20 minutes is granted to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to thank the gentleman from California (Mr. LEWIS) for yielding this time to me. In addition to the speakers of the last hour, I too would like to rise to pay tribute to our late colleague, SONNY BONO.

When often asked to describe SONNY BONO, we here on the floor would fondly refer to him as the Will Rogers of Congress. His humor lightened our lives, those especially of us who were lucky enough to have had the opportunity to know and to serve with him. His klutzy exterior often masked the articulate intellectual interior of a man who was committed to ending the scourge of drugs on our country.

When he saw the rock culture of the 60s turning to the drug culture of the 60s, SONNY BONO said no. He was outspoken in his opposition to drug use throughout his career as an entertainer as well as a public servant. He was a dedicated husband and father who placed the well-being of his family above all.

While in Washington, SONNY preached a message that each of this body would do well to remember: "Take your job but not yourself very seriously."

Farewell, SONNY. May God bless your family. This country will miss you.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

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Mr. FRANK of Massachusetts. Mr. Speaker, I thank my friend, the gentleman from California (Mr. LEWIS), and I know that this is a difficult task for him to undertake. When one orchestrates the goodbye to a good friend, it is not an easy thing to do; and I appreciate the dignity and the concerns my colleague has shown for all of us in dealing with this very, very tragic task that befell him.

Mr. Speaker, we are too much divided by parties, by ideology. Obviously, division properly pursued is at the heart of democracy. That is what we enshrine, the right of people to differ. But recently in American politics, and maybe in the politics of other places, differences have deepened in ways that are not necessary and are not healthy. Personal enmity too often has accompanied honest differences on issues; and, for me, the greatest loss that we suffer in SONNY BONO's death and for many of us he was a good friend. So we lose the personal sense.

I must say, of the large number of people I have gotten to meet, of all of them, SONNY was probably the hardest guy to be unhappy in his presence. There was about him a determination to seek out the most cheerful and the most upbeat in any situation. He radiated that, and he shared that, and we benefited from being in his presence. But we lose as an institution someone who was dedicated to the proposition that ideological and partisan differences were a good thing and part of our democracy, but that when personal enmity entered into it, it poisoned the process.

SONNY BONO did more to counter that tendency inappropriately to personalize disagreement than anybody. He was someone who it was hard to get mad at. He was someone who sought out the common humanity that he had with others.

As an analyst, Mr. Speaker, he was extraordinary; and he showed that talent early on in that wonderful monologue he performed in 1995 at the Press Club Foundation. Because what he did, this was a man who was a first-rate entertainer. He was a man who understood how you make yourself appealing and enjoyable to audiences. In the best sense of the word, he was a man who was determined to ingratiate himself to others, not by giving away principle but by being someone who other people enjoyed being around; and he studied how you did that in the entertainment context.

And what was extraordinary was that, within a few weeks, he observed how Members of Congress did that here; and he did some great analytical work looking at the place as a theater, a small house today, but sometimes that happens. He understood this place as a theater, and he understood that important element of it, and with the good humor and with the lack of malice that drove everything that he did, in my experience, he shared that with people. That understanding of the legitimately theatrical effects that impacted our politics was an important thing that he shared.

I also benefited, as many did, by his expertise of the field of intellectual property, where as a song writer he knew a great deal and made a very significant contribution to the Committee on the Judiciary. Indeed, I believe there were times when he might have been a little bit chagrined if people knew exactly how serious and thoughtful he got when we dealt with some of these very complicated and intellectual property subjects; and I am very glad now that just before we adjourned he passed in this House and I think they became law two important pieces of legislation dealing with protection of rights of property owners.

There was controversy over them, and SONNY weighed in and was critical in our passing these bills regarding the La Machia and La Cienega cases and other contexts people could look up.

Finally, I just have to return to the personal. SONNY and I and our partners, his wife Mary and my partner Herb, went to dinner one night at Galileo. It was an interesting night, Mr. Speaker. It was a night we thought we were going to adjourn and all the Democrats voted not to adjourn and the Republicans double-crossed us by voting also not to adjourn, Mr. Speaker. They kind of surprised us.

So Herb and Mary were kind of waiting for me and SONNY. There was kind of a lot of confusion that night because we did not know whether we had adjourned or had not adjourned, and we had to choose between adjournment and our dinner reservations in Galileo. Actually, in the end, I think we managed to get both an adjournment and dinner; and the four of us, along with the movie director John Waters, had a wonderful time.

Herb had that same reaction to being in SONNY's company that I did. He was just a wonderfully good friend. He was a man who understood the meaning of friendship, was dedicated to it and understood the importance to our democracy of injecting some of that spirit in here. We will all miss him.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the comments of my colleague the gentleman from Massachusetts (Mr. FRANK).

I wonder if my colleague, the gentleman from California (Mr. BROWN), would like me to yield time for any closing remarks?

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, just one anecdote that I recalled after I sat down about SONNY. That is, amongst many times that I met with SONNY, there was one occasion when he did not show up; and that was most unusual. I had difficulty understanding why until an explanation was offered.

This particular meeting, which I think involved a visit from the Secretary of the Interior to SONNY's district and to the Salton Sea, came at a time when he had already scheduled some other activities with his children; and he missed this very important high-level meeting because he placed his previous commitments to his children above anything else. I think that speaks a lot to the nature of the man and where his priorities really were.

Mr. LEWIS of California. Mr. Speaker, let me express my appreciation to the gentleman from California (Mr. BROWN) for his participating in this very important session today; and I would join him in extending appreciation to the Speaker, as well as the minority and the gentleman from Missouri (Mr. GEPHARDT) for their giving us time tomorrow, for we will have a memorial service for SONNY BONO at 10 in the Hall of Statutes, a very unusual opportunity for the House.

One of my colleagues mentioned that he will never quite forget that twinkle in the eye that SONNY always carried with him on or off the floor. SONNY also had this wonderful smile that just absolutely melted anybody who would even consider challenging him on one issue or one problem here or there.

We all know of SONNY and Cher. Many did not have the opportunity to participate in a very small service that took place a couple of evenings before the formal funeral service, but there Mary and Cher were both present. They are dear friends who together spent those several days nurturing their children in this time of pain and sadness. But the poignancy of their relationship is a reflection of the quality and strength of our friend, SONNY BONO.

I must say that we all remember SONNY and Cher by way of perhaps their first hit record, which was entitled, "Baby Don't Go." We all know of "I've got you, Babe." SONNY has had an impact upon all of us in many a way throughout his lifetime but certainly during his service in this House.

I want to express both condolences but also deep appreciation for some others as well, the staffs of SONNY BONO both in California and here in Washington, especially Brian Nestande, his administrative assistant; Beverly Swain and Frank Cohen.

Further, let me say in conclusion that SONNY has made a difference in the House of Representatives in that he strove to make certain that we did all in our power in spite of our differences from time to time to work together in a nonpartisan way on behalf of the people of this country.

To quote and join one of my colleagues, the gentlewoman from California (Ms. HARMAN), let us all say we are going to miss you, babe.

Mr. CRANE. Mr. Speaker, I rise to join my colleagues to support this resolution honoring our late colleague, SONNY BONO, who was taken from us so tragically. My prayers and condolences go out to his wife and family.

I was fortunate to get to know SONNY during his distinguished service here. I, like many of my Republican colleagues, took advantage of his popularity and hosted him for an event with the Lake County Republicans in my district. SONNY's speech was better attended than when I invited different members of our Republican leadership. His witty storytelling brought down the house. I laughed so hard I had tears in my eyes. SONNY was scheduled to return next month to my district, and he will be missed.

His self-deprecating humor belied a sharp intellect. It was not an intellect bred of school and books—it was an intellect borne of the school of hard knocks. Despite his lack of formal education, he succeeded in his every endeavor—songwriter, singer, mayor, Member of Congress. Although he faced many obstacles, his quiet determination overcame them. For all of these unusual achievements, he earned the respect and admiration of his colleagues on both sides of the aisle.

SONNY was a favorite of my children in particular. I was very grateful to SONNY for the time he spent with my daughter Rachel, whom I lost to cancer last month. Last fall, SONNY took Rachel out to lunch and had his picture taken with her. I will treasure that photo of the two of them, each taken from us too early. When my other kids learned of SONNY's death they said they were sure that the first person he would see in heaven would be Rachel. I am sure that the two of them are enjoying life in a better place—in the company of our Lord.

Again, I want his dear wife and family to know that they remain in our prayers. I would like to close by thanking the Dean of the California delegation, JERRY LEWIS, for sponsoring this resolution.

Ms. HARMAN. Mr. Speaker, I thank my colleague for a few moments in which to pay respect to our late colleague, SONNY BONO.

SONNY's office is just across the hall from mine, and we often walked together to the House floor. We both served on the House National Security Committee, and I came to appreciate his open-minded and bipartisan approach to tough problems. I will also miss his self-deprecating charm, which he often used to disguise his seriousness of purpose.

In the past two years, Congress has lost four of its sweetest and most decent members—Frank Tejeda (D-TX), Bill Emerson (R-MO), Walter Capps (D-CA), and, earlier this month, SONNY BONO. Frank's office was also on our hallway, immediately next to mine.

It's a sad time for Californians. And, I also want to extend my condolences to SONNY's wife, Mary, his children, and the members of his staff.

SONNY, we'll miss you, babe.

Mr. PACKARD. Mr. Speaker, the news of SONNY's untimely passing was greatly upsetting to me. SONNY was an upstanding leader in his community, a good family man, and a solid legislator. He served his constituents in southern California well and brought a certain spirit and vitality to all that he did in Congress that will not soon be replaced. This is truly a great loss.

As a dedicated public servant, SONNY used both wit and wisdom to serve the interests of his constituents. Although he may best be remembered for his success as an entertainer, SONNY quickly earned the reputation in Congress as a highly skilled and intelligent legislator. As an instrumental member of the Salton Sea Task Force, he has used his insight and his intelligence to make great strides toward returning life to the Salton Sea south of Palm Springs. In addition, his deep concern for the direction of our nation led him to become a top fundraiser for the Republican Party and a leading advocate for a drug-free America.

Mr. Speaker, SONNY was a man of substance with both passion and abilities not to be underestimated. I am fortunate to have worked closely with SONNY on several occasions and will hold dear to me memories of his character, sense of humor and deep desire to get things done. My heart goes out to Mary and his family. He will be truly missed.

Mr. LEWIS of California. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE SONNY BONO

The SPEAKER pro tempore. Pursuant to the provisions of section 3 of House Resolution 311, 105th Congress, the Speaker on Friday, January 9, 1998, did appoint the following Members to attend the funeral of the late Honorable SONNY BONO.

Without objection, these names will appear at this point in the RECORD.

There was no objection.

The list referred to is as follows:

Mr. DELLUMS, California, Mr. GINGRICH, Georgia, Mr. ARMEY, Texas, Mr. BROWN, California, Mr. STARK, California, Mr. MILLER, California, Mr. WAXMAN, California, Mr. DIXON, California, Mr. FAZIO, California, Mr. LEWIS, California, Mr. MATSUI, California, Mr. THOMAS, California, Mr. DREIER, California, Mr. HUNTER, California, Mr. LANTOS, California, Mr. MARTINEZ, California, Mr. BERMAN, California, Mr. PACKARD, California, Mr. TORRES, California, Mr. GALLEGLY, California, Mr. HERGER, California, Ms. PELOSI, California, Mr. COX, California, Mr. ROHRABACHER, California, Mr. CONDIT, California, Mr. CUNNINGHAM, California, Mr. DOOLEY, California, Mr. DOOLITTLE, California, Ms. WATERS, California, Mr. BECERRA, California, Mr. CALVERT, California, Ms. ESHOO, California, Mr. FILNER, California, Ms. HARMAN, California, Mr. HORN, California, Mr. KIM, California, Mr. MCKEON, California, Mr. POMBO, California, Ms. ROYBAL-ALLARD, California, and Mr. ROYCE, California.

Ms. WOOLSEY, California, Mr. FARR, California, Mr. RIGGS, California, Mr. BILBRAY, California, Ms. LOFGREN, California, Mr. RADANOVICH, California, Mr. CAMPBELL, California, Ms. MILLENDER-MCDONALD, California, Mr. ROGAN, California, Mr. SHERMAN, California, Ms. SÁNCHEZ, California, Mrs. TAUSCHER, California, Mr. HYDE, Illinois, Mr. LIVINGSTON, Louisiana, Mr. SHAW, Florida, Mr. SAXTON, New Jersey, Mr. COBLE, North Carolina, Mr. WELDON, Pennsylvania, Mr. MCNULTY, New York, Mr. PAXON, New York, Mr. WALSH, New York, Mr. BARTLETT, Maryland, Mr. BUYER, Indiana, Mr. DICKEY, Arkansas, Mr. KING, New York, Mr. LINDER, Georgia, Mr. MCINNIS, Colorado, Mr. QUINN, New York, Mr. SMITH, Michigan, Mr. BARR, Georgia, Mr. CHAMBLISS, Georgia, Mrs. CHENOWETH, Idaho, Mrs. CUBIN, Wyoming, Mr. EHRLICH, Maryland, Mr. FOLEY, Florida, Mr. FOX, Pennsylvania, Mr. GANSKE, Iowa, Mr. HAYWORTH, Arizona, Mrs. KELLY, New York, Mr. LATHAM, Iowa, Mrs. MYRICK, North Carolina, Mr. NETHERCUTT, Washington, Mr. NEY, Ohio, Mr. TIAHRT, Kansas, Mr. WELLER, Illinois, Mr. KUCINICH, Ohio, and Mr. THUNE, South Dakota.

TRIBUTE TO THE LATE HONORABLE JOHN MOSS

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I have the sad duty to make an announcement to the House jointly with my dear friend and colleague, the gentleman from California (Mr. BROWN). It is our sad duty to announce the death of our former colleague and dear friend, the Honorable John Moss from California.

Mr. Speaker, I now yield to my dear friend, the gentleman from California (Mr. BROWN); and then we will have further comments at a time later.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding; and I, too, wish to participate in this notification to the House of the death of John Moss.

John was a dear friend, a man who reflected the best in California and whom I felt some rather deep bonds with because of certain similarities in our careers. I think we both came to Congress with the reputation of being somewhat of a maverick, and we felt the consequences of that for a while.

John was a man of deep commitment to his principles and deep loyalty to the concerns of his constituents in his State. He came here 10 years before I did, but after I arrived we found we had a similarity of interests.

I remember in particular that when he decided to give up his place on the Joint Committee on Atomic Energy he insisted that the leadership appoint me in his place, and he was sufficiently adamant that he refused to resign from the committee until he had received the assurances that that would take place.

Of course, the committee was abolished shortly after that, so the results were not all that earth shaking. But I remember John's commitment which he had made to me that he would make sure that I did replace him, and he kept that commitment.

He was a great man, and I thank the distinguished gentleman from Michigan (Mr. DINGELL) for allowing me to participate in recognizing that.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I thank my good friend, the gentleman from California (Mr. BROWN), the dean from the California Democratic Delegation; and I want to express my personal sorrow and grief at this event and also to extend the commiserations and condolences of myself and my wife, Deborah, to John's wonderful widow Jean and to his daughters, Jennifer and Alison, and to his four grandchildren.

As mentioned by the gentleman from California (Mr. BROWN), John Moss was a man of enormous vigor, great courage, enormous energy, who maintained a real sense of responsibility to the people he served and also a sense of outrage about wrongdoing. He served in the House from 1953 to 1978; and I had, with the exception of 2 of those years, the privilege of sitting next to him on the Committee on Commerce, where he was a chairman of the Subcommittee on Oversight and Investigations and where he was also the chairman of other subcommittees with important responsibilities.

He has left us a great heritage, protection of consumers, not the least of which by the Consumer Product Safety Act. He also was one who believed in open government; and he was the author of the Freedom of Information Act, which he led the fight to see enacted. He also was the author of the Federal Trade Commission Improvements Act and scores of other pieces of legislation of importance to the people of this country.

His action with regard to the Freedom of Information Act was something which led to open government in which people could have reason to trust not only their government but that their interests were fully and properly considered and cared for.

His wife Jean and he had a great romance, and they greatly loved each other and had a long and happy life together.

John, as I mentioned, served from 1953 to 1978. He died on December 5, 1997. He was a great American, a real patriot, a distinguished Member of this body, a great public servant, and a man whom we will all miss. He was also a man whose contributions to the wellbeing of this country and to the dignity and to the effectiveness of this institution were great indeed.

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We will miss him, we will pray for his soul, and we extend our condolences and sorrow to his dear wife Jean and to his daughters Jennifer and Allison.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 21, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on November 20, 1997 at 6:50 p.m. and said to contain a letter from the President dated 11/20/97 regarding the Line Item Veto Act and "Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1998".

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on Appropriations and the Committee on the Budget and ordered to be printed:

THE WHITE HOUSE,
Washington, DC, November 20, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998" (H.R. 2160). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 21, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on November 20, 1997 at 6:50 p.m. and said to contain a letter from the President dated 11/20/97 regarding the Line Item Veto Act (H.R. 2107, the Interior Appropriations, FY 1998).

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on Appropriations and the Committee on the Budget and ordered to be printed:

THE WHITE HOUSE,
Washington, November 20, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Department of the Interior and Related Agencies Appropriations Act, 1998" (H.R. 2107). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on December 2, 1997 at 1:05 p.m. and said to contain a letter from the President dated 12/2/97 regarding the Line Item Veto Act (H.R. 2267, Commerce, Justice, State Appropriations, FY 1998).

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on Appropriations and the Committee on the Budget and ordered to be printed:

THE WHITE HOUSE,
Washington, DC, December 2, 1997.
Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the Line Item Veto Act, I hereby cancel the dollar amount of discretionary budget authority, as specified in the attached report, contained in the "Departments of Commerce, Justice, and State, and Related Agencies Appropriations Act, 1998" (H.R. 2267). I have determined that the cancellation of this amount will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachment, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,
WILLIAM J. CLINTON.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Democratic Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 1998.
Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 8131, Public Law 105-56, I hereby appoint the following individual to the independent panel to evaluate the adequacy of current planning for United States long-range air power: Mr. Walter E. Morrow, Jr., Massachusetts.

Yours very truly,
RICHARD A. GEPHARDT.

ANNOUNCEMENT OF NOTIFICIATIONS UNDER RULE L

The SPEAKER pro tempore laid before the House the following notifications under rule L:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.
Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Superior Court, County of Los Angeles, State of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and rights of the House.

Sincerely,
WILLIAM H. GRADY,
Administrative Assistant to Congressman George E. Brown, Jr.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.
Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena relates to my official duties, and that partial compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
BILL LIVINGOOD,
Sergeant at Arms.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 10, 1997.
Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the House that I have been served with a subpoena duces tecum issued by the Chancery Court of Forrest County, Mississippi, in the case of *Michelle Anderson v. Kade Paul Anderson*, Case No. 94-0711-GN-D.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely yours,
BEAU GEX,
District Director for the Honorable Gene Taylor.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1998.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that my office was served with a subpoena (for documents) issued by the McLean County, Illinois Circuit Court in the case of Lack v. Crain, No. 97 L 155, and directed to the "Keeper of Employment Records".

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
LANE EVANS,
Member of Congress.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 13, 1998.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena duces tecum issued by the Superior Court for the District of Columbia in the case of *Williams v. Psychiatric Institute of Washington.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,
LISBETH M. MCBRIDE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be opened.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RENAMING WASHINGTON NATIONAL AIRPORT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last in the hearts of the New York Times and the Washington Post, first in the hearts of his countrymen, that perhaps is the most fitting description of Ronald Reagan. He came into office after a difficult decade, with humiliation in Iran and economic tough times at home. The Soviet Union was expanding into Afghanistan and into our very own backyard. Inflation was soaring, unemployment was up, and also that irrepressible American confidence was shaken.

But not Ronald Reagan's confidence. He had the courage to stand up and speak out for what was right. He had the courage to face the Soviet bear right in the eye and say, back off.

Now that the Soviet Union is, as we know it, dead and over with, Ronald Reagan's legacy must stand proud and tall. A fitting monument to him would be naming the National Airport after him so that when people come to our Nation's capital, they can honor one of America's greatest Presidents.

NEW HEALTH CARE INITIATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, as a result of democratic leadership, Congress passed the Kennedy-Kassebaum bill in 1996, which extended health care insurance portability to millions of Americans and further limited preexisting condition exclusions. Last year the Democrats successfully fought to pass legislation that will provide health care benefits to over 5 million children, and both of these bills were enacted into law despite strong initial opposition from the Republican leadership.

Now, under the President's leadership, Democrats are now poised to fight for two new health care initiatives.

The first proposal would enable those aged 55 to 65 to buy into the Medicare program under certain conditions. The second initiative would provide for managed care reform or basic consumer protections for individuals in HMOs. Already Republican leaders are voicing opposition to these proposals.

Again, Mr. Speaker, Democrats are fighting for the average American family. Meanwhile, Republicans are teaming up with special interest groups in a million-dollar campaign to prevent common-sense health care reform.

BOMBING IRAQ WOULD BE THE RESULT OF FLAWED FOREIGN POLICY

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it appears the administration is about to bomb Iraq. The stated reason is to force UN inspections of every inch of Iraqi territory to rule out the existence of any weapons of mass destruction. The President's personal problems may influence this decision, but a flawed foreign policy is behind this effort.

Why is Iraq a greater threat to U.S. security than China, North Korea, Russia or Iran? They all have weapons of mass destruction. This makes no sense.

There was a time in our history that bombing foreign countries was considered an act of war, done only with a declaration by this Congress. Today, tragically, it is done at the whim of Presidents and at the urging of congressional leaders without a vote, except maybe by the UN Security Council.

But the President is getting little support and a lot of resistance from our allies for this aggressive action.

Sadly, our policy in the Middle East has served to strengthen the hand of Hussein, unify the Islamic Fundamentalists and expose American citizens to terrorist attacks. Hussein is now anxious for the bombs to hit to further stir the hatred and blame toward America for all the approximate he has inflicted on his people.

DEMOCRATS UNITED ON BOLD AGENDA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for the first time since 1969, the President of the United States will come into this chamber tonight and present the American people with a balanced budget.

Having accomplished that historic goal, Democrats are not content to rest on our laurels. We are moving ahead, united behind the President's bold agenda for 1998, proposals that will help middle-class families face the challenges they face in their daily lives.

In the coming months, Democrats will fight for health care coverage, for people who may lose their jobs toward retirement age; work to ensure high-quality health care through reforming managed care; fight for affordable, accessible quality child care for America's working families; help more Americans achieve a secure and comfortable retirement; help to raise the minimum wage.

Democrats are united in these goals and in this bold agenda for the coming year.

SUPPORT H.R. 2625, RENAMING WASHINGTON NATIONAL AIRPORT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in American history, extraordinary times seem to call forth extraordinary individuals, great leaders who have given inspiration and hope during difficult times and moments of crisis.

FDR led this country through a terrible Depression and an even more terrible world war. JFK inspired a Nation during the height of the cold war and led America into space, a journey which culminated in putting a man on the moon in 1969. And Ronald Reagan challenged the conventional wisdom, both at home and abroad, rejecting the failed economic policies of the past and embracing a foreign policy based on strengths and a resolute belief in the rightness of American democratic values.

Grateful Americans have a proud national tradition of honoring their heroes, and grateful Americans from across the country have urged Congress to honor that great American hero, Ronald Reagan.

I urge my colleagues to join me in support of H.R. 2625, a bill to redesignate Washington National Airport as Ronald Reagan National Airport. It is time to honor those who have done so much to make America great.

☐ 1500

EDUCATION INITIATIVES

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, welcome back. I would like to talk today about education. Tonight in the State of the Union the President is poised to talk about investing in education for the 21st century. I think he is right.

Today, almost 60 percent of American citizens believe that the Federal Government is not investing enough in public education. Some would have us believe that the Federal Government is trying to take over education. That is not true.

The facts are these: About one-third of the Nation's schools need extensive repairs. According to the GAO, 46 percent of our schools lack electrical wiring necessary for computers and telecommunications technology. Fifty-five percent of our schools lack phone lines for modems necessary to connect to the Internet. If we are to truly move into the 21st century, we need to invest in education, and I think the President is on the right track.

He is also calling for investment in 100,000 new teachers. I think that is correct also. Right now in this country we have over 69,000 provisional uncertified teachers working in our schools. We have crowded classrooms. Let us hire more teachers, improve our classrooms, let us improve in education.

HARDWORKING AMERICANS ARE BALANCING THE BUDGET

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, it has started already. We are back here less than 6 hours and I am already hearing the demagoguing begin: The Democrats have balanced the budget. The American people know better, and I am going to shock my Republican colleagues right now. It is not the Democrats that have balanced the budget or the Republicans that have balanced the budget; it is hardworking American citizens that have taken the investment opportunities, invested their money and saved, gone to work every day and worked hard. That is what has kept our economy strong and it is because the economy is strong that we are reaching a balanced budget.

I do think it is important to state, though, for the first time since 1969–1970, for the 12 months running between December 1, 1996, and November 30, 1997, for the first time in nearly 30 years, the United States Government did not spend more than they had in their checkbook.

Where the credit goes is somewhat irrelevant. What is important is for the first time in 30 years, we are doing the right thing for the future of this great Nation that we live in.

STATE OF THE UNION ADDRESS WILL BOAST BOLD INITIATIVES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the feeding frenzy and the rush to judgment that we have heard in the media during the past week involving the President is something I think that really is shameful. The media is saying that no Democrats are sticking with the President. This is one Democratic Congressman who is proud to stick with the President of the United States. He has been a good President. He has had many initiatives, and I want you to listen to some of those initiatives tonight.

When he talks about expanding Medicare, I am with him. When he talks about expanding child care, I am with him. When he talks about using the surplus to shore up Social Security, I am with him. When he talks about 100,000 new teachers, I am with him.

There are safeguards in this country, there are constitutional protections. One of them is one is innocent until proven guilty. The President of the United States deserves those same kinds of protections that you and I would want for ourselves.

The Bible says, let he who is without sin cast the first stone. I think we ought to remember that. Bill Clinton is my friend, my President. He has been a good President. I stand by him. Let us not rush to judgment. I am going to be listening to him tonight and I know he is going to have a brilliant State of the Union with bold initiatives that are good for this country.

IT IS TIME TO RAISE THE MINIMUM WAGE

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, our economy is the strongest that it has been in several decades. Wall Street is having one of the best years ever. The New York Times reported recently that more than 1,000 people on Wall Street got bonuses over $1 million. So it is time for working families to share in this great prosperity.

That is why Senator KENNEDY and I today are introducing legislation in the respective bodies of raising the minimum wage to $6.65 an hour to help restore some of the buying power of the minimum wage earners that have been lost over the last 30 years. Raising the minimum wage will help 12 million workers in this country, many of them, 66 percent, adults, and many of those mothers with children. A mother with 2 children earns $10,700 a year. She chose work over welfare and yet she is $2,600 below the poverty line. That is a disgrace. We need to get on and raise the minimum wage. It is indeed about creating opportunity, it is about rewarding work, about fairness, about dignity. Let us raise the minimum wage.

INITIATIVES FOR THE 21ST CENTURY

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, today we mark the first day of the second year of our 105th Congress.

I stand here today to support the President and our Democratic Caucus and legislature as we continue our program of investing in American citizens, increasing and investing in education. I hope we will hear tonight that the President is soundly behind legislation and dollars that will make all American schools modern and bring them up to the 21st century: Smaller class sizes, as well as investing in our inner cities, expanding community investment banks in the inner cities, expanding affordable housing, expanding and protecting the environment.

We have been a strong caucus here in the Democratic Caucus in this 105th Congress. I have pledged to work with my colleagues tirelessly to protect Social Security, to protect quality education, and to make certain that the children of America are educated and ready for the 21st century.

TRIBUTE TO EDNA KELLY

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, I rise today to announce to my colleagues the sad news of the passing of one of our illustrious former New York colleagues, Edna F. Kelly, who served in this body from 1949 to 1968. Representative Kelly died at her residence in Alexandria, Virginia at the age of 91 on December 14 of last year. Throughout her 19-year career in the House, Representative Kelly was recognized for her expertise in foreign affairs, serving as the chair of the Subcommittee on Europe and retiring from Congress as the third ranking member of the House Committee on Foreign Affairs.

During her tenure, Edna Kelly was responsible for measures that settled displaced people after World War II and refugees for Russia and Eastern Europe. She also helped to create the United States Arms Control and Disarmament Agency.

Edna Kelly was truly a legislative pioneer. To pay tribute to her achievements, I have requested time tomorrow, and I urge my colleagues to join me in sharing their thoughts on this great lady and her accomplishments as a member of this House.

SUPPORT THE PRESIDENT'S CHILD CARE INITIATIVE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, when I ran for this office, I called for a new national initiative on child care. I have visited child care facilities throughout my district. Every morning all across this country parents go to work and trust the most important people in their lives, their children, to someone else. Thirteen million children under age six are in child care during the day.

In other homes across the country, children under the age of 6 are glued to the television. They watch TV for hours because they have no place to go, no activities to occupy their time. Too much child care is of mediocre quality, but still not affordable to most working families. This is not because child care providers make big salaries.

Help is on the way. The President's proposal provides $21 billion over 5 years to improve child care for America's working families. It doubles the number of children receiving child care subsidies, and it increases the tax credits for families and businesses.

Our mission is simple: Leave no child behind; support the President's child care initiative.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1500

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1500.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WISE INVESTMENTS IN AMERICA

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, Americans are focused on the President right now, but it is important that they focus as well on the agenda that he will be outlining here this evening.

As we finally resolve the budget deficit, it is time to direct our attention and our energy to other deficits that exist in this land: Deficits in child care, deficits in our schools, deficits in health care and in our transportation system. Too many Americans approach the age of their 50s or 60s without the security of health insurance. They risk losing all that they have worked for with a health care emergency. They get downsized and down and out when it comes to health insurance and protection against a health care emergency.

The President has properly advanced the notion of expanding and strengthening Medicare, and providing all of us, regardless of age, a health care consumer Bill of Rights. Likewise, as we made progress last session on higher education, this session we should be devoting our attention to strengthening the public education system and to recognizing that one of the best ways to back up families is to provide them the child care resources, through our tax system and otherwise, to back up their efforts. These would be wise investments in America.

TRIBUTE TO WILLIAM "BILLY" ROLLE

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, I rise today in sadness for the loss of what I call an urban patriot, a young man by the name of William "Billy" Rolle who resided in Coconut Grove, Florida. He not only resided there, Mr. Speaker, but he helped to build the youth of that community. Not only did he build the youth, but he also helped the elderly. He closed the gap between youth and old age by working very hard with all people in Miami and in Dade County.

Billy Rolle was a jazz man. He played the saxophone, not only from the rhythmic standpoint of playing the keys on the saxophone, but he did it from the standpoint of training young people in music. He trained them in athletics. He had an AAU track team. He did everything he could to help the young people in Miami.

Mr. Speaker, Billy Rolle did not have all the money that government puts into programs, but what "Billy" Rolle did was to put himself into these programs, to train these young people, take them off the street, to be sure that they learned many things that would improve their quality of life. It is such a time now that we grieve the death of William "Billy" Rolle, because he died an untimely death. But Mr. Speaker, Billy Rolle shall always be remembered as a man in Dade County who did a lot for many, many people, but most of all, he gave of service and invested in human lives, and for that, we shall always remember William "Billy" Rolle, Frankie Rolle, his lovely wife of 46 years, his daughter Melanie, his son, little Billy, and the other children throughout Dade County that William "Billy" Rolle helped.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Orders until 5:30 p.m., at which time the Chair will declare the House in recess.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

TYPHOON PAKA

Mr. UNDERWOOD. Mr. Speaker, I rise today to express on behalf of the people of Guam our heartfelt sympathies to all our fellow Americans who are victims of winter storms and who are still without electricity to keep themselves warm.

Mr. Speaker, as the Nation's attention focuses on the plight of our friends and neighbors in the northeast, we in Guam are quietly recovering from the devastation of a massive tropical cyclone, Typhoon Paka, which struck Guam on December 16th. Paka destroyed or severely damaged 8,000 homes, injuring more than 200 people and leaving more than 3,000 families homeless. Of the homeless, more than 1,000 required temporary housing immediately.

The typhoon made a shambles out of hundreds of public and private buildings and facilities, schools, churches, stores, businesses and parks. The island was stripped of foliage, and thousands of trees as well as even concrete power poles were mowed down. Typhoon Paka pummeled Guam for 12 hours, causing an estimated $256 million in damages.

Christmas in Guam was not as bright as usual, but the people of Guam celebrated a joyous and grateful holiday anyway. They had a Christmas miracle of a sort: Not a single human life was lost; and, in fact, nine new lives came into the world on the night of the storm.

Typhoon Paka was an extraordinary storm. A super typhoon with a double eye wall packing maximum sustained winds of 160 miles per hour and gusts of 195 miles per hour. One gust was clocked by the Air Force at 236 miles per hour, making it the strongest ever recorded. While experts continue to debate the accuracy of this reading, only wind speed captured national media attention, and then only briefly.

To have survived this enormous disaster with no loss of life is a testament to the resilience and vitality of the people of Guam, and I am proud to tell of the courage and strength and endurance of my people.

Immediately after the typhoon, residents from every corner of the island had stories to tell about the care and concern, the support and help that the more fortunate shared generously. Residents with generators ran extension cords to neighbors without power.

Caring people, like Carl Sgambelluri, knew that his old friend, Juan Cepeda, a disabled vet, would need help. Without being asked, Mr. Sgambelluri brought Mr. Cepeda a 1,000-gallon water trailer and a generator. He then got the generator going and left to help others.

Mr. Sgambelluri, the Fernandez and Poppe brothers, young George Quinata, Wally Hollis, Paul Cepeda, and bus drivers John Angoco and Joe Castro, who helped the Agana Heights Mayor Paul McDonald rescue five families, are among the many, many people who helped others to cope with this devastating storm.

Help also came with the Federal disaster declaration by the President the day after the storm. FEMA came and organized the Federal response team consisting of representatives of DOD, SBA, HUD, HHS, Labor, Corps of Engineers, Interior.

To date, FEMA has provided over $8 million for debris removal, $12 million in housing assistance, $51 million in individual and family grants, and over $7.5 million in SBA loans. The American Red Cross, Salvation Army and other volunteer service agencies have also worked hard to provide food and shelter, clothing and other household needs to the people of Guam.

When the Guam Power Authority originally announced that it would take 3 months to restore power, islandwide hearts sank. Yet now we are 6 weeks into the recovery and with help from crews from the Northern Marianas, Palau, Yap, Ponphei, Hawaii, California, and even the Air Force, repairs are more than 83 percent complete. This is phenomenal for those of us who endured a lack of electricity for months in previous typhoons.

The government of Guam, under the leadership of Governor Carl Gutierrez, the mayors of Guam, the employees of GovGuam, were all tested in this latest typhoon and all passed with flying colors.

As we begin to plan the long-term recovery efforts, I will be working closely with FEMA and my colleagues in Congress to identify hazard mitigation projects and other ways to prepare for future typhoons and natural disasters. I have met with FEMA Director Witt who is organizing a Federal task force on Typhoon Paka. The government of Guam will be working closely with the Federal task force to recommend mitigation efforts for the island.

I want to applaud all the staff of FEMA who are involved in the Typhoon Paka relief efforts, especially Dale Peterson who is the Federal coordinating officer assigned to Guam, for their dedication and hard work on behalf of the people of Guam.

Washington and Guam may be separated by 10,000 miles, but when disaster strikes, the public servants at FEMA and other Federal agencies come through with flying colors to help their fellow Americans in the Pacific.

The story of Typhoon Paka may soon fade with the passage of time, but there are lessons that we can all benefit from. Perhaps this is what makes Guam so special. Because we live in "Typhoon Alley," we have learned those lessons well; and we have often learned to take stock of things that are really important.

STATE OF THE UNION

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, I rise today as a proud American and a very proud Democrat. Tonight, 2 years ahead of schedule, the President of the United States will present to the American people its first balanced budget in 3 decades.

For many Americans listening to President Clinton's State of the Union message, this will be the first moment in their lifetime to witness the President of the United States present his vision for the future in the context of a balanced budget. They will know for the first time in their lifetime that our Nation's strong economy, built upon sound fiscal policy, will be able to secure their future.

They will hear a vision committed to excellence in education, to quality health care for all Americans, to safe, high-quality care for our youngest children; and, most of all, they will hear from a President committed to ensuring that potential budget surpluses safeguard Social Security and Medicare for future generations.

Education, child care, health care, security in our senior years, all in the context of a balanced budget. Mr. Speaker, as a Democrat, I am proud of these achievements that provide opportunity and security for all working families.

SAFEGUARDING SOCIAL SECURITY AND THE PRUDENT USE OF BUDGET SURPLUSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I would like to begin today on a solemn note and extend my condolences to the BONO family and recognize SONNY for the great man he was.

I will never forget the first time that my daughter found out that SONNY BONO was serving in Congress and came in with the same class that I came in with in 1995, and she could not figure out what her father was doing in the same place as somebody as important as SONNY BONO.

So, Mary, our condolences are with you and your family; and our thoughts and prayers are with you and your family. I, for one, think you are going to be a great Congresswoman if you decide that is the direction you are going to go.

Mr. Speaker, on a light and positive note I would like to extend my congratulations to the Green Bay Packers. I am from the great State of Wisconsin and some think they did not win their second Superbowl on Sunday. In fact, what happened is that they just put off winning their second Superbowl in the 1990's for 12 months.

Some people around this Nation and some of my colleagues do not realize that the Packers are made up of a lot more than a football team. There is a lot of integrity in that group of individuals, people like Reggie White, who our young people look to as an example of leadership and for all the right reasons in this Nation. It is truly a pleasure to have not only the greatest football team in the country but also a team with the integrity that the Green Bay Packers have in the great State of Wisconsin.

On to the third topic and perhaps the most timely topic that we will address here today. The State of the Union address is, of course, this evening. And as I listened to the 1-minute speeches here this morning I kept hearing this one word repeated over and over and over again. It was "expansion." Expansion of this and expansion of that and expansion of the next thing.

The bottom line that I hear back home in Wisconsin is that what the people would like is to be able to keep more of their own money to make decisions on how to spend it themselves. When we hear the word expansion this evening, we need to understand that what they mean is expansion of Washington spending programs.

Do some of those expansions help people? Sure, they do. Of course, they do. But the question is, are we better off expanding those programs, taking money out of the pockets of people to pay for these expansions? Or would we be better off just letting people keep their own money and let them make decisions on how to spend the money themselves?

So as we go into this evening we need to understand that there is going to be a lot of new programs described, and they are going to sound just like apple pie and America. They are going to sound really, really good. And, frankly, if they are really, really good programs and the Democrats or the President would describe what it is that he is not going to do in government, that he is going to end some wasteful Washington spending program and reprioritize that money with something different, I guess I, for one, would be willing to listen to that.

But if what we are going to do tonight is talk about how we are going to use surpluses to expand Washington, rather than use those surpluses to pay down the Federal debt and return the money back to the people so that the people can keep more of their hard-earned money, then I would say it is going to be a very rough year ahead for us as we debate these issues. Because I, for one, believe that the American people support less Washington and keeping more of their own money in their own homes through the tax cut programs that are being proposed out here or across-the-board tax cuts, better yet.

One of the topics that we understand is going to be discussed in great detail tonight is the topic of Social Security, and I do understand that the President is going to suggest that taking some of the surpluses that are materializing and applying them to Social Security. So let me start with what exactly a surplus means and what a balanced budget means here in Washington. That is very important to understand as we look at what we are going to do with these surpluses.

First, what is a balanced budget? Washington definition, it sounds pretty good on the surface. Washington's definition of a balanced budget is that the amount of money coming in is equal to the amount of money going out, and I would have to agree that on the surface that sounds like a pretty good definition.

It is important to recognize that that is the definition that has been used out here since the late 1960's, the last time we had a, "balanced budget." It is very significant that we have reached the point where the budget is balanced under Washington definition for the first time since 1969–70; and, in fact, it is not political rhetoric or promise or any other political jargon.

The facts are in: From December 1, 1996, to November 30, 1997, for the first time since 1969–70, the United States Government did not spend more money than it had in its checkbook.

Let me say that once more. It is so significant and it is such a change from where we have been in the past. For the first time since 1969–70, and this is in the books. The books are closed on this. For the first time since 1969–70, the United States Government for a 12-month period of time did not spend more money than they had in their checkbook. That is to say, by Washington's definition, the budget is balanced.

On the surface, this is great news. And not only on the surface. It is great news because before we can go on and address the other problems facing our Nation: Social Security, paying down the debt, lowering taxes. We first had to quit spending more money than was in the checkbook, and we first had to quit spending our children's money.

This is great news. It is a tribute to people like JOHN KASICH and NEWT GINGRICH and TRENT LOTT. Let us even mention President Clinton, so we don't fall into the demagoguing like the other side seems to be starting.

I learned this real quick in Washington, that there is absolutely no end to what we can accomplish in this city if we are willing to give somebody else the credit for doing it.

So let me give credit to lots of people, both sides of the aisle for getting us to where we are today. But, most important, let me give that credit back to the American people because it is a strong economy that has generated lots of extra revenue that is as important as what has been done here in Washington.

I do not want to downplay the significance of the Washington role in this. In all fairness, Washington has had good economies between 1969 and today, and every time in the past that Washington had a good economy they saw the extra revenue coming in, and they spent it as fast as it came in.

So, in all fairness, this is a combination of the people in Washington for a change not spending the extra revenue that is coming in. At the same time, the economy has stayed very, very strong, and we slowed the growth of Washington spending by over 40 percent since 1995 when I was first elected.

So it is a combination of those two things, and it is significant, and it is important, and credit should be dished out for those things. But we should also understand that we are not at the end of the road. We have reached a milestone, but we have a long, long ways to go.

Let me explain in more detail what is wrong with the Washington definition of a balanced budget.

I come from the business world. I never held office before this one. I left the business world to run for office because I did not think it was right that we were spending our children's money. I did not think it was right how Social Security was being handled, and I thought taxes were too high and government was too big in general.

When we look at the solution that we have now reached a balanced budget, we need to understand the second part of this problem. The second part of this problem is in Social Security. In the private sector where I come from if we had treated a pension plan the way the United States Government treats Social Security, they would have arrested me and my business. It would have been illegal.

Let me show why that is true and explain Social Security. It is pretty straightforward.

The United States Government is collecting $418 billion in taxes from the workers of this country under the heading of Social Security. It is paying out to our senior citizens $353 billion. Now, obviously, if there is more money coming in in this system than what is going out, there is some money left over.

Social Security, the way it is set up today, is working. They are collecting more money than they are paying out to seniors in benefits; and the reason they are doing that, they are doing that because they recognize that in the not too distant future the baby boomers start to retire and these two numbers are going to turn around. There is going to be more money going out in benefits than there is coming from the taxpayers.

Now, at that point we are supposed to be able to go to this surplus that has been accumulating. You see this extra money, it is supposed to be set aside in a savings account. When these two numbers turn around and there is not enough money coming in to pay the benefits to our seniors, at that point we are supposed to be going to the savings account, getting the money out of the savings account and making good on the Social Security system.

Let me give a couple of dates. If this system were working the way it is laid out here on this chart, Social Security is safe at least to the year 2029. So as we are listening to the State of the Union this evening, it is very, very important that we understand that if Social Security were working the way it was set up and designed, the system is solvent at least to 2029 and potentially significantly beyond that year.

However, and this should not come as a surprise to many Americans, I know out in Wisconsin when I talk with folks it is not a big surprise to them, that is not what is happening in Washington.

□ 1530

That extra money that is coming from Social Security is being put immediately into the big government checkbook. If this is the extra money coming in, those dollars are put immediately into the general fund, or think of it as the big government checkbook. The Government then spends all the money out of that big government checkbook, and there is no money left to put down here in the Social Security Trust Fund where it belongs. So as a result, they put it in the big government checkbook. They spend all the money out of the checkbook, and at the end of the year they simply make an accounting entry and put an IOU down here in the Trust Fund.

It should be clear that when we say the budget is balanced, what we are really saying is that this checkbook over here equals zero, or if there is a surplus, there is a little bit of money left in that checkbook over there. So that includes this $65 billion that came from Social Security was put into this account. It was then spent. And when they say the budget is balanced, that means they have spent that Social Security surplus as well, and IOU's are put down here.

Tonight when we listen to the State of the Union Address, what I hope we will hear the President do is talk about a bill that we had proposed first 2 years ago when I first came here in 1995 to stop this, and more recently last year when we generated nearly 100 sponsors here in the House of Representatives. The bill is called the Social Security Preservation Act. It is bill number H.R. 857.

What the Social Security Preservation Act does, bill number H.R. 857, is it simply takes that Social Security money, that $65 billion, and puts it directly into the Social Security Trust Fund. That means the Social Security money is not even getting into the big government checkbook.

What does that mean? Well, if we go back to this other picture, if we go back to this other picture where that Social Security money got put into the checkbook, and then they spent all the money out of the checkbook, and that is what they mean by a balanced budget, utilizing that Social Security money, the checkbook is not overdrawn. What that means is that if we do not put that money in the big government checkbook, we put it immediately down here in the Social Security Trust Fund where it belongs, that means there is still a shortfall here.

So when we talk about surpluses, it is important to know that what they actually mean here in Washington is that there is more money in the checkbook than what has been spent, but part of that money is the Social Security money. To the extent our President tonight suggests that we take that extra money and put it down here in the Social Security Trust Fund, so that Social Security is once again solvent for our senior citizens, I think you will find not only myself but other Members of this Congress supporting him.

There is a lot of other things going on tonight. I think virtually every American at this point in time knows that there are going to be distractions from this speech tonight due to some private things that are happening in his personal life. We should let these facts unfold slowly, take a deep breath and see what the truth is. Nobody wants to downplay the significance of them, but they have not been proven at this point in time.

So for tonight, let us focus on these kinds of issues that are most important, and while these facts are unfolding on the other side here, let us focus on doing what is right for the future of the country. Let us keep our eyes where they belong, focused on the good of the future of this Nation that we live in.

I think it is very, very important as we discuss the Social Security issue that we understand that beyond the problems the President is having, again, I do not want to downplay them because I do not find them acceptable, but beyond those problems we do have issues facing this country that are very, very important to the country. And we do not want to lose track and lose sight of the vision that we have for the future as it relates to Social Security.

Let me suggest a vision. The first vision is this: We stop Washington from spending the money that is supposed to be going into the Trust Fund. We get the money put back in the Trust Fund that is supposed to have been put there in the first place. If we were to do that by the year 2002, there would be about $1.2 trillion sitting down here to guarantee the solvency of Social Security to our senior citizens.

At that point in time, that Social Security money is actually down here in the Trust Fund; there is real dollars there. At that point in time, if somebody wants to begin a discussion about something else relating to Social Security, I would listen to it. But before that discussion even begins, we need to make sure that the money is down here in the Trust Fund so Social Security is solvent for our senior citizens.

I have got a couple other charts that I would like to look at just briefly to kind of remind us where we are at as we focus on the State of the Union Address. This first chart that I have here shows the growth of the national debt from 1960 all the way up to 1995. I think it is very, very important we keep this picture in mind as we keep hearing these words, expansion of, expansion of, expansion of; bigger Washington; Washington helping people, as opposed to people helping themselves; Washington doing it as opposed to people doing what is right for themselves; Washington collecting the money out of the pockets of people so Washington can expand their programs.

We need to keep this picture in mind tonight. This shows the growth of debt from 1960 to 1995. You will notice the debt did not grow very much from 1960 to 1980, but from 1980 forward it has grown right off the chart. Again, I know all the Democrats say, that is the year Reagan was elected; and all the Republicans go, if the Democrats had not spent all that extra money in those years, we would not be in this mess.

The facts are, it does not matter if it is a Democrat or Republican problem at this point in time. It is an American problem because we are right at the top of that chart right now. We better do something about it before it is too late.

I am happy to say that the growth rate has been slowed dramatically, and we are in the process of changing it. But when we listen to the State of the Union tonight and they talk about spending this extra money, let us not forget this picture.

The debt today in this Nation is about $5.3 trillion. The number looks like this for the folks that have not seen it before. If you divide that number by the number of people in the United States of America, our Government is in debt $20,000 for every man, woman and child in the United States of America. I have got three kids and a wife at home in Wisconsin. For our family of five, that means the United States Government has borrowed $100,000.

Here is the real kicker. It is this bottom line here that is the most significant thing on here. This is real debt. Interest is being paid on this debt. A family of five like mine is literally paying $580 a month every month to do absolutely nothing but pay interest on the Federal debt. A lot of people say, well, that does not include me. I am not paying that much in taxes. Wrong. When you do something as simple as walk in a store and buy a pair of shoes for your kids, the store owner makes a profit on that pair of shoes, and part of that profit comes out here to Washington in the form of taxes, and, you guessed it, one out of every $6 that they send out here goes right back here to do nothing but pay interest on the Federal debt.

This needs to be kept in mind as we listen to the State of the Union tonight. We do not have a surplus that is available for spending. The United States Government is collecting too much taxes and doing too many things in this country, and we have run up this debt that needs to be addressed.

I would like to talk a little bit about how we got here, and I think we should give credit to how different things are right now today. What I have got here is a picture of the Gramm-Rudman-Hollings bill of 1986. There was also one in 1985. Many Americans remember Gramm-Rudman-Hollings. Many Americans remember the budget deal of 1990. All of these things were going on in the past.

The Gramm-Rudman-Hollings of 1987, by the way they all looked the same, here is the blue line that shows how the deficit was supposed to go down to zero by the year 1993. The red line shows what actually happened out here in Washington. Promise after promise after promise was made to balance the Federal budget, and, in fact, promise after promise after promise was broken to the American people. In fact, in 1993, they looked at this deficit in Washington, and Washington concluded, we cannot control Washington spending. The only thing we can do is reach into the pockets of the American people. And it was in 1993 that they decided to close this gap. What they would do is reach into the pockets of the American people and take out more taxes.

What exactly did they do? Well, they raised the gasoline tax by 4.3 cents a gallon. They did not even spend it on building roads. They raised Social Security taxes on seniors earning $32,000 a year or more. They raised some marginal tax bracket. They raised taxes, period. They reached into the pockets of the American people, took more money out here in Washington, and their idea of balancing the budget was simply collecting more money from the people as opposed to controlling the growth of Washington spending.

I think it is important as we look back and remember the past, the broken promises and the higher taxes, that we also evaluate if there is anything different from 1995 to 1998. When the Republicans took over in the year 1995, we laid out a plan to get to a balanced budget, and, in all fairness, the President signed into this plan as well. Again, we promised the American people a balanced budget by the year 2002.

The American people yawned; they laughed at us. They said, you are just like all the rest. You will not get this budget balanced. Again, I qualify this, as we started this discussion today, when they say balanced budget, that means the dollars in equals the dollars being spent. But I am happy to say that for the first time we are not only on track to balancing the budget, but, in fact, we have balanced the budget for the first time statistically in the books. From December 1, 1996 to November 30, 1997, the United States Government did not spend more money than they had in their checkbook. In fact, this red line did hit zero.

Is there a difference? Here is Gramm-Rudman-Hollings of the past. Here is what we are doing today, and, in fact, yes, there is a very big difference.

I hear a lot of discussion about how this happened and how this came about. There are two ways to balance the budget. One thing you can do is continue Washington growth in spending and just let things go up out here, reach into the pockets of the American people and get more money out here in Washington. That was the 1993 plan; that was not the 1995 plan. The 1995 plan was to control the growth of Washington spending. When we were elected, we recognized that the American people did not want more Washington and more taxes. What they wanted was a balanced budget by reducing the growth of Washington spending. They wanted less Washington and more money in their own pockets.

Again, I think it is important we look at statistically what has happened. I brought a picture with me to show this. Here is how fast spending was growing before 1995. It was growing at a 5.2 percent annual rate. Here is how fast spending is going up since 1995: 3.2 percent. And as a matter of fact, last year, the numbers are now in, this number is only 2.6 percent. So the growth rate of Washington spending has been cut literally in half in less than 3 years.

I would encourage my colleagues to do this at town hall meetings. I have been asking my constituents which one of two things they think is most likely to happen. Listen carefully to these two choices. The first one is that a Martian spaceship lands in the back yard, and the Martians get out of it, come in, have a cup of coffee, go back in the spaceship and go back to Mars. Second one is that the United States

Government got more than $100 billion of unexpected revenue and did not spend it.

What happens with most of my constituents is they start laughing and going for the coffee pot because they do not believe it is possible that the United States Government got $100 billion in unexpected revenue and did not spend it. But the facts again are statistically in the books. In 1995, when we got here, we laid out a spending plan. We said we would not spend more than $1,624 billion in the year 1997, and, in fact, we spent about $20 billion less than that.

For anyone who has a hard time believing this, do not feel bad. When I told my wife these numbers for the first time, she said somebody in Washington was lying to me, just to give you an idea that in our house we do not always trust it all either.

I encourage you go to the Internet. This information is available. Check out the 1995 budget plan, how much we said we were going to spend in 1997, and then check out how much was actually spent so you understand just how far we have come.

At the same time look at the revenue projections. The revenue projections were about $1,450 billion; $1,555 billion actually came in. That is to say, over $100 billion of unexpected revenue came in, and we spent 20 billion less than promised. That is an amazing accomplishment in this country. It is a statistical fact that is easily checked out, and I would encourage my colleagues to start talking about this because it helps the American people understand just how different this country is today versus where we were a few years back.

What else has happened on account of this? I don't think we should just look at balancing the budget and where we are at today. I think we should look at where we are going to in the future. With this slowed growth of spending at the same time our economy is remaining strong, we are going to start running surpluses under Washington's definition. As these surpluses start to develop, I think the first thing we need to do is pay attention to the Social Security Trust Fund. That money that has been taken out of the Social Security Trust Fund needs to be put back.

We have written a bill in our office called the National Debt Repayment Act. Remember all that Social Security money is part of that $5.4 to $5.3 trillion debt. In the National Debt Repayment Act, what we do with these, quote, surpluses, we take two-thirds of the surpluses and start repaying the Federal debt. In repaying the Federal debt, all of that money that belongs in the Social Security Trust Fund gets put back into the Social Security Trust Fund, and Social Security is solvent at least to the year 2029 and beyond.

We do not need anything else in Social Security to make it solvent. So if you hear anybody else talking about tampering with Social Security because it is going bankrupt, my colleagues, you need to go to those people and say the real problem is that that money needs to be put back in the Trust Fund. National Debt Repayment Act, two-thirds of the surplus goes to paying down the Federal debt, much like you would repay a home mortgage, and in paying down a debt, the money gets put back into the Social Security Trust Fund.

There is going to be a lot of competition for that other third. In our bill we return that other third to the American people in the form of tax cuts.

There are two things wrong in this Nation, as I see it, as we look at our vision for the future. One is that we still got this $5 trillion plus dollar debt hanging over our heads that we are about to pass on to our children. The second one is that the Social Security Trust Fund Is going too high. Third one is that taxes are too high.

The National Debt Repayment Act repays the Federal debt so our children inherit a debt-free Nation. It puts the money back into the Social Security Trust Fund so Social Security is once again solvent, and it lowers taxes for virtually every taxpayer in the United States of America.

I would keep going back to this chart because this chart is the key to everything. As long as we can control the growth of Washington spending, as long as we can slow down how fast this government is growing, as long as we can slow down the expansions that you are going to hear about tonight, as long as we stay firmly rooted in this concept that we cannot let this government grow, we will be in a position to continue the tax cuts, to make payments on the Federal debt and to restore our Social Security Trust Fund.

□ 1545

Speaking of tax cuts, I did not mention that for the first time in nearly 16 years there was a significant tax cut passed last year. And again I go back to this chart. Had the spending in this column since 1995 been up here at the same level it was before, we would not only not have a balanced budget, but we also could not talk about tax cuts to the American people. But because this spending has been slowed, and remember in the most current year it is down to 2.6 percent, because this spending has been slowed, we are now in a position where we have a balanced budget, we can make the first payment on the Federal debt, much like we would make a home mortgage payment, we can restore the Social Security trust fund so Social Security is solvent for our seniors, and we can lower taxes on working Americans.

Last year we passed the first significant tax cuts. And I would encourage my colleagues again at their town hall meetings to talk with their constituents first and foremost about the $400 per child tax credits.

If a worker looks at their paycheck from December of last year and then they look at their paycheck for January of this year, for every child under the age over 17, the paycheck in January of this year should be $33 per month higher.

I will say that once more. This $400 per child tax credit for every child under the age of 17; if a worker does absolutely nothing, they will get the 400 bucks at the end of the year. But if a worker is smart enough to go in and change their W–4 form, and it is very, very simple, you walk into your placement and ask for a new W–4 form. When you fill out the new W–4 form, what will happen is it will give you another $33 per month per child under the age of 17 in your take-home pay.

What is really going on here? What is really going on is when we look at your paycheck and the money that you have earned, the American people, $33 a month that was coming to Washington is now going to stay in the hands of our constituents and the families back home in Wisconsin and across America.

I have been asking my constituents the question. I find one that has a couple of kids, or three kids ideally, because if you have three children under the age of 17, the tax cut literally means $100 per month more in the home. And I have been simply asking this very common sense question. If we are talking a hundred dollars a month that that family has earned, who can spend that money better, the people in Washington, albeit with good intentions, the people in Washington; or do you think that family could spend that hundred dollars a month better in their own homes if they kept it instead of sending it to Washington? That is what the tax cuts are all about.

We did not stop at the $400 per child tax cut. If you have a college student that is a freshman or sophomore, in the vast majority of cases you are eligible for a $1500 tuition tax credit.

I was at a college over the break here and I was talking to a group of about 800, and apparently they were in from all over the country at this particular college group. And I told them about this $1500 per student tax credit. Sunday night in my house I got a call from a young lady in Tennessee. She had seven children. They were earning about $70,000 a year. Why it was Tennessee instead of Wisconsin, I cannot tell you, except these young people must have been in the audience and struggling to pay their college tuition bills.

So she started talking to me, "Mark, how do we actually do this?" I said, "Well, listen, you have a sophomore in college. They are paying about $3,000 for their tuition, in this particular case, after all the other grants and things. That means you are going to get a $1500 tax credit for that sophomore in college. What you need to do is go in and change your W–4 form to take more exemptions and start keeping an extra $125 a month right now."

One of the problems with tax cuts is that you do not get the money back until next April, one of the problems is that those college bills are coming due right now, today. So what the workers need to do is go in and change their W–4 form. If they have a freshman or sophomore in college, it is $125 a month or $1500 total. Just start keeping that extra money. Increase the withholding to the point where the take-home pay goes up increases $125 a month and send that on to the college student to help pay their tuition.

If you have a junior or senior, grad student, et cetera, it is 20 percent of the first 5,000 up to 1,000 maximum. So for parents of college students who are juniors, seniors, grad students, et cetera, it is 20 percent of the first 5,000 up to $1,000 maximum. And, again, just go in and change your W–4 form.

Here is what will happen. For those people that do not go in and change their W–4s and start keeping the money now, that means it is in your money, you are sending it out here to Washington, Washington will see this big heap of money out here and they are going to want to and spend it. So you could be a tremendous service to this country if you would go in and change your W–4s and keep your own money instead of sending it out here. Because once it gets out here, the temptation to spend it is enormous. And you will hear that in the State of the Union this evening, if you have not heard it already.

Couple of other things on tax cuts. If you own a home and you sell your home, you have lived in it for 2 years or more, in virtually every case in America today, virtually every case, there is no longer any federal taxes due when you sell that house.

If you have invested in stocks and bonds, I have been doing a very interesting thing in my town halls at home. When I go out and meet with constituents, I ask a roomful of people how many of you have invested in a stock, bond or mutual fund of any sort. And I have found that almost every hand in the room goes up in almost every case. Well, when you make a profit on your stocks and bonds, and by the way, I for one sincerely hope the people making an investment in this country, that buy stocks, bonds or mutual funds, I sincerely hope you make a profit doing it. I really do, because that is what investment is all about.

The difference is that the capital gains tax rate, the rate you pay on the profit that you make, has been reduced from 28 cents out of every dollar you earn down to 20 percent out of every dollar you earn. I have to keep referring this back to what is going on out here. I want to refer to this chart once more. When we hear about these tax cuts and our families keeping more of their own money in their own families, what we are really talking about is Washington not spending this extra money. This is how fast spending was going up before. This is how fast it is going up now.

And when we talk about getting to a balanced budget ahead of schedule, sure the economy is strong, very true, but it is also the fact Washington has chosen not to spend this money and, instead, let the families keep that money in their own home. Let those people that invest in stocks and bonds and mutual funds and make a profit, let them keep more of that profit they make. That is what this is all about.

Another one that is very, very important, the education savings account, I call this the grandparent account. If there is a family out there with kids and they would like to save for the kids' college tuition, they can now put $500 per child into a savings account to save up for the kids' college tuition. I call it the grandparents' account because a lot of times grandparents' will make this $500 deposit.

Roth IRA for the empty nesters who say none of that stuff affects me. Many of those folks in their 40s and early 50s, where the kids are grown and gone, they are saving up for their own retirement. In the Roth IRA it is $2,000 a person that can be put away and saved. When you take that money out in retirement, there is absolutely no taxes paid on the interest or the appreciation of whatever it is that you have put into the Roth IRA account. There are absolutely no taxes due on any of the earnings when you take it out at retirement. This is a phenomenal change in the Tax Code to encourage savings and investment in our land.

I am going to conclude my portion here today by talking about one last tax cut that I think is very important for the future, and I think it says a lot about what a lot of us believe that are serving here in Congress today, and that is the adoption tax credit.

In the past it has cost $10,000 to adopt a child in this country, and there are many families that would like to adopt children and just plain cannot because of the cost involved. We have changed the tax code so there is now a $5,000 adoption tax credit to help those families that would like to adopt children.

In summarizing, we have come a long ways in a few years. We are through those broken promises of Gramm-Rudman-Hollings I and Gramm-Rudman-Hollings II, the budget deal of '90, the budget deal of '93. That stuff is in the past. Raising taxes to get to a balanced budget, that is in the past. That is not what is going on out here any more.

Controlling the growth of Washington spending, slowing down how fast spending is growing in this government. I would like to see this get down to a zero at some point. So we have a long ways to go. But by slowing the growth of Washington spending, coupled by a strong economy, we have actually reached a balanced budget not in 2002 as promised, but rather 4 years ahead of schedule.

We are about to make the first payment, and here is our vision for the future, we are about to make the first payment on that debt. And over a period of time we have the plan written to pay off the Federal debt so our children can receive this Nation absolutely debt free. As we pay that debt off, Social Security is restored. The money that has been taken out is part of that debt, so we pay that money back into Social Security and Social Security is solvent for our seniors.

The third part of the vision is that we continue to lower taxes on American workers because we know the tax rate in this country is too high. That is where we are going.

So as you listen to the State of the Union tonight, I think it is very, very important that we understand that if you hear the word "expansion," that means more Washington. And just temper your reaction to these new good programs with an understanding that expansion means the American people send more money to Washington so Washington can decide how to spend that money as opposed to Washington spending less money, leaving it in the pockets of the American people for them to decide how they can best spend their money in their families.

DEMOCRATS UNITED BEHIND PRO-FAMILY, PRO-CHILD MESSAGE OF PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I must say that I do not intend to use all of the time this evening. I will be joined by the gentlewoman from Texas (Ms. JACKSON-LEE) and we wanted to briefly, if we could, talk a little bit about the Democrats' unity behind the pro-family and pro-child message that we know will be an important part of the President's State of the Union address this evening.

I think it is fair to say that for the last few years, and certainly in this past year in 1997, the Democrats have stressed the need for measures that basically help the family, help the average family in this country, particularly those who have children, and a big part of that has been affordable health care.

We all realize, and Democrats in particular realize, that more and more people in this country do not have health care insurance. And even if they do have health care insurance, a lot of times they are not getting the quality of care or they do not have the access to all the procedures that they should have.

In addition to that, there is a real problem in this country in terms of the availability of child care for America's working families.

And also pensions. Many of my constituents have complained to me about lack of adequate pensions, people that were promised pensions, or thought that when they retired that pensions were going to be available to them and all of a sudden find out that they are not.

So tonight the President will be stressing this Democratic pro-family, pro-child message, and there are just four points that I wanted to highlight. One is the need for more affordable and accessible health care for what we call the near elderly, those seniors aged 55 to 65 that have a greater risk of losing employer-based health insurance but yet are not eligible for Medicare.

Democrats are proposing a targeted and self-financing proposal which will enable Americans ages 62 to 65 to buy into Medicare by paying a premium. And they will also provide coverage to displaced workers over 55 through Medicare and COBRA coverage for those whose companies renege on their commitments to provide retiree health benefits.

Also, Democrats are very conscious of the fact that there are problems with managed care in this country, and we are going to work, and the President will talk tonight about high quality health care through a consumer Bill of Rights that he has proposed. No patient should be denied high quality care. Care should be based on medical needs and not financial ones.

So a big part of the Democratic agenda this year will be managed care reform and basic consumer protections for individuals in HMOs or managed care organizations.

Also, Democrats want to invest in child care for America's working families. The President will announce a historic initiative to improve the quality and availability of child care for all parents. Democrats are working to ensure that parents no longer have to make choices between work or not working that basically revolve about whether or not they have access to child care.

And lastly, Democrats want, and the President will talk tonight about the effort to achieve secure and comfortable retirement. For more than 50 million American workers, there is no pension coverage. And Democrats will work to promote pension plans among small businesses.

I do not want to take up a lot of time. I want to yield to my colleague from Texas, who has been so much involved over the last year, in 1997 and before, in bringing this pro-family, pro-child message to the floor of the House of Representatives. I would yield to her at this time.

Ms. JACKSON-LEE of Texas. I thank the gentleman from New Jersey for his leadership and for allowing us to have an opportunity through a special order to address the American people and to emphasize the Democrats united message.

For many of us returning to Washington, we were certainly asked what would be the focus of this next year, and I am very glad to say that we have not strayed away, with the leadership of the President, from what are really truly important issues to this country, and that has to be more affordable and accessible health care.

I could not have been more pleased when the President announced more than 2 weeks ago the idea that individuals 55 to 65 had a greater risk of losing health insurance or coverage, and that he wanted to stand on the side of those hard working Americans who might have fallen on hard times because of downsizing and with an inability to have health coverage, that they would be eligible for Medicare. That is not a throw-away of good dollars, that is a providing an enhancement of dollars, and I think that is extremely importantly.

□ 1600

I also want to say that I could not be more enthusiastic about a consumer bill of rights as it relates to health care.

I have experienced it personally. I know how families sometimes are subjected to difficult decisions; and, therefore, when they need a consumer bill of rights most, it is when they need medical care, and decisions have to be made. We need to be able to ensure patients that the patient-doctor relationship is a sacred relationship. It will not be tampered with because of financial concerns and because someone has to save money moving people from one hospital to the next, dumping people out of hospitals. I think that is extremely important.

I would like to add two other points about the importance of the State of the Union and unity of Democrats leading out in this country along with my colleagues who are thinking along the lines of making this economy better but also working with people who need our help most, that is America's working families, child care.

Chairing the Congressional Children's Caucus, I had the pleasure of being with the First Lady when she had the Child Care Symposium just before we left in the late fall of 1997 for our district work session. And everywhere I have gone, the working families, men and women, single parents, two-parent families, have talked about the big chunk that child care takes out of their paychecks. We need to find a way to be catalytic, to be helpful in making sure that we have a child care system that works.

My colleague, the gentleman from New Jersey (Mr. PALLONE), mentioned something very, very important and that was the pension system, or Social Security. For some reason or another, people think that because Democrats helped bring about Social Security that we don't know how to fix it or to work with some of the problems. Our position is, let us not eliminate it; let us not accuse it of the wrongs; let us make sure we emphasize the rights of Social Security. It has given people the privilege of being secure in their old age without the big company pensions that many people have had the pleasure of having but a lot of working men and women in America have not had the pleasure.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I did not mention Social Security. But I know that the President is going to emphasize it tonight.

I think that the gentlewoman from Texas (Ms. JACKSON-LEE) brings up a very good point; and that is, the Republicans I think want us to forget or want the American people to forget that Social Security works. It has been working. People have gotten their checks. They have gotten their COLA on an annual basis.

It does bother me, I have to say, to some extent to hear these constant references to the fact that the system is broken or that we need to find alternatives to Social Security and different private-sector options that are out there.

I am not saying that we should not study those things. But I think there has been a concerted effort on the part of our Republican colleagues and the Republican leadership to give the impression to the American people that the Social Security system is broken and it cannot be fixed. That is simply not the case. Everyone gets a Social Security check. People have gotten a COLA on a regular basis.

It is true that we need to study what needs to be done to make sure that in the future that Social Security is there and is intact, and Democrats are certainly a big part of that and have been emphasizing that there does need to be some attention paid to that. But, what is the expression, let us not throw out the baby with the bath water?

Social Security works, and we need to emphasize that. Too often I hear from the other side that somehow it is broken or we need to replace it. I do not want our colleagues on either side of the aisle or the American people to think that that is the case. It is not, and it is simply not true.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from

New Jersey (Mr. PALLONE) very much for yielding.

Let me say that I would be very hesitant, very hesitant and quite concerned if we were to take on the cry of fire in a crowded theater with respect to Social Security, when it has worked for years and years and years.

Let me conclude by mentioning some other very important items that I see, at least at this juncture, in this State of the Union that we can be very proud of. That is why Democrats are unified around the President's message.

Do we realize that the President is offering to present to the American public 100,000 new teachers for grades 1 to 3, a school construction plan that generated out of the work? As I see the gentlewoman from California (Ms. WATERS), chairwoman of the Congressional Black Caucus, a lot of work went into this whole idea of school construction. And I see, I think, my good friend, the gentlewoman from New York (Mrs. LOWEY), as well, who is coming to join us. These are important issues that we must deal with in the State of the Union and, as well, in looking to a program forthright.

So I think that we have a lot to be proud of. We have a mentoring program that the President is going to be offering; and I would say to anyone who walks past a school, if they can take 5 minutes to go inside and say something to a student, they are going to see the fruit borne on that over and over again.

Then they have the continue moving people from welfare to work, which is a very important part of his message, as well as three points: an increase in empowerment zones for those of us in urban areas, community development banks, providing tax incentives for low-income housing. And, of course, he is going to continue, as we just celebrated and commemorated the life of Dr. Martin Luther King, the race initiative.

So I think we have a lot to share this evening, a lot to celebrate. Because we are on a new vision, a new path that continues, but we are still moving in a direction that helps those people who need the help most. And I am very glad to join my colleague here on the floor to speak about some very important items that will be raised tonight in the President's State of the Union.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman; and I yield to the gentlewoman from New York (Mrs. LOWEY), who has for several years now been talking about the need for this school construction program.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding.

I was just walking by and I heard my distinguished colleagues referring to the important initiatives that are going to be discussed in the State of the Union, and I wanted to thank them because these issues are what people really care about. We all are coming back today, and most of us have had discussions in our district with seniors, visited schools, had many meetings, hearings on Medicare, on child care, on issues of concern to real people. My constituents wanted us to come here and solve problems. That is what this is all about. We are here to solve problems.

My colleague referred to the terrible conditions of some of our schools. We talk about educating youngsters. We talk about standards. We talk about more teachers. But if the school buildings are falling apart, then it is pretty difficult to focus attention on the agenda in those buildings.

I have visited some schools where there is plastic on the ceiling holding up the walls. These roofs have been leaking for years. And children are sitting in classrooms under conditions that I certainly do not think most of us would want our children to be in.

So I was particularly pleased that, after all of us have been working many, many years to build support for partnership with local governments on school construction, that the President is taking a strong position to assist local governments to repair our schools.

Again, this is a partnership. The Federal Government is not just going to go in and say, here you are, here is the money. These are partnerships. And if we can develop partnerships in highways and prisons and a whole myriad of uses, then it seems to me we should be investing in our school construction. I was very pleased to see that in the President's initiatives.

Also, when it comes to child care, many of us understand that if we are going to put people to work, we have a responsibility to be sure that our children, our future, are well-taken care of. And, again, I want to congratulate this administration in putting forth the proposal to really invest in child care and making sure there are enough slots for the children in all of our communities and also to be sure that there are regulations in place so a mother who put her child in child care or a father who puts his child in child care knows that those children will be safe. So child care is another proposal that we all have to rally around.

And Medicare extension. This is a problem that is brought up to me all the time. Why should people not be able to buy into Medicare to be sure that they have the health care that they need? This is brought up in the senior centers, in casual meetings, in the supermarkets. People are worried about health care, and this is a very important proposal. I was very pleased that my colleague, the gentleman from New Jersey (Mr. PALLONE), that he tried to quiet the fears of many people that Medicare is going broke.

We have reformed, we have strengthened Medicare since its founding in the 1960s. Yes, we have to make changes. We have to be sure that Medicare and Social Security are solid programs when the baby-boomers come of age. But Medicare and Social Security are not going broke in 1 year or 5 years or 10 years.

We have to address the challenges ahead, make sure there are programs for our baby-boomers so we can give them the benefits of these great, great programs. But let us not frighten seniors. They are worried and they are worried for the children and for the children's children.

So I know my colleague is committed and I am committed and we are committed to work to continue to strengthen Medicare, to strengthen Social Security. But let us not set off the alarm. I am very concerned that there are people on the other side of the aisle that are doing just that. Let us maintain our solid positions that these are important programs, but we have to move ahead constructively and not set the alarm bells.

So education, child care, health care, these are all things that people care about; and that is why I am so enthusiastic about the State of the Union this evening. I look forward to hearing it. We just talked about a few of the proposals. But food safety, genetic discrimination, this is a State of the Union message that is solid, and it is dedicated to the people of this country.

I want to thank my colleague, the gentleman from New Jersey (Mr. PALLONE), again for discussing the State of the Union. I know we are committed to making sure that this will be a productive session, that we are here to focus on what really matters to real people to solve their problems, and this is a good kickoff to an agenda that matters to real people.

I thank my colleague again for leading this special order.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from New York (Mrs. LOWEY) again. I think she really summed up what tonight is all about, and that is trying it help the average American, the family, the children. That is what my constituents and I am sure all of our constituents are telling us; and, also, we are doing it in the context of this balanced budget.

The President keeps saying over and over again, look, we passed the Balanced Budget Act this past summer in 1997. We are meeting the guidelines of that. Even within that we can still help with some of these other pro-family measures. Many of them, as my colleagues know, either cost no money or very little money and in the long run actually saved the Federal Government money. He keeps stressing that.

I think that is important in the context of what he is going to state tonight. But I think it is a very auspicious beginning for 1998; and we have to work hard, as Democrats, to make sure that the pro-family, pro-child agenda gets passed and that we can bring our Republican colleagues along.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 12 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2055

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 47 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 194 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Texas (Mr. DELAY);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from California (Mr. COX);

The gentleman from Arkansas (Mr. DICKEY);

The gentleman from Arkansas (Mr. HUTCHINSON);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from Michigan (Mr. BONIOR);

The gentleman from California (Mr. FAZIO);

The gentlewoman from Connecticut (Mrs. KENNELLY);

The gentleman from Arkansas (Mr. BERRY); and

The gentleman from Arkansas (Mr. SNYDER).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from Florida (Mr. MACK);

The Senator from South Carolina (Mr. THURMOND);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Kentucky (Mr. FORD);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Louisiana (Mr. BREAUX);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Nebraska (Mr. KERREY);

The Senator from New Jersey (Mr. TORRICELLI).

The Senator from Nevada (Mr. REID);

The Senator from West Virginia (Mr. ROCKEFELLER);

The Senator from North Dakota (Mr. DORGAN); and

The Senator from Vermont (Mr. LEAHY).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador of the Republic of Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States.

The Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 9 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of the 105th Congress, distinguished guests, my fellow Americans, since the last time we met in this Chamber, America has lost two patriots and fine public servants. Though they sat on opposite sides of the aisle, Representatives Walter Capps and SONNY BONO shared a deep love for this House and an unshakable commitment to improving the lives of all our people.

In the past few weeks, they have both been eulogized. Tonight I think we should begin by sending a message to their families and their friends that we celebrate their lives and give thanks to their service to our Nation.

For 209 years, it has been the President's duty to report to you on the State of the Union. Because of the hard work and high purpose of the American people, these are good times for America. We have more than 14 million new jobs. The lowest unemployment in 24 years. The lowest core inflation in 30 years. Incomes are rising, and we have the highest homeownership in history. Crime has dropped for a record five years in a row and the welfare rolls are at their lowest level in 27 years. Our leadership in the world is unrivaled. Ladies and gentlemen, the state of our union is strong.

But with barely 700 days left in the 20th Century, this is not a time to rest; it is a time to build, to build the America within our reach.

An America where everybody has a chance to get ahead with hard work. Where every citizen can live in a safe community. Where families are strong, schools are good, and all our young people can go on to college. An America where scientists find cures for diseases from diabetes to Alzheimer's to AIDS. An America where every child can stretch a hand across a keyboard and reach every book ever written, every painting ever painted, every symphony ever composed. Where government provides the opportunity and citizens honor the responsibility to give something back to their communities. An America which leads the world to new heights of peace and prosperity.

This is the America we have begun to build; this is the America we can leave to our children if we join together to finish the work at hand. Let us strengthen our Nation for the 21st Century.

Rarely have Americans lived through so much change, in so many ways, in so short a time. Quietly but with gathering force, the ground has shifted beneath our feet, as we have moved into an Information Age, a global economy, a truly new world.

For five years now, we have met the challenge of these changes, as Americans have at every turning point in our history, by renewing the very idea of America: widening the circle of opportunity, deepening the meaning of our freedom, forging a more perfect union.

We have shaped a new kind of government for the Information Age. I thank the Vice President for his leadership and the Congress for its support in building a government that is leaner, more flexible, a catalyst for new ideas. And most of all, a government that gives the American people the tools they need to make the most of their own lives.

We have moved past the sterile debate between those who say government is the enemy and those who say government is the answer. My fellow Americans, we have found a third way. We have the smallest government in 35 years, but a more progressive one. We have a smaller government, but a stronger Nation.

We are moving steadily toward an even stronger America in the 21st Century. An economy that offers opportunity. A society rooted in responsibility. And a Nation that lives as a community.

First, Americans in this Chamber and across our Nation have pursued a new strategy for prosperity: Fiscal discipline to cut interest rates and spur growth; investments in education and skills in science and technology and transportation to prepare our people for the new economy; new markets for American products and American workers.

When I took office, the deficit for 1998 was projected to be $357 billion, and heading higher. This year, our deficit is projected to be $10 billion, and heading lower. For three decades, six presidents have come before you to warn of the damage deficits pose to our Nation. Tonight, I come before you to announce that the Federal deficit, once so incomprehensibly large that it had 11 zeros, will be simply zero.

I will submit to Congress for 1999 the first balanced budget in 30 years. And if we hold fast to fiscal discipline, we may balance the budget this year, 4 years ahead of schedule. You can all be proud of that because turning a sea of red ink into black is no miracle. It is the product of hard work by the American people and of two visionary actions in Congress: the courageous vote in 1993 that led to a cut in the deficit of 90 percent and the truly historic bipartisan balanced budget agreement passed by this Congress.

Here is the really good news. If we maintain our resolve, we will produce balanced budgets as far as the eye can see. We must not go back to unwise spending or untargeted tax cuts that risk reopening the deficit. Last year, together, we enacted targeted tax cuts so that the typical middle class family will now have the lowest tax rates in 20 years.

My plan to balance the budget next year includes both new investments and new tax cuts targeted to the needs of working families: for education, for child care, for the environment.

But whether the issue is tax cuts or spending, I ask all of you to meet this test: approve only those priorities that can actually be accomplished without adding a dime to the deficit.

Now, if we balance the budget for next year, it is projected that we will then have a sizable surplus in the years that immediately follow. What should we do with this projected surplus? I have a simple, four-word answer: save Social Security first.

Tonight I propose that we reserve 100 percent of the surplus, that is every penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the 21st century. Let us say, let us say to all Americans watching tonight, whether you are 70 or 50 or whether you just started paying into the system, Social Security will be there when you need it.

Let us make this commitment: Social Security first. Let's do that together.

I also want to say that all the American people who are watching us tonight should be invited to join in this discussion, in facing these issues squarely and forming a true consensus on how we should proceed.

We will start by conducting nonpartisan forums in every region of the country, and I hope that lawmakers of both parties will participate. We will hold the White House conference on Social Security in December, and one year from now I will convene the leaders of Congress to craft historic bipartisan legislation to achieve a landmark for our generation, a Social Security system that is strong in the 21st century.

In an economy that honors opportunity, all Americans must be able to reap the reward of prosperity. Because these times are good, we can afford to take one simple, sensible step to help millions of workers struggling to provide for their families. We should raise the minimum wage.

The information age is first and foremost an education age in which education must start at birth and continue throughout a lifetime.

Last year from this podium I said that education has to be our highest priority. I laid out a ten-point plan to move us forward and urged all of us to let politics stop at the schoolhouse door. Since then, this Congress, across party lines, and the American people have responded in the most important year for education in a generation, expanding public school choice, opening the way to 3,000 new charter schools, working to connect every classroom in the country to the information superhighway, committing to expand Head Start to a million children, launching America Reads, sending literally thousands of college students into our elementary schools to make sure all our 8-year-olds can read.

Last year I proposed and you passed 220,000 new Pell Grant scholarships for deserving students. Student loans are already less expensive and easier to repay. Now you get to deduct the interest. Families all over America now can put their savings into new tax-free education IRAs. And this year for the first 2 years of college families will get a $1,500 tax credit, a Hope Scholarship that will cover the cost of most community college tuition. And for junior and senior year, graduate school and job training, there is a lifetime learning credit. You did that and you should be very proud of it.

And because of these actions, I have something to say to every family listening to us tonight: Your children can go on to college. If you know a child from a poor family, tell her not to give up. She can go on to college. If you know a young couple struggling with bills, worried they won't be able to send their children to college, tell them not to give up. Their children can go on to college. If you know somebody who's caught in a dead-end job and afraid he can't afford the classes necessary to get better jobs for the rest of his life, tell him not to give up. He can go on to college.

Because of the things that have been done, we can make college as universal in the 21st century as high school is today. And, my friends, that will change the face and future of America.

We have opened wide the doors of the world's best system of higher education. Now we must make our public elementary and secondary schools the world's best as well by raising standards, raising expectations and raising accountability.

Thanks to the actions of this Congress last year, we will soon have, for the very first time, a voluntary national test based on national standards in 4th grade reading and 8th grade math.

Parents have a right to know whether their children are mastering the basics, and every parent already knows the key: good teachers and small classes. Tonight I propose the first ever national effort to reduce class size in the early grades. My balanced budget will help to hire 100,000 new teachers who have passed a State competency test. Now, with these teachers, listen, with these teachers we will actually be able to reduce class size in the first, second and third grades to an average of 18 students a class all across America.

Now, if I have got the math right, more teachers teaching smaller classes requires more classrooms. So I also propose a school construction tax cut to help communities modernize or build 5,000 schools.

We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.

Last year, last year in Chicago, they made that decision, not to hold our children back but to lift them up. Chicago stopped social promotion and started mandatory summer school to help students who are behind to catch up. I propose, I propose to help other communities follow Chicago's lead. Let's say to them, stop promoting children who don't learn and we will give you the tools to make sure they do.

I also ask this Congress to support our efforts to enlist colleges and universities to reach out to disadvantaged children starting in the 6th grade so that they can get the guidance and hope they need so they can know that they too will be able to go on to college.

As we enter the 21st century, the global economy requires us to seek opportunity not just at home but in all the markets of the world. We must shape this global economy, not shrink from it. In the last 5 years we have led the way in opening new markets with 240 trade agreements that remove foreign barriers to products bearing the proud stamp "Made in the USA".

Today, record high exports account for fully one-third of our economic growth. I want to keep them going, because that's the way to keep America growing and to advance a safer, more stable world.

Now, all of you know, whatever your views are, that I think this is a great opportunity for America. I know there is opposition to more comprehensive trade agreements. I have listened carefully, and I believe that the opposition is rooted in two fears: first, that our trading partners will have lower environmental and labor standards which will give them an unfair advantage in our market and do their own people no favors even if there's more business; and, second, that if we have more trade, more of our workers will lose their jobs and have to start over.

I think we should seek to advance worker and environmental standards around the world. I have made it abundantly clear that it should be a part of our trade agenda, but we cannot influence other countries' decisions if we send them a message that we're backing away from trade with them. This year I will send legislation to Congress and ask other nations to join us to fight the most intolerable labor practice of all: Abusive child labor.

We should also offer help and hope to those Americans temporarily left behind by the global marketplace or by the march of technology, which may have nothing to do with trade. That's why we have more than doubled funding for training dislocated workers since 1993. And if my new budget is adopted, we will triple funding. That's why we must do more, and more quickly, to help workers who lose their jobs for whatever reason. You know, we help communities in a special way when their military base closes. We ought to help them in the same way if their factory closes.

Again, I ask the Congress to continue its bipartisan work to consolidate the tangle of training programs we have today into one single GI bill for workers, a simple skills grant so people can, on their own, move quickly to new jobs, to higher incomes and brighter futures.

Now, we all know in every way in life change is not always easy, but we have to decide whether we're going to try to hold it back and hide from it or reap its benefits. And remember the big picture here. While we've been entering into hundreds of new trade agreements, we've been creating millions of new jobs. So this year we will forge new partnerships with Latin America, Asia and Europe, and we should pass the new African Trade Act. It has bipartisan support.

I will also renew my request for the fast track negotiating authority necessary to open more new markets, create more new jobs, which every President has had for two decades.

You know, whether we like it or not, in ways that are mostly positive, the world's economies are more and more interconnected and interdependent. Today an economic crisis anywhere can affect economies everywhere. Recent months have brought serious financial problems to Thailand, Indonesia, South Korea and beyond.

Now, why should Americans be concerned about this? First, these countries are our customers. If they sink into recession, they won't be able to buy the goods we'd like to sell them. Second, they are also our competitors. So if their currencies lose their value and go down, then the price of their goods will drop, flooding our market and others with much cheaper goods, which makes it a lot tougher for our people to compete. And finally, they are our strategic partners. Their stability bolsters our security.

The American economy remains sound and strong, and I want to keep it that way. But because the turmoil in Asia will have an impact on all the world's economies, including ours, making that negative impact as small as possible is the right thing to do for America, and the right thing to do for a safer world.

Our policy is clear: No nation can recover if it does not reform itself. But when nations are willing to undertake serious economic reform, we should help them do it. So I call on Congress to renew America's commitment to the International Monetary Fund. I think we should say to all the people we are trying to represent here that preparing for a far-off storm that may reach our shores is far wiser than ignoring the thunder until the clouds are just overhead.

A strong Nation rests on the rock of responsibility. A society rooted in responsibility must first promote the value of work, not welfare. We can be proud that after decades of finger-pointing and failure, together we ended the old welfare system, and we are now replacing welfare checks with paychecks.

Last year, after a record 4-year decline in welfare rolls, I challenged our Nation to move 2 million more Americans off welfare by the year 2000. I am pleased to report we have also met that goal, 2 full years ahead of schedule.

This is a grand achievement, the sum of many acts of individual courage, persistence and hope. For 13 years, Elaine Kinslow of Indianapolis, Indiana, was on and off welfare. Today, she is a dispatcher with a van company, she saved enough money to move her family into a good neighborhood, and she is helping other welfare recipients go to work.

Elaine Kinslow and all those like her are the real heroes of the welfare revolution. There are millions like her all across America, and I am happy she could join the First Lady tonight.

Elaine, we are very proud of you. Please stand up.

We still have a lot more to do, all of us, to make welfare reform a success, providing child care, helping families move closer to available jobs, challenging more companies to join our welfare-to-work partnership, increasing child support collections from deadbeat parents who have a duty to support their own children.

I also want to thank Congress for restoring some of the benefits to immigrants who are here legally and working hard, and I hope you will finish that job this year.

We have to make it possible for all hard-working families to meet their most important responsibilities. Two years ago, we helped guarantee that Americans can keep their health insurance when they change jobs. Last year, we extended health care to up to 5 million children. This year, I challenge Congress to take the next historic steps.

One hundred sixty million of our fellow citizens are in managed care plans. These plans save money, and they can improve care. But medical decisions ought to be made by medical doctors, not insurance company accountants. I urge this Congress to reach across the aisle and write into law a Consumer Bill of Rights that says this: You have the right to know all your medical options, not just the cheapest. You have the right to choose the doctor you want for the care you need. You have the right to emergency room care, wherever and whenever you need it. You have the right to keep your medical records confidential. Now, traditional care or managed care, every American deserves quality care.

Millions of Americans between the ages of 55 and 65 have lost their health insurance. Some are retired, some are laid off, some lose their coverage when their spouses retire. After a lifetime of work, they are left with nowhere to turn. So I ask the Congress, let these hard-working Americans buy into the Medicare system. It will not add a dime to the deficit, but the peace of mind it will provide will be priceless.

Next, we must help parents protect their children from the gravest health threat that they face, an epidemic of teen smoking, spread by multimillion-dollar marketing campaigns. I challenge Congress, let's pass bipartisan, comprehensive legislation that will improve public health, protect our tobacco farmers, and change the way tobacco companies do business forever. Let's do what it takes to bring teen smoking down. Let's raise the price of cigarettes by up to $1.50 a pack over the next 10 years, with penalties on the tobacco industry if it keeps marketing to our children. Now, tomorrow, like every day, 3,000 children will start smoking, and 1,000 will die early as a result. Let this Congress be remembered as the Congress that saved their lives.

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers, and their even more important obligations to be good parents.

The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I have met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers and to give parents time off when they have to go see their children's teachers or take them to the doctor.

Child care is the next frontier we must face to enable people to succeed at home and at work. Last year I cohosted the very first White House Conference on Child Care with one of our foremost experts, America's First Lady. From all corners of America we heard the same message without regard to region or income or political affiliation: We have to raise the quality of child care. We have to make it safer. We have to make it more affordable.

So here is my plan: Help families to pay for child care for 1 million more children. Scholarships and background checks for child care workers, and a new emphasis on early learning. Tax credits for businesses that provide child care for their employees. And the larger child care tax credit for working families.

Now, if you pass my plan, what this means is that a family of 4 with an income of $35,000 and high child care costs will no longer pay a single penny of Federal income tax.

You know, I think this is such a big issue with me because of my own personal experience. I have often wondered how my mother when she was a young widow would have been able to go away to school and get an education and come back and support me if my grandparents had not been able to take care of me. She and I were really very lucky. How many other families have never had that same opportunity? The truth is, we do not know the answer to that question, but we do know what the answer should be. Not a single American family should ever have to choose between the job they need and the child they love.

A society rooted in responsibility must provide safe streets, safe schools, and safe neighborhoods. We pursued a strategy of more police, tougher punishment and smarter prevention, with crime fighting partnerships with local law enforcement and citizen groups where the rubber hits the road. I can report to you tonight that it is working. Violent crime is down, robbery is down, assault is down, burglary is down for five years in a row all across America. Now we need to finish the job of putting 100,000 more police on our streets.

Again, I ask Congress to pass a juvenile crime bill that provides more prosecutors and probation officers to crack down on gangs and guns and drugs and bar violent juveniles from buying guns for life. And, I ask you to dramatically expand our support for after-school programs. I think every American should know that most juvenile crime is committed between the hours of 3 in the afternoon and 8 at night. We can keep so many of our children out of trouble in the first place if we give them some place to go other than the streets, and we ought to do it.

Drug use is on the decline. I thank General McCaffrey for his leadership, and I thank this Congress for passing the largest antidrug budget in history. Now I ask you to join me in a groundbreaking effort to hire 1,000 new Border Patrol agents and to deploy the most sophisticated available new technologies to help close the door on drugs at our borders. Police, prosecutors and prevention programs, as good as they are, they cannot work if our court system does not work. Today there are large numbers of vacancies in our Federal courts. Here is what the Chief Justice of the United States wrote: Judicial "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice." I simply ask the United States Senate to heed this plea and vote on the highly qualified nominees before you up or down.

We must exercise responsibility not just at home, but around the world. On the eve of a new century, we have the power and the duty to build a new era of peace and security. But make no mistake about it, today's possibilities are not tomorrow's guarantees. America must stand against the poisoned appeals of extreme nationalism. We must combat an unholy axis of new threats from terrorists, international criminals and drug traffickers. These 21st century predators feed on technology and the free flow of information and ideas and people, and they will be all the more lethal if weapons of mass destruction fall into their hands.

To meet these challenges, we are helping to write international rules of the road for the 21st century, protecting those who join the family of nations, and isolating those who do not.

Within days, I will ask the Senate for its advice and consent to make Hungary, Poland and the Czech Republic the newest members of NATO. For 50 years, NATO contained communism and kept America and Europe secure. Now these three formerly Communist countries have said yes to democracy. I ask the Senate to say yes to them, our new allies. By taking in new members and working closely with new partners, including Russia and Ukraine, NATO can help to assure that Europe is a stronghold for peace in the 21st century.

Next, I will ask Congress to continue its support for our troops and their mission in Bosnia. This Christmas, Hillary and I traveled to Sarajevo with Senator and Mrs. Dole and a bipartisan congressional delegation. We saw children playing in the streets where two years ago they were hiding from snipers and shells. The shops were filled with food, the cafes were alive with conversation.

The progress there is unmistakable, but it is not yet irreversible. To take firm root, Bosnia's fragile peace still needs the support of American and allied troops when the current NATO mission ends in June. I think Senator Dole actually said it best. He said, this is like being ahead in the fourth quarter of a football game. Now is not the time to walk off the field and forfeit the victory.

I wish all of you could have seen our troops in Tuzla. They are very proud of what they are doing in Bosnia and we are all very proud of them.

One of those brave soldiers is sitting with the First Lady tonight, Army Sergeant Michael Tolbert. His father was a decorated Vietnam vet. After college in Colorado, he joined the Army. Last year, he led an Infantry unit that stopped a mob of extremists from taking over a radio station that is a voice of democracy and tolerance in Bosnia.

Thank you very much, Sergeant, for what you represent. Please stand up.

In Bosnia, and around the world, our men and women in uniform always do their mission well. Our mission must be to keep them well-trained and ready, to improve their quality of life, and to provide the 21st Century weapons they need to defeat any enemy.

I ask Congress to join me in pursuing an ambitious agenda to reduce the serious threat of weapons of mass destruction. This year, four decades after it was first proposed by President Eisenhower, a comprehensive nuclear test ban is within reach. By ending nuclear testing we can help to prevent the development of new and more dangerous weapons and make it more difficult for non-nuclear states to build them.

I am pleased to announce that four former chairmen of the Joint Chiefs of Staff, Generals John Shalikashvili, Colin Powell, David Jones and Admiral William Crowe, have endorsed this treaty, and I ask the Senate to approve it this year.

Together, we must also confront the new hazards of chemical and biological weapons and the outlaw states, terrorists, and organized criminals seeking to acquire them.

Saddam Hussein has spent the better part of this decade and much of his nation's wealth not on providing for the Iraqi people but on developing nuclear, chemical and biological weapons and the missiles to deliver them. The United Nations weapons inspectors have done a truly remarkable job, finding and destroying more of Iraq's arsenal than was destroyed during the entire Gulf War. Now, Saddam Hussein wants to stop them from completing their mission.

I know I speak for everyone in this chamber, Republicans and Democrats, when I say to Saddam Hussein: You cannot defy the will of the world. And when I say to him: You have used weapons of mass destruction before. We are determined to deny you the capacity to use them again.

Last year, the Senate ratified the Chemical Weapons Convention to protect our soldiers and citizens from poison gas. Now we must act to prevent the use of disease as a weapon of war and terror. The Biological Weapons Convention has been in effect for 23 years now. The rules are good, but the enforcement is weak. We must strengthen it with a new international inspection system to detect and deter cheating.

In the months ahead, I will pursue our security strategy with old allies in Asia and Europe, and new partners from Africa to India and Pakistan, from South America to China. And from Belfast to Korea to the Middle East, America will continue to stand with those who stand for peace.

Finally, it is long past time to make good on our debt to the United Nations. More and more, we are working with other Nations to achieve common goals. If we want America to lead, we have got to set a good example. As we see so clearly in Bosnia, allies who share our goals can also share our burdens.

In this new era, our freedom and independence are actually enriched, not weakened, by our increasing interdependence with other nations, but we have to do our part.

Our Founders set America on a permanent course toward "a more perfect union." To all of you I say it is a journey we can only make together, living as one community.

First, we have to continue to reform our government, the instrument of our national community.

Everyone knows elections have become too expensive, fueling a fundraising arms race. This year, by March the 6th, at long last the Senate will actually vote on bipartisan campaign finance reform proposed by Senators McCAIN and FEINGOLD. Let us be clear: A vote against McCain-Feingold is a vote for soft money and for the status quo. I ask you to strengthen our democracy and pass campaign reform this year.

But at least equally important, we have to address the real reason for the explosion in campaign costs: the high cost of media advertising. For the folks watching at home, those were the groans of pain in the audience.

I will formally request that the Federal Communications Commission act to provide free or reduced-cost television time for candidates who observe spending limits voluntarily. The airwaves are a public trust and broadcasters also have to help us in this effort to strengthen our democracy.

Under the leadership of Vice President GORE, we have reduced the Federal payroll by 300,000 workers, cut 16,000 pages of regulation, eliminated hundreds of programs, and improved the operations of virtually every government agency. But we can do more.

Like every taxpayer, I am outraged by the reports of abuses by the IRS. We need some changes there: New citizen advocacy panels, a stronger taxpayer advocate, phone lines open 24 hours a day, relief for innocent taxpayers. Last year, by an overwhelming bipartisan margin, the House of Representatives passed sweeping IRS reforms. This bill must not now languish in the Senate. Tonight I ask the Senate: Follow the House. Pass the bipartisan package as your first order of business.

I hope to goodness before I finish I can think of something to say "Follow the Senate" on so I will be out of trouble.

A nation that lives as a community must value all its communities.

For the past five years, we have worked to bring the spark of private enterprise to inner-city and poor rural areas with community development banks, more commercial loans into poor neighborhoods, cleanups of polluted sites for development.

Under the continued leadership of the Vice President, we proposed to triple the number of empowerment zones to give business incentives to invest in those areas. We should also give poor families more help to move into homes of their own, and we should use tax cuts to spur the construction of more low-income housing.

Last year this Congress took strong action to help the District of Columbia. Let us renew our resolve to make our capital city a great city for all who live and visit here.

Our cities are the vibrant hubs of great metropolitan areas. They are still the gateways for new immigrants from every continent who come here to work for their own American dreams. Let's keep our cities going strong into the 21st century. They are a very important part of our future.

Our communities are only as healthy as the air our children breathe, the water they drink, the Earth they will inherit.

Last year we put in place the toughest ever controls on smog and soot. We moved to protect Yellowstone, the Everglades, Lake Tahoe. We expanded every community's right to know about toxics that threaten their children.

Just yesterday our food safety plan took effect, using new signs to protect consumers from dangers like e-coli and salmonella.

Tonight I ask you to join me in launching a new clean water initiative, a far-reaching effort to clean our rivers, our lakes and our coastal waters for our children.

Our overriding environmental challenge tonight is the worldwide problem of climate change, global warming, the gathering crisis that requires worldwide action.

The vast majority of scientists have concluded unequivocally that if we do not reduce the emission of greenhouse gases at some point in the next century, we will disrupt our climate and put our children and grandchildren at risk.

This past December, America led the world to reach a historic agreement, committing our Nation to reduce greenhouse gas emissions through market forces, new technologies, energy efficiency.

We have it in our power to act right here, right now. I propose $6 billion in tax cuts and research and development to encourage innovation, renewable energy, fuel-efficient cars, energy-efficient homes.

Every time we have acted to heal our environment, pessimists told us it would hurt the economy. Well, today our economy is the strongest in a generation. And our environment is the cleanest in a generation. We have always found a way to clean the environment and grow the economy at the same time. And when it comes to global warming, we will do it again.

Finally, communities means living by the defining American value, the ideal heard round the world, that we are all created equal. Throughout our history we haven't always honored that ideal, and we have never fully lived up to it.

Often it is easier to believe that our differences matter more than what we have in common. It may be easier, but it is wrong. What must we do in our day and generation to make sure that America truly becomes one Nation? What do we have to do? We are becoming more and more diverse. Do you believe we can become one Nation?

The answer cannot be to dwell on our differences but to build on our shared values. We all cherish family and faith, freedom and responsibility. We all want our children to grow up in a world where their talents are matched by their opportunities.

I have launched this national initiative on race to help us recognize our common interests and to bridge the opportunity gaps that are keeping us from becoming one America.

Let us begin by recognizing what we still must overcome. Discrimination against any American is un-American. We must vigorously enforce the laws that make it illegal.

I ask your help to end the backlog at the Equal Employment Opportunity Commission. Sixty thousand of our fellow citizens are waiting in line for justice, and we should act now to end their wait.

We should also recognize that the greatest progress we can make toward building one America lies in the progress we make for all Americans without regard to race. When we open the doors of college to all Americans, when we rid all our streets of crime, when there are jobs available to people from all our neighborhoods, when we make sure all parents have the child care they need, we are helping to build one Nation.

We, in this Chamber and in this government, must do all we can to address the continuing American challenge to build one America. But we will only move forward if all our fellow citizens, including every one of you at home watching tonight, is also committed to this cause. We must work together, learn together, live together, serve together. On the forge of common enterprise, Americans of all backgrounds can hammer out a common identity.

We see it today in the United States military, in the Peace Corps, in AmeriCorps. Wherever people of all races and backgrounds come together in a shared endeavor and get a fair chance, we do just fine. With shared values and meaningful opportunities and honest communication and citizen service, we can unite a diverse people in freedom and mutual respect. We are many. We must be one.

In that spirit, let us lift our eyes to the new millennium. How will we mark that passage? It just happens once every thousand years.

This year Hillary and I launched the White House Millennium Program to promote America's creativity and innovation and to preserve our heritage and culture into the 21st century. Our culture lives in every community, and every community has places of historic value that tell our stories as Americans. We should protect them. I am proposing a public-private partnership to advance our arts and humanities and to celebrate the millennium by saving America's treasures, great and small.

And while we honor the past, let us imagine the future.

Think about this, the entire store of human knowledge now doubles every 5 years. In the 1980s, scientists identified the gene causing cystic fibrosis. It took 9 years.

Last year scientists located the gene that causes Parkinson's disease in only 9 days. Within a decade, gene chips will offer a road map for prevention of illnesses throughout a lifetime. Soon we will be able to carry all the phone calls on Mother's Day on a single strand of fiber the width of a human hair. A child born in 1998 may well live to see the 22nd century.

Tonight, as part of our gift to the millennium, I propose a 21st Century Research Fund for path-breaking scientific inquiry, the largest funding increase in history for the National Institutes of Health, the National Science Foundation, the National Cancer Institute.

We have already discovered genes for breast cancer and diabetes. I ask you to support this initiative so ours will be the generation that finally wins the war against cancer and begins a revolution in our fight against all deadly diseases.

As important as all this scientific progress is, we must continue to see that science serves humanity, not the other way around. We must prevent the misuse of genetic tests to discriminate against any American. And we must ratify the ethical consensus of the scientific and religious communities and ban the cloning of human beings.

We should enable all the world's people to explore the far reaches of cyberspace. Think of this: The first time I made a State of the Union speech to you, only a handful of physicists used the Worldwide Web. Literally just a handful of people. Now, in schools and libraries, homes and businesses, millions and millions of Americans surf the net everyday.

We must give parents the tools they need to help protect their children' from inappropriate material on the Internet, but we also must make sure that we protect the exploding global commercial potential of the internet.

We can do the kinds of things that we need to do and still protect our kids. For one thing, I ask Congress to step up support for building the next generation Internet. It's getting kind of clogged, you know, and the next generation Internet will operate at speeds up to a thousand times faster than today.

Even as we explore this innerspace in the new millennium, we're going to open new frontiers in outer space. Throughout all history humankind has had only one place to call home: Our planet earth. Beginning this year, 1998, men and women from 16 countries will build a foothold in the heavens. The International Space Station, with its vast expanses, scientists and engineers will actually set sail on an uncharted sea of limitless mystery and unlimited potential, and this October a true American hero, a veteran pilot of 149 combat missions and one five-hour space flight that changed the world will return to the heavens. Godspeed, JOHN GLENN.

JOHN, you will carry with you America's hopes. And on your uniform once again you will carry America's flag, marking the unbroken connection between the deeds of America's past and the daring of America's future.

Nearly 200 years ago a tattered flag, its broad stripes and bright stars still gleaming through the smoke of a fierce battle moved Francis Scott Key to scribble a few word on the back of an envelope, the words that became our national anthem. Today that Star Spangled Banner, along with the Declaration of Independence, the Constitution and the Bill of Rights are on display just a short walk from here. They are America's treasures and we must also save them for the ages.

I ask all Americans to support our project to restore all our treasures so that the generations of the 21st century can see for themselves the images and the words that are the old and continuing glory of America, an America that has continued to rise through every age, against every challenge, of people of great works and greater possibilities who have always, always found the wisdom and strength to come together as one nation, to widen the circle of opportunity, to deepen the meaning of our freedom, to form that more perfect union. Let that be our gift to the 21st century. God bless you and God bless the United States.

(Applause, the Members rising.)

At 10 o'clock and 25 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order: The members of the President's Cabinet; the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States; the Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 30 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. DUNCAN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for today through February 13, on account of illness.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today through February 3, on account of recovering from surgery.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Mr. RUSH (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:

Mr. UNDERWOOD, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. NEUMANN) to revise and extend their remarks and include extraneous material:

Mr. CRANE, for 5 minutes, on January 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:

Mr. MILLER of California.
Mr. MATSUI.
Mr. MURTHA.
Mr. SERRANO.
Mr. DOYLE.
Ms. ESHOO.
Mr. MORAN of Virginia.
Mrs. MEEK of Florida.
Mr. SKELTON.
Mr. FILNER.
Mr. BERMAN.
Mr. DIXON.
Mr. FAZIO of California.
Ms. SÁNCHEZ.
Mr. STARK.
Mr. GORDON.
Mr. VISCLOSKY.
Mr. NEAL of Massachusetts.
Mr. UNDERWOOD.
Mr. LEVIN.
Mr. GEJDENSON.
Mr. LAFALCE.

The following Members (at the request of Mr. NEUMANN) and to include extraneous matter:

Mr. TALENT.
Mr. GOODLING.
Mr. YOUNG of Alaska.
Mr. KIM.
Mr. BEREUTER.
Mr. GILMAN, in two instances.
Mr. RILEY.
Mr. SOLOMON.
Mr. WELLER.

The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:

Mr. REGULA.
Mr. FOLEY.
Mr. MANTON.
Mr. HALL of Texas.
Mr. UPTON.
Ms. ROS-LEHTINEN.
Mr. THOMAS.
Mr. DELLUMS.
Mr. WAXMAN.
Mr. ACKERMAN.
Mr. HAMILTON.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 191. An act to throttle criminal use of guns; to the Committee on the Judiciary.

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

S. 1172. An act for the relief of Sylvester Flis.

S. 1213. An act to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes, and in addition, to the Committee(s) on Science and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1566. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes, and in addition, to the Committee(s) on Judiciary and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

ADJOURNMENT

Mr. DUNCAN. Mr. Speaker, pursuant to House Resolution 338, I move that the House do now adjourn in memory of the late Honorable SONNY BONO.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), pursuant to House Resolution 338, and under its previous order, the House adjourned until tomorrow, Wednesday, January 28, 1998, at 1 p.m. in memory of the late Honorable SONNY BONO.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5946. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Reduced Assessment Rate [Docket No. FV97-931-2 FIR] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5947. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Winter Pears Grown in Oregon, Washington, and California; Order Amending the Marketing Order [Docket Nos. AO-99-A7; FV96-927-1] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5948. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Revision to Part 46, Regulations Under the Perishable Agricultural Commodities Act [Docket No. FV97-355] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5949. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV97-989-3 IFR] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5950. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Mushroom Promotion, Research, and Consumer Information Order; Referendum Procedures [FV-97-705IFR] received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5951. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Change in Handling Regulation for Area No. 2 [Docket No.

FV97–948–1 FIR] received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5952. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Winter Pears Grown in Oregon and Washington; Increased Assessment Rate [Docket No. FV97–927–1 FIR] received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5953. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Product: Revision of User Fees [DA–97–13] (RIN: 0581–AB50) received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5954. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Pine Shoot Beetle; Quarantined Areas [Docket No. 97–100–1] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5955. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of an Area From Quarantine [Docket No. 97–056–8] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5956. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt; Approved Treatments [Docket No. 96–016–27] (RIN: 0579–AA83) received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5957. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Cattle Imported in BOND for Feeding and Return to Mexico [Docket No. 94–076–2] received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5958. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Sliced and Pre-Packaged Dry-Cured Pork Products [Docket No. 96–066–2] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5959. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Import/Export User Fees; Exemptions [Docket No. 96–089–1] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5960. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Removal of Mexican Border Regulations [Docket No. 97–037–2] received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5961. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Asian Longhorned Beetle; Quarantine Regulations [Docket No. 96–102–2] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5962. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Area [Docket No. 97–113–1] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5963. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Belgium Because of BSE [Docket No. 97–115–1] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5964. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Interstate Movement of Imported Plants and Plant Parts [Docket No. 96–061–2] (RIN: 0579–AA85) received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5965. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Luxembourg Because of BSE [Docket No. 97–118–1] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5966. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt; Additions to Regulated Areas [Docket No. 96–016–26] (RIN: 0579–AA83) received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5967. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Arkansas [Docket No. 97–108–1] received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5968. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt; Compensation for Wheat Seed and Straw in the 1995–1996 Crop Season [Docket No. 96–016–25] (RIN: 0579–AA83) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5969. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cypermethrin; Pesticide Tolerance [OPP–300583; FRL–5755–3] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5970. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zeta-Cypermethrin; Pesticide Tolerance [OPP–300577; FRL–5754–8] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5971. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances [OPP–300579; FRL–5754–7] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5972. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerance [OPP–300581; FRL–5755–5] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5973. A letter from the Director, Office of Regulatory Management and Budget, Environmental Protection Agency, transmitting the Agency's final rule —Tefluthrin; Pesticide Tolerance [OPP–300576; FRL–5754–9] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5974. A letter from the Director, Office of Regulatory Management and Budget, Environmental Protection Agency, transmitting the Agency's final rule —Fipronil; Pesticide Tolerances [OPP–300587; FRL–5757–4] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5975. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenarimol; Pesticide Tolerances for Emergency Exemptions [OPP–300559; FRL–5753–5] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5976. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Methyl Salicylate; Establishment of an Exemption from Requirement of a Tolerance [OPP–300557; FRL–5746–1] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5977. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fomesafen; Pesticide Tolerances for Emergency Exemptions [OPP–300571; FRL–5752–8] (RIN: 2070–AB78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5978. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerances for Emergency Exemptions [OPP–300588; FRL–5758–2] (RIN: 2070–AB78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5979. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances for Commodities No Longer Regulated for Pesticide Residues and Other Actions [OPP–300503A; FRL–5753–1] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5980. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maleic Hydrazide; Pesticide Tolerances for Emergency Exemptions [OPP–300587; FRL–5754–5] (RIN: 2070–AB78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5981. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Chlorate; Exemption from Pesticide Tolerance for Emergency Exemptions [OPP–300574;

FRL-5754-1] (RIN: 2070-AB78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5982. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyrimethanil; Pesticide Tolerance [OPP-300589; FRL-5758-7] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5983. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fluorine Compounds; Time-Limited Pesticide Tolerance [OPP-300586; FRL-5756-5] (RIN: 2070-AB78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5984. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP-300569; FRL-5751-1] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5985. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance [OPP-300580; FRL-5755-1] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5986. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dipropylene Glycol Dimethyl Ether; Final Significant New Use Rule; Correction [OPPTS-50621C; FRL-5757-6] (RIN: 2070-AB27) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerances [OPP-300582; FRL-5755-2] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenvalerate; Pesticide Tolerances [OPP-300575; FRL-5754-6] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deltamethrin and Tralomethrin; Pesticide Tolerances [OPP-300584; FRL-5756-2] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5990. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances for Emergency Exemptions [OPP-300568; FRL-5750-9] (RIN: 2070-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethalfluralin; Pesticide Tolerances for Emergency Exemptions [OPP-300585; FRL-5756-4] (RIN: 2070-AB78) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5992. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Primisulfuron-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-300573; FRL-5753-6] (RIN: 2070-AB78) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5993. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Chlorothalonil; Pesticide Tolerances for Emergency Exemptions [OPP-300590; FRL-5759-5] (RIN: 2070-AB78) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5994. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Tolerance Extension for Emergency Exemptions [OPP-300594; FRL-5760-9] (RIN: 2070-AB78) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Tolerance Extension for Emergency Exemptions [OPP-300591; FRL-5760-4] (RIN: 2070-AB78) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-ethyl; Pesticide Tolerance [OPP-300597; FRL-5764-1] (RIN: 2070-AB78) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5997. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Extension of Tolerance for Emergency Exemptions [OPP-300600; FRL-5764-6] (RIN: 2070-AB78) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300593; FRL-5760-8] (RIN: 2070-AB78) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dicloran; Pesticide Tolerances for Emergency Exemptions [OPP-300596; FRL-5762-4] (RIN: 2070-AB78) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6000. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances for Emergency Exemptions [OPP-300595; FRL-5762-1] (RIN: 2070-AB78) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6001. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Loan Sales Relief (RIN: 3052-AB78) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6002. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Interest Rates and Charges (RIN: 3052-AB81) received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6003. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—1997-Crop Peanuts; National Poundage Quota; National Average Support Level for Quota and Additional Peanuts; and Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Peanuts (RIN: 0560-AF01) received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6004. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Pea Crop Insurance Regulations; and Common Crop Insurance Regulations, Green Pea Crop Insurance Provisions [7 CFR Parts 416 and 457] received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6005. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6006. A letter from the Assistant Secretary (Force Management Policy), Department of Defense, transmitting the eighth Quadrennial Review of Military Compensation, pursuant to 37 U.S.C. 1008(b); to the Committee on National Security.

6007. A letter from the Acting Director, Defense Finance and Accounting Service, transmitting notification that the Defense Finance and Accounting Service is initiating a cost comparison study of the DoD Retired and Annuitant Payroll functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

6008. A letter from the Acting Director, Defense Finance and Accounting Service, transmitting notification that the Defense Finance and Accounting Service is initiating a cost comparison study of the DoD Civilian Payroll functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

6009. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Elmendorf Air Force Base, Alaska, has conducted a cost comparison to reduce the cost of the Central Heat and Power Plant function, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

6010. A letter from the Secretary, Department of the Navy, transmitting a copy of the Agency's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on National Security.

6011. A letter from the Principal Deputy (Acquisition and Technology), Department of Defense, transmitting the Secretary's Selected Acquisition Reports (SARs) for the quarter ending September 30, 1997, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

6012. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Allowability of Costs for Restructuring Bonuses [DFARS Case 97–D312] received November 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6013. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical program of the Uniformed Services; TRICARE Selected Reserve Dental Program [DoD 6010.8–R] (RIN: 0720–AA40) received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6014. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Determination of Fair and Reasonable Guideline Rates for the Carriage of Less-Than-Shipload Lots of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Liner Vessels; Removal of Part (Maritime Administration) [Docket No. R–156] (RIN: 2133–AB16) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6015. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AI94) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6016. A letter from the Secretary of Defense, transmitting certification that the current Future Years Defense Program fully funds the support costs associated with the Apache Longbow radar program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

6017. A letter from the Secretary of Defense, transmitting the Department's semiannual report on audit and investigative activities for the 6-month period ending September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on National Security.

6018. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–0960] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6019. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk-Based Capital Standards: Market Risk [Regulations H and Y; Docket No. R–0996] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6020. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Equal Credit Opportunity [Regulation B; Docket No. R–0955] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6021. A letter from the Legal Counsel, Department of the Treasury, transmitting the Department's final rule—Bank Enterprise Award Program (Community Development Financial Institutions Fund) (RIN: 1505–AA71) received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6022. A letter from the Legal Counsel, Department of the Treasury, transmitting the Department's final rule—Bank Enterprise Award Program (Community Development Financial Institutions Fund) (RIN: 1505–AA71) received November 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6023. A letter from the Legal Counsel, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Program (Community Development Financial Institutions Fund) (RIN: 1505–AA71) received November 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6024. A letter from the Legal Counsel, Department of the Treasury, transmitting the Department's final rule—Bank Enterprise Award Program (RIN: 1505–AA71) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6025. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—Single Family Loss Mitigation Procedures [FR–4032] received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee. on Banking and Financial Services.

6026. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Snow Load Map for Manufactured Homes; Technical Correction [Docket No. FR–4276–F–01] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6027. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Indian HOME Program [Docket No. FR–3567–F–02] (RIN: 2577–AB35) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6028. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Termination of an Approved Mortgagee's Origination Approval Agreement [FR–4239] received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6029. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

6030. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

6031. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

6032. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Amendment to Part 363—Independent Audits and Reporting Requirements— received November 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6033. A letter from the Director, Federal Emergency Management Agency, transmitting the President's Report on the Modernization of the Authorities of the Defense Production Act, pursuant to Public Law 104—64, section 4; to the Committee on Banking and Financial Services.

6034. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Authority to Approve Federal Home Loan Bank Bylaws [No. 97–77] (RIN: 3069–AA70) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6035. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Assessment of Fees; National Banks; District of Columbia Banks [Docket No. 97–23] (RIN: 1557–AB41) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6036. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Liquidity [No. 97–116] (RIN: 1550–AA77) received November 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6037. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Technical Amendments [No. 97–126] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6038. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Disclosures for Adjustable-rate Mortgage Loans, Adjustment Notices, and Interest-rate Caps [No. 97–130] (RIN: 1550–AB12) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6039. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Application Processing [No. 97–121] (RIN: 1550–AA83) received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6040. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Fiduciary Powers; Community Reinvestment Act [No. 97–129] (RIN: 1550–AB09) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6041. A letter from the Secretary of the Treasury, transmitting a report entitled "American Finance for the 21st Century," pursuant to Public Law 103—328, section 210; to the Committee on Banking and Financial Services.

6042. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 867, H.R. 1377, H.R. 1787, H.R. 2367, S. 813, H.R. 2813, H.J.R. 91 and H.J.R. 92, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6043. A letter from the Director, Office of Management and Budget, transmitting

OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 1090, S. 714 and S. 923, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6044. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 2464, S. 587, S. 589, H.R. 79, H.R. 672 and H.R. 708, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6045. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 1119, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6046. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of S. 1228, S. 1519, S. 156, S. 1139, and S. 1193, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6047. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 2979, H.R. 1658, H.R. 2265, and H.R. 3034, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

6048. A letter from the Acting Assistant Secretary for the Office of Vocational and Adult Education, Department of Education, transmitting notice of final funding priorities for the 21st Century Community Learning Centers Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6049. A letter from the Acting Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting Final Regulations——Standards of Conduct and Evaluations of Activities Carried out by the Office of Educational Research and Improvement: Designation of Exemplary and Promising Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6050. A letter from the Acting Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of final eligibility and selection criteria: National Awards Program for Model Professional Development, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6051. A letter from the Secretary of Education, transmitting Final Regulations——Federal Work-Study Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6052. A letter from the Secretary of Education, transmitting Final Regulations——Federal Family Education Loan Program and William D. FORD Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6053. A letter from the Secretary of Education, transmitting the Nineteenth Annual Report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and the Workforce.

6054. A letter from the Secretary of Education, transmitting Final Regulations——Protection of Human Subjects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6055. A letter from the Secretary of Education, transmitting Final Regulations——Student Assistance General Provisions——Standards of Financial Responsibility, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6056. A letter from the Secretary of Health and Human Services, transmitting the seventeenth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

6057. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the FY 1996 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 1995, through September 30, 1996, pursuant to 30 U.S.C. 936(b); to the Committee on Education and the Workforce.

6058. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the Corporation's Program Report and Financial Reports for 1995, pursuant to 31 U.S.C. 9101 and 9106; to the Committee on Education and the Workforce.

6059. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting a report on the final regulations for Federal Work-Study Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

6060. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting a report on the final regulations for Student Assistance General Provisions, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

6061. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Federal Family Education Loan Program and William D. FORD Federal Direct Loan Program (RIN: 1840-AC45) received December 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6062. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the report on the notice of final funding priorities for 21st Century Community Learning Centers Program (RIN: 1850-ZA01) received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

6063. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting a report on the final regulations for Protection of Human Subjects (RIN: 1880-AA75) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

6064. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Amendment to the Definition of Plan Assets; Participant Contributions (RIN: 1210-AA59) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6065. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Employment of Student-Learners, Employment of Apprentices, Employment of Learners, Employment of Messengers, and Employment of Student Workers (RIN: 1215-AB10) received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6066. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's "Major" final rule—Interim Rules for Mental Health Parity (RIN: 0938-AI05) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6067. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Shareholders of Certain Passive Foreign Investment Companies [TD 8701] (RIN: 1545-AC06) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6068. A letter from the Chairman, National Commission on the Cost of Higher Education, transmitting a report entitled "Straight Talk About College Costs and Prices," pursuant to Public Law 105—18; to the Committee on Education and the Workforce.

6069. A letter from the Assistant Secretary, Occupational Safety and Health Administration, transmitting the Administration's "Major" final rule—Respiratory Protection [Docket No. H-049] (RIN: 1218-AA05) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6070. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's "Annual Energy Review 1996," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

6071. A letter from the Secretary of Health and Human Services, transmitting the fifth annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), for the Fiscal Year 1997, pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

6072. A letter from the Chairman, Commission on Dietary Supplement Labels, transmitting the final report of the Commission, pursuant to 21 U.S.C. 343 nt.; to the Committee on Commerce.

6073. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule —Telecommunications and Information Infrastructure Assistance Program [Docket No. 970103002-7304-03] (RIN: 0660-ZA02) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6074. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Policy Statement for Electric Motors Covered Under the Energy Policy and Conservation Act—received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6075. A letter from the Deputy Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the fourteenth annual report to Congress of the Orphan Products Board (OPB), pursuant to 42 U.S.C. 236(e); to the Committee on Commerce.

6076. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag On-Off Switches (National Highway Traffic Safety Administration) [Docket No. NHTSA-97-3111] (RIN: 2127-AG61) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6077. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL162-1a; FRl-5926-6] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6078. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Title V Operating Permits Program Revisions; State Implementation Plan Revision, Santa Barbara County Air Pollution Control District, California [CA-002-PP; FRL-5926-2] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6079. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes Tennessee: Redesignation of the Polk County and New JOHNSONville Sulfur Dioxide Nonattainment Areas to Attainment [TN 86-1-9802a; TN 127-1-9803a; FRL-5923-2] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6080. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydroprene Biochemical Pest Control Agent; Pesticide Tolerance [OPP-300475A; FRL-5746-5] (RIN: 2070-AC78) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6081. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions [FRL-5925-4] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6082. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alabama: Final Authorization of Revisions to State's Hazardous Waste Management Program [FRL-5925-8] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona—Maricopa County CO Nonattainment Area [AZ033-0007; FRL-5928-3] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6084. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District [CA 179-0061; FRL-5929-9] received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6085. A letter from the Director, State and Site Identification Center, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [40 CFR Part 300] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of the Designation for Lafourche Parish [LA-41-1-7355, FRL-5899-8] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Air Quality Implementation Plan for Connecticut; Correction [FRL-5931-8] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations [FRL-5933-6] (RIN: 2060-AC28) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; California—Santa Barbara Nonattainment Area; Ozone [CA-002-BU; FRL-5932-6] received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of California; San Luis Obispo County Air Pollution Control District [FRL-5932-1] received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6091. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, Louisiana; Reasonable Available Control Technology for Emissions of Volatile Organic Compounds [LA35-1-7305a; FRL-5928-2] received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6092. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 179-0057; FRL-5934-8] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL158a; FRL-5900-3] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Carbon Monoxide Contingency Measures for Colorado Springs and Fort COLLINS [CO-44-1-6866(a); FRL-5630-1] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District [CA179-0052a; FRL-5911-2] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revisions to the New York State Implementation Plan for Ozone [Region II Docket No. NY10-2-174; FRL-5934-7] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: State Commitments to National Low Emission Vehicle Program [AMS-FRL-5938-8] (RIN: 2060-AF75) received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Polyalkylene Polyamine; Significant New Use Rule [OPPTS-50608E; FRL-57462] (RIN: 2070-AB27) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6099. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; Indiana [IN77-2; FRL-5933-3] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6100. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania New Source Review and Emissions Registry Regulation [PA042-4065; FRL-5925-7] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Carbon Monoxide Contingency Measures for Colorado Springs and Fort Collins [CO-44-1-6866(a); FRL-5630-1] received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6102. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Colorado [CO47-1-6946 & CO-001-0020; FRL–5934–1] received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6103. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of PM10 Implementation Plan for Colorado; Designation of Areas for Air Quality Planning Purposes; Steamboat Springs [CO-001-0006a & CO-001-0021a; FRL–5934–2] received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6104. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the One-Hour Ozone Standard for the Poughkeepsie, New York Ozone Nonattainment Area and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements [Region 2 Docket No. NY 26-2-176a; FRL–5936–8] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6105. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: Revisions to Permits, Allowance System, Sulfur Dioxide Opt-Ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures [FRL–5936–3] (RIN: 2060–AF43) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6106. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Petition by the Commonwealth of the Northern Mariana Islands for Exemption from Anti-Dumping and Detergent Additization Requirements for Conventional Gasoline [FRL–5931–3] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clarification of Standards for Hazardous Waste Land Disposal Restriction Treatment Variances [FRL–5932–5] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers [IL–64-2-5807; FRL–5931–7] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Georgia: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5924–5] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [ND–001-0003a; FRL–5933–8] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; 1990 Base Year Emission Inventories for Montana [MT-001-0002a, MT-001-0003a; FRL–5934–5] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Illinois [IL117-3; FRL–5935–2] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiodicarb; Pesticide Tolerance; Correction [OPP–300541A; FRL–5761–9] (RIN: 2070–AB78) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6114. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glutamic Acid; Pesticide Tolerance Exemption [OPP–300598; FRL–5764–4] (RIN: 2070–AB78) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6115. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Gamma Aminobutyric Acid; Pesticide Tolerance Exemption [OPP–300599; FRL–5764–5] (RIN: 2070–AB78) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6116. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Minor Amendments to Inspection Maintenance Program Evaluation Requirements; Amendment to the Final Rule [FRL–5945–8] (RIN: 2060–AH61) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6117. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL–5945–7] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6118. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revision; Ohio [OH111-1a; FRL–5947–8] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to Several Chapters of the Alabama Department of Environmental Management Administration Code for the Air Pollution Control Program [AL–045-1-9804a; FRL–5946–5] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 091-4050a; FRL–5918–2] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners [FRL–5528–1] (RIN: 2050–AD38) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—List of Regulated Substances and Thresholds for Accidental Release Prevention; Amendments [FRL–5940–4] (RIN: 2050–AE35) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline [FRL–5942–6] (RIN: 2060–AG76) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Illinois [IL159-1a; FRL–5938–4] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5937–2] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6126. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization and Incorporation By Reference of State Hazardous Waste Management Program [FRL–5935–7] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions [FRL–5937–7] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of State Implementation Plans: Washington; Correcting Amendments [WA 29-1-6724, WA 57-7132; FRL-5934-9] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6129. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution: Emission Standards for New Nonroad Compression-Ignition Engines at or above 37 Kilowatts; Preemption of State Regulation for Nonroad Engine and Vehicle Standards; Amendments to Rules [AMS-FRL-5939-5] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6130. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone [FRL-5939-4] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6131. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS-50628; FRL-5720-3] (RIN: 2070-AB27) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6132. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPts-50628; FRL-5720-3] (RIN: 2070-AB27) received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6133. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of the Commission's Rules to Establish Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services; Implementation of Section 601(d) of the Telecommunications Act of 1996 [WT Docket No. 96-162] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6134. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6135. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States [IB Docket No. 96-111] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6136. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities [IB Docket No. 97-142; IB Docket No. 95-22] received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6137. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform; Transport Rate Structure and Pricing [CC Docket No. 96-262; CC Docket No. 91-213] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6138. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Telecommunications Services Inside Wiring; Customer Premises Equipment; Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Cable Home Wiring [CS Docket No. 95-184; MM Docket No. 92-260] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6139. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blue Lake, California) [MM Docket No. 97-124, RM-8851] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6140. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saint Paul, Arkansas) [MM Docket No. 97-34, RM-8938] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6141. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eckley, Colorado) [MM Docket No. 97-109, RM-9018] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6142. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dassel and Hutchinson, Minnesota) [MM Docket No. 97-114, RM-9059] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6143. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Anamosa and Asbury, Iowa) [MM Docket No. 96-215, RM-8898, RM-8924] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6144. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lockport and Amherst, New York) [MM Docket No. 96-240; RM-8946, RM-9019] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6145. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Calico Rock and Leslie, Arkansas) [MM Docket No. 97-32; RM-8931, RM-9065] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6146. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hutchinson, Kansas) [MM Docket No. 97-162, RM-9112] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6147. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin and White Castle, Louisiana) [MM Docket No. 96-170; RM-8844, RM-9057] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6148. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mesquite, Nevada) [MM Docket No. 97-132, RM-9081] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6149. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Waynesboro and Collinwood, Tennessee) [MM Docket No. 97-60, RM-8982] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6150. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service; Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge [CC Docket No. 96-45; CC Docket Nos. 96-262, 94-1, 91-213, 95-72] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6151. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996; Amendment of Rules Governing Procedures To Be Followed When Formal Complaints Are Filed Against Common Carriers [CC Docket No. 96-238] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6152. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Geneseo, Illinois and DeWitt, Iowa) [MM Docket No. 96-

195, RM-8867] received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6153. A letter from the AMD—Performace Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kaunakakai, Hawaii) [MM Docket No. 97-193, RM-9125] received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6154. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chugwater, Wyoming) [MM Docket No. 96-243, RM-8925] received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6155. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Haiku, Hawaii) [MM Docket No. 97-195, RM-9126] received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6156. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Glen Rose and Stamford, Texas) [MM Docket No. 97-145, RM-9091] received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6157. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Windsor, New York) [MM Docket No. 96-218, RM-8912] received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6158. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures; Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use [WT Docket No. 97-82; ET Docket No. 94-32] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6159. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102, RM-8143] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6160. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities [Docket Nos. RM95-8-003 and RM94-7-004; Order No. 888-B] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6161. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct [Docket No. RM95-9-002; Order No. 889-B] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6162. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Enforcement Policy Statement on U.S. Origin Claims—received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6163. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Deceptive Use of "Leakproof," "Guaranteed Leakproof,"Etc., as Descriptive of Dry Cell Batteries [16 CFR Part 403] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6164. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act [16 CFR Part 305] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6165. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Dietary Sugar Alcoholics and Dental Caries [Docket No. 97P-0206] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6166. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Classification/Reclassification; Restricted Devices; Analysis Specific Reagents [Docket No. 96N-0082] (RIN: 0910-ZA03) received November 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6167. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Serving Sizes; Reference Amount for Salt, Salt Substitutes, Seasoning Salts [Docket No. 93P-0448] received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6168. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Quality Mammography Standards; Correction [Docket No. 95N-0192] (RIN: 0910-AA24) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6169. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket Nos. 86F-0507 and 86F-0509] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6170. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 94F-0289] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6171. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Exemption from Preemption of State and Local Cigarette and Smokeless Tobacco Requirements; Applications for Exemption Submitted by Various State Governments [Docket No. 96N-0249] (RIN: 0910-AB19) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6172. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Carcinogenicity Testing of Compounds Used in Food-Producing Animals [Docket No. 95N-0417] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6173. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements; Compliance Policy Guide, Revocation; Correction [Docket Nos. 95N-0245 and 94P-0110] (RIN: 0910-AA59) received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6174. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revocation of Regulation on Positron Emission Tomography Drug Products [Docket No. 94N-0421] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6175. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reclassification of Tumor-Associated Antigen Immunological Test Systems [Docket No. 95P-0136] received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6176. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—New Animal Drugs for Use in Animal Feeds; Decoquinate and Bacitracin Zinc With Roxarsone [21 CFR Part 558] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6177. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Delegations of Authority and Organization; Center for Devices and Radiological Health [21 CFR Part 5] received December 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6178. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reports of Corrections and Removals; Stay of Effective Date of Information Collection Requirements [Docket No. 91N-0396] received December 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6179. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Criticality Accident Requirements (RIN: 3150-AF87) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6180. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes to Nuclear Power Plant Security Requirements (RIN: 3150–AF53) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6181. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea (RIN: 3150–AF70) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6182. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Management of Radioactive Material Safety Programs at Medical Facilities [NUREG–1516] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6183. A letter from the Secretary of Energy, transmitting the 1996 annual report on Low-Level Radioactive Waste Management Progress, pursuant to Public Law 99—240, section 7(b); to the Committee on Commerce.

6184. A letter from the Secretary of Energy, transmitting the Department's Thirty-Eighth Quarterly Report on the Status of Exxon and Stripper Well Oil Overcharge funds as of March 31, 1997, pursuant to Public Law 100—202; to the Committee on Commerce.

6185. A letter from the Secretary of Health and Human Services, transmitting the ninth annual report of the Department's Council on Alzheimer's Disease, pursuant to Public Law 99—660, section 912(2) (100 Stat. 3805); to the Committee on Commerce.

6186. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Quality Mammography Standards (Food and Drug Administration) [Docket No. 95N–0192] (RIN: 0910–AA24) received November 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6187. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Application of HIPAA Group Market Rules to Individuals Who Were Denied Coverage Due to a Health Status-Related Factor [45 CFR Subtitle A, Parts 144 and 146] received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6188. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Technical Revisions to the Rules and Forms Regulating Money Market Funds [Release Nos. 33–7479; IC–22921; S7–29–96] (RIN: 3235–AE17) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6189. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Technical Revisions to the Rules and Forms Regulating Money Market Funds [Release Nos. 33–7479; IC–22921; S7–29–96] (RIN: 3235–AE17) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6190. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—175); to the Committee on International Relations and ordered to be printed.

6191. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 04–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6192. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 02–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6193. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 03–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6194. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03–98 for a cooperative agreement with Sweden to develop an Automatic Ground Collision Avoidance System, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6195. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 01–98 regarding an amendment to the agreement between the U.S./Israel for the Arrow Deployability Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6196. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 98–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6197. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 04–98 constituting a request for final approval for the memorandum of understanding between the U.S. and the United Kingdom concerning cooperation in the development, production and follow-on support of the Armored Scout Reconnaissance Vehicle System, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6198. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 05–98 which constitutes a Request for Final Approval for an amendment to the Memorandum of Understanding between the U.S. and Germany concerning cooperative production of the MK–31 Guided Missile Weapon System which is known as the Rolling Airframe Missile (RAM) Block 0, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6199. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of September 30, 1997, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6200. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Saudi Arabia (Transmittal No. DTC–3–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6201. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6202. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the state of Israel contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

6203. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6204. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6205. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6206. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that three rewards have been paid, pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

6208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid, pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

6209. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the three joint statements negotiated by the Joint Compliance and Inspection Commission and concluded during JCIC-XVI; to the Committee on International Relations.

6210. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria, pursuant to section 40A of the Arms Export Control Act; to the Committee on International Relations.

6211. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 50 M88A2 tank recovery vehicle kits, pursuant to section 42(b) of the

Arms Export Control Act; to the Committee on International Relations.

6212. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations [Public Notice 2602] received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for fiscal year 1998 concerning Argentina's and Brazil's Ineligibility, pursuant to section 102(a)(2) of the Arms Export Control Act; to the Committee on International Relations.

6214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the "Report on Withdrawal of Russian Armed Forces and Military Equipment"; to the Committee on International Relations.

6215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on determination and certification on a chemical weapons proliferation sanctions matter; to the Committee on International Relations.

6216. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1997, pursuant to 22 U.S.C. 2904(b); to the Committee on International Relations.

6217. A communication from the President of the United States, transmitting a report on Negative Security Assurances; to the Committee on International Relations.

6218. A letter from the Director, Office of Administration, transmitting the White House personnel report for the fiscal year 1997, pursuant to 3 U.S.C. 113; to the Committee on Government Reform and Oversight.

6219. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6220. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6221. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6222. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997 and the Semiannual Report on Inspector General Audit Reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6223. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 1997 through September 30, 1997, and Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6224. A letter from the Secretary of the Interior, transmitting the semiannual report of the Inspector General for the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6225. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General and Management report covering the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6226. A letter from the Secretary of Transportation, transmitting the semiannual report of the Office of Inspector General for the period ended September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-189, "Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Temporary Act of 1997" received November 21, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-190, "Fiscal Year 1998 Revised Budget Support Temporary Act of 1997" received December 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-191, "Fiscal Year 1998 Revised Budget Support Act of 1997" received December 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-204, "Comprehensive Merit Personnel Employee Viatical Settlement Amendment Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-199, "Check Identification Fraud Prevention Temporary Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6232. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-211, "District of Columbia Unemployment Compensation Federal Conformity Temporary Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-210, "Department of Corrections Criminal Background Investigation Authorization Temporary Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-209, "Chief Procurement Officer Qualification Temporary Amendment Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6235. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-205, "Comprehensive Merit Personnel Act Health and Life Insurance Clarification Amendment Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-200, "Collateral Reform Temporary Amendment Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-198, "Housing Authority Police Amendment Act of 1997" received December 18, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-223, "Child Development Facilities Regulation Temporary Act of 1997" received January 9, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6239. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-224, "Day Care Policy Temporary Amendment Act of 1997" received January 9, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-219, "TANF and TANF-Related Medicaid Managed Care Program Temporary Amendment Act of 1997" received January 9, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-194, "Real Property Tax Rates for Tax Year 1998 Temporary Amendment Act of 1997" received January 9, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

6242. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Evaluation of the Accounts and Operation of the Office of Tourism and Promotions for Fiscal Years 1996 and 1997," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

6243. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in October 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

6244. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in November 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

6245. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Agency's Inspector General for the period April 1, 1997, through September 30, 1997, and the semiannual report on audit management and resolution, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6246. A letter from the Secretary, American Battle Monuments Commission, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6247. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6248. A letter from the Director, Office of Congressional Affairs, Arms Control and Disarmament Agency, transmitting a report of activities under the Freedom of Information Act for the reporting period January-September 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6249. A letter from the President, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6250. A letter from the President, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6251. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6252. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Census County Division Program for Census 2000 [Docket No. 970501104–7271–02] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6253. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Block Group Program for Census 2000 [Docket No. 970408082–7273–02] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6254. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6255. A letter from the Secretary, Commission of Fine Arts, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6256. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List [97–020] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6257. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List [98–001] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6258. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6259. A letter from the Chairman, Consumer Product Safety Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6260. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6261. A letter from the Chairman, Council of the District of Columbia, transmitting notification of its intent with regard to the D.C. Financial Responsibility and Management Assistance Authority's Resolution and Recommendation Concerning Managed Medical Health Care for District of Columbia Medicaid Recipients, pursuant to Public Law 104–8, section 207; to the Committee on Government Reform and Oversight.

6262. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the strategic plan for Arlington National Cemetary and Soldiers' and Airmen's Home National Cemetary, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

6263. A letter from the Deputy Assistant Secretary for Program Integration, Department of Defense, transmitting the fiscal year 1996 report on the actuarial status of the Military Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

6264. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Freedom of Information Act Program [DoD 5400.7] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6265. A letter from the Deputy Secretary, Department of Defense, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6266. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, and the Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6267. A letter from the Attorney General, Department of Justice, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6268. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6269. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1997 through September 30, 1997, and the semiannual Management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6270. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6271. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6272. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6273. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the EEOC's "Annual Report on the Employment of Minorities, Women, and People with Disabilities in the Federal Government, FY 1996," pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Government Reform and Oversight.

6274. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6275. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6276. A letter from the Chairman, Federal Communications Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6277. A letter from the Chairman, Federal Election Commission, transmitting the Commission's revised strategic plan for fiscal years 1998–2003 and its 1999 performance plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

6278. A letter from the Chairman, Federal Election Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6279. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6280. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the reports in compliance with the Government in the Sunshine Act during the calendar years 1995 and 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6281. A letter from the Chair, Federal Labor Relations Authority, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6282. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6283. A letter from the Chairman, Federal Maritime Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6284. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6285. A letter from the Chairman, Federal Trade Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6286. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6287. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

6288. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

6289. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

6290. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

6291. A letter from the Acting Comptroller General, General Accounting Office, transmitting the report on results of the audit of the Custodial Financial Statements of the Internal Revenue Service for fiscal year 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

6292. A letter from the Administrator, General Services Administration, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6293. A letter from the Inspector General, General Services Administration, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6294. A letter from the Chairman, Legal Services Corporation, transmitting the Corporation's Strategic Plan for FY 1998–FY 2003, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

6295. A letter from the General Counsel and Corporate Secretary, Legal Services Corporation, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6296. A letter from the FOIA Administrator, Office of the General Counsel, Legal Services Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6297. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6298. A letter from the Director, Office of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule—Prices and Availability of Federal Register Publications; Acceptance of Digital Signatures—received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6299. A letter from the Director, Policy and Communications Staff, National Archives and Records Administration, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6300. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6301. A letter from the Deputy Financial Officer, National Credit Union Administration, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6302. A letter from the Senior Deputy Chairman, National Endowment for the Arts, transmitting the semiannual report of the Inspector General for the period April 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform and Oversight.

6303. A letter from the Chairman, National Endowment for the Humanities, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6304. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6305. A letter from the Chairman, National Mediation Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6306. A letter from the Chairman, President & Chief Executive Officer, National Railroad Passenger Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6307. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6308. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6309. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6310. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6311. A letter from the Office of Independent Counsel, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6312. A letter from the Office of Independent Counsel, transmitting the 1997 annual report in compliance with the Inspector

General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6313. A letter from the Office of Independent Counsel, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6314. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 1998," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform and Oversight.

6315. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6316. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Under the General Schedule; Locality Pay Areas for 1998 (RIN: 3206–AH65) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6317. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Reduction in Force and Performance Management (RIN: 3206–AH32) received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6318. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 1997, through September 30, 1997, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6319. A letter from the Director, Office of Personnel Management, transmitting notification of an approved proposal for a personnel management demonstration project for the Department of Commerce, pursuant to 5 U.S.C. 4703(b)(4)(B); to the Committee on Government Reform and Oversight.

6320. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Removal of Putnam, Richmond, and Rockland Counties, NY, and Monmouth County, NJ, from the New York, NY, Appropriated Fund Survey Area (RIN: 3206–AI06) received January 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6321. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Removal of Umatilla County, OR, from Spokane, WA, Nonappropriated Fund Wage Area (RIN: 3206–AI10) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6322. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Procedures for Settling Claims (RIN: 3206–AH89) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6323. A letter from the Director, Office of Personnel Management, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6324. A letter from the Director, Office of Personnel Management, transmitting notification of an approved proposal for a personnel management demonstration project for the Naval Surface Warfare Center and the Naval Undersea Warfare Center Science and Technology Reinvention Laboratories, pursuant to 5 U.S.C. 4703(b)(4)(B); to the Committee on Government Reform and Oversight.

6325. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowance (Nonforeign Areas); Miscellaneous Changes (RIN: 3206–AH51) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6326. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Student Educational Employment Program (RIN: 3206–AH82) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6327. A letter from the Chairman, Panama Canal Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6328. A letter from the Administrator, Panama Canal Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6329. A letter from the Director, Peace Corps, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6330. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6331. A letter from the Chairman, Postal Rate Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6332. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6333. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Strategic Plan for 1997–2002, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

6334. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6335. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6336. A letter from the Secretary of Agriculture, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6337. A letter from the Secretary of Agriculture, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6338. A letter from the Secretary of Education, transmitting the Seventeenth Semiannual Report to Congress on Audit Follow-Up, covering the period from April 1, 1997 to September 30, 1997, pursuant to Public Law 100–504, section 106(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

6339. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 1997, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

6340. A letter from the Secretary of Transportation, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6341. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6342. A letter from the Chairman, Securities and Exchange Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6343. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6344. A letter from the Executive Director, State Justice Institute, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6345. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6346. A letter from the Chairperson, U.S. Commodity Futures Trading Commission, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6347. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6348. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6349. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6350. A letter from the Administrator, U.S. Small Business Administration, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6351. A letter from the Clerk, United States Court of Appeals for the District of Columbia Circuit, transmitting two opinions of the Court; to the Committee on Government Reform and Oversight.

6352. A letter from the Public Printer, United States Government Printing Office, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6353. A letter from the Director, United States Information Agency, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, also the Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6354. A letter from the Director, United States Information Agency, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6355. A letter from the President, United States Institute of Peace, transmitting the 1995 and 1996 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6356. A letter from the Chairman, United States International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6357. A letter from the Chairman, United States Postal Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

6358. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

6359. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Reclamation Projects, Grant of Lands in Reclamation Townsites for School Purposes (RIN: 1004–AC91) received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6360. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule—Adjustments to 1998 Operating Criteria and Procedures for the Newlands Irrigation Project in Nevada (RIN: 1006–AA37) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6361. A letter from the Acting Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Safety Belt Use Within the NPS System (RIN: 1024–AC63) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6362. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Revised Test Protocol for Nontoxic Approval Procedures for Shot and Shot Coatings (RIN: 1018–AB80) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6363. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Multiple Use, Mining; Mining Claims Under the General Mining Laws [WO–340–1220–00–24 1A] (RIN: 1004–AD05) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6364. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Geological and Geophysical Explorations of the Outer Continental Shelf (RIN: 1010–AC10) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6365. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Surety Bonds for Outer Continental Shelf Leases (RIN: 1010–AB92) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A)(O); to the Committee on Resources.

6366. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Tidal Marsh Plants from the San Francisco Bay Area of California (RIN: 1018–AD14) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6367. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Callippe Silverspot Butterfly and the Behren's Silverspot Butterfly and Threatened Status for the Alameda Whipsnake (RIN: 1018–AC32) received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6368. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for Brother's Island Tuatara (RIN: 1018–AD06) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6369. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico (RIN: 1018–AD07) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6370. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Improved Retention/Improved Utilization [Docket No. 970806191–7279–02; I.D. 072297A] (RIN: 0648–AJ71) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6371. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Shark Fisheries; Quotas, Bag Limits, Prohibitions, and Requirements [Docket No. 961211348–7065–03; I.D. 0923968] (RIN: 0648–AH77) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6372. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 112597A] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6373. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allocations of Pacific Cod in the Bering Sea and Aleutian Islands Area [Docket No. 960815223–6315–02; I.D. 081296A] (RIN: 0648–AI70) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6374. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Electronic Reporting [Docket No. 950815208–6299–02; I.D. 080295B] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6375. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 112597C] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6376. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments and Closures from the U.S.-Canadian Border to the U.S.-Mexican Border [Docket No. 970429101–7101–01; I.D. 111097A] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6377. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Effort Controls [Docket No. 970626157–7176–01; I.D. 041697C] (RIN: 0648–AJ65) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6378. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 960816226–7115–02; I.D. 050797B] (RIN: 0648–AJ04) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6379. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 960416112–7026–05; I.D. 020597C] (RIN: 0648–AJ04) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6380. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 960816226–7172–05; I.D. 061897C] (RIN: 0648–AJ04) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6381. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Minimum Clam Size for 1998 [Docket No. 900124–0127; I.D. 112897E] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6382. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes [Docket No. 961227373–6373–01; I.D. 111297A] received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6383. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1998 Harvest Specifications [Docket No. 971208295–7295–01; I.D. 111897A] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6384. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1998 Harvest Specifications [Docket No. 971208296–7296–01; I.D. 111997A] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6385. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Scallop Fishery Off Alaska, Scallops in the Northeast District of Registration Area K [Docket No. 970613138–7138–01; I.D. 120297A] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6386. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Improved Retention/Improved Utilization [Docket No. 970611133–7263–02; I.D. 052997B] (RIN: 0648–AJ36) received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6387. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendment 10 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan [Docket No. 970908229–7277–02; I.D. 082797A] (RIN: 0648–AJ55) received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6388. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 1998 [Docket No. 961107312–7021–02; I.D. 112497E] received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6389. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Correction [Docket No. 961119321–7071–02; I.D. 110796G] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6390. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Sweep-up Adjustments [Docket No. 960918264–6350–02; I.D. 091296A] (RIN: 0648–AI61) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6391. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Final 1998 Fishing Quotas for Atlantic Surf Clams and Ocean Quahogs [Docket No. 980107005–8055–01; I.D. 102997E] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6392. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; 1998 Specifications [Docket No. 971107264–8001–02; I.D. 102297A] (RIN: 0648–AK47) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6393. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve [Docket No. 961107312–7021–02; I.D. 120897B] received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6394. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Standard Allowances for Ice and Slime; Correction [Docket No. 870520118–7251–02; I.D. 050197A] (RIN: 0648–AJ00) received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6395. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 121297A] received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6396. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries [Docket No. 971015246–7293–02; I.D. 100897D] (RIN: 0648–AK44) received December 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6397. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 961204340–7087–02; I.D. 010698A] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6398. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-STEVENS Act Provisions; Essential Fish Habitat [Docket No. 961030300–7238–04; I.D. 120996A] (RIN: 0648–AJ30) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6399. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery Off Alaska; Change in Season Dates [Docket No. 971110265–7306–02; I.D. 101797A] (RIN: 0648–AJ98) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6400. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Extension of the Interim Groundfish Observer Program through 1998 [Docket No. 970829216–7305–02; I.D. 073097B] (RIN: 0648–

AK15) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6401. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208296-7296-01; I.D. 121997A] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6402. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 121597C] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6403. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Prohibited Species Catch Limit for *Chionoecetes opilio* [Docket No. 970801188-7288-02; I.D. 070797C] (RIN: 0648-AJ45) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6404. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 971229312-7312-01; I.D. 121697C] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6405. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Minimum Size Limit [Docket No. 971205289-7313-02; I.D. 120497C] (RIN: 0648-AK28) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6406. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 961126334-7052-02; I.D. 122297A] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6407. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allocation of Atka MACKerel to Vessels Using Jig Gear [Docket No. 970829216-7305-02; I.D. 080597F] (RIN: 0648-AK14) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6408. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Virginia [Docket No. 961210346-7035-02; I.D. 122297F] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6409. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's "Major" final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 15; OMB Control Numbers; Removal of Expiration Date [Docket No. 971009242-7308-02; I.D. 091997B] (RIN: 0648-AJ14) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6410. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries: Summer Flounder Commercial Quota Transfer from New Jersey to Connecticut [I.D. 122997B] received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6411. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative [Docket No. 97-1114270-7270-01; I.D. 111397A] (RIN: 0648-ZA35) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6412. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Alabama Regulatory Program [SPATS No. AL-067-FOR] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6413. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Mississippi Regulatory Program [SPATS No. MS-012-FOR] received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6414. A letter from the Secretary of Commerce, transmitting the report on the contribution of bycatch to charitable organizations, pursuant to Public Law 104—297, section 208; to the Committee on Resources.

6415. A letter from the Attorney General, Department of Justice, transmitting the annual listing of all grants awarded pursuant to the DNA Identification Act of 1994, pursuant to 42 U.S.C. 3796kk—5; to the Committee on the Judiciary.

6416. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended December 31, 1996, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6417. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—HUD's Regulation on Self-Testing Regarding Residential Real Estate-Related Lending Transactions and Compliance with the Fair Housing Act [FR-4160] received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6418. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Implementation of the Comprehensive Methamphetamine Control Act of 1996; Possession of List I Chemicals, Definitions, RECORD Retention, and Temporary Exemption from Chemical Registration for Distributors of Combination Ephedrine Products [DEA No. 154F] (RIN: 1117-AA42) received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6419. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Correspondence: Pretrial Inmates [BOP-1054-F] (RIN: 1120-AA52) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6420. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Correspondence: Restricted Special Mail Procedures [BOP-1048-F] (RIN: 1120-AA48) received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6421. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adjustment of Status; Certain Nationals of the People's Republic of China [INS No. 1607-93] (RIN: 1115-AD33) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6422. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Administrative Deportation Procedures for Aliens Convicted of Aggravated Felonies Who Are Not Lawful Permanent Residents [INS No. 1827-96] (RIN: 1115-AE69) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6423. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Periods of Lawful Temporary Resident Status and Lawful Permanent Resident Status to Establish Seven Years of Lawful Domicile [INS No. 1748-96] (RIN: 1115-AE27) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6424. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Prima Facie Review of Form I-360 When Filed by Self-Petitioning Battered Spouse/Child [INS No. 1845-97] (RIN: 1115-AE77) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6425. A letter from the Director, Office for Victims of Crime, transmitting a report on the accomplishments of the Justice Department's Office for Victims of Crime during Fiscal Years 1995 and 1996, pursuant to section 1407(g) of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

6426. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Implementation of the Debt Collection Improvement Act of 1996 (RIN: 1029-AB90) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6427. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Civil Monetary Penalty Inflation Adjustment [96-102] (RIN: 1550-AB01) received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6428. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Anticounterfeiting Consumer Protection Act: Disposition of Merchandise Bearing Counterfeit American Trademarks; Civil Penalties [T.D. 97-90] (RIN: 1515-AC10) received November 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6429. A letter from the Clerk, United States Court of Federal Claims, transmitting the court's report for the year ended September 30, 1997, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

6430. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on the authorization of an environmental restoration project for the Lower Savannah River, Georgia and South Carolina, pursuant to Public Law 104—303, section 101(a)(11); (H. Doc. No. 105—173); to the Committee on Transportation and Infrastructure and ordered to be printed.

6431. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on the authorization of a deep draft navigation project for Charleston Harbor, South Carolina, pursuant to Public Law 104—303, section 101(a)(27); (H. Doc. No. 105—174); to the Committee on Transportation and Infrastructure and ordered to be printed.

6432. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule —Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities [Docket No. 92–2] (RIN: 3014–AA12) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6433. A letter from the Director, Bureau of Transportation Statistics, transmitting the Transportation Statistics Annual Report 1997, pursuant to Public Law 102—240, section 6006 (105 Stat. 2174); to the Committee on Transportation and Infrastructure.

6434. A letter from the Commandant, Coast Guard, transmitting the Addendum to the Report to Congress on the International Private-Sector Tug-of-Opportunity System for the waters of the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca, pursuant to Public Law 104—58, section 401(a); to the Committee on Transportation and Infrastructure.

6435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes (Federal Aviation Administration) [Docket No. 96–NM–189–AD; Amdt. 39–10220; AD 97–24–13] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–44 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–37–AD; Amdt. 39–10236; AD 97–25–12] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airway; CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–17] (RIN: 2120–AA66) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B16 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA6003NM (Federal Aviation Administration) [Docket No. 97–NM–286–AD; Amdt. 39–10235; AD 97–25–11] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6439. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model 250–C40B Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–31–AD; Amdt. 39–10233; AD 97–25–09] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6440. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–04; Amdt. 39–10234; AD 97–25–10] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6441. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters (Federal Aviation Administration) [Docket No. 97–SW–04–AD; Amdt. 39–10228; AD 97–25–05] (RIN: 2120–AA64) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6442. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Pasquotank River, Elizabeth City, North Carolina (Coast Guard) [CGD05–97–009] (RIN: 2115–AE47) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6443. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Los Angeles Harbor-San Pedro Bay, CA (Coast Guard) [COTP Los Angeles-Long Beach, CA; 97–007] (RIN: 2115–AA97) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6444. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29055; Amdt. No. 1834] (RIN: 2120–AA65) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6445. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29054; Amdt. No. 1833] (RIN: 2120–AA65) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6446. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29053; Amdt. No. 1832] (RIN: 2120–AA65) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6447. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Model F–27 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–35–AD; Amdt. 39–10204; AD 97–23–15] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6448. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Model FH–227 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–34–AD; Amdt. 39–10203; AD 97–23–14] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–89–AD; Amdt. 39–10196; AD 97–23–08] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–167–AD; Amdt. 39–10201; AD 97–23–13] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6451. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–165–AD; Amdt. 39–10200; AD 97–23–12] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6452. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–115–AD; Amdt. 39–10198; AD 97–23–10] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6453. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–219–AD; Amdt. 39–10199; AD 97–23–11] (RIN: 2120–AA64) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6454. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Jefferson City, MO (Federal Aviation Administration) [Docket No. 97–ACE–17] November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6455. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Eagle Grove, IA (Federal Aviation Administration) [Docket No. 97–ACE–19] (RIN: 2120–AA66) received November

17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6456. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Mandatory Participation in Qualified One-Call Systems by Pipeline Operators (Research and Special Programs Administration) [Docket No. PS-101A, Amdt. 192-82, 195-60] (RIN: 2137-AC57) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6457. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Regulations Implementing Memorandum of Understanding with the Department of the Interior (Research and Special Programs Administration) [Docket No. RSPA 97-2096; Amdt. Nos. 191-12; 192-81; 195-59] (RIN: 2137-AC99) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6458. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Guntersville, AL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-13] (RIN: 2120-AA66) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6459. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Marietta Dobbins ARB (NAS Atlanta), GA (Federal Aviation Administration) [Airspace Docket No. 97-ASO-14] (RIN: 2120-AA66) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6460. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-55-AD; Amdt. 39-10205; AD 97-23-16] (RIN: 2120-AA64) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6461. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems MD900 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-17-AD; Amdt. 39-10206; AD 97-12-02] (RIN: 2120-AA64) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6462. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines (Federal Aviation Administration) [Docket No. 97-ANE-40-AD; Amdt. 39-10162; AD 97-21-09] (RIN: 2120-AA64) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6463. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-284-AD; Amdt. 39-10208; AD 97-24-01] (RIN: 2120-AA64) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6464. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-1A11, -2A12, and -2B16 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-285-AD; Amdt. 39-10209; AD 97-24-02] (RIN: 2120-AA64) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6465. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Truck Size and Weight; Office of Management and Budget Control Number and Expiration Date (Federal Highway Administration) (RIN: 2125-AE20) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6466. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (Eurocopter) Model SE 3130, SE 313B, SA 3180, SA 318B, and SA 318C Helicopters (Federal Aviation Administration) [Docket No. 97-SW-22-AD; Amdt. 39-10211; AD 97-24-04] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6467. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-198-AD; Amdt. 39-10210; AD 97-24-03] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6468. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; New Mexico, NM (Federal Aviation Administration) [Airspace Docket No. 96-ASW-28] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6469. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace: McKinney, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-22] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6470. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited Jetstream Models 3101 and 3201 Airplanes (Federal Aviation Administration) [Docket No. 92-CE-46-AD; Amdt. 39-10214; AD 97-24-07] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6471. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 97-CE-34-AD; Amdt. 39-10212; AD 97-24-05] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6472. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart Grob, Luft-und Raumfahrt, GmbH. Model G102 Astir CS Sailplanes (Federal Aviation Administration) [Docket No. 95-CE-95-AD; Amdt. 39-10215; AD 97-24-08] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6473. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart Grob, Luft-und Raumfahrt, Model G 103 C Twin III SL Sailplanes (Federal Aviation Administration) [Docket No. 96-CE-37-AD; Amdt. 39-10216; AD 97-24-09] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6474. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhardt Grob Luft-und Raumfahrt, GmbH. Model G 103 Twin Astir Sailplanes (Federal Aviation Administration) [Docket No. 95-CE-96-AD; Amdt. 39-10217; AD 97-24-10] (RIN: 2120-AA64) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6475. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Primary Category Seaplanes (Federal Aviation Administration) [Docket No. 27641; Amdt. No. 21-75] (RIN: 2120-AG39) received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6476. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29065; Amdt. No. 1837] (RIN: 2120-AA65) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6477. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29064; Amdt. No. 1836] (RIN: 2120-AA65) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6478. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29063; Amdt. No. 1835] (RIN: 2120-AA65) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6479. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes (Federal Aviation Administration) [Docket No. 96-NM-189-AD; Amdt. 39-10220; AD 97-24-13] (RIN: 2120-AA64) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6480. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-29-AD;

Amdt. 39–10223; AD 97–24–16] (RIN: 2120–AA64) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6481. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–187–AD; Amdt. 39–10219; AD 97–24–12] (RIN: 2120–AA64) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6482. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–271–AD; Amdt. 39–10230; AD 97–25–06] (RIN: 2120–AA64) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6483. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fair Displays of Airline Services in Computer Reservations Systems [Docket OST–96–1639] (RIN: 2105–AC56) received December 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6484. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace, Marshall Army Airfield, Ft. Riley, KS (Federal Aviation Administration) [Docket No. 97–ACE–05] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6485. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; St. Louis, MO (Federal Aviation Administration) [Docket No. 97–ACE–22] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6486. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Crete, NE (Federal Aviation Administration) [Docket No. 97–ACE–23] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6487. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atchison, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–26] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6488. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lexington, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–27] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6489. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Belleville Municipal Airport; Belleville, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–7] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6490. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Encino, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–16] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Camden, AR (Federal Aviation Administration) [Airspace Docket No. 97–ASW–20] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Braunels Municipal, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–21] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–29] (RIN: 2120–AA66) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–185–AD; Amdt. 39–10218; AD 97–24–11] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 58, 60, 90, 100, 200, and 300 Series and Model 2000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–33–AD; Amdt. 39–10224; AD 97–25–01] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes (Federal Aviation Administration) [Docket No. 97–CE–22–AD; Amdt. 39–10225; AD 97–25–02] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6497. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 208, 208A, 208B, 425, and 441 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–19–AD; Amdt. 39–10227; AD 97–25–04] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, 300, 1900, and 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–CE–20–AD; Amdt. 39–10226; AD 97–25–03] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Don Luscombe Aviation History Foundation Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T–8F Airplanes; Correction (Federal Aviation Administration) [Docket No. 95–CE–99–AD; Amdt. 39–10229; AD 96–24–17 R1] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–198–AD; Amdt. 39–10210; AD 97–24–03] (RIN: 2120–AA64) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents (Federal Railroad Administration) [FRA Docket No. RAR–5, Notice No. 1] (RIN: 2130–AB21) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advance Notice of Arrival: Vessels bound for ports and places in the United States (Coast Guard) [CGD 97–067] (RIN: 2115–AF54) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Bellingham Bay; Bellingham, WA (Coast Guard) [CGD13–96–028] (RIN: 2115–AA97) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–295–AD; Amdt. 39–10250; AD 97–26–07] (RIN: 2120–AA64) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–282–AD; Amdt. 39–10239; AD 97–25–15] (RIN: 2120–AA64) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland Model EC135 P1 and T1 Helicopters (Federal Aviation Administration) [Docket No. 97–SW–46–AD; Amdt. 39–10240; AD 97–20–13] (RIN: 2120–

AA64) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes and Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-104-AD; Amdt. 39-10237; AD 97-25-13] (RIN: 2120-AA64) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC-8-100, -200, and -300 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-120-AD; Amdt. 39-10238; AD 97-25-14] (RIN: 2120-AA64) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vicinity of Grand Canyon National Park (Federal Aviation Administration) [Docket No. 28537; Amdt. Nos. 91-255, 93-75, 121-267, 135-71] (RIN: 2120-AG54) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revisions to Digital Flight Data RECORDer Rules; Correction (Federal Aviation Administration) [Docket No. 28109; Amdt. No. 121-266] (RIN: 2120-AF76) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Legal Description of Class E Airspace; Akron, OH (Federal Aviation Administration) [Airspace Docket No. 97-AGL-39] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Controlling Agency for Restricted Area R-5301, Albemarle Sound, NC; and Restricted Areas R-5302A, R-5302B, and R-5302C, Harvey Point, NC (Federal Aviation Administration) [Airspace Docket No. 97-ASO-24] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision to Chicago Midway Airport Class C Airspace Area; IL (Federal Aviation Administration) [Airspace Docket No. 97-AGL-40] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Coshocton, OH (Federal Aviation Administration) [Airspace Docket No. 97-AGL-36] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Legal Description of Class E Airspace; Dickinson, ND (Federal Aviation Administration) [Airspace Docket No. 97-AGL-38] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Legal Description of Class E Airspace; Hancock, MI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-41] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Legal Description of Jet Routes and Federal Airways in the Vicinity of Indianapolis, IN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-31] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modifications of the Legal Descriptions of Federal Airways in the Vicinity of Colorado Springs, CO (Federal Aviation Administration) [Airspace Docket No. 97-ANM-9] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Name Change for Restricted Area 4007A (R-4007A); Patuxent River, MD (Federal Aviation Administration) [Airspace Docket No. 97-AEA-38] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Jet Route J-46 (Federal Aviation Administration) [Airspace Docket No. 95-ASO-21] (RIN: 2120-AA66) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Computer Reservations System Regulations (Part 255) [Docket No. OST-97-3057] (RIN: 2105-AC67) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Cargo Tank Motor Vehicles in Liquified Compressed Gas Service; Response to Petitions for Reconsideration; Editorial Revisions; and Rules Clarification (Research and Special Programs Administration) [Docket No. RSPA-97-2133 (HM-225)] (RIN: 2137-AC97) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airway V-204; Yakima, WA (Federal Aviation Administration) [Airspace Docket No. 97-ANM-22] (RIN: 2120-AA66) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change of Using Agency for Restricted Areas R-4105A and R-4105B; No Man's Land Island, MA [Airspace Docket No. 97-ANE-101] (RIN: 2120-AA66) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Routes; TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-4] (RIN: 2120-AA66) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway; Dallas/Fort Worth, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-13] (RIN: 2120-AA66) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29074; Amdt. No. 1840] (RIN: 2120-AA65) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29073; Amdt. No. 1839] (RIN: 2120-AA65) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Reduced Vertical Separation Operations (Federal Aviation Administration) [Docket No. 28870; Amdt. No. 91-254] (RIN: 2120-AE51) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Legal Descriptions of Federal Airways; Porterville, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-2] (RIN: 2120-AA66) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6531. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29072; Amdt. No. 1838] (RIN: 2120-AA65) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6532. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-299-AD; Amdt. 39-10265; AD 97-26-22] (RIN: 2120-AA64) received January 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6533. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, 747–200, 747–300, 747SR, and 747SP Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–294–AD; Amdt. 39–10264; AD 97–26–21] (RIN: 2120–AA64) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6534. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–255–AD; Amdt. 39–10267; AD 98–01–03] (RIN: 2120–AA64) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–224–AD; Amdt. 39–10269; AD 98–01–05] (RIN: 2120–AA64) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6536. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aviat Aircraft Inc. Models S–2A, S–2B, and S–2S Airplanes (formerly Pitts Models S–2A, S–2B, and S–2S airplanes) (Federal Aviation Administration) [Docket No. 97–CE–17–AD; Amdt. 39–10263; AD 97–26–20] (RIN: 2120–AA64) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6537. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–201–AD; Amdt. 39–10036; AD 97–11–07] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6538. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–415 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–31–AD; Amdt. 39–10037; AD 97–11–08] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Staunton, VA [Airspace Docket No. 96–AEA–11] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes (Formerly Beech Aircraft Corporation) (Federal Aviation Administration) [Docket No. 96–CE–27–AD; Amdt. 39–10026; AD 97–10–14] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Puritan Bennett Aero Systems Company Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290–14, 174290–24, 174290–34, 174290–44, and 174290–54 (Federal Aviation Administration) [Docket No. 97–CE–31–AD; Amdt. 39–10039; AD 97–11–10] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–65–AD; Amdt. 39–10025; AD 97–10–13] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Perry, OK (Federal Aviation Administration) [Airspace Docket No. 96–ASW–22] (RIN: 2120–AA66) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Socorro, NM (Federal Aviation Administration) [Airspace Docket No. 96–ASW–23] (RIN: 2120–AA66) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–24] (RIN: 2120–AA66) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes, and Model 747–100, –200, –300, and –SP Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–36–AD; Amdt. 39–9799; AD 96–22–11] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada, Ltd. Model 206L–1 Helicopters (Federal Aviation Administration) [Docket No. 95–SW–35–AD; Amdt. 39–9806; AD 96–23–01] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace, Knob Noster, MO (Federal Aviation Administration) [Docket No. 96–ACE–13] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. GTCP85 Series Auxiliary Power Units (Federal Aviation Administration) [Docket No. 96–ANE–15; Amdt. 39–9927; AD 97–04–04] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Dexter, ME (Federal Aviation Administration) [Docket No. 96–ANE–23] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries, Inc. Model DA 20–A1 Airplanes, Serial Numbers 10002 through 10287 (Federal Aviation Administration) [Docket No. 97–CE–36–AD; Amdt. 39–10062; AD 97–13–02] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oxford, ME (Federal Aviation Administration) [Airspace Docket No. 96–ANE–22] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, Model MD–88 Airplanes, and Model MD–90 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–217–AD; Amdt. 39–9934; AD 97–04–10] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6554. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–32–AD; Amdt. 39–9952; AD 97–05–08] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6555. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–153–AD; Amdt. 39–9925; AD 97–04–01] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6556. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems 1A103/TCM Series Propellers (Federal Aviation Administration) [Docket No. 97–ANE–06; Amdt. 39–9973; AD 97–06–16] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6557. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vicinity of Grand Canyon National Park; Correction [Docket No. 28537; Amdt. No. 93–74, and SFAR No. 50–2] (RIN: 2120–AF93) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6558. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-249-AD; Amdt. 39-9842; AD 96-25-01] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6559. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Model 1900 Series Airplanes (Federal Aviation Administration) [Docket No. 97-CE-47-AD; Amdt. 39-10074; AD 97-14-16] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6560. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-35-AD; Amdt. 39-9951; AD 97-05-07] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PT6 Series Turboprop Engines (Federal Aviation Administration) [Docket No. 97-ANE-01; Amdt. 39-9936; AD 97-04-12] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Avionics, Inc. Models GNS-XLS or GNS-XL Flight Management Systems (Federal Aviation Administration) [Docket No. 97-CE-07-AD; Amdt. 39-9947; AD 97-05-03] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 28785; Amdt. 1779] (RIN: 2120-AA65) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hudson, NY [Airspace Docket No. 96-AEA-12] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glasflugel Models H301 "Libelle," H301B "Libelle," Standard "Libelle," Standard Libelle 201B, Club Libelle 205, and Kestrel Sailplanes (Federal Aviation Administration) [Docket No. 96-CE-38-AD; Amdt. 39-9908; AD 97-03-02] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 and A310 Series Airplanes Equipped with Pre-Modification 5844D4829 Rudders (Federal Aviation Administration) [Docket No. 96-NM-65-AD; Amdt. 39-9931; AD 97-04-07] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. AT-300, AT-400, and AT-500 Series Airplanes (Federal Aviation Administration) [Docket No. 96-CE-55-AD; Amdt. 39-9823; AD 96-23-19] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-73-AD; Amdt. 39-10002; AD 97-09-06] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-262-AD; Amdt. 39-9825; AD 96-23-16] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Jacksonville, Craig Municipal Airport, FL (Federal Aviation Administration) [Airspace Docket No. 96-ASO-21] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6571. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 96-NM-118-AD; Amdt. 39-9930; AD 97-04-06] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6572. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-30-AD; Amdt. 39-9939; AD 97-04-14] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6573. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G-159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97-NM-19-AD; Amdt. 39-10069; AD 97-14-13] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6574. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ardmore, OK (Federal Aviation Administration) [Airspace Docket No. 96-ASW-07] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6575. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes (Federal Aviation Administration) [Docket No. 95-CE-44-AD; Amdt. 39-10017; AD 97-10-05] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6576. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-5C Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95-ANE-64; Amdt. 39-9998; AD 97-09-02] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6577. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Klawock, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-31] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6578. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Manilla, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-11] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6579. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369D, E, F, FF, 500N, AH-6, and MH-6 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-02-AD; Amdt. 39-10081; AD 97-15-08] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6580. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 Series Airplanes [Docket No. 96-NM-32-AD; Amdt. 39-9932; AD 97-04-08] (RIN: 2120-AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6581. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Iraq (Federal Aviation Administration) [Docket No. 28691; SFAR No. 77] (RIN: 2120-AG25) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6582. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Nuiqsut, AK [Airspace Docket No. 96-AAL-10] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace, Marshall Army Airfield, Ft. Riley, KS (Federal Aviation Administration) [Docket No. 97-ACE-5] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6584. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HOAC Austria Model DV–20 Katana Airplanes [Docket No. 95–CE–62–AD; Amdt. 39–9832; AD 96–24–07] (RIN: 2120–AA64) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Route J–522 [Airspace Docket No. 95–AGL–16] (RIN: 2120–AA66) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sturgeon Bay, WI (Coast Guard) [CGD09–94–029] (RIN: 2115–AE47) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulations: Mississippi River, Iowa and Illinois (Coast Guard) [CGD08–96–062] (RIN: 2115–AE47) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Procedures for State Highway Safety Programs (Federal Highway Administration) [NHTSA Docket No. 93–55, Notice 5] (RIN: 2127–AG69) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. 95–28; Notice 10] (RIN: 2127–AF73) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Miscellaneous Hazardous Materials Regulations; Regulatory Review; Responses to Petitions for Reconsideration [Docket HM–222B; Amdt. No. 172–149] (RIN: 2137–AC76) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations Alcohol Misuse Prevention Program (Research and Special Programs Administration) [Docket PS–150, Notice No. 6] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Radiation Protection Program Requirement (Research and Special Programs Administration) [Docket No. RSPA–97–2850 (HM–169B)] (RIN: 2137–AD14) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Radiation Protection Program Requirement (Research and Special Programs Administration) [Docket No. RSPA–97–2850 (HM–169B)] (RIN: 2137–AD14) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alcohol/Drug Regulations: Technical Amendments; Qualifications for Locomotive Engineers: Correction (Federal Railroad Administration) [Docket No. RSOR–6, Notice No. 45; Docket No. RSOR–9, Notice No. 9] (RIN: 2130–AA63) received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–300 and ATR42–320 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–283–AD; Amdt. 39–10262; AD 97–26–19] (RIN: 2120–AA64) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Hickory, NC (Federal Aviation Administration) [Airspace Docket No. 97–ASO–22] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Covington, KY (Federal Aviation Administration) [Airspace Docket No. 97–ASO–20] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation and Modification of Restricted Areas; FL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–8] (RIN: 2120–AA66) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation for Restricted Areas; GA (Federal Aviation Administration) [Airspace Docket No. 96–ASO–5] (RIN: 2120–AA66) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules (Federal Aviation Administration) [Docket No. 25910; Amdt. Nos. 91–255, 121–267, and 142–2] (RIN: 2120–AE71) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Grand Rapids, MI (Federal Aviation Administration) [Airspace Docket No. 97–AGL–44] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Birmingham, AL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–15] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—International Management Code for the Safe Operation of Ships and for Pollution Prevention (Coast Guard) [CGD 95–073] (RIN: 2115–AF44) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regattas and Marine Parades (Coast Guard) [CGD 95–054] (RIN: 2115–AF17) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–147–AD; Amdt. 39–10244; AD 97–26–01] (RIN: 2120–AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6606. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, and –320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–140–AD; Amdt. 39–10254; AD 97–26–11] (RIN: 2120–AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6607. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 1000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–140–AD; Amdt. 39–10253; AD 97–26–10] (RIN: 2120–AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–259–AD; Amdt. 39–10247; AD 97–26–04] (RIN: 2120–AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109K2 Helicopters (Federal Aviation Administration) [Docket No. 97–SW–54–AD; Amdt. 39–10252; AD 97–26–09] (RIN: 2120–AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–222–

AD; Amdt. 39-10248; AD 97-26-05] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31T, PA-31T1, PA-31T2, PA-31T3, PA-42, PA-42720, and PA-42-1000 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-41-AD; Amdt. 39-10255; AD 97-26-12] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Models EMB-110P1 and EMB-110P2 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-39-AD; Amdt. 39-10256; AD 97-26-13] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MAULE Models MX-7-420 and MXT-7-420 Airplanes and Models M-7-235 and M-7-235A Airplanes Modified in Accordance With Maule Supplemental Type Certificate SA2661SO (Federal Aviation Administration) [Docket No. 97-CE-40-AD; Amdt. 39-10257; AD 97-26-14] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes (Federal Aviation Administration) [Docket No. 97-CE-13-AD; Amdt. 39-10258; AD 97-26-15] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 402C and 414A Airplanes (Federal Aviation Administration) [Docket No. 90-CE-28-AD; Amdt. 39-10259; AD 97-26-16] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors IO-360, TSIO-360, LTSIO-360, IO-520, LIO-520, TSIO-520, LTSIO-520 Series, and Rolls-Royce plc IO-360 and TSIO-360 Series Reciprocating Engines (Federal Aviation Administration) [Docket No. 93-ANE-08; Amdt. 39-10260; AD 97-26-17] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Models M20F, M20J, and M20L Airplanes (Federal Aviation Administration) [Docket No. 96-CE-51-AD; Amdt. 39-10251; AD 97-26-08] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6618. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-360C Helicopters (Federal Aviation Administration) [Docket No. 97-SW-50-AD; Amdt. 39-10261; AD 97-26-18] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6619. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 97-NM-146-AD; Amdt. 39-10241; AD 97-25-16] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6620. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-161-AD; Amdt. 39-10243; AD 97-25-18] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-183-AD; Amdt. 39-10242; AD 97-25-17] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model BO-105A, BO-105C, BO-105S, BO-105LS A-1, and BO-105LS A-3 Helicopters and Eurocopters Canada Ltd. Model BO-105LS A-3 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-44-AD; Amdt. 39-10245; AD 97-26-02] (RIN: 2120-AA64) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Birmingham, AL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-15] (RIN: 2120-AA66) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Controlling Agency for Restricted Areas R-6412A and R-6412B; Camp Williams, UT (Federal Aviation Administration) [Airspace Docket No. 97-ANM-10] (RIN: 2120-AA66) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM (Federal Aviation Administration) [Airspace Docket No. 97-ASW-25] (RIN: 2120-AA66) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mason, MI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-27] (RIN: 2120-AA66) received December 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6627. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Marine Sanitation Device Standard—Establishment of Drinking Water Intake No Discharge Zone(s) Under Section 312(f)(4)(B) of the Clean Water Act [FRL-5942-4] (RIN: 2040-AC61) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6628. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program, Annual Report to Congress FY 1996," pursuant to 42 U.S.C. 9604; to the Committee on Science.

6629. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Approval of Correspondence Programs or Courses (RIN: 2900-AH91) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6630. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Electronic Payment of Funding Fee (RIN: 2900-AH73) received November 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6631. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Guidelines for Furnishing Sensori-neural Aids (RIN: 2900-AI60) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6632. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; The Cardiovascular System (RIN: 2900-AE40) received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6633. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans (RIN: 2900-AI92) received November 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6634. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Active Military Service Certified Under Section 401 of Public Law 95-202 (RIN: 2900-AI91) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6635. A letter from the Secretary of Labor, transmitting the combined third and fourth quarter reports on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

6636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 97-53] received December 10, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

6637. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Adoption Assistance [Notice 97–70] received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6638. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—IRS Adoption Taxpayer Identification Numbers [TD 8739] (RIN: 1545–AV09) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination if Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–49] received November 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6640. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 [Rev. Rul. 97–56] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6641. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Simplified Exclusion Ratio [Notice 98–2] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6642. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Loans with Below-Market Interest Rates [Rev. Rul. 97–57] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6643. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 97–57] received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6644. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Business Credit [Rev. Rul. 97–51] received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6645. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Distribution Requirements [Notice 97–75] received December 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6646. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guides—received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Income Tax Return Preparer Penalties—1997 Federal Income Tax Returns Due Dilligence Requirements for Earned Income Credit [Notice 97–65] received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6648. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Rev. Proc. 97–60] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6649. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Methods of Signing [TD 8689] (RIN: 1545–AT23) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6650. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Presidentially Declared Disasters in North Dakota and Minnesota [Notice 97–62] received November 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6651. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance on Making Payments for Charitable Remainder Trusts [Notice 97–68] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6652. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Grace Period Interest [Notice 97–67] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6653. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers and Request for Comments on Future Guidance [Notice 97–43] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6654. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Foreign Base Company Income [Rev. Rul. 97–48] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6655. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contracts with reserves based on segregated asset accounts [Rev. Rul. 97–46] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6656. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Permitted disparity with respect to employer-provided contributions or benefits [Rev. Rul. 97–45] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6657. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 97–61] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6658. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98–4] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6659. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Partnership Magnetic Media Filing Requirements [Notice 97–77] received December 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6660. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–69] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6661. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of DISC Income to Shareholders [Rev. Rul. 97–49] received December 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6662. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest on underpayments [Rev. Proc. 98–15] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6663. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and regulations [Rev. Proc. 98–14] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6664. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–11] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6665. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–12] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6666. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated returns—limitations on the use of certain losses and credits; overall foreign loss accounts [TD 8751] (RIN: 1545–AV30) received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6667. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Petroleum Industry Coordinated Issue: Replacement of Underground Storage Tanks at Retail Gasoline Stations—received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6668. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Imposition and rates of tax; bows and arrows [Rev. Rul. 98–5] received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6669. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Rev. Rul. 98–3] received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6670. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election Not to Apply Look-Back Method in De Minimis Cases [TD 8756] (RIN: 1545–AV78) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6671. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Interim Rules for Mental Health Parity [T.D. 8741] (RIN: 1545–AV53) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6672. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–4] received

January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6673. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Cash or Deferred Arrangements; Nondiscrimination [Notice 98–1] received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6674. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Interest on Education Loans [Notice 98–7] received December 33, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6675. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Limitations on Benefits and Contributions under Qualified Plans [Rev. Rul. 98–1] received December 33, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—SIMPLE IRA Plan Guidance [Notice 98–4] received December 33, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Foreign Tax Credit Abuse [Notice 98–5] received December 33, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–8] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6679. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–5] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6680. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–7] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6681. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements Respecting the Adoption or Change of Accounting Method; Extensions of Time to Make Elections [TD 8742] (RIN: 1545–AU42 and 1545–AV20) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6682. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gasoline and Diesel Fuel Excise Tax; Special Rules for Alaska; Definitions [TD 8748] (RIN: 1545–AU53) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6683. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Funding Method for Defined Benefit Pension Plan [Rev. Proc. 98–10] received December 33, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6684. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclaimer of Interest and Powers [TD 8744] (RIN: 1545–AR52) received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6685. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–74] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6686. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Publicly Traded Partnerships [Notice 98–3] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6687. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 98–13] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6688. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*Pacific Enterprises and Subsidiaries v. Commissioner* [T.C. Dkt. No. 5295–91] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6689. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*William R. Jackson v. Commissioner* [T.C. Dkt. No. 23558–94] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6690. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–1] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6691. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Funeral Trusts [Notice 98–6] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6692. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*Transwestern Pipeline Co. v. United States*—received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6693. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deposits of Excise Taxes [TD 8740] (RIN: 1545–AV03) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6694. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 98–2] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6695. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Small Business Stock (RIN: 1545–AU34) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6696. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of HIPAA Group Market Rules to Individuals Who Were Denied Coverage Due to a Health Status-Related Factor [26 CFR Part 54] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6697. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of HIPAA Group Market Portability Rules to Health Flexible Spending Arrangements [26 CFR Part 54] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rules for Making and Maintaining Qualified Electing Fund Elections [TD 8750] (RIN: 1545–AV40) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 97–55] received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sale of Residence from Qualified Personal Residence Trust [TD 8743] (RIN: 1545-AU12) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6701. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—IRS Reassures Nursery Growers about Farming Exception [Announcement 97-120] received November 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6702. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interim Guidance on Roth IRAs [Announcement 97–122] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6703. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 97–52] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6704. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Substantial Modification of Rental Agreements [Notice 97–72] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6705. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Higher Education Tuition and Related Expenses [Notice 97–73] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6706. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–6] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6707. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reorganizations/Treatment of Warrants as Securities [TD 8752] (RIN: 1545-AU67) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6708. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reorganizations; Nonqualified Preferred Stock [TD 8753] (RIN: 1545–AV85) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6709. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Debt Instruments with Original Issue Discount; Annuity Contracts [TD 8754] (RIN: 1545–AS76) received January 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6710. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of structure [TD 8745] (RIN: 1545–AR63) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6711. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–3] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6712. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–10] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6713. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Cost-sharing Payments [Rev. Rul. 97–55] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6714. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Amortizable Bond Premium [TD 8746] (RIN: 1545–AU09) received December 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6715. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Empowerment Zone Employment Credit [TD 8747] (RIN: 1545–AU30) received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6716. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy Bonds [TD 8755] (RIN: 1545–AV74) received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6717. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and regulations [Rev. Proc. 98–9] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6718. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Definition of United States Resident; Religious Record of Birth or Baptism as Evidence of Citizenship; Plan to Help Blind and Disabled Individuals Achieve Self-Support [Regulations No. 16] (RIN: 0960–AE05) received November 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6719. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Technical Change Regarding Duty Free Entry of Metal Articles [T.D. 98–4] received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6720. A letter from the Acting Associate Chief, Forest Service, transmitting annual report covering major accomplishments of the Forest Service for fiscal year 1996, pursuant to 16 U.S.C. 1674(c); jointly to the Committees on Agriculture and Resources.

6721. A letter from the Administrator, U.S. Agency for International Development, transmitting the Agency's annual report on activities under the Denton Program for the period July 1, 1996 through June 30, 1997; jointly to the Committees on National Security and International Relations.

6722. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled "Equal Educational Opportunity and Nondiscrimination for Students with Disabilities: Federal Enforcement of Section 504," pursuant to 42 U.S.C. 1975; jointly to the Committees on Education and the Workforce and the Judiciary.

6723. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's request for supplemental appropriations, pursuant to 49 U.S.C. app. 1903(b)(7); jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on November 13, 1997 the following report was filed on December 19, 1997]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 217. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; with an amendment (Rept. 105–407). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NETHERCUTT:

H.R. 3089. A bill to amend title 38, United States Code, to provide for the submission to Congress and the public of the identity of any individual for whom a waiver of the eligibility requirements for interment in Arlington National Cemetery is granted, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL (for himself, Mrs. CHENOWETH, and Mr. ROHRABACHER):

H.R. 3090. A bill to require the withdrawal of the United States from the International Monetary Fund; to the Committee on Banking and Financial Services.

By Mr. ANDREWS:

H.R. 3091. A bill to amend the Congressional Budget Act of 1974 to require a two-thirds vote on the passage of legislation that repeals, increases, or waives the discretionary spending limit or repeals or waives the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the current year budget was not in surplus or the budget for the fiscal year immediately preceding such year was not in surplus; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.R. 3092. A bill to repeal authority for administration of an au pair program by the United States Information Agency; to the Committee on International Relations.

By Mr. BARR of Georgia:

H.R. 3093. A bill to amend the Controlled Substances Act to add the drug flunitrazepam to schedule I of the schedules of control substances; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. ENSIGN):

H.R. 3094. A bill to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities; to the Committee on Resources.

By Mr. ARCHER (for himself and Mr. KASICH):

H.R. 3095. A bill to establish the Bipartisan Panel to Design Long-Range Social Security Reform; to the Committee on Ways and Means.

By Mr. GREENWOOD:

H.R. 3096. A bill to correct a provision relating to termination of benefits for convicted persons; to the Committee on Education and the Workforce.

By Mr. LARGENT (for himself, Mr. PAXON, Mr. KASICH, Mr. CONDIT, Mr. HALL of Texas, Mr. ADERHOLT, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. BURR of North Carolina, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CHABOT, Mrs. CHENOWETH, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FRANKS of New Jersey, Ms. GRANGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. LINDER, Mr. MANZULLO, Mr. MCCRERY, Mr. MCINTOSH, Mr. METCALF, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PAUL, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. REDMOND, Mr. RIGGS, Mr. RILEY, Mr. SANFORD, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. THORNBERRY, Mr. TIAHRT, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. PITTS, Mr. MCKEON, and Mr. BONILLA):

H.R. 3097. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 3098. A bill to amend the Internal Revenue Code of 1986 to terminate public financing of Presidential election campaigns; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. English of Pennsylvania, Mr. Ford, Mr. Paul, Mr. Nadler, Mr. Hinchey, Mr. Frost, Mrs. Myrick, and Mr. Baldacci):

H.R. 3099. A bill to amend title 31, United States Code, to require that recipients of Federal payments have the option to receive such payments by electronic funds transfer or by check; to the Committee on Government Reform and Oversight.

By Mr. BONIOR (for himself, Mr. Gephardt, Mr. Lewis of Georgia, Ms. DeLauro, Mrs. Kennelly of Connecticut, Mr. Clay, Mr. Ackerman, Mr. Berman, Mr. Blagojevich, Mr. Brown of California, Mr. Brown of Ohio, Mr. Conyers, Mr. Coyne, Mr. Cummings, Mr. Davis of Illinois, Mr. Delahunt, Mr. Dellums, Mr. Evans, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Green, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hefner, Mr. Hilliard, Mr. Hinchey, Ms. Jackson-Lee, Mr. Kennedy of Massachusetts, Mr. Kildee, Ms. Kilpatrick, Mr. Klink, Mr. Kucinich, Mr. LaFalce, Mr. Lantos, Ms. Lofgren, Mrs. Lowey, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Matsui, Mr. McDermott, Mr. McGovern, Mrs. Meek of Florida, Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Nadler, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Rahall, Ms. Roybal-Allard, Mr. Rush, Mr. Sanders, Mr. Sawyer, Mr. Stark, Mr. Torres, Mr. Towns, Ms. Velázquez, Ms. Waters, Mr. Engel, Ms. Furse, Mr. Jackson, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Ms. McKinney, Ms. Millender-McDonald, Mr. Moakley, Mr. Neal of Massachusetts, Mr. Sabo, Mr. Schumer, Ms. Slaughter, Mr. Stokes, Mr. Thompson, Mr. Tierney, Mr. Vento, Mr. Waxman, and Mr. Wynn):

H.R. 3100. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. NEAL of Massachusetts:

H.R. 3101. A bill to amend the Internal Revenue Code of 1986 to require faster vesting of employer contributions to defined benefit plans, to require employer plans to permit rollovers to individual retirement accounts on an employee's separation from service, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3102. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment for the maximum amount which may be contributed to an individual retirement plan; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Ms. Granger, Mr. Sununu, Mr. Hulshof, Mr. Blunt, Mr. Cook, Mr. Pickering, Mr. Bob Schaffer, Mr. Snowbarger, Mr. Brady, Mr. Cooksey, Mr. Rogan, Mr. Peterson of Pennsylvania, Mr. Watkins, Mr. Cannon, Mr. Pease, Mr. Redmond, Mr. Aderholt, Mrs. Emerson, Mr. Shimkus, Mr. Hutchinson, and Mr. Ryun):

H.R. 3103. A bill to amend the Internal Revenue Code of 1986 to increase the standard deduction for married individuals, to exclude certain amounts of interest and dividends from gross income, to increase the deduction for the health insurance costs of self-employed individuals, and to allow private colleges to establish prepaid tuition plans; to the Committee on Ways and Means.

By Mr. RILEY (for himself, Mr. Salmon, Mr. Bachus, Mr. McIntosh, Mr. Cannon, Mr. Istook, Mr. Paul, Mr. King of New York, Mr. Callahan, Mr. Aderholt, and Mr. DeLay):

H.R. 3104. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 3105. A bill to provide that the President may not waive the prohibitions on providing to the Socialist Republic of Vietnam financing and other forms of assistance by the Overseas Private Investment Corporation or the Export-Import Bank; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. Stearns, Mr. DeFazio, Mr. Rohrabacher, and Mr. Paul):

H.R. 3106. A bill to restrict the use of the exchange stabilization fund; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 3107. A bill to amend title 10, United States Code, to provide for termination of a military retiree's required contributions to the military Survivor Benefit Plan after the retiree has made contributions for 30 years and has attained age 70; to the Committee on National Security.

By Mr. SAXTON (for himself and Mr. Smith of New Jersey):

H.R. 3108. A bill to amend title XVIII of the Social Security Act to correct inequities in payments to home health agencies for home health services under the interim payment system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 3109. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. TALENT (for himself, Mr. LaTourette, and Mr. Paul):

H.R. 3110. A bill to amend the Internal Revenue Code of 1986 to allow small employers a credit against income tax for certain expenses for long-term training of employees in highly skilled metalworking trades; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 3111. A bill to assure that the services of a non-emergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3112. A bill to authorize funds for the use by the United States Customs Service of high energy container x-ray systems and automated targeting systems for inspection of cargo at major checkpoints along the borders of the United States that are contiguous with other countries; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3113. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Resources.

By Mr. LEACH (for himself, Mr. LaFalce, Mrs. Roukema, Mr. Vento, Mr. Hinchey, and Mr. Jackson):

H.R. 3114. A bill to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 3115. A bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ARMEY:

H. Con. Res. 201. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. GOODLING (for himself, Mrs. Johnson of Connecticut, Mr. Greenwood, Mr. Cook, Mr. Blunt, Mr. Wolf, Mr. Hefley, Mr. Gallegly, Mr. Pitts, Mr. Snowbarger, Mr. Shuster, Mr. Largent, and Mr. Bunning of Kentucky):

H. Con. Res. 202. Concurrent resolution expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children; to the Committee on Education and the Workforce.

By Mr. MASCARA (for himself, Mr. Evans, Mr. Murtha, and Mr. Kildee):

H. Con. Res. 203. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States; to the Committee on Government Reform and Oversight.

By Mr. RYUN:

H. Con. Res. 204. Concurrent resolution honoring the members of the United States Armed Forces who served, and the families of members of the United States Armed Forces who lost their lives or were injured, during the Tet Offensive of the Vietnam War; to the Committee on National Security.

By Mr. DREIER:

H. Res. 335. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 336. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. ARMEY:

H. Res. 337. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. LEWIS of California:

H. Res. 338. A resolution expressing the condolences of the House on the death of the Honorable Sonny Bono, a Representative from the State of California; considered and agreed to.

By Mr. BARR of Georgia:

H. Res. 339. A resolution expressing the sense of the House that sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act"), relating to the appointment of certain officers to fill vacant positions in Executive agencies, apply to all Executive agencies, including the Department of Justice; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H. Res. 340. A resolution expressing the sense of the House of Representatives that any budgetary surplus achieved by the end of fiscal year 2002 be saved for investment in the Social Security Program; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 75 memorializing the Congress of the United States to redirect some military spending, not to include reductions in veterans programs or benefits or to compromise our national security, to the states to enable them to meet domestic needs; to the Committee on National Security.

233. Also, a memorial of the House of Representatives of the State of Florida, relative to a resolution urging the United States Department of the Navy to take actions necessary to enable the continued operation of the Navy Exchange located at the site of the former Orlando Naval Training Center; to the Committee on National Security.

234. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 21 memorializing the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; to the Committee on National Security.

235. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 94 memorializing Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the "Made in USA" label; to the Committee on Commerce.

236. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 89 memorializing the Congress of the United States and the EPA to halt the imposition of the National Ambient Air Quality Standards for ground-level ozone and particulate and reconsider its decision to impose even more stringent standards upon this Commonwealth until the required studies and impact analyses are completed; to the Committee on Commerce.

237. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution 55 requesting the Congress of the United States to continue its efforts to determine the location and status of all United States military personnel still missing in Southeast Asia; to the Committee on International Relations.

238. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 18 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to protect the integrity of and prohibit the physical desecration of the American flag; to the Committee on the Judiciary.

239. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 304 memorializing the President and Congress of the United States to direct both the FTC and the Department of Justice to examine the proposed actions of Westinghouse Electric Corporation to determine whether the sales would stifle competition, significantly raise consumer and supplier prices or detrimentally impact suppliers of the nuclear and non-nuclear power generation market; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Gutierrez and Mr. Manton.

H.R. 44: Mr. Evans, Mr. Hinojosa, Mrs. Emerson, and Mr. Saxton.

H.R. 45: Mr. Turner, Mr. Lipinski, and Mr. Reyes.

H.R. 59: Mr. Rogan, Mr. Ensign, Ms. Granger, Mr. Redmond, Mr. Ganske, Mr. Goss, Mr. Watts of Oklahoma, Mr. Hastings of Washington, Mr. Bilbray, Mr. Camp, Mr. Cox of California, Mrs. Emerson, and Mr. Riley.

H.R. 65: Mr. John.

H.R. 80: Mr. Quinn.

H.R. 96: Ms. Hooley of Oregon.

H.R. 107: Mr. Hall of Texas, Mr. Jackson, Mr. Olver, and Mr. Ney.

H.R. 130: Mr. Klink.

H.R. 131: Mr. Hall of Texas.

H.R. 132: Mr. Archer, Mr. Shays, Mr. Watts of Oklahoma, Mr. Hall of Texas, and Ms. Rivers.

H.R. 133: Mr. Klug.

H.R. 165: Mr. Bonilla and Mr. Rahall.

H.R. 192: Mr. Luther.

H.R. 219: Mr. Metcalf and Mrs. Emerson.

H.R. 298: Ms. Lofgren.

H.R. 303: Mr. Christensen, Mr. Goode, Mr. Forbes, Mrs. Linda Smith of Washington, Mr. Cook, and Mr. John.

H.R. 306: Mr. Poshard, Mr. Weygand, Mrs. Kennelly of Connecticut, and Mr. Sisisky.

H.R. 332: Mr. Sherman.

H.R. 337: Mr. Olver.

H.R. 339: Mr. Green.

H.R. 399: Mr. Paxon.

H.R. 402: Mr. Paul.

H.R. 419: Ms. Rivers.

H.R. 444: Mr. Tierney.

H.R. 498: Ms. Rivers.

H.R. 612: Mr. Costello and Mr. Engel.

H.R. 614: Mr. Paxon, Mr. Bachus, and Mr. Taylor of Mississippi.

H.R. 633: Mr. Hinchey.

H.R. 634: Mr. McCrery.

H.R. 635: Mr. Ackerman.

H.R. 676: Mr. Walsh, Mr. Hall of Ohio, and Mr. Abercrombie.

H.R. 744: Mr. Kucinich.

H.R. 758: Mr. Cook and Ms. Dunn of Washington.

H.R. 766: Mr. Yates and Mr. Engel.

H.R. 778: Mr. Hinchey.

H.R. 779: Mr. Hinchey.

H.R. 780: Mr. Hinchey.

H.R. 859: Mr. Stearns, Mr. Rohrabacher, Mr. Gillmor, Mr. Young of Alaska, Mr. Moran of Kansas, Mr. Wicker, and Mr. John.

H.R. 871: Mr. McGovern.

H.R. 872: Mr. Davis of Florida, Mr. Franks of New Jersey, Mr. Matsui, and Mr. Snyder.

H.R. 934: Mr. Taylor of Mississippi.

H.R. 950: Mr. Cummings, Mr. Frank of Massachusetts, Mr. Olver, and Ms. Kilpatrick.

H.R. 964: Mr. Poshard.

H.R. 979: Mr. Klink, Mr. Bunning of Kentucky, Mr. Dingell, Mr. Watt of North Carolina, Mrs. Myrick, Ms. Pryce of Ohio, Mr. Cook, Mr. Schiff, Mr. Waxman, Mrs. Fowler, Mrs. Meek of Florida, and Mr. Pomeroy.

H.R. 980: Mr. Hutchinson.

H.R. 1038: Ms. Kilpatrick and Mr. Moran of Virginia.

H.R. 1059: Mr. Hastings of Washington and Mr. Bilbray.

H.R. 1111: Mr. LaHood, Mr. Brown of Ohio, Mr. Matsui, Mrs. Maloney of New York, Mr. Romero-Barcelo, Mr. Deutsch, Mr. Dixon, Mr. Diaz-Balart, Mr. Graham, Mr. McGovern, Mr. Berry, Mrs. Lowey, Ms. Rivers, Mr. Cummings, Mr. Filner, Mr. Wise, Mr. Cook, Mrs. Clayton, Ms. Woolsey, Mr. Ford, and Mr. Pascrell.

H.R. 1126: Mr. Ensign, Mrs. Emerson, Ms. DeLauro, Mr. McDade, Mr. Hayworth, and Mr. Maloney of Connecticut.

H.R. 1130: Mr. Obey, Mr. Hastings of Florida, and Mr. Wexler.

H.R. 1134: Mr. Gejdenson.

H.R. 1146: Mr. Burton of Indiana and Mr. Combest.

H.R. 1147: Mr. Sessions.

H.R. 1165: Mr. Bishop, Mrs. Maloney of New York, and Mr. Rush.

H.R. 1205: Mr. Houghton.

H.R. 1215: Mr. LaFalce, Mr. Hinchey, and Mr. DeFazio.

H.R. 1231: Mr. Pease, Mr. Waxman, Mr. Allen, Ms. Woolsey, and Mrs. Thurman.

H.R. 1242: Mr. Baker.

H.R. 1261: Mr. Latham.

H.R.1266: Mr. Paul.

H.R. 1301: Mr. Borksi.

H.R. 1302: Mr. Gutierrez.

H.R. 1334: Ms. Lofgren, Mr. Schumer, Mr. Kennedy of Rhode Island, and Mr. Engel.

H.R. 1415: Mr. Peterson of Minnesota, Mr. Clay, Mr. Skelton, Ms. Carson, Ms. Pelosi, Ms. Norton, Mr. Sherman, and Ms. Jackson-Lee.

H.R. 1425: Mr. Frank of Massachusetts and Mr. Kildee.

H.R. 1453: Mr. Hinchey.

H.R. 1500: Mrs. Kelly and Mr. Manton.

H.R. 1507: Mr. Kennedy of Massachusetts and Mr. Ford.

H.R. 1521: Mr. Rohrabacher and Mr. Taylor of Mississippi.

H.R. 1531: Ms. Eshoo, Mrs. Maloney of New York, Mr. Engel, and Mr. Ensign.

H.R. 1592: Mr. Paul.

H.R. 1595: Mr. Boehner, Mr. Canady of Florida, Mrs. Emerson, Mr. McKeon, Mr. Burton of Indiana, Mr. Nussle, and Mr. Hilleary.

H.R. 1601: Mrs. Maloney of New York, Mr. Frost, Mr. Brown of Ohio, Mr. LoBiondo, Mr. ROHRABACHER, Ms. KILPATRICK, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. MANTON, Mr. FALEOMAVAEGA, Mr. PETERSON of Pennsylvania, Mr. WEXLER, Mr. TIERNEY, Mr. UNDERWOOD, Mr. SCHIFF, and Mrs. KELLY.

H.R. 1614: Mr. LUTHER.

H.R. 1679: Mr. PRICE of North Carolina, Mr. KLECZKA, Mr. PASCRELL, Mr. FILNER, and Mr. MOLLOHAN.

H.R. 1682: Mr. PAUL.

H.R. 1689: Mrs. KENNELLY of Connecticut, Mr. JEFFERSON, Mr. ROTHMAN, Mr. STENHOLM, Mr. ETHERIDGE, Mr. GOSS, Mrs. KELLY, Mrs. NORTHUP, and Mr. GALLEGLY.

H.R. 1698: Mr. KUCINICH.

H.R. 1706: Mr. PRICE of North Carolina, Mr. WEYGAND, Mr. KENNEDY of Rhode Island, Ms. BROWN of Florida, Mr. MANTON, Mr. ABERCROMBIE, and Mr. HORN.

H.R. 1715: Mr. ENGEL, Mr. HAYWORTH, Mr. BENTSEN, and Ms. WOOLSEY.

H.R. 1763: Mr. PAUL.

H.R. 1788: Mr. VENTO.

H.R. 1812: Mr. BACHUS.

H.R. 1813: Mr. GUTIERREZ, Mr. LANTOS, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. KIND of Wisconsin, and Mr. ENGEL.

H.R. 1858: Mr. MCNULTY.

H.R. 1864: Mr. GOODLING.

H.R. 1874: Mr. FRANK of Massachusetts.

H.R. 1915: Ms. LOFGREN.

H.R. 1970: Mrs. CLAYTON, Mr. ROEMER, Mr. ANDREWS, and Mr. SNYDER.

H.R. 2021: Mr. NETHERCUTT.

H.R. 2094: Ms. PELOSI, Mr. HINCHEY, Mr. PAYNE, and Mr. KENNEDY of Rhode Island.

H.R. 2130: Mr. SCHUMER, Mr. BOEHLERT, Mr. STARK, Mr. YATES, Mr. PASCRELL, and Ms. FURSE.

H.R. 2154: Mr. HASTINGS of Florida, Mr. MARKEY, Mr. MEEHAN, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. FILNER, Ms. LOFGREN, and Mr. OWENS.

H.R. 2175: Mr. BAESLER.

H.R. 2202: Mr. CHABOT, Ms. WOOLSEY, Mr. FILNER, Mr. MOLLOHAN, Mr. DELAHUNT, and Mr. WELDON of Florida.

H.R. 2212: Mr. STARK and Ms. LOFGREN.

H.R. 2221: Mr. CANADY of Florida and Mr. BOYD.

H.R. 2224: Mr. LAMPSON, Ms. KAPTUR, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. STUPAK, Mrs. EMERSON, and Mr. MANTON.

H.R. 2228: Mr. FATTAH, Mr. MCDERMOTT, Ms. DELAURO, Mr. ABERCROMBIE, Mr. LAFALCE, and Mr. SAWYER.

H.R. 2281: Mr. MCCOLLUM.

H.R. 2313: Mr. STUMP, Ms. PRYCE of Ohio, and Mr. FRELINGHUYSEN.

H.R. 2351: Mr. FORD, Mr. FORBES, Mr. TOWNS, and Mr. MALONEY of Connecticut.

H.R. 2365: Mr. FORBES.

H.R. 2408: Mr. WYNN, Ms. HOOLEY of Oregon, Mr. WEYGAND, and Mr. DELLUMS.

H.R. 2454: Mr. FORD, Mr. FORBES, Mrs. CLAYTON, and Mr. WEXLER.

H.R. 2456: Mr. ENGEL and Mr. ROEMER.

H.R. 2457: Mr. FORD, Mr. FORBES, Mrs. CLAYTON, and Mr. WEXLER.

H.R. 2477: Mr. LATOURETTE.

H.R. 2478: Mr. LATOURETTE.

H.R. 2481: Mr. COYNE and Mr. ALLEN.

H.R. 2495: Mr. DIAZ-BALART and Ms. ROS-LEHTINEN.

H.R. 2504: Mr. PAYNE, Mr. COYNE, Mr. VENTO, Ms. SLAUGHTER, Mr. FROST, and Mr. NEY.

H.R. 2509: Mr. BROWN of Ohio, Mr. ADERHOLT, Mr. MURTHA, Mr. NORWOOD, Ms. LOFGREN, Mr. MILLER of Florida, Ms. KAPTUR, and Mr. HEFLEY.

H.R. 2523: Mr. MCHUGH.

H.R. 2527: Mr. ETHERIDGE, Mr. ENGEL, and Mr. SHAYS.

H.R. 2547: Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. PELOSI, Mr. GEJDENSON, Mr. HINCHEY, Ms. LOFGREN, Ms. KILPATRICK, and Mr. UNDERWOOD.

H.R. 2563: Mr. ANDREWS.

H.R. 2567: Mr. WELDON of Florida.

H.R. 2568: Mr. BLUNT and Mr. BOYD.

H.R. 2586: Mr. LUTHER and Mr. VISCLOSKY.

H.R. 2591: Mr. FRANK of Massachusetts, Mr. SHERMAN, Mr. FOLEY, and Mrs. MALONEY of New York.

H.R. 2625: Mr. SKEEN, Mr. CHRISTENSEN, Ms. PRYCE of Ohio, Mrs. MYRICK, Mr. SOUDER, Mr. LEWIS of California, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. LATOURETTE, Mr. DELAY, Mr. REGULA, Mrs. NORTHUP, Mr. SUNUNU, Mr. ADERHOLT, Mr. ENGLISH, of Pennsylvania, Mrs. EMERSON, Mr. KASICH, Ms. GRANGER, Mr. LIVINGSTON, Mr. STUMP, Mr. WHITE, Mr. BACHUS, Mrs. ROUKEMA, Mr. FOSSELLA, Mr. SHIMKUS, Mr. SNOWBARGER and Mr. BLUNT.

H.R. 2652: Mrs. MORELLA.

H.R. 2667: Mr. PAXON.

H.R. 2693: Mr. DAVIS of Illinois.

H.R. 2695: Mr. FATTAH, Mr. SANDLIN, and Mr. UNDERWOOD.

H.R. 2714: Mr. BERMAN.

H.R. 2723: Mr. WELDON of Florida.

H.R. 2734: Mr. CANNON, Mr. NEY, and Mr. CAMP.

H.R. 2741: Mr. COX of California.

H.R. 2748: Mr. GANSKE.

H.R. 2754: Ms. HOOLEY of Oregon, Mr. TRAFICANT, Mr. KLECZKA, Mr. SCHUMER, and Mr. ENGEL.

H.R. 2760: Mr. SOLOMON, Mr. CONDIT, Mr. GOODLATTE, Mr. WATTS of Oklahoma, Mr. STUMP, Mr. FALEOMAVAEGA, Mr. ENGLISH of Pennsylvania, and Mr. LUTHER.

H.R. 2786: Mr. BACHUS.

H.R. 2807: Mrs. MORELLA, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. CALVERT, Ms. PELOSI, Ms. DEGETTE, and Mr. FARR of California.

H.R. 2821: Mr. DAVIS of Illinois, Mr. JACKSON, Mr. CANADY of Florida, Mr. BOYD, and Ms. STABENOW.

H.R. 2828: Ms. NORTON, Mr. SANDLIN, and Mr. UNDERWOOD.

H.R. 2846: Mr. SAM JOHNSON, Mr. BALLENGER, Mr. BEREUTER, Mr. CANNON, Mr. ADERHOLT, Mr. CHABOT, Mr. TIAHRT, Mr. GOODE, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. LAHOOD, Mrs. LINDA SMITH of Washington, Mr. SALMON, Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. GIBBONS, and Mr. NETHERCUTT.

H.R. 2868: Mr. STUMP.

H.R. 2870: Mr. KLUG, Ms. PRYCE of Ohio, Mr. LATOURETTE, Mr. CHABOT, Mr. BROWN of Ohio, Mr. STOKES, Mr. SAWYER, and Mr. PASTOR.

H.R. 2874: Mr. WELDON of Florida.

H.R. 2900: Mrs. THURMAN and Mr. FORD.

H.R. 2908: Mr. HILLIARD, Mr. WATT of North Carolina, Mr. EWING, Mr. LEACH, Mr. COSTELLO, Mr. BUNNING of Kentucky, Mr. LOBIONDO, Mr. PRICE of North Carolina, Mr. ENGLISH of Pennsylvania, and Ms. LOFGREN.

H.R. 2912: Mr. FORD, Mr. PRICE of North Carolina, Mr. WAMP, Mr. COBLE, Mr. HEFNER, Mr. TURNER, Mr. LAMPSON, Mr. COOK, Mr. PETERSON of Minnesota, Mr. BISHOP, Mr. MASCARA, Mr. SKAGGS, Mr. RILEY, Mrs. MYRICK, Mr. MALONEY of Connecticut, Mr. MORAN of Kansas, Mr. TRAFICANT, Mr. ROEMER, Mr. ROGERS, Mr. SANDLIN, Mr. ETHERIDGE, Mr. GORDON, Mr. RUSH, Mr. PICKERING, Mr. WATTS of Oklahoma, Mr. JOHN, Mr. EVANS, Mr. WHITFIELD, and Mr. STRICKLAND.

H.R. 2921: Mr. CAMP, Mr. COBURN, Mr. FRANK of Massachusetts, Mr. DAN SCHAEFER of Colorado, Mr. POSHARD, Mr. KLINK, Mr. GILLMOR, Mr. BERRY, Mrs. EMERSON, Mr. BARRETT of Nebraska, Mr. TANNER, Mrs. KELLY, Mr. SOLOMON, Mr. PETERSON of Minnesota, Mr. STUMP, Mr. NETHERCUTT, Mr. BOYD, Mr. GOSS, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. ROGAN, Mr. MALONEY of Connecticut, Mr. UPTON, Mr. YOUNG of Alaska, Mr. COMBEST, Mr. OXLEY, Mr. CHRISTENSEN, Mr. WISE, Mr. HUTCHINSON, Mrs. MORELLA, Mr. HORN, Mr. PARKER, Mrs. MYRICK, Ms. ESHOO, Mrs. CHENOWETH, Mr. KIND of Wisconsin, Mr. CLEMENT, Mr. COOK, Mr. KNOLLENBERG, and Mr. MORAN of Kansas.

H.R. 2936: Mr. BLILEY, Mr. GOODE, Mr. HALL of Texas, Mr. MCCRERY, Mr. GOODLATTE, Mr. FRELINGHUYSEN, and Mr. HOEKSTRA.

H.R. 2943: Mr. HASTINGS of Florida, Mr. FORD, Mr. MOAKLEY, and Mr. HILLIARD.

H.R. 2944: Mr. OLVER.

H.R. 2955: Mr. HOLDEN and Mr. METCALF.

H.R. 2985: Mr. HAYWORTH and Mr. GOODLATTE.

H.R. 3014: Mr. HORN.

H.R. 3033: Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. WATT of North Carolina, Mr. KENNEDY of Rhode Island, Mr. HEFNER, Mr. ACKERMAN, Mr. ROMERO-BARCELO, Mr. HINOJOSA, Mr. BROWN of California, Ms. WOOLSEY, Mr. BISHOP, Ms. RIVERS, Mr. LEWIS of Georgia, Mr. WYNN, Mr. FORD, Mr. MCGOVERN, Mr. STRICKLAND, Mr. FARR of California, Mr. RAHALL, Mr. HOLDEN, Mr. BALDACCI, Mr. PASCRELL, Mr. KANJORSKI, Mrs. THURMAN, Mr. FATTAH, Mr. MORAN of Virginia, Mr. CONYERS, Mr. SPRATT, Mrs. CLAYTON, Mr. SAWYER, Mr. RANGEL, Mr. ABERCROMBIE, Mr. CLYBURN, Mr. HILLIARD, Mr. SCOTT, Ms. SÁNCHEZ, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. OWENS, Mr. BOYD, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. DELAURO, Ms. ESHOO, Mrs. KENNELLY of Connecticut, Mrs. MINK of Hawaii, Mr. PASTOR, Ms. JACKSON-LEE, Ms. FURSE, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. PAYNE, Mr. DELLUMS, Mr. GUTIERREZ, Ms. CHRISTIAN-GREEN, Ms. NORTON, Mr. KENNEDY of Massachusetts, Mr. SERRANO, Mr. UNDERWOOD, Mr. JACKSON, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. DELAHUNT, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. DIXON, Mr. ENGEL, and Ms. MCKINNEY.

H.R. 3043: Mr. GUTIERREZ and Mr. GEJDENSON.

H.R. 3050: Mr. KLECZKA.

H.R. 3051: Mr. CARDIN.

H.R. 3081: Mr. BALDACCI, Mr. BONIOR, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN, Mrs. MALONEY of New York, Mr. MANTON, Mr. MCDERMOTT, Ms. NORTON, Ms. RIVERS, Ms. SLAUGHTER, and Mr. STARK.

H.J. Res. 98: Mr. ENGEL.

H.J. Res. 102: Mrs. MEEK of Florida, Mr. ENSIGN, Mr. FRELINGHUYSEN, Mr. QUINN, Mr. PAPPAS, Mr. MALONEY of Connecticut, Mr. BURTON of Indiana, Mrs. KELLY, Mrs. MORELLA, Mr. KILDEE, Mr. MARKEY, Mr. WICKER, Mrs. THURMAN, Mr. CALVERT, Mr. SNOWBARGER, Mr. HAMILTON, Mrs. MALONEY of New York, Mr. WELLER, Mr. ROEMER, Mr. PORTER, Mr. DOYLE, Mr. OWENS, and Mrs. MCCARTHY of New York.

H. Con. Res. 52: Mr. SESSIONS.

H. Con. Res. 55: Mr. HORN.

H. Con. Res. 68: Mr. STARK.

H. Con. Res. 80: Mr. GALLEGLY and Mr. COOK.

H. Con. Res. 106: Mr. PAYNE, Mr. PASCRELL, Mr. MALONEY of Connecticut, Mr. NADLER, Mr. BERMAN, and Mr. ENGEL.

H. Con. Res. 112: Mr. ADAM SMITH of Washington and Mr. FRANK of Massachusetts.

H. Con. Res. 114: Mr. BACHUS and Mr. SANDERS.

H. Con. Res. 121: Mr. SHAW.

H. Con. Res. 148: Ms. SÁNCHEZ and Mr. MEEHAN.

H. Con. Res. 152: Ms. LOFGREN, Mrs. LOWEY, Mr. ENGEL, and Mr. OLVER.

H. Con. Res. 184: Mr. BARRETT of Wisconsin, Mr. PORTER, Ms. NORTON, Mr. FORD, Mr. CASTLE, Mrs. MORELLA, Ms. LOFGREN, Mr. STARK, Mr. CARDIN, and Mr. MEEHAN.

H. Res. 37: Mr. THOMPSON and Mr. FORD.

H. Res. 211: Mr. COBLE and Mr. LIVINGSTON.

H. Res. 246: Ms. SLAUGHTER and Mr. PORTER.

H. Res. 304: Mr. ROHRABACHER and Mr. LEWIS of Kentucky.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1500: Mr. MEEHAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

29. The SPEAKER presented a petition of the Broward County Board of County Commissioners, Fort Lauderdale, Florida, relative to supporting the passage of H.R. 1858 and S. 869, both entitled "Employment Non-Discrimination Act of 1997" currently pending before the United States Congress or, in the alternative, the passage of such other federal legislation that would prohibit employment discrimination based on sexual orientation; to the Committee on Education and the Workforce.

30. Also, a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to supporting Federal Legislation designating English as the official language of the United States of America; to the Committee on Education and the Workforce.

31. Also, a petition of the City of North Wildwood, New Jersey, relative to opposing H.R. 1534, known as the Private Property Rights Implementation Act of 1997; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF ASTRONAUT JOE FRANK EDWARDS, JR.

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. RILEY. Mr. Speaker, I rise today to congratulate the extraordinary accomplishments of one of Alabama's finest, Astronaut Joe Frank Edwards, Jr., of Lineville, Alabama, who is piloting the space shuttle *Endeavor,* which took off on January 22, 1998.

Graduating from Clay County's Lineville High School in 1976, Joe went on to receive a B.S. degree in Aerospace Engineering from the U.S. Naval Academy in 1980 and an M.S. in Aviation Systems from the University of Tennessee in 1994. As a Naval Aviator, Joe has been honored with many medals, including the Distinguished Flying Cross, Air Medal, Defense Meritorious Service Medal, Navy Commendation Medal, Navy Achievement Medal. Joe has also received the Daedalian Superior Airmanship Award in 1992, the Fighter Squadron 143 Fighter Pilot of the Year in 1984 and 1985, the Fighter Squadron 142 Fighter Pilot of the Year in 1990, 1991, and 1992, and the Carrier Airwing Seven Pilot of the Year in 1985, 1990, and 1991.

In December 1994, Joe was selected as an astronaut candidate by NASA. After completing a year of training and evaluation, he has qualified for assignment as a shuttle pilot.

During the STS–89 mission, Joe will be responsible for undocking from the eighth shuttle rendezvous with Russia's Mir Space Station and piloting the flight around the space station. The nine day shuttle mission objectives include replacing astronaut Dr. David Wolf with Andy Thomas who will be the next U.S. crew member on the Mir Space Station. More than 7,000 pounds of experiments, supplies, and hardware are scheduled to be transferred between the two spacecraft.

Clay County, as well as all of Alabama, is very proud of Joe's exceptional hard work and commitment to space flight. I congratulate Joe on this extraordinary honor and am proud to have him represent us on this important mission.

FULFILLING THE PROMISE OF MANAGED CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. STARK. Mr. Speaker, my bill H.R. 337 establishes consumer protections in managed care plans—just like many other bills currently pending before the Congress.

One unique feature in H.R. 337, however, is the requirement that when a managed care plan enrolls a person, they must soon do a health profile or work-up on that person. Medicare and private insurance plans pay an HMO hundreds of dollars a month to "maintenance" an enrollee's health. But how can the HMO provide maintenance or preventative care (such as immunizations, mammograms, etc.), unless it sees the enrollee and establishes a health benchmark on the person?

My legislation is designed to ensure that HMOs really do maintain people's health. By scheduling an appointment and the collection of basic health data, the HMO can truly begin to provide managed care health. It can determine whether the person is a smoker, overweight has high cholesterol, is diabetic, is facing glaucoma, etc. Once these benchmarks have been established, the HMO can begin the counseling or the other services needed to "maintain" or improve health—thus fulfilling the promise of managed care.

The November 5, 1997 issue of the *Journal of American Medical Association* (JAMA) contains an article, "The Relationship Between Patient Income and Physical discussion of Health Behaviors," which states, "Although unhealthy behaviors were common among all income groups, physician discussion of health risk behaviors fell far short of the universal risk assessment and discussion recommended by the US Preventive Services Task Force. We conclude that the prevalence of physician discussion of health risk behaviors needs to be improved."

If physicians would do more to counsel their patients especially the lower income, these individuals could receive adequate and informative health care advice. As the *JAMA* article said, "Physicians also need to be more vigilant in properly identifying and counseling low-income patients at risk. Increasing the prevalence of physician discussion of health risk behaviors could greatly affect productivity, quality of life, mortality, and health costs in the United States. If the nation is truly interested in health improvement, a multifaceted approach is required to diminish the social gradients in health related to education, income, housing and opportunity, including a more effective national system for preventive services (Papanicolaou tests, breast examinations, immunizations) as well as improved discussion of health risk behaviors."

For instance in the case of smoking the *JAMA* article states: "Our data indicate that 49% of all patients with whom behavioral discussions occur attempt to cut down or quit smoking based on their physicians' advice and 49% of those who report attempting to change behavior no longer smoke. . .increasing the prevalence of physician discussion of smoking by 50% would result in a 6% decrease in the prevalence of smoking. Based on mortality and cost estimates of smoking, this reduction in smoking could potentially result in 24,000 annual deaths delayed and a $3 billion annual cost savings to our society."

The December 3, 1997 issue of *JAMA*, contains an article, "Cost-effectiveness of the Clinical Practice Recommendations in the AHCPR Guideline for Smoking Cessation,"which states that" Tobacco use has been cited as the chief avoidable cause of death in the United States, responsible for more than 420,000 deaths annually, Despite this, physicians and other practitioners fail to assess and counsel smokers consistently and effectively." Again, an HMO would be the ideal setting to help a person stop smoking, but they can't do it if they don't see the patient—and that's why we need H.R. 337.

As we start to pay HMOs thousands of dollars a year for maintaining health, let's make sure that they at least see the individual and do something to earn these payments. If the premise of managed care is correct, then H.R. 337's early profiling and subsequent counseling will save the HMOs money in the long run by avoiding future expensive acute care services.

IN RECOGNITION OF THE ORANGE COUNTY SCHOOL OF THE CULINARY ARTS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to recognize a remarkable culinary school that was recently established in Orange County, CA, the Orange County School of Culinary Arts.

The school is sponsored by the Regional Occupation Program (ROP) of North Orange County. ROP is responsible for rehabilitating and re-training underprivileged and unemployed citizens and high school students to compete and succeed in a competitive work environment.

The Orange County School of Culinary Arts offers a wide variety of culinary classes that is as good, if not better, than that of the larger culinary institutes in America. While the cost of tuition at one of the big three Culinary Arts schools often exceeds $27,000 per year, a course at the Orange County School of the Culinary Arts costs $40 per class, a $65 uniform fee and the cost of the food that is prepared and consumed.

There is currently a shortage of professionally trained chefs in the United States by 2 million. By the turn of the century, this number is expected to increase dramatically with the expansion of the cruise industry and the resort business throughout the United States. In Orange County alone, there are 8 positions available for every qualified applicant, and existing programs have not been filing the void.

The community has already flocked to the program. Almost 500 students have already

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

enrolled when the student body was only projected to be 120 students. The courses range from beginner and advanced levels of preparation for a variety of foods, to restaurant management, nutrition, and sanitation. All courses are instructed by chefs with an extensive training in internationally-renown culinary academies and working backgrounds from the finest resorts and cruise ships around the world.

I would like to recognize the Orange County School of Culinary Arts as a benchmark for other programs to follow. This program will not only alleviate the shortage of professionally-trained chefs, it will open a world of opportunities to neighboring citizens. From now on, a student can now pay for a professional training equal to those of the finest academies for a fraction of the cost. The Orange County School of Culinary Arts stands before us as a shining example of success for other communities to follow in the coming years.

A CENTURY OF EXCELLENCE—THE YORK COUNTY CHAMBER OF COMMERCE TURNS 100

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GOODLING. Mr. Speaker, January 13, 1997 marked the 100th anniversary of one of south central Pennsylvania's most important and prolific organizations. Originally established in 1898 as the York Merchant's Association, the York County Chamber of Commerce has continued to faithfully carry out its mission to expand economic opportunities for commercial, mercantile, and industrial companies while enhancing accessibility to area products.

York County has benefitted immeasurably from the existence and activity of the Chamber. Ranging from the $1.5 million raised by the Chamber in 1925 to connect the neighboring communities in Lancaster County via the Wrightsville Bridge, to the development of a communications link between Chamber members and worldwide customers via the Internet, the Chamber has always been working to bring people together in the best interest of our community. They have succeeded over and over again in making York a better place to live.

But York is not the only beneficiary of the Chamber's efforts. During its early years, the York County Chamber of Commerce helped lead the national effort to recognize and promote business interests by becoming the eighth charter member of the newly formed Chamber of Commerce of the United States in 1908. This grassroots leadership has not only helped to propel the U.S. Chamber of Commerce to the prominent place it holds today as one of the top voices for the business industry, but also to place the York Chamber among the top 10 percent of chambers nationwide.

Despite a few changes in name and location, the York County Chamber of Commerce has remained the guiding force for local businesses for 100 years. That is why we should take the time to recognize this important milestone in the history of York County and its business community. Without their efforts, York County would not have achieved the level of prosperity we enjoy today. I am pleased to associate myself with this important organization and join them as they celebrate their centennial.

IMPROVING MEDICARE QUALITY-SAVING MEDICARE LIVES: SUPPORT FOR H.R. 2726

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. STARK. Mr. Speaker, the AARP Public Policy Institute issued a paper in December of 1996 by Dr. David Nash, entitled "Reforming Medicare: Strategies for Higher Quality, Lower Cost Care." It is an excellent paper on a number of ways to improve and extend the life of Medicare.

One proposal in Dr. Nash's paper is the "centers of excellence" concept, in which Medicare can contract with certain hospitals to provide a high volume of complicated procedures in exchange for a lower global payment. The results of Medicare's "demonstrations" of this concept shows that Medicare can save money while increasing quality for beneficiaries.

Following is Dr. Nash's discussions of the Heart Bypass Center Demonstration. The Administration had proposed legislation in the FY 97 Budget Reconciliation bill to implement this type of proposal nationwide. The House passed the proposal, but it was dropped in Conference. I hope that Congress will revisit this issue in 1998 and enact this concept.

It is not just a matter of dollars—it is a matter of lives.

Medicare, like most private insurance, has historically paid hospitals and doctors separately. Since 1983 with the introduction of the Prospective Payment System (PPS), Medicare has paid hospitals a fixed price for most care based on the patient's diagnosis. Doctors, whose medical decisions still affect nearly 80 percent of hospital costs, continue to be reimbursed on a fee-for-service basis that rewards them for doing more, not less.

The Medicare participating Heart Bypass Center Demonstration project is an experimental project implemented by Medicare in early 1992. Two primary events drove the planning for this important demonstration project: namely, the results of numerous studies showing a strong correlation between relatively higher volume, lower cost, and better outcomes in open heart surgery services, and unsolicited proposals from individual hospitals willing to provide coronary artery bypass graft (CABG) services for a fixed price.

This demonstration project was implemented to answer four basic questions: 1) Is it possible to establish a managed care system with Medicare Part A and Part B payments combined, including all pass throughs for capital, medical education, etc., and pay a single fee to the hospital for treating patients? 2) Would it be possible to decrease the Medicare program's expenditures on CABG surgery while maintaining or improving quality? 3) What is the true relationship between volume and quality in CABG surgery, and can hospital procedure volume be increased without decreasing the level of appropriateness? and 4) What is involved at a hospital operational level—can such a program be sustained over a period of time without draining financial resources and dragging the organization down?

Preliminary results evaluating the Medicare participating Heart Bypass Center Demonstration project, I believe, strongly support its immediate national expansion to appropriately realign the incentives between hospitals and their physicians. By creating a strong financial incentive to be more cost effective in their use of resources, hospitals and doctors will be able to implement the tools of continuous quality improvement, practice guidelines, critical pathways, and the nonpunitive feedback of information about performance. In a word, they will utilize many of the tools mentioned throughout the body of this report to improve quality and lower costs.

For example, the seven experimental heart surgery site institutions have reported numerous operational changes resulting in lower costs and improved quality as a result of the HCFA demonstration project. Quick transfers out of intensive care, shorter patient stays after surgery, fewer laboratory and radiology tests, and the use of care management and critical pathways, are some of the cost cutting measures being employed at each of the participating institutions. Expensive consultations with other physicians were also targets for cost saving. Participating institutions report a nearly 20 percent decrease in the use of consultation with no demonstrable changes in overall case outcomes. At four demonstration sites, doctors and administrators together are challenging long-standing patterns of care and scrutinizing the use of everything from $5 sutures to intensive care unit beds at $800 per day. At St. Joseph's Hospital, in Atlanta, Georgia, neurologists were charging between $364 and $1,676 for a neurologic consultation before the program began; now the hospital pays them a flat rate of $371. In the post-operative period, physicians are removing particular chest drainage tubes in certain patients within 24 hours rather than waiting the customary 48 hours, a strategy that even may foster quicker healing. Physicians describe the demonstration project as making them rethink each step along the patient care continuum. If each step is not supportable on a scientific basis, and is not in the patient's best interest, it is removed, and, as a result, costs are reduced.

Of course, many managed care organizations and some specialty practices have often charged a global fee for procedures or for a specified time period of care such as one calendar year. A growing number of managed care companies have negotiated special package price deals for expensive or high-tech procedures including organ transplantation, maternity care, and cancer care. The Medicare program should proceed quickly with preliminary plans to expand the participating Heart Bypass Center Demonstration project and begin a "National Centers of Excellence" program on other high-cost, high-volume procedures. The literature is clear that practice makes perfect and an expansion of this program, which would realign incentives, reduce costs, and inevitably improve quality, ought to be implemented quickly.

Finally, consideration should be given to expanding the current prospective payment system to include outpatient care. Studies ought to be undertaken to link inpatient and outpatient claims for particular procedures and particular diagnoses such as congestive heart failure, pneumonia, diabetes and other high-cost, chronic illnesses. With the availability of improved outpatient case mix systems, HCFA has an opportunity to provide national leadership and use its evaluative capacity to realign incentives between doctors and hospitals.

RETIREMENT OF POLICE CHIEF RAY WROBLEWSKI

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. WELLER. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to one of the many fine law enforcement officers from the Eleventh District of Illinois. After 32 years of service to the community and local law enforcement, Beecher, Illinois Police Chief Ray Wroblewski has decided to retire from the force.

Thirty two years ago Chief Wroblewski started his career in law enforcement as a deputy in the Will County Sheriff's Office. After serving with the sheriff's office for over a year, Ray joined the Crete Police Department and served the citizens of Crete, Illinois as a patrolman for twelve years before moving on to the Beecher Police Department. Starting out as a patrolman in Beecher, Ray worked his way through the ranks to the position of Chief, where he helped make the Beecher Police Department one of the best law enforcement agencies in Illinois.

During his twenty years of service in Beecher, Chief Wroblewski implemented a number of new programs and techniques that made the streets safer for his fellow officers and the residents of Beecher. Chief Wroblewski ushered in a new age of technology at the Beecher Police Department with the installation of onboard computers in the Village patrol cars, while, returning the force to a Community Oriented Police Department that works side by side with local residents. Chief Wroblewski was also instrumental in the formation of the department's new bike patrol, which will further the goals of the community policing program.

Mr. Speaker, while Chief Wroblewski would say little has changed in Beecher over the last twenty years, I think all of the citizens of Beecher would agree that their community has changed, and for the better, thanks to the efforts and hard work of Chief Wroblewski. Respected by law enforcement officers throughout the State of Illinois, Chief Wroblewski's leadership, caring and ingenuity will be missed by the people of Beecher and the officers of the Beecher Police Department.

Mr. Speaker, Chief Wroblewski chose a career in law enforcement because he enjoyed helping people, and throughout his 32 years of service he did just that. I know I speak for all of my colleagues and the folks back home in Beecher when I say, thank you Chief Wroblewski for all your years of service, and best wishes in your retirement.

TRIBUTE TO COLONEL AARON BANK

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to honor Colonel Aaron Bank on his birthday. Colonel Bank is one of our great military leaders and one of our great Americans.

Colonel Bank helped found, organize and train the United States Army's elite Special Forces group which is known today as the Green Berets. He was hand-picked to organize and develop the Army's Special Forces division because of his depth of knowledge and experience in unconventional warfare.

Colonel Bank served his country through several wars. In 1942 he was recruited for the newly-formed Office of Strategic Services (OSS). In 1944, he parachuted as part of a three man team into occupied France to promote resistance there. While in France he sabotaged the Germans' efforts by blowing up railroad lines, bridges and electric networks. He gathered resistance fighters which had increased to 3,000 and turned back the Germans in a series of fire fights.

At the end of World War II, Colonel Bank was sent to train Vietnamese troops. In an extraordinary feat, Bank parachuted into Laos to search for missing prisoners of war. After serving in Vietnam he was sent to Europe again and assigned to Army counterintelligence to catch Soviet bloc agents. By 1952 he was formally designated commander of the 10th Special Forces Group, the Green Berets.

Throughout his career Colonel Bank has demonstrated his keen intelligence, his compassion and his patriotism. He has engendered the utmost respect for his fellow mankind. His devotion and love of country form the foundation upon which he has built his beliefs.

Colonel Bank was a hero yesterday and is a hero today. His bravery, his devotion to freedom and his love for his country fill us with pride and admiration. Happy birthday and best wishes!

THE EQUITABLE CHILD CARE RESOLUTION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GOODLING. Mr. Speaker, today I introduce the Equitable Child Care Resolution. The purpose of this concurrent resolution is two fold. First, to point out that 70% of families with preschool children do not pay for child care. Second, that any quality child care proposal should also provide financial relief to families where there is an at-home parent.

Many of the child care proposals that are garnering attention merely expand commercial child care and do not also address the needs of the vast majority (70%) of families who struggle to provide child care at home or in the home of a close relative or neighbor.

The 70% of families who come up with creative solutions for their child care needs should not be ignored. Many of these families sacrifice a full-time income. We should also focus on providing them with financial relief.

As we debate the merits and problems of various child care proposals, this resolution will serve to remind us that any quality child care initiative should provide assistance to parents regardless of how those parents choose to care for their children, be it by an at-home parent, grandmother, uncle, close neighbor, or child care enter. No child care proposal that discriminates against families based on their particular choice of child care should be actively considered.

I hope my colleagues will join me in making sure that at-home parents will not be forgotten in the child care debate. And, I urge my colleagues to not forget the 70% of American families who provide child care in the home, by supporting the Equitable Child Care Resolution.

AHCPR'S STUDY SUPPORTS PETE STARK'S BILL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. STARK. Mr. Speaker, I introduced H.R. 2726 which directs the Secretary to contract with certain hospitals for the provision of certain surgical procedures and related services under the Medicare Program. The Agency for Health Care Policy and Research's (AHCPR) October 1997 article, "Study Reaffirms Link Between Angioplasty Outcomes and Hospital and Physician Experience," adds to the list of reasons why the bill should become law.

The article states that: "In the largest study of its kind to date, researchers have once again found that elderly patients undergoing coronary angioplasty are well advised to have the procedure done in hospitals that perform 200 or more angioplasties each year and by physicians who perform 75 or more angioplasties each year. These patients suffer fewer complications and deaths than similar patients who undergo angioplasties at hospitals and physicians who perform the procedure less often."

The article confirms that Medicare contracting with certain high volume, high quality hospitals will save money and deliver better health care. One could say it is a two-for-one: saves money while improving quality.

Mr. Speaker, the sooner we pass H.R. 2726, the sooner we start saving lives and saving dollars.

FRATERNAL ORDER OF POLICE: CALUMET CITY LODGE NO. 1

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the hard work and dedication of the Fraternal Order of Police, Calumet City Lodge No.

1. This lodge was founded on November 29th, 1937 and on Tuesday, January 13th 1998 they celebrated their 60th Anniversary.

The Calumet City Lodge was the first Lodge organized in Illinois. Sixty years ago, there were 10 members. Today this organization boasts 78 members on active duty and 35 members who have retired from the police force. In fact, the oldest active member in the country of the Fraternal Order of Police organization, George Perniciaro, is a member of the Calumet City Lodge.

FOP Calumet City Lodge No. 1 has been dedicated to the community it serves in many ways. They sponsor a food and toy program for needy families in Calumet City during the holidays each year. They sponsor several Little League and Civic League Baseball teams. The Calumet City Lodge makes a donation each year to the Easter Seals Foundation, the national charity for the Fraternal Order of Police. They make donations to the Good Hope School, a trade school for developmentally disabled children.

As is tradition with many police organizations, the Calumet City FOP takes care of their own. When a police officer is killed in the line of duty, the Lodge provides for the needs of their surviving family. Donations are also made to the state and national Concerns of Police Survivors (COPS) program.

Also on January 13, 1998, the Fraternal Order of Police, Calumet City Lodge No. 1 honored those who have recently retired from the police. Kelly Matthews served the residents of Calumet City for 24 years from 1973 to 1997. Terrence McDermott served the residents of Calumet City for 26 years from 1971 to 1997. We thank these two dedicated public servants for their fearless service to this community.

Finally, on January 13, 1997 the Fraternal Order of Police, Calumet City Lodge No. 1 installed new officers to preside over this organization. We thank the retiring officers for their service and call upon the new directors to preserve the good name of this organization whose motto is "We serve with Pride."

IN HONOR OF THELMA GAMMELL ON HER 102ND BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to honor a wonderful person and a great American, on her 102nd birthday—Thelma Gammell.

Thelma is a joy to know. Perky, humorous, and filled with the spirit of life. She was born in Miller, South Dakota, and on October 9, 1895. Life was very different then. The United States, itself, was just over 100 years old. Her ancestors had migrated from Wales in 1776, during the Revolutionary War.

Life was very difficult and often hard. Thelma, however, grew up in a family that had good values. They worked hard and they lived the best they could with what they had. Her childhood was filled with horseback riding, dolls and "kitten playmates." The winters on the prairie were long and cold, but Thelma enjoyed playing in the snowdrifts with her sister.

In 1912 Thelma met with her husband, John Gammell. They lived in several states including North Dakota, South Dakota, Montana, Wyoming and Nebraska. They had a son and a daughter who were both born in Wyoming.

In 1937 the Gammells moved to Laguna Beach, California, where John worked as a carpenter and Thelma worked as a pottery designer. After retirement, the Gammells traveled, visiting friends in the Midwest. After her husband passed away in 1967, Thelma became active as a volunteer for the Santa Ana Senior Center and has continued her dedicated service for over 12 years.

Surely her secret to a long life must be her warm and outgoing personality and her joy of life. For Thelma Gammell life had been filled with many wonderful memories. All who know Thelma have been charmed by her presence. Happy birthday and best wishes for a wonderful year.

PROTECTION OF RELIGIOUS FREEDOM IN THE WORKPLACE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GOODLING. Mr. Speaker, I am pleased to introduce H.R. 2948, legislation that restores real protections to the religious convictions of men and women in the workplace. The Workplace Religious Freedom Act (WRFA) would amend Title VII of the 1964 Civil Rights Act to require employers to make reasonable accommodation for an employee's religious observance or practice unless doing so would impose an undue hardship on the employer. Currently, the courts interpret Title VII to require reasonable accommodation of religious practices only where an employer would not "bear more than a de minimis cost."

This bill is a companion to S. 1124, which was introduced by Senators JOHN KERRY (D-MA) and DAN COATS (R-IN), with an ideologically diverse group of cosponsors.

The version of the WRFA that I introduce today is intended to reflect my concern with the instances of employers unreasonably refusing to accommodate the religious needs of workers. This is not a common problem, but it is still a serious one. This bill is intended as a starting point, and I do not necessarily endorse all of its provisions. I wish to ensure that businesses are not unduly burdened, while ensuring that workers' rights are amply protected. I hope my introduction of this bill will foster a dialogue between the business and religious communities that achieves a bill acceptable to all.

The bill is endorsed by a wide range of organizations including: American Jewish Committee, Baptist Joint Committee, Christian Legal Society, United Methodist Church, Presbyterian Church (USA), Southern Baptist Convention, Traditional Values Coalition, Seventh-day Adventists, National Association of Evangelicals, National Council of the Churches of Christ, National Sikh Center, and Union of Orthodox Jewish Congregations. A complete list of the Coalition For Religious Freedom In The Workplace is attached for the record.

I look forward to a healthy debate over this legislation and its ultimate passage in a form which fairly balances the legitimate needs of both employees and employers.

COALITION FOR RELIGIOUS FREEDOM IN THE WORKPLACE

Agudath Israel of America; American Jewish Committee; American Jewish Congress; Americans for Democratic Action; Anti-Defamation League; Baptist Joint Committee on Public Affairs; Center for Jewish and Christian Values; Central Conference of American Rabbis; Christian Legal Society; Church of Scientology International; Council on Religious Freedom; General Conference of Seventh-day Adventists; Guru Gobind Singh Foundation; Hadassah-WZOA; International Association of Jewish Lawyers and Jurists; and Jewish Council for Public Affairs.

National Association of Evangelicals; National Council of the Churches of Christ in the USA; National Council of Jewish Women; National Jewish Coalition; National Jewish Coalition; National Jewish Democratic Council; National Sikh Center; North American Council for Muslim Women; People for the American Way; Presbyterian Church (USA), Washington Office; Rabbinical Council of America; Southern Baptist Convention Ethics and Religious Liberty Commission; Traditional Values Coalition; Union of American Hebrew Congregations; Union of Orthodox Jewish Congregations; United Church of Christ Office for Church in Society; United Methodist Church General Board on Church and Society; and United Synagogue of Conservative Judaism.

WHY PHYSICIAN REFERRAL LAWS ARE IMPORTANT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. STARK. Mr. Speaker, the January 9th *Federal Register* contains the regulations implementing the 1993 Physician Referral laws, designed to reduce or eliminate the incentives for doctors to over-refer patients to services in which the doctor has a financial relationship.

Study after study after study has shown that when doctors have such a financial relationship, they tend to order more services and more expensive services. The Physician Referral laws try to stop this form of fraud, waste, and abuse.

Members may hear complaints about the law and regulations from some physicians. Following is a portion of an *amicus* brief filed in the case of *Thompson* v. *Columbia/HCA* December 12, 1996 by three of America's most distinguished and illustrious physicians—Dr. Arnold Relman, Dr. C. Everett Koop, and the late Dr. James S. Todd, former Executive Vice President of the American Medical Association. The *amicus* explains eloquently why this law is needed to help ensure the trust of the American people in their physician community.

I hope Members will keep in mind the important ethical and moral issues described by these three outstanding doctors.

STATEMENT OF INTEREST

Amicus, Arnold S. Relman, M.D., is Professor Emeritus of Medicine and of Social Medicine at the Harvard Medical School, Cambridge, Massachusetts. Dr. Relman is also the Editor in Chief Emeritus of the New England Journal of Medicine, the official organ of the Massachusetts Medical Society, which has been published continuously since 1812. For more than fifteen years, Dr. Relman has written extensively on the ethical, social, and practical implications of physician self-referral, compensation, and ownership arrangements of the type described in the present Complaint.

Amicus, C. Everett Koop, M.D., served as the United States Surgeon General under Presidents Reagan and Bush from 1981 to 1989. After the completion of his government service, General Koop has maintained an active role in the national debate on healthcare policies, priorities, and perspectives.

Amicus, James S. Todd, M.D., recently retired as Executive Vice President, American Medical Association.

Doctors Relman, Koop, and Todd have no personal financial interest in this litigation. Their desire to participate as *amici curiae* arises instead from their deeply felt concern for the implications that physician self-referral and compensation arrangements may have on the delivery of medical services to the American people and the ethical issues arising from those arrangements. *Amici* steadfastly maintain that a physician's economic self interest must remain subordinate to his or her primary, unalloyed obligation as a patient's trusted advisor, agent, and healer to place the patient's interests above all others.

The self-referral and compensation arrangements at issue in this case threaten to erode traditional medical ethics, undermine public trust, and create irreconcilable conflicts of interest at a time when the public at large will be ill-served thereby. They offer a unique perspective on the consequences to physicians, their patients, and the system of healthcare in this country that are threatened by self-referral and compensation arrangements such as those described in this suit.

SUMMARY OF ARGUMENT

The fundamental ethical precept, upon which the system of medical practice has been founded, is that the patient's interests must take precedence over all other considerations, and certainly, over any financial or other personal interests of the patient's physician. Patients in need of medical care turn to their physicians to act as their agent in deciding what is needed. The patient must trust and depend upon the physician to serve only the patient's interest above all others.

The self-referral and physician compensation arrangements described in the United States' Complaint threaten to undermine this fundamental principle of medical ethics. Doctors who associate themselves with healthcare corporations as employees, contractors, or limited partners with financial ties to healthcare businesses have an unavoidable conflict of interest. The type of business arrangements described in the Complaint threaten to obscure the separation between business and professional aims. No longer are physicians the trustees solely for their patients' interests; they become in addition agents for a corporate enterprise which regards patients as customers. Economic incentives to withhold services, to overuse them, or to choose particular medical products are inconsistent with the duty of the physician to act as an unselfish trustee and agent for the patient.

Both the Medicare Anti-Fraud and Abuse Act and the Stark Acts are bulwarks against the continued erosion of the physician's fiduciary obligation in the face of increasing economic temptation. Physicians cannot ethically serve in the capacity of their patients' fiduciary or representative in selecting services offered by the healthcare industry, where they also have the type of financial interests in that industry as described in the United States' Complaint.

Self-referral has a demonstrable practical dimension beyond its ethical aspects. A growing body of evidence reveals that self-referral often leads to the overuse of services and excessive costs. Statistical studies buttress the commonsense conclusion that self-referral and compensation arrangements can result in the inappropriate utilization of services for the physician's economic benefit. To the extent that those services are submitted and paid under Medicare, they are also to the United States' detriment.

I. SELF-REFERRAL UNDERMINES THE MOST FUNDAMENTAL PRINCIPLE OF MEDICAL ETHICS

Amici do not profess to have personal knowledge of the allegations in the instant complaint describing a variety of financial relationships between defendants below and the physicians, who have allegedly accepted the benefits of those arrangements. Those allegations are accepted as true, in the particular procedural context of this appeal. The Complaint alleges that, to induce referrals of Medicare and other patients, physicians, in a position to make referrals to the defendant healthcare providers were:

(a) offered a preferential opportunity not available to the general public to obtain equity interests in defendants' healthcare operations;

(b) offered loans with which to finance their capital investments in those equity interests;

(c) paid money, under the guise of "consultation fees"or similar payments to guarantee the physicians' capital investment in those equity interests on a risk-free basis;

(d) paid "consultation fees", "rent" or other monies to induce physicians to practice and refer patients to particular hospitals or facilities;

(e) given payments based on the amount of business provided by the physician;

(f) provided free or reduced rate rents for office space;

(g) provided free or reduced-rate vacations, hunting trips, fishing trips, or, other similar recreational opportunities;

(h) provided with free or reduced-cost opportunities for additional medical training;

(i) provided income guarantees; and

(j) granted preferred superior or exclusive rights to perform procedures in particular fields of practice.

This conduct is alleged to have violated both the Medicare Anti-Fraud and Abuse Act and the self-referral statutes known as the Stark Act. The prohibitions of the Stark Act are rather clear: where a physician has a statutorily defined investment or ownership interest in, or a compensation arrangement with, an entity, the physician may not refer Medicare patients to that entity, which in turn may not present or receive payment for any Medicare claims for patients so referred.

The policies and values implicated by the type of conduct prohibited under the Stark Act are revealed in the very title of the law as originally submitted by Representative Fortney "Pete" Stark: the House bill was entitled the "Ethics In Patient Referrals Act." Representative Stark chose his title well, for fundamental principles of medical ethics are unavoidably implicated by self-referral and remuneration arrangements that can tempt physicians to consider their own income above their patients' medical needs and to tap third-party payors (including the government) for excessive or unnecessary costs.

A. Patient Loyalty is the Most Fundamental Ethical Obligation

From its earliest origins, the profession of medicine has steadfastly held that physicians' responsibility to their patients takes precedence over their own economic interests. Thus the oath of Hippocrates enjoins physicians to serve only "for the benefit of sick. . . ." In modern times this theme has figured prominently in many medical codes of ethics. The international code of the World Medical Organization, for example, says that "a doctor must practice his profession uninfluenced by motives of profit." The American Medical Association declared in 1957, in its newly revised Principles of Medical Ethics, that "the principal objective of the medical profession is to render service to humanity." It went on to say, "in the practice of medicine a physician should limit the source of his professional income to medical services actually rendered by him, or under his supervision, to his patients."

The practice of medicine is based on this special relation between the doctor and patient. In this way, medical care is different from ordinary commercial transactions. Patients may choose their doctors, their hospitals, or the kind of insurance coverage they want, but when they need medical care, the physician acts as their agent in deciding what is needed. The patient, in turn, is virtually totally dependent upon the physician's decision, and so must trust the physician to do the right thing.

This trust, which physicians are sworn to honor, is the essence of the relationship between doctor and patient. The patient's interest takes precedence over all other considerations, and certainly, over any financial or other personal interests of the physician. The American Medical Association has been very firm and explicit on this last point. The 1981 edition of the *Opinions and Reports* of the Judicial Council of the AMA unambiguously says: "under no circumstances may the physician place his own financial interest above the welfare of his patient. The prime objective of the medical profession is to render service to humanity. Reward or financial gain is a subordinate consideration."

Physicians are parties to a social contract, not merely a business contract. Physicians are not vendors, and are not merely free economic agents in a free market. Society has given physicians a licensed monopoly to practice their profession protected in large part against competition from other would-be dispensers of health services. Physicians enjoy independence and the authority to regulate themselves and set their own standards. Much of their professional training is subsidized. Virtually all the information and technology they need to practice their profession has been produced at public expense. Those physicians who practice in hospitals are given without charge the essential facilities and instruments they need to take care of their patients. Most of all, physicians have the priceless privilege of enjoying their patients' trust and playing a critical part in their lives when they most need help. All this physicians are given in exchange for the commitment to serve their patients' interests first of all and to do the very best they can.

B. Economic Pressures Arising From the Transformation of the Medical Practice Environment

Although the relation between doctor and patient is not in essence a market place transaction, it certainly can be influenced by economic considerations and by the financial and organizational arrangements through which medical care is provided. Until recently, the dominant arrangement was fee-for-service sole or small partnership private practice.

Until the past decade or two, this system for physician compensation has enjoyed the general confidence and support of the American public. There were several reasons for this. First, the behavior of most doctors was influenced by the ethical code of organized medicine, which clearly said that the whole system was based on the doctor's commitment to the patient's interests. Moreover, it was unethical for the doctor to do anything that was unnecessary. Until recently, there were few opportunities for physicians to do anything that was unnecessary. Until 40 or 50 years ago, the great majority of doctors in practice in this country were primary care givers, who had only a modest and inexpensive array of procedures and remedies. There was little for the physician to do beyond examining, counseling, and comforting. When specialists were used, the referrals usually came from the primary care physician, so self-referral by specialists was not a problem. Finally, until recently, doctors had more patients than they could handle. They had no incentive to do more than was necessary for any patient because there were plenty of patients available and much work to do. As long as physicians were in relatively short supply, there was no pressure on them to offer their patients more than essential services.

Over the past fifty years, the system of medical practice in this country has irrevocably changed, putting new stresses on the previously simple satisfactory relationship between doctor and patient. One of the first and most important developments was the rise of specialism with a concomitant increase in the relative and absolute number of specialists. This, in turn, has led to the fragmentation of medical care and to less personal commitment by physicians to patients. We have changed from a system that had over 70% primary care physicians to one that has nearly 70% specialists.

Another major force that has changed the nature of the doctor-patient relation is the explosive development of medical technology. There are now a vastly increased number of things that doctors can do for patients—many more tests, many more diagnostic and therapeutic procedures, and many more identifiable, billable items to be reimbursed by the third-party payors. The increase in specialization and technological sophistication has itself raised the price of services and made the economic rewards of medicine far greater than before. With third-party payors, either medical insurers or the government, available to pay the bills, physicians have powerful economic incentives to recruit patients and provide expensive services. The multitude of tests and procedures now available provide lucrative opportunities for extra income, which in turn inevitably encourages an entrepreneurial approach to medical practice and overuse of services.

Another major factor in the transformation of the system has been the appearance of investor-owned healthcare businesses. Attracted by opportunities for profit resulting from the expansion of private and public health insurance, these new businesses (which have been called the "medical-industrial complex") have built and operated chains of hospitals, clinics, nursing homes, diagnostic laboratories, and many other kinds of health facilities. They prospered by encouraging physicians to use their facilities during an era when almost all medical services were paid for on a fee-for-service basis. This is still largely true for physicians' services under Medicare.

It must therefore be recognized that healthcare is becoming a business. Pressures from insurers and third-party payors for containment of costs, the growing presence of investor-owned healthcare corporations, and competition for market share among the country's overbuilt and underused hospitals are transforming the American healthcare system into an industry. In that environment, many doctors have associated themselves with healthcare corporations as employees, contractors, and limited partners.

C. Self-Referral Undermines The Physician's Fiduciary Responsibilities

Whether investors, employees, contractors, or limited partners, doctors with financial ties to healthcare businesses have a conflict of interest. And therein lies the ethical quandary, which Representative Stark sought to address in the Ethics in Patient Referrals Act: economic imperatives may weaken what should be a strong fiduciary relationship between doctor and patient. A physician cannot easily serve his patients as trusted counselor and agent when he has economic ties to profit-seeking businesses that regard those patients as customers. In entering into these and similar business arrangements, physicians are trading on their patients' trust. The kind and character of financial arrangements, incentives, and business deals described in the present Complaint clearly serve the economic interests of physicians and owners. Whether they also serve the best interests of patients is not so clear. Whether they violate the Medicare Anti-Fraud and Abuse Act or the Stark Act prohibitions against payment of remuneration for the referral of Medicare or Medicaid patients or for the purchase of supplies for these patients is beyond the purview of this brief; however, at a minimum these legal concerns imply that the government recognizes the potential risk to the public interest when physicians make deals with businesses.

The type of business arrangements described in the Complaint take physicians into uncharted waters, where conflicts of interest abound and the separation between business and professional aims is obscured. No longer are physicians the trustees solely for their patients' interests; they become in addition agents for a corporate enterprise which regards patients as customers. Economic incentives to withhold services, to overuse them, or to choose particular medical products are inconsistent with the duty of the physician to act as an unselfish trustee and agent for the patient.

The tension between economics and ethics has been reflected in the deliberations of the American Medical Association. In December, 1991, the Council on Ethical and Judicial Affairs of the AMA advised physicians to avoid self-referral, except where there is a demonstrated need in the community for the facility and alternative financing is not available. While acknowledging the mounting evidence of excessive costs and rates of use in jointly owned for-profit facilities, the Council emphasized its primary concern for the integrity of the profession. The following passage from the report expresses its essential message: "At the heart of the Council's view of this issue is its conviction that, however others may see the profession, physicians are not simply business people with high standards. Physicians are engaged in the special calling of healing, and, in that calling, they are the fiduciaries of their patients. They have different and higher duties than even the most ethical business person. * * * There are some activities involving their patients that physicians should avoid whether or not there is evidence of abuse."

This is, of course, the central point about fiduciary responsibility: people in important positions of trust should not put themselves in situations that inevitably raise questions about their motives and priorities, regardless of whether they actually behave in accordance with the trust. Even though physicians may believe they are doing what is best for the patient, there will still be the appearance of conflicting interests with a resulting erosion of public confidence in the physicians' motivation, a confidence that has unfortunately already been weakened by a growing public opinion that doctors are too interested in money and charge too much. Since trust is vital to good care, these public perceptions could lead to a deterioration in the quality of care as well as a change in the public's attitude toward the medical profession.

Both the Medicare Anti-Fraud and Abuse Act and the Stark Acts are bulwarks against the continued erosion of the physician's fiduciary obligation in the face of increasing economic temptation. The public gives doctors special advantages and privileges in exchange for their commitments to put the public's interests ahead of any personal economic gain. The involvement of practicing physicians accepting compensation for the referral of patients raises serious doubts about this commitment. Physicians should be fiduciaries or representatives for their patients in evaluating and selecting the services offered by the healthcare industry. They cannot ethically serve in that capacity where they also have the type of financial interests in that industry as described in the United States' Complaint.

II. SELF-REFERRAL LEADS TO OVERUSE OF SERVICES AND EXCESSIVE COST

Self-referral has a demonstrable practical dimension beyond its ethical aspects. A growing body of evidence reveals that when physicians are paid on a fee-for-service basis self-referral leads to the overuse of services and excessive costs. A 1992 study evaluated the effects of self-referral arrangements in radiation therapy facilities in Florida, where at least 40% of all practicing physicians were involved in some kind of self-referral. That study found that the frequency and costs of radiation therapy at such centers were 40% to 60% higher in Florida than in the rest of the United States, where only 7% of the facilities were joint ventures. Another 1992 study, using information collected by the Florida Healthcare Cost Containment Board, found that visits per patient were 39% to 45% higher in physical therapy centers owned by referring physicians and that such facilities had 30% to 40% higher revenues. The study also found that licensed therapists in non-physician owned centers spent about 60% more time per visit treating patients than those in physician-owned centers.

A California study in 1992 compared physicians who referred patients to facilities in which they had ownership interests to other physicians. Physician-owners were found to have referred patients for physical therapy

2.3 times as often as others. Of the MRI scans requested by physician owners, 38% were found to be medically unnecessary, as compared with 28% by other physicians. Two studies focusing on diagnostic imaging services identified the same patterns. Physicians who owned imaging systems were found to have used diagnostic imaging in the treatment of elderly patients significantly more often than other physicians while generating 1.6 to 6.2 times higher average imaging charges per session of medical care. An earlier study found that self-referring physicians generally used imaging examinations at least four times more often than other physicians, with the charges for self-referred imaging usually being higher. Earliest of all was the 1989 study conducted under the auspices of the Inspector General of the Department of Health and Human Services, which found that Medicare patients of doctors who had financial interests in clinical laboratories received 45% more laboratory services than Medicare patients generally.

None of this evidence is particularly surprising: it merely confirms that when physicians are paid on a fee-for-service basis, the lure of economic gain is directly correlated to the use of medical services. At a minimum, then, self-referral adds to the cost of medical care; more ominously, it may increase patient risk and diminish quality of patient care. Both the individual interests of patients, and the wider interests of the tax paying public, are best served by stringent enforcement of the prohibitions against self-referral embodied in the Medicare Anti-Fraud and Abuse Act and the Stark laws.

III. CONCLUSION

Amici therefore submit this brief in support of reversal of the district court's judgment of dismissal.

TRIBUTE TO THE HONORABLE JOHN E. MOSS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to a former member of this body, my mentor and predecessor in this House, The Honorable John E. Moss. As Congressman Moss is memorialized today in the city which be represented so well, I ask all of my colleagues to join me in saluting his remarkable career in public service.

Throughout the twenty-six years he represented the Sacramento area in this House, he served with distinction as an effective and compassionate champion for his constituents. As a skillful legislator, he played a key role in shaping and passing some of this century's great legislative achievements, all the while keeping the interests of his district at the forefront of his concerns.

Born in the state of Utah in 1915, John Moss' family moved to Sacramento, California in 1923. There, he went to school and married Jean Kueny in 1935. The couple would have two daughters. After serving in the Second World War, Congressman Moss was a businessman, but he soon heard the call to serve in the public sector and he won a seat in the California State Assembly in 1948.

Just four years thereafter, at the age of thirty-three, John Emerson Moss was elected to the House of Representatives, a position he would fulfill admirably for the next twenty-six years. One of Congressman Moss' first orders of business was to persuade then-President Harry S. Truman to approve the construction of a dam along the American River at the town of Folsom, just east of Sacramento. In a sign of his political prowess, Congressman Moss was able to successfully lobby the White House to support this important project.

His other early achievements included winning federal support for the Sacramento Airport and the surrounding military bases. John Moss steadfastly represented and served as an advocate for a great cross-section of Californians living in Sacramento, regardless of party affiliation or political persuasion. Yet his commitment to the needs of his district never overwhelmed his core devotion to civil and human rights, and to truth in government.

From 1955 until 1966, John Moss devoted much of his time in this House to winning passage of the Freedom of Information Act. His crusade to create and enact a law which would allow for a more open, understanding, and responsible government was perhaps his greatest achievement in Congress and would earn him the title of "Father of the Freedom of Information Act."

By the early 1970s, he had risen to the leadership of the House, serving as high as deputy majority whip under both Congressmen Carl Albert and Hale Boggs. At this same time, as the Watergate saga began to unfold and the U.S. involvement in Vietnam wound down, John Moss served as one of the great consciences of the House, always calling for greater government accountability and responsiveness to the concerns of the people.

As his career concluded in 1979, Congressman Moss could look back and see a great string of legislative and political achievements: The 1970 Federal Clean Air Act, the creation of the Consumer Product Safety Commission, and reform of the nation's anti-monopoly laws, to name but a few.

Mr. Speaker, since Congressman Moss' passing, tributes have come forth from President Bill Clinton, former President and Mrs. Jimmy Carter, and countless other prominent Americans and Sacramentans. His passion and drive in defending the First Amendment, advocating consumer and environmental protection, and looking after the needs of his Sacramento constituency has cemented his legacy as one of this century's great legislative leaders. On a personal note, as my friend and mentor is eulogized today, I ask all of my colleagues to join with me in honoring this great and caring husband, father, and legislator.

RECOGNIZING THE CHANNAHON PARK DISTRICT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. WELLER. Mr. Speaker, it is with great pride that I rise today to recognize the Channahon Park District in Channahon, Illinois for winning the 1997 National Gold Medal Award. This award acknowledges excellence in parks and recreation administration for agencies serving populations of less than 20,000.

What makes this award special Mr. Speaker, is the fact that the judges for the National Gold Medal Award are park officials from throughout the nation who consider agency programs, quality of facilities, future planning and community involvement in selecting award winners. So as you can see Mr. Speaker, this is an award that is not only judged by peers in the field, but, by some of the most respected park administrators from around the country.

The Channahon Park District has had a proud history of community service over the last 25 years. Growing out of a volunteer effort of local residents, the Channahon Park District and it's staff are a national model for excellence in recreation, environment, and community programs.

The residents of Channahon and the entire Eleventh Congressional District have always enjoyed the fine programs and facilities maintained by Channahon Park District's award winning team. From board members and staff, right down to part time volunteers, the Channahon Park District team understands the meaning of community, and extends it's programs to every sector of the local population.

Mr. Speaker, I salute the hard work of the men and women of the Channahon Park District, and I know I speak for all of the residents of the Village of Channahon when I say congratulations on winning this award and job well done.

TRIBUTE TO STEVE SOUTH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FILNER. Mr. Speaker, I rise today to honor Mr. Steve South, the outgoing President of the National City Chamber of Commerce in National City, California, located in my Congressional District. Mr. South, the Vice President and Chief Operating Officer of EDCO Disposal Corporation, a waste collection and recycling company, served as President of the National City Chamber Board of Directors during 1997.

During that year, his leadership led to many successful accomplishments and many "firsts" for the Chamber. The first New Member Orientations were established, and a new "Business Forum" section of the Chamber newsletter was implemented. His leadership also spearheaded new levels of membership in the Chamber. Corporate, student and friendship levels were established to broaden the scope of the Chamber's ability to recruit new members.

Also for the first time in Chamber history, an ad hoc Strategic Planning Committee was established to begin developing a vision for the Chamber of Commerce. The goals of this committee are to update the Chamber's mission and to plan the direction of the Chamber and the economic development of National City into the 21st Century.

Mr. South initiated a student and parent recognition program with the National School District. A campaign was also established to promote the positive assets of National City by developing a promotional media kit, "Good Attributes in National City: Community, People, Business and Schools." Mr. South also supported the building of coalitions with other community groups and initiated the Chamber's support of the National City Collaborative and the National City Boys and Girls Club. His commitment to a safer National City was demonstrated by his support of the establishment of the Senior Volunteer Patrol, a partnership between the City of National City and the Chamber of Commerce.

In these and many other ways, Steve South has worked tirelessly to improve the quality of life for the residents of his city. His dedication is to be admired, and I am pleased to recognize his contributions to the entire community of National City with these remarks in the U.S. House of Representatives.

COMMENDING THE AMERICAN HEART ASSOCIATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GILMAN. Mr. Speaker, this year we will not only commemorate the month of February as American Heart Month, but we will also celebrate the 50th anniversary of the American Heart Association as a national voluntary health agency.

Every 34 seconds, someone in our country dies of cardiovascular disease or stroke. Cardiovascular disease, the leading killer of Americans, claims as many lives as all other causes of death combined. The number of these deaths has drastically declined due to the hard work of the American Heart Association, over the last fifty years. With more than 4.2 million volunteers, the American Heart Association spends more than $100 million a year to reduce disability and death from cardiovascular disease and stroke through research, education, and community services.

The research supported by the AHA has helped to increase our knowledge of the effects of diet, exercise, smoking and drug therapies on heart disease and stroke. New surgical techniques, such as the use of artificial heart valves, have dramatically reduced the death rates of children suffering from congenital heart disease over the last forty years. The AHA has also helped to establish coronary care units in most of our nation's hospitals, thereby providing specially trained personal and electronic equipment to monitor and treat heart attack patients. The Nobel prize has been awarded three times to researchers funded by the American Heart Association.

The American Heart Association trains 6.4 million Americans a year in emergency training programs. The AHA also provides professional education; equipping physicians and nurses with information on a variety of topics, including how patients can control their blood cholesterol levels.

With 50% of American children overweight and 50% of adults not exercising regularly, the AHA's public education programs are vitally important. Programs such as providing heart health education materials for students in kindergarten through 12th grade, teaching employees about heart health at their places of work, and teaching people how to cook using AHA's dietary guidelines, provide Americans with potentially lifesaving skills and information.

The American Heart Association reaches seven million people a year with its message of cardiovascular health. Accordingly, I urge my colleagues to join in commending the tireless efforts of the AHA over the last fifty years and in designating February as American Heart Month.

NORTH MIAMI POLICE DEPARTMENT 1997 OFFICER OF THE YEAR DETECTIVE JEROME BROWN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding example of honor and duty shown by the North Miami Police Department's 1997 Officer of the Year, Detective Jerome Brown. Chosen by a committee of his peers, he is a fitting choice.

Detective Brown was twice named Officer of the Month during 1997: once for his work in apprehending the armed robber of a local business; and once for the arrest of five offenders in an armed robbery. Detective Brown's reputation is for being tireless in pursuing suspects and clearing by arrest a high number of his cases.

Throughout his 27-year career, he has repeatedly been described by his superiors as enthusiastic, persistent, compassionate, and highly self-motivated. These traits have earned him the respect and admiration of his peers, which is the ultimate compliment in any field. Congratulations to Detective Brown for his commitment to his community and his work to keep our neighborhoods safe.

TRIBUTE TO MARY TSURUKO TSUKAMOTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an educator, activist, and leader of national prominence: Mary Tsuruko Tsukamoto. Mrs. Tsukamoto passed away on January 6, leaving a tremendous legacy as a teacher, activist, and hero to countless Americans. Today, in Sacramento, California, she will be fondly remembered at two separate memorial services.

The child of immigrants from Okinawa, Mary Tsuruko Dakuzaku was born in San Francisco in 1915. Her family moved to the Florin area just south of Sacramento in 1925. There, she attended segregated schools. By the beginning of World War II, she had married the man with whom she would spend the next six decades, Alfred Tsukamoto. In 1942, along with their five year old daughter, Marielle, the Tsukamotos were among the more than 10,000 Japanese Americans interned in government camps around the U.S.

After the end of World War II, the Tsukamotos returned to Northern California. Al took a job at the Sacramento Army Depot, while Mary began her vocation as a teacher in 1950. It was in her role as educator that Mary Tsukamoto first began to touch the lives of so many in the Sacramento area. Her unique ability to connect with young people became the trademark of her teaching career at four different elementary schools until her retirement in 1976.

But Mary's retirement from teaching in the Elk Grove, California School District was just the beginning of the most influential period of her life. Her family's forced internment during World War II had left a profound mark on her personal and political beliefs. Fueled by the injustice of the imprisonment of Japanese Americans, Mary launched a courageous crusade to right this national wrong.

In the 1980's Mary joined the fight in support of a national apology and reparations for the Japanese Americans interned during World War II. These efforts included testifying before a congressional committee about the lasting negative impact that the imprisonment had on Japanese Americans throughout our nation. Without her steadfast and vocal championship of this legislation, the Civil Liberties Act of 1988, including an apology and reparations, would never have become law.

On a very personal note, Mary's friendship and support during this often difficult legislative battle was invaluable to my colleagues and I as we fought for the reparations bill. I will always value the unique perspective, encouragement, and dedication she offered throughout this important effort.

By the time President Reagan signed the Civil Liberties Act of 1988 into law, Mary had become a nationally-recognized leader in preserving and promoting the Japanese American heritage. She helped create and plan an exhibit at the Smithsonian Institution about the internment and she authored a book on the subject. Mary also launched an important effort to catalogue and preserve Japanese American artifacts, personal histories, and photographs with the creation of the Japanese American Archival Collection at California State University, Sacramento.

Her activism in these areas, and reputation as a national leader in the fight to provide restitution to the Japanese Americans who were forcibly relocated during the Second World War, brought her back into the classrooms of Sacramento area schools as a unique source of historical information for our community's students. In conjunction with the Florin Chapter of the Japanese American Citizens League, Mary set out to retell the glorious and sometimes painful history of Japanese Americans in the twentieth century U.S.

Yet Mary Tsukamoto's activist endeavors were not limited solely to the imprisonment issue. She also found time to lead Jan Ken Po Gakko, a group which preserves the Japanese heritage in the United States. Her involvement in this organization enhanced her already remarkable pursuits in putting together lectures, creating displays, and writing about the internment of Japanese Americans.

By the early 1990's Mary Tsukamoto's achievements were gaining recognition throughout California. In 1992, a new elementary school was named after her in the Vintage Park area of South Sacramento. In May of 1997, she was named a "Notable Californian" by the California State Senate and State Capitol Museum, making her the second person to ever receive this high honor. Last September, she was presented with the California Asian Pacific Sesquicentennial Award for all of her accomplishments in the Asian/American community.

Mr. Speaker, as Mary Tsukamoto is eulogized today by her many friends and admirers, I ask all of my colleagues to join me in paying tribute to this extraordinary activist, teacher, and powerful leader. Her impact on our national heritage and the very fabric of who we are as a country will be felt for many generations to come. I salute her personal strength and determination in educating her fellow citizens, pursuing justice, and promoting the heritage of all Japanese Americans.

A CENTURY OF INDEPENDENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the beginning of a year-long celebration of the centennial of Philippine independence. June 12, 1898 is the day the Philippines gained its independence from Spain—and June 12th is celebrated in the Philippines as Independence Day by order of President Diosdado Macapagal.

This year, in the Philippines and in the numerous Filipino-American communities in the United States, lengthy celebrations are being prepared that will occur throughout the entire year. In my hometown of San Diego, a civic parade showcasing Filipino culture is among the many events planned to commemorate this milestone.

Historians tell us that the Philippines was "discovered" in 1521 by Portuguese sailor Ferdinand Magellan, who worked for Spain. In spite of a bloody battle between Filipino fighters and the invaders in which Magellan was killed, Spain colonized the Philippines and held power for nearly four hundred years.

In 1896, Filipinos mustered the courage to bond together to overthrow the Spanish colonialists. Filipino revolutionaries, led by General Emilio Aguinaldo, took to the streets in his hometown of Kawit, about 15 miles southwest of Manila, and proclaimed an end to Spanish rule. The open resistance of the imperial power of Spain led to the declaration of independence two years later on June 12, 1898 and with it the birth of Asia's first independent nation.

But in real terms, just as Spain slipped out, came the colonizing power of the United States. Spain "ceded" the Philippines to the United States, blatantly ignoring the Filipinos' own proclamation of freedom. So, practically, the century of independence is somewhat of an illusion, for the Philippines was a territory and then a commonwealth of the United States until July 4, 1946.

However, Independence Day is celebrated for good reason on June 12th, because the victory in 1898 symbolizes to the Filipino people the triumph of political will and physical endurance by Filipinos against foreign control. Today, Filipinos are free and they have proven their quest for freedom in countless battles—most recently as part of the American Army in World War II.

Filipino soldiers were drafted into the Armed Forces by President Franklin D. Roosevelt—and promised full benefits as American veterans. But these benefits were rescinded by the 79th Congress in 1946. Congressman Ben Gilman and I have now introduced the Filipino Veterans Equity Act (H.R. 836) which would restore the benefits promised when these soldiers were drafted into service by the President of the United States and fought side-by-side with soldiers from the American mainland against a common enemy.

Over 175 of our colleagues have co-sponsored H.R. 836, in support of these brave veterans. A most appropriate way to commemorate this centennial year of Philippine independence is to pass H.R. 836 and restore honor and equity to the Filipino veterans of World War II!

As Congressman of the Congressional district which includes more Filipino-American residents than any other except for Hawaii, I am very honored to have been chosen as their representative in Congress. I look forward to participating in the 1998 celebrations commemorating their Independence Day and the spirit, resourcefulness, warmth, and compassion of the people of the Philippines and of Filipino-Americans.

TRIBUTE TO THE LATE HONORABLE FRANCISCO DUENAS PEREZ

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. UNDERWOOD. Mr. Speaker, the island of Guam lost a very valuable member of its community on December 22, 1997. Mr. Francisco Duenas Perez, a farmer, businessman, government administrator, and legislator was called to his eternal rest at the age of 84. The late Francisco Perez worked early on in life at the U.S. Navy's Bureau of Yards & Docks. He graduated from Guam Evening High School and in 1984 received an honorary Doctorate of Laws degree from the University of Guam.

Frank Perez accomplished many things during his lifetime. He was the first Chamorro farmer to successfully incubate imported fertilized eggs from the United States and sell locally produced eggs to stores throughout Guam. In 1983, he was commissioned as a captain in the Guam Militia. During the World War II occupation of Guam he risked his life by secretly operating a radio to rescue two American escapees. He was named administrator for the Agricultural Department under the Bureau of Naval Intelligence in 1944 and later went on to begin a long and distinguished career in the Guam Legislature. He is also known as the "father" of the Guam Economic Development Authority, having formulated the concept of developing a government agency to help promote and attract new businesses to Guam. He introduced the idea of tax breaks, known as qualifying certificates, as a valuable economic stimulus. In 1947, he cofounded the Pacific Construction Company. He served as its president until 1951, when he founded what is now known as Perez Bros. Inc., a construction company and the island's first private subdivision. In addition, he was a cofounder of the Guam Contractors Association in 1960 and contributed to that organization's work with economic development activities on Guam.

Frank Perez was recognized for his outstanding accomplishments and contributions to the success of Guam's economy by being elected to the Guam Chamber of Commerce's Business Hall of Fame in 1995. He was one of Guam's outstanding leaders whose experiences during World War II shaped several generations. His dignity, his selfless service, his commitment to family and to Guam serve as reminders of the qualities which our island needs. His passing is a great loss and his presence will be missed.

On behalf of the people of Guam, I offer my condolences and join his widow, Mrs. Carmen Camacho Duenas Perez, and their children and spouses namely: Mr. Frank and Mrs. Christina Perez, Mr. Joseph and Mrs. Donna Perez, Mr. Gregory and Mrs. Ernestina Perez, Mr. George and Mrs. Tressie Perez, Mr. Thomas Perez and Ms. Karen Kasperbauer, Mr. John and Mrs. Patricia Perez, Ms. Mary Perez, Dr. Sulpicio and Mrs. Carmen Soriano, and Ms. Margarita Perez, along with their 29 grandchildren and six great-grandchildren, in mourning the loss of a husband, a father, and an invaluable citizen who dedicated his life for the people of Guam. Si Yu'os Ma'ase, Tun Francisco.

INTERNATIONAL PAPER CENTENNIAL CELEBRATION TO TAKE PLACE AT HUDSON RIVER MILL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. SOLOMON. Mr. Speaker, I would like to bring to the attention of my colleagues a very special event taking place on January 28, 1998 in Corinth, New York, located in my congressional district. On that day, the employees of International Paper will launch a year long celebration of the company's Centennial Anniversary at its Hudson River mill. This location is particularly fitting because the Hudson River mill is the oldest operating mill in International Paper's worldwide mill system. The facility was built in 1869 by one of the first manufacturers of paper using wood fiber, then joined with 17 other mills in 1898 to form International Paper, the nation's largest producer of newsprint at that time.

Today, International Paper is the world's largest forest products company, with operations in 31 countries employing more than 85,000 people. Its many products include printing papers, packaging, and forest products, and it continues to manage more than 6 million acres of forest land nationwide.

In honor of the 100 year anniversary, International Paper Chairman John Dillon is hosting a special ceremony at the Hudson River mill, featuring a long list of distinguished guests which include Governor George Pataki. The most important people at this event, however, will be the many generations of dedicated employees who, by building lasting relationships with the local communities, have made International Paper an outstanding corporate citizen.

I would like to pay a special tribute to the more than 600 men and women who work at the Hudson River mill, both for the history they celebrate this year and for the tremendous contributions they continue to make today. One good example of these activities is the new de-inking facility which allows the mill to produce high-quality recycled and virgin grades of coated publication paper.

One individual whom I would like to particularly recognize is Alice Boisvaert, a retiree from International Paper's Hudson River mill, who will be honored at the January 28th celebration. Alice, now 95, worked in the mill during the 1940's, when one of her wartime duties was to paint the mill's windows black in accordance with civil defense air-raid regulations. Alice's grandson, Jim, as well as his father, later worked at the Hudson River mill. Among Jim's initial tasks was scraping that black paint off of the windows.

Mr. Speaker, I would like to congratulate Alice, her family, and the rest of the International Paper family on a century of service and commitment to their communities. I ask that all Members join me in rising to thank these individuals for their civic dedication, technological contributions, and environmental stewardship over the last hundred years. May the next hundred be even better than the first!

HONORING THE EXEMPLARY CITIZENRY OF JIMMY TOUSSAINT AND ELI BINDER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding example of honesty and civic responsibility demonstrated by two young men from my district, Mr. Jimmy Toussaint and Mr. Eli Binder.

While walking through their neighborhood, Jimmy, who is eleven years old, and Eli, who is twelve, noticed that a neighbor, having left in a rush, neglected to close and lock the front door to his home.

They could have kept on walking, but they felt a responsibility to the welfare of their neighbor. After knocking but receiving no response, Jimmy and Eli sought out the assistance of an adult Citizens on Patrol volunteer and informed him that the homeowner had neglected to secure his home. The volunteer locked the door and notified the grateful homeowner, Mr. Bruce Hamerstrom.

These young people have demonstrated an important part of what makes a community: neighbors looking after neighbors. I congratulate Jimmy and Eli for their good sense and judgement. I know that their parents must be proud of them, as are we all.

TRIBUTE TO RICHARD L. MAYBERRY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MATSUI. Mr. Speaker, we rise today to pay tribute to one of Sacramento's most respected and effective labor leaders, Mr. Richard L. Mayberry. This evening, Mr. Mayberry's many friends and colleagues will commemorate the conclusion of his tenure as an officer with the Sacramento Area Fire Fighters Local 522.

"Dick" Mayberry has been affiliated with the Sacramento Area Fire Fighters Local 522 for 26 years. He has served as an Area Director, Vice President, and, for the past twelve years, he has held the post of President.

A native of Sacramento, California, Dick Mayberry is a veteran of the United States Army and the father of two. He joined the Sacramento Fire Department in 1964 after serving one year as a correctional officer.

Mr. Mayberry's leadership abilities allowed him to achieve the rank of Apparatus Operator in 1975, three years after he first became an officer in the Sacramento Area Fire Fighters Local 522.

In 1985, Dick Mayberry assumed the presidency of Local 522 and quickly established himself as one of our community's most influential champions of labor. This position soon led him to a variety of other important labor and civic posts.

Among these, Mr. Mayberry was a Sacramento County Civil Service Commissioner from 1984 to 1994, chairing that important body for two terms. He has also been a member of the Industrial Relations Association of Northern California for thirteen years, serving as an officer for two terms.

Since 1985, he has been Vice President of the Public Employee Council and an Executive Board Member with the Sacramento Central Labor Council, our city's most prominent representative labor body. Mr. Mayberry's other notable labor positions include the chairmanship of the Board of Publishers of the Sacramento Labor Bulletin and membership in the International Association of Fire Fighters.

Mr. Mayberry has been most forceful in his capacity as the chief negotiator for the City of Sacramento's fire fighters. In performing this key duty, with the pay, benefits, and working conditions of his membership hanging in the balance, Mr. Mayberry achieved his reputation for professional excellence.

In 1995, he retired from active service with the Sacramento Fire Department, but that did not preclude him from passing on his occupational expertise to other fire fighters. In this regard, he has worked as a member of the California State Board of Fire Services since 1996.

Dick Mayberry's unique labor and fire fighting background has led him to represent our community's fire fighters before the Civil Service Commission regarding examinations, classification, and disciplinary matters. He has also attained a strong grasp of the issues involving the merger, consolidation, and reorganization of fire districts.

Mr. Speaker, Dick Mayberry has led a remarkable career in Northern California. He has come to personify integrity and drive in Sacramento's labor community. We ask all of our colleagues to join us in saluting his 26 year record of achievement with the Sacramento Area Local Fire Fighters.

TRIBUTE TO FRANK MARTINEZ PORTUSACH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. UNDERWOOD. Mr. Speaker, the island of Guam mourns the passing of one of it's most respected and dedicated leaders. Frank Martinez Portusach, the former mayor of the village of Agana Heights, was called to his eternal rest of December 26, 1996 at the age of 76. He leaves behind his wife, the former Ms. Virginia Hughes and his children Thelma, Frances, Frank, Jane John and Deanna.

Mayor Portusach was an accomplished artist and craftsman, a Merchant Marine Engineering officer, a businessman, and a senior island politician. This man, known throughout the island for his seemingly inexhaustible energy, ushered the transformation of Agana Heights from a village lined with dirt roads, lacking sewer lines, and devoid of community facilities into a model island village with the lowest crime rate, the finest streets, and one of Guam's most extensive community activity programs.

Born in 1921 to Concepcion Portusach Lorenzo and Henry Sakakibara, Mayor Portusach received formal education from several institutions including the Guam High School, U.S. Naval Correspondence School, and the Marine Engineering School under the Department of the Navy. After retiring from the United States Merchant Marines, he started a local business in 1967. He began his political career in 1976, back when mayors were known as village commissioners. Mayor Portusach received an appointment from former Governor Ricky Bordallo as commissioner for the village of Agana Heights. It was at this post that he became so loved and respected by the island's civilian and military communities.

In addition to his efforts towards having village streets paved and in the development of community activities, he is also credited for the construction of waterlines, installation of streetlights, and renovation of village schools. Through his efforts, Agana Heights became the first village on Guam to have mail received through home delivery service. This was made possible by a detailed village map personally drafted by Mayor Portusach. The Department of Land Management has since included this map in their official records.

However, Mayor Portusach's most prominent and lasting achievement is probably the institution of the Sister Village Program. He really took great pride in his ability to work well with the military community. After hearing about friction between the military and local communities several decades ago, he started the program wherein Guam villages "adopted" local military commands fostering friendship and cooperation. This has resulted in tremendous mutual benefits for service members and the local community.

In recognition of his achievements, he was presented a host of awards and commendations. Among these are several notable and distinct honors. This includes being named an honorary Seabee, an honorary captain in the Police Reserve, and an honorary Commodore in the United States Navy.

The late Honorable Frank Martinez Portusach left a legacy of service and devotion to the village of Agana Heights, the island of Guam, its people and the United States. It is with a sense of great loss that I pay tribute to this distinguished local leaders. His preserverance and energy will forever live in the hearts of his constituents. May his lifelong commitment to the village of Agana Heights and the island forever inspire us.

On behalf of the people of Guam, I offer my condolences and join his widow, children, and grandchildren in mourning the loss of a husband, a father, and a fellow servant to the people of Guam.

INTRODUCTION OF LEGISLATION TO IMPROVE PENSION PORTABILITY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation which addresses an extremely important issue—pension portability. Today, there are 51 million American workers with no pension plan and there are many others who lose their pensions when they change jobs. Our society is ever changing and one of these changes is job mobility. It is much more common for individuals to have several jobs than in the past.

Unfortunately, when individuals change jobs, they are not able to continue the same level of pension benefits. This fact is especially true if the individual's pension plan is a defined benefit plan. Today, I am introducing legislation which takes steps towards improving pension portability upon employment separation. The legislation improves pension portability for both defined benefit and defined contribution plans.

For defined contribution plans, the legislation reduces the current vesting period of five years for employer contributions to three years. For both defined benefit plans and defined contribution plans, the legislation requires the employer to offer the employee the option of receiving a lump sum distribution to an individual retirement account (IRA). The employer has to make this offer to the employee within 90 days of termination of employment. The employee does not have to take this option because in some situations this would not be the best option for the employee.

The lump sum would be directly transferred to an IRA. These funds would be subject to a higher penalty than the current law penalty of 10 percent for withdrawals made prior to the taxpayer reaching age 59½. Withdrawals would be subject to a 25 percent penalty for the first two years and then it would be 10 percent. These penalties are the same penalties as for simple IRAs. The 10 percent penalty would be waived for the three allowable purposes under current law which are first time purchase of a home, costs of higher education, and medical expenses.

The legislation waives the 10 percent penalty for withdrawals made before age 59½ for individuals who have received 12 weeks of unemployment compensation. This provision is to help those who have lost their job and need to use their retirement savings to make ends meet during difficult financial times.

TRIBUTE TO JOSEPH PICCONE, UNICO HONOREE OF THE YEAR

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. DOYLE. Mr. Speaker, I rise today to put a face and a name to the spirit that embodies one of the strengths of our country: community involvement. Community involvement that stems from a life of dedication and determination. It is a distinct privilege to extend my congratulations to Joe Piccone, Unico Honoree of the Year.

For many, Joe represents the optimum response to the question "What could be?". A child from Civitella, Joe created success in the United States in part due to the strength provided by his culture and customs, and his actions have served to improve the environment and the lives of others. It is fitting that such an outstanding organization recognize the example Joe Piccone sets for commitment to excellence. Sharing Joe's Italian heritage, I am extremely proud to call the honoree a friend and greatly appreciate having this opportunity to express my sincere respect for him.

Businessman, husband and father, or friend; Joe brings an enthusiasm that underscores the importance of engaging yourself in life even with regard to the most ordinary, everyday occurrences. Joe's life illustrates the profound effects that result from love and perseverance. Joe, I salute your most recent accomplishment and offer my best wishes to you and your family for continued success.

TAIWAN STANDS TALL FINANCIALLY AND POLITICALLY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. SOLOMON. Mr. Speaker, during the January recess I had an opportunity to visit the Republic of China on Taiwan. I met with President Lee Teng-hui, Foreign Minister Jason Hu, and other leaders. We discussed a number of interesting issues.

One issue was the current financial turmoil affecting Asia. It is interesting to note that Taiwan, so far, has remained relatively unscathed and has stood out as one of the few strong Asian economies. It has close to $90 billion of foreign currency deposits. Its banking sector is not as exposed as other economies to real estate and stock market speculation. Its currency has depreciated 20 percent against the dollar but will remain stable.

The Taiwan economic miracle has shown resilience and dynamism during the past months of Asian meltdown. The economic growth rate for Taiwan in 1997 reached 6.72 percent, the highest in 5 years. Taiwan's economic vitality can also be seen in its low foreign debts. Its total foreign debt amounts to less than $100 million.

Taiwan's economic stability stemmed mainly from sound planning for strong growth and development, financial reform, economic liberalization, and the acceleration of privatization.

The Financial Times of London and the Asian Wall Street Journal recently described Taiwan as the "Switzerland of the Orient." Such accolades about Taiwan speak volumes about the strength and vitality of Taiwan's economy and Taiwan's potential to become a full-fledged developed economy by the turn of the century.

President Lee, Foreign Minister Hu and I also discussed Taiwan's relations with the mainland. Taipei has reiterated its "three nos" and "three musts" policies toward the Chinese mainland. The "three nos" refer to no Taiwan independence, no hasty unification and no confrontation. The "three musts" are the maintenance of peace, the continuation of exchanges and the search for a win-win situation that benefits both Taiwan and the mainland.

Foreign Minister Hu told me that Taipei and Peking must learn to treat each other with respect and work toward collective cooperation. Taipei has always kept its door open for negotiating with Peking and that cross-strait talks should be resumed as soon as possible.

Foreign Minister Hu, the former ROC representative in Washington, is young and energetic. During the last three months as his nation's top diplomat, he has traveled to Africa, consolidated friendship and relations for his country worldwide. In my conversations with him, he discussed the importance of Taiwan-US relations.

Minister Hu reminded me that Taipei has no intention of interfering with the development of US-PRC relations and that Taipei hopes that the US will abide by the Taiwan Relations Act and its regulations regarding arms sales to Taipei. Moreover, he hopes that the US will not change its consistent position on the sovereignty of Taiwan, since the US has never recognized that the PRC enjoys sovereignty over Taiwan.

Minister Hu also drew my attention to the trade relations between Taipei and the US. Citing Taiwan's purchase of American agricultural exports as one example of the strong trade relations between the two countries, he mentioned Taiwan is the fifth largest market for American agricultural exports. In 1996 Taiwan's imports of American agricultural products were US $2.9 billion; by contrast, the PRC is the seventh largest market for American agricultural exports. Taiwan, in fact, is one of the most important markets for US goods.

Apart from strong trade relations between Taiwan and the US, Minister Hu stressed that the peoples of Taiwan and the United States share the same system of values. Taiwan's democratization has gained recognition from the American public and he hopes that the United States will continue to treat both Taiwan and the Chinese mainland fairly and make efforts for Taiwan and the mainland to settle the reunification issue peacefully.

I was very impressed with Taiwan's financial and political development. And Mr. Speaker, a little history is in order as well. You know, Taiwan is one of the best friends America has ever had. Back during the Cold War, we in America really didn't have a more steadfast ally in our struggle against Communism than the people of Taiwan.

They were integral in stopping the spread of that deadly system in Asia, and for that we owe them a debt of gratitude.

And with the successive free elections over the past few years, the obvious respect for human rights that is evidenced there, and the good neighborly policy they follow in foreign affairs, it is obvious to all honest and well-meaning people that the Republic of China on Taiwan, and not the Communist dictatorship in Beijing, represents the correct model for the future of Chinese civilization. This will remain true no matter what kind of reforms the regime in Beijing attempts, and no matter what kind of policy the West pursues vis-à-vis that regime, as long as the Communists remain in power.

Mr. Speaker, after my trip, I am more convinced than ever that Taiwan is one of the few true democracies in Asia worthy of our support.

TRIBUTE TO EDUARDO PALACIOS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Eduardo Palacios, who for 27 years has been a bona fide hero to hundreds if not thousands of immigrants in the San Fernando Valley. In 1971, Eduardo started an immigrant rights and resource clinic in a tiny one-room office in the City of San Fernando. Today these kinds of centers are common, but that wasn't the case in the early 1970s.

Eduardo was motivated by the humanitarian concerns and a strong sense of Chicano pride. He witnessed Mexican immigrants who were being exploited by unscrupulous businesses. Language and culture prevented many from seeking or receiving help. By offering his service, Eduardo filled a huge need.

Soon after opening, the clinic moved into a room with a couple of desks and file cabinets in Santa Rosa Church. The clinic adopted the name Immigration Services of Santa Rosa. Using a corps of dedicated volunteers, Eduardo expanded the clinic to include job referrals, medical assistance, food and shelter. He was doing everything possible to provide his clients with the tools to make a good living in this country.

It's hard to believe that Eduardo was doing this work while employed full-time at Harshaw Chemicals. In 1983, he left his job with Harshaw to devote himself to assisting immigrants. Two years later Immigration Services of Santa Rosa was accredited by the Board of Immigration Appeals, which led to more clients. The timing could not have been better; new arrivals were now coming to Southern California from Central America as well as Mexico.

Immigration Services of Santa Rosa is a family affair. In 1988, Eduardo hired his daughter, Victoria Aldina, as Assistant Executive Director; three years later his son, Carl Alan, joined the organization as Administrative Director. Together the Palacios have been a godsend for Spanish-speaking immigrants.

I ask my colleagues to join me in saluting Eduardo Palacios, a leader in the effort to improve the lives of immigrants. His compassion, sensitivity and extraordinary energy inspire us all. I am proud to be his friend.

THE SPIRIT OF DR. KING LIVES ON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. VISCLOSKY. Mr. Speaker, earlier this month, we celebrated the birth of Dr. Martin Luther King, Jr. Reflecting on his life and work, I was reminded of the challenges that democracy poses to us and the delicacy of liberty. Dr. King's life, and, unfortunately, his vicious murder, should remind all of us that we must continually work and, if necessary, fight, to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in that battle for liberty.

The spirit of Dr. King lives on in many of the citizens in communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the 21st century. In particular, several distinguished individuals from Indiana's First Congressional District were recognized during the 19th annual Dr. Martin Luther King, Jr. Memorial Breakfast on Monday, January 19, 1998, at the Gary Genesis Center in Gary, Indiana. In the past year, these individuals have, in their own ways, acted with courage, met challenges, and used their abilities to reach goals and enhance their communities.

Lake County Prosecutor, the Honorable Bernard Carter, was honored with the 1998 "Marcher's Award" for his contributions to the struggle for equality of civil rights. As the first African-American County Prosecutor in the State of Indiana, Bernie has been an outstanding professional in his fight for the civil rights of all minorities and women. He has been a role model for our young people and an outspoken and issue-oriented leader in the justice system. In addition, Mr. Curtis Strong received the 1998 Dr. Martin Luther King, Jr. "Drum Major Award" for his outstanding contributions to fighting segregation. Curtis has held leadership roles with both the NAACP and the Fair Share Organization, in which he has demonstrated against racial injustices in housing, education, employment, and police brutality. Curtis was also a top labor union official who fought for minority inclusion in union leadership, skilled crafts jobs, and seniority appreciation. Both Bernard Carter and Curtis Strong should be applauded for their important civil rights efforts in Northwest Indiana.

I would also like to recognize the following Tolleston Junior High School students: Janne' Bryant, Antoinette Correa, Tiffany Finch, Brandi Frith, Lakisha Girder, Leyona Greer, Damara Hamlin, Ayonna Hood, Leah Johnson, Jacleen Joiner, Candice Jones, Taariq Muhammad, Ayashia Muhammad, Ilisha Muhammad, Reneda Pryor, Whitney Sullivan, David Suggs, Courtney Williams, and Joey Willis. These distinguished students are members of the Tolleston Junior High School Spell Bowl Team, which won the 1997 Indiana State Bowl Championship in spelling. In addition, the following students from Northwest Indiana won the 1997 "I Have A Dream" Youth Assembly essay contest this past July in Little Rock, Arkansas: Dayna Maria Ingram, of West Side High School; Wesley Adam Gordon, of St. Michael School; Katherine R. Rzepka, of Andrean High School; Tavetta Pulliam, of Horace Mann High School; and Daniel J. Davis, of Valparaiso High School.

The accomplishments of these outstanding individuals are a reflection of their hard work and dedication to scholarship. Their scholastic effort and rigorous approach to learning have made them the best in the State and in the Nation. They have also brought pride to themselves, their families, their schools and their communities. Their success is also a credit to the outstanding ability and leadership of their teachers. In particular, Margaret Hymes and Charles Wells should be commended for the devotion they have demonstrated as coaches for the Tolleston Junior High Spell Bowl Team.

Though very different in nature, the achievement of all these individuals reflects many of the same attributes that Dr. King possessed, as well as the values he espoused. Like Dr. King, these individuals saw challenges and rose to the occasion. They set goals and worked to achieve them. Mr. Speaker, I urge you and my other colleagues to join me in commending their initiative, resolve, and dedication.

CONTRIBUTION BY LIZ MOWRY TO THE SOLDIERS AND SAILORS MEMORIAL

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. DOYLE. Mr. Speaker, we honor our veterans not only by recognizing what they have done for this country, but also by remembering what they sacrificed to achieve that goal. For many families in Southwestern Pennsylvania, like mine, who have family members that served during wartime, we are reminded every day about these sacrifices.

Late last year, a resident of my district, Liz Mowry of Munhall, Pennsylvania, gave a very special gift to the Pittsburgh community. Her contribution will not only help to honor our veterans, but it will also help our entire nation understand and remember the supreme sacrifices they made during wartime in order to protect the freedoms we enjoy today.

This gift was many personal possessions owned by her father during his service in World War I, which Ms. Mowry donated to the Soldiers and Sailors Memorial in Pittsburgh, the Commonwealth's, and the nation's second largest veterans' museum. These items are significant for many reasons.

One of the most impressive features is the excellent condition of the items, given their age. In fact, the centerpiece of the collection is a military uniform, now over 80 years old, in museum-quality shape. Other items Ms. Mowry is giving to the Memorial are WWI photos and a copy of the diary her father kept during his service.

These items are also historically significant because of their owner. Sergeant William Edward "Doc" Handschuh, Ms. Mowry's father, was a member of Company 3, the lst Air Service Mechanical Regiment. His work included servicing planes flown by WWI flying ace Edward Rickenbacher, who some consider to be one of the best, and most famous, pilots in history.

However, the most important thing Sergeant Handschuh left his family was not his service memorabilia, but the pride he felt for his service, and his country. While these lessons cannot be hung in a museum, they live in the minds and hearts of Sergeant Handschuh's family.

Liz Mowry and her family have kept her father's wartime memories as a reminder of his service. Now, these rare pieces of American history can teach us all more about the young Americans that fought in the early years of this century to protect this nation's future.

I add my sincere gratitude to that of the entire Pittsburgh community for the gift Ms. Mowry has bestowed on the Soldiers and Sailors Memorial. Our community has a long history of honoring military service, and her donation will continue that tradition, giving all Memorial visitor's the opportunity to learn more about the veterans of WWI.

TRIBUTE TO LEE WELINSKY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. DIXON. Mr. Speaker, I rise to call to the attention of the Congress the accomplishments of Lee Welinsky, a constituent and friend whose life and commitment to her family and community has exemplified the very best spirit of American citizenship. On Saturday, February 7, Lee's many friends and admirers will gather at the Red Lion Hotel in Culver City, California to honor her on her 70th birthday. It is a pleasure to join them in paying tribute to her.

Lee has led a rich and remarkable life which began in 1928 when she was born in Indianapolis, Indiana to parents who were immigrants from Eastern Europe. She spent her childhood in Brooklyn, New York. An excellent student, she was valedictorian of her junior high school class at P.S. 109.

In 1943, Lee's parents moved to Los Angeles, where in 1945 she graduated from Susan Miller Dorsey High School at the age of 16. It was at this time that she explored her interest in flying. It was her mother's concern for her safety that persuaded her to quit flying to concentrate on her studies at Los Angeles Community College. However, when World War II ended she was unable to continue her studies as she would have liked because of the many schedule changes required to accommodate the returning veterans.

It was in 1947 that Lee met and fell in love with Jack Welinsky, and the following year they were married. Their first child, Howard, was born a year later, and their daughter, Sandra followed in 1954. During these years she devoted herself to raising a family. Despite those demands, she helped Jack with his auto supply business and supported Howard and Sandra through college at UCLA.

In 1976, Lee suffered the loss of her husband Jack and her mother. In the wake of that loss, she decided that at age 48, it was time to resume her formal education, this time at West Los Angeles College. As with every important undertaking, she pursued it with great commitment and determination. That commitment and determination enabled her to graduate with honors with an Associate of Arts degree in 1981, and in 1984 she graduated Cum Laude from California State University, Domiguez Hills with a Bachelor of Science degree in Accounting. In 1989, at the age of 62, Lee graduated from the University of West Los Angeles School of Law with a Juris Doctor degree and later passed the bar on her first attempt.

Lee is currently an attorney with the Santa Monica Rent Control Agency, where her expertise in landlord-tenant issues has made her a vital resource. She has been honored by the Culver City Council for her work on the Culver City Rent Control Board. She is also a volunteer attorney at the Bet Tzedek legal clinic where she counsels low income people with landlord-tenant problems.

Throughout her busy and active life, Lee has always been involved in politics and the debate over public policy. She has served as a member of the Culver City Planning Commission, President of the Culver City Democratic Club, and President of her union at the City of Santa Monica Rent Control Agency. In 1994 she was honored as "Democrat of the Year" by her Assembly District Democratic Committee. She is currently a delegate to the Democratic State Convention, and has been elected to serve on the Executive Board of the California Democratic Party.

In her modest way Lee would insist that her greatest accomplishment has been her family. As with all her other important endeavors, she has embraced the role of grandmother to Sandra's two children, Jennifer and David, with enthusiasm. She continues to be involved in their lives and with them she indulges her great love of travel.

Mr. Speaker, Lee Welinsky is an exceptional individual whose life of service to her family and her community stands as an example for us all. I know that my colleagues join me in honoring her many achievements and contributions and in wishing her a very happy 70th birthday.

TRIBUTE TO A. LOWELL LAWSON, JR., BUSINESS LEADER, PATRIOT AND SERVANT OF THE UNITED STATES OF AMERICA

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. HALL of Texas. Mr. Speaker, it is with a great deal of personal pleasure that I recognize the major accomplishments of an individual who dedicated his career to serving the interests of our country by strengthening our national security for the past 37 years.

On January 1, 1998 Mr. A. Lowell Lawson will retire as Chairman and Chief Executive Officer of Raytheon E-Systems. Under Mr. Lawson's leadership, E-Systems has contributed vitally to the effectiveness of the national intelligence community. In doing so, E-Systems contributed substantially to the United States being victorious in the Cold War—and in keeping us ever vigilant even today.

Mr. Lawson currently is a Raytheon Company Executive Vice President and a member of Raytheon's Board of Directors since 1995.

Mr. Lawson has served as head of E-Systems since August 1994. Prior to that he was President and CEO, beginning January 1994. In April of 1989, Mr. Lawson was elected President and Chief Operating Officer.

Mr. Lawson was born on January 16, 1938 in Macon, Georgia. He graduated from Warner Robins High School in Warner Robins, Georgia in 1956.

After graduating from the University of Georgia with a Bachelor of Science in mathematics in 1960, Mr. Lawson served as a contract price analyst at Warner Robins Logistics Center, Robins Air Force Base, Georgia.

Mr. Lawson joined E-Systems in 1964 as supervisor of proposal and cost analysis and later became manager of cost and services in the Greenville Division. He was assigned to the corporate staff as manager of corporate financial controls in 1965. He was promoted to director of corporate financial controls in 1969, and in 1970 became vice president-finance and division controller at the Memcor Division in Huntington, Indiana. Early in 1973 he was named Vice President and Corporate Controller of E-Systems. He was promoted to the position of Vice President and General Manager of the Greenville Division in 1978.

Mr. Lawson was named Senior Vice President and group executive of the Aircraft Systems Group in 1983. In April 1987, he was elected to the position of Executive Vice President, and served in that capacity until his election as President and COO.

His service is exemplified in his support and participation as a member of the Air Force Association, American Defense Preparedness Association, Association of the United States Army, Armed Forces Communications and Electronics Association, Association of Old Crows, and Navy League of the United States. He has served on the University of Texas at Dallas Engineering School Advisory Board, and was previously a member of the Business Advisory Council of the East Texas State University.

He resides in Greenville, Texas and is a deacon at the Ridgecrest Baptist Church, past treasurer and member of the Board of Directors of Dallas Bible College, and has served on the Industrial Development Fund Board for the city of Greenville, Texas.

Mr. Lawson is married to the former Carol Few of Apalachee, Georgia. They have two sons, Andrew Lowell, III and Steven Bryan, and seven grandchildren.

I cannot imagine any person being more successful—more productive—and yet so capable of friendship. I am very lucky to be a friend of Lowell and of his family.

Mr. Speaker, fellow colleagues, please join me in paying tribute to the exemplary accomplishments of Mr. A. Lowell Lawson, for a lifetime of achievements as a business leader, patriot, and servant of the United States of America.

COMMEMORATION OF SACRAMENTO MUNICIPAL UTILITY DISTRICT'S 50TH ANNIVERSARY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to commemorate and celebrate the recent 50th anniversary of Sacramento's nonprofit, community-owned electric company—the Sacramento Municipal Utility District—commonly known as SMUD.

Dissatisfied with high electric rates, on July 2, 1923, Sacramento voters overcame tremendous opposition to approve the creation of SMUD. Although SMUD became a legal entity in 1923, it was another 23 years before the courts upheld the District's right to supply power to the capital region. On New Year's Eve 1946, SMUD began operations.

Throughout its history, SMUD has survived numerous challenges: fighting to restore power during floods and windstorms, teaching customers how to conserve power during the energy crisis of the 1970's, and successfully responding to the closure of Rancho Seco nuclear power plant in 1989. And through it all, SMUD has remained true to its customers. It has consistently sought and developed new and environmentally friendly sources of power. It has educated the public on energy conservation and efficiency when it became a critical national problem. SMUD is currently recognized as an industry leader in energy efficiency and in renewable energy.

For several years, SMUD has been investing in renewable energy sources such as solar and geothermal power plants. Other strategic planning on the part of SMUD, such as aggressive power-purchasing throughout the western U.S., has kept customer rates constant since 1990. SMUD has committed itself to hold customer rates constant until 2001, then reduce them by as much as 20 percent.

In California beginning this year, customers will begin to have a choice of electric supplier—similar to how they currently choose their long-distance telephone company. Last summer, SMUD became the first utility in California to begin offering customers a choice. A limited number of customers, whose combined electricity usage will add up to 100 megawatts of SMUD'S total 2000 megawatts of peak usage, is opened to competition allowing customers to buy power from a supplier of their choice. By moving months ahead of the other utilities, SMUD gained valuable experience, learning the impact of competition on customers and on SMUD operations.

SMUD's commitment to the Sacramento area goes beyond merely providing electrical power. From its inception. SMUD has recognized its responsibility to return something to the community it serves. Last year, as part of the District's Employee Volunteer Program, employees volunteered over 2,300 hours and raised $20,000 to assist non-profit organizations in the Sacramento area. In partnership with the Sacramento Tree Foundation, SMUD customers have planted more than 200,000 trees in Sacramento since the program began in 1990. SMUD is also aiding in the economic development of the Capital Region. By offering competitive economic development rates, SMUD has helped attract and retain successful companies such as Campbell Soup, Blue Diamond, Packard Bell, Kikkoman and JVC. In the past five years, SMUD has helped to attract or retain 13,000 jobs during a period of economic recession. SMUD is also trying to create a cluster of electric vehicle-related businesses at the McClellan Air Force Base which is slated to close in 2001. McClellan is the largest industrial center in Northern California and offers a sophisticated array of high-tech services that can be contracted by private companies.

I ask my colleagues to join me in recognizing the Sacramento Municipal Utility District on its 50th year and we wish them continued success as they approach the 21st century and the new competitive environment in the electric power industry.

INDEXING FOR INFLATION $2,000 LIMIT FOR IRA CONTRIBUTIONS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation to help those who do not have employer sponsored pension plans. I agree with Federal Reserve Chairman Alan Greenspan that our biggest economic problem is our low national saving rate. Since August of 1997, Americans have been setting aside only 3.8 percent of their personal income.

The Taxpayer Relief Act of 1997 included tax incentives to increase personal saving. This new law expanded individual retirement accounts (IRAs) and created the Roth IRA. Under the new Taxpayer Relief Act of 1997, an individual may contribute $2,000 to either a traditional IRA or a Roth IRA. This $2,000 limit has not been increased since 1981.

This legislation would simply index the $2,000 limit for inflation in $500 increments. The $2,000 limit would just be increased just for traditional IRAs and not Roth IRAs. The reason for this is traditional IRAs have lower income limits and are designed to help those who do not have employer pension plans.

It is important we do as much as possible to help individuals save for retirement. Many use IRAs as their sole source of private savings for retirement. The $2,000 limit has not been adjusted since 1981. This is a saving for retirement.

I urge my colleagues to cosponsor this legislation. During the 105th Congress, I look for ward to enacting legislation which will improve our current pension system.

The last provision of the bill addresses a provision of the Taxpayer Relief Act of 1997. The Taxpayer Relief Act of 1997 includes a provision which allows an employer to voluntarily cash-out employees from pension plans upon termination of employment if the amount is less than $5,000. My legislation would require this sum to be placed in an IRA. The purpose of this provision is to lock up this money for retirement savings. This sum was not taxable income for the employee because it was earmarked for retirement. This provision would allow the funds to be used for retirement.

I urge my colleagues to review and cosponsor this legislation. Pension portability is a serious issue and this legislation makes strides towards improving it. Among all distributions that occur at job change, 33 percent result in an IRA rollover, 7 percent are rolled over to a new employee plan, and 60 percent are cashed out. We need to impose these statistics and the legislation I am introducing today will do this. Enclosed is a summary of the legislation.

SUMMARY OF PENSION IMPROVEMENT ACT

Section 1. Short Title.—This legislation is entitled the "Pension Improvement Act of 1998".

Section 2. Faster Vesting for Employer Contribution to Defined Contribution Plans.—Reduced vesting from five to three years for employer contributions to defined contribution plans. Allows an option instead of 3 year vesting the following schedule: at 1 year, 20 percent at 2 years 40 percent, at 3 years 60 percent, at 4 years 80 percent, and at 5 years 100 percent.

Section 3. Employers Required to Permit Rollovers to Individual Retirement Plans Within 3 Months After Separation from Service.—Employer required within 90 days of termination of employment to offer employee their pension benefits to be rolled over into an IRA. The employee is not required to take this option. Withdrawals before the taxpayer reach age 59 and ½ from the rollover IRA are subject to a 25 percent penalty for the first two years and then 10 percent. Current law is a 10 percent penalty on early withdrawals. As under current law, the 10 percent penalty would be waived for withdrawals for first time purchase of a home, costs of higher education, and medical expenses.

Section 4. Penalty-Free Distributions from Individual Retirement Plans to Unemployed Individuals.—The 10 percent penalty would be waived for withdrawals made if the taxpayer has received unemployment compensation for twelve weeks.

Section 5. Involuntary Cash-outs Permitted Only if Distribution Rolled to an IRA.—Involuntary cash-outs of less than $5,000 need to be rolled over directly into an IRA.

HONORING THE DISTINGUISHED CAREER OF RALPH VAUGHN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GORDON. Mr. Speaker, it goes without saying that in Rutherford County, when someone hears the words, "My friend, my friend,—are you excited?," one can only expect to be greeted by the jovial and gregarious, Mr. Ralph Vaughn. Eleven years ago, we were fortunate enough to find someone of his caliber and talents to tackle the challenges facing Rutherford County and the Chamber of Commerce.

Today, I rise to honor the distinguished career of the retiring Rutherford County Chamber of Commerce President, and one of the most enthusiastic individuals I know, Mr. Ralph Vaughn.

When Ralph joined the Rutherford County Chamber of Commerce in 1986, the organization had two employees and an annual operating budget of less than $100,000. Now, under his leadership, the chamber has seen membership double, staff increase to twelve and the operating budget grow to over $700,000.

Probably the single greatest accomplishment for which Ralph will be remembered is the recent transition of the Chamber office from a log Cabin to its new 10,000 square foot State of the Art facility.

Ralph has been a driving force in preparing Rutherford Countians for the challenges of an expanding economy and continued growth. It was Ralph's innovations and hard work that helped push tourism from a $34 million a year industry to over $110 million dollars today. It was also Ralph's vision that helped conceptualize a long range economic development strategy for growth in Rutherford County, known as Rutherford 20/20.

Ralph has not only helped Rutherford County grow, but he also never forgot his hometown of Smithville, Tennessee. Before coming to head the Rutherford County Chamber of Commerce, Ralph had a distinguished career in the broadcasting industry which had him managing a successful AM/FM station in Smithville.

However, this is not all Ralph did to help his community. Back in 1971, he and a small group of community leaders founded the now internationally famous Fiddler's Jamboree in Smithville. This event has grown from about 8,000 attendees to over 110,000 in 1996 and was recently named the Official Jamboree and Crafts festival of the State of Tennessee.

Ralph's cheerful smile will surely be missed by the folks at the Chamber, but one thing is for sure he has left an indelible mark on both the success and growth of our community. I am sure he will never stop making new friends and promoting Rutherford County. It has truly been a privilege to work with this man, and I wish him the best of luck in his new endeavors.

ROLLIN POST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor my friend and veteran political reporter Rollin Post, who recently retired as an analyst for KRON-TV in the San Francisco Bay Area.

Since entering journalism in 1952 as a copy boy with CBS Radio in Hollywood, Rollin Post has become well known for his passion for politics, for his sound reporting, and for his insights into the issues confronting our nation and the world. From 1961 to 1973, he concentrated on political and general assignment reporting for KPIX-TV in San Francisco and became the Bay Area's first full time political reporter toward the end of that time. Mr. Post spent the next six years at San Francisco public television station KQED, where he worked on news programs *A Closer Look* and *Newsroom.* In September 1979, Mr. Post joined KRON-TV as a political editor. He provided election night commentary for the station and became best known as co-host of KRON's Sunday morning public affairs program, *California This Week*, which has given Bay Area viewers political insight on local, state, and national issues from newsmakers around the world.

There have been many special moments in Mr. Post's career. He covered fourteen national political conventions, spent a week in Cuba reporting on trade, tourism, and American hijackers in 1978, and covered the Philippine elections in 1986. As a result of his outstanding work, he was given the prestigious Broadcast Preceptor Award from the 32nd Annual San Francisco State University Broadcast Industry Conference for his *Outstanding Contributions to the Industry.* A year later, he was one of three media figures honored by the Coro Foundation for influential participation in the public arena. In 1991, Mr. Post received the Outstanding Journalism Award from Sigma Delta Chi, the professional journalism fraternity.

Although Mr. Post has retired from KRON-TV and *California This Week*, the people of the Bay Area are fortunate that he has decided to continue hosting *Our World This Week*, an international news show produced by Bay TV in cooperation with the World Affairs Council of Northern California.

Mr. Speaker, I ask my colleagues to join me in honoring Rollin Post for his exceptionally distinguished career in journalism and wish him our congressional best as he continues providing the San Francisco Bay Area with his superb insights on the great issues of our times.

THE FOUR CHAPLAINS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to honor the legacy of the four chaplains, who, over 50 years ago, bravely gave their own lives in the icy waters of the North Atlantic so that others might live on. The chaplains—George L. Fox and Clark V. Poling, Protestant ministers; Alexander D. Goode, a rabbi; and John P. Washington, a Catholic priest—offered their life vests to four other men aboard the U.S.A.T. *Dorchester* after the ship had been torpedoed by a German U-boat in the early-mourning hours of February 3, 1943.

The *Dorchester*, carrying 902 servicemen, merchant seamen and civilian workers, was one of three ships in the SG–19 convoy travelling from Newfoundland, across the Atlantic, toward a U.S. Army base on the coast of Greenland. The risk involved in the triad's journey was well-known: the area was constantly patrolled by German U-boats, and the Coast Guard Cutter *Tampa*, a second ship in the convoy, had hours before the attack spotted a German submarine with its sonar.

In the moments just after midnight on February 3rd, as the *Dorchester* crept within 15 miles of its final destination, the ship's captain, Hans J. Danielsen, noticed a German U-boat fast approaching on the horizon. At 12:55 of that same morning the German submarine fired a series of torpedoes, which struck the *Dorchester* well below the water-line, injuring the ship beyond all repair.

Many men were killed instantly from the impact of the blast; many others—including those seriously injured by the initial barrage, and the chaplains—would go down with the ship. As the water poured in through the battered starboard side it became clear that the supply of life jackets was insufficient, and it was into the ensuing scene of chaos, despair, and disbelief that the chaplains contributed their fearless ray of light which shone through the darkness.

When the dearth of life jackets was revealed, the chaplains readily and without question removed their own and gave them to four frightened young men; as the *Dorchester* then began to go down, the chaplains stayed beside the injured men, and offered prayers for those who had died and were injured in the wreckage. It is a testament to their own faith and to their overarching love of man that the chaplains—representatives of three distinct religious creeds—were united in the end as one petitioner before God. When the deck slanted into the water and the chaplains breathed their final breaths they were seen by survivors with their arms linked together in a final symbol of their unity of faith and vision. As stated by Francis B. Thorton in his epic, *Sea of Glory: The Magnificent Story of the Four Chaplains:* "Catholic, Jew and Protestant; each proved that night that courage knows no distinction of creed, bravery no division of caste."

Of the 902 men who boarded the *Dorchester* on February 2, 1943, 672 died, leaving 230 survivors. The legacy of the four chaplains, however, will forever live on through the hearts and minds of the American people. For the qualities which their story defines—hope, self-sacrifice, and inexorable faith—are the qualities which define true American heroes. It is for this reason that the four courageous chaplains must not be forgotten, lest the attributes which they so thoroughly represent be forgotten as well.

The four Army chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart at a ceremony at Fort Meyer, VA in 1944. A chapel in Philadelphia honoring their heroic act of selflessness was dedicated by President Truman in February of 1951, and the chaplains were posthumously awarded a Special Medal of Heroism in January of 1951 by President Kennedy. Additionally, a memorial fountain at the National Memorial Park outside of Washington, DC was constructed in 1955 to attest to their extraordinary act of courage.

On February 1st, the chaplains will be honored in services by the Rockland County American Legion and the Orange County American Legion. In Rockland County the services will be held at the Cavalry Baptist Church; in Orange County they will be held at the First Baptist Church of Middletown.

Mr. Speaker, I invite my colleagues to join in the commemoration of the chaplains' heroic act of courage which we commemorate throughout this month.

TRIBUTE TO WILLIAM RUSSELL, FOUNDER OF KELLY SERVICES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. LEVIN. Mr. Speaker, I rise today to honor the memory of Mr. William Russell Kelly, founder of Russell Kelly Office Service, and founder of this modern temporary help industry. Mr. Kelly died Saturday, January 3 at his home in Ft. Lauderdale, Florida. He was 92.

In 1946, single-handedly, Russ Kelly founded a new industry in a Detroit storefront. It began as an accommodation to employers to fill in for vacationing or sick employees, and also to supplement regular staff during short-term workloads. In the early days most of the temporary employees were women secretaries, hence the name "Kelly Girls" soon became a trademark around the world. Society has moved far beyond this confined role for women and so has the company; today, tens of thousands of professional and technical women and men have joined others in Kelly Services.

Beginning as a fledgling company totaling $848.00 in sales in its first year, Kelly Services has grown today to a Fortune 500 and a Forbes 500 company, with annual sales approaching $4 billion. Annually, this Troy, Michigan-based company provides the services of more than 750,000 of its employees through more than 1,500 company offices in 50 states and 16 countries.

Mr. Speaker, I ask my colleagues to join me in honoring the ingenuity and the memory of this entrepreneurial pioneer. Indeed, when Russ Kelly was asked how he wanted to be remembered, he said, "Only as a pioneer."

I extend my sincere sympathy to Russell Kelly's wife, Margaret, his son, Terence E. Adderley, who joined the company in 1958 and became its President in 1967 and who has now succeeded Mr. Kelly as Chairman of the Board of the Company, his daughter-in-law, Mary Beth and his six grandchildren, and three great-grandchildren.

TRIBUTE TO JAMES B. HUNTER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the life of James B. Hunter, a longtime member of the Arlington, Virginia, County Board, who passed away on January 5.

Jim Hunter embodied what many of us strive our entire lives to achieve—a compassionate and effective blend of civic activism and public service that forms a lasting legacy.

Jim served on the Arlington County Board from 1990 until he retired, for health reasons, last September. While on the Board, Jim Hunter spoke up loudly and effectively for the rights of those whose voices are often muted.

But his record of public service encompasses much more than those seven years as an elected official. This willingness to speak up for the dispossessed began long before Jim ever held elected office. Through years of community work, he had built his reputation as a wise and dedicated public servant for years before he gave Arlington voters the opportunity to endorse his leadership through election.

Throughout his life, Jim gave of his time to raise money for groups like the United Way, and served on the boards of the Arlington County chapter of the American Red Cross and the Veterans Memorial YMCA. He was a former president of the Committee of 100, a group of concerned Arlingtonians committed to finding solutions to community challenges. He founded the Arlington Housing Corporation, an organization that works for low- and moderate-income housing and helps keep county teenagers out of trouble. He served on numerous county commissions dealing with issues as wide-ranging as law enforcement, fiscal affairs, and planning.

As a member of the County Board, he served on committees of the Metropolitan Washington Council of Governments, including a stint as chair of COG's transportation planning board and service on boards dealing with airport noise abatement, human services, public safety, and the environment.

But aside from his generous contributions to public service, Jim demonstrated his dedication to others in his private life as well. After he and his wife, Patricia, had three children of their own, they adopted a teenage girl who has fled her native Laos with an aunt and an uncle and who was living in a two-bedroom apartment with 10 other people. This personal response to suffering was indicative of Jim Hunter's life of purposeful compassion.

A Marine Corps veteran, a loving husband, father and grandfather, a respected, indeed beloved, public servant, Jim Hunter served as a role model for an entire generation of civic activists who learned from him profound and lasting lessons about duty, responsibility, and integrity. His family, his friends, and his community will miss him, but we will also remember his commitment to the less fortunate, and in remembering, we will renew our own.

IN MEMORY OF WILLIAM LYLES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. SKELTON. Mr. Speaker, I rise today to say a special word in tribute to the late William R. (Bill) Lyles, a former circuit clerk for Pettis County, Missouri.

A native of Sedalia, MO, Lyles graduated from Smith-Cotton High School in 1943. After high school, he served his nation in the United States Army, fighting in both World War II and the Korean War. In between his military service, Lyles became a small businessman, operating Lyles Cleaners from August 1947 to 1964. In 1966, Mr. Lyles was elected circuit clerk of Pettis County, MO. He was re-elected to that post until his retirement on January 1, 1995.

As a lifelong civic leader, Bill Lyles made it his mission to participate in many community activities. He was a member of the First United Methodist Church, American Legion Post No. 16, Veterans of Foreign Wars Post No. 2591, Sedalia Lodge No. 236 AF&AM, Missouri Circuit Clerks Association, Missouri Child Support Association, Association of Retired Missouri State Employees, and the Pettis County Democrat Club. He was also a charter member of the Sedalia Chapter of Missouri Jaycees.

Lyles is survived by his wife Davijean, three sons, two daughters, one brother, and six grandchildren.

Mr. Speaker, Bill Lyles' military and public service makes him a role model for young civil leaders, and his closeness within the Sedalia community will be greatly missed.

TRIBUTE TO THE HENRY LOU GEHRIG INTERMEDIATE SCHOOL MICROSOCIETY ITS 1ST ANNUAL CITIZENSHIP CEREMONY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Henry Lou Gehrig Intermediate School Microsociety, an invaluable Bronx institution, which celebrated its 1st Annual Citizenship Ceremony Wednesday, December 3, 1997 in the Rotunda of the Bronx County Building.

Thanks to the efforts of some civic-minded groups in the Bronx to meet the need for increased education facilities and better prepare the youth in the Bronix for real life, the Henry Lou Gehrig Intermediate School Microsociety was established. In fact, the program prepares 6th grade students for high school after three years. It gives them the opportunity to experience real life situations, explore career opportunities, become problem solvers, understand the need for responsibility and develop leadership ability.

Mr. Speaker, the Henry Lou Gehrig Intermediate School Microsociety also encourages the youth of our Bronx to share time and energy with neighborhood improvement groups and programs for youth in our community. They gain strength, hope and leadership skills through united community involvement. Through Microsociety setting, students are able to choose jobs in their area of interest.

Mr. Speaker, I have the privilege of representing the 16th district of New York where the Henry Lou Gehrig Intermediate School Microsociety is located and I am delighted by its success.

I ask my colleagues to join me in paying tribute the Henry Lou Gehrig Intermediate School Microsociety, to the administration and faculty, and to the students, whose ambition and hard work will make this great institution a tremendous source of pride and success for years to come.

HONORING THE 150TH ANNIVERSARY OF THE BIRTH OF GEORGE CHAFFEY JR.

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. KIM. Mr. Speaker, I rise today to recognize and honor one of California's true pioneers—George Chaffey Jr., on the 150th anniversary of his birth.

George Chaffey Jr., who was born on January 28, 1848, emigrated with his family to Southern California from Canada in 1880, went on to found the communities of Etiwanda and Ontario, as well as developing what are now the cities of Ontario, Upland and Rancho Cucamonga. Additionally Mr. Chaffey founded the California cities of Imperial, and Calexico, as well as the Australian Cities of Mildura and Renmark.

In Etiwanda, now a part of modern day Rancho Cucamonga, George Chaffey became the first person west of the Rocky Mountains to design and install a hydroelectric power system to generate electricity that lit two towering 3,000 candlepower arc lights on his property.

The Chaffey-Garcia house in Rancho Cucamonga was the first in Southern California to use Edison's electric incandescent lamps. Chaffey also installed the world's first long-distance telephone lines, and founded the first mutual water company in California.

In Ontario, Chaffey integrated his four key principles: wide-scale irrigation of the land, construction of one main thoroughfare, establishment of Chaffey College as a branch of the University of southern California and prohibition of liquor sales.

In 1901 George Chaffey designed and built 150 miles of canal from the Colorado River to Imperial California.

In 1942, ten years after his death, the U.S. Navy launched a Liberty Ship in San Pedro named the SS George Chaffey.

It is an honor to pay tribute to this dedicated individual who through his vision and foresight helped to make the Inland Empire, and indeed California the dynamic and liveable places that they are today.

ABORTION'S CHILDREN

HON. JIM TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. TALENT. Mr. Speaker, I request the following eloquent article be inserted into the CONGRESSIONAL RECORD.

[From the New York Times, Jan. 22, 1998]

(By Peggy Noonan)

On the 25th anniversary of Roe v. Wade, we know certain facts. We know that at this point about 1.5 million abortions are performed each year in the United States. And we know that the fight over whether legalized abortion should continue has not waned with time, as many thought it would, but grown.

The debate has always been by adults about adults. What are the effects on women when they terminate a pregnancy? Do they suffer unusual depression a year or two after the procedure?

Opponents of abortion also talk about the effects of abortion on the fetus being aborted. Does it feel pain?

But there is another group of children who have been overlooked in the debate—the children who have grown up in the abortion culture, the children now 10 or 15 or even 20 years old who have had it drummed into them by television and radio and in magazines, what abortion is and why and how it became legal. It is part of the aural wallpaper of their lives. They have grown up knowing phrases like "abortion on demand" and "the right to abortion" and hearing nice adults, the people next door, talk about supporting politicians who will "protect" these "rights."

I wonder if such talk has not left many of these children confused, so deeply that they do not even know they are confused, and morally dulled.

We all know the recent horror stories. According to prosecutors and news accounts, a girl at a prom delivers a baby in the bathroom and lets it die, then rearranges herself, washes up and goes back to the dance. A pair of college-aged lovers from "good families" in "pricey suburbs," as news accounts put it, rent a motel room, where he delivers their child, which they throw into a Dumpster.

Is it too much to see a connection between the abortion culture in which these young people came of age and the moral dullness they are accused of displaying? Of course, such crimes have occurred throughout time; history and literature are full of them. But what is new, I think, is the apparent surprise of the young girl at the prom, and of the young couple at the motel, at the disapproval society has shown toward them.

And why should society disapprove? What, after all, is the difference between what the girl at the prom is accused of doing and a late-term abortion, something she would have heard discussed, explained and defended on television and in the newspaper?

A late-term abortion means pulling a fully formed but not yet born baby out of the womb, piercing its brain with scissors, sucking out the brain, collapsing the skull and then removing the dead baby. In the girl's home state, New Jersey, this was legal. Why wouldn't she think there is no difference, really, between that and choking a baby to death in a bathroom stall and then dropping it in a trash bin? And what, in fact, is the difference? Only that one death occurred in a bathroom stall, and the other happened in a hospital with clean white sheets and a doctor.

Consider, too, the young couple in the motel and the reasoning that may have left them free of any sense of sin or crime. If the accusations are true, what did they do that was wrong besides refuse to suck into life an inconvenient baby? Isn't that what the culture they were born into, and grew to young adulthood in, does?

I think that's the great ignored story—what we have done to our children by legalizing abortion and championing it. The daily abortion stories and abortion polls and abortion editorials and abortion pictures and stories showing how the movement to "protect these rights" is faring—all this has drummed into their heads the idea that human life is not special, is not sanctified, is not a life formed by God but a fertilized ovum that makes demands and can be removed.

What we teach the young every day is moral confusion about the worth of an ordinary human life. This has wounded, in a very real and personal way, big pieces of an entire generation. And I suspect it has left them frightened, too.

IN MEMORY OF DAVID E. PHILIPS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today with great sadness to pay tribute to David E. Philips, a man who will be long remembered as a unique person who enjoyed sharing his many talents, not only with those close to him, but with his entire community.

Mr. Philips was a dedicated professor of English at Eastern Connecticut State University from 1962 until his retirement in 1991. Beloved by faculty and students alike, he brought more to his university than just a specialized knowledge of Connecticut folklore. An academic and an historian, Mr. Philips also devoted himself to the personal betterment of his students in the name of true higher education. His legacy, not only as an inspirational professor, but as an inspirational man, will long be remembered throughout his community.

After serving in the United States Navy during World War II, Mr. Philips returned home and became active in civic affairs. His hard work was pivotal for the planning and development of the new "Frog" bridge in Willimantic. Serving as a member of the Windham Board of Education from 1971 to 1979, Mr. Philips expounded an exceptional amount of effort to ensure the best possible future for the children of eastern Connecticut.

Not limiting himself to educational issues, Mr. Philips also donated further time and energy to the Democratic Town Committee and was chairman of the town planning commission. Spending his summers in Trenton, ME, he was contributing editor of Down East Magazine for 25 years.

An extraordinary individual, Mr. Philips was a powerful storyteller who brought joy to audiences of all ages with his remarkable ability. Author of the book, *Legendary Connecticut*, Mr. Philips joyfully shared his passion for folklore with the entire community.

Mr. Speaker, it is a rare man that can devote his life to things he loves while contributing so much to the community at the same time. David E. Philips will be missed by everyone he touched, but most of all by his two sons Evan and Donald and the rest of the Philips family.

INTRODUCTION OF THE RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 1998

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. YOUNG of Alaska. Mr. Speaker, today I am pleased to introduce legislation to reauthorize a landmark conservation law known as the Rhinoceros and Tiger Conservation Act.

This historic legislation, which was enacted into law four years ago, was modeled after the highly successful African Elephant Conservation Act of 1988. The fundamental purpose of this law was to establish a Conservation Fund to finance worthwhile projects to assist highly imperiled species of rhinos and tigers. Sadly, the populations of these two flagship species continue to decline and, unless additional assistance is provided, they will continue to slide toward extinction.

In the case of the rhinoceros, it has been estimated that their population has been decimated from 65,000 animals in 1970 to less than 11,000 today. In fact, in the case of two of the five species of rhinoceros, the Javan and Sumatran, there are less than 600 left in the world. While all five species of rhinoceros were listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1977 and a worldwide trade ban has been imposed, poachers continue to slaughter rhinos for their horns. These horns have been used for generations in Asian medicine to treat fever in children and as decorative handles for ceremonial daggers.

Despite plummeting populations of rhinoceros, there is still an insatiable demand for rhino horn, which has made this commodity extremely valuable. In fact, African rhino horn can be worth as much as $10,000 per kilogram and rare Asian rhino horn is worth up to $60,000 per kilogram. The largest consumers of rhino horn live in China, Taiwan, and South Korea.

Regrettably the situation facing tigers is even worse. Of the eight subspecies of tigers once found in the world, three have become extinct and the remaining five populations have been reduced from 100,000 tigers in 1990 to less than 5,000 animals today. Furthermore, the three subspecies of South China, Siberian and Sumatran all have populations that are estimated at less than 500 animals.

Although commercial activities and human population growth have transformed large amounts of the tiger's habitat, illegal hunting has had the most dramatic impact. Despite the fact that all tigers are protected under CITES, tigers are killed for their fur and most of their body parts. Tiger bone is used in many forms of traditional Oriental medicines including powders, tablets, and wines that are consumed to fight pain, kidney and liver problems, convulsions, and heart conditions. Like rhino horn, the major consumers of these products live in China, Taiwan, and South Korea. According to CITES, during the past six years, South Korea imported about 10,500 pounds and China 78 tons of tiger bone.

Sadly, the financial rewards of illegally killing a tiger are substantial. According to the World Wildlife Fund, a pound of tiger bone sells for over $1,400 and a tiger pelt may be worth up to $15,000. It is essential this market be destroyed and that people who live in the tigers' habitat begin to understand the consequences of exterminating an animal that has such a dramatic impact on so many other species.

These were fundamental goals of the Rhinoceros and Tiger Conservation Act of 1994. While it is still too early to tell whether this law will stop the population decline, it is clear that unless the United States takes a proactive leadership role in saving these species, they will soon only exist in remote wild locations or in zoos.

Since its enactment, the Congress has appropriated $1 million over the last three fiscal years. While this is considerably less than the $30 million that was authorized, this money has funded 24 conservation projects to assist rhinos and tigers at a Federal cost of about $530,000. The U.S. Fish and Wildlife Service is now evaluating an additional 70 proposals from organizations that are interested in helping to conserve these irreplaceable species.

According to the U.S. Fish and Wildlife Service, it has funded 12 rhino projects, 6 tiger projects, and 6 projects that will benefit both species. These projects have included: an adopt-a-warden program in Indonesia; aerial monitoring of the Northern white rhinoceros in Zaire; establishment of a community rhino scout program for the survival of the black rhino populations in Kenya; investigation of poaching and illegal trade in wild tigers in India; a tiger community education program in Indonesia; and training of staff and surveys of four black rhino populations in the Selous Game Reserve in Tanzania. The sponsors of these projects, who are likely to match the grants with private funds, include the International Rhino Foundation, the Minnesota Zoo Foundation, and the World Wildlife Fund.

Based on the success of the African Elephant Conservation Fund, I am hopeful that these grants will make a positive difference in the fight to conserve rhinos and tigers.

Mr. Speaker, today I am introducing the Rhinoceros and Tiger Conservation Reauthorization Act, a bill to extend this landmark law for four years in the hope that it will help ensure that these vital species do not disappear from this planet.

"THE ROLE OF THE UNITED STATES AND THE IMF IN THE ASIAN FINANCIAL CRISIS"

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. LAFALCE. Mr. Speaker, in the coming weeks, the U.S. Congress will be debating the role and policies of the International Monetary Fund and how or whether the United States should support this international institution. The context will be the Administration's request for $3.5 billion for the New Arrangements to Borrow and $14.5 billion for an IMF quota increase, or capital replenishment.

BACKGROUND

Before turning to the heart of this debate, a brief background is in order. First, the New Arrangements to Borrow, or NAB, came about subsequent to the Mexican peso crisis of 1994–95. The United States led that rescue effort, with the assistance of the international institutions and other concerned nations. At U.S. urging, the G–7 Heads of State at the Halifax Summit in June 1995 called on the G–10 and other countries with financial capacity to develop a financial program that would have the capacity to handle future crises in the international financial system. Exactly one year ago today, the IMF Executive Directors approved the proposal for the NAB with 25 initial country participants. These countries potentially committed about $49 billion in lines of credit to be made available on an emergency basis if IMF ordinary funds need to be supplemented in a crisis. The U.S. contribution of $3.5 billion is equivalent to 19.74 percent share of the NAB.

Second, the proposed $14.5 billion U.S. contribution to the IMF's capital base (about $200 billion)—composed of member-countries subscriptions or quotas—is necessary for two reasons. First, IMF usable quota resources available to member countries has dwindled to about $43 billion. With the current IMF Stand-By programs committed to Asia—Korea, $21 billion (total package $57 billion); Indonesia; $10 billion (total package $43 billion); Thailand, $4 billion (total $17 billion); Philippines, $1 billion—IMF resources will be nearly depleted.

These Asia commitments underscore the second reason for the quota increase. When the IMF was established in 1944, its quotas and capital base were much larger relative to the size of the global economy. As the global economy has expanded, the IMF's resources have not kept pace, thus eroding its financial effectiveness. If we want the IMF to continue its role as the world's principal monetary authority with the responsibility of stabilizing the international financial system, it must have sufficient resources to credibly do so.

The Risks of U.S. Inaction Far Transcend the Risks of Action

In determining how it will respond to the Asia crisis, the U.S. faces a pivotal choice. We can either use our central role in the international economic community to restore economic stability in Asia and safeguard the potential for economic growth there and at home. Or we can stand by as regional financial crisis blights the economic prospects of affected countries and their people, and simply hope it will not spread.

There are risks both in interceding, or in doing nothing, and letting the market dictate the consequences. I believe the risks of inaction are far greater.

Inaction would be contrary to what should be a central tenet of U.S. and IMF policies—halting the precipitous decline of Asian, and other regions', currencies. Continued currency depreciation will only exacerbate the deteriorating Asian domestic economies. Inevitably, that pain will spread to our own economy, in the form of lost export sales and investments, market turmoil, and increased unemployment. Absent intervention, competitive devaluations are much more likely to occur, doing further damage to the global trading system. If we are to protect that system, currency stabilization—and even appreciation of some of these currencies, which have plunged to all time lows against the dollar—is an imperative.

Inaction also carries the risk of spreading economic upheaval to other regions, including Latin America, Russia, and Eastern Europe. Many of these countries are already struggling to maintain economic growth and stability. In many cases, they have initiated reforms with IMF assistance, and are making serious progress. The spread of the Asian financial turmoil could prove enormously costly to them as well.

Inaction carries the risk not only of economic turmoil, but of significant social and political disruption. To a limited extent, this has already begun. A further economic free-fall could precipitate political and social chaos.

The social impact of declining economies is most severe, not on the affluent or well-connected, but on the middle-class and poor. To be sure, inappropriately austere economic stabilization programs—whether IMF-sponsored or not—can also hurt a broad spectrum of society, bringing lost jobs, closed businesses, higher interest rates, and lost purchasing power. But allowing an economy spiraling downward to take its natural course without remedial action could cause far, far greater hardship.

The final risk of inaction is the unacceptable abrogation of U.S. influence and leadership in Asia. The United States has argued that its geo-political and economic interests lie in considerable part in Asia. It has repeatedly sought to demonstrate its commitment in a variety of fora—such as the Asia Pacific Economic Cooperation platform—despite Asia's perception of a U.S. preoccupation with Latin America and Europe. We can now either affirm our commitment to Asia, or give the lie to these previous efforts.

With U.S. leadership, international institutions have been established to respond to global military crises, such as the United Nations role in Iraq, Bosnia, etc. When global economic crises arise, the International Monetary Fund is the institution empowered by the international community to take action. Just as the United States expects the United Nations to take action when military threats to world peace emerge, we must do our part to support the International Monetary Fund—the only available institution that can act when the threats to global stability are economic. In a time of world economic crisis, the United States cannot default on its economic leadership.

The Political Challenge

Convincing the Congress and the American people that continued support for the International Monetary Fund is essential will be a difficult political challenge.

Our challenge is to make clear to U.S. taxpayers and public officials the economic consequences of not supporting the IMF. If the IMF does not intervene, U.S. taxpayers, business and labor will face serious consequences: further falling Asian currencies and a further rising U.S. dollar; a still greater tide of imports and larger trade deficits; and further falling stock-market prices, affecting pensions, savings, consumer behavior, etc.

Critics of the IMF—including both Democrats and Republicans in Congress—also contend that IMF programs are "excessively austere," with harsh impacts on citizens; that IMF program results are questionable, since countries return to the IMF for repeated reform efforts; and that IMF programs lack discernible development progress. Some of these criticisms are warranted. But legitimate complaints can be lodged against almost any institution. A narrow focus on these problems ignores the stark reality that we need some international institution to cope with stresses in the global financial system, and we need that institution now.

The IMF may not be a perfect tool, but it is the only tool we have. It needs fixing, but not junking. And we cannot fix the problems of the IMF in the midst of a crisis. We must use the IMF as constructively as possible to respond to the crisis in the short term. As the crisis abates, we can then accelerate the discussion and debate about the nature of the institutional changes that might be necessary in today's global economy.

The United States' responsibility does not end with its participation in resolving the current crisis. We must continue to exert our influence and leadership among the 182 countries of the IMF. As the world's largest economy, greatest military power, and foreign-policy leader, the United States has the potential to use both its voice and its vote to make the IMF a more effective international institution in the new century. But the United States cannot expect to shape an institution we abandon at the first sign of crisis.

In re-examining the IMF, the key questions we must consider are how to best shape the IMF for its role in a globalized society, and how the IMF should work with member countries when economic adjustments are needed. In the present financial crisis, the Fund's central tool is so-called conditionality, the IMF's ability to require specific reforms of the country seeking IMF support.

I believe there are at least five core elements of conditionality that the U.S. and IMF should promote in the context of the current crisis.

1. *Currency stabilization is critical.* The markets may have over-reacted to economic conditions in Asian countries with such extreme depreciation of currencies. The Asian economies are fundamentally sound, and with corrective policies they should rebound. Compared to the Latin American economic crisis in the 1980s, when macroeconomic indicators were negative, Asian economies have benefited for over a decade from strong GDP growth; have current-account surpluses or small deficits relative to GDP; have strong savings rates—35 percent in Korea; have had low inflation, most often between 4–9 percent; have high investment rates; and have no or relatively small public-sector debt problems. It is therefore critical that the IMF's primary goal should be to stabilize currencies. Surely, agreement should be reached to avoid competitive devaluations that will further destabilize the international financial and trading systems.

2. *The IMF must also seek vast improvements in the financial services sectors of countries using IMF Stand-By instruments.* The IMF should seek agreement from the affected countries to reform the laws and regulations governing their domestic financial institutions so that they meet generally accepted international standards. This would include laws to ensure adequate capital and reserves, adequate oversight, and standards for transparency. Lack of transparency is a contributing factor to the current Asian crisis—making unavailable accurate debt data, information regarding conglomerate-banking ties, etc.

I offer one caveat regarding this element of conditionality, however. We must demand significant improvement in the operation of financial institutions in the affected countries. However, we should not require troubled institutions to improve totally and immediately—or die. Nor should we judge the success of a reform program by the number of institutions closed. Such shock therapy could lead to a country's economic convulsion. What we do need is deliberate speed. And we need significant, measurable and constant improvement leading in a short but reasonable period of time to the standards we agree upon.

3. *The economies of these countries must be open.* The IMF must insist on economic reforms that open economies to both internal and external competition. Assisted countries must be open to competition, trade, investment, and capital flows—domestically and internationally. Small domestic businesses and international companies must not be excluded from open market competition because of collusion among conglomerates, governments, and financing institutions. The use of overt trade and investment barriers, or indirect regulatory schemes, to exclude outside competition

must not be tolerated. The IMF should insist on fundamental reforms that create the environment for open and fair competition.

Moreover, the U.S. should insist that the IMF put maximum pressure on other industrial countries to import more from Asia during this crisis. The U.S. cannot be expected to substantially increase its imports unless others are willing to bear a comparable burden.

4. *The economic prescriptions for each country must be appropriate to each country.* One size will not fit all. The IMF has been criticized by both the left and the right for imposing draconian fiscal policies and conditions that hurt the citizens of the country who are least able to cope with the consequences. These are difficult judgment calls. Sometimes, the IMF-imposed conditions have been well advised; other times, they may have been misguided. Each country must be dealt with differently.

Thailand was to have a budget surplus of 1 percent of GDP by the end of March 1998, but the continued decline of the baht forced Thai authorities to request adjustment of this IMF condition. Similarly, fiscal conditionality required Indonesia to reach a budget surplus of 1–1.5 percent of GDP and a current-account deficit reduced to 2 percent of GDP. This requirement was changed to a budget deficit of 1–1.5 percent in the agreement most recently announced by IMF Managing Director Camdessus on January 15. In Indonesia, the IMF admitted in a confidential report on January 13 that its tactics—in this case, 16 bank closings—backfired, and deepened rather than helped the crisis.

When developing fiscal requirements as part of the IMF conditionality, one formula cannot fit all countries. And the Asian case differs from most previous IMF Stand-By situations in that public profligacy has largely not been the source of the problem. Most governments have maintained a reasonable balance between expenditures and revenues.

Under such circumstances, the IMF must be careful not to impose tax increases or budget cuts that are not warranted. Although some officials may characterize a budget surplus requirement of 1.5 percent of GDP as "modest," the impact on citizens could be considerable. Consider the impact of cutting the U.S. budget deficit by 1.5 percent of GDP in five months. I doubt that we could comply, economically, socially, or politically.

We must all keep in mind that economies exist for people, not the other way around. The IMF should be especially cautious about imposing fiscal constraints on a government when the "fiscal imprudence" has been centered in the private sector, not only in the countries needing IMF support, but in the private financial sectors outside that country, whether in Japan and Germany—whose banks are most exposed in Asia—or in the United States.

5. *Finally, existing creditors should be expected to bear an appropriate financial burden.* While the U.S. cannot and should not attempt to legislate those IMF requirements, nonetheless that should be the policy of both the U.S. and IMF. Public perception that IMF assistance will privatize creditors' profits and socialize their losses will erode public and Congressional support faster than anything else. And that is understandable. It simply does not appear fair or legitimate to use IMF resources to hold banks and investors harmless, or to shield them from the consequences of poor judgment in loans and investments.

To a certain extent, assisting creditors is inherent in any policy of intervention. However, historically, the United States has insisted that creditors sustain meaningful sacrifices or losses as part of any rescue package, whether in the New York City rescue, the Chrysler loan guarantee, the Brady bonds, etc. Brady bonds, e.g., were deeply discounted in the secondary markets.

This is where the IMF can be very useful. The Fund can and should play a legitimate role as intermediary in private-sector creditor-debtor discussions. The IMF has the capacity—and experience—to serve as a facilitator and honest broker during debt negotiations. Nor would this be a new role for the Fund.

During the 1980's debt reschedulings with Latin America, the IMF did help broker the terms of the deals. In a situation such as Asia's, the IMF could play a similar role. In fact, public statements of support for that concept would assist countries, such as Korea, attempting to guarantee future loans. The application of this policy could significantly mitigate the "moral hazard" of intervention; and also help in garnering political support for U.S. participation in the IMF.

In the 1980s, I proposed establishing an International Debt Management Facility, and included it as part of the Omnibus Trade Act of 1986. Unfortunately, President Reagan vetoed that bill, in part because of that provision. The concept would have allowed for voluntary disposition by creditors of loans to heavily indebted sovereign borrowers in a way that would enable purchase at a discount in secondary markets. It may be timely to inject the principles of this original proposal into a new role for the IMF as a de facto referee in bankruptcy—a facilitator of a rearrangement of the debtor-creditor relationship.

Political Support for the IMF—High Level Outside Effort Required

In the current political environment, it will not be easy to pass legislation that provides new funding for the IMF. To accomplish this, I believe that the White House must launch a concentrated political effort, as it has in past high-profile and critical legislative efforts. Eminent persons of both Democratic and Republican backgrounds should co-chair a campaign to pass IMF funding legislation. If possible, individuals such as former Treasury Secretaries James Baker, Nicholas Brady, Lloyd Bentsen and William Miller might be appropriate candidates.

Reaching Out to Both Business and Labor for Support

As part of its concentrated effort, the Administration must reach out to both the business and labor communities.

The deteriorating economies of Asia will necessarily impact U.S. corporations and the economic climate in which they operate. Many U.S. companies are already reducing their earnings projections because of anticipated fall-out from the Asia situation.

Countries in Asia that are currently in crisis both buy U.S. products and services, and compete to provide them. Economic instability and the depreciating currencies that accompany it will ultimately have an adverse impact on U.S. exports, increase the trade deficit, and put a brake on the economic growth we have been experiencing, all to the potential disadvantage of U.S. firms. It is in the business community's interest to get this crisis under control, and the Administration should seek strong and visible business support in that effort. That support must be significant, it must be broad-based, and it must be now—before opposition to IMF funding grows.

The Administration must also reach out to labor—either for overt support, or at least acquiescence. Labor has a divided approach to the IMF with respect to the Asia crisis. In the short term, labor is concerned that currency depreciation will cause export "dumping" in the U.S. as the only healthy economy that can take more goods. The U.S. trade deficit could soar to $300 billion this year as a result of the currency crisis. As we have seen with the weakening Japanese yen, the U.S. auto industry has suffered: Ford's sales to Japan have dropped 40 percent.

U.S. labor wants the IMF to stabilize currencies as a means to avoid job losses resulting from trade imbalances. The Administration must demonstrate to labor that it understands these concerns. It must publicly exhort other nations to accept Asian imports as well. The Administration must also make clear to labor that it will enforce U.S. trade laws and support "escape clause" action that would provide relief in the form of temporary tariffs or quotas if imports in particular industries flood the U.S. market.

Labor has a different outlook on the IMF in regard to medium-term issues, however. It opposes what it views as extreme IMF-imposed austerity that slows down economies, closes businesses, and creates mass unemployment in societies. U.S. workers ultimately suffer when U.S. businesses lose overseas contracts, exports dwindle, and stock markets fall. Already, the U.S. has lost orders—Boeing had four aircraft canceled—and Stone and Webster Engineering had their contract for a refinery project in Indonesia canceled. U.S. labor must be assured of our government's commitment to help find the proper balance between necessary reform and continued economic expansion.

The Administration must also take a more active and high-profile role in promoting international labor standards. To be sure, the Clinton Administration has done more than past Administrations to promote international labor rights. But it has not done nearly enough. The Administration should be promoting international labor rights in every forum possible, and at every opportunity.

I believe that we must either help the people of the world bring their standards up, or their lower standards will eventually bring ours down. For that very reason, commitment to an improvement of international labor standards is essential if we are to achieve any domestic political support for either the IMF or future trade agreements.

In pressing this issue, however, the U.S. would have far greater credibility if we first ratified more of the International Labor Organization's Conventions. The ILO has adopted 175 Conventions; the United States has ratified but 11. All but one of the 11 relates to technical or maritime issues. By comparison, the typical member of the European Union has ratified 70 ILO Conventions. At a minimum, the President should propose that Congress ratify those Conventions relating to employment discrimination, child labor, the right to organize, and the right to bargain collectively. If the Administration demonstrated its commitment to international labor standards through specific strong actions, it would be better able to persuade labor to support its effort to fund the International Monetary Fund and future trade agreements.

CONCLUSION

It is no exaggeration to say that the U.S. reaction to the Asia crisis and to the IMF's pressing needs will be a defining moment in our global economic and political leadership. If we behave as we did when the League of Nations was being formed—hold back, quibble about the fine points, and eventually refuse to participate—we risk the same result. We may again see the fatal crippling of an international institution that is currently essential to the economic and political functioning of an increasingly interdependent world.

It is not just U.S. leadership in the abstract that is at stake. If the U.S. does not respond pro-actively and responsibly to this crisis, the economic well-being of U.S., Asian and other countries' citizens will be put in serious jeopardy as the global economic climate deteriorates. We live in an interdependent global economy in which the economic crises of other countries cannot be neatly compartmentalized and held at bay.

Politically, philosophically and practically, the U.S. and its citizens have a great deal to lose if we permit regional economic problems to reverberate around the globe unaddressed. It is incumbent upon this country's political, business and labor leadership to do everything possible to ensure the situation does not deteriorate to that point.

TRIBUTE TO THE HONORABLE BUD SHUSTER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to my fellow Pennsylvanian, colleague and good friend, Congressman BUD SHUSTER, on the occasion of his twenty-fifth year of excellent service in the United States House of Representatives as the Representative of the good people of the Ninth Congressional District of Pennsylvania. BUD was victorious in seeking his first term of office in November 1972 and the rest is history. As president of the Freshman Class of 1973, BUD SHUSTER brought to Congress his vision of economic prosperity for Central Pennsylvania and a true commitment to the nation's infrastructure. To this end, he has been the principal author of much of America's transportation legislation. On January 4, 1995, BUD became Chairman of the Transportation & Infrastructure Committee, the largest committee in the U.S. Congress.

I am honored to join in making this tribute his Congressional Staff, past and present, who share a common bond of great respect for their "boss" for his unparalleled service to his constituents, his skilled mastery of the legislative process, and for his dedicated mission to provide a better standard of living for Pennsylvania and for the United States of America. He is a leader of the first order whose ideas are clear and whose goals remain constant. He is a man whose strength sustains his colleagues and those staffers who have served him throughout these past twenty five years of American history.

Mr. Speaker, please join me in congratulating Congressman BUD SHUSTER, a native son of Pennsylvania, on his twenty five years of excellent service in Congress.

TRIBUTE TO TONY GRIFFIN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. UPTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a great journalist, a community leader, a dear friend, but most importantly of all, a father and beloved husband.

Tony Griffin succumbed to cancer on December 30, 1997 only a few weeks after being diagnosed. It is rare that a single voice makes such an impact on so many people, in so many different ways. But Tony Griffin was just such an outstanding individual.

As news and public affairs director at WMUK in Kalamazoo, Michigan, he was all a reporter should be—aggressive, accurate and fair. An alumnus of Western Michigan University, Tony returned home to his alma mater to work at the university's National Public Radio station. He would have celebrated his 25th service anniversary with the station in March of this year.

Under his direction, WMUK won a wall full of prestigious awards, including recognition by the Voice of America, Michigan Associated Press, the Public Radio News Directors, and the Michigan Bar Association.

He built his career and reputation as a dogged, shrewd journalist. A healthy dose of skepticism coupled with voracious appetite for the truth wrapped around a sharp wit and always generous laugh. But the Tony we all knew and loved was more than just a journalist.

Tony took time-out on the other side of the microphone to serve his community. He lent his enormous skills and energies to the local Red Cross, Van Buren County Community Corrections, and a host of other organizations dedicated to improving the quality of life in the Kalamazoo area. He truly cared about the community he represented.

Tony's leadership and dedication will be missed in each of these roles—but not nearly as much as in his most important one. Tony leaves behind a wonderful wife and beautiful daughter. Over the years, my family grew close to Tony's. Our daughters are just a few years apart. We spent a great deal of time talking about the joys of fatherhood and our hopes and dreams for our daughters.

Shortly before Tony passed away, the two of us had an unforgettable discussion at his bedside. But as it became painfully clear that the end was near, Tony kept his love of life and sense of humor until the very end.

He explained to me what would happen if all politicians and leaders had received the same diagnosis he had. It would be amazing how quickly the mountains we've built between ourselves would come down. We'd realize that the important things—family, community, friends—really outshine everything else. Tony's words are an important lesson for us all.

His memory will continue to live in each of us and grow stronger as the days go by. The greatest tribute we can pay to this man is to care for our community, to fulfill our civic duties, love and support our families, and to understand his lesson.

Mr. Speaker, I encourage my colleagues today to share with me in recognizing the accomplishments of a dear friend, Tony Griffin.

CHALLENGING WARD VALLEY RADIOACTIVE DUMP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. MILLER of California. Mr. Speaker, along with Senator BARBARA BOXER and others in California, I have long been raising strong concerns about Ward Valley, the proposed nuclear waste dump being promoted for southern California. Not only are there serious questions about the environmental safety of the proposed facility, but now legitimate questions have been raised about whether the dump is really required at all.

Interior Secretary Babbitt and Deputy Secretary Garamendi have been taking the prudent approach, ordering additional environmental reviews based on credible questions about the potential leakage of highly radioactive wastes that could transmigrate and contaminate the Colorado River. Nuclear waste experts have declared that there is no need to build expensive new waste dumps as there is adequate storage capacity for low level wastes in existing facilities.

The pressure to move forward is coming from Governor Wilson of California and several of the industries that are also adamant about building Ward Valley. But even executives of the company that wants to build and operate Ward Valley have told numerous congressional staffs that there is no national capacity shortage for low level nuclear wastes.

Public opinion in California is growing in opposition to the Ward Valley facility. I hope that my colleagues will read the editorial from the Contra Costa Times of January 26 that rightly calls for caution before proceeding with this costly and potentially hazardous facility.

[From the Contra Costa Times, Jan. 26, 1998]

USE CAUTION IN THE DESERT

Neither Gov. Wilson nor anti-nuclear activists likes the idea of more testing at Ward Valley. But the Interior Department's plan to find out just how dangerous radioactive wastes are to the water supply merely makes good sense.

The Interior Department last week approved the tests at Ward Valley, a 1000-acre stretch of desert in the Mojave Desert, 20 miles west of the Colorado River and the town of Needles. For more than a decade there have been plans to dispose of so-called "low-level" radioactive wastes on 80 acres at the site. The waste would come from California, Arizona and North and South Dakota.

Low-level wastes include irradiated mice and gloves from research hospitals and pharmaceutical laboratories. There have been reports that Ward Valley also would get worn out parts from nuclear power plants, and materials with a "half-life" of 24,000 years. Currently nuclear waste is shipped for disposal at the nation's three dumps in Utah and South Carolina.

Before the dump can be approved, and used, the federal government must turn over the land to the state government. The Clinton administration has balked from the start at doing this, citing safety concerns. The Colorado River, they note, is a drinking source for millions of people.

Wilson claims enough tests have been run and that the site is safe. Clinton, noting leaks at dumps in Nevada, wants to be sure. His administration particularly wants to be convinced that the waste won't leach into groundwater 650 feet below the surface, and thence to the river. That is what the new tests would ascertain.

While the discussion over safety has been burbling, information has surfaced that there may no longer be a need for Ward Valley, or for similar sites proposed for Nebraska, North Carolina, Ohio and Texas. A study by University of Nebraska economist Gregory Hayden asserts that there has been a 16-year decline in the volume of low level nuclear waste being disposed of in current dumps, and that their profitability would be threatened by Ward Valley. Some proponents of the dump have questioned Hayden's research.

In addition, new technology allowing for wastes to be compressed has increased storage capacity at Utah and South Carolina.

Given all these questions, it is hardly out of line to let the new tests proceed. And while the tests are going forth, Sen. Dianne Feinstein, the California Democrat who is the desert's greatest friend in Congress, has called for studies to see if Ward Valley is necessary at all. That, too, is prudent, before the state spends a ton of money developing it.

Ward Valley may yet end up as a site for disposing of nuclear waste. If it does, let's make sure that the materials to be deposited there pose no threat. Twenty-four thousand years is a long time for a water supply to be contaminated.

FUND-RAISING SCANDAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the December 4, 1997, edition of the *Omaha World-Herald*, entitled "Probe of Fund-Raising Scandal Snuffed on Narrowest Grounds."

PROBE OF FUND-RAISING SCANDAL SNUFFED ON NARROWEST GROUNDS

Attorney General Janet Reno used astonishingly narrow grounds to excuse her decision not to seek an independent counsel in the White House fund-raising scandal.

Even Louis Freeh, a former federal judge who is Ms. Reno's FBI director, urged the attorney general in effect to take off her political blinders and acknowledge the appearance of wrongdoing.

Ms. Reno chose to focus on campaign fundraising phone calls that President Clinton and Vice President Gore made from the White House. She said the money raised by those calls did not go directly to the Clinton-Gore 1996 re-election campaign. Her tortured reasoning is that the money went to the Democratic National Committee for general political use and, therefore, was not covered by the law prohibiting candidates from raising campaign funds on federal property.

What about DNC documents indicating that significant chunks of the money Gore raised were transferred to his campaign? Never mind, says Ms. Reno; the vice president didn't know about that. Even on the narrow grounds that Ms. Reno used as a basis for her decision, her judgment is suspect.

An independent counsel—not a Clinton appointee—ought to determine what the vice president knew.

By limiting her attention to the narrow issue of the White House telephones, Ms. Reno ignored Clinton's role in coffees, sleepovers and the vast web of donors set up by John Haung, Charlie Trie and other operatives with ties to the Lippo group and the government of China.

She ignored the videotape on which Clinton explained to donors how they could get around limitations on direct contributions by giving unlimited amounts to the DNC. Ms. Reno may be the only person in the nation who still believes that the Clinton-Gore campaign kept its required legal distance from the DNC.

Ms. Reno also ignored serious allegations of wrongdoing involving the White House China connection. There are indications that the Chinese government had a purpose in using Huang, among others, to make illegal campaign contributions to the Clinton-Gore re-election campaign. Someone needs to find out what the Chinese expected in return.

Chinese intelligence agents boasted about "thwarting" a Senate investigation headed by Tennessee Republican Fred Thompson, who had set out to expose Chinese involvement in the '96 campaign. Lack of cooperation by the White House, the FBI and the Justice Department foiled the Thompson committee's inquiry.

Yet Ms. Reno sees no need for independent review—no need, apparently, to look at other serious allegations, including:

Whether the DNC arranged illegal foreign donations to then-Teamsters President Ron Carey in return for the Teamsters' financial and political support of Clinton-Gore '96.

Whether the White House shook down Indian tribes in Oklahoma seeking the return of tribal lands and overturned Interior Department approval of an Indian casino project along the Wisconsin-Minnesota border because tribes that already operated casinos in the area gave the DNC $300,000.

Whether the DNC funneled $32 million to state parties with orders to spend it on the Clinton-Gore campaign, thereby exceeding federal campaign spending limits.

Whether Energy Secretary Hazel O'Leary met with a delegation of Chinese businessmen in return for a $25,000 contribution to the charity of her choice.

Until The Washington Post wrote about it, Ms. Reno's staff did not know that money raised from the vice president's office had been spent directly on the vice president's campaign. Yet Ms. Reno focused only on the telephones. Her unfortunate decision left the American people with no confidence that the fund-raising scandal will ever be subjected to the scrutiny it deserves.

A SALUTE TO ADMIRAL MARSHA EVANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to Rear Admiral Marsha J. Evans, a remarkable woman who served for the past two years as Superintendent of the Naval Postgraduate School in Monterey, California before her recent retirement from the U.S. Navy.

Admiral Evans has accumulated a long and distinguished military career. In addition to her position as Superintendent, Admiral Evans' leadership experience includes command of the Naval Station at Treasure Island, Commander of Navy Recruiting Command, interim director of the Marshall European Center for Security Studies, Executive Officer at Recruit Training Command, and Commanding Officer at the Naval Technical Training Center. She has also served at the Defense Intelligence Agency, the Office of the Chief of Naval Operations, and the office of the Commander in Chief of U.S. Naval Forces Europe. Her extensive government experience includes serving as executive secretary and special assistant for the Secretary of the Treasury under President Carter, and serving as Deputy Director of the President Reagan's Commission on White House Fellowships.

Admiral Evans was not only a pioneer for women in the military, but a strong advocate for the needs and concerns of women. In addition to being the first (?) woman to reach the rank of Admiral, she was also the first female surface assignments officer in the Bureau of Naval Personnel. She was also active in gender-related issues, having served as Executive Director of Standing Committee on Military and Civilian Women in the Navy, chairing the Women Midshipmen Study Group in the 1980's, and serving on the 1987 Navy's Women's Study.

In September 1995, the Naval Postgraduate School was fortunate to have Admiral Evans appointed as Superintendent, and she did not disappoint. Under her leadership, the school further strengthened and developed its academic mission. It began exploring important new fields, such as how to prevent and contain the use of weapons of mass destruction, and expanded such programs as its successful international officer exchange program at the Center for Civil-Military Relations.

Most recently, under Admiral Evans' direction the Naval Postgraduate School hosted a military-wide conference on Professional Military Education, which successfully brought together leading military and civilian educators and policy-makers from around the country to discuss how best to educate our soldiers to fight the conflicts of the future.

Admiral Evans is a remarkable leader and pioneer, and I am sorry to see her depart as

Superintendent of the Naval Postgraduate School. The Navy is losing a fine officer and outstanding individual, and her presence will be greatly missed. I wish her the best in her new endeavors, and urge other young, aspiring women and men in the military to look to Admiral Evans' great service as a model for success and leadership.

TRIBUTE TO SUSAN GASKA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. LAFALCE. Mr. Speaker, I rise today to salute the outstanding career and accomplishments of Susan Gaska who is retiring after thirteen years as Chief Executive Officer of the Western New York chapter of the Young Women's Christian Association. Ms. Gaska's many years of service have had a profound effect not only on the YWCA but on the entire Western New York Community.

Through her diligent, forthright leadership, Susan brought the YWCA from the brink of bankruptcy in 1986 to a full service organization with a $5 million operating budget in 1998. Although this is a remarkable accomplishment in itself, it tells only part of the story.

The YWCA of Western New York was established in 1870 and traditionally served the community as a temporary shelter for women. But, Susan Gaska envisioned a YWCA that would empower women who are struggling with domestic violence, single parenthood, and illness by giving them long-term solutions to immediate problems such as child care, housing, and health care. To that end Susan has been in the forefront of developing workable solutions to these difficult problems that so many women face every day.

Thanks to seven years of coalition building, fund-raising, needs assessment and planning under Susan's leadership the YWCA now provides safe, affordable day care to over 1,000 children per day. Three notable day care clinics have been established, one each at the County and State Supreme Court building, and at Erie County Medical and Children's Hospital. These centers grant mothers peace of mind, secure in the knowledge that their children are safe and well cared for.

In addition, the YWCA has become an innovator in establishing the first transitional housing program in our area. This program helps move women who are victims of domestic abuse from shelters to apartments operated by the YWCA, on a case-managed basis. Susan has also worked to secure government funds to turn former school 42 in Buffalo into a multi-generational, multicultural facility. That building has been renovated to accommodate 65 low-income housing units designed for senior citizens, as well as space for elder care, child care and much-needed after school programs.

Susan also took the initiative to help establish EncorePlus, a no-cost recovery program for women diagnosed with breast or cervical cancer. In addition, working with local hospitals, Susan was able to establish free diagnostic exams for those women aged 40 and over who have little or no insurance. She has also been personally involved in fighting discrimination, founding the YWCA Racial Justice Committee and courageously offering space in the YWCA to the Gay and Bisexual Youth services organization.

These accomplishments alone are worthy of high praise, but Susan Gaska's efforts have extended into the political realm as well. More than 216 women have graduated from the Institute for Public Leadership, designed by Susan to teach political skills to women. Twenty-three of the Institute's graduates have won public office and many more are likely to do so in the years do come.

I am pleased to join the YWCA and the people of Western New York to honor the extraordinary career of Susan Gaska, a women who made a difference in our community and in the lives of countless young women who came to the Y for help. She helped to change their lives and our community for the better. In short, Susan has shown us what good works can be accomplished with vision, commitment, and leadership, Mr. Speaker, I commend the career and achievement of Susan Gaska to the attention of all Members of the House.

TRIBUTE TO PATTY BRISSENDEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to celebrate the fiftieth birthday of Patty Brissenden. I have personally known Patty for 17 years. Patty was one of my first employees when I was elected to the California State Assembly in 1980. Her energy, dedication and follow-through on issues in Santa Cruz county were invaluable.

Having seen first hand her charismatic dedication, it was not surprising that she was active in many issues. During her time with me Patty successfully worked on organic food legislation, steel jaw traps legislation, extended Medi-Cal for individuals with Multiple Sclerosis, elders in residence at U.C. Santa Cruz, petition to ban off shore oil, and highway 17 safety barriers. In the office Patty set high standards for responsiveness, casework management, and office outreach.

Patty organized the Bill Clinton/Al Gore (1992 and 1996) presidential campaign for Alpine County and co-founded the Sierra Nevada Alliance. As an owner of Sorensen's Resort in Hope Valley, in the Sierra Nevadas, Patty has helped transform the former roadside inn to a widely-acclaimed travel destination. She is a frequent presenter at the professional Association of Innkeepers International on topics of eco-tourism, health care, and destination marketing.

Patty and I remain friends and she continues to work with me on issues such as; logging, tourism, environment, and conservation. In all of her efforts, Patty demonstrates compassion, advocacy for the individual in need, a sense of justice and the understanding that problems can be solved by bringing diverse groups together to work on a solution. Today I celebrate Patty's 50th birthday by wishing her continued happiness and success.

HONORING SHIRLEY GRALLA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the friends and family of the Milton and Shirley Gralla family as they come together to celebrate Shirley being awarded an honorary doctorate of humane letters from Yeshiva University.

Shirley Gralla's story is that of a child of Eastern European Jewish immigrant parents who came to America. Through her many talents, keen insight and most compassionate nature, Shirley has succeeded in giving aid and hope to those people seeking to come to America and experience the blessings of freedom and prosperity that she has experienced. For more than a decade Shirley Gralla has been recognized as an international leader in assisting refugee families trapped in the former Soviet Union. More recently, Shirley Gralla has become immersed in a comprehensive approach to provide Jewish education and communal services for such refugee families in the United States.

Mrs. Gralla has striven mightily to provide the emotional stability and compassion these people need to establish new and successful lives in America. In conjunction with her husband Milton, a Trustee of Yeshiva University, Mrs. Gralla has initiated a "Celebration of Religious Freedom," enabling Soviet Jewish couples who have immigrated to the United States to be remarried in traditional religious ceremonies denied them under the Communist regime. These ceremonies have taken place throughout the United States as well as Canada and Israel.

Shirley Gralla has consistently demonstrated that she can not only develop dynamic and far-reaching programs, but also roll up her sleeves and join in making things happen. In 1985, with her husband Milton, they sponsored a "Freedom Flight" of Soviet Jews from Bucharest to Israel and personally accompanied these refugees aboard the plane. As more and more Eastern European Jewish emigres obtained their freedom through the demise of the Soviet Union, Mrs. Gralla has extended her efforts and resources to assist and help stabilize these people through educational support programs at Yeshiva University and elsewhere. The Grallas have recently endowed a scholarship fund at Yeshiva University for such students. In addition, Mrs. Gralla and her husband have become Yeshiva University Benefactors by endowing the Gralla Family Research Center for Brain Disorders at the University's Albert Einstein College of Medicine.

It is in the truest tradition of our great country that we give of ourselves freely to assist others. Shirley Gralla has taken this timeless tradition and filled the lives of countless people with love, hope, stability and a realization that even in the darkest moments of one's being there will always be hope. Mr. Speaker, I ask my colleagues to rise with me in honoring this great woman.

TRIBUTE TO SANTO SCRUFARI

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. LAFALCE. Mr. Speaker, I rise today to pay special tribute to a great Western New Yorker, Santo Salvatore Scrufari. As a laborer, carpenter, foreman, and superintendent, Santo has played a critical role in enriching the economy of Western New York. As an active member and an officer of Local 280 of the United Brotherhood of Carpenters and Joiners of America since 1964, Santo has spent decades helping his fellow union members and improving the lives of working families throughout the region. And finally, as my cousin, Santo has proven to be a trusted friend and family member.

The new year marked the retirement of Santo Scrufari, bringing to a close over 35 years of distinguished service. Santo's career began in 1962, as a laborer for the Scrufari Construction Company. Between 1962 and 1970, he quickly moved through the ranks, becoming an apprentice carpenter, then graduating to journeyman carpenter, and finally becoming a carpenter foreman. In 1970, Santo moved to the Smith Brothers Construction Company, where he served as a superintendent through 1979. Finally, Santo served as a general superintendent for the Peter Scrufari Company from 1979 through 1984.

These positions allowed Santo to play an important role in the construction or renovation of several major projects in our community. These building projects, which have all had a major impact on Western New York, include the North Tonawanda Library, Niagara University, the Niagara Falls Air Reserve Station, the Wheatfield Salvage Treatment Plant, the Channel 29 TV Station, and several malls, departments stores, and supermarkets.

But this tells only part of the Santo Scrufari story, for he has also been an active and influential union member for well over 30 years. Santo first joined Local 280 of the United Brotherhood of Carpenters and Joiners of America in September 1964, and quickly distinguished himself as a champion of workers' rights. Throughout his tenure as a proud union man, Santo held numerous positions of great importance to the union and its members. From serving as Secretary of the Apprenticeship Committee, then as Vice President, and finally as President of Local 280, Santo has touched the lives of hundreds of workers and, in turn, their families.

Santo's union service culminated in 1996, when he was appointed as the Director of Construction Organizing for the Western New York Regional Council of the Carpenters Union. In this and all other positions that Santo has held, he has proven to be a staunch defender of workplace fairness and safety, and other fundamental worker rights that we now take for granted.

Mr. Speaker, anyone who has come into contact with Santo Scrufari can attest to his dedication to the labor movement. Indeed, he will be sorely missed. As both his Congressman and his cousin, I would like to offer my very best wishes to Santo and his wonderful wife, Charlene, for a happy, healthy, and well-deserved retirement.

TRIBUTE TO HOWARD MARCUS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who devoted his life to this country, his community, and his family. Howard Marcus's commitment to service began when he joined Peace Corps and continued throughout his life with an active involvement in local sports. He was a coach, a fundraiser, and a friend.

Howard was a partner with Newman & Marcus & Clarenback, Attorneys at Law. He obtained his law degree from the Brooklyn Law School, and his undergraduate degree from Hofstra University. He has served the community in innumerable ways for the past twenty years.

Howard was a Peace Corps volunteer in Colombia from 1967–68, where he devoted a year of his life to helping the poor help themselves. Howard's service will be always be remembered in Colombia by those he touched. We on the Central Coast will forever remember and be thankful for the influence his service had on him. As happens with most Peace Corps Volunteers, Howard returned to the United States with a renewed and much more ardent desire to help his fellow human and make a difference in the community in which he lived.

Howard was the author of "Basketball Basics", which was written from his love for the sport. Howard was recently head coach for the Soquel High School and Branciforte Jr. High School basketball teams, and a mentor to the students that he coached. He provided them with basic skills, but more importantly, he gave them a sense of pride and self-esteem.

Howard, a sports enthusiast, planned many of the fund-raising events for local sports. He was an active member of the booster club and helped get financing for the all-weather track at Soquel High School. He also founded the Santa Cruz Track Club, where he coached, and helped organize the wharf-to-wharf race which helps sponsor high school sports activities.

Howard will be missed by all those who admired and loved him. His community benefited greatly from his unique ability to coach and to care. Our hearts go out to the Marcus Family.

TRIBUTE TO JOHN E. MOSS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. WAXMAN. Mr. Speaker, it is an honor to join today with my colleagues in tribute to one of the giants of the House of Representatives, John E. Moss.

He retired from his career in this body in 1978. But the inspiration he gave to the members who learned at his side is with us still.

I was privileged to begin my career in Congress as a member of the Subcommittee on Oversight and Investigations of what was then the Committee on Interstate and Foreign Commerce. John Moss chaired that Subcommittee. He taught us all what tough, fair, tenacious, and totally professional investigatory work could be. He used his power to make Government programs and bureaucracy do what they were supposed to do: carry out the laws and serve the public. And he did it whether the cause was popular or not, embarassing to the Administration or his own party or not, whether he had to stand alone or not.

I particularly remember some of the early work he did around the issues of nursing home conditions, unnecessary surgery, and abuses by prepaid health plans. They were trailblazers.

We all know of the commitment and achievements of John Moss to open up government information to ordinary citizens through the Freedom of Information Act. We know of his achievements in the fields of product safety and consumer protection. But perhaps not so widely known is the influence his example and integrity had on so many other Members and staff. Mike Lemov, who served as his Chief Counsel on Oversight, said recently in a tribute to his Chairman that John Moss invariably championed the underdog, and relished uphill fights. And that sums him up as well as any words could. He was in many ways, for so many of us, the conscience of the House.

If it needed to be done for the little guy, he was ready to do it. If he needed to take on big business or big government, the Defense Department or the drug companies, he was there. And he did it with thorough, effective, untiring work.

I consider myself lucky to have had the opportunity to serve with him. He has been gone from this House for many years, but the public that he championed continues to benefit because of his work and accomplishments. We would all be proud to leave such a legacy.

A TRIBUTE TO COLONEL ILA METTEE-MCCUTCHON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I ask my colleagues to pay tribute to Colonel Ila Mettee-McCutchon, the Commander of the Defense Language Institute Foreign Language Center and Presidio of Monterey, and Commandant of DLIFLC, on the occasion of her retirement from the U.S. Army. Colonel Mettee-McCutchon has been an inspiration to all during her 26-year career in the armed forces, and her positions of successive command only further confirm her valued leadership within the Army and of the respect shown to her by the men and women serving under her command.

Colonel Mettee-McCutchon is herself an esteemed graduate of the Defense Language Institute Foreign Language Center. She first earned both a B.A. and an M.S. in clinical psychology from Auburn University which prepared her well for her exceptional career in military intelligence. Later, she completed the WAC (Women's Army Corps) Officer Basic Course and the Military Intelligence Officer Advanced Course, and then graduated from the Command and General Staff College and the U.S. Army War College, true marks of distinction in the career of any military officer.

For the first three years following Colonel Mettee-McCutchon's commissioning in 1971, she served as a psychologist at the Presidio of San Francisco responsible for drug and alcohol abuse rehabilitation. After displaying compassion and savvy in that assignment, she was transferred in 1974 to the Military Intelligence Branch and appointed a Regular Army Officer of Military Intelligence, which was the beginning of her extraordinary career in the field of military intelligence. Colonel Mettee-McCutchon was initially a strategic analyst at Fort Bragg, before moving up to the following posts: Commander, Headquarters and Operations Company, 525th Military Intelligence Brigade, Fort Bragg; Chief, Joint Intelligence Center, U.S. Southern Command Panama; Commander, 741st Military Intelligence Battalion, 704th Military Intelligence Brigade, Fort Meade; and Staffer in the Intelligence Division, International Military Staff of NATO, at NATO Headquarters, Brussels. Because of her superb record of accomplishment in these critical intelligence posts, she was chosen to be Commander of the Garrison at the Presidio of Monterey in October, 1994.

Colonel Mettee-McCutchon has earned numerous awards during her career including the Defense Superior Service Medal, the Defense Meritorious Service Medal and the Army Meritorious Service Medal with 4 Oak Leaf Clusters. She is married to John R. McCutchon, Lieutenant Colonel of Infantry (Retired), and has one child, Erin T. Mettee-McCutchon. I am sure everyone who knows Colonel Mettee-McCutchon joins me in recognizing her career of exemplary service to her country, and expressing heartfelt wishes for a happy retirement.

ANNOUNCEMENT OF THE 1998 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. REGULA. Mr. Speaker, since 1983, the US Congress and the German Parliament have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress will be chosen to visit Germany March 22 to April 4 of this year. During the 2-week exchange, the delegation will attend meetings with Bundestag members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for 3 weeks this summer. They will attend similar meetings here in Washington and visit the districts of congressional Members.

The Congress-Bundestag exchange is highly regarded in Germany and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. The ongoing situation in Bosnia, the future expansion of NATO and the proposed expansion of the European Union, as well as plans for a single currency will make this year's exchange particularly relevant.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district over the Fourth of July break, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah at 316 Hart Senate Building by Thursday, February 12.

TRIBUTE TO RICHARD D. ISAAC

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FOLEY. Mr. Speaker, I rise today to honor and recognize the retirement of a friend of all veterans, and the only director the West Palm Beach DVA Medical Center has ever known, Mr. Richard D. Isaac.

A graduate of Morehead State University and an Army veteran, Rich began his 25-year Department of Veterans Affairs career in his hometown of Pittsburgh as a recreational therapist. With hard work, a professional attitude and a good sense of humor, he served in ten assignments of increasing responsibility including service as the Associate Director at VAMC in Lake City, FL, and as the Associated Deputy Regional Director at the Southeast Region Field Office in Gainesville, FL.

In 1989, Rich was appointed as the director of the new VA Medical Center to be constructed in Palm Beach County, Florida. During the design phase of the medical center, Rich was charged with the daunting tasks of coordinating the efforts of regional clinical and administrative advisors who provided input to architects in the design of each department, as well as evaluating and implementing the overall design to assure quality care for every veteran.

Rich brought the 265-bed medical center and extended care facility to life, with its 800,000 square feet of space, nearly 1600 employees and $110 million annual budget, and has given the veterans of South Florida one of the most efficient, technologically-advanced and caring medical facilities in the country.

Mr. Speaker, it is an honor to thank Richard D. Isaac for his many years of service to the dedicated veterans across our nation. I wish him and his wife, Marie, many enjoyable and healthy years in the mountains of Georgia.

TRIBUTE TO DR. ROBERT G. GARD, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of California's Central Coast. Dr. Robert G. Gard, Jr. began a lifetime commitment to public service with a distinguished military career and went on to become a leading advocate for one of Central California's most prized institutions, the Monterey Institute of International Studies. Bob will retire January 30, and he will be deeply missed.

Lt. Gen. Gard served in the U.S. Army not only at the Department of Defense, but in Germany, Korea and Vietnam as well. As commanding general, he oversaw Fort Ord's transition from an Army training center to a light infantry division in the 1970s. Following that success he was brought back to Washington once again, where his expertise led him to become the commanding general of the Military Personnel Center and president of the National Defense University.

After retiring in 1982, Dr. Gard put his international experience to use in the civilian world. Following his service with American and Johns Hopkins universities, the Monterey Institute of International Studies was both savvy and fortunate enough to land Dr. Gard as its President, a post he has filled superbly for over a decade.

Located in California's beautiful Monterey, the Language Capital of the World, the institute provides training in 24 languages and comprises one-fourth of the nation's advanced foreign language training. During Dr. Gard's tenure, the institute has seen a 62 percent increase in student enrollment, a tripling of its endowment and a broadening of its academic and graduate programs like never before.

Under his leadership, MIIS' Center for Non-Proliferation Studies has developed a worldwide reputation as the source of information on the spread of weapons of mass destruction, and is used as a resource by national policy-makers in Congress, the CIA and other federal agencies.

Dr. Gard is a vocal advocate for such humanitarian causes as the elimination of anti-personnel landmines. He has openly pointed to the weapons' military insignificance and the need to prevent further needless destruction of innocent human life by banning them from all future use.

MIIS is a better institution under Dr. Gard's leadership. While Bob's contributions will remain forever, we will surely miss him. On behalf of the constituents of the 17th district, I offer our heartfelt thanks and our best retirement wishes to a true American hero.

FORTY YEARS OF SERVICE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. DELLUMS. Mr. Speaker, on January 29, 1998, Dr. Benjamin Major, M.D., M.P.H., will be honored for over 40 years of volunteer service to Bay Area communities. A specialist in obstetrics and gynecology, Dr. Major has over thirty-five years of experience in practice, with service in not only the United States, but in Africa as well. Dr. Major also possesses a widely varied background in working with private and international agencies providing such services as health planning, project management and manpower development.

From 1941–1943, Dr. Major attended Fisk University in Tennessee, to begin his pre-medical education. He then went on to Meharry Medical College in 1946, also located in Tennessee. From 1946–1951, Dr. Major entered into an internship and residency program in obstetrics and gynecology in the City Hospital System in St. Louis, Missouri. He then completed a Master of Public Health Degree in Health/Family Planning at the California School of Public Health, University of California, Berkeley.

Over his distinguished career, Dr. Major has utilized his knowledge of many different areas of medicine in behalf of the community. These experiences include work as an Instructor and Lecturer in Behavioral and Biomedical Aspects of Family Planning; an Instructor in International Health Programs; an Instructor in Health Education (Sex and Family Life), and; by providing clinical training in MCH/FP for African midwives as part of an ongoing project that was started at Meharry College in Tennessee. Dr. Major has generously donated his time and skills to many organizations and hospitals. A principle beneficiary of Dr. Major's expertise has been Planned Parenthood, where he has volunteered for many years with such duties as comprehensive family planning, public health, pre-natal care, infant care and abortion education.

Dr. Major has greatly contributed to the health and well-being of many communities, not only at home but abroad as well. Dr. Major is also to be commended on his many years of accomplishments, and his commitment to teaching others less fortunate.

I congratulate him and thank him for his many years of valuable service, and commend his service to the attention of my colleagues.

SHREWD ADVICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. HAMILTON. Mr. Speaker, one of our former colleagues, Mike Barnes of Maryland, has recently published an essay in the Baltimore Sun in which he describes two recent trips to South Korea—the first in October, before the worst of the financial crisis took hold in Korea, the second two months later, after it had become apparent how severely hit South Korea would be by the economic turmoil that has rocked Asia in recent months.

Mr. Barnes argues that it is very much in America's interest to help South Korea through the current financial crisis. Moreover, he insists, all the fundamentals are present in Korea for a full recovery.

Mr. Speaker, because of our own stake in the Asian crisis, and because we have an immense interest in seeing South Korea weather its current problems, I ask that Mr. Barnes' essay be reprinted in the RECORD.

SOUTH KOREAN 'TIGER' IS IN OUR BEST INTEREST

Recently, the Center for National Policy has sponsored trips to two very different countries in Asia. Each time, the destination was South Korea.

In October, we visited a dynamic Asian "tiger" with a booming stock market, huge multinational corporations and a population of 70 million looking forward to 1998 with expectations of improved economic performance.

Late last month, we visited a country in deep emotional depression brought on by the sudden collapse of banks, securities firms, major construction and manufacturing conglomerates and the stock market. Almost overnight, South Korea's currency—the won—lost more than 60 percent of its value. The government was forced to seek emergency assistance from the International Monetary Fund to stave off national bankruptcy. Now, massive job layoffs are inevitable in a society that once regarded them as unthinkable.

Signs of the new economic reality were everywhere. Seoul's infamous traffic jams have virtually disappeared. Stores, buses, airplanes were all half-empty at the height of the holiday season. Prices have skyrocketed for anything that must be imported, such as heating fuel, which has doubled in cost at the beginning of a tough Korean winter. The news media gave wide coverage to tragic stories such as that of the woman who leaped to her death from an apartment window to avoid another argument with her husband over the family's financial difficulties.

Equally dramatic is the change in Korea's politics. The Dec. 18 election of longtime opposition leader and democratic activist Kim Dae Jung as president can only be compared with that of Vaclav Havel in the Czech Republic, Jean-Bertrand Aristide in Haiti or Nelson Mandela in South Africa. In October, we were told it was impossible for Kim to win because he could never appeal to voters outside his rural home province of North Cholla. But he won a narrow victory over two candidates from the ruling party by carrying urban districts, including the capital city of Seoul.

The election of Kim to South Korea's "Blue House" is extraordinary by any measure. When I last met him in 1985, I was a congressman from Maryland serving on the Foreign Affairs Committee, and he was in exile in the United States from a repressive military regime that repeatedly attempted to assassinate him. When they kidnapped him in Japan, only an intense international outcry prevented his murder at the hands of his captors. His ultimate return to Korea was highlighted by an attack of government thugs at the airport and his immediate arrest.

Since his election, Kim has been making the right moves to give Koreans and the world confidence that the economic and political future will be better. He has recognized the need for restructuring Korea's economy in accordance with IMF mandates, called for direct dialogue with North Korea and reached out to domestic political opponents by allowing lame duck President Kim Young Sam to pardon two former military dictators (those responsible for his own persecution). The president-elect has successfully urged the Korean National Assembly to pass key financial reform bills that give the Central Bank more independence in monetary policy, unifies financial sector regulatory bodies and improves the openness of corporate finances by forcing companies to issue consolidated financial accounts. He also has called for reform of labor laws that will permit layoffs for the first time in Korea, despite the strong support he received from labor unions in his campaign.

Kim's chief of staff, Congressman Yoo Jae Gun, told us that the president-elect's team was surprised at the extent of the economic disaster they were inheriting from the outgoing administration. Nonetheless, they are ready, he said, to take the steps necessary to turn around the economy as quickly as possible.

The Korean economic crisis might have hit with surprising suddenness, but it was many years in formation. In essence, Korean corporate giants financed their global expansion by borrowing from international investors eager to ride the success of the "Korean Miracle." Virtually all of the Korean corporate families, or "chaebols," had accumulated large debts as they circled the world finding new markets for Korean products and manufacturing facilities.

When the "Asian economic flu" began to spread from Thailand through Indonesia to South Korea, foreign lenders, principally New York banks, became nervous and began to demand repayment of loans. When the value of the won dropped precipitously, timely repayment became impossible for many Korean companies. Initially, the Korean government sought to bolster the economy through infusions of new capital, but national reserves of foreign currency were much lower than anyone had expected. As this became apparent to domestic and international observers, a panic ensued that caused the collapse of the Korean stock market and further devaluation of the won. Even the announcement by the IMF of a $57 billion bailout of South Korea was not enough to stem the panic for more than a couple of days.

The international community recently responded with new commitments to roll over and extend loans to Korean borrowers. International banks have committed new funds that soon will be available to Korean companies. It is hoped that these steps will be sufficient to renew confidence in the Korean economy as the country prepares for Kim's inauguration Feb. 25.

South Korea's success is important to the United States, as Treasury Secretary Robert Rubin has demonstrated by helping marshal international support for Seoul's markets. Not only is Korea a key trading partner, but we have 37,000 troops guarding the demilitarized zone between North and South Korea. Weakness in the south might be misinterpreted in the north as an opportunity to threaten the security of the peninsula.

As one who has closely observed Mexico's recovery from its own recent "peso crisis," I would expect that Korea can rebound even more rapidly. Korea has a strong industrial base, an educated and committed work force, one of the highest rates of saving in the world and a remarkable sense of national unity. Certainly the courage and determination of the new leadership has been proven during the decades of struggle to bring democracy to the country. It is very clearly in the United States' best interest to help them succeed.

OBITUARY FOR WILMA McCANN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to salute the 1996 Monterey County Veteran of the year. Wilma McCann, a resident of Salinas, California has had a long established career in the military service department.

Ms. McCann began her profession in the Navy as part of the Women Accepted for Volunteer Emergency Service program during World War II. She was active in local veterans affairs and served for two years as the President of "Sea Otter WAVES," a local chapter of WAVES international. She truly was a woman with pioneer spirit.

Moving to Salinas 7 years ago, Ms. McCann served as the vice president of the Monterey County United Veterans Council and on the Monterey County Veterans Advisory Commission. Working with the Women in Military Service for America, she was field representative and state chairperson for California donations.

Ms. McCann has lived her life with others in mind. My thoughts are with her husband, sons, and grandchildren.

RETIREMENT OF LEE G. MEYER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. THOMAS. Mr. Speaker, Lee G. Meyer, Deputy Director of the Phillips Laboratory, Propulsion Directorate at Edwards Air Force Base has retired. His departure means our nation will lose 30 years of exceptional experience and knowledge of rocket propulsion systems.

For those unfamiliar with the Directorate, it is a little-known but vital part of Edwards Air Force Base. Over two hundred military and civilian personnel work at remote facilities to make efficient, dependable rocket propulsion technologies available to our military and space programs. In fact, it would be hard for us to image the events of the last thirty years without the technologies these people helped make available. The giant rocket motor test standards operated by the Directorate, for example, tested both the Saturn V boosters that took Americans into space and ballistic missile technologies that were so critical to this nation's security during the Cold War. Lee Meyer was an essential part of these efforts.

Lee's over three decades of work at the Laboratory have contributed greatly to the lab's and our nation's achievements. He started working at Edwards in 1963 as an Air Force officer and remained there for the rest of his career as a civilian Air Force employee. During that time, Lee Meyer worked on all kinds of innovative propulsion technologies and was selected to manage important projects such as the concept definition for the proposed Small ICBM as the Advanced Launch System program which will continue to explore the next generation of space launch technologies.

Lee Meyer's retirement will mean the loss of years of knowledge and experience to his colleagues and to the nation. Given the service he has performed for the United States, I urge my colleagues to join me in thanking him for being an important part of our nation's defense.

TRIBUTE TO ROBERT ED STROTHER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor the life time achievements of Granville County Commissioner Robert Ed Strother. Commissioner Strother died recently at the age of seventy-three. He touched countless lives in his community of Granville County as a devoted educator and public servant.

Commissioner Strother's extensive career as an educator included serving as a school principal, county superintendent, and holding several high-ranking positions in the Department of Public Instruction and the Division of Community Colleges. Throughout his many positions as an educator from Wilton High School basketball coach to the North Carolina Department of Public Instruction, one thing remained constant for Strother: maintaining children as the top priority. He always had time to listen to a child.

Since 1989, Commissioner Strother served as a Granville County Commissioner serving twice as Chairman of the Board. He represented his district well having the courage to fight on issues that were important to his community. His colleagues on the Board valued his ability to keep the Granville community informed on statewide issues. Commissioner Alligood recalls, "He loved walking the halls of the legislature better than anybody I've ever seen. He kept us all informed of what was going on in Raleigh and how it affected local government." Strother's thoughtful manner and quick wit opened doors for him throughout North Carolina and he incorporated his experiences through the state into his service to the community.

I first met Commissioner Strother while I served as Chairman of the North Carolina House of Representatives Appropriations Committee. He would walk the halls "buttonholing" legislators almost weekly. Strother would stop in my office and remind me of the needs of his people in Granville County and of all the children in our public schools and community college system.

I commend Commissioner Strother's contributions to Granville County and throughout North Carolina. I feel fortunate to have known Robert Ed Strother as a colleague in education and public service, and I am proud to have had him as a friend. Strother was a true patriot in every sense of the word. Commissioner Strother's legacy will live on in the lives of children he instructed and the members of the Granville community whose lives are richer for having known him. His legacy also lives on through many people who never knew him, but he made their lives better because he cared.

TRIBUTE TO FRIEDY B. HEISLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who continually worked to nurture and to heal, not only the human body but the human spirit and soul as well. Dr. Friedy B. Heisler passed away last July in her Carmel Highlands home.

Born, Sept. 16, 1900, in Switzerland, she graduated from the College of Neuchatel before immigrating to Chicago in 1924. Studying at the University of Illinois Medical School, Dr. Heisler finished her medical residency in psychiatry before opening a private practice in Chicago.

Upon meeting her husband Francis, a civil rights and trade union attorney, Dr. Heisler moved to Carmel Highlands in 1948. She soon became active in the local mental health field, establishing again a private practice which continued until 1984. During this period she served as a mental health consultant to Carmel Unified School District and as an instructor in the Extension Division of the University of California at Berkeley and at Santa Cruz. Dr. Heisler was active in numerous psychiatric and mental health congresses, and she visited mental health institutions. Her vast memberships include: the American Medical Association, International Mental Health Association, Monterey County Mental Health Society, Northern California Mental Health Society, and Mid-Central Coast of Northern California Psychiatric Association. She was honored as a life fellow of the American Psychiatric Association in 1993. Dr. Heisler was instrumental in the founding of the psychiatric department of the Community Hospital of the Monterey Peninsula, where she was a former chairman.

Dr. Heisler was truly a woman of impressive stature. Her involvement in mental health and well being was substantial, as was her love for her family and friends. It is at this time that I recognize Friedy B. Heisler's accomplishments and her involvement. She will be missed by the many people she touched during her lifetime.

CUBA'S POLITICAL PRISONERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, as Jose Marti, the Cuban patriot said: "The sufferings endured for the sake of winning freedom make us love it the more." Dr. Eugenio De Sosa probably knows more than most of us about that love for freedom and what it is like to live without it. Eugenio De Sosa, now in his seventies, was a successful businessman in a pre-Castro Cuba. Educated in the University of Havana, he earned his degree in diplomatic and consular law and became Editor and board member of the daily newspaper, Diario de la Marina, the oldest and one of the most prominent of Latin American publications.

In December of 1959, Dr. De Sosa's life was changed forever. He was arrested by Castro's forces for conspiring against the regime and was forced to serve a prison term of 21 years in Cuba's gulags. The torment endured by Dr. De Sosa during his prison term included routine beatings and torture, both physical and psychological. Eventually he was transferred to the Havana's Psychiatric Hospital where, along with other political prisoners, he was forced to live among the violently insane. In addition to being subjected to the brutality of the guards and deranged prisoners, he was forced to ingest psychotropic drugs and endure electroshock treatments at the hands of Castro's thugs.

After 21 years of suffering through what seemed to be an endless nightmare, this courageous Cuban compatriot was set free. Dr. De Sosa arrived in the United States on January 18, 1980. He has enjoyed tremendous success since his arrival in Miami and is a source of pride to his family and community. Dr. De Sosa's story is but one of the thousands of examples of those whose lives have been scarred and torn apart by the last tyrannical dictator left in the Western Hemisphere, Fidel Castro. Let his story be an example of the strength of the human spirit, of the fragility of freedom and of the hope of millions of Cubans living under Castro's brutal regime to one day be free.

TRIBUTE TO ROSEMARY COLLINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who devoted herself to the people of her community. Rosemary Collins spent her life serving Santa Cruz and her family. She was known throughout the community as loving and kind to all those around her.

Mrs. Collins was active in many organizations, including the Holy Cross Church which was graced by her ability to sing in many of the church events and running the monthly hot lunch program at Good Shepard School.

Rosemary Collins loved children, and children loved her. She was always willing to help a child in need of a hug or just conversation. She worked as a teachers aide and secretary at Soquel Elementary for 28 years, where she helped children with learning difficulties. Her eleven grandchildren brought her great joy in this world along with the many nieces and nephews she read to. Rosemary often said, grandchildren were God's greatest invention, and a hug from a grandchild was what life was all about.

Rosemary Collins is an example for all of us. She was the past president of the California School Employees Association as well as past president of the Young Ladies Institute, a co-founder of the 18–29er Catholic young People's Group of Holy Cross Parish. Her commitment to these organizations, and her time spent on activities of the groups helped keep community spirit alive. She was also a member of the Altar and Rosary Society of St. Joseph's Catholic Church in Capitola, and a volunteer for the Santa Cruz county elections department.

Mrs. Collins will be missed by many. She was a model citizen for the community. Rosemary Collins made the lives of our children better and will be dearly missed. Our hearts go out to her family.

HOUSE OF REPRESENTATIVES—*Wednesday, January 28, 1998*

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. NUSSLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1998.

I hereby designate the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Paul I. Nussle, Executive Director, Exodus Housing, Sumner, Washington, offered the following prayer:

To everything there is a season. Turn, turn, turn. This is a time for every noble purpose under heaven.

Gracious and Mighty God, as we assemble in this Chamber rich with a tradition of freedom and steeped in sacred liberty, grant us clarity to see Your presence this day, and courage to place firm reliance on Your living Word!

Still the voices of clamor and turmoil that bring division; counsel us in seeking mercy when overzealousness for justice would tear the fabric of steadfast love and grace.

This is the Season and this is the Time when we would again take firm hold of the words carved in the podium before us; a rudder for our course!

Peace, liberty, tolerance, justice, union. This is the season and this is the time, refreshed from recess, letting go of sorrows and yearnings unattained, we come with eagerness to pursue noble ambition.

Lord, may Your benediction of peace and mercy keep us from hypocrisy this day and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KLECZKA) come forward and lead the House in the Pledge of Allegiance.

Mr. KLECZKA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had agreed to a concurrent resolution of the House of the following title:

> H. Con. Res. 201. Concurrent resolution providing for an adjournment of both Houses.

The message also announced that the Senate had agreed to a resolution of the following title:

> S. Res. 165. *Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

RENAMING WASHINGTON INTERNATIONAL AIRPORT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just when we thought we had heard it all, now the effort to rename Washington's National Airport after one of our Nation's most respected leaders in the 20th century has met with opposition that is purely partisan in nature. Opposing the effort to pay tribute to President Ronald Reagan is just the latest example of "oh, you are for it? Well, we are against it now" politics employed by my liberal colleagues.

I understand that the diversity of opinion in this House are often vital when setting policies of this Nation. A healthy debate is an absolute must if we are to reach sound conclusions on important and vital national issues. However, I feel it is an absolute disservice to a great man that petty, partisan politics threatens to stain his great legacy.

This is clearly no place for partisan politics. I urge my colleagues to support H.R. 2625, a bill to rename Washington's National Airport after former President Ronald Reagan.

MEDICARE PRESERVATION AND RESTORATION ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I rise to introduce the Medicare Preservation and Restoration Act in response to the concerns of many seniors in my district and around the country about the recent changes of the Medicare program.

As my colleagues know, the Balanced Budget Amendment of 1997 contains the Kyl amendment, which permits private contracting between doctors and Medicare beneficiaries for medical services that otherwise would be covered under the Medicare program.

Know full well that private contracts will increase medical expenses for America's seniors and substantially weaken the integrity of the program. Beneficiaries who establish private contracts with physicians are obligated to pay 100 percent of the bill out of their own pocket. By circumventing the Medicare system, private contracts will create a two-tiered health care system where the elderly of modest means are forced to receive second rate care or bankrupt themselves to pay high prices under private contracts.

Repealing the Kyl amendment and placing an outright prohibition on any private contracts for services currently covered in the Medicare program is the only way to guarantee seniors access to affordable medical care now and in the future.

Mr. Speaker, I urge my colleagues to review this legislation and join me in restoring the commitment that Medicare made to senior citizens more than 30 years ago.

The Medicare Preservation and Restoration Act will repeal the Medicare private contracting provision of the Balanced Budget Act of 1997 and clarify that private contracts are prohibited under Medicare for Medicare covered services.

The legislation I am introducing is simple. First, it requires that providers submit a Medicare claim whenever Medicare-covered services are provided to a beneficiary. Second, it requires that a provider, when treating a Medicare beneficiary, charge no more than Medicare's balance billing limits allow. My legislation will settle the issue of private contracting once and for all. It will explicitly prohibit providers from circumventing the Medicare system, it will preserve beneficiary billing protections, and it will restore the promise of quality and affordable health care for every American senior citizen. My legislation has the support and endorsement of the National Committee to Preserve Social Security and Medicare and the National Council of Senior Citizens. The Medicare Rights Center also has spoken out in opposition to Medicare private contracts.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, this legislation is the only way we can continue to guarantee every senior citizen in America the right to affordable health care under Medicare. The private contracts allowed under the Balanced Budget Act represent a dangerous first-step towards dismantling the Medicare program as a whole. They are ill-conceived and unnecessary. These contracts will allow doctors to disregard Medicare's most important protection—balanced billing limits. These limits guarantee that all seniors regardless of their income or their health status will have access to affordable health care. Private contracts destroy these protections and allow doctors the ability to decide patient-by-patient which senior will be forced to pay more than Medicare's set rates for needed medical care.

During debate on the budget bill last October, Senator JOHN KYL of Arizona included this private contracting provision to allow any doctor to treat Medicare patients outside of the program and bill the patient privately at any rate the doctor sets. During negotiations on the final package, the provision was altered to protect beneficiaries and to prevent physicians from moving back and forth between billing some patients privately and others through the Medicare program. The final bill stated that if the doctor wanted to treat seniors under private contract, then the doctor had to forgo Medicare participation entirely for two years.

This two-year restriction was designed to protect the program against fraud, guard against a massive exit of physicians from the Medicare program, and ensure that doctors would not create a two-tiered Medicare system—one waiting room for private pay patients who are served first, and one for non-private Medicare beneficiaries who are served last. Now, a movement is underway to remove this two-year limitation and give doctors the right to decide not only patient-by-patient, but procedure-by-procedure, which services will be billed through Medicare and which will be billed privately.

Many of you have probably seen the mailings certain interest groups have been sending to our senior constituents in an attempt to distort the facts about private contracts. These mailings are falsely scaring seniors and attempting to trick seniors into giving up Medicare's balanced billing protections.

These groups are not telling the truth when they say that Medicare won't pay for seniors' health care. They are not telling the truth when they say that seniors are going to be left with no doctors that will treat Medicare beneficiaries. The truth is virtually any doctor anywhere in the country today will treat a Medicare beneficiary. Currently, fewer than five percent of doctors decline to participate in Medicare, and of all the doctors' bills submitted to the Medicare program, over 90 percent are paid at a fixed rate set by the program.

These groups are not telling the truth when they say that if Medicare won't pay for a senior's health or medical needs then that senior will have to go without treatment. The truth is seniors have always been able to purchase medical care that Medicare does not pay for by paying for the service out of their own pocket. This has always been the case and has not changed.

These groups are not telling the truth when they say that private contracting will increase options for seniors. The truth is the only thing that private contracts *will* increase is seniors' health care costs. Unless we repeal this private contract provision and restore Medicare balanced billing limits, seniors will be forced to negotiate with their doctor on their own for needed medical care. Unless we eliminate private contracts, seniors will be forced to pay out of their own pockets for medical care at whatever rate the doctor decides to charge.

Let's restore Medicare's balanced billing limits for all Medicare beneficiaries by eliminating these dangerous private contracts. These billing limits are the only way we can guarantee that all seniors receive the health care they need at reasonable and fair prices.

I urge my colleagues to strip away the rhetoric and conjecture, to examine this issue closely and in its entirety. And, I believe you will come to the same conclusion that I have that private contracts are unnecessary and have the potential to destroy the Medicare program. I urge you to cosponsor the Medicare Preservation and Restoration Act—a sensible and responsible solution which will guarantee Medicare for all elderly Americans.

HONORING U.S. SERVICE MEMBERS KILLED AND INJURED DURING VIETNAMESE TET OFFENSIVE

(Mr. RYUN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN. Mr. Speaker, 30 years ago this week, the North Vietnamese and the Viet Cong launched what is now known as the Tet Offensive. During the Vietnam War a cease-fire was traditionally observed during the Vietnamese holiday, Tet. Both sides of the Vietnam War agreed to a cease-fire to extend from January 27 to February 2, 1968. However, the North Vietnamese and the Viet Cong broke their agreement and launched a massive attack during this week. The Viet Cong assault team began the attack by breaching the walls of the United States Embassy in Saigon. The entire attack lasted 2 weeks and took 1,000 American soldiers' lives.

I have introduced a resolution honoring the Members of the United States Armed Forces who either fought or were killed during the Tet Offensive and the families of the service members who were killed or injured during that fighting. I ask my colleagues to join in honoring our service members who died 30 years ago during this offensive.

BIPARTISAN SUPPORT FOR HEALTH CARE INITIATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last night the President outlined his agenda for Americans. Democrats and Republicans should strive to work together and implement his ideas on issues such as enacting a true consumer Bill of Rights to guarantee choice, access and quality health care in HMOs and enabling the near elderly to buy into the Medicare program. Unfortunately, the Republican leadership is already putting special interests ahead of the American public by supporting million-dollar ad campaigns to fight these new health care initiatives.

Numerous constituents have contacted me with their concerns about managed care. Congress needs to pass a ground floor of quality assurance standards for managed care organizations, and Democrats will also fight to enact the President's Medicare buy-in proposal that would grant access to the Medicare program for those aged 62 to 65 and those over 55 who are laid off or displaced. This initiative will not cost the Medicare program or raise the deficit. Instead, it will provide access to the best health care program in the world for these near elderly.

I just want to say, we should support these initiatives on a bipartisan basis.

SUPER BOWL XXXII

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, they said it could not be done. Thirty-eight years as a team without winning the big one, and they said it could not be done. For 13 years the National Football Conference dominated the American Conference in the Super Bowl and they said the American Football Conference could not do it. Four previous times the thundering herd from the Mile High City had charged up to the summit only to come down with a thud, and some said it could not be done. When they lost the last three games of the season, many said they were finished, another year of disappointment. Again, it could not be done. Wild card teams do not get to the big game, they sure do not win it.

Well, the experts said they cannot do it. But I say to my colleagues, these that said it could not be done were wrong. They did it. The Broncos are world champions. I guess it could be done after all.

IRS REFORM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS has finally confessed. A spokesman admitted, and I quote: "IRS seizure practices are unfair." He further said that the IRS is now starting a new program. Check this out: Under this new program, the IRS district director must approve all seizures. Unbelievable. The IRS district director is now the sole judge, jury and executioner of our property. Beam me up. I now know why the IRS actually could look in the mirror and believe they are consumer friendly.

Mr. Speaker, they believe all taxpayers are nothing more than a bunch of masochists. Support my legislation that will require judicial consent and approval before the IRS can grab our assets. I yield back the balance of any money we have left.

STYLE VERSUS SUBSTANCE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last night the President gave a great speech, but the issue is not the style of the speech, it is the substance of what the President said.

Two years ago the President said in the State of the Union speech, the era of big government is over, but last night the President outlined new programs that will cost us $40 billion in new spending each year. That is completely different from what he has said in the past. It is clear the President is for bigger government and higher deficits, while we here in the House have successfully worked for smaller government and lower taxes.

Now, there are many areas that we can work together on: Reforming education, saving Social Security and Medicare, fighting crime and drug abuse, reforming the IRS, and we can do all of these things without breaking our pledge to balance the Federal budget and reduce our Federal debt. But the new Federal programs with greater bureaucracy and more spending will take us off the mark of a balanced Federal budget.

So, Mr. Speaker, it is my hope that we can work together to our common goals that we can reach.

BOLD AGENDA FOR 1998

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Democrats are back and ready to work. Last night the President laid out a bold agenda for the coming year. I might remind my colleagues this is the first President since 1969 to appear before a joint session of this House and come here with a balanced budget, and within that balanced budget talked about issues, things that we need to work on that in fact can help working middle class families in this country. Expand Medicare, allow health care coverage for those who are near retirement who might need it and might not be able to get it. They pay into it. Ensure high quality health care with a consumer Bill of Rights. Reform managed care, making quality child care more accessible and affordable, raise the minimum wage, and yes, preserve Social Security.

What does the Republican leadership have on their legislative agenda? Nothing. What important votes are they going to take to help the lives of middle class families? None. They are sending us home for the next two or three weeks. What is the Republican leadership going to give the American public? Nothing, zero, zip.

Mr. Speaker, let us get engaged in the President's bold agenda.

ACHIEVING AMERICA'S GOALS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, last night in the State of the Union message the President set some good goals for America. He talked about a balanced budget, he talked about saving Social Security. He committed himself further to welfare reform; he is for education reform, he is against drugs, he is even for some family tax cuts.

The question is not about whether these are the goals we want for America, but how to achieve those goals.

□ 1315

For instance, the President said that a family of four that makes less than $35,000 should not pay any Federal income tax if they have high child care costs. Well, I agree. A family of four that makes less than $35,000 should not pay any Federal income tax. But it should not matter whether they have child care costs or not—$35,000 for a family of four is $35,000.

Mr. Speaker, we ought to work for those American families, and we ought to work for better solutions for American families.

LET US PUT SOCIAL SECURITY FIRST

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, the problems that faced America 2 weeks ago are still the same problems that we face today. Despite what has occurred in the last week, Congress still has the obligation to move the country forward.

Last year, in a remarkable show of bipartisan effort, the Congress gave back to Americans $94 billion in tax cuts and education benefits. Now that we have balanced the budget and given America its well-deserved tax cut, we must take care of today's seniors and the seniors of tomorrow by saving Social Security.

Mr. Speaker, we cannot allow seniors who have put into the system for their whole lives to fall into poverty just because they decided to retire; and we must never ask them to choose between food, health care, and their home. They deserve security and dignity. They paid for it.

So let us join together across party lines, as we did for the balanced budget and for the tax cuts, by heeding President Clinton's call. Let us put Social Security first.

IT IS A NEW YEAR AND A GOOD TIME TO CUT TAXES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, it is important that we not let any distraction going on here in Washington get in the way of our responsibility to provide tax reduction and tax reform to the American people. With Federal taxes now approaching 20 percent of the Gross National Product, the highest peacetime figure in American history, and a runaway tax collecting bureaucracy that strikes fear in the hearts of every hardworking taxpayer, this Congress, notwithstanding the usual White House roadblocks, must move forward with tax cuts, tax simplification and tax fairness now. If the President chooses to oppose our efforts, let him explain his opposition to the American people.

Mr. Speaker, a lot of things have changed for the better since fiscal conservatives replaced tax-and-spend liberals in the House majority here in Washington: welfare finally reformed, a balanced budget actually in sight, family tax relief on the way. But more relief is due the American people. We need to move with dispatch. The American taxpayers deserve no less.

WHAT AMERICAN FAMILIES NEED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last night the President laid out a blueprint that addresses the needs of America's family in his strong State of the Union address. He laid out a blueprint to start protecting Social Security and make sure that it is on financial safe footing in the 21st century.

He laid out a plan for managed care reform that for the first time will make sure that those individuals who are receiving medical care through managed care are, in fact, getting the medical care that they need and that they deserve, given their ailments and not that which is decided by bookkeepers and CEOs and shareholders who have nothing to do with the delivery of medical care, those very same people who are overriding the judgment of doctors who ask that their patients be taken care of in one manner and the managed care organizations decide that they will not do that. That is what America's families need.

He also addressed the need for expanded child care so that American families can continue to participate in the economic system of this country and support their families and know that their children are safe, know that their children are receiving child development and afterschool programs for these same children.

Mr. Speaker, this is what America's families need. It is what the President addressed.

SUPPORT FOR RENAMING NATIONAL AIRPORT SHOULD BE BIPARTISAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday we saw a demonstration on the differences between the Republican and the Democrat parties.

We had, last night, the President of the United States as our guest in this Chamber. The President was received warmly by Republicans. They clapped, they were very polite, no snickering when he talked about responsibility and personal stuff like that. We were cordial, and we did not mention anything about "you know who."

Now, the same day, the Republicans pushed forward naming the National Airport after Ronald Reagan. He was our leader. We are very proud of him. He was not a perfect president. He did stand tough against the Soviet Union. He created jobs and brought down inflation and did a lot of good things. He won a clean reelection. We are proud of our president.

But, Mr. Speaker, every single one of the Democrats on the Committee on Transportation and Infrastructure, on a simply partisan basis, voted against naming the National Airport after Ronald Reagan. And yet did we turn around last night and show what we felt? No, we were very gentlemanly and did the right thing.

I would ask our Democrat counterparts to consider their conduct, because if they want to play partisanship, it is a lot more interesting to talk about this administration than Ronald Reagan's.

STANDING WITH THE PRESIDENT FOR THE AMERICAN PEOPLE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, last night the message of the President of the United States was a very strong message. It was a visionary message full of vision and promise for America.

Last night, the American people heard from America's President. He offered for the first time in 30 years a balanced budget. He spoke about the sacred privileges of the patient-physician relationship and demanded that intrusive, hard-knuckled accountants and others who want to look at the numbers do not interfere with good health care in America.

He talked to mothers and fathers who needed child care to raise their children right. He talked about rebuilding our crumbling schools and making a commitment to work with local governments and jurisdictions. And, yes, he emphasized that there is something valuable to every American having affordable housing.

Mr. Speaker, I heard one of my colleagues on the other side of the aisle define the President's program last night in speaking to the public as "left leaning." If that is left leaning, I do not want to be right. I want to stand with the American President and the American people and make their lives better for the 21st century.

CONGRESS SHOULD HONOR RONALD REAGAN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, it will be a fitting tribute when this Congress recognizes the achievements of former President Ronald Reagan by renaming Washington, D.C.'s National Airport in his honor.

Let us recall the challenges our Nation faced when President Reagan took office: an economic crisis, a demoralized and weak military at home. Our allies abroad mistrusted us. The Cold War raged as country after country was falling under the yoke of the Communist Soviet Union. Americans were losing our unique confidence and optimism about the future.

President Reagan conquered all of these challenges. In the process he restored the majesty, the dignity, the moral authority, and our respect for the office of the presidency.

President Ronald Reagan's principled leadership looms even larger today. Let our country honor him and the values he upheld.

ENOUGH IS ENOUGH IN CALIFORNIA'S 46TH DISTRICT CONTESTED ELECTION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today to call for an end to the contested election in the 46th District of California. Enough is enough.

It is unfortunate that our second session is starting out much the same as our first session did. Members of the Republican leadership are publicly making unsubstantiated assertions about illegal voting in the 46th District and about the involvement of the gentlewoman from California (Ms. SÁNCHEZ).

The facts, however, tell a different story. The facts are that the grand jury investigating this matter for 13 months found no credible evidence on which to base a criminal prosecution, not one, although Hermandad was called a criminal organization in this House on this floor. No conspiracy to commit voter fraud was found. The Orange County District Attorney had a thorough and fair investigation. It yielded no indictments.

The facts are that the Committee on House Oversight asked Secretary Jones to investigate a list. He gave us that list back and he said that he could not vouch for any list because he did not know how it was put together. Let us end this sad event in our Congress' history.

AFTER FIVE YEARS, AMERICANS SHOULD REMEMBER THE PLIGHT OF PANAMANIAN KIDNAP VICTIMS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, this Saturday marks the 5-year anniversary of the kidnapping of three American missionaries in South America. On January 31, 1993, armed bandits descended upon the Panamanian village of Pucuro and kidnapped Dave Mankins, Mark Rich, and Rick Tenenoff in the presence of their wives and in the presence of their children.

The gunmen demanded $1 million in return for the lives of these men, a demand that could not and should not be met.

Mr. Speaker, it has been 5 years since these women have seen their husbands, 5 years since these children have spent Christmas with their fathers, yet this story has made little news and has sparked little protest.

Where is the sense of outrage in our country? Where is the sense of compassion?

Today on this anniversary, and throughout the year, let us remember these families and pray and work for their immediate release.

TIME TO CALL AN END TO SANCHEZ INVESTIGATION

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, simple equity would argue that we ought to end the Sánchez investigation and have Congress pay for the bills that we fostered upon the gentlewoman from California, hundreds of thousands of dollars in legal fees for a race she won by several hundred more votes than Speaker GINGRICH won his race by several years ago.

Mr. Speaker, if decency and honesty will not do it, my colleagues on the other side of the aisle should listen to their pollsters. The pollsters say they are driving Hispanic Americans out of the Republican party and away from Republican candidates in record numbers. Why? Because they see the oppression.

Mr. Speaker, we had charges on this floor during the debate of fraud and other criminal activities, all dismissed by local and State people in California. This woman has won this race. It is close to 14 months after the election. Decency would demand that we end this investigation, pay the legal bills, and stop the chicanery. Just because the gentlewoman is a woman Hispanic from California does not mean that my colleagues have the right to drag her through the mud for the entire two-year term. End this investigation.

THANKS TO COACH TOM OSBORNE OF THE NEBRASKA CORNHUSKERS ON HIS RETIREMENT

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, one of the great legends of college football retired this season. Dr. Tom Osborne has led the Nebraska Cornhuskers for the past 25 years, and everyone who has watched was saddened by his departure.

Tom Osborne is Cornhusker football. As a young man, I watched him on the sidelines. A man of honor and integrity, a true winner regardless of the outcome of the games.

I watched him coach through years of close games against Oklahoma, near misses for the National Championship, until finally in the past 5 years he has brought home three National Championship seasons, including this year.

More so than football, what Tom Osborne has provided our State of Nebraska and our Nation is a leader who has placed the character development of his young men ahead of their football skills. Tom Osborne never forgot the lessons he learned growing up in Hastings and St. Paul, Nebraska; lessons of faith, values, commitment, doing what you said you would do.

Mr. Speaker, we say to Coach Osborne: Coach, thanks for the memories. We are excited to see what is going to happen in the future. We know that even though you are retiring, you will continue to instill those lessons of faith, character, and development and doing what you said you would do into the young lives of Nebraskans and all America.

DISTRICT OF COLUMBIA CONGRESSIONAL INTERN PROGRAM

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come to the floor to welcome Members home to Washington as we begin the 1998 session and to once again invite those who live in the city to call me if they need help from local government.

Mr. Speaker, I want to thank Members who took high school volunteer interns in September when the schools were closed for repair work. Many Members heaped praise on the performance of those D.C. high school interns. They were thrilled by the opportunity to work in Members' offices. The distance between official Washington and hometown Washington disappeared.

We were so impressed by the benefits to all concerned that we have now established a permanent D.C. Congressional Intern program. Interns will compete and be screened and oriented before being assigned to Members. The best and the brightest will be recommended to do such tasks as answering phones, sorting mail, filing, and computer searches.

Almost 100 Members of the House and Senate have already signed up to take interns. I ask Members whether they would like to help a kid from D.C. and get extra help for their office as well.

The program will go from February 3 to May 25. Please call my office and get a free D.C. high school intern.

□ 1330

THE IRS

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, the American people now know that the Internal Revenue Service has been breaking the law for over 10 years. Recently the IRS admitted the use of quotas. Charles Rossotti, the present IRS Commissioner, said, this demonstrates that the Agency has failed to strike the proper balance. It shows the IRS has put too much emphasis on revenue and not enough emphasis on quality customer service and respect for taxpayers' rights.

Frankly, ever since the taxpayers' Bill of Rights 10 years ago, this out-of-control Agency has never struck a balance on anything. The only thing they have struck is fear and intimidation into the hearts of every taxpaying American. This Congress must roll back and curtail the power of the Internal Revenue disservice. We must force this Agency to respect the constitutional rights of the American citizens.

CALL FOR AN END TO INVESTIGATION OF VOTER FRAUD

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the grand jury in Orange County, with all of the available facts and documents and information at their disposal, did not find probable cause to issue even a single criminal indictment concerning voter fraud in LORETTA SÁNCHEZ's victory. The Republican California Secretary of state, who well over a year ago certified LORETTA SÁNCHEZ the winner after a painstaking recount, concluded in December that no new evidence warranted changing that result.

In fact, listen to what Secretary Jones had to say about the so-called evidence the Republicans sent to him, and I quote, "We don't know if they are illegal or not because we don't know the status of the individuals on the list or how the list was put together. I can't vouch for the list."

Let me repeat that, "I can't vouch for the list."

Mr. Speaker, that is what we Democrats have been saying all along. This so-called evidence is useless and worthless and nothing more than an attack on Hispanic voters in the Nation. It is time to end this investigation and the enormous amount of taxpayer dollars spent.

UNFAIRNESS IN THE TAX CODE: THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, today I want to raise the issue of the marriage tax penalty. Let me just frame this issue by asking some very simple questions. Do Americans feel that it is fair that a married working couple with two incomes pays higher taxes than a similar couple living together outside a marriage? Do Americans feel that it is fair that the average married working couple, two incomes, pays $1,400 more in higher taxes? Do Americans feel that it is fair that our Tax Code actually provides an incentive to get divorced? In fact, the only way a married working couple that pays a marriage tax penalty can avoid it is to file for divorce. That is just wrong.

Think about it. Fourteen hundred dollars, that is a lot of money back in Illinois and throughout this country. Fourteen hundred dollars is 1 year's tuition in a local community college, 3 to 4 months of day care or child care at a local day care center.

We need to make a bipartisan priority this year the elimination of the marriage tax penalty. In fact we look to President Clinton to join with us to make it a bipartisan priority to eliminate the marriage tax penalty.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 341) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 341

Whereas, Loretta Sánchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas, a notice of contest of election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas, the task force on the contested election in the 46th District of California met on February 26, 1997 in Washington, DC, on April 18, 1997 in Orange County, California, and on October 24, 1997 in Washington, DC; and

Whereas, Mr. Robert Dornan made unsubstantiated charges of improper voting from a business, rather than a resident address; underage voting; double voting; and large numbers of individuals voting from the same address; and

Whereas, these charges are without merit, as it was found that those voting from the same address included United States Marines residing at a marine barracks and nuns residing at a domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas directing the Immigration and Naturalization Service to compare its records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas, the INS has complied with the committee's request and, at the committee's request, for over eight months, has engaged in a manual check of its paper files and has provided worksheets containing supplemental information on that manual check to the Committee on House Oversight; and

Whereas, the committee's investigation has extended far beyond a review of those who actually voted in this contested election and;

Whereas, the district attorney of Orange County has ended his investigation and an Orange County grand jury has refused to return any indictments and allegations of a conspiracy to engage in voter fraud have been proven groundless; and

Whereas, the Committee on House Oversight has received a report from the secretary of State of California, in response to the committee's request, which yielded no new information; and

Whereas, the committee's requests have caused this contest to be needlessly extended for four additional months while the secretary of State of California provided no new information regarding the citizenship status of registrants or voters; and

Whereas, the task force on the contested election in the 46th district of California and the committee have been reviewing these materials and have all the information they need regarding who voted in the 46th district and all the information required to make judgments concerning those votes; and

Whereas, the Committee on House Oversight has after 13 months of review and investigation failed to present any credible evidence demonstrating that Congresswoman Sánchez did not win this election and continues to pursue never ending and groundless areas of investigation; and

Whereas, contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sánchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end; and now, therefore, be it

Resolved, That the election contest concerning the 46th district of California is dismissed.

The SPEAKER pro tempore (Mr. NUSSLE). The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I move to table the resolution.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, am I correct from a parliamentary standpoint under the rules this resolution would be debatable for 1 hour, if not tabled?

The SPEAKER pro tempore. That is correct.

Mr. HOYER. I thank the Chair. We would like to do that.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 27, as follows:

[Roll No. 2]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner

Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—27

Becerra
Berman
Borski
Deal
DeGette
Dooley
Ewing
Gallegly
Gonzalez
Hefner
Hutchinson
Johnson (CT)
Kennelly
Kind (WI)
Lipinski
Luther
McDade
Mollohan
Morella
Ortiz
Ros-Lehtinen
Scarborough
Schiff
Smith (OR)
Tanner
Wise
Young (AK)

☐ 1404

Mr. METCALF and Mr. FOLEY changed their vote from "nay" to "yea".

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 10, FINANCIAL SERVICES ACT OF 1997

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Commerce a supplemental report to accompany the bill (H.R. 10) the Financial Services Act of 1997.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H.Res. 342) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

> Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:
>
> To the Committee on Budget, David Price of North Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2174

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2174. It was never my intent to become a cosponsor of this legislation, and I believe a simple clerical error caused my name to be attached.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for today and the remainder of the week and next week, and I yield to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding; and on behalf of the gentleman from Texas (Mr. ARMEY), the Majority Leader, let me just say that I am pleased to announce that we have finished legislative business for this week.

The House will reconvene on Tuesday, February 3rd, at 12:30 for morning hour and 2:00 p.m. for legislative business. On Tuesday, the House will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes on the suspensions before 5:00 p.m. on Tuesday, February 3rd.

On Wednesday and Thursday, the House will meet at 10:00 a.m. to consider the following legislation: H.R. 2625, the Ronald Reagan National Airport; H.R. 2846, a bill to prohibit spending Federal education funds on national testing; a resolution concerning attorneys' fees, costs, and sanctions payable by the White House Health Care Task Force; a resolution expressing the sense of Congress regarding the situation in Iraq; and a privileged motion to consider H.R. 2631, which is consideration of the President's veto of the act disapproving his cancellations on the Military Construction Appropriations Act.

Mr. Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, February 5th. There will be no votes on Friday, February 6.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. SOLOMON), for apprising us of the schedule.

My friend from New York probably noticed that I have a bad voice this afternoon. I would just tell my friend that, as a member of Galludet's board, the University of Galludet, I learned sign language. And while I do not believe we can communicate with each other, I just thought I would share with my friend from New York two signs that I have learned over the years.

This one means "not my problem," just flicking your hands like this. And this one, you have got to take your glasses off and go high up on your nose, means "boring." So I am sure the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, can avail himself of those two signs at the appropriate time in the coming year.

Let me also say to my friend from New York that we are curious on our side of the aisle about not this coming Wednesday but the Wednesday after that. As my colleague knows, both our caucus and conference have conferences scheduled for Monday and Tuesday. Can the gentleman tell us when on Wednesday we can expect votes that week, what time on Wednesday?

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, not before 5 p.m. on that Wednesday. That would accommodate both caucuses.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my friend for accommodating us.

The final point I would leave the gentleman from New York with is, I see we do not have the list of bills that will be on suspension next week. We are hopeful that we will maintain the cordiality we were able to put together at the end of the session last year and the Democrats will get a reasonable fair share of suspension bills on the calendar.

Having said that, I thank my friend, the gentleman from New York (Mr. SOLOMON), and I wish him a good weekend.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE LATE HONORABLE EDNA F. KELLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise today, along with my colleagues, to pay tribute to the late Edna F. Kelly, a Member who served in this body for 19 years, from 1949 to 1968.

Yesterday I spoke about her significant contribution in the foreign policy arena. I would be remiss, however, if I did not also share with my colleagues the gentlelady's achievements on domestic issues.

Early in the 1950s, she was among the first in Congress to advocate for a tax reduction for low-income single parents left with the sole responsibility of caring for their dependent children. Congresswoman Kelly called attention to the inequity in the Tax Code that permitted business deductions for entertainment, but none for child care.

As she said at the time, there certainly can be no question as to the justice for this exemption. This is a measure to protect the family, and it is principally a matter to help protect the children.

Her proposal became part of the Internal Revenue Code of 1954.

The gentlewoman from New York can also be credited with promoting the first equal pay for equal work bill, which she introduced in 1951. It was a landmark effort, which established a new era in the fight for women's equality. Congresswoman Kelly was in attendance when President Kennedy signed the Equal Pay Act into law June 10, 1963.

In her later years in Congress, Edna Kelly often spoke with pride of her support for measures that helped this Nation expand social and economic justice and opened doors to housing, education, voting and jobs for all minorities. She received numerous awards, including the Mother Gerard Phelan Award from Marymount College; an honorary doctorate from Russell Sage College, and her alma mater Hunter College's highest honor, the Centennial Medal.

She set a standard of service that made all New Yorkers proud. As our former Governor Hugh Carey said in reference to Congresswoman Kelly, "Her legislative ability and outstanding contributions dispel all doubts about the leadership potential and political acumen of our American womanpower."

Mr. Speaker, at this time I would like to yield to my colleague, the gentleman from upstate New York (Mr. SOLOMON), who knew her and worked with her.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from New York for letting me participate in this well-deserved praise of this woman. It is a solemn occasion to join my good friend in paying tribute to this former Member of this body who graced these halls in this House for so long. I am talking about, of course, Congresswoman Edna Kelly from New York who did pass away, as the gentleman just said, last month at the age of 91.

Although I did not have the privilege of serving with her, I watched her for many years and saw her reputation being so impeccable; her dignity and her good nature were just so overwhelming. As a matter of fact, my personal secretary today was in the Congress back in those days as a staffer, and she just told me before I came over here that she was one of the nicest ladies that she had ever met in her life.

Mrs. Kelly was so quick to dispel those myths that women did not belong in politics, with her quick wit and strong character. Back in those days there were few women in this Congress, as the gentleman knows. In fact, she went on to a distinguished 20-year career, serving from 1949 until 1969. All along the way, she won the respect and she won the admiration of her colleagues on both sides of this aisle.

All you need to look at are the comments other Members of the House made right on this very floor almost 30 years ago to mark her retirement from this Congress. Particularly then Minority Leader and soon to be President Gerald Ford of Michigan rose to pay tribute to Mrs. Kelly. I think President Ford summed up Edna's service well when he said "Her service has been extraordinary. Her departure means a loss of her talents and her charm which will be felt by all of us, on both sides of the aisle, in the future."

Mr. Speaker, that is so very true. For me, I guess probably the thing I admire most and respect Mrs. Kelly for was her commitment to fighting communism and its advance in Europe and throughout the world. Her service on the Committee on Foreign Affairs, where I used to serve years ago, and her courage and devotion to protecting our allies, our friends in Europe, during the height of the Cold War, are just so, so very commendable. She certainly played no small role in standing up to the spread of deadly atheistic communism and the eventual rollback that would take place in Europe and all over the world some years after her departure from this Congress.

Mr. Speaker, she is another one of those Cold War heroes to which we all owe a great deal for our position today as the lone superpower of the world. For that she should never be forgotten. But her service to her community, as Mr. TOWNS has outlined so well, in Brooklyn, New York, and to all New Yorkers, not to mention her commitment to the American family and the welfare of our children, goes absolutely unsurpassed on the floor of this chamber.

So it is for her strength and her commitment, as much as her elegance and charm, that she will be remembered and sorely missed. My heart goes out to her family and her sister, her two children, eight grandchildren and 17 great-grandchildren, one of whom, her daughter Pat Kelly, is a longtime faithful employee of this House. Formally she was a staffer on the Committee on Rules many years ago, and where I now have the privilege of serving.

So I would just again thank the gentleman from New York. The gentleman is just as commendable as Mrs. Kelly was. I have a great deal of respect for the gentleman, too, and I appreciate his bringing this on the floor today in honor of this wonderful woman.

I thank the gentleman from New York for the time.

Mr. TOWNS. I would like to thank my colleague from New York for his comments.

Of course, I think that when we look back at her work, I think we can say that she used the philosophy to "let the work I have done speak for me." I think she has done a magnificent job, and, of course, let me say to the family the fact that we have lost her, but the point is that the work that she has done will live on and on and on.

Mr. RANGEL. Mr. Speaker, I rise today to recognize and pay tribute to the legacy of Edna Flannery Kelly, a longtime Member of the U.S. House of Representatives from Brooklyn, who departed this life on December 14, 1997 at the age of 91.

Mrs. Kelly served for 20 years as a Democrat in the House of Representatives, from 1949 to 1969, where she was the first woman elected to Congress from Brooklyn.

In a political career that spanned the turbulent decades of the 50s and 60s, Edna Kelly earned national acclaim for strengthening U.S. foreign policy to meet the threat of communist expansionism in Europe and Asia. In addition, her initiatives to improve the economic status of American families as well as her support of civil rights legislation, paved the way for greater opportunity for all Americans.

Mrs. Kelly's rise to the national political scene, spoke of her strong character, sharp intellect, and gracious charm. She didn't consider a career in politics until the unexpected death of her husband in 1942. In 1949, she won a special election to the 81st Congress, filling the unexpired term of deceased Democratic Congressman, Andrew L. Somers. Subsequently, she was reelected to Congress nine times in landslide victories by her constituency, and from 1956 to 1968, served as the Democratic National Committeewoman from the State of New York.

Many of Mrs. Kelly's proposals became law during the administrations of Truman, Eisenhower, Kennedy, and Johnson. One such measure was an amendment to the Mutual Security Act in 1951, which instigated one of the largest, international humanitarian efforts to help resettle people dislocated by World War II. As a result of the Kelly amendment, more than a million and a half displaced persons, most from the Soviet Union and Eastern Europe, were able to find new homes and opportunities, enabling them to rebuild their lives.

Mrs. Kelly is remembered for sponsoring the legislation that created the Peace Corps, and was also instrumental in establishing the U.S. Arms Control and Disarmament Agency.

Her statesmanship and diplomatic skills were recognized by President John F. Kennedy, who appointed her a member of the United States Delegation to the United Nations in 1963.

Throughout her service in Congress, Edna Kelly worked to improve health and education and the standard of living of American families. She also looked to the needs of those most vulnerable—the sick, the disabled, the elderly, and the poor and underprivileged.

Her constituents benefited greatly from her commitment to them as she was able to assess their needs and provide leadership on a variety of issues. She often spoke with pride of her support for different measures that helped the nation expand social and economic justice as well as open doors to housing, education, voting, and jobs for all minorities.

On leaving the House of Representatives, Mrs. Kelly was accorded the highest tribute by her colleagues on both sides of the political aisle. Speaker John W. McCormack, Tip O'Neill, Gerald Ford, Hugh Carey, Claude Pepper, and many others, stood up in the House to praise her outstanding legislative service and contributions to American foreign policy.

Mr. Speaker, please join me in honoring the spirit and legacy of Edna F. Kelly, a great American and life-long resident of New York.

Mrs. LOWEY. Mr. Speaker, the loss of Edna Kelly, life-long New Yorker, is a great one. Mrs. Kelly represented Brooklyn—and was the first woman to do so—for 19 years. She was an effective and articulate expert on both foreign affairs and domestic issues. A champion of NATO and an expert on Soviet Bloc countries, Mrs. Kelly also sponsored measures to help refugees and displaced people after World War II and helped create the Peace Corps program. She advocated for equal pay for equal work for women and for better women's access to child care, credit, pensions, housing and educational opportunities.

Mrs. Kelly's accomplishments were all the greater for the fact that she operated in an almost exclusively male political world. Her intelligence and tenacity earned the respect and admiration of her colleagues. We will all miss her.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MORE CHOICE IN MEDICAL TREATMENT NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today to say to my colleagues, I was so happy last night to hear the President in his State of the Union speech talk about giving our constituents, the people of this country, the opportunity to choose the doctor of their choice and, together with that doctor, decide what kind of treatment they want.

Over the past week and a half, back in the Fourth Congressional District of Pennsylvania, which is around the city of Pittsburgh, I have been holding some fact-finding sessions on health care. The reason we did this is because we kept getting calls, either from doctors or other health care providers, who were distraught, and that is the only way to describe them, because they could not be included in an HMO network where their patients had purchased the insurance.

On the other side you had patients who, because of the high cost of insurance, are being herded into HMOs, thinking that they have the choice of their doctor, only to find out that they have a primary care physician that they can choose among a group, or one is assigned to them, and only that physician can decide whether they can go to another doctor, whether they can see a specialist, or what hospital they can go to. And all of a sudden, particularly for those of us who live in the Pittsburgh region, where Dr. Jonas Salk 4 decades ago solved the solution to polio, where, during the 1970s and 1980s, great doctors like Thomas Starzl developed transplant surgery and antirejection drugs so that people can get new organs, they can have their bodies repaired.

What a great time to live in and what a great geographic region to live in, where people from all over the entire world would come to our Pittsburgh region for this medical treatment. Yet people who live right across the street from those hospitals, a block away from these doctors' offices, do not have access to those doctors, because their health care plan will not let them go there.

So when the President said last night this is a decision that should be up to the person, as to where they get their health care, what doctor they see, it should be up to the doctor and patient together to decide how long you are in the hospital, what kind of medication you take, I was pleased to see Members on both sides of the aisle rise and applaud. It tells me that this Congress is serious about not acting as just Democrats or not acting just as Republicans, but acting as Americans, to give people the choice of the health care that they need.

I saw people come into my hearing who had tears streaming down their face saying that their husband passed away. Now I do not have insurance, I am not old enough for Medicare yet. I have got a preexisting condition. I have got diabetes. I am going blind. What are my choices? Where do I get insurance?

How about the 23-year-old kid, not any longer on their parents' insurance policy, out in the workplace, but in this day and age only capable of getting a part-time job? That is the new style in America today, work people 30 hours, 35 hours, 36 hours, just enough under the 40-hour workweek so they do not get benefits. Then the insurance companies refuse to deal with an individual, just selling them an insurance policy.

Back in 1993 and 1994, we had a debate on what was then called the Clinton health care policy. It was a very large, massive piece of legislation. I was on one of the committees of jurisdiction.

I did not support that legislation. It seems that after we had that debate and we failed in a bipartisan fashion to decide how that trillion-dollar industry called health care is going to be operated, that the insurance companies now have taken it upon themselves. They now control the purse strings. It is not managed care; it is managed dollars. We are not managing the care, where we are telling people that you have access to that care; we are managing the amount of resources.

So a primary care physician is appointed by a health insurance company. They know that he or she will only be successful if they give a limited amount of referrals out of network, or a limited amount of referrals to specialists. So those kind of referrals, in many instances, are very hard to come by.

We heard story after story of people who were released from the hospital too early. One gentleman in his seventies, with a Medicare HMO, was in an automobile accident. His wife was in the car accident with him. She had trauma to her heart in the accident. She was not hurt as seriously as he was though. He had kidney damage, had to have a catheter, had the orbit bones in his face broken. They took him from Westmoreland County into the city of Pittsburgh to the University of Pittsburgh Medical Center, where all the wonderful transplant procedures are done. Because they did not know how they were going to treat these broken orbit bones, they released him from the hospital on a stretcher in an ambulance.

Those stories are too frequent, they are too sad. People must have the choice. Health care must be affordable.

REVISIONS TO THE AGGREGATE SPENDING LEVELS CONTAINED IN H. CON. RES. 84

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate spending levels contained in H. Con. Res. 84 and a revised allocation for the House Committee on Appropriations to reflect $360,000,000 in additional new budget authority and $20,000,000 in additional outlays for "Payment of International Arrearages."

The House Committee on Appropriations submitted the conference report on H.R. 2159, a bill making appropriations for the Foreign Operations for Fiscal Year 1998 which includes $360,000,000 in budget authority and $20,000,000 in outlays for international arrearages.

These adjustments took effect upon enactment P.L. 105–118.

Questions may be directed to Art Sauer or Jim Bates at x2–7270.

The adjustments are set forth on the attached table.

COMMITTEE ON APPROPRIATIONS

[Dollar in millions]

Discretionary	Current Allocation		Change		Revised Allocation	
	BA	0	AB	0	BA	0
General Purpose	$520,165	$549,878	+360	+20	$520,525	$549,898
Violent Crime Reduction Trust Fund	5,500	3,592			5,500	3,592
Total	525,665	553,470	+360	+20	526,025	553,490

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[Dollar in millions]

Current Aggregates		Change		Revised Aggregates	
BA	0	BA	0	BA	0
$1,387,228	$1,372,502	+$360	+$20	$1,387,588	$1,372,522

Pursuant to Sec. 205(a) of H. Con. Res. 84, The Concurrent Resolution on the Budget for Fiscal Year 1998 and Title V of P.L. 105–83 making Appropriations for the Department of Interior and Related Agencies for 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect $700,000,000 in additional new budget authority and $248,000,000 in additional outlays for "Priority Federal Land Acquisitions and Exchanges."

Sec. 205(a) of H. Con. Res. 84 requires that the Chairman of the Budget Committee to make an adjustment "* * * after the reporting of an appropriation measure * * * that provides $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, * * *"

Title V of P.L. 105–83 provides "That moneys provided in this title, when combined with moneys provided by other titles in this Act, shall for purposes of section 205(a) of H. Con. Res. 84 (105th Congress) be considered to provide $700,000,000 in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority land exchanges."

The adjustments are shown on the attached table.

ADJUSTMENTS FOR LAND ACQUISITIONS—COMMITTEE ON APPROPRIATIONS

[Dollars in millions]

	Current allocation		Change		Revised allocation	
	BA	0	BA	0	BA	0
General purpose discretionary	$520,525	$549,898	+700	+248	$521,225	$550,146
Violent crime reduction trust fund	5,500	3,592			5,500	3,540
Total	526,025	553,490	+700	+248	526,725	553,686

Aggregate levels for budget authority and outlays for fiscal year 1998 remain unchanged as follows:

[Dollars in millions]

Budget authority	$1,387,588
Outlays	$1,372,522

INVOLVING AMERICAN PEOPLE IN SOCIAL SECURITY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, last night in the President's State of the Union address, he talked about something that is important to all Americans, and what he said was let's save Social Security.

What I think that means for all of us is that we get involved in that debate, because what he outlined was the beginning of a conversation wherein groups like Concord Coalition or AARP would be involved in town meetings throughout this next year, and then in December there would be a Social Security summit at the White House, and maybe the possibility of legislative change after that.

Well, there have been a number of us here in the House that have been talking about Social Security for some time, and what needs to take place right now is that all Americans, as they think about Social Security, I would beg of them to be involved in this debate, because there is nothing more important to a whole lot of Americans than will or will not their Social Security check be there and waiting for them.

☐ 1430

I think that as we begin to think about it, we all know the problem. The problem has been very well described. The Social Security trustees said that if we do nothing to save Social Security, it goes bankrupt in 30 years and it begins to run structural deficits in about 15 years. What the trustees' report also showed was that if we do nothing to save Social Security, that the average rate of return for somebody working and paying into Social Security is but 1.9 percent. Mr. Speaker, 1.9 percent. That is not the American dream.

The American dream is built upon putting a little bit of money away that actually grows towards something. But in this case, it is the case of putting money into a system; again, we are not talking about my grandmother's Social Security or my mother's Social Security, but we are talking about each of my three boys' Social Security. And that idea of earning 1.9 percent overall is bad, but what the trustees' report also shows is that anybody born after 1948 will get a negative rate of return on their Social Security investment.

So as we think about this debate that is soon coming to this Congress and is soon coming to the White House, we ought to think about a couple of things. We ought to think about how do we fix it, because that is the big question. Do we simply cut benefits? I live along the coast of South Carolina and the retirees that I talk to there think that is a horrible idea. That is not the way to fix Social Security.

We have many young people. Other people say, all right, if we cannot cut benefits, maybe we can raise payroll taxes. I think that is a crazy idea, because the young people that I talk to on a daily basis at home in South Carolina say that the idea of raising payroll taxes would squeeze them that much more. We can only squeeze but so much blood from a turnip and those young families that I talk to say they are squeezed. The idea of raising taxes would hurt them.

That only leaves one other option out there for saving Social Security and that is letting one earn more on their Social Security investment, more than this 1.9 percent or more than this negative number. That is, I think, the significance of at least thinking about the idea of personal savings accounts. Because when personal savings accounts have been tried around the globe, people overwhelmingly have elected that option.

In South American countries, 95 percent of the workers in Chile chose the idea of personal savings accounts. In Great Britain, whose demographics are remarkably similar to our own, 75 percent of the workers chose the option of personal savings accounts, or in our own country, a number of counties down in south Texas ran into the same problem we are running into in terms of demographics. They said, how are we going to fix Social Security, and prior to 1983 at the county government level, the State government level, one could create one's own Social Security system. Those counties in south Texas did and 80 percent of the workers, when given the option of personal savings accounts, chose that option.

So I think that as we think about this debate that is coming our way, we really need to look at how do we save Social Security, and I think at least part of the formula for saving Social Security will be the option of personal savings accounts. Not mandatory, but again, leaving people above the age of 65 alone. We do not yank the rug out from underneath seniors, but offer the young people the choice, if it makes more sense for them and for their families, this option of personal savings accounts.

SANCHEZ WON FAIR AND SQUARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today this House took an action that I think does not speak well of the premise that if one runs fairly and wins fairly, one should be allowed to serve fairly.

Leader GEPHARDT offered to this House an opportunity to move democracy forward by ceasing and desisting from the pursuit of an investigation against Congresswoman LORETTA SÁNCHEZ, who won her election fair and square in California.

So I rise today, Mr. Speaker, to challenge the injustice to a person who deserves justice. I rise today concerning the continuing investigation of the Committee on House Oversight into the partisan political crusade that they have carried on in an effort to harass Congresswoman LORETTA SÁNCHEZ since she defeated Bob Dornan in the last congressional election. That committee, despite the lack of any shred of credible evidence, has dragged on its investigation for no other reason except partisan politics. We already know that the constituents of LORETTA SÁNCHEZ' district appreciates her service, has received her well, agrees with her positions, and she is serving them well.

Mr. Speaker, I would simply say in American lingo, the jig is up. An Orange County grand jury has concluded its investigation of Mr. Dornan's delusions of voter fraud and concluded there was no credible evidence to indict anyone and that there was no criminal conspiracy to commit voter fraud. This is the system that we put in place, and that system has determined that there is no criminal acts to be prosecuted.

Mr. Dornan's accusations that a Latino civil rights organization conspired to commit voter fraud in order to defeat him did not stand up under the scrutiny of an Orange County grand jury investigation. What Mr. Dornan now needs to understand and the Committee on House Oversight needs to determine once and for all is that LORETTA SÁNCHEZ beat Bob Dornan and LORETTA SÁNCHEZ has been properly representing the people of the 46th District in California. Get a grip, understand reality, be fair, and allow this particular Congressperson to have the same kind of justice that any one of us would want to have and to be able to represent her constituents.

This is a shameless vendetta carried on by Mr. Dornan against Latino voters, and it now must come to an end. The local prosecutors have concluded their investigation. It is now time for the Members of the Committee on House Oversight to pull up its stakes and stop spending our taxpayers' dollars chasing the smoke screen being spread by former Members.

This is a former Member whose own colleagues have recognized him as an embarrassment to the principles of this House. His outrageous behavior on the floor of the House in doing various acts of swearing, insulting and threatening other Members was without precedent in this august body. When the House voted to revoke his privilege as a former Member from coming to the floor, that should serve, or should have served, as our notice about the credibility of these charges. That vote was a blight on a former Member that was unprecedented and should have moved the committee to hasten the conclusion of its proceedings. But the members of the committee have continued to follow the lead from this defeated, radical, right wing ideologue, flying in the face of that vote, and now the conclusions of a local grand jury. The committee keeps up its witch-hunt to invalidate votes in Congresswoman SÁNCHEZ's 1996 election.

Mr. Speaker, Mr. Dornan and his band of followers need to now admit to themselves the simple fact that the voters in California's 46th Congressional District understood in November of 1996 LORETTA SÁNCHEZ beat Bob Dornan fair and square. Get a life, and let us get over it. But more importantly, let us move forward. Let us allow this House to proceed, accepting every single Member that has been duly elected by their constituents. We cannot do it with the votes we have on the Democratic side of the aisle; we know the Republicans have the upper hand, but we call upon our fair-minded colleagues. This is not a partisan issue, this is a fairness issue for the Democratic and Republican constituents of the 46th District. I believe that taxpayers' money should not be spent.

Mr. Speaker, I ask that these individuals who have control over this process be allowed, of course, to cease and desist from doing this particular proceeding.

Mr. Speaker, as I conclude, let me tell my colleagues just a brief reason, or reasons, why LORETTA SÁNCHEZ and others of us need to get on with our business. I want to emphasize some remarks I heard earlier today on the President's vision in his State of the Union, and just simply say, we need all of the hands we possibly can get to do what the American people have asked us to do. One, to save Social Security. I applaud the process that the President has offered. And then lastly, we need all the hands to make sure that health care is the right kind of health care for all Americans, and that it is not dictated by gurus sitting up in ivory towers saying that the bottom line is about money. We need all of our voters, Mr. Speaker, all of our Members, and I hope we can get on with the business of the House and the American people.

APPRECIATION FOR FEDERAL DISASTER RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Maine people are no strangers to tough winters, but the ice storm we just endured struck a terrible blow. Damage will exceed $100 million. When Vice President GORE toured the State, he said it looked like we had been hit by a neutron bomb. And that is a pretty accurate description. The damage from the ice storm which accumulated over several days snapped off telephone poles. We had 2,500 telephone polls in the State which needed to be replaced. It essentially dropped the forest canopy about 25 feet, the hardwoods broke off at the top, branches broke off, and they took power lines down with them all across the State. Some roads were impassable, blocked by fallen trees and downed power lines. Thousands of people were left in the dark and cold. Mr. Speaker, 600,000 people, one-half of the residents of the State of Maine, were without electricity for some time, and some of them had no power for as long as 2 weeks. As my colleagues can imagine, that can try the patience of even the toughest Yankee who has faced some very tough nor'easters. Thousands of families with no heat found themselves stoking up old wood stoves and huddling in front of fireplaces. For those who depend on well water, no electricity meant no pump, no pump meant no water. Those close to a pond or river hauled water in buckets. No running water meant no toilets, no bathing, no washing dishes or washing clothes.

I have to say that all of this produced a very brisk business in chain saws, generators and kerosene space heaters. Not only was the power out, but it was very cold. Our schools were closed for up to 2 weeks in different parts of Maine and daily life was disrupted for thousands of families.

During those 2 weeks, I went to a number of shelters in Maine and I want to tell my colleagues, there are some wonderful stories, hundreds of stories of people pulling together to help each other and make a community humanitarian effort. I will never forget certain aspects of my experience going into those shelters. There would be some older people, some on oxygen, on cots on one side of the room, a gym or some other facility, there would be younger kids being taken care of by their parents, there would be a soccer game in the middle of the gymnasium or the shelter, but I will also remember most, what I will carry with me as long as I live, is the look on the faces of the teenagers, many of whom had not volunteered I suspect for anything like this for a long period of time, but there they were, cutting up carrots, moving cots, bringing blankets, helping to move equipment, and making sure that other people were well cared for. It was for them an experience that may help them understand their connection to others and the importance of community.

Fire and rescue crews went door to door in some places checking on townspeople, seeing who was okay; others took generators and portable generators and moved around from home to home warming up one home, unplugging the generator, going to another home, trying to keep as many people as possible warm, and as many pipes as possible from freezing. Our radio stations canceled normal programming and took calls around the clock; that was real helpful for building a sense of community, and television stations had special programs and hotlines.

We could not have done this without outside help, and I am here today to say thank you to the rest of the country.

Let me give some examples of how we were helped. Central Maine Power Company, our major utility, usually has 92 crews, and during the height of our resistance to this storm, we had 1,000 utility crews working. They came from Maryland and Delaware and North Carolina and South Carolina; they came from Pennsylvania, Connecticut, Rhode Island and New York, they came from all over the East Coast and they provided an invaluable service. One truck had on it a sign on the side: Maine or bust. And they showed up. Some of those folks arrived from North Carolina at the Brunswick Naval Air Station and they were given jackets from L. L. Bean, donated by L. L. Bean. They had worked on utility lines all their lives, some of those people, never in such cold, and I just want to say that we could not have done it without the assistance of people from other States.

I would also say that the response of FEMA, the Federal Emergency Management Agency, was outstanding. James Lee Witt came to the State, he and his people did an extraordinary job. The Federal Government stepped forward when it was needed and helped Maine people when they needed it most.

I just will say in conclusion, I will never see scenes on television of a flood or hurricane and not remember how the people of this country stood up for people in Maine when we needed help.

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MANAGED HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just wanted to start out this afternoon by saying how happy I was with the President's State of the Union address last evening and the reaction of Congress on both sides of the aisle.

The President stressed his pro-family, pro-child message. It is an agenda that I think that everyone can get behind. It will have the strong support of the American people. And it is very important, I think, that in order for us to enact this agenda, that we get the Republicans, both the leadership and the rank and file, together with my Democratic colleagues so that we can enact what are essentially common sense proposals in 1998.

I, along with several of my colleagues who will join me this afternoon, just wanted to call attention to two points that the President raised with regard to health care reform which I think are particularly important.

One is managed care reform. The gentleman from Pennsylvania (Mr. KLINK), who is going to be joining us soon here, stressed that during the break, during the congressional district work period. Congressman KLINK, myself, and others had a number of forums in our districts where we heard from our constituents about the problems with managed care, with HMOs and managed care organizations.

I thought it was particularly interesting last evening that when the President mentioned the need for consumer protections and a consumer Bill of Rights to deal with managed care organizations, that the response was overwhelming. I think it had a better response from the Congress, again on a bipartisan basis, than almost anything else that he talked about. I think that is because we are hearing from our constituents and they are telling us the problems and the horror stories that exist with regard to existing managed care organizations.

Mr. Speaker, I would like to at this point yield to the gentleman from Pennsylvania who I was listening to his comments before and they are really appropriate in terms of some of the problems that we hear from our constituents.

Mr. KLINK. Mr. Speaker, I thank my distinguished friend from New Jersey.

The gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Connecticut (Ms. DELAURO) and I and others have had these discussions for years. We have watched as this situation with insurance and availability of insurance, choice of doctors, all of this has deteriorated greatly.

But it was 1995 when probably the most horrendous story that I had ever come into contact with occurred. I became aware of a 4-year-old boy named Sean Brake from a place outside of my district called Plum Borough. The local TV station was doing a story about the fact that Sean's father worked for the insurance company and Sean at the age of 4 had gotten a rare form of cancer, but it was a highly treatable form. With a bone marrow transplant which would cost somewhere around $200,000 or more, there was a 90 percent chance that Sean would survive, according to the people at Children's Hospital in Pittsburgh, one of the most renowned children's hospitals in the Nation.

Yet the insurance company would not pay for this. I heard this on the television; and I said, This is amazing. Being a father, here is a 4-year-old child who has a 90 percent chance of treatment if he gets the treatment or he is going to die. And so I called the family and asked if they minded if we got involved. It took me personally, and my staff members, 3 days on the phone.

The problem was that the insurance company that Sean's father worked for would only cover the first $125,000. They said, Congressman KLINK, it is not that we do not want to pay out this money, but we need to know that our catastrophic carrier will pick up the remainder or why bother?

So I called that other carrier, and they would not talk to me. As a Member of Congress, or as anyone else, they would not speak to me. I could only talk to their lawyer in Chicago.

So I talked to the lawyer; and he said, Look, we view this as experimental. It is too bad. That is a decision we have made, and he was very cold. I could not believe I am talking to another American that is going to let a 4-year-old child die when there is a 90 percent chance to survive. I was appalled, but I could not reach this individual through the phone.

I could not also understand why, if the child was going to have a 90 percent chance of success with this treatment, why is that experimental?

Finally, we found out that the Health Care Finance Administration in its manual says that if an insurance company wants to bid to provide insurance for any Federal employee, it must cover this procedure. It is not experimental according to HCFA.

So we called them back and said, Being good citizens of this good United States, if you do not cover this we are going to have to inform the Federal Government. Every contract you have with the Federal Government will be canceled, and you will not be able to bid for any more.

Mr. Speaker, very quickly they called us back and said, We will take care of Sean Brake.

I had a wonderful opportunity a year ago to sit with Sean Brake and his mother. He is alive and thriving, and the bone marrow transplant worked. But why did it take a Member of Congress and his entire staff 3 days to get this child the care in the United States of America that every child should be able to get?

We have had people sitting in front of us. A lady who was a diabetic sat there. Her husband had to take an early retirement from Sears & Roebuck. Under COBRA, he is covered; and she is sitting there with tears streaming down her face.

She said, There are two things that I love more than anything in the world: Number one, I love my husband; and, number two, I am a real flag waver. I love my country.

But I am going blind from diabetes. My husband and I are not old enough for Medicare yet. We cannot afford insurance because I have a previous condition, and after the COBRA runs out I will not have health care coverage. So my choice is either go blind and die or I can divorce my husband who I love and go on Medicaid. Or I can leave this country, go to Canada, become a citizen and then I will have socialized medicine.

What choices are we giving the citizens of this Nation today?

I have to thank the gentleman from New Jersey (Mr. PALLONE). The gentleman has led this fight here in Congress. He has informed many of us, his colleagues and friends, of things that are going on. The gentleman brings great knowledge and emotion to this debate and discussion.

Mr. Speaker, I would simply say to the insurance industry around this Nation that the people are leading and the leaders will follow. People are angry. They are upset. They pay increasingly more of their money in premiums and the insurance companies give them less in service, less in access, no choice of medications.

Last night, Members in a bipartisan fashion reacted favorably to the President's comments. This is just the beginning. They had better straighten up. They better start thinking about managing real care, not just moving dollars around. Stop giving these seven- and eight-figure salaries to their top executives while they are not giving care to the people who pay the premium for the policy.

Mr. Speaker, I thank the gentleman for yielding; and I thank him for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to thank the gentleman from Pennsylvania for his comments. I think that what the gentleman is pointing out, and obviously what we all must do but he has done it so well today and, I know, beforehand, is to give the individual cases of how people are individually impacted by managed care and the problems that we are hearing from our constituents. Because everyone can relate to it. It is direct.

The gentleman mentioned again about last night in the State of the Union address how, when the President spoke about this, how there was such a positive reaction on both sides of the aisle. But we know that the Republican leadership, unlike many of the Republican colleagues, rank and file colleagues, have already joined together with this coalition of certain business and insurance interests. They are starting this million dollar campaign to try to fight the consumer protections that we are talking about and that the President talked about last night.

My understanding is that next week some of these special interests are going to be down here, and we are going to have a battle. We know we are going to have a battle. It is just like we had with kid's health care and with the portability provisions of Kennedy-Kassebaum.

We know that the people and most of our colleagues support this, but we are going to get these special interests and big money campaigns supported by the Republican leadership against it, and we are just going to have to keep bringing up these cases and the problems that our constituents talk about.

Mr. Speaker, I want to thank the gentleman from Pennsylvania again. I know it is just the beginning.

Mr. KLINK. Mr. Speaker, if my friend would again yield, I think my point on that would be we know that there is a tremendous amount of money and power and influence. This is a trillion dollar industry. The profits that are to be made in denying people their health care and pocketing the money is an extraordinary amount of money.

In 1993 and 1994, those insurance interests were able to put the Harry and Louise ads on television, spend tens of millions of dollars, and they could make the public believe they do not want government health care.

Today in America everyone knows the kind of health care that is available, but they also understand it is not available to them. Everyone we talk to has a horror story. Even those people who can afford the best health care know that when they go to the hospital, the hospitals have had to cut back on the number of nurses so they cannot get care. They ring the call button and no one shows up.

I had a gentleman who manages billions of dollars of securities at one of the largest investment firms in Pittsburgh who told me a horror story about having a back operation. He has got money. That is not a problem.

He goes to the hospital and because of the cutbacks forced by the HMOs saying to the hospital that they will take less of a reimbursement because all of these patients are ours; we are taking our piece off the top. He had to be turned X-number of degrees every so many hours or he will go crippled. He said, Congressman KLINK, I could not get a nurse.

People know this, no matter how much money they spend against us, the kind of care they are denied. And they cannot get the medication they want because deals have been made between the insurance companies and the pharmaceutical companies that they will only sell our drugs. Patients do not even get the generic brand anymore; they get the cheapest in that classification of drugs.

Mr. Speaker, people know this. They are feeling this every day. The public will carry this battle on their shoulders. We just need to be there with them as the voice in the people's House to say to the special interests who are making billions of dollars, the people of this country deserve health care.

If patients are pro-life, people are dying. If patients are pro-choice, they should have a choice of their own doctor; they should have a choice of their own medication; they should have a choice to stay in the hospital if their doctor thinks they need to.

It does not matter where people stand on these arguments. Both sides can find something that is going to bring us to the argument that the system as a status quo is not working.

In 1993, 53 percent of the people who were working in this Nation were in HMOs. Today, 85 percent of the public are in HMOs. They have captured the market, but they are not delivering the service.

Mr. Speaker, I thank the gentleman from New Jersey for his leadership.

Mr. PALLONE. Mr. Speaker, I thank the gentleman again. We are obviously going to continue with this over the next few weeks and months until we get this legislation passed.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank my colleague from New Jersey; and it is good to be back talking about issues that are facing the American public and critical issues.

And I would say to the gentleman from Pennsylvania, I had the opportunity to read through the newspaper clippings of the forum that the gentleman held on managed care, and it is heartrending what is going on in people's lives. The gentleman really is eloquent and a champion of people who are looking, desperately looking for some way in which they can figure out the system or not have the system be detrimental to their health. That is not what it is about. That is not the goal in health care.

Mr. Speaker, I thank both of my colleagues; and I know that we are going to be joined by my colleague from New York.

This is a critical debate in the country today. I think, as both of my colleagues have said, I think the President laid out a challenge to all of us last night when he said that we must address the issue of managed care reform. And I think in this body, on both sides of the aisle, there was a cheering and people who are ready to take on this challenge. I think this ought to be one of the first issues that we address, since there is good, solid bipartisan support and it is a problem, as we have all concluded, that is affecting so many Americans.

I think why there is such tremendous bipartisan support on this issue is because every single Member of this body is listening very carefully to those who put their faith and their trust in us to represent them on the serious issues that they are facing. Everyone is hearing about the horrors of managed care. My hope is that we respond and that we respond quickly.

□ 1500

Today it seems that HMOs are valuing the healthy profits over healthy patients. We understand that there has to be costs that are cut. Everybody wants to try to make health care and health insurance more affordable, but you have to take a look at what price and if you are sacrificing the health and safety of the American people, then that is not the goal, that is not the goal.

I was over at a large senior housing complex in my district last week, a place called Bella Vista, which means good vistas, good life. And there were about 100 people in the room. I was just talking to them about the changes in Medicare, what they might be looking forward to and also about the extension of Medicare to people who are 55 to 64, et cetera. One woman raised her hand. She was carrying around an oxygen cart. She told me her story of her husband, middle of the night, rushed to the hospital, cancer patient, had a stomach blockage, goes to the emergency room. They examined him, said, your are fine, you do not have to stay.

I said, you should have made a fuss there. She said, I did. I did.

She said, they told me that my husband did not have to stay, that he is fine, that he is all right, that they would not admit him. I tried.

And within several days her husband was dead. She said to me, what should I have done? You are left standing there.

This is real life. She said he was a cancer patient. So you are hard-pressed. I can get back to her and say, and I said to her, we are working on that. Well, that is great. She lost her husband. You do not feel like you are really doing your job when you are standing there trying to cope or trying to be empathetic and sympathetic to what is going on in people's lives.

My colleagues here know we have all worked together on the issue of breast cancer patients, women being treated as outpatients for mastectomies. We have a good piece of legislation here with 214 of our colleagues who have signed on. Unfortunately we have not been able to get the leadership in this House to give us the opportunity for a hearing. But over and over again I hear from Members that say, we cannot legislate body part by body part. I understand that. I really do. But we have to address an issue when it comes before us, and we have to take action.

In the same way that we are talking about the Breast Cancer Patient Protection Act to prevent that kind of outpatient treatment for women who are undergoing mastectomies, we need to have an overarching set of principles, which we do have in a consumer Bill of Rights for people, something that the President has proposed. There is a piece of bipartisan legislation in this House which we can move on. It is only right. It is only just. It is only what people have every right to expect, that they in fact can get good quality health care, that doctors are not given a gag rule that says that they cannot talk about all the medical options that are available to people with a specific illness that they have, that they cannot get emergency care because someone is deciding what is emergency care for people when you are sick and you use the emergency room. When you go in and you truly are sick, doctors can determine whether or not someone is seriously ill versus someone that has gone in for something that is minor. But to curtail the medical profession in this regard I believe is wrong, and we have it within our power within this year to pass comprehensive managed care reform so that in fact people are the beneficiaries of the very best in health care that this country has to offer.

I know we want all of our colleagues to participate.

I want to thank the gentleman from New Jersey for taking this time and look forward to participating in the conversation.

Mr. PALLONE. I want to thank the gentlewoman. As you mentioned, the President basically put out the challenge last night, and it is our obligation now to get the Congress to enact these consumer patient protections. I think what we are just going to do over the next few weeks is basically bring out all these examples and point out how so many of our constituents are negatively impacted and need some kind of Federal regulation or patient protection in order to have quality care.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. We are looking at medical science today. I am a cancer survivor, 12 years ago, and I thank God every day for giving me my life back. But we now have the capability with science to look at genes and to look at someone's genetic predisposition to cancer or to diabetes, to any of the diseases that have plagued us. And yet at the same time there is a fear that if you have a genetic predisposition to one of these illnesses, you do not want to say anything, you do not want to tell anybody, because you are fearful that you are going to lose your insurance or you will not be able to get insurance.

Now, this is madness. We are about and the President also talked last night about putting so much more money, millions of dollars more, into research, health research. We will have the capacity to look at these areas. And yet people may not be able to get the kind of health care coverage that they will need if they have this predisposition to illnesses. We cannot go down this road. We just cannot.

Mr. PALLONE. I agree.

I want to yield now to the gentleman from New York (Mr. ENGEL) who is on the Committee on Commerce with me and who for a long time now has expressed concern over this issue.

Mr. ENGEL. I want to thank my colleague from New Jersey for giving us this opportunity and my colleague from Connecticut. You are both so right. When we talk about health care, it strikes me there is no Democratic health care or Republican health care. There is an American health care, and all Americans of all political stripes, of all persuasions, of all races and creeds and colors and regions of the country are all concerned about their health care. When I speak to my constituents, I know that health care is right up there in terms of things that people are very much concerned about.

My mother, her name is Seroy Engel, she lives in Tamarac, Florida. She is actually in the hospital now as we speak. She is my best advisor in terms of health care and Medicare and she tells me, what are people to do? People in this country, senior citizens who have worked hard all their lives, played by the rules, are retired and they do not have adequate health coverage. Medicare does not pay for prescription drugs. People have to decide whether they are going to eat or take their pills. Sometimes they eat half as much as they should eat and only take half as many pills as they need to take for medical reasons because they simply cannot afford it.

What is happening is that we are not doing the job. The government is not doing the job.

I want to really take my hat off to the President of the United States because I think that last night he made some very bold statements about health care. Several years ago when he put forth his program for health care reform, I supported that program. I am a supporter of the single payer plan as well because I believe that we need to cover every American in this country, that it is a national scandal that 40 million Americans have no health coverage whatsoever. Of those 40 million Americans, people do not realize, 20 percent of them are working people. It is not people who are unemployed. It is working people that do not have health care coverage. To me that is a national disgrace. We could do better in 1998, as we approach the 21st century in this country.

I want to commend President Clinton for raising the issue of health care. When his health care plan was shot down for a few years, no one wanted to touch health care with a 10-foot pole. But now we understand that we have to do it. I am just so proud of the Democrats here in the House because we are grabbing the bull by the horns and we are saying to the American people, we think health care is a priority.

We talked about managed care reform. We are listening to our constituents. Our colleague, the gentlewoman from Connecticut, is so right. Many of these decisions should be made by medical doctors based on what is best for the patient, not what is best for the private dollar, the almighty dollar or the bottom line.

We understand that people are in business to make money, but if you are providing health care, the bottom line, the most important thing is the health care of that patient. That is really what it should be. So I think that we have a lot of problems to tackle in terms of health care.

We participated in a forum several weeks ago about the President's proposed expansion of Medicare. It was very interesting because yesterday when the President mentioned it during the State of the Union and said he was for expanding Medicare for people who are 62 to 65 or people who are over 55 who have lost their jobs and that these people would pay their own premiums so it would cost the government nothing, the Democrats stood up and applauded. I was really very surprised that on the other side of the aisle the Republicans did not applaud. They just sat there as if they were in opposition to his program.

I have to tell you, when I speak to my constituents, they all think it is marvelous because people who are 62 and have no coverage, they are at great risk. And people who have lost their jobs at 55, they are at great risk. And the Medicare program, we know we have to improve it. And we know we have to get at waste, fraud and abuse. But we do know that before there was a Medicare program, the vast majority of senior citizens in this country had inadequate or no health care coverage whatsoever. And since Medicare they do have health care coverage. Some of it is inadequate, but at least it is coverage. If we can extend that and at no cost to the government or even a minimal cost to the government, it is not so terrible. If it is a minimal cost to the government, I am all for it. I think the American people are all for it.

I think the Democratic Party has shown that it is on the side of the people, the Democrats in this House, by coming out very forthrightly in support of it. So when we talk about the whole issue in this Congress, and I hope we will, talk about managed care reform, talk about Medicare expansion, talk about giving health care to 40 million Americans that do not have it, I think we ought to be proud to tackle these issues because health care affects everybody, and everybody is concerned with health care.

And so I want to really just commend my colleague for raising the issue, and the President yesterday again brought it to the fore. I think it is something the American people care about and want to talk about.

I think hand in hand the other issue that the President mentioned which I think goes hand and glove with health care is Social Security, because as people get older, they care about Social Security and they care about health care. I think the President saying that if there is any kind of surplus that every dollar of surplus would go to shore up the Social Security system, I think 90 percent at least of Americans would agree with that.

So I look forward to working in this Congress to shore up the Social Security system, if there is a surplus, and if there is not a surplus we know we need to shore it up anyway and to work on improving health care in this country. We have the greatest system in the world in terms of health care, but we know along the way there are still some problems. I believe that a country that can do so much, as we can do, ought to very basically provide decent health care for all of our citizens.

I look forward to working with the White House and with the President and with the Democrats in Congress, and hopefully the Republicans will come along and work with us in a bipartisan fashion so that we can provide the kind of health care to all Americans that all Americans know we need.

Mr. PALLONE. I want to thank the gentleman. I just want to say again with regard to two points, you said about the near elderly. I did not start out this afternoon talking about the near elderly proposal, but that, I think, was just as important in terms of what the President mentioned last night.

And one of the things that really aggravates me is that so many of our colleagues on the other side, not so much maybe individuals, but certainly Republican leadership, keep bashing Social Security, keep bashing Medicare. We went through the whole Medicare debate where they talked about how bad Medicare was. The reality is that Medicare is a very good program and Social Security works. People are getting their checks. They get their COLA every year. Medicare works.

And if we can institute a program for the near elderly, for people 55 to 65 or 62 to 64, depending on their circumstances, if they lose their job or their spouse is no longer covered, if we can somehow manage to get the people who need this Medicare coverage into Medicare without any additional cost to the Medicare program, which is what the President is talking about, because they would be paying the premium, why not?

Let some of these people take advantage of the Medicare program, particularly since we know about downsizing, we know about layoffs, we know what is going on out there now so that people in this age bracket, where they are close to 65, increasingly have problems keeping or getting health care coverage.

I would say the same thing about Social Security. Social Security is great. It was a democratic initiative passed by the Democrats. And yes, I think the President is absolutely right. If there is a surplus, when there is a surplus, it should be used for Social Security.

But again I keep hearing on the Republican side about Social Security is broken, we cannot fix it. All these suggestions out there to maybe privatize and move to another way of doing things. I think it is wonderful that the President not only stood up and said, look, Social Security is out there and it is working, but also said that if we have extra money, we should use it to shore up the system.

The difference between the President's approach and the Democrats' approach and what we hear from a lot of the leadership on the Republican side is that we want to improve these programs, Medicare and Social Security. We want to improve them. We know that we can improve them and we are going to put our dollars where our mouths are in terms of improving these programs rather than just say they are not working when they are. They are working.

□ 1515

I wanted to yield again to the gentlewoman from Connecticut.

Ms. DELAURO. I think it is important, so that there is no misconception about what the health care Bill of Rights is, what it contains, so that in fact it is pretty basic. Because the gentleman mentioned that next week there are going to be groups up here who are rallied and organized and very well financed to try to come in with a steamroller, if you will, and just try to knock out this issue of managed care reform.

Also, my colleague from New York made a very good point. Illness is not partisan. It is not gender related. It is not age related. Everyone gets ill. And people do not want to get sick. People would like to be healthy. But there is going to be a group of very, very powerful special interests arrayed with lots and lots of money against this notion of managed care reform.

So in stepping back, very simply, what is the President's challenge? What is it that will have both Republicans and Democrats in this body galvanized around? And, as I say, I think we could move, and move quickly, on this issue. The health care Bill of Rights would simply ensure that patients have access to health care specialists; access to emergency services when and where the need arises; an assurance that medical records will be kept confidential; an access to a meaningful appeals process to resolve differences with health plans and providers; to remove that gag rule that prevents physicians from talking to patients about treatments that might not be covered by their plan, even the treatments that could give them a shot at beating a deadly disease.

These are some of the pieces of the health care Bill of Rights. And it seems to me that this only says people should get the health care that they deserve.

Mr. PALLONE. Will the gentlewoman yield?

Ms. DELAURO. I would be happy to yield to my colleague.

Mr. PALLONE. I am so glad that the gentlewoman went through the list. And, of course, that is sort of general; we could get into the details.

Ms. DELAURO. Right.

Mr. PALLONE. But it is so basic and it so simple, and that is why there was so much support here last night.

Ms. DELAURO. Right.

Mr. PALLONE. And the most amazing thing, if the gentlewoman will remember last night when the President spoke and he mentioned the importance of having confidential medical records, and there was a huge roar of applause. And I said to myself, you know, such a simple concept that your medical records should be confidential and should not be available to everyone.

Ms. DELAURO. Everybody.

Mr. PALLONE. And we cannot even guarantee that. We have people spending millions of dollars coming here to Washington next week to start advertising campaigns not to keep your records confidential. It is amazing how basic these things are and yet we are getting the opposition from the other side.

Ms. DELAURO. And that is what the public needs to know, is that there will be an array of very, very powerful special interests that are organizing, taking their resources, vast resources, to try to put an end to managed care reform.

And what the public needs to know is if they do not want that to happen, that they need to get engaged in this process; that they need to be in touch with those of us who serve on their behalf; that they do not want this to happen; that they do in fact want managed care reform and that opportunity for choice, for confidentiality, and for knowing what their options are when they are ill, no matter whether their insurance plan covers that particular option.

Mr. PALLONE. And such a simple concept. I want to yield to the gentleman, but even the disclosure part. We had a hearing last week in New Jersey, Senator TORRICELLI and I, and it was amazing how many of the stories just revolved around people's not knowing what their health plan consisted of. Just a simple statement so that they know what their coverage consists of.

I yield to the gentleman from New York.

Mr. ENGEL. I wanted to again raise the issue of the President's proposal for expanding Medicare, because I think that that is really one of the new proposals that we are going to really have to deal with in this Congress. And I really think that the American people really are interested in it and I think are overwhelmingly in support of it. And I would hope that it does not get buried in the general discussion of health care.

Again, and my colleague was with us when we had the hearings, we had three witnesses all in the category of the 62 to 64 range, age range, and they pointed out that they are the most vulnerable in terms of having no health coverage whatsoever. These are all, again, working people.

There is nothing that aggravates me more, because I represent a working class, a middle class district in New York, of people who have worked hard all their lives, who have played by the rules, who are not looking for handouts, who do not want anything to which they are not entitled, who suddenly find themselves in need, after playing by the rules all their lives, and we say to them, sorry, we cannot help you. That is wrong. And the people who fit into that category, between 62 and 64 and 65, ought to be helped. And people who are 55 and older, who are retired or laid off or unemployed, ought to be helped as well.

You know, there are many, many people who retire after age 55 and their companies promise them that their health care coverage will continue once their retire. And then they retire and suddenly find out that the company revokes it or something happens, and the President's proposal would extend this COBRA coverage which would allow these people to again buy in with their own resources and to have a continuation of the health coverage that they had when they were working.

Who could object to that? Especially if we can find innovative ways and people can pay the premiums so the cost to the government would be minimal. It would seem to me like apple pie and motherhood. It should be something that everybody supports.

It is very disheartening to see that the same forces who opposed Medicare in the 1960s are the same ones who are now saying, no, no, we cannot expand it, we should not expand it, let it wither on the vine, or whatever the speeches are. Everybody should be embracing this Medicare expansion because it is good for people and it is good for America.

And, after all, we are 435 of us here, Democrats and Republicans, we were all elected to do what is good for America. And I can think of nothing better that is good for America than to try to expand health care coverage to average people who have worked hard all their lives, who have played by the rules, who do not look for handouts, just look for fairness and equity.

And I want to again say how proud I am of the Democrats in the House of Representatives for putting forward these proposals and the President of the United States for putting forward these proposals and for us to say we are going to make this health care coverage, these health care proposals our number one priority in this Congress, and let the American people decide what they want and let the American people see who is really acting in their interests.

So, again, I am proud to stand with the Democrats in this House to say that we will not stop until we expand coverage for Americans, until we make sure that Americans get adequate health coverage and we make sure that decisions are made based on what is best for the patient, not what is best for the bottom line or the profit or the almighty dollar.

We, again, understand people need to make profits, but the bottom line is health care for the sick, health care for all Americans, quality care. That is the most important thing.

Mr. PALLONE. I want to thank the gentleman, and while he was talking about the hearing that we both attended, where Secretary Shalala, the Secretary of Health and Human Services, spoke, I was just looking over a summary of what she outlined as to briefly why this near elderly proposal was necessary and the specifics, which is pretty basic, of who would be covered.

If I could just mention it very briefly, what she said is that a lot of people in this age bracket lose their coverage because an older spouse becomes eligible for Medicare and retires, ending their work-based coverage. That is one category. Then we have, of course, we mentioned others who lose their coverage because of downsizing or layoffs, which of course happens very frequently. And then the third are the people who lose their insurance when employers either unexpectedly drop their retirement health care plans or somehow change the plan. And as the gentleman knows, a lot of people expect that they will continue to have coverage but all of a sudden their employer decides to drop it or change it.

There were three components that Secretary Shalala mentioned to the proposal. One is that Americans aged 62 to 65 can buy into Medicare by paying the full premium. Second, displaced workers over age 55, who have involuntarily lost their jobs and their health care coverage, can buy into Medicare by paying the full premium. And last, that Americans age 55 and older, whose companies reneged on their commitment to provide retiree health benefits, are given a new option through extending the COBRA.

Now, the President's proposal does not get into this, but when the gentleman and I were at that hearing that day, we also mentioned the possibility, which I know the two of us would like to see, of probably providing some sort of sliding scale subsidy so that people who could not afford the full premium would still be able to buy into it. And I think that in the context of the tobacco settlement or other monies that might be available, we could probably do something like that and still keep the budget balanced.

Mr. ENGEL. Let me say also, I think we could probably cut back on waste, fraud and abuse in the Medicare system and find the money to finance what the gentleman just described.

Mr. PALLONE. True.

Mr. ENGEL. I go to senior citizen centers in my district and I always get a lot of heads nodding when I say there is a problem with something with Medicare. And sometimes we have difficulty where we get, we are in a hospital stay and we get a printout afterwards and we see the monies that Medicare has spent. And we see listings sometimes of doctors' names, and we say who are these doctors I do not know who they are. I did not see them. And it is the doctor who pokes his head in the door and asks how you are feeling today and then leaves and bills Medicare. And when people say that, or when I say that, people nod all the time.

I am sure all our colleagues have countless stories that constituents have told them about waste, fraud and abuse in the Medicare system, where people are told that they can get certain things, and they get them and they do not need them. I really believe if we crack down on waste, fraud and abuse we could save billions. And by saving that money, we could put it into ensuring that everybody gets expansion of health care coverage and that people that do not have it can get it.

So I think where there is a will there is a way. We certainly are capable of looking at it. And we know there is waste, fraud and abuse, and we can get at it.

So I again think that the President's proposal is something that has a lot of merit. I know the American people, I have seen polls, are all for it. I know my constituents in New York are for it. And I think, again, that those of us in Congress who understand the necessity for the expansion of Medicare, particularly on the Democratic side, and I hope again our colleagues on the Republican side will embrace it as well, but I know on the Democratic side we are embracing it and that we will continue to push for Medicare expansion in this Congress and hopefully get a bill that the President will sign into law.

Mr. PALLONE. I want to thank the gentleman again, and I will yield to the gentlewoman from Connecticut.

Ms. DELAURO. Just two points. I think on the expansion of the Medicare coverage, while it is specific to the age groups of 55 to 64, there is not anyone who is 47, 48, 49, 50, 51 who is not thinking about, my gosh, if I get ill or if something happens to my family am I going to be wiped out by illness. These are people who are near that period of time.

So there are a lot of people who are immediately facing the circumstance, but there are those who are fairly soon going to face the circumstance and they are scared. They are scared. And this seems like an equitable way, with the purpose of not draining Medicare funds, which no one wants to do, we want to make sure those funds are safe, and, at the same time, allowing people the opportunity to pay in. It is not getting something for nothing. We will pay in. In this way we are in some way protected.

I think we have some very, very important health care issues that are critical in the lives of our families today, which is exciting to me and I think to my colleagues. We have a real challenge, we do, on the Medicare expansion issue and with the discussion, and we need to build that support. And I think that the support is out there for doing this, particularly in the country, but we have to build the support here.

But there is, on the managed care side, a great deal of bipartisan support here. I think we have a perfect opportunity very quickly in this session of Congress to take advantage of that support and the external pressure to get something done in this area.

And what it says ultimately, it says to middle class families in this country, we are there to help you. We are there for people in the country to say you need to have health care coverage, we want to make sure that you have it. We also want to keep the cost contained, but we can do that without somehow putting your health in jeopardy.

And at the same time, a very, very important message to the insurance companies and to the providers; that, in fact, we are willing, we are willing and we are going to stand up to set limits on what they can do and what they cannot do when it regards the health and the safety of Americans in this country.

□ 1530

That needs to be what our obligation is. And the faster we get to it in this session of the Congress, the faster we are going to make Americans believe that what we do here in Washington is not focus on the problems we have here, but we are focusing on the problems that they have in their lives. That is what our obligation is. That is why we were elected to serve.

Mr. PALLONE. Mr. Speaker, I appreciate the remarks of the gentlewoman. I think she is right on point.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Speaker, I just want to say that the gentlewoman from Connecticut (Ms. DELAURO) is so right that this is not an issue that people think about when they are 62. All of us down the line are thinking about it right now, and so many millions and millions of Americans are thinking about health care. It goes back to what I said when I opened my remarks, that health care is something that affects all Americans and it is really up there on the lists of concerns of people.

The hearing we attended, if my colleagues remember those three people that were between 62 and 65, they all said that they could not afford to buy health coverage, that they desperately need it but they simply could not afford to buy it. If we could expand the Medicare program and allow them to buy in at a reasonable cost that they could afford, I mean, are we not then doing something meaningful for people's lives?

Again, average Americans, middle-class people who work hard all their lives, play by the rules, something happens and they get a little older and they suddenly find themselves abandoned. So the gentlewoman from Connecticut is so right.

I think we in Congress have to show that we are listening to our constituents, to the people out there in America, that in Washington, inside the Beltway, there are all kinds of things that come into play and there is politics and there is rumor mongering and everything else. The American people are not interested in that. The American people are interested in what is Congress, what is the President, what is Government in Washington doing to affect their lives, to help them in their lives.

Again, I can think of nothing more that we can do to help the average American than to expand health care coverage and to make sure that every American has decent, quality health care; and that is what I think we ought to do in this Congress.

Mr. PALLONE. Mr. Speaker, I want to thank both of my colleagues.

I think that the President sent a very strong message last night on a number of issues, managed care reform, expansion of Medicare to the near elderly. These are common sense ideas that have the support of the American people; and so we are going to pledge, as Democrats in this House, that we are going to fight to make sure that these proposals get enacted. And if we have to drag along the Republican leadership, we will just drag them along.

Mr. Speaker, I yield back the balance of my time.

STATE OF THE REPUBLIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the first session of the 105th Congress has been completed and the third year of the conservative revolution has passed. Current Congressional leadership has declared victory and is now debating on how to spend the excess revenues about to flow into the Treasury.

As the legislative year came to a close, the only serious debate was over the extent of the spending increases negotiated into the budget. The more things changed, the more they stayed the same. Control over the Congress is not seriously threatened, and there has been no clear-cut rejection of the 20th century welfare state. But that does not mean that there is no effort to change the direction of the country. It is just that it is not yet in progress.

But many taxpayers throughout the country are demanding change, and today there are more people in Washington expressing a sincere desire to shrink the welfare state than there were when I left 13 years ago. The final word on this has not yet been heard.

In contemplating what needs to be done and why we have not done better, we should consider several philosophic infractions in which Members of Congress participate that encourage a loss of liberty and endanger our national security and the republic while perpetuating the status quo.

Following are some of the flaws or errors in thinking about issues that I find pervasive throughout the Congress:

Foreign affairs. Although foreign affairs was not on the top of the agenda in the last session, misunderstanding in this area presents one the greatest threats to the future of America. There is near conformity, uniformity of opinion in the Congress for endorsing the careless use of U.S. force to police the world. Although foreign policy was infrequently debated in the past year and there are no major wars going on or likely to start soon, the danger inherent in foreign entanglements warrants close scrutiny.

The economy, crime, the environment, drugs, currency instability, and many other problems are important. But it is in the area of foreign policy and for interventionism that provokes the greatest threat to our liberties and sovereignty. Whenever there are foreign monsters to slay, regardless of their true threat to us, misplaced patriotic zeal is used to force us to look outward and away from domestic problems and the infractions placed on our personal liberties here at home.

Protecting personal liberties in any society is always more difficult during war. The uniformity of opinion in Congress is enshrined with the common cliches that no one thinks through, like foreign policy is bipartisan; only the President can formulate foreign policy; we must support the troops and, therefore, of course, the war, which is usually illegal and unwise but cannot be challenged; we are the only world's superpower; we must protect our interests like oil. However, it is never admitted, although most know, our policy is designed to promote the military industrial complex and world government.

Most recently, the Congress almost unanimously beat the drums for war, i.e., to kill Hussein; and any consideration of the facts involved elicited charges of anti-patriotism. Yet in the midst of the clamor to send our planes and bombs to Baghdad, cooler heads were found in, of all places, Kuwait.

A Kuwaiti professor, amazingly, was quoted in a proper pro-government Kuwaiti newspaper as saying, "The U.S. frightens us with Saddam to make us buy weapons and sign contracts with American companies," thus ensuring a market for American arms manufacturers and United States' continued military presence in the Middle East.

A Kuwaiti legislator was quoted as saying, "The use of force has ended up strengthening the Iraqi regime rather than weakening it."

Other Kuwaitis have suggested that the U.S. really wants Hussein in power to make sure his weak neighbors fear him and are forced to depend on the United States for survival.

In spite of the reservations and reasons to go slow, the only criticism coming from congressional leaders was that Clinton should do more, quicker, without any serious thought as to the consequences, which would be many.

The fact that of the original 35 allies in the Persian Gulf War only one remains, Great Britain, should make us question our policy in this region. This attitude in Washington should concern all Americans. It makes it too easy for our presidents to start a senseless war without considering dollar costs or threat to liberty here and abroad. Even without a major war, this policy enhances the prestige and the influence of the United Nations.

These days, not even the United States moves without permission from the UN Security Council. In checking with the U.S. Air Force about the history of U-2 flights in Iraq, over Iraq, and in their current schedules, I was firmly told the Air Force was not in charge of these flights, the UN was. The Air Force suggested I call the Defense Department.

There is much to be concerned about with our current approach to foreign policy. It is dangerous because it can lead to a senseless war like Vietnam or small ones with bad results like in Somalia.

Individual freedom is always under attack; and once there is any serious confrontation with a foreign enemy, we are all required to rally around the President, no matter how flawed the policy. Too often, the consequences are unforeseen, like making Hussein stronger and not weaker after the Persian Gulf War.

The role of the military industrial complex cannot be ignored; and since the marching orders come from the United Nations, the industrial complex is more international than ever.

But there is reason to believe the hidden agenda of our foreign policy is less hidden than it had been in the past. In referring to the United States in the international oil company success in the Caspian Sea, a Houston newspaper recently proclaimed, "U.S. views pipelines as a big foreign policy victory."

This referred to the success of major deals made by giant oil companies to build pipelines to carry oil out of the Caspian Sea while also delivering a strong message that, for these projects to be successful and further enhance foreign policy, it will require government subsidies to help pay the bill. Market development of the pipelines would be cheaper but would not satisfy our international government planners.

So we must be prepared to pay, as we already have started to, through our foreign aid appropriations. This promotes on a grand scale a government business partnership that is dangerous to those who love liberty and detest fascism. And yet, most Members of Congress will say little, ask little, and understand little, while joining in the emotional outburst directed towards the local thugs running the Mideastern fiefdoms like Iraq and Libya.

This attitude, as pervasive as it is in Washington, is tempered by the people's instincts for minding our own business, not wanting Americans to be the policemen of the world, and deep concern for American sovereignty. The result, not too unusual, is for the politicians in Washington to be doing one thing while saying something else at home.

At home, virtually all citizens condemn U.S. troops serving under UN command, and yet the financing and support for expanding the United Nations' and NATO's roles continues as the hysteria mounts on marching on Baghdad or Bosnia or Haiti or wherever our leaders decide the next monster is to be found.

The large majority of House Members claim they want our troops out of Bosnia. Yet the President gets all the funding he wants. The Members of Congress get credit at home for paying lip service to a U.S. policy of less intervention, while the majority continue to support the troops, the President, the military industrial complex, and the special interests who drive our foreign policy, demanding more funding while risking the lives, property, peace, and liberty of American citizens.

Congress casually passes resolution after resolution, many times nearly unanimously, condemning some injustice in the world, and for the most part there is a true injustice, but along with the caveat that threatens some unconstitutional U.S. military interference, financial assistance, or withdrawal of assistance, or sanctions in order to force our will on someone else. And it is all done in the name of promoting the United Nations and one-world government.

Many resolutions on principle are similar to the Gulf of Tonkin resolution, which became equivalent to a declaration of war and allowed for a massive loss of life in the Vietnam fiasco. Most Members of Congress fail to see the significance of threatening violence against countries like Libya, Somalia, Rwanda, Bosnia, Iraq, Iran, or Haiti. Yet our credibility suffers since our policies can never satisfy both sides of each regional conflict.

In the Middle East, even with all our announced intentions and military effort to protect Kuwait, our credibility is questioned as most Arabs still see us as pro-Israel, anti-Arab, and motivated by power, oil and money.

America's effort to prevent a million casualties in Rwanda does not anywhere compare to our perennial effort to get Hussein. It is hardly violations of borders or the possession of weapons of mass destruction that motivates us to get Hussein or drive our foreign policy.

We were allies of Iraq when it used poison gas against the Kurds and across the border into Iran. We support the Turks even though they murdered Kurds, but we condemn the Iraqis when they do the same thing.

There are more than 25,000 Soviet nuclear warheads that cannot be accounted for, and all we hear about from the politicians is about Iraq's control of weapons of mass destruction.

Our policy in the Middle East is totally schizophrenic and driven by Arab oil, weapon sales, and Israel. This is especially dangerous because the history of the West's intrusion into the Middle East for a thousand years in establishing the artificial borders that exist today has created a mindset among Islamic fundamentalists that guarantees that friction will persist in this region no matter how many Husseins or Ayatollahs we kill. That would only make things worse for us.

As much as I fear and detest one-world government, this chaos that we contribute to in the Middle East assures me that there is no smooth sailing for the new world order. Rough seas are ahead for all of us. If the UN's plans for their type of order is successful, it will cost American citizens money and freedom. If significant violence breaks out, it will cost American citizens money, freedom, and lives.

Yes, I fear a biological and even a nuclear accident. But I see our cities at a much greater risk because of our policy than if we were neutral and friends with all factions instead of trying to be a financial and military ally of all factions depending on the circumstances.

□ 1545

The way we usually get dragged into a shooting war is by some unpredictable incident, where innocent Americans are killed after our government placed them in harm's way and the enemy provoked. Then the argument is made that once hostilities break out, debating the policy that created the mess is off limits. Everybody then must agree to support the troops.

But the best way to support our troops and our liberties is to have a policy that avoids unnecessary confrontation. A pro-American constitutional policy of nonintervention would go a long way toward guaranteeing maximum liberty and protection of life and property for all Americans.

American interests around the world could best be served by friendship and trade with all who would be friends, and subsidies to none.

The balanced budget. There is a naive assumption in Washington that the budget is under control and will soon be balanced, while believing perpetual prosperity is here and new programs can now be seriously considered. It reminds me of an old Chinese saying, when words lose their meaning, people lose their liberty.

Even the revolutionaries have claimed victory. One of the staunchest Members recently declared, in the end we achieved a balanced budget for the first time since 1969. Medicare and welfare were reformed, all in three short years, a truly remarkable record on how far we have come.

I can understand a positive spin on events of the last three years by party leaders. That is what party leaders do. But the revolutionary members of the 104th Congress should not be taken in easily or quickly. But Washington has a strange way of dulling the senses, and no one enjoys peer rejection or lonely fights, where one is depicted as pursuing a fruitless adventure and appearing negative. Capitulating to the status quo is the road of least resistance, and rationalizations are generously offered up.

It has been especially tempting for Members of Congress to accept the projection of higher revenues as a panacea to our budgetary problems. The prevailing attitude in Washington as 1997 came to a close was that the limited government forces had succeeded. The conservative revolution has won, and now it is time to move on and make government work more efficiently.

I am sure some know better, but the real reason for these declarations of budgetary success is for the sole purpose of maintaining power. Minority leaders find themselves frustrated because they know spending has gone up, and the higher tax revenues have helped those in charge.

The Republican Congress and President Clinton benefited, while the Democratic Congressional leaders could only ask why can't more be spent on welfare if the country is doing so well? Fundamental problems like the size of the budget, the deficit, the debt, higher taxes, currency problems and excessive regulations were put on the back burner, if not ignored altogether.

While complacency regarding foreign policy sets the stage for danger overseas, this naive attitude regarding the budget and the deficit is permitting the welfare state to be reenergized and cancel entirely any efforts to reduce the size and scope of government.

Under Reagan, as in the early parts of the Republican control of Congress, some signs of deceleration in the growth of government were seen. But even then, there was no pretense made to shrink the size of government. And, once again, the path of least resistance has been to capitulate and allow government to grow as it has been for decades. Heaven forbid, no one ever again wants to be blamed for closing down nonessential government services. Only cruel and heartless Constitution lists would ever suggest such a politically foolish stunt.

It is not going to happen. 1997 has proven what many have suspected, that reversing or arresting a welfare state cannot occur by majority vote. With apparent wealth abundance in the United States, the reversal assuredly will not come with ease. Once redistribution of wealth is permitted by the democratic vote, destruction of production will occur before the majority will choose to curtail their own benefits.

The end is closer than most realize, considering the optimistic rhetoric coming from Washington, plus the fact the majority of citizens are beneficiaries of the system, and even the producers have grown dependent on government protection, grants, contracts and special subsidies.

Although the session ended on a modestly happy bipartisan note, I suspect in time 1997 will be looked upon as a sad year, in that the limited government revolution of 1994 was declared lost by adjournment time in November.

That does not mean the fight for liberty is over, but the hope that came by reversing Congressional rule after 40 years has been dampened and a lot more work is necessary for success. The real battle is to win the hearts and minds of Americans outside of Washington to prepare the country for the day when the welfare state ceases to function due to an empty treasury and the dollar, not worth its weight, comes under attack.

Specifics worth pondering: The budget for current fiscal year 1998 calls for expenditures of $1.69 trillion, or $89 billion above last year. The 1997 budget was $22 billion over 1996. The so-called balanced budget bragged about is to occur in the year 2002, with more cuts being made in the year 2001 and a level of spending far above today's. The expenditures in the year 2002 are expected to increase to $1.9 trillion, over $200 billion more than this year.

Increased revenues obviously accomplish the job of a theoretically balanced budget, but also these projections do not take into account the huge sums borrowed from Social Security. Even if things go well and as planned, the optimism is based on deception, wishful thinking and a huge raid on the Social Security and other trust funds. In spite of this, the politicians in Washington are eagerly planning on how to spend the coming budgetary surpluses.

All these rosy projections are dependent on economic strength, steady low interest rates, and no supplemental appropriations. Every session of Congress gets supplementals, and if the economy takes a downturn, the higher the appropriation.

The last three years are not much to brag about. Domestic spending has gone up by $183 billion. In the prior three years, when Democrats controlled the Congress, spending increased by $155 billion. Tax increases are now inevitably referred to as revenue enhancement and closing of loopholes.

In spite of some wonderful IRS bashing by nearly everyone and positive hearings in exposing the ruthless tactics of the IRS, Congress and the President saw fit to give the IRS a whopping $729 million increase in its budget, hoping the IRS will become more efficient in their collection procession. Real spending cuts are not seriously considered.

Congress continues to obfuscate by calling token cuts in previously proposed increases as budget cuts. The media and the proponents of big government and welfare obediently demagogue this issue by decrying why the slashes in the budget are inhumane and uncaring.

Without honesty in language and budgeting, true reforms are impossible. In spite of the rhetoric, bold new educational and medical programs were started, setting the stage for massive new spending in the future. New programs always cost more than originally projected. The block grant approach to reform did not prompt a decrease in spending, and frequently added to it. The principle of whether or not the Federal Government should even be involved in education, medicine, welfare, farming, et cetera, was not seriously considered.

The 1998 budget is the largest ever and represents the biggest increase in the domestic budget in eight years. Those in charge threw in the towel and surrendered all efforts this past year to cut back the size of government. In this fiscal year, many concede the deficit will actually go up, even without a slowing in the economy.

In this year's budget, Medicare and Medicaid increased four to five times the rate of inflation. This is not a complete surprise to the logical skeptics when it comes to fiscal matters, but it is just a little exasperating to hear the positive pronouncements of current leaders who just a few years ago would have been only too eager to point out the shortcomings of deceptive arithmetic.

Power is a corrupting influence, but, for now, at least, a Congressional power shift is not in the making. There are still a lot of recipients that are happily reassured that additional revenues can be found. The new management is welcomed, and it is hoped the new guys on the block can salvage for a while a system that many deep down in their hearts are convinced is not manageable for much longer.

There is a sense of relief the welfare state has received a reprieve. One can almost hear the sigh amplified by hearing of the problems in the Southeast Asia countries with their currency and stock market problems, not realizing it is the U.S. taxpayers and the dollar that will be called upon for the bailout of this financial crisis.

The great danger of all of this is the false sense of economic security Congress feels, that has prompted total abandonment of efforts to actually cut any spending and with plans being laid for spending increases.

The message is this: The politicians will never limit spending, but, eventually, the market will. It has already done so in Thailand, South Korea, the Philippines, Indonesia and Malaysia.

The international currency crisis: Congress lacks concern and understanding of the significance of the Asian currency crisis. Monetary policy has never excited many Members of the Committee on Banking, let alone other Members of Congress. A handful of Members do consistently complain to the Chairman of the Federal Reserve, but inevitably it is to object to the high interest rates and not enough credit being available to either the poor or the rich beneficiaries of Central Bank credit largesse.

The Southeast Asian currency and economic bailout will exceed $100 billion. We will be propping up these currencies by sending American taxpayers' dollars, the same thing we did in Mexico in 1995. Multilateral efforts through the IMF, World Bank and other development banks are used, and in each one the United States is the most generous donor.

IMF bailouts, just as our military foreign intervention, are generally supported by the leadership of both parties. The establishment has firm control in these two areas and who, out of ignorance or neglect, the Congress as a whole provides little resistance. When the stronger currencies, in this case the dollar, props up a weaker currency, it is nothing more than an example of an international transfer of payment that helps our banks and international corporate investors who have financial exposure in the country or currency under attack.

These bailouts will work, to some degree, until the dollar itself comes under attack. Our relatively strong economy and the current perceptions of undue dollar strength allows great leverage in this extremely expensive and risky bailout operation.

The genius of it all is that Federal Reserve credit expansion and its off-budget budgeting permits these funds to be spent without oversight. IMF appropriations are not even counted toward the deficit, and credit expansion is under complete control of the Federal Reserve.

Long-term, the average American citizen suffers through higher interest rates, rising prices, recessions and lower standard of living, but the cause and effect is conveniently hidden from the public and the Congress.

After the Mexican bailout, her citizens lost 50 percent of their purchasing power, a dramatic pay cut. Yet the great danger is that some day we will be forced to pay, possibly with a dollar crisis that will make the Asian currency crisis look small in comparison.

All currency crises are serious and usher in economic and political problems for the country involved, and since no one likes it, blame is generally misplaced.

When the dollar comes under attack, since it is the reserve currency of the world, a much more serious crisis than we are currently witnessing in Asia will occur. Only a universal acceptance of a single worldwide commodity standard of money can prevent these periodic devaluations and disruptions in trade that are so prevalent today.

The day before we adjourned the first session of the 105th Congress, the Committee on Banking and Financial Services held hearings on the Asian currency crisis, but it was more an attempt to reassure the financial community than to sort out the cause and do something about it.

Instead, the dollar was crowned king, and Greenspan promised stability. Our real interest rates, balance of payments, our current account deficit and budgetary deficits were conveniently ignored, because if they had been looked at seriously, it would have been recognized that the U.S. and the world faces a major financial crisis once the dollar can no longer be used to bail out the world financial system.

Currency issues are serious and a much bigger problem than Congress realizes. Even the Fed has convinced itself it is quite capable of managing our fiat currency and our financial markets through any crisis. The money managers are every bit as powerful as the Congress, which taxes and spends, but the Federal Reserve's actions are much less scrutinized.

But when push comes to shove, the markets always win out. Interest rates are less than one percent in Japan, but have not prompted borrowers to come forth nor bankers to lend. The proposed $25 billion injection by the Bank of Japan will not solve the problem either. Even central bankers cannot push on a string.

The sad part is that all these shenanigans will cause undue suffering to the innocent who lose their jobs, suffer from price inflation and see their standard of living shrink.

Eventually, everyone though is threatened by the political disruption that can ensue with a currency mishap. Our greatest concern should be for our loss of liberties that so often accompany a currency crisis. Congressional attitude toward monetary policy is not likely to change soon, so we can expect a lot more turmoil in the currency markets in the months ahead.

□ 1600

Two special areas. Congress in the past year capitulated in two significant areas by not only failing to cut spending, but massively increasing government's role in medicine and in education. House Republicans bragged that 7 out of 8 educational initiatives passed the House, many of them being quite expensive. Charter schools cost over $100 million, funding for vouchers was increased, $3 billion was appropriated to extend student loans, and a new $210 million reading in excellence program was initiated. A program for high-tech training and one designed to help children with disabilities was also started.

Clinton's new health care program for children was accepted by Congress, which will eventually cost billions and further centralize medical care in Washington, while quality of care is diminished. Billions of dollars increased in NIH, AIDS research and preventative health care were also approved.

The Federal Government has been involved in education and medicine more than in any other domestic area. This has caused a serious price inflection for these two services, while undermining the quality and results in both. The more we spend, the higher the cost, the worse the service, and the greater the regulations. So what did Congress do to solve the problems in the past year? Even in this so-called age of cutting back and a balanced budget, it expanded government precisely in the two areas that suffer the most from big government.

This is strong evidence that we have not yet learned anything in the past 50 years, and the 1994 revolution has not yet changed things. We can expect more HMO's and PPO mismanagement, rationing medical service and price control of all medical services. Shortages of quality health care and education will result.

Devolution. Block grants are the popular vehicle to restore local control of the Federal bureaucracy. The housing bill, the first major change to public housing since the Depression, did not cut spending, but actually increased funding through the block grant system of devolving power to the States. A token effort similar to this was made in the early 1970s under Nixon called revenue-sharing. It did not work and was dropped.

This new method will not work either. Whether the bureaucrats are in Washington or in the State capitols, it will not change the dynamics of public housing. Public ownership, whether managed locally or federally, cannot replace the benefits of private ownership. Besides, the block grant method of allocating funds does not eliminate the need to first collect the revenues nationally and politically distribute the funds to the various State entities. Strings will always be attached no matter how many safeguards are written into the law. The process of devolution is an adjustment in management and does not deal with the philosophic question of whether or not the Federal Government or even the State governments ought to be involved. The high hopes that this process will alter the course of the welfare state will, I am sure, be dashed after many more years of failures and dollars spent.

There is essentially no serious consideration in Washington for abolishing agencies, let alone whole departments. If the funding for the pornographic NEA cannot be cut, which agency of government should we expect to be? The devolution approach is not the proponents of big government's first choice, but it is acceptable to them. Early adjournment meant the call for more spending was satisfied and the supporters of big government, in spite of the rhetoric, were content. Searching for a partisan issue, the minority was content with campaign reform and the questions surrounding illegal voting.

Devolution is said to be a return to States rights since it is inferred that management of the program will be decentralized. This is a new 1990s definition of the original concept of States rights and will prove not to be an adequate substitute.

At the same time these token efforts were made in welfare, education and human resources reform, Congress gave the Federal Government massive new influence over adoption and juvenile crime, education and medicine. Block grants to States for specific purposes after collecting the revenues at the Federal level is foreign to the concept that once was understood as States rights. This process, even if temporarily beneficial, will do nothing to challenge the underlying principle and shortcomings of the welfare State.

Real battles. The real battles in the Congress are more often over power and personalities than philosophy. Both sides of most debates represent only a variation of some interventionist program. Moral and constitutional challenges are made when convenient and never follow a consistent pattern. These, along with the States rights arguments, are not infrequently just excuses used to justify opposing or approving a program supported for some entirely different reason. The person who makes any effort at consistency is said to be extreme or unyielding.

After giving a short speech criticizing the inconsistency of our foreign policy, another Member quickly rose to his feet and used the Walter Emerson quote to criticize my efforts saying, "A foolish consistency is the hobgoblin of little minds adored by little statesmen and philosophers and divines." Criticizing another Member for following a consistent freedom philosophy and strict adherence to the Constitution is more of an attempt to reassure the critics themselves who are uneasy with their own position. Obviously, criticizing one for consistency either means that pragmatism and inconsistency is something to be proud of, or there is little respect for the philosophy that is consistently being defended, a truth the critics are not likely to admit.

Public relation debates. Oftentimes the big debates in Congress are more public relation efforts than debates on real issues. This is certainly true when it comes to preventing foreign aid funds from being used by any organization for abortions. I agree with and vote for all attempts to curtail the use of U.S. taxpayers' funds for abortion within or outside the United States. But many in the pro-life movement are not interested in just denying all birth control, population control and abortion money to everyone, and avoid the very controversial effort to impose our will on other nations. Believing money allocated to any organization or country is not fungible is naive, to say the least. The biggest problem is that many who are sincerely right to life and believe the Mexico City language restriction on foreign aid will work are also philosophic believers in internationalism, both social and military.

The politics of it has allowed temporary withholding of IMF and U.N. funds in order to pressure the President into accepting the restrictive abortion language. Withholding these funds from the United Nations and the IMF in this case has nothing to do with the criticism of the philosophy behind the United Nations, the IMF, the World Bank, and why the international government agencies are tax burdens on the American people.

It is conceded by the majority on both sides of this debate that the U.N., the IMF, the development banks and even the funds for population control are legitimate expenditures and eventually will be funded. The question is only whether or not a public relations victory can be achieved by the radical pro-abortion supporters of the President's or the pro-life supporters.

We have at least started to debate the merits of any money at all going to population control, the United Nations or the IMF. This is where the debate should be. Even though the restrictions that the Mexico City language might place on foreign expenditures probably will not change the number of abortions around the world, the vote itself does reflect, through Congress, the sentiment of the American people, and therefore, its importance cannot be denied. But I am convinced that if the American people had the option of whether or not to send any money at all, they would reject all the funding, making the restriction debate moot.

Most would agree with the fungibility argument, even when funds are sent for reasons other than family planning and abortion like military assistance. The amazing thing is how important the debate can appear by threatening to withhold greatly sought after IMF funds for an argument that does not get to the heart of the issue. What should be debated is whether or not Congress has the moral and Constitutional authority to use force to take funds from American citizens for social engineering around the world, much of which results in resentment toward America.

The weak and ineffective conditions placed on foreign aid money to prevent abortions is hardly a legitimate reason for continuing the illegal funding in the first place. At times, in efforts to get more swing votes to endorse Mexico City language, some pro-life forces not only will not challenge the principle of our funding for birth control and population control overseas, but believe in increasing the appropriation for the program. If the Constitutionists cannot change the nature of the debate, we will never win these arguments.

Corporatism. Congress and the administration is greatly influenced by corporate America. We truly have a system of corporatism that if not checked will evolve into a much more threatening form of fascism. Our welfare system provides benefits for the welfare poor and, in return, the recipients vote to perpetuate the entire system. Both parties are quite willing to continue the status quo in not questioning the authority upon which these programs are justified, but the general public is unaware of how powerful corporate America is in changing and influencing legislation. Even those programs said to be specific for the poor, like food stamps, housing, education and medicine, have corporate beneficiaries. These benefits to corporate America are magnified when it is realized that many of the welfare redistributionist programs are so often not successful in helping the poor.

But there are many other programs precisely designed to satisfy the special interests of big business. A casual observer that might think the political party that champions the needs of the poor would not be getting political and financial support from the rich. But quite clearly, both parties are very willing to receive financial and political support from special interests representing the rich and the poor, business and labor, domestic and foreign.

We should not expect campaign reform are reliable revelations of campaign fund-raising abuse in today's political climate. There are strong bipartisan reasons to keep the debate on only a superficial level. All the rules in the world will never eliminate the motivation or the ability of the powerful special interests to influence Congress. Loopholes and illegal contributions will plague us for as long as Congress continues with the power to regulate, tax, or detax, or punishes essentially everyone participating in the economy.

The most we can ever hope for is to demand full disclosure. Then, if influence is bought, at least it would be in the open. The other most difficult task, and the only thing that will ever dampen special interest control of government, would be to radically reduce the power of Congress over our lives and our economy. Taxpayer funding of campaigns would prove disastrous.

The special areas of the budget that are of specific benefit to corporate America are literally too numerous to count, but there are some special programs benefiting corporations that usually prompt unconditional support from both parties. The military industrial complex is clearly recognized for its influence in Washington. This same group has a vested interest in our foreign policy that encourages policing the world, Nation building, and foreign social engineering. Big contracts are given to friendly corporations in places like Haiti, Bosnia and the Persian Gulf region. Corporations benefiting from these programs are unable to deal objectively with foreign policy issues, and it is not unusual for these same corporate leaders to lobby for troop deployments in worldwide military intervention. The U.S. remains the world's top arms manufacturer and our foreign policy permits the exports to world customers subsidized through the Export-Import Bank. Foreign aid, Overseas Private Investment Corporation, Export-Import Bank, IMF, World Bank, development banks are all used to continue bailouts of Third World countries heavily invested in by our corporations and banks. Corporations can get special tax treatment that only the powerful and influential can achieve. For instance, pseudo-free trade legislation like NAFTA and GATT and the recent Fast Track legislation shows how much big business influences both congressional leaders and the administration.

While crumbs are cast to the poor with programs that promote permanent dependency and impoverishment, the big bucks go to the corporations and the banking elites. The poor welcome the crumbs, not realizing how much long-term harm the programs do as they obediently continue to vote for a corporate-biased welfare state where the rich get richer and the poor get forgotten. Since generally both parties support a different version of interventionism, one should not expect the programs for the rich to be attacked on principle or cut in size. The result of last year's legislative session should surprise no one.

Both types of welfare expenditures benefit from a monetary system that creates credit out of thin air in order to monetize congressional deficits when needed and manipulate interest rates downward to nonmarket levels to serve the interests of big borrowers and lenders. Federal Reserve policy is an essential element in serving the powerful special interests. Monetary mischief of this type will not likely be ended by congressional action, but will be eventually stopped by market forces, just as has recently occurred in the Far East.

Voluntary contracts. There is little understanding or desire in Congress to consistently protect voluntary contract. Many of our programs to improve race relations have come from government interference in the voluntary economic contract. Government's role in a free society should be to enforce contracts, yet too often it does the opposite. All labor laws, affirmative action programs and consumer protection laws are based on the unconstitutional authority of government to regulate voluntary economic contracts. If the same process were applied to the press, it would be correctly condemned as prior restraint and ruled unconstitutional.

Throughout the 20th century, economic and personal liberties have undergone a systematic separation. Rules applying to the media and personal relationships no longer apply to voluntary economic transactions. Some Members of Congress are quite vocal in defending the First Amendment and fight hard to protect freedom of expression by cautioning against any effort at prior restraint. They can speak eloquently on why V chip technology in the hands of the government may lead to bad things, even if proponents are motivated to protect our children from pornography. Likewise, these partial civil libertarians are quite capable of demanding the protection of all adult voluntary sexual activity. They mount respectable challenges to the social authoritarian who never hesitates to use government force to mold society and improve personal moral behavior.

□ 1615

But these same champions of personal liberty do not hesitate at all to use the same government force they readily condemn in social matters to impose their vision of a fair and equitable economic system on all of us.

Thousands of laws and regulations are on the books to assure equality in hiring, pay, and numerous other conditions of employment and for theoretical consumer protection.

Ironically, the enemies of the voluntary contract, when dealing with the media and personal associations, are the best defenders of economic liberty and the voluntary economic contract.

Unless this glaring inconsistency is reconciled, the republic cannot be salvaged. Too often, the two sides compromise in the wrong direction. Economic libertarians concede too much to the welfare proponents and the social libertarians concede too much to the authoritarians who eagerly try to legislate good behavior. This willingness to compromise, while at the same time criticizing those who have firm beliefs as being overly rigid, serves as a serious threat to the cause of liberty.

A consistent defense of all voluntary associations does not preclude laws against violence, fraud, threat, libel and slander. To punish acts of aggression and protect non-violent economic and social associations is the main purpose of government in a constitutional republic. Moral imperfections cannot be eliminated by government force any more than economic inequalities can be eliminated through welfare or socialist legislation.

Once government loses sight of its true purpose of protecting liberty and embarks on a course where the generous use of force is used to interfere in the voluntary social and economic contracts, liberty will be diminished and the foundation of a true republic undermined.

That is where we are today. The effort on both sides to do "good" threatens personal liberty. There is no evidence that laws designed to improve personal sexual habits, the quality of the press or the plight of the poor have helped. The poor, under all programs of forced redistribution of wealth, always become more numerous. And the State inevitably abuses its power when it tries to regulate freedom of expression or improve personal behavior.

Too often both sides allow the principle of government force to be used to interfere in the internal affairs of other nations at a great cost and risk to American taxpayers, while accomplishing little except to promote a firm hatred of America for the interference. This itself is a threat to our security. The resulting conditions of international conflict are used as an excuse to curtail the civil liberties of all Americans.

In recent years, freedom of the press has been severely challenged when we are actively involved in military operations. Our young people are threatened as they are needlessly exposed to enemy fire and medical experimentation and there is an economic cost through higher taxes.

National sovereignty designed to protect liberty in a republic is challenged as our foreign operations are controlled by U.N. resolutions, not Congress. Under these conditions, our cities are more likely to be targeted by terrorists for the hatred our policies fuel. Draft registration remains in place just in case more bodies are needed for our standing U.N. armies. The draft remains the ultimate attack on volunteerism and represents the most direct affront to individual liberty. This is made that much worse when one realizes that it is highly unlikely that we will ever see American troops in action under anything other than a U.N.-sponsored war or military operation.

Only with a greater understanding and respect for individual liberty and the importance of voluntary associations in all areas of social and economic life will we be able to preserve our liberty, peace and prosperity. This is required for the republic to survive.

Congress reflects the nation's current obsession with political correctness. The strange irony is that this whole movement has been encouraged by groups and individuals who in the past have been seen as the champions of free expression and civil liberties. These efforts to interfere with freedom of expression come from a desire to punish those in economic superior positions. Political correctness encourages promotions or firings for casual and rude statements once ridiculed by merely ignoring them. The age of victimization demands political correctness be carried to an illogical conclusion and the plan for perfect economic equality demands language that reflect these goals. It's truly an area that reflects a complete lack of understanding of the principles of liberty and is an understandable result of this century's division of liberty into two parts. The motive seems to be to make people better by forcing them to use only correct language and to provide special benefits to groups that are economically disadvantaged. It's not uncommon to hear of people losing their jobs and reputation over harmless comments or telling off-colored jokes. Talk about discrimination, this is the worst.

The concept of "hate crimes" is now enmeshed in all legislation. Pretending we can measure motivation and punish it is preposterous. Varying penalties, thus placing more value on one life than another, is a totalitarian idea.

The political correctness movement and the concept of hate crimes will lead to laws against "hate speech." Clearly the constitution is designed to protect protesters, even those who express hatred at times and is not limited to the protection of non-controversial speech. Freedom of expression is indeed under serious attack in this country. Already there are laws in two countries prohibiting even questioning the details of the Holocaust. In America that's certainly not permitted under the rules of political correctness.

Some still believe that "hate crimes" in America are limited to identifying the racial and religious motivation behind a violent crime. But it's scary when one realizes that already we have moved quickly down the path of totalitarianism. In 1995, 57% of all hate crimes reported were verbal in nature. These crimes now being prosecuted by an all powerful federal police force, at one time were considered nothing more than comments made by rude people. The federal police operation is headed up by the Office of Civil Rights of the Department of Education and can reach every nook and cranny of our entire education system as it imposes its will and curriculum on teachers and students.

Whatever happened to the child's logic of "sticks and stones will break my bones but names will never hurt me?" This basic philosophy offered a logical response to taunts by bullies. Today, the bully is the government which is determined to regulate, enforce, and imprison anyone who doesn't tow the line of political correctness, multi-culturalism and follow government dictated social and economic rules.

But why can't we consider a solution that incorporates the healthy skepticism of those opposing government mandated V-chips and telephone monitoring devices with those who see the foolishness and danger of political correctness, especially seen when it comes to enforcing crimes against hate speech. Too often the same people who understand the hate crimes issue are the ones that believe government ought to be able to monitor our telephone and computer and censor television programming.

This confusion is becoming structural and the longer it's an accepted principle, the greater the threat to the Republic and our liberties.

As long as it is fashionable or humorous to refer to one who consistently defends individual liberty as a "hobgoblin of little minds" our liberties will be threatened. Accepting and rationalizing any inconsistency while rejecting the principal defenders of a free society as impractical represents a danger to the Republic. A strict adherence to the Constitution is surely not something that should be encouraged or tolerated, according to these critics.

By insisting that all government action be guided by tolerance and compromise in any effort to protect liberty, it is only natural that strict observance to standards in other areas would be abandoned. And it is true, we now live in an age where life has relative value, money has no definition, marriage is undefinable, moral values are taught as relative ethics in our classrooms, good grades in the classroom no longer reflect excellence, success in business is often subjected to doubts because of affirmative action, and corporate profits depend more on good lobbyists in Washington than creative effort.

Pragmatism and interventionism are popular because of their convenience and appeal to those who crave governing over others and those who expect unearned benefits. This process can last a long time when some incentives to produce remain in place. But eventually it leads to an attack on the value of money confiscatory taxation, over regulation, excessive borrowing on the future and undermining of trust in the political process. Once this system is entrenched, it becomes difficult, if not impossible, to gracefully reverse the process.

The usual result is the various groups receiving benefits become highly competitive and bitter toward each other. Eventually, it leads to a time when compromise and government planning no longer look practical nor fair. In the next few years, we can expect this to become more evident as Congress will be forced to acknowledge that the budget has more problems than was admitted to in the closing days of the first session of the 105th Congress.

If we do not define the type of government we are striving for and reject interventionism as a doctrine, the endless debate will remain buried in details of form and degree of the current system with no discussion of substance. Merely deciding where to draw the line on government involvement in our lives will consume all the energy of the legislative process. Whether or not we should be involved at all will receive little attention.

In order to direct our efforts toward preservation of liberty, in lieu of planning the economy and regulating people, we must have a clear understanding of rights. But could British Prime Minister Tony Blair be telling us being about Western Civilization and government's responsibility to the people? Blair was quoted in a recent visit with the President as saying, "I tell you, a decent society is not based on rights, it is based on duty. Our duty to one another. To all should be given opportunity, from all responsibility demanded."

This sounds just a tad authoritarian and closer to the Communist Manifesto than to the Magna Carta or to the Bill of Rights.

A free society is just the opposite. I argue that a free society is the only "decent" society and the only one that I care to live in. A free society depends entirely on personal rights for which all individuals are naturally entitled. This was the bedrock of the Declaration of Independence and our Constitution and the principle upon which our republic rests.

Yet today most of the West, now engulfed by Keynesian welfarism, sadly accepts the Blair philosophy. Duty and responsibility, as Blair sees it, is not the voluntary responsibility found in a free society but rather duty and responsibility to the State. He is right about one thing. If duty to the State is accepted as an uncontested fact, rights are meaningless. And everyday our rights are indeed becoming more threatened.

We have come to accept it as immoral and selfish to demand individual rights. Today, rights are too frequently accepted as being collective, such as minority, gay, women, handicapped, poor, or student rights. But rights are only individual. Everyone has a right to life, liberty and property, and it comes naturally or is a God-given gift.

The purpose of the State is to protect equally everyone's rights. The whole purpose of political action should be to protect liberty. Free individuals then with a sense of responsibility and compassion must then strive for moral excellence and economic betterment. When government loses sight of the importance of rights and assumes the responsibility reserved to free individuals and sets about to make the economy equally fair to everyone and improve personal nonviolent behavior, the effort can only be made at the expense of liberty with the efforts ending in failure.

National governments should exist to protect individual liberty at home by enforcing laws against violence and fraud and from outside threats. The bigger and more international government becomes, the more likely it is that the effort will fail.

The original challenge to the champions of freedom centuries ago was always to limit the powers of the king. Today the challenge, every bit as great but harder to define, is to limit the power of democratic parliaments and congresses. Democratic elections of leaders is one thing, but obsession with determining all rights by majority vote has now become liberty's greatest enemy.

Throughout this century, and as the movement grows for one world government, the linchpin is always democracy, not liberty or a constitutionally restrained republic as our Founders preferred. As long as the democratic vote can modify rights, the politicians will be on the receiving end of bribes and money and will be the greatest influence on legislation.

When government's sole purpose is to protect the lowliest of the minority, the individual, there will be no market for influence buying. Regulating the peddlers of graft will only make things worse for the rules will further undermine the right of the individual to petition and seek his own redress of grievances.

Detailed rules on political donations and lobbyist activity can easily be circumvented by the avaricious. Only a better understanding of rights and the proper role of government will alter the course upon which we have embarked.

Political leaders no longer see their responsibility to protect life and liberty as a sacred trust and a concept of individual rights has been significantly undermined throughout the 20th century. The record verifies this. Authoritarian governments, in this the bloodiest of all centuries, have annihilated over 100 million people, their own. Wars have killed an additional 34 million, and only a small number of these were truly in the defense of liberty.

The main motivation behind these mass murders was to maintain political power. Liberty in many ways has become the forgotten cause of the 20th century. Even the mildest mannered welfarist depends on government guns and threats of prison to forcefully extract wealth from producers to transfer it to the politically well-connected. The same government force is used by the powerful rich to promote from the programs designed to benefit them.

The budgetary process and the transfer of wealth that occurs through monetary inflation is influenced more by the business and banking elite than by the poor. The $1.7 trillion budget is not an investment in liberty. The kings are gone and I doubt that we will see another Stalin, Hitler, Pol Pot or Mao, but the "majority" in our legislative bodies now reign supreme with one goal in mind: maintaining power.

To do this they must satisfy the power brokers, pretending they are humanitarian saviors while ignoring their responsibility to protect individual liberty.

"Democracy" is now the goal of all those who profess progress and peace, but instead they promote corporatism, inflationism, and world government.

The question is, where will our alternative come from? Which group or individual truly speaks for liberty and limited government? The speeches, the rhetoric, the campaigns rarely reveal the underlying support most politicians have for expanding the State, especially when coming from those who are thought to be promoting limited government.

Those who believe in welfare and socialism are frequently more straightforward. But we are now hearing from some traditional "opponents" of big government, admonishing us to stop "trashing" government. Instead, we should be busy "fixing it." They do it without once challenging the moral principle that justifies all government intervention in our personal lives and economic transactions.

William J. Bennett strongly condemns critics of big government saying, ". . . some of today's antigovernment rhetoric is contemptuous of history and not intellectually serious. If you listen to it, you come away with the impression that government has never done anything well. In fact, government has done some very difficult things quite well. Like . . . reduced the number of elderly in poverty . . . passed civil rights legislation . . . insure bank deposits and insure the air and water remains clean."

Bennett's great concern is this. "Disdain of representative government (democracy) however, makes it virtually impossible to instill in citizens a noble love of country" (the State rather than liberty). Bennett complains that Americans no longer love their country because of their "utter contempt some have directed against government itself." In other words, we must love our government ruled by the tyrannical majority at all costs or it is impossible to love freedom and America.

Any effort to limit the size of government while never challenging the moral principle upon which all government force depends, while blindly defending majoritarian rule for making government work, will not restore the American republic. Instead, this approach gives credibility to the authoritarians and undermines the limited government movement by ignoring the basic principles of liberty. Only a restoration of a full understanding of individual rights and the purpose of a constitutional republic can reverse this trend. Our republic is indeed threatened.

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS THREATS TO DISRUPT MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–182)

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered printed:

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process" (the "Order") (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively "Specifically Designated Terrorists" or "SDTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 Fed. Reg. 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material, or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the List of SDTs (60 Fed. Reg. 41152, August 11, 1995; 60 Fed. Reg. 44932, August 29, 1995; and 60 Fed. Reg. 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the "TSRs" or the "Regulations") (61 Fed. Reg. 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There has been one amendment to the TSRs, 31 C.F.R. Part 595 administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of August 5, 1997. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

4. Since January 25, 1995, OFAC has issued three licenses pursuant to the Regulations. These licenses authorize payment of legal expenses of individuals and the disbursement of funds for normal expenditures for the maintenance of family members of individuals designated pursuant to Executive Order 12947, and for secure storage of tangible assets of Specially Designated Terrorists.

5. The expenses incurred by the Federal Government in the 6-month period from July 22, 1997, through January 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this Administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The Order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the United States determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 27, 1998.*

□ 1630

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND REPUBLIC OF KAZAKHSTAN CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–183)

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Kazakhstan has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Kazakhstan under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals.

Kazakhstan is a nonnuclear weapons state party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Following the dissolution of the Soviet Union, the Republic of Kazakhstan agreed to the removal of all nuclear weapons from its territory. It has a full-scope safeguards agreement in force with the International Atomic Energy Agency (IAEA) to implement its safeguards obligations under the NPT. It has enacted national legislation to control the use and export of nuclear and dual-use materials and technology.

The proposed agreement with the Republic of Kazakhstan permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfer, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998*.

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND SWISS FEDERAL COUNCIL CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-184)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, with accompanying agreed minute, annexes, and other attachments. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with Switzerland has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces an earlier agreement with Switzerland signed December 30, 1965, which expired by its terms August 8, 1996. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and Switzerland, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of moderator material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT). (U.S. law permits SNT to be transferred outside the coverage of an agreement for cooperation provided that certain other conditions are satisfied. However, the Administration has no plans to transfer SNT to Switzerland outside the agreement.)

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred moderator materials, nuclear materials, and equipment, as well as nuclear material produced through their use. The agreement also establishes procedures for determining the survival of additional controls.

Switzerland has strong nonproliferation credentials. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within its territory. In negotiating the proposed agreement, the United States and Switzerland took special care to elaborate a preamble setting forth in specific detail the broad commonality of our shared nonproliferation commitments and goals.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and Switzerland have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of our common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of Switzerland to the international nonproliferation regime, the comprehensive nonproliferation commitments that Switzerland has made, the advanced technological character of the Swiss civil nuclear program, the long history of U.S.-Swiss cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the long-standing close and harmonious political relationship between Switzerland and the United States, the proposed new agreement provides to Switzerland advance, long-term U.S. approval for retransfers to specified facilities in the European Atomic Energy Community (EURATOM) of nuclear material subject to the agreement for reprocessing, alteration in form or content, and storage, and for the return to Switzerland of recovered nuclear materials, including plutonium, for use or storage at specified Swiss facilities. The proposed agreement also provides advance, long-term U.S. approval for retransfers from Switzerland of source material, uranium (other than high enriched uranium), moderator material, and equipment to a list of countries and groups of countries acceptable to the United States. Any advance, long-term approval may be suspended or terminated if it ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include U.S. agreements with Japan and EURATOM. Among the documents I am transmitting herewith to the Congress is an analysis of the advance, long-term approvals contained in the proposed U.S. agreement with Switzerland. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act, as amended.

I believe that the proposed agreement for cooperation with Switzerland will make an important contribution to achieving our nonproliferation, trade, and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

Because the agreement contains all the consent rights and guarantees required by current U.S. law, it represents a substantial upgrading of the U.S. controls in the recently-expired 1965 agreement with Switzerland.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner with Switzerland, and thus help ensure the continuation and, I hope, growth of U.S. civil nuclear exports to Switzerland.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of the Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by bringing America's attention to the name of a young lady. No, it is not a young lady who was an intern in the White House. It is a young lady who is now dead as a result of negligence on the part of our system. Her name is Yanahan Zhao. She is a 16-year-old girl who was killed after bricks fell from a scaffolding at PS–131 in Brooklyn.

I think it is very important that we note that Yanahan Zhao may not be the only student that has been killed in this kind of accident, but certainly this one we know about, it was reported. It has high visibility. Any time a child is killed in New York City, it gets high visibility. A city that often ignores the conditions under which students and children are laboring from day to day will focus a lot of attention on a child that is killed.

So death was cruel, and our concerns and prayers we offer to the family of Yanahan Zhao. But I think we ought to understand that we should use her as an example of what we do not want to happen again. We do not want anywhere in America a student killed by bricks falling from the scaffolding of a school, or we do not want any one American student killed as a result of a building decaying or fixtures falling or any other matter. We do not want students killed and hurt.

Yanahan Zhao becomes a motto for a school construction initiative that ought to spread all across America. We have to declare a state of emergency and assume that we have a state of emergency with respect to infrastructure, construction and everything related to infrastructure with schools. We have to listen to the General Accounting Office when they say that more than $100 billion is needed to deal with updating the infrastructure of public schools across the country. We have to listen.

I have a few other examples of some outrageous things that have happened with respect to school construction or the lack of it. At East New York's Transit Technical High School, a wide swath of brick facade broke free from the building and came crashing down to the sidewalk. The only reason no one was injured is that it was Martin Luther King's birthday holiday, and the children were not in school. That is the only reason we did not have massive injuries. This wall, according to the report of the New York Times of January 23rd, this wall weighed 10 tons. The bricks in that wall weighed 10 tons, measuring about 500 square feet. That is the wall that fell from the school. Fortunately school was out and no one was hurt.

According to the same article in the New York Times of January 23rd, the city construction officials had inspected that school and found it safe just 5 days before a wide swath of the brick facade fell. They said that the school, East New York Transit Technical School, had been inspected at least three times in the last 5 months, most recently last Friday. The last inspection was one of nearly 200 that had been conducted by the city's building department at schools throughout the city after debris, variously described as brick or cinder block, tumbled from a construction site atop of a Brooklyn elementary school, cracking the skull of 16-year-old Yanahan Zhao, who later died from that injury.

I think it is important also to note that New York City has, of course, 1,100 schools, 1 million students. You expect things like that to happen, some people say, cynically dismissing the significance of this.

But across the country, having these same accidents, that get less publicity. At Phoenix, Arizona, at a Phoenix preparatory academy, a large piece of fireproofing material tore away from the metal decking of a second floor computer room, hitting the teacher.

At Blake Elementary School in Lakeland, Florida, a student was struck on the head when loose mortar fell from over a doorway.

A second grade teacher at Washington Elementary School in Spokane, Washington, was hit on the head and is still suffering nightmares after fluorescent lights peeled from the ceiling and crashed in her classroom. The thousand-pound metal fixture smashed onto her desk and across a small rug where students were gathered. Fortunately the students were not injured.

At Grande Hills High School in Los Angeles, California, six students and two teachers were struck by boards that fell from the roof of their building.

And I am sure it goes on and on, and I would like to invite other Members on both sides of the aisle to gather up these statistics, do a survey on what is happening with the buildings in their districts. This is not a pie-in-the-sky proposition that we should spend far more money than has been proposed on school construction.

I want to sing my praises for the State of the Union address. It was a great address. It offered platforms and programs that I certainly agree with. The education initiatives, I think, that were proposed by the President are magnificent. Most of the initiatives are really needed. But I want to argue here today, and the reason I am here so early in the year, I want to make the case that we keep our eye on the core of the problem, that school construction and the infrastructure of schools is central to any effort to improve America's schools.

There are a lot of other things that are proposed in the President's set of initiatives that can happen if you do not have first attention and most attention directed at school construction. You cannot have a reduction of teachers, a reduction of classroom size so that you have fewer students in the classroom, if you do not have the classrooms.

It is wonderful that the President proposes that the Federal Government take the initiative and provide some of the funding to reduce class size, highly desirable objective, and we must all work toward that objective, but it will not be possible in situations where schools are overcrowded and there are no classrooms.

In 1990, in the fall of 1996, in New York City on opening day they did not have room or places for 91,000 students, that with more than a million students. But even in a system with more than a million students, to not be able to give a desk to 91,000 students is still an outrageous situation.

When schools opened in 1997, we were in the midst of an election year, and nobody would let us see the statistics. We do not know whether the situation improved dramatically between 1996 and 1997, but we do know from observation and from surveys that have been done by my education advisory committee that in my district there are large numbers of overcrowded schools.

There are some schools where the principals insist that they are not overcrowded, but you can begin to knock that assertion down when you ask the second question. The second question is, how many lunch periods do you have? How many shifts for lunch do you have in your school? And when you find out that they start feeding children lunch at 10:00 in the morning, you know they have got a radical overcrowding problem. It is out of hand. You force a child to eat his lunch at 10:00, and you stop having lunch as late as 2:30, you force a child to wait that long, you have a situation where you have overcrowding and you are punishing the children. It is really a form of child abuse to make a child eat lunch at 10:00 in the morning.

So we have a problem, and the problem is not limited to inner-city schools. It may be more acute and more obvious in inner-city schools across the country, but urban schools, suburban schools all need help in dealing with their infrastructure problems.

We need money to build more schools. The President's proposal, the $5 billion over a 5-year period, is a good one because it at least is better than nothing. It begins the process. But so much more is needed in order for us to generate the more than $100 billion that the General Accounting Office says we need to deal with school infrastructure.

Now, the President should not be forced to bear the burden of providing all of the funds for school construction. The Federal Government should not be forced to bear the burden of providing all the funds for school construction. Traditionally, this has been left to the States and localities, and some of my friends on the other side of the aisle in particular argue that only the States and localities should be involved in school construction funding.

I think we ought to share the burden, that the Federal Government should provide a stimulus and should get very much involved to more than just $5 billion over a 5-year period, but the States and localities should do their job, too.

We have across the country many States that are reporting surpluses in their last year's budget, anticipating surpluses at the end of the fiscal year. New York State's fiscal year ends on March, the last day of March. The new fiscal year begins April 1st. They are predicting more than $2 billion in surplus, money that they have gained through revenue that they did not have to spend. New York City's budget, which begins on July 1st, ends on June 30th, they are projecting more than a billion dollars, too. $1.2 billion is presently being projected as the surplus in New York City budget.

So I will agree with my friends on the other side of the aisle, Republicans who say that local government ought to be responsible but not totally responsible. I think the President should use the bully pulpit and challenge all of the States and all of the local governments who have surpluses to deal with the infrastructure problem, the crumbling schools and the overcrowded schools. Particularly in New York City, I think that the first use of the surplus should be addressed to the crumbling infrastructure. No more children should die in New York City. If you have a surplus of $1.2 billion, then certainly part of that ought to be addressed to school construction. The State has $2 billion. Part of that ought to be addressed to school construction.

I think that we do not want to be guilty of having a civilization which cannot protect its children in school. School is a very important function of every society, and if we cannot protect our children there, what kind of statement are we making about our concern with children?

We know that dramatic situation that we encounter here in Washington, D.C. Washington, D.C. schools opened 3 weeks late last fall because of the fact that they had problems with roof repairs. People criticized the judge for ordering the schools to stay closed while the repairs were being conducted. It appears that that judge might have saved somebody's life because Yanahan Zhao was killed at a school where repairs were under way on the roof. And the bricks fell from the roof and struck her and a number of other students, and she was seriously injured and died. So we might have saved some lives by taking the bold step of refusing to let the Washington schools open while the roof repairs were being conducted.

Of course, we had a situation also where once the Washington schools were opened and the roofs were repaired, the children had a problem because the boilers began to break down in the same schools or some other Washington schools. So you have teachers being forced to tell children to wear extra heavy clothes to come to school, and of course I think it is child abuse to make a child sit in a cold room at a school and depend on his extra clothes to keep him or her warm.

So it is a challenge as to how urgent do we feel the situation is. It is a challenge as to how we really feel about children. Every public official makes speeches about our dedication to children. If you have a surplus, Mr. Mayor, if you have a surplus, Mr. Governor, then show us how dedicated you are to children by putting forth an initiative right away to let the Federal Government know that we may need help. After all, we have in New York, I said, 1,100 schools.

□ 1645

Three hundred of 1100 schools have coal burning furnaces. They are still burning coal. Many of them are more than 100 years old.

So we need a massive program, but certainly the Federal Government has a right to expect our city government and our State government to show some initiative and use their surplus in a constructive way for children.

On July 28th, which is of course today, The New York Times article reports that Mayor Giuliani is expected to announce that the city will finish the 1998 fiscal year with a surplus of $1.2 billion, thanks in large part to a surging Wall Street. It will be the second year in a row of good fortune for the city, which was pummeled by the recession in the early 1990s. The city ended its last fiscal year with $1.4 billion more than expected.

So we are 2 years in a row where we had a surplus. The second paragraph I want to read from this article says the following: But in contrast to the election year budget that he presented at this time last year, which called for sharply increased spending on education, children's services and other programs, the Mayor is returning to the conservative fiscal stance he took early in his first term when he pushed through some of the largest spending cuts since the city's fiscal crisis of the 1970s.

If children are not important, if schools are not important, if the surplus cannot be utilized for that purpose, than what is more important? Tell me, Mr. Mayor.

We have, again, as I said before, and I have a list right here, 300 schools out of 1100 schools in New York City that are still burning coal in their furnaces. Now, we might have somewhere in America, maybe many places, some efficient coal burning furnaces that do not spew pollutants in the air, but the likelihood that these old boilers are efficient and are not spilling large amounts of pollutants in the air is nil. They are polluting the air.

Is it any wonder that we have a high asthma rate in the same neighborhoods where the coal burning schools are. Where we have the greatest number of coal burning schools we have the highest asthma rates among the youngsters. There is an obvious correlation there, and we are officially guilty of doing things that we would never sanction or allow the private sector to do. We are endangering the health of children in a very concrete dramatic way.

So we had on the agenda on our ballot 3 years ago a State bond issue related to the environment, and in order to pass that bond issue it was clearly stated that part of the money for the environment bond issue would be used to convert the coal burning boilers in New York. It was clearly stated that part of the money would be used to convert some of the coal burning boilers in New York. That was 3 years ago. That was 3 years ago almost. As of right now not a single school with a coal burning furnace has been converted using the money from the bond issue that we passed almost 3 years ago.

The sense of urgency, emergency, is not there. The concern for children is not there. The concern for students and, in the final analysis, the concern for education is not there. We must think in terms of a state of emergency and we must understand that incremental steps will not solve the problem. Incremental steps will not, in time, save this generation of children. Incremental steps are not good enough.

And the President, in proposing the initiative at the Federal level, has taken the first step. I hope we can increase that, but the call on every unit, every level of government must be made with the Federal Government's leadership stimulating that response.

I yield to the gentlewoman from Oregon.

Ms. FURSE. Thank you so much. I come to the floor today because the most dreadful tragedy has occurred in the City of Portland.

Yesterday a policewoman, Officer Colleen Waibel, was shot and killed by a man with an assault weapon. Another police officer was gravely injured by the same man with an assault weapon. These officers were wearing bulletproof vests but the bullets used by that man struck through those bulletproof vests and killed Officer Colleen Waibel.

I am here to say that I am sick and I am tired of the tyranny of violence. I am sick and I am tired of the tyranny of guns. And I am here to say that I am really sick of the NRA.

There are too many guns in the hands of violent, uncaring people, people who hide behind a constitutional amendment that they misinterpret. Why should our great police officers be in jeopardy every time they go out on the street to protect us because there are people out there with guns such as this man had?

It is enough. We have had enough. We are not civilized if we cannot contain civil strife on our streets. I am here to pledge to the people of my district, whose lives are every day threatened by these same guns, that I will do everything in my power to see that assault weapons no longer threaten us all.

We have allowed those who support this unlimited use of guns to threaten, to badger and to coerce us for too long. And I want to say today that, in my belief, every time a person is killed by an assault weapon, every time a police officer is threatened by a gun, an assault weapon, gun or by cop killing bullets, I want to say that I think the NRA has some guilt in that killing.

Once there was a reason for people to arm themselves in order to protect themselves, and generally, then in those days gun ownership was responsible. But times have changed. Now everyone has guns. Kids have guns and criminals have guns and crazies have guns. And every time we try to pass sensible legislation regarding guns, the NRA brings out all its negative power to stop us. Enough.

Our brave men and women in law enforcement are a well ordered militia. They must be the ones to preserve law and order to keep our streets safe. The Constitution guarantees life, liberty, and the pursuit of happiness. Those constitutional guarantees were taken away from Officer Waibel. Those were taken away from her.

Enough. No more killing. It is time to get those weapons off the streets. It is time to end the killing for the sake of Officer Waibel and all the other brave law enforcement officers who every day, every day, face these unlimited guns.

Mr. OWENS. I salute the gentlewoman's sense of urgency. I think the message is quite urgent and my appeal is that we stop the business as usual approach in life and death matters. Gun control certainly is a life and death matter far more immediate than school construction.

In the long run we are talking about life and death of children, life and death of our society. I think the President started at the right place when he talked about Social Security and the concern of people and what happens to our Social Security. But I think we also understand that, and I am not one of those who thinks our Social Security is endangered, that we are facing the possible bankruptcy in 30 years, I think that is all propaganda, but the President certainly, by making Social Security the highest priority with the utilization of the surplus, has challenged those people and we can finally deal with it.

If we really need the money, then the surplus should be directed in that direction. But Social Security is threatened if we do not have a work force, a work force that can keep our economy going. And I am going to talk in a few minutes about the work force for the Information Age, the information technology workers and the great crisis that exists right now and is likely to grow even worse.

First, I want to talk about one of the President's initiatives. And again we must get behind the President and push these initiatives with a sense of urgency. There is a great need for the additional 100,000 teachers that he proposed. And whereas he talked mainly about those teachers being utilized to train students to read, I think we ought to seriously consider that we need teachers also who are able to deal with training children and what they need at every step of their educational career to get ready for the world of information technology where the jobs are going to be in the future.

I think we also should understand how this relates back to my concern with construction and infrastructure. If we pull in large numbers of idealistic students and they become teachers, do not subject those teachers to a problem of the boilers breaking down and they have to go into cold classrooms and instruct students who are shivering, or they have to participate in instructing students to wear heavy clothes to go to school in order to stay warm.

Do not subject teachers to a situation where they are teaching about the environment and they are teaching about health care and they are teaching about pollutants and we have coal burning furnaces right there at the school spewing pollutants into the air and children suffering from asthma at a greater rate. Do not subject teachers to that kind of situation.

Do not subject teachers to a request that they teach youngsters and use the latest technology, use the Internet, get them prepared for what is coming in the future of these children and then do not have adequate computers for them. And if they have computers, they are not hooked up to the Internet because the school cannot be wired properly.

They are old schools and the wiring does not lend itself, or they are afraid that asbestos, a problem I encountered in trying to wire 11 schools. And we did on Net Day. Net Day, by the way, is the national day on October 25th where all across the country volunteers were called upon to wire their schools. It was a Saturday. And volunteers came in to wire the schools so they could be hooked up to the Internet.

A school was considered appropriately wired and reaching the Net Day goals if 5 classrooms and the library were wired. So for 11 schools we got five classrooms and the libraries wired. It was not easy. And whereas I endorse the notion of using volunteers, and I know that there have been some very successful Net Days across the country using volunteers, we had to have some professional volunteers.

If you do not have some people who really know a little bit about what they are doing, it can really bog down. So I want to thank the Bell Atlantic crews that came in, because we did have a partnership with the private sector, and the private sector hooked us up with Bell Atlantic crews that came in to help. And there were some other private sector groups that provided us with personnel that went to the schools ahead of time to help mark off the wirings.

It was a beautiful operation bringing together the private sector and the school officials and the local community volunteers, but it was very difficult just to wire 11 of 1100 schools. In other parts of New York City, I understand there were other schools wired on that day, but the number of schools that have been wired to hook up to the Internet is, indeed, a very tiny number for New York City.

In case my colleagues did not know it, effective this Friday the FCC has announced that the universal fund for libraries and schools application process will begin. If you want to apply for the more than $2 billion available to pay for telecommunication services, if you are qualified, the process of qualification for the funds will begin this Friday, and that process will continue for 75 days.

And they are using the Internet. They are using the Internet as a way of getting the applications. So for the 75 days you can put your application in. It is a simplified application, with forms. You can do it right on the Internet and send it in.

□ 1700

Anytime within that 75-day period that you put your proposal in, it will be considered like the first day, everybody is equal; and only at the end of the 75 days will the clock be cut off. So I think it is very important to link these things up and understand that here is an advantage that is being made as a result of an act of Congress, Telecommunications Act of 1996, where the Congress instructed the FCC to set up a universal fund for libraries and schools for telecommunications and give them a discount.

The poorest schools get up to a 90-percent discount. Any school in America can get a 20-percent discount. So that only operates if you have computers.

If they have a technology set up where they have computers and somebody who is in charge of their computers in their school and they meet the requirements, only that way will they be able to take advantage of a discount. They cannot have the setup and have their school wired if they do not have an infrastructure already that allows them to do that.

Asbestos is a major problem. When we start marking holes in the walls, boring the holes to put the wires through, we confront an asbestos problem. New York City must have a certified asbestos inspector come out, very expensive, each school have a certified asbestos inspector come out and say what we are doing will not cause a health hazard. Very expensive. So if there are only a tiny number of schools that are wired, my colleagues can understand how that hurdle alone will keep the number down.

When we get into the details, it makes it very sad for inner city schools. They are not wired now, and they are not likely to be wired anytime soon. They will not be able to take advantage of universal telecommunications for the universal funds for libraries and schools for telecommunication if they are not wired. It all goes back to the problem of infrastructure and construction.

So we must assume a state of emergency. Because there is a domino theory operating here. One inadequacy, one critical inadequacy with respect to construction and infrastructure sets off a chain reaction where it generates more disadvantages and more inadequacies.

The President gave a long list of initiatives and education, and I think he must understand and all of us must understand that those initiatives, most of them, will not go forward unless we deal with the basic problem of school infrastructure. Among those initiatives, he mentioned the fact that we want to have our children able to go into the 21st century with the knowledge that they need to hook up with the burgeoning and growing information industries.

There was a major conference held in California in Berkeley in the second week in January related to the critical shortage of information technology workers. Business is very upset by the fact that they are beginning to feel the pinch of this critical shortage of workers. And I think that it directly relates to the fact that at one point the President talked about an initiative that is needed which is similar to the GI education bill. We need something as massive as that in order to really get ready to confront the changing of our society into an information technology society.

The conference was held on January 12. I just want to read a few excerpts from an article that appeared in the New York Times.

> The Clinton administration will announce today a broad and unique Federal effort to help train more computer programmers, responding to concerns from economists and business leaders that U.S. companies have a critical shortage of skilled technology workers.
>
> The administration's initiatives, which include millions of dollars in grants to fund educational programs, the creation of a nationwide job bank on the Internet, and a campaign to glamorize computer-related professions, come as a new survey shows that 1 in every 10 information technology jobs in the United States is unfilled.
>
> The study, conducted for an industry group by Virginia Tech and scheduled to be released today, estimated that 346,000 computer programmer and systems analyst jobs are vacant in U.S. companies with more than 100 employees.
>
> Although rapidly growing computer firms increasingly have had difficulties finding enough workers with cutting-edge skills, the Virginia Tech report indicates that the shortage has spread to many non-technology firms, including banks, hospitals and retailers that depend on programmers to design and operate large systems for their businesses. The widening scope of the issue has prompted the administration to take the unusual step of intervening in a worker training issue.
>
> The Federal Government programs will form the central part of a campaign among industry and educational institutions to chip away at the shortage. The efforts will be unveiled formally at a meeting of government and industry leaders in Berkeley, California, including Commerce Secretary Daley and Education Secretary Riley.
>
> "The shortage is a fundamental threat to the economic growth of the United States," says Harris N. Miller, president of the Information Technology Association of America, an Arlington-based industry group that is organizing the meeting.
>
> "It's not just hurting the ability of classic computer companies to grow. It's hurting the ability of the entire economy to grow through the productivity increases you get if you can install the latest technology products," Miller said.
>
> The Virginia Tech study confirmed similar findings made last year and shows that the industry has made no progress in reducing the shortage of technology workers.
>
> Though many statistical measures indicate the U.S. economy is at one of its strongest points in recent history, the economists say much of the recent growth has come through technology: both the growth of the Nation's tech industry and cost savings from the use of computers.
>
> "Right now, technology represents 50 percent of the Nation's economic growth," says Kelly H. Carnes, deputy assistant secretary for technology policy at the Commerce Department. "It is the most important enabling industry."

I will not read any further, but my point is that this has a great deal to do with those constituents of mine in the low-income section of my district, the people who cannot find jobs, and some of them, you know, are community college graduates. But many have never been exposed at all to a computer. It is relevant in terms of not so much the astronomical figures that are mentioned today, and they say 346 vacancies now.

The Department of Labor has a more conservative estimate of an additional 1.2 million workers over the next 5 years. If we take the most conservative estimate of the Department of Labor or the estimate given as a result of the Virginia Tech report, we still have a large growing industry which probably nobody can fully estimate what the limits are.

There are jobs there for the future. There are jobs for the youngsters coming out of our schools if they have had some kind of orientation to computers early in their schooling, beginning in the elementary grades, progressing through junior high school and, of course, high school. They really need some significant exposure to the utilization of computers before they get to college. And many of them may never go to college. Many of them may never go to college.

There are some young men that I know who did take a few courses in college and maybe were exposed to college to some degree, but they did not take any computer science courses, and they have decided because they like to work with computers that they will go into this field. They are getting promotions and making very good salaries with a bright, rosy future. One who started at $35,000 says that by the end of this year, in less than 3 years, he expects to be making $100,000 a year, and he has never taken a computer science course in a college.

So, in addition to the programmers, in addition to the analysts, we need the troubleshooters, we need the mechanics, we need people all up and down the line. And it cannot happen. The opportunity will be there, and we will not be able to fill that opportunity if our schools do not have the courses and the exposure to computers that are necessary, the opportunity to utilize computers.

Most of the homes in my district do not have computers. Nationwide, computers are a middle-class phenomenon, upper middle-class phenomenon and a large percentage of middle-class people have computers in the home. Most of the children who go to public school in my district will not be exposed to computers except in school and library.

And I want to congratulate the Brooklyn Public Library. In several of the poor areas, they have installed computers. They have only a few. But it does give youngsters an opportunity to come in and practice a little and get some exposure. The Brooklyn Public Library has a very forward-looking approach to computerization and technology. There is a lot of vision that the director of that library has shown in this area.

Recently, the Brooklyn Public Library received some grants from Microsoft to continue their work and to expand it; and we are looking forward to the library, which is a freestanding institution. Not only can the student and school come there, but the parents can come, and the people who are not enrolled in school can also utilize the library's computers. That is an area we hope will continue to grow.

I did say that the universal fund that the FCC has created is for both schools and libraries. It is for private schools as well as public schools, and it is for libraries. So they will have an opportunity to be able to get the discount on the telecommunications services, telephone company, Internet, various telecommunications services. They will qualify also for the discount which ranges between 20 and 90 percent.

And I am not rambling at all, I assure my colleagues. There is a direct connection between the need to have an emergency school construction initiative across the country. There is a need to deal with this as a central problem related to education.

The additional qualified teachers, the efforts of the Federal Government to recruit more teachers, all of those are important and must go forward. But I hope that we understand if you bring teachers in on a system where they see children's lives in jeopardy, and in many cases their own lives are placed in jeopardy, or if you bring them in situations where their lives are not placed in jeopardy directly in some kind of concrete way but they are in a polluted environment that is injuring not only the health of the children but also their health, how long do you think we will keep these qualified teachers?

I think we ought to think in terms of the GI education bill that allowed thousands and thousands of returning GIs to get an education, a broad sweeping approach. This country has done that kind of thing only a few times in its history, but it has been very important.

The GI bill set up a situation where the need for a highly educated work pool, workforce, was met by the people who came out of those programs. We did not really know exactly what they were going to do later. But we have outstanding scientists, outstanding lawyers, politicians. A lot of people came through the GI bill into the schools and never would have gotten an education otherwise. It is a massive program. It was not an incremental program. It was not a nickel-and-dime program. It was a massive program which was necessary.

We ought to see what we are facing now as the day after Pearl Harbor. There are many, and certainly my colleagues on the other side of the aisle insist that there should be no more, big Federal programs, big spending programs.

□ 1715

I agree that government should be reduced, and we are proud of the fact it has been reduced. I agree there is a lot of waste in government. I have said it over and over again, you do not need the CIA spending $20 billion or more. You can downsize our overseas bases.

There are a number of ways you can save money in government, but do not get locked into an ideological approach, a dogma, that says that no program should be big enough to meet the challenge.

If, on the day after Pearl Harbor was attacked, we came to the conclusion that, yes, there is a need to mobilize the country, there is a need to spend a great deal of money to marshal resources to meet the threat, but somebody said, well, it costs too much, where would we be? It would be absurd for anyone to argue that the mobilization to meet the threat that Japan's attack on Pearl Harbor posed, or Hitler posed operating in concert with Japan, the threat to the world's freedom, the direct threat to our own well-being, nobody would be so absurd as to say you cannot spend the money that is necessary to do it.

The problem is when it comes to educational reform, we really do not believe we are threatened. We really do not believe the very foundations of society can be rocked if we have jobs and opportunities out there available and a large population that needs jobs, and are not qualified and cannot get to those jobs, and the reason that happens is just because we fail to provide adequate opportunities.

We really do not believe that our competitors in other parts of the world can outstrip us, despite all the advantages that we have, we are on top of the economic heap right now; really do not believe that can be threatened if some other nations showing much more vision about educating their population would overtake us in the critical areas of information technology and the kinds of things you can do only with information technology.

Right now you have India. That is not a superpower and never claims to be a superpower, but India is a major source of computer programmers for the United States. Bangladore, India, some people call the computer capital of the world, computer programming capital. Large numbers of American companies are contracting with groups in Bangladore to do their computer work, and large numbers of companies are bringing personnel from there here to work.

Here is a country not nearly with as many advantages and resources that we have, but they have made a choice educationally which is paying great dividends in terms of being able to employ their work force in a foreign country.

We should not allow the situation to develop where we have to rely on foreign sources for the work force of the future because those foreign centers in the final analysis will take the know-how back to their own countries and increase the competition.

We may be on top of the heap now and consider ourselves invulnerable economically, but that is not the case. Let's declare a state of emergency and start thinking about the things with the greatest sense of urgency, and get away from the incremental approach where everybody in this capital that has some power has some idea of what should be done with education.

The Committee on Appropriations more and more writes education bills, taking the power away from the authorizing committee, because they have the power to do it, not the knowhow. Many things proposed in the Committee on Appropriations are not harmful, they will do some good, but the whole idea of a scatter gun approach, that any man with power interested in education is able to impose his will on us because they can get the appropriate bill passed and an amount of money appropriated, that is the wrong approach to education reform.

We need a comprehensive approach where we understand that large amounts of resources are needed, and we must focus on what is most important and set some priorities.

I think the President, some people accused him last night of giving a laundry list not only of education programs, but other programs, I think he understands that laundry list has priorities. He understands some of the connections.

I am confident this President can deliver on his educational agenda, as well as the rest of his agenda. I have had a lot of calls from people asking me and people who are really concerned about the child care initiatives and the education agenda of the President. Those announcements have been going on for the last 10 days, announcements coming from the White House about new programs for child care, tax credits and more money for day care centers.

There are large numbers of people among my constituents that are very interested in the reality of those things, will he be able to deliver, and those questions, of course, have come in the last few days as a result of the problems that have come forward from the White House with respect to the President's personal life.

My answer to the constituents who want to know will we really get the child care initiative program implemented, does he have the ability to go forward and do this, where some people want the training, they finally think that people who want to go into the child care field can get some training which allows them to qualify for a job which is a decent paying job and be in a position to be promoted, will it really happen? Will we get more money, so day care centers are not just for the very poorest people, but also for some working families that are not on welfare.

All these questions are being asked, and my answer to them is yes, this President can deliver, and he will deliver. I have seen nothing happen at the White House which says that he will not be able to deliver on the agenda which was laid out last night.

I answer some people by saying, look, Thomas Jefferson in his first year in office was confronted with a problem where they were trying to drive him out of office, accusations were made about his private life, and the press of that day had a drum beat going to try to get him out of office. But they did not succeed. Thomas Jefferson refused to even address their criticisms, to address their charges.

Thomas Jefferson kept his focus on what he was doing, and Thomas Jefferson delivered the Louisiana purchase, which doubled the size of the Nation at a very low price. Thomas Jefferson fathered the Lewis and Clark expedition. Thomas Jefferson restored certain liberties that the Federalists had carelessly begun to take away from people. His accomplishments were magnificent, despite the fact he was confronted with a major challenge on the basis of his personal life.

There is no reason to assume that this President cannot deliver because of the present challenges. There is no way to assume that he will not be around or be able to negotiate and to drive his program through to conclusion. I think it is very important to understand that.

I have been here 16 years. I was here when another government was set up in the basement of the White House. People have forgotten Irangate. They have forgotten that in the basement of the White House there was an operation running which was raising money, where money was being raised to fund the Contras in Nicaragua. Not only were they raising money, but they entered into a deal for Iran to buy arms, to let Iran buy arms from us, and use the money raised from that to fund the Contras. That was a government operating out of the basement of the White House, contrary to what Congress had already clearly stated in legislation they should not do.

This Nation survived that, and no President was impeached as a result of that, and that was far more serious than anything I have heard recently. I think it is important that we keep our focus on the things that are important to the American people.

Common sense dictates that the agenda set forth last night ought to be realized. We ought to allow the President the opportunity to deliver that to the American people. I think it can happen. At the heart of it, I think, should be his educational initiative. At the heart of his educational initiative should be the school construction priority. We are going to hear more about this in the future. I do not intend to let it get lost again.

Last year we had a great start. The President mentioned in the first session of the 105th Congress a school construction initiative. Later on negotiations took place with the White House and the school construction initiative was taken off the table. We must not let that happen again. From start to finish, we must focus on the fact that if you care about children, if you want to improve American education, at the core of the improvement process has to be a massive school construction initiative in this Nation.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 27, 1998

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1213. An act to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes, and in addition, to the Committee(s) on Resources, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DEGETTE (at the request of Mr. GEPHARDT) for January 27 and today, on account of business in the district.

Mr. DEAL of Georgia (at the request of Mr. ARMEY) for today, on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. CAMPBELL) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BENTSEN.

Mr. KUCINICH.

Mr. NEAL of Massachusetts.

Ms. DELAURO.
Mr. BOYD.
Mr. SCHUMER.
Mr. CONYERS.
Mr. HAMILTON.
Mr. SKELTON.
Mr. WAXMAN.
Mr. TRAFICANT.
Mr. SHERMAN.
Mrs. MALONEY of New York.
Mr. ENGEL.
Mr. FILNER.
Mr. RANGEL.
Mr. STARK.
Mrs. LOWEY.

(The following Members (at the request of Mr. CAMPBELL) and to include extraneous matter:)

Mr. DAVIS of Virginia.
Mr. SHAYS.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. WELLER.
Mr. ADAM SMITH of Washington.
Mr. BARCIA.
Mr. ABERCROMBIE.
Mr. RAMSTAD.
Ms. WATERS.
Mr. BISHOP.
Mr. CONDIT.
Mr. ORTIZ.
Mr. UNDERWOOD.
Mr. TALENT.
Mr. CALVERT.
Mr. DIXON.
Mr. PALLONE.
Mr. OWENS.
Mrs. MALONEY of New York.
Mrs. ROUKEMA.
Mrs. MORELLA.
Mr. BENTSEN.

ADJOURNMENT TO TUESDAY, FEBRUARY 3, 1998

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 3, 1998, for morning hour debates.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Tuesday, February 3, 1998, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable Vito Fossella, Thirteenth District of New York.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (REPT. 105–164 PT. 4).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEACH (for himself, Mr. CASTLE, Mr. BACHUS, Mr. BAKER, and Mrs. ROUKEMA):

H.R. 3116. A bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CANADY of Florida (for himself and Mr. SCOTT):

H.R. 3117. A bill to reauthorize the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 3118. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for Hawaii to 59.8 percent; to the Committee on Commerce.

By Mr. BLUNT:

H.R. 3119. A bill to amend the Trademark Act of 1946 with respect to the dilution of famous marks; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. HANSEN, Mr. BLILEY, Mr. DINGELL, Mr. SANFORD, and Mr. SESSIONS):

H.R. 3120. A bill to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the "Howard C. Nielson Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. ENGEL (for himself, Mr. LAZIO of New York, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. SOLOMON, Mr. YATES, Mr. LEWIS of Georgia, Mr. PAXON, Mrs. MALONEY of New York, Mr. SAXTON, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. FORBES, and Mr. FROST):

H.R. 3121. A bill to provide for the recovery of insurance issued for victims of the Holocaust; to the Committee on Commerce.

By Mr. FORBES:

H.R. 3122. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 3123. A bill to suspend the duty on niobium oxide until January 1, 2002; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 3124. A bill to suspend the duty on vanadium pentoxide (anhydride) until January 1, 2002; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. WATKINS, Mr. MATSUI, Mr. ENSIGN, Mr. CHRISTENSEN, Mrs. KENNELLY of Connecticut, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNULTY, Mr. LEVIN, Mr. FATTAH, Mr. RAMSTAD, Mr. CARDIN, Mr. BECERRA, Mr. HAYWORTH, Mr. COYNE, Mr. BUNNING of Kentucky, Ms. DUNN of Washington, Mr. HULSHOF, and Mr. SHAW):

H.R. 3125. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for 3 years; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. STARK, Mr. CARDIN, Mr. MATSUI, Mr. MCDERMOTT, Mr. BARRETT of Wisconsin, Ms. RIVERS, and Mr. PALLONE):

H.R. 3126. A bill to amend title XVIII of the Social Security Act to restore the non-applicability of private contracts for the provision of Medicare benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Mr. MATSUI):

H.R. 3127. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. FROST, Mr. LAFALCE, Mr. FILNER, Mr. HOLDEN, Mr. WEXLER, Mr. YATES, and Mrs. CLAYTON):

H.R. 3128. A bill to amend title XVIII of the Social Security Act with respect to restrictions on changes in benefits under Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3129. A bill to establish a program to encourage local educational agencies to work with the private sector to provide care to children who are less than the age of compulsory school attendance; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 3130. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. PRICE of North Carolina, Mrs. MORELLA, Mr. MCHALE, Mr. MEEHAN, and Mr. WHITE):

H.R. 3131. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on House Oversight.

By Ms. STABENOW (for herself, Mr. BARCIA of Michigan, Ms. KILPATRICK, Ms. CARSON, and Mr. KILDEE):

H.R. 3132. A bill to establish food safety research, education, and extension as a priority of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture.

By Mr. STEARNS (for himself and Mr. WICKER):

H.R. 3133. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND (for himself, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. FILNER, Mr. LAFALCE, Ms. MILLENDER-MCDONALD, and Mr. SHAYS):

H.R. 3134. A bill to warn senior citizens of the dangers of telemarketing fraud and to provide them with information that will help them protect themselves; to the Committee on Commerce.

By Mr. WEYGAND (for himself and Mr. FROST):

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable and to increase the amount of allowable dependent care expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. KING of New York, Mrs. KELLY, Mr. MORAN of Virginia, and Mr. LANTOS):

H. Con. Res. 205. Concurrent resolution deploring human rights abuses in Kosova and calling for increased American involvement; to the Committee on International Relations.

By Mr. YATES (for himself and Mr. GILMAN):

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Oversight.

By Mr. FAZIO of California:

H. Res. 342. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. ARCHER, Mr. THOMAS, Mr. DELAY, Mr. BOEHNER, Mr. ENGLISH of Pennsylvania, Mr. CRANE, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. SALMON, Mr. SESSIONS, and Mr. STUMP):

H. Res. 343. A resolution expressing the sense of the House of Representatives that the award of attorneys' fee, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced A bill (H.R. 3136) to recognize and compensate Boris Korczak for intelligence gathering services rendered during the cold war; which was referred to the Committee on Intelligence (Permanent Select).

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. ADAM SMITH of Washington.

H.R. 76: Mr. KENNEDY of Massachusetts, Mr. RUSH, Mr. CALLAHAN, and Mrs. LOWEY.

H.R. 126: Mr. PAXON.

H.R. 135: Mr. MINGE and Mr. SCHIFF.

H.R. 145: Mr. BOYD, Ms. DELAURO, and Mr. WATT of North Carolina.

H.R. 164: Mr. FORD and Mrs. EMERSON.

H.R. 371: Mr. CUNNINGHAM.

H.R. 532: Mr. MCCRERY, Mr. ACKERMAN, and Mr. HYDE.

H.R. 586: Mr. SHERMAN and Mr. MOLLOHAN.

H.R. 598: Mr. BONILLA.

H.R. 611: Mr. FORD and Mr. CUMMINGS.

H.R. 641: Mr. TALENT.

H.R. 715: Mr. FRANKS of New Jersey and Mr. BARTLETT of Maryland.

H.R. 716: Mr. PAXON.

H.R. 758: Mr. DOOLITTLE.

H.R. 836: Mr. CAMPBELL, Mr. MALONEY of Connecticut, and Mr. DINGELL.

H.R. 853: Mr. KUCINICH.

H.R. 857: Mr. GOODLATTE and Mr. BISHOP.

H.R. 859: Mr. UPTON.

H.R. 884: Ms. NORTON and Ms. PELOSI.

H.R. 922: Mr. QUINN, Mr. CALLAHAN, Mr. LAFALCE, Mr. CLEMENT, and Mrs. LINDA SMITH of Washington.

H.R. 923: Mr. QUINN, Mr. CALLAHAN, Mr. LAFALCE, Mr. CLEMENT, and Mrs. LINDA SMITH of Washington.

H.R. 981: Mr. FORD, Mr. KENNEDY of Rhode Island, and Mr. LAFALCE.

H.R. 982: Mr. LAFALCE.

H.R. 1023: Mr. ROGERS.

H.R. 1056: Mr. CANADY of Florida.

H.R. 1071: Mr. PAUL.

H.R. 1117: Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. YATES, Mr. MATSUI, Mr. BROWN of Ohio, Mr. ETHERIDGE, Mr. WAXMAN, Mr. GUTIERREZ, Mr. RAHALL, Mr. MILLER of California, Ms. NORTON, Mr. TIERNEY, Mrs. JOHNSON of Connecticut, Mr. BENTSEN, Mr. HALL of Texas, Ms. STABENOW,, Mr. TOWNS, Ms. FURSE, Ms. KILPATRICK, Mr. RANGEL, Mr. LEACH, Mr. KENNEDY of Rhode Island, Mr. SAWYER, Mr. RUSH, Mr. MORAN of Virginia, Mr. OLVER, Mr. WISE, Mr. THOMPSON, Mr. TRAFICANT, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. PAYNE, Mr. MARKEY, Mrs. THURMAN, Mr. FORD, Mr. SHERMAN, Mrs. TAUSCHER, and Mr. VENTO.

H.R. 1126: Mr. CLYBURN.

H.R. 1132: Mr. FOX of Pennsylvania.

H.R. 1176: Mr. GUTIERREZ.

H.R. 1191: Mr. SANDERS.

H.R. 1281: Mr. BROWN of Ohio.

H.R. 1284: Mr. SERRANO.

H.R. 1334: Mr. ALLEN.

H.R. 1362: Mr. HALL of Texas, Mr. RUSH, Mr. BOYD, Mr. STUPAK, and Mr. MALONEY of Connecticut.

H.R. 1367: Mr. KUCINICH.

H.R. 1375: Mr. LOBIONDO, Mr. KENNEDY of Rhode Island, Mr. WOLF, and Ms. DANNER.

H.R. 1376: Ms. JACKSON-LEE, Ms. MILLENDER-MCDONALD, Mr. MARKEY, and Mr. CLEMENT.

H.R. 1390: Mr. DOYLE.

H.R. 1408: Mr. SHAYS.

H.R. 1425: Ms. JACKSON-LEE.

H.R. 1450: Mr. HAMILTON.

H.R. 1525: Mr. HORN.

H.R. 1539: Mr. YOUNG of Alaska and Mr. WOLF.

H.R. 1573: Mr. GREEN, Mr. CRAMER, Mr. SANDLIN, Mr. KIND of Wisconsin, and Mr. FORD.

H.R. 1584: Mr. PAUL.

H.R. 1595: Mr. LATOURETTE, Mrs. NORTHUP, Mr. BRYANT, and Mr. PORTER.

H.R. 1656: Mr. PAYNE.

H.R. 1711: Mr. CANADY of Florida, Mr. KIM, Mr. BURTON of Indiana, Mr. TRAFICANT, Mr. COBLE, Mr. SMITH of Michigan, Mr. BAKER, and Mr. SNOWBARGER.

H.R. 1736: Mr. FORD and Ms. MILLENDER-MCDONALD.

H.R. 1737: Mr. SANDERS.

H.R. 1766: Mr. BILBRAY, Mr. BISHOP, Mr. BONILLA, Mr. BROWN of Ohio, Mr. CALLAHAN, Mr. CHRISTENSEN, Mr. COSTELLO, Mr. CRAMER, Mr. DEFAZIO, Mr. DELAHUNT, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. MASCARA, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTOSH, Mr. MILLER of Florida, Mr. MILLER of California, Mr. PETERSON of Minnesota, Mr. ROMERO-BARCELÓ, Mr. SAXTON, Mr. SCOTT, Mr. SHAYS, Mr. SISISKY, Ms. SLAUGHTER, Mr. SPRATT, Mr. TAYLOR of North Carolina, Mr. TIERNEY, Mr. MALONEY of Connecticut, Mrs. LOWEY, Mr. RILEY, Mr. BACHUS, Mr. CANNON, Mr. FOLEY, and Mr. CLYBURN.

H.R. 1951: Mr. EVANS, Mr. WATT of North Carolina, Ms. MCCARTHY of Missouri, Mr. KLECZKA, Mr. BALDACCI, Ms. SLAUGHTER, Mr. LUTHER, Mr. LANTOS, and Mr. DIXON.

H.R. 1987: Mrs. CLAYTON, Ms. DELAURO, Mr. DELLUMS, and Mr. FORD.

H.R. 2009: Mr. LATOURETTE, Mr. EHRLICH, Mr. STUPAK, Ms. PELOSI, Ms. RIVERS, and Mr. TIERNEY.

H.R. 2020: Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. REDMOND, Mr. LAMPSON, Mr. HILLIARD, Mr. JACKSON, Mr. GUTIERREZ, Mr. RUSH, Mr. RYUN, and Ms. KAPTUR.

H.R. 2021: Mr. WELDON of Florida.

H.R. 2023: Mrs. KENNELLY of Connecticut.

H.R. 2070: Mr. SHERMAN.

H.R. 2088: Mr. PAPPAS, Mr. THOMPSON, and Ms. NORTON.

H.R. 2110: Ms. LOFGREN and Mr. PAYNE.

H.R. 2125: Mr. FRANKS of New Jersey and Mr. PAYNE.

H.R. 2149: Ms. PELOSI.

H.R. 2173: Mr. HORN, Mr. COOKSEY, Mr. KING of New York, Mr. CLEMENT, Mr. LAMPSON, and Mr. ENGLISH of Pennsylvania.

H.R. 2191: Mr. STEARNS and Mr. PEASE.

H.R. 2374: Mr. ACKERMAN, Mrs. KENNELLY of Connecticut, Ms. PELOSI, Mr. MANTON, and Ms. LOFGREN.

H.R. 2392: Mr. PETERSON of Pennsylvania.

H.R. 2397: Mr. GOODLATTE, Ms. KAPTUR, Mr. PAYNE, and Mr. PETERSON of Minnesota.

H.R. 2409: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. VENTO, Ms. MILLENDER-McDONALD, and Mr. PAYNE.

H.R. 2457: Mr. GREEN.

H.R. 2459: Mr. BACHUS.

H.R. 2495: Mr. WATT of North Carolina.

H.R. 2499: Mr. COOK, Ms. LOFGREN, Mr. PICKETT, Mr. BACHUS, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mr. CHRISTENSEN, Mr. BARTLETT of Maryland, Mr. MOLLOHAN, MR. McCRERY, Ms. BROWN of Florida, Mr. SHAYS, Mr. HOUGHTON, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. ENSIGN, and Mr. PAYNE.

H.R. 2519: Mr. PALLONE and Ms. SLAUGHTER.

H.R. 2525: Mr. RANGEL, Mr. MORAN of Virginia, Mr. NADLER, Mr. SANDERS, Mr. SHAYS, Mr. ENGEL, Mr. DIXON, and Mr. OLVER.

H.R. 2537: Mr. BATEMAN, Mr. CALLAHAN, Mr. WATTS of Oklahoma, Mr. CALVERT, Mr. SAXTON, and Mr. PETERSON of Minnesota.

H.R. 2549: Mr. DELLUMS, Mr. WEXLER, Mr. McGOVERN, Mr. MORAN of Virginia, Mr. NEY, Mr. GEJDENSON, Mr. ACKERMAN, Ms. WOOLSEY, and Mr. OLVER.

H.R. 2552: Mr. ANDREWS.

H.R. 2586: Mr. DAVIS of Florida.

H.R. 2602: Mr. WAXMAN and Mr. PASCRELL.

H.R. 2625: Mr. HEFLEY, Mr. BRYANT, Mr. TIAHRT, Mr. COBURN, Mr. ROYCE, Mr. RIGGS, and Mr. GEKAS.

H.R. 2681: Mr. PAYNE and Mr. FORD.

H.R. 2704: Mr. SANDLIN and Mr. FILNER.

H.R. 2714: Mr. GEJDENSON and Mr. SHAYS.

H.R. 2733: Mr. SNYDER, Mr. HOEKSTRA, Mr. BROWN of Ohio, Mr. DOYLE, Mr. PICKETT, Mr. TALENT, Mr. GILCHREST, Mr. BUNNING of Kentucky, Mr. BOUCHER, Mr. LEVIN, and Mr. WATT of North Carolina.

H.R. 2778: Mr. FATTAH, Mr. FILNER, Ms. NORTON, Mr. FROST, Mr. PAYNE, Mrs. LOWEY, Ms. LOFGREN, Ms. KILPATRICK, Mr. SANDERS, Mr. HASTINGS of Florida, Ms. STABENOW, Mr. UNDERWOOD, and Mr. KUCINICH.

H.R. 2817: Mr. HOUGHTON.

H.R. 2819: Mr. NEAL of Massachusetts, Mr. CHRISTENSEN, Mr. HOUGHTON, Mrs. KENNELLY of Connecticut, Mr. MEEHAN, Mr. McDERMOTT, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, and Mr. CLAYBURN.

H.R. 2836: Mr. GUTKNECHT, Mr. MINGE, Mr. RAMSTAD, Mr. SABO, Mr. LUTHER, Mr. PETERSON of Minnesota, and Mr. OBERSTAR.

H.R. 2846: Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. PORTMAN, Mr. BARTLETT of Maryland, Mr. COX of California, Mr. BLILEY, Mr. DOOLITTLE, Mr. SCHIFF, Ms. DUNN of Washington, Mr. McCRERY, Mr. CRANE, and Mr. BARTON of Texas.

H.R. 2870: Mr. CAMP and Mr. LATHAM.

H.R. 2884: Mr. ENGLISH of Pennsylvania and Mr. PAUL.

H.R. 2888: Mr. STENHOLM, Mr. BOEHNER, Mr. CANADY of Florida, Mr. PAUL, and Mr. BLILEY.

H.R. 2912: Mr. THOMPSON and Mr. ROMERO-BARCELÓ.

H.R. 2914: Ms. CHRISTIAN-GREEN, Mr. OLVER, Mr. NEY, Mr. KLUG, Mr. ENGEL, and Mr. BLUMENAUER.

H.R. 2921: Mr. GEJDENSON and Mr. TRAFICANT.

H.R. 2923: Mr. ABERCROMBIE, Mr. GIBBONS, Mr. SMITH of Texas, Mr. CARDIN, Mr. RAHALL, Mr. ENSIGN, Ms. FURSE, Mr. WEYGAND, Mr. CALLAHAN, and Mr. PRICE of North Carolina.

H.R. 2952: Mr. SANDERS.

H.R. 2990: Ms. CARSON, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. CLYBURN, Mr. ABERCROMBIE, Mrs. MEEK of Florida, Mr. CUNNINGHAM, Mr. BALDACCI, Mr. SANDERS, Mrs. ROUKEMA, Mr. WICKER, Mrs. MYRICK, Mrs. EMERSON, Mr. BILBRAY, Mr. McDADE, Ms. DUNN of Washington, Mr. WYNN, Mr. FORD, Mr. STOKES, Mr. DUNCAN, Mrs. FOWLER, and Mr. GEKAS.

H.R. 2992: Mr. HASTINGS of Washington.

H.R. 2993: Mr. DUNCAN.

H.R. 2997: Mr. WATT of North Carolina.

H.R. 3003: Mr. VENTO.

H.R. 3010: Ms. RIVERS and Mr. MEEHAN.

H.R. 3027: Mr. JACKSON, Mrs. MORELLA, Mr. FILNER, and Ms. SLAUGHTER.

H.R. 3028: Mr. JACKSON, Mrs. MORELLA, Mr. FILNER, and Ms. SLAUGHTER.

H.R. 3035: Mr. BARRETT of Nebraska and Mr. BONILLA.

H.R. 3043: Ms. FURSE.

H.R. 3051: Mrs. MORELLA.

H.R. 3086: Mr. ETHERIDGE, Mr. THOMPSON, Mr. NETHERCUTT, Mr. DELLUMS, Mrs. MALONEY of New York, Mr. FILNER, Mr. RUSH, Mr. BISHOP, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. WEXLER, and Mr. ENGEL.

H.R. 3097: Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. BRADY, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. SMITH of Michigan, Mr. CANADY of Florida, Mr. DOOLITTLE Mr. GUTKNECHT, Mr. HILLEARY, Mr. GOODLING, Mr. FOX of Pennsylvania, Mr. BURTON of Indiana, Mr. HASTERT, Mr. ROGAN, Mr. THUNE, Mr. BRYANT, and Mr. DICKEY.

H.J. Res. 14: Ms. RIVERS.

H.J. Res. 65: Mr. RODRIGUEZ.

H.J. Res. 78: Mr. JOHN and Mr. GOODLATTE.

H.J. Res. 89: Mr. POMEROY and Mr. OWENS.

H. Con. Res. 28: Mr. CALVERT and Mr. LEWIS of Kentucky.

H. Con. Res. 114: Ms. RIVERS.

H. Con. Res. 126: Mr. DIAZ-BALART, Mr. PETRI, Mr. OLVER, Mr. LUTHER, and Ms. FURSE.

H. Con. Res. 127: Mr. RYUN, Mr. FORD, Mr. PETRI, Mr. WAMP, Mr. MORAN of Virginia, Mr. HORN, Mr. LaHOOD, and Mrs. MORELLA.

H. Con. Res. 165: Mr. KLINK.

H. Con. Res. 179: Mr. STUPAK, Mr. BROWN of Ohio, and Mr. SHERMAN.

H. Con. Res. 188: Mr. MEEHAN and Ms. FURSE.

H. Con. Res. 202: Mr. McKEON, Mr. RIGGS, and Mr. ADERHOLT.

H. Con. Res. 203: Mr. DINGELL, Mr. McKEON, Mr. FILNER, Mr. FROST, Mr. TRAFICANT, Mr. PALLONE, and Mr. ENGEL.

H. Res. 70: Mr. BARR of Georgia.

H. Res. 151: Mr. SOLOMON.

H. Res. 267: Mr. SMITH of Michigan.

H. Res. 304: Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2174: Mr. BURR of North Carolina.

SENATE—*Wednesday, January 28, 1998*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You in advance for Your presence to strengthen us, Your truth to guide us, and Your courage to inspire us throughout this day. Thank You for the gift of trust. Our trust in You enables us to trust one another as women and men of both parties. But today, Father, we want to thank You especially for the trust of taxpayers throughout our Nation who faithfully support the work of government. Give the Senators a renewed recognition of their accountability to You and to the citizens of States who have elected them and entrusted them with the sacred privilege of leadership. We are so grateful for the millions of Americans who work hard for their income and willingly support the ongoing costs of Government. It is so easy for us to get our priorities mixed up and think that taxpayers exist for us who work in government rather than thinking of our role to serve them. May the Senators and all of us who are privileged to work with them recommit ourselves to be servant-leaders. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HATCH. Thank you, Mr. President.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will proceed to executive session to begin 2 hours of debate on the nomination of three judges on the Executive Calendar: Ann L. Aiken to be United States District Judge for the District of Oregon, Barry G. Silverman to be United States District Judge for the Ninth Circuit, and Richard W. Story to be United States District Judge for the Northern District of Georgia.

Following that debate, as previously ordered, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons to meet.

As ordered, at 2:15 p.m. the Senate will begin a series of rollcall votes on the aforementioned judicial nominations.

Following those votes, the Senate will be in a period for the transaction of morning business with Senator COVERDELL or his designee in control of the first 90 minutes, and Senator DASCHLE or his designee in control of the next 90 minutes.

As a reminder to all Members, the Senate will not be in session on Friday, and no rollcall votes will occur on Monday, February 2nd.

So I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 1575

Mr. HATCH. Mr. President, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will report.

The legislative clerk read as follows:

> A bill (S. 1575) to rename the Washington National Airport in the District of Columbia and Virginia as the "Ronald Reagan National Airport."

Mr. HATCH. Mr. President, I object to further proceedings on this bill at this point.

The PRESIDING OFFICER. The bill will be placed directly on the calendar.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Order Nos. 454, 486, 488, which the clerk will now report.

THE JUDICIARY

The legislative clerk read the nomination of Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon, the nomination of Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit, and the nomination of Richard W. Story, of Georgia, to be United States District Judge for the Northern District of Georgia.

The Senate proceeded to consider the nominations.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to support the nomination of Ann Aiken to the federal district bench in Oregon. I know too that my distinguished colleagues from that State, Senators SMITH and WYDEN, wholeheartedly support this nominee.

And it is no wonder that Judge Aiken enjoys their support. She has served as a state district and circuit court judge for nearly a decade. Before that, she worked in private practice and had extensive involvement in Oregon statehouse politics. Perhaps most significantly, she is the mother of 5 children. As the father of 6 myself, I can think of no better preparation for the bench than first having served as the referee of a large family.

I plan to discuss in greater detail why I intend to support Judge Aiken's nomination, but first, I would like to address some of the concerns that have been expressed with respect to the Senate's role in the confirmation of federal judges. As Chairman of the Senate Judiciary Committee, one of the most important duties I fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President with advice concerning his nominees and to consent to their ultimate confirmation. Although some have complained about the pace at which the Senate has moved on judicial nominees, I would note that this body has undertaken its constitutional obligation in a wholly appropriate fashion. Indeed, the first matter to come before the Senate this session are the confirmation of three of President Clinton's judicial nominees. Senator LOTT is to be commended for giving these nominees early attention. As well, the Judiciary Committee has already announced judicial confirmation hearings for February 4 and February 25.

In 1997, the first session of the 105th Congress, the Senate confirmed 36 judges. This is only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And, I would note, the Judiciary Committee itself processed 47 nominees—including the three judges we will be considering today.

Keep in mind that the Clinton Administration is on record as having stated that 63 vacancies—a vacancy rate just over 7%—is considered virtual full employment of the federal judiciary. The current vacancy rate—88 vacancies—is a vacancy rate of approximately 10%. Some of those vacancies occurred after the Senate recess last year, however. How can a rise in the vacancy rate—from 7% to 10%—convert "full employment" into a "crisis"? Although we can always do better, this is a record of which I am proud.

I would further add that there are currently 32 vacancies for which the Committee has yet to receive a nomination. As hard as I work, I have never been able to confirm a person that has not yet been nominated. And I have to say that there were more vacancies just up until a few days ago.

This is a point, gone largely unnoticed by the popular press, that Chief Justice Rehnquist recently made in his Annual Report on the Judiciary. In that report he urged, among other things, that certain judicial vacancies be filled. I would ask you to compare today's 88 judicial vacancies with the record of a Democratic Senate during President Bush's presidency. In May 1992 there were 117 vacancies on the federal bench. And, interestingly enough, the Chief Justice made basically the same remarks back in 1992 that he did this past month. The only real difference that I can see, however, is that in the days immediately following the Chief Justice's remarks we have a plethora of media acting as though there were some big crisis developing basically fomented by the White House and some down at the Justice Department. I might say that in the days immediately following Chief Justice Rehnquist's criticism back in 1992 when there was a Democrat Congress, there were only a handful of newspapers who even bothered to report on the judicial vacancy issue even though there were 117 vacancies during that period of time, and even more. At one time in 1991 there were 148 vacancies, and hardly a peep out of the media, or hardly a peep out of any of the so-called "critics" of today. So it seems that when a Republican President confronted a Democrat Senate on the issue of judicial vacancies the press seemed to be considerably less interested.

That I think is the state of affairs in Washington. We are all used to it. But I just wanted to point that out because I think it is pretty fallacious to blame the Senate when in many instances we don't have any nominees to fill the position, especially when some of the nominees who came over had problems from the last Congress as well.

And the number of vacancies is not nearly as problematic as it might appear, at first blush. In fact, there are more sitting federal judges today than there were throughout virtually all of the Reagan and Bush administrations. As of today, there are 756 active federal judges. In addition, there are 432 senior judges who must, by law, hear cases, albeit with a reduced load but nevertheless taking the burden off of the sitting full-time judges. Ordinarily, when a judge decides to leave the bench, she does not completely retire, but instead takes senior status. A judge who takes senior status, as opposed to a judge who completely retires, must hear a certain number of cases each year. Thus, when a judge leaves the bench, she does not stop working altogether, she merely takes a somewhat reduced caseload. Even in the ninth circuit, which has ten vacancies, only one judge has actually stopped hearing cases; the other have taken senior status and are still hearing cases. The total pool of federal judges available to hear cases is 1,188—a record number of federal judges. So this so-called "crisis" has been fomented, frankly, by partisan people at the White House and some at the Justice Department, and, frankly, it is beneath their dignity to do this. I will say that there is room for improvement, and certainly we on the Judiciary Committee want to do everything we can to improve it. I hope that those who manage the floor will feel the same way and do the same thing.

And some in the media have failed to read completely the Chief Justice's report, or, if they ignored all of the other aspects of the report.

In fact, his report centered on the problem of judicial workload—not judicial vacancies. He went on to compliment the Senate for enacting habeas corpus and prison litigation reform, two of the bills that I have pushed hard for. The Chief observed that these two vital reforms, which I sponsored, will greatly reduce the federal courts' workload. He also asked Congress to curb federal jurisdiction and to provide better pay for federal judges. I think we may be able to make progress on both those fronts this session in addition to moving qualified judicial nominees.

I was disappointed to read in the Washington Post a week or so ago that the Clinton White House, "galvanized by the critique by Chief Justice Rehnquist," has tapped communications director Ann Lewis to head a "fullscale political confrontation" over judicial appointments. [Washington Post, Jan. 16, 1998]. According to the Post, part of the so-called "campaign" plan is to paint Republicans as anti-women and anti-minority.

There is no depth to which they will stoop in trying to win political points down there. Frankly, I don't think the American people buy that.

This is certainly a poor way to begin what I hope will turn out to be a cooperative effort to confirm federal judges. We should not play race or gender politics with judges, and I personally resent that. I have never considered, much less kept track of, the race or gender of the nominees that have been submitted for the Committee's approval. And I don't think anyone else does. I oppose, and support, nominees on the basis of their professional qualifications and their commitment to uphold the rule of law—their commitment or lack of commitment. In the final analysis, all that matters is whether a nominee will make a good judge. I hope this is the standard the White House uses as well.

Nor will the Judiciary Committee, under my stewardship, push nominees through just for the sake of filling vacancies. Only recently, after the Judiciary Committee had expeditiously reviewed and held hearings on two nominees, did information surface that caused one of those nominees to withdraw and that places the other nominee's confirmation prospects in jeopardy. There is a good deal of background research that must be done by the Judiciary Committee before we can send a nominee to the floor. If the Committee fails to do the groundwork, it fails the Senate, and prevents this body from fulfilling its constitutional duty.

And it is no secret that Senators rely on us doing this duty in a bipartisan way, and I believe for the most part we have.

The reality, of course, is that the Republican Senate has confirmed the vast majority of President Clinton's judicial nominees. Even the Washington Post expressed dismay over the administration's efforts to politicize the nominations process, writing on its editorial page that the campaign could "grind the nominations process to a halt."

So I urge the White House to reconsider their plans to politicize the Federal judiciary and the process because, if they do, I think they are going to have nothing but problems up here. I would like to help them. I would like to be cooperative. I would like to make sure that good nominees get through expeditiously and in the best way.

Last year I sought to steer the confirmation process in a way that kept it a fair and principled one and exercised what I felt was the appropriate degree of deference to the President's judicial selections and appointees. It is in this spirit of fairness that I will vote to confirm Judge Aiken.

Conducting a fair confirmation process, however, does not mean granting the President carte blanche in filling the Federal judiciary. It means assuring that those who are confirmed will uphold the Constitution and abide by the rule of law.

Based upon the committee's review of her record, I believe Ann Aiken to be such a person. Now, Judge Aiken likely would not be my choice if I were sitting in the Oval Office, but the President has seen fit to nominate her. She has the bipartisan support of both Senators from Oregon, and the review conducted by my committee suggests that she understands the proper role of a judge in our Federal system and will abide by the rule of law. She has personally assured me that she will, which goes a long way towards obtaining my vote here today.

I will also state that both Senators have actively advocated in her behalf, especially the distinguished junior Senator from Oregon, Mr. SMITH. He has continuously fought for her—fought for her right to have her nomination hearing, fought for her right to be heard in that hearing, and fought for her right to be passed out of the committee and on to the floor. I notice that he is here today to fight for her confirmation on the floor.

Based on the committee's review of the record, I believe that Judge Aiken is a good choice. In fact, when asked whether there were any so-called constitutional rights that existed independent of the Constitution itself, Judge Aiken replied "No, sir. The Constitution is one of the most elegantly written documents. The words of the Constitution are clear. It expresses the rights that are given. I find no need to look beyond those express words and the document itself."

This is precisely the type of answer I would expect of any Federal judicial nominee. Of course, sometimes people say things they do not mean. But I am willing to give this nominee as well as any nominee the benefit of the doubt unless the evidence is overwhelmingly to the contrary.

It is also significant to me that when asked what judge or justice has most influenced her thinking, she replied, "Justice Felix Frankfurter, because of his staunch adherence to the principle of judicial restraint and his reluctance to substitute the inclinations of the court for the express will of the legislature."

She has demonstrated to me that she understands the proper role of a Federal judge in our constitutional system. But more than that, it is important that a judge give more than lip service to principles of judicial restraint. Rather, a good judge will internalize and abide by those principles. I have no reason to believe that Judge Aiken will not do precisely that.

Moreover, I do not think anyone seriously believes that Judge Aiken is not qualified to sit on the Federal bench. She is currently a judge on the Oregon circuit court. She attended the University of Oregon both for her undergraduate and juris doctorate degrees, and she received a master's degree from Rutgers University. Prior to her appointment to the bench, Judge Aiken practiced largely in the area of domestic relations law. She focused on child custody, foster care and family preservation cases. As anyone who has ever engaged in the practice of law knows, domestic disputes of this type truly require the wisdom of Solomon.

In sum, I join Senators SMITH and WYDEN in supporting this nominee and once again ask the White House to work with, not against, the Senate in seeking out qualified individuals to serve on the Federal bench.

With that, I notice my colleague, the ranking member on the committee, is here, and I will yield the floor.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. SMITH of Oregon addressed the Chair.

Mr. LEAHY. Mr. President, I do want to respond. If the Senator from Oregon could withhold and let me put this quorum call in for just a moment, I am then going to call it off.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Chief Justice of the U.S. Supreme Court has spoken out forcefully on the judicial vacancy crisis that is plaguing our Federal courts. He is correct that: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal judiciary."

Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and shut down the judiciary have to stop. They hold no place, whether you have a Democrat as President or a Republican as President. The judiciary should not be part of a partisan or ideological power struggle. And I think that all of us as Senators in the most powerful democracy history has ever known have a stake in keeping an independent judiciary.

Now, we begin 1998 still facing vacancies of about one out of every 10 judgeships. More than a third of these are what are called judicial emergencies. They have been empty for more than a year and a half. Unfortunately, during the last 3 years in the Senate, under the control of my friends across the aisle, the Senate has barely matched the 1-year total of judges confirmed in 1994 when we were on course to end the vacancy gap.

In the 1996 session, the Senate confirmed only 17 judges, none for the Federal courts of appeals. We began last year with the Chief Justice of the United States Supreme Court expressing in the year-end 1996 report on the Federal judiciary his "hope" that the Senate would "recognize that filling judicial vacancies is crucial to the fair and effective administration of justice."

Through the course of last year, at virtually each meeting of the Judiciary Committee, certainly at each confirmation hearing, and in a number of statements on the Senate floor, I urged the Senate and the Republican leadership and those responsible for holding up much-needed judges to abandon what I saw as ill-advised efforts.

In July, seven national lawyer organizations spoke out. In August, the Attorney General spoke about the "vacancy crisis that has left so many Americans waiting for justice," and "the unprecedented slowdown of the confirmation process" and its "very real and very detrimental impacts on all parts of our justice system."

Last September, the President of the United States pointed out the dangers of partisan politics infecting the confirmation process. He called upon the Senate to fulfill its constitutional duty and end "the intimidation, the delay, the shrill voices."

In his 1997 year-end report, Chief Justice Rehnquist focused again on the problems of "too few judges and too much work." He noted the vacancy crisis and the persistence of 26 judiciary emergency vacancies, and he observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994."

Last night in his State of the Union Address the President of the United States again returned to the matter of the vacancy crisis and the need to provide the courts with the judges and other resources they need effectively to administer Federal criminal and civil justice across the country. The President did more than talk yesterday. He also sent us another dozen judicial nominees to help fill the vacancies. That brings to 54 the number of judicial nominees that are pending currently before the Senate.

The Senate still has pending before it 11 nominees who were first nominated 2 years ago, including five who have been pending since 1995. We are finally going to vote on one of them this afternoon, Judge Ann L. Aiken.

I see my good friend, the Senator from Oregon, Mr. WYDEN, in the Chamber. I must say, Mr. President, as much as I like Senator WYDEN, it got to the point that I almost hated to see him coming down the hall because he pounded so often on me: "Let's get this fine woman confirmed." He has been doing this year after year. He has expressed to me and to other Senators and to the leadership of the Judiciary Committee: "Let's get this woman confirmed." And he has expressed to me how well qualified she is, how superbly qualified she is. He has made his case with passion and with integrity, which is his nature. I say to him, while I am always hesitant to predict any vote, I suspect that she is going to be confirmed overwhelmingly today, and I applaud the Senator for not giving up. I applaud the Senator from Oregon for not giving up all those years that he fought so hard to get her here. I know that both he and the other Senator from Oregon, who is also in the Chamber, Mr. SMITH, will be voting for her with great enthusiasm.

But there remains no excuse for the Senate's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, M. Margaret McKeown, Susan Oki Mollway, Margaret M. Morrow, Clarence J. Sundram, Anabelle Rodriguez, Michael D. Schattman, and Hilda G. Tagle.

I mention these people because all of these nominees have been waiting at least 18 months, some more than 2 years, for Senate action.

Last year the Senate confirmed 36 judges, but that has to be seen in relation to the 120 vacancies through the course of the year and the 55 judgeships in addition to the current vacancies that the Judicial Conference urged Congress to authorize in order to meet the workload demand of all of the new laws that we have passed and, of course, a growing country.

Last year's confirmations did not approach the 58 judges confirmed in the 1995 session or even keep up with the vacancies that came from normal attrition.

Last year the President sent us 79 judicial nominations. The Senate completed action on fewer than half of them. The percentage of judicial nominees confirmed over the course of last year was lower than for any Congress over the last three decades, possibly any time in our history. Left pending were 42 judicial nominees, including 21 to fill judicial emergencies.

Last year the Senate never reduced its backlog of pending judicial nominees below 20 and at the end of the year had a backlog of over 40 nominees. With the dozen additional nominees received yesterday, the Senate's backlog of nominees as we begin the year has topped 50. The Administration is demonstrating its resolve to nominate good people to fill these vacancies. They are doing their job.

It is up to the Senate now to do its job. Have the hearings. Vote them up or vote them down. Just don't leave them in limbo. If we don't like the nominee that the President has sent up, then vote him or her down. We are used to voting around here. We can do that very easily. But don't leave them sitting there never knowing what is going to happen.

In connection with the President's national radio address last September 27, we finally quickened the pace of judicial confirmations, and during the last 9 weeks of the Senate's last session the Senate held five confirmation hearings and confirmed 27 judges. I compliment the chairman of the Senate Judiciary Committee for making that possible.

In response to the criticism of the Chief Justice, though, the chairman has argued that the Senate is on a steady course and making steady progress. But it was only in the last 9 weeks of the last session that we were able to achieve a pace that can make a difference. I urge my good friend, the chairman—and he is my good friend—to help the Senate maintain that pace this year.

If we can maintain the same pace we had in the last 9 weeks of the last session, we can end the judicial vacancy crisis that now threatens the administration of justice by our Federal courts. I will commit myself to work with him in any way he wants to do that—have hearings on weekends, hearings in the evening, whatever he chooses—so that we can go forward and maintain the same pace. I compliment the chairman for the pace of those last few weeks. I urge him to do the same for this year. That is the challenge that lies before us as Congress begins anew.

The Chief Justice compared the past 2 years of Senate inaction to the record of the 1994 session. That was a Democrat-controlled Senate. We worked hard to consider and confirm 101 judges, including a Supreme Court Justice. To make a difference, however, the Senate this year, 1998, need only maintain the pace it reached last fall, 27 judges every 9 weeks. That really should be the measure of the Senate's effort this year. Do what we did at the end of the session last year, do it throughout this year, and we in the Senate can make a difference for the judicial system.

It will be easy to monitor our progress. Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial confirmation hearing marks 2 weeks in which we are falling farther behind.

I am delighted that the majority leader and the chairman of the Judiciary Committee have scheduled three nominees for consideration by the Senate today. I thank the majority leader and thank the Senator from Utah for their cooperation and attention to these matters. I look forward to prompt Senate consideration of the other five nominees if they are still pending on the Senate calendar. I would also be willing to bet that most of these nominees would not get even a tiny handful of votes against them and that they are going to pass overwhelmingly.

I note that the chairman of the Judiciary Committee has noticed a judiciary hearing for next week. This notice, and what is happening today, are positive developments. They are signs that the Senate is taking to heart its constitutional duty to consider judicial nominees without further delay. While I hope it does not hurt him on his side of the aisle, I want to commend the Senator from Utah for his actions. I suspect if the two of us were allowed, without any of the political pressures on either side, to work this out, we could probably move ahead more quickly.

But the warning from the Chief Justice in his year-end report is more than a question of numbers. This is the responsibility every Senator has, Republican or Democrat. Our responsibility first and foremost is to the country, not to individual parties. Our solemn oath is to uphold the Constitution of the United States. That is what should motivate every one of us here. We have to look at this country, the greatest exercise of democracy history has ever seen, the most powerful democracy history has ever known, and recognize that it stays that way because of the checks and balances between the legislative, judiciary and executive branches. A hallmark of that has been the independence, throughout our 200-plus year history, of the Federal judiciary. If we allow this to become a partisan football, this confirmation of judges, then the independence and the integrity of the Federal judiciary is being threatened.

The nominations backlog that perpetuates a judicial vacancies crisis is a function of the targeting of the judicial branch. It was the executive branch that was targeted and shut down 2 years ago. Pressure groups—and it is a fact—within the right wing of the Republican Party have been formed and money has been raised to the cry of "killing" Clinton judicial nominations. That would be just as wrong if the same thing was being done by ideological groups seeking to kill a Republican President's nominations. Constitutional amendments to undercut the independence of the judiciary have been introduced. Ideological impeachments have been threatened. The Republican leadership in the House speaks openly about seeking to "intimidate" Federal judges.

The confirmation process is not immune from politics, but a particularly virulent strain has now infected this body and has politicized the process to the point of paralysis, and this threatens the integrity and the independence of the judiciary. It encumbers the judicial confirmation process. In too many courts, judges delayed means justice denied. Without judges, courts cannot try cases, they cannot sentence the guilty or cannot resolve civil disputes.

For more than 200 years a strong and independent Federal judiciary has served as a bulwark against overreaching by the political branches of the Government. It has been the protector of our constitutional rights and liberties. True conservatives should want nothing more than a truly independent judiciary, because it is the bulwark of our individual freedoms.

I hope this new year will bring the realization by those who have started down this destructive path of attacking the judiciary and stalling the confirmation of qualified nominees to the Federal bench that those efforts do not serve the national interest. I hope we can remove these important matters from partisan, ideological politics. I hope today will move us forward in the interests of the fair administration of justice.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Oregon.

Mr. HATCH. Will the Senator yield to me for just a couple of additional remarks, and then I will yield to the distinguished Senator?

Mr. SMITH of Oregon. I will.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I feel I should make a few more remarks here, because I would not want this day to pass without mentioning Barry Silverman, who is one of the judges nominated for the Ninth Circuit Court of Appeals, and, of course, Richard Wayne Story, who was nominated for the Northern District of Georgia. Each of these nominees has the support of his home State Senators and each is well qualified for the Federal bench. So I want our colleagues to know that.

Barry Glen Silverman was nominated for United States Court of Appeals for the Ninth Circuit. He graduated summa cum laude in 1973 and got his J.D. in 1976 from Arizona State University. He is currently a U.S. Magistrate Judge in the U.S. District Court for the District of Arizona. He has served as a Superior Court Judge both in Phoenix and Maricopa Counties, and he has also served as a prosecutor in Phoenix.

He is the recipient of numerous awards including the 1991 Henry Stevens Award, which recognizes trial judges who represent the finer qualities of the judiciary.

His nomination is not the least bit controversial, and he is supported by Senators KYL and MCCAIN.

Richard Wayne Story has been nominated for United States District Court for the Northern District of Georgia. He received his B.A. in English from LaGrange College in 1975, and his J.D. from the University of Georgia in 1978. He is presently a sitting judge on the Superior Court bench in the Northeastern Circuit of Dawson and Hall Counties of Georgia. Prior to that he served as Juvenile Court Judge and as a part-time Special Assistant Attorney General for the State of Georgia. He was also a member of the firm of Kenyon, Hulsey, and Oliver for eight years.

His nomination is not controversial, and he is supported by Senator COVERDELL and Senator CLELAND.

So I hope that our colleagues will vote for all three of these judges. I think all three of them deserve support. We will move on from there.

I yield to my colleague from Oregon.

The PRESIDING OFFICER. How much time does the Senator yield to the Senator from Oregon?

Mr. HATCH. I yield 10 minutes. How much time is remaining to both Senators?

The PRESIDING OFFICER. Each side has approximately 40 minutes.

Mr. HATCH. I yield such time as the Senator needs, but at least 10 minutes.

Mr. SMITH of Oregon. Mr. President, colleagues, I rise today in support of the nomination of Judge Ann Aiken to the Federal district bench in Oregon.

Before I comment on her nomination, though, I would like to thank and compliment my friend, the distinguished chairman of the Judiciary Committee, Senator HATCH. I have gone to him repeatedly about the three vacancies in the State of Oregon and the challenges they create in our judicial process. Since my time here, against some opposition, Senator HATCH has in every instance acted responsibly, and helped me to move the Oregon nominees along so we can fill these vacancies and get rid of a considerable backlog that we have in our State.

I would also like to thank the majority leader for scheduling a vote today so we can vote up or down on this and other nominations. And I would like to thank my colleague, RON WYDEN, who, before my admission to this body, was laboring here on behalf of Judge Aiken.

To my colleagues on the Republican side, those who may have a question about the qualifications or the decisions or the political leanings of Judge Aiken, I would like to point out to you the impressive list of letters and phone calls I have received from both Democrats and Republicans on her behalf. They include Senator Mark O. Hatfield; Senator WYDEN; Deanna Smith, chair of the Oregon Republican Party; Mark Abrams, the chairman of the Oregon Democratic Party; John Kitzhaber, the Governor of Oregon; Hardy Meyers, Oregon Attorney General; Jack Roberts, Oregon Republican State Labor Commissioner; five former Governors of both parties; 20 former presidents of the Oregon Bar Association; the Oregon Association of District Attorneys; the Oregon State Police Officers Association; the Lane County Peace Officers Association; the Eugene Police Employees' Association; and all the presiding judges under whom Judge Aiken has served. It is an impressive list of people, all attesting to her worthiness and qualification to be a Federal judge.

I believe that they based their decision to support Judge Aiken for the very reason I based mine—on her very impressive record of public service. She has served the people of Oregon both on and off the bench through her dedication to the health and safety of children in Oregon and throughout our country. She has served on numerous councils and boards of directors. To note a few, she was recently elected to the board of the National Network of Child Advocacy Centers. She is a current member of the National Council of Juvenile and Family Court Judges. She is a current member of the Relief Nursery board of directors. This charitable institution is particularly near and dear to my heart and is a private organization that provides preschool classes, parent education and respite care for families at risk for child abuse. This organization reaches out to all at risk children and families in our communities, and Judge Ann Aiken is a champion of this private-public partnership.

In addition, since 1993 she has been a member of the Task Force on Child Fatalities and Critical Injuries, and a member of the Lane County Domestic Violence Council.

While I have not served on these councils with Judge Aiken, I would like to take a moment to explain why I believe that she is an excellent nominee for the U.S. District Court for Oregon.

I first came to know Judge Aiken in 1994. We were both appointed by a Democratic Governor to serve on the Governor's Commission on Juvenile Justice when I was the Senate Minority Leader in our State legislature. I worked with her on this commission to address the issue of juvenile crime. Among a handful of appointees, she stood out as a superstar. I was impressed with her fairness, her experience, and her insight as to how we can work to help the people of our state, particularly our young children.

Over the course of the next election cycle, I became the Oregon State Senate President. And with her involvement, and the work of this commission, we produced a bill called Senate bill 1. It produced some of the toughest juvenile crime laws in this country.

Since that time, Oregon has revisited the whole issue of crime in a dramatic way through a number of ballot initiatives and legislative actions—and crime is falling in my State. Although these initiatives occurred after 1995, Judge Aiken has been tough on crime throughout her career, and I would encourage my colleagues to review her record of strict sentencing practices.

In 1993, Judge Aiken sentenced a 28-year-old woman who was involved with a brutal beating and murder of a 70-year-old man to 20 years in prison—twice the amount of time as was called for by the Oregon state sentencing guidelines.

In 1995, Judge Aiken sentenced a repeat child molester to the maximum sentence of 58 years in prison.

In 1995, Judge Aiken sentenced a 43-year-old man to 31 years for felony sex abuse crimes involving two girls aged 7 and 9, invoking a law that permits judges to double the prison term normally afforded by State sentencing guidelines in cases with aggravating circumstances.

Before our recess, my friend and colleague from Wyoming, Senator ENZI, raised some concern about one particular case that troubled him. I will admit to you that it troubles me. But I want Senator ENZI and all of my colleagues to know that their criticism of Judge Aiken in this case should not be of her but of the Oregon law that applied at that time, because she followed the law. And some of my colleagues, frankly, appropriately, criticize judges who become frustrated legislators and use their judicial robes to write new law. Judge Aiken simply did not do that. She followed the Oregon law.

It involved a very horrible case. It involved a circumstance where a man, 26 years old, Ronny Lee Dye, was convicted of first-degree rape of a 5-year-old child and was sentenced to 90 days in jail and 5 years of probation plus the payment of a $2,000 fine.

With the judicial guidelines that she had to operate within, she had a choice to make. She could send him directly to prison to serve out a 5-year sentence or she could put him in a county facility where he would receive sex-offender treatment. She made a judgment. Her judgment was that the society of Oregon would be better served if this man had treatment. You can call that into question now, but she followed the law.

Later, this man was arrested for drunk driving and ultimately served a 5-year term in prison.

I ask myself in this case, however, would I have made that call? Maybe not. But she did. And she did it according to the direction of the Oregon guidelines that were given to her. But my complaint was with the law that allowed that, not with her discretion in trying to establish what was in the best interests of society and justice.

Finally, Mr. President, I note that one of the reasons that Judge Aiken appeals to me as a person and as a judge is a reason very personal. As I have come to know this woman, I have come to know this mother of five sons, and she is a good mother.

I am one of 10 children. My mother has five sons. And while my mother did not always act perfectly on the issues of justice and mercy, she acted nearly so. And it seems to me that what I see in her are some of the qualities that I would want on the Federal bench. Because a mother of five sons knows how to arbitrate family difficulties and what it means to raise honorable citizens to serve in our society.

So I ask my colleagues to see this woman's record in its totality—not by the outcome of one case. I would never come to this floor and advocate for anyone who was soft on crime. And if this woman's record indicated that, I would not support her in this effort today. But it does not. It represents a person who is tough on crime, who has served to make her State's laws tougher and who has a record of putting away violent people for a long time.

I wish that one case were different, but it is not. But the man has served prison time and has received sex-offender treatment. And now the issue is, should we confirm Ann L. Aiken to the United States district court? I say affirmatively and with conviction, yes.

I ask for your support of her and thank the President for this time.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, from the time controlled by Senator LEAHY, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. WYDEN. Thank you very much, Mr. President.

Mr. President, I come to the floor today to speak in support of a superb State judge, a pillar in her community, a devoted mother of five wonderful sons and a personal friend, an individual who I believe will make an outstanding Federal district judge, Judge Ann L. Aiken.

Let me begin by expressing my thanks and gratitude to the Senate Judiciary Committee and particularly to Chairman HATCH and the ranking Democrat, Senator LEAHY. Both Chairman HATCH and Senator LEAHY carry an enormous workload, and I want to express my appreciation to both of them for all the time and good counsel that they have given Senator SMITH and myself with respect to Oregon's needs on the Federal bench.

I especially want to thank at this time my colleague from Oregon, Senator SMITH, for his truly extraordinary efforts on behalf of Judge Aiken. I think this Senate can see from Senator SMITH's eloquence and his commitment to Judge Aiken how strongly he feels about this appointment. He has made extensive efforts with our colleagues to ensure that Judge Aiken would be before the U.S. Senate.

I want to express my appreciation to Senator SMITH for all of those efforts on Judge Aiken's behalf and to join Chairman HATCH in saying that I do not believe we could be here today without the extraordinary work of Senator SMITH. I want him to know how much I appreciate those efforts. He knows Judge Aiken extremely well. Those joint efforts date back for years, as Senator SMITH has stated, and it has been a pleasure to work with him on this, dating back to the days when he was president of the Oregon State Senate.

Also at this time, I want to thank Congressman PETER DEFAZIO, a personal friend of Judge Aiken's who has worked with her on many important community activities. Congressman DEFAZIO has been a vociferous advocate of Judge Aiken's candidacy, and he has done a good job of keeping the debate focused on getting Judge Aiken to this point. And I want to express my appreciation to him.

Mr. President, Judge Aiken's journey to be considered on the floor of the Senate has been a long one, and not just in terms of the 3,000 miles she traveled from Oregon for those confirmation hearings.

Her journey formally began in 1994, when I put together a bipartisan group of Oregonians to review her qualifications.

In January of 1995, I recommended to President Clinton, with the strong bipartisan support of the Oregon congressional delegation, that Ann Aiken be named to the Federal bench.

As Senator SMITH has noted, Judge Aiken's support for this nomination spans the political spectrum. Liberals are for Judge Aiken, conservatives are for Judge Aiken, moderates are for Judge Aiken, Democrats, Republicans; across all political boundaries, Oregonians have lined up behind this outstanding judge.

It is my view that these many endorsements are pouring in because of the hard work and thoroughness that has marked Ann Aiken's career to date. And I would especially like to reference her work on crime.

Mr. President, and colleagues, this is an especially important issue to me. Before I came to the U.S. Congress, first as a Member of the House, I was co-director of the Oregon Gray Panthers, a senior citizens group. And I found that many of these older folks were afraid to have meetings after 4 or 5 at night because of their fear of crime. And so I vowed, as a Member of Congress, that I would put a specific focus on law-enforcement issues in my service in the Congress.

As a Member of the House, I joined Senator SPECTER in authoring the career criminal law, a law which prescribes tough punishments and no parole sentences for career criminals.

Last Congress, I joined Senator HATCH in his efforts, his yeoman's work, to deal with the scourge of methamphetamines. And I have repeatedly—repeatedly—voted to impose the death penalty on heinous crimes in our society.

So I take a back seat to no individual with respect to support for tough law enforcement. And I want to tell my colleagues in the U.S. Senate that Judge Aiken did not win all that support from law-enforcement groups in Oregon by accident. She won the support of the Association of District Attorneys and the Police Officers' Association because of her toughness on crime.

As my colleague, Senator SMITH, has noted this morning, repeatedly she has sought to impose the toughest possible sentences. And because Judge Aiken has a true mastery of the Oregon sentencing guidelines, she frequently is able to impose sentences that are significantly longer than any other judge on the bench.

She has worked for a new approach to juvenile justice that ensures that young people who commit crimes have to face consequences. It would change the juvenile justice system as we know it. Youngsters would understand that the justice system is based on personal responsibility and individual accountability when they perpetrate those offenses. And the changes that have been made came about because Judge Aiken worked on a bipartisan basis with leaders of our State like Senator SMITH to get that done.

So she did not win all that support from law enforcement by accident. And she would not have the bipartisan support of her two U.S. Senators today were it not for the fact that she took a tough and fair approach with respect to law enforcement.

Judge Aiken is also a person who knows how to squeeze an hour out of a minute. Not only does she maintain a rigorous judicial schedule, but the list of task forces that she has chaired and the boards on which she has served number in the dozens. She has been on the board of directors of Court-Appointed Special Advocates (CASA), a program in which we take special pride in our State because it allows us to advocate for young people in our society and focus on trying to help them get their lives on track.

On top of all this, somehow she finds time to be a caring and involved mother for her five boys. How she manages to juggle all these activities is beyond my comprehension, but the fact that she can serve as a judge, a community leader, and a devoted mom all simultaneously is yet more evidence of her fitness and her ability to serve as an outstanding Federal district judge.

Ann Aiken is also an expert on family law. She has been a leader in the founding of a model program for youngsters known as the Relief Nursery. In that effort, she has brought together leaders from across her community to help families that were about to crack apart. Recently in fact, the successes of the Relief Nursery in keeping families together were profiled by Peter Jennings on World News Tonight.

I am certain that Judge Aiken will bring to the Federal bench the same fairness, toughness and integrity that she has brought to her work as a State judge and a specialist in family law. And I am certain that Judge Aiken will bring to the Federal court the intellect, intensity and drive that has made her one of our State's most respected jurists.

Let me wrap up by saying, as Senator SMITH has touched on as well, this nomination is particularly important since Oregon already has two vacancies on the district bench and will be facing a third in April of this year. Failure to fill these openings in a timely manner is going to put an enormous strain on the Federal courts in Oregon. It is time to act and time to act swiftly.

My colleagues, you have before you a tough judge and a fair one, one committed to seeing that justice is carried out in an impartial way no matter what the accusation is. She is going to make an exceptional Federal judge. She will bring honor to her community and her country. Therefore I urge you, as Senator SMITH has, that the Senate move today on the candidacy of Judge Ann Aiken. She is a judge of extraordinary ability. She has earned this post.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ENZI. Mr. President, I rise to oppose the nomination of Judge Ann Aiken as the district court judge for the district of Oregon. I asked for a rollcall vote because I want to be on record as opposing this nominee. I put a hold on this nominee before we left on recess, with adequate time, I assure, for a rollcall vote. I made that a public, not a secret, hold. I wanted anyone interested in the case to know that I wanted a rollcall vote. I know that message got out. I was told that a rollcall vote would be OK, and I am sorry that there was not time or sufficient people around to have a rollcall vote prior to the time that we left.

I did make a statement on the judge, and I want to reiterate some of my concerns: While I do not question Judge Aiken's experience or academic qualification to sit on the Federal bench, I do have serious concerns about her judicial philosophy as she applied it as a State trial judge in Oregon.

One particular case has been mentioned this morning, and I appreciate the extra information that has been passed out at this time. That particularly tragic case perhaps best illustrates my concern, and I have looked at five other cases as well that I don't have more information on. In the case of the State v. Ronny Lee Dye, a 26-year-old man was convicted, convicted, of first-degree rape—first-degree rape—of a young 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to 90 days in jail and 5 years probation, plus a $2,000 fine. The other option was 5 years in prison.

There was concern about whether there would be enough rehabilitation in prison. The option was there for 5 years in prison and the effort to get a rehabilitation program in that prison. If I were the parents of a 5-year-old child that was raped and knew the convicted rapist could receive between 90 days and 5 years, I would have serious concerns about anybody who voted for that judge. Out of a concern for those parents, I am opposed to this nomination. According to the local papers, Judge Aiken did not want to sentence Dye to State prison because the prison did not have a sex-offender rehabilitation program. There are folks out in my part of the country that would insist on some other kind of rehabilitation. Moreover, she believed that probation following the jail term provided a stricter supervision than the parole that would have followed a prison sentence. Less than 1 year after his conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe Judge Aiken's handling of this case and others illustrates an inclination towards an unjustified leniency for convicted criminals.

Mr. President, I do not pretend to be able to predict with any degree of accuracy how this nominee or any other will rule while on the Federal bench. In exercising our solemn constitutional duty to advise and consent on the President's nominations for the Federal courts, we have only the past action, statements and writings to guide our deliberations. Moreover—and this is one of my big concerns—since Federal judges have life tenure and salary protection for the rest of their lives while they are in office, we have but one opportunity to voice our concerns and disapproval of a judge's record.

Now, I understand that she has been repentant of what she did at an early time in her judgeship. But I have got to tell you that I think that we give out Federal judgeships for service, not for repentance. We talk about law and order. We have to back up that law and order through the court system as well, not just with words in this Chamber.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences to those of the U.S. Congress or any other State legislature. I have strong concerns that Judge Aiken, if confirmed, would be inclined to this type of judicial activism. For this reason, I asked for a rollcall vote.

I appreciate the opportunity for me to go on record as being against the confirmation of Judge Aiken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank my colleague from Wyoming for this exchange this morning, and appreciate the genuineness of his concern.

I simply rise to say that Judge Aiken has admitted that early in her career that was a judgment she made, under the statute and within the guidelines, and that in hindsight she would have made a different decision. I simply say that to judge her entire career on the basis of this one case would not be fair. It would not be fair to her, would not be fair to my State, and I think would not be fair to the judicial system of the United States.

I think Caren Tracy, who has served as a local prosecutor in many cases in

Judge Aiken's courtroom best describes her strict sentencing practices by stating, "With regard to crimes of violence, violations of trust relationships, and crimes against children, Judge Aiken delivers sentences that include periods of incarceration that are significantly longer than any other judge on the Lane County Circuit Court Bench. She has a mastery of the Oregon sentencing guidelines which enables her to ensure maximum incarceration for individuals deserving of such sentences. Sentences of thirty to forty years for child sex offenders and criminals who commit acts of violence are the norm for her courtroom. I never have any concerns, as a prosecutor, coming before her for sentencings on significant crimes. The bottom line is she is not a light hitter."

I believe that statement reflects Judge Aiken's career in its totality and reflects her commitment to serving justice. I encourage my colleagues to support her nomination and am confident that she will reflect credit upon this country and reflect credit on the criminal justice system.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak up to 10 additional minutes on Senator LEAHY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Let me also join in the remarks expressed by my colleague, Senator SMITH, with respect to our colleague from Wyoming. I know he is sincere in his views.

I will talk about what Judge Aiken faced with respect to that Dye case. Judge Aiken had two choices in front of her. Neither were ideal. She chose the one that in hindsight would be different than the one that Senator SMITH and I would have chosen. Both of us have been concerned about the case. To her credit—in my view, to her great credit—Judge Aiken has indicated to Senator SMITH and me that she would have handled that case differently. Her commitment to tough law enforcement has been proven because since that case she has been a tough judge. She has often exceeded the sentencing guidelines, and she has shown that she is going to be capable of great growth as a judge.

I say to our friend from Wyoming, who among us as new Members of the U.S. Senate would not possibly take back a vote early in our career? We are constantly faced with tough decisions in the U.S. Senate, decisions where you have before you a couple of choices, neither of them being ideal. Judge Ann Aiken, in the Dye case, tried to make the call to the best of her ability. In my view, even more importantly, she showed great growth, she showed a willingness to evaluate the facts in light of additional time and additional opportunities to consider her decision.

So we are then faced with the question: Do you throw out the prospect of an outstanding career on the Federal bench because of one case, one case where an individual has said, "If I could do it again, I would have done it differently"? We wouldn't say a Member of this body should be excluded from the possibility of further service in the Senate because they would have cast one vote differently had they had the choice. We evaluate Members of the U.S. Senate on the totality of their records. On the totality of her record, Judge Aiken is an outstanding individual, an individual who will be tough on crime when she serves on the Federal bench.

Mr. President, I see Chairman HATCH is on the floor. I know he had to leave the floor during our earlier remarks. I express to him my personal gratitude for all of the help and effort he has given Senator SMITH and me on this matter again and again. Chairman HATCH has about as hefty a workload as you can imagine for a human being, but he has made time to assist Senator SMITH and me. We are very appreciative of all the good counsel and help you have given us as new Members of the U.S. Senate.

In closing, I especially want to express my appreciation to him for that help and counsel.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks. They mean a lot to me because this job of being Judiciary chairman isn't all a piece of cake, as anybody can see. I personally appreciate those kind remarks.

I want to compliment both of the Senators from Oregon for their active work on behalf of Judge Aiken. Without their work, I don't think Judge Aiken would be here today. I personally express that so that she will fully appreciate how hard the Senators from Oregon have worked. They have certainly, along with Judge Aiken, convinced me that she will make an excellent judge. I intend to fully support her. I hope my colleagues will also.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I rise today to state my opposition to the nomination of Ann Aiken to be United States District Judge for the District of Oregon, and to note my support for the other two judges the Senate will consider today.

My principal basis for opposition to Judge Aiken's nomination is her sentencing decision in *State* v. *Ronny Lee Dye*. After finding defendant, 26, guilty of raping a 5-year-old girl, Aiken sentenced defendant to 90 days in jail, rather than substantial prison time, which was also an option under Oregon law.

As troubling as this sentencing decision is, her explanation of the decision is worse. She has explained that with a jail sentence she could ensure that Dye would receive psychological counseling, but she could not guarantee counseling if he went to prison. I find this type of social engineering from the bench troubling. The focus on what best serves the convicted rapist's needs should not be the basis of a sentencing decision. I doubt that this is the kind of decision the people of Oregon want to leave to judges.

This decision is not ancient history or a rookie mistake. Judge Aiken made this unjustifiable sentencing decision in 1993, in the middle of her fifth year on the bench.

Let me be clear about one thing: This is not the worst nominee the President has sent to the Senate. There have been other nominees that pose even greater problems. The Senate will likely consider one in just a few weeks, Judge Frederica Massiah-Jackson of Philadelphia.

Judge Massiah-Jackson has used the language's worst profanity in open court, she has demonstrated leniency in sentencing and hostility to law enforcement, and in recent weeks, she has drawn the opposition of important local law enforcement officers of the Democratic Party, like Lynne Abraham, the Philadelphia District Attorney.

Ann Aiken is not as troubling a nominee as Frederica Massiah-Jackson. But that should not be the standard. We need to raise the bar on the President's judicial nominees. America deserves better. The Constitution vests the Senate with the critical responsibility to advise the President with respect to his judicial nominees and in appropriate cases to give its consent. I take that responsibility seriously.

The President is capable of making quality judicial appointments and, when he does so, he deserves the Senate's consent. The two other nominees we will vote on today—Richard Story (for the Northern District of Georgia) and Barry Silverman (for the 9th Circuit Court of Appeals)—both appear to be well-qualified nominees, and I plan to vote in favor of both.

However, I will vote against the Aiken nomination. For me, the bottom line is this: As we embark on a congressional session in which we plan to put the emphasis on protecting families and cracking down on violent crime, we should not begin the year by confirming a judge who sentenced a child rapist to 90 days in jail. We can demand more of the President's judicial nominees. The people of this country deserve better.

Mr. HATCH. Mr. President, I would like to respond briefly to the comments of Senator ASHCROFT on Judge Aiken's record. Senator SMITH, I believe, has already amply defended Judge Aiken's record. I want to add a few comments of my own here, if I can.

My colleagues, Senators ENZI and ASHCROFT, have rightly criticized Judge Aiken for her ruling in the Dye case, in which during her first month on the circuit court bench, she gave the defendant what appears to be a fairly light sentence for the molestation of a 5-year-old girl. I agree with the criticisms of Judge Aiken's decision. She did indicate that she imposed the sentence in order for the defendant to receive treatment. In her opinion, treatment was the only way she could prevent this individual from repeating his heinous crimes.

I seriously question the wisdom of her decision. But to her credit, Judge Aiken stated that if she had to do it all over again, she would have imposed a lengthy prison term. She recognized her mistake and she learned from it, and it was made in the early tenure of her judgeship.

A review of her record since the Dye case suggests that she has more than learned from this original error. I know, too, that some are troubled by Judge Aiken's comment to a young, violent criminal that he was "a victim of the community's lack of intervention." Well, what often gets lost in this criticism is that Judge Aiken also sentenced this defendant who had robbed people and threatened to kill them to the maximum range of penalties allowed under the Oregon guidelines. Given Judge Aiken's background in family law, her comment was not as unreasonable as some might think it seems.

So the question for the Senate is whether, in the face of a relatively clear record as a State judge and the overwhelming bipartisan support of the Oregon delegation, the Oregon bar, her colleagues on the bench, and the people of Oregon, the Senate should defeat this nominee because of one or two errant cases. I have to say, I think not. I hope none of us are going to be judged on one or two mistakes we might have made in our lifetimes. To the extent that these cases raise questions—and they do raise serious questions—I do not believe a strong case can be made that Judge Aiken has a record of exceeding the proper bounds of judicial authority or that she will attempt to legislate from the bench or act otherwise as an activist judge. Accordingly, I will vote to confirm Judge Aiken, and I urge all of my colleagues to do the same.

Now, in addition, I have had personal conversations with Judge Aiken, and I have to say she has impressed me greatly as someone who I think will act very properly on the Federal district bench. I agree with both Senators that she is going to be a very strong anticrime judge. I think her record shows that, in spite of these what some call "discrepancies," to which I think legitimate criticism can be lodged, I don't know of many judges who have been on the bench very long that somebody can't find some criticism to lodge against them, because judges sit in judgment. They have to "split the baby," so to speak, and make some decisions. In almost every case, somebody is going to be unhappy with their decision. If a judge ever shows leniency in this day and age, they are going to be subject to criticism by some. If the judge is too tough, that judge is going to get criticism from others. One side or the other is always going to find some fault.

But in this particular case, she more than adequately explains the situation. In the first case, the Dye case, she admitted that if she had to do it all over again, she would have decided the case differently. Keep in mind that all people in the early tenures of their work life generally stumble and make a few mistakes. That is what happened here. But you have to judge these judges, and all nominees who may not be judges, on the totality of their lives' work and the totality of what they have done and not just defeat judges on the basis of one or two things with which we might legitimately disagree, especially when the judge has indicated a willingness to change and do things differently in the future.

There is no doubt that the judge erred in the Dye case. It was wrong to sentence the criminal to only 3 months in prison. But you have to Judge Aiken on her whole record. She has more than adequately explained that, as far as I am concerned.

We are definitely going to have some votes on judges this year where there will be real, legitimate reasons to oppose them, and the administration knows that. They understand that when they send some of these folks up, there might be opposition. But I don't think the opposition is justified against this judge. On the other hand, I respect my colleagues who feel otherwise, but I hope that our fellow Senators will vote for Judge Aiken.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to executive session and a vote on the confirmation of the nomination of Calendar No. 454, Ann Aiken. I further ask consent that immediately following that vote, Executive Calendar Nos. 486 and 488 be confirmed and the motions to reconsider be laid upon the table and the President be notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. HATCH. All Senators should now be aware that there will be one rollcall vote beginning at 2:15 this afternoon. In order to accommodate a number of Senators' schedules, the remaining nominations will be confirmed without a rollcall vote. I thank all Members for their cooperation in this matter.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Aikens nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, there has not been much conversation about one of the judicial nominees pending before us. I did want to make a few comments on his behalf. The reason for the lack of comments is that I believe he has the unanimous, bipartisan support of everyone here in the body. And I appreciate that because I, too, enthusiastically endorse the nomination of U.S. Magistrate Judge Barry Silverman of the State of Arizona to the Ninth Circuit Court of Appeals, and I would like to make a few comments on his behalf at this point.

Judge Silverman brings a proven judicial track record to this position. For the past 2½ years he has served as a magistrate judge on the United States District Court for the District of Arizona, my home State. For over 10 years prior to that, he was a superior court judge in Maricopa County. While on the superior court bench, he rendered superior service in all aspects of his civil, criminal, juvenile and domestic relations assignments.

In addition to his time on the bench, Judge Silverman spent 5 years as court commissioner for the Superior Court of Arizona, Maricopa County.

Throughout his distinguished judicial career, Judge Silverman has earned the respect and admiration of fellow judges and the advocates who have appeared in his courtroom. For example, in 1991, Judge Silverman received the Henry Stevens Award, which is given annually by the Maricopa County Bar Association to the current or former Arizona trial judge "who reflects the finest qualities of the judiciary."

Similarly, in 1994, the Maricopa County Committee on Judicial Performance indicated that Judge Silverman received the highest percentage of superior ratings from lawyers, litigants, witnesses, and court staff in all categories of performance reviewed.

Also, in 1994, Judge Silverman's court division was honored as the judicial division of the year by the Maricopa County Superior Court Recognition Committee.

Incidentally, I should say that Maricopa County is the county in which Phoenix is located, the capital of our State.

In addition to his regular judicial duties, Judge Silverman has advanced the legal profession through service on the Supreme Court of Arizona Judicial Ethics and Advisory Committee, the Committee on Judicial Education and Training, and the Committee on Professionalism. He also chaired a Committee to Study the Criminal Justice System in the Arizona Superior Court in 1993, and the Governor's Committee on Child Support Guidelines.

Judge Silverman has shown his commitment to the United States Constitution and the rule of law by cofounding the Sandra Day O'Connor Prize for Excellence in Constitutional Law at the Arizona State University College of Law.

Judge Silverman's academic credentials are equally impressive. He graduated summa cum laude from the Arizona State University College of Law in 1976 and was subsequently honored by his alma mater twice, once in 1994, when the college of law presented him with its "Outstanding Alumnus Award," and again in 1997 when he received the prestigious "Dean's Award."

In short, Mr. President, I believe Judge Silverman meets the highest of standards required for our Federal judges, and I have been very privileged to support his nomination as it has proceeded through the process and come to the floor of the Senate. I urge all of my colleagues to support the nomination of Judge Barry Silverman for the Ninth Circuit Court of Appeals.

Allow me to conclude, Mr. President, with this observation. It has been a pleasure to work with the White House on this nomination. From the time that his name came forward, they worked diligently to conclude the FBI process, which does take some time. We received from the White House the Sunday before Congress adjourned in November the file for Judge Silverman and the committee was able to get that file in 1 day, the following Monday.

ORRIN HATCH, the chairman of the Judiciary Committee, who has been criticized for holding up some nominees, I must say, deserves a great deal of credit here for personally conducting the hearing for Judge Silverman. And then the following day—this is now 3 days after we received the file—scheduling an executive session of the committee so that we could send his nomination to the full Senate floor.

Chairman HATCH and I then requested the majority leader on the last day of the session in November to clear this nomination so that the ninth circuit could receive him and have his services. Unfortunately, the democratic leader was not able to clear Judge Silverman on the democratic side and therefore about 2½ months, unnecessarily, the ninth circuit was without a judge in this particular position. But I am particularly pleased that he is before us today and that we will very soon have an opportunity to vote and to confirm Judge Silverman for the Ninth Circuit Court of Appeals.

Mrs. BOXER. Mr. President, I am very glad that we are moving forward with judges today. We all hear, as we are growing up, that, "Justice delayed is justice denied," and we have, in many of our courts, vacancies that have gone on for a year, 2 years, and in many cases it is getting to the crisis level. So I am pleased that we will be voting. I think, whether the delays are on the Republican side or the Democratic side, let these names come up, let us have debate, let us vote.

In that regard, I am looking forward to having our debate on the nominee I had recommended to President Clinton, Margaret Morrow, who has the strong support of Senator HATCH, many Republicans on the Judiciary Committee, and I am very hopeful we can get that nomination resolved.

I know that our leaders had agreed that vote would take place before the February recess and I will be speaking with both leaders to find out a date certain.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, at this time I ask unanimous consent that immediately following the vote at 2:15 and confirmation of the two additional nominations, there be a period of morning business with Senators permitted to speak for up to 5 minutes each. I further ask unanimous consent that at 3 o'clock p.m. today Senator COVERDELL be recognized as under the previous order for 90 minutes, to be followed by Senator DASCHLE or his designee for 90 minutes.

Mrs. BOXER. Reserving the right to object, will the Senator amend his request to give the Senator from California 5 minutes at this time?

Mr. KYL. Mr. President, I have no objection. If under the previous order that is permitted, it's fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITHDRAWAL OF COSPONSORSHIP—S. 1028

Mrs. BOXER. Mr. President, I ask unanimous consent that my name be removed from S. 1028 as a cosponsor of that legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Mr. President. This is a forest bill that is very controversial. After I placed my name on it a study came out that basically, in my opinion, led me to believe that the bill in its current form would not be good for the Nation's forests.

STATE OF THE UNION—1998 AGENDA

Mrs. BOXER. Mr. President, last night we learned from our President that the state of the Union is the strongest it has been in decades. The "misery index," that is inflation and interest rates combined, is at a 30-year low. Inflation is practically nonexistent. The Federal deficit is about to be eliminated. Over 14 million new jobs have been created in the last 7 years. We are seeing the lowest unemployment rate in a quarter of a century at 4.7 percent today. And we have seen the highest home ownership rate in history, nearly 6 million new homeowners since 1992.

The booming economy and the bright fiscal picture give us a wonderful opportunity to continue to support a balanced budget, but one with a heart and one that makes critical investments in important areas, many outlined by the President—education, health care, health research, the environment, anticrime efforts, child care and, of course, ensuring that Social Security will be fiscally sound well into the next century.

I am looking forward to working hard, on a bipartisan basis, with my colleagues as we write this budget. I am privileged to serve on the Budget Committee where we will take the first crack at crafting a Senate budget. I also sit on other committees that will carry through some of those priorities.

I want to point out just a couple of issues that the President talked about which are very near and dear, not only to my heart but, much more important, to the hearts of the people that I represent, the people of California.

This important issue is after-school care. It is a little-known fact that juvenile crime peaks up at 3 o'clock and begins to go down at 6 o'clock. So, between 3 and 6 our children need something to say "yes" to. They need mentoring. They need help with their homework. The after-school hours are an opportune time for business to come in and teach our young people about business, teach them computers and the many skills that they need to succeed.

I have written a bill that would set up some model after-school programs. I was debating, should I offer it in the context of education or should I offer it in the context of juvenile crime reduction. After-school programs both improve education and reduce juvenile crime.

The President is launching a huge initiative there. He is also calling for and end to social promotion, 100,000 new teachers to help our children, and something that is important, reducing class sizes in the early grades. We need to implement voluntary national standards and we must rebuild our crumbling schools and build the new schools of the 21st century. This President is on his way to being the true education President. I want us to be the true education Senate, and I very much look forward to the time we will spend on this Senate floor debating education.

The President is calling our attention to the current health care crisis. We took a giant step in helping our young people last year, by giving a block grant to the States. They are going to work on making sure our children are insured.

There is a big gap between the ages of 55 and 65, while people are waiting to get into Medicare, and the President proposes a pay-as-you-go system to handle some of those people, to allow them to buy into Medicare. I want to emphasize this is a pay-as-you-go system. We have heard criticism that we can't do anything to expand Medicare without harming Medicare. I don't think there is anyone in the Senate who would do that. We want to make sure that anything that we put forward pays for itself.

The President also touched on the rights of health care consumers to get quality health care from HMOs. These health maintenance organizations often deliver care in a very efficient manner. The question is, is the quality there? I wrote a bill, the Health Care Consumers' Bill of Rights Act, which parallels a lot of what the President talked about. I hope we can enact a patient's bill of rights this year.

When I was in my State, I had the good fortune to meet with a gentleman named Harry Christie, who had a poignant story to tell. His daughter Carley at age 9 was diagnosed with a rare and aggressive form of kidney cancer. His HMO refused to allow him to take that child to a pediatric surgeon who specialized in this very delicate operation. So, Mr. Christie was faced with a terrible choice. What to do? He dug into his own pocket, he somehow got the thousands of dollars—$40,000 to be exact—to pay for Carley's operation. This story has a happy ending. Carley had the operation. She is 14 years old. She is cancer free. But only because her dad went against the HMO.

I don't want to see any other parent in America go through that torture. If there is a specialist available to handle a crisis, anyone in this country who has health insurance should be able to go to that specialist. That would be part of the patients' bill of rights.

I am ready to work with my colleagues to develop a consensus HMO reform bill that we can pass and send to the President for his signature. In the end, it doesn't matter whose name is on the bill. I do not care if it is a Democratic bill or a Republican bill. Our task is simply to get the job done. I look forward to working on this legislation and I hope the Majority Leader will schedule action on it this year. In my view, HMO reform must be a top priority of this session of Congress.

In the crime area, I will be urging my colleagues in the Senate to agree to legislation that will require all makers of handguns to include child safety locks in the weapons. The President proposed this last year, a number of manufacturers have voluntarily complied, but I want to ensure that all of them do.

I will also continue to make the case for my legislation to ban the manufacture and sale of "junk guns" or "Saturday night specials", which are cheap, poorly made guns that are so often used in the commission of crimes. I realize that the chances of such legislation passing are low, given the current makeup of the Congress, but I think that it is important to raise the issue, nevertheless.

As a member of the Environment and Public Works Committee, I will be working a number of bills that are of great importance to the people and communities of my state, including reforming the Superfund program to clean up contaminated sites across the country.

I will seek opportunities to enact my legislation, the "Children's Environmental Protection Act", which would require all of our environmental health and safety standards to be set at levels that would ensure protection of children, the elderly, and pregnant women, and other vulnerable groups. It would also require the EPA to establish a list of "safer-for-children" products such as pesticides and household cleaners, to give concerned consumers more information on the products found in all American households.

I also applaud and will work to enact the President's "Clean Water Initiative", which will provide substantial new resources to fulfill the promise of the Clean Water Act to give all Americans clean, safe lakes, rivers and coastal waters.

Sometime in the next few weeks, the Senate is expected to take up the transportation infrastructure bill—ISTEA—and I look forward to that debate. Californians are anxious to see quick action on that legislation, which provides funding for highway, transit, and other transportation projects throughout the state.

Last night, the President announced that his budget, which he will submit to Congress next week, will be in balance beginning in fiscal year 1999. The Budget Committee, of which I am a member, began its hearings on the state of the economy and the federal budget this morning. I believe that we can balance the budget next year, and I will work to ensure that it happens. Hopefully, we can start seeing budget surpluses in future years. But I want to be very clear about that: before we do anything else, we must ensure the integrity of the Social Security trust fund, so that baby boomers and future generations can count on getting the benefits for which they have contributed all their working lives.

Within the context of a balanced budget, I believe we have the resources for limited, targeted tax reduction. I will introduce a bill in the next few days to provide a tax deduction for the cost of buying health insurance to people whose employers do not provide health plans and for those who are unemployed.

There are many other issues I could go into. I see my friend Senator GRAMS is here. We just spent about an hour together in the Budget Committee. I am sure he has some valuable issues to lay out for the Senate. But I do think it is important to know—and I am putting it in very blunt terms—that although we celebrate a balanced budget, if it weren't for the surplus of Social Security that we are borrowing, we would still be in debt. It is time to pay back the Social Security trust fund. You know, there are many trust funds that we have, that we should pay back—they are much smaller than Social Security; we can do it easily—the Land and Water Conservation Fund, the Aviation Trust Fund, the Highway Trust Funds. Those are small. We can pay them back. But Social Security is large.

If you owe a debt to someone in life you have to pay him or her back. When I have young people standing up at my community meetings, looking me in the eye, who say, "Can you tell me Social Security will be there when I need it? I'm 30 years old and I'm not sure." I tell them when I was 30 I wasn't sure Social Security would be there. But because of the policies of the Senators, the Congress, the Presidents of both parties, Social Security will be there for me and my family. "I assure you," I said to this last gentleman that mentioned it, "it will be there for you. But only if we heed what President Clinton said."

We have to pay back the Social Security trust fund and then we will have something to be very proud of. We will look back at this time in our history and the people will say about us that we made the right investments in the right things. They paid dividends. They made our people strong and our country strong. And, yes, we saw a looming problem called Social Security and Medicare and we acted to shore up those funds to make sure that future generations will have what this generation has—peace and security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUST FOUR DAYS FROM NOW: THE NUCLEAR WASTE STORAGE COUNTDOWN

Mr. GRAMS. Mr. President, the American taxpayers sat down last night to listen to their Chief Executive speak about the state of the union and the future of our country. Bill Clinton knows how to give a good speech, and as we have come to expect, last night's was filled with lots of proposals and promises and reminders of some of the successes of the past year.

It is true—our nation has seen some good times recently. By returning accountability to Washington, we have brought the Federal deficit under control and reduced unemployment to its lowest levels this decade. We have cut taxes for working families for the first time in 16 years. The markets have soared to all-time highs and the economy is churning out rewards for anyone willing to work. Americans are feeling good about their country and about their futures.

Unfortunately, their President failed to warn them last night—even once during his 75-minute speech—that many of the achievements he acknowledged are at risk, threatened by a Federal Government failure so massive that it may take the taxpayers years, even decades, to burrow out from underneath it. What could be so potentially devastating? The failure of the U.S. Department of Energy to begin accepting the Nation's spent commercial nuclear fuel.

And, Mr. President, the taxpayers will inherit the responsibility for that failure just 4 days from now.

After 16 years of denials, delays, and indifference on the part of the U.S. Department of Energy, combined with the politics of special interest groups, the American taxpayers are about to find themselves saddled with the liability for our Nation's nuclear waste. It is a liability they do not deserve, and one they most certainly cannot afford.

The clock has been ticking relentlessly for 16 years, and on Saturday night, at midnight, the clock will finally run out on the taxpayers on this issue. After a decade and a half of playing "cat-and-mouse" with the Congress and the courts, it appears as though the DOE may be successful in ducking out of its responsibility. But that can only happen if Congress allows this Administration to get away with it unchallenged.

Mr. President, I stand before you today to pledge that this Senator will not let that happen.

For 16 years, the public has been assured that by January 31st, 1998, just 4 days from now, the Federal Government would take responsibility for storage of the Nation's commercial spent nuclear fuel. Since enactment of the Nuclear Waste Policy Act of 1982, energy ratepayers have been charged a one-mill fee per kilowatt-hour in exchange for this "promise." Each dollar collected is from a consumer located in one of the 34 States that benefit from nuclear energy. Only those who benefit from the lower-cost nuclear power—not the general public—would supposedly fund the waste storage.

Dutifully, ratepayers around the country have paid their fees—to the tune of some $13 billion. For Minnesota alone, this translates into more than $271 million. For 16 years, these fees have poured into the Nuclear Waste Fund based upon a legal—and contractual—obligation that the waste would be removed.

Today, with $7 billion of those ratepayer dollars already spent, the waste is piling up. Nobody at the DOE wants it, nobody at the DOE is prepared to claim it, and because there is no place to put it, nobody at the DOE would be ready to take it by January 31 anyway. Again, that is just 4 days from now.

At the same time, energy consumers are pouring billions into the waste fund, ratepayers and utilities are continuing to pay for on-site storage at more than 70 commercial nuclear plants throughout the country.

In other words, ratepayers are being forced to pay twice for nuclear waste storage, all because the Department of Energy has failed to meet its legal obligations to the American people.

As troubling as this expensive delay has been, that fact alone is not the greatest affront to the American public. What I find most troubling is the financial risk the DOE has dumped at the feet of the taxpayers, because suddenly, every one of them will soon be on the hook for the nuclear waste debacle.

Since coming to Congress in 1993, I have watched the Energy Department play a protracted game of "would not, could not, should not" with the States, the ratepayers, and the Congress. It is a bob-and-weave strategy the DOE has had 16 years to perfect.

In 1994, the DOE argued that it would not accept the nuclear waste by 1998 because the law did not require it to do so. At that time, Minnesota was threatened with a premature shutdown of its Prairie Island nuclear facility, again, due to a lack of on-site storage. The DOE's claim exacerbated an already difficult situation for the State legislature and Minnesota residents, as the State faced the very real possibility it would lose up to 30 percent of its energy resources.

But the Energy Department's flippant response at the time was, "It's your problem, not ours."

And so the States went to court. They sued and they won. In July of 1996, the DC Circuit Court of Appeals ruled that the nuclear waste was the DOE's problem and that the January 31st deadline did apply. When the DOE argued that they would not take the waste, the court told them, "yes, you will."

Over the next few months, the DOE was silent on the issue. And so the States wrote to the department asking of its plans to comply with the court decision. The following month, the Department of Energy responded by writing to utilities soliciting their ideas on how they would cope with a failure by the agency to meet the deadline. Having exhausted the "would not" argument, the DOE was now arguing in essence that they "could not" comply with the law.

In June of 1997, the DOE, in direct defiance of the 1996 court order, again asserted that delay was unavoidable due to "acts of Government in its sovereign capacity," and once again made it the States' and utilities problem, not theirs.

So back to court went the States and utilities.

Last November, the DC Circuit Court of Appeals, the same court that ruled the year before, again affirmed that the Department of Energy's obligation to accept the nuclear waste. The panel stated explicitly that the federal government could not surrender its responsibility or liability, and alluded to whether the DOE was putting the taxpayers on the hook for its failure to comply.

Mr. President, the estimates of potential damages and awards have put the dollar figure as high as $80 billion, and some believe it could go significantly higher. That is a public bailout of immense proportions that would rival the savings and loan bailout.

It was never the intent of Congress to put the taxpayers at risk when it enacted the Nuclear Waste Policy Act of 1982. Nor is that the desire of the 34 States that have nuclear waste stored on-site; they would rather see the waste removed so the production of low-cost power can continue. Still, the Energy Department persists in opposing the people at every turn.

Mr. President, on December 29th, 1997, just a few weeks ago, the Department of Energy filed a "Petition for Rehearing" in an effort to nullify the earlier court rulings. This most recent stunt by the DOE reflects their new position that they "should not" be held responsible—technically or financially—primarily because these lawsuits have been heard in the wrong court.

After the DOE's cries of "would not, could not, should not," it is now up to Congress to respond in the positive: we will protect the taxpayers; and we can develop a solution for resolving the nuclear waste storage crisis; and we must enact the Nuclear Waste Policy Act of

1997 as soon as possible, legislation I have coauthored with my friends and colleagues, Senators CRAIG and MURKOWSKI.

Mr. President, our legislation would set in motion the implementation of a timely and environmentally sound waste solution, and was adopted by overwhelming, bipartisan votes last year in the Senate and House. Nevertheless, with conferee appointments pending, a veto threat from the administration may yet derail the bill. So once again, the Department of Energy is blocking the will of the people.

The taxpayers have the most to lose if the Department of Energy prevails and we accept the status quo. These are hard-working Americans who have to keep a budget and account for their spending, and they expect the Federal Government to exercise that same accountability with their tax dollars as well. With so many Government agencies and programs fighting for limited funds, how can the taxpayers possibly afford a multi-billion-dollar bailout of the Energy Department? How can the Nation's energy consumers afford additional on-site storage, early decommissioning costs, alternative fuel purchases to compensate for lost power? How can they afford refinancing the billions wasted from the Nuclear Waste Fund? How will the economy handle the loss of jobs and productivity that will certainly follow when energy costs begin to soar and generating facilities begin to shut down?

How is it possible that all of this will be set into motion just 4 days from now, and yet it did not merit a single sentence in the President's State of the Union Address last night?

The President last night also failed to mention that these costs will be borne as much by grandma and grandpa as they will by any corporate executives or Members of Congress. He did not mention that nuclear power is a fuel that burns nothing, thereby helping us achieve cleaner air and a better environment. He failed to mention that the costs of his global warming treaty will be even higher for every American if we continue to shut down nuclear power plants in favor of coal-burning technologies. And most regrettably, he failed to offer any kind of explanation into why his administration supports the Department of Energy as they unlawfully stick it to the American taxpayers.

While the DOE waits, and hides behind courtroom appeals, and shirks its responsibilities that it is legally bound to accept, Americans across our country can expect yet more rate increases and yet higher taxes from a government that is either too afraid or too incompetent to act.

How can we face ourselves come Sunday morning—just 4 days from today—if we simply step back and quietly allow this to happen? We could not, we should not, and we will not.

So finally, Mr. President, I urge my colleagues to reassure their constituents that come midnight on Saturday, the people will not be forgotten, that they will return to Washington next week and fulfill their oath to protect the taxpayers and ensure that their Government fulfills its obligation to them, and that we will never allow such a failure to happen again.

Thank you very much, Mr. President. And I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

There being no objection, at 12:51 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

EXECUTIVE SESSION

THE JUDICIARY

VOTE ON NOMINATION OF ANN L. AIKEN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. FAIRCLOTH] would vote "no."

Mr. FORD. I announce that the Senator from Illinois [Mrs. DURBIN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—67

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—30

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Coverdell
Craig
D'Amato
Enzi
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
McCain
McConnell
Murkowski
Nickles
Roberts
Smith (NH)
Snowe
Warner

NOT VOTING—3

Durbin
Faircloth
Moseley-Braun

The nomination was confirmed.

Mr. WYDEN. Mr. President, I move to reconsider the vote.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON NOMINATIONS OF BARRY G. SILVERMAN AND RICHARD W. STORY

The PRESIDING OFFICER. The question is on the confirmations, en bloc, of Barry G. Silverman, of Arizona, to be a circuit judge of the ninth circuit, and Richard W. Story, of Georgia, to be a district judge for the Northern District of Georgia.

The nominations were confirmed.

Mr. LEAHY. Mr. President, I am delighted that we have finally broken the logjam on Ninth Circuit vacancies. Judge Silverman is the first judge to be confirmed to this Court in two years. In the meantime, the Court has been suffering from vacancies amounting to more than one-third of the authorized judgeships for the court and had to cancel over 600 arguments last year.

I congratulate Judge Silverman and his family and thank Senator KYL for his cooperation in this effort. I hope that we will move forward promptly to consider the nominations of Judge Richard Paez, Professor William Fletcher, Margaret McKeown and the others needed to staff this important court.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, I was unable to make my comments earlier involving the consideration and approval of the various judges. I would like to address the Senate for a few moments on this particular issue and, most importantly, to express the strong support for the three nominations that have just been confirmed by the Senate.

Judge Silverman has served with distinction for the past three years on the federal district court in Arizona and will be an impressive member of the 9th Circuit Court of Appeals. Judge Richard Story, has served as a state court judge for many years, and will do an excellent job on the United States District Court in Northern Georgia.

I am particularly pleased that at long last the Senate is allowed to consider the nomination of Judge Ann Aiken. She is an outstanding choice for the federal district court in Oregon. For the past decade, she has served with distinction as a state court judge—first on the district court and, for the past five years on the circuit court. She is widely respected in Oregon for her service to her community. She received the Woman of Achievement award in 1993 from the Oregon Commission for Women. The U.S. Department of Justice honored her in 1994 for her leadership in helping victims of crime.

But despite her impressive qualifications, her nomination has been stonewalled by Republicans in the Senate for more than two years.

On the average, it is taking twice as long for Senate Republicans to confirm President Clinton's nominees as it took for Democrats to act on President Bush's nominations to the federal courts.

For women, the problem is especially serious. Women nominated to federal judgeships are being subjected to greater delays by Senate Republicans than men.

So far in this Republican Congress, women nominated to our federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year.

Last year, the Senate confirmed 30 men, but only 6 women. So only 17 percent of the nominees that the Republican leadership brought before the Senate were women—half as many as President Clinton nominated.

The country is paying a heavy price for this obstruction. Citizens can't get their day in court, because the Republican Senate is playing politics with the courts and preventing needed judicial positions from being filled.

When even a Republican Chief Justice criticizes the Republican Congress, you know something's wrong.

Chief Justice Rehnquist issued his annual year-end report on the State of the Judiciary last month, and he sharply criticized the Republican Senate for refusing to move more quickly to confirm judges.

The Chief Justice is deeply concerned about the high number of judicial vacancies on the federal courts. There are too few judges to handle the workload.

The Republican bottleneck in the Senate is jeopardizing the court system and undermining the quality of justice. Of the 77 judicial nominations pending last year, only 36 were confirmed—less than half. Eleven have been awaiting action for over 18 months.

That's a scandal. Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them—that's obstruction of justice.

Free and full debate over judicial nominations is healthy. The Constitution is clear that only individuals acceptable to both the President and the Senate should be confirmed. The President and the Senate do not always agree. But we should resolve these disagreements by voting on these nominees—yes or no. As Chief Justice Rehnquist said in his annual report, "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time it should vote" up or down.

Some Republicans claim they are protecting the federal courts from "judicial activism." But this argument is a smokescreen. If President Clinton is actually nominating judicial activists, then why is it that these nominees are approved almost unanimously when the Senate is finally allowed to vote on them?

Eric Clay's nomination to the Sixth Circuit Court of Appeals was held up in the Senate for more than 15 months. He was finally confirmed—unanimously—by voice vote.

Joseph Battalion—President Clinton's nominee to the District Court of Nebraska—was held up for 17 months. Then he, too, finally passed the Senate on a voice vote.

Other nominees were confirmed by overwhelming votes, but only after long delays. Katherine Sweeney Hayden was confirmed to the District Court in New Jersey by a vote of 97–0. Ronald L. Gilman's nomination to the Sixth Circuit Court of Appeals and Janet C. Hall's nomination to the District Court of Connecticut were each confirmed by a vote of 98–1.

The closest vote we have had on any of President Clinton's judicial nominees was 76 to 23 in favor of confirmation.

Clearly, the Republicans' claim that Clinton judges are activist judges is a transparent smokescreen being used to slow down the confirmation process. The reason is obvious. The Republican majority in Congress is doing all it can to prevent a Democratic President from naming judges to the federal courts. The courts are suffering and so is the nation.

In some areas of the country, people have to wait years to have their cases even heard in court. And then they have to wait years more for overburdened judges to find time to reach their decisions. Families, workers, small businesses, women and minorities have traditionally looked to the courts to resolve disputes. The lack of federal judges makes the swift resolution of their cases impossible.

The number of cases filed in the federal appeals courts has grown by 11 percent over the last six years. The average time between filing and disposition has also increased. Courts with long-standing vacancies are in even worse shape.

In the District Court in Oregon, the court to which Ann Aiken has been nominated, the number of case filings has risen by nearly a third since 1990.

Another nominee, Margaret Morrow has been nominated to the federal district court in Los Angeles, and I hope we will consider her nomination next week. Since 1994, the caseload in that court has grown by 15 percent. The time people have to wait for their civil cases to be resolved has increased by 11 percent. In that district, over 300 pending civil cases are more than three years old.

Real people are being hurt. Consider the case of Rudy Boerseker, a 40-year-old mine worker in Illinois who was injured by poor maintenance of equipment. The facts of the case made clear that the accident resulted from the mining company's negligence. Yet Mr. Boerseker was finally forced to accept a settlement for less than half of what he would probably have received if the case had gone to trial.

He agreed to an unfair settlement, because he could not afford to wait the three or four years it would take for the case to be decided.

In the Southern District of Texas, 4,000 victims of a student loan scam are waiting for the outcome of a class action suit that has been pending for almost eight years.

In South Carolina, there is still no decision in a suit filed more than six years ago against the state's apportionment laws. The outcome of this case will affect hundreds of thousands of citizens. It goes to the heart of whether the basic constitutional principle of "one person, one vote" is being fairly applied.

In Southern Florida, Julio Vasquez—a U.S. citizen migrant worker—broke his leg in 1989 in a boarding house provided by his employer. To this day, nearly nine years later, Mr. Vasquez has never received sufficient medical attention, and his injury affects his ability to work. He is still waiting for the judge's ruling in his case.

In the District Court of Oregon, a five-million dollar judgment in favor a family business in a patent dispute with a Fortune 500 firm was tied up for more than a year because of the delays caused by two vacancies on the court.

These examples are typical victims of the vacancy crisis in the federal courts.

They are hard-working Americans injured on the job—citizens seeking to exercise their right to vote—students trying to get an education—small businesses denied their rights by large corporations.

It is time to end these delays and end these industries. It's a new year, and a new session, and I hope very much that our colleagues will turn over a new leaf and end these unreasonable, unacceptable, and unconscionable delays.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a Supplementary Notice of Proposed Rulemaking was submitted by the Office of Compliance, U.S. Congress. This Supplementary Notice requests further comment on proposed amendments to procedural rules previously adopted implementing various labor and employment and public access laws to covered employees within the Legislative Branch.

Section 304(b) requires this Notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997). The Congressional Accountability Act of 1995 ("CAA") applies rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 and 215 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHAct"), became effective with respect to GAO and the Library on December 30, 1997. The NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of: (1) proceedings relating to these sections 204–206 and 215, (2) proceedings relating to section 207 of the CAA, which prohibits intimidation and reprisal for the exercise of rights under the CAA, and (3) regulating ex parte communications.

In the only comments received in response to the NPRM, the Library questioned whether the CAA authorizes employees of the Library to initiate proceedings under the administrative and judicial procedures of the CAA alleging violations of sections 204–207 of the Act. The Office is publishing this Supplementary Notice of Proposed Rulemaking (this "Notice") to give the regulated community an opportunity to provide further comment on the questions raised by the Library's submission.

With respect to proceedings relating to section 215 of the CAA (OSHAct) and with respect to ex parte communications, a separate Notice of Adoption of Amendments is being prepared to extend the Procedural Rules to cover GAO and the Library and their employees and to respond to relevant portions of the Library's comments, and will be published shortly.

Dates: Comments are due within 30 days after the date of publication of this Notice.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly provides that GAO and the Library and their employees are included within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act:

(a) EPPA. Section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA")—in which subsection (a) generally prohibits an employing office from requiring a covered employee to take a lie detector test, regardless of whether the covered employee works in that employing office; and subsection (b) provides that the remedy for a violation shall be such legal and equitable relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits.

(b) WARN Act. Section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act")—in which subsection (a) prohibits the closure of an employing office or a mass layoff until 60 days after the employing office has served written notice on the covered employees or their representatives; and subsection (b) provides that the remedy for a violation shall generally be back pay and benefits for up to 60 days of violation.

(c) USERRA. Section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA")—in which subsection (a) protects covered employees who serve in the military and other uniformed services against discrimination, denial of reemployment rights, and denial of benefits by employing offices; and subsection (b) provides that the remedy for a violation shall include requiring compliance, requiring compensation for lost wages or benefits and, in case of a willful violation, an equal amount as liquidated damages, and the use of the "full equity powers" of "[t]he court" to fully vindicate rights and benefits.

(d) OSHAct. Section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct")—in which subsection (a) protects the safety and health of covered employees from hazards in their places of employment; subsection (b) provides that the remedy for a violation shall be an order to correct the violation; and subsection (c) specifies procedures by which the Office of Compliance conducts inspections, issues and enforces citations, and grants variances.

Sections 204–206 and 215 go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The Board of Directors of the Office ("Board") transmitted its study (the "Section 230 Study") to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The NPRM proposed to extend the Procedural Rules of the Office, which govern the consideration and resolution of alleged violations of the CAA, to cover GAO and the Library and their employees in four respects:

(1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the Procedural Rules detail the procedures administered by the Office under sections 401–406. On the premise that GAO and the Library and their employees are covered by the statutory procedures of sections 401–408 when there is an allegation that sections 204–206 have been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of these sections.

(2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA. On the premise that GAO and the Library and their employees are covered under section 207, as well as under the statutory procedures of sections 401–408 when there is an allegation that section 207 has been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207.

(3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the Procedural Rules detail the procedures administered by the Office under that section. As these statutory procedures are part of section 215, which expressly covers GAO and the Library and their employees, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of proceedings under section 215.

(4) Section 9.04 of the Procedural Rules, which regulates ex parte communications, includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a

proceeding or rulemaking." As GAO and the Library and their employees may reasonably be expected to be involved in proceedings and rulemakings, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

As to proceedings under section 215 of the CAA (OSHAct) and *ex parte* communications, the Library's comments argue that the Library should not now come under the Office's Procedural Rules generally or under the Rules relating to section 215 proceedings specifically. After considering those arguments, the Executive Director, with the approval of the Board, has decided to amend the Procedural Rules to cover GAO and the Library and their employees with respect to proceedings under section 215 and *ex parte* communications, and a NOTICE OF ADOPTION OF AMENDMENTS to accomplish this and to respond to relevant portions of the Library's comments is being prepared and will be published shortly.

However, as to whether CAA procedures cover GAO and the Library and their employees for purposes of resolving disputes under sections 204–207, the Library's comments raise issues of statutory interpretation upon which the Office seeks comment. The Library argues that Congress "expressly excluded" the Library and other instrumentalities from the application of all procedural and other provisions of the CAA other than the substantive provisions in Title II. The Library states: "A fair reading of the CAA is that Congress intended to ensure that the Library's employees were covered by the substantive protections of the law, but that no procedural regulations should affect the Library's employees until the Office of Compliance completed its study [under section 230], made its legislative recommendations, and Congress acted on those recommendations." (The Office of Compliance had made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) The Office hereby invites the views of the entire regulated community on the issues raised by the Library, including the following specific questions:

SUPPLEMENTAL REQUEST FOR COMMENTS

1. *Can GAO and Library employees use the administrative and judicial procedures of sections 401–408 of the CAA when a violation of sections 204–206 (EPPA, WARN Act, USERRA) is alleged?*

As noted above, the NPRM was premised on the view that the administrative and judicial procedures of sections 401–408 cover GAO and the Library and their employees with respect to proceedings where violations of sections 204–206 are alleged. Because the procedures in sections 401–408 can only be invoked upon an allegation that substantive rights granted in Title II have been violated, the procedures arguably derive their scope from the substantive provisions involved in a particular proceeding. Sections 204–206 expressly cover GAO and the Library and their employees, and, if the premise of the NPRM is correct, proceedings under sections 401–408 that involve alleged violations of sections 204–206 may likewise cover those instrumentalities and employees. However, the Library's comment challenged this premise, arguing that Congress "expressly excluded" the Library and other instrumentalities from the application of all portions of the CAA except the substantive provisions of Title II.

Commenters are asked to provide their views as to whether the statutory procedures under sections 401–408 should be construed as covering GAO and the Library and their employees where violations of sections 204–206 are alleged, and are requested to present the legal rationales that may bear on this inquiry. Commenters should address:

The relationship, if any, between the substantive requirements and remedies granted in part A of Title II and the procedures established in Title IV of the CAA.

The definitions and usage of the defined terms "covered employees" and "employing office" in various portions of the Act.

Whether the statute can be read to provide substantive rights and remedies but not procedures.

The provision in section 415 of the CAA prohibiting the use of the Office's awards-and-settlements account for awards and settlements involving GAO and the Library.

The effect that section 225(d) of the CAA should have in determining this issue.

The canons of construction requiring that statutes in derogation of sovereign immunity must be construed strictly in favor of the sovereign and that a statutory construction which raises constitutional questions such as separation-of-powers may be adopted only if clearly required by the statutory text.

2. *Notwithstanding whether the procedures established under the CAA apply, are other procedures, whether internal or external to GAO and the Library, available for considering alleged violations of sections 204–206 and for imposing the remedies available under those sections?*

In considering the *Section 230 Study*, The Board received information from GAO and the Library and their employees indicating that a variety of internal and external venues are available for consideration of employee allegations of violations of workplace rights and protections. Commenters are invited to provide their views on the extent to which procedures other than those established by the CAA are available to GAO and the Library and their employees where a violation of sections 204–206 is alleged and the monetary and equitable remedies specified in those sections are sought. Furthermore, insofar as existing procedures may not comprehensively cover any dispute or provide any remedy afforded under the CAA, do GAO, the Library, and other employing offices have the authority to craft new procedures and, through such procedures, to grant whatever monetary and non-monetary remedies the CAA provides?

In responding to this inquiry, commenters are also asked to consider the implications of several provisions in the CAA. Do the following provisions limit the availability to GAO and the Library and their employees of the administrative, judicial, and negotiated procedures and might otherwise be available to them where violations of sections 204–206 are alleged and remedies granted under those sections are sought:

Section 225 (d) and (e) and 401 contain provisions specifying, in general terms, what procedures must be used to consider a CAA violation and to seek a CAA remedy.

Sections 409 and 410 allow judicial review of CAA regulations and of CAA compliance only pursuant to the procedures of section 407, which provides for judicial review of Board decisions, and section 408, which provides a private right of action.

Commenters are also requested to be clear as to whether procedures available outside of the CAA cover claims by applicants for employment, former employees, and temporary and intermittent employees, and whether these procedures cover allegations by GAO or Library employees that their rights granted under the CAA were violated by other employing offices and allegations by employees of other employing offices that their CAA rights were violated by GAO or the Library.

3. *Does section 207 of the CAA cover GAO and the Library and their employees with respect to sections 204–206 and 215? If not, do other laws, regulations, and procedures covering GAO and the Library and their employees afford similar protection against intimidation and reprisal for exercising CAA rights?*

The NPRM proposed to amend the Procedural Rules to cover GAO and the Library and their employees with respect to "any allegation of intimidation or reprisal prohibited under section 207 of the Act." While the Library did not object to this proposal, section 207 does not expressly cover GAO and the Library and their employees. Comment is therefore invited on whether the prohibition against intimidation and reprisal established by section 207 should be construed as covering GAO and the Library and their employees.

If section 207 is construed not to apply, would other laws and regulations covering GAO and the Library and their employees afford protection against intimidation and reprisal for exercising rights under the CAA? Would these laws and regulations afford the same substantive rights and remedies as section 207? What procedures would be available to consider violations and to impose such remedies? Commenters are requested to be clear as to whether such laws, regulations, and procedures outside of the CAA cover applicants for employment, former employees, and temporary and intermittent employees, and whether these laws, regulations, and procedures cover allegations that GAO or the Library intimidated or took reprisal against employees of other employing offices and allegations that other employing offices intimidated or took reprisal against GAO or Library employees for exercising rights granted under the CAA.

No decision will be made as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of alleged violations of sections 204–207 until after the comments requested in this Notice have been received and considered. During this interim period, the office will accept requests for counseling under section 402, requests for mediation under section 403, and complaints under section 405 filed by GAO or Library employees and/or alleging violations by GAO or the Library where violations of sections 204–207 of the CAA are alleged. Any objections to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408. The Office will counsel any employees who initiate such proceedings that a question has been raised as to the Office's jurisdiction and that the employees may wish to preserve their rights under any other available procedural avenues.

Signed at Washington, D.C., on this 26th day of January, 1998.

RICKY SILBERMAN,
Exective Director, Office of Compliance.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, January 27, 1998, the Federal debt stood at $5,490,127,380,051.53 (Five trillion, four hundred ninety billion, one hundred twenty-seven million, three hundred eighty thousand, fifty-one dollars and fifty-three cents).

One year ago, January 27, 1997, the Federal debt stood at $5,312,990,000,000 (Five trillion, three hundred twelve billion, nine hundred ninety million).

Five years ago, January 27, 1993, the Federal debt stood at $4,174,096,000,000 (Four trillion, one hundred seventy-four billion, ninety-six million).

Ten years ago, January 27, 1988, the Federal debt stood at $2,448,164,000,000 (Two trillion, four hundred forty-eight billion, one hundred sixty-four million).

Fifteen years ago, January 27, 1983, the Federal debt stood at $1,196,387,000,000 (One trillion, one hundred ninety-six billion, three hundred eighty-seven million) which reflects a debt increase of more than $4 trillion—$4,293,740,380,051.53 (Four trillion, two hundred ninety-three billion, seven hundred forty million, three hundred eighty thousand, fifty-one dollars and fifty-three cents) during the past 15 years.

CLIMATE-RELATED CHANGES

Mr. GRAMM. Mr. President, with the administration expected to seek eventual Senate approval of the recent Kyoto Protocols on "global warming," I would like to enter into the RECORD an excellent article on the subject by the noted author and historian T.R. Fehrenbach. It is a timely reminder of the many climate-related changes our planet has experienced and places the current debate in much needed historical context. I commend this article to my Senate colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Antonio Express-News, Jan. 4, 1998]

WHO'S REALLY FULL OF HOT AIR?

The most cursory study of geology, archaeology and history shows that Earth has undergone vast climatic changes throughout its existence. The oil and gas under Texas soil come from natural decay when this land was a hot, fetid, fern-filled swamp. Later Texas was covered by sea, emerging again as geological "new land."

When the first human beings arrived, it was much cooler and wetter than today, supporting very different life forms from those Indians hunted in historic times.

Archaeology shows that Saudi Arabia was once a well-watered, populated plain, while Greece and Italy were heavily forested. Yes, people cut down those trees, some to make the ships that Helen launched, but man had nothing to do with the enormous climatic changes around the Mediterranean during our own geologic age, the decaying Pleistocene.

The world has grown steadily warmer and drier, the reason Spanish forests, once cut, never resprouted. Conversely, today in Alaska cut-over forests regrow within a few years without replanting.

The evidence of repeated glaciations—they seem to come about every 20,000 solar years—lies all over North America, the most obvious being our Great Lakes. During these repeated Ice Ages, Earth's water supply being constant, the oceans shrink, falling as much as 200 feet. The first Americans got here across a land bridge now sunk beneath the Bering Sea. But as glaciation recedes the seas rise, which they have been doing for thousands of years.

In recorded history, we can trace a warming trend interspersed with "little Ice Ages" or irregular cold periods within the cycle. The Rhine and Danube froze over in late Roman times; wine-growing in those regions was impossible. With warming, olive orchards grew in France, only to be destroyed by horrendous cold in the late 16th and early 17th centuries, the same change that killed off Norse settlers in Greenland.

Climatology, a still-rudimentary science, attributes these cycles to sunspots, changes in the sun's energy output, or to slight tilts in the Earth's axis. A wobble can make a difference of a degree or two in average temperature, and that much difference can make seas recede or flood and huge areas unfit for agriculture.

Then there's El Niño, killing off marine life and raising hob on both sides of the Pacific Rim. It was around for thousands of years before the media discovered it.

Archeologists believe El Niños in A.D. 546 and 576 destroyed an early Indian civilization in Peru with floods, soil erosion and destruction of irrigation systems, followed by a 32-year-long drought.

And, of course, there's vulcanism, very active in our age. The bubbling up of Earth's molten core causes volcanic eruptions, earthquakes, and vanishing islands. Everybody knows about Pompeii; few know about the many thousands killed in this century, or the eruption of a Pacific crater that, by smoke and dust hurled into the atmosphere, caused crop failures across America in the early 1800s.

And, friends, the tectonic plates, which once separated continents, are still shifting ever so slightly. One day California may join Japan, if it doesn't join Atlantis first.

Climatic disasters occurred before man, and most have happened when there weren't enough wood-burning people around to create atmospheric pollution or much other kind. This is why I suspect the recent Kyoto Protocols on global warming (though it exists and governments should study it) are an exercise in human arrogance.

The Kyoto pontificators were mostly politicians, social scientists (which the media accept as "scientists") and bureaucrats, while climatologists, weathermen, and true "hard" scientists remain divided as to the causes of global warming and whether it's good or bad. They agree, meanwhile, that nothing disastrous in any case will happen for 100 years, when we may be in a new Ice Age.

Listening to the rhetoric makes me wonder if we've advanced all that far from the days of the Aztecs, when priest-rulers ordered sacrifices to propiate nature, in their case tossing virgins down wells to bring rain and cardiectomies to make the sun rise. We understand the forces of nature better—but we have no more control over them than ancient peoples praying to the moon.

Without more proof—of the scientific, not the ideological kind—I'm not prepared to sacrifice my Grand Cherokee to the current shamans' gods.

MEDICARE, FREEDOM, AND PRIVATE CONTRACTS

Mr. GRAMM. Mr. President, one of the most important pieces of legislation that will be considered by the Senate this year is Senator JON KYL's bill, S. 1194, the "Medicare Beneficiary Freedom to Contract Act". I am proud to be an original co-sponsor of this bill.

Enactment of this legislation will insure that our senior citizens who participate in the Medicare program will retain the right to pay for the treatment or services they want from the doctor of their choice.

The Clinton administration has sought to restrict such a fundamental freedom but I do not believe that the American people will support that position once we have had a chance to bring the matter to their attention.

Mr. Kent Masterson Brown, writing in the Washington Times on January 25, 1998 has provided a succinct analysis of this issue and I commend his article to my colleagues. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE'S ASSAULT AGAINST THE ELDERLY

Throughout my 23-year career as a litigator of constitutional issues, principally in the health care arena, I have witnessed the growth of Medicare with a sense of alarm.

From what was designed by Congress to be a "voluntary" health benefits program for the elderly, it has mutated into a bureaucratic leviathan that controls who provides health care services, and how those health care services are delivered—despite absolutely explicit, statutory guarantees to the contrary. We now have a federal agency—the Health Care Financing Administration (HCFA)—involved in a relentless effort to totally control the delivery of health care to the elderly by deciding, without legal authority, what services a physician will provide even though Medicare will not pay for them. Those controls now manifest themselves in the denial of basic health care services to the elderly, as well as denying the elderly access to the most innovative and cost-effective health care technologies.

HCFA has exercised its power to control the delivery of health care by steadily racheting down payment for health care services, and, at the same time, stepping up its threats against providers who deliver health care services which HCFA, for purely fiscal reasons, deems "unnecessary" even though those services might be life-saving and even though the federal government does not pay for them. Recent changes in law which we are challenging in court, will make the situation even worse.

To understand what is taking place, we need to start with the basic Medicare law. Nowhere in the Medicare Act is a beneficiary required to file a claim for payment for health care services each and every time he or she sees a physician. Yet, those in charge of HCFA threaten physicians with severe sanctions "even criminal prosecution" if they do not file such claims. Why make such a demand, which only adds to costs? If a car insurance company made such demands on its policyholders everytime a door was dinged it would go bankrupt.

In 1992, I had to file a lawsuit in federal court in Newark, N.J., in order to allow five patients to contract privately with their personal physician. All those patients wanted was the opportunity to see their physician in the nursing home more than once a month and to protect the privacy of their medical records, nothing more. The federal government, however, threatened the physician with sanctions if she complied with the patients' wishes and did not file a claim. HCFA entered the courtroom declaring that the physician could not contract privately with her Medicare patients because she is required to file a claim with Medicare each and every time she sees her Medicare patients. If those patients wanted to pay privately, HCFA declared, they could write a check to the federal government.

The federal court disagreed with HCFA in Stewart vs. Sullivan. The court found there were no statutory prohibitions against private contracting for Medicare beneficiaries and that HCFA had developed no "clearly articulated" policies against it. The threats were just that: threats. They were made without any statutory or even regulatory authority.

Last summer, all this sparring took a drastic turn for the worse. Congress, under pressure and threats from the Clinton administration, enacted Section 4507 of the Balanced Budget Act of 1997. This provision makes it unlawful for a physician to contract privately with a Medicare-eligible patient unless the physician agrees, in writing, not to bill Medicare for any services delivered to any Medicare patient for two years.

The practical consequences of Section 4507 "which amounts to a de facto ban on private contracting" are not difficult to foresee. We know, for example, more than 96 percent of the nation's physicians see Medicare patients. We know the vast majority of these physicians will not abandon all their current Medicare patients in return for entering into private contracts with a few. And we know many of the less than 4 percent of physicians not directly affected by the de facto ban already, for one reason or another, have been excluded from the Medicare program. Thus, no senior citizen will be able to contract privately for any meaningful health care services even if he or she could find a physician who was willing.

Seniors are thus left with a "take it or leave it" system that denies and rations health care. They will get only those services the federal government says they should get Nothing more can be provided—even if they wish to pay for it themselves.

What does this mean in real life terms? The answer is simple. For everyday, inexpensive screening and diagnostic laboratory services, our seniors will receive one, unless there is an "approved" diagnosis accompanying a claim for payment filed with HCFA. Because all laboratory services claims must be filed on an "assignment" basis, if HCFA will not pay, the services will not be provided unless the physician pays for them and exposes himself/herself to severe sanctions.

Thus, the elderly will be denied asymptomatic prostate-specific antigen (PSA) tests to detect prostate cancer, asymptomatic serum glucose tests to detect diabetes, and thyroid tests to detect hypothyroidism and hyperthyroidism, to name a few.

What is alarming is that senior citizens, more than most, need to have such tests available because as a group they are the most vulnerable to a variety of life-threatening diseases. To detect these diseases (all of which have long asymptomatic periods) early is to control or to cure them. That saves lives and money. If HCFA get its way, seniors will only get those important diagnostic tests after the symptoms have appeared—either too late for much help, or when intervention becomes expensive. That is how the federal government has determined to control health care for what it calls our "frail elderly."

This is Medicare's brave new world. It is a world that offers the minimum at best. It allows for no decision-making on the part of the Medicare beneficiary.

It is incredible that in this country—supposedly the freest on Earth—the government prohibits a senior citizen from paying for his or her own health care. Even in the British National Health Service, a citizen can privately contract. But not here.

If the U.S. Constitution protects a pregnant teen-ager when she seeks an abortion, even one so young the law considers her lacking the capacity to vote, it must protect senior citizens who seek only to receive the health care they want and for which they are willing to personally pay. If the Constitution protects the medical records of those with deadly diseases about which we know very little, it surely protects the medical records of seniors who seek privacy. If the Constitution protects citizens against discrimination, it surely protects seniors from being singled out and denied the opportunity to make decisions regarding their personal health just because they are 65 years of age or older.

On Dec. 30, the members of the United Seniors Association, including Tony Parsons, Peggy Sanborn, Ray Perry and Margaret Perry filed a lawsuit in federal court asking that Section 4507 of the Balanced Budget Act of 1997 be declared unconstitutional as violative of Article I, Section 8, of the Constitution and the First, Fourth, Fifth, Ninth, 10th and 14th Amendments of the Constitution. They have asked the court for an injunction to stop the Clinton administration from enforcing Section 4507, and to block any attempts to interfere in the private contracting of America's elderly.

Until this unconstitutional provision is eradicated by Congress, the freedom and safety of America's senior citizens will be severely jeopardized.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. COVERDELL. Madam President, parliamentary inquiry: It is my understanding that for the next hour and a half the control of the time is under the direction of the Senator from Georgia or others he may designate.

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from Georgia or his designee is recognized for 90 minutes.

Mr. COVERDELL. Thank you, Madam President.

STATE OF THE UNION RESPONSE

Mr. COVERDELL. Madam President, last night President Clinton delivered some good news and some bad news for those who, like me, want to address the crisis in American education. And Madam President, that crisis exists in grades kindergarten through high school. I repeat, kindergarten through high school. The good news is that President Clinton has finally joined the Republicans in recognizing that we must address this crisis.

It is bad enough that our Nation's schoolchildren have to run a gauntlet of drugs and violence just to sit in class, but when they get to the classroom they are not learning the basics. Just recently, a study published in Education Week showed that only 4 in 10 urban school students could master basic math and reading skills. Four in 10. It does not get much better when we move to the suburban schools. There it is only 6 in 10 who can master these basic skills when tested.

Madam President, we are failing our students, and we clearly are not preparing America for the new century that the President spoke of last evening. Republicans first attacked this problem with a comprehensive proposal over 1 year ago, S. 1, that addressed how to help children in unsafe schools, how to increase literacy, and how to give new authority to parents and communities to improve their local schools.

Regrettably, although we were able to reach common ground on making college more accessible and affordable, President Clinton fought real education reform for the kindergarten through high school grades every step of the way.

Most notably and unforgettably, he threatened to veto the entire tax relief bill last year unless we dropped one single provision, one that provided education savings accounts to parents for use for their child's specific educational needs.

Madam President, if there was ever a proposal that was win-win in this city, the education savings account was it. The President said he would veto the entire tax relief proposal if that remained. The bad news in President Clinton's speech last night is that he still does not understand what needs to occur and where it needs to occur for grades kindergarten through high school. President Clinton last night repeated his belief that politics should stop at the schoolhouse door. I agree. I do not know anybody who does not agree. President Clinton should get out of the schoolhouse doorway and allow real education and reform to help the kids inside those schools.

What we saw last night was education proposals that ignored giving parents and local communities real power and real choices; ignored real reform in favor of business as usual—we call it the status quo around here—spending increases, and paying for all these new programs with money the Government does not even have and may not ever have. I repeat, paying for all these new programs in the State of the Union with money the Government does not have and may never have.

We have a better way. It is called BOOKS, the Better Opportunities for Our Kids and Schools Act.

Madam President, BOOKS has several very powerful provisions that do exactly what I just alluded to—give new authority and choice to parents, give new authority and choice to States and local school districts that move decisionmaking capability to the people on the frontline and away from the Washington bureaucrat who could not associate a single face with a single name.

Title I. A-plus accounts, education savings accounts. Parents can contribute $2,500 a year for a child's K through 12 education—public, private, religious or home schools. Everybody wins no matter where their children are in school. I might add that if they chose, they could keep those savings accounts on through higher education as well.

Dollars could be used for a home computer, the tutor that is needed for a math deficiency, tuition or the expenses of home schooling; 75 percent of these massive new resources would be used by those in public schools. They would be a major winner. And 70 percent of the people taking advantage of the savings account earn less than $75,000 per year. The Joint Tax Committee is the source of this estimate. The cost would be $2.6 billion over the next 5 years. Basically, what we are saying is that we are going to leave $2.6 billion in the checking accounts of parents trying to help their children.

Title II. Dollars to the classroom. Dollars to the classroom would block grant about $3 billion to States and continue to send $7 billion in title I, part A funds to the States with only one requirement—that 95 percent of those Federal dollars go to the classroom to where the kids are, not where the bureaucracy offices are. So the money to the disadvantaged children stays the same with the exception we want it in the classroom, and we free $3 billion a year so that those local school districts can do what they need to do. Do they need to hire teachers? Then they hire the teachers. Do they need to build schools? Then they build schools. Whatever it is they need—not what we envision they may need—could be done through dollars to the classroom. Bureaucracy eats up scarce dollars as State and local governments comply with Washington's strings. This is not new. It has become endemic in our Government.

Even in title I, the moneys that go to the disadvantaged, 99 percent reaches the school district but 4 to 13 percent is eaten up by administrative costs—4 to 13 percent. That is big dollars. The $3 billion block grant could pay for as many as 50,000 teachers a year and 1 million new computers every year or it could pay for building up to 500 elementary schools. The key point here it is their choice—their choice.

Title III. Opportunity and safety for low-income children. This is a 5-year pilot choice program at 20 to 30 sites to allow low-income children to attend a safe school through a choice system. We would invest $75 million for 1 year on this project.

I do want to point out, Madam President, that this is voluntary. This is not imposed on anyone. In fact, with the exception of requiring that Federal dollars go to the classroom at the 95 percent level, there is nothing in the BOOKS Act that is mandatory. It defines, under this title, low income as 185 percent of the poverty line. Unsafe schools are those with high crime rates, serious drug problems and disciplinary problems. This gives kids at risk a chance to attend a public, charter, private, or sectarian school where the emphasis is on learning, not survival.

Madam President, I just think it is unconscionable policy to order children to go to schools that are certifiably unsafe and drug ridden.

Title IV. Testing and merit pay for teachers. It allows States to use Federal funds to reward good teachers and weed out the bad, and it will make it easier for States to carry out performance assessments of teachers and establish merit pay programs. Americans across the board agree with these concepts. Reward good teachers, weed out the bad, and make it easier for States to carry out performance assessment of teachers.

Title V. Reading excellence. This is similar to Chairman BILL GOODLING's bill in the House which passed the House by a voice vote on November 8, 1997.

Madam President, it would provide $210 million for teacher training and individual grants for K through 12 reading instruction. It requires funds to be spent on programs demonstrated by scientific research to be effective, like phonics. It gives parents of kids at risk the ability to purchase additional tutoring assistance through grants.

President Clinton's America Reads program which cost $2.7 billion over 5 years proposed sending semitrained volunteers into the classroom. This is a flawed concept, when you would send a semitrained volunteer into a classroom that has already demonstrated that it is not teaching a student to read. So you would send an unprofessional volunteer to help the student read better—that is not logical. The reading excellence title requires funds to be spent on programs proven effective by scientific research to enable the teacher to improve his or her skills so that she or he can teach the student to read.

Title VI is the teacher and student safety title. This title allows the use of Federal funds to move victims of violence to safe schools. They could be a public, private or sectarian schools. The key here is if the student has become a victim, there should be nothing in the way of that school board's ability to move the student to a safe place. It allows use of noneducational funds—Victims of Crime Act administered by the Department of Justice—for innovative programs to help victims and witnesses of crime on school property. And it encourages the use of immediate notification and annual report cards to parents and teachers about incidents of violence and drugs at schools.

Title VII is the Charter Schools Expansion Act title. This is similar to Congressman RIGGS' bill which passed the House 367 to 57 on November 7. This provision of the legislation ensures charter schools are eligible for their fair share of Federal funding, whether it is title I, IDEA, or title VI block grants. Charter schools are public schools freed of many of the regulations in turn for increased accountability in terms of student outcomes. Without excessive regulation these schools are better able to design programs tailored to the needs of students and communities.

Madam President, I see we have been joined by my good colleague from Nebraska. I am going to turn to the Senator in just a minute or so here.

Under title VIII, the last title, we say the Federal Government should honor its agreement, which it made when it imposed special education requirements on local education, to fund a sizable portion of it. We agreed to fund up to 40 percent but we have never done it. You know, it's one of those stories, "The check is in the mail." It never quite gets there.

Senator GREGG deserves a lot of credit for this. He started the process last year but this would finish it with $9.3 billion over the next 6 years to fully honor our commitment to fund special ed, which we call IDEA. That would free up $9.3 billion for local communities to assess and take care of their own specific needs. That is the general description of the proposal our conference announced on January 20.

I now turn to my colleague and good friend from Nebraska, Senator HAGEL, for up to 7 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I would like to make a couple of observations about last night, the agenda for the second session of this 105th Congress; what is ahead of us, what is ahead for the American people, the challenges that lie ahead for the world.

As I listened intently and seriously last night, as I am sure all my colleagues did, to the President's message, questions came to me like, "Isn't the definition of the debate for this year and the defining of the debate that the Congress will have into the next century about the role of Government?" That is the issue. What is the role of Government in our lives? How much Government do we want? How much Government can we afford? What do we want Government to do for us? And how much are we willing to pay for Government?

The President—and I have all eight single-spaced pages of the text of his speech last night—gave a good speech. But the speech was about new programs, the federalization of America. This is the same President who said 2 years ago in a State of the Union Message that the era of big Government is gone. No more big Government. And then the President said last night, early on in his text, that we, today, have, "the smallest Government in 35 years." I don't know how the President measures that, but this body is going to debate this year a $1.7 trillion Federal budget to keep this small little Government going.

He talks about federalizing education. I don't find the responsibility of the Federal Government to be education anywhere in the Constitution. I don't find it in any document that education is in the purview and the province of the Federal Government. Yet this President says we, the Federal Government, representing the people who pay the taxes, are going to hire 100,000 new teachers. We are going to federalize new teachers. We are going to build new schools across America, federalize our schools. But yet, of course, he fails to tell us how he intends to do that. Where are those resources coming from?

At the same time he boasts, rightfully so, that we in fact have moved toward balancing our budget. So he takes credit for that on this side. And then on this side we have page after page, line after line, of new Government spending proposals.

Medicare has been running a deficit the last couple of years. Yet this President is proposing that we add more people onto Medicare. This is at the same time the President and the Congress have come together and said we need a Medicare commission, a bipartisan Medicare commission to take a look at the seriousness of the problem, of the issue, of the challenge, and report back to the President next year. But, no, he decides not to wait for that.

Child care—we are going to federalize child care? These are all important, critical issues for our country, for our people. Of course they are. But I think we might be better off if we would essentially continue this effort to cut Government, cut spending, cut programs, cut taxes, and take the responsibility of governing ourselves back to where it should be; back to the cities, the school boards, the counties. Who best understands the problem? I trust school boards. I trust teachers. I trust parents. I don't trust bureaucrats. We are rapidly developing into this monolithic centralization of bureaucratic rule. People in the Department of Education and all these areas are good people, family people, but we just, year after year, load more on them.

I ask this question when I hear a retort from my friends on the other side, or from the President, that Medicare, for example, and all these new programs, will pay for themselves; there will not be an increase in spending; we don't need to find more taxpayers' money: Is there anyone out there who can show me any time we have had a Federal program that has gotten smaller? Do Federal programs and agencies and bureaucracies and departments vanish after a few years? Oh, no, no; they get bigger. And who has to pay for it? My children and your children. And it gets bigger and bigger. Where have we cut Government in the 1990s? We have cut it in one department. What department? Defense. Our national security has been cut over the last 10 years in real dollars by 40 percent. How many other departments and agencies have been cut? None.

So my point is this. Before we rush into all these new programs and new Government and new federalization, we better sober up for a moment. This is not a time for campaign rhetoric. This is not a time for campaign speeches. This is a time for clear-headed, strong, dynamic, smart, realistic leadership, gutsy leadership. That is what America demands. That is what America will get.

I say these things not because I am opposed to the President or trying to complicate the President's life. But we, too, have a constitutional responsibility in this body. We have accountability to the people we represent. And this is one U.S. Senator who is going to ask some very tough questions about every one of these new programs.

I yield the floor.

Mr. COVERDELL. Madam President, I thank the Senator from Nebraska for his remarks and the contribution he made here this afternoon. I am going to now turn to our distinguished colleague, Senator HUTCHINSON from Arkansas, and yield up to 10 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Georgia for yielding. First, I want to associate myself with the remarks of the Senator from Nebraska and his excellent analysis of the efforts by our government to federalize not only education, but many other programs as well. And I applaud Senator COVERDELL from Georgia for his efforts in the area of education, and in particular, his leadership on the Better Opportunities for Our Kids and Schools Act, the BOOKS Act. I believe this bill demonstrates that we, as Republicans, have a deep concern about education in this country. We have a deep concern about improving education for our children, who are precious to us. And we recognize that this is best done at the local level, where teachers know the names of our kids, and can pick up the phone and call the parents when the need arises. These decisions are better made at the local school district level, the State level, and not by a greater and bigger Federal bureaucracy.

Last evening, in his State of the Union Address, the President proposed "the first ever national effort to reduce the class size in the early grades . . . by hiring 100,000 new teachers." So I ask, is this really a genuine effort to reduce the size of our children's classes? Or is it just another exercise of ever bigger Government, and a move in that gradual effort toward federalizing education in this country?

Why are new teachers, mandated from Washington, the ticket to smaller class sizes? It is well-documented that many States across this Nation have taken on the responsibility of reducing the size of their classrooms; namely, California, Virginia, Massachusetts, Connecticut and Wisconsin. The Governors of these five States have proposed hiring thousands of new teachers using, not Federal dollars, but State dollars. This makes sense, allowing individuals closest to our children to make these kinds of decisions.

Madam President, I trust those individuals in the thousands of cities and towns across this country who know your child's name, to make the important decisions that impact the very classrooms in which our children learn much more than I trust bureaucrats in our Nation's capital. In an effort to allow States and localities to make these decisions, I, as part of the BOOKS legislation, will be introducing the Dollars to the Classroom Act, that will redirect about $3 billion of K–12 education dollars to the States, requiring only that 95 percent of that money actually reach our children's classrooms. This money can be for books, it can be for teachers, it can be for computers—whatever the local education officials deem necessary and important to the education of our children.

While no one can deny the importance of providing the best possible education to our children, we also must implement these programs in the most responsible manner: by returning control over the education of our children to the place that it belongs, the parents and teachers and local communities and local school boards. By doing that, we will ensure that education dollars are spent wisely on programs and activities which really benefit our children in the classroom.

Currently, the vast majority of all Federal education funding does not go to school districts or classrooms. In fact, in 1995, of the $100 billion the Federal Government allocated for education programs, only about 13 percent actually got to the local level from the Department of Education. That is a travesty, and a national nightmare.

Madam President, the current system of Federal bureaucrats attempting to administer hundreds of education programs to our children is, to say the least, highly inefficient, as reflected in falling test scores and increased illiteracy rates.

Many students are not adequately prepared to meet the challenges of life beyond high school, whether they go on to college, take a job, or attend a trade school. In fact, last year alone, 43 percent of high school seniors scored below the basic level in science, while 29 percent of all college freshmen were required to take at least one remedial course. Most alarming is that 68 percent of employers say that high school graduates are not prepared to succeed in the workplace. These statistics paint a very sad picture in a country which prides itself on having the best education system in the world. When limited Federal funding is spread so thin over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

So I ask my colleagues to join Senator COVERDELL and my good friend from Nebraska, Senator HAGEL, and I, in asking hard questions. Which do our constituents really prefer? In whom do the citizens of America really place their confidence? The real question is—is it going to be BOOKS, or is it going to be bureaucrats? So why not let those on the State level, why not let those on the local level, who best know the needs of our children, make those decisions, make those determinations? Perhaps it is books, perhaps it is computers, or perhaps it will be a need for more teachers so that children will have smaller class sizes. But I truly believe that those decisions must be made at the local level.

I believe the alternative, the Dollars to the Classroom Act, demonstrates not only our commitment to the education of our kids, but also proves that there is a better way to implement this commitment rather than creating an ever-growing Federal bureaucracy and appropriating ever-larger sums of money which are failing to provide for the real needs that our schools have.

So, once again, I applaud Senator COVERDELL for his leadership in education, his leadership on our efforts to improve education for all of the children in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I commend the Senator from Arkansas. I think he very adroitly draws the distinction between our proposal, which frees these local communities to make decisions about what they need, in distinction to the last 30 or 40 years where more and more and more we have somebody, as you say, who couldn't recognize one of the students, trying to set the priorities, and all the assistance we send is with a mandate to shackle the local school boards.

Everywhere I go—I don't know about yourself—but it is over and over I am being told that you all are going to have to decide. "You all have to let us teach these kids." Or, "Are you going to keep mandating us and throttling us down with all of your agendas?" And while we have been doing that, we, each year, have more and more data suggesting that the children cannot do the basics, cannot read right, they cannot understand the basic science, and they cannot add and subtract.

If they cannot do that, they cannot succeed in our society. I think you have adroitly hit it. And I appreciate your work on dollars to these local systems.

We have now been joined, Madam President, by the distinguished Senator from Florida, Senator MACK. I yield Senator MACK up to 10 minutes.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Thank you, Madam President.

I thank the Senator from Georgia for this opportunity. I want to again commend the Senator for the leadership he provided last year in focusing us on this issue, leading the debate and the effort to try to pass the A-plus education savings account with great leadership. We appreciate what the Senator is doing.

I want to kind of set the stage as to why I think the issue of education is so important. When I go home and speak to the people, they will tell you that the No. 1 issue facing the Nation, facing their State, facing their community, is education. I think they recognize that if their children are going to be successful with their lives, they have to have an education that is second to none.

But let me put it in a broader perspective in that I believe that the 21st century is going to be the century of knowledge.

We have all heard about, for the last 10 or 15 years, folks like Alvin Toffler talking about the information/communications age. Some of us find ourselves totally surprised that we are engaged in playing around on the computer, the Internet, things I couldn't have dreamed of a couple years ago. We know there is an explosion of knowledge and information out there. We also know that if our children are going to be successful and be able to compete in the 21st century, they are going to have to have an education second to none.

To just build on that, there was an educator in the State of Florida—President Bush put him on his commission—Mitch Madique, who is the president at one of our State universities. He traveled to South America and had discussions with the various leaders of education in those countries. They were saying to him, "We are really looking forward to the 21st century because competition in the 21st century is no longer going to be based on military capability, military strength or the amount of your natural resources. Instead, competition is going to be based on knowledge. If that's the case, we're all starting off on the same foot. And we believe we have just as much of an opportunity to develop a first-class education system as you do. So we look forward to competition in the 21st century."

To me, this means that if those three little grandsons of mine, who are 13, 11 and 4, if they are going to have an opportunity to make it, and if they are going to have an opportunity to have the same kind of experiences and opportunities that we had, then they do have to have an education that is second to none.

The proposals that the Senator from Georgia has already laid out make clear that there is not going to be a solution described and defined at the Federal level and passed on to the local communities and States. Conversely, we believe that the answers are going to come from the grassroots level.

So I would like to just share for a moment an experience that I had in California a few years ago. I went to a school in the area where the riots took place. The name of this school was the Marcus Garvey School. We have had some experience with the Marcus Garvey School here in Washington. The experience we had in California was totally different than here locally, so don't be confused.

As I went to the school and I drove down the street, I would suggest that probably most of you would think, "I'm not sending my child to that school." There were just absolutely no amenities. There was not a blade of grass anywhere. There was not a single basketball hoop or any playgrounds that I could see. There was just a building that had been converted, I am not sure what from, into a series of classrooms.

We went in and we met with the owner, the administrator, the principal—all one person. His name was Anyim Palmer. His office was probably 10 by 12, stacked full of papers. He had no secretary. When the phone rang, he answered it. The equipment or the desks and chairs appeared to be 30–40 years old. The point I am making is there was not a lot of money invested in amenities in this school.

He suggested that maybe we go down and work our way through the different classes that were being taught. We started out in the day care area. We saw about eight or nine children age 2—not second grade, but age 2. When my wife and I went down to the room, the teacher said to the children, "Show the Senator and Mrs. MACK how you can say your ABCs"—again, they were 2 years old. They said their ABCs. Just as cute as they could be, they ran through the alphabet. When they finished with that, the teacher said, "Now say it in Spanish." Then they said it in Spanish. Then she said, "Do it in Swahili." Then they said it in Swahili. Here are 2-year-old children who have already mastered the alphabet in three different languages.

We went from there over to where the 3-year-old children—again, I emphasize 3-year-old children—were working on math. These little children were walking up to the blackboard working through math problems. So the teacher said to me, "Give them a problem to work on." I suspect everybody here would have reacted the same way I did. I said, "How about 5 plus 3?" She said, "No. I mean, give them a difficult problem to do." So I said, "Well, how about 153 plus 385." And the little 3-year-old stood there and put a couple dots on the board, wrote down one number; put a couple more dots on the board, and another number went down; a few more dots, another number went down. It was the right answer—3 years old.

We went over where the 4-year-olds were being taught reading, and they were reading at the second and third grade levels—at the age of 4.

I went to where the 5-year-old children were—and mind you, we have not gotten to the first grade yet. The teacher asked one of the little boys to stand up and recite for me, in the proper chronological order, all the Presidents of the United States. This little boy stood up and looked me right square in the eye, and he listed every President of the United States in proper chronological order.

You might be asking yourself, how did I know that? Frankly, they handed me a cheat sheet, and I was working my way down it as he was going through it.

My point is, here is a school that most people, again, would look at and say, "I don't want my child to go there." No amenities. It is bare bones. You may say, "Well, what makes this thing work?", which is exactly what I asked every teacher in every room that we went into. How is this happening? Anyim Palmer told me that the answer was the teacher. It is the teacher. Every time they asked the question, the answer was the same—it is the teacher.

Interesting things came out of it. I don't believe any of the teachers were certified. I think only two of them had college educations. What happened is Anyim Palmer, who was the owner, administrator, the principal, was a former public schoolteacher who became so frustrated with the public school system that he said, "I'm going to start my own school. I'm going to teach people how to teach."

Again, I would encourage anyone who has an opportunity to make a visit to that school or something like it to do so. But the point is, if we rely on the present system, the present system will produce exactly what it has produced in the past, unless there is something that forces people to change. We believe the program that we have put together will in fact assist local communities and States to develop alternatives to the present public school system.

I visited a charter school in Miami just a few days ago and spoke with a teacher there, who up until a few years ago was an engineer. I said, "What happened? Why are you teaching?" He said two things. One is, he said, "I lost my job. And I didn't want to put my family through that kind of an experience again. I felt there was some security in teaching." And then he said, "You know what? I have found my calling." He is teaching second grade children. He said, "This is exactly where I should be."

But in this charter school, this individual had flexibility. This individual could approach the opportunity of teaching our children in a totally different way than in the past. So, again, I think if we encourage innovative thinking, we are going to find there are some remarkable ways to improve education in our country.

As you know, one of the major points in our proposal is to reward teachers who do a good job. We ought to reward excellence. We ought to say to those teachers, "You have done a great job and we are going to reward you for it." That is why we are talking about the importance of merit pay.

But if we are going to have merit pay, we also need to recognize those teachers who are not doing a good job. We need a way to determine that, other than whether a principal likes an individual or does not like an individual, or a school board does not like an individual. We ought to say there ought to be competence testing. Part of this plan, known as BOOKS, calls for competency testing and for merit pay.

Before I conclude, I would like to point out that in the State of Florida, 70 percent of the community college freshmen require remedial education. We have to change that. The cost to the State of Florida is $50 billion a year to handle this problem. Let's improve our K–12 education system.

With that, I yield the floor and again thank the Senator from Georgia for tackling this initiative. I look forward to working with you on this important issue.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I commend the Senator from Florida. It is an absolutely fascinating story. There are many of these around the country.

Just to make a point, of late when you read the statistics of 4 in 10 are all that can pass in urban city schools' basic standards tests, 3 in 10, 4 in 10 go to college, as you have noted, and have to go back and learn these skills again. We are beginning to hear an echo that these students were not educable, that there was something wrong someplace else, something wrong at home, something wrong with society.

What kind of community was this? What was the surrounding like around this school? Was this a very wealthy suburb?

Mr. MACK. No. As I indicated, it was in the riot area in Los Angeles.

Mr. COVERDELL. Would you surmise that those students could not have possibly all come from very stable, two-parent families that you might find in some communities?

Mr. MACK. I could suspect you could draw the conclusion they were somewhat different than, say, what most people think of as the traditional family in America. But I would be careful about drawing too many conclusions on that because I think there are some things about what was going on in this school that also sends a message to moms and dads.

I think that one of the reasons for success was because mom and dad were involved. They made the determination. I mean, this was a private school, so they have to pay to go to that private school—some of them at great sacrifice. Some of them, frankly, from outside the community.

But the point there is, if you go back to the charter school, for example, one of the things that most charter schools require, as you know, is that they want parent involvement. In fact, when I was at the school in Liberty City, in Miami, mom and dad parents came into the classroom, as I was talking with the teacher, to discuss with him the problems of their student. What was the problem? Or what should they be doing more at home to help?

Again, I think one of the messages that we do get is that in the charter schools—I guess there are others who are much more knowledgeable at these things than I am, but because it is a very focused school, it understands the importance of mom and dad being engaged. The teacher understands the importance of moms and dads being engaged, and, clearly, the parents understand if they are going to be able to keep their children in this charter school, they have to be part of it.

Again, I would make the case, whether it be a mother and a dad or single mom or single father, that if you can engage them in the education process, regardless of that background, in probably 9 out of 10 cases—I am just saying this from my feeling; I do not have the statistics—but 9 out of 10 times, if you, the parent, one or both, are engaged in your children's education, you are going to improve the ability of your child to learn. And, again, I think you are going to find that you are going to create that environment, something different than we are doing today.

There is just so much we can learn from this experience. Again, the answer that kept coming back, "It is the teacher. It is the teacher. It is the teacher." I think people ought to recognize that what Republicans are saying is we value teachers. They are the ones who really make a difference.

Again, if my grandsons are going to succeed, they need to be exposed to good teachers. We have to help create an environment in which people, (a) want to come into the teaching profession and, (b) once they are there, want to remain and experience the excitement of seeing young children learn. Teachers help children realize how important knowledge is to them and their future. Again, teachers are the ones who really make a difference.

Mr. COVERDELL. The Senator makes an excellent point. Who does not remember the teacher that affected them? There is no one that does not remember that teacher.

Mr. MACK. I can name my first-grade teacher.

Mr. COVERDELL. I thank the Senator for the presentation.

I turn to our distinguished colleague from Wyoming, Senator THOMAS, and yield up to 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I appreciate the Senator from Georgia arranging for an opportunity to talk about our agenda. After all we have just returned now from recess, just returned from a time to talk with our constituents. I spent all this time in Wyoming doing a number of town meetings, talking to people about various things they are interested in.

It is time for us, of course to talk about agendas, to talk about priorities, to talk about what it is that we intend to do during what is already a relatively short work year, during an election year. The thing, of course, that is on our minds today, I suppose, is the President's State of the Union Address last evening in which he laid out his agenda, not a surprise agenda, and talked about the issues he has been talking about now for several weeks, with a new proposal each week, all put together in a State of the Union Message which had, I think, about 30 different proposals of things to do.

It seems to me that what we have to do now as a responsible Congress is to decide on those items that we think are priorities to this country, that we think are priorities for success in families in this country, economically, from a freedom standpoint, how-to-govern standpoint, and really press for those. I must say that I feel rather strongly about that.

I felt last evening that—the President, of course, is certainly free to have his own agenda—that was an agenda that had been put together by pollsters, an agenda that had been put together to enumerate all those things that would sound good to everyone that was listening, an agenda that I think, clearly, again the President is perfectly free to move his position, move his position back toward the more liberal Democrat Party from which he has departed in the last several years somewhat to establish more support for AL GORE when the time comes. I think that is legitimate. I don't happen to agree with that.

I think we ought to be moving forward to continue to do the things that we have begun to do over the last several years, some of the things that I am particularly proud of, frankly, that this Congress has been able to do, to bring forth a balanced budget. That, after all, is the responsibility of the Congress. We have done that. We need to continue to do that. We need to continue to try and control spending so that we can move toward this idea of a balanced budget and beyond, to begin to work on the debt that is there, to begin to do something about that $280 billion we spend on interest every year to service a $5.5 trillion debt. That, it seems to me, ought to be the real focus of what we do.

Our responsibility now, I believe, in the Congress is—we shall meet on Friday, our friends across the aisle will meet I am sure next week—to come to grips with those kind of things we think are the priorities for our agenda. I don't think our agenda can be a laundry list of 30 or 40 things that appeal to the polls but rather ought to be the kinds of things that are terribly important to us.

I think we ought to talk about ISTEA, for example. We ought to get out into the country to do the highway maintenance, the highway building. We didn't get that done last time because we got diverted talking about something else. ISTEA needs to be there. I think we need to continue to work on the budget. There is probably nothing more important than being responsible in the spending that we do. Again, I am pleased with what has happened with the budget over time. I am pleased for what has happened in the last couple of years on welfare reform. The Congress has moved forward, with the cooperation of the President, after a couple of vetoes. That is OK. But we need to continue to do that, to provide the opportunity to help people move off of welfare into work, which is what most people want to do, of course. We have made some progress in moving away some from the entitlement program that we have had. We have made some progress in terms of moving Government closer to people, where Government is more responsive at the State level, and do those things at the State level that we should do there.

As I listened last night to the enumeration of things that might be done it seemed to me at least one of the considerations that has to be made is where do you do these things most efficiently? Child care—everybody is for having quality child care. Everybody wants to strengthen the child care program. The first question we ought to ask is, where is that best done? What is the role of the Federal Government in child care? What is the role of the State government in these kinds of things?

I happened to have the privilege last night of having my Governor accompany me to the State of the Union Message. I could sense as we went through last night's State of the Union Message him saying to himself, "We can do that better at the State level. We can really make those things work." I agree with that.

There are a number of other things that I personally would like to see us move forward on. One of my personal areas of interest is the national parks. National parks are a national treasure for all of us. More and more people go to visit national parks. More and more people are interested. Yet we have less resources for national parks than we need. National parks, some claim, are as much as $8 billion in arrears on infrastructure. We need to work at that. That happens to be something that I am most interested in.

I think most of all we need to be sure that we are responsible, finally. Spending continues to go up. If we are going to balance the budget—why balance the budget? Because revenues have gone up. I think the President's proposal goes far beyond what is going to be available for dollars. The President says we want to keep a balanced budget and then lists 30 items that will cost billions of dollars plus additional tax deductions that will reduce revenue. So we find ourselves, I am sure, with spending far beyond our income if we do those things.

Those, I believe, have to be the constraints. That is what I heard from my people. That is what I heard from the people of Wyoming. They said, look, stay with that business of balancing the budget. We not only want to balance the budget, we would like to see you begin to reduce spending. This idea of the era of large Government being over is a good idea.

I was disappointed the President had done a complete reversal from 2 years ago when he announced that would be his objective. This certainly was not an effort to reduce and to change the era of big Government.

Spending continues to go up, 16 percent last year, 24 percent on entitlements. Over a period of time, entitlements continue to grow. Many of these programs that we talked about inevitably will become entitlements. These young people that are here on the floor as pages won't see those benefits because they will not be sustained if we continue to grow at 24 percent a year.

Madam President, I think we have a real opportunity. As I said, I enjoyed the President's State of the Union Message. That is his agenda. Now it is our responsibility to have an agenda and to put our priorities there, put our philosophy there, our philosophy of a responsible Government, our philosophy of a financially accountable Government, one in which we limit size and move as close as we can to people to solve people's problems.

The educational program that Senator COVERDELL has recommended is one that puts the responsibility in the hands of local people, parents. That is what we need to do. Those are the kinds of things we can do here to assist in those problems. So I am excited about this year. I think we have an opportunity to do a great deal. I am very proud of having been in this Senate since 1994. I think we have made some real changes in direction. It is my hope and my desire to help ensure that we continue to move in the direction of a more responsible Government, responsive to the folks that we represent, the folks I have had a chance to visit with for 2 months and have come back with some renewed dedication to the idea that this Congress, this Government, is responsible to the people, to the taxpayers, responsible for protecting liberty, responsible for being financially responsible, responsible for reducing taxes as much as we can, to leave the money to the people it belongs to. I am excited about the opportunity.

So my friend, Mr. COVERDELL, I appreciate very much what you are doing in this time to talk. I think we should continue to talk about our agenda and talk about the reasons we are doing what we are doing. I look forward to that happening this year.

Mr. COVERDELL. As always, Madam President, I enjoyed the remarks of the distinguished Senator from Wyoming. He brings that clear Western thinking to the Senate.

If I might add a thought, it is a little hard to believe, but this Congress passed the first balanced budget in the 104th Congress. That was vetoed by the President. We did it again. So we passed two. The President signed it. It is the first one in 30 years. In 30 years Washington has never developed the will to balance its budget. It passed the first tax relief in the last Congress. That was vetoed. A modified tax relief was passed last year. That was signed. That is the first tax relief in 16 years.

Now, I don't know what the situation is in Wyoming but that tax relief proposal leaves $750 million every year in Georgia checking accounts of working families, businesses, people sending kids to school and college, trying to make ends meet. It left $750 million in those accounts. It was not a particularly large tax reduction. But it means a lot. It puts about 2,000 additional dollars in the checking account of an average family.

Now, the point I am making is this, and I would like to get the Senator's comment, don't you find it interesting that once the United States balanced its budget, once it has become more engaged in managing its financial affairs, how much more optimistic the people are, how many more of them of working, how interest rates have stayed somewhat down, and how we are talking about surpluses for the first time? Pretty remarkable, very remarkable. It ought to be a lesson to every Congress and every President. This is a good idea. We better keep doing it.

Mr. THOMAS. If I might, I certainly agree with the Senator. It isn't that difficult.

In other words, this is what our system is all about. Our system of private enterprise, our system of limited Government, our system of allowing as much money as possible to stay in the hands of the citizens so they can invest it and create jobs, that is what our system is all about. Through the years it has been tested against socialism and big government and the government doing all these things, and throughout the world this system is the success. It is being copied everywhere. Sometimes it is scary when we see ourselves moving away from our own system that has been so successful, that everybody else has adopted.

So the Senator is exactly right. That certainly is what creates this kind of an economic environment is the ability to take the risk, to invest, to work, to earn, to keep and to do things for yourself and your family.

Mr. COVERDELL. Madam President, I appreciate the remarks of the Senator from Wyoming. I see we have been joined by the distinguished Senator from New York. I welcome his presentation and yield up to 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, I thank the distinguished Senator from Georgia for his leadership on this most important issue. I believe that education is the most important issue facing our country.

We have focused a majority of our attention on the need to give assistance to those of our students who are college bound, and that is important. We have done, I think, a good job in expanding, for example, the Pell grants to take in nearly 300,000 students, and I voted for that. We have increased the amounts of those grants substantially, from about $2,400 to $3,000 and I support that. And we worked to create educational savings accounts, and I think that is important, Madam President.

But I think it is time that we look at our elementary schools and our high schools, because one in five third-graders across New York State could not read with comprehension even the easiest connected sentences and paragraphs, according to the New York State Department of Education. We have heard that 40 percent of the children in some of our school districts are reading below grade level and are below grade level in math. 50 percent-plus of the students in some of our school districts are dropping out of school, including here in the Nation's Capital. What is going to happen to those children who are dropping out? How can they compete? What jobs are they going to hold? What will happen to society if this continues?

Let me say that last night the President talked about a number of issues. One of those issues he talked about was the need to hire more teachers. Let me tell you that I believe we need more teachers in the classrooms. We should empower, by way of making moneys available, the local districts to do exactly that. I am going to work with whoever it is—the President, this administration, my colleagues on both sides of the aisle—to do exactly that.

The President also called for greater accountability in education, and I believe that's important. He said students must be more accountable for their performance, that we should not have social promotion. That is true. Unfortunately, we didn't hear one word about making teachers accountable also. One of the things that this bill, the B.O.O.K.S. Act, does is make available funds for accountability. You can't have our kids learning if the people teaching them do not meet performance standards. We must have competency testing so that we know math teachers do understand basic math and that they can teach it. We have to have some system of evaluating, and we should give the school districts that ability. It is not that we should say what test they should give, but we should empower the local districts and the parents to have a choice.

(Mr. COATS assumed the Chair.)

Mr. D'AMATO. Most of our teachers, I believe, Mr. President, do a great job and are dedicated and hard-working. Unfortunately, there is no financial reward for those great teachers. I think we need merit pay. That is one of the things that we encourage in this legislation, which offers better opportunities for our kids.

We need major reform, not just tinkering at the edges of the problem.

Let me touch on that which, in many cases, brings about a hue and cry not from the parents, but from those who want to protect the status quo, the teachers' union.

By perpetuating the status quo, too many of our children are falling by the wayside—they are not making it. I am talking about a system that many of my colleagues quake when we bring the issue up, and that is called accountability and seeing to it that teachers don't have lifetime tenure. I think our kids are entitled to have teachers who make a difference just like the teachers I had in grade school who created magic in the classroom.

Those teachers exist today. Let's understand that. I think the vast majority of our public school teachers are dedicated, work hard, do a good job, and they should be rewarded with merit pay.

But, by gosh, let's not be afraid to say there should be accountability as well with teacher competency tests and ending a system where teachers, in essence, in too many of our schools and too many of our States, have what is likened to lifetime tenure. After 3 years, it becomes virtually impossible to remove those who are not doing the job. I will give you an example from New York State. Last year, only seven out of 200,000 teachers were removed. Seven. It has become virtually impossible. And it costs hundreds of thousands of dollars to bring this type of action.

Now, Mr. President, I am not suggesting that we jeopardize those good teachers who are doing the job or that we create some arbitrary standards. I am suggesting that we have some review, some system to evaluate performance so that nobody has what is, in essence, lifetime tenure regardless of the job the person is doing.

The education of our children is too important. Those who teach our children must be competent in these subjects, that is why we need competency testing for all teachers. Our children deserve nothing less.

Let me point to just one other area before I conclude my remarks, and that is school safety. My gosh, if we have children in our public schools that say it is dangerous and they feel safer in their neighborhoods than going from one class to another, what more do we need? If we don't have schools as a safe haven, creating the environment where our children can learn in that safe haven, that oasis of learning, then how can the best teacher do the job? So we have to be able to fast-track violent, disruptive students out of the school. You cannot suggest that public education has ever said that even violent, disruptive juveniles have a right to stay in school no matter what their conduct. That is unfortunately the case in too many areas. I will tell you that the 1,116 schools in New York City reported 22,000 incidents in 1996–97, including nearly 5,000 person-related incidents. It becomes impossible to have serious learning in the classroom.

Last but not least, let me just touch on one aspect that I think is so important. Why should we have a plethora of Federal programs that serve cross-purposes, when we can take that money and establish education block grants. Somehow bureaucrats have planted in the minds of many of our parents and local officials that they are going to lose money.

What we call for in this bill is saying that we are going to give you the same amount of money, and, in fact, we will actually give you more money. In title II of the BOOKS Act, States would receive funds through block grants, which can be used for educational needs that the local communities and school boards think are important—not that Washington mandates. So they are going to get more money. In addition, they are going to get a lot more money because 95 percent of those funds must reach the local schools in the classrooms and cannot be used for administrative expenses. We cannot have 15 to as high as 25 and 30 percent of the money being used for administrative overhead. The money is not reaching the kids.

I might give one example. Senator GORTON's amendment along these lines last year would have sent an additional $670 million to local school districts. But we have the bureaucrats in Washington who are opposed to that. They want to keep these ties. That is an employment center as opposed to becoming an educational opportunity. So $670 million more could go to the school districts. And by the way, that hires 26,000 teachers. So when our President says, "we want to hire 100,000," here is a way. If we were to adopt the block grant proposal, and some amendments to it, we could hire as many as 26,000 teachers at the local districts without raising one additional penny. My gosh, that's over a quarter of the number that the President talked about, with no increase in taxes. It just means using the resources we have and empowering our parents and the local school districts to make these choices.

Mr. President, I want to commend Senator COVERDELL, Senator LOTT, and the occupant of the Chair, Senator COATS, for being leaders in this area. We have to do better for our children, not just tinkering at the edges.

By the way, why should we be afraid of the teachers' unions? We should encourage them to work with us. It should not be a battle against them. Notwithstanding that I have been critical of their status quo position and their opposition to basic, good, fundamental reform, this should be a fight for our children, to give our kids a better education. I would hope that the Members and all of the teachers would join and be in favor of this and work together. We can do better and we must do better because our children are entitled to that.

So, Mr. President, I thank you for your leadership. I thank Senator COVERDELL and my colleagues.

I yield the floor.

Mr. COVERDELL. Mr. President, I certainly echo the compliments of the Senator from New York to the Chair because, clearly, throughout your career you have been dedicated to this kind of work. It was appropriate to mention that. We appreciate the remarks of the Senator from New York. They are very much on target.

We have been joined by our distinguished colleague from Colorado. I yield up to 7 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized to speak for 7 minutes.

Mr. ALLARD. Mr. President, I thank the Senator from Georgia for yielding me a few moments. One of the strengths of the Republican Party, and one of the reasons I am so proud of the leadership is that they have encouraged us to go back to our States and talk with the citizens in our States and really find out what the problems are. As we are putting together our agenda here for this session, I really feel like this is a grassroots message. It has come from within the States. It has come from our friends and our neighbors and our local elected officials, the people who have to work with the Federal Government on a daily basis. I have gone back to my State and held a lot of town meetings. This particular year, I decided to hold a lot of town meetings in January. I held 40 town meetings in January. The message that came loud and clear to me is the main thing on people's minds is that there is a growing Federal Government that is continuing to interfere in their daily lives. Somehow or other, they feel they are losing control. Local officials in Colorado feel like they are losing control. Small business people feel like they are losing control and are getting too many dictates from Washington.

Another thing that has come up in all of my town meetings has been the Tax Code. People are concerned about the tax burden that they have to bear today, particularly from the Federal Government. People want our tax system reformed. They certainly would like to have lower taxes, and they want a simpler and a less intrusive means of collecting those taxes. It strikes me that the two issues of taxes and the growth of Government tend to intertwine with one another. Those two issues, I think, are simply pulled together with this statement: Where the money goes is where the power goes. So people stand up, and say, "Well, there is too much power in Washington." Then they complain the next minute that my request for funds from some program in Washington comes with mandates and strings attached and they begin to realize that there is power related to where that money goes. I think they think that the Federal Government is entirely too powerful. It does claim a huge portion of our economy each year.

Let me review just a few numbers to make the case for tax reduction and tax reform which is going to be an important part of our agenda. The tax burden has been steadily rising since 1992. In 1992, the Federal Government claimed 19 percent of the economy. By the end of 1997 this has risen to around 21.4 percent. Remember, this is just the Federal Government. It is not State taxes. It is not local taxes. And if we include all of the State and local taxes and Federal taxes, of course, it is much, much larger. We are just talking about the Federal Government's share.

The government at all levels now claims about one-third of the wealth produced each year in our economy—one-third. I think that is really a high number—certainly much more than any of our forefathers ever dreamed as far as the role of the Federal Government in our national economy.

According to the Tax Foundation, State, Federal, and local taxes will claim 38 percent of the median two-income family—38 percent. By comparison, in 1965, the burden was 28 percent. It has gone up 10 percent. The tax burden amounts to no more than a typical family will spend on housing, food, and clothing combined.

Mr. President, if we really want to help families with child care expenses, education expenses, health expenses, or housing expenses, we should reduce the tax burden. They have more money in their pocket. It gives them additional flexibility to spend it how they feel they should instead of sending it to Washington and then coming down with those mandates.

There is much talk in Washington about the budget balancing and the forecast of some excess revenues which are referred to as a "surplus." I certainly hope that this happens.

When I was first elected to the United States House of Representatives, I remember our deficits were running around $340 billion a year. That is how much more they were spending a year than they were bringing in that same year. Now they are projecting—the Congressional Budget Office—somewhere around $5 billion. That is quite a change.

So I certainly hope that happens. Maybe we can do something here in the Senate to move that along by saying let's look at our budget that we passed last year. Maybe we can do something this year to cut back the $5 billion in spending and actually balance the budget and make sure that it happens.

But I think we need to be honest about why the budget numbers look so good. The budget is balancing not because of any tough decisions that we made here in the Congress. But it is balancing because of hard-working Americans out there that are being productive. And the reason that they are being productive, I think, is because they really believe that we are committed to balancing the budget. It holds down costs because interest rates are going down. And when they go to buy a car, or house, or when they are in business for themselves, this means they can invest more in themselves than the community. That is certainly part of it. Another part of it is because I think they believe that Republicans are going to—and they did last session—work for reducing the tax burden so they will have more of that for spending.

So the economic performance in the past year and why it has really done so well is because of action here, I think, in the Republican Congress.

The American people have been sending greater and greater amounts of their money to Washington. There is no doubt about it. With the budget balancing that we are going to be facing this year, I think we all pretty much agree that it is because of increased tax receipts coming in and not because of restraint in spending or the fact that the budget continues to grow. I think we have to keep that in mind.

Federal spending in 1998 is estimated to be around 4.3 percent over our 1997 spending level. It is well in excess of inflation which is a little bit over 2 percent.

So I hope that we will keep in mind that we need to make decisions that move the power from Washington back to the local level, and move it back to the pocketbooks of people who are in business for themselves and are making decisions on behalf of their families.

So we are going to reduce the role of the Federal Government by cutting taxes. And I am here to say that we need to get on with it. And the sooner we show the American people that we are really serious about cutting taxes I think the better our growth is going to be in this economy and the more we can count on to sustain the economy so it is easier for us to balance the budget and move forward with our daily lives.

I thank the Senator from Georgia for yielding me time to comment on taxes and our economy and how my constituents feel about reducing the budget within their daily lives.

Mr. COVERDELL. Mr. President, I thank the Senator from Colorado for his very generous remarks, and I enjoyed his presentation here this afternoon.

Mr. President, I ask unanimous consent that our time be elongated by 5 minutes. We have cleared this with the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have been joined by the distinguished Senator from Texas. I yield up to 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized to speak for up to 7 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank the Senator from Georgia for letting us talk about this important issue, because I think we are getting to the crux of what Congress wants to do. I am glad to be able to address this issue today after the President's State of the Union Message because I was somewhat concerned that in his State of the Union message. The President seemed to throw aside any hope for tax cuts. That is a very important agenda that I have, and I think most Members of Congress have because we believe that hard-working American families should be able to keep more of the money they earn, not less.

I want to outline what I think is the right approach, if we do in fact start seeing budget surpluses. I want to put forward the proposition that "half and half" is more than just a high-quality milk product. In fact, half and half is the right formula for the responsible spending of the surplus that we hope to see in our budget over the next 10 years. Half should go for paying down the debt. If we are going to be the responsible stewards of this country for our future generation, we must start whittling away the $5 trillion debt. We have worked hard in a bipartisan way in Congress and with the President to come to a balanced budget. We have done the hard work. To now fritter it away with new ideas for spending our hard-earned taxpayer dollars is the wrong thing to do at this time.

So I think one-half should go toward paying down debt, so that we can say to our children we are going to give you at least as good a solid base as we had when we were growing up in this great country. The other half should go for direct tax cuts for the people who have earned this money.

When I hear people on this floor talking about tax cuts, you can really tell the difference in the way they frame the question. The question asked by people who do not want tax cuts is "Well, now if we give these tax cuts, what is it going to cost the federal government?" That is the wrong question. It is not the government's money, it is the money of hard-working taxpayers. A tax cut lets them keep more of the money they earn. It is not robbing it from the Federal Government. It is letting the people who earn it keep it.

So half and half I think is the right formula.

I will be introducing legislation very quickly that would provide tax cuts, and it would do it in a descending order of priority so that we would never go over one-half of the budget surplus of that year.

Here is what my tax bill would do. It would first eliminate the marriage tax penalty. People in our country should not have to choose between love and money. We value marriage. And the people who get hurt the most are the middle-income. The policeman who marries the school teacher will pay over $1,000 in taxes in a marriage tax penalty just because they got married. That is wrong, and I want to eliminate it.

No. 2, I want to raise the level of income that people would start paying taxes at 15 percent and 28 percent. This helps the people who are paying the most. I want to raise that 15-percent tax on a single person which, in 1998 will kick in at $25,350. I want to raise that to $35,000 so that you would not go into that 15-percent bracket until you are single and earning $35,000. If you are married, it would be $50,000, up from $42,350. If you are the head of a household, it would be $40,000, up from $33,950. The 28-percent bracket, the next bracket, would start at $71,000 for a single person, up from $61,109, $109,950, for a couple, up from $102,000, and for a head of household, $93,000, up from $87,000.

This just raises the point at which people would have to pay higher rates. It gives a break to those who are paying the biggest share, and that is the lower- and middle-income people of our country.

No. 3, the bill will repeal the 18-month capital gains holding period and make it 12 months. I think 12 months is ample time for a capital gains tax to set in. And keep in mind that capital gains are more disproportionately paid by our elderly citizens.

No. 4, in my proposal, I will index capital gains for inflation. This will be a tremendous help to elderly people because most of their income is investment income rather than earned income. We are indexing the personal exemption on earned income. Why not do it for those who are earning it through investment, as elderly people are?

Finally, my bill will cut the top estate tax rate from 55 percent, to 28 percent. I don't like the estate tax at all because I think the American dream for over 200 years has been that you could come to this country, you could work harder, and you could give your children a better chance than you had. So I do not want the estate tax at all. But if we are going to have one, I think it should be lower so that people will be able to give their children a little bit better start than they had.

This is a balanced tax-cut plan. It is not the only one that is good. I have heard many versions of tax-cut plans being put forward by my colleagues that I could easily support. But, I think the important point here is that most Americans, the average American family, pay 38.2 percent of their income in taxes. Mr. President, that is too much. And we want to change it, and it is a priority for this Congress.

I thank the Senator from Georgia for letting us focus on this very important issue for strengthening the American family by letting them keep more of the money they work hard to earn.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas for her excellent remarks and her dedication to leaving money in the checking accounts of people who earn it.

Let me just say in closing, because I know we are going to the other side, that to me American liberty and freedom rests on three principal stanchions: Economic liberty, which means workers can keep the fruits of their labors and make decisions about their lives and fulfill their responsibilities. We have been talking about that here today making sure we leave resources with American workers and families so that they can do the job and always be dependent upon them to do so in America.

No. 2, for freedom to exist people have to be safe. They have to be secure at work and at home and in their school. We talked about making them safer today.

Last, but certainly not least, an uneducated mind cannot enjoy the benefits of American citizenship. An uneducated mind is denied American liberty. The first major denial occurs, as Senator D'AMATO from New York said, when they are denied economic liberty because they cannot get a job and they cannot connect with the vast opportunity in society.

So America has to get about the task of assuring that all her children and her population have the fundamentals to be free and to enjoy American freedom. And that is what we have been talking about today. We want America to be educated so that she will remain free.

We want workers to be able to benefit from their work so that they can do the job of raising their families and fulfilling their responsibilities as American citizens. And we know they have to be safe because no commerce, no civil interaction can occur in a society that is violence-ridden. And that is what we have been talking about all afternoon.

If you keep America educated, you give her citizens economic viability and options; protect them at home and in the workplace and school, America will be just fine. Our people will take this country and build a new American century.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROBB pertaining to the introduction of S. 1582 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. With that, Mr. President, I yield the floor and I thank the distinguished Senator from North Dakota for yielding me time that was to be his, and which I would ask unanimous consent not be charged against the 90 minutes that are allocated to him.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is my understanding that 90 minutes have been reserved in a block of time for the Democratic Leader or his designee. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

THE AGENDA FOR 1998

Mr. DORGAN. Mr. President, my colleagues and I intend to come here to the floor today to discuss the agenda and what we see ahead of us in this congressional session, the second session of this Congress.

My expectation is that we will find ourselves this year, just as we have in previous years, debating a range of controversial, interesting, and in some cases very provocative issues. We will agree on some of these issues on a bipartisan basis. There may well be aggressive debates about other issues. That is the way the democratic system works. That is the way it should work.

Where we can reach across the aisle and achieve agreement and do the right thing for this country in a harmonious way, good for us. That's what the American people expect us to do. However, when there are policy issues that are very, very controversial, the people expect us to have a vigorous debate, and we will do that.

Most of us head home on weekends or during time when the Senate is not in session. I expect other Senators had the same experience I did during this most recent recess. Constituents say to you, "Well, what are you doing down there in Washington? What's going on in Washington? What's happening in the Senate?" It's a question that everyone asks, no matter where you meet them.

What is happening in the U.S. Senate, and what is happening down here in Washington with respect to legislative duties, is whatever we decide to have happen here on the floor. By virtue of what we schedule for the business of the Senate, we decide what parts of the people's business we will address this year.

I want to talk just for a moment about what I think the business of the Senate ought to be in the coming months.

First and foremost, we ought to take up the legislation that reauthorizes the highway program. That bill was supposed to have been passed last year. It wasn't passed; it was extended for 6 months. And the majority leader, quite appropriately, told us that it will be near the first order of business when Congress returns.

We must take that legislation up and pass it so that the folks around this country who have to plan to maintain our roads and bridges can make those plans. It is our responsibility to pass that bill—not later, but sooner, and I urge that the majority leader bring that legislation to the floor and do it soon.

Some in the Chamber counsel, "Well, let's wait until the budget is passed." No, this is the legislation that was supposed to be passed last year. Let's not wait any longer. Let's bring it to the floor as the first order of business and pass a highway bill. It is also a bill that deals with jobs and opportunity and economic growth in every State in this country. We have a responsibility, in my judgment, to bring it to the floor and to move it.

Second, I hope in the next days we will pass a piece of legislation that the House of Representatives approved last year by an overwhelming vote. This bill deals with the Internal Revenue Service. It would change how the IRS does its business. It would make significant, important changes in the relationship between the Internal Revenue Service and the American taxpayer. The Senate should pass that bill quickly. It ought to be this week or next week. That ought to be at the front end of the business of this Senate.

Last night President Clinton came to Capitol Hill and in his State of the Union Address talked about the agenda that he thinks Congress ought to consider. At least one of the items of that agenda, which I expect will be controversial but really should not be, is the issue of managed care. I want to describe why this is so important.

President Clinton last night talked about the number of Americans who are now in managed care plans. Well over 100 million Americans are now in these plans. All of us have heard the stories about what managed care means to our families.

Peter Van Etten of Stanford Health Services, in Time magazine, said this on April 14: "In the insanity of economics in health care, the patient always loses."

President Clinton last night said there ought to be a patient's bill of rights. Let me give some real-life examples that will demonstrate the importance of this issue.

In California, an employee who suffered from hemophilia was unable to find out whether the new insurance plan offered by his employer would cover his blood-clotting concentrates unless he first joined the plan. In other words, they said you either decide to join or not to join, and we won't tell you whether this covers you as a hemophiliac. What kind of health care plan is that?

A large California HMO denied a referral of an 8-year-old girl suffering from a rare cancer called Wilms' tumor. According to the National Cancer Institutes' protocol for this type of cancer, the girl should have been referred to a Wilms' tumor multi-disciplinary team. But the HMO covering this girl demanded the surgery she required be performed by a urologist who did not specialize in pediatrics and who never before performed this surgery. Even though that HMO had a relationship with a local teaching hospital, which, in fact, did have a Wilms' tumor team, the family was told they would have to go out of the plan and that even the girl's hospital stay would not be covered by the HMO. This, by the way, ended up in court. The HMO was fined a half a million dollars by the California Department of Corporations.

A Time magazine cover story titled "What Your Doctor Can't Tell You" featured a young mother of two, battling with her managed care insurer for coverage of expensive treatments for breast cancer that had already spread to other parts of her body. She died before the article was published, so the fight was over. But she made her point.

In New Jersey, a young woman took a terrible fall from a horse. According to a New York Times newspaper article, she was suffering from swelling of the brain, and was being taken by ambulance to the nearest hospital. In the ambulance, as her brain was swelling from this injury, she said she didn't want to go to the nearest hospital because it was a facility concerned with the bottom line. She didn't want to go to an emergency room where she felt her health care would be a function of profit and loss statements. She told the ambulance crew to take her to a hospital that was farther away, where she was not worried about the kind of care she would get, and where her health was not going to depend on someone's profits and losses.

A Missouri managed care plan sent all of its customers a letter that said a trip to the emergency room with a broken leg, or a baby running a high fever, should not generally be assumed to be covered by the managed care plan. The letter read like this: "An emergency room visit for medical treatment is not automatically covered under your benefit plan."

Mr. President, over 100 million Americans are in managed care plans. These plans can, in fact, save money. In some cases they can improve care. But they can also set up circumstances where decisions about health care are made not by a doctor, but by an accountant in an office 400 miles away, who decides what procedures are covered. I have had doctors tell me that this isn't serving patients' interests. And patients are very concerned about the quality of their health care in this circumstance.

The President said let's pass a piece of legislation to give the patient a right to know about health care options, to ensure the fundamental rights of patients under these plans.

Others will talk about other parts of the agenda. But in conclusion let me just talk for a moment about President Clinton's budget proposal last night. He said that if our budget no longer has a deficit, we should use any additional funds to put Social Security first, to save Social Security first.

I want to describe why that is important. This is a brand new document, January 1998, put out by the Congressional Budget Office. I will bet if you go to the Congressional Budget Office and you find out who wrote this, those people have some fancy degrees, probably three or four of them, from the best schools in the country. They probably wear tiny little glasses that make you look really smart. They probably work hard all day, have several titles. And everybody respects them immensely.

So they write a white book and the white book says that the budget is going to be balanced in the year 2001. It's right here. These are smart people. They published it this month.

Then the same people, wearing the same glasses and gray suits and having the same pride in their work, say on page 43 that in the same year, 2001, when they say the budget will be balanced, the Federal debt will increase by over $100 billion.

I didn't take higher math. I probably didn't go to the best school in the world. But I ask the question, if you claim the budget is in balance, why would the Federal debt be increasing? I know the answer. Apparently these folks don't. It's because they are taking Social Security trust fund money and using it over in the operating side of the budget in order to say that the budget is in balance.

What the President said last night was "Save Social Security first." We need to save the money in those trust funds. This accounting system ought to be honest. These people know better than to put out reports like this. The Congress ought to know better that to think we are running a surplus when the surplus is actually in Social Security and it's for future years. And I hope this Congress will express itself on that issue.

Do we decide as a Congress to save Social Security first? Or do we, as some suggest, spend more money quickly? Or, as others suggest, give money back, quickly, at a time when our Federal debt is still increasing? I hope this Congress will heed the advice of the President and make the right choices.

There is plenty more to talk about in the agenda. And my colleagues will do so.

Mr. President, we have an hour and a half. And I understand that the Senator from West Virginia wishes to take 15 minutes. So I yield to the Senator from West Virginia, Senator BYRD, for 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota. And I thank the Chair.

Mr. President, on several occasions during the last session of Congress, I took to the Senate floor to discuss the importance of reauthorizing the Intermodal Surface Transportation Efficiency Act, or ISTEA. I shared my observation that this effort to renew our Nation's highway, highway safety and transit programs would be one of the most important, if not the most important, legislative accomplishment of the first session of the 105th Congress. As all Senators are aware, the provisions of ISTEA expired on September 30 of last year 1997. This meant that, absent enactment of new authorization legislation, many important highway, bridge, and transit projects would grind to a halt. Unfortunately, the Senate did not turn to the critically important ISTEA reauthorization bill until October 8 of last year. Between that date and October 29, 1997, the Senate was unable to adopt even one substantive amendment due to the impasse over Senate consideration of campaign finance reform legislation.

The parliamentary amendment tree was filled. And it was impossible to get an amendment in which I and other cosponsors of the amendment wanted to have brought before the Senate.

The Senate failed to invoke cloture four times on the ISTEA bill. In the end, notwithstanding the fact that a unanimous consent agreement was reached on the campaign finance issue, the 6-year ISTEA bill was pulled from the floor. Finally, on November 10, the Senate debated and passed a short-term extension of our existing highway and transit programs, effectively putting off completion of Senate action on our Nation's surface transportation policy for the next 6 years until the second session of the 105th Congress.

Now, despite the stated intentions of the Senate leadership to take up the ISTEA reauthorization bill, S. 1173, during the first week of the second session of this Congress, I am very concerned that the Senate may not return to the ISTEA reauthorization bill until after completion of the fiscal year 1999 budget resolution in late spring.

Mr. President, the onus is now upon us to return to the full 6-year transportation authorization bill and complete our work as soon as possible. While I supported the enactment of the short-term extension bill back in November, I remind my colleagues that it was only a stopgap measure providing only about one-half year of funding for our existing highway, highway safety, and transit programs. As of this date, our State highway departments and our mass transit systems cannot establish a budget for the current fiscal year because they do not know the final level of Federal resources that they will receive for this year. Morever, they cannot develop or implement any long-term financing plans because they do not know the level of Federal resources that will be available to them over the next 5 years. This is an impossible situation for our State highway departments. Given the cost and duration of major highway projects and the complexities associated with short construction seasons in our cold weather States, planning and predictability are essential to the logical functioning of our Federal-Aid Highway program. But that kind of rational planning is precisely what our States cannot do at this time because of our inaction. This is not how our State and local transportation agencies should have to do business. Certainly, no corporation could long survive doing business in this fashion. It is, nonetheless, the circumstances that we have placed upon our transportation agencies, due to our failure to enact a multi-year ISTEA reauthorization bill in a timely manner.

Members will recall that, prior to S. 1173, the ISTEA bill's being pulled from the floor, I, along with Senator GRAMM of Texas, and the chairman and ranking member of the Surface Transportation Subcommittee, Senators WARNER and BAUCUS, filed an amendment numbered 1397. Our amendment embodies the simple premise that the 4.3 cents-per-gallon gas tax, which previously went to deficit reduction, but which is now being deposited in the Highway Trust Fund, should be authorized to better address our Nation's considerable highway needs. The amendment has two principal objectives. First, to put an authorization in place that allows for a substantial increase in highway spending in order to stem the continuing deterioration of our National Highway System. And second, to fulfill the trust of the American people, the people out there who pay these gas taxes every time they drive up to the gas pump believing that these funds will be used to maintain and improve our national transportation system. That was the position of Senators GRAMM, BAUCUS, WARNER, and myself back in October when we brought forth our amendment, and that is our position today.

Our amendment, which now has 49 co-sponsors, provides for the authorization of highway spending levels over the next 5 years consistent with the revenues derived from this 4.3 cents gas tax—roughly $31 billion over the 5 years 1999–2003.

By the way, we have 49 cosponsors on that amendment. But several other Senators have assured us that they will vote for the amendment even though they were not interested in cosponsoring it for one reason or another. They will vote for it. They will be supportive of it if it will be brought up for a vote.

Nothing has changed since October regarding the resolve of Senators GRAMM, WARNER, BAUCUS, and myself to see this amendment adopted. However, other things have changed since the amendment was introduced. We are now well into fiscal year 1998 and the 4.3-cents gas tax is being deposited—where?—into the highway trust fund. By the end of this fiscal year, more than $7 billion—with a big "B"—$7 billion in additional new revenue will be deposited into the Highway Trust Fund, not one penny—not one penny—of which is authorized to be spent under the committee-reported ISTEA bill. Instead, these funds will be allowed to sit in the highway trust fund, earning interest, and being used as an offset to the Federal deficit for the next 6 years. In other words, if we adopt the levels authorized in the committee-reported bill, as Senators DOMENICI and CHAFEE—both of whom I have the greatest respect for—would have us do, we will have accomplished nothing—nothing at all—toward improving our National Highway System. Instead, we will have just enacted legislation to actually prevent using this 4.3 cents gas tax for highways. What the committee-reported bill does, then, without the Byrd-Gramm-Baucus-Warner amendment, is ignore the availability of this new trust fund revenue for the entire upcoming 6 years. Not one red cent will be authorized for expenditure if we accept the committee bill, as reported. This means that by the end of 2003, the highway trust fund balances will have grown to roughly $72 billion! In other words, some $72 billion will be sitting there in the highway trust fund as government IOUs collecting interest and being used to lower the Federal deficit instead of for highways as we, the Members of Congress, have told the American people it would be. I cannot imagine a more perverse scam on the American people.

Well, one may say, we need to balance the Federal budget and we cannot do it if we let these highway monies be spent. Not true. Not true, Senators.

The resources were available back in October to finance the levels of highway spending embodied in the Byrd-Gramm-Baucus-Warner amendment. And today, it appears that there are even more resources available to provide for a healthy increase in infrastructure spending, without busting the budget. When one reviews the conditions of our Nation's highways and bridges and the current inadequate levels of investment—which would continue for the next 6 years under the committee-reported bill—one must come, as I do, to the conclusion that it would be irresponsible to do any less.

Mr. President, our national highway system is America's lifeline, not just for rural areas, but for all of our Nation's cities—even those that make extensive use of mass transit and rail systems. Our major highways carry nearly 80 percent of U.S. interstate commercial traffic, and nearly 80 percent of intercity passenger and tourist traffic. Even though our Nation has among the most extensive and efficient rail and aviation systems in the world, eight out of every ten tons of interstate cargo still travel over our highways. And eight out of every ten of our constituents travel between States over highways. In regard to intrastate traffic, Americans take 91 percent of all work trips and 87 percent of all trips in a car or truck. Like it or not, we are a Nation on wheels.

Yet, despite the indispensable role our highway system plays in modern American life, we have, as a Nation, been negligent—let us confess it—we have been negligent in its upkeep. We have allowed the system to fall into a woeful state of disrepair while the unspent balances of the Highway Trust Fund have continued to climb. According to the most recent report by the U.S. Department of Transportation regarding the conditions and performance of our National Highway System, only 39 percent of our National Highway System is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair or poor condition. For our interstate system, which is the crown jewel of our National Highway System, fully 50 percent of the mileage is rated in fair or poor condition. And these figures only worsen when we look at our other major Federal and State highways. In our urban areas, fully 65 percent of our non-interstate highway mileage is rated as being in fair or poor condition. There are literally over a quarter-of-a-billion miles of pavement in the United States that are in poor or mediocre condition, and there are almost 95,000 bridges in our country that have been deemed to be deficient. Within that total, roughly 44,000 bridges have been deemed to be structurally deficient, meaning that they need significant maintenance, rehabilitation or replacement. Many of these bridges require load posting, requiring heavier trucks to take longer, alternate routes. And an additional 51,000 bridges have been deemed to be functionally deficient, meaning that they do not have the lane widths, shoulder widths, or vertical clearances sufficient to serve the traffic demand.

Paradoxically, as our roads continue to deteriorate, our Nation's dependence on those roads continues to grow. Highway use is on the rise. The number of vehicle miles traveled grew by roughly 40 percent over the last decade to an astronomical rate of 2.3 trillion. Within that total, the rate of traffic growth on our rural interstates grew by an even higher rate. And these levels of growth show no sign of abating. Since 1969, the number of trips per person taken over our roadways increased by more than 72 percent and the number of miles traveled increased by more than 65 percent. This combination of traffic growth and deteriorating conditions has led to an unprecedented level of congestion, not just in our urban centers but also in our suburbs and rural areas. Congestion is literally choking our roadways as our constituents seek to travel to work, to the shopping center, to the child care center, to their houses of worship.

Mr. President, the traveling public is waiting for us—for us—to take up and pass a comprehensive ISTEA bill that truly addresses the needs of our surface transportation system. We should take up that legislation at the earliest possible time. And when we do, I hope all of my colleagues will join Senator GRAMM, Senator BAUCUS, Senator WARNER and me, in supporting our amendment to re-invest in America's lifeline—our amendment to restore the trust of the American people in the Highway Trust Fund—our amendment to authorize the spending of our Highway Trust Fund resources where they are so desperately needed: On our Nation's highways.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me thank the Senator from West Virginia, Senator BYRD, for a very important statement.

Mr. BYRD. Let me thank my friend for his courtesy and kindness in yielding this time to me, but more than that for his leadership that he is demonstrating on this floor. This is quite characteristic of him.

Let me also say that my colleague, Senator ROCKEFELLER, likewise, is ready to speak. I shall wait, I shall sit, and I shall listen.

Mr. DORGAN. I yield 10 minutes to the Senator from West Virginia, Senator ROCKEFELLER.

Mr. ROCKEFELLER. I thank my colleague from North Dakota. I secondly thank my colleague from West Virginia. I wish the Presiding Officer a happy new year as we start off on what I think, based upon what we heard last night, ought to be a very optimistic and productive year. I thought it was really quite an extraordinary speech.

Even at the time there seemed to be so much in it that we could do that I worried, was it too much? And I came to the conclusion, no, it was all perfectly sensible—not all of it huge, some of it incremental, some of it large and challenging—all of it doable, and I think that is our challenge.

I think our country ought to be very happy about the fact that we have a balanced budget. It really was extraordinary, $357 billion down to $10 billion. We will present a balanced budget to the President for the first time in 30 years. That is an extraordinary accomplishment. We all share in that. The Democrats probably get the lion's share of the credit for the 1993 part, but the Republicans and Democrats did it together last year and, therefore, sealed what is a remarkable accomplishment in being fiscally prudent—and I think surprising, in a good way, the American people. I think that is probably a good thing because the markets rallied by our action. The markets are now troubled because of what is happening in Asia, and our President last night held out challenges to us on that matter, too, very boldly and I thought very correctly.

The point is we really have to go forward. We have, according to whoever you listen to, somewhere between 70 days and 100 days in which to enact legislative affairs. I haven't counted it up. I don't know exactly how that works, but I will take their word for it. In any event, there is really not much time, which means we have to reach across the aisle. The Presiding Officer and I often don't agree on subjects. On the other hand, we agreed on something of monumental importance when it came to the adoption bill at the end of the last session, and that is the way things get done around here, and that is the way things ought to get done around here. Republicans can't succeed without Democrats. Democrats, obviously in the minority, cannot succeed without Republicans. Yet we often succeed and do ourselves proud here, and I feel very comfortable in saying that.

I think the President made very clear that parents want their children to have the best kind of education. He put a program on the line. It is not an extravagant program. It is a sensible program. On our side, we have been grumbling about crumbling schools for quite a long time, and now I think we have a chance to do something about that. The President put forward some money for that.

I think workers have reason to feel—workers of all ages—have good reason to feel good about last night because I think the President is very concerned particularly about those between 55 and 65 years old who don't have health insurance. We have all watched the phenomenon as American companies, reacting to principles that I'm not prepared to argue with, which I regret I am not prepared to argue with, as they decrease coverage, as coverage becomes more expensive or they decrease coverage, perhaps, of the dependents of the worker, even if they hold on to the coverage for their worker, and often it is the coverage of the worker's children that is really the matter most at stake. I think he wants that to be solved. He wants people to be able to buy into the Medicare Program between 55 and 65.

Interestingly enough, that is a group which has an enormous amount of dependency on health care because right now 15 percent of those older Americans are completely uninsured. So that is the time in life when things begin to get more difficult in terms of health, and the President understands that and reacted to that.

I really did like, Mr. President, what he talked about in health care. I liked the idea of pushing us further than we have been on children's health care. We did a very good job last year on a bipartisan basis, and that is exactly what it was. I remember the Finance Committee meetings. They were an absolute model, Senator BYRD, of bipartisan cooperation. All staff, everybody left the room, and then there were just the 20 Senators—11 Republicans, 9 Democrats—facing each other. And rather rapidly, perhaps because there was no glare, an enormous amount of cooperation just exploded in that cooperation, and all of a sudden we had the children's health care bill which is being put to good use. Fifteen States have already asked Donna Shalala for a waiver to be able to proceed. West Virginia has not at this point concluded what it will do. Governor Underwood presented a good program to the State legislature. The State legislature is going to come back with a good program. There will be a compromise reached. The legislature is Democratic. The Governor is Republican. They both want the same thing. They both want to see children insured. So does the President, and he wanted to see more of that.

I will express a concern to the Presiding Officer that a large number of those 5 million children that we included in our bill last year are children who are already eligible for Medicaid but simply don't know it because their families are detached from the system, because somehow through the school lunch program they just have not found out they are eligible, they don't want to fill out the paper forms, or they are afraid. That is a phenomenon that one finds in the hills and hollows of various parts of this country. I worry a great deal about being able to get out to those children. In the case of West Virginia there are some 30,000 children who are already eligible for Medicaid. But the President was challenging us to do that and to do more, and well he should because there are 10 million uninsured children in this country. No other industrial nation on Earth has to go through the pain of saying that. He pushes us forward.

I think he cares very much, as I indicated, about the workers in the 55- to 65-year-old range. They worry about their future. The baby boomers, the younger generation, wonder whether there will be Social Security and Medicare for them, and they have reason to worry. I think the President, therefore, said, look, let's take the money which is going into a surplus, should there be one, and put that into Social Security. He said, "Social Security first." That is strong stuff. I think the American people really identify with that. That means that, no, there cannot be some of the tax cuts which some on both sides of the aisle may want to see, some of which may be very useful. But in a sense he was saying we can't have it all. We have to make priorities. Social Security comes first.

There is also, as the Presiding Officer knows, a commission on Medicare which I am very proud to serve on. That is a huge problem that we will have to solve. Last year we bought ourselves about 10 years, but let's face it, in the buying of those 10 years we took some of the pressure off, the decision that we will have to make in the next 2 years, and we cannot allow that to happen.

The Social Security Commission of 1983 succeeded because Social Security was in the act of collapsing and the commission knew it and therefore they acted. The commission on Medicare, which affects so many in our country, is not going to be faced with that kind of immediate pressure so we will have to bring it on through our own energies, our own intellectual and moral commitments, and I believe we will be able to do that.

The other thing that the President said among many that I liked very much was the whole concept of people dealing for the first time with managed care. He pointed out the enormous number of Americans that are in managed care now and he wants to see basic rights for people that have that available to them. I think he is quite right. We will see, as we have before, insurance companies and their lobbyists talking about mandates and big Government and all kind of things like that, but I don't sign on to that. I think the President is right, that confidentiality ought to be a right, and managed care patients ought to be able to see a specialist. Just because it is the cheapest doesn't mean it is the best. Patients should not be herded into something because it is cheap. It ought to be as cheap as possible, but it has to be very, very good.

All in all, I thought the President had a lot to say. I thought he said it with eloquence. I thought he said it with strength. I thought he said it with a very, very strong vision. Health care is hard. No. 1, it is hard just as a subject, but it tends to automatically send people scurrying one direction or another direction. People either say too big Government or people say that is not enough. Somehow we have to find in this Chamber a way of understanding that the world's greatest economy can afford, even if it is on an incremental basis, that all of our citizens be insured. We really can do that and we can work together to do that.

There has been marvelous cooperation—Senator CHAFEE and myself, Senator KENNEDY, Senator HATCH—on children's health last year. There have been so many examples of that over the recent years. I think part of the lesson that he preached last night was, "Let's do this together." It wasn't just "I, a Democratic President of the United States." It is "we," representing all of us, representing Republicans and Democrats all across this country.

I am ready to fight for a good solution for Medicare. I want to see parents satisfied that their children are getting the best education. I want to see baby boomers have a sense of security about Social Security in the future because we dedicate surpluses to that area, and I also want to see retired workers who are either kicked out of jobs or retired from jobs during the vulnerable period of their older lives, 55 to 65, to have a basic sense of being able to buy into Medicare. I think that is sound health care policy and I congratulate the President on doing that.

I yield the floor.

Mr. DORGAN. Mr. President, I thank Senator ROCKEFELLER for a wonderful presentation.

I yield 10 minutes to the Senator from New Mexico, Senator BINGAMAN, following which I yield 10 minutes to the Senator from Connecticut, Senator DODD.

Mr. BINGAMAN. Mr. President, I thank the Senator from North Dakota. I may not take a full 10 minutes, I advise the Senator from Connecticut.

Let me start and make the points that I came here to make because I do believe that some important issues were raised by the President last night in the State of the Union Address, and they are points that are worthwhile to go back and look at for just a minute.

One change that has occurred here in Washington in the time I have been here—and it was very clear last night when I listened to the President—is that we now have a consensus; at least a majority agree that education is a national responsibility as well as a State and local responsibility. I can remember very recently—and you still hear people say this, but not many anymore—but I can remember when a substantial number of people used to say education is not an appropriate issue for the Federal Government to concern itself with.

Clearly, it is a great concern for the people I represent in New Mexico, and it is a great concern for working families all over this country; but "it should not be a concern for people who come to Washington to make the laws or to appropriate funds or to allocate tax dollars because this is not a national responsibility." That was the argument that we always heard. I think one of the great legacies that this President will leave and this Congress will leave is that there is a change in that attitude. There is a recognition here in Washington, finally, that just as every other industrial nation in the world considers education a national concern as well as a State and local concern, here in America we need to consider it a national concern as well as a State and local concern as well. So I think that is a major change and a change for the better.

Last year, Congress and the President agreed on some very significant initiatives in the area of education—a new HOPE scholarship for 2 years of college, a $3 billion overall increase in education funding was included last year, and funding for a new $210 million reading initiative. There were various other initiatives in the education area that were agreed upon by Democrats and Republicans alike. So we have made progress so far in the 105th Congress, and in the second session we can make more progress. I have heard some speeches today and some comments today by my colleagues, particularly on the other side of the aisle, and they go along two lines. Number one is the old argument that this is not a national concern, education is not a national concern, we should not be doing more in this area. We ought to leave it up to local school districts if they want to do it. Second, there is no money. We may have the largest economy in the world, and we may be in a period where the Union is strong and where the economy is strong and where we are finally getting to a balanced budget, or very near to it, but there is no money. "We now spend less than 2 percent of our Federal budget on education and that is too much. We can't afford to spend any more." That is the argument I hear.

I don't think the American people agree with that. When I go to my State and have town hall meetings and visits with people around New Mexico, I hear them say they are shocked to find that the Federal Government commits so little in resources relative to what the Federal Government spends in other areas. So I think we are expected by the people who sent us here to do better by education. The President is showing us the way to do that.

There are three areas in particular I want to highlight today where I think he is showing some leadership, and we need to follow that leadership and try to make a difference. One is in the very important area of lowering the dropout rate in our schools, reaching those at-risk students who historically have left high school before they graduate. We have oversized schools in this country. We have low expectations of many of our students. We have inadequate involvement of parents in the education of their children. As a result of all of these factors, over 500,000 students each year in this country drop out of school before they complete high school. Thirty percent of the young Hispanic adults in this country lack a high school degree because of that very problem. This is a national tragedy, in my opinion, and we at the Federal level can do some things to try to assist with this problem.

I hope very much we will take the lead of the President in doing that. He has proposed key programs such as title I, the TRIO program, bilingual education, and several new initiatives to make schools more conducive to learning, to raise expectations and lower dropout rates. He has proposed $12 billion for class size reduction and teacher training and a mentoring program for at-risk middle school students. He has proposed $150 million for comprehensive reform. Now, that funding would go to schools with a serious dropout problem that want to focus on restructuring those schools and coming up with ways to give attention to the at-risk student, to keep them in that school, prevent them from dropping out. That is an initiative that is worth our effort and support.

A second area, in addition to the dropout problem that the President is providing leadership on and that we here in Congress have done a substantial amount on in recent years, is providing computers and access to the Internet for the students in our schools today. Technological literacy is an essential part of being educated today. We need to ensure that the schools throughout this Nation are equipped so that students who come through those schools have access to that technology. The President is proposing significant fiscal year 1999 increases for key technology programs. For the formula grants to States there is $425 million in fiscal 1997. For competitive grants, $76 million for technology training for teachers. And all of us understand that you have to train the teachers to use the technology in order that it can be used effectively by the students as well in the classroom. The President is proposing increases in each of these areas. I believe it is in the best interest of this country for us to follow his lead in that area.

The President's $10 billion school construction initiative will also help to provide access to fully-wired, technology-ready facilities for computers, and the Internet can be readily integrated into classrooms. Schools are the last area of our society where technology is really having an impact. It is more prevalent in our homes and in our offices than it is in our schools, and it is time that we fix that problem.

The final area I want to mention is where I believe the President has made some progress and this Congress has made some progress and we need to keep moving forward in, which is the area of world-class academic standards. Too many schools still offer watered-down academic programs, general education tracks, and low expectations that will not meet the demands of local competition. The President has proposed $200 million in incentives to help districts to set high academic standards, to eliminate the problem of social promotion which he spoke about very eloquently last night, and to take other measures to upgrade the quality of education in our schools. He requested roughly $13 million to pilot and field test a new voluntary national test in reading at the fourth grade level and math at the eighth grade level. This test would be developed by the National Assessment Governing Board, which is not part of the Department of Education.

Mr. President, these three initiatives—the effort to reduce dropout rates, the effort to provide technology for our schools, and the effort to assist our local schools to achieve world-class academic standards—are all worthy goals for us in this second session of the 105th Congress. I hope very much that we will follow the lead of the President and support these efforts with real resources. We will recognize that our constituents do not want to have us debate and debate and debate about whose responsibility it is to improve the schools. They want to see progress, they want to see improvement, they want to see their children receive a better education. We have the power to do that by continuing what we started in the last session of this Congress—that is, putting more resources into education, giving the priority to education that the President talked about last night. I hope very much we will do that. I believe the President has shown a direction that the American people want to see us follow. And I hope very much we will have the good sense to follow that direction.

Mr. President, I know there are others who intend to speak. So at this point I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me, first of all, commend my colleague from New Mexico for the very thoughtful statement on education, on the importance of it. I did not hear all of the statements made earlier. I know my colleague from West Virginia, the senior Senator from West Virginia, Senator BYRD, discussed the issue of transportation and the importance of the ISTEA bill, the intermodal transportation system bill, which has to be brought up very quickly here. I heard our junior Senator from West Virginia discuss the issue of Medicare and health care. So a number of these items the President discussed last evening in his State of the Union Message have been the subject of some discussion here today.

I think all of us were very impressed with the agenda the President has laid out for this session of this Congress, the remaining 70 to 120 days. The distinguished majority leader of the U.S. Senate, Senator LOTT, has indicated this will not be a long session. So we have a relatively short amount of time for an agenda that I think is important for the country. I hope many of these items will be considered in a strong bipartisan sense. Some will obviously provoke some disagreements. Minimum wage and family and medical leave are two items that come to mind immediately. But I hope on things like Medicare and Social Security and building our public schools and campaign finance reform, we can find some common ground here and get the business of the country done.

Mr. President, I would like to focus some remarks, if I could, on a subject that is I think critically important. The President spent some time discussing it last evening. It is one that I had worked on for about a month and a half here, during the month of December and a good part of the month of January, with a bipartisan group of Republicans and Democrats, and that subject is child care.

Unfortunately, in the last week, I received some correspondence from our colleagues on the Republican side who decided to pull out of the effort basically to come up with another bill. I understand Senator CHAFEE of Rhode Island has introduced a bill that, in many ways, reflects the work product of those 6 weeks, where I had tried to see in that quiet time if we could come out with a proposal that we could rally around here. Unfortunately—and this happens—these things break apart. I hope at some point we will come back together again. This is important. We have introduced a bill on our side, so there are two bills out there. The President laid out some thoughts and ideas on it. Let me say to you, Mr. President, how important this issue is. We are talking about millions of families in this country that are either single parents raising children, or two-income parents that need both incomes. They may have children and have to pay the tremendous cost of child care because, obviously, you can't leave them home alone. Maybe they don't necessarily have grandparents or aunts and uncles around to take care of them on a daily basis. It poses a serious problem for parents. When schools close down for snow days during the winter. What do you do with your children when you have to go off to work? You have the job you need and the children you love. How do you reconcile these issues?

In the past, many of us grew up in a situation where you had neighbors and friends and you would accommodate an occasion when a crisis like that emerged. Today, it is a daily effort, if a family is to make ends meet and fulfill these obligations. The average cost of a child care setting is between $4,000 and $9,000 per child per year. If you are making, as the average family does, $30,000, $35,000, $40,000 a year, with two children that need some care because they are minors or infants, you immediately get a sense of how difficult a situation people can be placed in financially.

What we have proposed is to expand the block grants, to come up with some tax credits—by the way, tax credits not just to families who have children they want to place in care, but to families who decide they are going to try and get along with one income. Some parents are going to stay home. We provide the credits for them as well. We make it refundable, too, Mr. President, because people who make that $30,000 and below don't pay taxes. Yet, many of them are out there just barely getting along. If they don't have a refundable tax credit, they don't get any benefit at all. So we refund the tax credits for those families that either want to stay home with their child or place that child in a child care setting, because they need that extra help to get along. On the stay-at-home parent idea—and I am delighted to see more and more coming to this issue—I authored something called the Family and Medical Leave Act, which was a source of some controversy back in the 1980's. It took me 7 years. It went through 2 vetoes, and as the President said, it was the first bill he signed into law in 1993. That was basically a stay-at-home parent idea. The idea was that if your child is facing a medical crisis or serious problem that could be documented, that a parent could make the choice to take 12 weeks away from their job, up to 12 weeks, without pay, without losing their job. We were the only country that I could find among industrialized nations that didn't permit a family and medical leave policy, giving parents the ability to stay at home and care for their children without losing the job that they need.

So the idea of providing some assistance for parents who want to stay at home and care for their children, I think, is a very sound idea. I hope we don't get into the situation where we cause stay-at-home parents and those who must work to be pitted against each other, to cause a quarrel, if you will, between parents who don't have that choice. If you are raising 2 or 3 kids on your own, the idea that you have a choice to stay home and watch them is nonexistent. You don't have that choice. Or if you are a two-income family barely getting by or you want to invest money that you are earning for their education, or to buy a better home, or to plan a vacation, you should not be branded somehow as an uncaring parent because you made that choice. I don't want to see us get into a debate here and suggest somehow that parents who need that second income are less caring about their children because they make that choice, any more than I want to see us deprive parents who make that choice to be at home by not providing them with help so that they can do that.

So I am hopeful that we can come to some common ground here. We have begun Welfare to Work. We have a lot more people in the work force. We don't have the child care vacancies, and we don't have the high-paying child care workers, as the average income is $12,000 a year. I don't know anyone who can now get along on that income. How do you attract good people to care for our children in this society?

There have been studies done recently about the quality of child care programs around the country. Some 17 States now have certification processes. Yet the Ziegler Child Study Center at Yale University would tell you that even in the States that have certification and accreditation processes the quality of child care is embarrassing. It is mortifying.

So for States that do not have that certification process you can imagine what it is like. In fact, if you pick up almost any daily newspaper in any city or any State in the country, you will find a case almost on a daily basis of parents who placed their child in what they thought was a safe, quality child care setting only to discover, of course, that child is not safe, and lost its life as we have seen in numerous cases. So we need to be far more conscientious.

We don't deal with quality here in Washington. We don't set standards. I realize that is too high a hurdle to probably overcome. So we let the States set the standards. There is nothing in our Federal bill that mandates what standards are. But we do think there ought to be at least health and safety standards. We require that for our pets. If you leave them at a vet or in one of these weekend kennels, you get a State requirement of safety and health standards for your puppies. It seems to me, if we are going to require that minimum standard for animals that we might try it for our own children in this country.

So our bill provides assistance to employers and providers of child care, and to parents who want to have the security of knowing their children are in safe places.

To give you an idea of how serious this problem is, in the State of Florida today, there is a need of 40,000 spaces for child care that are nonexistent in the State. We are told with Welfare to Work that number will increase by 440,000 in the coming year. So you are going to have an explosion, I guess, of child care providers. What will be the quality? How much will the cost be? Is it accessible to people? The State of Florida may be an example where the vacancy rate is particularly high. But it is not unique. Other States across the country are facing similar problems.

I was disappointed when I saw the list of the 19 priority items that the majority leader has placed before us in this brief session that child care is not on that list of 19. Child care is not on that list. We went through the debate on welfare reform a year or so ago. One of the promises made in this Chamber was that as we moved people from welfare to work, we would do something about caring for the children of these people who have been on welfare. What we are being told now, with this priority list of 19, is that child care is not on that list; that working families who are trying to make ends meet in caring for their children are not going to be a part of this agenda in the next 70 or 120 days of a legislative process. I am hopeful that agenda can change, that it is not written in concrete, that there will be an opportunity to make the case that we ought to be able to come up with a compromise bill if need be between Republicans and Democrats that takes out the partisanship on this issue and says that we ought to be able to come up with some idea here that can assist these working families.

I know my colleague from Utah, Senator HATCH, with whom I wrote the child care block grant program 13 years ago, and my colleague from Kansas, Senator PAT ROBERTS, care very much about this issue. Senator JEFFORDS cares about this issue, and had his own bill up earlier. Obviously, Senator CHAFEE does. He has a bill in. I know my colleagues from Maine, Senator COLLINS and Senator SNOWE, and Senator SPECTER have an interest in this. I am just disappointed. I can't hide it—that having invested 6 weeks of staff time and effort to try to come up with a compromise bill that it all falls apart literally in the last few days after we pretty much had a work product.

So I am going to continue to raise this issue. I am glad the President did last night. I am glad he highlighted it. I think a lot of people in this country understand in very graphic ways how important this issue is to them for their neighbors and their coworkers. They understand it. They see every day what goes on, how difficult this is, how costly it is, and how worried people are. After-school care is a big issue in this context. We put over $3 billion over 5 years in after school care. Five million children every day are home alone between 3 o'clock and 6 o'clock and 7 o'clock. Any police chief in any town will tell you the problems that kids get into is not after 11 p.m. at night when people want to put in curfews. Where kids get in trouble is in the afternoon between 3 o'clock and 8 o'clock. That is when trouble occurs. Seventy percent of our schools in this country have no after-school care programs at all. It seems to me that we ought to do something about that. I am not just talking about infants but young children in elementary schools. Try and dial a phone in a relatively small community between 3 p.m. and 3:30 p.m. in the afternoon. There is a delay between the last digit you dial and when the phone actually clicks in. That is because the phone system is overloaded with parents calling their homes to make sure their kids have gotten home safely.

So after-school care is a part of our effort and a part of this proposal that we will put before this body.

So with those thoughts I am urging our colleagues to see if we can't find some common ground. Hopefully the majority leader will change that agenda to include child care on it with the recommendation of the administration. We are not arguing now with an executive branch over whether or not we ought to do this.

There are two bills here that it seems to me we should move on. I am going to raise this issue at every opportunity I can in the coming weeks to see to it that before this session of this Congress adjourns that this U.S. Senate will address child care, after-school care, and care for parents who want to stay at home, and that these parents are going to get some relief before we call it quits. I think it is a critical issue and one that ought to be one of our top priorities rather than not a priority at all.

With that I yield the remainder of my time, if any of my colleagues want to take a few minutes before the time expires. I see my colleague from New Jersey.

Mr. TORRICELLI. I thank the Senator from Connecticut for the time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the State of the Union Address last evening reminds me of the words of President KENNEDY who in 1962 came before the Nation and he said, "It is my responsibility to report on the state of the Nation but it is all of our responsibility to improve it."

Increasingly that is a responsibility that is being met. It is incredible now to remember that when President Clinton assumed office 5 years ago there was projected to be in 1998 a Federal budget deficit of $357 billion. Indeed, in the budget that the President is about to submit there is a $10 billion deficit. And the reality is within a year the U.S. Government for the first time in 30 years will be conducting its affairs in a fiscal surplus.

For 3 decades, six Presidents of both political parties in their State of the Union Addresses have had it incumbent upon them to distribute pain—not to challenge the Nation to meet problems but to distribute sacrifice because of mounting deficits that left the U.S. Government with no choice.

There have indeed been many victims of the deficit. It is common to talk about them in terms of taxpayers having to pay an ever larger share of their income in Federal tax with an ever-larger share of their taxes going to interest on the national deficit. The taxpayers were not the only victims. The Federal deficit made victims out of children who never got the education they required. Students were never able to continue with assistance into higher education because of programs we could not pass; young families that could not get day care, and people, mothers and fathers, who could not follow opportunities because of it. There were many victims of the Federal deficit, and we each now need to be reminded that the country's budget evolved into a surplus.

Alan Greenspan may have said it best when he said we cannot just balance the Federal budget and think that our work is complete for if there is no investment in the Nation's future then we have still failed. That, Mr. President, is where we find ourselves tonight. Part of our national mission is accomplished. There will be a Federal budget surplus. Now the question is are we wise enough to recognize where the sacrifices have been? Are we smart enough to plan for the future to assure that the economic growth that we are now experiencing can continue?

Last night in the State of the Union Address the President outlined several specific investments that go to the core of this question, each in a way addressing an aspect of the national infrastructure. The first was Social Security.

There are in our Nation 80 million members of my generation born in the years after the last world war. They have worked hard. They are saving diligently. They have participated in building this high-growth economy. Soon they begin to face retirement. The Social Security trust fund through their savings and participation will continue to run a surplus through the year 2014. The current projections are that the same trust fund will expire by the year 2031.

Last night the President left us with a simple challenge. In facing the Federal budget surplus let's deal with Social Security first. Let this generation of Americans now retire. My generation who will be facing it in all too few years know the trust funds will be secure, permanent. Let's begin that planning now.

Second, the President recognized that in the 21st century the foundation of our Nation's economy and perhaps its principal national infrastructure will be our educational institutions. As certainly as in the 17th century it may have been the construction of canals, as certainly as in the 18th and 19th century it may have evolved into railroads to most certainly what now are institutions of higher learning in our schools.

As part of the program to deal with this reality, the President challenged us to create a Federal program to hire 100,000 new teachers to enable the Nation to reduce the class size for first, second, and third graders to 18 students, an extraordinary challenge with everything that it could mean for expanding the quality of American schools. But it did more.

Recognizing that smaller school classes is going to mean the need for more classrooms and facing the reality that fully two-thirds of all American schools are now substandard, two-thirds have at least one serious construction problem that must be addressed, potentially $100 billion worth of necessary construction to bring America's schools up to standards, the President recommended a program whereby the Federal Government would not build the schools; that responsibility would remain local. But we could reduce the cost of the construction by the Federal Government paying the interest on the loans of local governments and State governments to build those schools.

Third, the President challenged this Congress to continue progress on access to quality health care in America. Two years ago, this Congress assured that Americans could change their jobs without losing their health care. This Congress assured that if a member of a family was taken ill, they would not lose their health care because they made use of it. Two years ago, we did right by the American people in expanding our health care opportunities. And a year ago we did so again, adding 5 million American children, previously uninsured, without access to the system. We brought them into health care insurance through the Government.

Now the question is even larger. The President challenged us in the State of the Union Address to deal with the reality of 160 million Americans who now have their health care delivered through managed care systems. I know something of this issue because only a week ago in New Jersey, meeting with 100 individuals, many of whom had had difficulties with their managed care systems, I heard the stories that Americans are experiencing every day—members of managed care systems who could not get the truth of their own files, people who needed to see specialists but were denied, people whose privacy had been violated, people who traveled needing access to emergency rooms and could not get it because care would not be received through their managed care program.

The President's challenge last evening was we can make managed care work, and, indeed, in reducing costs it has worked. We have gone from 12 and 13 and 14 percent annual increases in the cost of health care to 2.5 percent last year. But saving money is only half the equation. The remainder is assuring that what has been the finest quality care system in the world in the United States is maintained and that managed care complements that system and does not frustrate it.

Fourth, the President recognized the reality that fully 60 percent of American women today with children, wfth homes to maintain, are also in the work force—not always by choice, certainly not usually by luxury. But with the cost of raising children and maintaining a home today, two family incomes are often a necessity, and yet in modern America the ambitions of these women, the needs of these families are frustrated because they cannot get affordable child care. It is hard to imagine any higher priority today for young working families in America than assuring quality, safe, affordable child care. Indeed, America remains almost alone in the world in not helping our families meet this urgent need and responsibility.

Through tax credits for businesses, through a larger child care tax credit for working families, the challenge has been laid before the Congress. More directly, the President said, "Not a single American family should ever have to choose between the job they need and the child they love." Exactly, Mr. President, and that is the challenge before this Congress.

And yet, finally, I recognize that having fought all of these years to balance the Federal budget, to reach the point where an American President could honestly predict a surplus in our finances, we achieve nothing if we meet these responsibilities but require higher taxes on American families that cannot afford the increased burden. It is notable that this balanced budget has been achieved and some of these social objectives already met while the country has the lowest tax burden on middle-income families in 20 years. But it is important still to recognize that that burden can still be eased more through targeted, responsible tax cuts that do not add to the deficit but help meet some of these social objectives—tax cuts to encourage and expand child care, targeted tax cuts to help with the cost of financing education, tax cuts that encourage savings and investment to maintain this rapid economic growth that is producing these extraordinary revenues.

Mr. President, this is an extraordinary time in the life of our country. We can do good and great things but not by resting on what we have achieved. This economy has not grown, our people are not productive, our industries are not competitive, we are not leading the world in finance and industry, no less in diplomacy, statesmanship and military power because we have learned to rest but, rather, because we have learned to challenge—not because we live off the growth of previous years, the investments of other generations but because we invest and save ourselves. That challenge remains with us tonight, not to accept things as they are but to invest, to educate, to build.

There is a quote that I have through the years always admired from an architect in Chicago, Daniel Burnham, who said in 1909 to his colleagues, "Make no little plans, for they have no magic to stir men's blood and will probably never be realized. Make big plans." Last night, in his State of the Union Address, President Clinton made before the Nation an ambitious agenda. It is a big plan worthy of a big and a great nation.

I hope and trust in this final year of the 105th Congress our vision will be as big, our action will be as bold as the State of the Union Address this Congress heard last night from President Clinton.

Madam President, with that, if I could, I should like to yield to the Senator from Oregon.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

Madam President, by focusing on Social Security reform, educational quality, and strengthening the rights of health care patients, last night's speech zeroed in on the issues that I have been hearing Oregonians talk about during the course of 12 town meetings this month. Certainly a budget surplus, no matter how you count to create that surplus, is not going to bring us into some sort of budget nirvana if it is followed by more years of deficits. And I thought what was especially constructive about last night's speech was it zeroed in on the critical questions of retirement and health care that clearly drive the budget and the deficit for the long-term. The fact is you cannot have long-term budget discipline unless you deal with Social Security and health care, and I think last night we heard a call to arms, to dig in on a bipartisan basis on those key issues.

Now, with respect to Social Security—and I am sure it is the case for all of our colleagues on both sides of the aisle—I can report that in my State more young people think that they are going to have a date with an extraterrestrial than think they are going to get a Social Security check. They look at these whopper payroll taxes that they are paying today, more than 6 percent for the worker, more than 6 percent for the employer, millions of Americans paying more in payroll taxes than they pay in income taxes, and they see that essentially their retirement contribution in the past has gone to a great extent to operate the budget.

I think it is fair to say—and there has been a considerable amount of discussion of this in the last few weeks —that the budget surplus in America is to a great extent the Social Security surplus in America. I think last night we learned that the real challenge ahead—the President essentially called for what amounts to a year-long national teach-in on retirement finance in America—is to be straight with people. We are going to have to talk about the tough choices and in particular how we protect the millions of Americans for whom Social Security is a lifeline, vulnerable folks who every month are balancing their food costs against their medical bills and medical bills against their pharmaceutical bills, and the question is, how do we take care of those vulnerable folks and still get ready for this demographic tsunami—75, 80 million baby boomers that are going to retire early in the next century.

But it seems to me that if we spend the next year working on a bipartisan basis to dig into these issues, look at a variety of different approaches—I am particularly attracted to the idea of trying to stimulate more private saving; I think there are a variety of ways in which that can be done—we will have said on our watch, on our watch, Madam President—and I have enjoyed serving with you on the Senate Committee on Aging—we will be able to say that on our watch we did not duck the tough and difficult questions. And certainly they are just as difficult with respect to health care as they are to retirement finance.

I come from a part of the United States where we have perhaps the highest concentration of managed care in the country. In fact, in my hometown of Portland, more than half of the older people are in HMOs, are in managed care, and the challenge always is, even in a hometown like mine where we have a lot of good managed care, how do you hold the cost down while still protecting the rights of patients in those health plans.

I am of the view that a lot of those folks feel powerless today. Frankly, they feel powerless throughout the health system, whether they are in an HMO or a fee-for-service plan or one of these hybrids that is a little bit of each. And I think that we as a body differ on lots of aspects about health care. Certainly you can differ on the role of the Federal Government, State government, tax policy, and a variety of issues, but I, for the life of me, cannot understand why any of us would not support what we heard last night with respect to patients being told about all their options in the health care system. Disagree all you want about the kind of services that ought to be part of a health plan but let us not disagree on the fundamental right to know what treatment might be available to you and what your options are. The same with the right of appeal, the right to make sure that if you felt you did not get a fair shake from the health care system you would have an opportunity to be heard and you could have another chance to make sure that your claim for services was addressed in a fair way. This issue, the question of protecting the rights of patients in health plans while holding costs down, is the essence of our challenge in health care. Of course you can hold costs down if you don't give people any care. That is a walk in the park. Anybody can do that. That is not the kind of health care system we want. We want one that both holds costs down and protects the quality of health care in our country. We have been able to achieve some of that success in my home State. I am convinced we can do it in every community in Oregon and across the country, but it is going to mean, as we heard last night, stepping forward, stepping up to the key issues.

Madam President, what I was especially pleased about with respect to last night's speech was the call for bipartisanship. I think that is critical to taking on these key issues such as retirement and health care. Again, in our home State, that's the kind of government that we are trying to practice. I can tell you that my colleague in the U.S. Senate, Senator GORDON SMITH and I, after we ran against each other for the seat to replace Bob Packwood—of all people, we could probably have come here and quarreled about all kinds of issues. We have not wanted to make that part of our service. We wanted to make part of our service tackling these issues on a bipartisan basis, in a way that makes sense for Oregon and our country. That is why, as new members of the Budget Committee, we joined in the last session in terms of Medicare reimbursement reform.

As the Presiding Officer of this body knows, regarding much of the Medicare reimbursement system, since its inception the program has actually rewarded folks for being inefficient and penalized States for holding costs down. Senator SMITH and I thought that was particularly unfair to our constituents, who have done so much heavy lifting to get the health care system back on track. We worked with other Senators, leaders on both sides, and were able to make some very dramatic changes in that reimbursement system. It has an eye-glazing name called the AAPCC, the Average Adjusted Per Capita Costs, but it's the guts of reimbursement. And I am convinced that when, on a bipartisan basis, colleagues can work for those kinds of changes, and we were successful last session, we can certainly rise to the challenge that we were given last night and move ahead with respect to reform as it relates to health maintenance organizations—consumer rights, like the right to full information and the right to appeal.

So I am optimistic, as we go forward in the days ahead to tackle these issues, Madam President. I think we have an opportunity on our watch to say that we did not duck, that we understand that these issues, with respect to retirement and health care financing, are the biggest issues that in the past folks in politics ducked. We cannot afford to do that any longer. I look forward to working on a bipartisan basis with my colleagues on those questions in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I do want to say to my colleague from Wyoming that I shall stay within 10 minutes. He is here on the floor. We have had a chance to speak as Democrats for a while. So I will try and stay relatively brief. When I say 10 minutes I mean by clock time, not by Senate time. So I really will try to do this.

I thank my colleague from Oregon for his fine statement.

Mr. WYDEN. I thank my colleague.

Mr. WELLSTONE. Madam President, I want to talk about the President's speech last night. Let me start out with where I disagree with some of what he had to say, and then let me talk about what I think were some of the sharp differences between Democrats and Republicans. That is not to say I am not interested in bipartisanship, but I think, frankly, if there are differences between the parties that make a difference, and people see a real debate and it is important to their lives, that will be all to the good.

I think the President is dead wrong in what he had to say about welfare reform. I never called it reform because I think that takes for granted the very question in doubt, as to whether or not it is really reform. That there are a million or 2 million or 3 million fewer women and children—those are the welfare recipients on welfare today—than several years ago does not necessarily represent reform. A reduction of the caseload, reduction of people who are receiving assistance, has nothing to do with whether or not you have reduced poverty. It is reform when we have reduced poverty.

I will just say for the record that, as I have had a chance to travel around the community, and a lot of poor communities in our country, there are several things which I found which are very troubling. I do not believe I do any damage to the truth when I say this, and think all Senators need to take note of it. First of all, it is simply true that there are 3- and 4-year-olds at home alone. It is simply true that there were long waiting lists for affordable child care, long before welfare reform, and many of these children are not receiving nurturing, important developmental care at the most critical years of their lives.

This is wrong.

It is also true, as I said the other day, that there are first and second and third graders who, when they go home, there is no parent there. I think it is poignant. I think it is wrong that there are fewer children playing outdoors now because when many of these kids go home they go into a housing project and they are told to go inside, not take any phone calls, not answer the door. That is happening in the United States of America. We need to take note of that.

I think the President is also wrong because we don't know where these mothers are. We don't know what kind of jobs they have. And what is really astounding to me, Madam President, is at the State level we are not collecting the data. I think, as responsible policymakers, since 4 years, 3 years, 2 years from now, depending upon the State, all of these women and children are going to essentially be receiving no assistance, they are going to be cut off from all assistance, don't we need to know whether or not they have reached economic self-sufficiency? These parents, mainly women—do they have jobs that pay a decent wage? Do they have health care coverage? Can they afford child care? Where are their children? We need to know that. That is where I disagree with the President's analysis. And I will have some amendments almost on the first piece of legislation that comes to the floor of the Senate where I will try to get the Senate to address these problems.

Second, I think we have to do much better in higher education. I was a college teacher for 20 years and I believe that we didn't expand assistance gaining the best bang for the buck. The way of targeting the assistance to those students in most need would have been to dramatically expand the Pell grant program. And if you are going to have tax credits, they have to be refundable. If you don't have tax credits that are refundable and you have a student from a family earning less than $27,000, $28,000 a year—which, by the way, is the income profile of many, many community college students—it doesn't do you any good. You have no tax liability. You can't cash flow paying your tuition because you get it too late to pay your tuition, and you are not eligible anyway. So if we are going to talk about making higher education more affordable let's, for gosh sakes, talk about these working families.

That is disagree.

Agreement: I think the President's focus on education, on early childhood development, affordable child care, on health care, was extremely important. Let me make but a couple of points for my Republican colleagues. As I listened to some of my Republican colleagues talk about the President's speech last night, I felt like what they were saying is: Oh, this is just Government all over again. Americans, when it comes to these pressing issues of your lives, there is nothing the Government can or should do.

Madam President, if you own your own large corporation and you are wealthy, then that's fine. But for most of the working families in this country, affordable child care is a huge issue. For most of the working families in this country, making sure that your children get a good education and a commitment to public education and lowering class sizes and having more teachers and having more teaching assistance is hugely important to you. If you are from a working family in our country, you want to make sure, vis-a-vis an increasingly corporatized and bureaucratized health care system—listen, managed care can be good or bad. It depends upon who manages the managed care. But the fact of the matter is, the nine largest insurance companies own and control well over 60 percent of the managed care plans, and for them the bottom line has become the only line.

So of course we want to make sure that people have access to the care they need. Of course we want to make sure that nurses and doctors can provide that care. Of course we want to make sure there are some independent appeals processes for ordinary people in our country. Of course we want to make sure that there are some basic consumer protections. And I think the President is right on the mark. What I am worried about, it is a challenge to colleagues on both sides of the aisle, is that the Congress will sure enough pass a bill. It will have a great acronym. It will sound great and it will have that made-for-Congress look, because there will not be any teeth in it, enforcement teeth.

By the way, one way in which I would love to amend some of what the President was talking about last night, and I think we could get bipartisan support for this, is we ought to think about —Families USA has talked about ombudsmen, you know, through nongovernment organizations, through nonprofits, where people would have somewhere to go so they can have basic information about what their rights are as consumers. We absolutely ought to do that. We absolutely ought to do that. It's a simple proposition. Either we are here to represent big insurance companies or we are here to represent doctors, nurses, nurse's assistants, other caregivers, and consumers.

The third point I want to make has to do with jobs. I said it the other day on the floor of the Senate. I will summarize. I will say it again. No matter where I go, whether it be low-income communities, poor communities, middle-income communities, it doesn't matter—and for that matter upper-income communities. People are focused on how to earn a decent living and how to give their children the care they know they need and deserve. I am going, for a moment, to talk about low-income, since we don't talk that much about low-income, poor people. I will tell you that there are two challenges here. One, the President talked about raising the minimum wage. Senator KENNEDY and I have been out on the floor. We talked about the legislation we have introduced, 50 cents a year for 3 years and then indexing it. I will tell you that is extremely important. Because it is wrong when people work full-time, all year round, and they are still poor in America. That should not be the case. When people work, play by the rules of the game, they ought not to be poor.

My second point, however, is different. It doesn't do any good to raise the minimum wage if people live in communities where there is no work at all. We have communities in our country, ghettos and barrios in rural areas, where there is no work. And we really do need to figure out ways of combining our initiatives while at the same time providing some job opportunities for people to build up some skills and then be able to transition to private sector employers. If we are going to rebuild crumbling schools—and we should, God knows, when students go into schools that are so uninviting, with ceilings falling in. Imagine, could we do our work if the heating didn't work? If the plumbing didn't work? If the air conditioning didn't work during the summer? If we didn't have access to Internet? If we didn't have access to the best books? Could we do our work? A lot of students are going to school in decrepit buildings, unsafe, that tell those students we don't value them.

If we are going to rebuild crumbling schools, invest some money in that infrastructure, I think we ought to also make sure that a certain percentage of the jobs go to the adults, the fathers and mothers of those children who live in these communities. Because these are communities that are ravaged by high levels of unemployment. Let's combine rebuilding the schools with some job training and jobs for some of the parents in the community.

If we are going to reduce class size we can talk about 100,000 more teachers, but there is also a role for teaching assistants that can help a teacher in a classroom. That could provide employment for people who live in these communities without any jobs at all. So I would like to see us have more of a focus in this area. To a certain extent I am talking about people who all too often are faceless and voiceless here, but I think it is extremely important, as a matter elementary justice, that we focus in this area.

Finally, Madam President—I hope I have stayed within 10 minutes—an issue that you care a great deal about, an issue that I wish all of us would care a great deal about, even if we disagree on the specifics. I do not know what other people find, but I tell you I think an awful lot of people in our country, I am sorry, I think it is well over 50 percent, are just disillusioned and disaffected with politics. It is terrible. I think people think that both parties are owned and controlled by the same investors.

I think that people think that when it comes to their concerns and their hopes about themselves, their families, their communities, their loved ones, these concerns are of little concern to those of us in the Congress. I hate that.

I have two Republican colleagues on the floor with me from Wyoming and from Colorado, both of whom I respect. It does not matter if we disagree on issues, this is one thing we do not want to have happen. I mean, we do not want people to just kind of become so disillusioned that participation becomes less and less. We lose our democracy.

So, Madam President, the final issue the President talked about—I hope we can move some campaign finance reform. We cannot get all the big money out of politics. I wish we could. But if we could at least pass some reforms that would give people some confidence we are serious about trying to get some of the money out of politics and make politics more responsive to the concerns and circumstances of their lives, we would be taking a big step forward.

I look forward to the debate. I hope we have a lot of debate. I do not want it to be acrimonious. But I think differences between the political parties are healthy. I think if the differences make a difference to the people we represent, it is even better. The sooner we get substantive, the sooner we have bills out here on the floor, the sooner we have the debate, and the sooner we get on with the work of governance, the better I will like it as a Senator from Minnesota.

Madam President, I yield the floor.

The PRESIDING OFFICER. The time under the control of the Democratic leader has expired.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

I ask unanimous consent that I be allowed 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Thank you.

CONGRATULATING THE DENVER BRONCOS AND COLORADO STATE UNIVERSITY

Mr. ENZI. Madam President, in the last 3 hours there has been some pretty heavy lifting and some excellent debate by both sides about what is to come of this country. But I am going to take just a moment and let everyone relax and reflect a little bit and realize that everything in the world isn't happening right here in Washington. I want to bring some attention to some things that have happened over the last weekend.

One of those, of course, was the Super Bowl game. I want to congratulate those Broncos and people in Wyoming and Colorado who are avid supporters of that team. They did a wonderful job as fans, as players. It was a great game. But something that is not as well known out of this part of the country is that there is the Western Athletic Conference. There are a bunch of basketball players out there that are having a great year.

Some people may have heard about Utah because, frankly, they are No. 4 in the Nation right now. You may have heard about New Mexico because they are also in the top 20 in the Nation. But I want to talk just for a moment about another team that is going to be in that top 20 in the Nation, and that is Colorado State University, a small university in northern Colorado just south of Wyoming. This last weekend we had an event called the "Border Wars." That is an event that has been going on for 101 games in Laramie, WY, alone. They play the other half of the games in Colorado. So the oldest traditional rivalry in basketball, probably, in the United States—101 games. This last weekend was the event of that 101st game.

I cannot convey to you enough the rivalry that we have between these two schools that have been playing for that long and that are only separated by 45 miles, which out in our part of the country is very little distance.

It is my pleasure to say that Colorado State University won that game. They beat an outstanding team. That is why you are going to hear more about Colorado State University. They won that game 53–46. They got out to a 9–0 lead in the game, then a 15–2 lead, which is almost what their record is this year, 15–3, a pretty outstanding record, particularly in that conference. They are 3–2 in the Western Athletic Conference. But they have won nine of their home games, only losing one. Their coach, Stew Morrill, has done an outstanding job with the team that came back from last year. As most people do not realize, they had that entire team back for another season. And they will have a great season.

So keep your eye on the Western Athletic Conference and particularly Colorado State University.

This is such a rivalry that this last weekend I had the pleasure of hosting Senator ALLARD and his wife Joan for the basketball game in Wyoming. As part of that competition, part of that rivalry, I agreed that if Wyoming lost that game, I would wear this Colorado State tie for a week. It was really fun having the folks from Colorado come up and to have that competition continue. I want to congratulate Senator ALLARD for the outstanding job that they did.

I yield the remainder of my time.

Mr. ALLARD. Madam President, I ask unanimous consent to be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I want to stand up and thank my colleague from Wyoming for having both Joan and I join him and his lovely wife for a great, great basketball game in Laramie, WY. We look forward to a continuation of this rivalry. He is a great sport. I am so pleased that he has agreed to go ahead and wear that tie now for the rest of the week. It makes all of us feel so proud at Colorado State University to see somebody who is such a strong supporter of the University of Wyoming willing to share that win with the rest of the people in Colorado.

So we are looking forward to many, many more rivalries in the Western Athletic Conference with the University of Wyoming in Laramie. I want to wish everybody the very best.

Madam President, I yield back the remainder of my time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. CONRAD. Madam President, I will make one correction, if I can. North Dakota.

The PRESIDING OFFICER. The Chair apologizes. The Senator from North Dakota is recognized.

Mr. CONRAD. No need to apologize. We often get mixed up with our sister State. They sometimes call us the four amigos, the four Senators from North and South Dakota. So we are always glad to be put in the class of our friends from South Dakota.

THE FISCAL CONDITION OF OUR COUNTRY

Mr. CONRAD. Madam President, last night we heard the President's State of the Union Address. It was an important review of where the country stands. I want a chance to discuss today what I think are some of the most important points that were made last night, the most important points with respect to the fiscal condition of our country.

I came here to the U.S. Senate 12 years ago. The thing that compelled me to run was the fact that fiscal conditions in the country were a disaster. I was convinced that unless steps were taken to get us back on a sound fiscal track, the future economic security of our country was threatened, which would have an adverse effect on the people that I represent in the State of North Dakota. We are very much affected by the national economy.

But I was also concerned about where we were headed in terms of a national legacy. What were we going to leave to our children? Remember those times when we were running massive deficits? It looked like there was no end to red ink. So I came here with a commitment to get our fiscal house in order. I wanted not only to balance the budget, as it is called in Washington, but I also wanted to see us stop the practice of looting the Social Security trust funds in order to make the deficit appear smaller than it really was.

So last night was a very special night for me. I was able to hear a President say he was going to submit a balanced budget for the first time in 30 years. I was also able to hear a President say that he was going to go further than that and he was going to move to stop the practice of raiding and looting Social Security trust fund surpluses.

Madam President, I think that is critically important to the Nation's future. I want to describe what has happened, what is happening and why it matters to people.

I brought this chart along to show precisely what has happened and what the differences are between the budget we talk about here in Washington and what I think any fair commentary would be on the budget. If we go back to 1992, the blue line shows what is termed the unified budget. What has happened to the so-called unified budget? That includes all of the resources of the Federal Government, all the revenues and all the expenditures. Of course, that means it also includes the Social Security surpluses.

The red line shows the budget of the United States if you exclude the Social Security surpluses. What these lines show is that in 1992 we had a unified budget deficit of $290 billion—$290 billion. And the projections were that the deficits were just going to go up from there.

That is where we were in 1992. The next year we passed an economic plan proposed by this President. And I might say all the votes were on this side of the aisle because none of our friends on the other side would vote for it. It was controversial. And it is controversial. Any time you really are going to take action and reduce the deficit, that means you are going to cut spending, and perhaps even raise taxes. That is what the 1993 plan did. It cut spending, and it raised taxes on the wealthiest 1.5 percent of the income-tax payers of the country.

That plan has worked and worked remarkably well. You can see what has happened here to the unified deficit. It has gone down each and every year so that this year, fiscal 1998, the Congressional Budget Office is now projecting a budget deficit of only $5 billion. But let us remember that is the unified deficit.

The President said for fiscal 1999 he is going to propose a balanced budget. That means all of the revenues of the Federal Government, when matched with all of the outlays of the Federal Government, are going to balance. That is dramatic progress. That is real progress. That is important.

But we should never forget that that means we are still using Social Security trust fund surpluses. We ought to stop it. We ought to stop it because we have to get ready for the time the baby-boom generation starts to retire. It is coming sooner than any of us might think. In fact, I am one of the leading edge members of the baby-boom generation. I will be 50 years old in just a few short weeks. When I retire, along with millions of other baby boomers, that is going to put enormous pressure on the Federal budget.

I call it a demographic time bomb. It is lurking just over the horizon. We have to get ready for that time. The way we get ready is to stop using the Social Security trust fund surpluses to fund the other aspects of Government.

I said to my colleagues in the Budget Committee this morning, if any private company tried to do what we are doing, they would be in big trouble. Because if any private company took the retirement funds of its employees and threw those into the pot in order to balance its operating budget, they would be in violation of Federal law. They would be headed for a Federal institution, but it would not be the U.S. Congress. They would be headed for a Federal penitentiary because that is considered fraud.

That is the reason we ought to stop it. It is wrong. But it is not just wrong in the sense of being illegal. It is also wrong in the sense of preparing the economic future for this country. If we do not take action now, we will face very draconian decisions as we get closer to the time when the baby boomers actually start to retire.

So this blue line shows the so-called unified budget. It shows that we have made dramatic progress moving towards a so-called balanced budget. But it is not really balanced until or unless we also stop raiding the Social Security trust fund, until we stop looting the trust fund surpluses to pay for the other actions of governments. You can see that this year we will be using the difference between a $5 billion deficit and $106 billion. We will be using $101 billion of Social Security trust fund surpluses.

Last night the President said, whoa, wait a minute.

Let's not continue this practice. Let's not fool ourselves by saying we have surpluses when, in fact, we are taking trust fund money and using those moneys to make believe we have surpluses. So before anybody gets busy figuring out new spending or new tax cut schemes, let's make sure we have secured the future of Social Security. As the President said, save Social Security first. That should be the first order of business for this Congress and future Congresses to come.

Now, one reason it is important to end this raid on Social Security is because that will better secure the economic future for our country. This progress that we have made, this dramatic progress on reducing the deficit, has led to remarkably good economic conditions. We have seen over these last 4 years real business fixed investment growing at 10 percent a year, one of the strongest rates we have ever seen in our history. We have seen the unemployment rate in the United States reduced to the lowest level since 1973. We have the lowest rate of unemployment in 24 years.

The good news doesn't stop there. If you look at the inflation rate, that is the best sustained performance since 1967, the lowest rate of inflation on a sustained basis in 30 years. These are truly remarkable economic numbers. In addition to that, we know over 14 million jobs have been created. This has been one of the most successful economic policies ever put in place, and it was done at a time when there was great controversy about it. That is clear if you go back to 1993 and read the debate. Folks on the other side of the aisle said if you pass that plan, you will increase the deficit. They said you will increase unemployment. They said you will increase inflation. They were wrong. They were wrong on every single point.

They had an economic theory called trickle down economics. When we pursued that theory in the 1980s, the deficit and the debt exploded. In 1993, we reversed course and said, no, we are going back to commonsense economics, which means you look at what you are spending and what your revenues are and you put them into balance. That is how you eliminate the deficit. You cut your spending, you increase your revenue, and you eliminate the deficit. In doing this you take pressure off of interest rates and relieve that debt burden on the economy and the economy will grow. And this economic course worked. It did precisely what we hoped it would do. In fact, the results have been even better than we anticipated. The deficit has come down dramatically. We have seen remarkably strong economic growth, the lowest inflation in 30 years, the lowest unemployment in 24 years, the biggest reduction in elderly poverty in our history. That is a record we can be proud of.

Let me just say I heard the other night somebody on television saying it is not because of the fiscal policy that was passed in 1993, it is because of the monetary policy the Federal Reserve Board has been pursuing that we have had this economic success. Mr. Greenspan, the head of the Federal Reserve, doesn't even subscribe to that proposition. He has said that the 1993 economic plan has played a significant role in the good economic circumstances that we have seen since that time. He is exactly right. It is a combination of fiscal policy and monetary policy that has brought us to the strong economic position we are in today. The fiscal policy is controlled by the Congress and the White House. The fiscal policy that we put in place with the 1993 economic plan has worked and it has worked like a charm. In fact, it has permitted the Federal Reserve Board to follow the monetary policy they have pursued that has also helped create this very successful economic environment in which we are in.

Madam President, I wanted this chance to review where we have been, where we are going, how we got here, and how we can continue to make progress that strengthens the economy of this country.

In conclusion, I just want to say we have an unparalleled opportunity this year. We have a chance to build on the remarkable success that was started with the 1993 economic plan. We have a chance to take that, coupled with the bipartisan budget plan that was passed last year, and thankfully we now see we are 3 years ahead of schedule on that plan. We now can take the next step and stop the raiding and the looting of Social Security trust fund surpluses in a way that would strengthen this economy for decades to come. We shouldn't let this moment pass. We shouldn't allow ourselves to get caught up in new spending schemes or tax cut schemes that threaten and endanger this remarkable progress that we have made.

I hope that my colleagues, as we go through the legislative agenda of this year, will pay special attention to doing all that we can to secure the economic future for our country. We have, really, very few responsibilities that are more important than laying the groundwork for the economic prosperity and opportunity of the people that we represent.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Kazakhstan has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Kazakhstan under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals.

Kazakhstan is a nonnuclear weapons state party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Following the dissolution of the Soviet Union, the Republic of Kazakhstan agreed to the removal of all nuclear weapons from its territory. It has a full-scope safeguards agreement in force with the International Atomic Energy Agency (IAEA) to implement its safeguards obligations under the NPT. It has enacted national legislation to control the use and export of nuclear and dual-use materials and technology.

The proposed agreement with the Republic of Kazakhstan permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfer, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, with an accompanying agreed minute, annexes, and other attachments. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with Switzerland has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces an earlier agreement with Switzerland signed December 30, 1965, which expired by its terms August 8, 1996. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and Switzerland, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of moderator material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT). (U.S. law permits SNT to be transferred outside the coverage of an agreement for cooperation provided that certain other conditions are satisfied. However, the Administration has no plans to transfer SNT to Switzerland outside the agreement.)

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred moderator materials, nuclear materials, and equipment, as well as nuclear material produced through their use. The agreement also establishes procedures for determining the survival of additional controls.

Switzerland has strong nonproliferation credentials. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within its territory. In negotiating the proposed agreement, the United States and Switzerland took special care to elaborate a preamble setting forth in specific detail the broad commonality of our shared nonproliferation commitments and goals.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and Switzerland have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of our common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of Switzerland to the international nonproliferation regime, the comprehensive nonproliferation commitments that Switzerland has made, the advanced technological character of the Swiss civil nuclear program, the long history of U.S.-Swiss cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the long-standing close and harmonious political relationship between Switzerland and the United States, the proposed new agreement provides to Switzerland advance, long-term U.S. approval for retransfers to specified facilities in the European Atomic Energy Community (EURATOM) of nuclear material subject to the agreement for reprocessing, alteration in form or content, and storage, and for the return to Switzerland of recovered nuclear materials, including plutonium, for use or storage at specified Swiss facilities. The proposed agreement also provides advance, long-term U.S. approval for retransfers from Switzerland of source material, uranium (other than high enriched uranium), moderator material, and equipment to a list of countries and groups of countries acceptable to the United States. Any advance, long-term approval may be suspended or terminated if it ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include U.S. agreements with Japan and EURATOM. Among the documents I am transmitting herewith to the Congress is an analysis of the advance, long-term approvals contained in the proposed U.S. agreement with Switzerland. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act, as amended.

I believe that the proposed agreement for cooperation with Switzerland will make an important contribution to achieving our nonproliferation, trade, and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

Because the agreement contains all the consent rights and guarantees required by current U.S. law, it represents a substantial upgrading of the U.S. controls in the recently-expired 1965 agreement with Switzerland.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner with Switzerland, and thus help ensure the continuation and, I hope, growth of U.S. civil nuclear exports to Switzerland.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of the Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process" (the "Order") (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively "Specially Designated Terrorists" or "SDTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 Fed. Reg. 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material, or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the List of SDTs (60 Fed. Reg. 41152, August 11, 1995; 60 Fed. Reg. 44932, August 29, 1995; and 60 Fed. Reg. 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the "TSRs" or the "Regulations") (61 Fed. Reg. 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There has been one amendment to the TSRs, 31 C.F.R. Part 595 administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of August 5, 1997. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

4. Since January 25, 1995, OFAC has issued three licenses pursuant to the Regulations. These licenses authorize payment of legal expenses of individuals and the disbursement of funds for normal expenditures for the maintenance of family members of individuals designated pursuant to Executive Order 12947, and for secure storage of tangible assets of Specially Designated Terrorists.

5. The expenses incurred by the Federal Government in the 6-month period from July 22, 1997, through January 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the United States determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 27, 1998.*

MESSAGES FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 131. Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 131. Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1576. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. HATCH, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 1577. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COATS, Mr. FAIRCLOTH, and Mr. ASHCROFT):

S. 1578. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. CHAFEE, and Mr. BINGAMAN):

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SHELBY:

S. 1580. A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, and Mr. LEAHY):

S. 1581. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBB:

S. 1582. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCAIN, Mr. LEAHY, Mr. HELMS, Mr. DODD, Mr. BROWNBACK, Mr. BRYAN, Mr. WARNER, Mr. CLELAND, Mr. STEVENS, Mr. TORRICELLI, Mr. MACK, Mr. KERRY, Mr. COVERDELL, Mr. BYRD, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. THOMAS, Mr. WYDEN, Mr. GORTON, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. HOLLINGS, Ms. COLLINS, Mr. AKAKA, Mr. INHOFE, Mr. CONRAD, Mr. GRAMS, Mr. ROBB, Mr. BENNETT, Mr. SPECTER, and Mr. HAGEL):

S. Con. Res. 71. A concurrent resolution condemning Iraq's threat to international peace and security which was read twice and ordered placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1576. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State; to the Committee on Environment and Public Works.

THE MTBE CLEAN AIR ACT AMENDMENT ACT OF 1998

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which will amend the Clean Air Act to allow California to operate its own reformulated gasoline program, which is stricter than the federal program and meets the air quality requirements set forth in the 1990 Clean Air Act.

WHAT THE BILL DOES

The bill provides that if a state's reformulated gasoline rules achieve equal or greater emissions reductions than federal regulation, that state's rules will take precedence. This works to exempt California from overlapping federal oxygenate requirements.

The bill is the Senate version of legislation introduced last year in the House by Congressman BRIAN BILBRAY (R-San Diego) and cosponsored by 46 members of the California Congressional delegation.

The bill applies only to states which have received waivers under Section 209(b)(1) of the Clean Air Act, for which California is the only state currently eligible for such a waiver.

By exempting California from the oxygenate requirement, this legislation will give gasoline manufacturers the flexibility to reduce or even eliminate the use of gasoline oxygenates, such as methyl tertiary butyl ether (MTBE)—which has been detected in alarming amounts in California groundwater.

The legislation allows the companies who serve California's gasoline needs to continue to adopt better methods of producing California Cleaner Burning gasoline, without being restricted by oxygenate requirements.

CALIFORNIA AIR QUALITY HISTORY

California's efforts to improve air quality predate similar federal efforts, and have achieved marked success in reducing toxic emission levels, resulting in the cleanest air Californians have seen in decades. This trend will continue with the passage of this bill.

Since the introduction of the California Cleaner Burning Gasoline program, there has been a 300 ton per day decrease in ozone forming ingredients found in the air. This is the emission reduction equivalent of taking 3.5 million automobiles off the road. California reformulated gasoline reduces smog forming emissions from vehicles by 15 percent.

The state has also has seen a marked decrease in first stage smog alerts, during which residents with respiratory ailments are encouraged to stay indoors.

California Environmental Protection Agency Chairman John Dunlop, who supports this legislation, says:

> . . . our program has proven (to have) a significant effect on California's air quality. Following the introduction of California's gasoline program in the spring of 1996, monitor levels of ozone . . . were reduced by 10 percent in Northern California, and by 18 percent in the Los Angeles area. Benzene levels (have decreased) by more than 50 percent.

Although California has made great progress in decreasing the amount of toxins in the air, the overlap of federal regulations, on top of the strict state regulations, does not allow the state much flexibility in the design and implementation of its reformulated fuels program.

This inflexibility makes it difficult for gasoline producers to respond effectively to unforeseen problems associated with their product. Such is the case with the oxygenate MTBE leaking into California groundwater.

Refiners are bound by federal law to include an oxygenate in their gasoline, even if they can make gasoline which meets Clean Air Act emissions requirements without its use.

Thus, the need for the legislation is twofold—to streamline overlapping federal and state regulations, and to allow gasoline manufacturers the flexibility to make California Cleaner Burning Gasoline without oxygenated fuels.

FEDERAL REFORMULATED GASOLINE REQUIREMENT HISTORY

Federal reformulated gasoline, and the oxygenate requirement included in it, came as a response to the worsening air quality of many American cities.

For many years major cities, including San Diego, Sacramento and Los Angeles, were facing serious pollution problems due to increasing amounts of smog and ozone in the air.

As the air quality worsened, people around the country began experiencing more frequent respiratory illnesses, and increased asthma attacks due to the toxins in the air.

In 1990, Congress recognized the gravity of this national problem and amended the Clean Air Act to ensure that our nation's most smoggy and polluted areas were the beneficiaries of tougher motor vehicle emission control standards.

One of these amendments directed the United States Environmental Protection Agency (EPA) to adopt a federal reformulated gasoline program for urban areas with the most serious pollution problems.

The federal reformulated gasoline program mandated that this new cleaner burning gasoline reduce emissions of benzene, a known human carcinogen, and other toxins.

The federal program also mandated that this reformulated gasoline contain 2 percent by weight oxygenate, which functions to make the gas burn more completely and efficiently.

CALIFORNIA REFORMULATED GASOLINE

By December 1994, the oxygenate requirement went into effect. In California, this mandate affected three cities in particular, where the air quality was the worst.

Reformulated gasoline was required to be sold during the winter season in the greater Los Angeles, San Diego and Sacramento regions. This gasoline contained 11 percent MTBE, in order to meet the federal oxygenate requirement.

While federal Clean Air Act regulations were being promulgated, the California Air Resources Board developed even tougher and more stringent environmental standards. However, these standards permitted more flexibility in how they could be achieved by California's gasoline manufacturers.

By establishing a State Implementation Plan which restricts eight different properties that affect emissions of toxic air pollutants and ozone forming compounds, California's stricter regulations were approved by the U.S. EPA and are federally enforceable.

Additionally, California regulations contain an innovative predictive model which is based on the analysis of a large number of vehicle emission test studies. Refiners have the option of using this model to produce reformulated gasoline as long as its usage results in equivalent or greater reductions in emissions than federal regulations. California EPA states that the predictive model "shows that a different formulation will achieve equivalent or better air quality benefits."

While the amendments to the Clean Air Act have helped reduce emissions throughout the United States, they imposed limitations on the level of flexibility that U.S. EPA can grant to California.

The overlapping applicability of both the federal and state reformulated gasoline rules has actually prohibited gasoline manufacturers from responding as effectively as possible to unforeseen problems with their product. This bill addresses exactly this type of situation.

This legislation rewards California for its unique and effective approach in solving its own air quality problems by permitting it an exemption from federal oxygenate requirements as long as tough environmental standards are enforced.

MTBE CONTAMINATION OF CALIFORNIA GROUNDWATER

This legislation will allow refiners to address the problems that have occurred with the use of MTBE as it has leaked into groundwater supplies.

Such problems were certainly not anticipated during the drafting of these amendments, and therefore only exemplifies the need for a California exemption to this requirement.

MTBE is a highly soluble organic compound which moves quickly through soil and gravel, therefore posing a more rapid threat to aquifers than the other constituents of gasoline when leaks occur. MTBE is easily traced, but very difficult and expensive to clean up.

Higher quantities of MTBE in drinking water has a smell similar to turpentine and a taste like paint thinner.

Although we do not have all of the data we need to determine the potential damage of MTBE to our water and our health, we do know that it is increasingly a problem for California:

MTBE has been detected in drinking water supplies in a number of cities including Santa Monica, Riverside, Anaheim, Los Angeles and San Francisco;

MTBE has also been detected in numerous California reservoirs including Lake Shasta in Redding, San Pablo and Cherry reservoirs in the Bay Area, and Coyote and Anderson reservoirs in Santa Clara;

The largest contamination occurred in the city of Santa Monica, which lost 75% of its ground water supply as a result of MTBE leaking out of shallow gas tanks beneath the surface;

MTBE has been discovered in publicly owned wells approximately 100 feet from City Council Chamber in South Lake Tahoe;

In Glennvile, California, near Bakersfield, MTBE levels have been detected in groundwater as high as 190,000 parts per billion—dramatically exceeding the California Department of Health advisory of 35 parts per billion; and

250 underground fuel tank sites have leaked MTBE in Santa Clara County not far from water wells used by the residents of San Jose.

In the face of mounting evidence of extensive MTBE contamination in California groundwater, several gasoline manufacturers, including Chevron and Tosco (Union 76), have made it clear they would like to have the flexibility to use only the amount and type of oxygenate necessary to continue to meet the environmental specifications of clean burning gasoline.

Many manufacturers believe that it is possible to meet California's more stringent clean air standards using reduced amounts of, or in some cases, no oxygenate in their gasolines.

In a recent letter to me, Chevron chairman Ken Derr expressed his belief that while he believes MTBE is safe if handled properly, his company is exploring other options. He says:

> (Chevron has) taken another look at the extensive body of data that relates to fuel composition to vehicle emissions and have concluded that it may be possible to make more gasoline without MTBE and still meet California's cleaner burning gasoline standards.

If California refiners can meet the stricter state clean air standard while reducing or eliminating the use of a chemical that is contaminating California water, it makes good sense to give them the flexibility they need to solve the problem.

By amending the Clean Air Act to waive the requirement for oxygenates in California, which already has in place its own stricter standards, this legislation does not detract in any way from the gains in emission reductions mandated in the Clean Air Act. It will simply allow for companies like Chevron to meet Clean Air Act requirements, while maximizing the advantages of increased flexibility in order to respond more efficiently and effectively to any unforseen problems encountered in the production of California cleaner burning gasoline.

If exempting California from the oxygenate requirement meant weakening the Clean Air Act in any way, I would be the first person to stand up and lead the battle against such an effort.

This bill does not weaken the Clean Air Act, but instead is a step in the right direction, towards sound environmental policy.

This narrowly-targeted legislation simply makes sense. With this bill, California is once again taking the initiative to lead the way in ensuring the protection of the air we breathe, and the water we drink.

By allowing the companies that supply our state's gasoline to utilize good science and sound environmental policy, we can achieve the goals set forth by the Clean Air Act, without sacrificing California's clean water.

In short, when we pass this legislation, we will take another step forward in ensuring that protecting our air qualify does not come at the expense of safeguarding our water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CALIFORNIA REFORMULATED GASOLINE RULES.

Section 211(c)(4)(B) of the Clean Air Act (42 U.S.C. 7545(c)(4)(B)) is amended by adding at the end the following: "If any such State that has received a waiver under section 209(b)(1) promulgates reformulated gasoline rules for any covered area of the State (as defined in subsection (k)(10)), the rules shall apply in the area in lieu of the requirements of subsection (k) if the State rules will achieve equivalent or greater emission reductions than would result from the application of the requirements of subsection (k) in the case of the aggregate mass of emissions of toxic air pollutants and in the case of the aggregate mass of emissions of ozone-forming compounds.".

By Mr. CHAFEE (for himself, Mr. HATCH, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER and Ms. COLLINS):

S. 1577. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

THE CARING FOR CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased today to introduce the Caring for Children Act, legislation to help all families with their child care needs.

I want to thank my colleagues who have worked so hard to put this bill together. Senator HATCH, who was a leader in the development of the child care block grant, and is always a stalwart supporter of children. Senator SNOWE, who has worked on this issue for many years. Senator ROBERTS, who has taken an active interest in this issue. Senator SPECTER, who made an enormous contribution to the development of this bill. And Senator SUSAN COLLINS, who we are very fortunate to have on our child care proposal.

Last night, in his State of the Union Address to the nation, President Clinton issued a challenge to Congress to develop child care legislation in a bipartisan manner with the Administration. Well, that is exactly what we are doing today.

Our proposal is straightforward and far-reaching. It makes the current child care credit more equitable for lower and middle income families. And, for the first time, makes the credit available to families where one parent stays at home to care for the children. That is a critical step and an important change for families across America.

Raising children in today's world is a true challenge. In many families, both parents must work in order to support the family. Often, the child care expenses consume all or most of one parent's income. How often do we hear the refrain, particularly from women, that after they pay for day care, there is little or nothing left of their wages.

Another common complaint is from parents who desperately want to stay home and raise their children themselves—especially in those very critical, early years of childhood—but who simply cannot afford to forego that second income.

The legislation we are introducing today responds to both of these concerns. We believe that parents should make their own decisions about who is going to care for their children. The government and the tax code should not be promoting one choice over another.

By making more of the existing child care tax credit available to lower and middle income families, and making it available also to families where one parent stays at home, we are sending the message that the choice is yours, and we support your choice.

Our bill makes several changes to the existing dependent care tax credit. First, the maximum credit percentage is increased from 30 percent to 50 percent to provide more benefits to those most in need. Second, the income level at which the maximum credit begins to be reduced is moved from $10,000 to $30,000, so that more lower-income families will qualify for the maximum amount of assistance. Third, we propose to completely phase out the credit for wealthier families. Finally, families where one spouse stays at home to care for the children will be eligible for a credit similar to the one they would receive if both parents were working outside the home and the child was in daycare.

We also acknowledge that we cannot solve the entire child care problem through the tax code alone. Many low-income families do not have taxable income, and therefore cannot benefit from a tax credit. The Child Care and Development Block Grant (CCDBG) provides critical funding to help these lower-income families—and I have been a strong supporter of the program. Recognizing the critical role CCDBG plays in subsidizing daycare for low-income families in the states, our proposal doubles the block grant over a five-year period.

Of course, the problem with child care is not limited to just affordability. Many parents cannot find an available child care slot. Our proposal addresses this issue of accessibility by providing a tax credit to businesses to build or renovate on or near-site child care centers for their employees.

Finally, there is the issue of quality daycare. Parents cannot be productive in the workplace if they are constantly worrying about the health and safety of their children in daycare. We have all read the horrifying stories in the newspapers about daycare facilities that are unsafe or unsanitary, about the poor record of enforcement of standards in many states.

While we acknowledge that the federal government should not be setting standards for daycare providers, we do believe the states should set at least minimum health and safety standards and enforce them rigorously. Our legislation beefs up this enforcement by rewarding states with a good enforcement record and penalizing those with poor records.

I am very proud of this legislation, and proud that this group was able to come together and produce this initiative. Child care is a problem that must be solved, and we are committed to doing that. I look forward to working with the President and my colleagues in the Congress to find workable, affordable solutions for all families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Caring for Children Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

Sec. 101. Expansion of dependent care tax credit.
Sec. 102. Promotion of dependent care assistance programs.
Sec. 103. Allowance of credit for employer expenses for child care assistance.

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

Sec. 201. Collection and dissemination of information.
Sec. 202. Grants for the development of a child care training infrastructure.
Sec. 203. Authorization of appropriations.

Subtitle B—Increased Enforcement of State Health and Safety Standards

Sec. 211. Enforcement of State health and safety standards.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

Sec. 221. Increased authorization of appropriations for the Child Care and Development Block Grant Act.

Sec. 222. Small business child care grant program.
Sec. 223. GAO report regarding the relationship between legal liability concerns and the availability and affordability of child care.
Subtitle D—Quality Child Care Through Federal Facilities and Programs
Sec. 231. Providing quality child care in Federal facilities.

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

SEC. 101. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) Percentage of Employment-Related Expenses Determined by Taxpayer Status.—Section 21(a)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

‘‘(2) Applicable percentage defined.—For purposes of paragraph (1), the term ‘applicable percentage’ means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayers's adjusted gross income for the taxable year exceeds $30,000.’’.

(b) Minimum Credit Allowed for Stay-at-Home Parents.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

‘‘(11) Minimum credit allowed for stay-at-home parents.—Notwithstanding subsection (d), in the case of any taxpayer with one or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

‘‘(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

‘‘(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.’’.

(c) Effective Date.—The amendments made by this section apply to taxable years beginning after December 31, 1998.

SEC. 102. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) Promotion of Dependent Care Assistance Programs.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program under paragraph (1) $1,000,000 for each of fiscal years 1999, 2000, 2001, and 2002.

SEC. 103. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

“SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

‘‘(a) Allowance of Credit.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 20 percent of the qualified child care expenditures of the taxpayer for such taxable year.

‘‘(b) Dollar Limitation.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

‘‘(c) Definitions.—For purposes of this section—

‘‘(1) Qualified child care expenditure.—

‘‘(A) In general.—The term ‘qualified child care expenditure’ means any amount paid or incurred—

‘‘(i) to acquire, construct, rehabilitate, or expand property—

‘‘(I) which is to be used as part of a qualified child care facility of the taxpayer,

‘‘(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

‘‘(III) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

‘‘(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees,

‘‘(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

‘‘(iv) under a contract to provide child care resource and referral services to employees of the taxpayer.

‘‘(2) Exclusion for amounts funded by grants, etc.—The term ‘qualified child care expenditure’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

‘‘(3) Qualified child care facility.—

‘‘(A) In general.—The term ‘qualified child care facility’ means a facility—

‘‘(i) the principal use of which is to provide child care assistance, and

‘‘(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

‘‘(B) Special rules with respect to a taxpayer.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

‘‘(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

‘‘(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

‘‘(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

‘‘(d) Recapture of Acquisition and Construction Credit.—

‘‘(1) In general.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

‘‘(A) the applicable recapture percentage, and

‘‘(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

‘‘(2) Applicable recapture percentage.—

‘‘(A) In general.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

“If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

‘‘(B) Years.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

‘‘(3) Recapture event defined.—For purposes of this subsection, the term ‘recapture event’ means—

‘‘(A) Cessation of operation.—The cessation of the operation of the facility as a qualified child care facility.

‘‘(B) Change in ownership.—

‘‘(i) In general.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

‘‘(ii) Agreement to assume recapture liability.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

‘‘(4) Special rules.—

‘‘(A) Tax benefit rule.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

‘‘(B) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

‘‘(C) No recapture by reason of casualty loss.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

‘‘(e) Special Rules.—For purposes of this section—

‘‘(1) Aggregation rules.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

‘‘(2) Pass-thru in the case of estates and trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

‘‘(3) Allocation in the case of partnerships.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

‘‘(f) No Double Benefit.—

‘‘(1) Reduction in basis.—For purposes of this subtitle—

‘‘(A) In general.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

“(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term ‘recapture amount’ means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

“(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

“(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out “plus” at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and “plus”, and

(C) by adding at the end the following new paragraph:

“(13) the employer-provided child care credit determined under section 45D.”.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45D. Employer-provided
child care credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

SEC. 201. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—For purposes of paragraph (1), the term “generally available” means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 202. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers. The Secretary shall, to the maximum extent possible, ensure that grants for the development of distance learning child care training technology infrastructures are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) sites from which individuals may access the training;

(B) conversion of standard child care training courses to programs for distance learning; and

(C) ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be disseminated and made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning child care training program funded in whole or in part by this section that exceed the pro rata share of the amount expended by the entity to provide materials for the training program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded by this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning child care training program made available by this section.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 1999 through 2003.

Subtitle B—Increased Enforcement of State Health and Safety Standards

SEC. 211. ENFORCEMENT OF STATE HEALTH AND SAFETY STANDARDS.

(a) IDENTIFICATION OF STATE INSPECTION RATE.—

(1) IN GENERAL.—Section 658E(c)(2)(G) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(2)(G)) is amended by striking the period and inserting “, and provide the percentage of completed child care provider inspections that were required under State law for each of the 2 preceding fiscal years.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to State plans under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) on and after September 1, 1998.

(b) INCREASED OR DECREASED ALLOTMENTS.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting “, subject to paragraph (5),” after “shall”; and

(2) by adding at the end the following:

“(5) INCREASED OR DECREASED ALLOTMENT BASED ON STATE INSPECTION RATE.—

“(A) INCREASED ALLOTMENT FOR FISCAL YEARS 1999, 2000, AND 2001.—

“(i) IN GENERAL.—Subject to clause (iii), for fiscal years 1999, 2000, and 2001, the allotment determined for a State under paragraph (1) for each such fiscal year shall be increased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State—

“(I) that certifies to the Secretary that the State has not reduced the scope of any State child care health or safety standards or requirements that were in effect in calendar year 1996; and

“(II) that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)), that equaled or exceeded the target inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

“(ii) TARGET INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i)(II), the target inspection and enforcement percentage is—

“(I) for fiscal year 1999, 75 percent;

“(II) for fiscal year 2000, 80 percent; and

“(III) for fiscal year 2001, 100 percent.

“(iii) PRO RATA REDUCTIONS IF INSUFFICIENT APPROPRIATIONS.—The Secretary shall make pro rata reductions in the percentage increase otherwise required under clause (i) for a State allotment for a fiscal year as necessary so that the aggregate of all the allotments made under this section do not exceed the amount appropriated for that fiscal year under section 658B.

“(B) DECREASED ALLOTMENT FOR FISCAL YEARS 2000 AND 2001.—

“(i) IN GENERAL.—The allotment determined for a State under paragraph (1) for each of fiscal years 2000 and 2001 shall be decreased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)) that was below the minimum inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

“(ii) MINIMUM INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i), the minimum inspection and enforcement percentage is—

"(I) for fiscal year 2000, 50 percent; and

"(II) for fiscal year 2001, 75 percent.

"(iii) Requirement to expend State funds to replace reduction.—If the allotment determined for a State for a fiscal year is reduced by reason of clause (i), the State shall, during the immediately succeeding fiscal year, expend additional State funds under the State plan funded under this subchapter by an amount equal to the amount of such reduction.".

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. 221. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter—

"(1) for each of fiscal years 1996 through 1998, $1,000,000,000;

"(2) for fiscal year 1999, $1,500,000,000;

"(2) for fiscal year 2000, $1,750,000,000;

"(2) for fiscal year 2001, $2,000,000,000;

"(2) for fiscal year 2002, $2,250,000,000; and

"(2) for fiscal year 2003, $2,500,000,000.".

SEC. 222. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program to award grants to States to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States.

(d) Use of Funds.—

(1) In general.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start up costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) Application.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) Preference.—

(A) In general.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) Consortium.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) Limitation.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) Matching Requirement.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which an entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which an entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) Requirements of Providers.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) Administration.—

(1) State responsibility.—A State shall have responsibility for administering the grant awarded under this section and for monitoring entities that receive assistance under such grant.

(2) Audits.—A State shall require each entity receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) Misuse of funds.—

(A) Repayment.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(B) Appeals process.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) Reporting Requirements.—

(1) 2-year study.—

(A) In general.—Not later than 2 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within a State;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) Report.—Not later than 28 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-year study.—

(A) In general.—Not later than 4 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant made under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) Report.—Not later than 52 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) Definition.—As used in this section, the term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 1999 through 2001. With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) Termination of Program.—The program established under subsection (a) shall terminate on September 30, 2002.

SEC. 223. GAO REPORT REGARDING THE RELATIONSHIP BETWEEN LEGAL LIABILITY CONCERNS AND THE AVAILABILITY AND AFFORDABILITY OF CHILD CARE.

Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress regarding whether and, if so, the extent to which, concerns regarding potential legal liability exposure inhibit the availability and affordability of child care. The report shall include an assessment of whether such concerns prevent—

(1) employers from establishing on or near-site child care for their employees;

(2) schools or community centers from allowing their facilities to be used for on-site child care; and

(3) individuals from providing professional, licensed child care services in their homes.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

SEC. 231. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) Definition.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of General Services.

(2) Executive agency.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, but does not include the Department of Defense.

(3) EXECUTIVE FACILITY.—The term "executive facility" means a facility that is owned or leased by an Executive agency.

(4) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency, a judicial office, or a legislative office.

(5) JUDICIAL FACILITY.—The term "judicial facility" means a facility that is owned or leased by a judicial office.

(6) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(7) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(8) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(b) EXECUTIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring any entity operating a child care center in an executive facility to comply with applicable State and local licensing requirements related to the provision of child care.

(B) COMPLIANCE.—The regulations shall require that, not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the requirements; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided in accordance with the requirements.

(2) EVALUATION AND ENFORCEMENT.—The Administrator shall evaluate the compliance of the entities described in paragraph (1) with the regulations issued under that paragraph. The Administrator may conduct the evaluation of such an entity directly, or through an agreement with another Federal agency, other than the Federal agency for which the entity is providing child care. If the Administrator determines, on the basis of such an evaluation, that the entity is not in compliance with the regulations, the Administrator shall notify the Executive agency.

(c) LEGISLATIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Architect of the Capitol shall issue regulations for entities operating child care centers in legislative facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Architect may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Architect of the Capitol, entities operating child care centers in legislative facilities, and legislative offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(d) JUDICIAL BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for entities operating child care centers in judicial facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Director described in paragraph (1), entities operating child care centers in judicial facilities, and judicial offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(e) APPLICATION.—Notwithstanding any other provision of this section, if 3 or more child care centers are operated in facilities owned or leased by a Federal agency, the head of the Federal agency may carry out the responsibilities assigned to the Administrator under subsection (b)(2), the Architect of the Capitol under subsection (c)(2), or the Director described in subsection (d)(2) under such subsection, as appropriate.

Mr. SPECTER. Mr. President, I have sought recognition to join my colleagues in introducing the "Caring for Children Act," which will ease the financial burden of child care for American families—for those parents who work, and for those who choose to stay home to raise their children for a period of time. The sponsors of this legislation recognize the importance of affordable quality child care to the successful development of our children.

Our bill would expand the Dependent Care tax credit to make it more accessible to families who need it, double the authorization for the Child Care Development Block Grant, and provide grants to small businesses to create or enhance child care facilities for their employees. This bill also includes provisions from the proposal I introduced last year with my colleague, Congressman Jon Fox, "The Affordable Child Care Act," which provides a tax credit for employers who provide on-site or site-adjacent child care to their employees in order to reduce the child care expenses of the employee.

Not all families choose the same option for child care. Many families rely on relatives, centers operated by churches and other religious organizations, centers at or near their workplace, or make other arrangements to provide care for their children while they work. In light of the diverse needs for child care in America, this bill represents a good start toward expanding the choices for American parents. And, any such legislation must recognize that there is a need to provide some relief to families where one parent stays at home.

The need for affordable and accessible day care is critical given the increasing numbers of working parents and dual-income families in the United States. According to the Bureau of the Census, in 1975, 31 percent of married mothers with a child younger than age one participated in the labor force. By 1995, that figure had risen to 59 percent. Almost 64 percent of married mothers and 53 percent of single mothers with children younger than age six participated in the labor force in 1995.

The cost of child care for families is also significant. Licensed day care centers in some urban areas cost as much as $200 per week, and the disparity in costs and availability of child care between urban and rural grows greater every day. For families which need or choose to have both parents work outside the home, the burden of making child care decisions is great. These figures serve to underscore the need for action on the part of the Federal government to provide the necessary assistance to our nation's working families.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am pleased that this legislation would build on an existing federal child care program by authorizing an additional $5 billion over five years to the Child Care Development Block Grant program, bringing total spending for this program to $2.5 billion annually by FY2002. The CCDBG program which works well in assisting low-income families acquire child care and helped over 93,000 Pennsylvania families last year. By increasing the authorization, we can help even more families without creating a new entitlement program.

Our legislation will also require States to create and enforce safety and health standards in child care facilities, and provide money for the Department of Health and Human Services to disseminate information to parents and providers about quality child care, through brochures, toll-free hotlines, the Internet, and other technological assistance.

The "Caring for Children Act" complements my recent efforts to assist working families in the context of welfare reform and children's health insurance. When Congress debated welfare reform in 1995 and 1996, I worked to ensure that adequate funds were provided for child care, a critical component for welfare mothers who would be required to work to receive new limited welfare benefits. I am pleased that the welfare reform bill that became law provides $20 billion in child care funding over a six year period. Similarly, I was pleased to participate in the bipartisan effort in 1997 to enact legislation to provide $24 billion over the next five years for States to establish or broaden children's health insurance programs.

In conclusion, Mr. President, I believe that it is critical that the 105th Congress not adjourn without enacting legislation to assist families in their ability to afford safe, quality child care for their children, either at home with a parent or another arrangement. Our legislation will provide peace of mind to millions of American families struggling to balance career and child raising. I urge my colleagues to join me in cosponsoring this important legislation, and I urge its swift adoption.

Mr. HATCH. Mr. President, eight years ago, Congress passed and President Bush signed the landmark Child Care and Development Block Grant Act. I was proud to have helped lead the effort, and I am proud of what our states have been able to accomplish since its implementation.

But, it is also clear that we must do more to help families. In my home state of Utah, more than half of the children under age 6 have either their only parent or both parents in the workforce.

The "Child Care Connection," a four-county resource and referral program, reported last year that there were five major Salt Lake area zip codes that had zero openings for infants.

Utah child care officials have reported that there are too few slots generally for infants and toddlers and for special needs children.

It is my pleasure to be here today with Senators CHAFEE, SNOWE, ROBERTS, and SPECTER, each of whom has a long track record of involvement in child care issues. We believe that we have developed a comprehensive, yet realistic, child care proposal that will augment the ability of the child care block grant to serve families in each state.

Of particular note, this proposal recognizes the choice that many families make to have one parent remain at home as primary caregiver. As important as it is to assist low- and middle-income families with necessary out-of-home child care expenses—and our proposal will increase the Dependent Care Tax Credit for such families—it is also important for us to realize the value of a parent in the home and that the sacrifice of a second income is also a child care expense.

Additionally, our proposal will not create major new programs in need of permanent funding. We do not intend to spend federal dollars on bigger bureaucracy in the name of expanding child care. We want available resources to be put directly in the hands of parents through tax credits and in the hands of states to address specific gaps in availability and enforcement of health and safety standards.

Our bill takes a very balanced approach to the issues of affordability, availability, and quality.

Child care costs, of course, are a significant part of a family budget. The average cost of child care has been estimated at over $4000 per child. This is a substantial increase from the $3000 average it was when we enacted the Child Care and Development Block Grant eight years ago. Clearly, low- and middle-income taxpayers devote a larger share of their earnings to child care.

And, at a time when we are trying to move families off of public assistance and into employment, child care has to be a key element of transitional support.

Our bill increases the Dependent Care Tax Credit (DCTC) for working parents. Our bill raises the maximum credit from 30 percent to 50 percent. And, it raises the maximum income level for the maximum credit from $10,000 to $30,000. No change is made in the maximum allowable expenses of $2400 for one child and $4800 for two or more children.

Thus, a family in St. George, Utah, earning $30,000, with two children, would receive a tax credit of $2400. Under current law, this family's credit would be $960.

Both our bill and the proposal made by the Clinton administration begin to gradually reduce the percentage of the credit at $30,000, but the "Caring for Children Act" reduces the credit at a slower rate. Thus, families earning between $30,000 and $75,000 will receive a bigger tax benefit than under either President Clinton's proposal or current law.

We can afford to provide larger benefits for this income group because we have recommended a phase-out of the credit entirely for families with incomes of $105,000 or more. Under current law, there is no income limit for eligibility for the DCTC. This is one tax credit that wealthy taxpayers do not need.

But, our bill, the "Caring for Children Act," goes one step further. The bill I have developed along with Senators CHAFEE, SNOWE, ROBERTS, and SPECTER would, for the first time, recognize child care provided by a parent.

Our bill would extend eligibility for the Dependent Care Tax Credit to families with young children in which one parent remains at home as caregiver. How would this work? The bill would impute monthly child care expenses of $150 to families with children age 3 and under. For example, a family in Morgan, Utah, earning $30,000 a year and having one or more children under age 3, would receive a $900 tax credit. It works this way: 50% credit × $150 monthly imputed expenses × 12 months = $900.

I would like to see this tax break be even more generous. I will work toward that end. But, given our budget realities, this ground-breaking extension of the DCTC is feasible. And, I believe it is an essential component of the "Caring for Children Act."

It is high time we recognize the value of stay-at-home parents. This tax credit in no way offsets their work or their monetary sacrifices; but it does, at last, give a mother or father in the home standing in our tax code. It transforms the Dependent Care Tax Credit from an employment-based credit to a child-based credit.

These two changes to the DCTC will put money—their own money I might add—back into the pockets of America's families.

The "Caring for Children Act" also deals with the issue of availability. As I mentioned, there are areas where child care—particularly infant care, after school care, or care for special needs children—is tough to find. The substantial increase we are recommending for the Child Care and Development Block Grant (CCDBG) will provide states with the ability to address shortages as well as to increase support to low-income families.

President Clinton has recommended solving the availability problem by creating two new programs, one for after school care and one geared to early childhood. While I can appreciate the President's concern that there may be few choices out there for parents who depend on out-of-home care, I do not believe it makes sense to create new programs when the CCDBG already permits such programs. I think the answer is not to second guess how the states have chosen to allocate their scarce resources under the block grant, but rather to give the states some additional resources so that they can better meet their own priorities.

We are proposing a $5 billion increase in the CCDBG over five years. These additional resources will give states much more flexibility in their planning. States will be able to provide subsidies for a greater number of the eligible population; they will be able to finance child care programs in underserved areas of the state; they will be able to address particular shortages. And, they will be able to better enforce critical health and safety standards.

I am a firm believer that states should be able to set their own rules and regulations for child care providers. I do not believe that the federal government can or should interfere with child care affordability in our various states by setting national standards that are unrealistic. Moreover, to the extent that child care standards reflect the values as well as the economic conditions of any given state, the federal government has no business micromanaging them.

But, I also believe that states that participate in the block grant program—and that would be all of them—have an obligation to ensure that children are in safe and healthy environments. And, they have an obligation to see that such standards are adequately enforced. A sanitary standard is no standard at all if it is unenforced.

It may not matter where you have your car washed, but it absolutely matters who is taking care of your child.

Therefore, the "Caring for Children Act" puts some teeth into the requirement for inspections under the block grant. A state that inspects a threshold number of facilities subject to inspection will be eligible for a 10 percent bonus. After the second year, a state failing to inspect a minimum number of child care sites will be subject to a 10 percent penalty.

Additionally, our bill authorizes $50 million a year for HHS to undertake two important quality enhancing activities. First, more information about child care can be made available to parents. Consumer information about automobiles, credit cards, and well-baby care are available. I believe parents would welcome more information on what to look for in a child care center or family-based care setting. I also believe that parents are the best form of accountability in child care. Second, to assist providers and child care workers enhance the quality of their services, the bill would enable HHS to award grants for the development of a technology infrastructure for distance learning.

Many child care providers are in rural areas. Traditional training in the form of workshops and college classes are not practical. Programs for child care providers that could be developed and made available through distance learning, however, could prove a viable alternative as well as a valued help. My home state of Utah, I might add, has been a leader in the distance learning arena. I have no doubt that such a format would be eagerly received in my state.

The "Caring for Children Act" contains several other provisions of interest. In order to test the effectiveness of small business consortia as employer-based child care providers, the bill authorizes $60 million over three years for demonstration grants.

To increase the awareness of the existing Dependent Care Assistance Program (DCAP), a tax provision that permits employees to authorize their employers to withhold up to $5000 of the employee's salary in a DCAP account for child care expenses to be paid by the employer, the "Caring for Children Act" authorizes $1 million a year for the next five years to the Secretary of Labor to conduct outreach to both employers and employees about this program and its benefits.

Finally, the bill would require that child care facilities located in federal buildings for federal employees be held to the same quality standards that apply to child care programs in the state in which the federal facility is located.

I believe the measure we have introduced is a balanced approach. It does not depend entirely on the tax code to address child care issues, nor does it depend solely on federal spending.

It does not concentrate benefits on only one income group. The DCTC expansion is geared particularly to assist the middle class. The increase in the CCDBG is targeted to subsidies for low-income families.

It recognizes that we have to make an investment in our children, but it does not propose new federal mandatory spending programs that can become wildly expensive.

Our bill gives careful attention to each of the three cornerstones of child care: affordability, availability, and quality.

And, for the first time, federal child care legislation will not ignore those families who choose to forego one income to have a parent remain at home.

I want to say again that I am proud to sponsor this bill with my colleagues, Senators CHAFEE, SNOWE, ROBERTS, and SPECTER. I urge other senators to join us in this legislation.

Mr. ROBERTS. Mr. President, I am pleased and honored to join with my colleagues to introduce legislation to help meet the child care challenges facing families around the nation. Our bill is entitled the "Caring for Children Act."

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country.

The "Caring for Children Act" takes the first steps to address this challenge through a responsible approach. This legislation expands child care opportunities without expanded government costs or intrusion in our lives. This legislation builds into the existing network without adding more government intervention or mandates. This legislation will help families that have two working parents and families that have a stay-at-home parent. This legislation will help to increase the supply of quality of child care.

First, in order to provide additional tax relief and increase affordability of child care, we expand the Dependent Care Tax Credit (DCTC) by raising the income level to $30,000 at which families become eligible for the maximum tax credit. We also raise the maximum percentage of child care expenses that parents can deduct to 50 percent. These changes make the DCTC more realistic for families that face increasing child care costs.

Increasing the income level and the percentage of child care expenses that are deductible will help families where both parents work. But, we also recognize that families who choose to have one parent remain at home have child care expenses as well. Therefore, we extend eligibility for the DCTC to families with a stay-at-home parent. This provides greater options to more families and leaves child care choices where they should be—with the family. In order to target this credit to parents who need it the most and meet our fiscal responsibilities, the credit is phased out for higher income wage earners.

Small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. The "Caring for Children Act" includes a short-term, flexible grant program to encourage small businesses to work together to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of three years. In the meantime, small businesses will be eligible for grants up to $100,000 for start-up costs, training, scholarships, or other related activities. Businesses must continue to meet state quality and health standards. Businesses will be required to match federal funds to encourage self-sustaining facilities well into the future.

"Caring for Children" also includes provisions to provide a tax credit of expenses up to $500,000 for employers who choose to construct, renovate, or operate on- or near-site child care facilities for their employees. And, "Caring for Children" includes funding to promote greater availability of the Dependent Care Assistance Program (DCAP) for families with children. This will allow the Department of Labor to conduct outreach to businesses to promote awareness of the DCAP program.

All children deserve quality care. Although all states have health and safety standards in place, many times these regulations are not enforced. "Caring for Children" includes incentives for states to improve their inspection efforts and ensure that facilities are in compliance with their own state standards. The bill also authorizes funding for the Department of Health and Human Services to get more information in the hands of parents and help child care providers access child care training programs.

Finally, we authorize additional funding for the Child Care and Development Block Grant. This program sends federal assistance to states, permitting them to allocate resources where they are most needed in the state. We maintain maximum flexibility and allow states to make decisions about how to address their own child care challenges.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

Ms. SNOWE. Thank you, Mr. President. I am pleased to join with my colleagues, Senators HATCH, ROBERTS, SPECTER, and CHAFEE to introduce a bill that I believe is an historic opportunity to help ensure the well-being of our children and by extension the very well-being of our nation: the Caring for Children Act.

I come before you as a veteran on child care issues who has worked to address child care throughout my political life, and was the lead Republican cosponsor on the Act for Better Child Care in 1989—the bill which set the stage for the bipartisan package that was adopted by the 101st Congress. Since that time we have advanced the ball in profound ways that reflect the changing nature of the American family, but our work must never cease when it comes to our children. We must build on our laurels, not rest on them: and that is precisely what this bill does.

Consider the challenge: In California alone in 1997, 500,000 children were already on waiting lists for federal child care in—half a million! Now, it is estimated that, as welfare reform proceeds, some 2 million parents across America will join the workforce and their children will require child care. A GAO report from May of last year determined that in Chicago, for example, the known supply of child care would only meet 14 percent of the need for infant child care in the first year of welfare reform implementation. And within three years, 3 out of 4 American women with children under 5 will be working and in need of child care.

With the perspective of years spent on this issue, I have come to the conclusion that what American parents need most are choices. The decision of how to care for a young child is a deeply personal and difficult one. Many feel handcuffed by economic concerns, others worry about the safety of child care, but all face different circumstances that make the decision making process unique.

Given the tremendous challenges of raising children today, and the extraordinary range of issues facing families, I believe the federal government should not be in the business of encouraging one choice over another. Instead the government's role must be to ensure that families have viable options and that the basis for decisions is the best interests of the child. If we are to care about children we must care about choices, and not politicize the issue with partisanship or ideology.

That is the spirit in which we crafted our bill. Because it is not about pitting one group against another. It is not about starting a "mommy war". It is about helping parents do the best they can for their children—no matter what choice they make.

The reality is that, despite our best efforts to date to make quality, affordable child care accessible, the myriad pressures facing American families today still imperil their ability to provide the best possible care for their children. In my home state of Maine, one out of every five Mainers are working multiple jobs. Across the country, 63 percent of women with children under age six are in the workforce, and as a result, over 12 million children are cared for by someone other than a parent during working hours. In Maine, there are 42,000 women in the labor force with children under 6, and 64,000 with children between the ages of 6 and 17.

At the same time, child care costs can range from $4,000 to $9,000 annually—with families earning less than $14,000 per year paying more than one quarter of their income in child support. As a result, families are often forced to make a choice between two unacceptable options: find care for their children that may not be safe or appropriate, or stay home and hope that they can somehow still put food on the table.

Our bill respects parents' decisions and expands the choices available in a number of innovative ways. By expanding the Dependent Care Tax Credit, we make it more affordable for parents to choose quality child care, but we also leave the door open for a parent to stay at home with their child. And we target our tax benefits to those who need them most: working American families.

For two-working parent families with child care expenses, we raise the income level at which parents can take the maximum credit from $10,000 to $30,000, allowing more parents to take advantage of the maximum tax credit. In addition, we raise the percentage of child care expenses that parents can put toward their credit to 50% (up from 40% under current law) of expenses up to $2400 for one child, or $4800 for two or more children. The credit will phase down 1% for every $1500 of income above $30,000, phasing out completely for families earning over $105,000 per year. Under this new scheme, the maximum tax credit will be $1200 for one child (up from $720), or $2400 for two or more children (up from $480).

For the first time, parents who forgo an income to stay at home to take care of a child between the ages of 0–3 will be able to take advantage of the Dependent Care Tax Credit. By attributing child care expenses to stay at home parents of $150 per month, they will be eligible for a maximum tax credit of up to $900 per year, depending on their income. Applying the tax credit to parents who wish to stay home for children ages 0–3 acknowledges that parents of infants and toddlers often face the toughest decisions between working or staying at home, particularly in light of recent research in the area of early childhood development which demonstrates that care from one or two consistent, loving and stimulating caregivers during these earliest years is crucial to brain development.

The Caring for Children Act will also help defray the considerable costs of child care for low-income families by *doubling* funding for the Child Care and Development Block Grant, to the time of $5 billion. This will create more child care slots for low-income families and double the amount of money devoted to improving quality, again leaving more options for parents.

And we also address the issue safety, because parents are still rightfully concerned about safety. According to a US News and World Report article last August, a query of all 50 states and the District of Columbia revealed that 76 children died in day care in 1996. The causes included drownings, falls, and being struck by automobiles. And these numbers are low because, shockingly, some states do not even track day care deaths. In terms of oversight, the US News report revealed that in Virginia, for example, the state had failed to make mandatory twice-a-year inspections of 722 of its 4,200 licensed facilities in 1996; 159 centers were not visited even once.

No parents should have to fear for their child's safety—no parent should ever get that dreaded call that their child was hurt at day care. Bringing a young child to day care in the morning should not be an act of faith—it should be an act of confidence. While states have the responsibility to set health and safety standards, states need to be held accountable for enforcing these standards by adhering to the inspection-schedule that they establish under state law. Accordingly, our bill provides a 10 percent bonus in CCDBG funding to states that meet targeted inspection rates, while penalizing those by 10 percent that don't meet their existing responsibility to ensure health and safety. This gives our bill "teeth" to ensure that child care is safe and children are protected.

Finally, we encourage more American businesses to become partners in child care by offering them tax credits for child care operation, construction and renovation expenses up to $500,000. And recognizing that it is not always feasible for small businesses to assist with child care, we offer grants to small employers to provide such care. Businesses already have an incentive to provide child care in that parents who are confident in their child care arrangements are more reliable, productive workers. These initiatives will not only create more slots and make child care more affordable for parents and businesses alike, but it will help literally bring care closer to more parents.

In closing, let me emphasize that this bill is an investment in our nation's future. It is a statement by the federal government that there can be no greater cause—no more noble a purpose than providing for our children. How a nation raises its youth and the value it places on giving children a chance to grow up safe, happy, and healthy speaks volumes to its greatness. This legislation won't make decisions easier for parents but it will ensure that they have a full range of options available to them as they seek to do the very best they can for their children. That's why I'm proud to be here today and that's why I will work hard to ensure the passage of the Caring for Children Act. Thank you.

By Mr. McCAIN (for himself, Mr. Coats, Mr. Faircloth and Mr. Ashcroft):

S. 1578. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on Rules and Administration.

CONGRESSIONAL RESEARCH SERVICE LEGISLATION

Mr. McCAIN. Mr. President, I would like to introduce a bill that will make Congressional Research Service Reports, Issue Briefs, and Authorization and Appropriations products available on a web site to the American people. Senator Coats, Senator Faircloth, and Senator Ashcroft are original cosponsors to this bill. Additionally, Representative Shays will be introducing a companion bill over in the House.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and issue briefs that are unbiased, concise, and accurate. Many of us have used these CRS products to make decisions on a wide variety of legislative proposals and issues, including Amtrak, the Endangered Species Act, the Line Item Veto, and U.S. policy in Zambia. Also, we routinely issue these products to our constituents in order to help them understand the important issues of our time.

This fiscal year, the American taxpayer will pay $64.6 million to fund the Congressional Research Service. Newspapers, such as the San Jose Mercury-News and the Austin American-Statesman, and watchdog groups, such as the Congressional Accountability Project, have recently asked the Congress to allow the public access to CRS resources. The American people have paid for these valuable resources and have a right to see that their money is being well spent.

Congress can also serve two important functions by allowing public access to this information. First, public access to these CRS products will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents which influenced our decisions and understand the trade-offs and factors that we consider before a vote. This will give the public a more accurate view of the Congressional decision-making process to counter the prevailing cynical view of Members of Congress selling their votes to the highest campaign contributor.

Also, these CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues that concern them. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

The Internet provides an ideal way to inform the public while not distracting CRS from its primary mission to serve Congress. The Director of CRS can simply post CRS products on a web site, and then voters can look up information without any extra effort by CRS researchers. The public will not be allowed to write responses or research requests to CRS, so that valuable CRS time will not be diverted from helping us to do our jobs. Confidential requests by Members of Congress will not be released to the public. It is my intent that CRS establish a separate web site that will serve the public without otherwise causing CRS to do anything drastically different from its current operations when it posts CRS products on the web site accessible to Members of Congress.

I recognize that there have been a few questions about this bill. There are concerns disseminating CRS material via the Internet will remove its protection under the Speech and Debate Clause. At present, no court case has directly addressed this issue. However, the Supreme Court acknowledged in its concurrence to Doe versus McMillan that a legislator's function in informing the public concerning matters before Congress should be protected by the Speech and Debate Clause, similar to communications which relate directly to the legislative process. Furthermore, my bill gives the CRS Director discretion to not release material that he determines is confidential. This aspect of my bill has been upheld in similar circumstances where the U.S. District Court maintained the confidentiality of the underlying research used to create reports by Congressional support agencies. I am including in the Record a letter by Mr. Stanley M. Brand, a former General Counsel to the House of Representatives, who agrees that my legislation will not threaten CRS' protection under the Speech and Debate Clause.

I am also aware of potential copyright concerns if the CRS information is made accessible to the public. For example, CRS has informed me that it does not have a copyright agreement that will allow it to make the maps used in CRS products available electronically. I believe we can work out an equitable solution to resolve any copyright concerns that would prevent any CRS Report, Issue Brief, or Authorization or Appropriations product from being electronically disseminated to the public.

Another concern has been raised about the 30 day delay between the release of CRS material to Members of Congress and their staff and its release to the public on the web site. This delay will make sure that CRS has carried out its primary statutory duty of informing Congress before releasing information the public. Also, it will allow CRS to verify that its products are accurate and prepare them for public release in order to protect CRS from liability problems and the American people from being misinformed.

I would like to stress that opening up these select CRS products to the public will in no way compete with existing commercial information services. The public will have access to selected CRS products that are currently available only to Members of Congress and their staff. I firmly believe that the federal government should not be involved in competing with legitimate private industry.

This bill has received popular support from across the country, and I am including in the Record a letter of support from many concerned industries and groups including America On-Line, IBM, Public Citizen, and the League of Women Voters of the United States. I hope that my colleagues will join them in supporting this legislation and opening up a useful source of information to the American people.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN CRS WEB SITE INFORMATION.

(a) Availability of Information.—

(1) In general.—The Director of the Congressional Research Service shall make available on the Internet, for purposes of access and retrieval by the public, all information that—

(A) is available through the Congressional Research Service web site;

(B) is described in paragraph (2); and

(C) is not confidential as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service.

(2) Information.—The information referred to in paragraph (1)(B) is as follows:

(A) All Congressional Research Service Issue Briefs.

(B) All Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service web site.

(C) All Congressional Research Service Authorization of Appropriations Products or Appropriations Products.

(b) Time.—The information shall be so made available not earlier than 30 days after the first day the information is available to Members of Congress through the Congressional Research Service web site.

(c) Requirements.—The Director of the Congressional Research Service shall make the information available in a manner that the Director determines—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

Congressional Accountability Project,
Washington, DC, January 26, 1998.

Hon. John McCain and Daniel Coats,
Russell Senate Office Building, U.S. Senate, Washington, DC.

Dear Senators McCain and Coats: We happily endorse your draft legislation to put Congressional Research Service (CRS) reports and products on the Internet, including CRS Issue and Legislative Briefs, and Authorization and Appropriation products.

CRS products are some of the finest research prepared by the federal government. They are a precious source of government information on a huge range of topics. In a recent editorial, Roll Call described CRS reports as "often the most trenchant and useful monographs available on a subject." Citizens, scholars, journalists, librarians, businesses, and many others have long wanted access to CRS reports via the Internet.

We believe that taxpayers ought to be able to read the research that we pay for. But citizens cannot obtain most CRS products directly. Instead, we must purchase them from private vendors, or engage in the burdensome and time-consuming process of requesting a member of Congress to send CRS products to us. Often, citizens must wait for weeks or even months before such a request is filled. This barrier to obtaining CRS products serves no useful purpose, and damages citizens' ability to participate in the congressional legislative process.

James Madison aptly described why the public needs reliable, accurate information about current events: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Your bill falls squarely within the spirit of Madison's honorable words. Thanks for your efforts in making CRS products available on the Internet.

Sincerely,

American Conservative Union.
American Protestant Health Alliance.
America Online Corp.
Danielle Brian, Executive Director, Project on Government Oversight.
Business Software Alliance.
California Budget Project (CA).
Center for Media Education.
Center for Science in the Public Interest.
Citizen Advocacy Center (IL).
Timothy J. Coleman, Director, Kettle Range Conservation Group (WA).
Computer Communications Industry Association.
Computer Professionals for Social Responsibility.
Congressional Accountability Project.
Consumer Project on Technology.
Decision Matrix Inc. (OR).
George Draffan, Director, Public Information Network (WA).
Electronic Frontier Foundation.
Fairness and Accuracy in Reporting.
Federation of American Scientists.
Ray Fenner, President, Superior Wilderness Action Network (MI).
Darlene Flowers, Executive Director, Foster Parents Association of Washington State (WA).
Forest Service Employees for Environmental Ethics.
Government Purchasing Project.
IBM.
Impact Voters of America.
Information Technology Association of America.
Institute for Local Self-Reliance.
Intel Corp.
League of Women Voters of the United States.
Marin Democratic Club (CA).
Halsey Minor, Chief Executive Officer, CNET.
Barbara J. Moore, Ph.D., President and CEO, Shape Up America!
National Association of Manufacturers.
National Citizens Communications Lobby.
Native Forest Council (OR).
NetAction.
Netscape Communications Corp.
OMB Watch.
Public Citizen.
Public Interest Projects.
Amy Ridenour, President, The National Center for Public Policy Research.
Greg Schuckman, Director of Public Affairs, American Association of Engineering Societies.
Peter J. Sepp, Vice-President for Communications, National Taxpayers Union.
Taxpayers for Common Sense.
TenantNet (NY).
Triad Healthcare Technologies, LLC (TX).
United Democratic Clubs, Orange County, CA; Larry Trullinger, President.
United Seniors Association.
U.S. Public Interest Research Group (PIRG).
U.S. Term Limits.
Russell Verney, Chairman, Reform Party.
Virginia Journal of Law and Technology.
Western Land Exchange Project (WA).

Brand, Lowell & Ryan,
Washington, DC, January 27, 1998.

Hon. John McCain,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator McCain: I am writing to amplify the comments that I recently made to the press concerning applicability of the Speech or Debate Clause, U.S. Const. art. I, §6, cl. 1, to certain CRS products which your bill would, if enacted, make available on the Internet. Juliet Eilperin, Memo Claims That McCain Legislation to Put CRS Reports Online Could Have Constitutional Problems, Roll Call, January 15, 1998, p. 8.

First, as General Counsel to the House of Representatives I litigated virtually scores of cases involving the Speech or Debate Clause, including a landmark case before the Supreme Court reaffirming the central function of the clause in protecting the legislative branch from judicial and executive branch interference, *United States* v. *Helstoski;* 442 U.S. 477, *Helstoski* v. *Meanor*, 442 U.S. 500 (1979); *see also, Vander Jagt* v. *O'Neill*, 699 F.2d 1166 (D.C. Cir. 1983); *In Re Grand Jury Investigation*, 587 F.2d 589 (3d Cir. 1978); *United States* v. *Eilberg*, 507 F. Supp. 267 (E.D. Pa. 1980); *Benford* v. *American Broadcasting Co.*, 98 F.R.D. 42 (D. Md. 1983), *rev'd sub nom. In Re: Guthrie*, 735 F.2d 634 (4th Cir. 1984). Many of these cases which I litigated were cited in the CRS memorandum as supporting their conclusion that publication on the Internet would adversely affect the Speech or Debate Clause privilege.

I believe that the concerns expressed in the CRS memorandum are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works will be weakened by your bill. I also want you to know that I was, and remain, a strong advocate for vigorous assertion and protection of the Speech or Debate Clause privilege as a great bulwark of the separation of powers doctrine that protects the Congress from Executive and Judicial branch encroachment.

The CRS memorandum states "extensive involvement by CRS in the informing function might cause the judiciary and administrative agencies to reassess their perception of CRS as playing a substantial role in the legislative process, and thereby might endanger a claim of immunity even in an instance in which CRS was fulfilling its legislative mission."

This fear is simply unfounded. While the courts have consistently relegated the so-called "informing function" to non-constitutionally protected status, they have also steadfastly refused to permit litigants to pierce the privilege for activities that are cognate to the legislative process despite later dissemination outside the Congress. So, for example, in *McSurely* v. *McClellan*, 553 F.2d 1277, 1286 n. 3 (D.C. Cir. 1976) (en banc), the Court refused to allow a litigant to question Senate aides about acts taken within the Committee, even though acts of dissemination outside the Congress were subject to discovery. Publication of a CRS product on the Internet would no more subject CRS employees to questioning about the basis for their work, consultations with colleagues or the sources of that work, than would be the case if the same CRS product were obtained by means other than the Internet. Indeed, the fact that House and Senate proceedings are televised does not alter the applicability of the clause to floor speeches, committee deliberations, staff consultation, or other legislative activities. Even certain consultations concerning press relations are protected though dissemination to the media is not protected. Mary Jacoby, Hill Press Releases Protected Speech, Roll Call, April 17, 1995, p. 1 (the Senate Legal Counsel argued that because a legislative discussion is embedded in a press release doesn't entitle a litigant to question staff about the substance of the legislation); *see also Tavoulareas* v. *Piro*, 527 F. Supp. 676, 682 (D.D.C. 1981) (court ordered congressional deponents to merely identify documents disseminated outside of Congress but did not permit questions regarding preparation of the documents, the basis of conclusions contained therein, or the sources who provided evidence relied upon in the documents), *Peroff* v. *Manual*, 421 F. Supp. 570, 574 (D.D.C. 1976) (preparation of a Committee witness by a congressional investigator is protected because "facially legislative in character"). Under this line of caselaw, it is difficult to foresee how the mere dissemination of a CRS product could subject any CRS employee to inquiry concerning the preparation of such a product. In short, because "discovery into alleged conduct of [legislative aides] not protected by the Speech or Debate Clause can infringe the [legislative aides'] right to be free from inquiry into legislative acts which are so protected," *McSurely* v. *McClellan*, 521 F.2d 1024, 1033 (D.C. Cir. 1975), *aff'd en banc by an equally divided court*, 553 F.2d 1277 (1976) courts have imposed the Clause as a bar to any inquiry into acts unrelated to dissemination of the congressional reports.

In *Tavaulareas* v. *Piro*, 527 F. Supp. at 682, the court ruled "[t]he fact that the documents were ultimately disseminated outside the Congress does not provide any justification" for piercing the privilege as to the staff's internal use of the document. *Accord McSurely* v. *McClellan*, 553 F.2d at 1296–1298 (use and retention of illegally seized documents by Committee not actionable); *United*

States v. *Helstoski*, 442 U.S. 477, 489 (1979) (clause bars introduction into evidence of even non-contemporaneous discussions and correspondence which merely describe and refer to legislative acts in bribery prosecution of Member); *Eastland* v. *United States Serviceman's Fund*, 421 U.S. at 499 n. 13 (subpoena to Senate staff aide for documents and testimony quashed because "received by [the employee] pursuant to his official duties as a staff employee of the Senate" and therefore ". . . within the privilege of the Senate"). *See also United States* v. *Hoffa*, 205 F. Supp. 710, 723 (S.D. Fla 1962), *cert. denied sub nom Hoffa* v. *Lieb*, 371 U.S. 892 (wiretap withheld by defendant by "invocation of legislative privilege by the United States Senate").

In the *Tavoulareas* case, in which I represented the House deponents, part of the theory of plaintiff's case against the *Post* was the reporter "laundered" the story through the committee "as a means of lending legitimacy" to the stories and information provided by other sources, *Tavoulareas* v. *Piro*, 93 F.R.D. at 18. In pursuance of validating this theory, the plaintiff sought to prove that the committee never formally authorized the investigation, but rather that the staff merely served as a conduit and engaged in no *bona fide* investigation activity. The court ruled that "although plaintiffs have repeatedly suggested that the subject investigation was not actually aimed at uncovering information of valid legislative interest . . . it is clear that such assertions, even if true, do not pierce the legislative privilege."

As a practical matter, therefore, a litigant suing or seeking to take testimony from a CRS employee based on dissemination of a report alleged to be libelous or actionable may be unable to obtain the collateral evidence needed to prove such a claim—a serious impediment to bringing such a case in the first place.

Even in the case of *Doe* v. *McMillan*, 412 U.S.C. 306 (1973) relied on by the CRS memorandum to support its narrow view of the Clause's protection, the Court of Appeals on remand stated: "Restricting distribution of committee hearings and reports to Members of Congress and the federal agencies would be unthinkable." 566 F.2d 713, 718 (D.C. Cir. 1977). It would be similarly unthinkable to subject CRS to broad ranging discovery simply because its work product was made available on the Internet.

The CRS memorandum raises the specter that litigants might even seek "the files of CRS analysts" in actions challenging the privilege. It is beyond peradventure of doubt, however, that publication of even alleged defamatory or actionable congressional committee reports does not entitle a litigant to legislative flies used to created in preparing such a report. *United States* v. *Peoples Temple of the Disciples of Christ*, 515 F. Supp. 246, 248–49 (D.D.C. 1981) *In re: Guthrie, Clerk, U.S. House of Representatives*, 773 F.2d 634 (4th Cir. 1984), *Eastland* v. *United States Servicemen's Fund*, 421 U.S. at 499, n. 13. Given the foregoing caselaw, I fail to see a realistic threat that CFS employees will be subjected to any increased risk of liability, or discovery of their files. Of course, nothing can prevent litigants from filing frivolous or ill-founded suits, but their successful prosecution or ability to obtain evidence from legislative files seems remote and nothing in your bill would change that.

The CRS memoranda even goes so far as to suggest that claims of speech or debate immunity for CRS products might lead to *in camera* inspection of material, itself an incursion into legislative branch discretion. Yet in the very case cited to by CRS memo, *no court* ordered *in camera* inspection of House documents. *In Re: Guthrie, supra*, involved no *camera* inspection of legislation documents. These cases are typically litigated on the basis of the facial validity of the privilege and few, if any, courts of which I am aware have even gone so far as to order *in camera* inspection. *See United States* v. *Dowdy*, 479 F. 2d 213, 226 (4th Cir. 1973)("Once it was determined, as here, that the legislative function. . .was *apparently* being performed, the proprietary and motivation for the action taken as well as the detail of the acts performed, are immune from judicial inquiry"). Under the Clause, courts simply do not routinely resort to *in camera* review to resolve privilege disputes. Given the now highly developed judicial analysis of the applicability of the Clause to modern legislative practices it rarely occurs. In one recent celebrated case cited to by the CRS, the Court upheld a claim of privilege for tobacco company documents obtained by Congress even though they were alleged to have been stolen, without ever seeking *in camera* review. *Brown & Williamson Tobacco Corp.* v. *Williams*, 62 F.3d 408, 417 (D.C. Cir. 1995) ("Once the documents were received by Congress for legislative use—at least so long as congressmen were not involved in the alleged theft—an absolute constitutional ban of privilege drops like a steel curtain to prevent B&W from seeking discovery").

In an abundance of caution, and to address CRS' concerns, you might consider adding the following language to the bill: "Nothing herein shall be deemed or considered to diminish, qualify, condition, waive or otherwide affect applicability of the Constitution's Speech or Debate Clause, or any other privilege available to Congress, its agencies or their employees, to any CRS product made available on the Internet under this bill."

I appreciate the CRS sensitivity to subjecting its employees, or their work product, to searching discovery by litigants. Based on the very good caselaw protecting their performance of legislative duties and the strong institutional precedent in both the House and Senate in defending CRS against such intrusions, I do not believe your bill creates any greater exposure to such risks that already exists.

I hope my views are helpful in your deliberations on this issue.

Sincerely,

Stanley M. Brand.

Mr. COATS. Mr. President, I am pleased to join the distinguished Senator from Arizona in introducing legislation directing the Congressional Research Service to make available, online, CRS Reports, Issue Briefs, and more comprehensive CRS reports on federal authorizations and appropriations.

CRS is funded with over $64 million in taxpayer money every year and produces perhaps the most prolific and quality research available on policy and legislative issues. In making available information and materials that are used every day by Members and their staffs in developing policy initiatives and legislation, we will be opening a more informed relationship between the American people and the Congress that serves them.

Beyond the tremendous value of informing the American people on the issues before their Congress, this legislation will help to shine some light on the Federal Government, allowing the American people to see the documents which influence the decisionmaking process.

Mr. President, FDR once said that, "The only bulwark of continuing liberty is a government strong enough to protect the interest of the people, and people strong enough and well enough informed to maintain its sovereign control over its government." At a time when public cynicism about government is at an all-time high, when government has encroached upon virtually every aspect of our daily lives, this statement is particularly poignant.

As I have stated, CRS information briefs play a critical role in assisting Members of Congress in policy development and the legislative process. By making these products readily available to the American people, who pay for them, we hold out the promise of demystifying a legislative process that has become so complex and arcane that many Americans have simply tuned out.

Mr. President, more than ever, information is power. It is my hope that the effect of this legislation will be to give a better informed public more power over their government.

My intention today is to keep my remarks short. As this legislation moves through the process, I will ask my colleagues to indulge me with more time to discuss the bill in detail. I would like to commend Senator McCain for his leadership on this issue, and to ask my colleagues for their support in this effort to make the Congress more accessible to the people. I yield the floor.

By Mr. DeWINE (for himself, Mr. Jeffords, Mr. Kennedy, Mr. Wellstone, Mr. Harkin, Mr. Frist, Ms. Collins, Mr. Dodd, Mr. Reed, Mr. Chafee, and Mr. Bingaman):

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE REHABILITATION ACT AMENDMENTS OF 1998

Mr. DeWINE. Mr. President, on September 17, 1997, as a member of the Senate Labor and Human Resources Committee and as Chairman of the Subcommittee on Employment and Training, I introduced S. 1186, the Workforce Investment Partnership Act. This legislation represents a tremendous effort to reshape our country's job training system, eliminate its fragmented and ineffective programs, and prepare it for the new demands of the next century.

Today, in the same spirit, I introduce the reauthorized Rehabilitation Act and am very pleased to be joined by Senators Jeffords, Kennedy, WELLSTONE, HARKIN, FRIST, COLLINS, REED, and CHAFEE.

The Rehabilitation Act is the country's only federally funded job training program for individuals with disabilities. If we are to truly reshape the country's job training programs—and begin to create a seamless system—we must bring all the programs, including vocational rehabilitation, in line with each other. We must link their efforts to train and place individuals. And we must ensure cooperation and awareness among their personnel.

Reauthorizing the Rehabilitation Act of 1973 gives us the perfect opportunity to ensure that the vocational rehabilitation (VR) system does just that.

It links the VR system to the states' new job training systems under the Workforce Investment Partnership Act.

It streamlines the VR system, and eliminates unnecessary and wasteful requirements on state agencies.

It improves the provision of services that lead to more jobs and better jobs for individuals with disabilities.

And it reauthorizes the Rehabilitation Act for 7 years, to mirror the reauthorization schedule of the Workforce Investment Partnership Act.

Linking the VR system to states' new workforce systems should not be confused with compromising the integrity of the VR system. Under no circumstances, proposed either in this reauthorization or in S. 1186, will funding for VR be jeopardized or diluted. However, no one should underestimate the importance of cooperation and awareness between the two systems, and the strong statutory links that are necessary to ensure such cooperation.

Mr. President, let me elaborate on some of the links included in this reauthorization.

First, one member of a state's State Partnership, under S. 1186, would also be a member of a state's State Rehabilitation Council. State Rehabilitation Councils are responsible for advising state VR agencies and helping them develop the state plan for implementing rehabilitation services. Input from a State Partnership will help assure that the programs do not duplicate each other's efforts.

Second, a state's VR agency is required to develop cooperative agreements with other components of the state's workforce investment system. These agreements should include: Arrangements for interagency staff training; arrangements to share data electronically regarding labor market information and information on specific job vacancies; arrangements to use common intake procedures, forms, and referral procedures; agreements to share client databases; and arrangements for resolving interagency disputes.

Third, the Rehabilitation Services Agency Commissioner, who is required to submit a report to Congress and the President on the activities carried out under the Rehabilitation Act for a fiscal year, must now include in his report the same information required in the Workforce Investment Partnership Act.

Linking the reporting requirements helps assure that VR and the state workforce systems will be evaluated on the same results, including statistics on job placement, job retention 6 and 12 months after placement, and on how many did or did not complete their training.

Finally, the bill clearly states that its purpose is to "assist states in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is an integral part of a statewide workforce investment system."

After establishing significant links between state workforce systems and state vocational rehabilitation systems, my second objective in this bill is to streamline the existing VR system. For example:

First, the duplicative and wasteful requirements to develop state plans were removed. For example, the entire concept of a "strategic plan" requiring states to develop already existing or required goals and standards elsewhere is eliminated. In addition to saving time for state administrators, this means that states would no longer have to spend 1.5% of their Federal allotment on the "strategic plan." In Ohio, this means a savings of close to 3 million dollars—savings the State of Ohio could now spend on providing services and getting people jobs.

Second, eligibility procedures also have been simplified. Under this reauthorization bill, an individual could demonstrate eligibility for VR services based on information attained from another program with either the same or higher eligibility criteria. Therefore, state agencies would not longer have to reinvent the wheel to determine eligibility for individuals who can already demonstrate it.

Mr. President, in addition to linkages and streamlining, we have vastly improved the VR system in several ways.

First, all individuals eligible for VR programming would now receive at least basic services. Current law allows states under an "order of selection" to ignore eligible individuals who have come for job assistance if they do not meet the state's definition of "most severely disabled." Now, even those disabled individuals who would not otherwise be served must receive at least evaluative services, job placement information, and referral services. A state may opt to provide additional services to these individuals, but not everyone will have access to basic assistance and information.

Second, individuals' roles in developing their own "Individualized Rehabilitation Employment Plans" have been strengthened. Individuals with disabilities, who will always have the opportunity of working as a team with a VR counselor, will also have more choice as to what their plan will provide.

Third, the dispute resolution process between clients and state agencies has been vastly improved, ensuring real due process for all parties. No longer will a state VR administrator be allowed to review decisions in which the state agency is always a party. Under this reauthorization bill, it is a state's option to have an administrative review of an initial decision, but this review must be conducted by someone not affiliated with the state VR agency.

If a state does not have such a review, any appeals from an initial hearing proceed directly to civil court.

Furthermore, assuming both parties agree, mediation is now an option for either the state VR agency or the individual.

Finally, one of the most positive changes emphasizes the value of self-employment as a possibility for individuals with disabilities. Individuals with disabilities, together with their VR counselors, can develop plans in which their goal is to be self-employed. It is a step that gives VR clients more choice in how they will live their lives and become more independent members of their communities.

Before I conclude, Mr. President, I would like to point out the broad bipartisan support for this bill and its link to the Workforce Investment Partnership Act enjoys. Members from both sides of the aisle, the Department of Education, and many interest groups worked together in a very open negotiation to produce this legislation—one that will truly improve the lives of millions of people.

I thank the Chairman of the Labor Committee, Senator JEFFORDS; the Ranking Member of the Committee, Senator KENNEDY; the Ranking Member of the Employment and Training Subcommittee, Senator WELLSTONE, and my colleague from Iowa, Senator HARKIN for all the work they and their staffs put into this process. I also would like to thank my colleague from Tennessee, Senator FRIST and his staff for his contribution not only in the 105th Congress, but also for his contributions to developing links to our previous workforce bill in the 104th Congress.

Mr. President, I am hopeful the Senate will approve this legislation soon. Passage of this bill will create a system that will improve the lives of individuals with disabilities and provide opportunities for more jobs. This bill would streamline the VR system, making it more efficient and effective, and couple the vocational rehabilitation system's job training efforts with states' workforce systems' efforts to develop a seamless system of job training.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rehabilitation Act Amendments of 1998".

SEC. 2. TITLE.

The title of the Rehabilitation Act of 1973 is amended by striking "to establish special responsibilities" and all that follows and inserting the following: "to create linkage between State vocational rehabilitation programs and workforce investment activities carried out under the Workforce Investment Partnership Act of 1998, to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the Federal Government, and for other purposes.".

SEC. 3. GENERAL PROVISIONS.

The Rehabilitation Act of 1973 is amended by striking the matter preceding title I and inserting the following:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings; purpose; policy.
"Sec. 3 Rehabilitation Services Administration.
"Sec. 4. Advance funding.
"Sec. 5. Joint funding.
"Sec. 7. Definitions.
"Sec. 8. Allotment percentage.
"Sec. 10. Nonduplication.
"Sec. 11. Application of other laws.
"Sec. 12. Administration of the Act.
"Sec. 13. Reports.
"Sec. 14. Evaluation.
"Sec. 15. Information clearinghouse.
"Sec. 16. Transfer of funds.
"Sec. 17. State administration.
"Sec. 18. Review of applications.
"Sec. 19. Carryover.
"Sec. 20. Client assistance information.
"Sec. 21. Traditionally underserved populations.

"TITLE I—VOCATIONAL REHABILITATION SERVICES

"PART A—GENERAL PROVISIONS

"Sec. 100. Declaration of policy; authorization of appropriations.
"Sec. 101. State plans.
"Sec. 102. Eligibility and individualized rehabilitation employment plan.
"Sec. 103. Vocational rehabilitation services.
"Sec. 104. Non-Federal share for establishment of program.
"Sec. 105. State Rehabilitation Council.
"Sec. 106. Evaluation standards and performance indicators.
"Sec. 107. Monitoring and review.
"Sec. 108. Expenditure of certain amounts.
"Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.

"PART B—BASIC VOCATIONAL REHABILITATION SERVICES

"Sec. 110. State allotments.
"Sec. 111. Payments to States.
"Sec. 112. Client assistance program.

"PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

"Sec. 121. Vocational rehabilitation services grants.

"PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"Sec. 131. Data sharing.

"TITLE II—RESEARCH AND TRAINING

"Sec. 200. Declaration of purpose.
"Sec. 201. Authorization of appropriations.
"Sec. 202. National Institute on Disability and Rehabilitation Research.
"Sec. 203. Interagency Committee.
"Sec. 204. Research and other covered activities.
"Sec. 205. Rehabilitation Research Advisory Council.

"TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

"Sec. 301. Declaration of purpose and competitive basis of grants and contracts.
"Sec. 302. Training.
"Sec. 303. Special demonstration program.
"Sec. 304. Migrant and seasonal farmworkers.
"Sec. 305. Recreational programs.
"Sec. 306. Measuring of project outcomes and performance.

"TITLE IV—NATIONAL COUNCIL ON DISABILITY

"Sec. 400. Establishment of National Council on Disability.
"Sec. 401. Duties of National Council.
"Sec. 402. Compensation of National Council members.
"Sec. 403. Staff of National Council.
"Sec. 404. Administrative powers of National Council.
"Sec. 405. Authorization of Appropriations.

"TITLE V—RIGHTS AND ADVOCACY

"Sec. 501. Employment of individuals with disabilities.
"Sec. 502. Architectural and Transportation Barriers Compliance Board.
"Sec. 503. Employment under Federal contracts.
"Sec. 504. Nondiscrimination under Federal grants and programs.
"Sec. 505. Remedies and attorneys' fees.
"Sec. 506. Secretarial responsibilities.
"Sec. 507. Interagency Disability Coordinating Council.
"Sec. 508. Electronic and information technology regulations.
"Sec. 509. Protection and advocacy of individual rights.

"TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

"Sec. 601. Short title.

"PART A—PROJECTS IN TELECOMMUTING AND SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

"Sec. 611. Findings, policies, and purposes.
"Sec. 612. Projects in telecommuting for individuals with disabilities.
"Sec. 613. Projects in self-employment for individuals with disabilities.
"Sec. 614. Discretionary authority for dual-purpose applications.
"Sec. 615. Authorization of appropriations.

"PART B—PROJECTS WITH INDUSTRY

"Sec. 621. Projects with industry.
"Sec. 622. Authorization of appropriations.

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES

"Sec. 631. Purpose.
"Sec. 632. Allotments.
"Sec. 633. Availability of services.
"Sec. 634. Eligibility.
"Sec. 635. State plan.
"Sec. 636. Restriction.
"Sec. 637. Savings provision.
"Sec. 638. Authorization of appropriations.

"TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

"CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

"PART A—GENERAL PROVISIONS

"Sec. 701. Purpose.
"Sec. 702. Definitions.
"Sec. 703. Eligibility for receipt of services.
"Sec. 704. State plan.
"Sec. 705. Statewide Independent Living Council.
"Sec. 706. Responsibilities of the Commissioner.

"PART B—INDEPENDENT LIVING SERVICES

"Sec. 711. Allotments.
"Sec. 712. Payments to States from allotments.
"Sec. 713. Authorized uses of funds.
"Sec. 714. Authorization of appropriations.

"PART C—CENTERS FOR INDEPENDENT LIVING

"Sec. 721. Program authorization.
"Sec. 722. Grants to centers for independent living in States in which Federal funding exceeds State funding.
"Sec. 723. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
"Sec. 724. Centers operated by State agencies.
"Sec. 725. Standards and assurances for centers for independent living.
"Sec. 726. Definitions.
"Sec. 727. Authorization of appropriations.

"CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

"Sec. 751. Definition.
"Sec. 752. Program of grants.
"Sec. 753. Authorization of appropriations.

"FINDINGS; PURPOSE; POLICY

"SEC. 2. (a) FINDINGS.—Congress finds that—

"(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

"(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

"(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) contribute to society;

"(E) pursue meaningful careers; and

"(F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

"(4) increased employment of individuals with disabilities can be achieved through implementation of statewide activities carried out under the Workforce Investment Partnership Act of 1998 that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program established under title I, and through the provision of independent living services, support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

"(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and

"(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

"(A) make informed choices and decisions; and

"(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.

"(b) PURPOSE.—The purposes of this Act are—

"(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through—

"(A) statewide activities carried out in accordance with the Workforce Investment Partnership Act of 1998 that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

"(B) independent living centers and services;

"(C) research;

"(D) training;

"(E) demonstration projects; and

"(F) the guarantee of equal opportunity; and

"(2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

"(3) inclusion, integration, and full participation of the individuals;

"(4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systemic advocacy and community involvement.

"REHABILITATION SERVICES ADMINISTRATION

"SEC. 3. (a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and part A of title VI and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management. In the performance of the functions of the office, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner. Any reference in this Act to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary acting through the Commissioner. In carrying out any of the functions of the office under this Act, the Commissioner shall be guided by general policies of the National Council on Disability established under title IV of this Act.

"(b) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

"(c) The Secretary shall take such action as necessary to ensure that—

"(1) the staffing of the Rehabilitation Services Administration shall be in sufficient numbers to meet program needs and at levels which will attract and maintain the most qualified personnel; and

"(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.

"ADVANCE FUNDING

"SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"JOINT FUNDING

"SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

"SEC. 7. DEFINITIONS.

"For the purposes of this Act:

"(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means expenditures incurred by the designated State unit in the performance of administrative functions under the vocational rehabilitation program carried out under title I, including expenses related to program planning, development, monitoring, and evaluation, including—

"(A) expenses for—

"(i) quality assurance;

"(ii) budgeting, accounting, financial management, information systems, and related data processing;

"(iii) provision of information about the program to the public;

"(iv) technical assistance and related support services to other State agencies, private nonprofit organizations, and businesses and industries, except for technical assistance and support services described in section 103(b)(5);

"(v) the State Rehabilitation Council and other entities that advise the designated State unit with regard to the provision of vocational rehabilitation services;

"(vi) removal of architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

"(vii) operation and maintenance of designated State unit facilities, equipment, and grounds;

"(viii) supplies; and

"(ix)(I) administration of the comprehensive system of personnel development described in section 101(a)(7), including personnel administration, and administration of affirmative action plans;

"(II) training and staff development; and

"(III) administrative salaries, including clerical and other support staff salaries, in support of the administrative functions;

"(B) travel costs related to carrying out the program, other than travel costs related to the provision of services;

"(C) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations; and

"(D) legal expenses required in the administration of the program.

"(2) ASSESSMENT FOR DETERMINING ELIGIBILITY AND VOCATIONAL REHABILITATION NEEDS.—The term 'assessment for determining eligibility and vocational rehabilitation needs' means, as appropriate in each case—

"(A)(i) a review of existing data—

"(I) to determine whether an individual is eligible for vocational rehabilitation services; and

"(II) to assign priority for an order of selection described in section 101(a)(5)(A) in the States that use an order of selection pursuant to section 101(a)(5)(A); and

"(ii) to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make such determination and assignment;

"(B) to the extent additional data is necessary to make a determination of the employment outcomes, and the objectives, nature, and scope of vocational rehabilitation services, to be included in the individualized rehabilitation employment plan of an eligible individual,, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual, which comprehensive assessment—

"(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized rehabilitation employment plan of the eligible individual;

"(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

"(I) existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in section 101(a)(5)(A) for the individual; and

"(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

"(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and

"(iv) may include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;

"(C) referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

"(D) an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, including experiences in which the individual is provided appropriate supports and training.

"(3) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)), except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

"(4) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3)), except that the reference in such section—

"(A) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

"(B) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.

"(5) COMMUNITY REHABILITATION PROGRAM.—The term 'community rehabilitation program' means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement—

"(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

"(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

"(C) recreational therapy;

"(D) physical and occupational therapy;

"(E) speech, language, and hearing therapy;

"(F) psychiatric, psychological, and social services, including positive behavior management;

"(G) assessment for determining eligibility and vocational rehabilitation needs;

"(H) rehabilitation technology;

"(I) job development, placement, and retention services;

"(J) evaluation or control of specific disabilities;

"(K) orientation and mobility services for individuals who are blind;

"(L) extended employment;

"(M) psychosocial rehabilitation services;

"(N) supported employment services and extended services;

"(O) services to family members when necessary to the vocational rehabilitation of the individual;

"(P) personal assistance services; or

"(Q) services similar to the services described in one of subparagraphs (A) through (P).

"(6) CRIMINAL ACT.—The term 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, or intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"(7) DESIGNATED STATE AGENCY.—The term 'designated State agency' means an agency designated under section 101(a)(2)(A).

"(8) DESIGNATED STATE UNIT.—The term 'designated State unit' means—

"(A) any State agency unit required under section 101(a)(2)(B)(ii); or

"(B) in cases in which no such unit is so required, the State agency described in section 101(a)(2)(B)(i).

"(9) DISABILITY.—The term 'disability' means—

"(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

"(B) for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII, a physical or mental impairment that substantially limits one or more major life activities.

"(10) DRUG AND ILLEGAL USE OF DRUGS.—

"(A) DRUG.—The term 'drug' means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(B) ILLEGAL USE OF DRUGS.—The term 'illegal use of drugs' means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

"(11) EMPLOYMENT OUTCOME.—The term 'employment outcome' means, with respect to an individual—

"(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

"(B) satisfying the vocational outcome of supported employment; or

"(C) satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment or business ownership), in a manner consistent with this Act.

"(12) ESTABLISHMENT OF A COMMUNITY REHABILITATION PROGRAM.—The term 'establishment of a community rehabilitation program' includes the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to community rehabilitation program purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations the Secretary shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of facilities for community rehabilitation programs), and may include such additional equipment and staffing as the Commissioner considers appropriate.

"(13) EXTENDED SERVICES.—The term 'extended services' means ongoing support services and other appropriate services, needed to support and maintain an individual with a most significant disability in supported employment, that—

"(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;

"(B) are based on a determination of the needs of an eligible individual, as specified in an individualized rehabilitation employment plan; and

"(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

"(14) FEDERAL SHARE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'Federal share' means 78.7 percent.

"(B) RELATIONSHIP TO EXPENDITURES BY A POLITICAL SUBDIVISION.—For the purpose of determining the non-Federal share with respect to a State, expenditures by a political subdivision thereof or by a local agency shall be regarded as expenditures by such State, subject to such limitations and conditions as the Secretary shall by regulation prescribe.

"(15) IMPARTIAL HEARING OFFICER.—

"(A) IN GENERAL.—The term 'impartial hearing officer' means an individual—

"(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

"(ii) who is not a member of the State Rehabilitation Council described in section 105;

"(iii) who has not been involved previously in the vocational rehabilitation of the applicant or client;

"(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 101, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

"(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

"(B) CONSTRUCTION.—An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

"(16) INDEPENDENT LIVING CORE SERVICES.—The term 'independent living core services' means—

"(A) information and referral services;

"(B) independent living skills training;

"(C) peer counseling (including cross-disability peer counseling); and

"(D) individual and systems advocacy.

“(17) INDEPENDENT LIVING SERVICES.—The term ‘independent living services’ includes—

“(A) independent living core services; and

“(B)(i) counseling services, including psychological, psychotherapeutic, and related services;

“(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

“(iii) rehabilitation technology;

“(iv) mobility training;

“(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

“(vi) personal assistance services, including attendant care and the training of personnel providing such services;

“(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

“(viii) consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

“(ix) education and training necessary for living in a community and participating in community activities;

“(x) supported living;

“(xi) transportation, including referral and assistance for such transportation and training in the use of public transportation vehicles and systems;

“(xii) physical rehabilitation;

“(xiii) therapeutic treatment;

“(xiv) provision of needed prostheses and other appliances and devices;

“(xv) individual and group social and recreational services;

“(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

“(xvii) services for children;

“(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;

“(xix) appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;

“(xx) community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and

“(xxi) such other services as may be necessary and not inconsistent with the provisions of this Act.

“(18) INDIAN; AMERICAN INDIAN; INDIAN AMERICAN.—The terms ‘Indian’, ‘American Indian’, and ‘Indian American’ mean an individual who is a member of an Indian tribe.

“(19) INDIAN TRIBE.—The term ‘Indian tribe’ means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act).

“(20) INDIVIDUAL WITH A DISABILITY.—

“(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the term ‘individual with a disability’ means any individual who—

“(i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and

“(ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to title I, III, or VI.

“(B) CERTAIN PROGRAMS; LIMITATIONS ON MAJOR LIFE ACTIVITIES.—Subject to subparagraphs (C), (D), (E), and (F), the term ‘individual with a disability’ means, for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII of this Act, any person who—

“(i) has a physical or mental impairment which substantially limits one or more of such person's major life activities;

“(ii) has a record of such an impairment; or

“(iii) is regarded as having such an impairment.

“(C) RIGHTS AND ADVOCACY PROVISIONS.—

“(i) IN GENERAL; EXCLUSION OF INDIVIDUALS ENGAGING IN DRUG USE.—For purposes of title V, the term ‘individual with a disability’ does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

“(ii) EXCEPTION FOR INDIVIDUALS NO LONGER ENGAGING IN DRUG USE.—Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who—

“(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

“(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

“(III) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

“(iii) EXCLUSION FOR CERTAIN SERVICES.—Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

“(iv) DISCIPLINARY ACTION.—For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

“(v) EMPLOYMENT; EXCLUSION OF ALCOHOLICS.—For purposes of sections 503 and 504 as such sections relate to employment, the term ‘individual with a disability’ does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

“(D) EMPLOYMENT; EXCLUSION OF INDIVIDUALS WITH CERTAIN DISEASES OR INFECTIONS.—For the purposes of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

“(E) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF HOMOSEXUALITY OR BISEXUALITY.—For the purposes of sections 501, 503, and 504—

“(i) for purposes of the application of subparagraph (B) to such sections, the term ‘impairment’ does not include homosexuality or bisexuality; and

“(ii) therefore the term ‘individual with a disability’ does not include an individual on the basis of homosexuality or bisexuality.

“(F) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF CERTAIN DISORDERS.—For the purposes of sections 501, 503, and 504, the term ‘individual with a disability’ does not include an individual on the basis of—

“(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

“(ii) compulsive gambling, kleptomania, or pyromania; or

“(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

“(G) INDIVIDUALS WITH DISABILITIES.—The term ‘individuals with disabilities’ means more than one individual with a disability.

“(21) INDIVIDUAL WITH A SIGNIFICANT DISABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), the term ‘individual with a significant disability’ means an individual with a disability—

“(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

“(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

“(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.

“(B) INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.—For purposes of title VII, the term ‘individual with a significant disability' means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

"(C) Research and Training.—For purposes of title II, the term 'individual with a significant disability' includes an individual described in subparagraph (A) or (B).

"(D) Individuals with Significant Disabilities.—The term 'individuals with significant disabilities' means more than one individual with a significant disability.

"(E) Individual with a Most Significant Disability.—

"(i) In General.—The term 'individual with a most significant disability', used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 101(a)(5)(C).

"(ii) Individuals with the Most Significant Disabilities.—The term 'individuals with the most significant disabilities' means more than one individual with a most significant disability.

"(22) Individual's Representative; Applicant's Representative.—

"(A) Individual's Representative.—The term 'individual's representative' used with respect to an eligible individual or other individual with a disability, means—

"(i) any representative chosen by the eligible individual or other individual with a disability, including a parent, guardian, other family member, or advocate; or

"(ii) if a representative or legal guardian has been appointed by a court to represent the eligible individual or other individual with a disability, the court-appointed representative or legal guardian.

"(B) Applicant's Representative.—The term 'applicant's representative' means—

"(i) any representative described in subparagraph (A)(i) chosen by the applicant; or

"(ii) if a representative or legal guardian has been appointed by a court to represent the applicant, the court-appointed representative or legal guardian.

"(23) Institution of Higher Education.—The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(24) Local Agency.—The term 'local agency' means an agency of a unit of general local government or of an Indian tribe (or combination of such units or tribes) which has an agreement with the designated State agency to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from arranging to utilize another local public or nonprofit agency to provide vocational rehabilitation services if such an arrangement is made part of the agreement specified in this paragraph.

"(25) Local Workforce Investment Partnership.—The term 'local workforce investment partnership' means a local workforce investment partnership established under section 308 of the Workforce Investment Partnership Act of 1998.

"(26) Nonprofit.—The term 'nonprofit', when used with respect to a community rehabilitation program, means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

"(27) Ongoing Support Services.—The term 'ongoing support services' means services—

"(A) provided to individuals with the most significant disabilities;

"(B) provided, at a minimum, twice monthly—

"(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

"(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

"(C) consisting of—

"(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (2)(B);

"(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

"(iii) job development, job retention, and placement services;

"(iv) social skills training;

"(v) regular observation or supervision of the individual;

"(vi) followup services such as regular contact with the employers, the individuals, the individuals' representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;

"(vii) facilitation of natural supports at the worksite;

"(viii) any other service identified in section 103; or

"(ix) a service similar to another service described in this subparagraph.

"(28) Personal Assistance Services.—The term 'personal assistance services' means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

"(29) Public or Nonprofit.—The term 'public or nonprofit', used with respect to an agency or organization, includes an Indian tribe.

"(30) Rehabilitation Technology.—The term 'rehabilitation technology' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

"(31) Requires Vocational Rehabilitation Services.—The term 'requires vocational rehabilitation services', used with respect to an individual with a disability as defined in paragraph (20)(A), means that the individual is unable to prepare for, secure, retain, or regain employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual without vocational rehabilitation services, because the individual—

"(A) has never been employed;

"(B) has lost employment;

"(C) is underemployed;

"(D) is at immediate risk of losing employment; or

"(E) receives benefits on the basis of disability or blindness pursuant to title II or XVI of the Social Security Act (42 U.S.C. 401 et seq. or 1381 et seq.), in a case in which the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

"(32) Secretary.—The term 'Secretary', except when the context otherwise requires, means the Secretary of Education.

"(33) State.—The term 'State' includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(34) Statewide Workforce Investment Partnership.—The term 'statewide workforce investment partnership' means a partnership established under section 303 of the Workforce Investment Partnership Act of 1998.

"(35) Statewide Workforce Investment System.—The term 'statewide workforce investment system' means a system described in section 301 of the Workforce Investment Partnership Act of 1998.

"(36) Supported Employment.—

"(A) In General.—The term 'supported employment' means competitive work in integrated work settings, or employment in integrated work settings in which individuals are working toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities—

"(i)(I) for whom competitive employment has not traditionally occurred; or

"(II) for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

"(ii) who, because of the nature and severity of their disability, need intensive supported employment services for the period, and any extension, described in paragraph (37)(C) and extended services after the transition described in paragraph (13)(C) in order to perform such work.

"(B) Certain Transitional Employment.—Such term includes transitional employment for persons who are individuals with the most significant disabilities due to mental illness.

"(37) Supported Employment Services.—The term 'supported employment services' means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, that—

"(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive employment;

"(B) are based on a determination of the needs of an eligible individual, as specified in an individualized rehabilitation employment plan; and

"(C) are provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized rehabilitation employment plan.

"(38) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"(39) UNDEREMPLOYED.—The term 'underemployed', used with respect to an individual with a disability, as defined in paragraph (20)(A), means a situation in which the individual is employed in a job that is not consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

"(40) VOCATIONAL REHABILITATION SERVICES.—The term 'vocational rehabilitation services' means those services identified in section 103 which are provided to individuals with disabilities under this Act.

"(41) WORKFORCE INVESTMENT ACTIVITIES.—The term 'workforce investment activities' has the meaning given the term in section 2 of the Workforce Investment Partnership Act of 1998 carried out under that Act.

"ALLOTMENT PERCENTAGE

"SEC. 8. (a)(1) For purposes of section 110, the allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum; and

"(B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be 75 per centum.

"(2) The allotment percentages shall be promulgated by the Secretary between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the October 1 next succeeding such promulgation.

"(3) The term 'United States' means (but only for purposes of this subsection) the fifty States and the District of Columbia.

"(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

"NONDUPLICATION

"SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act, except that this section shall not be construed to limit or reduce fees for services rendered by community rehabilitation programs.

"APPLICATION OF OTHER LAWS

"SEC. 11. The provisions of the Act of December 5, 1974 (Public Law 93–510) and of title V of the Act of October 15, 1977 (Public Law 95–134) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

"ADMINISTRATION OF THE ACT

"SEC. 12. (a) In carrying out the purposes of this Act, the Commissioner may—

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations, including assistance to enable such agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in workforce investment activities;

"(2) provide short-term training and technical instruction, including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches);

"(3) conduct special projects and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide monitoring and conduct evaluations.

"(b)(1) In carrying out the duties under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and may pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.

"(c) The Commissioner may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this Act.

"(d) The Secretary shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

"(e) Not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1998, the Secretary shall receive public comment and promulgate regulations to implement the amendments made by the Rehabilitation Act Amendments of 1998.

"(f) In promulgating regulations to carry out this Act, the Secretary shall promulgate only regulations that are necessary to administer and ensure compliance with the specific requirements of this Act.

"(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

"REPORTS

"SEC. 13. (a) Not later than one hundred and eighty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act, including the activities and staffing of the information clearinghouse under section 15.

"(b) The Commissioner shall collect information to determine whether the purposes of this Act are being met and to assess the performance of programs carried out under this Act. The Commissioner shall take whatever action is necessary to assure that the identity of each individual for which information is supplied under this section is kept confidential, except as otherwise required by law (including regulation).

"(c) In preparing the report, the Commissioner shall annually collect and include in the report information based on the information submitted by States in accordance with section 101(a)(10). The Commissioner shall, to the maximum extent appropriate, include in the report all information that is required to be submitted in the reports described in section 321(d) of the Workforce Investment Partnership Act of 1998 and that pertains to the employment of individuals with disabilities.

"EVALUATION

"SEC. 14. (a) For the purpose of improving program management and effectiveness, the Secretary, in consultation with the Commissioner, shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs. The Secretary shall establish and use standards for the evaluations required by this subsection. Such an evaluation shall be conducted by a person not immediately involved in the administration of the program evaluated.

"(b) In carrying out evaluations under this section, the Secretary shall obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds under this Act shall become the property of the United States.

"(d) Such information as the Secretary may determine to be necessary for purposes of the evaluations conducted under this section shall be made available upon request of the Secretary, by the departments and agencies of the executive branch.

"(e)(1) To assess the linkages between vocational rehabilitation services and economic and noneconomic outcomes, the Secretary shall continue to conduct a longitudinal study of a national sample of applicants for the services.

"(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

"(3) The study shall be planned to cover the period beginning on the application of individuals with disabilities for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.

"(f)(1) The Commissioner shall identify and disseminate information on exemplary practices concerning vocational rehabilitation.

"(2) To facilitate compliance with paragraph (1), the Commissioner shall conduct studies and analyses that identify exemplary practices concerning vocational rehabilitation, including studies in areas relating to providing informed choice in the rehabilitation process, promoting consumer satisfaction, promoting job placement and retention, providing supported employment, providing services to particular disability populations, financing personal assistance services, providing assistive technology devices and assistive technology services, entering into cooperative agreements, establishing standards and certification for community rehabilitation programs, converting from nonintegrated to integrated employment, and providing caseload management.

"(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

"INFORMATION CLEARINGHOUSE

"SEC. 15. (a) The Secretary shall establish a central clearinghouse for information and resource availability for individuals with disabilities which shall provide information and data regarding—

"(1) the location, provision, and availability of services and programs for individuals with disabilities, including such information and data provided by statewide partnerships established under section 303 of the Workforce Investment Partnership Act of 1998 regarding such services and programs authorized under such Act;

"(2) research and recent medical and scientific developments bearing on disabilities (and their prevention, amelioration, causes, and cures); and

"(3) the current numbers of individuals with disabilities and their needs.

The clearinghouse shall also provide any other relevant information and data which the Secretary considers appropriate.

"(b) The Commissioner may assist the Secretary to develop within the Department of Education a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, individuals with disabilities and their families, professionals in fields serving such individuals, and the general public.

"(c) The office established to carry out the provisions of this section shall be known as the 'Office of Information and Resources for Individuals with Disabilities'.

"(d) There are authorized to be appropriated to carry out this section such sums as may be necessary.

"TRANSFER OF FUNDS

"SEC. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized.

"(b) No more than 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.

"STATE ADMINISTRATION

"SEC. 17. The application of any State rule or policy relating to the administration or operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

"REVIEW OF APPLICATIONS

"SEC. 18. Applications for grants in excess of $100,000 in the aggregate authorized to be funded under this Act, other than grants primarily for the purpose of conducting dissemination or conferences, shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

"SEC. 19. CARRYOVER.

"(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out any grant program under part B of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

"(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

"(b) NON-FEDERAL SHARE.—Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.

"SEC. 20. CLIENT ASSISTANCE INFORMATION.

"All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this Act shall advise such individuals who are applicants for or recipients of the services, or the applicants' representatives or individuals' representatives, of the availability and purposes of the client assistance program under section 112, including information on means of seeking assistance under such program.

"SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.

"(a) FINDINGS.—With respect to the programs authorized in titles II through VII, the Congress finds as follows:

"(1) RACIAL PROFILE.—The racial profile of America is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Latinos, 14.6 percent for African-Americans, and 40.1 percent for Asian-Americans and other ethnic groups. By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.

"(2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be significantly disabled.

"(3) INEQUITABLE TREATMENT.—Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

"(4) RECRUITMENT.—Recruitment efforts within vocational rehabilitation at the level of pre-service training, continuing education, and in-service training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

"(b) OUTREACH TO MINORITIES.—

"(1) IN GENERAL.—For each fiscal year, the Commissioner and the Director of the National Institute on Disability and Rehabilitation Research (referred to in this subsection as the 'Director') shall reserve 1 percent of the funds appropriated for the fiscal year for programs authorized under titles II, III, VI, and VII to carry out this subsection. The Commissioner and the Director shall use the reserved funds to carry out 1 or more of the activities described in paragraph (2) through a grant, contract, or cooperative agreement.

"(2) ACTIVITIES.—The activities carried out by the Commissioner and the Director shall include 1 or more of the following:

"(A) Making awards to minority entities and Indian tribes to carry out activities under the programs authorized under title II, III, VI, and VII.

"(B) Making awards to minority entities and Indian tribes to conduct research, training, technical assistance, or a related activity, to improve services provided under this Act, especially services provided to individuals from minority backgrounds.

"(C) Making awards to entities described in paragraph (3) to provide outreach and technical assistance to minority entities and Indian tribes to promote their participation in activities funded under this Act, including assistance to enhance their capacity to carry out such activities.

"(3) ELIGIBILITY.—To be eligible to receive a award under paragraph (2)(C), an entity shall be a State or a public or private nonprofit agency or organization, such as an institution of higher education or an Indian tribe.

"(4) REPORT.—In each fiscal year, the Commissioner and the Director shall prepare and submit to Congress a report that describes the activities funded under this subsection for the preceding fiscal year.

"(5) DEFINITIONS.—In this subsection:

"(A) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"(B) MINORITY ENTITY.—The term "minority entity' means an entity that is a Historically Black College or University, a Hispanic-serving institution of higher education, an American Indian Tribal College or University, or another institution of higher education whose minority student enrollment is at least 50 percent.

"(c) DEMONSTRATION.—In awarding grants, or entering into contracts or cooperative agreements under titles I, II, III, VI, and VII, and section 509, the Commissioner and the Director, in appropriate cases, shall require applicants to demonstrate how the applicants will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.".

SEC. 4. VOCATIONAL REHABILITATION SERVICES.

Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) is amended to read as follows:

"TITLE I—VOCATIONAL REHABILITATION SERVICES

"PART A—GENERAL PROVISIONS

"SEC. 100. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

"(a) FINDINGS; PURPOSE; POLICY.—

"(1) FINDINGS.—Congress finds that—

"(A) work—

"(i) is a valued activity, both for individuals and society; and

"(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States;

"(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

"(C) individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided;

"(D) reasons for significant numbers of individuals with disabilities not working, or working at levels not commensurate with their abilities and capabilities, include—

"(i) discrimination;

"(ii) lack of accessible and available transportation;

"(iii) fear of losing health coverage under the medicare and medicaid programs carried out under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing private health insurance; and

"(iv) lack of education, training, and supports to meet job qualification standards necessary to secure, retain, regain, or advance in employment;

"(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities;

"(F) the provision of workforce investment activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities; and

"(G) linkages between the vocational rehabilitation programs established under this title and other components of the statewide workforce investment system are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities.

"(2) PURPOSE.—The purpose of this title is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is—

"(A) an integral part of a statewide workforce investment system; and

"(B) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in gainful employment.

"(3) POLICY.—It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

"(A) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

"(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

"(C) Individuals who are applicants for such programs or eligible to participate in such programs must be active and full partners, in collaboration with qualified vocational rehabilitation professionals, in the vocational rehabilitation process, making meaningful and informed choices—

"(i) during assessments for determining eligibility and vocational rehabilitation needs; and

"(ii) in the selection of employment outcomes for the individuals, services needed to achieve the outcomes, entities providing such services, and the methods used to secure such services.

"(D) Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability involved requests, desires, or needs such supports.

"(E) Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures as described in section 101(a)(7)(A)(iii) (referred to individually in this title as a 'qualified vocational rehabilitation counselor'), other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment outcomes and objectives of an individual.

"(F) Individuals with disabilities and the individuals' representatives are full partners in a vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

"(G) Accountability measures must facilitate the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most significant disabilities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for fiscal years 1998 through 2004, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.

"(2) REFERENCE.—The reference in paragraph (1) to grants to States under part B shall not be considered to refer to grants under section 112.

"(c) CONSUMER PRICE INDEX.—

"(1) PERCENTAGE CHANGE.—No later than November 15 of each fiscal year (beginning with fiscal year 1979), the Secretary of Labor shall publish in the Federal Register the percentage change in the Consumer Price Index published for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

"(2) APPLICATION.—

"(A) INCREASE.—If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

"(B) NO INCREASE OR DECREASE.—If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1).

"(3) DEFINITION.—For purposes of this section, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.

"(d) EXTENSION.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION OR DURATION OF PROGRAM.—Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

"(ii) of the duration of the program authorized by the State grant program under part B of this title;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization or duration is automatically extended for 1 additional year for the program authorized by this title.

"(B) CALCULATION.—The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 2004, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year, if the percentage change indicates an increase.

"(2) CONSTRUCTION.—

"(A) PASSAGE OF LEGISLATION.—For the purposes of paragraph (1)(A), Congress shall not be deemed to have passed legislation unless such legislation becomes law.

"(B) Acts or determinations of commissioner.—In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which the extension described in that part of paragraph (1) that follows clause (ii) of paragraph (1)(A) is in effect.

"SEC. 101. STATE PLANS.

"(a) Plan Requirements.—

"(1) In general.—

"(A) Submission.—To be eligible to participate in programs under this title, a State shall submit to the Commissioner a State plan for vocational rehabilitation services that meets the requirements of this section, on the same date that the State submits a State plan under section 304 of the Workforce Investment Partnership Act of 1998.

"(B) Nonduplication.—The State shall not be required to submit, in the State plan for vocational rehabilitation services, policies, procedures, or descriptions required under this title that have been previously submitted to the Commissioner and that demonstrate that such State meets the requirements of this title, including any policies, procedures, or descriptions submitted under this title as in effect on the day before the effective date of the Rehabilitation Act Amendments of 1998.

"(C) Duration.—The State plan shall remain in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law (including regulations), an interpretation of this Act by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of this Act, until the State submits and receives approval of a new State plan.

"(2) Designated state agency; designated state unit.—

"(A) Designated state agency.—The State plan shall designate a State agency as the sole State agency to administer the plan, or to supervise the administration of the plan by a local agency, except that—

"(i) where, under State law, the State agency for individuals who are blind or another agency that provides assistance or services to adults who are blind is authorized to provide vocational rehabilitation services to individuals who are blind, that agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency to administer or supervise the administration of the rest of the State plan;

"(ii) the Commissioner, on the request of a State, may authorize the designated State agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit the agencies to carry out a joint program to provide services to individuals with disabilities, and may waive compliance, with respect to vocational rehabilitation services furnished under the joint program, with the requirement of paragraph (4) that the plan be in effect in all political subdivisions of the State; and

"(iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa.

"(B) Designated state unit.—The State agency designated under subparagraph (A) shall be—

"(i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

"(ii) if not such an agency, the State agency (or each State agency if 2 are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit that—

"(I) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the vocational rehabilitation program of the designated State agency;

"(II) has a full-time director;

"(III) has a staff employed on the rehabilitation work of the organizational unit all or substantially all of whom are employed full time on such work; and

"(IV) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency.

"(C) Responsibility for services for the blind.—If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of subparagraph (B) applying separately to each of the designated State units.

"(3) Non-federal share.—The State plan shall provide for financial participation by the State, or if the State so elects, by the State and local agencies, to provide the amount of the non-Federal share of the cost of carrying out part B.

"(4) Statewideness.—The State plan shall provide that the plan shall be in effect in all political subdivisions of the State, except that in the case of any activity that, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of individuals with disabilities or groups of individuals with disabilities, the Commissioner may waive compliance with the requirement that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by the Commissioner. The Commissioner may waive compliance with the requirement only if the non-Federal share of the cost of the vocational rehabilitation services is provided from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual).

"(5) Order of selection for vocational rehabilitation services.—In the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, the State plan shall—

"(A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

"(B) provide the justification for the order of selection;

"(C) include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and

"(D) provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under paragraph (20).

"(6) Methods for administration.—

"(A) In general.—The State plan shall provide for such methods of administration as are found by the Commissioner to be necessary for the proper and efficient administration of the plan.

"(B) Employment of individuals with disabilities.—The State plan shall provide that the designated State agency, and entities carrying out community rehabilitation programs in the State, who are in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified individuals with disabilities covered under, and on the same terms and conditions as set forth in, section 503.

"(C) Personnel and program standards for community rehabilitation programs.—The State plan shall provide that the designated State unit shall establish, maintain, and implement minimum standards for community rehabilitation programs providing services to individuals under this title, including—

"(i) standards—

"(I) governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services through such programs; and

"(II) providing, to the extent that providers of vocational rehabilitation services utilize personnel who do not meet the highest requirements in the State applicable to a particular profession or discipline, that the providers shall take steps to ensure the retraining or hiring of personnel so that such personnel meet appropriate professional standards in the State; and

"(ii) minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an individual receiving services through such programs.

"(D) Facilities.—The State plan shall provide that facilities used in connection with the delivery of services assisted under the State plan shall comply with the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved on August 12, 1968 (commonly known as the 'Architectural Barriers Act of 1968'), with section 504, and with the Americans with Disabilities Act of 1990.

"(7) Comprehensive system of personnel development.—The State plan shall include—

"(A) a description, consistent with the purposes of this Act, of a comprehensive system of personnel development for personnel involved in carrying out this title, which, at a minimum, shall consist of—

"(i) a description of the procedures and activities the designated State agency will implement and undertake to address the current and projected needs for personnel, and training needs of such personnel, in the designated State unit to ensure that the personnel are adequately trained and prepared;

"(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional associations to recruit, prepare, and retain qualified personnel, including personnel from culturally or linguistically diverse backgrounds, and personnel that include individuals with disabilities;

“(iii) a description of policies and procedures on the establishment and maintenance of reasonable standards to ensure that personnel, including professionals and paraprofessionals, are adequately trained and prepared, including—

“(I) standards that are consistent with any national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services; and

“(II) to the extent that such standards are not based on the highest requirements in the State applicable to a particular profession or discipline, the steps the State will take to ensure the retraining or hiring of personnel within the designated State unit so that such personnel meet appropriate professional standards in the State;

“(iv) a description of a system for evaluating the performance of vocational rehabilitation counselors, coordinators, and other personnel used in the State, including a description of how the system facilitates the accomplishment of the purpose and policy of this title, including the policy of serving individuals with the most significant disabilities;

“(v) a description of standards to ensure the availability of personnel within the designated State unit who are, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an applicant or eligible individual; and

“(vi) a detailed description, including a budget, of how the funds reserved under subparagraph (B) will be expended to carry out the comprehensive system for personnel development, including the provision of in-service training for personnel of the designated State unit;

“(B) assurances that—

“(i) at a minimum, the State will reserve from the allotment made to the State under section 110 an amount to carry out the comprehensive system of personnel development, including the provision of in-service training for personnel of the designated State unit;

“(ii) for fiscal year 1999, the amount reserved will be equal to the amount of the funds the State received for fiscal year 1998 to provide in-service training under section 302, or for any State that did not receive those funds for fiscal year 1998, an amount determined by the Commissioner; and

“(iii) for each subsequent year, the amount reserved under this subparagraph will be equal to the amount reserved under this subparagraph for the previous fiscal year, increased by the percentage change in the Consumer Price Index published under section 100(c) in such previous fiscal year, if the percentage change indicates an increase; and

“(C) an assurance that the standards adopted by a State in accordance with subparagraph (A)(iii) shall not permit discrimination on the basis of disability with regard to training and hiring.

“(8) COMPARABLE SERVICES AND BENEFITS.—

“(A) DETERMINATION OF AVAILABILITY.—

“(i) IN GENERAL.—The State plan shall include an assurance that, prior to providing any vocational rehabilitation service to an eligible individual, except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a), the designated State unit will determine whether comparable services and benefits are available under any other program (other than a program carried out under this title) unless such a determination would interrupt or delay—

“(I) the progress of the individual toward achieving the employment outcome identified in the individualized rehabilitation employment plan of the individual in accordance with section 102(b); or

“(II) the provision of such service to any individual at extreme medical risk.

“(ii) AWARDS AND SCHOLARSHIPS.—For purposes of clause (i), comparable benefits do not include awards and scholarships based on merit.

“(B) INTERAGENCY AGREEMENT.—The State plan shall include an assurance that the Chief Executive Officer of the State or the designee of such officer will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between any appropriate public entity, including a component of the statewide workforce investment system, and the designated State unit, in order to ensure the provision of vocational rehabilitation services described in subparagraph (A) (other than those services specified in paragraph (5)(D), and in paragraphs (1) through (4) and (14) of section 103(a)), that are included in the individualized rehabilitation employment plan of an eligible individual, including the provision of such vocational rehabilitation services during the pendency of any dispute described in clause (iii). Such agreement or mechanism shall include the following:

“(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a description of a method for defining, the financial responsibility of such public entity for providing such services, and a provision stating that the financial responsibility of such public entity for providing such services, including the financial responsibility of the State agency responsible for administering the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), other public agencies, and public institutions of higher education, shall precede the financial responsibility of the designated State unit especially with regard to the provision of auxiliary aids and services to the maximum extent allowed by law.

“(ii) CONDITIONS, TERMS, AND PROCEDURES OF REIMBURSEMENT.—Information specifying the conditions, terms, and procedures under which a designated State unit shall pursue and obtain reimbursement by other public agencies for providing such services.

“(iii) INTERAGENCY DISPUTES.—Information specifying procedures for resolving interagency disputes under the agreement or other mechanism (including procedures under which the designated State unit may initiate proceedings to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism).

“(iv) COORDINATION OF SERVICES PROCEDURES.—Information specifying policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely delivery of vocational rehabilitation services (except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)).

“(C) RESPONSIBILITIES OF OTHER AGENCIES.—

“(i) RESPONSIBILITIES UNDER OTHER LAW.—Notwithstanding subparagraph (B), if any public agency other than a designated State unit is obligated under Federal or State law, or assigned responsibility under State policy or under this paragraph, to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)), such public agency shall fulfill that obligation or responsibility, either directly or by contract or other arrangement.

“(ii) REIMBURSEMENT.—In a case in which a public agency other than the designated State unit fails to fulfill the financial responsibility of the agency described in this paragraph to provide services described in clause (i), the designated State unit may claim reimbursement from such public agency for such services. Such public agency shall reimburse the designated State unit pursuant to the terms of the interagency agreement or other mechanism in effect under this paragraph according to the procedures established pursuant to subparagraph (B)(ii).

“(D) METHODS.—The Chief Executive Officer of a State may meet the requirements of subparagraph (B) through—

“(i) a State statute or regulation;

“(ii) a signed agreement between the respective agency officials that clearly identifies the responsibilities of each agency relating to the provision of services; or

“(iii) another appropriate method, as determined by the designated State unit.

“(9) INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—

“(A) DEVELOPMENT AND IMPLEMENTATION.—The State plan shall include an assurance that an individualized rehabilitation employment plan meeting the requirements of section 102(b) will be developed and implemented in a timely manner for an individual subsequent to the determination of the eligibility of the individual for services under this title, except that in a State operating under an order of selection described in paragraph (5), the plan will be developed and implemented only for individuals meeting the order of selection criteria of the State.

“(B) PROVISION OF SERVICES.—The State plan shall include an assurance that such services will be provided in accordance with the provisions of the individualized rehabilitation employment plan.

“(10) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The State plan shall include an assurance that the designated State agency will submit reports in the form and level of detail and at the time required by the Commissioner regarding applicants for, and eligible individuals receiving, services under this title.

“(B) ANNUAL REPORTING.—In specifying the information to be submitted in the reports, the Commissioner shall require annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 321(d)(2) of the Workforce Investment Partnership Act of 1998 that are determined by the Secretary to be relevant in assessing the performance of designated State units in carrying out the vocational rehabilitation program established under this title.

“(C) ADDITIONAL DATA.—In specifying the information required to be submitted in the reports, the Commissioner shall require additional data with regard to applicants and eligible individuals related to—

“(i) the number of applicants and the number of individuals determined to be eligible or ineligible for the program carried out under this title, including—

“(I) the number of individuals determined to be ineligible because they did not require vocational rehabilitation services, as provided in section 102(a); and

“(II) the number of individuals determined, on the basis of clear and convincing evidence, to be too severely disabled to benefit in terms of an employment outcome from vocational rehabilitation services;

“(ii) the number of individuals who received vocational rehabilitation services through the program, including—

“(I) the number who received services under paragraph (5)(D), but not assistance under an individualized rehabilitation employment plan; and

“(II) the number who received assistance under an individualized rehabilitation employment plan consistent with section 102(b);

“(iii) the number of individuals receiving public assistance and the amount of the public assistance on the date of application and on the last date of participation in the program carried out under this title;

“(iv) the number of individuals with disabilities who ended their participation in the program and the number who achieved employment outcomes after receiving vocational rehabilitation services; and

“(v) the number of individuals who ended their participation in the program and who were employed 6 months and 12 months after securing or regaining employment, or, in the case of individuals whose employment outcome was to retain or advance in employment, who were employed 6 months and 12 months after achieving their employment outcome, including—

“(I) the number of such individuals who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or another wage level set by the Commissioner, during such employment;

“(II) the number of such individuals who received employment benefits from an employer during such employment; and

“(III) the number of such individuals whose public assistance was terminated or reduced after such participation;

“(D) COSTS AND RESULTS.—The Commissioner shall also require that the designated State agency include in the reports information on—

“(i) the costs under this title of conducting administration, providing assessment services, counseling and guidance, and other direct services provided by designated State agency staff, providing services purchased under individualized rehabilitation employment plans, supporting small business enterprises, establishing, developing, and improving community rehabilitation programs, and providing other services to groups; and

“(ii) the results of annual evaluation by the State of program effectiveness under paragraph (15)(E).

“(E) ADDITIONAL INFORMATION.—The Commissioner shall require that each designated State unit include in the reports additional information related to the applicants and eligible individuals, obtained either through a complete count or sampling, including—

“(i) information on—

“(I) age, gender, race, ethnicity, education, type of impairment, severity of disability, and whether the individuals are students described in clause (i) or (ii)(II) of paragraph (11)(D);

“(II) dates of application, determination of eligibility or ineligibility, initiation of the individualized rehabilitation employment plan, and termination of participation in the program;

“(III) earnings at the time of application for the program and termination of participation in the program;

“(IV) work status and occupation;

“(V) types of services, including assistive technology services and assistive technology devices, provided under the program;

“(VI) types of public or private programs or agencies that furnished services under the program; and

“(VII) the reasons for individuals terminating participation in the program without achieving an employment outcome; and

“(ii) information necessary to determine the success of the State in meeting—

“(I) the State performance measures established under section 321(b) of the Workforce Investment Partnership Act of 1998 to the extent the measures are applicable to individuals with disabilities; and

“(II) the standards and indicators established pursuant to section 106.

“(F) COMPLETENESS AND CONFIDENTIALITY.—The State plan shall include an assurance that the information submitted in the reports will include a complete count, except as provided in subparagraph (E), of the applicants and eligible individuals, in a manner permitting the greatest possible cross-classification of data and that the identity of each individual for which information is supplied under this paragraph will be kept confidential.

“(11) COOPERATION, COLLABORATION, AND COORDINATION.—

“(A) COOPERATIVE AGREEMENTS WITH OTHER COMPONENTS OF STATEWIDE WORKFORCE INVESTMENT SYSTEMS.—The State plan shall provide that the designated State unit or designated State agency shall enter into a cooperative agreement with other entities that are components of the statewide workforce investment system of the State, regarding the system, which agreement may provide for—

“(i) provision of intercomponent staff training and technical assistance with regard to—

“(I) the availability and benefits of, and eligibility standards for, vocational rehabilitation services; and

“(II) the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce investment activities in the State through the promotion of program accessibility, the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services, and rehabilitation technology, for individuals with disabilities;

“(ii) use of information and financial management systems that link all components of the statewide workforce investment system, that link the components to other electronic networks, including nonvisual electronic networks, and that relate to such subjects as labor market information, and information on job vacancies, career planning, and workforce investment activities;

“(iii) use of customer service features such as common intake and referral procedures, customer databases, resource information, and human services hotlines;

“(iv) establishment of cooperative efforts with employers to—

“(I) facilitate job placement; and

“(II) carry out any other activities that the designated State unit and the employers determine to be appropriate;

“(v) identification of staff roles, responsibilities, and available resources, and specification of the financial responsibility of each component of the statewide workforce investment system with regard to paying for necessary services (consistent with State law and Federal requirements); and

“(vi) specification of procedures for resolving disputes among such components.

“(B) REPLICATION OF COOPERATIVE AGREEMENTS.—The State plan shall provide for the replication of such cooperative agreements at the local level between individual offices of the designated State unit and local entities carrying out activities through the statewide workforce investment system.

“(C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, the Federal, State, and local agencies and programs that are not carrying out activities through the statewide workforce investment system.

“(D) COORDINATION WITH EDUCATION OFFICIALS.—The State plan shall contain plans, policies, and procedures for coordination between the designated State agency and education officials that are designed to facilitate the transition of students who are individuals with disabilities described in section 7(20)(B) from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title, including information on a formal interagency agreement with the State educational agency that, at a minimum, provides for—

“(i) consultation and technical assistance to assist educational agencies in planning for the transition of students who are individuals with disabilities described in section 7(20)(B) from school to post-school activities, including vocational rehabilitation services;

“(ii)(I) transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities described in clause (i) that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (as added by section 101 of Public Law 105–17); and

“(II) transition planning and services for students who are eligible to receive services under this title and who will be exiting school in the school year in which the planning and services are provided;

“(iii) the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for the transition services described in clause (ii)(II); and

“(iv) procedures for outreach to and identification of students with disabilities described in clause (ii)(II) who need the transition services.

“(E) COORDINATION WITH STATEWIDE INDEPENDENT LIVING COUNCILS AND INDEPENDENT LIVING CENTERS.—The State plan shall include an assurance that the designated State unit, the Statewide Independent Living Council established under section 705, and the independent living centers described in part C of title VII within the State have developed working relationships and coordinate their activities.

“(F) COOPERATIVE AGREEMENT WITH RECIPIENTS OF GRANTS FOR SERVICES TO AMERICAN INDIANS.—In applicable cases, the State plan shall include an assurance that the State has entered into a formal cooperative agreement with each grant recipient in the State that receives funds under part C. The agreement shall describe strategies for collaboration and coordination in providing vocational rehabilitation services to American Indians who are individuals with disabilities, including—

"(i) strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized rehabilitation employment plans;

"(ii) procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational rehabilitation services; and

"(iii) provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

"(12) RESIDENCY.—The State plan shall include an assurance that the State will not impose a residence requirement that excludes from services provided under the plan any individual who is present in the State.

"(13) SERVICES TO AMERICAN INDIANS.—The State plan shall include an assurance that, except as otherwise provided in part C, the designated State agency will provide vocational rehabilitation services to American Indians who are individuals with disabilities residing in the State to the same extent as the designated State agency provides such services to other significant populations of individuals with disabilities residing in the State.

"(14) ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT OR OTHER EMPLOYMENT UNDER SPECIAL CERTIFICATE PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938.—The State plan shall provide for—

"(A) an annual review and reevaluation of the status of each individual with a disability served under this title who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) for 2 years after the achievement of the outcome (and annually thereafter if requested by the individual or, if appropriate, the individual's representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment;

"(B) input into the review and reevaluation, and a signed acknowledgement that such review and reevaluation have been conducted, by the individual with a disability, or, if appropriate, the individual's representative; and

"(C) maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individuals described in subparagraph (A) in engaging in competitive employment.

"(15) ANNUAL STATE GOALS AND REPORTS OF PROGRESS.—

"(A) ASSESSMENTS AND ESTIMATES.—The State plan shall—

"(i) include the results of a comprehensive, statewide assessment, jointly conducted by the designated State unit and the State Rehabilitation Council (if the State has such a Council) every 3 years, describing the rehabilitation needs of individuals with disabilities residing within the State, particularly the vocational rehabilitation services needs of—

"(I) individuals with the most significant disabilities, including their need for supported employment services;

"(II) individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this title; and

"(III) individuals with disabilities served through other components of the statewide workforce investment system (other than the vocational rehabilitation program), as identified by such individuals and personnel assisting such individuals through the components;

"(ii) include an assessment of the need to establish, develop, or improve community rehabilitation programs within the State; and

"(iii) provide that the State shall submit to the Commissioner a report containing information regarding updates to the assessments, for any year in which the State updates the assessments.

"(B) ANNUAL ESTIMATES.—The State plan shall include, and shall provide that the State shall annually submit a report to the Commissioner that includes, State estimates of—

"(i) the number of individuals in the State who are eligible for services under this title;

"(ii) the number of such individuals who will receive services provided with funds provided under part B and under part C of title VI, including, if the designated State agency uses an order of selection in accordance with paragraph (5), estimates of the number of individuals to be served under each priority category within the order; and

"(iii) the costs of the services described in clause (i), including, if the designated State agency uses an order of selection in accordance with paragraph (5), the service costs for each priority category within the order.

"(C) GOALS AND PRIORITIES.—

"(i) IN GENERAL.—The State plan shall identify the goals and priorities of the State in carrying out the program. The goals and priorities shall be jointly developed, agreed to, and reviewed annually by the designated State unit and the State Rehabilitation Council, if the State has such a Council. Any revisions to the goals and priorities shall be jointly agreed to by the designated State unit and the State Rehabilitation Council, if the State has such a Council. The State plan shall provide that the State shall submit to the Commissioner a report containing information regarding revisions in the goals and priorities, for any year in which the State revises the goals and priorities.

"(ii) BASIS.—The State goals and priorities shall be based on an analysis of—

"(I) the comprehensive assessment described in subparagraph (A), including any updates to the assessment;

"(II) the performance of the State on the standards and indicators established under section 106; and

"(III) other available information on the operation and the effectiveness of the vocational rehabilitation program carried out in the State, including any reports received from the State Rehabilitation Council, under section 105(c) and the findings and recommendations from monitoring activities conducted under section 107.

"(iii) SERVICE AND OUTCOME GOALS FOR CATEGORIES IN ORDER OF SELECTION.—If the designated State agency uses an order of selection in accordance with paragraph (5), the State shall also identify in the State plan service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

"(D) STRATEGIES.—The State plan shall contain a description of the strategies the State will use to address the needs identified in the assessment conducted under subparagraph (A) and achieve the goals and priorities identified in subparagraph (C), including—

"(i) the methods to be used to expand and improve services to individuals with disabilities, including how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitation process and how such services and devices will be provided to such individuals on a statewide basis;

"(ii) outreach procedures to identify and serve individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program;

"(iii) where necessary, the plan of the State for establishing, developing, or improving community rehabilitation programs;

"(iv) strategies to improve the performance of the State with respect to the evaluation standards and performance indicators established pursuant to section 106; and

"(v) strategies for assisting entities carrying out other components of the statewide workforce investment system (other than the vocational rehabilitation program) in assisting individuals with disabilities.

"(E) EVALUATION AND REPORTS OF PROGRESS.—The State plan shall—

"(i) include the results of an evaluation of the effectiveness of the vocational rehabilitation program, and a joint report by the designated State unit and the State Rehabilitation Council, if the State has such a Council, to the Commissioner on the progress made in improving the effectiveness from the previous year, which evaluation and report shall include—

"(I) an evaluation of the extent to which the goals identified in subparagraph (C) were achieved;

"(II) a description of strategies that contributed to achieving the goals;

"(III) to the extent to which the goals were not achieved, a description of the factors that impeded that achievement; and

"(IV) an assessment of the performance of the State on the standards and indicators established pursuant to section 106; and

"(ii) provide that the designated State unit and the State Rehabilitation Council, if the State has such a Council, shall jointly submit to the Commissioner an annual report that contains the information described in clause (i).

"(16) PUBLIC COMMENT.—The State plan shall—

"(A) provide that the designated State agency, prior to the adoption of any policies or procedures governing the provision of vocational rehabilitation services under the State plan (including making any amendment to such policies and procedures), shall conduct public meetings throughout the State, after providing adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures, and actively consult with the Director of the client assistance program carried out under section 112, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies or procedures; and

"(B) provide that the designated State agency (or each designated State agency if 2 agencies are designated) and any sole agency administering the plan in a political subdivision of the State, shall take into account, in connection with matters of general policy arising in the administration of the plan, the views of—

"(i) individuals and groups of individuals who are recipients of vocational rehabilitation services, or in appropriate cases, the individuals' representatives;

"(ii) personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;

"(iii) providers of vocational rehabilitation services to individuals with disabilities;

"(iv) the director of the client assistance program; and

"(v) the State Rehabilitation Council, if the State has such a Council.

"(17) PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FACILITIES.—The State plan shall contain an assurance that the State will not use any funds made available under this title for the construction of facilities.

"(18) INNOVATION AND EXPANSION ACTIVITIES.—The State plan shall—

"(A) include an assurance that the State will reserve and use a portion of the funds allotted to the State under section 110—

"(i) for the development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this title, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment and goals and priorities of the State as described in paragraph (15); and

"(ii) to support the funding of—

"(I) the State Rehabilitation Council, if the State has such a Council, consistent with the plan prepared under section 105(d)(1); and

"(II) the Statewide Independent Living Council, consistent with the plan prepared under section 705(e)(1);

"(B) include a description of how the reserved funds will be utilized; and

"(C) provide that the State shall submit to the Commissioner an annual report containing a description of how the reserved funds will be utilized.

"(19) CHOICE.—The State plan shall include an assurance that applicants and eligible individuals or, as appropriate, the applicants' representatives or individuals' representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d).

"(20) INFORMATION AND REFERRAL SERVICES.—

"(A) IN GENERAL.—The State plan shall include an assurance that the designated State agency will implement an information and referral system adequate to ensure that individuals with disabilities will be provided accurate vocational rehabilitation information, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to Federal and State programs (other than the vocational rehabilitation program carried out under this title), including other components of the statewide workforce investment system in the State.

"(B) SERVICES.—In providing activities through the system established under subparagraph (A), the State may include services consisting of the provision of individualized counseling and guidance, individualized vocational exploration, supervised job placement referrals, and assistance in securing reasonable accommodations for eligible individuals who do not meet the order of selection criteria used by the State, to the extent that such services are not purchased by the designated State unit.

"(21) STATE INDEPENDENT CONSUMER-CONTROLLED COMMISSION; STATE REHABILITATION COUNCIL.—

"(A) COMMISSION OR COUNCIL.—The State plan shall provide that either—

"(i) the designated State agency is an independent commission that—

"(I) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;

"(II) is consumer-controlled by persons who—

"(aa) are individuals with physical or mental impairments that substantially limit major life activities; and

"(bb) represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the commission is the State agency for individuals who are blind;

"(III) includes family members, advocates, or other representatives, of individuals with mental impairments; and

"(IV) undertakes the functions set forth in section 105(c)(4); or

"(ii) the State has established a State Rehabilitation Council that meets the criteria set forth in section 105 and the designated State unit—

"(I) in accordance with paragraph (15), jointly develops, agrees to, and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council;

"(II) regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

"(III) includes in the State plan and in any revision to the State plan, a summary of input provided by the Council, including recommendations from the annual report of the Council described in section 105(c)(5), the review and analysis of consumer satisfaction described in section 105(c)(4), and other reports prepared by the Council, and the response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation; and

"(IV) transmits to the Council—

"(aa) all plans, reports, and other information required under this title to be submitted to the Secretary;

"(bb) all policies, and information on all practices and procedures, of general applicability provided to or used by rehabilitation personnel in carrying out this title; and

"(cc) copies of due process hearing decisions issued under this title, which shall be transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

"(B) MORE THAN 1 DESIGNATED STATE AGENCY.—In the case of a State that, under section 101(a)(2), designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and designates a separate State agency to administer the rest of the State plan, the State shall either establish a State Rehabilitation Council for each of the 2 agencies that does not meet the requirements in subparagraph (A)(i), or establish 1 State Rehabilitation Council for both agencies if neither agency meets the requirements of subparagraph (A)(i).

"(22) SUPPORTED EMPLOYMENT STATE PLAN SUPPLEMENT.—The State plan shall include an assurance that the State has an acceptable plan for carrying out part C of title VI, including the use of funds under that part to supplement funds made available under part B of this title to pay for the cost of services leading to supported employment.

"(23) ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.—The State plan shall include an assurance that the State, and any recipient or subrecipient of funds made available to the State under this title—

"(A) will comply with the requirements of section 508, including the regulations established under that section; and

"(B) will designate an employee to coordinate efforts to comply with section 508 and will adopt grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints concerning such requirements.

"(24) ANNUAL UPDATES.—The plan shall include an assurance that the State will submit to the Commissioner reports containing annual updates of the information required under paragraph (7) (relating to a comprehensive system of personnel development) and any other updates of the information required under this section that are requested by the Commissioner, and annual reports as provided in paragraphs (15) (relating to assessments, estimates, goals and priorities, and reports of progress) and (18) (relating to innovation and expansion), at such time and in such manner as the Secretary may determine to be appropriate.

"(b) APPROVAL; DISAPPROVAL OF THE STATE PLAN.—

"(1) APPROVAL.—The Commissioner shall approve any plan that the Commissioner finds fulfills the conditions specified in this section, and shall disapprove any plan that does not fulfill such conditions.

"(2) DISAPPROVAL.—Prior to disapproval of the State plan, the Commissioner shall notify the State of the intention to disapprove the plan and shall afford the State reasonable notice and opportunity for a hearing.

"SEC. 102. ELIGIBILITY AND INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.

"(a) ELIGIBILITY.—

"(1) CRITERION FOR ELIGIBILITY.—An individual is eligible for assistance under this title if the individual—

"(A) is an individual with a disability under section 7(20)(A); and

"(B) requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.

"(2) PRESUMPTION OF BENEFIT.—

"(A) DEMONSTRATION.—For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(20)(A), unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

"(B) METHODS.—In making the demonstration required under subparagraph (A), the designated State unit shall explore the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, as described in section 7(2)(D), with appropriate supports provided through the designated State unit, except under limited circumstances when an individual can not take advantage of such experiences. Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

"(3) PRESUMPTION OF ELIGIBILITY.—For purposes of this section, an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be—

"(A) considered to be an individual with a significant disability under section 7(21)(A); and

"(B) presumed to be eligible for vocational rehabilitation services under this title (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual in accordance with paragraph (2).

"(4) USE OF EXISTING INFORMATION.—

"(A) IN GENERAL.—To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the individualized rehabilitation employment plan described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized rehabilitation employment plan), including information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

"(B) DETERMINATIONS BY OFFICIALS OF OTHER AGENCIES.—Determinations made by officials of other agencies, particularly education officials described in section 101(a)(11)(D), regarding whether an individual satisfies 1 or more factors relating to whether an individual is an individual with a disability under section 7(20)(A) or an individual with a significant disability under section 7(21)(A) shall be used, to the extent appropriate and consistent with the requirements of this part, in assisting the designated State unit in making such determinations.

"(C) BASIS.—The determination of eligibility for vocational rehabilitation services shall be based on—

"(i) the review of existing data described in section 7(2)(A)(i); and

"(ii) to the extent that such data is unavailable or insufficient for determining eligibility, the provision of assessment activities described in section 7(2)(A)(ii).

"(5) DETERMINATION OF INELIGIBILITY.—If an individual who applies for services under this title is determined, based on the review of existing data and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), not to be eligible for the services, or if an eligible individual receiving services under an individualized rehabilitation employment plan is determined to be no longer eligible for the services—

"(A) the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;

"(B) the individual or, as appropriate, the individual's representative, shall be informed in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual) of the ineligibility determination, including—

"(i) the reasons for the determination; and

"(ii) a description of the means by which the individual may express, and seek a remedy for, any dissatisfaction with the determination, including the procedures for review by an impartial hearing officer under subsection (c);

"(C) the individual shall be provided with a description of services available from the client assistance program under section 112 and information on how to contact that program; and

"(D) any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome shall be reviewed—

"(i) within 12 months; and

"(ii) annually thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative.

"(6) TIMEFRAME FOR MAKING AN ELIGIBILITY DETERMINATION.—The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application for the services unless—

"(A) exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

"(B) the designated State unit is exploring an individual's abilities, capabilities, and capacity to perform in work situations under paragraph (2)(B).

"(b) DEVELOPMENT OF AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—

"(1) OPTIONS FOR DEVELOPING AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—If an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized rehabilitation employment plan, including—

"(A) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized rehabilitation employment plan for the individual, and the availability of technical assistance in developing all or part of the individualized rehabilitation employment plan for the individual;

"(B) a description of the full range of components that shall be included in an individualized rehabilitation employment plan;

"(C) as appropriate—

"(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized rehabilitation employment plan;

"(ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and

"(iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized rehabilitation employment plan; and

"(D)(i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and

"(ii) a description of the availability of a client assistance program established pursuant to section 112 and information about how to contact the client assistance program.

"(2) MANDATORY PROCEDURES.—

"(A) WRITTEN DOCUMENT.—An individualized rehabilitation employment plan shall be a written document prepared on forms provided by the designated State unit.

"(B) INFORMED CHOICE.—An individualized rehabilitation employment plan shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with subsection (d).

"(C) SIGNATORIES.—An individualized rehabilitation employment plan shall be—

"(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and

"(ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit.

"(D) COPY.—A copy of the individualized rehabilitation employment plan for an eligible individual shall be provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.

"(E) REVIEW AND AMENDMENT.—The individualized rehabilitation employment plan shall be—

"(i) reviewed at least annually by—

"(I) a qualified vocational rehabilitation counselor; and

"(II) the eligible individual or, as appropriate, the individual's representative; and

"(ii) amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the designated State agency or a qualified vocational rehabilitation counselor, if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the service providers of the services (which amendments shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified vocational rehabilitation counselor).

"(3) MANDATORY COMPONENTS OF AN INDIVIDUALIZED REHABILITATION EMPLOYMENT PLAN.—Regardless of the approach selected by an eligible individual to develop an individualized rehabilitation employment plan, an individualized rehabilitation employment plan shall, at a minimum, contain mandatory components consisting of—

"(A) a description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;

"(B)(i) a description of the specific vocational rehabilitation services that are—

"(I) needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

"(II) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual; and

"(ii) timelines for the achievement of the employment outcome and for the initiation of the services;

"(C) a description of the entity chosen by the eligible individual or, as appropriate, the individual's representative, that will provide the vocational rehabilitation services, and the methods used to procure such services;

"(D) a description of criteria to evaluate progress toward achievement of the employment outcome;

"(E) the terms and conditions of the individualized rehabilitation employment plan, including, as appropriate, information describing—

"(i) the responsibilities of the designated State unit;

"(ii) the responsibilities of the eligible individual, including—

"(I) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

"(II) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

"(III) the responsibility of the eligible individual with regard to applying for and securing comparable benefits as described in section 101(a)(8);

"(iii) the responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits requirements as described in section 101(a)(8);

"(F) for an eligible individual with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying—

"(i) the extended services needed by the eligible individual; and

"(ii) the source of extended services or, to the extent that the source of the extended services cannot be identified at the time of the development of the individualized rehabilitation employment plan, a description of the basis for concluding that there is a reasonable expectation that such source will become available; and

"(G) as determined to be necessary, a statement of projected need for post-employment services.

"(c) PROCEDURES.—

"(1) IN GENERAL.—Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.

"(2) NOTIFICATION.—

"(A) RIGHTS AND ASSISTANCE.—The procedures shall provide that an applicant or an eligible individual or, as appropriate, the applicant's representative or individual's representative shall be notified of—

"(i) the right to obtain review of determinations described in paragraph (1) in an impartial due process hearing under paragraph (5);

"(ii) the right to pursue mediation with respect to the determinations under paragraph (4); and

"(iii) the availability of assistance from the client assistance program under section 112.

"(B) TIMING.—Such notification shall be provided in writing—

"(i) at the time an individual applies for vocational rehabilitation services provided under this title;

"(ii) at the time the individualized rehabilitation employment plan for the individual is developed; and

"(iii) upon reduction, suspension, or cessation of vocational rehabilitation services for the individual.

"(3) EVIDENCE AND REPRESENTATION.—The procedures required under this subsection shall, at a minimum—

"(A) provide an opportunity for an applicant or an eligible individual, or, as appropriate, the applicant's representative or individual's representative, to submit at the mediation session or hearing evidence and information to support the position of the applicant or eligible individual; and

"(B) include provisions to allow an applicant or an eligible individual to be represented in the mediation session or hearing by a person selected by the applicant or eligible individual.

"(4) MEDIATION.—

"(A) PROCEDURES.—Each State shall ensure that procedures are established and implemented under this subsection to allow parties described in paragraph (1) to disputes involving any determination described in paragraph (1) to resolve such disputes through a mediation process that, at a minimum, shall be available whenever a hearing is requested under this subsection.

"(B) REQUIREMENTS.—Such procedures shall ensure that the mediation process—

"(i) is voluntary on the part of the parties;

"(ii) is not used to deny or delay the right of an individual to a hearing under this subsection, or to deny any other right afforded under this title; and

"(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

"(C) LIST OF MEDIATORS.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title, from which the mediators described in subparagraph (B) shall be selected.

"(D) COST.—The State shall bear the cost of the mediation process.

"(E) SCHEDULING.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

"(F) AGREEMENT.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

"(G) CONFIDENTIALITY.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

"(H) CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to proceedings under this paragraph or paragraph (5), if the informal process used is not used to deny or delay the right of the applicant or eligible individual to a hearing under this subsection or to deny any other right afforded under this title.

"(5) HEARINGS.—

"(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State plan, this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit.

"(B) LIST.—The designated State unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title from which the officer described in subparagraph (A) shall be selected. For the purposes of maintaining such list, impartial hearing officers shall be identified jointly by—

"(i) the designated State unit; and

"(ii) members of the Council or commission, as appropriate, described in section 101(a)(21).

"(C) SELECTION.—Such an impartial hearing officer shall be selected to hear a particular case relating to a determination—

"(i) on a random basis; or

"(ii) by agreement between—

"(I) the Director of the designated State unit and the individual with a disability; or

"(II) in appropriate cases, the Director and the individual's representative.

"(D) PROCEDURES FOR SEEKING REVIEW.—A State may establish procedures to enable a party involved in a hearing under this paragraph to seek an impartial review of the decision of the hearing officer under subparagraph (A) by—

"(i) the chief official of the designated State agency if the State has established both a designated State agency and a designated State unit under section 101(a)(2); or

"(ii) an official from the office of the Governor or the chief official of another State office or agency that has supervisory authority over the designated State agency.

"(E) REVIEW REQUEST.—If the State establishes impartial review procedures under subparagraph (D), either party may request the review of the decision of the hearing officer within 20 days after the decision.

"(F) REVIEWING OFFICIAL.—The reviewing official described in subparagraph (D) shall—

"(i) in conducting the review, provide an opportunity for the submission of additional evidence and information relevant to a final decision concerning the matter under review;

"(ii) not overturn or modify the decision of the hearing officer, or part of the decision, that supports the position of the applicant or eligible individual unless the reviewing official concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved State plan, this Act (including regulations implementing this Act) or any State regulation or policy that is consistent with the Federal requirements specified in this title; and

"(iii) make a final decision with respect to the matter in a timely manner and provide such decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit, including a full report of the findings and the grounds for such decision.

"(G) Finality of hearing decision.—A decision made after a hearing under subparagraph (A) shall be final, except that a party may request an impartial review if the State has established procedures for such review under subparagraph (D) and a party involved in a hearing may bring a civil action under subparagraph (J).

"(H) Finality of review.—A decision made under subparagraph (F) shall be final unless such a party brings a civil action under subparagraph (J).

"(I) Implementation.—If a party brings a civil action under subparagraph (J) to challenge a final decision of a hearing officer under subparagraph (A) or to challenge a final decision of a State reviewing official under subparagraph (F), the final decision involved shall be implemented pending review by the court.

"(J) Civil action.—

"(i) In general.—Any party aggrieved by a final decision described in subparagraph (I), may bring a civil action for review of such decision. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

"(ii) Procedure.—In any action brought under this subparagraph, the court—

"(I) shall receive the records relating to the hearing under subparagraph (A) and the records relating to the State review under subparagraphs (D) through (F), if applicable;

"(II) shall hear additional evidence at the request of a party to the action; and

"(III) basing the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate.

"(6) Hearing board.—

"(A) In general.—A fair hearing board, established by a State before January 1, 1985, and authorized under State law to review determinations or decisions under this Act, is authorized to carry out the responsibilities of the impartial hearing officer under this subsection.

"(B) Application.—The provisions of paragraphs (1), (2), and (3) that relate to due process hearings do not apply, and paragraph (5) (other than subparagraph (J)) does not apply, to any State to which subparagraph (A) applies.

"(7) Impact on provision of services.—Unless the individual with a disability so requests, or, in an appropriate case, the individual's representative, so requests, pending a decision by a mediator, hearing officer, or reviewing officer under this subsection, the designated State unit shall not institute a suspension, reduction, or termination of services being provided for the individual, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual, or the individual's representative.

"(8) Information collection and report.—

"(A) In general.—The Director of the designated State unit shall collect information described in subparagraph (B) and prepare and submit to the Commissioner a report containing such information. The Commissioner shall prepare a summary of the information furnished under this paragraph and include the summary in the annual report submitted under section 13. The Commissioner shall also collect copies of the final decisions of impartial hearing officers conducting hearings under this subsection and State officials conducting reviews under this subsection.

"(B) Information.—The information required to be collected under this subsection includes—

"(i) a copy of the standards used by State reviewing officials for reviewing decisions made by impartial hearing officers under this subsection;

"(ii) information on the number of hearings and reviews sought from the impartial hearing officers and the State reviewing officials, including the type of complaints and the issues involved;

"(iii) information on the number of hearing decisions made under this subsection that were not reviewed by the State reviewing officials; and

"(iv) information on the number of the hearing decisions that were reviewed by the State reviewing officials, and, based on such reviews, the number of hearing decisions that were—

"(I) sustained in favor of an applicant or eligible individual;

"(II) sustained in favor of the designated State unit;

"(III) reversed in whole or in part in favor of the applicant or eligible individual; and

"(IV) reversed in whole or in part in favor of the designated State unit.

"(C) Confidentiality.—The confidentiality of records of applicants and eligible individuals maintained by the designated State unit shall not preclude the access of the Commissioner to those records for the purposes described in subparagraph (A).

"(d) Policies and Procedures.—Each designated State agency, in consultation with the State Rehabilitation Council, if the State has such a council, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual who is an applicant for or eligible to receive vocational rehabilitation services under this title to exercise informed choice throughout the vocational rehabilitation process carried out under this title, including policies and procedures that require the designated State agency—

"(1) to inform each such applicant and eligible individual (including students with disabilities described in section 101(a)(11)(D)(ii)(II) who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process;

"(2) to assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services under this title;

"(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services, and that afford eligible individuals meaningful choices among the methods used to procure services, under this title;

"(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice under this title in the selection of—

"(A) the employment outcome;

"(B) the specific vocational rehabilitation services needed to achieve the employment outcome;

"(C) the entity that will provide the services;

"(D) the employment setting and the settings in which the services will be provided; and

"(E) the methods available for procuring the services; and

"(5) to ensure that the availability and scope of informed choice provided under this section is consistent with the obligations of the designated State agency under this title.

"SEC. 103. VOCATIONAL REHABILITATION SERVICES.

"(a) Vocational Rehabilitation Services for Individuals.—Vocational rehabilitation services provided under this title are any services described in an individualized rehabilitation employment plan necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including—

"(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

"(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);

"(3) referral and other services to secure needed services from other agencies through agreements developed under section 101(b)(11), if such services are not available under this title;

"(4) job-related services, including job search and placement assistance, job retention services, followup services, and follow-along services;

"(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;

"(6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including—

"(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

"(B) necessary hospitalization in connection with surgery or treatment;

"(C) prosthetic and orthotic devices;

"(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

"(E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and

"(F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

"(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized rehabilitation employment plan;

“(8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

“(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

“(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

“(11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

“(12) occupational licenses, tools, equipment, and initial stocks and supplies;

“(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided under the statewide workforce investment system, to eligible individuals who are pursuing self-employment or establishing a small business operation as an employment outcome;

“(14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

“(15) transition services for students with disabilities described in section 101(a)(11)(D)(ii)(II), that facilitate the achievement of the employment outcome identified in the individualized rehabilitation employment plan;

“(16) supported employment services;

“(17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and

“(18) specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

“(b) VOCATIONAL REHABILITATION SERVICES FOR GROUPS OF INDIVIDUALS.—Vocational rehabilitation services provided for the benefit of groups of individuals with disabilities may also include the following:

“(1) In the case of any type of small business operated by individuals with significant disabilities the operation of which can be improved by management services and supervision provided by the designated State agency, the provision of such services and supervision, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.

“(2) The establishment, development, or improvement of community rehabilitation programs, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized rehabilitation employment plan of any 1 individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.

“(3) The use of telecommunications systems (including telephone, television, satellite, radio, and other similar systems) that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities.

“(4)(A) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.

“(B) Captioned television, films, or video cassettes for individuals who are deaf or hard of hearing.

“(C) Tactile materials for individuals who are deaf-blind.

“(D) Other special services that provide information through tactile, vibratory, auditory, and visual media.

“(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

“(6) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities described in section 101(a)(11)(D)(i) from school to post-school activities, including employment.

“SEC. 104. NON-FEDERAL SHARE FOR ESTABLISHMENT OF PROGRAM.

“For the purpose of determining the amount of payments to States for carrying out part B of this title (or to an Indian tribe under part C), the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of establishment of a community rehabilitation program, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to establishment of such a program.”.

“SEC. 105. STATE REHABILITATION COUNCIL.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Except as provided in section 101(a)(21)(A)(i), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the ‘Council’) in accordance with this section.

“(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND.—A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(2)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

“(b) COMPOSITION AND APPOINTMENT.—

“(1) COMPOSITION.—

“(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

“(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

“(ii) at least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);

“(iii) at least one representative of the client assistance program established under section 112;

“(iv) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

“(v) at least one representative of community rehabilitation program service providers;

“(vi) four representatives of business, industry, and labor;

“(vii) representatives of disability advocacy groups representing a cross section of—

“(I) individuals with physical, cognitive, sensory, and mental disabilities; and

“(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;

“(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

“(ix) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects;

“(x) at least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and part B of the Individuals with Disabilities Education Act; and

“(xi) at least one representative of the statewide workforce investment partnership.

“(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

“(i) at least one representative described in subparagraph (A)(i);

“(ii) at least one representative described in subparagraph (A)(ii);

“(iii) at least one representative described in subparagraph (A)(iii);

“(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

“(v) at least one representative described in subparagraph (A)(v);

“(vi) four representatives described in subparagraph (A)(vi);

“(vii) at least one representative of a disability advocacy group representing individuals who are blind;

“(viii) at least one individual's representative, of an individual who—

“(I) is an individual who is blind and has multiple disabilities; and

“(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

“(ix) applicants or recipients described in subparagraph (A)(viii);

“(x) in a State described in subparagraph (A)(ix), at least one representative described in such subparagraph;

“(xi) at least one representative described in subparagraph (A)(x); and

“(xii) at least one representative described in subparagraph (A)(xi).

“(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council—

“(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

“(ii) includes at least—

“(I) one representative described in subparagraph (B)(vi); and

"(II) one applicant or recipient described in subparagraph (B)(ix).

"(2) EX OFFICIO MEMBER.—The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

"(3) APPOINTMENT.—Members of the Council shall be appointed by the Governor. In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

"(4) QUALIFICATIONS.—A majority of Council members shall be persons who are—

"(A) individuals with disabilities described in section 7(20)(A); and

"(B) not employed by the designated State unit.

"(5) CHAIRPERSON.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

"(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

"(6) TERMS OF APPOINTMENT.—

"(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of not more than 3 years, except that—

"(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(B) NUMBER OF TERMS.—No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

"(7) VACANCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

"(B) DELEGATION.—The Governor (including an entity described in paragraph (3)) may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

"(c) FUNCTIONS OF COUNCIL.—The Council shall, after consulting with the statewide workforce investment partnership—

"(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to—

"(A) eligibility (including order of selection);

"(B) the extent, scope, and effectiveness of services provided; and

"(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

"(2) in partnership with the designated State unit—

"(A) develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and

"(B) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

"(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this title;

"(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

"(A) the functions performed by the designated State agency;

"(B) vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and

"(C) employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes;

"(5) prepare and submit an annual report to the Governor or appropriate State entity and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

"(6) to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 612(a)(21) of the Individual with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105–17), the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), the State mental health planning council established under section 1914(a) of the Public Health Service Act (42 U.S.C. 300x–4(a)), and the statewide workforce investment partnership;

"(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

"(8) perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

"(d) RESOURCES.—

"(1) PLAN.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

"(2) RESOLUTION OF DISAGREEMENTS.—To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph (1).

"(3) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

"(4) PERSONNEL CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

"(f) MEETINGS.—The Council shall convene at least 4 meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

"(g) COMPENSATION AND EXPENSES.—The Council may use funds allocated to the Council by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

"(h) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"SEC. 106. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF STANDARDS AND INDICATORS.—The Commissioner shall, not later than September 30, 1998, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title.

"(B) REVIEW AND REVISION.—Effective September 30, 1998, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every 3 years. Any revisions of the standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any revisions of the standards and indicators shall be subject to the publication, review, and comment provisions of paragraph (3).

"(C) BASES.—Effective July 1, 1999, to the maximum extent practicable, the standards and indicators shall be consistent with the core indicators of performance established under section 321(b) of the Workforce Investment Partnership Act of 1998.

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that facilitate the accomplishment of the purpose and policy of this title.

"(3) COMMENT.—The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

"(b) COMPLIANCE.—

"(1) STATE REPORTS.—In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

"(2) PROGRAM IMPROVEMENT.—

"(A) PLAN.—If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

"(B) REVIEW.—The Commissioner shall—

"(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

"(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

"(c) WITHHOLDING.—If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

"(d) REPORT TO CONGRESS.—Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.

"SEC. 107. MONITORING AND REVIEW.

"(a) IN GENERAL.—

"(1) DUTIES.—In carrying out the duties of the Commissioner under this title, the Commissioner shall—

"(A) provide for the annual review and periodic onsite monitoring of programs under this title; and

"(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 106.

"(2) PROCEDURES FOR REVIEWS.—In conducting reviews under this section the Commissioner shall consider, at a minimum—

"(A) State policies and procedures;

"(B) guidance materials;

"(C) decisions resulting from hearings conducted in accordance with due process;

"(D) State goals established under section 101(a)(15) and the extent to which the State has achieved such goals;

"(E) plans and reports prepared under section 106(b);

"(F) consumer satisfaction reviews and analyses described in section 105(c)(4);

"(G) information provided by the State Rehabilitation Council established under section 105, if the State has such a Council, or by the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

"(H) reports; and

"(I) budget and financial management data.

"(3) PROCEDURES FOR MONITORING.—In conducting monitoring under this section the Commissfoner shall conduct—

"(A) onsite visits, including onsite reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 101(a)(5)(A);

"(B) public hearings and other strategies for collecting information from the public;

"(C) meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

"(D) reviews of individual case files, including individualized rehabilitation employment plans and ineligibility determinations; and

"(E) meetings with rehabilitation counselors and other personnel.

"(4) AREAS OF INQUIRY.—In conducting the review and monitoring, the Commissioner shall examine—

"(A) the eligibility process;

"(B) the provision of services, including, if applicable, the order of selection;

"(C) whether the personnel evaluation system described in section 101(a)(7)(A)(iv) facilitates the accomplishments of the program;

"(D) such other areas as may be identified by the public or through meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 101(a)(21)(A)(i), if the State has such a commission; and

"(E) such other areas of inquiry as the Commissioner may consider appropriate.

"(5) REPORTS.—If the Commissioner issues a report detailing the findings of an annual review or onsite monitoring conducted under this section, the report shall be made available to the State Rehabilitation Council, if the State has such a Council.

"(b) TECHNICAL ASSISTANCE.—The Commissioner shall—

"(1) provide technical assistance to programs under this title regarding improving the quality of vocational rehabilitation services provided; and

"(2) provide technical assistance and establish a corrective action plan for a program under this title if the Commissioner finds that the program fails to comply substantially with the provisions of the State plan, or with evaluation standards or performance indicators established under section 106, in order to ensure that such failure is corrected as soon as practicable.

"(c) FAILURE TO COMPLY WITH PLAN.—

"(1) WITHHOLDING PAYMENTS.—Whenever the Commissioner, after providing reasonable notice and an opportunity for a hearing to the State agency administering or supervising the administration of the State plan approved under section 101, finds that—

"(A) the plan has been so changed that it no longer complies with the requirements of section 101(a); or

"(B) in the administration of the plan there is a failure to comply substantially with any provision of such plan or with an evaluation standard or performance indicator established under section 106,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in the discretion of the Commissioner, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until the Commissioner is satisfied there is no longer any such failure.

"(2) PERIOD.—Until the Commissioner is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall reduce payments or limit payments to projects under those parts of the State plan in which there is no such failure).

"(3) DISBURSAL OF WITHHELD FUNDS.—The Commissioner may, in accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of section 101(a). The Commissioner may not make any payment under this paragraph unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.

"(d) REVIEW.—

"(1) PETITION.—Any State that is dissatisfied with a final determination of the Commissioner under section 101(b) or subsection (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the 30-day period beginning on the date that notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by the Commissioner for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which the Commissioner based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings.

"(2) SUBMISSIONS AND DETERMINATIONS.—If, in an action under this subsection to review a final determination of the Commissioner under section 101(b) or subsection (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the

Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

"(3) STANDARDS OF REVIEW.—

"(A) IN GENERAL.—Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction—

"(i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for interim relief with respect to a determination under subsection (c); and

"(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code.

"(B) SUBSTANTIAL EVIDENCE.—Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).

"SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

"(a) EXPENDITURE.—Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this title, under part C of title VI, or under title VII.

"(b) AMOUNTS.—The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 110 of this Act.

"SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

"A State may expend payments received under section 111—

"(1) to carry out a program to train employers with respect to compliance with the requirements of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.); and

"(2) to inform employers of the existence of the program and the availability of the services of the program.

"PART B—BASIC VOCATIONAL REHABILITATION SERVICES

"STATE ALLOTMENTS

"SEC. 110. (a)(1) Subject to the provisions of subsection (c), for each fiscal year beginning before October 1, 1978, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under section 100(b)(1) for allotment under this section as the product of—

"(A) the population of the State; and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all the States.

"(2)(A) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment in an amount equal to the amount such State received under paragraph (1) for the fiscal year ending September 30, 1978, and an additional amount determined pursuant to subparagraph (B) of this paragraph.

"(B) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment, from any amount authorized to be appropriated for such fiscal year under section 100(b)(1) for allotment under this section in excess of the amount appropriated under section 100(b)(1)(A) for the fiscal year ending September 30, 1978, in an amount equal to the sum of—

"(i) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all the States; and

"(ii) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and its allotment percentage bears to the sum of the corresponding products for all the States.

"(3) The sum of the payment to any State (other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands) under this subsection for any fiscal year which is less than one-third of 1 percent of the amount appropriated under section 100(b)(1), or $3,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment to each of the remaining such States under this subsection, but with such adjustments as may be necessary to prevent the sum of the allotments made under this subsection to any such remaining State from being thereby reduced to less than that amount.

"(b)(1) Not later than forty-five days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

"(2) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall make such amount available for carrying out the purposes of this title to one or more other States to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes. The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

"(3) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(c)(1) For fiscal year 1987 and for each subsequent fiscal year, the Commissioner shall reserve from the amount appropriated under section 100(b)(1) for allotment under this section a sum, determined under paragraph (2), to carry out the purposes of part C.

"(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(A) not less than three-quarters of 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for fiscal year 1998; and

"(B) not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for each of fiscal years 1999 through 2004.

"PAYMENTS TO STATES

"SEC. 111. (a)(1) Except as provided in paragraph (2), from each State's allotment under this part for any fiscal year, the Commissioner shall pay to a State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for that State approved under section 101, including expenditures for the administration of the State plan.

"(2)(A) The total of payments under paragraph (1) to a State for a fiscal year may not exceed its allotment under subsection (a) of section 110 for such year.

"(B) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the total of such expenditures for the second fiscal year preceding the previous fiscal year.

"(C) The Commissioner may waive or modify any requirement or limitation under paragraphs (A) and (B) if the Commissioner determines that a waiver or modification is an equitable response to exceptional or uncontrollable circumstances affecting the State.

"(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

"(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by the Commissioner, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation as the Commissioner may find necessary.

"(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by the Commissioner for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which the Commissioner finds that the estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (h), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of individuals with disabilities who are receiving treatments, services, or rehabilitation under this Act within the State; and

"(2) meets the requirements of designation under subsection (c).

"(c)(1)(A) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this subparagraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may, in the initial designation, designate an agency which provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

"(B)(i) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless—

"(I) the Governor has given the agency 30 days notice of the intention to make such redesignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

"(II) individuals with disabilities or the individuals' representatives have timely notice of the redesignation and opportunity for public comment; and

"(III) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.

"(ii) If, after the date of enactment of the Rehabilitation Act Amendments of 1998—

"(I) a designated State agency undergoes any change in the organizational structure of the agency that results in the creation of 1 or more new State agencies or departments or results in the merger of the designated State agency with 1 or more other State agencies or departments; and

"(II) an agency (including an office or other unit) within the designated State agency was conducting a client assistance program before the change under the last sentence of subparagraph (A),

the Governor shall redesignate the agency conducting the program. In conducting the redesignation, the Governor shall designate to conduct the program an agency that is independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

"(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving individuals with disabilities in the State.

"(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

"(4) For the purpose of this subsection, the term 'Governor' means the chief executive of the State.

"(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

"(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $100,000 for States and $45,000 for territories.

"(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause (i) by a percentage that shall not exceed the percentage increase in the total amount appropriated under such subsection between the preceding fiscal year and the fiscal year involved.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary at appropriate times to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) the amount specified in the application approved under subsection (f).

"(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

"(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of any rehabilitation project, program, or facility receiving assistance under this Act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3)(A) Each program shall contain provisions designed to assure that to the maximum extent possible alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute arising under this section.

"(B) In subparagraph (A), the term 'alternative means of dispute resolution' means any procedure, including good faith negotiation, conciliation, facilitation, mediation, fact finding, and arbitration, and any combination of procedures, that is used in lieu of litigation in a court or formal adjudication in an administrative forum, to resolve a dispute arising under this section.

"(4) For purposes of any periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

"(h) There are authorized to be appropriated such sums as may be necessary for fiscal years 1998 through 2004 to carry out the provisions of this section.

"Part C—American Indian Vocational Rehabilitation Services

"VOCATIONAL REHABILITATION SERVICES GRANTS

"Sec. 121. (a) The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this Act.

"(b)(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application—

"(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

"(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this title to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes; and

"(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

"(2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

"(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1).

"(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

"(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

"(c) The term 'reservation' includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

"PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"SEC. 131. DATA SHARING.

"(a) IN GENERAL.—

"(1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

"(A) that concern clients of designated State agencies; and

"(B) that are data maintained either by—

"(i) the Rehabilitation Services Administration, as required by section 13; or

"(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

"(2) LABOR MARKET INFORMATION.—The Secretary of Labor shall provide the Commissioner with labor market information that facilitates evaluation by the Commissioner of the program carried out under part B, and allows the Commissioner to compare the progress of individuals with disabilities who are assisted under the program in securing, retaining, regaining, and advancing in employment with the progress made by individuals who are assisted under title III of the Workforce Investment Partnership Act of 1998.

"(b) TREATMENT OF INFORMATION.—For purposes of the exchange described in subsection (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.".

SEC. 5. RESEARCH AND TRAINING.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.) is amended to read as follows:

"TITLE II—RESEARCH AND TRAINING

"DECLARATION OF PURPOSE

"SEC. 200. The purpose of this title is to—

"(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

"(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, and related activities and to ensure that the approach is in accordance with the 5-year plan developed under section 202(h);

"(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to—

"(A) the procurement process for the purchase of rehabilitation technology;

"(B) the utilization of rehabilitation technology on a national basis;

"(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently; and

"(D) the development or transfer of assistive technology;

"(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information—

"(A) generated by research, demonstration projects, training, and related activities; and

"(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities,

to rehabilitation professionals, individuals with disabilities, and other interested parties, including the general public;

"(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in employment, including employment involving telecommuting and self-employment; and

"(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 201. (a) There are authorized to be appropriated—

"(1) for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204, such sums as may be necessary for each of fiscal years 1998 through 2004; and

"(2) to carry out section 204, such sums as may be necessary for each of fiscal years 1998 through 2004.

"(b) Funds appropriated under this title shall remain available until expended.

"NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

"SEC. 202. (a)(1) There is established within the Department of Education a National Institute on Disability and Rehabilitation Research (hereinafter in this title referred to as the 'Institute'), which shall be headed by a Director (hereinafter in this title referred to as the 'Director'), in order to—

"(A) promote, coordinate, and provide for—

"(i) research;

"(ii) demonstration projects and training; and

"(iii) related activities,

with respect to individuals with disabilities;

"(B) more effectively carry out activities through the programs under section 204 and activities under this section;

"(C) widely disseminate information from the activities described in subparagraphs (A) and (B); and

"(D) provide leadership in advancing the quality of life of individuals with disabilities.

"(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).

"(b) The Director, through the Institute, shall be responsible for—

"(1) administering the programs described in section 204 and activities under this section;

"(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, training, and related activities (referred to in this title as 'covered activities') funded by the Institute, to—

"(A) other Federal, State, tribal, and local public agencies;

"(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

"(C) rehabilitation practitioners; and

"(D) individuals with disabilities and the individuals' representatives;

"(3) coordinating, through the Interagency Committee established by section 203 of this Act, all Federal programs and policies relating to research in rehabilitation;

"(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to—

"(A) public and private entities, including—

"(i) elementary and secondary schools (as defined in section 14101 of the Elementary and Secondary Education Act of 1965; and

"(ii) institutions of higher education;

"(B) rehabilitation practitioners;

"(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act); and

"(D) the individuals' representatives for the individuals described in subparagraph (C);

"(5)(A) conducting an education program to inform the public about ways of providing for the rehabilitation of individuals with disabilities, including information relating to—

"(i) family care;

"(ii) self-care; and

"(iii) assistive technology devices and assistive technology services; and

"(B) as part of the program, disseminating engineering information about assistive technology devices;

"(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology (including advances concerning the selection and use of assistive technology devices and assistive technology services), pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;

"(7) taking whatever action is necessary to keep the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this title, including dissemination activities;

"(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Health Care Financing Administration, the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, health, income, and other demographic characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations, and widely disseminating such reports and studies to rehabilitation professionals, individuals with disabilities, the individuals' representatives, and others to assist in the planning, assessment, and evaluation of vocational and other rehabilitation services for individuals with disabilities;

"(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

"(10) conducting research to examine the relationship between the provision of specific services and successful, sustained employment outcomes, including employment outcomes involving self-employment; and

"(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206).

"(c)(1) The Director, acting through the Institute or 1 or more entities funded by the Institute, shall provide for the development and dissemination of models to address consumer-driven information needs related to assistive technology devices and assistive technology services.

"(2) The development and dissemination of models may include—

"(A) convening groups of individuals with disabilities, family members and advocates of such individuals, commercial producers of assistive technology, and entities funded by the Institute to develop, assess, and disseminate knowledge about information needs related to assistive technology;

"(B) identifying the types of information regarding assistive technology devices and assistive technology services that individuals with disabilities find especially useful;

"(C) evaluating current models, and developing new models, for transmitting the information described in subparagraph (B) to consumers and to commercial producers of assistive technology; and

"(D) disseminating through 1 or more entities funded by the Institute, the models described in subparagraph (C) and findings regarding the information described in subparagraph (B) to consumers and commercial producers of assistive technology.

"(d)(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be an individual with substantial experience in rehabilitation and in research administration. The Director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Director shall not delegate any of his functions to any officer who is not directly responsible to the Director.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the Secretary. The Deputy Director shall be an individual with substantial experience in rehabilitation and in research administration. The Deputy Director shall be compensated at the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, and shall act for the Director during the absence of the Director or the inability of the Director to perform the essential functions of the job, exercising such powers as the Director may prescribe. In the case of any vacancy in the office of the Director, the Deputy Director shall serve as Director until a Director is appointed under paragraph (1). The position created by this paragraph shall be a Senior Executive Service position, as defined in section 3132 of title 5, United States Code.

"(3) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director determines to be necessary to accomplish the functions of the Institute and also appoint and compensate without regard to such provisions, in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

"(4) The Director may obtain the services of consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(e) The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows, including individuals with disabilities, from the United States and foreign countries.

"(f)(1) The Director shall, pursuant to regulations that the Secretary shall prescribe, provide for scientific peer review of all applications for financial assistance for research, training, and demonstration projects over which the Director has authority. The Director shall provide for the review by utilizing, to the maximum extent possible, appropriate peer review panels established within the Institute. The panels shall be standing panels if the grant period involved or the duration of the program involved is not more than 3 years. The panels shall be composed of individuals who are not Federal employees, who are scientists or other experts in the rehabilitation field (including the independent living field), including knowledgeable individuals with disabilities, and the individuals' representatives, and who are competent to review applications for the financial assistance.

"(2) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panels.

"(3) The Director shall solicit nominations for such panels from the public and shall publish the names of the individuals selected. Individuals comprising each panel shall be selected from a pool of qualified individuals to facilitate knowledgeable, cost-effective review.

"(4) In providing for such scientific peer review, the Secretary shall provide for training, as necessary and appropriate, to facilitate the effective participation of those individuals selected to participate in such review.

"(g) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.

"(h)(1) The Director shall—

"(A) by October 1, 1998 and every fifth October 1 thereafter, prepare and publish in the Federal Register for public comment a draft of a 5-year plan that outlines priorities for rehabilitation research, demonstration projects, training, and related activities and explains the basis for such priorities;

"(B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments, submit the plan in final form to the appropriate committees of Congress;

"(C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate committees of Congress; and

"(D) annually prepare and submit progress reports on the plan to the appropriate committees of Congress.

"(2) Such plan shall—

"(A) identify any covered activity that should be conducted under this section and section 204 respecting the full inclusion and integration into society of individuals with disabilities, especially in the area of employment;

"(B) determine the funding priorities for covered activities to be conducted under this section and section 204;

"(C) specify appropriate goals and timetables for covered activities to be conducted under this section and section 204;

"(D) be developed by the Director—

"(i) after consultation with the Rehabilitation Research Advisory Council established under section 205;

"(ii) in coordination with the Commissioner;

"(iii) after consultation with the National Council on Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Interagency Committee on Disability Research established under section 203; and

"(iv) after full consideration of the input of individuals with disabilities and the individuals' representatives, organizations representing individuals with disabilities, providers of services furnished under this Act, researchers in the rehabilitation field, and any other persons or entities the Director considers to be appropriate;

"(E) specify plans for widespread dissemination of the results of covered activities, in accessible formats, to rehabilitation practitioners, individuals with disabilities, and the individuals' representatives; and

"(F) specify plans for widespread dissemination of the results of covered activities that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs carried out under this Act.

"(i) In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203, regarding the design of research projects conducted by such entities and the results and applications of such research.

"(j)(1) The Director shall take appropriate actions to provide for a comprehensive and coordinated research program under this title. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this Act shall consult, through the Interagency Committee established by section 203, with the Director as Chairperson of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

"(2) Any person responsible for administering any program of the National Institutes of Health, the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics and Space Administration, the Office of Special Education and Rehabilitative Services, or of any other Federal entity, shall, through the Interagency Committee established by section 203, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this title.

"(k) The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act.

"INTERAGENCY COMMITTEE

"SEC. 203. (a)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs, there is established within the Federal Government an Interagency Committee on Disability Research (hereinafter in this section referred to as the 'Committee'), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services, the Secretary of Education, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the National Institute of Mental Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service, and the Director of the National Science Foundation.

"(2) The Committee shall meet not less than four times each year.

"(b) After receiving input from individuals with disabilities and the individuals' representatives, the Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research related to rehabilitation of individuals with disabilities.

"(c) The Committee shall annually submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of individuals with disabilities.

"RESEARCH AND OTHER COVERED ACTIVITIES

"SEC. 204. (a)(1) To the extent consistent with priorities established in the 5-year plan described in section 202(h), the Director may make grants to and contracts with States and public or private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to pay part of the cost of projects for the purpose of planning and conducting research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most significant disabilities, and improve the effectiveness of services authorized under this Act.

"(2)(A) In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, V, VI, and VII, including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies.

"(B) Such projects, as described in the State plans submitted by State agencies, may include—

"(i) medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, including basic research where related to rehabilitation techniques or services;

"(ii) studies and analysis of industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with disabilities;

"(iii) studies and analysis of special problems of individuals who are homebound and individuals who are institutionalized;

"(iv) studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of individuals with disabilities;

"(v) studies, analyses, and other activities related to supported employment;

"(vi) related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of individuals with disabilities and individuals with the most significant disabilities, particularly individuals with disabilities, and individuals with the most significant disabilities, who are members of populations that are unserved or underserved by programs under this Act; and

"(vii) studies, analyses, and other activities related to job accommodations, including the use of rehabilitation engineering and assistive technology.

"(b)(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as 'research grants') to pay part or all of the cost of the research or other specialized covered activities described in paragraphs (2) through (18). A research grant made under any of paragraphs (2) through (18) may only be used in a manner consistent with priorities established in the 5-year plan described in section 202(h).

"(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall—

"(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

"(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the individuals' representatives.

"(B) The Centers shall conduct research and training activities by—

"(i) conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities, especially promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;

"(ii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

"(iii) providing training (including graduate, pre-service, and in-service training) for rehabilitation research personnel and other rehabilitation personnel; and

"(iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the individuals' representatives, through conferences, workshops, public education programs, in-service training programs, and similar activities.

"(C) The research to be carried out at each such Center may include—

"(i) basic or applied medical rehabilitation research;

"(ii) research regarding the psychological and social aspects of rehabilitation, including disability policy;

"(iii) research related to vocational rehabilitation;

"(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities;

"(v) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and

"(vi) continuation of research that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with mental retardation and other developmental disabilities, to live in their communities.

"(D) Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center.

"(E) The Director shall make grants under this paragraph to establish and support both comprehensive centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

"(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

"(G) Grants made under this paragraph may be used to provide faculty support for teaching—

"(i) rehabilitation-related courses of study for credit; and

"(ii) other courses offered by the Centers, either directly or through another entity.

``(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

``(I) The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers.

``(J) In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

``(K) To be eligible to receive a grant under this paragraph, each such institution or provider described in subparagraph (A) shall—

``(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate State and Federal law; and

``(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

``(L) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if—

``(i) the grant is made to a new recipient; or

``(ii) the grant supports new or innovative research.

``(M) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

``(N) In conducting scientific peer review under section 202(f) of an application for the renewal of a grant made under this paragraph, the peer review panel shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the individuals' representatives.

``(O) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

``(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

``(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by—

``(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to—

``(I) solve rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

``(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

``(ii) demonstrating and disseminating—

``(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

``(II) other scientific research to assist in meeting the employment and independent living needs of individuals with significant disabilities; or

``(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

``(I) consumer responsive and individual and family-centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

``(II) other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with significant disabilities.'

``(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall—

``(i) cooperate with programs established under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) and other regional and local programs to provide information to individuals with disabilities and the individuals' representatives to—

``(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

``(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

``(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

``(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

``(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

``(I) Early childhood services, including early intervention and family support.

``(II) Education at the elementary and secondary levels, including transition from school to postschool activities.

``(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and title V.

``(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the work force, self-help skills, and activities of daily living.

``(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the individuals' representatives.

``(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

``(i) the grant is made to a new recipient; or

``(ii) the grant supports new or innovative research.

``(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

``(G) Each Center established or supported through a grant made available under this paragraph shall—

``(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.); and

``(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program of the Center in terms of both short- and long-term impact on the lives of individuals with disabilities, and such other information as may be requested by the Director.

``(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will—

``(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the individuals' representatives, and organizations receiving financial assistance under this paragraph;

``(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

``(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

``(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall—

``(i) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

``(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

"(iii) demonstrate and evaluate existing, new, and improved methods and rehabilitation technology essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

"(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

"(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.

"(5) Research grants may be used to conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals with such disease and which will—

"(A) insure dissemination of research findings;

"(B) provide encouragement and support for initiatives and new approaches by individuals and institutional investigators; and

"(C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts,

in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law.

"(6) Research grants may be used to conduct a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of individuals with disabilities in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of individuals with disabilities, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of individuals with disabilities with other nations as a means of increasing the levels of skill of rehabilitation personnel.

"(7) Research grants may be used to conduct a research program concerning the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programming to meet the particular needs of individuals with disabilities.

"(8) Research grants may be used to conduct a program of joint projects with the National Institutes of Health, the National Institute of Mental Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans' Administration, the Department of Health and Human Services, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.

"(9) Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the work force.

"(10) Research grants may be used to conduct a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals with disabilities, including individuals with significant disabilities.

"(11) Research grants may be used to conduct a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to individuals who are deaf or hard of hearing captioned video cassettes providing a broad range of educational, cultural, scientific, and vocational programming.

"(12) Research grants may be used to conduct a model research and demonstration program to develop innovative methods of providing services for preschool age children who are individuals with disabilities, including the—

"(A) early intervention, assessment, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of children who are individuals with significant disabilities up to the age of five, with a special emphasis on children who are individuals with significant disabilities up to the age of three;

"(B) such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children; and

"(C) appropriate services for the parents of such children, including psychological and psychiatric services, parent counseling, and training.

"(13) Research grants may be used to conduct a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and addressing the employment needs of individuals with disabilities, including programs which—

"(A) provide training and continuing education for personnel involved with the employment of individuals with disabilities;

"(B) develop model procedures for testing and evaluating the employment needs of individuals with disabilities;

"(C) develop model training programs to teach individuals with disabilities skills which will lead to appropriate employment;

"(D) develop new approaches for job placement of individuals with disabilities, including new followup procedures relating to such placement;

"(E) provide information services regarding education, training, employment, and job placement for individuals with disabilities; and

"(F) develop new approaches and provide information regarding job accommodations, including the use of rehabilitation engineering and assistive technology.

"(14) Research grants may be used to conduct a rehabilitation research program under which financial assistance is provided in order to—

"(A) test new concepts and innovative ideas;

"(B) demonstrate research results of high potential benefits;

"(C) purchase prototype aids and devices for evaluation;

"(D) develop unique rehabilitation training curricula; and

"(E) be responsive to special initiatives of the Director.

No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 percent of the amount available for this section to the National Institute on Disability and Rehabilitation Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

"(15) Research grants may be used to conduct studies of the rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.

"(16) Research grants may be used to conduct a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices, including technology transfer concerning such devices, designed to enable individuals with disabilities to achieve independence and access to gainful employment.

"(17)(A) Research grants may be used to conduct a research program related to quality assurance in the area of rehabilitation technology.

"(B) Activities carried out under the research program may include—

"(i) the development of methodologies to evaluate rehabilitation technology products and services and the dissemination of the methodologies to consumers and other interested parties;

"(ii) identification of models for service provider training and evaluation and certification of the effectiveness of the models;

"(iii) identification and dissemination of outcome measurement models for the assessment of rehabilitation technology products and services; and

"(iv) development and testing of research-based tools to enhance consumer decisionmaking about rehabilitation technology products and services.

"(C) The Director shall develop the quality assurance research program after consultation with representatives of all types of organizations interested in rehabilitation technology quality assurance.

"(18) Research grants may be used to provide for research and demonstration projects and related activities that explore the use and effectiveness of specific alternative or complementary medical practices for individuals with disabilities. Such projects and activities may include projects and activities designed to—

"(A) determine the use of specific alternative or complementary medical practices among individuals with disabilities and the perceived effectiveness of the practices;

"(B) determine the specific information sources, decisionmaking methods, and methods of payment used by individuals with disabilities who access alternative or complementary medical services;

"(C) develop criteria to screen and assess the validity of research studies of such practices for individuals with disabilities; and

"(D) determine the effectiveness of specific alternative or complementary medical practices that show promise for promoting increased functioning, prevention of secondary disabilities, or other positive outcomes for individuals with certain types of disabilities, by conducting controlled research studies.

“(c)(1) In carrying out evaluations of covered activities under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the projects.

“(2) The Director shall not make a grant under this section which exceeds $499,999 unless the peer review of the grant application has included a site visit.

“REHABILITATION RESEARCH ADVISORY COUNCIL

“Sec. 205. (a) Establishment.—Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council (referred to in this section as the ‘Council’) composed of 12 members appointed by the Secretary.

“(b) Duties.—The Council shall advise the Director with respect to research priorities and the development and revision of the 5-year plan required by section 202(h).

“(c) Qualifications.—Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.

“(d) Terms of Appointment.—

“(1) Length of term.—Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that—

“(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

“(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

“(2) Number of terms.—No member of the Council may serve more than two consecutive full terms. Members may serve after the expiration of their terms until their successors have taken office.

“(e) Vacancies.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

“(f) Payment and Expenses.—

“(1) Payment.—Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

“(2) Travel expenses.—Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

“(g) Detail of Federal Employees.—On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Education to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(h) Technical Assistance.—On the request of the Council, the Secretary shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

“(i) Termination.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.”.

SEC. 6. PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 770 et seq.) is amended to read as follows:

“TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

“SEC. 301. DECLARATION OF PURPOSE AND COMPETITIVE BASIS OF GRANTS AND CONTRACTS.

“(a) Purpose.—It is the purpose of this title to authorize grants and contracts to—

“(1)(A) provide academic training to ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs (including supported employment programs), through independent living services programs, and through client assistance programs; and

“(B) provide training to maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery and rehabilitation technology services;

“(2) conduct special projects and demonstrations that expand and improve the provision of rehabilitation and other services authorized under this Act, or that otherwise further the purposes of this Act, including related research and evaluation;

“(3) provide vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers;

“(4) initiate recreational programs to provide recreational activities and related experiences for individuals with disabilities to aid such individuals in employment, mobility, socialization, independence, and community integration; and

“(5) provide training and information to individuals with disabilities and the individuals' representatives, and other appropriate parties to develop the skills necessary for individuals with disabilities to gain access to the rehabilitation system and workforce investment system and to become active decisionmakers in the rehabilitation process.

“(b) Competitive Basis of Grants and Contracts.—The Secretary shall ensure that all grants and contracts are awarded under this title on a competitive basis.

“SEC. 302. TRAINING.

“(a) Grants and Contracts for Personnel Training.—

“(1) Authority.—The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the cost of projects to provide training, traineeships, and related activities, including the provision of technical assistance, that are designed to assist in increasing the numbers of, and upgrading the skills of, qualified personnel (especially rehabilitation counselors) who are trained in providing vocational, medical, social, and psychological rehabilitation services, who are trained to assist individuals with communication and related disorders, who are trained to provide other services provided under this Act, to individuals with disabilities, and who may include—

“(A) personnel specifically trained in providing employment assistance to individuals with disabilities through job development and job placement services;

“(B) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with disabilities, including needs for rehabilitation technology;

“(C) personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services;

“(D) personnel specifically trained to deliver services in the client assistance programs;

“(E) personnel specifically trained to deliver services, through supported employment programs, to individuals with a most significant disability;

“(F) personnel providing vocational rehabilitation services specifically trained in the use of braille, the importance of braille literacy, and in methods of teaching braille; and

“(G) personnel trained in performing other functions necessary to the provision of vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act.

“(2) Authority to provide scholarships.—Grants and contracts under paragraph (1) may be expended for scholarships and may include necessary stipends and allowances.

“(3) Related federal statutes.—In carrying out this subsection, the Commissioner may make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training regarding related Federal statutes (other than this Act).

“(4) Training for statewide workforce systems personnel.—The Commissioner may make grants to and enter into contracts under this subsection with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training to personnel providing services to individuals with disabilities under the Workforce Investment Partnership Act of 1998. Under this paragraph, personnel may be trained—

“(A) in evaluative skills to determine whether an individual with a disability may be served by the State vocational rehabilitation program or another component of the statewide workforce investment system; or

“(B) to assist individuals with disabilities seeking assistance through one-stop customer service centers established under section 315 of the Workforce Investment Partnership Act of 1998.

“(5) Joint funding.—Training and other activities provided under paragraph (4) for personnel may be jointly funded with the Department of Labor, using funds made available under title III of the Workforce Investment Partnership Act of 1998.

“(b) Grants and Contracts for Academic Degrees and Academic Certificate Granting Training Projects.—

“(1) Authority.—

“(A) In general.—The Commissioner may make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the costs of academic training projects to provide training that leads to an academic degree or academic certificate. In making such grants or entering into such contracts, the Commissioner shall target funds to areas determined under subsection (e) to have shortages of qualified personnel.

‘‘(B) Types of projects.—Academic training projects described in this subsection may include—

‘‘(i) projects to train personnel in the areas of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

‘‘(ii) projects to train personnel to provide—

‘‘(I) services to individuals with specific disabilities or individuals with disabilities who have specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

‘‘(II) job development and job placement services to individuals with disabilities;

‘‘(III) supported employment services, including services of employment specialists for individuals with disabilities;

‘‘(IV) specialized services for individuals with significant disabilities; or

‘‘(V) recreation for individuals with disabilities;

‘‘(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and

‘‘(iv) projects to train personnel in the use, applications, and benefits of rehabilitation technology.

‘‘(2) Application.—No grant shall be awarded or contract entered into under this subsection unless the applicant has submitted to the Commissioner an application at such time, in such form, in accordance with such procedures, and including such information as the Secretary may require, including—

‘‘(A) a description of how the designated State unit or units will participate in the project to be funded under the grant or contract, including, as appropriate, participation on advisory committees, as practicum sites, in curriculum development, and in other ways so as to build closer relationships between the applicant and the designated State unit and to encourage students to pursue careers in public vocational rehabilitation programs;

‘‘(B) the identification of potential employers that would meet the requirements of paragraph (4)(A)(i); and

‘‘(C) an assurance that data on the employment of graduates or trainees who participate in the project is accurate.

‘‘(3) Limitation.—

‘‘(A) In general.—Except as provided in subparagraph (B), no grant or contract under this subsection may be used to provide any one course of study to an individual for a period of more than 4 years.

‘‘(B) Exception.—If a grant or contract recipient under this subsection determines that an individual has a disability which seriously affects the completion of training under this subsection, the grant or contract recipient may extend the period referred to in subparagraph (A).

‘‘(4) Required agreements.—

‘‘(A) In general.—A recipient of a grant or contract under this subsection shall provide assurances to the Commissioner that each individual who receives a scholarship, for the first academic year after the date of enactment of the Rehabilitation Act Amendments of 1998, utilizing funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall—

‘‘(i) maintain employment—

‘‘(I) with an employer that is a State rehabilitation or other agency or organization (including a professional corporation or practice group) that provides services to individuals with disabilities under this Act, or with an institution of higher education or other organization that conducts rehabilitation education, training, or research under this Act;

‘‘(II) on a full- or part-time basis; and

‘‘(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this subsection was received by the individual, within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in this subclause and 2 additional years;

‘‘(ii) directly provide or administer services, conduct research, or furnish training, funded under this Act; and

‘‘(iii) repay all or part of the amount of any scholarship received under the grant or contract, plus interest, if the individual does not fulfill the requirements of clauses (i) and (ii), except that the Commissioner may by regulation provide for repayment exceptions and deferrals.

‘‘(B) Enforcement.—The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon the completion of the training involved with respect to such agreement.

‘‘(c) Grants to Historically Black Colleges and Universities.—The Commissioner, in carrying out this section, shall make grants to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 50 percent of the total enrollment of the institution.

‘‘(d) Application.—A grant may not be awarded to a State or other organization under this section unless the State or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including a detailed description of strategies that will be utilized to recruit and train individuals so as to reflect the diverse populations of the United States as part of the effort to increase the number of individuals with disabilities, and individuals who are from linguistically and culturally diverse backgrounds, who are available to provide rehabilitation services.

‘‘(e) Evaluation and Collection of Data.—The Commissioner shall evaluate the impact of the training programs conducted under this section, and collect information on the training needs of, and data on shortages of qualified personnel necessary to provide services to individuals with disabilities.

‘‘(f) Grants for the Training of Interpreters.—

‘‘(1) Authority.—

‘‘(A) In general.—For the purpose of training a sufficient number of qualified interpreters to meet the communications needs of individuals who are deaf or hard of hearing, and individuals who are deaf-blind, the Commissioner, acting through a Federal office responsible for deafness and communicative disorders, may award grants to public or private nonprofit agencies or organizations to pay part of the costs—

‘‘(i) for the establishment of interpreter training programs; or

‘‘(ii) to enable such agencies or organizations to provide financial assistance for ongoing interpreter training programs.

‘‘(B) Geographic areas.—The Commissioner shall award grants under this subsection for programs in geographic areas throughout the United States that the Commissioner considers appropriate to best carry out the objectives of this section.

‘‘(C) Priority.—In awarding grants under this subsection, the Commissioner shall give priority to public or private nonprofit agencies or organizations with existing programs that have a demonstrated capacity for providing interpreter training services.

‘‘(D) Funding.—The Commissioner may award grants under this subsection through the use of—

‘‘(i) amounts appropriated to carry out this section; or

‘‘(ii) pursuant to an agreement with the Director of the Office of the Special Education Program (established under section 603 of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105–17))), amounts appropriated under section 686 of the Individuals with Disabilities Education Act.

‘‘(2) Application.—A grant may not be awarded to an agency or organization under paragraph (1) unless the agency or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including—

‘‘(A) a description of the manner in which an interpreter training program will be developed and operated during the 5-year period following the date on which a grant is received by the applicant under this subsection;

‘‘(B) a demonstration of the applicant's capacity or potential for providing training for interpreters for individuals who are deaf or hard of hearing, and individuals who are deaf-blind;

‘‘(C) assurances that any interpreter trained or retrained under a program funded under the grant will meet such minimum standards of competency as the Commissioner may establish for purposes of this subsection; and

‘‘(D) such other information as the Commissioner may require.

‘‘(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

‘‘(h) Provision of Information.—The Commissioner, subject to the provisions of section 306, may require that recipients of grants or contracts under this section provide information, including data, with regard to the impact of activities funded under this section.

‘‘SEC. 303. SPECIAL DEMONSTRATION PROGRAM.

‘‘(a) Authority.—The Commissioner, subject to the provisions of section 306, may award grants or contracts to eligible entities to pay all or part of the cost of programs that expand and improve the provision of rehabilitation and other services authorized under this Act or that further the purposes of the Act, including related research and evaluation activities.

‘‘(b) Eligible Entities and Terms and Conditions.—

‘‘(1) Eligible entities.—To be eligible to receive a grant or contract under subsection (a), an entity shall be a State vocational rehabilitation agency, community rehabilitation program, Indian tribe or tribal organization, or other public or nonprofit agency or organization, or as the Commissioner determines appropriate, a for-profit organization. The Commissioner may limit competitions to 1 or more types of organizations described in this paragraph.

“(2) Terms and conditions.—Awards under this section shall contain such terms and conditions as the Commissioner may require.

“(c) Application.—An eligible entity that desires to receive an award under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Commissioner may require, including, if the Commissioner determines appropriate, a description of how the proposed project or demonstration program—

“(1) is based on current research findings, which may include research conducted by the National Institute on Disability and Rehabilitation Research, the National Institutes of Health, and other public or private organizations; and

“(2) is of national significance.

“(d) Types of Projects.—The programs that may be funded under this section include—

“(1) special projects and demonstrations of service delivery;

“(2) model demonstration projects;

“(3) technical assistance projects;

“(4) systems change projects;

“(5) special studies and evaluations; and

“(6) dissemination and utilization activities.

“(e) Priority for Competitions.—

“(1) In general.—In announcing competitions for grants and contracts under this section, the Commissioner shall give priority consideration to—

“(A) projects to provide training, information, and technical assistance that will enable individuals with disabilities and the individuals' representatives, to participate more effectively in meeting the vocational, independent living, and rehabilitation needs of the individuals with disabilities;

“(B) special projects and demonstration programs of service delivery for adults who are either low-functioning and deaf or low-functioning and hard of hearing;

“(C) innovative methods of promoting consumer choice in the rehabilitation process;

“(D) supported employment, including community-based supported employment programs to meet the needs of individuals with the most significant disabilities or to provide technical assistance to States and community organizations to improve and expand the provision of supported employment services; and

“(E) model transitional planning services for youths with disabilities;

“(2) Eligibility and coordination.—

“(A) Eligibility.—Eligible applicants for grants and contracts under this section for projects described in paragraph (1)(A) include—

“(i) Parent Training and Information Centers funded under section 682 of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17));

“(ii) organizations that meet the definition of a parent organization in section 682 of such Act; and

“(iii) private nonprofit organizations assisting parent training and information centers.

“(B) Coordination.—Recipients of grants and contracts under this section for projects described in paragraph (1)(A) shall, to the extent practicable, coordinate training and information activities with Centers for Independent Living.

“(3) Additional competitions.—In announcing competitions for grants and contracts under this section, the Commissioner may require that applicants address 1 or more of the following:

“(A) Age ranges.

“(B) Types of disabilities.

“(C) Types of services.

“(D) Models of service delivery.

“(E) Stage of the rehabilitation process.

“(F) The needs of—

“(i) underserved populations;

“(ii) unserved and underserved areas;

“(iii) individuals with significant disabilities;

“(iv) low-incidence disability populations; and

“(v) individuals residing in federally designated empowerment zones and enterprise communities.

“(G) Expansion of employment opportunities for individuals with disabilities.

“(H) Systems change projects to promote meaningful access of individual with disabilities to employment related services under the Workforce Investment Partnership Act of 1998 and under other Federal laws.

“(I) Innovative methods of promoting the achievement of high-quality employment outcomes.

“(J) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.

“(K) Alternative methods of providing affordable transportation services to individuals with disabilities who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available.

“(f) Use of Funds for Continuation Awards.—The Commissioner may use funds made available to carry out this section for continuation awards for projects that were funded under sections 12 and 311 (as such sections were in effect on the day prior to the date of the enactment of the Rehabilitation Act Amendments of 1998).

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

“SEC. 304. MIGRANT AND SEASONAL FARMWORKERS.

“(a) Grants.—

“(1) Authority.—The Commissioner, subject to the provisions of section 306, may make grants to eligible entities to pay up to 90 percent of the cost of projects or demonstration programs for the provision of vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers, as determined in accordance with rules prescribed by the Secretary of Labor, and to the family members who are residing with such individuals (whether or not such family members are individuals with disabilities).

“(2) Eligible entities.—To be eligible to receive a grant under paragraph (1), an entity shall be—

“(A) a State designated agency;

“(B) a nonprofit agency working in collaboration with a State agency described in subparagraph (A); or

“(C) a local agency working in collaboration with a State agency described in subparagraph (A).

“(3) Maintenance and transportation.—

“(A) In general.—Amounts provided under a grant under this section may be used to provide for the maintenance of and transportation for individuals and family members described in paragraph (1) as necessary for the rehabilitation of such individuals.

“(B) Requirement.—Maintenance payments under this paragraph shall be provided in a manner consistent with any maintenance payments provided to other individuals with disabilities in the State under this Act.

“(4) Assurance of cooperation.—To be eligible to receive a grant under this section an entity shall provide assurances (satisfactory to the Commissioner) that in the provision of services under the grant there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migrant or seasonal farmworkers or their families.

“(5) Coordination with other programs.—The Commissioner shall administer this section in coordination with other programs serving migrant and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), and the Workforce Investment Partnership Act of 1998.

“(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section, for each of the fiscal years 1998 through 2004.

“SEC. 305. RECREATIONAL PROGRAMS.

“(a) Grants.—

“(1) Authority.—

“(A) In general.—The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations to pay the Federal share of the cost of the establishment and operation of recreation programs to provide individuals with disabilities with recreational activities and related experiences to aid in the employment, mobility, socialization, independence, and community integration of such individuals.

“(B) Recreation programs.—The recreation programs that may be funded using assistance provided under a grant under this section may include vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4–H activities, music, dancing, handicrafts, art, and homemaking. When possible and appropriate, such programs and activities should be provided in settings with peers who are not individuals with disabilities.

“(C) Design of program.—Programs and activities carried out under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with disabilities.

“(2) Maximum term of grant.—A grant under this section shall be made for a period of not more than 3 years.

“(3) Availability of non grant resources.—

“(A) In general.—A grant may not be made to an applicant under this section unless the applicant provides assurances that, with respect to costs of the recreation program to be carried out under the grant, the applicant, to the maximum extent practicable, will make available non-Federal resources (in cash or in-kind) to pay the non-Federal share of such costs.

“(B) FEDERAL SHARE.—The Federal share of the costs of the recreation programs carried out under this section shall be—

“(i) with respect to the first year in which assistance is provided under a grant under this section, 100 percent;

“(ii) with respect to the second year in which assistance is provided under a grant under this section, 75 percent; and

“(iii) with respect to the third year in which assistance is provided under a grant under this section, 50 percent.

“(4) APPLICATION.—To be eligible to receive a grant under this section, a State, agency, or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including a description of—

“(A) the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of such projects, will be made generally available; and

“(B) the manner in which the service program funded under the grant will be continued after Federal assistance ends.

“(5) LEVEL OF SERVICES.—Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

“(6) REPORTS BY GRANTEES.—

“(A) REQUIREMENT.—The Commissioner shall require that each recipient of a grant under this section annually prepare and submit to the Commissioner a report concerning the results of the activities funded under the grant.

“(B) LIMITATION.—The Commissioner may not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated the annual report of the recipient under subparagraph (A) for the current year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1998 through 2004.

“SEC. 306. MEASURING OF PROJECT OUTCOMES AND PERFORMANCE.

“The Commissioner may require that recipients of grants under this title submit information, including data, as determined by the Commissioner to be necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act.”.

SEC. 7. NATIONAL COUNCIL ON DISABILITY.

Title IV of the Rehabilitation Act of 1973 (29 U.S.C. 780 et seq.) is amended to read as follows:

“TITLE IV—NATIONAL COUNCIL ON DISABILITY

“ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY

“SEC. 400. (a)(1)(A) There is established within the Federal Government a National Council on Disability (hereinafter in this title referred to as the ‘National Council’), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

“(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

“(i) organizations representing a broad range of individuals with disabilities; and

“(ii) organizations interested in individuals with disabilities.

“(C) The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, or other individuals who have substantial knowledge or experience relating to disability policy or programs. The members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of the members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups.

“(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

“(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

“(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

“(b)(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

“(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

“(B) As used in this paragraph, the term ‘full term’ means a term of 3 years.

“(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

“(c) The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

“(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

“DUTIES OF NATIONAL COUNCIL

“SEC. 401. (a) The National Council shall—

“(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;

“(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

“(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this Act;

“(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;

“(5) review and evaluate on a continuing basis—

“(A) policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

“(B) all statutes and regulations pertaining to Federal programs which assist such individuals with disabilities;

in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;

“(6) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);

“(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies or other Federal entities, respecting ways to better promote the policies set forth in section 400(a)(2);

“(9) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information which the National Council or the Congress deems appropriate; and

“(10) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the international, Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.

“(b)(1) Not later than July 26, 1998, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled ‘National Disability Policy: A Progress Report’.

“(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

“(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the National Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.

"COMPENSATION OF NATIONAL COUNCIL MEMBERS

"SEC. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

"(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

"(c) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"STAFF OF NATIONAL COUNCIL

"SEC. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without regard to the provisions of title 5, United States Code, governing appointments, the provisions of chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates), an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

"(2) The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties.

"(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code).

"(2) The National Council may—

"(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

"(B) in the name of the Council, solicit, accept, employ, and dispose of, in furtherance of this Act, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

"(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

"(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

"(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

"(d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts made available under subsection (a)(2)(B) as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale or redemption of, the obligations described in paragraph (1) shall be available to the National Council to carry out this title.

"ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

"SEC. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

"(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

"(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

"(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 405. There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1998 through 2004.".

SEC. 8. RIGHTS AND ADVOCACY.

(a) CONFORMING AMENDMENTS TO RIGHTS AND ADVOCACY PROVISIONS.—

(1) EMPLOYMENT.—Section 501 (29 U.S.C. 791) is amended—

(A) in the third sentence of subsection (a), by striking "President's Committees on Employment of the Handicapped" and inserting "President's Committees on Employment of People With Disabilities"; and

(B) in subsection (e), by striking "individualized written rehabilitation program" and inserting "individualized rehabilitation employment plan".

(2) ACCESS BOARD.—Section 502 (29 U.S.C. 792) is amended—

(A) in subsection (b)—

(i) in paragraph (9), by striking "; and" and inserting a semicolon;

(ii) in paragraph (10), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(11) carry out the responsibilities specified for the Access Board in section 508";

(B) in subsection (d)(2)(A), by inserting before the semicolon the following: "and section 508(d)(2)(C)";

(C) in subsection (g)(2), by striking "Committee on Education and Labor" and inserting "Committee on Education and the Workforce"; and

(D) in subsection (i), by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998 through 2004".

(3) FEDERAL GRANTS AND CONTRACTS.—Section 504(a) (29 U.S.C.) is amended in the first sentence by striking "section 7(8)" and inserting "section 7(20)".

(4) SECRETARIAL RESPONSIBILITIES.—Section 506(a) (29 U.S.C. 794b(a)) is amended—

(A) by striking the second sentence and inserting the following: "Any concurrence of the Access Board under paragraph (2) shall reflect its consideration of cost studies carried out by States."; and

(B) in the second sentence of subsection (c), by striking "provided under this paragraph" and inserting "provided under this subsection".

(b) ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.—Section 508 (29 U.S.C. 794d) is amended to read as follows:

"SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY REGULATIONS.

"(a) DEFINITION.—In this section, the term 'electronic and information technology' includes—

"(1) any equipment, software, interface system, operating system, or interconnected system or subsystem of equipment, whether or not accessed remotely, that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information; and

"(2) any related service (including a support service) and any related resource.

"(b) PROMULGATION OF RULES AND REGULATIONS.—

"(1) PROCUREMENT, MAINTENANCE, AND USE OF ELECTRONIC AND INFORMATION TECHNOLOGY.—Consistent with paragraph (2), each Federal agency shall procure, maintain, and use electronic and information technology that allows, regardless of the type of medium of the technology, individuals with disabilities to produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of individuals who are not individuals with disabilities.

"(2) REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Rehabilitation Act Amendments of 1998, the Access Board, after consultation with the Secretary of Education, the Administrator of the General Services Administration, and the head of any other Federal agency that the Access Board may determine to be appropriate, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, shall issue regulations, including criteria for procurement of accessible electronic and information technology, to implement this section.

"(B) CRITERIA.—The Access Board shall consult with the Director of the National Institute on Disability and Rehabilitation Research and the heads of other Federal agencies that conduct applicable research, regarding relevant research findings to assist the Access Board in developing and updating the criteria for procurement of accessible technology required under subparagraph (A).

"(C) REVIEWS AND AMENDMENTS.—The Access Board shall review and amend the regulations periodically to reflect technological advances or changes in electronic and information technology.

"(c) TECHNICAL ASSISTANCE.—The Access Board shall provide technical assistance to individuals and Federal agencies concerning the rights and responsibilities provided under this section. The Administrator of the General Services Administration shall provide technical assistance to Federal agencies concerning the rights and responsibilities provided under this section, in coordination with the activities of the Access Board.

“(d) Compliance.—

“(1) In general.—Not later than 1 year after the date of enactment of the Rehabilitation Act Amendments of 1998, the Access Board shall establish, by regulation issued under subsection (b), procedures for ensuring the compliance of Federal agencies with this section (including the regulation).

“(2) Procedures.—At a minimum the regulation shall establish procedures by which—

“(A) the head of each Federal agency shall assess the compliance of the agency with this section and report periodically to the Access Board and the Director of the Office of Management and Budget on such compliance;

“(B) any aggrieved person may file a complaint with the Access Board regarding noncompliance by a Federal agency with this section; and

“(C) the Access Board may, after providing notice and an opportunity for a hearing, issue an order requiring compliance with this section, which shall be final and binding on the affected Federal agency.

“(3) Office of Management and Budget Oversight.—

“(A) Oversight and Coordination.—The Director of the Office of Management and Budget shall oversee and coordinate the procurement, financial management, information, and regulatory policies of the executive branch of the Federal Government relating to electronic and information technology.

“(B) Issuance of Policies.—In issuing circulars, bulletins, directives, memoranda, and other policies affecting the procurement, maintenance, and use of electronic and information technology, by Federal agencies, as appropriate, the Director of the Office of Management and Budget shall require compliance with this section, including the regulations and criteria described in subsection (b).

“(e) Relationship to Other Laws.—This section shall not be construed to limit a remedy, right, or procedure available under any other provision of Federal law (including title V and the Americans with Disabilities Act of 1990), or State or local law (including State common law) that provides greater or equal protection for the rights of individuals with disabilities.”.

(c) Protection and Advocacy of Individual Rights.—Section 509 (29 U.S.C. 794e) is amended to read as follows:

“SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

“(a) Purpose.—The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

“(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and

“(2) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) because the individuals do not have a developmental disability, as defined in section 102 of such Act (42 U.S.C. 6002) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals are not individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

“(b) Appropriations Less Than $5,500,000.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).

“(c) Appropriations of $5,500,000 or More.—

“(1) Reservations.—

“(A) Technical assistance.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

“(B) Grant for the eligible system serving the American Indian consortium.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $10,500,000, the Commissioner shall reserve a portion, and use the portion to make a grant for the eligible system serving the American Indian consortium. The Commission shall make the grant in an amount of not less than $50,000 for the fiscal year.

“(2) Allotments.—For any such fiscal year, after the reservations required by paragraph (1) have been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for such individuals.

“(3) Systems within States.—

“(A) Population basis.—Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

“(B) Minimums.—Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or one-third of one percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or one-third of one percent of such remainder shall be increased to the greater of the two amounts.

“(4) Systems within other jurisdictions.—

“(A) In general.—For the purposes of paragraph (3)(B), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

“(B) Allotment.—The eligible system within a jurisdiction described in subparagraph (A) shall be allotted under paragraph (3)(A) not less than $50,000 for the fiscal year for which the allotment is made.

“(5) Adjustment for inflation.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Commissioner shall increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and (4)(B) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

“(d) Proportional Reduction.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.

“(e) Reallotment.—Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

“(f) Application.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

“(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

“(2) have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.);

“(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State or the American Indian consortium who are individuals described in subsection (a);

“(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State or the American Indian consortium;

“(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, the individuals' representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

“(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

“(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system;

"(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided; and

"(8) not use allotments or grants provided under this section in a manner inconsistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997.

"(g) Carryover and Direct Payment.—

"(1) Direct payment.—Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State or the grant for the eligible system that serves the American Indian consortium involved under this section, unless the State or American Indian consortium provides otherwise.

"(2) Carryover.—Any amount paid to an eligible system that serves a State or American Indian consortium for a fiscal year that remains unobligated at the end of such year shall remain available to such system that serves the State or American Indian consortium for obligation during the next fiscal year for the purposes for which such amount was paid.

"(h) Limitation on Disclosure Requirements.—For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

"(i) Administrative Cost.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.

"(j) Delegation.—The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

"(k) Report.—The Commissioner shall annually prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

"(l) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2004.

"(m) Definitions.—As used in this section:

"(1) Eligible system.—The term 'eligible system' means a protection and advocacy system that is established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and that meets the requirements of subsection (f).

"(2) American Indian consortium.—The term 'American Indian consortium' means a consortium established as described in section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042).".

SEC. 9. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is amended to read as follows:

"TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

"SEC. 601. SHORT TITLE.

"This title may be cited as the "Employment Opportunities for Individuals With Disabilities Act.

"PART A—PROJECTS IN TELECOMMUTING AND SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

"SEC. 611. FINDINGS, POLICIES, AND PURPOSES.

"(a) Findings.—Congress makes the following findings:

"(1) It is in the best interest of the United States to identify and promote increased employment opportunities for individuals with disabilities.

"(2) Telecommuting is one of the most rapidly expanding forms of employment. In 1990 there were 4,000,000 telecommuters and that number has risen to 11,100,000 in 1997.

"(3) It is in the best interest of the United States to ensure that individuals with disabilities have access to telecommuting employment opportunities. It has been estimated that 10 percent of individuals with disabilities, who are unemployed, could benefit from telecommuting opportunities.

"(4) It is in the interest of employers to recognize that individuals with disabilities are excellent candidates for telecommuting employment opportunities.

"(5) Individuals with disabilities, especially those living in rural areas, often do not have access to accessible transportation, and in such cases telecommuting presents an excellent opportunity for the employment of such individuals.

"(6) It is in the best interests of economic development agencies, venture capitalists, and financial institutions for the Federal Government to demonstrate that individuals with disabilities, who wish to become or who are self-employed, can meet the criteria for assistance, investment of capital, and business that other entrepreneurs meet.

"(b) Policies.—It is the policy of the United States to—

"(1) promote opportunities for individuals with disabilities to—

"(A) secure, retain, regain, or advance in employment involving telecommuting;

"(B) gain access to employment opportunities; and

"(C) demonstrate their abilities, capabilities, interests, and preferences regarding employment in positions that are increasingly being offered to individuals in the workplace; and

"(2) promote opportunities for individuals with disabilities to engage in self-employment enterprises that permit these individuals to achieve significant levels of independence, participate in and contribute to the life of their communities, and offer employment opportunities to others.

"(c) Purposes.—It is the purpose of this part to—

"(1) through the awarding of 1-time, time-limited grants, contracts, or cooperative agreements to public and private entities—

"(A) provide funds, in accordance with section 612, to enable individuals with disabilities to identify and secure employment opportunities involving telecommuting; and

"(B) encourage employers to become partners in providing telecommuting placements for individuals with disabilities through the involvement of such employers in telecommuting projects that continue and expand opportunities for the provision of telecommuting placements to individuals with disabilities beyond those opportunities that are currently facilitated by the telecommuting projects; and

"(2) through the awarding of 1-time, time-limited grants, contracts, cooperative agreements, or other appropriate mechanisms of providing assistance to public or private entities—

"(A) assist individuals with disabilities to engage in self-employment enterprises in accordance with section 613; and

"(B) encourage entities to assist more individuals with disabilities to engage in self-employment enterprises.

"SEC. 612. PROJECTS IN TELECOMMUTING FOR INDIVIDUALS WITH DISABILITIES.

"(a) In General.—The Commissioner shall, on a competitive basis, award 1-time, time-limited grants, contracts, or cooperative agreements to eligible entities for the establishment and operation of projects in telecommuting for individuals with disabilities.

"(b) Eligible Entities.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity shall—

"(1) be—

"(A) an entity carrying out a Project With Industry described in part B;

"(B) a designated State agency;

"(C) a statewide workforce investment partnership or local workforce investment partnership;

"(D) a public educational agency;

"(E) a training institution, which may include an institution of higher education;

"(F) a private organization, with priority given to organizations of or for individuals with disabilities;

"(G) a public or private employer;

"(H) any other entity that the Commissioner determines to be appropriate; or

"(I) a combination or consortium of the entities described in subparagraphs (A) through (H);

"(2) have 3 or more years of experience in assisting individuals with disabilities in securing, retaining, regaining, or advancing in employment;

"(3) demonstrate that such entity has the capacity to secure full- and part-time employment involving telecommuting for individuals with disabilities; and

"(4) submit an application that meets the requirements of subsection (c).

"(c) Application Requirements.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Commissioner at such time, in such manner, and containing such information concerning the telecommuting project to be funded under the grant, contract, or agreement as the Commissioner may require, including—

"(1) a description of how and the extent to which the applicant meets the requirement of subsection (b)(2);

"(2) with respect to any partners who will participate in the implementation of activities under the telecommuting project, a description of—

"(A) the identity of such partners; and

"(B) the roles and responsibilities of each partner in preparing the application, and if funded, the roles and responsibility of each partner during the telecommuting project;

“(3) a description of the geographic region that will be the focus of activity under the telecommuting project;

“(4) a projection for each year of a 3-year period of the grant, contract, or agreement, of the number of individuals with disabilities who will be employed as the result of the assistance provided by the telecommuting project;

“(5) with respect to any employers that have indicated an interest in offering telecommuting employment opportunities to individuals with disabilities, a description of—

“(A) the identity of such employers; and

“(B) the manner in which additional employers would be recruited under the telecommuting project;

“(6) a description of the manner in which individuals with disabilities will be identified and selected to participate in the telecommuting project;

“(7) a description of the jobs that will be targeted by the telecommuting project;

“(8) a description of the process by which individuals with disabilities will be matched with employers for telecommuting placements;

“(9) a description of the manner in which the project will become self-sustaining in the third year of the telecommuting project; and

“(10) a description of the nature and amount of funding, including in-kind support, other than funds received under this part, that will be available to be used by the telecommuting project.

“(d) Use of Funds.—Amounts received under a grant, contract, or cooperative agreement under subsection (a) shall be used for—

“(1) the recruitment of individuals with disabilities for telecommuting placements;

“(2) the conduct of marketing activities with respect to employers;

“(3) the purchase of training services for an individual with a disability who is going to assume a telecommuting placement;

“(4) the purchase of equipment, materials, telephone lines, auxiliary aids, and services related to telecommuting placements;

“(5) the provision of orientation services and training to the supervisors of employers participating in the project and to co-workers of individuals with disabilities who are selected for telecommuting placements;

“(6) the provision of technical assistance to employers, including technical assistance regarding reasonable accommodations with regard to individuals with disabilities participating in telecommuting placements; and

“(7) other uses determined appropriate by the Commissioner.

“(e) Project Requirements.—Telecommuting projects funded under this section shall—

“(1) establish criteria for safety with regard to the telecommuting work space, which at a minimum meet guidelines established by the Occupational Safety and Health Administration for a work space of comparable size and function;

“(2) on an annual basis, enter into agreements with the Commissioner that contain goals concerning the number of individuals with disabilities that the project will place in telecommuting positions;

“(3) establish procedures for ensuring that prospective employers and individuals with disabilities, who are to assume telecommuting placements, have a clear understanding of how the individual's work performance will be monitored and evaluated by the employer;

“(4) identify and make available support services for individuals with disabilities in telecommuting placements;

“(5) develop procedures that allow the telecommuting project, the employer, and the individual with a disability to reach agreement on their respective responsibilities with regard to establishing and maintaining the telecommuting placement;

“(6) for each year of a telecommuting project, submit an annual report to the Commissioner concerning—

“(A) the number of individuals with disabilities placed in telecommuting positions and whether the goal described in the agreement entered into paragraph (2) was met;

“(B) the number of individuals with disabilities employed as salaried employees and their annual salaries;

“(C) the number of individuals with disabilities employed as independent contractors and their annual incomes;

“(D) the number of individuals with disabilities that received benefits from their employers;

“(E) the number of individuals with disabilities in telecommuting placements still working after—

“(i) 6 months; and

“(ii) 12 months; and

“(F) any reports filed with the Occupational Safety and Health Administration.

“(f) Limitations.—

“(1) Period of award.—A grant, contract, or cooperative agreement under subsection (a) shall be for a 3-year period.

“(2) Amount.—The amount of a grant, contract, or cooperative agreement under subsection (a) shall not be less than $250,000 nor more than $1,000,000.

“SEC. 613. PROJECTS IN SELF-EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES.

“(a) In General.—The Commissioner shall, on a competitive basis, award 1-time, time-limited grants, contracts, or cooperative agreements to eligible entities for the establishment and operation of projects in self-employment for individuals with disabilities.

“(b) Eligible Entities.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity shall—

“(1) be—

“(A) a financial institution;

“(B) an economic development agency;

“(C) a venture capitalist;

“(D) an entity carrying out a Project With Industry described in part B;

“(E) a designated State agency, or other public entity;

“(F) a private organization, including employers and organizations related to individuals with disabilities;

“(G) any other entity that the Commissioner determines to be appropriate; or

“(H) a combination or consortium of the entities described in subparagraphs (A) through (G);

“(2) demonstrate that such entity has the capacity to assist clients, including clients with disabilities, to successfully engage in self-employment enterprises; and

“(3) submit an application that meets the requirements of subsection (c).

“(c) Application Requirements.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Commissioner at such time, in such manner, and containing such information concerning the self-employment project to be funded under the grant, contract, or agreement as the Commissioner may require, including—

“(1) a description of how and the extent to which the applicant has assisted individuals, including individuals with disabilities, if appropriate, to successfully engage in self-employment enterprises;

“(2) with respect to any partners who will participate in the implementation of activities under the self-employment project, a description of—

“(A) the identity of such partners; and

“(B) the roles and responsibilities of each partner in preparing the application, and if funded, the roles and responsibility of each partner during the self-employment project;

“(3) a description of the geographic region that will be the focus of activity in the self-employment project;

“(4) a projection for each year of a 3-year period of the grant, contract, or agreement, of the number of clients who will be assisted to engage in self-employment enterprises through the self-employment project;

“(5) a description of the manner in which potential clients will be identified and selected to be assisted by the self-employment project;

“(6) a description of the manner in which self-employment enterprises (or market niches) will be identified for the geographic areas to be targeted in the self-employment project;

“(7) a description of the process by which prospective clients will be matched with self-employment opportunities;

“(8) a description of the manner in which the project will become self-sustaining in the third year of the self-employment project; and

“(9) a description of the nature and amount of funding, including in-kind support, other than funds received under this part, that will be available to be used during the self-employment project.

“(d) Use of Funds.—Amounts received under a grant, contract, or cooperative agreement under subsection (a) shall be used—

“(1) for the preparation of marketing analyses to identify self-employment opportunities;

“(2) for the conduct of marketing activities with respect to financial institutions or venture capitalists concerning the benefits of investing in individuals with disabilities who are engaged in self-employment enterprises;

“(3) for the conduct of marketing activities with respect to potential clients who engage in or might engage in self-employment enterprises;

“(4) for the provision of training for clients to be assisted through the project who seek to engage or are engaging in self-employment enterprises;

“(5) to cover the costs of business expenses specifically related to an individual's disability;

“(6) to provide assistance for clients in developing business plans for capital investment;

“(7) to provide assistance for clients in securing capital to engage in a self-employment enterprise;

“(8) to provide technical assistance to clients engaged in self-employment enterprises who seek such assistance in order to sustain or expand their enterprises; and

“(9) for other uses as determined appropriate by the Commissioner.

“(e) Project Requirements.—Self-employment projects funded under this section shall—

“(1) establish criteria for and apply such criteria in selecting clients to be assisted through the project;

“(2) on an annual basis, enter into agreements with the Commissioner that contain goals concerning the number of individuals with disabilities that the project will assist in starting and sustaining self-employment enterprises;

"(3) establish and apply criteria to determine whether an enterprise is a viable option in which to invest project funds;

"(4) establish and apply criteria to determine when and if the project would provide assistance in sustaining an ongoing enterprise engaged in by a client or potential client;

"(5) establish and apply criteria to determine when and if the project would provide assistance in expanding an ongoing enterprise engaged in by a client or potential client;

"(6) establish and apply procedures to ensure that a potential client has a clear understanding of the scope and limits of assistance from the project that will be applicable in such client's case;

"(7) develop procedures, which include a written agreement, that provides for the documentation of the respective responsibilities of the self-employment project and any client with regard to the creation, maintenance, or expansion of the client's self-employment enterprise; and

"(8) with respect to the project, submit a report to the Commissioner—

"(A) for each project year, concerning the number of clients assisted by the project who are engaging in self-employment enterprises and whether the goal described in the agreement entered into under paragraph (2) was met; and

"(B) the number of clients assisted by the project who are still engaged in such an enterprise on the date that is—

"(i) 6 months after the date on which assistance provided by the project was terminated; and

"(ii) 12 months after the date of which assistance provided by the project was terminated.

"(f) DURATION OF AWARDS.—A grant, contract, or cooperative agreement under subsection (a) shall be for a 3-year period.

"(g) DEFINITION.—For the purpose of this section, the term 'client' means 1 or more individuals with disabilities who engage in or seek to engage in a self-employment enterprise.

"SEC. 614. DISCRETIONARY AUTHORITY FOR DUAL-PURPOSE APPLICATIONS.

"(a) IN GENERAL.—The Commissioner may establish procedures to permit applicants for grants, contracts, or cooperative agreements under this part to submit applications that serve dual purposes, so long as such applications meet the requirements of sections 612 and section 613.

"(b) AMOUNT OF ASSISTANCE.—In a case described in subsection (a), the minimum amount of a grant, contract, or cooperative agreement awarded under a dual-purpose application may, at the discretion of the Commissioner, exceed the limitations described in section 612(f)(2).

"SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part, $10,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2004.

"PART B—PROJECTS WITH INDUSTRY

"PROJECTS WITH INDUSTRY

"SEC. 621. (a)(1) The purpose of this part is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process, to identify competitive job and career opportunities and the skills needed to perform such jobs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

"(2) The Commissioner, in consultation with the Secretary of Labor and with designated State units, may award grants to individual employers, community rehabilitation program providers, labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and other entities to establish jointly financed Projects With Industry to create and expand job and career opportunities for individuals with disabilities, which projects shall—

"(A) provide for the establishment of business advisory councils, which shall—

"(i) be comprised of—

"(I) representatives of private industry, business concerns, and organized labor;

"(II) individuals with disabilities and representatives of individuals with disabilities; and

"(III) a representative of the appropriate designated State unit;

"(ii) identify job and career availability within the community, consistent with the current and projected local employment opportunities identified by the local workforce investment partnership for the community under section 308(e)(6) of the Workforce Investment Partnership Act of 1998;

"(iii) identify the skills necessary to perform the jobs and careers identified; and

"(iv) prescribe training programs designed to develop appropriate job and career skills, or job placement programs designed to identify and develop job placement and career advancement opportunities, for individuals with disabilities in fields related to the job and career availability identified under clause (ii);;

"(B) provide job development, job placement, and career advancement services;

"(C) to the extent appropriate, provide for—

"(i) training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market; and

"(ii) the modification of any facilities or equipment of the employer involved that are used primarily by individuals with disabilities, except that a project shall not be required to provide for such modification if the modification is required as a reasonable accommodation under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(D) provide individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training under this part.

"(3)(A) An individual shall be eligible for services described in paragraph (2) if the individual is determined to be an individual described in section 102(a)(1), and if the determination is made in a manner consistent with section 102(a).

"(B) Such a determination may be made by the recipient of a grant under this part, to the extent the determination is appropriate and available and consistent with the requirements of section 102(a).

"(4) The Commissioner shall enter into an agreement with the grant recipient regarding the establishment of the project. Any agreement shall be jointly developed by the Commissioner, the grant recipient, and, to the extent practicable, the appropriate designated State unit and the individuals with disabilities (or the individuals' representatives) involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

"(5) Any agreement shall include a description of a plan to annually conduct a review and evaluation of the operation of the project in accordance with standards developed by the Commissioner under subsection (d), and, in conducting the review and evaluation, to collect data and information of the type described in subparagraphs (A) through (C) of section 101(a)(10), as determined to be appropriate by the Commissioner.

"(6) The Commissioner may include, as part of agreements with grant recipients, authority for such grant recipients to provide technical assistance to—

"(A) assist employers in hiring individuals with disabilities; or

"(B) improve or develop relationships between—

"(i) grant recipients or prospective grant recipients; and

"(ii) employers or organized labor; or

"(C) assist employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of individuals with disabilities.

"(b) No payment shall be made by the Commissioner under any agreement with a grant recipient entered into under subsection (a) unless such agreement—

"(1) provides an assurance that individuals with disabilities placed under such agreement shall receive at least the applicable minimum wage;

"(2) provides an assurance that any individual with a disability placed under this part shall be afforded terms and benefits of employment equal to terms and benefits that are afforded to the similarly situated nondisabled co-workers of the individual, and that such individuals with disabilities shall not be segregated from their co-workers; and

"(3) provides an assurance that an annual evaluation report containing information specified under subsection (a)(5) shall be submitted as determined to be appropriate by the Commissioner.

"(c) Payments under this section with respect to any project may not exceed 80 per centum of the costs of the project.

"(d)(1) The Commissioner shall develop standards for the evaluation described in subsection (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraphs (2) and (3).

"(2) In revising the standards for evaluation to be used by the grant recipients, the Commissioner shall obtain and consider recommendations for such standards from State vocational rehabilitation agencies, current and former grant recipients, professional organizations representing business and industry, organizations representing individuals with disabilities, individuals served by grant recipients, organizations representing community rehabilitation program providers, and labor organizations.

"(3) No standards may be established under this subsection unless the standards are approved by the National Council on Disability. The Council shall be afforded adequate time to review and approve the standards.

"(e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

"(B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive such a grant, a prospective grant recipient shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) The Commissioner shall to the extent practicable ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

"(f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1).

"(2) Each grant recipient shall report to the Commissioner at the end of each project year the extent to which the grant recipient is in compliance with the evaluation standards.

"(3)(A) The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of grant recipients. The Commissioner shall select grant recipients for review on a random basis.

"(B) The Commissioner shall use the indicators in determining compliance with the evaluation standards.

"(C) The Commissioner shall ensure that at least one member of a team conducting such a review shall be an individual who—

"(i) is not an employee of the Federal Government; and

"(ii) has experience or expertise in conducting projects.

"(D) The Commissioner shall ensure that—

"(i) a representative of the appropriate designated State unit shall participate in the review; and

"(ii) no person shall participate in the review of a grant recipient if—

"(I) the grant recipient provides any direct financial benefit to the reviewer; or

"(II) participation in the review would give the appearance of a conflict of interest.

"(4) In making a determination concerning any subsequent grant under this section, the Commissioner shall consider the past performance of the applicant, if applicable. The Commissioner shall use compliance indicators developed under this subsection that are consistent with program evaluation standards developed under subsection (d) to assess minimum project performance for purposes of making continuation awards in the third, fourth, and fifth years.

"(5) Each fiscal year the Commissioner shall include in the annual report to Congress required by section 13 an analysis of the extent to which grant recipients have complied with the evaluation standards. The Commissioner may identify individual grant recipients in the analysis. In addition, the Commissioner shall report the results of onsite compliance reviews, identifying individual grant recipients.

"(g) The Commissioner may provide, directly or by way of grant, contract, or cooperative agreement, technical assistance to—

"(1) entities conducting projects for the purpose of assisting such entities in—

"(A) the improvement of or the development of relationships with private industry or labor; or

"(B) the improvement of relationships with State vocational rehabilitation agencies; and

"(2) entities planning the development of new projects.

"(h) As used in this section:

"(1) The term 'agreement' means an agreement described in subsection (a)(4).

"(2) The term 'project' means a Project With Industry established under subsection (a)(2).

"(3) The term 'grant recipient' means a recipient of a grant under subsection (a)(2).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 622. There are authorized to be appropriated to carry out the provisions of this part, such sums as may be necessary for each of fiscal years 1998 through 2004.

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH THE MOST SIGNIFICANT DISABILITIES

"SEC. 631. PURPOSE.

"It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities to enable such individuals to achieve the employment outcome of supported employment.

"SEC. 632. ALLOTMENTS.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that—

"(A) no State shall receive less than $250,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

"(B) if the sums appropriated to carry out this part for the fiscal year exceed by $1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than $300,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made.

"(b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

"SEC. 633. AVAILABILITY OF SERVICES.

"Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, or title I, may not be used to provide extended services to individuals who are eligible under this part or title I.

"SEC. 634. ELIGIBILITY.

"An individual shall be eligible under this part to receive supported employment services authorized under this Act if—

"(1) the individual is eligible for vocational rehabilitation services;

"(2) the individual is determined to be an individual with a most significant disability; and

"(3) a comprehensive assessment of rehabilitation needs of the individual described in section 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

"SEC. 635. STATE PLAN.

"(a) STATE PLAN SUPPLEMENTS.—To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals who are eligible under this Act to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

"(b) CONTENTS.—Each such plan supplement shall—

"(1) designate each designated State agency as the agency to administer the program assisted under this part;

"(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(15)(A)(i), with respect to the rehabilitation needs of individuals with significant disabilities and the need for supported employment services, including needs related to coordination;

"(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 632;

"(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

"(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

"(6) provide assurances that—

"(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive the services;

"(B) the comprehensive assessments of individuals with significant disabilities conducted under section 102(b)(1) and funded under title I will include consideration of supported employment as an appropriate employment outcome;

"(C) an individualized rehabilitation employment plan, as required by section 102, will be developed and updated using funds under title I in order to—

"(i) specify the supported employment services to be provided;

"(ii) specify the expected extended services needed; and

"(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized rehabilitation employment plan is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

"(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized rehabilitation employment plan;

"(E) services provided under an individualized rehabilitation employment plan will be coordinated with services provided under other individualized plans established under other Federal or State programs;

"(F) to the extent jobs skills training is provided, the training will be provided onsite; and

"(G) supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities;

"(7) provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

"(8) contain such other information and be submitted in such manner as the Commissioner may require.

"SEC. 636. RESTRICTION.

"Each State agency designated under section 635(b)(1) shall collect the information required by section 101(a)(10) separately for eligible individuals receiving supported employment services under this part and for eligible individuals receiving supported employment services under title I.

"SEC. 637. SAVINGS PROVISION.

"(a) Supported Employment Services.—Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

"(b) Postemployment Services.—Nothing in this part shall be construed to prohibit a State from providing discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this part.

"SEC. 638. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1998 through 2004.".

SEC. 10. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

Title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.) is amended to read as follows:

"TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

"CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

"PART A—GENERAL PROVISIONS

"SEC. 701. PURPOSE.

"The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by—

"(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

"(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

"(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under part C of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources.

"SEC. 702. DEFINITIONS.

"As used in this chapter:

"(1) Center for independent living.—The term 'center for independent living' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that—

"(A) is designed and operated within a local community by individuals with disabilities; and

"(B) provides an array of independent living services.

"(2) Consumer control.—The term 'consumer control' means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities.

"SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

"Services may be provided under this chapter to any individual with a significant disability, as defined in section 7(21)(B).

"SEC. 704. STATE PLAN.

"(a) In General.—

"(1) Requirement.—To be eligible to receive financial assistance under this chapter, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

"(2) Joint development.—The plan under paragraph (1) shall be jointly developed and signed by—

"(A) the director of the designated State unit; and

"(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

"(3) Periodic review and revision.—The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

"(A) the provision of State independent living services;

"(B) the development and support of a statewide network of centers for independent living; and

"(C) working relationships between—

"(i) programs providing independent living services and independent living centers; and

"(ii) the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities.

"(4) Date of submission.—The State shall submit the plan to the Commissioner 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Commissioner may withhold financial assistance under this chapter until such time as the State submits such a plan.

"(b) Statewide Independent Living Council.—The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705.

"(c) Designation of State Unit.—The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall—

"(1) receive, account for, and disburse funds received by the State under this chapter based on the plan;

"(2) provide administrative support services for a program under part B, and a program under part C in a case in which the program is administered by the State under section 723;

"(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

"(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

"(d) Objectives.—The plan shall—

"(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

"(2) explain how such objectives are consistent with and further the purpose of this chapter.

"(e) Independent Living Services.—The plan shall provide that the State will provide independent living services under this chapter to individuals with significant disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

"(f) Scope and Arrangements.—The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

"(g) Network.—The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

"(h) Centers.—In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

"(i) Cooperation, Coordination, and Working Relationships Among Various Entities.—The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among—

"(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

"(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

"(j) Coordination of Services.—The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

"(k) Coordination Between Federal and State Sources.—The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

"(l) Outreach.—With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

"(m) Requirements.—The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will—

"(1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

"(2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

"(3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

"(4)(A) maintain records that fully disclose—

"(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

"(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

"(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

"(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

"(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

"(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

"(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

"(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

"(n) Evaluation.—The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

"SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

"(a) Establishment.—To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the 'Council'). The Council shall not be established as an entity within a State agency.

"(b) Composition and Appointment.—

"(1) Appointment.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

"(2) Composition.—The Council shall include—

"(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State;

"(B) as ex officio, nonvoting members—

"(i) a representative from the designated State unit; and

"(ii) representatives from other State agencies that provide services for individuals with disabilities; and

"(C) in a State in which 1 or more projects are carried out under section 121, at least 1 representative of the directors of the projects.

"(3) Additional members.—The Council may include—

"(A) other representatives from centers for independent living;

"(B) parents and guardians of individuals with disabilities;

"(C) advocates of and for individuals with disabilities;

"(D) representatives from private businesses;

"(E) representatives from organizations that provide services for individuals with disabilities; and

"(F) other appropriate individuals.

"(4) Qualifications.—

"(A) In general.—The Council shall be composed of members—

"(i) who provide statewide representation;

"(ii) who represent a broad range of individuals with disabilities from diverse backgrounds;

"(iii) who are knowledgeable about centers for independent living and independent living services; and

"(iv) a majority of whom are persons who are—

"(I) individuals with disabilities described in section 7(20)(B); and

"(II) not employed by any State agency or center for independent living.

"(B) Voting members.—A majority of the voting members of the Council shall be—

"(i) individuals with disabilities described in section 7(20)(B); and

"(ii) not employed by any State agency or center for independent living.

"(5) Chairperson.—The Council shall select a chairperson from among the voting membership of the Council.

"(6) Terms of appointment.—

"(A) Length of term.—Each member of the Council shall serve for a term of 3 years, except that—

"(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(B) Number of terms.—No member of the Council may serve more than two consecutive full terms.

"(7) Vacancies.—

"(A) In general.—Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

"(B) Delegation.—The Governor (including an entity described in paragraph (1)) may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

"(c) Duties.—The Council shall—

"(1) jointly develop and sign (in conjunction with the designated State unit) the State plan required in section 704;

"(2) monitor, review, and evaluate the implementation of the State plan;

"(3) coordinate activities with the State Rehabilitation Council established under section 105, if the State has such a Council, or the commission described in section 101(a)(21)(A), if the State has such a commission, and councils that address the needs of specific disability populations and issues under other Federal law;

"(4) ensure that all regularly scheduled meetings of the Statewide Independent Living Council are open to the public and sufficient advance notice is provided; and

"(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

"(d) Hearings and Forums.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"(e) Plan.—

"(1) In general.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18)), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

"(2) Supervision and evaluation.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

"(3) Conflict of interest.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

"(f) Compensation and Expenses.—The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

“SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.

“(a) APPROVAL OF STATE PLANS.—

“(1) IN GENERAL.—The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Commissioner shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

“(2) PROCEDURES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Commissioner under section 704.

“(B) APPLICATION.—For purposes of the application described in subparagraph (A), all references in such provisions—

“(i) to the Secretary shall be deemed to be references to the Commissioner; and

“(ii) to section 101 shall be deemed to be references to section 704.

“(b) INDICATORS.—Not later than October 1, 1993, the Commissioner shall develop and publish in the Federal Register indicators of minimum compliance consistent with the standards set forth in section 725.

“(c) ON-SITE COMPLIANCE REVIEWS.—

“(1) REVIEWS.—The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of the centers for independent living that receive funds under section 722 and shall periodically conduct such a review of each such center. The Commissioner shall select such centers for review on a random basis. The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State.

“(2) QUALIFICATIONS OF EMPLOYEES CONDUCTING REVIEWS.—The Commissioner shall—

“(A) to the maximum extent practicable, carry out such a review by using employees of the Department who are knowledgeable about the provision of independent living services;

“(B) ensure that the employee of the Department with responsibility for supervising such a review shall have such knowledge; and

“(C) ensure that at least one member of a team conducting such a review shall be an individual who—

“(i) is not a government employee; and

“(ii) has experience in the operation of centers for independent living.

“(d) REPORTS.—The Commissioner shall include, in the annual report required under section 13, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Commissioner may identify individual centers for independent living in the analysis. The Commissioner shall report the results of on-site compliance reviews, identifying individual centers for independent living and other recipients of assistance under this chapter.

“PART B—INDEPENDENT LIVING SERVICES

“SEC. 711. ALLOTMENTS.

“(a) IN GENERAL.—

“(1) STATES.—

“(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C), from sums appropriated for each fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.

“(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of an allotment made to the State for fiscal year 1992 under part A of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

“(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part, and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than $275,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $275,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

“(2) CERTAIN TERRITORIES.—

“(A) IN GENERAL.—For the purposes of paragraph (1)(C), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

“(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made.

“(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.

“(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).

“(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

“SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

“(a) PAYMENTS.—From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

“(b) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 706.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

“SEC. 713. AUTHORIZED USES OF FUNDS.

“The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part—

“(1) to provide independent living services to individuals with significant disabilities;

“(2) to demonstrate ways to expand and improve independent living services;

“(3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725;

“(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

“(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

“(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

“(7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

“SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1998 through 2004.

“PART C—CENTERS FOR INDEPENDENT LIVING

“SEC. 721. PROGRAM AUTHORIZATION.

“(a) IN GENERAL.—From the funds appropriated for fiscal year 1998 and for each subsequent fiscal year to carry out this part, the Commissioner shall allot such sums as may be necessary to States and other entities in accordance with subsections (b) through (d).

“(b) TRAINING.—

“(1) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year in which the funds appropriated to carry out this part exceed the funds appropriated to carry out this part for fiscal year 1993, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible agencies, centers for independent living, and Statewide Independent Living Councils for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this part for the fiscal year involved.

“(2) ALLOCATION.—From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living to provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living.

“(3) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of Statewide Independent Living Councils and centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

“(4) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this subsection, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

“(5) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this subsection may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

“(c) IN GENERAL.—

“(1) STATES.—

“(A) POPULATION BASIS.—After the reservation required by subsection (b) has been made, and except as provided in subparagraphs (B) and (C), from the remainder of the amounts appropriated for each such fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

“(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 1992 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

“(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992—

“(i) if such excess is not less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $450,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $450,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts;

“(ii) if such excess is not less than $4,000,000 and is less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $400,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $400,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts; and

“(iii) if such excess is less than $4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the two amounts described in clause (ii).

“(2) CERTAIN TERRITORIES.—

“(A) IN GENERAL.—For the purposes of paragraph (1)(C), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

“(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than one-eighth of one percent of the remainder for the fiscal year for which the allotment is made.

“(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.

“(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B).

“(d) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

“SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

“(2) GRANTS.—The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

“(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that—

“(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

“(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

“(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

“(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that has been awarded a grant under this part by September 30, 1997 unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

“(d) NEW CENTERS FOR INDEPENDENT LIVING.—

“(1) IN GENERAL.—If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant proposing to serve such region, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

“(2) SELECTION.—In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner—

“(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

“(B) shall consider the ability of each such applicant to operate a center for independent living based on—

“(i) evidence of the need for such a center;

“(ii) any past performance of such applicant in providing services comparable to independent living services;

“(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

“(iv) the quality of key personnel and the involvement of individuals with significant disabilities;

“(v) budgets and cost-effectiveness;

“(vi) an evaluation plan; and

“(vii) the ability of such applicant to carry out the plans; and

“(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

“(3) Current centers.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

“(e) Order of Priorities.—The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

“(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

“(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

“(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

“(f) Nonresidential Agencies.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

“(g) Review.—

“(1) In general.—The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

“(2) Enforcement.—The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

“SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

“(a) Establishment.—

“(1) In general.—

“(A) Initial year.—

“(i) Determination.—The director of a designated State unit, as provided in paragraph (2), or the Commissioner, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Commissioner determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

“(ii) Grants.—The director or the Commissioner, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

“(iii) Regulation.—The Commissioner shall by regulation specify the preceding fiscal year with respect to which the Commissioner will make the determinations described in clause (i) and subparagraph (B), making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year.

“(B) Subsequent years.—For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Commissioner determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Commissioner, and for each subsequent fiscal year.

“(2) Grants by designated state units.—In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Commissioner at such time, and in such manner as the Commissioner may require, including information about the amount of State funds described in paragraph (1) for the preceding fiscal year. If the Commissioner makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Commissioner shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

“(3) Grants by commissioner.—If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Commissioner shall award the grant described in paragraph (1) to eligible agencies in the State in accordance with section 722.

“(b) Eligible Agencies.—In any State in which the Commissioner has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that—

“(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

“(2) is determined by the director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

“(3) submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

“(c) Existing Eligible Agencies.—In the administration of the provisions of this section, the director of the designated State unit shall award grants under this section to any eligible agency that has been awarded a grant under this part by September 30, 1997, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

“(d) New Centers for Independent Living.—

“(1) In general.—If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

“(2) Selection.—In selecting from among eligible agencies in awarding a grant under this part for a new center for independent living—

“(A) the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

“(B) the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on—

“(i) evidence of the need for a center for independent living, consistent with the State plan;

“(ii) any past performance of such applicant in providing services comparable to independent living services;

“(iii) the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

“(iv) the quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant;

“(v) the budgets and cost-effectiveness of the applicant;

“(vi) the evaluation plan of the applicant; and

“(vii) the ability of such applicant to carry out the plans; and

“(C) the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

“(3) Current centers.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

“(e) Order of Priorities.—Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

"(1) The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

"(2) The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

"(3) The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

"(f) Nonresidential Agencies.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

"(g) Review.—

"(1) In general.—The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

"(2) Enforcement.—The director of the designated State unit shall terminate all funds under this section to such center 90 days after—

"(A) the date of such notification; or

"(B) in the case of a center that requests an appeal under subsection (i), the date of any final decision under subsection (i),

unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Commissioner.

"(h) On-Site Compliance Review.—The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State. Each team that conducts on-site compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Commissioner.

"(i) Adverse Actions.—If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Commissioner for a final decision.

"SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

"A State that receives assistance for fiscal year 1993 with respect to a center in accordance with subsection (a) of this section (as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1998) may continue to receive assistance under this part for fiscal year 1994 or a succeeding fiscal year if, for such fiscal year—

"(1) no nonprofit private agency—

"(A) submits an acceptable application to operate a center for independent living for the fiscal year before a date specified by the Commissioner; and

"(B) obtains approval of the application under section 722 or 723; or

"(2) after funding all applications so submitted and approved, the Commissioner determines that funds remain available to provide such assistance.

"SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

"(a) In General.—Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

"(b) Standards.—

"(1) Philosophy.—The center shall promote and practice the independent living philosophy of—

"(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

"(B) self-help and self-advocacy;

"(C) development of peer relationships and peer role models; and

"(D) equal access of individuals with significant disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

"(2) Provision of services.—The center shall provide services to individuals with a range of significant disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under this title). Eligibility for services at any center for independent living shall be determined by the center, and shall not be based on the presence of any one or more specific significant disabilities.

"(3) Independent living goals.—The center shall facilitate the development and achievement of independent living goals selected by individuals with significant disabilities who seek such assistance by the center.

"(4) Community options.—The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with significant disabilities.

"(5) Independent living core services.—The center shall provide independent living core services and, as appropriate, a combination of any other independent living services.

"(6) Activities to increase community capacity.—The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

"(7) Resource development activities.—The center shall conduct resource development activities to obtain funding from sources other than this chapter.

"(c) Assurances.—The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that—

"(1) the applicant is an eligible agency;

"(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with significant disabilities;

"(3) the applicant will comply with the standards set forth in subsection (b);

"(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

"(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

"(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

"(7) the applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit, notwithstanding section 7502(a)(2)(A) of title 31, United States Code;

"(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum—

"(A) the extent to which the center is in compliance with the standards;

"(B) the number and types of individuals with significant disabilities receiving services through the center;

"(C) the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

"(D) the sources and amounts of funding for the operation of the center;

"(E) the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

"(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

"(9) individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

"(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;

"(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

“(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

“(13) the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and

“(14) an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

“SEC. 726. DEFINITIONS.

“As used in this part, the term ‘eligible agency’ means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1998 through 2004.

“CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

“SEC. 751. DEFINITION.

“For purposes of this chapter, the term ‘older individual who is blind’ means an individual age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

“SEC. 752. PROGRAM OF GRANTS.

“(a) In General.—

“(1) Authority for grants.—Subject to subsections (b) and (c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

“(2) Designated state agency.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(2)(A)(i).

“(b) Contingent Competitive Grants.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be—

“(1) discretionary grants made on a competitive basis to States; or

“(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

“(A) under this chapter; or

“(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

“(c) Contingent Formula Grants.—

“(1) In general.—In the case of any fiscal year for which the amount appropriated under section 753 is equal to or greater than $13,000,000, grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

“(2) Allotments.—For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i).

“(d) Services Generally.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of—

“(1) providing independent living services to older individuals who are blind;

“(2) conducting activities that will improve or expand services for such individuals; and

“(3) conducting activities to help improve public understanding of the problems of such individuals.

“(e) Independent Living Services.—Independent living services for purposes of subsection (d)(1) include—

“(1) services to help correct blindness, such as—

“(A) outreach services;

“(B) visual screening;

“(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

“(D) hospitalization related to such services;

“(2) the provision of eyeglasses and other visual aids;

“(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

“(4) mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

“(5) guide services, reader services, and transportation;

“(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

“(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

“(8) other independent living services.

“(f) Matching Funds.—

“(1) In general.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $9 of Federal funds provided in the grant.

“(2) Determination of amount contributed.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(g) Certain Expenditures of Grants.—A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to public and nonprofit private agencies or organizations.

“(h) Requirement Regarding State Plan.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 704 any new methods and approaches relating to independent living services for older individuals who are blind.

“(i) Application for Grant.—

“(1) In general.—The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4)).

“(2) Contents.—An application for a grant under this section shall contain—

“(A) an assurance that the agency described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the agency operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—

“(i) the number and types of older individuals who are blind and are receiving services;

“(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

“(iii) the sources and amounts of funding for the operation of each project or program;

“(iv) the amounts and percentages of resources committed to each type of service provided;

“(v) data on actions taken to employ, and advance in employment, qualified individuals with significant disabilities, including older individuals who are blind; and

“(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

“(B) an assurance that the agency will—

“(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

“(ii) engage in—

“(I) capacity-building activities, including collaboration with other agencies and organizations;

“(II) activities to promote community awareness, involvement, and assistance; and

“(III) outreach efforts; and

“(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

“(j) Amount of Formula Grant.—

“(1) In general.—Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of—

“(A) the amount determined under paragraph (2); or

“(B) the amount determined under paragraph (3).

“(2) Minimum allotment.—

“(A) States.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

“(i) $225,000; or

“(ii) an amount equal to one-third of one percent of the amount appropriated under section 753 for the fiscal year and available for allotments under subsection (a).

“(B) Certain territories.—In the case of Guam, American Samoa, the United States, Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is $40,000.

“(3) Formula.—The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

“(A) the amount appropriated under section 753 and available for allotments under subsection (a); and

"(B) a percentage equal to the quotient of—

"(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

"(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

"(4) DISPOSITION OF CERTAIN AMOUNTS.—

"(A) GRANTS.—From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

"(B) AMOUNTS.—The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of—

"(i) the failure of any State to submit an application under subsection (i);

"(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

"(iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a).

"(C) CONDITIONS.—The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that the grant is subject to the same conditions as grants made under subsection (a).

"SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1998 through 2004.".

SEC. 11. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1993 through 1997" and inserting "1998 through 2000".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking "1993 through 1997" and inserting "1998 through 2000".

(c) REGISTRY.—Such Act (29 U.S.C. 1901 et seq.) is amended by adding at the end the following:

"SEC. 209. NATIONAL REGISTRY AND AUTHORIZATION OF APPROPRIATIONS.

"(a) The Center shall establish and maintain a national registry of individuals who are deaf-blind, using funds made available under subsection (b).

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) such sums as may be necessary for each of fiscal years 1998 through 2000.".

SEC. 12. PRESIDENT'S COMMITTEE ON NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK.

Section 2(2) of the Joint Resolution entitled "Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (36 U.S.C. 155b(2)) is amended by inserting "solicit," before "accept,".

SEC. 13. PEER REVIEW.

Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended by inserting before section 427 the following:

"SEC. 426A. PEER REVIEW.

"The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to peer review panels established by the Secretary to evaluate applications for financial assistance awarded on a competitive basis.".

SEC. 14. CONFORMING AMENDMENTS.

(a) PREPARATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary of Education shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit to Congress the recommended legislation referred to under subsection (a).

Mr. JEFFORDS. Mr. President, I am pleased to join my colleagues Senators DEWINE, KENNEDY, WELLSTONE, HARKIN, FRIST, COLLINS, CHAFEE, and REED in introducing the Rehabilitation Act Amendments of 1998. We began the process of drafting this bipartisan, consensus-based legislation shortly after completing the reauthorization of the Individuals with Disabilities Education Act (IDEA). Just as we sought the assistance of the disability community and professionals who serve individuals with disabilities in determining the direction we took in drafting the IDEA legislation, so we did with this bill. Just as we welcomed the assistance of the Administration in drafting the IDEA legislation, so we did with this bill.

As a result, this legislation will open up more employment opportunities to individuals with disabilities. It will also provide State vocational rehabilitation agencies and others who provide employment-related assistance to individuals with disabilities with the tools they need to provide appropriate, timely help to individuals with disabilities who want to work. The combination of the 1997 reauthorization of IDEA and this reauthorization brings us closer to a seamless system in which parents of children with disabilities will envision and expect greater opportunities for their children to have productive and satisfying lives as adults.

The Rehabilitation Act Amendments of 1997 will increase opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment by linking vocational rehabilitation services to those services that are available under current State workforce systems and those that will be available under the Workforce Investment Partnership Act of 1997. It will simplify access to vocational rehabilitation services and streamline the administration of the vocational rehabilitation program. It makes additional improvements in discretionary programs related to personnel training, research, and demonstration projects and consumer-controlled Centers for Independent Living. It provides greater access to information technology. The reauthorization will extend through fiscal year 2004.

The bill includes extensive links between vocational rehabilitation agencies and State workforce systems. For example, amendments related to linkage are found throughout the bill in sections pertaining to the findings and purposes of the legislation, definitions, program administration, reports, information dissemination, and State plan requirements, including those concerning data reporting. Complementary and parallel provisions to promote linkage between vocational rehabilitation agencies and State workforce systems also are included in the Workforce Investment Partnership Act of 1997.

The bill makes important changes in title I of the Act. The State plan requirements have been rewritten to simplify administration of the vocational rehabilitation program and reinforce its intent, helping individuals secure employment. The amendments reduce the 36 State plan requirements in current law to 24 and require the submission of one State plan, with amendments thereafter under certain circumstances. The bill allows, when a State is operating under an order of selection, for core services to be available to individuals with disabilities who do not meet a State's criteria for full services from the vocational rehabilitation agency. The legislation gives vocational rehabilitation agencies the ability to secure financial support from other entities who could or should pay for certain services needed by an individual with a disability, who is being assisted by the vocational rehabilitation agency to prepare for or secure a job. The bill requires State vocational rehabilitation agencies and State Rehabilitation Councils to jointly develop and conduct a comprehensive needs assessment every three years. Based on such an assessment, they will annually set and report on progress in achieving employment goals set for individuals with disability. The bill simplifies procedures for establishing eligibility, by requiring consideration of existing evaluating information in determining an individual's eligibility for vocational rehabilitation services. The bill strengthens eligible individuals' roles in developing their individualized rehabilitation employment plans. Such individuals will be given greater flexibility in how they develop their plans. The amendments give all States dollars for inservice training, and State allotments for training dollars will increase with increases in the Consumer Price Index. The bill requires that voluntary mediation be available for resolving disputes between vocational rehabilitation agencies and individuals with disabilities.

The bill selectively amends other titles in the Rehabilitation Act. Title II, which authorizes the National Institute on Disability and Rehabilitation Research, is amended to require that all funding priorities of the Institute be derived from a five-year plan that will be subjected to public comment and then submitted to Congress. The bill expands the authority of the Institute to allow funding of initiatives related to the quality assurance of assistive technology and the effectiveness of alternative medicine when used to treat individuals with disabilities. The legislation streamlines and updates title III of the Act, which authorizes training and demonstration activities, by clearly delineating funding priorities, simplifying the notification of interested parties about upcoming grant opportunities, and permitting funding for training of personnel in one-stop centers so that they will be more able to appropriately and effectively assist individuals with disabilities seeking employment-related assistance through such centers.

With guidance from Senator DODD, we strengthened the provisions in title V of the Act pertaining to the accessibility of electronic and information technology for individuals with disabilities by designating the Access Board write regulations and by requiring the Office of Management and Budget to oversee Federal agencies' compliance with such regulations. The legislation amends title VI of the Act by adding a new initiative, Projects in Telecommuting and Self-Employment for Individuals with Disabilities, and by permitting Projects with Industry to assist eligible individuals without waiting for referrals or eligibility status determinations from vocational rehabilitation agencies and to provide training and/or placement services.

These amendments build on and complement those that were enacted in 1992. The 1992 amendments to the Rehabilitation Act had a significant, positive effect in my State, Vermont.

There, one out of every eight residents is disabled. The Division of Vocational Rehabilitation has enabled many Vermonters with disabilities to exercise the choices the 1992 amendments triggered, to become employed, and to live successfully in their communities. In 1996, Vermont's vocational rehabilitation program provided an array of services to almost 5,000 Vermonters, while directly assisting 850 individuals with disabilities to become successfully employed.

The benefits of Vermont's efforts are many. Most important is the fact that Vermont consumers of vocational rehabilitation services who secure employment enjoy an average increase in income exceeding $8,000 per year. Seventy-three percent of these individuals enter the workforce earning more than minimum wage. Seventy-eight percent of those Vermonters who were assisted by the Vermont Division of Rehabilitation in 1996 remain employed today. In addition, the Vermont Consumer Choice Project, made possible by the 1992 amendments, has allowed my State to create organizational structures, policies and practices that have resulted in a greater degree of informed choice for individuals seeking and receiving vocational rehabilitation services.

The Rehabilitation Act Amendments of 1998 truly reflect a team effort by committed Senators, their staff, Federal officials, individuals with disabilities, rehabilitation professionals and others who know through experience that for individuals with disabilities, as for other individuals, having a job and liking it are the bottom line. Through these amendments we have secured and extended that bottom line for individuals with disabilities—more jobs, better jobs—into the next century.

Mr. KENNEDY. Mr. President, I was proud to be a sponsor of the Rehabilitation Act Amendments of 1992, and I am proud to support the current reauthorization. I commend Senator JEFFORDS, Senator DEWINE, and Senator WELLSTONE for their leadership in expediting our consideration of this important legislation. And I commend all the staff members for their skillful work in making this a successful bipartisan consensus bill. I especially thank Senator TOM HARKIN for his leadership and continued commitment to individuals with disabilities in this country.

The Rehabilitation Amendments of 1992 developed the foundation for a rehabilitation system which recognizes competence and choice, and which gives individuals with disabilities the services and support they need to live, work and participate as fully as possible in their communities. For millions of individuals with disabilities, vocational rehabilitation has meant the difference between dependence and independence, between lost potential and productive careers.

Most important, the vocational rehabilitation in this country provides the necessary skills and support to keep the promise of the Americans with Disabilities Act—so that all individuals with disabilities, especially those with significant disabilities, will have the opportunity to achieve their full potential and be part of the mainstream of American life.

The bill being introduced today builds on the gains of the past two decades, by strengthening employment possibilities, encouraging self-employment, providing better outreach to underserved populations, and streamlining the role of the government. This bill also establishes a stronger linkage between vocational rehabilitation and the larger statewide job training system.

I look forward to working with my colleagues in Congress to enact this important legislation, so that the talents, strengths, competence and interests of all individuals with disabilities will be recognized, enhanced, and fairly rewarded in communities and workplaces across the nation.

Mr. HARKIN. Mr. President, I am pleased to join my colleagues in cosponsoring the Rehabilitation Act Amendments of 1998. I particularly wish to thank my Republican colleagues, Senators DEWINE and JEFFORDS, for developing this bill in a bipartisan manner. The bill that we introduce today represents the work of Republicans, Democrats, and the Administration. I am pleased that our work together continues the long history of bipartisanship in developing legislation that addresses the needs of persons with disabilities.

The State Vocational Rehabilitation Service Program provides $2.2 billion in formula grant assistance to States to help individuals with disabilities prepare for an engage in gainful employment. Since established by the Smith-Fess Act 75 years ago, state vocational rehabilitation programs have served some nine million people. This program promotes economic independence for persons with disabilities, and the numbers reflect that:

The percentage of individuals who reported that their income was their primary source of support increased from 18% at the time of application to 71% at the time of exit from the program;

The percentage of individuals with earned income of any kind increased from 22% at application to 93% at program exit; and

The number of individuals working at or above the Federal minimum wage rate increased from 18% at application to 86% at closure.

In 1992, Congress made major changes to the Act, namely, increasing consumer participation, streamlining processes, and reducing unnecessary paperwork. In the bill we introduce today, we have built on the '92 amendments. The bill preserves and strengthens the themes of the '92 amendments while fine-tuning and aligning the Act with other workforce reforms so that individuals with disabilities can benefit from them.

This bill strengthens the role of the consumer throughout the vocational rehabilitation process, particularly in the development of the individual's employment plan. It reduces unnecessary burdens on State VR agencies by streamlining the State plan. The bill also refocuses the State plan on improving outcomes for individuals with disabilities by requiring States to develop, jointly with the State Rehabilitation Council, annual goals and strategies for improving results.

The due process protections provided in the State Grant program to VR applicants and clients are strengthened by eliminating State VR agency review of decisions by impartial hearing officers. The bill would also require States to provide for voluntary mediation (modeled on the provisions in IDEA) as another mechanism to resolve disputes.

Access of Social Security beneficiaries to VR services if facilitated, and unnecessary gatekeeping is eliminated, by making SSI and SSDI beneficiaries presumptively eligible for services under the VR State Grants program. This change would eliminate the need for the VR agency to determine on a case-by-case basis whether these individuals "require" VR services in order to gain employment.

Of particular interest to me and to Senator DODD are the changes to Section 508 of the Act which pertain to electronic and information technology accessibility. This bill strengthens the provisions regarding procurement by Federal agencies of technology that is accessible to individuals with disabilities.

I am pleased to co-sponsor this bill and look forward to its passage.

Mr. FRIST. Mr. President. I am pleased to join the Chairman of the Employment and Training Subcommittee, Senator DEWINE and the Chairman of the Labor and Human Resources Committee Senator JEFFORDS in introducing the Rehabilitation Act Amendments of 1998. I am grateful for their strong leadership in drafting this important legislation.

The vocational rehabilitation program was begun in 1921 to help disabled war veterans obtain rehabilitation and employment assistance. Today it is a major source of employment assistance for many individuals with disabilities, including individuals with severe disabilities. Vocational rehabilitation programs, although operated by State vocational rehabilitation agencies are located throughout a State. These programs help about a million individuals with disabilities a year, about 20 percent of whom enter the competitive labor market within 12 months. The average cost per person aided is about $2,500.

The Tennessee Vocational Rehabilitation Program provides one example of what can happen when the focus of an agency is clear—getting people with disabilities jobs. In 1996, this program in my State served 26,032 individuals with disabilities of which 81 percent were severely disabled. Of the individuals served 5,820 were successfully employed with 90.4 percent of them working in the competitive labor market. The annualized income of these 5,820 individuals, once they entered the work force increased from $8.732 million to $64.233 million. I am proud of this record, while realizing that more can and should be done.

The main goal of the reauthorization, which has previously been discussed in detail today by Senators DEWINE and JEFFORDS is to increase opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment. There is also a great effort to simplify access to vocational rehabilitation services, while reducing costs and increasing effectiveness through streamlining the administration of the vocational rehabilitation program.

Also included in this reauthorization is the effort that I began as Chairman of the Subcommittee on Disability Policy in the 104th Congress, the linking of vocational rehabilitation programs to a new state system of work force development. The intention is to create a seamless system of increasing employment assistance for individuals with disabilities with a new state workforce system. The reauthorization of the Rehabilitation Act includes this important goal by linking vocational rehabilitation services to those that will be available under the Workforce Investment Partnership Act of 1997.

I would like to acknowledge the bipartisan effort brought forth to build the consensus that is evident by this bill. I am pleased to see the tradition of bipartisanship corporation on disability policy issues continued through this effort. I would especially like to recognize Aaron Grau with Senator DEWINE, and Dr. Patricia Morrissey with Senator JEFFORDS for their hard work and dedication which has made legislation a reality.

I am confident that the Rehabilitation Act Amendments of 1998 will take this seventy-seven year old program into the next century as a strong and integral part of providing opportunities for individuals with disabilities to prepare for, secure, maintain, and regain employment.

Ms. COLLINS. Mr. President, I am pleased to join my distinguished colleagues as one of the original cosponsors of the Rehabilitation Act Amendments of 1998. The Rehabilitation Act, originally adopted almost 80 years ago, has developed during succeeding years into one of this country's most important efforts assisting disabled persons in achieving their potentials for employment.

This law authorizes programs helping persons with disabilities attain their full employment potential as self-supporting, contributing members of society. It provides supported employment services for persons who cannot work independently and offers the services disabled persons need to lead independent lives even if an individual is not capable of working. Through the Rehabilitation Act, federal-state programs provide comprehensive services that help persons with physical and mental disabilities become employable, achieve independence, and participate more fully in society.

The Rehabilitation Amendments of 1998, which we are introducing today, reaffirm the commitment of the federal government to its disabled citizens and continues the progress we have seen in previous reauthorizations. This bill advances Federal-State rehabilitation efforts in numerous ways. This morning I want to mention three of the changes I believe are the most significant: first, the linking of vocational rehabilitation services to other workforce investment programs; second, the authorization of core services to individuals not eligible for services under an order of selection; and third, the simplification of access to vocational rehabilitation services.

This bill, which will be incorporated into the S. 1186, the Workforce Investment Partnership Act, will be functionally linked to the state workforce, job training, and vocational and adult education systems authorized by S. 1186. The Rehabilitation Act will thereby become part of the effort by Congress to replace a fragmented array of programs with an integrated federal system of workforce development without sacrificing the integrity and effectiveness of the vocational rehabilitation program. This process is already underway in Maine through the Maine Department of Labor's one stop career centers. This legislation will make it easier for Maine and other states to create a seamless system of employment assistance for our disabled citizens.

The second improvement is the authorization of core services to all eligible disabled persons. Because the Rehabilitation Act requires the states to serve the most severely disabled individuals, large numbers of individuals with lesser disabilities have been cut off from services. The Rehabilitation Act Amendments of 1998 will permit a state to provide core services to those individuals who are not eligible for full services under the state's criteria for order of selection. Under this provision of the law the states may provide individualized counseling and guidance, individualized vocational exploration, supervised job placement referrals, and assistance obtaining reasonable accommodations even if the individual does not qualify for actual rehabilitation services. This will extend important and highly effective services to a large, deserving population and should greatly enhance these individuals' success in obtaining employment.

A third advance is the simplification of the procedures by which eligibility for rehabilitation is established. Under these amendments, individuals receiving Supplemental Security Income or Social Security Disability Income are presumed to be eligible for services providing they intend to seek employment and have an impediment to employment caused by their disability.

In addition to these significant changes that directly affect the clients of the vocational rehabilitation program, this act makes important changes that will make the administration of the vocational rehabilitation program more efficient and reduce a state's administrative burden. One example of this is the coordination of a states vocational rehabilitation plan with the submission of the other job training plans submitted under the Workforce Investment Partnership

Act. This will help to eliminate duplicative provisions, submissions and reports.

Another is the requirement for cooperation and collaboration through cooperative agreements among the state's vocational rehabilitation agency and other components of a state's workforce investment system. While these agreements will be most visible as they affect access and delivery of services, they will also bring about coordination of information and financial management systems leading to simplified and improved management of a state's job training efforts.

I am proud to cosponsor the reauthorization of an act which has helped so many disabled individuals achieve employment and independent lives.

By Mr. SHELBY:

S. 1580. A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services; to the Committee on Finance.

THE MEDICARE VENIPUNCTURE ASSESSMENT ACT OF 1998

Mr. SHELBY. Mr. President, the Balanced Budget Act (BBA) of 1997 took important steps to begin to combat the financial problems that have plagued the Medicare system for some time. However, the BBA included a provision that may disqualify Medicare beneficiaries who receive home health care stemming from their need for venipuncture services. Many Alabamians who rely on the Medicare home health care program have contacted me expressing their concern with this provision. Much of the concern has resulted from a lack of information as to the true effects of this provision.

Therefore, I rise today to offer the Medicare Venipuncture Assessment Act of 1998. This legislation will provide an eighteen month moratorium on the venipuncture provision included in last year's BBA, and direct the Secretary of Health and Human Services (HHS) to conduct a study to determine what the specific effects will be of doing away with venipuncture as a qualifying skill for home health care.

In addition, this legislation provides a window of time for Congress to address any problems found by HHS, and craft an appropriate solution that protects the seniors who receive home health care, without perpetuating fraud and abuse in the system. But perhaps the most important aspect of the Medicare Venipuncture Assessment Act is that it will provide much needed piece of mind to many of our seniors. Mr. President, we owe it to our constituents to separate fact from fiction with regard to this matter, and fully inform them of the effects of the venipuncture provision contained in last year's BBA.

If administered correctly, home health care can be a cost effective alternative to nursing home and hospital based care. This legislation protects the Medicare home health care system by providing specific statutory action to root out fraud and abuse in the program, while ensuring that the seniors who truly need home care receive it. I strongly encourage my colleagues to join me in this effort by cosponsoring the Medicare Venipuncture Assessment Act of 1998.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL and Mr. LEAHY):

S. 1581. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CHILD NUTRITION REAUTHORIZATION ACT OF 1998

Mr. LUGAR. Mr. President, I rise today to introduce legislation to reauthorize those child nutrition provisions expiring in 1998. The child nutrition programs have been critically important in helping meet the nutritional needs of our children. Although not all child nutrition programs need to be reauthorized, this process gives us the opportunity to review all programs under the National School Lunch Act and the Child Nutrition Act of 1966.

As an Indianapolis school board member and the city's mayor in the late 1960's and early 1970's, I saw firsthand the need to provide nutritional assistance to children. Since that time, the child nutrition programs have changed in many ways. Today's programs have been successful in ensuring that our nation's children have access to nutritious foods, providing a critical safety net for children. Although the programs may need some fine tuning, the programs have ensured that America's school children, in a country of abundance, have a chance to eat. This is fundamental and something we must preserve.

Some of the larger programs that must be reauthorized include: (1) the Special Supplemental Nutrition Program for Women, Infants and Children, often referred to as the WIC program; (2) State Administrative Expenses, a program which provides grants to states to help cover general administrative costs associated with child nutrition programs; (3) the WIC Farmers' Market program which allows states and tribal organizations to offer special WIC vouchers to buy fresh produce; (4) the Summer Food Service program which provides reimbursements for meals served to children in summer programs operated in lower-income areas; and (5) the requirement to use certain funds to purchase commodities to maintain commodity assistance for child nutrition programs. In addition, there are a few other expiring provisions that must be reauthorized. This bill extends all expiring programs through 2003. Although it is not necessary to reauthorize the National School Lunch and Breakfast Programs, we hope to review and improve those programs during this reauthorization process.

The child nutrition programs continue to successfully feed our nation's children to help them prepare for the future. In 1997, approximately 89,000 schools enrolling 46 million children participated in the National School Lunch program. Although participation in the school breakfast program is not as large as that in the school lunch program, it has continued to grow. Since 1994, school breakfast participation has increased about 13% so that now over 70% of schools operating a school lunch program also operate a school breakfast program.

The WIC program, which provides nutritious foods and other support to lower-income infants and children (up to age 5), and pregnant, postpartum, and breast-feeding women, has been successful at reducing the number of low-birth-weight babies. Its success has led to strong support over the years. In 1997, average monthly WIC participation was 7.4 million persons. In many states, the program has reached the long sought after goal of full funding. This year as we reauthorize the program, we will look to see if there are ways to make this successful program run even better.

Senators HARKIN, MCCONNELL and LEAHY have joined with me today to introduce this important bill. I wish to stress that this bill is a starting point for debate on child nutrition reauthorization. I am sure that the Ranking Minority Member of the Committee as well as the Chairman and Ranking Minority Member of the subcommittee have additional ideas to improve these programs. Nutrition programs in the Congress have a long history of bipartisan support and cooperation and I am certain that we will continue that tradition. I look forward to working with them and other members of the Agriculture Committee, on both sides of the aisle, to craft a thoughtful and sensible bill to reauthorize the child nutrition programs.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Grants to integrate food and nutrition projects with elementary school curricula.
Sec. 102. Summer food service program for children.
Sec. 103. Commodity distribution program.
Sec. 104. Child and adult care food program.
Sec. 105. Pilot projects.
Sec. 106. Training, technical assistance, and food service management institute.
Sec. 107. Compliance and accountability.
Sec. 108. Information clearinghouse.
Sec. 109. Guidance and grants for accommodating special dietary needs of children with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. State administrative expenses.
Sec. 202. Special supplemental nutrition program for women, infants, and children.
Sec. 203. Nutrition education and training.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. GRANTS TO INTEGRATE FOOD AND NUTRITION PROJECTS WITH ELEMENTARY SCHOOL CURRICULA.

Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended by striking "1998" each place it appears and inserting "2003".

SEC. 102. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

SEC. 103. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1998" and inserting "2003".

SEC. 104. CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (c)(6)(B), by striking "1997" and inserting "2003"; and

(2) in subsection (p), by striking "1998" each place it appears and inserting "2003".

SEC. 105. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c), by striking "1998" each place it appears and inserting "2003";

(2) in subsection (e)(5), by striking "and 1998" and inserting "through 2003";

(3) in subsections (g)(5) and (h)(5), by striking "1997" each place it appears and inserting "2003"; and

(4) in subsection (i)(8), by striking "1998" and inserting "2003".

SEC. 106. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking "1998" and inserting "2003".

SEC. 107. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking "1996" and inserting "2003".

SEC. 108. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "fiscal year 1998" and inserting "each of fiscal years 1998 through 2003".

SEC. 109. GUIDANCE AND GRANTS FOR ACCOMMODATING SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

Section 27(c)(6) of the National School Lunch Act (42 U.S.C. 1769h(c)(6)) is amended by striking "1998" and inserting "2003".

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. STATE ADMINISTRATIVE EXPENSES.

Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking "1998" and inserting "2003".

SEC. 202. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1), (h)(2)(A), (h)(10)(A), and (m)(9)(A) by striking "1998" each place it appears and inserting "2003".

SEC. 203. NUTRITION EDUCATION AND TRAINING.

Section 19(i)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)(3)) is amended—

(1) in the paragraph heading, by striking "2002" and inserting "2003"; and

(2) in subparagraph (A), by striking "2002" and inserting "2003".

Mr. HARKIN. Mr. President, I am pleased to have this opportunity to join Chairman LUGAR, Senator MCCONNELL and Senator LEAHY in introducing legislation to reauthorize several programs, primarily relating to nutrition assistance for children, whose authorizations are set to end this year. These programs are vitally important to our nation, and I applaud the introduction of this legislation as a clear demonstration of our strong support for them in the Agriculture, Nutrition, and Forestry Committee and our commitment to reenacting authorizing legislation this year.

The bill introduced today is a simple extension of expiring authorizations, without amendments or modifications, and thus only marks the beginning of the legislative process. As Chairman LUGAR has indicated, the Committee will complete the normal child nutrition reauthorization process, as in past years, allowing for full discussion and consideration of the programs requiring reauthorization as well as those having permanent authorizations. I look forward to working with colleagues on the Committee, in this body, and in the House of Representatives on this very important legislation.

An essential part of our work on this reauthorization bill involves examining the child nutrition programs to ensure they are functioning well, particularly in responding to changing circumstances and new demands. Another, no less important, part of our efforts must focus on making the programs more effective by finding better ways to address longstanding unmet needs and reach individuals who are not adequately served by the programs in their present form. Of course, we must always be alert to opportunities for streamlining, paring paperwork and reducing administrative burdens. A number of thoughtful proposals for improvements and modifications have already been made, and I know that we will receive more of them as work on the legislation proceeds.

All of the programs involved in this reauthorization are important, but I want to mention specifically a few of my priorities. We should strengthen the school breakfast program in order to reach students who need school breakfasts but do not currently have access to them. We also should improve the child nutrition programs in ways that enhance their effectiveness in helping families obtain quality child care. And we need to ensure that the summer food program is adequately serving kids who without it are quite vulnerable once school is out for the summer. In addition to reauthorizing the Iowa and Kentucky child care nutrition pilot project, we ought to examine its positive results for guidance in shaping our national approach to child care nutrition assistance. With respect to the Special Supplemental Nutrition Program for Women, Infants, and Children, it is important to continue an effective competitive bidding system for infant formula and to extend and strengthen the WIC farmers market program.

Nothing is more important to the future of our nation than its children, and nothing is more important to children than the sound nutrition they need each day. It is beyond dispute that good nutrition is critical to physical growth, intellectual development and lives that are healthy, productive and happy. Trying to educate children who are hungry or malnourished is just as foolish as trying to build a house on a crumbling foundation. Federal child nutrition programs constitute investments in the future—of our children and our nation. This legislation will ensure that we continue to reap the immeasurable dividends of those wise investments.

Mr. MCCONNELL. Mr. President, I rise in strong support of the Child Nutrition Reauthorization Act of 1998 being introduced today by the Chairman of the Agriculture, Nutrition and Forestry Committee, Senator LUGAR; Ranking Member HARKIN; and Ranking Member LEAHY, of the Research, Nutrition, and General Legislation and myself as Chairman of that Subcommittee.

In the past, nutrition programs under the jurisdiction of the Agriculture Committee have been fashioned in a bipartisan manner. Today's introduction of legislation to reauthorize those child nutrition programs expiring in 1998, is a starting point.

Our Child Nutrition Programs have played an essential role in promoting the long-term health of our children. These programs provide a vital link between diet and health, ensuring that our children have access to nutritious food.

Mr. President, Chairman LUGAR has described the programs that must be reauthorized and the critical importance these programs serve in providing a safety net for children. While, I agree that these programs must be reauthorized, we must not overlook the opportunity to review the existing structure of these programs, review priorities, and determine if improvements and streamlining can enhance their effectiveness.

One area of particular interest to me is a provision expiring under the National School Lunch Act which required a two state pilot project for for-profit day care centers in the Child and Adult Care Food Program. The two states were Kentucky and Iowa. In Kentucky, 242 for-profit child care centers participate in the demonstration project, providing meals to over 10,500 children each day.

Many of these child centers are in rural areas or in lower income municipalities. Without the demonstration project, fees would increase placing a greater financial burden on parents and some smaller centers may be forced to close. This demonstration project provides needed nutritional assistance to financially disadvantaged children. I believe that continued operation and possible expansion of this type of demonstration project is essential as we consider policies to help working families with children.

I am sure Members will have many ideas and changes to improve these programs.

Mr. President, everyone agrees how critical good nutrition is to our children's ability to learn. This reauthorization represents our opportunity to work together to craft a thoughtful bill that will be the building block to our children's successful learning so they can have a healthy and productive future.

Mr. LEAHY. Mr. President, I am pleased to join with my colleagues on the Agriculture, Nutrition, and Forestry Committee, as I have done many times before on nutrition issues, to introduce a bill that begins the child nutrition reauthorization process.

For many years on the Committee, when I was Chairman, and later Ranking Member, we always tried to make our nutrition efforts consensus bills—agreed to by all members of the Committee. Now as Ranking Member of the nutrition subcommittee I look forward to working with the Committee to report out a strong child nutrition reauthorization bill.

The bill I cosponsor today extends existing programs but does not include improvements which I will discuss with other Committee members and the Secretary in the near future.

Last November, I introduced the "Child Nutrition Initiatives Act" which contained a number of changes that I will discuss with my colleagues. That was not a reauthorization bill but rather an effort that I hope will be carefully looked at by my colleagues in the Senate and in the House.

I intend to meet with representatives of the various nutrition programs as I work with other Members to help craft a good bill. I look forward to meeting with Under Secretary Shirley Watkins who has a number a great ideas to improve our child nutrition programs. In addition, I will carefully review Senator JOHNSON's school breakfast bill which has been strongly endorsed by many groups at that national and local level.

I will also gain input from Vermont nutrition leaders, Vermont program directors, community leaders and program participants.

My November 13 statement explains the basis for my bill—I am hopeful that many of those provisions will be supported by the Committee and the Senate as a whole.

By Mr. ROBB:

S. 1582. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TOBACCO MARKET TRANSITION ACT

Mr. ROBB. Mr. President, on behalf of many tobacco growers with whom I have worked, I rise today to introduce the Tobacco Market Transition Act. The comprehensive tobacco settlement announced on June 20 of last year simply did not include provisions for tobacco growers. This provision is designed to fill that void.

This legislation is truly the result of a grassroots effort and elaborates the concepts I discussed in the Chamber on November 3. Tobacco-dependent regions realize that their lives will be directly affected by comprehensive tobacco legislation and they want to prepare for that future.

Key members of my staff and I have worked with tobacco growers, leaders in tobacco growing communities and members of the public health community to develop legislation which will provide a soft landing to those regions that have so long depended on the production of tobacco.

In short, because Government action is about to erode the value of quota, there would be a buyout of existing quota at $8 a pound. A privatized tobacco program limiting supply would be reinstituted, providing growers with a license to grow tobacco based on historical average production for that grower. To provide long-term economic security in tobacco communities, $250 million will be provided annually for economic development. Finally, a transition payment would be offered to growers as the system changes from its present form to a new one.

Tobacco quota, Mr. President, represents the amount of tobacco allowed to be produced domestically. Over the years, individuals have accumulated the right to grow a certain proportion of that total quota. This individual quota, this right to produce, has liquid value that can be bought or sold or leased. Many have acquired quota over the years and planned to retire or in some cases have retired on the funds received from selling or leasing quota. When the Government depresses demand for tobacco, it depresses the value of that asset.

The legislation I am introducing recognizes the value of that quota asset by paying quota holders $8 a pound for the quota they own over 5 years. Once the quota holder has been made whole, a new supply-limiting program would be instituted giving licenses to grow tobacco to actual producers of tobacco. Unlike the present system, those licenses would not cost money to acquire. Eliminating the crushing cost of quota, which adds 40 cents a pound to the cost of producing flue-cured tobacco, will allow these growers to become more competitive even as demand declines in the United States as a result of any comprehensive bill that we pass. By becoming more competitive with imported tobacco, U.S. growers could keep the demand for their product from declining as steeply as demand for cigarettes and other finished products if we pass comprehensive legislation.

The legislation also provides a transition payment for existing tobacco producers as we move into the new system and provides $250 million annually to tobacco-growing communities for economic development. These economic development funds can be used for local communities to improve education, enhance transportation, promote small business incubators or develop high technology infrastructure. In short, these economic development funds will help keep these communities from exporting their most valuable asset, and that is their children.

Finally, this proposal recognizes the benefits of a supply-limiting program for tobacco. A supply-limiting program is absolutely essential to stabilize the income of tobacco farmers and to protect tobacco-growing communities from the utter destruction that would follow if the program is totally eliminated.

A supply-limiting program is also appropriate in the unique circumstance of tobacco. Unlike other commodities where we are trying to lower the cost to consumers, pending Federal legislation is designed to do just the opposite. Every comprehensive tobacco proposal I have seen would increase the cost of tobacco products to lower demand. Indeed, the President said last night that he would approve something up to $1.50 a pack.

There has been much healthy discussion in tobacco growing communities about whether to retain the current Federal tobacco program or to avoid the annual battles that threaten it and privatize the program, allowing growers and others to operate it.

This is an important debate. The Federal program has served tobacco-growing communities well for over 60 years, and it is my judgment—and the judgment of many, many with whom I have consulted—that it should not be dismantled cavalierly.

The question we face is how best to maintain a supply-limiting program that protects tobacco communities. If we could guarantee that the Federal program would remain intact for the next 25 years, that may be the best way to proceed. But I have detected a great deal of unease about whether we can keep the program, and I think many on both sides of this issue are growing tired of annual fights which, if we lose, will destroy many tobacco-growing regions.

That is why this legislation contains provisions to privatize the tobacco program. For those who have questions about how this program will work, I invite them to assist in answering those questions and improving this legislation. For those who are nervous about such a change, I can say I appreciate their apprehension. It is easier to understand the world as it is rather than how it could be. But I believe this offers us the best opportunity to retain a supply-limiting program over the long term.

I look forward to working with my colleagues to pass legislation that will protect the communities that will be devastated if we fail to act, and will, in the words of the President, make growers and their communities "whole."

I ask unanimous consent that the full text of the legislation as well as the section-by-section summary be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tobacco Market Transition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

TITLE I—TOBACCO COMMUNITY REVITALIZATION TRUST FUND

Sec. 101. Tobacco Community Revitalization Trust Fund.

TITLE II—TOBACCO MARKET TRANSITION ASSISTANCE

Sec. 201. Compensation to quota holders for loss of tobacco quota asset value.
Sec. 202. Transition payments for active tobacco producers.
Sec. 203. Tobacco loan associations.
Sec. 204 Tobacco community economic development grants.
Sec. 205. Tax treatment of compensation and transition payments.

TITLE III—ESTABLISHMENT OF PRIVATE TOBACCO PRODUCTION ADJUSTMENT AND QUALITY ASSURANCE PROGRAMS

Sec. 301. Tobacco Production Control Corporation.
Sec. 302. Tobacco loan associations.
Sec. 303. Tobacco price support levels.
Sec. 304. Penalties.
Sec. 305. Referenda.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACTIVE TOBACCO PRODUCER.—The term "active tobacco producer" means a person that—

(A) is the actual producer, as determined by the Secretary, of tobacco on a farm where tobacco is produced pursuant to a tobacco farm marketing quota or farm acreage allotment established under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) for the 1997 crop year; and

(B) planted the crop, or is considered to have planted the crop under that Act, in 1997.

(2) QUOTA HOLDER.—The term "quota holder" means an owner of a farm on January 1, 1998 for which a tobacco farm marketing quota or farm acreage allotment was established under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) TOBACCO LOAN ASSOCIATION.—The term "Association" means a producer-owned cooperative marketing association.

(5) TOBACCO PRODUCTION CONTROL CORPORATION.—The term "Corporation" means the Tobacco Production Control Corporation established by section 301.

(6) TRUST FUND.—The term "Trust Fund" means the Tobacco Community Revitalization Trust Fund established by section 101.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) dismantle the existing federal tobacco program and establish a private program to ensure the stability of the price and supply of domestically produced tobacco;

(2) compensate quota holders for the value of assets that may be diminished as a result of this legislation;

(3) provide targeted economic development funds to tobacco dependent communities for the creation of jobs, training of individuals, and long-term economic development of the communities;

(4) reduce the operating costs of tobacco producers by eliminating expenses associated with buying or leasing tobacco quota; and

(5) make domestically produced tobacco more competitive with tobacco produced in other countries.

TITLE I—TOBACCO COMMUNITY REVITALIZATION TRUST FUND

SEC. 101. TOBACCO COMMUNITY REVITALIZATION TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Tobacco Community Revitalization Trust Fund", consisting of such amounts as may be appropriated or credited to the Trust Fund. The Trust Fund shall be administered by the Corporation.

(b) TRANSFERS TO TRUST FUND.—There are appropriated and transferred to the Trust Fund, from amounts made available to the Trust Fund out of funds allocated through national tobacco settlement legislation, $3,500,000,000 for each of fiscal years 1999 through 2003 and $265,000,000 for each of fiscal years 2004 through 2023.

(c) REPAYABLE ADVANCES.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Trust Fund, as repayable advances, such sums as may from time to time be necessary to make expenditures under subsection (d).

(2) REPAYMENT WITH INTEREST.—Repayable advances made to the Trust Fund shall be repaid, and interest on the advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Trust Fund to make the payments.

(3) RATE OF INTEREST.—Interest on an advance made under this subsection shall be at a rate determined by the Secretary of Treasury (as of the close of the calendar month preceding the month in which the advance is made) that is equal to the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the anticipated period during which the advance will be outstanding.

(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available for making expenditures to defray—

(1) the costs of providing compensation to quota holders for the loss of tobacco quota asset value under section 201;

(2) the costs of making transition payments to active tobacco producers under section 202;

(3) the costs of forgiving loans and transferring title to inventories of tobacco and funds to Associations under section 203;

(4) the costs of making tobacco community economic development grants under section 204, but not to exceed $250,000,000 for each of fiscal years 1999 through 2003 and an amount determined by the Corporation to be appropriate for each of fiscal years 2004 through 2023;

(5) the costs of carrying out the duties of the Corporation and the Associations, including assuring the quality and controlling the production and marketing of domestic tobacco and otherwise carrying out title III;

(6) the costs to the Secretary of enforcing title III;

(7) the costs of providing crop insurance to tobacco producers; and

(8) any other costs incurred by the Department of Agriculture associated with tobacco.

TITLE II—TOBACCO MARKET TRANSITION ASSISTANCE

SEC. 201. COMPENSATION TO QUOTA HOLDERS FOR LOSS OF TOBACCO QUOTA ASSET VALUE.

(a) IN GENERAL.—The Corporation shall make payments for tobacco quota to eligible quota holders.

(b) ELIGIBILITY.—To be eligible to receive payments under this section, a quota holder shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including information sufficient to demonstrate to the satisfaction of the Corporation that the person was a quota holder on January 1, 1998.

(c) Base Quota Level.—

(1) In general.—The Secretary shall determine, for each quota holder, the base quota level for the 1995 through 1997 marketing years.

(2) Level.—The base quota level for a quota holder shall be equal to the average tobacco farm marketing quota established for the 1995 through 1997 marketing years for the farm owned by the quota holder on January 1, 1998.

(3) Marketing quotas other than poundage quotas.—For each kind of tobacco for which there is a marketing quota or allotment (on an acreage basis), the base quota level for each quota holder shall be determined in accordance with this subsection (based on a poundage conversion) in an amount equal to the product obtained by multiplying—

(A) the average tobacco farm marketing quota or allotment for the 1995 through 1997 marketing years; by

(B) the average county yield per acre for the county in which the farm is located for the kind of tobacco for the marketing years.

(d) Payments.—The Corporation shall make payments to each quota holder that is eligible under subsection (b) in 5 equal installments, 1 for each of the 1999 through 2003 crops of tobacco, in an aggregate amount that is equal to the product obtained by multiplying—

(1) $8 per pound; by

(2) the base quota level established for the quota holder under subsection (c).

SEC. 202. TRANSITION PAYMENTS FOR ACTIVE TOBACCO PRODUCERS.

(a) In General.—The Corporation shall make transition payments to eligible active tobacco producers.

(b) Eligibility.—To be eligible to receive payments under this section, an active tobacco producer shall—

(1) prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including information sufficient to make the demonstration required under paragraph (2); and

(2) demonstrate to the satisfaction of the Corporation that, the person planted, or is considered to have planted, a 1997 crop of tobacco.

(c) Payment Quantity.—

(1) In general.—The Secretary shall determine and provide to the Corporation, for each active tobacco producer, the production quantity eligible for payment for the 1995 through 1997 marketing years.

(2) Eligible production quantity.—The production quantity eligible for payment for an active tobacco producer shall be equal to the average number of pounds of tobacco quota established for a farm for the 1995 through 1997 marketing years for which the producer was the actual producer of the tobacco on the farm.

(3) Marketing quotas other than poundage quotas.—For each kind of tobacco for which there is a marketing quota or allotment (on an acreage basis), the production quantity eligible for payment for each active tobacco producer shall be determined in accordance with this subsection (based on a poundage conversion) in an amount equal to the product obtained by multiplying—

(A) the average tobacco farm marketing quota or allotment for the 1995 through 1997 marketing years; by

(B) the average county yield per acre for the county in which the farm is located for the kind of tobacco for the marketing years.

(d) Payments.—The Corporation shall make payments for each of the 1999 through 2003 crops of tobacco to each active tobacco producer that is eligible under subsection (b) in an amount that is equal to the product obtained by multiplying—

(1) $0.40 per pound; by

(2) the payment quantity established for the producer under subsection (c).

(e) Death of Active Tobacco Producer.—If an active tobacco producer who is entitled to payments under this section dies and is survived by a spouse or 1 or more dependents, the right to receive the payments shall transfer to the surviving spouse of, if there is no surviving spouse, to the estate of the producer.

SEC. 203. TOBACCO LOAN ASSOCIATIONS.

(a) Prior Loans.—The Secretary shall forgive each loan made to an Association under section 106A or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 1, 1445 2) that is outstanding on the date of enactment of this Act.

(b) Transfer of Title for Loan Inventories.—The Secretary shall transfer to each Association described in subsection (a) the title to all inventories of tobacco held by the Secretary to secure loans made to the Association under section 106A or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 1, 1445 2).

(c) No Net Cost Tobacco Funds.—Notwithstanding sections 106A(f) and 106b(g) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(f) and 1445-2(g)), all funds held in a No Net Cost Tobacco Fund or No Net Cost Tobacco Account on behalf of an Association under section 106A or 106B of that Act (1445-1, 1445-2) on the date of enactment of this Act shall be the property of the Association.

SEC. 204. TOBACCO COMMUNITY ECONOMIC DEVELOPMENT GRANTS.

(a) Authority.—The Corporation shall make grants to eligible tobacco-growing political subdivisions in accordance with this section to enable the political subdivisions to carry out economic development activities.

(b) Eligibility.—To be eligible to receive payments under this section, a political subdivisions in a State shall—

(1) have in excess of $100,000 in gross income from sales of tobacco produced within the political subdivision during 1 or more of the 1995 and 1997 marketing years, as determined by the Corporation;

(2) prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may require, including—

(A) a description of the activities that the political subdivision will carry out using amounts received under the grant;

(B) a designation of an appropriate political subdivision agency to administer amounts received under the grant;

(C) a description of the steps to be taken to ensure that the funds are distributed in accordance with subsection (e); and

(D) an economic development plan, approved by a regional authority authorized to coordinate economic development efforts in the region where the political subdivision is located, or approved by the State if no such regional authority exists, that described the activities that the political subdivision will carry out using amounts received under the grant. Where a political subdivision ineligible to receive payments under subsection (b)(1) is surrounded within the State by a political subdivision eligible to receive payments under subsection (b)(1), an economic development plan shall not be approved unless submitted jointly by both jurisdictions.

(c) Amount of Grant.—

(1) In general.—From the amounts available to carry out this section for a fiscal year, the Corporation shall allot to each eligible tobacco-growing political subdivision an amount that bears the same ratio to the total funds available as the total income of the tobacco-growing political subdivision derived from the production of tobacco within the political subdivision during the 1995 through 1997 marketing years (as determined under paragraph (2)) bears to the total income of all tobacco-growing political subdivisions derived from the production of tobacco during the 1995 through 1997 marketing years.

(2) Tobacco income.—For the 1995 through 1997 marketing years, the Secretary shall determine and provide to the Corporation the amount of income derived from the production of tobacco in each tobacco-growing political subdivision and in all tobacco-growing political subdivisions.

(d) Payments.—

(1) In general.—A tobacco-growing political subdivision that has an application approved by the Corporation under subsection (b) shall be entitled to a payment under this section in an amount that is equal to its allotment under subsection (c).

(2) Form of payments.—The Corporation may make payments under this section to a tobacco-growing political subdivision in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Corporation may determine.

(3) Reallotments.—Any portion of the allotment of a political subdivision under subsection (c) that the Corporation determines will not be used to carry out this section in accordance with an approved political subdivision application required under subsection (b), shall be reallotted by the Corporation to other tobacco-growing political subdivisions in proportion to the original allotments to the other tobacco-growing political subdivisions.

(e) Use and Distribution of Funds.—

(1) In general.—Amounts received by a tobacco-growing political subdivision under this section shall be used to carry out economic development activities, including—

(A) activities designed to help create productive farm or off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural individuals to the economic and social development of tobacco communities;

(B) activities designed to provide training and transition assistance to quota holders and active tobacco producers to enable the holders and producers to produce alternative agricultural commodities or obtain alternative employment;

(C) activities to improve the quality of education in tobacco communities;

(D) activities to promote tourism in tobacco communities through natural resource protection;

(E) activities to construct advanced manufacturing centers, industrial parks, water and sewer facilities, and transportation improvements in tobacco communities;

(F) activities to establish small business incubators in tobacco communities;

(G) activities to install high technology infrastructure improvement in tobacco communities;

(H) rural business enterprise activities described in subsections (c) and (e) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932);

(I) down payment loan assistance programs that are similar to the program described in section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935);

(J) activities that expand existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies in tobacco communities and that support the development of new industries or commercial ventures;

(K) activities by agricultural organizations that provide assistance directly to quota holders and active tobacco producers to assist in developing other agricultural activities that supplement tobacco-producing activities;

(L) initiatives designed to create or expand locally owned value-added processing and marketing operations in tobacco communities; and

(M) technical assistance activities by persons to support farmer-owned enterprises, or agriculture-based rural development enterprises, of the type described in section 252 or 253 of the Trade Act of 1974 (19 U.S.C. 2342, 2343).

(2) Maintenance of effort.—The political subdivision and the State shall provide assurances to the Corporation that funds provided to the political subdivision under this section will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended for economic development activities in the political subdivision.

SEC. 205. TAX TREATMENT OF TOBACCO QUOTA HOLDER COMPENSATION AND TRANSITION PAYMENTS.

(a) In General.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end the following:

"SEC. 91. CERTAIN TOBACCO PROGRAM PAYMENTS.

"(a) General Rule.—Gross income includes amounts received under section 201 or 202 of the Tobacco Market Transition Act.

"(b) Exception for Amounts Transferred During Reinvestment Period.—

"(1) In general.—Subsection (a) shall not apply to any amount if during reinvestment period such amount is—

"(A) used to make a qualified debt repayment, or

"(B) transferred to a tobacco farmer individual retirement account established under section 522.

"(2) Qualified debt repayment.—For purposes of paragraph (1), the term 'qualified debt repayment' means the payment of debt incurred directly by the taxpayer to produce tobacco prior to January 1, 1998.

"(c) Character of Income.—For purposes of this subtitle—

"(1) any amount received under section 201 of the Tobacco Market Assistance Act and included in gross income under this section shall be treated as long-term capital gain, and

"(2) any amount received under section 202 of such Act and so included in gross income shall be treated as ordinary income.".

(b) Tobacco Farmer Individual Retirement Accounts.—Part IV of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to farmers' cooperatives) is amended by adding at the end the following:

"SEC. 522. TOBACCO FARMER INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) General Rule.—Except as provided in this section, a tobacco farmer individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) Definitions and Special Rules.—For purposes of this title—

"(1) Tobacco farmer individual retirement account.—The term 'tobacco farmer individual retirement account' means an individual retirement plan (as defined in section 7701(a)(37)) other than a Roth IRA which is designated (in such manner as the Corporation may prescribe) at the time of establishment of the plan as a tobacco farmer individual retirement account.

"(2) Treatment of contributions.—

"(A) Cash only.—No contribution will be accepted unless it is in cash.

"(B) Source of contributions.—The only contributions which will be accepted are—

"(i) payments under section 201 or 202 of the Tobacco Market Transition Act, and

(ii) trustee-to-trustee transfers to such trust from another tobacco farmer individual retirement account of the account beneficiary.

"(C) No deduction allowed.—No deduction shall be allowed under section 219 for a contribution to a tobacco farmer individual retirement account.

"(D) No rollover contributions allowed.—No rollover contribution may be made to or from a tobacco farmer individual retirement account.

"(3) Tax treatment of distributions.—Any amount distributed from a tobacco farmer individual retirement account attributable to payments made under section 201 or 202 of the Tobacco Market Transition Act (including earnings thereon) shall be includible in the gross income of the distributee under the rules described in section 91(c). Any such distribution shall be made first from amounts in such account (if any) attributable to payments under such section 202 (and earnings thereon).

"(4) Coordination with individual retirement accounts.—Section 408(d)(2) shall be applied separately with respect to tobacco farmer individual retirement accounts and other individual retirement plans.".

"(c) Conforming Amendments.—

(1) The table of sections for part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following: "Sec. 91. Certain tobacco program payments.".

(2) The table of sections for part IV of subchapter 1 of such Code is amended by adding at the end the following: "Sec. 522. Tobacco farmer individual retirement accounts.".

(3) The heading for part IV of subchapter F of chapter 1 of such code is amended by striking

"FARMERS' COOPERATIVES" and inserting "CERTAIN FARMER ENTITIES".

(4) The table of parts for subchapter F of chapter 1 of such Code is amended by striking "Farmers' cooperatives" and inserting "Certain farmer entities". Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

TITLE III—ESTABLISHMENT OF PRIVATE TOBACCO PRODUCTION ADJUSTMENT AND QUALITY ASSURANCE PROGRAM

SEC. 301. TOBACCO PRODUCTION CONTROL CORPORATION.

(a) Establishment.—There is established a corporation to be known as the "Tobacco Production Control Corporation", which shall be a federally chartered instrumentality of the United States.

(b) Duties.—Effective for the 1999 and each subsequent crop of each kind of tobacco, on at least a ⅔-vote of the Board of Directors of the Corporation, the Corporation shall—

(1) promulgate rules that govern the production, marketing, importation, exportation, and consumer quality assurances for each kind of tobacco;

(2) establish a licensing system that provides for the orderly production and marketing of tobacco in the United States under which—

(A) the Corporation shall issue a license to each active tobacco producer, or other person that meets requirements established by the Corporation, initially based upon the eligible production quantity determined for each producer under section 202(c)(1);

(B) the licensee shall surrender the license to the Corporation if the licensee fails to actively engage in the production of tobacco;

(C) the sale or marketing of a type of tobacco which prior to the date of enactment was produced pursuant to a tobacco farm marketing quota or farm acreage allotment issued under the Agricultural Act of 1938 is prohibited without a license;

(D) the sale, lease, or other transfer of a license shall be prohibited except pursuant to subsection (c); and

(E) the Corporation shall issue marketing licenses to tobacco marketing facilities and tobacco purchasing entities;

(3) ensure compliance, through whatever means is available, of all persons with any license, regulation, rule, limitation, or guideline issued under, or in order to carry out, this Act;

(3) offer crop insurance for tobacco producers;

(4) establish a system that will provide assurance to consumers of the quality of all tobacco marketed in the United States and that, at a minimum—

(A) provides for the inspection and grading of domestically produced tobacco and imported tobacco;

(B) determines and describes the physical characteristics of domestically produced tobacco and imported tobacco;

(C) ensures the physical and chemical integrity of domestically produced tobacco and imported tobacco;

(5) carry out its duties, functions, and determinations through loan associations and local committees, to the extent practicable and appropriate, and

(6) continue to maintain and carry out a tobacco program in accordance with the rules and regulations contained in Chapter 7 of the C.F.R. unless and until rules are promulgated under subsection (c).

(c) Transfer of License.—

(1) Right of survivorship.—

(A) In general.—In the case of the death of a person to whom a license has been issued under this section, the license shall transfer to the surviving spouse of the person or, if there is no surviving spouse, to surviving direct descendants of the persons.

(B) Hardship.—In the case of the death of a person to whom a license has been issued under this section and whose descendants are temporarily unable to produce a crop of tobacco, the Corporation may hold the license in the name of the descendants for a period of not more than 18 months, at the discretion of the Corporation.

(2) Lifetime transfer.—A person that is eligible to obtain a license under this section may at any time transfer all or part of the license to the person's spouse or direct descendants that are actively engaged in the production of tobacco.

(d) Board of Directors.—

(1) In general.—The powers of the Corporation shall be vested in a Board of Directors.

(2) Members.—The Board of Directors shall consist of 25 members as follows:

(A) The Secretary of Agriculture.

(B) The Secretary of Health and Human Services.

(C) The Administrator of the Environmental Protection Agency.

(D) The United States Trade Representative.

(E) 1 member from each state that produces more than 50,000,000 pounds of tobacco. All members appointed under this subparagraph shall be actively engaged in the production of tobacco and shall be elected by the tobacco producers from each respective state.

(F) 3 members appointed by the flue-cured tobacco association and 2 members appointed by the burley tobacco associations, all such members to be licensees under this Act.

(G) 1 member appointed by tobacco associations other than those specified in subparagraph (F), on a rotating basis.

(H) 3 members representing public health interests, appointed by the Secretary of Health and Human Services.

(I) 1 member representing domestic cigarette manufacturers.

(J) 1 member representing domestic export leaf dealers, appointed by the Leaf Tobacco Exporters Association (LTEA).

(K) 2 members representing tobacco marketing facilities, 1 each appointed by the Bright Belt Warehouse Association (BBWA) and the Burley Auction Warehouse Association (BAWA).

(L) 1 member that is the person responsible for operating the quality assurance system of the Corporation described in subsection (b)(4).

(M) 1 member who is a Dean of Agriculture of a Land Grant University from a tobacco producing state.

(3) MEMBERSHIP QUALIFICATIONS.—A member of the Board shall not hold any Federal, State, or local elected office.

(4) CHAIRPERSONS.—The Secretary of Agriculture shall serve as chairperson of the Board.

(5) EXECUTIVE DIRECTOR.—

(A) APPOINTMENT.—The Board shall appoint an Executive Director.

(B) DUTIES.—The Executive Director shall be the chief executive officer of the Corporation, with such power and authority as may be conferred by the Board.

(C) COMPENSATION.—The Executive Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(6) OFFICERS.—The Board shall establish the offices and appoint the officers of the Corporation, including a Secretary, and define the duties of the officers in a manner consistent with this section.

(7) MEETINGS.—

(A) IN GENERAL.—The Board shall meet at least 3 times each fiscal year at the call of a Chairperson or at the request of the Executive Director.

(B) LOCATION.—The location of a meeting shall be subject to approval of the Executive Director.

(C) QUORUM.—A quorum of the Board shall consist of a majority of the members.

(8) TERM; VACANCIES.—

(A) TERM.—The term of office of a member of the Board appointed under any of subparagraphs (E) through (K) of paragraph (2) shall be 4 years.

(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.

(9) COMPENSATION.—

(A) FEDERAL MEMBERS.—A member of the Board who is an officer or employee of the United States shall not receive any additional compensation by reason of service on the Board.

(B) NON-FEDERAL MEMBERS.—Any other member shall receive compensation, for each day (including travel time) that the member is engaged in the performance of the functions of the Board, at a rate determined appropriate by the Board.

(C) EXPENSES.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of the duties of the member.

(10) CONFLICT OF INTEREST; FINANCIAL DISCLOSURE.—

(A) CONFLICT OF INTEREST.—Except as provided in subparagraph (C), a member of the Board shall not vote on any matter concerning any application, contract, or claim, or other particular matter pending before the Corporation, in which, to the knowledge of the member, the member, spouse, or child of the member, partner of the member, or organization in which the member is serving as officer, director, trustee, partner, or employee, or any person or organization with which the member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(B) VIOLATIONS.—Violation of subparagraph (A) by a member of the Board shall be cause for removal of the member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the member participated.

(C) EXCEPTIONS.—The prohibitions contained in subparagraph (A) shall not apply to a member of the Board that is a tobacco producer if the member advises the Board of the nature of the particular matter in which the member proposes to participate, and if the member makes a full disclosure of the financial interest, prior to any participation.

(D) FINANCIAL DISCLOSURE.—A Board member shall be subject to the financial disclosure requirements of subchapter B of chapter XVI of title 5, Code of Federal Regulations (or any corresponding or similar regulation or ruling), applicable to a special Government employee (as defined in section 202(a) of title 18, United States Code).

(E) REPRESENTATION.—No member of the Board shall receive compensation from more than one interest represented on the Board.

(11) BYLAWS.—The Board shall adopt, and may from time to time amend, any bylaw that is necessary for the proper management and functioning of the Corporation.

(12) PERSONNEL.—The Corporation may select and appoint officers, attorneys, employees, and agents, who shall be vested with such powers and duties as the Corporation may determine.

(e) GENERAL POWERS.—In addition to any other powers granted to the Corporation under this title, the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and rescind any bylaw and adopt and alter a corporate seal, which shall be judicially noticed;

(3) may enter into any agreement or contract with a person or private or governmental agency;

(4) may lease, purchase, accept a gift or donation of, or otherwise acquire, use, own, hold, improve, or otherwise deal in or with, and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property or interest in property, as the Corporation considers necessary in the transaction of the business of the Corporation;

(5) may sue and be sued in the corporate name of the Corporation, except that—

(A) no attachment, injunction, garnishment, or similar process shall be issued against the Corporation or property of the Corporation; and

(B) exclusive original jurisdiction shall reside in the district courts of the United States, and the Corporation may intervene in any court in any suit, action, or proceeding in which the Corporation has an interest;

(6) may independently retain legal representation;

(7) may provide for and designate such committees, and the functions of the committees, as the Board considers necessary or desirable;

(8) may indemnify officers of the Corporation, as the Board considers necessary and desirable, except that the officers shall not be indemnified for an act outside the scope of employment;

(9) may, with the consent of any board, commission, independent establishment, or executive department of the Federal Government, including any field service, use information, services, facilities, officials, and employees in carrying out this section, and pay for the use, which payments shall be transferred to the applicable appropriation account that incurred the expense;

(10) may obtain the services and fix the compensation of any consultant and otherwise procure temporary and intermittent services under section 3109(b) of title 5, United States Code;

(11) shall have the rights, privileges, and immunities of the United States with respect to the right to priority of payment with respect to debts due from bankrupt, insolvent, or deceased creditors;

(12) may collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation;

(13) shall determine the character of, and necessity for, obligations and expenditures of the Corporation and the manner in which the obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

(14) may make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation;

(15) may sell assets, loans, and equity interests acquired in connection with the financing of projects funded by the Corporation; and

(16) may exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation to carry out this title and the powers, purposes, functions, duties, and authorized activities of the Corporation.

SEC. 302. TOBACCO LOAN ASSOCIATIONS.

The Corporation shall enter into an agreement with producer-owned cooperative marketing loan associations for each kind of tobacco to—

(1) make price support available to producers of the kind of tobacco;

(2) carry out the licensing system established under subsection (b)(2);

(3) arrange for financing and the administration of price supports for the kind of tobacco; and

(4) receive, process, store, and sell any domestically produced tobacco received as collateral for a price support loan.

SEC. 303. TOBACCO PRICE SUPPORT LEVELS.

(a) INITIAL LEVEL.—Effective for the 1999 crop of each kind of tobacco, the support level in cents per pound established under this title shall be equal to—

(1) the simple average price received by producers of the kind of tobacco, as determined by the Corporation, during the marketing years for the immediately preceding 5 crops of the kind of tobacco; less

(2) the average return to quota for 1994 through 1998 crops of the kind of tobacco, as determined by the Corporation.

(b) SUBSEQUENT ADJUSTMENT.—The Corporation, in consultation with the Associations, shall adjust and establish the support level for each kind of tobacco at an appropriate level for each year after 1999.

SEC. 304. PENALTIES.

(a) IN GENERAL.—The violation of any provision of this Act, or any rule or regulation issued to carry out this Act, or the terms of any license issued under this Act, by a person (including the marketing of any kind of tobacco without a license issued under this title or in excess of the quantity permitted under such a license) shall subject the person to revocation or suspension of the person's license, a penalty of 75 percent of the average market price (calculated to the nearest whole cent) for the kind of tobacco for the immediately preceding marketing year, or both, in the discretion of the Secretary.

(b) PAYOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the penalty shall be paid by the person who acquired the tobacco from the producer.

(2) DEDUCTION FROM PRICE.—An amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in any case in which the tobacco is marketed by sale.

(3) WAREHOUSEMAN OR AGENT.—If the tobacco is marketed by the producer through a warehouseman or other agent, the penalty shall be paid by the warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(4) Direct marketing outside United States.—In any case in which tobacco is marketed directly to any person outside the United States, the penalty shall be paid and remitted by the producer.

(c) FALSE STATEMENT OR OMISSION.—If any producer falsely identifies or fails to account for the disposition of any tobacco—

(1) an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the quantity permitted under a license issued under this title shall be considered to have been marketed in excess of the license for the farm; and

(2) the penalty for the excess marketing shall be paid and remitted by the producer.

(d) CARRYOVER.—Tobacco carried over by the producer of the tobacco from 1 marketing year to another marketing year may be marketed without payment of the penalty imposed by this section if—

(1) the total quantity of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over does not exceed the quantity that may be marketed under a license issued for the farm for the marketing year; or

(2) the quantity of tobacco carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the quantity that may be marketed under the license.

(e) TOBACCO MARKETED PRIOR TO MARKETING YEAR.—Tobacco produced in a calendar year for the marketing year beginning during the calendar year shall be subject to licenses issued for the marketing year even though the tobacco is marketed prior to the date on which the marketing year begins.

(f) PROPORTIONAL PAYMENTS.—The Secretary shall require collection of the penalty on a proportion of each lot of tobacco marketed from the farm equal to the proportion that the tobacco available for marketing from the farm in excess of the quantity that may be marketed under a license is of the total quantity of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of the excess tobacco prior to the marketing of any tobacco from the farm.

(g) LIEN.—Until the amount of the penalty provided by this section is paid, a lien on the tobacco with respect to which the penalty is incurred, and on any subsequent tobacco subject to licenses issued under this title in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the Corporation for the amount of the penalty.

SEC. 305. PROGRAM REFERENDA.

(a) INITIAL REFERENDUM.—Not later than 3 years after the date of enactment of this Act, the Corporation shall conduct a referendum among licensees engaged in the production of each kind of tobacco to determine whether such producers are in favor of continuing the operation of the program established under this Act with respect to that kind of tobacco. If more than one half of the licensees voting oppose the continuation of the program, the Corporation shall announce the result and shall conduct a second referendum one year later. If more than one half of the licensees voting in the second referendum also oppose the continuation of the program, the Corporation shall announce the result and the program shall cease to be in effect for that kind of tobacco.

(b) SUBSEQUENT REFERENDA.—The Corporation may conduct subsequent referenda from time to time as the Corporation deems appropriate to determine whether producers are in favor of continuing the program established under this Act, the use of marketing allotments and quotas, limitations on transfer of quota, or any other aspect of the program.

(c) EFFECTIVE DATE.—This section shall be effective 1 year after the date of enactment of this Act.

SECTION-BY-SECTION SUMMARY OF THE "TOBACCO MARKET TRANSITION ACT"

These are the highlights of each section of the legislation:

Section 1. Table of Contents.

Section 2. Definitions.

This section includes the definition of an "active tobacco producer" (who will be eligible to receive transition payments and a license to grow tobacco) and a "quota holder" (who will be eligible for the quota asset buyout). An "active tobacco producer" is a person who was the actual producer of tobacco planted in 1997. A "quota holder" is a person who owned a farm on January 1, 1998 which carried a tobacco farm marketing quota or farm acreage allotment.

Section 3. Purposes.

Section 101. Tobacco Community Revitalization Trust Fund.

This section establishes a trust fund which will compensate quota holders, make transition payments to growers, fund the privatized tobacco production limiting program, pay for tobacco crop insurance, and provide community development grants. From the funds generated as a result of comprehensive tobacco legislation, the trust fund would receive $3.5 billion for the first five years, and $265 million each succeeding year.

Section 201. Compensation to Quota Holders for Loss of Tobacco Quota Asset Value.

A quota holder would receive $8/pound based on the average tobacco farm marketing quota established for the 1995 through 1997 marketing years for the farm owned by the quota holder on January 1, 1998. The payments would be made in 5 equal annual installments beginning in 1999.

Section 202. Transition Payments for Active Tobacco Producers.

Tobacco producers who grew tobacco in 1997 would be eligible to receive 40¢/pound for five years based on the average number of pounds of tobacco quota established for a farm for the 1995 through 1997 marketing years for which the grower was the actual producer of tobacco on the farm.

Section 203. Tobacco Loan Associations.

To extricate the federal government from the tobacco program and assist tobacco loan associations make the transition to the privatized program, this section forgives various loans made to the associations by the Department of Agriculture, transfers title to the loan associations of tobacco held in inventory by the Department of Agriculture, and transfers to the loan associations the funds held in the No Net Cost Tobacco Fund and the No Net Cost Tobacco Account held on behalf of the associations.

Section 204. Tobacco Community Economic Development Grants.

The Corporation will award $250 million annually to tobacco-dependent counties to aid community development efforts. The funds can be used for various purposes, including education, small business incubators, technology infrastructure enhancement, transportation improvements and water projects.

Section 205. Tax Treatment of Tobacco Quota Holder Compensation and Transition Payments.

Compensation funds to quota holders and transition payments to tobacco producers will not be taxed if placed in a qualified retirement account or if used to retire debt directly associated with tobacco production incurred prior to January 1, 1998.

Section 301. Tobacco Production Control Corporation.

This section creates the privatized Tobacco Production Control Corporation, which will undertake the duties previously performed by the federal government. These duties will include:

Governing the production, marketing, importation, exportation, and consumer quality assurance for each kind of tobacco;

Offering crop insurance;

Establishing a quality assurance system that provides for the inspection and grading of tobacco marketed in the U.S., determines and describes the physical characteristics of domestic and imported tobacco, and ensures the physical and chemical integrity of domestic and imported tobacco; and

Creating a licensing system to limit the production of tobacco, replacing the current quota system. Licenses would be issued by the Corporation at no cost to the producer and no tobacco could be sold without a license. Initially, licenses would be issued to active tobacco producers and would be surrendered to the Corporation if the producer ceases growing tobacco. Licenses could not be sold, leased or transferred except to a licensee's spouse or children actively engaged in the production of tobacco.

Section 302. Tobacco Loan Associations.

This section requires the Corporation to enter into agreements with producer-owned loan associations for each kind of tobacco to make price support available, carry out the licensing system, arrange for financing and administration of price supports and handle any domestically produced tobacco received as collateral for a price support loan.

Section 303. Tobacco Price Support Levels.

For the 1999 crop year, the price support shall be the simple average price received by producers for the preceding 5 years less the average return to quota for 1994 through 1998 crops. This eliminates from the price of tobacco an amount equal to the previous cost of acquiring quota.

Section 304. Penalties.

This section sets forth the penalties for those who sell tobacco without a license or in violation of a license, and for those who purchase tobacco which is not licensed or violates a license.

Section 305. Program Referenda.

This section allows producers to vote periodically on whether to retain the new privatized program.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), and the Senator from Idaho (Mr. KEMPTHORNE) were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 497

At the request of Mr. COVERDELL, the names of the Senator from Texas (Mr. GRAMM), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 512

At the request of Mr. KYL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 530

At the request of Mr. KOHL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 530, a bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes.

S. 656

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. BOND), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 933

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 933, a bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 1028

At the request of Mrs. BOXER, her name was withdrawn as a cosponsor of S. 1028, a bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1173

At the request of Mr. WARNER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. COATS), the Senator from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Tennessee (Mr. FRIST), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Mr. STEVENS), the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1314

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1328

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1328, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. COVERDELL), the Senator from

Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1460

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1460, A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son Vladimir Malofienko.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. GRAMM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1575, a bill to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport".

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Resolution 155, A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 168, A resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

SENATE CONCURRENT RESOLUTION 71—CONDEMNING IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCAIN, Mr. LEAHY, Mr. HELMS, Mr. DODD, Mr. BROWNBACK, Mr. BRYAN, Mr. WARNER, Mr. CLELAND, Mr. STEVENS, Mr. TORRICELLI, Mr. MACK, Mr. KERRY, Mr. COVERDELL, Mr. BYRD, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. THOMAS, Mr. WYDEN, Mr. GORTON, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. HOLLINGS, Ms. COLLINS, Mr. AKAKA, Mr. INHOFE, Mr. CONRAD, Mr. GRAMS, Mr. ROBB, Mr. BENNETT, Mr. SPECTER, and Mr. HAGEL) submitted the following concurrent resolution; which was read twice and ordered placed on the calendar:

S. CON. RES. 71

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the cease-fire was codified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolutions 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 further established the United Nations Special Commission (UNSCOM) on Iraq to uncover all aspects of Iraq's weapons of mass destruction programs;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, further empowers UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas in violation of the 1991 cease-fire agreements and subsequent United Nations Security Council Resolutions, the Iraqi government has repeatedly and deliberately impeded UNSCOM from conducting its mission through concealment, harassment, deception and intimidation;

Whereas despite the sustained opposition of the government of Iraq, UNSCOM has discovered many instances of inaccurate and duplicitous actions by Iraq concerning Iraqi ballistic missile capabilities and chemical and biological weapons programs:

Whereas the United Nations Security Council has repeatedly demanded that Iraq end its obstruction of UNSCOM, including in Resolutions 1060 (June 12, 1996), 1115 (June 21, 1996), 1134 (October 23, 1997) and 1137 (November 12, 1997);

Whereas the work by the leadership and personnel of UNSCOM under difficult and dangerous conditions has been commendable;

Whereas Iraq continues to obstruct the work of UNSCOM by limiting access to sites in Iraq, by restricting the movement of UNSCOM personnel, and by threatening to end all cooperation with UNSCOM;

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security; and

Whereas the United States has existing authority to defend United States interests in the Persian Gulf region:

Now, therefore, be it resolved that the Senate, the House of Representatives concurring—

(1) Condemns in the strongest possible terms the continued threat to international peace and security posed by Iraq's refusal to meet its international obligations and end its weapons of mass destruction programs;

(2) Urges the President to take all necessary and appropriate actions to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs; and

(3) Urges the President to work with Congress in furthering a long-term policy aimed at definitively ending the threat to international peace and security posed by the government of Iraq and its weapons of mass destruction programs.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, February 11, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1069, a bill to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, a bill to establish a historic lighthouse preservation program, within the National Park Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send 2 copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161 or Kelly Johnson at (202) 224–3329.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 12, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 62, a bill to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express Act of Congress, and for other purposes. S. 477, a bill to amend the Antiquities act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres. S. 691, a bill to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States. H.R. 901, an act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property right in non-Federal lands surrounding those public and acquire lands. H.R. 1127, and act to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will be held in Twin Falls, Idaho at the College of Southern Idaho in the Fine Arts Auditorium on Monday, February 16, 1998 at 9:00 a.m. The College of Southern Idaho is located at 315 Falls Ave., Twin Falls, Idaho.

The purpose of this hearing is to receive testimony on the management of the Sawtooth National Forest Recreation Area.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Bill Lange or Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President: I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on the implementation by the Northwest Power Planning Council of the 1996 amendment to the Northwest Power Planning Act requiring accountability in and scientific peer review of projects to be funded through the Bonneville Power Administration's annual fish and wildlife budget.

The hearing will begin at 9:30 a.m. on Tuesday, February 17, 1998 in the Lecture Hall of Washington State University, 14204 NE Salmon Creek Avenue, Vancouver, Washington.

Persons interested in testifying or submitting material for the record should contact Betty Nevitt of the Subcommittee staff at (202) 224-0765 or write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 24, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the visitor center and museum facilities project at Gettysburg National Military Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony of the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, January 28, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

Also hearing on confirmation on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, January 28, 1998, in open session, to receive testimony on the report and recommendations of the National Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 28, 1998 at 9:30 a.m. to hold an open hearing and at 2:30 to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOMINATION OF JUDGE ANN AIKEN FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF OREGON

• Mr. FAIRCLOTH. Mr. President, President Clinton's nomination for the U.S. District Court for the District of Oregon, Judge Ann Aiken, came before this body this afternoon. Mr. President, I was unavoidably absent for the vote, but I would like the record to reflect that I would have voted "no."

I commend my colleague from Wyoming, Senator MIKE ENZI, for closely scrutinizing this nomination and reporting to us some alarming rulings on the part of Judge Aiken which illustrate flaws in her judicial philosophy. For example, as Senator ENZI has noted, Judge Aiken, while a Oregon state court judge, sentenced a 26-year-old man convicted of the first degree rape of a 5-year-old girl to a mere ninety days in jail. Ninety days? A petty thief gets more than ninety days. This man raped a little girl. According to local papers, Judge Aiken justified her minimal sentence by citing a lack of treatment programs for sex offenders in Oregon's state prisons.

Mr. President, this case, along with a history of similar rulings, reveals a grave misunderstanding in Judge Aiken's judicial outlook and a proclivity to side with criminals. Once again, the President has offered this body a judicial nominee more interested in defending the rights of criminals than protecting those of victims. How much longer will he continue to nominate Federal judges who ignore the safety and well-being of our communities?•

IN RECOGNITION OF ART VanELSLANDER

• Mr. LEVIN. Mr. President, I rise today to commend one of Michigan's foremost business leaders, Mr. Art VanElslander, for his service as chairman of the successful Society of St. Vincent DePaul Capital Campaign.

Mr. VanElslander is well-known throughout Michigan as the Chairman and CEO of Art Van Furniture, Michigan's largest furniture retailer and the sixth largest furniture retailer in the United States. Business success has enabled Mr. VanElslander to pursue his commitment to community service and philanthropy and benefit thousands of people. His involvement with the St. Vincent DePaul Capital Campaign is a prime example of his dedication and commitment.

In 1995, just before Christmas, a fire destroyed the St. Vincent DePaul warehouse which served needy residents of the metropolitan Detroit area. The fire led to an outpouring of donations of clothing, bedding and toys from thousands of people in Metro Detroit. With those immediate needs met, thanks to the generosity of the community, the Society of St. Vincent DePaul began a fundraising campaign to meet their long-term needs—replacing the warehouse and building the St. Vincent DePaul Service Center, which would provide job training and employment placement, transitional child care for those enrolled in programs at the Center, a non-acute health care clinic, a resale thrift shop and an emergency food depot. To raise the $3.75 million needed to fund these projects, the Society of St. Vincent DePaul asked Mr. VanElslander to chair the campaign.

Mr. VanElslander not only provided the leadership and spirit needed to successfully raise the money, but he pledged to match up to $500,000 in donations. His commitment to this campaign is a natural expression of his desire to help the less fortunate members of his community.

Mr. President, we all benefit from the attention and energy of leaders like Mr. VanElslander. By helping those in need, they improve the strengthen the entire community. I hope my colleagues will join me in commending Mr. Art VanElslander for his generosity and for his leadership of the Society of St. Vincent DePaul Capital Campaign.•

CATHOLIC SCHOOLS WEEK

• Mr. ABRAHAM. Mr. President, today I rise to join Catholic schools across my home state of Michigan and the country as they celebrate Catholic Schools Week. This year marks the twenty-third anniversary of the annual event, and its theme is an important one, "Catholic Schools: Restoring Faith in Education."

Since the founding of our great nation, Catholic schools have been integral to its growth and prosperity. Among the first schools in the country, Catholic schools educated countless individuals throughout the nation and provided an early first step toward creating a literate populace. Today, the role of Catholic schools is just as important. Strong academics partnered with a values-based education offers a tremendous option for children across the country. From rural areas to the inner city, the opportunities afforded by Catholic schools are immeasurable. They provide an important choice for parents and students who seek the best possible learning environment.

In the State of Michigan, Catholic schools are elemental in providing children of all ages with a solid education. Spread throughout Michigan's seven Catholic dioceses, over 96,000 students are enrolled in 355 schools. These schools play a critical role in adding to the rich diversity of American education. I am pleased to have this opportunity to congratulate the many Catholic schools in Michigan and the United States for the high quality of education they provide.•

FIFTIETH ANNIVERSARY OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

• Ms. COLLINS. Mr. President, 1998 marks the fiftieth anniversary of the Senate Governmental Affairs Committee's Permanent Subcommittee on Investigations. On January 28, 1948, the Senate adopted a resolution converting the Special Committee to Investigate the National Defense Program (better known as the "Truman Committee" for its first chairman, Missouri Senator Harry Truman) into a permanent subcommittee. The special committee looked into charges of waste and abuse in defense contracting during the Second World War. After its first chairman resigned to become Vice President and then President of the United States, the Committee continued to investigate fraud and corruption in the postwar years. Its many successes convinced the Senate of the need to retain an ongoing mechanism to combat wrongdoing and to keep government honest. Today, we celebrate a half century of these endeavors.

As Chairman of the Permanent Subcommittee on Investigations, I wish to pay tribute to all of the Senators who have served on the Subcommittee, and to offer a brief survey of the highlights of the Subcommittee's activities over the years.

Senator Ralph Owen Brewster of Maine chaired the "Truman Committee" during the Republican Eightieth Congress, but when the Senate transferred the functions of the special committee to the Committee on Expenditures in the Executive Departments—a precursor of Governmental Affairs Committee—Senator Brewster was not a member of that committee and could not chair the new subcommittee.

The Committee on Expenditures in the Executive Branch already had a Subcommittee to Investigate Surplus Property Disposal, chaired by Michigan Senator Homer Ferguson. Senator Ferguson, a former judge, had also been a member of the Truman Committee, and had occasionally served as its acting chairman. Assuming the leadership of the new subcommittee, which was to be called the Permanent Subcommittee on Investigations, Ferguson inherited the special committee's authority, functions, and powers. He merged its staff members with those from his subcommittee to Investigate Surplus Property Disposal. Notably, he retained the Truman Committee's chief counsel William Rogers (who later served as Secretary of State) and its chief clerk, Ruth Young Watt (a Maine native who served as chief clerk from the Subcommittee's beginning until her retirement in 1979). While technically reduced to a Subcommittee of a standing committee, the Permanent Subcommittee exercised authority almost as a separate entity, selecting its own staff and determining its own investigatory agenda.

Senator Homer Ferguson's Chairmanship ended with the election of 1948, which changed the Senate's majority and made Senator Clyde Hoey, a North Carolina Democrat, Chairman of the Permanent Subcommittee on Investigations. The last U.S. Senator to wear a long frock coat and wing-tipped collar, Mr. Hoey was a distinguished southern gentleman of the old school. During his leadership, the Permanent Subcommittee on Investigations won national attention for its investigation of the "five percenters," Washington lobbyists who charged their clients five percent of the profits from any federal contracts they obtained for them. The "five percenters" investigation raised allegations of bribery and influence-peddling that reached right into the White House and implicated some members of President Truman's staff.

When Republicans regained the Senate's majority in 1953, at the beginning of the Eisenhower administration, Wisconsin's junior Senator, Joseph R. McCarthy, took over as Chairman of the Permanent Subcommittee. Two years earlier, as Ranking Minority Member, Senator McCarthy had removed from the Committee another Republican Senator, Margaret Chase Smith of Maine. Senator Smith had issued a "Declaration of Conscience" against those who made unfounded charges and used character assassination against their political opponents. Although Senator Smith had not named a specific offender, her remarks were universally recognized as criticism of Senator McCarthy's accusations that Communists had infiltrated the State Department and other government agencies. Senator McCarthy retaliated by eliminating Senator Smith from his Subcommittee and replacing her with the newly elected senator from California, Richard M. Nixon.

When Senator McCarthy became Subcommittee Chairman, he staged a series of highly publicized anti-communist investigations, culminating in an inquiry into communism in the U.S. Army, which became known as the Army-McCarthy hearings. During the latter portion of these hearings, in which the Committee examined the Wisconsin Senator's attacks on the army, Senator McCarthy recused himself, and South Dakota Senator Karl Mundt served as Acting Chairman of the Permanent Subcommittee on Investigations. Gavel-to-gavel television coverage of the hearings raised public concern about Senator McCarthy's treatment of witnesses and his irresponsible use of evidence. In December of 1954, the Senate censured Senator McCarthy for unbecoming conduct, and the following year the Permanent Subcommittee on Investigations adopted new rules of procedure that better protected the rights of witnesses. These actions vindicated the courageous stand of Maine Senator Margaret Chase Smith.

In 1955, Senator John McClellan of Arkansas began eighteen years of service as Chairman of the Permanent Subcommittee on Investigations. Senator McClellan appointed the young Robert F. Kennedy as the Subcommittee's Chief Counsel. That same year, Members of the Permanent Subcommittee on Investigations were joined by Members of the Senate Labor and Public Welfare Committee on a special committee to investigate labor racketeering. Chaired by Senator McClellan and staffed by Robert Kennedy and other staff members of the Permanent Subcommittee on Investigations, the special committee directed much of its attention to criminal influence over the Teamsters Union, calling Teamsters' leaders Dave Beck and Jimmy Hoffa to testify. The televised hearings of the special committee introduced Senators Barry Goldwater and John F. Kennedy to the nation, and led to passage of the Landrum-Griffin Labor Act.

After the special committee completed its work, the Permanent Subcommittee on Investigations continued to investigate organized crime. In 1962, the Subcommittee held hearings in which Joseph Valachi outlined the activities of La Cosa Nostra, or the Mafia. Robert Kennedy, by then Attorney General, used this information to prosecute prominent mob leaders and their accomplices. The investigations also led to passage of major legislation against organized crime, most notably the Racketeer Influenced and Corrupt Organizations (RICO) provision of the Crime Control Act of 1970. Under Chairman McClellan, the Permanent Subcommittee on Investigations also investigated fraud in the purchase of military uniforms, corruption in the Department of Agriculture's grain storage program, securities frauds, and civil disorders and acts of terrorism. From 1962 to 1970, the Permanent Subcommittee on Investigations conducted an extensive probe of political interference in the awarding of government contracts for the TFX ("tactical fighter, experimental"). In 1968, the Subcommittee also looked into charges of corruption in U.S. servicemen's clubs in Vietnam and elsewhere around the world.

Senator Henry "Scoop" Jackson, a Democrat from Washington, replaced Senator McClellan as Chair of the Permanent Subcommittee in 1973. Senator Jackson continued most of the Subcommittee staff but added Howard Feldman as Chief Counsel. During these years, Chief Clerk Ruth Young Watt noted that the Subcommittee's Ranking Minority Member, Senator Charles Percy, an Illinois Republican, was even more active on the Committee than was the Chairman, who was balancing his Chairmanship of the Interior Committee and his active role on the Armed Services Committee.

It had not been uncommon in the Subcommittee's history for the Chairman and Ranking Minority Member to work together closely despite their partisan differences, but Senator Percy was unusually active in the minority—even chairing one investigation of the hearing aid industry. Senator Percy continued to work in tandem with Senator Sam Nunn, who succeeded Senator Jackson as Chairman of the Permanent Subcommittee on Investigations in 1979. As Chairman, Senator Nunn continued the Subcommittee's investigations into the role of organized crime in labor-management relations and also investigated pension frauds.

The regular reversals of political fortunes in the 1980s and 1990s saw Georgia Democrat Sam Nunn alternate the Chairmanship with Delaware Republican WILLIAM ROTH. Senator Nunn Chaired the Subcommittee from 1979 to 1980 and again from 1987 to 1995. Senator ROTH served as Chair from 1981 to 1986, and again from 1995 to 1996. Senator ROTH led a wide range of investigations into commodity investment fraud, offshore banking schemes, money laundering, airline safety, child pornography, and computer security. Senator Nunn pursued federal drug policy, the global spread of chemical and biological weapons, abuses in the federal student aid programs, and health care fraud. Senator Nunn also appointed the first woman counsel, Eleanore Hill, who served as Chief Counsel to the Minority from 1982 to 1986 and then as Chief Counsel from 1987 to 1995. Ms. Hill is now the Inspector General at the Department of Defense.

In January 1997, I became the first freshman and woman to Chair the Permanent Subcommittee on Investigations, and I appointed Timothy Shea as Chief Counsel. During the first session of the 105th Congress, the Subcommittee held hearings into Medicare fraud and penny stock fraud, as well as an oversight review of the Office of the Inspector General at the Treasury Department that led to the resignation of the Inspector General.

Now we have reached the Subcommittee's fiftieth anniversary, which marks another significant milestone. Unlike most standing committees of the Senate, whose previously unpublished records open for scholarly research after a period of twenty years has elapsed, the Permanent Subcommittee on Investigations, as an investigatory body, may close its records for fifty years to protect personal privacy and the investigatory process. Over the past half century, scholars have studied and written about many of the Subcommittee's investigations by using its voluminous public hearings, newspaper accounts, oral histories, and the personal papers of the Senators who served on the Subcommittee, but they have also expressed keen interest in examining the Subcommittee's own historical records. With this fiftieth anniversary, the Subcommittee's earliest records, housed in the Center for Legislative Archives at the National Archives and Records Administration, will begin to open seriatim. The records of our predecessor committee—the Truman Committee—were opened by Senator Nunn in 1980. I trust that the new scholarship that emerges from these records will further national awareness of the Permanent Subcommittee on Investigations' role and its numerous accomplishments.

The Permanent Subcommittee on Investigations does not intend to rest on its historical laurels. As Chair, I pledge a continuation of the Subcommittee's mission of vigilant exposure of government malfeasance, social and economic wrongdoing, and serious violations of the public trust. We will focus on problems that affect the American people in their daily lives so that our work will help and protect the people of Maine and Americans across the nation.

Mr. President, I ask to have printed in the RECORD a list of all the Chairmen, Ranking Minority Members, and Chief Counsels of the Permanent Subcommittee on Investigations over the past fifty years.

The list follows:

CHAIRS OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Homer Ferguson (R—Michigan), 1948–1949
Clyde R. Hoey (D—North Carolina), 1949–1952
Joseph R. McCarthy (R—Wisconsin), 1953–1954
John L. McClellan (D—Arkansas), 1955–1972
Henry M. Jackson (D—Washington), 1973–1978
Sam Nunn (D—Georgia), 1979–1980, 1987–1994
WILLIAM V. ROTH, Jr. (R—Delaware), 1981–1986, 1995–1996
SUSAN M. COLLINS (R—Maine), 1997–present

RANKING MINORITY MEMBERS

John L. McClellan (D—Arkansas), 1948–1950, 1953–1955
Joseph R. McCarthy (R—Wisconsin), 1950–1952, 1955–1957
Karl E. Mundt (R—South Dakota), 1958–1971
Charles H. Percy (R—Illinois), 1972–1980
Sam Nunn (D—Georgia), 1981–1986, 1995–1996
WILLIAM V. ROTH, Jr. (R—Delaware), 1987–1994
JOHN GLENN (D—Ohio), 1997–present

CHIEF COUNSELS

William P. Rogers, 1948–1950
Francis D. Flanagan, 1950–1953
Roy M. Cohn, 1953–1954
Robert F. Kennedy, 1955–1957
Donald F. O'Donnell, 1957–1970
Jerome S. Adelman, 1970–1971
John P. Constandy, 1971–1973
Howard J. Feldman, 1973–1976
Owen J. Malone, 1977–1979
Lavern Duffy, 1979
Marty Steinberg, 1979–1981

S. Cass Weiland, 1981–1984
Daniel F. Rinzel, 1984–1987
Eleanore J. Hill, 1987–1995
Harold Damelin, 1995–1996
Timothy J. Shea, 1997–present●

RETIREMENT OF MICHAEL S. PINTO, SUPERINTENDENT OF MIDDLETOWN SCHOOLS

● Mr. CHAFEE. Mr. President, on January 31st, friends and colleagues will gather to honor Michael S. Pinto, who has served Middletown public schools for 36 years, and is retiring as Superintendent.

Michael Pinto built his career in Rhode Island, just as he received his education in our state. He received degrees from Providence College and Rhode Island College, and pursued additional studies at the University of Rhode Island, Brown University, and Salve Regina University.

For seven years, Superintendent Pinto worked with students as a classroom teacher, then as Supervising Principal for sixteen years. He served as both Coordinator of Elementary Education and Assistant Superintendent before being appointed as Superintendent of Middletown Schools in 1994.

Michael has amassed an impressive record of public service. His work in the Middletown public school system is well known. But, he has also been involved with the Easter Seals Society, the YMCA, the Middletown Lions Club, the Rhode Island Senate Drug Advisory Committee, and many other worthy organizations.

Mr. President, no one has worked harder or has shown more persistence on behalf of the Impact Aid program than Michael Pinto! Barely a month goes by without a letter from Superintendent Pinto reaching my desk, advocating the Impact Aid program and its importance in Middletown schools.

Recently, a Newport Daily News article described Superintendent Pinto as an easy-going and amiable administrator." In fact, in the spirit of true compromise for the good of education and the community, Superintendent Pinto has said, "[I'll] tell the School Committee that I'm not interested in a lot of 3-to-2 votes. I'll give up something for a 5-to-0 vote." It is that quality—doing what it takes to reach a consensus—that has made him a successful leader.

As Michael prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to his community.●

TRIBUTE TO WILLIAM RUSSELL KELLY

● Mr. ABRAHAM. Mr. President, I rise to pay homage to William Russell Kelly. This giant of the office staffing industry recently passed away after a hard fought battle with cancer. Russell Kelly's legacy, however, will long remain a symbol of efficiency, quality, and integrity.

First begun in 1946, through hard work and determination, Kelly Services has grown into a Fortune 500 company. Providing temporary and supplemental staff, the company proved to be a tremendously successful venture, and soon the phrase "Kelly Girl" became synonymous with quality and professionalism. Employees identified themselves with pride and the term became a mark of distinction in a rapidly growing industry. Today, Kelly Services is composed of more than 750,000 men and women who offer a wide variety of professional and technical support around the world. What began as a small company supporting local businesses in Detroit has proven itself to be an asset to literally thousands of companies worldwide.

Last year, Kelly Services celebrated its 50th anniversary. Amid the celebrations, an individual inquired how Russell Kelly wanted to be remembered. He replied, "I want to be remembered as a pioneer." Mr. President, I am proud to say Russell Kelly met that goal. He was a pioneer who, through determination and perseverance, left his imprint on the world. Through his efforts, the way companies do business was revolutionized.

During this most difficult time, my thoughts and prayers go out to Russell Kelly's family and friends.●

TRIBUTE TO GEORGIAN PRESIDENT EDUARD SHEVARDNADZE

● Mr. McCONNELL. Mr. President, I rise today to honor a world statesman and one of the most heroic figures of this century on the occasion of his 75th birthday. Mr. Eduard Shevardnadze, the President of Georgia, celebrated his birthday this past weekend and I know each of my colleagues join me in wishing him health, happiness and many years of success.

Mr. President, as I advance in years I become increasingly aware that each additional birthday is a milestone of sorts. However, when one looks at the dramatic changes in both the world and the man over the past 75 years of Eduard Shevardnadze's life, it is more than a mere birthday that is celebrated. I would suggest we should recognize his as a life of dignity, service and commitment to fighting for principle. His has been a life "in the arena"—one richly deserving of honor.

President Shevardnadze has enjoyed a wide range of experiences in public life. Most Americans became aware of his remarkable abilities when he held the position of Minister of Foreign Affairs of the Soviet Union from 1985 until 1991.

With the collapse of the Soviet Union in 1991, he left the Communist Party, resigning in protest against the anticipated military dictatorship. It was at this time, as a private citizen, that President Shevardnadze returned to his homeland of Georgia. Here he found a nation in complete disarray, struggling to shake off the years of Soviet domination. Faced with this challenge what was he to do? He did what comes naturally to him, Mr. President—he chose to lead.

Beginning in March 1992, he led the State Council. In October 1992, he was elected Chairman of the Parliament of Georgia from which he was elected head of State. Finally, in November 1995, he was elected President of Georgia with over 70% of the vote. This completed a historic personal and governmental transition.

Mr. President, since his election, I have had the distinct honor of working with President Shevardnadze on a variety of issues. I can say without fear of embellishment that I find him to be one of the true heroes of the 20th century. His vision for a free, prosperous and democratic Georgia is one I support and believe him to be uniquely qualified to deliver. Further, he is one of the principal architects of the Post Cold War world, and for that we should all give thanks.

While many leaders in this part of the world are consumed by their own position and power, President Shevardnadze has demonstrated his commitment to his nation in a unique way—he has consistently appointed, selected and surrounded himself with exceptionally talented men and women half his age. President Shevardnadze's legacy is the determined leadership he not only has shown, but the team of leaders he has cultivated and supported—leaders who will secure Georgia's bright and independent future.●

NAVAL SURFACE WARFARE CENTER'S CARDEROCK DIVISION

● Mr. SARBANES. Mr. President, I rise today to pay tribute to the Naval Surface Warfare Center's Carderock Division in Montgomery County, which will celebrate its Centennial Anniversary on January 30, 1998.

For 100 years, the NSWC's Carderock Division, widely known as the David Taylor Research Center, has played a pivotal role in the design and construction of Navy ships, submarines and advanced craft. This Center has been described—accurately, in my view—as the "First Stop" for Navy ideas in new ship and submarine concepts. Through the basic and applied research conducted at this center the Navy has been able to develop new, innovative hull designs, ways to significantly lower the costs of submarine and ship construction, and has made significant advances in reducing electromagnetic signatures and underwater accoustics—

to name only a few of its accomplishments. Its team of scientists, engineers, technicians and support staff at Carderock and formerly Annapolis, have spearheaded the development of surface ship and submarine system technologies to ensure that the U.S. fleet remains the best in the world. Since its inception, the Carderock Division has been charged with the unique dual mission of supporting not only the Navy, but also our maritime sector as a whole and I think it is important to point out how much the research conducted at David Taylor and the technology it has transferred to the private sector has benefitted the nation's entire maritime industry. From having the largest number of patents issued to employees in the entire division, to being the first DOD/Navy and second government organization to receive ISO 9001 (International Organization for Standardization) Certification—as well as receiving Vice President GORE'S coveted Hammer Award—the David Taylor Center's achievements are truly second to none.

Over the years, I have had the opportunity to work closely with a number of individuals at the Carderock Division and I can personally attest to the high caliber, quality and commitment of its workforce. Indeed, the many accomplishments of the David Taylor Research Center have only been possible through the professionalism, dedication, imagination and energy of its employees.

One of the projects on which I worked very closely with the Navy was Carderock's new, state of the art Ship Materials Technology Center which we dedicated last year. With this new center and other developments which are underway, Carderock not only has best personnel, but also some of the finest, most-advanced facilities and resources to ensure that the Navy's Research and Development Program stays on the cutting edge of technology into the 21st Century.

We take great pride in the accomplishments of the Carderock division, in the people who work there and in having this outstanding facility located in Maryland. I commend the David Taylor Center for its 100 years of success and remarkable achievements and am confident that, with its new lab facility, the Carderock division and our nation will continue to be on the frontier of Naval research and development for hundreds of years to come.•

GIRL SCOUTS AND BOY SCOUTS

• Mr. CHAFEE. Mr. President, it is with great pride that I rise to recognize two extraordinary groups of young people in my home state of Rhode Island. These individuals of the Girl Scouts and Boy Scouts have distinguished themselves as leaders in their communities.

Since Baden Powell founded the Boy Scouts in 1910 and Juliette Gordon Low established the Girl Scouts in 1912, many youth have chosen to make new friends, develop leadership skills, assist their communities, and explore new ideas by participating in these two fine organizations.

In a world where it is sometimes said that role models no longer exist, these young men and women are shining examples to their peers. The skills they have learned while camping, doing service work, and within their individual groups, are the skills they will need to help the world become a better place.

In order to attain the Eagle Scout award, Boy Scouts must earn 21 merit badges, complete a service project in their community, hold a number of leadership positions in their troop, and finally, pass an oral-administered exam which can last for several hours. The Silver Award is given to Girl Scouts in junior high school after the completion of a service project. The highest honor in Senior Girl Scouting is the Gold Award, which is earned at the culmination of a major service project.

We also owe thanks to the Scouts' parents and families, their leaders, and the organizations themselves which have guided these young people, and helped them achieve so much. Without this worldwide network of adults teaching children and serving as role models, scouting would not exist. These adults turn the young boys and girls of today into the men and women of tomorrow who will lead us through the 21st Century.

Mr. President, it is a privilege to submit to you the list of outstanding young men and women who have earned these awards. I ask that this list of future leaders be printed in the CONGRESSIONAL RECORD.

The List Follows:

1997 GIRL SCOUT SILVER AWARD RECIPIENTS

BARRINGTON, RI

Carly DeWitt; Adina Downing; Lauren Lubrano; Rachel Sockut; Caitlin Wood; Kelly Josephson.

BRISTOL, RI

Eliza Burnham; Beth Chianese; Pamela Raposa.

CHARLESTOWN, RI

Jessica Furmanick; Amber MacDonald.

CRANSTON, RI

Melissa Chalek; Nicole Hopkins; Melissa Lau; Courtney O'Hara; Emily Shumchenia.

EAST GREENWICH, RI

Mary Ellen Hoban; Sarah Longenbaker.

EXETER, RI

Jessica George; Julie Jette; Danielle Lima; Kara Littlefield; Erin Sherman; Erica Steckert.

HOPE, RI

Courtney Mckenna.

HOPKINTON, RI

Marissa Cherenzia.

JOHNSTON, RI

Andreana Paolella.

KINGSTON, RI

Martha Bibb.

MIDDLETOWN, RI

Jaclyn Richardson.

NARRAGANSETT, RI

Megan Dyer.

N. SCITUATE, RI

Katyanne Klitz.

N. SMITHFIELD, RI

Amy Cavedon; Rebecca Corriveau; Nicole White.

PAWTUCKET, RI

April Silva; Tammy Tenney; Julee Thomas.

PORTSMOUTH, RI

Kali Crocker.

PROVIDENCE, RI

Meghan Brown; Elizabeth Frutchey; Emily Markovits.

REHOBOTH, MA

Meghan Thibeault.

RIVERSIDE, RI

Amy Amerantes; Laurie Bone; Eliza Holtzman; Rochonda Ives; Christine Lowell; Meagan Orris; Andrea Salvo.

RUMFORD, RI

Melissa Perry; Michelle Perry.

SMITHFIELD, RI

Carey Stipe.

TIVERTON, RI

Patricia Byrne; Li Erin Probasco; Kristen Zeiser.

WAKEFIELD, RI

Erin Barry; Jacquelyn Bertrand; Kelly Dolan; Allison Fagan; Leah Garvey; Caitlin Higgins; Cassandra Meyer; Erica Sweitzer.

WARREN, RI

Jennifer Potvin; Lauren Swift.

WARWICK, RI

Dawn Armitage; Melanie Carrazzo; Stephanie Demirjian; Bonnie-Marie Dufresne; Jeniece Fairbairn; Tiasa Loignon; Katie Marseglia; Maegan McCauley; Shannon McCormick; Ann O'Donnell; Jessica Rice.

WEST GREENWICH, RI

Tarsha Bellville; Melissa Breene; Allyson Hawley; Nina Lennon; Megin Longway; Tricia Parkinson; Holly Tift.

WEST WARWICK, RI

Amy Lancellotta; Nicole Petrarca.

WESTERLY, RI

Samantha Blanck; Leigh Hanson; Sara McGrath; Alexandra Mochetti; Amy Parise.

WOOD RIVER JUNCTION, RI

Laura Brusseau

1997 GIRL SCOUT GOLD AWARD RECIPIENTS

BARRINGTON, RI

Amanda Macomber.

CRANSTON, RI

Sara Carnevale; Louise Humphrey; Stacey Lehrer.

CUMBERLAND, RI

Kerri Ayo; Sarah Billington; Jennifer Bonner; Amanda Condon; Kerry Donaldson; Shannon Goodwillie; Catherine Jones; Kelly McElroy; Kristen O'Neill; Nikki Parness; Rebecca Silverman; Marcy Trocina; Gina Zollo.

PAWTUCKET, RI

Christal Desmarais.

PEACE DALE, RI

Bethany Lardaro.

PORTSMOUTH, RI

Emily Lyons; Rebecca Richard.

RIVERSIDE, RI

Stephanie Santos.

WARWICK, RI

Sarah Walsh.

WEST KINGSTON, RI

Jennifer Perkins.

1997 BOY SCOUT EAGLE AWARD RECIPIENTS

ASHAWAY, RI

Michael J. Rodehorst.

BLACKSTONE, MA

Stephen N. Briggs; Joshua Dean Brown; Joel C. Norwood.

BRADFORD, MA

Brendon R. Dowler.

CHEPACHET, RI

Jesse M. Andrews; Jesse George Chace; Douglas J. Coyne.

COVENTRY, RI

Donald E. Kirton, Jr.; Mark LaBossiere; Jeffrye M. Southland; Timothy Trafford.

CRANSTON, RI

Jason C. Hudson; Brian H. Johnson; Brian J. Leahy; Robert J. Markelewicz, Jr. Christopher Paolella.

DAVISVILLE, RI

Timothy D. Alfonso; Kyle R. Deschene.

FOSTER, RI

John-Paul Bettencourt; Joshua D. Lusignan; Steven C. Otto.

GLOCESTER, MA

Timothy S. Coupe.

GREENE, RI

Edward C. Morgan.

GREENVILLE, RI

Joshua Dean Brown; Ian Karl Mueller.

EAST GREENWICH, RI

Eric R. Cocozza; Chad Eric Hyland; Brian M. Lehrman; David K. Zielinski.

HOPE VALLEY, RI

Matthew J. Morey.

JOHNSTON, RI

Daniel J. Puleo; Paul R. Puleo.

KINGSTON, RI

Andrew S. Palm; John W. Tarasevich.

NORTH KINGSTOWN, RI

Biran A. Norton.

PAWCATUCK, CT

William G. Nicholas; Eric Sayles Thavenet; John T. Lowell; Antonio K. Palumbo; John Powers.

PROVIDENCE, RI

Michael J. Bastan; Christopher E. Budz; Ype Harmen Dekoe; Michael P. Gilbane.

SCITUATE, RI

James C. Bear.

NORTH SCITUATE, RI

Jason P. Bonin.

SEEKONK, MA

Paul A. Armstrong, Jr.; Evan M. Griffith; Walter E. Horton; Joel C. Norwood; Tyler A. Scott; Matthew A. Sluter.

SLATERSVILLE, RI

Kevin H. Burr.

NORTH SMITHFIELD, RI

Timothy A. Saurette.

WAKEFIELD, RI

Travis W. Ringler.

WARWICK, RI

Benjamin Keir Blackman; Matthew R. Bradbury; Kevin T. Brooks; John A. Candido; Howard J. Cardoza; Dennis R. Coffey; Nicholas J. Hanson; P. William Mortimer, Jr.; Evan W. Pearce; Gregory Paul Stowe; Joseph E. Ulbin; Brian Zartarian.

WEST WARWICK, RI

Paul J. Gauvin; David F. Lombardo; Jonathan Lyttle; Michael Parenteau; Michael D. Roch; Eric Scott Parkinson.

WESTERLY, RI

Richard O.W. Morgan.

WEST GREENWICH, RI

James E. Pendlebury.

WOONSOCKET, RI

David Isaac Brown; Nathaniel Ray Moretti.●

TRIBUTE TO MICHAEL S. PINTO, SUPERINTENDENT OF SCHOOLS, MIDDLETOWN, RHODE ISLAND

● Mr. REED. Mr. President, I rise today to pay tribute to Michael S. Pinto, Superintendent of Schools in Middletown, Rhode Island. After 36 years, Superintendent Pinto is leaving the school system where he began his career, bound for a well-deserved retirement.

During his tenure in Middletown, Superintendent Pinto has held almost every possible position one can hold in the field of education. He has been a teacher, a principal, a business manager for the school district, an assistant superintendent, and, most recently, the superintendent.

Over the years—even when I represented Rhode Island's neighboring Congressional district in the House of Representatives, I was privileged to have the advice of Superintendent Pinto on a variety of issues related to education, from school choice to educational standards. Indeed, I could always count on hearing from Superintendent Pinto about Impact Aid. He is the program's number one advocate.

His commitment to Impact Aid underscores his overall dedication to Middletown's schools and students and the cause of education. A measure of his commitment was shown in a recent news article which reported that in the last fifteen years he has had no more than seven consecutive days off.

As superintendent, Mr. Pinto has presided over a number of successful initiatives including the fundamental repair of two schools, a new system of measuring student learning, and an optional all-day kindergarten. Superintendent Pinto has consistently sought to share the professional accolades he has received with his colleagues in Middletown. His emphasis on team work has earned him the admiration and respect of those who have worked with him.

I thank Superintendent Pinto for his tremendous dedication and congratulate him for all that he has done for Middletown. While the Middletown school system will miss Michael Pinto, I am sure that even in retirement he will continue his work to improve education and better his community.

Mr. President, I am pleased to join Senator CHAFEE today in saluting Superintendent Pinto and wishing him the best in his retirement.●

THOMAS M. BELODEAU

Mr. KERRY. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the eulogy I gave for my friend, Thomas M. Belodeau, on November 10, 1997.

The eulogy follows:

Mrs. Belodeau, Michael; Ann, Tommy's sisters Patricia and Mary; his brothers Leo, James, Joseph, and Larry, to all his relatives, and to his brothers from Vietnam—particularly Del Sandusky from Illinois and Gene Thorsen from Iowa—his crewman on PCF 94—to the Doghunters and to all of Tommy's friends and extended family.

A number of us thought once foolishly that we brothers of Vietnam had gotten used to saying goodbye to our friends before their time. But Tommy is proving us dangerously wrong. We will never get used to it—and well we should not.

So now the question is, how do you say goodbye to a man whose steady hand and courageous heart helped keep you alive? How do you say goodbye to a man who shared the most challenging and terrifying moments of your life?

First, you should all know that we are saying goodbye to a hero. We are saying goodbye to the genuine article—a patriot—a young kid fresh out of Chelmsford High who in difficult times saw his duty and who did it. Tommy was one of America's children who went to war against a people he knew precious little about in a land he'd never been to—for reasons never honestly stated—and he was, like so many, forever changed.

It is hard for me to convey to you the full measure of what that means in 1997, particularly here, today. But in 1966, Tommy and I unwittingly became brothers in the great, divisive, confusing enterprise called Vietnam. We were both class of '66—he from high school and me from college. Though we came from different backgrounds, we didn't in the sense that we both believed in service to our country. We both chose to go into the Navy. We both volunteered for Swift boats in Vietnam. We met when we were thrown together as a crew after his first skipper got hit in an ambush.

I inherited Tommy and the rest of his seasoned crew, and it was the best thing that ever happened to me.

Many of you may have read Tom's obituary the other day. It said he had won a Purple Heart and a Bronze Star with Combat V for serving in Vietnam. That only told you part of the story—and no one here would be surprised that Tommy never told you the rest.

He also won the Navy Commendation medal:

Let me share with you what Admiral Zumwalt said in awarding it to Tom:

"For heroic achievement while serving with friendly foreign forces engaged in armed conflict against North Vietnamese and Viet Cong communist aggressors in the Republic of Vietnam on 5 July, 1968. Seaman Belodeau was serving as a crewman on board Patrol Craft 27 which was blockading the beach in the vicinity of air strikes on an enemy platoon near the village of My Lai, Quang Ngai Province. Observing a Viet Cong suspect run from the enemy position, Seaman Belodeau's Patrol Craft fast moved in to attempt a capture and was immediately taken under enemy fire. Seaman Belodeau, ignoring the enemy fire around him, calmly moved into the open to make the capture. He helped pull the suspect from the water and got him aboard his boat. Seaman Belodeau's courageous actions in capturing a Viet Cong suspect under enemy fire were in the highest tradition of the United States Naval Service."

Seaman Belodeau is authorized to wear the Combat "V". That was just a day that happened to be notice, sandwiched between many more like it or worse, that were not. That was the measure of the man I inherited on my crew.

From the day we came together, we gelled as a crew. And it was the way it ought to be. The crew didn't have to prove themselves to me. I had to earn my spurs with them. When the Chief Petty Officer, Del Sandusky—known as "Sky", who came from Illinois to be with Tom today, finally gave me the seal of enlisted man's approval, Tommy was the first to enthusiastically say: "I told you so, Sky, he's from Massachusetts!!"

You have to understand that we lived together as closely and as intensely on 50 feet of floating armament as men can live. And we learned all there is to learn about each other.

Sometimes it was a funny learning process, as when Mike Medeiros exhibited a hard time understanding Tommy. "Are you from Brooklyn?" he would ask. Tommy would respond with pride and impatience: "Nah: I'm from Boston."

There was the time we were carrying special forces up a river and a mine exploded under our boat sending it 2 feet into the air. We were receiving incoming rocket and small arms fire and Tommy was returning fire with his M-60 machine gun when it literally broke apart in his hands. He was left holding the pieces unable to fire back while one of the Green Berets walked along the edge of the boat to get Tommy another M-60. As he was doing so, the boat made a high speed turn to starboard and the Green Beret kept going—straight into the river. The entire time while the boat went back to get the Green Beret, Tommy was without a machine gun or a weapon of any kind, but all the time he was hurling the greatest single string of Lowell-Chelmsford curses ever heard at the Viet Cong. He literally had swear words with tracers on them!

There was, of course, the moment in February, 1969 when he was positioned in the very bow of the boat—in the totally exposed peak tank—with more than half his body just sticking up exposed to the enemy, when 3 boats turned toward the river bank and Tommy found himself staring straight into an ambush 20 yards ahead. He never flinched as he charged the beach and routed the enemy—not just once, but twice. For Seaman Belodeau's devotion to duty, courage under fire, and exemplary professionalism, in the highest tradition of the Navy he was awarded the Bronze Star with Combat V.

I cannot adequately convey or describe to you the measure of this man at war—standing in his peak tank in the bow, screaming up a river in the dead of night, no moon, 50 yards from Cambodia literally bouncing off the river bank, waiting for a mine to go off or a rocket to explode—and always steady, always dependable, always there for the rest of the crew.

All Belodeaus, Chelmsford, Massachusetts, and the United States should be proud of this warrior.

But, perhaps the greatest reason for pride as we bid our Tommy goodbye, is not what he did, but who he was.

In many ways, Tommy walked in the footsteps of Emerson and Thoreau. He was a man who wanted to walk quietly to his own tune—never with any in your face attitude. He just quietly wanted to be, and was, his own man.

From what I know, he always had this special quiet quality. His expression spoke for him. As many of you know, he was not a man of many words. So he'd just give you a look. And the look would tell it all-fierce determination; rollicking good fun; profound sadness. I know you can see his expression for any mood he had. My favorite look of all was his bemused, "What the hell does the skipper think he's doing now?"

Tom would join a great group of veterans who had been involved in my '84 campaign called the Doghunters. We would gather irregularly for a black tie dinner and each time everyone would eagerly await Tom's non-speech. He was clearly the most beloved member of our group despite his distaste for saying anything in public.

In his reticence to draw attention to himself or speak in public lies the true measure of this great friend. Because in 1984, and again in 1996, it was his passionate, personal commitment, his driving sense of loyalty, that against all his other instincts drew him again into the line of fire. I will never forget the brilliance and eloquence with which he stood up to fight for me and for the honor of our service.

Again and again, Tom proved the real value of friendship. For all of us here in this extended family, it will never be the same. No campaign of the future will be the same without you, Tom. No Doghunters' dinner will be complete without your knowing smile and blushing non-speech.

None of this in any way suggests that it was all peaches and cream for Tommy. We know it wasn't. His family and his friends could see the sadness in his eyes that some say changed with Vietnam.

There were times when all us of us around Tommy knew he needed a lift: but try as one could, his sense of self reliance and pride gave him a sixth sense that something was up and he would quietly find an excuse to slide away or just tell you things were going fine even when they weren't. Joey tells me that stubborn streak came from their father. But always he was the most generous in any group, ready to help another.

So Michael, today, we his friends want to reaffirm to you what you must know: your father was enormously proud of you—loved you dearly—and knew that sometimes his own sense of pride about what he wanted for you prevented him from always living up to his own expectations. But nothing that he did or thought ever diminished his joy in who you are and his trust in what you will grow to be.

For everyone who knew and loved him here today, there is a special sorrow; because we all sensed that in his recent return to Massachusetts, Tommy had found a peace and purpose which had liberated him from any demons. He enthusiastically joined in telephoning friends for Chris Greeley's engagement party. He looked happy and engaged. I saw him about 4 weeks ago and he seemed more energized and happy than in some time. There was a gleam in his eye and we promised to get together soon. As Chuck Tamulonis who took such care of him and meant so much to him told me yesterday, "He was filling the refrigerator with no-fat food, coming home early, and even cooking the meals."

Last year when our crew came together as a whole at election time for the first time in 27 years, we departed with the expectation that we were hooked up and on the road to growing old together. But God had other plans. And of all people we should not be surprised. We have always said at our Doghunter dinner that one thing we learned in Vietnam was Grace of God, every day beyond Vietnam was extra. Tommy had a lot of extra days and for that we are grateful.

So today, as we say goodbye, joined with his family and those he grew up with, what we, his friends, celebrate above all in Tommy's life is his special, gentle decency—a loyal, loyal friend of enormous heart who was generous in spirit beyond expectation and sometimes beyond understanding.

To Radarman Seaman, Thomas M. Belodeau, to our friend Tommy: until we meet again, may you have fair winds and following seas. And may we all leave here reminded of the words of the poet William Butler Yeats:

"Think where man's glory most begins and ends. And say, my glory was, I had such friends."●

MEASURE PLACED ON CALENDAR—S. CON. RES. 71

Mr. BROWNBACK. Madam President, on behalf of the leader, I ask unanimous consent that S. Con. Res. 71, submitted earlier by Senators LOTT and DASCHLE be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-33 AND TREATY DOCUMENT NO. 105-34

Mr. BROWNBACK. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on January 28, 1998, by the President of the United States:

Extradition Treaty with Zimbabwe, Treaty Document No. 105-33;

Treaty with Latvia on mutual legal assistance in criminal matters, Treaty Document No. 105-34.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries, and thereby make a significant contribution to international law enforcement efforts. It is the first extradition treaty between the two countries.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 13, 1997. I transmit also, for the information of the Senate, an exchange of notes that was signed the same date as the Treaty and that provides for its provisional application, as well as the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing. The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1998.*

ORDERS FOR THURSDAY, JANUARY 29, 1998

Mr. BROWNBACK. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Thursday, January 29. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin a period for the transaction of morning business until the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator COATS for 5 minutes, Senator HUTCHISON for 30 minutes, Senator HAGEL for 20 minutes, Senator BYRD for 45 minutes, and Senator GRAMM for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Madam President, tomorrow morning the Senate will be in a period of morning business until 12 noon. At 12 noon, it is hoped that the Senate will be able to proceed to the consideration of either the Ronald Reagan airport legislation or a resolution regarding Iraq. Rollcall votes are therefore expected during Thursday's session of the Senate. As always, the Senate may also consider any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Thursday, January 29, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 154:

To be general

GEN. JOSEPH W. RALSTON, 9172.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. CASE, 2013.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT C. HINSON, 6467.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GARY A. WINTERBERGER, 7009.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RUSSELL C. AXTELL, 1784.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARRY R. TREXLER, 6465.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES E. ANDREWS, 8141.
BRIG. GEN. CLAUD M. BOLTON, JR., 5880.
BRIG. GEN. ROBERT J. BOOTS, 9226.
BRIG. GEN. JOHN W. BROOKS, 8909.
BRIG. GEN. RICHARD E. BROWN III, 8999.
BRIG. GEN. JOHN H. CAMPBELL, 2822.
BRIG. GEN. BRUCE A. CARLSON, 4082.
BRIG. GEN. ROBERT J. COURTER, JR., 9691.
BRIG. GEN. DANIEL M. DICK, 7629.
BRIG. GEN. PAUL V. HESTER, 2071.
BRIG. GEN. LESLIE F. KENNE, 0741.
BRIG. GEN. TIIU KERA, 6343.
BRIG. GEN. DONALD A. LAMONTAGNE, 3494.
BRIG. GEN. DAVID F. MACGHEE, 3517.
BRIG. GEN. TIMOTHY P. MALISHENKO, 3563.
BRIG. GEN. GLEN W. MOORHEAD III, 6124.
BRIG. GEN. HARRY D. RADUEGE, JR., 9435.
BRIG. GEN. LEONARD M. RANDOLPH, JR., 3223.
BRIG. GEN. JAMES E. SANDSTROM, 8096.
BRIG. GEN. LANCE L. SMITH, 7660.
BRIG. GEN. CHARLES F. WALD, 1222.
BRIG. GEN. TOME H. WALTERS, JR., 3355.
BRIG. GEN. HERBERT M. WARD, 0157.
BRIG. GEN. JOSEPH H. WEHRLE, JR., 6021.
BRIG. GEN. WILLIAM WELSER, III 4623.
BRIG. GEN. MICHAEL E. ZETTLER, 3436.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624.

To be brigadier general

COL. RUSSELL J. ANARDE, 0781.
COL. ANTHONY W. BELL, JR., 4246.
COL. DAMON BISHOP, JR., 9524.
COL. MARION E. CALLENDER, JR., 6380.
COL. KEVIN P. CHILTON, 6603.
COL. TRUDY H. CLARK, 2591.
COL. RICHARD L. COMER, 4255.
COL. CRAIG R. COONING, 4416.
COL. JOHN D. W. CORLEY, 9553.
COL. DAVID A. DEPTUAL, 6972.
COL. GARY R. DYLEWSKI, 7306.
COL. EDWARD R. ELLIS, 9696.
COL. NORMAN R. FLEMENS, 0698.
COL. LEONARD D. FOX, 1435.
COL. TERRY L. GABRESKI, 2941.
COL. JOANATHAN S. GRATION, 9630.
COL. MICHAEL A. HAMEL, 2699.
COL. WILLIAM F. HODGKINS, 0138.
COL. JOHN L. HUDSON, 5860.
COL. DAVID L. JOHNSON, 8568.
COL. WALTER I. JONES, 8782.
COL. DANIEL P. LEAF, 9223.
COL. PAUL J. LEBRAS, 9625.
COL. RICHARD B. H. LEWIS, 1265.
COL. STEPHEN P. LUEBBERT, 9120.
COL. DALE W. MEYERROSE, 1611.
COL. DAVID L. MOODY, 4129.
COL. QUENTIN L. PETERSON, 7151.
COL. DONALD P. PETTIT, 6028.
COL. DOUGLAS J. RICHARDSON, 2865.
COL. BEN T. ROBINSON, 7005.
COL. JOHN W. ROSA, JR., 3351.
COL. JAMES G. ROUDEBUSH, 9187.
COL. RONALD F. SAMS, 5888.
COL. STANDLEY A. SIEG, 3623.
COL. JAMES B. SMITH, 5309.
COL. JOSEPH B. SOVEY, 2815.
COL. LAWRENCE H. STEVENSON, 8269.
COL. ROBERT P. SUMMERS, 8833.
COL. PETER U. SUTTON, 9325.
COL. DONALD J. WETEKAM, 0322.
COL. WILLIAM J. WILSON, JR., 9364.

IN THE ARMY

THE FOLLOWING NAMES OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. KEANE, 9856.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. MCDUFFE, 7976.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM F. KERNAN, 5841.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SQUIER, 8084.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH W. GODWIN, 9278.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT L. ECHOLS, 6631.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARNOLD L. PUNARO, 5023.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate January 28, 1998:

THE JUDICIARY

ANN L. AIKEN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

BARRY G. SILVERMAN, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

RICHARD W. STORY, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

EXTENSIONS OF REMARKS

A BILL TO MAKE CONGRESSIONAL RESEARCH SERVICE PRODUCTS ELECTRONICALLY AVAILABLE TO THE PUBLIC

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHAYS. Mr. Speaker, Representatives PRICE, MORELLA, MCHALE, MEEHAN, WHITE and I are introducing a bill that will make CRS products available on a web site accessible by the public. Senators MCCAIN, COATS, FAIRCLOTH and ASHCROFT are introducing the same bill in the Senate.

Under the bill, Issue Briefs, Reports, and Authorization and Appropriation products will be made available 30 days after the first day that the information is made available to Members of Congress through the Congressional Research Service Web site. This delay will make sure that CRS has carried out its primary statutory duty of informing Congress before releasing information to the public. Also, it will allow CRS to verify that its products are accurate and ready for public release.

The bill requires the Director of CRS to make the information available in a practical and reasonable manner. In addition, the public will not be allowed to write responses or research requests directly to CRS. Members of Congress will still be able to make confidential requests which will not be released to the public.

Congress has worked to make itself more open and accessible to the public. I have yet to hear of a strong policy reason why we should not allow the public to access this information. This bill will enable us to further engage the public in the legislative process and fulfill one of our missions as legislators to educate our constituents about the issues that affect our times.

TRIBUTE TO MARY CULP

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mary Culp, who has served as the President of the Woodland Hills Chamber of Commerce for the past year.

Ralph Waldo Emerson once said, "To laugh often and much: to win the respect of intelligent people and the affection of children, to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others, to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you lived. This is to have succeeded."

Mary has dedicated a significant amount of time and energy to improving the standard of living for citizens in our community. For over a decade, she has played a leadership role in the Woodland Hills Chamber of Commerce.

Mary was selected as Member of the Year in 1987, and since that point she has held a variety of positions, including the Vice President of Membership, Vice President of Programs and the Vice President of Community Affairs. She is also the Director of the Foundation for Pierce College and the founder of a networking organization called the Calabasas Business Link.

Mr. Speaker, distinguished colleagues, please join me in honoring the dedication of Mary Culp. She has worked diligently to improve our community and is a role model for the citizens of Los Angeles.

GLOBAL WARMING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 19, 1997 into the CONGRESSIONAL RECORD.

GLOBAL WARMING AND THE KYOTO SUMMIT

Later this year the United States will participate in an international meeting in Kyoto, Japan to discuss the problem of global warming. Global warming refers to a process by which manmade and natural emissions of carbon dioxide and other gases build up in the Earth's atmosphere and trap radiated heat coming from the Earth's surface. Normally, forests, grasslands and oceans absorb most of these gases and recycle them—so that while global temperatures might fluctuate over time, the overall system would be in balance.

The large-scale industrial development in this country and around the world, particularly in the last 100 years, many be upsetting that natural balance. Scientists believe that man is now generating more greenhouse gases than the environment can handle, thus causing global temperatures to rise. Over the last century the Earth's average surface temperature has increased by about 1 degree Fahrenheit. While one degree may not seem like much, it can mean significant changes in sea levels, crop harvests and weather patterns. For example, sea levels over the last 100 years have risen by 4 to 6 inches, resulting in thousands of miles of lost shoreline around the world.

The issue for U.S. leaders is how to respond to global climate change. Environmentalists and our allies in the industrialized world are urging the U.S. to take the lead in curtailing greenhouse gas emissions, primarily because we generate more of those gases than anybody else. Others say that limiting emissions in this way would have harmful effects on the U.S. economy and U.S. consumers. The challenge is to develop a policy which balances concerns about the global environment with concerns about our economic well-being.

The risks of global warming: Scientists generally agree that manmade emissions have an impact on the global environment, but are uncertain about the precise effects of human activity over time. They say that the range of possible outcomes is enormous—from modest benefits in some regions to total disaster in others. For example, we know that greenhouse gas emissions are up by 3.4% for 1996, as compared to an 8% combined increase over the previous six years, and that the ten warmest years on record have all occurred since 1980. We don't know, however, how much those manmade emissions contributed to the temperature increase.

The effects of global warming have been well documented, from the shrinking of glaciers and rise in sea levels, to changes in weather patterns. Higher average temperatures mean more evaporation of surface water, causing drought in some areas of the world and abnormally heavy rainfall in other areas. Some scientists predict more dramatic changes in the future. In the Midwest, for example, some are predicting that the Great Lakes will shrink, that the region will experience more unpredictable and violent weather patterns, and that over time Indiana farmers will have to shift to growing wheat and cotton rather than corn and soybeans.

The global debate: There are two sets of issues arising from any plan to curtail emissions of greenhouse gases. The first involves disputes between countries that are industrialized, such as the United States, Japan and Germany, and those that are developing, such as China and India. Industrialized countries account for more than 75% of carbon dioxide emissions, primarily from burning gasoline and other fossil fuels. The United States alone produces 20% of all greenhouse gases, even though we have only 4% of the world's population. Developing countries, in contrast, account for less than 33% of all global emissions, but that figure is expected to reach 50% in the next 10 years. The U.S. takes the position that an agreement to reduce greenhouse gases will be effective only if both the industrialized and developing countries agree to curb future levels of emissions. The developing countries respond that such restrictions will deny them the benefits of future economic growth, and keep their people poor relative to the industrialized world.

The second set of issues relates to how a global agreement would affect the U.S. economy and U.S. consumers. U.S. businesses say that an agreement would force them to adopt expensive pollution control methods, and that those costs would be passed on to consumers in the form of higher prices on gas, electricity and other goods. The net effect would be to slow economic growth and cut jobs. Environmentalists respond that U.S. industry made similar warnings about passage of the Clean Air Act, and those predictions did not come true. They argue that,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

despite the Clean Air standards, the U.S. is now enjoying a sustained period of economic growth and has the strongest economy in the world.

President's proposal: The President recently outlined a plan to curb U.S. emissions of greenhouse gases. He has proposed that the U.S. reduce emissions to 1990 levels, but do so over the next 10 to 14 years. European countries were calling for more rapid reductions. The President's plan would earmark $5 billion in tax cuts and spending to spur energy efficiency and the development of new pollution control technologies, and would insist that developing countries set emission targets as well. Finally, the President proposes to develop a global market-based system to curb emissions, under which countries and businesses can earn "credits" for reducing emissions below targeted levels and sell those credits to countries and businesses which have exceeded their targets. The U.S. uses such a trading system to curb emissions of certain pollutants which cause smog and acid rain.

Conclusion: The scientific consensus is that human activity is having an impact on the environment and Earth's climate. The question, then, is how best to respond. I do not support a "crash" program to reduce these emissions. The sky is not falling, but is slowly filling up with greenhouse gases. I favor a gradual program of reducing emissions that takes special care to protect the economy.

The President's plan, on the whole, is balanced and reasonable. It provides a long lead time for curtailing emissions, invests in energy efficiency and cleaner technologies, and proposes market-based solutions. Since the problem is global, the response must be global, and we should encourage global emissions trading and the participation of all countries, including developing countries.

Forming a proposal to fight global warming is the easy part. The tough part will be selling it to a world that wants us to do more, and to the American people, who are skeptical about the science and the need for action. The debate is only beginning.

REMEMBERING LOUIS J. ADAMIE "MR. SCOREBOARD"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, I wish to share with our colleagues a *St. Louis Post-Dispatch* article about a great American and remarkable individual, Mr. Louis J. Adamie. Lou was a valiant warrior and leader in the struggle for justice and equality. His tireless efforts helped to change the Democratic Party and to shape the American political system. Lou also was a grand sportsman and will long be remembered for his contributions to major league baseball. It is my hope that our colleagues will find inspiration in his story titled, "Lou J. Adamie, 83; Was 'Mr. Scoreboard' In Big League Baseball Lore."

LOUIS J. ADAMIE, 83; WAS "MR. SCOREBOARD" IN BIG LEAGUE BASEBALL LORE

Louis J. "Mr. Scoreboard" Adamie, a major league baseball scorekeeper in St. Louis for more than four decades, died Saturday (Sept. 13, 1997) at DePaul Health Center in Bridgeton after a long illness. He was 83.

Mr. Adamie, of St. John, worked for both the St. Louis Cardinals and the old Browns baseball teams here for 41 seasons as the scoreboard operator, first at the old Sportsmen's Park and later at Busch Stadium.

In 1940, Mr. Adamie strolled into the old Sportsmen's Park as a teenager, seeking the field announcer's job; instead, he was hired as scoreboard operator, keeping track of every run, pitch and error, not only in St. Louis, but also scores at other major league parks.

Between the 1941 and 1982 seasons, Mr. Adamie kept score and tracked every pitch in 4,350 games, including seven World Series and five All-Star games. The last game he worked was Game 7 of the 1982 World Series.

Sometime in the 1940s, Mr. Adamie took on additional duties as the first press box public-address announcer at a major league park. In the mid-1950s when Anheuser-Busch Cos. Inc. bought the Cardinals, Mr. Adamie became one of the first scoreboard operators in the country to run an animated display board that, in later years, would be common at most major league ballparks.

In 1968, he was inducted into the communications wing of the Baseball Hall of Fame in Cooperstown, N.Y., where be remained the only scoreboard operator recognized in Cooperstown. He also was honored by the St. Louis Sports Hall of Fame. In 1994, the Baseball Writer's of America awarded him the Harry Mitauer Good Times award for his work in baseball. Mr. Adamie also worked as a broadcaster at WEW radio here, and for many years, he was host of sports talk shows on the radio. He was known for his "Diamond Diary" radio show.

In addition to his baseball work, Mr. Adamie was active in area Democratic politics. From the 1930s to the 1960s, he was secretary of the St. Louis City Democratic Committee, where he helped organize many political campaigns and fund-raising events. Mr. Adamie also was involved in numerous charitable organizations, including being one of the first Globe-Democrat Old Newsboys carriers. He also organized charitable bowling tournaments for the St. Louis area March of Dimes. Mr. Adamie was also active in the Legion of 1000 Men.

Visitation will be from 2 p.m. to 9 p.m. Tuesday at Alexander Funeral Home, 11101 St. Charles Rock Road, St. Ann. A funeral service will be held at 11 a.m. Wednesday at the funeral home. Burial will be at Mount Lebanon Cemetery.

Among the survivors are his wife of 52 years, Helena Lampe Adamie; and a son, Rick L. Adamie of St. John.

MOUNT VERNON HEIGHTS CONGREGATIONAL CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, this year, the good parishioners of the Mount Vernon Heights Congregational Church celebrate the church's 100th anniversary. The history of the church is actually longer when we remember that it was in 1892 that its meetings began in the Garden Avenue School. The church became fully organized in 1896 with the Rev. F.B. Kellogg named pastor of the new church. By the following year the congregation had grown so large that it moved to a barn on Bedford Avenue and, on July 4th of that year, the new church was dedicated.

By 1910 the church has become self-supporting and in 1916 construction on the current building was started. The church, a New England colonial design reflecting a post Civil War spirit of unity and self determination, was completed by 1922. Subsequently a sanctuary was added as well as tower chime.

The Mount Vernon Heights Congregational Church has always practiced community activism as well as charitable works and community projects, such as its youth seminars and elderly centers.

The Church also is part of the annual pulpit exchanges in which ministers from 19 churches deliver sermons at sister churches.

The Church is justly proud of its fellowship of many denominations and its ministers of many differing ethnic and social backgrounds. The Rev. Maximilian Bernard Surjadinata, pastor since 1988, was born in Indonesia. I warmly congratulate the Mount Vernon Heights Congregational Church on its centenary and for its wonderful accomplishments in those hundred years.

CONGRATULATING GIACOMO LEONE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate Giacomo Leone of La Salle, Illinois on being named the 1997 recipient of the Illinois Theater Association's Award of Honor. This award is given in honor of individuals for exceptional service to the ITA and the drama profession.

Mr. Leone a speech and drama instructor at Illinois Valley Community College has staged over 70 productions in his 21 years at IVCC, and has been active in the Illinois Theater Association serving as both President and Treasurer. Giacomo Leone's commitment to the arts in Illinois and my district can be witnessed through the countless hours Giacomo spends working on committees, and through his work as a director, playwright and composer at IVCC.

In 1987 and 1988, Giacomo Leone took his act on the road to Northeastern University of Technology in Shenyang in the People's Republic of China. There Giacomo taught English, Business Communication, and social amenities to Chinese graduate students who were going to work in the United States. Mr. Leone also acted as an advisor in foreign languages to the university faculty. During his time in China, Giacomo used his bilingual skills serving as a liaison between the Hong Kong-Illinois office, and the Illinois office in Shenyang.

Through hard work and devotion, Giacomo has shared his love of the stage with audiences and students from Illinois and around the world. From La Salle to Shenyang, Giacomo Leone's impact on the lives of all who know him is not only worthy of recognition by this body, but, his commitment to the arts and our children should act as a model for all.

Mr. Speaker, I applaud Mr. Leone's commitment to the arts, his students at IVCC and the local community. At a time when service to the community has become more important than ever in enriching the lives of our children, Giacomo Leone has stepped forward to do his part.

I ask my colleagues to join me in saluting Mr. Leone, and I wish him, his wife Beth, and their four children the very best.

TRIBUTE TO DR. MIHRAN AGBABIAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Mihran Agbabian, founding President and President Emeritus of the American University of Armenia.

Sir Francis Bacon said that "Knowledge itself is power." As a man who has dedicated his career to furthering educational opportunities for students around the world, Mihran has ensured that future generations will be armed with the knowledge to understand and resolve the complex challenges they face. He has been particularly active in the Armenian community, and using his skills and resources has worked tirelessly to improve the standard of education in Armenia.

Mihran's specialized degree and engineering background afforded him several opportunities, including the position of Chairman of the Civil Engineering Department at the University of Southern California. During his time at U.S.C., Mihran concentrated on turning a practically non-existent structural laboratory into one of the best in California, and as director of the environmental program, he integrated environmental research into a unified program in civil engineering. Mihran's expertise led him to Armenia in December of 1988 after an earthquake destroyed countless buildings, leaving over 25,000 people dead and more than 500,000 people homeless.

This experience left a remarkable impression on Mihran and led to the idea of establishing an educational institution of higher learning to help Armenia regain some of what it had lost in the field of education. Three years later, on the day that the Armenian Parliament declared independence, the American University of Armenia opened its doors to young scholars. As a driving force behind the creation and success of this institution, Mihran assumed the position of President and has continued to lead the University as a preeminent educational institution in Armenia.

Mihran's distinguished career has been highlighted by several honors, including being named "Man of the Year" by the Armenian Professional Society in 1978; "Distinguished Engineering Educator of the Year" by the Institute for the Advancement of Engineering in 1992; and most recently receiving the Kabakjian Award for Science/Engineering of the Armenian Students Association in 1996. He and his wife play an active role in several community events and organizations.

As an educator and a visionary, Mihran has provided the students of Armenia with the tools they need to improve their standard of living. In an uncertain, turbulent world, these students are armed with the knowledge to address issues that will not only affect their own lives, but the live of many future generations.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Dr. Mihran Agbabian for the outstanding work he has done for the Armenian community.

THE ASIAN ECONOMIC CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 28, 1998 into the CONGRESSIONAL RECORD:

THE ASIAN ECONOMIC CRISIS

Over the last several months, the economic news has been dominated by the crisis in East Asia—gyrations in stock markets, widespread business and banking failures, and the sharp decline of currencies throughout the region. Americans are concerned when our stock market fluctuates in response; they wonder about our role in responding to the crisis; and they worry about the overall impact of the crisis on the U.S. economy.

What is the crisis? The economic turmoil in East Asia is largely a banking and investment crisis linked to a collapse of investor confidence. Because East Asian economies are closely tied together, a series of problems—starting with a flawed exchange rate policy in Thailand this past summer—have quickly spilled over into neighboring countries. Five countries have been hit the hardest—Thailand, Indonesia, South Korea, and to a lesser extent, Malaysia and the Philippines—but a total of thirteen countries have been affected. Taken together, these economies comprise approximately a third of the world economy. The sums of money involved make this the largest economic crisis in recent years, far larger than the Latin American debt crisis of the 1980s or the Mexican peso crisis in 1995.

What caused it? For several years, Pacific Rim countries were growing rapidly. A huge wave of investment poured into these "Asian tiger" countries, but much of it was invested unwisely. In a word, there was too much of everything: over-investment, over-lending, and over-building, in ill-conceived real estate and industrial projects; over-saving, diverting the buying power from people; and over-guidance, with too many bureaucrats and government officials deciding which companies receive loans and investment. The region's successes obscured banking and financial systems rife with mismanagement and corruption. People ignored warning signs in the booming, rapidly changing economies, and overlooked the lack of reliable information and financial system safeguards.

How serious is the crisis? The Asian financial turmoil represents a serious threat to global prosperity. We are clearly at a critical moment for Asia. The outlook today is better than it was a few weeks ago, with most markets showing signs of recovery. Yet we should not be complacent. The problem is that the loss of confidence can be highly contagious. If, for example, Indonesia's economy collapses, so could other nearby economies, and that could take down markets across the world. In addition, although the crisis has not spread to China, it faces some of the same problems as its neighbors. So clearly the main concern is that the crisis not worsen and spread.

What is the impact on the U.S.? Most experts believe that the current turmoil will have a modest but meaningful impact on the U.S. Our economy is fundamentally strong and should be able to weather the current crisis. Moreover, as a result of our own financial crises in 1929 and in the 1980s, protections have been put in place to prevent most of the problems the East Asian economies are experiencing.

On the negative side, the U.S. will likely see its trade deficit grow as changes in exchange rates make imports cheaper and our exports more expensive. Some U.S. companies could see lower profits and some job loss, and wages could be held down. The experts think that U.S. economic growth for 1998 could be cut by up to a point, to around 2%. On the positive side, cheaper imports mean lower prices for consumers and should help keep down inflation in the U.S. In addition, our interest rates are falling, as investors worried about East Asia shift their funds to the U.S. That means, for example, lower home mortgage rates for Americans.

A greater fear is that the problems may undermine the political stability of the region and affect U.S. security interests. South Korea and Indonesia, for example, play an enormously important role in maintaining regional stability. Some governments in the region have fallen, and others could fall. In addition, there could be resentment against the United States because of its role in proposing tough solutions for the area's economies.

What steps are being taken to deal with the crisis? The greatest challenge now facing these economies is to restore investor confidence and financial market credibility. Several steps are needed.

First, because the crisis basically involves lending from private financial institutions around the world to private banks and companies in the region, these private lenders are being urged to renegotiate their loans to make it easier for borrowers to repay. Second, all the bad debt that remains hidden needs to be exposed so the full extent of what is needed to fix the problem is known. There has to be more transparency and better oversight of the financial systems of developing countries. Third, the International Monetary Fund (IMF) is extending emergency funds to beleaguered countries, in exchange for assurances that they will make economic reforms that will help ensure their ability to repay their loans. The U.S. has pressed the IMF to seek tough reforms, and the U.S. and other countries have agreed to provide emergency assistance if IMF money proves inadequate. The IMF is producing results in the region, but its role and accountability are being challenged. Fourth, we need an improved international financial mechanism in which both borrowers and lenders, who may now be bailed out, will pay a price and be subject to the consequences of their actions and the disciplines of the market. Fifth, Japan clearly needs to stimulate its economy. It has a special responsibility as the dominant economic power in the region to boost its economy in order to absorb more of the exports of its struggling neighbors. Finally, President Clinton needs to speak to the American people and to the world about the financial crisis. He needs to explain why bailouts are needed, how a collapse can harm our security, and how it can be contagious. His economic strategy must be shown to advance his security strategy and America's interests around the world.

What is the region's long-term outlook? Correcting the financial problems discovered in East Asia will take some time, and many difficult steps lie ahead. But the long-term outlook for the region is not bleak. Countries can still build on the strengths that fueled the "Asian tiger" economies in the first place, including a strong savings rate and a well educated and motivated workforce. In addition, the crisis is driving Asian leaders to adopt market-oriented reforms of the kind favored by the U.S.—economic systems that are more open, liberalized, deregulated, and transparent. Because of the crisis, countries across the globe are seeing the advantages of open, accountable governments and financial systems.

THE TRUTH ABOUT THE TAXMAN V. PISCATAWAY CASE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, when the Black Leadership Forum decided to finance the settlement of the *Taxman* v. *Pascataway*, many outside the civil rights community asked "why?". The Supreme Court has agreed to hear arguments and the case was said to be perfect for an argument in defense of affirmative action—both applicants were allegedly "equally" qualified. This was a total distortion of the facts. The candidates were NOT equally qualified. Debra Williams, the African-American teacher, had significantly higher academic credentials than did the other teacher. I submit an insightful column that accurately sets forth the real issue in the Piscataway case. The column was written by the distinguished economist, columnist, and educator Dr. Julianne Malveaux and appeared in the December 11, 1997 issue of *Black Issues in Higher Education.*

The Myth of Educational Attainment: When a Black Women's Master's Degree Equals a White Woman's Bachelor's Degree

The Black Leadership Forum—an organization that includes the NAACP Legal Defense and Education Fund, the National Urban League, the National Council of Negro Women, and others—deflected energy from the controversial *Taxman* v. *Piscataway* case that the Supreme Court had committed to hear this session. The forum agreed to finance 70 percent of the nearly $450,000 settlement that the plaintiff and her lawyers will receive from the Piscataway school board.

Sharon Taxman was the White business education teacher who was laid off in a downsizing while Debra Williams, an African American business education teacher, was retained. Since the two women were hired the same day and deemed "equally" qualified, the school board justified retaining Williams on the basis of "diversity."

Faster than she could spell diverse, Taxman was filing a lawsuit. Her quest for "equality" was affirmed by every court up to the Supreme Court, which had agreed to hear her case. Civil rights activists thought this was the wrong one to take to the nation's highest court, so they bought Taxman out.

I'm not sure how I feel about the buy-out. It's like postponing something tragic—in this case, the apathy that comes from a Supreme Court which appears to be indifferent to diversity as well as equality. But I am convinced that there are at least two villains in this story—and one of them is the Piscataway School Board.

Come again? To some, these guys seem like the good guys. They retained an African American teacher and laid off a White one, upholding diversity. At the same time, though, they tragically argued that two workers were "equally" qualified when one held a master's degree while the other had a lesser education.

If I were Debra Williams I'd be fuming through the ears. The myth that hard work and the quest for education would give you a leg up was busted in her case. Rather than the school board affirming her superior education, they told her that her master's degree was not worth enough for her to be considered more than equally qualified over a colleague with less education. (I almost typed inferior for less, but that is the oppressor's game.)

A careful examination of what happened in Piscataway explains why affirmative action has become America's whipping post. Instead of White employers telling White employees that they aren't competitive, the White employees are told that a position was assigned or retained because of affirmative action. That is the kind of lazy dishonesty that fuels the myth of White superiority.

Consider Proposition 209. We all know that it was championed by Republicans Pete Wilson and Ward Connerly, but the early poster boys were two White men who presented themselves as academics and said they could not find jobs in the California State University system, despite their "qualifications."

To be sure, these men both had Ph.D. degrees. However, neither had earned academic distinction. They were not published, nor had they ever actually applied for jobs in the California state system—a fact uncovered in a blistering report by investigative journalists.

Nonetheless, one of these men said he could not find a job as a philosophy teacher in California. In the year he said he looked, five philosophers were hired, and three were White men. But he didn't challenge their status. There was an eminently qualified White woman hired, and he didn't challenge her status either. And an African American woman, also hired, was not the target of his ire.

Where was this undistinguished, unpublished, nonapplying product of our nation's system of higher education supposed to get a job? It didn't matter. In his warped mind, some mythical Black person was out there holding his job—and by golly, he was going to make affirmative action beneficiaries pay. Thus, Proposition 209.

Enter the second villain of this New Jersey-spawned affair. Taxman must have her head in the sand. Hasn't she ever heard that people lose their jobs. Spit happens, and the best thing to do with spit is to wash it off and move on.

Instead, she put her life on hold, apparently because she could not stand the notion that some Black woman should get a job she thought she should have. Never mind that the Black woman, her colleague, had more education. Never mind that her colleague was the better teacher. Taxman is White and she has wrapped herself in the privilege of Whiteness. Thus, her lawsuit.

The Supreme Court wouldn't see that because they are mostly White, too. Those who opposed Taxman would have had to overcome both the Court's distaste for affirmative action—and its pejorative description of such policies as "race-based preferences"—as well as a fealty to Whiteness.

The civil rights community bought Taxman off because they understood that the Piscataway school board improperly packaged this case, choosing affirmative action and diversity as the wrong reasons to let an inferior teacher go. If the school board had looked more carefully at the two women and their qualifications, this case may not have gone to court.

There's the rub. Spit happens. Downsizing takes place. What the Taxman case has said so far is that when downsizing doesn't fall on the shoulders of Black people, White people are ready to go to court. Or when all else is supposedly equal, White folks are supposed to prevail.

This is a premise that deserves challenge. But then there are others, such as the premise that a White woman's bachelor's degree is the equivalent of a Black woman's master's. That is only the case in a racist society.

HONORING KAREN HYMAN SUSMAN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary woman, Karen Hyman Susman of Houston, who passed away December 3, 1997, at the age of 55. Her passing is a tremendous loss for her family, including her husband Stephen and their two children, Stacy and Harry; her friends; and all who believe in the honor of public service.

A distinguished attorney and dedicated community leader, Karen Susman contributed in countless ways to building a better future for Houston, especially the city's Jewish community, the arts, and education.

Mrs. Susman volunteered 20 tireless years to the Anti-Defamation League and its mission, including serving as Southwest Regional Chair and National Commissioner. She took ADL to a new level in terms of fund-raising and programming. She also served on the Board of Directors of the National Conference of Christians and Jews and on the Community Relations Council of the Jewish Federation of Houston, working with leaders of many faiths to improve religious and cultural understanding in Houston and throughout the Nation. She dedicated her time and energy generously to other Jewish organizations as well, including the Lion of Judah Jewish Federation, Congregation Beth Israel, and the King David Society Jewish Federation. She and her husband, Stephen, endowed the Karen and Stephen Susman Hall, Slifka Center for Jewish Life, at Yale University.

Karen Susman was also a dedicated and valuable member of the Houston arts community, active on the boards of the Houston Symphony, Glassell School of Art, Houston Grand Opera, and the Contemporary Arts Museum. She had a great commitment to art as part of a strong community and worked to ensure that Houstonians from all walks of life could enjoy our city's many artistic and cultural treasures.

She was especially concerned about increasing opportunities for young people to learn about art, serving on the University of Houston Art Department Friends Board and the Yale Art Gallery Board of Directors.

Karen Susman was not only a dedicated volunteer and community leader, but a distinguished lawyer as well. A graduate of the University of Houston Law Center, she was a Board Certified specialist in family law and frequently served as a court-appointed mediator.

Whatever she did, Karen Susman's intelligence, enthusiasm, and integrity served her and all those she encountered well. She brought a tireless energy, an unflagging drive, and a passionate caring to each of her endeavors, wearing many hats along the way. Karen Susman will be remembered for these qualities and her dedication to making the world a better place.

Mr. Speaker, Mrs. Susman's life was full, but her years among us were far too few. A remarkable woman, a distinguished attorney and volunteer, Karen Hyman Susman embodied the best of Houston and of Jewish life and experience. We are all infinitely richer for her legacy and were blessed with her wisdom, compassion, dignity and humor.

CONGRATULATING JOE CORSELLO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate Mr. Joe Corsello of my hometown of Morris, Illinois on being named a Distinguished Member in the Illinois Art Education Association this past November. This award honors Mr. Corsello's service and leadership in the IAEA, and the local community.

Joe Corsello a veteran of the Korean War, has been a leader in art education and appreciation in the Eleventh Congressional District throughout the last three decades. For over thirty three years, Joe Corsello has taught the young people at Morris Community High School the finer points of visual arts and ceramics in his classroom. Outside of the classroom, Joe played an important part in shaping the minds of Morris High students as an advisor to the art club, student council, yearbook and athletic clubs.

During his time at Morris Community High School, Joe was named the 1978 Illinois State Teacher of the Year. Mr. Corsello is also a co founder of the Corsello—Prenzeler Art scholarship for college bound art students at Morris High. Named Man of the Year by the Morris Chamber of Commerce in 1977, Joe continues to serve the community by teaching art part time at Immaculate Conception Grade School.

While Joe Corsello has been recognized by a number of different groups for the wonderful job he has done throughout his lifetime, Joe's greatest satisfaction stems from the achievements of his students. Among these achievements include scholastic arts awards won by 12 of his students, and national art awards won by seven of his students.

Mr. Speaker, Joe Corsello has touched the lives of so many people in Morris and throughout the Eleventh Congressional District. I congratulate him on this honor, and I know I speak for the many students, teachers and residents back home in Morris when I say, thank you Joe for your hard work with our kids, and good luck with your future work in the arts.

TRIBUTE TO MERRILL ALPERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Merrill Alpert, who will be honored by the United Synagogue of Conservative Judaism for the work she has done with teenagers throughout the Jewish community.

Henry Brooks Adams wrote, "A teacher affects eternity; he can never tell where his influence stops." For over two decades, Merrill has worked to enrich the lives of Jewish students. While a student at the Hebrew University of Jerusalem in 1975, Merrill worked as the Youth Director of Temple Beth Ami in Reseda; then later as Youth Director of Congregation Beth Kodesh. In her daily interaction with the students of these congregations, Merrill exemplified kindness, charity and a deep belief in the principles of the Jewish faith. In fact, many of the students that Merrill worked with have proceeded to work professionally in the Jewish community.

In 1986, Merrill accepted the challenging position of Youth Director of Valley Beth Shalom. In this capacity, she developed Camp Yoni and created a Summer Musical Theater Workshop. Overseeing this facet of the organization, Merrill has been responsible for many successful regional programs. Combining her hard work ethic with a deep underlying faith, under Merrill's guidance Valley Beth Shalom United Synagogue Youth has become an exemplary institution, receiving the Far West Region Chapter of Excellence Award on several occasions.

In addition to her role at Valley Beth Shalom, Merrill has worked with several organizations to promote the ideals and principles which have distinguished her as a role model to Jewish teenagers within our community. She has served as the Chairperson of the Youth Professional Advisory Committee of the Jewish Federation Council (YPAC) and Secretary and President of the Jewish Youth Directors Association.

Realizing the importance of training future leaders of the Jewish Community, Merrill has spent several summers at Camp Ramah in Ojai, as a Yoetzet, working with potential counselors of our children. She has also stayed active on other committees and sits on several school boards, including the Board of the Los Angeles Hebrew High School and the Board of Milken Community High School.

Merrill has dedicated her career to ensuring that we provide the Jewish youth of our community with an enriched educational and spiritual experience. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Merrill Alpert. She is a role model for the citizens of our community.

AFFIRMATIVE ACTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 7, 1998 into the CONGRESSIONAL RECORD:

THE FUTURE OF AFFIRMATIVE ACTION

The President's Initiative on Race, a series of recent federal court decisions, and voter referenda in California and Texas have all focused national attention on the future of affirmative action. Affirmative action has provided economic, political and educational opportunities for blacks and other historically disadvantaged minorities, as well as for women. The issue today is whether those programs should be continued.

HISTORY OF AFFIRMATIVE ACTION

Affirmative action has its roots in the civil rights era of the 1960s. The federal government imposed affirmative duties on the public and private sector alike to remedy past and present discrimination against blacks and other minorities. It is based on the idea that the constitutional guarantee of equal protection requires more than ending discrimination, but means that government should create remedies and incentives for people who have suffered bias. Affirmative action included everything from desegregation plans in schools and universities to set-aside programs in government contracts to efforts to improve minority representation in the workplace.

Over the last decade, however, the Supreme Court has worked to limit the use of race-based preferences at all levels of government. The Court has held that local, state and federal programs designed to benefit minorities are unconstitutional unless they serve a compelling government interest and are narrowly tailored to address past discrimination. The Court's decisions, reflecting the conservatism of its majority, are based on the view that the Constitution is a color-blind document which, in general, neither tolerates discrimination against minorities nor affirmative efforts in their behalf.

The Court has not said that all affirmative action programs are unconstitutional, but has placed a heavy burden on government to demonstrate the need for them. It is generally accepted that affirmative action can be used to remedy specific instances of discrimination against minorities. Governmental entities may also use outreach and recruitment efforts to expand the pool of minority applicants for jobs, contracts, and college admissions.

On the other hand, governments may not use rigid quotas on behalf of minorities, nor may they justify affirmative action programs based on the history of discrimination in society at-large. The federal government is now reviewing its affirmative action policies to comply with recent Court decisions.

DIVERSITY AS A JUSTIFICATION

It is uncertain, however, whether governments can use race as a way to promote diversity, rather than remedy past discrimination. Advocates of affirmative action argue, for example, that local police departments have a strong interest in hiring minorities to patrol in minority neighborhoods or infiltrate minority gangs. Likewise, governments may want to hire minorities to serve in schools with heavy minority populations.

Public debate has focussed most recently on the use of race in college and graduate school admissions. The Supreme Court held in a landmark 1978 decision that a university could take the race of applicants into account in its admissions process to foster the diversity of its student body. The Court reasoned that diversity would bring a wider range of perspectives to the university and would contribute to a more robust exchange of ideas, which is central to the mission of higher education.

That 1978 decision, however, is in doubt given recent Court rulings on race-based preferences. One federal court of appeals ruled that the University of Texas could not use race as a factor in law school admissions. In addition, California voters approved a state referendum barring racial preferences in the state's education, employment, and contracting systems, including admissions decisions in the state university system. The effect of these actions has been to curtail sharply minority enrollment at public universities and graduate programs in Texas and California.

DEBATE OVER AFFIRMATIVE ACTION

The public debate on affirmative action has been polarized. Supporters say that while the situation has improved, racism persists in this country, and that affirmative action is needed to remedy the effects of discrimination. Affirmative action programs, they will note, have provided opportunities for millions of minorities, expanding the American middle class and strengthening our political system and economy. They will also point out the hypocrisy in the debate over university admissions policies. While critics attack racial preferences, they say nothing about preferences based on athletic ability, alumni connections, or other factors.

Opponents respond that affirmative action is fundamentally unfair, that people should succeed or fail based on character, talent and effort, not race. While critics acknowledge that racism persists in our society, they say affirmative action leads to double standards which heighten rather than reduce racial tensions. Government, in this view, can boost educational and workplace opportunities for minorities by improving educational performance in the K-12 years and encouraging recruiting policies aimed at attracting a broader pool of candidates.

CONCLUSION

The goal of public policy should be to make sure that all of us have the opportunity to develop our talents to the fullest. While I oppose quotas or rigid preferences, I see affirmative action plans as a tool to create a more inclusive work place and open up opportunities for all persons. Real equality of opportunity is the key to minority advancement. Where discrimination has existed, it is fair to provide an equal opportunity to catch up. Affirmative action can promote equal consideration, and not reverse discrimination. Critics have been more successful in challenging affirmative action than in developing effective alternatives.

My view is that compensating for past discrimination is acceptable if done by using special training programs, talent searches and targeted financial help, and by helping disadvantaged groups compete. I do not, however, want to predetermine the results of competition with a system of quotas. Government should act to promote racial integration, help disadvantaged persons improve their circumstances, and proscribe intentional racial discrimination, but it should not assure outcomes in hiring, contracting, and admission for higher education.

LET US BACK AWAY FROM THE BRINK OF HYSTERIA

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. OWENS. Mr. Speaker, recent developments concerning the White House and the President do indeed require serious attention from members of Congress. But, unlike journalists, elected representatives are held accountable for their actions and must act responsibly. We should all register our strong resentment with respect to the juvenile behavior of the press over the last week. Media men and women have dared to instruct the Congress in their premature calls for impeachment. These same voices were much more cautious when a separate government was set up in the basement of the White House to support Nicaraguan Contras by soliciting money and illegally selling weapons to Iran. Certain analysts and television celebrities were completely silent when the banks and other savings and loan bandits stole billions of dollars guaranteed by the taxpayers through the Federal Deposit Insurance Corporation (FDIC). I am bewildered and outraged by the way reporting priorities have been chosen. Special Prosecutor Kenneth Starr's strange maneuvers should not be rubber-stamped by the Congress. We know our duty. We know how to assess events with a national and international perspective. Congress knows how to back away from the brink of hysteria and avoid setting dangerous priorities:

DANGEROUS PRIORITIES

Ken Starr's million dollar peep show
Is a topsy turvy world
Trivialities become high crimes
And a woman becomes a girl
Grown commentators babble
Like hysterical babies
But remember the FDIC was raped
By vicious S and L whores
And no special prosecutors
Bothered to keep any scores
The CIA was mum
The DEA was deaf
The FBI was dumb
Bankers sabotaged the system
Board room terrorists
Bombed their depositors
Into bankruptcy
Against all taxpayers
A state of war did reign
But editorial writers
And celebrity anchor men
Never indicated public pain
Ken Starr's million dollar peep show
Media makes a topsy turvy world
Trivialities become high crimes
And a woman becomes a girl
For the bailout virus
No disinfectant was there
Now the S and L flu
Sickens Mexico Asia and everywhere
Against our virgin treasury
We watched high crimes of treason
But purchased puritanical analyst
Misplaced their penetrating reason
More exciting than soap opera
More dangerous than sin
Those who stalked White House couches
Allowed taxpayer rapists to win
Ken Starr's million dollar peep show
Is a topsy turvy world
Trivialities become high crimes
And a woman is a girl.

ST. LOUIS BASILICA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, I would like to share with my colleagues the following article which recently appeared in the TWA Ambassador magazine about one of the most outstanding cathedrals in our nation, the Cathedral Basilica of St. Louis. This St. Louis Cathedral boasts the largest collection of mosaic art in the United States. I encourage all who visit St. Louis not to miss this magnificent edifice.

PIECEWORK

Mosaic, the most durable of all decorative techniques, is an art form dating back more than 20 centuries. The Greeks were the first to create large pictorial compositions, and producing mosaics was a major industry during the Roman Empire. No major building was complete without them, and the affluent selected patterns for their homes in the way we select carpets and wallpaper today.

Mosaic reached its peak as an art form in the fifth century with the Byzantines. Where the Greeks and Romans used marble mosaics mostly to embellish their floors, the Byzantines used small pieces of multicolored and gold-leafed glass to decorate the vast, bare interior walls of their churches. The virtue of mosaic was that it formed strong linear patterns easily visible to a viewer 70 feet away.

The Cathedral Basilica of Saint Louis claims title to the world's largest collection of mosaic art—83,000 square feet. (St. Mark's Basilica in Venice, Italy, has 72,000 square feet of mosaic; Monreale Cathedral in Sicily, Italy, 68,000.) More than 20 artists used 41.5 million pieces of mosaic in more than 8,000 colors to adorn every arch and dome of the Byzantine-style interior. The pieces—some of which are as small as a baby's fingertip—combine to relate the pivotal events of Christianity.

Called "the outstanding cathedral of the Americas" in the 1960s by Pope Paul VI, the cathedral was elevated last year to a basilica, a designation that recognizes a church's great history, beauty and significance as a place of worship.

The cathedral, with its 217-foot-high dome, is well-used for musical performances originally composed for the great cathedrals of Europe. On Jan. 20, New York's Ensemble for Early Music performs the medieval play "Herod and the Innocents" at the Cathedral Basilica of Saint Louis, Lindell Boulevard at Newstead Avenue in the Central West End.

HONORING CHIEF OF POLICE JOHN CLEGHORN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CALVERT. Mr. Speaker, I rise today to honor and acknowledge the outstanding career of Corona Police Chief John Cleghorn, who retired on December 19, 1997. It is rare to find an individual who exhibits such strong leadership in the community, and also maintains a compassionate relationship with all levels of individuals within that community. My friend John Cleghorn is one of these individuals. My hometown of Corona, California has been extremely fortunate to have had Chief Cleghorn protecting our community and making it a safer place in which to live and work.

John Cleghorn served as the Chief of Police in Corona for 12 years. He came to Corona following a successful career with the Los Angeles Police Department where he rose to the rank of captain and served as head of the force's anti-terrorism unit. He brought with him the knowledge and experience needed to lead a city that was experiencing massive population and economic growth. Chief Cleghorn was appointed to the position in 1985, and in the years that he served as Chief, Corona experienced the same massive population explosion that many other cities in California also experienced. As the Chief of Police, he dealt with difficulties associated with this type of growth in an efficient and effective manner. Chief Cleghorn has overseen a police department that grew from 66 sworn officers to 131 during his tenure, as well as adding a 12-member SWAT team, a gang unit, and CAT, a program created to deal with an increasing number of car thefts in the Corona area.

In addition to his responsibilities to the force, Chief Cleghorn devoted much of his time to various community organizations. These groups include the Corona Rotary Club, the Navy League, the YMCA, the Corona Regional Medical Center Foundation, and the Corona Police Community Partnership. He is also involved with Peppermint Ridge, a facility that cares for individuals with developmental disabilities. Chief Cleghorn was recently recognized for his tremendous community efforts by being named Man of the Year for 1997 by the Corona Chamber of Commerce.

On behalf of the citizens of the 43rd congressional district, I would like to thank Chief Cleghorn for his contributions and dedicated service to his community and for the example he has set for future generations. I wish him the best in his future endeavors.

HONORING RICHARD WINKEL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Richard "Dick" Winkel who retired after 29 years of service from the elected position of Kankakee County Auditor on December 31, 1997. Dick Winkel has continuously served the most terms, eight in all, of any county auditor in the history of the state of Illinois.

When Dick Winkel first took office in 1968, computers were just beginning to be utilized. In 1968, the computer at the auditor's office was the size of a large refrigerator and had to be housed in the basement of the County Building. The old system required a $23,000 climate control system to keep it running. Today, thanks to Dick Winkel, the new system includes built-in safeguards to prevent the county from ever experiencing a computer melt-down that would wipe out months of accounting work.

Dick and his wife Betty are the proud parents of four children and the proud grandparents of 17 children. Dick has always followed his father's ideals about the important things in life; family, God, and the political climate in which you live. According to Dick, "You have to be an active participant with all three. If you don't participate in politics, you deserve what you get."

Dick Winkel's commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Dick Winkel is both timely and appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefited and enlightened America's communities.

TRIBUTE TO THE NCAA 1997 WATER POLO CHAMPIONS PEPPERDINE UNIVERSITY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the 1997 National Collegiate Athletic Association water polo champions from Pepperdine University, in Malibu, California.

The NCAA water polo finals don't draw the crowds or television viewers some higher-profile college sports do. But athleticism, commitment and sacrifice aren't measured in the stands, they are measured in the competition. Water polo players are among the most dedicated and physically fit of all athletes.

Michael Jordan once said, "Talent wins games, but teamwork and intelligence wins championships." I would like to acknowledge all of the athletes on Pepperdine's 1997 water polo team. Individually, they have dedicated their time and energy to their sport, making many sacrifices along the way. They also realize the importance of working as a team toward a common goal, a lesson that will serve them well throughout their lives.

To be recognized as the premiere water polo team in our country is no small feat. I would like to take this opportunity to recognize the many strengths of these exceptional athletes, and wish them the best of luck on their future endeavors, in and out of the water. Mr. Speaker, distinguished colleagues, please join me in honoring the 1997 National Collegiate Athletic Association water polo champions from Pepperdine University.

THE MEDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 14, 1998 into the CONGRESSIONAL RECORD:

REFLECTIONS ON THE MEDIA

In recent decades, we've seen a dramatic drop in the number of Americans who trust their government to do the right thing most of the time. Many factors contribute to this, but one often mentioned is the way in which many journalists approach their craft today. There is increasing concern that journalists too often report just the failures of government and not the successes, just the scandals and not the substance of governing. I am impressed with the number of constituents who ask whether they can really believe what they see and read in the media.

The press, of course, plays an essential role in the relationship between citizens and elected officials. We rely on the press to inform citizens about government actions, to help public officials gauge public opinion, and to act as a watchdog. By deciding whether and how extensively events or issues are covered, the press influences the policy agenda. I worry sometimes that in this age of instantaneous communication, journalists are less likely to reflect carefully on the quality and impact of their coverage.

I've always felt that journalists should ideally remain on the sideline as observers and analysts. But today many of our journalists, especially those based in Washington, want to be policy players rather than reporters of events. They want to give advice to the public and to prominent politicians, to score political points rather than illuminate events. Too often they reject the traditional values of the journalist—detachment, skepticism, caution—that have always been vital to the practice of good journalism.

These journalists, like anyone who seeks to influence opinion in this country, engage in intense competition to get on television. Unfortunately, some political talk shows are not much more than shouting matches. They do not analyze, explain, or clarify the issues facing the country. One panelist was quoted as saying, "The less you know about something, the better off you are." That may be true for entertaining TV but it is not true for journalism. What makes good television and what makes thoughtful analysis are two different things.

Journalists know that there's big money associated with appearances on television, if not for the appearance fee (which is usually quite modest), then for the opportunity those appearances provide to garner lucrative speaking engagements before groups of all kinds. My view is that their considerable talents may be dissipated by this quest for money and that the country is the poorer for it.

It's easy to exaggerate the importance of these kinds of journalists. Even the most popular talk shows do not get more than 2 or 3 percent of TV households. Only a few people follow them closely. But the desire of some journalists to influence policy can have a troubling effect: the tendency to cozy up to government officials or to tilt a story. I think sometimes journalists pull punches rather than offend powerful public officials. On the other hand, some reporters go to the other extreme, viewing government officials and their actions not with healthy skepticism, but with suspicion or cynicism. The best reporters view them as neither inherently dishonest nor inherently virtuous.

Also worrisome is that in covering policy debates journalists too often focus on the horse race—who is winning—rather than on how we should deal in this country with some very tough problems. Every public official gets distressed by the electronic media reducing issues to sound bites of a few seconds. All that does is encourage shrillness, generalities and mutual attack rather than informed and meaningful debate. In addition, the journalist understands that the reporting of scandal will get him on the front page much more quickly than the reporting of substance. If journalism does not begin to pay more attention to disinterested analysis, it will continue to lose credibility with Americans. Certainly the ideal is the independent non-partisan, non-ideological journalist, a journalist who does everything he can to filter out of his reporting his personal political views.

There are a lot of things I don't worry much about in journalism. Some complain that the press has a liberal bias; others see a conservative bias. Fortunately, we have multiple sources of information and the competition among these sources contributes to a self-correcting process. If a story is reported badly by one source, other sources quickly set the record straight. For the citizen willing to search for it, substantive information about public policy is widely and cheaply available from a large variety of sources.

Despite its flaws, I favor a powerful press because it can balance the power of government. I may complain about the press on occasion, but I would not like the country without it. The job of the press is formidable. We should not resent but applaud the efforts reporters make to investigate and to keep the record straight. Jefferson said, "No government ought to be without censors. And where the press is free none ever will. The only security of all is a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure." As Jefferson pointed out, it is difficult to draw a clear line of separation between the abuse and the wholesome use of the press. But because the free press does have a high mission in a democratic society it has to be all the more responsible to carry it out.

The press has an obligation to ferret out scandal. It has the obligation to cover contests for public affairs. It should also report complex and serious policy issues objectively, explaining the complexity of the issues involved and the positions of various parties. Biased analysis may have its place on the editorial pages but the news columns should report the facts.

What should government do about these criticisms? Nothing. Justice Brennan said that press freedom should be, "uninhibited, robust, and wide open." He was right on the mark. Government officials should not try to shape the content of media coverage of politics. The media can be the check on misconduct and tyranny by government, expose public officials' errors and abuses, inform public policy, and improve the quality of democracy. The problems with the media should be dealt with by the media and the people rather than the government.

IN HONOR OF THE CLEVELAND SOCIETY OF POLES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cleveland Society of Poles on its 75th Anniversary. This non-profit organization is dedicated to financially assisting groups and individuals training in the arts. Members of the Society consist of business people and professionals in the Cleveland area.

The Society is striving to make 1998, its 75th Anniversary year, the best ever. Numerous charitable, civic, and educational groups as well as individuals will benefit from the commitment the Cleveland Society of Poles and its members have made to promoting the arts. In turn, the Cleveland community benefits from the organization's continued support of the arts by seeing its cultural, educational, and economic vitality grow and flourish.

My fellow colleagues, please join me in celebrating the 75th Anniversary of the Cleveland Society of Poles.

HONORING THE COMMUNITY SERVICE OF SGT. EDWARD D. CARDOZA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize Sgt. Edward D. Cardoza upon his retirement from the Milpitas Police Department which is located in Milpitas, CA, in California's 13th Congressional District.

Sgt. Cardoza began his career in law enforcement in 1968 after receiving an honorable discharge from the United States Air Force and attending college. On October 27, 1969, he was transferred to the Milpitas Police Department. He was promoted to corporal in 1974 and then to the rank of sergeant in 1982.

During his 29 years with the Department, Sgt. Cardoza served in many different areas. He showed interest early in his career in the K–9 program. He was a K–9 officer for several years before becoming the coordinator of the K–9 Department where he has served as coordinator for the last ten years. He was a patrol sergeant for several years. In this capacity he was responsible for supervising other police personnel in their response to the needs of our citizens. He also worked in the detective bureau and the youth service bureau and was instrumental in starting the police reserves program.

For the past 3 years, Sgt. Cardoza has been serving as a traffic sergeant. In this capacity he has worked closely with city traffic engineers to help reduce the traffic accident rate for the city of Milpitas. Recently he was instrumental in the conception, design, and implementation of the Department's DUI enforcement trailer which will be used to assist in the reduction of the incidence of drunk driving.

Sgt. Cardoza has also been an active member of the community—through his service on the youth service bureau of the Department, he became involved in many of our community's youth programs. He coached PAL baseball, YBA basketball, and little league. He has also served on the board of directors for Santa Clara PAL, Milpitas PAL, and treasurer for BMX.

During his years of service, Sgt. Cardoza received over 70 letters of appreciation and commendation from the citizens of Milpitas and from numerous branches of government.

Mr. Speaker, on January 30, 1998, Sgt. Cardoza will be honored by family, friends, colleagues, and members of the community on the occasion of his retirement from the Milpitas Police Department. I applaud him for his 29 years of distinguished public service to our community. His dedication and commitment will be sorely missed and I wish him luck in all of his future endeavors.

IN HONOR OF BLACK HISTORY MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SCHUMER. Mr. Speaker, I urge my colleagues to join me in celebrating Black History Month. I would like to take a moment to reflect on the courageous leadership and civic duty that has shaped the communities of New York throughout the years. Now, as we approach the new century, New Yorkers of all ethnic backgrounds will face a new set of economic, social and political challenges. If we stop and recognize the perseverance of African-Americans in times of change, their record of commitment to the pursuit of prosperity, integrity and opportunity for their families and friends and community at-large speaks for itself.

The tireless work of community and religious leaders in guiding African-American communities have done much to improve the quality of life in our city. I am proud to honor this important occasion where African-Americans join hands to acknowledge their accomplishments and contributions to our society and the world.

The level of civic participation in today's culture is depressingly low among average American citizens. I am always inspired by the community spirit and leadership I witness from African-Americans in New York. Our society would be a better place if more Americans emulated the civic duty and moral strength of our African-American counterparts. I hope that Black History Month is recognized and honored by citizens of all backgrounds. I honor the work, vision and courage of my African-American friends and colleagues in Congress and throughout New York. May our city continue to be honored with your leadership.

TRIBUTE TO HOWARD T. ROBINSON, SR.—FIRST EXECUTIVE DIRECTOR OF THE CONGRESSIONAL BLACK CAUCUS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CLAY. Mr. Speaker, on November 8, 1997, Howard Theodore Robinson, Sr., the first Executive Director of the Congressional Black Caucus, lost his life in a car accident. His death was a great tragedy for the African-American community. He touched so many lives and was a key participant in the socio-economic movement of minorities.

I vividly remember the day I was introduced to Howard during a congressional trip to the Far East. At that time, Howard was labor attache' for the American embassy in Tokyo. Congressman Gus Hawkins and I met with him. We were so impressed with Howard that we recommended to our colleagues in the Congressional Black Caucus that he be hired as the organization's first executive director. Our instincts proved to be correct. He was a great administrator. The CBC is the powerful organization that is today in part because of Howard's contributions.

Howard worked tirelessly to advance the causes of minorities, particularly African-Americans, and made great sacrifices on their behalf. When he accepted the position of CBC Executive Director, he left a prestigious position at the State Department. But, he was on a greater mission. In his letter of acceptance he stated that he was taking the job "with the full recognition that the Caucus may not, at this time, be in a position to match my current salary. But, because I believe that the purposes and objectives outlined by the Caucus are basic to the future of all Americans, I am willing to abandon my position as a senior Foreign Service office, in order to dedicate the next years of my life to the objectives that you in the Caucus have set out to achieve."

In addition to his foreign service career, which included U.S. Consulate to the French West Indies and Advisor to the U.S. Delegation to the International Labor Organization Conference in Geneva, Switzerland, Howard Robinson had a distinguished career in radio. In 1991, he became the host of "The Creative Entrepreneur", a talk show about small businesses. Later on, he hosted a second show called "Dynamics of Public Policy", a show about policy in Southern New Jersey. The title of the second show was changed to "In The Public Interests" when Howard left New Jersey and went solo. The shows were expansions of Howard's efforts to help minority communities. They both proved to be key informational sources in their respective communities and helped many to empower themselves economically and politically.

Howard's sacrifices and contributions will not be forgotten. His work touched people who will always remember how Howard helped them to envision and live up to their potential. The name "Howard T. Robinson, Sr." will be indelibly marked on their journey to economic independence.

TRIBUTE TO GARY M. THOMAS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Gary M. Thomas, who has served as the President of the United Chambers of Commerce of the San Fernando Valley for the last two years.

Gary has worked diligently for two years to strengthen the United Chambers of Commerce. He has selflessly dedicated his time and effort to improving our community, through several leadership roles. Gary has worked to ensure the financial security of our community as a co-founder of the Economic Alliance of the San Fernando Valley and the Chairman of Mayor Richard Riordan's Valley Business Corps. In this capacity, he has initiated efforts to keep businesses located in the San Fernando Valley, while working to encourage their expansion.

Gary's expertise has been recognized by many leaders in our State. He is the Chairman of California State Assemblyman Tom McClintok's Business Advisory Commission and an invaluable member of State Assemblyman Robert Hertzberg's Business Advisory Commission.

Gary also plays an active role on the boards of directors for several of our community's most valuable organizations, including the San Fernando Valley Charitable Foundation, the Valley Leadership Institute, the advisory board for Columbia West Hospitals, the Wellness Community and the West Valley Boys and Girls Club.

Mr. Speaker, distinguished colleagues, please join me in honoring Gary M. Thomas for his dedication to maintaining and improving the quality of life in our community. We are grateful to Gary for the time he has served as President of the United Chambers of Commerce of the San Fernando Valley and wish him the best of luck in his future endeavors.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 31, 1997, into the Congressional Record:

CELEBRATING FISCAL RESTRAINT

The most highly praised accomplishment of this past session of Congress was passage of the agreement to balance the budget by 2002. Federal budget deficits have been too large for too long, and this bipartisan agreement was a welcome development. But I am becoming increasingly concerned about comments suggesting that our fiscal problems are behind us. Despite all the talk about a balanced budget, I believe it is much too early to celebrate fiscal restraint.

Status of deficit: There is no doubt that major progress has been made on the budget deficit in recent years. Over the past five years it has been reduced from $290 billion to $23 billion in 1997, both because of the 1993 deficit reduction package passed by Congress and the strong U.S. economy. The 1997 deficit was much lower than expected because federal revenues grew by nearly 9 percent while spending increased only about 2.5 percent.

In addition to the small federal budget deficit in 1997, state and local governments ran a combined budget surplus of $29 billion. That means that the government as a whole enjoyed a budget surplus in 1997, something that has not happened for many years. Less government borrowing means lower interest rates on everything from home mortgages to car loans.

Thus far in fiscal year 1998, which began on October 1, revenues are coming in faster than expected and spending is slower than expected, so some budget experts think that the federal budget could even be balanced this year.

Concerns: Despite the progress, there are several reasons for being cautious about thinking that our country's fiscal house is in order and that the only question now is how to spend the budget surpluses.

First, progress on reducing the deficit depends heavily on the continued strength of the U.S. economy. If we are off in our assumptions about how the economy will perform in the months and years ahead, the deficit could again balloon. Even an average-size recession could add $100 billion to the deficit for a year or two. It would be a huge mistake to pretend that the business cycle has been repealed. I've come to the conclusion that it is risky to start worrying about how to handle a surplus when we don't have it yet and it may not materialize.

Second, even with a balanced federal budget, we still have the huge accumulated federal debt to contend with. The federal debt is what was built up during each of the years in which the federal government was running a deficit, and it now stands at a huge $3.8 trillion. The interest payments that the federal government makes on that debt are now almost $250 billion each year. That's 15% of total federal outlays. Reducing these debt service costs through paying down the debt should be a priority.

Third, I am worried about discretionary spending increases under the balanced budget plan. Since 1990, discretionary (non-entitlement) spending—the spending that Congress passes each year on roads, defense, parks, and the like—has been frozen at around $550 billion. Yet in 1997, spending for a host of discretionary programs was increased, for everything from health research and highway building to anti-drug efforts and the FBI.

The Balanced Budget Act of 1997 assumes that discretionary spending caps will keep spending increases less than the rate of inflation, with most of the tough decisions left to future Congresses and the next President. The assumption that these caps will be adhered to is certainly called into question by the performance during the first year. With the pent-up demand for more spending on all kinds of worthy projects we have to wonder whether fiscal restraint has come to an end.

Fourth, I am concerned about how the tax cuts in the balanced budget agreement are structured. The problem is that although in the first few years the bulk of the tax cuts go to middle-income families, backloaded tax cuts favoring higher-income households kick in later and would mushroom after 2002. Long-term the agreement will be much more costly than the deceptive figures for the early years suggest and it will become less fair. It will accentuate the income inequality that has been increasing in this country in recent years, in which the rich have gotten richer and everyone else has struggled to stay even or seen their income decline. The traditional function of the federal government has been to lean gently against these kinds of trends in the economy. It serves as a moderator of inequality. This agreement leans the other way.

Fifth, the agreement masks the long-term problems facing entitlement spending for older persons. Over the next few years Social Security will be building up a surplus, and that surplus—which will reach $120 billion in 2002—is one of the main reasons this budget agreement projects an overall budget surplus of $32 billion in 2002. But everybody knows that the Social Security system is incurring large future liabilities that exceed its surpluses and that it needs major reform to avoid insolvency.

The long-range problem is that the budget is increasingly dominated by spending for older persons in the form of Social Security, Medicare, and Medicaid. These entitlement programs will rise powerfully as the baby boomers begin to retire early in the next century. Congress and the President ought to begin an attack on them now while they are much more manageable.

Conclusion: I have been quite uneasy about the self-congratulatory rhetoric that Members of Congress in both parties and the Administration have engaged in as a result of the balanced budget agreement. I supported the agreement because we're better off with it than without it. It does move us in the direction of a balanced budget, but it is much too early to claim that it eradicates the deficit. It was neither as tough nor as fair as it ought to be.

Over the past several years we have made considerable progress in reducing the deficit, and our economy is stronger as a result. It would be a large mistake to abandon that fiscal discipline as I am fearful we may be doing.

A lot more work needs to be done on balancing the discretionary part of the budget, addressing the tilt toward the wealthy in the back-loaded tax cuts, and restructuring Social Security and Medicare for the long term. Our focus should remain on these challenges, not on how to spend a non-existent surplus.

SALUTING MANTENO, IL, CHAPTER, FFA

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to pay tribute to a fine group of young people from the Eleventh Congressional District who are members of the Future Farmers of America in Manteno, Illinois. During the 70th National FFA Convention in Kansas City, the young men and women from the Manteno FFA chapter received special recognition in the FFA's National Chapter Award Program.

The Manteno chapter was one of over 450 chapters from around the nation that was recognized for their achievements in developing their chapters program of activities. Among these activities are citizenship, community awareness and personal leadership development programs that give students a chance to work with community leaders and local organizations.

As you know Mr. Speaker, the FFA has over 7,500 local chapters across the United States and its territories serving close to a half million students. The FFA's mission is to help shape the lives of students by developing their leadership qualities, personal growth, and helping them prepare for successful careers in agriculture through education and practical activities. The Manteno FFA members strive to meet this mission, and their hard work and community efforts have been rewarded.

During a time when we hear about everything that is wrong with America's youth Mr. Speaker, it is important that we honor our kids who are doing things rights. I'm proud to have the young men and women of the Manteno FFA in my district, and I ask my colleagues in the House to join me in wishing the Manteno FFA members many future successes and the best of luck with their studies.

HONORING JOHN HYLAND

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, a community thrives and prospers because of the people who live in it and contribute to it. The depth of how people feel about their neighborhoods tells us how much they love their community.

John Hyland is a man who has brought much to his community and to the people who live in it. His contributions are measured in what he has given to the area as a whole and to what he has given to his own special niche.

He has been a member of St. John's Parish in the Kingsbridge section of the Bronx, worshipping there and attending its elementary school. He attended Samuel Gompers High School, also in the Bronx, and served his country in the Army for three years.

He returned to his community and in 1970 became a member of the New York City Auxiliary Police. In 1973 he was elected president of the Auxiliary Police Benevolent Association, serving in that capacity since.

But he is being honored now for the wonderful work he has done as a member of the Ancient Order of Hibernians. He was elected president of the Daniel J. Quilty Division #7 in 1994 and reelected as president three times since.

Now, to the regret of his comrades in Division #7, he is moving to the Bronx County Board of the AOH as its newly elected president. He seems to be elected president of every organization he joins.

John Hyland has given much to those around him. I am honored to join his friends in praising him for all that he has done for us, as individuals and as a community.

ENVIRONMENTAL CLEANUP AT THE RIVERBANK ARMY AMMUNITION PLANT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONDIT. Mr. Speaker, I rise today to honor the hard work and environmental cleanup effort at the Riverbank Army Ammunition Plant in Riverbank, California. Only eight short years ago, this plant was listed as the highest priority site within the Department of Defense's National Priority List for environmental contamination and remediation.

What has transpired since then is nothing short of miraculous. It is with a great sense of pride that I report that Secretary of the Army Togo West recently awarded Riverbank with a first place Secretary of the Army 1997 Environmental Award.

The award represents accomplishment and the crown jewel in an impressive list of "firsts" in the field of toxic waste cleanup which have been accomplished at Riverbank.

In response to President Clinton's challenge to the United States Environmental Protection Agency to achieve complete construction and operation of remediation systems at 900 toxic sites by the year 2000, Riverbank is the first federal installation to comply. Along the way, Riverbank became the first federal installation to implement a base-wide record of decision and long term solution to cleaning contaminated ground water which in large part resulted from World War II-era manufacturing at the plant.

Meeting the challenge head on, under the leadership of Jim Gansel and his staff, Riverbank distinguished itself by developing a proactive community relations program that has not only been praised and but has also been implemented by the Environmental Protection Agency at all other DoD cleanup sites. Currently, I am proud to report, the plant is in the final phase of long term remediation and monitoring after becoming the first federal installation to receive a construction completed report.

Mr. Speaker, this is a story of hard work and success. It reflects great credit on the dedicated men and women at the Riverbank Army Ammunition Plant as well as the entire 18th Congressional District.

A TRIBUTE TO ROGER ERICKSON

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a pioneering giant in radio who retired recently.

Roger Erickson is a radio legend in Minnesota. Roger has been entertaining and informing the vast listening audience of WCCO Radio in Minnesota for 38 years.

Radio dials all across Minnesota—on farms, in small towns, on mainstreet, throughout the suburbs and downtown—are stuck with chicken grease on WCCO because of the long-running, immense, talents of Roger Erickson and his longtime partner Charlie Boone.

It has been reported that this dynamic radio twosome may be the longest-running team in the history of U.S. broadcasting.

Mr. Speaker, I'm proud to call Roger Erickson my friend and constituent. Nobody has done more to cheer Minnesotans the past 38 years than Roger.

Roger Erickson grew up on a farm in Winthrop, Minnesota, listening to the radio station he would later dominate after graduating from my alma mater, the University of Minnesota.

Roger, our hat's off to thee!

Roger Erickson and his partner Charlie Boone are as well known as any Minnesotan. In all their years together, Erickson and Boone have never had a fight, which, as they quickly note, is a better record than most marriages.

I was fortunate to be present on January 9, 1998, when an amazing collection of Minnesotans joined Roger and his longtime partner for their final broadcast together. It was quite a scene, as former governors, leaders in medicine, industry and sports all gathered to pay tribute to these broadcasting giants, these pioneering "Paul Bunyans of the air."

Minnesota has spawned many heroes, from Charles Lindbergh to Hubert Humphrey. But no one has had a bigger impact and shaped life in Minnesota more than Roger Erickson, with his partner Charlie Boone.

Roger Erickson signing off the air is a truly landmark event. Minnesotans of all stripes saluted him for his public service in a swell of emotion and gratitude. Little wonder. This is an end of an era, and Roger will be sorely missed in our lives. When the snow flies in Minnesota, our ears are quickly tuned to Roger. He's the guy who closes our schools, and he does it with relish.

WCCO is known as the Good Neighbor, and Roger Erickson has been a good neighbor to every Minnesotan, a friend to turn to when life got rough or important news was in the air. When we needed a laugh, Roger made our sides split with his Scandinavian humor, a Minnesota Hospital full of eccentrics suffering from not-so-serious ills, and his role as the foil to Boone's Senator, whose public policy pronouncements sometimes made more sense than many would care to admit.

Mr. Speaker, as Roger said: "It's been a great run. How lucky can you be?"

Roger, it's been us, your loyal listeners, who have been the lucky ones. Thank you for all you have done to make our lives fuller, to make uniquely Minnesota moments more memorable.

We wish the very best to Roger, his wife Margaret, and their family. In the years ahead, when our sunrises are no longer greeted in concert with Roger Erickson singing the famous "Good Morning" song, we will be comforted knowing Roger is on his 20 acres in Minnesota, enjoying the quality of life he helped plant for all Minnesotans.

IN HONOR OF THE TURTLE BAY ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Turtle Bay Association as it celebrates its 40th Anniversary.

In 1957, when a volunteer group of tenants, home owners and small businesses in Manhattan's Turtle Bay area joined forces to oppose a plan to convert 49th Street into a major traffic corridor, the Turtle Bay Association was born. Forty years later, this active and committed group of community members is still working to ameliorate the Turtle Bay neighborhood.

Over the years, the Turtle Bay Association has initiated many efforts to preserve and beautify the neighborhood. The Association has spearheaded major renovations of several area parks, including: Peter Detmold Park and Dag Hammarskjold Plaza and MacArthur Playground. As a result of the Turtle Bay Association's efforts, free concerns were held in Detmold Park this summer.

This past spring, the Association spruced up Second Avenue by planting trees and filling the avenue's tree boxes with flowers.

The Turtle Bay Association also works closely with the local police precinct on neighborhood security concerns; with the sanitation department on matters of cleanliness of the streets; and with the United Nations to limit disruptions caused by demonstrations.

One of the Association's earliest and most famous members is the renowned actress Katharine Hepburn. In 1957, Ms. Hepburn fought vigorously with other Association members to halt the destruction of trees and prevent the city's plans to widen Turtle Bay streets by cutting back sidewalks. In 1987, she lent her name to the successful campaign to re-zone Turtle Bay's mid-blocks for low-rise construction limitations.

Mr. Speaker, I ask that my colleague rise with me in this tribute to the Turtle Bay Association as they celebrate 40 years of commitment to their community. This dedicated group does a tremendous job in creating a small town feel in such a large city like Manhattan. Thank you.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 24, 1997, into the Congressional Record.

NEW CHOICES IN MEDICARE

Hoosiers will be hearing a lot about the reform of the Medicare system in the days ahead. Increasing costs and forecasts of a significant growth in the number of baby boomer retirees will require fundamental reform of the program. Medicare now serves over 38 million older and disabled Americans, while consuming nearly $1 out of every $9 in the federal budget. Medicare is a $200 billion program and it will undoubtedly get much bigger as the pool of retirees swells early in the next century.

In 1997 Congress made the most significant reforms to the program since its creation over 30 years ago. Until now the Medicare program has been largely insulated from the shift in American health care from fee-for-service toward managed care. Medicare beneficiaries have traditionally selected their own doctors, visited them as often as they wanted, and had the government pay much of the bill. The new reforms will give beneficiaries more options, while pushing the system toward a managed care approach which aims to save money and improve overall efficiency.

MEDICARE+CHOICE

The new Medicare+Choice program is the centerpiece of the 1997 reforms. Starting late next year, Medicare beneficiaries will have the opportunity to decide each year whether to stay in the traditional fee-for-service government plan or switch to one of five private plans. Where the beneficiary selects the private option, Medicare will make a fixed payment to the chosen plan. Enrollees will receive the basic bundle of Medicare benefits, including access to emergency care, though the delivery and cost of these services would vary with each plan. Up until 2002 enrollees have the option of switching between plans at any time, but after that date the opportunities to switch plans will be more limited.

Medicare+Choice aims to contain costs in Medicare by injecting private competition into the system and encouraging more beneficiaries to enroll in managed care plans. These plans, while limiting the choice of doctors, tend to offer a wider array of benefits, including prescription drug benefits. One option under the Medicare+Choice program, for example, is the popular HMO plan. Already nearly 15% of beneficiaries use the HMO plan, which allows patients to choose from a network of doctors and receive approved benefits, usually at lower cost. Two other options involve a more limited managed care approach, and a fourth option provides for a private fee-for-service plan, under which doctors can charge up to 15% more than the insurer's fee schedule.

The fifth option is the medical savings account (MSA) plan, which combines features of a savings account and private health insurance. Medicare will pay into the account the difference between the Medicare monthly payment and the monthly premium for a high deductible plan. Contributions to the account as well as any earned interest will be exempt from taxes. The beneficiary will be able to make tax exempt withdrawals from the account as long as the money is used to pay for unreimbursed medical expenses, long-term insurance, and related expenses. The MSA is a pilot program which will be limited in 390,000 enrollees, starting in 1999.

UNANSWERED QUESTIONS

My guess is that most beneficiaries will, at least initially, elect to stay in the traditional fee-for-service Medicare plan. They like the unlimited choice of doctors and ability to pay no more than the government prescribed fee. Over time, however, the other options, which may offer more benefits at a lower cost, will probably attract many people. The key question is what these changes will mean to the overall quality of care for older Americans.

Medicare has been a program offering equal access to health care for older and disabled persons, rich and poor alike. Some have suggested that the new program will create a multi-tiered system of health care for older Americans, where wealthy beneficiaries opt for fee-for-service, healthy individuals shift into managed care plans, and sicker and more expensive beneficiaries stay in the traditional fee-for-service plan. If that happens, the private providers could end up making money, while the Medicare program saves very little or even loses money. There is also concern that creating a multi-tiered system of delivery will eventually undermine public support for the program.

Other questions have been raised about the new program. Some, for example, wonder how doctors will respond to Medicare+Choice. Many physicians have expressed concerns about the fee limits in the current program, and may opt to target their practices at patients who pay the higher fees. Still others ask whether the quality of care will be the same under all the options and whether some options, particularly the managed care options, will impose undue limits on when and where people can receive care. Finally, there are questions about whether older Americans will have enough information to make informed choices. In November 1998 the federal government will send all beneficiaries an informational pamphlet describing their new Medicare+Choice options. This pamphlet will outline the new health plans that are available in and around the beneficiary's community.

CONCLUSION

All of these changes carry high stakes for Hoosiers. Under current projections, the part of the Medicare Trust Fund which funds insurance for hospital care is expected to become insolvent in 2010, as baby boomers retire and enroll in the program. The 1997 law, therefore, is an interim strategy. It will save $115 billion over the next five years, but it does not address the long-term challenges to the program. Congress has established a National Bipartisan Commission on the Future of Medicare to recommend further changes to Medicare.

Medicare is one of the great success stories of this country. It has provided essential health services for millions of our elderly and disabled citizens, and improved the overall quality of life in this country. If, however, future generations are also to benefit from Medicare, the program must undergo reform. I believe that Americans, in large part, realize this. They want to improve Medicare.

Medicare+Choice is one step toward achieving that goal. The ability to shop for insurance plans could encourage greater efficiency and restrain ever-increasing costs for health care. Health care in America has been largely transformed by the HMO-based managed care plan, and Medicare is likely to move in that direction as well. The challenge in Medicare is to make these changes without diminishing access to quality and affordable health care.

TRIBUTE TO SUSAN WINDSOR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Susan Windsor, who has served as the Chairperson of the Board of the Calabasas Chamber of Commerce for the past year.

Henry David Thoreau wrote, "I have learned this at least by my experiment: that if one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in the common hours."

Susan has worked hard to achieve her dreams. Her dedication and perseverance is inspiring. As one of the earliest minority students to attend Florida A&M, she overcame adversity to pursue her interest in horticulture.

While working full-time to support herself, she attended the University of LaVerne, College of Law. After graduating from law school, she practiced civil litigation and was an active member of the San Fernando Valley Neighborhood Legal Services, a legal aid clinic. Only four years after graduating from law school, Susan started her own practice, focusing on probate law, trust administration, estate planning and probate and trust litigation.

Susan's determination and strength of character were again tested when the 1994 Northridge Earthquake destroyed her offices. She relocated her practice to Calabasas and became actively involved in community and business affairs, including the Calabasas Chamber of Commerce, where she has served on the Board of Directors since 1995. In 1997, Susan was elected as Chairperson of the Board, and in this capacity she worked closely with the directors to implement a current Policy and Procedures Manual and revised by-laws.

Susan has worked hard to realize many of her dreams. While she continues to practice law in Calabasas, she has also expanded her interest in horticulture. Along with her husband, she established Astoria Mushroom Growers, specializing in the cultivation of Shitake mushrooms.

Though Susan's successes have not come easy, she has never lost sight of her goals. Through her efforts, Susan has not only enriched her life, but the lives of those in our community. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Susan Windsor.

RECOGNIZING SHEILA DAAR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DELLUMS. Mr. Speaker, it is with great pleasure that I rise to recognize Sheila Daar, an expert in the field of integrated pest management (IPM), who has been awarded a 1997 Stratospheric Ozone Protection Award by the U.S. Environmental Protection Agency. The award recognizes extraordinary achievements and international leadership in protecting the Earth's protective stratospheric ozone layer.

Ms. Daar is the Executive Director of the non-profit Bio-Integral Resource Center (BIRC). This organization works with government agencies and the private sector to design and implement least-toxic IPM programs for solving pest problems in agricultural and urban systems.

Since 1992, Ms. Daar has developed and disseminated practical information on non-chemical alternatives to the toxic fumigant methyl bromide, focusing on California crops, including strawberries and grapes, that use significant amounts of this pesticide. Methyl bromide is a class one ozone depleting substance scheduled for phaseout in 2001 under terms of the U.S. Clean Air Act. Ms. Daar and her staff have documented alternatives, established on-farm applied research and demonstration projects, and conducted technical outreach programs to assist farmers and urban pest control companies to adopt alternatives to methyl bromide. She is an active member of the United Nations Methyl Bromide Technical Option Committee, and co-author of IPM Alternatives to Methyl Bromide and other publications on this topic.

The Environmental Protection Award is significant because it recognizes the two decades of research and public education that Ms. Daar performed. She is a pioneer in the field of integrated pest management in a state and a culture that took pride in synthetic chemical response to pests and the development of pesticides and herbicides of great variety and power. Ms. Daar has made significant contributions to our present understanding of the wide, unexpected sweep and longevity of these toxins, in terms of poisoning our soil, our biosystem, and our atmosphere.

She has labored long in agricultural fields, along the sides of California's highways, in city lots and anywhere where plants grow; espousing, and teaching the values of reduced dependence on synthetic, chemical toxins.

Ms. Daar's early horticultural successes were in teaching as well as being appointed to the State of California Pest Management Advisory Committee in 1993, and to the California Department of Transportation's Public Advisory Liaison System, in 1995. She continues to serve on both bodies.

I am enormously pleased to recognize this remarkable woman on behalf of my district, my state and my country.

HONORING LEO ARAGUZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me today in congratulating Leo Araguz, a native of Harlingen, Texas, who is being honored tonight in his hometown for the professional athletic accomplishments in his young life.

Leo Araguz, a small town guy of modest means, has played professional football, as a kicker, for several National Football League teams. Tonight, his family, friends and community plan a surprise celebration for him in his hometown, and I want to let him know that the House of Representatives supports the efforts of his community to honor his work.

Professional sports are the top of the heap for athletes in our country. In Texas, football easily reigns over other sports. Getting to the top in professional football is a difficult thing to do under the best of circumstances, but the circumstances for Leo have never been easy.

As a good athlete in school, he almost missed out on sports altogether after a car wreck that badly injured his leg. A full year of therapy not only brought him back to football, but strengthened his legs, which made him decide to concentrate on the kicking game. As a former soccer player, kicking came quite naturally, and a star was born.

The strength of his kicking game assisted the Harlingen High School Cardinals in securing several South Texas football honors. In college, at Stephen F. Austin State University, he led his division in punting in 1992.

Since that time, he has played for the Miami Dolphins, the San Diego Chargers, and the Oakland Raiders. He has just been re-signed by the Miami Dolphins and will soon go there for training camp. Please join me in commending Leo Araguz for his hard work and his commitment to excellence in the game of football.

HONORING RABBI AVI WEISS, THE HEBREW INSTITUTE OF RIVERDALE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, Rabbi Avi Weiss and the Hebrew Institute of Riverdale this year celebrate 25 years of passion and outreach within the Jewish community.

Rabbi Weiss has traveled far and wide to support the cause of Judaism, most famously for his work at Auschwitz where he persuaded an order of nuns to move their convent from the gates of that infamous death camp.

He went to Buenos Aires in 1994 to comfort the families of the victims of a bomb attack on a synagogue. There he met with Argentine President Carlos Menem and was invited to a Cabinet meeting to discuss security concerns. And it was at his urging that the International Relations Committee of the House of Representatives conducted hearings on the bombing when the official investigation lagged.

Rabbi Weiss was named Rabbi of the Year by the New York Board of Rabbis for outstanding service to the rabbinate.

He also pioneered outreach programs at the Hebrew Institute of Riverdale including free High Holy Day Services, a free Passover Seder and programs to reach the mentally and physically handicapped as well as elderly shutins. It is the only synagogue in the country which is barrier free.

The Hebrew Institute of Riverdale reaches 4,000 families embracing Jews of all commitments.

Rabbi Weiss is a great personal friend and I congratulate him and the Center for their great work over these 25 years.

TRIBUTE TO ISSAC GONZALES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FILNER. Mr. Speaker, I rise today to honor Issac Gonzales, a community leader in my Congressional District who passed away on January 21, 1998 at the age of 72.

Issac was born and raised in National City, California. In his younger years, he served with distinction in the United States Army and received a number of military honors for heroism and bravery including two bronze stars, a victory medal, and a purple heart.

Issac was a true community leader. He was honored for his service to his neighborhood as a volunteer in the Community Policing Program and worked until his death as a member of the San Diego Senior Citizens Patrol. A quiet man, he also worked tirelessly within his church and led by example.

Issac won the respect and appreciation of his friends, family, and the entire community for his involvement in all aspects of the community life of National City.

We come across a small number of special people who touch our hearts and souls with their activism, optimism, and dedication to making everyone's life richer. Issac was one of those chosen few. My thoughts and prayers go out to his wife, Silvia, his sons Andrew and Robert, and his family and friends. Issac Gonzales will be dearly missed.

HONORING DOMINIQUE DE MENIL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary woman, Dominique de Menil of Houston, a world renowned patron of the arts, philanthropist, and passionate advocate for human rights, who passed away December 31, 1997, at the age of 89. Her death is a tremendous loss not only for her family, but for the city of Houston and the nation. Along with her late husband John de Menil, who died in 1973, Dominique de Menil left indelible marks on the world of art and the cause of civil rights.

Dominique de Menil was born in Paris on March 23, 1908. Heiress to the Schlumberger Ltd. oil field service company fortune, she made Houston her home for more that 50 years and became its leading arts patron and benefactor. Mrs. de Menil received her bachelor of arts degree from the Sorbonne in 1927. At twenty-three she married Jean de Menil, a young baron from a French military family. In the early 1940s, they came to America with the expansion of Schlumberger and settled in Houston. They became American citizens in 1962.

In 1954, declaring that "art embodies the highest aspirations of humankind," the de Menils established the Menil Foundation to foster knowledge and understanding in the fields of art, architecture and philosophy. Its primary focus has been the visual arts. In addition, Mr. and Mrs. de Menil were among the founders of Houston's Contemporary Arts Museum and responsible for nurturing it during its infancy.

Mrs. de Menil and her late husband were internationally known for establishing Houston's Rothko Chapel in 1971. Mrs. de Menil called the Rothko Chapel, which houses an ensemble of large paintings by the abstract artist Mark Rothko that were commissioned for the chapel, a place "dedicated to meditation and peace." The chapel is ecumenical, open to all religions, belonging to none. Outside the chapel is a reflection pool with Broken Obelisk, a Barnett Newman sculpture dedicated to the Rev. Martin Luther King, Jr., whose civil-rights work was close to the heart of Mrs. de Menil. She hosted many distinguished visitors for special programs, including Bishop Desmond Tutu of South Africa. Tibet's Dalai Llama, and South African President Nelson Mandela.

A sense of the suffering and indignities heaped on humankind was of great concern to Mrs. de Menil. She founded the Rothko Chapel Awards, $10,000 prizes presented annually to five recipients, often little-known individuals, who battled for human rights. She also joined with former President Carter to establish the Carter-Menil Human Rights Prize of $100,000, awarded every other year in Houston or Atlanta. Mrs. de Menil also worked closely with the late Congressman Mickey Leland to further civil and human rights around the world.

After John de Menil died, Dominique de Menil continued the couple's projects, and she masterminded a large, many-pronged program in the art and human rights. In 1987, the Menil Collection museum in Houston opened to the public. Designed by architect Renzo Piano, it houses one of the greatest privately assembled collections in the world, numbering more than 15,000 works of art. Museums in New York and Paris wooed Mrs. de Menil in hopes of acquiring the collection. But Mrs. de Menil was determined to keep the collection in her adopted home of Houston.

In 1995, she presided over the opening of another building, also designed by Renzo Piano. The Cy Twombly Gallery houses a collection of sculptures and paintings by the prominent American artist. In 1997, she presided over opening the Byzantine Fresco Chapel, designed by her son Francois de Menil, containing two 13th-century Byzantine frescos from Cyprus.

Mrs. de Menil also played a pivotal role at the Museum of Fine Arts in Houston. She gave generously to foster the arts at Rice University and the University of St. Thomas. She and her husband brought a young architect named Philip Johnson to Houston to design the modern campus at the University of St. Thomas. Mr. Johnson, of course, went on to establish himself as one of the nation's premier modern architects. In 1969, she and her husband established the Institute for the Arts at Rice. She had a great appreciation for the place of art in a strong community and worked to ensure that Houstonians from all walks of life could enjoy our city's many artistic and cultural treasures.

Whatever she did, Mrs. de Menil's intelligence, enthusiasm, and integrity served her and all those she encountered well. She brought a tireless energy, an unflagging drive and a passionate caring to each of her causes. Mrs. de Menil will be remembered for these qualities and her dedication to making the world a better place.

Mr. Speaker, Dominique de Menil was one of a kind. She was a person of strong opinions who cared greatly for justice and the welfare of others. She will be greatly missed but never forgotten by Houstonians, the many people throughout the world with whom she worked, and countless others who care about art and human rights. We are all infinitely richer for her legacy and were blessed with her wisdom, compassion, and dignity. As she intended, the artistic and humanitarian causes she championed will remain as her legacy.

CHILD CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 3, 1997, into the Congressional Record.

CHILD CARE CHALLENGES

Finding high-quality, affordable child care is a common challenge for working parents, with profound consequences for the emotional and cognitive development of children, the workplace, and welfare reform. To choose where your children will be for long hours is to choose the people and the environment that will help shape them.

I find Hoosiers ambivalent about child care. Many accept that working mothers are a reality and want greater investments in improving the quality of child care. Others believe mothers should stay at home with their small children, or at least not be encouraged by government subsidies to leave their children in the care of others.

Child care has become an increasingly urgent issue for a number of reasons. First, 62% of women with young children work outside the home. Today, an estimated 13 million children under the age of 6 spend some or all of their day in child care. The effort to push welfare recipients into the workforce also adds to the demand for child care, since most of them are single women with young children. Second, recent research has indicated that the stimulation and attention children receive from infancy until the age of 3 has a critical impact on their ability to learn and grow throughout the rest of their lives. Third, child care is expensive: on average, $3,800 per year for each pre-school age child. Employers, meanwhile, lose an estimated $3 billion each year due to child-care related absences by workers. For low-income working parents, child care is a perpetual emergency.

FEDERAL ASSISTANCE

The federal government has a few programs aimed at making child care better and more affordable: child care subsidies for low-income families and those receiving welfare benefits; a modest income tax credit for a portion of child care expenses; a tax exclusion for employer-provided child care benefits; low-cost, nutritious meals and snacks for poor children in child care; and Head Start, a part-day pre-school program for disadvantaged youngsters. These programs will cost the federal government about $12 billion in 1997.

KEY ISSUES

Recently, President and Mrs. Clinton hosted a conference at the White House which focused on the three key child care issues:

Availability

The availability of care varies widely. Care is sometimes scarce for babies because of the lower child-to-adult ratio they require. Options are also limited for school age children; in Indiana, only 37% of public schools offer extended day programs.

Affordability

The expense of child care can place great strains on the family budget. The 1996 welfare reform law increased federal child care funding by $4 billion over 6 years, yet only 1 in 10 eligible families receives subsidies. Many communities have hundreds of parents on waiting lists for assistance. Low-income working parents are competing with welfare recipients moving into the workforce for limited child care funds. Some large employers have stepped up efforts to help employees meet their child care needs by building on-site child care centers, providing referrals, or giving employees pre-tax cash assistance, but only 4% of American workers are eligible.

Quality

Although there are many excellent child care facilities, too much of the child care in this country is unsafe at worst, mediocre at best. States are primarily responsible for regulating the health and safety of child care settings, and requirements vary widely. A 1995 study indicated that one in eight child care centers provided care that could actually jeopardize children's safety and development.

But it's not enough just to keep children safe. Because of the importance of early childhood experiences on later learning, child care needs to provide age-appropriate activities, a low child-to-adult ratio, and lots of attention from stable, nurturing adults who understand child development. Yet this is lacking in up to six out of every seven child care centers by one estimate. One problem is that turnover among child care workers is about 50% annually, primarily due to low wages. The average salary for a worker in a child care center is just over $12,000 per year—considerably less than the average bartender earns. With such low wages it is difficult to attract highly skilled and experienced individuals. Moreover, most states, including Indiana, do not require child care workers to have any training prior to beginning their jobs. But increasing wages for child care workers will drive up costs, making child care even less affordable.

SOLUTIONS

The question for government is what it can do to make the child care situation better. It is easy to see how more money might help, but in this era of budget constraints, no large infusion of cash is going to come from Washington. In some respects, that's appropriate. Different communities have different needs, and my sense is that locally created solutions forged by partnerships among businesses, schools, churches, and government are probably going to be most successful. Nonetheless, we do have a responsibility as a nation to see that children are given the opportunity to prosper. Finding a way to pay child care workers a living wage and assure that they are professionally trained and supervised is crucial. Some suggest that greater government regulation of child care providers would improve care, but others worry that this would drive up costs and worsen the affordability problem.

President Clinton has proposed spending $300 million to train 50,000 day care providers who promise to stay in the field at least one year. He also pledged to devote more Americorps volunteers to after-school programs. Others have proposed raising the Department Care Tax Credit, which has not been increased since 1981, and making the credit refundable for low-income families. Still others believe that more child care is a bad approach and favor providing incentives for parents to stay at home with children or utilize flexible work arrangements.

We need to place a higher priority on meeting the educational and emotional needs of young children. There are many difficult questions surrounding the availability, affordability, and quality of child care in this country, and plenty of room for argument on how best to achieve satisfactory arrangements. But all of us have a stake in giving every child a decent start. My strong sense is that not nearly enough child care is of the quality that all children deserve. I have the feeling that finding a way to improve child care is one of the next big challenges ahead.

TRIBUTE TO ROBERT FRANCIS RITTER, JR.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Robert Francis Ritter, Jr. who has served as the President of the Reseda Chamber of Commerce for the last 2 years.

One only has to look at the choices Rob has made throughout his life and his career to realize his commitment to family. He has worked in his family printing business for 16 years, alongside his mother, father, sisters and brothers-in-law. Working together as a team, the Ritter family has not only developed a successful business, they have maintained strong bonds out of the office as well. The Ritter family also adeptly demonstrated their strength and unity at the softball city semi-finals last season.

As President of the Reseda Chamber of Commerce, one of Rob's priorities has been to create an environment in which the standard for families has been raised. He developed and maintained the Facade Improvement Program and the Business Improvement District, which were started by Councilmember Laura Chick. In addition, Reseda received $310,000 from the Los Angeles Neighborhood Initiative. Rob worked to ensure that all of these programs have a positive and lasting effect on our community.

William James once said, "The greatest use of life is to spend it for something that outlasts it." Though Rob Ritter's term as president is over, the work he has done for Reseda will be appreciated for many years to come. Mr. Speaker, distinguished colleagues, please join me in honoring Robert Ritter, for his commitment to our community.

THE HAWAII FEDERAL MEDICAL ASSISTANCE PERCENTAGE ADJUSTMENT ACT OF 1998

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce legislation to adjust the Federal medical assistance percentage [FMAP] rate for Hawaii to more fairly reflect the state's ability to bear its share of Medicaid payments. I am pleased that my colleague, Representative PATSY MINK, has joined me as a sponsor of this measure. I am also happy to join our Senate counterparts, Senator DANIEL AKAKA and Senator DANIEL INOUYE, in putting forth this legislation. In November 1997, a similar bill, S. 1376 was introduced by Senator AKAKA.

The Federal share of Medicaid payments for each state varies according to the state's ability to pay. Because per capita income is the determining factor for ability to pay, wealthier state bear a larger share of the cost of the program through lower FMAP rates. In Hawaii, per capita income is relatively high. Thus, the State's FMAP rate is 50 percent, the lowest level. Under this bill, Hawaii's FMAP rate would be increased from 50 percent to 59.8 percent.

The rationale for the FMAP rate change is quite simple. Hawaii's high cost of living skews the per capita income determining factor. Based on 1995 United States Census data, the cost of living in Honolulu is 83 percent higher than the average of the metropolitan areas. More recent studies have shown that for the state as a whole, the cost of living is more than one-third higher than the rest of the United States. In fact, Hawaii's Cost of Living Index ranks it as the highest in the country. Some government programs take the high cost of living in Hawaii into account and funding is adjusted accordingly. These programs include Medicare prospective payment rates, food stamp allocations, school lunch programs, housing insurance limits, Federal employee salaries, and military living expenses. These examples show a Federal recognition that the higher cost of living in noncontiguous states should be taken into account in fashioning government program policies. It is time for similar recognition of this factor in gaging Hawaii's ability to support its health care programs.

An excellent analysis of this issue is included in the 21st edition of "The Federal Budget and the States," a joint study conducted by the Taubman Center and Local Government at Harvard University's John F. Kennedy School of Government and the office of Senator DANIEL PATRICK MOYNIHAN. According to the study, if per capita income is measured in real terms, the State of Hawaii ranks 47th at $19,755 compared to the national average of $24,231. Thus, Hawaii's 50 percent FMAP rate is understated because cost of living factors are not considered. Per capita income is a poor measure of Hawaii's relative ability to bear the cost of Medicaid services.

In addition to the high cost of living, the Harvard-Moynihan study finds that Hawaii also has one of the highest poverty rates in the nation. The state's 16.9 percent poverty rate is ranked eighth in the country, compared to the national average of 14.7 percent. These higher cost levels are reflected in State government expenditures and state taxation. On a per capita basis, state revenue and expenditures are far higher in Hawaii, as well as Alaska, than in the 48 mainland States. The higher expenditure levels are necessary to assure an adequate level of public services which are more costly to provide in our states. Of the top 10 States with the highest poverty rates in the country, the Harvard-Moynihan study finds that only 3 others have an FMAP rate between 50 and 60 percent. The other 6 States have FMAP rates of 65 percent and higher. Even more revealing is that of the top 10 States with the lowest real per capita income, only Hawaii has a 50 percent FMAP rate.

During consideration of the Balanced Budget Act of 1997, the Senate included a provision increasing Alaska's FMAP rate to 59.8 percent for the next 3 years. Setting a higher match rate as was done for Alaska would still leave Hawaii with a lower FMAP rate than a majority of the States, but would better recognize Hawaii's ability to pay its fair share of the costs of the Medicaid Program.

I hope to make my colleagues in the House of Representative colleagues cognizant of the need for this legislation and to earn their support for its passage in the 105th Congress.

REGARDING THE ELECTIONS HELD IN GUYANA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BISHOP. Mr. Speaker, I rise today to commend the people of the Republic of Guyana for holding multiparty elections on December 15, 1997. By most accounts, based on the observations of international organizations on the day of the elections, the process was free and fair.

I congratulate the Guyanese people for their strong belief in the democratic process as shown by an 88 percent voter turnout.

I regret that factions in the country called for civil disobedience and that there was mass looting and rioting for many days following the elections.

I encourage an audit of the elections by the Caribbean Community, (CARICOM) and call on all parties and opposition leaders to respect the outcome of the audit as the final decision and make a vow to peace and stability in Guyana.

I call on the newly elected President Janet Jagan, a native of Chicago, to respect the rule of law and human rights in this fledgling democracy.

IN HONOR OF CAROLYN M. GREENBERG

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Carolyn M. Greenberg, a resident of my district whose term as chair of Community Board 8 in Manhattan has just ended.

In taking on this position, Mr. Greenberg committed herself to a year of hard work as a leader, trouble-shooter, and diplomat. In this capacity, Ms. Greenberg has gone above and beyond the call of civic duty. Carolyn Greenberg has long been an advocate for the Upper East Side and, in fact, for all of the residents of the City of New York.

During her time as chair and as a member of Community Board 8, she has demonstrated an unyielding dedication to the quality of life in the City. Carolyn has devoted hours of her free time monitoring local sidewalk cafes, researching community issues such as zoning regulations and environmental hazards, and attending public hearings.

She has been a member of the Environment. Parks, and Pedestrian Affairs Committees, demonstrating that her spirit of public good extends to a variety of areas. She has many areas of expertise and has been very influential in diverse community issues through the years that I have worked with her.

Ms. Greenberg served as a member of Community Board 8 from 1979 through 1985, and again from 1986 to the present. She served as first and second vice chair, then as chair from 1996 to 1997.

The efficiency and effectiveness Carolyn Greenberg has displayed in her role as chair of Community Board 8 should serve as a model for all community activists. Without people like Ms. Greenberg working to improve communities on the local level, our works as Members of Congress would be compounded tenfold. We should not only remember, but gratefully acknowledge the credit well-deserved by civic leaders. It is the hardworking people like Ms. Greenberg who keep alive the small-town feeling which could so easily be lost in a big city.

Ms. Speaker, I ask that my colleagues rise with me in this tribute to Ms. Carolyn Greenberg, a woman who has worked very hard to improve her community. Thank you.

HUGHSON HIGH SCHOOL HUSKIES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONDIT. Mr. Speaker, I rise today to honor the Hughson High School Huskies football team for their perfect 1997 season, capped by their 34–12 victory over Colfax High School in the Sac-Joaquin Section Division III championship game, under head coach Reyn Franca. The outstanding sportsmanship, citizenship, athleticism and team spirit displayed by the Huskies reflects great credit on their community as well as the entire 18th Congressional District.

Hughson is a small community in the great Central Valley of California. It's a place known for hard working, close knit families. People care about and take care of each other. For the people who call Hughson home, family values isn't a slick sounding slogan—it's a way of life. Like most communities its size, life revolves around its high school.

Hughson High strives to maintain a stellar reputation for excellence from the classroom to the athletic fields. Arguably the best small school football team in California, the 1997 season marks the third time in seven years the Huskies have won the Sac-Joaquin Section Division III football title. Cal-Hi Sports Magazine also honored the Huskies as the state's best small school football team.

Mr. Speaker, what makes this season and particularly, this team, so impressive is the commitment team members made to each other following last year's disappointing loss in the final 22 seconds of the championship game. They made a promise to work together and to work harder than ever. That's the kind of people who live in Hughson. They don't dwell on past mistakes. They look forward to the future, roll up their sleeves and get the job done.

Homer Garza, the team's leading rusher summed it up best: "This class is real close. We knew what we had to do and we did it as a team. I think a lot of our togetherness goes along with the coaching staff. (Reyn) Franca, Bob Loretelli and Dan Walsh all prepared us to think 'we' instead of 'I'."

The Hughson High School Huskies are an example of excellence. It is with great pride that I ask the United States House of Representatives to recognize and honor the Huskies and the community of Hughson.

THE INDEPENDENT COUNSEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 17, 1997 into the CONGRESSIONAL RECORD.

CAMPAIGN FUNDRAISING AND THE INDEPENDENT COUNSEL LAW

On December 2, 1997 Attorney General Janet Reno announced that she would not request the appointment of an independent counsel to investigate fundraising phone calls by the President and Vice President from the White House. The decision does not end further investigation by the Justice Department, the FBI, and congressional committees into these and other allegations of fundraising abuse. The Attorney General reserved the right to seek an independent counsel in the future if the evidence so warrants.

Her decision may nonetheless mark a turning point in the fundraising scandal, perhaps signaling the beginning of the end of the investigation. The appointment of an independent counsel, in contrast, would have subjected the White House and Democratic National Committee to the wide-ranging investigative and prosecutorial powers of the counsel and almost certainly prolonged the inquiry for many years.

What is the independent counsel law? Congress enacted the independent counsel law in 1978 in response to Watergate and the seeming inability of the executive branch to investigate and prosecute crimes by senior administration officials. The statute aims to handle such cases in an impartial manner, thus restoring public confidence in the process. An independent counsel is appointed by a panel of judges at the request of the Attorney General, and works outside the executive branch.

When is the law triggered? The Attorney General must request the appointment of an independent counsel if there is specific and credible information that a crime may have been committed by a high-ranking official, or for others for whom it would be a conflict of interest for the Justice Department to investigate. The Attorney General, however, may not ask for an independent counsel to investigate allegations that the Justice Department would not prosecute under its existing standards.

What was the focus of this investigation? The Attorney General focused her inquiry on whether the President and Vice President made fundraising calls from the White House in violation of a federal law known as the Pendleton Act. This law was enacted in 1883 in an effort to prevent federal officials from shaking down their employees for contributions. It has since been expanded to cover certain solicitations of private persons, but has been rarely enforced in recent times. Applying this law to the White House phone calls raised difficult legal issues. First, it was unclear how the law might apply to the White House residence (where the President lives) as opposed to White House offices (where he works). Second, it was unclear what types of solicitations the law was intended to proscribe. Some had argued the law covered solicitations for so-called "hard money" contributions, which are contributions for specific federal campaigns and are stringently regulated, while others said it also covered solicitations for so-called "soft money" contributions, which are contributions for general party-building activities and are only lightly regulated.

What did the investigation find? The Justice Department concluded that the President made two thank-you calls to contributors and one call soliciting money. Those calls, however, were made from the White House residence, which, the Attorney General said, was not covered by the law under existing Justice Department guidelines. The investigators also reviewed 45 fundraising calls from White House offices by the Vice President. The Attorney General determined that the calls were meant to raise "soft money," which she said was not covered under the specific terms of the act.

What has been the reaction to the decision? Critics have focussed less on her analysis of the Pendleton Act, which many consider sound, than on the scope of her investigation. First, critics say she asked the wrong legal question: her focus should have been on the Democratic Party's advertising campaign on behalf of the President, which was funded by "soft money" contributions and coordinated with the President. Critics say the President and party leaders intentionally sought to evade the spending caps to which presidential candidates must agree as a condition of receiving federal funds. Others would respond that campaign finance laws in this area are hopelessly ambiguous and that both sides used similar techniques to evade spending limits.

Second, critics say the Attorney General focused her inquiry too narrowly on potential violations of an obscure and rarely-enforced federal law, rather than on the wider pattern of fundraising abuses, including the use of the White House for fundraising purposes. These critics say the independent counsel law was designed for such sensitive and prominent political investigations that cannot be credibly handled by the Attorney General, who is, after all, an appointee of the President. The Attorney General has responded that the independent counsel law should be aimed at specific allegations of wrongdoing, not generalized grievances; otherwise, the independent counsel, who operates with broad powers and an unlimited budget, could not be properly constrained in his investigation.

Conclusions: I agree with the Attorney General's decision not to seek an independent counsel. My chief concern is with the appointment process. The independent counsel, if requested, would be selected by a three-judge panel which has shown a strong bias against the President.

I have been dissatisfied, however, with the Attorney General's investigation. The campaign finance scandal has created a serious crisis of credibility for the American political system. The Department of Justice investigation has been slow and unimpressive. Serious questions have been raised about the failure to pursue important leads, the FBI director's open disapproval, emphasis on technicalities of the law, and conflicts of interest—all of which haven't been adequately addressed. The answer, I believe, is the appointment by the Attorney General of a special prosecutor, as was done in Watergate. Such a prosecutor, with impeccable credentials, could provide a thorough and impartial review of campaign fundraising abuses by both parties.

The Attorney General's inquiry also highlights the need for campaign finance reform. Prosecutors will not bring charges unless they have a clear understanding of a law and its sanctions. Here, the campaign finance law, as written by Congress and interpreted by regulators and the courts, is riddled with so many loopholes it is almost unenforceable. We need a law which clearly limits the influence of money in campaigns and provides penalties for violators.

TRIBUTE TO THE LAS VIRGENES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the members of the Las Virgenes Unified School District Board of Education for their service and dedication to the children of our community.

John Dewey once wrote that "Education is not preparation for life; education is life itself." The board members of this district have committed themselves to ensuring our children receive the best education possible, and therefore the most productive and fulfilling life possible. They are one of 12 school boards throughout the state of California in which all its members have earned their Masters of Boardmanship; a process which involves a rigorous course of professional development. Recently, the entire board was one of only 11 school boards recognized by the California School Boards Association for this accomplishment. This achievement is especially noteworthy because there are more than 1,000 school boards in the state.

Recent accomplishments attributed to the hard work of our board members include the passage of a $93 million Facilities Bond with an overwhelming majority vote. The board was also able to reduce class sizes for grades K–3 without hurting other programs. As a result, our children will receive the attention that is necessary to ensure that all students work to their full potential. In addition, a model computer technology training lab has been established for all staff members, and a policy was created which requires all students to pass algebra and geometry prior to graduation.

Schools in the Las Virgenes Unified District are consistently recognized for their commitment to excellence. A "California State Teacher of the Year" has been chosen from this district for the past two years, and ten of the district's schools have been recognized as California Distinguished Schools, National Blue Ribbon Schools and National Blue Ribbon Nominees. These accomplishments are a testament to the fact that the school board has established and maintained standards of excellence—standards to which other schools should aspire.

Mr. Speaker, distinguished colleagues, please join me in honoring the members of the Board of Education for the Las Virgenes Unified School District: Amy Berns, Barbara Bowman-Fagelson, Judy Jordan, Charlotte Meyer and Larry Rubin. These individuals have selflessly dedicated their time and energy to our community, and collectively they have worked to improve the standard of education that is received by our children.

HONORING AN AMERICAN HERO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STARK. Mr. Speaker, today I would like to recognize Fred Korematsu, a man who stands as an example of the immutable struggle for human rights and social equity. Fifty-six years ago, a young Japanese American man stood up for justice and, as a result, had his freedom taken away. In 1942, Fred Korematsu resisted the order which sent 120,000 Japanese Americans into internment, as perceived threats to national security during World War II. Fred Korematsu defied the order because he was an American citizen who merely wanted to life his life as an American.

His refusal to report to internment resulted in conviction of a felony. he was placed in a confinement camp in Utah. In 1944, with the help of the American Civil Liberties Union, his case was brought before the Supreme Court to challenge the legality of that discriminatory order, but the court upheld the conviction.

It took four decades for that injustice to be redressed.

In 1983, evidence was brought to light which showed officials in the Navy and the Justice Department had suppressed information showing Japanese Americans were not a threat to national security. With that proof, Fred Korematsu made another appeal for justice. Recognizing that internment had been based on fraudulent information, a federal court finally vacated his conviction.

On January 15, 1998, the man who was handcuffed and taken to jail as an enemy alien over half a century ago, was awarded the Presidential Medal of Freedom, the highest civilian honor our nation can bestow. His steadfast belief in freedom and liberty should have evidenced him as a true American in 1943. today, I applaud Fred Korematsu on his reception of the Medal of Freedom. It is a recognition too long deferred.

His case reminds us of the ease with which discrimination can be perpetrated and freedom violated. The internment of Japanese Americans is a deplorable part of our nation's history, and it should always be remembered as such. They were American citizens treated as alien enemies. Let Fred Korematsu continue to stand as an ideal of commitment to progress and perseverance against injustice.

CORONA ROTARY CLUB CELEBRATES 75 YEARS OF SERVICE TO THE COMMUNITY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CALVERT. Mr. Speaker, my hometown or Corona, California is blessed with many individuals who work tirelessly to improve the community's economy, educational system, environment and quality of life. When individuals like these form an organization, the benefits are innumerable. These benefits are reaped not only by the entire community, but also by the individuals who participate. Friendships and business relationships are formed and a tradition of cooperation develops within the community. The Corona Rotary Club is one of these exceptional organizations.

This month, the Corona Rotary Club is celebrating its 75th anniversary, marking three-quarters of a century of educational aid and community service in the city of Corona. The Corona Rotary Club is part of a larger organization, Rotary International, which consists of 6,000 clubs worldwide and sponsors several types of programs both regionally and internationally. One of these programs is its PolioPlus Program, which has virtually eradicated polio worldwide. Under sponsorship from the Riverside Rotary Club, the Corona Rotary Club was chartered on January 26, 1923. The club, founded by Herb Gully, initially consisted of 25 members with Charley Scoville serving as the first president. In 1940, a great honor was bestowed upon the organization when Paul Harris, the founder of Rotary International, visited the club. Since 1923, the Corona Rotary Club has grown to include 75 members.

The Corona Rotary Club sponsors an annual golf tournament in order to raise money for several youth organizations, including Boy Scouts, Girl Scouts, YMCA, and various sports programs. Rotary has also established numerous scholarship funds for students in the Corona area, the most recent being the Gordon Duncan Memorial Scholarship, which pays a student's tuition for four years at a California State University. The Corona Rotary Club also established the RR Root Foundation, an organization which assists children with self-esteem problems related to dental deformities and provides reconstructive surgery for children with these deformities.

On a personal note, I am especially proud of the Corona Rotary Club's 75 years of service to the community because I have been a member for many years and served as its President prior to being elected to Congress. "Service Above Self" is the motto of the Corona Rotary Club, and it is a tradition that I would like to see continue for another 75 years. On behalf of all the residents of the 43rd Congressional District, I would like to thank the Corona Rotary Club for its contributions and dedicated service to the community, and wish them great success with their 75th anniversary celebration.

IN MEMORY OF MARGARET McCORD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SCHUMER. Mr. Speaker, it is with profound sadness that I ask my colleagues to join me to honor the memory of an outstanding pillar of our community. Margaret McCord devoted her life to the improvement of life in her community and in Brooklyn at large. She was an activist, a civic leader and friend to all.

I knew Margaret McCord from my early days in elected office. For many years I observed first hand this individual work tirelessly on behalf of the community, especially dedicating herself to the preservation of Sheepshead Bay. Over twenty years ago, she spearheaded the designation of Sheepshead Bay as a Special Zoning District. She also actively sought to get landmark designation for various businesses in her community such as Lundy's Restaurant.

Her leadership was and still is an inspiration for us all and extends well beyond the reaches of her neighborhood. She was very involved in all activities of the Sheepshead Bay—Plumb Beach Civic organization and contributed greatly to its success as a leading civic association.

I ask my colleagues to join me in posthumously recognizing Margaret McCord for the rich and full life she led, and for the good works that made her an invaluable asset to the community. Her memory will live on in the hearts and minds of those who were fortunate enough to have been graced by her presence.

A TRIBUTE TO PAUL KRAUSE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to one of the greatest players in the history of the National Football League.

Paul Krause of Lakeville, Minnesota, was elected to the Pro Football Hall of Fame on Saturday.

Mr. Speaker, this great honor is a truly fitting tribute to an athlete who revolutionized the position of safety in the NFL over 16 seasons, four with the Redskins right here in Washington and the last 12 with out Minnesota Vikings, before he retired after the 1982 season.

Former Vikings Coach and Minnesota Legend Bud Grant—a Hall of Famer himself—put it best when he wrote in Paul's nominating letter: "He had the athletic ability plus the instincts to be the best free safety I have ever coached or watched play in the NFL."

Vikings fans everywhere across this great nation—and that includes the distinguished Majority Leader!—are overjoyed and extremely proud about this most well-deserved honor for the greatest free safety in NFL history.

Paul Krause's 81 interceptions over 16 NFL seasons remain the standard of excellence for defensive backs and a number which appears as unreachable as Joe DiMaggio's 56-game hitting streak and Babe Ruth's 60 homers in 154 games.

The famous sports question, "Who is Wally Pipp?" pales in comparison to "Who was Marlin McKeever?" The answer, of course, is McKeever was the player traded to the Redskins in 1968 for Krause. Our Nation's Capital had to wait until 1973 to get to the Super Bowl. The Vikings made it just two years following Krause's arrival in Minnesota.

Mr. Speaker, I want to thank Iowa and then Vikings Assistant Coach Jerry Burns—who was familiar with Krause from coaching him at the University of Iowa—for the blessing of having Paul Krause in the defensive backfield for all those years in Minnesota.

People who rise to the top of their professions like Paul Krause often accomplish remarkable things after they leave the playing field.

Mr. Speaker, Paul is a real leader in his community. He was elected to the Dakota County Board, one of the Twin Cities-area's biggest counties.

But over the last two years, he has accomplished much, much more in the biggest struggle of his life.

Two years ago, his wife Pam suffered a serious brain injury in a car accident that nearly claimed her life. The injury put her in a deep coma.

Mr. Speaker, thanks to Paul's relentless efforts, Pam's courage and their amazing commitment to each other, Pam is making miracles happen every day.

In fact, Pam accompanied her husband, who does extensive charity work, to San Diego to participate in the annual "Taste of the NFL" event, which is held in the Super Bowl city each year to raise much-needed money for various causes.

Paul Krause has been eligible for election to the Hall of Fame since 1987. This good thing was a long time coming. Pam was there when the Hall of Fame voting announcement was made public.

"That was a pretty good phone call," Paul said in recounting the good news on Saturday. "It's been a very, very difficult two years for us as a family. This year, Pam came to the Super Bowl with me and said, 'This is the year.' It's very important to them. I wanted to make it for them."

Mr. Speaker, all Minnesotans are extremely proud of Paul Krause. We wish Paul and Pam and their family the very best in the years to come.

IN HONOR OF THE SOCIETY FOR THE DEAF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the founders of the Society for the Deaf in Fairview Park, Ohio, Florence Toma and Noreen Chambers.

Florence and Noreen, both mothers of deaf children, were introduced to each other through various activities in which their children were involved. They became friends and were actively involved, along with other individuals, in establishing the Society for the Deaf. They both served on the Board of the Society until their deaths. They were both strong advocates for the education of deaf individuals.

It is fitting that ongoing scholarships to Gallaudet University in Washington, D.C. are being established which will continue their goal of education. Gallaudet University is the only liberal arts university in the world designed exclusively for the deaf and hard of hearing. Students come from around the world to participate in all aspects of the thriving campus life and the wide range of academic programs. Thanks to Florence Toma and Noreen Chambers and the Society for the Deaf, these scholarships will give deaf individuals the opportunity to receive a quality education at Gallaudet University and experience the cultural, linguistic, and ethnic diversity of its campus community for years to come.

THE 105TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 26, 1997 into the CONGRESSIONAL RECORD.

THE FIRST SESSION OF THE 105TH CONGRESS

The first session of the 105th Congress ended on November 13, one of the earliest adjournments in decades. There is a strong feeling in Congress that the more we stay at work the less the public likes us, and that may be reflected in the early adjournment date. The first half of the year was productive, but in the second half Congress was increasingly deadlocked and partisan. The session was marked by one major legislative accomplishment, a few more modest ones, and much unfinished business left over for next year.

Balanced Budget Agreement: The most important achievement of this session of Congress was the deal to balance the federal budget. A balanced budget agreement has long eluded policymakers, and for the past several years deficit politics has dominated the congressional agenda. The 1993 deficit reduction package, which I supported, has helped reduce the deficit from a record $290 billion in 1992 to $23 billion for 1997. The balanced budget package approved in July would finish the task and produce a balanced budget by 2002, if not sooner. If the government has to borrow less to finance deficits, then pressure on interest rates will lessen, and many things—from home mortgages to care loans—will be made cheaper. This budget deal made history and both parties deserve some credit for it.

The budget package also included provisions that fulfilled the objectives of some politicians who wanted middle-class and capital gains tax cuts, and other politicians who wanted increased aid for education and health insurance for poor children. Although the package did contain major budget savings from trimming payments to Medicare providers and reining in discretionary spending, the agreement was basically made possible by the sudden discovery of $225 billion in new revenue from the strong growth of the U.S. economy.

Many taxpayers will benefit from the tax breaks in the budget package. A new individual retirement account, the Roth IRA, was established and regular IRAs were expanded. Most families with children under 17 got a $400 per child tax cut rising to $500 in 1999. Eleven new educational tax cuts will become available. Capital gains taxes will be lower and the amount of inheritance exempted from estate taxes will rise for family farms and small businesses to $1.3 million.

Although the budget package was disappointing in pushing off the whole question of decisive entitlement reform, it did improve the short-term outlook for Medicare—keeping it healthy for the next decade. Medicare beneficiaries will have the option of enrolling in a managed care plan, will receive expanded preventive care benefits, and face somewhat higher premiums for doctor services. In addition, the budget package provides $24 billion to states to expand their health coverage to low-income uninsured children.

Other Measures Passed: The 105th Congress started with an explosion of activity on ethics. Speaker Gingrich was reprimanded and fined—the strongest punishment ever given by the House to its presiding officer. The House simply did not look good in the way it handled the investigation.

The Senate approved a treaty to ban the production and use of chemical weapons, and the House rejected an attempt to punish China by ending its normal trade status. Some of the welfare benefits that were cut to illegal immigrants were restored, and Congress avoided deportation of Central American refugees who fled during civil strife.

Congress passed legislation to overhaul Amtrak, clearing the way for the release of $2.3 billion in subsidies. It also approved legislation to speed adoption of children in foster care and to speed up Food and Drug Administration approval of new drugs and medical devices. It also passed a ban on "partial-birth" abortions, which the President vetoed. It took on some of the cost burdens of the District of Columbia while reducing local powers, and it approved a new gold-colored dollar coin and 50 new quarters commemorating each state. The President and Congress struck a compromise on the 2000 census, allowing the Administration to experiment with statistical sampling while giving opponents opportunity to challenge it in court. This session Congress did manage to process and negotiate all of its fiscal year 1998 appropriation bills without vetoes or threatened government shutdowns.

Unfinished Business: Further action is needed on a bill passed by both houses to loosen federal controls over public housing. The House approved a bill to create an outside management board for the IRS and to strengthen taxpayer protections, but the Senate has not yet taken it up. Congress delayed field testing of President Clinton's proposal for national math and reading tests while alternatives are considered.

As usual, the first session of Congress left a long list of bills not acted upon. In a stunning defeat to the President, Congress shelved fast-track trade negotiating authority in the face of likely defeat by the House. Neither house passed campaign finance reform or legislation to implement and possibly broaden the proposed deal reforming the tobacco industry. Both houses put off until next year a six-year reauthorization of transportation policy.

Congress did not pay overdue U.S. dues to the United Nations, provide new credit for the International Monetary Fund, or reorganize the U.S. foreign policy agencies. Other measures awaiting action are Superfund reform, Social Security privatization, tax reform, product liability, clean air, nuclear waste, endangered species, education savings accounts, NATO expansion, and troops in Bosnia.

Conclusion: With the huge to-do list awaiting Congress when it returns in January, any grade after the first session has to be "incomplete." The actual accomplishments of the session are modest, perhaps even below average. Even the budget agreement does less than proponents claim. The large tax cut was mainly for better-off taxpayers. And to balance the budget, Congress mainly coasted on a very strong economy and postponed many of the specific spending cuts for another day. That's always the easy way to cut the budget.

The closing weeks of the session saw a return to sharp partisanship, as the extreme elements of each party got fed up with the cooperation that marked the first half of the year. As we begin the second session of the 105th Congress, that partisanship might well continue, making action on the important issues facing Congress all the more difficult.

TRIBUTE TO JAMES EDWARD HARPE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to James Edward Harpe, who will be honored for his service as the 1997 President of the Conejo Valley Association of Realtors.

During his term as President, Ed has worked to ensure that the Conejo Valley Association of Realtors is up-to-date on the latest technological advancements. A strong advocate of technological training for the Association and its staff, Ed has introduced educational seminars, specialized computer training classes, e-mail and faxing capacity to the office. The creation of a web page has made the Association more accessible to the general public.

Ed has also worked with the Equal Opportunity committee to produce a Forum on Fair Housing, which is televised on the local government channel in our community. As a result of this effort, realtors, businesses and members of the Conejo Valley community will be better educated about issues involved with fair housing.

In addition to the work Ed has done as President, he has played an active role in the Association for several years. These activities include: Chairman of the Long Range Planning, Blue Ribbon and Building/Property advisory committees; participation on Professional Standards Panels and others.

I would like to commend Ed for this distinguished list of accomplishments throughout his career. With a clear vision and strong initiative, Ed has implemented programs which will positively impact the Association for years to come. Mr. Speaker, distinguished colleagues, please join me in paying tribute to James Edward Harpe for his leadership efforts and dedication to our community.

CONGREGATION BETH SIMCHAT TORAH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, Congregation Beth Simchat Torah is New York City's only, and the world's largest, gay and lesbian synagogue, and on February 7th is celebrating its 25th anniversary.

This remarkable congregation started with barely enough for a minyan (ten people) in a borrowed room at a neighborhood Episcopal Church. The Kiddush cup, some candles and challah used in the ceremony were carried to the services in a shopping bag.

The congregation grew by word of mouth and small ads in the local weekly newspaper. Slowly, at first, the number of congregants grew so that it was large enough to have to move to another church in the neighborhood for the High Holy Days. By 1975 it was clear that they needed still more space so a large loft was rented and the congregation moved into it that year. The following year it got its first Torah on "permanent loan" from a Bronx congregation. In 1977 Congregation Beth Simchat Torah hosted the Second International Conference on Lesbian and Gay Jews and that year a second Torah was acquired.

Talmud and Hebrew classes were expanded and over the next few years the High Holy Day crowds approached a 1,000. By 1992 Rabbi Sharon Kleinbaum was hired and more than 2,200 people attended Yom Kippur services.

This dynamic congregation has served its community with distinction. With Rabbi Kleinbaum, it looks forward to greater community involvement, future growth and a continuance of its traditional/creative liturgy.

HONORING THE 50TH ANNIVERSARY OF BAYTOWN, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the citizens of Baytown, Texas, which Saturday celebrated its 50th anniversary. Approximately 400 citizens, including Mayor Pete Alfaro and former Houston Mayor and Baytown native Bob Lanier, celebrated that event in the Baytown Community Center. Also present were current and past mayors and members of the City Council and other distinguished and longtime Baytonians for what was described as a family reunion for the City of Baytown.

There was much to celebrate for, in fifty years, Baytown has steadily grown into one of the most vibrant communities in Texas.

The roots of the town go back more than half a century to three rival communities—Baytown, Pelly, and Goose Creek—huddled on the north shore of Galveston Bay around the Humble Oil refinery, one of the largest refineries in the world. The feud peaked in 1945 when Baytown, then an unincorporated community, was annexed by Pelly, angering some residents in Goose Creek. But not long after, in 1947, residents of Pelly and Goose Creek held simultaneous elections and voted overwhelmingly to merge. The new community held another election in 1948 to adopt a new charter and the name Baytown.

Since that time, Baytown has become a thriving city of 70,000 with a vibrant economy, strong schools, safe neighborhoods, and active, involved citizens. Baytown has made a tremendous investment in its quality of life through improvements to its roads, parks, and the Bayland Park Marina. The City of Baytown is building a better future and laying the foundation for another fifty years of progress.

One key to Baytown's progress has been transportation improvements for a city once isolated. There is no better symbol of that improvement than the Hartman Bridge, named after the late Baytown Sun Publisher Fred Hartman. A feat of technology and one of the largest suspension bridges in the world, the Hartman Bridge has integrated Baytown and the East Bay into the fabric of Harris County like never before, easing transportation, spurring commerce, and helping make Baytown a driving force in the Texas economy. The bridge has opened doors for local business, allowing companies like Exxon, Bayer, Chevron, and Amoco to transport their goods to the Houston Ship Channel and destinations beyond. The bridge is a symbol of Baytown's progress and a sign of even better times to come.

Baytown also boasts some of the finest schools in the nation, a testament to the dedication of teachers, administrators, community leaders, parents, and students. Goose Creek Independent School District schools are among the state leaders in advanced placement programs, and students' SAT scores in math are among the highest in the nation. Goose Creek schools have been ahead of the curve in preparing young people to maximize their opportunity to succeed. It is also at community colleges like Lee College in Baytown that America's workers are getting a chance to advance their education and their careers.

The success of Baytown's schools underscores what may be its most important attribute of all—the involvement of Baytown's citizens in making this community such a great place to live, work, and raise a family. The citizens of Baytown understand that it is our government, our schools, our parks, our churches and our neighborhoods, and we make them better when we take the time to get involved. The results are projects like the Eddie V. Gray Wetlands Education and Recreation Center, which teams up local schools, industry and civic leaders to protect local marshes and develop environmentally friendly classes on hobbies such as fly fishing, bird watching, and safe hunting skills. Another fine project is the Chamber of Commerce's Partnership in Education program in which local businesses volunteer their time and resources to area schools.

The past fifty years have not all been easy, but through it all—the boom times and the busts—the character of Baytown's citizens has shone through. That character has helped build such a strong city in just fifty years and will lead to even greater success in the next fifty years.

Mr. Speaker, I was honored to join in Baytown's 50th anniversary celebration and look forward to working with all Baytonians to help make the next fifty years of Baytown history as memorable as the first fifty.

The following song, Baytown is Home to Me, by Kevin Hardin, was written especially for the 50th Anniversary:

BAYTOWN IS HOME TO ME

(By Kevin Hardin)

Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me
Verse:
Some came from New York, some came from Tennessee
Some remember Pelly, some recall Goose Creek
From rice farms in the marshes to oil rigs in the bay
This boom town is still booming today.
Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me
Verse:
From Sterling and the Rangers to the Ganders flying high
Churches, schools, and businesses are full of Baytown pride
From a boat across the bayou, now a bridge across the bay
Baytown is still growing today.
Chorus:
Baytown is home to me
If I stay forever or if one day I leave
The people and the places have my roots down deep
Baytown is home to me

A GOLDEN ANNIVERSARY FOR A GOLDEN COUPLE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BARCIA. Mr. Speaker, anything of real value endures, and the longer it endures, the greater its value. If it is possible for something to become even more priceless than priceless, it is the love two people have for each other that results in marriage, the establishment and growth of a family, and a protective nest from all the challenges the world presents to us.

I am pleased to tell our colleagues that on December 20th, two wonderful people, Donald and Dorothy Keinath of Caro, Michigan, celebrated their most special 50th anniversary of marriage. Together with their children Karen and Russell and his wife Mary, their grandchildren Natalie, Anne, Joseph, and Julia, and the great number of friends their years of work and community involvement have brought to them, they were able to celebrate their anniversary in a manner befitting their years of devotion.

Don had two instances of great luck about fifty years ago. First, while he was a private first class in the Marine Corps, he was one of the lucky young men at the time who had the war in the Pacific come to an end before his unit was scheduled to ship out. Then at the Tuscola County Fair he met his future wife, Dorothy Brinkman, who liked looking at the pigs Don had on display. After their wedding on December 20, 1947, they honeymooned in Washington, DC, marking the first of many trips the couple would make to Washington and elsewhere since that time. They love to travel, having journeyed to places as intriguing as Australia and Morocco.

Their home, however, has been their secure base for their years together. Don has been a farmer the entire time, still operating a 420 acre farm producing dry beans, sugar beets, barley, and wheat. He has served as a member of the Michigan Bean Commission for six years, and has also been a director of important sugar beet grower associations—the Farmers and Manufacturers, and now the Great Lakes Sugar Beet Growers Association—for thirty years. For twenty-nine of those years, he has served as an officer, including his current tenure as President of the Caro Sugar Beet Growers Association. He also received Michigan State University's Distinguished Service to Agriculture award in 1993.

He has been very active with his church, St. Paul's Lutheran Church, including its building committee. Both he and Dorothy have served as Sunday School teachers. Dorothy has also been heavily involved with the Altar Guild at the church, and had also been a teacher before the needs of the family guided her into other activities.

Mr. Speaker, it is truly difficult for me to think of two kinder or more generous people than Don and Dorothy Keinath. Their lives together have been a blessing for each other, and a treat for those of us fortunate enough to know them. I urge you and all of our colleagues to join me in wishing them the happiest of anniversaries, on this their fiftieth, and many more to come.

HONORING RABBI MICHAEL WHITMAN FOR TEN YEARS OF COMMUNITY SERVICE

HON. ROSA DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Ms. DELAURO. Mr. Speaker, on Sunday, December 14, Rabbi Michael Whitman will be honored for ten years of dedicated service to his community and the Young Israel House. Rabbi Whitman is a unique man marked by his integrity and commitment to his heritage.

Rabbi Whitman's work on behalf of the Jewish community has earned him the respect and admiration of all who know him. A deeply caring and compassionate man, he has devoted himself to making a difference for others—and he has truly left his mark on his community. From his work at the Downtown Evening Soup Kitchen to serving as a board member for the New Haven Homeless Resource Center, Rabbi Whitman has always found the time to devote to worthy causes and organizations. His steadfast determination and perseverance are remarkable, as is his vision for a more unified world and his commitment in working toward that vision.

An educator who has taught with distinction, Rabbi Whitman has extensive knowledge about law and the Jewish culture. He has published several articles and promotes learning as a way of life. Rabbi Whitman engages and motivates his students, encouraging open dialogue about thought-provoking issues. His classrooms give young people the opportunity not just to discuss textbook readings, but to truly think about how these timeless lessons relate to our community today.

Under his dynamic leadership and enthusiasm, the Young Israel House has become a place of renewed energy. His hard work and diligence have brought about many positive programs that benefit so many. His unselfish dedication to others has made him a leader, not only in the Jewish community, but in the larger community.

It gives me great pleasure to congratulate Rabbi Michael Whitman on his 10th anniversary and this well deserved recognition.

CONGRESS AND THE FEDERAL COURTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 21, 1998 into the Congressional Record:

CONGRESS AND THE FEDERAL COURTS

I am impressed by how much Congress' view of the Supreme Court and the rest of our federal court system has changed since I first came to Congress in 1965. Back then, the actions of the federal courts particularly the Supreme Court, were watched with great interest. The courts, for better or worse, helped change the country, enforcing civil rights laws, expanding civil liberties, and opening up the democratic process. Their decisions spurred sharp congressional debate and reaction.

Congress, today, may spar with the President over court appointments or disagree with certain lower court decisions, but it seems more detached from the actual work of the federal judiciary, particularly as it relates to the exercise of congressional power. There are several possible explanations for this change. First, the Supreme Court, reflecting the conservatism of its majority, has taken a lower profile, and fewer cases, than did the Warren and Burger courts. Second, the congressional agenda has shifted from civil rights and anti-poverty efforts—areas of the law where the Court was traditionally active—to budgetary matters—where it was far less so. Third, Congress itself has become more conservative, and many members are comfortable with most of the Court's rulings.

The 1996–1997 term of the Supreme Court further underscores the changed relationship between Congress and the courts. The term was perhaps the most significant in a decade, as the Court invalidated three federal laws and struck several blows for states' rights at the expense of Congress. The Court sent a powerful message to congress about the Court's role in redesigning the institutions of our government and in allocating power among them. I was surprised by the relative indifference of Congress to these decisions.

Constitutional scheme: The federal judiciary is an important part of our system of checks and balances. The federal courts not only decide cases, but also enforce important constitutional values. They can act as a bulwark against government power, particularly in the defense of individual liberties. They can protect state interest from encroachment by the federal government. They can also check overreaching by the executive and legislative branches.

The Framers viewed the judiciary as the weakest of three branches of the federal government, but still included constitutional limits on the exercise of judicial power. The Constitution requires the creation of a Supreme Court, but gives Congress the discretion to establish lower federal courts. Likewise, the Constitution, subject to certain exceptions, gives Congress the authority to regulate the jurisdiction of the federal courts—that is, regulate the types of cases the courts may hear. Congress has over the years generally expanded the jurisdiction of the courts, but has also acted in certain areas to curtail or even eliminate jurisdiction. Finally, Congress controls the pay of federal judges, and the Senate has the responsibility of confirming Presidential nominees to the courts.

Current problems: Friction between Congress and the federal courts has focused in recent years on two primary areas: pay and workload. First, many federal judges complain their salaries have not kept pace with inflation over the last four years, although Congress did approve a cost-of-living increase for the federal bench for 1998. Congress, in general, has linked the pay of federal judges to that of other senior government officials, including Representatives and Senators, so that all salaries of senior officials stay in the same range. The problem, judges say, is that Congress rarely gives itself a raise, so judicial salaries, which range from $125,700 for bankruptcy judges to $175,400 for the Chief Justice of the Supreme Court, lose value over time. This, in turn, hurts morale and makes it harder to attract top-flight candidates to the federal bench. The answer, judges say, and I agree, is to fund congressional and judicial salaries separately.

Second, federal judges are concerned about the increasing caseload for the federal judiciary. As Chief Justice Rehnquist noted in a year-end report, caseload has increased in part because Congress has expanded federal court jurisdiction over crimes involving drugs and firearms—so federal courts now hear more cases in these areas—and in part because the Senate has not confirmed nominees for the federal courts. Currently, 82 of the 846 judicial offices are vacant, and 26 of the vacancies have been in existence for 18 months or longer. The President has been slow to make nominations, but the real problem has been the Senate's failure to act on nominees in a timely manner. Some Senators complain that the President nominates "activist" judges who expand the law beyond the intent of Congress. My impression is that the President's judicial nominees are notably moderate. Each Senator is entitled to his opinion, but the proper response by an objecting Senator is to vote against the nominee, not to slow or block the nomination process. These vacancies over time erode the quality of justice.

Congress has several possible options for easing the workload of the federal courts. First, I agree with the Chief Justice that the Senate should act within a reasonable time to confirm or reject the President's court nominees. Second, Congress could consider measures to limit the jurisdiction of the federal courts in certain areas. Congress has acted in recent years to limit access to federal courts in habeas corpus petitions by state and federal prisoners. Justice Rehnquist has proposed curtailing federal jurisdiction in so-called "diversity of citizenship" cases as well to further limit caseload; diversity cases, which constitute 20% of federal civil cases, are essentially state law claims tried in federal court because the opposing parties are from different states. Third, some federal judges have urged Congress to draft laws with more precision to avoid years of litigating the meaning of certain statutes. Congress does need to do a better job of eliminating such uncertainties, but that is easier said than done. The difficulty of gaining majorities in support of bills often means that ambiguous language is necessary to get a bill passed.

Conclusion: The federal judiciary is the least understood branch of our government, perhaps reflecting the subtle way in which the courts exercise power. The judicial branch has neither the sword of the executive branch nor the purse of the legislative branch, but rather must exercise power as the authoritative expounder of the Constitution. It is a testament to the strength of our democracy that the judgments of our courts, particularly the Supreme Court, are observed and that the judiciary has and will continue to play an instrumental role in defining our institutions of government and the scope of our rights as individual citizens.

TRIBUTE TO RONALD CLARY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Ronald Ben Clary, who has served as the President of the Canoga Park/West Hills Chamber of Commerce for the past two years.

President Kennedy said, "Change is the law of life. And those who look only to the past or present are certain to miss the future." Ron has worked hard to bring positive changes to our community during his tenure as president.

Under his leadership, Canoga Park and West Hills have grown and prospered, improving the standard of living for everyone in our community. The Chamber has added many new members, sponsored the annual Memorial Day Parade and initiated the new International Fall Fest. These activities have provided an opportunity for neighbors to come together to celebrate and appreciate our town. In addition, Ron is responsible for the creation of the Business Development Committee of the Chamber. This purpose of this committee was to focus civic attention on the need for beautification in downtown Canoga Park.

Ron has not only played an important role in the Chamber of Commerce, he is active in several other civic organizations as well. He has been a member and President of the Board of Directors of the Leadwell Homeowners' Association since 1984. The board manages the maintenance, operation and amenities of the West Side, which encompasses 195 homes, and is in the process of completing an $8 million earthquake renovation.

Many organizations have recognized Ron's leadership abilities. Kiwanis International awarded him a lifetime membership in 1991, one of the highest honors presented by this organization. His extensive community service efforts have been recognized by the March of Dimes, the Muscular Dystrophy Association, Pierce College, the Valley Cultural Foundation, Pacific Lodge Boys' Home and many other civic groups.

Mr. Speaker, distinguished colleagues, please join me in honoring Ronald Clary for his service as President of the Canoga Park/West Hills Chamber of Commerce. He is a role model for the citizens of our community.

HONORING MARY MAXWELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ENGEL. Mr. Speaker, as we all know, all levels of government are large and it can be complicated for a citizen to find his or her way. Often the initial contract sets the tone for how that citizen sees government—as helpful or aloof and uncaring.

For many citizens calling Westchester County Government that initial contact was the cheerful and helpful voice of Mary Maxwell, a telephone operator whose friendly demeanor assured the caller that they were entering friendly territory.

She worked initially at Grasslands Hospital in Valhalla after which she moved to the medical unit at White Plains. Subsequently she worked in Yonkers and Mount Vernon before returning to White Plains.

She was universally recognized with the title of "friendly and happy person" by the many who worked with her and were greeted by her when they called.

Mary Maxwell lives in Yonkers where she has been active for many years at the Community Memorial Baptist Church.

Mary Maxwell is that person who puts a human face on a large organization; one who is friendly and helpful to complete strangers for the 35 years she was a telephone operator. Working in a medical organization often means having to deal with people in their sorrow and despair. She has done it and done it well.

She is known as a "mother to many" for her empathy and friendship and those people are gathering to wish her well in her retirement. I want to join with them in celebrating all the good and kind work that Mary Maxwell has done for all of us.

CONGRATULATING THE CARDEROCK DIVISION OF THE NAVAL SURFACE WARFARE CENTER ON ITS CENTENNIAL ANNIVERSARY IN 1998

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to salute the Carderock Division of the Naval Surface Warfare Center for 100 years of service to the United States. The origin of this facility dates back to the establishment of the U.S. Navy's Experimental Model Basin at the Washington Navy Yard in 1898. The current model facilities were built in Carderock, MD, and dedicated in November 1940. The David Taylor Model Basin, named after its founder, Rear Admiral David Taylor, is one of the largest and foremost test centers in the world. The David Taylor Model Basin was designed and built by the U.S. Navy for reliable construction and testing of ship models. These models are maneuvered under special conditions in large water basins where their performance can be closely examined. The research of these models allows for the accurate prediction of a vessel's performance. Using the sophisticated equipment at the model basin, scientists and engineers are able to research, develop, and test ship and craft designs for the Navy, Coast Guard, Maritime Administration, and maritime industry.

David Taylor resolved to construct the most modern Naval test facility when he pushed for the original Experimental Model Basin, and later, the Carderock facility. We realize his dreams and goals 100 years later. The model basin continues to be a premier site for Naval design and research. It is recognized around the world for its significant scientific and technical achievements. I am pleased to note that this centennial celebration will kick off on January 30, 1998, with the designation of the David Taylor Model Basin as a national historic mechanical engineering landmark by the American Society of Mechanical Engineers. This organization has recognized the contributions that the David Taylor Model Basin has provided in critical support for the development of Naval architecture.

I want to recognize and congratulate the David Taylor Model Basin and the Carderock Division of the Naval Surface Warfare Center on the award of the national historic mechanical engineering landmark. Mr. Speaker, please join me in saluting the talented and dedicated staff as they are recognized for this award during the centennial anniversary.

HONORING FLORA RICHARDSON WILHITE OF BAYTOWN, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Flora Richardson Wilhite, of Baytown, Texas, for 32 years of outstanding service to the community as director of Sterling Municipal Library. Mrs. Wilhite may be retiring on January 31, 1998, but her contributions to Baytown will endure.

Born in Port Arthur, Texas and a graduate of Thomas Jefferson High School, Flora Wilhite knew early on that she would become a librarian. At age 6, her favorite Christmas present was a date stamp and ink pad, and she had already begun to arrange her books alphabetically by author's name. Those early indications led her to a long and distinguished career of service to Baytown.

After receiving her degree in library science from North Texas State University, Mrs. Wilhite began her career as Engineering Librarian at Lamar University. She then served as a Command Librarian for the U.S. Army in Germany before becoming Director of Sterling Municipal Library in 1965. During her 32 years at Sterling, Mrs. Wilhite oversaw many changes and improvements to the library, including expanded services and renovations to the facility. She began the hugely successful Baytown Bookmobile, delivering library service to underserved areas, nursing homes, and offsite literacy projects. In addition, Sterling's nationally recognized Literacy Volunteers of America adult literacy program is the result of Mrs. Wilhite's dedication to improving lives and encouraging lifelong learning. Flora Wilhite's love of learning, enthusiasm, and list of achievements will be difficult to replace.

Flora Wilhite has shown an unwavering dedication to the Baytown community. She most recently received Exxon USA's Refiner of the Year for 1977 for her outstanding service to the community. In 1988 she was named Library Director of the Year by the Texas Municipal League Library Directors Association, of which she was a charter member and second president. In addition, she was the first woman elected to the Board of Directors of the Baytown Chamber, and to the Board of Directors of the Rotary Club of Baytown. She was also named Rotarian of the Year in 1995–95, served on the Board of Directors of the United Way of Baytown, and was honored in 1995 by the Raytown chapter of the American Diabetes Association for her countless civic contributions.

In retirement, Flora will now be able to spend more time with her husband, Ross, in the hobbies and pastimes they enjoy, particularly fly fishing and camping. This is a well-deserved change of pace. We all wish her well as she embarks on her new endeavors.

Mr. Speaker, I congratulate Rosa Wilhite for her 32 years of outstanding service to Baytown. Her contributions to Sterling Municipal Library and all of Baytown will endure for years to come.

THE HUMAN CLONING RESEARCH PROHIBITION ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. STEARNS. Mr. Speaker, today I will be introducing legislation to prohibit federal funding for the cloning of human beings. My bill also calls for an international ban on human cloning.

I would like to remind my colleagues that it took 273 tries to develop Dolly. But what about the other 272 animals? Most of them were either aborted, destroyed, or maimed. Do we want to do this with human beings?

There are serious ethical and moral implications involved with cloning of humans. Theologians and ethicists have raised three broad objections. Cloning humans could lead to a new eugenics movement, where even if cloning begins with a benign purpose, it could lead to the establishment of "scientific" categories of superior and inferior people. Cloning is a form of playing God, since it interferes with the natural order of creation. Cloning could have long-term effects that are unknown and harmful. People have a right to their own identity and their own genetic makeup, which should not be replicated.

I, for one, do not think we can just sit idly by when there are people like Dr. Seed out there who look upon human life in much different terms than most Americans. I urge my colleagues to join me in this effort by cosponsoring my legislation.

TRIBUTE TO BET TZEDEK, ELI BROAD AND THE SHOAH FOUNDATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Eli Broad and Survivors of the Shoah Visual History Foundation for their tremendous contributions to the nonprofit organization, Bet Tzedek "House of Justice" Legal Services of Los Angeles.

Bet Tzedek Legal Services is one of the leading poverty law centers in the country. Thousands of indigent, elderly, and disabled individuals benefit each year from the free legal services provided at Bet Tzedek's headquarters in the Fairfax District of Los Angeles, the Valley Rights Project in North Hollywood, and the thirty-two senior centers throughout the Los Angeles area. Bet Tzedek is open to all who pass through its doors and even makes "house calls" to the ill and frail. Its services are vital and they are not otherwise readily available to those who need them.

Eli Broad has been a constant believer in Bet Tzedek's mission to be a place of refuge and assistance to Los Angeles' most needy residents. As one of the most dedicated supporters of Bet Tzedek, his efforts have allowed this generous organization to continue to operate at full capacity while maintaining its promise of services at no cost to its clientele. We owe Eli Broad a debt of gratitude for his vision, his devotion, and his support of this most worthy cause.

Another devoted supporter of Bet Tzedek is the Survivors of the Shoah Visual History Foundation. This Foundation effectively teaches racial, ethnic and cultural tolerance through sharing the videotaped accounts of the Holocaust from survivors all over the world. The Foundation has been an important and committed friend to Bet Tzedek over the years.

I am delighted to bring Mr. Broad's and the Shoah Foundation's tireless and selfless work on behalf of Bet Tzedek Legal Services to the attention of my colleagues and ask you to join me in saluting them for their many important contributions.

IN HONOR OF THE DALE CITY CIVIC ASSOCIATION CITIZEN OF THE YEAR AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize a group of outstanding citizens from Dale City in Prince William County in the 11th Congressional District of Virginia. These outstanding individuals have been selected by the Dale City Civic Association in recognition of their many achievements and their dedication to serving their community. These award-winners are people who have gone above and beyond the call of duty on a daily basis. They are members of the Dale City community who gave of their time in order to serve others and encourage others to be leaders. These citizens will be recognized on January 31, 1998 by the Dale City Civic Association, one of the largest, most active and accomplished Citizens Associations in the Commonwealth of Virginia. I would like to offer my congratulations to these award recipients.

The Dale City Civic Awards Association was created over thirty years ago. Since that time, it has grown into a strong organization that has encouraged its members to volunteer their time and efforts to make their neighborhood a better place to live and work. The Association has an outstanding record of service to the community. Their work includes awarding a number of scholarships to college-bound students from Dale City, as well as monitoring development in the region and serving as a sounding board for citizens and businesses.

CITIZEN OF THE YEAR

Kenneth Glufling. Chief Glufling has served the Dale City community in nearly every facet. He has been a volunteer firefighter for nineteen years and has been the Chief of the Dale City Volunteer Fire Department since 1988. He has led the fire department through a period of tremendous growth in the community, as they had to redesign how they could best serve the needs of the many new residents in the area. In addition, he has served as a Dale City Civic Association Councilman from Evansdale. Chief Glufling has never received any monetary compensation for the many hours he has spent serving the community. During his tenure as the Chief of the Volunteer Fire Department, he continues to work countless evenings and weekends overseeing the operations of three fire stations, while maintaining a successful business and spending quality time with his wife and children. Kenneth Glufling exemplifies good citizenship and community leadership.

YOUNG CITIZEN OF THE YEAR

Tashia Bunch. Miss Bunch is an extraordinary young citizen who has already become a strong role model to her peers. Tashia is currently a student at Garfield High School. At Garfield, Tashia formed a civic group named DREAMS which is a student group dedicated to the community and students. The goal of the group is to involve students in their respective communities. In addition, many of the teachers at Garfield have noticed Tashia's unique ability to bridge the gap that often exists between students and adults. She is able to accurately convey the concerns of her fellow students to administrators. Tashia is an invaluable part of the Garfield community, and demonstrates that our next generation is caring, selfless and dedicated.

COMMUNITY SERVICE AWARD

Corrine Potvin. Mrs. Potvin is a volunteer who works with the elderly, local service organizations, and the less-fortunate. She gives her time tirelessly to Dale City's senior citizens, organizing monthly bus trips. Additionally, Corrine serves on the Board of Directors of the Prince William Boys and Girl Club. She has directed fundraisers for this organization including their annual car raffle at the Potomac Mills Shopping Center. Her fundraising efforts do not stop there. She also assists the Dale City Volunteer Fire Department in running bingo, and assisting with projects that involve needy families in the area.

Jeanette Finch. Mrs. Finch has served the Dale City Community at Potomac Hospital since 1981. She is clearly dedicated to administering excellent quality care to her patients. In particular, Mrs. Finch has worked diligently to provide assistance to the Medical Oncology staff at Potomac Hospital. Since 1992, she has served as the facilitator for the Potomac Hospital General Support Group which meets twice a month with patients, and their families and friends to assist them in living with cancer. She also has worked to raise money for the American Cancer Society during their annual Relay for Life Walk. The patients and community at Potomac Hospital have truly benefited from her work.

POLICE OFFICER OF THE YEAR

Sergeant William Cox. Sergeant Cox has served the citizens of Prince William County for over seventeen years. In addition to serving his community on a daily basis as a police officer, Sergeant Cox has given his time towards assuring the safety of the children in Dale City. He serves on the Prince William County Safe Kids Coalition Committee. Sergeant Cox also works on several other Committees within the Prince William Police Department to highlight the Department services to the community. He is an individual who recognizes that a function of good law enforcement is community participation.

DEPUTY SHERIFF OF THE YEAR

Ricki Booth. Master Deputy Booth is an individual who cares deeply about the people he serves. In 1997, Deputy Booth responded to a 911 call in which he found an elderly woman who was being neglected by her husband. He did not forget this woman after handling the preliminary call, but he worked to secure her a safe place in the Woodbridge Nursing Home where she could receive the necessary care. Deputy Booth has demonstrated an unprecedented level of dedication to public service.

FIGHTER OF THE YEAR

Captain Todd Zavash. Since 1989 Captain Zavash has volunteered for the Dale City Fire Department where he has demonstrated an excellent ability to coordinate Fire and Rescue Services to ensure quick intervention in emergencies. He has been instrumental in the personal and professional growth of over eighty firefighters whom he has supervised at two Battalions. His leadership has allowed the residents of Dale City to know that firefighting personnel are ready to respond to all calls for assistance. Captain Zavash is recognized by his peers as an individual who is always willing to lend a helping hand or a sympathetic ear.

EMERGENCY MEDICAL TECHNICIAN OF THE YEAR

Sergeant Linda Wortham. Sergeant Wortham has only been with the Dale City Volunteer Fire Department since 1995, but she has made a tremendous impact on the Department since her orientation. She has risen to the rank of Sergeant in record time. Sergeant Wortham now serves as a lead E.M.S. provider on her ambulance/medic unit. In addition, she serves as an administrative assistant to the Rescue Chief. Sergeant Wortham has become involved in nearly every aspect of the Department. She serves on the E.M.S. Advisory Committee, coordinates patient care reports, and has been instrumental in developing the In-House Battalion Training Outline. She is truly a remarkable person who has made Dale City a better place to live.

ELEMENTARY SCHOOL TEACHER OF THE YEAR

Karyl Garn. Mrs. Garn is the school librarian for Kerrydale Elementary School. She has volunteered to work with students in Kerrydale's mentoring program, Big P.L.U.S./Little P.L.U.S., including working with one student who had difficulty believing in her reading and writing skills. This year, Mrs. Garn developed a program for gifted first-graders. She teaches lessons in conducting research to a group of sixteen children. She has also strived to communicate with the parents at Kerrydale. She coordinates the annual Bookfair and is a cosponsor of Family Reading Night. Mrs. Garn is the kind of teacher who helps parents, teachers, and students to grow, and encourage young children to succeed.

MIDDLE SCHOOL TEACHER OF THE YEAR

Bonnie Little. Mrs. Little is a seventh grade teacher of language arts at Stuart M. Beville Middle School. At Beville, she is involved in many extra-curricular activities, including serving as the co-sponsor of the National Junior Honor Society (NJHS). Mrs. Little has expanded the mission of NJHS to encourage students to work in their community and help those less-fortunate. She is also a leader to the faculty at Beville and has developed the Beville Stars to recognize and reward the dedication of her fellow teachers on a monthly basis. She brings tremendous caring and dedication to her work, and inspires others to do the same.

HIGH SCHOOL TEACHER OF THE YEAR

Anne Rude. Mrs. Rude is a teacher at C.D. Hylton Senior High School. She has encouraged faculty and administrators to become computer-literate, training several staff members in operating an electronic grade book. Her work in this area has enabled the staff at Hylton to do a better job of tracking student progress. Additionally, she volunteers her time to assist foreign language students in programs for international travel. Mrs. Rude is an individual who is able to unlock each student's desire and motivation to learn.

Mr. Speaker, I know my colleagues will join me in congratulating these outstanding citizens for their tireless efforts to make Dale City, Virginia a better place to live. Through the untiring and selfless efforts of citizens like these, many others across the country are inspired to do likewise. Not only Dale City, but America is enriched by their accomplishments and dedication.

PRIVATE RELIEF LEGISLATION FOR BORIS KORCZAK

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. TRAFICANT. Mr. Speaker, today I am introducing private legislation to recognize and compensate Mr. Boris Korczak for the intelligence gathering services he so courageously rendered on behalf of the United States during the height of the Cold War. I introduce this legislation only after working, unsuccessfully over the past two years, to get the Central Intelligence Agency to provide just compensation to Mr. Korczak. Mr. Korczak, currently residing in Fairfax, Virginia, has exhausted all of the legal remedies available to him.

Mr. Korczak is a native of Poland who escaped communist persecution in that country in 1964, resettling in Denmark. In 1973, while living in Copenhagen, Denmark, he was recruited by the Central Intelligence Agency to provide intelligence information to the CIA on Soviet intelligence operatives. Mr. Korczak owned and operated a electronics store, and in that capacity, he had come into contact with Soviet intelligence operatives interested in purchasing electronic equipment from the West.

From 1973 to 1980, Mr. Korczak provided a wealth of intelligence information to the CIA. During that time the CIA paid Mr. Korczak for the expenses he incurred. For more than seven years Mr. Korczak put his life on the line to gather intelligence for the U.S. The CIA has admitted to me and other Members of Congress that Mr. Korczak was in fact a CIA asset during the time in question, and that for seven years the CIA paid Mr. Korczak for expenses. Mr. Korczak claims that his CIA handlers promised him that, once his service to the CIA was completed, the CIA would resettle Mr. Korczak and his family in the United States, provide Mr. Korczak with an annual annuity, cover all of his health and education costs. These promises were detailed in a contract that Mr. Korczak signed in the presence of his CIA case officer. As noted earlier, the CIA admits to paying Mr. Korczak's expenses for seven years, but denies that it had any other arrangements or contract with Mr. Korczak.

In late 1979, Mr. Korczak's cover as a CIA asset was blown. After several life threatening incidents involving Soviet intelligence, Mr. Korczak fled to the U.S. in early 1980. Initially, Mr. Korczak received assistance from his former CIA case officer. However, after several months, the CIA made it clear to Mr. Korczak that it was not going to provide any additional compensation to him.

Mr. Korczak resettled his family in the U.S. and did his best to start a new life. He did make several attempts to contact the CIA and get the compensation that was promised to him by his case officers. All of these attempts were unsuccessful.

In 1981, while shopping at a supermarket in Vienna, Virginia, Mr. Korczak was seriously injured when a small pellet was fired into his back. Mr. Korczak became seriously ill and was hospitalized. After several months Mr. Korczak's condition improved. Mr. Korczak never ascertained who shot him with the pellet.

Upon learning in 1996 of the federal government's intention to provide compensation to the survivors and family members of South Vietnamese commandos captured during the Vietnam War, Mr. Korczak retained counsel and attempted, once again, to get the compensation promised to him by the CIA. Later that year, after being rebuffed by the CIA, Mr. Korczak filed suit against the CIA.

Mr. Korczak's suit against the CIA was dismissed by the federal court after the federal government invoked the "Totten Doctrine." This doctrine is based on the 1876 Supreme Court cast of Totten v. United States. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

> The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Both employer and agent must have understood that the lips of the other were to be forever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Essentially, the Totten Doctrine bars any individual who provided intelligence services to the United States from filing a breach of contract suit—no matter how legitimate the claim. Mr. Korczak fell victim to the Totten Doctrine when he filed his suit in 1996. A federal claims court, in response to the federal government's motion to dismiss Mr. Korczak's claim, granted the government's motion, citing Totten v. the United States. Subsequent to that ruling, a federal appeals court again dismissed Mr. Korczak's suit, also citing the Totten Doctrine. It is interesting to note that in dismissing his suit, the federal courts never once ruled or commented on the legitimacy of Mr. Korczak's claim. They simply agreed with the federal government's claim that the Totten Doctrine should be invoked.

I believe that Mr. Korczak should have his day in court. Because of the Totten Doctrine, that will not happen. I have introduced legislation, H.R. 691, to establish a sensible process under which cases like Mr. Korczak can be objectively adjudicated based on merit without compromising national security. However, the fate of that legislation is uncertain. Mr. Korczak has exhausted all of his legal remedies. His only recourse is passage of a private relief bill.

The CIA has admitted to me and other Members that he provided intelligence gathering services to the U.S. for more than seven years. Obviously, the CIA valued his services or they would not have covered his expenses. In his own small way, Mr. Korczak contributed to the United States historic victory in the Cold War. Whether or not Mr. Korczak had an officially sanctioned agreement with the CIA to provide him with additional compensation (above and beyond his expenses) is immaterial at this point. The fact is, Mr. Korczak served this nation bravely for seven years. He did so at great personal risk to himself and his family. He deserves the official thanks of this country and some modest compensation.

The legislation I am introducing today officially recognizes Mr. Korczak for his service to the U.S. and provides for a one-time payment of $225,000 to Mr. Korczak. This bill is long overdue and richly deserved. Given Mr. Korczak's unique legal situation, and the nature of the service he provided to this country, it is imperative that Congress act on this measure.

I urge all of my colleagues to support this legislation. It would send a powerful message to the world that the United States does not forget those who risk their life in the name of freedom and democracy.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Boris Korczak is a resident alien of the United States currently residing at 10392 Willa Mae Court, Fairfax, Virginia.

(2) From 1973 to 1980, while living in Copenhagen, Denmark, Boris Korczak collected intelligence information for the United States Government.

(3) Boris Korczak volunteered his services to the United States, and during the time that he gathered intelligence for the Central Intelligence Agency he was compensated only for his expenses.

(4) Boris Korczak provided valuable intelligence information and services to the United States.

(5) Boris Korczak provided such services at great personal risk to himself and his family.

(6) Boris Korczak should be compensated for his service to the United States and for the enormous personal risk he and his family incurred over an extended period of time.

SEC. 2. PAYMENT.

The Director of the Central Intelligence Agency shall pay out of funds available to the Director the sum of $225,000 to Mr. Boris Korczak of 10392 Willa Mae Court, Fairfax, Virginia.

SEC. 3. LIMITATION.

No amount exceeding 10 percent of the payment made under section 2 may be paid to or received by any attorney or agent for services rendered in connection with the payment. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

A SALUTE TO ADMIRAL MARSHA EVANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FARR. Mr. Speaker, I rise today to pay tribute to Rear Admiral Marsha J. Evans, a remarkable woman who served for the past two years as Superintendent of the Naval Postgraduate School in Monterey, California before her recent retirement from the U.S. Navy.

Admiral Evans has accumulated a long and distinguished military career. In addition to her position as Superintendent, Admiral Evans' leadership experience includes command of the Naval Station at Treasure Island, Commander of Navy Recruiting Command, interim director of the Marshall European Center for Security Studies, Executive Officer at Recruit Training Command, and Commanding Officer at the Naval Technical Training Center. She has also served at the Defense Intelligence Agency, the officer of the Chief of Naval Operations, and the office of the Commander in Chief of U.S. Naval Forces Europe. Her extensive government experience includes serving as executive secretary and special assistant for the Secretary of the Treasury under President Carter, and serving as Deputy Director of President Reagan's Commission on White House Fellowships.

Admiral Evans was not only a pioneer for women in the military, but a strong advocate for the needs and concerns of women serving in the defense of their country. In addition to being selected for promotion to the rank of Admiral, she was also the first female surface assignments officer in the Bureau of Naval Personnel, as well as the first woman to assume command of a naval station. She was also active in gender-related issues, having served as Executive Director of the Standing Committee on Military and Civilian Women in the Navy, chairing the Women Midshipmen Study Group in the 1980's, and serving on the 1987 Navy's Women's Study.

In September 1995, the Naval Postgraduate School was fortunate to have Admiral Evans appointed as Superintendent, and she did not disappoint. Under her leadership, the school further strengthened and developed its academic mission. It began exploring important new fields, such as how to prevent and contain the use of weapons of mass destruction, and expanded such programs as its successful international officer exchange programs at the Center for Civil-Military Relations.

Most recently, under Admiral Evans' direction the Naval Postgraduate School hosted a military-wide conference on Professional Military Education, which successfully brought together leading military and civilian educators and policy-makers from around the country to discuss how best to educate our soldiers to fight the conflicts of the future.

Admiral Evans is a remarkable leader and pioneer, and I am sorry to see her depart as Superintendent of the Naval Postgraduate School. The Navy is losing a fine officer and outstanding individual, and her presence will be greatly missed. I wish her the best in her new endeavors, and urge other young, aspiring women and men in the military to look to Admiral Evans' great service as a model for success and leadership.

GOOD SCHOOLS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 10, 1997, into the CONGRESSIONAL RECORD:

WHAT MAKES A GOOD SCHOOL?

There are few more important questions facing a society than how to best educate its young people. Imparting knowledge from one generation to the next, conveying the historical, scientific, cultural, and moral ideals to those that follow, this process of teaching and educating is critical to the strength and stability of any civil society. It has been our schools that have largely shouldered this awesome responsibility. Good schools are building blocks for a good society.

What then makes a good school? Hoosiers have consistently made it clear that a quality educational system is a high priority. They understand how important schools are to their children and their communities. In meeting with constituents over the years, I have been impressed to see that many parents agree on some basic attributes of a good school.

Good schools must have good teachers. No other factor can make as much difference in the making of a good school as the influence of good teachers. The classroom is the front line of our educational mission and it is where ultimately we can gauge if children will or will not receive a quality education. Many parents agree that good schools begin in the classroom. Good teachers motivate, inspire, open new doors for students, and play a key role in the learning process. The quality of instruction goes a long way in determining the quality of an education. Good schools develop good teachers by strong efforts to raise the quality of teaching and respect for the profession of teaching. They can also help by providing opportunities for teachers to continue their education, and by providing teachers with small classes and the opportunity to plan.

A good school has a high level of parental and community involvement. Good teachers alone do not make a good school. The involvement of the family and community is also a necessary ingredient in any enriching educational program. In the many schools I have visited in the Ninth District, two attributes the best schools shared were the active role of parents in the educational process and the strong hands-on involvement of community leaders.

When learning is reinforced at home and when parents take an active interest in their child's education, then schools can truly flourish. Family and community support is important in bringing energy and new ideas to the school system. Local support helps to hold schools accountable for the quality education of their students.

The local school is the traditional focal point of many Hoosier communities. It is of course, the place where our children are educated, but it also is a place where we can gather as a community to watch basketball games and attend school plays and other student activities. The strong bond that American families have with their local schools goes a long way in determining the success of their public school systems and their communities as a whole.

A good school has adequate resources. Even though a good school is more than just bricks and mortar, these physical resources certainly help. The availability of adequate funding, current textbooks, and a building with plenty of space and no leaky roofs contributes to an effective learning environment. Nowadays, this emphasis on resources means access to computers, to the Internet, and general technological know-how. Children today must grow up with a mouse in their hand. In such a technological and information-driven economy, having these resources in the school can mean the difference between adequately preparing or not preparing tomorrow's competitive workforce. Good schools also must have the resources to provide challenging after-school activities that engage the interests of both students and staff and improve upon classroom learning.

A good school is a safe school. Parents often emphasize the importance of a safe and orderly environment in schools. Students must be comfortable and not feel threatened or feel they are in a hostile environment. There has been increased concern across the country about drugs and weapons in schools. Concern about gangs, fighting, and other disciplinary problems is common among most parents. Parents recognize that providing a safe and orderly environment is conducive to learning.

A good school sets high standards. Excellence in education will not be achieved without high standards. These standards should not be mandated from above, but rather self-imposed by state and local schools that expect the best from their programs. Rigorous standards challenge students to reach their potential. Such standards help in attaining high levels of scholastic achievement. If the school doesn't expect the best from its students, then the students won't expect the best from themselves. I agree with many parents who believe that the schools and students should be held accountable for doing their best.

We should have clear expectations that students learn the essential basics of math, science, English, and social studies. Learning these basic skills will help kids in school, in the future workplace, and in life. I also like schools which spend time promoting ethics and core values such as compassion, honesty, and respect for others.

Conclusion. Not a single one of these factors alone can determine if a school is ultimately good or not. All of these factors are interrelated. For example, good teachers without parental involvement, or good teachers in an unsafe school can lead to frustrating, and many times unsuccessful, results.

I share the high priority Hoosiers give to education. I support local leaders in their efforts to improve the quality of education. I believe that state and local governments ought to take the lead and take primary responsibility in our local schools. The federal role in local education is limited to providing resources to educate disadvantaged students, and this limited role should be maintained.

By encouraging good teachers, applauding a high level of parental involvement, and providing a safe learning environment while upholding rigorous standards, local communities play the most important role in providing quality education. The future of our schools, our nation, and our society is all the better for it.

TRIBUTE TO DAVID DeFORE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to David DeFore, who has served as the President of the Encino Chamber of Commerce for the past two years.

President Kennedy once said, "Leadership and learning are indispensable to each other." While David has acted as a role model and source of inspiration for the members of our community, he has continued to learn and grow in his own life through the pursuit of education.

A testament to his strength of character and the respect he has earned from his colleagues is illustrated through the amount of speaking engagements to which David has been invited. He has spoken on issues such as self-responsibility, goal setting, and the importance of always being a student of your profession.

David has exemplified these principles through his daily activities and his efforts within the community. He has served as the President of the Valley Cultural Center, is on the Board of Directors of the Valley Community Clinic and has served two years on the North Hollywood Project Area Committee. In addition, David has recently been appointed by Mayor Riordan to serve on the Greek Theater Advisory Committee.

His warm personality and caring nature have enabled him to be a respected leader in the business community as well. He is among the top producing commercial sales professionals in the San Fernando Valley. David also continues to take classes at UCLA Extension in a variety of areas.

Mr. Speaker, distinguished colleagues, please join me in honoring David DeFore. He is a role model for the citizens of our community.

A WELCOME ENTRANT INTO AN IMPORTANT DEBATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, during our recess I was delighted to have a chance to address a forum sponsored by the Committee of Concerned Journalists at the Columbia School of Journalism in December. This committee, chaired by one of our most distinguished journalists, Bill Kovach, deals with the critical subject of the responsibility of people in the journalism profession. I attended as one who both believes passionately in the importance of a free and vigorous press for our democracy, and is disappointed in the work product of that journalism much of the time. Because it is wholly inappropriate for government at any level and in any form to try to dictate to journalists, even for the best of reasons and under the best of motives, it is essential if we are to see the improvements that I think necessary in this area that we have this sort of self-scrutiny by distinguished journalists.

It is for this reason that I welcome and congratulate the journalists who have convened this committee and the work they are doing. Because I believe this deserves the full attention of everyone concerned about the state of our democracy, I ask that their organizing statement be printed here, along with the list of those who serve as the leadership of the committee. As of the end of October more than 400 journalists had signed on as members, and while that list is—happily—too long to be printed here, I would be glad to share it with any who are interested.

Committee of Concerned Journalists—An Overview

The Committee of Concerned Journalists is an unusual collaboration of reporters, editors, producers, publishers, owners and academics worried about the future of their profession.

The group believes this is a critical moment in American journalism. Revolutionary changes in technology, in economic equations, in our relationship with the public, threaten the core principles that define journalism's role in democratic society.

With splintering audiences and information overload, companies at once diversifying and merging, confronted by unimaginable complexity, we have begun to doubt ourselves and the meaning of our profession.

To secure journalism's future, the group believes that journalists from all media, geography, rank and generation must be clear about what sets journalism apart from other endeavors. There is a price for our press freedoms: We have a professional obligation to broker honestly the information that citizens must have to fulfill their duties in a self governing society. It is well enough to entertain and amuse, but we must also provide democracy's grist and glue.

The group is proposing to seek a clear expression of those purposes and those core principles that unite journalists and define journalism. We have issued a statement of concern, articulating why a national effort at self examination is necessary. That statement is circulating in newsrooms across the country, gaining signatories. The plan is to convene public meetings for all types of journalists and the public. The group will listen carefully for common ground and then prepare a written report on what we have learned. It will not be a report of recommendations or a code of conduct. Like the seminal Hutchins Commission Report "A Free and Responsible Press" 50 years ago, the report will attempt to clarify the common ground journalists share.

The series, which begins in November in Chicago and ends in Boston next June, will examine key questions of principle. What is journalism? Who is a journalist? Can journalism really be neutral? What are the responsibilities imposed by the First Amendment? More than half a dozen major educational institutions have already agreed to sponsor them.

This is only a beginning. A web site will serve as a host for discussions about forum topics, current news stories and other journalistic issues. We believe other projects will evolve.

The effort was convened by the Nieman Foundation and the Project for Excellence in Journalism in June 1997 in Boston. The Committee is an extraordinary group. Members come from various media, backgrounds, ages and institutions, from David Halberstam, the New York author, to Mark Trahant, a Navajo Indian newspaper editor from Idaho; from Lucy Himstedt Riley, a news director in Montgomery, Ala., to Vanessa Williams of the Washington Post and the President of the National Association of Black Journalists, to the heads of several journalism schools.

The group has no set agenda. It is not interested in placing owners at odds with reporters, journalism with business, print with TV or the internet. It is simply a united belief that journalism is a unique form of communication. It is a mission, a service. We must communicate what that means.

A STATEMENT OF CONCERN

This is a critical moment for journalism in America. While the craft in many respects has never been better—consider the supply of information or the skill of reporters—there is a paradox to our communications age. Revolutionary changes in technology, in our economic structure and in our relationship with the public, are pulling journalism from its traditional moorings.

As audiences fragment and our companies diversify, there is a growing debate within news organizations about our responsibilities as businesses and our responsibilities as journalists. Many journalists feel a sense of lost purpose. There is even doubt about the meaning of news, doubt evident when serious journalistic organizations drift toward opinion, infotainment and sensation out of balance with news.

Journalists share responsibility for the uncertainty. Our values and professional standards are often vaguely expressed and inconsistently honored. We have been slow to change habits in the presentation of news that may have lost their relevance. Change is necessary.

Yet as we change we assert some core principles of journalism are enduring. They are those that make journalism a public service central to self government. They define our profession not as the act of communicating but as a set of responsibilities. Journalism can entertain, amuse and lift our spirits, but news organizations also must cover the matters vital to the well being of their increasingly diverse communities to foster the debate upon which democracy depends. The First Amendment implies obligation as well as freedom.

For much of our history, we believed we could let our work enunciate these principles and our owners and managers articulate these responsibilities. Today, too often, the principles in our work are hard to discern or lost in the din, and our leaders feel constrained.

Now we believe journalists must speak for themselves. We call on our colleagues to join as a community of professionals to clarify the purpose and principles that distinguish our profession from other forms of communication.

Since the change we face is fundamental, it requires a response of the same magnitude. We need a focused examination of the demands on journalism of the 21st Century.

We propose to summon journalists to a period of national reflection. First, we ask our colleagues young and old to sign this declaration of concern. We believe the consortium of journalists who share a commitment to common principles is so broad and so significant that it will constitute a powerful movement toward renewal.

Next we will convene a set of public forums around the country over the next several months to hear the concerns of journalists as well as other interested individuals. The forums should reiterate two simple messages: that journalists of all generations are concerned about the direction of the profession; and that they want to clarify their purpose and principles. We do not presume to enumerate those principles here, but hope to have them articulated through the forums. These sessions, will include the public. We will publish an interim report after each one. At their conclusion, the group will release a final report that will attempt to define the enduring purpose of journalism, along with its principles, responsibilities and aspirations.

We see this as a beginning, a catalyst forging new ideas and a renewed spirit of conviction. We plan to carry the dialogue forward with a web site, videotapes of the forums and through other means. We do not intend to propose a set of solutions: this is an attempt to clarify our common ground. Nor is our motive to develop a detailed code of conduct: if journalism is a set of aims, how we fulfill them should change with changing times and be left to each news organization to decide. But if journalism is to survive, it falls to individual journalists, especially in each new generation, to articulate what it stands for.

CHILD CARE CRISIS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mrs. ROUKEMA. Mr. Speaker, it is a sad reality that today's headlines are filled with stories that spring from the everyday struggle of working families to secure safe and dependable child care. The startling reality is the daily struggle of working women and men to secure affordable and safe child care.

The trends in society and the American workforce are clear. More families have both parents working. In today's society, many families need to have two parents working just to make ends meet. A 1995 study by the Families and Work Institute found that 55 percent of the women interviewed contributed half or more of their household income. Three out of five women with children under age 6 are working, and must find someone to care for their children.

That burden is a heavy one and becomes even more burdensome when reliable, quality child care is not available.

Mr. Speaker, President Clinton has correctly identified child care as a growing American crisis—a crisis that affects both the quality of our citizens' work and the quality of their lives. However, I regret that Mr. Clinton's broad prescription implies a centralized government solution to a problem that should be solved in each local community. At a time when this Congress is struggling to complete the task of balancing the budget, the President has proposed a laundry list of tax changes, subsidies, block grants and Washington-driven standards at a cost of nearly $22 billion. Some of these proposals have merit and deserve extended analysis and debate.

Mr. Speaker, there is another way that is far more feasible and immediately affordable.

The legislation which I am introducing, legislation that will encourage a new public-private partnership between local school districts and businesses to develop community-based solutions to meet local child care needs. This innovative legislative initiative will be in the form of grants to local education agencies that are able to show the community's needs and commitment to a new child care program.

This legislation does not mandate a Federal program for child care that imposes some Washington-based requirements on local communities. In fact, this bill combines the concept of state and local control of education with the time-tested concept of the public-private partnership. This bill makes it possible for local schools and businesses to work together to create their own program that meets the needs of their own community, whatever they may be.

Specifically, the legislation would create a competitive grant program, administered by the Department of Education. The program would provide one-time start-up grants directly to local school districts to explore and plan child care programs for children up to five years old. Schools would be required to match these grants with private funds. The "seed" money could only be used for planning and implementation of child care programs by local school systems and private businesses, not for construction or building renovation.

My legislation: (1) Creates a competitive grant program administered by the Department of Education; (2) provides a one-time start-up grant directly to school districts; (3) is available for programs providing care for children ages 0 to 5 (or age of compulsory school education); (4) expects a commitment of matching private dollars of 50% of the funding; (5) cannot be used for building construction or renovation.

This is not an untested concept.

My legislation is based on a model program, the "Infant Toddler Development Center," which has operated successfully for more than 15 years in my Congressional District.

It was initiated by Kathy Marino, a teacher/principal in Ridgewood, New Jersey and has attracted much-deserved praise. It is the prototype of the grant proposal I am introducing here today.

We need to help families solve the child care problem. And we need to give local communities the means to put their proposals to the test. If we want our children to get a head start in life, we must improve child care in this nation. Child care must be available and it must be affordable but most of all it must be of high quality, both in terms of safety and educational benefits.

IN MEMORY OF JAMES C. KIRKPATRICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SKELTON. Mr. Speaker, I wish to take a moment today to speak about a man of distinguished civic service and professional integrity. Missouri's "Mr. Democrat," James C. "Jimmy" Kirkpatrick, former Missouri Secretary of State, recently passed away at the age of 92.

A native of Braymer, MO, Kirkpatrick graduated from Northeast High School in Kansas City and Central Missouri State University in Warrensburg, MO. After studying journalism at the University of Missouri, Kirkpatrick became interested in the news business. From 1954 to 1974, Kirkpatrick owned and operated several Missouri newspapers. He started his career at the Warrensburg Daily Star-Journal and rose to be editor of that newspaper. Later, he became editor of the Jefferson City News-Tribune, then purchased the weekly Windsor Review and later the weekly Lamar Democrat, in the town of Harry S. Truman's birth.

While editing the Jefferson City newspaper, Kirkpatrick was approached by then-Governor Forrest Smith to write a newspaper column and speeches for Missouri's chief executive. That is what really got him interested in politics, which became his legacy.

Jimmy Kirkpatrick first ran for statewide office in 1960, when he lost his bid to become Missouri Secretary of State to rising Democrat star Warren Hearnes. He won the job four years later, in 1964, when Hearnes was elected governor. Kirkpatrick was re-elected to his post as Secretary of State until his retirement in 1985. During his tenure, he received 8.4 million votes, making him Missouri's greatest statewide vote-getter since statehood. In his twenty year tenure, Kirkpatrick made over 1900 speeches which kept him very close to the constituents about which he cared so deeply.

In 1985, Kirkpatrick retired to Warrensburg, MO, whereupon he became the statehouse's most familiar booster of Central Missouri State University. In fact, he served for 12 years on the university's Board of Regents, including ten years as its president. Kirkpatrick was also a guest lecturer at CMSU in history, government, political science, and journalism classes. The university recently honored Kirkpatrick by naming its new library after him.

Kirkpatrick's first wife, Jessamine Elizabeth Young, passed away in 1985 after a 58-year marriage. He is survived by his second wife, Doris, one son, three grandchildren, four great-grandchildren, and three stepchildren.

Mr. Speaker, Jimmy Kirkpatrick displayed honor and integrity throughout his civic career. His admiration for and dedication to the people of Missouri is unprecedented, and I am certain that the Members of the House will join me in honoring the legacy of Missouri's own "Mr. Democrat."

TRIBUTE TO MARGARET BROCK

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BOYD. Mr. Speaker, rarely in my lifetime have I come to know an individual with the character and qualities of my friend who recently passed away, Margaret Brock. My only regret is that I did not know her longer. She was quite a remarkable woman, headstrong and determined to succeed in every endeavor she chose to make her own. She was a self-made millionaire, not that money was what made her rich. It was her heart, her kindness, and her ability to make every stranger feel like family. Ms. Brock will probably be best remembered for giving an ailing hospital new life, in addition to building a much needed nursing home and reviving a children's clinic that had been abandoned by its original investors. Ms. Brock never let age get in the way of 16 hour days or numerous hours of volunteer service. Ms. Brock was a survivor and a shining example of what each of us should strive to become. She was loved by all in the community, whether they knew her personally or not. She was everything that was good in being human, not perfect but as close as I imagine most will come to while here on earth. My staff who knew her loved her as well. She was always offering her home as a place to stay and she never passed up an opportunity to make us all feel at home. I know we are all a little bit better off for knowing Ms. Brock, whether it was only for a few days or decades. May she take the heavens by storm as she did Calhoun and Liberty Counties, for I know she is smiling on us all.

CELEBRATING SAINT PAUL BAPTIST CHURCH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. DIXON. Mr. Speaker, I rise to call to the attention of the Congress the historic 90 year old Saint Paul Baptist Church of Los Angeles, California, whose great congregation will come together on Friday, February 13 to commemorate the one year anniversary of their esteemed Pastor, Dr. Joel Anthony Ward.

An array of distinguished religious and civic leaders from around our city will join the congregation to honor Dr. Ward and his wife, MaLinda at this special service. The keynote address will be delivered by Reverend Joe B. Hardwick, Pastor of Praises of Zion Baptist Church, whose outstanding choir will sing at the service.

This special weekend will culminate on Sunday, February 15, 1998, with a special worship service. Among the participants will be Dr. William Epps, Pastor of Second Baptist Church; Rev. Alvin Tunstill, Jr., Pastor of Trinity Baptist Church; Rev. Perry J. Jones, Pastor of Messiah Baptist Church; and Rev. G.D. McClain, Pastor of First Bethany Missionary Baptist Church. These distinguished clergymen recognize the challenges that religious leaders face today, and appreciate the remarkable record Dr. Ward has established in the short time he has been Pastor of Saint Paul Baptist Church.

Dr. Ward was the Pastor and Organizer of Rehoboth Baptist Church in Detroit, Michigan when he accepted the call to become Pastor of Saint Paul. His inaugural year has been a great success. His exceptional stewardship has touched many lives, and has made an important difference in the life of his church.

Mr. Speaker, I know my colleagues in this chamber join me in extending our best wishes to Dr. Ward on this joyous occasion. May God continue to bless his work as he ministers to the spiritual needs of his congregation.

TRIBUTE TO COLEMAN ALEXANDER YOUNG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to the life of a man who was a civil rights legend, a political genius and an extraordinary human being. Coleman Alexander Young, Detroit's first African American mayor, died November 29, 1997, in the city he loved. He was 79 years old.

Mr. Young, who served a record five consecutive terms before leaving office in 1994, blazed a trail of social and political equality by acting on his conviction that all people are entitled to a decent life. Born in the segregated South when white-robed Klansmen inflicted a reign of terror on African Americans, Young had an uncompromising commitment to justice, equality of opportunity, economic empowerment and dignity for all people.

That commitment formed the foundation of his activism in the labor movement, the U.S. Army, the national political scene and the mayor's office. Mr. Young was, as former Michigan Governor William Milliken said at his funeral service, "a man of glorious gifts."

He was dazzlingly brilliant, disarmingly witty and outrageously outspoken. He was quick to anger and even quicker to forgive. He was not afraid to speak the truth, no matter whom it upset, and he was utterly fearless in his defense of basic human rights for all people—urban dwellers, common laborers, political activists, the disenchanted and those ignored or scorned by society.

Coleman Young was born May 24, 1918, in Tuscaloosa, Alabama, the oldest of William and Ida Young's five children. In 1923, the Young family moved to Detroit where they settled in Black Bottom, a racially and ethnically diverse eastside Detroit neighborhood just two miles from the office he would later occupy as mayor.

The pernicious effects of systemic racism would follow him through his life. But instead of weakening his resolve, these challenges strengthened his spirit. As a student, Young excelled in his classes and earned all A's, but was denied a scholarship to three parochial high schools when school officials learned he was black. After graduating second in his high school class, he was denied scholarships to the University of Michigan and what is now known as Wayne State University because of his race.

Years later he said those early brushes with racial discrimination were catalysts that fueled his desire to make fundamental social changes. The following excerpts from the memorial booklet prepared for Mr. Young's funeral sum up the early years when he paid a heavy price for being a labor activist in Detroit and a civil rights activist in the segregated Army Air Corps.

"His activism was evident in 1937 when he joined the ranks of automotive workers. Young worked as an electrician's apprentice and soon became a labor organizer of the Congress of Industrial Organizations (CIO). He was fired because of his union activities. Taking a job at the U.S. Post Office, Young again angered supervisors by recruiting employees to band together in a labor union. Postal managers used Young's involvement in a protest against racial segregation at Sojourner Truth, an eastside public housing project, as a reason to fire him.

During World War II, Young joined the U.S. Army at the age of 24. He was commissioned a Second Lieutenant in the Infantry and later transferred to the Air Corps. There he became the nation's first black bombardier. He and other blacks in the Army Air Corps became known as the Tuskegee Airmen. However, racial discrimination prevented them from fighting in the War. They fought the Army instead.

Young organized a group of 100 other black officers and staged a sit-in at the "whites only" officers Club at Freeman Field, Indiana. They were jailed after they refused to sign documents agreeing to stay out of the club. Ironically the black officers were kept under guard while German POWs moved freely on the base. At least one high-ranking army officer wanted to court-material and shoot the black officers. The protest did end segregation at the club.

Mayor Young continued his work as a union organizer after the war. Elected director of organization of the Wayne County AFL–CIO in 1948, he was the organization's first black paid staff member. In response to the blatant racism in the labor union hierarchy, he and other activists founded the National Negro Labor Council, whose goal was to win decent wages for blacks and whites. Entrenched union leaders were stunned and upset by the rapid growth of this group that dared to challenge the union establishment. NNLC membership included everyone from black factory workers in Detroit to white textile workers in the South to actors and activists on the east coast. Young and the NNLC also drew the wrath of the House Un-American Activities Committee which was investigating communism. He was summoned before the committee in 1952. Young's defiant testimony and his fearless challenge of the committee's role in spying on and terrorizing ordinary citizens made him a hero to thousands of Americans.

When asked if any of his associates were Communists, Young told the committee that they had him confused with a stool pigeon. When the committee lawyer said "Niggra" instead of Negro, Young corrected his speech and accused him of deliberately slurring the word to insult blacks. Young did not mince words about his view of the committee. He told them, "I consider it an un-American activity to pry into a person's private thoughts, to pry into a person's associates. I consider that an un-American activity."

Dave Moore, a longtime associate, recalled the euphoria the testimony sparked. "Coleman Young could have been elected king of Detroit. Blacks and whites responded to what he said."

But that victory was short-lived. The auto plants still blacklisted him. The UAW and other unions slammed the door in his face and the FBI put him on its list of dangerous individuals. For years he survived on jobs, but never lost his thirst for equality.

In the 1960's, Young focused on politics as the way to bring about necessary change. In 1964, he was elected to the State Senate. He quickly rose to leadership and became the first black member of the Democratic Natural Committee. In 1973, just six years after a searing urban rebellion that charred the heart and the landscape of Detroit, Young decided to run for Mayor.

Young had little money and even less support from the establishment. But his insistent call for an end to police brutality resonated among both blacks and whites who chafed under an occupying army of hostile police. He won the race and became the first black mayor in the city's history.

Young took the reins of a battered and nearly bankrupt city. The 1974 Oil Embargo nearly decimated Detroit car makers, and the city shuddered from a mass exodus of businesses and population. During his 20-year tenure, he integrated the Detroit Police Department despite strident protests from the police officer's union, established a national recognized community crime prevention program and brought the city through its financial crisis by forging alliances with political, business, union, community and religious leaders. Because of Young's success, Henry Ford II described him as "A damn good business manager."

Young led the effort to modernize Detroit auto plants and to keep major businesses in the city. During his tenure, the Renaissance Center opened, the city became a site on the Grand Prix circuit, Detroit saw the construction of its first-single family subdivision in decades, and the long-neglected river front began to blossom with parks and residential developments.

Mayor Young gave economic opportunity to record numbers of black, Hispanic and female business owners. He brought blacks and women into government by appointing them to his staff and to head city departments. He appointed blacks and whites on a "50–50" basis.

During his lifetime, Young was a past president of the U.S. Conference of Mayors and served on the Democratic National Committee and the National Conference of Democratic Mayors. He was the recipient of the prestigious Jefferson Award from the American Institute for Public Service and the NAACP's coveted Springarn medal for distinguished achievement. In addition the Congressional Black Caucus honored him with its Adam Clayton Powell Award for outstanding political leadership. A Congressional Black Caucus tribute to Mayor Young is included at the end of these remarks.

Mayor Young decided against running for office a sixth time because of ill health. In his later years, he taught at Wayne State University which has an endowed chair in urban affairs named for him. He also concentrated his attention on a foundation he established to give college scholarships to needy youngsters.

His survivors include a son, Coleman Young Jr., two sisters, Bernice Grier and Juanita Clark, and his companion, Barbara Parker.

As I said during his funeral service, Coleman Young's leadership and courage informed me and every other black politician who stands for anything in Michigan. The only way to honor his memory is to keep his struggle alive.

TRIBUTE TO MEL WILSON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mel Wilson, who has served as the President of the Southland Regional Association of Realtors.

Mel Wilson has worked diligently this past year to enhance the reputation of the Association. It is regarded as one of the preeminent associations of the real estate business as a result of his efforts.

The Association has improved and expanded member services and has enabled all members to successfully pursue the real estate business. Mel has worked to ensure the Association's reputation as a leader in technology has been maintained, an effort which resulted in the development of an award-winning Internet site. The importance of technology, especially in this day and age, is evident to Mel.

A testament to Mel's strength of character and desire to improve our community is exemplified through his actions as the President of this Association. Under his leadership, the Association has continued to play an active role in the community.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mel Wilson. He is a role model for the citizens of Los Angeles.

A POINT-OF-LIGHT FOR ALL AMERICANS: RUBY NOTTAGE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. OWENS. Mr. Speaker, Ruby Nottage was a Point-Of-Light for Brooklyn and for all urban communities struggling for empowerment. She was a point of light for all Americans. She was a totally unique creation, a magnificent fabric woven from both the rough strands of the street and the well refined strings of mankind's highest cultural aspirations. Ruby Nottage could walk with kings, after all, and never lose the common touch because Ruby Nottage was born a natural queen.

At a time when education has assumed its rightful place on our national agenda it is important to first note that Ruby Nottage was a teacher. She enjoyed a 30-year career in the New York City public school system as a teacher; assistant principal and as principal of P.S. 93 in Bedford-Stuyvesant. Ms. Nottage also proudly served as a Member of the Board, president and trustee of the Brooklyn YWCA for 15 years. She was appointed by Governor Mario Cuomo to the New York State Martin Luther King Commission, and also served as Political Planning Chair of the Brooklyn Women's Political Caucus. She was also a member of the Community Advisory Board for Medgar Evers College. Ms. Nottage was one of the founders of an independent Democratic Club: Partners for Progress. She was also a founding member of the Brooklyn Coalition for Community Empowerment. In 1984, she was elected Democratic District Leader of the 57th Assembly District. Ruby Nottage was also recognized as 1996 Woman of the Year by Brooklyn Links, Inc.

Ruby was as much at home with a political party nominating petition in her hand as she was reviewing a fine work of art. She could prepare and appreciate the finest cuisine. But if a late session at the Board of Elections required that she eat cold fast food she had no complaints. She had "class" in the best sense of the word. She would do nothing in a sloppy way. To every action and activity of her life she applied high standards. Ruby was a glowing example of how a royal style can bloom within the context of American grassroots democracy.

My remembrances of Ruby are slightly different from most of her other admirers. I didn't have the delight and the pleasure of growing up with Ruby; of going to school with her; or of working with her as a colleague during her 30 years in the NYC school system. Ruby was a member of a rare species, the native New Yorker, born and raised here. She didn't come like many of us from Tennessee or Texas or Jamaica or Panama or New Jersey. She was a daughter of New York City—of Brownstones, subways, and skyscrapers.

Since I was not fortunate enough to grow up knowing Ruby I had to discover her. What her close friends may take for granted I have had to observe with a sense of wonder and awe. She was a Renaissance woman with a broad range of interests. She reached out for the whole spectrum of experience, the pleasant and the difficult. the same sensitivity and intellect that she brought into a theater or an art gallery she carried into the dirt and grime of partisan politics. She brought the same passion to a discussion of the transition of the Brooklyn political machine that she brought to the merger of modern painting concepts with African diaspora subject matter and contents.

It was as late as 1982 that I first discovered Ruby Nottage. She was a founding member of the Brooklyn Coalition for Community Empowerment. We later shared the euphoria of the Jesse Jackson bid for the Presidency and the David Dinkins mayoral victory. We also shared more than a few excruciating disappointments in the arena of politics. Throughout some very intense group soul searching and heated debates Ruby never lost the nobility in her demeanor. She was always the teacher who used exemplary English and offered clarity and logic to keep the deliberations on track.

We all appreciated very much Ruby's dedication to the cause of community empowerment. On one occasion following a very discouraging meeting she pulled me aside and pointing a finger in my face, whispered: "You know, Major, you are one of the few people who have continued to believe in group decision-making and real community empowerment after you got elected."

I have a vivid recollection of that compliment. Her words were like a Congressional Medal of Honor. When you are in the political trenches surrounded by sell-outs and cynicism there are few things as inspiring as recognition and understanding from a respected fellow worker.

It was an honor to receive praise from Ruby because she had no hidden political agenda. She was the most unselfish District Leader in America. Politics added nothing to her life except headaches and challenges. It was by choice, not need, that she accepted the challenges and became the District Leader for the 57th Assembly District. By choice this Renaissance Lady had woven a life for herself that was unique. Where else could you find the combination of school principal and District Leader? Along with her husband, Wally, and the rest of the family, Ruby created a combination Brownstone palace and art gallery on Dean Street. Where else could you find such a collector of precious items willing to offer her home as a meeting hall and site for political fundraisers? Few galleries in Brooklyn are as fascinating as the Nottage home, but you don't have to pay a fee or purchase a painting there.

Because of what I experienced in my relationship with Ruby over the past sixteen years, nothing surprises me about her record of accomplishments before I me her: That she traveled to Farmville, Virginia during the Civil Rights struggle to provide service to schools that had been closed is one more example of her being willing to place herself at risk on the firing line. Despite her appreciation of the finer comforts of life she also braved the inconveniences and hardships of Haiti to help set up day care centers for children. It is not surprising that as a responsible, professional resident she served for fifteen years as a member of the Board of the Brooklyn YWCA. It is also consistent with her unique duality that she was a founder of an independent Democratic club, Partners for Progress. Moving from participation in an established national institution to an almost revolutionary grassroots base was not a difficult transition for Ruby. The common touch didn't stop her from walking with kings and vice versa.

In all that she did Ruby could blend the practical and the sublime. I am certain that her son Aaron reflects these same ingredients in his pursuit of law. His cases will never be handled with less than maximum thoroughness and responsibility. Since tickets for her recent play were all sold out I could not yet see the recent work of Lynn Nottage; however, I am certain that her drama will be a blend of meaningful contents and message with great style and method. Ruby's genes and nurturing would allow it to happen no other way.

Ruby Nottage now belongs to the ages. She now becomes one of the ancestors for our children and grandchildren. Our ancestors are our eternal role models. As she was a role model in life we should strive to keep her forever a role model. Cinque, the leader of the Amistad rebels insisted that in a moment of crisis he would not be alone because he would be joined by his ancestors. To gain strength from their ancestors our children need to know who they are. Television cameras, movies and celebrity magazines will never tell them who their living role models are. We can certainly not depend on the media and our official school curricula to let our children know who their magnificent dead ancestors are. It is my plea to all who cherished her that we do more than merely fix a monument to Ruby in our minds.

Ruby Nottage now has a place among our magnificent ancestors. For the next few years we must strive in every way possible to move beyond the monuments in our minds to pay homage to Ruby in some concrete and highly visible ways. Little Brooklyn girls and mature men and women should be able to know Ruby's story and call up this beautiful ancestor for inspiration in the future. Some have pledged to go forward and get busy to write a book about Ruby or name a street or erect a statue or start a scholarship fund or name a school after her or do all of the above.

Just because she was in a class by herself is no reason why others should not be encouraged to strive to match her magnificent performance. Ruby Nottage was a Point-of-Light that must be magnified and multiplied.

HONORING DAVID DUNCAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to have the opportunity today to honor Mr. David Duncan of Springfield, MS. Mr. Duncan is retiring after 33 years as a member of the Teamsters Union. Mr. Duncan's dedication and loyalty to the Teamsters Union and his fellow workers is exemplified by his decades of service to the Union.

His career began at the tender age of 9, when he would shine shoes near the Springfield train station on weekend nights. After honorably serving our nation as a Sergeant in the U.S. Army, Mr. Duncan returned from Europe to marry his high school sweetheart, Anna, with whom he celebrated his 40th wedding anniversary earlier this month. Dave began his career as a Teamster as a driver/dockman in 1965, and four years later was elected as steward.

Dave began his service as an official in Local Union 404 as Business Agent and then was subsequently elected as Vice President/Executive Officer in 1988. Dave's leadership in this organization has allowed it to flourish from a nearly bankrupt union to the vibrant and healthy organization that it is today. The Union was able to move into a new and much larger facility, as well as the important existence of the Local 404 Health Benefits Fund which has experienced a dramatic fourfold increase in reserve funds to provide benefits for many years to come.

Mr. Speaker, it is my great pleasure and privilege today to stand before this body to honor the loyalty and hard work of my constituent, Mr. Dave Duncan, a man who has epitomized the ideal integration of family dedication, work ethic and diligence, and community involvement. The Local Union 404 will sorely miss the leadership of Mr. Duncan in the future, but the legacy of his commitment to workers and issues that affect all of the community will carry on indefinitely.

ON BEHALF OF THE CONGRESSIONAL BLACK CAUCUS ON THE DEATH OF DETROIT MAYOR COLEMAN A. YOUNG

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Ms. WATERS. Mr. Speaker, we are deeply saddened to hear of the loss of former Mayor Coleman Young this past Saturday. Mayor Young was a political icon who gave leadership both at the local and national level. We will miss him greatly.

When he won office in 1974, Mayor Young was one of the first African Americans to become Mayor of a large metropolitan city. We will remember him for his twenty years of dynamic leadership of the City of Detroit.

He took over the reins of a city in 1974 that was steeped in racism and discord. During his tenure, he attempted to open economic opportunities for all people in the city. He provided a special sense of pride and empowerment to Detroit's black community and he had a special place in all of our hearts.

We will mourn his passing, but remember his many contributions to our history. It was his input that helped President Jimmy Carter formulate a public policy program for America's urban areas. His efforts were responsible for building the renowned Museum of African American Art.

May it comfort his family to know that so many share their loss. And may it comfort the people of Detroit to know that people from across the country acknowledge his contributions.

Maxine Waters, chair; Earl Hilliard, first vice-chair; Eddie Bernice Johnson, second vice chair; Corrine Brown, secretary; Sheila Jackson-Lee, whip. Members John Conyers, Jr., William Clay, Louis Stokes, Ronald Dellums, Charles Rangel, Julian Dixon, Major R. Owens, Edolphus Towns, Floyd Flake, John Lewis, Donald M. Payne, Eleanor Holmes Norton, William Jefferson, Eva Clayton, Sanford Bishop, James Clyburn, Alcee Hastings, Cynthia McKinney, Carrie Meek, Bobby Rush, Robert Scott, Melvin Watt, Albert Wynn, Bennie Thompson, Chaka Fattah, Jesse Jackson, Jr., Juanita Millender-McDonald, Elijah Cummings, Julia Carson, Donna Christian-Green, Danny Davis, Harold Ford, Jr., Carolyn Kilpatrick and Senator Carol Moseley-Braun.

KASHMIRI PANDITS MASSACRED

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. PALLONE. Mr. Speaker, on January 26th of this year, in Kashmir, India, 23 Kashmiri Pandits, were massacred in cold blood. Unprovoked, 30 militants entered the homes of four Pandit families, opened fire and killed all but one. After the killings, the militants set their home and a small temple on fire.

Mr. Speaker, for the last 7 years, Kashmiri Pandits have been subjected to unprovoked and senseless killings. They have been forced to leave their homes in the Kashmir Valley because of the actions committed by terrorists and militants who are armed and trained by the enemies of India.

The terrorists' agenda is simple. It is to undermine the restoration of democratic rule and peace that was brought back to Jammu and Kashmir in October 19 I should note that the killings took place on India's 48th Republic Day. A spokesman for a Kashmiri Pandit organization stated that "the massacre of the innocent peopeople by the Pakistan trained militants on the occasion of the Republic Day was a mockery of Indians' integrity in the 50th year of Independence."

This peaceful community, which has been subjected to countless targeted killings, has been forced to live in refugee camps scattered throughout India. Rather than living in their homeland, the Pandit community has been living in ill-equipped camps that lack the proper educational and job training facilities that would enable them to live decent and productive lives. This has resulted in tremendous suffering by the community and the cultural and social deterioration of their community.

Mr. Speaker, we must work with the Indian Government in bringing peace and security to this volatile region. We must encourage India's National Human Rights Commission (NHRC) to play an instrumental role in resolving this issue. I have asked the US State Department to encourage the Indian Government to designate the Kashmiri Pandit community as an "Internally Displaced People" (IDP) so that they may receive extensive humanitarian assistance.

I urge Members of this Body to work with me with the Government of India in creating conditions in the Kashmir Valley that are conducive to the return of the Pandits.

TRIBUTE TO CEL AGUIGUI: A CHAMORRO PUBLIC SERVANT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. UNDERWOOD. Mr. Speaker, at the end of this month, Mr. Celestin "Cel" J. Aguigui, a native son of Guam, will retire after 30 years of dedicated public service. Cel has served our country well as a teacher, a military officer, a State of Arizona employee, an assistant to the first Congressman from Guam, and as a senior information specialist with the U.S. Census Bureau.

The eldest of nine children, Cel moved from Guam to the U.S. mainland and graduated with a B.A. degree in political science from DePaul University. His higher education would prove invaluable as he pursued his professional career as legislative assistant, and later as the district director, for the late Honorable Antonio Borja Won Pat, Guam's first elected delegate to the U.S. House of Representatives. As an assistant to Congresswoman Won Pat, Cel was responsible for land issues, civilian and military relations, and defense issues.

His stint with the U.S. Air Force is noteworthy. Cel was a commissioned officer and served as a detachment commander and logistic officer both in the United States and at overseas bases. During the Vietnam War, he served as an aircraft maintenance officer for the 13th Tactical Fighter Squadron which flew combat missions. He supervised the entire maintenance operations consisting of 30 fighter aircraft and over 100 maintenance personnel. For meritorious service, he was awarded the Air Force commendation medal and the bronze star.

In 1989, Cel joined the staff of the U.S. Census Bureau. As a senior information specialist, Cel represented the bureau at national conferences as a speaker, panelist and exhibitor. During his entire career with the bureau, Cel has been an invaluable resource and advocate for the minority communities. He has contributed significantly in promoting the importance of census participation for Hispanics, Native Americans, Asian Americans and Pacific Islanders. For his dedication in improving communication between community leaders and the agency, he was awarded the bronze medal, the highest award given by the U.S. Census Bureau.

Cel's commitment to the community is exemplified by his various volunteer programs and civic participation at the local level. As a resident of Prince George's County, he served as the first Pacific Islander appointed by Parris Glendening, the former Prince George's County Executive, to be a member of the Asian Pacific Advisory Board. A later appointment by Wayne Curry, the current Prince George's County Executive, gave Cel an opportunity to serve as a member of the Human Relations Commission as well as a member of the Community and Ethnic Advisory Board. His other accomplishments include: (1) past president of the Guam Society of America; (2) past president of the Federal Executive Association of Guam; (3) recipient of the "Who is Who in Washington, D.C."; and (4) named one of ten individuals selected in 1997 as a "Volunteer of the Year" by the Prince George's County Voluntary Action Center.

I am proud to recognize this remarkable public servant. Cel Aguigui's unselfish dedication and his personal commitment to others enhances all of our lives. I congratulate Cel for his retirement from federal service, and wish him and his family well. Si Yu'os Ma'ase, Cel, for all your work to bring together diverse groups and to make this a better place in which to live.

TRIBUTE TO MR. KELSO GILLENWATER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. ADAM SMITH of Washington. Mr. Speaker, I am here today to congratulate Mr. Kelso Gillenwater, president and publisher of the News Tribune newspaper in Tacoma, WA, for the last 8 years.

Mr. Gillenwater officially retired as president and publisher of the News Tribune, one of the most respected publications in the state, last week. Mr. Gillenwater provided Tacoma with fair, insightful, and thorough news and editorial coverage. He has spent his life in the newspaper business as a reporter, editorial writer, and business manager. It is this knowledge of all aspects of the newspaper business that have made Mr. Gillenwater such a quality president of the News Tribune.

Not only has Mr. Gillenwater given his time to the newspaper, he has been dedicated to the community. Mr. Gillenwater has given so much to the community—he is a board member of the Washington State Historical Society, the International Museum of Modern Glass, the Washington State Bar Association, and a member of the Higher Education Coordinating Board and the Executive Council for a Greater Tacoma. He has also donated his time as president of the Pacific Harbors Council of the Boy Scouts.

Mr. Gillenwater is a fine example of an American who has made his community a better place to live. I am proud to have worked with him and would like this Congress to recognize his accomplishments.

I send my best wishes out to Mr. Gillenwater and his family. I wish him an enjoyable retirement in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 29, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

10:00 a.m.
Budget
To hold hearings on the President's proposed budget for fiscal year 1999.
SD–608

Foreign Relations
To hold hearings to examine the military implications of the Ottawa Land Mine Treaty.
SD–419

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SH–216

Environment and Public Works
To hold hearings on the nominations of Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and Sallyanne Harper, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.
SD–406

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide Federal land management agencies the authority and capability to manage Federal lands effectively in accordance with the principles of multiple use and sustained yield.
SD–366

FEBRUARY 4

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Donald J. Barry, of Wisconsin, to be Assistant Secretary of the Interior for Fish and Wildlife.
SD–366

Labor and Human Resources
Business meeting, on proposed legislation to revise the Rehabilitation Act.
SD–430

Select on Intelligence
To hold hearings on classified disclosures to Congress.
SH–216

10:00 a.m.
Budget
To continue hearings on the President's proposed budget for fiscal year 1999.
SD–608

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR–332

9:30 a.m.
Veterans' Affairs
To hold hearings to evaluate U.S. biologic vaccine programs as to their impact on Gulf War veterans, and to examine lessons learned for future deployments.
SH–216

10:00 a.m.
Budget
To hold closed hearings to examine issues before the International Monetary Fund.
SD–608

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SR–222

FEBRUARY 6

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for January.
1334 Longworth Building

FEBRUARY 10

10:00 a.m.
Judiciary
To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

Special on Aging
To hold hearings on the goals that must be achieved by a reformed social security system.
SD–628

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the antitrust division of the Department of Justice.
SD–226

FEBRUARY 11

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement.
SD–430

FEBRUARY 12

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold oversight hearings on the implementation of the Education of the Deaf Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S. 477, to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S. 691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R. 901, to preserve the sovereignty of the U.S. over public lands, and H.R. 1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.
SD–366

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

10:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD–226

FEBRUARY 25

10:00 a.m.
Judiciary
To hold hearings to examine incidences of high tech worker shortage.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.
345 Cannon Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 3

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

JANUARY 29

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament, Department of State.
SD–419

12:00 p.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1297, to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".
SR–253

SENATE—*Thursday, January 29, 1998*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer this morning will be given by the Reverend Neal Jones, the former pastor for Columbia Baptist Church, Falls Church, Virginia. We are pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. Neal Jones, Falls Church, Virginia, offered the following prayer:

Great God and Controller of the uncharted seas of tomorrow, grant us discernible signals for our voyage.

Save us from floods of arrogance that drown our better judgement. Raise us above the undertows of cowardice that postpone justice. Remove us from the cross currents of double motivations that destroy character. Scrape away the accumulating barnacles from our long season in strange waters. Guide us between the glaciers that threaten an icy grave. Keep us from the fickle waves of indecision causing stagnation. Rescue us from pirate patrols and their carefully planted mines that destroy our passengers.

Above all else, Great God and Controller of our uncharted seas of tomorrow, we gladly trust You. You are the Way where we sail. You are the truth by which we navigate. You are the Life that makes the voyage joyful, purposeful, and helpful. Amen.

The PRESIDENT pro tempore. The distinguished Senator from Indiana is recognized.

THE GUEST CHAPLAIN'S PRAYER

Mr. COATS. Mr. President, we were privileged to be led in our opening prayer today by Reverend Dr. Neal Jones, a fancy title for some of us who know him as "Pastor Jones." I think "pastor" is probably the most affectionate and endearing term that anyone can come up with in terms of someone that they feel close to and have had a relationship with. People know the Reverend Dr. Neal Jones as Pastor Jones because of his dedicated service as pastor of Columbia Baptist Church in Falls Church, Virginia, for many, many years. He has been pastor to me and my family, the majority leader and his family, the President pro tempore and his family, and others of our colleagues in both the Senate and the House.

"Pastor" is the appropriate word because of his love and his affection and his endearment that he has displayed toward us and our families. And we feel exactly the same way about him.

Dr. Jones is a graduate of Texas Christian University, and Southwest Baptist Theological Seminary. He has been pastor of churches in Texas, but the primary focus of his ministry has been with Columbia Baptist Church in Falls Church, Virginia going back as far as March of 1969.

He is currently retired. It is a loss to the people who have attended faithfully over the years Columbia Baptist Church.

But, again, to his dear wife, Betty, and his family and his grandchildren, and the many organizations that he has been associated with and continues to be associated with—I will just name two of those: He is a member of the University Board of Regents at Baylor University in Texas, and has been on the Executive Board of Prison Fellowship from its very inception.

Reverend Jones has a gift of prayer, and, as we heard this morning, an eloquence in prayer. I hope someday, if he has not already, that he will publish those prayers because they are exceptional.

And he also has the gift of remembering those with whom he has come in contact with. Every once in a while I will receive a note with a prayer attached to it personalized to me and to our family, "Just thinking of you, wanted to share this thought, your friend, Neal." I think that speaks as much about Neal Jones as anything else that I can say.

I think the Senate is privileged and the Nation is privileged this morning to have had him lead us in our opening prayer.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leader time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

THE GUEST CHAPLAIN'S PRAYER

Mr. LOTT. Mr. President, I, too, would like to join in extending my thanks to Dr. Neal Jones, and to express my appreciation to him for what he has meant in my own life and my family's life.

He was a pastor at Columbia Baptist Church. My family and I attended there during the years that our children were in their teens, and it was a wonderful experience. As a matter of fact, he baptized our daughter, our son, and even my wife. So I have a special feeling in my heart for that church and for the pastor. We are delighted to have you here today.

I, too, want to thank you for those little messages that I get at critical times in my life. Sometimes I am under certain pressure, and Dr. Jones seems to sense it. But he has a wonderful message always at the end: "No response necessary."

Thank you, Dr. Jones, for all you do.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will proceed to 2 hours of morning business with several Senators recognized for individual periods of time.

At 12 noon it is my hope that the Senate can consider the Ronald Reagan Airport naming bill and/or the Senate concurrent resolution condemning Iraq's threat to international peace and security. It was my hope that the minority leader would be able to enter into a reasonable time agreement on both of these issues which would allow for the debate to occur today and any amendments and votes on those amendments and final passage to occur on the morning of Tuesday, February 3rd. I am now informed at this point that will not be possible. Therefore, those votes could occur today.

Now, there are some ominous signs on the horizon that really bother me. This is the first week that we are back. It takes a little time to get back in the swing of things. I understand that. I know Senators didn't expect a lot to occur in terms of votes this week. But already I have had numerous Senators come to me and say, "Oh, could we not have votes on Thursday? Certainly we will not have them on Friday and Monday, and, by the way, I can't vote on Tuesday morning."

There is a limit to how much the Democratic leader and I can cooperate with Senators in protecting their schedules. I certainly have a record that shows that I am sensitive to that. I would like for the Senate to work during the daylight instead of night, for instance, and we achieved that to some degree. But if every Senator thinks that he or she can inconvenience 99 Senators because they have some little bit they want to do somewhere, that is not the way it is going to work this year. They should not start out that way.

So I urge my colleagues on both sides of the aisle, don't do this. Don't even come to leadership on both sides of the aisle and say, "Can you defer a vote on Tuesday or Wednesday or Thursday?" or, for that matter, late Monday afternoons or Friday mornings. We have legislative days this year that will probably add up to around 100 days and a lot of work to do—a lot of important budget issues, infrastructure issues, foreign policy issues that we can't ignore or delay.

So I am not threatening. I am not complaining yet. This is the kickoff. We will get going here pretty quickly. But I am having difficulty getting Senators to be ready to go to work. I have at least four bills that we should consider this week or next week, and for one reason or another I am being told, "Well, we are not quite ready."

The recess is over. It is time for the class to get back to work, and let's work to do that.

Mr. DASCHLE. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield to the Senator from South Dakota, the Democratic leader.

Mr. DASCHLE. Mr. President, I sympathize with the majority leader's problem and tell him that I share the same frustration. I have had Senators come to me this week who indicated that they can't be here on a particular day this week. I have noted, while we will try to accommodate those problems this week, that people need to be here. They need to be prepared to vote. They need to recognize that we have very limited time and that we have a lot of work ahead of us. We are not going to be able to do it if all we have is Wednesday afternoon. But that in essence seems to be the attitude: we will try to do all of our work on Wednesday afternoons. That isn't going to work around here.

Whether you are in the minority or the majority, we have a lot of things we know we must do. We can't afford the luxury of having more and more of these scheduling conflicts and relegate the Nation's business and the Senate's business to Wednesday afternoon.

So I want to assure the majority leader of my determination to see that we put in a full week, that we get the work done, and that we try to accomplish all that I know he and the rest of us would like to accomplish this year.

I thank him for yielding.

Mr. LOTT. I thank Senator DASCHLE for his cooperation in this. This is not just on one side of the aisle. We are both working this problem. We will fulfill our obligation as leaders in ways that have not always been the case around here.

Senators have already been told when they can expect to be in session or have recess periods for the whole year. We will indicate as far in advance as we can when we may not have a vote on Friday or Monday if we know for sure, for instance, that there is a conflicting conference. We will also try to have a legislative calendar that really shows the bills we are going to be dealing with all year.

So we will give everybody as much advance notice as we possibly can, and then we would expect cooperation in return.

On the Iraq resolution, this is an important resolution. This is a sensitive time. I think we should think about it carefully. There is no need to rush to judgment. We ought to talk about it. We ought to think about it. We ought to make it clear what our concerns are about Saddam Hussein and the fact that the inspectors are not in Iraq. We need to think about its ramifications not only for the region but the world. We need our allies to be with us—not just the British but the French, the Russians, and the Chinese, and everybody else because this is a threat to the whole world. We need to make it clear that the present situation will not stand.

This resolution that Senator DASCHLE and I have been working on, as always you have to craft it with words of art. You have to make sure that you have the right words in there. And we do not want to go beyond what is responsible. But I think that it is timely. I think we would have been doing this resolution sometime in the first 2 weeks at the beginning of this year regardless of other events unrelated to this. This is something that the Senate usually does.

So again, I urge Senators to look this resolution over. Let's do the responsible thing and let's do it very quickly. We need to have a full discussion. We need to do it today. And we can do it again on Monday. But we should vote on it on Tuesday. If not, it could be overrun by other events maybe not as important. But we already have the schedule set for Tuesday in terms of some debate and some votes on nominations. We have a couple of other bills that we are considering for next week.

Senator DASCHLE will work with me. And let's just talk today about how we can proceed today and whether or not we know we are going to have votes today or when we can be assured we will have votes on Tuesday morning.

Thank you, again, and I thank you, Mr. President.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators to speak for not to exceed 5 minutes each. However, under the previous order, the Senator from Nebraska, Mr. HAGEL, is recognized to speak for up to 20 minutes.

The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, thank you.

TRIBUTE TO DR. TOM OSBORNE

Mr. HAGEL. Mr. President, this morning I come to the floor to recognize a man who has lived the American ideals of integrity, courage and, leadership. This man, Mr. President, is Dr. Tom Osborne, head football coach of the University of Nebraska Cornhuskers.

My good friend and Nebraska colleague, former Governor of the State of Nebraska, Senator BOB KERREY, joins me in this recognition this morning.

I have also informed my good friends and colleague from the State of Michigan, where there seems to be some controversy as to which football team really was No. 1 at the end of the season, Michigan or Nebraska, that I would welcome their support in recognition as well. Quite honestly, and seriously, Mr. President, Senators LEVIN and ABRAHAM have asked me to extend to Dr. Osborne their best wishes as well. Of course, with the distinguished Presiding Officer being a leader in the Kansas State Wildcats' efforts over the last few years, I, too, will add your good wishes for Dr. Osborne, and thank you, Mr. President.

After 25 years as head coach, Tom Osborne has decided to retire and devote more of his time to his family and important voluntary organizations. Tom Osborne has been a constant in Nebraska sports history. In 1955, as a high school student in Hastings, NE, he was named the Omaha World Herald's High School Athlete of the Year. He continued his success in athletics at Hastings College where he was a starter on both the school's football and basketball teams. Once again, in 1958, the Omaha World Herald honored him with the College Athlete of the Year award.

After a stint in the National Football League with the San Francisco 49ers and the Washington Redskins, he landed at the University of Nebraska in 1962. Shortly thereafter, he joined the now legendary football coach, the late Bob Devaney, and coordinated the offense for Nebraska's national championship teams in 1970 and 1971. In 1973 Tom took over from the retiring Devaney as head coach of the Nebraska Cornhuskers.

Tom Osborne made lasting impressions on his players and people of Nebraska and all of college football. His resume is unprecedented and essentially unbelievable—a 25-year record of 255 wins, 49 losses and 3 ties. Over the past 5 years, his Cornhusker teams posted an NCAA record of 60 wins and 3 losses. Coach Osborne led the Huskers to three national championships—1994, 1995 and 1997 in which the Huskers shared the title, as I mentioned, with the University of Michigan. Tom led the Huskers to 13 Big 8/Big 12 Conference titles, 25 straight 9 win seasons and 25 straight bowl appearances.

With all these accomplishments by his teams on the field, it should also be noted that, under Coach Osborne, Nebraska had 46 first team academic All-Americans and 201 academic all-conference honorees, and the graduation rate of Osborne's players leads and has led the Big 8/Big 12 Conference and is ranked also as one of the highest graduation rates in the Nation.

Tom Osborne loved coaching. It was his life. But he was more. He was more than just a coach. If you would ask any of his players, they would tell you that he was a father figure, a good friend. Osborne had many opportunities to leave college football and coach in the National Football League, but he never did. He had many opportunities to leave Nebraska, but he never did. He loved the coaching and the teaching associated with college football. But probably more than that, he loved the opportunity to help his players grow mentally and spiritually and become outstanding citizens. As Coach Osborne has said over his magnificent career, that in the end is all that counts. When the game is over, it is over. But what that young man does with his life at the end of his football career is most important; how he contributes to his community, to his family and to his nation is most important.

The Nebraska football program will continue on successfully. There will be more national championships and conference titles, but Tom Osborne will not be at the helm. We all know that he will not be far away, however. When spring football practice starts, we probably will not expect to see Coach Osborne on campus. You might locate Coach Osborne at a local fishing hole.

Tom Osborne will be remembered as one of the greatest college football coaches ever to stroll up and down the sidelines. His contributions to the University of Nebraska and college football will never be forgotten. When the reigning national co-champions run on to Tom Osborne Field next fall in Memorial Stadium in Lincoln, there will be something missing. The stoic figure of Tom Osborne will not be roaming the field guiding the Cornhuskers to another victory, but his inspiration and his legacy will be present.

Thank you, Tom, for your leadership and your contributions. Thank you, most importantly, for your character, for serving as a role model for America's young people. You have inspired us all, and you will be missed.

We all wish you well. We wish Nancy and your family much continued success, good health, happiness, and a little rest—and good fishing.

I thank the Chair.

Mr. President, I yield the floor.

Mr. KERREY. Mr. President, I rise today in recognition of Tom Osborne, the recently retired head coach of the Division I-A collegiate football co-national champions—my alma mater—the University of Nebraska, Lincoln.

In 1973, Tom Osborne replaced a Nebraska legend, Coach Bob Devaney. As those of us who walk the halls of Congress can attest, succeeding a legend is no easy task.

But Coach Osborne immediately proved himself worthy of the job in his rookie year with a sweet victory over UCLA. UCLA had ended the Huskers 32-game winning streak in the beginning of the 1972 season, and the significance of this victory was not lost on the coach or the fans. It was a fine start to a remarkable 25-year career that until this January had included two national championships.

In this, his final season, Coach Osborne led UNL to a perfect record. His well drilled, well disciplined, well-conditioned team played every minute, of every quarter, of every game with pride and determination. The 13-0 Huskers played with the guts, grit and determination of a champion. They were rightfully honored as co-champions, along with an impressive University of Michigan squad, after thoroughly whipping the third ranked University of Tennessee and their talented quarterback Peyton Manning in the Orange Bowl, on January 2nd. A fitting location to end his prestigious career and win a piece of a third national championship.

After the game, when asked about the co-championship possibility, Coach Osborne used the class and understatement he is famous for in his answer: "We had 13 games on our schedule and we won 13 games." Can't argue with that!

Ironic that he would end his career on the same Orange Bowl field that saw the germination of his coaching legend. It was on that same field in 1984 that Tom Osborne defied convention and risked the national championship by forgoing a virtually guaranteed game tying extra point and a lock on the national championship, by electing to attempt a more risky two-point conversion for an outright win and an outright national title. I will spare the details of the failed attempt, and say only this: Tom Osborne gained more respect in defeat, than many will ever achieve with victory.

I am sure I speak for Nebraska fans as well as Michigan fans—and indeed all college football fans across the nation—when I say I would have loved to see the two teams play one more college football game this season. As a banner unfurled by a Nebraska fan at the Orange Bowl stated "Anytime, Anywhere."

Through his dedication to the University, his staff and his players, Coach Osborne has brought pride and joy to our state, our university and to all Nebraskans. His unique qualities as a coach and person are his unwavering faith and his dedication to the young men who play for him. It is fitting he will be remembered for the man he is, as much as for his abilities as a coach.

Keith Jackson, ABC-TV's legendary football announcer recently told the Omaha World-Herald, "He's a better man than he is a coach. His coaching speaks for itself. You can look up his numbers in the record books. Less obvious is the way he lives. He's a humanist. Tom Osborne always felt he could help people."

Thank you, Tom Osborne, for all you have given the people of Nebraska. I salute you and applaud the 1997 University of Nebraska Football Huskers on a job well done.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may proceed for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

ICE STORM 1998

Mr. JEFFORDS. Mr. President, winter is only half over, and even though there has been some stormy weather here in the Nation's Capital, sections of the Northeast experienced the ice storm of the century, maybe the millennium, earlier this month. For 2 days straight, freezing rain, snow and sleet battered the Champlain Valley of Vermont, upstate New York and parts of New Hampshire, Maine and the Province of Quebec.

Tens of thousands of trees buckled and shattered under the stress and weight of several inches of ice that coated their branches. Power lines were ripped down by falling branches and the weight of the ice, leaving hundreds of thousands of people without electricity for days and even weeks. In fact, some are still without electricity. Roads were covered with ice and rivers swelled and overflowed with heavy rain. The crippling ice storm brought activity in the area to a grinding halt.

Just a few days after the storm, Senator LEAHY and I visited the hardest hit areas of Vermont. The storm's damages were the worst I have ever seen. In the Burlington area, 20 to 25 percent of the trees in that city were toppled or must be chopped down. Another 25 percent were damaged. The storm also destroyed sugar bushes and dropped trees across hiking trails and snowmobile trails.

Mr. President, local and State emergency officials acted quickly to help their fellow Vermonters and to assess the damage. Soon after the storm, the President declared six Vermont counties a disaster. The response from FEMA was impressive, and I thank Director James Witt for standing behind Vermont.

Vermonters rallied, with the help of the National Guard, led by Adjutant General Martha Rainville, to help themselves and their neighbors.

As the temperatures dropped below zero days after the storm, with thousands still without power, volunteer firefighters, police officers and National Guard troops and every able-bodied citizen came together working day and night to help feed, heat and care for the people in their community.

Hardest hit were dairy farmers. Already struggling to make ends meet due to low milk prices, the ice storm left farms without power to milk their cows. Cows need to be milked twice a day every day. At times, cows went for hours and even days without being milked. Fortunately one of the missions of the National Guard was to get power generators to farms and to keep them running so that farmers could milk their cows and keep their milk cool and preserve the health of the cows.

One unit of the National Guard became known as the "Mobile Milking Team"—or the MMT, as is usual in the military sector to have acronyms—by going farm to farm with their generators. However, despite the efforts to bring generators to farmers, for many the damage was already done. Because the margins are already so close for many farmers, the loss of a single milk check could mean staying in business or selling out.

Mr. President, the organized and volunteer responses to this disaster were incredible. The Vermont Petroleum Association, in conjunction with Mobile Oil and R.L. Vallee Petroleum, came to the aid of the farmers and the homeowners who were relying on their generators to run their businesses and to heat their homes by graciously donating 8,000 gallons of diesel fuel.

Stories of Vermonters helping Vermonters were commonly told throughout the disaster counties in the State. Utility companies worked long hours in the cold to help clear debris and restore power. Lines men and women came from as far away as Hawaii to help repair the damage. Let me tell you, the ones from Hawaii had an adventure they will never forget.

Vermonters also helped their neighbors to the north just across the Canadian border. Two weeks after the storm first hit, over 700,000 citizens in the Providence of Quebec were still without power and over 30,000 people were relying on meals from local food shelves. I teamed up with Cabot Creamery and H.P. Hood to help get 20,000 pounds of cheddar cheese, yogurt, and cottage cheese and 1,000 cases of water so necessary through the many restrictions at the border to help feed the Canadians who were driven from their homes. Many Vermonters helped by sending firewood and heating oil. Thousands of cords of wood were shipped over.

Mr. President, the citizens and trees of Vermont as well as upstate New York, Maine and New Hampshire have suffered enough from this storm. Local and State assistance will help communities and individuals get back on their feet. But Federal relief is needed to ensure that the disaster areas are not overwhelmed by their recovery.

I know I speak for Senator LEAHY and my colleagues from New York, Maine and New Hampshire when I say we all will do what we can to help. We look forward to the coming spring. But before the arrival of warm weather, months of hard work to restore Vermont to its pristine beauty is needed. And we will all be helping, I assure you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to check on the status. I believe that under a previous order I have 30 minutes reserved. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Mr. President.

BOSNIA

Mrs. HUTCHISON. Mr. President, I asked for 30 minutes today because I think it is very important that we address an issue that will be coming before the Senate in the very near future. It is an issue that has been brought about by the President's pronouncement that he wants to keep our troops in Bosnia in an undefined mission for an undefined time.

Mr. President, I think that would be a mistake for our country. I hope the Senate will focus on this issue. Indeed, I hope the American people will focus on this issue, because it is going to set a precedent that I think is very bad.

I do not want to pull up stakes and leave Bosnia without doing it in a responsible way. I think America has that responsibility. But in fact many of us have asked the President to lay the groundwork with an established and clear mission that has a chance to succeed and a mission that has a finite term so that both our allies and any enemies of our cause would know exactly what to expect from America. But in fact both our allies and our adversaries could not possibly know what to expect from America because in fact America has said it is going to leave twice and we have not left. In fairness, we have not left because we have not laid a proper base to leave.

What I am asking the President to consider and what I would ask the American people to consider is starting the process of an honorable and responsible approach to Bosnia which includes an honorable exit.

Mr. President, we are looking at a time when our readiness is being called into question. In fact, if you look at all of the responsibilities that America has in the world, I think we are spending too much on Bosnia and therefore putting in jeopardy the security of the United States in the future and the future of our ability to respond to other places where America may have to respond even unilaterally. And, Mr. President, that is not what we should be doing.

I think it is most important that America start with the issue of Bosnia, address it in the way that America should, and we must look at our overall responsibilities in the world.

The Bosnia operation has already diverted nearly $8 billion from our national defense. A growing lament at the Pentagon among senior officers is that we are in danger of returning to the hollow military of the late 1970s. Let me list some of the indicators that demonstrate that our military is once again at risk.

Last year, the military had its worst recruiting year since 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty in the Army.

A Senate Budget Committee investigator recently reported finding serious Army-wide personnel and readiness problems. At the National Training Center, where our troops go for advanced training, units rotating in typically come with a 60 percent shortage in mechanics and often a 50 percent shortage in infantry. These shortages were blamed on the fact that these personnel, especially the mechanics, are deployed abroad for missions such as Bosnia.

More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to remain in the cockpit another 5 years. A 29 percent acceptance rate for the bonus compares with 59 percent last year and 81 percent in 1995. Mr. President, that is stark difference.

The Air Force is finding, whatever the perks, it cannot hold on to its best pilots. Last year, about 500 pilots resigned, most of them lured to the airlines. This year, the number will top 700, and the Air Force says it is not able to train enough new pilots to replace them.

Recently, a lack of critical parts for F-16 aircraft forced two fighter squadrons in Italy to cannibalize grounded aircraft to ensure they can continue to conduct the NATO peace enforcement mission over Bosnia.

A Senate Budget Committee investigator also found that some small units are now being led by junior people because sergeants are off on peacekeeping duty. As a result, subunits, from basic squads on up, do not train with the leaders that they would go to war with, breaking the rule of "train just as you would go to war."

Since 1991, the United States has cut its Armed Forces by about a third. It may be more difficult, more risky and possibly more costly to invade Iraq again now. We are going to debate and vote on a resolution today expressing our support for the President's strong actions toward Iraq. But the fact is, if anything went wrong, we would have to divert troops from every theater in the world to prevail. This is not the best situation considering the heavy responsibilities that we have in other parts of the world.

Defense cuts of almost 50 percent over the last decade have put our security at risk. But this has been made worse by the diversion of U.S. resources and readiness in Bosnia and elsewhere. Policymakers in the Clinton administration have spent more time discussing Haiti than China, more on Bosnia than on missile defense. We are not developing a policy that is going to put our country in the best position to deal with the myriad of issues that will face this country and our security in the next century.

The Clinton administration is missing a big-picture view of the world and the proper role for the United States. Our growing involvement in Bosnia is a very good example of that. Just last week, U.S. forces were directly involved in tracking down and capturing a war criminal who called himself "the Serb Hitler."

The Dayton accords made apprehension of war criminals a priority. But those agreements also made it clear that this responsibility would be the responsibility of the parties to Dayton—civilian police and Government officials. In fact, less than 1 year ago the former NATO commander, George Joulwan, told the Congress this:

> The military are not policemen. And I think . . . the proper responsibility rests on the parties. That is what Dayton says . . . [I]f we are not careful we will go down this slippery slope where the military will be put in the position of hunting down war criminals. This is not within my mandate.

That is Gen. George Joulwan speaking.

I joined with many of my colleagues in the Senate to oppose the decision to send our troops to Bosnia. One of our principal concerns was that, once there, our mission would be indefinite and it would lead to mission creep. We were bolstered in our concerns by former Secretary of Defense William Perry and former Chairman of the Joint Chiefs Shalikashvili, who warned us that without a specific deadline for withdrawal, there would be the potential for expanding the mission.

I am concerned that Secretary Perry's warnings are coming true. While we were in recess, the President announced that thousands of U.S. troops would remain in Bosnia after the June 30 deadline, and remembering that the Senate had unanimously endorsed that deadline of June 30, 1998, which his administration had established.

After 240 U.S. Marines were killed in Lebanon in 1984, Defense Secretary Caspar Weinberger established six principles upon which the decision to send U.S. ground troops should be based. Here is what he said:

> The U.S. should not commit forces unless the engagement is in our vital national interest. If we do commit forces, we should have clearly defined political and military objectives. We should know how those objectives can be accomplished and we should send the appropriate forces to complete the objectives. We must constantly reassess and adjust our relationship between our objectives and forces if necessary. The commitment of troops should be a last resort, not the first.

We have violated virtually every one of Cap Weinberger's principles in Bosnia. Bosnia was supposed to be a 1-year peacekeeping operation that would keep the factions apart until their own forces could come in and keep the peace from the ground up. They would have local elections and general elections for their national leadership. They would begin to resettle refugees.

Two years have gone by since Dayton. I was in Brcko in August, one week before the eruption in Brcko in which U.S. troops were harmed. I was able to see how far we had come. It was my fourth trip to Bosnia, my sixth trip in 2 years to the whole region. I'm going back next week with other concerned Members of Congress.

What I saw in Brcko was the resettling of refugees who did not even meet their neighbors from the other factions, even though they were living next door to each other. The atrocities committed right there in Brcko against thousands of Muslims are as bad as anything I have ever heard reported from the Nazi atrocities in World War II, and yet we are trying to say come and live together in the American way. I have called this an attempt to Americanize the Balkans—multiethnic neighborhoods which we, thank goodness, do have in America—but forcing people to do this so prematurely could be antipeaceful. I think it is going to prolong the uprisings if we try to force this before the people themselves are ready, before the wounds have healed from the atrocities that have been committed.

That is why I have suggested that perhaps it would be better to take one step in between. Let the peace settle in. Let the economic development start. The geographic regions established by the conflict and endorsed by the Dayton accords are nearly 90 percent homogenous. The Bosnian state is 90 percent Muslim. Srpska, the Serb part of Bosnia, is 95 percent Serb. Croatia is almost exclusively Croatian.

Within these divisions they are beginning to be able to have a semblance of government, but they are not going to get economic stability if forced refugee settlement continues to cause further conflict.

The "elections" that they held last year were elections in which the voters came in under armed guard. They voted for people who cannot live there. They left under armed guard and the people elected cannot serve. They are themselves exiles from the regions they "represent." We have declared that a victory. Mr. President, people elected by voters under armed guard, and the people elected are not even living there is not what I consider an election in our sense of the word.

There are other things that I hope we consider in trying to have a positive approach to the situation we face today. There are a variety of conditions that I suggest would lay a ground work for a peaceful situation in Bosnia, that would allow them to begin to grow and build in economic stability, and in which America could have an honorable exit. Hopefully, our European allies and our Russian allies who are there on the ground, as well, would be able to leave the country in the hands of its own people.

First, reconvene the Dayton parties for a progress check. Be willing to modify where it is necessary. Dayton was certainly brought about by people who want to do the right thing. It is not bad to say that we should come back together and assess where we are 2 years later and modify, if necessary. I think the administration could take the lead here.

Second, establish a civilian-led and operated police training task force. Establish a police training academy capable of graduating 500 police every quarter. A similar process was attempted in Haiti. General Joulwan was a strong supporter of this approach.

Third, establish the remaining ground troops as a combined joint task force in accordance with the President's own partnership for peace initiative, originally under American command, but to be turned over to allied command within a specific period of months. This should include significant participation by prospective NATO allies—Poland, the Czech Republic and Hungary—as an opportunity to bear the burden of post-cold war European security.

Four, require the administration to make a supplemental appropriations request for Bosnia of a specified duration in advance of its spending the funds. Mr. President, this should not come from our defense budget. We cannot take from our defense readiness to the tune of $3 billion a year and expect to be able to keep a military that has a quality of life that would continue to attract our best and brightest, and it most certainly should not take from our strategic defenses for the future.

Last, build a firewall between Bosnia operating funds and procurement and research and development funds. It is very important that we begin to look at letting the people of Bosnia have some form of self-determination. Without conditioning our continued troop commitment to Bosnia, I'm afraid we are trying to put a round peg in a square hole. We would be looking at American troops indefinitely. We would be looking at a never-ending commitment, and we would be taking resources that are vitally necessary for our own security and for our responsibilities around the world.

Mr. President, I think it is most important that we look at this issue of Bosnia and establish a policy that has a chance to succeed. If the President would do that, I would be the first in line to support the decision. As a matter of fact, I think keeping thousands of troops in a 30,000-troop enclave in Bosnia in perpetuity is not good military strategy and is not based on a policy that has a chance to succeed. Remember what General Shalikashvili said, and that is that having a defined deadline is important to avoid mission creep. We have learned that before and we should not forget that lesson. I think it is important that we continue to reassess Bosnia because this is laying the predicate for our responsibilities and our actions in the world in the future.

I think it is possible to have a policy that has a chance to succeed with honorable American involvement. I think Americans will support a continued troop commitment if it has a chance to succeed. Teddy Roosevelt was right. He said "America must speak softly and carry a big stick." That is the role of a superpower. We don't have to shout. We do not have to have troops on the ground at every civil uprising around the world. If we do, we make enemies and we are in danger of doing that right now with the Serbs. We will become the focal point and the target of the hostilities and then we will be in a situation where we will have to defend ourselves. We need to step back and act like a superpower.

Once we make a commitment we must be willing to back it up and do what we say we are going to do. That is what is so important about acting firmly in Iraq. We must be a good and solid ally and we must be a feared and respected enemy. That is what a superpower should be. We must realize our place in the world. Make sure our defenses are strong. Make sure we are not dissipating our resources to such an extent that we will not be there when only we have the capacity to act.

I will close with a quote from John Quincy Adams when he was President, and it is still good today. "America well knows, that while once enlisting under other banners than her own, she will involve herself beyond extraction in all wars of interest and intrigue. The fundamental maxims of her policy would change from loyalty to force, wherever the standard of freedom and independence has been or will be unfurled there will America's heart be. She goes not abroad in search of monsters to destroy. She is a well wisher to the freedom and independence of all."

Mr. President, it is most important that America not succumb to the penchant for wanting to go out and get involved in every conflict in the world but remember as a superpower we have a unique capability to bring warring parties to the table because we are not a party that is hostile to any nation. Mr. President, we could lose that special status that we have in the world if we do not remain strong within ourselves and we will not remain strong if we continue to dissipate our resources so that our own readiness and our own strategic capabilities are in any way diminished.

I ask my colleagues to help in working with the President and this administration to pursue an honorable policy with our allies in Bosnia, a policy that has a chance to succeed and respects the fact that when we put troops in harm's way it is under the most limited circumstances and only when there is a United States security issue before us. That is not the case in Bosnia. We must help the people of Bosnia but not with continued presence of thousands of troops on the ground when their place can be taken by the parties and the people who live in Bosnia and who we hope will live in peace with our guidance for the years to come.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have an order at this time, is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator from West Virginia shall be recognized for 45 minutes.

Mr. BYRD. I thank the Chair.

GLOBAL CLIMATE CHANGE: THE KYOTO PROTOCOL

Mr. BYRD. Mr. President, the United States completed a major round of international global climate change negotiations at Kyoto, Japan, on December 11, 1997. Senators and staff members from the Senate Monitoring Group, created by the Senate leadership in accord with the recommendation in Senate Resolution 98, adopted last July 25, 1997, were included on the U.S. delegation. The Senate was well represented at the talks. The chairman of the Monitoring Group, Senator CHUCK HAGEL, as well as Senators JOHN KERRY, JOHN CHAFEE, JOE LIEBERMAN, MAX BAUCUS, and MIKE ENZI, dedicated considerable time and effort there to understand the issues being debated and to engage our negotiators on those issues. They have reported mixed results at the negotiations. The U.S., together with the other 39 industrialized nations, agreed to specific, legally binding targets for emissions of six greenhouse gases. The United States agreed to a numerical target of reducing greenhouse gases by 7 percent below 1990 during a budget period between 2008 and 2012. According to the administration, this commitment is actually about a 3 percent reduction below the 1990 emissions level after other technical provisions of the protocol are included in the calculations. It should be noted, however, that the administration has not yet provided the economic analysis to demonstrate how their calculations result in a 3 percent reduction, rather than 7 percent.

The rules of this U.N.-sponsored conference allow decisionmaking by consensus. Therefore, only those provisions not subject to major dispute were included in the final protocol, and one can say that the United States and all the other countries which approved the protocol arrived at in Kyoto did so without dissent and without taking actual votes on its provisions. Under these circumstances, it is understandable that in some cases only broad concepts could be included, with the devilish details deferred for later. There were a number of areas of achievement for the United States, and I commend the skill and persistence of our American negotiating team, led by Ambassador Stuart Eizenstat, for those successes. There were, however, some disappointing results, or even lack of results, and a number of important uncertainties that need to be resolved.

My colleagues should understand that the negotiations at Kyoto are not perceived by the parties to be the end of the story—far from it. The next major meeting of the parties, so-called COP-4, will convene in Buenos Aires, Argentina, in November of this year, after the elections. In the interim, there will be one or two preliminary meetings, now scheduled to take place in Bonn, at which time, hopefully, further progress on the details of the general concepts agreed to at Kyoto, and on matters not yet resolved, might be made.

I am far from satisfied with the results of the negotiations thus far, the goal of which is exceedingly ambitious for it is no less than to positively control man's impact on the Earth's climate. The dynamics of climate, the impact of man's influence on it, its timeframes and thresholds and danger points are still far from perfectly understood. It is still far from being perfectly understood. It is certainly understandable, then, that every goal sought was not totally achieved at Kyoto, and that further study and work are needed. Having said that, I believe that the consensus of most scientists who have examined the global warming issue, and certainly the large majority who have participated in the United Nations Intergovernmental Panel on Climate Change, have concluded that the balance of evidence suggests that human activities are indeed having a discernible and unfavorable impact on global climate systems. I accept the proposition that the potential for serious climate disruption is real and that the global community must respond at an appropriate pace in accordance with scientific evidence as it its developing.

Now, Mr. President, I am not a scientist, of course, and I am not a physicist. But as Benjamin Franklin said at the Constitutional Convention in 1787, "I have lived a long time." I am seeing some changes in the weather system, in the climatic system. It seems to me, very clearly, that the summers are hotter and the winters, at some points, certainly are warmer, and that floods more often occur, that storms ravage parts of our country more often. There seem to be more droughts, more disasters that strike our land. And so I just sense that something is going on out there. I don't need any scientific evidence to impress that feeling upon me. But what the scientific evidence suggests is that, should global warming occur, by the time we have absolute confirmation that our planet is warming, it might well be too late to take preventative action. For this reason, I have been concerned about the threat of global warming, and I believe that it might be prudent to undertake cost-effective measures to deal with the risk of climate change as a form of a global insurance policy. However, it will do no good for the United States to take such steps alone.

The Byrd-Hagel resolution was adopted by the Senate by a vote of 95–0. It was adopted unanimously by the Senators who voted, and there were 95 present.

The results of the Kyoto talks did not satisfy—with reference to the Byrd-Hagel resolution—the two goals that were agreed upon, in the context of what I like to say was a unanimous Senate adoption of the Byrd-Hagel resolution. What were those two goals agreed upon in that resolution? I quote from the resolution:

> That it is the sense of the Senate that—(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December, 1997, or thereafter, which would—(A) mandate new commitments to limit or reduce greenhouse gas emissions for the annex I Parties, unless the protocol or other agreement also mandates new specified scheduled commitments to limit or reduce greenhouse gas emissions for Developing country Parties within the same compliance Period, or (B) Would result in serious harm to the economy of the United States.

Let's read that again. This is what the Byrd-Hagel resolution said, and it was agreed to by a vote of 95–0 here in the Senate. This is what it said insofar as the operative words are concerned:

> That it is the sense of the Senate that—(1) the United States should not be a signatory——

Should not add its name.

> to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December, 1997, or thereafter, which would—(A) mandate new commitments to limit or reduce greenhouse gas emissions for the annex I Parties, unless the protocol or other agreement also mandates new specified scheduled commitments to limit or reduce greenhouse gas emissions for Developing country Parties within the same compliance Period, or (B) Would result in serious harm to the economy of the United States.

Mr. President, the Kyoto protocol did not meet either of these two Senate standards.

Regarding Developing Country commitments, part A, the developing countries, the so-called Group of 77 plus China, steadfastly and adamantly refused to accept binding commitments such as were entered into by the developed countries, the industrialized countries, or Annex I countries, in the Kyoto protocol. China made her position clear, and it was an unambiguous "no"! That was China's answer. "No." The standard response from the developing world to our concerns is to argue that the industrialized nations should make all of the reductions, because of the developed world's historically high levels of greenhouse gas emissions. The developing world also points to our relative wealth, and to their relative poverty, in arguing that we should shoulder the entire financial and economic burden of all reductions.

But this argument is environmentally, and economically unsound. First, as I have previously noted, the emissions of the developing world will surpass those of the industrialized world in about 2015. After that point, the growth in developing world emissions is projected to overtake any emissions reductions that the industrialized world might make. China, herself—and China said "no" at Kyoto—will become the largest emitter of CO_2, carbon dioxide, in the world during the first half of the next century, surpassing the United States.

Second, I am concerned about the emissions from the most advanced of the developing nations, countries like China, India, Brazil, Argentina and Mexico, who are experiencing explosive growth, and who are on their way to joining the club of industrialized countries. Even a marginal and even an incremental increase in the standard of living for every resident of China will result in a huge increase in greenhouse emissions. While no one wants to deny the benefits of economic growth and higher standards of living to anyone around the world, it is imperative that China's economic growth be coupled with the responsibility for its impact on the global environment. Cleaner economic expansion is possible and must be expected. And it is easier to begin development with an eye toward the environmental situation than it is to take corrective action later.

If progress is to be made this year in reaching a truly global agreement, it will occur only when the developing world realizes that it is at risk from the adverse consequences of climate change at least as much as we are. Most studies indicate that these nations are, in fact, at greater risk—at greater risk—than the advanced countries.

Since atmospheric warming is a global problem, without the responsible action by key developing countries, we will not have a global solution, and we will not solve the global problem. It makes little sense for the developed countries to penalize themselves for an outcome which will be unsuccessful. As I wrote to the President on December 15, 1997, binding commitments for developing nations should be paced according to the ability of each country to achieve greenhouse gas emission limitations appropriate to its national circumstances and economic growth. These limitations could be gradually implemented. Whether such commitments are in fact appropriate and represent best effort by each nation, will not be difficult to discern. As the saying goes, we will know it when we see it. For the moment, there is nothing to be seen from the developing nation quarter. So, it will be the task of the Administration to bring those key greenhouse gas (GHG) emitting nations into legally binding commitments during the same compliance period that has been agreed upon by the advanced nations, that is, the period 2008–2012.

Mr. President, I also remain concerned about whether the agreement reached in Kyoto meets the second standard set by the Byrd-Hagel resolutions, S. Res. 98, namely, that its implementation would not result in serious harm to our economy. Since the impact of the agreement on the U.S. economy is not now clearly understood, we cannot rule out the likelihood of such damage. It is critical that our nation, and the Senate, understand the probable costs of these specific actions proposed to address global climate change, as well as the possible consequence of taking no action.

What is the cost? What is the cost, if no action is taken? What is the cost if certain actions are taken?

The administration has not yet presented a comprehensive economic analysis, sector by sector, regarding the impact of the Kyoto decision on our economy. Without such an assessment, understood in detail, the Kyoto agreement's impact on autos, on the coal industry, on steel, on aluminum, on cement, on the oil industry, on consumers, on builders, on people of varying income levels, there would be little sense in the Senate's even debating the protocol.

The lack of satisfaction on either count of the S. Res. 98 standards—as I say, there are two of them—means the Kyoto protocol fall short, and there would be virtually no chance of securing the approval of two-thirds of the Senate were the President to decide to submit it for such approval. The President has already indicated his agreement with this assessment, and I believe that he agrees that the decisions of the conference are just the first part of an ongoing work in progress which will continue over 1998 and perhaps beyond, until a comprehensive, effective, and understandable agreement is reached that would be worthy of Senate consideration.

On the positive side, the U.S. negotiating team deserves our commendation for sticking to certain central principles, which were incorporated into the protocol as agreed to in Kyoto. The negotiations were tough, grueling and long. Nonetheless, it was the United States, led by Under Secretary Eizenstat, that obtained agreement on many of our most important priorities, in direct contrast to the Europeans, who witnessed the rejection of almost all of their more draconian and economically harmful ideas.

The U.S. won some victories. What were they?

First, free market mechanisms, called Emissions Trading and Joint Implementation, pushed strongly by the United States, were agreed to after difficult debate. This was a substantial American victory. The purpose of these mechanisms is to allow advanced nations and their industries to satisfy their requirement for emissions limitations by sharing, buying and selling credits internationally, and to fulfill part of their obligations by assisting developing nations in developing cleaner technologies and conservation. These mechanisms are based on the environmental reality that cutting greenhouse gases anywhere on earth reduces the global concentration of greenhouse gases virtually everywhere on our planet. It therefore makes economic sense to reduce those emissions wherever it is most cost effective to do so. Emissions trading will allow the industrialized nations to buy and sell credits that will be created by the most cost effective reductions of greenhouse gases. Through emissions trading, industrialized nations may transfer to, or acquire from, another country party emission reduction credits resulting from projects aimed at reducing greenhouse gases for the purpose of meeting its commitments under the treaty.

A further mechanism, called joint implementation, or the Clean Development Mechanism (CDM), was included, at the urging of the U.S. negotiating team, by which industrialized countries can earn credits by contributing financially to projects in developing countries. These projects would involve industries and utilities in the developing world that are far less efficient than ours, and that create more pollution. By helping to bring polluting plants up to U.S. standards, industries can earn credits while sharing our pollution-reduction technologies and production processes. We can maximize our "bang for the buck," by reducing greenhouse gases to a far greater degree than it would be possible in the U.S. alone, and earn credits for doing so, which would partially offset the cost of our reductions at home.

While we can applaud the inclusion of these market mechanisms in the Kyoto protocol, we do not yet know how they will work, to what extent they will be overlaid by bureaucracies with their own agendas. We should want the maximum freedom of action for American companies to make arrangements with foreign partners without an overbearing presence and pressure by international bureaucrats or bodies, because the role and rules of the game for private companies are central to the viability of any trading scheme. The robust development of market mechanisms that are flexible and give maximum freedom of choice and action by American industry is important. They will be needed if the United States can even hope to meet the emissions reductions targets it has agreed to at Kyoto. Based on projections of the growth of emissions using current technologies and processes, the United States, in order to meet these goals, would have to reduce our overall GHG emissions more than 30 percent below where they would otherwise be in the 2008–2012 commitment period. Reducing projected emissions by a national figure of one-third does not seem plausible without a robust emissions trading and joint implementation framework.

The rules as to how these mechanisms will work will be the subject of negotiation, and American industry, the environmental community, and the Senate will be intensely interested in how they are developed. Because these market mechanisms could lower the cost of compliance with a treaty, I encourage the Administration to solicit the opinions and support of the business and environmental communities in this regard. Our business community is uniquely qualified to comment on this subject, and it is in the economic self interest of U.S. industry to assist in the creation of strong, robust, and flexible rules for emissions trading and joint implementation in order to lower the cost of implementing any climate change treaty which might be submitted to the Senate. Indeed, I hope that the Administration will provide its own concept of how these mechanisms should be implemented as soon as possible, so that support for this crucial set of procedures and rules can be developed.

There is also some controversy as to whether forest conservation projects will be allowed under the rules on these mechanisms. That is, for example, if an American company helps to preserve endangered forests or other natural carbon sinks in a developing country, it could earn credit for that activity. And I support that concept, but it was controversial in Kyoto. Senators need to hear from the Administration regarding whether such conservation projects will be included, or whether further negotiations are needed to include them.

A second major achievement by the American negotiating team in Kyoto was the inclusion of a provision allowing the purchase of emissions allowances from Russia, which will assist in lowering the cost of U.S. compliance to a protocol. This allowance is partly the result of the substantial downturn of the Russian economy in recent years. While this provision has been criticized as a kind of windfall, it is no different from a similar mechanism that has been insisted upon by the European Union, that is, the creation of a so-called European bubble, which allows all of Europe to reap the benefits of emissions reductions as the East German economy is modernized, and, in the United Kingdom, as the north sea gas fields came on line to supplant coal fired utilities.

The first budget period in the Kyoto agreement covers the years 2008–2012. This was strongly opposed by the European Union and the developing world as being too weak, despite the fact that anything less would severely harm not only the U.S. economy, but also that of the Europeans. The 2008–2012 decision allows more time for smoother transitions by U.S. industry to the requirements included in the Kyoto protocol.

Decisions of the parties to the conference about protections for emissions originating from national security activities—such as U.S. bases abroad or U.S. forces on deployment, and U.S. forces in joint and multilateral task forces—were included in the discussion. As this is a matter of concern to many

Senators, I shall ask later that an article from the January 1, 1998, Washington Post which elaborates on this point be included in the RECORD. I point out that no other negotiating team, from any other country, even included representatives from its defense ministries to Kyoto. Only the United States did this. Thus, our national security operations appear to have been protected in the accord.

The U.S. negotiating team was able to have included all six greenhouse gases, including three synthetic substitutes for ozone-depleting CFC's, which, while small in total volume, nonetheless have a significantly higher capability to trap heat, and over time will become more significant. There was strong resistance on the part of some nations to the inclusion of these three gases because of their utility in high technology, but the U.S. position prevailed in this matter as well, with the assent of significantly affected U.S. industries.

Despite these successes, there were, as I have indicated, some shortfalls. First, despite the best efforts of Ambassador Eizenstat and his very competent team, the United States was not able to get agreement on the administration's goal of reducing U.S. emissions to the 1990 level. This was the overall target announced by President Clinton when he unveiled his policy toward the talks last October. The Europeans insisted upon a reduction of 15 percent below 1990 levels, and the developing world wanted an eventual reduction of 30 percent below 1990.

The final agreement includes a reduction target of 7 percent below 1990 for three greenhouse gases, and 7 percent below 1995 for the other three gases. In addition, a more generous definition of carbon sinks was included. The administration calculates that the change to a 1995 baseline for three synthetic greenhouse gases, coupled with the inclusion of additional potential carbon sinks, results in an actual reduction target for the United States of approximately 3 percent below 1990 levels. This agreement, I note, should be viewed in the context of the broader negotiations. While the U.S. did not achieve its original goal of a flat reduction to 1990 levels, the final agreement of approximately 3 percent is a far cry from the 15-percent reduction demanded by the Europeans.

However, I have not yet seen any firm analysis as to how the administration computed its estimate of a 3-percent reduction once the 1995 baseline for three gases is included, and the more generous definitions of sinks. I still have not seen any hard numbers on how this estimate was calculated, or what the estimated impact of this reduction target would be on the U.S. economy.

So, the target cannot be evaluated as good, bad, or otherwise. The Senate will just have to withhold judgment. I hope that the economic case will be presented in detail at hearings that I know the committees of jurisdiction will be holding over the next few months. Good, sound answers are needed. The American people deserve to know what changes, if any, in their life styles will be required to meet the Kyoto commitments; what sacrifices, if any, will have to be made; what new technologies will need to be developed and put into place; what shifts in our national fuel mix would be contemplated; and many other questions dealing with national implementation of such commitments.

The details on the market mechanisms have not been worked out, and so we need to create the details of a regime for trading, technology transfer, and mutually-agreed-upon projects across the globe. How will such schemes evolve?

Third, the protocol leaves to the future such vital issues as compliance, monitoring, and enforcement measures. For a binding international system to be effective, it is elementary that it be fair and enforceable. Americans take their commitments seriously, and abide by their promises, but the same cannot always be said for all other parties. Therefore, a system of effective procedures that monitors the compliance of all parties with their obligations; and effective enforcement, presumably with some form of penalty system for compliance, are clearly required. The emissions trading credit system will be denominated in dollars, and the potential for fraud must be reduced to minimal levels for the system to work.

Fourth, the scientific community needs to conduct even more research into climate change. There are many unanswered questions as to the rate and effects of climate change. We do not yet know, for instance, the role of clouds, which seems to me to be rather fundamental. We do not know whether climate changes will be gradual or abrupt.

It is now up to the administration to roll up its sleeves and map the road from here. First, the details of the concepts agreed to at Kyoto must be developed in close cooperation with the industrial and environmental and consumer groups that are affected. Second, a program is needed to demonstrate how the implementation of commitments we agreed to in Kyoto would be achieved, and what the effects throughout our economy may be.

As part of that program, the administration is expected to propose a range of tax incentives and research and development projects. I note that some of this R & D has already been completed, namely in the area of clean coal technology. Fifty percent of the power generated in this country comes from coal-fired boilers, and coal will continue as a significant factor in our energy mix for years to come. As a result of programs that I have actively supported for the last decade, a wide range of clean coal technologies has been developed that result in the more efficient burning of coal—which directly reduces carbon dioxide emissions. I note that these R & D projects were fifty percent cost-shared by industry. While this technology has been tested in some pilot projects, it continues to be expensive to install on a small scale. Only its widespread implementation will lower the per-unit cost of manufacturing and installing such clean coal units.

I have had many conversations with representatives of the coal and utility industry about various approaches that could be used to encourage the construction of clean coal units, as well as the need to continue research and development. I urge the administration to also discuss these issues with coal-fired utilities, and to support a variety of such initiatives. We should also be concerned about the huge number of coal-fired power plants that China is projected to build during the next two decades, and we should consider initiatives to encourage China and the other big emitters to use only the most efficient and effective clean coal technology.

Mr. President, the canvas that was created at Kyoto is only partly painted in. It is a work in progress, and there is ample time to do the job right.

I hope that the President will not sign his name to the protocol at this point. There is plenty of time to do that over the next year. Let us wait and see what the next November meeting will produce and what can be accomplished in the meantime. I am concerned that if the President signs this protocol at this point, it will compromise his flexibility in dealing with the developing countries over the next year. There is plenty of time to sign. The developing countries might misinterpret the signature of the President on the protocol at this time. They may think: "Oh, you see, he has talked tough, but he is signing his name." And they may be induced thereby to hold out and to more stubbornly resist, more stubbornly resist taking actions and committing themselves to join with developed countries in a specific regime to provide a global solution.

I have outlined what I think are the commendable series of achievements by our negotiators in the face of rather hostile negotiating partners from both the developing world and the European Union. Much remains to be done. The goal of the negotiations is the most challenging ever conceived and undertaken in the international environmental area. The glass may not be even half full, but the forum for filling it with the most palatable liquid we can fashion is available throughout this year and beyond that, if we have but the tenacity and the imagination and the will to persevere.

Mr. President, I ask unanimous consent that the Washington Post article and my December 16, 1997 letter to President Clinton be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 1, 1998]

KYOTO PACT INCLUDES A PENTAGON EXEMPTION—ARMED FORCES PERMITTED TO POLLUTE DURING SOME OVERSEAS MISSIONS

(By Joby Warrick)

The global warming treaty negotiated in Japan last month could lead to tougher pollution controls on everything from mopeds to Mack trucks, but at least one major emitter has managed to reserve its right to pollute: the Pentagon.

A little-noticed provision in the treaty gives the armed forces of any country a free pass to emit greenhouse gases during certain overseas military operations, an exemption secured by U.S. negotiators in the final hours of the Kyoto climate summit despite objections from Iraq and Russia.

The exemption was pushed through, at the Defense Department's insistence, to ensure that international police actions and humanitarian missions remain unfettered by future curbs on fossil-fuel emissions, administration sources said. The climate treaty, which must be ratified by national governments to become law, would force the world's developed countries to sharply reduce their output of greenhouse gases over the next two decades or face sanctions.

"It was the one issue the Pentagon cared most about, and we did well on it," said a U.S. official who participated in the talks.

The exemption is spelled out in two sentences of a technical paper that was ratified Dec. 11, at the close of the all-night negotiating session that produced the world's first binding agreement on combating global warming. One sentence says fossil fuels used by ships and aircraft in "international transport" cannot be counted against a country. The other sentence exempts all "multilateral operations" conducted under a United Nations umbrella.

In practice, the exclusions would apply to military vessels headed toward overseas staging areas or participating in such operations as the recent relief mission to Somalia or the U.S.-led war against Iraq.

The exemptions offer obvious benefits for the United States, which is both the world's only superpower and the largest single emitter of greenhouse gases, But U.S. negotiators said they were motivated mainly by a desire to eliminate a potential alliance-breaker. In the future, they said, countries might refuse to join the United States in sending armies to world hot spots if it meant blowing their limits on greenhouse gas emissions.

"We didn't want to create a disincentive for future humanitarian operations," said one military source who spoke on the condition of anonymity.

In fighting for the exemption, the Clinton administration also may have been seeking to deny Republican critics a potent weapon in their battle to defeat the accord. For several months leading up to the Kyoto summit, conservative groups had argued that a global warming treaty would undermine national security by weakening military training.

The idea of a military exemption was first floated by U.S. negotiators in October at a U.N. conference in Bonn, Germany, where it drew initial skepticism from some European allies. When debated at the 159-nation Kyoto conference, the proposal was strongly protested by Iraq—and, initially, by Russia.

Iraq, one of the few nations to experience the full brunt of the kind of U.N.-sponsored "multilateral operation" the American plan envisions, could have blocked the proposal under conference rules that require all decisions to be approved by consensus. But in a bit of diplomatic sleight-of-hand, the conference chairman gaveled the rules through after the Iraqi delegation had left the conference room.

U.S. environmental groups, which have generally applauded the Kyoto agreement, complain that the exemption is overly broad because it applies to commercial international carriers as well as military ships and planes. Climate negotiators left for a future conference the complicated task of apportioning responsibility for emissions by commercial airlines.

"It's a pretty big loophole," the Natural Resources Defense Council's Dan Lashof said.

It might have been even bigger. The Clinton administration considered exempting armed forces from the rules altogether, but then rejected the idea. The reason, sources said, was the Defense Department's remarkably strong performance in cutting its own emissions over the past decade—an achievement attributed both to military downsizing and improvements in energy efficiency.

Unless the Pentagon's gains are factored in, they said, the United States might have a much tougher time meeting its obligations for reducing emissions.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 16, 1997.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am writing to commend the skill and persistence with which your negotiators, Ambassador Stuart Eizenstat and his team, represented the United States at the recently concluded climate conference in Kyoto, Japan. I view the decisions of the conference as the first part of an ongoing work in progress which should continue in Buenos Aires next fall and finally, hopefully, culminate in an effective global treaty to control greenhouse gases.

While I await an official, comprehensive report from your Administration on the details and economic impacts of the Kyoto agreement, I would like to share a few observations at the outset of this important post-Kyoto period. I believe that the potential for serious climate disruption is real and that the global community must respond at an appropriate pace in accordance with scientific evidence. Ambassador Eizenstat has indicated that a number of key U.S. priorities were agreed to at the negotiations, including emissions trading and voluntary projects between industrialized and developing countries; reduction targets for man-made emissions of all greenhouse gases; incentives for worldwide forest preservation; and incentives for early emissions reduction. These are the direct result of American proposals, and are milestones on the road to cost-effective restrictions of greenhouse gas emissions on a global basis. These features are intended to reduce economic dislocations and maximize the use of new technologies and free market mechanisms.

However, of paramount concern is that the agreement reached in Kyoto does not meet the first standard set by the Senate in S. Res. 98, namely that the biggest emitters in the developing world have not yet agreed to binding commitments to be executed together with the industrialized nations. Such commitments should be paced together according to the ability of each country to achieve greenhouse gas emission limitations appropriate to its national circumstances and economic growth, and could be gradually implemented. In the absence of simultaneous legally binding commitments by key developing countries to grow in an environmentally sound way, there will not be an effective restriction of worldwide greenhouse gas emissions. Consequently, there would be little prospect of treaty approval in the U.S. Senate.

I am also concerned about whether the agreement meets the second standard set by S. Res. 98, that its implementation would not result in serious harm to our economy. Since the impact of the agreement on the U.S. economy is not now clearly understood, we cannot yet rule out the possibility of such damage. It is critical that our nation understands the probable costs of these specific actions proposed to address global climate change, as well as the probable consequences of taking no action.

Given the incomplete nature of the Kyoto agreement, I believe that it would be prudent for you to withhold your signature until a more comprehensive treaty is arrived at which would be more deserving of Senate approval. Nevertheless, with these caveats, a major new beginning has been achieved in addressing the long-term problem of global warming. I look forward to receiving the commitment of nations such as China, India, Indonesia, Mexico, South Korea, and Argentina to join us in this effort in the near future.

Many on both sides of this issue have been quick to register their displeasure with the Kyoto agreement. It has been denounced by some environmentalists for not going far enough, and by some in industry for going too far. While it is regrettable that we were not able to reach an agreement with the developing world in Kyoto, it seems clear that we did gain acceptance on a number of important U.S. objectives. Therefore, I recognize that this is a worthwhile work in progress, and that a durable and effective solution to global climate protection, one which provides sustained economic growth and clean development for all countries, will require a step-by-step approach. I welcome the announcement by the Administration that you consider the Kyoto agreement to be but the first step in a framework or architecture to continue the negotiations, on the basis that this is a global problem requiring global solutions.

I look forward to working with the Administration as the process of negotiating an acceptable international agreement proceeds over the next year.

Sincerely yours,

ROBERT C. BYRD.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I congratulate our distinguished colleague, Senator BYRD, for, as usual, a very erudite and well-thought-out statement. When I entered the Chamber, I saw Senator BYRD speaking, and I saw a thick sheaf of papers. I was glad to have the opportunity to listen to

Senator BYRD's presentation because he is more than the conscience of the Senate; he is the intellect of the Senate and a great tribute to this body. So I congratulate Senator BYRD.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I could deliver a very appropriate encomium. I could say many appropriate things with respect to the ability of the distinguished Senator from Pennsylvania. He is a great friend of mine. I have tremendous respect for his knowledge in the field of law, and I always listen when he speaks. I thank him for his very kind and overly charitable remarks.

Mr. SPECTER. Mr. President, I thank my distinguished colleague for that reply. I have been in this body, now, going on 18 years. Senator BYRD and I have been able to maintain a long, unguarded border between southern Pennsylvania and West Virginia because we maintain that friendship between the two States.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. Res. 170 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Mr. President, before concluding, I have been asked by the leader to seek unanimous consent that the period of morning business be extended to 12:45, with Senators permitted under this request to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 10 minutes, for purposes of introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1585 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business until the appointed hour of 12:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOP LOOTING SOCIAL SECURITY TRUST FUND

Mr. HOLLINGS. Mr. President, the thrust of President Clinton's State of the Union address was "save Social Security first." The quickest way to save Social Security is to stop looting Social Security. Over the years, we have looted the Social Security trust fund with wild abandon; we owe it to the tune of some $631 billion right this minute. It should be a $631 billion surplus. But actually, since Congress has expended it on foreign aid, defense, food stamps, and other programs in order to appear fiscally responsible, there is a deficit in Social Security.

I see now from the Congressional Budget Office, and I take it from the President's budget to be submitted next Monday, that the CBO, along with the Congress and the President, is prepared, again, to go forward with this nonsense of a unified budget. The unified budget is a fraud. It allows Congress to spend money but get credit for not spending money. Only here do fiscally irresponsible people get a good government award.

Let's think back a minute on President Lyndon Johnson, because the consensus is, "President Johnson changed government accounting procedures and created the concept and introduced the use of a unified budget, and that is how he got a surplus." This is false; false. I was present during that time; I was there with George Mahon, chairman of the Appropriations Committee. We asked if we could cut $5 billion to achieve a total budget of $178 billion for the Great Society and the Vietnam War. Can you imagine that? We funded the Great Society and the War with just $178 billion. And where are we today? Today the budget is $1.7 trillion. During LBJ's presidency, we balanced the budget with a surplus of $3.2 billion. The Social Security trust fund then only amounted to $300 million. So President Johnson balanced the budget without trust funds and without a unified deficit.

What really happened was that Wilbur Mills of the Ways and Means Committee, who was running for President up in New Hampshire, said to the American people: "Oh, we have so much money in that Social Security fund; I will give you a 10-percent COLA." Then along came President Nixon and he said, "If he will give you 10, I will give you 15 percent."

We started draining the fund during the seventies. By 1980-1981—when I was chairman of the Budget Committee—we could see we were going to have a horrendous deficit in Social Security. So we formed the Greenspan commission, and we issued a report that recommended not only to impose a higher tax for Social Security to balance the Social Security budget, but more particularly to build up a trust fund for the Presiding Officer.

Now, old men like Senator THURMOND and I are going to get our Social Security money. But I don't know that younger Americans are going to get theirs. The fact of the matter is that according to the Greenspan Commission, baby boomers were to be cared for with Social Security through the year 2056. To show that, I ask unanimous consent that section 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY AND THE UNIFIED BUDGET

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

Mr. HOLLINGS. Mr. President, section 21 says take Social Security off the unified budget and record it as a separate trust fund.

I also ask unanimous consent that section 13301 of the Budget Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBTITLE C—SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS

(a) Exclusion of Social Security from all budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exclusions of Social Security from congressional budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any. . . ."

Mr. HOLLINGS. Mr. President, I got that reported out of the Budget Committee, and President George Walker Herbert Bush signed it into law on November 5, 1990: "Thou shalt not use the Social Security trust fund." But, Mr. President, Congress today totally ignores it. Here is the economic budget outlook for fiscal year 1999. I ask unanimous consent that this table 2 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY TABLE 2. CBO BUDGET PROJECTIONS (BY FISCAL YEAR)

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
	IN BILLIONS OF DOLLARS											
Revenues:												
Individual income	737	768	782	805	840	886	922	974	1,027	1,083	1,143	1,207
Corporate income	182	197	200	200	200	203	209	216	224	232	241	250
Social insurance	539	573	600	625	651	679	710	743	781	817	856	892
Other	120	127	147	149	155	162	167	173	177	181	187	191
Total	1,579	1,665	1,729	1,779	1,847	1,930	2,008	2,105	2,208	2,314	2,426	2,540
Outlays:												
Discretionary [1]	549	557	561	565	564	560	576	592	609	626	643	661
Mandatory:												
Social Security	362	376	391	409	428	449	471	495	522	551	582	614
Medicare	208	218	231	244	268	277	306	330	367	377	417	448
Medicaid	96	101	108	115	123	131	141	152	165	179	194	210
Other	229	256	272	290	303	316	330	342	360	369	378	399
Subtotal	895	950	1,003	1,058	1,121	1,173	1,247	1,320	1,415	1,476	1,570	1,672
Net interest	244	244	248	244	238	231	226	222	216	209	202	194
Offsetting receipts	−86	−81	−81	−84	−90	−104	−96	−100	−106	−112	−119	−126
Total	1,601	1,670	1,731	1,782	1,833	1,860	1,954	2,034	2,133	2,199	2,297	2,403
Deficit (−) or Surplus	−22	....	−2	−3	14	69	54	71	75	115	129	138
Memorandum:												
On-budget Deficit (−) or Surplus	−103	−105	−115	−125	−116	−69	−94	−87	−95	−64	−60	−60
Debt Held by the Public	3,771	3,790	3,806	3,821	3,821	3,765	3,725	3,668	3,606	3,503	3,386	3,259
	AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT											
Revenues:												
Individual income	9.3	9.2	9.0	8.8	8.8	8.9	8.9	8.9	9.0	9.0	9.1	9.2
Corporate income	2.3	2.4	2.3	2.2	2.1	2.0	2.0	2.0	2.0	1.9	1.9	1.9
Social insurance	6.8	6.8	6.9	6.9	6.9	6.8	6.8	6.8	6.8	6.8	6.8	6.8
Other	1.5	1.5	1.7	1.6	1.6	1.6	1.6	1.6	1.5	1.5	1.5	1.5
Total	19.8	19.9	19.8	19.6	19.4	19.4	19.3	19.3	19.3	19.3	19.3	19.3
Outlays:												
Discretionary [1]	6.9	6.7	6.4	6.2	5.9	5.6	5.5	5.4	5.3	5.2	5.1	5.0
Mandatory:												
Social Security	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.6	4.6	4.6	4.7
Medicare	2.6	2.6	2.6	2.7	2.8	2.8	2.9	3.0	3.2	3.1	3.3	3.4
Medicaid	1.2	1.2	1.2	1.3	1.3	1.3	1.4	1.4	1.4	1.5	1.5	1.6
Other	2.9	3.1	3.1	3.2	3.2	3.2	3.2	3.1	3.2	3.1	3.0	3.0
Subtotal	11.2	11.3	11.5	11.6	11.8	11.8	12.0	12.1	12.4	12.3	12.5	12.7
Net interest	3.1	2.9	2.8	2.7	2.5	2.3	2.2	2.0	1.9	1.7	1.6	1.5
Offsetting receipts	−1.1	−1.0	−0.9	−0.9	−0.9	−1.0	−0.9	−0.9	−0.9	−0.9	−0.9	−1.0
Total	20.1	20.0	19.8	19.6	19.3	18.7	18.8	18.6	18.7	18.4	18.3	18.3
Deficit (−) or Surplus	−0.3	−0.1	(2)	(2)	0.1	0.7	0.5	0.7	0.7	1.0	1.0	1.0
Memorandum:												
On-budget Deficit (−) or Surplus	−1.3	−1.3	−1.3	−1.4	−1.2	−0.7	−0.9	−0.8	−0.8	−0.5	−0.5	−0.5
Debt Held by the Public	47.3	45.3	43.6	42.0	40.2	37.9	35.8	33.6	31.5	29.3	27.0	24.8

[1] The baseline assumes that discretionary spending will equal the statutory caps on discretionary spending in 1999 through 2002 and will increase at the rate of inflation in succeeding years.

[2] Less than 0.05 percent.

Source: Congressional Budget Office.

Mr. HOLLINGS. Table 2, instead of showing that trust funds are not used, shows that Congress uses over $165 billion of trust funds—$165 billion. That is $101 billion from Social Security and $64 billion from the military retirement trust fund, Civil Service retirement trust fund, highway trust fund, airport trust fund; and the surplus crowd is trying to report just a $5 billion deficit. Come on.

You have to go all the way back, Mr. President, to page 42 of the CBO's report. If you look at page 42, you can find the real deficit, because down there they have the gross Federal debt. Of course, they don't put it in red. I wish I had a chart here so everybody could see it.

This is not how a family budgets. Families ask themselves if they spend more than they take in? They don't employ this unified budget nonsense, or economic flows or the Wholesale Price Index or the Consumer Price Index or any of this economic gobbledygook. If you spend more than you take in, you have a deficit, and that adds to your debt.

Page 42 of the Congressional Budget Office's report shows that we go from a $5.5 trillion debt in 10 years to over $7.5 trillion. In the next 5 years, according to this chart, we are going to spend $957 billion more than we take in—under this so-called balanced budget plan. Yet everyone is running around, patting each other on the back and complimenting each other on fiscal responsibility and discipline. "A balanced budget as far as the eye can see," says the President. Dr. June O'Neill said the same thing yesterday before the Budget Committee. Mr. President, they are talking out of the whole cloth.

Their claims are false. They continue to use these trust funds to obscure the debt and deceive the people. We already have used Social Security, military, civilian, unemployment, highway, airport, railroad of $1.5 trillion we owe now, and under the 1998 projected current policy, CBO reports it will be $1.652 trillion. So we are using all of these trust funds, and President Clinton said all trust funds. I read from that particular report where he said any trust funds. I want to make sure everybody gets that because I am not being technical at all.

I quote President Clinton: "Tonight I propose we reserve 100 percent of the surplus. That's every penny of any surplus."

Mr. President, I have two bills that do just that. Boy, are we going to put them to the task of truth in budgeting. I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pay-as-you-go Extension Act".

SEC. 2. AMENDMENT TO THE BALANCED BUDGET ACT.

Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following: "This section shall be effective until the Federal budget excluding the receipts and disbursements of the social security trust funds, the Federal military retiree trust fund, the highway trust funds, and any other Federal trust fund included in the gross Federal debt is in balance or surplus.".

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Integrity Act".

SEC. 2. TRUST FUND PROTECTION.

The receipts and disbursements of the social security trust funds, the Federal military retiree trust fund, the highway trust funds, the medicare trust fund, the civil service retirement trust fund, the unemployment trust fund, the airports trust fund, and

> any other Federal trust fund included in the gross Federal debt shall not be—
>
> (1) included in the Federal budget baseline for any fiscal year; and
>
> (2) counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—
>
> (A) offsetting any tax decrease; and
>
> (B) offsetting any spending increase.

Mr. HOLLINGS. This is a short, one-paragraph bill. It says that Congress cannot use any of these surpluses and trust funds for any tax cut or any spending increase where we have caps.

Maybe, Mr. President, they will get the money from the tobacco settlement. I don't know where they will get the money from.

You are looking at a Senator who voted against spending increases and against tax cuts last year in order to try to bring about fiscal responsibility. We enjoy a good economy, Mr. President. And we want to stay the course. But let us practice truth in budgeting, and let us mean it. I have provided all the facts and figures here.

There is a chart that everybody in America ought to see: the gross Federal debt. In the past year, 1997, we ran a deficit not of $22 billion but of $188 billion. The Congressional Budget Office projects an actual deficit of $170 billion. And, Mr. President, in 1999, the deficit will increase from $170 billion to $200 billion. Why? Because rather than heading in the right direction, Congress and the President last year increased spending and cut out revenues. Under current policy, the deficit will continue to soar, right on up and away to $205 billion by the year 2000.

So everybody ought to understand that Congress and the White House can make all the wonderful talks they like; and everyone can say, "Well, the President wants to use those funds for spending, and I want to use it for tax cuts." That suits me, whatever you all want to do, but let us have truth in budgeting and let us not use any of the trust funds as an offset.

The bills I introduce today will achieve both of these goals: they will ensure an honest budget and protect Social Security and other trust funds.

I thank the distinguished Chair and yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Morning business has just concluded.

EXTENSION OF MORNING BUSINESS

Mr. BUMPERS. I ask unanimous consent, Mr. President, that I be permitted to proceed in morning business for no more than 15 minutes in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRUTH IN BUDGETING

Mr. BUMPERS. Mr. President, prior to introducing my bill, let me just lend my support to the remarks just made by the Senator from South Carolina. He and the Senator from North Dakota, Senator DORGAN, have made speech after speech after speech on the floor of this body about how we do not have truth in budgeting. We do not have a balanced budget. We are not even close to a balanced budget and are not going to be for some time to come. And the idea of people talking about tax cuts or using the budget surplus, which does not exist, to using that surplus to cut taxes or to increase spending is an absolute absurdity.

I think this year, 1998, we are anticipating a $100 billion surplus in Social Security. So I lend my support to what the President said the other night. And I lend my support to what the Senator from South Carolina just said.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1586 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING CONGRESSMAN LOUIS STOKES

Mr. DEWINE. Mr. President, I rise this afternoon to commemorate an important event in the history of my State, the State of Ohio, and also the history of this Congress. Over the just-concluded recess, my good friend, Congressman LOU STOKES, announced he will retire at the end of this Congress. LOU STOKES will retire after 30 years representing the people of his Cleveland area district.

Mr. President, when I first entered the House of Representatives in 1983, LOUIS STOKES had already been there for 14 years—14 years building friendships and developing a reputation as a powerful and effective leader.

LOU STOKES is a leader. Mr. President, he is more than that. LOU STOKES is a good man. One of my own favorite memories of LOU STOKES, and frankly it is one of my memories that I will carry with me all my life and my career in politics, was the very moving speech that Congressman LOU STOKES made when he and I served together on the Iran-Contra Committee. Mr. President, this was a contentious time. Congressman STOKES and I did not always agree on everything about these hearings or about the facts of that series of events that led to the Iran-Contra hearings. But there was a moment during the hearings when LOU STOKES spoke from the heart and he really let us know what kind of a person he is, sort of what makes him tick. We really had an insight into the soul of this very good man.

In his remarks he expressed heartfelt love of this great country of ours. Let me quote a portion of what Congressman LOU STOKES said at that time:

> I wore the uniform of this country in World War II in a segregated Army. I wore it as proudly as you did, even though our Government required black and white solders in the same Army to live, sleep, eat, and travel separate and apart while fighting and dying for our country.
>
> But because of the rule of law today's servicemen in America suffer no such indignity. . . . My mother, a widow, raised two boys. She had an eighth grade education. She was a domestic worker who scrubbed floors. One son became the first black mayor of a major American city. The other sits here today as chairman of a House Intelligence Committee. Only in America, only in America, Colonel North, only in America.

Mr. President, LOUIS STOKES said these words at a time of great tension in our country and in the Congress. In doing so, he gave voice to what Abraham Lincoln called the better angels of our nature.

That, Mr. President, is really who LOUIS STOKES is, a truly honorable man who represents the finest aspects of the American spirit. Congressman STOKES rose from poverty to become a great American statesman. He was Ohio's first African American member of the U.S. Congress. He was the first African American ever named to the House Appropriations Committee.

First, first, first, again and again and again, Mr. President. Where a path had not been carved out before, LOUIS STOKES took the lead and blazed a trail by himself. He was chairman of the Congressional Black Caucus, he was chairman of the House Ethics Committee, he was chairman of the House Intelligence Committee, he was chairman of the historic House committee that investigated the assassinations of President Kennedy and Dr. Martin Luther King, Jr. He was chairman and is currently ranking member of the appropriations subcommittee on VA-HUD overseeing $87 billion of our Federal budget.

For the last 5 years he has been the dean of our State's congressional delegation.

Mr. President, I am proud to have served for so long with this truly great American, here in the Senate for the last 3 years, as well as the 8 years we served together in the U.S. House of Representatives. So today, Mr. President, I join the people of Ohio in thanking Congressman LOU STOKES for all he has done to move our State and our country forward.

LOUIS STOKES's hometown newspaper, the Cleveland Plain Dealer, says that he is "A man who, through word and deed, created a legacy of exemplary public service. . . . After his long years of distinguished service, Congress won't be the same without him."

Mr. President, how true that is.

So to our friend, LOU STOKES; his wife, Jay; his children, Shelley, Angela, Louis, Lorene; and his grandchildren, who I know he cherishes so much, Brett, Eric, Grant, Kelley, Kimberley, Alexandra, and Nicolette, thank you very much. Thank you for sharing him with us. We wish you, Congressman STOKES, and your children and your grandchildren and the rest of your family all the best for a wonderful future.

HONORING SENATOR JOHN GLENN

Mr. DEWINE. Mr. President, I will take a moment this afternoon to say a few words about another truly historic announcement that occurred during the recess. On behalf of the people of the State of Ohio and all of our colleagues in the U.S. Senate, let me say how truly proud we are of our distinguished friend and colleague, Senator JOHN GLENN. By now, everyone in America knows that in October at the age of 77, Senator JOHN GLENN will return to space as a member of the crew of the space shuttle Discovery.

Mr. President, very few people show the kind of courage shown throughout his lifetime by JOHN GLENN, courage that Senator GLENN showed when he flew 149—149—heroic combat missions as a Marine pilot in World War II and then in the Korean war facing death from enemy fighters and antiaircraft fire. Because of all the enemy fire that JOHN GLENN braved, we are told his buddies called him the "Mig-Mad Marine," and I guess they had a few other names for him, as well.

Mr. President, it comes as no surprise to those of us who know him that our friend, JOHN GLENN, is that kind of a rare person. One reporter commented that when he was a young man he was thrilled by then Colonel GLENN's orbits around the Earth and yelled out, "Go, Colonel GLENN, go." Well, Mr. President, I had pretty much the same experience, as millions of Americans did. My experience occurred when I was in high school, my wife Fran and I were in high school in Yellow Springs High School and the day that JOHN GLENN orbited the Earth and made that historic flight I happened to be in Mr. Ed Wingard's science class in Yellow Springs High School. We all listened on the radio to the progress of this truly historic flight. For those who were not born at that time or cannot remember it, it is hard to describe the atmosphere in this country. It is hard to explain how literally this country came to a stop, when people gathered around TVs and gathered around radios for that period of time as he went around the Earth and made those three orbits.

In fact, just about anyone around back then can tell you how important that achievement was for the American people, and they can tell you where they were and what they were doing at that moment. We, as a Nation at that time, Mr. President, were shaken, we had been shaken when the Russians beat us into space with the Sputnik, Sputnik satellite, earlier in 1957 and then in April of 1961 they sent Yuri Gagarin into orbit, the first man in space. The same week as that flight the U.S. was rocked by the tragedy and failure of the Bay of Pigs invasion in Cuba.

In short, Mr. President, America was reeling, and that is one of the reasons why our hearts were lifted so very much by JOHN GLENN's daring exploit. That, Mr. President, was a great day to be an American. I hear a lot of that enthusiasm today after the announcement that Senator GLENN will be going back into space. I think that one of his last public services as a Member of the U.S. Senate may be one of the most valuable achievements of his long and very distinguished career because JOHN GLENN has a rare, truly incredible opportunity to educate the rest of us, to educate the American people about the value of America's adventure in space. Who better, Mr. President, than JOHN GLENN to speak to Americans about this great American achievement? Who better to explain to us the importance of NASA, the importance of space exploration? And who among us, except JOHN GLENN, has that historical perspective and can explain it in terms that average Americans can understand? JOHN GLENN has a unique ability to tell this great story. He has that ability because he has lived it.

Mr. President, I think this space mission is already starting to fire up the imagination of the American people about the wonders of discovery. It can remind us again that we as Americans have a tradition of national greatness and that the pursuit of national greatness remains our continued breathtaking challenge. So, Colonel—Senator—the hearts of all Ohioans and the hearts of your colleagues in the Senate, and indeed all Americans, will be with you on your historic mission. Our hearts will also be with your great family and with your heroic wife Annie. As President Clinton said the other night, godspeed, JOHN GLENN.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. We are still in morning business.

Mr. GRAMS. Thank you very much.

TAXPAYERS ON THE HOOK: THE NUCLEAR WASTE STORAGE COUNTDOWN

Mr. GRAMS. Mr. President, I rise today because after 16 years of denials, delays, and indifference on the part of the U.S. Department of Energy, the American taxpayers are about to find themselves saddled with the liability for our nation's nuclear waste.

It is a liability they do not deserve, and one they most certainly cannot afford. Unfortunately, the President failed to warn them on Tuesday night during his State of the Union address that many of the achievements he acknowledged are at risk—threatened by a federal government failure so massive that it may take the taxpayers years, even decades, to burrow out from underneath it.

What could be so potentially devastating? The failure of the U.S. Department of Energy to begin accepting the nation's spent commercial nuclear fuel.

And, Mr. President, the taxpayers will inherit the responsibility for that failure just three days from now.

At midnight on January 31, 1998, the DOE is required by law to begin accepting spent nuclear fuel from sites across the nation.

The clock was set in motion 16 years ago, upon enactment of the "Nuclear Waste Policy Act of 1982."

Since then, utility ratepayers have been required to pay the federal government more than 13 billion of their hard-earned dollars in exchange for the promise that the DOE would develop and build a centralized repository for the safe and efficient storage of spent nuclear fuel.

But that's yet another government promise that won't be kept.

Today, 16 years later—with 7 billion of those ratepayer dollars already spent—the waste is piling up.

Nobody at the DOE wants it—nobody at the DOE is prepared to claim it—and because there's no place to put it, nobody at the DOE would be ready to take it by the January 31st deadline anyway. That's just three days from now.

At the same time energy consumers are pouring billions into the waste fund, ratepayers and utilities are continuing to pay for on-site storage at more than 70 commercial nuclear plants throughout the country.

In other words, ratepayers are being forced to pay twice for nuclear waste storage—all because the Department of Energy has failed to meet its legal obligations to the American people.

Sadly, these costs pale in comparison to the true catastrophe the DOE has in store for the taxpayers beginning just three days from now.

The United States Court of Appeals for the DC Circuit, in a ruling issued on November 14, said that not only is the DOE authorized to begin accepting waste on January 31, but also able to fulfill its contractual obligations to remove it.

By failing to do so, the court ruled, the DOE makes the federal government liable for any damages resulting from even the smallest delay in performance.

And we all know who foots government's bills.

By failing to take possession of the nation's nuclear waste just three days from now, the DOE will in essence make the American taxpayer responsible for those damages.

According to the Nuclear Energy Institute, the estimated cost of storing spent nuclear fuel at power plants across the nation through 2020 is $56 billion, with the federal government—the taxpayers—liable for every dollar.

And when nuclear power plants begin to shut down because the utilities don't have the facilities to store fuel on site, the chain reaction of higher energy costs and lost jobs that are certain to follow represents yet another costly economic consequence of this federal folly.

The impact on the environment of alternative energy sources must also be examined.

How is it possible that all of this will be set into motion just three days from now, and yet it didn't merit a single sentence in the President's State of the Union address?

Mr. President, it's ironic that, while the DOE has failed to meet America's nuclear waste storage needs, the DOE has resumed collecting spent nuclear fuel from a total of 41 other countries under the "Atoms for Peace" program.

Similar to the large number of our states which are facing nuclear waste storage problems, countries from around the world are experiencing the same problems. The only difference is that their needs—not our own ratepayers' needs—are being met by our federal government.

In fact, the DOE has completed "urgent relief" shipments of spent nuclear fuel assemblies from European nations to the agency's facility at Savannah River. It has also accepted nuclear spent fuel from Latin American countries.

Ultimately, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period.

Mr. President, an important point to discuss when it comes to these foreign nuclear waste shipments is how they are transported once they reach the continental United States.

Nuclear assemblies from these 41 countries have been and will continue to be transported by rail and truck to the Savannah River Facility. The safety record of these shipments speaks for itself.

The federal government won't accept commercial spent nuclear fuel, but it's actively accepting nuclear waste from many American universities.

Nuclear waste from research reactors at our finest educational institutions is being accepted at the DOE's Savannah River facility. Again, this nuclear waste is being safely transported by rail and truck across the nation.

These shipments serve as a very small portion of the 2,400 shipments of high-level nuclear waste that have already been shipped across the United States, including naval spent fuel.

So, Mr. President, transportation is no longer a question of technology but becomes one of politics.

I understand the rationale behind reducing our international nuclear dangers by collecting and transporting spent fuel within our borders.

But what I and many others cannot comprehend is how our government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country.

Our ratepayers are paying the bill to take care of our own waste problem. Yet that isn't being addressed but our ratepayers and our taxpayers are paying to help foreign countries do the same thing.

The President on Tuesday also failed to mention that the costs of missing the January 31st deadline will be borne as much by grandma and grandpa as they will by any corporate executives or Members of Congress.

He didn't mention that nuclear power is a fuel that burns nothing, thereby helping us achieve cleaner air and a better environment.

He failed to mention that the costs of his global warming treaty will be even higher for every American if we continue to shut down nuclear power plants in favor of coal-burning technologies.

Most regrettably, he failed to offer any kind of explanation into why his administration supports the Department of Energy as they unlawfully stick it to the American taxpayers.

It therefore falls to Congress to step forward and offer a solution.

Along with my colleagues, Senators MURKOWSKI and CRAIG, I've coauthored legislation that will protect the American public from the costs they face from this impending crisis.

Our bill will reform the current civilian nuclear waste program to avoid the squandering of billions of dollars of ratepayers' and taxpayers' money.

It will eliminate the current need for on-site storage at our nation's nuclear plants, keep plants from shutting down prematurely due to lack of storage space, and maintain stable energy prices.

Our bill will also assure that transportation of nuclear waste will continue to be conducted in a safe manner.

The "Nuclear Waste Policy Act of 1997" passed both houses of Congress last session by overwhelming, bipartisan votes.

While conferees have yet to be appointed, a veto threat from the White House continues to prevent a responsible solution from becoming law.

Again, a veto threat from the White House on this issue continues to prevent the responsible solution from becoming law.

As representatives of the people, it's the responsibility of the government to ensure that every taxpayer dollar entrusted to us is spent in a responsible and meaningful way. In the case of nuclear waste storage, the government has failed this most important of tests.

While the DOE waits, and hides behind courtroom appeals, and shirks responsibilities it is legally bound to accept, Americans across our country can expect yet more rate increases and yet higher taxes from a government that's either too afraid or to incompetent to act.

Just three days from now, who's going to explain that to the taxpayers?

Americans deserve to hear from their leader on this issue. They deserve and expect a rational explanation for the Administration's inaction on their behalf. Silence, Mr. President, is not the answer they so desperately need.

Thank you very much, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I assume we are in morning business.

The PRESIDING OFFICER. We are.

DEFICIT REDUCTION

Mr. GRASSLEY. Mr. President, I am a member of the Budget Committee, and under Senator DOMENICI's very good leadership, we are starting a new budget process as we do every year. Today he called a hearing of our committee to hear from Chairman Greenspan. Chairman Greenspan is a person who is very well respected, not only on both sides of the aisle by Members of the Congress, but also by the President. He was reappointed to the chairmanship of the Fed by this President. Further, he is very well respected by the people of this country and, most importantly, by people who, as investors in America, have to have confidence in the economy. I think that Chairman Greenspan exudes a great deal of confidence himself. He establishes in most everybody confidence in the economy because of his caution. Economic growth over the last several years has had a great deal to do with the steady hand of Chairman Greenspan.

As we start a new budget season, it is very appropriate that Chairman Greenspan be invited by Chairman DOMENICI to come to appear before the Senate Budget Committee.

We had a chance to listen to an outstanding presentation by Chairman Greenspan. It was relatively short, but throughout the sermon on the economy, Chairman Greenspan called for this Congress and this President to be very cautious, as we go into the budget process in this year, especially about spending, about taxes, and having too rosy a scenario about our economic future.

He expressed a great deal of confidence that the future is very bright for our economy, but incumbent in what he said was a caution that, by unwise budget decisions, we have the capability of lousing up a rosy opportunity. He put a great deal of emphasis upon the good that comes from paying down on the national debt. He also expressed, in response to some questions, that next to paying down the debt a great deal of economic good can come from cutting marginal tax rates and cutting capital gains. None of these is an end unto themselves, but help to make sure that there is a positive attitude in this country for people who will invest to create jobs in America in order to keep this economic miracle going.

I was very happy to hear the caution expressed by Chairman Greenspan, because I sense, as he senses—and obviously, I am back here for the first week since last fall's recess so I have not visited with a lot of my colleagues—that over the last 3 months the anticipated surplus is generating too much talk about renewed spending. The White House proposes about eight new spending programs that the President wants to create, adding up to about $63 billion—and those are not discretionary spending; for the most part those are entitlements. Some Members of Congress, want to spend more money, while other Members of Congress want to give tax cuts. I love to give tax cuts. I probably have voted for most every tax cut that has been suggested since I have been in the Senate—but I think that at this point both this Senator from Iowa and my colleagues and the President of the United States ought to follow the advice of Chairman Greenspan and exercise some caution about spending increases and tax cuts. As I said, it appears to me that a golden opportunity might be lost because we think this windfall is in our pockets already. It is like it is burning a hole in our pockets. We can hardly wait to spend it.

I almost sense that Chairman Greenspan would like to express a couple words he cannot ever use again. I think he senses an irrational exuberance on the part of Congress and the President of the United States, just to fritter away a wonderful opportunity we have here to reestablish the confidence of the people in the economy and, particularly, in the fiscal policy of the Congress, which was adopted in a bipartisan way last year.

So I would follow on with Chairman Greenspan and ask my colleagues to cool it, to make sure that we learn from history. During the last decade, the decade of the 1980's, we found it is very easy for conservatives to ask for more money to spend on defense and then, pretty soon, that opens up the door for other increased spending. Well, if we are going to spend more money on defense, liberals are going to get their hands in the cookie jar and say we have to have more money spent on domestic programs. Then there is always the other side of the aisle, people wanting tax cuts, and, as I said, I even like tax cuts. But pretty soon you are on an irresponsible approach that brings trillions and trillions of dollars of debt.

Now, finally, after last year, it looks as if we are on a path to getting to a balanced budget, to stopping the building of the legacy of debt that our generation has left to our kids and grandkids. So I think we have to just cool it. We do not yet have this money in our pocket. Let us at least wait until it is there, and that is not going to be during this budget season. We have a historic opportunity, a windfall opportunity to do good. I know we have a strong economy, and that is where most of the praise can go—for balancing the budget even before the year 2002 as we promised.

Also, Congress has exercised some restraint, finally. I do not think the public realizes it, but we have. Three out of four people in this country do not believe we are going to have a balanced budget when we say we are going to have it. Three out of four people, even after a bipartisan effort to accomplish it, do not believe today it is going to happen. Even with all the talk about more money coming in than anticipated, even with the President saying we are going to balance it before we said we were, still three out of four people do not believe we are going to balance the budget. So we have an opportunity, if we are cautious, as Chairman Greenspan said, to reduce that cynicism, to reestablish confidence in the American people that maybe we have a sound fiscal policy here and that we will balance the budget.

We still have those, however, who say we ought to spend it, including the President of the United States. There are people who say we ought to have tax cuts.

Now, we have a rare opportunity which seldom comes to Congress. If we just do nothing, we can do a great deal of good. How often, if Congress just does nothing, can some good come from it? But it is this simple. If we stay with the spending caps that we adopted last year in a bipartisan compromise, if we can stay with those caps, we are going to balance the budget before the year 2002, and we are going to pay off on the national debt without taking any action, because the Secretary of the Treasury just rolls over less old debt from week to week because of a budget surplus. So you gradually pay down on the national debt just by Congress taking no action. A great deal of good comes from Congress just doing nothing.

We would reduce the cynicism of three out of four people in this country as to whether or not we are really serious about balancing the budget. That reestablishes confidence in the economy. It is going to encourage people to invest, and with investment you create jobs. We are going to reduce the interest costs to the Federal Treasury. The biggest item in the Federal budget is now interest—not defense, not Social Security or Medicare—interest. We will reduce it.

Most importantly, we are going to be able to restore the American dream of our children and grandchildren. Every generation has thought their kids would have it better than their generation, but today's generation does not believe that their children will have a better future and their grandchildren have yet a better future because of the legacy of debt our generation is leaving. We can restore the American dream to our children and grandchildren.

We also have an opportunity to do something that I never thought I would be able to be a part of in my lifetime—helping pay off on the national debt, reducing the legacy of debt that we have left to our children and grandchildren. It seems to me, not only is that good economically, but if we have an opportunity to do that—we have been living high on the hog for the last 3 decades because of Government borrowing—we can pay down that legacy of debt and keep a moral obligation that we ought to have for our generation to live within its means.

We can also do what the President suggested needs to be done. We could also strengthen the fiscal position of the Federal Government so when the IOUs come due on Social Security we will be in a strong position to pay those IOUs. So the President needs to exercise restraint. Three years ago in the State of the Union Message we heard that the era of big Government is over. But this year we heard that the era of saying the era of big Government is over, is over.

We also have to have some restraints on these tax cuts. Not that taxes can't be cut in the future, but we ought to make sure what we have in surplus first. We need to do it right and we should not do it piecemeal, and we have a tendency to do it in a piecemeal fashion.

But most important, if we just cool it, if we just keep the cork in the bottle, if we just do nothing, we will do a great deal of good, not only for today but for our children and grandchildren. That is why I say we should take the advice of Chairman Greenspan that he gave to the Senate Budget Committee today and just be very, very cautious.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, January 28, 1998, the Federal debt stood at $5,492,555,021,481.61 (Five trillion, four hundred ninety-two billion, five hundred fifty-five million, twenty-one thousand, four hundred eighty-one dollars and sixty-one cents).

One year ago, January 28, 1997, the Federal debt stood at $5,317,192,000,000 (Five trillion, three hundred seventeen billion, one hundred ninety-two million).

Five years ago, January 28, 1993, the Federal debt stood at $4,173,554,000,000 (Four trillion, one hundred seventy-three billion, five hundred fifty-four million).

Ten years ago, January 28, 1988, the Federal debt stood at $2,448,460,000,000 (Two trillion, four hundred forty-eight billion, four hundred sixty million).

Fifteen years ago, January 28, 1983, the Federal debt stood at $1,196,067,000,000 (One trillion, one hundred ninety-six billion, sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,296,488,021,481.61 (Four trillion, two hundred ninety-six billion, four hundred eighty-eight million, twenty-one thousand, four hundred eighty-one dollars and sixty-one cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JANUARY 23D

Mr. HELMS. Mr. President, a troubling aspect in assessing all aspects of maintaining a strong U.S. national security is one that receives scant attention—the fact that the United States is more deeply dependent upon foreign countries to supply most of America's energy needs. The situation today is worse than ever before in our history.

I began in 1996 my reports to the American people every week in which I stated the precise amount of oil imported by the U.S. from foreign countries. Some of these countries are openly hostile to U.S. interests. I make these reports to emphasize the extent to which the U.S. has become perilously dependent on them.

I investigated this issue a decade ago when I presided over several hearings as the then chairman of the Agriculture Committee. In my present capacity as chairman of the Senate Foreign Relations Committee we have held hearings; more are scheduled this year.

While the Administration acknowledges that U.S. oil imports are a national security concern, nothing has been done by the Administration to resolve U.S. dependency on foreign oil.

Now, Mr. President, a few up-to-date statistics: The American Petroleum Institute reports that for the week ending January 23, the U.S. imported 7,776,000 barrels of oil each day, 64,000 barrels fewer than the 7,840,000 imported each day during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less oil than a year ago, Americans still relied on foreign oil for 55 percent of their needs last week, and there is no sign that the upward spiral will abate.

Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Which raises the inevitable question: is anybody else interested in restoring domestic production of oil—by U.S. producers using American workers?

It is argued that America should use up foreign oil reserves before tapping into our the remaining U.S. domestic supply. But I submit, Mr. President, that economic calamity will occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,776,000 barrels a day.

Mr. President, the Foreign Relations Committee will continue its examination of U.S. dependency on foreign oil in 1998. I shall also continue to report to the Senate—and to the American people—on a regular basis regarding this increasingly dangerous trend.

THE IMPORTANCE OF RATIFYING THE WIPO TREATIES AND ENACTING WIPO IMPLEMENTING LEGISLATION

Mr. LEAHY. Mr. President, I hope that the Senate will make a new year's resolution to focus its energy on issues that create American jobs, protect American ingenuity, and improve the lives of the American people. I was disappointed last year that we wasted so much of the Senate's limited time on partisan and divisive issues.

This year the Senate should be in the business of doing America's business. We should be working in a bipartisan manner to enact copyright term extension legislation so that America's trading partners will recognize American copyrighted works for the same term that those countries grant their own national works. We should be passing encryption legislation to allow American hi-tech companies the freedom to compete vigorously in the global marketplace. We should be enacting patent reform legislation to help American innovators, big and small.

High on the Senate's agenda for doing America's business should be ratifying the World Intellectual Property Organization (WIPO) treaties and enacting WIPO implementing legislation. To this end, I would like to take a few moments to discuss why we should care about these WIPO treaties, how America will benefit when we ratify these treaties, and how we can get the job done.

WE SHOULD CARE

Those who care about America's economy and America's creative spirit should care about the WIPO treaties. Ratification of these treaties will help protect and enhance U.S. intellectual property rights throughout the world. In the body of the Constitution as originally ratified, the word "right" appears only once and that is with regard to the protection of intellectual property. From our beginnings as a Nation, the Constitution has included within Congress' enumerated powers, authority "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The importance of protecting and encouraging the intellectual creations of our citizens has always been a fundamental priority for our country and a responsibility of our national government.

Today, millions of Americans owe their jobs and prosperity to industries created by America's innovators and creators. The International Intellectual Property Alliance (IIPA) released a 1996 study prepared by Economists Incorporated that outlined the contribution of U.S. intellectual property industries to the U.S. gross domestic product, employment, and foreign trade. It detailed, for instance, that in 1994, copyright industries contributed an estimated $385 billion to the U.S. economy, accounting for approximately 5.7% of the GDP. The study concluded that during the period from 1984 to 1994, job growth in the core copyright industries was twice as fast as employment growth in the economy as a whole. Regarding foreign sales, the study found that the copyright industries' exports are larger than the exports of almost all other leading industry sectors.

In addition to the economic boon that they provide this country, the intellectual property rights granted to U.S. citizens have fostered the creative spirit of the American people. From the days of Benjamin Franklin and Thomas Jefferson to the dawning of the coming century, American creative geniuses abound in the visual arts, recording, writing, and software development industries. The U.S. leads the world in creative products. What other country can boast of the multitude of creative, artistic, and technological visionaries?

AMERICA WILL BENEFIT

Because the U.S. is the world-wide leader in intellectual property, the U.S. will be the main beneficiary if the U.S. Senate ratifies the WIPO treaties and the Congress enacts WIPO implementing legislation.

Secretary Daley has observed that "the treaties largely incorporate intellectual property norms that are already part of U.S. law." The Administration has concluded that the U.S. need only make two substantive changes and several non-substantive changes to U.S. law to bring it into compliance with the treaty requirements. What the treaties will do is give American owners of copyrighted material essentially the same protections for their intellectual property in those foreign countries that become party to the treaties as they enjoy here in the United States.

Let me give you an example. The U.S. already has a distribution right of the sort provided in the treaty. Many other countries, however, do not yet recognize this right. So if a U.S. publishing company suspects that its books are being illegally copied in a country that does not have a distribution right, it cannot go after the distributor of the illegally copied goods in that country. Imagine trying to stop illegal drug usage if you couldn't go after the drug distributors. That is the problem that our copyrighted industries face battling piracy in many countries throughout the world today.

GETTING THE JOB DONE

We should consider and pass the WIPO Copyright and Performances and Phonograms Treaty Implementation Act, S.1121, which I cosponsored with Senators HATCH, THOMPSON and KOHL last July. I hope that the Senate will not further delay in examining the impact of the treaties and the implementing legislation. We need to expedite the process of resolving issues essential to S.1121.

I intend to work with the Chairman of the Judiciary Committee on these important matters. I want to commend Senator HATCH for the time he has spent and is spending seeking to resolve matters that have become impediments to progress on important intellectual property matters.

Unfortunately, these important legislative matters were stalled last year by linkage to additional issues not necessary to their enactment. We made no progress on the treaties and implementing legislation. America cannot afford further delay.

Some have expressed concern that ratification of the WIPO treaties and enactment of implementing legislation threaten to increase what they perceive to be a current risk that they will be held liable for copyright infringements by users whose conduct they can neither prevent nor control. They are demanding legislation limiting their copyright liability and demanding that it be resolved before ratification of the WIPO treaties and passage of implementing legislation can proceed.

The extent to which and circumstances under which copyright liability may be imposed on online service providers is a matter that I believe could easily be dealt with separately from the WIPO treaties and implementing legislation. Were service provider liability to be considered legislatively, I think that Congress would be better off working toward carefully targeted clarifications of the law rather than attempting to legislate wholesale reform that risks becoming obsolete in a short time, or freezing industry practices and preventing them from evolving as efficiently as possible.

Vinton Cerf, the co-inventor of the computer networking protocol for the Internet, stated in The New York Times:

> The Internet is now perhaps the most global and democratic form of communications. No other medium can so easily render outdated our traditional distinctions among localities, regions and nations.

We see opportunities to break through barriers previously facing those living in rural settings and those with physical disabilities. Democratic values can be served by making more information and services available.

Technological developments, such as the development of the Internet and remote computer information databases, are leading to important advancements in accessibility and affordability of art, literature, music, film, information and services for all Americans. Properly balancing copyright interests to encourage and reward creativity, while serving the needs of public access is the challenge. Historically, the government's role has been to encourage creativity and innovation by protecting copyrights that create incentives for the dissemination to the public of new works and forms of expression.

Intellectual property can, at times, be arcane and abstract. But these matters have very real and important consequences to the American economy and creative spirit, and the viability of industries that produce everything from movies to records to books to software depends on it. That means that the American people are depending on us to put partisan differences aside. We may not make headline news by working on WIPO implementing legislation, but we will help create American jobs.

REMARKS OF GOVERNOR CECIL H. UNDERWOOD ON THE SIGNIFICANCE OF ENERGY RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, on yesterday, Wednesday, January 28, the Governor of the State of West Virginia, Cecil H. Underwood, appeared before the Interior Subcommittee of the House Appropriations Committee to testify about the significance of energy and research development. I ask unanimous consent that the text of Governor Underwood's remarks be printed in the RECORD.

There being no objection, the text of the remarks was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CECIL H. UNDERWOOD, GOVERNOR OF THE STATE OF WEST VIRGINIA, TO THE INTERIOR SUBCOMMITTEE OF THE HOUSE OF APPROPRIATIONS COMMITTEE, JANUARY 28, 1998

Thank you, Mr. Chairman, for the opportunity to testify today about the importance of energy research and development (R&D). I bring to your deliberations the perspective of a governor of an energy-producing state, which also relies on energy-intensive industries for its economic foundation. I also come before you with a regional perspective as the chairman of the Southern States Energy Board.

By way of further introduction, as governor, I have become a leading advocate of the use of technology in moving our state forward. As I have said many times throughout West Virginia, technology is the vehicle that will drive our state into the 21st century. Applications of technology are opening new avenues for meeting the energy needs of our people, our businesses and our industries. Energy R&D will be crucial in the creation and application of the technologies that will fuel our economic engine in the years to come.

Our collective transition into a new century and millennium makes us more cognizant of other economic transitions that are underway. We are moving toward a more global economy, toward a technology-driven and information intensive economy, toward boundless applications of new technology and toward economic diversification that builds upon our industrial foundation.

As we move toward the exciting opportunities of the new times, our nation must be careful that it does not move away from energy-intensive industries that still are economically vibrant and vital or from energy sources that can help meet the growing needs of the future. As with all real progress, though, our success in economic transition depends on our abilities to explore new ways to address traditional challenges.

Our preparation for the future is complicated also by new proposals that seek to improve our physical environment but that may have a devastating impact on the economic environment in many parts of the country, including West Virginia and the chairman's home state of Ohio. The environmental restrictions that may be imposed and the resulting economic impact on many areas make the need for energy research and development that much more urgent.

As governor of an energy-producing state, I sense that urgency more acutely, especially as such R&D would be critical to efforts in three main areas: helping our domestic energy producers meet the challenges of new regulations and an economy in transition; exploring ways that energy producing companies and traditional industries, which use significant amounts of energy, can become environmentally responsible while maintaining economic vitality; and developing new markets for traditional energy resources and new applications to meet changing market opportunities.

Energy-related R&D is a crucial investment in the future of my state and our country. It is critical to preparing the industries of our region for the challenges and opportunities of the new times ahead in the 21st century.

ENERGY ISSUES OF THE FUTURE FOR WEST VIRGINIA

The best way to determine an appropriate course of action is to determine first the goal or destination sought. So I begin my evaluation with what my state and our nation must do with a description of where I want us to be in 12 years.

A Vision for the Year 2010

Our vision for the year 2010 is that West Virginia will be a showcase state for efficient power generation and efficient industrial energy usage. There will be several state-of-the-art, highly efficient, environmentally compliant fossil fuel power generation plants in the state. Coal-based generation plants in West Virginia will be in compliance with all clean air regulations, demonstrating technologies developed in the U.S. Department of Energy (DOE) Clean Coal Technology program. West Virginia's manufacturing plants will be highly productive and energy efficient with virtually all waste heat and waste materials reused and recycled.

Power generation markets in West Virginia will be competitive, deregulated, and electricity rates in West Virginia will be among the lowest in the nation. Residential, commercial and industrial customers, both in and out of the state, will be able to obtain power from the most efficient sources. The power transmission system will have excess capacity, enabling export of additional power from the state; West Virginia generators will have access to the transmission grid at rates that reflect the actual cost of transmission. We believe that in 2010, as is the case today, about 75 percent of the power generated in West Virginia will be sold in competitive markets out of state and that growth in demand for power generated in West Virginia will average about 2 percent per year.

Our vision for 2010 is that West Virginia will have a significant involvement in the development and demonstration of environment technologies that enable domestic fossil fuels to remain the country's dominant fuel for generation of electricity. For example, West Virginia projects will demonstrate technologies, which reduce the amount of CO_2 introduced into the atmosphere during extraction and use of fossil fuels. Technologies to capture CO_2 and sequester it in deep underground coal mines and gas reservoirs will be developed and demonstrated in the state.

Furthermore, West Virginia will be a major technology innovator for non-CO_2 producing uses of coal. For example, there will be a growing industry in the state for production of chemicals and advanced carbon materials made from coal-based feedstocks.

In 12 years, the West Virginia coal mining industry will continue to be highly efficient and use state-of-the-art technologies that minimize environmental and social impacts of mining. Current and past mine sites will be reclaimed and waterways will be protected from acid mine drainage.

For our basic industries such as aluminum, steel, glass, chemicals, wood products and mining to remain globally competitive in the year 2010, we believe it will be necessary for them to continually improve their productivity by participating in programs such as the U.S. DOE's Industries of the Future (IOF) program. For that reason, West Virginia is working with the Office of Industrial Technologies to develop a state-level IOF program to promote industry, government and academic cooperative projects to improve industrial productivity through energy efficiency, waste minimization and use of new technologies.

In our vision of 2010, West Virginia's coal and natural gas companies will work together with utilities and high technology companies on collaborative projects to help West Virginia manufacturing industries remain globally competitive.

For the year 2010, we envision at least 25 percent of West Virginia's fleet and commuter vehicles being powered by alternate fuels, such as natural gas, electric, hybrid electric or coal-based diesel. Natural gas refueling stations and recharging facilities will be conveniently located across the state. Furthermore, we anticipate that West Virginia will be participating in a consortium of mid-Atlantic states developing a high-speed, intercity light-rail transportation system.

West Virginia will continue to be the largest producer of natural gas east of the Mississippi River, as well as a major storage and transfer area for interstate natural gas transmission systems. West Virginia is becoming a major producer of coalbed methane, and by 2010, no coalbed methane will be flared or vented to the atmosphere. It will be recovered and used for production of heat and power.

In addition to coal and natural gas, West Virginia will have by 2010 a diversified portfolio of energy sources including coalbed methane, wood residues, waste coal, wind and biomass.

POTENTIAL BARRIERS TO ACHIEVING THE VISION

There are several potential barriers to West Virginia achieving its vision for 2010 relative to power generation and industrial energy efficiency. We have serious concerns with the Environmental Protection Agency's emissions standards for NO_x, as proposed on November 7, 1997. Likewise, our state is also concerned about how, as a result of the Kyoto Conference, new restrictions on greenhouse gases—in particular CO_2—could have a devastating impact on the cost of energy production and the economy of our state.

EPA's proposal prescribes an overall NO_x reduction of 44 percent from West Virginia sources. This would require power plants in the state to reduce their NO_x emissions by as much as 85 percent from 1990 levels and other industrial/manufacturing sectors by 25 percent to 70 percent. The impact on the state could be severe, jeopardizing up to 11,000 jobs in the manufacturing and power generation industries—more than 12 percent of West Virginia's industrial work force.

There is growing concern around the world about global climate change due in part to burning fossil fuels. West Virginia expects to do its part to prevent global climate change, but we strongly believe that greenhouse gas emissions standards should be equitable worldwide and based on science. Allowing developing nations to have an unfair advantage over developed nations on the amount of emissions allowed puts the United States—and more specifically states, such as West Virginia—at a competitive disadvantage. Consideration must be given to potential economic impacts of precipitous CO_2 reductions and R&D programs developed to ensure the energy security of the country.

As a competitive electricity industry evolves and various federal and state-level legislative restructuring bills are considered, it is important that West Virginia be able to export power. There should be no barriers to the sale of low-cost West Virginia electricity to customers in other states. The cost of transmitting electricity should reflect the actual marginal costs of transmission. Flat rate (postage stamp) pricing schemes for transmission would weaken West Virginia's advantage of being a low-cost electricity producer located near the major East Coast load centers.

Exporting West Virginia power to out-of-state customers requires adequate transmission capacity and fair transmission pricing policies. West Virginia should be included in the dialogue on formation of regional transmission groups and procedures for operating the transmission system.

Formulation of sound energy policy requires a thorough knowledge of the relative costs of producing and consuming power from various fuels and with various technologies. For example, the true environmental costs of renewable energy sources such as wind, hydro and photovoltaic need to be understood better. Furthermore, the cost of externalities such as a military force to guarantee access to offshore sources of crude oil is not reflected in the domestic price of petroleum products.

RESEARCH AND DEVELOPMENT NEEDED TO ACHIEVE THE VISION

Research must be conducted on cost-effective technologies to minimize emissions of greenhouse gases, NO_X, particulates and other pollutants associated with the use of fossil fuels. Such research could be conducted through cooperative university, industry and government agreements, but the R&D priorities must be determined by industry. An excellent model for developing industry-led research agendas is the U.S. DOE's Industries of the future program run by the Office of Industrial Technologies. The U.S. DOE Clean Coal Technology program is also a model of industry/government cost-shared research that encourages commercial implementation of new technologies to improve efficiency and ameliorate environmental impacts of coal-based power generation. Such technologies are important to the energy security of the country in the event crude oil supplies are interrupted or the price of natural gas increases sharply.

Research and Development Related to Power Generation and Transmission

Several fields present compelling opportunities to explore strategies and new approaches that would: increase efficiency and reduce the costs of producing electricity with new technologies such as low NO_X burners, fuel cells, coal gasification combined cycle, cofiring with biomass or natural gas, etc.; improve efficiencies on retrofit technologies, reduce pollution emissions and extend the life of existing power plants; continue investment in certain clean coal technologies to further reduce costs, improve efficiency and reliability and minimize emissions; optimize all aspects of power plant operation toward increased efficiencies; and explore "in-situ" utilization of existing coal reserves.

Develop technologies for eliminating NO_X emissions from diesel engines; explore technologies for capturing, utilizing and sequestering CO_2; design pollution permit trading systems that treat fixed and mobile sources equitably; improve and validate mathematical models of pollution transport and global climate change phenomenon; increase the reliability and capacity of existing transmission line right-of-ways with use of improved power electronics, high-temperature super conductors, voltage control, protection against sudden voltage collapse, improved system stability and real-time monitoring of line temperatures; reduce further the cost of high-voltage DC transmission lines; improve understanding of how electric power markets work. (Studies to determine the actual costs of transmitting power so economically efficient, i.e., marginal cost, transmission-pricing schemes can be devised); and assess economic and scientific impacts of rule making.

Research and Development Related to Industrial Energy Efficiency

West Virginia is working through the national Industries of the Future program to implement an IOF–WV program to identify and conduct multidisciplinary projects, which will be of real benefit to West Virginia's aluminum, steel, glass, chemical and wood products industries. At a recent IOF–WV Symposium in Charleston, the five industry groups were asked to brainstorm the question, "What specific projects should be undertaken to increase productivity and reduce costs through improved energy efficiency, reduced waste, use of new technologies, better inventory and management systems, etc.?" There were 33 project ideas from the aluminum industry group, 21 from the steel industry group, 15 from the glass industry group, 26 from the chemical industry group and 16 from the wood/forest products group. Over the next year, the IOF–WV program will expand to include metal casting and mining.

Their suggestions for the fields of R&D include: strategies to reduce the cost of power for West Virginia's energy intensive manufacturing industries, e.g., better energy demand management systems; new systems for improved on-line process monitoring and improved sensors and controls; development of better waste minimization and recycle strategies, e.g., industrial wastewater treatment technologies; product designs for recycling materials and wastes; more effective recovery and use of industrial waste heat; better strategies for cross industry use of waste and by-product from one process or company as feedstock for another; streamlined environmental permitting processes; and evaluation of proposed mining sites in terms of potential acid water production, subsidence and impacts on roads, bridges and scenic areas.

FUNDING FOR ENERGY AND INDUSTRIAL EFFICIENCY R&D

Deregulation and competition in the electricity industry could lead to reduced spending by the private sector on long-range energy related R&D. The federal government must provide leadership with incentive programs to co-fund development and implementation of a spectrum of energy technologies. The DOE and the states will need to develop cooperative R&D programs appropriate to the needs and resources of individual states.

All stakeholders must make investments in energy R&D. Although generation is being deregulated, transmission and distribution of electricity will remain regulated. State and federal laws on restructuring of the electricity industry can authorize wire charges or other fees to develop a pool of funding for energy R&D projects. The energy industries in West Virginia must play leading roles in developing resources to support R&D on environmentally compliant technologies for fossil-based power generation. Investment in implementing these technologies also will be required.

To retain the interest and involvement of West Virginia companies in the Industries of the Future program, it is necessary that we make rapid progress toward funding for joint projects, which will benefit their future survivability and competitiveness. We are currently working with five industry sectors (aluminum, steel, glass, chemicals and wood/forest products) and plan to add metal casting and mining. A budget of about $1,750,000 per year would be required to run a meaningful state-level IOF program.

State and federal incentive programs that encourage companies to invest in new technologies that save energy and minimize emissions should be expanded. The U.S. DOE's existing program in National Industrial Competitiveness through Energy, Environment, Economics (NICE-3) is an effective mechanism to encourage private-sector Investment in new energy efficient technologies.

The U.S. DOE's State Energy Program provides funding directly to the states, permitting them the flexibility to support energy initiatives that are uniquely Important to their situations. In West Virginia, a cornerstone of the State Energy Program is our work with industry to identify process modernization opportunities. These industrial projects yield meaningful cost-savings and environmental benefits that are key to the long-term health of our nation's industries. International trade treaties require that our industries become more competitive. West Virginia became the first state to institute a state level Industry of the Future program.

Another important component of our energy program is the promotion of alternative fuels. Through the State Energy Program, we are supporting alternate fuels training programs, as well as development of a compressed natural gas fueling infrastructure. West Virginia was one of the first states to Initiate a statewide Clean Cities program. The overall goal of the State Energy Program is to enhance our nation's energy security.

SUMMARY

In summary, production and utilization of fossil fuels, generation and transmission of electricity and energy intensive manufacturing industries dominate the economy of West Virginia. We envision our low-cost electricity and manufactured goods as being critical to the energy security and industrial competitiveness of the nation throughout the next century. The energy research needs and agenda outlined in this paper are of great importance to our state. We are committed to participating in partnerships and coalitions to develop resources and to carry out the R&D program. West Virginia wishes to participate fully in the energy/environment/economic policy debates. We very much appreciate the opportunity to present our thoughts to the Interior Subcommittee of the U.S. House of Representatives Appropriations Committee and look forward to further discussions and actions.

EDUARD SHEVARDNADZE

Mr. BYRD. Mr. President, on January 25, 1998, this past Sunday, the President of Georgia, Eduard Shevardnadze, celebrated his 70th birthday. President Shevardnadze is one of the central international political figures of our age, and has been pivotal in the transformation of the communist Soviet empire into a group of nation states which have now embraced the goals of individual freedom, democratic processes, and free market economics. It is noteworthy that this transformation, the dismantling of an empire with large intelligence and military forces, and with a history of inbred hostility toward the West, occurred absent any violent confrontation with the United States, or our European allies.

Much of the credit for this peaceful transformation, the ending of the Berlin Wall and the cooperation between the Soviet leadership and the United States on major arms control and reduction agreements, rightfully belongs to the enlightened and forceful personality of Mr. Shevardnadze. His role emphasizes the crucial part played by personalities in the shaping of the major events of human history. He serves as an example that history is shaped to a large extent by individual men, rather than by social movements or economic imperatives.

For instance, Russian cooperation with the United States in working to condemn, and then oust, Saddam Hussein's forces from their occupation of Kuwait was to a large extent due to the courageous support of Mr. Shevardnadze in the face of opposition from forces in Russia which wanted to preserve a historic Russian-Iraqi alliance. His help in establishing a cooperative relationship with the United States regarding the invasion of Iraq actually forced Gorbachev's hand and trumped the Soviet security bureaucracies. It has been well documented that Shevardnadze quickly shed the negative approach to East-West relations that was the hallmark of former Russian Foreign Minister Andrei Gromyko when Shevardnadze took over the Foreign Ministry of the Soviet Union in 1985. Both former Secretaries of States George Shultz and James Baker have written extensively about Shevardnadze and praised his many contributions to the ending of the cold war. As a former U.S. Ambassador to the Soviet Union, Jack Matlock, has written in the September 25, 1997, issue of the "New York Review of Books," "If Gorbachev had been served by a less imaginative and courageous foreign minister it is doubtful that the cold war could have been ended as rapidly and definitively as it was."

Shevardnadze served as Soviet Foreign Minister from 1985–1991, and presided over the rapid transformation of East-West relations and the end of the cold war. It was, as I have said, an extraordinary era in which we have all been fortunate to participate in and to witness. In 1991, Eduard Shevardnadze resigned as Soviet Foreign Minister in protest over what he perceived as the coming of a military dictatorship in Russia, and he returned to his native Georgia. Georgia was in an advanced state of shambles, with the economy devastated following the breakup of the Soviet Union. The country was in a state of ruinous civil war. Shevardnadze entered political life there, and was elected president of Georgia in November 1995, with over 70 percent of the vote. Currently, he also serves as the Commander in Chief of the armed forces of Georgia, and has brought new hope, stability, and economic development to that nation. A new constitution has been adopted, and Shevardnadze has secured the transportation of Caspian oil through Georgia and negotiated a number of agreements with both Russia and the neighboring Caucasus states. As the current ambassador of Georgia to the U.S., the Honorable Tedo Japaridze, has written to me regarding President Shevardnadze's goals, "he is committed to build democracy in Georgia, brick by brick."

Eduard Shevardnadze is a man who has made a difference in our age, and he will continue to make a difference. He has many admirers in the United States, including myself, and I wish him well on the event of his 70th birthday.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

TRIBUTE TO JOHN McGOFF

Mr. ABRAHAM. Mr. President, I rise today to pay tribute to a good friend and a business leader from my State who recently passed away, Mr. John McGoff. Mr. McGoff was one of our State's most successful business leaders, making his fortune, and his impact, primarily in the area of publishing. He owned a number of news publications and was a great success, but I think he would prefer to be remembered for several other things he achieved in his lifetime.

First was his great sense of community spirit. Mr. McGoff was truly a man who loved the communities in which he lived. He invested considerably, out of his own resources, in the communities in which he resided, in the schools of those communities, in our State's university system, and in a variety of other valuable institutions.

In fact, when tribute was paid to him last Saturday, it was in an auditorium in the high school serving the tiny town in which he lived, an auditorium which he personally had built with his own dollars.

I think John McGoff also would want to be remembered as a man who loved his country. He put this love to the test by serving in the United States military. He served with distinction in the infantry during World War II, both in North Africa and in Europe. He also played an active role in the political process, in our State and at the national level.

He was committed to the discussion of public policy. And he acted on this commitment, not only through the newspapers he owned, but also through his efforts to launch a variety of other publications, including one of today's most successful law journals, the Harvard Journal of Law and Public Policy, which he helped to initiate through personal investments.

Mostly, I think John McGoff would want to be remembered as a man who loved his family. Indeed, I can remember how, on virtually every occasion in which we were together I would receive a detailed account of every one of his children, what they were doing and what their most recent achievements and challenges were. When we paid him tribute last Saturday, each of those children was there to help remember their father and to pay great testament to his wonderful life.

So, on behalf, I know, of many people in our State who certainly will miss John McGoff and regret his passing, I want to say his was a full life, one of great success; the life of a person who loved his community, loved his country, loved his family—truly loved America and everything for which she stands.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT REQUEST—S. 1295

Mr. LOTT. Mr. President, I have a unanimous-consent request with regard to S. 1295, which is the naming of the National Airport the Ronald Reagan Airport. But before I propound that request, let me say I want to make some comments after we have this request, about why we are doing this, and put in the RECORD some of the history about what is involved. I have been talking to the principal sponsor, Senator COVERDELL. I know he has been talking to Members on both sides of the aisle. Senator DASCHLE and I have talked about it. I don't think we have, it would appear, an agreement worked out as to how this is to be considered, but I hope we can continue to talk about why this is important, why we want to do it, and see if an agreement can be worked out. I think it is the right thing to do.

One week from Friday is the birthday of former President Ronald Reagan. I think it would be a very good and a magnanimous gesture by the Congress and by the President of the United States if he could be able to sign this bill on President Ronald Reagan's birthday. That is why the timing is critical and why we want to go ahead and begin to talk about it. Because Senators on both sides of the aisle had conflicts today, we are not going to be able to vote on it today—or would not have been able to vote on it, probably, today, anyway. But it is my hope, my intent, that we could get it done next Tuesday and then complete the process so we could do this in recognition of this great President.

I ask unanimous consent the Commerce Committee be discharged from further consideration of S. 1297 and further the Senate proceed to its immediate consideration, and further, that there be one amendment in order relative to the modification of the original bill, with total time for debate limited to 2 hours equally divided between Senators McCAIN and HOLLINGS or their designees, and, following the debate, the Senate proceed to a vote on or in relation to the amendment, to be followed by third reading and final passage. I further ask that if a rollcall vote is requested in relation to the amendment or passage, the votes be postponed to occur on Tuesday, February 3, at a time to be determined by the majority leader after notification of the minority leader.

The PRESIDING OFFICER (Mr. SANTORUM). Is there objection?

Mr. DASCHLE. Reserving the right to object, and I will be compelled to object at this time, for several reasons.

First, there are a number of Democratic Senators who want the opportunity—to have a right to offer perhaps more than one amendment. There may or may not be opposition to this legislation, but there certainly is cause for some consideration of aspects to this issue that may not be as evident as we consider the prospect of a bill of this nature today: The costs associated with it; the process that we use in naming national or important public facilities; people have raised the question of whether it is appropriate for us to take the name Washington off of the name of this particular airport—ironically, the same month that we celebrate President Washington's birthday. So we celebrate not only one but two birthdays in February. The name Washington is very prominent in February, as is President Reagan's of course. Some have even asked whether the Reagan family wants this to be done.

So, Mr. President, there are a lot of very legitimate questions. As I say, there are a number of Democratic Senators who may or may not be in support of this legislation, following the exploration of many of these issues. So I do not think it would be in our best interests to proceed today. I have had some discussions with the distinguished majority leader about the matter, and will continue to do so in an effort to resolve these questions and try to find a way with which to assure that this issue is fully explored and debated without unnecessary delay.

So, on the basis of all of those relevant issues, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. LOTT. Mr. President, I yield to the chairman of the committee that has jurisdiction in this area.

RENAMING WASHINGTON NATIONAL AIRPORT "RONALD REAGAN NATIONAL AIRPORT"

Mr. McCAIN. Mr. President, I thank the majority leader for bringing this issue forward in an expeditious fashion. I do believe President's Reagan's upcoming birthday is an important time for us to mark this occasion. I thank Senator COVERDELL, whose original thought I believe this was, along with the encouragement of millions of Americans all across the country. I have a longer statement, I would say to the majority leader, that I would like to give after his remarks, but let me just say, briefly, I find this—I find this astounding, that we would block this. There have been many fallen leaders. There are many former Presidents we have had, and living Presidents, that—there has never been any problem with the naming of things. I have been told that there may be an effort to name the Justice Department after the late Robert F. Kennedy. I would strongly support such a thing and I believe most of my colleagues on the other side of the aisle would also. But for us to block this at this time, given President Reagan's condition—which we all are very well aware of—I think is unfortunate and, even worse, if this blocks this well-intentioned proposal to honor one of the most decent and nonpartisan and kindly people that I have ever had the privilege of knowing in politics, I think it would be a terrible mistake.

I yield back to the majority leader. I will have further remarks later on. I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank the chairman of the committee, Senator McCAIN, for his comments. I know we will be interested in hearing the balance of his comments. I thank him for allowing me to explain a little bit about what is going on here, if I could.

First of all I want to emphasize that the proposal is to name National Airport, which is commonly referred to as Washington National Airport, the Ronald Reagan Washington National Airport. Washington National Airport was not named after George Washington. It was named after the District of Columbia, to denote a location, a physical location. I think everybody would understand that that would be appropriate, the Ronald Reagan Washington National Airport.

This idea, as I understand it, originally came from the immediately-past Governor of Virginia, the State where this airport is located. That was the first time I ever heard it was from former Governor George Allen.

The principal sponsor, Senator COVERDELL, has worked in previous Republican administrations, has been committed to this and has been doing very good work in the preparation for this to happen. As for my personal situation, I had the clear impression that this was something that was supported by the family and friends of the President.

But I also want to emphasize again something I noted earlier. The reason why we want to do it early is not just because we are looking for work, not just because we want to ram it through—I really thought it would go through, you know, on a shouted unanimous vote. It's because it is a special time in the life of a man who has meant so much to this country and to so many of us.

In my 29 years in political life, this man, former President Ronald Reagan, has meant more than any other single person. I think history will show clearly he is one of the two greatest Presidents of this century, and in my opinion, the greatest by far. So I was very comfortable with moving it quickly, because of the birthday consideration. Keep in mind, now, this is a President, as you would expect from Ronald Reagan, who is sort of riding off into the sunset. He has been a credit to our country in so many ways, and since he has been President he has gone back to his beloved California and he has been battling a terrible disease that millions of Americans have to deal with, Alzheimer's disease. It is one of the programs, one of the diseases where we really don't fund adequate research. We hear all of these other things that are really looked into at NIH, all these other research programs, all these other problems, yet this one probably gets the short end of the stick.

So I have been proud, and saddened, by the fact that he is afflicted, now in an advancing way, with this terrible disease. So I want, in any way we can, to say to him how much we appreciate him, what he has done for our country, and to his family and the sacrifices they made. Every President makes sacrifices to be President, and their families probably even more. So that is what is the driving force here. Who he is, what he is going through, what he has meant to this country, what he has meant to so many of us, and the fact that it is a special time in his life.

The point is made, this is not an appropriate edifice. It is really not that pretty. It is new.

Or that, "Gee, it may not even be here in 25 or 50 years. We need something, a monument, that will be there for 100 years, 200 years or 1,000 years." I think there is some merit to that.

Some people say, "We have this building down on Pennsylvania Avenue that is going to be named after him," and that is fine. It is not as if we can only name one facility. I don't know how many Roosevelt monuments and memorials we have. That's OK, and I voted for memorials and monuments to a lot of Democrats. I don't think we vote on these things because they are Democrat or Republican. Once they become a former Secretary of State, like John Foster Dulles, or former President Kennedy, they are a former President or a former Secretary, and, in many instances, we owe them an awful lot.

I even think somebody said, "Usually we wait until they have passed on." I think it is a ridiculous idea. What good is it to them then? Do they have any idea how much they meant to us then? I don't think we ought to make it a practice to do it immediately or while they are still in office. But for special people and special occasions, I think it makes us a greater people.

I would like to include some examples of memorials and monuments that in the past have been named for U.S. Presidents: John F. Kennedy Center for the Performing Arts, 1963; James Madison Building, 1965; Lyndon B. Johnson National Historic Site, 1969; Harry S. Truman Dam and Reservoir, 1970; Lyndon B. Johnson Memorial Grove, 1973; Lyndon B. Johnson Manned Spacecraft Center, 1973; Lyndon B. Johnson Civilian Conservation Corps Center, 1974; Gerald Ford Building, 1977; Herbert Hoover Building, 1981; Dwight D. Eisenhower Interstate System, 1990; Theodore Roosevelt Building, 1992; Ronald Reagan United States Courthouse, 1992; Woodrow Wilson Plaza, 1994; Ronald Reagan Federal Building and International Trade Center, 1995.

I do believe that we want to do this in a bipartisan way. I know there are some in both parties in this country who are not all that excited about this—with good reason, I understand that. But I also know there are people on both sides of the aisle and all over the country who don't care about partisan politics who feel like this should be done.

Maybe I am influenced in bringing this up by a speech I read just a couple weeks ago by Margaret Thatcher, another great leader in this century, a speech she made on December 10, 1997, at the Sheraton Washington Hotel.

I ask unanimous consent that her entire speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From Human Events, Jan. 16, 1998]

HOW REAGAN'S COURAGE CHANGED THE WORLD

The following is the text of the speech delivered by former British Prime Minister Margaret Thatcher at the Heritage Foundation's gala 25th anniversary dinner at the Sheraton Washington Hotel, Dec. 10, 1997:

It is a great honor to be asked to be the inaugural speaker of this series of lectures on "The Principles of Conservatism" organized to celebrate the 25th anniversary of the Heritage Foundation. Heritage has flown the flag for conservatism over this last quarter-century with pride and distinction.

I've always considered America fortunate in having an apparently inexhaustible supply of conservative thinkers prepared to challenge the fashionable liberal consensus. That is a tribute to the intellectual energy and the taste for debate which are so characteristic of this great country and which sometimes seem distressingly absent in contemporary Europe. But it is also a tribute to Heritage (and in particular to Ed Feulner) that these conservative thinkers have been motivated and sustained in their mission.

It is no less an honor—and, dare I say, still more of a pleasure—to be invited here on the occasion of the presentation of the Clare Booth Luce award to my old friend Ronald Reagan.

President Reagan is one of the greatest men of our time, and one of the greatest American Presidents of all time. If that is not fully appreciated today, and sadly it is not, it isn't really surprising. After all, so many people have been proved wrong by Ronald Reagan that they simply daren't acknowledge his achievement.

Forests have already been pulped to print the revisionist analyses of the '80s. Those who were once so confident of the superiority of the Soviet system that they advocated appeasement of it now pretend to believe that it was doomed to inevitable collapse. Tell that to the Russians! The former Soviet ministers didn't, and don't, doubt the seriousness of the struggle, even if Western liberal commentators do.

No one in the West appreciates all this better—and no one served the President and this country more loyally—than Cap Weinberger, here to receive the award on Ronald Reagan's behalf. He was also a great friend to Britain, above all during the Falklands War. It's nice to be among conservatives. It's still nicer to be among friends.

When the Heritage Foundation asked me to make the virtue of courage the centerpiece of this lecture, I was not displeased. Of the four cardinal virtues (courage, temperance, justice and prudence) it is the last (prudence) that the ancient philosophers traditionally placed at the moral apex. They did so because they understood, quite rightly, that without that practical, seemingly rather dull virtue, none of the others could be correctly applied. You have to know when and how to be brave, or self-controlled or fair-minded, in particular situations. Prudence—or what I would prefer to call a good, hearty helping of common sense—shows the way.

COURAGE AND CHARM OF RONALD REAGAN

But in my political lifetime I believe that it is fortitude or courage that we've most needed and often, I fear, most lacked.

Today we are particularly conscious of the courage of Ronald Reagan. It was easy for his contemporaries to ignore it: He always seemed so calm and relaxed, with natural charm, unstudied self-assurance, and unquenchable good humor. He was always ready with just the right quip—often self-deprecatory, though with a serious purpose—so as to lighten the darkest moments and give all around him heart. The excellent recent study by Dinesh D'Souza refreshed my memory about some of these occasions and told me of others which I didn't previously know.

Right from the beginning, Ronald Reagan set out to challenge everything that the liberal political elite of America accepted and sought to propagate.

They believed that America was doomed to decline. He believed it was destined for further greatness.

They imagined that sooner or later there would be convergence between the free Western system and the socialist Eastern system, and that some kind of social democratic outcome was inevitable. He, by contrast, considered that socialism was a patent failure which should be cast onto the trash heap of history.

They thought that the problem with America was the American people, though they didn't quite put it like that. He thought that the problem with America was the American government, and he did put it just like that.

The political elite were prepared to kowtow to the counterculture that grew up on American campuses, fed by a mixture of high-brow dogma and low-brow self-indulgence. Gov. Reagan would have none of it and expressed his disdain in his own inimitable fashion.

On one occasion students, chanting outside the governor's limousine, held up a placard bearing the modest inscription. "We Are the Future." The governor scribbled down his reply and held it up to the car window. It read: "I'll sell my bonds."

In those days, of course, there were not many people buying bonds in Ronald Reagan. But from the very first time I met him I felt that I had to invest. I was leader of the Opposition—one of the most tricky posts in British politics—when Gov. Reagan paid me a visit. The impression is still vivid in my mind—not so vivid that I can remember exactly what he said, only the clarity with which he set forth his beliefs and the way he put large truths and complex ideas into simple language.

As soon as I met Gov. Reagan, I knew that we were of like mind, and manifestly so did he. We shared a rather unusual philosophy, and we shared something else rather unusual as well: We were in politics because we wanted to put our philosophy into practice.

RONALD REAGAN'S ACHIEVEMENT

Ronald Reagan has changed America and the world, but the changes he made were to restore historic conservative values, not to impose artificially constructed ones.

Take his economic policy, for example. It was certainly a very radical thing to do when he removed regulations and cut taxes and left the Fed to squeeze out inflation by monetary means. Supply-side economics, Reaganomics, Voodoo economics—all these descriptions and mis-descriptions testified to the perception of what was proposed as something outlandish. But it really wasn't and Ronald Reagan knew it wasn't.

After all, if you believe that it's business success that creates prosperity and jobs, you leave business as free as you possibly can to succeed. If you thing that it's governments—taxing, spending, regulating, and printing money—that distort the business environment and penalize success, you stop government doing these things.

If, at the deepest level, you have confidence in the talent and enterprise of your own people you express that confidence, you give them faith and hope. Ronald Reagan did all these things—and it worked.

Today's American prosperity in the late 1990s is the result, above all, of the fundamental shift of direction President Reagan promoted in the 1980s.

Perhaps it's something of an irony that it's an administration of instinctive spenders and regulators that now is reaping much of the political reward. But we conservatives shouldn't really be that surprised, for it was the departure from some of those conservative principles, after Ronald Reagan and I left office, that left conservative politicians in both our countries out in the cold. One of Thatcher's iron laws is that conservative governments that put up taxes lose elections.

It is, however, for fighting and winning the Cold War that Ronald Reagan deserves the most credit—and credit not just from Americans, but from the rest of what we called in those days the Free World, and from those in the former Communist states who can now breathe the air of liberty.

President Reagan's "expert critics" used to complain that he didn't really understand communism. But he understood it a great deal better than they did. He had seen at first hand its malevolent influence, under various guises and through various fronts, working by stealth for the West's destruction.

He had understood that it thrived on the fear, weakness and spinelessness of the West's political class. Because that class itself had so little belief in Western values, it could hardly conceal a sneaking admiration for those of the Soviet Union. For these people, the retreat of Western power—from Asia, from Africa, from South America—was the natural way of the world.

Of course, there were always some honest men struggling to arrest the decline, or at least to ameliorate its consequences. The doctrine of "containment" was envisaged as a way of conducting a strategic resistance to Communist incursion. Similarly, the doctrine of "détente" also had its honorable Western advocates—none more so than Henry Kissinger. But the fact remains that it meant different things to different sides.

For the West, détente signified—as the word itself literally means—an easing in tension between the two superpowers and two blocs. This made a certain sense at the time, because it reduced the risk of a nuclear confrontation which Western unpreparedness had brought closer because we had allowed our conventional defenses to run down.

But it also threatened to lead us into a fatal trap. For to the Soviets, détente signified merely the promotion of their goal of world domination while minimizing the risk of direct military confrontation.

So under the cloak of wordy communiqués about peace and understanding, the Soviet Union expanded its nuclear arsenal and its navy, engaged in continual doctrinal warfare, and subverted states around the globe by means of its own advisers and the armed forces of its surrogates. There was only one destination to which this path could lead—that of Western defeat. And that's where we were heading.

This was a message which few newspapers and commentators wanted to hear. It was at this time—the mid-1970s—that after one such speech I was generously awarded by the Soviet military newspaper *Red Star* the sobriquet of the "Iron Lady."

You might imagine that it would be easier to call for a return to military strength and national greatness in the United States, a superpower, than in the United Kingdom, a middle-ranking power. But, oddly enough, I doubt it.

America, as I found from my visits in the '70s and early '80s, had suffered a terrible decline of confidence in its role in the world. This was essentially a psychological crisis, not a reflection of realities. We now know that the arms build-up by the Soviets at that time was an act of desperation. The Soviet Union was dangerous—deadly dangerous—but the danger was that from a wounded predator, not some proud beast of the jungle.

The more intelligent Soviet apparatchiks had grasped that the economic and social system of the USSR was crumbling. The only chance for the state that had so recently pledged to bury the West, but which was now being buried by its own cumulative incompetence, was to win an arms race. It would have to rely for its survival on the ability to terrify its opponents with the same success as it had terrified its own citizens.

A totally planned society and economy has the ability to concentrate productive capacity on some fixed objective with a reasonable degree of success, and do it better than liberal democracies. But totalitarianism can work like this only for a relatively short time, after which the waste, distortions and corruption increase intolerably.

So the Soviet Union had to aim at global dominance, and achieve it quickly, because given a free competition between systems, no one would wish to choose that of the Soviets. Their problem was that even though they diverted the best of their talent and a huge share of their GDP to the military complex, they lacked the moral and material resources to achieve superiority. That would be apparent as soon as the West found leaders determined to face them down.

This was what Ronald Reagan, with my enthusiastic support and that of a number of other leaders, set out as President to do. And he did it on the basis of a well-considered and elaborated doctrine.

The world has, of course, seen many international doctrines—Monroe, Truman, and Brezhnev have all made their contributions, some more positive than others. But for my money it is the Reagan doctrine, spelt out very clearly in the speech he gave to British parliamentarians in the Palace of Westminster in 1982, that has had the best and greatest impact.

This was a rejection of both containment and détente. It proclaimed that the truce with communism was over. The West would henceforth regard no area of the world as destined to forgo its liberty simply because the Soviets claimed it to be within their sphere of influence. We would fight a battle of ideas against communism, and we would give material support to those who fought to recover their nations from tyranny.

President Reagan could have no illusion about the opposition he would face at home in embarking on this course: He had, after all, seen these forces weaken the West throughout the '70s.

But he used his inimitable ability to speak to the hearts of the American people and to appeal over the heads of the cynical, can't-do elite. He and Cap Weinberger made no secret of the objective: military superiority. The Soviets understood more quickly than his domestic critics the seriousness of what was at stake. The Russian rhetoric grew more violent; but an understanding that the game was up gradually dawned in the recesses of the Politburo.

It is well-known that I encouraged President Reagan to "do business" with President Gorbachev. I also still give credit to Mr. Gorbachev for introducing freedom of speech and of religion into the Soviet Union.

But let's be clear: The Soviet power brokers knew that they had to choose a reformer because they understood that the old strategy of intimidating and subverting would not work with Ronald Reagan in the White House and—who knows?—even Margaret Thatcher in 10 Downing Street.

The final straw for the Evil Empire was the Strategic Defense Initiative [SDI]. President Reagan was, I believe, deliberately and cunningly tempted by the Soviets at Reykjavik. They made ever more alluring offers to cut their nuclear arsenals, and the President, who was a genuine believer in a nuclear-weapons-free world (it was one of the few things we disagreed about), thought he was making progress.

There was no mention of SDI, and it appeared that the Soviets had tacitly accepted that its future was not for negotiation. Then, at the very last moment, they insisted that SDI be effectively abandoned. The President immediately refused, the talks ended in acrimony, and in the media he was heavily criticized.

But it was on that day, when a lesser man would have compromised, that he showed his mettle.

As a result of his courage, work on the SDI program continued and the Soviets understood that their last gambit had failed. Three years later, when Mr. Gorbachev peacefully allowed Eastern Europe to slide out of Soviet control, Ronald Reagan's earlier decision to stand firm was vindicated. The Soviets at last understood that the best they could hope for was to be allowed to reform their system, not to impose it on the rest of the world.

And, of course, as soon as they embarked upon serious reform, the artificial construct of the USSR, sustained by lies and violence for more than half a century, imploded with a whimper.

The idea that such achievements were a matter of luck is frankly laughable. Yes, the President had luck. But he deserved the luck he enjoyed. Fortune favors the brave, the saying runs.

As this hero of our times faces his final and most merciless enemy, he shows the same quiet courage which allowed him to break the world free of a monstrous creed without a shot being fired. President Reagan: Your friends salute you!

NEW CHALLENGES FACE THE WEST

Democracies, like human beings, have a tendency to relax when the worst is over. Our Western democracies accordingly relaxed—both at home and abroad—in the period after the fall of the Berlin Wall.

It was, of course, right that in this period there should be a new look at priorities. The threat from the Soviet Union was much diminished—both directly in Europe and indirectly in regional conflicts that they had once exploited.

At least the worst errors of the past were avoided—America stayed militarily committed to Europe, NATO remained the linchpin of Western security and, in spite of the protectionist instincts of the European Union, progress continued with reducing barriers to trade.

These elements of continuity were crucial to the relative security and (in spite of the turbulence in the Far East) the considerable prosperity we enjoy today. These were the positive aspects.

But there are also worrying negative ones. Each will require new acts of political courage to overcome.

First, lower defense spending in America, Britain and elsewhere was used not to cut taxes and so boost prosperity, but rather the so-called Peace Dividend went principally to pay for welfare. This in turn has harmed our countries both socially and economically, worsening trends which had already become manifest.

Welfare dependency is bad for families and bad for the taxpayer. It makes it less necessary and less worthwhile to work. The promotion of idleness leads, as it always does, to the growth of vice, irresponsibility and crime.

The bonds which hold society together are weakened. The bill—for single mothers, for delinquency, for vandalism—mounts. In some areas a generation grows up without solid roots or sound role models, without self-esteem or hope.

It is extraordinary what damage is sometimes done in the name of compassion. The risk of reversing the growth of welfare dependency and repairing the structure of the traditional family is one of the most difficult we in the West face.

Secondly, the post-Cold War slackening of resolve has led to a lack of military preparedness. Understandably, with the end of the Cold War the sense of omnipresent danger receded. Less excusably, the fact that the Soviet Union and its successor states no longer challenged the West's very survival led Western countries to behave as if other, new threats could be ignored.

Yet the truth is so obvious that surely only an expert could miss it: There is never a lack of potential aggressors.

We now have to reassess our defense spending, which has been cut back too far. Still more significant has been the failure to grasp the vital importance of investment in the very latest defense technology. The crucial importance of keeping up research and development in defense is the great lesson of SDI. It is also the lesson—in two respects—of today's confrontation with Iraq.

The original defeat of Saddam's forces was so swift—though sadly not complete—because of our overwhelming technical superiority. The fact that we are still having to apply constant pressure and the closest scrutiny to Iraq also bears witness to the lethal capability which science and technology can place in a dictator's hands and the enormous difficulty of removing it. Chemical and biological weapons and the components for nuclear weapons can be all too easily concealed.

The proliferation of ballistic missile technology also greatly adds to the menace. According to the Defense Studies Center at Lancaster University in Britain, 35 non-NATO countries now have ballistic missiles. Of these, the five "rogue states"—Iraq, Iran, Libya, Syria and North Korea—are a particular worry.

North Korea has been supplying ballistic missiles to those who can afford them, and it continues to develop more advanced long-range missiles, with a range of 2,500 to 4,000 miles. According to U.S. sources, all of Northeast Asia, Southeast Asia, much of the Pacific, and most of Russia could soon be threatened by these latest North Korean missiles.

Once they are available in the Middle East and North Africa, all the capitals of Europe will be within target range. And on present trends a direct threat to American shores is likely to mature early in the next century.

Diplomatic pressure to restrict proliferation, though it may be useful, can never be a sufficient instrument in itself. It is important that the West remain able and willing—and is known to be able and willing—to take preemptive action if that should ultimately become necessary.

But it is also vital that progress be made towards the construction of an effective global defense against missile attack. This would be a large and costly venture to which America's allies must be prepared to contribute. It would require a rare degree of courageous statesmanship to carry it through.

But it is also difficult to overstate the terrible consequences if we were to fail to take measures to protect our populations while there is still time to do so.

Thirdly, political courage will be required constantly to restate the case for Western unity under American leadership. America was left by the end of the Cold War as the effective global power of last resort, the only superpower. But there was also a widespread reluctance to face up to this reality.

> The same mentality which Ronald Reagan had had to overcome was at work. Large numbers of intellectuals and commentators, uneasy at the consequences of a victory whose causes they had never properly understood, sought to submerge America and the West in a new, muddled multilateralism.
>
> I suppose it's not surprising. As Irving Kristol once noted, "No modern nation has ever constructed a foreign policy that was acceptable to its intellectuals."
>
> In fact, it is as if some people take a perverse delight in learning the wrong lessons from events. It was Western unity, under inspiring American leadership, which changed the world. But now that unity is at risk as the European Union, with apparent encouragement from the United States, seems bent on becoming a single state with a single defense—a fledgling superpower. Such a development would not relieve America of obligations; it would merely increase the obstacles to American policy.
>
> ### POLICYMAKERS SUCCUMBED TO LIBERAL CONTAGION
>
> Today's international policymakers have succumbed to a liberal contagion whose most alarming symptom is to view any new and artificial structure as preferable to a traditional and tested one. So they forget that it was powerful nation states, drawing on national loyalties and national armies, which enforced UN Security Council Resolutions and defeated Iraq in 1991. Their short-term goal is to subordinate American and other national sovereignties to multilateral authorities; their long-term goal, one suspects, is to establish the UN as a kind of embryo world government.
>
> Surely the crisis in the former Yugoslavia should have shown the folly of these illusions. There the tragic farce of European Union meddling only prolonged the aggression and the United Nations proved incapable of agreeing on effective action. We are still trying to make the flawed Dayton Settlement—which neither the EU nor the UN could have brought about—the basis of a lasting peace in that troubled region.
>
> The future there is unpredictable, but one thing I do venture to predict: The less America leads, and the more authority slips back to unwieldy international committees and their officials, the more difficulties will arise.
>
> International relations today are in a kind of limbo. Few politicians and diplomats really believe that any power other than the United States can guarantee the peace or punish aggression. But neither is there sufficient cohesion in the West to give America the moral and material support she must have to fulfill that role.
>
> This has to change. America's duty is to lead. The other Western countries' duty is to support its leadership.
>
> Different countries will contribute in different ways. Britain is closer to the United States by culture, language and history than is any other European country. British public opinion is therefore readier to back American initiatives. Moreover, Britain's highly professional armed forces allow us to make a unique practical contribution when the necessity arises.
>
> But the fundamental equation holds good for all of us: Provided Western countries unite under American leadership, the West will remain the dominant global influence. If we do not, the opportunity for rogue states and new tyrannical powers to exploit our divisions will increase, and so will the danger to all.
>
> So the task for conservatives today is to revive a sense of Western identity, unity and resolve. The West is after all not just some ephemeral Cold War construct. It is the core of a civilization which has carried all before it, transforming the outlook and pattern of life of every continent.
>
> It is time to proclaim our beliefs in the wonderful creativity of the human spirit, in the rights of property and the rule of law, in the extraordinary fecundity of enterprise and trade, and in the Western cultural heritage, without which our liberty would long ago have degenerated into license or collapsed into tyranny.
>
> These are as much the tasks of today as they were of yesterday, as much the duty of conservative believers now as they were when Ronald Reagan and I refused to accept the decline of the West as our ineluctable destiny.
>
> As the poet said:
>
> "That which thy fathers bequeathed thee
> Earn it anew if thou would'st possess it."

Mr. LOTT. Mr. President, I just want to read some brief, selective passages from what Margaret Thatcher, the former Prime Minister of Great Britain, had to say:

> President Reagan is one of the greatest men of our time, and one of the greatest American Presidents of all time. If that is not fully appreciated today, and sadly it is not, it isn't really surprising. After all, so many people have been proved wrong by Ronald Reagan that they simply daren't acknowledge his achievement. . .
>
> But in my political lifetime I believe that it is fortitude or courage that we've most needed and often, I fear, most lacked.
>
> Today we are particularly conscious of the courage of Ronald Reagan. It was easy for his contemporaries to ignore it: He always seemed so calm and relaxed, with natural charm, unstudied self-assurance, and unquenchable good humor. He was always ready with just the right quip—often self-deprecatory, though with a serious purpose—so as to lighten the darkest moments and give all around him heart. . .
>
> Right from the beginning, Ronald Reagan set out to challenge everything that the liberal political elite of America accepted and sought [as gospel].
>
> They believed that America was doomed to decline. He believed it was destined for further greatness.
>
> They imagined that sooner or later there would be convergence between the free Western system and the socialist Eastern system, and that some kind of social democratic outcome was inevitable. He, by contrast, considered that socialism was a patent failure which should be cast onto the trash heap of history.
>
> They thought that the problem with America was the American people, though they didn't quite put it [that way.] He thought that the problem with America was the American government, and he did put it just [that way.]

In conclusion, and what I think is so beautiful a statement about our country and our world and about Ronald Reagan, she summed it up perfectly. She said:

> It is time to proclaim our beliefs in the wonderful creativity of the human spirit, in the rights of property and the rule of law, in the extraordinary fecundity of enterprise and trade, and in the Western cultural heritage, without which our liberty would long ago have degenerated into license or collapsed into tyranny.
>
> These are as much the tasks of today as they were of yesterday, as much the duty of our conservative believers now as they were when Ronald Reagan and I refused to accept the decline of the West as our ineluctable destiny.
>
> As the poet said: "That which thy fathers bequeathed thee Earn it anew if thou would'st possess it."

A great speech. I have just taken some portions from it. It meant a great deal to me.

I hope we will honor former President Ronald Reagan in this way. I can think of a lot of Democrats I would be perfectly willing to name some building or some facility for. I think President Jimmy Carter has really been an example since he has been President. I don't know that we have named anything after him. I don't know that he sought it, or his family. I am not saying we should do it now. This is not partisan with me, but it is very emotional, and I hope that we will find a way, working together, to get this bill through in time for his birthday. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I commend the majority leader for his remarks just now. No one, or few, I suppose, can match the eloquence of Margaret Thatcher, especially as she talks about one of those partners in leadership that she shared so much with in the time that she led Britain to the heights that it achieved during her tenure as Prime Minister.

I am quite sure that with unanimity, this Senate wishes to honor our former President. So the majority leader's wish will come true; we will honor President Reagan. In fact, as he noted, we will honor him quite certainly, regardless of what happens to the airport. We will honor him by naming after him the largest nondefense building in the country, a Government building, a beautiful building, a building that will last for centuries, a building dedicated to permanence and a building with great meaning, I think, to all of us as we pass down Pennsylvania Avenue today.

It is an extraordinary new accomplishment, architecturally and in many other ways. We have already made the decision to name that superior piece of architecture after our former President, Ronald Reagan.

So let no one be misguided by the remarks today. We honor President Reagan. No one should also be misled with regard to our intentions. There was comment made that we are blocking this legislation. If we were blocking it, Mr. President, we would not have agreed for it to pass out of committee unanimously. If we were blocking it, we would have demanded hearings and we would have used whatever procedural devices at our disposal in the committee. We have not chosen to do that. We are not blocking it today. We have no reservations about bringing it up. We are simply not willing to support a unanimous consent request that limits us to one amendment.

Finally, let me say the majority leader noted that we are not taking Washington's name off the airport. The only amendment our Republican colleagues wish to offer has as its stated purpose, and I will quote, "to rename the Washington National Airport located in the District of Columbia and Virginia as 'Ronald Reagan National Airport.'"

So if that doesn't take Washington's name off the airport, I don't know what does. That is exactly what it does on line 5, page 1. It says:

> From here on after approved June 29, 1940, the airport known as Washington National Airport shall hereafter be known and designated as "Ronald Reagan National Airport."

So, quite clearly, let no one, regardless of what one may think about honoring our former President Ronald Reagan, quite clearly we are doing it by removing the name of the first President of the United States, George Washington. Now, we may want to do that, but that clearly is the design, that is the intent of this legislation, and that is why we think it is in our interest to explore it, to talk about it.

It isn't mutually exclusive. We can find ways to honor our former President, and we can find ways to ensure that we do it correctly and do it with all of the facts on the table. That is all we are asking. Let's do it with eyes wide open, knowing the ramifications, knowing exactly what it is we are doing and then pursuing the best course after that. I think we can do that. I pledge my assistance in working with the majority leader and our Republican colleagues to do it. But we are not ready yet. I am sure at some point soon we will be, but let's proceed in a positive way, not criticizing one another as we start out this effort, but finding the best way with which to resolve these questions. I am sure that can be done, and with that optimism, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to yield in a couple minutes to the Senator from Georgia, but I first feel compelled to answer a couple of comments the distinguished Democratic leader and good friend of mine made.

First of all, I don't think any American identifies Washington National Airport with George Washington. They identify it with Washington, DC. So let's really be clear about that. To take the word "Washington" out of it is not in any way demeaning or lessening the reputation of George Washington; it is because it was identified with Washington, DC.

We named Idlewild Airport "Kennedy Airport." I am sure whoever Idlewild was, or whatever location it was, didn't feel aggrieved when it wasn't called Kennedy-Idlewild Airport.

Second of all, let's talk about the cost here one second. The bulk of the costs associated with the name change at National Airport are related to changing the signs and logos for the airport.

I would like to enter into the RECORD a copy of a letter from a group, Americans for Tax Reform, which created and promoted the Reagan legacy project. The letter states:

> In order to ensure no expenses will be incurred by the Federal Government as a result of this bill, we are willing to coordinate fundraising efforts to fund the creation of appropriate signs and logos for the Ronald Reagan National Airport.

The letter goes on to estimate these costs at $60,000. Let's put that in context. We just spent well over $1 billion in modernizing Washington National Airport. The cost of this would be $60,000. If there is a deep and abiding concern on the other side of the aisle about the costs associated with changing the name, I can assure you that Senator COVERDELL, Senator LOTT and I and everybody else will lead a fundraising effort and pay for this. I am deeply moved about their concern about the taxpayers' dollars.

I don't like to start out the year this way, Mr. President. I really don't. We have enough problems. We have enough difficulties around here without our getting hung up on doing what is the right thing for one of the greatest men in the history of this Nation.

The interesting thing is, he doesn't want to be honored in any way because he doesn't think he deserves it, which is the mark of the greatness and humility of the man. But for us to somehow get hung up on cost, on logos, on whether the name "Washington" is out of it, this is not an appropriate way to start out this year.

I want to tell my friends on the other side of the aisle, we feel very strongly about this issue—very strongly—and if we get hung up on this thing and we are not able to go ahead and honor Ronald Reagan on his birthday, it is going to start things off on a very bad note.

I also want to point out, yes, thanks to Senator HOLLINGS and the bipartisan spirit in which we run the Commerce Committee, it was discharged from the Commerce Committee, but we also had a markup scheduled today, and we would have marked up that bill and reported it out of committee today as well. So I appreciate the cooperation of my friends on the Commerce Committee, but we would have reported it out of the Commerce Committee today, I have no doubt about that.

Again, I don't want to be repetitive, but I am astounded—I am astounded—that when Americans from all over this country would like to have this opportunity to honor Ronald Reagan on his birthday as he goes through this very difficult period, that we should somehow raise a straw man about costs and logos and Washington, DC.

Mr. President, I would like to conclude by saying I first came to know Ronald Reagan during my years in Vietnam when President Reagan was Governor of California. The North Vietnamese had orchestrated an effort to demoralize their American prisoners by convincing us that our country opposed the war and that we had been forgotten and left behind.

As new American prisoners were brought to Hanoi, however, they took advantage of our primitive communications abilities. They made sure that we knew about this Governor in California who was helping lead efforts to secure our release and take care of our families in the meantime. This Governor, Ronald Reagan, served as a very welcome reminder that our country had not forgotten us. I and many others will forever be indebted to him for that and for the friendship we developed after the war.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. BOND). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I see there are some other speakers. I have some extended remarks, but I will be brief now in deference to other people if they have a comment to make. But Mr. President, this is the definition of "pettiness." This is demeaning. The concept that we would honor a former President, but we have to extract a price.

A memorandum went out to my colleagues on the other side of the aisle that wanted an IRS reformation amendment tacked to this legislation. The idea that "You can have this memorial, but only if we extract something from it, too." Maybe this is an indication of just how cynical this city has become from top to bottom.

I have great respect for the minority leader. I consider him a very good friend. But who would counsel him to suggest "We haven't heard from the Reagan family"? What are they supposed to do, buy tickets and fly over here and lobby outside the Chamber? Is that what you would ask of them to do?

The other gentlemen on the list that I have heard that you perhaps would choose to honor, so be it. Honor them. Come forward with these ideas, but not as a quid pro quo to a memorial to this former President.

Do you remember the memorial to the late President Franklin Roosevelt? Was there some skirmish over there?

Did there have to be some ratification or some affidavit from their family as to whether or not it ought to be built and how? I, like Senator McCAIN, would not have been able to envision that we would be discussing Ronald Reagan in this manner.

Are we removing the name of the airport? Has their family appropriately petitioned this Congress that only awards things to those that are on their knees asking?

Can there not be an acceptance of fact that we are dealing with a great American figure who is wounded—who is wounded—who is near the end? And here we are piddling around with, was it named after the President or after the city or have we heard from them, the family, and how much will it cost, when everybody knows it is minimal?

The only word that characterizes it is "demeaning."

Mr. President, I will ask for time later on, but I yield the floor in deference to my colleague from New York.

Mr. MOYNIHAN. I thank my friend from Georgia.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise for the simple purpose of simply informing the Senate of a very happy occasion in the very near future. It will be the dedication of the Ronald Reagan International Trade Building at 16th Street and Pennsylvania Avenue, the largest Federal building, as it happens, in the city and the completion, after 60 or 70 years—70 years of the Federal Triangle proposal which was begun by Andrew Mellon under the Presidency of Herbert Hoover for whom the Commerce Building across from 16th Street is named.

The Ronald Reagan Building was—it should be noted that he signed the bill on August 21, 1987, the Federal Triangle Development Act. I had offered the measure here. It passed, very happily, and authorized the construction of an international, cultural and trade center on that site—a billion dollars worth of real estate. The site was cleared in 1928 and remained a parking lot until now. I remember writing a proposal for President Kennedy on the redevelopment of Pennsylvania Avenue—a parking lot of surpassing ugliness.

But then in 1995, with the building up and about to be running, Congresswoman Andrea Seastrand, who represented the District in which the President lives, introduced a bill to name it for him. Senator Dole cosponsored it here. It was passed unanimously, I should think, in both bodies. And on December 22, 1995, in a very fine ceremony in the Oval Office, President Clinton signed that bill. Speaker GINGRICH, Mr. Dole, Mr. DASCHLE, the Vice President, and the Senator from New York were there. Alas, Representative Seastrand had a vote and could not come.

The building is a 2-century building. It will be there for a very long while. We own the land. It will save money because we will move people from rented space to Government space in the same manner that the Judiciary Building now flanks Union Station but it is a congressional building. It is on Federal land. It is a lease-to-own project. In about 25 years we will have it. We are already paying less rent than we were paying in rented space because we own the land. It is a handsome building. It is a triumphal building.

The architectural critic of the Washington Post, Benjamin Forgey, has given it his very warm endorsement. It has a great atrium. As you walk in it, you see the names, Ronald Reagan and International Trade Organization Building—the Ronald Reagan Building, and in it the National Trade Center. You know you are at a special place designed for, authorized, and built by a very special man, and now to be named for that man in a ceremony that I hope will be joyous, celebratory, and on the edge sad as we consider the condition of our former President, but proud that he was just that.

I thank the Chair.

I thank the Senator from Georgia.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I want to thank the Senator from New York for calling our attention to this extraordinary event.

Could you share with us again, one, what the timing is of the ceremony?

Mr. MOYNIHAN. April 28 or May 5.

Mr. JOHNSON. What will be involved in this ceremony?

Mr. MOYNIHAN. Well, there will be the formal dedication. There will be, I believe, the National Symphony. There will be a musical. It will be a day-long event. And I hope people will find time for it. There is nothing like it that will have happened in our city—well, for those who do not know the history, the Federal Triangle was moving along very well. The crash came, and they stopped—boom—they just stopped. Now we have finished it. President Kennedy envisioned it. President Reagan made it possible. And we are naming it for President Reagan.

Mr. JOHNSON. I wonder if it isn't fair to say—there has been some harsh rhetoric here and knocking down of straw men as we have gone about discussions this afternoon in the United States Senate relative to memorializing former President Reagan. And I wonder if it isn't fair to say that the issues that have been raised are not questioning whether to suitably and appropriately memorialize President Reagan's administration. The questions are not partisan in nature. We have memorialized Presidents of both political parties, as we always will and always should. There is no opposition, certainly, to the largest building I believe on all of Pennsylvania Avenue, America's main street, the avenue that is used for our inaugural parades, the largest building, a very prominently located building—and it has yet even to have the ceremony for its opening, but it passed by unanimous vote, the Senator tells us, in both the House and Senate; bipartisan on both sides of the aisle—but there was no resistance to memorializing in a very prominent and very focal, high focal point of our Nation's most important street an enormous building named for President Reagan.

So it would seem that the issues that have been raised here are not petty, are not meant to demean or in any way undermine the recognition of the contributions that President Reagan made—and he made very significant contributions to this Nation—but that there are legitimate points being raised, one, about the process, rather than the politics, of naming and especially renaming where the name George Washington has always been tied to National Airport—in fact National Airport, I believe, was designed with the terminal intended to be evocative of Mount Vernon and located in a community very near Mount Vernon and where he is very closely associated with the Arlington and Alexandria communities—and whether there ought to be a more systematic process for especially renaming institutions that have been previously named for other great Americans.

Mr. COVERDELL. Will the Senator yield?

Mr. JOHNSON. So the question is not one of whether President Reagan should be memorialized. Certainly he should be.

Mr. COVERDELL. Will the Senator yield?

Mr. JOHNSON. I will yield to the Senator.

Mr. COVERDELL. I believe the time is on your side.

Mr. JOHNSON. The Senator from New York controls the time.

Mr. MOYNIHAN. I yield the floor and say I spent 35 years getting this building built. I leave it to others to describe how it should be named.

Mr. COVERDELL. I assume you are yielding?

Mr. JOHNSON. I certainly yield.

Mr. COVERDELL. Is the Senator aware of the fact that your side has offered a proposal that, yes, go ahead; we can proceed with this, comma, but we have to have something for it. We have somebody else we want to have another building named after. I mean, I am getting confused signals here. Are we really getting into a discussion about changing the name of the Washington, DC, airport? We are going to invoke all this intellectual analysis of how that building was built. I mean, that is not what was being sent to us all morning long.

We were not arguing over, you know, the dynamics of the process, whether or not we are going to name another building. I do not object to you all naming another building for somebody that you want to honor, but it ought to be done on its own. This should not be held up in this manner as a negotiating tool. And that is what has been going on all day.

Is the Senator aware of that?

Mr. JOHNSON. If the Senator will yield back.

Mr. COVERDELL. I certainly will.

Mr. JOHNSON. Obviously, I do not speak for my colleagues on either side of the aisle. I speak only as this Senator, expressing, one, my conviction that there ought to be a very significant memorial to Ronald Reagan. There is one that has been built. The doors, the ribbons have not yet been cut. They soon will be. And this is an extraordinary memorial in one of the most prominent locations of all of Washington. I applaud that.

The only other question I raise is whether there ought to be yet another memorial before the ribbon has even been cut on the first large one, which would have an effect on the airport that memorialized George Washington and which has not gone through what seems to me, from this Senator's point of view, an orderly, thoughtful process.

The Board of Trade in the Washington area, other groups think this is a poor idea, that perhaps there ought to be other memorials to Ronald Reagan. I would say probably that is true. The suggestion is there ought to be one in every State. Perhaps there ought to be. Perhaps there ought to be more in Washington, DC.

However, I simply raise as this Senator's point of view that I think we are getting carried away in a nonsystematic and not terribly thoughtful process about how we name and pull names off of memorials to great Americans. So I have nothing but great respect to express for President Reagan and his family, and I regret that any of this debate that has been caught up in exactly how best to memorialize great Americans would by anyone be perceived as somehow negative or otherwise undermining respect for this past President.

However, I think there are legitimate concerns expressed by some that have nothing to do with partisan politics, that have nothing to do with respect or lack of respect for past Presidents, particularly this past President. I simply want to raise that issue, that there are concerns among those who I think in good faith are expressing some concern not about memorialization but about a specific renaming. The issue, I think, in that sense is narrow.

I personally feel that there is room for improvement in the process that we use for the naming of institutions. That isn't to say, however, that the naming of any particular institution wouldn't be approved by what I think ought to be a nonpartisan commission of some sort, which I think would greatly strengthen our current rather hodgepodge way of naming institutions and buildings and facilities that will be that way for hundreds of years—unless, of course, there are changes in power in Congress and we develop this precedent that whoever is in the majority comes in and changes the names of buildings. That would be a terrible mistake.

I hope the Reagan building downtown stays that way virtually forever and that there is never a thought of renaming that. I simply raise this point to hopefully lend a bit of thoughtfulness and recognition that at stake here is not the honor of the Reagan family or President Reagan nor is it necessarily partisan politics.

I do not necessarily join in with others who may see other political agendas here. This is an institution of 100 individuals, and there are probably 100 agendas on this floor on a given day, but I do want to share those observations with my friend and my colleague about the concerns that came to my mind on this issue.

Mr. COVERDELL. Mr. President, I accept the convictions of my good colleague and his wish that this would not have the taint that it does. Unfortunately, that is what has happened here.

Nor is there anything unique here. Just last year I voted for legislation to honor a colleague on your side of the aisle, one in my own State, a legislative process just like this, a fellow Congressman who is retired, John Rowland. We named a courthouse in our State for him and we were very glad to have been part of it. He deserves it.

Mr. JOHNSON. And I add that I joined in the unanimous consent on the naming of the Reagan building downtown as a Member of the other body during that time, and I am proud of that.

Mr. COVERDELL. I accept the statement of the Senator.

Unfortunately, during the course of the last several hours, this has turned into a quid pro quo. From my own view, I would rather that it not be accepted than we get into, "Well, we will do this if you do that," and we will name this that and this something else. I can only speak for myself. That is my view of it.

I mentioned a little earlier, Mr. President, that there are some unique circumstances that we are confronting in this particular case with former President Reagan. I have been going through some of his legacy of late, and I will share one of the most profound letters an American leader has ever written to his country. It came to us on November 5, 1994.

> My fellow Americans, I have recently been told that I am one of the millions of Americans who will be afflicted with Alzheimer's disease.
>
> Upon learning this news, Nancy and I had to decide whether as private citizens we would keep this a private matter or whether we would make this news known in a public way. In the past, Nancy suffered from breast cancer and I had my cancer surgeries. We found through our open disclosures we were able to raise public awareness. We were happy that as a result, many more people underwent testing. There were treated in early stages and able to return to normal, healthy lives.
>
> So now we feel it is important to share it with you. In opening our hearts, we hope this might promote greater awareness of this condition. Perhaps it will encourage a clearer understanding of the individuals and families who are affected by it.
>
> At the moment I feel just fine. I intend to live the remainder of the years God gives me on this Earth doing the things I have always done. I will continue to share life's journey with my beloved Nancy and my family. I plan to enjoy the great outdoors and stay in touch with my friends and supporters.
>
> Unfortunately, as Alzheimer's disease progresses, the family often bears a heavy burden. I only wish there was some way I could spare Nancy from this painful experience. When the time comes, I am confident that with your help she will face it with faith and courage.
>
> In closing, let me thank you, the American people, for giving me the great honor of allowing me to serve as your president. When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future.
>
> I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.
>
> Thank you, my friends. May God always bless you.
>
> Sincerely,
>
> RONALD REAGAN.

Now, Ronald Reagan's birthday is next February 6, and we ought to do this. This ought to be a part of the sunset journey.

I again say, it is absolutely beyond comprehension that a suggestion was made here this afternoon that somehow his family ought to have been more pronounced and more explicit about their desires with regard to this legislation. To have done so would have been entirely—I repeat, entirely—uncharacteristic for the man that wrote this letter to do. Nor would he in any way have condoned any member of his family making such a suggestion. The only way that something like this could happen on the eve of these final moments would be for it to be a spontaneous gesture from the American people.

So, Mr. President, just for clarity, you never know what will happen in an institution like this, but again I would be prouder that this legislation suffered a defeat over the nuances from the other side than for there to be an asterisk on the legislation that suggested the only way that this body and this Congress could reach out at this moment was if we made some tradeoff; there have been others that got a little something here or there, like you do every day in this town. My own view is it would be diminishing and demeaning of what is being attempted and endeavored to be done here today in the name of a great American President, among others. But this one was a great American President who, as I said earlier, is wounded.

There are moments in our lives and in the history of our country that require a spontaneous response and not some methodical appointing of a commission to measure and weigh every balance. Thank heavens nature doesn't function that way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, to the subject that we have been debating, which is legislation to rename Washington National Airport "Ronald Reagan National Airport," we have had quite a discussion here this afternoon. As I said a little earlier, I have been going through, during the course of this exercise, the various things, of course, that have been said about our former President. I got to thinking, well, who knows him best? And, of course, that is the former First Lady, Nancy Reagan. I was reminded that I had the opportunity to hear her in one of the most heartfelt speeches I believe I have ever heard in San Diego at the national convention in that beautiful city. It was quite a task that she had to perform, to come forward before the Nation, given the situation that the Reagans had been facing, and try to bring a message to those gathered and to the American people.

I think this is an appropriate time to revisit what she said about her husband, President Reagan, at that time. I will skip the introduction, the acknowledgement of the crowd, and move to the heart of the speech, which was undoubtedly difficult for her to deal with because she was moving to the moment in which she felt she had the responsibility to convey to the Nation a feeling about her husband's Presidency and her husband's views of America.

She said this:

> Just 4 years ago, Ronnie stood before you and spoke for what he said might be his last speech at a Republican Convention. Sadly, his words were too prophetic. When we learned of his illness, Alzheimer's, he made the decision to write his letter to the American people.

This is the letter I read a moment ago from the President himself.

She says:

> And the people responded, as they always do. I can't tell you what your cards and letters have meant to both of us. The love and affection from thousands of Americans has been, and continues to be, a strengthening force for Ronnie and me each and every day.

I want to reread that sentence because the other side has evoked that there is some family responsibility here that they should have fulfilled as a precedent before moving for congressional action on this, which as I have said repeatedly is just beyond my understanding. But I will read for them what she said to America:

> I cannot tell you what your cards and letters have meant to both of us. The love and affection from thousands of Americans has been, and continues to be, a strengthening force for Ronnie and me each and every day.

In other words, it was a source of encouragement and strength for them at that time to hear from our fellow countrymen about his work. That's what that means.

> We have learned, as too many other families have learned, of the terrible pain and the loneliness that must be endured as each day brings another reminder of this very long goodbye. But Ronnie's spirit, his optimism, his never-failing belief in the strength and goodness of America is still very strong. If he were able to be here tonight, he would once again remind us of the power of each individual—

How many times had we heard that from President Reagan, about the power of each American?

> Urging us once again to fly as high as our wings will take us and to never give up on America.

The majority leader was here earlier and was talking about Margaret Thatcher and what she had said about the former President. I might revisit that in just a little bit. But that's the point that Margaret Thatcher always focused on—the never give up on America or never give up on Western civilization, and what she so admired in the former President. Here it is documented by Nancy Reagan when she said.

> . . . remind us of the power of each individual, urging us once again to fly as high as our wings will take us and to never give up on America. I can tell you with certainty that he still sees the "shining city on a hill," a place full of hope and a promise for us all.
>
> As you all know, I am not the speechmaker in the family. So let me close with Ronnie's words, not mine. In that last speech 4 years ago, he said, "Whatever else history may say about me when I am gone, I hope it will report that I appealed to your best hopes, not your worst fears, to your confidence rather than your doubts, and may all of you as Americans never forget your heroic origins, never fail to seek divine guidance, and never, never lose your natural God-given optimism."
>
> Ronnie's optimism, like America's, still shines very brightly. May God bless him and, from both of us, God bless America.

You know, several weeks ago, I was in a discussion about American liberty.

I was talking about the fact that free people behave completely differently than people who are not free or oppressed. One of the key components of a free people is their optimism—optimism, the belief that they can accomplish, the belief that they can build, the belief that they cannot be vanquished. And there is no American in contemporary history who so fueled and energized that key component of American liberty as did President Ronald Reagan. He was the epitome of optimism.

I see we have just be joined by my good friend and colleague and neighbor, the Senator from Alabama, and in deference to his time I am going to withhold these other remarks for a moment.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have the honor to speak on this legislation sponsored by the distinguished Senator from Georgia. I so greatly admire him. I admire his principle, integrity, ability, and passion for this issue. I think it is an important issue, and I am proud to be a cosponsor of this resolution. We ought to recognize people who have made great differences in this Nation's history. I think President Reagan is one of those people.

I thought I would take a very few minutes to tell a story that illustrates how deeply and how important President Reagan's life is to the American people and to the people of the world.

In 1993, I went on a church trip to Russia and spent a week there. Our group went to a small city of 40,000 people that is located 5 hours east of Moscow in an area where very few Americans were allowed in over the years because it was a security area in the Soviet Union. We went to the town of Sovetsk. I was able to stay with another American in the home of a Russian businessman who was beginning to develop a business in Sovetsk. The first night we arrived they were going to celebrate the baptism of their daughter. A Russian Orthodox priest appeared in his great robes. The mother, father, and the grandparents had come in from the Ural Mountains, and it was a goodly group of people there. It was a marvelous ceremony as the priest performed that baptism.

As we had dinner afterwards the priest told us that since perestroika, since the fall of the wall, he had baptized 18,000 people in that town of 40,000. He told us that before the wall fell he was not allowed to baptize people. He said he was not allowed to wear his robes, and that the Soviet Communist authorities moved him around 6 months or so at a time so that he could not really get to know his congregation and so he would be unable to build the kind of rapport that is necessary. He discussed how he could now wear his robes, how he could now walk about town, how he could now meet with the mayor, and how he was now respected in the city in public affairs. For this priest and his congregation, it was now a great time.

At the conclusion of that discussion my host proposed a toast to Ronald Reagan "who made us believe in God again."

Mr. President, I don't know if they missed the translation. But the heart of that was very, very real.

President Ronald Reagan helped shape this world. He helped free millions of people from a totalitarian state. He called the Soviet empire an "evil empire," and evil it was.

Before we went to Russia, we spent time with a college professor who had spent 6 months there. He said, "I used to teach that the United States and Russia were just like scorpions in a bottle. There is no difference between us." Now, however, he says that after having been there and after having met with young Russian people he has changed his mind. In the words of that professor, "when I would talk in that fashion, the Russians looked at me like I was crazy. They said, 'What are you talking about? You had all kinds of freedom. We had none. There was a great distinction between Russia, the Soviet Union, and the United States of America and the democracy that you have.'" Today that professor has come to believe that those young people had it right.

Ronald Reagan personified that. He personified the collapse of the totalitarian empire. He gave his life to it. He articulated it better than any man that ever lived. His was a Presidency both in terms of domestic policy and foreign policy that ranks among the highest order of American Presidents.

I think he deserves this recognition. I think it is very fitting that it be done on his birthday. I think it is very fitting that we recognize him while we are still blessed with his presence.

I want to congratulate the Senator from Georgia for his articulate explanation and promotion of this legislation. I am delighted and honored just to have this moment to share this story with the people in this body and the people in the United States because I think it says in a very real way that this man symbolized the American democratic free enterprise victory over the totalitarian atheistic Communist government.

I appreciate the leadership of Senator COVERDELL and thank him for yielding me this time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is interesting to hear the good Senator from Alabama, and I appreciate the personal experience he had confronting these people that were being made free for the first time.

I had the opportunity to do that as well. I will never forget the faces of those people who had never been free or had not been for so long they couldn't remember. If you will bear with me one second, I am going to yield. One afternoon I was in Soviet Bulgaria. It was on the eve of this epic realignment of all Soviet Union and Eastern Europe. I decided to break away, and I did and walked about 5 miles back through the neighborhoods. Do you know what struck me? This is before the freedom had hit. I never saw a single adult ever smile. Never, not one, not one person smiled because of the weight of the oppression. Fortunately, the children were smiling. So you could say, "There is hope here." But it had been beaten out of them—the natural nature of human mind.

The man that brought the wall down—the Senator from Alabama said it and we will never be able to say it enough—how many people he freed through that show of force. He didn't do it alone. He would be the first one to say so. In fact, he would deny it. He would put somebody else far ahead of him in terms of having created that freedom. But when you walk through those streets today and you talk to those people and in all of those countries, they know the force of President Ronald Reagan and they know when he said, "Gorbachev, you tear this wall down" that that was not just rhetoric. That wall came down.

I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I think the Senator from Georgia is so correct. I think back on that example and I think that it really sort of symbolizes the difference between a totalitarian government where freedom is denied, where people are not allowed to worship, and are not allowed to be baptized, and the wonder of the democracy that we are blessed with having.

I think also that it is fitting for us to recognize him in this manner. I have on my desk a plaque which is imprinted with one of President Reagan's quotes, a quote which I think is most appropriate especially as we discuss naming National Airport after him at this late point in his life. It says, "There is no limit what a man can do or where he can go if he doesn't mind who gets the credit."

I think it is time to give Ronald Reagan credit. This is a fitting tribute to him. I salute the Senator from Georgia for his efforts, and I support his steadfastness in that.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, of course, during the course of the afternoon we have been talking about very personal praise for his family and the First Lady. But for Ronald Reagan there is a lot of unlikely praise that needs to be acknowledged here today from Republicans and Democrats alike. While my friends on the other side of the aisle may disagree with him on certain policies, I hope they will agree that he stood fast on conviction and provided leadership for America at a very critical time. Ronald Reagan did after all begin his career as a Democrat. He truly was a man of both sides of the aisle. He cast his first vote for Franklin Delano Roosevelt, whose name has been evoked in this debate because when we were talking about the need to have an appropriate not designation but memorial for President Roosevelt, we did not enter into any of this kind of bickering. It was done. It should be done. Now citizens from all across the country can be reminded of that era of our Nation's history.

Here are some words of tribute from some unlikely sources.

Former California Governor and Presidential candidate, Jerry Brown, said, "He was not just the guy across the table. He had a presence. He had the quality of being able to tell a story. . ." And, as Senator SESSIONS just said, ". . . and then smile and laugh. There was a sort of magic there, and I could see it at work."

Or former majority whip of the House, Representative Coehlo, "Ronald Reagan believed a few things and he really stood for them. He was Presidential. He did not get down in the gutter."

I want to repeat that. "He did not get down in the gutter. Indeed, he would let people accuse him of anything. We did. But these things never got a response."

Even Sam Donaldson has good things to say about President Reagan. He said, "I don't think we have ever had a President who used the bully pulpit better than he did. He was its master. Reagan's most outstanding leadership quality was that you knew where he stood on a matter. You didn't have to agree with him. He got into some of the most contentious issues for our country. I never had to figure out what kind of a speech he would give tomorrow or worry that he would change his mind from the views he expressed today."

That is Sam Donaldson talking about Ronald Reagan.

Donaldson, further quoting, "Reagan is the most dynamic President I have seen."

So, as I said, whether you agreed with him or not, Ronald Reagan defined leadership in our time.

Mr. President, I am going to suggest the absence of a quorum. I think Senator HUTCHINSON is here from Arkansas. I will determine whether that is so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. The Senator already has that right.

Mr. HUTCHINSON. Mr. President, as I listened to the speeches and the various tributes to Ronald Reagan and the speeches that are in favor of this legislation to name the Washington National Airport after former President Ronald Reagan, I had not intended to speak today. But I was moved by some of the tributes that I have heard. I was dismayed by noticing the opposition to this legislation—surprised and dismayed. And I thought there was little I could add to some of the glowing tributes that we have heard except my own personal experience because I think in many ways I like many of my generation owe to Ronald Reagan the inspiration and the motivation to go into the whole sphere of the political arena.

In 1964 I was in junior high school living in the northwest corner of Arkansas. My parents were not particularly political. But I watched the news and followed closely the political events that year and the election campaign between Lyndon Johnson and Barry Goldwater. I remember—I think it was about 10 days before the election that year—watching on our black-and-white television in Arkansas a speech by an actor by the name of Ronald Reagan. I remember sitting on the floor in front of the black-and-white television mesmerized as I listened to what later became known to a whole generation of young people as "The Speech"—"A time for choosing," it was called—in which Ronald Reagan so eloquently laid out for the Nation the choice that faced America in that campaign and a philosophic choice that faced Americans down through the ages.

And there is a junior high schooler listening to Ronald Reagan make that speech, a speech that historians say was the launching pad, if you will, for his political career, a speech that propelled him to a meteoric rise in politics, from the Governorship of California to the Presidency of the United States. I think it also propelled a whole generation of young people to look at politics as something noble, as something of a great adventure, as an arena in which truly a difference could be made in the lives of our fellow citizens and the future of our Nation.

And so when young people write me today, and I so frequently get asked by elementary students and high school students: Senator, how did you get started in politics and who is your favorite President? I answer it in reverse order. I say, "My favorite President is Ronald Reagan, and let me tell you how I got started in politics." And then we enclose in that letter a copy of the speech, the 1964 address by Ronald Reagan that started his political career and that started the political careers of a host of other individuals as well and made a great difference in America. I will not take time to read all of the speech, "A Time for Choosing." I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TIME FOR CHOOSING

(By Ronald Reagan)

[Given as a stump speech, at speaking engagements, and on a memorable night in 1964 in support of Barry Goldwater's presidential campaign. This version is from that broadcast.]

I am going to talk of controversial things. I make no apology for this.

It's time we asked ourselves if we still know the freedoms intended for us by the Founding Fathers. James Madison said, "We base all our experiments on the capacity of mankind for self government."

This idea that government was beholden to the people, that it had no other source of power is still the newest, most unique idea in all the long history of man's relation to man. This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves.

You and I are told we must choose between a left or right, but I suggest there is no such thing as a left or right. There is only an up or down. Up to man's age-old dream—the maximum of individual freedom consistent with order or down to the ant heap of totalitarianism. Regardless of their sincerity, their humanitarian motives, those who would sacrifice freedom for security have embarked on this downward path. Plutarch warned, "The real destroyer of the liberties of the people is he who spreads among them bounties, donations and benefits."

The Founding Fathers knew a government can't control the economy without controlling people. And they knew when a government sets out to do that, it must use force and coercion to achieve its purpose. So we have come to a time for choosing.

Public servants say, always with the best of intentions, "What greater service we could render if only we had a little more money and a little more power." But the truth is that outside of its legitimate function, government does nothing as well or as economically as the private sector.

Yet any time you and I question the schemes of the do-gooders, we're denounced as being opposed to their humanitarian goals. It seems impossible to legitimately debate their solutions with the assumption that all of us share the desire to help the less fortunate. They tell us we're always "against," never "for" anything.

We are for a provision that destitution should not follow unemployment by reason of old age, and to that end we have accepted Social Security as a step toward meeting the problem. However, we are against those entrusted with this program when they practice deception regarding its fiscal shortcomings, when they charge that any criticism of the program means that we want to end payments. . . .

We are for aiding our allies by sharing our material blessings with nations which share our fundamental beliefs, but we are against doling out money government to government, creating bureaucracy, if not socialism, all over the world.

We need true tax reform that will at least make a start toward restoring for our children the American Dream that wealth is denied to no one, that each individual has the right to fly as high as his strength and ability will take him. . . . But we can not have such reform while our tax policy is engineered by people who view the tax as a means of achieving changes in our social structure. . . .

Have we the courage and the will to face up to the immorality and discrimination of the progressive tax, and demand a return to traditional proportionate taxation? . . . Today in our country the tax collector's share is 37 cents of every dollar earned. Freedom has never been so fragile, so close to slipping from our grasp.

Are you willing to spend time studying the issues, making yourself aware, and then conveying that information to family and friends? Will you resist the temptation to get a government handout for your community? Realize that the doctor's fight against socialized medicine is your fight. We can't socialize the doctors without socializing the patients. Recognize that government invasion of public power is eventually an assault upon your own business. If some among you fear taking a stand because you are afraid of reprisals from customers, clients, or even government, recognize that you are just feeding the crocodile hoping he'll eat you last.

If all of this seems like a great deal of trouble, think what's at stake. We are faced with the most evil enemy mankind has known in his long climb from the swamp to the stars. There can be no security anywhere in the free world if there is no fiscal and economic stability within the United States. Those who ask us to trade our freedom for the soup kitchen of the welfare state are architects of a policy of accommodation.

They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right. Winston Churchill said that "the destiny of man is not measured by material computation. When great forces are on the move in the world, we learn we are spirits-not animals." And he said, "There is something going on in time and space, and beyond time and space, which, whether we like it or not, spells duty."

You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done.

Mr. HUTCHINSON. I would like to read just the closing two paragraphs of Ronald Reagan's speech in 1964 on behalf of Barry Goldwater, a speech that obviously did not turn the tide in that election but a speech that started his political career, a speech that inspired me to become involved in the political process. He concluded that speech, the speech in 1964 with these words:

> They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right.
>
> You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope on Earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done.

I cannot say it as Ronald Reagan said it, but his words still have the power of great meaning, and what an inspiration it was to a Nation. And so when he became President of the United States, this great communicator and great optimist infused in us again the feeling that America can be and is a great Nation.

With the Reagan tax cuts, the economic recovery that it spawned, with his repair of our neglected defenses, with his courageous and bold stand to say the words that everybody criticized him for when he called communism, "The Evil Empire," as a result of that and his willingness to stand at the Berlin wall and say to Mr. Gorbachev, "Tear this wall down," it sewed the seeds for what became the collapse of the old Soviet Union and most of communism in the world.

And then perhaps no incident I think reflects the greatness of this man and his impact upon us and how he buoyed us as a people: Republicans, Democrats, and Independents, all Americans how he raised our spirits, inspired us and inspired a Nation than when on January 28, 1986, the space shuttle Challenger exploded just after takeoff, disintegrating into a ball of flame before a world television audience. The disaster understandably stunned America. Never before had the dangers of space exploration been brought home as graphically and as visibly as they were that day. The intensive prelaunch media attention had caused the world to know these seven crew members as we knew few other astronauts. We knew them with an unusual intimacy, and now they were gone. The Nation was staggered.

Then Ronald Reagan took to the airwaves. The President of the United States delivered a 5-minute speech, and he concluded his 5-minute speech by quoting the words written by a Royal Air Force pilot shortly before his death in the battle of Britain, those words that we will remember:

> For I have slipped the surly bonds of Earth and touched the face of God.

President Reagan's short speech of 5 minutes, concluding with those words, unified and uplifted and encouraged a heartbroken America.

Tip O'Neill, who was Reagan's political adversary, tough political adversary, with whom he had many fierce arguments and disagreements, later that very day described the moment in which Reagan made that inspiring speech to America. He said, and I quote Tip O'Neill, "Reagan at his best." It was a trying day for all Americans and Ronald Reagan spoke to our highest ideals.

May I say, Tip O'Neill said it right because Ronald Reagan always spoke to our highest ideals. This is a very small tribute but a very fitting and appropriate tribute that we name this airport after one of our greatest Presidents and one of our greatest living Americans, Ronald Reagan.

I thank Senator COVERDELL for his leadership and his willingness to take on this project, and I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. The Senator from Arkansas was here yesterday and gave a very inspiring commentary on his legislation to improve American education, but he has matched yesterday. Those were remarkable words, and the personal feeling in connection with the former President is obvious. I watched the same speech and remember just being stunned by it. I didn't really know that much about him, but I remember turning to my mother and saying, "You ought to have heard that speech." Anybody who heard it I think was moved by it. But I really do believe the Senator has captured his optimism, and I commend the Senator for it.

Mr. President, we have been joined by my good colleague from Nevada, who has other matters to talk about. I am going to yield the floor so that he might proceed with his piece of business.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I ask unanimous consent to speak as if in morning business for a period of time not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Let me preface my comments by thanking the senior Senator from Georgia. I am delighted to have a chance to be down here today to talk on an issue. And his willingness to accommodate me is something I appreciate very much.

NUCLEAR WASTE POLICY ACT

Mr. BRYAN. Mr. President, in the Chamber this week and I am sure in the next week a number of my colleagues will be talking about a January 31, 1998, deadline under the Nuclear Waste Policy Act. And as I am sure my colleagues will know, there has been a recent flurry of newspaper ads and radio commercials indicating that was the deadline under the Nuclear Waste Policy Act for high-level nuclear waste to be accepted by the Department of Energy. I want to put those comments and those ads in some perspective so that no one should be misled by the assertions of the nuclear utility industry.

The genesis of our current policy with respect to disposal of high-level waste traces its origins to the Nuclear Waste Policy Act of 1982. It is true that in that piece of legislation it was contemplated the Department of Energy would be in a position to accept high-level nuclear waste, that a period of characterization and study would ultimately send three sites to the President of the United States and the President would select one of those sites.

I think it is important to mention at the outset that even in 1982 a number of Department of Energy experts were uncomfortable, indeed, some were skeptical, that the 1998 deadline could be met, but they were overruled by politicians and the Department of Energy and others.

My colleagues know from my previous statements in the Chamber that this process, whatever its original intent may have been, was politicized immediately. Within the first few weeks after the legislation was enacted, States such as my own, and at that time the State that the distinguished occupant of the Chair represents, the State of Washington, the State of Texas, and others, were denied oversight funds as contemplated in the act and litigation was commenced to gather those funds.

That was an ominous beginning of what later turned out to be an entirely political nonscientific process. The original law contemplated that the entire country would be examined and that, indeed, various types of geological formations would be considered for high-level nuclear waste, and as I have indicated previously that three sites would be chosen and the President of the United States would then make a final determination.

None of that was to be. Shortly after the legislation was enacted, in the following year during the Presidential campaign one region of the country was assured it would not be considered for high-level nuclear waste. An internal memorandum within the Department of Energy indicated that another region would be excluded because of political opposition, and then the ultimate indignity came in 1987 with a piece of legislation that Nevadans will forever regard as the "screw Nevada" bill which completely altered the thrust of the process and said, look, we will choose one State, one site, and that will be the place that we will concentrate our efforts.

That site was at Yucca Mountain. The utilities are now contending that because no site would be available in

1998 to accept all of the high-level nuclear waste, indeed, a crisis atmosphere exists, that there is a call for action and they have proposed an ill-conceived piece of legislation that is S. 104 in our Chamber and H.R. 1270 in the other Chamber.

Let me emphasize that this is not a proposal favored by the scientific community through the Nuclear Waste Technical Review Board, a board established by act of Congress; it is not supported by the Department of Energy. It is the brainchild of the Nuclear Energy Institute, the overarching trade association that purports to advance the interests of nuclear utilities in America.

There is no science involved in this legislation. The utilities argue speciously that because the nuclear waste will not be available for shipment to a repository, indeed, there will be an enormous cost incurred by the Federal Government, that damage claims will approximate as much as $80 billion. This is totally specious, a fictitious number that is spun out of whole cloth. But the solution that has been advanced is much more disturbing and that is S. 104–H.R. 1270. This is a piece of legislation that would emasculate most of the environmental laws that have enjoyed bipartisan support for a quarter of a century, all in the interest of advancing the nuclear utilities' argument. It would create a temporary nuclear waste dump at the Nevada test site, a separate geographical location from Yucca Mountain which is where the permanent storage facility is currently being characterized.

Now, make no mistake that if H.R. 1270 and S. 104 were enacted tomorrow, under no conceivable scenario could any shipments occur in this year or, indeed, for some years into the future.

This interim storage proposal is not only a direct threat to the environmental legislation in this country. It would establish a health and safety standard for us in Nevada with respect to the level of radioactive emissions measured in millirems that would be 25 times the level allowed for safe drinking water. That standard is 4 millirems. By statute this legislation would propose that the acceptable standard for Nevadans, where this waste would be shipped, would be 25 times that level or 100 millirems. No conceivable argument in terms of sound public policy or science would justify such a legislative mandate.

For those who feel, as I do, that progress is being made in balancing the budget, with the possibility of a budget surplus for the first time in nearly three decades, the utilities have crafted a very clever bailout provision. Under the terms of the 1982 act, for each kilowatt of nuclear power generated, there is a mill tax levied. That mill tax goes into a nuclear waste fund, and out of that fund would be the expenses of maintaining a high-level nuclear waste repository, an obligation which would go far beyond the current life expectancy of any currently operating utilities.

Actuarial experts tell us that even under current law that fund is underfunded. That is to say that eventually the taxpayers are going to have to bail that fund out. At no time did the Nuclear Waste Trust Fund financial formula contemplate that it would also pay for a so-called temporary dump, the one that is contemplated in S. 104 and H.R. 1270, so an additional financial burden would be added.

The utilities are not content, however, with destroying that part of the financial basis for the legislation. They would impose a cap or a limitation on the amount of money that could be paid into that fund that would approximate the amount of money spent the previous year from the nuclear waste fund for purposes of this act. Remember that currently that fund, the nuclear waste fund, is underfunded actuarially. They would further limit the amount that goes into the fund, an amount which is going to be necessary for decades ahead, well beyond the life of any nuclear utility. So, by adding the expense of a temporary waste dump, putting a cap on the amount of the fees that are paid into that fund, they guarantee that the American taxpayers will have to come up with tens, perhaps hundreds of millions of dollars from general taxpayer revenue in the outyears. That is simply financially irresponsible. Whatever one thinks of nuclear waste policy, we all ought to be able to agree that we ought not to build into legislation a financial time bomb which would begin ticking upon the enactment of this piece of legislation. This is a utility bailout provision and is bad policy.

The nuclear utilities have litigated this issue. In November 1987 they argue that the Department of Energy must, under the 1982 act, accept immediately delivery of the high-level nuclear waste. That was rejected by the Court. As I have indicated, the Court in deciding the case indicates that there is an appropriate remedy. I think all of us would fairly recognize that the utilities will incur some additional expense as a result of any additional storage capacity that they need to construct on site. So it is conceded by all that the utilities would be entitled to an offset; that is, a reduction in the amount of the mill tax levy paid into the nuclear waste trust fund. Indeed, Secretary Peña has initiated discussion along those lines. But the utilities have rejected that. They have rejected that because that's not what they want. They don't want fairness or an offset. What they want is a bailout, the provisions contained in this legislation, which shift the burden from the utilities to the American taxpayers in staggering amounts in the outyears.

As I have indicated, the Department of Energy does not favor this legislation to establish a temporary waste dump at the Nevada test site. The Nuclear Waste Technical Review Board created by this Congress, comprised of scientists—parenthetically, none of them from my home State—reject the necessity for this action. We would, in effect, be transporting 77,000 tons of high-level nuclear waste to Nevada. That doesn't just get there miraculously. It would pass through 43 States. Fifty million people live within a mile or less of the highway and rail shipment corridors—some of the largest cities in America. Accidents do happen. The potential could be catastrophic. We cannot be unmindful of the fact that in America today we face the threat of terrorist activity. Such was the tragedy of the World Trade Center in New York City, and we have seen other evidences of terrorist activity in our country. What an inviting target, 77,000 tons of high-level nuclear waste being transported across the highways and rail corridors of America.

Finally, the kind of storage that is contemplated at the Nevada test site in this so-called "temporary" facility is known as dry cask storage. That storage is currently available and in use in a number of the utilities in America today, on site, approved by the Nuclear Regulatory Commission with a storage life of 100 years. So, if it is safe for Nevada, why would it not be safe to leave it at its current location—that technology has been approved—and to leave it there until such time as the ultimate issue is resolved of how to deal with this most dangerous and toxic substance known to mankind?

For those who have followed this debate for a number of years, it will come as no surprise that the utilities again have raised this crisis potential or scenario. Two decades ago, before this Senator came to the Chamber, the nuclear power industry was seeking, once again, to try to get the Congress to enact legislation to remove the high-level waste from the reactor sites. That program was then known as the AFR program, away-from-reactor site. If one looks at the arguments in the 1980s in which it was forecast that there would be a brownout, there would be a shortage of electricity in America, that all kinds of catastrophic things would happen to our economy—that was predicted by the mid-1980s if this legislation that was being proposed in the early eighties was not enacted. None of that far-fetched scenario came to be fact. In fact, no utility has suffered a brownout or a failure because of the absence of storage capacity. Many reactors have gone off line because they are no longer safe and others because they are not economically viable. That continues to be the case as recently as earlier this month with the reactor that is intended to be closed within the State of Illinois.

So, there is storage capacity available on site through dry cask storage that avoids the necessity of moving 77,000 metric tons across the highways and rail systems of America, through 43 States, with all of the potential for risk and accident that is inherent in that kind of volume. There is no need to take action. That is the view of the scientific community. That is the view of the Department of Energy. And that is the view of the President, who has indicated, should this legislation reach his desk, he will veto it because it makes no sense in terms of policy.

This is all about nuclear politics, not about nuclear energy policy. I urge my colleagues to be very careful when they listen to some of the advertisements that are currently airing on the radio and in the newspaper. The reality is that there is no crisis. We have been to this play before; same arguments, same results. Not necessary. Bad policy. And we should reject S. 104, H.R. 1270.

I again express my appreciation to the distinguished senior Senator from Georgia for his courtesy and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

RENAMING WASHINGTON NATIONAL AIRPORT "RONALD REAGAN NATIONAL AIRPORT"

Mr. McCAIN. Mr. President, I wanted to update my colleagues on this issue of the cost of the renaming of Washington National Airport. C-SPAN viewership is up today because our phones have been ringing quite a bit, both in my office and Senator COVERDELL's office and others. This is a fax that I received just an hour or so ago. It says:

> Dear Senator, I'm watching today's coverage of the Senate on C-SPAN. I note an objection to renaming Washington National Airport the Ronald Reagan National Airport was the $60,000 cost of new signs. In the way that I honor President Reagan and you, I humbly offer the $60,000 cost of these signs.

I will repeat that, Mr. President.

> I honor President Reagan. . . . I humbly offer the $60,000 cost of these signs. Having lived in Alexandria for 5 years, I know that the Washington airport has always been considered the Washington, DC, National Airport, and any argument otherwise is simply partisan and specious. I support you and Senator COVERDELL in your effort to honor President Reagan on his birthday, which sadly could be his last.

Mr. President, I am not, obviously, going to give the name of the individual because of privacy considerations. But we are receiving call after call.

Let's not, as we go through these arguments one by one concerning the airport, let's be sure that the cost of renaming the signs—I find it interesting. They just went through a $1-point-some billion remodeling without a single additional flight going in or out of the airport, yet the question is raised about a $60,000 renaming.

Second, I want to point out again, it in no way affects the founder of our country, the father of our country, George Washington. I know Senator COVERDELL and I—Senator COVERDELL obviously speaks for himself, but I know of no objection if it was Ronald Reagan Washington National Airport. I'm sure we could work out that difficulty.

I yield to the Senator from Georgia.

Mr. COVERDELL. In the original legislation it's the Ronald Reagan Washington National Airport. The House removed the "Washington"—Ronald Reagan National Airport. My amendment was simply in conjunction with that. Yes, just to make it absolutely clear, the original concept of the sponsor was that it was the Ronald Reagan Washington National Airport. If that needed any further clarification, I wanted to add it.

Mr. McCAIN. Let me just finally say I am sorry this controversy has erupted. I hope we can work it out. I hope we can work it out within the next 24 hours amongst all of our colleagues in the Senate. I would like to move forward with it. As I said earlier, I regret we are starting out this year, the first real day of our session, in this kind of a difference of view.

Let me just make one additional point. I cannot speak for the Members on this side of the aisle, but I understand the reverence that many Americans—not just Democrats but also Republicans—have for Robert Kennedy and Jack Kennedy and the entire Kennedy family. If there is some proposal to name the Justice Department building after Robert Kennedy, I would strongly support such an effort. And I would support such a thing in any way. Obviously, he was a former Attorney General of the United States.

But let's not set up these straw men to kind of, certainly not poison the atmosphere here, but it's not a good way for us to begin. I know everyone knows how those of us who knew Ronald Reagan, and the vast majority of Americans, feel about him. So I hope we can get this thing resolved. Again, I thank Senator COVERDELL, who served under President Reagan and knew him as well as anyone and whose idea this was for this very appropriate action. I just hope Senator COVERDELL will be able to make a phone call out to California very soon, at the time of President Reagan's birthday, and inform both President Reagan and Mrs. Reagan that we are honoring him in this very small way. There really is no way we can ever fully honor him for what he has done for the Nation and the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Arizona for returning to the floor, for reading this very emotional letter. You know, in a sense the remarks that we have heard here this afternoon all have this common thread of admiration running through them, such as is expressed in this letter, almost as if there is—just during that period of time there was a connection between this man and his call for optimism, his belief in the country. And it evokes these kinds of emotions that were just expressed to us by Senator McCAIN.

I appreciate the Senator's, in a sense, admonition that if there is some common ground here, that would be useful to pursue. At this point, in my view, a statement like this about a figure such as President Reagan stands on its own. That takes nothing away from anyone else or other heroes and heroines. But, if the other side has a goal or something of this nature, I am sure they would find many Republicans who would join with them in honoring that person. We have.

I mention my good friend and colleague from my own State for whom we have named a very prominent new courthouse. I mentioned the Roosevelt Memorial and others. This has not been, as Senator McCAIN indicated, a very good way to begin this session of the Congress.

He has mentioned cost. He has mentioned this article that we are renaming an airport that was named for George Washington. That is not the case. These are roadblocks, and they can only be viewed as an attempt to either throttle the legislation or to extract something from it, which I think diminishes what we are trying to do here.

The suggestion that we are naming a building downtown and that somehow that is all that needs to be done to honor this man—if you go to Eastern Europe and ask the people if that is enough, they would tell you in a hurry, no.

It is surprising to me that, given all that historical period, fewer than a dozen landmarks in our country are dedicated to Ronald Reagan. Fewer than a dozen. Because of President Reagan's enduring legacy and the American people's continuing respect and affection for him, it is fitting that the national airport bear his name for all those who come here, all those from our own country and all those who visit our country. This is a fitting acknowledgment of a massive role in American history.

Many airports are named after famous people. From San Diego's Lindbergh to New York's LaGuardia, Chicago's O'Hare, Washington's Dulles. I might point out that often we refer to it as Washington Dulles Airport. If you look at the little marker for arrivals and destinations, it doesn't just say "D," it alludes to the city, Dulles Washington. It is not because of George

Washington, but because of the Capital City.

The airport is named after former Secretary of State Dulles.

Orange County's John Wayne; and currently there is an effort underway to rename the Los Angeles airport after actor and World War II aviator Jimmy Stewart. President John F. Kennedy was honored by having the Nation's largest international airport named after him in 1964. Sponsors contend that no American statesman of this century deserve this honor more than former President Reagan, our Nation's 40th President. The Reagan era, fondly remembered by tens of millions of Americans, marked the turning point in America's declining fortunes after our defeat in Vietnam and the oil crisis of the seventies.

Buoyed by the contagious optimism of what they call "the Great Communicator"—I never really bought into that term. I accept it, but I always thought some of the people who communicated it were taken aback by his ability to overpower them through his communications, and they would write it off that he is just a great communicator. As history bore out, he was a great leader who had the skill of communicating—Americans were reawakened to their image of themselves and to a great people with a great future. The far-reaching Reagan tax cuts ignited what remains the longest post-World War II economic recovery, a sharp reversal from stagflation of the high tax, high inflation seventies. How quickly we forget the millions and millions and millions of people who secured economic independence because of the economic boom that he unleashed by the argument that if we lower the tax burden on the American people, they will respond with entrepreneurship and hard work, and it will make America strong again. And that is exactly what they did.

His restoration of America's neglected defenses—of course, the Persian Gulf war was led by President George Bush, but I am sure that former President Bush, my good friend, would acknowledge that he had the tools to use that were prepared for by his predecessor for whom he served as Vice President, President Ronald Reagan, the buildup that occurred that allowed us to so successfully vanquish Saddam Hussein.

His restoration of America's neglected defenses, combined with his forceful and eloquent advocacy of American values against the failed ideology of communism, epitomized by his demand in Berlin, "Mr. Gorbachev, tear down this wall," set the stage for the collapse of the evil empire.

How many of us remember the ridicule when he came up with SDI and how fearful it made the Soviet Union, probably one of the single greatest strokes to bring down what he characterized as the evil empire?

According to Russian sources, the technological challenge of the Strategic Defense Initiative, as I just referred to, SDI, envisioned by President Reagan to defend the American people from nuclear attack forced the Soviet regime to adopt policies, like glasnost and perestroika, in a vain attempt to keep up, and instead unleashed the social forces that brought down the system built by Lenin and Stalin.

In short, President Reagan's commitment to restoring the fundamental ideals of the Founding Fathers and the traditional beliefs of the American people to the helm of American national policy at home and abroad marks him as one of America's greatest leaders and a central figure of the 20th century.

Mr. President, throughout the day, as this debate has progressed, beginning with Majority Leader LOTT, who quoted former Prime Minister Margaret Thatcher and her genuine deepfelt respect for President Reagan, I want to read—there was recently a book published where they had world figures comment on President Reagan's Presidency. It would, of course, been incomplete without a statement from Margaret Thatcher. She says:

> I . . . met Governor Reagan shortly after my becoming Conservative leader in 1975.

This is long before she was Prime Minister and long before Governor Reagan had been elected President, 5 years.

> Even before then, I knew something about him because Denis—

Her husband—

> had returned home one evening in the late 1960s full of praise for a remarkable speech Ronald Reagan had just delivered to the Institute of Directors. I read the text myself and quickly saw what Denis meant. When we met in person, I was immediately won over by his charm, sense of humour—

We have heard references all day long to that disarming sense of humor and the ability to communicate by that disarming smile.

> . . . I was immediately won over by his charm, sense of humour and directness.

Firmness.

> In the succeeding years I read his speeches, advocating tax cuts as the root to wealth creation and stronger defenses as an alternative to detente.

You see, SDI, which we have just heard from Russian authorities broke their back, was not detente. That is not saying we both can obliterate each other. We are saying we are going to protect ourselves from you and we consider yours to be an evil force and we won't accept it. Look how different the world is.

Remember when they met in a summit and the Russians were endeavoring to do SDI in, and it had been built up. He was under enormous pressure to come to an agreement. But when he realized he could not have the agreement, President Reagan, without undoing this new tool to defend the country, said, "I'm leaving." Because despite the embarrassment that might have been to have left without anything productive, the principle outweighed his own fortunes, and he was ready to get on a plane and fly home, having failed but having kept his commitment. That is what she is alluding to here.

> In the succeeding years I read his speeches, advocating tax cuts as the root of wealth . . . I also read many of his . . . [radio] broadcasts. . .which his Press Secretary sent over regularly for me. I agreed with them all. In November 1978 we met again in my room in the House of Commons.
>
> In the early years Ronald Reagan had been dismissed by much of the American political elite—

Which, I might add, is probably the reason I read a moment ago that there are fewer than a dozen landmarks to this great American figure—fewer than a dozen. I think we are still dealing with America's political elite.

> . . . though [Ronald Reagan was] not [dismissed] by the American electorate, [the political elite saw him] as a right-wing maverick who could not be taken seriously. Now he was seen by many thoughtful Republicans as their best ticket back to the White House. Whatever Ronald Reagan had gained in experience, he had not done so at the expense of his beliefs—

Taking you back to the meeting he had with the Russians over SDI. His beliefs were more important to him than his political fortunes, returning without an agreement. Of course, at the end, as you know, he got the agreement.

> I found [his beliefs] stronger than ever. When he left my study, I reflected on how different things might look if such a man [Ronald Reagan] were President of the United States. But, in November 1978, such a prospect seemed a long way off.
>
> The so-called Reagan Doctrine, which Ronald Reagan developed in a speech to both Houses of Parliament in 1982, demonstrated just how potent a weapon in international politics human rights could be. His view was that we should fight the battle of ideas for freedom against communism throughout the world, and refuse to accept the permanent exclusion of the captive nations from the benefits of freedom.

Ronald Reagan understood that America's glory was founded in freedom. And he wanted all the world to be able to enjoy these same benefits.

> This unashamedly philosophical approach and the armed strength supporting it transformed the political world. President Reagan undermined the Soviet Union at home by giving hope to its citizens, directly assisted rebellions against illegitimate Communist regimes in Afghanistan and Nicaragua, and facilitated the peaceful transition to democracy in Latin American countries and the Philippines. Of course, previous American Governments had extolled human rights, and President Carter had even declared that they were the "soul" of U.S. foreign policy. Where President Reagan went beyond [he went beyond] these, however, was in making the Soviets the principal target of his human rights campaign, and in moving from rhetorical to material support for anti-Communist

> guerrillas in countries where Communist regimes had not securely established themselves. The result [the result] was a decisive advance for freedom in the world. . . . In this instance, human rights and wider American purposes were in complete harmony.

And yet here we are at 4:15 in January 1998, in the twilight of his years, and we are in an argument over whether we ought to name the Nation's Capital airport for him.

How nice it would be if all these new people from Nicaragua to Poland, from East Germany to Afghanistan could have a presence here this afternoon. And we could ask them, "Do you think we ought to name this National Airport for this man of freedom?" I think the resounding ovation would be so loud as to have been heard around the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

Mr. President, I just wanted to come to the floor here for a few minutes this afternoon to somewhat join in the debate, but also to add my support to Senate bill S. 1297, that is, renaming the Washington National Airport to the Ronald Reagan National Airport.

I have been kind of saddened by the debate that I have been hearing today on S. 1297 and, again, to rename Washington National Airport as the Ronald Reagan National Airport. I simply cannot believe some of the things I have heard on the floor, that somehow this effort would require a quid pro quo.

Mr. President, in diluting this effort, I think it is insulting that this legislation is being demagoged in this way. This should be a noncontroversial bill. It is a very fitting tribute to a very wonderful American hero. He was a President not just for Republicans, but he was a President for all people. And it should be passed.

This bill should be passed before President Reagan's birthday, which occurs just a week from tomorrow, that is, February the 6th. What a great tribute it would be. You know, I am very proud that this Senate has taken the time to propose that such a fitting tribute be paid to Ronald Reagan. Again, I do not think that it should be turned in any way into a petty or partisan tirade.

I have heard and had a chance to listen to a few of my other colleagues who have been to the floor. And they have delivered some real eloquent statements on what Ronald Reagan has done, what it has meant to them, what they feel that he has done for America.

President Reagan inspired or maybe we could say reinspired a whole generation of Americans, millions of Americans, much in the same way that John F. Kennedy inspired Americans 20 years earlier in 1960. I believe that President Reagan is a man who wanted to leave a legacy, but not a legacy to himself. President Reagan was a man who wanted to leave a legacy to his children and grandchildren and to all Americans that America can be a better place if we only believe in ourselves and what we can do and strive to do better.

I remember listening to him way back in 1976 when he first appeared on the national scene. And I listened to him—and this was at a time when I was not actively involved in politics —but the things he was saying in 1976 were things that I brought to my campaign as late as 1992 and again in 1994. And that was for a better America, a more responsible America, one that was going to deevolutionize Washington, DC, and put more of the control and power back into the hands of State and local governments, but most importantly back into the hands of individuals.

He talked then about a tax cut, balancing the budget, which is all kind of the legacy that we now have the great opportunity to be talking about here as we begin the second half of the 105th Congress in 1998. I think he filled a void in many of us with those words and that inspiration.

I am very proud that this Senate is proposing this fitting tribute. Again, we are not renaming an airport that was originally named in honor of another individual. This is Washington National Airport. It is named after the City of Washington. Renaming the airport does not somehow politicize it. It would not convey some sort of partisan advantage, but it would simply provide, again, a tribute to a great American who has been honored by so many on both sides of the aisle.

This isn't a time to count how many Republicans and how many Democrats have buildings or public facilities that are named after them. This legislation has been around for some time. It simply is not appropriate to make demands at the last minute to hold up this legislation.

Mr. President, the City of Washington has a new airport terminal. It is a magnificent structure that speaks volumes about the pride that Washingtonians feel for this city. It is a fitting reflection of the pride that Americans feel as well for their National Capital.

So again, I cannot think of a more appropriate time than now to give our airport a new name, especially when it is the name of a man who represents such hope and inspiration. Ronald Reagan embodies America, and by giving his name to that of our Capital City airport I think is an honor that he has earned and one that he deserves.

So I am very proud to be a cosponsor of this legislation. And I strongly urge my colleagues to end this debate, to come to the floor and support this legislation and let us pass it.

So I compliment Senator COVERDELL on his efforts on this. And again, I hope we can move this legislation forward and make sure that it is passed by the Senate and the House and signed by the President by next week so we can honor Ronald Reagan on his birthday on February the 6th.

Thank you very much, Mr. President. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I want to thank the Senator from Minnesota for his very fitting and gracious remarks.

I think Senator McCAIN of Arizona has properly framed a certain sadness about this afternoon. This is a surprising way to start this new session of Congress with the other side constructing roadblocks in front of this type of legislation or trying to exact a quid pro quo, "Well, you can name this if we name that," as we approach, as he calls it, the sunset of his life. He has a birthday next month.

While you might not have always agreed with him, it is clear that former President Reagan was a giant in our time, a giant on the world stage. If you are going to fight him even at this moment, don't do it by minimalist activity, don't do it by some nuance argument over whether or not the name "Washington" is for the city or for former President George Washington. Don't fight an epic world figure by disputing whether or not it will take $60,000 to repaint the signs. What a classic disconnect. Don't do it by saying, "There is another building downtown that has his name on it, isn't that enough?"

I frankly think the former President would feel as Maggie Thatcher suggested, complimented, if you just said we don't want to do it; we just don't want to do that—rather than all these minimalist, ineffective, of absolutely nonequal standing diminutive assertions. It is OK to disagree about doing it or not, but don't do it in this way. Let's at least have respect.

Mr. GORTON. Mr. President, I am pleased to join my colleagues in supporting S. 1297, Senator COVERDELL's bill to rename Washington National Airport in honor of former President Ronald Reagan. As we seek to pay tribute to him, it is important for us to reflect upon President Reagan's place in history. Few modern leaders have had such an enduring impact on our lives.

President Reagan was elected at a critical time in the history of our nation and our world. In the early 1980s, the country was struggling with an economy plagued with high inflation and unemployment. In the wake of Watergate, the Vietnam War, and the oil crisis, society at large was told by President Carter we were subject to a "national malaise," not without reason. In addition, our armed forces were underfunded and low in morale. The Cold War still dominated our view of the world.

Into this unsettled environment, Ronald Reagan was elected president. His determined leadership, strength of conviction, positive attitude, and faith in his fellow Americans helped change the nation and the world profoundly during his two terms. President Reagan's commitment to national security and the men and women of the armed forces gave our military renewed respect and self-confidence. The nation then took a strong stand against the Soviet Union and helped peaceably to bring about the end of the Cold War and the demise of communism.

President Reagan's view of the role of government still defines the debates we hold in this chamber on a daily basis. He firmly believed that Americans were far better than the government at running their own lives. He also was committed to the free enterprise system and the dynamic spirit of the entrepreneur. Today there are few legislators or other policymakers who cling to the idea that bigger government and more federal spending is good for our economy or the freedom of our citizens.

Mr. President, one of the more important and lasting contributions of our 40th president was the way in which he was able to restore the confidence and optimism of the United States. President Reagan transformed the so-called "malaise" of the late 1970s into a positive attitude that helped give the country faith in its institutions and its future. That is why he justly remains an immensely popular figure in our history.

The foregoing account of President Reagan's achievements is only the beginning of a long list of accomplishments that highlight his time as leader of the free world. One more effort he undertook, however, is worthy of note in this debate. As others have mentioned, it was the Reagan Administration that was able to remove the federal bureaucracy from direct control over National and Dulles Airports. By releasing these airports to local control, they were able to go to the private sector for funding and begin needed improvements. The idea of devolving federal control to the States and localities was at the very core of the president's political philosophy.

For these and many other reasons, I urge my colleagues to support Senator COVERDELL's proposal to rename Washington National Airport as "Ronald Reagan National Airport." Visitors who fly to our nation's capital will always be reminded of the lasting and important contributions made to our country and the world by President Ronald Reagan. I thank the leadership for trying to let us address this bill in time for President Reagan's 87th birthday on February 6, 1998.

Mr. ABRAHAM. Mr. President, I rise today to add my voice to the chorus calling on us to honor a great American and one of our greatest Presidents, Ronald Reagan; a man who in his own words "meant to change a nation and instead changed the world."

President Reagan indeed changed the world in which we live, and much for the better. It is only right, in my view, that we add to the many honors bestowed upon him since his leaving office the important recognition involved in renaming Washington National Airport, in an important sense the nation's airport, the Ronald Reagan National Airport.

It is, of course, a long-standing tradition for us to name important buildings and facilities after those who have rendered extraordinary service to our country. Indeed, the monuments just outside this Chamber were constructed to show our gratitude toward and to honor the memory of great men like George Washington, Abraham Lincoln and Thomas Jefferson, Presidents who helped build America, and led her to safety in time of peril.

These monuments testify to our recognition, as a people, of the greatness of certain leaders; of their contributions and of their character. By these standards, Mr. President, Ronald Reagan well deserves the undoubted honor of having his name affixed to our national airport.

Born of poor parents in America's heartland, Ronald Wilson Reagan worked to put himself through school, to forge for himself a career in Hollywood, the land of American dreams, and finally to rise to the highest office in the land. By the time he left office in 1989, President Reagan had shown his dedication to our nation, her people, her principles and her dreams. He restored our economic health, revived the American spirit, and won the Cold War.

Now in his twilight years, Ronald Reagan can look back on a life of great success, made all the more worthy because it was imbued with what the eminent statesman Edmund Burke called the moral imagination. Few called him an intellectual. But he was blessed with an instinctive sense of right and wrong and the prudence to apply this instinct for himself and the nation he led.

Mr. President, many people find it difficult to fully appreciate the debt we owe Ronald Reagan. But why is this difficult? Because he was so successful at facing down the crises of his time.

Today we find interest rates of 21 percent almost unimaginable. But that is what we had when Ronald Reagan took office. We think of double digit inflation as something only developing nations must face. But Ronald Reagan faced it when he became President. Communism seems a nightmare from the past, best forgotten. But we should not forget that, when Ronald Reagan came to office, it enslaved more than half the people of the world.

America was in peril in 1981. Buffeted by the blows of economic stagflation, mired in spiritual malaise, on the defensive in a hostile world, our nation was in need of a leader with the moral imagination, the faith in himself, our people and God's will necessary to get us back on course. And this Ronald Reagan provided.

With his economic plan emphasizing tax cuts, sound money, deregulation, and free trade, he produced the longest peacetime expansion since World War II. He slew the dragon of inflation, reducing it to a steady 3 percent through his second term. He brought interest rates down into single digits. He put nearly 30 million Americans into new jobs. He increased our national income by nearly a third.

He saved family savings from the ravages of inflation, allowed us once again to make real our dreams of owning our own homes, put us to work and renewed our confidence in our future. In the process he renewed America, and by so doing he literally changed the world.

Mr. President, now that the United States enjoys the luxury of being the world's only superpower, it is easy to forget the world we faced less than two decades ago. But it was a grim prospect, as illustrated by the pundits of the era who encouraged us to get used to an era of "limits" in which we would steadily lose power and influence to an ever-expanding ideology of centralized state power.

Ronald Reagan was considered foolish, even dangerous, because he refused to accept the inevitable spread of communism. He called the Soviet Union an evil empire and predicted its demise within his lifetime. Sheer lunacy, said his critics. And in a sense one can understand this perspective. America's policy elites had been accustomed to a "pragmatic" approach in foreign affairs; one in which America would seek to accommodate Soviet demands and aspirations in the interests of stability. This approach characterized the 1970's—an era during which democracy and freedom were on the run worldwide. Marxist governments gained power in Afghanistan, Nicaragua, Vietnam, Cambodia, Laos, South Yemen, Angola, Mozambique, Ethiopia, and Grenada. For the first time the Soviet nuclear arsenal surpassed America's. And even our allies seemed leery of identifying themselves too closely with us. Surely, if hard-nosed realism had produced such a disastrous decade, a moral crusade aimed at freeing peoples from the chains of communism would produce Armageddon.

We now know, Mr. President, that moral conviction, combined with determination and a prudent use of national power, need not produce Armageddon. Under President Reagan it produced the single greatest outpouring of human freedom ever seen on this planet.

We live in a freer, safer, more humane world because Ronald Reagan won the Cold War. His insistence, against strong resistance from a Democratic Congress, that we restore our military power rolled back the Soviet legions and bankrupted their economy. His tough bargaining and his willingness to call evil by its name disoriented our Soviet adversaries and eventually brought their downfall.

By 1991, a broken and dispirited Soviet Union collapsed and disintegrated. President Reagan went to Berlin and called on Mikhail Gorbachev to "tear down this wall." Mr. Gorbachev deserves credit for his role in bringing down the Soviet empire. Unfortunately, he had neither the courage nor the foresight to tear down that wall. But the people of Berlin, thanks to Ronald Reagan, had that courage, and they tore down that wall, freeing half a continent, and eventually nearly half the world.

Without firing a shot, Ronald Reagan changed our world for the better. He freed us from fear of nuclear conflagration. He freed us from the dreary acceptance of declining standards of living and the loss of our way of life through slow attrition. He brought America back from the brink of despair, into the shining light of a new dawn of freedom and prosperity.

Ronald Reagan has earned the eternal gratitude of every American, and of every lover of freedom the world over. He has earned his place in the history books as a leader of vision and a man of moral imagination. His name should adorn our national airport.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

A MUST: REFORM OF THE FOREIGN SERVICE ACT OF 1980

Mr. HELMS. Mr. President, my purpose today is to discuss a highly disturbing pattern of abuse and professional misconduct by members of the U.S. Foreign Service and a grievance process that does not adequately penalize individuals who engage in such actions.

This week, Mr. President, I wrote to our friend, the distinguished Secretary of State, Madeleine Albright, regarding the investigation that I have instructed the Foreign Relations Committee staff to undertake during the coming months.

It will be instructive to examine the serious allegations—all documented by the State Department's Inspector General—that have come to my attention during the Foreign Relation Committee's routine review of ambassadorial appointments and the Foreign Service promotion lists submitted to the Senate by the White House.

Now, perhaps the most serious allegation that so far has been brought to my attention involves a United States Ambassador—a career Foreign Service officer, who was forced to resign his ambassadorial post for repeated episodes of sexually harassing female employees under his supervision.

This case was documented by the State Department Inspector General in a 26 page report made available to the Senate Foreign Relations Committee.

In response, the Secretary of State promptly and properly fired this Ambassador this past September. Yet to this day, the U.S. Agency for International Development—our Government's $6 billion foreign aid giveaway agency—continues to employ this former ambassador and, to date, has recommended no reprimand whatsoever for his actions.

The abuses, Mr. President, do not end there. In another instance, a Foreign Service officer in India provided visas to foreign female applicants in return for sex. This reprehensible behavior led to the officer's being suspended without pay for five days. However, the suspension was in effect during the Christmas holiday; therefore his co-workers were unaware of his having been suspended.

Incredibly, Mr. President, despite this gross misconduct and abuse of taxpayers' trust, the Foreign Service officer has been recommended for promotion by the President Clinton of the United States.

In another case, four Foreign Service officers in Manila carried out an elaborate scheme to divert $94,200 in federal government funds to build a squash and racquetball court. For this fraud—which forced the U.S. embassy into violation of U.S. anti-deficiency laws—these Foreign Service officers each received mere seven day suspensions. (and at least one of them has been recommended for promotion!)

In yet another case, a Foreign Service officer remains in the employ of the State Department even after having twice pleaded guilty to, and being convicted of, theft of State Department funds.

The Director General of the Foreign Service recommended that the officer be fired but the Foreign Service Grievance Board (made up of colleagues of the guilty employee) overruled the Director General and overturned the officer's termination. The Secretary of State at the time rightly sought to overrule the Grievance Board, but the courts ruled that the Foreign Service Act of 1980 did not give the Secretary authority to overrule the Grievance Board.

So something is amiss, and I for one propose to try to do something about it because the list goes on and on. A senior career USIA Foreign Service officer in Bangkok, Thailand, falsified an $18,000 grant and thereby violated agency guidelines by approving an expenditure of $19,000 to repair her personal residence. And what do you suppose the officer's penalty was? A one-day suspension! Moreover, after all of that, this FSO was recommended by the President for promotion to the highest ranking Foreign Service position within USIA, despite strong objections from the USIA Inspector General. And to add further insult to American taxpayers, this officer, to this day, has never even been required to repay the stolen $18,000.

By this point, I suspect most Americans would be appalled by such outrageous misbehavior. So, my final example involves a senior career USIA Foreign Service officer nominated by the President to serve as a U.S. ambassador even though the officer received two letters of admonishment for violating USIA regulations.

Despite these letters of admonishment—one for nepotism in 1990, and a second, in 1991, for engaging in extramarital affairs with two journalists while carrying out official U.S. government activities supported by the taxpayers—USIA did not suspend this officer for his actions.

I informed the Secretary of State in my letter that I fear these cases may be merely the tip of a very corrupt iceberg. The fact is that the Department of State continues to employ, and the White House continues to recommend to the Senate for promotion, Foreign Service officers who not only have grossly abused the trust placed in them by American taxpayers, but who, when judged by their peers, have received only the lightest of punishment.

While these abuses themselves are, to say the least, unacceptable, so too are the Foreign Service's responses to them. As I understand it, allowing these individuals—who have committed moral, ethical, and/or professional abuses, or who have defrauded the Federal Government—to remain unscathed in their jobs is being tolerated under the arcane, self-protecting

Foreign Service employment laws. I propose to try to do something about that.

More startling, perhaps, is that the Foreign Service and the President continue to recommend some of these individuals for promotion!

I have recommended to Secretary Albright that we work together to address this issue in legislation. Specifically the Foreign Relations Committee will examine the numerous moral, ethical, and professional lapses of Foreign Service officers and the personnel grievance process to determine whether the cases I have referenced are symptomatic of more severe and pervasive behavior within the Foreign Service. I suspect that deeper investigation will, in fact, show just how widespread these abuses are.

I assure you, Mr. President, that the Foreign Relations Committee will review the punishment given to those Foreign Service officers violating U.S. laws and regulations and how that punishment compares to the way in which similar cases are resolved involving military officers in the Department of Defense and other career officers in federal agencies. The Committee will study the Grievance Board process and recommend necessary amendments to the laws governing the Foreign Service and its grievance procedures.

Mr. President, the point is this, and I shall conclude on this note.

Americans deserve the finest diplomatic representation around the world. Our nation is ill-served when the U.S. career diplomatic corps tolerates moral, ethical, and professional abuses within its ranks and fails adequately to deal with those who are guilty of such abuses.

I say again, Mr. President, that it is my intent to find out the full scope of all of this and to try to do something about it.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sessions). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty, two withdrawals, and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1583. A bill to suspend temporarily the duty on B-Bromo-B-nitrostyrene; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Dorgan):

S. 1584. A bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself and Mr. Graham):

S. 1585. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. Graham, Mr. Conrad, and Mr. Inouye):

S. 1586. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1587. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to ensure the continued enforcement of the pay-as-you-go budget requirement until such time as the budget is balanced in order to protect the social security trust funds, the Federal military retiree trust fund, the highway trust funds, the medicare trust fund, the civil service retirement trust fund, the unemployment trust fund, and the airports trust fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

S. 1588. A bill to exclude the social security trust funds, the Federal military retiree trust fund, the highway trust funds, the medicare trust fund, the civil service retirement trust fund, the unemployment trust fund, and the airports trust fund from the annual Federal budget baseline for all purposes including budget enforcement; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986. With instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. HUTCHINSON (for himself, Mr. Nickles, Mr. Coverdell, Mr. Sessions, Mr. DeWine, and Mr. Murkowski):

S. 1589. A bill to provide dollars to the classroom; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. Lott, Mr. Nickles, Mr. Mack, Mr. Craig, Mr. McConnell, Mr. Gregg, Mr. Coats, Mr. Inhofe, Mr. Murkowski, Mr. Abraham, Mr. Kyl, and Mr. Warner):

S. 1590. A bill to improve elementary and secondary education; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1591. A bill entitled the "Bulletproof Vest Partnership Grant Act of 1998"; to the Committee on the Judiciary.

By Mr. WARNER:

S. 1592. A bill to amend section 40102(a)(37)(B)(ii) of title 49, United States Code, to modify the definition of the term "public aircraft" to provide for certain transportation by government-owned aircraft; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. Harkin, Mr. Frist, Mr. Reed, Ms. Snowe, Mr. DeWine, and Mr. D'Amato):

S. Res. 170. A resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. Dorgan):

S. 1584. A bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. FRIST. Mr. President—I rise today, along with my colleague Senator Dorgan from North Dakota, to introduce the Aviation Medical Assistance Act of 1998.

Thirty years ago the first battery powered portable defibrillator was approved for use. A defibrillator is a medical device that electrically converts an abnormal heart rhythm to a normal rhythm. It can and does save lives. The time between the onset of abnormal rhythm and the application of electrical defibrillatory current is critical. If the time of first defibrillation is between five and six minutes after the onset of abnormal rhythm, the patient survival rate is greater than 40 percent.

One clear example is that of Graeme Seiber of Tennessee. As my colleagues may recall on September 14, 1995, Mr. Seiber went into full cardiac arrest as he stepped off an elevator in the Dirksen building, and collapsed in the corridor near my Senate office.

After heroic actions by members of Senator Chafee's staff, I performed

CPR on Mr. Seiber and when the Capitol Physician's Emergency Response Team arrived, I was able to insert a tube directly into Mr. Seiber's lungs to aid the flow of oxygen. But, most importantly, the team had a portable defibrillator that I used to shock his heart back into a normal rhythm. A team of emergency medical technicians arrived shortly thereafter, and Mr. Seiber was taken to George Washington University Hospital by ambulance.

Because of the quick action of those involved and the use of a portable defibrillator, Graeme Seiber is alive today as one of a very small percentage of patients who actually survive sudden cardiac arrest.

But that was in the United States Senate, which has a competent medical team that responds quickly with the proper medical equipment, like a defibrillator. What would have happened to Mr. Seiber if he suffered cardiac arrest in a setting in which medical care and a defibrillator was not readily available.

This past May, my friend, colleague and fellow Tennessean, Representative JIMMY DUNCAN held a hearing before the House Subcommittee on Aviation, which he chairs, on the quality of medical kits used by the airlines. On November 6, 1997 Representative DUNCAN introduced the Aviation Medical Assistance Act to address concerns that arose from the hearing.

The Aviation Medical Assistance Act of 1997 directs the Administrator of the Federal Aviation Administration to reevaluate regulations regarding the medical equipment and flight attendant training for commercial airlines.

To address the lack of information regarding fatalities on aircraft, the airlines would be required to make an effort to report monthly to the Administrator of the FAA over the course of a year regarding deaths on aircrafts.

The bill also addresses the critical issue of liability arising from individuals assisting in an in-flight medical emergency. The bill declares that the individual rendering aid shall not be liable when attempting to provide medical assistance, except in the case of gross negligence or willful misconduct.

Finally, the bill requires the FAA Administrator to decide whether or not to require automatic external defibrillators on aircraft and in airports. To their credit, two major airlines, Delta Airlines and American Airlines have already initiated a plan to equip their entire fleet with defibrillators and upgrade their medical equipment.

It is critical that individuals who suffer cardiac arrest or other medical emergencies receive quick and proper attention to increase their odds of survival. It is my hope that this legislation will improve emergency medical care for all in-flight emergencies. I would like to thank Congressman DUNCAN for his leadership in the House of Representatives on this important issue. I am also grateful to Senator DORGAN for partnering with me on this potentially lifesaving legislation. I am proud to introduce the companion legislation in the Senate.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1585. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

THE FLORIDA FEDERAL JUDGESHIP ACT OF 1998

Mr. MACK. Mr. President, I come before the Senate today to introduce with my esteemed colleague and friend, Senator Graham, the Florida Federal Judgeship Act of 1998. This legislation will provide the Middle and Southern Districts of Florida with the judgeships which have been recommended for them by the Judicial Conference of the United States. The Middle District would receive three new permanent judgeships and one temporary judgeship (the highest number of new judgeships recommended for any district in the country), while the Southern District would receive two new permanent judgeships.

I would not be introducing this bill if I did not believe there is a real need for increased judicial resources in Florida. The pressures upon our court system, particularly in the Middle District, are some of the most acute in the entire country. The Middle District currently contains 55% of Florida's population, projected to grow to two-thirds of the population by the year 2005; and yet this District has only one-third of Florida's judges. This District also contains the federal correctional center at Coleman. When construction of this facility is completed in FY 1999, it will be the largest prison complex in the country. The increased prisoner petitions which come with this will stretch judicial resources even further.

To add to the problem, a portion of the Middle District has been designated a High Intensity Drug Trafficking Area. While I am pleased that Florida will be receiving additional assistance in the war against drugs, we must also recognize and anticipate the increased demands that this will put upon this district as more criminals are apprehended and prosecuted.

Both districts contain major tourist attractions in frequently visited cities, including Disney World, Universal Studios, and Busch Gardens in Tampa and Orlando and the international playground of South Beach in Miami. This heavy flow of both tourism and winter residents serve to make the needs of these two judicial districts unique in our nation.

The statistics kept by the Administrative Office of the US Courts demonstrate the compelling need for new judges in these districts. The numbers for the latest twelve month period show that the Middle District ranks second in the nation in average cases (adjusted for complexity) filed per judge, with a crushing 855. The Southern District averages 605 per judge. To put this in perspective, the national average for this time period was 519. Clearly, both of these districts are in need of relief.

I urge the Judiciary Committee and the full Senate to consider and pass this legislation expeditiously. I would also like to take this opportunity to express my gratitude to Chairman Hatch for his swift consideration of all of the judicial nominees from Florida last year. The Southern and Middle Districts of Florida received three excellent new district judges, Donald Middlebrooks of West Palm Beach, Alan Gold of Miami, and Richard Lazzara of Tampa. In addition, Judge Stanley Marcus was nominated to the federal appeals court and confirmed by the full Senate in only six weeks. I know I speak for both Senator Graham and myself in saying that we are grateful for Chairman Hatch's responsiveness to the needs of these districts.

It will not be possible to provide Floridians with a safe environment and access to justice unless there is a court system in place which can handle the demands of this dynamic and growing part of our country. This legislation is integral to providing that court system.

Mr. GRAHAM. Mr. President, I am extremely pleased to join with my distinguished colleague from Florida, Senator MACK, in introducing the Florida Federal Judgeship Act of 1998.

This legislation will create six additional U.S. District Court judgeships in Florida—two in the Southern District and four—three permanent and one temporary—in the fast-growing Middle District of Florida.

Mr. President, make no mistake: Florida's federal courts are in the midst of a full-blown crisis. Currently, the Miami-based Southern District has sixteen judges. The Middle District, which also includes the Jacksonville, Tampa, St. Petersburg, Orlando, Sarasota, and Fort Myers metropolitan areas, has eleven.

Because this number of judgeships is too small to meet the increasing demand of Florida's rapidly growing population, judges face overwhelming caseloads, and the public faces a denial of justice.

Prosecutors and law-enforcement personnel are stymied in their efforts to mete out swift justice.

Civil litigants are forced to endure unreasonable waits to bring their cases to resolution.

Prominent legal and judicial officials all over Florida have told us that this is not a tenable situation.

For example, Middle District U.S. Attorney Charles Wilson, whose office is responsible for bringing alleged criminals to trial, has said that the judicial shortage has a "negative and severe" effect on the work of federal prosecutors and law enforcement officials.

Floridians are not alone in their concern about overcrowded court dockets.

In September 1996, the Judicial Conference of the United States—the principal policy-making body of the Federal judiciary, which is chaired by the Chief Justice of the Supreme Court of the United States and comprised of Federal judges from throughout the United States—asked Congress to create four new judgeships in the Middle District and two in the Southern—precisely what our legislation would authorize.

Senator MACK and I are introducing our bill so that Congress can meet the urgent request of the Judicial Conference, and provide the additional judicial resources needed for these two U.S. District Courts to meet their increasing caseload.

We are certain that many States have justifiable concerns about overcrowded Federal District Court dockets. I hope that this Congress this year will meet those needs by considering and adopting the recommendations that the Judicial Conference of the United States submitted to us almost a year and a half ago.

But we also believe that the urgent nature of Florida's judicial crisis makes our State a special case.

I am going to be saying some things about Florida of which I am not proud. They are not positive. But they happen to be the facts as to the circumstances that our Federal courts face.

First, Florida has one of the highest caseloads per judge in the Nation.

For the last several years, the Judicial Conference has proposed all recommendations for increased judgeship based on weighted filings—a number that takes into account both the total number of cases filed per judge and the level of case complexity.

I would like to note that this is a retrospective look. The Judicial Conference looks at prior history, in terms of evaluating future needs. In the case of the State of Florida, because of the rapid growth, which I will soon detail, and because of the time required—a year and a half has already passed since the Judicial Conference did the calculations that I will soon review—Congress has not yet acted on its recommendation to authorize these additional positions. It would then require the process of actually filling those vacancies. So, there will be a gap of many months between the time that the numbers were calculated based on past history, as to what the need was, before relief in the form of an actual human being sitting at a bench to render justice will be in place.

But looking back to the 1996 numbers, the Southern District's weighted filings stood at 588 per judge.

This was 33 percent above the national average of 435 weighted filing per judge.

In the Middle District, the story was even worse—623 weighted filings per judge, a figure that represented one of the highest in the entire nation.

As a result, nearly 1,800 criminal defendants have cases pending in the Middle District.

The story is even worse on the civil side of the docket, where more than 6,200 cases have yet to receive final disposition.

In fact, the situation is so dire that Middle District Chief Judge Elizabeth Kovachevich has announced plans to shut down the Federal courthouses in Jacksonville and Orlando for 3 months this summer and recruit their judges, and any others from around the Nation who can spare the time, to tackle the growing civil case backlog in the Tampa Bay area.

Innovative measures like this may help to alleviate the problem in the short-term.

But the Florida caseload is not going to experience a slowdown in growth anytime soon, and the judicial backlog will get worse unless Congress takes preventative action for the long term.

Second, this legislation recognizes that Florida's largest Federal judicial districts are responsible for a massive area that includes nearly 80 percent of Florida's 15 million residents.

The Southern and Middle Districts combined jurisdiction stretches from Key West—the southernmost city in the continental United States—north to include Miami, Ft. Lauderdale, West Palm Beach, Melbourne, Fort Myers, Sarasota, Tampa, St. Petersburg, Orlando, and Jacksonville.

Florida adds over 200,000 new permanent residents every year.

Between 1980 and 1995, for example, the middle district grew by 52 percent, and it is expected to increase even from this elevated new level by an additional 21 percent in the next decade.

However, since 1990, the last time Congress approved more judges for Florida, our United States district courts have not received any additional resources from the Federal Government to cope with this growth.

Third, this proposal will assist the work of law enforcement officials. If we are committed to assuring that criminals face punishment that is both just but swift, we must be willing to provide resources to all aspects of the judicial system.

In both the southern and middle districts, drug prosecutions and other serious criminal cases make up a large percentage of the total case files. For example, both the southern and middle districts have been designated by this Congress as high-intensity drug trafficking areas. These antidrug zones generate a substantial number of lengthy multidefendant prosecutions, and the addition of judges will help law enforcement officials and prosecutors in their fight against drug crimes.

In addition, the Federal prosecutors and law enforcement officials throughout Florida, but especially in the southern and middle districts, are being forced to spend more time combating the cheats, the fly-by-night operators and the other criminals who are engaged in a systematic campaign to defraud and plunder our Medicare and other health care programs.

Mr. President, as shocking as it is, it has been estimated that nearly 20 percent of all Medicare expenditures in the Southern District of Florida are lost to fraud. Nearly 30 percent of all Medicare fraud nationwide takes place in the State of Florida.

In November of 1997, the new southern district U.S. Attorney Tom Scott pledged to create a comprehensive antifraud task force made up of local, State and Federal law enforcement officials to fight health care fraud. I am optimistic that this new effort will be successful in increasing the number of fraud offenders brought to justice. I am hopeful that it will deter others from entering this pernicious activity. But I am very concerned that unless the southern and middle districts have the adequate number of judges, many of these charlatans will not receive the swift and severe punishment they deserve.

It is vital that we act quickly to resolve this crisis. Since 1991, filings have gone up 21 percent in the middle district; 30 percent in the southern district. Congress and the White House must be vigilant in their shared responsibility for recommending, nominating and confirming Federal judicial nominees.

Mr. President, I commend Chairman ORRIN HATCH, of the Judiciary Committee, and its membership, including our current Presiding Officer, for their recognition of the overcrowding problems facing Florida's Federal district courts.

Last year, the Senate confirmed three Federal district judges—Donald Middlebrooks of West Palm Beach, Alan Gold of Miami, and Richard Lazzara of Tampa—to replace three judges who had retired or taken senior status. From late September of 1997, when Judge Lazzara was confirmed, until yesterday when the President nominated William P. Dimitrouleas of Fort Lauderdale and Judge Steven Mickle of Gainsville to fill openings in the Southern and Northern Districts of Florida, we had no judicial nominations pending before the Senate.

Senator HATCH's and Members' leadership and understanding and their determination to address Florida's special needs are very much appreciated by the residents of our State.

U.S. Federal district courts are the first stop for most citizens involved in the Federal judicial system. Most Federal cases are disposed of at the district court level. It is essential that these citizens have their claims heard in a timely manner.

As the court caseload increases nationally, the Senate must be willing to expand judicial positions where they are needed.

Our legislation is simple, sound and will serve the interest of America and will serve the interest of our State of Florida.

I look forward to working with Senator MACK, with yourself and with the other members of the Judiciary Committee on this matter, Mr. President. I urge all my colleagues to support the passage of this much-needed legislation. For thousands of crime victims, for thousands of civil litigants in Florida's southern and middle judicial districts, justice delayed is rapidly becoming justice denied.

Mr. President, I appreciate the opportunity to join my colleague, Senator MACK, in introducing this legislation.

I ask unanimous consent that two letters which I have received—one from the middle district chief judge, Judge Elizabeth Kovachevich, and one from the U.S. Department of Justice, the U.S. Attorney for the Middle District of Florida, Mr. Charles Wilson—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
MIDDLE DISTRICT OF FLORIDA,
Tampa, FL, December 17, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, D.C.

Hon. CONNIE MACK,
U.S. Senate, Washington, D.C.

DEAR SENATORS GRAHAM AND MACK: Initially, I wish to sincerely thank both of you for your respective participations in several of the events scheduled in Tampa on December 12, 1997. Each of you attended two of the four activities, and it certainly was greatly appreciated, and noted, by the other participants and attendees of those respective celebrations. Your presence was a significant contribution toward the success of that day.

Further, your joint letter that was published in the Tampa Tribune last week on December 12 produced great positive reaction on this West Coast of Florida! The Accelerated Trial Calendar is the "last hurrah" for Tampa/Fort Myers by the eleven judges of the Middle District of Florida before senior status claims two of our eleven by the year 2000. If we are successful, we must be prepared to utilize the same tactic in the future in Jacksonville and Orlando.

Consistent with the foregoing, and our efforts to help ourselves, we enclose a *conservative* statistical compilation prepared by our Clerk's office in MD/FL, which graphically demonstrates what would occur *without* the ATC, and, what will happen when we go from eleven to nine active United States District Judges. I remind you that our previous Tampa/Fort Myers chart shows that as of October 31, 1997, our *real* projections for July 1998, without the ATC, would have been 4,400 civil cases and 1,000 criminal cases pending, totaling 5,400 cases for the Tampa/Fort Myers judges!

These next five years will see a congressional election, with consequences in 1999, and, a presidential and congressional election, with consequences in 2001. If this district must wait for national political machinations, we will collapse! Just the plans for H.I.D.T.A. in Tampa and Orlando, during the next three years, and the funding for same, will generate substantial multi-defendant, multi-month prosecutions of persons "targeted for federal sentencing guideline implications;" these are *not* in *any* of our present calculations!

I would hope that the Senate Judiciary Committee will provide us with a hearing to answer any questions regarding your proposed legislation to provide us with *new judgeships* as soon as reasonably possible, perhaps in February 1998.

With warmest personal regards, I am

Sincerely yours,
ELIZABETH A. KOVACHEVICH,
Chief Judge, Middle District of Florida.

U.S. DEPARTMENT OF JUSTICE,
Tampa, FL, May 21, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, D.C.

Hon. CONNIE MACK,
U.S. Senate, Washington, D.C.

DEAR SENATORS GRAHAM AND MACK: You have requested comment from the United States Attorney regarding the impact of the shortage of resident District Court Judges on the U.S. Attorney's Office for the Middle District of Florida. I write to report that the impact is negative and severe.

For our Criminal Division, the most direct effect of the judicial shortage is the assignment of cases to visiting judges for trial. Although visiting judges provide a great service to the Middle District, the use of them for a substantial number of criminal trials poses several problems. First, the very fact that a case is transferred to a visiting judge's docket often causes unnecessary delay. Secondly, I am advised by Assistant United States Attorneys that visiting judges are, understandably, not as well-versed in Eleventh Circuit case law, requiring the expenditure of additional time by both prosecution and defense attorneys in addressing significant legal issues during the course of a case. Finally, the Middle District of Florida is one of the leaders in the country in the filing of multiple-defendant and complex white collar crime litigation characterized by longer trials. For example, last year, our office prosecuted 16 members of the Outlaws Motorcycle Gang for conspiracy, racketeering and other offenses. The trial lasted for eighteen weeks. During that period of time, the cases assigned to the presiding judge accumulated without the judicial attention that they would have ordinarily received. Given our present prosecution priorities (i.e., drug trafficking, violent crime, health care fraud and telemarketing fraud), we expect that the number of multiple-defendant and sophisticated white collar criminal cases will continue to increase in the future. In fact, many such cases are awaiting trial at the present time.

Thus far in Fiscal Year 1997, 32 per cent of criminal jury trials (8/25) in the Tampa Division of the Middle District of Florida were conducted by visiting judges. Another 20% of these trials (5/25) were conducted by a judge on senior status. In our Ft. Myers Division, where we presently have seven criminal AUSAs but no resident district Court Judge, fully 91% (10/11) of the criminal trials were conducted by a visiting judge.

Our Ft. Myers Division is most severely impacted by the judicial shortage. Because of the absence of a resident judge, Ft. Myers cases are assigned to Tampa judges. As a result, some cases that should be tried in Ft. Myers are moved to Tampa to accommodate the judges' busy schedules. This includes many cases that are important to the citizens in and around Ft. Myers. In fact, the bigger the case (and thus the more local attention warranted by it) the more likely it is to be transferred to Tampa for no other reason than the Court's schedule. Transfers are also expensive. Even for relatively insignificant hearings in a case, if there is a disputed issue, all attorneys, parties and witnesses must take an entire day to drive to Tampa and back. If a Ft. Myers case is tried by a Tampa Judge in Tampa, my office must incur the travel and accommodation expense of the Ft. Myers AUSA originally assigned to the case.

Our Civil Division is also impacted quite directly by the shortage of Article III judges in our District. First, in light of their heavy caseload, District Court judges typically do not have the time to grant oral argument in connection with sophisticated motions to dismiss or motions for summary judgment in civil cases. The result is that the judges take several months to decide motions that might otherwise be disposed of quite promptly if oral argument were heard. In those cases where the motions are meritorious, the delay results in unnecessary expenditures on expert witnesses and other pretrial matters, all to the great detriment of the parties even if the correct result is ultimately reached. Worse yet, meritorious motions are sometimes denied only to have the court adopt the movant's legal position after trial (the first time the judge has had a real chance to ponder the case), suggesting that trial was in fact unnecessary. We believe that these problems would be avoided by oral argument in many instances, but we recognize that our overburdened judiciary simply does not have the luxury to grant oral argument very often.

Second, the lack of a judge in Fort Myers has a serious negative impact on civil cases there. By way of illustration, we are presently prosecuting a complex "fair housing" case in the Fort Myers Division. At one point the District Court judge transferred the case to Tampa, notwithstanding that numerous victims reside in south or southwest Florida and would have been substantially inconvenienced by a Tampa trial. On our motion, the case was transferred back to Fort Myers, but it cannot be tried for many months. If a judge were resident there, this case would probably have been tried already.

FInally, civil cases which for some reason are not reached on the calendar of one of the visiting judges usually roll to the next month in which a nonresident judge will be visiting, as opposed to the next calendar month. This causes significant unwarranted delay. For example, in a large pending discrimination case, an opposing counsel who appears particularly reluctant to go to trial was able to obtain a continuance, thereby delaying the case not for one month, but for approximately five. This phenomenon would also be eliminated by additional judgeships.

I hope the information supplied herein is helpful. If I can be of further assistance, please let me know.

Sincerely yours,
CHARLES R. WILSON,
U.S. Attorney.

By Mr. BUMPERS (for himself, Mr. GRAHAM, Mr. CONRAD, and Mr. INOUYE):

S. 1586. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

Mr. BUMPERS. Mr. President, I rise today to introduce legislation to resolve a serious problem facing consumers and Main Street businesses in America. This problem allows consumers to be misled regarding their tax liabilities and puts Main Street businesses at a competitive disadvantage vis-a-vis out-of-State companies. The problem of which I speak is the loophole that allows companies to ship goods across State lines without collecting the taxes due on those goods.

My bill, The Consumer and Main Street Protection Act of 1998, will give States the option if they choose, of removing this unfair advantage enjoyed by out-of-State companies. The legal effect will be to authorize a State or local jurisdiction to require out-of-State companies to collect use taxes on sales of personal property delivered into that State or local jurisdiction, if that State taxes its own citizens on retail sales.

This bill does not create a new tax. Indeed, it doesn't create a tax at all. It merely deals with how existing taxes are collected. Specifically, it would allow States, if they choose, to shift the burden of collecting and remitting use taxes from the consumer to the company.

At this point, I should clarify the meaning of the term "use tax." A use tax is a tax on goods purchased in one jurisdiction for use in another jurisdiction. For example, goods purchased in Tennessee for use in Arkansas are subject to an Arkansas use tax. Use taxes are used to keep people from avoiding sales taxes. If a State doesn't have a use tax, its citizens can avoid paying sales taxes by making purchases in another State. By imposing a use tax equal to its sales tax, States can remove the incentive to engage in tax circumvention.

Therefore, in the 45 States which presently have sales and use taxes, consumers are legally obligated to pay those taxes, whether the purchases are made at a local department store, via mail order, or over the internet. Unfortunately, catalog companies typically do not make their customers aware of this obligation—in fact, some mislead customers into believing that out-of-State purchases are "tax free." This, of course, is patently false. The company may be exempt from collecting use taxes, but the customer is still liable for paying those taxes directly to the State revenue department on every out-of-State purchase.

This situation causes three serious problems. First, consumers are often shocked to discover that their "tax-free" purchase is not really tax free. State revenue departments inform tens of thousands of consumers every year of this sad fact. The consumer finds he is liable for back taxes, interest and penalties.

Second, Main Street retailers are placed in an unfair position vis-a-vis mail order houses. This occurs because mail order products if no tax is collected, are cheaper than if bought in Main Street department stores. Not only do most mail order houses not collect use taxes, they don't tell their customers that they are legally liable to pay the tax.

Third, State and local governments lose revenues because billions of dollars of the taxes are never collected. According to the Advisory Commission on Intergovernmental Relations, State and local governments lose over $3.3 billion a year for this reason. This occurs, even as mail order companies impose significant costs on State and local governments by sending an avalanche of catalogs and product packaging to municipal landfills. Every year over 3 million tons of third class mail, most of which is catalogs, goes to landfills in this country. This is not surprising considering the billions of catalogs which consumers receive in the mail every year. One company alone, Fingerhut, Inc., mails out nearly 500 million catalogs annually. With mail order sales growing by approximately 6 percent per year, this burden on State and local government will increase significantly in coming years.

THE BELLAS HESS AND QUILL CASES

A short discussion of case law is in order to explain why this matter requires Congressional intervention. The Supreme Court has twice considered the question of whether a State may impose tax collections duties on an out-of-State mail order company. In 1967, the Court ruled in National Bellas Hess v. Department of Revenue that such a State action violated both the Due Process Clause and the Commerce Clause of the United States Constitution. Bellas Hess therefore made it impossible for Congress to craft a legislative solution to the problem: although the Commerce Clause is the exclusive domain of Congress, the Due Process Clause is not subject to Congressional discretion. As long as the due process holding from Bellas Hess remained good law, Congress' hands were tied.

In 1992, however, the Supreme Court overruled the due process portion of Bellas Hess. In Quill Corporation versus North Dakota, the Court revisited the issue of mail order tax collection and, applying a more modern due process analysis, concluded that mail order activities now constitute a sufficient connection to the State to justify the tax collection requirement. In other words, a State's imposition of tax collection requirements on an out-of-State mail order company no longer offends due process.

The Quill case therefore clears the way for Congress to act on this issue.

Although Quill did not overrule the Commerce Clause portion of Bellas Hess, that holding does not preclude Congressional action. As I mentioned earlier, because the Commerce Clause grants Congress exclusive authority over interstate commerce, Congress may, if it chooses, grant the States the authority to require out-of-State tax collection. Indeed, the Supreme Court expressly acknowledged in Quill that "Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes."

PROTECTIONS AGAINST UNDUE BURDENS ON BUSINESS

In writing this bill, I have taken great care to insure that it does not place an undue burden on business—particularly small business. I have included four provisions designed to protect against an overburdensome effect: (1) De minimus provision—The Act expressly exempts any company whose total U.S. revenue is less than $3 million. The exemption will not apply, however, in any State where the company's revenue exceeds $100,000; (2) One-rate-per-State provision—In situations where an out-of-State company is subject to multiple local tax rates in a single State, the company will have the option of paying each applicable local rate or paying one standard rate, called an "in-lieu fee;" (3) Filing frequency limitation—States may not require out-of-State companies to file tax returns more than once per quarter; (4) Mandatory information service—States must maintain a toll-free telephone service to provide out-of-State companies with necessary tax information and forms.

WHAT THE BILL DOES NOT DO

The intent of this bill is not to injure the mail order industry. There are many fine mail order companies in America which offer many useful products, and I have no quarrel with any of them aside from their exemption from collecting use taxes. The intent of the bill is merely to insure that consumers are protected and Main Street businesses are treated equitably in relation to companies located out-of-State.

Let me repeat, this bill does not create a new tax. It merely allows for the fair and equitable collection of existing taxes. If the residents of a State do not wish to pay a use tax, then they can repeal that use tax. That is their prerogative. But if they choose to have a use tax, the Federal Government should allow them to enforce it. That is what this bill does—it authorizes the States to collect taxes fairly and evenly from all who conduct business in the State.

Finally, this bill is not a preemption of the States' power to tax. In fact, States are not required to take any action as a result of this bill. They may completely ignore this legislation and continue their present tax collection methods. This bill merely grants the States a power presently denied under the Commerce Clause and imposes the limitations on that power which are necessary to insure that the resulting burden on out-of-State companies is not unreasonable.

BROAD SUPPORT

This measure has already gained extensive support. The legislation was crafted with the input of a broad-based coalition of business and governmental associations. They represent large constituencies in every State, all of which actively and vocally support the bill. Mr. President, I ask unanimous consent that a list of these organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

BUSINESS ASSOCIATIONS

Home Furnishing International
International Council of Shopping Centers
Jewelers of America
Marine Operators Association of America
Marine Retailers Association of America
National Floor Covering Association
National Home Furnishings Association
North American Retail Dealers Association
Performance Warehouse Association
Computing Technology Industry Association
National Association of Retail Druggists
National Office Products Association
National Small Business United
International Home Furnishings Representatives Association

STATE AND LOCAL GOVERNMENT ASSOCIATIONS

National Governors' Association
National Conference of State Legislatures
National Association of Counties
National League of Cities
U.S. Conference of Mayors
Multistate Tax Commission
Federation of Tax Administrators
Government Finance Officers Association
National Association of State Budget Officers
National Association of State Auditors, Comptrollers and Treasurers
National Association of State Treasurers

EDUCATION AND LABOR ORGANIZATIONS

AFL-CIO Public Employees Department
American Federation of State, County and Municipal Employees
American Federation of Teachers
National School Boards Association
American Association of School Administrators
National Education Association

Mr. BUMPERS. Mr. President, I urge my colleagues in the Senate to carefully consider this issue. It is very important for the continued vitality of Main Street America, and I invite you to join in this effort to ensure fair competition in American business.

Mr. President, I ask unanimous consent that the bill and outline be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer and Main Street Protection Act of 1997".

SEC. 2. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) State and local governments generally are unable to compel out-of-State firms to collect and remit such taxes, and consequently, many out-of-State firms choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, with some firms even falsely claim that merchandise purchased out-of-State is tax-free, and consequently, many consumers unknowingly incur tax liabilities, including interest and penalty charges,

(4) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations,

(5) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(6) State and local governments provide a number of resources to out-of-State firms including government services relating to disposal of tons of catalogs, mail delivery, communications, and bank and court systems,

(7) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including consumers and small businesses, in such State,

(8) the Supreme Court ruled in Quill Corporation v. North Dakota, 112 S. Ct. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(9) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. 3. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) In General.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding **$3,000,000**, or

(B) in the State exceeding **$100,000**, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this Act.

(b) States Must Collect Local Sales Taxes.— Except as provided in section 4(d), a State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) Aggregation Rules.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) Destination.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC. 4. TREATMENT OF LOCAL SALES TAXES.

(a) Uniform Local Sales Taxes.—

(1) In general.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this Act and shall be collected under this Act in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) Application to border jurisdiction tax rates.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) Nonuniform Local Sales Taxes.—

(1) In general.—Except as provided in subsection (d), nonuniform local sales taxes required to be collected pursuant to this Act shall be collected under one of the options provided under paragraph (2).

(2) Election.—For purposes of paragraph (1), any person required under authority of this Act to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) Rate of in-lieu fee.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this Act, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), a State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this Act determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this Act,

(B) in the case of in-lieu fees described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this Act, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this Act, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this Act (or such earlier date as State law may provide). Local sales taxes collected pursuant to this Act prior to the application of this subsection shall be distributed as provided by State law.

(d) EXCEPTION WHERE STATE BOARD COLLECTS TAXES.—Notwithstanding section 3(b) and subsections (b) and (c) of this section, if a State had in effect on January 1, 1995, a State law which provides that local sales taxes are collected and remitted by a board of elected States officers, then for any period during which such law continues in effect—

(1) the State may require the collection and remittance under this Act of only the State sales taxes and the uniform portion of local sales taxes, and

(2) the State may distribute any local sales taxes collected pursuant to this Act in accordance with State law.

SEC. 5. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this Act—

(1) to file a return reporting the amount of any tax collected or required to be collected under this Act, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this Act to collect a local sales tax or in-lieu fee.

SEC. 6. NONDISCRIMINATION AND EXEMPTIONS.

Any State which exercises any authority granted under this Act shall allow to all persons subject to this Act all exemptions or other exceptions to State and local sales taxes which are allowed to persons located within the State or local jurisdiction.

SEC. 7. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section 3 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this Act.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this Act shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this Act, this Act shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. 8. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this Act to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. 9. DEFINITIONS.

For the purposes of this Act—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company (including a limited liability company) or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act. In no event shall this Act apply to any sale occurring before such effective date.

OUTLINE OF THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

Effect: Congress would give states the authority to require out-of-state sellers to collect the sales taxes due on goods shipped into the state. Under current law, out-of-state companies are exempt from collecting these taxes, even though consumers must pay them. This places an inappropriate burden on the consumer and places local retailers at a competitive disadvantage.

Not a New Tax: The Act does not create a new tax. It merely deals with how existing taxes are collected, shifting the burden of collecting those taxes from the consumer to the company.

Small Companies Exempted: A company will be exempt if its nationwide sales are less than $3 million. The exemption will not apply in any state where the company's sales exceed $100,000.

One Rate Per State: The Act will not require complicated tax calculations. Rather than dealing with a variety of state and local rates, companies will have the option of collecting a single blended rate for each state into which products are shipped.

Filing Frequency: Under the Act, out-of-state companies will only have to file tax returns once per quarter.

Toll-Free Information Service: To utilize the Act, states must establish a toll-free information service to provide out-of-state companies with necessary information and forms.

Distribution of Local Sales Taxes: State governments must remit to local jurisdictions the appropriate local share of taxes collected from out-of-state companies. To ensure this, the Act requires states to distribute local taxes collected out-of-state in the same proportion as local taxes collected in-state. Distributions must occur at least once every calendar quarter.

Uncollected Sales Taxes on Mail Order Goods, 1994

	Millions
Alabama	$48.6
Arizona	44.4
Arkansas	19.6
California	482.8
Colorado	47.9
Connecticut	50.4
D.C.	9.9
Florida	168.9
Georgia	72.9
Hawaii	9.8
Idaho	9.7
Illinois	233.1
Indiana	54.5
Iowa	28.3
Kansas	33.5
Kentucky	41.7
Louisiana	61.9
Maine	13.3
Maryland	60.1
Massachusetts	69.0
Michigan	108.4
Minnesota	53.1
Mississippi	28.0
Missouri	63.5
Nebraska	17.4
Nevada	17.4

	Millions
New Jersey	112.2
New Mexico	16.8
New York	359.4
North Carolina	71.1
North Dakota	5.8
Ohio	116.3
Oklahoma	41.8
Pennsylvania	145.0
Rhode Island	14.2
South Carolina	31.3
South Dakota	7.3
Tennessee	68.8
Texas	235.2
Utah	16.8
Vermont	6.0
Virginia	59.9
Washington	76.2
West Virginia	18.6
Wisconsin	46.6
Wyoming	4.4
Total	3,301.5

Source: Advisory Commission on Intergovernmental Relations.

By Mr. CAMPBELL:

S. 1591. A bill entitled the "Bulletproof Vest Partnership Grant Act of 1998"; to the Committee on the Judiciary.

THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. CAMPBELL. Mr. President, today I am introducing the Bulletproof Vest Partnership Grant Act of 1998, a bill to establish a matching grant program to help State, Tribal and local jurisdictions purchase armor vests for the use by law enforcement officers. I also am working with my colleague, Senator LEAHY, on an expanded version of body armor legislation.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Grant Act of 1998 would form a partnership with state and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50-50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To make sure that no police department is left out of the program, the matching requirement could be waived for those jurisdictions that cannot afford it.

This bill is a companion to legislation introduced in the House of Representatives by Congressman PETER J. VISCLOSKY from Indiana. That legislation already has over 200 cosponsors.

This bill has been endorsed by the Fraternal Order of Police, the National Sheriffs' Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United states of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS—Congress finds that—

(1) too many law enforcement officers die, while protecting the public, as a result of gunshot wounds;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) more than 92 percent of such law enforcement officers were killed by firearms;

(4) the number of law enforcement officers who die as a result of gunshot wounds has declined significantly since the introduction of modern bulletproof material;

(5) according to studies, between 1985 and 1994, bullet resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States;

(6) the number of law enforcement officers who were killed in the line of duty would significantly decrease if every law enforcement officer in the United States has access to an armor vest; and

(7) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a "public safety crisis in Indian country.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State and local law enforcement departments provide officers with armor vests.

SEC. 3. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase vests for use by law enforcement officers.

(b) USES OF FUNDS.—Awards shall be distributed directly to the State, unit of local government or Indian tribe and shall be used for the purchase of not more than 1 armor vest for each police officer in a jurisdiction.

(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this Act, the Director of the Bureau of Justice Assistance may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have the greatest need for armor vests based on the percentage of officers in the department who do not have access to a vest;

(2) have a mandatory wear policy that requires on-duty officers to wear armor vests whenever feasible; and

(3) have a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation.

(d) MINIMUM AMOUNT.—Unless all applications submitted by any State or unit of local government pursuant to subsection (a) have been funded, each qualifying State or unit of local government shall be allocated in each fiscal year pursuant to subsection (a) not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection.

(e) MAXIMUM AMOUNT.—A qualifying State or unit of local government may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants pursuant to subsection (a).

(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent, unless the Director of the Bureau of Justice Assistance determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(g) ALLOCATION OF FUNDS.—At least half of the funds awarded under this program shall be allocated to units of local government or Indian tribes with fewer than 100,000 residents.

SEC. 4. APPLICATIONS.

(a) STATE AND TRIBAL APPLICATIONS.—To request a grant under this Act, the chief executive of a State shall submit an application to the Director of the Bureau of Justice Assistance, signed by the Attorney General of the State requesting the grant, or Indian tribe shall submit an application to the Director, in such form and containing such information as the Director may reasonably require.

(b) LOCAL APPLICATIONS.—To request a grant under this Act, the chief executive of a unit of local government shall submit an application to the Director of the Bureau of Justice Assistance, signed by the chief law enforcement officer of the unit of local government requesting the grant, in such form and containing such information as the Director may reasonably require.

(c) RENEWAL.—A State, unit of local government, or Indian tribe is eligible to receive a grant under this Act every 3 years.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States and units of local government must meet) in submitting the applications required under this section.

SEC. 5. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) The term "armor vest" means—

(A) body armor which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard; or

(b) body armor which exceeds the specifications stated in subparagraph (A), and which the law enforcement officer's agency or department permits the officer to wear on duty.

(2) The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

(3) The term "qualifying State or unit of local government" means any State or unit of local government which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Director of the Bureau of Justice Assistance and the conditions set out in section 3.

(4) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 7. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for each fiscal year to carry out this program.

SEC. 8. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

ADDITIONAL COSPONSORS

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 971, A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 1208

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1208, A bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1214

At the request of Mr. ALLARD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1214, A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1251, A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1252, A bill to amend the Internal Revenue Code of 1986 to increase the amount of low- income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1260, A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1260, supra.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Wyoming [Mr. THOMAS], the Senator from Oklahoma [Mr. INHOFE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1297, A bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport."

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1384, A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes.

S. 1427

At the request of Mr. FORD, the names of the Senator from Oregon [Mr. WYDEN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Mississippi [Mr. LOTT], the Senator from Georgia [Mr. COVERDELL], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1427, A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1480, A bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Maine [Ms. COLLINS], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. SMITH], the Senator from Oklahoma [Mr. INHOFE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1575, A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. TORRICELLI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 12, A concurrent resolution expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Maine [Ms. COLLINS], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 65, A concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. REED, his name was added as a cosponsor of Senate Concurrent Resolution 71, A concurrent resolution condemning Iraq's threat to international peace and security.

At the request of Mr. LOTT, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. ALLARD], the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the

Senator from Kentucky [Mr. MCCONNELL], the Senator from Alabama [Mr. SESSIONS], the Senator from Indiana [Mr. LUGAR], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 71, supra.

At the request of Mr. ENZI, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. COCHRAN, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. KYL, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. SANTORUM, his name, and the name of the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Concurrent Resolution 71, supra.

At the request of Mr. CLELAND, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, supra.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 168, A resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

AMENDMENT NO. 1397

At the request of Mr. GRAMM the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Amendment No. 1397 intended to be proposed to S. 1173, A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE RESOLUTION 170—RELATIVE TO BIOMEDICAL RESEARCH

Mr. SPECTER (for himself, Mr. HARKIN, Mr. FRIST, Mr. REED, Ms. SNOWE, Mr. DEWINE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 170

Whereas past investments in biomedical research have resulted in better health, an improved quality of life for all Americans and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease and revolutionized the practice of medicine;

Whereas the federal government represents the single largest contributor to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many of the new drugs and medical devices currently in use is based in biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been underrepresented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 44,000 women this year; ovarian cancer which will claim another 14,800 lives; and, osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alzheimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immune deficiency disorders;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas 33 million Americans annually suffer from injuries resulting from trauma;

Whereas 4 million Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 200,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infection;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and morality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every five American men will develop prostate cancer and over 40,000 men will die from prostate cancer each year;

Whereas diabetes, both insulin and non-insulin forms, afflict 16 million Americans and places them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis and nerve degeneration;

Whereas the emerging understanding of the principles of biomimetrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2005, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and in developing new skills among scientific investigators;

Whereas most Americans show overwhelming support for an increased federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 1998".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that funding for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1999 and that the budget resolution appropriately reflect sufficient funds to achieve this objective.

Mr. SPECTER. Mr. President, I have sought recognition today for the purpose of submitting a resolution calling for the Budget Committee to add $2 billion for the National Institutes of Health, and I do so because of the unanimous view expressed by the Senate last year on a resolution that NIH funding should be doubled over the course of the 5 years following the date of the introduction of the resolution by our distinguished colleague, Senator MACK. That resolution was introduced on January 22, 1997. Regrettably, even though that resolution was passed 98 to nothing, when the budget resolution was returned, the appropriate health account has a reduction of $100 million. So that even though the Senate had spoken on its intent to see NIH funding raised, doubling over 5 years, and that was from a figure of about $13 billion, the funds simply were not there. That led to the introduction of an amendment to the budget resolution by Senator HARKIN and myself, Senator HARKIN being my distinguished colleague and ranking member of the subcommittee which I chair on Labor, Health, Human Services and Education. And we sought to add in $1.1 billion to carry out the expressed sense of the Senate. That was defeated 63 to 37. So that, while the Senate had expressed its druthers on a resolution, when it came to the dollars they simply were not there.

Senator HARKIN and I then went to work with our subcommittee and we were able, by making economies and establishing priorities, to add $952 million to the NIH account for an increase of 7.5 percent. After the conference we did increase the figure by some $907 million, so that now the National Institutes of Health has $13,647,843,000. And the National Institutes of Health, I suggest to my colleagues, and the country—anybody who is watching on C-SPAN2—is the crown jewel of the Federal Government. The funding has been increased steadily during my tenure in the Senate, regardless of who was chairing the subcommittee. Although the budgets were always high, frequently had cuts called for by the administration, when the chairman was Senator Weicker, when the chairman was Lawton Chiles, when the chairman was TOM HARKIN, or more recently under my chairmanship, we have increased the funding tremendously. And the National Institutes of Health has responded with really extraordinary advances in research identifying genes. Now the work has to be pushed forward to see exactly what can be accomplished in the next century.

The President said on Tuesday night that someone born today would have a good chance of living into the 22nd century, 100 years. I think that is a possibility. But only if we maintain the phenomenal advances of the NIH.

I personally have been the beneficiary of the tremendous advances of the National Institutes of Health. Two decades ago there was no such thing as an MRI. That device detected a problem for me. And other advances led to good results for me. I know millions of people have benefited from the research and the investment which we have made in the National Institutes of Health. But that takes money, and that is why this resolution is being offered by Senator HARKIN, Senator FRIST, Senator REID, Senator SNOWE and myself, to call upon the Budget Committee to add in $2 billion so we can carry forward the important work of the National Institutes of Health.

Last year I attended the dedication of a building named in honor of Senator Hatfield, who has been a tremendous leader on NIH, and many other items, the distinguished chairman of the Appropriations Committee for many years. When I was there, I talked to Dr. Varmus, who is the head of NIH. I said, "Dr. Varmus, what would it really take?" As I asked Dr. Klausner, who heads the cancer research, "Tell us what you can really appropriately use?" Because many grant applications are turned down. He said, "Well, Senator, I can't really tell you that because we have to file the wish list with the Office of Management and Budget." He didn't quite put it that way. But there are limitations.

I said to Dr. Varmus, "This year the Senate is going to want to know in an unvarnished form what you really think could be appropriately used for the National Institutes of Health." Then I made a comment that we still have the subpoena power, to really find out what it would take. And I suspect that it is a very large figure. But when you have a Federal budget of $1.7 trillion, I believe it is possible to establish priorities to make NIH a top priority.

In the last few years, Senator HARKIN and I have consolidated and eliminated 135 programs to enable us to save $1.5 billion. It's pretty hard to eliminate a program in Washington, DC, but we have been able to do that. With that $1.5 billion we have allocated those funds to NIH, guaranteed student loans, and many, many other important projects.

So, with those brief comments I send this resolution to the desk. I ask it be held at the desk. I ask my colleagues who are listening on C–SPAN2, or their staffs, to take a look at the resolution because I would like to see cosponsors. I think we ought to have the 98 who voted last year for the resolution which I cosponsored with Senator MACK, and perhaps the two absentees as well.

Mr. FRIST. Mr. President, I am pleased to rise in support of the resolution before us today to express the Sense of the Senate that the Federal commitment to biomedical research at the National Institutes of Health is one of our highest priorities in fiscal year 1999. This resolution states that Congress should increase the NIH budget by $2 billion next year.

I would like to commend my colleague, Senator SPECTER, for his leadership in bringing this resolution forward today to ensure our commitment to biomedical research. I was an original cosponsor with Senator MACK of similar legislation, Senate Resolution 15, introduced on the first day of the 105th Congress. The "Biomedical Research Commitment Resolution of 1997," expressed the Sense of the Senate that the NIH budget should be doubled over the next five years. The resolution before us today puts us one step closer to achieving that goal.

I have struggled with the effort to balance the budget and preserve a strong federal role in biomedical research during times of fiscal restraint. As a member of the Senate Budget Committee, it will be my goal to increase the NIH budget within the context of the overall budget agreement reached by Congress last year.

Historically, Congress has demonstrated strong support for increased funding for the important work of the National Institutes of Health. The scientific and medical breakthroughs supported by the National Institutes of Health in the last 50 years have improved vastly our capacity to prevent, diagnose, and treat human disease. As a heart and lung transplant surgeon, I know that biomedical research is fundamentally important in our battle against disease. As Americans, we have the benefit of one of the finest health care systems in the world, and it is vital that we continue to invest in our research efforts to maintain this health care system.

As chairman of the Senate Subcommittee on Public Health and Safety with jurisdiction over the NIH, I believe that one of the federal government's primary duties is to ensure our investment in long-term biomedical research as a public good. The commitment to this investment allows us to reap many benefits in improving the quality of life for our citizens. It is in this spirit that I urge my colleagues on both sides of the aisle to support the passage of this resolution in recognition that the future of our nation's health is dependent on our strong investment in biomedical research.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet at 2:30 p.m. on Thursday, January 29, 1998, in open session, to receive testimony on the national security implications of enlarging NATO and the continued deployment of U.S. forces in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:00 a.m. on Thursday, January 29, 1998, in open session, to receive testimony on the report and recommendations of the national defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, January 29, 1998, to conduct an oversight hearing on market circuit breakers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, January 29, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, January 29, 1998, to hold a hearing at 9:30 a.m. in SD–342 entitled *Medicare Fraud Prevention: Improving The Medicare Enrollment Process.*

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CUBAN WOMEN AND CHILDREN HUMANITARIAN RELIEF ACT

• Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of Senator DODD's legislation, the "Cuban Women and Children Humanitarian Relief Act."

This bill, which is long overdue, authorizes the President to permit the sale of food, medicine, and medical equipment to the Cuban people. One would think that this would not be necessary. The United States has a long history of providing humanitarian assistance to needy people even when we differ with their government. North Korea is an example. Yet, because of our obsessive antipathy toward Fidel Castro, we have applied a different standard to Cuba. Unfortunately, it is the Cuban people who have suffered as a result, not their government. In fact, it has given Fidel Castro a convenient excuse to blame the United States for whatever goes wrong there.

The American Association for World Health reports that malnutrition, deterioration of water quality, and serious deficiencies in medicines, equipment and medical information have resulted from American restrictions severely limit the sale of medicines they actually prohibit the sale of food. Not even the sanctions against Libya, Iran, and Iraq contain such extreme measures. This outright ban on food has been especially harmful to women and children, contributing to nutritional deficits among pregnant women and low birth-weight babies, as well as a high incidence of neurological disease.

I have long believed that the way to encourage democratic reforms and respect for human rights in Cuba is not through isolation of this tiny island nation, but through the normalization of our relationship by relaxing the embargo. One would think that after thirty-seven years, with Castro still in power, we would try another approach. Many Americans share this view. Over $60 million in medicine and medical supplies have been donated by U.S. citizens over the past five years. Unfortunately, this great display of generosity represents only a tiny portion of the over $400 million in medicines and food that Cuba imported from the United States prior to the passage of the restrictive 1992 Cuban Democracy Act.

I urge all Members of Congress to reconsider the reasons behind our embargo against Cuba. The Cold War ended years ago. Easing the restrictions on the sale and donation of medicines and food to Cuba will not, in any way, compromise our nation's security. While Pope John Paul's visit may not signal a political change in Cuba, it does illustrate a new opening by the Castro regime for religious expression that the United States should encourage. Passage of the Cuban Women and Children Humanitarian Relief Act would not only ease the suffering of the Cuban population, it would reaffirm to the world that the United States is the humanitarian nation we hold ourselves out to be.•

TRIBUTE TO CHARLES H. CUFFELD

• Mr. SANTORUM. Mr. President, I rise today to honor a distinguished public servant upon his retirement as President Judge of the Philadelphia Traffic Court. Born and raised in Philadelphia, Charles Cuffeld devoted his life to the city. Charles will be sincerely missed not only for the vision and leadership he brought to his office, but also for his integrity and character.

On December 24, 1991, Governor Robert Casey appointed Charles President Judge of the Philadelphia Traffic Court. Charles became the first African-American President Judge to serve in either the Traffic Court or the Commonwealth of Pennsylvania. Prior to this appointment, he had served as an elected Traffic Court judge since 1982.

Early in his tenure, President Judge Cuffeld established goals to improve the Court's productivity, increase public accessibility, and foster public respect for the law. Most would agree that great strides were achieved in each of these areas. For instance, President Judge Cuffeld modernized the Court's operations. Internal communication was enhanced through technological improvements. A clear chain of command was established for the Traffic Court departments. Supervisors were educated on personnel regulations. Several departments were reorganized, and employees were cross-trained in all departments. Even the judges were sent to annual training and recertification programs. Likewise, the Traffic Court under President Judge Cuffeld developed working relationships with other law enforcement agencies, interdepartmental units, and the local media. Other initiatives made Traffic Court more accessible. Expanded payment operations, night court, motion court, and outreach court, in which surrounding neighborhood police stations hosted Traffic Court, were among these important programs. Finally, President Judge Cuffeld strengthened traffic law enforcement programs. In fact, some initiatives have been so successful that Canadian and other foreign officials have expressed interest in duplicating them.

Beyond his judicial service, Charles has participated in many community-oriented organizations. He has served on the Mayor's Office of Community Services Advisory Board and the Boy Scouts Unity District Council. Currently, Charles is a member of the Salvation Army Advisory Board and a Director of Concerned Black Men, Inc. I am also very proud to note that Charles serves on my own Military Academy Review Board.

An even more revealing testament of Charles' commitment to public service is the fact that organizations across the political and ideological spectrum have honored him. Both the V.F.W. and the N.A.A.C.P. named him Man of theYear. For outstanding community service, he received a Congressional Certificate of Merit. He is a two-time recipient of the Governor of the Commonwealth of Pennsylvania Highway Safety Award. WCAU-TV Channel 10 presented him the Spirit of Philadelphia News Award. He has received a Certificate of Appreciation from the Philadelphia Police Department. Finally, Charles has also been honored with the North Philadelphia Youth Investment Award.

In closing, Mr. President, Charles Cuffeld set a new standard for the Philadelphia Traffic Court. He worked to raise awareness of the law, to enforce the law, and to bring justice to the people. During his tenure as President Judge, Charles bought the same passion for the law to his work as an administrator. He skillfully modernized the court, handled personnel matters, ensured his judges kept up to date on legal developments, and improved communication operations. Equally important is the care and compassion he has shown for the community. Charles is the product of hard work, focused determination, and a strong sense of civic responsibility. He is a fine role model for those who have been fortunate enough to know him. As President Judge Charles Cuffeld retires from public life, I ask my colleagues to join me in extending the Senate's best wishes to him and his family.•

TOUGH, SMART WOMEN WORKING TO BETTER IRAN

Mr. LEAHY. Mr. President, it has been almost twenty years since the overthrow of the Shah of Iran and the year-long ordeal of the American hostages in Tehran. The U.S. swiftly responded to those incidents by isolating Iran diplomatically, militarily, and economically. Today our policy of isolation continues.

The U.S. has legitimate, serious concerns about the Iranian Government's support for international terrorism, its efforts to undermine the Arab-Israeli peace process, and its acquisition of weapons of mass destruction. We must continue to vigorously pressure Iran to modify its conduct in each of these areas.

However, rather than adhere blindly to all aspects of a policy that was conceived in response to events in 1979, it is time to reevaluate our relationship with Iran and its people and consider the advantages that might result from a more open dialogue.

Too often our antagonism toward Iran obscures the fact that many Iranian citizens desire better relations with the United States. On January 7, 1998 Iranian President Mohammad Khatemi said in an interview with CNN that he wanted people-to-people exchanges to "crack the wall of mistrust" between the United States and Iran. A December 10, 1997 article in the "International Herald Tribune" by Ms. Catherine O'Neill, who recently visited Iran on behalf of UNICEF, entitled, "Tough, Smart Women, Working to

Better Iran," illustrates that there are many similarities between us and the Iranian people and that citizens of both countries could benefit from the regular sharing of ideas and academic and professional advances if only the opportunity were there.

Mr. President, I ask that excerpts from Ms. O'Neill's article be printed in the RECORD.

The excerpts follow:

[From the Herald Tribune, Dec. 10, 1997]

TOUGH, SMART WOMEN, WORKING TO BETTER IRAN

(By Catherine O'Neill)

TEHRAN.—Somehow I had always felt that women who adopted the chador had shut me out. That black cloak seemed a way of saying: "Don't approach! My values are different."

A recent visit to Iran has proved how wrong I was. It also has taught me something about not imposing my values on tough, smart women who are working to make changes in their country.

At the invitation of Unicef, I went to Tehran to attend a conference on the UN Convention on the Rights of the Child. The conference was organized by a group of Iranian women who want to change some of Iran's laws affecting children and women.

Almost no non-Iranians were present in the hotel ballroom as several hundred chador-clad women, and some men, discussed, debated and criticized aspects of Iran's laws.

One speaker criticized Iranian companies that profit from cheap child labor.

Another talked about the illogic of a 30-year-old woman professor's being unable to choose a spouse without the approval of a father or grandfather—while a 15-year-old boy needs no approval to get married.

Speakers noted Iran's effective village health care programs, universal immunization for children and the high percentage of girls and boys attending school.

But the speakers wanted more for Iran's children and women.

During breaks, women approached me to talk. They were doctors, lawyers, teachers, psychologists, professors, child education experts and mothers. We cared about the same things: drug abuse among young people, child custody issues, child abuse, juvenile delinquency, homeless children, foster care and child labor.

My experiences in Iran should not be so rare for Americans. A new generation has arrived and almost two decades have passed since the hostage crisis of 1979-80. The United States is the only major power with no contact with Iran. But the Iranian people have given a signal: They voted in a new president against the recommendations of their religious leaders.

It's time for us in the United States to reach out to the 70 million children, men and women in Iran, who, I've found, have much in common with us.●

NATIONAL RADIO MONTH

● Mr. GRAMS. Mr. President, I rise today to recognize the role of the radio broadcasting community in my home state of Minnesota. I cannot think of a more appropriate time to reflect upon how radio affects our daily lives than during "National Radio Month."

This year marks the 78th anniversary of radio in the United States. Throughout this time, radio has become an influential medium in the lives of most Americans. Today, there are over 12,200 radios in the U.S. According to the Radio Advertising Bureau, people listen to radio an average of 3 hours and 12 minutes on weekdays, and 4 hours and 42 minutes on weekends. Four out of five motorists are listening to the radio while driving, and 61.7 percent are tuned into radio during TV's prime-time hours.

As a former broadcaster, I certainly understand the extraordinary influence and unselfish nature of radio. Radio broadcasts serve a variety of purposes. Radio communicates with listeners during time of emergency, informs them of noteworthy community events such as fundraising drives, educates them about developing stories and current events, entertains during long drives across our states, and serves as a calming influence during the most trying times in our lives. Finally, radio plays a key role in preserving our vibrant democracy by encouraging their audiences to vote, and running special segments about candidates and their platforms.

The public affairs activities of Minnesota's radio stations have been underscored by a recent Minnesota Broadcasters Association survey of radio executives in which 50 percent of radio stations responded. First, 95 percent of radio stations have helped charities, charitable causes or needy individuals through fundraising and other types of support. Second, radio stations run a median of 100 public service announcements each week, highlighting issues such as flood and disaster relief efforts, AIDS awareness, safety campaigns, drunk driving, and drug and crime education programs. Finally, 71 percent of radio stations aired a local political affairs program or segment dealing with the 1996 elections.

Mr. President, there are 242 radio stations in Minnesota. Each of these stations has made unique and vital contributions toward serving their communities and interacting with listeners. I am proud to say that in some instances, these efforts have been recognized by the Minnesota Broadcasters Association through their "Media Best Awards" and by the National Association of Broadcasters (NAB) annual "Crystal Radio Awards."

The "Crystal Radio Awards" have been issued by NAB since 1987 to shine the national spotlight on those radio stations that have demonstrated a year-round commitment to providing responsive, individual service to the cities, counties and towns they serve. I am pleased to note that since 1989, Minnesota radio stations have received this great honor on eleven different occasions. These stations are WJON-AM in St. Cloud, KBHP-FM in Bedmidji (twice), KSJN-FM in St. Paul, WWTC-AM, WCCO-AM, KQRS-FM/AM in Minneapolis (twice), KCUE-AM in Red Wing, KWOA-AM in Worthington, and WLTE-FM in Minneapolis.

The Minnesota Broadcasters Association recently recognized public service announcements broadcast by KAUS and KDWB, the "Flood of '97" community service program by KDMA/KMGM, and MNN Radio Networks hard news coverage during this past years' floods which disrupted the lives of hundreds of thousands of Minnesotans. And for those fans who have agonized over a potential departure of our beloved Twins, WMNN provided an important venue for people to voice their opinions through the station's "Twins Stadium Open Forum."

Additional past noteworthy accomplishments include efforts by WJON-AM and its two sister stations in St. Cloud to raise money to buy bulletproof vests for the police departments. Its goal was $50,000, but ultimately raised $75,000. And stations 92 KQRS-FM and 93.7 KEGE-FM in Minneapolis have worked with Minnesota Job Services to set up a free interactive telephone hotline to connect employers with qualified applicants. Amazingly, this service registers 10,000 calls each month. Last year, Minnesota radio and television stations raised $1.6 million for flood relief efforts and produced a video titled "Beyond the Flood" donating the profits to flood victims.

Through disaster relief efforts, holiday safety initiatives, fund-raising drives, school announcements, and weather emergencies, Minnesota radio broadcasters have demonstrated their commitment and dedication to public service. I am proud of the leadership shown by each of these stations, and am pleased to have shared their accomplishments with the Senate.●

UNIVERSITY OF SOUTH DAKOTA MEN'S CROSS COUNTRY TEAM WINS NATIONAL CHAMPIONSHIP

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize an extraordinary group of young athletes from my alma mater, the University of South Dakota. The University of South Dakota Men's Cross Country Team recently won the 1997 NCAA Division II Men's Cross Country Championship held on Saturday, November 22, 1997 in Kenosha, Wisconsin. This victory was accomplished against a talented nation-wide field of competition and was the second national athletic championship ever won by USD athletes.

All the time, effort, and dedication these talented student athletes put into this winning season reaped great rewards for the team and USD. This honor is a result of a great team effort along with individual commitment, talent, and perseverance.

I would also like to commend head coach Scott Munsen for providing outstanding leadership to the USD men's cross country team during the last four years.

The State of South Dakota has much to be proud of. I want to again congratulate all of our fine young athletes and the University of South Dakota on this great accomplishment.●

TRIBUTE TO PAUL HOLLOWAY ON BECOMING PRESIDENT OF THE NATIONAL AUTOMOBILE DEALERS ASSOCIATION

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Paul Holloway, a distinguished individual and good friend, on being selected to become the President of the National Automobile Dealers Association (NADA). As a friend of Paul's for over a decade, I commend his outstanding achievement and compliment him on this well-deserved honor.

Paul will be the first New Hampshire automobile dealer to serve as President of NADA. This is a great honor not only for Paul, but for the Granite State. It is Paul's strong work ethic and Yankee ingenuity that have catapulted he and his wife, Anna Grace, from the first Buick-Pontiac dealership they bought in 1967 to the five dealerships they have today.

Paul's strong drive and spirit was exhibited forty years ago when Paul passed up a career in professional football to finish his bachelor of science degree in business at Temple University in Philadelphia. Paul was drafted as a linebacker by several teams, but instead decided to pursue his career in the automobile industry. New Hampshire is fortunate that he made the choice he did.

I am certain Anna Grace, along with their children Scott and Debra, are as proud of Paul's achievements as are his friends and colleagues in New Hampshire. Paul's commitment and dedication to excellence will benefit the members of NADA as much as it has the people of New England. Paul Holloway will be a vibrant and effective leader for NADA.

Congratulations, Paul, on this outstanding recognition by your colleagues in the industry. I know you will meet this new challenge with honor and distinction. I am proud to represent you in the U.S. Senate and proud to call you a friend.●

Y2K, THE FAA, AND INFRASTRUCTURE IN THE UNITED STATES

● Mr. MOYNIHAN. Mr. President, today's New York Times has confirmed what many on the forefront of fixing the Year 2000 Computer Problem have already learned. Namely, that the problem is not just a programming glitch within software (programs run on the computer), but a larger crisis of identifying and renovating hardware (the computer itself).

As the Times story relates: "The problem was first thought to be a programming glitch. But as the F.A.A. is demonstrating, the line between hardware and software is not so clear, because of computer instructions, called micro-code, that are built in and are more basic than the programs the computer runs. In some instances, the answer may be the wholesale replacement of computers that might otherwise have run for years. Early indications are that many airlines will also throw out numerous computers."

Like many private sector businesses, the FAA is finding that it may have to replace the interrelated computer systems themselves—in this case, systems that provide for the safety of air flight in America. While some programmers at the FAA believe the systems can be debugged without replacing them, the company which built the hardware, IBM, has recommended replacing the machines.

There is a lesson to be learned here. Consultants confronted with this problem have told me this all along. The problem is deeper than the programs. It deals with the micro-code beneath the programs. This micro-code is in everything from our telecommunications systems to the personal computer on your desk—essentially the infrastructure of the company or agency.

Thus, we peel back another layer of the onion. The FAA is taking multiple approaches to its fix: a combination of debugging and replacement. On the one hand, debugging old systems risks that they won't be fully tested until after the year 2000. On the other hand, replacing them costs millions upon millions. When the maker of the machines—in this case IBM—recommends replacement, and a failed effort to debug the machines could mean lives lost in air accidents across the country, I would prefer we lean heavily on the replacement approach.

With fewer than two years until January 1, 2000, this lesson must be learned quickly and throughout the Federal Government. A few Chief Information Officers who are ahead of the curve on this issue are similarly discovering they not only have to fix the application codes, but they also have to make their infrastructure—telecommunication systems, micro-computers, and electrical components—year 2000 compliant.

In the few months ahead, agencies must be ready and willing to admit the extent of their problems, and find solutions that will be balanced between debugging and replacement. At the same time, we in Congress must be ready and willing to assist agencies in what is beginning to look a lot like a matter of damage control.

I ask that today's Times article, "F.A.A. to Fix and Replace Aging Computers," be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 29, 1998]

F.A.A. TO FIX AND REPLACE AGING COMPUTERS

(By Matthew L. Wald)

WASHINGTON, Jan. 28—The Federal Aviation Administration said today that it would hunt down and remove the "year 2000" bugs from 40 crucial, aging air traffic control computers, and then throw out the computers themselves.

One team at the F.A.A. has promised to have the bugs fixed within 90 days. The leader of a second team announced today that the agency would replace the computers anyway, at a cost of about $100 million, because of uncertainty over whether the software changes can ever be tested adequately. But since there is also uncertainty over whether all the computers can be replaced within the next 23 months, the de-bugging will continue.

Around the world, the issue, known in data processing as "Y2K," is perplexing companies because computers that record the date as a 2-digit number will conclude that the year after 1999 is 1900.

The problem was first thought to be a programming glitch. But as the F.A.A. is demonstrating, the line between hardware and software is not so clear, because of computer instructions, called micro-code, that are built in and are more basic than the programs the computer runs.

In some instances, the answer may be the wholesale replacement of computers that might otherwise have run for years. Early indications are that many airlines will also throw out numerous computers.

George L. Donohue, associate administrator of the F.A.A. for research and acquisitions, said, "Some of the software people now say that even if you think you've fixed all the micro-code, there's no way to be sure."

But, speaking today at an air traffic control conference, Dr. Donohue said that trying simultaneously to de-bug the system and replace it was a good "belt and suspenders approach," because it was impossible to be sure the F.A.A. could replace the aging computers in the next 23 months.

Drucella Andersen, a spokeswoman for the agency, said, "We're trying to do both because it gives us the highest assurance and insurance."

Just last week the F.A.A. invited reporters to tour a "war room" where a team of software engineers is coordinating the de-bugging of 297 interrelated computer systems that make up the National Airspace System.

The machines are at the heart of the 20 air traffic control centers that handle high-altitude, long-distance flights, and officials said they were confident that their replacement would not be necessary. The software changes are projected to cost $91 million, and involve 22 million lines of software.

The International Business Machines Corporation, which made the computers, warned the F.A.A. last fall that it no longer had the engineers or software tools to find the bugs, and recommended replacing the machines.

Dr. Donohue said the computers were about 14 years old, which he termed old by the standards of private industry but young for the F.A.A.

The agency's budget does not include the estimated $100 million to replace the computers, but officials said they could delay other modernization projects.●

CONDEMNING IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

Mr. BOND. Mr. President, the crisis in Iraq has been created because of the appalling behavior of a man bent on defying the legitimate directives he agreed to as the defeated leader of a ruthless and rogue army. For months, if not years, Saddam Hussein has been developing and hiding the very weapons he explicitly vowed to excise from his country's arsenal. These are weapons which he has demonstrated the will to use and which, in a slightly more sophisticated delivery system, may threaten the entire world. He has starved his people in order to gain sympathy from a compassionate world community, he has gassed his own citizens to silence their cries for freedom, he has ruthlessly attacked his neighbors, massacring thousands through chemical warfare, and he has threatened to incinerate an entire people of a neighboring sovereign nation.

This crisis needs to be ingrained into our psyche as a case study of how a bellicose and unrepentant government can circumvent its obligations to the world community and world peace, and avoid the reasonable consequences for those actions. Even more so, this is an object lesson of how our "allies" will respond to such behavior. They seem willing to curry favor with a dictator by compromising and redefining critical enforcement procedures. Compromise? What is there to compromise? Saddam has broken his covenant with the world. We know it. The world knows it, and our collective governments have been ineffectual in dealing with him. To the President and the leaders of the other nations of the world, I ask three very basic questions and give you three very basic "heartland of America" responses.

First, has Saddam honored his commitment to the world in freely and openly ridding Iraq of weapons of mass destruction? No.

Second, will he? Not if we don't have the courage to force him, with extreme prejudice to his military, if necessary.

And third, is he more dangerous today than yesterday because of a basic weakness and willingness to compromise something which should be enforced without compromise? And that answer is, yes he is more dangerous.

We have wasted critical time. We have allowed Saddam the opportunity to develop the very things he has sworn not to and the very things we swore we wouldn't permit. The current situation must not continue. We must and I believe we can, convince a nervous and wary cadre of allied nations to stand up for what is right and what is demanded to preserve the stability of the world. But if not Mr. President we may have to go it alone or with but a few courageous colleagues from the league of nations.

I am sure we will support the President's decision for decisive action, whatever it may be. Therefore, I join with the majority and minority leaders of this great body and ask that they would consider adding me to the list of co-sponsors of their concurrent resolution number 71 concerning the current crisis in Iraq.•

VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997

• Mr. LEAHY. Mr. President, I want to speak briefly about juvenile crime legislation pending before the Senate. The "Violent and Repeat Juvenile Offender Act," S. 10, was reported by the Judiciary Committee last year and may be among the bills we consider early in this session. While the measure was improved during the course of the Judiciary Committee markup, unfortunately, as explained more fully in the minority views to the Committee report, there is much work that still needs to be done and much that still needs to be improved.

The bill reported by the Committee to the Senate would mandate massive changes in the juvenile justice systems in each of our States, and would allow an influx of juvenile cases in Federal courts around the country. The repercussions of this legislation would be severe for any State seeking federal juvenile justice assistance.

I look forward to the Senate taking up these matters and to a full and open debate on exactly what this bill will do. Those aspects that will do more harm than good ought to be rejected. Those aspects that can be improved, should be. Those aspects that fail to respect the role and judgment of the States, their legislatures and their people ought be changed. This can only be done if the Senate is willing to do the work still unfinished and do so in our greatest tradition of full, fair and open debate.

Washington Does Not Know Best. I am very concerned about the stringent mandates with which States must comply before they qualify for the $500 million per year in new funding under S. 10. This new block grant program sounds great until you look closely. The extensive new requirements created by this program make this money inaccessible to the States. In fact, no State currently qualifies for the new grant money. Consequently, while this bill is touted as helping the nation's juvenile justice systems, States that accept the help will have to surrender their State legislative judgment and change their laws to comport with Washington mandates.

For example, to qualify for this new source of funds, States would have to change their laws to ensure, for example, that they make accessible to the FBI all juvenile disposition or adjudication records, whether the juvenile was brought in for shoplifting, graffiti or more serious felonies. In addition, the States must make sure they make those records available, not only to elementary or high schools in which the juvenile is enrolled, but also to any college to which the juvenile may later apply. Many of our home States will find these requirements too intrusive and costly to make it worth their while to change their laws.

We Should Avoid the "Federalization" of Juvenile Crime. By imposing on the States a one-size-fits-all approach to juvenile crime, this bill turns federalism on its head. As reported, S. 10 would repeal the presumption in current Federal law that the State has primary responsibility for dealing with juvenile offenders. Changing that presumption to get the federal government and the federal courts involved is neither necessary nor wise.

Chief Justice Rehnquist and the Administrative Office of the U.S. Courts have expressed serious concerns about the efforts in S. 10 to shift juveniles to the federal court system. As the Chief Justice noted in his 1997 Year-End Report:

> The Judicial Conference of the United States has raised concerns about legislation pending in Congress to 'federalize' certain juvenile crimes, maintaining its long-standing position that federal prosecutions should be limited to those offenses that cannot or should not be prosecuted in state courts.

The Chief Justice clearly recognizes what so many other law enforcement and court personnel know: The federal courts are not equipped to handle the expected increase in federal juvenile cases if S. 10 is not modified.

We should preserve the core protections for juveniles in custody. Regrettably, S. 10 would gut the core protections that have been in place for over 20 years to protect children who come in contact with the criminal justice system and to keep abused, neglected and mistreated children out of detention altogether. Every Vermonter who has contacted me about this issue has said the same thing: dismantling these core protections is an ill-conceived move.

Back-sliding on the protections against putting children in adult jails flies in the face of research showing that children who spend time around bad influences, like adult criminals, have a higher recidivism rate. The co-chair of Vermont's Children and Family Council for Prevention Programs has explained: "If even intermittent contact is allowed, youth will certainly learn more and better ways to act out inappropriately and aggressively."

We should focus on prevention. Right now, S. 10 lacks balance. The bill is chock full of punitive measures to prosecute and lock-up children, but skimps on efforts to stop children from getting into trouble in the first place. Focusing on the back end of the juvenile justice system—after children get into trouble—is short-sighted. Any police chief or cop-on-the-beat will tell you that. We should also focus efforts on preventing kids from getting into trouble and intervening at the first warning signs before they enter into criminal activity.

I have heard from numerous law enforcement officials who support a clear earmark for juvenile delinquency prevention programs. They know that prevention programs are key to reducing our Nation's juvenile crime rates. This bill earmarks new federal grant money for a number of enforcement uses, including increasing sanctions, improving juvenile record keeping, mandating drug testing, and juvenile prison construction. No earmark is made for prevention. This is a mistake and will turn out to be a costly one unless we can modify the bill to bring it into balance. If we are going to have earmarks, we must dedicate money for prevention. Prevention programs enhance the skills and competency of troubled juveniles. Such programs help teenagers stay in school and stay out of trouble. Without an earmark, in the competition for dollars, prevention programs will surely lose out.

I urge my colleagues to talk to the police and prosecutors in their home states. I am confident you will hear, as I have, that well-crafted crime prevention and youth development programs do make a difference. I am also sure that you will hear how critical it is to keep juveniles separate from adult inmates and to allow teenagers who have committed a minor offense a real chance to improve their lives.

We should work together in an open and bipartisan manner to consider and improve this juvenile crime legislation.•

SALUTE TO RON WILSON AND THE 1998 UNITED STATES OLYMPIC HOCKEY TEAM

Mr. CHAFEE. Mr. President, the 1998 United States Olympic Team will soon depart for Nagano, Japan for the 18th Winter Olympic Games. I know I join my colleagues in saluting the American men and women who have worked so hard to compete at this highest level of international competition.

I rise today to salute a son of Rhode Island, Ron Wilson, who will serve as head coach of the American Men's Hockey team. Hockey is not a sport in Rhode Island, it is a passion. That passion enabled Ron Wilson to achieve All-Star status at East Providence High School, and two-time All-American honors at Providence College, where, as a senior, he led the nation in scoring. His college coach, coincidentally, is also a Rhode Islander. Then-coach Lou Lamoriello is now president of the New Jersey Devils and will also serve as general manager of the U.S. Olympic Men's Hockey team.

Ron Wilson went on to a successful professional playing career in the National Hockey League and Europe. Today, he is the very successful coach of the local entry in the National Hockey League, the Washington Capitals. He is well equipped to lead our team next month in Japan, having successfully coached the U.S. Team in the 1996 World Cup to a major upset of Canada to win that prestigious competition. The victory was the biggest win for the United States since the 1980 Winter Olympics.

Hockey is, as I said, a passion in Rhode Island. Indeed, Coach Wilson will look down his bench and see three other Rhode Islanders on his team—Bryan Berard, Keith Carney, and Matthew Schneider. And the U.S. Women's Hockey team will include a majority of players who played their high school or college hockey in Rhode Island.

The Nagano Games will soon begin, and I extend the heartiest best wishes for success to Coach Wilson, his fellow Rhode Islanders, and all Americans wearing our uniform.•

STEVEN N. ADUBATO

• Mr. TORRICELLI. Mr. President, I rise today to extend my best wishes to Stephen N. Adubato on his 65th birthday. Steve's belief in his community and dedication to improving the education standards in New Jersey are just two examples of his lifelong commitment to public service. On his birthday, I would like to convey my thoughts to a good friend and valued colleague.

As the founder and Executive Director of the North Ward Center, Inc., he has created a central location for more than fifteen social service, community education and economic development programs for the Newark community. With the recent opening of the Newark Business Training Institute, Steve has continued his commitment to the community by assisting men and women in the transition from welfare to work.

Steve has made innumerable contributions to the education of New Jersey students. As a teacher and counselor in Newark, his leadership in education reform and superior teaching skills insured that children received the kind of education they deserved. Steve's commitment to education is a true testament to his compassion and desire to help students in the State of New Jersey.

As we search for ways to revitalize the once flourishing city of Newark, I have been impressed by Steve's ideas and goals for the area. The economic and social progress we have seen in Newark's North Ward is a direct result of Steve's efforts. He has single-handedly improved this area of the city so that it now serves as a model for urban development. This is a great deal to have accomplished in 65 short years, but Steve is clearly no stranger to hard work.

Steve Adubato's dedication to the Newark community and the State of New Jersey make it an honor for me to be able to recognize him as he celebrates his birthday. I wish him the best on this special day, and I hope he will enjoy 65 more years of happiness.•

70TH ANNIVERSARY OF THE INVENTION OF SCOTCH TAPE

• Mr. GRAMS. Mr. President, recognizing that January 31 marks the 70th anniversary of the invention of Scotch tape, I wanted to take a moment to honor its developer, Richard Drew, and all the employees of 3M who have followed in Mr. Drew's pioneering footsteps.

Over the years, Minnesota-based 3M has been a leader in many different ventures. I have always appreciated the opportunity to work with 3M's employees on various regulatory, tax, and trade initiatives. Being able to think outside the proverbial "box" has together enabled us to demonstrate to government that given the flexibility, Minnesota companies can succeed as leaders.

Just as Mr. Drew accomplished with his invention of Scotch tape, the employees of 3M continue to push the envelope, tackling real problems and developing common-sense solutions. And as with Scotch tape, society wonders how we ever got along without them.

So on January 31, we will be recognizing the achievements of Richard Drew's achievements, but we also honor the spirit of ingenuity he sparked for all of 3M's employees.•

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3042 Calendar No. 302.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered, read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3042) was deemed read the third time and passed.

APPOINTMENTS BY MAJORITY LEADER

Mr. NICKLES. Mr. President, I ask unanimous consent that the majority leader be authorized to appoint two Senators to the National Council on the Arts as amended by Public Law 105–83.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–35

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 29, 1998, by the President of the United States: Trademark Law Treaty, Document No. 105–35.

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and be ordered to be printed, and the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for advice and consent to ratification, the Trademark Law Treaty done at Geneva October 27, 1994, with Regulations. The Treaty was signed by the United States on October 28, 1994. I also transmit for the information of the Senate, the report of the Department of State with respect to the Treaty, accompanied by a detailed analysis of the Treaty and Regulations, prepared by the Department of State and the Patent and Trademark Office of the Department of Commerce.

Ratification of the Treaty is in the best interests of the United States. The Treaty eliminates many of the burdensome formal requirements that now exist in the trademark application and registration maintenance processes of many countries. Those requirements cause considerable expense and delay for trademark owners. The Treaty is aimed at standardizing and simplifying the application process so that the application will be accepted and processed by the trademark offices of all parties to the Treaty.

I recommend, therefore, that the Senate give early and favorable consideration to the Trademark Law Treaty with Regulations and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 29, 1998.*

ORDERS FOR MONDAY, FEBRUARY 2, 1998

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, February 2, 1998, and, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to 1 hour of morning business not to extend beyond the hour of 1 p.m, with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. It is my hope that at 1 p.m. on Monday, the minority Members of the Senate will be prepared to enter into an agreement with respect to the renaming of the National Airport after our former President, Ronald Reagan. I also hope that we will be in a position to consider the Iraq resolution and possibly debate nominations from the Executive Calendar. However, Members should be reminded that no votes will occur during Monday's session of the Senate.

The Senate will not be in session on Friday of this week. However, votes could be stacked to occur as early at 10 a.m. on Tuesday, February 3, if agreements can be reached on Monday. Members should be prepared for votes throughout the next 2 weeks in an effort to complete several items prior to the Presidents' Day recess.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 2, 1998

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Monday, February 2, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 29, 1998:

DEPARTMENT OF DEFENSE

DAVID R. OLIVER, OF INDIANA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE R. NOEL LONGUEMARE, JR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEVIN EMANUEL MARCHMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOSEPH SHULDINER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL TRADE COMMISSION

ORSON SWINDLE, OF HAWAII, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1997, VICE ROSCOE BURTON STAREK, III, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MOZELLE WILLMONT THOMPSON, OF NEW YORK, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1996, VICE CHRISTINE A. VARNEY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES ENRICHMENT CORPORATION

MARGARET HORNBECK GREENE, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES ENRICHMENT CORPORATION FOR A TERM EXPIRING FEBRUARY 24, 2003. (REAPPOINTMENT.)

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE CHARLENE BARSHEFSKY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2000. (REAPPOINTMENT.)

INTERNATIONAL BANKS

STUART E. EIZENSTAT, OF MARYLAND, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOAN E. SPERO, RESIGNED.

DEPARTMENT OF STATE

NANCY E. SODERBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

Nancy E. Soderberg, of the District of Columbia, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, to which position she was appointed during the last recess of the Senate.

DEPARTMENT OF JUSTICE

Bill Lann Lee, of California, to be an Assistant Attorney General, vice Deval L. Patrick, resigned.

THE JUDICIARY

Christine O. C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years (Reappointment), to which position she was appointed during the last recess of the Senate.

DEPARTMENT OF JUSTICE

Paul L. Seave, of California, to be United States Attorney for the Eastern District of California for the term of four years vice Charles Joseph Stevens, resigned.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Sciences for a term expiring July 19, 2001, vice Carol K. DiPrete, term expired.

DEPARTMENT OF EDUCATION

SCOTT SNYDER FLEMING, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE KAY CASSTEVENS.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MARTHA B. GOULD, OF NEVADA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002. (REAPPOINTMENT)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL M. IGASAKI, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2002 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RAILROAD RETIREMENT BOARD

CHERRYL T. THOMAS, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2002, VICE GLEN L. BOWER, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

STEPHEN W. ROCHON, 4866
LOUIS M. FARRELL, 6842

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C, SECTION 211:

To be lieutenant

ROBERT L. CLARKE, JR., 3373

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

KERSTIN B. RHINEHART, 8682

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

MAURY M. MC FADDEN, 5427

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenants (junior grade)

JAMES A. ILLG
JEFFREY C. HAGAN
JOHN K. LONGENECKER
RICHARD T. BRENNAN
MICHELE M. RILEY
GEORGE J. KONOVAL
JACK L. RILEY
DAVID M. BERNHART
MICHAEL L. HOPKINS
ERIC W. BERKOWITZ
JON D. SWALLOW
WILLIAM T. COBB III
JOSEPH A. PICA
KEITH W. ROBERTS
MICHAEL P. SORACCO
HARRY S. KINDLE III
ALEXANDRA R. VON SAUNDER
JONATHAN G. WENDLAND
PHILIP G. HALL
LAWRENCE T. KREPP
BRIAN W. PARKER
JOHN T. CASKEY
TODD A. HAUPT
JASON C. MASTERS
CECILE R. DANIELS
THOMAS E. MARTIN
LAWRENCE P. CHICCHELLY, JR.
JONATHAN A. MANN
SHEPARD M. SMITH
TODD A. BRIDGEMAN
NATHAN L. HILL
ROBERT A. KAMPHAUS
ERIC W. ORT
EDWARD J. VAN DER AMEELE
MARK A. WETZLER
STACY M. MAENNER
ADAM D. DUNBAR
DEBORA A. BARR
ERIC J. SIPOS
PETER C. FISCHEL
WILLIAM R. ODELL
JAMES M. CROCKER
JEREMY M. ADAMS
CHRISTOPHER E. PARRISH
JOEL T. MICHALSKI
DAWN M. WELCHER
RAYMOND A. SANTOS
KURT A. ZEGOWITZ
MARK A. SRAMEK
RUSSELL C. JONES
JENNIFER D. GARTE

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LARRY K. ARNOLD, 3721
BRIG. GEN. JAMES. H. BASSHAM, 8202
BRIG. GEN. GEORGE F. SCOGGINS, JR., 5952

To be brigadier general

COL. JAMES F. BARNETTE, 4440
COL. RALPH J. CLIFFT, 6308
COL. HAROLD A. CROSS, 6940
COL. THOMAS G. CUTLER, 0206
COL. GILBERT R. DARDIS, 0949
COL. THOMAS P. MAGUIRE, JR., 5939
COL. BARBARA J. NELSON, 8708
COL. AVRUM M. RABIN, 7297
COL. GARY L. SAYLER, 7927
COL. ANDREW J. THOMPSON IV, 0451
COL. HARRY A. TROSCLAIR, 5962
COL. STEPHEN L. VONDERHEIDE, 3217

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JAY A. CAMPBELL, 8580
REAR ADM. (LH) ROBERT C. CHAPLIN, 7451
REAR ADM. (LH) JAMES C. DAWSON, JR., 7743
REAR ADM. (LH) MALCOLM I. FAGES, 4038
REAR ADM. (LH) SCOTT A. FRY, 5541
REAR ADM. (LH) GREGORY G. JOHNSON, 3052
REAR ADM. (LH) ALBERT H. KONETZNI, JR., 2358
REAR ADM. (LH) JOSEPH J. KROL, JR., 6388
REAR ADM. (LH) RICHARD W. MAYO, 4195
REAR ADM. (LH) MICHAEL G. MULLEN, 9509
REAR ADM. (LH) LARRY D. NEWSOME, 7662
REAR ADM. (LH) WILLIAM W. PICKAVANCE, JR., 9782
REAR ADM. (LH) WILLIAM L. PUTNAM, 6795
REAR ADM. (LH) PAUL S. SEMKO, 1736
REAR ADM. (LH) ROBERT G. SPRIGG, 0549
REAR ADM. (LH) DONALD A. WEISS, 7917
REAR ADM. (LH) RICHARD D. WEST, 7494
REAR ADM. (LH) HARRY W. WHITON, 2916
REAR ADM. (LH) THOMAS R. WILSON, 1606
REAR ADM. (LH) GEORGE R. YOUNT, 7416

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

JOHN G. BITWINSKI, 6105
SHERRIE L. CASKEY, 9158
GARY A. HOWELL, 9899

THE FOLLOWING-NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, SECTION 2114:

To be captain

KURT W. ANDREASON, 2736
RENEE V. BARNHIZER, 1002
CHESTER P. BARTON III, 6132
JAMES E. BERMUDEZ, 1811
RACHEL A. CALL, 8451
KYLE L. CARTER, 9739
MICHAEL T. CHARLTON, 6911
MARK B. CLINGER, 3812
MELISSA M. CORRADO TYREE, 9611
DANA K. CRESSLER, 2963
SCOTT M. CUMMIS, 6310
HEATHER I. DAVIS, 8925
LAKEISHA R. DAVIS, 7255
MICHAEL R. DAVIS, 7826
BRIAN L. DELMONACO, 0657
DANIEL S. DIETRICH, 4511
KENNETH S. EGERSTROM, 0833
SUSAN C. FARRISH, 7278
GARY J. FRENCH, 7689
WILLIAM HALLIER, 8960
KATHY J. JOERS, 2843
HELEN N. JOHNSONWALL, 7359
JOCELYN A. KILGORE, 3545
JEFFERY D. KUETER, 8654
MAXIMILIAN S. LEE, 6872
JONATHAN D. LOPEZ, 5777
PATRICK D. LOWRY, 5358
KIMBERLY S. LYONS, 9033
KYLE J. MICHAELIS, 1252
WILLIAM P. MUELLER, 9005
DAVID W. MUNITZ, 5030
YVONNE M. NEWBURG, 8988
SAMIA A. OCHIA, 8242
ROCKEY R. RESTON, 0902
JOSEPH R. RICHARDS, 1289
ROBERT M. SHIDELER, 2680
PETER T. SIPOS, 0569
JOHN J. STEELE III, 9539
THOMAS G. STRUBLE, 9324
DAI A. TRAN, 1070
KREANGKAI TYREE, 1291
CHRISTOPHER W. WALKER, 8122
STEVEN R. WARD, 4795
JOHN C. WESKE, 3223
RANDY W. WOBSER, 8638
RAWSON L. WOOD, 5462

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

JAMES P. NEELY, 2536
JOHN C. WARNKE, 1706

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROLAND G. ALGER, 5203
JUDITH M. ALLEN, 3522
JOHN P. AUBIN, 2750
JIMMY L. BLAND, 5596
JEFFREY L. BOND, 8819
CARL W. BRAMLITT, 0596
JAMES B. CARY, 0748
THOMAS P. CICCARIELLA, 5159
ARTHUR W. CLEAVES, 0571
PAUL D. COSTILOW, 2786
IRVINE K. DAMRON, 1828
BRUCE E. DAVIS, 3294
JOHN M. DAVIS, 8760
RICHARD J. DECKER, 3026
ROBERT E. DELOACHE, JR., 4933
PETER J. DUFFY, 4082
JAY D. FOX, 8109
THOMAS T. GALKOWSKI, 8505
RONALD M. GAY, 8972
JAY P. GORDON, 1948
JOHN S. HATCHER, 7160
BARON G. HIGNITE, 0538
JOHN C. HOLLAND, 4158
WILLIAM R. HOLT, 2139
RICHARD A. HUTCHISON, 3329
LANELLE JACKSON, 0425
JOHN E. JENNER, JR., 6740
JACK F. JONES II, 7915
GARY N. LINDBERG, 0053
EMERY A. MADDOCKS, 9347
DANIEL T. MANEY, 9818
JAMES R. MASON, 7632
SANDRA J. MILLARD, 6872
ROBERT E. MORAN, 8508
CHARLES W. NAJACHT, 9744
RICHARD C. NASH, 9717
WENDELL P. NIERMAN, 4417
WILLIAM J. STRANGE, 1274
LLOYD L. SUTTON, 3750
JACKIE S. SWOPE, 8918
MICHAEL L. TODOROVICH, 9441
WELLINGTON C. TOPPAN, JR., 0702
PATRICIA A. TURNER, 6124
KEN J. VAHLE, 6627
JOHNNIE L. YOUNG, 3059

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

STEPHEN E. CASTLEN, 3515
MICHAEL J. DAVIDSON, 4507
RAFE R. FOSTER, 0973
AMY M. FRISK, 8869
WILLIAM R. GADE, 7176
CHRISTOPHER M. GARCIA, 5323
SUSAN S. GIBSON, 7414
SARAH S. GREEN, 5421
ROBIN L. HALL, 6444
HERBERT L. HARRY, 8836
CHARLES B. HERNICZ, 6044
KEVAN F. JACOBSON, 9645
SCOTT L. KILGORE, 6140
JON L. LIGHTNER, 2861
JACQUELINE R. LITTLE, 4048
DOUGLAS K. MICKLE, 9318
JOHN P. MORAN, 0760
STEPHEN M. PARKE, 2838
ALLISON A. POLCHEK, 3339
DANIEL K. POLING, 0483
MARK A. RIVEST, 6391
MARITZA S. RYAN, 1356
KATHRYN R. SOMMERKAMP, 2200
BRADLEY P. STAI, 6602
SAMUEL T. STEVENSON, 9064
BEDARD M. TALBOT, 4272
KELLY D. WHEATON, 1816
LAWRENCE J. WILDE, 9117
JOHN I. WINN, 4951

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT AS CHAPLAIN (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

JOHN P. BARBEE, 6056
JOSEPH S. BATLUCK, SR., 8928
JAMES B. BISHOP, 3552
JAMES K. BLUETT, 1973
LLOYD A. BROWN, 3513
JAMES A. BUCKNER, 5745
JAMES M. COINDREAU, 0906
JAMES P. CREWS, 3175
JAMES W. DANIELS, JR., 1128
TERRY A. DEMPSEY, 5811
STEVEN B. DOAN, 3756
GENE S. FOWLER, JR., 2286
RICHARD H. GRICE, 5897
STEPHEN J. HEETLAND, 9773
GREG W. HILL, 9785
*JAMES J. JAGIELSKI, 6940
HERBERT J. MC CHRYSTAL, 2681
LEO J. OKEEFFE, 6246
JIM M. PHELPS, 5032
JAMES W. ROBINSON, 9698
SIR W. SCOTT, JR., 7680
FRANCISCO D. SOMERA, JR., 5607
KERRY M. STEEDLEY, 1267
GUSTAF H. STEINHILBER, 5210
RONALD STRONG, 9882
PAUL L. VICALVI, 9374

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEVEN G. BOLTON, 6273
EVERETT J. BONNER, 4829
DAVID C. HARRIS, 8198
JORDAN M. HUGHES, 4219
VIRGINIA L. LESSERT, 3667
WILLIAM C. MARTIN, 3400
RICHARD G. MAXON, 0268
JAMES C. NANNOS, 8061
JOHN R. PENEBACKER, 0748
KENNETH J. PROSSICK, 2714
RENALDO RIVERA, 8834
MARK E. STORER, 1330
THOMAS A. VANVEEN, 3036
HAROLD M. WEAVER, 3832
ROGER D. WILLIAMS, 8490
KATHY J. WRIGHT, 1745
TIMOTHY J. WRIGHT, 9146

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

BRUCE F. BROWN, 4467

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DONALD E. BALLARD, 7292
BRUCE S. BOLLINGER, 3170
DAVID M. BROCKMAN, 3821
TIMOTHY J. COEN, 3808
TERRY R. COUNCIL, 0396
MYLES L. DEERING, 1556
WILLIAM H. DOUGLAS, III, 8797
MICHAEL P. FLEMING, 3095
JAMES L. GREENFIELD, 5397
THOMAS D. HADDAN, 9774
HAL F. HARRINGTON, 1919
NEALE C. HIGHTOWER, 2548
ROGER A. LALICH, 3130
WILLIAM L. LAXTON, 2506
GREGG H. MALICKI, 8069
MICHAEL T. MCCABE, 3003
STEVEN M. MILLER, 2192
HERSHELL W. O'DONNELL, 9198
BENNIE C. OULDS, 1001
JANICE E. PAIGE, 9878
STANLEY R. PUTNAM, 9717
STEVEN M. SCORZATO, 6845
TOM L. SHIRLEY, 6526
DANIEL S. SPRING, 7674
MATTHEW J. WHITTINGTON, 0327
CHARLES S. WOODS, 0892
MERREL W. YOCUM, 9183

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10 U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

MORRIS C. MC KEE, JR., 1130

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

EDWARD S. CROSBIE, 4357

To be lieutenant colonel

MARTHA A. SANDERS, 7099

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GARY A. DOLL, 9549
DAVID P. HAGARMAN, 5259
GARY W. LATZ, 5865
THOMAS C. MARCELLO, 2935
RICHARD W. NICHOLS, 5923
JAMES L. PATTERSON, 8543
DAVID W. RAES, 0084
THOMAS D. SEARGEANT, 5482
WILLIAM P. WHITNEY, 6926
GORDON E. WISE, 4495

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

HUGH J. BETTENDORF, 1964
WILLIAM J. COOK, 3571

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES G. HUGHES II, 4505
WILLIAM S. WATKINS, 2902

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KENT J. KEITH, 3640

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALBERT W. SCHMIDT, 7958

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFERY W. LEVI, 5930

THE FOLLOWING-NAMED OFFICERS, FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAVID AVENCIO, 1110
MICHAEL BADORF, 8981
BENITO BAYLOSIS, 2571
TODD A. BELTZ, 6646
DANIEL BRUNK, 4077
JOHN A. CARTER, 8137
EDWARD B. CASHMAN, 0544
REEVES DAVES, 2198
LEONARD DOLLAGA, 1533
JOHN EICHELBERGER, 7250
ALAN GIBSON, 3848
JOSEPH D. GOMBAS, 3312
WILLIAM GOSSETT, 1750
DAVID GRAEFEN, 4952
DALE GREEN, 3786
ROBERT A. HICKEY, 6440
JOHN JENSON, 7857
ERIC A. KELSEY, 8137
PAUL LYONS, 1845
DOUGLAS MARSHALL, 6654
JAMES R. MIDKIFF, 9800
MICHAEL MILLER, 6861
DALE MINICH, 4446
RICHARD M. ODOM, 6496
SEAN O'MALLEY, 8105
SAMUEL OVERMEYER, 7556
PETER PASQUALE, 8011
BLANE PENNYBACKER, 3815
ERIC PICKEL, 6675
JOHN F. RINKO, 9623
DAVID SLIGER, 1624
WESLEY SMITH, 0787
GEORGE L. SNIDER, 4049
EHRICH STEINMETZ, 0085
KEVIN SUTTON, 1261
PARKER W. SWAN, 2162
MICHAEL VARNEY, 9868
DANIEL WAY, 6918

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064:

To be colonel

SUE H. ABREU, 6149
CAROL F. ADAIR, 3554
*BRENDA J. ALCOVERBALLARD, 8313
*ALICIA Y. ARMSTRONG, 4927
NAOMI E. ARONSON, 5988
STEPHEN J. AWE, 9250
PATRICK J. BASQUILL, 7445
DANIEL F. BATTAFARANO, 1891
WAYNE B. BATZER, 2400
CORAZON Y. BLACKWELL, 5695
BRUCE A. BORETSKY, 3876
TIMOTHY M. CAMPBELL, 4304
JOSEPH CARAVALHO, JR., 7925
EDWARD R. CARTER, 4170
ESTHER L. CHILDERS, 0993
CLIFFORD C. CLOONAN, 3043
RHONDA L. CORNUM, 2574
LAWRENCE M. CORRENTI, 0441
FERNANDO L. COSTASNIEVES, 5565
MICHAEL F. CUENIN, 5077
ERIC L. DOANE, 2847
DAVID D. ELLIS, 4073
JEFFREY A. ELTING, 3640
PAUL J. ENGIBOUS, 2793
DONALD E. FANNING, 5987
WARNER D. FARR, 5947
JAMES G. FISHER, 4462
*THOMAS M. FITZPATRICK, 6224
*EDWARD FLETCHER, 3264
PAUL F. FORTE, 8620
JEFFREY D. FOWLER, 9105
KENNETH J. FRANKLIN, 9956
JONATHAN C. FRUENDT, 1157
GEORGE F. FULLER, 6857
DONALD L. GEBHART, 8706
JAMES A. GEILING, 8500
*DAVID GILLINGHAM, 3992
JEFFREY R. GINTHER, 9889
CHARLES H. GLEATON, 2547
CURTIS D. GOHO, JR., 4656
DAVID I. GOLDBERG, 0380
DAVID M. GONZALEZ, 9032
NOEL D. HABIB, 6012
*DALLAS C. HACK, 6043
TED W. HAMMOND, 3263
LARRY J. HANSON, 4393
BRADLEY N. HARPER, 4618
*BRENDA S. HARPER, 9012
JEFFREY L. HARRIS, 8534
KIP R. HARTMAN, 6864
DAVID A. HERMAN, 0718
STEPHEN P. HETZ, 9084
WILLIAM C. HORTON, 3253
STEVEN L. KENNEY, 7609
KARL R. KERCHIEF, 5741
*YOUNG O. KIM, 6885
TIMOTHY M. KING, 5897
RICHARD D. KOPKE, 2213
ROBERT D. LARSEN, 1109
ROBERT E. LEWIS, 1649
FREDERICK R. LIEWEHR, 5368
ROBERT K. MANGA, 2579
MARY E. MANISCALCOTHEBERGE, 6235
RICHARD L. MARPLE, 5319
MIKE MC BILES, 1298
JAMES S. MC GHEE, JR., 1275
JOHN G. MC NEIL, 0270
*VICTOR L. MODESTO, 0483
ALAN L. MOLOFF, 5519
PATRICK H. MOORE, 8205
SEAN E. MULLEN, 1621
TERRENCE S. MURPHY, 2913
EDWARD T. NEELY, 5220
JAMES E. NEWMAN, JR., 2181
ANN E. NORWOOD, 3717
WAYNE L. OLSEN, 6664
THOMAS A. PERKINS, 2574
*GERALD E. POLEY, JR., 7433
ADOLFINA M. POLK, 4767
MELVIN S. POLK, JR., 2052
DEOGRACIA QUINONES, 2598
SHIRLEY E. REDDOCH, 5516
*STEVEN E. REISSMAN, 7049
*JOHN A. RICHMOND, 5569
JOHN F. ROSER, JR., 0396
JAMES K. SCHMITT, 6577
JOHNETTE J. SHELLEY, 4417
ELISABETH M. STAFFORD, 4519
RICHARD C. TENGLIN, 7992
JAMES C. WARING, JR., 2560
ROBERT W. WEIEN, 3902
ROGER W. WEYAND, 4160
WILLIAM C. WILLIARD III, 3881
BENJAMIN G. WITHERS, 3093
DANIEL A. WOLF, 8273
*MICHAEL R. WYMES, 5340
*STEVEN J. YEVICH, 5256
JOHN S. YOUNG III, 8080
DARYL N. ZEIGLER, 2493

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BENJAMIN J. ADAMCIK, 5943
JACQUELINE AGNEW, 2988
WILLIAM H. ANDERSON, 0119
PAUL L. ANDREWS, 6022
BARRY J. APPLEBY, 7664
JEFFREY D. ASTROTH, 0643
SALVATORE J. BATE, 0721
JAMES F. BEATTIE, 0229
EDWARD F. BIGSBY, 2594
JOHN L. BLACK, 3384
ISAAC D. BROUSSARD, 8752
JIMMIE L. BROWNING, 5673
MICHAEL K. BURROUGHS, 0121
FRANK D. BUTLER, 8097
JEFFREY C. CHANG, 8933
DONALD M. CHOATE, 9813
WILLIAM L. CLEAVER, 8087
CARL CONLEY, JR., 1171
DALLAS COTTAM, 2398
JAMES S. CROWELL, 1568
DEBORAH DACUMOS, 4240
KATHY M. DEVLIN, 7400
ROBERT S. DRISCOLL, 8971
RONALD P. EASMANN, 7024
BRYAN C. EDGAR, 8235
ROBERT W. ENZENAUER, 9878
WENDELL K. S. FOO, 0450
MICHAEL M. FUENFER, 1551
GARY A. GOFORTH, 5460
GLADYS M. GONZALEZ-NADAL, 2559
FREDERICK C. GOOD, 3244
LEWIS E. III GORMAN, 9861
MARILYN F. GRAMS, 9875
CHRISTIAN III GRONBECK, 0333
THOMAS J. GUZZO, 4767
WALTER J. HAAG, 3663
VICTOR HADDAD, 5636
ROBERT P. HAYES, 4446
BRUCE F. HECKMAN, 6340
THOMAS A. HICKLIN, 6259
BERT W. HOLMES, 4805
MICHAEL L. HUGGINS, 4460
DANIEL L. HURST, 6304
LYLE R. JACKSON, 6375
ARTHUR V. JEWETT, 2184
HAROLD G. JONES, 1402
CURTIS A. JUHALA, 0469
ALGIRDAS A. JUOCYS, 0256
WILLIAM F. KEENAN, 0648

PERRY D. KENDRICK, 2384
HOLLY P. KENNEDY, 5426
ALI M. KHAJAWALL, 7443
PETER V. KILBURN, 5054
JUDE J. KIRK, 2180
LOIS E. KNAPP, 0282
WILLIAM F. KRINGEL, 3987
RICHARD W. KRUSE, 3540
LOU A. LARGENT, 4415
GEORGE A. LEE, 7279
ALVIN L. LIEVSAY, 6796
THOMAS N. LITTLE, 2053
JACQUELINE H. LONGBOTHAM, 8483
DANIEL K. LOWE, 7342
DONALD G. LUEDERS, 0724
CHARLES B. MAYNARD, 6835
DAVID R. MCDUFF, 8932
MICHAEL F. MCGREGOR, 2658
ROBERT L. MCGUINN, 3485
WALTER J. MEIVES, 7390
BRUCE D. METCALFE, 8504
DOMINICK A. MINOTTI, 4746
LLOYD T. MORITA, 1468
RALPH D. MORRIS, 7369
ALFONSO V. NAVARRO, 6537
ORIN H. OGILVIE, 4216
PATRICK S. ORILEY, 5689
JAMES A. ORSINI, 9076
ANGEL L. PADILLA, 9177
DONALD R. PANKRATZ, 2157
KENNETH B. PETERSON, 7184
RONALD E. POWELL, 8272
MARIAN H. PUTNAM, 6742
STANLEY L. QUOCK, 7816
BRIAN M. REES, 1320
GEORGE E. RICHARDSON, 4032
SONIA F. SACEDA, 9922
WILLIAM R. SANDEL, 5215
MILTON R. SCHOLZE, 6759
DEAN G. SIENKO, 8565
JOHN W. SMITH, 6397
ROBERT E. SPILLER, 5150
KENNETH M. STALLINGS, 5665
SAMUEL S. STROBERT, 7496
BILLY J. TAYLOR, 8921
LEONCIO B. TENA, 3753
FRANCIS E. TRAXLER, 0738
MELVIN R. VANDYKE, 4043
JOHN C. WHITE, 7332
LEROY WINFIELD, JR., 0657
JONATHAN WOODSON, 1070
WILLIAM W. WOOLMAN, 6128
JAMES R. YATES, 6070
JOY L. ZIEMANN, 0388

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, AIR FORCE RESERVE, FOR PROMOTION TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 307 OF TITLE 32,U.S.C., AND SECTIONS 8363 AND 593 OF TITLE 10, U.S.C.

To be colonel

DAVID W. ARNETT II, 5932
MICHAEL BARNES, 4441
WILLIAM W. BARNES, 1466
THOMAS L. BENE, JR., 7944
THERESA Z. BLUMBERG, 3950
EDWARD W. BOYKIN, 0826
RONALD D. BROOKS, 5374
JAMES C. BROWN, 3250
TOD M. BUNTING, 3552
TIMOTHY J. CARROLL, 4414
WILLIAM H. CLELAND, 9467
VIRGIL T. CONSIDINE, JR., 1546
MICHAEL W. CORBETT, 4653
JIMMY L. DAVIS, JR., 9450
MICHAEL D. DELANEY, 3330
HOWARD W. DERRICK, 5495
HOWARD M. EDWARDS, 5648
WILLIAM V. ETCHISON, 6024
DONALD E. FICK, 9178
BRIAN D. FIELDS, 9029
RONALD M. FORCE, 3588
DANIEL D. FOREMAN, JR., 4004
MARK S. FUNAIOLE, 1228
MICHAEL J. GARCIA, 0267
JAMES S. GOODWIN, 1834
WILLIAM D. GORE, 8965
RICHARD M. GREEN, 5413
JAMES E. HEARON, 7284
KENCIL J. HEATON, 6998
LAIRD R. JOHNSON, 3784
LARRY T. JOHNSON, 6253
JAMES H. JONES III, 1367
THOMAS P. JONS, 2460
DAVID M. KINGSTON, 7329
DENNIS E. KNAUB, 3669
ROBERT A. KNAUFF, 5052
EDWARD J. KRAUS, JR., 1031
MARILYN J. LYTHGOE, 7262
EDWARD A. MCILHENNY, 2884
RONALD G. MEHAN, 9589
JOHN D. MULLINS, 3211
JAMES H. NELSON, III, 1799
FRANKLIN B. NORAGON, 6778
PATRICK M. ORORKE, 5690
WILLIAM H. RICHTER, 2935
JOHN M. RIX, 0173
MICHAEL L. ROBBINS, 5075
SAMUEL R. SCARBRO, 7622
ARTHUR F. SCHAEFER, 3203
GEORGE F. SCHELLER, 6339
JAMES SCUTTINA, 0145
WILLIAM S. SKELLENGER, 1960
WILLIAM I. SMITH, 3885
ROBERT H. STCLAIR III, 1938
JAMES P. STEFFLRE, 2928
NELSON F. TEJADA, 1245
OWEN M. ULMER, JR., 9483
JOSEPH B. VEILLON, 0348
WARREN R. WATKINS, 4481
EDWARD I. WEXLER, 2812
JOHN M. WHITE, 5135
STEVEN C. WIDEN, 2748
SAMUEL P. WILLIAMSON, 6816
ELLIOTT W. WORCESTER, JR., 8627
BRUCE E. VANDERVEN, 5391

WITHDRAWALS

EXECUTIVE MESSAGES TRANSMITTED BY THE PRESIDENT TO THE SENATE ON JANUARY 29, 1998, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATIONS:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JAMES HUDSON BAILEY, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE HARVEY G. RYLAND, RESIGNED, WHICH WAS SENT TO THE SENATE ON OCTOBER 8, 1997.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

RONALD KENT BURTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.

SENATE—*Monday, February 2, 1998*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

On this day, one hundred and sixty-six years ago, Samuel Frances Smith penned these familiar words of prayer:

> Our Fathers' God, To thee,
> Author of liberty,
> To Thee we sing;
> Long may our land be bright
> With freedom's holy light;
> Protect us by Thy might,
> Great God, our King.

Thank You, Father, for Your faithfulness in answering this prayer as it has been sung all through the years. You have answered the prayers of Your people in times of success and need, war and peace.

Today, grant the women and men of this Senate an acute awareness that millions of American prayers for them are being answered. May they see their work this week as Your answer to the prayers of the American people. Remind them that You provide for what You guide. You will meet their needs and, through them, meet the needs of our Nation. There is no limit to what can be done when we place our lives in Your all-powerful hands. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, we will be in a period of morning business from 12 noon until 1 p.m. to accommodate a number of Senators who have requested time to speak. For this week's legislative schedule, it's my hope that the Senate will be able to complete consideration of the legislation renaming the Washington National Airport after former President Ronald Reagan. At this time, I am still hopeful that the other side of the aisle will allow the Senate to get a time agreement worked out so that we can complete that very, I think, appropriate legislation, in a reasonable time this week. Also, the Senate may consider a resolution regarding Iraq, as well as several nominations on the Executive Calendar, specifically, the nominations of Carlos Moreno and Christine Miller to Federal judicial appointments, as well as the nomination of David Satcher, to be an Assistant Secretary of HHS.

As I announced last week, no rollcall votes will occur today. However, all Members should be prepared to be present and voting throughout the remainder of the week, with the exception of Friday. We will not have recorded votes on Friday. We will not be in session on Friday because of a conflict we have with a conference that a number of Members wish to attend. The first votes will occur as early as noon on Tuesday, February 3, with respect to the two judicial nominations. We had thought those votes would occur earlier, but we will have morning business first in the morning, and then we will have the two recorded votes probably right at noon. In addition, we will be in session next Monday, February 9. At this time, it is not anticipated that any votes will occur on that Monday, February 9.

I thank all Senators for their attention. We will have, I suspect, a number of votes Tuesday, Wednesday, and Thursday of this week. And then we will continue to move on to legislation that we have pending, which are very important to be considered before we go out for the President's Day recess.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that, at the hour of 12:30, I be recognized for such time as I may consume as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

BURIALS AT ARLINGTON NATIONAL CEMETERY

Mr. HAGEL. Mr. President, I come to the floor today to address what I believe is a serious issue. Let me read just the opening paragraph of a story that appeared this morning in The Washington Times. The headline of the story is "Koop given waiver for burial at Arlington; former Surgeon General helped Hillary."

The first paragraph of the story is this:

> President Clinton overrode Army opposition and granted a unique burial waiver at Arlington National Cemetery to C. Everett Koop at a time when First Lady Hillary Rodham Clinton had enlisted the former Surgeon General to support her national health care plan, internal documents showed yesterday.

The story goes on to talk about not just the dynamics of an implied deal, but it is far more serious than just an implied deal in my opinion, Mr. President, because what we are talking about here is giving sacred resting spots of our Nation's veterans away as deals, as rewards, as bargaining chips, as thank yous, as awards, as quid pro quos.

Mr. President, this is not only a bad precedent and very dangerous for the future of our country, but it flies in the face of the honor and the trust that America has always placed in its veterans and their service to our country. This is hallowed ground, Mr. President, this is sacred ground. Arlington National Cemetery is a national shrine. It should be a national shrine. We have very strict regulations and limitations as to who is allowed the great and distinct honor to be laid to rest at Arlington.

Mr. President, I have no quarrel with Dr. Koop. He was a very successful and important Surgeon General, a renowned doctor, and he has done many good things for his profession and our country and our Government. But someone has to talk about this because, you see, there is a connection; there is a connection between what obviously was done and what is not being done today for our active military men and women in uniform and for our retirees. I would like to read just two lines from one of Rudyard Kipling's finest poems. This poem, Mr. Kipling wrote is called "Tommy." Many veterans will know this poem. Two of the last lines go like this:

> For it's Tommy this an' Tommy that, an' chuck him out the brute!
> But it's "savior of 'is country" when the guns begin to shoot.

Mr. President, this is a time when this body will debate and vote on shortly—in the next few weeks—whether we are going to ask our military, our men and women in uniform, who we call on every day to protect our liberties around the world, and we are going to commit them to more responsibility in Bosnia, NATO expansion, Iraq, maybe, yet we are now in a position to be giving away burial spots that were originally always intended for the man and the woman who put on America's military uniform and serve our country with great honor and great distinction. This is also a time, Mr. President, when veterans are having difficulty using the veterans' preference in getting jobs in the Federal Government. We are asking them constantly, especially over the last few

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

years, as we have cut more and more of our defense budget, to do more with less. We are asking them to go on longer deployments and more deployments.

The state of our military housing is embarrassing. Yet, the President is very proud to submit a military budget that has no increases. I watched this morning the President's news conference, bragging about this small, limited little Government we have, that we have cut Government. Well, again, as I said last week, I don't know how he measures the cutting of Government, but the fact is we are going to spend $1.7 trillion on this Government this year. The Defense Department budget continually gets hammered and hammered. There has been no increase, but a 40 percent reduction in the last 10 years.

Health care. What have we done about health care for our retirees? We have done nothing. We have essentially taken away the promise that we made to these men and women in uniform, who served our country in time of war and peace, and now we are saying you need to get into the Medicare queue. I am sorry we cut back on military hospitals and on military personnel. Don't we understand that this may well inhibit readiness, retention, recruitment, and the best people for the military? Of course, it will.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HAGEL. I thank the Chair.

In closing, Mr. President, this is a bad signal and a bad symptom. I hope that the Congress of the United States addresses this issue.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, the provisions of ISTEA, the Intermodal Surface Transportation Efficiency Act, expired on September 30, 1997. The Senate took up the ISTEA reauthorization bill on October 8, 1997, but between that date and October 29, the Senate was unable to adopt even one substantive amendment due to the impasse over Senate consideration of campaign finance reform legislation. As a consequence, the six-year ISTEA Bill was taken down and returned to the calendar.

Finally, on November 10, the Senate passed a short-term extension of our existing highway and transit programs, thus delaying the completion of Senate action on our nation's surface transportation policy until the second session of the 105th Congress, the first week of which has now passed into history. Despite the stated intentions last November of the distinguished Majority Leader to take up the ISTEA reauthorization bill, S. 1173, at the beginning of this session, the bill has not been taken up, it is not before the Senate, and we are still operating on the short-term extension.

With each passing day, I am increasingly concerned that the Senate may not return to the ISTEA reauthorization bill until after action is completed on the fiscal year 1999 budget resolution, which may not occur until late spring.

I supported the enactment of the short-term extension bill back in November, but, as I said then, it was only a stopgap measure, and it provided only for one-half year of funding for our existing highway program, the highway safety programs, and the transit programs. Meanwhile, the various highway departments in the 50 states cannot establish a budget for the current fiscal year because they do not know the final level of federal resources they will receive even for this fiscal year which ends on September 30. The short-term extension bill will expire at the end of March, when the advent of spring will have made its appearance. Whether a new short-term extension of our highway programs will occur by the end of March is highly questionable. Meantime, how can the Governors and the highway departments of 50 states plan for the construction season that will soon be opening throughout the country? It is a classic case of dawdling and indecision in Washington which is throwing our states into highway planning and budget limbo!

Dante, the author of "The Divine Comedy", in Canto IV, described Limbo, as the "first circle of Hell." This, it seems to me, is a very apt description of the situation in which the Governors and heads of highway departments throughout the states now find themselves as they attempt to budget and plan for the upcoming construction season, and their situation may very well become worse than hell as, more and more, they find themselves unable to do any long-term budgeting and planning in respect to highway construction.

They cannot develop and implement any long-term financing plan because they do not know the level of federal resources that will be available to them over the five years following the current fiscal year. This is an impossible situation for our state highway departments. Given the costs and the duration of major highway projects, and the complexities associated with short construction seasons in our cold weather states, planning and predictability are essential to the logical functioning of our Federal-Aid Highway program. That kind of rational planning is precisely what our states cannot do at this time because of the inaction of Congress regarding the highway bill. This is not how our state and local transportation agencies should have to do business. It is, nonetheless, the precise circumstance in which our transportation agencies are being placed due to the failure of Congress to enact a multiyear ISTEA reauthorization bill in a timely manner.

It is not only unreasonable, it is also very unfair, for Congress—because of inaction—to place this burden upon the Governors, the Mayors, and the highway agencies throughout the country. Plainly speaking, Congress is shirking its responsibility!

Meantime, while Congress sits on its hands, Americans who buy gasoline are continuing to pay a 4.3 cents-per-gallon gas tax every time they drive up to the pump. That gas tax previously went to deficit reduction, but it is now being deposited in the highway trust fund, and Congress should pass legislation to authorize that it be spent on our Nation's considerable highway needs. The money from these gas taxes is accumulating in the highway trust fund, but Congress has passed no legislation authorizing it to be spent for surface transportation needs. The American people have been told by the Congress that monies in the highway trust fund would be spent for highways and other surface transportation needs.

And as long as Congress fails to live up to its commitment the American people are being misled. As long as Congress fails to live up to its commitment, the American people are being duped into believing that the gas taxes in the highway trust fund will be spent on highway construction and other transportation needs, but Congress, meanwhile, dillydallies, sits on its hands, and lets these tax revenues build up in the highway trust fund. It amounts to an abuse of the trust which the American people have placed in us. Meanwhile, the potholes deepen, the asphalt chasms open wider, and danger stalks our Nation's highways.

By the end of this fiscal year, more than $7 billion in additional new revenues will have been deposited into the highway trust fund, not 1 penny of which is, as of this moment, authorized to be spent on highway construction and other surface transportation needs under the committee reported ISTEA bill.

Instead, these funds will continue to sit in the highway trust fund, earning interest, and being used as an offset to the Federal deficits—if, indeed, they are not siphoned off, in the meantime, and used for purposes other than highway and other surface transportation needs.

The time to act on the highway bill is now! The first week of the second session has gone with the wind. We are now into the second week. The clock is ticking and the calendar is running. The highway construction seasons will soon be upon us, and yet, as of this moment, there is no indication that Congress will return to the highway bill.

I hope that the Governors, who will soon be meeting in the Nation's Capital, will contact the leadership in both Houses and request that the highway bill be taken up immediately. I hope that the Mayors and the State highway departments will do the same. The first day of spring is only 7 weeks away, and Congress must begin promptly to debate the highway bill in both Houses if we are even to hope that the bill can be enacted by the time that "the lark's on the wing" and "the snail's on the thorn." It should be done. But it can be done only if the leadership will bring up the bill. I respectfully urge the Senate leadership to do that promptly.

I thank the Chair. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

MEDICARE BENEFICIARIES FREEDOM TO CONTRACT ACT

Mr. KYL. Mr. President, I want to provide a brief update for my colleagues this morning on the Medicare Beneficiaries Freedom To Contract Act.

This is the bill which has 46 cosponsors in the Senate, 150-some cosponsors in the House, led by the chairman of the House Ways and Means committee, BILL ARCHER, to restore the freedom to America's senior citizens to seek the medical care they desire rather than to be dictated to by the Medicare Program to only receive that care under Medicare that they may desire.

Here is the situation as it evolved. Mr. President, up until January 1st of this year, senior citizens in this country had always had the right under Medicare to go to the doctor of their choice, and if they wanted to be treated outside of Medicare they could do that. Of course, Medicare couldn't pay the bill. But that freedom always existed. As of a couple of years ago, the administration began to threaten physicians saying that they had to submit all bills for senior citizens to Medicare. The rationale was that anybody over 65 was "Medicare eligible" because they were 65, and if they were "Medicare eligible" then a doctor had to submit the bill to Medicare. So physicians began being concerned that they couldn't treat people outside of Medicare even though that had always been the patient's right and the physician's right.

To ensure that situation wouldn't continue, I introduced an amendment last year during the negotiations—during the time we were negotiating the balanced budget amendment—and it passed here under a vote of 64 to 35 to ensure that patients had the right to "privately contract," as it is called, and go to the doctor of their choice; not necessarily to go to Medicare, if they didn't want to. That amendment passed. It became part of the Medicare portion of the balanced budget amendment. But in the middle of the night some negotiators from the House and Senate caved in to the President's demands that if the Kyl amendment stayed in then the entire balanced budget amendment would be vetoed and, therefore, caved into his demands that a special limitation be placed on any physician providing this care; namely, that the physician had to get rid of all of his or her Medicare patients for a 2-year period in advance or you couldn't treat the person outside of Medicare. That is what went into effect January 1st.

This legislation that I just reported on will remove that 2-year requirement so that the patient has the freedom to go to the doctor of his or her choice. Even though you are over 65 years old, you don't have to be treated under the Medicare system if you do not want to be, and the physician has the right to take care of you without getting rid of his or her other Medicare patients.

When did this situation arise? There are a lot of different situations. Take for example the psychiatric patient who doesn't want the records in Medicare to reveal the kind of treatment that patient has been receiving. Under the current administration plan—Medicare or no care—you either do it under Medicare or you don't get the treatment. No doctor can take care of you. Our bill would say no. You can go outside of Medicare and be treated. Again, you have to pay the bill—not the taxpayer. But you can do it.

Another case: You are in a small town. There are not that many specialists. You need specialty care. You go to a doctor who says, "I am not taking any more Medicare patients. The President and the Congress have cut our payments so much that it don't pay me anymore. In fact, I lose money on every one. I will take care of the ones that I have, but I am not going to see any more new Medicare patients." This enables the patient to say, "Fine. Just bill me. I will pay you. We will save Medicare the money." And that will be the end of it.

Another situation: You want to go to that specialist. Maybe it is a person who is on a university faculty who is not taking Medicare patients, and you want to be treated by that person because it is the one person that can save your life or your spouse's life. You ought to have the right to do that in this country. Under the current law that wouldn't be possible.

So our legislation restores the right of senior citizens—and all the rest of us have this right—to go to the doctor of their choice, and if they want to be treated outside of the Medicare system have the right to do that. It does not enable the doctor to charge more money to Medicare. Whatever the doctor charges they have to pay outside of the Medicare Program.

So this is not going to be used very often. I suspect. But in those situations where people really want to take advantage of their freedom in contract they ought to have the right to so.

Mr. President, in conclusion, this is not something that is just of concern for America's senior citizens, because all of us should be concerned about a fundamental right being taken away from us—the right to provide the health care that we want for ourselves or our families.

As the President is talking about making Medicare available to more and more people at younger and younger ages, I would have to ask them: Is it such a good deal to buy into Medicare when the first thing that happens when you do that is you give up a basic right that you have today—that every one of us has today—but doesn't exist for somebody who is 65 years old or older because they are Medicare eligible? It is not a good bargain.

So what I am hoping is that the Finance Committee will hold hearings later this month—those hearings have already been set, I understand, by Senator ROTH—and that there will be legislation coming to the floor, and our bill coming to the Senate floor very soon thereafter. And sometime in the early spring we can pass on to the President a bill which will restore the right of all seniors in this country to go to the doctor of their choice without being told by Medicare that they can't do that; that, in effect, it is either Medicare or no care. That is un-American. It is wrong. It denies the basic right of all Americans. And we need to ensure that we can correct that problem through the passage of the Medicare Beneficiaries Freedom Contract Act.

In closing, if any one of my colleagues who have not done so already would like to sponsor the legislation, please see me because we will be moving forward on this very quickly.

Thank you.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President——

The PRESIDING OFFICER. I might say that under the order the Senator from Oklahoma reserved time at 12:30.

Mr. GRAMM. I think I have sufficient time between now and then, Mr. President. Thank you.

ISTEA

Mr. GRAMM. Mr. President, Senator BYRD has already spoken about the highway bill. I want to amplify on what he has said.

When you go to the filling station and you pull up your car or truck and you take out that pump and stick it into your gasoline tank, now most filling stations don't have the little clip on the bottom. So you have to stand out there and pump it. Probably most people have done what I have done. And that is while you are standing there you read what is written on the gasoline pump. What is written on the gasoline pump is sort of bad news and good news. The bad news is that a third of the cost of a gallon of gasoline in this country on average is taxes. The good news is, as it says right on the gasoline pump, that every penny you pay in gasoline taxes is going to build roads.

The problem that Senator BYRD and I are talking about today and the problem which we are trying to fix is that the bad news is true. A third of the cost of a gallon of gasoline is taxes. But the good news—that it is spent on roads—is not true. In fact, today over 25 cents out of every dollar collected in gasoline taxes goes to general Government. It funds programs that have absolutely nothing to do with highways, transportation, or with gasoline taxes.

My colleagues will remember—perhaps some people in the country that follow the debate will remember—that last year I offered an amendment to the tax bill that took the 4.3 cents a gallon tax on gasoline that had been part of the President's 1993 tax increase, and took that money away from general revenue and put it back into the highway trust fund where it belongs.

That became the law of the land last October 1st. It went into effect. It went into the highway trust fund. Senator BYRD and I are trying to take a final step which we view as an honesty-in-Government step, and that is to require that the money that we collect in gasoline taxes be spent on roads. Those who oppose this amendment are trying to delay its consideration to get it commingled with the budget so that it simply can be portrayed as another competition for available money, and perhaps an effort to bust the budget.

I want to remind my colleagues that the amendment which Senator BYRD and I have offered specifically does not bust the spending caps. All we are doing is asking that the money that we collect in gasoline taxes be spent for the purpose that we are telling the American people that the money will be spent. That would require us over the next 5 years to reallocate 1.4 percent of nondefense discretionary spending, and by reallocating it guarantee that the money goes to the purpose that we said that the money would go when we collected it at the gasoline pump.

We have 50 cosponsors. I urge my colleagues to join us in this effort. I urge our leadership to not commingle this with the budget. We have a highway bill to write. The current highway bill will terminate on May 1. Money will not be available for construction after that time unless we act.

I think it is important that we bring the bill up and that we have an up-or-down vote on honesty in Government, and that vote is, do you believe the gasoline tax, which we tell people goes to road construction, should actually go for that purpose? I believe it should. That is why I am a cosponsor with Senator BYRD, Senator BAUCUS, Senator WARNER, and many others in this effort to basically require that gasoline taxes be spent on roads.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

EXECUTION OF KARLA FAYE TUCKER

Mr. INHOFE. Mr. President, I see the Senator from Texas. I would ask him, although it would elicit probably too long a response, if he has ever done anything that is really politically stupid. And I am sure he has either knowingly or not knowingly—as I am about to do—done something that would fall into the category of political stupidity.

Tomorrow an execution is scheduled to take place at 6 p.m. in the State of Texas. The young lady's name is Karla Faye Tucker. It happens we have an individual we know in common, so I became somewhat familiar with this case, and I will just give a thumbnail sketch as to what happened.

Karla Faye Tucker, when she was a very, very small child, went into heroine at age 10. She is the daughter of a prostitute. Karla Faye went into prostitution when she was 13 years old. She never had a childhood, I guess we could say. Fourteen years ago, while living in a drug cult, an individual on a motorcycle came riding into her living room, dripping oil and breaking things and stealing things and rode out. And the next day, Karla and an accomplice broke into the apartment of the motorcycle rider, who was in bed with a girl, and murdered both of them—a brutal murder.

I do not think there is anyone in the Senate who has a stronger record and background in punishment as a deterrent to crime than I have, nor is there anyone here who has been more active in establishing stronger death penalties than I have. The Furman case took place in 1972, and that is what struck down most of the States' capital punishment laws. I was in the State Senate at that time, and for 5 consecutive years I was the author of the capital punishment bill in the State of Oklahoma. I have always felt that punishment should be severe, it should be swift, and it should be equal.

We had a person who became very famous after 15 years on death row, Roger Dale Stafford, who brutally murdered nine Oklahomans. This guy was left on death row for 15 years. No one ever questioned that he was guilty. He never had any remorse. He just sat there and got fat. He gained 100 pounds while he was in there watching color TV. I have often said the longer the length of time between the conviction, the sentence to death and the carrying out of that sentence, the less that punishment serves as a deterrent to crime. So I have always felt that punishment should be carried out immediately.

But as I watched developments unfold with Karla Faye Tucker, I came to the conclusion that I have reached in a very unusual way. It is something I never thought I would do. It occurred to me that if Carla Faye Tucker had been a man, Carl Tucker, already either he would have been executed or would have been commuted to life and we would never have even known about it. Nobody would have cared.

The controversy that has been stirring around this—which I think probably would have gotten a lot more controversial if it had not been for the sex scandal that has dominated the media in recent days—was, I think, primarily because Karla Faye Tucker is a woman. It would not have happened if Karla Faye Tucker had not been a woman. Now there is all the public and political pressure to execute this person for this heinous crime she committed that I don't think there would be if she had not been a woman.

I took the time a few weeks ago through the Richmond Law Review to check to see how many cases have been commuted to life imprisonment from death row since the Furman case of 1972. I found that there have been 76 cases. I have not reviewed all of these cases because I have not had the time to do it, but I did look at several of them. I found that there are a lot of circumstances in the Tucker case that were similar to those which caused these other cases to be commuted, 76 of them since 1972. And I will use as an example, in the State of Georgia, William Neil Moore whose sentence was commuted to life imprisonment.

There were several reasons, but the four that kept coming up in his case were, No. 1, an exemplary prison record; No. 2, a strong feeling and expression of remorse for the crime he committed; No. 3, a religious conversion; and, No. 4, pleas from the families of the victims of the crime for clemency. I looked at Karla's case to find that all four of those are there, but it is much more so than it was in the case of William Neil Moore whose sentence was commuted to life imprisonment.

In the Tucker case, it is not just the sister of one of the victims and the brother of the other, but three of the four prosecutors who have made a plea for clemency. The homicide detective, J.C. Moser, the guy who put her away, has quite a passionate story that he tells on how he has never felt any kind of remorse for anyone he has sent up and now he is lined up with several others. Even the prison guards have actually passed a petition around asking for clemency.

I have a letter here I just received this morning from Mr. W.C. Kirkendall, who is from Seguin, Tx. I will read the first and last two sentences of this letter. This is a letter of December 9 to Governor Bush. "I have been a prosecutor since 1984, favor the death penalty in the appropriate cases and have prosecuted many people who I believe deserved the ultimate penalty that society can inflict."

The last paragraph says, "In sum, there is nothing that her execution will accomplish and much that commuting her sentence to life will do to show both the efficacy and justice of the Texas death penalty system. Please spare her life."

In this letter he goes into all kinds of detail as to how strong he feels about the death penalty and why he would be asking the Governor for an exception in this case.

Having looked at this, I think there can be a case made that if Karla Faye Tucker had been Carl Tucker, there would not have been all of the public and political pressure applied to demand the death penalty.

We went through something very similar in Oklahoma. In Oklahoma 2 years ago we had the most cruel, I guess, mass murder or terrorist act in the history of America when 168 innocent Oklahomans were murdered. And Timothy McVeigh went through the necessary trials, and they found him to be guilty, and they gave him the death sentence. And then Terry Nichols, who was an accomplice in the case, went through the trial, and they did not give him the death penalty.

I never try to second-guess what juries do. I had an experience myself back in the 1970's after the Furman case. I was in the State Senate, and I was the author of the death penalty bill, and I was called for jury duty. There I was. And it was a murder case. And so when they were trying to decide whether or not we should qualify as jurors, they asked me a series of questions. I said, "Look, I can save you a lot of time. I am a member of the State senate. I am the author of the death penalty bill. I already know this guy is guilty. I have been reading about it, and the guy ought to fry."

They did not disqualify me, and I ended up being the chairman of the jury that acquitted him. So a long time ago I stopped trying to second-guess the decision. Anyway, in the case of Terry Nichols, they did not do that. I wondered quite a bit since this case came up if Terry Nichols had been a female, would there have been so much pressure applied to everyone who would be listening to make sure that Terry Nichols got the death penalty because we didn't want an exception being made because Terry Nichols might have been a woman.

And so I look at what's happened. Just a few minutes ago, the Texas Pardons and Parole Board made a decision, and I think it was a decision that we all knew they would make, that they would deny any clemency to Karla Faye Tucker. In fact, a guy named Victor Rodriquez—I do not happen to know him, he is the chairman of the Texas Pardons and Parole Board—said way back on the 6th of January on the "Rivera Live" show that it did not make any difference what they came up with, that he was not going to be willing to offer commutation to Karla Faye Tucker. And the commutation petition was not even filed until January 22. So that decision has been already made. It was a done deal. And, of course, they came out and said she should not be granted clemency.

I do know Governor Bush. He is a very fair and very compassionate individual. I have looked at the constitution of the State of Texas. It is a little bit different. It gives a lot more power to the Pardons and Parole Board than some of the other States, but in the case of the Texas Pardons and Parole Board, after they have said they would deny clemency, article 4, section 11, of which I will read one sentence that is significant, says:

> The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed 30 days.

All Governor Bush can do right now is to make that recommendation. And during that time he would be able to look at some of these cases. What I think I would do, if I were the Governor of Texas, and knowing what I know so far, is go ahead and grant that 30 days reprieve; nothing would really be lost by that, and then in the meantime during that period of time I would send for—in fact, I would be glad to send them to him—the 76 cases in America where clemency has been offered in the form of commutation of a death sentence into life imprisonment and then look at the standards to see if those standards are not at least met or exceeded by Karla Faye Tucker. I think he would be able to do that.

In the absence of that, of course, tomorrow at 6 o'clock Karla Faye Tucker will be executed. I hate to think that we would wake up on Wednesday morning and go back and start researching and find that those standards were at least met or exceeded. I guess we could call this gender backlash.

The other day I was watching someone on TV—I cannot remember who it was right now, but they said on the 3d of February at 6 o'clock Karla Faye Tucker will be executed in Texas and O.J. Simpson will be playing golf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

SCHEDULING THE ISTEA BILL

Mr. BAUCUS. Mr. President, I rise, with all due respect, to ask the majority leader to reconsider the schedule which he has set so that we take up the Intermodal Surface Transportation Act, otherwise known as ISTEA, right away rather than deferring it as presently seems to be the case. I say this because our States, contractors, all of our people who depend on highways, very much depend upon the Congress to reauthorize the highway bill. Unfortunately, we have yet to do that.

The current program, as we know, expired last year on September 30. However, despite the fact that the Senate Environment and Public Works Committee favorably reported a six-year reauthorization in October, neither the full Senate or the House considered it. Instead, we were forced to pass a temporary, stopgap, 6-month extension, which expires May 1.

Mr. President, if the current schedule holds, that is, if the highway bill is not brought up until after the budget resolution, there is a strong possibility that Congress may not pass a highway bill until shortly before it adjourns this year, which is in October.

That result would be totally unacceptable. It would be unacceptable to our people, to our contractors, and to our highway workers. And it would be unacceptable to me. Frankly, it would not be a responsible way to conduct our Nation's business. Senators should understand just how long it takes a State highway commission and contractors to plan these projects. It certainly requires months and in many cases it takes years. Furthermore, State legislatures must set their budgets so they can come up with the funds to match the Federal highway funds. This takes time, especially if a legislature meets once every two years. Transportation projects are not something you just turn on and turn off like a spigot. Our current course is very disruptive.

All this is critically important because States cannot obligate funds for highways unless obligation authority is provided by law. Our current 6-month extension expires May 1. After May 1, States will be unable to enter into contracts for their highway programs. That will bring hundreds of projects to a stop, with the resulting loss of jobs.

We might ask, Why doesn't Congress pass another short-term extension? First, that is an on-again-off-again way of doing business. No business would operate like that. And government shouldn't either. We are playing with people's livelihoods if we continue this "on-again-off-again," strategy by passing a series of short term extensions.

Second, there is no guarantee that Congress can easily pass another short-term extension. That's because it would probably take unanimous consent in the Senate so that we limit amendments. We know some states like the current formula and others like the new formula. As we get closer to the election, it will be increasingly difficult to get Senators to refrain from offering amendments to change the formula. I'm sure most of my colleagues can appreciate how incredibly difficult it would be to quickly pass another simple extension under those circumstances. And even if we could, it would be continuing a bad on-again-off-again policy.

We have only 49 days in session until May 1. The bill is going to take a couple or three weeks in the Senate. The House must pass its version of the bill. Then we have to go to conference. That is a lot to do in just 49 days. So it is all the more reason to start as soon as we can in the Senate.

Furthermore, we don't have a lot of business before us right now. There is nothing that is so urgent, except the highway bill. The highway bill is urgent. It is just common sense that if something is both important and urgent, we should be devoting our attention to it. Well, the ISTEA legislation is both urgent and important. We should take it up now, not later.

I know the majority leader has lots of competing considerations here. One is the budget and how to handle the expected surplus. Should we pay off the debt? Lower taxes? Increase spending for priority programs? Secure Social Security and Medicare? Invest in our transportation infrastructure? I understand the argument that some are making: Let's put the highway bill off so we do it all together, all at once. The problem with that is very simple, it means we will probably not have a highway bill until September. And in the meantime, we will be hamstrung with formula fights and other issues on short-term extensions. As I said before, we all know the closer we get to the end of this year, to elections, the more difficult it is because then the formula fights among States become more real.

I think there are ways to work this out. Basically, we have to sit down with people on both sides of the argument here and find some way to resolve this to get the highway bill up.

I also might add that this is not just a highway bill. It is a mass transit bill. For those people in our country who live in the more populated States where mass transit is more important than it is in more rural States like Montana where I come from, they must know the transit legislation is an integral part of the ISTEA bill.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Actually, the Senator's 5 minutes have expired.

Mr. BAUCUS. Mr. President, may I have 2 more minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is highways that are being postponed; it is transit being postponed; it is all the safety programs that are in the highway bill that are being postponed; it is the intermodal connections. My friend Senator MOYNIHAN is the father of the ISTEA bill. All his good work will be on hold until we can reauthorize the program. Senator DORGAN has been very helpful in this matter, as has Senator BYRD, Senator GRAMM, Senator WARNER—many of us want the highway bill up now. Our basic point is let's just bring it up now while we have the time. Otherwise we are going to be caught in a situation where delay upon delay means the ISTEA bill is not reauthorized until September or October.

So I close by asking the majority leader to again look at the consequences of delaying the highway bill and to reconsider his decision, because this is a very, very serious matter and I hope we can find a way to avoid these kinds of disruptions. I am willing to work with the leadership, with Senators CHAFEE and WARNER, and other members to accomplish that objective. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLINTON BUDGET

Mr. GRAMM. Mr. President, I want to talk about the Clinton budget which was sent to Congress this morning. I want to try to outline basically what the budget does in terms of spending and taxes. I want to talk a little bit about the tobacco settlement. I want to talk about protecting Social Security. And I want to note that it is very important for people, in understanding the President's budget, to look beyond just the cover page, because the President's budget has a number of new programs that are funded by offsetting receipts and, as is usually true when a Government document is half as high as you are, there is a lot of hidden agenda, hidden spending, hidden taxes in the President's budget. My staff and I have spent yesterday evening and this morning going over the President's plan. I am not sure we have ferreted out all the new spending and all the new taxes, but we have numbers and I think they are important.

First of all, the President proposes $130 billion of new spending programs. That is a larger scale of new Government spending than has been contemplated by any budget since 1994 when the President proposed having the Government take over and run the health care system. If you exclude the health care proposal, where the President proposed that the Government on a massive scale take over and run the health care system, you have to go all the way back to at least the Carter administration to find a budget that proposes the massive increases in social programs that are contained in the Clinton budget. Interestingly enough, when you look at the Clinton budget it claims to spend $1.733 trillion, but in reality, as large as that number is and as substantial as that increase is over last year, there is at least another $42 billion that is hidden in spending that is offset by fees and by asset sales, so that in reality the budget spends $1.775 trillion, which makes it far and away the largest budget ever submitted in the history of America.

I think it is startling to note that the President's budget contains $115 billion worth of new taxes. Some of these taxes are called by different names, but they all represent taxpayers paying more in taxes, more in fees, more for the things they buy so that Government can spend more as their real purchasing power is less. There is some tax relief in the President's budget: $24 billion. But when you add it all up it is a net tax increase of a whopping $91 billion.

What I think is amazing about this tax increase, which is the largest tax increase since President Clinton proposed his tax increase in 1993, is that the tax burden on American workers is higher today than it has ever been in the history of our Republic. Not during the peak of the war effort in the Civil War, not during the peak of the war effort in World War II, did the average American citizens send 30.5 cents out of every dollar they earn to government at some level before. This year American families on average will send 30.5 cents out of every dollar they earn to government, which will spend it on their behalf and supposedly in their interests. It is amazing to me that the President, when we are facing the highest tax burden in American history, would be talking about another $91 billion of net taxes.

Let me talk about the tobacco settlement. The President is counting on $65 billion of revenues coming from the tobacco settlement and, except for a tiny amount—$800 million which is spent on Medicare—this $65 billion goes to an array of new spending programs that have absolutely nothing to do with the tobacco settlement. I want to remind my colleagues and anyone who is interested in this issue that the whole logic of the tobacco settlement is that the tobacco companies, by selling tobacco to consumers, and through the health effects of smoking, have imposed a massive cost on the Federal taxpayer. But where has that cost occurred? It has not occurred in child care, it has not occurred in new school buildings, it has not occurred in the cost of new teachers—it has occurred in mounting costs for Medicare. Interestingly enough, while the States are big beneficiaries in their Medicaid Program from the tobacco settlement, for every $1 of cost imposed on Medicaid by people smoking in the past, there have been perhaps $6 of costs imposed on Medicare.

So I believe if we have a tobacco settlement, that money ought to be put to a noble cause and that cause is saving Medicare, not just for our parents but for our children. I don't think we ought to take money in the name of reimbursing the taxpayer for medical care costs that have been borne through Medicare and spend that money on other things. I believe, if there is a tobacco settlement, that the money ought to go to save Medicare and I intend, as chairman of the subcommittee with jurisdiction over Medicare, to fight to see that any tobacco settlement goes to Medicare, that it doesn't just become a grab bag to fund new Government programs that have nothing to do with the health effects of tobacco.

The President says that he wants to use the surplus to save Social Security. No. 1, I think the President's words ring hollow when you note that he is busting the spending caps that we agreed to last year in a bipartisan budget. I am sure some of my colleagues will remember that I thought the spending level was too high in last year's budget. In fact, last year in writing that budget we broke the spending caps of the budget that President Clinton had pushed through Congress in 1993. But now the President is already trying to break the agreement that we adopted last year, and I reject that.

Finally, I don't know how the President can claim to be saving Social Security when the Social Security system will pay in $600 billion more into the Social Security trust fund than will be spent on Social Security, and the President spends $400 billion of the $600 billion. I believe we need to set up a program to take that $600 billion and invest it in Social Security by making real investments that are owned by the individual worker so that young Americans will have some chance of getting some benefits from Social Security.

So I believe the President's budget breaks the agreement that he entered into with Congress last year. The President's budget breaks the spending caps. The President's budget proposes the largest increase in spending contemplated by Government since he proposed having the Government take over and run the health care system. The President proposes the largest tax increase, $91 billion, larger than the tax cut from last year—he proposes the largest tax increase contemplated by our Government since 1993. The President takes $400 billion that will be paid into the Social Security trust fund and spends it on general Government under this budget. I believe that should be stopped.

Finally, if we have a tobacco settlement, the money ought to go to save Medicare, it ought not to go to fund general Government.

So, I believe the President is breaking the deal that he made with Congress. I believe your word is your bond on these matters.

I am opposed to the President's budget. I think we should hold the line on spending. I think whatever surpluses we have, A, we ought not to do anything with them until we have them, and, B, when we do have them, we should use them to make real investments so that our young workers will have some benefit from Social Security, a program that they will pay into their entire working lives. I yield the floor.

The PRESIDING OFFICER (Mr. KYL). Will the Senator from Texas suggest the absence of a quorum?

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. THOMAS. Mr. President, on behalf of the leader, I ask unanimous consent that there be a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I would like to speak up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

ISTEA FUNDING

Mr. THOMAS. Mr. President, we have had this afternoon several Members rise to talk about ISTEA funding. I rise to support the things that they have said. One of the most important bills that we passed in our committee last year, and I think one of the most important elements before us now in the Senate, is the funding of the Intermodal Transportation Act.

We worked a great deal last year. I happen to be on the Committee on Environment and Public Works, and we came up with an extension of the ISTEA bill, which expired last year, by the way. Now, of course, we are operating on a temporary arrangement, which makes it very difficult for State highway departments to make the contracts that are necessary. I think it is particularly important for States like Wyoming and the northern part of the country, where you have a relatively small short contracting and construction time, that we move to pass this bill so that the States will know what money is available to them.

There should have been approval last year, other than an extension. Unfortunately, we couldn't come to an agreement with the House. Furthermore, right here in the Senate, as I recall, there were some things that were brought up that kept us from considering ISTEA. But now it is time to do that.

We also have before us a proposal to extend the authority for spending, to use more of the dollars that are collected, and I agree with that. I have not yet become a sponsor of it, but I, frankly, propose to be. We have been spending in the neighborhood of $21 billion a year on ISTEA, but Federal taxes have been raising more like $27 billion. Now, of course, as a result of last year's budget, we converted the 4.3-cent tax, having gone to the general fund, to now go to the highway fund. I support that idea. So it is time for us to do that.

I am concerned, of course, that we do it within budget guidelines. I am not interested in breaking the budget caps by simply spending. I know when you have a unified budget, if you are going to spend more money here, you have to make arrangements on the other side, too, which restricts spending. I am for that.

I think it is necessary for us to do it. I am sorry that it has been postponed. It was my understanding that it would be the first item of business to be considered or early, at least, in this session. I know there is controversy now with the budgeteers in terms of how that works, but this is an authorization, as I understand it. It is not an expenditure, of course. It authorizes what will then be put together by the budgeteers and appropriators.

Mr. President, I certainly want to endorse the notion that there is nothing more important or nothing that needs to be dealt with more currently than the idea of expanding ISTEA. I hope that the leader and others in the leadership will give some consideration to that. I think we can move forward. I know that there is not certainty in the House as to the direction they want to take, but I believe passage of the Senate proposal and shipment of it to the House would cause that to happen. If it is difficult, it is difficult. It is no more difficult now than it will be later. To the contrary, as we get toward the end of this session, it may be even more difficult to find time.

I suggest, hope and urge that we bring it to the floor as soon as possible, and we resolve that issue so that we can move forward on this transportation question, which is probably one of the most important economic things we do in our States. These dollars go there, they are contracted, they go into business, and we provide a better transportation system.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

McKINLEY WISE: THE SENATE'S FIRST AFRICAN AMERICAN REPORTER OF DEBATES

Mr. LEAHY. Mr. President, this month marks the 22nd year the United States has celebrated Black History Month. I want to take this opportunity to mark a relevant piece of Senate history. I am proud to serve with CAROL MOSELEY-BRAUN of Illinois and to have served with Edward Brooke of Massachusetts. These outstanding Senators and African Americans are well known and recognized by those who follow the Senate. But today, I also want to recognize McKinley Wise.

Twenty years ago this month, McKinley Wise was asked to work in the office of the Official Reporters of Debates and in March 1978 became the first African American to stand on the Senate floor and record the words of this body.

I was privileged to be a Member of the Senate at that time, and I know that this happened not because there was a quota to be achieved but because McKinley Wise's ability qualified him to work on the floor of the Senate.

In 1978, the Senate was beginning its debate on the Panama Canal treaties. Because this was such an important debate and all Senators were expected to participate, the Chief of the Official Reporters of Debate expected long hours and knew that they were going to need more staff. G. Russell Walker, the chief reporter at the time, set out to find qualified people to work part time and help record the Senate's debate. One of those people he recruited was McKinley Wise. Here's how Mr. Walker explained how Mr. Wise's name came to his attention:

> We had before the Senate in late January the Panama Canal Treaties, and there was a very good possibility of the Senate's having 12- and 14-hour-a-day sessions, and we needed more reporters. I went through our file and saw McKinley Wise's name. He was well qualified, had all the certificates, and seemed to have a good background. I asked for and received authority to call him, to see if he could come down and assist us. It was on Friday, February 24th, when I called him and asked him if he could come in the following Tuesday. Not many reporters could leave their businesses and come to Washington on such short notice, but Mac was there, and he did a magnificent job.

Mr. President, I remember that very well. And we did have those 12- and 14-hour and sometimes longer days. But he was there.

Mr. President, I ask unanimous consent that an article from the May 1978 issue of the Circuit Reporter, the official publication of the United States Court Reporters Association, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. LEAHY. Mr. President, I bring this to the attention of the Senate to highlight not only this moment in the Senate's history, but also to note that qualifications and hard work do count. Although no longer working for the Senate, McKinley Wise has continued to use his skills over the past 20 years and is currently working in Philadelphia, Pennsylvania. We spend a lot of time in the Senate talking about opportunity and providing every American the same chance at life, liberty and the pursuit of happiness. Hard work is the key to success, but people need the opportunity to perform. The Senate gave that opportunity to Mac Wise in 1978, and both are better for it.

EXHIBIT NO. 1

FORMER U.S. DISTRICT COURT REPORTER, FIRST BLACK REPORTER ON SENATE FLOOR

February 24, 1978, was the day a dream came true. McKinley (Mac) Wise, a former Official Court Reporter in the United States Court in Philadelphia, Pa., had long dreamed that some day he would have the honor and privilege of being the first black court reporter to serve on the Senate floor—but he thought it was just another of his dreams.

G. Russell Walker, Chief Reporter, Official Reporters of Debates, United States Senate, had Mac's name on his list of highly qualified reporters to call upon in an emergency. He made that call to Mac on February 24, inquiring whether Mac could report for temporary duty in connection with the expected lengthy debate on the Panama Canal Treaties.

Mac lost no time in rearranging the busy schedule of his reporting firm, McKinley Wise & Associates, Inc., of Philadelphia, and four days after the call he was on his way to achieving another "first" in his long career of "firsts."

When he arrived at the Office of the Official Reporters of Debates, Mac was cordially greeted by all of the reporters, transcribers, and staff, and before he knew what was happening, he was there—on the Senate floor—with his Stenograph machine.

A feeling of awe came over Mac when he realized that here he was at last, sitting among this august and distinguished body of United States Senators. At first, Mac had a supervisor beside him, identifying the speakers, and explaining the procedures. Mac said, "I was able to conquer the words spoken, but when it came to putting them into the proper format, it was an art to which I had never been exposed. In the beginning I felt inept, but said to myself, 'The job must be done', and I did it."

Everything went along smoothly until the arrival of Morning Business, which was somewhat like taking pleas before a magistrate. The proceedings go very rapidly, because it is usually routine to the lawmakers, with deviations coming later in the office where proper headlines and sub-headlines are inserted.

Mac said that the cooperation of his colleagues overwhelmed him, and that their knowledge on just about any subject was astounding. No one was ever too busy to take time to answer any question that Mac had.

Mac said, "I think that being the first black reporter on the Senate floor, especially at a time when a debate of critical importance to the country was taking place, is something which I will never forget. It isn't often that one of your wildest dreams comes true."

Mr. Walker, Chief Reporter of the Official Reporters of Debates, confirmed the fact that McKinley Wise was the first black or any other minority reporter to serve on the Senate floor. Walker said that, to his knowledge, no black or minority reporter has yet served on the floor of the House.

When asked how he came to call Mac Wise, Mr. Walker replied, "We had before the Senate in late January the Panama Canal treaties, and there was a very good possibility of the Senate having 12 and 14-hour-a-day sessions, and we needed more reporters. I went through our file and saw McKinley Wise's name. He was well-certified, with all of the certificates, well-qualified, and he seemed to have a good background.

"I asked for and received authority to call him, which I did, to see if he could come down and assist us. It was a Friday when I called Mac, asking if he could come in the following Tuesday. Not many reporters could leave their business and come to Washington on short notice, but Mac was there, and he did a magnificent job."

Mr. Walker went on to say, "Ordinarily, when someone comes into this office as one of the Official Reporters of Debates, he or she is given great in-depth training in all of our forms, and parliamentary procedures, Senate rules, and so forth. I didn't give Mac any of that. We just wanted somebody to write, and write fast, because this is the kind of debate where there was not at that time a lot of parliamentary procedure going on; it was mostly stand-up, straight, hot and heavy debate.

"As I said before, he did a magnificent job."

Mac was born in Jeanrette, Louisiana, but with his parents moved to Port Arthur, Texas, at a very early age. He was graduated from Lincoln High School there, after which he served in the United States Navy, where he was given a stenomask reporting in order to report courts-martial and other related proceedings. Mac found the stenomask unsatisfactory, and while in the Navy started studying stenotype at the Certified School of Stenotype in San Francisco, California, completing his course after being discharged from the Navy.

Since then Mac Wise has had a varied reporting career, involving free lance work in New York City, substituting in many of the courts in New York City; serving as an assistant in the Philadelphia County courts, free-lancing in Philadelphia, before becoming an Official Court Reporter in the United States District Court in Philadelphia, where he served the Hon. Charles R. Weiner and the Hon. J. William Ditter, Jr., from 1967 to 1975.

Mac left his official job to return to the free lance field, and is now the owner of McKinley Wise and Associates, Inc., with a staff of seven certified reporters. Daily copy is the specialty of the firm.

During the time when Mac was reporting in the Federal courts in Philadelphia, he was a member of USCRA. He is a member of PSRA and NSRA. Mac is now serving NSRA as Chairman of the Free Lance Committee, as a member of the Advisory Committee, Professional Examination Service, the Committee on Testing, and the Ad Hoc Committee for Professional Standards.

Mac is the holder of the following certificates from NSRA, RPR, CP, CM, and in Pennsylvania holds the CSR certificate, as well as being a Qualifier in the PSRA Speed Contest at 280 wpm.

USCRA is proud of the fact that one of its former members has achieved the distinction of being the first of his race to serve on the floor of the Senate.

THE PRESIDENT'S FISCAL YEAR 1999 BUDGET PROPOSAL

Mr. LEAHY. Mr. President, I want to commend the President of the United States on his budget submission to Congress. For the first time since 1971, a President has proposed a balanced budget. I hope and believe that this Congress will be the first in almost 30 years, since 1969, to enact a balanced budget without sacrificing our educational, environmental, health care and law enforcement priorities.

The President noted in his State of the Union speech last week, two historic pieces of legislation have reduced the deficit to the point where a balanced budget is now within our grasp: The Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act of 1997. I am proud to have voted for both of these historic laws.

When President Clinton took office, the deficit was at its highest point ever: $290 billion. But he decided to tackle the runaway deficits of previous administrations. In 1993, the Senate and House of Representatives passed President Clinton's economic plan by the slimmest of margins and without a single Republican vote.

That was a tough vote around here, but it was the right thing to do. I am proud that I voted for it. It reduced the deficit by 75 percent. Unfortunately, we were forced to make this historic deficit correction without the help of a single Republican vote in either the House or the Senate.

Last year, Democrats and Republicans together made additional deficit reduction progress by passing the bipartisan budget agreement to reach balance by 2002.

That package included net savings of more than $900 billion over the next ten years. It also secured and strengthened Medicare for our seniors and made the largest investment ever in education for our children.

Today, the deficit is at its lowest dollar figure since 1970—$5 billion—and at its lowest point as a percentage of the economy in 30 years. This past year, the Gross Domestic Product grew at its highest rate since 1988, unemployment fell to a 24-year low, and inflation dropped to levels last seen in the 1960s. Our economy is in the best shape in a generation in no small part because of these two historic deficit reduction measures.

I am most proud that the President and Congress can achieve a balanced budget this year without demeaning the fundamental charter of our democracy, the Constitution of the United States. The proposed constitutional amendment to require a so-called balanced budget did not reduce the deficit by a single dollar or move us one inch closer to achieving those goals. Rather, it was a political exercise serving only to delay and distract—a display in bumper sticker politics.

I hope the Senate will learn from this lesson and abandon such destructive efforts for illusionary quick-fixes by constitutional amendment for the rest of this session and into the future.

Instead, Congress working with the President can do the job today.

Hard choices and bipartisan cooperation are what is needed. We cannot legislate political courage and responsibility. No amendment to the Constitution can supply the people's representatives with these essential attributes.

Political courage has been an essential ingredient that has helped us achieve remarkable deficit reduction over the past six years. We have succeeded in reducing the deficit every year of the past six. We have cut the deficit by more than 98 percent in that time while pursuing sound economic and strong fiscal policies.

Now we need to stay the course and work in a bipartisan way to finally balance the budget. We should now be focusing our attention and energies on the strenuous tasks of building a working consensus on budget priorities and achieving agreement on how to balance the budget.

Within a balanced budget, we must reach consensus on strong support for education funding as one of our top priorities. As I watched my colleagues during the State of the Union address, I noticed that those with school-aged children cheered the loudest at the President's continuing commitment to keep education a national priority. A national commitment to education, however, is not just for the students and parents of today; it is for all of us.

Only a few decades ago, our students were taught that the countries blessed with the most natural resources held the keys to the highest standards of living and the most vibrant economic growth. Today, it is the countries that invest in their "human capital" that have the greatest success in the global economy.

I applaud the President for investing in our people by making a higher priority of education at all levels—from an expansion of Head Start, to access to affordable quality child care, to more teachers in the classroom, to literacy training, to lower fees for college students using loans.

The only way to keep our nation strong and successful in the global marketplace is through an educated workforce. To do this children must understand the basics, the three R's. We need to make sure that teachers are trained and have access to continuing training education. Only after this foundation is built will computers and other technologies in the classroom help students reach their full potential.

Technology in the classroom can be a great leveler. On the Internet students can see Michelangelo's work on ceiling of the Sistine Chapel in wonderful detail. Students in the United States can "chat" with students in Japan or South America or even their U.S. senator about their daily lives to better understand one another.

Another great leveler is to ensure that students of all abilities have access to quality education. To this end, I am committed to increasing federal funding for the Individuals with Disabilities Education Act (IDEA). More than two decades ago the federal government made a commitment to local school districts to provide assistance in this funding, and the federal government has not lived up to its end of the bargain. I am disappointed that the budget did not include an increase for this program. I am committed to working with my colleagues as we move through the budget and appropriations process to remedy this shortfall.

I also find room for improvement with the Administration's proposal for Amtrak. Last year was a critical one for our national passenger railroad. Included in the Taxpayer's Relief Act was a one-time, $2.3 billion infusion of capital, intended to modernize Amtrak and enable it to reap sufficient revenues to become self-sufficient. Congress also passed a far-reaching Amtrak Reform Bill, which will refine the way Amtrak does business for the 21st Century, while making sure that its employees are fairly treated. I am disappointed that the Administration has proposed using a portion of these capital funds, instead, for Amtrak's day-to-day operating costs. This would undermine Amtrak's modernization plan and all of the hard work we did last year on these proposals. As always, I will work with my colleagues on the Appropriations Committee to try to find ways to ensure that Amtrak receives the resources it needs.

Mr. President, on balance, the President has proposed a budget that reflects priorities that are good for the nation and that will find strong support by the American people. I am delighted that the President and Congress can achieve a balanced budget this year while serving the needs of the nation. I look forward to working with my colleagues on both sides of the aisle to enact the first balanced budget in a generation.

Mr. President, I see nobody else seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON NATIONAL AIRPORT

Mr. ROBB. Mr. President, I rise today to note my opposition to the effort to overshadow the name of our first President, which graces the airport that serves as the gateway to the city bearing his name.

Washington National Airport is located in the Commonwealth of Virginia, the birthplace of George Washington. It lies adjacent to the city of Alexandria, the hometown of George Washington.

The people of Alexandria are proud to live in George Washington's city and have asked this Congress not to displace Washington's name on the airport.

In fact, the original airport terminal, whose facade reflects the design of Mount Vernon's portico, was preserved when the airport was recently renovated.

The people of Arlington County, the local municipality that surrounds Washington National Airport, have expressed their strong opposition as well.

The Greater Washington Board of Trade, as well as local businesses that would be harmed by this bill, oppose the legislation that has been offered.

In 1986, Mr. President, legislation was approved by the U.S. Congress transferring the operation of Washington National Airport from the Federal Government to the Metropolitan Airports Authority.

The Airports Authority is a nonfederal entity established by interstate compact between the District of Columbia and the Commonwealth of Virginia.

President Ronald Reagan, who championed State and local control, rather than Federal control, whenever and wherever it was appropriate, was the President who signed that legislation.

Former Virginia Governor Linwood Holton, a Republican and the chairman of the Airports Authority, said, "Unilateral action by the Congress to take the drastic action of changing the name of the airport is inconsistent with both the spirit and the intent of the transfer."

It is highly ironic that this Congress is attempting to impose its Federal will on local governments, a State/local airports authority, and the local business community, in the name of Ronald Reagan, whose career and legacy centers on his deep commitment to limiting the reach of the Federal Government.

Mr. President, creating a controversy that is contrary to his legacy does not honor Ronald Reagan.

Like the vast majority of Americans, I have long admired President Reagan's personal courage, his strong convictions, his infectious spirit, and his leadership of our Nation and the international community.

There are many appropriate ways to honor the name and the legacy of this great American.

On May 5, we will dedicate the Ronald Reagan Building and International Trade Center in downtown Washington. It is the largest Federal building ever built in Washington, DC. Among all Federal buildings throughout the entire Nation, only the Pentagon is larger.

In addition, Congress has appropriately named the next aircraft carrier after President Reagan in a resolution I heartily supported and was pleased to cosponsor.

The U.S.S. *Ronald Reagan* will be a magnificent and, indeed, a fitting tribute to a Commander in Chief who stood for U.S. military strength throughout our world.

There will undoubtedly be many more opportunities to honor Ronald Reagan and his legacy—and, indeed, jurisdictions where it might be particularly appropriate, such as California or Illinois, might choose to put his name on an airport.

But overshadowing the name of our first President, ignoring the expressed views of local governments and their people, as well as the local business community, interfering in operations of an airport, that because of a bill signed by Ronald Reagan is no longer truly Federal, is not the way to do it.

Mr. President, in summary, there are many appropriate ways to honor the name and the legacy of Ronald Reagan. Renaming Washington National Airport is not one of them.

So I ask my colleagues to oppose this legislation, not out of disrespect for the man, but as a symbol of respect for the principles for which he has lived. It may be that after appropriate consultation with the local jurisdictions directly involved, and indeed with the President and particularly Mrs. Reagan, whose views on this particular matter have not been publicly ascertained, that some action regarding Washington National Airport would be in order. But to move forward without that consideration would detract from the honor intended, as well as the very appropriate and fitting ceremonies planned for May 5.

TIME TO TACKLE UNFAIR TAXES

Mr. KYL. Mr. President, there are a lot of things wrong with our nation's Tax Code, but two things in the code that have always struck me as particularly egregious are the steep taxes imposed on people when they get married and when they die. While it will probably take some time to build the kind of public consensus that will be necessary to overhaul the Tax Code in its entirety, there is broad public support for us to do something in the short term about these taxes—the notorious marriage penalty and the death tax—and in the process take two meaningful steps closer to a tax system that is simpler and more fair.

Mr. President, what rationale can there possibly be for imposing a marriage penalty? All of us say we are concerned that families do not have enough to make ends meet—that they do not have enough to pay for child care, college, or to buy their own homes. Yet we tolerate a system that overtaxes families. According to Tax Foundation estimates, the average American family pays almost 40 percent of its income in taxes to federal, state, and local governments. To put it another way, in families where both parents work, one of the parents is nearly working full time just to pay the family's tax bill. It is no wonder, then, that parents do not have enough to make ends meet when government is taking that much. It is just not right.

The marriage penalty alone is estimated to cost the average couple an extra $1,400 a year. About 21 million American couples are affected, and the cost is particularly high for the working poor. Two-earner families making less than $20,000 often must devote a full eight percent of their income to pay the marriage penalty. The highest percentage of couples hit by the marriage penalty earns between $20,000 and $30,000 per year.

Think what these families could do with an extra $1,400 in their pockets. They could pay for three to four months of day care if they choose to send a child outside the home—or make it easier for one parent to stay at home to take care of the children, if that is what they decide is best for them. They could make four to five payments on their car or minivan. They could pay their utility bill for nine months.

A constituent of mine from Tucson, Arizona put it this way: "We need your help as young married middle class Americans to plan our family's future. We need help to plan our retirement, our children's education, our dignity. Please help get rid of the marriage tax."

Mr. President, this constituent is simply asking that a young family be able to keep more of what it earns. Taxing marriage is wrong. It is bad social policy and bad economic policy. We ought to do away with it this year. And with that in mind, I have joined Senators FAIRCLOTH and HUTCHISON and 35 of our colleagues who have cosponsored S. 1285, the Marriage Tax Elimination Act. A similar bill on the House side, H.R. 2456, has 233 cosponsors. Given the broad support the initiative enjoys in both chambers—and around the country—I think we stand a good chance of getting this done this year. We should.

The death tax is just as wrong, and we ought to do something about it, too. It is wrong to make grieving families face the funeral director and the tax collector in the same week. And it is wrong to break up family-owned businesses just to extract an additional tax from someone one last time before he or she is laid to rest.

The death tax imposes a heavy toll on families, as well as the communities in which they live. Maybe that is why 15 states have repealed their state death taxes since 1980.

Mr. President, in its January 12 edition, the Wall Street Journal carried a story about the impending sale of America's largest African-American newspaper chain, Sengstacke Enterprises, Inc. The chain's pioneering leader, James Sengstacke, passed away last May, and the chain is now faced with the daunting task of raising enough cash to pay the estate tax—something that is more commonly known as the death tax.

I do not know the Sengstacke family, but their story is compelling, and I hope our colleagues will listen closely as I read a few lines from the Journal's report. The article begins by noting that the newspaper chain is comprised of the daily Chicago Defender and three weeklies—the New Pittsburgh Courier, the Tri-State Defender, and the Michigan Chronicle. And then it goes on with the extraordinary story of the family business:

> Founded by Robert Sengstacke Abbott in 1905, the Chicago Defender helped ignite the Great Migration—the move of tens of thousands of Southern black sharecroppers northward to Chicago and other cities. When Mr. Abbott's nephew, John Sengstacke, took over in 1940, the Defender grew from a weekly to a daily, printing stories that challenged discrimination on nearly every front, from the U.S. Army to the baseball field.
>
> Mr. Sengstacke was instrumental in persuading Brooklyn Dodgers owner Branch Rickey to hire baseball's first black player, Jackie Robinson. For several decades, the Defender was viewed as the most important training ground for aspiring black journalists.

Mr. President, the tragedy is that the death tax may force the Sengstacke family to part with this treasured piece of their heritage—a family-owned company that has, among other things, worked hard to try to stamp out the scourge of discrimination around the country. Contemplating the thought of the chain being taken over by outsiders, the founder's grandniece, Myiti Sengstacke, said, "No one—black or white—is going to understand and cherish the vision my uncle had for starting the company other than someone in his family."

Other families around the country have similar stories to tell. Here is what a good friend and constituent of mine wrote in a letter to me last year:

> Since my father died, our lives have been a nightmare of lawyers and trust companies with the common theme, "you have to protect the family business." It was hard enough trying to recuperate after my father's long illness, and then adjusting to the reality he was gone.

This family in Arizona built up a printing business from just one employee 39 years ago to over 200 employees today. The founder—the family patriarch—was one of the most generous people I have ever met. He gave to just about every charitable cause in our community, and he made our community a much better place in the process.

Mr. President, hard work and thrift, creating jobs, and contributing to the community are among the last things we ought to penalize. And so I sponsored the Family Heritage Preservation Act, S. 75, to repeal the cruel death tax. Twenty-nine of our colleagues have joined me as cosponsors of that measure, and the companion House bill, which was introduced by Congressman CHRIS COX, has 166 cosponsors. A recent poll commissioned by the seniors group, 60 Plus, found that fully 77 percent of Americans are supportive of death-tax repeal.

We took some important steps in the direction of death-tax relief last year when we approved a phased increase in the unified credit and new protections for a limited number of family-owned businesses. Unfortunately, the "family-business carve-out" made what is arguably the most complex portion of the Tax Code even more complicated. Here is what representatives of small businesses told the House Ways and Means Committee on January 28.

The National Federation of Independent Business told the committee that even though the 1997 Taxpayer Relief Act gave small-business owners some relief from the unfair death tax, small-business owners should not be paying this tax at all. Jack Faris, the President of NFIB, said that the organization continues to fight for complete elimination of this onerous tax.

The Small Business Council of America described last year's changes this way. "The new Qualified Family-Owned Business Interest Exclusion is now the most complex provision in the Tax Code. At best, it will help less than five percent of family businesses facing sale or liquidation from the death tax."

These sentiments are consistent with the message we heard from delegates to the 1995 White House Conference on Small Business, who placed death-tax repeal fourth among their 60 recommendations to Congress and the President. And with good reason. The death tax is gradually destroying family enterprise, first by slowing business growth, then by forcing companies to restructure through mergers or sales.

According to the Heritage Foundation, repeal of the death tax would free capital resources for more productive investment, leading to an average of $11 billion per year in extra output, an average of 145,000 additional jobs created, and personal income rising an average of $8 billion per year above current projections. So not only would death-tax repeal be good for families, it would help the economy as well.

Mr. President, repealing the marriage penalty and the death tax should be among our top priorities this year. Together, these two steps will get us closer to the kind of Tax Code we all say we want—one that is fairer, flatter, and simpler. Let us do this for America's families.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, January 30, 1998, the Federal debt stood at $5,490,064,235,079.64 (Five trillion, four hundred ninety billion, sixty-four million, two hundred thirty-five thousand, seventy-nine dollars and sixty-four cents).

One year ago, January 30, 1997, the Federal debt stood at $5,315,796,000,000 (Five trillion, three hundred fifteen billion, seven hundred ninety-six million).

Twenty-five years ago, January 30, 1973, the Federal debt stood at $450,068,000,000 (Four hundred fifty billion, sixty-eight million) which reflects a debt increase of over $5 trillion—$5,039,996,235,079.64 (Five trillion, thirty-nine billion, nine hundred ninety-six million, two hundred thirty-five thousand, seventy-nine dollars and sixty-four cents) during the past 25 years.

SECRETARY JAMES R. SCHLESINGER'S STATEMENT BEFORE THE SENATE COMMITTEE ON ARMED SERVICES ON THE REPORT AND RECOMMENDATIONS OF THE NATIONAL DEFENSE PANEL

Mr. THURMOND. Mr. President, I would like to take a few moments to address the comments made by James R. Schlesinger, the former Secretary of Defense, Secretary of Energy, and Director of the Central Intelligence Agency, in his appearance last week before the Committee on Armed Services. The purpose of the hearing was to review the Quadrennial Defense Review of the Department of Defense, and the report of the National Defense Panel, in order to determine what measures are necessary to ensure our national security establishment is able to meet the threats of today and tomorrow.

The testimony provided by Secretary Schlesinger was very sobering in that he provided the Committee with a clear picture of the crisis we are facing due to the imbalance between our foreign policy commitments and the diminished capabilities of our Armed Forces. In his own words, "By early in the next century, at the latest, we shall be obligated to spend far greater sums on procurement. Alternatively, we can watch the force structure itself age and erode—until it will no longer be capable of sustaining the ambitious foreign policy that we have embraced."

Mr. President, it is unfortunate that the entire Senate was not able to attend last week's hearing and discuss the problems outlined by Secretary Schlesinger. I believe it is important, especially at a time when the U.S. military may once again be called upon to protect our interests in the Persian Gulf, for all of the members to fully understand the extent to which our military capability has diminished in recent years, and the impact this will have upon our ability to pursue an aggressive foreign policy.

Therefore, Mr. President, I ask unanimous consent that the statement provided by Secretary Schlesinger to the Committee on Armed Services be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of James Schlesinger Before the Armed Services Committee, United States Senate, on the Report of the National Defense Panel January 29, 1998

Mr. Chairman, Members of the Committee: You have requested that I comment on the Report of the National Defense Panel and, in particular, to develop further the discussion of alternative strategies and alternative force structures. At the outset, let me say that the Panel has done a commendable job. Overall, its diagnosis of the emerging international scene is excellent, its stress on the need for the transformation of defense is correct. Many of its specific recommendations are admirable. While I shall later comment to some extent on alternative strategies, at the moment I simply wish to state that the reticence of the Panel in the area of alternative strategies and force structures is understandable.

For reasons I shall spell out, I sympathize with the Panel on this point, for it was facing a formidable task. Quite simply you can't get there, that desired point in the 21st Century, from here—given the apparent fiscal limits. The United States has a very ambitious foreign policy. It has accepted the role of the world's principal stabilizing power, the one universal power. Yet, there is no way that it can sustain over time the force structure that the QDR calls for—on three percent of the gross Domestic Product. That is not a matter of analysis; that is simple arithmetic. To fulfill our present commitments and to modernize the QDR force for the more challenging years of the next century would require four percent-plus of the GDP. That does not appear a surprising sum for a nation that aspires to be the sole universal power. Our present level of expenditure, relative to GDP, is less than it was before Pearl Harbor.

In this decade, we have been cushioned by allowing the principal equipments, inherited from the Cold War years, to age. Obviously such action is tolerable only in the short run. We now spend some forty billion dollars a year on procurement. Yet, the depreciation on our equipment—at replacement costs—runs over a hundred billion dollars per year. In brief, we have been enjoying an extended Procurement Holiday. By early in the next century, at the latest, we shall be obliged to spend far greater sums on procurement. Alternatively, we can watch the force structure itself age and erode—until it will no longer be capable of sustaining the ambitious foreign policy that we have embraced.

In the period around 2010, the Department of Defense believes that a new peer-competitor of the United States might emerge. It would be a time, according to present assertions, that we now intend to expand NATO to include portions of the former Soviet Union. It would be a time that expenditures on entitlements programs would be escalating as the baby-boom generation retires, and the budget is projected to go into deficit. Yet, at that very time the effects of the aging of major items of equipment and the erosion of our military capabilities would become clear. Unless we alter our present course, under those circumstances we would have no prudent choice but to retrench on our foreign policy objectives and commitments.

Can we not shrink the present force structure—and thereby provide more funds for modernization? In principal, we should be able to do so, but in practice we would encounter vast difficulties. The operations tempo of the Armed Forces is at this time at an all time peak in peacetime. Force deployments in the post-Cold War years have been far more frequent, of substantially larger size, and of longer duration than in the 1980's. To be sure, the optempo of the Services could be trimmed. We should certainly review the training regime of the Services, which has not changed since the end of the Cold War. With Goldwater-Nichols, the regional CINC's have piled on additional requirements. We do need an overall review to see whether so high an optempo is desirable. But, we should recognize, given our present foreign policy commitments, we can only trim rather than substantially reduce the optempo. So long as that is the case, any hankering substantially to reduce the force structure remains unachievable.

Quite rightly, the National Defense Panel points to the growing strategic uncertainties of the early part of the 21st Century, the possible emergence of a peer-competitor, the serious arrears in funding the re-equipping of the forces, the emerging (re-emerging) issue of homeland defense, the need for space control, the need to incorporate the benefits of the revolution in military affairs, in short, the need to transform defense. It questions whether the two major-regional-conflicts measuring rod is realistic—or is just "a means of justifying current forces." It points to the generally low-risk international environment of today. Quite rightly, the Panel states that the "priority must go to the future." It argues that the pursuit of the two MRC strategy consumes resources that could reduce the risk to our long-term security. given the budgetary limits, the Panel suggests that we surrender the two-MRC standard. There are risks and certain strategic questions that arise following such a path. Yet, given the constraints, it is a plausible suggestion. Nonetheless, at this time, the optempo of the Armed Forces precludes a reduction of the force structure sufficiently large to generate the funds for re-capitalizing the forces.

The Panel recommends other means of generating funds within the present budget. It correctly urges a further attack on our excessive infrastructure—and urges the outsourcing of some 600,000 positions in the DOD, including the civilianizing of certain active military positions. I applaud the further closing of bases and I am receptive to pushing outsourcing as far as feasible. I note, however, that there are still some 20 major domestic bases to be closed still left from the BRAC of 1993. I note that most of the reductions in civilian personnel under the quadrennial review is based upon a base-closing exercise which the Congress has already rejected. I note that base closings to this point have generated less than $6 Billion in savings. Thus, admirable as a further assault on our infrastructure may be, it will not generate substantial additional savings to recapitalize the Forces.

Yet, the suggestion that we move more vigorously to outsourcing is certainly correct. In the view of the doubts and resistance that inevitably will occur, it will be many years before the resources become available. Given the legal, administrative, and political constraints, less is likely to be obtained by these measures in the necessary time-frame than both the Panel and I would wish.

All in all, the transformation of defense is a meritorious, if not an essential, objective. Yet, it is a far more difficult task, given the resources available, than we are ready to acknowledge. We are not dealing with a system at rest, a garrison military like the pre-World War II German *Wehrmacht*. The U.S. military now is always on the go, moving around the world and conducting operations in dozens of countries. To transform a force so active is a far more arduous task. While we should embrace the objective, we should also recognize the difficulties that stand in our path.

Mr. Chairman, let me now turn away from household tasks to an examination of what the Panel describes as the "cusp of a military revolution." The opportunity for such a revolution has been created by the immense technical advances in computers, microelectronics, telecommunications, sensors, and precision guided munitions. These new military technologies were first unveiled in the Gulf War. Admittedly, the conditions were ideal for exploitation of these new technologies. It permitted our senior officers to have dominant battlefield awareness, while Iraq's unfortunate generals had limited ability to communicate and were largely unaware of what was transpiring on the battlefield. However, one element must be kept in mind: our showcasing of these military technologies means that we will never again have the element of surprise, nor will we again be able so easily to exploit the advantages that these technologies offer. We shall have to labor hard, as others acquire these technologies, both to stay ahead and to exploit fully the opportunities offered by them. When I say that we must work hard, I mean that we must not be lulled into complacency by such phrases as "full spectrum dominance." There is no guarantee of permanent American military dominance. Others will be learning the capabilities of information warfare and weapons of mass destruction. Thus "eternal vigilance" remains essential.

That leads me—all too briefly—into alternative strategies and alternative force structures. You will understand, of course, Mr. Chairman that I can only throw out a few brief observations. A complete review would require far more time. But it is essential that, as conditions change we continue to seek alternative means to achieve military or national goals—and to choose those means that achieve our goals most effectively. I have dwelt upon the Gulf War as a watershed event. The military establishments of many nations are busily seeking to discern the lessons of the Gulf War.

In this light I find it curious that the United States, which developed, exploited, and revealed these new military technologies in the Gulf War, has failed fully to grasp at least one of the principal lessons from that war. The lesson I refer to, that has not been fully absorbed, is the immense success of the air offensive prior to and during the hundred hour ground war. The six weeks of coordinated air attacks prior to the launching of the counter offensive on the ground significantly crippled the combat power of the Iraq forces—and continued to do that during the four days of the ground war. Nonetheless, to date the U.S. military establishment has failed to absorb the lessons of the immense success of the air war into either doctrine or war plans. In touching on so many issues, the Panel failed to note the centrality of this issue of strategy. And the Air Force itself has been remiss. For so many years it treated "strategic" and "nuclear" as synonymous that it failed to analyze and articulate the strategic role that Tac Air can play.

Despite all our talk of jointness, the Services still have yet to formulate a sufficiently shared vision of our military future. Air power is not just an ancillary to the ground counteroffensive. If we have air superiority, it too can attrit enemy ground forces. And it can do so at a far lower cost in American blood. All this potentially has major implications for budgets and force structure. It is ironical that those who comment upon—and sometimes complain—that sixty percent of the procurement budget goes to Tac Air, have not fully grasped the potential advantages that that confers. It raises a question, for instance, whether the allocation between platforms and munitions is the right one. Given the military significance of precision-guided munitions, one wonders whether it is wise to allow our inventories to be as low as they are. (The Committee may wish to check what kind of a dent the air war against the Bosnian Serbs in 1995 or (what may be) the forthcoming military operations against Iraq put into our inventory of precision guided weapons.) It is a regrettable fact that, if inventories are constrained and are expected to be limited, that in itself may alter military plans—in a way that makes them less effective. The size of inventories is also a choice.

An issue of at least equal importance that we have not yet thought through is what dependence on these newly-available military technologies may do to our vulnerability. Not only is the United States more dependent upon these technologies than any other nation, its extraordinary military leverage now comes from these technologies. That makes us more vulnerable to all of those stratagems that fall under the rubric of information warfare.

That underscores at least two things. First, it is essential for the United States to continue to forge ahead of other nations, not only in the exploitation of information warfare, but in defensive measures. Other nations are now industriously studying how to exploit information warfare. The secret is now out.

Second, we must continuously examine whether or not we are becoming *overly dependent* on these new technologies in a way that might create a critical vulnerability. If these technologies are essential as force multipliers, neutralization by others of our exploitation of these technologies would place us at an immediate disadvantage. We must, therefore, examine to what extent we should hedge against such a vulnerability. Such hedging could be costly. To hedge against the neutralization of force multipliers, one can maintain larger forces. But if one were totally to hedge, one would forfeit the cost benefits (though not the benefits in effectiveness) embodied in the revolution in military affairs.

I close by reminding the Members of the Committee of the longer-term problems of sustaining our military advantages and thereby sustaining our ambitious foreign policy. The Department of State has recently stated (in response to Russian complaints about our indifference to their sphere of influence in the "Near Abroad") that the Department of State states that the United States does not acknowledge the legitimacy of spheres of influence. That presumably applies only to *other* countries, since the United States, as the single universal power, regards all the outside world as its sphere of influence. Yet, if we are unable to sustain our military forces and sustain our military advantages into the 21st Century, despite the ambitions of our foreign policy, we would be obliged to retreat.

Mr. Chairman, I thank you and the Members of the Committee for your attention. I would be pleased to answer any questions that you may have.

MEMORIAL FOR ISRAELI PRIME MINISTER YITZHAK RABIN

Mr. KENNEDY. Mr. President, two years ago last November, Israel lost its beloved Prime Minister, Yitzhak Rabin, and the world lost a great peacemaker. My son Patrick and I had the sad honor of traveling to Israel for the funeral. Like millions of people around the world, we admired his leadership and the power of his vision of reconciliation between Israel and the Arab world.

On November 13, friends and admirers of Prime Minister Rabin gathered in Boston for a memorial service to commemorate his life and pay tribute to his leadership in putting Israel on the path to peace. His Eminence Bernard Cardinal Law, Israel's renowned poet Yehuda Amichai, and Israel's Consul General Itzhak Levanon gave voice to the grief of the world. As we work to carry on the work of peace in the Middle East, the guiding presence of Prime Minister Rabin is deeply missed.

I believe my colleagues will be interested in the eloquent reflections of the speakers at the service on Prime Minister Rabin's life and death, and especially on his extraordinary commitment to peace in the Middle East. I ask unanimous consent that the remarks at the memorial service in Boston be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

INVOCATION BY HIS EMINENCE BERNARD CARDINAL LAW

To remember is at the heart of Jewish (and Christian) faith. To recall God's covenant, His fidelity and His promises, is a solemn duty which each son and daughter of Abraham is asked to fulfill. Only by thinking back on what God has accomplished yesterday, will we have sufficient courage for today and tomorrow.

In light of this profound religious conviction, we are here to remember a life, prematurely snatched from us by the bullet of an assassin—Prime Minister Yitzhak Rabin.

Because his death had so many tragic implications, our mood may be dark and despairing as the one described in the Book of Wisdom: ". . . they seemed to be dead; their departure was reckoned as defeat, and their going from us a disaster."

Wisdom confronts and challenges this earthly despair with the emphatic reminder that, "The souls of the just are in the hands of God . . . they are at peace, for though in the sight of men they may be punished, they have a sure hope of immortality; and after a little chastisement they will receive great blessings, because God has tested them and found them worthy to be His." (Wis: 3; 1-6).

We shall also never forget—but remember with undiminished hope—Yitzhak Rabin's dream of peace between Israel and the Palestinian people. The steps toward this peace which he took with such great courage cannot be reversed, for both people have gone too far along the path toward that day when the pslamist's prayer will be answered.

Let the psalmist's words be ours this evening:

Pray for the peace of Jerusalem: "May they
prosper who love you.
Peace be within your walls, and security
within your towers."
For the sake of my relatives and friends I
will say, "Peace be within you."

Amen.

REMARKS OF YEHUDA AMICHAI

I would like to strike a rather personal note. There were a lot of traumatic events for us, one event which has a lot of trauma in it. Trauma number one is that it is the death of our generation, the generation of people who grew up towards 1948 and we were in the Palmach, the commando unit of the Haganah, and later the Israeli army. Yitzhak was already a big commander there, I was a very small commander, and he was actually the last of the Palmachniks to fall, many years after the end of the war, and there had been about two thousand out of six thousand that had fallen in the war, so he was the last of us. And the second trauma is the trauma of Jewish history, of "milhemet achim", of Jews killing each other, and it brings up the whole traumatic event of the destruction of the second temple, and we were hoping that it would never be again.

When Yitzhak Rabin received his peace award in Oslo, he invited me and my wife to join him there, and he read this poem which I am going to read, in his acceptance speech in Oslo of the peace award.

G-d has pity on kindergarten children.
He has less pity of schoolchildren
And on grownups he has no pity at all
He leaves them alone
And sometimes, they must crawl on all fours
in the burning sand to reach the first
aid station, covered with blood.

But perhaps he will watch over true lovers
And have mercy on them and shelter them
Like a tree over the old man sleeping on a
public bench.
Perhaps we too will give them the last rare
coins of compassion that mother handed down to us so that their happiness
will protect us now, and in other days.

And Yitzhak Rabin added to this poem his own words, and he said "Let's hope that now" after the peace agreement "there will be pity for all of us."

He was already, I must say, he was already in his fighting days as a commander of the

Har-El brigade, he had already the clear eyes of vision towards peace. While he was deeply involved in winning that war against this vast Arab majority, in his eyes there was something of a vision, very harsh and hard vision of peace. While all of us were still involved in war he was a very down to earth like our prophets. He never was enthuasiastic or showed enthusiasm about peace, he was always very inverted, and very much introverted, but he was down to earth like our prophets. Perhaps the most famous prophecy of peace in the bible is about the lamb and the wolf shall lie alongside each other and not disturb each other. They never, the prophets were down to earth, they knew that love and peace may be far away, but at least you start by two enemies lying alongside each other without disturbing each another. And Yitzhak Rabin was one of those, that is why his vision was so wonderful because it was down to earth. I would like, I think that in a way, with Yitzhak Rabin, it is perhaps the greatest trauma for all of us. It was as if, in your American terms, Kennedy and Lincoln were murdered with him again, because he engulfed everything—the beginning of the state, and the middle of the state, the war and the peace, our our national anthem is called Hatikvah, The Hope. And I hope that we will still have, and his spirit will not let our hope die.

And I would like to finish with a poem that I read at his first "shloshim," first memorial in Jerusalem. And it is about a friend of both of ours who was in the Palmach and who fell back in 1948, and I wrote this poem and I think it fits Yitzhak too.

And you, who remember only a face,
Do not forget the outstretched hands, and the legs that run so easily in the earth.
Remember that even the road to terrible battles always passes by gardens and windows, and children playing, and the barking dog
Remember the fruit that fell and reminded of its leaves and the branch
Remind the hard ones that they were soft and green in springtime
And do not forget that the first too was once the palm of an open hand and fingers.

May Yitzhak be forever.

REMARKS OF ISRAELI COUNSEL GENERAL ITZHAK LEVANON

A master in the skies, the Albatross was soaring high in the air. Remaining airborne on motionless wings, and gliding abreast the strongest winds with little effort. He was watched from the land, flying majestically towards new horizons. The sky was clear and the winds favorable. The Albatross showed self-confidence, determined to reach new heights, disregarding the dangers. None would dare to defy him on his royal journey.

Suddenly three gun shots fatally hit the Albatross. He swung in the air, refusing to bend and hit the ground. He looked toward the sky, which he has just conquered a few moments before and whispered: why?

Rabin was like this. He flew high in the sky, defied strong winds, knew which direction to head and covered long distances in a short time. He too asked himself, lying on the ground, why? Why should a leader who dedicated his entire life to the welfare of his own people, die like the Albatross died? This question is still on the lips of every Israeli, two years after his assassination, and will remain so for years to come.

Rabin's fatalism reminds me of another leader in the Middle East—Anwar Sadat. He too disregarded the warnings. He too believed that he was doing only what was right for his people and therefore, there was no cause for one of them to harm him. But both were so trusting, and both paid the price.

I remember his face, full of happiness and satisfaction that evening in Montreal, after a poignant speech at the General Assembly where he spoke in all frankness about his fears and his hope for the peace process. When we arrived in this room he laid his eyes on his wife Lea, and, with a typical Israeli expression said to her "Nu?" You could see the joy in his face and how, with his timid smile, he wanted to say 'I am happy that they hear my words,' and how he felt that he was not alone in his struggle. Indeed, battalions were behind him.

Senator Edward Kennedy recently wrote to me about Rabin, and the absence created by his death, describing him in the following words: "The cause of peace lost one of its greatest champions of our time, perhaps of all time, and I continue to miss his leadership."

After Rabin's death, many poems were written. I have chosen one of them, which in my judgment reflects the feelings of most Israelis, The Tears, by Smadar Shir:

There are left wing people and there are right wing
There are religious and there are secular
There are Sephardi and there are Ashkenazi
There are Israelis and there are Arabs
There are clever people and there are dumb
But for all of them there is the same tear and the tears are still warm, aching and painful
These tears are for a great man, who fell down while trying to reach peace between all these people.

Many disagreed with Rabin's ideas. Others criticized him, but none can argue the fact that for most Israelis he was like a godfather, the one who took care of everything. He was the mind which thought, the authority which made decisions, the man who endorsed responsibility and the leader who did not worry about damaging his standing if it benefited his people. Rabin was a leader, but he was also the commander, the diplomat, the politician, and most of all, the father.

May the soul of this great man be blessed forever.

Thank you.

HONORING STEVEN CHOTIN

Mr. CAMPBELL. Mr. President, today I honor Mr. Steven Chotin, one of Colorado's leading citizens, for his many contributions and outstanding dedication to our great State.

On the heels of his 50th birthday, I would like to take this opportunity to formally recognize my friend, a longtime motorcycling partner, for his philanthropic and civic activities of the past few decades. Steven has been a legend in a variety of charitable causes in Colorado, giving of his time and energy generously, as well as financially, to The Denver Center for the Performing Arts, The Colorado Symphony, The Allied Jewish Federation of Denver, National Jewish Hospital, Shalom Park and many other worthy endeavors.

Mr. Chotin has served on the boards of numerous community and charitable organizations, including Fresh Start, a program committed to paving a way out for Denver's inner-city youth. Equally renowned are Steven's activities in civic and business affairs. As head of The Chotin Group Corporation, National Mortgage Corporation and Merchants Mortgage Corporation, he has succeeded in providing gainful employment to a significant number of Denver area residents.

I am sure I speak for all Coloradans in extending Steven my congratulations and appreciation for leaving such an indelible mark on our State by the young age of 50. I wish him many more years of happiness and fruition as a Colorado resident.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I ask unanimous consent I may speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

THE BUDGET

Mr. HOLLINGS. Madam President, last week in remarks on the floor I referred to the Congressional Budget Office's report, "Economic and Budget Outlook for the Fiscal Years 1999 to 2008." And at that particular time, Madam President, I pointed out that even the Congressional Budget Office had projected deficits not only of $188 billion for the present year and $170 billion for 1998, but of $200 billion for 1999, the year in which everyone in this town has been screaming we will reap a budgetary surplus.

Now we have the President's budget. Madam President, this morning we not only received that budget, we saw in this country's newspapers of record such headlines as "On Budget Eve, Congress Feels Surplus Fever." This particular article reports that the distinguished Speaker of the House, NEWT GINGRICH, stated, "We are on the edge, if we will have discipline, of a generation of surpluses."

So we have the President talking about balanced budgets as far as the eye can see in his State of the Union Message. And we now have the distinguished Speaker talking about surpluses as far as the eye can see for the next generation.

Would that it were so. Would that we did not have any increase in the national debt. Would that we had no increase in the deficit. Would that we had no increase in the interest costs of the carrying charges on our national debt, which are now projected, Madam President, to be $1 billion a day, or $365 billion a year. That is one thing that everyone can agree on: that the interest on the federal debt is going up, up, and away.

Let me emphasize the matter of the debt before I home in on the matter of Social Security and the spending of surpluses. In 1981, we had a national debt of $995.5 billion. We had not reached a trillion-dollar debt.

For the first 200 years of our history, including the costs of all the wars our nation fought during that time—the Revolutionary War, the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea, and Vietnam—we did not reach a trillion-dollar debt. But in the last 16 years, we have reached now a $5.5 trillion debt, with interest costs of a billion dollars a day. Interest on the debt used to stand at a mere $95 billion; it now stands at $365 billion. So we are spending $270 billion more on interest alone than when we supposedly were going to balance the budget back in 1981.

I remember when our distinguished President Ronald Reagan ran on balancing the budget and was elected in 1980. He came into office in 1981 and said, "Whoops. This is way worse than I ever expected. Instead of balancing the budget in a year, it's going to take me 3 years."

Even after passage of the Gramm-Rudman-Hollings Bill, we ran into the highest deficits we ever had heard of. The deficits and debt went up, up, and away under Reaganomics. Of course, the whole idea of Reaganomics, which George Bush called voodoo economics, was that cutting tax revenues some 25 percent would spur people to spend more, thus leading to increased government revenues from sales taxes and income taxes. This in turn, proponents of so-called Reaganomics said, would enable us to grow out of the federal deficit and national debt. In contrast, of course, we have grown into them.

As a result, we now spend a billion dollars a day on interest to service the federal debt. The first thing at 8 o'clock every morning that the Government does is go down to the bank and borrow a billion dollars—every Sunday morning, Christmas morning, every holiday, every day in the year. It borrows and spends this billion dollars to pay the carrying charges on the debt. This money doesn't go for anything constructive: no highways, no foreign aid, no defense money. It's just waste added to the debt.

This is the dilemma we find ourselves in. This is really the bottom line. But it has never been emphasized in this body. And momentarily, seeing that I had an opportunity to emphasize this on the floor of the Senate, I said to myself: "Now's my chance to sober everyone up, because we are spending more and getting less." And everybody wonders why they are not getting adequate Government services. The reason we are not is because we are spending $270 billion more on interest than we were spending in 1981. We are spending more for absolutely nothing—a total of $365 billion for nothing.

And now we have the President's budget. And as is the usual custom, the Administration says one thing and does another. I will never forget Attorney General John Mitchell's admonition, "Watch what we do, not what we say." That could be the mantra of Congress and the White House today: "Watch what we do, not what we say."

Of course, if you look in the very first part of the President's budget, you can see projected on page 10 of the budget for next year, 1999, a $9.5 billion surplus. Isn't that grand? Isn't that wonderful? There it is: a $9.5 billion surplus on page 10.

But, Madam President, let us, if you please, go all the way back to page 367 of the President's budget. You have to go search through the whole budget. I don't know that anybody has done this, but I have learned how to search out the truth in these budgets. On page 367 you will find a chart similar to the one by the CBO titled "Projections of the Federal Debt by Fiscal Year." You will find the Federal Government's financing and debt. And when you look in the very, very small print, you will see it under the title "Total Gross Federal Debt."

Of course, they have highlighted other elements of the budget, such as "Debt Outstanding End of the Year." They have highlighted in bold, black letters the "Debt Subject to Statutory Limitations End of the Year." But it is in very small letters that they provide the "Total Gross Federal Debt." But if you squint your eyes, you can see that the debt goes from $5,543.6 billion in 1998 to $5,738.1 billion in 1999.

So the President, in his own budget—although you have to be a detective to find this—projects a deficit that, if adopted, ipso facto will be $194.5 billion.

This is the situation that confronts us. But today one has to read in all the papers and magazines about this "surplus fever and tax cuts"; and you have to listen to the debate on the floor. "No, I think we ought to spend more for this program or that program. No, I think we ought to have tax cuts. That's what we ought to do with the surplus."

Madam President, the only way that anyone can possibly project any kind of balanced budget or surplus for next year of $9.5 billion is to use the trust funds—not just those of Social Security, because there is another $113 billion of Social Security being used—but the $90 billion in other trust funds.

The easiest way to figure whether or not you have a deficit is to see whether or not you make more money than you spend each year. This works for families; it works for everyone. We must look at whether the Federal Government receives more money than it spends. Of course, if it spends more than it receives, it has a deficit. And that is why you must look at the bottom line of the national debt, where you will see that we actually spend $194.5 billion more than we take in.

But the greatest gimmick and the actual fraud, Madam President, is the so-called unified budget. Supporters of this sham argue that President Lyndon Johnson and the Congress balanced the budget this way in 1968–1969. This is absolutely false; absolutely false. President Lyndon Baines Johnson did not use any surpluses in order to balance the budget.

Madam President, I have a chart that shows the state of the national debt under President Johnson. In fact, it provides the debt under all the Presidents, beginning with President Truman in 1945 and continuing to February, 1998. I have here the United States' total budget. I have the borrowed trust funds. This is in the chart and I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit with without trust funds	National debt	Annual increases in spending for interest
Truman						
1945	92.7	5.4	-47.6	--	260.1	
1946	55.2	-5.0	-15.9	-10.9	271.0	
1947	34.5	-9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	-0.6	252.6	
1950	42.6	1.2	-3.1	-4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	-1.5	-3.8	259.1	

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit with without trust funds	National debt	Annual increases in spending for interest
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower.						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy.						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson.						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon.						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford.						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter.						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan.						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush.						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton.						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,560.3	153.6	−107.3	−260.9	5,181.9	344.0
1997	1,601.3	165.5	−22.3	−187.8	5,369.7	355.8
1998	1,670.3	164.8	−5.5	−170.3	5,540.0	365.1

Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO's 1998 Economic and Budget Outlook.

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions of dollars]

	1997	1998	2002
Social Security	631	732	1,236
Medicare			
HI	117	113	109
SMI	34	34	51
Military Retirement	126	133	163
Civilian Retirement	431	460	584
Unemployment	62	72	98
Highway	22	23	56
Airport	7	10	30
Railroad Retirement	19	20	23
Other	53	55	68
Total	1,502	1,652	2,418

Mr. HOLLINGS. With this chart, we can see the borrowed trust funds and the unified deficit including the trust funds. But then we see the actual deficit without the trust funds, the real deficit, with a column for each President: Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush and Clinton. This table shows the national debt under each President, as well as the annual increases in spending on interest costs on that debt.

If we look at 1968–1969, we find that listed actual trust funds totalled $300 million. Since the unified deficit with trust funds was $3.2 billion, the actual deficit without Social Security trust funds was $2.9 billion. So trust funds were not used to balance the budget. This is a fallacious argument.

In fact, let me clear that up. In those days the distinguished Chairman of the Ways and Means Committee was Congressman Wilbur Mills of Arkansas. He was the authority on the federal budget and our nation's fiscal state. If you ever wanted to find out about a tax or revenue, if you ever wanted to talk about fiscal policy or otherwise, you went to see Wilbur. He was a brilliant individual. In 1972, he entered the Presidential race. Of course, before he got into that Presidential race—I cannot remember the exact year he announced—he came out and said we had so much money in Social Security that we should give recipients a cost-of-living-increase of 10 percent. And President Nixon said, "Well, if Wilbur Mills will give you 10 percent, I will give you 15 percent," and we started spending away the Social Security moneys. We never did have a difficulty with Social Security until those shenanigans commenced.

By 1980, we determined that Social Security would be running into the red and we created the Greenspan Commission, under the distinguished head of the Federal Reserve, Alan Greenspan. The Greenspan Commission came out with a report adopted in 1983, which said that not only are we going to balance Social Security's budget, we are going to have an inordinately high tax, a graduated tax, to make sure that we build up a surplus to take care of the baby boomers. That was the intent of building up the surplus. They knew they were going to have extra money. It wasn't a mystery because it was an inordinately high tax. They built up this surplus intentionally. And Section 21 of the Greenspan Commission report states that in order to maintain the surplus for the baby boomers through the year 2056, we must take Social Security out of the unified budget.

Now, that is what Greenspan recommended. And this Senator worked as a member of the Budget Committee to get that done. Finally, in 1990, we reported it out from the Budget Committee by a vote of 20–1 that we do just that, take Social Security off budget.

And 98 Senators voted for that on the floor of the Senate. And President George Bush, on November 5, 1990, signed section 13-301 into the law. Section 13-301 of the budget law says that the Congress and the President you shall not submit a budget using Social Security trust funds.

Of course, that was violated and it is being violated now in this particular budget. Right here, it is violated. There is no question it is being violated because that is what all the newspapers are reporting on—they are talking about page 10, not page 367.

Here is what has been occurring. Let's go right to Social Security. Last year we owed the trust funds $631 billion; by the end of September 1998, the Congressional Budget Office estimates we will owe $732 billion; and under the President's budget plan, by the year 2002 we will owe $1.236 trillion. Everybody is saying, wait a minute, we have to do something because in 10 years Social Security is going to be broke. Come on, it is broke now. If we look to the end of this year, we will owe Social Security $732 billion. Now, who in the year 2002 is going to recommend a tax increase of $1.236 trillion to redeem the Social Security IOUs? He will not be able to stand on the floor and get one vote. They will run him out. That will not happen.

That is why this particular Senator has been insistent from the very beginning that we look at all the trust funds and the condition of the Government—Medicare, military retirement, civilian retirement, unemployment, highway, airports—to evaluate the Federal deficit and debt.

For example, at the end of this fiscal year we will owe highway trust funds $23 billion. Now, why are the highways crumbling and the bridges falling? Because the vehicle-automobile, gasoline taxes are not being used on the roads and the bridges. They are being used for food stamps, for foreign aid, or for any and every other purpose except for highways. Why don't we have updated radar at all the major airports in the United States for passengers' safety? After all, who pays airline tax? But the airline tax is not going to the airports. It is going for any and every other purpose but the airports. We owe them $10 billion. And I don't want to get the military retirees or the Civil Service retirees upset, but as of the end of September we will owe $133 billion to make payments to them. We will owe $460 billion, almost half a trillion dollars, to civilian retirees.

This charade, this fraud, has got to stop. It is outrageous that the President comes to the American people and says in one breath, "Tonight I propose that we reserve 100 percent of the surplus—that is every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st century."

And then, after giving that message last week, today he comes and loots the Social Security trust fund to the tune of $113 billion in order to report a $9.5 billion surplus. Of course, all the editorial writers and news columnists are writing that we will enjoy balanced budgets as far as the eye can see. We will have surpluses as far as the eye can see, they say, when the actual deficit under the President's budget is $194.5 billion. Look on page 367 of his report and you will see nothing but deficits for as far as the eye can see—namely, the debt increasing; namely, a billion dollars a day being paid now with the lowest of interest rates that we have had in our history. That amount is going to soar when interest rates rise because spending for interest goes up, up and away under the President's budget proposal. We really are in a downward spiral of financial responsibility here in the National Government.

Now, I delight in the President's budget with respect to child care. I delight in the provisions in there for 100,000 more Border Patrol agents; 100,000 more cops; higher pay for teachers; and smaller classroom size. But we are going to have to pass a tobacco tax settlement or some other measure to get extra moneys for these particular programs. This Senator is willing to vote to pay for those programs. I am trying to put Government on a pay-as-you-go basis.

I know about fiscal responsibility. I achieved the first AAA credit rating for the State of South Carolina, the first Southern State to receive this bond rating. In 1959 I worked like the dickens to get it done. I voted for that Federal balanced budget in 1968–69. The entire budget, with the costs of the war in Vietnam and the Great Society, was only $178 billion. Today, we suffer from a $1.7 trillion budget. But we balanced it then.

I was a cosponsor of Gramm-Rudman-Hollings in order to try to cut the deficits, but of course the quickest way to anonymity in public office is to cosponsor a bill with Senator GRAMM or Senator Rudman. I never heard since from it but that is how it works around here. But we did get the majority of Democratic votes, 14 votes up and down against the opposition of the majority leader, the chairman of the Budget Committee and the Democratic whip. They all opposed Gramm-Rudman-Hollings, but we had a majority of Democrats on this side of the aisle vote for Gramm-Rudman-Hollings. I even suggested at one time a value-added tax to get on top of this sea of red ink, allocated to the deficit and the debt so we wouldn't get into this waste of $1 billion a day.

I am still working now, not just on the amount of the deficit and debt but for the principle of truth, truth in budgeting. How do you get the national media, the national press, who are co-conspirators in this charade, to report the truth. They are talking about conspiracy around this town with regard to special prosecutors, when in reality the conspiracy is right here, in the so-called unified budget. The budget the White House submitted today results without question in a $194.5 billion deficit if adopted as it is now submitted. It is time everyone realize this. It is time we practice truth in governing and reporting.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET FOR 1999

Mr. DORGAN. Madam President, I wanted to make a couple of comments following those of the Senator from South Carolina, Senator HOLLINGS. He knows that I certainly agree with him on the issue of the Social Security trust funds and the unified budget. There are some definitional issues about the budget.

I was at the White House this morning, at the invitation of President Clinton, when he made a presentation on the budget that he released today. Frankly, the budget contains a lot of good news. The Senator from South Carolina is correct about the unified budget. But it is also correct to say that this President, beginning in 1993, said that we are going to change courses here and we are going to set this country on a different direction. Between then and now, we have wrestled the Federal budget deficit to the ground.

Is our job over? No. There is more to be done because of the Social Security trust funds and some other issues. But this President deserves substantial credit for deciding that we are going to change courses, change directions, and wrestle this budget deficit to the ground. I must say that, in 1993, when he proposed to do that, it was very controversial because, up until then, we had seen budget after budget with deficits that continued to increase, year after year. It was 535 bad habits around here, wanting to give tax cuts and spending increases. And the deficit continued to grow, and the Federal debt continued to escalate.

In 1993, when President Clinton said let's change direction here, he proposed a couple of things that were very controversial. He said, let's really cut some Federal spending, let's really increase some taxes on a selected basis. And it became very controversial because all those folks who had stood up and talked the loudest about controlling the Federal deficit, when it came time to take the vote, where were they? They weren't here. We didn't get one vote from the other side of the aisle—even by accident. We won by one vote in the U.S. Senate and one vote in the U.S. House, and that set this country on a different course.

Five years later, we now see daylight with the Federal deficits, and the deficits in future years are well under control. In fact, in the long-term, even with Social Security funds out of the calculation, we will reach a balanced budget.

Mr. HOLLINGS. Will the Senator yield briefly?

Mr. DORGAN. I yield to my friend.

Mr. HOLLINGS. The Senator is right on target with respect to giving the President credit. There is no question, we increased taxes, cut spending, and cut the number of Federal employees. And in increasing the taxes, I will never forget the colleague from Texas, when he stated on the floor—regarding increasing taxes on Social Security—that they were going to be hunting us Democrats down in the streets and shooting us like dogs. I will never forget that. They not only projected a recession and a depression, but that Social Security tax increase, which I don't see anybody putting into a bill or talking about today—but at that particular time, taking on that hard choice, as they talked about, without a single Republican vote, was very, very difficult. But we faced the fire, and to President Clinton's credit, now we have the economy headed in the right direction. My comments on the unified budget and deficit is to make sure we don't go in the other direction.

Mr. DORGAN. The Senator is certainly correct. The last thing we want to do is step back into the hole we were in before. Just the hint of a budget surplus in the future has persuaded a legion of people here to talk about new tax breaks on the one hand or new spending on the other hand. We ought rather to decide to have discipline. Let's accept the good news that we have wrestled the Federal budget deficit to the ground. Let's work to keep it there, instead of getting right back into the same fiscal mess we were in before.

I know some will dispute my recitation of the facts. But there is no dispute that, in 1993, we had a huge vote in the Senate. And we passed that deficit reduction bill by one vote, which sent this country on a different course. That vote indicated that we cared about bringing down Federal budget deficits. We knew they hurt this country and we did something about it.

Everybody else wants to talk about it and shout about it and chant about it. But when it comes time to vote, the question is, who is going to stand up and, on behalf of the country's future, say, count me in, I want to cast a vote that is tough; I am willing to cast a vote that is hard, politically. In fact, some colleagues who voted the same way I did are not here in the Senate anymore because they cast that vote.

I just think it is important for all of us to understand that this President and enough Members of Congress, in the Senate and the House, 5 years ago, said that we are going to change direction and put this country on a course of fiscal policy that will wrestle the Federal budget deficit to the ground, and we have done that.

Now, the fact is, there are some people around here who handle good news like a chronic toothache. You could not get them to smile for any reason. But things are better. The budget is better, the economy is up, unemployment is down, inflation is down, the deficit is down, crime is down, welfare is down. Does that cause a smile? No. It is as if they are in a dental chair getting a root canal. They have to be crabby about something. I just saw a press conference by colleagues who are continuing to be crabby about what is going on in this country.

The fact is, this country is on a better course, moving in a better direction, and the news is better. Most of the American people understand that.

The President's budget, incidentally, is not perfect. I have some disagreement with portions of it. But, on the whole, I think it is an awfully good blueprint for this country. The President proposes some things that I think make a lot of sense.

The President proposes that we increase some spending in certain areas, and he pays for it with cuts in other areas. Let me describe one area where he proposes an increase in spending.

President Clinton proposes a 50-percent increase in funding over the next 5 years for the National Institutes of Health. There is not a family in this Chamber, or listening to these proceedings, that hasn't been touched by heart disease, stroke, cancer, AIDS, those scourges that kill Americans and ruin families.

Guess what is happening down at the National Institutes of Health? I have been down there. I have gone through the Lung and Blood Institute and National Cancer Institute. It is remarkable what is going on. It is breathtaking. If you take a look at the money we are investing in research on heart disease, the money that we are investing in research on cancer, to find a cure for AIDS, arthritis, diabetes, and so many other things, it is breathtaking.

One of the wonderful things I saw at the National Institutes of Health—without digressing too far—when I went into the building was, they had something called a "healing garden," a little healing garden. They described the plants and vegetation they have collected from all over the world—50,000 to 60,000 plants and shrubs they have collected. They described the research they are doing to find the healing properties of plants.

Two thousand years ago, in China, if somebody got a headache, like some of my colleagues have about the fiscal policy of this country, what did they do? They would chew on a little willow bark. We do the same thing today, except we get the willow bark in pill form and call it "aspirin."

The most exciting thing is not the combination of chemicals and compounds, but the research on the healing properties of shrubs and bushes and plants. It is remarkable. It is wonderful what is going on.

The fact is, when we invest a dollar, a million dollars, or a billion dollars in health research, we provide enormous hope for the people of this country that we can begin to cure cancer. And we have done that with respect to some forms of cancer. We provide enormous hope to people around the country that we can deal with heart disease and stroke, the biggest killers in this country, in a much different way.

So in those areas of the budget—for example, the increase in direct investment in the National Institutes of Health—does that funding make sense? I think it does. Would people come here and say that the investment in medical research is worthless?

What about the woman that stood up at a town meeting and said, "I had new knees put in and a new hip and cataract surgery, and I feel like a million dollars." Where did all that come from?

Fifty years ago, she would have been in a wheelchair, unable to walk or see. Now when someone's heart muscle plugs up and they have the breathtaking surgery that opens it up, they feel, when they are recovered, stronger than ever and they can go on for the next 10, 20 years and extend their lives.

The point is this: There are certain things we do that make a lot of sense. This President says, let's continue the investment in the National Institutes of Health and increase that investment and save lives in this country through the breakthroughs that will come from research and medicine. That makes a lot of sense to me.

The President says, among other things, let us save Social Security first, a point just discussed by my colleague from South Carolina. I know there are some people who never liked Social Security, and have never thought it was a good program.

They have a right to feel that way. But that is not the way the American people feel.

About 60 some years ago, we created a Social Security program, and I must say that the mathematics of it were quite interesting. Life expectancy, then, was 63 years of age. Social Security was created with a retirement of 65 years of age. That all works out pretty well. If you are expected to live until 63 and get retirement at 65, that system is pretty well financed. Now the life expectancy is not 63; it has gone to 77 or 78. So things have changed.

There are future challenges to the Social Security system because of that. We have to make some changes to put it on a sound basis for the long term. But what the President has said makes a lot of sense as a matter of priority. He has an answer to those who would rush off to provide tax breaks because they are popular, or who want to take the best 10 programs and add funding to them. The President has said that we should, as a priority in fiscal policy, save Social Security first.

That makes a lot of sense. We are going to have a debate on that in the Congress. Is that the priority? Or will we hear something different, as we have heard today, from those naysayers on fiscal policy, those who would be unhappy no matter what is happening? Will we hear that no, that is not a priority, saving Social Security is not a first priority, not even second or not even tenth priority? Will we hear people say that their priority is to give more tax breaks to their friends?

Let us decide that the responsible thing for the future of this country would be to embrace the principle the President has put forward. Let us save Social Security first.

The President talked in his budget message today about the priority for education. He is absolutely correct about that priority as well. He has talked about decreasing class size, and hiring 100,000 more teachers. He has talked about creating tax credits to help modernize crumbling schools. All of those things make sense to me.

President Clinton has paid for these proposals by cutting other funding and rearranging priorities. Instead of in the aggregate saying we are going to add substantial funding, he has done it within the confines of what we can and should spend relative to the budget agreement, the bipartisan agreement of last year.

The budget is not perfect. There are things in it that I don't like and there are some things not in it that should have been in it.

But this President has submitted a budget plan that is a responsible set of priorities for this country's future. This President should get some credit. And those in this Congress who have supported deficit reduction, both the 1993 bill and the bipartisan agreement last year, deserve some credit too for a budget outlook that is much, much different now than anyone would have expected 2 or 3 years ago.

THE HIGHWAY BILL

Madam President, let me make one further point about the priorities for the Congress this year.

We must bring to the floor of this Senate, sooner rather than later, the highway funding bill. I know there has been a lot of juggling back and forth about whose fault it is that we haven't considered this bill sooner. But the fact is, the highway bill was supposed to have been done last year by the Senate, and it ought to be done now.

We were told it was going to be one of the first items of business. Now we are told by the budgeteers that it must wait to follow the budget. To me, that approach is a big mistake. Let me tell you why.

If we delay the highway bill until after we have finished the budget this year, we will have delayed the highway bill, which we should have passed last year, until well after the middle of this year.

States like mine, North Dakota, in the Northern region of this country, will be terribly disadvantaged once again if we do not pass this bill soon. Northern states have a short construction season. They need to commit most of their money in the spring in order for necessary work to get done before winter sets in again. The plans for highway building and bridge building, in my state and many other states, are on hold because this Congress has yet to pass this bill. That is why the Congress must act quickly in this matter.

This is a jobs issue. It is an issue about investment in our infrastructure. Highways and bridges are vitally important to economic development in every state. The longer the highway plans are on hold, the longer people have to wait to make their investment decisions.

So I say to the majority leader and others, when the leaders of the Senate are planning what the Senate should do tomorrow, the next day, or the next week, I hope they will decide to bring the highway bill to the Senate floor.

This country needs a highway bill. We have it in our grasp to bring a highway bill to the floor and to debate it and pass it.

Someone said, "Well, gee, there are 100 or 200 amendments to the highway bill." So that means it should have been brought up yesterday or the day before, and maybe we would have gotten rid of 20 of those amendments.

Let us, day by day, make progress on the highway bill so the American people know that this Congress views transportation investment as a high priority.

Madam President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS—S. 1575

Mr. COVERDELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, S. 1575, the Ronald Reagan airport legislation.

I further ask unanimous consent that there be one amendment in order to be offered by myself, Senator COVERDELL, relative to a modification of the original bill.

I ask unanimous consent that the total time for debate be limited to 2 hours equally divided between Senator McCAIN and HOLLINGS, or their designees, and following the debate the Senate proceed to vote on or in relation to the amendment to be followed by third reading and a vote on passage of S. 1575.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, reserving the right to object, this is very similar of course to the offer made last week.

I guess I will just ask: What is wrong with regular order? What is wrong with bringing a bill to the Senate floor, having a good debate, allowing the opportunity to offer amendments, and proceed under the rules of the Senate? Why do we need this gag rule with regard to this piece of legislation? Many of us are confused about that. And, unfortunately, many of the objections raised are being, in my view, misinterpreted by some of my colleagues on the other side of the aisle. All we want is an opportunity to offer amendments and to have a good debate.

Some have suggested that this opposition is cynical. I don't know that the opposition expressed in the last several days by local officials including the mayor of Alexandria, Kerry Donley, by the Chairman of the Metropolitan Washington Airport Authority, Chris Zimmerman, by the former Governor of Virginia, Linwood Holton, are cynical in their opposition to this piece of legislation. We are simply raising concerns about whether or not this is the right thing to do.

But that again argues, it seems to me, that we need the opportunity to have a good debate. This should not be done in 2 hours and with just one amendment. I give the distinguished Senator credit for his persistence and his determination to see this legislation through—but as I understand it, the one amendment to be offered by our Republican colleague is the one that literally takes the name "Washington" out of the title and instead puts in the name "Reagan." We ought to have a discussion about that.

I suggest that perhaps there are other airports that should be considered to be renamed rather than Washington National Airport. For instance, it seems to me that Dulles International Airport might be a better candidate. We could have two airports named after two Presidents in the Washington area, "Washington" and "Reagan," without affecting the first President of the United States. But we ought to have an opportunity to debate it. We ought to have an opportunity to discuss it and consider other amendments.

We have suggested as well that nothing would honor this former Ronald Reagan more than the opportunity to directly address a concern that he raised while he was President: the need to reform the IRS. Legislation to do just that passed 426 to 4 in the House of Representatives last year. We ought to pass it unanimously here in the Senate before more and more Americans are adversely affected by actions taken by IRS. Since we failed to act last November, one and a half million Americans have been adversely affected by actions taken by the IRS.

So let's deal with that legislation. Let's offer that as an amendment in tribute. We could even refer to it as the "Ronald Reagan IRS reform amendment."

I would just hope that we don't proceed as the first order of business imposing a gag rule on the Senate not allowing the opportunity for regular order, not having an opportunity to debate, to listen and respond to local officials.

How ironic that in the name of Ronald Reagan we carelessly demonstrate a lack of sensitivity to the local officials that Ronald Reagan said ought to be paramount in governmental decisionmaking. Unfortunately, we are attempting to override the objections that local decisionmakers have about what name should be placed at Washington National Airport. Do we really want to do that? Again, how ironic it would be if we did.

So, Madam President, for all those reasons I would simply ask unanimous consent that the Senator's request be modified to provide for three first-degree amendments to be in order per side during the consideration of that bill.

Mr. COVERDELL. I object.

The PRESIDING OFFICER. Does the Senator agree to modifying his request?

Mr. COVERDELL. No. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Madam President, regrettably, under those circumstances I would have to object to the distinguished Senator's request as well.

The PRESIDING OFFICER. Objection is heard.

The Senator from Georgia.

Mr. COVERDELL. Madam President, first let me say this to my good friend, my distinguished colleague, the minority leader. It is incorrect to suggest that we are not talking about debate. We want to move to the bill and debate its merits, both for or against it. It is true that perhaps I, more than any other, am objecting to the concept of taking a memorial statement to a former President and turning it into a free-for-all about IRS or other issues. I just do not think that is appropriate. I can understand. And if we have a local official, a former Governor, who is opposed to it, then during the course of the debate that can be heard and people can make their judgments about whether that is correct or wrong. But I can't accept the idea of taking something in the face of the family and finding ourselves in who knows what.

With regard to the propounding of but one amendment—and that being mine, although I know the minority leader and the majority leader have not had a chance to talk about this—but from my point of view that amendment does not need to be offered. It was an administrative attempt to be in concurrence with the House which removed it and made it Ronald Reagan National Airport. My original legislation is Ronald Reagan Washington National Airport just like it is Washington Dulles Airport. I know this is not the moment to resolve that. But the minority leader is here, and I am here, and I am passing that along.

With regard to the minority leader's suggestion as to other amendments, of course I would not know what those are. And I hope that during the course of the afternoon or tomorrow that the minority leader and the majority leader will have a chance to come to terms on it. But I do say in the strongest way that, while we can debate whether we should or shouldn't, I do not think it is appropriate. I think it would be unseemly to the family and everybody associated to open this up where we are debating other issues—no one wants to modify IRS more than I. But I wouldn't do it on this bill. And that is just a point of disagreement between us.

I agree with the Senator that it is unfortunate. I do think it is—I am the one that used the word "cynical"—I do think it is reflective of the city, that we find ourselves dealing with this effort in this way, approaching a filibuster again. I think that it speaks for what it is.

We can debate it and vote for it or against it depending on whatever the individual Senator's desire would be, no matter their side of the aisle. I did think that the arguments—and the minority leader wasn't the source of all of those arguments—but they were, I thought, derived in an attempt to suggest a debate when in fact it was an attempt to stall or delay the legislation.

I say to the minority leader, I am going to go on and talk a bit about this, and I do not want him to feel impounded by that in that I basically responded to his comments.

Madam President, let me first say this legislation is awfully simple. It doesn't require some of the work such as an overhaul of the IRS or redesignation of Medicare. This is an attempt, a very appropriate attempt, to honor one of the great Presidents of our time.

This past Friday I referred to the process as being cynical. It reminds me of just how many changes have occurred in this Capital City of ours. At first it was suggested last week that to name it Ronald Reagan National Airport was removing the name of a former President, but everybody knows that the use of the word "Washington" with regard to Washington National is referring to location, although I certainly, as I told the minority leader, have no problem leaving it the Ronald Reagan Washington National Airport. But I am doing that because I am still certifying where the airport is. It is in Washington, DC.

It was suggested to me a little bit earlier that the Baltimore-Washington International Airport is not named after Lord Baltimore—it is named after a city called Baltimore that is named after Lord Baltimore—any more than the designation "Washington" in Baltimore-Washington International Airport refers to our first President. It refers to the two geographic locations in a very wise marketing attempt on the part of Baltimore to be an auxiliary airport to Washington National, or to the city airport here in Washington. I just do not feel that is a real nor meritorious problem in dealing with this legislation.

Probably the most offensive of the arguments that were offered this past Friday was the argument that the Reagan family is not here asking for this to be done. What an unseemly thing to be saying, "Well, if we are going to honor former President Reagan you all have to come here, kind of crawl through the door and ask us to do this." They will never do that. They will never do that. What are they supposed to do, launch a lobbying effort or buy some public relations firm to come up here and plead with the U.S. Senate that this would be an appropriate gesture?

Madam President, I have already taken issue with the idea that you take a memorial, a memorial to a great American leader, and you use it as a vehicle to handle all the other processes that go on in the Capital City, whether it's IRS or Medicare or some other issue. We all know better than that. Protocol and etiquette simply dismisses that as being inappropriate, related to a memorial designation. As I said last week, this ought to stand or fall on its own merits. You either support the idea of honoring President Reagan in this way or you don't. But the idea of trying to cripple it through a series of amendments is demeaning and inappropriate.

I frankly think this filibuster is inappropriate. It seems to become more and more of the process the other side is using. But if you had to find one area where it just was inappropriate, it would be using it in the context of a memorial statement to a former President. And I want to repeat, we are dealing with a gentleman who was a great American President, who was wounded in the twilight of his years, made one of the most magnanimous statements to his countrymen, one of the finest demonstrations of courage and bravery and ongoing public responsibility, whose birthday is this week. This town is not honoring itself in this debate—both in the context of the way this is being handled and now we find ourselves in the midst of yet another, in my judgment demeaning characteristic, and that is a filibuster.

In an era where America yearned for a leader, Ronald Reagan answered the call. It is easy to forget that leadership is not doing what is popular based on a poll, it is doing what is right. Time and time again, President Reagan made his decisions on the strength of his convictions, regardless of current polls or popular opinion. How quickly we forget how he was mocked, chided, ridiculed when he called the Soviet Union an evil empire, but history has borne him out.

I remember very vividly the mocking of President Reagan when he characterized the Soviet Union as an evil empire, and I remember wondering in my mind, and aloud, why in the world would anybody mock somebody for describing the Soviet Union in such a way? This was an avowed adversary that had enslaved millions of people in a dictatorship. But he was mocked when he referred to the Soviet Union as an evil empire.

Did it deter him? Was he shaken by this? Did he call another press conference to try to explain what he meant? No. He said it was an evil empire and an avowed adversary and we ought to understand it in that way. As I said, people scoffed at his naivete when he demanded that Mikhail Gorbachev tear down the Berlin Wall. I can still see him standing there: "Tear down this wall." Freedom won. The Berlin wall fell and the world is a completely different place because of the convictions—not only of him. He'd be the first, if he were here, to say, "I didn't do this alone." But he was a giant in the effort.

I remember several years ago, before his illness, he was in Atlanta, GA. It was a Republican Party event that he had agreed to attend. At the end of the meeting, in a very inspiring way, very emotional, the chairman of the dinner walked over and gave him, encased, a piece of the Berlin wall, and said, "I hope you will let this rest on your desk to remind you of the achievement your strength of convictions meant to our country and to the world."

Now that the wall was down—and instead of this forceful edifice of oppression that looked down on people, that enslaved people, that threatened people—it had come to the point that it was but a mere souvenir to be sitting on desks or in libraries around the world.

Originally, the Congress that I am unfortunately dealing with here today balked at the idea that families, not Government, should decide how to spend tax dollars. Under Ronald Reagan, the families won one of the largest single tax cuts in American history. And we certainly have seen the benefit of it—millions of new jobs. The decade of the 1980s was one of unbridled optimism. As we lowered the pressure on our families, left more of the income they produced in their checking accounts, we saw an unprecedented turnaround from stagflation, from unbelievable interest rates, from high taxes; and you saw the American people come forward with almost boundless optimism.

For some of the people in this city, they called that a decade of greed. I call it a decade of growth and strength and authority for the United States—not only in the context that we were able to stand up and force the Soviet Union to tear the wall down, but that our everyday families from Iowa to Georgia, were better off, and they were optimistic, and they regained—you know—it's "morning in America," as he would say. And it showed. We were a smiling Nation again.

Throughout his Presidency, Ronald Reagan stood on principle, and history has, again, borne him out. In 1981, the office he inherited and the country he was to govern was in grave crisis, both at home and abroad. We forget, inflation was double digits.

What is that versus today? Several times what it is today. Interest rates were over 20 percent. It means if you wanted to buy a house, if you wanted to buy a car, you were going to pay 20 cents on the dollar just to use the money. All of you have seen the ads for automobiles today. Some are as low as 6 percent. So it was dragging our economy down.

Ronald Reagan's most critical opponents would acknowledge that President Reagan's policies reversed our course, bringing prosperity to home and allowing us to stand tall once again abroad.

President Reagan taught us that leadership, as I said, is more than polls and focus groups. Leadership is not doing what is popular and then trying to make it right. It is doing what is right and then making it popular. As Eric Sevareid said of Harry Truman in David McCullough's book "Truman," "Remembering him reminds people of what a man in that office ought to be like. It's character, just character, and he stands like a rock in memory now."

Madam President, Ronald Reagan is a rock of our time, and history is going to demonstrate that again and again.

The Wall Street Journal of Monday, January 5, 1998, talks about Ronald Reagan. "Reagan National Airport" is the headline. I am going to share it with the Senate:

> The Republican Governors Association has unanimously endorsed renaming Washington's chief transportation gateway the "Ronald Reagan Washington National Airport."

I might add, that includes the current Governor of Virginia, not a former Governor, the current Governor.

> The move gives impetus to a plan by Congressional leaders to pass legislation honoring the former President in time for his 87th birthday on February 6.

This week, which is what is so frustrating about this filibuster. We are running on a short fuse here, Madam President.

> A big booster of the idea is Governor George Allen of Virginia, where National Airport is located.

Of course, he is now retired from that governorship.

> He notes that many airports are named after famous people, from San Diego's Lindbergh to New York's LaGuardia, Chicago's O'Hare, Washington's Dulles Airport and Orange County's John Wayne Airport. A serious effort is under way to rename Los Angeles' airport after actor and World War II aviator Jimmy Stewart. The late President John F. Kennedy was honored by having the nation's largest international airport named after him in 1964.
>
> Friends of Mr. Reagan say National Airport is a more appropriate memorial than the new $818 million government office building in Washington that is also named after him.

I know this to be the case. Washington National is a symbol. It is something that millions of passengers see every year, both domestic and foreign. Those of us who share my view think that is the appropriate memorial to designate Ronald Reagan Airport.

> To have him identified with [this building]—

And I am going to modify this language, I don't want to read it exactly—"represents everything he was opposed to, is the ultimate irony."

That is the big building.

> "He wanted to pare back government," says former Senator Paul Laxalt. In contrast, renaming National Airport would cost almost nothing.

Now we know it costs nothing because we have had letters from people willing to pay for any changes, citizens who are willing to step forward.

> "You're talking about a few signs and a logo," says David Ralston, chairman of the airport's authority. Grover Norquist, who came up with the idea as head of the Ronald Reagan Legacy Project, says he will be happy to raise money to pay for any extra costs if Democrats find that a reason to object.

We have already put that to bed. We have another citizen who already stepped forward who said he would see to any financial costs associated with renaming the airport.

> A few already are grouching privately. While President Clinton has declined to say if he would sign the name change into law, some Democrats in Congress mutter that Mr. Reagan is an inappropriate choice. Washington, D.C.'s Mayor Marion Barry says "a host of other people" should be considered.

As I have said, if they believe that this memorial is inappropriate, they should speak to it and vote against it. But using specious arguments to somehow cloud the effort I do not think is appropriate.

> But the first frontal assault on the idea came from Mary McGrory, the Washington Post's venerable liberal columnist. She says the idea "should be nipped in the bud."

She must have some influence here.

> Mr. Reagan "didn't only rail against Washington, he genuinely despised it. . ."

I have to say that is just such an inappropriate characterization of our former President. He didn't like a lot of the ideas. He didn't like the idea that this town thought it ran America, but he did love America, and he was a believer in its optimism and its glory and understood that this was the capital of the free world for which he gave so much of his life to protect.

She says:

> He took no part in its revels or its problems. He was in no way attached to it.

I think most Americans would find not being attached to the Capital City an attribute. If I have one criticism of the city in the brief time I have been here, it is that too many people succumb to this city and the idea that it dominates the Nation.

> She concludes by saying "we do not know what Ronald Reagan feels about all this. He is not himself."

That is accurate. He has fallen ill, as we all know.

> That may be true, but Nancy Reagan and Mr. Reagan's son Michael are on record as supporting the idea. Governor Allen says a Reagan Airport would gladden the hearts of millions of Americans who don't view Washington as an imperial city.

It is true that President Reagan did not view this as an imperial city.

> He says generations of future lawmakers would do well to remember Mr. Reagan as they fly in to pass laws. "Every time they come here, they'll be reminded they're here to serve the people, even though they're far from home," Governor Allen says.

Nothing can restore Ronald Reagan to the inspirational vitality that so inspired Americans during the 1980s, qualities that are vividly recalled in the superb PBS biography of Mr. Reagan that will air nationally on February 23 and 24. Still, we can't help but think the country would benefit from having such a visible national symbol honoring him.

Great last line:

> Name this one for the Gipper.

Madam President, I have alluded several times here this afternoon to the fact that our former President has been afflicted with a crippling illness. President Reagan faced personal adversity many times during his Presidency. Being cut down by an assassin's bullet would have been enough to knock the wind out of almost anybody, but not President Reagan. I remember this incident so vividly. I think most Americans would.

I happened to be in London that afternoon. Nancy and I were having dinner. It is very interesting. The waiter came over, and he leaned over, and he said, "Pardon me. Are you Americans?"

I guess we must have looked a little different to him or maybe it was the southern accent. I am not sure. But he said, "Are you Americans?" And I said, "Yes, we are. Thank you." And in the most somber way, he leaned over and he said that he was so sorry to advise me that, "Your President has been shot." He was just stunned. And he said, "We would like to help you, so we have arranged for a television in our living quarters upstairs, if you might like to understand what has happened." We immediately dashed upstairs.

We shared the shock of everyone in the world wondering at that moment, had we lost this great President. And where was the Vice President? And what was actually happening? But even in that moment you could sense the world's admiration, even in this waiter, even in this community, this restaurant, their admiration for President Reagan, and trying to help the only Americans that were right there in front of them to see them through this situation.

Or do you remember when he was diagnosed with cancer? He bounced back again. Couldn't take the Gipper down.

But now he faces his greatest battle—Alzheimer's disease. And he has not shrunk from the challenge. Ronald Reagan chose to use his personal suffering to bring public focus on the devastation caused by this disease, and in so doing once again took the cards he was given and turned them to another public use.

Last Thursday, Madam President, I shared the unbelievable letter that President Reagan wrote to his fellow countrymen and to the world, for that matter. I am going to share that again this afternoon because it is not long. And I think it speaks to the nature of the individual we are trying to honor on his 87th birthday.

He said, on November 5, 1994—not that long ago:

> My fellow Americans, I have recently been told that I am one of the millions of Americans who will be afflicted with Alzheimer's disease.
>
> Upon learning this news, Nancy and I had to decide whether as private citizens we would keep this a private matter or whether we would make this news known in a public way. In the past, Nancy suffered from breast cancer and I had my cancer surgeries. We found through our open disclosures we were able to raise public awareness. We were happy that as a result, many more people underwent testing. They were treated in early stages and able to return to normal, healthy lives.
>
> So now we feel it is important to share it with you. In opening our hearts, we hope this might promote greater awareness of this condition. Perhaps it will encourage a clearer understanding of the individuals and families who are affected by it.
>
> At the moment I feel just fine. I intend to live the remainder of the years God gives me on this Earth doing the things I have always done. I will continue to share life's journey with my beloved Nancy and my family. I plan to enjoy the great outdoors and stay in touch with my friends and supporters.
>
> Unfortunately, as Alzheimer's disease progresses, the family often bears a heavy burden. I only wish there was some way I could spare Nancy from this painful experience. When the time comes, I am confident that with your help she will face it with faith and courage.
>
> In closing, let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future.
>
> I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.
>
> Thank you, my friends. May God always bless you.
>
> Sincerely, Ronald Reagan.

Every time I read this I am just struck, as I was with the assassination attempt, with the bout with cancer. I remember when he was first running for President—he had been an actor —and there was no way he possessed the qualifications to be President. And then, of course, he was too old. I think this President defied about everything they could put in front of him. And he turned out to be one of the truly great American Presidents of this century and for all time.

I know that if we are able to accomplish this, and can do so by his birthday this week, we will have made but a small gesture to acknowledge our gratitude for an enormous career and an America for which all time—all time— will be changed, for which millions of people are now free that were not, for thousands upon thousands of men and women in our military and others who did not have to lift up their arms to accomplish the transformation in Europe.

Many of those people probably do not realize how much they are indebted to this great President. Wouldn't it be nice to remind them, and wouldn't it be nice for them to understand, through this gesture, what a great leader can mean to the Nation, our country and our future?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Madam President, one of President Reagan's most ardent supporters, if not the most ardent, oddly enough, is not an American citizen. A moment ago I was talking about an individual—I wish I kept this person's name—that was a British citizen. Oddly enough, it was this individual's Prime Minister who is probably President Reagan's most ardent supporter, Margaret Thatcher, Prime Minister of Britain, 1979 to 1990.

Recently, a book has been published of vignettes and remembrances of Ronald Reagan. There is a short one from Margaret Thatcher that I will share with the Senate.

> I . . . met Governor Reagan shortly after my becoming conservative leader in 1975. Even before then I knew about Governor Reagan because Denis [her husband] had returned home one evening in the late 1960s full of praise for a remarkable speech Ronald Reagan had just delivered to the Institute of Directors.. I read the text myself and quickly saw what Denis meant. When we met in person [she is talking about meeting Governor Reagan] . . . I was immediately won over by his charm, sense of humor, and directness.

These are all very important characteristics of President Reagan. Charm. The other side all referred to him as Teflon. Sense of humor. It was absolutely captivating to be in his presence because he could so effectively use humor to calm things down, to take the sting out of a confrontation, to move people back to the table. He was the best at using his sense of humor. And then the directness. Directness.

Years ago when he was first running for President, in 1976, I was summoned to a meeting at Atlanta International Airport which is named for Hartsfield, one of our distinguished former mayors. The Governor was going to visit with us. He was reaching out and trying to meet Republicans everywhere. We didn't have many in Georgia at that time, but a few of us gathered together, and he came in the room. I tended to support our sitting President, President Gerald Ford. I thought it made sense the party should stick with the incumbent President. The Governor was making a case for himself.

I asked the very last question. I asked the Governor, "Now, look, if we are going to be in such a tough election, why does it make sense to replace a sitting incumbent with all the assets that that person can bring to the contest?" And that threw Governor Reagan a bit, threw him off. So then the person stood up and said, "Well, that concludes our meeting," and without a heartbeat, Governor Reagan said, "We are not ending this meeting on that question," and he took another question that was on a more optimistic note and completely turned the meeting around. His directness and his ability to take charge in any setting was remarkable.

> In the succeeding years I read his speeches, advocating tax cuts as the root to wealth creation and stronger defenses as an alternative to detente. I also read many of his radio broadcasts which his press secretary sent over regularly for me. I agreed with them all. In November 1978 we met again in my room in the House of Commons.
>
> In the early years Ronald Reagan had been dismissed by much of the American political elite though not by the American electorate. . . [they considered him] a right-wing maverick who could not be taken seriously. Now he was seen by many thoughtful Republicans as their best ticket back to the White House. Whatever Ronald Reagan had gained in experience, he had not done so at the expense of his beliefs. I found him stronger than ever. When he left my study, I reflected on how different things might look if such a man were President of the United States. But, in November 1978, such a prospect seemed a long way off.
>
> The so-called Reagan Doctrine, which Ronald Reagan developed in his speech to both Houses of Parliament in 1982, demonstrated just how potent a weapon in international politics human rights can be. His view was that we should fight the battle of ideas for freedom against communism through the world, and refuse to accept the permanent exclusion of the captive nations from the benefits of freedom.
>
> This unashamedly philosophical approach and the armed strength supporting it transformed the political world. President Reagan undermined the Soviet Union at home by giving hope to its citizens, directly assisted rebellions against illegitimate Communist regimes in Afghanistan and Nicaragua [in our own hemisphere] and facilitated the peaceful transition to democracy in Latin American countries and the Philippines. Of course, previous American governments had extolled human rights, and President Carter had even declared that they were the "soul" of U.S. foreign policy. Where President Reagan went beyond these, however, was in making the Soviets the principal targets of his human rights campaign, and moving from rhetorical to material support for anti-Communist guerrillas in countries where Communist regimes had not securely established themselves. The result was a decisive advance for freedom in the world . . . In this instance, human rights and wider American purposes were in complete harmony.

Madam President, I will read a letter to the Senate.

> JANUARY 2, 1998.
>
> GENTLEMEN: I endorse and support H.R. 2625 and S. 1297. Both would redesignate Washington National Airport as "Ronald Reagan Washington National Airport."
>
> Sincerely,
>
> GERALD R. FORD.

Madam President, this next Friday, February 6, as President Reagan likes to put it, will be the 48th anniversary of his 39th birthday.

We have been blessed to have had such a great leader, dedicated to principle. Ronald Reagan distinguished himself in several careers in his lifetime. He was a radio sportscaster, announcing Cubs games for WHO in Des Moines, IA; an actor in films, such as "Knute Rockne, All-American;" a union leader—head of the Screen Actors Guild; a two-term Governor of California; and a twice-elected President of the United States.

So today, Madam President, I say to my colleagues, let's pass this one for the Gipper.

Madam President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Madam President, we are developing a position here that I don't particularly like, as it relates to naming an airport after one of our great Presidents. One of the things that concerns me most is what Ronald Reagan did as President. When he wrote his federalist papers, the Executive Order, I believe, 12612, it related to States rights and local authority.

I want to explain my views on this legislation to rename the Washington National Airport. This airport has been named the Washington National Airport since 1941. Franklin Roosevelt laid the cornerstone for the airport. The airport is on property that once belonged to the family of Martha Washington and the stepson of George Washington. What we are about to do is not an appropriate way to honor, in my opinion, one of our Presidents. In fact, in a sense, it dishonors our first President.

Ronald Reagan will have his place in history, having served two terms as President. His name is already etched on the second-largest Government building in this community. And in April, his lovely wife Nancy will be here to celebrate and dedicate the opening of that building. President Reagan clearly believed that State and local governments should be given the power to act, wherever possible, rather than the Federal Government. In fact, he issued an Executive order so that all Federal agencies made sure that local decisions were respected.

Each of our major airports named after a President was accomplished because of local decisions. In Houston, George Bush's name was added to the name of the airport because of a decision by the mayor and the city council. In New York, the mayor, city council, and port authority honored John F. Kennedy. Here, we have objections, not support, from local communities. We may all agree that it should be renamed, but should we run roughshod over the views of the local citizenry? That would be contrary to President Reagan's papers, the Executive Order 12612.

One year prior to signing the Executive order on federalism, Congress enacted legislation, championed by President Reagan's Secretary of Transportation, that created a multi-State airport authority to run and operate the two Washington-area airports. We turned over the keys to the Metropolitan Washington Airports Authority, which we refer to as MWAA. On March 1, 1987, Secretary of Transportation Elizabeth Dole signed a 50-year lease with MWAA. Lock, stock and barrel, subject to certain limitations, we gave them the keys to the Washington National Airport.

Section after section of the 1986 act recognizes the independence of MWAA from the Federal Government for the purposes of running the airport. The lease also has similar language.

It is not clear to me that we can clearly usurp the local airport authority's power and merely rename the airport. Yet, this bill does just that. In 1990—just think back a few short years ago—Senator Dole appropriately introduced a resolution to rename the Dulles Airport after former President Eisenhower. Now, Eisenhower was a very good President. He was a very good military leader; World War II was won by his genius. The Dole bill, however, recognized the local operating authority, and rather than usurping that authority, it urged the airport authority to make the name change. That was done appropriately and by the law and by President Reagan's federalist papers, where he said local authority should be the uppermost.

If we had worked this issue properly, Madam President, I suspect we would have come to a similar conclusion and found a way to recognize our former President. Instead, we will rename the airport by fiat and let the lawyers have their day in court. The legality may be challenged and, in my view, the lawyers may have an excellent chance of winning. We are running over local authority with this piece of legislation. They say that closer to the runway are those who are associated with this area, and those who operate the airport would prefer that the 56-year-old airport stay Washington National. And joining officials from Alexandria, who are opposed, and Arlington, who have previously said they oppose the change, the Greater Washington Board of Trade weighed in against this change last week. "With all due respect to President Reagan, we believe that renaming the airport would be very confusing to air travelers, visitors, and local residents alike," the chairman of the Board's Transportation and Environment Committee said.

Let me quote the first Republican Governor of Virginia this century—and I served with him—A. Linwood Holton, Jr.:

> I also urge Congress not to impose the change on the Metropolitan Washington Airport Authority, which oversees National and Dulles International Airport under this 50-year lease from the Federal Government.

Linwood Holton says:

> I hate to see even something as politically popular as this begin to chip away at the independence of local authority.

It's not easy to stand up here and be opposed to having the name of a famous and well-liked President on an airport. But someone, somehow has to understand that we are usurping local authority and the local people do not want it, and we would be giving them something they don't want, and that is typically Federal Government.

My colleague from Georgia, Mr. COVERDELL, read a letter from the former President announcing his problems with having Alzheimer's and his wife having a problem as it relates to breast cancer. And if the Gipper could tell us today what he would rather have, I believe he would rather have something named on behalf of his wife as it relates to the fight against breast cancer in this country today. That would be meaningful. That would be helpful. And it would be something that I think you would find 100-percent support for.

So, Madam President, I regret that I must oppose this piece of legislation. You can go across the country. I named Houston for President George Bush, New York for President Kennedy, Denver—they decided to name the airport after a former mayor. And Las Vegas named it after a former Senator.

So it is on and on, and all of the decisions were made by the people of those communities. President Reagan would not want us to violate his principles in the process of naming something in his honor.

Let's think about that just a minute. President Reagan would not want us to violate his principles in the process of naming something in his honor.

The law states that the airport assumes all rights and obligations as an airport. And it should be treated like all other airports. Can we mandate a renaming of any other airport? I don't think so.

So, Madam President, I hope that something can be worked out rather than having the resolution amended to add other names; the resolution be amended to take care of the IRS, the resolution be amended to do a lot of other things.

So let's look at the ownership of this property for a moment, if we may.

Originally it was owned by the Alexandria family, for which the city of Alexandria is named. That is who owned this property.

The property was later owned by the Custis family. John Parke Custis acquired the land from the Alexandria family. John Parke Custis was the son of Martha Washington, and the stepson of George Washington.

George Washington was close to John Custis, and following John's death adopted his two children. The children then lived at Mount Vernon. And the airport was designed after Mount Vernon.

The Abington Plantation was returned later to the Alexandria family.

In the 1920's, the land was owned by Lewis Smoot, and later sold to the Richmond, Fredricksburg, and Potomac Railroad.

Two airports were located near the Virginia side of the 14th Street Bridge; one the Hoover Field. That was after a President, which opened in 1926, and Washington Airport opened in 1927. The airports merged because of the Depression.

The decision to build Washington National Airport did not occur until 1938 when Franklin Delano Roosevelt effectively bypassed this body and began construction.

Following a series of disputes over who actually owned the land, the District of Columbia and Virginia claimed title. The Federal Government asserted jurisdiction in 1946.

So not only has the George Washington family—the first—of these United States been involved in this property in this area for the lifetime of this country but I think that leaving the name as it is, or changing the name to whatever should be, as President Reagan insisted that we do back in the 1986 when he wrote his Federal Executive order, I think it would be much better to honor his wife since his name is already etched in the second-largest building in this area, second only to the Pentagon. I hope that a way can be found rather than to make it look partisan, and some will take my position because they think it is right. Others will take an opposite view because of the political arena. Some will take the same view I have because of politics. I have taken the view because of what President Reagan said in his papers, Executive Order 16612, that said that communities and the States and in their judgment should be respected. And I think we ought to do what the former President asked us to do.

I see no one wanting the floor. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT—PM 88

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, and to the Committee on the Budget.

To the Congress of the United States:

The 1999 Budget, which I am submitting to you with this message, is a balanced Federal budget, marking the first such budget in 30 years and bringing an era of exploding deficits to an end.

By reaching balance, my budget represents a remarkable turnaround in our fiscal policy over the last five years. It brings to an end three decades of fiscal chaos, a period in which Americans had lost confidence in their Government and the ability of their leaders to do the people's business.

This budget is not just balanced, it is balanced the right way. It not only ends the deficit, it reflects the values that Americans hold dear—the values of opportunity, responsibility, and community. The budget reflects my commitment to continue helping working families with their basic needs—to raise their children, send them to college, and pay for health care.

The budget invests in education and training and in research to raise the standard of living for average Americans. It invests in the environment and in law enforcement to raise the quality of life across our Nation. It invests in our communities at home while providing the resources to maintain a strong defense and conduct the international relations that have become so important to our future.

In the public and private sectors, prospects for a budget surplus are spurring a wide array of ideas about how to spend it. At this point, the Government has not yet reached the surplus milestone, and I continue to believe strongly that we should not spend a surplus that we don't yet have.

More specifically, I believe that the Administration and Congress should not spend a budget surplus for any reason until we have a solution to the long-term financing challenge facing Social Security. With that in mind, my budget proposes a reserve for the projected surpluses for 1999 and beyond.

PREPARING THE NATION FOR A NEW AMERICAN CENTURY

Five years ago, my Administration took office determined to restore the American Dream for every American. We were determined to turn the economy around, to rein in a budget that was out of control, and to create a Government that once again would focus on its customers, the American people.

Five years later, we have made enormous progress. Our economy is strong, our budget is headed toward balance, and our Government is making noticeable progress in providing better service to Americans.

We are beginning to bring Americans together again, to repair the social fabric that has frayed so badly in recent decades. All across America, crime is down, poverty is down, and welfare is down. Incomes are rising at all levels, and a new spirit of optimism is sweeping through many of our urban and rural communities that are rebounding from decades of lost jobs and lost hope.

Now that we have turned the economy around, our task is to spread the benefits of our economic well-being to more Americans, to ensure that every American has the chance to live out his or her dreams. As we move confidently ahead as a Nation, we want to ensure that nobody is left behind.

A century ago, the economy shifted from agriculture to manufacturing, changing the way that Americans lived, the way they worked, the way they related to one another. Today, the economy is shifting once more, this time from manufacturing to services, information, technology, and global commerce.

We can ensure that every American fully enjoys the benefits of this exciting new age, but only if we continue to give people the tools they need and create the conditions in which they can prosper. That is what my budget is designed to do.

CREATING A BRIGHT ECONOMIC FUTURE

When my Administration took office, the Nation was mired in economic problems. The economy had barely grown over four years, creating few jobs. Interest rates were high. Incomes remained stagnant for all but the most well-off. The budget deficit, which had exploded in size in the early 1980s, had reached a record $290 billion and was headed higher. Clearly, the Nation needed a new course.

We launched an economic policy with three central features that had never before been tried together: We set out to reduce the deficit, invest in the American people, and open up markets abroad. Only by pursuing all three elements could we restore the economy and build for the future.

My 1993 budget plan, the centerpiece of our economic strategy, was a balanced plan that cut hundreds of billions of dollars of Federal spending while raising income taxes only on the top 1.2 percent of Americans. By cutting unnecessary and lower-priority spending, we found the resources to cut taxes for 15 million working families while investing in education and training, the environment, and other priorities.

Five years later, we have cut the deficit dramatically, and this budget will finish the job by reaching balance and keeping the budget in balance for the foreseeable future. We have invested in the education and skills of our people, giving them the tools they need to raise their children and get good jobs in an increasingly competitive economy. We have expanded trade through global as well as bilateral agreements, generating record exports that create high-wage jobs for millions of Americans.

The economy responded almost immediately to our policies. When I announced my 1993 budget plan, interest rates fell, and they fell even more as I worked successfully with Congress to put the plan into law. These lower interest rates helped to spur the steady economic growth and strong business investment that we have enjoyed for the last five years. Our policies have helped create over 14 million jobs, while interest rates have remained low and inflation has stayed under control.

As we move ahead, I am determined to ensure that we stick with the policies that are working. We must maintain our fiscal discipline so that we not only reach balance, but also keep the budget in balance.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

We are balancing the budget the right way, by reducing the size and scope of our Government.

We have done more than just eliminate hundreds of Federal programs and projects. We have cut the civilian Federal work force by over 316,000 employees, giving us the smallest work force in 35 years. In fact, as a share of our total civilian employment, we have the smallest work force since 1931.

But we set out to do more than just cut Government. Under the leadership of the Vice President's National Performance Review, we set out to make Government work, to create a Government that is more efficient and effective, to create a Government focused on its customers, the American people.

We have made real progress, but we still have much work to do. We have reinvented parts of departments and agencies, but now we are determined to turn our agencies around from top to bottom. For 1999, the Vice President will lead an effort to improve the performance of agencies that interact most with the American people. We want to enable Americans not only to quickly enjoy better service from our Government, but to regain confidence in Government as well.

At the same time, I am determined that we will solve the very real management challenges before us. A good example is the challenge of ensuring that our computer systems can accurately process the year 2000 date change. I have directed my Administration to take the necessary steps to meet the problem head-on.

PREPARING FOR THE 21ST CENTURY

Nothing is more important to our future than education. It has become the dividing line between those who are moving ahead and those who are lagging behind. That is why I have devoted so much effort to ensure that we have a world-class system of education and training in place for Americans of all ages. Over the last five years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that anyone who wants to go to college can get the financial help to attend, and that those who need a second chance at education and training or a chance to improve or learn new skills can do so. My budget significantly increases funds to help children, especially in the poorest communities, reach challenging academic standards and makes further progress in implementing voluntary national tests. It proposes to build more classrooms and pay for 100,000 more teachers so that we can reduce class sizes. For higher education and training, my budget increases Pell Grants and other college scholarships from the record levels that we have already achieved; expands College Work-Study to a record one million students; streamlines student loan programs and cuts student fees; and expands access to job placement services, training, and related services for dislocated workers and others. Now that anyone who wants to attend college can find the means through Hope scholarships, Pell Grants, and other assistance that we worked so hard to enact, I want to provide the same universal opportunity for job training and re-training to those who need it.

Over the last five years, we have worked hard to help working families. We cut taxes for 15 million working families, provided a tax credit to help families raise their children, ensured that 25 million Americans a year can change jobs without losing their health insurance, made it easier for the self-employed and those with pre-existing conditions to get health insurance, provided health care coverage for up to five million uninsured children, raised the minimum wage, and provided guaranteed time off for workers who need to care for a newborn or address the health needs of a family member. Now, with my new Child Care Initiative, I am determined to provide the help that families need when it comes to finding safe, high-quality, affordable child care. Parents should know that, when they go to work, their children are in safe, healthy environments. I also propose to address the problems faced by a particular group of working families—legal immigrants. In signing the 1996 welfare reform law, I said that I would try to restore the cuts in benefits for legal immigrants that were not only harsh and unnecessary but that had nothing to do with the fundamental goal of welfare reform—to move people from welfare to work while protecting children. My budget restores Food Stamps to 730,000 legal immigrants and lets States provide health insurance to the children of legal immigrants.

This past year, we continued to improve health care for millions of Americans. We strengthened Medicare by extending the life of the trust fund until at least 2010, while we also invested in preventive benefits, introduced more choice of health plans, and strengthened our expending array of activities to combat fraud and abuse. We extended health care coverage to up to five million uninsured children. We created the Advisory Commission on Consumer Protection and Quality in the Health Care Industry and we later endorsed its Health Care Consumer Bill of Rights. With this budget, I propose that we build on our achievements on a host of important fronts. I want to work with Congress to enact national bipartisan tobacco legislation; nothing is more potentially important to the health of our people, particularly children. My budget also proposes to expand health care coverage for some of the most vulnerable Americans aged 55 to 65, to enroll more eligible children in Medicaid, to provide for unprecedented levels of investment in health research, to expand access to powerful AIDS therapies, to expand access to cancer clinical trials, to increase funds for substance abuse treatment and prevention, and to help reduce health-related disparities across racial and ethnic groups.

Last year was a remarkable one for the environment, and I am determined to build on our progress. Led by the Vice President, the Administration reached a historic international agreement in Kyoto that calls for cuts in greenhouse gas emissions. We also issued new, more protective air quality standards to better safeguard public health, and we strengthened our citizens' right to know about toxic chemical releases. We continued to protect our natural treasures, such as Yellowstone National Park and Florida's Everglades, and to make further progress toward my goal of cleaning up 900 hazardous waste sites under the Superfund by the end of the year 2001. With this budget, I am proposing an Environmental Resources Fund for America that will support increases for many of our key environmental programs. It provides for more construction, maintenance, and land acquisition for national parks, forests, refuges, and other public lands; for a new effort to improve the quality of our water; for improvements to community drinking water and wastewater facilities; and for continuing our efforts to clean up abandoned hazardous waste sites. My budget also includes a new, five-year, $6 billion program to prevent global warming, and more resources to protect endangered species, control pollution, and preserve the global environment.

I am proposing a Transportation Fund for America, reflecting my commitment to provide the resources to ensure that our transportation infrastructure remains safe, integrated, and efficient enough to serve our growing needs. Investment in infrastructure is good for America because it helps grow the economy, improve safety and public health, strengthen our competitiveness abroad, support our national security, and increase the mobility, access, and choice for Americans who need to travel. We must build upon our vast network of roads, highways, and bridges to meet the demands of the next century for a system that links our various modes of travel, that is cleaner and safer, and that helps bring together and support our urban and rural communities. My budget maintains the Administration's record support for transportation, and the Fund includes all of the Transportation Department's highway, highway safety, transit, and air transportation programs.

Scientific and technological advances have created a world vastly different from the one our grandparents knew. They have helped generate huge leaps in the speed and economy of transportation, enormous increases in farm productivity, lightning-fast flows of information and services across national borders, and advances in treating and preventing diseases and protecting the environment. Because I am committed to America's continued leadership in science and technology, I am proposing a Research Fund for America, from which many of our important investments will flow. It includes record increases for the National Institutes of Health, higher funding for the National Science Foundation, new resources to address global climate change, and a wide variety of investments in basic and applied research. These investments are vital; they help to create new knowledge, train more workers, spur new jobs and industries, address our health care challenges, strengthen our understanding of environmental problems, better educate our children, and maintain a strong national defense.

Our anti-crime strategy is working. Serious crime is down five years in a row and, in 1996, we witnessed the largest drop in violent crime in 35 years. But, because crime remains unacceptably high, we must go further. My budget expands our community policing (COPS) program, which is already putting 83,000 more police on the streets toward my goal of 100,000 by the year 2000. The budget also proposes a new Community Prosecutors Initiative to help prosecutors prevent crimes from occurring, rather than simply prosecuting criminals after the fact. And it provides the necessary funds to prevent violence against women, to help States and Indian Tribes build prisons, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget provides the resources to strengthen border enforcement in the South and West, to remove illegal aliens, and to expand our efforts to verify whether newly hired non-citizens are eligible for jobs. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction. It continues to build on our innovative Drug Courts initiative, proposes School Drug Prevention Coordinators for our schools, supports local efforts that target drug-using offenders, expands drug testing, and strengthens our efforts to make our ports and borders more secure from drugs while disrupting drug trafficking organizations overseas.

Most Americans are enjoying the fruits of our strong economy. But while many urban and rural areas are doing better, too many others have grown disconnected from our values of opportunity, responsibility, and community. Working with State and local governments and with the private sector, I am determined to help bring our distressed areas back to life, to replace despair with hope. My budget expands my national service program, giving more Americans the chance to serve their country and help solve problems at the local level while earning money for college. I am proposing to create more Empowerment Zones and Enterprise Communities that offer tax incentives and direct spending to encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also expands opportunities for homeownership, provides more funds to enforce the Nation's civil rights laws, maintains our Government-to-Government commitment to Native Americans, and strengthens the partnership we have begun with the District of Columbia.

Because America continues to have a tremendous stake in world affairs, my budget proposes the necessary funds to maintain national security, to conduct our diplomacy, to promote democracy and free markets abroad, and to increase exports. Last year, my Administration worked with Congress to increase international affairs spending. But, Congress faces an unfinished agenda to provide financial support for, and fulfill America's obligations to, a number of international organizations that benefit our economy and serve other objectives, including the International Monetary Fund (IMF), the United Nations system, and the multilateral development banks. Congress should continue to support the decisive action of the IMF as well as our leadership in that institution by providing the supplementary contingent IMF funding that the Administration has sought and replenishing the IMF's basic financial resources. Congress also should give the President traditional trade negotiating authority to help fuel our surging exports into the next century. To enhance national security, my budget maintains large-scale funding to support the Middle East peace process, continues assistance to Bosnia to carry out the Dayton Accords, supports NATO expansion, and increases aid to the New Independent States of the former Soviet Union to support the development of democracy and free markets. I am also proposing a major initiative to provide critical, targeted assistance to African countries that are undertaking difficult economic reforms, and my budget increases counter-narcotics aid to Latin American countries and supports the Summit of the Americas.

Our military serves as the backbone of our national security strategy, and I am committed to maintain a strong and capable military that protects our freedoms and our global leadership role as we approach the 21st Century. The budget continues the Administration's plan to complete the careful resizing of our military forces, to fully support military readiness, to strengthen quality of life programs for our armed forces, and to provide increased funding to modernize our forces as new technologies become available after the turn of the century. My budget reflects the recommendations of the Quadrennial Defense Review and of the Defense Department's recent Defense Reform Initiative to achieve a leaner, more efficient, and more cost-effective organization by improving management and business practices. To implement these improvements, the Defense Department will send legislation to Congress in conjunction with this budget, including a request for two more rounds of base closures and realignments.

INVESTING IN THE COMMON GOOD

Our commitment to balance the budget, and to keep it in balance, will mean that the Administration and Congress must use taxpayer dollars as wisely as possible. If we are to continue funding Federal programs, they will have to show that they are reaching the goals set for them. That is, they will have to show that they are well-run and that they can produce results.

In 1993, I actively supported, and was eager to sign, the Government Performance and Results Act. With this budget, I am delighted to send Congress what the law envisioned—the first comprehensive, Government-wide Performance Plan.

In developing this budget, the Administration for the first time could rely on performance measures and annual performance goals that are now included in agency Annual Performance Plans. We have made a good start on the process that the Administration and Congress outlined in enacting the 1993 law.

As we continue to implement this law, my Administration will focus more and more attention on how programs work, whether they are meeting their goals, and what we should do to make them better. We look forward to working with Congress on our shared goal of improving Government performance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 1998.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself and Mr. BREAUX):

S. 1593. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1594. A bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. BOND, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, and Mr. LUGAR):

S. 1595. A bill to provide for the establishment of a Commission to Promote a National Dialogue on Bioethics; to the Committee on Labor and Human Resources.

By Mr. COVERDELL:

S. 1596. A bill to provide for reading excellence; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 171. A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1594. A bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE DIGITAL SIGNATURE AND ELECTRONIC AUTHENTICATION LAW OF 1998

Mr. BENNETT. Mr. President, I rise today to introduce the Digital Signature and Electronic Authentication Law (SEAL) of 1998.

We Americans place such trust in the act of signing a document that we traditionally have referred to the written signature as a "John Hancock" after one of the first signers of the Declaration of Independence and one of our country's founding fathers. As the country moves into the 21st century and into the digital age, it is necessary for the government to validate the use of equally trustworthy forms of authentication for electronic transactions. In doing this, our country will secure its position as a leader in the international digital economy.

Electronic authentication, broadly defined, is any technology which provides a way for the recipient of a message to verify the identity of the sender, make sure the message was not altered in transit, and confirm that the message was the one the sender intended to transmit. Parties to electronic transactions must have access to this authentication process in order to feel secure in conducting business over open networks.

While this concept is fairly simple, the legislative process has proven quite complex. Many states have enacted legislation on electronic authentication, but the state laws are vastly different. Because electronic transactions do not respect state or national boundaries, there are no clear rules to govern this activity. This lack of direction has limited the use of electronic authentication. The process is further complicated by the number of competing technologies available to provide authentication as well as the fact that businesses from all different sectors of the economy seek to use and offer authentication services.

As Chairman of the Banking Committee's Subcommittee on Financial Services and Technology, I have examined this issue and have determined that the appropriate first step toward addressing it is to introduce a firmly grounded, free-market bill that addresses the concerns of financial institutions. In introducing this bill, I do not want to suggest that this authority should belong exclusively to that group. I have stated repeatedly my belief that all entities, banks and nonbanks alike, should be authorized to use electronic authentication for their own transactions and offer the service to third parties. In attempting to fashion a bill that would appropriately address the needs and concerns of all interested groups, however, I have reached an impasse. My attempts to reach out and engage those representing nonbank interests in serious discussions have failed. I have determined, therefore, that it is appropriate for me to take a first step and introduce this bill to address the needs of financial institutions.

While I do not intend to create a monopoly for banks, and indeed hope that this legislation can be amended to include other entities, I do recognize that there are valid reasons why we may choose to address the concerns of financial institutions separately.

Financial institutions are accustomed to assuming "trusted third party" roles, including serving as trustee and offering notary and signature guarantee services. Offering electronic authentication services is the functional equivalent of those traditional bank activities.

Financial institutions are highly regulated entities, and the financial institution regulators have experience in supervising these "trusted third party" activities.

Many of the transactions which individuals and businesses will seek to authenticate are likely to be financial transactions.

In Europe and other countries around the world, electronic authentication activities are conducted almost exclusively by financial institutions. By taking a first step and authorizing our financial institutions to use electronic authentication, we will strengthen our position in establishing the conditions for international transactions.

The Digital SEAL Bill is, as I have described it, a minimalist, free-market bill. It provides quite simply that a financial institution may use electronic authentication in the conduct of its business and that the use of such electronic authentication shall be valid. A financial institution's use of electronic authentication shall be governed by the rules of the system or agreement under which it operates and shall be regulated by the appropriate financial institution regulator. The bill defines electronic authentication broadly in an effort to be as technologically neutral as possible.

Of equal importance is what this bill does not do. It does not create a new regulatory bureaucracy to supervise this activity. It does not impair consumers' rights under the Truth in Lending Act, the Electronic Fund Transfer Act, or any state law of similar purpose. Finally, it does not limit, in any way, the ability of any other entity to use or offer electronic authentication in the course of its business.

The time has come for Congress to begin a serious discussion of the impact of technology on commercial transactions and consider how age-old concepts, like the importance of a signature, will fit into an increasingly electronic world. Electronic authentication is a good starting point for this discussion, and passage of this bill will advance the development of electronic banking and commerce.

I look forward to working with my colleagues to enact this legislation to give financial institutions, and appropriate other entities, the authority to use electronic authentication.

By Mr. FRIST (for himself, Mr. BOND, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, and Mr. LUGAR):

S. 1595. A bill to provide for the establishment of a Commission to Promote a National Dialogue on Bioethics.

THE COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS ESTABLISHMENT ACT OF 1998

Mr. FRIST. Mr. President, In recent years, I have often voiced concern that medical technology is moving at an unprecedented pace, leaving the rest of society ill-prepared to cope with the increasingly complex moral and ethical dilemmas that follow in the wake of new inventions. We must never attempt to divorce scientific progress from ethical considerations. We must instead fashion timely answers to the timeless question "Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?" (Washington Post editorial, Oct. 2, 1994)

The recent furor over Dolly the cloned sheep, and Dr. Seed's subsequent announcement that he intended to clone a human being through the same technique, has highlighted the necessity of an independent, balanced forum to address the ethical implications of new technological capabilities. Two temptations threaten both science and ethics in the current milieu. There is pressure on legislators (often unfamiliar with scientific issues) to rush to draft laws that could hamper important research efforts. There is a parallel tendency on the part of academic scientists to resist any input from law or ethics into their research. Thus, science and ethics are lost in the political morass, while the public often remains uninvolved and frightened. The example of the cloning debate provides ample evidence of this tendency.

There are no fewer than six legislative proposals to address cloning on the horizon, ranging from sweeping prohibitions to largely symbolic bans. The National Bioethics Advisory Commission (a commission appointed entirely by President Clinton) did a good job of trying to assimilate the information on cloning under their ninety day deadline last year, but they were unable to substantively address the ethical issues surrounding human cloning. The Commission cited inadequate time to tackle difficult ethical issues in the context of our pluralistic society, and primarily focused on scientific concerns as well as the less abstract issue of safety. They then appealed to each American citizen to step to the plate and exercise moral leadership in forming a national policy on human cloning.

In an effort to follow up on the Commission's recommendations, the Senate labor Committee's Subcommittee on Public Health and Safety, which I chair, held a hearing June 17, 1997, entitled "Ethics and Theology: A Continuation of the National Discussion on Human Cloning." We heard testimony on all sides of the issue, from the Christian, Islamic, and Jewish traditions, and from philosophers well-schooled in biomedical ethics. We launched a broader public debate with questions about the nature of human individuality, family, and social structure.

However, time has shown that both a Presidential Commission, and the United States Congress are inadequate and inappropriate forums for bioethical issues of intricacy and importance. I am therefore proposing to establish a new independent National Bioethics Commission, representative of the public at large, with combined participation of experts in law, science, theology, medicine, social science, and philosophy/ethics with interested members of the public.

It is my hope that this Commission will forge a new path for our country in the field of bioethics. That they will enable us to have an informed, thoughtful, scientific debate in the public square without fear or politics driving our decisions. The Majority and Minority Leaders of Congress would appoint members of the panel, but no current Member of Congress or Administration political appointee would be allowed to participate during their term of office. We simply must depoliticize these discussions while simultaneously broadening input from the general public. Each and every citizen should have the opportunity to contribute to these great debates.

I anticipate that some may question the role of theology in a public policy debate. Certainly the President's advisory commission found that their considerations were incomplete without examining the religious mores of our culture. Our founding fathers also recognized that public policy could not be formulated in a theological vacuum. While they forbade the establishment of a state religion, they simultaneously affirmed the rights of God-fearing people to make their voices heard in the public arena. Today, and throughout history, religion has been a primary source of the beliefs governing these decisions for men and women of all races and creeds.

So it is vital that our public debate and reflection on scientific developments keep pace, and even anticipate and prepare for new scientific knowledge. The moral and ethical dilemmas inherent in the cloning of human beings may well be our greatest test to date. We do not simply seek knowledge, but the wisdom to apply that knowledge. As with each of the mind boggling scientific advances of the last century, we know that there is the potential for both good and evil in this technology. Our task as legislators is to define the role of the federal government in harnessing this technology for good. Our task as citizens is to exercise responsible stewardship of the precious gift of life. May this Commission enable us to fulfill our trust.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. BURNS, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 260, A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 412, A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 837

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 837, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Kentucky (Mr. FORD) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1096

At the request of Mr. KERREY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1119

At the request of Mr. ABRAHAM, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1119, a bill to amend the Perishable Agricultural Commodities Act, 1930 to increase the penalty under certain circumstances for commission merchants, dealers, or brokers who misrepresent the country of origin or other characteristics of perishable agricultural commodities.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1251

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1251, A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1255

At the request of Mr. COATS, the names of the Senator from Michigan

(Mr. ABRAHAM), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1255, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport."

S. 1308

At the request of Mr. BREAUX, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1308, A bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1334

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. FORD), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1334, A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1360, A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1413, A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1461, A bill to establish a youth mentoring program.

S. 1573

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1573, A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1577

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1577, A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 1589

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1589, A bill to provide dollars to the classroom.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Kentucky (Mr. FORD), the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 30, A joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day", and for other purposes.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. FRIST), the Senator from New York (Mr. MOYNIHAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Concurrent Resolution 55, A concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of Senate Concurrent Resolution 71, A concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 155, A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Resolution 168, A resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

SENATE RESOLUTION 171—DESIGNATING "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 171

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1998, marks the 177th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, February 4, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The Committee will consider S. 1579, Rehabilitation Act amendments.

For further information, please call the committee, 202/224-5375.

NOTICE OF ADDITION TO HEARING AGENDA

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Margaret H. Greene to be a Member of the Board of Directors of the United States Enrichment Corporation will be considered at the hearing scheduled for Wednesday, February 4, 1998 at 9:30 a.m. in Room SD-366 of the Dirksen Senate Office building in Washington, D.C.

For further information, please call Allyson Kennett at (202) 224-5070.

ADDITIONAL STATEMENTS

THE CRISIS IN CHIAPAS

• Mr. LEAHY. Mr. President, every day we read about bone-chilling atrocities around the world, in Algeria, Colombia, Sri Lanka, and even in Mexico.

I have always felt relations between the United States and our southern neighbor left a lot to be desired. On the one hand it is a relationship fraught with tensions fueled by illegal immigration, racism, drug trafficking, and a long history of misunderstanding. Yet on the other hand it is a relationship based on friendship and respect, and of many shared interests.

A traveler to Mexico is immediately struck by the great disparity in the standards of living between our two countries. Millions of Mexico's people, especially members of indigenous groups, live in poverty. If they are lucky they own a piece of land, but rarely enough to support their families. They work from sunrise to nightfall bent over a hoe in the fields, or at some other backbreaking job. They sleep in a house built of scraps of wood and tin with a dirt floor, wash in a polluted stream, live in fear of the police, and do their best to care for half a dozen poorly clothed, hungry children who have little hope of anything better.

But there is another Mexico. It is one of modern factories, busy cities, a government that is evolving from one-party rule to democracy, and an economy that has been largely state controlled becoming increasingly market-based. It is managed by well-educated professionals who grapple daily with seemingly intractable problems.

Mexico is, above all, a land of contrasts, and the United States has an enormous stake in Mexico's development. Our economies are increasingly interdependent. Some of our most pressing problems are also Mexico's. No fence, no matter how impenetrable, along our border, will solve those problems, whether they are drugs, other types of crime, infectious diseases, polluted air and water. If we are to combat these threats successfully, we have to work together.

It is for that reason, Mr. President, that the recent violence in Mexico—in the states of Chiapas, Guerrero and Oaxaca—should be of such concern to both our countries. Last July I spoke on this floor about the situation in Chiapas, and warned that unless the Mexican Government dealt effectively with the causes of the conflict there, renewed violence was likely. My warning, like similar warnings by many others, was ignored. Today I rise to speak again about Chiapas, and the tragic events there shortly before Christmas. But I want to emphasize that Chiapas is representative of a much larger problem in Mexico—as in so many other parts of the world—which can most succinctly be attributed to the widening disparity between the haves and have-nots.

The brief but dramatic Zapatista uprising in 1994 was the result of centuries of discrimination and mistreatment of indigenous people in Chiapas, a situation largely unknown outside Mexico's borders. That violent outburst shook the nation, and led to talks between the Zapatistas and Mexican authorities which sought to address the underlying causes of the unrest. Those negotiations resulted in the San Andres Accords, but the Mexican Government walked away from that agreement apparently concluding that it was too favorable to the Zapatistas. Whatever hope there was that those negotiations would lead to profound changes in Chiapas had been virtually extinguished by the end of last year. The Mexican Government's attention was focused elsewhere, mostly on the national elections which to its credit were the most free and fair in Mexico's history.

Meanwhile, Chiapas has remained in an undeclared state of war between the Zapatistas and their sympathizers, and anti-Zapatista paramilitary groups who have been encouraged and supported by local and state authorities. Tens of thousands of Mexican soldiers have also been sent to Chiapas, where they have contributed to the tensions and they have apparently stood by as local officials have armed the paramilitary groups. Caught in the middle are the people of Chiapas.

Three days before Christmas, Chiapas again exploded in violence. In the village of Acteal, 45 unarmed Indian men, women and children were slaughtered in cold blood by paramilitary forces reportedly with the support of government authorities. Two weeks later, Mexican police fired on a crowd in the town of Ocosingo that was protesting the December 22nd massacre, killing a woman and wounding her 3 year-old daughter and a 17 year-old boy.

Mr. President, who but the most hate-filled people would carry out such a barbaric deed? The fact that government officials are reputed to have had a role in the slaughter is particularly outrageous. But it should not surprise anyone who knows the history and has followed events in Chiapas. In fact, in the months leading up to the Acteal massacre human rights groups issued report after report describing acts of provocation and violence by paramilitary groups and Mexican soldiers. Members of Congress sent letters of concern to President Zedillo. Yet these reports and letters did not even receive a response. Chiapas was a powder-keg waiting to explode even before the Zapatistas first emerged on the scene in support of indigenous concerns about discrimination, land rights and the lack of social services. What happened in Acteal is only the latest example, albeit a particularly atrocious one, of the kind of brutality that is a fact of daily life for many indigenous people in Chiapas.

Since then, the Mexican Government has taken several encouraging steps. A federal investigation is ongoing. At least 40 persons suspected of committing the murders have been arrested. State and local officials who allegedly instigated the attack, and who later tried to cover it up, have been arrested or removed from office. The Minister of the Interior has been replaced. The Government of the State of Chiapas freed several hundred prisoners, in an attempt to restart the peace talks. These are important steps. Had the government taken the advice of so many people years ago and treated this situation with the sensitivity and urgency it deserved, this entire debacle might have been avoided and many people might be alive today.

The situation in Chiapas remains tense. While the recent violence seems to be primarily a result of local and state officials taking the law into their own hands and unpardonable passivity on the part of federal authorities, I also continue to receive reports of provocative acts by Mexican soldiers. It is a situation the United States cannot ignore, both because Mexico's political and economic stability are of great importance to us, and because we have trained and supplied Mexico's security forces for many years. That training and equipment has been provided exclusively to combat the drug trade, but has it always been used for that purpose? Or have US-trained police or soldiers, armed with US-made weapons, also been involved in counter-insurgency operations? Were any of the weapons used by the assailants in Acteal and Ocosingo obtained from the United States—either through the anti-drug assistance program or through commercial sales licensed by the US Government?

These are not accusations, they are only questions. But they need answers. So far, I am not aware of any evidence that US equipment was used in the Acteal or Ocosingo killings. I hope there is none. It would be totally contrary to the understandings between the Congress and the administration, and between the United States Government and Mexican Government, if our assistance were misused in this way.

Two years ago I wrote an amendment, which was enacted into law and re-enacted last year, which has become known as the Leahy Human Rights Law. It is quite simple. It says that if the Secretary of State has "credible evidence" that a unit of a security force of a foreign country has committed gross violations of human rights, then we cannot provide assistance to that unit unless the foreign government is taking "effective measures" to bring the responsible individuals to justice.

Accordingly, I have posed my questions in a letter to our Assistant Secretary of State for Inter-American Affairs, Jeffrey Davidow, who I respect and who may become our next Ambassador to Mexico. I have, in that letter, also asked for additional information, such as what assistance we have provided to Mexico's security forces, and which units of those security forces have received our assistance. I have urged the administration to carefully review the evidence to determine if the recent events in Acteal and Ocosingo would trigger the Leahy Law cut-off of assistance.

I would also urge the administration to examine whether any US weapons, helicopters or other military aircraft which were licensed for sale to Mexico have been used by paramilitary or government security forces in counter-insurgency operations in Chiapas. I further urge the administration not to grant any license applications of this kind until we have a full accounting of these recent incidents.

Mr. President, Chiapas is not unique. There are countless examples around the world of indigenous groups that are suffering from government neglect and violence. It should also be emphasized that the crisis in Chiapas is a Mexican problem that only the Mexican people can solve. But as their northern neighbor with a long history that links us culturally, politically, and economically as well as geographically, we have, as I have said, many shared interests. And one of those interests is to ensure that human rights are not violated and that the United States is not implicated in those violations.

President Zedillo has said the investigation of the violence in Chiapas will be carried through to its conclusion. I hope that includes not simply the Acteal and Ocosingo killings, but the activities of paramilitary groups throughout the region. The government also needs to address the plight of the thousands of indigenous people in Chiapas who have fled their homes to escape the paramilitary groups and are living in makeshift camps. They are suffering from acute shortages of drinking water, food and shelter. It is a miserable situation and the sooner they can safely return to their homes the better.

President Zedillo has also said that he wants to resume negotiations with the Zapatistas. I know this has the support of the US Government. What is lacking, I am afraid, is a clearly defined strategy, or road map, for resolving this conflict. Unless both sides have confidence that such a strategy can lead to an acceptable resolution, it will be only a matter of time before another violent outburst, and more needless deaths.•

DOLLARS TO THE CLASSROOM ACT

• Mr. SESSIONS. Mr. President, I am pleased to join with my good friend from Arkansas, Senator TIM HUTCHINSON, in introducing the "Dollars to the Classroom Act". This is a critically important piece of education legislation, of which I am honored to be an original cosponsor.

The "Dollars to the Classroom Act" will send funds supporting roughly thirty one K-12 education programs in a block grant to states, with the requirement that 95 percent of these funds go to local schools. This is a very simple concept. We should demand that 95 percent of the Federal money we spend on elementary and secondary education must be spent in the classrooms of our local schools. That's it.

Let me be clear about one thing. This legislation does not reduce the funding for the schools. Rather, it makes sure that the tax monies our citizens give for education actually makes it to the classroom.

Mr. President, I served as a public school teacher. My wife served as a public school teacher. And let me say this, there is nothing more special, than the moment when a young student and a teacher connect in the classroom. Unfortunately, there exists a complex, confusing, paperwork driven federal system that too often hinders rather than helps the students. Mr. President, this bill provides the badly needed resources to not only enhance these magic moments between students and teachers but it also guarantees that every single student and every single teacher will have the resources needed to make this all possible.

Mr. President, this is how the bill works. Instead of sending the education dollars through the usual bureaucratic gauntlet—paying the bureaucrats at the Department of Education and the state education establishments—individual tax dollars would go directly to the states in a block grant administered by the Governor. Local school districts, parents, teachers, and local school officials could then use those funds for education priorities they think are most important. Mr. President, this will allow parents and local education officials to decide how to spend these dollars. They would decide their schools' priorities and, most importantly, how best to allocate these funds.

There is another important reason for this legislation. Federal education programs and their grant processes have become so burdensome many local schools are not even applying for funds. Often our local schools and school officials are forced to spend a significant amount of their Federal education tax dollars just to apply for these funds.

Let me give you an example. The Mobile County Public Schools system, my home county in Alabama, which contains 65,443 students in grades K-12 was forced, on two different occasions, to hire grant writers at $50,000 a year just to help the school system apply for these federal grants. These grant writers were in addition to the many administrators, principals and teachers who are forced to dedicate their valuable time to filling out the paperwork associated with applying for these grants instead of educating the students of Mobile County.

And there are countless other examples. The state of Ohio calculated in 1990 that over 50 percent of its paperwork burden was related to federal education programs, even though only 5 percent of its education revenues came from federal sources.

A recent audit of the New York City public schools found that only 43% of their local education budget reaches the classrooms.

A 1996 Heritage Foundation study of federal spending on elementary and secondary education found that only 85 cents of every education tax dollar sent to Washington, was returned to local school districts—that's school districts not local classrooms.

According to the U.S. Department of Education, of the more than $15 billion allocated to its elementary and secondary education programs in 1996, over $3 billion went for purposes—like administrative overhead—rather than the real needs of local school districts.

The Superintendent of the Mobile County Public School system, Mr. Paul Sousa, supports this legislation for one simple reason: this legislation dedicates valuable dollars to the classrooms and eliminates the bureaucracy that has placed a stranglehold on his principals, his teachers, and his students. And I would say to all my colleagues, the "Dollars to the Classroom Act" will help to eliminate these scenarios and require that 95% of all Federal education dollars be spent in the classroom.

Mr. President, I would like to end my comments by sharing with you a quote from President Clinton, concerning this very issue. On March 27, 1996, in a speech to the National Governors' Association, the President stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now." Mr. President, I fully agree. We can not continue to spend billions of dollars on federal education programs that don't even reach our students. We must demand accountability for the federal dollars we spend on education. We need to know where our education dollars are going and how much actually gets to the individual classrooms in Alabama and across this country.

The "Dollars to the Classroom Act" will provide the hardworking parents and students of this country the resources and the accountability they deserve.●

A NEW INITIATIVE AGAINST ELEPHANTIASIS

● Mr. LEAHY. Mr. President, in the global battle against infectious diseases, inaccessibility to safe and effective drugs remains a major obstacle for developing countries. The lack of the public health infrastructure to respond effectively to infectious diseases contributes to widespread and needless suffering. Even where that infrastructure exists, many of the world's poor cannot afford the price of drugs.

But many disfiguring and debilitating diseases can be prevented at minimal cost—in some cases with just one pill, once a year, for as little as a few cents per dose. Last May, the Foreign Operations Subcommittee heard testimony about the need for pharmaceutical companies and governments to work together to combat infectious diseases around the world. Dr. Gordon Douglas, the President of Merck Vaccines, described the company's success with the donation of its drug, Mectizan, in fighting river blindness. Since 1987, Merck has treated 18 million people, spending $70 million on the program in 1996 alone. While the global elimination of river blindness is not expected until at least 2007, Merck has made an invaluable contribution toward this goal.

Last November, Congress provided an additional $50 million to strengthen global surveillance and control the spread of infectious diseases. On December 16, 1997, amid alarming reports about the Hong Kong flu, the U.S. Agency for International Development gathered public health experts from around the world to set priorities and develop a U.S. strategy to support the global campaign against infectious diseases. And then on January 26, 1998, Smithkline Beecham, one of the world's largest pharmaceutical companies, announced that it was taking on elephantiasis, one of the world's most disabling and disfiguring tropical diseases which afflicts some 120 million people, and endangers as many as one billion people. Smithkline Beecham has generously agreed to provide for free an anti-parasitic drug called Albendazole to combat this scourge. The company estimates that it will spend some $500 million over the next two decades working with the World Health Organization to tackle elephantiasis in parts of Africa, Asia, the Pacific Islands, and Central and South America. Over time, the effort could even lead to the eventual elimination of this horrible disease. In addition to protecting against elephantiasis, it is predicted that the yearly distribution of Albendazole will improve the health of millions of children who suffer from chronic intestinal parasites.

Mr. President, Merck and Smithkline deserve our praise and gratitude. This kind of cooperative initiative between governments and private industry is a model for how we can combat infectious diseases in the years ahead, and in doing so make life better for millions and millions of people.●

RICHARD HIROMICHI KOSAKI

● Mr. INOUYE. Mr. President, on December 30, 1997, Hawaii's senior journalist, A.A. Bud Smyser of the Honolulu Star Bulletin, featured in his biweekly column, "Hawaii's World," the contributions of a dear friend and classmate, Richard Hiromichi Kosaki. Dr. Kosaki recently retired as the President of Hawaii Tokai International College, phasing out a distinguished educational career that has spanned over 47 years. However, I am certain that the Richard Kosaki I know will consider this to be just an end of another chapter of his life. I am certain he is now looking forward to his next chapter, equally challenging, and equally glorious.

I ask that the text of the column be printed in the RECORD.

The column follows:

HAWAII'S WORLD

(By A.A. Smyser)

Richard H. Kosaki is retiring as president of Hawaii Tokai International College, returning to an adivisory role, and phasing out a distinguished educational career that has spanned 47 years.

We talked about it at a Kaimana Hotel lunch table where we could see down the curve of Waikiki Beach to all the giant hotels now clustered on the water and along Kalakaua Avenue.

It was symbolically appropriate. Kosaki was born near the beach, grew up there, swam and fished there and watched its tremendous changes over his 73 years. Only the Moana and Halekulani hotels were there when he was born. The Royal Hawaiian didn't open until 1927. All the high rises rose since statehood in 1959.

Kosaki, for his part, has been a big mover for educational change in Hawaii. He is the architect of the University of Hawaii's community college system that now embraces well over half of all UH enrollment. He was with the UH faculty group that generated the concept of the East-West Center.

After he retired as chancellor at UH-Manoa he carried his belief in Hawaii as an international education center to helping Japan's enormous Tokai University Educational System establish an outpost here in a superbly built high rise at 2241 Kapiolani Blvd.

In his beginning years as an educator, he taught political science, worked with the Legislative Reference Bureau, and helped educate many students who went on to be leaders in government. He even helped to wise up newspaper writers like me.

We talked about two things: international education in Hawaii, and other educational changes to expect in the years ahead.

The Tokai University Pacific Center here, the umbrella under which the college exists, is not the gangbuster success early visualized. It still needs heavy subsidy from Japan. International students have never filled all of its 200 dorm spaces but they have totaled over 100, and international visitors have filled a lot of the rest.

While most of the international enrollment is from Japan, annual outstanding student award winners have come also from Taiwan, Cambodia, Vietnam and Brazil. The only U.S. winner came from Molokai.

Courses deal mostly with English and an introduction to America. They provide a "friendly gateway" to America for international students planning study elsewhere. Besides its help to these full-year students the center offers short-term introductions to Hawaii and Hawaiians to students regularly enrolled on Tokai's numerous Japanese campuses.

And what about education generally?

More use of Internet and TV for off-campus education.

Less emphasis on classroom lectures, though they won't disappear.

More lifelong learning. UH community college students illustrate the trend with an average age over 30.

More interaction between education and active life experiences.

He has a favorite maxim: "Tell me and I forget. Teach me and I remember. Involve me and I learn." He succeeded under the old system of listening to lecturers, memorizing and feeding things back in exams. But he thinks involvement is better and should be lifelong.

Real education starts at conception, he says. Early life experiences are the most formative. Kindergarten teachers thus are more important in shaping a life than graduate school professors. The latter are much better paid but the balance is worth re-examining.●

TRIBUTE TO HERSCHEL CREASMAN

● Mr. CLELAND. Mr President, I rise today to honor Herschel Creasman, who after more than four decades of dedicated service to spreading the gospel to various organizations and in performing community services retired on

Sunday, January 18, 1998. He is an outstanding example to his family and friends, and has been an asset to the many communities that he has touched over the years including Coral Springs, Florida, where he currently resides; Athens, Tennessee where he was born; and numerous others across the South and abroad.

Herschel chose to follow in his father's footsteps by becoming a minister. He first graduated from Carson Newman College and then went on to the Southern Baptist Theological Seminary, which marked the onset of more than 45 years of faithful leadership in Texas, Oklahoma, Georgia, Florida and even five years in Brazil. Herschel has preached in more than 20 countries and has served as an instructor at the Southern Baptist Theological Seminary in Louisville, Kentucky. He fostered an environment within his churches that welcomed many new faces, from differing religions and communities, who come to hear his wonderfully inspiring sermons.

Many would think that with this busy schedule and his devotion to his wife Joanne, their two daughters and one son, and four grandchildren, Herschel would not have time for much more, but this is definitely not the case with this extraordinary individual. Over the years he has received several honorary doctorates, including a Doctorate of Theology and Doctorate of Philosophy from the Great Commission Seminary in Kentucky and a Doctorate of Divinity from Freedom Seminary in Jacksonville, Florida. He has also represented his community by serving on the Ethics Board and Community Relations Committee for the Coral Springs Medical Center and on the District Review Board for the North Broward Hospital District.

As many people who know him well are aware, he is an avid golfer, and as he enters this next stage in his life, I wish him the best of luck on the greens, which I'm sure he'll finally have the time to truly enjoy and perhaps master!

Mr. President, I would like to honor and commend Herschel Creasman for his outstanding and innumerable contributions over the years to the many communities and churches that he has dedicated his life to inspiring and improving, and ask my colleagues to join me in saluting and congratulating Herschel Creasman on his retirement.•

PHOEBE PUTNEY MEMORIAL HOSPITAL RECEIVES NATIONAL AWARD FOR COMMUNITY HEALTH

• Mr. COVERDELL. Mr. President, I would like to commend Phoebe Putney Memorial Hospital in Albany, Ga., for being named one of five national 1998 American Hospital Association (AHA) NOVA Award winners. The award recognizes innovative AHA member hospitals for their outstanding progress toward restructuring the health care system with a focus on community health.

Phoebe Putney, the largest hospital in southwest Georgia, is being honored for its Network of Trust program for pregnant and parenting teens. The program was established in 1994 through a community collaborative, in partnership with Phoebe and the school system, to address the teen pregnancy problem in Albany/Dougherty County. The goals of the program are to (1) promote healthy mothers and babies; (2) decrease child neglect and teen drug abuse; (3) increase self-esteem and; (4) prevent school dropouts.

In 1994, the rate of birth to teens in the U.S. was 59 per 1,000; the rate in Georgia was 72 per 1,000; and in Albany/Dougherty County, the rate was 91 per 1,000. More than 400 babies were born to teenagers at Phoebe in 1994, with 18 percent of those babies requiring treatment in the high risk nursery and 25 percent of the mothers delivering for the second or third time.

Network of Trust is based on the concept of teens as peer counselors. The program is implemented in the school system in three phases. Phase I involves early identification to offer prenatal care and education on-site at the school. This is designed to reduce school dropout rates, build self esteem, promote parenting skills, reduce fears related to childbirth and teach anger management.

Phase II targets teen mothers after delivery to discourage repeat pregnancies. Mothers are encouraged to maintain competitive grades and are provided training to alleviate parental frustrations that often lead to child abuse. Phase II teen mothers also act as mentors to Phase I pregnant teens.

Phase III offers a summer internship at Phoebe Putney Memorial for selected Phase II participants to enhance self-esteem and decision-making skills. Interns are matched with hospital staff mentors and the participants are encouraged to pursue future education, with an educational stipend given to each teen that successfully completes Phase III.

Network of Trust also includes a component for teen fathers with weekly classes taught by instructors with special training and school counselors. Students utilize infant simulator dolls that are computerized to record the type of treatment they receive from their "parents."

The program's immense success can be measured in many ways. Participation has increased steadily each year, with 38 students participating in the 1994–95 school year, 241 in the 1995–96 school year, and approximately 273 students in the 1996–97 school year.

The program has also greatly reduced the number of repeat pregnancies. In 1994, 22 percent of births to teens in the U.S. were repeat pregnancies. Of the 38 participants in the Network of Trust in 1994, there were only two repeat pregnancies, or 5 percent. In 1995–96, only 3 percent of participants had repeat pregnancies. And in 1996–97, there were only 1.5 percent repeat pregnancies.

The high school dropout rate decreased significantly. In 1994, the dropout rate for Dougherty County was 45 percent. In 1995–96, only 8 percent of the participants dropped out of school and, in 1996–97, just 1.4 percent.

Also, for the first time in the 90s, the number of low birth weight babies born in Dougherty County dropped. The economic impact of the students who graduated from high school produces an additional $830,000 in anticipated income for those students as workers.

Phoebe will receive the AHA NOVA Award on Monday, Feb. 2, in Washington as part of the AHA's Annual Membership Meeting. I respectively ask my colleagues to join me in congratulating Phoebe Putney Memorial Hospital on this important achievement in improving Georgia's community health.•

TRIBUTE TO MORT SILBERMAN

• Mr. CLELAND. Mr. President, I rise today to honor a very, dear friend of mine, Mort Silberman. He has recently been elected into the National Academies of Practitioners as a Distinguished Practitioner for his contributions to the cattle industry and laboratory animal medicine. It is one of the greatest professional honors, and I am delighted that he was awarded in such a way.

Mort's achievements are endless. In the academic field, Mort currently serves as an adjunct professor at several universities including the University of Georgia and Auburn University. He is the assistant director and the university veterinarian of the Robert W. Woodfuff Health Sciences Center at Emory University. He is also consulting veterinarian at the New York Zoological Park, and the White Oak Plantation in Yulee, Florida.

For over 20 years, Mort has hosted a variety of seminars, lectures and workshops. He is the author of numerous published medical writings. In addition, he has been directly involved with the design and construction of many animal facilities in Georgia and elsewhere in the country—from the animal facilities of the Atlanta Humane Society to the clinical space and animal holding areas at Georgia's Stone Mountain Park.

Mort Silberman is not only a leader in the veterinary field, but also an active community member and dedicated husband and father. Mr. President, I ask that you and all of my colleagues join in paying tribute to my dear friend. Mort Solberman, for his recent honor.•

CONTRIBUTIONS OF JAPANESE AMERICAN BASEBALL PLAYERS

• Mr. INOUYE. Mr. President, I rise to pay tribute to a group of Americans that contributed greatly to the game of baseball. Although not widely known in this country, the Japanese American community has contributed a significant chapter to the history of baseball as it has to many other important aspects of American society.

Beginning at the turn of the 20th century, Issei, or first generation Japanese Americans, developed a love for baseball that led to the creation of an extensive network of Japanese American leagues throughout the United States. Japanese American baseball leagues began to appear in towns and cities throughout Hawaii and the western continental United States. The popularity of baseball spread to the point where there was a team in nearly every Japanese American farming community.

By the 1920's, more than 100 teams had been formed consisting primarily of talented Nisei, or second generation Japanese Americans. Because of the discrimination and forced segregation of the time, the Nisei teams, like the teams in the Negro Leagues and in the All-American Girls Professional Baseball Leagues, played mostly against each other. However, they also successfully compete against high school, college, and semi-professional teams from white America, teams from the Negro Leagues, and even against baseball legends such as Babe Ruth, Lou Gehrig, Ted Williams, Jackie Robinson, and Joe DiMaggio.

In 1937, all-star teams consisting of Nisei players from California traveled to Japan, Korea, and Manchuria as ambassadors of goodwill. The Nisei teams competed throughout Asia where they impressed audiences with their talented play, sportsmanship, and aggressive style of fast-paced American baseball. However, the outbreak of World War II abruptly ended their overseas campaign as ambassadors of American goodwill. In the following months, many of these players and their families, because of their race, became the object of suspicion and mistrust in their own country.

The serene life of farming and playing baseball ended abruptly with the announcement of Executive Order 9066. More than 120,000 Japanese Americans were relocated to remote internment camps across the United States. In an effort to preserve a sense of community and improve the living conditions of the interment camps, Japanese Americans set about recreating many of the social networks and clubs that were an integral part of their lives prior to their internment. For many of the younger Japanese Americans this meant banding together and forming baseball leagues that played several seasons behind barbed-wire fences.

For Japanese Americans interned during World War II, playing, watching and supporting baseball was an important reprieve from the harsh nature of camp life. Popular Japanese American baseball players, such as Kenichi Zenimura, made it a mission to bring baseball to the internment camps. He and the Japanese American community worked tirelessly to build makeshift baseball stadiums where, for several hours each week, Japanese American communities could forget their worries and enjoy their worries and enjoy their favorite American pastime. For the many Japanese Americans who participated in the baseball leagues and the thousands who watched and supported the teams, the baseball leagues helped to rebuild a sense of civic pride and dignity which had greatly suffered as a result of their forced internment.

In the post-war years, Japanese American baseball players took up their former role as ambassadors of goodwill and began traveling across the Pacific to play exhibiting games in Japan. In addition, prominent Japanese American baseball players, like Tsuneo "Cappy" Harada, contributed to the explosion of baseball's popularity in Japan by bringing famous Americans such as Lefty O'Doul and Joe DiMaggio to Japan for exhibitions and public appearances. These efforts by Harada and other greatly contributed to the internationalization of baseball as a professional sport and the popularity of baseball in Japan. The current practice of playing exhibition games in both American and Japan was started by Japanese American baseball players and provides opportunities for both American and Japanese players to compete in each other's countries. In recent years, American Cecil Fielder played for the Hanshin Tigers in Japan's Central League, while Japanese players, like Hideo Nomo, have competed for American teams. In addition, American and Japanese All-Star teams regularly compete in Japan.

In spite of this rich tradition and history, the popularity of the Nisei Baseball Leagues gradually waned as discrimination and segregation faded in American society. By the 1970's the leagues had almost completely disappeared. However, the important contributions of Japanese American baseball players had, in recent years, been rediscovered for the benefit of all Americans. Historical exhibits, like "Diamonds in the Rough: Japanese Americans in Baseball," which have traveled to many sites throughout the United States, have brought to the public's attention the important role Japanese Americans played in baseball's history. In addition, many younger Japanese Americans, have begun to participate in the historic Japanese American baseball leagues again.

It is a great privilege to bring to the attention of the Congress and the American people the important contributions of the Japanese American baseball players. From their early days playing in segregated Japanese American leagues to their more recent role as promoters of baseball around the world, they have consistently demonstrated an incredible ability to overcome adversity and make the most of opportunities in even the most difficult of circumstances. In light of their many accomplishments, I am honored to commemorate the Japanese American baseball players today.•

VIOLENCE IN ALGERIA

• Mr. LEAHY. Mr. President, few weeks pass when there is not a report of an appalling atrocity in Algeria. The testimony of eyewitnesses echo the same refrain—a tale of slaughter, decapitation, mutilation, burning, and shooting of innocent men, women, and children. Thousands of civilians have fled their homes as the violence has escalated, but the protection and safety they seek is difficult, if not impossible to find.

The reaction of the international community has not been one of outrage and alarm, but a quiet, almost uneasy expression of concern. It is almost as though the reports are too grisly, too horrific to even broach—as though by addressing the subject and opening it up to scrutiny, one will somehow be tainted by the extreme levels of violence and degradation. However, the subject must be addressed and a credible investigation must be carried out.

Time and again around the world, we have seen the needless suffering that occurs when governments and the world community as a whole are too slow to shoulder their mantle of moral responsibility. The crisis in Algeria presents another opportunity to change this pattern and set a new standard for the next century.

Mr. President, on January 26, 1998, fifteen Members of Congress, Democrats and Republicans, Senators and Representatives, sent a letter to Secretary of State Madeleine Albright on the tragic situation in Algeria. I ask that the text of the letter be printed in the RECORD.

The letter follows:

WASHINGTON, DC,
January 26, 1998.

HON. MADELEINE ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY: We are writing to express our alarm concerning the recent massacres in Algeria, which have brought the toll of those killed in the five-year civil war to an estimated 80,000 persons, mostly civilians. The Algerian Government has consistently failed to adequately investigate the atrocities and bring those responsible to justice. The administration's call for an international inquiry is an appropriate and necessary first step in responding to this crisis.

Since the civil war erupted in 1992, extremist opposition groups have increased their attacks on innocent people. The tactics of these groups rank among the most inhumane seen anywhere. While their conduct should be strongly condemned, there are persistent reports that Algerian security forces have failed to stop or prevent the massacres or to arrest those involved. Eyewitnesses to the violence report that terrorist groups have operated in collusion with, and under the protection of, units or factions of the army, police, and state-armed militias. According to human rights monitors, no one has been arrested by Algerian authorities in connection with a series of bloody attacks that occurred in August and September leaving hundreds of civilians dead. Algerian authorities have made no effort to explain why army and police garrisons located nearby failed to intervene. Since then, the frequency and brutality of the attacks have only increased—over 1,000 Algerian civilians have reportedly been killed in the last month alone.

Little progress was made during a January 20, 1998 diplomatic mission led by British Minister of State for Foreign and Commonwealth Affairs, Mr. Derek Fatchett. Algerian President Liamine Zeroual has reportedly denounced international expressions of concern about possible official complicity in the killings. In addition, the ability of human rights organizations and the media to look into allegations of abuses has been increasingly limited by the Algerian Government and details about armed attacks are often censored.

We believe it is essential that the administration take an active and visible role in ensuring that an international investigation occurs in an expedient and effective manner with the necessary political and logistical support. We urge the administration to sponsor a resolution calling for such an inquiry to ascertain the facts and make recommendations at the March 1998 meeting of the U.N. Human Rights Commission in Geneva. We further urge that the administration send a clear message of support for this initiative in public as well as in diplomatic contacts with Algeria and other governments.

Thank you for your consideration.

Sincerely,

Patrick Leahy, Senator; Sam Brownback, Senator; Paul D. Wellstone, Senator; Nancy Pelosi, Representative; Robert Torricelli, Senator; Edward Kennedy, Senator; Frank R. Lautenberg, Senator; Tom Lantos, Representative; Chris Smith, Representative; Robert Wexler, Representative; James M. Jeffords, Senator, Dianne Feinstein, Senator; Dick Durbin, Senator; Russell Feingold, Senator; Tom Harkin, Senator.●

TRIBUTE TO CLAYTON MOORE

● Mr. CLELAND. Mr. President, I rise today to pay tribute to one of my favorite heroes, Clayton Moore, better known to most as the Long Ranger. Clayton Moore, the world's most popular masked man, has inspired and entertained millions of Americans during the span of his career.

Before assuming the role of the Lone Ranger, Clayton began his performing career as a trapeze artist. Unsatisfied with this career choice he moved to Los Angeles to fulfill his dream of becoming a cowboy actor. This year marks the 65th anniversary of the first time the Lone Ranger rode into our homes over our airwaves. "The Lone Ranger" was created for radio in 1933, and in 1949 Clayton was chosen to be the first Lone Ranger for the new television series which began airing that year. He continued to be the man behind the mask through 1952 and then again in 1954, until the series ended in 1957. Over the years, Clayton has appeared in over 45 films and 10 major serials. He also starred in two feature films, "The Lone Ranger" and "The Lone Ranger and the Lost City of Gold," and is the author of "I Was That Masked Man," his autobiography which was published in 1996.

The 169 television episodes showed faithful fans that characters and plots in the world of the Lone Ranger were simple—good guys vs. bad guys. We all eagerly watched as he exclaimed the four simple words of "Hi Ho Silver, Away," and rode off into the sunset with Tonto, his faithful Indian companion. In every thought, word and deed, the Lone Ranger provided a practical guide to living in a difficult and challenging world. He embodied a code that has served as a standard of moral development—combining honesty, fairness, caring, respect, loyalty, tolerance, duty, and moral courage.

Born on September 14, 1914, in Chicago, IL, Clayton has lived a fine and exciting life, filled with adventure, glamour, danger and hard work. He was an athlete, a trapeze artist with the Flying Behrs Trapeze Act at the 1934 Chicago Worlds Fair, a model while living in Chicago and New York, and a soldier in the Air Force during World War II.

In whatever venture he has pursued, Clayton has served as a wonderful and positive example to us all. He has entertained us throughout his acting career, has exemplified courage and patriotism as he fought for this Nation during World War II, and has been a wonderful husband to his wife, Clarita, and father to his daughter, Dawn. It is with great admiration and respect that I congratulate and applaud this fellow veteran, Clayton Moore, on an outstanding career and prosperous life. I thank Clayton for teaching us that the good guys do win.●

UNANIMOUS CONSENT REQUEST—S. 1575

Mr. COVERDELL. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 301, S. 1575, the Ronald Reagan Airport legislation.

Mr. FORD. On behalf of several Senators on my side, I must object.

The PRESIDING OFFICER. The objection is heard.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have decided not to proceed with the cloture motion on the motion to proceed to the bill in anticipation of the two leaders meeting in the morning to discusses its disposition. From our point, hopefully, given the timeframe of the 87th birthday, there will be some attempt to resolve this tomorrow.

ORDERS FOR TUESDAY, FEBRUARY 3, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, February 3rd; that immediately following the prayer the routine requests through the morning hour be granted, and the Senate then proceed to 2 hours of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator DORGAN, or his designee, to control the first hour, and Senator COVERDELL, or his designee, to control the second hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, as in executive session I ask unanimous consent that at 11:30 a.m. on Tuesday, February 3rd, the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 487, Carlos Moreno, and No. 489, Christine Miller. I further ask unanimous consent that there be 30 minutes for debate equally divided between the chairman and the ranking member of the committee. I ask unanimous consent that following the debate the Senate proceed to an immediate vote on the confirmation of Calendar No. 487 to be followed by a vote on the confirmation of Calendar No. 489. I finally ask unanimous consent that following those votes the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, at 11:30 a.m. under previous consent the Senate will proceed to executive session for 30 minutes to consider two judicial nominations, those being Carlos Moreno to be a district judge, and Christine Miller to be a judge at the United States Court of Federal Claims.

Two back-to-back votes will occur on the confirmation of the two judges at approximately 12 noon on Tuesday, February 3rd. Therefore, the first votes tomorrow will occur at 12 noon.

Mr. President, I ask unanimous consent that the Senate stand in recess immediately following those two votes until 2:15 on Tuesday in order for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, all Senators can now expect two consecutive rollcall votes beginning at approximately noon on Tuesday.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

RENAMING WASHINGTON NATIONAL AIRPORT THE "RONALD REAGAN WASHINGTON NATIONAL AIRPORT"

Mr. FORD. Mr. President, I understand the statement of my colleague from Georgia as it relates to the pending legislation regarding the renaming of Washington National Airport. I expect our two leaders then to discuss that in the morning and, I suspect, as it would be in the case of the Senator from Georgia, that it would be after the policy committee meetings tomorrow and our discussions there before any final resolution from either side could be made.

So under those circumstances, we will have the votes at noon tomorrow, and the recess until 2:15. At about that time we will kind of know where we are going.

I thank the Chair, and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Kentucky and concur with his remarks.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:54 p.m., adjourned until Tuesday, February 3, 1998 at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1998:

DEPARTMENT OF TRANSPORTATION

GUS A. OWEN, OF CALIFORNIA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2002. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DOLORES F. HARROD, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD LENAHAN, OF OREGON
ERIC K. SLETTEN, OF TEXAS
STEPHAN WASYLKO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LYLE J. SEBRANEK, OF VIRGINIA

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 3, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 4

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Donald J. Barry, of Wisconsin, to be Assistant Secretary of the Interior for Fish and Wildlife, and Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation.

SD-366

Finance

To hold hearings to examine trade and economic implications of the Asian financial crisis.

SD-215

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine developments in the peace process.

SD-419

Labor and Human Resources

Business meeting, on proposed legislation to revise the Rehabilitation Act.

SD-430

Select on Intelligence

To hold hearings on classified disclosures to Congress.

SH-216

10:00 a.m.

Budget

To continue hearings on the President's proposed budget for fiscal year 1999.

SD-608

2:00 p.m.

Judiciary

To hold hearings on pending judicial nominations.

SD-226

FEBRUARY 5

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine the scope of telemarketing scams.

SD-192

Budget

To hold closed hearings to examine issues before the International Monetary Fund.

SD-608

Finance

To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on increasing Congressional and Executive Branch oversight of the IRS.

SD-215

Judiciary

Business meeting, to consider pending calendar business.

SD-226

2:00 p.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.

SR-222

FEBRUARY 6

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for January.

1334 Longworth Building

FEBRUARY 10

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings on fraud on the internet.

SD-342

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.

SR-222

Budget

To hold hearings to review recent revenue growth in the United States.

SD-608

Judiciary

To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.

SD-226

Labor and Human Resources

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SD-430

Special on Aging

To hold hearings on the goals that must be achieved by a reformed social security system.

SD-628

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on oversight of the antitrust division of the Department of Justice.

SD-226

FEBRUARY 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement.

SD-430

10:00 a.m.

Energy and Natural Resources

To hold hearings on S. 1069, to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, to establish an historic lighthouse preservation program, within the National Park Service.

SD-366

Finance

To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on proposals to protect spouses who file joint tax returns and are held responsible for the other spouse's errors.

SD-215

FEBRUARY 12

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.

SR-222

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

To hold oversight hearings on the implementation of the Education of the Deaf Act.

SD-430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S. 477, to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S. 691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R. 901, to preserve the sovereignty of the U.S. over public lands, and H.R. 1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.
SD-366

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR-253

10:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD-226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD-430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD-366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD-226

FEBRUARY 25

10:00 a.m.
Judiciary
To hold hearings to examine incidences of high tech worker shortage.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD-226

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.
345 Cannon Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD-430

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

MARCH 3

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

FEBRUARY 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR-332

POSTPONEMENTS

FEBRUARY 5

9:30 a.m.
Veterans' Affairs
To hold hearings to evaulate U.S. biologic vaccine programs as to their impact on Gulf War veterans, and to examine lessons learned for future deployments.
SH-216

SENATE—*Tuesday, February 3, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Russell F. Blowers, senior minister emeritus, East Ninth Street Christian Church, Indianapolis, IN.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Russell F. Blowers, offered the following prayer:

Let's pray together.

O God, our help in ages past, our hope for years to come, apart from Whom there is no authority or power or wisdom, we bow before You in worship and praise as the Senate begins this new day.

We are not here to brief You on world affairs or to ask for Your leading and then do it our own way as if You do not exist. You are not a weak and absent deity out in deep space but a Sovereign God who is here to monitor what is said and done in this room today. You are the audience. Give these honorable men and women the ability to perform with integrity as they advise, consent and dissent for the good of the country. Let them be encouraged by some humbling victory or exalting defeat.

We repent of our personal and national transgressions, for we have all sinned and fallen short of Your glory. Forgive us and heal us for "righteousness exalts a nation, but sin is a disgrace to any people."

Thank you for Your loving kindness and for Your extravagant blessings upon our beloved land.

Today, may the words of our mouths and the meditations of our hearts be pleasing in Your sight, O Lord, our rock and our Redeemer. Through Jesus Christ our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, on behalf of the Senate, I thank Dr. Russell Blowers, of Indiana, for being here with us this morning. We thank you for that beautiful prayer. We are glad to have you visiting with us.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until 11:30. Under the order, the first hour will be under the control of the other side of the aisle and the second hour under the control of Senator COVERDELL or his designee.

At 11:30 the Senate will proceed to executive session for 30 minutes to debate and then to consider two judicial nominations: Carlos Moreno, of California, to be U.S. District Judge and Christine Miller, of the District of Columbia, to be a judge of the U.S. Court of Federal Claims.

Following that debate, at approximately 12 noon, two back-to-back votes will occur on the confirmation of those nominees. And then after the first two votes at 12, at 12:30, by consent, the Senate will recess until 2:15 in order for the weekly party conferences to meet.

It is my hope we will be able to consider and complete action on the Ronald Reagan airport naming bill. I will be consulting with the manager of that bill, Senator COVERDELL, and others who have ideas of how it should be handled. I hope to be able to discuss it with Senator DASCHLE so we can work something out on that and then be able to complete it and move on to other bills or nominations that we had hoped to be able to take up. There is a possibility there could be another vote today, and I had expected that there would be a vote early on Wednesday morning, but we will not be able to determine that until we get something worked out on the Ronald Reagan airport bill.

I do want to mention also as a reminder to all Senators that at 5 o'clock this afternoon, from approximately 5 until 6, in room S. 407 of the Capitol, there will be a briefing with regard to Iraq by Secretary Cohen and Sandy Berger, the National Security Council Adviser, and other military officials to bring us up to date on what is the situation in Iraq.

We had hoped that Secretary Albright would be back and could attend that briefing, but she will not be present. I think it is important we go ahead with that briefing and then once she returns, maybe Thursday or early next week, we will ask her to come and brief us on what is happening and what happened during her trip to the Middle East and Europe. I think it is important we have close communication with the administration on what is happening, what they are finding from our allies and what their plans are so we can have input. So I invite Senators who possibly can to be in room S. 407 at 5 o'clock this afternoon.

I yield the floor.

Mr. DASCHLE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Under the previous order, the time between 9:30 and 10:30 a.m. shall be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

The Senator from North Dakota is recognized.

THE PRESIDENT'S BUDGET

Mr. DORGAN. Mr. President, there will be an opportunity this morning for Members of the Senate to discuss the President's submission of his budget to the Congress yesterday.

The way the process works in our country is the President proposes a budget that contains his recommendations for spending priorities. And then the Congress deals with these recommendations in the way that Congress deems appropriate. The budget that the President proposes, and the budget that the Congress finalizes, reflect what we think the priorities are for our country.

It is certain that 100 years from now none of us will be here; 100 years from now we will be gone from this Earth. But if historians want to learn 100 years from now about who we were, and what we were, and what we felt was important to us, and what our priorities were, they could look at the Federal budget document and evaluate our spending priorities. What did we think was important? What did we invest in, in order to achieve a better future for ourselves or our country? And they could determine by our decisions about investment and spending what we held dear as a country.

This President has proposed a budget that is vastly changed from the budgets we have seen in recent years. When

I came to the Congress in 1981, in the House of Representatives, a new President was assuming office here in town, President Ronald Reagan. He had a completely different vision of fiscal policy.

He was supported by an economic theory that suggested if you had very large tax cuts, you would still achieve larger amounts of revenue and you could actually balance the budget with large tax cuts. And so he proposed with his Office of Management and Budget guru, Mr. David Stockman, a series of budgets that proposed very significant tax cuts and a doubling of the defense budget.

And President Reagan's economist and others, particularly an economist named Arthur Laffer, who developed a Laffer curve, said this would all work out OK. They said you can provide significant tax cuts, double defense spending, and it would all come out just fine.

In fact, that fiscal policy created a mountain of debt that began to choke this country. The President and Congress in combination embarked on a fiscal policy that was reckless. In fact, David Stockman, the chief strategist of it, said so in his book.

It took a long while to get through all of that, and even through the end of the 1980s and into the early 1990s the Federal budget deficit was climbing and climbing at an alarming rate.

President Clinton came to office in 1993 and said we are going to change that. And he presented the Congress in 1993 with a proposal to reduce the Federal budget deficit. As fiscal policy his proposal was tough, tough medicine.

And by one vote in the Senate and one vote in the House it passed. Some of my colleagues who voted for that are not here any longer because it was tough and controversial. But it put this country on the right road. Over a period of 5 years the budget deficit has come down, down, way down.

And some of my colleagues are unwilling to accept the fact that there is a cause-effect relationship between the actions you take to reduce this budget deficit and the results you get. But it is inevitable, if you look at the facts, to conclude that what this President and what this Congress did in 1993 to set this country on the right track has put us in the position today where we have a budget submitted to the Congress that wrestles that budget deficit to the ground and then says, as far as the eye can see in the years ahead, there is good news.

And the good news is that this economy is working. It's working better for the American people. I do not want to attribute it all to one person or one party. That is not the case. Last year we had a bipartisan budget agreement between Republicans and Democrats and that helps as well, and both parties ought to be credited for that.

But my point is I watched yesterday some people react to the President's budget submission, and it was the same cranky old tune you have heard from them every single year. It sounds like they have a permanent toothache. Nothing on Earth can make them satisfied or happy.

Let me see if I can help them out. Let me try to explain why the American people feel differently. Here is what makes the American people feel good about the direction we are heading.

The Federal budget deficit, as I said, has been down, down, way down now for 5 years in a row. And the deficit is almost nonexistent—not quite yet, but it will be.

Inflation is almost nonexistent. Inflation has come down, down, down. It is the lowest it's been since 1986. Housing starts are up substantially. In 1996 they totaled 1.47 million housing starts. That is the largest number of housing starts in this country since 1988. And what we know so far about 1997 tells us that the figures for all of last year will be even higher.

Mr. President, 14 million people are working now that were not working in 1993. Unemployment is down. I can recall when the Federal Reserve Board, that friend of mine, that institutional friend of mine, said if unemployment ever goes below 6 percent are we in for trouble; we are in for a huge wave of inflation. The Federal Reserve Board has been wrong, it has been consistently wrong about that. Unemployment is now at 4.7 percent, and inflation has not gone up, it has gone down.

Crime? The crime rate has gone down at the same time. This President said let's put 100,000 new police officers on the street. Let's put new cops on the street, on the beat. Guess what is happening. As our economy strengthens, and as more people are working, we have a lower crime rate. Since 1993, violent crime has dropped 16 percent. Robberies are down, assaults are down, the murder rate is down by over 20 percent, burglary is down. That is good news.

Welfare? In the last 4 years we have seen the largest decline in the welfare rolls in the history of this country. There are 2 million fewer people on welfare today than there were in August 1996, when we enacted welfare reform. I might say that this was a bipartisan accomplishment: Republicans and Democrats in the Congress joined to pass a welfare reform bill. I supported it as did many of my colleagues on both sides of the political aisle. A good economy plays a major role in this, but the welfare reform bill also set us on the right track.

Child support collections are up 50 percent after this Congress passed legislation cracking down on deadbeat dads who decide their children are not their responsibility and that the taxpayers should pay for them. The increase in collections is good news. Child support payments are up 50 percent.

Access to health care for millions of Americans? Because of last year's action, 5 million American children without health care will get health care.

Medicare? In the work that we have done to provide long-term stability for Medicare much, much more needs to be done, but we have done a great deal already.

I have more to say and I will in a bit, but I notice the minority leader, Senator DASCHLE, is on the floor. Let me yield whatever time Senator DASCHLE might use of the hour.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. I thank my colleague for his leadership and his usual eloquence. I want to associate myself with his remarks this morning. I appreciate very much his calling attention to the extraordinary and very historic accomplishment that we mark this week as we begin the debate on the fiscal 1999 budget.

I have some charts here that I think probably tell the story as well as any three charts could. This first graph simply lays out our fiscal policy from 1980 through 2003, using the President's fiscal year 1999 budget proposal to project from 1999 to 2003. The portion in red notes our struggle with the deficit from 1980 all the way up until the present. The deficits during this period total $3.1 trillion. Then in 1993 came the very controversial Omnibus Budget Reconciliation Act, which was enacted only after the Vice President cast the deciding vote. Passage of this act allowed us to make a dramatic reversal in our fiscal policy, generating savings that exceed the entire deficit that we have accumulated from 1980 through 1999. The green, or blue portion as it may appear on the screen, represents a total savings of $4 trillion. It shows that prior to the passage of the 1993 budget bill, CBO was projecting that the deficit would explode from $290 billion in 1992 to $633 billion by the year 2003.

Instead, a wonderful thing happened as a result of courageous decisions made by Democratic Senators and Members of Congress—some who are not here today because they voted on that deficit. I will never forget that moment as long as I live. After much consultation with Senators on both sides of the aisle, but especially our side of the aisle, a majority came to the realization that this could be a historic vote. Indeed it was. That vote brought about a precipitous decline in the deficit, to the point where we now see a surplus for the first time in 30 years. That surplus is projected to be $218 billion over the next 5 years. In 1969 I was a senior in college. I didn't really know, then, whether we had a surplus or a deficit. I really wasn't following it that closely. But I look back now and note that it was a surplus, albeit a small one. By the rarest of circumstances we had a set of economic conditions that allowed us to reach surplus that year. However, it was a fragile one and would not be repeated for 30 years. Now we are being told that the budget before us could achieve at least $1 trillion surplus over the next 10 years. So this is not just a fleeting 1-year moment in time. Current economic analysis projects that it is very likely we could see budgetary surpluses for the next 10 years. If in the years ahead we practice the same fiscal responsibility we have demonstrated the last 5 years, we could see a surplus of $1 trillion. In other words, we would not only achieve a $4 trillion savings in projected deficits, we would add to that an additional $1 trillion in surplus because of decisions we made in 1993 and again in 1997.

So no one should be surprised at the ceremony at the White House yesterday or with the extraordinary optimism and excitement that many of us shared as a result of these tough decisions. We have all been in those rooms. We have all noted a change in discipline. We have all noted how difficult it is to say no. We have all noted that, were it not for tough decisions and the new discipline that we have been able to establish over the last 5 years, we would not be celebrating today. But, indeed we are, and this chart points out as well as any the reasons for that celebration.

This next chart is also quite educational and informative. The dotted line shows the average federal outlays as a share of gross domestic product over the course of the last 17 years, from 1980, when Ronald Reagan became President, through 1997, under President Clinton. The average outlay during this span has been 21.9 percent of gross domestic product. In the early 1980s we exceeded this average pretty substantially. The red line indicates what actually happened. In 1988 and 1989 we went below the average outlays and then during the Bush years we exceeded the average outlays. In 1993, upon passage of President Clinton's budget bill, those outlays dropped precipitously and have continued falling right to the present. We see a dramatic reduction. Never in 17 years have we seen anything close to the drop in outlays that have occurred in the last 5 years. So, as a percent of gross domestic product, the federal government is spending far less than we have ever spent in the last two decades.

Receipts have also gone up during this same period. We see that expenditures and receipts meet about in the middle. Receipts as a share of gross domestic product have averaged 18.5 percent over the period 1980 to 1997. This percent has gone up substantially in the last five years so that revenues and outlays meet in the middle to bring us that surplus. What is amazing is that even though average receipts are up, the amount of tax paid by the average American working family is down, the lowest it has been in 20 years. So, one might ask, why are receipts up? Receipts are up because people on Wall Street are making megamillions, the economy is stronger than it has been at any time in our history, and the explosion of economic vitality and growth has produced an economic engine that not only provides more after-tax income for working families and businesses and farms, but also for the governments. More governments today at the State and local level are declaring surpluses than at any other time. Why? Because the engine of this economy is as strong as it has ever been.

So, by showing fiscal discipline, by creating fiscal and monetary policy that meld so well, we have created an economic engine that has allowed this economy to grow, to bring in the receipts, even though the vast majority of middle-income families have actually seen a reduction in their taxes over the last 20 years. These outlays have been reduced in large measure because we have been able to do something with government bureaucracy that we have not seen since John Kennedy was President: a lowering of the federal government's civilian employment. As depicted in this chart, we can see what has happened to Federal employment over the period of the last 30 years. When President Kennedy was in office, we had about 1.8 million employees working for the Federal Government. During the Johnson years that number shot up to over 2.3 million. It dropped in Nixon's time, went up a little bit in Carter's time, dropped somewhat in Reagan's time. But look what happened in President Clinton's time. The red portion of the chart shows the dramatic decline in civilian employment in the executive branch just in the last 5 years. It is once again at a level about where it was when President Kennedy was in office, when I was in 6th and 7th grade. So these outlays have gone down for many reasons, but they have gone down in large measure because we have the smallest Federal Government that we have had in more than 30 years.

We have had an effective Federal Government. In education, health care, health security, especially for Medicare recipients—in a lot of ways, even though our Government is smaller, our country and the Government is stronger. Now we are at the crux of some very serious policy questions. Perhaps the most important policy question is what do we do with the surplus. I think the President last week laid out the blueprint as clearly and convincingly as anything I have heard him discuss in the 5 years he has been President. This President has said, before we do anything else, let's recognize one thing. If we don't deal with Social Security soon in a meaningful way, by the time he and I and many of us so-called baby boomers retire, security, the fund may well be exhausted. Let's fix the Social Security problem, but until we do, let's ensure that we don't do anything with the surplus. In essence, we should pay down the debt as long as the Social Security problem remains unrepaired; so long as we don't have the confidence that Social Security will be available beyond the year 2030.

So I think the President is absolutely right. Let's solve Social Security, let's pay off some of the debt and whatever other things that we want to do. However, let's use the same fiscal discipline that we have used for the last 5 years to ensure that we provide good child care, good education, good health care, and a vital economy. We should pay for new investments and that's what the President's budget is doing. Every single thing in the President's budget is paid for, every penny of it.

So it's an exciting day. We celebrate success. We celebrate vitality in the economy the likes of which many of us have never seen in our lifetimes. We celebrate and perhaps look back with some satisfaction to tough decisionmaking. And we look ahead, having learned those lessons, with some expectation that it can continue. We will continue to make tough decisions. We will continue to keep this economy robust. We will continue to show fiscal discipline. We will continue to be sure that regardless of what else we do, when we invest in our future, when we invest in our children, when we invest in the things that our people care so much about, that we make those investments good by paying for them. First, by protecting Social Security; second, by paying off some of the debt; third, by investing in things that are totally paid for with offsets that are real and calculable.

Mr. President, if that isn't a recipe for success, I don't know what is. I hope all of us, Republicans and Democrats, can acknowledge the importance of maintaining that success as we go forward. I noted that yesterday marked the first day of the debate of the 1999 budget. While we can debate a lot of things, I hope several things are off the table. I hope we don't go back to the old mistakes we made in the 1980s. I hope that we recognize that rosy scenario has no place in budget calculations any longer; that we have to ensure that the fiscal discipline and the leadership that we have demonstrated persists and can consistently be demonstrated through the decisionmaking process we make on the budget this year.

(Mr. ROBERTS assumed the Chair.)

Mr. DORGAN. Mr. President, I wonder if the Senator from South Dakota will yield.

Mr. DASCHLE. I am happy to yield to my colleague.

Mr. DORGAN. Mr. President, I know the Senator comes from a reasonably small town in South Dakota. I come from a much smaller town in North Dakota.

I have said on several occasions that in my hometown, like most hometowns, we have a couple of people who get up in the morning and go down to the bar and play pinochle all day. They are retired. They sit around and play pinochle and enjoy life. The fact is, they sit around and play pinochle and complain while other people are out doing other things, like figuring out how to pave Main Street. Almost nothing satisfies them. There are people like that in every hometown, and there are people like that in Congress. The fact is, there is no amount of good news that can satisfy the people who are bent on having a bad day. I find it interesting that we went through part of the eighties and some of the nineties going in the wrong direction, and everyone was standing up and saying, "Gee, we were right on course; the deficit was continuing to escalate, the Federal debt was continuing to grow and mushroom." Everybody said, "Well, we're right on course." But we weren't on course.

The Senator from South Dakota, I know, understands well the 1993 vote. In that vote, we on this side of the aisle said, "Wait a second, this train is running right down the wrong track. We are going to stop it, back it up, turn it around and move it in the other direction." That is what has gotten us to the point we are at today, where instead of seeing escalating budget deficits and mushrooming Federal debt, we are seeing exactly the opposite. We not only see reduced deficits, and a reduced debt burden, but also an opportunity, even as we balance the budget, to invest in critical things that are important to the future health of the country. Is that how the Senator sees it?

Mr. DASCHLE. Mr. President, I appreciate the observation made by the Senator from North Dakota. That is true. There are some people who, given the kind of cards we have been dealt, you think would find some cause for optimism with all the good that is happening today: housing starts the highest they have been in history; the number of new jobs the highest they have ever been; the strength of the economy; the low interest rates; the fact that we are going to see a surplus; a growth in the economy that exceeds that of Europe and Japan together. That remarkable economic success ought to be cause for optimism for even the most ardent political pessimists sometimes found among our colleagues on the other side.

So I acknowledge, as you do, that it is a remarkable day when, even with all of this good news, there are still some people who are trying to find the dark lining in the cloud.

There isn't much dark lining there. If we stick to the text that we have been using for the last 5 years, there is a lot of silver lining upon which we ought to be building our future.

Again, I appreciate very much the Senator's leadership in bringing this to the attention of the American people and helping us as we make these tough decisions each and every day.

Mr. President, I know others are seeking time for the floor. So, again, I thank the Senator for allocating this time for discussion of the budget and our current circumstances. I yield the floor.

Mr. DORGAN. Mr. President, let me continue for a couple of moments to finish the presentation I was intending to make.

The reason I come back to the 1993 vote is that it was so controversial and so difficult for so many people. There were people here who said, "If you do this, if you pass this bill that makes a fundamental change in fiscal policy, you are going to cause a train wreck and you are going to run this country into a depression." We had people say that on the floor of the Senate. I won't read their quotes because that would not be fair. That was the intention of some folks on the floor, to say this is a terribly wrongheaded policy and going in the wrong direction. It turns out it was very important we change the direction of this country; it was the right policy.

When President Clinton proposed this budget, he talked about saving Social Security first. This is another way of saying we ought to pay down some of this debt. The problem has been that the Social Security trust funds have been used in the operating budget. I have been on the floor repeatedly talking about how inappropriate that is.

We ought to not step back into the same old hole we have been in for a decade and a half, or even more. We ought not to decide, the minute the budget picture looks better and we are headed in the right direction, that we are going to provide more tax breaks or more spending. What we ought to do is provide some confidence to the American people that we can manage this country's fiscal policy in a way that provides balanced budgets far out into the future. This President has done that in a way that says we are going to establish the right priorities for this country's future.

I want to mention two of them because others will come and talk about different portions of this budget. I want to talk about two. Some of the things the President has proposed represent additional investment in certain kinds of activities, and he has achieved that by reducing spending in other areas. I want to mention a couple.

Head Start. Does anyone in this Chamber who has visited a Head Start center believe that that is not the best kind of Federal investment we can make in young lives? Does anybody believe that program doesn't work? All of the evidence suggests that it is a wonderful investment in young lives. You go there and look in the eyes of these young children, 4- and 5-year-old children who are getting an opportunity in Head Start that they wouldn't have had otherwise. It yields tremendous rewards in the lives of each and every one of them.

When someone says, as we have seen in the past, "Well let's cut the budget and cut 60,000 kids out of Head Start," I say, "You tell me their names, which kids do you want to cut out of Head Start?"

This President says, and I hope this Congress will agree, that program works, that program makes sense, that program improves young citizens' lives. That's why his budget proposes to increase Head Start funding by $309 million in the coming fiscal year.

Let me make one final point. There is a lot in this budget that makes a lot of sense. The National Institutes of Health. This President says let's do what we ought to do. Let's increase spending of the National Institutes of Health, and he does so in a way that gets NIH funding to $20 billion in 2003, up nearly 50 percent over the coming 5 years, by achieving savings in other parts of the budget.

But I want to tell you briefly what they are doing down there at NIH. They have 50,000 plants, shrubs and trees from all around the world they collected with USDA, and they are doing research. I encourage all my colleagues to go see what they are doing.

Contemporary medicine derives many of its drugs from plant sources all around the world. They are doing an investigation of chili peppers—chili peppers. Do you know what they are finding? Chili peppers have a pain-killing extract. People knew that in folk medicine long ago, but now it is being refined and used.

Sweet wormwood, a plant that has potency against malaria.

The willow tree, aspirin. The Chinese knew that 2,000 years ago. The java devil pepper, a drug used as hypertensive agents against high blood pressure. Rose periwinkle, used in Hodgkin's disease, anticancer agents. Foxglove, used in congestive heart failure.

The point is, go down and look at what they are doing and what we are getting for this investment. It is going to improve the lives of people in this country because it will lead to significant medical breakthroughs. And this is just one part of their research, in the area of evaluating plants, trees and shrubs all around the world for what folk medicine used to understand they can contribute. We are understanding in a more significant and sophisticated way that these natural resources can help people live a healthy life.

Go over to the Heart, Lung and Blood Institute and take a look at what they are doing with respect to heart disease and genetic research. It is possible some day in the future that someone whose arteries become clogged will have their body grow a new artery link around that blockage. That comes from genetic research.

My point is, that is an area of the budget that I am very excited about. Gosh, that makes a lot of sense because that is an investment in the future, that is an investment that is going to help this country and all people of the world.

I think it is exciting that we can come to the floor of the Senate at a time when the country is headed in the right direction. We have more jobs, more opportunity, more confidence in the future. The things that were troubling us—inflation, welfare, budget deficits, unemployment—are all of them down, down, way down. That ought to give cause for optimism to all Members of the Senate. And it should give the American people the confidence that finally we are moving in the right direction.

That is why this budget document is important. It sets out some priorities. Are some of them maybe adjustable? Are some of them wrong? Yes. Are a lot of them right? Yes. Let's have a debate about that, and let's describe and select those priorities that we believe will strengthen and improve this country.

I am happy to yield such time as he consumes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for this opportunity to speak.

I came to Washington 15 years ago to be a Member of the House of Representatives. I can recall that one of the major items that we discussed in the entire 14 years that I served was the budget deficit. It seemed like such an impossible, intractable problem. Through President after President, we had these theories on how we were finally going to reach balance.

Oh, there was this steely resolve from everyone that we are going to get it done, and it seemed to be an elusive target that we missed year after year after year. As the balanced budget effort failed, the debt of the Nation grew and our deficits grew. We continued to shell out millions and millions and billions of dollars in interest on the national debt, money wasted that couldn't be spent for other good purposes.

Thank goodness we are in a different era. I pick up the morning paper and see the President of the United States has submitted to Congress for the first time in over 30 years a balanced budget. I read as well the last balanced budget submitted by President Lyndon Johnson was the result of a substantial tax surcharge which was imposed on the American people. So this President has brought us to a point with a balanced budget without this increase in taxes on working families, but giving us, I think, a better opportunity in the future.

How did we reach this point? I think you have to go back at least to 1993 when we passed the budget of the President. A Democratically controlled Congress, with not one Republican vote in support, passed a budget which moved us substantially toward a balanced budget.

It said that in the outyears, we would reduce spending, we would make certain that our books would be in balance, and then, to give credit where it is due, with the Republican Congress, just this last year, we came together again and, on a bipartisan basis, finished the job, finished that last important but small piece that needed to be added to reach balance. Add that to our bustling and thriving economy, and we have a situation that all of us can finally take pride in that we have a budget that is balanced for America and is balanced in its priorities.

Speaking to that budget, my friend from North Dakota mentioned several areas that are near and dear to my heart. The whole concept that we would finally find the resources in this budget to help working families pay for child care is one that is long overdue. During the break that we just completed, I traveled the length and breadth of Illinois visiting child care centers, seeing what was going on in the small communities and large cities of my State.

I can tell you, it is heartening, it is encouraging—but there are many challenges there—to go to St. Vincent de Paul Child Care Center in the city of Chicago and find 400 children in a very positive, warm and safe environment and to know that those children are receiving the very best care. But then I hear from Sister Katie that there are, in fact, a thousand more children waiting to come to that center. Where are those kids today? Who is watching them? What are they learning? Is it good or bad?

The President's budget says let's start providing more money for families to pay for child care, and he issues the resources from the tobacco agreement—one that I think should be one of our highest priorities this year. If we leave town in 1998, if this Senate and House leave town without enacting tobacco legislation—a tobacco agreement, a comprehensive approach—we will have turned our back on a golden opportunity for families across America to help pay for child care.

In the area of medical research, it always puzzled me that this area of research, which is so popular among the American people, didn't receive the kind of investment that it was due. I will give credit where it is due, within the last year or two my colleague from Illinois, Congressman JOHN PORTER, and others, have moved forward to increase NIH funding.

We can do better. We can do more. With this tobacco agreement and the proceeds from it, through this budget, we will finally start making the kind of investment in health research which every family cares for. Now, people may not come up on the street and say, "Senator, I hope you will do something about health research," but I say just visit a hospital. Visit a hospital where some family member is seriously ill and sit around for a few minutes, and you know what they will say. "I hope that the people working in Washington and all across the country can help spare my family or at least some other family what we have gone through with this health problem."

The last point I will make is critically important. There is a lot of talk about what to do with our surplus. There is kind of a surreal quality to this—a surplus? It was just a year ago that if you came to the floor of this U.S. Senate you would have found several Members—one parked at this desk right over here—with a stack of books higher than his head, all the budgets that have been submitted that were not in balance. And what was his suggested solution and the solution of many of my colleagues? An amendment to the Constitution.

It is fortuitous that on the floor waiting to speak next is Senator ROBERT BYRD. Senator BYRD of West Virginia has led the fight against this notion for a long, long period of time. Senator BYRD will recall the speeches, "If we don't amend this Constitution, if we don't put a balanced budget amendment in the Constitution, we will never reach balance. We have to change the Constitution." Senator BYRD had the wisdom and the leadership to stand up and say, "You are wrong. This can be done with political will. It need not be done by changing the Constitution of the United States."

Here we are 12 months later, I say to the Senator. I don't hear the hue and cry on the floor anymore from our friends on the other side of the aisle about amending the Constitution. They pick up the paper in the morning and say, "You've reached a balanced budget." We didn't have to put that travesty in our Constitution. I think there is a lesson there. We certainly owe a great debt of gratitude to Senator BYRD for his leadership in reminding us that we ought to step back and take a look at the course of American history before we jump and run and add things to that great document.

Now today, I say to the Senator, there are people who say we don't have to worry about the deficit anymore, our biggest problem is trying to figure out how to spend this surplus. All this extra money, what can we do? Can we declare a dividend for the American people? Give them tax breaks and become the most popular politicians in a generation? I suppose we could do that, but I think that is shortsighted. We don't know where this economy will be 6 months or a year from now. We don't know where Federal revenues will be. It is far better for us to take a cautious course.

I think President Clinton was right in his State of the Union message. Our first stop on that course should be Social Security. Let's make certain that if there is a surplus that we can count on, that we invest it back into Social Security so that it is there not just for generations to come but for the next century. We can do that, and we can do it if we don't rush to judgment here, if we don't spend this phantom surplus, if we don't overinvest.

As we were caught up a year ago in the idea of amending the Constitution, let's not get carried away in 1998 with overspending this surplus that may be illusory or only temporary.

I stand today happy that this administration has brought forth the first balanced budget in 30 years, but understanding that within that budget are important priorities for the working families of America, priorities which will never see the light of day unless this Senate and the House of Representatives work together to make certain that we keep your eye on the goal. The goal is making sure that we have a better standard of living for families across America.

I thank Senator BYRD for giving this opportunity to speak and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the very distinguished Senator from Illinois. He is an extremely able Senator and he is focused on the betterment of the country and always with the interests of the people of his State uppermost in mind. I am glad to serve with him.

ISTEA

Mr. BYRD. Mr. President, there is an urgent necessity for the Senate to turn immediately to the consideration of the Intermodal Surface Transportation Efficiency Act of 1997, ISTEA. That is the highway bill. That bill was reported unanimously by the Environmental and Public Works Committee on October 1, 1997. However, due to our inability to enact a comprehensive 6-year ISTEA reauthorization bill at the close of the last session, our State highway departments and transit providers are currently operating under a short-term extension bill that provides roughly one-half year of funding which is needed for our Federal highway construction, our highway safety, and our transit programs.

That short-term extension bill, Public Law 105–130, signed by the President on December 1, 1997, includes the following text, and I hope that Senators will listen carefully:

> A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998.

Let me repeat this provision that was in the law enacted and signed by the President on December 1 of 1997. Listen to these words:

"A State," that is my State, the State of the distinguished Senator who presides so efficiently over this Senate, that is the State of each of 99 other Members, "A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998."

That is just 42 legislative working days away—42 days.

I want to take a moment to explore the practical impact of that sentence. That sentence means that on May 1 of this year, just 87 days from today, with just 42 legislative calendar days—session days, we might say—away, our State highway departments and our transit providers across the Nation will be prohibited, by law, from spending any Federal highway or transit trust fund dollars. This provision does not apply just to the funding that was part of the short-term extension bill; it applies, equally, to any other unobligated funds that States may have left in their accounts for highway or transit projects currently in progress.

Mr. President, this provision, prohibiting the obligation of highway or transit funds after May 1, is a doomsday provision. It is a provision that says, beginning 3 months from this past Sunday, all 50 States in the union will begin to hit the same brick wall and feel the same pain—the pain of a Federal highway program coming to a halt, the pain of workers being put on the unemployment line, the pain of urban mass transit projects stopping in midstream, the pain of gravel quarries shutting down, the pain of construction equipment manufacturers closing their doors, the pain of our citizens sitting in ever-worsening traffic jams due to the inability to progress on desperately needed projects, the pain of unnecessary accidents and deaths on our highways—all of these because those roads cannot be brought up to modern safe standards. Make no mistake about it, May Day, May the 1st, May Day, will certainly elicit a cry for help from our States and our people.

You will hear the Governors, you will hear the mayors then, you will hear the highway agencies then, from all over this country.

Mr. President, when the Congress put that doomsday provision into law, we did so at a time when the Senate majority leader was telling the Senate that we would turn to a comprehensive 6-year ISTEA reauthorization bill as our first order of business early in the second session of the 105th Congress. Back in November we knew that, if we took up the ISTEA bill at the end of January, we would have sufficient time between then and May 1 to move an ISTEA bill and go to conference with the House and present a completed bill to the President for his signature. It was an ambitious schedule, but it was achievable.

Mr. President, today, that picture appears to have radically changed, and it does not appear that we will be taking up the highway bill any time soon. I say this from the inferences that I draw from newspaper reports and the reports that I receive by word of mouth and various other communications, electronic and so on. There are exceedingly few legislative days available to us prior to May 1, as I have already indicated, about 42 session days. I am not counting Saturdays and Sundays. These are session days. Although the priorities of the Senate leadership may have changed regarding debating ISTEA, the doomsday date of May 1 remains in the law. While it may be the desire of the Senate leadership to debate a budget resolution prior to the consideration of ISTEA, let's realistically face what that means. While the law requires that the Senate pass a budget resolution by April 15, the fact is that we miss that deadline far more often than we meet it. And if we just listen to the statements that have been made in the last few days regarding the President's budget, it is apparent that the debate over the substance and the direction of the budget resolution promises to be a long and contentious one.

So what is the real possibility of our enacting a comprehensive 6-year ISTEA reauthorization bill prior to May 1, if we do not turn to it immediately? Not good, at best.

Mr. President, some observers have looked at the calendar and concluded that the Senate, along with the House, will just have to pass another short-term ISTEA authorization bill. Well, Mr. President, I am not a member of the Environment and Public Works Committee. But, I am told by both the chairman and ranking member of that committee's Surface Transportation Subcommittee that the chances are very slight, indeed, that we will be successful in, again, passing a short-term ISTEA extension bill. Over 200 amendments were filed to S. 1173, when it was brought before the Senate last fall. Several Members are anxious to offer their amendments. Punxsutawney Phil, the groundhog, has seen his shadow, but we here in the Congress cannot seem to see the handwriting on the wall.

I again urge the leadership to bring forward and take up the ISTEA bill now and let the Senate get on with debating and voting on the many amendments that have been filed in connection with this bill.

There is simply no other way that we can hope to complete action on this critical legislation prior to the May 1 drop dead date that presently is hanging over the heads of all of us like Damocles' sword. All of us are responsible for ensuring that the Nation's highway programs continue without undue interruption and uncertainty. The time for dithering and delaying is over. We need to keep our commitment to the States and to our people and act now to avoid this doomsday scenario.

Mr. President, I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that the next hour of deliberation is under my control or that of my designee.

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the time between 10:30 and 11:30 shall be under the control of the Senator from Georgia or the Senator's designee.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, over the last several days, there has been considerable discussion about the State of the Union Address and the general framework of the President's new budget and subsequent presentations that have been made to the Congress and to the American people about this budget. Over the next several months, we are going to entertain a lot of hyperbole, a lot of rhetoric, and probably a lot of finger pointing, but I have a business background—bottom line. The bottom line here is that the celebration conducted on the White House lawn last year for the first balanced budget in 30 years and the first tax relief in 16 years, if we accept the President's presentations, is being canceled. It didn't last a year. Just take an x and mark it out and take all those films and set them aside. It didn't happen, because the tax relief—the first significant tax relief in 16 years—was $110 billion over the next 5 years. The President's budget envisions tax increases of $106 billion over the next 5 years. So the tax relief is crossed through, gone.

Now, it's true that there will be a different set of winners and losers, which is unfortunately the type of thing that happens in the Capital City. The point is, they made huge fanfare that we were giving $110 billion in tax relief. We have gone home and talked about it, and we are right back here raising it again, canceling it out.

Now, the balanced budget—the first in 30 years—the balanced budget agreement, which was a very hard-fought battle, finally secured and signed with great celebration on the White House lawn, envisioned a cap of expenditures over 5 years. In other words, we came to terms about how much we were going to spend between the signing of that and the year 2002. Preset. We told the American people that we are on a glidepath and we have decided what we are going to spend. Well, the fruits of this have been enormous. The world has looked at us and said that this is a very positive thing. The President's budget takes that and sets it aside and says, no, we are going to go back to the days of tax and spend, and he is proposing $150 billion in new spending, added on above those caps that we agreed to.

So, in short, bottom line, you take the budget deal and tax relief and throw it out, cancel it. That is where the debate starts this year. I think that is unacceptable.

Mr. President, we have just been joined by my good colleague from Missouri. He is operating under a real scheduling problem here. I am going to yield up to 10 minutes to the Senator from Missouri. He is dealing with another matter, but we want to facilitate the Senator's schedule, and it is a very important initiative that he is going to be talking about this morning.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mr. BOND and Mr. FRIST pertaining to the introduction of S. 1599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COVERDELL. Mr. President, we have now been joined by the senior Senator from Texas, Senator GRAMM, an acknowledged expert on economics and the budget. I welcome him to the floor to discuss the President's budget. I yield up to 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear friend and leader from Georgia, Senator COVERDELL, for yielding. Let me first say that this is a very happy occasion to me because I have come to the floor of the Senate to talk about a budget where in the one provision that Americans clearly understand best, and based on the historical problems we care about most, we have a unanimity of purpose with the White House, with the Democrats. In fact, this is the first time in my career in Congress that we have a President, a minority party, and a majority party, all of which have committed to balancing the Federal budget.

It is a certainty that if the economy stays as strong over the next 18 months as it is today that we will balance the Federal budget in fiscal year 1999, which is October of 1998 through September of the year 1999. That, obviously, is good news.

So I think the first thing we need to do is we don't need a debate about balancing the budget. We don't need a debate about how we differ with the President on this subject. Some people will want to debate about how it happened. Some people will want to debate who should have the credit. But it seems to me that the good news is given the economy stays as strong as it is we are going to have a balanced budget, and the President and the Congress—Democrats and Republicans—agree on the bottom line of that budget.

So given all of that happy news, I think we should just simply take it to the bank, so to speak, and move ahead on that front.

Now the question comes: Where do we disagree? That is what I would like to talk about today because I think those disagreements are very, very important. How did we get to where we are today? It seems to me that it started in 1985 when for the first time we really started to try to gain control of spending. It has been fiscal responsibility—often a battle between the President and the Congress, Democratic Presidents, Republican Presidents, Democratic Congresses, Republican Congresses. But the basic fact of life is that since 1985 we have limited the growth of Government for the first time really in the postwar period.

Where does the President want to take us from this happy moment, and where do Republicans want to take us from this happy moment? Given that together with a strong economy we are going to balance the budget, which road does the President want to go down? And which road do Republicans in Congress want to go down? Then it seems to me that it is up to us to define those paths as we come to this fork in the road where people need to choose which path they want to follow.

The President is proposing in his budget $115 billion of new taxes and user fees. These taxes entail many different provisions from taxes on airline tickets to changing the way we deal with life insurance—numerous provisions. But when you add up all of the taxes and user fees, the President's budget over the next 5 years will take $115 billion out of the pockets of Americans and transfer that money to the Government. The President will then use that money to fund in part a $130 billion increase in Government spending. Anyone who heard the State of the Union has heard the long list of things that the President wants to spend money on.

The first thing I want people to understand is that this represents a dramatic change in policy. The President is contemplating from this point where we have all come together to balance the budget taking a leftward path at this fork in the road that entails a very substantial increase in taxes, and a very substantial increase in Government spending.

Let me tell you why I am concerned about the increase in taxes and user fees. I am concerned because never have Americans paid more taxes than they do today. American families all over the country—when you add up the total taxes they pay—are paying about 31 cents out of every dollar they earn to the Government in taxes. We didn't pay 31 cents out of every dollar at the peak of the war effort in 1944 and 1945. We didn't pay 31 cents out of every dollar at the peak of the Civil War effort. Never in the history of the country have taxes been higher than they are today. Yet, in the President's budget under his own numbers, the percentage of the income of Americans who work for a living that goes to the Federal Government in taxes rises for 1998 over 1997 and rises for 1999 over 1998.

For 3 years in a row, despite the fact that we are at the highest tax level in American history, the President would raise taxes again, meaning that Government would be spending more of our income than at any time in American history. And the only other times in American history that we have even rivaled this level of taxes were times when defense spending was at a record high. And today defense spending is lower than it was when the Japanese bombed Pearl Harbor on December 7, 1941.

Now it seems to me that what Republicans have to do—and I think we need to do it in a very open way because this is a public policy choice—is we need to go through and look at all of the $115 billion in taxes and user fees, loophole closures, whatever euphemism the President may have for them, and we need to make a judgment. Are these good things, are they bad things, should they be done, are they equitable, and do we want to take that much in revenues? That is the first question we have to answer. I think we do it by looking at each individual program and making a decision.

Then we come to the decision as to what you would do with this money if you had it. If we had $115 billion of new revenues, would we want to go out and undertake $130 billion of new spending programs, or would we want to give that $115 billion back to the American people by cutting taxes?

It seems to me that the difference between Republicans and the President at this sort of defining moment where we are on the verge of achieving a balanced budget and facing this fork in the road that the President wants to go left in raising taxes to increase spending even though the tax rate is at a record high. I believe Republicans think that we should look at each one of the President's revenue proposals. But, if we believe that they merit our action, our support, we think we ought to take that money and give it back to working Americans in terms of tax cuts.

We have had proposals by the President, for example, to spend $21 billion on child care, a new massive program at the Federal and State level in block grants. Republicans believe there is a child care problem. Today the average American family sends one out of every four dollars it earns to Washington, DC. In 1950, when I was a baby, the average American family was sending one out of every forty dollars it earned to Washington, DC. Today working wives in two-parent families where both parents work outside the home are paying 55 percent of their earnings in taxes that didn't exist when I was a baby.

So, obviously, working families do have a problem paying for child care and raising children. But is the answer another $21 billion Federal program? Or is the answer, for example, to double the dependent exemption from $2,500 a year to $5,000 a year so that instead of taking $2,500 off your income before you figure your taxes per child for those under 6 you take $5,000 off per child. So you could keep more of your own money and invest it in your own decision about child care, whether it is professional child care, whether it was church based child care, or whether it is grandma keeping the children, or whether it is mom staying home with the children. You would have a choice. That, it seems to me, is a legitimate choice that Americans can look at.

The President believes the answer to child care is $21 billion of new Government spending. We believe the answer is to take the $21 billion, double the dependent exemption for children under 6, and let working families decide how to spend the money. I think the advantage of our program is you don't have to use child care to get benefits. If you stay home with your children, you get the benefit. If you work outside the home and grandma takes care of the children, you get the benefit and you decide how to spend it. Who says one is better than the other? I think that is up to the American people. But that is the decision we are making at this crossroads where the President says the answer is more Government, and we say the answer is more freedom—in this case freedom to spend your own money.

If you ask American families that are in that income level—between $25,000 a year and $50,000 a year—so that their tax rate is popping up from 15 percent to 28 percent, if they would rather the Government spend $130 billion on their behalf, or would they rather say that if they can work and make more money we will tax them at 15 percent instead of 28 percent, what if we could say for single people that they can earn $34,000 and still be in the 15 percent bracket, and we could say to working families that they can earn $50,000 and still be in the 15 percent bracket instead of $40,000? If we could do that for the same cost that the President is going to incur in funding all of these new Government programs, would working families rather keep that extra money and spend it themselves on many of the same things we say we are going to spend it on their behalf, or would they rather us do it?

Again, we are at that fork in the road where we came together to balance the budget. But the President and the Democrats say let's spend this money on more Government programs. We say let's let working families keep more of what they earn, and for middle-income families who have seen all the Reagan tax cut eaten up by an increase in payroll taxes, let's stretch out this bracket at 15 percent.

Let's go up to $34,000 for single, and $50,000 for working couples where they will still be taxed at 15 percent, not 28 percent. Would they prefer having that, or $130 billion worth of new Government spending? No one says the President is wrong and we are right. What we are saying is America, which do you want? Do you believe Government can spend your money better than you can spend it? Do you think we are wiser than you? Do you think we know your needs better than you know your needs? Do you think we have this wisdom and insight and perspective that you as fathers and mothers, grandmothers and grandfathers lack? Well, if you do—and that is a perfectly legitimate view; it is not one I share, but it is legitimate—then you want to support the President's program. But if you believe you could spend the money better, that you know a little bit more about taking care of your children and raising your family than the Government does, then you want to support what Republicans want to do. You want to support going down the fork in the road that we choose from this point. That is basically the choice that we have.

Let me address two additional issues very briefly. If we have a tobacco settlement where we agree with the tobacco companies that they are going to pay the Government money—and the whole purpose of the settlement that everybody forgets in this rush to spend the money is that if there is a settlement the settlement is that the tobacco companies owe the taxpayers for the medical costs that have been imposed on the Federal Government as a result of people smoking—where have those costs been imposed? Those costs have not been imposed on school buildings or teachers. I'm not sure that smoking stunts your growth when you are a child but we know that it raises the probability that you will have lung problems, heart problems, and numerous other health problems when you get older.

The cost of smoking borne by Medicare has been probably six dollars for every one dollar that the States have spent on Medicaid because of smoking. So if we are going to have a tobacco settlement, the cost that the tobacco companies are paying to the Government is really to compensate for the cost of Medicare.

So I don't think it is unreasonable that we ought to take that money and use it to save Medicare—not just for our parents but for our children.

So if there is a tobacco settlement, the money ought to go where the settlement agrees it is for, and that is to compensate the taxpayer for medical costs. And almost all of those costs at the Federal level are borne by Medicare.

Finally, if we are just simply going to raise taxes on cigarettes, then we get back to the decision at this fork in the road as to whether if we are going to raise taxes on cigarettes to discourage people from smoking, should we give the money back to Americans by cutting tax rates, or lowering the taxes in some way, or should we have the Government spend it and let the taxes which are already at historic highs rise even further?

Again, there is no right or wrong here. It is a question of what Americans want.

Finally, in protecting Social Security, I went to the State of the Union Address, and I guess many people tuned in excited to hear what the President was going to say about Social Security. The plain truth is, to my disappointment, the President said almost nothing about Social Security. He has proposed no program whatsoever. He just simply outlined the $130 billion worth of new spending and then said to Republicans, do not dare talk about cutting taxes because you need the surplus to save Social Security.

The point is, if we want surpluses to save Social Security, we should not spend the $130 billion to begin with.

How would you save Social Security? First of all, over the next 5 years, $600 billion is going to be paid into Social Security above the level that we are actually paying out for Social Security benefits.

Under the President's budget, we spend $400 billion of it on general Government. I think we ought to take that money and invest it in Social Security. How would you do it? Let me tell you very briefly how I would do it. Currently, workers pay 12.4 cents out of every dollar they earn in wages to Social Security. None of it represents a real investment, and it is all either paid out in benefits or spent on general Government. There is no trust fund. The trust fund exists as only a paper accounting system where the Government claims it owes money to Social Security, but it does not count it as an external debt and when it pays interest, it does not count it as an expenditure of the Government.

What I would do is take that $100 billion a year being paid in above what we are spending and actually make investments that would be owned by individual workers. By doing that we can cut in half the long-term liability of Social Security.

So to sum up, since I know one of my other colleagues is here to speak, we have come together on a bipartisan basis, Democrats and Republicans, the President and Congress, with a unity of purpose to balance the budget. We agree on that, and we are going to do it, and that is no longer something we are debating. The question is where do we go from here. Do we need more Government even though we have a record high tax rate, or do we need to let people keep more of what they earn? That is the choice we face. That is what the debate is about. And I hope people will understand it and make their choice. I believe they will choose freedom. They always have when they have had the choice and when they have understood it. I believe that is the choice they will make.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia.

Mr. COVERDELL. I appreciate very much the thoughtful remarks by the Senator from Texas.

We have been joined by our colleague from Arizona, and I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank my colleague from Georgia and, of course, second the remarks just made by my colleague from Texas.

Mr. President, with the Federal Government apparently on the verge of its first unified budget surplus in nearly 30 years, many people are beginning to ask what comes next, what should happen to the budget surplus if and when it materializes. Should we spend it? Should we begin to pay down the national debt? Should we provide hard-working American families with some meaningful and, I would say, long overdue tax relief?

Before we try to answer those questions, I think it is worthwhile to recall how we got here. Remember, it was not that long ago—in fact, it was as recently as February of 1995—that President Clinton submitted a budget that would have locked in annual deficits in the range of $200 billion in the foreseeable future. A unanimous Senate rejected the Clinton budget on May 19, 1995, and from that point on the debate took a fundamental turn from whether to balance the Federal budget to how to balance it.

During the last 3 years, we began to slow Federal spending growth. We have eliminated 307 mostly small Federal programs. But perhaps the most decisive factor has been what we did not do. We did not impose another large tax increase on already overtaxed families and businesses. And that gave people enough room to do the things that they would naturally do to result in an invigoration of our economy. In fact, the economy has outperformed everyone's expectations, producing tens of billions of dollars in unanticipated revenues to the Treasury which has helped to close this budget gap.

When the budget agreement passed last year, for example, deficits were projected to go from $67 billion to $90 billion. The budget agreement allowed for substantial amounts of new spending before starting down the path to balance in the year 2002. It was the expectation of deficits in the interim that were higher, not lower, that contributed to my decision to oppose last year's budget deal. It now turns out that the 1997 budget deficit came in at only $22 billion and is projected to amount to about $5 billion in the current year, all because of the economy's robust performance and it comes in spite, I would note, of the substantially increased spending allowed by the 1997 budget.

So what ultimately we decide to do with the surplus—and again I caution that projections are just that, projections—we ought to be sure that it sustains the economic growth that has gotten us to where we are today. And that is why of the three possible approaches to utilizing this budget surplus, it seems to me the one that makes the most sense is to return what we do not need to spend at the Federal Government level back to the hard-working families who earned it so that they can make the decisions in their own lives as to how to spend that surplus, thereby enabling us to continue the long term of economic growth which this country has been on now for the last many months and to ensure that robust economic growth continues to produce more revenues to the Treasury in the future that can help us sustain both the Federal budget and ensure that we do not have deficits in the future.

The President, of course, has taken a political road here. He is suggesting that we should use the surplus for Social Security purposes. As Senator GRAMM pointed out, there is no indication as to how he would do that, and as a matter of fact since the money going into the Social Security trust fund amounts to an IOU to the Social Security trust fund because it is then immediately spent by the Federal Government, we do not put Social Security money in a shoe box here at the Federal Government level. What the President in fact is saying is simply allow that money to be spent by the general fund of the U.S. Government, and I think that is unacceptable.

The other thing the President has said is, let's spend about $130 billion on new programs. That is not what to do with the budget surplus that may or may not materialize, and that in any event would put us on a road to spending that money every year in the future. Clearly, we cannot sustain forever the kind of economic growth we have today, and as a result we should not be embarking on new spending programs that we are going to have to find new sources of revenue to support in the future.

Another thing we can do is to begin to pay down the national debt. Given the fact we are paying almost $1 billion a day on interest on the national debt, it makes sense for us to do that. So to the extent we do not need the revenues for other purposes, we can devote part of that to paying down the national debt. But I suggest that the best way to ensure that we can continue to have a robust economy, continue to gain the receipts that we need to pay for Federal Government programs and also to ensure that American families continue to receive some benefit from this economy is to provide that hard-working American family with tax relief to the extent that the budget surplus permits us to do so.

Clearly, the most effective from an economic point of view, what Alan Greenspan testified to the other day, if we are going to provide tax relief, it should be in terms of marginal relief for all Americans. But to the extent that politically we are not able to do that this year and that we need to do something in a targeted fashion, I think most of us agree the most beneficial kind of tax relief would be aimed at eliminating the current marriage penalty which in effect has the Government of the United States supporting a policy which encourages people who are living together, working but who are not married, to continue to stay unmarried because, after all, if they marry, then the second person's income is immediately put into the top bracket and they end up paying a lot more in taxes than they would if they remained unmarried. It should not be Government policy to be fostering that kind of family situation, and as a result the marriage penalty ought to be one of our first targets for elimination to the extent we can spend any of this surplus for tax relief.

I use the word "spend," Mr. President, and in closing I want to make this point. That is the term that the budgeteers use, that the people inside the beltway use when they talk about a surplus and putting it to "good use." They talk about spending as if it were Federal Government money. And in the beneficence of the Federal Government we are going to give it back to the American people. The truth of the matter is we should not have taken it from the American people in the first place because, as it turns out, we did not need it and as a result the only right thing to do is for the Federal Government to return it to the American people in the form of tax relief.

Again, I conclude by saying the benefits of that are twofold and significant. No. 1, American families are already way overtaxed, and this enables them to provide more for their families in a way that they deem most effective rather than somebody here in Washington, DC. But secondly, because there is more family income at their disposal, to be spent, to be saved, and in saving to be invested in the American economy, we can ensure that the economy continues to perform as it has with the result that not only do we all have a better standard of living but, of course, the Federal Government continues to get more revenues because we have not changed basic tax rates. As long as those rates remain where they are, a robust economy is going to continue to allow the Federal Government to do just fine in terms of its collections of revenue. That is why we can ensure that we can balance budgets in the future, we can have plenty of money to begin paying down that Federal debt, and we can provide tax relief to families and encourage a robust economy if we will use whatever surplus exists to return to the American people so that they can then spend it as they see fit.

These are the options. I think that the Republican plan, which focuses on debt reduction and tax relief, is the right way to go and that the President's ideas for more spending, while they will get a courteous listen here on Capitol Hill, are in the end not the best way to deal with the surplus that we might have and ultimately will have to be rejected by the Congress.

I thank my colleague from Georgia for making this time available to discuss these important issues and look forward to our continuing discussions.

Mr. COVERDELL. Mr. President, I thank my colleague from Arizona for his remarks and yield 7 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. I, too, thank the Senator from Georgia for getting the time in the Chamber to talk about the President's budget submission and some of the things that we hope Congress is willing to do in working with the budget that we have. I concur with my friend from Arizona who just spoke and, before that, my senior colleague from Texas who talked about the very clear choice we have in dealing with the budget issues.

The clear choice is, do you believe that we should increase Government spending by $123 billion this year or do you think the hard-working American family should get back more of the money it has earned and worked for. And do you think we have a responsibility to our future generations to pay down the $5 trillion debt that has accumulated over the last 40 years in our Congress.

That is the clear choice. I come down very strongly on the second choice. The choice should be that we would do what is responsible for ourselves and for future generations, and that is to pay one-half of any surplus we might have on the debt so that we start whittling it down to a reasonable, manageable size. We cannot turn over to our children and grandchildren a bill of $5 trillion, that if we are in a recession, will skyrocket their taxes in order to pay. The other half should go back to the people who earned it. I never cease to be amazed at the way people who want to have more Government spending talk about tax cuts. They talk about tax cuts in terms of what is it going to cost the Federal Government. I talk about tax cuts in terms of what is it going to cost the American family if we don't give back to them the money they worked so hard to earn, for them to decide what they would like to spend it for in their own families. That is the difference in framing the question. And I am for the hard-working American family.

Most families in this country—in fact, the average family in this country pays 38 percent of what it earns in taxes. That is wrong. We do not need to have that much Federal Government encroachment into the pocketbooks of the American people. We do have responsibilities in Government, but we do not have to take such a chunk out of the hard-working American's pocketbook if we manage our taxes and our spending responsibly and if we are efficient in spending the taxpayer dollars.

So I would just say that I think the President has gone on the wrong track when he says we are going to have a surplus and therefore I want to increase spending by $123 billion. He is mortgaging the future of our children and he is saying I want to spend today and let's not think about tomorrow. That is not what our responsibility is, as the stewards of our country and our Government.

So I am hoping we will do the right thing. I am hoping that as we are looking at a level budget that we will also prioritize within that budget and I hope we will remember, on the eve of potential problems and conflicts in the Middle East—that we will remember one of the main roles of the Federal Government is to provide for the national defense. In fact, this budget does begin to stop the decline in spending for procurement in our national defense. It does provide for a 3.1 percent increase for our military personnel—well deserved. But it continues to decrease the personnel strength. In fact, in this year's budget it decreases another 43,000 in our troop strength from

1997 levels. We are already at the lowest levels this country has been since the Korean war.

There was the assumption after the cold war that somehow the world was safer. But now, because we see escalating tensions in the Middle East, because we know the North Koreans continue to train and build up their military, we see the conflicts around the world and the potential conflicts—and it is clear the world is not a safe place from which we can retreat.

So I hope we will look at this drawing down of our strength. From Desert Storm levels, we will be down half a million in troop strength, from roughly 2 million, drawing down under this budget request of the President to 1.4 million. I do not think that is responsible. In fact, at a time when the Army had its worst recruiting year since 1979, I do not think it would be prudent to put more responsibility on the thinning ranks of our troops who are leaving our armed services because of the overseas deployments. So, I am going to stand for the strength of our national defense, for that priority in our spending. I want to keep the other side, the increase in bureaucracy down, so our national defense stays up and so we can return to the taxpayers the hard-earned tax dollars that they deserve; and that we start paying down the debt. That would be my approach and I hope that is what Congress will do in the budget deliberations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I understand the Presiding Officer, the Senator from Wyoming, is our next presenter, and will soon be approaching his desk.

I yield up to 7 minutes to the Senator to make his presentation on the budget, Madam President.

The PRESIDING OFFICER (Mrs. HUTCHISON). I recognize the Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator from Georgia for arranging for our discussion this morning. It seems to me it is one of the most basic discussions that we will have during the year. Budgets, after all, are sort of a map as to where we go. They are without great detail, but sort of limit where we are going. They have to do with the revenue that we anticipate raising. They have to do with the expenditures, and generally where those expenditures will be. So, in terms of direction, in terms of what we really expect the Federal Government to do, the budget is extremely important.

Let me mention that the budget basically is done by the Congress. The President has been very outgoing in claiming credit for all the things that have happened over the last few years, but the fact is the Congress is responsible for the spending. No spending can occur unless the Congress agrees to it. No spending can be made in the Federal establishment unless approved by the Congress. So the responsibility is here, and I guess also you could say if there is any credit for having done some downsizing over the past few years, it also goes here.

But I wanted to talk about something just a little bit different and that is, frankly, my disappointment in the approach that is taken in this case, and other cases as well; I am disappointed that when we have something to decide in our Government, all of our Government, that we are not more willing to lay things out as they are. I am, frankly, a little exasperated with all the spinning that goes on from almost everyone here, but frankly particularly from this administration, in sort of trying to say that things aren't really what they are. That is so discouraging, especially when we are in a time when there is greater communication availability to all the world, and certainly to the American people, than there ever has been. So that if you ever thought of having Government of the people, for Heaven's sake, now we can do that because everyone can know what the facts are. They are there automatically.

Yet, as we go through these things, it is really difficult to understand what is being done because they are described one way at the White House, you know, as if this is a wonderful breakthrough and we are going to contain the size of the Government; that this is the end of the era of big Government. But the fact is, it is not. It is a growth. It is larger Government. It is more taxing. But it is hard to kind of decipher these things.

Let me read some material from James Miller, who was the OMB head in the Reagan years. He is talking about the things that have been said, and what he thinks, at least, the real facts are. Miller says we have, in ". . . the president's words, 'the smallest government in 35 years[.]' " And yet, in 1963, "at the height of Camelot," he calls it, "total federal spending (in 1997 dollars"—1997 dollars, adjusted for that—was $580 billion, with 48 percent going for defense. For 1998 the federal government will spend $1,625 billion, of which 16 percent is for defense. And the President says "the smallest Government in 35 years."

You know, that just is not the way it is. Now we are spending 15 percent for defense, as the Senator from Texas just described. Federal spending per capita was $3,069 in 1997 dollars in 1963. It is, today, $6,000. Spending per capita has doubled. The President says we have "the smallest Government in 35 years." The comparison is even more telling when you include State and local governments—$4,100 per capita in 1963; $9,500 per capita now.

You know, it is really discouraging to try to deal and get people involved in making decisions as to what they think is best for this country when the facts are so distorted. There is nothing wrong with having it laid out there in real terms. This is a legitimate decision. There are those who want more Government and more taxes and more expenditures. That is a legitimate point of view. I don't happen to share it. That is the liberal agenda. That is what we debate all the time. The other alternative, of course, is to have less taxes, less spending, a less large Federal Government and move, more and more governmental functions closer to people. Those are legitimate debates. Why it is, frankly, that we tend to hide those all the time under rhetoric I am not certain.

Let me give you another example. The President says, "Under the leadership of Vice President GORE we have reduced the Federal payroll by 300,000 workers." According to the U.S. Office of Personnel Management, between January 1993 and September 1997, Federal civil employment fell by 254,000; 217,000 of that was attributable to defense, the closing of bases, civilian workers in defense; 17,000 came from downsizing the Department of Veterans Affairs; and 14,000 more from completing the work on S&L's. This is not a reduction in the size of Government. But, you know, we are told that.

So, Madam President, I am hopeful, too, we can hold the caps we agreed upon last year, that the President agreed upon. I hope we can continue to move towards making the Government smaller and more efficient. I hope we do not continue to grow and to bring in new fees that we don't recognize as taxes, although they are. So we have a great opportunity. All I ask is let us get it out there, debate it on the face of the real facts and not disguise it, trying to act as if it is something that it is really not.

Madam President, I yield now to the Senator from Kansas to complete our discussion for this morning.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I appreciate the recognition and the statement of the Senator from Wyoming, with which I associate myself.

I rise to make a few remarks on the President's $1.7 trillion budget proposal. Most people can't even recognize exactly what $1.7 trillion is, as a size, a quantity of money.

I believe one of the biggest challenges facing this second session of the 105th Congress is to maintain the fiscal discipline that we exercised during consideration of the historic bipartisan budget agreement. Unfortunately, after reviewing the budget it appears that the administration wants to walk away from that challenge, and that is truly regrettable for Americans today, for Americans born in the future, and certainly for the baby boomers soon to be retiring—in less than 15 years.

In this budget the President pretends to be fiscally responsible while at the same time calling for massive new spending programs, new programs in many areas that he says were directed towards helping families. But if the President really wants to help families, why doesn't he propose ending the marriage penalty that penalizes people for being married? Why doesn't he ask for marginal tax rate reduction? But, instead, it's just proposing more of the same tax-and-spend policies that have given us the era of big Government, which was supposedly over. It appears as if the era of big Government is back with a vengeance.

In contrast to the President, I believe that we must hold the line on the size of the Government and reject attempts by this administration to bolster spending in violation of our bipartisan budget agreement. Remember, this bipartisan budget agreement was not just the product of last year. It was something we have been struggling for 3 years, to get an agreement on the budget. For 3 years we have been fighting about how can we restrain Federal spending, get it in line with receipts so we could get to a balanced budget agreement. We have been struggling for 3 years on that, yet now, less than 7 months after the agreement, the President is walking away. This is in gross violation of this agreement. We cannot let the administration mortgage away our children's future in order to help satisfy this insatiable appetite for big Government spending. We must be able to deal with these problems within the framework that we have already agreed to.

I just want to point out a few things, and I know some people have already done this but in case we get carried with away with the idea that now we have these surpluses and everything is rosy, we can spend to our heart's content, I don't know how many people realize, I hope most do, that once we get to a balanced budget it has nothing to do with the mortgage we already have on the country, which is $5.4 trillion, over $20,000 per American. It has nothing to do with the unfunded obligations that we are on the hook for when the baby boomers and others start retiring, that extend to about $14 trillion in addition to the $5.4 trillion.

Here we are talking about being responsible for Medicare payments for when the baby boomers start retiring. We are talking about other entitlement programs that people have paid into, that there is an obligation by the Government, but we do not have funds set aside to take care of these obligations.

So you are looking at taxing future generations more and more and more to be able to meet those obligations at a time when, if we would exercise a minimum amount of fiscal discipline, just do the budget agreement we have already agreed to, we can start to deal with some of these unfunded obligations.

In case people think this is a long way off in the future, the baby boomers start retiring in less than 15 years, and they are going to be, instead of pulling the wagon, in the wagon saying, "You obligated yourself, I paid into these funds, now I am calling on these."

The percentage of the Federal Government, as a percentage of the overall economy, is at historically high levels, nearly 20 percent of the economy. If the President wants all these new spending programs, why doesn't he propose equal cuts to other Government programs? Does anybody in this body allege that we don't have significant amounts of Government waste in spending? Let's cut those programs if he wants the new spending programs, rather than adding more and more taxes and fees and burdens on the American public. That would be the way to deal with this, is to try to get at some of the wasteful spending programs that we already have.

I look forward to working with the administration on this budget, but we cannot break this hard-fought bipartisan budget agreement on the altar of just more and more taxing and spending that keeps driving up the cost of Government, keeps taking more and more from taxpayers, keeps making it harder and harder for the average family to make a living and to be able to support their own children like they would like to do.

So I have great disappointment with what the administration has put forward in growing and in getting back to the era of bigger Government. I am afraid we are just going to have to push to maintain what our agreement was this past year. I think it is regretful that we are at that point. Madam President, it seems as if we are. Thank you very much. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATIONS OF CARLOS R. MORENO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND CHRISTINE O. C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider two nominations which the clerk will report.

The assistant legislative clerk read the nominations of Carlos R. Moreno, of California, to be United States District Judge for the Central District of California and Christine O. C. Miller, of the District of Columbia, to be a judge of the United States Court of Federal Claims.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to support the nominations of Carlos Moreno to the Federal district bench in the Central District of California and Christine O. Miller to the Court of Federal Claims.

I plan to discuss in greater detail why I intend to support these judges' nominations, but first I would like to address some of the concerns that have been expressed with respect to the Senate's role in the confirmation of Federal judges.

As chairman of the Senate Judiciary Committee, one of the most important duties I hold or fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President with advice concerning his nominees and to consent to their ultimate confirmation. Although some have complained about the pace at which the Senate has moved on judicial nominees, I would note that this body has undertaken its constitutional obligation in a wholly appropriate fashion.

Indeed, the first matter to come before the Senate this session was confirmation of three of President Clinton's judicial nominees. Senator LOTT is to be commended for giving these nominees early attention. As well, the Judiciary Committee has announced judicial confirmation hearings for February 4 and February 25.

In 1997, the first session of the 105th Congress, the Senate confirmed 36 judges. This is only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And I would note the Judiciary Committee itself processed 47 nominees, including the two judges we are considering today.

Currently, there are 88 judicial vacancies in the judiciary, 85 if the three nominees confirmed last week are included. In May 1992, however, when a Republican occupied the White House and the Democrats controlled the Senate, there were 117 vacancies on the Federal bench.

In fact, there are more sitting Federal judges today than there were through virtually all of the Reagan and Bush administrations. As of today, there are 756 active Federal judges. In addition, there are 432 senior judges who must, by law, hear cases, albeit with a reduced load. Ordinarily, when a judge decides to leave the bench, he or she does not completely retire, but instead takes senior status. A judge who takes senior status, as opposed to a judge who completely retires, must hear a certain number of cases each year. Thus, when a judge leaves the bench, he or she does not stop working altogether, he or she merely takes a somewhat reduced caseload.

Even in the ninth circuit, which has 10 vacancies, only one judge has actually stopped hearing cases. The others have all taken senior status and are still hearing cases. The total pool of Federal judges available to hear cases is 1,188, a record number of Federal judges.

The Republican Senate has confirmed the vast majority of President Clinton's judicial nominees, and if the President continues to send us qualified nominees, I am sure that trend will continue. Let me say, however, that I will not vote to confirm judges who refuse to abide by the rule of law. In my view, that is the absolute minimal qualification an individual must have to serve as one of our lifetime-appointed Federal judges.

Last year, I sought to steer the confirmation process in a way that kept it a fair and principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial nominees. It is in this spirit of fairness that I will vote to confirm Judge Miller and Judge Moreno.

Judge Moreno is currently a Los Angeles superior court judge. He was appointed to that position in 1993 by Governor Wilson. Prior to his current appointment, Judge Moreno served as a municipal court judge, worked as an associate in the L.A. firm of Kelley, Drye & Warren, and served as deputy city attorney in Los Angeles.

Judge Miller currently serves on the Court of Federal Claims. She was appointed to that position in 1983 by President Ronald Reagan. Judge Miller, before her judicial appointment, worked at the law firms of Shack & Kimball, and then Hogan & Hartson. She also had the honor, after graduating from the Utah College of Law, of clerking for the Honorable David Lewis, a Tenth Circuit Court of Appeals judge.

I think both these individuals will serve the Federal bench well and, therefore, urge my colleagues to support them. I also would like to submit for the RECORD an editorial written by our leader, Senator TRENT LOTT, which appeared on February 2 in the Washington Post, also a letter I wrote to the ABA discussing the Senate's work in confirming nominees. I ask unanimous consent that both those documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 2, 1998]

REHNQUIST'S RUSH TO JUDGMENT

(By Trent Lott)

Chief Justice Rehnquist's 1997 year-end report has drawn considerable press attention to the Senate's role in the confirmation and appointment of federal judges. Good. It's about time proper attention was given to these unique government officials, who are appointed for life, paid salaries that can run to nearly $145,000 and are provided facilities and staff costing American taxpayers many millions of dollars annually.

And if the cost of these judgeships and the judiciary bureaucracy isn't enough to cause concern, consider the fact that many such lifetime-appointed judges actually attempt to make law from the bench. This is especially troubling when federal judges seek to impose taxes on the public or turn criminals loose on society.

The chief justice contends that federal judges are underpaid and overworked and that the "quality of justice" administered by the federal judiciary is in peril. He also attempts to make an argument for more judges based on statistics regarding, for example, the total caseload of all district and circuit courts and the number of judicial vacancies.

Interestingly, Rehnquist chooses to omit statistics that hurt his case. In his report, he notes that the "Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994."

True, the 17 judges confirmed in 1996 were certainly low as compared with most other years. But in 1989, the Democrat-controlled Senate confirmed 15 of President George Bush's nominees. Moreover, the chief justice's reference to 1994 and the confirmation of 101 judges that year is inappropriate, because the Democrats controlled the Senate and the presidency that year. Historically, the number and pace of confirmations lessen when one party holds the White House and the other the Senate. The large number of vacancies on the bench in 1994 allowed Clinton to nominate many more judges than in an average year, which accounts for the large number of confirmations.

The chief justice also neglected to point out that Congress has authorized an additional 250 judgeships since 1978 (now totaling 849). Further, rather than retiring, many judges take "senior" status, in which they continue to be paid, have staff and decide cases. There are approximately 274 district and 82 circuit judges on "senior" status, contributing to the reduction of the workload of "active" judges.

Almost every year, Congress receives a request from the judiciary to add new judgeships to meet caseload increases. The Committee on Long Range Planning of the Judicial Conference projects that we will need 1,370 federal judges by the year 2000, 2,350 judges by 2010 and 4,110 by 2020. Clearly, the problems of caseload will have to be addressed over the coming years. But merely creating new judgeships will not provide solutions to such issues.

The chief justice also focused on the number of vacancies—83—in the district and circuit courts. This number pales in comparison with the 125 vacancies that occurred in 1993 during President Clinton's first year, when the Democrats controlled the Senate. The chief also failed to mention that President Clinton has not submitted nominees to the Senate for 41 of these vacancies.

Of the 13 nominees for circuit court judgeships, five were went to the Senate less than 30 days from adjournment. Of the 28 district court nominees, three were sent to the Senate within 30 days of adjournment, another three within 45 days and one within 60 days of adjournment. Even the most partial observers of the confirmation process recognize that more than 60 days is required for investigation of a nominee's education, experience and potential judicial temperament.

As noted by the chief justice, the judiciary characterizes 26 of the current 83 vacancies that have existed for more than 18 months as "judicial emergencies." There appears to be no basis for this characterization other than the length of time the position has been vacant and the notion that every authorized position urgently needs to be filled. In fact, one vacant position in the 4th Circuit, authorized in 1990, has never been filled, and President Clinton has not nominated anyone to it. By the same token, he submitted nominees just last year for two Texas district court positions vacant since being authorized in 1990.

Clearly, the president did not view vacancies in any of those positions as "emergencies." In all, of the 26 "emergencies," only 12 apparently are deemed important enough that the president has submitted nominations fill them.

The pace of confirmation hasn't changed much in the Senate since 1987. That was the year Democrats regained control of the Senate and slowed the process of confirming Reagan nominees. District court confirmations averaged 129 days and circuit court confirmations 113 days in 1987. This pace continued during the Bush administration, when Democrats controlled the Senate. The experience of the Robert Bork, Douglas Ginsberg and Clarence Thomas nominations to the Supreme Court did much to further politicize an already labor-intensive and time-consuming review process.

The pace quickened in 1993 and '94, when President Clinton's district court nominees were confirmed on average within 74 days of referral to the Democrat-controlled Senate. The pace naturally slowed again when Republicans regained control of the Senate.

The chief justice's dismal assessment of the judiciary is not warranted. Congress will continue to closely monitor the needs of the judiciary to fulfill its function as a separate and equal branch of government. As a part of this process, Congress will create and maintain such judgeships as are necessary to empower the judiciary to accomplish the fair and equal application of justice through the interpretation and application of our laws.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 3, 1998.

Mr. JEROME SHESTACK,
President, American Bar Association, Philadelphia, PA.

DEAR PRESIDENT SHESTACK: I am sorry that I could not attend the American Bar Association's annual convention this year, as I am at the World Economic Summit. I understand, however, that Senator Patrick Leahy ably represents the Judiciary Committee. Nevertheless, I thought it prudent to make you aware of my views regarding the so-called judicial vacancies issue, in which, I am sure, the ABA has great interest.

As you are doubtless aware, Chief Justice William Rehnquist recently released his annual report on the federal judiciary. In that report, he noted, among other things, the need expeditiously to fill vacancies on the federal bench. The Chief Justice's comments were very similar to those made over the years, including 1992, when he urged the Senate to confirm more of President Bush's judicial nominees. Interestingly, 117 vacancies existed May 1992, compared with the 88 we have today.

In 1997, the Senate confirmed 36 judges, only slightly behind the historical average of

41 judges confirmed during the first sessions in each of the last five Congresses. And the Judiciary Committee itself processed 47 nominees during the past session. There are currently more sitting judges than there were throughout virtually all the Reagan and Bush administrations. As of today, there are approximately 756 active federal judges. In addition, there are 432 senior judges who must continue to hear cases, albeit with a reduced workload. That brings the total pool of federal judges available to hear cases up to 1,188.

Despite claims to the contrary, the Senate has confirmed the vast majority of President Clinton's nominees, and I am confident that we will continue on a steady course this session. I am basically pleased with the pace at which the Judiciary Committee and the Senate have acted on the President's nominees. Indeed, one of the Senate's first items of business this session was to confirm three judicial nominees, including Ann Aiken, a controversial nominee whom I supported. We can, of course, always improve. I am hoping that the Committee will establish a good working relationship with the White House in this new year.

Such a relationship, however, does not mean that the President has carte blanche to appoint judges. The Constitution obligates the Senate to give advice to the President on his nominees and ultimately to consent to them. Under my stewardship, the Judiciary Committee will not simply push nominees through just for the sake of filling vacancies. Only recently, after the Judiciary Committee had expeditiously reviewed and held hearings on two nominees, did information surface that caused one of those nominees to withdraw and that places the other's confirmation prospects in question. If the Committee were blindly to follow some sort of a timetable in processing nominees, the federal bench would have been adversely affected. Indeed, such a specific timetable could encourage nominees to withhold relevant information from the Committee in the hope of forcing a vote. There is a good deal of background research that must be done by the Committee before it can send a nominee to the floor. If the Committee fails to do its groundwork, it fails the Senate, and thus prevents that body from fulfilling its constitutional duty. I do not hold the President to any sort of a timetable in selecting nominees; nor would I expect others to place such burdens upon the Senate.

I would further note that the Chief Justice's report did not focus solely on judicial vacancies. In fact, the primary focus of his remarks was the increase in the federal judiciary's workload. The Chief Justice complimented Congress on its efforts to reform federal habeas corpus procedures and to streamline prison litigation suits—two measures that he indicated would be of great benefit to the judiciary. As I recall, these were legislative measures the ABA opposed. Nevertheless, I am hopeful that the ABA will be supportive of further efforts to improve the judicial process.

In a similar vein, the Chief Justice expressed concern about the expansion of federal jurisdiction. I hope in the coming months to review the current status of federal jurisdiction and to search for recommendations on how federal courts might be freed from hearing cases more properly brought in state courts. I think we must be vigilant in searching for ways to utilize properly the federal courts' limited resources.

Last year, I sought to steer the confirmation process in a way that kept it a fair and principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial nominees. Yet, the solution to an increased judicial workload should not be simply to add more judges or for the Senate to be held to some sort of a confirmation timetable. I am confident that the Committee will stay the course and continue to exercise its constitutional duty in an appropriate manner. Thank you for considering my views.

Sincerely,

ORRIN G. HATCH,
Chariman.

Mr. HATCH. I thank the Chair, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont FICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am glad tom Utah and welcome him back from a productive weekend.

Last week, I commended the chairman of the Judiciary Committee for scheduling the judicial confirmation hearing, the first of this year, for tomorrow afternoon, and I commend the chairman again. I note that he is following through on his earlier statement by including both Margaret McKeown of Washington State and Susan Oki Mollway of Hawaii at that hearing. They have each been pending for over 18 months, and it will be good to have their confirmation hearing.

I hope we will maintain pace this year that was established during the last 9 weeks of the last session. In order to do that, I hope that in addition to these nominees we can proceed to confirm additional nominees for article III judicial vacancies before the end of the week.

I am delighted the Senate is getting the opportunity to consider the nomination of Judge Carlos Moreno to the United States District Court for the Central District of California. He has been strongly supported by both Senators FEINSTEIN and BOXER. They have both spoken to me about him and strongly support him.

I have spoken often about the District Court of the Central District of California, its workload and the need to confirm qualified nominees for the judicial vacancies that persist and are arising on that Court. I have spoken most often about that Court in connection with the longstanding nomination of Margaret Morrow. It is my expectation that the Senate will fulfill the commitment it made last year and proceed to that nomination by the end of next week.

Judge Moreno received his undergraduate education at Yale College and his law degree from Stanford Law School. He was a deputy city attorney in Los Angeles, as well as a municipal court judge before joining the Los Angeles Superior Court in 1993. Judge Moreno is currently serving the people of California as a Judge of the California Superior Court. He received high remarks from the American Bar Association and was reported by the Judiciary Committee on November 13, 1997, unanimously. I thank both the majority leader and my good friend from Utah for bringing him up this morning.

Along with Judge Moreno currently pending on the Senate calendar are Ms. Morrow, two nominees for long-vacant judgeships in Illinois and a Pennsylvania State court judge. I hope that we have a strong bipartisan vote in his favor.

I also expect that today the Senate will confirm the President's judgment in nominating and reappointing Judge Christine Miller to the Court of Claims. The President's nomination of Judge Miller was received last year before her first term expired, but the Senate failed to act on it before adjournment last fall.

The President used his recess appointment power to reappoint Judge Miller and resubmitted her nomination. Today the Senate will reaffirm the President's action and confirm her to a full term.

The Court of Claims is an important court. It is established by Congress under article I of the Constitution. No less than the Federal judiciary that is appointed to fill vacancies in the article III courts that we speak about so often, the vacancies on the Court of Claims should be filled and filled without delay.

Madam President, I hope that the distinguished Senator from Utah and I will be allowed by our caucuses to move forward on judges as quickly as possible. I know there is support in mine to do that.

Madam President, I see the distinguished Senator from California on the floor and yield to her.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I thank the ranking member, and I thank the Presiding Officer. I also would like to begin by thanking the distinguished chairman of the Judiciary Committee for what was, by and large, a rapid and prompt processing of Carlos Moreno. I submitted the name of Carlos Moreno to the President for appointment to the District Court from the Central District of California. In a sense, Madam President, I believe he is prototypical of really what a good Federal judge should bring to that office. I would like to just quickly go over what is an amazing success story.

Judge Moreno was born in East L.A., just 2 miles from the Federal courthouse where he will be serving. He has earned the respect and admiration of both the legal and the law community, and he has had 13 years of service on the State courts. He has strong bipartisan support, including the endorsements of the former Governor George Deukmejian and Los Angeles County Sheriff Sherman Block.

As the chairman of the committee pointed out, he obtained his bachelor's degree from Yale in 1970 and his J.D. from Stanford in 1975. He began his legal career in the City Attorney's Office of Los Angeles where he worked for 4 years, from 1975 to 1979.

He prosecuted numerous jury trials, misdemeanor prosecutions, and criminal and civil consumer protection cases. He worked as a litigation attorney for 7 years, handling commercial litigation in State and Federal courts. So he has experience in both the civil as well as the criminal law. His caseload there included bankruptcy, wrongful termination, banking, real estate, and antitrust.

In 1986 the Governor of California, George Deukmejian, appointed him to the municipal court. He served there for 7 years, handling 40 civil jury trials in addition to a regular criminal trial workload.

In 1993, Governor Wilson elevated him to the California Superior Court where he served for the past 4 years. He averaged approximately 2 dozen jury trials a year, at least a third of which have been homicides. The remainder have consisted of a broad range of felonies and he has presided over about a dozen bench trials per year.

So, 13 years as a municipal and superior court judge. This year he was selected as the superior court judge of the year by the criminal law section of the Los Angeles County Bar Association and was described as one who earns praise from both prosecutors and defense attorneys for his fair, even-tempered handling of a high-volume calendar of criminal cases. The large number of court trials he handles in which both sides, both sides, waive the jury and try the case before him is an indicator, I believe, of the trust he has received from opposing counsels.

Madam President, I ask unanimous consent to have printed in the RECORD letters of support by George Deukmejian, former Governor; a letter from the District Attorney of Los Angeles County; and a letter from the Sheriff of Los Angeles County.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CA,
October 6, 1997.

Re Judge Carlos R. Moreno.

Hon. ORRIN HATCH,
Chairman, Committee on Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: It has come to my attention that Judge Carlos Moreno has been nominated for an appointment to the U.S. District Court, Central District of California.

In 1986, it was my pleasure to appoint him to the Compton Municipal Court and in 1993 he was appointed by Governor Pete Wilson to the Los Angeles Superior Court.

It is my understanding that he has performed in an exemplary manner as a Municipal and Superior Court Judge and has a clear perception of the importance of maintaining a judicial system that insures fairness and social order.

Judge Moreno is well suited for this position. I am confident that he has the appropriate judicial skills and in light of his qualifications, I hope you will give him every consideration for appointment to the U.S. District Court.

Most cordially,

GEORGE DEUKMEJIAN,
35th Governor of California.

LOS ANGELES COUNTY
DISTRICT ATTORNEY,
Los Angeles, CA, May 2, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senator, San Francisco, CA.

DEAR DIANNE: Superior Court Judge Carlos R. Moreno has informed me that he is seeking an appointment to the U.S. District Court for the Central District of California, and I am writing to strongly recommend his nomination and confirmation.

Although Judge Moreno is not a personal acquaintance of mine, I have had the opportunity to personally interview him and to speak with several of my colleagues who have appeared before him on many occasions. All of the persons I contacted were effusive in their praise of the professional attributes that Judge Moreno brings to the bench as a Superior Court trial judge: he is fair, bright, willing to read with care the lawyers' written motions, control his courtroom, and give both sides fair hearings in his court. In addition, he apparently relishes legal research and thoroughly familiarizes himself with the issues of a case before he gives a decision—a quality which would serve him well on the Federal bench.

I do not make recommendations on behalf of those seeking appointments lightly, and in fact, I turn down most requests. However, the level of support and enthusiasm expressed by my colleagues on behalf of Judge Moreno prompted me to agree to interview him, and I found him during the interview to have the personal attributes that I had been told he displays on a daily basis in his court. I am confident Carlos Moreno would serve as a District Court judge with distinction, and I believe his appointment would be beneficial to the citizens of California.

Very truly yours,

GIL GARCETTI,
District Attorney.

COUNTY OF LOS ANGELES,
Monterey Park, CA, April 23, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
San Francisco, CA.

DEAR DIANNE: It has come to my attention that Los Angeles County Superior Court Judge Carlos R. Moreno has indicated his desire to be appointed a United States District Court Judge for the Central District of California. I am pleased and honored to give him my personal endorsement.

Judge Moreno has an extensive criminal justice background. He has been a Judge of the Superior Court of Los Angeles County since November of 1993. Prior to that, Judge Moreno was a City Attorney with the City of Los Angeles from 1975 to 1979 where he handled criminal and civil consumer protection prosecutions and legislative and politically sensitive matters. He was a member of the law firm of Kelley, Drye & Warren from 1979 to 1986, and in October 1986 Judge Moreno was elected Judge of the Municipal Court. He held that seat until his appointment to the Superior Court in 1993. Throughout his tenure on the bench, he has continually demonstrated the prerequisite abilities necessary to be a fair, impartial, and knowledgeable jurist.

Judge Moreno is an extremely hard working individual of impeccable character and integrity. His list of credits, both professionally and within the community, is extensive.

I would like to recommend that you favorably consider his appointment. I have no doubt that he would be a distinguished addition to the United States District Court.

Sincerely,

SHERMAN BLOCK,
Sheriff.

Mrs. FEINSTEIN. Madam President, to sum it up, I believe we have a man among men, a fine jurist, a fine attorney, skilled and knowledgeable in both criminal and civil law. This is the reason I respectfully submit him as someone who is really prototypical of the kind and type of background that one might bring to the Federal district court.

I thank the ranking member and I thank the chairman for the rapid processing of this distinguished nominee.

I yield the floor.

Mr. KENNEDY. Madam President, I strongly support the nominations of Carlos Moreno and Christine Miller to serve as federal judges.

Judge Moreno is superbly qualified to serve as a federal judge in the Central District of California. He is a graduate of Yale University, Harvard Business School, and Stanford Law School. Currently, he is a judge on the Los Angeles Superior Court. As a member of that court's Trial Delay Reduction Committee he was instrumental in establishing and enforcing policies that successfully reduced trial backlogs in Los Angeles County. At a time when lengthy backlogs are also plaguing the federal courts, Judge Moreno's experience will be an important asset for California's Central District Court.

Judge Miller is also well qualified to continue her service on the United States Court of Federal Claims. She has served on that court for the past fifteen years, and President Clinton's nomination of her for a second fifteen-year term is a tribute to her ability and leadership.

I also want to take this opportunity to express my concern that the Senate has still not had a chance to vote on the nomination of Margaret Morrow to the federal district court for the Central District of California. Ms. Morrow was first nominated in May 1996. She was approved by the Judiciary Committee in June last year, and it is long past time for the Senate to vote on her nomination.

On average, it is taking twice as long for Senate Republicans to confirm President Clinton's nominees as it took for Democrats to act on President Bush's nominations. But I am especially concerned about the Republicans' record of subjecting women who are nominated for federal judgeships to far greater delays than men.

Women nominated to the federal courts are four times—four times—

more likely than men to be held up by the Republican Senate for more than a year.

Last year, the Senate confirmed 30 men, but only 6 women. And, by confirming only 36 judges, the Senate condemned many of our nation's busiest courts to even lengthier delays in processing their civil cases.

There is no question that Margaret Morrow possesses the necessary qualifications to be confirmed. She is a Harvard-educated attorney and a partner in a prestigious California law firm. She is the first woman to serve as the president of the California Bar Association. She is a well-respected attorney and a role model for women in the legal profession.

Yet action on her nomination has been delayed—like nine other nominees who have been waiting for more than 18 months—because the Republicans are playing politics and preventing needed judicial positions from being filled.

When even a Republican Chief Justice criticizes the Republican Congress for refusing to move more quickly to confirm judges, you know something's wrong. The Chief Justice is deeply concerned about the large number of judicial vacancies on the federal courts. There are too few judges to handle the workload.

The bottleneck in the Senate is jeopardizing the court system and undermining the quality of justice. Fewer than half of President Clinton's nominees have been confirmed.

We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. But give them a vote.

The distinguished majority leader has rightly noted that the process of confirming judges is time-consuming. The Senate should take care to ensure that only individuals acceptable to both the President and the Senate are confirmed. The President and the Senate do not always agree. But it should not take longer to consider women than it does to consider men.

Some Republicans claim they have slowed the confirmation process to protect the federal courts from "judicial activism." But this argument is a smokescreen. If President Clinton is actually nominating judicial activists, then why is it that these nominees are approved overwhelmingly when the Senate is finally allowed to vote on them? The closest vote that we have had on any nominee in this Congress was the 76 to 30 vote in favor of Ann Aiken last week.

The claim that Clinton judges are activist judges is a transparent ruse being used to slow down the confirmation process. The reason is obvious. The Republican majority in Congress is doing all it can to prevent a Democratic President from naming judges to the federal courts. The courts are suffering, and so is the nation.

In some areas of the country, people have to wait years to have their cases even heard in court. And then they have to wait years more for overburdened judges to find time to issue their decisions. Families, workers, small businesses, women and minorities have traditionally looked to the courts to resolve disputes. The lack of federal judges makes the swift resolution of their cases impossible.

The number of cases filed in the federal appeals courts has grown by 11 percent over the last six years. The average time between filing and disposition has also increased. Courts with long-standing vacancies are in even worse shape.

In California's Central District Court, the Court to which both Carlos Moreno and Margaret Morrow have been nominated, the caseload has grown by 15 percent since 1994. The time people have to wait for their civil cases to be resolved has increased by 11 percent. In that district, over 300 pending civil cases are more than three years old.

Across the country, real people are being hurt. In the Central District of Illinois, a disabled Vietnam veteran who was fired after enduring harassment from his co-workers has been waiting over three and a half years for a resolution to his case.

In the Southern District of Texas, 4,000 victims of a student loan fraud are waiting for the outcome of a class action suit that has been pending for almost eight years.

In the District Court of South Carolina, there is still no decision in a suit filed more than six years ago against the state's apportionment laws. The outcome of this case will affect hundreds of thousands of citizens. It goes to the heart of whether the basic constitutional principle of "one person, one vote" is being fairly applied. The last communication the lead plaintiff received from the Court was in June of last year.

In the Southern District of Florida, Julio Vasquez—a U.S. citizen migrant worker—broke his leg in 1989 in a boarding house provided by his employer. To this day, nearly nine years later, Mr. Vasquez has never received sufficient medical attention, and his injury affects his ability to work. He is still waiting for the judge's ruling in his case.

These are typical victims of the vacancy crisis in the federal courts. They are hard-working Americans injured on the job—citizens seeking to exercise their right to vote—students trying to get an education—disabled veterans searching for justice.

I commend my colleagues for bringing two distinguished nominees to a vote today. I hope with this new year we will see a new day in moving ahead to fill the vacancies in our courts and end these unconscionable delays.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, on these judges today, I learned long ago, and certainly have had it reiterated during my 23 years in the Senate, that it is not always wise to predict the outcome of votes. I have been surprised before both pleasantly and unpleasantly. I have been surprised at some I thought might pass and failed to pass, and other times have had a very pleasant surprise to find something did pass when I didn't expect it to.

I think it is safe to say—and I believe there will be bipartisan consensus on this—that these judges' nominations will pass overwhelmingly, which is usually what happens with a judgeship.

Starting this year we have proceeded on more judicial nominations in the first couple of weeks this session than we did over the course of the first months last year.

I hope that we have strong bipartisan votes on these judgeships today. It will signal that the Senate is moving forward and that we will make progress to help fill the vacancies that plague the Federal judiciary. Today, there are 86 vacancies on the Federal courts. After these favorable votes, we will have 54 nominees pending before the Senate in need of our prompt attention. I have spoken with President Clinton on a couple of occasions recently, urging the White House to move quickly in sending up further nominations, and they are. We saw that on the first day that we came back when a dozen new nominations came up. We have 55 nominees pending. Almost two-thirds of the current vacancies have nominees pending to fill them.

Now I think it is time to say that for whatever reasons—political, ideological or otherwise, for whatever reasons—the Senate went slowly last year on nominations. The distinguished chairman and I want to be allowed by our respective caucuses to move forward, fulfilling our roles as chairman and ranking member of the Judiciary Committee, to move nominations forward.

I do not question the integrity of the chairman of the Judiciary Committee, who has worked very hard on this, and has on more than one occasion strongly supported somebody who would not have been his nominee had he been the one appointing; in the same way, I have strongly supported nominees of past Presidents who would not have been mine had I been the person making the nominations. But in both instances, the Senator from Utah and I looked at a man or a woman of high qualifications, of good legal background, perhaps of a different background than our own, but somebody who would serve the interests of justice well, and we have pushed forward for their confirmation.

I hope, so that the U.S. Senate does not send the wrong image to the Judiciary and to the American people, that we would be able to move forward in the way the Senator from Utah and I have preferred to work in the past and move these judges, vote them in or vote them down.

I am not suggesting to any Senator how he or she should vote. If they do not like a nominee, vote against that nominee. Give us a chance to vote on them, vote them up or vote them down, but keep the Federal Judiciary out of politics.

It is, after all, one of the linchpins of our democracy, this great democracy. We are the third most populous country in the world, the most powerful nation on Earth, the most powerful democracy history has ever known. We maintain that power as a democracy and not a totalitarian society. We maintain it largely because of the integrity and independence of our Federal Judiciary. They act as a break on a runaway Executive or a runaway Congress because what they hold is their great shield and great bulwark. The Constitution of the United States is something that stands above all of us, whether as Members of the Congress, the Executive Branch or the Judiciary itself.

We need their integrity and we need their independence. With it, we guarantee the diversity of thought and the diversity of action that protects our freedoms and our democracy—in this case, the greatest democracy on Earth.

Madam President, I yield the floor.

Mr. HATCH. Madam President, I ask for the yeas and nays on each of the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON NOMINATION OF CARLOS R. MORENO

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Carlos R. Moreno, of California, to be United States District Judge for the Central District of California.

The clerk will call the roll on the first nomination.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye".

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—4

Biden
Bingaman
Coats
Moynihan

The nomination was confirmed.

VOTE ON THE NOMINATION OF JUDGE CHRISTINE O. C. MILLER

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine O. C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote aye.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 3 Ex.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—4

Biden
Bingaman
Coats
Moynihan

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. FAIRCLOTH). Under the previous order, the Senate will resume legislative session.

The Chair recognizes the distinguished Senator from Minnesota.

Mr. GRAMS. Mr. President, I request unanimous consent to be able to speak for up to 10 minutes as in morning business, and also immediately following that Senator HARKIN will be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 16TH AMENDMENT: AN IGNOBLE ANNIVERSARY

Mr. GRAMS. Mr. President, 85 years ago today, the 16th Amendment to the United States Constitution was ratified, giving Congress the power to levy an income tax on the people. As we mark this occasion, I rise to call upon Congress to take immediate action to end the federal tax code as we know it, and end 85 years of ever-increasing hardship for America's taxpayers.

Let me focus on how we got here and why we need real tax reform.

Mr. President, this great Nation was born out of a revolt against the abusive taxing powers of its motherland. This tax revolt created a nation of individual liberty. In this land, a person owns himself, his labor, and the fruit of his labor. To protect individual liberty, our founders crafted Clause 4 of Article I, Section 9 of the U.S. Constitution, rejecting all direct income taxes that were not apportioned to each State by its population.

This clause, as originally adopted in the Constitution, clearly reflected the genius, wisdom, and experience of our founders—protecting individual liberty by limiting the Government's power to tax. For more than 100 years following the founding of this nation, the American people enjoyed tax freedom and did not pay any income taxes. Although an income tax was imposed as a temporary measure to finance the Civil War in 1862, it was repealed shortly after the war ended.

In the same period—during the last decade of the 18th, the entire 19th, and first decade of the 20th century—the Supreme Court also defended this freedom and held the income tax to be unconstitutional. However, under the direct influence of the rise of socialism in Europe at that time, on February 3rd, 1913, the 16th Amendment to the Constitution was ratified. The 16th Amendment says:

> "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

Mr. President, in my view, nothing has been more damaging to America's families than the 16th Amendment. It opened a Pandora's box we have never since been able to contain. A few months after the Amendment was ratified, the Revenue Act of 1913 was enacted, imposing an individual income tax. The ratification of the 16th Amendment and enactment of the first tax code fundamentally eroded individual liberty and created the shadow of servitude that has darkened our Nation since.

Former IRS Commissioner T. Coleman Andrews said the 16th Amendment, in effect, repealed Article Four of the Bill of Rights. The 16th Amendment has empowered tax collectors to invade our citizen's homes, papers, and private affairs. Worse still, it is used for social engineering, redistributing private income, and promoting class warfare.

Initially, the income tax did not apply to individuals with taxable incomes less than $3,000, which in today's dollars means that people with incomes of $44,000 or lower would be exempted from paying tax. It only imposed a one-percent tax on the first $20,000, which equals over $300,000 in today's dollars. The highest tax rate was up to 7 percent for income above $500,000, which equals over $8 million today.

Less than one percent of all Americans paid any income tax in 1913. Only 5 percent of Americans paid any income tax as late as 1939, before World War II. Then came the New Deal, which tripled Government spending, producing a large Federal budget deficit.

It was the Second World War that gave the Government an excuse to enact the first mass income tax increase in U.S. history. The lowest tax rate rose from 4 percent on income over $4,000 to 23 percent on income over $2,000. Higher taxes were accompanied by a withholding system that took money out of each worker's paycheck, rather than requiring them to pay their taxes in one lump-sum payment at the end of the year. After the war, tax rates and Federal revenue receded somewhat, but never returned to prewar levels.

Today, the Federal tax burden is at an historic high. For the average worker, more than three hours of every eight-hour working day are dedicated just to paying taxes. The average American family spends more on taxes than it does on food, clothing, transportation, and housing combined. A typical median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes. This. In 1996, an average household with an annual income between $22,500 and $30,000 paid an average of $9,000 for food, clothing, and housing and paid $11,000 in total taxes.

Households with incomes ranging from $45,000 to $60,000 averaged $16,000 for basic necessities, and paid the tax collector $25,000. If the "hidden taxes" that result from the high cost of Government regulations are factored in, a family today gives up more than 50 percent of its annual income to the Government. The budget submitted yesterday by the President continues this pattern of growing Federal intrusion into the taxpayers' daily lives.

While I have always called for a smaller, more efficient Government, the President's budget endorses just the opposite. While I want to close down Government agencies that do not perform their duties, the President wants to give them more money. That includes the Department of Energy, a taxpayer-financed black hole for which the President wants to boost spending by another 8 percent next year.

Overall, it appears the President would increase Federal spending by $135 billion and raise taxes and fees by $115 billion to pay for all that new spending. And the President's scheme to help fund his laundry list of new initiatives by using $65.5 billion in tobacco settlement proceeds is risky—if a settlement does not occur, then where do the dollars come from? Even higher taxes? I know some of my colleagues take offense when I use the phrase "Washington's big spenders." But I cannot think of any euphemism in which to couch what is happening here.

This is a budget cooked up by big spenders and served to a taxpaying public that did not order it and does not want it. But that has long been the pattern in Washington.

To make matters worse, as the tax burden has grown higher and more unfair, the government tax collector, the IRS, has turned into an arrogant, inefficient, cold-hearted, heavy-handed, intrusive, and abusive bureaucracy. We have heard many horror stories about how IRS agents routinely use their enormous coercive power to squeeze more money out of the taxpayer's pockets to meet the demands of ever-increasing Government spending. Not only do people pay more taxes, but they spend more time and money calculating their tax burden. Our tax system has become extremely complicated and difficult to understand, even for IRS experts. Do you know the tax code was only 14 pages long when it was first enacted, but today it has grown to 10,000 pages, and on top of that, there are another 20 volumes of tax regulations, and thousands and thousands of pages of instructions and other guidance. The current tax code is anti-family and anti-economic growth. It destroys economic opportunity, hinders job creation, impedes productivity, and retards competitiveness. It has deepened despair and disaffection among the poor and disadvantaged. It encourages abuse, waste, and corruption.

Our Nation faces many great challenges in the 21st century. But without real change, the present tax system will fail to lead us there. We must fix the system. To correct the problem once and for all, Congress must pass new legislation to fundamentally reform our tax system and replace the ever-more-complicated tax code with one that is simpler, fairer, and more friendly to the taxpayers.

The American people deserve a new tax code that promotes harmony among people instead of promoting class warfare; a new tax code that encourages work and savings; a new code that rewards families and success rather than penalizing them; a new code that stimulates real economic growth and produces more jobs and higher tax revenue for the Government; a new tax code that allows people to keep more of their own money.

Congress should explore all possible solutions to achieve these objectives. The 85th anniversary of the 16th Amendment's ratification is an ignoble occasion. I urge my colleagues to reflect on this day and what it has come to mean to America's struggling taxpayers. And I urge them to join me in a pledge to the people that we will not let another anniversary come and go before we dedicate ourselves to ending the tax code as we know it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Iowa.

CASEY MARTIN

Mr. HARKIN. Mr. President, I will just take a few minutes to speak about an individual and a case that is now taking place in the State of Oregon. The individual I refer to is one Casey Martin, an outstanding golfer who just happens to have a disability. I am also referring to the PGA Tour's determination to exclude Casey from participating in a professional sport for which he is eminently well qualified and by which he has attempted to earn his living. The PGA Tour has said no, Casey can't play with the cart he needs to accommodate his disability. The Tour wants to keep Casey out because of his disability and because of a certain rule and tradition.

Mr. President, Casey Martin has had the guts and the gumption not to back down, but to take on the PGA Tour.

Last week, Senator Dole and I held a press conference in Washington, DC, with Casey Martin to show our support for him and to state for the record that as two of the primary sponsors of the Americans with Disabilities Act, it certainly was our intention, and the legislative intent, to cover this type of a situation. We wanted to state for the record that the ADA did, in fact, apply to the Casey Martin situation.

Yesterday, Casey Martin's case started. His trial began in Oregon.

Casey Martin has a powerful story. He has worked, he has practiced, he has played, he has spent an enormous amount of time and energy—a lot of it painful—reaching the highest levels of one of America's most popular professional sports. It has been for him a very difficult road. Now Casey stands at a roadblock, much like the roadblock that millions of Americans with disabilities have confronted—Americans who each and every day only ask for reasonable accommodations and modifications that will allow them to live their lives and pursue their dreams just like everyone else.

We passed the Americans with Disabilities Act to give Casey Martin, and others with disabilities, an equal opportunity to fully participate in American life. That means in everything—employment, education, recreation, social activities and opportunities. I have often said that ADA really stands for the "American Dream for All." That is what it is all about, and that is what it is about in this case, too—will Casey Martin have the opportunity to pursue his American dream?

I would like to take a moment to compliment those who have already shown their support for Casey Martin. Particularly, I would like to congratulate Mr. Phil Knight and all of the folks at Nike. Their commercial that they are running now showcasing Casey Martin makes a very powerful statement about the ability of people who also happen to have disabilities.

I would also like to compliment the golfers, like Greg Norman and Tom Latham, two outstanding golfers, who have publicly stated their support for Casey Martin.

Mr. President, I am here to say that Casey Martin should have an opportunity to compete in the PGA Tour and to say that the ADA guarantees him that right. As Senator Dole said last week at our press conference, PGA does not stand for "please go away," and the PGA Tour shouldn't try to send Casey Martin away from a game for which he is otherwise well-qualified. Casey is someone who spent his entire life playing golf; he played in college, along with Tiger Woods, at Stanford in the NCAA; he is a golfer who, with his disability, recently won one of the tours, a Nike tour in Lakeland, Florida. So this man is eminently well-qualified to play professional golf.

I am disappointed—I am sorely disappointed—in the PGA Tour's failure to reach an agreement with Casey, to come to some kind of an accommodation that would allow him to compete and earn his living being a professional golfer.

As I understand it, the sticking point here is the PGA Tour's tradition and rule of no carts. Well, Mr. President, I believe there are values to upholding traditions and rules, but there is no merit in rigidly standing on tradition simply because of outmoded assumptions.

Over the years, all kinds of traditions have scuttled the aspirations and limited the possibilities of millions of Americans with disabilities. People with disabilities just didn't do certain things. I always tell the story about my brother who I grew up with who had a disability. He became deaf at an early age. He was sent away to the Iowa School for the Deaf and Dumb—that is what it was called in those days, the School for the Deaf and Dumb. The Presiding Officer sitting in the Chair may be a few years younger than I am, but I remember when I was younger, that is what they called deaf people, they were deaf and dumb. As my brother said to me, "I may be deaf, but I am not dumb." So we have done away with that tradition. We don't refer to people as deaf and dumb, and we don't have deaf and dumb schools any longer either.

But when he went to that school, they told him he could be one of three things: He could be a baker, a shoe cobbler or a printer's assistant. That was it. There was nothing else he could do. "That is it, you can pick one of those three things."

He said, "I don't want to be any one of them."

They said, "Fine, you are going to be a baker then."

Tradition and rules had it that deaf people could only do certain things. That has all gone by the wayside. We see deaf Americans now doing everything. Why, we even have a person who is deaf who is the president of a college. So we have done away with a lot of these old traditions, and the ADA is helping to change the old traditions. It is asking us to rethink our assumptions about people with disabilities and what they can do. It is asking us to look at reasonable modifications that would permit them, as I said, to pursue their American dream.

The ADA is intended to include people in the mainstream of American life. It requires entities to make—and I quote from the law—"reasonable modifications" to "policies, practices and procedures" so long as those modifications do not create a "fundamental alteration" to the program or activity.

So, Mr. President, rules and traditions that create barriers for people with disabilities are rules and traditions that must be changed.

I am reminded of a recent incident here in the Senate, where we were asked to make a reasonable modification to a Senate policy. A staff person with a vision impairment was precluded from coming on to the Senate floor with her guide dog because we had a no-animals rule on the floor. Certainly, it sounded like a very reasonable rule and tradition. We don't want animals running all over the floor of the Senate. You don't want me bringing my pet dog on to the Senate floor. Well, that was a rule and tradition.

So we had a debate about whether we should change the rule to accommodate the needs of the staff person. We talked about the history, the traditions of the Senate. Ultimately, we did the right thing. We made a reasonable modification to that rule and that tradition so the staff person could do her job and bring her dog on to the Senate floor.

Allowing Casey Martin to use a golf cart is a reasonable modification under the Americans with Disabilities Act. The cart will help level the playing field a little on which Casey Martin competes without giving him an undo advantage. What we are talking about here goes to the heart of the principles and the foundation of the Americans with Disabilities Act.

The PGA Tour can say all they want, that a cart somehow alters the fundamental operation of the golf game. Yet, if that is so, then why do they allow carts to be used on the Senior Tour? Why do they allow carts to be used in the qualifying rounds for the younger people?

When the court enjoined the PGA Tour and said, yes, the Tour must allow Casey to use a cart, and he used a cart, the Tour said, "We will let everybody use carts." I am told that out of 168 golfers, only 15 decided to use a golf cart. I thought to myself, if a golf cart gives players that much of an advantage, why wouldn't everyone use them?

So I consulted some of my golfing friends. I am not a golfer, but I have friends who are avid golfers. One individual told me, "Well, there is nothing like walking a golf course, because when you walk, you feel the wind and you see how often it gusts and you know what direction it is blowing in. You get a feel for the lay of the fairway, and you can think about your next shot and what went wrong on the last one. You get in a golf cart and you lose all that feel."

I have tested this hypothesis with other golfers, and they say, "Yes, that is true."

Allowing Casey Martin to use a golf cart will not give him any advantage at all in the PGA Tour. In fact, it may very well present a disadvantage. So, again, I just think this is one of those old rules and traditions that needs a reasonable modification under the ADA so that Casey Martin can compete in professional golf.

Lastly, Mr. President, Casey Martin may not fit the stereotype of what the PGA considers a competitive golfer, but millions of Americans who don't fit the typical image of a golfer have now taken up the game. It has moved from an exclusive sport played at private country clubs to an inclusive sport played by a cross-section of Americans.

When I was growing up in my State of Iowa, I bet I could count on one hand the number of golf courses in the State of Iowa, all at private country clubs, exclusively played by those people who belonged to those clubs. We have 99 counties in Iowa, Mr. President. I bet you every one has a golf course now. Some of them have more than one. Farmers out in the field get off the tractor and come in and play a game of golf. So it is no longer this sort of exclusive game it once was. Everyone is playing golf. Barriers to the sport have come down.

As I said earlier, barriers and traditions that prevent people with disabilities from fully participating are barriers and traditions that must come down. Holding up a barrier for Casey Martin sends exactly the wrong message not only to Americans with disabilities but to each and every one of us.

I am sorry that the PGA Tour saw fit to take this to court. They first tried to argue that they weren't even covered by the ADA, when the law was plain on its face they were covered. They went to court and, of course, the court threw that out and said, "Of course, you are covered." Now they are back in court again to drag this thing out.

I wish they hadn't done it, because that very action alone tends to create a chilling effect. A lot of Americans will say, "Well, I may have a disability, but if I want to do something and there is a rule or tradition against it, do you mean I have to go to court? Do you mean I have to hire lawyers? I have to go through all that just to get my rights?"

That is the message the PGA Tour, by going to court, is sending to Americans all over this country.

Mr. President, people with disabilities get up every morning, and they have a tough day ahead of them. They have to prepare for that day, many times with the aid of an assistant, perhaps they have to use a wheelchair or get in a special bus to go to work. It takes a lot of effort, a lot of time. They don't have the time and they don't want to go to court, but they want the Americans with Disabilities Act to work. People with disabilities want entities like the PGA Tour to use some common sense and some common decency to make reasonable modifications so that people like Casey Martin can pursue their American dreams.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 1:13 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FIRST).

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WE CAN DO BETTER

Mr. WELLSTONE. Mr. President, I speak from the floor of the Senate as a Democrat but really to all of my colleagues, and to the President, as well.

I think that President Clinton's State of the Union Address was, indeed, an important step forward for our country in some of the initiatives that he outlined. When the President talked about education and talked about child care and talked about health care, I think what he said resonated with people throughout the country. I think it has a lot to do with the fact that people are less interested in denunciation and more interested in enunciation. They really want to know what it is we stand for and whether or not we are thinking seriously, all of us, even if we have disagreement on some of these issues, about where our country needs to be.

In that sense, what the President talked about was an important step forward. First, a response to what some of my colleagues had to say on the floor of the Senate, and then a response to some of the President's initiatives and to Democrats. On the Republican side, I think the argument that has been made, that I have heard colleagues make on the floor of Senate—and I summarize what any number of different Republican colleagues have said—in many ways amounts to the argument that when it comes to the most pressing issues of people's lives, there is nothing the Government really can or should do. This is not an appropriate role for the Government to play—to assure that there is affordable child care for working families, to assure that there is affordable health care, to invest in more teachers in our schools, reducing class size, and so forth. Quite frankly, that argument is a great argument for people who own their own large corporations or are wealthy, but it doesn't work for most of the people in the country. Most of the people in Minnesota and most of the people in the country are very focused, as I have said on the floor of Senate, as to how they can earn a decent living and how they can raise their children successfully.

The President's proposals speak to that, at least part of the way. But what concerns me about what the President said, and I give credit where credit is due, what concerns me about the way in which Democrats are speaking about these proposals, is I think that we can do much better. This is our opportunity. The business cycle is up. We all talk about economic performance. This is the time where we can really make some of these critical investments.

Mr. President, what I worry about is that we give the speeches, there is a lot of hype. We talk about the importance of early childhood development, we talk about the importance of education, we talk about health care, but we do not invest enough resources to put this on a scale where it is really going to make a significant difference. If we don't do that, if we have such a downsized politics and policy that we only reach a tiny fraction of those people that we are talking about, those children, those working families, then I think it invites mutiny because it becomes just symbolic politics.

Let me give a few examples. Mr. President, as far as I can determine when we talk about child care, without going into all the statistics, and we think about families with incomes of $35,000 a year and under, we will probably reach, with the amount of resources the President has talked about investing in early childhood development, about 2 out of 10 children who could benefit—2 out of 10 children. If it is so compelling, and if the evidence is irreducible and irrefutable that we have to get it right for these children by age 3 otherwise many of them will never do well in school and will never be prepared for life, then why are we only investing in 2 out of 10 children?

After-school program. Again, an important initiative, but as I look at the number of children who could benefit from this, and I think about my travel in some of our inner-city communities and rural communities, much less the suburbs, we will be reaching, with the President's proposal, about 1 out of 10 young people or children that are eligible. If it is important to have good positive things going on for young people in our communities after school, why is it only important to reach 1 out of 10 young people or children that would be eligible?

Now I know what I am saying is counterintuitive because in a way I'm in the tiny minority on this, but I think we can do much better. I will introduce child care legislation and I will talk about 5 out of 10 children, that we can at least reach half the children that really deserve to have nurturing child care, that deserve to have the highest quality child care. Why are we only talking about affordable child care that is only affordable for about 20 percent of the families that need the assistance? Why are we not making sure that every child in the United States of America, when he or she goes to kindergarten, knows how to spell her name, knows the alphabet, knows colors, shapes and sizes? Why can't we make sure that we make the investment in the public sector, private sector and volunteers and communities, that every single child comes to kindergarten, ready to learn? The President's proposal is a step in the right direction but we can do much better. We can do much better.

A second example, health care. Mr. President, I'm all for expanding Medicare, but the current proposal that the President has outlined makes it impossible for most citizens between the ages of 55 and 65 to be able to afford the premium. Most won't benefit. Second of all, I don't know why—I guess I speak more to Democrats, my party—why have we abandoned the idea of comprehensive health care reform, universal health care coverage? Why are we not talking about a strategy for our country whereby the next century, next millennium, each and every citizen will be able to benefit from dignified, humane, affordable health care? Why, Democrats, have we backed away from this?

I'm going to introduce legislation that will have a national progressive framework, a defined package of benefits. Remember, colleagues, remember what we talked about a few short years ago, that every citizen should have health care at least as good as what Senators and Representatives get? I believe that. I think all of us should believe that. It will also make sure that States agree that it will be affordable and it will also have strong consumer protection, but then it leaves it up to States as to how to get there. There will be Federal grants for each and every State that agrees to reach, within the next 5 years, universal coverage. Different states can do it different ways. We can decentralize it. But we ought not to give up on the goal of humane, affordable, dignified health care for each and every citizen in our country. The American people believe in that. It might be that the insurance industry, which has so much clout here, doesn't believe in it, but the majority of people in our country do, and Democrats and Republicans, we ought to be on their side. We ought to be on their side.

The third example, Mr. President, which is near and dear to my heart, call it counterintuitive politics because we don't talk about it very much but I think we should. I have traveled all across the country. I have had a chance to meet with a lot of people in poor communities. I want to raise the minimum wage. I think we should do that. It is a matter of elementary simple justice. I am proud to join Senator KENNEDY in this fight. We will raise the minimum wage 50 cents a year for the next 3 years and then index it. If people work full time 52 weeks a year 40 hours a week they ought not to be poor in America. If you had health care and child care, you really would be making a difference in terms of family income.

Mr. President, I also visited communities, be they rural or urban, where there are no jobs, even with the economy being where it is, even with official unemployment at record low levels. I go to inner-city Baltimore or inner-city Chicago or Minneapolis, I can go to Appalachia, rural Appalachia, I can go to rural Minnesota, and in all too many cases the jobs are not there, or the jobs at decent wages are not there. Why don't we make a commitment to making sure that people find employment? That is dignity.

We have communities where there are compelling needs—there is elder care, there is child care, there is housing rehab, there is community crime prevention, there is teacher's assistance, there is environmental cleanup, all sorts of work to be done and people who can't find any jobs. I will introduce a bill that will provide people—we have now a 5 million job gap between people that want to work and jobs vacant—provide people with a transition whereby they have a job for a year at a decent wage with these benefits, and then can transition to private sector. We need to get more private capital in these communities. But when you have people in our rural areas, our ghettos and our barrios who have worked and worked on community-building jobs and have the dignity and build up some of the skills, then private sector gets more interested in these communities. But right now in a lot of communities in our country, people are crying out, where are the jobs?

Mr. President, we can do much better. We have to make these investments. I am saying to my colleagues today on the floor of the Senate that as we go into the next century there are some contradictions we cannot live with. There are some contradictions in this city, Washington, DC, right here in this city, and all across the country. We have to make sure that we are investing in communities. We have to make sure we are investing in children. We have to make sure we are investing in education, and not just in education for some children, not just affordable child care for some children, not just health care for some citizens. If we are going to argue that these are priorities, then we have to back the rhetoric with the resources. We have to make the investment.

Mr. President, I worry that at the very time where we have the best chance to make this investment—at a time of real optimism, at a time when I think people in the country feel good and know that we can do better, that justice, fairness, opportunity, building communities and building leadership are things that we can do—we are going to miss the opportunity by making speeches but not following up the speeches, by not really meaning what we say, and not really making the investment.

President Clinton, thank you for pinpointing some of these initiatives. Republican colleagues, maybe in areas like child care we can come together. I hope we can. But for the President and all my colleagues, we can't outline problems and say we are committed to making a huge difference and then not make the investment that is anywhere near the scale of what needs to be done to make a difference. We can do much better than what the President outlined in his address for children, we can do much better for education, we can do much better for health care, and we can do much better when it comes to tackling problems with race, gender, poverty, and children in America.

I appreciate what the President has outlined as a first step, but we ought to be doing much better here in the Senate and in the House of Representatives. We ought to be doing much better. This is our chance to make an enormous difference.

Mr. President, I yield the erence.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING

Mr. HAGEL. Mr. President, I ask unanimous consent that there now be a period for morning business until 2:45 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO COMMANDER RAY C. SIMMONS, U.S. NAVY

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Naval officer, Commander Ray C. Simmons, upon his retirement from the Navy after more than twenty years of commissioned service. Throughout his career, Commander Simmons has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Navy and the nation.

Commander Simmons entered the United States Naval Academy from the State of New Hampshire in 1973 and was commissioned as an Ensign upon graduation in 1977. Since then, Commander Simmons has spent his career patrolling the world's oceans as a Naval Flight Officer and oceanographer. Following flight training, he began his service in Patrol Squadron Four in Barbers Point, Hawaii, making three deployments to the western Pacific, Indian Ocean and Persian Gulf, including operations in support of the 1979–80 Iranian hostage crisis. In 1990, he joined the staffs of the United States Sixth Fleet and NATO Strike Force South, embarked in USS *Belknap*, homeported in Gaeta, Italy. During the Persian Gulf War, Commander Simmons, as Fleet oceanographer, served as a member of the TLAM cruise missile targeting team, planning strikes on Iraq from the eastern Mediterranean Sea. He also served as Flag Lieutenant and personal aide to the Sixth Fleet Commander.

When not at sea, Commander Simmons has likewise served with distinction on the staffs of Patrol Wing Two and the Chief of Naval Operations, in the Naval Western Oceanography Center and as Aide and acting Deputy Executive Assistant to the Vice Chairman of the Joint Chiefs of Staff. He served with the National Aeronautics and Space Administration (NASA) as the first Department of Defense liaison officer for joint NASA-Defense earth science applications programs. In 1995, he commanded the United States Naval Ice Center, with additional responsibility as Director of the joint Coast Guard, Navy and National Oceanographic and Atmospheric Administration United States National Ice Center, and served as the Department of Defense lead technical advisor to the Russia-United States Gore-Chernomyrdin Commission Environmental Working Group. Among Commander Simmons' many awards and decorations are the Defense Meritorious Service Medal, four Meritorious Service Medals, two Navy Expeditionary Medals and the Southwest Asia Service Medal. He is both a qualified Naval Flight Officer and Naval oceanographer.

During his more than twenty year career, Commander Simmons has served the United States Navy and the nation with excellence and distinction. He has been an integral member of, and contributed greatly to, the best-trained, best-equipped and best-prepared naval force in the history of the world. Commander Simmons' unflappable leadership, integrity, and limitless energy have had a profound and positive impact on the United States Navy and the nation.

Commander Simmons will retire from the United States Navy on March 1, 1998, after twenty years and nine months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Commander Simmons fair winds and following seas. Congratulations on completion of an outstanding and successful career.

RETIREMENT OF CAPTAIN JOHN LYNCH

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man a number of us, especially those who are members of the Armed Services Committee, have come to know over the past several years, Captain John Lynch who retired from the United States Navy during the Christmas Recess.

There are few careers more demanding or rewarding than those in our armed forces, and in 1972, John Lynch joined the Navy. Despite Richard Nixon's overwhelming re-election to the Presidency, this was a tension charged era in our Nation, we were in the waning days of our involvement in Vietnam and most young people were seeking ways to avoid military service. Few people were actually entering the armed services on their own volition, but John was an exception, and his spirit of patriotism and selflessness would serve him well throughout his career. In 1974, a young John Lynch donned cap and gown and accepted his bachelor's degree in Industrial Education and earned a commission as an Ensign. Leaving the comfortable and familiar campus of The College of New Jersey, he headed south to the hot, humid weather of the Florida panhandle and the vocal, uncompromising, and unforgiving Marine Corps Drill Instructors who put the aviation candidates through their paces and initiated them into the life of the military.

By the time then Ensign Lynch graduated from flight school, Vietnamization was fully in place and responsibility for prosecuting the war was squarely on the shoulders of the Republic of Vietnam. Though American military personnel were no longer involved in a "shooting war", the United States was certainly locked into a tense, dangerous, and sometimes deadly Cold War with communist nations. During this period in our history, the United States and, primarily, the former Soviet Union stared at each other over fortified borders, and tested each other's defenses and military capabilities. Certainly one key element in how this Cold War was prosecuted was anti-submarine warfare, where American and Soviet submariners shadowed and evaded each other and the ships and aircraft that tried to detect and monitor their activities. It was as a part of this nuclear weapons cat and mouse game that John Lynch cut his teeth as a young Naval officer and aviator, flying operations looking for Soviet submarines.

As many will remember, the Cold War would heat up from time to time, and there was a period in the 1980's when events in the Middle East forced the United States to use force to protect our citizens, interests, and security. Inflammatory and hateful rhetoric espoused by radical leaders, coupled with things such as the infamous "Line of Death", the bombing of the Marine Barracks in Beirut, and a campaign of terror directed at the United States and her allies that brought American military assets to bear in the Mediterranean, and John Lynch was among those deployed to that region. As a matter of fact, as the Officer in Charge of the Navy's first dual SH-60B helicopter detachment aboard the U.S.S. *Halyburton* as it conducted operations off the coast of Libya, John logged nine combat flights in support of the fleet. Those experiences demonstrated the competence, composure, and courage of John Lynch, the essential qualities of any successful leader, whether he or she be in the military, the government, or the private sector. They certainly benefitted him, and those who served under him in HSL–42, during Operation Desert Shield/Storm.

Of course, Captain Lynch's career was not all dangerous missions flown in the cramped cockpit of Navy helicopters, throughout his 24 years in the service, he held a number of different assignments that promoted Naval rotor wing aviation, including at IBM; Naval Air Station North Island, San Diego; Naval Aide and Flag Secretary at Naval Air Station Jacksonville; and on the staff of the Chief of Naval Operations for Surface Warfare. He earned a Master's Degree from the University of Southern California while he was stationed in San Diego. He also participated in the LEGIS Fellows Program, serving as a Military Legislative Assistant to my friend, United States Representative Tillie Fowler.

It was during his almost three year tenure as Director of Senate Affairs in the Office of the Secretary of Defense that we came to know John Lynch. In that position, the Captain was responsible for being the liaison between the Department of Defense and all Senators and their staffers, though his primarily interaction was with the members and staff of the Armed Services Committee. A gregarious and competent man, Captain Lynch was an excellent representative of the Secretary of Defense who rendered an important service, helped facilitate positive relations between the Pentagon and the Senate, and made certain that the positions of the Secretary of Defense and the Executive Branch were well represented. He was unquestionably professional and accommodating and he set an excellent example for all those who worked for him in the Office of Senate Affairs, as well as for his successor.

After more than 20 years in service to the Navy and the Nation, it must be difficult for Captain Lynch to begin a new career, but he can look back on his time as a Naval Officer and take great satisfaction and pride in a job well done. His efforts helped to assure that the United States and her citizens were well protected, and I know Captain Lynch must be proud that his eldest son, Shaun, has chosen to follow in his father's public spirited footsteps by attending the Naval Academy and serving the Nation. I wish John Lynch, his wife Linda, son Shaun, and daughters Laurne and Kelly health, happiness, and success in the years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 2, 1998, the Federal debt stood at $5,483,592,532,096.82 (Five trillion, four hundred eighty-three billion, five hundred ninety-two million, five hundred thirty-two thousand, ninety-six dollars and eighty-two cents).

Five years ago, February 2, 1993, the Federal debt stood at $4,177,801,000,000 (Four trillion, one hundred seventy-seven billion, eight hundred one million).

Ten years ago, February 2, 1988, the Federal debt stood at $2,463,053,000,000 (Two trillion, four hundred sixty-three billion, fifty-three million).

Fifteen years ago, February 2, 1983, the Federal debt stood at $1,200,725,000,000 (One trillion, two hundred billion, seven hundred twenty-five million).

Twenty-five years ago, February 2, 1973, the Federal debt stood at $449,134,000,000 (Four hundred forty-nine billion, one hundred thirty-four million) which reflects a debt increase of over $5 trillion—$5,034,458,532,096.82 (Five trillion, thirty-four billion, four hundred fifty-eight million, five hundred thirty-two thousand, ninety-six dollars and eighty-two cents) during the past 25 years.

MARKING THE 65TH BIRTHDAY OF SENATOR PAUL SARBANES

Mr. BYRD. Mr. President, I would like today to pay tribute to one of my most esteemed colleagues on the occasion of his birthday. For, sixty-five years ago, in Salisbury, Maryland, two Greek immigrants named Spyros and Matina Sarbanes gave birth to a child, whom they named Paul. I, for one, have no doubt—although history does not provide confirmation of my conjecture—that within a few days, or perhaps weeks, of this event, young Paul had begun the earnest and impassioned learning that would distinguish him throughout his life.

This learning has paid dividends throughout the life and career of PAUL SARBANES. It won him a scholarship to Princeton—from where he graduated Phi Beta Kappa—and earned him a Rhodes Scholarship. Thence, he proceeded to Harvard Law School and a prestigious clerkship with a federal appellate court judge. After conquering such mountains early on, he might have been forgiven for resting on his laurels, but these early triumphs proved to be simply prologue to further achievements. Senator SARBANES' drive and his intelligence propelled him from a law firm to the Maryland House of Delegates, then on to the U.S. House, and, in 1976, to the U.S. Senate. How wonderfully appropriate that the year in which this country celebrated its bicentennial it should also witness, in the election of Senator SARBANES, confirmation of the basic American tenet that any man—even the child of immigrants—can rise to the highest levels in this country! And who better than Senator SARBANES to prove that the American meritocracy, which rewards extraordinary wisdom and diligence, endures?

For over two decades, I have been privileged to work alongside Senator SARBANES. I have learned in that time to put down whatever business I have before me and pay careful attention when this man speaks on the floor. For I know that whatever words issue forth from his mouth will be the result of careful consideration, intelligent analysis, and a nuanced balancing of the facts. These qualities distinguish Senator SARBANES' remarks, and they are the reason why this man epitomizes for me the best that the legal profession has to offer. If every lawyer would only emulate the reasonableness and wisdom of Senator SARBANES, the country's legal profession would be held in much higher esteem than it is today!

Mr. President, I am sure I speak for all my colleagues when I wish my esteemed colleague Senator SARBANES the happiest of birthdays. The words of Senator SARBANES' classical forebear, Aristophanes, seem particularly appropriate today: "Blest the man who possesses a keen intelligent mind.

TRIBUTE TO THE NATIONAL CATTLEMEN'S ASSOCIATION'S 100 YEARS OF EXCELLENCE

Mr. CAMPBELL. Mr. President, I call upon my colleagues today to recognize an organization that has been very valuable not only to the hard working ranchers and farmers that I represent in Colorado, but to everyone in America whose livelihood depends upon the cattle industry.

Founded in 1898, the National Cattlemen's Beef Association is the marketing and trade association for America's one million cattle farmers and ranchers.

Small businesses, like cattle farms and ranches, are the heart of the American economy. The U.S. cattle industry is comprised of more than one million individual farms or ranches that provide our nation with a steady supply of safe, nutritious beef. Living on a small ranch in Ignacio, Colorado, I know the vast majority of U.S. cattlemen are family farmers and ranchers who are skilled stewards of their natural resources and trained caretakers of the animals under their care. Eighty percent of cattle businesses have been in the same family for more than 25 years and 10 percent for more than 100 years.

Cattle ranchers form the largest part of the U.S. food and fiber industry, which, in turn, is the largest segment of the U.S. economy—nearly 17.5 percent of the gross national product. Doing business in all 50 states, cattlemen contribute to thousands of rural economies and, directly and indirectly, add $153 billion to the national economy. It is also important to recognize that the beef industry provides 1.6 million American jobs, and the U.S. annually produces nearly 25 percent of the world's beef supply with less than 10 percent of the world's cattle inventory.

In Denver, where the industry is commemorating 100 years of the cattlemen's association history, we have a unique opportunity for people all across America to join in celebrating the labor of generations of America's cattlemen and women.

Since this historic event is taking place in my home state of Colorado, I would like to take this time also to recognize the Colorado Cattlemen's Association, which is one of the nation's oldest cattlemen's associations, founded in 1867, even before Colorado became a state. I am proud to say that with hard working grass-roots organizations like the National Cattlemen's Association and the Colorado Cattlemen's Association, issues that directly affect the West and across this country can be addressed in Washington with great success.

In 1996, I joined Senator DOMENICI on the Senate floor in support of the grazing reform bill in the 104th Congress. It was a moving sight to see so many cattlemen and women in the Senate gallery and the halls of Congress working with their senators to help ensure passage of this vital legislation. Currently, grazing legislation is pending in the Senate Energy and Natural Resources Committee on which I serve. With endorsements from strong grassroots organizations like the National Cattlemen's Beef Association and the Colorado Cattlemen's Association, we will continue to fight to get this legislation enacted into law.

Once again I commend the National Cattlemen's Beef Association for 100 years of dedicated service to America's ranchers and farmers.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

THE HIGHWAY BILL

Mr. GRAMM. Mr. President, as many of our colleagues are aware, there has been a problem in America since roughly 1990 in that we have collected taxes on gasoline. Those taxes, as anyone knows who has ever stood and read the gasoline pump as they are filling up their car or truck, are dedicated to building highways. But, yet, since 1990, over 25 cents out of every dollar we have collected in gasoline taxes has not gone to building highways. It has instead gone to fund general government.

This produces a real problem. If you read the sign on the gasoline pump, it basically gives you good news and bad news. The bad news is that about a third of the cost of a gallon of gasoline is taxes. The good news is that every penny you pay in gasoline taxes is supposed to go to build roads. The problem since roughly 1990 has been that the bad news is true and the good news is not true.

Senator BYRD, I, and others set about last year to try to correct this problem to basically try to bring honesty to Government by having a program that in reality conforms to what we tell the American people. And that program is that if you collect money on gasoline taxes to spend on roads that you spend the money on roads and nothing else. We have done it in two parts. One part is complete.

I offered an amendment to last year's tax bill which was adopted in the Senate, adopted in the House, and became law when the President signed the tax bill into law. It took the 4.3 cents a gallon tax on gasoline that in 1993 the President had dedicated permanently to general revenues—the first time in American history that such a designation had ever occurred—and it put that gasoline tax back into the highway trust fund. You can imagine how surprised we were when the President's budget came out and not one penny of that gasoline tax is proposed to be spent on highways.

Senator BYRD, I, and others have put together an amendment which now has, I believe, 52 cosponsors. I want today to outline what the amendment does and what it does not do, what the result of adopting the amendment would do, and what it would not do. I also want to address two other issues that people have talked about as reasons of not being for the amendment.

First of all, our amendment is on an authorization bill. It basically would change the highway bill to assure that the 4.3-cents-a-gallon tax on gasoline would be authorized to be spent on highways. Our amendment does not, nor could it, change the spending caps in the budget. Nothing in our amendment would in any way change the total amount of funds that are currently available to be spent under the budget agreement which we adopted last year. In fact, our amendment specifically states that nothing in the amendment will bridge or break those caps. So we are not debating how much total money is going to be spent next year. That debate is going to occur in the budget and probably to some extent in the appropriations process and perhaps in the Finance Committee with taxes and user fees.

My position is longstanding, and I don't intend to change it under any circumstances. And that position is that we should not raise the spending caps; that we made an agreement last year with the President. We took that agreement to the American people. We made a promise. I think we ought to live up to that promise.

The Byrd-Gramm amendment simply allows highways to compete with every other use of money within the budget agreement. If we do not adopt the Byrd-Gramm amendment, it means that for the next 6 years we are going to be spending less than 75 cents out of every dollar collected in gasoline taxes on highways, and we are going to continue to perpetuate an untruth where people were told when they buy gasoline that the money is going to build highways when in reality over 25 cents out of every dollar is going to general government. If you believe that when we have a dedicated revenue source—a "user fee," as some call it—that we have an obligation, in fact, a moral obligation, to the American people to use the revenue for the purpose that it is collected for, then I believe that you should be for the Byrd-Gramm amendment.

We have, I believe now, 52 cosponsors. I don't have any doubt about the fact that if we voted on the Byrd-Gramm amendment today as an amendment to the highway bill it would be adopted and it would probably get 75 or 80 votes.

Here is the problem. Those who oppose the amendment would like to delay its consideration and consider it in the context of the budget. When we are considering the budget we are going to be considering many proposals to break the spending caps. And it is the hope of those who oppose the amendment to use that parliamentary position to try to convince people that rather than fulfilling the commitment we made to the American people about spending gasoline taxes on roads that we should not do that so we can raise spending in other areas.

In fact, the strategy is to commingle this effort to allow highways to compete in an effort to break the budget entirely. I didn't think that is where we ought to consider this amendment. This is not a budget amendment. Our amendment does not break the spending caps. All we do is authorize highways at a level that would allow the spending of every penny collected in the gasoline tax, or at least that new portion, 4.3 cents a gallon. It would then be up to the Appropriations Committee within their overall budget to decide how much to spend on highways.

Let me make it clear. I believe that under those circumstances we would be successful, and that we would provide the full level of funding. But in doing so we would do it within the spending caps.

A couple of additional points. Our highway bill will expire on May 1st. It would be my intention—and I believe it is the intention of Senator BYRD—that if that highway extension expires, we would want an opportunity as part of rewriting it to offer our amendment. In fact, we are preserving our right to offer our amendment, as obviously anyone can at any time to any bill. We don't want to do that. We want to have the opportunity to have the highway bill in front of us.

I hope my colleagues will join Senator BYRD and join me in urging our leadership on both sides of the aisle to come forward with the highway bill. I came over today because we are here at 3 o'clock with no business before the Senate. We could have already written the highway bill. It takes time to plan the building of roads and bridges. It takes time for States to set out their blueprint of what they are going to do. I am blessed in being with a Southern State that has a long construction cycle. But for people who live in States like North Dakota, they have a very short construction cycle in terms of highway construction. And if the highway bill should expire, if they lose May, June, and July, they will end up not having a highway construction period this year.

So I believe that we need to get on with this bill. I think there is a solid consensus that says that within the spending caps we want to allow highways the right to compete for funds up to the amount of taxes that we collect on gasoline. If those of us who believe that the money should be spent on highways can't win that debate, then obviously we will not get the money.

But since the money was collected on gasoline taxes, people were told it was going to be used for highway construction. I believe that if we do authorize its expenditure we will be successful.

So I came over today to basically make two points. No. 1, nothing in the Byrd-Gramm amendment raises the spending caps. The amendment specifically states that the spending in the

Byrd-Gramm amendment will be within the spending caps. We are going to debate spending caps and the total level of spending in the budget. The Byrd-Gramm amendment is authorization which authorizes the construction of highways at a funding level up to the expenditure of the gasoline taxes that we are now collecting. It will be up to each of us then within the spending limits that are set in the budget—and I hope they will be the spending limits that we agreed to last year and I intend to fight for, but within that we will have an opportunity to compete so that funds can be spent on highways and so that we can have truth in Government, so that when working Americans go to the filling station and stick the nozzle in their gas tank and they sit there while they are holding it reading on the gas pump that every penny of gasoline taxes goes to build roads, that will not be false advertising by the Government, that it will in fact be a reality.

The final point I wanted to reemphasize is we are running out of time. The extension of the highway bill expires on May 1. We are not going to be able to get another clean extension. We obviously have time to deal with this bill since there is no action in the Chamber here at 3 o'clock in the afternoon. It is early in the session. We were told when Congress adjourned for the Christmas recess the first item of business was going to be the highway bill. With a construction cycle beginning in May in the northern tier of the country, with the desperate need for highways and highway modernization, with the fact we told people the money they spend on gasoline taxes is a user fee to be used for highways and roads, I believe it is important that we move ahead. I urge our leadership, both on the Republican side of the aisle and on the Democratic side of the aisle, to move ahead with the highway bill. Let the Senate work its will and know that the amendment which will be offered by Senator BYRD and by me and by 52 Members of the Senate is an amendment that does not break the spending caps.

Under no circumstance am I going to support breaking the spending caps. This is a debate about priorities. It is a debate about whether or not, when you tell people that their gasoline taxes go to build roads, it should go to build roads. This is competition for available money. It is not a debate about increasing the total level of spending. I know people get confused on this issue, and I wanted to be sure that we continue every day to reiterate that this is a debate about priorities. It is a debate about honesty in Government. But it is not a debate about the total level of spending. That decision will be made in the budget, and hopefully the decision will be made to live up to the commitment we made last year.

Mr. President, I thank the Chair for recognition. I yield the floor.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1575

Mr. LOTT. Mr. President, with regard to S. 1575, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, S. 1575, the Ronald Reagan airport legislation, and it be considered under the following agreement:

One amendment to be offered by Senator DASCHLE or his designee regarding a commission; one amendment to be offered by Senator DODD regarding a commission; one amendment to be offered by Senator DASCHLE or his designee regarding Dulles Airport naming; one amendment to be offered by Senator COVERDELL, which is a technical change amendment; one amendment to be offered by Senator REID regarding the FBI building renaming; one relevant amendment to be offered by Senator LOTT or his designee; and one relevant amendment to be offered by Senator DASCHLE or his designee.

I further ask that these amendments be the only amendments in order and they all be in the first degree and must be offered and debated prior to the close of business this evening, and any votes ordered with respect to the amendments or passage occur on Wednesday morning, at a time to be determined by the majority leader after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not object, but I would simply clarify that this has been a work in progress for several days. I appreciate very much the cooperation of the majority leader in accommodating Democratic Senators and Republican Senators who wish to offer amendments.

There were two issues here. One was the opportunity to offer amendments. This unanimous-consent request does that. People can vote up or down on the amendments and can certainly vote up or down on the bill. There will be plenty of discussion about the reasons for a vote on either side of these amendments as the debate unfolds.

The second issue was one relating to the IRS bill. It was our view that the bill reforming the IRS needed to be brought to the attention of the Senate and needed to be scheduled. The majority leader has acknowledged the need to do that as well, and he has given me a commitment that we will take up the IRS bill prior to the end of March. So given his commitment to address the IRS and to allow amendments to be offered, that will, in my view, certainly provide us with an opportunity to move forward. So I appreciate very much his effort to respond to those concerns.

We have no objection.

The PRESIDING OFFICER. Regarding the majority leader's unanimous-consent request, without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments. I think this is a fair agreement. Senators understandably want to be able to offer relevant amendments, and these amendments do pertain to this general area of discussion. I think that is reasonable. I think that is fair. I was concerned earlier on at the suggestions that were being made that we would wind up with just a litany of amendments making it impossible for us to bring this to a reasonable conclusion, and delaying other issues that we have already made a commitment to do. So I am pleased that we have this agreement.

IRS RESTRUCTURING LEGISLATION

Mr. LOTT. Mr. President, I further announce to all Senators that it will be my intention to call up and consider the IRS restructuring legislation no later than March 30, 1998. I have done that after consultation with Members on both sides of the aisle and, particularly, the chairman of the Finance Committee. He has assured me that he is very dedicated to getting this done. We found out last year in our hearings in the Finance Committee that, in fact, the abuses we had heard about were occurring.

The House passed a bill that made some very positive changes and sent that over to the Senate right at the end of the session. We believe that we are finding out still other problems that exist, and that that bill can be strengthened. We have given our word, frankly, on both sides of the aisle, that we are going to deal with this issue and we are going to deal with it in a timely way. I think the Finance Committee may have another hearing or two, although I am not limiting it to that. I didn't ask the chairman how many more he wanted to have. We heard from the Secretary of Treasury last week and the new IRS Commissioner, Mr. Rossotti about their reorganization plans. We are still learning things that are happening in order to maybe try to change the culture at IRS, but at the same time we are continuously finding additional problems that have not been addressed in the bill that came across from the House. I believe we can have whatever additional hearings that we need to have and have a markup and have this legislation on the floor of the Senate by the end of March.

The only reason why I didn't want to narrow it down more than that, frankly, is we have a number of issues we have to deal with in March, as Senator DASCHLE knows, such as NATO enlargement, the budget, supplemental appropriations, which I presume will involve at least a part, or all of IMF, as well as this issue. Now, I believe this issue may not take that much time. But we have to make sure that we have looked at the entire schedule for March and we have allowed appropriate time to consider this very important issue of restructuring of the IRS. I think this is a good agreement and we should move forward with it.

Mr. DASCHLE. Mr. President, I only want to acknowledge, again, the extraordinary leadership in our caucus that this Senate has benefited from, thanks to Senator KERREY, on the issue of IRS reform. He and Congressman PORTMAN were the two chairs of the IRS commission that delved into all of these issues. They formulated the policy, convinced the administration, and worked to resolve many outstanding differences. So I appreciate very much their tenacious leadership in this area and, again, thank them for their efforts in bringing us to this point. We will, at long last, resolve this matter.

I am told that 1½ million taxpayers have been adversely affected by IRS activity since the House passed its reform legislation last year. We need to put an end to that, and we need to find ways in which to ensure that the American people and the IRS have a clear message: The old days are gone. The time for reform of the IRS is here.

The Senate, on a bipartisan basis, thanks to the leadership of Senator KERREY is committed to that. We will send the bill to the President well before the April 15 filing time for taxes for the last calendar year.

I thank the majority leader, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

IRS REFORM

Mr. KERREY. Mr. President, first, let me thank both the majority leader and the Democratic leader for resolving this. I thank, as well, Chairman ROTH of the Finance Committee, Senator GRASSLEY, and others who have worked on this. Getting it done by the end of March means that, prior to the 15th of April, taxpayers will have substantially more power. I know that Senator ROTH is looking at some additional things that he might add to the bill.

Let me identify a few that are in this bill that, if we can get it passed before April 15, taxpayers will have. Under current law, the IRS can come out and try to collect money from a taxpayer that they think owes money and, if they make a mistake, tough luck, there is no sanction against them. Under this changed law, if the IRS goes out and does this and it is discovered that they are negligent, they can be responsible for $100,000 in punitive damages to be paid to the taxpayer. And if it is discovered that they were wrong, they have to pay the legal fees and other expenditures that the taxpayer would have been out. It puts the burden on the IRS to make certain that they don't send out a collection notice unless they are certain there is a collection there. Today, they have no negative sanctions at all. This will shift a substantial amount of power to the taxpayers, which I think is needed.

Chairman ROTH has used what is called section 6103 to look at some of the privacy problems, and he has some additional ideas he may want to add in this area. Just with what the House has passed and what we have in our bill right now, there is a substantial amount of new power that the taxpayer will have. We will make the taxpayer advocate more independent. Senator JOHN BREAUX and others—and I believe Chairman ROTH supports it—will make the taxpayer advocate even more independent by removing them from the IRS. They do a relatively good job, but there is a conflict of interest and they have a difficult time being able to be a powerful advocate for the taxpayers.

There are lots of other things that this piece of legislation does, and to be able to get it done by the 15th of April, I think taxpayers are going to like it a lot. Here are some more examples. We all know the code is complicated, and we all know that one of the cheapest ways to get an audience to their feet and to appreciate this is to propose some tax break, a deal that we favor. And everybody around here has one that they like. If we have a reconciliation bill or a tax bill we are going to move through this bill, this law would say that the IRS Commissioner has to be at the table when that is being discussed, and then to say this is what it is going to add to the taxpayer burden.

It has been estimated now that it costs somewhere between $100 and $200 billion a year to comply with the Code. This would put the Commissioner at the table and give the Commissioner a sufficient amount of independence to say this is what it will cost, or that it requires an index and some measure of cost to the taxpayer.

We heard Mr. Rossotti talk about his need for power. It's surprising how little management authority the Commissioner has, though you will not likely see that having an impact immediately. Long-term, there is no question that is going to have an impact. My guess is that most Members have heard complaints coming from citizens that they know have to go to a regional office to get an answer to a question or get a problem solved. That is because what IRS has done is increasingly centralized the decisionmaking process. And what Mr. Rossotti, correctly, is trying to do is decentralize that process, so you have human beings in offices at the local level helping to make decisions. The way he is proposing to do that is to end the stovepipe stricture that exists and create functional structures. He needs the law to be changed in order to have the management authority to get that done.

So I thank the majority leader very much and the Democratic leader, Senator DASCHLE, for their determination to get this done. I thank Senator GRASSLEY and Senator ROTH. And before I leave the floor, I also want to thank Secretary Rubin. There was an awful lot of attention paid to a conflict that Congressman PORTMAN, who was cochair of this effort, and I had having to do with an independent board for the IRS. We worked out those disagreements. Lost, unfortunately, in the process of debating that is another change we put in place, which was to require some consolidated oversight on Congress' side and the purpose of both is so that we can get to a point where you have a shared agreement, you have consensus between the executive and legislative branch about what you want the IRS to do. It is impossible to make technology decisions.

The administration is asking for another $400 million for tax system modernization. Without this piece of legislation in place and Mr. Rossotti with the power and consolidated congressional oversight, I would vote no on that.

This process began with Senator SHELBY and I on the floor adding money for the creation of this commission. Congressman Lightfoot and Congressman HOYER, the ranking member of the Subcommittee on the Treasury, were involved in the House. It began because Senator SHELBY and I saw that the General Accounting Office had said that nearly $3 billion of money had been wasted trying to modernize the information systems at the Internal Revenue Service. Unless you can get an environment where the legislative and executive branch say we agree on the plan, we support the plan, we support what we are trying to do—everybody from the private sector and the public sector said, take another $100 million, or $400 million, or whatever you can, to put into technology and it is going to be more money down the rat hole.

To get this done by the 15th of April gives us an opportunity to increase confidence that when we give the IRS the technology money they need to modernize their system, it is likely to be that they will do the right thing. I also predict, Mr. President, that there is a title in here that hasn't been given a lot of attention because it is not very controversial. I think that 10 years from now it may be seen as one of the most significant parts of this legislation, and that is powerful incentives to move to the electronic world, electronic filing, and the removal of the some of the disincentives in place right now to electronic filing. I don't want to talk about the information superhighway, but the air rates for electronic filing is less than 1 percent; for the paper world it is 22 percent. The cost to the taxpayer to run the IRS, as well as the cost of the taxpayer to comply is substantially higher in a paper world than an electronic one.

Since the IRS deals with 100 million households on an annual basis, I also would forecast that if we can get the IRS into the electronic world so taxpayers will know with certainty what their bill is—for most families, it is one of the largest bills they have to pay. In Nebraska, for just the Federal obligation in taxes, the average individual contribution to Washington on an annual basis is $4,600 a year. So for most families, their tax obligation is one of the largest obligations or bills that they have to pay, and uncertainty about that can make it difficult for them to do financial planning.

I forecast that the electronic filing section of this bill is going to be something that is going to benefit taxpayers in lots of ways, and I also believe that it is going to be the sort of thing we will have to do in lots of other areas of Government if we are going to get the unit cost of Government down and the efficiency of the operation of the people's Government up.

So I appreciate very much knowing now with certainty that this bill will be brought to the floor prior to the 30th of March and, more importantly, prior to the 15th of April, because I think the American taxpayers have waited for this all too long.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The PRESIDING OFFICER. The clerk will report S. 1575.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

The Senate proceeded to consider the bill.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first let me say to both the majority leader and the minority leader that the author and the cosponsors of S. 1575 are pleased that we were able to come to terms on the process by which we manage the legislation that would name Washington National Airport the Ronald Reagan Washington National Airport in memory of a great President of the United States. We hopefully are still on a timeframe by which this could be done in time for his birthday, which is this Friday. He will celebrate his 87th birthday.

The agreement is consistent with the argument that we have made all along that this is a memorial. The amendment process should be related to the context of the memorial, and extraneous issues should not have been a part of the amendment process. There is an integrity in this unanimous consent. All of these amendments are relevant, and all of them relate to the concept of whether this ought to be done or not.

We just heard from the Senator from Nebraska about his agreement or concurrence with the agreement that we would bring up IRS reform by April 15th. I, too, echo his agreement that that be done. But I did not believe it ought to be a part of this memorial. It diminished the nature of this for it to become a legislative vehicle for extraneous matters. No matter how important they are, they should not have been dealt with in the context of the memorial to former President Reagan.

I see the Senator from Nevada is present. I ask, if I might, is he here on behalf of the amendment under the agreement that we have just agreed to?

Mr. REID. What amendment is that?

Mr. COVERDELL. It has here "an amendment to be offered by Senator REID regarding the FBI building."

Mr. REID. I say to my friend from Georgia that is the reason I am here.

Mr. COVERDELL. I yield the floor in deference to the Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will shortly send an amendment to the desk to delete the name J. Edgar Hoover from the FBI building.

Let me preface my remarks by saying how much I respect and admire President Reagan. When I served in the House of Representatives, I, on a number of occasions, sided with the President on a number of issues that I felt were important to the country and to the State of Nevada. President Reagan was a good friend of the State of Nevada. His No. 1 adviser and counselor was the Senator from Nevada, Paul Laxalt, for whom I also have great respect. I wouldn't do anything to withhold this measure from passing in time for his 87th birthday. This is not something I am going to talk a long time about. It is just something that I have been looking, for more than a year, for an opportunity, for a vehicle to remove Mr. Hoover's name from the Federal Bureau of Investigation building.

I say to the sponsor of this bill that I commend and applaud him for being as tenacious as he has been in making sure this is done prior to the President's 87th birthday, which I understand is this Friday. I hope that the President, even though he is ill, will understand what an important act of Congress this is. It is one of many things that is going to be done to honor President Reagan's name. We, of course, have the largest Federal building in Washington, DC proper that will be named after him in Federal Triangle. There is going to be an aircraft carrier named after him, the largest in the Nimitz class that will be named after President Reagan. All of these honors are appropriate.

I want to make sure that I stress in my statement here today that my amendment has nothing to do with any attempt to take away the naming of the building for President Reagan. I hope that my friends on the other side of the aisle will support this amendment.

Let's look at J. Edgar Hoover. When I first became interested in this, I would show a book, "J. Edgar Hoover, A Man and His Secrets," by Curt Gentry. Curt Gentry is a personal friend of mine. Curt and I have worked together for many years on a number of different things. I have the greatest respect for him. It took him 10 years to write this book, the most thorough research ever done on J. Edgar Hoover by Curt Gentry. It is a fine book. It is very readable. As you all know, he also wrote the book on Charles Manson called "Helter-Skelter," which was also a best-seller.

I became convinced that we needed to do something to take the name off that building when I learned that, among other things, J. Edgar Hoover had a longstanding secret investigation of Quentin Burdick from North Dakota. Try that one on for size. Quentin Burdick from North Dakota was investigated by J. Edgar Hoover for his subservience. I would suggest to everyone that all of us who served with Burdick would suggest he was nothing other than a patriot.

Among other things, when J. Edgar Hoover died, his secretary had all of his personal records taken out of the FBI building and taken to his home. These were files on people. We will never know the full extent of the investigation this man did over the five decades that he was involved with the FBI. We know that it took, on a daily basis, working the longest and as hard as people could, 2½ months to shred the personal files which he had on people. We have learned in years past—and this is one—that he conducted investigations of many, many people. We could go through a long list of people he conducted investigations on. The index of this book that I have before me goes over names of people who are fine

Americans who he had secret investigations done on.

We all know of the work that he did to cause all the problems he could to the person from Georgia, Dr. Martin Luther King. And the things he did alone to Dr. Martin Luther King was about as un-American as anything could be.

J. Edgar Hoover's name on the FBI building is a stain on the building. Arguably there is no other public official of this century who did so much to undermine the civil liberties as did J. Edgar Hoover. That says a lot because we have had many people who have been involved in going after people's civil rights and civil liberties, and I would say Hoover was at the top of the list. This was engaged in while he was head of the FBI. We have learned since he died that he did many different things.

Because the sponsor of the bill is from Georgia, I hope that he will join me in this effort.

Twenty-five separate actions were taken against Dr. Martin Luther King in the 1960s by J. Edgar Hoover that had no statutory basis—none. By the FBI's own admission, the allegations of "Communist" that flew over Dr. King were never proved nor established. There was a concerted undercover campaign of continuous wiretapping of his home, his office, and travel accommodations for over 3 years. The FBI Director himself approved of an attempt to disrupt Dr. King's marriage. The FBI launched an aggressive campaign intended to, among other objectives, replace Dr. King with a civil rights leader more acceptable to J. Edgar Hoover. When Dr. Martin Luther King received the Nobel Peace Prize, the FBI sent a thinly veiled recommendation in a letter to Dr. King himself that Dr. King kill himself before accepting the prize.

J. Edgar Hoover went to extraordinary lengths to pursue a vicious vendetta against Dr. King, and I don't think I need to dwell on that anymore. Dr. Martin Luther King did not need this aggravation, this intrusive interference with this person's life.

The reason I mention Dr. King is because he is a very prominent figure. This happened to prominent and not-so-prominent people, anybody that J. Edgar Hoover felt needed to be looked at, and he did so in spite of what the law might have been because he was the law in his own mind.

Under his direction, the FBI continued to harass activists, or protesters, or any political movement. They didn't have to be in the civil rights movement—any political movement. He moved in with his minions, harassed, and did whatever he could to disrupt people. This was carried out by intimidation, slander, and threatening to disrupt their marriages, force them out of jobs, and smear them in the eyes of parents and teachers. Letters were used to incite violence between rival black groups, counting on contracts to be placed on certain leaders' lives in each group. Additional letters were forged over local Communist Party leaders' signatures to attack the employment practices of Mafia-owned businesses in order to intensify further animosity between these organizations.

The full extent of the FBI involvement will never be known because, as I have indicated, most all the records of relevant and highly pertinent Bureau documents were destroyed after he died in 1972.

So now that Americans have the real story on this demagoguery, we might be shamed into a more appropriate name for the FBI headquarters. I say to my friend from Georgia that my original intent was to take the name off the building and insert some other President's name—President Eisenhower, President Bush, or President Truman. But I do not want to make this a political debate. I think we should go ahead and name the airport after President Reagan and get Hoover's name off the FBI building. Then I am happy to work with my friends from the other side of the aisle to come up with an appropriate name for the FBI building. But I don't think it does this country any good to have this man's name affixed to the FBI building. Here is a person who spent his entire life taking away people's rights.

So I hope this does not become a partisan issue. As I have indicated to my friend from Georgia, I hope there is a large vote for the Reagan bill from this side of the aisle. But I also hope there is a vote on the other side of the aisle to get this man's name off the Federal Bureau of Investigation building. I have so much respect for that organization and the people who work in it. I have spoken to FBI agents who really do not want his name on the building. The more time that goes by and the less people who worked under his influence, the more this happens all the time. The FBI is known today as an entity that protects people's rights, not take rights away.

So I hope that the message has been made. I only use one example. That is Dr. King. If anyone wants more information, I can certainly spread across this Senate the records of hundreds of people who were treated the same way that Dr. King was treated.

AMENDMENT NO. 1640

(Purpose: To redesignate the J. Edgar Hoover FBI Building in Washington, District of Columbia, as the "Federal Bureau of Investigation Building")

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 1640.

At the end, add the following:

SEC. . REDESIGNATION OF J. EDGAR HOOVER FBI BUILDING.

(a) IN GENERAL.—The J. Edgar Hoover FBI Building located at 935 Pennsylvania Avenue in Washington, District of Columbia, shall be known and designated as the "Federal Bureau of Investigation Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation Building".

Mr. REID. Mr. President, I would just state in closing that we have numerous newspaper articles: "FBI Aide Terms Effort to Villify King Illegal;" "FBI Can't Justify Acts Against King;" "FBI Labeled King Communist;" "Senate Probe Bares Secret Files;" "Crusade to Topple King;" "Kelly Explores FBI Effort to Destroy King;" "King Widow Demands Reopening Martin Luther King Murder Probe;" "FBI Supervisor Linked to Dr. King Case;" "'No Legal Basis for Harassing King,' FBI official says;" "FBI Tried to Kill Reverend King's Reputation." And I say again there are numerous people who were treated as badly, if not worse, as Dr. King. And if there is any question from anybody on either side of the aisle in that regard I would be happy to supply that information.

I also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first I thank the Senator from Nevada for his opening acknowledgement about the appropriateness of this legislation to honor former President Reagan. I appreciate his acknowledgement of the nature of the timeframe, that we are wanting to do this in conjunction with the President's 87th birthday.

I thank the Senator from Nevada for acknowledging that, indeed, this is a very unique period in the twilight years of the former President, and that he is bravely and courageously struggling with an illness; that he has used that illness as a last attempt to do public good by calling attention to its nature and highlighting the problem to the Nation. And I appreciate very much those generous remarks on behalf of the former President.

With regard to the presentations the Senator has made on behalf of his amendment, there will be a recorded vote up or down, and the Members of the Senate may make their decision as to their agreement or not with whether or not the current name of the FBI building would be removed and left to future congressional action to determine if another name should so honor the building.

I also agree with the Senator in his admiration of the Federal Bureau of Investigation. It has had some difficult times, but clearly it has been throughout our history an instrument to which the American public looked for security and integrity.

Today, of course, the central objective is to fulfill the goal of S. 1575 which is to honor former President Reagan in this very fitting way by redesignation of Washington National Airport as Ronald Reagan Washington National Airport.

I thought it might be useful, Mr. President, to share some of the Nation's efforts to encourage the Congress and the President to get this job done by Friday. Resolutions are being introduced and passed throughout the country in support of the renaming of National Airport for President Reagan. On January 16, 1998, the California assembly passed a resolution in support of this legislation. Of course, it is extremely fitting because former President Reagan was twice elected Governor of the great State of California, where he served successfully and with integrity and purpose. I have been told that a similar resolution was introduced yesterday in the South Dakota Senate by Senator Alan Aiker and in the Maine House of Representatives by Representative Adam Mack. The Alabama House of Representatives, my neighboring State, has passed a resolution in support of the redesignation of National Airport. The Arizona Senate has passed a resolution in like support of redesignation. The Idaho, Illinois, and Ohio legislatures will introduce resolutions next week. In Wisconsin, a resolution has been introduced and will be voted on this week. In addition, on February 6, President Reagan's 87th birthday, the Wisconsin legislature will vote on a plan to name the new Department of Administration building in Madison after former President Ronald Reagan.

Mr. President, I am glad this short-lived filibuster has come to an end and that we can move on to resolution of this legislation.

As I said when we began the debate on this legislation, there are fewer than 12 namesakes of former President Reagan. As indicated by the Senator from Nevada, assuming the success of this legislation, I think we are going to see a growing crescendo across the country. As we look back on the Reagan Presidency, if you had to find a word that characterized it, it was "optimism"—optimism, a complete belief in the spirit and nature of the American people. Historically, there are very few eras for which the principles of American freedom were more center point, almost on a par in a sense with the founding. President Reagan's policies unleashed unprecedented economic liberty, created millions and millions of new jobs, created unprecedented growth, created and made the value of economic liberty fall into the homes of millions and millions of Americans across this country.

Sometimes when we talk about American liberty we tend to focus on the component of keeping ourselves free from impoundment by adversarial forces, the Axis powers and Adolf Hitler, Saddam Hussein. But one of the critical components of American liberty is economic liberty. We fought the War of Independence over economic liberty. And there has not been another American leader so committed to it as was former President Ronald Reagan. He fought for it throughout his entire life and, as President, implemented policies that enriched it in every corner.

Having said that, he was also one of the strongest proponents of defending our freedom through strength, and as we said over the last several days his strong conviction with regard to the Soviet Union, which he labeled "the evil empire," was unprecedented in changing the fortunes of world history as he brought down the Berlin Wall and he brought down the Soviet Union's grasp over millions of people in the world. So he was seeing to liberty not only at home but liberty abroad.

Mr. President, I see the Senator from Nevada is seeking recognition, and I will yield the floor to the Senator at this time.

Mr. REID. I extend my appreciation to the Senator. I want to complete anything I have on this legislation prior to our automatic 5 o'clock break, and I want to say a couple things.

First of all, just so the record is clear, there were a number of things written about J. Edgar Hoover but one of the most telling things was written on the day of his death when a local columnist wrote about some of the things they were beginning to discover in some detail, the files he had kept on people. And this one columnist indicated he had reviewed the titillating tidbits about such diverse figures as Marlon Brando, Harry Belafonte, athletes like Joe Namath, Lance Rentzel, Joe Louis, Muhammad Ali, and, of course, he was always hard on all black leaders. Included in this article was Ralph Abernathy and Roy Ennis. After Dr. King was assassinated, he continued his work going after his widow. It wasn't good enough that he had attempted to vilify this man; he went after the widow.

And then I guess it is all summed up by a note that President Nixon sent to John Dean when he said, and I quote, "He's got files on everybody," which I guess is true. I deleted some swear words in the note from Nixon to Dean.

So I hope that we could get this part of the history at least off the FBI building. It is a great institution. Whenever I can do anything legislatively to help the FBI, I have done that. I think they are a great organization that today we should be proud of, and in spite of J. Edgar Hoover the FBI I think has a great reputation.

Mr. President, let me just say, since I see my friend from Arizona in the Chamber, and I know we have a 5 o'clock break, a couple words to extend my appreciation to the majority leader for setting a time certain that we can take up the IRS bill, which certainly is one of the most important things that we can do, the restructuring of the Internal Revenue Service. It passed the House widely last year. We should have passed it ourselves last year. I think it is important that we move forward on this as quickly as we can. It is important legislation to, among other things, change the burden of proof in a tax case from the taxpayer to the tax collector. Certainly it seems that would be an appropriate thing to do. It needs to be restructured. It will pass overwhelmingly when we get to it. I hope that Chairman ROTH will move forward with hearings as quickly as possible so that we can have all that done. There is no excuse we cannot move forward with this on the date in March the majority leader has selected.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, many opponents of this legislation have expressed concerns about Congress stripping the local airport authority of its control. As many of my colleagues know, I have long advocated that the Federal Government get out of the business of running National and Dulles airports. The Federal Government, much to my chagrin, mandates the number of hourly operations at National Airport and the length of nonstop flights to and from National Airport, known to many of us as the so-called perimeter rule. My attempts to deregulate National Airport have been met with ardent local resistance.

I just want to take this opportunity to say that National and those who represent it cannot just accept the Federal regulations that are convenient for them and that they like. If they oppose our activities with respect to an airport that's still federally owned, I urge them to step up and oppose all Federal statutes that specifically address Washington National, such as the perimeter rule.

I say to those who are raising this concern about our involvement by acting congressionally in renaming the Washington National Airport the Ronald Reagan Airport, I hope that you will express at least a scintilla of that same zeal in trying to remove the Federal requirement that every flight that leaves National Airport can go no further than what, just by coincidence, turns out to be the western edge of the runway at Dallas-Fort Worth Airport, which rule happened to have been put in by the former Speaker of the House, Jim Wright. I know that is purely coincidental.

The reality is that there are very strict Federal regulations that govern National Airport and Dulles Airport, and those regulations should be removed. So I continue, of course, also to be amused at the fact that at Washington National Airport, hundreds of thousands of dollars of revenue on an annual basis are lost, or perhaps millions, because of the reserved parking places for Members of the Congress, diplomats and judges. But that problem has been, to a large degree, solved, because the very clever and intelligent people that run Washington National Airport, when faced with occasional complaints by people who were struggling past empty parking lots with a sign on them that said "Reserved for diplomats, Members of Congress and Supreme Court Justices," struggling people like women with children, elderly individuals who had to go much, much further away because these parking lots are reserved close in to the airport, they solved this problem for us, and it probably will not come up again, because they took down the signs that said, "Reserved for diplomats, Supreme Court Justices and Members of Congress," and they put up signs that said, "Reserved." So, for all intents and purposes, that problem is pretty well resolved.

The fact is that it is outrageous and it is a disgrace. It is, again, an example of the Federal involvement in National Airport.

I would like to be serious for just a moment, if I could. I want to thank Senator COVERDELL. I thank Senator COVERDELL for bringing this issue up and for his usual tenacity in seeing this thing through. But I also want to say it's not just tenacity that characterizes Senator COVERDELL, it's a willingness to discuss and negotiate this issue with those on the other side of the aisle so we have reached what I think is a reasonable agreement that would resolve this issue. I thank my friends on the other side of the aisle who have been willing to enter into this agreement so we can have their legitimate concerns ventilated in the proper parliamentary fashion, the way we do business around here in the Senate.

I was disturbed last Thursday when apparently we were going to go through some kind of filibustering over this issue, rather than resolve it in the way we are resolving it now. I didn't think it was a good way for us to start the year. So I thank my friends, especially the Democratic leader, Senator DASCHLE, for his characteristic willingness to resolve the differences we may have had.

Each of these amendments which are germane will be voted on. I am sure many of them have merit. I remind my friends on the other side of the aisle, they feel very strongly and with great affection for their heroes. And their heroes are deserving of their respect and affection. And we on this side of the aisle share that respect and affection for their heroes. Perhaps not to the degree, but certainly we share the affection and respect. We also on this side of the aisle believe that Ronald Reagan did marvelous things, not only for all Americans but all citizens of the world in providing an opportunity for peace and freedom. He did keep the United States of America as a beacon of hope and freedom to all mankind and I believe that what we are going to do is exceedingly appropriate. I am pleased that we will be able to resolve this. I am sure that in the minds of many of us there is never any way we will be able to properly honor and commemorate his services to our Nation. What we are doing is done in a very small and insignificant fashion in the grand scheme of things.

Again, I thank Senator COVERDELL and I thank my friends on the other side of the aisle for their cooperation with us on this issue. I pledge, at least for myself and I think most people on this side of the aisle, that when an issue of this nature arises which is emotionally as well as intellectually important, that we will try to show and should show the same consideration to you as was displayed on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my cosponsor, Senator MCCAIN of Arizona, for his remarks and for his support of this effort and for the enormous contribution he has made to our coming to this point. He spoke to an amendment that I want to take just a second on.

We understand there will be an amendment that would suggest that this is an intrusion into local matters. This is, of course, an amendment that I would encourage all my colleagues to oppose. I would just cite the Federal law that contemporarily governs Washington National. It says:

> The Federal Government has a continuing but limited interest in the operation of the two Federally-owned airports which serve the travel and cargo needs of the entire metropolitan Washington region as well as the District of Columbia and the national seat of Government.

To be candid about it, I think if it weren't for the Congress, National Airport, like many other close-in metropolitan airports, would have been closed. It is just that the Congress would never have accepted that. Of course it was funded by the Federal Government through 1987, and since that time has received appropriate grants from several Federal entities. So I believe the idea that there is not an appropriate national and Federal role here cannot be substantiated. This is one amendment—I have not seen the exact language—but that I would encourage opposition to. I see my good friend from New Jersey is on the floor to make comments. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I know to many Americans it may be strange or bewildering with so many issues before the Congress that we are debating naming, honoring, Americans by placing their names on different public facilities. But who we honor, and the names we attach to public buildings and locations, matters. By whom we choose to honor, we set standards about ourselves. We communicate with future generations the qualities of people that we admire and the things in American history that are important. The Senator from Georgia has rightly noted the considerable contributions of former President Ronald Reagan. The Senator from Nevada, Mr. REID, has offered an amendment of importance for another reason.

Standards change. Nations learn conduct and behavior. No sooner had the Soviet Union fallen than statues of Stalin and Lenin tumbled to the streets. Samoza, Marcos, Batista had probably not even left office when their names and statues were removed from public places.

In America through the years we have had despots of a different order, people who lived in a free society but did not always respect the law. They were part of the U.S. Government but not always in its best traditions. The Senator from Nevada has raised an issue before the Senate that the name of J. Edgar Hoover remains on the FBI building in Washington, DC. Every year, thousands of American schoolchildren wander down Pennsylvania Avenue to visit the FBI headquarters. Because the FBI now is often a model of law enforcement in our country, because the country has been fortunate to have Louis Freeh as its director, who respects the law and is in the highest traditions of our country, neither those schoolchildren nor many of our citizens, probably, remember or understand that there was a time when the Federal Bureau of Investigation's leadership, under J. Edgar Hoover, neither lived within nor always respected the law.

Mr. COVERDELL. Will the Senator yield for just one moment for an administrative note?

Mr. TORRICELLI. I am happy to yield.

ORDER FOR RECESS

Mr. COVERDELL. I ask unanimous consent that at the closure of the Senator's remarks, the Senate stand in recess until the hour of 6 this evening. As you know, this is for the Members' briefing on Iraq.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask for 1 minute following his remarks.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as amended by the Senator from Nevada? Hearing none, it is so ordered.

Mr. TORRICELLI. Upon J. Edgar Hoover's death, perhaps his closest colleague in the Bureau, William Sullivan, described Mr. Hoover as a "master blackmailer."

We now know from historians Mr. Hoover had compiled files on Presidents of the United States and Members of Congress through illegal surveillance and wiretapping, holding dossiers on leaders of the U.S. Government. It was a practice of blackmail. It changed policies. It threatened America. And it was wrong.

Probably no one of his time, through subterfuge, within the U.S. Government, had a more adverse impact on the civil rights movement. He vigorously dispatched agents of the U.S. Government to harass the leadership of the NAACP. He called leading civil rights organizations "Communist fronts." Indeed, he instructed agents to stand by and watch as racist mobs would beat up voter registration workers and civil rights workers in organized and lawful marches. To the extent that he harassed Martin Luther King, former Vice President Walter Mondale called J. Edgar Hoover "a disgrace to every American."

I don't know how we explain to American schoolchildren who leave their schools to honor Martin Luther King, who learn in our classrooms about the American Constitution, our respect for laws, that when they visit this proud Capital of our country, the most prominent name on the most prominent street in America is J. Edgar Hoover. But I know this, the Senator from Nevada is right, that it is a contradiction that should be removed, an explanation that no longer need be made. It is time to remove the name of J. Edgar Hoover from the FBI building. And if it is not enough that we suspected all along his intimidation of Presidents and his violation of basic rights, his biographers now give us more than enough reason. If you don't respect the Constitution, or civil rights, or civil liberties, Mr. Hoover lived outside the laws that he pretended to uphold.

It is now known that he had secret relationships with underworld boss Frank Costello, whose primary duties in organized crime including fixing games of chance and horse races. Gambling tips were given to Mr. Hoover, so he was able to support a lifestyle and live with income outside of the law. He had close contacts with members of New York's organized crime families as well, who he refused to investigate, or even acknowledge that they were a public policy problem for more than a decade. It is now claimed that outside of these illegal acts, within the bureau itself he used hundreds of thousands of dollars of public money for his own personal use.

The Senator from Nevada has brought before the Senate a painful decision, because it requires an honest reflection on a period of history of our own country.

Mr. Hoover was not in the best traditions of this country. And in a time when many fear that civil liberties in our country are sometime threatened, no longer from without but from within, it is a valuable message not only to our own people but, indeed, to law enforcement that we honor people not only who enforce the law but who live within it.

As Richard Cohen of the Washington Post observed in 1990:

> You affect the future, by what you do with the past and how you interpret it. All over the world, when regimes change, so do names. Danzig becomes Gdansk. Images of Lenin come down all over Eastern Europe, and in the Soviet Union, Stalingrad becomes Volgograd. These are all political statements. They say, "there's a new way of doing things."

Mr. President, exactly, there is a new way of doing things.

The Senator from Georgia offers the name of Ronald Reagan because Ronald Reagan makes us proud. He was the right way of doing things in our country, whether you agree with the naming of the airport or you do not. Mr. Hoover is an indication of the wrong way of doing things in America. I support the amendment offered by the Senator from Nevada. I am proud to offer it with him. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be some who feel that Ronald Reagan was not the greatest President. I have already laid across this RECORD how I feel about Ronald Reagan. But everyone would say that Ronald Reagan's heart was in the right place. He was a true American patriot who did what he thought was best for this country.

The direct opposite is applicable to J. Edgar Hoover. He didn't do things that were good for this country. His heart was not in the right place. He was a vicious, mean-spirited man, and his name should be taken from the building that houses the Federal Bureau of Investigation the very same moment we rename National Airport for President Ronald Reagan.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6 p.m.

Thereupon, at 5:02 p.m., the Senate recessed until 5:58:32 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COVERDELL).

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, I ask unanimous consent the Senate stand in recess until the hour of 6:15.

There being no objection, the Senate, at 5:58 p.m., recessed until 6:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BROWNBACK].

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate is considering S. 1575.

Mr. COVERDELL. Mr. President, parliamentary inquiry. We are returning to the Ronald Reagan legislation, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. It is my understanding that the Senator from Connecticut is here to speak on his amendment. I wonder if I might get the Senator's attention for a moment. About how long does the Senator need?

Mr. DODD. I will be taking maybe all of 5 to 10 minutes.

Mr. COVERDELL. I yield the floor, Mr. President.

Mr. DODD. Mr. President, shortly, I will offer an amendment. I am making some drafting corrections to it. When that is completed, I will submit it to the desk for consideration. Allow me to, first of all, ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, in a moment I will send that amendment to the desk. First of all, on the underlying question here, in terms of the naming of the National Airport in honor of President Ronald Reagan, I support that, Mr. President. I realize others apparently do not, and I certainly respect people's right to make that decision. For those who have been around here long enough, I guess going back to the days when President Reagan served as President, there were not many issues on which we agreed. I fought rather vociferously on issues involving Latin America, domestic policy, and questions on a wide range of issues. But I happen to believe that the people who have served this country as President, elected twice, deserve recognition. Whether you agree with him or not, the people elected him twice to the highest office in our land, a position achieved only by some 41 or 42 people in the history of this country. So if this is what has been chosen by those who believe it is a proper way to recognize the contribution of Ronald Reagan, I respect that.

It has been suggested that we haven't named anything for Harry Truman or

Jimmy Carter, and I think that is a legitimate point. Certainly, those who want to do that—and I join them in that—ought to find an appropriate way to recognize their contributions. It seems to me that that ought not to detract from the effort here to name something in honor of Ronald Reagan.

So if this is what the President's family and others believe, as I said a moment ago, is an appropriate and proper way to recognize him, then this Senator—this Democrat, if you will, which comes secondary to my role in the Senate, and as a citizen—I am going to support that decision. I noted earlier that it took many years before we were able to recognize Franklin Delano Roosevelt with a monument. He was one of the greatest Presidents in this century, having led us during the Great Depression and a world war. I was saddened that day when the ceremonies opened up that wonderful memorial, and it occurred to me that there weren't many people on the other side of the aisle there.

We ought to take politics out of these decision whenever possible. I call for the establishment of a commission so that, henceforth—not on this issue, but henceforth when we decide to name or rename facilities, there ought to be a deliberative way in which we proceed. Too often these issues are raised when a particular monument is up for consideration, and based on whether people agree or disagree with that choice, there are suggestions about sending this off to a commission or some group for consideration. I understand that, but too often once that issue is put aside and ended, we go back to business as usual and never come back to how we consider these issues.

So the amendment that I am offering establishes a commission. It does not condition this naming on the commission being established, but rather it is prospective. So that in the future when such namings or renamings will occur, there is a process by which we can do it.

I offer a second part of this amendment, which is a Sense-of-the-Senate resolution that has to do with the naming of facilities here on the Capitol grounds. Rather than trying to write statutory law here, I just made it a Sense-of-the-Senate resolution that would establish a commission made up of former Members of Congress from both parties. So that on the Capitol grounds when we are naming rooms or facilities within the Capitol here, there would also be a deliberate process by which we go, and that is really a sense of the Senate. The idea is that it would give our former colleagues a role to play when the issue arose as to whether or not we ought to name buildings, facilities, porticoes, or balconies that have been named in the past. I think as temporary custodians of these wonderful grounds of the Capitol, we ought to be deliberate and cautious in how we go about naming these facilities, so that long after we are gone, there is an appropriate designation that the test of time would wear well.

I point out to my colleagues that, in the last 24 hours or so, we have heard of the people who have just been named to the National Basketball Association Hall of Fame. What is the relationship? I note that there is a requirement that there be a period of 5 years since the person has left professional basketball before they can even be considered. I note that Larry Bird, someone I admired immensely, as most Americans did for his great skill on the basketball court, I suppose you might have made the case when he retired in 1992 that he should have been named immediately. Yet, the rules are that you have to wait 5 years and then a board thinks about it, analyzes it, and makes its judgment.

All I am suggesting here is as temporary custodians, for these wonderful Capitol grounds, that we ought to establish a similar kind of a process before we go off and name buildings and rooms and facilities and other parts of these grounds for people who may be very well deserving of such a designation, but the test of time and a little deliberation would serve us all well and serve future generations well accordingly.

So there are two parts of this amendment. First is that we would establish, by law, a commission that would consider naming, in future days, Federal facilities around the country. And the second part is a sense of the Senate to deal with the Capitol grounds and buildings.

Mr. President, as I say, this is prospective. It doesn't affect the decision of naming the National Airport for Ronald Reagan. I support that. I said to my colleagues that, despite whatever differences—and they were significant—I had with this American President, I believe that naming such an airport for him is not inappropriate. In fact, having served this Nation for 8 years as President, chosen by the American public, a designation such as this in his honor is appropriate, and I support that.

With that, I will be happy to yield the floor.

Mr. COVERDELL. Mr. President, if the Senator seeks a rollcall vote, which would occur tomorrow, it would be appropriate to ask for the yeas and nays.

AMENDMENT NO. 1641

(Purpose: To provide an orderly process for the renaming of existing Federal facilities)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1641.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—Notwithstanding subsection (b), the Advisory Group shall not have the authority to consider any proposal to rename Washington National Airport, or a portion of the airport, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, a commission consisting of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

Mr. DODD. Mr. President, may I inquire of the distinguished Senator from Georgia, chairman of the committee, may it not be possible—and I see my colleague, the distinguished Democratic leader arriving. He has an amendment that is very similar. In fact, it is drawn in similar language, but it has a different application. I inquire as to whether or not the ordering of the amendments might be such that his amendment be considered—

Mr. DASCHLE. Will the Senator yield?

Mr. DODD. I yield to the Democratic leader.

Mr. DASCHLE. Mr. President, I think the Senator may be referring to an amendment that I understand the Senator from Virginia may be offering. I will be offering another amendment. But I think the suggestion made by the Senator from Connecticut is a good one and perhaps we could make that arrangement later on in the unanimous consent agreement.

Mr. DODD. I hope that might be the case. It would be a proper ordering of these.

Mr. WARNER. Mr. President, parliamentary inquiry: Could the distinguished floor manager, the distinguished Senator from Georgia, or the distinguished Democratic leader, advise the Senate, is tonight to embrace all of the debate that is going to be on the central bill as well as the amendments and, therefore, Senators desiring to speak should do so this evening?

Mr. COVERDELL. By close of business this evening.

Mr. WARNER. Mr. President, at some point I hope to be recognized for a period not to exceed 4 or 5 minutes.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, under the unanimous consent I believe we have established the order of the amendments. The first was an amendment to be offered by Senator DASCHLE or his designee regarding the commission. So the Senator's desire that that be considered first is accomplished.

The next amendment is the one offered by the Senator from Connecticut to be followed by another amendment to be offered by Senator DASCHLE or his designee regarding Dulles Airport. There is then an amendment to be offered by myself, which I would at the moment not likely offer, to be followed by the amendment which has already been offered by Senator REID dealing with the FBI building. There is a provision for a relevant amendment to be offered by the majority leader which may or may not be offered, and a similar amendment—I think that is what we have here—to be offered by the minority leader. So I believe the order has been established, and it accomplishes what the Senator from Connecticut would have preferred.

Mr. DODD. I thank my colleague for that.

Mr. President, if I may inquire further, I was just told—I apologize to my colleague from Virginia, Senator ROBB—it is my understanding that the distinguished Democratic leader would be offering the commission amendment. All I was suggesting is if it is appropriate at the proper time that an unanimous consent request would provide an order for these amendments so there would be a proper flow here in a way that we would consider the amendment of the Senator from Virginia, I suspect, prior to mine, and then mine. If that would be the order, again, I am here on the floor because I have another engagement and was asked to come over and properly deal with the amendment which I want to offer. There was no attempt to try to get ahead of anybody in line. Maybe a sequencing of these amendments would serve everybody's interest. I would have no objection to that, if the amendment of the Senator from Virginia can be considered prior. We can deal with this at a later point.

Mr. COVERDELL. If I might ask a question of the minority leader, is the amendment of the Senator from Virginia fulfilling this first amendment request, he or his designee, on the commission amendment?

Mr. DASCHLE. I will respond, if the Senator will yield, by acknowledging the leadership of the Senator from Virginia. It is my understanding that he will be prepared to offer the amendment relating to a commission and that we would want to precede to the other commission amendment offered by Senator DODD.

I will simply inform colleagues that the amendment relating to the renaming of Dulles International Airport will likely not be offered.

So, as the Senator from Georgia has suggested, it may be appropriate just to ensure that everyone has a clear understanding, that the amendment relating to a commission offered by Senator ROBB, be first; the amendment by Senator DODD, second; the amendment, should he choose to offer it, by Senator COVERDELL, third; the amendment by Senator REID, fourth; the amendment by Senator LOTT, fifth; and the amendment by myself relevant, or my designee, sixth.

Perhaps there would be an appropriate time to propound the unanimous consent, and I will do so.

The PRESIDING OFFICER. Is there objection to the sequence of the amendments?

Mr. COVERDELL. Mr. President, reserving the right to object, which I will not, the minority leader has followed the path of the unanimous consent previously ordered. I can think of no reason for anybody on our side, even though I can't counsel with the majority leader, to object. Therefore, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the indulgence of the senior Senator from Virginia.

Mr. President, as I noted, the amendment relating to the renaming of Dulles International Airport will not be offered, and Senator ROBB will be offering the amendment relating to a commission.

I would like to use my authority under the unanimous consent agreement relating to the relevant amendment to send an amendment to the desk and ask for its immediate consideration.

AMENDMENT NO. 1642

(Purpose: To require approval by the Metropolitan Washington Airports Authority of the renaming of Washington National Airport as the Ronald Reagan National Airport)

Mr. DASCHLE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 1642.

On page 3, after line 5, insert the following:

SEC. 3. MWAA APPROVAL REQUIRED.

This Act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport provided for by section 1 of this Act.

Mr. DASCHLE. Mr. President, that is the entire text of the amendment.

I have spoken on this issue on several occasions, so I don't need to restate many of the thoughts that were already expressed. Obviously, this is an issue that will unfortunately divide us in some respects. But I don't think the question of honoring President Reagan should divide us at all.

There is no doubt that we, on a bipartisan basis, should seek ways in which to honor former leaders and former Presidents. Frankly, I am not all that troubled about whether they are still living and very much a part of our country and society in roles of leadership, as is the case with President Reagan. I do think there have been a number of questions legitimately raised about whether this is the most appropriate way with which to honor our former President, and the appropriateness of renaming Washington National Airport has been the subject of a good deal of discussion over the last several days.

Senator ROBB and others have pointed out that Washington National Airport was transferred to the Metropolitan Washington Airports Authority in 1986 under a 50-year lease. The Airports Authority and other local authorities under that lease have been given all jurisdiction relating to matters pertaining to the airport. Some have noted that imposing this change in name will require countless businesses to make, in some cases, substantial investments and commitments financially that they have already noted could be very prohibitive.

Some asked as well whether it is appropriate, given the fact that the International Trade Center in Washington will be named after our former President, Ronald Reagan in May. This is the single most expensive Federal building ever erected and is second only to the Pentagon in size. The naming of this building will provide us with a sufficient opportunity to call attention to Ronald Reagan's commitments and contributions to this country.

That isn't the only matter that will be raised with regard to renaming or naming of facilities. A new *Nimitz*-class aircraft carrier will be named after the former President as soon as it is completed.

So we have the International Trade Center to be named in May and the *Nimitz*-class aircraft carrier in the near future. We have clearly demonstrated that we are prepared to honor this former President on a bipartisan basis.

Many people have questioned whether or not the Greater Washington Board of Trade's views about renaming Washington National Airport ought to be considered. In a letter to Congressman SHUSTER, the Washington Board of Trade noted that this change "would be very confusing to air travelers, visitors, and local residents alike."

The imposition of the Federal Government on local jurisdiction has also been raised. Perhaps no one spoke more forcefully and passionately about the importance of local control, about the importance of local decisionmaking, about the importance of giving more power to the local level, than President Reagan. Yet, we find the chairman of the Arlington County Board in opposition to this name change. Christopher Zimmerman, the chairman of the Arlington County Board, noted, "Memorializing President Reagan by imposing a name change, against the wishes of the local business community, Metropolitan Washington Airports Authority, and local jurisdictions which it serves, would certainly go against the spirit and intent of the President's actions while in office."

The chairman of the Metropolitan Washington Airports Authority, also questions whether Congress could impose the change legally without the authority's consent, given the contractual arrangements under which we are now operating. Alexandria Mayor Kerry Donley is concerned that the name change could affect nearby businesses and suggested that Congress "leave well enough alone."

The city council of Alexandria also urges Congress to "retain the present name of Washington National Airport, which honors the "Father of our Nation' and our first President, George Washington."

Linwood Holton, who served as the chairman of the Airports Authority when the Federal Government leased Washington National Airport in 1986, also opposes renaming it. He argues that the purpose of the lease was to achieve "local control, management, operation and development of the airport," and that this bill is not "consistent with either the literal terms or the purpose of that lease agreement" and "would be detrimental to the airport and its users and affect the traveling public in ways currently not intended by the drafters of this legislation."

Mr. President, I ask unanimous consent that a copy of Mr. Holton's letter sent by Mr. Holton to Congressman MORAN which describes the concern in greater detail be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DASCHLE. Mr. President, as I noted, President Reagan made it very clear that were he to waive the magic wand, the more the Federal Government could turn local decisionmaking over to local decisionmakers, the happier he would be. Here we have virtually every single local decisionmaker elected and appointed who oppose the very renaming that is incorporated into this legislation.

How ironic that in the name of President Reagan we do the very thing that he opposed the most—forcing Federal will on local officials.

I don't think that Congress should pass legislation that removes Washington's name from National Airport and replaces it with the name of another President, or anybody else, over the objection of local officials. I personally oppose it. But that shouldn't be the issue. In the name of the spirit of Ronald Reagan, the issue should be, what do the local authorities think? What would they do? And if we are prepared to say tomorrow that we don't care what they think, it doesn't matter how opposed they are, we are going to do it anyway, Mr. President, how ironic.

How ironic, indeed. The airports authority has only had this very unique opportunity to govern themselves for 11 years. We turned over that airport to them for 50 years.

Another irony is that Ronald Reagan signed that legislation. So it, indeed, represented the spirit of the Reagan philosophy when we enacted it. All the local entities, in keeping with his spirit, said, "We'll take this responsibility. This is what is probably as indicative of what you are trying to do as anything. You are turning over the responsibility to us. Give it to us." Now they have it. They have had it for 11 years. Now the irony is we are saying, "Well, we take it back." And all the more ironic, we are going to take it back in the name of President Ronald Reagan.

So, Mr. President, the amendment I am offering simply says, look, if we are going to honor the spirit of former President Ronald Reagan, let's, at the very least, do what he said was what his Presidency was all about. Let us ensure that local governmental decisionmakers have the opportunity to have a voice in keeping with the spirit of Ronald Reagan. So the amendment I am offering is very simple. It states this act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport.

As everyone knows, the airports authority is a bipartisan panel, Republicans, Independents and Democrats. Let's do what President Reagan said we should do in honoring his name, in honoring the spirit of his Presidency. Let us not say we did not mean it in 1987. Let us not say, over your objections, we are going to do it anyway. Let's honor the spirit of this President by doing the right thing. Let's give them the opportunity to have a voice. This amendment does that. We will have the opportunity to vote tomorrow. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, I yield the floor.

EXHIBIT 1

LINWOOD HOLTON,
McLean, Virginia, January 29, 1998.

Hon. JAMES MORAN.

DEAR JIM: I am writing to you in regards to the pending legislation to change the name of the Washington National Airport to "Ronald Reagan National Airport." I had the honor of working closely with the Congress and Secretary of Transportation Elizabeth Dole in advancing the Metropolitan Washington Airport Act of 1986 to transfer Washington National Airport out of the Federal Government to the Metropolitan Washington Airports Authority. This legislation of course was signed into law by President Reagan. The Airports Authority was created by the Commonwealth of Virginia and the District of Columbia. The Federal Government leased Washington National Airport and Washington Dulles International Airport to the Authority for fifty years beginning on June 1987. I was privileged to serve as Chairman of the Authority at that time and I signed that lease on behalf of the Authority.

The purpose of the transfer, as recited in the lease itself, was to achieve "local control, management, operation and development" of the airports. I am very concerned that after ten years of this lease arrangement, the Congress now proposes to take unilateral action to change the name of the airport. This is not at all consistent with either the literal terms or the purpose of that lease agreement. Further, the change to the name as proposed, while honoring a president for whom I have the greatest respect, would be detrimental to the airport and its users and affect the traveling public in ways certainly not intended by the drafters of this legislation.

The lease grants the Authority complete control, power, and dominion over the airports. The intent of Congress, Virginia and the District of Columbia in this arrangement is clear. Even though the Federal Government continues to own the underlying land, the airport is to be treated as any other airport, not as a federal facility. In the past, there have been changes made to the lease at the request of Congress and the changes have been brought about by a mutually agreed upon agreement to the lease to secure the consent of the Airports Authority. The proposed name change legislation does not acknowledge the need to obtain the consent of the Authority and this is inconsistent with the intended relationship between the Federal Government and the Authority.

As for the consequences, the removal of "Washington" from the airport name removed the location and market identifier that is obviously very important to travelers and shippers at points distant from the Washington area. It is worth noting that well over half of those who travel through National are not residents of the Washington region. The word "Washington" provides immediate market and location information. Without it, there will be confusion that does not exist today about where the airport is and what market it serves. The cost of such loss of identity and confusion may not be readily qualified, but I believe that it would be substantial. There also are other costs such as the costs to local businesses who have associated their identities with Washington National Airport.

In conclusion, the legislation which transferred Washington National Airport to the Metropolitan Washington Airports Authority granted to the Authority the control and oversight of the airport. Unilateral action by the Congress to take the drastic action of changing the name of the airport is inconsistent with both the spirit and the intent of the transfer.

Very truly yours,

LINWOOD HOLTON.

Mr. COVERDELL. Mr. President, this amendment would be among those that the sponsors of S. 1575 would oppose. I want to first acknowledge that the Senator from Connecticut in offering his amendment, which is prospective, offered his support of the effort of the sponsors to redesignate Washington National as Ronald Reagan Washington National Airport, and that he would vote for this redesignation even though he had differences. The differences were so pronounced I can remember them, and I was a long way from the Senate at that time.

I really believe the nature of the amendment that has just been described by the minority leader is basically a disagreement of redesignation and not so much one of the philosophical issue over local control. Of course, it isn't the Alexandria airport. It is the National Airport. Cities are constitutional instruments of States. The Governor of the State of Virginia has endorsed the redesignation of the airport which is an appropriate governing local facility.

But, again, we could argue this forever. The level of Federal Government control of operations at Washington National is without parallel in the United States. The legislation that authorized limited local authority over Washington National contains congressional directives—appropriate landing fees, employee bargaining rights. The precise composition of the Metropolitan Washington Airports Authority and political affiliations of its members is mandated by Congress, not constructed by State or local government.

By statute, the Federal Government limits the length of nonstop flights to and from National Airport—National Airport, not Alexandria—to 1,250 miles. That is the Metropolitan Washington Airports Act of 1986, section 6012. There is only one other federally imposed perimeter rule in the country, in the entire United States—Love Field, TX.

In addition, the Federal Government controls the number of slots, take off and landing rights at four "high density rule" airports: Washington National, New York LaGuardia, JFK, and Chicago O'Hare. Air carriers are limited to 37 hourly operations at Washington National; 11 hourly operations are reserved for commuter aircraft, and 12 for general aviation and business activity, all Federal mandates.

When the Federal Government authorized the lease of Washington National and its limited governance by the Washington Metropolitan Airports Authority in 1986, it codified all of the regulations of the Metropolitan Washington Airports into Federal regulations. These Federal regulations govern airport operations such as taxicab operation, nighttime noise, and landing fees. And the Federal Government has the prerogative and authority legally and emotionally to designate the name of the National Airport.

I could cite the specific authority, but in deference to time, and I know the Senator from Virginia has strong opinions and wants to be heard, I will not linger on this question. I do want to say that any amendment that creates a retroactive impoundment on Congress' ability to designate will be opposed by the sponsors.

We are pleased that there is bipartisan support for this designation. I want to say, and I have mentioned it several times during the discussion, obviously there are disagreements on the contribution, but, as Senator DODD said, there is no disagreement about the admiration the American people have for former President Ronald Reagan. To be quite candid about it, talking about the ironies, I am not sure that the naming of the most expensive building in Washington's history is exactly in concert with President Reagan.

In conclusion, let me say that this President is wounded. He was a great American servant. He is in the sunset of his life. He is probably engaged in the most courageous battle he ever was tested for. I think sometimes extraordinary conditions and circumstances call for a spontaneous response. I am most hopeful that this legislation will be successful, and it will be successful in order to meet his 87th birthday, which is this Friday.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Virginia.

Mr. ROBB. I thank the Chair. I thank you for the characterization of Virginia.

AMENDMENT NO. 1643

(Purpose: To provide an orderly process for the renaming of existing Federal facilities)

Mr. ROBB. Mr. President, in accordance with the unanimous consent agreement, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB) proposes an amendment numbered 1643.

Mr. ROBB. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until a least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—The Advisory Group shall meet within 60 days after the date of enactment of this Act to consider proposals to rename Washington National Airport, or a portion thereof, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The Term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

Mr. ROBB. Mr. President, I was going to go ahead and allow the amendment to be read because it is not terribly long, and I think it is fairly straightforward.

I am also conscious of the fact that there are sufficient votes to pass the Coverdell bill as it was introduced. I would point out, however, that the bill was not referred to a committee. It was not subject to a hearing and does not have the benefit of any of the local input that would have been so desirable under the circumstances.

Because local views on this proposal were not considered, I made a speech in this Chamber yesterday reflecting my own views and, I believe, the views of many Virginians. My comments were similar to the views that were just expressed by the minority leader, who spoke more eloquently but came to the same conclusion.

I mentioned yesterday that I have long personally admired President Reagan's personal courage, his strong convictions, his infectious spirit, and his leadership in the national and international community. But I thought this particular legislation, because it was contrary to the wishes of all of the local governments that President Reagan worked so hard to empower, was simply not the right way to proceed.

I also suggested that renaming some other international airport, perhaps in his native State of Illinois or his adopted State of California, would be more appropriate. I talked about the fact that the most substantial Federal building ever built in Washington is going to be dedicated in his name on May 5. And I talked about the fact that the next super carrier will bear his name, and that given his role as Commander in Chief and the respect that he generated, not only throughout the United States but around the world, I wholeheartedly endorsed this designation.

The difficulty I have with the legislation before us is that it directly contravenes the legacy of the man we hope to honor. We have clear expressions of the views of the local governments. Both of the local governments, the City of Alexandria, and the County of Arlington, have expressed their concern and opposition.

In addition, my predecessor, the first Republican Governor of Virginia in this century, and a former chair of the Metropolitan Washington Airports Authority, was very explicit in his description of the intent of the 50-year lease of the National Airport and Dulles airport, and the autonomy it provided for the Airport Authority.

I do not quarrel with the characterization of the distinguished Senator from Georgia as to some of the Federal strings that remain attached to that particular legislation. We seldom really ever turn loose anything in its entirety in this body, and I understand that.

But the bottom line is, in my judgment, this legislation disregards the views of local officials and business leaders, and thrusts the central government upon a local authority that was divorced from the federal government by President Reagan himself.

The amendment I have sent to the desk simply creates an advisory group which would take into consideration the views of the local community, and the history of a particular facility, before any renaming occurs.

There may be other approaches to this particular challenge, and in listening to the distinguished minority leader, I believe his approach would be entirely appropriate.

The problem here is that we are taking up and considering legislation that has not been considered by any committee of the Senate, that has not had any hearing. Indeed, when we have been able to ascertain the views of those who would normally be considered most interested, they have expressed reservations in various degrees. I think it would be appropriate under the circumstances, since the legislation before us today purports to honor the 40th President, if the views of either the President or Mrs. Reagan, who speaks so eloquently for him, were known on this matter. I think that would be helpful to many Members in considering this issue.

It may be entirely appropriate, after appropriate consultation, to go ahead and rename Washington National Airport.

In any event, the haste with which we move is designed, I believe, to reflect the coming birthday of President Reagan. And I would simply suggest that some consultation with the family—and specifically the President, or speaking for the President, Mrs. Reagan—might very much be in order.

A very nice ceremony, I am informed, has been planned for the dedication of the Ronald Reagan Building on May 5. The former First Lady is planning to participate, and I think all the Members of Congress will certainly be there, if not in body, then in spirit.

So I ask my colleagues to think about what we are doing, and think about whether or not this properly honors the man it is designed to honor.

The amendment I have sent to the desk will be taken up tomorrow. Again, it would create an advisory group that would deliberate on some of the issues I have raised, and report back to Congress in a timely fashion. It would not preclude any action by the Senate or the House. It would simply provide input from some of the local governments and communities that President Reagan so strongly defended during his long and illustrious tour as President of the United States.

Mr. President, I request the yeas and nays on the amendment I have sent to the desk.

The PRESIDING OFFICER (Mr. ALLARD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBB. Mr. President, unless the Senator from Georgia wishes to take the floor at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, once again this argument, which I just simply do not understand, suggesting that the President's family somehow has to come here and seek homage, or lobby the Congress—it is an incredible argument. That family would never do that. Anybody waiting for some communique or something of that nature—I would not hold my breath.

As I said a moment ago, this is something the Nation has to feel it needs to do. It is a "thank you" that they need to express; our country, our citizens. There is no way that family would come here lobbying for this kind of thing. I am always surprised when it is suggested that we have not heard or something. That is disappointing.

Mr. President, again I want to make it clear, the sponsors are going to oppose any of these amendments that change the rules retroactively, that impose some new constraint on this redesignation or some new constraint on the Congress. The concept of putting something in place prospectively may be laudable. There are several amendments here by Members on the other side who have declared they are going to vote for the redesignation but they have another issue that they are bringing forward. I think that is appropriate. But the amendments that reach backwards are not acceptable on our side.

The argument that a local city or authority has jurisdiction here is, in my judgment, a specious argument. The Federal Government's relationship with Washington National Airport is indisputable. You cannot go to that airport without seeing the presence of it any day or any night. And the law is very clear, in terms of the Federal role in that facility. I will read the short version rather than the elongated:

> The Federal Government has a continuing but limited interest in the operation of the two federally owned airports which serve the travel and cargo needs of the entire metropolitan Washington region as well as the District of Columbia as the national seat of Government.

As I said, municipalities are creatures of State governments and chartered by State governments and the Governor of the State of jurisdiction is in support of the redesignation.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF DEFERRALS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report eight new deferrals of budgetary resources, totaling $4.8 billion.

These deferrals affect programs of the Department of State, the Social Security Administration, and International Security Assistance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

REPORT CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement on April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the 1993 Agreement). The present Agreement, which was effected by an exchange of notes at Riga on February 13 and May 23, 1997, extends the 1993 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1996, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

MESSAGES FROM THE HOUSE

At 6:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment;

S. 1349, An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on Monday, February 2, 1998:

EC-3930. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to intelligence-related oversight activities for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3931. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "Country Reports on Human Rights Practices for 1997"; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-334. A concurrent resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION 26

Whereas the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho, is vital to the economy of the State of Oregon; and

Whereas the closure of the Amtrak Pioneer service will leave many people without their only form of transportation; and

Whereas many people in eastern Oregon rely upon the Amtrak Pioneer service in the harsh winter months when bus and automobile travel is not safe and often not possible; and

Whereas the closure of the Amtrak Pioneer service will leave many people, especially the elderly and disabled, stranded without adequate transportation to medical services in distant metropolitan areas; and

Whereas the closure of the Amtrak Pioneer service will have long lasting negative economic and cultural effects on the rural communities that line the route; and

Whereas the Amtrak Pioneer service has a history and tradition with the people who use the service; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is respectfully urged to continue to fund the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho.

(2) A copy of this resolution shall be sent to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States and to each member of the Oregon Congressional Delegation.

POM-335. A concurrent resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION 22

Whereas the State of Oregon relies on its state trust lands to fund schools; and

Whereas the counties in the State of Oregon rely on federal timber receipts for school funds and vital elements of their infrastructure; and

Whereas responsible management of natural resources on federal land in this state is important for the economic, social and cultural stability of Oregon's communities; and

Whereas active forest management is necessary to prevent ecologic degradation by insects, disease and wildfire; and

Whereas the National Environmental Policy Act of 1969 provides a process for public participation in major federal actions significantly affecting the quality of the human environment; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The President and Congress of the United States are urged to take action to prevent the designation of any national monument in the State of Oregon without full public participation and an express Act of Congress.

(2) The recipients of this resolution shall respond to this Legislative Assembly, conveying their plan to comply with this resolution.

(3) Copies of this resolution shall be sent to the President and Vice President of the United States, the Secretary of the Interior, the Council on Environmental quality and to each member of the Oregon Congressional Delegation.

POM-336. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to Swiss bank accounts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, Switzerland has established, in accordance with a memorandum of understanding between the Swiss Bankers Association and the World Jewish Congress and World Jewish Restoration Organization, an independent committee on eminent persons to examine the issue of dormant World War II era accounts in Swiss Banks; and

Whereas, a comprehensive claims resolution process has been established, which includes the publication worldwide of the names of foreign dormant account holders from the World War II era and the creation of a board of trustees of the Independent Claims Resolution Foundation, which is being set up to operate the claims settlement process for resolving claims to said dormant accounts: and

Whereas, Switzerland has created a nine member Independent Commission of Experts to investigate the complex issues surrounding the fate of assets brought to Switzerland because of National Socialist rule; and

Whereas, Switzerland has established a special fund for needy victims of the Holocaust/SHOA, which has received contributions from the major Swiss Banks and private sector groups and institutions: and

Whereas, the Swiss public has organized several efforts to provide assistance to needy Holocaust victims: and

Whereas, Switzerland—the government, the private sector and the people—have made an overwhelming effort to rectify matters; Therefore, be it

Resolved, That, the Massachusetts General Court urges the Congress of the United States to continue its diligent efforts in seeking the resolution of the complex issues surrounding these dormant World War II era accounts in Swiss banks; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this commonwealth.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 1597. A bill to establish food safety research, education, and extension as priorities of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 1598. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself, Mr. FRIST, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, Mr. SHELBY, Mr. NICKLES, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, and Mr. HAGEL):

S. 1599. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. BOND, Mr. FRIST, Mr. GREGG, Mr. NICKLES, Mrs. HUTCHISON, Mr. SHELBY, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1601. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; read the first time.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 1602. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBB):

S. Res. 172. A resolution congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 1597. A bill to establish food safety research, education, and extension as priorities of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture, Nutrition, and Forestry.

THE SAFE FOOD ACTION PLAN ACT

Mr. LEVIN. Madam President, I am pleased to be introducing companion legislation to a bill prepared by Congresswoman DEBBIE STABENOW entitled the Safe Food Action Plan Act.

The bill adds food safety as a new statutory priority in the U.S. Department of Agriculture's research, education and extension programs. This should mean that more of the nearly $1.5 billion spent through existing grant and research programs, including the Fund for Rural America, will be focused directly on food safety. That's the kind of awareness that we need, to prevent and combat food supply contamination.

The bill also creates a Federal Emergency Management Agency-like approach to dealing with food safety crises. Currently, there are at least 3 agencies within the Department of Agriculture that have some responsibility for preventing and controlling outbreaks of food borne disease, not to mention the Food and Drug Administration and the Centers for Disease Control. This bill establishes a Food Safety Rapid Response Team across internal division boundaries within USDA that will coordinate with other Federal agencies. If outbreaks do occur, the American people must be confident that the government is prepared to efficiently handle and limit such public health threats.

This legislation was developed by Congresswoman STABENOW over several months with input from all parts of the food production and consumption chain and the Department of Agriculture. It is an excellent complement to the Administration's enforcement enhancement proposal. The Safe Food Action Plan is a sensible and cost-effective way to make the Federal government responsive and responsible.

I hope the Agriculture Committee will seek to move this legislation as quickly as possible, and I urge my colleagues to consider cosponsoring this important measure.

By Mr. BOND (for himself, Mr. FRIST, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, Mr. SHELBY, Mr. NICKLES, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS and Mr. HAGEL):

S. 1599. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; to the Committee on the Judiciary.

THE HUMAN CLONING PROHIBITION ACT OF 1998

Mr. BOND. Mr. President, today, I rise to announce that we are introducing a measure that places an outright ban on the use of somatic cell nuclear transfer technology for human cloning purposes. Recent reports that a Chicago-based scientist is prepared to move forward with human cloning experimentation forces us to engage in an immediate debate on how far out on the moral cliff we are willing to let science proceed before we as a Nation insist on some meaningful constraints. When the announcement was made last month that these efforts to raise funds for human cloning were going forward, we stated that we would move on an emergency basis to deal with this and to express, through congressional action, a strong sense that this is unacceptable and we must prohibit it. I am pleased to be joined by the distinguished cosponsors, Senators FRIST, GREGG, LOTT, HUTCHISON, SHELBY, NICKLES, LUGAR, ABRAHAM, GRAMS, and HAGEL.

I believe we no longer have the luxury of waiting around for this morally reprehensible act to occur in the United States. Less than a year ago, the cloning of Dolly, the now famous sheep, provoked a debate of unprecedented proportions, a debate which to this day generates polar feelings of fascination and fear. We have in this body adopted prohibition on the use of Federal funds for research on or experimentation in human cloning. The time has come for us to make that a flat prohibition and to put our country in league with other civilized countries, which are saying human cloning is not acceptable and will not go forward.

Daily news accounts about the successful cloning of animals and stories of organizations and individuals pursuing human cloning have kept the debate alive. The American public is asking if similar techniques can be used to clone humans, and they are concerned whether something that was once thought only to be science fiction is now closer to becoming a reality.

Those opposing a prohibition on human cloning suggest that we cannot put the genie back in the bottle, and that we cannot stop progress. I suggest that in this case our technological capability may be outrunning our moral sense.

The ethical implications of human cloning are staggering. We should never create human life for spare parts, as a replacement for a child who has died, or for other unnatural and selfish purposes.

How many embryos or babies would we tolerate being created with abnormalities before we would perfect human cloning? It took Scottish scientists over 276 tries before they created Dolly, and we still do not even know if Dolly is the perfect sheep. What would have happened had those 276 been badly deformed potential humans? For humans, these results are entirely unacceptable. Dr. Ian Wilmut, the leading Scottish scientist who created Dolly, himself has stated that he can see no scenario under which it would be ethical to clone human life. I believe he is right.

Moreover, in September of 1994, a federal Human Embryo Research Panel noted that "allowing society to create genetically identical persons would devalue human life by undermining the individuality of human beings."

Further, the panel concluded that "there are broad moral concerns about the deliberate duplication of an individual genome. The notion of cloning an existing human being or of making carbon copies of an existing embryo appears repugnant to members of the public. Many members of the panel share this view and see no justification for federal funding of such research."

And I would emphatically argue that those statements apply to private sector research as well.

It is also important to note that this legislation is narrowly drafted, and it's sole objective is to ban the use of somatic cell nuclear transfer for human cloning purposes. We worked overtime to ensure that this language was specific so that it would only ban this technique which was used to create Dolly.

This technique has also been criticized by a representative of the pharmaceutical industry. In a prepared statement for members of Congress, dated January 13, 1998, the representative said,

> While conventional cloning technology has been used extensively worldwide to meet global medical needs, nuclear transfer technology is fraught with untold failures for each partial success, and has major significant ethical issues associated with it. Furthermore, it has no strong therapeutic or economic based need driving it at this time. The concept that it is a viable alternative to infertile parents is cruel and completely unjustified. I would challenge you not to confuse the two as the Congress considers its options here.

In addition, our bill is straightforward and clear. It prevents a specific technology that is characterized by industry, researchers, theologians, ethicists, and others as "fraught with failures and lacking therapeutic value." This bill, however, does allow important and promising research to continue.

In vitro fertilization research, plant and animal cloning, the cloning of DNA, cells and tissues, stem cell research, gene therapy research and other activities taking place at the Human Genome Center offer great hope in addressing how to prevent, diagnose, and treat many devastating diseases. And these types of research will continue to thrive.

I have long been a supporter of biotechnology; however, there is a bright line between those activities and human cloning. And we must draw that line.

The belief that all human beings are unique and created by God is shared by billions of us around the world. Human cloning, or man's attempt to play God, would change the very meaning of life, of human dignity, and of what it is to be human. Are we ready for that? Hardly.

I heard a profound statement from a leading bioethicist. He said, "I have heard from many who wish they could be cloned, but I have never heard someone say that they wished they were a clone of someone else"—because cloning threatens human dignity, of what it means to be a unique individual.

There is a bright line between those activities—the legitimate activities and investigations to improve human life, to deal with the significant diseases that we have that might be ameliorated by technological research. We have to draw the line between legitimate research in medicine and human cloning.

Human cloning would devalue human life by undermining the individuality of human beings. We must show the moral courage and have the will to say no to human cloning.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act of 1998".

SEC. 2. FINDING.

Congress finds that in order to prevent the creation of a cloned human individual through human somatic cell nuclear transfer technology, it is right and proper to prohibit the creation of cloned human embryos that would never have the opportunity for implantation and that would therefore be created solely for research that would ultimately lead to their destruction.

SEC. 3. PROHIBITION ON CLONING.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—CLONING

"Sec.

"301. Prohibition on cloning.

"§301 Prohibition on cloning

"(a) In General.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology.

"(b) Importation.—It shall be unlawful for any person or entity, public or private, to import an embryo produced through human somatic cell nuclear transfer technology.

"(c) Penalties.—

"(1) In general.—Any person or entity who is convicted of violating any provision of this section shall be fined according to the provisions of this title or sentenced to up to 10 years in prison, or both.

"(2) Civil penalty.—Any person or entity who is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by 2.

"(d) Definition.—The term 'human somatic cell nuclear transfer technology' means taking the nuclear material of a human somatic cell and incorporating it into an oocyte from which the nucleus has been removed or rendered inert and producing an embryo (including a preimplantation embryo).".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15, the following:

"16. Cloning §301". ....

SEC. 4. COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS.

(a) Establishment.—There is established within the Institute of Medicine a commission to be known as the National Commission to Promote a National Dialogue on Bioethics (referred to in this section as the "Commission").

(b) Membership.—

(1) Number and appointment.—The Commission shall be composed of 25 members, of whom—

(A) 6 shall be appointed by the Majority Leader of the Senate;

(B) 6 shall be appointed by the Minority Leader of the Senate;

(C) 6 shall be appointed by the Speaker of the House of Representatives; and

(D) 6 shall be appointed by the Minority Leader of the House of Representatives; and

(E) 1, who shall serve as the Chairperson of the Commission, to be appointed jointly by the Majority Leader of the Senate, and the Speaker of the House of Representatives, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(2) Requirements.—Each individual described in subparagraph (A) through (D) of paragraph (1) shall ensure that members appointed to the Commission are representative of the fields of law, theology, philosophy or ethics, medicine, science, and society.

(3) Deadline for appointment.—Members of the Commission shall be appointed by not later than December 1, 1998.

(4) Terms of appointment.—A member of the Commission appointed under paragraph (1) shall serve for a term of 3 years. Members may not serve consecutive terms.

(5) Meetings.—The Commission shall meet at the call of its Chairperson or a majority of its members.

(6) Quorum.—A quorum shall consist of 13 members of the Commission.

(7) Vacancies.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy and shall not affect the power of the remaining members to execute the duties of the Commission.

(8) Compensation.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(9) Expenses.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Duties of the Commission.—The Commission shall provide an independent forum for broad public participation and discourse concerning important bioethical issues including cloning, and provide for a report to Congress concerning the findings, conclusions, and recommendations of the Commission concerning Federal policy and possible Congressional action.

(d) Staff and Support Services.—

(1) Staff.—With the approval of the Commission, the chairperson of the Commission may appoint such personnel as the chairperson considers appropriate.

(2) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such public hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(2) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(3) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(4) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(5) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

(f) SUBCOMMITTEES.—

(1) IN GENERAL.—The Commission shall establish 6 subcommittees, including—

(A) a subcommittee on legal issues;

(B) a subcommittee on theological issues;

(C) a subcommittee on philosophical and ethical issues;

(D) a subcommittee on medical issues;

(E) a subcommittee on scientific issues; and

(F) a subcommittee on social issues.

(2) MEMBERSHIP.—With respect to the issues for which each subcommittee has been established, each subcommittee shall be composed of—

(A) 1 expert to be appointed by the members of the Committee who were appointed under subparagraphs (A) and (C) of subsection (b)(1);

(B) 1 expert to be appointed by the members of the Committee who were appointed under subparagraphs (B) and (D) of subsection (b)(1);

(C) 1 individual operating in the private sector who is acquainted with the issues but who is not an expert to be appointed by the members of the Committee who were appointed under subparagraphs (A) and (C) of subsection (b)(1);

(D) 1 individual operating in the private sector who is acquainted with the issues but who is not an expert to be appointed by the members of the Committee who were appointed under subparagraphs (B) and (D) of subsection (b)(1); and

(E) 4 members of the Commission with relevant expertise.

(3) MEETINGS.—Meetings of the subcommittees shall be approved by the Commission.

(g) REPORT.—Not later than December 31, 1999, and annually thereafter, the Commission shall prepare and submit to the appropriate committees of Congress a report which shall contain a detailed statement of the recommendations, findings, and conclusions of the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. UNRESTRICTED SCIENTIFIC RESEARCH.

Nothing in this Act (or an amendment made by this Act) shall be construed to restrict areas of scientific research that are not specifically prohibited by this Act (or amendments).

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Government should advocate for and join an international effort to prohibit the use of human somatic cell nuclear transfer technology to produce a human embryo.

Mr. BOND. Mr. President, I now yield to my distinguished colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise to support both the intent and to underscore the importance of this bill, the Bond-Frist-Gregg bill, which does address the issue of human cloning. The purpose of this bill is very straightforward, and that is to prohibit human cloning while at the same time protecting very important scientific research.

This bill does prohibit human cloning, a topic which has captured the imagination of not only the American people but really the world over the past year after the successful experiment by Ian Wilmut, the Scottish scientist who successfully cloned "Dolly," an adult sheep, using a new technique, a technique called somatic cell nuclear transfer. Public sentiment in response immediately registered, and I think appropriately so, opposition to the application of this specific technique to human beings. Fears that the "Dolly" experiment might lead to asexual human reproduction nearly drowned out pleas from the scientific community to protect legitimate cloning research at the cellular and animal level.

Congress responded to the public fear by enacting a ban on the Federal funding for any human cloning research at the embryo level, and the President soon after issued an Executive order forbidding implantation of a cloned human embryo with the use of Federal funds.

Scientists in the private sector have been left unregulated, but most research societies, appropriately I believe, adopted a voluntary moratorium on the use of somatic cell technology for the purpose of human cloning.

Since no imminent threat of human clones at the time was perceived, the issue took a back seat to the more visible items before the Congress and the country, such as balancing the Federal budget. With the exception of an occasional television show, movie or news report, cloning pretty much faded from the mental radar screen of most Americans. But then not too long ago Dr. Seed gave new life to the whole human cloning debate when he announced in a public way his intention to use the Wilmut technique to create a cloned human individual.

At that time it very quickly became apparent to virtually everyone that without Federal legislation human cloning could, and many feel would, occur in the private sector without due consideration to the ethical, social, theological and medical implications of this new and unproved technique.

Our collective instinct that human individuals should not now be cloned has its roots in the most basic feelings we have about human nature. We know that an individual is more than the sum of individual body parts, more than the sum of the various organs, and we know instinctively that the human spirit, no matter how hard we try or how good the science is, cannot be replicated. The science of somatic cell nuclear transfer is still today imperfect. Wilmut's technique can be dangerous, we know, to the cloned child. In addition, we have no idea about the long-term effects of asexual reproduction on the human gene pool or on the psychosocial structures of our world.

Quite simply, we are not prepared for a human "Dolly" experiment. And our inability to respond adequately to the moral, the ethical and the theological implications of this technology has highlighted a serious weakness in the fabric of our social structure. In too many instances we have allowed ourselves to separate scientific progress from those ethical conversations. We no longer can divorce the two. Dr. Seed and others have forced us to confront our deficits and to fashion timely answers to the timeless question: "Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?" I have used that line in this Chamber before. It is from a Washington Post editorial in October of 1994: "Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?"

The debate on this particular bill, and others that address the issue of cloning, will have to center around that question, where is that line?

I have a research background. I am a research scientist. I am a transplant physician. I am committed to the public welfare through that public service of medicine and science. From that background, I personally would use four principles that I think must, in my view, be a part of any legislation as we embark on prohibiting human cloning. First, legislation must differentiate between human cloning on the one hand and animal, cellular and molecular and plant cloning on the other. It is that human dimension we must address and address very specifically in order not to halt the progress of science in those other fields.

The second principle. The legislation must be crafted very specifically with surgical precision, with laser-like precision, narrowly, yes, so that we will avoid inadvertently banning other nontargeted research, research that is critically important to improving health care for the current generation as well as that next generation, important research that we must protect in terms of stem cell research, in vitro fertilization, our search for cures of juvenile diabetes, our attack on prevention and cure of cancer.

The third principle that I would encourage my colleagues to adopt as we embark upon this banning of human cloning is that the legislation must prevent the specific technique of somatic cell nuclear transfer, the specific technique, because of its potential to facilitate the mass production of cloned human embryos that could be created solely for research and ultimately destroyed.

Fourth, the legislation must include the creation of a new permanent bipartisan commission that is representative of the American people, representative of science, representative of our ethical thinking, representative of theology, so that we can more adequately address in a sophisticated, mature way, consistent with the science and ethical thinking of today, the many issues that are going to face us in this arena of bioethics, this rapidly oncoming onslaught of science, and very good science as we look to the future. Science is critically important as we learn better to address the ravages of disease.

Two temptations threaten both science and ethics in the current environment. On the one hand, we have the pressure on legislators, often unfamiliar with the specifics of scientific issues, to rush out and draft laws that could hamper important research efforts if we are not very careful. And on the other hand, almost in parallel, is this tendency on the part of some scientists to say, no, we don't need that type of intervention, that type of oversight of ethics, of laws. Thus we have science and we have ethics that are almost lost in this political morass and the public meanwhile stays outside, all too often frightened, uninvolved, and unengaged.

This cloning debate, I think, maybe for the first time in the history of this body, forces us to address what is inevitable as we look to the future, and that is a rapid-fire, one-after-another onslaught of new scientific technological innovation that has to be assimilated into our ethical-social fabric.

Thus, this bioethics commission is important to consider these future innovations as they come forward. Right now there are no fewer than six legislative proposals that are either on the table or soon to be on the table on this issue of banning human cloning. These bills range from a sweeping prohibition of all types of cloning to really some very symbolic bans. The National Bioethics Advisory Commission, the commission that was appointed by and that reports to President Clinton, did a good job of trying to assimilate the information on the cloning under their very short, 90-day deadline last year. But they, as hard as they tried, were unable to substantively address the ethical issues surrounding human cloning.

The commission cited at the time that they had inadequate time to tackle these difficult ethical issues in the context of our pluralistic society, and they focused primarily on scientific concerns, as well as the less abstract issue of safety—a really proscribed area of safety, saying that the technique today is not safe or has not been proven to be safe. And then they appealed, to us, as Americans—to take this to the public square, take this out to the people around America and talk to them and look for the sort of leadership that we need on forming a national policy on human cloning.

In an effort to follow up on the recommendations of the National Bioethics Commission, the Senate Labor Committee's Subcommittee on Public Health and Safety, which I chair, on June 17, 1997, held a hearing. That hearing was entitled "Ethics and Theology: A Continuation of the National Discussion on Human Cloning." And we heard outstanding testimony on all sides of the issue, from Christian, Islamic and Jewish traditions and from philosophers and theologians, all well schooled in biomedical ethics. We launched a much broader public debate with questions about the nature of human individuality, about family, about social structure. However, the time has now shown that both a Presidential commission and the U.S. Congress are really inadequate forums to fully address the diversity, the richness, the fabric of these bioethical issues and their importance as we look to the future.

I, therefore, today, through our legislation, propose creation of a new, permanent, independent national bioethics commission, representative of the public at large, with the combined participation of experts in law, ethics, theology, medicine, social science, philosophy, coupled with interested members of the public. It is my hope that this public commission, in an environment where it can capture the diversity of our society today, will forge a new path for our country in the field of bioethics, in considering new techniques and new innovation; that they will enable us to have an informed, ongoing, thoughtful, scientific debate in the public square, without fear or politics driving our decisions.

In this proposal the majority and minority leaders of Congress would appoint members of the panel, but no current Member of Congress or administration political appointee would participate during his or her term of office. Individuals would serve for 3 years. There would be 24 such members, six subcommittees looking at the various fields that I have mentioned. Each and every citizen should have an opportunity to participate in these ongoing bioethical debates.

I anticipate that some may question the role of theology in a public policy debate. Certainly the President's advisory commission found that their considerations were incomplete without examining the religious mores of our culture. Indeed, our Founding Fathers also recognized that public policy could not be formulated in a theological vacuum. While they forbade the establishment of a state religion, they simultaneously affirmed the rights of God-fearing people to make their voices heard in the public arena. Today, and throughout history, religion has been a primary source of the beliefs governing these decisions for men and women of all races, of all creeds.

While these four principles that I outlined earlier start as the basic foundation, we do need to reach out and receive the input of others as we embark upon consideration of this piece of legislation. With these four principles it is my hope that we can build a bipartisan coalition of support for a ban on human cloning.

I do call upon my colleagues in the scientific community to step forward and participate in the ongoing debate in good faith. We have much to gain from your expertise, and the public has much to gain from your ongoing work.

In recent days, many in the biotechnology community have argued that the mass production of cloned human embryos for research purposes is vital to their research efforts. I appeal to them this afternoon to take one step back and recognize that this legislation does not prohibit the vast majority of all current embryo and stem cell research, and acknowledge that there are serious ethical dilemmas associated with churning out human embryos as if they were products on an assembly line.

Let us have no more hedging about what is and what is not an embryo. Biologically it is clear. Proponents of embryo research have always been quite open that they are seeking to do embryo research because the embryo is biologically unique. So I say to those in the research community, this legislation does not threaten your ongoing embryo research. It does not limit your ability to experiment with stem cells, with gene therapy, with in vitro fertilization. Help us stop Dr. Seed dead in his tracks. Keep this issue focused on human cloning and join our efforts to create a new commission to deal with these issues on an ongoing basis.

The Washington Post, in 1994 said:

> The creation of human embryos specifically for research that will destroy them is unconscionable. . .. Viewed from one angle this issue can be made to yield endless complexities. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of the brand new embryo? But before you get to these questions [the Post says] there is a simpler one.

It is the question I read a few minutes ago at the beginning of my statement and I will read it again. It is:

> Is there a line that should not be crossed, even for scientific or other gain, and if so, where is it?

As the editor of the New England Journal of Medicine has said in the past:

> Knowledge, although important, may be less important to a decent society than the way it is obtained.

This is where the debate will be over the next several days. I believe that an honest ban on human cloning must begin at the level of the activation of the embryo, not later at some point, at the time of implantation. Is the Federal Government capable of preventing a woman from implanting an embryo derived from her own genetic makeup into her own womb? Is it wise to perfect our cloning techniques on embryos when we forbid their implantation? Yes, I think we need to start the ban at the time of the activation of the embryo.

In closing, it is clearly vital that our public debate and reflection on scientific developments keep pace with and even anticipate and prepare us for this, really, rush of new scientific knowledge that is coming toward us each and every day. The moral and ethical dilemmas that are inherent in the cloning of human beings may well be our greatest test to date. We don't simply seek knowledge, but we seek the wisdom to apply that knowledge. As with each of those mind-boggling advances of the last century, we know that there is the potential both for good and evil. Our task as legislators is to reflect the public trust, to define the role of the Federal Government in harnessing this technology for the good. Our task as citizens is to exercise responsible stewardship of the precious gift of life.

Mr. President, I yield the floor.

By Mrs. BOXER:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Finance.

INTERNAL REVENUE CODE LEGISLATION

Mrs. BOXER. Madam President, section 415 of the Internal Revenue Code limits annual pension benefits from multiemployer plans to the average of the three highest consecutive years of income while a worker was covered by the plan. The bill I am introducing today will exempt multiemployer pension plans from the income-based limitations imposed by Section 415.

Section 415 was enacted in an effort to prevent the "gaming" which occasionally occurred in single employer pension plans. Such gaming occurred when an employee's salary was significantly increased the year before retirement in order to increase that employee's retirement benefits. Single employer plans, unlike multiemployer plans, are generally based upon an employee's salary prior to retirement. Reportedly, from time-to-time, such gaming did occur in single employer plans.

Multiemployer plans, conversely, are generally based on the number of years an employee has worked, plus the collectively-bargained-for dollar amount of contributions made into the plan. Therefore, such gaming generally did not occur in multiemployer plans. Section, 415, however, does not distinguish between multiemployer plans and single employer plans. Instead, section 415 assumes the salaries of all workers increase steadily over the course of their employment. In fact however, for many workers, particularly those that belong to multiemployer pension plans, there is no such steady increase in earnings. Rather, the salaries of these workers tend to fluctuate over the course of their employment. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not necessarily consecutive.

Congress recognized this inequity and in 1996, as part of the Small Business and Jobs Protection Act (Pub. L. 104–188), exempted public employee pension plans from Section 415. This exemption, however, was not extended to private sector employees covered by multiemployer pension plans. The bill I have introduced today exempts multiemployer pension plans, single employer plans would still be subject to Section 415 limitations.

Congressman PETER J. VISCLOSKY introduced similar legislation in April 1997 in the House of Representatives. His bill has bipartisan support in the House. I hope that my bill will receive similar support here in the Senate. Private sector employees, who are covered by multiemployer pension plans, should receive the same treatment as public sector employees. My bill will alleviate the disparity which now exists.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415 LIMIT ON BENEFITS.

Paragraph (11) of section 415(b) of the Internal Revenue Code of 1986 (relating to special limitation rule for governmental plans) is amended—

(1) in the heading, by inserting "AND MULTIEMPLOYER PLANS" after "GOVERNMENTAL PLANS"; and

(2) by inserting "or a multiemployer plan (as defined in section 414(f))" after "governmental plan (as defined in section 414(d))".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to plan years beginning after December 31, 1997.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 1602. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; to the Committee on Labor and Human Resources.

THE PROHIBITION ON CLONING OF HUMAN BEING ACT OF 1998

Mrs. FEINSTEIN. Mr. President, today, Senator KENNEDY and I are introducing legislation that would prohibit, for a period of ten years, any person from attempting to clone a human being using somatic cell nuclear transfer technology.

The reason for this legislation is simple: the cloning of a human being today remains scientifically dangerous, morally unacceptable, and ethically flawed.

Let me be clear about the intent of this legislation right at the outset: I am opposed to human cloning. I do not believe it is, or will ever be, morally acceptable to clone human beings.

This legislation was carefully drafted so that it would not prevent or interfere with vital biomedical research into cancer and other diseases, birth defects, infertility, and the mass production of drugs and vaccines.

The bill authorizes the continuation of the National Bioethics Advisory Commission, and requires the Commission to report to the President and the Congress in 4½ years and 9½ years on the science and ethical issues associated with this technology.

The Commission's reports to Congress will also include a recommendation as to whether the moratorium should be continued beyond the ten years set by this legislation.

TECHNOLOGY OUTPACES PUBLIC POLICY

The successful cloning of a sheep in Scotland last year, using a procedure known as somatic cell nuclear transfer, was hailed as an amazing scientific success.

But it also ignited a fierce international debate about the potential use of this technique to clone human beings, and the ethical, legal and religious questions raised by such a possibility.

Chicago-area physicist Dr. Richard Seed stirred that debate into full force last month when he told the media that he intends to clone human beings.

He said that there were ten clinics in the United States interested in offering cloning services and that he believes the demand will be for over 200,000 cases per year, according to the American Medical News.

Setting aside the fact that Dr. Seed's claims are somewhat implausible at the moment given the rudimentary state of cloning technology, he did hit a nerve.

This is a classic example, in my view, of how the lightening speed with which we are able to develop new technologies can sometimes get ahead of society's ability to handle these advances.

I do not believe that, today, we know enough to permit human cloning, or to make a permanent determination about the use of this technology.

But, when writing laws that would have such an enormous impact on an entire field of science—science that includes the development of lifesaving new therapies for disease, the prevention of birth defects, and fertility—Congress has a responsibility to be prudent and judicious in drafting legislation.

In preparing this legislation, Senator KENNEDY and I, and our staffs, met with representatives from: The National Bioethics Advisory Commission; The National Institutes of Health; The American Society for Reproductive Medicine; The Biotech Industry Association; The Department of Health and Human Services; The Food and Drug Administration.

Included in the National Bioethics Advisory Commission were members of the religious and medical ethics communities.

This bill is carefully drafted to prohibit attempts to clone a human being, while not impeding other important research involving somatic cell nuclear transfer technology, and the cloning of cells, tissues, DNA and animals.

PROCEDURE IS UNSAFE

One compelling reason to prohibit attempts to clone human beings at this time is the fact that the technology is so new that it is unsafe even in animals.

Dolly, the famous cloned sheep, was the only success out of 277 attempts, and the procedure has not been repeated successfully (although there are reports of the pending birth of at least one calf using the same cloning procedure).

The National Bioethics Advisory Commission concluded that attempting to use this process to clone humans would involve unacceptable risks to the fetus or potential children, possibly resulting in multiple miscarriages, developmental abnormalities, and unknown risks to the mother.

Even if and when concerns about safety are resolved, the ethical concerns of cloning humans still remain.

This 10-year moratorium will allow us the time to study and debate this issue fully—which we as a society need to do because the science is not going to go away, and we will have to have a greater understanding of it to make informed decisions on its use.

MUST NOT IMPEDE OTHER IMPORTANT RESEARCH

The term "cloning" is used by scientists to describe various techniques that involve duplication of biological material, both animal and human.

A blanket ban on cloning, or on use of the nuclear cell transplant technique to clone, would be too broad, and would deprive the United States—and the world—of invaluable biological research.

The cloning technique that was used to produce Dolly, somatic cell nuclear transfer, was an extension of experiments carried out over 40 years to facilitate understanding of how development of an animal from a single fertilized egg is carried out.

The agricultural industry has been using nuclear transplantation research to try to improve livestock breeding.

Biotechnology companies are exploring ways to use cloning to improve the production of therapeutic drugs.

And health researchers are hoping that a greater understanding of nuclear transplantation cloning can lead to new treatment for human disease.

CANCER

A report issued by the National Institutes of Health, dated January 29, indicates that cloned tissue culture cells have allowed scientists to test potential chemotherapies on cancerous cells, to study the cellular events leading to cancer, and to mass-produce drugs and vaccines.

DIABETES

Cloning technology, using somatic cell nuclear transfer, could teach scientists how to augment the insulin-producing cells in diabetics using cells from their own bodies.

Not only could cloning technology revolutionize the treatment for diabetes—it could potentially provide a cure for this debilitating disease.

SKIN GRAFTS

Somatic cell nuclear transfer might also be used in the future to create skin grafts for people who are severely burned.

In severe burn cases, many times there is not enough healthy skin on the victim to perform a skin graft, so doctors are forced to use skin from cadavers or skin cells grown in tissue culture.

In both cases, the skin is genetically different from the burn victim, and while it provides material for emergency grafting, this skin is ultimately rejected and the patient must undergo numerous grafting.

Somatic cell nuclear transfer cloning could allow skin to be generated from virtually any of the burn victim's cells, which would be genetically identical and therefore should not be rejected.

The life-saving possibilities for this technology are enormous:

The creation of nerve stem cells to treat neurodegenerative diseases such as multiple sclerosis, Lou Gehrig's disease, Alzheimer's disease, Parkinson's disease, and to help repair injuries of the spinal cord.

Bone marrow stem cells, for the treatment of leukemia, sickle cell or other blood diseases.

Liver cells to treat liver damage.

Muscle cells to treat muscular dystrophy and heart disease.

Cartilage-forming cells to reconstruct joints damaged by injury or arthritis.

The cloning of cells in culture has reduced the use of live animals in research and has allowed studies of human cells that could not be done otherwise.

As scientists from NIH clearly warn, without future research exploring this cloning technology, these and other potential life-saving possibilities will be unrealized.

NIH scientists also make clear that all of these possibilities can be accomplished without using this technology to create, or attempt to create, a human being.

A letter signed by more than 50 medical and patient organizations sent to Members of Congress last week warning very clearly of the danger in drafting legislation to ban cloning.

In the letter they say:

> Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning

techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion.

THE DIFFERENCES WITH THE PRESIDENT'S PROPOSAL

The bill we are introducing today is very similar to the President's bill which he sent to Congress on June 10, 1997. But it differs from the President's in five important aspects.

First, it adds additional provisions to prevent anyone from cloning or even attempting to clone a human being. In addition to the outright prohibition on cloning a human being, the bill prohibits the use of Federal funds for such a purpose. Furthermore, the bill prohibits shipping the product of somatic cell nuclear transfer in interstate or foreign commerce for the purpose of attempting to clone a human being. This provision will ensure that no one may attempt to evade the law by shipping the product of somatic nuclear cell transfer overseas for the purpose of cloning a human being.

Second, it stiffens already tough penalties in the President's bill to deter any attempt at cloning a human being. The bill provides a penalty of $1,000,000 or three times the gross gain or loss from such a violation, whichever is greater. In addition, the bill provides that any property used in an attempt to violate the act, as well as any property traceable to such an attempted violation, will be forfeited. Furthermore, the Attorney General, who is solely empowered to enforce the act, is granted the power of injunction to immediately enjoin violations.

Third, the bill preempts state laws that prohibit or restrict research regarding, or practices of, somatic cell nuclear transfer, mitochondrial or cytoplasmic therapy, or the cloning of molecules, DNA, cells, tissues, organs, plants, animals, or humans.

This provision is important because I believe we need a consistent national policy and we should discourage the practice of "forum shopping" from state to state for lenient laws.

This bill is not intended to preempt state laws such as California Penal Code Title 9, Chapter 12, Section 367g, and California Business and Professions Code Division 2, Chapter 5, Article 12, Section 2260, which require that physicians and other medical personnel obtain signed written consent from patients before sperm, ova, or embryos are used for any purpose other than reimplantation in the same patient or in their spouse, and require that any use of sperm, ova, or embryos of donors comply with the written intent of the donor.

The California statues were passed in order to address serious allegations by at least 60 California families, that medical personnel at fertility clinics at the University of California at Irvine and the University of California at San Diego transferred donors' sperm, ova, or embryos to researchers or implanted them in other women, without donors' knowledge or consent. These allegations raise grave concerns about serious violations of personal integrity and privacy. This legislation is in no way intended to preempt or interfere in any way with these California statutes, or with related statutes that would have a similar effect.

Fourth, the bill we are introducing urges the President to cooperate with foreign countries to enforce restrictions on human cloning. Other countries are moving to ban human cloning and we should join them so that scientists cannot evade our laws by moving their operations offshore.

Finally, our bill establishes a 10-year ban, as opposed to the 5-year ban in the President's recommended legislation.

It is conceivable that there could be incredible scientific breakthroughs with cloning technology over the next 3 to 5 years.

But developing a legal and moral framework for understanding of the potential use and abuse of this technology will take much longer.

This legislation sunsets after 10 years, during which time the National Bioethics Advisory Commission must keep Congress and the President informed on the status of the science, its potential uses for society, and make recommendations on whether to continue the prohibition.

Congress can extend the ban temporarily or permanently at any time during or after the ten year period if it so chooses.

CONCLUSION

Creating life outside of the normal reproductive process has challenged many of our basic beliefs—never more so than with the notion of cloning a human being.

It is important that we as a society engage in a rigorous public debate to fully understand the science, the dangers, the potential benefits, and the moral and legal implications of this technology.

Throughout history, science has empowered humankind to achieve things never before believed possible. Our challenge is to harness this power without losing control over our own lives, or the moral compass that guides us.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent to submit for the RECORD the letter to which I referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1998.

REGARDING: LEGISLATION TO BAN CLONING OF HUMAN BEINGS

DEAR MEMBER: We are writing to express our concern about legislation pending in the Congress to ban the cloning of entire human beings.

Let us be clear. We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree with the conclusions of the National Bioethics Advisory Commission (NBAC) that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology. We recognize that this application of the technology raises fundamental ethical and social issues. This technology is not currently safe to use in humans.

The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being.

We agree with NBAC in its report on cloning that: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science." Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion. Cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barré syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease, tuberous sclerosis, tourette syndrome, alcoholism, autoimmune diseases, osteoporosis, Parkinson's disease, infertility, heart disease, diseases of aging, ataxia telangiectasia and many other types of research will benefit from the advances achieved by biomedical researchers.

We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, "first do no harm." We believe that there are two distinct issues here, cloning of a human being and the healing which comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases.

Please keep patients' concerns in mind as you proceed in analyzing this very complicated issue.

Sincerely,

AIDS Action Council; Allergy and Asthma Network/Mothers of Asthmatics, Inc.; Alliance for Aging Research; Alzheimer Aid Society; American Academy of Optometry; American Academy of Pediatrics; American Association for Cancer Education; American Association for Cancer Research; American Autoimmune Related Diseases Association; American College of Cardiology; American College of Medical Genetics; American Diabetes Association; American Heart Association; American Paralysis Association; American Pediatric Society.

American Society for Reproductive Medicine; American Uveitis Society; Americans for Medical Progress; Association of Medical School Pediatric Department Chairmen; Association of Pediatric Oncology Nurses; Asthma & Allergy Foundation of America; A–T Children's Project; Cancer Research

Foundation of America; Cancer Care, Inc.; Cancervive; Candlelighter's Childhood Cancer Foundation; Cystic Fibrosis Foundation; Foundation for Biomedical Research; Guillain-Barré Syndrome Foundation International; International Patient Advocacy Association.

Joint Council of Allergy, Asthma and Immunology; Juvenile Diabetes Foundation International; Kent Waldrep National Paralysis Foundation; Log Cabin AIDS Policy Institute; National Alliance for Eye and Vision Research; National Alliance of Breast Cancer Organizations (NABCO); National Association for Biomedical Research; National Campaign to End Neurological Disorders; National Coalition for Cancer Research; National Foundation for Cancer Research; National Gaucher Foundation; National Kidney Cancer Association; National Osteoporosis Foundation; National Patient Advocate Foundation; National Stroke Association.

National Tuberous Sclerosis Association; Oncology Nurses Association; Outpatient Ophthalmic Surgery Society, Inc.; Parkinson's Action Network; Radiation Research Society; Research! America; Research Society on Alcoholism; RESOLVE; Roswell Park Cancer Institute; Society for Pediatric Research; Tourette Syndrome Association, Inc.

Mr. KENNEDY. Mr. President, several months ago, the world learned of one of the most astounding developments in modern biology: the cloning of a sheep named Dolly. This extraordinary scientific achievement awakened widespread concern about the possibility of a brave new world, where human beings would be cloned and where individuals would seek to achieve a kind of immortality by reproducing themselves. There is widespread agreement among scientists, ethicists, and ordinary Americans that production of human beings by cloning should be prohibited, at least until the possibilities and pitfalls of this scientific procedure are better understood.

The President reacted rapidly to this scientific advance and the unprecedented issues it raised by asking the National Bioethics Advisory Commission to study the issue and make recommendations. The Commission recommended that creation of human beings by cloning should be banned for several years, and the Administration has submitted legislation to implement this recommendation.

The legislation that Senator FEINSTEIN and I are introducing today will assure the American public that reproducing human beings by cloning will be prohibited. It largely follows the President's legislation and the Recommendations of the Commission. It makes it illegal to produce human beings by cloning and establishes strict penalties for those who try to do so. In addition, it prohibits anyone from beginning the cloning process in this country and carrying out the implantation step in another country.

But just as important as what the bill does is what it does not do. It does not seek to use public concern about cloning to establish a back door ban on research into human development.

A prohibition that goes too far could outlaw needed research on the prevention, treatment, and cure of cancer.

It could outlaw needed research on fertility, to help birth defects, and hereditary diseases.

It could outlaw needed research on the cure of spinal cord injuries.

All of these various kinds of research have broad support in Congress and the country. Yet a blunderbuss ban on human development research could easily interfere with this important and life-saving research, or even halt it altogether.

In addition, the FDA has jurisdiction over human cloning and will act vigorously to shut down any clinic that operates without FDA approval. The FDA must find that human cloning is safe and effective. Given the current state of the science, the DFA would almost certainly decide that a human cloning procedure is not safe at the current time. The FDA approval process is not a permanent ban on human cloning, but it effectively bans the procedures for the near future.

The American Medical Association and over forty national medical organizations and research groups have voiced support for the kind of research that is urgently needed to continue the progress we are making against a wide range of diseases. Benjamin Younger, the Executive Director of the American Society for Reproductive Medicine, has said, "We must work together to ensure that in our effort to make human cloning illegal we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

The legislation we are introducing today will do what the American people want—ban the production of human beings by cloning. It strikes the proper balance between assuring that human beings will not be reproduced through cloning and allowing needed research to continue. I hope that Congress will act promptly to enact this legislation.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 367

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 367, a bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes.

S. 729

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 729, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1264

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1291

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1291, a bill to permit the interstate distribution of State-inspected meat under certain circumstances.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Arizona (Mr. KYL), the Senator from Washington (Mr. GORTON), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1334

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. SNOWE, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1563

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. LUGAR), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week".

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

AMENDMENT NO. 1397

At the request of Mr. GRAMM the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE RESOLUTION 172—RELATIVE TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Mr. BROWNBACK (for Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 172

Whereas February 4, 1998, is the occasion of the 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence;

(2) expresses best wishes to the Government and people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 1998; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Government of the Democratic Socialist Republic of Sri Lanka.

Mr. BROWNBACK. Mr. President, I rise on behalf of Senate Resolution 172, which commemorates the 50th Anniversary of independence of Sri Lanka. I believe it is appropriate that we so mark this occasion by offering our congratulations to her excellency, President Kumaratunga and the people of Sri Lanka.

In the first five decades since Sri Lanka gained its independence from British colonial rule, Sri Lanka has held regular national elections as well as provincial and local government elections. The most recent parliamentary elections were held in August 1994, and the third presidential election was held in November 1994.

Sri Lanka has prospered economically since 1977, when it introduced economic liberalization policies which shifted the economy away from state controls, subsidies and public sector involvement to a market-oriented system in which private entrepreneurship flourishes. The U.S. is Sri Lanka's largest trading partner, accounting for 30% of the latter's exports, and over 90 U.S. companies have invested in Sri Lanka, with a heavy concentration in mining and textiles.

U.S. official relations with Sri Lanka date back to 1850 when John Black, an American merchant residing in Colombo was appointed the first American commercial agent in GALLE. Fifty years later the agency moved to Colombo and became a consulate. It subsequently became an embassy in 1948 after Sri Lanka became independent.

The exchange of bilateral visits has played an important role in strengthening the cordial relations between our two nations. Then Secretary of State John Foster Dulles visited Sri Lanka soon after its independence, and since that time members of this body as well as our colleagues in the House have regularly visited this lovely country.

Despite its prosperity and commitment to democratic principles, Sri Lanka has been plagued for many years by two domestic insurgencies, one mainly Tamil in the North, and the other mainly Sinhalese, in the South. The result has been the loss of many lives and heavy damage to property. The government has reiterated its commitment to addressing grievances articulated by these groups through dialog and the process of negotiation. Four rounds of unconditional talks with the Tamil Tiger separatists were held following the President's election in November 1994, and a cease fire was subsequently reached. This however, was breached by the separatists after 3½ months when they resumed their terrorist activity.

As a result of these terrorist actions at home, Sri Lanka has placed counter terrorism at the forefront of its foreign policy. Sri Lanka was the Vice Chair of the United Nations Ad hoc Committee on Terrorism and played an important role in the drafting of the Convention for the Suppression of Terrorist Bombing, being the first to sign the Convention at United Nations Headquarters on January 12, 1998.

I am therefore, Mr. President, pleased to introduce this Senate Resolution. I want to commend the chairman of the Foreign Relations Committee, Mr. HELMS and the ranking member, Mr. BIDEN for their support.

I urge my colleagues to vote "yea" on this Senate Resolution.

AMENDMENTS SUBMITTED

RONALD REAGAN WASHINGTON NATIONAL AIRPORT LEGISLATION

REID AMENDMENT NO. 1640

Mr. REID proposed an amendment to the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport"; as follows:

At the end, add the following:

SEC. . REDESIGNATION OF J. EDGAR HOOVER FBI BUILDING.

(a) In General.—The J. Edgar Hoover FBI Building located at 935 Pennsylvania Avenue in Washington, District of Columbia, shall be known and designated as the "Federal Bureau of Investigation Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation Building".

DODD AMENDMENT NO. 1641

Mr. DODD proposed an amendment to the bill, S. 1575, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) In General.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) Purpose.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) Criteria.—

(1) In general.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriations of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the cost.

(2) Age and current occupation.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) Administration.—

(1) Meetings.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) Hearings, etc.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) Administrative support.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) Reports.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) Proposal to Rename DCA.—Notwithstanding subsection (b), the Advisory Group shall not have the authority to consider any proposal to rename Washington National Airport, or a portion of the airport, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) In General.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) Rules of Each House.—This section is enacted by the Congress—

(1) as an exercise of rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) Advisory group.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) Federal facility.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, commission consisting of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

DASCHLE (AND ROBB) AMENDMENT NO. 1642

Mr. DASCHLE (for himself and Mr. ROBB) proposed an amendment to the bill. S. 1575, supra; as follows:

On page 3, after line 5, insert the following:

SEC. 3. MWAA APPROVAL REQUIRED.

This Act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport provided for by section 1 of this Act.

ROBB (AND OTHERS) AMENDMENT NO. 1643

Mr. ROBB (for himself, Mr. DASCHLE, and Mr. FORD) proposed an amendment to the bill, S. 1575, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) In General.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—The Advisory Group shall meet within 60 days after the date of enactment of this Act to consider proposals to rename Washington National Airport, or a portion thereof, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—this section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:00 p.m. on Tuesday, February 3, 1998, in open session, to receive testimony on the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, February 3, 1998, at 2:00 p.m., Hearing Room (SD-406), to receive testimony from Donald J. Barry, nominated by the President to be Assistant Secretary for Fish and Wildlife, Department of the Interior; and Sallyanne Harper, nominated by the President, to be Chief Financial Officer, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 3, 1998, at 10:00 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, February 3, 1998, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE YALE LIONS CLUB

• Mr. ABRAHAM. Mr. President, today I rise to celebrate a momentous occasion for Lions Club of the City of Yale, Michigan. On Saturday, February 14th, the Yale Lions will commemorate their 50th anniversary. I am pleased to have the opportunity to offer my congratulations for this auspicious event.

The Lions Club is dedicated to community service, and for half a century Yale Lions have worked to benefit the entire City of Yale. At the crux of membership in the Lions Club is the desire to help fellow citizens, and their shining examples of service have been displayed to the whole community. Consequently, tremendous growth has occurred and membership continues to expand, with the number of members nearly tripling since the Club was founded many years ago. The strong commitment to helping other individuals is outstanding, and I commend each member of the association for all their tireless efforts.

Again, I wish to express my warmest wishes for a successful event. I thank the Lions Club of Yale for their ceaseless commitment to their community, and wish the organization a bright future.•

COMMENDING GAO ASSISTANT COMPTROLLER GENERAL J. DEXTER PEACH

• Mr. GLENN. Mr. President, I rise today to pay homage to one of our Nation's most dedicated and loyal public servants, Assistant Comptroller General of the United States, J. Dexter Peach.

On January 2nd of this year, J. Dexter Peach retired following a distinguished 38-year career with the United States General Accounting Office, capped by 15 years as an Assistant Comptroller General.

Mr. Peach began his career with the General Accounting Office in 1960, rising through the evaluator ranks to lead two of its major divisions—Energy and Minerals and the Resources, Community and Economic Development Divisions—serving as Assistant Comptroller General for the latter. He is an acknowledged subject matter expert on a wide variety of national programs and policy issues dealing with energy, environment, natural resources, and economic development matters and has an in-depth understanding of federal legislative and regulatory processes. As Assistant Comptroller General for Planning and Reporting, Dexter Peach had broad responsibility for maintaining the Office's planning system and assuring the overall quality of the agency's planning system and assuring the overall quality of the agency's products.

Mr. President, I had the privilege of working with Dexter Peach in my capacity as both Chairman and Ranking Minority Member of the Senate Committee on Governmental Affairs. His critical work relating to energy issues after the OPEC embargo in 1973, earned him the Comptroller General's Award for contributions to energy issues of national importance. He has also received three Federal Senior Executive Service Rank Awards—a Distinguished Rank and two Meritorious Ranks. The American University also distinguished him with their prestigious Roger W. Jones Award, bestowed annually to a career federal civil servant for outstanding public service.

Mr. President, the General Accounting Office was created in 1921 with the mandate to audit, evaluate, or investigate virtually all federal government operations—wherever they might take place. In other words, the GAO serves as a "watchdog" over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

GAO evaluations under Dexter Peach's guidance and leadership have saved taxpayers billions of dollars. During his career as Assistant Comptroller General, Congress has implemented numerous recommendations resulting from his work—including budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements. He has also been instrumental in assisting the Congress by directing reports on the costs of cleaning up nuclear weapons complexes, environmental crises such as the Exxon/Valdez oil spill, efforts to preserve and protect the nation's drinking water, and issues dealing with the deregulation and safety of the airlines industry.

In short, Mr. President, Dexter Peach's tenure at GAO has been characterized by success on every level; throughout his career, he has served as an example of a truly exceptional public servant. I am sure I speak for all of us here in the Senate in giving recognition to a man who has served this Nation with integrity, dedication, honor, and diligence—Assistant Comptroller General J. Dexter Peach.•

TRIBUTE TO DAVE MOORE

• Mr. GRAMS. Mr. President, it is with great sorrow that I rise today to acknowledge the passing of my former colleague Dave Moore on January 28, and with great joy that I recall his memory and the happiness he brought to Minnesota television viewers for over thirty-four years.

Dave Moore was hired by WCCO Television in Minneapolis for a series of announcing jobs in July of 1950. At the onset of daily newscasts at WCCO in 1957, Dave was placed at the helm of the 10 p.m. broadcasts.

For the next thirty-four years Dave would become a fixture on Minnesota television and a true icon. It is difficult to imagine that in July of 1957 the management of WCCO, and quite possibly Dave himself, knew that Dave would become such an legend. Scores of Minnesotans would tune into WCCO news each night and hear Dave's friendly voice as he reported the news with his warm, yet serious, demeanor.

Trained as an actor at the University of Minnesota, Dave reported the news with the spontaneity, flair, and wit that only an actor could provide. Dave's acting talents made it possible for him to venture beyond his role as an anchorman to his role on "Bedtime Nooz" where each Saturday night between 1962 and 1971 he would take a satirical look at current events.

Dave's broadcasting success was acknowledged by a number of awards and honors, including the Mitchell V. Charnley Award in 1983, as well as being named Outstanding Broadcast Personality of 1991 by the Minnesota Broadcasters Association. In addition, "The Moore Report," a documentary and public interest program hosted by Dave, won numerous awards, including the George Foster Peabody Award for its special titled "Hollow Victory: Vietnam Under Communism."

As a truly gifted orator, Dave used his talents to serve his community by doing volunteer reading for Radio Talking Books for the Blind, and making frequent visits to local elementary schools to read to the students.

A native of Minneapolis, Dave was quite content with establishing his career in the his hometown, untempted by the possibilities available to a person of his talents. Dave was the most visible personality on WCCO when it was at its pinnacle, yet that did not cause him to shy away from the public. Dave often acted in community plays and could be frequently seen around Minneapolis simply participating in life in the city he loved as just another one of its ordinary citizens.

Mr. President, I wish to offer my sincerest condolences to Dave's family and on behalf of the citizens of Minnesota reassure them that we all share in their loss. At the conclusion of his last broadcast on December 6, 1991, Dave expressed his sentiments by simply stating, "There will be no maudlin, tearful farewell, just a simple, but very heartfelt thank-you to all of you for your support down through the years. I've been very touched by it." Thank you Dave, you touched us as well.•

COMMENDING VICKI DONOVAN AS THE 1998 NEW HAMPSHIRE TEACHER OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Vicki Donovan for being named New Hampshire's 1998 Teacher of the Year. Vicki is a fourth-grade teacher at Belmont Elementary School, where she has taught for eleven years. I commend her outstanding accomplishment and well-deserved honor.

Vicki, who lives in Belmont, will spend the next year representing New Hampshire's teachers at various statewide and regional functions. As New Hampshire's Teacher of the Year, she will be considered for the National Teacher of the Year Award sponsored by the Council of Chief State School Officers and Scholastic, Inc. The National Teacher of the Year Program is the oldest and most prestigious honors program to focus public attention on excellence in teaching. New Hampshire's Commissioner of Education, Elizabeth Twomey, named Vicki the Teacher of the Year.

Vicki's accomplishments as a teacher are numerous. She organized Belmont Elementary School's yearbook in her first year there, and has taught at several grade levels in the elementary school. She is involved with the Belmont Elementary School Support Group, B.E.S.T., and has served on the town's Civic Profile Committee, Government Study Group, and Youth and Education Committee.

In addition to her numerous extracurricular accomplishments, Vicki has excelled in perhaps the most important area: her students. Vicki's students say their experience with her as their teacher marked their best year in school.

New Hampshire has always been fortunate to have many talented teachers, but Vicki Donovan is certainly a role model among teachers of the Granite State. As a former teacher myself, I am proud of her commitment to education and congratulate her on this distinguished achievement.•

IN RECOGNITION OF PEGGY POSA

• Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to a remarkable woman from Michigan, Peggy Posa. Peggy is retiring after more than ten years of service as Executive Director of the Coalition on Temporary Shelter (COTS).

Before Peggy Posa arrived, COTS was considered an important emergency shelter for homeless people in Detroit. By providing this service alone, COTS was a key part of the network of community organizations which serve underprivileged residents of Detroit. Under Peggy's leadership, however, COTS has grown to be considered one of Michigan's most respected providers of housing and comprehensive services for homeless people. She led COTS through an expansion and renovation of three shelter facilities; the creation of twenty-three units of permanent supportive housing for frail, elderly and mentally challenged individuals; the creation of three transitional housing programs; and the development of a variety of support services designed to assist people seeking to regain economic self-sufficiency and decent, affordable housing.

Peggy Posa is widely admired as an innovative and tireless leader on issues related to the problem of homelessness. While she is retiring from her full time responsibilities, she has said that she will continue to be involved with COTS on a part time basis. I have no doubt that her colleagues and the people she serves are grateful for her continued dedication and support.

Mr. President, Peggy Posa and COTS can take pride in the fact that they have truly succeeded in helping people to change their lives. I hope my colleagues will join me in saluting Peggy's commitment to her community and in wishing her well in her retirement.•

PRESIDENT EDUARD SHEVARDNADZE

• Mr. BROWNBACK. Mr. President, last Friday, January 23rd, was the birthday of President Eduard Shevardnadze. This is a man whose active and courageous involvement helped bring the cold war to a peaceful end and who is now rebuilding Georgia from a ruinous civil war. He has taken a courageous position, even in the face of assassination attempts, to bring about and maintain the independence of freedom of his native country, Georgia.

Mr. Shevardnadze is working hard to bring about difficult economic reform and to build an independent legislative branch. He has introduced some remarkable changes in Georgia: he introduced a new currency, adopted and implemented a new constitution, removed mafia leaders from powerful positions, secured the transportation of Caspian oil through Georgia and has worked hard at establishing regional cooperation with other leaders in the Caucasus and Central Asia. His dedication to furthering independence, economic prosperity and harmony in the region places him as a historic world figure. Mr. Shevardnadze's achievements should be noted and recognized on the occasion of his 70th birthday.

I ask that my letter to President Shevardnadze be printed in the RECORD.

The letter follows:

WASHINGTON, DC,
January 23, 1998.

His Excellency President SHEVARDNADZE,
President of Georgia,
Tbilisi, Georgia.

DEAR PRESIDENT SHEVARDNADZE, I am writing to congratulate you on the occasion of your 70th birthday and to take this opportunity to acknowledge your courageous work in building a free and independent Georgia. Your initiatives in promoting and advancing the economic and political freedom of your country are well noted by your friends and admirers throughout the world and place you as a historic world figure. Please count me as one of those who acknowledges your great contributions to the creation of a better world.

As Georgia continues to develop and improve, let us hope that our nations will share the fruits of our labors through peace and security for all the newly independent states. The challenges to this are real, but with men of vision such as yourself, it is my belief that this can be accomplished.

I hope our paths will cross on the "Silk Road" before your next birthday and I can extend to you personally my best wishes and regards. Again my sincere congratulations on your birthday, please accept my heartfelt wishes for your continued vigor and commitment to your native land which now has the honor and privilege of your full attention. May this year be your most fulfilling and productive yet.

Sincerely,

SAM BROWNBACK,
U.S. Senator.•

SENATOR JOHN BURTON

• Mrs. BOXER. Mr. President, today I want to congratulate California State Senator John Burton as he assumes the role of President Pro Tempore of the California State Senate.

When I was first elected to the U.S. Congress in 1983, it was the seat of Congressman John Burton in which I served.

Then, as now, I never forgot his advice to me: "Believe in yourself, follow your heart, and don't be afraid."

That advice has never let me down.

Senator John Burton is an inspiration to many people. His life and success are triumphs of hope and determination.

It is a widely known fact that Senator Burton struggled with addiction in the past and had to step back from politics for a time to reclaim his life.

John Burton earned his way back into the political life of California much in the way that he first entered it—as a champion of people too often overlooked or undervalued.

John Burton's career is a testament to the virtues of loyalty, consistency, courage and service. For all his work and spirit have meant to those he has touched, it is no wonder his colleagues elected him to lead them in the California Senate.

Even though I can't believe I have to call him "Mr. President," as a United States Senator, I couldn't be more proud!•

MONTANA TEEN DAY

• Mr. BURNS. Mr. President, today, Tuesday, February 3, 1998, has been declared Teen Day throughout the State of Montana. This celebration is an opportunity to honor and recognize Montana's outstanding teens for their accomplishments and contributions.

On this special day, events and activities across Montana are being held to acknowledge these young individuals for their achievements and contributions to their community. Teen Day is also an opportunity to congratulate teens for continuing to choose healthy lifestyles, such as not smoking, not taking drugs, and not drinking.

Montana's youth are more likely to be enrolled in school, graduate and attend college than the national trend. For our future business owners, professionals and community leaders, Teen Day 1998 is a time for all Montanans to recognize its young citizens and continue to acknowledge and encourage their scholastic, social and community pursuits.•

MEASURE READ THE FIRST TIME—S. 1601

Mr. COVERDELL. Mr. President, I understand that S. 1601, which was introduced earlier today by Senator LOTT, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The bill will be read for the first time.

The legislative clerk read as follows:

A bill (S. 1601) to amend title 18 of the United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

Mr. COVERDELL. Mr. President, I now ask for its second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 4, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, February 4; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to morning business, not to exceed 30 minutes, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator STEVENS, 10 minutes; Senator WARNER, 5 minutes.

I further ask unanimous consent that at 10:30 a.m., the Senate resume S. 1575 and that there be five consecutive votes, with 4 minutes equally divided before each vote for explanation; that following the vote with respect to amendment No. 1642, the bill be immediately advanced to third reading and passage occur, all without further action or debate. I further ask that all amendments be in order, regardless of the fact that some of the amendments are in the form of a substitute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, following those votes, at approximately 12 noon, the Senate can be expected to begin the nomination of David Satcher to be Surgeon General. It is the leader's hope that a confirmation vote could occur before the close of business on Wednesday or set by consent to occur on Thursday morning. Therefore, Senators should be on notice that up to five consecutive rollcall votes will occur beginning at approximately 10:35 a.m. on Wednesday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, February 4, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1998:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. JAMES M. LOY, 8128.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 3, 1998:

THE JUDICIARY

CARLOS R. MORENO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

CHRISTINE O.C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, February 3, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 3, 1998.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY) for 5 minutes.

CONGRESS SHOULD NOT SAY "NO" TO THE STUDENTS OF THE DISTRICT OF COLUMBIA

Mr. ARMEY. Mr. Speaker, I am not sure that I will take my whole 5 minutes, but I do have a few things that I would like to point out.

Washington, D.C., has some very, very good schools, has some exceptionally good public schools, and it has some exceptionally good private schools. Unfortunately, the city also has some exceptionally bad schools where we have too many young children that are caught in circumstances that would almost say they have no opportunity for anything but failure.

Those of us that have met these children have understood what one always understands when one meets a child: This is a very, very special and precious person. We have seen too many cases of children that have the ability, that have the energy, that have the hopes and the dreams that are coupled with the same on the part of their parents and punctuated with prayers for a better opportunity for this child, for us to turn our back on these children.

Mr. Speaker, we will bring to consideration for this body again a bill that would allow scholarships for choice for those families that are disadvantaged so they, like so many more wealthy families, particularly here in D.C. and across the country, could exercise their opportunity to take their child out of a school that is failing that child and move that child to a school where the child will have their hopes and dreams and abilities recognized and nourished.

We have people that oppose this. They oppose it for ideological reasons; they oppose it for institutional reasons; they oppose it for reasons that, quite frankly, I do not understand.

One prominent Senator said, "D.C. parents and ministers and local leaders have made it clear that they do not want vouchers." Another prominent Member of this body made the point, "I think I can say with confidence that the people I represent would deeply resent the imposition of vouchers." That was the gentlewoman from the District of Columbia (Ms. NORTON). "I think I can say with confidence that the people I represent would deeply resent the imposition of vouchers."

What is a voucher? We say to people, we make available to you the opportunity. You can choose or you cannot choose to accept that opportunity for your child.

On October 13, 1997, the Washington Scholarship Fund announced the availability of 1,000 new scholarships for children that are disadvantaged by being stuck in failing schools. By the deadline last Saturday, 7,573 children applied. One out of every six children eligible for these scholarships applied.

Mr. Speaker, D.C. parents are making the effort.

Let me talk about this a moment. I have had the opportunity to work with the D.C. Scholarship Fund. I have met these parents. I have met these children. I have seen those that have already had the scholarships that have moved to the other schools. I have seen them brighten up and seen them do better. I have seen children that might have been stuck forever with failure emerge and shine.

What child is not precious enough that they ought to have this opportunity? How can somebody's heart be so cold as to say we deny that?

This is not taking money away from the other D.C. schools. The voucher program that we are putting forward says we will add additional money beyond that which is already available to the City of D.C., which has, if not the highest, certainly the second or third highest per capita student budget for their school system of any city in the Nation. And yet, with all that they already have, we have children that are not being well served by the schools; and we are saying, in addition to that money, let us put some more vouchers in place for these little children.

Mr. Speaker, this is a little thing in Washington. The numbers here are very big. The President has got a $1.73 trillion budget. He has got all kinds of things in that budget, all full of good intentions. Big heart. Something for everyone.

We are saying drive off these Capitol grounds two blocks, three blocks. See the children that do not have the opportunity that children in my district in Texas have to walk to school safe in neighborhoods that are safe; to be with friends in school and to be proud of their school; to learn and understand and be appreciated and, yes, on occasions, disciplined so that they can successfully learn.

Then I ask my colleagues to tell me if they meet these children, they meet these parents, they see these opportunities, that they can have a heart that is so closed, cold, and a mind that is so closed, a dedication to a union so strong or a perversion of priority so cruel that they will say "no" to these children.

Mr. Speaker, I cannot do it. And it is not just because I have met the children. I do not think anybody can do that. And I have to say I deeply regret the callous expressions of sentiment that I read from the two Members of Congress whose quotes I opened this discussion with. I hope that something will touch their heart for these children.

PRESIDENT CLINTON'S EDUCATION INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. GREEN) is recognized during morning hour debates for 5 minutes.

Mr. GREEN. Mr. Speaker, I am glad I have the opportunity to follow the gentleman from Texas (Mr. ARMEY), my colleague from Texas and Majority Leader.

I think there is such a diversity in what we can talk about because both the Majority Leader and my Republican colleagues' solution to our education problems is vouchers. Let us give vouchers to a small number of children instead of fixing the big problem.

That is the difference that I want to talk about today. Let us fix public education. Let us not abandon it. Let us not take away and give vouchers for a small segment, 7,500 that the gentleman talks about, when we have thousands that need help. I do not want to abandon public education and only help a few.

Mr. Speaker, that is why I join a lot of my Democratic colleagues today saying let us fix the problems rather than saying that vouchers are the solution. That is not a solution. That is a short-term, one-time solution for one child.

Let us talk about the millions of children that are in public education. Public education educates millions of children around the country, compared to what private and church-based education can do. There is just not enough private and church-based education to do what they want to do. We need to fix the problems for the millions and not the few; that is what is important today.

My children went to public schools in Texas in an urban environment, and now they attend a public university in Texas. The image that people may have that in Congress a lot of our children go to private schools, that is just not true. Students can get an adequate public education in public schools as well as they can in private schools. It takes parental involvement, it takes dedicated teachers, and it takes business-community partnerships.

President Clinton last week in his State of the Union talked about some of the new initiatives that we need to do, including preparing children for the future. The President and Members, whether it be President, Member of Congress, a doctor, lawyer, engineer, business owner, whatever, that is our job as a Member of Congress and leader of our country, to be able to prepare the children who are in school now, whether it be in the D.C. schools or the schools in my district in Houston, Texas.

One of those initiatives that he talked about is the Head Start program. The President committed to Head Start for one million children, expanding it to one million children. I know in Harris County our Head Start program for a number of years has had problems, but we are fixing it. They serve now over 5,000 students, needy preschoolers.

What we are doing now with the help of both the independent school districts in our community, with Health and Human Service employees and the staff that are helping, we have an interim provider providing the service for 70 percent of those children. We are going to fix it even more by providing a long-term solution for those children in Head Start; and we need to expand it, whether it be in Harris County or all across this great Nation.

We are fixing our problem locally, but we also need to make sure that the funds are there for those children when we can expand it. Head Start works. It works to give children, when they show up at that kindergarten or the public schools or first grade, that same start, that same opportunity as those children whose parents could afford prekindergarten programs.

President Clinton proposed a lot of other great programs for expanding education and making sure that the next generation of Americans can stand in the place that we do and a lot of our colleagues do, to take over the job that a lot of us do here on the floor or also in lots of businesses and places all across the country, including reducing the class size to 18-to-1.

In Texas, we reduced our class size in the 1980s for kindergarten through fourth grade by mandate that the schools could not have more than 22-to-1 in kindergarten through fourth grade. I would like to see that on a national basis.

Again, it is tough to pay for it and tough to have facilities; and that is another thing that the President asked for. For the first time, we will actually see the Federal Government helping with facilities construction. It is great to talk about lowering class size, but we have to have buildings, and we have to have teachers. We have to have Federal assistance. Not a great deal of money, because it is not going to help any one district, but it will help leverage a lot of our districts that are having trouble providing facilities.

Also, he talked about the 100,000 new teachers, if we are going to have smaller class size, 100,000 new teachers helping our children. That is preparing for the next generation of our country, not just a quick fix to have vouchers for a small group of children who are fortunate enough to have a voucher.

Another one of the President's proposals was the Education Opportunity Zones. The Department of Education would select 50 high-poverty urban or rural districts who use high standards of tests for their children, provide the help to teachers and students and schools who need it, prevent students from falling behind by ensuring quality curriculum and teaching and also end social promotion.

I think that is something on this floor that we can probably agree upon on a bipartisan basis. We do not need to continue to promote someone if they are not making the grade in their current district. We are not doing that child a favor.

There are so many good things that I could talk about. I look forward to engaging my colleagues on the other side of the aisle in really dealing with education issues.

BAILOUT OF THE IMF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, this morning I would like to call my colleagues' attention to an op-ed in the Wall Street Journal this morning called "Who Needs the IMF?" It is written by George Schultz, who is the former Secretary of State under President Reagan; Mr. William Simon, who was Secretary of Treasury under Presidents Nixon and Ford; and Mr. Riften, who is a former Chairman of Citicorp/Citibank.

The American taxpayers are being asked to bail out the IMF, and I believe they are being taken advantage of.

□ 1245

The bailout has been organized by the IMF fund to which the United States has contributed roughly 18 percent of the IMF's reserve fund. The IMF, as of 1996, there was about $210 billion in the reserve fund. The United States has been liable for approximately $47 billion of this. This fund has responded to the East Asian financial crisis by nearly liquidating its assets. Thailand has received $17 billion in bailout money; $40 billion has been handed to Indonesia, and South Korea has been given a staggering $68 billion in funds. The total cost of this bailout amounts to more than 14 percent of East Asia's gross domestic product.

Let us put this in perspective: 14 percent of the U.S. gross domestic product would equal over $1 trillion. This breathtaking figure would be 61 percent of the Federal budget. The IMF is engaging in a policy of privatizing the profits and socializing the losses. So instead of helping beleaguered nations, the American taxpayer is guaranteeing a return of investment, of course with a profit attached, to the various investment institutions and investors who knew that they were engaging in highly risky investments. The protected markets, not the open ones, are in trouble.

The financial crisis in East Asia is not the result of excess capitalism. The crisis has been caused and exacerbated by the Asian economies that have been forcibly insulated from the free market through quasi-protectionist practices, especially as it concerns banning foreign financial services to operate in these markets.

The Heritage Foundation, a conservative think tank, reports, quote, the financial crisis in Asia is a culmination of decades of hands-on government regulation of the region's economies, distrust of foreign capital and competition, concentration of power in a family-owned business group with close ties to the government, and closed financial systems and quotes.

As the case with Japan, which has experienced nearly a decade-long recession, these Asian nations have created managed economies by picking economic winners and losers instead of allowing competition to sort out the free market winners and losers. By trying to guide their economies through bureaucratic hands, Thailand, Indonesia, and South Korea have worsened their economic crisis because they have been incapable of taking immediate action to fight the effects of a growing economic free fall. The IMF can lull nations into complacency by acting as a self-appointed leader of last resort.

This fund was originally created in 1944 to assist in global trade by supporting currency convertibility and providing needed financing to defend exchange rates. The purpose of the IMF was entirely dissolved with the demise of the fixed exchange system in 1937 and the advent of international capital markets. But instead of putting the IMF out of business as it should have been, the IMF was allowed by its member nations to redefine itself by becoming a lender to developing nations. Such a change in its mandate automatically increased the risk to its reserve funds and duplicated the efforts of other international financial institutions such as the World Bank.

The IMF money has made investors more reckless with their decisions because they have come to expect that this money will be an insurance plan against the risk of investing in questionable economic settings in foreign nations. They realize their investments will be practically guaranteed. Instead of making wise business decisions, certain investors and institutions get consumed with the thought of great profits despite significant risks.

Most importantly this crisis should teach the world, especially in countries like Japan and China, that true economic reform is needed to wean nations off managed economic policies. By allowing the free market to rule, the nations of East Asia will have the security to avoid these economic downturns that currently have befallen them. Asian nations are facing financial difficulties, not because of outside forces having imposed bad economic policies on them, but because they have imposed these bad policies on themselves.

NUCLEAR TECHNOLOGY EXPORT

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, on January 12 of this year, the Clinton administration issued a statement certifying that China had provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear weapons State either directly or indirectly in acquiring nuclear explosive devices or the material components of such devices. This is the first time in 12 years that a U.S. President has granted such a certification.

I am greatly disturbed by this statement. As many Members of this body are aware, China is a major supplier of weapons of mass destruction, nuclear and missile technology. We have less than 30 days to take action and either reject or accept the certification.

Mr. Speaker, when the United States and China had signed an accord in 1985 to allow American firms to export nuclear technology to China, Members of Congress were concerned over China's sales of nuclear weapons technology to third countries. In response, Congress quickly passed legislation that required the President to first certify that China has not sold or transferred nuclear technology to countries that are not subject to inspection by the International Atomic Energy Agency. In granting this certification, the Clinton administration has chosen to overlook China's recent transfer of nuclear technology to unregulated nuclear facilities in Pakistan and Iran. The administration has accepted a so-called assurance by Beijing that it would cancel or postpone indefinitely several projects, especially secret nuclear facilities in Pakistan and a uranium conversion facility in Iran, as the basis for the United States granting the certification.

The administration continues to overlook CIA findings that the Chinese have sold 5,000 ring magnets to Pakistan for its uranium enrichment facility. The ring magnets were transferred to a laboratory in Pakistan, and the facility is named after the founder of Pakistan's nuclear weapons program. I would like to note that ring magnets are used for the building of nuclear weapons.

The administration has overlooked, in my opinion, a CIA report that described the Chinese sale of a special industrial furnace and high-tech diagnostic equipment to Pakistan. The furnace and diagnostic equipment have dual use and can be used to melt plutonium as well as uranium for nuclear weapons. Furthermore, by granting the certification the administration is willing to approve China's continued support of Pakistan's commitment to build a plutonium production reactor and a plutonium reprocessing plant. These facilities are essential for a nuclear weapons program.

Despite the repeated protests by Members of this body, China continues to assist Pakistan in building a sophisticated nuclear arsenal. Unfortunately, this nuclear arsenal is not subject to international inspection. Furthermore, the administration continues to look the other way as China continues to export technology and ballistic and missile components to Pakistan. I would like to remind my colleagues that Pakistan is not a member of the International Atomic Energy Agency and bans investigators from several of its nuclear facilities. Members of this body have supported and at times insisted that China receive United States peaceful nuclear technology only if China halts all nuclear exports to nations with unregulated nuclear facilities.

Last year a letter was sent to President Clinton by Members of this body stating that China has not earned or behaved in a manner that warrants such certification. The Arms Control and Disarmament Agency's annual report to Congress stated that while the administration could not stipulate a violation, questions remained about contacts between Chinese entities and elements associated with Pakistan's nuclear weapons program.

Mr. Speaker, I hope that many of my colleagues will support legislation that rejects the administration's granting of this certification. We have less than 30 days to act. We must send a message to the Chinese that we will not turn our heads away and accept its nuclear weapons relations with Pakistan. We should not accept the assurances made by the Chinese when they have continually failed to be responsible and act responsibly as a member of the international proliferation community.

CONFIRMATION OF DR. SATCHER AS U.S. SURGEON GENERAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a student of the Constitution, I am reminded of the wisdom of the Founding Fathers in establishing three branches of Government. Also recognizing as the President is the head of this Nation that there should be advice and consent from the other body of this Congress. All of us as Americans respect that process and have watched that process help govern this Nation for the years that it has been a Nation under our Constitution.

But, Mr. Speaker, I would argue very vigorously today that there is a crisis in government and one that must be remedied by the people. We recognize that in this three branches of government there are checks and balances. But there should not be a runaway government.

We understand through statistical analysis and polls that this President was reelected because there was the view of the American people that they wanted to go in a direction of moderation, not in a radical right direction.

And so they voted for a President that they thought would have the powers to select the judiciary for the 21st century. In that judiciary would be combined individuals who would decide cases in a moderate and respectful manner of the law. It would include judges who affirmed and approved and understood that affirmative action was still legal.

But it seems, however, that the other body refuses to confirm and affirm those appointments by the President of the United States who cannot pass their own political litmus test. This is a travesty and this is against the underpinnings of advice and consent that have been given under the Constitution. We need to stop this runaway process. We need to allow the President of the United States to appoint those judges that are needed, some 81 vacancies, denying the American people their justice and saying to those who believe under the Constitution that issues like affirmative action and choice are the law of the land being rejected because they do not pass a political litmus test.

We come again to another crisis, Mr. Speaker. That is the confirmation of Dr. Satcher, Dr. Satcher, who has been nominated by the President of the United States to be the U.S. Surgeon General and be the Assistant Secretary of Health at the Department of Health and Human Services, someone who is a fine scholar but also a medical professional.

The health of the people is really the foundation upon which all their happiness and all their powers as a State depends. This was spoken by Benjamin Disraeli, Earl of Beaconsfield, in a speech in 1877.

What we find here is a bottleneck in the other body, using an unfortunate and negative litmus test to refuse to confirm Dr. Satcher. He has had a distinguished career, an eloquent spokesperson and a proven health professional. He qualifies to succeed in this role.

The surgeon general's job is to develop medical consensus and articulate a broad public health vision, tasks for which Dr. Satcher is well prepared. As Director of the Center for Disease Control and Prevention, the Administrator of the Agency for Toxic Substances and Diseases Registry, and as the former president of Meharry Medical College, Dr. Satcher has made a lasting impression on the public health of this Nation. In fact, through his leadership at the CDC, childhood immunization rates have increased dramatically, growing from 55 percent in 1992 to 78 percent, and vaccine-preventable childhood diseases have been reduced to the lowest level in American history.

Under Dr. Satcher's direction, the CDC has also placed a greater emphasis on prevention. For example, the CDC's comprehensive breast and cervical cancer screening program increased from 18 to 50 States, and the agency highlighted the importance of physical activity and good health by encouraging Americans to become more physically active.

Why, however, is Dr. Satcher's confirmation being held up? Because of some false litmus test about abortion. Because of some belief that he may be prochoice or pro a procedure, none of which should have anything to do with the head of this country's medical message being confirmed or not confirmed, particularly when Dr. Satcher has indicated that it is his desire to lead this country in a comprehensive way of providing an opportunity for more Americans to be healthy.

He is highly respected and supported by the American Medical Association, the American Academy of Family Physicians, the American Academy of Pediatrics, Dr. Louis Sullivan, the President of Morehouse School of Medicine and former Secretary of Health and Human Services under Republican administrations, and numerous other medical groups.

The Office of Surgeon General has been vacant too long. This is a travesty.

Dr. Satcher wrote in 1977 to Senator WILLIAM FRIST, himself a doctor: Let me state unequivocally that I have no intention of using the position of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. That is it, plain and simple. What more do you need? You cannot take away from an individual his right to his opinions and his belief. Stop the travesty. Follow the Constitution. Proceed with the advice and consent from the other body, proceed to nominate and affirm judges that can be independent and Surgeon Generals that can be independent.

□ 1300

NAME CHANGE FOR WASHINGTON NATIONAL AIRPORT SHOULD NOT HAPPEN

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tomorrow this House will take up a bill to strip George Washington's name from Washington National Airport and to rename it the Ronald Reagan National Airport.

I oppose this legislation. My opposition and the opposition of other Members to this bill has nothing to do with personal feelings about President Reagan and his family. In fact, we wish them the best. The debate on this bill should not be about President Reagan or his policies.

I want to repeat this. This debate is not about President Reagan or how best to honor his legacy, this debate is about the majority's efforts to push through a bill that will have serious consequences with little debate and no serious consideration.

In the 7 years I have been a Member of Congress I have never seen greater arrogance than has been exhibited by the majority party in their efforts to enact this legislation. This is an arrogant abuse of power. Washington National Airport is in my district. I have never been consulted about this legislation. I was never asked to appear at a hearing, because there was no hearing. And no one from the other side has even bothered to ask my constituents what they thought about it. If they had, they would find that we do not want this name changed.

Every Member of this House should think how they would feel if the Congress were to vote tomorrow to rename the airport in their district without even consulting them. This bill was drafted without consulting Senators WARNER and ROBB, Virginia's representatives in the other body.

This bill was drafted without consulting the Washington Metropolitan Airport Authority, the body that Ronald Reagan created to govern the Washington National Airport. It was drafted without consulting the Federal Aviation Administration that has to change all the tickets and the rerouting and their whole computer network. The airlines operating out of National were not consulted or the businesses located around the airport in my district. Each of these entities will be significantly and adversely impacted by this bill and each deserves a voice in this decision.

Rather than honor Ronald Reagan and his family and his philosophy of devolving Federal power to State and local governments, this Congress is completely ignoring the expressed wishes of local government when it acts in such an imperious, dictatorial manner. Both Arlington County and the City of Alexandria have gone on record as firmly opposing this renaming bill.

The Greater Washington Board of Trade, which is the equivalent of our regional Chamber of Commerce, opposes this legislation. These local organizations reflect strong public sentiment against H.R. 2526. So rather than respect the conservative principles of Ronald Reagan, this Congress is diminishing the history of the airport and the President for which it was named to glorify another President.

Our local airport was named Washington National Airport for a very good reason. George Washington lived less than 10 miles away from it, on the very same route. He lived at the end of the street where Washington National Airport is located, Mount Vernon. When it was built, President Roosevelt and airport architects wanted the original terminal to bear a resemblance to Mount Vernon, which it does.

Virginia is a State which is proud to have produced so many Presidents and Founding Fathers for this Nation. We do not want to have the name of our first President taken off the busiest airport in our State. Rather than honor President Reagan's belief in limited and preferably local government, this Congress is about to enact a bill that will saddle the Washington Metropolitan Airport Authority and hundreds of local businesses in and around Washington National Airport with great and unnecessary expenses.

The most ironic, and some would say saddest, part of this entire debate is that we are trying to overturn one of President Reagan's accomplishments. It was, after all, President Ronald Reagan who in 1986 signed legislation that ceded Federal control over Washington National and Dulles Airports to the State and regional authorities. That 1986 law granted to the Washington Metropolitan Airport Authority control over these airports. They were not even consulted.

This is wrong. It is an outrageous abuse of power. It should not be done. Do not do it.

By signing that legislation, President Reagan assured that the federal government would get out of the business of running regional airports. He was correct in doing so. He was acting in a manner that was consistent with this core philosophy, which was to devolve power to the state and local governments.

Now, twelve years later, my Republican colleagues want to ignore completely the spirit and purpose of that law and force this name change on unwilling local authorities.

Lest anyone think that this is just a partisan concern, or that we are acting in a petty manner, I ask them to consider not my comments but the comments of former Virginia Governor Linwood Holton, who was also a former chairman of the Washington Airports Authority.

In a letter to me last week, the Governor stated his strong opposition to H.R. 2526. He expressed the concern that this bill defeats the purpose of the 1986 airports law and the underlying lease for the airports between the federal government and the airports authority. That lease grants to the authority—and not to this Congress—the control over all operational issues relating to the airport. And that includes its name!

Governor Holton goes on to articulate the concerns that many of us have about the cost of this name change and its impact on the traveling public.

These are not the concerns of some partisan Democrat, but of the first Republican elected to statewide office in modern Virginia history.

Mr. Speaker, President Reagan has been and will continue to be honored by the American people. His name will be on the Navy's next *Nimitz*-class aircraft carrier. The new international trade center downtown will be dedicated in April as the Ronald Reagan Building. And there is a courthouse in California named after President Reagan.

These honors are appropriate and enjoy bipartisan support.

Let's not subject the President and his family to a divisive debate over renaming Washington National Airport. H.R. 2526 is a bill that is opposed by our local governments in Virginia. It is opposed by the business community. It runs counter to the spirit and purpose of existing law. It diminishes Virginia history and the legacy of George Washington. And it establishes a bad precedent for this House.

I urge the Republican leadership to withdraw this ill-advised and hastily drawn measure.

Mr. Speaker, I include for the RECORD the following:

McLEAN, VA, *January 29, 1998*.

DEAR JIM: I am writing to you in regards to the pending legislation to change the name of the Washington National Airport to "Ronald Reagan National Airport." I had the honor of working closely with the Congress and Secretary of Transportation Elizabeth Dole in advancing the Metropolitan Washington Airports Act of 1986 to transfer Washington National Airport out of the Federal Government to the Metropolitan Washington Airports Authority. This legislation of course was signed into law by President Reagan. The Airports Authority was created by the Commonwealth of Virginia and the District of Columbia. The Federal Government leased Washington National Airport and Washington Dulles International Airport to the Authority for fifty years beginning on June 7, 1987. I was privileged to serve as Chairman of the Authority at that time and I signed that lease on behalf of the Authority.

The purpose of the transfer, as recited in the lease itself, was to achieve "local control, management, operation and development" of the airports. I am very concerned that after ten years of this lease arrangement, the Congress now proposed to take unilateral action to change the name of the airport. This is not at all consistent with either the literal terms or the purpose of that lease agreement. Further, the change to the name as proposed, while honoring a president for whom I have the greatest respect, would be detrimental to the airport and its users and affect the traveling public in ways certainly not intended by the drafters of this legislation.

The lease grants the Authority complete control, power, and dominion over the airports. The intent of Congress, Virginia and the District of Columbia in this arrangement is clear. Even though the Federal Government continues to own the underlying land, the airport is to be treated as any other airport, not as a federal facility. In the past, there have been changes made to the lease at the request of Congress and the changes have been brought about by a mutually agreed upon amendment to the lease to secure the consent of the Airports Authority. The proposed name change legislation does not acknowledge the need to obtain the consent of the Authority and this is inconsistent with the intended relationship between the Federal Government and the Authority.

As for the consequences, the removal of "Washington" from the airport name removed the location and market identifier that is obviously very important to travelers and shippers at points distant from the Washington area. It is worth noting that well over half of those who travel through National are not residents of the Washington region. The word "Washington" provides immediate market and location information. Without it, there will be confusion that does not exist today about where the airport is and what market it serves. The cost of such loss of identity and confusion may not be readily quantified, but I believe that it would be substantial. There also are other costs such as the costs to local businesses who have associated their identities with Washington National Airport.

In conclusion, the legislation which transferred Washington National Airport to the Metropolitan Washington Airports Authority granted to the Authority the control and oversight of the airport. Unilateral action by the Congress to take the drastic action of changing the name of the airport is inconsistent with both the spirit and the intent of the transfer.

Very truly yours,

LINWOOD HOLTON.

LEGISLATION TO KEEP SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, thank you very much. As you well know, Mr. Speaker, the Committee on the Budget for the last 3 hours has been meeting, talking to Mr. Raines, the Director of the Office of Management and Budget. My concern and what I noted to Mr. Raines was the fact that Social Security is in jeopardy.

I have introduced the only bill in this U.S. House of Representatives that has now been scored by the Social Security Administration to keep Social Security solvent, so I applauded the President when he suggested that we put Social Security first. However, as I said to Mr. Raines, in examining the budget that was delivered yesterday, Social Security was not put first. Social Security was put ninth, not first.

And I explained the problem of the expanded spending in this budget, where ahead of Social Security was an expanded Medicare program; ahead of Social Security was the high cost of this global warming agreement; ahead of Social Security was $37 billion expanded role for government in education, where Washington is going to decide more of the decisions and pass more regulations as they pass through that money back to local communities; ahead of Social Security was new penalties for moms who stay at home to take care of their kids with a $21 billion program of government getting into the baby-sitting business; expanded welfare programs were there; infusing $18 billion into the International Monetary Fund, the IMF; the budget created or expanded $39 billion worth of new or expanded entitlement programs. Social Security was definitely not put first.

In the budget was roughly $102 billion of increased taxes, another $23 billion of increased fees, which one could almost consider taxes because eventually they are going to be passed on to the consumer. My question to Mr. Raines was, would he consider taking whatever increased revenues was projected and not spending it on these new expanded "make government bigger and more powerful" programs and put all that surplus into Social Security? And he reacted that, no, they thought they had the correct balance.

I think, Mr. Speaker, that we should change the definition of what a balanced budget is. We are hoodwinking the American people in pretending there is a balanced budget, because there is not. If you look in this book of part of the budget, the historical tables, on page 111, we talk about what happens to the national debt of this country, the Federal debt of this country. The Federal debt in this budget is going up between $100 billion and $200 billion every year for the next 5 years. I personally think that a reasonable definition for a balanced budget is when we stop increasing the national debt.

And the justification is, and it is not just the President, it has been Congress, too, that says, look, we are defining a balanced budget as everything that comes into budget. But everybody should understand what government is doing is overtaxing workers today because there is more money coming in in the Social Security tax than is needed to pay out immediately for benefits. And the Federal Government is taking that money, not only spending it for other social programs but they are taking that money and considering it is balancing the budget.

That should not be the way, Mr. Speaker. We need to start being more honest with the American people. In this budget we should be looking at how we reduce the overall size of government and not, as suggested in this government, in this budget, that we have another $102 billion of taxes, or a total of $129 billion of taxes if you include the fee increases that are going to be put on the American people. We should not increase those taxes to expand government.

We should put Social Security first. I agree with the President. Let us not expand government at a time that we have these huge challenges of saving Social Security and saving Medicare.

SCHOOL OVERCROWDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

Ms. SÁNCHEZ. Mr. Speaker, many of you know that my major legislative focus this past year has been to alleviate California's and the Nation's overcrowded schools. I have introduced a bill, the Expand & Rebuild America's Schools Act, to ensure that schools with high growth rates have a Federal incentive to pass local bond initiatives to help build new schools and new classrooms.

To highlight this legislation, I held a forum this past month in my hometown of Anaheim, California, a forum on school overcrowding, and it was attended by the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader, and the gentlewoman from California (Ms. JUANITA MILLENDER-MCDONALD). She herself is a former teacher in California.

We held it and we had witnesses to talk to us about how they are affected by the overcrowding crisis. Students and teachers, administrators, education experts from my district, Sacramento and Washington, D.C. gave valuable testimony that shed light on what is going right, what is wrong, and what has to be done to help our kids.

And, yes, I did hear a 6th grade student talk about how she no longer has playground space because portable classrooms were needed to be placed on the school's blacktop; or the teacher's frustration who said she was using a coat closet as a workroom; or even the knowledge that I have of having returned to my elementary school there in Anaheim and to see the janitor's mop room now being used as a classroom for special education children. And I know that we need to solve this problem of school overcrowding.

The forum produced many good ideas about what must be done locally and in our State to build more schools, but what remains clear is through this we still need Federal help. I applaud the President for stepping up to the plate and offering two major bond programs to encourage renovation of schools and new school construction. His bond program could be, in my view, more focused on alleviating the crowding of our most impacted schools, and I look forward to working with the administration to ensure that some exception or preference can be given to schools suffering from both high growth rates and little space. For example, the elementary schools in Anaheim were built for 500 students, yet each of them has almost 1100 students attending. And, of course, they are now on year-round schedule.

My legislation, which offers a similar bond financing program, is a good example of getting local people to take on the responsibility of financing their schools with an incentive that if they do this, we will help them, not by creating more Federal bureaucracy or a new spending program, but by offering interest free rates on bonds because the Federal Government will provide a tax credit to the lenders in the amount of the interest. Therefore, these local agencies will only have to repay the principal. Only schools which are highly impacted by overcrowding can qualify for these bonds.

School overcrowding is not only just a problem in Orange County or in California, but States such as Nevada and Arizona, Florida, and Pennsylvania are experiencing the same challenges. If my colleagues would like additional information about the forum and the information we have received there, please contact me. And I hope that we can work together to ensure that our children can get all the space that they need.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2:00 p.m.

Accordingly (at 1 o'clock and 14 minutes p.m.), the House stood in recess until 2:00 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 2 p.m.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We admit, O gracious God, that we strive to know Your love, but we realize in our hearts that we miss the mark; we confess that we seek to do Your will in our lives, but we know in our hearts that we often fail; we acknowledge that we aspire to obey Your commandments, but in our hearts we can follow a selfish path. O God of Gods and Creator of all the world, breath into us a new spirit of faith and hope and love that we will be the people You would have us be and do those good works that honor You and serve people in their need. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. NORWOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. NORWOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, January 30, 1998 at 10:03 a.m.: that the Senate passed without amendment H.R. 3042.

With warm regards,

ROBIN H. CARLE, *Clerk.*

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 15, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: It is with very mixed feelings that I write to you to tender my resignation from the House of Representatives, effective at the close of business on Friday, February 6, 1998. After so many years of watching my family's sacrifice, in the interests of public service, I find that the requirements of being more available to them now press very hard upon me. Therefore, I will leave the House and turn my attention to these pressing matters.

Serving in the House has been a profound honor, both because it has allowed me to share in the traditions and history of the House and because of the incredible district that I was honored to represent in the House chamber. I will miss my many colleagues and the opportunity to contribute so directly to the governance of our nation. I leave with a sense of significant accomplishment, as well as with the optimism with which I entered the chamber for the first time in 1971. I will value our friendship and the challenging debate that we have engaged in over these many years.

Mr. Speaker, I wish you well and extend through you my very best wishes to all of our colleagues.

Sincerely yours,

RONALD V. DELLUMS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
January 27, 1998.

Gov. PETE WILSON,
State Capitol,
Sacramento, CA.

DEAR GOVERNOR WILSON: I write to you pursuant to California law to advise you that I will resign my office, Representative in Congress, 9th California District, effective at the close of business on February 6, 1998. I have similarly advised the Speaker of the House of Representatives.

I appreciate and have been honored by the opportunity to have served the people of the State of California in the United States Congress.

Sincerely yours,

RONALD V. DELLUMS,
Member of Congress.

COMMUNICATION FROM THE HONORABLE HENRY BONILLA, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable Henry Bonilla, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that my office has been served with a subpoena (for written testimony and documents) issued by the 63rd District Court for Val Verde County, Texas, and directed to the "Custodian of Records, United States of Representatives."

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

HENRY BONILLA,
Member of Congress.

A LEOPARD CANNOT CHANGE HIS SPOTS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, it is often said that a leopard cannot change his spots. It must also be said of Bill Clinton that he cannot stop his bad habits, the most obvious of those habits being his propensity to tax and spend.

The President's budget submission is a reaffirmation of this administration's commitment to a bigger government and a heavier tax burden for working Americans. The President's budget includes close to $100 billion in new taxes to pay for close to $100 billion in bigger government.

The American people do not want new taxes and they do not want new government programs. They want a smaller and smarter government that takes less of their money and works more effectively for their families. This is not the time to increase taxes. This is the time to cut taxes. The President's budget is a disappointment, but not a surprise. One cannot expect a leopard to change its spots and one cannot expect President Clinton to embrace the concepts of a smaller and smarter Federal Government.

KARLA FAYE TUCKER DESERVES THE DEATH PENALTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Karla Faye Tucker, who is scheduled to be executed tonight, has asked for clemency. This is the same Karla Faye Tucker who brutally murdered two helpless victims with a pick ax, no less. At that trial, Karla Faye testified, and I quote, that she "enjoyed every single killing stroke" and that she knowingly did not pay any attention to the screams and pleas of her dying victims.

But now, Karla Faye has found the Lord and she begs for mercy. Beam me up, Mr. Speaker. Who now speaks for the innocent victims of Karla Faye Tucker? I say good night, sweet princess. Karla Faye Tucker has deserved the death penalty. She earned it with every single enjoyable killing stroke on those helpless victims.

Think about it. An America that tolerates and coddles murderers will continue to have them.

COMPETITION IN COMMUNICATIONS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. Mr. Speaker, there are critics of Congress and the Communications Act of 1996 who say our efforts to bring competition to the American people have failed. Now, Mr. Speaker, we know that Rome was not built in one day. We also know, thanks to this act, we are seeing competition in this industry sprout like a budding flower on a spring morning.

This act is working, Mr. Speaker. Almost 300 companies have been certified as local carriers in the territory just covered by Bell South. What we need now is for industry to completely honor the intent of the act and for the regulators, both Federal and as well as local regulators, to move as quickly as possible to implement this act the way Congress intended it to be.

Mr. Speaker, let us bring real choice, cheaper prices, and one-stop shopping to all consumers as soon as possible.

ARLINGTON NATIONAL CEMETERY INTEGRITY ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I rise to offer legislation that will restore the integrity of the final resting place for many of our veterans at Arlington National Cemetery. In recent months we have heard about 69 nonveterans who were granted waivers by the Secretary of the Army to be buried in Arlington over the last 6 years. We also heard allegations that campaign donations may have influenced the waiver process.

While an investigation by the GAO found no wrongdoing, the need for tightened standards has become evident.

That is why today I am introducing the Arlington National Cemetery Integrity Act, which will put into law the current regulations allowing veterans, certain family members, and a few distinguished government officials who have served on active duty to be interred at the cemetery. This bill will end the practice of granting waivers and legally clarify once and for all who may be buried at Arlington Cemetery.

Being laid to rest at Arlington is the last honor we can bestow upon our veterans. The Arlington National Cemetery Integrity Act will provide this honor for veterans for years and years to come.

THE CLINTON BUDGET: A RETURN TO BIG GOVERNMENT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, remember when President Clinton told us that the era of big government is over? Well, apparently he has had a change of heart, because his latest budget proposal is a true monument to big government excess. Billions and billions and billions in new taxes, and billions and billions and billions in new Federal spending. So much for presidential promises, welcome back, big government.

This Congress cannot and will not accept a return to the tax and spend days of old. Because the taxpayers in 1994 installed a new majority in Congress, family income is up, interest rates are down, unemployment is down, and tax relief is finally on the way. And the budget will soon show a surplus for the first time in a generation. It is no time to turn back the clock.

Mr. Speaker, the President's budget completely ignores last year's balanced budget agreement by creating a variety of new spending programs and a host of new taxes. That is not what the taxpayers had in mind. Let us balance the budget. Let us cut taxes, let us do it now.

DEATH PENALTY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, tonight Karla Faye Tucker may well be executed. But whether Ms. Tucker lives or dies, her case is making the country think more reflectively about the death penalty.

The moral bankruptcy of adopting death and violence to conquer death and violence has not been lost on our moral leaders, such as the Catholic Church, and the American people are beginning to appreciate the futility of execution. Given a choice, most people would choose life without parole, plus restitution to the victim's family, over the death penalty.

In the Senate, there is a bill that few Americans would condone to impose the death penalty on the District despite a referendum and a council vote to the contrary.

Karla Faye Tucker's Christian conversion has drawn her much support. May her faith convert us all from selective Christianity when it comes to the death penalty.

AN ORDINARY HERO

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, Ronald Reagan said, we all have the right to dream heroic dreams. Those who say we are in a time where there are no heroes just do not know where to look. We can see heroes every day going in and out of factory gates. Others, a handful of them, produce enough food to feed all of us and then the world beyond. We meet heroes across the counter and they are on both sides of that counter. They are entrepreneurs with faith in themselves and faith in a new idea who create jobs, new wealth, new opportunity. They are individuals and families whose taxes support the Government and whose voluntary gifts support church, charity, art, and education. Their patriotism is quiet, but deep. Their values sustain our national life.

Mr. Speaker, Ronald Reagan believed in us, in our capacity to perform great deeds. He was the American President in the American century. It is altogether fitting that we rename our National Airport after him.

THE AMERICAN DREAM FOR ALL

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am not sure if my colleagues on the other side of the aisle heard the same message that I heard and the American people heard at the State of the Union, and as well, at the budget presentation that was made by the President just yesterday; that is, that we have the first balanced budget in the history of this Nation in the last 30 years.

In addition, let me offer to say to my colleagues that the point is how the American people perceive the next decade and the 21st century. Are my colleagues to tell me that the American people do not want real, viable and trustworthy child care; that we are not suffering from the crumbling schools around the Nation; that we do not want to emphasize education and opportunities for higher education for those moving from welfare to work? I think not.

Mr. Speaker, a 79 percent approval rating after the State of the Union indicates that the American people want action. Yes, they want a balanced budget, but they also want to go into the future, standing tall. They want an increase in the minimum wage. Yes, they want the same things that those who make $200,000 and up have in this country. They want the American dream.

So I say to my colleagues, follow the American people, and if you cannot, get out of the way, because we have a balanced budget and we have a vision for the 21st century.

□ 1415

RENAMING NATIONAL AIRPORT FOR PRESIDENT RONALD REAGAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, former President Ronald Reagan never lobbied personally for his place in history. This kind of self-confident leadership style is often missed in Washington, today more than ever.

It is a travesty that partisan politics has entered into what should be a bipartisan tribute to this great man. Whether my colleagues agree or disagree with Ronald Reagan's philosophy, I doubt that anyone can question Reagan's great love for this Nation and his dedication to his role as the leader of the free world.

People from around the world visit our Nation's capital each year. We need to show them the enormous sense of pride that all America takes in honoring his legacy. In an era where partisan politics have so often replaced open and honest debate, the time has come to say enough is enough. For once, just once, let us put aside our egos and with this simple but grand gesture pay tribute to this great man who is so deserving.

I urge my colleagues to support H.R. 2625 when it comes before the House Floor tomorrow.

MEDICARE VENIPUNCTURE SENIORS PROTECTION ACT

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, today I am introducing the Medicare Venipuncture Seniors Protection Act. This bill will delay the implementation of a section in the Balanced Budget Act which changes the Medicare coverage for venipuncture, or the drawing of blood.

By delaying the implementation of this provision for 18 months, we will be able to study the impact of this change on the elderly and the frail more closely. I fear that, without closer examination, we may make a rash decision which could be devastating to the health care needs of many of our country's seniors.

I fully support eliminating waste, fraud, and abuse from the Medicare program, but throwing the baby out with the bath water is not the answer, and that is exactly what the change in venipuncture coverage may do.

Mr. Speaker, I urge my colleagues to join with me in fighting to make sure that our seniors are protected during this change and that no one who depends on this home health care service is left out in the cold.

RONALD REAGAN'S LEGACY

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, there are those who still turn a blind eye to the legacy of President Ronald Reagan. Although he left office in 1989 as one of the most beloved presidents of this century, there are some academicians and members of the political left who still want to denigrate his place in history.

When we look at the opening of the Soviet archives over the last few years, and the testimony of former Soviet leaders themselves, we see that President Reagan's strong foreign policy and defense buildup were responsible for the fall of the communist empire.

The transformation of the American economy under his stewardship into a low-tax, deregulated economy has now made our country the envy of the world.

Mr. Speaker, there is no better way to honor his achievement than to rename Washington National Airport after President Ronald Reagan, one of the truly great presidents in American history.

ON THE 200TH ANNIVERSARY OF THE DEATH OF GEORGE WASHINGTON

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today, along with Speaker GINGRICH, I will be introducing a concurrent resolution remembering the life of George Washington and his significant contributions to our Nation.

As my colleagues will recall, December 14, 1999, will be the 200th anniversary of the death of George Washington, the founder of our Nation and protector of our liberties. Throughout his life, George Washington projected selfless bravery and astute decision-making, all of which helped to formulate our great Nation into what it is today.

Today, the Mount Vernon Ladies Association of the Union, which maintains the Mount Vernon estate and directs research education programs relating to George Washington, will be on Capitol Hill to demonstrate their support for this resolution.

Accordingly, I invite my colleagues to join me and the Speaker and the Mount Vernon Ladies Association in supporting this concurrent resolution in observation of the 200th anniversary of the death of George Washington, commemorating this notable public servant, an outstanding president, and a courageous general and a splendid human being.

LAOTIAN GOVERNMENT SHOULD RELEASE PRISONERS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, Jerry Canfield, long-time city attorney in Ft. Smith, and his wife Meg have been held in custody by the Laotian government since last Friday. They were arrested along with one other American and 40 Laotians.

What was their crime? They were helping Laotians build water systems. But could it also be that they were peacefully assembling to exercise freedom of religion, freedoms that we in a democratic Nation exercise routinely?

The Americans have been released, but what about the 40 Laotians who are still in custody? It is my hope and prayer that these Laotians will be released as well and that the Laotian government recognize that freedom works, not just in America but throughout the world.

PRESIDENT'S BUDGET NOT ALL THAT IS PROMISED

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, yesterday the President sent to Congress his budget. He claims that this is the first balanced budget in 30 years. Is that true? Only in Washington could this be called a balanced budget.

The President proposes to borrow an additional $185 billion this year in this budget. That is right. The national debt this year would go up another $185 billion. As a matter of fact, the President's plan over the next 6 years would increase the national debt by $1 trillion. And they say that is balanced.

The President claims that the surpluses in this budget would go to make Social Security solvent. That is not quite accurate either, Mr. Speaker. The President's budget continues, repeat continues, the practice of raiding the Social Security Trust Fund.

To top it all off, the President is proposing to increase taxes. As a matter of fact, under this plan, the President's plan, taxes would be at the third highest level than they have ever been in the history of the United States.

So this budget increases taxes, it adds more debts, and it raids the Social Security Trust Fund. This is business as usual, Mr. Speaker. Shame on the President. And if Congress adopts this budget, shame on Congress.

PRESIDENT'S BUDGET IS BUSINESS AS USUAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, a year ago the President proclaimed the era of big government is over. And then recently he said, it is now the end of an era, meaning we have a surplus and we had a lot of ways to spend it. So I guess the era that big government was over was only about an 11-month period of history in the United States. Now we are back to the government spending as usual.

The President came on like gangbusters, Santa Claus on Christmas morning, with all kinds of high taxes, new spending programs, old Democrat stuff, tried and true methods of buying blocs of voters one at a time.

One thing the President forgot in his speech, he said the deficit had 11 zeros. Actually, the debt has more zeros than the deficit. I believe the President confused the debt with the deficit, and he thinks we have paid off the debt.

Mr. Speaker, the children of the United States of America, and all others, are faced with over a $5 trillion debt. We have got to pay down the debt. That should be the highest priority with the surplus.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. GOODLATTE) laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, February 2, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 31 U.S.C. 1105, attached is the Budget of the United States Government for Fiscal Year 1999.

Sincerely,

WILLIAM J. CLINTON.

BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–177)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

The 1999 Budget, which I am submitting to you with this message, is a balanced Federal budget, marking the first such budget in 30 years and bringing an era of exploding deficits to an end.

By reaching balance, my budget represents a remarkable turnaround in our fiscal policy over the last five years. It brings to an end three decades of fiscal chaos, a period in which Americans had lost confidence in their Government and the ability of their leaders to do the people's business.

This budget is not just balanced, it is balanced the right way. It not only ends the deficit, it reflects the values that Americans hold dear—the values of opportunity, responsibility, and community. The budget reflects my commitment to continue helping working families with their basic needs—to raise their children, send them to college, and pay for health care.

The budget invests in education and training and in research to raise the standard of living for average Americans. It invests in the environment and in law enforcement to raise the quality of life across our Nation. It invests in our communities at home while providing the resources to maintain a strong defense and conduct the international relations that have become so important to our future.

In the public and private sectors, prospects for a budget surplus are spurring a wide array of ideas about how to spend it. At this point, the Government has not yet reached the surplus milestone, and I continue to believe strongly that we should not spend a surplus that we don't yet have.

More specifically, I believe that the Administration and Congress should not spend a budget surplus for any reason until we have a solution to the long-term financing challenge facing Social Security. With that in mind, my budget proposes a reserve for the projected surpluses for 1999 and beyond.

PREPARING THE NATION FOR A NEW AMERICAN CENTURY

Five years ago, my Administration took office determined to restore the American Dream for every American. We were determined to turn the economy around, to rein in a budget that was out of control, and to create a Government that once again would focus on its customers, the American people.

Five years later, we have made enormous progress. Our economy is strong, our budget is headed toward balance, and our Government is making noticeable progress in providing better service to Americans.

We are beginning to bring Americans together again, to repair the social fabric that has frayed so badly in recent decades. All across America, crime is down, poverty is down, and welfare is down. Incomes are rising at all levels, and a new spirit of optimism is sweeping through many of our urban and rural communities that are rebounding from decades of lost jobs and lost hope.

Now that we have turned the economy around, our task is to spread the benefits of our economic well-being to more Americans, to ensure that every American has the chance to live out his or her dreams. As we move confidently ahead as a Nation, we want to ensure that nobody is left behind.

A century ago, the economy shifted from agriculture to manufacturing, changing the way that Americans lived, the way they worked, the way they related to one another. Today, the economy is shifting once more, this time from manufacturing to services, information, technology, and global commerce.

We can ensure that every American fully enjoys the benefits of this exciting new age, but only if we continue to give people the tools they need and create the conditions in which they can prosper. That is what my budget is designed to do.

CREATING A BRIGHT ECONOMIC FUTURE

When my Administration took office, the Nation was mired in economic problems. The economy had barely grown over four years, creating few jobs. Interest rates were high. Incomes remained stagnant for all but the most well-off. The budget deficit, which had exploded in size in the early 1980s, had reached a record $290 billion and was headed higher. Clearly, the Nation needed a new course.

We launched an economic policy with three central features that had never before been tried together: We set out to reduce the deficit, invest in the American people, and open up markets abroad. Only by pursuing all three elements could we restore the economy and build for the future.

My 1993 budget plan, the centerpiece of our economic strategy, was a balanced plan that cut hundreds of billions of dollars of Federal spending while raising income taxes only on the top 1.2 percent of Americans. By cutting unnecessary and lower-priority spending, we found the resources to cut taxes for 15 million working families while investing in education and training, the environment, and other priorities.

Five years later, we have cut the deficit dramatically, and this budget will finish the job by reaching balance and keeping the budget in balance for the foreseeable future. We have invested in the education and skills of our people, giving them the tools they need to raise their children and get good jobs in an increasingly competitive economy. We have expanded trade through global as well as bilateral agreements, generating record exports that create high-wage jobs for millions of Americans.

The economy responded almost immediately to our policies. When I announced my 1993 budget plan, interest rates fell, and they fell even more as I worked successfully with Congress to put the plan into law. These lower interest rates helped to spur the steady economic growth and strong business investment that we have enjoyed for the last five years. Our policies have helped create over 14 million jobs, while interest rates have remained low and inflation has stayed under control.

As we move ahead, I am determined to ensure that we stick with the policies that are working. We must maintain our fiscal discipline so that we not only reach balance, but also keep the budget in balance.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

We are balancing the budget the right way, by reducing the size and scope of our Government.

We have done more than just eliminate hundreds of Federal programs and projects. We have cut the civilian Federal work force by over 316,000 employees, giving us the smallest work force in 35 years. In fact, as a share of our total civilian employment, we have the smallest work force since 1931.

But we set out to do more than just cut Government. Under the leadership of the Vice President's National Performance Review, we set out to make Government work, to create a Government that is more efficient and effective, to create a Government focused on its customers, the American people.

We have made real progress, but we still have much work to do. We have reinvented parts of departments and agencies, but now we are determined to turn our agencies around from top to bottom. For 1999, the Vice President will lead an effort to improve the performance of agencies that interact most with the American people. We want to enable Americans not only to quickly enjoy better service from our Government, but to regain confidence in Government as well.

At the same time, I am determined that we will solve the very real management challenges before us. A good example is the challenge of ensuring that our computer systems can accurately process the year 2000 date change. I have directed my Administration to take the necessary steps to meet the problem head-on.

PREPARING FOR THE 21ST CENTURY

Nothing is more important to our future than education. It has become the dividing line between those who are moving ahead and those who are lagging behind. That is why I have devoted so much effort to ensure that we have a world-class system of education and training in place for Americans of all ages. Over the last five years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that anyone who wants to go to college can get the financial help to attend, and that those who need a second chance at education and training or a chance to improve or learn new skills can do so. My budget significantly increases funds to help children, especially in the poorest communities, reach challenging academic standards and makes further progress in implementing voluntary national tests. It proposes to build more classrooms and pay for 100,000 more teachers so that we can reduce class sizes. For higher education and training, my budget increases Pell Grants and other college scholarships from the record levels that we have already achieved; expands College Work-Study to a record one million students; streamlines student loan programs and cuts student fees; and expands access to job placement services, training, and related services for dislocated workers and others. Now that anyone who wants to attend college can find the means through Hope scholarships, Pell Grants, and other assistance that we worked so hard to enact, I want to provide the same universal opportunity for job training and re-training to those who need it.

Over the last five years, we have worked hard to help working families. We cut taxes for 15 million working families, provided a tax credit to help families raise their children, ensured that 25 million Americans a year can change jobs without losing their health insurance, made it easier for the self-employed and those with pre-existing conditions to get health insurance, provided health care coverage for up to five million uninsured children, raised the minimum wage, and provided guaranteed time off for workers who need to care for a newborn or address the health needs of a family member. Now, with my new Child Care Initiative, I am determined to provide the help that families need when it comes to finding safe, high-quality, affordable child care. Parents should know that, when they go to work, their children are in safe, healthy environments. I also propose to address the problems faced by a particular group of working families—legal immigrants. In signing the 1996 welfare reform law, I said that I would try to restore the cuts in benefits for legal immigrants that were not only harsh and unnecessary but that had nothing to do with the fundamental goal of welfare reform—to move people from welfare to work while protecting children. My budget restores Food Stamps to 730,000 legal immigrants and lets States provide health insurance to the children of legal immigrants.

This past year, we continued to improve health care for millions of Americans. we strengthened Medicare by extending the life of the trust fund until at least 2010, while we also invested in preventive benefits, introduced more choice of health plans, and strengthened our expanding array of activities to combat fraud and abuse. We extended health care coverage to up to five million uninsured children. We created the Advisory Commission on Consumer Protection and Quality in the Health Care Industry and we later endorsed its Health Care Consumer Bill of Rights. With this budget, I propose that we build on our achievements on a host of important fronts. I want to work with Congress to enact national bipartisan tobacco legislation; nothing is more potentially important to the health of our people, particularly children. My budget also proposes to expand health care coverage for some of the most vulnerable Americans aged 55 to 65, to enroll more eligible children in Medicaid, to provide for unprecedented levels of investment in health research, to expand access to powerful AIDS therapies, to expand access to cancer clinical trials, to increase funds for substance abuse treatment and prevention, and to help reduce health-related disparities across racial and ethnic groups.

Last year was a remarkable one for the environment, and I am determined to build on our progress. Led by the Vice President, the Administration reached an historic international agreement in Kyoto that calls for cuts in greenhouse gas emissions. We also issued new, more protective air quality standards to better safeguard public health, and we strengthened our citizens' right to know about toxic chemical releases. We continued to protect our natural treasures, such as Yellowstone National Park and Florida's Everglades, and to make further progress toward my goal of cleaning up 900 hazardous waste sites under the Superfund by the end of the year 2001. With this budget, I am proposing an Environmental Resources Fund for America that will support increases for many of our key environmental programs. It provides for more construction, maintenance, and land acquisition for national parks, forests, refuges, and other public lands; for a new effort to improve the quality of our water; for improvements to community drinking water and wastewater facilities; and for continuing our efforts to clean up abandoned hazardous waste sites. My budget also includes a new, five-year, $6 billion program to prevent global warming, and more resources to protect endangered species, control pollution, and preserve the global environment.

I am proposing a Transportation Fund for America, reflecting my commitment to provide the resources to ensure that our transportation infrastructure remains safe, integrated, and efficient enough to serve our growing needs. Investment in infrastructure is good for America because it helps grow the economy, improve safety and public health, strengthen our competitiveness abroad, support our national security, and increase the mobility, access, and choice for Americans who need to travel. We must build upon our vast network of roads, highways, and bridges to meet the demands of the next century for a system that links our various modes of travel, that is cleaner and safer, and that helps bring together and support our urban and rural communities. My budget maintains the Administration's record support for transportation, and the Fund includes all of the Transportation Department's highway, highway safety, transit, and air transportation programs.

Scientific and technological advances have created a world vastly different from the one our grandparents knew. They have helped generate huge leaps in the speed and economy of transportation, enormous increases in farm productivity, lightning-fast flows of information and services across national borders, and advances in treating and preventing diseases and protecting the environment. Because I am committed to America's continued leadership in science and technology, I am proposing a Research Fund for America, from which many of our important investments will flow. It includes record increases for the National Institutes of Health, higher funding for the National Science Foundation, new resources to address global climate change, and a wide variety of investments in basic and applied research. These investments are vital; they help to create new knowledge, train more workers, spur new jobs and industries, address our health care challenges, strengthen our understanding of environmental problems, better educate our children, and maintain a strong national defense.

Our anti-crime strategy is working. Serious crime is down five years in a row and, in 1996, we witnessed the largest drop in violent crime in 35 years. But, because crime remains unacceptably high, we must go further. My budget expands our community policing (COPS) program, which is already putting 83,000 more police on the streets toward my goal of 100,000 by the year 2000. The budget also proposes a new Community Prosecutors Initiative to help prosecutors prevent crimes from occurring, rather than simply prosecuting criminals after the fact. And it provides the necessary funds to prevent violence against women, to help States and Indian Tribes build prisons, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget provides the resources to strengthen border enforcement in the South and West, to remove illegal aliens, and to expand our efforts to verify whether newly hired non-citizens are eligible for jobs. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction. It continues to build on our innovative Drug Courts initiative, proposes School Drug Prevention Coordinators for our schools, supports local efforts that target drug-using offenders, expands drug testing, and strengthens our efforts to make our ports and borders more secure from drugs while disrupting drug trafficking organizations overseas.

Most Americans are enjoying the fruits of our strong economy. But while many urban and rural areas are doing better, too many others have grown disconnected from our values of opportunity, responsibility, and community. Working with State and local governments and with the private sector, I am determined to help bring our distressed areas back to life, to replace despair with hope. My budget expands my national service program, giving more Americans the chance to serve their country and help solve problems at the local level while earning money for college. I am proposing to create more Empowerment Zones and Enterprise Communities that offer tax incentives and direct spending to encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also expands opportunities for homeownership, provides more funds to enforce the Nation's civil rights laws, maintains our Government-to-Government commitment to Native Americans, and strengthens the partnership we have begun with the District of Columbia.

Because America continues to have a tremendous stake in world affairs, my budget proposes the necessary funds to maintain national security, to conduct our diplomacy, to promote democracy and free markets abroad, and to increase exports. Last year, my Administration worked with Congress to increase international affairs spending. But, Congress faces an unfinished agenda to provide financial support for, and fulfill America's obligations to, a number of international organizations that benefit our economy and serve other objectives, including the International Monetary Fund (IMF), the United Nations system, and the multilateral development banks. Congress should continue to support the decisive action of the IMF as well as our leadership in that institution by providing the supplementary contingent IMF funding that the Administration has sought and replenishing the IMF's basic financial resources. Congress also should give the President traditional trade negotiating authority to help fuel our surging exports into the next century. To enhance national security, my budget maintains large-scale funding to support the Middle East peace process, continues assistance to Bosnia to carry out the Dayton Accords, supports NATO expansion, and increases aid to the New Independent States of the former Soviet Union to support the development of democracy and free markets. I am also proposing a major initiative to provide critical, targeted assistance to African countries that are undertaking difficult economic reforms, and my budget increases counter-narcotics aid to Latin American countries and supports the Summit of the Americas.

Our military serves as the backbone of our national security strategy, and I am committed to maintain a strong and capable military that protects our freedoms and our global leadership role as we approach the 21st Century. The budget continues the Administration's plan to complete the careful resizing of our military forces, to fully support military readiness, to strengthen quality of life programs for our armed forces, and to provide increased funding to modernize our forces as new technologies become available after the turn of the century. My budget reflects the recommendations of the Quadrennial Defense Review and of the Defense Department's recent Defense Reform Initiative to achieve a leaner, more efficient, and more cost-effective organization by improving management and business practices. To implement these improvements, the Defense Department will send legislation to Congress in conjunction with this budget, including a request for two more rounds of base closures and realignments.

INVESTING IN THE COMMON GOOD

Our commitment to balance the budget, and to keep it in balance, will mean that the Administration and Congress must use taxpayer dollars as wisely as possible. If we are to continue funding Federal programs, they will have to show that they are reaching the goals set for them. That is, they will have to show that they are well-run and that they can produce results.

In 1993, I actively supported, and was eager to sign, the Government Performance and Results Act. With this budget, I am delighted to send Congress what the law envisioned—the first comprehensive, Government-wide Performance Plan.

In developing this budget, the Administration for the first time could rely on performance measures and annual performance goals that are now included in agency Annual Performance Plans. We have made a good start on the process that the Administration and Congress outlined in enacting the 1993 law.

As we continue to implement this law, my Administration will focus more and more attention on how programs work, whether they are meeting their goals, and what we should do to make them better. We look forward to working with Congress on our shared goal of improving Government performance.

WILLIAM J. CLINTON.

February 2, 1998.

☐ 1445

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules, but not before 5 p.m. today.

LAWS RELATING TO PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1085) to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations", as amended.

The Clerk read as follows:

H.R. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 36, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to patriotic and national observances, ceremonies, and organizations, are revised, codified, and enacted as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations", as follows:

TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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139. Steelmark Month.
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§ 101. American Heart Month

The President is requested to issue each year a proclamation—

(1) designating February as American Heart Month;

(2) inviting the chief executive officers of the States, territories, and possessions of the United States to issue proclamations designating February as American Heart Month; and

(3) urging the people of the United States to recognize the nationwide problem of heart and blood vessel diseases and to support all essential programs required to solve the problem.

§ 102. Asian/Pacific American Heritage Month

(a) DESIGNATION.—May is Asian/Pacific American Heritage Month.

(b) PROCLAMATIONS.—The President is requested to issue each year a proclamation calling on the people of the United States, and the chief executive officers of each State of the United States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Marshall Islands, Micronesia, and Palau are requested to issue each year proclamations calling on the people of their respective jurisdictions, to observe Asian/Pacific American Heritage Month with appropriate programs, ceremonies, and activities.

§ 103. Cancer Control Month

(a) GENERAL.—The President is requested—

(1) to issue each year a proclamation designating April as Cancer Control Month; and

(2) to invite each year the chief executive officers of the States, territories, and possessions of the United States to issue proclamations designating April as Cancer Control Month.

(b) CONTENTS OF PROCLAMATIONS.—As part of those proclamations, the chief executive officers and President are requested to invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of cancer by education and other cooperative means to unite during Cancer Control Month in a public dedication to the program and in a concerted effort to make the people of the United States aware of the need for the program.

§ 104. Carl Garner Federal Lands Cleanup Day

(a) DESIGNATION.—The first Saturday after Labor Day is Carl Garner Federal Lands Cleanup Day.

(b) PROCLAMATION.—The President shall issue a proclamation calling on the people of the United States to observe Carl Garner Federal Lands Cleanup Day with appropriate programs, ceremonies, and activities. However, activities may be undertaken in individual States on a day other than the first Saturday after Labor Day if a manager of Federal land decides that an alternative date is more appropriate because of climatological or other factors.

§ 105. Child Health Day

The President is requested to issue each year a proclamation—

(1) designating the first Monday in October as Child Health Day; and

(2) inviting all agencies and organizations interested in child welfare to unite on Child Health Day in observing exercises that will make the people of the United States aware of the fundamental necessity of a year-round program to protect and develop the health of the children of the United States.

§ 106. Citizenship Day

(a) DESIGNATION.—September 17 is Citizenship Day.

(b) PURPOSE.—Citizenship Day commemorates the formation and signing on September 17, 1787, of the Constitution and recognizes all who, by coming of age or by naturalization, have become citizens.

(c) PROCLAMATION.—The President may issue each year a proclamation calling on United States Government officials to display the flag of the United States on all Government buildings on Citizenship Day and inviting the people of the United States to observe Citizenship Day, in schools and churches, or other suitable places, with appropriate ceremonies.

(d) STATE AND LOCAL OBSERVANCES.—The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.

§ 107. Columbus Day

The President is requested to issue each year a proclamation—

(1) designating the 2d Monday in October as Columbus Day;

(2) calling on United States Government officials to display the flag of the United States on all Government buildings on Columbus Day; and

(3) inviting the people of the United States to observe Columbus Day, in schools and churches, or other suitable places, with appropriate ceremonies that express the public sentiment befitting the anniversary of the discovery of America.

§ 108. Constitution Week

The President is requested to issue each year a proclamation—

(1) designating September 17–September 23 as Constitution Week; and

(2) inviting the people of the United States to observe Constitution Week, in schools, churches, and other suitable places, with appropriate ceremonies and activities.

§ 109. Father's Day

(a) DESIGNATION.—The 3d Sunday in June is Father's Day.

(b) PROCLAMATION.—The President is requested to issue a proclamation—

(1) calling on United States Government officials to display the flag of the United States on all Government buildings on Father's Day;

(2) inviting State and local governments and the people of the United States to observe Father's Day with appropriate ceremonies; and

(3) urging the people of the United States to offer public and private expressions of Father's Day to the abiding love and gratitude they have for their fathers.

§ 110. Flag Day

(a) DESIGNATION.—June 14 is Flag Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) calling on United States Government officials to display the flag of the United States on all Government buildings on Flag Day; and

(2) urging the people of the United States to observe Flag Day as the anniversary of the adoption on June 14, 1777, by the Continental Congress of the Stars and Stripes as the official flag of the United States.

§ 111. Gold Star Mother's Day

(a) DESIGNATION.—The last Sunday in September is Gold Star Mother's Day.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on United States Government officials to display the flag of the United States on all Government buildings, and the people of the United States to display the flag and hold appropriate meetings at homes, churches, or other suitable places, on Gold Star Mother's Day as a public expression of the love, sorrow, and reverence of the people for Gold Star Mothers.

§ 112. Honor America Days

(a) DESIGNATION.—The 21 days from Flag Day through Independence Day is a period to honor America.

(b) CONGRESSIONAL DECLARATION.—Congress declares that there be public gatherings and activities during that period at which the people of the United States can celebrate and honor their country in an appropriate way.

§ 113. Law Day, U.S.A.

(a) DESIGNATION.—May 1 is Law Day, U.S.A.

(b) PURPOSE.—Law Day, U.S.A., is a special day of celebration by the people of the United States—

(1) in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; and

(2) for the cultivation of the respect for law that is so vital to the democratic way of life.

(c) PROCLAMATION.—The President is requested to issue a proclamation—

(1) calling on all public officials to display the flag of the United States on all government buildings on Law Day, U.S.A.; and

(2) inviting the people of the United States to observe Law Day, U.S.A., with appropriate ceremonies and in other appropriate ways, through public entities and private organizations and in schools and other suitable places.

§ 114. Leif Erikson Day

The President may issue each year a proclamation designating October 9 as Leif Erikson Day.

§ 115. Loyalty Day

(a) DESIGNATION.—May 1 is Loyalty Day.

(b) PURPOSE.—Loyalty Day is a special day for the reaffirmation of loyalty to the United States and for the recognition of the heritage of American freedom.

(c) PROCLAMATION.—The President is requested to issue a proclamation—

(1) calling on United States Government officials to display the flag of the United States on all Government buildings on Loyalty Day; and

(2) inviting the people of the United States to observe Loyalty Day with appropriate ceremonies in schools and other suitable places.

§ 116. Memorial Day

(a) DESIGNATION.—The last Monday in May is Memorial Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace;

(2) designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace;

(3) calling on the people of the United States to unite in prayer at that time; and

(4) calling on the media to join in observing Memorial Day and the period of prayer.

§ 117. Mother's Day

(a) DESIGNATION.—The 2d Sunday in May is Mother's Day.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on United States Government officials to display the flag of the United States on all Government buildings, and on the people of the United States to display the flag at their homes or other suitable places, on Mother's Day as a public expression of love and reverence for the mothers of the United States.

§ 118. National Aviation Day

The President may issue each year a proclamation—

(1) designating August 19 as National Aviation Day;

(2) calling on United States Government officials to display the flag of the United States on all Government buildings on National Aviation Day; and

(3) inviting the people of the United States to observe National Aviation Day with appropriate exercises to further stimulate interest in aviation in the United States.

§ 119. National Day of Prayer

The President shall issue each year a proclamation designating the first Thursday in May as a National Day of Prayer on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.

§ 120. National Defense Transportation Day

The President is requested to issue each year a proclamation—

(1) designating the 3d Friday in May as National Defense Transportation Day; and

(2) urging the people of the United States, including labor, management, users, and investors, in all communities served by the various forms of transportation to observe National Defense Transportation Day by appropriate ceremonies that will give complete recognition to the importance to each community and its people of the transportation system of the United States and the maintenance of the facilities of the system in the most modern state of adequacy to serve the needs of the United States in times of peace and in national defense.

§ 121. National Disability Employment Awareness Month

(a) DESIGNATION.—October is National Disability Employment Awareness Month.

(b) CEREMONIES.—Appropriate ceremonies shall be held throughout the United States during National Disability Employment Awareness Month to enlist public support for, and interest in, the employment of workers with disabilities who are otherwise qualified. Governors, mayors, heads of other governmental entities, and interested organizations and individuals are invited to participate in the ceremonies.

(c) PROCLAMATION.—The President is requested to issue each year a suitable proclamation.

§ 122. National Flag Week

The President is requested to issue each year a proclamation—

(1) designating the week in which June 14 falls as National Flag Week; and

(2) calling on citizens to display the flag of the United States during National Flag Week.

§ 123. National Forest Products Week

(a) DESIGNATION.—The week beginning on the 3d Sunday in October is National Forest Products Week.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe National Forest Products Week with appropriate ceremonies and activities.

§ 124. National Freedom Day

The President may issue each year a proclamation designating February 1 as National Freedom Day to commemorate the signing by Abraham Lincoln on February 1, 1865, of the joint resolution adopted by the Senate and the House of Representatives that proposed the 13th amendment to the Constitution.

§ 125. National Grandparents Day

The President is requested to issue each year a proclamation—

(1) designating the first Sunday in September after Labor Day as National Grandparents Day; and

(2) calling on the people of the United States and interested groups and organizations to observe National Grandparents Day with appropriate ceremonies and activities.

§ 126. National Hispanic Heritage Month

The President is requested to issue each year a proclamation—

(1) designating September 15–October 15 as National Hispanic Heritage Month; and

(2) calling on the people of the United States, especially the educational community, to observe National Hispanic Heritage Month with appropriate ceremonies and activities.

§ 127. National Korean War Veterans Armistice Day

(a) DESIGNATION.—July 27 of each year until 2003 is National Korean War Veterans Armistice Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on—

(1) the people of the United States to observe National Korean War Veterans Armistice Day with appropriate ceremonies and activities; and

(2) all departments, agencies, and instrumentalities of the United States Government, and interested organizations, groups, and individuals, to fly the flag of the United States at halfstaff on July 27 of each year until 2003 in honor of the individuals who died as a result of their service in Korea.

§ 128. National Maritime Day

(a) DESIGNATION.—May 22 is National Maritime Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on—

(1) the people of the United States to observe National Maritime Day by displaying the flag of the United States at their homes or other suitable places; and

(2) United States Government officials to display the flag on all Government buildings on National Maritime Day.

§ 129. National Pearl Harbor Remembrance Day

(a) DESIGNATION.—December 7 is National Pearl Harbor Remembrance Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on—

(1) the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities; and

(2) all departments, agencies, and instrumentalities of the United States Government, and interested organizations, groups, and individuals, to fly the flag of the United States at halfstaff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

§ 130. National Poison Prevention Week

The President is requested to issue each year a proclamation designating the 3d week in March as National Poison Prevention Week to aid in encouraging the people of the United States to learn of the dangers of accidental poisoning and to take preventive measures that are warranted by the seriousness of the danger.

§ 131. National Safe Boating Week

The President is requested to issue each year a proclamation designating the 7-day period ending on the last Friday before Memorial Day as National Safe Boating Week.

§ 132. National School Lunch Week

(a) DESIGNATION.—The week beginning on the 2d Sunday in October is National School Lunch Week.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe National School Lunch Week with appropriate ceremonies and activities.

§ 133. National Transportation Week

The President is requested to issue each year a proclamation—

(1) designating the week that includes the 3d Friday of May as National Transportation Week; and

(2) inviting the people of the United States to observe National Transportation Week with appropriate ceremonies and activities as a tribute to the men and women who, night and day, move goods and individuals throughout the United States.

§ 134. Pan American Aviation Day

The President may issue each year a proclamation—

(1) designating December 17 as Pan American Aviation Day; and

(2) calling on all officials of the United States Government, the chief executive offices of the States, territories, and possessions of the United States, and all citizens to participate in the observance of Pan American Aviation Day to further, and stimulate interest in, aviation in the American countries as an important stimulus to the further development of more rapid communications and a cultural development between the countries of the Western Hemisphere.

§ 135. Parents' Day

(a) DESIGNATION.—The 4th Sunday in July is Parents' Day.

(b) RECOGNITION.—All private citizens, organizations, and Federal, State, and local governmental and legislative entities are encouraged to recognize Parents' Day through proclamations, activities, and educational efforts in furtherance of recognizing, uplifting, and supporting the role of parents in bringing up their children.

§ 136. Peace Officers Memorial Day

The President is requested to issue each year a proclamation—

(1) designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty;

(2) directing United States Government officials to display the flag of the United States at halfstaff on all Government buildings on Peace Officers Memorial Day, as provided by section 7(m) of title 4; and

(3) inviting State and local governments and the people of the United States to observe Peace Officers Memorial Day with appropriate ceremonies and activities, including the display of the flag at halfstaff.

§ 137. Police Week

The President is requested to issue each year a proclamation—

(1) designating the week in which May 15 occurs as Police Week in recognition of the service given by men and women who stand guard to protect the people of the United States through law enforcement; and

(2) inviting State and local governments and the people of the United States to observe Police Week with appropriate ceremonies and activities, including the display of the flag at halfstaff.

§ 138. Save Your Vision Week

The President is requested to issue each year a proclamation—

(1) designating the first week in March as Save Your Vision Week;

(2) inviting the governors and mayors of State and local governments to issue proclamations designating the first week in March as Save Your Vision Week;

(3) inviting the communications media, health care professions, and other agencies and individuals concerned with programs for the improvement of vision to unite during Save Your Vision Week in public activities to convince the people of the United States of the importance of vision to their welfare and the welfare of the United States; and

(4) urging the media, health care professions, and other agencies and individuals to support programs to improve and protect the vision of the people of the United States.

§ 139. Steelmark Month

(a) DESIGNATION.—May is Steelmark Month.

(b) PURPOSE.—Steelmark Month recognizes the tremendous contribution made by the steel industry in the United States to national security and defense.

(c) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to observe Steelmark Month with appropriate ceremonies and activities.

§ 140. Stephen Foster Memorial Day

The President may issue each year a proclamation—

(1) designating January 13 as Stephen Foster Memorial Day; and

(2) calling on the people of the United States to observe Stephen Foster Memorial Day with appropriate ceremonies, pilgrimages to his shrines, and musical programs featuring his compositions.

§ 141. Thomas Jefferson's birthday

The President shall issue each year a proclamation—

(1) calling on officials of the United States Government to display the flag of the United States on all Government buildings on April 13; and

(2) inviting the people of the United States to observe April 13 in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of Thomas Jefferson's birthday.

§ 142. White Cane Safety Day

The President may issue each year a proclamation—

(1) designating October 15 as White Cane Safety Day; and

(2) calling on the people of the United States to observe White Cane Safety Day with appropriate ceremonies and activities.

§ 143. Wright Brothers Day

(a) DESIGNATION.—December 17 is Wright Brothers Day.

(b) PURPOSE.—Wright Brothers Day commemorates the first successful flights in a heavier than air, mechanically propelled airplane, that were made by Orville and Wilbur Wright on December 17, 1903, near Kitty Hawk, North Carolina.

(c) PROCLAMATION.—The President is requested to issue each year a proclamation inviting the people of the United States to observe Wright Brothers Day with appropriate ceremonies and activities.

CHAPTER 3—NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, AND MARCH

Sec.
301. National anthem.
302. National motto.
303. National floral emblem.
304. National march.

§ 301. National anthem

(a) DESIGNATION.—The composition consisting of the words and music known as the Star-Spangled Banner is the national anthem.

(b) CONDUCT DURING PLAYING.—During a rendition of the national anthem—

(1) when the flag is displayed—

(A) all present except those in uniform should stand at attention facing the flag with the right hand over the heart;

(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

(C) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note; and

(2) when the flag is not displayed, all present should face toward the music and act in the same manner they would if the flag were displayed.

§ 302. National motto

"In God we trust" is the national motto.

§ 303. National floral emblem

The flower commonly known as the rose is the national floral emblem.

§ 304. National march

The composition by John Philip Sousa entitled "The Stars and Stripes Forever" is the national march.

CHAPTER 5—PRESIDENTIAL INAUGURAL CEREMONIES

Sec.
501. Definitions.
502. Regulations, licenses, and registration tags.
503. Use of reservations, grounds, and public spaces.
504. Installation and removal of electrical facilities.
505. Extension of wires along parade routes.
506. Duration of regulations and licenses and publication of regulations.
507. Application to other property.
508. Enforcement.
509. Penalty.
510. Authorization of appropriations.

§ 501. Definitions

For purposes of this chapter—

(1) "Inaugural Committee" means the committee appointed by the President-elect to be in charge of the Presidential inaugural ceremony and functions and activities connected with the ceremony.

(2) "inaugural period" means the period that includes the day on which the Presidential inaugural ceremony is held, the 5 calendar days immediately preceding that day, and the 4 calendar days immediately following that day.

§ 502. Regulations, licenses, and registration tags

(a) REGULATIONS AND LICENSES.—For each inaugural period, the Council of the District of Columbia shall—

(1) prescribe reasonable regulations necessary to preserve public order and protect life, health, and property;

(2) prescribe special regulations related to the standing, movement, and operation of vehicles; and

(3) grant special licenses to peddlers and vendors to sell merchandise in places the Council considers proper, subject to conditions and fees for the licenses the Council considers proper.

(b) REGISTRATION TAGS.—The Mayor of the District of Columbia may issue, for any motor vehicle made available for the use of the Inaugural Committee, special registration tags, valid for not more than 90 days, designed to celebrate the inauguration of the President and Vice President.

§ 503. Use of reservations, grounds, and public spaces

(a) Permit for Use.—With the approval of the officer having jurisdiction over any of the Federal reservations or grounds in the District of Columbia, the Secretary of the Interior may grant to the Inaugural Committee a permit to use the reservations or grounds during the inaugural period, including a reasonable time before and after the inaugural period. The Mayor of the District of Columbia may grant a similar permit to use public space under the Mayor's jurisdiction. Each permit granted under this subsection is subject to conditions the grantor of the permit prescribes.

(b) Reviewing Stands and Commercial Stands and Structures.—A reviewing stand or a stand or structure for the sale of merchandise, food, or drink may be built on public grounds in the District of Columbia only if approved by the Inaugural Committee and by the Secretary or the Mayor, as appropriate.

(c) Restoration After Inaugural Period.—After the inaugural period, the reservation, ground, or public space occupied by a stand or structure shall be restored promptly to its prior condition.

(d) Indemnification.—The Inaugural Committee shall indemnify and save harmless the District of Columbia and the appropriate department, agency, or instrumentality of the United States Government against any loss or damage to, and against any liability arising from the use of, the reservation, ground, or public space, by the Inaugural Committee or a licensee of the Inaugural Committee.

§ 504. Installation and removal of electrical facilities

(a) Installation.—The Mayor of the District of Columbia may allow the Inaugural Committee to install suitable overhead conductors and electrical facilities, with adequate supports. The official in charge of a park or reservation in the District of Columbia in which it is necessary to place wires shall supervise the placing and removal of those wires.

(b) Removal.—The conductors and supports shall be removed not later than 5 days after the end of the inaugural period.

(c) Indemnification.—The United States Government and the District of Columbia may not incur any expense or damage from the installation, operation, or removal of a temporary overhead conductor or electrical facility. The Inaugural Committee shall indemnify and hold harmless the District of Columbia and the appropriate department, agency, or instrumentality of the Government against any loss or damage, and against any liability arising, from any act of the Inaugural Committee or any agent, licensee, servant, or employee of the Inaugural Committee in connection with the installation, operation, or removal of a temporary overhead conductor or electrical facility.

§ 505. Extension of wires along parade routes

The Mayor of the District of Columbia, the Secretary of the Interior, and the Inaugural Committee may allow communications companies to extend overhead wires to places along a parade route that are considered convenient for use in connection with the parade and other inaugural purposes. The wires shall be removed not later than 10 days after the inaugural period ends.

§ 506. Duration of regulations and licenses and publication of regulations

Regulations prescribed and licenses authorized under this chapter are effective only during the inaugural period. The regulations shall be published in at least one daily newspaper published in the District of Columbia. A penalty prescribed for violating such a regulation may not be enforced until 5 days after publication.

§ 507. Application to other property

This chapter does not apply to the United States Capitol Buildings or Grounds or other property under the jurisdiction of Congress or a committee, commission, or officer of Congress. A service or facility authorized by or under this chapter is available for the property on request or approval of the joint committee of the Senate and House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives to arrange for the inauguration of the President-elect and the Vice President-elect.

§ 508. Enforcement

The Mayor of the District of Columbia, or other official having jurisdiction in the premises, shall enforce this chapter, take necessary precautions to protect the public, and ensure that the pavement of any street, sidewalk, avenue, or alley disturbed or damaged is restored to its prior condition.

§ 509. Penalty

A person violating a regulation prescribed under this chapter shall be fined under title 18 or imprisoned for not more than 30 days. A separate violation occurs under this section for each day the violation continues.

§ 510. Authorization of appropriations

(a) Authorization.—Necessary amounts are authorized to be appropriated—

(1) to enable the Mayor of the District of Columbia to provide additional municipal services in the District of Columbia during the inaugural period, including—

(A) employment of personal services without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5;

(B) travel expenses of enforcement personnel, including sanitarians, from other jurisdictions;

(C) the hiring of the means of transportation;

(D) meals for policemen, firemen, and other municipal employees;

(E) the cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; and

(F) other incidental expenses in the discretion of the Mayor; and

(2) to enable the Secretary of the Interior to provide meals for the members of the United States Park Police during the inaugural period.

(b) Payment.—Amounts appropriated under—

(1) subsection (a)(1) of this section are payable in the same way as other appropriations for the expenses of the District of Columbia; and

(2) subsection (a)(2) of this section are payable in the same way as other appropriations for the expenses of the Department of the Interior.

CHAPTER 7—FEDERAL PARTICIPATION IN CARL GARNER FEDERAL LANDS CLEANUP DAY

Sec.

701. Findings.
702. Definition.
703. Duties of Federal land management agency.
704. Activities.

§ 701. Findings

Congress finds that—

(1) Federal lands, parks, recreation areas, and waterways provide recreational opportunities for millions of Americans each year;

(2) Federal lands administered by Federal land management agencies contain valuable wildlife, scenery, natural and historic features, and other resources which may be damaged by litter and misuse;

(3) it is in the best interest of the United States and its citizens to maintain and preserve the beauty, safety, and availability of these Federal lands;

(4) these Federal land management agencies have been designated as the caretakers of these Federal lands and are responsible for maintaining and preserving those areas and facilities;

(5) there is great value in volunteer involvement in maintaining and preserving Federal lands for recreational use;

(6) the Federal land management agencies should be concerned with promoting a sense of pride and ownership among citizens toward these lands;

(7) the use of citizen volunteers in a national cleanup effort promotes these goals and encourages the thoughtful use of these Federal lands and facilities;

(8) the positive impact of annual cleanup events held at various recreation sites has already been proven by steadily declining levels of litter at these sites; and

(9) a national program for cleaning and maintaining Federal lands using volunteers will save millions of tax dollars.

§ 702. Definition

For purposes of this chapter, "Federal land management agency" includes—

(1) the Forest Service of the Department of Agriculture;

(2) the Bureau of Land Management of the Department of the Interior;

(3) the National Park Service of the Department of the Interior;

(4) the Fish and Wildlife Service of the Department of the Interior;

(5) the Bureau of Reclamation of the Department of the Interior; and

(6) the Army Corps of Engineers.

§ 703. Duties of Federal land management agency

To observe Carl Garner Federal Lands Cleanup Day at the Federal level, each Federal land management agency shall organize, coordinate, and participate with citizen volunteers and State and local authorities in cleaning and providing for the maintenance of Federal public land, recreation areas, and waterways within the jurisdiction of the agency.

§ 704. Activities

In cooperation with appropriate State and local government authorities, each Federal land management agency shall plan for and carry out activities on Carl Garner Federal Lands Cleanup Day that—

(1) encourage continuing public and private sector cooperation in preserving the beauty and safety of areas within the jurisdiction of the agency;

(2) increase citizens' sense of ownership and community pride in those areas;

(3) reduce litter on Federal lands, along trails and waterways, and within those areas; and

(4) maintain and improve trails, recreation areas, waterways, and facilities.

CHAPTER 9—MISCELLANEOUS

Sec.
901. Service flag and service lapel button.
902. National League of Families POW/MIA flag.

§901. Service flag and service lapel button

(a) INDIVIDUALS ENTITLED TO DISPLAY SERVICE FLAG.—A service flag approved by the Secretary of Defense may be displayed in a window of the place of residence of individuals who are members of the immediate family of an individual serving in the armed forces of the United States during any period of war or hostilities in which the armed forces of the United States are engaged.

(b) INDIVIDUALS ENTITLED TO DISPLAY SERVICE LAPEL BUTTON.—A service lapel button approved by the Secretary may be worn by members of the immediate family of an individual serving in the armed forces of the United States during any period of war or hostilities in which the armed forces of the United States are engaged.

(c) LICENSE TO MANUFACTURE AND SELL SERVICE FLAGS AND SERVICE LAPEL BUTTONS.—Any person may apply to the Secretary for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person that manufactures a service flag or service lapel button without having first obtained a license, or otherwise violates this section is liable to the United States Government for a civil penalty of not more than $1,000.

(d) REGULATIONS.—The Secretary may prescribe regulations necessary to carry out this section.

§902. National League of Families POW/MIA Flag

(a) DESIGNATION.—The National League of Families POW/MIA flag is designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

(b) DISPLAY.—The flag shall be displayed—

(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

(2) on, or on the grounds of, the buildings containing the primary offices of the Secretaries of State, Defense, and Veterans Affairs, and the Director of the Selective Service System on any day designated by law as National POW/MIA Recognition Day.

(c) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (b) of this section ceases to apply when the President decides that the fullest possible accounting has been made of all members of the armed forces and civilian employees of the United States Government who have been identified as prisoners of war or missing in action in Southeast Asia.

PART B—UNITED STATES GOVERNMENT ORGANIZATIONS INVOLVED WITH OBSERVANCES AND CEREMONIES

CHAPTER 21—AMERICAN BATTLE MONUMENTS COMMISSION

Sec.
2101. Membership.
2102. Employment of personnel.
2103. Administrative.
2104. Military cemeteries in foreign countries.
2105. Monuments built by the United States Government.
2106. War memorials not built by the United States Government.
2107. National Memorial Cemetery of the Pacific.
2108. Pacific War Memorial and other historical and memorial sites on Corregidor.
2109. Foreign Currency Fluctuations Account.
2110. Claims against the Commission.
2111. Presidential duties and powers.
2112. Care and maintenance of Surrender Tree site.

§2101. Membership

(a) COMPOSITION AND TERMS.—The American Battle Monuments Commission has not more than 11 members appointed by the President. The President also shall appoint one officer of the Regular Army to serve as secretary of the Commission. The members and secretary serve at the pleasure of the President. The President shall fill any vacancies that occur. Notwithstanding any other law, members of the armed forces may be appointed members of the Commission.

(b) PAY AND EXPENSES.—The members of the Commission serve without compensation. However, the members of the Commission may receive, from an amount appropriated to carry out this chapter or acquired by another authorized way—

(1) their actual expenses related to the work of the Commission;

(2) when in a travel status outside the continental United States, a per diem at the rate authorized to be paid for members of the uniformed services under section 405 of title 37, instead of subsistence; and

(3) when in a travel status in the continental United States, a per diem at the rate authorized to be paid under sections 5702 and 5703 of title 5, instead of subsistence.

(c) EXPENSES OF OFFICERS OF ARMED FORCES SERVING ON COMMISSION.—An officer of the armed forces serving as a member or as secretary of the Commission may be reimbursed for expenses when traveling on business of the Commission in the same way as civilian members of the Commission.

§2102. Employment of personnel

(a) GENERAL.—Within the limits of an appropriation made to employ personnel, the American Battle Monuments Commission may employ personnel necessary to carry out this chapter. To ensure adequate care and maintenance of cemeteries, monuments, and memorials, the Commission, subject to the availability of appropriations, shall employ—

(1) at least 50 individuals in the competitive service (as defined in section 2102 of title 5), of whom at least 43 shall be assigned to duty in foreign countries where the cemeteries, monuments, and memorials are located; and

(2) at least 348 individuals who are citizens of the countries where the cemeteries, monuments, and memorials are located.

(b) DETAILED PERSONNEL.—On request of the Commission, the heads of departments, agencies, and instrumentalities of the United States Government may make available to the Commission their personnel and facilities to assist in carrying out this chapter, and may expend for that purpose amounts appropriated to the department, agency, and instrumentality. The Commission shall reimburse the department, agency, or instrumentality for the pay and allowances of designated personnel.

(c) STATION ALLOWANCE FOR OFFICERS ASSIGNED TO THE COMMISSION.—For officers of the armed forces assigned to the Commission, the same station allowance shall be authorized for serving at foreign stations as the Secretary of the Army has authorized for officers of the Army.

(d) CITIZENSHIP REQUIREMENT.—An individual may be employed as the superintendent, or as an assistant superintendent, of a cemetery operated by the Commission only if the individual is a citizen of the United States.

§2103. Administrative

(a) GENERAL AUTHORITY.—Subject to appropriations made to carry out this chapter, the American Battle Monuments Commission may—

(1) acquire land or an interest in land in a foreign country to carry out the purposes of this chapter, or an executive order conferring duties and powers on the Commission, without submission to the Attorney General under section 355 of the Revised Statutes (40 U.S.C. 255);

(2) maintain, repair, and operate motor-propelled passenger-carrying vehicles and other property that another department, agency, or instrumentality of the United States Government provides to the Commission;

(3) establish offices in the District of Columbia and elsewhere in or outside the United States;

(4) rent office and garage space, which may be paid for in advance, in foreign countries; and

(5) procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information on United States activities, battlefields, memorials, and cemeteries with respect to which the Commission may exercise any duties and powers.

(b) DISPOSITION OF LAND.—Under conditions and in the manner the Commission decides is proper, the Commission may dispose of land or an interest in land in a foreign country that the Commission acquires in connection with its work.

(c) CONTRACTING OUT.—Notwithstanding the requirements of existing laws or regulations, the Commission, under conditions the Commission decides are necessary and proper, may contract for work, supplies, materials, and equipment outside or for use outside the United States and engage the services of architects and other technical and professional personnel.

(d) DELEGATION.—Under conditions the Commission may prescribe, the Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices any of its authority it considers necessary and proper.

(e) AUTHORITY TO RECEIVE STATE, LOCAL, OR PRIVATE AMOUNTS.—The Commission may receive State, local, or private amounts to carry out this chapter. The Commission shall deposit the amounts with the Treasurer of the United States. The Treasurer shall keep the amounts in separate accounts and shall disburse the amounts on vouchers approved by the Chairman.

(f) LIMITATION ON USE OF CONTRIBUTIONS.—The Commission may not obligate, withdraw, or expend amounts received as contributions before March 1, 1998.

(g) STATEMENTS TO PRESIDENT.—The Commission shall transmit to the President on October 1 of each year a statement of all its financial and other transactions during the prior fiscal year.

(h) FINANCIAL STATEMENTS AND AUDITS.—(1) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of paragraph (2) of this subsection and with section 2106(d)(4) of this title.

(2) The Commission shall—

(A) by March 1 of each year (beginning with 1998)—

(i) prepare a financial statement which covers all accounts and associated activities of the Commission for the prior fiscal year and is consistent with the requirements of section 3515 of title 31; and

(ii) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

(B) obtain an audit by the Comptroller General of each financial statement prepared under subparagraph (A) of this paragraph, which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

(i) Disposition of Records and Archives.—When no longer required by the Commission, the records and archives of the Commission shall be deposited with the National Archives in accordance with section 2107 of title 44.

(j) Seal.—The Commission shall have a seal that shall be judicially noticed.

(k) Disbursements Outside Continental United States.—Disbursements for expenditures outside the continental United States may be made by a special disbursing agent designated by the Commission under regulations it prescribes.

§2104. Military cemeteries in foreign countries

When, as a result of combat operations, the armed forces establish military cemeteries in zones of operations outside the United States and the territories and possessions of the United States, the American Battle Monuments Commission and the Secretary of the Army, immediately on the cessation of hostilities, shall decide which of the cemeteries will become permanent cemeteries or, if they decide it is desirable, shall select new sites for the cemeteries at any other location. The Commission is solely responsible for the design and construction of the permanent cemeteries, and of all buildings, plantings, headstones, and other permanent improvements incidental to the cemeteries, except that—

(1) the armed forces are responsible for maintaining the permanent cemeteries until the Commission declares its readiness to assume the authorized administrative duties and powers;

(2) all construction undertaken by the armed forces in establishing and maintaining the cemetery prior to its transfer to the Commission shall be nonpermanent;

(3) burials and reburials by the armed forces shall be carried out in accordance with plans prepared by the Commission; and

(4) the armed forces have the right to reenter a cemetery transferred to the Commission to exhume or reinter a body if they decide it is necessary.

§2105. Monuments built by the United States Government

(a) Memorials.—The American Battle Monuments Commission shall prepare plans and estimates to build suitable memorials commemorating the service of American armed forces, and shall build and maintain memorials in the United States and, as the Commission decides, at any place outside the United States where the armed forces have served since April 6, 1917.

(b) Architecture and Art.—The Commission shall build and maintain works of architecture and art in United States cemeteries located outside the United States and the territories and possessions of the United States that are permanent cemeteries. The Secretary of Veterans Affairs shall maintain works of architecture and art built by the Commission in the National Cemetery System, as described in section 2400(b) of title 38.

(c) Control and Supervision of Materials, Design, and Building.—(1) The Commission shall control the materials and design and prescribe regulations for, and supervise the building of, all memorial monuments and buildings in United States cemeteries located outside the United States and the territories and possessions of the United States.

(2) The Commission shall control the design and prescribe regulations for the building of all memorial monuments and buildings commemorating the service of American armed forces that are built in a foreign country or political division of the foreign country that authorizes the Commission to carry out those duties and powers.

(d) Approval by National Commission of Fine Arts.—A design for a memorial must be approved by the National Commission of Fine Arts before the Commission can accept it.

§2106. War memorials not built by the United States Government

(a) Cooperation With Others.—The American Battle Monuments Commission may cooperate with citizens of the United States, States, municipalities, or associations desiring to build war memorials outside the continental limits of the United States in the way the Commission decides. An administrative agency of the United States Government may give assistance to build the memorial only if a plan for the memorial has been approved under this chapter.

(b) Control, Administration, and Maintenance of War Memorials.—(1) The Commission may assume responsibility for the control, administration, and maintenance of any war memorial built outside the United States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association to commemorate the services of any of the armed forces in hostilities occurring since April 6, 1917, if—

(A) the memorial is not built on the territory of the applicable former enemy; and

(B) the sponsors of the memorial consent to the Commission assuming those responsibilities and transfer to the Commission all their rights and interests in the memorial.

(2) If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility for the memorial under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for a war memorial under this subsection is final.

(3) Sponsors of a war memorial for which the Commission assumes responsibility under this subsection may transfer amounts accumulated to maintain and repair the memorial to the Commission for use in carrying out this chapter. Except as provided in subsection (c) of this section, the Commission shall deposit transferred amounts as provided in section 2103(e) of this title.

(c) Arrangements for Repair or Long-Term Maintenance of Memorials.—In assuming responsibility for a war memorial under subsection (b)(1) or (2) of this section, the Commission may arrange with the sponsors of the memorial to provide for repair or long-term maintenance of the memorial. An amount transferred to the Commission for the purpose of this subsection shall be deposited by the Commission in the fund established under subsection (d) of this section.

(d) Fund for Arrangements for Repair or Long-Term Maintenance of Memorials.—(1) There is a fund in the Treasury that is available to the Commission for expenses of repair and long-term maintenance of memorials for which the Commission has made arrangements under subsection (c) of this section. The fund consists of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2) of this subsection; and

(B) obligations obtained under paragraph (3) of this subsection.

(2) The Commission shall deposit into the fund the amounts that are accepted under subsection (c) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from the sale or redemption of, obligations held in the fund.

(3) The Secretary shall invest any part of the fund that the Commission decides is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Commission decides has a maturity suitable for the fund.

(4) The Commission shall separately account for all amounts deposited in and expended from the fund for each war memorial for which an arrangement for repair or long term maintenance is made under subsection (c) of this section.

(e) Demolition of War Memorial Built in a Foreign Country and Disposition of Site.—The Commission may take necessary action to demolish any war memorial built outside the United States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association and to dispose of the site of the memorial in a way the Commission decides is proper, if—

(1) the appropriate foreign authorities agree to the demolition; and

(2)(A) the sponsor of the memorial consents to the demolition; or

(B) the memorial has fallen into disrepair and a reasonable effort by the Commission has failed—

(i) to persuade the sponsor to maintain the memorial at a standard acceptable to the Commission; or

(ii) to locate the sponsor.

§2107. National Memorial Cemetery of the Pacific

With the consent of the Secretary of Veterans Affairs, the American Battle Monuments Commission may build works of architecture and art in the National Memorial Cemetery of the Pacific.

§2108. Pacific War Memorial and other historical and memorial sites on Corregidor

(a) General.—After an agreement is made between the government of the Republic of the Philippines and the United States Government, the American Battle Monuments Commission shall restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on Corregidor.

(b) Personnel.—The Commission may employ necessary personnel to carry out this section.

(c) Use of Other Departments, Agencies, and Instrumentalities.—Departments, agencies, and instrumentalities of the United States Government may assist the Commission, on a reimbursable basis, in carrying out this section.

(d) Authority To Solicit Contributions.—To carry out this section, the Commission may solicit and accept private contributions and shall deposit the contributions in the fund established by subsection (f) of this section.

(e) Use of Private Amounts.—The Commission shall carry out this section with private amounts except to the extent amounts are appropriated under subsection (g) of this section.

(f) Fund.—(1) There is a fund in the Treasury that is available to the Commission only to carry out this section. The fund consists of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2) of this subsection; and

(B) obligations obtained under paragraph (3) of this subsection.

(2) The Chairman of the Commission shall deposit into the fund the amounts that are accepted under subsection (d) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from the sale or redemption of, obligations held in the fund.

(3) The Secretary shall invest any part of the fund that the Chairman decides is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Chairman decides has a maturity suitable for the fund.

(4) Amounts in the fund exceeding the cost of carrying out this section, as decided by the Chairman, shall be deposited in the Treasury as miscellaneous receipts to reimburse the United States Government for amounts appropriated under subsection (g) of this section.

(g) Authorization of Appropriations.—There are authorized to be appropriated—

(1) $6,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the Memorial and other historical and memorial sites referred to in subsection (a) of this section; and

(2) amounts necessary to operate and maintain the Memorial and those other historical and memorial sites.

§2109. Foreign Currency Fluctuations Account

(a) Establishment and Purpose.—There is an account in the Treasury known as the "Foreign Currency Fluctuations, American Battle Monuments Commission, Account". The Account shall be used to provide amounts, in addition to amounts appropriated for salaries and expenses of the Commission, to pay the cost of salaries and expenses that exceeds the amount appropriated for salaries and expenses because of fluctuations in currency exchange rates of foreign countries occurring after a budget request for the Commission is submitted to Congress. The Account may not be used for any other purpose.

(b) Increase in Permissible Obligations of Amounts.—A provision of law limiting the amounts the Commission may obligate in a fiscal year shall be increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

(c) Transferred Amounts.—(1) Amounts in the Account may be transferred to amounts appropriated for salaries and expenses of the Commission. Transferred amounts shall be merged with, and are available for the same time period as, the appropriation to which they are applied.

(2) Amounts transferred from the Account may be transferred back—

(A) if the amounts are not needed to pay obligations incurred because of fluctuations in currency exchange rates of foreign countries in the appropriation to which the amounts were originally transferred; or

(B) because of subsequent favorable fluctuations in the rates or because other amounts are, or become, available to pay the obligations.

(3) Amounts transferred to an appropriation under this subsection may not be transferred back to the Account after the end of the 2d fiscal year after the fiscal year in which the appropriation was available for obligation.

(d) Recording of Obligations and Fluctuations in Exchange Rates.—An obligation of the Commission payable in the currency of a foreign country may be recorded as an obligation based on exchange rates used in preparing a budget submission. A change reflecting fluctuations in exchange rates may be recorded as a disbursement is made.

(e) Unobligated Balances.—The unobligated balance of an appropriation for salaries and expenses may be transferred to the Account not later than the end of the 2d fiscal year following the fiscal year for which the appropriation was made. The unobligated balance shall be merged with, and be available for the same period and purposes as, the Account.

(f) Annual Report.—The Commission each year shall submit to the appropriate committees of Congress a report on amounts transferred under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated $3,000,000 to the Account.

§2110. Claims against the Commission

A claim against the American Battle Monuments Commission that is similar to a claim described in section 2734 of title 10, that is based on damage to, or loss or destruction of, property, or personal injury or death of an individual, and that is caused by the negligent or wrongful act or omission of an officer or civilian employee of the Commission acting within the scope of the officer's or employee's office or employment, may be settled, decided, and paid as provided in section 2734 for the settlement of Army claims. However, the Secretary of the Army may appoint an officer or employee of the Commission to a claims commission or as an officer to approve settlements of claims made by the claims commission. All payments in settlement of a claim shall be made out of appropriations made to carry out this chapter.

§2111. Presidential duties and powers

(a) Arrangements With Foreign Countries.—The President is requested to make the necessary arrangements with the proper authorities of the appropriate foreign countries to enable the American Battle Monuments Commission to carry out this chapter.

(b) Transfer of Administrative Duties and Powers and Supplies, Material, and Equipment to Commission.—(1) The President by executive order may transfer to the Commission—

(A) the same administrative duties and powers related to a permanent military cemetery located outside the United States and the territories and possessions of the United States that were transferred to the Commission by Executive Order 6614, February 26, 1934, and Executive Order 10057, May 14, 1949, as amended by Executive Order 10087, December 3, 1949; and

(B) supplies, material, and equipment located in the permanent military cemetery or in a military depot overseas that—

(i) the Department of Defense does not need; and

(ii) the Commission requests to carry out the duties and powers specified in clause (A) of this paragraph.

(2) After a transfer under this subsection, the Commission shall maintain the cemetery and all improvements in it.

§2112. Care and maintenance of Surrender Tree site

The American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba.

CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Sec.
2301. Establishment and purposes.
2302. Membership.
2303. Executive Director.
2304. Gifts, bequests, and devises of property.
2305. Memorial museum.
2306. Audits.
2307. Administrative.
2308. Annual report.
2309. Authorization of appropriations.

§2301. Establishment and purposes

The United States Holocaust Memorial Council is an independent establishment of the United States Government. The Council shall—

(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance as an annual, national, civic commemoration of the Holocaust;

(2) encourage and sponsor appropriate observances of the Days of Remembrance throughout the United States;

(3) plan, construct, and operate a permanent living memorial museum to the victims of the holocaust in cooperation with the Secretary of the Interior and other departments, agencies, and instrumentalities of the United States Government as provided in section 2305 of this title; and

(4) develop a plan for carrying out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent the recommendations are not otherwise provided for in this chapter.

§2302. Membership

(a) Composition.—(1) The United States Holocaust Memorial Council consists of 65 voting members and the following ex officio nonvoting members:

(A) one appointed by the Secretary of the Interior.

(B) one appointed by the Secretary of State.

(C) one appointed by the Secretary of Education.

(2) Of the 65 voting members—

(A) the President of the United States appoints 55;

(B) the Speaker of the House of Representatives appoints 5 from among members of the House of Representatives; and

(C) the President pro tempore of the Senate appoints 5, on the recommendation of the majority and minority leaders, from among members of the Senate.

(b) TERMS OF OFFICE.—(1) Except as provided in this subsection, Council members serve for terms of 5 years.

(2) The terms of the 5 members of the House of Representatives and the 5 members of the Senate appointed during a term of Congress expire at the end of that term of Congress.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The President of the United States shall appoint the Chairperson and Vice Chairperson of the Council from among the members of the Council. The Chairperson and Vice Chairperson serve for terms of 5 years.

(d) VACANCIES.—(1) A vacancy on the Council shall be filled in the same manner as the original appointment was made.

(2) A member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term. A member, except a Member of Congress appointed by the Speaker of the House of Representatives or the President pro tempore of the Senate, may serve after the expiration of a term until a successor takes office.

(3) The President of the United States fills a vacancy in the offices of the Chairperson and Vice Chairperson.

(e) REAPPOINTMENT.—A member whose term expires may be reappointed. The Chairperson and Vice Chairperson may be reappointed to those offices.

(f) PAY AND EXPENSES.—(1) Except as provided in paragraph (2) of this subsection, members of the Council may be paid the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5 for each day (including traveltime) during which they perform duties of the Council. A member is entitled to travel expenses, including a per diem allowance, as provided under section 5703 of title 5.

(2) Members who are full-time officers or employees of the United States Government or Members of Congress may not receive additional pay because of their service on the Council.

(g) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. The individual serves without cost to the Government.

§2303. Executive Director

(a) APPOINTMENT AND PAY.—The Chairperson of the United States Holocaust Memorial Council shall appoint an Executive Director, subject to confirmation by the Council. The Executive Director may be paid with nonappropriated funds. However, if the Executive Director is paid with appropriated funds, the rate of pay shall be a rate that is not more than the maximum rate of basic pay payable under section 5376 of title 5. The Executive Director serves at the pleasure of the Council.

(b) DUTIES AND POWERS.—The Executive Director may—

(1) appoint employees in the competitive service subject to chapter 51 and subchapter III of chapter 53 of title 5;

(2) appoint and fix the compensation (at a rate that is not more than the maximum rate of basic pay payable under section 5376 of title 5) of not more than 3 employees, notwithstanding any other law; and

(3) implement decisions of the Council, in the manner the Council directs, and carry out other functions the Council, the Executive Committee of the Council, or the Chairperson assigns.

§2304. Gifts, bequests, and devises of property

(a) GENERAL.—The United States Holocaust Memorial Council may solicit, accept, own, administer, invest, and use gifts, bequests, and devises of property to aid or facilitate the construction, maintenance, and operation of the memorial museum. The property and the proceeds of the property shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating the property. Funds donated to and accepted by the Council under this section are not considered appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.

(b) TAX TREATMENT.—For the purposes of Federal income, estate, and gift taxes, property accepted under this section is deemed to be a gift, bequest, or devise to the United States Government.

§2305. Memorial museum

(a) TRANSFER OR PURCHASE OF REAL PROPERTY IN THE DISTRICT OF COLUMBIA.—For the purpose of establishing the memorial museum, and with the approval of the Secretary of the Interior in consultation with the Commission of Fine Arts and the National Capital Planning Commission—

(1) a department, agency, or instrumentality of the United States Government may transfer to the administrative jurisdiction of the United States Holocaust Memorial Council, any real property in the District of Columbia that is under the administrative jurisdiction of the department, agency, or instrumentality and that the Council considers suitable for the memorial museum; and

(2) the Council may purchase, with the consent of the owner, any real property within the District of Columbia that the Council considers suitable for the memorial museum.

(b) ARCHITECTURAL DESIGN APPROVAL.—The architectural design for the memorial museum is subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

(c) INSURANCE.—The Council shall maintain insurance on the memorial museum to cover the risks, in the amount, and containing the terms the Council considers necessary.

§2306. Audits

When requested by Congress, the Comptroller General shall audit financial transactions of the United States Holocaust Memorial Council, including those involving donated funds, under generally accepted auditing standards. The Council shall make available for an audit under this section all records, items, or property used by the Council that are necessary for the audit. The Council shall provide facilities for verifying transactions with the balances.

§2307. Administrative

(a) BYLAWS.—(1) The United States Holocaust Memorial Council shall adopt bylaws to carry out its functions under this chapter.

(2) The Chairperson of the Council may waive a bylaw when the Chairperson decides the waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagrees in writing before the end of the 30-day period.

(b) QUORUM.—One-third of the members of the Council is a quorum. A vacancy in the Council does not affect its power to function.

(c) EXPERTS AND CONSULTANTS.—The Council may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, at rates that are not more than the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5.

(d) CONTRACT AUTHORITY.—In accordance with applicable law, the Council may make contracts or other arrangements with public agencies or authorities and with private organizations and persons and may make payments necessary to carry out its functions under this chapter.

(e) ASSISTANCE FROM OTHER UNITED STATES GOVERNMENT DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and all departments, agencies, and instrumentalities in the executive branch of the United States Government may assist the Council in carrying out its functions under this chapter.

(f) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Council on a reimbursable basis.

§2308. Annual report

Each year, the Executive Director of the United States Holocaust Memorial Council shall submit to Congress a report on the Executive Director's stewardship of the authority to construct, maintain, and operate the memorial museum, including an accounting of all financial transactions involving donated funds.

§2309. Authorization of appropriations

(a) GENERAL.—Amounts necessary to carry out this chapter are authorized to be appropriated for each of the fiscal years ending September 30, 1997–2000. Notwithstanding any other law, necessary amounts are authorized to be appropriated to the Council to obtain, from a private insurance carrier, insurance against loss in connection with the memorial museum and related property and exhibits.

(b) USE OF AMOUNTS FOR CONSTRUCTION BARRED.—Amounts authorized under this chapter may not be used for construction.

(c) PRIOR AUTHORITY REQUIRED.—Authority to make contracts and to make payments under this chapter, using amounts authorized to be appropriated under this section, are effective only to the extent, and in amounts, provided in advance in an appropriations law.

CHAPTER 25—PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

Sec.
2501. Acceptance of voluntary services and money or property.
2502. Authorization of appropriations.

§2501. Acceptance of voluntary services and money or property

The President's Committee on Employment of People With Disabilities—

(1) notwithstanding section 1342 of title 31, may accept voluntary and uncompensated services; and

(2) may accept, use, and dispose of any money or property the Committee receives.

§2502. Authorization of appropriations

(a) GENERAL.—Amounts necessary for the work of the President's Committee on Employment of People With Disabilities are authorized to be appropriated for the fiscal year ending September 30, 1997, to be expended in the manner and by agencies the President may direct.

(b) USES.—Amounts appropriated under this section are to be used to carry out the purposes of National Disability Employment Awareness Month and to enable the President to provide the Committee with adequate personnel to assist in its activities, and otherwise to provide the Committee with the means of carrying out a program to promote the employment of individuals with disabilities, by—

(1) creating interest throughout the United States in the rehabilitation and employment of such individuals; and

(2) obtaining and maintaining cooperation from all public and private groups in the field.

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PART A—GENERAL

CHAPTER 101—GENERAL

Sec.
10101. Audits.
10102. Reservation of right to amend or repeal.

§ 10101. Audits

(a) GENERAL.—Except as otherwise provided, the financial statements of each corporation in part B of this subtitle shall be audited annually in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted where the financial statements of the corporation normally are kept. The person conducting the audit shall be given access to—

(1) all records and property owned or used by the corporation necessary to facilitate the audit; and

(2) full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(b) REPORT.—(1) The corporation shall submit a report of the audit to Congress not later than 6 months after the close of the fiscal year for which the audit is made. The report shall describe the scope of the audit and include—

(A) statements necessary to present fairly the corporation's assets, liabilities, and surplus or deficit, and an analysis of the changes in those amounts during the year;

(B) a statement in reasonable detail of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor; and

(C) the independent auditor's opinion of those statements.

(2) The report may not be printed as a public document, except as part of proceedings authorized to be printed under section 1332 of title 44.

§ 10102. Reservation of right to amend or repeal

(a) GENERAL.—Congress reserves the right to amend or repeal the provisions of part B of this subtitle.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to chapters 213, 407, 801, 1403, 1503 (except section 150302(b)), 1513, 1517, 1531, and 1539 of this title.

PART B—ORGANIZATIONS

CHAPTER 201—AGRICULTURAL HALL OF FAME

Sec.
20101. Organization.
20102. Purposes.
20103. Membership.

20104. Governing body.
20105. Powers.
20106. Restrictions.
20107. Principal office.
20108. Records and inspection.
20109. Service of process.
20110. Liability for acts of officers and agents.
20111. Use of assets on dissolution or final liquidation.

§ 20101. Organization

(a) FEDERAL CHARTER.—Agricultural Hall of Fame (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 20102. Purposes

The purposes of the corporation are—

(1) to receive and maintain one or more funds and to use any part of the principal or interest only for charitable, scientific, literary, or educational purposes either directly or by contributing to organizations authorized to carry on similar activities;

(2) to honor farmers, farm women, farm leaders, teachers, scientists, inventors, governmental leaders, and other individuals who have helped make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of agriculture in the United States;

(3) to perpetuate the memory of those individuals and record their contributions and achievements by the erection and maintenance of buildings and monuments as may be appropriate as a lasting memorial;

(4) to promote a greater sense of appreciation of the dignity and importance of agriculture, historically carried out through owner-operated farms, and the part it has played in developing those social, economic, and spiritual values which are essential in maintaining the free and democratic institutions of our Republic;

(5) to establish and maintain a library and museum for the collection and preservation for posterity of agricultural tools, implements, machines, vehicles, pictures, paintings, books, papers, documents, data, relics, mementos, artifacts, and other items relating to agriculture;

(6) to cooperate with other organizations interested in similar projects; and

(7) to engage in other activities appropriate to carry out its purposes.

§ 20103. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the bylaws.

(b) VOTING.—Each member given voting rights by the bylaws has one vote on each matter submitted to a vote at a meeting of the voting members. The vote may be cast in the manner provided in the bylaws.

§ 20104. Governing body

(a) BOARD OF GOVERNORS.—(1) The board of governors is the governing body of the corporation. Between meetings of the members of the corporation, the board is responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(2) The number of governors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the bylaws. However, the board shall have at least 15 members.

(3) The board may appoint committees. Each committee has the powers provided in the bylaws or by resolution of the board. The powers of a committee may include all the powers of the board.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more one vice presidents as provided in the bylaws, a secretary, a treasurer, one or more assistant secretaries and assistant treasurers, and other officers as provided in the bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the bylaws.

§ 20105. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§ 20106. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a governor, officer, employee, or member as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a governor, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer or employee in an amount approved by the board of governors.

(d) LOANS.—The corporation may not make a loan or advance to a governor, officer, employee, or member. Governors who vote for or assent to making a loan or advance to a governor, officer, employee, or member, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

(e) CONTRIBUTIONS TO CERTAIN ORGANIZATIONS.—None of the principal or interest of a fund referred to in section 20102(1) of this title may be contributed to an organization if—

(1) a substantial part of its activities is carrying on propaganda or attempting to influence legislation; or

(2) any part of its net earnings benefits a private shareholder or individual.

§ 20107. Principal office

The principal office of the corporation shall be in Kansas City, Kansas, or another place decided by the board of governors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§ 20108. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of governors, and committees having any of the authority of its board of governors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 20109. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

§ 20110. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 20111. Use of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets of the corporation remaining after the discharge of all liabilities shall be distributed as provided by the board of governors, but in compliance with the charter and bylaws.

CHAPTER 203—AMERICAN ACADEMY OF ARTS AND LETTERS

Sec.
20301. Organization.
20302. Purpose.
20303. Membership.
20304. Powers.
20305. Annual meeting.
20306. Annual report.
20307. Nonapplication of audit requirements.

§ 20301. Organization

(a) FEDERAL CHARTER.—American Academy of Arts and Letters (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION.—The corporation is declared to be incorporated in the District of Columbia.

§ 20302. Purpose

The purpose of the corporation is to further the interests of literature and the fine arts.

§ 20303. Membership

The corporation may have not more than 50 regular members.

§ 20304. Powers

The corporation may—

(1) adopt bylaws and regulations;

(2) fill vacancies;

(3) provide for the election of foreign, domestic, or honorary associate members, and the division of those members into classes;

(4) receive bequests and donations of property, hold the property in trust, and invest the property to carry out the purpose of the corporation; and

(5) do any other act necessary or usual for such a corporation.

§ 20305. Annual meeting

The corporation shall hold an annual meeting at a place in the United States as may be designated.

§ 20306. Annual report

The corporation shall make an annual report to Congress, to be filed with the Librarian of Congress.

§ 20307. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 205—AMERICAN CHEMICAL SOCIETY

Sec.
20501. Organization.
20502. Purposes.
20503. Powers.
20504. Cooperation with the military.
20505. Annual meeting.
20506. Annual report.

§20501. Organization

American Chemical Society (in this chapter, the "corporation") is a federally chartered corporation.

§20502. Purposes

The purposes of the corporation are—

(1) to encourage in the broadest and most liberal manner the advancement of chemistry in all its branches;

(2) to promote research in chemical science and industry;

(3) to improve the qualifications and usefulness of chemists through high standards of professional ethics, education, and attainments;

(4) to increase and diffuse chemical knowledge; and

(5) by its meetings, professional contacts, reports, papers, discussions, and publications, to promote scientific interests and inquiry to foster public welfare and education, aid the development of our country's industries, and add to the material prosperity and happiness of our people.

§20503. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations;

(2) fill vacancies;

(3) provide for the election of members and the division of those members into classes;

(4) receive property, hold the property absolutely or in trust, invest and manage the property, and use the property and income arising from it to carry out the purposes of the corporation; and

(5) do any other act necessary and proper to carry out the purposes of the corporation.

§20504. Cooperation with the military

(a) INVESTIGATIONS, EXAMINATIONS, EXPERIMENTS, AND REPORTS.—When requested by the Secretary of the Army, Air Force, or Navy, the corporation shall investigate, examine, experiment, and report on any subject in pure or applied chemistry connected with the national defense.

(b) PAYMENTS.—The actual expense of those investigations, examinations, experiments, and reports shall be paid from amounts appropriated for those purposes, but the corporation may not receive compensation for any services performed for the United States Government.

(c) TITLE AND LICENSE.—Title to inventions and discoveries made in the course of those investigations, examinations, and experiments that the appropriate Secretary believes involve the national defense vest in the Government. The Government shall have unlimited license under other inventions and discoveries made in the course of those investigations, examinations, and experiments.

§20505. Annual meeting

The corporation shall hold an annual meeting at a place in the United States as may from time to time be designated.

§20506. Annual report

Not later than December 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year, including a complete statement of its receipts and expenditures. The report may not be printed as a public document.

CHAPTER 207—AMERICAN COUNCIL OF LEARNED SOCIETIES

Sec.
20701. Definition.
20702. Organization.
20703. Purposes.
20704. Membership.
20705. Governing body.
20706. Powers.
20707. Restrictions.
20708. Duty to maintain tax-exempt status.
20709. Records and inspection.
20710. Service of process.
20711. Liability for acts of officers and agents.
20712. Annual report.

§20701. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§20702. Organization

American Council of Learned Societies (in this chapter, the "corporation"), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

§20703. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) the advancement of the humanistic studies in all fields of learning; and

(2) the maintenance and strengthening of relations among the national societies devoted to those studies.

§20704. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§20705. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§20706. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§20707. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§20708. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). If the corporation does not maintain that status, the charter granted by this chapter expires.

§20709. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§20710. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§20711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§20712. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 209—AMERICAN EX-PRISONERS OF WAR

Sec.
20901. Definition.
20902. Organization.
20903. Purposes.
20904. Membership.
20905. Governing body.
20906. Powers.
20907. Exclusive right to name and emblem.
20908. Restrictions.
20909. Duty to maintain corporate and tax-exempt status.
20910. Records and inspection.
20911. Service of process.
20912. Liability for acts of officers and agents.
20913. Annual report.

§20901. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§20902. Organization

(a) FEDERAL CHARTER.—American Ex-Prisoners of War (in this chapter, the "corporation"), a nonprofit corporation incorporated in the State of Washington, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§20903. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) encouraging fraternity for the common good;

(2) fostering patriotism and loyalty;

(3) assisting widows and orphans of deceased ex-prisoners of war;

(4) assisting ex-prisoners of war who have been injured or disabled as a result of their service;

(5) maintaining allegiance to the United States;

(6) preserving and defending the United States from all enemies; and

(7) maintaining historical records.

§20904. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§20905. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§20906. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§20907. Exclusive right to name and emblem

The corporation has the exclusive right to use and to allow others to use the name "American Ex-Prisoners of War" and the official American Ex-Prisoners of War emblem or any colorable simulation of that emblem. This section does not affect any vested rights.

§20908. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board or directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§20909. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of Washington.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§20910. Records and inspection

(a) RECORDS.—The Corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§20911. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§20912. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§20913. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 211—AMERICAN GOLD STAR MOTHERS, INCORPORATED

Sec.

21101. Definition.
21102. Organization.
21103. Purposes.
21104. Membership.
21105. Governing body.
21106. Powers.
21107. Restrictions.
21108. Duty to maintain corporate and tax-exempt status.
21109. Records and inspection.
21110. Service of process.
21111. Liability for acts of officers and agents.
21112. Annual report.

§21101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§21102. Organization

(a) FEDERAL CHARTER.—American Gold Star Mothers, Incorporated (in this chapter, the "corporation"), incorporated in the District of Columbia, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§21103. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include a continuing commitment, on a national basis, to—

(1) keep alive and develop the spirit that promoted world services;

(2) maintain the ties of fellowship born of that service, and assist and further all patriotic work;

(3) inculcate a sense of individual obligation to the community, State, and Nation;

(4) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Department of Veterans Affairs, and aid in any way in their power the men and women who served and died or were wounded or incapacitated during hostilities;

(5) perpetuate the memory of those whose lives were sacrificed in our wars;

(6) maintain true allegiance to the United States;

(7) inculcate lessons of patriotism and love of country in the communities in which we live;

(8) inspire respect for the Stars and Stripes in the youth of America;

(9) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and

(10) promote peace and good will for the United States and all other Nations.

§21104. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§21105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§21106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§21107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§21108. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of each State in which it is incorporated.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§21109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§21110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§21111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§21112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 213—AMERICAN HISTORICAL ASSOCIATION

Sec.
21301. Organization.
21302. Purposes.
21303. Powers.
21304. Annual meeting.
21305. Principal office.
21306. Historical collections.
21307. Annual report.

§21301. Organization

American Historical Association (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

§21302. Purposes

The purposes of the corporation are—

(1) to promote historical studies;

(2) to collect and preserve historical manuscripts; and

(3) other kindred purposes in the interest of American history and of history in America.

§21303. Powers

The corporation may—

(1) adopt a constitution and bylaws; and

(2) hold property in the District of Columbia necessary to carry out the purposes of the corporation.

§21304. Annual meeting

The corporation may hold its annual meeting in a place the members of the corporation select.

§21305. Principal office

The principal office of the corporation shall be in the District of Columbia.

§21306. Historical collections

The Regents of the Smithsonian Institution may allow the corporation to deposit its collections, manuscripts, books, pamphlets, and other historical material in the Smithsonian Institution or the National Museum on conditions and under regulations the Regents prescribe.

§21307. Annual report

The corporation shall submit an annual report to the Secretary of the Smithsonian Institution on the activities of the corporation and the condition of historical study in America. The Secretary shall submit to Congress any part of the report the Secretary decides is appropriate.

CHAPTER 215—AMERICAN HOSPITAL OF PARIS

Sec.
21501. Organization.
21502. Purpose.
21503. Governing body.
21504. Acquisition and management of property.
21505. Charges for medical services.
21506. Principal office.
21507. Nonapplication of audit requirements.

§21501. Organization

(a) FEDERAL CHARTER.—American Hospital of Paris (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION.—The corporation is declared to be incorporated in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§21502. Purpose

The purpose of the corporation is to maintain a hospital in the vicinity of Paris, France, to provide medical and surgical care to citizens of the United States.

§21503. Governing body

(a) GENERAL.—(1) The board of governors is the governing body of the corporation.

(2) The board shall have at least 12 governors, divided into 3 classes of equal numbers. One class of governors shall be elected each year for a term of 3 years or until their successors are elected. The corporation shall elect the governors at its annual meeting.

(b) QUORUM.—Five governors are a quorum for the transaction of business, except that a majority vote of the board is required for—

(1) the sale or alienation of any real or personal estate of the corporation; or

(2) the leasing of real estate of the corporation for a term of more than one year.

(c) POWERS.—The board may—

(1) adopt and amend bylaws, as may be necessary and proper, related to—

(A) elections and meetings;

(B) qualifications and duties of governors and officers;

(C) admission and qualifications of members; and

(D) management and disposition of the property, business, and concerns of the corporation;

(2) conduct all business of the corporation;

(3) fill, until the next annual election, a vacancy on the board; and

(4) appoint attending and resident physicians and surgeons, agents, assistants, and attendants as may be necessary, set their compensation, and discharge them.

§21504. Acquisition and management of property

The corporation may acquire, own, lease, encumber, and transfer property, in the United States and France, to carry out the purposes of the corporation.

§21505. Charges for medical services

The corporation may charge a reasonable compensation for providing medical and surgical services or may provide those services without charge. Amounts received under this section shall be used to carry out the purposes of the corporation.

§21506. Principal office

The principal office of the corporation shall be in the District of Columbia. However, offices may be maintained and meetings of the board of governors and committees may be held elsewhere.

§21507. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 217—THE AMERICAN LEGION

Sec.
21701. Organization.
21702. Purposes.
21703. Membership.
21704. Powers.
21705. Exclusive right to name, emblems, and badges.
21706. Political activities.
21707. Service of process.
21708. Annual report.

§21701. Organization

(a) FEDERAL CHARTER.—The American Legion (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§21702. Purposes

The purposes of the corporation are—

(1) to uphold and defend the Constitution of the United States;

(2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;

(3) to preserve the memories and incidents of the 2 World Wars and the other great hostilities fought to uphold democracy;

(4) to cement the ties and comradeship born of service; and

(5) to consecrate the efforts of its members to mutual helpfulness and service to their country.

§21703. Membership

An individual is eligible for membership in the corporation only if the individual—

(1) has served in the armed forces of—

(A) the United States at any time during any period from—

(i) April 6, 1917, through November 11, 1918;

(ii) December 7, 1941, through December 31, 1946;

(iii) June 25, 1950, through January 31, 1955;

(iv) December 22, 1961, through May 7, 1975;

(v) August 24, 1982, through July 31, 1984;

(vi) December 20, 1989, through January 31, 1990; or

(vii) August 2, 1990, through the date of cessation of hostilities, as decided by the United States Government; or

(B) a government associated with the United States during a period referred to in subclause (A) of this clause and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably after that period.

§21704. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices to conduct its activities;

(4) establish State and territorial organizations and local chapter or post organizations;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) publish a magazine and other publications;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§21705. Exclusive right to name, emblems, and badges

The corporation and its State and local subdivisions have the exclusive right to use the name "The American Legion" or "American Legion". The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

§21706. Political activities

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§21707. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§21708. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 219—THE AMERICAN NATIONAL THEATER AND ACADEMY

Sec.

21901. Organization.
21902. Purposes.
21903. Powers.
21904. Exclusive right to name.
21905. Restrictions.
21906. Headquarters and meetings.
21907. Service of process.
21908. Annual report.

§21901. Organization

(a) FEDERAL CHARTER.—The American National Theater and Academy (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§21902. Purposes

The purposes of the corporation include—

(1) the presentation of theatrical productions of the highest type;

(2) the stimulation of public interest in the drama as an art belonging both to the theater and to literature and to be enjoyed both on the stage and in the study;

(3) the advancement of interest in the drama throughout the United States by furthering the production of the best plays, interpreted by the best actors at a minimum cost;

(4) the further development of the study of drama of the present and past in our universities, colleges, schools, and elsewhere; and

(5) the sponsoring, encouraging, and developing of the art and technique of the theater through a school within the National Academy.

§21903. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices and buildings to conduct its activities;

(4) establish State and territorial organizations and local branches;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation, subject to its constitution and instructions of donors;

(6) sue and be sued; and

(7) do any other act necessary and proper to carry out the purposes of the corporation.

§21904. Exclusive right to name

The corporation and its State and local branches and subdivisions have the exclusive right to use the name "The American National Theater and Academy".

§21905. Restrictions

(a) PROFIT AND STOCK.—The corporation shall be nonprofit and may not issue stock.

(b) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and nonsectarian, and may not promote the candidacy of an individual seeking public office.

(c) HONORARY MEMBERS.—The corporation may not have honorary members.

§21906. Headquarters and meetings

The corporation may have its headquarters and hold its meetings at places the corporation decides are best.

§21907. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of the District of Columbia or of each State, territory, or possession of the United States in which its headquarters, branches, or subdivisions are located, the name and address of an agent in that jurisdiction on whom legal process or demands against the corporation may be served.

§21908. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year, including a complete report of its receipts and expenditures. The report may not be printed as a public document.

CHAPTER 221—THE AMERICAN SOCIETY OF INTERNATIONAL LAW

Sec.

22101. Organization.
22102. Purposes.
22103. Governing body.
22104. Powers.
22105. Restrictions.
22106. Principal office.
22107. Records and inspection.
22108. Service of process.
22109. Liability for acts of officers and agents.

§22101. Organization

(a) FEDERAL CHARTER.—The American Society of International Law (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§22102. Purposes

The purposes of the corporation are—

(1) to foster the study of international law; and

(2) to promote the establishment and maintenance of international relations on the basis of law and justice.

§22103. Governing body

(a) EXECUTIVE COUNCIL.—(1) The executive council is the governing body of the corporation. However, the council is subject to the directions of the corporation at its annual meetings and at any other meeting called under the constitution, bylaws, or regulations of the corporation.

(2) The council consists of a president, an honorary president, a number of vice presidents and honorary vice presidents as provided in the constitution, a secretary, a treasurer, and at least 24 additional individuals.

(b) ELECTION AND TERMS.—The officers of the corporation and one-third of the other members of the council shall be elected at each annual meeting of the corporation. However, the constitution may authorize the council—

(1) to elect the secretary and the treasurer of the corporation for specified terms; and

(2) to fill vacancies until the next annual meeting.

§22104. Powers

The corporation may—

(1) adopt and amend a constitution, bylaws, and regulations for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) publish a journal and other publications;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.

§22105. Restrictions

(a) PROFIT.—The corporation may not operate for profit.

(b) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) POLITICAL ACTIVITIES.—The corporation or an officer or member of the executive council as such may not contribute to, support, or assist a political party or candidate for elective public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a member of the corporation or an officer or member of the executive council, except on the dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan or advance to an officer or member of the executive council. Members of the council who vote for or assent to making a loan or advance to an officer or member of the council, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§22106. Principal office

The principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the United States.

§22107. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, executive council, and committees having any of the authority of its executive council; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§22108. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§22109. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

CHAPTER 223—AMERICAN SYMPHONY ORCHESTRA LEAGUE

Sec.
22301. Organization.
22302. Purposes.
22303. Membership.
22304. Governing body.
22305. Powers.
22306. Exclusive right to name, insignia, emblems, and badges.
22307. Restrictions.
22308. Principal office.
22309. Records and inspection.
22310. Service of process.
22311. Liability for acts of officers and agents.
22312. Distribution of assets on dissolution or final liquidation.

§22301. Organization

(a) FEDERAL CHARTER.—American Symphony Orchestra League (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§22302. Purposes

The purposes of the corporation are—

(1) to serve as a coordinating, research, and educational agency and clearinghouse for symphony orchestras to help strengthen the work in their local communities;

(2) to assist in the formation of new symphony orchestras;

(3) to encourage and recognize the work of America's musicians, conductors, and composers, through suitable means; and

(4) to aid the expansion of the musical and cultural life of the United States through suitable educational and service activities.

§22303. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary, sustaining, or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§22304. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the members of the corporation, the board is responsible for the general policies and program of the corporation and for the control of contributions raised by the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, a treasurer, and one or more assistant secretaries and assistant treasurers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§22305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§22306. Exclusive right to name, insignia, emblems, and badges

The corporation has the exclusive right to use the name "American Symphony Orchestra League" and distinctive insignia, emblems and badges, descriptive or designating marks, and words or phrases required to carry out the duties and powers of the corporation. This section does not affect any vested rights.

§22307. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan or advance to a director, officer, or employee. Directors who vote for or assent to making a loan or advance to a director, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§22308. Principal office

The principal office of the corporation shall be in Charleston, West Virginia, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§22309. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§22310. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§22311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§22312. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 225—AMERICAN WAR MOTHERS

Sec.
22501. Organization.
22502. Purposes.
22503. Membership.
22504. Powers.
22505. Exclusive right to name.
22506. Restrictions.
22507. Tax-exempt status.
22508. Meetings.
22509. Service of process.
22510. Annual report.

§22501. Organization

(a) FEDERAL CHARTER.—American War Mothers (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION.—The corporation is declared to be incorporated in the District of Columbia.

(c) PERIOD OF EXISTENCE.—The corporation may continue to exist until there are no individuals who qualify for membership.

§22502. Purposes

The purposes of the corporation are—

(1) to keep alive and develop the spirit that promoted world service;

(2) to maintain the ties of fellowship born of that service and to assist and further any patriotic work;

(3) to inculcate a sense of individual obligation to the community, State, and Nation;

(4) to work for the welfare of the Army and Navy;

(5) to assist, in any way in their power, men and women who served and were wounded or incapacitated in World War I; and

(6) to foster and promote friendship and understanding between America and the Allies in World War I.

§22503. Membership

Eligibility for membership in the corporation is limited to women—

(1) who are citizens of the United States; and

(2) whose natural son or daughter, legally adopted son or daughter, or stepson or stepdaughter—

(A) served in the armed forces of the United States or its allies in World War I, World War II, the Korean conflict, or any subsequent war or conflict involving the United States; and

(B) was honorably discharged from that service or continues in the service.

§22504. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) establish and maintain offices to conduct its activities;

(5) establish State, territorial, and local subdivisions;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out

the purposes of the corporation, subject to section 22506(b) of this title;

(7) publish a magazine and other publications;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out its purposes.

§ 22505. Exclusive right to name

The corporation and its State, territorial, and local subdivisions have the exclusive right to use the name "American War Mothers".

§ 22506. Restrictions

(a) GENERAL.—The corporation shall be nonprofit, nonpolitical, nonsectarian, and nonpartisan, and may not promote the candidacy of an individual seeking public office.

(b) OWNERSHIP AND USE OF PROPERTY.—The corporation may not accept, own, or hold, directly or indirectly, any property not reasonably necessary to carry out the purposes of the corporation.

§ 22507. Tax-exempt status

The personal property and funds of the corporation, whether principal or income, so long as held or used only to carry out the purposes of the corporation, are exempt from taxation by the United States Government, the District of Columbia, and the territories and possessions of the United States.

§ 22508. Meetings

The corporation may hold its meetings at any place the corporation decides.

§ 22509. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 22510. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 227—AMVETS (AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM)

Sec.
22701. Organization.
22702. Purposes.
22703. Membership.
22704. Governing body.
22705. Powers.
22706. Exclusive right to name, seals, emblems, and badges.
22707. Restrictions.
22708. Headquarters and principal place of business.
22709. Records and inspection.
22710. Service of process.
22711. Liability for acts of officials, representatives, and agents.
22712. Distribution of assets on dissolution or final liquidation.

§ 22701. Organization

(a) FEDERAL CHARTER.—AMVETS (American Veterans of World War II, Korea, and Vietnam) (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 22702. Purposes

The purposes of corporation are—

(1) to preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this Nation was founded;

(2) to maintain a continuing interest in the welfare and rehabilitation of the disabled veterans of World War II, the Korean conflict, and the Vietnam era and to establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge;

(3) to dedicate ourselves to the service and best interests of the community, State, and Nation to the end that our country shall be and remain forever a whole, strong, and free Nation;

(4) to aid and encourage the abolition of prejudice, ignorance, and disease;

(5) to encourage universal exercise of the voting franchise to the end that there shall be elected and maintained in public office men and women who hold public office as a public trust administered in the best interests of all the people;

(6) to advocate the development and means by which all Americans may become enlightened and informed citizens and thus participate fully in the functions of our democracy;

(7) to encourage and support an international organization of all peace-loving nations to the end that not again shall any nation be permitted to breach their national peace;

(8) to continue to serve the best interests of our Nation in peace as in war;

(9) to develop to the utmost the human, mental, spiritual, and economical resources of our Nation;

(10) to perpetuate and preserve the friendships and comradeship born on the battle front and nurtured in the common experience of service to our Nation during time of war; and

(11) to honor the memory of those men and women who gave their lives that a free America and a free world might live by the creation of living memorials in the form of additional educational, cultural, and recreational facilities.

§ 22703. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member has one vote in the conduct of official business at the post level.

(c) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, or national origin.

§ 22704. Governing body

(a) DELEGATES TO NATIONAL CONVENTIONS.—Each post may elect delegates to national conventions of the corporation. The delegates each have one vote in the conduct of business of the convention to which they are elected.

(b) EXECUTIVE COMMITTEE.—The executive committee of the corporation consists of—

(1) one member elected to represent each department; and

(2) the officers of the corporation as ex officio members.

(c) OFFICERS.—(1) The officers of the corporation are a national commander, 7 national vice commanders, one of whom shall be a woman, a finance officer, an adjutant, a judge advocate, and a provost marshal.

(2) The officers shall be elected by the delegates at the annual national convention.

(d) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, sex, or national origin.

§ 22705. Powers

(a) GENERAL.—The corporation may—

(1) adopt bylaws and regulations for the management of its property and the regulation of its affairs;

(2) adopt seals, emblems, and badges;

(3) choose officers, representatives, and agents as necessary to carry out the purposes of the corporation;

(4) make contracts;

(5) establish State and regional organizations and local posts;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) publish a magazine, newspaper, and other publications consistent with the purposes of the corporation;

(9) sue and be sued; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

(b) POWERS GRANTED TO OTHER ORGANIZATIONS.—The provisions, privileges, and prerogatives granted before July 24, 1947, to other national veterans' organizations because of their incorporation by Congress are granted to the corporation.

§ 22706. Exclusive right to name, seals, emblems, and badges

The corporation and its State, regional, and local subdivisions have the exclusive right to use the name "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and seals, emblems, and badges the corporation adopts.

§ 22707. Restrictions

(a) PROFIT.—The corporation shall operate as a not-for-profit corporation, exclusively for charitable, educational, patriotic, and civic improvement purposes.

(b) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) POLITICAL ACTIVITIES.—The corporation or an officer of the corporation or member of its executive committee as such may not contribute to, support, or assist a political party or candidate for elective public office. The corporation may not carry on propaganda.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation, except on dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan or advance to a director or officer. Directors who vote for or assent to making a loan or advance to a director or officer, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§ 22708. Headquarters and principal place of business

The headquarters and principal place of business of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§ 22709. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, executive committee, and committees having any of the authority of its executive committee; and

(3) at its registered or principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§22710. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(b) STATES.—As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§22711. Liability for acts of officials, representatives, and agents

The corporation is liable for the acts of its officials, representatives, and agents acting within the scope of their authority.

§22712. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge or satisfactory provision for discharge of all liabilities shall be transferred to the Secretary of Veterans Affairs to be applied to the care and comfort of disabled veterans of World War II, the Korean conflict, and the Vietnam era.

CHAPTER 229—ARMY AND NAVY UNION OF THE UNITED STATES OF AMERICA

Sec.
22901. Definition.
22902. Organization.
22903. Purposes.
22904. Membership.
22905. Governing body.
22906. Powers.
22907. Restrictions.
22908. Duty to maintain corporate and tax-exempt status.
22909. Records and inspection.
22910. Service of process.
22911. Liability for acts of officers and agents.
22912. Annual report.

§22901. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§22902. Organization

(a) FEDERAL CHARTER.—Army and Navy Union of the United States of America (in this chapter, the "corporation"), incorporated in Ohio, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§22903. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include—

(1) holding true allegiance to the United States Government and fidelity to its Constitution, laws, and institutions;

(2) serving our Nation under God in peace as well as in war by fostering the ideals of faith and patriotism, loyalty, justice, and liberty, by inculcating in the hearts of young and old, through precept and practice, the spirit of true Americanism, and by participating in civic activities for the good of our country and our community;

(3) uniting in fraternal fellowship those who have served, or are now serving, honorably in the armed forces of the United States;

(4) protecting and advancing their civic, social, and economic welfare;

(5) aiding them in sickness and distress;

(6) assisting in the burial and commemoration of their dead and providing help for their widows and orphans; and

(7) perpetuating the memory of patriotic deeds performed by the defenders of our country.

§22904. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§22905. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§22906. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§22907. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§22908. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Ohio.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§22909. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§22910. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§22911. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§22912. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 231—AVIATION HALL OF FAME

Sec.
23101. Organization.
23102. Purposes.
23103. Membership.
23104. Governing body.
23105. Powers.
23106. Restrictions.
23107. Principal office.
23108. Records and inspection.
23109. Statement required in audit report.
23110. Service of process.
23111. Liability for acts of officers and agents.
23112. Distribution of assets on dissolution or final liquidation.

§23101. Organization

(a) FEDERAL CHARTER.—Aviation Hall of Fame (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§23102. Purposes

The purposes of the corporation are—

(1) to receive and maintain one or more funds and to use any part of the principal and income only for charitable, scientific, literary, or educational purposes, either directly or by contributing to organizations authorized to carry on similar activities;

(2) to honor citizens, aviation leaders, pilots, teachers, scientists, engineers, inventors, governmental leaders, and other individuals who have helped to make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of aviation in the United States;

(3) to perpetuate the memory of those individuals and record their contributions and achievements by the erection and maintenance of buildings and monuments as may be appropriate as a lasting memorial;

(4) to promote a better sense of appreciation of the origins and growth of aviation, especially in the United States, and the part aviation has played in changing the economic, social, and scientific aspects of our Nation;

(5) to establish and maintain a library and museum for the collection and preservation for posterity of the history of those honored by the organization, together with a documentation of their accomplishments and contributions to aviation, including items such as aviation pictures, paintings, books, papers, documents, scientific data, relics,

mementos, artifacts, and other items related to that history;

(6) to cooperate with other recognized aviation organizations actively engaged and interested in similar projects; and

(7) to engage in any other activities appropriate to carry out the purposes of the corporation.

§23103. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the bylaws.

(b) VOTING.—Each member given voting rights by the bylaws has one vote on each matter submitted to a vote at a meeting of the voting members. The vote may be cast in the manner provided in the bylaws.

§23104. Governing body

(a) BOARD OF TRUSTEES.—(1) The board of trustees is the governing body of the corporation. Between meetings of the members of the corporation, the board is responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(2) The number of trustees, their manner of selection (including the filling of vacancies), and their term of office are as provided in the bylaws. However, the board shall have at least 18 members.

(3) The board may appoint committees. Each committee has the powers provided in the bylaws or by resolution of the board. The powers of a committee may include all the powers of the board.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents as provided in the bylaws, a secretary, a treasurer, and other officers as provided in the bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the bylaws.

(c)(1) BOARD OF NOMINATIONS.—The board of trustees shall appoint a board of nominations, consisting of at least 24 members, from members of the corporation not concurrently serving as members of the board of trustees. Those individuals serve for the term provided in the bylaws.

(2) The board of nominations shall nominate United States citizens or residents to be honored by the corporation and recommend those persons to the board of trustees for consideration as provided in the bylaws.

§23105. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, trustees, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§23106. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a trustee, officer, employee, member of the board of nominations, or member of the corporation as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a trustee, officer, member of the board of nominations, or member of the corporation, as such, during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or employee in an amount approved by the board of trustees.

(d) LOANS.—The corporation may not make a loan or advance to a trustee, officer, employee, member of the board of nominations, or member of the corporation. Trustees who vote for or assent to making such a loan or advance, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

(e) CONTRIBUTIONS TO CERTAIN ORGANIZATIONS.—None of the principal or interest of a fund réferred to in section 23102(1) of this title may be contributed to an organization if—

(1) a substantial part of its activities is carrying on propaganda or attempting to influence legislation; or

(2) any part of its net earnings benefits a private shareholder or individual.

§23107. Principal office

The principal office of the corporation shall be in Dayton, Ohio, or another place decided by the board of trustees. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§23108. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of trustees, board of nominations, and committees having any of the authority of its board of trustees; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§23109. Statement required in audit report

The corporation shall include in the audit report statement required under section 10101(b)(1)(B) of this title a schedule of all contracts requiring payments greater than $10,000 and all payments of compensation or fees at a rate greater than $10,000 a year.

§23110. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

§23111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§23112. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of trustees, but consistent with the purposes of the corporation and in compliance with the charter and bylaws.

CHAPTER 301—BIG BROTHERS—BIG SISTERS OF AMERICA

Sec.
30101. Organization.
30102. Purposes.
30103. Membership.
30104. Governing body.
30105. Powers.
30106. Exclusive right to names, seals, emblems, and badges.
30107. Restrictions.
30108. Principal office.
30109. Records and inspection.
30110. Service of process.
30111. Liability for acts of officers and agents.
30112. Distribution of assets on dissolution or final liquidation.

§30101. Organization

(a) FEDERAL CHARTER.—Big Brothers—Big Sisters of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§30102. Purposes

The purposes of the corporation are—

(1) to assist individuals throughout the United States in solving their social and economic problems and in their health and educational and character development;

(2) to promote the use, by other lay and professional agencies and workers, of the techniques of that assistance developed by the corporation; and

(3) to receive, invest, and disburse funds and hold property for the purposes of the corporation.

§30103. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member has one vote on each matter submitted to a vote at a meeting of the members.

§30104. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The powers, duties, and responsibilities of the board are as provided in the constitution and bylaws of the corporation.

(2) The number of directors is as provided in the constitution. Their manner of selection (including the filling of vacancies) and their term of office are as provided in the constitution and bylaws.

(b) OFFICERS.—(1) The officers of the corporation are a chairman of the board of directors, a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, and a treasurer.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§30105. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§30106. Exclusive right to names, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the names "The Big Brothers of America, Big Sisters International, Incorporated", "Big Sisters of America", "Big Brothers", "Big Sisters", "Big Brothers—Big Sisters of America", and "Big Sisters—Big Brothers", and to use and to allow others to use seals, emblems, and badges the corporation adopts.

§30107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan or advance to a director, officer, or employee. Directors who vote for or assent to making a loan or advance to a director, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§30108. Principal office

The principal office of the corporation shall be in Philadelphia, Pennsylvania, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§30109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§30110. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§30111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§30112. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 303—BLINDED VETERANS ASSOCIATION

Sec.

30301. Organization.
30302. Purposes.
30303. Membership.
30304. Governing body.
30305. Powers.
30306. Exclusive right to name, seals, emblems, and badges.
30307. Restrictions.
30308. Principal office.
30309. Records and inspection.
30310. Service of process.
30311. Liability for acts of officers and agents.
30312. Distribution of assets on dissolution or final liquidation.

§30301. Organization

(a) FEDERAL CHARTER.—Blinded Veterans Association (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§30302. Purposes

The purposes of the corporation are—

(1) to operate as a not-for-profit corporation exclusively for charitable, educational, patriotic, and civic improvement purposes;

(2) to promote the welfare of blinded veterans so that, notwithstanding their disabilities, they may take their rightful place in the community and work with their fellow citizens toward the creation of a peaceful world;

(3) to preserve and strengthen a spirit of fellowship among blinded veterans so that they may give mutual aid and assistance to one another; and

(4) to maintain and extend the institutions of American freedom and to encourage loyalty to the Constitution and laws of the United States and of the States in which they reside.

§30303. Membership

(a) GENERAL MEMBERSHIP.—An individual who served in the armed forces of the United States and who, in the line of duty in that service, sustained a substantial impairment of sight or vision as defined by the bylaws of the corporation is eligible for general membership in the corporation.

(b) HONORARY AND ASSOCIATE MEMBERSHIP.—In addition to general membership, the corporation shall have special classes of honorary and associate membership. Eligibility for, and the rights and obligations of, those special classes are as provided in the bylaws.

§30304. Governing body

(a) BOARD OF DIRECTORS.—(1) The number of directors of the corporation shall be at least 3 but not more than 15. The directors shall be divided into a specified number of classes. Each class shall hold office for a definite period of years as provided in the bylaws.

(2) A majority of the directors must be present at a meeting of directors to constitute a quorum. A majority vote of the directors present at a meeting at which there is a quorum is necessary for the transaction of business.

(3) A director may be removed at any time for just and proper cause by a majority vote of a quorum of directors present at a meeting called for that purpose.

(4) A vacancy in the office of director may be filled by a majority vote of a quorum of the remaining directors present at a meeting called for that purpose. A director elected to fill a vacancy serves until the next annual meeting of the corporation.

(b) OFFICERS.—The officers of the corporation and their manner of election, term of office, duties, and powers are as provided in the bylaws.

§30305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, and agents as the activities of the corporation require;

(4) charge and collect membership dues;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.

§30306. Exclusive right to name, seals, emblems, and badges

The corporation and its authorized regional groups and other local subdivisions have the exclusive right to use the name "Blinded Veterans Association" and seals, emblems, and badges the corporation adopts.

§30307. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for elective public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This section does not prevent the payment of—

(1) bona fide expenses of officers of the corporation in amounts approved by the board of directors; or

(2) appropriate aid to blinded veterans or their widows or children in carrying out the purposes of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors and officers who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

(e) IMMUNITY FROM LIABILITY.—Members and private individuals are not liable for the obligations of the corporation.

§30308. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the board of directors.

However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§30309. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members, directors, and officers.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§30310. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§30311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§30312. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be transferred to the Secretary of Veterans Affairs to be applied to the care and comfort of blinded veterans.

CHAPTER 305—BLUE STAR MOTHERS OF AMERICA, INC.

Sec.

30501. Definition.
30502. Organization.
30503. Purposes.
30504. Membership.
30505. Governing body.
30506. Powers.
30507. Exclusive right to name, seals, emblems, and badges.
30508. Restrictions.
30509. Principal office.
30510. Records and inspection.
30511. Service of process.
30512. Liability for acts of officers and agents.
30513. Annual report.
30514. Distribution of assets on dissolution or final liquidation.

§30501. Definition

For purposes of this chapter, "armed forces" includes the United States Army, United States Navy, United States Marines, United States Air Force, United States Coast Guard, National Guard, United States Army Reserves, United States Navy Reserves, United States Marine Reserves, United States Air Force Reserves, United States Coast Guard Reserves, United States Naval Militia, merchant marines, and armed home guards who have served on active duty.

§30502. Organization

(a) FEDERAL CHARTER.—Blue Star Mothers of America, Inc. (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§30503. Purposes

The purposes of the corporation are patriotic, educational, social, and for service, and include—

(1) perpetuating the Blue Star Mothers of America, Inc., and the memory of all the men and women who have served our country as members of the armed forces;

(2) maintaining true allegiance to the Government of the United States;

(3) educating members of the corporation and others not to divulge military, naval, or other Government information;

(4) assisting in veterans' ceremonies;

(5) attending patriotic rallies and meetings;

(6) fostering true democracy;

(7) caring for unsupported mothers who gave their sons to the service of the Nation;

(8) aiding in bringing about recognition of the need for permanent civilian defense in each community and the need to be always alert against invasion of un-American activities;

(9) upholding the American institutions of freedom, justice, and equal rights; and

(10) defending the United States from all enemies.

§30504. Membership

An individual is eligible for membership in the corporation if—

(1) she is a mother, adoptive mother, or stepmother (who has given a mother's care at least since the stepchild was age 13) of a son or daughter who—

(A) is serving in the armed forces; or

(B) has served in, or has been honorably discharged from, the armed forces in World War II or the Korean hostilities; and

(2) she is living in the United States.

§30505. Governing body

(a) NATIONAL CONVENTION.—(1) The national convention is the supreme governing authority of the corporation.

(2) The national convention is composed of officers and elected representatives from the States and other local subdivisions of the corporation as provided in the constitution and bylaws. However, the form of government of the corporation must be representative of the membership at large and may not permit concentration of control in a limited number of members or in a self-perpetuating group not representative of the membership at large.

(3) The meetings of the national convention may be held in the District of Columbia or any State, territory, or possession of the United States.

(b) OFFICERS.—The officers of the corporation and their manner of selection, term of office, and duties are as provided in the constitution and bylaws of the corporation.

§30506. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§30507. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the name "Blue Star Mothers of America, Inc.". The corporation has the exclusive right to use, and to allow others to use, seals, emblems, and badges the corporation adopts.

§30508. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or an officer or agent as such may not contribute to a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(d) LOANS.—The corporation may not make a loan or advance to an officer or employee. Members of the council of administration who vote for or assent to making a loan or advance to an officer or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§30509. Principal office

The principal office of the corporation shall be in the District of Columbia.

§30510. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account; and

(2) minutes of the proceedings of its national conventions and council of administration.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§30511. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process, notice, or demand for the corporation. Designation of the agent shall be filed in the office of the Mayor of the District of Columbia or another office designated by the Mayor. Notice to or service on the agent is notice to or service on the corporation.

§30512. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§30513. Annual report

Not later than March 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may consist of a report of the proceedings of the national convention. The report may not be printed as a public document.

§30514. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the national executive board, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 307—BOARD FOR FUNDAMENTAL EDUCATION

Sec.
30701. Organization.
30702. Purpose.
30703. Membership.
30704. Governing body.
30705. Powers.
30706. Exclusive right to name, seals, emblems, and badges.
30707. Restrictions.
30708. Principal office.
30709. Records and inspection.
30710. Service of process.
30711. Liability for acts of officers and agents.
30712. Distribution of assets on dissolution or final liquidation.

§ 30701. Organization

(a) FEDERAL CHARTER.—Board for Fundamental Education (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 30702. Purpose

The purpose of the corporation is to foster the development of fundamental education through programs and projects such as—

(1) giving citizens (children, youth, and adults) an opportunity to acquire the understandings and skills necessary to relate the resources of the community to the needs and interests of the community;

(2) demonstrating programs of fundamental education and measuring results; and

(3) training men and women as leaders in fundamental education by providing internships and other experiences.

§ 30703. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in constitution and bylaws of the corporation.

(b) VOTING.—Each member has one vote in the conduct of official business of the corporation.

§ 30704. Governing body

(a) BOARD OF DIRECTORS.—The board of directors is the governing body of the corporation. The board shall consist of at least 15 directors elected annually by the members.

(b) OFFICERS.—The officers of the corporation are a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and any assistant officers designated by the board. The officers have the powers and shall carry out the duties provided in the bylaws or prescribed by the board.

§ 30705. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) use corporate funds to give prizes, awards, loans, scholarships, and grants to deserving students to carry out the purpose of the corporation;

(8) publish a magazine and other publications;

(9) sue and be sued; and

(10) do any other act necessary and proper to carry out the purpose of the corporation.

§ 30706. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "Board for Fundamental Education" and seals, emblems, and badges the corporation adopts.

§ 30707. Restrictions

(a) PROFIT.—The corporation may not engage in business for profit.

(b) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) POLITICAL ACTIVITIES.—The corporation or a director, officer, or member as such may not contribute to, support, or assist a political party or candidate for elective public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 30708. Principal office

The principal office of the corporation shall be in a place the board of directors decides is appropriate. However, the activities of the corporation may be conducted throughout the States, territories, and possessions of the United States.

§ 30709. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation at any reasonable time.

§ 30710. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(b) STATES, TERRITORIES, AND POSSESSIONS.—As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which the corporation does business, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§ 30711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 30712. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the purpose stated in section 30702 of this title or be transferred to a recognized educational foundation.

CHAPTER 309—BOY SCOUTS OF AMERICA

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30901. Organization.
30902. Purposes.
30903. Governing body.
30904. Powers.
30905. Exclusive right to emblems, badges, marks, and words.
30906. Restrictions.
30907. Annual and special meetings.
30908. Annual report.

§ 30901. Organization

(a) FEDERAL CHARTER.—Boy Scouts of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 30902. Purposes

The purposes of the corporation are to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods that were in common use by boy scouts on June 15, 1916.

§ 30903. Governing body

(a) EXECUTIVE BOARD.—An executive board composed of citizens of the United States is the governing body of the corporation. The number, qualifications, and term of office of members of the board are as provided in the bylaws. A vacancy on the board shall be filled by a majority vote of the remaining members of the board.

(b) QUORUM.—The bylaws may prescribe the number of members of the board necessary for a quorum. That number may be less than a majority of the entire board.

(c) COMMITTEES.—(1) The board, by resolution passed by a majority of the entire board, may designate 3 or more members of the board as an executive or governing committee. A majority of the committee is a quorum. The committee, to the extent provided in the resolution or bylaws, may—

(A) exercise the powers of the executive board in managing the activities of the corporation; and

(B) authorize the seal of the corporation to be affixed to papers that may require it.

(2) The board, by majority vote of the entire board, may appoint other standing committees. The standing committees may exercise powers as provided in the bylaws.

§ 30904. Powers

(a) GENERAL.—The corporation may—

(1) adopt and amend bylaws and regulations, including regulations for the election of associates and successors;

(2) adopt and alter a corporate seal;

(3) have offices and conduct its activities in the District of Columbia and the States, territories, and possessions of the United States;

(4) acquire and own property as necessary to carry out the purposes of the corporation;

(5) sue and be sued within the jurisdiction of the United States; and

(6) do any other act necessary to carry out this chapter and promote the purpose of the corporation.

(b) LIMITATIONS ON EXERCISING CERTAIN POWERS.—(1) The corporation may execute mortgages and liens on the property of the corporation only if approved by a two-thirds vote of the entire executive board at a meeting called for that purpose.

(2) The corporation may dispose in any manner of the whole property of the corporation only with the written consent and affirmative vote of a majority of the members of the corporation.

§30905. Exclusive right to emblems, badges, marks, and words

The corporation has the exclusive right to use emblems, badges, descriptive or designating marks, and words or phrases the corporation adopts. This section does not affect any vested rights.

§30906. Restrictions

(a) PROFIT.—The corporation may not operate for pecuniary profit to its members.

(b) STOCKS AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

§30907. Annual and special meetings

(a) ANNUAL MEETINGS.—The corporation shall hold an annual meeting at a time and place as provided in the bylaws. At the meeting, the annual reports of the officers and executive board shall be presented, and members of the board shall be elected for the next year.

(b) SPECIAL MEETINGS.—Special meetings of the corporation may be called on notice as provided in the bylaws.

(c) QUORUM.—The number of members necessary for a quorum at an annual or special meeting shall be prescribed in the bylaws.

(d) LOCATIONS.—The members and the executive board may hold meetings and keep the seal and records of the corporation in or outside the District of Columbia.

§30908. Annual report

Not later than April 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year.

CHAPTER 311—BOYS & GIRLS CLUBS OF AMERICA

Sec.
31101. Organization.
31102. Purposes.
31103. Membership.
31104. Governing body.
31105. Powers.
31106. Restrictions.
31107. Principal office.
31108. Records and inspection.
31109. Service of process.
31110. Liability for acts of officers and agents.
31111. Distribution of assets on dissolution or final liquidation.

§31101. Organization

(a) FEDERAL CHARTER.—Boys & Girls Clubs of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§31102. Purposes

The purposes of the corporation are—

(1) to promote the health, social, educational, vocational, and character development of youth throughout the United States; and

(2) to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

§31103. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member has one vote on each matter submitted to a vote at a meeting of the members.

(c) BENEFITS OF MEMBER ORGANIZATIONS.—Each organization that is a member of the corporation as provided in the constitution of the corporation is entitled to all the benefits of incorporation under this chapter. Those benefits cease immediately on termination of membership, whether by—

(1) resignation from the corporation; or

(2) termination of its membership by the board of directors of the corporation as provided in the constitution.

§31104. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The powers, duties, and responsibilities of the board are as provided in the constitution and bylaws of the corporation.

(2) The number of directors is as provided in the constitution of the corporation. Their manner of selection (including the filling of vacancies) and their term of office are as provided in the constitution and bylaws.

(b) OFFICERS.—(1) The officers of the corporation are a chairman of the board of directors, a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, a treasurer, and one or more assistant secretaries and assistant treasurers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§31105. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§31106. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan or advance to a director, officer, or employee. Directors who vote for or assent to making a loan or advance to a director, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§31107. Principal office

The principal office of the corporation shall be in New York, New York, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§31108. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§31109. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§31110. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§31111. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 401—CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.
40101. Definition.
40102. Organization.
40103. Purposes.
40104. Membership.
40105. Governing body.
40106. Powers.
40107. Restrictions.
40108. Duty to maintain tax-exempt status.
40109. Records and inspection.
40110. Service of process.
40111. Liability for acts of officers and agents.
40112. Annual report.

§40101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§40102. Organization

(a) FEDERAL CHARTER.—Catholic War Veterans of the United States of America, Incorporated (in this chapter, the "corporation"), incorporated in New York, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§40103. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include a continuing commitment, on a national basis, to—

(1) preserve, protect, and defend the Constitution of the United States and the laws of the States;

(2) commemorate the wars, campaigns, and military actions of the United States to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all Americans a greater understanding of and appreciation for the sacrifices of those who participated in them for all Americans;

(3) stimulate to the highest degree possible the interests of the entire Nation in the problems of veterans, their widows, and orphans;

(4) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States has participated;

(5) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States;

(6) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(7) encourage, among the youth of our Nation, respect for our national flag, our anthem, and the traditions of America;

(8) preserve the freedoms of all the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(9) foster the association of veterans of the Catholic faith who have served in the armed forces of the United States;

(10) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(11) promote the realization that the family is the basic unit of society;

(12) increase our love, honor, and service to God and to our fellow man without regard to race, creed, color, or national origin; and

(13) function as a veterans' and patriotic organization as authorized by the laws of the each State in which it is incorporated.

§40104. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§40105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§40106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§40107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee in an amount approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§40108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§40109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§40110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§40111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§40112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 403—CIVIL AIR PATROL

Sec.
40301. Organization.
40302. Purposes.
40303. Membership.
40304. Powers.
40305. Restrictions.
40306. Exclusive right to name, insignia, copyrights, emblems, badges, marks, and words.
40307. Annual report.

§40301. Organization

(a) FEDERAL CHARTER.—Civil Air Patrol (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§40302. Purposes

The purposes of the corporation are to—

(1) provide an organization to—

(A) encourage and aid citizens of the United States in contributing their efforts, services, and resources in developing aviation and in maintaining air supremacy; and

(B) encourage and develop by example the voluntary contribution of private citizens to the public welfare;

(2) provide aviation education and training especially to its senior and cadet members;

(3) encourage and foster civil aviation in local communities; and

(4) provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies.

§40303. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§40304. Powers

The corporation may—

(1) adopt and amend a constitution, bylaws, and regulations;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices in the District of Columbia and the States, territories, and possessions of the United States to conduct its affairs;

(4) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(5) sue and be sued; and

(6) do any other act necessary and proper to carry out the purposes of the corporation.

§40305. Restrictions

The corporation may not engage in business for profit or issue stock.

§40306. Exclusive right to name, insignia, copyrights, emblems, badges, marks, and words

The corporation has the exclusive right to use the name "Civil Air Patrol" and all insignia, copyrights, emblems, badges, descriptive or designating marks, words, and phrases the corporation adopts. This section does not affect any vested rights.

§40307. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year.

CHAPTER 405—CONGRESSIONAL MEDAL OF HONOR SOCIETY OF THE UNITED STATES OF AMERICA

Sec.
40501. Organization.
40502. Purposes.
40503. Membership.
40504. Governing body.
40505. Powers.
40506. Restrictions.
40507. Principal office.
40508. Records and inspection.
40509. Service of process.
40510. Liability.
40511. Distribution of assets on dissolution or final liquidation.

§40501. Organization

(a) FEDERAL CHARTER.—Congressional Medal of Honor Society of the United States of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 40502. Purposes

The purposes of the corporation are—

(1) to form a bond of friendship and comradeship among all holders of the Medal of Honor as presented by Congress;

(2) to protect, uphold, and preserve the dignity and honor of the medal at all times and on all occasions;

(3) to protect the name of the medal and individual holders of the medal from exploitation;

(4) to provide appropriate aid to all persons to whom the medal has been awarded, their widows, or their children;

(5) to serve our country in peace as in war;

(6) to inspire and stimulate our youth to become worthy citizens of our country; and

(7) to foster and perpetuate Americanism.

§ 40503. Membership

(a) ELIGIBILITY.—An individual who has been awarded the Medal of Honor as presented by Congress is eligible for membership in the corporation. An honorary membership may not be granted.

(b) VOTING.—Each member has one vote on each matter submitted to a vote at a meeting of the members. The vote may be cast in person or by proxy.

§ 40504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The board may exercise, or provide for the exercise of, the powers of the corporation.

(2) The number of directors, their manner of election (including the filling of vacancies), and their term of office are as provided in the bylaws. However, the board shall have at least 9 directors.

(3) The board shall meet at least annually. Each director has one vote on matters decided by the board.

(4) The president of the corporation is the chairman of the board.

(b) OFFICERS.—(1) The officers of the corporation are a president, an executive vice president, a secretary, a treasurer, and 6 regional vice presidents as provided in the bylaws. The offices of secretary and treasurer may be combined and held by the same individual, but an individual holding those combined offices has only one vote as a director.

(2) The manner of election, term of office, duties, and powers of the officers are as provided in the bylaws.

§ 40505. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, and agents as the activities of the corporation require;

(4) charge and collect membership dues;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.

§ 40506. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of—

(1) expenses of officers of the corporation in amounts approved by the board of directors; or

(2) appropriate aid to individuals to whom the Medal of Honor has been awarded, their widows, or their children, to carry out the purposes of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors and officers who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 40507. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§ 40508. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 40509. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 40510. Liability

(a) LIABILITY OF CORPORATION.—The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

(b) IMMUNITY OF INDIVIDUALS.—A member or private individual is not liable for the obligations of the corporation.

§ 40511. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the bylaws.

CHAPTER 407—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I—CORPORATION

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40702. Governing body.
40703. Powers.
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40705. Duty to maintain tax-exempt status.
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SUBCHAPTER II—CIVILIAN MARKSMANSHIP PROGRAM

40721. Responsibility of corporation.
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40730. Surplus property.
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SUBCHAPTER I—CORPORATION

§ 40701. Organization

(a) FEDERAL CHARTER.—Corporation for the Promotion of Rifle Practice and Firearms Safety (in this chapter, the "corporation") is a federally chartered corporation.

(b) NON-GOVERNMENTAL STATUS.—The corporation is a private corporation, not a department, agency, or instrumentality of the United States Government. An officer or employee of the corporation is not an officer or employee of the Government.

§ 40702. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The board of directors may adopt bylaws, policies, and procedures for the corporation and may take any other action that it considers necessary for the management and operation of the corporation.

(2) The board shall have at least 9 directors.

(3) The term of office of a director is 2 years. A director may be reappointed.

(4) A vacancy on the board of directors shall be filled by a majority vote of the remaining directors.

(b) DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The board of directors shall appoint the Director of Civilian Marksmanship.

(2) The Director is responsible for—

(A) the daily operation of the corporation; and

(B) the duties of the corporation under subchapter II of this chapter.

§ 40703. Powers

The corporation may—

(1) adopt, use, and alter a corporate seal, which shall be judicially noticed;

(2) make contracts;

(3) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the activities of the corporation;

(4) incur and pay obligations;

(5) charge fees to cover the corporation's costs in carrying out the Civilian Marksmanship Program; and

(6) do any other act necessary and proper to carry out the activities of the corporation.

§ 40704. Restrictions

(a) PROFIT.—The corporation may not operate for profit.

(b) USE OF AMOUNTS COLLECTED.—Amounts collected under section 40703(3) and (5) of this title, including proceeds from the sale of firearms, ammunition, repair parts, and other supplies, may be used only to support the Civilian Marksmanship Program.

§ 40705. Duty to maintain tax-exempt status

The corporation shall be operated in a manner and for purposes that qualify the corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) as an organization described in section 501(c)(3) of that Code (26 U.S.C. 501(c)(3)).

§40706. Distribution of assets on dissolution

(a) Secretary of the Army.—On dissolution of the corporation, title to the following items, and the right to possess the items, vest in the Secretary of the Army:

(1) firearms stored at Defense Distribution Depot, Anniston, Anniston, Alabama on the date of dissolution.

(2) M–16 rifles under control of the corporation.

(3) trophies received from the National Board for the Promotion of Rifle Practice through the date of dissolution.

(b) Tax-Exempt Organizations.—(1) On dissolution of the corporation, an asset not described in subsection (a) of this section may be distributed to an organization that—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) as an organization described in section 501(c)(3) of that Code (26 U.S.C. 501(c)(3)); and

(B) performs functions similar to the functions described in section 40722 of this title.

(2) An asset distributed under this subsection may not be distributed to an individual.

(c) Treasury.—On dissolution of the corporation, any asset not distributed under subsection (a) or (b) of this section shall be sold and the proceeds shall be deposited in the Treasury.

§40707. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

SUBCHAPTER II—CIVILIAN MARKSMANSHIP PROGRAM

§40721. Responsibility of corporation

The corporation shall supervise and control the Civilian Marksmanship Program.

§40722. Functions

The functions of the Civilian Marksmanship Program are—

(1) to instruct citizens of the United States in marksmanship;

(2) to promote practice and safety in the use of firearms;

(3) to conduct competitions in the use of firearms and to award trophies, prizes, badges, and other insignia to competitors;

(4) to secure and account for firearms, ammunition, and other equipment for which the corporation is responsible;

(5) to issue, loan, or sell firearms, ammunition, repair parts, and other supplies under sections 40731 and 40732 of this title; and

(6) to procure necessary supplies and services to carry out the Program.

§40723. Eligibility for participation

(a) Certification.—(1) An individual shall certify by affidavit, before participating in an activity sponsored or supported by the corporation, that the individual—

(A) has not been convicted of a felony;

(B) has not been convicted of a violation of section 922 of title 18; and

(C) is not a member of an organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require an individual to provide certification from law enforcement agencies to verify that the individual has not been convicted of a felony or a violation of section 922 of title 18.

(b) Ineligibility.—An individual may not participate in an activity sponsored or supported by the corporation if the individual—

(1) has been convicted of a felony; or

(2) has been convicted of a violation of section 922 of title 18.

(c) Limiting Participation.—The Director may limit participation in the program as necessary to ensure—

(1) the safety of participants;

(2) the security of firearms, ammunition, and equipment; and

(3) the quality of instruction in the use of firearms.

§40724. Priority of youth participation

In carrying out the Civilian Marksmanship Program, the corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

§40725. National Matches and small-arms firing school

(a) Annual Competition.—An annual competition called the "National Matches" and consisting of rifle and pistol matches for a national trophy, medals, and other prizes shall be held as prescribed by the Secretary of the Army.

(b) Eligible Participants.—The National Matches are open to members of the armed forces, National Guard, Reserve Officers' Training Corps, Air Force Reserve Officers' Training Corps, Citizens' Military Training Camps, Citizens' Air Training Camps, and rifle clubs, and to civilians.

(c) Small-Arms Firing School.—A small-arms firing school shall be held in connection with the National Matches.

(d) Other Competitions.—Competitions for which trophies and medals are provided by the National Rifle Association of America shall be held in connection with the National Matches.

§40726. Allowances for junior competitors

(a) Definition.—In this section, a "junior competitor" is a competitor at the National Matches, a small-arms firing school, a competition in connection with the National Matches, or a special clinic under section 40725 of this title who is—

(1) less than 18 years of age; or

(2) a member of a gun club organized for the students of a college or university.

(b) Subsistence Allowance.—A junior competitor may be paid a subsistence allowance in an amount prescribed by the Secretary of the Army.

(c) Travel Allowance.—A junior competitor may be paid a travel allowance in an amount prescribed by the Secretary instead of travel expenses and subsistence while traveling. The travel allowance for the return trip may be paid in advance.

§40727. Army support

(a) Logistical Support.—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program for competitions and other activities. The corporation shall reimburse the Secretary for incremental direct costs incurred in providing logistical support. The reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide the logistical support.

(b) National Matches.—(1) The National Matches may be held at Department of Defense facilities where the National Matches were held before February 10, 1996.

(2) The Secretary shall provide, without cost to the corporation, members of the National Guard and Army Reserve to support the National Matches as part of the annual training under title 10 and title 32.

(c) Regulations.—The Secretary shall prescribe regulations to carry out this section.

§40728. Transfer of firearms, ammunition, and parts

(a) Required Transfers.—In accordance with subsection (b) of this section, the Secretary of the Army shall transfer to the corporation all firearms and ammunition that, on February 9, 1996, were under the control of the director of civilian marksmanship (as that position existed under section 4307 of title 10 on February 9, 1996), including—

(1) all firearms on loan to affiliated clubs and State associations;

(2) all firearms in the possession of the Civilian Marksmanship Support Detachment; and

(3) all M–1 Garand and caliber .22 rimfire rifles stored at Defense Distribution Depot, Anniston, Anniston, Alabama.

(b) Time for Transfers.—The Secretary shall transfer firearms and ammunition under subsection (a) of this section as and when necessary to enable the corporation—

(1) to issue or loan firearms or ammunition under section 40731 of this title; or

(2) to sell firearms or ammunition under section 40732 of this title.

(c) Vesting of Title in Transferred Items.—Title to an item transferred to the corporation under this section shall vest in the corporation—

(1) on the issuance of the item to an eligible recipient under section 40731 of this title; or

(2) immediately before the corporation delivers the item to a purchaser in accordance with a contract for sale of the item that is authorized under section 40732 of this title.

(d) Storage of Firearms.—Firearms stored at Defense Distribution Depot, Anniston, Anniston, Alabama, before February 10, 1996, and used for the Civilian Marksmanship Program (as that program existed under section 4308(e) of title 10 before February 10, 1996), shall remain at that facility or another storage facility designated by the Secretary, without cost to the corporation, until the firearms are issued, loaned, or sold by the corporation, or otherwise transferred to the corporation.

(e) Discretionary Transfer of Parts.—The Secretary may transfer from the inventory of the Department of the Army to the corporation any part from a rifle designated to be demilitarized.

(f) Limitation on Demilitarization of M–1 Rifles.—After February 10, 1996, the Secretary may not demilitarize an M–1 Garand rifle in the inventory of the Army unless the Defense Logistics Agency decides the rifle is unserviceable.

(g) Cost of Transfers.—A transfer of firearms, ammunition, or parts to the corporation under this section shall be made without cost to the corporation, except that the corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

§40729. Reservation of firearms, ammunition, and parts

(a) Reservation.—The Secretary of the Army shall reserve for the corporation—

(1) firearms described in section 40728(a) of this title;

(2) ammunition for firearms described in 40728(a) of this title;

(3) M–16 rifles held by the Department of the Army on February 10, 1996, and used to support the small-arms firing school; and

(4) parts from, and other supplies for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) Exception.—This section does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

§40730. Surplus property

The corporation may obtain surplus property from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program. A transfer of property to the corporation under this section shall be made without cost to the corporation.

§40731. Issuance or loan of firearms and supplies

(a) ISSUANCE OR LOAN.—For purposes of training and competition, the corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, air rifles, caliber .22 and .30 ammunition, repair parts, and other supplies necessary for activities related to the Civilian Marksmanship Program to—

(1) organizations affiliated with the corporation that provide firearms training to youth;

(2) the Boy Scouts of America;

(3) 4-H Clubs;

(4) the Future Farmers of America; and

(5) other youth oriented organizations.

(b) SECURITY OF FIREARMS.—The corporation shall ensure adequate oversight and accountability for firearms issued or loaned under this section. The corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with United States, State, and local laws.

§40732. Sale of firearms and supplies

(a) AFFILIATED ORGANIZATIONS.—The corporation may sell, at fair market value, caliber .22 rimfire and caliber .30 surplus rifles, air rifles, caliber .22 and .30 ammunition, repair parts, and other supplies to organizations affiliated with the corporation that provide training in the use of firearms.

(b) GUN CLUB MEMBERS.—(1) The corporation may sell, at fair market value, caliber .22 rimfire and caliber .30 surplus rifles, ammunition, repair parts and other supplies necessary for target practice to a citizen of the United States who is over 18 years of age and who is a member of a gun club affiliated with the corporation.

(2) Except as provided in section 40733 of this title, sales under this subsection are subject to applicable United States, State, and local law. In addition to any other requirement, the corporation shall establish procedures to obtain a criminal records check of the individual with United States Government and State law enforcement agencies.

(c) LIMITATION ON SALES.—(1) The corporation may not sell a repair part designed to convert a firearm to fire in a fully automatic mode.

(2) The corporation may not sell any item to an individual who has been convicted of—

(A) a felony; or

(B) a violation of section 922 of title 18.

§40733. Applicability of other law

Section 922(a)(1)-(3) and (5) of title 18 does not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the corporation, of an item that the corporation is authorized to issue, loan, sell, or receive under this chapter.

CHAPTER 501—DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR 1861–1865

Sec.

50101. Definition.
50102. Organization.
50103. Purposes.
50104. Membership.
50105. Governing body.
50106. Powers.
50107. Restrictions.
50108. Duty to maintain tax-exempt status.
50109. Records and inspection.
50110. Service of process.
50111. Liability for acts of officers and agents.
50112. Annual report.

§50101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§50102. Organization

(a) FEDERAL CHARTER.—Daughters of Union Veterans of the Civil War 1861–1865 (in this chapter, the "corporation"), a nonprofit corporation incorporated in Ohio, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§50103. Purposes

(a) PROVIDED IN ARTICLES OF INCORPORATION.—The purposes of the corporation are as provided in the articles of incorporation.

(b) PERPETUATING MEMORIES.—To perpetuate the memories of the fathers of the Daughters of Union Veterans of the Civil War 1861–1865, their loyalty to the Union, and their unselfish sacrifices for the preservation of the Union, the purposes of the corporation also include—

(1) encouraging the preservation of historic sites and the construction and preservation of monuments commemorating any aspect of the Civil War;

(2) building and maintaining a Museum of Civil War History, admission to which shall be free and open to the public, in the city of Springfield, Illinois, as a repository of Civil War documents, artifacts, and cultural relics;

(3) maintaining a library in connection with the Civil War museum, admission to which shall be open to the public, containing the official volumes of the War of the Rebellion Records, Civil War genealogical files, Adjutant General reports of the various States, military and biographical records and accounts of the individual service of Union soldiers, sailors, and marines, diaries, letters, relics, and other records;

(4) promulgating and teaching American history, particularly the history of the Civil War period, through the establishment of scholarship programs at the national and State levels, the presentation of American flags to youth groups and newly naturalized citizens, and the sponsorship of contests of educational merit;

(5) caring for veterans of all wars through volunteer programs in Department of Veterans Affairs medical centers and in homes and other institutions maintained by the States for the welfare of American veterans; and

(6) participating, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interests.

(c) VETERANS' AND PATRIOTIC ORGANIZATION.—The corporation shall function as a veterans' and patriotic organization as authorized by the laws of each State in which it is incorporated.

§50104. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§50105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§50106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§50107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§50108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). If the corporation does not maintain that status, the charter granted by this chapter expires.

§50109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§50110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§50111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§50112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 503—DISABLED AMERICAN VETERANS

Sec.

50301. Organization.
50302. Purposes.
50303. Membership.
50304. Powers.
50305. Exclusive right to name.
50306. Restrictions.
50307. Service of process.
50308. Annual report.

§ 50301. Organization

(a) FEDERAL CHARTER.—Disabled American Veterans (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 50302. Purposes

The purposes of the corporation are—

(1) to uphold and maintain the Constitution and laws of the United States;

(2) to realize the true American ideals and aims for which those eligible to membership fought;

(3) to advance the interests, and work for the betterment, of all wounded, injured, and disabled American veterans;

(4) to cooperate with the Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interests of all wounded, injured, and disabled veterans;

(5) to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, injured, and disabled veterans;

(6) to serve our comrades, our communities, and our country; and

(7) to encourage in all people that spirit of understanding which will guard against future wars.

§ 50303. Membership

(a) ELIGIBILITY.—An individual is eligible for membership in the corporation if the individual—

(1)(A) was wounded, gassed, injured, or disabled in the line of duty during time of war while in the service of the military or naval forces of the United States; and

(B) was honorably discharged or separated from that service or is still in active service in the armed forces of the United States; or

(2)(A) was disabled while serving with any of the armed forces of a country associated with the United States as an ally during any of its war periods;

(B) is a citizen of the United States; and

(C) was honorably discharged.

(b) NO HONORARY MEMBERSHIPS.—An honorary membership may not be granted.

§ 50304. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) establish and maintain offices to conduct its activities;

(5) establish State and territorial organizations and local chapter or post organizations;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) publish a newspaper and other publications devoted to the purposes of the corporation;

(8) sue and be sued; and

(9) do any other act necessary or proper to carry out the purposes of the corporation.

§ 50305. Exclusive right to name

The corporation and its State and local subdivisions have the exclusive right to use the name "Disabled American Veterans".

§ 50306. Restrictions

The corporation shall be nonpolitical and nonsectarian, and may not promote the candidacy of an individual seeking public office.

§ 50307. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State in which a chapter is organized, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 50308. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year.

CHAPTER 601—82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED

Sec.
60101. Definition.
60102. Organization.
60103. Purposes.
60104. Membership.
60105. Governing body.
60106. Powers.
60107. Restrictions.
60108. Duty to maintain tax-exempt status.
60109. Records and inspection.
60110. Service of process.
60111. Liability for acts of officers and agents.
60112. Annual report.

§ 60101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 60102. Organization

(a) FEDERAL CHARTER.—82nd Airborne Division Association, Incorporated (in this chapter, the "corporation"), a nonprofit corporation incorporated in Illinois, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 60103. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for this country;

(2) furthering the common bond between retired and active members of the 82nd Airborne Division;

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members of the 82nd Airborne Division;

(4) promoting civic and patriotic activities; and

(5) promoting the indispensable role of airborne defense to the national security of the United States.

§ 60104. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, or national origin.

§ 60105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, sex, disability, or national origin.

§ 60106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 60107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 60108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 60109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 60110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 60111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 60112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 701—FLEET RESERVE ASSOCIATION

Sec.

70101. Definition.
70102. Organization.
70103. Purposes.
70104. Membership.
70105. Governing body.
70106. Powers.
70107. Restrictions.
70108. Duty to maintain corporate and tax-exempt status.
70109. Records and inspection.
70110. Service of process.
70111. Liability for acts of officers and agents.
70112. Annual report.

§ 70101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 70102. Organization

(a) FEDERAL CHARTER.—Fleet Reserve Association (in this chapter, the "corporation"), a nonprofit corporation incorporated in Delaware, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 70103. Purposes

(a) GENERAL.—The purposes of the corporation are as provided in its articles of incorporation and bylaws and include—

(1) upholding and defending the Constitution of the United States;

(2) aiding and maintaining an adequate naval defense for the United States;

(3) assisting the recruitment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard;

(4) providing for the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard;

(5) continuing to loyally serve the United States Navy, United States Marine Corps, and United States Coast Guard;

(6) preserving the spirit of shipmanship by providing assistance to shipmates and their families; and

(7) instilling love of the United States and its flag, and promoting soundness of mind and body, in the youth of the United States.

(b) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Delaware.

§ 70104. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the articles of incorporation and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§ 70105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the bylaws and articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the bylaws and articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§ 70106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 70107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 70108. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Delaware.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 70109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 70110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 70111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 70112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 703—FORMER MEMBERS OF CONGRESS

Sec.
70301. Definition.
70302. Organization.
70303. Purposes.
70304. Membership.
70305. Governing body.
70306. Powers.
70307. Restrictions.
70308. Duty to maintain tax-exempt status.
70309. Records and inspection.
70310. Service of process.
70311. Liability for acts of officers and agents.
70312. Annual report.

§ 70301. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 70302. Organization

(a) FEDERAL CHARTER.—Former Members of Congress (in this chapter, the "corporation"), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 70303. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include the promotion of the cause of good government at the national level by improving the public understanding of Congress as an institution and strengthening its support by the public. The corporation shall function as an educational, patriotic, civic, historical, and research organization as authorized by the laws of each State in which it is incorporated.

§ 70304. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§ 70305. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§ 70306. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 70307. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 70308. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 70309. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 70310. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 70311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 70312. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 705—THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION

Sec.

70501. Organization.
70502. Purposes.
70503. Membership.
70504. Governing body.
70505. Powers.
70506. Exclusive right to name.
70507. Restrictions.
70508. Principal office.
70509. Records and inspection.
70510. Service of process.
70511. Liability for acts of officers and agents.
70512. Deposit of assets on dissolution or final liquidation.

§ 70501. Organization

(a) Federal Charter.—The Foundation of the Federal Bar Association (in this chapter, the "corporation") is a federally chartered corporation.

(b) Place of Incorporation and Domicile.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) Perpetual Existence.—Except as otherwise provided, the corporation has perpetual existence.

§ 70502. Purposes

The purposes of the corporation are—

(1) to receive and hold property, including by gift, devise, or grant, and to invest, administer, and dispose of the property without restrictions applicable to trustees or trust funds;

(2) to apply its income and any part of its principal exclusively to educational, charitable, scientific, or literary purposes—

(A) to advance the science of jurisprudence;

(B) to uphold high standards for the Federal judiciary and attorneys representing the United States Government;

(C) to promote and improve the administration of justice, including the study of means for the improved handling of the legal business of the departments, agencies, and instrumentalities of the Government;

(D) to facilitate the cultivation and diffusion of knowledge and understanding of the law and the promotion of the study of the law and the science of jurisprudence and research in jurisprudence, through the maintenance of a law library, the establishment of seminars, lectures, and studies devoted to the law, and the publication of addresses, essays, treatises, reports and other literary works by students, practitioners, and teachers of the law; and

(E) to provide for the acquisition, preservation, and exhibition of rare books and documents, sculptures, paintings, and other objects of art and historical interest relating to the law, the courts, and the legal profession; and

(3) to do any other acts necessary or incident to the accomplishment of these purposes.

§ 70503. Membership

(a) Members.—The members of the corporation are—

(1) the members of the National Council of the Federal Bar Association, a nonprofit corporation incorporated in the District of Columbia, during their term of membership on that Council; and

(2) other individuals the corporation provides for in the bylaws or otherwise.

(b) Voting.—Each member has one vote on each matter submitted to a vote of the members.

(c) Grounds for Disqualification.—An individual may not be a member, director, or officer of the corporation if the individual—

(1) is a member of, or advocates the principles of, an organization believing in, or working for, the overthrow of the United States Government by force or violence; or

(2) refuses to uphold and defend the Constitution of the United States.

§ 70504. Governing body

(a) Board of Directors.—(1) The board of directors is the governing body of the corporation. The board may exercise, or provide for the exercise of, the powers of the corporation.

(2) The board shall consist of 12 individuals elected, and subject to removal at any time, by a majority vote of the members of the corporation. The term of office of an elected director is 6 years. A vacancy on the board shall be filled by a majority vote of the members of the corporation.

(3) The board shall meet at least annually. Each director has one vote on each matter decided by the board. The board may delegate its powers to a prudential committee subject to the direction of, and reporting to, the board.

(4) The president of the corporation is the chairman of the board and of the prudential committee.

(b) Officers.—(1) The officers of the corporation are a president, a vice president, a secretary, a treasurer, a historian, and other officers provided for in the bylaws. The powers of the officers are as provided in the bylaws.

(2) The officers shall be elected by the board of directors at its annual meeting. The term of office of an officer is one year.

§ 70505. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§ 70506. Exclusive right to name

The corporation has the exclusive right to use the name "The Foundation of the Federal Bar Association".

§ 70507. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—(1) The activities, funds, income, and property of the corporation may not be used to carry on political activity or attempt to influence legislation.

(2) The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for elective public office.

(c) Distribution of Income.—The income of the corporation may not inure to the benefit of a director, officer, member, or private individual.

(d) Loans.—The corporation may not make a loan or advance to a director or officer. Directors and officers who vote for, assent to, or participate in making a loan or advance to a director or officer are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

(e) Immunity From Liability.—Members and private individuals are not liable for the obligations of the corporation.

§ 70508. Principal office

The corporation shall have its principal office in the District of Columbia, but may conduct its activities anywhere.

§ 70509. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 70510. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 70511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 70512. Deposit of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be deposited in the Treasury of the United States as a miscellaneous receipt.

CHAPTER 707—FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION

Sec.

70701. Organization.
70702. Purposes.
70703. Governing body.
70704. Powers.
70705. Management of homestead and erection of monument.
70706. Property exempt from taxation.
70707. Misnomer not to affect transfer of property.
70708. Nonapplication of audit requirements.

§ 70701. Organization

(a) FEDERAL CHARTER.—Frederick Douglass Memorial and Historical Association (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 70702. Purposes

The purposes of the corporation are—

(1) to preserve to posterity the memory of the life and character of the late Frederick Douglass; and

(2) to collect, collate, and preserve a historical record of the inception, progress, and culmination of the antislavery movement in the United States, and to assemble in the homestead of the late Frederick Douglass, commonly called Cedar Hill, in the village of Anacostia, District of Columbia, all suitable exhibits of records or things illustrative or commemorative of the antislavery movement and history that are donated to, or acquired by, the corporation.

§ 70703. Governing body

(a) BOARD OF TRUSTEES.—(1) The board of trustees is the governing body of the corporation. The board shall exercise the powers granted to the corporation.

(2) The board shall consist of at least 9 but not more than 19 members. A vacancy on the board shall be filled by decision of the remaining members of the board.

(3) The board shall adopt a seal under which all acts of the corporation shall be passed and authenticated.

(b) OFFICERS.—(1) The board shall elect officers the board considers necessary, including a treasurer, for the term and at the compensation the board decides, as provided in the bylaws.

(2) The treasurer shall give a bond as provided in the bylaws.

(3) The board may remove an officer, employee, or agent of the corporation for a cause provided in the bylaws.

§ 70704. Powers

The corporation may—

(1) adopt and amend bylaws for the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) employ persons the corporation considers necessary;

(4) acquire, own, lease, encumber, and transfer property;

(5) sue and be sued; and

(6) do any other act to carry out the purposes of the corporation.

§ 70705. Management of homestead and erection of monument

After the corporation has acquired any part of the property occupied by the late Frederick Douglass as his homestead, commonly called Cedar Hill, in the village of Anacostia, District of Columbia, the corporation may—

(1) manage, repair, and improve the property to carry out the purposes of the corporation; and

(2) erect on the property a monument to the memory of the late Frederick Douglass.

§ 70706. Property exempt from taxation

Any property formerly occupied by the late Frederick Douglass as his homestead, commonly called Cedar Hill, in the village of Anacostia, District of Columbia, and owned by the corporation, is exempt from taxation as long as the property is used for the purposes of the corporation.

§ 70707. Misnomer not to affect transfer of property

A misnomer of the corporation does not affect any transfer of property to or from the corporation.

§ 70708. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 709—FUTURE FARMERS OF AMERICA

Sec.
70901. Organization.
70902. Purposes.
70903. Membership.
70904. Governing body.
70905. National officers.
70906. Powers.
70907. Exclusive right to name, seals, emblems, and badges.
70908. Restrictions.
70909. Availability of personnel, services, and facilities of Department of Education.
70910. Headquarters and principal office.
70911. Records and inspection.
70912. Service of process.
70913. Liability for acts of officers and agents.
70914. Distribution of assets on dissolution or final liquidation.

§ 70901. Organization

(a) FEDERAL CHARTER.—Future Farmers of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 70902. Purposes

The purposes of the corporation are—

(1) to create, foster, and assist subsidiary chapters composed of students and former students of vocational agriculture in public schools qualifying for Federal reimbursement under the Smith-Hughes Vocational Education Act (20 U.S.C. 11–15, 16–28) and associations of those chapters in the States, territories, and possessions of the United States;

(2) to develop character, train for useful citizenship, and foster patriotism, and thereby develop competent and aggressive rural and agricultural leadership;

(3) to create and nurture a love of country life by encouraging members to improve the farm home and its surroundings, to develop organized rural recreational activities, and to create more interest in the intelligent choice of farming occupations;

(4) to encourage the practice of thrift;

(5) to procure for and distribute to State associations, local chapters, and members all official supplies and equipment of the corporation;

(6) to publish an official magazine and other publications for the members of the corporation;

(7) to strengthen the confidence of young men and women in themselves and their work, to encourage members in the development of individual farming programs, and to promote their permanent establishment in farming by—

(A) encouraging improvement in scholarship;

(B) providing prizes and awards to deserving students who have achieved distinction in vocational agriculture, including farm mechanics activities on a local, State, or national basis; and

(C) assisting financially, through loans or grants, deserving students in all-day vocational agriculture classes and young farmers under 30 years of age who were former students in all-day vocational agriculture classes in becoming satisfactorily established in a farming occupation;

(8) to cooperate with others, including State boards for vocational education, in accomplishing these purposes; and

(9) to engage in other activities, consistent with these purposes, determined by the governing body to be for the best interests of the corporation.

§ 70903. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

(b) VOTING.—In matters of official business of a local chapter, each member has one vote. In matters of official business of a State association, each qualified delegate of a local chapter has one vote.

§ 70904. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The board shall exercise the powers granted to the corporation.

(2) The board consists of the Secretary of Education, 4 staff members in the Department of Education, and 4 State supervisors of agriculture education. The Secretary is chairman of the board.

(3) The term of office of the directors and the method of selecting the directors (except ex officio directors) are as provided in the bylaws.

(4) The board shall meet at least annually at the time and place provided in the bylaws. The annual report of the board shall be presented at that meeting. Special meetings of the board may be called at any time by the chairman.

(b) GOVERNING COMMITTEE.—The board may designate the chairman of the board and 2 members of the chairman's staff as a governing committee. When the board is not in session, the governing committee has the powers of the board subject to the board's direction and may authorize the seal of the corporation to be affixed to all papers that require it.

§ 70905. National officers

(a) COMPOSITION.—The national officers of the corporation are a student president, 4 student vice presidents (one from each of 4 regions of the United States established in the bylaws for purposes of administration of the corporation), a student secretary, an executive secretary, a treasurer, and a national advisor.

(b) BOARD OF STUDENT OFFICERS.—The national student officers of the corporation comprise a board of student officers. The board of student officers shall advise and make recommendations to the board of directors about the activities and business of the corporation.

(c) ELECTION.—The national officers of the corporation shall be elected annually by a majority vote of the delegates assembled in the annual national convention from among qualified members of the corporation, except that—

(1) the national advisor shall be the Secretary of Education;

(2) the executive secretary shall be a member of the Department of Education; and

(3) the treasurer shall be an employee or member of a State agency that directs or supervises a State program of agricultural education under the provisions of the Smith-Hughes Vocational Education Act (20 U.S.C. 11-15, 16-28).

(d) VOTE AT NATIONAL CONVENTION.—Each qualified delegate has one vote at the annual national convention.

§ 70906. Powers

The corporation may—

(1) adopt and amend bylaws and regulations for the management of its property and the regulation of its affairs, including the establishment and maintenance of local chapters and State associations of chapters;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) choose officers, managers, agents, and employees as the activities of the corporation require;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) use corporate funds to give prizes, awards, loans, and grants to deserving students and young farmers to carry out the purposes of the corporation;

(9) publish a magazine and other publications;

(10) procure for and distribute to State associations, local chapters, and members all official Future Farmers of America supplies and equipment;

(11) sue and be sued; and

(12) do any other act necessary and proper to carry out the purposes of the corporation.

§ 70907. Exclusive right to name, seals, emblems, and badges

The corporation and its authorized chapters and associations of chapters have the exclusive right to use the name "Future Farmers of America" and the initials FFA as representing an agricultural membership organization and seals, emblems, and badges the corporation adopts.

§ 70908. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director, officer, or member as such may not contribute to, support, or assist a political party or candidate for elective public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member, except on dissolution or final liquidation of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

(e) PRIZES, AWARDS, GRANTS, OR LOANS TO STUDENT OFFICERS AND MEMBERS MEETING CRITERIA.—This section does not preclude prizes, awards, grants, or loans to student officers and members meeting the criteria established by the board of directors for selecting recipients of those benefits.

§ 70909. Availability of personnel, services, and facilities of Department of Education

On request of the board of directors of the corporation, the Secretary of Education may make personnel, services, and facilities of the Department of Education available to administer or assist in the administration of the activities of the corporation. Personnel of the Department may not receive compensation from the corporation for their services, except that travel and other legitimate expenses as defined by the Secretary and approved by the board may be paid. The Secretary also may cooperate with the State boards for vocational education to assist in the promotion of the activities of the corporation.

§ 70910. Headquarters and principal office

The headquarters and principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§ 70911. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation at any reasonable time.

§ 70912. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(b) STATES, TERRITORIES, AND POSSESSIONS.—As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which a subordinate association or chapter is organized, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§ 70913. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 70914. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the benefit of students of vocational agriculture or be transferred to a recognized educational foundation.

CHAPTER 801—GENERAL FEDERATION OF WOMEN'S CLUBS

Sec.
80101. Organization.
80102. Purposes.
80103. Constitution and bylaws.
80104. Property.
80105. Principal office and meetings.
80106. Distribution of assets on dissolution.

§ 80101. Organization

(a) FEDERAL CHARTER.—General Federation of Women's Clubs (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 80102. Purposes

The corporation shall be organized and operated exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and shall comply with the requirements for classification as an exempt organization under section 501(c)(3). The charitable purposes of the corporation shall be achieved through volunteer efforts by the members of the corporation, including arts programs, conservation programs, educational programs, homelife programs, international affairs, public affairs programs advancing information about public affairs, and community improvement programs.

§ 80103. Constitution and bylaws

The corporation shall have a constitution and may adopt bylaws for the admission and qualifications of members, the management of its property, and the regulation of its affairs. The corporation may amend its constitution and bylaws.

§ 80104. Property

The corporation may—

(1) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation; and

(2) issue instruments of indebtedness in relation to its real property.

§ 80105. Principal office and meetings

(a) PRINCIPAL OFFICE.—The principal office of the corporation shall be in the District of Columbia.

(b) MEETINGS.—The corporation may hold its meetings at places outside the District of Columbia.

§ 80106. Distribution of assets on dissolution

On dissolution of the corporation, the board of directors shall liquidate and distribute its assets to organizations qualified as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) with purposes similar to those of the corporation.

CHAPTER 803—GIRL SCOUTS OF THE UNITED STATES OF AMERICA

Sec.
80301. Organization.
80302. Purposes.
80303. Governing body.
80304. Powers.
80305. Exclusive right to emblems, badges, marks, and words.
80306. Restrictions.
80307. Annual report.

§ 80301. Organization

(a) FEDERAL CHARTER.—Girl Scouts of the United States of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 80302. Purposes

The purposes of the corporation are—

(1) to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community;

(2) to direct and coordinate the Girl Scout movement in the United States and territories and possessions of the United States; and

(3) to fix and maintain standards for the movement that will inspire the rising generation with the highest ideals of character, patriotism, conduct, and attainment.

§ 80303. Governing body

(a) NATIONAL COUNCIL.—(1) There shall be a National Council of Girl Scouts. The number, qualifications, and term of office of members of the Council are as provided in the constitution of the corporation, except that members of the Council must be citizens of the United States.

(2) The Council may adopt and amend a constitution and bylaws and elect a board of directors, officers, and agents.

(3) The constitution may prescribe the number of members of the Council necessary for a quorum. That number may be less than a majority of the entire Council.

(4) Meetings of the Council shall be held as provided in the constitution to hold elections and receive reports of the officers and board of directors. Special meetings may be called as provided in the constitution.

(b) BOARD OF DIRECTORS.—(1) To the extent provided in the constitution and bylaws, the board of directors shall have the powers of the Council and manage the activities of the corporation between meetings of the Council. The number, qualifications, and term of office of directors are as provided in the constitution.

(2) The constitution may prescribe the number of directors necessary for a quorum. That number shall be at least 20 or two-fifths of the entire board.

(c) EXECUTIVE AND OTHER COMMITTEES.—The bylaws may provide for—

(1) an executive committee to carry out the powers of the board of directors between meetings of the board; and

(2) other committees to operate under the general supervision of the board of directors.

(d) LOCATION OF MEETINGS AND RECORDS.—The Council and the board of directors may hold meetings and keep the seal and records of the corporation in or outside the District of Columbia.

§ 80304. Powers

The corporation may—

(1) adopt and amend a constitution, bylaws, and regulations, including regulations for the election of associates and successors;

(2) adopt and alter a seal;

(3) have offices and conduct its activities in the District of Columbia and in the States, territories, and possessions of the United States;

(4) acquire, own, lease, encumber, and transfer property, and use any income from the property, as necessary to carry out the purposes of the corporation;

(5) sue and be sued within the jurisdiction of the United States; and

(6) do any other act necessary to carry out this chapter and the purposes of the corporation.

§ 80305. Exclusive right to emblems, badges, marks, and words

The corporation has the exclusive right to use all emblems and badges, descriptive or designating marks, and words or phrases the corporation adopts, including the badge of the Girl Scouts, Incorporated, referred to in the Act of August 12, 1937 (ch. 590, 50 Stat. 623), and to authorize their use, during the life of the corporation, in connection with the manufacture, advertisement, and sale of equipment and merchandise. This section does not affect any vested rights.

§ 80306. Restrictions

(a) PROFIT.—The corporation may not operate for profit.

(b) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and nonsectarian.

§ 80307. Annual report

Not later than April 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report shall be printed each year, with accompanying illustrations, as a separate House document of the session of the Congress to which the report is submitted.

CHAPTER 805—GOLD STAR WIVES OF AMERICA

Sec.
80501. Definition.
80502. Organization.
80503. Purposes.
80504. Membership.
80505. Governing body.
80506. Powers.
80507. Restrictions.
80508. Duty to maintain tax-exempt status.
80509. Records and inspection.
80510. Service of process.
80511. Liability for acts of officers and agents.
80512. Annual report.

§ 80501. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 80502. Organization

(a) FEDERAL CHARTER.—Gold Star Wives of America (in this chapter, the "corporation"), incorporated in New York, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 80503. Purposes

The purposes of the corporation are—

(1) to operate in the public interest, as a nonpartisan and nonprofit organization, solely for patriotic, charitable, literary, educational, scientific, or civic improvement purposes; and

(2) the purposes stated in its articles of incorporation that are not inconsistent with the purposes described in clause (1) of this section.

§ 80504. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the articles of incorporation and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§ 80505. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§ 80506. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in the State in which it is incorporated.

§ 80507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to any director, officer, or employee.

§ 80508. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 80509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 80510. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 80511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority and in accordance with the laws of the States in which it carries on its activities.

§ 80512. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 901—[RESERVED]

CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES

Sec.
100101. Definition.
100102. Organization.
100103. Purposes.
100104. Membership.
100105. Governing body.
100106. Powers.
100107. Restrictions.
100108. Duty to maintain tax-exempt status.
100109. Records and inspection.
100110. Service of process.
100111. Liability for acts of officers and agents.
100112. Annual report.

§ 100101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§100102. Organization

(a) FEDERAL CHARTER.—Italian American War Veterans of the United States (in this chapter, the "corporation"), a nonprofit corporation incorporated in California, Connecticut, Florida, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§100103. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) giving patriotic allegiance to the United States, fidelity to the Constitution and laws of the United States, and support to the security of civil liberty and permanence of free institutions;

(2) stimulating patriotism in the minds of Americans by encouraging the study of the history of the United States;

(3) ensuring the preservation and defense of the United States from all enemies without reservation;

(4) preserving the memories and records of patriotic service performed by men and women who served in the armed forces, by gathering, collating, editing, publishing, and exhibiting the memorabilia, information, records, military awards, decorations, and citations of those who served in the armed forces;

(5) promoting peace, prosperity, and good will between the peoples of the United States and Italy; and

(6) functioning as a veterans' and patriotic organization as authorized by the laws of each State in which it is incorporated.

§100104. Membership

A citizen of the United States who was honorably discharged from the armed forces is eligible for membership in the corporation. Except as provided in this chapter, eligibility for membership and the rights and privileges of members are as provided in the bylaws.

§100105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§100106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§100107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§100108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§100109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§100110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§100111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§100112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1101—JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.
110101. Definition.
110102. Organization.
110103. Purposes.
110104. Membership.
110105. Governing body.
110106. Powers.
110107. Restrictions.
110108. Duty to maintain corporate and tax-exempt status.
110109. Records and inspection.
110110. Service of process.
110111. Liability for acts of officers and agents.
110112. Annual report.

§110101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§110102. Organization

(a) FEDERAL CHARTER.—Jewish War Veterans of the United States of America, Incorporated (in this chapter, the "corporation"), a nonprofit corporation incorporated in New York, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§110103. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of Jews and fight their battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights, and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions;

(9) foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

(10) instill love of country and flag;

(11) promote sound minds and bodies in members of the corporation and their youth;

(12) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and honor their memory; and

(13) shield from neglect the graves of our heroic dead.

§110104. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§110105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§110106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§110107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§110108. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of New York.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§110109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§110110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§110111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§110112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1103—JEWISH WAR VETERANS, U.S.A., NATIONAL MEMORIAL, INCORPORATED

Sec.
110301. Organization.
110302. Purposes.
110303. Governing body.
110304. Powers.
110305. Restrictions.
110306. Principal office.
110307. Records and inspection.
110308. Service of process.
110309. Liability for acts of officers and agents.
110310. Distribution of assets on dissolution or final liquidation.

§110301. Organization

(a) FEDERAL CHARTER.—Jewish War Veterans, U.S.A., National Memorial, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be a nonprofit corporation incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§110302. Purposes

The purposes of the corporation are—

(1) to maintain and conduct a national memorial and museum dedicated to and commemorating the service and sacrifice by Americans of the Jewish faith in the armed forces of the United States during the period of war;

(2) to gather, collate, edit, publish, and exhibit memorabilia, information, records, military awards, decorations, citations, and similar items, to preserve the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed forces of the United States in time of war; and

(3) to stimulate patriotism in the minds of all Americans by encouraging the study of the military and naval history of the United States.

§110303. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for the control of all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 36 directors.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, and a treasurer.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§110304. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) make contracts;

(4) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(6) sue and be sued.

§110305. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director or officer. This subsection does not prevent the payment of compensation to an officer or employee in an amount approved by the executive committee of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§110306. Principal office

The principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§110307. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§110308. Service of process

The corporation shall have a designated agent in its headquarters in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the headquarters of the corporation in the District of Columbia, is notice to or service on the corporation.

§110309. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§110310. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation. This section does not allow assets to be distributed to an officer or employee or to inure to the benefit of a private person.

CHAPTER 1201—[RESERVED]

CHAPTER 1301—LADIES OF THE GRAND ARMY OF THE REPUBLIC

Sec.
130101. Organization.
130102. Purposes.
130103. Membership.
130104. Governing body.
130105. Powers.
130106. Exclusive right to name, seals, emblems, and badges.
130107. Restrictions.
130108. Principal office.
130109. Records and inspection.
130110. Service of process.
130111. Liability for acts of officers and agents.
130112. Annual report.
130113. Distribution of assets on dissolution or final liquidation.

§130101. Organization

(a) FEDERAL CHARTER.—Ladies of the Grand Army of the Republic (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§130102. Purposes

The purposes of the corporation are—

(1) to perpetuate the memory of the Grand Army of the Republic and of the men who saved the Union in 1861 to 1865;

(2) to assist in every practicable way in preserving, and making available for research, documents and records pertaining to the Grand Army of the Republic and its members;

(3) to cooperate in doing honor to all those who have served our country patriotically in any way;

(4) to teach patriotism, the duties of citizenship, the true history of our country, and the love and honor of our flag;

(5) to oppose every tendency or movement that would weaken loyalty to, destroy, or impair our constitutional Union; and

(6) to inculcate and broadly sustain the American principles of representative government, equal rights, and impartial justice for all.

§130103. Membership

(a) ELIGIBILITY.—(1) Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(2) Eligibility for membership is limited to female blood relatives of an individual who—

(A) served at any time during the period April 12, 1861, through April 9, 1865, as a soldier or sailor in—

(i) the United States Army, Navy, Marine Corps, or Revenue-Cutter Service; or

(ii) a State regiment that was called into active service and was subject to orders of United States general officers during that period; and

(B) was honorably discharged from, or died in, that service.

(b) VOTING.—Each member has one vote on each matter submitted to a vote at a meeting of the members.

§130104. Governing body

(a) NATIONAL CONVENTION.—(1) The national convention is the supreme governing authority of the corporation.

(2) The national convention is composed of officers and elected representatives from the States and other local subdivisions of the corporation as provided in the constitution and bylaws. However, the form of government of the corporation must be representative of the membership at large and may not permit concentration of control in a limited number of members or in a self-perpetuating group not representative of the membership at large.

(3) The meetings of the national convention may be held in the District of Columbia or in any State, territory, or possession of the United States.

(b) OFFICERS.—The titles, manner of selection, term of office, and duties of the officers are as provided in the constitution and bylaws of the corporation.

§130105. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§130106. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the name "Ladies of the Grand Army of the Republic". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts.

§130107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or an officer or agent as such may not contribute to a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(d) LOANS.—The corporation may not make a loan or advance to an officer or employee. Members of the council of administration who vote for or assent to making a loan or advance to an officer or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§130108. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the corporation. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§130109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account; and

(2) minutes of the proceedings of its national conventions and council of administration.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§130110. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§130111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§130112. Annual report

Not later than March 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may consist of a report on the proceedings of the national convention. The report may not be printed as a public document.

§130113. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the council of administration, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1303—LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.
130301. Organization.
130302. Principles and purposes.
130303. Membership.
130304. Governing body.
130305. Powers.
130306. Restrictions.
130307. Principal office.
130308. Records and inspection.
130309. Service of process.
130310. Liability for acts of officers and agents.
130311. Distribution of assets on dissolution or final liquidation.

§130301. Organization

(a) FEDERAL CHARTER.—Legion of Valor of the United States of America, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(d) REFERENCES TO ARMY AND NAVY LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INCORPORATED.—Any reference to the Army and Navy Legion of Valor of the United States of America, Incorporated, is deemed to refer to the Legion of Valor of the United States of America, Incorporated.

§130302. Principles and purposes

(a) PRINCIPLES.—The principles underlying the corporation are patriotic allegiance to the United States of America, fidelity to the constitution and law of the United States, the security of civil liberty, and the permanence of free institutions.

(b) PURPOSES.—The purposes of the corporation are—

(1) to cherish the memories of the valiant deeds in arms for which the Congressional Medal of Honor, the Distinguished Service Cross, the Navy Cross, and the Air Force Cross are the insignia;

(2) to promote true fellowship among its members;

(3) to advance the best interests of members of the armed forces of the United States of America;

(4) to extend all possible relief to needy members of the corporation and their widows and children; and

(5) to stimulate patriotism in the minds of our youth by encouraging the study of the patriotic, military, and naval history of our Nation.

§130303. Membership

(a) ELIGIBILITY.—An individual is eligible for active membership in the corporation if the individual—

(1) is of good moral character; and

(2) has received a Congressional Medal of Honor, a Distinguished Service Cross, a Navy Cross, or an Air Force Cross awarded for acts of extraordinary heroism in connection with military or naval operations against an armed enemy, or for heroism of a specially distinguished character, as a member of the armed forces of the United States or any foreign country.

(b) EXTENSION OF ELIGIBILITY TO PARENTS AND DESCENDANTS.—The corporation may extend eligibility for membership, either active or associate, to parents and lineal descendants of an individual described in subsection (a) of this section on terms provided in its constitution and bylaws.

(c) VOTING.—Each member (except an associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§130304. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 10 directors.

(b) OFFICERS.—(1) The officers of the corporation are a commander, a senior vice commander, a junior vice commander, a chaplain, an adjutant and quartermaster, a judge advocate, an inspector, a surgeon, a historian, and any aides-de-camp provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§ 130305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) make contracts;

(4) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(6) charge and collect membership dues; and

(7) sue and be sued.

§ 130306. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the executive committee of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 130307. Principal office

The principal office of the corporation shall be in a place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§ 130308. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 130309. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 130310. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 130311. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1305—LITTLE LEAGUE BASEBALL, INCORPORATED

Sec.
130501. Organization.
130502. Purposes.
130503. Membership.
130504. Governing body.
130505. Powers.
130506. Exclusive right to name and emblems.
130507. Restrictions.
130508. Principal office.
130509. Records and inspection.
130510. Statement required in audit report.
130511. Service of process.
130512. Liability for acts of officers and agents.
130513. Distribution of assets on dissolution or final liquidation.

§ 130501. Organization

(a) FEDERAL CHARTER.—Little League Baseball, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 130502. Purposes

The purposes of the corporation are—

(1) to promote, develop, supervise, and voluntarily assist in all lawful ways the interest of young people who participate in Little League baseball;

(2) to help and voluntarily assist young people in developing qualities of citizenship and sportsmanship; and

(3) using the disciplines of the native American game of baseball, to teach spirit and competitive will to win, physical fitness through individual sacrifice, the values of team play, and wholesome well being through healthy social association with other youngsters under proper leadership.

§ 130503. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§ 130504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for the control of all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 13 directors.

(b) OFFICERS.—(1) The officers of the corporation are a chairman of the board of directors, a president, a vice president, and a secretary-treasurer. Their duties are as provided in the constitution and bylaws of the corporation.

(2) The officers shall be elected annually at the annual meeting of the corporation.

§ 130505. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) adopt, alter, and display seals, emblems, and badges;

(4) choose directors, officers, trustees, managers, employees, and agents as the activities of the corporation require;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) charge and collect membership dues and subscription fees;

(9) sue and be sued; and

(10) do any other act necessary or desirable to carry out the purposes of the corporation.

§ 130506. Exclusive right to name and emblems

The corporation has the exclusive right to use and to allow others to use the names "Little League" and "Little Leaguer" and the official Little League emblem or any colorable simulation of that emblem. This section does not affect any vested rights.

§ 130507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director, officer, or agent as such may not contribute to, support, or assist any political party or candidate for office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income and assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 130508. Principal office

The principal office of the corporation shall be in Williamsport, Pennsylvania, or another place decided by the board of directors. However, the activities of the corporation may be conducted throughout the world.

§ 130509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§130510. Statement required in audit report

The corporation shall include in the audit report statement required under section 10101(b)(1)(B) of this title a schedule of all contracts requiring payments greater than $10,000 and all payments of compensation or fees at a rate greater than $10,000 a year.

§130511. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§130512. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§130513. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but consistent with the purposes of the corporation and in compliance with the constitution and bylaws of the corporation.

CHAPTER 1401—MARINE CORPS LEAGUE

Sec.

140101. Organization.
140102. Purposes.
140103. Powers.
140104. Annual report.

§140101. Organization

(a) FEDERAL CHARTER.—Marine Corps League (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§140102. Purposes

The purposes of the corporation are—

(1) to preserve the traditions and to promote the interests of the United States Marine Corps;

(2) to band those who, on August 4, 1937, were serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy;

(3) to fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms;

(4) to hold sacred the history and memory of the men who have given their lives to the Nation;

(5) to foster love for the principles which they have supported by blood and valor since the founding of the Republic;

(6) to maintain true allegiance to American institutions;

(7) to create a bond of comradeship between those in service and those who have returned to civil life;

(8) to aid voluntarily and to render assistance to all marines and former marines as well as to their widows and orphans; and

(9) to perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of peculiar interest to marines.

§140103. Powers

The corporation may—

(1) adopt and amend bylaws;

(2) adopt and alter a corporate seal;

(3) appoint or elect officers and agents;

(4) choose a board of trustees, consisting of at least 5 but not more than 15 individuals, to conduct the business and exercise the powers of the corporation;

(5) establish and maintain offices to conduct its activities;

(6) acquire, own, lease, encumber, and transfer property as necessary or appropriate to carry out the purposes of the corporation;

(7) charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the corporation;

(8) sue and be sued; and

(9) do any other act necessary or appropriate to carry out the purposes of the corporation.

§140104. Annual report

Not later than December 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 1403—THE MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA

Sec.

140301. Organization.
140302. Purposes.
140303. Powers.
140304. Exclusive right to name.
140305. Annual report.

§140301. Organization

(a) FEDERAL CHARTER.—The Military Chaplains Association of the United States of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§140302. Purposes

The purposes of the corporation are—

(1) to safeguard and strengthen the forces of faith and morality of our Nation;

(2) to perpetuate and deepen the bonds of understanding and friendship of our military service;

(3) to preserve our spiritual influence and interest in all members and veterans of the armed forces;

(4) to uphold the Constitution of the United States; and

(5) to promote justice, peace, and good will.

§140303. Powers

The corporation may—

(1) make its own organization, including its constitution, bylaws, and regulations;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices to conduct its activities;

(4) appoint or elect officers and agents;

(5) authorize the executive committee to conduct the business and exercise the powers of the corporation;

(6) acquire, own, lease, encumber, and transfer property as necessary or appropriate to carry out the purposes of the corporation;

(7) publish a magazine and other publications;

(8) charge and collect membership dues and subscription fees;

(9) sue and be sued; and

(10) do any other act necessary or appropriate to carry out the purposes of the corporation.

§140304. Exclusive right to name

The corporation and its area, State, and local chapters have the exclusive right to use the name "The Military Chaplains Association of the United States of America".

§140305. Annual report

Not later than September 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 1405—MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.

140501. Organization.
140502. Principles and purposes.
140503. Membership.
140504. Governing body.
140505. Powers.
140506. Restrictions.
140507. Principal office.
140508. Records and inspection.
140509. Liability for acts of officers and agents.
140510. Service of process.
140511. Distribution of assets on dissolution or final liquidation.

§140501. Organization

(a) FEDERAL CHARTER.—Military Order of the Purple Heart of the United States of America, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§140502. Principles and purposes

(a) PRINCIPLES.—The principles underlying the corporation are patriotic allegiance to the United States, fidelity to the Constitution and laws of the United States, the security of civil liberty, and the permanence of free institutions.

(b) PURPOSES.—The purposes of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States, by—

(1) commemorating all national patriotic holidays;

(2) maintaining true allegiance to the Government of the United States and fidelity to its Constitution and laws;

(3) preserving and strengthening comradeship and patriotism among its members;

(4) assisting, comforting, and aiding all needy and distressed members and their dependents;

(5) giving needed hospital and service work through its Department of Veterans Affairs certified service officers;

(6) cooperating with other civic and patriotic organizations having worthy objectives;

(7) keeping alive the achievements and memory of our country's founders;

(8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson on August 7, 1782;

(9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and

(10) preserving and defending the United States from all enemies.

§140503. Membership

(a) ACTIVE MEMBERS.—An individual is eligible for active membership in the corporation if the individual—

(1) is of good moral character; and

(2) has received the Purple Heart for wounds received as a member, of any rank, of the armed forces of the United States or any foreign country during military or naval combat against an armed enemy of the United States.

(b) ASSOCIATE MEMBERS.—The corporation may extend eligibility for membership as associate members to parents and lineal descendants of an individual described in subsection (a) of this section on terms provided in its constitution and bylaws.

(c) VOTING.—Each member described in subsection (a) of this section has one vote on each matter submitted to a vote at a meeting of the members.

§140504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 18 directors.

(b) OFFICERS.—(1) The officers of the corporation are a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a judge advocate, an inspector, a surgeon, a historian, and other elected officers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§140505. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) make contracts;

(4) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(6) charge and collect membership dues; and

(7) sue and be sued.

§140506. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the executive committee of the corporation.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§140507. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the national executive board. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§140508. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§140509. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§140510. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§140511. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1407—MILITARY ORDER OF THE WORLD WARS

Sec.

140701. Definition.
140702. Organization.
140703. Purposes.
140704. Membership.
140705. Governing body.
140706. Powers.
140707. Restrictions.
140708. Duty to maintain tax-exempt status.
140709. Records and inspection.
140710. Service of process.
140711. Liability for acts of officers and agents.
140712. Annual report.

§140701. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§140702. Organization

(a) FEDERAL CHARTER.—Military Order of the World Wars (in this chapter, the "corporation"), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—The charter granted by this chapter expires if the corporation fails to comply with any provision of—

(1) its bylaws or articles of incorporation;

(2) this chapter; or

(3) the laws of the District of Columbia that apply to corporations such as the corporation recognized under this chapter.

§140703. Purposes

The purposes of the corporation are as provided in the articles of incorporation and bylaws and include—

(1) promoting military service associations;

(2) promoting patriotic education and military, naval, and air science;

(3) defending the honor and integrity of the United States Government and the Constitution;

(4) fostering fraternal relations among all branches of the armed forces;

(5) encouraging the adoption of a suitable policy of national security; and

(6) encouraging the commemoration of military service and the establishment of war memorials.

§140704. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the articles of incorporation and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§140705. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§140706. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in the State in which it is incorporated.

§140707. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§140708. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§140709. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§140710. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§140711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§140712. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1501—NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

Sec.

150101. Definition.
150102. Organization.
150103. Purposes.
150104. Services to United States Government.
150105. Membership.
150106. Governing body.
150107. Powers.
150108. Restrictions.
150109. Duty to maintain corporate and tax-exempt status.
150110. Records and inspection.
150111. Service of process.
150112. Liability for acts of officers and agents.
150113. Annual report.

§150101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§150102. Organization

(a) FEDERAL CHARTER.—National Academy of Public Administration (in this chapter, the "corporation"), incorporated in the District of Columbia, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§150103. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) evaluating the structure, administration, operation, and program performance of Federal and other governments and government agencies, anticipating, identifying, and analyzing significant problems, and suggesting timely corrective action;

(2) foreseeing and examining critical emerging issues in governance, and formulating practical approaches to their resolution;

(3) assessing the effectiveness, structure, administration, and implications for governance of present or proposed public programs, policies, and processes, and recommending specific changes;

(4) advising on the relationship of Federal, State, regional, and local governments, and increasing public officials', citizens', and scholars' understanding of requirements and opportunities for sound governance and how these can be effectively met; and

(5) demonstrating by the conduct of its affairs a commitment to the highest professional standards of ethics and scholarship.

§150104. Services to United States Government

On request of the United States Government, the corporation shall investigate, examine, experiment, and report on any subject of government. The actual expense of the investigation, examination, experimentation, and report shall be paid by the Government from appropriations available for that purpose.

§150105. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§150106. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§150107. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§150108. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or member in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—Except by agreement, the corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§150109. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the District of Columbia.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§150110. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§150111. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§150112. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§150113. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1503—NATIONAL ACADEMY OF SCIENCES

Sec.

150301. Federal charter.
150302. Powers.
150303. Services to United States Government.
150304. Annual meeting.

§150301. Federal charter

National Academy of Sciences (in this chapter, the "corporation") is a federally chartered corporation.

§150302. Powers

(a) GENERAL.—The corporation may—

(1) make its own organization, including adopting a constitution, bylaws, and regulations;

(2) provide for the election of domestic and foreign members, their division into classes, and other matters needful or usual in such an institution;

(3) fill vacancies; and

(4) report its actions under this subsection to Congress.

(b) PROPERTY.—(1) The corporation may—

(A) receive property by devise, bequest, donation, or otherwise;

(B) hold the property absolutely or in trust;

(C) manage and invest the property as provided in the constitution of the corporation; and

(D) use the property and income from the property to carry out the purposes of the corporation, subject to instructions of donors.

(2) Congress at any time may limit the amount of real estate the corporation may acquire and the amount of time it may be held.

§150303. Services to United States Government

On request of the United States Government, the corporation shall investigate, examine, experiment, and report on any subject of science or art. The corporation may not receive compensation for services to the Government, but the actual expense of the investigation, examination, experimentation, and report shall be paid by the Government from an appropriation for that purpose.

§150304. Annual meeting

The corporation shall hold an annual meeting at a place designated by the corporation.

CHAPTER 1505—NATIONAL CONFERENCE OF STATE SOCIETIES, WASHINGTON, DISTRICT OF COLUMBIA

Sec.

150501. Definition.
150502. Organization.
150503. Purposes.
150504. Membership.
150505. Governing body.
150506. Powers.

150507. Exclusive right to name, seals, emblems, and badges.
150508. Restrictions.
150509. Headquarters and principal office.
150510. Records and inspection.
150511. Service of process.
150512. Liability for acts of officers and agents.
150513. Distribution of assets on dissolution or final liquidation.

§ 150501. Definition

For purposes of this chapter, "State" includes the District of Columbia.

§ 150502. Organization

(a) FEDERAL CHARTER.—National Conference of State Societies, Washington, District of Columbia (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 150503. Purposes

The purposes of the corporation are—

(1) to promote friendly and cooperative relations between the State and territorial societies in the District of Columbia;

(2) to foster, participate in, and encourage educational, cultural, charitable, civic, and patriotic programs and activities in the District of Columbia and surrounding communities; and

(3) to act as contact agent with States for carrying out State and national programs.

§ 150504. Membership

The membership of the corporation consists of the members of the State and territorial societies in the District of Columbia. Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws and regulations of the corporation.

§ 150505. Governing body

(a) BOARD OF REPRESENTATIVES.—(1) The board of representatives is the governing body of the corporation. The board shall exercise the powers granted to the corporation.

(2) The board consists of one representative from each State society and territorial society in the District of Columbia. Each member of the board has one vote.

(b) OFFICERS.—(1) The officers of the corporation are a president, a first vice president, a second vice president, a secretary, an assistant secretary, a treasurer, an assistant treasurer, a historian, and other officers designated by the board.

(2) The officers shall be elected by the board at an annual meeting and serve for a term of one year.

§ 150506. Powers

The corporation has the powers provided in its bylaws and articles of incorporation filed in the State in which it is incorporated, including the power to—

(1) adopt bylaws and regulations for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) choose officers, managers, and agents as the activities of the corporation require;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) publish a magazine, newspaper, and other publications consistent with the purposes of the corporation;

(9) sue and be sued; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

§ 150507. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "National Conference of State Societies, Washington, District of Columbia" and seals, emblems, and badges the corporation adopts.

§ 150508. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or an officer or member as such may not contribute to, support, or assist a political party or candidate for elective public office. The corporation may not carry on propaganda.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member except on dissolution or final liquidation of the corporation.

(d) LOANS.—The corporation may not make a loan or advance to an officer or member of the board of representatives. Officers and members of the board who vote for or assent to making a loan or advance to an officer or member of the board, and officers or members of the board who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§ 150509. Headquarters and principal office

The headquarters and principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§ 150510. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of representatives, and committees having any of the authority of its board of representatives; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 150511. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service on the agent, or mailed to the address of the agent, is notice to or service on the corporation.

(b) STATES.—As a condition to the exercise in any State of any power or privilege granted by this chapter, the corporation shall file, with secretary of state or other designated official of that State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 150512. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 150513. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be divided equally among the State and territorial societies in the District of Columbia.

CHAPTER 1507—NATIONAL CONFERENCE ON CITIZENSHIP

Sec.
150701. Organization.
150702. Purposes.
150703. Membership.
150704. National officers.
150705. Board of directors.
150706. Powers.
150707. Exclusive right to name, seals, emblems, and badges.
150708. Restrictions.
150709. Headquarters and principal office.
150710. Records and inspection.
150711. Service of process.
150712. Liability for acts of officers and agents.
150713. Distribution of assets on dissolution or final liquidation.

§ 150701. Organization

(a) FEDERAL CHARTER.—National Conference on Citizenship (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 150702. Purposes

The purposes of the corporation are—

(1) to hold an annual national conference on citizenship on or about "Citizenship Day", September 17;

(2) to assist in the development of more dynamic procedures for making citizenship more effective, including the promotion and encouragement of local, State, and regional citizenship conferences; and

(3) to indicate the ways and means by which various organizations may contribute concretely to the development of a more active, alert, enlightened, conscientious, and progressive citizenry in our country.

§ 150703. Membership

(a) ELIGIBILITY.—Membership in the corporation is confined to agencies and organizations. Except as provided in this chapter, the rights and privileges of members are as provided in the bylaws.

(b) VOTING.—Each agency or organization sending delegates to, and participating in, the annual national conference on citizenship has one vote in the conduct of the business of the conference.

§ 150704. National officers

(a) NATIONAL OFFICERS.—The national officers of the corporation are a president, a first vice president, a second vice president, a third vice president, a secretary, and a treasurer. The president is chairman of the board of directors and of the executive committee described in section 150705(d) of this title.

(b) ELECTION.—The national officers are elected biennially from among the officers and members of the member agencies and organizations participating in the annual national conference on citizenship, by a majority vote of the agencies and organizations sending delegates to, and participating in, the conference.

§ 150705. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation. The board shall exercise the powers granted to the corporation.

(b) Number and Election.—The number of directors and their term of office are as provided in the bylaws, except that the board shall have at least 10 members (including ex officio members). The directors are elected from among the officers and members of the member agencies and organizations participating in the annual national conference on citizenship, by a majority vote of the agencies and organizations sending delegates to, and participating in, the conference.

(c) Meetings.—The board shall hold an annual meeting at a time and place as may be provided in the bylaws. The annual report of the board shall be presented at the annual meeting. Special meetings of the board may be called as provided in the bylaws.

(d) Executive Committee.—The board shall designate 3 of its own members, who together with the president and the 3 vice presidents constitute the executive committee. When the board is not in session, the executive committee has the powers of the board subject to the board's direction and may authorize the seal of the corporation to be affixed to all papers that require it.

(e) Executive Director and Professional Staff.—The executive committee shall select an executive director for the corporation, who shall have the qualifications and terms of employment decided by the committee. The executive director shall nominate other professional staff members, who must be approved by the executive committee.

§150706. Powers

The corporation may—

(1) adopt and amend bylaws and regulations for the management of its property and the regulation of its affairs, including the establishment and maintenance of local and State conferences on citizenship;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) choose officers, managers, employees, and agents as the activities of the corporation require;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) use corporate funds to give prizes or awards to citizens for outstanding contributions toward the achievement of the purposes of the corporation;

(9) publish a magazine and other publications consistent with the purposes of the corporation;

(10) sue and be sued; and

(11) do any other act necessary and proper to carry out the purposes of the corporation.

§150707. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "National Conference on Citizenship" and seals, emblems, and badges the corporation adopts.

§150708. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—The corporation or a director, officer, or member as such may not contribute to, support, or assist a political party or candidate for elective public office, or advocate, sponsor, or promote legislation in the Congress of the United States or in the legislature of a State.

(c) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the executive committee from adopting terms of employment of the executive director as provided in section 150705(e) of this title.

(d) Loans.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§150709. Headquarters and principal office

The headquarters and principal office of the corporation shall be in the District of Columbia, Maryland, or Virginia. However, the activities of the corporation are not confined to the District of Columbia, Maryland, and Virginia but may be conducted throughout the States, territories, and possessions of the United States.

§150710. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its annual national conference, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§150711. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§150712. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§150713. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be transferred by the board of directors to a recognized agency or agencies engaged in the furtherance and advancement of citizenship.

CHAPTER 1509—NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

Sec.
150901. Organization.
150902. Purposes.
150903. Membership.
150904. Governing body.
150905. Powers.
150906. Restrictions.
150907. Principal office.
150908. Records and inspection.
150909. Statement required in audit report.
150910. Service of process.
150911. Liability for acts of officers and agents.
150912. Distribution of assets on dissolution or final liquidation.

§150901. Organization

(a) Federal Charter.—National Council on Radiation Protection and Measurements (in this chapter, the "corporation") is a federally chartered corporation.

(b) Perpetual Existence.—Except as otherwise provided, the corporation has perpetual existence.

§150902. Purposes

The purposes of the corporation are—

(1) to collect, analyze, develop, and disseminate in the public interest information and recommendations about—

(A) protection against radiation; and

(B) radiation measurements, quantities, and units, particularly those concerned with protection against radiation;

(2) to provide a means by which organizations concerned with the scientific and related aspects of protection against radiation and of radiation quantities, units, and measurements may cooperate for effective use of their combined resources, and to stimulate the work of those organizations;

(3) to develop basic concepts about—

(A) radiation quantities, units, and measurements;

(B) the application of those concepts; and

(C) protection against radiation; and

(4) to cooperate with the International Commission on Radiological Protection, the Federal Radiation Council, the International Commission on Radiological Units and Measurements, and other national and international organizations, governmental and private, concerned with radiation quantities, units, and measurements and with protection against radiation.

§150903. Membership

(a) Eligibility.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

(b) Voting.—Each member (except an honorary or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§150904. Governing body

(a) Board of Directors.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for the control of all funds of the corporation.

(2) The selection of directors and their term of office are as provided in the bylaws.

(b) Officers.—(1) The officers of the corporation are a president, one or more vice presidents, a secretary, a treasurer, and other officers as provided in the bylaws. Their duties are as provided in the bylaws.

(2) The officers shall be elected at the annual meeting of the corporation.

§150905. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose directors, officers, trustees, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§ 150906. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director, officer, or agent as such may not contribute to, support, or assist a political party or candidate for office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 150907. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the board of directors. However, the activities of the corporation may be conducted throughout the world.

§ 150908. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 150909. Statement required in audit report

The corporation shall include in the audit report statement required under section 10101(b)(1)(B) of this title a schedule of all contracts requiring payments greater than $10,000 and all payments of compensation or fees at a rate greater than $10,000 a year.

§ 150910. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 150911. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 150912. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but consistent with the purposes of the corporation and in compliance with the bylaws.

CHAPTER 1511—NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES

Sec.
151101. Organization.
151102. Purposes.
151103. Membership.
151104. Governing body.
151105. Powers.
151106. Tax exemption.
151107. Principal office.
151108. Nonapplication of audit requirements.

§ 151101. Organization

(a) FEDERAL CHARTER.—National Education Association of the United States (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION.—The corporation is declared to be incorporated in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 151102. Purposes

The purposes of the corporation are—

(1) to elevate the character and advance the interests of the profession of teaching; and

(2) to promote the cause of education in the United States.

§ 151103. Membership

Eligibility for membership in the corporation and the rights, obligations, and designation of classes of members are as provided in the bylaws.

§ 151104. Governing body

(a) OFFICERS.—The officers of the corporation are a president, one or more vice presidents, a secretary, a treasurer, and the members of a board of directors, an executive committee, and any other boards, councils, and committees, and other officers, as provided in the bylaws.

(b) ADDITIONAL PROVISIONS.—Except as provided in this chapter, the manner of selection, term of office, powers, and duties of the officers, boards, councils, and committees are as provided in the bylaws. The bylaws may provide other and different provisions as to the names and numbers of the officers, boards, councils, and committees.

§ 151105. Powers

The corporation may—

(1) adopt and amend bylaws;

(2) adopt and alter a corporate seal;

(3) acquire, own, lease, encumber, and transfer property to carry out the purposes of the corporation;

(4) accept and administer a trust for educational purposes;

(5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(6) sue and be sued in any court of the United States, or other court of competent jurisdiction.

§ 151106. Tax exemption

(a) REAL PROPERTY.—Real property of the corporation is exempt from taxation if it is—

(1) located in the District of Columbia;

(2) used for the purposes provided in section 151102 of this title; and

(3) not used to produce income.

(b) PERSONAL PROPERTY.—Personal property of the corporation is exempt from taxation if it is used for the purposes provided in section 151102 of this title or to produce income to be used for those purposes.

(c) ANNUAL REPORT.—The corporation shall submit annually to the Secretary of Education a written report stating in detail for the prior year—

(1) the real and personal property held by the corporation;

(2) the income from the property; and

(3) the expenditure or other use or disposition of the property and income from the property.

§ 151107. Principal office

The principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation may be conducted, and offices may be maintained, throughout the United States in accordance with the bylaws.

§ 151108. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 1513—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

Sec.
151301. Organization.
151302. Purposes.
151303. Board of directors.
151304. Officers and employees.
151305. Powers.
151306. Principal office.
151307. Provision and acceptance of support by Administrator.
151308. Service of process.
151309. Civil action by Attorney General for equitable relief.
151310. Immunity of United States Government.
151311. Annual report.

§ 151301. Organization

(a) FEDERAL CHARTER.—National Fallen Firefighters Foundation (in this chapter, the "corporation") is a federally chartered corporation.

(b) NATURE OF CORPORATION AND PLACE OF INCORPORATION.—The corporation is a charitable and nonprofit corporation incorporated under the laws of Maryland and is not an agency or establishment of the United States Government.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 151302. Purposes

The purposes of the corporation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

§ 151303. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation.

(b) MEMBERS AND APPOINTMENT.—(1) The Administrator of the United States Fire Administration of the Federal Emergency Management Agency is an ex officio nonvoting member of the board. The Administrator appoints the voting members of the board.

(2) The board consists of the following 9 voting members:

(A) one active volunteer firefighter;

(B) one active career firefighter;

(C) one United States Government firefighter; and

(D) six individuals who have a demonstrated interest in the fire service.

(3) The terms of office of the voting members are 6 years (except for the initial members). The terms shall be staggered so that the terms of 3 members expire every 2 years.

(4) A vacancy on the board shall be filled within 60 days in the manner in which the original appointment was made.

(c) CHAIRMAN.—The Chairman shall be elected by the board from its voting members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the board is a quorum.

(e) MEETINGS.—The board shall meet at the call of the chairman at least once a year. If a member of the board misses 3 consecutive meetings, that member may be removed from the board and that vacancy may be filled as provided in subsection (b)(4) of this section.

(f) STATUS AND COMPENSATION.—Members of the board—

(1) are not officers or employees of the United States Government; and

(2) serve without compensation.

(g) LIABILITY OF DIRECTORS.—Members of the board are not personally liable, except for gross negligence.

§ 151304. Officers and employees

(a) APPOINTMENT.—The board of directors may appoint not more than 2 officers or employees, but only after the corporation has sufficient funds to pay for their services.

(b) STATUS AND COMPENSATION.—Officers and employees of the corporation—

(1) are not employees of the United States Government;

(2) shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service; and

(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an officer or employee may not be paid more than the annual rate of basic pay for level GS–15 of the General Schedule under section 5107 of title 5.

§ 151305. Powers

(a) GENERAL.—The corporation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal which shall be judicially noticed; and

(3) do any other act necessary to carry out this chapter.

(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in the property;

(2) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from the property;

(3) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

(4) to sue and be sued; and

(5) to do any other act necessary and proper to carry out the purposes of the corporation.

§ 151306. Principal office

The principal office of the corporation shall be in Maryland. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

§ 151307. Provision and acceptance of support by Administrator

(a) PROVISION BY ADMINISTRATOR.—(1) The Administrator of the United States Fire Administration of the Federal Emergency Management Agency—

(A) may provide personnel, facilities, and other administrative services to the corporation; and

(B) shall require and accept reimbursements for these personnel, facilities, and services.

(2) Reimbursements under paragraph (1) of this subsection shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the services.

(3) Notwithstanding any other law, United States Government personnel and stationery may not be used to solicit funding for the corporation.

(b) ACCEPTANCE BY ADMINISTRATOR.—The Administrator may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Administration.

§ 151308. Service of process

The corporation shall have a designated agent to receive service of process for the corporation.

§ 151309. Civil action by Attorney General for equitable relief

The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 151302 of this title; or

(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

§ 151310. Immunity of United States Government

The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

§ 151311. Annual report

Not later than 4 months after the end of each fiscal year, the corporation shall submit a report to the appropriate committees of Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments.

CHAPTER 1515—NATIONAL FEDERATION OF MUSIC CLUBS

Sec.
151501. Definition.
151502. Organization.
151503. Purposes.
151504. Membership.
151505. Governing body.
151506. Powers.
151507. Restrictions.
151508. Duty to maintain corporate and tax-exempt status.
151509. Records and inspection.
151510. Service of process.
151511. Liability for acts of officers and agents.
151512. Annual report.

§ 151501. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 151502. Organization

(a) FEDERAL CHARTER.—National Federation of Music Clubs (in this chapter, the "corporation"), incorporated in Illinois, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 151503. Purposes

(a) SPECIFIC PURPOSES.—The purposes of the corporation are as provided in the articles of incorporation and include—

(1) bringing into working relations with one another, music clubs and other musical organizations and individuals associated with musical activity for the purpose of developing and maintaining high musical standards;

(2) aiding and encouraging musical education; and

(3) promoting American music and American artists throughout the United States and the world.

(b) PATRIOTIC, CIVIC, AND HISTORICAL ORGANIZATION.—The corporation shall function as a patriotic, civic, and historical organization as authorized by the laws of each State in which it is incorporated.

§ 151504. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§ 151505. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of the officers are as provided in the articles of incorporation.

§ 151506. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 151507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 151508. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Illinois.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 151509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§151510. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§151511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§151512. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1517—NATIONAL FILM PRESERVATION FOUNDATION

Sec.
151701. Organization.
151702. Purposes.
151703. Board of directors.
151704. Officers and employees.
151705. Powers.
151706. Principal office.
151707. Provision and acceptance of support by Librarian of Congress.
151708. Service of process.
151709. Civil action by Attorney General for equitable relief.
151710. Immunity of United States Government.
151711. Authorization of appropriations.
151712. Annual report.

§151701. Organization

(a) FEDERAL CHARTER.—National Film Preservation Foundation (in this chapter, the "corporation") is a federally chartered corporation.

(b) NATURE OF CORPORATION.—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§151702. Purposes

The purposes of the corporation are to—

(1) encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's film heritage held at the Library of Congress and other public and nonprofit archives throughout the United States;

(2) further the goals of the Library of Congress and the National Film Preservation Board in connection with their activities under the National Film Preservation Act of 1996 (2 U.S.C. 179*l*–179w); and

(3) conduct activities, alone or in cooperation with other film related institutions and organizations, to further the preservation and public accessibility of films made in the United States, particularly films not protected by private interests, for the benefit of present and future generations of Americans.

§151703. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation.

(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress is an ex officio nonvoting member of the board. The Librarian appoints the directors to the board.

(2)(A) The board consists of 9 directors.

(B) Each director must be a United States citizen.

(C) At least 6 directors must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including 2 who are sitting members of the National Film Preservation Board. These 6 directors must, to the extent practicable, represent diverse points of view from the film community, including motion picture producers, creative artists, nonprofit and public archivists, historians, film critics, theater owners, and laboratory and university personnel.

(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

(4) The terms of office of the directors are 4 years. An individual may not serve more than 2 consecutive terms.

(5) A vacancy on the board shall be filled within 60 days in the manner in which the original appointment was made.

(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

(d) QUORUM.—A majority of the current membership of the board is a quorum.

(e) MEETINGS.—The board shall meet at the call of the Librarian or the chair at least once each year. If a director misses 3 consecutive regularly scheduled meetings, the director may be removed from the board by the Librarian and that vacancy may be filled as provided in subsection (b) of this section.

(f) COMPENSATION AND REIMBURSEMENT.—Directors serve without compensation but may be reimbursed for actual and necessary travel and subsistence expenses incurred in performing duties for the corporation.

(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

§151704. Officers and employees

(a) SECRETARY OF THE BOARD.—(1) The Librarian of Congress shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

(2) The Secretary must be knowledgeable and experienced in matters relating to—

(A) film preservation and restoration activities;

(B) financial management; and

(C) fundraising.

(b) APPOINTMENT OF OFFICERS.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

(c) APPOINTMENT OF EMPLOYEES.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

(d) STATUS AND COMPENSATION OF EMPLOYEES.—Employees of the corporation (including the Secretary)—

(1) are not employees of the Library of Congress;

(2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level GS-15 of the General Schedule under section 5107 of title 5.

§151705. Powers

(a) GENERAL.—The corporation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal which shall be judicially noticed; and

(3) do any other act necessary to carry out this chapter.

(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

(2) to acquire property or an interest in property by purchase or exchange;

(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

(4) to borrow money and issue instruments of indebtedness;

(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

(6) to sue and be sued; and

(7) to do any other act necessary and proper to carry out the purposes of the corporation.

(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

§151706. Principal office

The principal office of the corporation shall be in the District of Columbia. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

§151707. Provision and acceptance of support by Librarian of Congress

(a) PROVISION BY LIBRARIAN.—(1) The Librarian of Congress may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 151703(f) of this title, at rates not exceeding the applicable per diem rates for the United States Government.

(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

(b) ACCEPTANCE BY LIBRARIAN.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

§151708. Service of process

The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§151709. Civil action by Attorney General for equitable relief

The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 151702 of this title; or

(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

§151710. Immunity of United States Government

The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

§151711. Authorization of appropriations

(a) AUTHORIZATION.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $250,000 for each of the fiscal years ending September 30, 2000–2003. These amounts are to be made available to the corporation to match private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for administrative expenses of the corporation, including salaries, travel, transportation, and overhead expenses.

§151712. Annual report

As soon as practicable after the end of each fiscal year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments.

CHAPTER 1519—NATIONAL FUND FOR MEDICAL EDUCATION

Sec.
151901. Organization.
151902. Purposes.
151903. Membership.
151904. Governing body.
151905. Powers.
151906. Restrictions.
151907. Principal office.
151908. Records and inspection.
151909. Service of process.
151910. Liability for acts of officers and agents.
151911. Distribution of assets on dissolution or final liquidation.

§151901. Organization

(a) FEDERAL CHARTER.—National Fund for Medical Education (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§151902. Purposes

The purposes of the corporation are to raise from private sources, administer, and disperse funds for medical education, and in carrying out those purposes, to take other appropriate action to promote—

(1) the interpretation of the needs of medical education to the American public;

(2) the encouragement of the growth, development, and advancement of constantly improving standards and methods in the education and training of all medical personnel in the United States; and

(3) the preservation of academic freedom in the institutions of medical education.

§151903. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary, sustaining, or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§151904. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the members of the corporation, the board is responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However—

(A) the corporation shall have at least 15 but not more than 25 directors; and

(B) at least 4 of the directors shall be members of the medical profession.

(b) OFFICERS.—(1) The officers of the corporation are a chairman of the board of directors, a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, a treasurer, and one or more assistant secretaries and assistant treasurers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§151905. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§151906. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan or advance to a director, officer, or employee. Directors who vote for or assent to making a loan or advance to a director, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§151907. Principal office

The principal office of the corporation shall be in New York, New York, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§151908. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§151909. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§151910. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§151911. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1521—NATIONAL MINING HALL OF FAME AND MUSEUM

Sec.
152101. Definition.
152102. Organization.
152103. Purposes.
152104. Membership.
152105. Governing body.
152106. Powers.
152107. Restrictions.
152108. Duty to maintain corporate and tax-exempt status.
152109. Records and inspection.
152110. Service of process.
152111. Liability for acts of officers and agents.
152112. Annual report.

§152101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§152102. Organization

(a) FEDERAL CHARTER.—National Mining Hall of Fame and Museum (in this chapter, the "corporation"), incorporated in Colorado, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§152103. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include—

(1) honoring citizens, mining leaders, miners, prospectors, teachers, scientists, engineers, inventors, governmental leaders, and

other individuals, who have helped to make this country great by their outstanding contributions to the establishment, development, advancement, or improvement of mining in the United States;

(2) perpetuating the memory of those individuals and recording their contributions and achievements by the erection and maintenance of buildings, monuments, and edifices considered appropriate as a lasting memorial;

(3) fostering, promoting, and encouraging a better understanding of the origins and growth of mining, especially in the United States, and the part mining has played in changing the economic, social, and scientific aspects of our country;

(4) establishing and maintaining a library and museum for collecting and preserving for posterity, the history of those honored by the corporation, together with a documentation of their accomplishments and contributions to mining, including such items as mining pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating to those items;

(5) cooperating with other mining organizations that are actively engaged and interested in similar projects; and

(6) engaging in any other activity necessary or proper to accomplish any of the purposes in this section.

§152104. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§152105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§152106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§152107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§152108. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Colorado.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§152109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§152110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§152111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§152112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1523—NATIONAL MUSIC COUNCIL

Sec.
152301. Organization.
152302. Purposes.
152303. Membership.
152304. Governing body.
152305. Powers.
152306. Exclusive right to name, seals, emblems, and badges.
152307. Restrictions.
152308. Principal office.
152309. Records and inspection.
152310. Service of process.
152311. Liability for acts of officers and agents.
152312. Distribution of assets on dissolution or final liquidation.

§152301. Organization

(a) FEDERAL CHARTER.—National Music Council (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§152302. Purposes

The purposes of the corporation are—

(1) to provide the member organizations with a forum for the free discussion of problems affecting national musical life in this country;

(2) to speak with one voice for music whenever an authoritative expression of opinion is desirable;

(3) to provide for the interchange of information between the various member organizations;

(4) to encourage the coordination of efforts of the member organizations, thereby avoiding duplication or conflict;

(5) to organize exploratory surveys or fact-finding commissions whenever the corporation considers them necessary for the solution of important problems; and

(6) to encourage the development and appreciation of the art of music and to foster the highest ethical standards in the musical professions and industries.

§152303. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member has one vote in the conduct of official business of the corporation.

§152304. Governing body

(a) GENERAL.—(1) The board of directors is the governing body of the corporation. The board may be known as an Executive Committee.

(2) The board shall consist of at least 10 individuals who shall be representative of members of the corporation or other individuals selected by the members of the corporation. The directors shall be elected by the members of the corporation annually or at another regular interval as provided in the bylaws of the corporation.

(b) OFFICERS.—The officers of the corporation are a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and assistant officers the board designates. The officers shall perform the duties and have the powers provided in the bylaws and by the board.

§152305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) publish a bulletin, magazine, and other publications;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) use corporate funds to give prizes, awards, loans, scholarships, and grants to deserving composers, conductors, and others for the purposes stated in section 152302 of this title and for other purposes the board of directors considers proper;

(9) sue and be sued; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

§152306. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "National Music Council" and seals, emblems, and badges the corporation adopts.

§152307. Restrictions

(a) PROFIT.—The corporation may not engage in business for profit.

(b) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) POLITICAL ACTIVITIES.—The corporation or a director, officer, or member as such may not contribute to, support, or assist a political party or candidate for elective public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§152308. Principal office

The principal office of the corporation shall be at the place the board of directors decides. However, the activities of the corporation may be conducted throughout the States, territories, and possessions of the United States.

§152309. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§152310. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Designation of the agent shall be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(b) STATES, TERRITORIES, AND POSSESSIONS.—As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which the corporation does business, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§152311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§152312. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the purposes stated in section 152302 of this title or be transferred to a recognized educational foundation.

CHAPTER 1525—NATIONAL SAFETY COUNCIL

Sec.
152501. Organization.
152502. Purposes.
152503. Membership.
152504. Governing body.
152505. Powers.
152506. Exclusive right to name, seals, emblems, and badges.
152507. Restrictions.
152508. Principal office.
152509. Records and inspection.
152510. Service of process.
152511. Liability for acts of officers and agents.
152512. Distribution of assets on dissolution or final liquidation.

§152501. Organization

(a) FEDERAL CHARTER.—National Safety Council (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§152502. Purposes

The purposes of the corporation are—

(1) to further, encourage, and promote methods and procedures leading to increased safety, protection, and health among employees, employers, and children in industries, on farms, in schools and colleges, in homes, on streets and highways, in recreation, and in other public and private places;

(2) to collect, correlate, publish, and disseminate educational and informative reports and all other data related to safety methods and procedures;

(3) to arouse and maintain the interest of the people of the United States and its territories and possessions in safety and accident prevention, and to encourage the adoption and institution of safety methods by all individuals, corporations, and other organizations;

(4) to organize, establish, and conduct programs, lectures, conferences, and other activities for the education of all individuals, corporations, and other organizations in safety methods and procedures;

(5) to organize and aid in organizing local safety chapters throughout the United States and its territories and .possessions, and to provide organizational guidance and materials to promote the national safety;

(6) to cooperate with, enlist, and develop the cooperation of and among all individuals, corporations, and other organizations and agencies, public and private, engaged in, interested in, or in any manner connected with, any of these purposes; and

(7) to do any lawful acts necessary, useful, suitable, desirable, and proper for the furtherance and accomplishment of any of these purposes.

§152503. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary or sustaining member) has one vote on each matter submitted to a vote at a meeting of the members. The corporation may provide in its constitution and bylaws for additional voting rights based on dues paid.

§152504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. Except as provided in subsection (c) of this section, the board is responsible for all funds of the corporation.

(2) The board shall consist of at least 15 directors. Their manner of selection (including the filling of vacancies) and term of office are as provided in the constitution and bylaws of the corporation.

(b) OFFICERS.—(1) The officers of the corporation are a chairman of the board of directors, a president, 3 or more vice presidents as provided in the constitution and bylaws, a secretary, a treasurer, and an executive vice president. Their duties are as provided in the constitution and bylaws.

(2) Except for the executive vice president, the officers shall be elected at the annual meeting of the corporation. The executive vice president shall be elected by the board of directors in the manner provided in the constitution and bylaws.

(c) TRUSTEES.—The corporation shall have at least 15 trustees. Their manner of selection and term of office are as provided in the constitution and bylaws. The trustees have full power and control over contributed funds that they raise.

§152505. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) adopt and alter seals, emblems, and badges;

(4) choose directors, officers, trustees, managers, employees, and agents as the activities of the corporation require;

(5) make contracts;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) publish a magazine and other publications consistent with the purposes of the corporation;

(9) charge and collect membership dues and subscription fees;

(10) receive contributions or grants of money or property to be devoted to carrying out the purposes of the corporation;

(11) use corporate funds to give prizes, awards, or other evidences of merit or recognition to individuals, corporations, and other organizations, public or private, for outstanding contributions toward the achievement of the purposes of the corporation;

(12) organize, establish, and conduct conferences on safety and accident prevention;

(13) establish and maintain offices to conduct its activities, charter local, State, and regional safety organizations, and establish, regulate, and discontinue departmental subdivisions and local, State, and regional chapters in appropriate places throughout the United States and its territories and possessions;

(14) sue and be sued; and

(15) do any other act necessary and proper to carry out the purposes of the corporation.

§152506. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions and regional, State, and local chapters have the exclusive right to use the name "National Safety Council". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§152507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director, officer, or agent as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member except on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) Loans.—The corporation may not make a loan to a director, officer, or employee. Directors who vote for or assent to making a loan to a director, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 152508. Principal office

The principal office of the corporation shall be in Chicago, Illinois, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§ 152509. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 152510. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 152511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 152512. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1527—NATIONAL SKI PATROL SYSTEM, INCORPORATED

Sec.
152701. Definition.
152702. Organization.
152703. Purposes.
152704. Membership.
152705. Governing body.
152706. Powers.
152707. Restrictions.
152708. Duty to maintain tax-exempt status.
152709. Records and inspection.
152710. Service of process.
152711. Liability for acts of officers and agents.
152712. Annual report.

§ 152701. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 152702. Organization

(a) Federal Charter.—National Ski Patrol System, Incorporated (in this chapter, the "corporation"), incorporated in New York and Colorado, is a federally chartered corporation.

(b) Expiration of Charter.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 152703. Purposes

The purposes of the corporation are—

(1) to promote, in every way, patriotic, scientific, educational, and civic improvement activities and public safety in skiing, by such means as the dissemination of information and the formation of volunteer local patrols consisting of competent skiers trained in first aid for the purpose of preventing accidents and rendering speedy assistance to individuals sustaining accidents; and

(2) to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, these purposes in every way.

§ 152704. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§ 152705. Governing body

(a) Board of Directors.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) Officers.—The officers and the election of officers are as provided in the articles of incorporation.

§ 152706. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 152707. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) Loans.—The corporation may not make a loan to a director, officer, or employee.

§ 152708. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 152709. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 152710. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 152711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 152712. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 1529—NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN COLONISTS

Sec.
152901. Definition.
152902. Organization.
152903. Purposes.
152904. Membership.
152905. Governing body.
152906. Powers.
152907. Exclusive right to name, seals, emblems, and badges.
152908. Restrictions.
152909. Duty to maintain corporate and tax-exempt status.
152910. Records and inspection.
152911. Service of process.
152912. Liability for acts of officers and agents.
152913. Annual report.

§ 152901. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 152902. Organization

(a) Federal Charter.—National Society, Daughters of the American Colonists (in this chapter, the "corporation"), incorporated in the District of Columbia, is a federally chartered corporation.

(b) Expiration of Charter.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 152903. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include a continuing commitment, on a national basis—

(1) to conduct, record, and publish the results of research on the history and deeds of the American colonists;

(2) to publish the memoirs of American colonists;

(3) to erect memorials to commemorate the history and deeds of the American colonists;

(4) to promote respect and admiration for the institutions, laws, and flag of the United States;

(5) to engage in mutual improvement and educational activities;

(6) to establish scholarships to assist needy and deserving students and to promote the improvement of educational institutions;

(7) to engage in volunteer service and make contributions to veterans hospitals; and

(8) to perform other charitable activities, including the national presidents' projects, as may be provided in the articles of incorporation or bylaws of corporation.

§ 152904. Membership

(a) Eligibility.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) Nondiscrimination.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§152905. Governing body

(a) Board of Directors.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation or bylaws.

(b) Officers.—The officers and the election of officers are as provided in the articles of incorporation or bylaws.

(c) Nondiscrimination.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§152906. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§152907. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "National Society, Daughters of the American Colonists" and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§152908. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) Loans.—The corporation may not make a loan to a director, officer, or employee.

(e) Claim of Governmental Approval or Authorization.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§152909. Duty to maintain corporate and tax-exempt status

(a) Corporate Status.—The corporation shall maintain its status as a corporation incorporated under the laws of each State in which it is incorporated.

(b) Tax-Exempt Status.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§152910. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§152911. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§152912. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§152913. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1531—THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Sec.

153101. Organization.
153102. Purposes.
153103. Powers.
153104. Exclusive right to name, seals, emblems, and badges.
153105. Principal office.
153106. Deposit of historical material in Smithsonian Institution.
153107. Annual report.

§153101. Organization

The National Society of the Daughters of the American Revolution (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

§153102. Purposes

The purposes of the corporation are patriotic, historical, and educational, and include—

(1) perpetuating the memory and spirit of the men and women who achieved American independence by—

(A) acquiring and protecting historical spots and erecting monuments;

(B) encouraging historical research in relation to the Revolution and publishing its results;

(C) preserving documents and relics and the records of the individual services of Revolutionary soldiers and patriots; and

(D) promoting celebrations of all patriotic anniversaries;

(2) carrying out the injunction of Washington, in his farewell address to the American people, "to promote, as an object of primary importance, institutions for the general diffusion of knowledge," thus developing an enlightened public opinion and affording to young and old such advantages as shall develop in them the largest capacity for performing the duties of American citizens;

(3) cherishing, maintaining, and extending the institutions of American freedom;

(4) fostering true patriotism and love of country; and

(5) aiding in securing for mankind all the blessings of liberty.

§153103. Powers

The corporation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal; and

(3) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out its purposes.

§153104. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the name "National Society of the Daughters of the American Revolution". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts.

§153105. Principal office

The corporation shall have its headquarters or principal office in the District of Columbia.

§153106. Deposit of historical material in Smithsonian Institution

The Regents of the Smithsonian Institution may permit the corporation to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, on conditions and under rules they prescribe.

§153107. Annual report

The corporation shall submit an annual report to the Secretary of the Smithsonian Institution on the activities of the corporation. The Secretary shall communicate to Congress any part of the report that the Secretary considers of national interest and importance.

CHAPTER 1533—NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Sec.

153301. Organization.
153302. Purposes.
153303. Powers.
153304. Trustees.

§153301. Organization

National Society of the Sons of the American Revolution (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

§153302. Purposes

The purposes of the corporation are patriotic, historical, and educational, and include those intended or designed—

(1) to perpetuate the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people;

(2) to unite and promote fellowship among their descendants;

(3) to inspire them and the community at large with a more profound reverence for the principles of the government founded by our forefathers;

(4) to encourage historical research in relation to the American Revolution;

(5) to acquire and preserve the records of the individual services of the patriots of the war, as well as documents, relics, and landmarks;

(6) to mark the scenes of the American Revolution by appropriate memorials;

(7) to celebrate the anniversaries of the prominent events of the war and of the Revolutionary period;

(8) to foster true patriotism;

(9) to maintain and extend the institutions of American freedom; and

(10) to carry out the purposes expressed in the preamble to the Constitution of our country and the injunctions of Washington in his farewell address to the American people.

§153303. Powers

The corporation may—

(1) adopt and amend a constitution, bylaws, and regulations for the admission, government, suspension, and expulsion of its members;

(2) adopt and alter a seal;

(3) provide for the election of its officers and define their duties;

(4) provide for State societies or chapters with regulations for their conduct, and regulate and provide for the management, safekeeping, and protection of their property and funds;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation; and

(6) sue and be sued.

§ 153304. Trustees

The property and affairs of the corporation shall be managed by at least 40 trustees. The trustees shall be elected annually at the time provided in the bylaws. At least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted to the corporation at least 30 days before the annual meeting, in accordance with provisions adopted by the corporation to regulate nominations.

CHAPTER 1535—NATIONAL TROPICAL BOTANICAL GARDEN

Sec.

153501. Organization.
153502. Purposes.
153503. Membership.
153504. Governing body.
153505. Powers.
153506. Exclusive right to name.
153507. Restrictions.
153508. Principal office and location of activities and gardens.
153509. Records and inspection.
153510. Statement required in audit report.
153511. Service of process.
153512. Liability for acts of officers and agents.
153513. Distribution of assets on dissolution or final liquidation.

§ 153501. Organization

(a) FEDERAL CHARTER.—National Tropical Botanical Garden (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 153502. Purposes

The purposes of the corporation are—

(1) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of one or more tropical botanical gardens, together with facilities such as libraries, herbaria, laboratories, and museums that are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

(2) to foster and encourage fundamental research about tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;

(3) to disseminate through publications and other media the knowledge about basic and applied tropical botany acquired at the gardens;

(4) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; and

(5) to provide a beneficial facility that will contribute to the education, instruction, and recreation of the people of the United States.

§ 153503. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each member (except an honorary or associate member) has one vote on each matter submitted to a vote at a meeting of the members.

§ 153504. Governing body

(a) BOARD OF TRUSTEES.—(1) The board of trustees is the governing body of the corporation. The duties and powers of the board are as provided in the bylaws.

(2) The manner of selection and term of office of the trustees are as provided in the bylaws.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents, a secretary, a treasurer, and other officers as provided in the bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the bylaws.

§ 153505. Powers

The corporation may—

(1) adopt and amend bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, trustees, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or proper to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§ 153506. Exclusive right to name

The corporation has the exclusive right to use and to allow others to use the name "National Tropical Botanical Garden".

§ 153507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a trustee or officer as such may not contribute to, support, or assist a political party or candidate for elective public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a trustee, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of trustees.

(d) LOANS.—The corporation may not make a loan to a trustee, officer, or employee. Trustees who vote for or assent to making a loan to a trustee, officer, or employee, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 153508. Principal office and location of activities and gardens

(a) PRINCIPAL OFFICE.—The principal office of the corporation shall be in the District of Columbia or another place decided by the board of trustees.

(b) LOCATION OF ACTIVITIES AND GARDENS.—The activities of the corporation may be conducted anywhere. However, the corporation may establish tropical botanical gardens only in the United States and its territories and possessions.

§ 153509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its board of trustees and committees having any of the authority of its board of trustees; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 153510. Statement required in audit report

The corporation shall include in the audit report statement required under section 10101(b)(1)(B) of this title a schedule of all contracts requiring payments greater than $10,000 and all payments of compensation or fees at a rate of greater than $10,000 a year.

§ 153511. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 153512. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 153513. Distribution of assets on dissolution or final liquidation

(a) ALLOWABLE RECIPIENTS.—On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed, as decided by the board of trustees, to—

(1) the United States Government, to be administered by the Secretary of the Interior under the Act of August 25, 1916 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act); or

(2) a State or local government to be used for a public purpose.

(b) RESTRICTION.—A distribution under subsection (a) of this section shall be consistent with the purposes of the corporation and in compliance with the charter and bylaws.

CHAPTER 1537—NATIONAL WOMAN'S RELIEF CORPS, AUXILIARY TO THE GRAND ARMY OF THE REPUBLIC

Sec.

153701. Organization.
153702. Purposes.
153703. Membership.
153704. Governing body.
153705. Powers.
153706. Exclusive right to name, seals, emblems, and badges.
153707. Restrictions.
153708. Principal office.
153709. Records and inspection.
153710. Service of process.
153711. Liability for acts of officers and agents.
153712. Annual report.
153713. Distribution of assets on dissolution or final liquidation.

§ 153701. Organization

(a) FEDERAL CHARTER.—National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 153702. Purposes

The purposes of the corporation are—

(1) to perpetuate the memory of the Grand Army of the Republic, as the National Woman's Relief Corps is its auxiliary and was organized at its request in 1883, and of the men who saved the Union in 1861 to 1865;

(2) to assist in every practicable way in preserving, and making available for research, documents and records pertaining to the Grand Army of the Republic and its members;

(3) to cooperate in doing honor to all those who have served our country patriotically in any war;

(4) to teach patriotism, the duties of citizenship, the true history of our country, and the love and honor of our flag;

(5) to oppose every tendency or movement that would weaken loyalty to, destroy, or impair our constitutional Union; and

(6) to inculcate and broadly sustain the American principles of representative government, equal rights, and impartial justice for all.

§153703. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation. Eligibility for membership is limited to—

(1) women who are the wives, mothers, daughters, and sisters of Union soldiers, sailors, and marines; and

(2) other loyal women who have not given aid or comfort to the enemies of the United States of America.

§153704. Governing body

(a) NATIONAL CONVENTION.—(1) The national convention is the supreme governing authority of the corporation.

(2) The national convention is composed of officers and elected representatives from the States as provided by the regulations of the corporation. However, the form of government of the corporation must be representative of the membership at large and may not permit concentration of control in a limited number of members or in a self-perpetuating group not representative of the membership at large.

(3) The meetings of the national convention may be held in the District of Columbia or in any State.

(4) During the intervals between the convention, the executive officers are the governing board of the corporation and are responsible for the general policies, program, and activities of the corporation.

(b) COUNCIL OF ADMINISTRATION.—The council of administration of the corporation shall consist of at least 7 members elected in the manner and for the term provided in the constitution and bylaws of the corporation.

(c) OFFICERS.—(1) The officers of the corporation are a national president, senior vice national president, junior vice national president, secretary, treasurer, and other officers as provided in the constitution and bylaws. One individual may hold the offices of secretary and treasurer.

(2) The titles, manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§153705. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers as the corporation requires;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation; and

(6) sue and be sued.

§153706. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate corps have the exclusive right to use the name "National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts.

§153707. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or an officer or agent as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(d) LOANS.—The corporation may not make a loan or advance to an officer or member of the corporation. Members of the council of administration who vote for or assent to making a loan or advance to an officer or member, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§153708. Principal office

The principal office of the corporation shall be in Springfield, Illinois. However, the activities of the corporation are not confined to Springfield but may be conducted throughout the States of the United States and the District of Columbia.

§153709. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account; and

(2) minutes of the proceedings of its national convention.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§153710. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process, notice, or demand for the corporation. Designation of the agent shall be filed in the office of the Mayor of the District of Columbia or another office designated by the Mayor. Notice to or service on the agent is notice to or service on the corporation.

§153711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§153712. Annual report

Not later than 6 months after the end of each fiscal year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may consist of a report on the proceedings of the national convention during that fiscal year. The report may not be printed as a public document.

§153713. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, its assets shall be distributed as follows:

(1) All liabilities shall be paid and discharged, or adequate provision for payment and discharge shall be made.

(2) Assets held on condition requiring return or transfer on dissolution of the corporation shall be returned or transferred as required by the condition.

(3) Assets received and held subject to a limitation permitting use only for charitable, religious, benevolent, educational, or similar purposes, but not held on a condition requiring return or transfer on dissolution of the corporation, shall be transferred to one or more appropriate domestic or foreign corporations, societies, or organizations under a plan of distribution adopted as provided in this chapter.

(4) Other assets shall be distributed as provided by the articles of incorporation or bylaws to the extent that the articles or bylaws provide the distributive rights of members, or any class of members, or provide for distribution to others.

(5) Any remaining assets may be distributed to persons, societies, organizations, or domestic or foreign corporations engaged in activities not for profit, as provided in a plan of distribution adopted by the council of administration of the corporation and in compliance with the constitution and bylaws of the corporation.

CHAPTER 1539—THE NATIONAL YOEMEN F

Sec.
153901. Organization.
153902. Purposes.
153903. Powers.
153904. Deposit of historical material.

§153901. Organization

The National Yoemen F (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

§153902. Purposes

The purposes of the corporation are patriotic, historical, and educational and are—

(1) to foster and perpetuate the memory of the service of Yoemen (f) in the United States Naval Reserve Force of the United States Navy during World War I;

(2) to preserve the memories and incidents of their association in World War I by the encouragement of historical research concerning the service of Yoemen (f);

(3) to cherish, maintain, and extend the institutions of American freedom by the promotion of celebrations of all patriotic anniversaries;

(4) to foster true patriotism and love of country; and

(5) to aid in securing for mankind all the blessings of liberty.

§153903. Powers

The corporation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal; and

(3) hold real and personal property in the United States, but only to the extent necessary to carry out the purposes of the corporation and only in an amount not more than $50,000.

§153904. Deposit of historical material

The Regents of the Smithsonian Institution may permit the corporation to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, on conditions and under rules they prescribe.

CHAPTER 1541—NAVAL SEA CADET CORPS

Sec.
154101. Organization.
154102. Purposes.

154103. Membership.
154104. Governing body.
154105. Powers.
154106. Exclusive right to name, insignia, emblems, badges, marks, and words.
154107. Restrictions.
154108. Principal office.
154109. Records and inspection.
154110. Service of process.
154111. Liability for acts of officers and agents.
154112. Annual report.
154113. Distribution of assets on dissolution or final liquidation.

§ 154101. Organization

(a) FEDERAL CHARTER.—Naval Sea Cadet Corps (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 154102. Purposes

The purposes of the corporation are, through organization and cooperation with the Department of the Navy—

(1) to encourage and aid American young people to develop an interest and skill in basic seamanship and in its naval adaptations;

(2) to train them in seagoing skills; and

(3) to teach them patriotism, courage, self-reliance, and kindred virtues.

§ 154103. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

§ 154104. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The board is responsible for the general policies and program of the corporation and the control of all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws. However, the board shall have at least 10 but not more than 25 directors.

(b) OFFICERS.—(1) The officers of the corporation are a president, one or more vice presidents as provided in the constitution and bylaws, a secretary, a treasurer, and other officers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.

§ 154105. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and

(7) sue and be sued.

§ 154106. Exclusive right to name, insignia, emblems, badges, marks, and words

The corporation has the exclusive right to use the name "Naval Sea Cadet Corps" and distinctive insignia, emblems, and badges, descriptive or designating marks, and words or phrases required to carry out the duties and powers of the corporation. This section does not affect any vested rights.

§ 154107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer in an amount approved by the board of directors.

(d) LOANS.—The corporation may not make a loan or advance to a director, officer, or employee. Directors who vote for or assent to making a loan or advance to a director, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§ 154108. Principal office

The principal office of the corporation shall be in Tacoma, Washington, or another place decided by the board of directors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§ 154109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 154110. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 154111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 154112. Annual report

The corporation shall submit an annual report to the Secretary of the Navy on the activities of the corporation during the prior calendar year. The Secretary shall communicate to Congress any part of the report that the Secretary considers appropriate.

§ 154113. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 1543—NAVY CLUB OF THE UNITED STATES OF AMERICA

Sec.
154301. Organization.
154302. Purposes.
154303. Powers.
154304. Annual report.

§ 154301. Organization

(a) FEDERAL CHARTER.—Navy Club of the United States of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 154302. Purposes

The purposes of the corporation are—

(1) to encourage, promote, and maintain comradeship among individuals who are or have been in the active service of the United States Navy, the United States Marine Corps, or the United States Coast Guard;

(2) to revere, honor, and perpetuate the memory of individuals described in clause (1) of this section who have departed this life;

(3) to promote and encourage further public interest in the United States Navy, the United States Marine Corps, and the United States Coast Guard and the history of those organizations;

(4) to uphold the spirit and ideals of the United States Navy, the United States Marine Corps, and the United States Coast Guard;

(5) to promote the ideals of American freedom and democracy and to fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms; and

(6) to maintain true allegiance to American institutions.

§ 154303. Powers

The corporation may—

(1) adopt and amend bylaws;

(2) adopt and alter a corporate seal;

(3) appoint or elect officers and agents;

(4) choose a board of trustees, consisting of at least 5 but not more than 15 individuals, to conduct the business and exercise the powers of the corporation;

(5) establish and maintain offices to conduct its activities;

(6) acquire, own, lease, encumber, and transfer property as necessary or appropriate to carry out the purposes of the corporation;

(7) charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the corporation;

(8) sue and be sued; and

(9) do any other act necessary or appropriate to carry out the purposes of the corporation.

§ 154304. Annual report

Not later than December 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

CHAPTER 1545—NAVY WIVES CLUBS OF AMERICA

Sec.
154501. Definition.
154502. Organization.
154503. Purposes.
154504. Membership.
154505. Governing body.
154506. Powers.
154507. Restrictions.

154508. Duty to maintain corporate and tax-exempt status.
154509. Records and inspection.
154510. Service of process.
154511. Liability for acts of officers and agents.
154512. Annual report.

§154501. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§154502. Organization

(a) FEDERAL CHARTER.—Navy Wives Clubs of America (in this chapter, the "corporation"), incorporated in California, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§154503. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) supporting the Constitution of the United States;

(2) promoting a friendly relationship between the wives of enlisted men who are serving in the active United States Navy, United States Marine Corps, or United States Coast Guard or in the Active Reserves of those services; and

(3) performing charitable activities as provided in the constitution or bylaws of the corporation.

§154504. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

§154505. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§154506. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§154507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§154508. Duty to maintain corporate and tax-exempt status

(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of each State in which it is incorporated.

(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§154509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§154510. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§154511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§154512. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1547—NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.
154701. Definition.
154702. Organization.
154703. Purposes.
154704. Membership.
154705. Governing body.
154706. Powers.
154707. Exclusive right to name, seals, emblems, and badges.
154708. Restrictions.
154709. Duty to maintain tax-exempt status.
154710. Records and inspection.
154711. Service of process.
154712. Liability for acts of officers and agents.
154713. Annual report.

§154701. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§154702. Organization

(a) FEDERAL CHARTER.—Non Commissioned Officers Association of the United States of America, Incorporated (in this chapter, the "corporation"), a nonprofit corporation incorporated in Texas, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§154703. Purposes

The purposes of the corporation are as provided in the bylaws and articles of incorporation and include—

(1) upholding and defending the Constitution of the United States;

(2) promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs;

(3) assisting veterans and their dependents and survivors through a service program established for that purpose;

(4) improving conditions for service members, veterans, and their dependents and survivors; and

(5) fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

§154704. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§154705. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§154706. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§154707. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the names "The Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association", and "NCOA", and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§154708. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§154709. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§154710. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§154711. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§154712. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§154713. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1601—[RESERVED]

CHAPTER 1701—PARALYZED VETERANS OF AMERICA

Sec.
170101. Organization.
170102. Purposes.
170103. Membership.
170104. Powers.
170105. Exclusive right to name, seals, emblems, and badges.
170106. Restrictions.
170107. Headquarters and principal place of business.
170108. Records and inspection.
170109. Service of process.
170110. Liability for acts of officers and agents.
170111. Distribution of assets on dissolution or final liquidation.

§170101. Organization

(a) FEDERAL CHARTER.—Paralyzed Veterans of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§170102. Purposes

The purposes of the corporation are—

(1) to preserve the great and basic truths and enduring principles on which this Nation was founded;

(2) to form a national association for the benefit of individuals who have suffered injuries or diseases of the spinal cord;

(3) to acquaint the public with the needs and problems of paraplegics;

(4) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and

(5) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

§170103. Membership

An individual is eligible for membership in the corporation if the individual—

(1) is a citizen of the United States;

(2) was regularly enlisted, inducted, or commissioned, and was accepted for or on active duty, in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States or an ally of the United States;

(3)(A) was separated from service in the armed forces under conditions other than dishonorable; or

(B) is on active duty or must continue to serve after the cessation of hostilities; and

(4) has suffered a spinal cord injury or disease, whether or not service connected in origin.

§170104. Powers

(a) SPECIFIC POWERS.—The corporation may—

(1) adopt and amend a constitution and bylaws;

(2) adopt and alter a corporate seal, emblems, and badges;

(3) choose officers, representatives, and agents as necessary to carry out the purposes of the corporation;

(4) make contracts;

(5) accept gifts, legacies, and devises that will further the purposes of the corporation;

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(8) establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(9) establish and maintain offices to conduct the affairs of the corporation;

(10) publish a magazine, newspaper, and other publications;

(11) sue and be sued; and

(12) do any other act necessary and proper to carry out the purposes of the corporation.

(b) PRIVILEGES OF OTHER NATIONAL VETERANS' ORGANIZATIONS.—Privileges granted to other national veterans' organizations as a result of their being incorporated by Congress are also granted to the corporation.

§170105. Exclusive right to name, seals, emblems, and badges

The corporation and its State and regional organizations and local chapters or posts have the exclusive right to use the name "Paralyzed Veterans of America" and seals, emblems, and badges the corporation lawfully adopts.

§170106. Restrictions

(a) PROFIT.—The corporation may not engage in business for profit.

(b) STOCK.—The corporation may not issue stock.

(c) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and may not provide financial aid to, or otherwise promote the candidacy of, an individual seeking public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, member, or employee during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(e) LOANS.—The corporation may not make a loan to a director, officer, member, or employee. Directors who vote for or assent to making such a loan, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§170107. Headquarters and principal place of business

The headquarters and principal place of business of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§170108. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, executive committee, and committees having any of the authority of its executive committee; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§170109. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which an organization, chapter, or post is organized, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§170110. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§170111. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge or satisfactory provision for discharge of all liabilities shall be transferred to the Secretary of Veterans Affairs to be applied to the care and comfort of paralyzed veterans.

CHAPTER 1703—PEARL HARBOR SURVIVORS ASSOCIATION

Sec.
170301. Definition.
170302. Organization.
170303. Purposes.
170304. Membership.
170305. Governing body.
170306. Powers.
170307. Exclusive right to name, seals, emblems, and badges.
170308. Restrictions.
170309. Duty to maintain tax-exempt status.
170310. Records and inspection.
170311. Service of process.
170312. Liability for acts of officers and agents.
170313. Annual report.

§170301. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§170302. Organization

(a) FEDERAL CHARTER.—Pearl Harbor Survivors Association (in this chapter, the "corporation"), a nonprofit corporation incorporated in Missouri, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§170303. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include—

(1) upholding and defending the Constitution of the United States;

(2) collating, preserving, and encouraging the study of historical episodes, chronicles, mementos, and events pertaining to "The Day of Infamy, 7 December 1941", and in particular those memories and records of patriotic service performed by the heroic Pearl Harbor survivors and nonsurvivors;

(3) shielding from neglect the graves, past and future, of those who served at Pearl Harbor on that day;

(4) stimulating communities and political subdivisions into taking more interest in the affairs and future of the United States to keep our Nation alert;

(5) fighting unceasingly for our national security to protect the United States from enemies within and without our borders;

(6) preserving the American way of life and fostering the spirit and practice of Americanism; and

(7) instilling love of country and flag and promoting soundness of mind and body in the youth of our Nation.

§170304. Membership

(a) ELIGIBILITY.—Eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§170305. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§170306. Powers

The corporation has the powers provided in its bylaws and articles of incorporation filed in the State in which it is incorporated, including the power to—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) adopt emblems and badges;

(4) establish, maintain, and regulate offices to conduct the affairs of the corporation;

(5) publish a magazine and other publications;

(6) charge and collect membership dues and subscription fees and receive contributions or grants of money or property to be used to carry out the purposes of the corporation;

(7) accept gifts, legacies, and devises that will further the purposes of the corporation;

(8) promote the formation of auxiliaries, the membership requirements of which shall be as provided in the constitution and the bylaws of the corporation;

(9) sue and be sued; and

(10) do any other act necessary or desirable to carry out the purposes of the corporation.

§170307. Exclusive right to name, seals, emblems, and badges

The corporation and its regional districts and local branches have the exclusive right to use the name "Pearl Harbor Survivors Association" and seals, emblems, and badges the corporation adopts.

§170308. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter or on dissolution or final liquidation of the corporation. This subsection does not prevent the payment of compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§170309. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§170310. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§170311. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§170312. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§170313. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1705—POLISH LEGION OF AMERICAN VETERANS, U.S.A.

Sec.
170501. Definition.
170502. Organization.
170503. Purposes.
170504. Membership.
170505. Governing body.
170506. Powers.
170507. Restrictions.
170508. Duty to maintain tax-exempt status.
170509. Records and inspection.
170510. Service of process.
170511. Liability for acts of officers and agents.
170512. Annual report.

§170501. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§170502. Organization

(a) FEDERAL CHARTER.—Polish Legion of American Veterans, U.S.A. (in this chapter, the "corporation"), a nonprofit corporation incorporated in Illinois, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§170503. Purposes

The purposes of the corporation are as provided in its articles of incorporation. The corporation shall function as a veterans' and patriotic organization as authorized by the laws of each State in which it is incorporated.

§170504. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§170505. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§170506. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§170507. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 170508. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 170509. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 170510. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§ 170511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 170512. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 1801—[RESERVED]

CHAPTER 1901—RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Sec.
190101. Organization.
190102. Purposes.
190103. Membership.
190104. Governing body.
190105. Powers.
190106. Exclusive right to name, seals, emblems, and badges.
190107. Restrictions.
190108. Headquarters.
190109. Records and inspection.
190110. Service of process.
190111. Liability for acts of officers and agents.
190112. Distribution of assets on dissolution or final liquidation.

§ 190101. Organization

(a) FEDERAL CHARTER.—Reserve Officers Association of the United States (in this chapter, the "corporation") is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 190102. Purposes

The purposes of the corporation are to support and promote the development and execution of a military policy for the United States that will provide adequate national security.

§ 190103. Membership

(a) ELIGIBILITY.—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.

(b) VOTING.—Each active member of a department or chapter has one vote in the conduct of official business of that department or chapter.

§ 190104. Governing body

(a) NATIONAL CONVENTION.—The corporation shall hold an annual national convention. The national convention shall be composed of delegates elected by the various departments.

(b) NATIONAL EXECUTIVE COMMITTEE.—(1) The national executive committee is the governing body of the corporation.

(2) The national executive committee consists of the president, the last past president, 3 vice presidents, 3 junior vice presidents, 3 national executive committee members, and the executive director. Each of these individuals, except the executive director, has one vote on each matter decided by the committee.

(c) OFFICERS.—(1) The officers of the corporation are a president, 3 vice presidents, 3 junior vice presidents, 3 national executive committee members, an executive director, a national treasurer, a judge advocate, a surgeon, a chaplain, a historian, a public relations officer, and other officers as decided at the national convention.

(2) The national officers of the corporation shall be elected at the annual national convention, except for the executive director, the national treasurer, and the national public relations officer, who shall be appointed by the national executive committee.

(3) The elected officers shall hold office for one year or until their successors have been elected and qualified.

(d) VACANCIES.—(1) Except for the positions of president and last past president, a vacancy on the national executive committee shall be filled by the existing members of the committee. An individual appointed by the committee to fill a vacancy serves until the next national convention when the individual's successor shall be elected for the unexpired term, if any, caused by the vacancy.

(2) If the president is absent or the office of president is vacant, the national vice president of the same service as the president shall act as president.

§ 190105. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws;

(2) adopt and alter a corporate seal;

(3) adopt and alter emblems and badges;

(4) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(5) publish a magazine, newspaper, and other publications;

(6) establish, regulate, and discontinue subordinate departmental subdivisions and local chapters;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§ 190106. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate departmental subdivisions and local chapters have the exclusive right to use the name "Reserve Officers Association of the United States" and seals, emblems, and badges the corporation adopts.

§ 190107. Restrictions

(a) PROFIT.—The corporation may not engage in business for profit.

(b) STOCK.—The corporation may not issue stock.

(c) POLITICAL ACTIVITIES.—The corporation or an officer or member as such may not contribute to, support, or assist a political party or candidate for public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member except on dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan or advance to an officer or member of the national executive committee. Members of the national executive committee who vote for or assent to making a loan or advance to an officer, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§ 190108. Headquarters

The headquarters of the corporation shall be in the District of Columbia.

§ 190109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its national conventions, national executive committee, and national council; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 190110. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

(b) STATES, TERRITORIES, AND POSSESSIONS.—As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which a subordinate department or local chapter is organized, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§ 190111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§ 190112. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be divided equally among the then active officers and members.

CHAPTER 1903—RETIRED ENLISTED ASSOCIATION, INCORPORATED

Sec.
190301. Definition.
190302. Organization.
190303. Purposes.
190304. Membership.
190305. Governing body.
190306. Powers.
190307. Exclusive right to name, seals, emblems, and badges.
190308. Restrictions.
190309. Duty to maintain tax-exempt status.
190310. Records and inspection.
190311. Service of process.
190312. Liability for acts of officers and agents.
190313. Annual report.

§ 190301. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§190302. Organization

(a) FEDERAL CHARTER.—Retired Enlisted Association, Incorporated (in this chapter, the "corporation"), a nonprofit corporation incorporated in Colorado, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§190303. Purposes

The purposes of the corporation are as provided in its articles of incorporation and bylaws and include—

(1) upholding and defending the Constitution of the United States;

(2) promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs;

(3) assisting veterans and their dependents and survivors through a service program established for that purpose;

(4) improving conditions for retired enlisted service members, veterans, and their dependents and survivors; and

(5) fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

§190304. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the articles of incorporation and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§190305. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§190306. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§190307. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the names "The Retired Enlisted Association, Incorporated", "The Retired Enlisted Association", "Retired Enlisted Association", and "TREA" and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§190308. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§190309. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§190310. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§190311. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§190312. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§190313. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 2001—SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS

Sec.
200101. Organization.
200102. Purposes.
200103. Powers.
200104. Restrictions.
200105. Principal office.
200106. Nonapplication of audit requirements.

§200101. Organization

Society of American Florists and Ornamental Horticulturists (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

§200102. Purposes

The purposes of the corporation are to educate members of the florist industry and the public, and to promote scientific development, in floriculture and horticulture.

§200103. Powers

The corporation may—

(1) adopt a constitution and bylaws for the management of its property and the regulation of its affairs; and

(2)(A) hold property, in the District of Columbia or elsewhere, necessary to carry out the purposes of the corporation, in an amount not to exceed $1,000,000; and

(B) hold other property donated or bequeathed in any State or territory of the United States.

§200104. Restrictions

(a) PROFIT.—The corporation may not operate for profit.

(b) USE OF EARNINGS.—Earnings generated by the corporation may be used only for the purposes provided in section 200102 of this title.

(c) USE OF PROPERTY.—Property held by the corporation, and the proceeds from the property, may be used only for the purposes provided in section 200102 of this title.

(d) PARKS IN THE DISTRICT OF COLUMBIA.—The corporation may not occupy any park in the District of Columbia.

§200105. Principal office

The principal office of the corporation shall be located in the District of Columbia. However, annual meetings may be held wherever the corporation decides.

§200106. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 2003—SONS OF UNION VETERANS OF THE CIVIL WAR

Sec.
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§200301. Organization

(a) FEDERAL CHARTER.—Sons of Union Veterans of the Civil War (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§200302. Purposes

The purposes of the corporation are—

(1) to perpetuate the memory of the Grand Army of the Republic and of the men who saved the Union in 1861 to 1865;

(2) to assist in every practicable way in preserving, and making available for research, documents and records pertaining to the Grand Army of the Republic and its members;

(3) to cooperate in honoring all those who have served our country patriotically in any war;

(4) to teach patriotism, the duties of citizenship, the true history of our country, and the love and honor of our flag;

(5) to oppose every tendency or movement that would weaken loyalty to, destroy, or impair our constitutional Union; and

(6) to inculcate and broadly sustain the American principles of representative government, equal rights, and impartial justice for all.

§200303. Membership

(a) GENERAL.—Except as provided in this chapter, eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation.

(b) REQUIRED SERVICE.—Eligibility for membership in the corporation is limited to male blood relatives of an individual who—

(1) served at any time during the period from April 12, 1861, through April 9, 1865, as a soldier or sailor in—

(A) the United States Army, Navy, Marine Corps, or Revenue-Cutter Service; or

(B) a State regiment that was called into active service and was subject to orders of United States general officers during that period; and

(2) was discharged honorably from, or died in, that service.

§200304. Governing body

(a) NATIONAL ENCAMPMENT.—(1) The national encampment is the supreme governing authority of the corporation.

(2) The national encampment is composed of officers and elected representatives from the States and other local subdivisions of the corporation as provided in the constitution and bylaws. However, the form of government of the corporation must be representative of the membership at large and may not permit concentration of control in a limited number of members or in a self-perpetuating group not representative of the membership at large.

(3) The meetings of the national encampment may be held in the District of Columbia or in any State, territory, or possession of the United States.

(b) COUNCIL OF ADMINISTRATION.—(1) During the intervals between the national encampments, the council of administration is the governing board of the corporation and is responsible for the general policies, program, and activities of the corporation.

(2) The council of administration shall consist of at least 7 members elected in the manner and for the term provided in the constitution and bylaws.

(c) OFFICERS.—(1) The officers of the corporation are a commander in chief, a senior vice commander in chief, a junior vice commander in chief, a secretary, a treasurer, and other officers as provided in the constitution and bylaws. One individual may hold the offices of secretary and treasurer.

(2) The manner of selection, term of office, and duties of the officers are as provided in the constitution and bylaws.

§200305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, agents, and employees as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§200306. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the name "Sons of Union Veterans of the Civil War". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts.

§200307. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or an officer or agent as such may not contribute to, support, or assist a political party or candidate for public office.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(d) LOANS.—The corporation may not make a loan or advance to an officer or employee. Members of the council of administration who vote for or assent to making a loan or advance to an officer or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§200308. Principal office

The principal office of the corporation shall be in Trenton, New Jersey, or another place decided by the council of administration. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted in the District of Columbia and throughout the States, territories, and possessions of the United States.

§200309. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account; and

(2) minutes of the proceedings of its national encampments and council of administration.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§200310. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§200311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§200312. Annual report

Not later than March 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may consist of a report on the proceedings of the national encampment. The report may not be printed as a public document.

§200313. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the council of administration, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 2101—THEODORE ROOSEVELT ASSOCIATION

Sec.

210101. Organization.
210102. Purposes.
210103. Membership.
210104. Governing body.
210105. Powers.
210106. Restrictions.
210107. Nonapplication of audit requirements.

§210101. Organization

(a) FEDERAL CHARTER.—Theodore Roosevelt Association (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§210102. Purposes

The purposes of the corporation are—

(1) to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States and the world; and

(2) to solicit, receive, hold, and maintain funds, and to apply the principal of the funds and the income from those funds to the following objects, among others:

(A) the erection and maintenance of a suitable and adequate monumental memorial in the District of Columbia to the memory of Theodore Roosevelt;

(B) the acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in Oyster Bay, New York;

(C) the establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people; and

(D) the donation of real and personal property, including part or all of its endowment fund, to a public agency for the purpose of preserving in public ownership historically significant property associated with the life of Theodore Roosevelt.

§210103. Membership

Eligibility for membership in the corporation is as provided in regulations adopted by the board of trustees.

§210104. Governing body

(a) BOARD OF TRUSTEES.—A self-perpetuating board of trustees shall manage and direct the property and affairs of the corporation.

(b) POWERS.—The board of trustees may adopt and amend a constitution, bylaws, and regulations for—

(1) the selection of successor trustees;

(2) the admission of members;

(3) the election of officers; and

(4) the conduct of the affairs of the corporation.

§210105. Powers

The corporation may—

(1) adopt a constitution, bylaws, and regulations;

(2) adopt and alter a corporate seal;

(3) acquire and own property necessary to carry out the purposes of the corporation;

(4) give and dedicate its property to public agencies and purposes;

(5) maintain offices, hold meetings, and conduct business affairs in the District of Columbia and in the States, territories, and possessions of the United States;

(6) sue and be sued within the jurisdiction of the United States; and

(7) do any other act necessary and proper to carry out the purposes of the corporation.

§210106. Restrictions

(a) EXCLUSIVELY EDUCATIONAL PURPOSES.—The corporation shall be operated exclusively for educational purposes.

(b) STOCKS AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) DISTRIBUTIONS OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of any member or individual.

§210107. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

CHAPTER 2103—369TH VETERANS' ASSOCIATION

Sec.

210301. Definition.
210302. Organization.
210303. Purposes.
210304. Membership.
210305. Governing body.
210306. Powers.
210307. Exclusive right to name, seals, emblems, and badges.
210308. Restrictions.
210309. Duty to maintain tax-exempt status.
210310. Records and inspection.
210311. Service of process.
210312. Liability for acts of officers and agents.
210313. Annual report.

§210301. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§210302. Organization

(a) FEDERAL CHARTER.—369th Veterans' Association (in this chapter, the "corporation"), a nonprofit corporation incorporated in New York, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§210303. Purposes

The purposes of the corporation are as provided in the articles of incorporation and include—

(1) promoting the principles of friendship and good will among its members;

(2) engaging in social and civic activities that tend to enhance the welfare of its members and inculcate the true principles of good citizenship in its members; and

(3) memorializing, individually and collectively, the patriotic services of its members in the 369th antiaircraft artillery group and other units in the armed forces of the United States.

§210304. Membership

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, or national origin.

§210305. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(c) NONDISCRIMINATION.—The requirements for holding office in the corporation may not discriminate on the basis of race, color, religion, or national origin.

§210306. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§210307. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the name "369th Veterans' Association" and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§210308. Restrictions

(a) STOCKS AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§210309. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§210310. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, the board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§210311. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§210312. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§210313. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 2201—UNITED SERVICE ORGANIZATIONS, INCORPORATED

Sec.

220101. Organization.
220102. Purposes.
220103. Membership.
220104. Governing body.
220105. Powers.
220106. Exclusive right to name, seals, emblems, and badges.
220107. Assistance by Department of Defense.
220108. Restrictions.
220109. Duty to maintain corporate status.
220110. Principal office.
220111. Records and inspection.
220112. Service of process.
220113. Annual report.
220114. Distribution of assets on dissolution or final liquidation.

§220101. Organization

(a) FEDERAL CHARTER.—United Service Organizations, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§220102. Purposes

The purposes of the corporation are—

(1) to provide a voluntary civilian agency through which the people of this Nation may, in peace or war, serve the religious, spiritual, social, welfare, educational, and entertainment needs of men and women in the armed forces, within or without the territorial limits of the United States;

(2) to contribute to the maintenance of morale of men and women in the armed forces;

(3) to solicit funds to maintain the organization and accomplish its responsibility;

(4) to accept the cooperation of, and provide an organization and means through which, the National Board of Young Men's Christian Associations, the National Board of Young Women's Christian Associations, the National Catholic Community Service, the Salvation Army, the National Jewish Welfare Board, the Travelers Aid-International Social Service of America, and other civilian agencies experienced in specialized types of related work, which may be needed adequately to meet the particular needs of the members of the armed forces, may carry on their historic work of serving the religious, spiritual, social, welfare, educational, and entertainment needs of men and women in the armed forces and be afforded an appropriate means of participation and financial assistance;

(5) to coordinate their programs; and

(6) other consonant purposes.

§220103. Membership

Except as provided in this chapter, the rights, privileges, and designation of classes of members are as provided in the bylaws. The membership of the corporation consists of—

(1) nine individuals designated by the President; and

(2) representatives of the civilian organizations listed in section 220102(4) of this title, and of the public at large, as provided in the bylaws.

§220104. Governing body

(a) BOARD OF GOVERNORS.—(1) The board of governors is the governing body of the corporation. The board is responsible for the general policies and program of the corporation and for the control of the affairs and property of the corporation.

(2) The board shall be elected by the members of the corporation for the term and in the classes provided in the bylaws of the corporation. The board includes—

(A) six members appointed by the President;

(B) the Secretary of State or the Secretary's designee; and

(C) representatives of the civilian organizations listed in section 220102(4) of this title, and of the public at large, as provided in the bylaws.

(3) The corporation may have other governing bodies or committees as provided in the bylaws.

(b) OFFICERS.—(1) The office of honorary chairman of the corporation shall be offered to the President. On acceptance, the honorary chairman shall be invited to preside at meetings of the corporation that the honorary chairman deems appropriate and convenient.

(2) The corporation may have other officers as provided in the bylaws.

§220105. Powers

The corporation has all the powers necessary and proper to carry out the purposes stated in section 220102 of this title, including the power—

(1) to adopt and amend bylaws and regulations for the management of its property and the regulation of its affairs;

(2) to adopt and alter a corporate seal;

(3) to adopt and alter emblems and marks;

(4) to establish and maintain offices to conduct the affairs of the corporation;

(5) to choose officers, representatives, and agents as the activities of the corporation require;

(6) to make contracts;

(7) to acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(8) to borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(9) to publish a magazine, newspaper, and other publications;

(10) to establish, regulate, and terminate councils, organizations, chapters, or affiliates as needed to carry out the purposes stated in section 220102 of this title;

(11) to solicit funds;

(12) to sue and be sued; and

(13) to do any other act necessary and proper to carry out the purposes stated in section 220102 of this title.

§220106. Exclusive right to name, seals, emblems, and badges

The corporation and its councils, organizations, chapters, and affiliates have the exclusive right to use the names "United Service Organizations, Incorporated" and "USO" and seals, emblems, and badges the corporation adopts.

§220107. Assistance by Department of Defense

The Secretary of Defense may make the resources of the Department of Defense available to the corporation to the extent compatible with the primary mission of the Department and in accordance with guidelines issued by the Secretary.

§220108. Restrictions

(a) PROFIT.—The corporation may not engage in business activity for profit unless the activity is substantially related to—

(1) the purposes stated in section 220102 of this title; or

(2) raising funds to accomplish those purposes.

(b) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(c) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and may not provide financial aid or assistance to, or otherwise promote the candidacy of, an individual seeking elective public office. A substantial part of the activities of the corporation may not involve carrying on propaganda or otherwise attempting to influence legislation.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of a governor, officer, member, or employee or be distributed to any person during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer, employee, or other person or reimbursement for actual necessary expenses in amounts approved by the board of governors.

(e) LOANS.—The corporation may not make a loan to a governor, officer, member, or employee.

§220109. Duty to maintain corporate status

The corporation shall maintain its status as a corporation incorporated under the laws of New York, another State, or the District of Columbia.

§220110. Principal office

The principal office of the corporation shall be in New York, New York, or another place decided by the board of governors. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States and in foreign countries.

§220111. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of governors, and committees having any of the authority of its board of governors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§220112. Service of process

(a) DISTRICT OF COLUMBIA.—The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(b) STATES, TERRITORIES, AND POSSESSIONS.—The corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which the corporation or a council, organization, chapter, or affiliate may have activities, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§220113. Annual report

The corporation shall make public an annual report on its activities for the prior calendar year.

§220114. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of governors, but in compliance with the bylaws. However, the assets of the corporation are irrevocably dedicated to charitable purposes and may not inure to the benefit of a private person except a fund, foundation, or organization operated exclusively for charitable purposes.

CHAPTER 2203—UNITED STATES CAPITOL HISTORICAL SOCIETY

Sec.
220301. Organization.
220302. Purposes.
220303. Membership.
220304. Governing body.
220305. Powers.
220306. Exclusive right to name, seals, emblems, insignia, marks, and words.
220307. Tax exemption.
220308. Restrictions.
220309. Duty to maintain corporate status.
220310. Principal office.
220311. Records and inspection.
220312. Service of process.
220313. Liability for acts of officers and agents.
220314. Annual report and audit.
220315. Distribution of assets on dissolution or final liquidation.

§220301. Organization

(a) FEDERAL CHARTER.—United States Capitol Historical Society (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION.—The corporation is declared to be incorporated in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§220302. Purposes

The purposes of the corporation are—

(1) to encourage in the most comprehensive and enlightened manner an understanding by the American people of the founding, growth, and significance of the Capitol of the United States as the tangible symbol of their representative form of government;

(2) to undertake research into the history of the Congress and the Capitol and to promote discussion, publication, and dissemination of the results of this research;

(3) to foster and increase an informed patriotism among the citizens in the study of this living memorial to the founders of this Nation and the continuing thread of principles as exemplified by their successors; and

(4) to cooperate with the standing committees of Congress, the Library of Congress, the Architect of the Capitol, and relevant departments, agencies, and instrumentalities of the executive branch of the United States Government in carrying out the purposes of the corporation.

§220303. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§220304. Governing body

(a) BOARD OF TRUSTEES.—(1) The board of trustees is the governing body of the corporation. The board is responsible for the control of all funds and affairs of the corporation.

(2) Exclusive of ex officio and honorary members, the board shall consist of at least 12 but not more than 40 trustees, one of whom shall be elected chairman. Trustees shall be elected by the board of trustees, for a term of 4 years. A trustee may not be reelected as a trustee within one year of the expiration of the prior term, except by the unanimous vote of the trustees present and voting. A trustee may be removed at any time, with or without cause, by a two-thirds vote of the other trustees.

(3) The officers of the corporation are ex officio members of the board with all the rights and privileges of trustees, including the right to vote.

(4) The board shall meet at least once a year in the Capitol of the United States. The

board may meet at other times as decided by the chairman. A meeting may be held only at a time and place stated in the bylaws or on 30 days' written notice.

(b) OFFICERS.—(1) The officers of the corporation are a president, 5 vice presidents, a treasurer, and a secretary. The president is the chief executive officer.

(2) The officers shall be elected annually by the board of trustees and continue in office at the pleasure of the board.

(3) The duties of the officers are the usual duties pertaining to their offices and any additional duties delegated by the board.

(4) Officers may be compensated for their services, and reimbursed for actual expenses, in amounts decided by the board.

(c) EMPLOYEES.—The board of trustees may employ an executive secretary and other personnel needed to assist the board and the officers to carry out the activities of the corporation. Employees serve at the pleasure of the board. The board shall prescribe the compensation and duties of employees.

§220305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) produce, buy, and market commemorative medals, souvenirs, publications, pictures, and cinemas consistent with the purposes of the corporation;

(8) charge and collect membership dues;

(9) conduct fund raising campaigns and accept contributions;

(10) sue and be sued; and

(11) do any other act necessary and proper to carry out the purposes of the corporation.

§220306. Exclusive right to name, seals, emblems, insignia, marks, and words

The corporation has the exclusive right to use the name "United States Capitol Historical Society" and seals, emblems, distinctive insignia, and descriptive or designating marks, words, or phrases required to carry out the duties and powers of the corporation. This section does not affect any vested rights.

§220307. Tax exemption

Notwithstanding section 105 of title 4 of the United States Code or any provision of the District of Columbia Code, the corporation is not required to pay, collect, or account for any tax specified in those provisions in connection with activities conducted within, or on the grounds of, the United States Capitol Building.

§220308. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a trustee, officer, or member as such during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual expenses in amounts approved by the board of trustees.

(c) LOANS.—The corporation may not make a loan or advance to a trustee, officer, or employee. Trustees who vote for or assent to making a loan or advance to a trustee, officer, or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§220309. Duty to maintain corporate status

The corporation shall maintain its status as a corporation incorporated under the laws of the District of Columbia or a State.

§220310. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the board of trustees. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted throughout the States, territories, and possessions of the United States.

§220311. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of trustees, and committees having any of the authority of its board of trustees; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§220312. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§220313. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§220314. Annual report and audit

(a) ANNUAL REPORT.—The corporation shall submit an annual report to each House of Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted as soon as practical after the end of each fiscal year.

(b) AUDIT.—In addition to complying with the audit requirements of section 10101 of this title, the corporation shall comply with section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1).

§220315. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed as provided by the board of trustees, but in compliance with the constitution and bylaws of the corporation.

CHAPTER 2205—UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I—CORPORATION

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220503. Purposes.
220504. Membership.
220505. Powers.
220506. Exclusive right to name, seals, emblems, and badges.
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220508. Headquarters, principal office, and meetings.
220509. Resolution of disputes.
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SUBCHAPTER II—NATIONAL GOVERNING BODIES

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SUBCHAPTER I—CORPORATION

§220501. Definitions

For purposes of this chapter—

(1) "amateur athlete" means an athlete who meets the eligibility standards established by the national governing body for the sport in which the athlete competes.

(2) "amateur athletic competition" means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete.

(3) "amateur sports organization" means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition.

(4) "corporation" means the United States Olympic Committee.

(5) "international amateur athletic competition" means an amateur athletic competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country.

(6) "national governing body" means an amateur sports organization that is recognized by the corporation under section 220521 of this title.

(7) "sanction" means a certificate of approval issued by a national governing body.

§220502. Organization

(a) FEDERAL CHARTER.—The corporation is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION.—Any reference to the United States Olympic Association is deemed to refer to the United States Olympic Committee.

§220503. Purposes

The purposes of the corporation are—

(1) to establish national goals for amateur athletic activities and encourage the attainment of those goals;

(2) to coordinate and develop amateur athletic activity in the United States, directly related to international amateur athletic competition, to foster productive working relationships among sports-related organizations;

(3) to exercise exclusive jurisdiction, directly or through constituent members of committees, over—

(A) all matters pertaining to United States participation in the Olympic Games and the

Pan-American Games, including representation of the United States in the games; and

(B) the organization of the Olympic Games and the Pan-American Games when held in the United States;

(4) to obtain for the United States, directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each event of the Olympic Games and Pan-American Games;

(5) to promote and support amateur athletic activities involving the United States and foreign nations;

(6) to promote and encourage physical fitness and public participation in amateur athletic activities;

(7) to assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;

(8) to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;

(9) to foster the development of amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;

(10) to provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

(11) to encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;

(12) to encourage and provide assistance to amateur athletic activities for women;

(13) to encourage and provide assistance to amateur athletic programs and competition for individuals with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals; and

(14) to encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of those minorities in amateur athletic activities in which they are underrepresented.

§220504. Membership

(a) ELIGIBILITY.—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.

(b) REQUIRED PROVISIONS FOR REPRESENTATION.—In its constitution and bylaws, the corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

(1) amateur sports organizations recognized as national governing bodies under section 220521 of this title;

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years;

(3) amateur sports organizations that conduct a national program or regular national amateur athletic competition in 2 or more sports that are included on the program of the Olympic Games or the Pan-American Games on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who, in the corporation's judgment, represent the interests of the American public in the activities of the corporation.

§220505. Powers

(a) CONSTITUTION AND BYLAWS.—The corporation shall adopt a constitution and bylaws. The corporation may amend its constitution only if the corporation—

(1) publishes, in its principal publication, a notice of the proposed amendment, including—

(A) the substantive terms of the amendment;

(B) the time and place of the corporation's regular meeting at which adoption of the amendment is to be decided; and

(C) a provision informing interested persons that they may submit materials as authorized in clause (2) of this subsection; and

(2) gives all interested persons an opportunity to submit written comments and information for at least 60 days after publication of notice of the proposed amendment and before adoption of the amendment.

(b) GENERAL CORPORATE POWERS.—The corporation may—

(1) adopt and alter a corporate seal;

(2) establish and maintain offices to conduct the affairs of the corporation;

(3) make contracts;

(4) accept gifts, legacies, and devises in furtherance of its corporate purposes;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) publish a magazine, newspaper, and other publications consistent with its corporate purposes;

(8) approve and revoke membership in the corporation;

(9) sue and be sued; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

(c) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—The corporation may—

(1) serve as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition;

(2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization;

(3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games and of the Pan-American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;

(4) recognize eligible amateur sports organizations as national governing bodies for any sport that is included on the program of the Olympic Games or the Pan-American Games;

(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation; and

(6) provide financial assistance to any organization or association, except a corporation organized for profit, in furtherance of the purposes of the corporation.

§220506. Exclusive right to name, seals, emblems, and badges

(a) EXCLUSIVE RIGHT OF CORPORATION.—Except as provided in subsection (d) of this section, the corporation has the exclusive right to use—

(1) the name "United States Olympic Committee";

(2) the symbol of the International Olympic Committee, consisting of 5 interlocking rings;

(3) the emblem of the corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief; and

(4) the words "Olympic", "Olympiad", "Citius Altius Fortius", or any combination of those words.

(b) CONTRIBUTORS AND SUPPLIERS.—The corporation may authorize contributors and suppliers of goods or services to use the trade name of the corporation or any trademark, symbol, insignia, or emblem of the International Olympic Committee or of the corporation to advertise that the contributions, goods, or services were donated or supplied to, or approved, selected, or used by, the corporation, the United States Olympic team, the Pan-American team, or team members.

(c) CIVIL ACTION FOR UNAUTHORIZED USE.—Except as provided in subsection (d) of this section, the corporation may file a civil action against a person for the remedies provided in the Act of July 5, 1946 (15 U.S.C. 1051 et seq.) (popularly known as the Trademark Act of 1946) if the person, without the consent of the corporation, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

(1) the symbol described in subsection (a)(2) of this section;

(2) the emblem described in subsection (a)(3) of this section;

(3) the words described in subsection (a)(4) of this section, or any combination or simulation of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic activity; or

(4) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee or the corporation.

(d) PRE-EXISTING RIGHTS.—(1) A person who actually used the emblem described in subsection (a)(3) of this section, or the words or any combination of the words described in subsection (a)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(2) A person who actually used, or whose assignor actually used, the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

§220507. Restrictions

(a) PROFIT AND STOCK.—The corporation may not engage in business for profit or issue stock.

(b) Political Activities.—The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§220508. Headquarters, principal office, and meetings

The corporation shall maintain its principal office and national headquarters in a place in the United States decided by the corporation. The corporation may hold its annual and special meetings in the places decided by the corporation.

§220509. Resolution of disputes

The corporation shall establish and maintain provisions in its constitution and bylaws for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation.

§220510. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§220511. Annual report

(a) Submission to President and Congress.—Not later than June 1 of each year, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report of its operations during the prior calendar year, including—

(1) a complete statement of the corporation's receipts and expenditures; and

(2) a comprehensive description of the activities and accomplishments of the corporation during the prior year.

(b) Availability to Public.—The corporation shall make copies of the report available to interested persons at a reasonable cost.

SUBCHAPTER II—NATIONAL GOVERNING BODIES

§220521. Recognition of amateur sports organizations as national governing bodies

(a) General Authority.—For any sport that is included on the program of the Olympic Games or the Pan-American Games, the corporation may recognize as a national governing body an amateur sports organization that files an application and is eligible under section 220522 of this title. The corporation may recognize only one national governing body for each sport for which an application is made and approved.

(b) Public Hearing.—Before recognizing an organization as a national governing body, the corporation shall hold a public hearing on the application. The corporation shall publish notice of the time, place, and nature of the hearing. Publication shall be made in a regular issue of the corporation's principal publication at least 30 days, but not more than 60 days, before the date of the hearing.

(c) Recommendation to International Sports Federation.—Within 61 days after recognizing an organization as a national governing body, the corporation shall recommend and support in any appropriate manner the national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(d) Review of Recognition.—The corporation may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.

§220522. Eligibility requirements

An amateur sports organization is eligible to be recognized, or to continue to be recognized, as a national governing body only if it—

(1) is incorporated under the laws of a State of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition;

(2) has the managerial and financial capability to plan and execute its obligations;

(3) submits—

(A) an application, in the form required by the corporation, for recognition as a national governing body;

(B) a copy of its corporate charter and bylaws; and

(C) any additional information considered necessary or appropriate by the corporation;

(4) agrees to submit, on demand by the corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving—

(A) its recognition as a national governing body, as provided for in section 220529 of this title; or

(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in the corporation's constitution and bylaws;

(5) demonstrates that it is autonomous in the governance of its sport, in that it—

(A) independently decides and controls all matters central to governance;

(B) does not delegate decision-making and control of matters central to governance; and

(C) is free from outside restraint;

(6) demonstrates that it is a member of no more than one international sports federation that governs a sport included on the program of the Olympic Games or the Pan-American Games;

(7) demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which recognition is sought, or any amateur sports organization that conducts programs in the sport for which recognition is sought, or both;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate;

(9) is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin, or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on the board of directors or other governing board;

(10) demonstrates that—

(A) its board of directors or other governing board includes among its voting members—

(i) individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought; or

(ii) individuals who, within the prior 10 years, have represented the United States in international amateur athletic competition in the sport for which recognition is sought; and

(B) the individuals described in subclause (A) of this clause hold at least 20 percent of the membership and voting power on the board;

(11) provides for reasonable direct representation on its board of directors or other governing board for any amateur sports organization that—

(A) conducts a national program or regular national amateur athletic competition in the applicable sport on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(B) ensures that the representation reflects the nature, scope, quality, and strength of the programs and competitions of the amateur sports organization in relation to all other programs and competitions in the sport in the United States;

(12) demonstrates that none of its officers are also officers of any other amateur sports organization recognized as a national governing body;

(13) provides procedures for the prompt and equitable resolution of grievances of its members;

(14) does not have eligibility criteria related to amateur status that are more restrictive than those of the appropriate international sports federation; and

(15) demonstrates, if the organization is seeking to be recognized as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under sections 220524 and 220525 of this title.

§220523. Authority of national governing bodies

(a) Authority.—For the sport that it governs, a national governing body may—

(1) represent the United States in the appropriate international sports federation;

(2) establish national goals and encourage the attainment of those goals;

(3) serve as the coordinating body for amateur athletic activity in the United States;

(4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;

(5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for determining eligibility standards for participation in competition, except for amateur athletic competition specified in section 220526 of this title;

(6) recommend to the corporation individuals and teams to represent the United States in the Olympic Games and the Pan-American Games; and

(7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games and the Pan-American Games) and certify, in accordance with applicable international rules, the amateur eligibility of those individuals and teams.

(b) Replacement of National Governing Body Pursuant to Arbitration.—A national governing body may not exercise any authority under subsection (a) of this section for a particular sport after another amateur sports organization has been declared (in accordance with binding arbitration proceedings prescribed by the organic documents of the corporation) entitled to replace that national governing body as the member of the corporation for that sport.

§220524. General duties of national governing bodies

For the sport that it governs, a national governing body shall—

(1) develop interest and participation throughout the United States and be responsible to the persons and amateur sports organizations it represents;

(2) minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;

(3) keep amateur athletes informed of policy matters and reasonably reflect the views of the athletes in its policy decisions;

(4) allow an amateur athlete to compete in any international amateur athletic competition conducted by any amateur sports organization or person, unless the national governing body establishes that its denial is based on evidence that the organization or person conducting the competition does not meet the requirements stated in section 220525 of this title;

(5) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;

(6) encourage and support amateur athletic sports programs for individuals with disabilities and the participation of individuals with disabilities in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals;

(7) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and

(8) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

§220525. Granting sanctions for amateur athletic competitions

(a) PROMPT REVIEW AND DECISION.—For the sport that it governs, a national governing body promptly shall—

(1) review a request by an amateur sports organization or person for a sanction to hold an international amateur athletic competition in the United States or to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States; and

(2) grant the sanction if—

(A) the national governing body does not decide by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport; and

(B) the requirements of subsection (b) of this section are met.

(b) REQUIREMENTS.—An amateur sports organization or person may be granted a sanction under this section only if the organization or person meets the following requirements:

(1) The organization or person must pay the national governing body any required sanctioning fee, if the fee is reasonable and nondiscriminatory.

(2) For a sanction to hold an international amateur athletic competition in the United States, the organization or person must—

(A) submit to the national governing body an audited or notarized financial report of similar events, if any, conducted by the organization or person; and

(B) demonstrate that the requirements of paragraph (4) of this subsection have been met.

(3) For a sanction to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States, the organization or person must—

(A) submit a report of the most recent trip to a foreign country, if any, that the organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition; and

(B) submit a letter from the appropriate entity that will hold the international amateur athletic competition certifying that the requirements of paragraph (4) of this subsection have been met.

(4) The requirements referred to in paragraphs (2) and (3) of this subsection are that—

(A) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition;

(B) appropriate provision has been made for validation of any records established during the competition;

(C) due regard has been given to any international amateur athletic requirements specifically applicable to the competition;

(D) the competition will be conducted by qualified officials;

(E) proper medical supervision will be provided for athletes who will participate in the competition; and

(F) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition.

§220526. Restricted amateur athletic competitions

(a) EXCLUSIVE JURISDICTION.—An amateur sports organization that conducts amateur athletic competition shall have exclusive jurisdiction over that competition if participation is restricted to a specific class of amateur athletes, such as high school students, college students, members of the Armed Forces, or similar groups or categories.

(b) SANCTIONS FOR INTERNATIONAL COMPETITION.—An amateur sports organization under subsection (a) of this section shall obtain a sanction from the appropriate national governing body if the organization wishes to—

(1) conduct international amateur athletic competition in the United States; or

(2) sponsor international amateur athletic competition to be held outside the United States.

§220527. Complaints against national governing bodies

(a) GENERAL.—(1) An amateur sports organization or person that belongs to or is eligible to belong to a national governing body may seek to compel the national governing body to comply with sections 220522, 220524, and 220525 of this title by filing a written complaint with the corporation. A copy of the complaint shall be served on the national governing body.

(2) The corporation shall establish procedures for the filing and disposition of complaints under this section.

(b) EXHAUSTION OF REMEDIES.—(1) An organization or person may file a complaint under subsection (a) of this section only after exhausting all available remedies within the national governing body for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay.

(2) Within 30 days after a complaint is filed, the corporation shall decide whether the organization or person has exhausted all available remedies as required by paragraph (1) of this subsection. If the corporation determines that the remedies have not been exhausted, it may direct that the remedies be pursued before the corporation considers the complaint further.

(c) HEARINGS.—If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it shall hold a hearing, within 90 days after the complaint is filed, to receive testimony to decide whether the national governing body is complying with sections 220522, 220524, and 220525 of this title.

(d) DISPOSITION OF COMPLAINT.—(1) If the corporation decides, as a result of the hearing, that the national governing body is complying with sections 220522, 220524, and 220525 of this title, it shall so notify the complainant and the national governing body.

(2) If the corporation decides, as a result of the hearing, that the national governing body is not complying with sections 220522, 220524, and 220525 of this title, it shall—

(A) place the national governing body on probation for a specified period of time, not to exceed 180 days, which the corporation considers necessary to enable the national governing body to comply with those sections; or

(B) revoke the recognition of the national governing body.

(3) If the corporation places a national governing body on probation under paragraph (2) of this subsection, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with sections 220522, 220524, and 220525 of this title. If, at the end of the period allowed by the corporation, the national governing body has not complied with those sections, the corporation shall revoke the recognition of the national governing body.

§220528. Applications to replace an incumbent national governing body

(a) GENERAL.—An amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing a written application for recognition with the corporation.

(b) ESTABLISHMENT OF PROCEDURES.—The corporation shall establish procedures for the filing and disposition of applications under this section. If 2 or more organizations file applications for the same sport, the applications shall be considered in a single proceeding.

(c) FILING PROCEDURES.—(1) An application under this section must be filed within one year after the final day of—

(A) any Olympic Games, for a sport in which competition is held in the Olympic Games or both the Olympic and Pan-American Games; or

(B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games.

(2) The application shall be filed with the corporation by registered mail, and a copy of the application shall be served on the national governing body. The corporation shall inform the applicant that its application has been received.

(d) HEARINGS.—Within 180 days after receipt of an application filed under this section, the corporation shall conduct a formal hearing to determine the merits of the application. The corporation shall publish notice of the time and place of the hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, before the date of the hearing. In the hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their positions.

(e) Standards for Granting Applications.—In the hearing, the applicant must establish by a preponderance of the evidence that—

(1) it meets the criteria for recognition as a national governing body under section 220522 of this title; and

(2)(A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title; or

(B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks recognition.

(f) Disposition of Applications.—Within 30 days after the close of the hearing required by this section, the corporation shall—

(1) uphold the right of the national governing body to continue as the national governing body for its sport;

(2) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;

(3) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or

(4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title.

(g) Revocation of Recognition After Probation.—If the national governing body does not comply with sections 220522, 220524, and 220525 of this title within the probationary period prescribed under subsection (f)(4) of this section, the corporation shall revoke the recognition of the national governing body and either—

(1) recognize the applicant as the national governing body; or

(2) declare a vacancy in the national governing body for that sport.

§ 220529. Arbitration of corporation determinations

(a) Right to Review.—A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by any regional office of the American Arbitration Association.

(b) Procedure.—(1) A demand for arbitration must be submitted within 30 days after the determination of the corporation.

(2) On receipt of a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time the demand is filed, except that—

(A) the arbitration panel shall consist of at least 3 arbitrators, unless the parties to the proceeding agree to a lesser number;

(B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding agree to the use of another site; and

(C) the arbitration hearing shall be open to the public.

(3) A decision by the arbitrators shall be by majority vote unless the concurrence of all arbitrators is expressly required by the contesting parties.

(4) Each party may be represented by counsel or by any other authorized representative at the arbitration proceeding.

(5) The parties may offer any evidence they desire and shall produce any additional evidence the arbitrators believe is necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence is not necessary.

(c) Settlement.—The arbitrators may settle a dispute arising under this chapter before making a final award, if agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.

(d) Binding Nature of Decision.—Final decision of the arbitrators is binding on the parties if the award is not inconsistent with the constitution and bylaws of the corporation.

(e) Reopening Hearings.—(1) At any time before a final decision is made, the hearings may be reopened by the arbitrators on their own motion or on the motion of a party.

(2) If the reopening is based on the motion of a party, and if the reopening would result in the arbitrators' decision being delayed beyond the specific period agreed to at the beginning of the arbitration proceedings, all parties to the decision must agree to reopen the hearings.

CHAPTER 2207—UNITED STATES SUBMARINE VETERANS OF WORLD WAR II

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§ 220701. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§ 220702. Organization

(a) Federal Charter.—United States Submarine Veterans of World War II (in this chapter, the "corporation"), a nonprofit corporation incorporated in New Jersey and Colorado, is a federally chartered corporation.

(b) Expiration of Charter.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§ 220703. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include—

(1) preserving and promoting patriotism and loyalty to the United States of America;

(2) perpetuating and establishing memorials to the memory of shipmates who served aboard United States submarines and gave their lives in submarine warfare during World War II;

(3) promoting the spirit and unity that existed among the United States Navy submarine crewmen during World War II;

(4) fostering general public awareness of life aboard submarines during World War II, through securing, restoring, and displaying the submarines that were in service at that time;

(5) sponsoring annual college scholarships; and

(6) performing acts of charity as provided in the constitution and bylaws of the corporation.

§ 220704. Membership

Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§ 220705. Governing body

(a) Board of Directors.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) Officers.—The officers and the election of officers are as provided in the articles of incorporation.

§ 220706. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§ 220707. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—The corporation or a director or officer as such may not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(c) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) Loans.—The corporation may not make a loan to a director, officer, or employee.

(e) Claim of Governmental Approval or Authority.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§ 220708. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 220709. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) Inspection.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 220710. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§220711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§220712. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 2301—VETERANS OF FOREIGN WARS OF THE UNITED STATES

Sec.
230101. Organization.
230102. Purposes.
230103. Membership.
230104. Powers.
230105. Exclusive right to name, seal, emblems, and badges.
230106. Service of process.
230107. Annual report.

§230101. Organization

(a) FEDERAL CHARTER.—Veterans of Foreign Wars of the United States (in this chapter, the "corporation"), a national association of men who as soldiers, sailors, marines, and airmen served this Nation in wars, campaigns, and expeditions on foreign soil or in hostile waters, is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§230102. Purposes

The purposes of the corporation are fraternal, patriotic, historical, and educational, and are—

(1) to preserve and strengthen comradeship among its members;

(2) to assist worthy comrades;

(3) to perpetuate the memory and history of our dead, and to assist their widows and orphans;

(4) to maintain true allegiance to the Government of the United States, and fidelity to its Constitution and laws;

(5) to foster true patriotism;

(6) to maintain and extend the institutions of American freedom; and

(7) to preserve and defend the United States from all enemies.

§230103. Membership

An individual is eligible for membership in the corporation only if the individual served honorably as a member of the armed forces of the United States—

(1) in a foreign war, insurrection, or expedition in service that—

(A) has been recognized as campaign-medal service; and

(B) is governed by the authorization of the award of a campaign badge by the United States Government; or

(2) on the Korean peninsula or in its territorial waters for at least 30 consecutive days, or a total of 60 days, after June 30, 1949.

§230104. Powers

The corporation may—

(1) adopt and amend a constitution, bylaws, and regulations to carry out the purposes of the corporation;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices to conduct its activities;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the corporation;

(6) establish, regulate, and discontinue subordinate State and territorial subdivisions and local chapters or posts;

(7) publish a magazine and other publications;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.

§230105. Exclusive right to name, seal, emblems, and badges

The corporation has the exclusive right to use the name "Veterans of Foreign Wars of the United States" and its corporate seal and to manufacture and use emblems and badges the corporation adopts.

§230106. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§230107. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may not be printed as a public document.

CHAPTER 2303—VETERANS OF WORLD WAR I OF THE UNITED STATES OF AMERICA, INCORPORATED

Sec.
230301. Organization.
230302. Purposes.
230303. Membership.
230304. Governing body.
230305. Powers.
230306. Exclusive right to name, seals, emblems, and badges.
230307. Restrictions.
230308. Principal office.
230309. Records and inspection.
230310. Service of process.
230311. Liability for acts of officers and agents.
230312. Annual report.
230313. Termination of existence and distribution of assets.

§230301. Organization

(a) FEDERAL CHARTER.—Veterans of World War I of the United States of America, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§230302. Purposes

The purposes of the corporation are patriotic, fraternal, historical, and educational, in the service and for the benefit of veterans of World War I, and are—

(1) to provide for the veterans of World War I an organization for their mutual benefit, pleasure, and amusement which will afford them opportunities and means for personal contact with each other to keep alive friendships and memories of World War I and to venerate the memory of their honored dead;

(2) to cooperate to the fullest extent and in a harmonious manner with all veterans' organizations so that the best interests of all veterans of all wars in which the United States has participated, and the widows and orphans of deceased veterans of those wars, may best be served;

(3) to stimulate communities and political subdivisions into taking more interest in veterans of World War I, the widows and orphans of those deceased veterans, and the problems of those veterans and their widows and orphans;

(4) to collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to World War I;

(5) to fight vigorously to uphold the Constitution and laws of the United States as well as the individual States of the Union and to foster the spirit and practice of true Americanism;

(6) to fight unceasingly for our national security to protect Americans from enemies within our borders, as well as those from without, so that our American way of life is preserved;

(7) to fight to the utmost all those alien forces, particularly forces such as communism, whose objectives are to deny our very existence as a free people; and

(8) to do any other act necessary and proper to carry out the purposes of the corporation.

§230303. Membership

(a) ELIGIBILITY.—Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members are as provided in the constitution and bylaws of the corporation. However, an individual who did not serve honorably in the armed forces of the United States during the period beginning April 6, 1917, and ending November 11, 1918, is not eligible for all classes of membership.

(b) VOTING.—Each member of the corporation (except an associate or honorary member) has one vote on each matter submitted to a vote at a meeting of the members of the corporation except the national convention.

§230304. Governing body

(a) NATIONAL CONVENTION.—(1) The national convention is the supreme governing authority of the corporation.

(2) The national convention is composed of officers and elected representatives from the States and other local subdivisions of the corporation as provided in the constitution and bylaws of the corporation. However, the form of government of the corporation must be representative of the membership at large and may not permit concentration of control in a limited number of members or in a self-perpetuating group not representative of the membership at large. Each elected representative is entitled to one vote at the national convention.

(3) The meetings of the national convention may be held in the District of Columbia or in any State, territory, or possession of the United States.

(b) BOARD OF ADMINISTRATION.—(1) During the intervals between the national convention, the board of administration is the governing board of the corporation and is responsible for the general policies, program, and activities of the corporation.

(2) The board shall consist of at least 7 members elected in the manner and for the term provided in the constitution and bylaws.

(c) OFFICERS.—(1) The officers of the corporation are a national commander, a national senior vice commander, a national junior vice commander, a national quartermaster, a national adjutant, a national judge advocate, 9 regional vice commanders, and other officers as provided in the constitution and bylaws. One individual may hold the offices of national quartermaster and national adjutant.

(2) The titles, manner of selection, term of office, and duties of the officers are as provided in the constitution and bylaws.

§230305. Powers

The corporation may—

(1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(2) adopt and alter a corporate seal;

(3) choose officers, managers, employees, and agents as the activities of the corporation require;

(4) make contracts;

(5) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) sue and be sued; and

(8) do any other act necessary and proper to carry out the purposes of the corporation.

§230306. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate divisions have the exclusive right to use the name "Veterans of World War I of the United States of America, Incorporated". The corporation has the exclusive right to use, and to allow others to use, seals, emblems, and badges the corporation adopts.

§230307. Restrictions

(a) Stocks and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Political Activities.—The corporation or an officer or agent as such may not contribute to, support, or assist a political party or candidate for public office.

(c) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of administration of the corporation.

(d) Loans.—The corporation may not make a loan or advance to an officer or employee. Members of the board of administration who vote for or assent to making a loan or advance to an officer or employee, and officers who participate in making the loan or advance, are jointly and severally liable to the corporation for the amount of the loan or advance until it is repaid.

§230308. Principal office

The principal office of the corporation shall be in the District of Columbia or another place decided by the board of administration. However, the activities of the corporation are not confined to the place where the principal office is located but may be conducted in the District of Columbia and throughout the States, territories, and possessions of the United States.

§230309. Records and inspection

(a) Records.—The corporation shall keep—

(1) correct and complete records of account; and

(2) minutes of the proceedings of its national convention and board of administration.

(b) Inspection.—A member, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§230310. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§230311. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§230312. Annual report

Not later than March 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior fiscal year. The report may consist of a report on the proceedings of the national convention.

§230313. Termination of existence and distribution of assets

(a) Authority To Make Contingent Provisions.—The national convention, by resolution, may declare that the corporate existence will terminate on the occurrence of a specified event and provide for the disposition of any property remaining after the discharge of all liabilities.

(b) Procedure for Carrying Out Contingent Provisions.—(1) An authenticated copy of the national convention's resolution must be filed in the office of the United States District Court for the District of Columbia.

(2) The court shall take jurisdiction when—

(A) the declared event has occurred; and

(B) a petition is filed with the court reciting the relevant facts.

(3) On proof of the facts, the court shall enter an order vesting title and ownership in accordance with the resolution of the national convention.

CHAPTER 2305—VIETNAM VETERANS OF AMERICA, INC.

Sec.
230501. Definition.
230502. Organization.
230503. Purposes.
230504. Membership.
230505. Governing body.
230506. Powers.
230507. Exclusive right to name, seals, emblems, and badges.
230508. Restrictions.
230509. Duty to maintain tax-exempt status.
230510. Records and inspection.
230511. Service of process.
230512. Liability for acts of officers and agents.
230513. Annual report.

§230501. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§230502. Organization

(a) Federal Charter.—Vietnam Veterans of America, Inc. (in this chapter, the "corporation"), a nonprofit corporation incorporated in New York, is a federally chartered corporation.

(b) Expiration of Charter.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§230503. Purposes

The purposes of the corporation are as provided in its articles of incorporation, constitution, and bylaws and include a commitment—

(1) to uphold and defend the Constitution of the United States;

(2) to foster improvement of the condition of Vietnam-era veterans;

(3) to promote the social welfare (including educational, economic, social, physical, and cultural improvement) of Vietnam-era veterans and other veterans in the United States by encouraging their growth, development, readjustment, self-respect, self-confidence, and usefulness;

(4) to improve conditions for Vietnam-era veterans and develop channels of communication to assist Vietnam-era veterans;

(5) to conduct and publish research, on a nonpartisan basis, pertaining to—

(A) the relationship between Vietnam-era veterans and American society;

(B) the Vietnam war experience;

(C) the role of the United States in securing peaceful coexistence for the world community; and

(D) other matters that affect the educational, economic, social, physical, or cultural welfare of Vietnam-era veterans, other veterans, and their families;

(6) to assist disabled Vietnam-era veterans and other veterans in need of assistance and the dependents and survivors of those veterans; and

(7) to consecrate the efforts of the members of the corporation, and Vietnam-era veterans generally, to mutual helpfulness and service to their country.

§230504. Membership

(a) Eligibility.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

(b) Nondiscrimination.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§230505. Governing body

(a) Board of Directors.—The board of directors and the responsibilities of the board are as provided in the constitution and bylaws of the corporation.

(b) Officers.—The officers and the election of officers are as provided in the constitution and bylaws of the corporation.

(c) Nondiscrimination.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§230506. Powers

The corporation has only the powers provided in its articles of incorporation filed in the State of incorporation and in its constitution and bylaws.

§230507. Exclusive right to name, seals, emblems, and badges

The corporation has the exclusive right to use the names "The Vietnam Veterans of America, Inc.", "Vietnam Veterans of America, Inc.", and "Vietnam Veterans of America", and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

§230508. Restrictions

(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

(b) Distribution of Income or Assets.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) Loans.—The corporation may not make a loan to a director, officer, or employee.

(d) Claim of Governmental Approval or Authority.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

§230509. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§230510. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§230511. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§230512. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

§230513. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 2401—WOMEN'S ARMY CORPS VETERANS' ASSOCIATION

Sec.
240101. Definition.
240102. Organization.
240103. Purposes.
240104. Membership.
240105. Governing body.
240106. Powers.
240107. Restrictions.
240108. Duty to maintain tax-exempt status.
240109. Records and inspection.
240110. Service of process.
240111. Liability for acts of officers and agents.
240112. Annual report.

§240101. Definition

For purposes of this chapter, "State" includes the District of Columbia and the territories and possessions of the United States.

§240102. Organization

(a) FEDERAL CHARTER.—Women's Army Corps Veterans' Association (in this chapter, the "corporation"), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

§240103. Purposes

The purposes of the corporation are as provided in its articles of incorporation and include a continuing commitment on a national basis—

(1) to promote the general welfare of all veterans, especially women veterans, who have served or are serving in the United States Army, the Army Reserve, and the Army National Guard;

(2) to recognize outstanding women in college ROTC units throughout the United States; and

(3) to provide services and support to patients in medical facilities of the Department of Veterans Affairs throughout the United States.

§240104. Membership

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the constitution and bylaws of the corporation.

§240105. Governing body

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

§240106. Powers

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

§240107. Restrictions

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(d) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim the approval or the authority of the United States Government for any of its activities.

§240108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§240109. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§240110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

§240111. Liability for acts of officers and agents

The corporation is liable for the acts of its officers or agents acting within the scope of their authority.

§240112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

CHAPTER 2501—[RESERVED]

CHAPTER 2601—[RESERVED]

CHAPTER 2701—[RESERVED]

SUBTITLE III—TREATY OBLIGATION ORGANIZATIONS

CHAPTER	Sec.
3001. THE AMERICAN NATIONAL RED CROSS	300101

CHAPTER 3001—THE AMERICAN NATIONAL RED CROSS

Sec.
300101. Organization.
300102. Purposes.
300103. Membership and chapters.
300104. Board of governors.
300105. Powers.
300106. Emblem, badge, and brassard.
300107. Annual meeting.
300108. Buildings.
300109. Endowment fund.
300110. Annual report and audit.
300111. Reservation of right to amend or repeal.

§300101. Organization

(a) FEDERAL CHARTER.—The American National Red Cross (in this chapter, the "corporation") is a body corporate and politic in the District of Columbia.

(b) NAME.—The name of the corporation is "The American National Red Cross".

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§300102. Purposes

The purposes of the corporation are—

(1) to provide volunteer aid in time of war to the sick and wounded of the armed forces, in accordance with the spirit and conditions of—

(A) the conference of Geneva of October, 1863;

(B) the treaties of the Red Cross, or the treaties of Geneva, August 22, 1864, July 27, 1929, and August 12, 1949, to which the United States of America has given its adhesion; and

(C) any other treaty, convention, or protocol similar in purpose to which the United States of America has given or may give its adhesion;

(2) in carrying out the purposes described in clause (1) of this section, to perform all the duties devolved on a national society by each nation that has acceded to any of those treaties, conventions, or protocols;

(3) to act in matters of voluntary relief and in accordance with the military authorities as a medium of communication between the people of the United States and the armed forces of the United States and to act in those matters between similar national societies of governments of other countries through the International Committee of the Red Cross and the Government, the people, and the armed forces of the United States; and

(4) to carry out a system of national and international relief in time of peace, and to apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry out measures for preventing those calamities.

§300103. Membership and chapters

(a) MEMBERSHIP.—Membership in the corporation is open to all the people of the United States and its territories and possessions, on payment of an amount specified in the bylaws.

(b) CHAPTERS.—(1) The chapters of the corporation are the local units of the corporation. The board of governors shall prescribe regulations related to—

(A) granting charters to the chapters and revoking those charters;

(B) the territorial jurisdiction of the chapters;

(C) the relationship of the chapters to the corporation; and

(D) compliance by the chapters with the policies and regulations of the corporation.

(2) The regulations shall require that each chapter adhere to the democratic principles of election specified in the bylaws in electing the governing body of the chapter and selecting delegates to the national convention of the corporation.

§300104. Board of governors

(a) BOARD OF GOVERNORS.—(1) The board of governors is the governing body of the corporation with all powers of governing and managing the corporation. The board has 50 members. The governors shall be appointed or elected in the following manner:

(A) The President shall appoint 8 governors, one of whom the President shall designate to act as the principal officer of the corporation with the title and functions provided in the bylaws. The other governors appointed by the President shall be officials of departments and agencies of the United States Government, whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation. At least one, but not more than 3, of those officials shall be selected from the armed forces.

(B) The chapters shall elect 30 governors at the national convention under procedures for nomination and election that ensure equitable representation of all chapters, with regard to geographical considerations, the size of the chapters, and the size of the populations served by the chapters.

(C) The board shall elect 12 governors as members-at-large. Those governors shall be individuals who are representative of the national interests that the corporation serves, and with which it is desirable that the corporation have close association.

(2) One-third of the members elected to the board shall be elected at each national convention, and take office at that time or as soon as practicable after the convention.

(b) TERM OF OFFICE AND VACANCIES.—(1) The term of office of each governor is 3 years. However, the term of office of a governor appointed by the President (except the principal officer of the corporation) expires if, before the end of the 3-year term, the governor retires from the official position held at the time of appointment as a governor.

(2) The President shall fill as soon as practicable a vacancy in the office of the principal officer of the corporation or in the position of another governor appointed by the President. The board shall make a temporary appointment to fill a vacancy occurring in an elected position on the board. An individual appointed by the board to fill a vacancy serves until the next national convention.

(c) EXECUTIVE COMMITTEE.—The board may—

(1) appoint, from its own members, an executive committee of at least 11 individuals to exercise the powers of the board when the board is not in session; and

(2) appoint and remove, or provide for the appointment and removal of, officers and employees of the corporation, except the principal officer of the corporation.

(d) VOTING BY PROXY.—Voting by proxy is not allowed at any meeting of the board, at the national convention, or at any meeting of a chapter. However, the board may allow the election of governors by proxy at the national convention if the board believes a national emergency makes attendance at the national convention impossible.

§300105. Powers

(a) GENERAL.—The corporation may—

(1) adopt bylaws and regulations;

(2) adopt, alter, and destroy a seal;

(3) own and dispose of property to carry out the purposes of the corporation;

(4) accept gifts, devises, and bequests of property to carry out the purposes of the corporation;

(5) sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States; and

(6) do any other act necessary to carry out this chapter and promote the purposes of the corporation.

(b) DESIGNATION.—The corporation is designated as the organization authorized to act in matters of relief under the treaties of Geneva, August 22, 1864, July 27, 1929, and August 12, 1949.

§300106. Emblem, badge, and brassard

(a) EMBLEM AND BADGE.—In carrying out its purposes under this chapter, the corporation may have and use, as an emblem and badge, a Greek red cross on a white ground, as described in the treaties of Geneva, August 22, 1864, July 27, 1929, and August 12, 1949, and adopted by the nations acceding to those treaties.

(b) DELIVERY OF BRASSARD.—In accordance with those treaties, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

§300107. Annual meeting

The annual meeting of the corporation is the national convention of delegates of the chapters. The national convention shall be held annually on a date and at a place specified by the board of governors. In matters requiring a vote at the national convention, each chapter is entitled to at least one vote. The board shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters and of the populations served by the chapters. The board shall review the allocation of votes at least every 5 years.

§300108. Buildings

(a) OWNERSHIP.—The United States Government shall retain ownership of the corporation's permanent headquarters, comprised of buildings erected on square 172 in the District of Columbia, including—

(1) the memorial building to commemorate the service and sacrifice of the women of the United States, North and South, during the Civil War, erected for the use of the corporation;

(2) the memorial building to commemorate the service and sacrifice of the patriotic women of the United States, its territories and possessions, and the District of Columbia during World War I, erected for the use of the corporation; and

(3) the permanent building erected for the use of the corporation in connection with its work in cooperation with the Government.

(b) MAINTENANCE AND EXPENSES.—Those buildings shall remain under the supervision of the Administrator of General Services. However, the corporation shall care for and maintain the buildings without expense to the Government.

§300109. Endowment fund

The endowment fund of the corporation shall be kept and invested under the management and control of a board of 9 trustees elected by the board of governors. The board of governors shall prescribe regulations on terms and tenure of office, accountability, and expenses of the board of trustees.

§300110. Annual report and audit

(a) SUBMISSION OF REPORT.—As soon as practicable after July 1 of each year, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during the fiscal year ending June 30, including a complete, itemized report of all receipts and expenditures.

(b) AUDITING OF REPORT AND SUBMISSION TO CONGRESS.—The Secretary shall audit the report and submit a copy of the audited report to Congress.

(c) PAYMENT OF AUDIT EXPENSES.—The corporation shall reimburse the Secretary each year for auditing its accounts. The amount paid shall be deposited in the Treasury of the United States as a miscellaneous receipt.

§300111. Reservation of right to amend or repeal

Congress reserves the right to amend or repeal the provisions of this chapter.

SEC. 2. THE FLAG.

(a) Chapter 1 of title 4, United States Code, is amended by adding at the end the following new sections:

"§4. Pledge of allegiance to the flag; manner of delivery

"The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

"§5. Display and use of flag by civilians; codification of rules and customs; definition

"The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of this title and Executive Order 10834 issued pursuant thereto.

"§6. Time and occasions for display

"(a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

"(b) The flag should be hoisted briskly and lowered ceremoniously.

"(c) The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

"(d) The flag should be displayed on all days, especially on New Year's Day, January

1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

“(e) The flag should be displayed daily on or near the main administration building of every public institution.

“(f) The flag should be displayed in or near every polling place on election days.

“(g) The flag should be displayed during school days in or near every schoolhouse.

“§ 7. Position and manner of display

“The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

“(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

“(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

“(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

“(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

“(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

“(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

“(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

“(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

“(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

“(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

“(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

“(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

“(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at halfstaff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

“(1) the term 'half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff;

“(2) the term 'executive or military department' means any agency listed under sections 101 and 102 of title 5; and

“(3) the term 'Member of Congress' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

“(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

“(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

“§ 8. Respect for flag

“No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

“(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

“(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

“(c) The flag should never be carried flat or horizontally, but always aloft and free.

“(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

“(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

“(f) The flag should never be used as a covering for a ceiling.

“(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

“(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

“(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

“(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

“(k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

“§9. Conduct during hoisting, lowering or passing of flag

“During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

“§10. Modification of rules and customs by President

“Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.”.

(b) The analysis of chapter 1 of title 4, United States Code, is amended by adding at the end the following new items:

“4. Pledge of allegiance to the flag; manner of delivery.
“5. Display and use of flag by civilians; codification of rules and customs; definition.
“6. Time and occasions for display.
“7. Position and manner of display.
“8. Respect for flag.
“9. Conduct during hoisting, lowering or passing of flag.
“10. Modification of rules and customs by President.”.

SEC. 3. CONFORMING PROVISIONS.

Section 1332 of title 44, United States Code, is amended by striking “the United Spanish War Veterans,”.

SEC. 4. CONFORMING CROSS-REFERENCES.

(a) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) In section 2249b, strike “the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178)” and substitute “section 7 of title 4 and any modification of section 7 under section 10 of title 4”.

(2) Section 2543 is amended as follows:

(A) In subsection (e)(1), strike “subsection (b)(2) of the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721)” and substitute “section 501 of title 36”.

(B) In subsection (e)(2), strike “the proviso in section 9 of the Presidential Inaugural Ceremonies Act (36 U.S.C. 729)” and substitute “section 507 of title 36”.

(3) In section 9441(b), strike “section 2 of the Act of July 1, 1946 (36 U.S.C. 202)” and substitute “section 40302 of title 36”.

(b) TITLE 18.—Section 2320(d) of title 18, United States Code, is amended as follows:

(1) In clause (1)(B), strike “section 110 of the Olympic Charter Act” and substitute “section 220706 of title 36”.

(2) In clause (2), insert “and” after the semicolon.

(3) In clause (3), strike “; and” and substitute a period.

(4) Strike clause (4).

SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—Sections 1 and 2 of this Act restate, without substantive change, laws enacted before August 16, 1997, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after August 15, 1997, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 6. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1863 Mar. 3	111		12	806	36	251–253
1870 July 14	264		16	277	36	252
1884 June 20	107		23	50	36	254
1889 Jan. 4	20		25	640	36	20
1896 Feb. 20	23		29	8	36	18–18c
1900 June 6	806		31	662	36	4401–4408
1901 Mar. 3	860		31	1438	36	3501–3504
	876		31	1453	36	5401, 5402
1904 Apr. 28	1790		33	542	36	3504
1905 Jan. 5	23	1–3, 4a–8	33	599, 601	36	1, 2, 3, 4a–6, 8, 9
1906 June 9	3065		34	227	36	20a–20g
June 30	3929		34	804	36	5301–5311
1910 June 23	372	2	36	604	36	9
1912 Dec. 10	1		37	647	36	5
1913 Jan. 30	21		37	654	36	4901, 4901 note, 4902–4910
1914 May 8	Pub. R. 25		38	770	36	141, 142

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Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
May 27	101		38	383	36	254, 254 note
1915						
Mar. 3	89		38	955	36	18a
1916						
Apr. 17	77		39	51	36	4201-4206
June 15	148		39	227	36	21-29
1917						
Feb. 27	137		39	946	36	6
1919						
Sept. 16	59		41	284	36	41-51
1920						
May 29	214	(1st complete par. on p. 659)	41	659	36	7
May 31	216		41	691	36	4701-4707
1921						
Mar. 3	131		41	1354	36	5
1922						
Apr. 6	121		42	490	36	3502
1923						
Mar. 3	228		42	1441	36	61-66
Mar. 4	283		42	1509	36	121, 122b, 123–125, 127, 128, 131, 132, 138–138c
1924						
Apr. 2	81	1 (2d. last provisos in par. under heading "American Battle Monuments Commission").	43	35	36	122, 133
June 7	292	1 (provisos in par. under heading "American Battle Monuments Commission").	43	522	36	122, 133
	296		43	535	36	81-88
	369		43	665	36	15
1925						
Feb. 6	142		43	808	36	20d
Feb. 24	303		43	966	36	91-105
1926						
Feb. 5	11		44	4	36	18a
Apr. 22	171	1 (2d-last provisos in par. under heading "American Battle Monuments Commission").	44	307	36	122, 133-135
May 5	246		44	403	36	14
1927						
Feb. 11	104	1 (provisos in par. under heading "American Battle Monuments Commission").	44	1071	36	122, 133–137
1928						
May 16	580	1 (provisos in par. under heading "American Battle Monuments Commission").	45	575	36	122, 134, 135
May 18	643		45	617	36	143
1929						
Feb. 20	270	1 (1st, 2d, last provisos in par. under heading "American Battle Monuments Commission").	45	1231, 1232	36	122, 134, 135
June 14	23		46	11	36	4902
1930						
Feb. 7	42		46	66	36	13
Apr. 19	201	1 (1st, 2d, last provisos in par. under heading "American Battle Monuments Commission").	46	230, 231	36	122, 134, 135
1931						
Feb. 23	281	1 (1st, 2d, last provisos in par. under heading "American Battle Monuments Commission").	46	1356	36	122, 134, 135
Mar. 3	436		46	1508	36	170
1932						
June 17	268		47	320	36	90a-90k
June 30	330	1 (1st, 2d, last provisos in par. under heading "American Battle Monuments Commission").	47	454	36	122, 134, 135
1933						
Mar. 3	214		47	1544	36	16
May 20	36		48	73	36	145
June 16	101	1 (1st, last provisos in par. under heading "American Battle Monuments Commission").	48	285	36	122, 135
1934						
Apr. 30	184		48	657	36	146
June 7	425		48	925	36	3502, 3504
1935						
Feb. 2	3	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	49	7	36	121a, 122, 135
June 28	323	1, 2	49	426	36	491, 491 note
July 5	373		49	457	36	3301–3310
Aug. 12	508	1 (par. under heading "Memorial to Personnel of American Expeditionary Forces").	49	594	36	491 note
1936						
Mar. 19	156	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	49	1169	36	121a, 122, 135
May 28	471		49	1390	36	111–120
June 15	546		49	1501	36	139–139b
June 23	736		49	1895	36	147, 148
1937						
June 14	336		50	257	36	5305–5308

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Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
June 28	396	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	50	331	36	121a, 122, 135
Aug. 4	564		50	558	36	57–59
Aug. 16	666		50	668	36	149
Aug. 25	762		50	798	36	3201, 3201 note, 3202–3209
1938 Mar. 28	56		52	148	36	150
May 23	259	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	52	412	36	121a, 122, 135
June 29	796		52	1226	36	5401, 5402
1939 Mar. 16	11	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	53	525	36	121a, 122, 135
May 11	123		53	739	36	151
1940 Apr. 18	107	1 (1st, 3d, last provisos in par. under heading "American Battle Monuments Commission").	54	113	36	121a, 122, 135
June 6	239		54	232	36	140, 140 note, 140a–140c
Sept. 24	730		54	960	36	149 note
Oct. 10	840		54	1093	36	151a
1941 Apr. 5	40	1 (provisos in par. under heading "American Battle Monuments Commission").	55	95	36	121a, 122, 135
1942 June 22	435		56	377	36	171–178
June 27	450	1 (provisos in par. under heading "American Battle Monuments Commission").	56	395	36	121a, 122, 135
July 15	505		56	659	36	90a, 90c, 90e–90j
July 30	537		56	728	36	149 note
Sept. 26	563		56	758	36	97
Oct. 17	615		56	796	36	179–182
Oct. 29	633		56	1012	36	43, 45
Dec. 22	806		56	1074	36	171–178
1943 June 26	145	101 (provisos in par. under heading "American Battle Monuments Commission").	57	171	36	121a, 122, 135
1944 June 27	286	101 (provisos in par. under heading "American Battle Monuments Commission").	58	363	36	121a, 122, 135
1945 May 3	106	101 (provisos in par. under heading "American Battle Monuments Commission").	59	107	36	121a, 122, 135
Aug. 11	363		59	530	36	155
Dec. 28	607		59	668	36	172
1946 Mar. 28	113	101 (provisos in par. under heading "American Battle Monuments Commission").	60	62	36	121a, 135
June 26	502		60	317, 318	36	121, 123–125, 127, 128, 131, 132, 138–138b
July 1	527		60	346	36	201–208
July 9	546		60	524	36	45
1947 May 8	50		61	80	36	1 note, 1a, 2, 3, 4a, 5, 9
July 23	298		61	403	36	67–67s
1948 Apr. 20	219	101 (last proviso in par. under heading "American Battle Monuments Commission").	62	179	36	122
June 30	755		62	1150	36	156
1949 July 11	302		63	409	36	155a, 155b
Aug. 3	385		63	492	36	157
Aug. 24	506	101 (last proviso in par. under heading "American Battle Monuments Commission").	63	633	36	122
1950 Mar. 16	62		64	22	36	31–38a
May 11	182		64	158	36	169g
June 30	431	1–14, 16–19	64	312, 315	36	221–234, 236–239
Aug. 30	823	1–13, 15–21	64	563, 566	36	271–283, 285–291
Sept. 6	896	101 (last proviso in par. under heading "American Battle Monuments Commission").	64	699	36	122
Sept. 20	956		64	868	36	311–317
	958	1–8, 10–12	64	869, 872	36	341–348, 350–352
Sept. 21	975		64	899	36	371–382b, 391–396
Dec. 28	1177		64	1122	36	45
	1178		64	1122	36	67e

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Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1951						
Apr. 16	29		65	31	36	39
July 30	255		65	130	36	18a
Aug. 17	328		65	192	36	36
Aug. 31	376	101 (provisos in 1st par. under heading "American Battle Monuments Commission").	65	269	36	122
Oct. 27	593		65	659	36	158
1952						
Feb. 29	49	1	66	9	36	153
Apr. 3	131	1-15, 17-21	66	37, 41	36	401-415, 417-421
Apr. 17	216		66	64	36	169h
July 5	578	101 (provisos in 1st par. under heading "American Battle Monuments Commission").	66	395	36	121b, 122
1953						
May 21	63	1	67	27	36	4702
May 27	70		67	35	36	179-182
May 29	85		67	40	36	111, 115
June 26	152		67	81	36	97, 98
	153		67	82	36	44, 48
July 9	183		67	142	36	175
July 17	222	4-6	67	179	36	3, 6, 7, 10, 11
July 31	302	101 (provisos in par. under heading "American Battle Monuments Commission").	67	299	36	121b, 122
Aug. 5	326	(1st, 2d pars., 3d par. (a)-(f), (h), (i), 4th, last pars.)	67	366	36	426
Aug. 13	427	1-13, 15-17	67	562, 565	36	431-443, 445-447
	429	1-14, 16-19	67	569, 573	36	461-474, 476-479
Aug. 14	486		67	582	36	34, 35, 37
1954						
June 14	297		68	249	36	172
June 24	359	101 (provisos in pars. under heading "American Battle Monuments Commission").	68	275	36	121b, 122, 122a, 125a
July 19	536	1-13, 15-18	68	489, 492	36	501-513, 515-518
Aug. 3	655	5	68	665	36	155a
Aug. 20	774	1-14, 16-20	68	748, 752	36	531-544, 546-550
Aug. 24	911	1-13, 15-19	68	795, 800	36	571-583, 585-589
Aug. 28	1036	1-13, 15-17	68	891, 895	36	601-613, 615-617
1955						
June 29	226	(provisos in pars. under heading "American Battle Monuments Commission").	69	194	36	121b, 122, 122a
July 26	383		69	375	36	67e
	386		69	379	36	43, 45
Aug. 4	546	1-13, 15-17	69	486, 490	36	631-643, 645-647
Aug. 9	658		69	589	36	426
1956						
Mar. 29	102		70	60	36	4707
June 13	385	(provisos in par. under heading "American Battle Monuments Commission").	70	278	36	121b, 122, 122a
July 25	721		70	640	36	121, 122b, 123-125, 131, 132, 138, 138a, 138b
July 30	795		70	732	36	186
Aug. 1	824	1-13, 15-20	70	794, 797	36	661-673, 675-680
Aug. 2	875		70	932	36	159
Aug. 6	974	1-5, 7-10	70	1049, 1050	36	721-725, 727-730
	976	1-13, 15-17	70	1052, 1056	36	691-703, 705-707
1957						
May 16	85-32		71	30	36	160
June 5	85-48	101 (provisos in par. under heading "American Battle Monuments Commission").	71	52	36	121b, 122, 122a
July 3	85-83	1	71	276	36	20
Aug. 13	85-125		71	344	36	123 note
Aug. 28	85-179		71	457	36	426
Sept. 7	85-305	1-7, 9	71	626, 628	36	741-747, 749
1958						
June 4	85-445		72	179	36	161
June 25	85-468	(provisos in par. under heading "American Battle Monuments Commission").	72	223	36	121b, 122, 122a
July 18	85-529		72	369	36	162
	85-530	1-14, 16-20	72	370, 374	36	761-774, 776-780
July 25	85-556		72	416	36	426
Aug. 14	85-642	1-13, 15-17	72	597, 600	36	791-803, 805-807
Aug. 26	85-761	1-13, 15-17	72	854, 859	36	821-833, 835-837

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Aug. 27	85–769	1–13, 15–18	72	922, 927	36	851–863, 865–868
Sept. 2	85–870	1–13, 15–18	72	1691, 1694	36	881–893, 895–898
	85–903	1–12, 14–16	72	1738, 1741	36	911–922, 924–926
	85–918		72	1769	36	749
1959						
June 17	86–47	1–13, 15–18	73	76, 79	36	78–78l, 78n–78q
July 8	86–79	(provisos in par. under heading "American Battle Monuments Commission").	73	164	36	121b, 122, 122a
Sept. 22	86–352		73	627	36	143, 143 note
1960						
June 29	86–533	(23)	74	249	36	139b
July 12	86–642	(provisos in 1st par. under heading "American Battle Monuments Commission").	74	475	36	121b, 122, 122a
July 14	86–653	1–13, 15–18	74	515, 518	36	941–953, 955–958
Aug. 31	86–680	1–13, 15–18	74	572, 577	36	971–983, 985–988
Sept. 13	86–753		74	898	36	163
	86–772		74	913	36	155a
1961						
Apr. 7	87–20		75	43	36	164
June 21	87–56		75	95	36	633, 636, 648
Aug. 3	87–125	(provisos in 1st par. under heading "American Battle Monuments Commission").	75	279	36	121b, 122, 122a
Sept. 8	87–214		75	489	36	20c
Sept. 26	87–319		75	681	36	165
1962						
May 14	87–449		76	69	36	166
July 25	87–547	6	76	217	36	4703
Sept. 7	87–650	1–14, 16–20	76	502, 505	36	1001–1014, 1016–1020
Sept. 10	87–655	1–13, 15–19	76	530, 533	36	1041–1053, 1055–1059
Sept. 19	87–673		76	557	36	4909
Oct. 1	87–726		76	676	36	167
Oct. 9	87–780		76	779	36	168
Oct. 15	87–817	1–13, 15–18	76	929, 933	36	3401–3413, 3415–3418
Oct. 18	87–843	(provisos in 1st par. under heading "American Battle Monuments Commission").	76	1100	36	121b, 122, 122a
1963						
Aug. 27	88–105	2	77	130	36	776
Dec. 17	88–209		77	402	36	169
Dec. 23	88–240		77	477	36	426, 426 note
Dec. 30	88–242		77	629	36	169a
	88–245	(provisos in par. under heading "American Battle Monuments Commission").	77	796	36	121b, 122, 122a
	88–254		77	843	36	169b
1964						
June 24	88–321		78	221	36	155a
July 14	88–372		78	314	36	4301–4318
	88–376		78	320	36	4501–4517
July 16	88–378		78	325	36	1071–1088
Aug. 10	88–407		78	383	36	383
Aug. 19	88–449		78	496	36	4601–4617
Aug. 30	88–504	1–4(15), (17)–(38)	78	635, 637	36	28, 37, 49, 58, 65, 78m, 90i, 101, 118, 140c, 235, 284, 317, 349, 444, 475, 514, 545, 584, 614, 644, 674, 704, 775, 804, 834, 864, 894, 923, 954, 984, 1015, 1054, 1101–1103, 3208, 3308, 3414
Aug. 31	88–527	(provisos in 1st par. under heading "American Battle Monuments Commission").	78	731	36	121b, 122, 122a
Sept. 2	88–566		78	849	36	169c
Oct. 6	88–628		78	1003	36	169d
1965						
Sept. 2	89–164	(provisos in 1st par. under heading "American Battle Monuments Commission").	79	639	36	121b, 122, 122a
Oct. 1	89–231		79	901	36	4902, 4909

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1966						
June 9	89-443		80	194	36	157a
Sept. 1	89-550		80	371	36	43, 45
Sept. 14	89-576		80	772	36	67e
Nov. 2	89-703		80	1099	36	169e
Nov. 8	89-797	(provisos in par. under heading "American Battle Monuments Commission").	80	1501	36	121b, 122, 122a
1967						
Nov. 8	90-133	(provisos in par. under heading "American Battle Monuments Commission").	81	429	36	121b, 122, 122a
Dec. 18	90-208		81	655	36	90i, 911 note
1968						
Jan. 30	90-251		82	4	36	722, 723, 728, 730
July 5	90-382		82	292	36	401, 418
July 7	90-391	14	82	306	36	155a
Aug. 9	90-470	(provisos in par. under heading "American Battle Monuments Commission").	82	686	36	121b, 122, 122a
Sept. 17	90-498		82	848	36	169f
1969						
June 30	91-37		83	42	36	5303, 5306, 5307, 5307 note
Dec. 24	91-153	(provisos in par. under heading "American Battle Monuments Commission").	83	421	36	121b, 122, 122a
1970						
Oct. 8	91-442		84	914	36	155
Oct. 21	91-472	(provisos in par. under heading "American Battle Monuments Commission").	84	1058	36	121b, 122, 122a
	91-480		84	1081	36	121
1971						
Aug. 10	92-77	(provisos in par. under heading "American Battle Monuments Commission").	85	264	36	121b, 122, 122a
Aug. 11	92-93		85	317	36	1151-1167
1972						
Apr. 24	92-278		86	124	36	142a
Sept. 29	92-447		86	746	36	4605
Oct. 25	92-544	(provisos in par. under heading "American Battle Monuments Commission").	86	1128	36	121b, 122, 122a
1973						
Nov. 27	93-162	(provisos in par. under heading "American Battle Monuments Commission").	87	653	36	121b, 122, 122a
1974						
Jan. 2	93-244		87	1070	36	125
Apr. 12	93-266		88	85	36	4904, 4906
	93-267		88	85	36	97
Sept. 6	93-414	(provisos in par. under heading "American Battle Monuments Commission").	88	1099	36	121b, 122, 122a
Nov. 29	93-504		88	1575	36	1042
Dec. 26	93-551		88	1744	36	1073
Dec. 27	93-557		88	1792	36	45
1975						
June 13	94-33		89	211	36	157b
Oct. 17	94-116	(provisos in 1st par. under heading "American Battle Monuments Commission").	89	587	36	121b, 122, 122a
Dec. 15	94-151		89	809	36	1101, 3502
1976						
Apr. 1	94-256		90	301	36	121
Apr. 21	94-273	3(19)	90	377	36	131
July 7	94-344		90	810	36	171-178
Aug. 9	94-378	(provisos in par. under heading "American Battle Monuments Commission").	90	1098	36	121b, 122, 122a
Oct. 1	94-443		90	1475	36	18a, 18c
1977						
Aug. 15	95-98		91	830	36	67, 67 note, 67a, 67b, 67e, 67h, 67p-67r
Oct. 4	95-119	(provisos in par. under heading "American Battle Monuments Commission").	91	1077	36	121b, 122, 122a
Nov. 11	95-167		91	1347	36	881, 883, 885, 887, 895, 896, 1101
1978						
Aug. 17	95-346		92	485	36	45
Sept. 30	95-392	(provisos in par. under heading "American Battle Monuments Commission").	92	795	36	121b, 122, 122a
Oct. 18	95-479	306	92	1566	36	121
	95-482	113	92	1605	36	384
Oct. 20	95-493		92	1643	36	1201-1219
Nov. 8	95-606		92	3045	36	371, 371 note, 372-382b, 391-396

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1979						
Sept. 6	96–62		93	410	36	142b
Nov. 5	96–103	(provisos in par. under heading "American Battle Monuments Commission").	93	775	36	121b, 122, 122a
Dec. 21	96–155		93	1165	36	45
Dec. 29	96–165		93	1267	36	1101, 1301–1309
1980						
July 8	96–304	(last sentence in par. under heading "Salaries and Expenses").	94	898	36	393 note
Oct. 3	96–376	9	94	1510	36	161
Oct. 7	96–385	506	94	1537	36	121
	96–388		94	1547	36	1401–1411
Dec. 2	96–489		94	2553	36	1101, 1501–1514
Dec. 4	96–497		94	2595	36	1101, 1601–1614
Dec. 15	96–526	(provisos in par. under heading "American Battle Monuments Commission").	94	3050	36	121b, 122, 122a
1981						
Nov. 20	97–82		95	1091	36	1101, 1701–1715
	97–83		95	1094	36	1101, 1801–1815
	97–84		95	1097	36	1402, 1405
Dec. 23	97–101	(provisos in par. under heading "American Battle Monuments Commission").	95	1422	36	121b, 122, 122a
1982						
June 1	97–192		96	109	36	1101, 1901–1914
Aug. 9	97–231		96	256	36	1101, 2001–2015
Aug. 10	97–234		96	261	36	1101, 2101–2116
Sept. 30	97–272	(provisos in par. under heading "American Battle Monuments Commission").	96	1165	36	121b, 122, 122a
1983						
Jan. 8	97–427		96	2265	36	1101, 2201–2215
Jan. 12	97–447		96	2364	36	1219
July 12	98–45	(provisos in par. under heading "American Battle Monuments Commission").	97	224	36	121b, 122, 122a
1984						
Apr. 10	98–257		98	127	36	1101, 2301–2316
May 21	98–291		98	203	36	90i
May 31	98–304		98	220	36	67e
June 12	98–314		98	237	36	1101, 2401–2415
July 18	98–371	(provisos in par. under heading "American Battle Monuments Commission").	98	1221	36	121b, 122, 122a
July 23	98–372		98	1239	36	1101, 2501–2515
Aug. 7	98–375		98	1257	36	146 note
Aug. 17	98–382		98	1343	36	1101, 2601–2615
Aug. 21	98–391		98	1358	36	1101, 2701–2715
Aug. 27	98–399		98	1473	36	169j–169j–10
Oct. 19	98–520		98	2428	36	1101, 2801–2815
Oct. 30	98–561		98	2910	36	1101, 2901–2916
	98–565		98	2920	36	1101, 3001–3016
	98–584		98	3097	36	1101, 3101–3115
1985						
Oct. 7	99–119		99	498	36	1101, 3601–3616
Nov. 25	99–160	(1st–3d provisos in par. under heading "American Battle Monuments Commission").	99	914	36	121b, 122, 122a
Dec. 9	99–172		99	1020	36	1101, 3701–3715
Dec. 19	99–190	101(d) [provisos in par. under heading "United States Holocaust Memorial Council"), §324].	99	1262, 1267	36	1401, 1404 note, 1407, 1409, 1410
1986						
May 1	99–284		100	406	36	169j–2, 169j–3, 169j–7, 169j–8
May 23	99–318		100	474	36	1101, 3801–3817
Aug. 7	99–376		100	804	36	3501
Aug. 27	99–402		100	910	36	169i, 169i notes, 169i–1

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Oct. 7	99-449		100	1128	36	187
Oct. 18	99-500	101(g) [(1st-3d provisos in par. under heading "American Battle Monuments Commission" in title II of H.R. 5313)], (h) [(1st, 2d, 4th, last provisos in par. under heading "United States Holocaust Memorial Council")].	100	1783-242, 1783-283	36	121b, 122, 122a, 1404 note
Oct. 21	99-506	902	100	1841	36	155a
Oct. 30	99-591	101(g) [(1st-3d provisos in par. under heading "American Battle Monuments Commission" in title II of H.R. 5313)], (h) [(1st, 2d, 4th, last provisos in par. under heading "United States Holocaust Memorial Council")].	100	3341-242, 3341-283	36	121b, 122, 122a, 1404 note
Nov. 6	99-604		100	3446	36	1101, 3901-3915
1987 July 11	100-71	(par. related to Holocaust Memorial Council under heading "United States Holocaust Memorial Council").	101	418	36	1405
Aug. 18	100-94		101	700	36	146 note
Dec. 11	100-186		101	1286	36	188
Dec. 22	100-202	101(f) [(1st-3d provisos in 1st par. under heading "American Battle Monuments Commission")], (g) [(1st, 2d, 4th, 5th provisos in par. under heading "United States Holocaust Memorial Council")].	101	1329-194, 1329-251	36	121b, 122, 122a, 1404 note
1988 Apr. 6	100-281		102	73	36	1101, 4001-4017
May 5	100-307		102	456	36	169h
May 20	100-322	345	102	540	36	138c, 138c notes
Aug. 17	100-402		102	1012	36	169f, 169f note
Aug. 19	100-404	(1st-3d provisos in par. under heading "American Battle Monuments Commission").	102	1021	36	121b, 122, 122a
Oct. 28	100-539		102	2718	36	4601, 4601 note, 4607, 4616
Nov. 7	100-630	301	102	3315	36	155-155b
Nov. 9	100-642		102	3337	36	4404, 4404 note
Nov. 14	100-655		102	3849	36	1101, 4101-4115
Nov. 18	100-687	1602	102	4137	36	125b
1989 May 17	101-30	1-7	103	60	36	169j, 169j note, 169j-2, 169j-3, 169j-3 note, 169j-4-169j-8, 169j-8 note
Nov. 9	101-144	(1st-3d provisos in par. under heading "American Battle Monuments Commission").	103	854	36	121b, 122, 122a,
Dec. 18	101-237	503	103	2094	36	121
1990 Aug. 10	101-355		104	416	36	189
Oct. 30	101-478		104	1157	36	45
Nov. 5	101-507	(1st-3d provisos in par. under heading "American Battle Monuments Commission").	104	1370	36	121b, 122, 122a
	101-510	1601-1616	104	1736	36	1101, 4801-4815
1991 June 6	102-52	9(b)	105	263	36	155a
June 13	102-54	13(n)	105	278	36	67b, 67h, 90c, 823, 865, 1159, 2403, 3103, 3703
Oct. 28	102-139	(1st-3d provisos in par. under heading "American Battle Monuments Commission").	105	760	36	121b, 122, 122a
Dec. 2	102-179		105	1229	36	45
Dec. 5	102-190	1084	105	1482	36	189 note
Dec. 10	102-199		105	1628	36	691, 693, 1101
1992 Oct. 5	102-381	(par. under heading "United States Holocaust Memorial Council").	106	1415	36	1405 note
Oct. 6	102-389	(1st-3d provisos in par. under heading "American Battle Monuments Commission").	106	1595	36	121b, 122, 122a
Oct. 23	102-450		106	2251	36	169k, 169k note
	102-484	1801-1817, 1821-1838	106	2581	36	1101, 5001-5016, 5101-5117
Oct. 26	102-522	201-208	106	3417	36	5201, 5201 note, 5203-5207

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Oct. 29	102–569	914	106	4488	36	155a
1993						
May 31	103–35	202(a)(13)	107	101	36	5013, 5113
Oct. 28	103–124	(1st–3d provisos in par. under heading "American Battle Monuments Commission").	107	1291	36	121b, 122, 122a
Nov. 11	103–138	309	107	1416	36	1405
Nov. 30	103–160	1182(c)(6)	107	1772	36	5108
Dec. 20	103–206	318	107	2427	36	161, 161 note
1994						
Aug. 23	103–304	2	108	1565	36	169j–2, 169j–3, 169j–5, 169j–5 note, 169j–6–169j–10
	103–308		108	1669	36	169l, 169l
Sept. 13	103–322	320922	108	2131	36	167, 175
Sept. 28	103–327	(1st–3d provisos in par. under heading "American Battle Monuments Commission").	108	2317	36	121b, 122, 122a
Oct. 14	103–362		108	3465	36	142c, 142c–1
1995						
Mar. 7	104–3		109	47	36	115
July 27	104–19	2005	109	247	36	169m
1996						
Feb. 10	104–106	1601–1611(c)(4), 1611(d)–1621, 1623	110	515, 516, 522	36	5501(a)–(c)(4), (d), 5501 note, 5502–5521, 5523
Apr. 4	104–127	358(a)(2)	110	1014	36	1101
Apr. 26	104–134	(provisos in par. under heading "American Battle Monuments Commission").	110	1321–293	36	121b, 122, 122a
Sept. 23	104–201	1073(c), 1801–1816	110	2657, 2760	36	1101, 5505, 5506, 5509, 5601–5615
Sept. 26	104–204	(provisos in par. under heading "American Battle Monuments Commission").	110	2907	36	121b, 122, 122a
Oct. 9	104–275	602	110	3344	36	125, 138d
Oct. 11	104–285	201–209	110	3382	36	5701, 5701 note, 5702–5708
Nov. 12	104–333	806	110	4188	36	169i, 169i–1

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10	items 4312, 4313 in analysis of ch. 401

SEC. 7. TECHNICAL AMENDMENTS.

(a) Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) is amended by adding a period at the end of the paragraph.

(b) Title 49, United States Code, is amended as follows:

(1) In section 5108(f), strike "section 552(f)" and substitute "section 552(b)".

(2) In section 15904(c)(1), insert "section" before "15901(b)".

(c)(1) Chapter 491 of title 49, United States Code, as enacted by the Act of November 20, 1997 (Public Law 105–102, 111 Stat. 2205), is amended as follows:

(A) In section 49106(b)(1)(F), strike "1996" and substitute "1986".

(B) In section 49106(c)(3), strike "by the board" and substitute "to the board".

(C) In section 49107(b), strike "subchapter II" and substitute "subchapter III".

(D) In section 49111(b), strike "retention of" and substitute "retention by".

(2) The Schedule of Laws Repealed in the Act of November 20, 1997 (Public Law 105–102, 111 Stat. 2217), is amended by striking "1996" in the items related to Public Laws 99–500 and 99–591 and substituting "1986".

(3) The amendments made by this subsection are effective as of November 20, 1997.

(d) Effective October 11, 1996, section 5(45)(A) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3393), is amended by striking "ENFORCEMENT;" and substituting "ENFORCEMENT:".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1085, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1085, as amended, is a bill to revise, codify and enact certain general and permanent laws related to patriotic and national observances, ceremonies and organizations, as title 36, United States Code "Patriotic, and National Observances, Ceremonies and Organizations."

This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that office to prepare and submit to the Committee on the Judiciary for enactment into positive law all titles of the United States Code.

The manager's amendment to H.R. 1085, as amended, consists of technical changes to title 49, United States Code, Transportation, that are of a nonsubstantive nature and correct discrepancies that occurred in H.R. 1086 between the electronic format and hard copy versions of the bill as introduced and reported and the enacted version.

The Law Revision Counsel has informed me that he has satisfied H.R. 1085, as amended, makes no substantive changes in the law; therefore, no additional cost to the government would be incurred as a result of enactment of H.R. 1085, as amended.

I urge my colleagues to support H.R. 1085 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1085 is a bill prepared by the Office of the Law Revision Counsel that codifies without substantive change certain general and permanent laws related to title 36, concerning patriotic and national observances, and title 49, concerning transportation.

This is part of the Law Revision Counsel's program of recommending technical changes to the positive law titles of the United States Code which consolidate and streamline existing law. The bill makes no substantive changes, and I urge the Members to support it.

Mr. Speaker, I have no further requests for time on my side, and I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 1085, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "FAA Research, Engineering, and Development Authorization Act of 1997".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2)(J);

(2) by striking the period at the end of paragraph (3)(J) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(4) for fiscal year 1998, $226,800,000, including—

"(A) $16,379,000 for system development and infrastructure projects and activities;

"(B) $27,089,000 for capacity and air traffic management technology projects and activities;

"(C) $23,362,000 for communications, navigation, and surveillance projects and activities;

"(D) $16,600,000 for weather projects and activities;

"(E) $7,854,000 for airport technology projects and activities;

"(F) $49,202,000 for aircraft safety technology projects and activities;

"(G) $53,759,000 for system security technology projects and activities;

"(H) $26,550,000 for human factors and aviation medicine projects and activities;

"(I) $2,891,000 for environment and energy projects and activities; and

"(J) $3,114,000 for innovative/cooperative research projects and activities; and

"(5) for fiscal year 1999, $229,673,000.".

SEC. 3. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) PROGRAM.—Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

"(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

"(A) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(B) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration; or

"(C) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees.

"(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1997, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

"(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

"(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

"(B) the scientific and technical merit of the proposed research; and

"(C) the potential for participation by undergraduate students in the proposed research.

"(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 48102(a) of title 49, United States Code, as amended by this Act, is further amended by inserting ", of which $750,000 shall be for carrying out the grant program established under subsection (h)" after "projects and activities" in paragraph (4)(J).

SEC. 4. NOTICES.

(a) REPROGRAMMING.—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.

SEC. 5. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Federal Aviation Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Federal Aviation Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Federal Aviation Administration is unable to correct in time.

Amend the title so as to read: "An Act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1271 authorizes the FAA to carry out its Research, Engineering and Development program for fiscal years 1998 and 1999. The objective of the RE&D program is to develop and validate the technology and knowledge required for the FAA to ensure the safety, efficiency and security of our national air transportation system.

Technologies developed through the RE&D program are helping to transform our Nation's aging aviation system into a modern air traffic management system capable of meeting the increased aviation demands of the coming century. Examples of recent advances developed utilizing RE&D funds include quieter aircraft technology, more reliable aircraft control equipment, advanced explosive detection systems, and longer lasting runways.

Overall, H.R. 1271 authorizes $226.8 million in fiscal year 1998 and $229.6 million in fiscal year 1999 for the FAA to carry out the RE&D program. Critical projects and activities of the program include research and development in the areas of air traffic management, navigation, weather, aircraft safety, systems security and human factors.

Finally, H.R. 1271 contains language to require the FAA to provide Congress with notice of any major reprogramming or reorganization effort within the RE&D program and directs the FAA to move immediately to access the pending effect of the year 2000 computer program on the agency's information system. The legislation does not, however, include an authorization of funds for implementing the Flight 2000 demonstration program requested by the administration in the fiscal 1999 budget request. The Committee on Science plans to hold authorization hearings beginning next month on this program.

I would like to commend the gentlewoman from Maryland, (Mrs. MORELLA), the chairwoman of the Subcommittee on Technology, the gentleman from California (Mr. BROWN), the ranking member of the committee, and the gentleman from Tennessee (Mr. GORDON), the ranking member of the subcommittee, and other members of the Committee on Science for their hard work in crafting this legislation.

H.R. 1271 is a true bipartisan bill which originally passed the House by the overwhelming vote of 414 to 7. Late last year the Senate amended and passed H.R. 1271. The Senate amendment made two significant changes to the bill. First. It struck the fiscal year 2000 authorization and, second, it increased the authorization for RE&D by $5.6 million in fiscal year 1999.

Mr. Speaker, H.R. 1271, as amended by the Senate, is a good bill and I strongly urge my colleagues to demonstrate our Nation's commitment to civil aviation research and development by voting aye today and sending this bill to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 1271, the FAA Research, Engineering and Development Act of 1997.

H.R. 1271 is the product of a bipartisan process to strengthen the research and development activities of the FAA. The FAA's RE&D programs are key to increasing the capacity and efficiency of the national aerospace system while ensuring its safety and security.

H.R. 1271 reverses the downward trend in FAA's research, engineering and development account, which has declined by 20 percent in the last 2 years. This funding increase will improve research in areas such as noise abatement and weather prediction, areas identified by outside advisory panels that need increased support.

H.R. 1271 also includes language urging the FAA to address the year 2000 computer problem. Unless the necessary steps are taken, FAA's air traffic control operations could be disrupted in 2000. However, this is not simply a problem limited to the United States airspace. The air traffic control system of every nation must be corrected, and I urge the FAA to take the lead to make other countries aware of this problem and the steps needed to correct it.

In addition, this bill includes my proposed establishing a competitive research grants program for primarily undergraduate institutions. This program will support research relevant to FAA's technology needs and, more importantly, will help develop the technical expertise to address FAA's future technology requirements. This provision had widespread support of the House and the other body.

Finally, I wanted to acknowledge that H.R. 1271 does not authorize FAA's new Flight 2000 program. However, it is my understanding that we will review this program in the next month and can then authorize funding as part of the FAA's overall reauthorizing bill. I urge my colleagues to support H.R. 1271.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the subcommittee chairwoman.

Mrs. MORELLA. Mr. Speaker, I thank the chairman of the Committee on Science for yielding me this time, and, Mr. Speaker, as chair of the Committee on Science's Subcommittee on Technology I am really very pleased to bring before this body full support for H.R. 1271, the FAA Research, Engineering and Development Act of 1997.

The legislation authorizes $226.8 million in fiscal year 1998 and $229.7 million in fiscal year 1999 for the Federal Aviation Administration to conduct research, engineering and development activities that are helping to increase the efficiency and safety of aviation. H.R. 1271 authorizes funding for the FAA to conduct RE&D projects in activities including research on aircraft structures and materials, systems security, the use of satellite communication and navigation, airport safety, human factors, and FAA internal improvements.

In addition, the fiscal year 1999 authorization level ensures that sufficient funding is available for the research and development of new technologies to reduce aircraft noise, to conduct FAA air traffic control modernization efforts, and to improve weather information. Improving weather information is especially important since it is both the single largest contributor to delays and a major factor in aircraft accidents.

The bill also establishes a program that utilizes undergraduate and technical colleges to research methods that will assist the FAA in carrying out its important missions.

And finally, Mr. Speaker, H.R. 1271 includes a sense of Congress concerning the need for the Federal Aviation Administration to assess immediately the effect of the year 2000 computer problem on its computer systems. This provision is significant and this bill past the House earlier this year by a vote of 414 to 7.

I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee; and I want to commend the gentleman from California (Mr. GEORGE BROWN), the ranking member, and the gentleman from Tennessee (Mr. BART GORDON), my Subcommittee on Technology member, for the work they have done. This is indeed a bipartisan product.

I encourage all my colleagues to join me in supporting H.R. 1271 and, by sending this legislation to the President for his signature into law, Congress will assist the FAA to develop a national aviation system that is universally recognized as the safest, most technologically advanced system in the world.

Mr. GORDON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Tennessee (Mr. GORDON) for yielding me this time.

This is truly a bipartisan bill and I am rising to support H.R. 1271. Noting the increased amount of aviation travel among our citizens in this country, it is extremely important that we have a bill that focuses on many aspects of safety but also focuses on the vision and the future of the aviation industry.

In particular, I would like to thank and congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, the gentlewoman from Maryland (Mrs. MORELLA), the chairman of the subcommittee, the gentleman from California (Mr. BROWN), the ranking member, and my friend the gentleman from Tennessee (Mr. BART GORDON), the ranking member on the Subcommittee on Technology.

With the vision and insight to emphasize research and opportunities for undergraduate institutions in particular, the gentleman from Tennessee's effort provides for a merit-based competitive process that will allow our undergraduate institutions to involve themselves in research in the FAA.

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Interestingly enough, most research opportunities are viewed at our graduate schools, opportunities for our graduate students. But how important it is to recognize, for example, that institutions like Texas Southern University in my district, that has a Department of Transportation, can ably lend themselves to engage in merit-based competitive grant opportunities to do search research for the FAA.

In particular, I am very pleased that language that I offered in committee and that was supported by committee is included in this bill which encourages research to undergraduate students at our Nation's historically black colleges and universities and Hispanic serving institutions. As many of my colleagues may know, the majority of our HBCUs and Hispanic serving institutions are primarily undergraduate institutions.

Included in the section which funds research grant programs involving undergraduate students is a provision that includes historically black colleges and universities and Hispanic serving institutions in the language of the bill. This section targets at primarily undergraduate institutions that involve undergraduate students in their research on subjects of relevance to the Federal Aviation Administration. It begins to formulate professionals at an early age.

In 1996, the Federal Aviation Administration awarded a total of $15 million to institutions of higher education for research and development activities. Of that total $15 million in 1996, only $120,000 was awarded to historically black colleges and universities and $130,000 was awarded to Hispanic serving institutions. That is less than 1 percent.

For fiscal year 1997, of the $10 million awarded to institutions of higher education, the overall amounts awarded to minority institutions doubled but still was not impressive. Of the $10 million, $260,000 was awarded to HBCUs and $200,000 was awarded to Hispanic serving institutions. This is a sad and telling story on the state of research development within our minority universities and colleges.

Without open opportunities and without encouragement for everyone to be treated equally in this Nation, it is extremely important to create these opportunities of research.

The HBCU and Hispanic serving institutions language in this bill serves to unquestionably reflect that undergraduate students at minority institutions should aggressively compete for grant awards within the FAA. This language seeks to promote minority university awareness of research opportunities.

According to the President's Board of Advisors on Historically Black Colleges and Universities, our minority universities are often an untapped resource for research, technological and analytical competence. Although many HBCUs are underfunded in laboratory equipment, HBCUs have an overwhelming success rate in producing the Nation's top black mathematicians, scientists, and physicians.

Mr. Speaker, when we are called by name, we tend to act; we are more likely to respond. This bill does just that. It calls minority universities by name in an effort to highlight and bring to the attention of the FAA the fact that HBCUs and Hispanic serving institutions are alive and well and should be included in the research efforts of the FAA. It aids our minority institutions and others in understanding that minority universities and undergraduate students should effectively compete for research opportunities with the Federal Government.

This is a call for my colleagues to listen and to act. This is a call for us to participate in the technology of this Nation and creating safety for this Nation as well.

Mr. Speaker, while some of my colleagues may correctly state and understand that the classification of undergraduate students should include historically black colleges and universities as well as Hispanic serving institutions, it is important, however, to note that there are some in our country who do not appreciate this bill, this particular view. Consequently, our minority universities are often overlooked or forgotten.

Clearly, with this language, we have opened the doors of opportunity. H.R. 1271 allows undergraduate students at HBCUs and Hispanic serving institutions to definitely know that they too can participate in research that benefits the FAA and compete for research and development dollars that will help build a better America.

Again, I thank the committee; And the call is now out for our universities all over the Nation that include minorities to participate in this new technological advance.

I must add that I am pleased to note that under this subsection, grants are awarded based on the evaluation of proposals through a competitive, merit based process. My good colleague, BART GORDON of Tennessee, was successful in including this overall undergraduate section in the bill.

There is no doubt that there is an overwhelming need for research dollars to be awarded to historically black colleges and universities, as well as Hispanic serving institutions. At the FAA, the numbers speak for themselves.

This is why I am pleased with H.R. 1271 and the inclusion of HBCUs in the language of the bill. It is a good first step in reaching out to minority institutions that can and must compete in the research and development arena.

Hispanic serving institutions are colleges and universities that educate mostly Hispanic and Latino students. I am proud to announce that my new district, the 18th Congressional District, includes a good portion of the Heights in Houston, Texas. In the Heights are people of all racial and ethic backgrounds including the Hispanic culture. Many of the residents of the Heights attend both HBCUs and Hispanic serving institutions as well as majority colleges and universities. I am proud to be a representative of each.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my colleague and appreciate the leadership that he has shown, along with the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Tennessee (Mr. GORDON) and the gentleman from California (Mr. BROWN), the respective committee and subcommittee chairmen over on the minority side.

I rise in support of the concurring amendments to H.R. 1271, the FAA Research, Engineering and Development Authorization Act of 1997. The House overwhelmingly passed this bill last April by a vote of 414 to 7 to authorize funding for the FAA's research, engineering, and development programs for fiscal years 1998, 1999, and the year 2000. The Senate also passed this bill with amendments, which include the elimination of funding authorization for fiscal year 2000 and an increase in funding levels over the original House bill.

I ask all of my colleagues to affirmatively lend their support to this legislation. It is crucial to ensuring that the FAA is able to continue research and development projects that will improve the safety, security, capacity, and productivity of our Nation's air traffic control system. The FAA's Research and Development program also conducts aviation medical research, environmental research to mitigate aircraft noise and engine emission and airway facilities maintenance. Indeed, this bill is essential to the well-being of air passengers as well as the many Americans who are affected daily by air traffic and the attendant noise and pollution.

The amendments to H.R. 1271 authorize $226.6 million for fiscal year 1998 and $229.673 million for fiscal year 1999, funding levels that are slightly higher than those originally approved by this body. These increases will allow the FAA to focus research, engineering and development on safeguarding sensitive computer and information system data that control air traffic management. It will permit the FAA to place a higher priority on weather research projects, reflecting the recommendation of both the FAA Research, Engineering and Development Advisory Committee and the National Academy of Science. Weather is the single largest contributor to delays and a major factor in aircraft accidents and incidents.

Additionally, these monies will allow FAA safety inspectors to take proactive, rather than reactive, measures to reduce the rate of aviation-related accidents.

Mr. Speaker, this legislation is critical to our Nation's ability to maintain and improve safe air travel, and I urge all of my colleagues to vote in favor of H.R. 1271 with the amendments.

Mr. SHUSTER. Mr. Speaker, I am including in the RECORD copies of correspondence between Chairman SENSENBRENNER and myself from April, 1997.

By including this in the RECORD, I want to reiterate the Transportation and Infrastructure Committee's exclusive jurisdiction of the traditional activities in the facilities and equipment account.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 23, 1997.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR BUD: On April 16, 1997, the House Committee on Science marked up and reported out H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997.

Traditionally, provisions in this bill have been incorporated into the FAA Authorization Acts when considered on the House Floor, indicating your substantive interest in the research components of the FAA.

Because of our Committee's desire to expeditiously consider H.R. 1271, it is my understanding that you will not object to its consideration by the House.

I acknowledge that H.R. 1271 in no way impacts the traditional jurisdictional lines under which the Committee on Science and the Committee on Transportation and Infrastructure have operated for years. Under the Rules of the House, the Science Committee only has jurisdiction over civil aviation research and development funded through the Research, Engineering, and Development account. The Committee on Transportation and Infrastructure has jurisdiction over FAA's other functions. Historically, the Transportation and Infrastructure Committee has had exclusive jurisdiction over the Facilities and Equipment account. H.R. 1271 is not intended to change that.

I appreciate your willingness to work with us to expedite the consideration of H.R. 1271. I look forward to continuing to work with you on these issues.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Washington, DC.

DEAR JIM: Thank you for your letter of April 23, 1997 concerning H.R. 1271, the FAA Research, Engineering, and Development Act of 1997 which your Committee has reported out. This legislation authorizes funding for FAA's R&D programs for fiscal years 1998–2000.

As you correctly point out, the Transportation and Infrastructure Committee has traditionally taken a great deal of interest in the research components of FAA. The letter is to confirm that because of your willingness to accommodate our concerns about the bill and because of your desire to take the bill to the Floor expeditiously, I have no objections to its consideration. Also, I appreciate your acknowledgment that the bill in no way impacts the traditional jurisdictional lines under which our Committees have operated, especially with regard to the Transportation and Infrastructure Committee's exclusive jurisdiction over the facilities and Equipment Account.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With warm personal regards, I am
Sincerely,
BUD SHUSTER,
Chairman.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to H.R. 1271.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ISSUING CERTIFICATE OF DOCUMENTATION FOR VESSEL PRINCE NOVA

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1349) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Prince Nova, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to request of the gentleman from New Jersey?

Mr. CLEMENT. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey (Mr. LOBIONDO) to explain his unanimous consent request.

Mr. LOBIONDO. Mr. Speaker, this bill authorizes the Secretary of Transportation to issue a certificate of documentation for employment in the coastwise trade for the vessel Prince Nova. The owner operates an auto and ferry service across Long Island Sound between Long Island Sound, New York, and New London, Connecticut.

The company plans to purchase the ferry Prince Nova to improve and expand its ferry service. With an upgraded ferry service, the owner will be better able to meet the growing transportation demands of the Long Island region. Allowing the Prince Nova to operate in the Long Island Sound will benefit transportation needs in the region as well as foster economic growth and job.

This bill has already been approved by the House as part of H.R. 2204, the Coast Guard Authorization Act of 1997; and the House approved H.R. 2204 on October 21, 1997, by voice vote.

Mr. Speaker, I want to commend the efforts of our colleague, Congresswoman Nancy JOHNSON, for her leadership in bringing this important matter to our attention; and I urge my colleagues to support this bill.

Mr. CLEMENT. Mr. Speaker, I support S. 1349, a bill to authorize the Secretary of Transportation to issue a certificate of documentation to the vessel Prince Nova for employment in the coastwise trade of the United States.

Mr. Speaker, this is identical to the waiver of the Prince Nova that was included in the Coast Guard Authorization Act of 1996, when it passed the House on October 21, 1997. Unfortunately, the Senate has not acted on that authorization act.

The Prince Nova is going to be purchased by the Cross Sound Ferry Service, a family-owned business providing ferry service across the Long Island Sound between Orient Point, Long Island, New York, and New London, Connecticut.

This waiver is needed since the Prince Nova was built in Canada. However, in order to upgrade the vessel and meet U.S. Coast Guard requirements, the Cross Sound Ferry Service is going to have to spend over $4.2 million in a U.S. shipyard.

Mr. Speaker, ferry services are an integral portion to many of our urban transportation systems. Enactment of S. 1349 will allow the ferry service between New London, Connecticut, and Long Island, New York, to grow and flourish into the next millennium.

This bill is supported by the governor of Connecticut, Governor John Roland, and the Connecticut delegation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to support this legislation which is so important to the transportation system in my home State of Connecticut. Simply stated, this bill would permit the documentation of a Canadian-built ferry under the U.S. flag as a replacement vessel for essential ferry service in Connecticut. Because of the importance of this service, Governor John Rowland of Connecticut has urged our favorable consideration of this measure.

Cross Sound Ferry Services, Inc., a privately-owned, non-subsidized ferry service in New London, would like to improve existing passenger ferry service across Long Island Sound by acquiring the Canadian ferry PRINCE NOVA. The prohibitive cost of the new construction and the lack of suitable U.S.-built ferries on the market necessitate this purchase. Cross Sound plans to spend well in excess of three times the purchase price for the PRINCE NOVA to upgrade the vessel in a U.S. shipyard. This upgrade is needed both to meet strict Coast Guard safety standards and to modernize the vessel. Cross Sound needs this legislative waiver to document the ferry under the U.S. flag.

Granting a coastwise waiver for this vessel will create the following economic, job creation, and transportation benefits for Connecticut, other New England states, and Long Island:

This waiver will result in 24 new merchant mariner jobs and 11 additional positions related to the vessel's operations.

The bill's requirement to spend not less than $4.2 million will create 17 much-needed new shipyard jobs at the Thames shipyard in New

London, as well as increased purchasing of goods and services.

Unlike other ferry operations providing comparable service, Cross Sound will provide this service without the need for public funds or subsidies.

With an upgraded ferry service through the acquisition of this replacement vessel, Cross Sound will be better able to adequately meet the growing transportation demands of the New England region as documented in numerous transportation studies.

In addition to realizing these benefits, enactment of this legislation is needed as soon as possible to avoid very unusual transactional costs associated with any delay related to the purchase, including (1) the outlay of periodic option deposits to retain the right to purchase the vessel, (2) winter lay up charges if the vessel is not moved to the U.S., and (3) the loss of revenue if shipyard work for compliance with Coast Guard safety standards and other vessel upgrades is delayed.

A similar waiver was included in H.R. 2204, the Coast Guard Authorization Act, passed by the House in the First Session of this Congress. Consequently, the substance of this bill is without controversy and objection. Therefore, I am pleased that we are to take up S. 1349 and for the reasons I have stated urge its adoption at this time.

Mr. CLEMENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOCUMENTATION OF THE VESSEL PRINCE NOVA.

(a) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(b) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under subsection (a) shall expire unless—

(1) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(2) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(A) 3 times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(B) $4,200,000; and

(3) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under paragraph (2) is spent.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1515

DEFERRALS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report eight new deferrals of budgetary resources, totaling $4.8 billion.

These deferrals affect programs of the Department of State, the Social Security Administration, and International Security Assistance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri (Mr. SKELTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, it is with mixed feelings that I address the House today and preside over this special order. On the one hand, we honor a truly outstanding American and Member of this body. On the other hand, he will be leaving as a Member of the United States House of Representatives on February 6. It is with that as a prelude that I precede my remarks.

I might also say, Mr. Speaker, that we had intended to take this special order up at 5 o'clock this evening, and there are those who are still traveling back to Washington from their districts that I know would wish to be a part of this. Hopefully they will submit their statements for the RECORD at a later time.

Mr. Speaker, in the early and middle years of the 1800s, there was a giant of an orator who spoke in this body and also spoke in the other body, the United States Senate. His name, of course, was Daniel Webster. I doubt if anyone has been measured to his status or his level until my friend RON DELLUMS, who is one of the finest orators of our day, and, I think, of any day and time in this body, came along.

A few years ago, after a very interesting debate, a young page approached me outside the chamber and remarked that Congressman DELLUMS was undoubtedly the finest speaker in the House of Representatives, to which I agreed with the young gentleman's observations.

As our colleague and good friend RON DELLUMS prepares to close this chapter of his life, 27 years as a Member of Congress, I would like to say a few words about the man and about the legacy.

He is one of those rarities, a native who was born in Oakland, California. He served in the Marine Corps, used the GI Bill to go to college, and worked as a psychiatric social worker, a skill he put to good use here years later in this Congress.

How would I describe him? First, he is a friend. He is a teacher, he is a role model. He is also a man of passion, of eloquence, and of intelligence, as anyone who has observed him in countless House debates knows so very well.

He has a liberal badge that he wears with honor, and has been a leading figure in that part of the Democratic Party for over a generation. He demonstrated his courage on several occasions, of his convictions, and he used his position and status as a Member of Congress to draw public attention to an issue he considered important.

I believe it was Speaker NEWT GINGRICH who once described RON DELLUMS as the "Conscience of Congress."

RON DELLUMS's accomplishments in the Committee on National Security, formerly known as the House Armed Services Committee, and here in Congress are numerous. He was the first African-American to serve on the House Armed Services Committee in 1973. He was the first to serve as a subcommittee chairman, which was Military Construction, from 1983 to 1989. He was the first to serve as the Chairman of the full committee, from 1993 to 1995.

He has been a longtime opponent of large defense expenditures. At the same time he has always supported, always supported, those measures designed to improve the welfare of the men and women who served our Nation in uniform, as well as their families.

He worked closely with the former Secretary of Defense, Bill Perry, to promote procurement and reform legislation, which passed, Mr. Speaker, with bipartisan support in 1994.

Maybe his most significant accomplishment in Congress occurred with the Anti-Apartheid Act of 1986, which prohibited new investment in South Africa. It capped a 15-year effort on his part and passed with overwhelming support as a result of his persistence. Less than 10 years later, in 1994, he traveled to South Africa and witnessed the inauguration of Nelson Mandela as President of South Africa.

RON DELLUMS can take justifiable credit for having been a leader on that issue in Congress and having contributed to the remarkable and positive outcome in South Africa.

But as part of his legacy here in Congress and on the committee on which I serve, RON DELLUMS conducted himself in exemplary fashion, with fairness, I will repeat, with fairness; with integrity, I will repeat, with integrity; and, of course, with the highest of dignity.

As both Chairman and ranking member of the committee, he was committed to the democratic process. Yes, he had strong views about many issues the committee dealt with, arms control, defense spending, individual weapons systems, and many, many more, but he was scrupulously fair, to ensure that all points of view were heard and were considered, so that no one, no Member was shut out of the democratic process, whether it be in committee or here on the floor of the House.

While Congressman DELLUMS took his responsibilities seriously as a Member of this body, as Chairman of the House Armed Services Committee and as ranking member of the House Committee on National Security, he maintained a down-to-earth attitude about himself. He remained a friend; approachable and bright. When asked for advice, he gave it; when asked for friendship, he gave it.

Congressman DELLUMS can take great satisfaction that he leaves this body, this Congress of the United States, having made a difference, a major difference.

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We can also have the knowledge that he leaves many friends here. We hope he will maintain contact with each of us. We wish him and his family health. We wish them happiness and success. We wish them the very, very best in the days and years ahead. I am proud to call him my friend, I am proud to call him my colleague. We will miss him.

I yield to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, it is difficult to say everything in my heart about RON DELLUMS. However, I must follow up on my colleague from Missouri concerning a speech that Mr. DELLUMS gave concerning apartheid in South Africa. It has been my custom when I do not know how I am going to vote on a subject, I come to the floor, not in front of the television set, but come to the floor to see how Members really conduct themselves. I am one of the oldest Members in the House of Representatives, I believe, so I can say from experience, I have heard a lot of speeches in my lifetime, both before World War II, after World War II. I have never heard a speech like that in my life. I was in doubt, and it was not just the words that he spoke. It was how he conducted himself and the feeling that just permeated, permeated this House of Representatives.

I know how proud he must be to return to South Africa and see the peaceful transformation of government, and I can tell my colleagues that there were a lot of people involved, but I can tell my colleagues this, that he is the one that is most responsible.

I have known RON now for 16 years, and without question, he is the fairest chairman I have ever served under. I remember a chairman I had in the State legislature where a member of another party was shouting something, said, Mr. Speaker, Mr. Speaker, this is not fair, and he picked up the rule book and he said, young man, show me in this book where the chairman has to be fair. He was fair, and I do not know a single Member of this body, both Democrat and Republican, that served on his committee who would disagree.

His faith in democracy has always been the hallmark of his belief that everyone deserved their say, and that is what led him to fight for his views on the committee. But it also is what led him as chairman just as forcefully for the committee bill and the will of the majority, even when their views were not his own. The ability to do that is truly the mark of a truly great man.

It is also the mark of a great man that RON is respected by all men and women, as I said before, on both sides of the aisle. I can assure my colleagues that he won their respect the old fashioned way: He earned it.

Throughout the year when I went through my chemotherapy, Mr. DELLUMS would call me or my staff to see how I was doing and let me know that I was on his mind and his heart. Believe me, it meant a lot to know that every time RON saw my staff, his first concern was about me.

Now, having been here 16 years, there are a lot of stories that I could tell about RON DELLUMS. But RON, you will be thankful to know that I will not tell them. But there is one story that does a pretty good job of explaining how I feel about you.

Several years ago, when RON was still chairman of the Subcommittee on Procurement of the House Committee on National Security, we were in markup, and we were debating something, and I do not even remember what it was. It obviously was not aircraft carriers, because uncharacteristically for me, I had not said anything. So when you looked in my direction, I started putting in my 2 cents, because I thought you wanted me to. When you cut me off, I said I only started talking because you looked like you had expected me to say something. And you replied, Mr. SISISKY, I was not looking at you, I was looking at the brother behind you. And you were talking about my staff guy.

I later learned that when he saw you the next day, he told you that the next time you saw him, do not say the brother, say my brother. And that goes for me too. From the bottom of my heart, I wanted you to know what an honor it is for me to have known you and to call you my brother.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I have not had the opportunity to know RON DELLUMS as long as many others have. I have only been in Congress 10 years where many of the others have served with him as many as the 27 years that RON DELLUMS has been in the U.S. House of Representatives.

Congressman DELLUMS was born in 1935 in Oakland, CA. As a lot of my colleagues know also, he served in the Marine Corps from 1954 to 1956. He sure got a lot of formal education, and he was also a psychiatric social worker in California as well, and I am sure that helped him a lot serving in the U.S. House of Representatives.

He was elected to the Berkeley City Council, but then, in 1970 he had the opportunity to run for the U.S. Congress and defeated an incumbent who had been here for a number of years.

RON DELLUMS is a special kind of person because he really meets people extremely well, and as I have heard so many people say, he sure has changed a lot since he has been here as well. He is not the same person as he was when he was first elected to the U.S. House of Representatives and was sworn in in 1971. But we all mellow over the years, but what RON DELLUMS has done, from talking to others and watching and observing myself, he really listens to what one has to say. He really cares about what one has to say.

I will never forget when he had the opportunity to move up as chairman of the Committee on National Security, which is now chairman of the Committee on National Security, and a lot of people wondered, what kind of chairman would he be? Should I support him, or not? But he had made so many friends over the years, even though some of them may have differed with him on various issues. But one can have a difference of opinion without having a difference of principle, and that is why it was really unanimous, or almost unanimous, for him to be chairman of the Committee on National Security.

We remember his battles and his fights concerning South Africa and his fight for freedom and independence. We know of his friendship with Nelson Mandela and always standing by Nelson Mandela's side. I have also heard that his grooming sure has changed over the years too from bell bottoms to one of the most best dressed Members of the U.S. House of Representatives. He is a passionate leader of the old school, eloquent in his causes, and dignified in so many ways. He is intelligent, he is forceful, he is firm, he stands up for what he believes is right in the best interests of the Ninth Congressional District in California, the State of California, and the people of America.

The world has changed, RON DELLUMS has changed from cold war to the end of the cold war, from Vietnam to Bosnia, South Africa, and everything else he has done and what he has accomplished for the best interests of America and the best interests of the world, and for world peace, and to keep a strong national defense. Congratulations, Congressman RON DELLUMS.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from St. Louis (Mr. CLAY), my fellow Missourian.

Mr. CLAY. Mr. Speaker, Congressman RON DELLUMS has been one of the most effective and dynamic Members to serve in this Congress during the 27 years that he has been a Member. I was here when the young fellow came 27 years ago, so I know what he has meant to this body. He has been an inspiration both to his constituents and to his colleagues in his tremendous dedication to this body and to the people of the Ninth District of California. He has elevated both to new heights.

RON DELLUMS came to Congress as a young firebrand to champion causes deemed unpopular by those who opposed social justice and racial equality. He was an early leader in the battle for civil and human rights at home and abroad, a committed advocate for the homeless, the downtrodden and the dispossessed. DELLUMS was an outspoken supporter of protecting the environment before much of our Nation even recognized the need for better environmental protection laws. He has been an eloquent and distinguished voice on behalf of millions of neglected men and women in developing nations around the world.

In 1970, DELLUMS came to Congress as an anti-Vietnam war peacenik with a vision of a better future for our Nation. In those days, no one imagined that he would one day emerge as chairman of the powerful House Committee on National Security. But his keen mind and sharp intellect allowed him to perceive things and events that were not yet to come.

DELLUMS is a visionary who recognized early in his career that in order to be effective in dismantling the military-industrial complex and in redirecting the vast resources of Government, he had to develop an intrinsic understanding of how the whole system truly functioned.

When he was asked why he joined the Committee on National Security, RON DELLUMS said, and I quote, "I did not join the Committee on National Security to learn about missiles, planes, and ships. I joined because I knew I would need to become an expert in this field in order to argue successfully for military spending reductions that would free up resources for the desperate human needs that I see every day in my community."

So RON DELLUMS became an expert. Then he led the battles to free up resources for human needs, and soon the wind was at his back and his community and the Nation reaped the fruits of his labors.

Mr. Speaker, on the surface, DELLUMS is suave and debonair and charming, dynamic, intelligence, dapper, eloquent, urbane, hip and cool, but beneath the surface, DELLUMS is much more. He is heartfelt sincerity, utterly committed to serving the cause of justice and determined to eradicate racism and sexism. Congressman DELLUMS will forever rank among the finest and most effective Members that have ever served in this body. He is a man of grace and integrity. I am proud to have served in this body with RON DELLUMS and proud to call him my friend.

Mr. SKELTON. I thank the gentleman from Missouri. I yield to the delegate from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, it has truly been a privilege and an honor to serve for even this brief time with a gentleman of the caliber of Congressman RON DELLUMS. This weekend the Congressional Black Caucus joined in a dinner tribute to Congressman DELLUMS and the legacy he will be leaving not only to our caucus, but to the entire Congress of the United States.

As I join my colleagues in toasting this great leader and public servant, I, as a new Member, reminisced about the few times that we were able to spend time together and thanked him for the lessons that are inherent in the story of his life and time in politics, lessons of courage, of character, of principle, of integrity, and of unswerving commitment and service.

RON, I would be sad at your leaving the House at this time, except that you have given us so very much and enriched our lives and the work of this House so greatly that your presence and your impact will remain with us for many years in Congresses to come. We also take comfort in knowing with a certainty that in leaving you would never abandon the causes to which you have devoted all of your life, but that wherever you go and whatever you do, you will always be our strong, active and dedicated partner in the yet unfinished work of bringing justice and peace to our country and to the world.

So it is with great pleasure that I join all of my colleagues in saying a heartfelt thank you. We also thank your constituents who sent you here to represent them and us these 28 years, and the family who so graciously shared you with us and this country. And we ask for God's continued blessings on you and on them, and may God go with you, my brother.

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Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), who is also a member of the Committee on National Security.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding.

I am going to divert a little bit from the course. Everyone has spoken at great length of RON's social commitment to our Nation, but I think very few realize how much he has done for the defense of our Nation, and I do not think he ever got the credit that he deserves for that. For the 2 years that the gentleman was Chairman of the Committee on Armed Services, I want the people to what know he has done.

I happen to come from shipbuilding country. It is the major employer where I live. Our country was once a great maritime power and, up until 1980, we were building about 100 commercial ships a year.

One of the ironies of the Reagan years that most people do not realize is, while the defense structure of our Nation went up incredibly during those years and we were building many warships, we went from building 100 commercial ships a year to none by the time President Reagan left office.

The year that RON DELLUMS assumed the chairmanship of the House Committee on Armed Services, this great Nation built fewer merchant ships than the Nation of Vietnam. They built one.

One of the legacies that RON will always carry with him is that, working with his committee, he spearheaded the effort and made it possible for the National Shipbuilding Initiative to become law, for our Nation to take the first steps toward becoming a maritime power again.

The loan guarantee program that the gentleman from California allowed to become law and that he spoke so eloquently for started the first Federal loan guarantees of U.S.-built commercial ocean-going ships since 1980.

Since that date, because of his actions, because of his forceful commitment, the loan portfolio now stands at $2 billion and 260 vessels have either been built or being built. This is a Nation that on the day RON DELLUMS took over the committee was not building one. That is $1.1 billion for U.S. flag vessels; $670 million of vessels that are being built by Americans to be exported; and $130 million for something that the gentleman personally worked to include and that is the modernization of our shipyards so that we could remain competitive with our counterparts around the world.

Specifically, there are 17 commercial ocean-going vessels that have been built as a result of RON DELLUMS' good work. Fifteen of them are double-hulled tankers, so that in the future, if a ship hits a rock or hits another vessel and is carrying oil or chemicals, the chances are nine out of ten that it will not leak into the oceans or the rivers of the worlds.

Ships are being built in the district of the gentleman from Virginia (Mr. SISISKY) at Newport News. They are being built in the district of the gentleman from Alabama (Mr. CALLAHAN). They are being built in, of all places, the home State of F. Edward Hebert, the State of Louisiana. I think Mr. Hebert would certainly want to apologize for some of the shabby treatment that RON got early on in his career, but he was magnanimous to take care of those folks when he had the chance.

Two passenger ferries, five shipyards are being modernized, and one shipyard is being reopened as a result of that. There are approximately 200 liquid, dry cargo, and power barges that have been built as a result of this.

At this present time, there are 20 applications totaling $1.2 billion on file, again, for a Nation that was building no commercial ships on the day RON DELLUMS took over.

But it is not just that. I think in his life and in what he preaches, he believes in peace through strength. I think the best way we would agree to prevent a war is to be so strong that no one wants to go to war with us.

In the 2 years that RON DELLUMS was Chairman, 13 Navy combatants were authorized, including six DDGs Aegis class destroyers, the finest in the world; one LHD; one aircraft carrier; two Navy oceanographic vessels to search the seas for places to hide our submarines and places for the enemy to hide theirs; two support ships; and one mine warfare ship. Because it became so apparently clear during the Gulf War how vulnerable this Nation was and how the world's traffic lanes for ships were vulnerable to the use of mine warfare.

So in addition to all the good things that the gentleman has done from the heart, I think this is something that he did to strengthen our Nation and prevent the next generations from having to go to war and, above all, to put Americans like my family and his family, the people from Oakland and the people from South Mississippi, to give them the chance to make things here in this Nation, things that are important for what the gentleman once described as an "island Nation."

Mr. Speaker, I say to RON DELLUMS, "God bless you and thank you for what you have done."

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Missouri (Mr. SKELTON) for giving me this time and also thank the Speaker for giving me time to give some privilege to one of the finest men I have ever met and one of the finest Congresspersons we will ever know.

This man brings dignity to the word Congressman. He brings grace. He brings poise. He brings intellect, which is so direly needed here in Congress. He brings that.

As I have said many times, RON DELLUMS reminds me of a Shakespearian actor. His gait reminds me of it, his elegance, his articulation, his knowledge of the issues. RON DELLUMS is "A Man for All Seasons," and he has shown us that here in the Congress.

He is a man of peace who boldly, as Chairman of the powerful Committee on Armed Services, kept peace at the top of his agenda. He was able to make peace and armed services compatible to each other. And with that he set a pace, he set a model for this Congress.

Throughout his leadership, the fiery anti-war activist surprised his critics with his stewardship of the committee. He did what he was constitutionally prepared to do when he came into this Congress and that was to carry out the Constitution yet be very, very noble and dedicated to his constituents.

He was not just civil. He was courtly.

Many times, Mr. Speaker, I would come to the floor just to hear RON DELLUMS' speech. I did not really care what he said, but to hear him speak and the way he articulated, the way he stuck with the issues, the way he was able to debate the question and was able to get along with people who did not agree with him and to give them facts and carry those facts through.

Every Congressperson could learn something if they were to sit and listen to RON DELLUMS. He is always in command of the legislative details. He does not come here to fool anybody with buffoonery. He comes here with facts, fair and polite to witnesses and restrained in expressing his own views on defense policy. He managed floor debate on defense issues so efficiently, Mr. Speaker, that he won praise from many of his ardent critics.

During times of peace, RON DELLUMS has consistently advocated for a defense builddown, economic conversion planning, and efforts to retrain workers and to provide community impact aid during this period.

RON DELLUMS is a futurist. He has looked to the future while many of us were able to stay right with the past or to stay right in the future, he has gone forward into the future.

Not one with a hidden agenda, RON DELLUMS pretty much places things right on the line. If he did not agree with you, he would go into the crowd of 39 Members of the Congressional Black Caucus. He was the only one who had a different opinion, but he brought his opinion, and he openly discussed it, and he won many of us over.

Much of his thinking on the military is outlined in his book, Defense Sense: The Search for a Rational Military Policy. That brings out the scholarly acumen of RON DELLUMS, how he is able to convert his ideas and to put them on paper.

The other scholarly aspect of RON DELLUMS is his intellect in articulating what he feels. He is an intellectual. He is an idea man. He loves ideas, and he loves to debate them. That is RON DELLUMS.

Mr. Speaker, I will not talk any longer, but my colleagues should know what I know about what he did for South Africa when he helped America to understand about South Africa and how he was able throughout his career to be a man of peace.

Mr. Speaker, I say to the gentleman from California, "RON, you go and you leave us with a legacy. That is a legacy of peace, that is a legacy of understanding, and that is a legacy of intellectual acumen."

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON).

The gentleman from Missouri and the gentleman from California (Mr. DELLUMS) and I, we shared three offices in a corner of the Rayburn Building for 10 years. And I know that the gentleman from Missouri felt ideologically isolated for most of those 10 years in between the two offices of MARKEY and DELLUMS. But, without question, the atmosphere of collegiality and conversation was one where both IKE SKELTON and ED MARKEY could agree that for 28 years RON DELLUMS has been the conscience of Congress on peace and arms control issues for this country and for this globe.

He fought the neutron bomb during the Carter administration. He fought the B–1 bomber during the Carter and the Reagan administrations. He fought the MX missle throughout the Reagan administration. He fought the Trident II–D–5 missiles throughout the Reagan administration. He fought the B–2 bomber through the Reagan, the Bush, and the Clinton administrations. And he has also been one of the leaders in pushing for a negotiated arms control agreement.

He was one of the prime leaders of the nuclear freeze movement, fought for a comprehensive test ban, fought for a ban on antisatellite weapons. He opposed the efforts to abrogate the ABM treaty to exceed the SALT II limits.

And then in what I believe is his most famous speech here on the floor, his famous "Litany of Lunacy" speech, discussing in eye-watering detail each one of the increasingly more stupid basing modes that were designed for the MX Missile, dense pack, rail mobile, small underwater missiles, and point defense ABM deployment, each one of them devastated by the DELLUMS' knife to the heart.

Now, some people say, well, he was a gadfly in the early years, but he matured over time. Well, I do not think in his third year in Congress Richard Nixon put RON DELLUMS on his enemy's list because he was a gadfly. One has to be a lot more effective than that than to come to the President of the United States' attention on a little list he is keeping inside of his top drawer.

When he came out and said that we should put economic sanctions on South Africa, he was a gadfly. But of course the one thing that turned Nelson Mandela from a political prisoner into the President of a country was RON DELLUMS' efforts over 10 years as the gadfly, but then as a visionary as the world begins to accept his understanding of what had to happen in order to change the climate in this world.

When he became Chairman of the Subcommittee on Military Construction, all the members said, he is pretty reasonable on those issues. And when he became Chairman of the Subcommittee on Research and Development, they said he is pretty reasonable on those issues. And when he became chairman of the National Security Committee, everyone started to say he is pretty reasonable on those issues. But he never compromised his principles at any time.

Now, as far as I am concerned, one of the great things that is going to come out of this is that we will all remember RON DELLUMS as someone who, not only sounded good on every single issue that he ever spoke to on this floor, but never, ever looked as good as RON DELLUMS when he was out here on the floor.

This is a combination that is unique to RON DELLUMS of all of the Members that I have ever known in my 22 years in the United States Congress. For me, the most poetic, ultimate result of his career will be that, for eternity, his portrait will sit above the Chair in the National Security Committee, looking down at every chairman of every Joint Chiefs of Staff that will ever testify before the National Security Committee. And RON DELLUMS will be peering down at him asking him the question: Yes, sir, I understand your interest in every weapon system that has been put as a blueprint on the design board of the Pentagon, but have you considered all of the other needs of society? Have you balanced your request so that all of the other problems in our society can be dealt with as well?

RON DELLUMS, you are my friend. You are my hero here in Congress for my 22 years. I mourn your leaving, but I am glad for you because you have served our country as well and nobly as any man in your generation, and I thank you for it.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, when Members retire from this institution, many of us stand up out of politeness to pay our respects. Today is different. Today, all of the Members of the House speaking truly speak from their heart.

The world has changed much since a young RON DELLUMS came to this body. He came here when we were mired in the depths of the Vietnam war. Today the world is at peace. He came when school children were fearful of being bombed by nuclear weapons from the Soviet Union because of the Cold War. Today they no longer have that fear, and the world is at nuclear peace.

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He came when Nelson Mandela was a prisoner and now he is a President. And in all of those steps of progress of history is the footprint of RON DELLUMS. He has made a difference for our country, and he has made a difference for our world. And as we sit here and listen to the great accomplishments of RON DELLUMS, I must say as his friend that we respect him because of what he has accomplished. We respect him for what he has done. But truly, we love him because of his deep personal character. Winston Churchill once said that we make a living by what we get; we make a life by what we give. Based on what he has given both in making a difference and in his personal character, RON DELLUMS has led a great and productive life.

Mr. Speaker, when I think of RON DELLUMS, I think of four words. Dignity is the first, perhaps his lasting legacy to this institution. Always speaking from the heart when he came to this floor, always dealing with the indignities he once had to face as a new Member having to share a seat on the Committee on Armed Services, facing that with great dignity to the point that he rose to become the chairman of that very same committee.

I think of fairness when I think of RON DELLUMS, someone who respected the will of this House, was willing to listen to all Members from different points of view and from both parties, and in letting every Member of this House have his or her say.

I think of the word "caring." As one who represents over 43,000 Army soldiers, I want to express my thanks to RON DELLUMS for helping protect the impact aid program which sees that if our military families are off fighting in a war thousands of miles away from their homes, at least they can do so knowing that their children will get a first class education back home.

Despite the fact of his fairness, for which we all respect, let no one mistake the fact that RON DELLUMS has been effective. Listen to the stories that have already been told. Talk to two of the greatest leaders, great defenders of the B–2 program. I think it says a lot that the most effective fighters in favor of the B–2, the gentleman from Washington (Mr. DICKS) and the gentleman from Missouri (Mr. SKELTON), are here on this floor to pay their respects to the man who literally led the fight against that major defense program.

Fortunately our Founding Fathers were wise enough to design an institution that is bigger than any one of us. This institution will go on when RON DELLUMS retires. But, Mr. Speaker, I know I speak for all of us when I say that this institution will be less because of his retirement but more because of his service and his lasting legacy of dignity to this great body and to this country.

We salute you and wish you well, our friend, RON DELLUMS.

Mr. SPRATT. Mr. Speaker, if the gentleman will continue to yield, Mr. DICKS is out here to argue with DELLUMS about the B–2. He has not buried that axe yet.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of this House.

Mr. GEPHARDT. Mr. Speaker, this is a very, very important time to tell one of our departing Members how much we think of him, respect him, care about him and recognize the tremendous contribution that he has made to the House of Representatives, to his district, to his constituents, to the country of the United States, and finally I would say to the world, which can be said about very few of us who come through this place.

There is a whole list of things I could say, many of them have been said. I would like to repeat all of them, but I do not want to do that because it is not necessary. RON DELLUMS has excelled in so many ways in the years that he has been here. There are two things I want to bring out about him that I think are maybe the most important.

All of us come here to make a difference. It is the only reason to be here, it is the only reason to take on public service. Public service is hard work. It takes from your family, takes from your private time, and the reason to do this is to make a difference.

RON DELLUMS, you have made a difference in many, many ways, but I want to pick out two that I think are the most important.

First you made a difference in the way you have conducted yourself in the House in terms of getting all of us to remember and understand that even though we come here with deeply held beliefs and views, the most important thing we have to do here is to be able to reconcile those views with one another, to resolve conflict. That is the great achievement of the Congress is that with all the views that come here from all over the country, from all kinds of backgrounds, from all kinds of States and places, here in this hallowed room we resolve the conflict. You have been chairman and now ranking member of one of the most important committees in the House, the Committee on Armed Services, the defense function, which is our first commitment to our constituents. And you, in probably the best way it has ever been done, resolved the conflict in that committee.

Let me read what the Almanac of American Politics says about RON DELLUMS: His performance is a fine example of how a chairman can preside fairly and with dignity while conscientiously disagreeing with the views of his colleagues even when different from his own.

That is high praise, and it is well deserved. Every member of that committee would say, you are the best that has ever been in the leadership of that committee because you fairly resolved the conflict on a minute-by-minute, day-by-day, year-by-year basis.

The second example of achievement in making a difference is South Africa. I remember, I was here in the early 1980s when RON DELLUMS came onto this floor and argued to us and to the world that America should stand for certain values of freedom and human rights, and all of the opponents of that position came out and said, well, he may be right on the values, but no one will follow. Other countries will not follow our lead. Then others said, we will lose business because we will lose contracts in South Africa. And finally people argued, well, it will hurt the good people of South Africa, you will be hurting the very people you are trying to help.

And RON DELLUMS kept coming back on this floor repeatedly after he had lost over and over and over again. He kept saying what in his heart he felt was right for the people of South Africa, the people of America and the people of the world. And finally, we overrode a veto. The first time Ronald Reagan as President was overridden with a veto was on that bill authored by RON DELLUMS, and we changed the policy of the United States.

And a few months after that I am looking at the TV on a Sunday morning, and here they are looking at a field in South Africa, and out of prison came Nelson Mandela. Tears streamed down your face as you saw the fulfillment of the commitment of RON DELLUMS to the values and morals that this country was founded on. He understood that in the Declaration of Independence, when it said, these inalienable rights, that they were universal rights and human rights across the world, not just for the United States. And because RON DELLUMS, you stood for those inalienable universal human rights, Nelson Mandela today is the President of South Africa. And those rights have been held up once again by America as inalienable, universal human rights.

Mr. DELLUMS, you made a difference, you made a big difference, not only in this Chamber and in this body and in this country, but in the world. Few of us, if any of us, can say that. We are going to miss you. You are leaving at a time in your life when you can go on and do great things in other places. We wish you well, and we are here to support you and help you in any way we can. God bless you.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to compliment the minority leader, DICK GEPHARDT, who has been our majority leader and caucus chairman, for an outstanding speech. I came over here today because I have had the privilege of working with RON DELLUMS for 22 years. We have had days when we have been allies, when we have fought against the antisatellite weapon and against Star Wars, and we had a different airlifter than maybe the one that the Pentagon wanted, and there was never a better man to be an ally with. And we have had days over here, as someone has mentioned, where we disagreed on a few issues.

But the thing that I appreciated about RON DELLUMS, and I think that it is something that we have gotten away from in the House, is that he is always willing to stand up here on the floor and engage in true debate on the issues and to have a discussion and to challenge your ideas, but he is always willing to let you challenge his, and out of that I think comes an understanding of these technical issues that we are forced to deal with in the area of national defense.

I can tell my colleagues, when people talk about fairness, even though Mr. DELLUMS and I would disagree on certain issues but we would be allies on others, when you needed a friend, and in this Congress you have to go home and get reelected, and one time I had a terrible problem and that was on the Nisqually River. We wanted to build a fish hatchery for salmon, which now has become an endangered species in the Northwest. I went to Chairman DELLUMS and I said to him, the best place to have this fish hatchery is on a piece of Army land. And he said to me, what do you want to do about this? I said, the Army will not let us have the piece of land, but they have suggested that if you can get Mr. DELLUMS to put it in the military construction authorization bill, that we will transfer the land to the Nisqually Indians. And so DELLUMS, as he could synthesize this, said to me, are you telling me that you want me to take this land away from the Army and give it to the Indians? And I said, yes. And he said, right on, brother. And I will tell you, that was the fastest transfer we ever got.

And there are other issues where we worked together on a school district and a whole bunch of other things. But as the gentleman from Missouri (Mr. GEPHARDT) mentioned, I think all of us will remember the fight over South Africa and also the great debates that we had during the Cold War era of whether we are going to maintain arms control, whether we are going to make certain that we did not breach the ABM agreement. We did not override the SALT II limits, all those things we were allies.

And I will just tell you this: There are a lot of people over at the Pentagon, a lot of people in the industry who were very fearful when Mr. DELLUMS became chairman of the Committee on Armed Services. But we never had a fairer, better chairman. Even though sometimes he did not even vote for his own bill, he brought it to the floor, let everybody debate it, passed it and got it done, got the work done. And most importantly, in another era where he is sometimes forgotten, is that when he had to go sit down with the United States Senate, he did well on behalf of the House of Representatives.

So even though we have had our disputes, I am going to miss RON DELLUMS because I am not going to know who to debate anymore. Where is the challenge going to be? Who is going to be the leader on the more liberal side of our caucus?

But I have admired him. I admire his commitment to his constituency, to his family and just not a better man to work with and serve with. I am proud of the fact that we have been friends and we will be friends in the future, and we will work together on important issues, I am sure, when you come back to the Congress from time to time to see your old friends. God bless and good luck and we appreciate your great service to this institution.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, we all know that RON DELLUMS was the first African-American member of the House Committee on National Security.

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I came in the 103rd Congress, when he was chairman, and I can testify that in those two years not one single Democrat, not one single Republican ever criticized him.

It has been said repeatedly today that he was without question one of the fairest chairs this House has ever had. And all I can say for some chairs—we do not have too many of those old autocrats any more—but all of us could take a lesson from RON as to how to conduct a meeting. He was fair. Everybody had their say.

He was much like Phil Hart, who chaired Senate Judiciary: The Southerners had their say, the Northerners had their say. And his colleagues in the Senate named a building after him. RON, all the buildings seem to be gone, but you never know around here, you might get one named after you yet.

In modern times we all know that he was one of the few who chaired two full committees in this House, the other being the District of Columbia. He also continued his cause for civil and human rights that he has been committed to all his life, and he still did that as a Member of Congress and as a chair, as has been noted with the South African situation.

It is his personal dealings with individual Members that I think all of us remember; that he treated our requests with respect, and he did the best he could do about those requests. He was a very accommodating chair.

But I think what has not been mentioned since I walked onto the floor is he has a tremendous sense of humor. And I think my favorite RON DELLUMS story is when he participated in his first conference with, we shall say euphemistically, the other body. And he sat there with great interest, and across from him was one Member of the other body. On his side of the table, there were about 30 Members of the House. And there was a staff member that was next to the Member from the other body. After the Senator across the table had said a few paragraphs, the staff member took over the meeting. Everybody on the House side was used to it, RON was not. He and each of his colleagues were prepared to discuss each section of the bill with representatives of the other body. The Senate staff member kept on. Finally RON just let out a big yawn. Since he is rather tall, and has a commanding presence, when RON says something you turn around and listen. Someone said, "What's the matter, RON?" There was a pause and RON replied, "Well, I am just wondering, if I die and I am going to be reincarnated, what would I like to be? And there was a longer pause. And he mused: "I think I would like to be a Senate staff member."

That comment broke up the tension of the meeting. We all regret RON DELLUMS' decision to retire. Of course, he has a great sense of humor. But more important, he is a compassionate man. He has been an effective legislator. He is truly a beloved colleague of Members on both sides of the aisle. RON, I thank you for all you have done for America and human rights in the world, and not simply for the free state of Berkeley, California.

But you are a great colleague, RON. We are all glad to have you as a friend.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding to me. I rise to pay tribute to my good friend and colleague, Congressman RON DELLUMS. Like many of my colleagues, I was saddened to learn that RON was leaving us, especially when I realized that he was leaving us so soon.

I want everyone to know that I respect RON and that I consider him a pioneer, I consider him a mentor and I consider him a friend. I consider RON DELLUMS a pioneer because he came to this House as a Representative at a time when there were very few minorities in Congress.

He led the way for African-Americans, he pioneered the way for women, for Hispanics and other minorities. He did not shy away from issues of importance to these groups and others. He boldly stood on this floor and in the committee and passionately debated matters of grave concern to this Nation and to the world. In so doing, he raised issues that others would rather ignore; but he knew that they must be brought and discussed here in this body.

I consider RON DELLUMS a mentor because from the day I joined the House Committee on National Security he always was available to answer any questions and provide guidance to those of us that were new to the committee. He was quick to share his expertise and to mentor new Members. For that I really appreciate your friendship.

RON DELLUMS took time to bring the freshmen members of the committee together on many different occasions about many different issues, and he shared his knowledge of the process, of the experience, and he took time to guide us through a very nasty mine field of the authorization process, and we really appreciate that, RON.

I consider RON DELLUMS a friend, first and foremost, because I could always come to him to ask advice. I could always count on him for lending some sort of rationalization and levity to sometimes a cantankerous atmosphere.

I think that, RON, you, more than other Members of this institution, realize that you have always been an integral and an important part of a process that is as real and vital as America itself. I want to wish you all the best and know that in the next chapter of your life you will continue to make a significant impact on the lives of many others.

I want to end by telling you, my good friend, vaya con Dios, mi amigo, mi hermano, go with God, my friend and my brother. God bless.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I have prepared remarks, as so many do, but I have much more in my heart that is not written down in these prepared remarks, and so I will include them.

They talk about my sadness in hearing of RON's decision to retire. Not sadness for him, because for him it is the right thing to do at this time, but sadness for his colleagues and his friends, his brothers, as my colleague who previously spoke enunciated; sadness for the people of California and of Berkeley and of his district; sadness for this institution.

RON DELLUMS is a tall man. He is a stately man. The Washingtonian called him one of the best dressed men in Washington. He is indeed one of the best dressed men in this country. But those are superficial distinctions, because the measure of the man that we know as RON DELLUMS is not on the outside, it is on the inside. A man of great conviction, which he couples with great courage, which he applies to deeply held principles as he debates the issues of the day and, indeed, of the centuries. RON DELLUMS is a man of purpose, a man of humor, and a man of serious resolution. RON DELLUMS is a man who has demonstrated the best there is in this body.

Many of us will rise and say from time to time we disagreed with RON DELLUMS and, very frankly, we could say that about any person in this House, because never do we always agree with everybody else. But there was never, ever a disagreement that RON DELLUMS was one of the most respected, if not the most respected person in this body. And when he rose to speak, people listened, not because they were convinced they would agree but because they were convinced that they would learn and they would hear the best side of the argument.

We are all very sad, RON, that you are leaving this body. It will be a lesser body for your leaving. We will be less happy for your absence, but we will be eternally grateful to God that he gave you to us to enrich our lives, enrich our intellects, and expand our knowledge.

RON DELLUMS tells a story about being a Negro when he tried to join the Marines. And he joined the Marines and was considered to be an officer. And because they found he was a Negro, not an African-American, not a black, but a Negro, he was not admitted to OCS. How ironic that he would rise to be the chairman of the Committee on Armed Services of the House of Representatives, one of the most powerful representatives of the defense establishment in America.

And the great thing about RON DELLUMS is he looks back on that without rancor, without anger, but with a conviction that America has changed, and

America has changed for the better. It has done so in part because of the leadership of our friend and our colleague, a great American, a great Member of Congress, and a great member of humankind.

Thank you, RON, for all you have given and all you have meant to all of us.

Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Congressman RON DELLUMS of California. It is with great sadness that I note that RON will be retiring from the 105th Congress, after serving in this body for 27 years.

RON brought a tremendous amount of insight to his work in Congress. Having once worked as a social worker he ran for the Berkeley city council in 1967, starting his political career. In 1970, he beat a Democratic incumbent to win a seat in Congress.

Times were turbulent when RON entered Congress, particularly in his home town of Berkeley, California. He immediately sought and won a seat on the Armed Services Committee, where he became a leader in helping to craft American military and foreign policy and advocated for an end to the Vietnam war.

RON used his seat on Armed Forces to push for arms reductions, peaceful resolution of international conflict and for alternatives to the use of military force.

Representing Berkeley and Oakland, California, RON used his position on Armed Forces to advocate for funding of social programs to invigorate and renew these two cities. He pushed for money to be spent on the poor and uneducated and gave voice to those in society who often do not have a voice in government.

In 1993, he became chairman of the Armed Service Committee. His chairmanship is remembered as being very even handed with a strong respect for the input of all committee members. As chairman on the committee, and continuing this Congress through his role as the ranking member, RON has consistently examined the military's role in the post cold-war era, while advocating for stronger rules on sexual harassment and discrimination in America's Armed Forces.

While he and I have sometimes differed on our national security goals, RON has always taken the views of other Members into his consideration. This sense of fairness and respect for this institution is what will be missed.

Along with identifying himself as a progressive expert in military affairs, RON has been a consistent champion of civil rights and equal rights for all Americans. In 1971, as a freshman Member, RON first proposed sanctions against South Africa. Throughout a bitter battle in the 70's and 80's these sanctions were finally passed in 1986. Through his dedication and leadership, Congress imposed sanctions on the apartheid government of South Africa, which led to democracy and full party participation. The highlight of RON DELLUMS work on bringing this issue to the attention of Congress and the American people was when South African President Nelson Mandela addressed Congress. This day must have been one of RON's best days and fondest memory while serving in Congress.

I will miss my friend RON and the work we have done together. The institution of Congress is losing one of its finest Members, not to mention one of its best dressed according to Washingtonian Magazine. His tireless advocacy for the poor, and less fortunate will be missed by myself and many Members of this body.

I wish RON the best of luck and continuing success in all of his endeavors.

Mr. SPRATT. Mr. Speaker, I will now reclaim my time for a short time.

RON, we go back 15 years. A long time. When I came here in 1983, you had just reached the first plateau of power in the House. You had become a subcommittee chairman. It took you 12 years to rise up the seniority ladder, which tells us a lot about your doggedness, your determination and diligence. Even when you reached this point, you were not really at the pinnacle. You were the chairman of the Subcommittee on Facilities and Installations, better known as the MilCon subcommittee.

There was some rumbling in those days among the barons on the committee, the upper tier, about letting this gadfly have the reins of power, even this subcommittee, which was a subordinate subcommittee, because you were not cut from the same bolt as the rest of the committee. You did not always vote, rarely voted for the defense authorization bill, much less supported it on the floor. And they worried you might take the subcommittee chair and use it to roll the committee.

Of course, no one dared to breathe these concerns in the open. And it was a good thing, because in a few months time they were totally allayed. They were allayed because you took the chair of the subcommittee with the dignity that comes to you naturally, and you wielded that gavel with such civility that even your opponents came to praise you.

I was on the floor, I was on your subcommittee and on the floor when we brought the first military construction bill to the floor under your chairmanship, and I remember it as clearly as yesterday Members like Jack Edwards from Alabama and Sonny Montgomery from Mississippi rising one after the other, not just because they had been accommodated in the bill, but because they had been dealt with fairly and squarely and they felt this was an effective player, expressing their appreciation for the role you had taken.

I was always glad to go to your hearings. I was one of the loyal attendees at those hearings, partly because of the way you conducted them, but I found out that RON DELLUMS is a lot more than just good form. You chaired this subcommittee, which had a dull, unexciting jurisdiction, but had once been the subcommittee with the only annual authorizing authority in the Committee on Armed Services, because in those days, back in the late 50s, early 50s, base structure affected force structure. It was a critical determinant. So Members wanted to serve on this committee, and you still grasped the significance of that point.

You reoriented the committee away from just nickeling and diming the MilCon budget to using the MilCon budget as a fulcrum for asking lot bigger questions about what we were buying and why.

We have been lots of places together. We have landed in C–130s in South America that I would not even want to drive up to in a Land Rover. Aguacate. Why were they building this landing strip at Aguacate?

□ 1630

We would have found out. It was a CIA headquarters supporting the Contras.

Someone, I think it was in the Reagan administration, it might have been outside the administration, suggested that, with enough shovels, survival in a nuclear war would be no problem; civil defense was feasible. And you were, in classic style, indignant. You called this person before the committee to defend his position, and you presented a series of witnesses, the sort of whom we seldom saw on the Committee on Armed Services, Physicians for Social Responsibility.

The room was packed that day; and they came and gave dramatic, graphic evidence of what would happen in the event of a nuclear attack and how no hospital in America, even the hospitals in New York City, would be remotely equipped well enough to handle a nuclear attack, even a small nuclear attack.

Now others understood these arguments and they made them, but you drove them home relentlessly. So much so that, by the end of the Reagan years, even Ronald Reagan himself would say, nuclear war cannot be won and must never be fought. That was your contribution to this place.

Now a lot of folks may say, well, he came from Berkeley. It was easy. You did not have to go home in South Carolina and defend those positions or Texas, which was, I think, originally your native home. You went back to Berkeley, and those things were easy to defend in Berkeley.

But they missed an essential point about RON DELLUMS. I do not think the subject matter was of your natural bend. I think you could have spent 20 years here far more pleasantly following your own interest in manpower training or maybe even staying on the Committee on International Relations and pursuing questions of foreign affairs or dealing with human rights and civil rights and things that really did inspire you.

A lot of Members come here and serve effectively. But most of them come here, including myself, and we carry water for our own constituency. Those are the axes we grind.

The significance about your service and one of the examples that you set is that you came here and took up a topic that was really not something that was your natural bend. You stayed with it doggedly. You pursued it, and you never let go of it, and you made an enormous contribution by mastering the subject and being a fair and impartial critic.

Throughout the 1980s, we had heard ED MARKEY tell the story; and everybody here who lived through that period could come and give an anecdote about those different fights: the MX, not 1 year but 5 or 6 years; the B1; then the B2; the Persian II; SDI; Star Wars; and, of course, apartheid in South Africa and a number of other things.

You made an enormous contribution. You saved the country money. You swam against the stream at a time when a lot of people were criticizing you for the course you were taking, and I guess the happy irony is that you served long enough to see the stream actually turn in your direction.

I remember one time in the late 1980s or the early 1990s when the administration brought its budget to the House Armed Services Committee and you intercepted the Chairman and said, Mr. Chairman, you have to permit me this leeway so that I can say that this budget seeks less than I sought in the Black Caucus budget just 4 or 5 years ago.

That is how much things changed in your direction and how much I think you have indicated.

In the end, what you will be remembered for, what we remember you for is not the fight over the MX or the B-2 or any individual episode about that. I remember the trip we took to Central America. We were coming back and you told me why you were in politics, that you had come out of the Vietnam protest movement at Berkeley and Oakland, street fights in the City Council, vehement politics, and you had risen among these who were convinced there was no way to move the system, no way to change the establishment, and insisted against all the odds that rational discourse mattered, that if you were persistent enough and patient enough, that if you tried hard enough and were articulate and passionate and rational, discourse could make a difference. And you wanted to bring that to this institution and institutionalize it in the House of Representatives and American democracy.

That is what you will be remembered for because you succeeded. You succeeded because you were passionate, you were indignant, you were forceful, you could easily be raised to anger. But, in the end, you were rational, fair-minded and civil and a classy guy, all and all.

I am one of those who say, I am sad to see you are going. We fought some together and fought some against each other, but it has been a great battle along the way. But I know, serving on the committee, that more than any other Member, we will have an omnipresent reminder of RON DELLUMS.

There is a stunning portrait, almost an icon, of RON DELLUMS hanging in that room today; and it will hang there for a long time to come. Indeed, RON looked around the room not long after it was hung and said, "You know, this place is filling up. They are going to have to remove some of these portraits one of these days. But I do not think they are going to remove mine," he said with a wry smile, "because I am the only brother hanging on the wall."

We are not going to remove that. It is going to hang there as a message of a kind of gravatus that we all are called to when we deal with questions of war and peace, of the kind of high mission that we all should be about, not the bazaar where we were swapping off interest and brokering deals and things like this. These are questions of life and survival of war and peace, fundamental questions that are important that you constantly called us to the significance of.

That is the message that RON DELLUMS will leave in that room. To every witness who sits in that chair, to every Member who comes in the room, that portrait of you will be a call to conscience.

You taught us what democracy is about. You made this great institution, the Republic, work a lot better.

I am proud I have been your colleague, proud to have been your friend; and I say with a heavy heart that I hate to see you leave. But I will never forget the example that you left for me and all the rest of us.

Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, over the past 25 years, I have had the honor of working with RON DELLUMS in a number of capacities in the Foreign Affairs Committee, on the Postal and Civil Service Committee. I am confident that Members on both sides of the aisle are going to miss RON. We are going to miss his strong leadership and his presence here in the Congress on so many important issues.

He has served his constituents in the 9th District of California and all Americans well during his 27 years here in the Congress. It is a long time to be in public service.

The first African Member of the House Armed Services Committee, RON soon became chairman during the 103d Congress, where he stressed the basic principle of majority rule; and his colleagues on both sides of the aisle noted his evenhanded manner during committee meetings.

Known more for his opposition to excessive military spending, RON displayed a sense of fairness and integrity that not many of our Members possess. Being a leader for quality education, RON has helped to aid Americans from all backgrounds, races and creeds. His vision helped to develop the national movement known as the Rainbow Coalition.

During his years here in the Congress, I met many Members from all walks of life. However, RON DELLUMS stands in a class by himself. He is a true gentleman, the embodiment of integrity, fairness and compassion.

RON has been one of our most effective orators in this body, engaging in many historic debates, in defense of B2, aircraft carriers, Bosnia, South Africa, human rights, just to mention a few. While we may not have always agreed with RON's arguments, we have had the highest regard for him and the highest amount of respect.

RON, you have left your mark on this body. You have left your mark on our Nation. We are going to miss you. We wish you happiness and wealth and success in the years ahead. God bless.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding.

I think I would like to address my remarks to the RON DELLUMS who is known outside of this body. As a former peace activist, a person who ran a peace institute, RON DELLUMS was the shining home for us that there was somebody there who cared about peace, who stood for peace, who worked for peace. That was so important to those of us outside this body.

When I came to this body, the greatest honor that I have had in my few years here is that I served while RON DELLUMS was Chairman of the Armed Services Committee. I served on that committee. And he acted so fairly, with such honesty, that there was truly space in that committee for a peacenik like myself and the most hawkish other Member. He treated us all with respect and all with dignity.

But I want to tell a little thing about a personal insight that I think I may have on the impact of RON DELLUMS, an impact beyond this place.

I think we, as Members of Congress, we all think we are pretty well known. Well, we might be well known in our own district. Maybe some of us are known in our own district. But I had the great honor to travel with RON to South Africa for the great moment when Nelson Mandela, who he had helped free, became the president of South Africa. And I noticed there that little children who were around us would come up to RON. They knew him. They knew him not as a Congressman. They knew him as a man of peace who was a warrior for justice. And we all, all have to thank you, RON, for being that, the man of peace, the warrior for justice. Thank you.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I, too, join today with my colleagues in saluting a great American, a wonderful friend, a wonderful colleague. The United States Congress and the constituents of the 9th Congressional District in California will sorely miss you, RON.

One of my first days on this floor in the 104th Congress I had a chance to witness what I believe is one of the greatest orators of this chamber, and that was you. You inspired me that day. You delivered a speech that was so important in my life. And I think of the fights we have had since, not against each other but for common issue, and that was the B–2 bomber. And I learned so much. I learned so much.

I think the greatest thing we can do in this body is share knowledge and share opportunity with your colleagues to make this country a better place, and you have shared more than you can ever imagine with this young Member from Florida.

I have learned style. I have learned grace. I have learned about equality. I have learned about patience. I have learned that there is a time to speak and there is a time to listen.

You have taught me so much of those great lessons here. You have been able to reach out across the audience. You have been able to reach out across the aisle. You have been able to focus on some of America's greatest strengths and shore up some of our great weaknesses.

I believe you brought together people of all races, all ethnicities in the fight for a strong defense. But you also taught me that a strong defense does not mean just throwing money at the Pentagon and hoping it makes the right destination. When we joined together in the fight against excess spending and waste, it was not about shortchanging our men and women, it was about making certain that they, in fact, had more, that we treated them better, that we took care of their housing, that their families lived above the poverty level. But the only way to do that was making choices, difficult choices.

I know you did not come here to argue against this defense contractor or that or this weapon system or that. You came here to make a difference. And you have done that. You have continued us on a course of military strength but, more important, fiscal sanity.

I will miss deeply the debate when it arrives again for some of these important projects. There will be not one voice that can replace you, I can assure you. There will be no one in this Congress that can rise to your level of eloquence in debate nor, I believe, rise to your level of sincerity.

You have been a true patriot, a fine American, a role model for all children. I wish you well and Godspeed in your new career, and I wish your community its best in finding someone who will pick up the challenges, be as good to the constituents as you have been, be a role model that you have been and fill that big void that will be left by your departure.

I do wish you well, RON. You are a wonderful human being, and it has been my distinct pleasure and high honor to serve with you in this Congress.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STOKES).

□ 1645

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for taking out this special order in honor of our colleague, RON DELLUMS. For the last 27 years, the Ninth Congressional District of California has benefited from the leadership and dedication of one of America's finest lawmakers. RON'S retirement will bring to closure a distinguished record of public service for California and for the American people.

When RON DELLUMS was elected to Congress in 1970, he brought to Capitol Hill the determination to make a difference in the Vietnam War, in the war against poverty, in the social and economic injustice in this country. His previous service as a member of the Berkeley City Council helped prepare him for the task at hand. His advocacy for peace in a turbulent world caused his reputation to precede him in the Congress. RON DELLUMS came to Congress as a legend.

RON DELLUMS came into the Congressional Black Caucus at the moment he came into the Congress. We welcomed him in the Congressional Black Caucus.

I recall the battle that we undertook during his first term in order to secure a seat for RON on the Committee on Armed Services. There had never been an African American to serve on that committee, and the committee did not want RON DELLUMS. They rejected his application because he was too militant. They felt that they did not want him on that committee.

To the credit of the Congressional Black Caucus, we stood up for RON DELLUMS and demanded that he be given an opportunity to serve on that committee. Nothing could have made me prouder and other Members of the Congressional Black Caucus who were here at that time than the day we saw you become chairman of the committee on which they wanted to deny you a seat. As others have said here today, there is the pride all of us take for the great service you gave, with your picture hanging with dignity and distinction in that Committee on Armed Services room.

It was on this committee that the Nation began to take notice of this young, articulate legislator. It was RON DELLUMS who challenged the Congress to cut defense spending and invest in our children's future. He challenged the Nation to put families first, reminding us of the human needs that he saw in his congressional district and cities across America. He was a fearless advocate in opposition to what he often referred to as our insane military policy.

Mr. Speaker, others have mentioned RON DELLUMS' opportunity to sponsor legislation in this body that helped change the world. In 1971, he introduced legislation calling for the economic sanctions against South Africa in an effort to end that country's racist apartheid regime. RON DELLUMS utilized the halls of Congress to call our Nation to conscience. He led protests at the South African Embassy. He was vocal, and, most importantly, he never wavered. Fifteen years it took before the Congress passed his antiapartheid legislation over President Reagan's veto. When we welcomed Nelson Mandela to Capitol Hill upon his release from the South African prison, the first person he asked to see was RON DELLUMS.

All of us were proud when we went to South Africa and our delegation stood there in celebration of the inauguration of Nelson Mandela, whereas the speaker before me, the gentlewoman from the State of Oregon (Ms. FURSE), mentioned that RON DELLUMS was known by even little school children. RON DELLUMS' name until South Africa, to all of our pride, is a household word.

RON DELLUMS' service on the Committee on Armed Services, the Permanent Select Committee and the Post Office and Civil Service Committee earned him the respect and admiration of his colleagues on both sides of the aisle. I am also proud of RON'S leadership as the past chairman of the Congressional Black Caucus.

Mr. Speaker, as he departs this chamber, many of us can say that we shared a special relationship with RON DELLUMS. As I reflect upon our time in the United States Congress, I will always remember the very special personal friendship that RON and I shared in this body.

I will also remember, RON, your advocacy for health legislation, the RON DELLUMS comprehensive health legislation that you fought for for such a long period in this body. I will remember also you were the architect for many years of the Congressional Black Caucus budget. You saw that as a means of setting priorities for the Nation and for the Congress.

I will always remember your eloquence, how all of us took pride any time you walked in the well of the House, the eloquent way in which you debated anyone who was willing to take you on.

We will also always remember the Dellums amendments to military bills. You did not always win, but you always fought.

Mr. Speaker, we salute RON DELLUMS today for his tenacity, his courage, and his commitment. Few individuals leave this chamber with the type of legislative accomplishments which can be credited to RON DELLUMS. His leadership will be missed. I will miss him as a good friend, a treasured colleague, someone who has been a credit to his race, to his Nation, and in particular to the United States Congress in which he served with great distinction.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as I was listening to my colleagues, I thought what a special moment this is that we get to share with each other and how grateful I am to have this opportunity to share this moment with all of you.

RON, I think of you as a very beautiful man inside and out. I think of you as a great legislator, and I do not use that word advisedly, a great legislator, an outstanding chairman, and a true friend to so many. I think you have more friends in this place than any other Member of Congress.

I think of you as very gracious, highly intelligent, gentle, but very strong, and an absolute wonderful articulate spokesman for the causes you had every reason to believe so passionately in.

As I was listening, I realized I had never seen you fulfill a partisan role. When you spoke, I never thought you were speaking as a partisan.

RON, you helped bring out the very best in all of us, you help bring out the very best in this institution, and you don't even ever have to wonder if you have left your mark. You have left your mark with everyone here, with so many people around this country. You left a mark that cannot be replaced.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend and colleague, the gentleman from South Carolina (Mr. SPRATT), for calling this special order. I join him and all of my colleagues in paying tribute to an extraordinary Member of this House, the gentleman from California, RON DELLUMS.

He is my friend, he is my colleague, and he is my brother. I knew RON DELLUMS long before I came to Congress. I knew him as a progressive thinker and a rare, gifted political leader.

When I came to Congress in 1987, I sought out RON DELLUMS because of his steadfast commitment to principles. On all the big global issues, he is always leading the pack, serving as a compass for the right thing to do. As a supporter of disarmament, a crusader for social justice, and a defender of human rights, RON DELLUMS has been a sure and steady voice for investing in human needs, rather than the B-2 bomber.

As the chairman and the ranking member of the Committee on National Security, RON DELLUMS fought hard for a rational military policy, a policy that calls for reduction in the use of arms and the downsizing of military manpower and in the budget.

Through his hard work, he sought peace rather than war. Although he came to this body as a former marine, he must be looked upon today as a peaceful warrior, not only here in America, but around the world.

His record in Congress has followed a very old Biblical teaching: They shall beat their swords into plowshares, and their spears into pruning knives; nation shall not lift swords against nation, or even again be trained for war; and each man shall dwell under his own vine, under his own fig tree, undisturbed.

Some of the great lovers of peace are those who have known war. RON DELLUMS has known war and has courageously sought peace. He has sought to build a world community, a community at peace with itself.

RON DELLUMS, as I said before, is my colleague, our colleague, our friend, and my brother. We are more than lucky; we are truly blessed that he has brought honor to our country as a champion of peace.

RON, we are going to miss you. We are going to miss your clear and distinct voice. We are going to miss your ability and your capacity to speak about building a world community based on peace, rather than division. We are going to miss your warm and abiding spirit.

I told you this before. I must tell you again. I hate to see you go. You know, if I was out on the street, I would say it another way. I probably would say, brother, maybe I would say, you are one that I hate to see go.

Your contribution has been so great that your absence will leave us weakened and less determined. We need you and people like you in public service now more than ever before.

You have told this Congress, you have told the American people and nations around the world to lay down the tools and instruments of violence. Time and time again you have stood in this well and told us to redirect our resources toward human beings, those who need food to eat, those who need to learn, and those who need to have a livable wage.

I hope one day as a Nation and as a people we heed your call, and I hope that day is soon. God knows, your call for peace is the right thing to do.

As you leave us this week, I know you will go on with your life's work, and I know you will be welcomed home by your family and the people of California's Ninth District. And, as you leave, may your journey continue to be blessed. And I want to thank you for your gift of public service to this Nation and to this world. Thank you, RON DELLUMS. Thank you, RON DELLUMS, for being you. We respect you, we love you, and we will always admire you.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

□ 1700

Ms. KILPATRICK. As I sat here this afternoon, Mr. Speaker, and listened to my colleagues talk about Mr. RONALD DELLUMS, there really was not much I could add that has not already been said, but I thought I better come anyway, RON.

Over 20 years ago I was elected to the Michigan House of Representatives and it was during that time 20 years ago that I started watching RON DELLUMS from this well. Your integrity, your strength, your confidence, that you showed Americans around the world, when we are public servants and believe that this is the land of the free and the brave, that we can do anything and, inspired by God, that we are, and we must, represent.

So as I sat here today and listened to my colleagues talk about you and your strength and your dignity, what comes to mind, as I finally got here 20 years later to actually serve with you, I am honored to have had the opportunity. You really do not know how many people around this country know and feel that when you are on this floor and take this mike, we know it is going to be all right.

I want you to know that as you leave here this week, this Congressperson, as well as many of us in this Congress, as well as State legislatures, know that you are our role model, that in spite of the many difficulties that many of us feel and witness on a day-to-bay basis as elected officials that we truly can rise above the fray. Since I have been here you told me one day that your will, in addition to speaking out and representing, is so that men, particularly African-American men, can know that we have the strength and the integrity to build America, to offer hope for our families and our communities.

So as you leave here this week, my brother, your spirit lives in this House of Representatives, and as men and women who serve in this body, if we can have the strength and the determination that Mr. RON DELLUMS has shown by his actions, the world will be a better place. Your family is waiting for you and I know you will serve them well. As elected officials, we sometimes shorten our families. So you have to be there when you have to be there, but we are going to miss you.

I want you to know from the bottom of my heart as I serve in this Congress and as I served in the State legislature, your spirit, your integrity, and your strength has certainly made me a better woman. God bless you, my brother.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am very honored today to be able to rise and speak about my good friend, RON DELLUMS. I am pleased to be able to rise on behalf of my family who, if every member of my family who has ever worked with RON could be here standing in my place today, they would be doing so and a lot more eloquently than I am about to do. But nonetheless, if my eloquence has anything to do with it, it has definitely been because I have been listening to you, RON, for the last 3 years as my ranking member of the Committee on National Security. I think if anybody in this House thinks about you and how articulate you are, how educated and intellectual you are, and how principled you are; moreover, how principled you are, RON, they know that they have heard the best debates about where this country should go and where it has not gone the way it should be going from you over your many years in public service.

I have been fortunate to be able to come to know you in the 3 years I have been in the Congress and to be able to really consider one of the great opportunities I have had in this Congress to serve with the likes of yourself. A good friend of mine is a daughter of the late Al Lowenstein, and in the book about Al Lowenstein I saw that you were there campaigning for him as you were for the causes that he believed in stopping the Vietnam War and really fighting for peace and justice for all.

I think today I could go on and on as so many have about the many accomplishments you have had in this Congress, but I wanted to talk about one accomplishment that you had that I know will go down in the history of this country and of this Congress and which I think epitomizes your service in this legislature, in this body, and that is the singular effort that you made in Congress to change the course of this country's relationship to the government of South Africa, such that you could bring about the independence and apartheid by using your position in the United States Congress to raise the level of awareness in this country towards the racism and the dictatorial regime in South Africa and helped marshal support in this Congress to eventually see victory in the sanctions legislation. I think it epitomizes you as a man of courage, first for standing up for what was right and for what needed to be done. Despite a lack of popular support at the time, when you first came to the Congress, and in 1971 first introduced this legislation, you only did so with one other original cosponsor of the bill. Your strength is embodied in this effort, because you stuck with it. You knew the moral conviction that you had was right. Despite all the political pundits all aside, you stayed on this fight because it was the right fight, as you have done on every fight of conscience that you have faced in this Congress.

Finally, this fight showed you as a man of patience. We all know of your marathon quote of how it takes time to get legislation passed in this Congress, and once again, your fight very early on for the United States sanctions for apartheid was emblematic of your long struggle to see something through from beginning to end. Despite President Reagan's veto, you got the Congress to override his veto, and I know from my father, speaking to my father, he said you were the singular leader on that fight and has always spoken about your great leadership there.

I think that there is nothing that can make you feel more proud than to have seen Nelson Mandela come to be President of that great country and to know that you have had a hand in changing the lives of so many people in the world, not only as a Member of this United States Congress, but as a leader for the right principles, no matter where they are. Whether they are in your district, whether they are in my district, whether they are in the confines of the continental United States, or whether they are around the world, you have stood for the kinds of principles that we should all measure ourselves by, no matter what legislative body, because you stand for humanity, and humanity is the most basic principle of all. No matter who we are, where we come from, we all share the same humanity, and you have helped bring that back into perspective on every issue that you have ever tackled. RON, it has been a great honor for me to serve with you. I love you, and I wish you the best for your future.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I almost feel guilty taking this time to say something about my friend, RON DELLUMS. Just a night or so ago, I had the opportunity to introduce him, and I took 17 minutes in the introduction, and enjoyed every minute of it. I could not let this moment pass, despite the fact I took 17 minutes to introduce him and say a lot of things that I wanted to say about him. I want my friends out there in America, however, to know how I feel about RON DELLUMS.

RON DELLUMS is my friend, he is my colleague, and he is a man that I have admired for many, many years. I do not know exactly when I first came to know RON DELLUMS. It seems as if I have known him all my life. I do know that over 20 years ago, I was so moved by his courage and his commitment, so moved by what he stood for, I called his office and said, I want to do a fund-raiser for RON DELLUMS, because I heard that someone is going to attempt to oppose him. And so I remember the joy that I experienced putting that fund-raiser together. I did not go simply to our friends in the African-American community or in the civil rights community; I went to my friends in Beverly Hills and other places who were involved in the peace movement, and we had a wonderful venue and a wonderful home, and that gathering was like much of what I am seeing here today. It was a real rainbow gathering of the rich and the not-so-rich, of whites and blacks, Latinos, Asians, it was a mixture of people who represented America, people who too were attracted to RON DELLUMS, because of his commitment and his courage and what he had done for all of us. We were able to raise some money for RON DELLUMS, but my life came in contact with his after that time in so many different ways.

RON DELLUMS defended me on the floor of one of our State conventions where we were fighting to keep Mr. Ziggy Arrowitz off the delegation because of what he had done on the question of affirmative action and some other kinds of things.

RON DELLUMS and I have worked together in many ways. I was inspired by his 15 years of work trying to dismantle apartheid. I carried the counter bill in the State legislature, and we were able to prevail after RONALD DELLUMS was able to lead this country and this Nation to dismantle apartheid by way of sanctions. I sat with RON DELLUMS in South Africa at the inauguration of Nelson Mandela, and I watched his face as the leaders of the world paraded past us, and I watched his face when the military did the great formations in the airplanes that went above us, and I watched his face when Nelson Mandela took the podium. I know that RON DELLUMS could not help but feel proud of his contributions of the work that he had done on behalf of his constituents and this Nation.

I come today, along with people like the gentleman from California (Mr. CUNNINGHAM), who is sitting here on the floor, waiting to speak about RON DELLUMS. MAXINE WATERS on the left, Mr. CUNNINGHAM on the right, and those in the middle. What a testament to a man's work; what a testament to what he has been able to contribute.

This speaks more than any initiative the President could have about race and race relations. This speaks more than the President can ever talk about when he talks about his vision for peace, or any President, for that matter. This man has done it.

I would like to close with a quote from RON DELLUMS when he was asked in 1984 in a response to an invitation from Harper's to draft an acceptance speech as though he were the Democratic presidential nominee that year. He said a lot of things, but this is what I will always remember and what moves me. RON DELLUMS said,

> I offer a new agenda: An agenda for world peace and for a just and compassionate society here at home. It is an agenda that proposes a foreign policy of nonintervention and international cooperation, an agenda that redefines our legitimate national security interests as the defense of the United States, an agenda that rejects any attempts to control the internal affairs of other sovereign nations through economic extortion, political intimidation, or overt or covert force. True peace entails more than the absence of war. It requires an unceasing effort to eliminate militarism, racism, and social and economic injustice and to promote personal freedom and human dignity.

That really says it all.

Let me wrap it up by saying to those who used to say to RON DELLUMS: We want you to be President; we want you to be the Secretary of Defense. RON DELLUMS would simply say, I do not want to be the President, I do not want to be the Secretary of Defense; I want to be the Secretary of Peace, and I guess that says it all.

RON, we love you, we will never forget you. Most of us will always aspire to be like you, to have the integrity that you have shown, that you have demonstrated. Most of us would always want to be what you have shown us we could be and what we should be. We love you today and we will love you forever.

Mr. SPRATT. Mr. Speaker, I simply want to explain to everyone on the floor the situation we find ourselves in. We are down now to 5 minutes about, before 5:20, at which time the time belongs to the gentleman from Texas (Mr. DELAY). He has already delayed an hour. He will be here to claim the time at 5:20 for an hour. If he is not here, other Members can ask for recognition for 5 minutes until he arrives here, as I understand the procedure, but once he arrives, the procedure for today is over, and those who would like to make a statement will have to come tomorrow.

I have a list that I am not going to be able to accommodate in that period of time, but I would ask everybody whom we can reach in the next few minutes to speak as succinctly as possible.

The SPEAKER pro tempore (Mr. PEASE). The gentleman is correct with respect to the procedure in the absence of the gentleman from Texas. That is by of course unanimous consent.

The Chair also reminds all Members that for those who are unable to make their comments presently to the gentleman from California, there is general leave insertion where comments may be included in the RECORD.

☐ 1715

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, "His life was gentle and the elements so conspired in him as to cause all nature to stand up and say this was a man." Those are the words Shakespeare puts in his play to be spoken of Julius Caesar.

I was thinking of those words, and then our remarkably eloquent colleague spoke. I cannot match the gentlewoman from California (Ms. WATERS) in eloquence, but we know where the eloquence comes from: the combination of mind and heart. When those two come together, there is an eloquence that inspires even those less gifted, of whom I am one.

So, without apology, Mr. Speaker, I offer to all the House this tribute to RON:

You stood up to a President of the United States because you believed in the Constitution. You believed that the United States should not put men and women in harm's way without the approval of Congress. You had the courage to bring that lawsuit, RON. You stood up to Presidents of the United States more than once because you believed in the Constitution and you believed particularly in the war-making powers given by that Constitution to the people of this body.

Secondly and lastly, when I was out of office, RON remembered me. I ran for office in 1992 for another office. I lost. My wife works for the University of California at Berkeley. She needed some assistance. RON, you did not forget who I was.

That is the person as to whom all the elements shall stand up and say this is a man. You are that man. On my wife's behalf, I am grateful. On behalf of people of Oakland and Alameda and Berkeley, we are grateful.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, excuse me. I am out of breath. I just ran down from a meeting of the Committee on Rules, but I was afraid that I would not be here to pay my respects to someone that I would say is the man that I respect the most in this entire Chamber of 435 Members.

RON DELLUMS and I, 20 years ago, had many, many fights on this floor. We went at each other with every strength that we each had. But, over the years, this man has taught me a lesson; and that is if you are sincere, if you believe in your principles, that the other side would respect you.

RON, I am going to tell you something. On this side of the aisle, you are a man of integrity. You are a man of more sincerity than anyone else I know, and we are going to sorely miss you. You are a great Member and a great American, and I hope that you will always come back to visit us because you belong in this House. You are a great man; and I salute you, sir.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) very much for yielding. I do not think we have 3 minutes, so I will speak briefly and put the rest of my remarks in the RECORD.

The so-called Berkeley radical who became a Statesman, RON DELLUMS, deserves the time he has had on the floor and far many more hours that may be accorded before too long. But we are going to miss him, and we are going to miss him largely because he was a unique Member of this institution, a man of great complexity, a man of great contrast who grew in this job in a way that few can.

He started out as a social worker and became conversant with the complexities of SDI and all of the other issues and weapons systems that were the meat and potatoes of the Armed Services Committee. Here he is, a Marine Corps veteran who became, as the gentlewoman from Oregon (Ms. FURSE) said earlier, the symbol of the Peaceniks, the people who came here because they wanted to make a difference in the broadest sense of that term.

Here he is, a guy who is most proud of his race, but who never failed to reach out to anybody who differed from him; a man who is a proud African-American, but who studied his personal history and was proud of every element of his ancestry. Maybe, in that sense, the beginning of a new kind of multiracial American who made a real impact on Members across the political spectrum and certainly across all those other lines that sometimes divide us: race, ethnicity, religion.

I had the great privilege to travel with RON DELLUMS to Africa, to Zambia, to South Africa, to Namibia, not at a time when we could enjoy Nelson Mandela being sworn in but at a very difficult time when the Nationalist Party was moving toward accommodating the reality of the black majority in that nation.

RON DELLUMS was the right American to lead that delegation, just as he tried to lead the Congress to an overwhelming margin, enough to override a veto to bring together a consensus on this floor for a policy on South Africa.

Mr. Speaker, I simply have a lot more to say that I will say in the RECORD, but I want to indicate personally how much I appreciated the contribution he made and also how much I wish him and his family well. He is leaving now most appropriately not for us but for himself and for the people he loves the most and who need him; and for that we understand and offer you, in the knowledge that it is appropriate and timely, Godspeed.

It is with reservation that I rise today to try to put into words what the service of my friend RON DELLUMS has meant to this institution, this country and nation on behalf of his constituents, I say I have reservation only because of the difficult task inherent in speaking about one of the most eloquent speakers this chamber has ever known. It is his eloquence combined with his passion that has made RON DELLUMS the effective leader he has been.

Many, if not the majority, in the Chamber have disagreed at one time or another with RON DELLUMS. But who in this chamber could ever disagree with the way RON DELLUMS made his point? At its best, this is a house of civility and courtesy, and while many have forgotten this, RON DELLUMS constantly reminded us of this each and every time he was recognized on this floor. He truly perfected the art of disagreeing without being disagreeable.

RON DELLUMS had the pleasure of representing an East Bay constituency that demanded to be heard. They could not have found a better spokesman. And over time RON DELLUMS has become not only their spokesman, an advocate, but a statesman.

Like it or not, RON DELLUMS tells you how he feels. With this in mind, I will tell you how I feel. Thankful. Thankful for your passionate commitment, it is unparalleled. I can only hope that someone in this body can carry on your legacy, but they will never replace you because you're an original in your time. It is often said, you only take with you what you leave behind. Well RON, your legacy has never been in doubt. We are all better off because you chose to serve here. Thank you RON for all of your hard work and tireless effort on behalf of your colleagues, constituents, the State of California and your country and indeed the world.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from South Carolina for yielding. Had he not taken out this special order, there would have been 100 Members to come to the floor who would not have allowed RONALD DELLUMS to leave this Chamber without expressing their views.

Mr. Speaker, we have heard about the gentleman's extraordinary record of services on the Armed Services Committee, the Committee on National Security, about South Africa, about the Vietnam war, about civil rights, about helping people get out of poverty. But I am here to talk about a committee that RON DELLUMS chaired for 17 years, the Committee on the District of Columbia. I am here to speak for the people I represent in thanks and in great gratitude to RONALD DELLUMS.

His attitude toward the city and toward the Minority during the time he chaired the Committee on the District of Columbia was a virtual model for this body. Toward the minority, the gentleman from Virginia (Mr. BLILEY) will tell you there was collegial disputatiousness, always willing to join an issue, always as an officer and a gentleman joining an issue.

Let me tell my colleagues as toward this city, I look at it now as what surely must be its low point as it rises; and I remember that RON DELLUMS chaired the committee at its high point, perhaps second only to when the city got home rule. It was when he was chairman that we got a 40 percent increase of Federal payment to make up for years of no increase.

RON DELLUMS was no pushover. He believed in appropriate oversight. He had impeccable judgment about exactly what that meant, because RON DELLUMS was the ultimate democrat with a small D. RON was called to preside over people who had not elected him. He did so with grace in principle and with elegance.

Mr. Speaker, in the name of the 600,000 residents of the District of Columbia, Representative RONALD V. DELLUMS, I am here to thank you this afternoon.

Mrs. MINK of Hawaii. Mr. Speaker, it is a great honor for me to join my colleagues in this tribute to RONALD V. DELLUMS—an advocate for peace, justice and equity for all in this nation and throughout the entire world.

From humble beginnings, with a strong belief in equity and opportunity, RON built a life of helping others. RON often tells a story about a time when he was given a choice—a job or an education—and he choose an education, because of his strong belief that education was the equalizing factor in this country, and that with a good education one could advance not only themselves, but their ideas, their principles and their causes.

This is precisely what RON has accomplished throughout his life—advancing the causes of justice, equity, peace, of equal education and employment opportunities for the most disadvantaged and vulnerable in this nation. I have no doubt that as he leaves this House he will move his crusade forward and continue to do everything in his power to make this world a better place.

RON was not one to take the House Floor often, but when he did we all remembered it. We can all remember at least one occasion, when this body so embroiled by heated debate, with both sides raising their voices to make their points, was quieted by the impassioned and calm voice of RON DELLUMS. When RON spoke people listened—if they agreed, or disagreed with what he said—they listened. Throughout the entire history of this House there are few who can match the oratory skills of RON DELLUMS.

It was 27 years ago when RON came to the House. I remember that class of 1970 and the passionate voice of reason that he brought to the House in those troubled times. It was war, not only in Vietnam, but in the rhetorical battlefield at home. I have fought beside RON in many wars, not with weapons of destruction, but with the might of justice and peace on our side.

In those days it wasn't unusual for just 10 or a dozen Members to stand together on uncompromising principle, and make an unpopular vote. Often I'd look at the voting board knowing my name would be one of the few, and knowing I was in good company because RON DELLUMS' name was there too.

When I returned to the Congress, after a 14 year-break, one of the first key votes I had to take was on the authorization of the Persian Gulf War in 1991. So many things about that situation reminded me of our debates over Vietnam—one of which was the reasoned leadership of RON DELLUMS.

His efforts related to the Gulf War, including a lawsuit to preserve Congressional authority over the declaration of war, was born of the many struggles we faced in those tumultuous years of the early 1970s.

Over the years of his service, RON has marked a number of firsts. The first African-American to serve on the House National Security Committee (formerly Armed Forces Committee) and first African American to Chair the Committee.

A progressive member in support of reduced military spending, many had their doubts when RON became chair. But his integrity and character proved true. He accomplished the work of the Committee, in a fair manner, allowing the will of the Members to prevail. Of course it never stopped him from advocating his progressive agenda—offering amendments to reduce the B–2 or other weapons systems on the floor—but never using his position to an unfair way to push his agenda.

RON has done many great things during his tenure in the House many that have been mentioned today. One of the things I will always remember is the annual Black Caucus Budget. The establishment of this alternative budget which focused on the basic human needs of our country—health, nutrition, education, housing, etc. * * *—served as a document of conscience for our Nation. Today we are closer to the goals of that budget than we have been in decades. RON and his effort to craft those budgets each year, even in times of enormous deficits or when military might was more in vogue, always served to remind us of what was truly important in this country—the lives of our children and families, their health and education.

With all his responsibilities in the Armed Services Committee, with his many causes and crusades, RON was a man who listened. I appreciate RON because he listened to the people of Hawaii. When we sought to obtain $400 million from the Navy to clean-up the island of Kahoolawe, Rep. ABERCROMBIE and I went to RON DELLUMS and asked for his help. He understood the unique situation in which this island which had been used for bombing by the Navy for decades was not being returned to the Hawaiian people. He listened and understood as we explained the significance this island held for the Native Hawaiian people. It is a fact that without his help, the clean-up initiative now underway on Kahoolawe would not have happened. Hawaii owes a great debt of gratitude to RON, for helping us bring to resolution one of Hawaii's greatest dilemmas in recent years.

RON we will miss your passion, or levelheadedness, your understanding and compassion. But we know that you move on to take those genuine qualities and continue working on behalf of the people of this country. *Mahalo* and *Aloha* for your service to this House and to this country.

Ms. DELAURO. Mr. Speaker, I would like to thank Representative SKELTON and Representative SPRATT for giving us the opportunity to honor and bid farewell to our friend and colleague, Representative RON DELLUMS.

RON DELLUMS has set a tremendous example for all of us. Throughout his 27 years in Congress, he has always been a gentleman, something that requires true strength today. In the midst of all the battles here, he has always treated every person with the same high level of respect. For this he will always be honored.

In the more than a quarter of a century that RON DELLUMS has represented the 9th District of California, he has also remained true to himself and to his principles. This is sometimes even more difficult than always remaining a gentleman. Trained as a social worker, he has dedicated his life to serving others. He understands that our national security must rest on a solid domestic foundation. When our citizens are well fed, well housed, well educated, and there is justice for all, our Nation is secure.

His passion for ensuring security and justice for all Americans has formed the foundation of his leadership on so many fronts. As chair of the House Armed Services Committee and the ranking member of the House National Security Committee, which I had the honor to sit on with him, he worked to keep Congress focused on halting the nuclear arms race, and combating racial discrimination and sexual harassment in our military. He has led the fight to protect the civil rights of all Americans, and to achieve comprehensive healthcare throughout the country.

The House is losing a great leader. He leaves behind a high standard of respect and commitment that all of us should strive to reach. Only then might we begin to fill his shoes.

Mr. SPENCE. Mr. Speaker, the National Security Committee will meet tomorrow to officially honor and pay tribute to our friend and colleague RON DELLUMS. As public officials, we always honor somebody, somewhere, for heroic deeds. It is a sad statement on this job, however, that we tend not to honor our own frequently enough or well enough. So it is entirely appropriate that so many of our colleagues have come down to the floor to participate in this special order.

It is appropriate that we honor and thank our friend and colleague, RON DELLUMS, for his outstanding service during a long and distinguished career as a member of the Armed Services and National Security Committees and of the House.

I took special note of RON's eloquent words last week during the farewell ceremony in his honor hosted by Secretary of Defense Cohen—words I wish everyone could have heard. RON spoke to the inadequacy, at times like this, of words such as "thank you." I could not agree more. Simply saying thank you seems small and inadequate. Yet most of us know of no other way to recognize our feelings after more than 25 years, for us old-timers, of working with him.

Members who serve on the National Security Committee represent all regions of the country and cover the political and ideological spectrum. Yet, I believe that the committee consistently functions on a more bipartisan basis than any other committee in the House, and possibly the entire Congress. And there is no one I have served with over the many years who has done more to protect and promote the bipartisan nature of this committee's deliberations than RON DELLUMS. As I observed during the ceremony to unveil his portrait last September, regardless of the issue at hand, RON has always tried to ensure that the "idea" never got lost in the "politics." I believe that this is the truest testament to RON's integrity and his leadership.

Anyone who has worked with RON is aware of his talents and his accomplishments. I think it is also safe to say that anyone who has worked with or against RON, whichever the case might be, has come away from that experience having had to dig a little deeper and think a little harder. Of course, if you happen to be on the other side of the issue from RON, you also come away hoping next time you will be on the same side. While we are here to honor RON for the many years of dedicated service to his constituents and the Nation, many of us are here, I suspect, on a more personal level, in recognition of the influence he has had on our lives. I know he has had a great influence on mine.

Although RON's memory will be a strong presence in the National Security Committee for years to come, a presence which is also guaranteed by his impressive portrait that hangs over my shoulder, his day-to-day presence will be missed. I wish RON and his family the best in what I hope is a long, healthy, and productive retirement from public service.

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to our distinguished colleague, Congressman DELLUMS. The unwavering determination and fighting spirit of this political hero will be sorely missed when he leaves this body.

First elected to Congress in 1970 as an advocate for peace, Mr. DELLUMS remains as passionate and dedicated to his ideals today as he was almost three decades ago. Never one to shy away from the tough issues, RON has gained the respect of all those he has encountered because of the strength of his convictions, his commitment to democracy, and his ability to disengage from partisanship.

Congressman DELLUMS carries the distinguished honor of being the only Member to chair two standing committees. For seven Congresses he chaired the District of Columbia Committee and recently served as chairman of the Armed Services Committee, since renamed the National Security Committee. Currently, Mr. DELLUMS is the ranking Democratic Member to the National Security Committee.

Through his tenure on the National Security Committee, RON has become an expert on defense issues, an important resource for all those committed to peace. RON's contribution was fittingly recognized last week when Secretary of Defense William Cohen presented him with the Distinguished Public Service Medal, the military's highest civilian award. I was fortunate to attend that ceremony, an event made more momentous when you consider that when Congressman DELLUMS was first elected to this body he was an outspoken opponent of the Vietnam war.

Congressman DELLUMS' contributions to this House are legion. We will miss particularly his humble spirit, his tenacity, his eloquence and humor, and his unbending commitment to improving our country. I join with all of my colleagues in wishing our friend well as he moves on to his new challenge.

Mr. MCGOVERN. Mr. Speaker, I rise today to honor one of the truly great Members of this body and to regretfully wish him farewell—the Honorable RONALD V. DELLUMS of the 9th Congressional District of California.

When RON DELLUMS spoke on the floor of the House, people listened. He was always eloquent. Always well-reasoned. Always a passionate intellect.

When RON DELLUMS spoke out about the evils of apartheid in South Africa, at first it seemed his words fell on deaf ears. But no one can remain deaf to the power of his words and his reason. Over time, the Nation listened to RON DELLUMS and the Congress acted to impose sanctions against the apartheid government of South Africa. It would not have happened without RON DELLUMS.

He was among the first to hear the cries of the people from Central America, from Haiti, from Bosnia. He was often the voice of the voiceless on the floor of this House. And what a voice he brought to their struggles. The voice and acts of RON DELLUMS have saved lives around the world. And thousands are grateful for his advocacy, both here and abroad.

And when RON DELLUMS—whether in the National Security Committee or on the floor of the House—spoke about the need to examine truly the priorities and purpose of our military budget, everyone listened. It didn't matter where you stood on this debate. You listened. Because no one has researched, reflected upon, or debated alternatives to our current military planning more than RON DELLUMS. And his voice and influence on these matters will be sorely missed.

RON DELLUMS set a standard that I hope I and all my colleagues will try to emulate. A standard for intellectual integrity. For democratic debate and dialogue. For respect and honesty in all his dealings with friends and foes. For passionate engagement in the challenges that confront our Nation and our people. And for oratory that moved debate on issues forward with its eloquence, reason and compassion.

I had thought I would have more time to learn from this great Member of Congress. I will miss his presence deeply in the halls of this Congress. I wish him well in his new endeavors. And I hope that he will continue to remain engaged in the domestic and foreign policy-setting of this country he has served so well.

Mr. MURTHA. Mr. Speaker, it's been a great honor for me to work with Congressman DELLUMS over the past twenty three years since I came to Congress. By the time I arrived, in 1974, Congressman DELLUMS was already an experienced Member of Congress and a member of the House Armed Services Committee, staking out his reputation as a scholarly, well-informed and thoughtful debater of military policy. People often asked how RON and I could work so well together—we start from different philosophical bases, we represent very different areas of the country—but the answer is simple. We share a deep concern for the individual American soldier, we share a deep concern for the Nation's defense being strong, and we share a goal of finding the common ground that will keep America's domestic and military policy in balance. But it is also because I highly respect him. RON DELLUMS is a man who has always been true to his convictions, but still fair and open-minded; a man who has deep and abiding respect for our legislative traditions built on the foundations of free speech and open debate; a man who has studied and has had a clear grasp of the major national security issues of the day; a man who could be a formidable legislative opponent but a fast personal friend at the same time; an honorable man whose legendary statesmanship in the House of Representatives retained a needed measure of grace in an increasingly belligerent forum. He will be missed, and will certainly leave behind a hole in the fabric of this Chamber that will not easily be filled. I wish him the best of luck and happiness in his future endeavors.

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to join my colleagues in paying tribute to our friend and respected colleague, Congressman RON DELLUMS, on his retirement from the U.S. House of Representatives.

As I stand here today to pay tribute to Congressman DELLUMS, I am reminded of the often repeated story about Vice President Hubert Humphrey. Legend has it that on the day that Humphrey was celebrating his 60th birthday, he was playing with one of his grandchildren. They were having a good time, and at one point the child looked up at Humphrey and said, "Grandpa . . . how long have you been fighting for working people?" Humphrey thought for a moment and said "I've been fighting for working people for 65 years." The boy said, "But Grandpa . . . how can you have been fighting for working people for 65 years if you're only 60 years old today?" Without missing a beat, Humphrey answered "Easy—I put in a lot of overtime."

Well, in his twenty six years in the U.S. House of Representatives, RON DELLUMS has put in a lot of overtime—working for freedom in South Africa and around the globe, fighting for the interests of working men and women, striving to complete the agenda of the civil rights movement and to secure equal rights for women, and acting as a respected voice in the field of military policy and the defense budget. In that time, Congressman DELLUMS has earned a reputation as one of the hardest working, straightest talking and most respect people ever to serve in the United States Congress. He has rightly been called one of the finest orators to ever serve here, and "The conscience of Congress."

RON DELLUMS was elected to Congress in 1970 during our great national debate over the Vietnam war. Congressman DELLUMS passionately advocated for an end to U.S. involvement in that conflict, and for a more rational foreign policy for our Nation. During his time in Congress, Congressman DELLUMS worked tirelessly for civil rights for women and other minorities, for measures to protect our environment and for increased investment in our communities and our citizens. Perhaps more than any other single person in this country, Congressman DELLUMS' years of work helped to bring about an end to Apartheid and a peaceful transfer to power in South Africa. He introduced the first bill calling for economic sanctions against that country in 1971. That legislation passed fifteen years later over President Ronald Reagan's veto.

Congressman DELLUMS has been a respected leader in efforts to curb military spending and to reverse the nuclear arms race. His leadership has been crucial in defeating needless weapons systems like the MX and Pershing II Missiles, and the B–2 Stealth Bomber and to fundamentally change the way we think about the defense budget.

Congressman DELLUMS was the first African American member of Congress to serve on the House Armed Services Committee. He later served as the Chairman, and as Ranking Member of that Committee. RON also served as the Chairman of the House Committee on the District of Columbia—the first Member ever to chair two different standing full committees of the House of Representatives. He also served as the Chair of the Congressional Black Caucus and on the Permanent Select Committee on Intelligence.

As a freshman Member of the House, I have only had the opportunity to serve with RON for a brief time. But I can honestly say that working with Congressman DELLUMS has made a lasting impression on me and on what I view as the model of a Member of this House. RON's hard work, his sense of values and unwavering commitment to his beliefs and the interests of the men and women who sent him here are an inspiration and a model for anyone who wants to know what a public servant ought to be.

I am proud to have served with RON DELLUMS and to have had the opportunity to call him a colleague and a friend. And while this House will be losing a tremendous asset, I know that Congressman DELLUMS will bring the same dedication, passion and drive to his future endeavors as he has to his career here. RON, thank you for your help and good luck to you.

Mr. MILLER of California. Mr. Speaker, it is with great admiration and heavy sadness that I rise tonight to pay tribute to one of the greatest Members of Congress this Country has known.

This Friday, our colleague, RONALD V. DELLUMS, will officially resign the seat he has held since 1970.

My colleagues and many in the public that watch Congress are familiar with RON—with his style, his passion, his eloquence, his issues, and his brilliant mind.

He's always been known as the best dressed Member of Congress. He's always been known as one of Congress's great orators, colorfully and articulately dancing in the well of the House to draw support for his positions. And he's always been known as one of the greatest advocates for peace and human rights.

It will not be easy for me or my colleagues to adjust to a Congress without RON DELLUMS. Many a good team has gone on to win without one their star players. But it isn't easy.

RON DELLUMS changed Congress and he helped to change America. I have enjoyed every year we have spent together fighting for peace, justice, and dignity.

It has been said that RON DELLUMS is the conscience of Congress. We will miss him for that. But we will also expect him to let his conscience be felt from wherever he may be. And knowing RON, he will not shy away from that responsibility.

RON has been our modern day "drum major for peace." He saved us from many weapons systems that we didn't need, couldn't afford, and probably couldn't control.

He stopped the MX missile years ago. And he should be credited with helping to drive the final nail into the coffin of the senseless B–2 bomber.

RON DELLUMS brought the titans of apartheid to their knees, dragging a reluctant American Government along the way.

He fought for civil rights for all Americans.

More than nearly any other Member of Congress he helped to clearly draw the connection between a bloated military budget and the many starving communities throughout our country.

Whether it was the war in Vietnam or the Cold War against the Russians, RON DELLUMS brought the facts and the passion to the table every time to argue against further gorging the giant while ignoring the children.

He has been here to serve the people of America and to fight for human rights around the world. He was never here to fight for the monied special interests that only seek to use Congress to further their already privileged positions in society.

And RON DELLUMS always helped his friends. When it came time to close down the military establishment in the Bay Area and other communities, RON fought to ensure that the base closure process was fair and expeditious.

We all owe him a huge debt of gratitude. Like many of you here, I will miss him in the Halls of Congress. And like you, I will be calling out his name when we need a helping hand.

We have a job to do in America. RON DELLUMS did not fight in Congress all these years so we could go on vacation. Wages are too low, defense budgets are too high, and wars are still to frequent.

So the challenge remains for us all. Maybe if we all learn to dress as well as RON does, to dance on the House floor as he does, and to carry the convictions of a more just society with us to work every day as he does, just maybe we will be able to make America even better and the world a little bit safer.

RON, if it is not too late to ask, please, don't go. But if you must go, go in peace, and go with the satisfaction of a man who did all he could to achieve his goals on behalf of this great Nation.

Mr. WAXMAN. Mr. Speaker, February 6, 1998 will mark the retirement from the House of Representatives of one of the most respected Members of Congress, our friend and colleague RON DELLUMS.

RON was first elected to the House of Representatives in 1970, a tumultuous time in our Nation's history when we were being pulled apart by the war in Vietnam. Since that time he has been a tireless and impassioned critic of war's human toll. He has never wavered in his belief that the strength of our Nation rests in the care with which we invest in our people and their communities and not in the accumulation of weapons.

As a champion of the Congressional Black Caucus' alternative budget, Ron expanded the terms of the debate on the Federal budget to include the kitchen-table interests of the American people—jobs, access to health care, affordable housing, and education. Ron has made an immeasurable contribution to the debate on our national priorities and his departure will leave a large void for us to fill. We are fortunate to have his tremendous legacy to serve as a guiding example of principled and committed public service.

In his work on some of the most contentious issues before Congress, Ron has been eloquent and gracious, always acting out of principle and never out of personal or political gain. His liberal values have never weakened and he has been one of Congress' most distinguished spokespersons for the powerless in our society. Ron has raised the level of discourse in every debate he has participated in. No Member has done more to preserve the decorum and dignity of the House and he retires with the respect and admiration of Members of both parties.

I wish Ron all the best as he begins this new phase in his life.

Mr. WATTS of Oklahoma. Mr. Speaker, our colleague, Congressman Ron Dellums of California, is not only a fine and distinguished Member of this body, he is also a fine American, a man whom all of our children should study as a role model . . . not because of his impeccable dress, especially today, in an era when kids are content to run around with baseball caps turned backwards and inside out . . . but for his example of what leadership and statesmanship is all about.

Congressman Ron Dellums has paid some serious dues over the course of his life to get to where he is today. He is a man who decided early on, at age 18, to enlist in the United States Marine Corps and risk his life for this country's prosperity. After many years as an activist, working to give a voice to the voiceless in the San Francisco Bay Area, Ron Dellums decided to serve his country once again, as a Member of the U.S. Congress.

As a member of the House National Security Committee for over 26 years, Ron Dellums has worked tirelessly to advance the interests of America's military men and women. Even in instances when Members on the Committee have disagreed with his views, Congressman Ron Dellums has been fair, deliberate, and open-minded.

In my dealings with him, I have noticed that Ron Dellums has always worked tirelessly to resolve disputes within the National Security Committee and move along the business of building the best American military possible. He was truly a positive force in U.S. House of Representatives, an honest leader, a true statesman.

Mr. Chairman, it has really been a pleasure to work with my colleague, Congressman Ron Dellums. It has also been, for me, a learning experience. His grace under fire, his poise and his confidence in his work are qualities that all of us should emulate.

Every Member of this institution, regardless of party affiliation, should respect and honor the contributions that Congressman Ron Dellums has made to the United States Congress, and indeed, to the United States of America. Ron, Godspeed and God bless.

Mr. PICKETT. Mr. Speaker, our friend and colleague Ron Dellums is a man of high principle and integrity who has undertaken his duties and responsibilities in the House of Representatives with vigor and determination. I knew him best as chairman of the House Armed Services Committee where he was recognized by all for his fair, even handed, and collegial way of leading the Committee to the conclusion of its annual work of producing a Defense Department Authorization Bill.

This is no easy task. Partisan and personal agendas often derail progress. Keen perception and mature understanding were essential to bring together the competing interests.

Ron Dellums had the patience and willingly devoted the time needed for full and thorough debate and consideration. No one was ever denied the opportunity to participate.

But his performance as an accomplished and proud chairman of the Armed Services Committee is only part of the story.

He is a respected and admired Member of this body who has worked tirelessly and diligently to establish a record of solid achievement. He understands better than most the corrosive effect of unmet social needs in American society today. And he hasn't been bashful or reticent about forcefully and eloquently voicing his views about what is needed to bring about a more just society in our Nation.

Perhaps more than anything else Ron Dellums has established himself as a role model. He has shown that in America today you can still rise from modest beginnings, overcome adversity, and make a positive and beneficial contribution in the government of our Nation.

Ron Dellums is destined for even greater things. Ron, I join my colleagues in congratulating you on your long, honorable and distinguished service in the House of Representatives and wish you every measure of happiness and success in your new endeavors. May God bless you.

Mr. UNDERWOOD. Mr. Speaker, I join my colleagues today in paying a special tribute to the distinguished gentleman from California. Congressman Ron Dellums was a leader in the quest for a rational military policy that included forcing the armed forces to cease abusive excesses in spending in the mid 1980's. At the same time, he led the way towards creating a more robust and responsible military. Congressman Dellums' sense of fair play and integrity was transparent throughout every aspect of his long career. He campaigned tirelessly to rid our military of racial discrimination and sexual harassment. He demonstrated to our military leaders, in clear and insightful diction, that there is a way to institute fiscal austerity that respects and maintains the dignity of dismissed civilian employees by providing retraining and early retirement incentive packages.

Mr. Dellums' commitment to the National Security Committee, his constituents, and his friends is unparalleled in the history of this institution. From my own experience, has concern and compassion to reach out and help members of the National Security Committee feel included in the legislative process brought only more laurels on an already well respected leader. His deep concern to stop and listen to members with lesser known but no less critical issues was comforting and appreciated. Mr. Dellums never criticized a reasonable request and welcomed creative solutions to complex problems no matter where they came from.

Mr. Dellums was the kind of man who could put forth his own agenda, question the accepted truth and raise his skepticism toward a poor idea without being a spoiler to the process. His genius was in his ability to educate and shape ideas. He could raise awareness on an esoteric issue and present his case in logic so clear that one would come away with greater understanding of the issues that truly mattered.

It will be a very long time before this institution will see the likes of a Ron Dellums again. His presence as a leader, a colleague and a friend will be sorely missed by myself, the National Security Committee, and this Nation. From the bottom of my heart, Mr. Dellums, I bid you a heartfelt Si Yu'os Ma'ase for your service to your country and your dedication to your friends.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to my friend who is a brilliant legislator, and a patriot whose passion is peace.

I have been honored to serve with Ron Dellums on the House Armed Services Committee, where we worked together as Members and which Ron later chaired. Since 1995, Ron leads the Democratic Members on the National Security Committee in the creation of defense policy in an incredibly fair and democratic fashion. There are a host of things that people can say about our friend Ron Dellums, but the thing that will most often be associated with him, by those who worked closely with him day in and day out, is his dedication to basic fairness.

I told someone once that Ron Dellums had more integrity in his little finger than most men will ever have. But there is no doubt at all that Ron's legacy here in the House of Representatives, and in the House Armed Services or National Security Committee, will be his innate fairness in all the things that he did. I imagine that most of you know this already, but Ron has a most decided opinion about nearly everything that has to do with U.S. defense policy. During our service together, we agreed almost as much as we disagreed.

But there was never, ever any question about how Ron would approach policy questions—he bent over backwards to make sure everyone was able to express an opinion and make their argument. He never exclusively favored his side of the opinion while he was Chairman—or anytime—he heard arguments, took the vote, and cherished the democratic principals that bind us all together. He believes very strongly in the concept of reduced Pentagon spending, and has strongly advocated his concerns via amendments to the Budget Resolution and Defense Authorization Bill. But that philosophy never conflicted with how he conducted the business of the committee that wrote defense policy.

He is a man who personifies the dignity of public service. He is also a student of the human condition and an avid student of U.S. defense policy. His study of the former has led him to develop deep friendships that surpass party and politics; and his study of the latter makes him one of the most knowledgeable members of the National Security Committee. His depth of knowledge of the issues makes him a formidable advocate for U.S. taxpayers in the budget wars we fight in Congress each year.

RON, I will miss you very much, on many levels. Most of all, I will miss your personal presence and your friendship on the Floor of the House each day and in the National Security Committee. I also will miss your intelligence and your wit as a colleague in the realm of making public policy. Your presence will be sorely missed, mi amigo. Adelante . . .

Ms. BROWN of Florida. Mr. Speaker, I rise today to recognize the achievements of my colleague and our distinguished U.S. Representative of the 9th Congressional District of California, RON DELLUMS. Congressman DELLUMS will retire from Congress on Friday, February 6, 1998.

Congressman DELLUMS, currently in his 13th term, has remained a vigorous advocate for arms reductions, peaceful resolutions of international conflict, and for alternatives to the use of military force and covert intervention as a principle investment of U.S. foreign policy.

During Congressman DELLUMS' first campaign, he embraced the agenda of the Civil Rights movement, for the Equal Rights Amendment for Women, along with other elements of the social justice and human rights agenda. He remains a staunch advocate for these causes having noted:

> I did not join the Armed Services Committee to learn about missiles, planes, and ships; I joined because I knew that I would need to become an expert in this field in order to argue successfully for military spending reductions that would free-up resources for the human needs that I see in my everyday community.

Throughout his tenure in the U.S. Congress, Mr. DELLUMS has provided critical leadership in the effort to curb military spending and in effect, reverse the nuclear arms race. He has often been the first to articulate the danger, waste, or redundancy of weapon programs. In addition, he has vigorously examined the state of our military establishment including its purposes, its budget, and other issues including sexual harassment and racial discrimination in the armed forces.

After serving 2 years with the U.S. Marine Corps, Congressman DELLUMS received his A.A. degree at Oakland City College, a B.A. from San Francisco State University, and a M.S.W. from the University of California at Berkeley.

This distinguished gentleman, born in Oakland, CA, began his career as a psychiatric social worker, a job training and development program manager, and a nationally prominent consultant on community job-development programs.

Being a U.S. Representative who served in the armed forces and provided expertise in the field of social work, Mr. DELLUMS has often used the words of the Reverend Dr. Martin Luther King, Jr. with regards to the social effects of our military spending, which states: "The bombs that are being dropped in Vietnam are exploding in the ghettos and the barrios of America." Mr. DELLUMS, like the Reverend Dr. Martin Luther King, Jr. saw the burden that the Cold War placed on the economy as it robbed our communities of its vital resources.

During 24 years of service in the U.S. House of Representatives, Congressman RON DELLUMS has served in many capacities, including: Foreign Affairs Committee; Select Committee to Investigate the Intelligence Community; Post Office and Civil Service Committee; Permanent Select Committee on Intelligence; chair of the Congressional Black Caucus in the 101st Congress; and as the representative and military panel member of the North Atlantic Assembly.

We have been most fortunate to have Mr. DELLUMS in our U.S. Congress for he has been a leader for rational military policy and has remained committed to the belief that world peace leads to social justice.

Today, we not only recognize our U.S. Representative, RON DELLUMS, but we salute him as a great American hero.

Thank you Congressman DELLUMS for your dedication and commitment to serve our Nation. You will be missed.

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to our colleague Congressman RONALD DELLUMS. As you know Congressman DELLUMS' 27-year career in the House will soon end as he retires from public service on Friday, February 6, 1998.

A former Marine and graduate of San Francisco State University and the University of California, Mr. DELLUMS has spent the better part of three decades advocating the progressive social policies endemic to the Ninth District of California. Comprising the cities of Oakland and Berkeley, the Ninth District has long served as a stage for the healthy exchange of political dialogue.

Upon arrival to the capital in 1971, Mr. DELLUMS won a seat on the Armed Services Committee as an opponent to the Vietnam War. He is quick to point out that our former preoccupation with the Cold War and the Soviet Union adversely impacted our public policy decisions. His contention that this preoccupation led to large federal debts and underfunded social programs inspired his fight for social responsibility. Mr. DELLUMS lent his voice to those who called for cuts in defense spending and pleaded for the redirection of those funds to social programs.

Mr. DELLUMS has demonstrated time and again that social justice fosters peace amongst us all. He has been a strong proponent of policies such as the 1991 Civil Rights Restoration Act, the Americans with Disabilities Acts and the reauthorization of the 1967 Voting Rights Act. He also has been one of the most vocal advocates for reproductive choice and public funding for women dependent on government supported health care.

Mr. Speaker, I have had the honor and privilege of working with Mr. DELLUMS to secure redress for World War II Japanese-American internment camp internees. As battles raged overseas, many Americans incurred wounds of injustice on our own soil. Mr. DELLUMS recognized this breach of civil liberties and fought for the reparations due those wrongly imprisoned in their own country.

Few could replicate Mr. DELLUMS' noble sense of justice. In 1971 he introduced a bill which would enforce economic sanctions on the apartheid regime of South Africa. Patience and persistence prevailed when, in 1986, Mr. DELLUMS finally won the fight with passage of the bill. His determination paid off, democracy reigns in South Africa and apartheid is no longer.

Mr. Speaker, in recognition of Mr. DELLUMS' years of dedicated service to the people of the Ninth District, his commitment to the advancement of progressive social policies, and the leadership he has given the Armed Services and House District of Columbia Committees, I ask my colleagues to join me in saluting him and wishing him a very happy and active retirement.

Ms. HARMAN. Mr. Speaker, it is with mixed emotions that I join my colleagues in bidding adieu to RON DELLUMS, and wishing him fair winds as he starts the next chapter in his admirable life.

It has been a honor to serve with him, both as a member of the California Delegation and as a member of the House National Security Committee. In all my dealings with him, RON has extended to me, and others, a degree of fairness and sincerity rarely found in this body. He has also afforded me opportunities that, if strict seniority were followed, I would not otherwise have had.

For example, as a freshman member of the then-Armed Services Committee, which RON chaired, he turned the gavel over to me one day. It was a long day's hearing to receive testimony from the newly appointed Secretary of Defense, and our former colleague, Les Aspin. I was at the very bottom tier of seats, and, much to Secretary Aspin's credit, the hearing had already lasted for hours. Suddenly, one of the committee's aides came up to me to say that Chairman DELLUMS wanted to speak to me. What horror! What had I done to draw attention from the Chairman? What protocol had I violated? But, in fact, RON invited me—one of the most junior members—to chair the hearing while I asked my questions of the witness. To others, an inconsequential act. To me, a very generous gesture.

Such examples of RON's largess are not uncommon. Indeed, his entire public career has been devoted to giving voice to the aspirations of individuals at the bottom rungs of our society, or in my case, the committee. Individuals disadvantaged or facing discrimination from any source came under RON's caring wings. Undoubtedly, this caring attitude was shaped by early events in his life. One story RON has told, in particular, stands out in my mind.

As a new Marine recruit, RON scored the highest possible on a test the Marines used to select potential candidates for officer training. Called into the office of a superior responsible for reviewing such candidates, RON stood at attention, saying with Marine precision "Private RON DELLUMS reporting, sir."

To his surprise, RON was asked what his race was. "Negro," he said clearly and distinctly. "Dismissed," replied the officer.

Such institutional bias has always been a source of great concern to RON. His, for example, was one of the earliest voices calling for strong U.S. policies to break the much-hated, but institutionally-rooted, policy of apartheid in South Africa.

Similarly, as a member and chairman of the Armed Services Committee, RON has fought for the average soldier and has fought to change the military's policies toward women and gays. At a ceremony last week when Secretary Cohen awarded him the Defense Department's distinguished service award, Ron pointed out that his disagreement with policies deploying forces never translated into anything other than the greatest of respect for the soldiers who were the instrument of those policies.

This respect was also showered on his colleagues in this body. Indeed, if for noting else, Ron will be remembered for his ultimate decency and his admonitions to others to avoid personality and invectiveness in the course of heated debate on the House floor. As he has often said, debate over ideas need not be blackened by harsh and unnecessary attacks on the motives of the individuals debating. Ideas, in their own right, will rise or fall on the arguments and evidence supporting them, not on the character or failings of their proponents.

Mr. Speaker, fortunately, the record is replete with the many successes of Ron Dellums. Though often in the minority, Ron has caused this body—both collectively and as members individually—to think before moving forward on a policy. In exercising his conscience, he has shaped many policies and he has influenced and touched many members, including this one.

I wish my friend, his family and staff, a fond adieu.

Mr. BERMAN. Mr. Speaker, Ron Dellums started his political career as an "outsider"—working to change the establishment and speaking out against the Vietnam War.

Twenty-eight years later, he has risen to the top of the establishment and is a distinguished authority on military policy.

When contemplating his progress, two points stand out:

One—He has advanced in stature while holding fast to the values and ideals that first brought him to Congress, and

Two—In a very unique manner, he has earned enormous respect for his ideas and his leadership, even from those who vehemently disagree with him.

I'm sure that many in the military thought that the ascension of Ron Dellums the Chairmanship of the House Armed Services Committee was Armaggedon itself.

Instead, they found a careful and intellectual examination of the military establishment that won Ron Dellums the regard of many of its staunch defenders, as well as those who thought that most military dollars would be better spent elsewhere.

Ron Dellums has been a champion for peace, for social justice, for human rights, for the environment, for arms control, for equality and for the working men and women of America. —and all this while maintaining his position as one of the best dressed Members in Congress...

It is impossible to overstate the range and depth of his influence. We will greatly miss his leadership.

Mrs. FOWLER. Mr. Speaker, I rise today to honor our colleague Ron Dellums of California, who is departing the Congress after serving here for 27 years.

Whether coordinating community activism in the Bay area in the 1960s; deliberating on policy issues as a member of the Berkeley City Council, to which he was elected in 1967; or posing critical questions about defense, civil rights, and human rights policies while serving in the United States Congress, where he has been a continuous presence since 1971, Ron Dellums has stayed true to his principles. He has always been guided by a passion for what he believes in, and has never been afraid to speak his mind—even if that meant he has sometimes stood alone in doing so.

I first got to know Ron Dellums when I joined the then-House Armed Services Committee as a freshman member in 1993. Ron served as the committee's chairman during the 103rd Congress, replacing our former colleague Les Aspin, who was appointed Secretary of Defense.

Though I often found myself in disagreement with Ron on matters of policy, I consistently found myself drawn to him on other grounds. He was an eminently fair chairman, who gave even the lowest-ranking members of his committee, majority and minority alike, the opportunity to speak their piece. As a freshman member, I was especially grateful for this.

But I soon realized that Ron's open and welcoming style of leadership was emblematic not just of a fundamental sense of fairness, but of much more. Just as important, it stemmed from Ron's respect for the rights of others and his recognition that, above all, we are each elected to this great House to do the people's work. He has always understood that free and open debate in service of the people we serve is what brings the greatest value to that which is accomplished here. While Ron enters every important debate prepared to articulate his own views with characteristically sincere passion, he has always respected and given his fullest attention to the views of his colleagues. Most of all, he has always been determined to facilitate a level of debate that would do service to even the weightiest issue being examined. In my mind, these are qualities that have often set him apart.

Though Ron now leaves our company to pursue new challenges, the quest for justice and human dignity remains his lodestar. I have learned much about character and leadership from my association with him, and though I am sorry to see him leave this body, I am confident and pleased that his pursuits will both challenge his own intellect and further his noble goals. Mr. Speaker, I offer him, most sincerely, my very best wishes for the future, and look forward to our paths crossing again soon.

Mr. FROST. Mr. Speaker, it was with great regret that I learned of the retirement of my friend, Congressman Ron Dellums. One of our most esteemed Members, and the second longest serving Member in the California Delegation, Ron Dellums has decided to retire after spending 27 years working on behalf of America's families.

As a young man, Ron Dellums has worked to end conflicts around the world and find alternatives to military force. He has also campaigned hard for stronger civil rights in this country, for equal rights for women and for greater environmental protections.

I'm also proud to say that Congressman Dellums' father was from Corsicana, Texas which is in my district. Corsicana can be truly proud of all the Dellums and their contribution to American society.

During his tenure in Congress, Ron Dellums was the first African-American Member ever appointed to the House Armed Services (now National Security) Committee. As Chairman of that Committee in the 103rd Congress, Congressman Dellums provided critical leadership during a difficult time of cuts and reductions in our military capacity.

It has been an honor and a privilege to serve in the House with Representative Dellums. Clearly, Ron's hard work and dedication to public service have improved the lives of all Americans, and he will be sorely missed. I wish him well in his retirement.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to a dedicated public servant. For more than two decades, Ron Dellums has provided an example of tireless service to his constituents. The House of Representatives has been a fortunate beneficiary of Ron Dellums' experience and talents, and among both his constituents and colleagues, his contributions will be greatly missed.

Mr. Dellums made his mark as a staunch defender of human and civil rights. He never failed to remember the social concerns of the people who entrusted him with his office. Yet, Mr. Dellums also displayed a commitment to fiscal responsibility, devoting much of his career to reducing military spending.

Mr. Dellums was elected to the House of Representatives in 1970. He served a term as Chairman of the House Armed Services Committee beginning in 1993, allowing him to more effectively pursue his goal of a leaner post-Cold War military. He developed a reputation as a thoughtful legislator who advocated collegial debate on even the most divisive issues.

Although we have differed on many policy matters, I believe Ron Dellums to be an honorable legislator and a valuable colleague. He has served this body with integrity and dedication. I join my colleagues on both sides of the aisle today in bidding him farewell.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this tribute to the gentleman from California (Mr. Dellums).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2625, RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. Goss, from the Committee on Rules, submitted a privileged report (Rept. No. 105-411) on the resolution (H. Res. 344) providing for consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport," which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 107, CONCERNING ATTORNEYS' FEES, COSTS, AND SANCTIONS PAYABLE BY THE WHITE HOUSE HEALTH CARE TASK FORCE

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–412) on the resolution (H. Res. 345) providing for consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorney's fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds, which was referred to the House Calendar and ordered to be printed.

FURTHER TRIBUTE TO THE HONORABLE RONALD DELLUMS AND THE NAMING OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. DELAY) is recognized for 60 minutes as the designee of the Majority Leader.

Mr. DELAY. Mr. Speaker, I came down to the floor to take a special order to talk about another Ronald; but I am going to take this opportunity to talk about this RONALD that I have come to respect, a gentleman that, when he was Chairman of the then Arms Services Committee, was one of the most giving, open, and stalwart, a real stalwart man when he was Chairman.

I was shocked this morning. I knew it was coming, but I was shocked this morning as I was sitting in that chair waiting for 1-minutes, and the Chair read the gentleman's resignation.

It came home that the gentleman from California (Mr. DELLUMS) is actually leaving this House. We are losing one of its finest Members, a Member that I have great respect for, because he always did his homework, was so articulate and eloquent on this floor.

He always got my attention when he stood up and took the microphone. He would stop every Member in their tracks to hear what he had to say, and there are very few Members that have served in this body that can claim the respect that both sides of the aisle had for the gentleman from California.

And the incredible reputation that the gentleman from California (Mr. DELLUMS) has brought to this House; he has elevated this House. He has elevated the distinction of this House by serving here, and this House will greatly miss him when he leaves.

Mr. Speaker, I am glad to yield to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, let me just say that there really are not enough minutes here for me to speak, and I am going to have to visit my friend in his office, my great friend, Mr. DELLUMS.

He and I started hanging out together. That early day, I was very much alone, as you remember, RON, because a lot of Republicans could not figure out why you and I had become such great friends; and it is so amazing to see so many Republicans come to the floor and salute you.

The fact is that we relate to each other best when we can touch each other's hearts; and it really does not matter in the Congress of the United States if, at the end of the day, whether we think differently. What matters at the end of the day is, are we honest of heart and are we willing to put ourselves on the line for what we believe in. That is why people come here today and salute you, because you are pure of heart, and you do put your shoulder to the wheel to try to bring about change.

No one ever questions your sincerity or your dedication to your country. That is why I feel so strongly about you.

But it is not as a colleague, is it, RON, for you and me? RON DELLUMS came to my wedding; and he gave me an elephant, a crystal elephant, which was hard for him to begin with, not give me a crystal donkey, right? He gave me a crystal elephant.

He wrote a note to my wife and to me, and it said: Dear JOHN and Karen, no matter where I am and no matter where you are, you should know that I love you both.

That may be one of the most prized, maybe is the most prized gift that I have ever received from anybody in the House of Representatives. Because no matter where you are, my wife and I love you and yours, your family. You are going to leave here, but you are not going to be able to get away from me, and I am not going to be able to get away from you.

You are a very special man that has been able make all of us feel better about our work in the House of Representatives. But what I am most proud of is that I have made a lifelong friend who will stand with me and I with him no matter what the circumstances, no matter what the day. Whether the sun shall rise or whether the rain shall fall, we will be together for the rest of our lives.

God bless you and Godspeed, friend RON DELLUMS.

□ 1730

Mr. DELAY. Mr. Speaker, I thank the gentleman from Ohio.

I yield to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman from Texas (Mr. DELAY), and I thank my friend, the gentleman from California (Mr. CUNNINGHAM). I think in this time of personal acknowledgment, when we all have issues to discuss, I think we should let the American people realize that we are part of the human family. I have said to someone that I was going to come and hug the gentleman on the floor so that I might get some time to be able to share my thoughts. And I did not hug the gentleman from Texas (Mr. DELAY), but I appreciate him realizing how important it is for me to come and share some very personal moments.

RON, my dilemma and my frustration, my sadness is that I cannot say that I had 30 years or 10 years or even 5 years. But I think I have reminded you on a regular basis that I got by extension some of the kindness and the love and the brotherhood that you shared with our mentor and friend from Texas, Mickey Leland. It was through Mickey that the 18th Congressional District, the people of the 18th Congressional District got to claim RON DELLUMS.

I would say to you that I am sad that you are not my President, not my Secretary of Defense or my national security chairman, if you will, or advisor to the President. I would have liked that, though I respect all that you have done and what you chose to be.

Interestingly enough, we have words on paper, but I want to just say these words as I share briefly with you, this is your story. It is his story, the story is yours of what you have done for this Congress and for the American people. We could come here and humorously talk about the time that he came first to this body and first to the committee that you chaired and had to sit in one chair with another colleague of yours, Pat Schroeder. We can all laugh about that, but we can take the intensity of the time and how unique you were. But we can also take from that that you did not lay down the gauntlet, refusing to continue and persevere, and you wound up as the chairman of the Committee on National Security, now named, and as well you now pose in that committee with the most striking portrait that I think we will ever see and your humorous comments to the artist who said, do you want me to take this wrinkle out, this blemish out, this wrinkle out. And you said, absolutely not. It took me a long time to get all these warts and wrinkles and I want everybody to realize it. I am proud that you did that.

You have always been willing in debate to listen to the other fellow or the other lady. You have always been willing, though you have had an independent voice in time of crisis, and I came here during Bosnia, and you were eloquent in explaining to those who would be for or against what your position was, so I think that in this Congress we have been blessed, one by your power and your eloquence, your love. I have been blessed by brotherhood through Mickey. His family has been blessed. His boys have been blessed because they know RON DELLUMS. And certainly I would say that you have taken the responsibility of chairmanship, and I respect the leadership role of our majority leader and our majority whip, in this instance the gentleman from Texas (TOM DELAY). They have to gather people together. You had the chairmanship. Therefore, you had to gather people together. But as the chairman, you wielded a lot of power.

I think the American people need to realize that you never impeded someone else from gaining, from expressing, from fighting and from being successful. That is key. Robert Frost said that the road less traveled by, and that has made all of the difference. I believe that you went the road less traveled by for the other road was so very crowded but an easy road to travel. You took it upon yourself to say, as the others go this way, I am going the road that may be the most difficult or the bridge or the mountain most difficult to climb.

As I close, so many of us always quote Dr. Martin Luther King. I have always said that he left us a legacy, whether we realize it or not, more than his actions during his life but it was his words. And we always quote the famous words that he offered about the content of one's character not being judged by the color of one's skin. I always believe that those words are easy to say. But it is really doing and acting upon those words, to really have character that others can watch and see and feel and touch and say, I like that guy. I like that lady. I like what they exude or what they stand for.

So I simply want to say that my frustration comes to a close. The words are not enough. They are not eloquent enough. They are not spiritual enough. They are not strong enough. I am leaving sort of not complete because I do not feel that I have captured your spirit of who you are. But I hope you know by my presence here this evening by a small measure you not only have my love and admiration and respect, but the people of the 18th Congressional District and the spirit of Mickey Leland watches you every day and wishes you the very best with your family, continuing to be strong.

I always tell my children, fly high where the eagles fly, fly high where you belong. God bless you, RON DELLUMS. God bless you and your family. The United States is blessed by your legacy and your story. God bless you.

With the announcement of his sudden retirement from the Congress last month, Representative RONALD V. DELLUMS, the esteemed Former Chairman of the House National Security Committee (previously called the House Armed Services Committee), began to write the final chapter of a brilliant legacy of public service spanning well over three decades, that simply can not go without recognition.

After a distinguished tour of service in the United States Marine Corps, Congressman DELLUMS began to prepare himself to pursue a career of helping others. Congressman DELLUMS was the first member of his family to attend college, and completed his studies with a Masters degree in Social Work from the University of California. The Congressman's chosen field was that of psychiatric social work before he realized his true calling was in the area of public interest.

While serving as a well-respected community activist in the Bay Area, Congressman DELLUMS was persuaded by friends that he could be an even greater good to the local community by serving on the Berkeley City Council. The Congressman consented to these requests, and was elected to the Berkeley City Council in 1966. After four years on the City Council, in 1970, Congressman DELLUMS challenged the incumbent of the Ninth Congressional District of California, and won. From this point on, I guess one could say that the "rest was history".

DELLUMS, upon his arrival in Washington in 1971, emerged as one of the most controversial figures on Capitol Hill. Always willing to be a balanced and independent voice in times of crisis, Congressman DELLUMS soon rose to national prominence as one of the most intelligent and articulate members of this Congress. Congressman DELLUMS was widely recognized as the kind of man that did not just give lipservice to his announced legislative priorities, but actually worked tirelessly to meet these objectives in order to better serve his constituency and the nation at large. There is only one word that can accurately describe a man like this, integrity.

Mr. DELLUMS, first as Chairman of the Acquisitions Subcommittee and then as the Full Committee Chairman, showed the kind of exemplary dignity befitting of the Chairman's gavel. Even though Congressman DELLUMS was always an advocate of lower military spending, he never used the power of the Chair as a means of impeding any opposing views held by his colleagues. DELLUMS used only his intellect and his vote as a way of expressing his views on pending legislation, and I am sure that this is how the framers of the Constitution envisioned a Congressional Representative would conducted his or herself.

I honestly can not think of a higher compliment to give to a lawmaker than to say that he consistently stood upon their convictions in the face of opposition with honor and dignity. RONALD V. DELLUMS, without exception, remained this kind of man of convictions, during his nearly thirty years of service in the United States Congress, and this must be applauded. Like Robert Frost said, Congressman DELLUMS took "the road less traveled by, and that has made all of the difference". In conclusion, I believe that few will disagree with me when I say, Congressman DELLUMS, it is unlikely that we will see your kind again any time soon, rest assured that your labors in this place will not be forgotten.

Mr. DELAY. I thank the gentlewoman from Texas.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM), my dear friend.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Texas for yielding to me. This is really special for me because quite often it is hard to say you are wrong. When I came to Congress, I did not respect RON DELLUMS. Coming out of the military, I had preconceived ideas, notions. As a matter of fact, I thought he was unfair at times, and we even came once, when there was an issue on the conference where they had 14 Members one year on conference, and I had winnowed my way to number 13, and then they cut it to 12. I came to the chairman and said, Mr. Chairman, you are unfair. It got pretty heated right back here in this back room. And both of us in the heat of the battle looked at each other both with tears in our eyes, and we ended up embracing each other, I would like to state for the record in a manly way, Mr. Speaker.

But since then I think over these past few years, I say quite a few years since I have been here, Ron and I have become good friends. And it does not mean that we do not differ on issues. I disagree vehemently with national security issues with my friend from California and come from a different perspective. But I want to tell you one thing, one of the hardest things that there is on this floor, and I think my colleagues would agree with, is when you are really dedicated in your heart trying to help something and someone accuses you, whether it is cutting education or cutting Medicare, and you are trying your best to do what you believe is right for this country, RON DELLUMS never did that. He always spoke to the issue. He never spoke through partisanship or anything. I think that is part of the reason, RON, that you were fair. I was wrong.

I think there is a Jewish proverb that I think that best exudes what the gentleman from California represents. It was taken from a movie called the Jazz Singer. He and I are old enough to remember Al Jolson. And then Neil Diamond later played in that movie. But it was about a father who had lost a son, not to death but to an argument. And the father wanted his son to be a cantor, and the son wanted to be a jazz singer. And there was so much conflict between them that the father ripped his coat in a Jewish fashion and disavowed that he had a son. I have two daughters. You can use this same proverb. But the proverb goes like this, the father calls to his son and says, son, come home. We have argued too long. And his son replies, father, I cannot. There is too much between us. And the father replies, son, come as far as you can, and I will come the rest of the way.

RON DELLUMS has always come the rest of the way. I think that is why most of us, even though we disagree a lot of times with politics, do I want you as President? No. Do I want you as Secretary of Defense? No. But I want you as my friend for life, and I want you to always know you are welcome at my table in my home with my family. God bless you, RON.

Mr. DELAY. I thank the gentleman from California.

For other Members on the floor, I came down to the floor to give another kind of special order, so I have agreed to two more speakers, and then I will go to Mr. DELLUMS. Then I have to, because I am running out of time, go to my special order.

I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I appreciate my friend from Texas allowing me to speak.

The tribute that we have witnessed this evening on the floor of the House of Representatives has never been equal. I took out an hour special order that was used. The gentleman from South Carolina (Mr. SPRATT) took out an hour which was used. We are very grateful to our friend from Texas for allowing us to have a few more words of tribute honoring RON DELLUMS.

This gentleman will be sorely missed. But I tell you, RON DELLUMS, that this tribute that we have participated in and witnessed this evening hopefully in days and years ahead will warm your heart to know of the friendship, the respect and the affection with which we hold you. We wish you the very, very best in the days to come.

Just the other day you received a distinguished service medal from the Secretary of Defense. He told a story about how Bishop Tutu was honored. And he spoke about how the words "thank you" sound so little but yet mean so much. So let me say to my friend, thank you.

Mr. DELAY. I thank the gentleman from Missouri.

I yield to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague from Texas yielding to me. It indeed is a great honor for me in just a few moments sharing the thoughts that I shared personally on more than one occasion with and about my dear friend RON DELLUMS. It is one thing to talk about how you feel about public affairs. It is one thing to talk about how you feel about friends and family. But if you have spent much of your life in a thing called public affairs and serving people, it is impossible to begin to tell your colleagues and your friends just how much you would wish that your life could in a small part emulate that which has been my experience with RON DELLUMS.

I first heard about this fellow at a time when he certainly had no idea that I might be around. I was then a graduate intern in the San Francisco area, assigned as a part of that work to the East Bay Labor Council where I had the privilege to spend a good deal of time with a fellow by the name of Jeffrey Cohelan. When I really heard about RON DELLUMS was a few years after that when RON DELLUMS had the audacity to run against Congressman Cohelan in a primary and defeat that incumbent Member of the Democratic Party in the House.

RON DELLUMS, from the perspective that was a Republican perspective, was from the radical left. I mean, indeed, he was the heyday of the Berkeley days. And my perception of him was so different than one could get from afar by way of just that background and experience of mine. I mean, he beat a guy who had been good to me, and he was obviously one of these guys from the nutty left.

And then years after that, as I began to look at public affairs in a different kind of way, recognizing that very few of our problems are solved by partisan politics alone, recognizing that the importance of work in public affairs comes down to the quality of the people that we attract. It says on one of those buildings in California, bring me men to match my mountains. And in many a way, our people have a way of doing that regardless of the label.

RON DELLUMS is one of the great Americans to ever serve in the House of Representatives. I want to say that from the bottom of my heart, but I want to say much more than time will allow. So I will take this moment to tell RON that the time that we have spent together here on the floor, the time we have spent together, special time in other parts of this building, I have grown to have an affection for you that I can express about few others outside of my family, there are few that I care for more. RON DELLUMS is exactly the kind of person that gives me hope for the future of our society as well as the future of our government. If we can continue to attract people of this talent, of this ability to communicate verbally and otherwise, people who really care as he cares, then the country, the Republic and indeed much of the world, not only will be better for it but has a great future in reflecting upon his work.

☐ 1745

RON, God bless you and your family, and to say the least, we will miss you. So farewell, my friend.

Mr. DELAY. Mr. Speaker, as usual, when we get on the floor, we have to yield to more Members, and I will yield to the other Californians that are here. But I warn anybody that may be on their way over to the floor, that in 5 minutes I am going to take my special order.

So I will yield to the gentleman from California, (Mr. FARR).

Mr. FARR of California. Well, Mr. Speaker, I thank the gentleman very much for yielding to me. I appreciate the fact that he is on the floor tonight to take special order time to talk about another great Californian, Ronald Reagan, and we are taking that time to talk about another great Ronald, RONALD DELLUMS, both from California, and I appreciated the gentleman's yielding.

I am here as a relatively new Member, only having served 5½ years in the House. But I think that the history of the 70s, the history of the 80s, the history of the 90s saw incredible change in our country. And this House, during all that period, probably spent more time discussing our national security, our national defense, the Vietnam War, Panama, and the Middle East. We had lots of problems.

Probably history will point out that the most talked about person of these eras, two-and-a-half decades, is going to be RON DELLUMS, because in the people's House, he was an unusual person. He represented people that had not been represented before in Congress. He spoke about unusual ideas, many of which were unpopular. And they became the position of our Nation. He just said them before anyone else.

He provided new leadership. Nobody of African-American descent had ever been chair of the Committee on Armed Services. And the fact he was taking that chair and had the opportunity to be there, he had life threats against him in this building as a Member of Congress.

So as a newer Member to the people's House and one who is interested in the history of this House, I think that RON DELLUMS' legacy will be something that will be talked about for decades to come. Our country will be proud of him, and is, but most importantly our grandchildren will know about RON DELLUMS.

You served us well. You will be remembered forever. Thank you, Mr. Chairman.

Mr. Speaker, it is with both honor and sadness that I rise to pay tribute to one of our colleagues, and a fellow Californian, RON DELLUMS, who is retiring from Congress after nearly three decades of service in the House of Representatives.

RON has had a long and honorable career in public service, and his district knew him well long before he ran for Congress. He was involved in social work, economic development, and community politics for many years before being elected to the Berkeley City Council in 1967, a momentous time in Bay Area politics. Three years later, he ran for Congress for a seat which had been held for decades by the Republican Party. RON not only won the seat, he has kept it ever since, frequently winning by sizeable margins.

Needless to say, RON came to the House of Representatives in 1970 as one of the most progressive progressives. When he joined the Armed Services Committee, he was considered so extreme that he had to fight—literally—for a seat on the dias. Knowing his views were in the minority, RON nonetheless spoke out eloquently and repeatedly against bloated and wasteful defense spending. His speeches on the subject stand among the very best ever delivered on the floor of the House: well-reasoned, intelligent, compelling, and eloquent.

As many will attest, one of RON's greatest talents is his ability to balance his strong, outspoken beliefs with a deep sense of fairness. I was honored to serve under his leadership when I served on the Committee on Armed Services; in fact, RON was my first Chairman when I came to Congress in 1993. As the most junior Member of the Committee, RON accorded me the upmost respect and assistance, for which I am deeply grateful. As Chairman, RON was always open, fair, and willing to listen to all arguments, whether he agreed or disagreed with them. His respect for the minority, acceptance of opposing views, and tremendous rhetorical skills are worthy of emulation by those in positions of leadership.

RON's long tenure attests to his effective service to his district. So beloved is RON that some of his constituents have actually become offended when someone dares challenge him in an election year. Indeed, RON's stature is such that he is known and admired by people throughout California. I know that some of my constituents were just as sad to hear of RON's retirement as those from his own district.

It has been a tremendous honor to serve in the House of Representatives with RON DELLUMS. The Bay Area, the State of California, and the U.S. House of Representatives will greatly miss his presence, and I wish him and his family the very best in the years ahead.

Mr. DELAY. Mr. Speaker, I yield to the gentleman from California (Mr. ENGEL).

Mr. ENGEL. Well, it is actually the gentleman from New York.

Mr. DELAY. Mr. Speaker, I apologize to the gentleman.

Mr. ENGEL. Mr. Speaker, I want to thank the majority whip for yielding me this time, and it just shows that RON DELLUMS is appreciated all the way from California to New York, across the country and then back.

One of the nice things about serving in this body, and this is my 10th year in this body, is when you first come to Congress you meet people who are giants, you meet people you have read about, you meet people you have seen and that you really did not know. And the thought that you, as an elected Member of Congress, as a new Member, are a colleague of somebody whom you have heard about and read about and seen is really something to behold.

I felt that way when I first came to Congress, and I still feel that way with regard to RON DELLUMS. And I would never have forgiven myself if I had not come to the floor this evening to say just a few words in tribute to RON, because you can never say enough to really capture the whole image of the man.

I think of all the people I have served with in Congress, there is nobody kinder, there is nobody greater, there is nobody who cares more about this country. There is nobody who is a better friend than RON DELLUMS. We have broken bread many times together at lunch and had many, many great talks.

At first RON DELLUMS came to my attention when he was leading the protests against the Vietnam war. And a lot of us at that time felt as he did, but he seemed to capture everything and knew just exactly what to say. And in the course of the 10 years I have served with RON, I have never known anyone to have more integrity, more concern for this country, more love for this country, more love for the people with whom he served in the House of Representatives.

We are really going to miss RON. It's very nice, RON, to be able to hear people say all these nice things about you while you are still alive. It is really, really nice. But I think you can see from the heart both sides of the aisle, people who would call themselves liberals and conservatives and moderates and everything in between, are all saying the exact same things.

And at a time in Congress when many people do not agree with many other people, we all agree about one thing, and that is that RON DELLUMS is a class act. Thank you, my friend. I am going to miss you, and I hope you will keep in touch. But you have served this country well, you have served your friends well, and class act is really the word.

And I want to thank the majority whip for granting me the time.

Mr. DELAY. And, Mr. Speaker, once again I apologize to the gentleman from New York, but well said.

My last Speaker is the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. And, Mr. Speaker, I thank the gentleman for letting us do this. I promise I would have been here earlier, but I was on an airplane coming from a very rainy, rainy California.

I tell RON this story because it made such an impact on me. RON DELLUMS came to my district and spoke in front of a group of my friends. He spoke outside and the birds stopped singing because they were listening to him. There was not a person listening that had a dry eye. Every single person in that group, and there was at least 100 some people, had a story that they remembered about RON DELLUMS and what he has done for this country. So then I had the fortune to come here and work with you, RON, and I am so privileged that that has been part of my growing up here as a very junior Member of this Congress.

And I appreciate you for daring all of us in this House of Representatives by giving us the challenges to go and do more than we thought we should do and could do. You dared us to not just settle for what is politically possible. You dared us and you inspired us to think beyond the day-to-day battles, to look at the big picture; to think about what we are doing and how it relates to our children, our families, our seniors, our communities. You did not ever have one small vision of what you were doing and talking about.

I, like those ahead of me, could go on and on, but I want to tell you, RON, that I have always thought of you as the dean of our delegation, of the Bay Area delegation, the California delegation; the person that has taught me the most about integrity. But what I am going to miss the most with your leaving us is that booming voice here on this House floor. I am going to miss that. I am going to miss your leadership and I will miss your message, but I will not forget it. Thank you for being my friend.

Mr. DELAY. Mr. Speaker, I yield to the gentleman from California (Mr. DELLUMS) for a response.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague from Texas for his generosity, and in respect to the special order that the gentleman is calling, I shall be brief and I appreciate his gesture of generosity to my colleagues as well as to myself.

First, let me say in a humorous spirit, to capture the notion of my colleague from New York, it is kind of like a funeral, but the marvelous thing is I am still alive to hear it and to walk away, and so that is good. Hopefully, at some point before my service has ended on Friday the 6th, I will have some opportunity to take the well and to speak to all of my colleagues about what for me has been an extraordinary journey of 31 years across four decades in public life, 27 years of them here.

Suffice to say at this moment that I want to thank the gentleman from Missouri (Mr. IKE SKELTON) for setting up this special order and to all of my colleagues who took the time to participate. My heart is full at this moment. My heart soars like an eagle at this moment. And in the course of these few hours, I have felt every emotion from laughter and joy to tears and sadness.

Just suffice at this moment to say that I never came here to become a celebrity. I never came here to become a big personality. I am just a guy from the Bay Area who came here to try to do a job. I have been extremely honored to serve in the Congress of the United States. Late night talk show host jokes about politicians notwithstanding, it is indeed an honor to have gotten up every single day to march to the floor of the United States Congress with life and death in my hands, along with 434 other colleagues, to try to shape the course of history in this country and throughout the world. It has been an extraordinary honor.

Later, hopefully, I will be able to say more, but I leave without cynicism. The day that I take the plane out of Washington for the last time, know that I go with my optimism and my idealism intact and that I will miss all of you here, friends and foes alike, supporters and adversaries alike.

We have become a family. You are part of my consciousness. Those of you I had to challenge, stay up to 3 and 4 and 5 in the morning to try to be sharp enough to debate you because I figured you would be up to 3 and 4 getting ready for me, hopefully, we made each other better people. I am a better person for having served here.

Thank you very much for an evening that I will remember. It has been a most stunning and extraordinary and amazing evening. I am full by the evening and I am humbled by the evening. I thank you for your generosity, and I yield back to the gentleman.

Mr. DELAY. Mr. Speaker, I can only say that it is indeed a tribute to have as many Members come down to this floor. It shows you what kind of man the gentleman is. He is a great American, as the gentleman from California says, and the House will remember him and revere him and he will go down in history and young people will read about him. So we say farewell, but we always want him to come back.

I also rise to pay tribute to another Californian, another Ron, one of the greatest Presidents of this century, Ronald Wilson Reagan.

Now, later this week the House will take up a bill that will name the National Airport after Ronald Reagan. This legislation will be a fitting tribute to the greatness of Ronald Reagan. It will signify the soaring spirit of this man who did so much to lift the spirits of the American people.

Now, some people, especially my colleagues who occupy the far left of the political spectrum, disagree with this legislation. They say that we should not name the National Airport after Reagan because of his actions with the air traffic controllers. Well, let me just set the record straight. By breaking the PATCO union, Ronald Reagan struck a blow for the American people and for the American taxpayer.

Let me quote President Reagan. "I believe in the collective bargaining in the private sector. I do not believe in it for the public sector because I do not believe that public employees can be allowed to strike. Public employees are striking against the people, and the people are the highest sources of power, other than the Lord himself, that the government has."

Ronald Reagan set a very important precedent when he battled against that union. He established that no special interest could hold hostage the whole of the American people. Some Democrats may not appreciate that principle. After all, the Democrats are the party of the special interests.

Ronald Reagan was a President of principle. That is why the American people still love him so much. That is why we will celebrate his birthday this week. They knew where he stood on any issue. They knew he believed in the American spirit and that he lived the American dream. Born in a small town in Illinois, Ronald Reagan came not from a background of wealth or privilege. He worked his way up from tough circumstance to become the President of the United States, a President we could all believe in.

It was Reagan who said, "Don't let anyone tell you that America's best days are behind her; that the American spirit has been vanquished. We have seen it triumph too often in our lives to stop believing in it now." Today, we need a President who stands for the best that America has to offer. Ronald Reagan was that kind of President. We still feel the impact of the vision of Ronald Reagan: It is a vision of hope, a vision of opportunity, a vision of faith and a vision of freedom.

It was Ronald Reagan who said that the government was too big and it spends too much. It was Ronald Reagan who said the answer to government that is too big is to stop feeding its growth. It was Ronald Reagan who said raising taxes will not balance the budget, it will only encourage more government spending and less private investment; raising taxes will slow economic growth, reduce production and destroy future jobs, making it more difficult for those without jobs to find them and more likely that those who now have jobs can keep them.

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It was Ronald Reagan who campaigned so effectively for a line item veto, something that my colleague, the gentleman from New York (Mr. SOLOMON), worked so hard to get signed into law. It was Ronald Reagan's wife, Nancy, who led the fight against illegal drug use. Her campaign that urged children to "just say no" inspired the American people to take responsibility for their actions. It also inspired a 67-percent drop in illegal drug use. Now that is the kind of moral leadership that we need. It is leadership based on the principles of freedom and personal responsibility.

Today we are working on an agenda that is inspired by the Reagan vision for America, and this agenda has four pillars: First, we want to make the Government smaller and smarter so that it takes up no more than 25 percent of the average family's income. Americans are overtaxed, overregulated and overgoverned. It is not right that most people spend half the year working for the Government.

Mr. Speaker, I just challenge the American people who, during this week, look at today and tomorrow. Today, the American people are still working for the Government. Tomorrow, it will not be until after lunch that they start working for themselves this week. Over 50 percent of the American family's income goes to the Government.

If we add up local, State, and Federal taxes and the cost of regulation, 50 cents out of every hard-earned dollar goes to the Government. No wonder it takes one parent to work for the Government, while it takes another parent to work for the family today.

Washington confiscates too many of the hard-earned dollars, spends too much; it wastes too much and has too much power and authority over our lives. This was true when Ronald Reagan was president, and it is still true today. The only way to return power and authority from Washington back to the people is to limit the amount of money politicians get their hands on in the first place.

Look at what is happening to the Clinton budget that was introduced just yesterday. All of a sudden, the President and the politicians have found what they think are surpluses in our budget. Because of a good, sound, fiscal policy, we actually may balance the budget and surpluses may flow. And what is their first reaction is to raise the size of government, start taxing and spending again.

Think about it. Just think about it. The less that we send to Washington, the less Washington can waste. Hardworking Americans deserve a break today, and we are committed to keeping more of their money in their pockets and less in Washington.

Our focus in 1998 will be to increase family income by cutting taxes and making Government more accountable for the way it spends the people's money.

But tax relief is only the first step. The only way to ensure limited government and individual freedom is to eliminate the IRS as we know it today. We believe it is morally wrong for a free people to live in fear of any government agency. We believe it is morally wrong for citizens in a democracy to be assumed guilty until proven innocent.

Yet even IRS reform is not enough. The real problem lies with the Tax Code itself. It is too long, it is too complicated, and it is simply unfair. It makes lawyers and accountants rich and the rest of us poor. It punishes achievement and discourages hard work and savings and innovation.

Mr. Speaker, let us replace the Tax Code with a new system that is fair, consistent, easy to understand, easy to comply with, and less coercive and intrusive. We need a Tax Code that encourages savings and investment. Most importantly, we need a Tax Code that confiscates less for Washington and keeps more in the people's pockets. Now, that is a Ronald Reagan vision.

A second pillar of our agenda is education. A philosopher once said that "only the educated are truly free." Our schools have to improve if we are going to protect our freedom. Nothing is more important than the education of our young people.

I have struggled with this issue. Because, while I believe that education should be a top priority for the American people, I also believe that this priority is best accomplished at the local and the State level. But I do believe that the Federal Government can play a role and that role should be in promoting greater freedom and greater choices for the parents of our children.

Our education plan proposes fundamental change. Official Washington now has 760 education programs and 39 different bureaucracies, spending over $100 billion a year. It is mind boggling. That does not make any sense. It does not make any sense for Washington to tax the people's community and then graciously give back the money with all kinds of strings attached.

We want to cut those strings. We want to remove outdated rules and restrictions that are holding back our schools from the future. Even the best teachers cannot get results when their school is a dangerous, violent place.

We hope the President will stop his opposition to our proposal to give freedom of choice to low-income families in Washington, D.C. These families have children who are stuck at dead-end, drug-infested schools. We want those families to have the same option exercised by all of us, including the President and the Vice President, the option to choose the kind of education that best meets the needs of their own children. Republicans believe that American education should be the best in the world.

The third pillar of our agenda is the war on drugs and crime. When a mother sends her son off to a foreign war, she worries ceaselessly about his safety. Yet every day, every day, millions of mothers put their children on the school bus and send them off into a domestic war zone. Ronald Reagan understood the plague of drugs and he stood firmly against illegal drug use. He was a role model for the American people.

The leadership from the White House today is less clear, and that explains our current problems. Teen drug abuse has reached epidemic proportions, and there are no safe havens from this insidious modern plague. Overall, teenage drug use has nearly doubled in the 1990s; and, perhaps most frightening of all, nearly half of all 17-year-olds say that they can buy marijuana within an hour.

The scourge of drugs and horrible violent crimes are reminders that a good economy is not everything. We have to guard against America becoming rich in things but poor in spirit, and that starts at the top with our police and our elected leaders of this country.

Too often I think Government's well-intentioned programs have backfired, have led to dependency and illegitimacy and despair in the area of welfare, for example. We have some solutions to this problem.

First, if we wish to solve the drug crisis, we have to start with the family and the school and in our churches and synagogues. Teens with families that eat together and play together and pray together are the ones that are least likely to try drugs. If the battle against drug abuse is waged at home, the war is half won. Ronald Reagan understood that fact, and his lovely wife Nancy's campaign to "just say no" was effective. We need that kind of moral leadership in the White House today.

Second, parents must demand that their schools be made drug-free. We need to empower teachers so that they can kick drug dealers out of their schools. We have to demand accountability and zero tolerance by principals for any drug use on school grounds; and if those principals do not adhere to zero tolerance, we need to get rid of those principals and replace them with ones that will.

Third, the Federal Government has an important role. We must do a better job in defending our borders, our national borders, from drug dealers. We have to be more diligent in our policing and arresting and prosecution of anyone who sells this poison.

Next, we need to get as tough on these people as they are on us, ending parole for violent offenders, increasing prison capacity, mandatory penalties for crimes committed with a gun, cracking down on juvenile criminals, and making the death penalty a very real threat. If we are truly committed to protecting the innocent, we must do more to punish the guilty.

Finally, we have to set examples for our children. For those who say that sin is not important, that morals are not important, that setting examples are not important, I say no wonder we cannot win this war.

The fourth pillar of our agenda for the future is also a part of the Reagan legacy. Ronald Reagan signed the law that saved Social Security for the next generation. Now we have to take steps today to save and strengthen Social Security for the next century. Today, more young people believe in UFOs than believe that they will ever see a Social Security check; and we have to make this system one that all Americans can believe in.

President Clinton's proposal to hold on to any surplus until we reform Social Security is just flat wrong. In fact, it does not even make any sense. I believe that this is just a sneaky way for the Government to keep more of the taxpayers' money. But we need to fix Social Security. Ultimately, it comes down to the question of control. Who should make these key decisions about the people's retirement? The people or the Federal Government?

Now, we believe that the American people need to play a more active role in designing a retirement system that they can control, and I think we can design a better system that all Americans will believe in. A national commission or a national debate with the active participation of the American people will help us design such a system. Such a debate would be a further reflection of the Reagan legacy.

According to press accounts, Bill Clinton is worried about his legacy once he leaves office. The legacy that a president leaves is not just the legislation he signs, not the programs that he proposes or even the speeches he makes. The legacy is also the vision he promotes for a better America.

President Reagan saw the brighter side of an American dream. He saw a land of boundless opportunity and a people of boundless energy. He saw an America that served as a shining city on the hill, an America that served as a beacon of light for the rest of the world. He believed that a government that preserved freedom was a limited government that knew its role in society. He believed that freedom, coupled with personal responsibility, created wealth and fostered happiness. He knew that the world was a dangerous place and that an America was a force for good in making it a less dangerous place. He also knew that the position of the president of the United States was not only a job but also a symbol of freedom to people across the world.

Reagan also knew that, as president, he did serve as a role model for the Nation's youth; and he did his best to bring dignity to the office and to the Nation. I knew Ronald Reagan. I served under Ronald Reagan. Ronald Reagan was a friend of mine.

President Clinton, you are no Ronald Reagan. Ronald Reagan had his enemies, but even his enemies respected his vision of America. They had no choice.

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I wanted to wish President Reagan a happy birthday, and I am sure that the current fight to name the National Airport in his honor bewilders him and Nancy. It bewilders me. But we should not let this partisanship get the best of us. We should adopt Ronald Reagan's good humor and push forward on this legislation. It will be the best thing we can do for the image of this city and the image of our capital.

Mr. COX of California. I wonder if the gentleman would yield.

Mr. DELAY. I would love to yield to the gentleman that worked for Ronald Reagan in the White House, the gentleman from California and the Chairman of the Policy Committee, Mr. COX.

Mr. COX of California. I thank the whip, and I thank him especially for his inspiring remarks about an inspired man, a hero of mine and his and so many Americans.

What happened during the 20th century, which really spans Ronald Reagan's lifetime, was nothing less than the rise of totalitarianism as a model of the state and its defeat in the great war, World War II, that our folks, some of us here in Congress, fought in, and its defeat subsequently in the Presidency of Ronald Reagan, when he led the victory of the West in the Cold War, and he led the intellectual victory that results now in Democrats and Republicans agreeing on the central point that free enterprise, not a state-run economy, is the model for America and the whole world and for the creation of jobs and opportunities for people everywhere.

In that sense, Ronald Reagan, while he was a Republican by registration at the end of his life and a Democrat to campaign for FDR and Harry Truman earlier in his career, was really a person who transcended partisan politics. He had Democrats and Republicans voting with him every single time he did one of the great things for which we remember him. Of course, that was the good Democrats and the good Republicans who always were siding on the majority with Ronald Reagan. But it took those Boll Weevil Democrats to join with the Republicans in the House to bring us those incredible tax cuts.

I remember when President Reagan spoke when I was a freshman here in Congress, having worked for him in the White House, he spoke to us towards the end of his term, in January, but he did not stand at your lectern, he stood at the one on the other side, which is, of course, where the Democrats address the House, not Republicans.

Halfway through his remarks, some of us, since he was speaking only to the Republican Conference, I am sure you remember it, some of us thought he just made a mistake and didn't understand how the House worked and showed up on the wrong side of the aisle. But halfway through the remarks he crossed over to the lectern you are speaking at right now, and he said, I am crossing the aisle right now to talk to you because that is what I did midway through my adult lifetime: I changed parties, and, as he was always so fond of saying, I didn't leave the Democratic Party, some of the people in the Democratic Party left me.

Nowhere was that more true than in the area of foreign policy and national security, because while Ronald Reagan was winning the Cold War in Europe, bringing about ultimately the collapse of the whole Soviet empire and the freedom of what we then referred to as the captive nations of central Europe and the Baltics and so on, he also was fighting for democracy right here in our hemisphere, nowhere more forthrightly than in Central America.

I remember what was at stake at that time. I remember that the Sandinistas, the Communists, with the aid of Soviet troops, Soviet military spending, Soviet advisors, Bulgaria and East German advisors, were building a very expansionist Communist state that threatened the new democracies of Central America in the 1980s. Not only Ronald Reagan but many in Congress felt very, very strongly this had to be stopped and contained. The Sandinista Communist Government of Nicaragua, which had come to power by force, told all the workers who they were supposed to be liberating that the right to strike was now abolished; it would be illegal to go on strike, because this was, after all, a Communist government and they didn't allow such things.

They shut down La Prensa, the main newspaper, that had been such a wonderful outlet for the views of competing political interests in Nicaragua, and they assassinated the editor of La Prensa. The editor's widow, Violeta Chamorro, quit the revolutionary government of Nicaragua to fight for democracy and to talk about democracy, to the extent that the government would let her, in the pages of La Prensa.

Well, in this climate, the President sought humanitarian and military aid to the people who were fighting to get democracy back in Nicaragua, and the United States Senate went along with him. He asked, because everything hinged on the vote here in the House of Representatives, to come and stand where President Clinton just stood the other night, to address us about the importance to the whole world, and certainly to the cause of democracy, of winning this battle and of sending that aid to the freedom fighters in Nicaragua.

But the Speaker of the House turned him down. So I got a request from Don Regan, then the Chief of Staff, to answer this legal question, if you will: Can the Speaker of the House, Jim Wright, turn down the President of the United States when he asks to come and address the body? Has this ever been done before in American history? Is there precedent for it, and can he get away with it?

Well, it turned out as a matter of tact, judgment and political comity, it was a huge mistake, but as a matter of law, yes, the Speaker of the House had the right to bar the President from coming to address the Nation and the Congress, which he did.

President Reagan was not a lawyer, so while I was disappointed to have to give him that legal answer, what he said in reply, very quickly, was, "They have TV's up there on Capitol Hill in their offices, don't they?" Of course, you know what happened. The President went on national television and addressed the country and, incidentally, all the Members of the Congress in their offices, and as a result of the speech that the President made explaining his case, laying it out, just as Harry Truman did, he pointed out in that speech when he was seeking aid to stop communism in Europe after the war, he won.

Here in the Democratically-controlled House of Representatives, where the Speaker of the House prevented the President from speaking and making that pitch, the vote was 221 to 209 for the Edwards-Skelton-Ray-Chandler amendment to the MILCON bill, the military construction appropriations bill, and we provided $100 million in humanitarian and military aid, which the Senate had already agreed to, to the freedom fighters in Nicaragua.

Of course, Violeta Chamorro became the democratically-elected President of Nicaragua, and Nicaragua, along with Guatemala, Honduras and the rest of the nations enjoying democracy in Central America, became part of this late 20th-century tide against statism, against communism, for free enterprise, for democracy, for individual rights, for the right to strike, for free press, for all of the things that communism was against.

So, when I think of that story, I think not only of what Ronald Reagan accomplished, but what it tells us about who he was. He was not a creature of Washington. He was much closer to the American people than he ever was to politicians on Capitol Hill. Even those of us who are now in Congress who so strongly support and agree with everything Ronald Reagan did understand the reason we love him is because he is just like we are when we are at home with our constituents, not like all the back room wheeling and dealing that we see here on Capitol Hill.

He is a remarkable figure, and I considered it an honor to have worked for him. I am delighted that very shortly in honor of his birthday we will be naming, in bipartisan fashion, I am quite sure, just like everything Ronald Reagan ever accomplished, we will be naming the National Airport in bipartisan fashion, the National Airport, the Ronald Reagan National Airport. It is a small thing to do in honor of a very, very great man.

Mr. DELAY. I thank the gentleman from California. His words are like a paintbrush, painting who the real Ronald Reagan was. Many of us that serve in this House serve in this House because of his inspiration, and getting us involved in politics and dragging us out of the private sector, and making us stand up, as he did, for freedom and personal responsibility. I appreciate the gentleman for coming down and helping me with this special order.

DEVELOPMENTS IN ARMENIA

The SPEAKER pro tempore (Mr. ROGAN). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 10 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to speak to my colleagues and the Armenian people, as well as the American people, about the situation in the Republics of Armenia and the Nagorno Karabagh.

I had actually planned to come to the floor of the House to discuss my trip to the region of Armenia during the January break and the peace process in Nagorno Karabagh and the American role in that process, and I hope to do that during this time. But events today in Armenia require that I first provide an update on important developments in the past few hours.

Earlier today, Armenia's power, Mr. Levon Ter-Petrosyan submitted his resignation. According to wire service reports, barely five hours ago, President Ter-Petrosyan announced, "That I have faced demands to resign. Considering that in this situation exercising the President's constitutional powers may cause a serious destabilization of the situation, I accept this demand and announce my resignation."

Given president Ter-Petrosyan's academic background, it is not surprising his resignation speech, broadcast on Armenian television, adopted a philosophical tone. But I believe he reflected the broad pro-democracy consensus of his country when he stated, "I call on you to display restraint, keep the order in the country, and run legal, civilized elections of the new president. That will be a manifestation of the maturity of the state we have formed for the last eight years, and a deposit of maintaining the image abroad. I wish the new president success for the good and welfare of the Armenian people. I am very grateful to you for your trust and support. If I did something good, I do not expect any gratitude. I ask your indulgence for all my errors and the things that I did not do."

While details about the political situation are still emerging, it is my understanding that a new election will be held within 40 days. What we can say at this early hour is this: Today's developments prove that Armenia has firmly established itself as a functioning democracy, where the rule of law is observed and obeyed.

In the midst of political turmoil, president Ter-Petrosyan's decision to step down was done in a peaceful way, in the spirit of a civil government with a clear constitutional framework. In many other emerging Democrats, such a political crisis may well have led to violence and instability.

Considering the potentially volatile nature of the situation with Nagorno Karabagh and the ongoing threat of aggression from the neighboring Republic of Azerbaijan, today's developments demonstrate the impressive maturity that the Armenian democratic political system has already achieved in little more than half a decade.

Mr. Speaker, President Ter-Petrosyan has served as President of Armenia since the country first gained its independence when the Soviet Union collapsed in 1991. Indeed, he was one of the most important leaders in the struggle by the Armenian people to achieve their independence from Moscow.

He also was instrumental in one of the galvanizing issues for the Armenian for the Armenian nation, the independence of Nagorno Karabagh, known to the Armenians as Artsakh, the Armenian ethnic enclave which Stalin's map-makers gave to Azerbaijan, but which is historically Armenian territory.

Born in Syria, Mr. Ter-Petrosyan moved to Yerevan, the Armenian capital, as a one-year-old in 1946. He spent much of his life as an academic, writing six books on Armenian history, and was arrested by the Soviet authorities in 1966 for his involvement in the dissident movement. He first came to power in 1991 and was reelected in 1996.

I had the privilege, Mr. Speaker, of meeting with President Ter-Petrosyan on several occasions, both here in Washington and on my two visits to Armenia.

President Ter-Petrosyan first came to this building, the U.S. Capitol, in 1990, when Armenia was still theoretically part of the Soviet Union, at least in the minds of the communist leaders in Moscow. But it was clear at that time that we were in the presence of one of the new generation of post-Soviet leaders, people who until recently have been outsiders, marginalized, even imprisoned, but were now prepared to assume the burdens of leadership in a new era of democracy, market economies and respect for human rights.

This quiet and serious scholar impressed many of us with his sincere dedication to the pursuit of truth and his obvious love for his country and people. I believe it was Senator KENNEDY who at that time described him as the George Washington of Armenia.

Whatever the outcome of the current political situation, several things should be clear: First, Armenia is a stable, constitutional democracy, and the transition of power is being handled and will continued to be handled in an orderly and peaceful way.

Second, President Levon Ter-Petrosyan will, I believe, in the long run, earn the respect of supporters and opponents alike for leading his country through the often very difficult and confusing early years of democracy emerging from decades of dictatorship and foreign domination.

His country has stayed on the democratic path, despite the stress and economic hardships brought about by the illegal blockades brought about by the illegal blockades maintained by Armenia's neighbors, Azerbaijan and Turkey.

During my visit to the region last month, it was apparent that differences on how to address this situation of Nagorno Karabagh were causing deep divisions among the various political factions within Armenia.

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Yet despite the differences over strategy, the basic goal is clear: The Armenians of Karabagh fought off aggression to protect their homeland. All Armenians, in Karabagh and the Republic of Armenia and Armenian Americans, will not stand idly by to watch the people of Karabagh lose their hard-fought independence. They will not accept any settlement that compromises the security and self-determination of Karabagh.

Which brings me, Mr. Speaker, to the issue that I had planned to talk about before today's dramatic political developments happened. On both of my visits to Nagorno Karabagh, I had the privilege of addressing the Karabagh Parliament, and I believe I am the only Member of Congress to do so, although I know several of my colleagues in this body have visited Karabagh. I met with the various civilian and military leaders of Karabagh. On my recent trip, I had the opportunity to go to the front lines in the tense standoff between the Karabagh and Azerbaijani forces.

The conflict has become a diplomatic priority for the United States. A special U.S. negotiator for the region has been appointed, and the United States is a cochair, along with France and Russia, of the so-called Minsk Group, the Conference of the OSCE, commonly known as the Helsinki Commission, charged with resolving the Karabagh conflict.

Mr. Speaker, I am sorry to say, I am not pleased with the way these negotiations are going, and I believe that our own U.S. foreign policy is pushing Armenia and Karabagh into accepting proposals that are unacceptable. My primary concerns have always been to promote a lasting peace, guarantee the right of self-determination and maintain a long-term U.S. engagement with all the nations of the Caucasus region. I have been particularly concerned that the Minsk Group process does not result in a settlement being imposed upon the people of Karabagh.

In light of my second visit to the region, in which I had the opportunity to inspect frontline areas, as well as to meet the civilian and military officials in Stepanakert, it is now clear to me that the top priority of the negotiations must be better enforcement of the cease-fire. This point was brought home to me in a very powerful way during a front-lines tour when the military officials I was traveling with were fired upon by Azeri forces. The members of my party indicated to me that the incident was fairly commonplace.

It is abundantly evident that the cease-fire is shaky, at best. I believe the Minsk Group negotiations must address the following objectives: Establish a separation of the Karabagh and Azeri forces by at least 1 kilometer; and, that an international observer force be put in place to monitor the separation of the parties.

The peace process should also set as a priority direct negotiations without preconditions between all sides. As is abundantly clear to anyone who has visited or simply read about this conflict, it pits forces from Karabagh against force from Azerbaijan. While the good offices of the United States, France and Russia can be helpful in facilitating the negotiations, only direct talks between the two warring parties will finally resolve the conflict and establish the confidence-building measures that will help build a lasting peace.

Finally, Mr. Speaker, the issue of security guarantees for the people of Karabagh must be addressed. It is my opinion that a phased approach for withdrawal from certain territories while leaving the crucial issues of status unresolved, as the Minsk Group and including the United States has proposed, will continue to cause the Karabagh Armenians to feel insecure. The people of Karabagh are not about to negotiate the very factors that enhance their bargaining positions, the occupied areas, without ironclad provisions governing their status and a clearly stated mandate for safeguarding the security of a future status arrangement. Direct negotiations between the parties would improve the chances of achieving an agreement that leaves the people of Karabagh with a sense that their security needs will be addressed.

Mr. Speaker, as the cochairman of the Congressional Caucus on Armenian Issues, I have been pleased to work with colleagues from both sides of the aisle to help the people of Armenia and Karabagh. Late last year, just before adjournment, members of the Appropriations Subcommittee on Foreign Operations succeeded in approving for the first time direct U.S. humanitarian aid to Karabagh. I am concerned, however, that not all of the relatively modest amount of $12.5 million will even get to the people in Karabagh who need assistance and I will continue to monitor closely the provisions of said aid to Karabagh as I am sure will many of my colleagues, including the Speaker, who is here this evening.

As of yesterday, we are beginning the fiscal year 1999 budget process, and I am sure that the pro-Armenia forces of this Congress will again work together to show our support for the people of Armenia and Karabagh, and we will continue to urge our State Department to pursue policies in the Caucasus region that will promote peace and stability, while recognizing the precious value of self-determination for the people of Karabagh.

I just want to say once again, Mr. Speaker, that this evening we heard about the President's resignation. It is a momentous occasion, but it was done with an incredible amount of dignity and respect for the democratic process, and I think it bodes very well for the future of Armenia, as well as relations between Armenia and our country.

CENSUS 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. MILLER) is recognized for 60.

Mr. MILLER of Florida. Mr. Speaker, tonight I want to introduce myself to the American people and to all the stakeholders in the 2000 decennial census. My name is DAN MILLER and I represent the 13th Congressional District in Florida. I am the new chairman of the Subcommittee on the Census. The task of our subcommittee is to work with and to oversee the Census Bureau to ensure that we have a successful 2000 census.

For many Americans listening tonight, the 2000 census may not seem like the most interesting subject. I know it is tough to get excited about how to count people. We do, after all, count sheep in our head to try to fall asleep. But the census is important, and it has real impact on us and our government.

Why do we take a census every 10 years? For two reasons. Let me repeat that, for two reasons. First, we take the census to apportion the Representatives, and the House Representatives among the 50 States. As the population grows and shifts between States, the numbers of Members each State elects to represent it in this House may increase or decrease.

The second reason is to redraw the district boundaries of congressional and legislative districts to equalize those districts' populations. That is done so each Member represents the same number of people.

This must be done for congressional, State legislative, county and even city council districts. This is necessary to preserve the historic gains of our civil rights laws and guarantee one person, one vote. The census is the underpinning of our entire Federal, State and local government systems.

There is a lot of other important data that we receive from the census, like how many people in homes, our ethnic heritages, how many of us are married, how many people have dependent children, et cetera. But these issues are secondary. We must do a fair, honest and accurate census every 10 years so every American can be represented and have a voice in their government.

The House of Representatives, as the voice of the American people, therefore is the preeminent Federal stakeholder in the census. The Senate does not need a census to exist. The executive branch does not need a census to exist, the judicial branch does not need a census to exist, but the House of Representatives literally needs a census conducted every 10 years to exist as a constitutional body. The legitimacy of the House of Representatives and the American system of democracy rests on a successful census.

So let me say what should be obvious. The House of Representatives must have a huge say in the planning, preparation, and implementation of the 2000 census. It would seem crazy if the executive branch would ever consider moving forward with a plan which the majority of the House of Representatives does not support. The President has preeminence in conducting foreign policy, but the Constitution clearly gives this Congress the lead in conducting the census. But crazy as it sounds, the Census Bureau has unilaterally decided to try a radical new approach to conducting the census. They know Congress disapproves, but they still plan to carry out this untested, risky method that in all likelihood will not even work. The Clinton administration has known for at least three years now, since they released the outlines of their unprecedented plan, that many Members of the House have serious reservations. Chairman Clinger made it quite clear in 1996 in a report from the Committee on Government Reform and Oversight. The report stated, "The committee is seriously concerned" about the Bureau's plan. Chairman Clinger added that the committee was concerned that the Bureau's new method "may undermine public confidence in the decennial census and reduce public participation." Chairman Clinger concluded with this serious concern: "It appears that the fundamental constitutional purpose for the decennial census, which is to apportion the House of Representatives, has been deemphasized." In other words, the Census Bureau seems to have forgotten what the census is all about.

The Census Bureau's own Inspector General took the Census Bureau to task last fall for poor relations with Congress. The Inspector General stated in clear terms, "The Bureau needs to increase its credibility with Congress."

Just last November, a clear congressional majority passed the funding bill for the Commerce Department, and in that legislation the House and Senate made clear its position. We believe that the Census Bureau's plan, let me quote from the legislation, "poses the risk of inaccurate, invalid and unconstitutional census."

I would think that statement alone, which was included in the legislation signed by the President, would send a strong signal to the Census Bureau that their new plan does not have enough political support for it to move forward. Yet, they do not seem to get the message.

Some say Congress has delegated its authority to the employees at the Census Bureau to conduct the census any way they choose. On the other hand, a great number of respected legal minds believe the Clinton plan is unconstitutional. That is an open question of both constitutional and statutory law. The House of Representatives will soon be filing suit as agreed to by the majority in Congress last year, to prevent the unlawful use of the polling techniques at the heart of the Bureau's unprecedented plan. Hopefully, the court will resolve these issues. But no matter what they decide, the administration is wrong to try and ram down some new plan without political consensus.

I am not a lawyer, so I will not try to make a complex legal argument tonight. I am, however, a Member of the House of Representatives, so I will make a civic argument. It is beyond comprehension that the Clinton administration would move forward if it is so clear that the House of Representatives disapproves. We are going to file suit to stop their plan. That should give the administration a pretty strong signal that we do not like what they are doing. It is simply bad government for the Census Bureau to unilaterally push ahead on something that the House does not approve and the American people know very little about.

Again, the legitimacy of the House is at stake, and with it, the confidence of the American people and their system of representative democracy. Our opinion, whether the Census Bureau agrees with it or not, must carry great weight. I think it is worth pointing out that the House, like most people, do not have a radical, impractical idea of how we should conduct the census. Common sense says we simply need to count everybody. The majority of Members simply want the Bureau to use the basic method we have always used in this country. We want to make some common sense improvements and spend enough money to make sure we count all Americans, but we are not trying to push an unprecedented, untested method on the Bureau, nor are we advocating an approach that will not work.

In fact, it is the administration that has the unprecedented and highly complex idea of how to conduct the census. They have unilaterally decided to abandon the method we have used in this country for 200 years because they have a new academic theory. If the Clinton administration believes they have a better method, they should present the plan to Congress and get our approval, but the simple fact that they want to try an untested, unprecedented method, the burden of proof is on them. The burden of receiving explicit congressional approval is on them. The burden of convincing the American people to pay for this extravagant experiment is on them.

The House has wisely formed a subcommittee to conduct oversight on the census, and I am honored to serve as its chairman and we will have a very successful committee. I believe the Census Bureau wants to work with us, but at the moment they do not have a leader. Martha Riche, the Director for the past several years, left office last week. This is a difficult time to lose a census director. The Commerce Inspector General and the General Accounting Office have made clear that the census is not in great shape at this moment. In a few months, they will be conducting some important dress rehearsals in Sacramento, California, and Charleston, South Carolina and in South Dakota. Simultaneously, they must continue ramping up for the 2000 census. The Bureau is in dire need of leadership and organization, and they need a director as soon as possible.

I want to make my position clear about the qualifications needed for the next census director. First, Mr. President, do not play political games with the legitimacy of the House of Representatives. Do not send up a political spokesperson who is not committed to faithfully carrying out the intent of the law. I have said I have no litmus test, but, Mr. President, you better not have a litmus test either. Your nominee must be prepared to plan and carry out a full enumeration, because that is the will of the majority of this Congress.

Article I of our Constitution requires Congress to conduct the decennial census to apportion Representatives among the States. We take it very seriously. I believe, therefore, that it would be wise to consult the House extensively before we nominate a new census director. We cannot risk the people's confidence in the 2000 census. The next census director must not be a political lightning rod for untried ideology. In no measure a successful census is defined by the people's confidence and its fairness and accuracy. The majority of the Representatives and Senators oppose the administration's new untested methodology of how to conduct the 2000 census. It would be a tragic mistake to put forward a nominee who the congressional majority views as unwilling to work with us.

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Over the next several months, our subcommittee plans to hold a series of hearings to learn more about the status of the planning for the census. We intend to examine the design flaws in the Bureau's complicated plans. We will make sure that the Bureau moves forward with planning for a new numeration as the recent legislation signed by the President requires.

I hope to offer constructive and practical ideas of how we can improve on past censuses without risking a failed census. I do not believe in throwing out the baby with the bath water. We have a great deal of work to do to save the census. Let us get started.

AGREEMENT BETWEEN GOVERNMENTS OF UNITED STATES AND LATVIA CONCERNING FISHERIES OFF THE COAST OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ROGAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the 1993 Agreement). The present Agreement, which was effected by an exchange of notes at Riga on February 13 and May 23, 1997, extends the 1993 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1996, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

DISAPPOINTMENT WITH THE PRESIDENT'S BUDGET SUBMISSION

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, today the Committee on the Budget began the process of reviewing the 1999 budget submission of the President. It was very disappointing for a Member who is a very fiscally conservative Member to see a proposal that has more smoke and mirrors of how to spend more money.

We had a budget agreement that we agreed to last year, and I had the pleasure of being at the South Lawn of the White House when the President signed that document in August. Less than 6 months later, we have $150 billion more in spending. I know they have a lot of neat little gimmicks of how to disguise the spending, but the bottom line is it is not in the spirit of the budget agreement that was signed last year and in the reconciliation bill that was signed into law by the President. That was not the intent of the agreement that we worked on last year.

For those of us who went along with that agreement, knowing that we would have to have tight spending controls this coming year, we feel very, very disappointed; and I feel it is not right to try to get us to move ahead with more spending programs at this time.

One of the ways to justify it is this tobacco settlement. I am not a pro-tobacco Congressman. I would be classified as an anti-tobacco Congressman. But the point is, we should not begin spending money until we have it in our hands.

We do not know what kind of agreement will be reached. The administration claims they are going to send one up in a few weeks, but we do not have a plan before us right now. So how are we going to have this money and why are we spending it before we have it in our hands? I think it is very risky and irresponsible to try to spend that money.

I also am very concerned that what is going to drive a tobacco settlement is that we want to spend money. We need to spend more money on day care, so I will settle any type of tobacco agreement. That will be very risky and dangerous. The tobacco settlement should stand on its own.

Yes, there are going to be some revenues there; and, yes, we are going to share some of that with the States. We have to address the whole liability issue, which is a great concern to all of us. There are a lot of legal fees involved that are going to be questioned.

It is going to be a complicated process. It is going to be worked on in a bipartisan fashion, and we need to move forward on that. But let us not spend that money now. It is not part of the budget. We do not have the money in our hands. So to try to say this is the reason we want to have a budget agreement so we can spend money on these new programs is just plain wrong.

So I am very disappointed that this administration sent up a budget that, because of smoke and mirrors, they classify things as mandatory spending. They are using waste and fraud as a way to save money, and we will spend it even though we do not have it in our hands. Let us stop playing tricks with the American people and let us talk straight with them.

Let us live with the agreement that we agreed to last year. Let us live within the spending caps. Let us wait and see if we have a surplus. And when we have the surplus, my opinion personally is that we need to address the debt problem, start applying it to the debt. We do have a Social Security problem and a transition cost as we reform Social Security. And, number three, we should give tax cuts to the American people.

So I think we should address that once we have the surplus in hand. Until we have that surplus in hand, there is no way that we can continue doing that.

PRESIDENT'S BUDGET RETURNS TO THE ERA OF BIG GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Dakota (Mr. THUNE) is recognized for 60 minutes as the designee of the Majority Leader.

Mr. THUNE. Mr. Speaker, last week, we heard in the President's State of the Union address some of his priorities and his agenda for this next year. And, interestingly enough, when the budget came out this past week, we got a more detailed description about some of his ideas for new Washington spending.

I harken back to 1994 and what happened at that point in time and after the big government agenda was annihilated at the polls in 1994. In the State of the Union address in 1995, the President came forward and said, the era of big government is over. I think a lot of people in this country took consolation in that statement. That was just a few short years ago.

Well, now a couple of years later, we are talking about a potential surplus, which is something that is remarkable—the first in our country's history in some 30 years. Yet I am reminded of the fact I think about whenever we start talking about a surplus in this particular environment in Washington, D.C. It is like a liberal politician's dream, but a taxpayer's nightmare.

Mr. Speaker, I think as we look at the statement in 1995 about the era of big government being over and then look at where we are today in terms of potential surplus and what that means for the future of this country and what that means for our country's budget, I think we have to make some important decisions. We are truly at an historic crossroads in terms of the future of this country.

Now, when the President laid out his budget, I think there were some $150 billion in new Washington spending included in that budget; and, with respect to his goals, I think most of us probably were in agreement, on the importance of priorities like caring for and educating our children as well as providing health care for an aging population. These are important issues and on that I think all of us agree.

However, the differences are very clear in trying to determine how best to achieve those goals and particularly in the context of a potential revenue surplus.

The President's programs are an incredibly expansive reach by the Federal Government into the lives of most Americans. It is remarkably inconsistent on the one hand to talk about using a potential surplus to pay down the debt and to pay back Social Security and, on the other hand, to talk about increasing the size and reach of the Federal Government by some $150 billion in new Washington spending and bigger government.

Many people, myself included, have been very confused by the mixed signals that the President is sending. Now I happen to believe that there is a responsible public policy approach to dealing with a potential surplus. For that reason, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which is consistent with a number of important policy objectives.

Simply put, the Neumann legislation would apportion any potential surplus in three ways. First, it would allocate two-thirds of any surpluses to paying off debt and restoring the governmental trust funds: Social Security, transportation, environmental. The final third would go toward reducing taxes on hard-working Americans.

It goes a step beyond that in a very important way, by putting a systematic plan in place to retire our country's $5.5 trillion debt in the course of the next 30 years, spending 1 percent less than what we take in in revenue every year, and applying that 1 percent to paying down the debt. Again assuming modest or moderate economic growth rates, we can be completely debt free by the year 2026.

In addition to winning the war on drugs, I cannot think of anything else that would be more important for the future of our children and our grandchildren. It would also free up the $250 billion annually that the Congress appropriates every year just to pay the interest on our $5.5 trillion debt.

That is an important point. We go through the budgetary process every year. Before we spend anything on roads and bridges or highways, before we spend anything on any other social programs, we have to appropriate the $250 billion in round numbers that is necessary and essential to pay for the interest on the $5.5 trillion debt.

Just as important, the Neumann legislation would allow us actually to give something back to the taxpayers. After all, it is their money. I happen for one to believe that if the President is able to build $150 billion into his budget for new Washington spending, in the alternative, he ought to be able to come up with that amount of money to give back to the taxpayers.

I believe that the best way that we can help working families deal with tough issues like child care is to give them some money back and to allow them to make the best decision about how to address this very important need.

The President's proposal tends toward installing Uncle Sam as your nanny. His plan would have Washington determine which children and which child care providers get Washington's assistance.

The bottom line question I think we have to ask ourselves as members of this country is, who would we rather have raising our kids? Would we rather have the Federal Government do it, or would we rather have the American family? For me, that is a no-brainer.

But if we give people inside the Washington Beltway long enough, they will try to create a risk-free society. Big government will eventually guarantee you child care, education, health care, guarantee a job, probably guarantee a fixed income, guarantee a retirement, possibly a big screen television, and the list goes on and on.

But the cost will be high. Because, in doing all that, there will be a corresponding decrease in the freedom that we enjoy in this country and more and more taxes to pay for all that security. Ultimately, we end up with a bureaucrat in the crib, a bureaucrat at day care, a bureaucrat in the classroom, a bureaucrat in the workplace, and a bureaucrat in your living room. We may, in fact, even have a bureaucrat in the coffin with us just to make sure that we do not, in fact, take anything with us.

The question I think we have to ask is, where does it all end? There is a better way, and that is to say to the people of this country that we trust their judgment. We believe that they are capable of caring for their children and making good decisions about their future. We believe that, as a matter of principle, America is infinitely better off when families are making decisions rather than bureaucrats. In the same way, we believe that America is infinitely better off when parents are teaching values rather than bureaucrats.

I know that may shock the yuppy intellectuals who operate government institutions, but that is all part of the debate that we are having in this country today. If there is anything in President Clinton's budget or in his State of the Union speech that troubles me more than anything else, it is this obsession with targeting. From spending Federal dollars to providing tax relief, the President desperately wants to create winners and losers. Everything is targeted.

Now since when have we become so differentiated as a culture so as to require this sort of governmental micromanagement? I think at times we have all been guilty of it. But if we are truly striving, as he said, toward a more perfect union, we ought to look for ways in which we allow all Americans, irrespective of whether they are married or single, with or without children, young or old, whatever their national heritage is, to participate in the benefits of greater freedom that comes with lower taxes. We should not discriminate among taxpayers based upon marital status. We should, on the other hand, strive to make all taxpayers equal in the law.

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Furthermore, we ought to consistently look at ways to make the Tax Code simpler and less complicated for the American people. Almost every tax relief proposal that I have heard of to date further complicates the Tax Code. This is the absolute wrong direction in which to head if our underlying objective is making government less intrusive and more user-friendly.

It is for these reasons that I am proud today along with my friend, the gentlewoman from Washington (Ms. DUNN), to be introducing two pieces of tax relief legislation that I believe will serve as alternatives to the new Washington spending in the President's budget, and at the same time these bills are consistent with the dual goals of, one, distributing tax relief broadly and evenly and, secondly, of simplifying an already inordinately complicated Tax Code.

Members of Congress, both Democrats and Republicans, if they are sincere about helping to lower the tax burden on working families, should be 100 percent behind these bills. There is no targeting. There is no gimmickry. There are no loopholes, just plain and simple common sense.

The first bill, the Middle Class Tax Relief Act of 1998, addresses the issue of bracket creep by allowing working families to make more money before they fall into the higher tax bracket. It lowers taxes by raising the income threshold at which the 28 percent tax bracket would apply. Very simply put, more and more of the income of working Americans would be subject to the 15 percent tax bracket rather than the much higher 28 percent tax bracket.

This legislation will help Americans who are doing better and therefore making more and as a consequence have graduated from the 15 percent tax bracket to the higher 28 percent tax bracket. Due to bracket creep, 28 cents of each additional dollar they earn now goes to the Federal Government. Talk about a disincentive to improving your lot in life. Under our legislation, many of these hard-working people will have an incentive to continue to be hard-working people because they will have been liberated from the higher tax rate on each additional dollar that they earn.

Now, the real beauty in this legislation is it gives no preference based upon status, marital or otherwise. Presently the higher 28 percent tax rate begins to apply to a single person making $25,350. Our legislation would raise that threshold to $35,000. For heads of household, the 28 percent rate starts at $33,950. We would raise that to $52,600. For married couples the 28 percent rate starts at $42,350. We would raise that in our proposal to $70,000.

According to the Tax Foundation, over 29 million filers in this country would see their taxes lowered under this proposal, with the average savings of nearly $1,200 per filer. In fact, over 10 million filers would actually move out of the 28 percent bracket, the higher tax bracket, into the lower 15 percent bracket.

Once again, let me say and repeat that this is an infinitely better approach to assisting families with their child care needs than is the discriminatory Washington knows best approach embodied in the President's plan. A $1,200 tax cut could pay for 16 weeks of child care, 4 car payments and up to 3 months of housing bills, or 14 weeks of grocery bills. That is real help for working families.

Our other bill, the Taxpayer Choice Act of 1998, would raise the personal exemption from the current $2,700 to $3,400. Again, this simple change will help hard-working Americans by allowing them to reduce their taxable income by an additional $700 per dependent, thereby lowering their overall tax burden.

This legislation will deliver broad-based tax relief to taxpayers in the lower and middle-income ranges. In fact, under this legislation, 95 percent of the people, particularly those in the lower income categories, would benefit. It really delivers relief to low and middle-income taxpayers, and that is something I think we desperately need. That is helping people who are your W-2 wage earners, the people that oftentimes get left out of many of the discussions. Furthermore the change is straightforward and easy to calculate. For someone in the 15 percent tax bracket, the bill would result in a savings of $100, or for a family of four, when you multiply that, $400 or the possible equivalent of 5 weeks of child care, a car payment, housing payment or 5 weeks of grocery bills.

Again, I would restate that this is real relief. For someone in the 28 percent tax bracket, that would amount to $200 in tax savings per individual or $800 per family of four. That again is the possible equivalent of 10 weeks of child care, almost 10 weeks of grocery bills, three car payments or a couple of housing payments, and, as is true today, the deduction would phase out for wage earners whose incomes exceed $124,500.

Let me again reiterate one point. That is that we agree with the President that working families in America need relief. However, the President, to coincide with his need for a relevant agenda, has mistakenly interpreted that need as a request for more Washington spending. We, on the other hand, know that what working families are really asking for is not more Federal Government, but relief from more Federal Government.

We have heard American families. We agree with you that your family should not have to sacrifice one more dime of your hard-earned money to build new government bureaucracies that will further undermine your ability to care for yourself and your family. We will stand with American families, and the bills that we have introduced today make it abundantly clear that no surplus government revenue should go to more Washington spending. Rather, they should go into your pocket—through tax relief and restoring the trust funds. That is common-sense government.

The legislation we have introduced today also should fit in nicely with what I believe ought to be a reality before the turn of the century, and that is a brand new Tax Code that is simple and fair.

Americans waste too much time and money filling out tax returns. It is a dream for lobbyists, for lawyers and for tax preparers. It is a nightmare for the American taxpayer. Ultimately the only way we will get real reform is to kill the beast and start all over. Every time Congress starts chipping around the edges like we did last summer, we make the Code even more complicated than it is today, some 480 different forms, 6,000 pages and 34½ pounds. It is time to say, enough already.

It will not be easy because there is a lot of internal resistance in this city to changing the status quo, but it has to be done. I had some accountants from South Dakota in my office just this last week. They agreed. They are probably in the best position to benefit from the complexity of the Code as it exists today. They agree that the current Code is an abomination.

The two bills that we have introduced today are consistent with a simpler, fairer approach to the Tax Code. I hope they will serve as the beginning of a discussion about replacing the Code with a view of taxation that finds its foundation and its basis in the policies of former Presidents John Kennedy and Ronald Reagan, and that is a policy and a view that invites all Americans to participate in the benefits of a growing economy that will spur investment and create jobs by limiting taxes and by minimizing the burden of tax compliance.

These are our goals. I look forward to working with this Congress to making them become a reality. To that end I would ask the Members of this body on both sides of the aisle to support this important legislation.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I overheard the beginning of your speech, and I thought it was very important that you pointed out that 2 years ago the President said that the era of big government is over. And yet the other day, yesterday, he said, we are now at the end of an era. So apparently the era of big government being over was only a 2-year period of time, a 24-month little spurt in United States history. What the President is now saying is that the era is over, and here is how I want to spend the surplus.

Now, I do not know how the good folks in your district are, but I know the good folks in coastal Georgia, if they have a credit card debt and they go 1 month without using the credit card, that does not mean that the bank calls them up and says, hey, last month your credit card balance was zero, go out and buy some new clothes and a new stereo, and go on a nice vacation and take your family out to eat. What they say is, hey, I am glad you finally quit spending on the damn credit card. Now start paying down your credit card debt.

The position we are in as a country, just because for the first time in 30 years we are going to have no deficit, it does not mean that we have paid down our $5.1 trillion debt. And what we need to do is have a sensible approach that you have outlined in terms of paying down the debt and having not increased government and not gone out and spent on a lot of new programs and so forth.

I really appreciate your class taking the leadership on this and common sense tax reforms, targeting to put values back in the system and reward people who are out there working and not the folks who want to take advantage of it.

Mr. THUNE. I appreciate the comments of the gentleman from Georgia. I happen to agree that in the course of the last couple years, somehow we have gone from the era of big government is over, to it is back.

In the current proposals that are pending before Congress right now, which we will have an opportunity to evaluate and act upon in the months ahead, clearly the discussion was had with the pollsters as to what are the most popular things, the most attractive things that we can talk about in terms of policies, and yet at the same time, without telling the taxpayers of this country that ultimately you are the people who are going to have to pay the bill on this. I think in fairness we have to make clear that inasmuch as these different things sound very attractive on the surface, the bottom line is they are an incredible, enormous expansion of big government; an incredible expansion into the lives of most Americans. As the people in my State of South Dakota would probably tell you, that is something that they would rather not see, because when I came here, I told them that I would work to make government smaller, more responsive, and more user-friendly. And in fact, what we are talking about is a bigger preemption and government usurping more authority, and more of the decisionmaking and control that parents and families and individuals ought to have.

I might add, again, in reemphasizing something that I said earlier, that so much of what the President has proposed over the course of his tenure is to identify or isolate specific groups and make them either winners or losers under his proposals. The things that we are talking about here in terms of tax relief do in fact provide it in an evenly distributed and broad way that allows people, whether you are married or not, whether you are single, to participate in the benefits of lower taxes, and that ultimately is where we want to go. I know that the gentleman from Georgia has a keen interest in that subject.

Mr. KINGSTON. I think that the gentleman has raised a good point that taxes are an indication of the size of your government. One of the things that when we talk about a balanced budget, if we had government the size that we do today, if we had the same size government or budget years and years ago, we would have always had a surplus.

The fact is our budget is overgrown. We are like the 300- or 400-pound fat boy who has finally quit gaining weight. And we are saying, oh, yes, now you are in great shape because you are not gaining weight anymore.

The fact is we have a huge, massive government, as the President has proposed it, $1.7 trillion government. That is a whole heck of a lot of bureaucrats, a whole heck of a lot of rules, regulations and Washington busybodies who have nothing to do in this world but to stick their nose into your family, your household, your bedroom, your kitchen table, your refrigerator. They are going to give us rules for this and that, labeling laws, restrictions and so forth. If you go out and talk to businesses, I do not see how they stay in business anymore, small or large or mid-sized businesses, just too much bureaucracy.

One of my favorite stories, and it is not hard to get one on OSHA, is a plumbing contractor in my district was installing a P-trap in a kitchen or bathroom sink. The P-trap is a little pipe that goes like that. Most of these days one uses PVC pipe. This is just like your bathroom cabinet and probably 80 percent of the houses in America, your typical middle-class ranch house. The plumbing contractor was using glue, PVC pipe underneath this sink in a bathroom.

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And OSHA fined him for using a hazardous substance in a confined space without a gas mask. And that is the kind of government that we have, when we have a $1.7 trillion dollar debt. They are not really worried about worker safety as much as they are concerned about bureaucratic job security, and they are going to come in and tell us how to run our lives or our offices because they have to justify their own existence.

But I think that what the gentleman is talking about with his targeted tax reductions does start the very important process of rolling back the size of government and the government regulations and interference with our lives and commerce.

Mr. THUNE. Well, the gentleman's experience is not unlike that of many, I would submit, around the country. And clearly we have come a very long way in this country from the concept I think that we had at our foundation, the conception that our forefathers had of this country, that government would only do for people those things that they cannot do for themselves. And somehow along the way we have complicated and convoluted and confused that concept to the point where today, as the gentleman knows, there are just enormous amounts of red tape and regulations and burdens that are placed upon citizens living in our society and a commensurate loss of the freedoms, the personal freedoms, that they used to enjoy in America.

I cannot help but recollect something I was reading the other day about the number of words that we have in government which is a good illustration. In the Lord's prayer there are some 66 words. In the Gettysburg address, 286 words, and the Declaration of Independence, some 1,326 words. And yet we have 26,940 some words governing the sale of cabbage in America today. So it has crept into, I think, all aspects of our lives.

And clearly it is something that we all recognize as a legitimate and vital role for the government to play, but what this administration, what this budget, what the proposals that we are going to be looking at over the course of the next few weeks would purport to do is to grow and expand that role into new areas of American life and create an even bigger dependence upon the Federal Government. And, again, what people have to realize is ultimately they have to pay for that, and they will pay for it in the form of higher taxes and they are also going to be giving up a good amount of freedom in the decision-making process, because when we marry ourselves to the government and when we become the so-called partnership with government, we end up being the junior partner.

I thought it was interesting a while back in the Washington Post that there was a senior administration official that said because we had gotten our fiscal house in order we could afford to be a little more generous. That was an interesting comment because it reflected a mentality that I think permeates this entire city, and that is that it is their money. I realize, and I think what the gentleman from Georgia realizes, is that ultimately it is the money of the taxpayers of this country. And that is a concept, that is a truth, that is a principle that I will never forget in representing the people of my good State of South Dakota, and I would suspect the gentleman from Georgia will never forget in representing the people of his district as well.

A PERSPECTIVE ON CRIME POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Thank you, Madam Speaker. I wanted to talk a little bit about an article that I read called U.S. Victory in the Crime War, written by Timothy Maier, and it was from "The World and I" magazine. It is a great article, and it just puts a perspective on some of the crime policy that we talk about.

I live in an area that has a lot of crimes, a lot of sad stories. I was talking to the DA, Steve Kelly, the other day about a case that he had where a 68-year-old woman was raped while her husband was held at gun point by some teenage thugs. And Mr. Kelly is a very aggressive, very competent DA, and he was able to get a prosecution on that, but it was just a heartbreaking story.

I remember another story in Savannah, Georgia, of a woman who was bathing her 2-year-old in the bathtub and somebody knocked on the door. And she looked out and decided not to answer it, and so the perpetrator went from the front door to the back door, kicked it in and raped this woman while she was bathing her 2-year-old.

And those kinds of heartbreaking stories we all hear, and we all hear too often, but in the crime debate we often forget the victim.

What I wanted to talk about is some of the things Mr. Maier had pointed out. The good news is that over the last 4 years violent crime, which includes aggravated assault, rape and murder, dropped 7 percent. Homicides fell 11 percent, about 7 people per 100,000 in population. Robberies were down 8 percent. Aggravated assaults dropped 6 percent. And rapes dropped 3 percent. Property crime, such as burglary and auto theft, also dropped. So there is a lot of good news.

Now, the interesting part is who is claiming credit for this. And, of course, in Washington we want to point to our tough crime policy and the President wants to point to some of his policies, but Mr. Maier said that the real success lies in the State governments, since that is where so many of the violent crimes end up in court. He pointed out that the States that have truth in sentencing laws, such as Virginia, are leading the way in the reductions of crime. He pointed out that in Virginia that they have had a truth in sentencing law and their simple policy is we want to get the bad guys off the streets.

Think about this, Madam Speaker. The hard working taxpayers in your district in New York should not be afraid to walk down the street at night. They paid for the street. They should not have to look over their shoulders. But the thugs who beat up old people and grab girls off the streets, they should be in jail. They should be afraid to walk down the streets, because we want to catch them and we want to lock them up and segregate them from decent society.

And so what Mr. Maier has pointed out is States that have the truth in sentencing laws and building new prisons, and they are purging these people off the streets, getting rid of the bad apples, they are leading the way. So truth in sentencing was part of it.

Now, another thing he looked at, another factor, was the COPS program. The President has said that because we have 100,000 new cops on the street it has made a new difference. But the reality is that there are not 100,000 new cops on the streets. And depending on who you are talking to, that number is actually as low as 20,000 and sometimes up to 57,000 people.

One thing he did show, he said there are more than 17,000—he talked about Washington, DC. He said in Washington, D.C. there are more than 17,000 police officers, including Federal police in Washington, but the city still averages 60,000 violent crimes a year. Here we are in the Nation's capital and one person out of eight is going to be a victim of a violent crime.

So does the Cops on the Street program work? I would say we really do not know for sure, but I can say this: The communities that have been flexible with the money seem to have been the most successful.

In Statesboro, Georgia, they have actually put a police satellite station in one of the housing projects that was in an area where there was high drug high crime, lots of problems. And right smack in the middle of it the police in Statesboro put in a satellite station. I went to visit it and they said immediately they ran out the bad apples. The children come up to the police officers now. Instead of being afraid of them, they come up and hug them. They tell them when somebody from out of the housing area is in the area that should not be.

And the turnaround in that area has been tremendous. The commercial businesses, which had been closing down, are coming back and reopening. Church groups come to this area. It has been a great community success story in Statesboro, Georgia, and now they have done this in another housing project.

So when the COPS grant money is used in the way that the local community needs it to be used, I think that it does have an impact.

The third factor which Mr. Maier examined in terms of reducing crime was what about gun control. The President was quick to say, well, it is the Brady bill. The Brady bill is something that requires a background check on people before they can buy a gun. But Mr. Maier points out that in the time that it has existed, which I believe is 4 years now, that under the law there have only been seven prosecutions and of those seven, only three were sent to prison for illegally trying to obtain a handgun. So we have to say that really is not the main factor.

Now, he does point out something else. What portion of violent crimes actually involve the handgun. The answer is about 10 percent. And this statistic suggests that controlling handguns is not the final factor. In fact, Mr. Maier pointed out from 1980 to 1992 the number of firearms increased by 18 percent. But during the same period of time, the portion of violent crimes committed without a firearm dropped 4 percent. So the bottom line, according to Mr. Maier, is more guns on the street does not necessarily increase gun crime. And he shows a lot of examples.

One thing that is very interesting also is that he points out that in terms of guns, or where a gun has been fired or displayed, which actually comes to about 2½ million times a year in self-defense, the number of police arrests for violent crimes has fallen. So that there has been a positive impact for those folks who own guns and who use it to defend themselves.

The next factor that Mr. Maier looks at is juvenile crime. And one of the things that we are all concerned about is how much violent crime can be traced to young children. And young children can be anywhere from 13, 14 years old, in their mid-teens to their young 20s. But it is depressing to look at the stats on that.

The FBI statistics show that while violent crime is declining, juvenile crime continues to increase. The number of juveniles charged with murder increased 104 percent nationwide from 1970 to 1992. Since 1980, juvenile gang killings have increased 371 percent, and the rate of recidivism for juveniles runs as high as 75 percent. In fact, the FBI shows that before someone goes to jail as a juvenile, he usually commits 15 different offenses that have gone by unpunished.

One of the big problems is that the age group of the drug pushers who are in their mid-20s go out and recruit the very, very young kids for the most dangerous, the most risky part of their business, and they consider these kids both expendable and impressionable. You can get them to do things that older and smarter folks would not want to do. So when there is a turf war, usually the casualties are your 16 and 17-year-olds.

The next question, the final thing I want to touch base on, Mr. Maier says are we actually winning the drug war. And a lot of people will point out the fact that we are grabbing more marijuana and drugs as they come into our country. Although it would depend on what statistic you look at, we are probably grabbing as little as 15 percent of what is actually coming into our country from south of the border. And one of the things that has happened, because there has been a de-escalation in terms of prosecutions, that the drug dealers are actually more set in, and their territories are somewhat established because they are not gunning it out any more.

This is a real interesting article on crime. I think that what Mr. Maier does is raise some things that we in public policy need to consider. I believe that this Congress should continue to go in the direction that it has: Full sentencing of 10 years means 10 years. If someone is in jail they need to have a work program. No more sitting around watching TV, lifting weights and playing basketball. It means also the work that they do should be meaningful. It should be skill building, so that when they get out they can utilize that into a paying job.

I think also there should be an education program. I believe that a lot of these people who are in jail are intelligent but, somewhere along the line, they dropped out of school. They had a problem. They need to have that second chance while they are in jail, tied in with good behavior or whatever, but give them that opportunity.

Finally, I do think there needs to be spiritual rehabilitation, because I think that is the beginning of real rehabilitation for anyone behind bars. I believe that taking these steps, sending out the message that we are serious, that a person cannot just be caught selling drugs and get their hand slapped any more, I think if we continue on this path, that our crime rates will continue the downward trend.

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SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 30 minutes as the designee of the Majority Leader.

Mr. NEUMANN. Madam Speaker, I rise tonight to talk about a lot of the issues that are facing the country today and what we are hearing about as it relates to the President's budget plan. I rise in particular to talk about an issue that I think many of our senior citizens, many of our folks in their 50s and 40s and many of our young people are also concerned about, and that is Social Security.

My son, who mowed lawns last summer and earned a reasonable amount of money doing it, like $1,500, because he did a lot of them, talked to me about whether or not he should pay any taxes on it. And, of course, for a young person in their teenage years who mowed lawns last summer and earned some money, there is no Federal taxes due. But then I said to him, "You still have got to file, Matt; you have still got to file a tax return."

And my 15-year-old son, who is going to file his tax return, has to pay into the Social Security Trust Fund. As a matter of fact, he found that he paid over about 15 percent of all of his earnings into the Social Security Trust Fund because he would be treated as a self-employed person.

So when we talk about the Social Security issue, it is certainly very important to our young people to understand very clearly that they are putting this money away for retirement. But, in fact, it does not seem to affect them because they do not believe Social Security is going to be there for them; and they are certainly, at age 15, are not very interested in thinking ahead to retirement. They are more interested in buying a car and their college education than they are in thinking ahead to retirement.

So when we think about this Social Security issue, I start with the younger group to understand that it does have an impact on them. When we get to the folks in their 30s and 40s, they are putting this money away. It is being taken out of their paychecks. But instead of being put away in a fund for them, it goes into the Social Security Trust Fund.

I would like to spend a little time tonight talking about how the United States Government handles this money that is being taken out of their paychecks and how that affects our senior citizens and the potential of Social Security actually being there for them when they reach the retirement age.

If I could ask one of our pages to bring that stand over, I brought a couple of pictures with me.

For any of my colleagues that have seen these numbers before, we took the time today to update the Social Security numbers so that it reflects what is actually going on in the Social Security system in 1998.

This whole thing becomes relatively easy to understand as it relates to Social Security if we just take a look at how much money is actually coming in and how much is going out to our senior citizens in Social Security.

Virtually every worker that has a paycheck has money taken out of their paycheck for Social Security. Altogether, the United States Government in 1998 will collect about $480 billion in Social Security money from the paychecks of workers in America. The Social Security system will write out checks to our senior citizens of $382 billion.

This is pretty straightforward. They are collecting $480 billion, and they are paying $382 billion out to our senior citizens. That leaves a $98 billion surplus. That is to say, they are collecting $98 billion more than they are paying back out to our senior citizens in benefits.

That money is supposed to be put away. It is supposed to be put into a savings account so that when they are, these two numbers turn around, the baby-boom generation is clearly headed toward retirement, and eventually we reach a point where there is not enough money in and too much money being written out in checks to our senior citizens. Well, this money that is supposed to be put away in a savings account today is not actually happening today.

I would like to talk about this and the reference of what the President referred to in his budget address and something that many of us in this Congress feel very strongly about.

That $98 billion that came in goes directly into the big government checkbook, the general fund. Now we spend all the money out of the general fund, and when we are all done spending that money there is not enough money left to put the $98 billion down in the Social Security Trust Fund. So, instead, what our Government does is it makes an accounting entry and simply puts an IOU down here in the Social Security Trust Fund.

The technical name for this is a nonnegotiable Treasury bond. But the bottom line is that $98 billion of surplus goes straight into the big government checkbook. They spend all the money out of the big government checkbook, and there is nothing left to put in the Social Security Trust Fund. So they simply make an accounting entry. It is called a nonnegotiable Treasury bond that goes down here.

It is important to understand what nonnegotiable Treasury bond means. Nonnegotiable Treasury bonds means it cannot be sold.

So when we come back to this other picture and we take a look at what happens down the road a little ways when the baby-boom generation gets here, remember the revenues, the amount of money that is coming in today, is higher than the amount of money that is being paid out to our seniors in benefits. So today it works.

The idea is that when those two numbers turn around, there is not enough money coming in, we are supposed to be able to go to this trust fund and get the money to make good on the Social Security payments. The problem is this: Since that trust fund is full of IOUs, or nonnegotiable, nonmarketable, something you cannot sell, it is full of IOUs, and since it is full of IOUs, when the time comes that there is not enough money coming in and too much going out, where is the money going to come from? And at that point in time, we reach the point where we either have to raise taxes on workers or we have to reduce benefits to our senior citizens; and neither one of those are very desirable.

Now, what has happened in the budget plan, we heard the President say that he was going to put Social Security first in our consideration. And when we listened to the rest of the State of the Union address, Social Security first, and then we heard about a whole series of new spending programs.

Now I think it is important to understand that when we say we are going to put Social Security first and then we describe a whole raft of new spending programs that what is actually happening is Social Security is not actually being put first but someplace else down the list.

So let us look at what happened in the State of the Union address and in the budget that the President presented this week.

The extra Social Security money, that $98 billion, it is still going in the government checkbook. We are still spending virtually all of the money out of that big government checkbook.

But the President said, okay, we are going to run a surplus for the first time; and that is good. We should not downgrade this or say this is all bad. The good news is that this is the first time since 1969 that, even with the Social Security money, they got to a point where they balanced the budget, according to Washington definition.

Here is what the President proposed. He proposed to keep putting the $98 billion into the big government fund. When we are all done spending all the money that we spend for a year out of the big government checkbook, whatever is left over we will put aside for Social Security.

Today I sat in the Committee on the Budget, and I had a chance to listen to Mr. Raines describe exactly what was going to happen. I think it is very, very important that my colleagues understand the $98 billion still goes into the big government checkbook; the money gets spent out of the big government checkbook. The only things we are talking about is that small surplus or $9 billion, that is the leftover amount out of this checkbook; and it does not even get put into the Social Security Trust Fund. What they actually are going to do is pay down debt with that money.

Now, paying down debt is good. Getting to a balanced budget is good. Spending less money than we have in our checkbook, that is good. But the idea that the only thing we are going to do for Social Security is put the leftovers down there, that is not okay, and that is the reason I am here tonight talking about the Social Security issue.

About 2 years ago we wrote in my office a bill called the Social Security Preservation Act, and I am happy to say many people on both sides of the aisle are now cosponsors on the Social Security Preservation Act.

Here is what it does. The Social Security Preservation Act simply takes that $98 billion and directs it straight down here into the Social Security Trust Fund. What we want to do is cut off that cash flow into the big government checkbook so that Social Security, in fact, is treated first.

Now what this would do is put all $98 billion down into the trust fund this year; and that would mean that, instead of reporting a $9 billion surplus, we would instead be reporting approximately an $87 billion deficit.

I do not want to take anything away from the people that have done a lot of hard work, good hard work, out in this city to get us to a "balanced budget." We need to understand, in Washington when they say "balanced budget," what they mean is the dollars coming into the Federal Government is equal to the dollars going back out from the Federal Government. By that definition, their budget was balanced here for the first time since 1969; and, again, that is good. That is important, and it is good. But what we really need to do is start putting this money right straight down here in the Social Security Trust Fund so we honestly reflect the situation that exists out here.

I come from the private sector. Before 1995, I never held a public office. In the private sector, when we ran a business, if we would have taken the pension money, put it in our general account and spent all the money out of the general account and put an IOU in the trust fund, the way Social Security is working today, they would have arrested us in the private sector. It would be absolutely illegal to do the same thing in the private sector that we do with Social Security today.

So I am here tonight to call on my colleagues to join us in the Social Security Preservation Act. I do not consider it an Einstein kind of bill. It is pretty common sense, pretty straightforward. It simply says the extra money coming in for Social Security ought to be put down here in the Social Security Trust Fund. It is bill H.R. 857, and I am asking tonight that my colleagues join me in this bill.

We have been working at this for 3 years out of my office, and I am happy to say it has now come to the forefront. Let us not accept anything less than truly putting Social Security first as we look at the budget this year. There is no good reason at this point in time that we cannot be putting true money, real dollars, down here in the Social Security Trust Fund so that our senior citizens are once again safe.

I should add in this conversation, this is not only about preserving Social Security for our senior citizens. This is about people in their 40s and 50s who are expecting to get Social Security when they retire; and, equally important, it is about those same people in their 30s and 40s and 50s that, if this is not done and we reach a point where there is not enough money coming in for Social Security to pay the benefits, that choice between cutting Social Security benefits for our senior citizens or raising taxes for workers is going to be a very tough choice. And it is something that we need to head off right now by simply doing what the Social Security system was set up to do in the first place.

I think it is time that H.R. 857, our Social Security Preservation Act, gets brought to the floor of the House of Representatives; and I think it is time that we have enough cosponsors of this bill. We have got 85 or 90.

And, again, I want to emphasize that there are both Republicans and Democrats on this bill. This is not a partisan issue. This is an issue about what is right for the seniors of this country, what is right for the workers of this country, and what is right as we look forward into the future as it relates to Social Security.

Having said this, I think it is important that we look at where we are at in this budget before we hear lots of new proposals for spending.

If I could ask to bring those other charts and just take a little look back on where we have been and a little look forward of where we are going to. And, again, for any of my colleagues who have seen parts of this presentation before, we have updated these charts.

I always show the first one, which we have not changed. That is the growing debt facing our country. What this shows is the growth in debt from 1960 all the way up to where we are today. We will notice the debt is still rising today. Even though in Washington we are hearing that the budget is balanced, most people would think that when the budget is balanced the debt stops growing.

But, again, I talk about the Social Security issue. Remember that even when the budget is balanced, that is to say the dollars coming into Washington are equal to the dollars going out of Washington, and again remember that is the first time in nearly 30 years that has happened, that is good. But even when we get to that point, there is still a debt to the Social Security Trust Fund. That is why we see that, even though we are hearing about a balanced budget, the debt is still rising.

I think it is also important to understand just how big this debt is. For anybody that has seen parts of this presentation before, a week ago I brought the numbers out here that were approximately a year and a half old, and it was $5.3 trillion. The reality is the debt, the United States Government debt, has now grown to $5.5 trillion.

Let me put that another way. The United States Government has spent $5.5 trillion on behalf of the American people more than what they collected in taxes.

That is an awful big number. So let me translate that into English. If we divide that debt by the number of people in the United States of America, the debt is now $20,400 for every man, woman, and child in the United States of America. Or, for a family of five, like mine, the debt is now $102,000.

The kicker of this whole thing is really the bottom line here. We see a lot of people say, "So what if we are in debt?" But the "so what" part is that we are paying interest on that debt; and a family of five, like mine, or any group of five in America, they are actually paying $580 a month every month to pay nothing but the Federal interest on that debt.

We need to put this in perspective of where we are at today and what is really going on in this country as we listen to budget discussions.

We saw the President on TV recently where he put that big zero in there; the budget is balanced. We need to not forget that this debt is still out there and that our families are paying $580 a month every month to pay nothing but interest on the debt.

And for any of my colleagues who think their families are not paying that much every month to pay interest on the debt, just think about walking in the store and buying a pair of shoes for your kids. The store owner makes a small profit when you buy that pair of shoes and, of course, part of that profit gets sent out here to Washington, D.C.

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As a matter of fact, $1 out of every $6 that the United States Government collects from taxpayers gets spent on nothing other than interest on this Federal debt.

The beauty is we are going forward. And they start talking about running surpluses, and as we eventually start running true surpluses, surpluses that allow for the Social Security money to be set aside, if we start running true surpluses, we can start paying this debt down.

A second bill I would like to mention tonight is called the National Debt Repayment Act. What the National Debt Repayment Act is is really the second part of restoring Social Security. It is much like a home mortgage payment.

I come from the home building business before I was elected to office, so it is kind of like the same thing we used to do with folks when they moved into a house. This debt is much like a home mortgage for many people. What we suggested we do in the National Debt Repayment Act is simply set up a home mortgage-type repayment plan and pay the debt off.

Under our plan, under the National Debt Repayment Act, the entire Federal debt would be paid off by the year 2026, and maybe sooner. It could go faster. We use two-thirds of any surpluses to go to debt repayment. We dedicate the other one-third to the other problem that I think is very real in this country, and that is taxes are too high. So two-thirds of any surpluses that materialize go to debt repayment.

I have dedicated much of this tonight to Social Security. Let me talk about how this affects the Social Security System. The theft of that Social Security Trust Fund money, the taking of that money and spending it on other government programs, that has been going on since 1983. There is about $600 billion that is supposed to be in the Social Security kitty today that is not there.

The first thing we need to do for Social Security is what I described earlier, the Social Security Preservation Act. We need to stop taking the money out this year, $9 billion. We need to put that money into the Social Security Trust Fund. But that doesn't solve the problem of that $600 billion that has been taken since 1983. So the second thing we need to do is recognize that $600 billion is part of this $5.5 trillion.

Now, as we repay this debt, our National Debt Repayment Act would put the money back into the Social Security Trust Fund. Let me say that again, because it is a little confusing, because it is a little difficult to understand that this $5.5 trillion, it represents a whole bunch of different things. But one of the things that makes up this $5.5 trillion is the Social Security Trust Fund money, the $600 billion that has been taken out since 1983. So under our National Debt Repayment Act, as we are paying down the Federal debt, we are also restoring the Social Security Trust Fund.

That bill again is called the National Debt Repayment Act, and what it does is dedicate two-thirds of any surpluses to reducing the debt, paying the debt back, like a home mortgage repayment plan, and the other one-third to another big problem in our country, which is taxes are too high on the American people. So two-thirds to debt repayment, one-third to lowering taxes.

Now, as we start repaying this Federal debt, I think a couple other things happen. First, as the debt goes down, the amount of interest we need to collect from the taxpayers goes down. So as the debt goes down, we should be able to provide tax relief to the workers out there.

The overall bill when we look at the National Debt Repayment Act, it pays off the debt in its entirety by the year 2026, so we can give this Nation to our children debt-free; it restores the Social Security Trust Fund. It puts the money back into Social Security that has been taken out. And for the people in the work force today, there will be no need to collect the additional tax money, because we will not need the money to pay interest on the debt as we keep paying this thing down.

It is also significant to just take a look at some of the things that have changed from before to where we are at today. This will probably make a little more sense right-side up than it does upside down. I think it is important to take a glance at least briefly at this chart to understand how it is we got to where we are today.

I have heard a lot of discussions about who gets credit; it is the Democrats, the President, it is the Democrats in the House, it is the Republicans in the House. I think it is time as Americans we recognize it really doesn't matter who gets credit. The fact is we have reached for the first time in nearly 30 years a point where the United States Government did not spend more money than they had in their checkbook.

We still got problems. The Social Security Trust Fund is a huge problem. It needs to be put first, and it needs to be put truly first, not first after we create a whole bunch of new spending programs.

I would like to show this chart, because it helps people understand just exactly how we got to where we are today.

When I took office in 1995, we had just lived through the 1993 tax increase and more broken promises of a balanced budget than I care to think about. You can start back to Gramm-Rudman-Hollings Act in 1985 or 1987, or the budget deal in 1990, or the 1993 deal where they raised taxes significantly. The bottom line is the theory was that if we could take more money out of the pockets of the American people, the people that were here in office, they were going to take more money out of the pockets of the American people, and somehow if they took enough money from the American people, that would lead us to a balanced budget.

When we were elected in 1995, that changed. That theory that raising taxes was going to balance the budget was thrown out. As a matter of fact, that 1993 tax increase is why a lot of us are here. The American people did not want higher taxes and more Washington spending. They wanted a balanced budget by controlling the growth of Washington spending. They wanted less Washington and more money in their own pockets. They wanted less Washington, a balanced budget and lower taxes. That is what they wanted. That is why there was a changeover in 1995. In 1995, before we got here, the spending growth rate in Washington was 5.2 percent. That is this red column. That is how fast spending was going up each year on an average basis over the previous 7 years.

Since we have been here, it is going up by 3.2 percent. So the growth of Washington spending has been dramatically slowed over the last 3 year period of time. It is down by 40 percent.

The good news is the year we just completed, it was not only below 3.2, but actually down to 2.6 percent. It is the first time in a long time it has been actually under the rate of inflation.

Let me say that again so it makes a little more sense. The rate of growth of spending in Washington was actually less than the rate of growth of inflation in our country. So Washington did actually shrink, perhaps for the first time in a generation, last year in real dollar terms.

Now, do not let anybody mistake me saying that that means Washington is small enough. Washington still takes way too much money from the American people, they spend too much money out here, and there is all kinds of waste that should be eliminated. So I am not trying to lead anybody to believe the job is done. This job is not done. We have a long ways to go.

Are we on the right track? Slowing the growth of Washington spending by 40 percent in two years, getting us to a point where we actually have a balanced budget and spent less money than we have in our check book for the first time since 1969? That is all good stuff.

We need to keep this in perspective of the Social Security Trust Fund, we need to understand we have a long ways to go, we need to recognize the progress that has been made, but at the same time we are recognizing that progress, we need to recognize how far we still have to go.

There is one other topic I would like to briefly discuss today. We talked about the past and how we had broken promises and how we had tax increases from 1993. We have talked about our new theory of less Washington, leading us to a balanced budget and more money in the pockets of the people.

I would like to talk specifically about that more money in the pockets of the people, because last year, for the first time, taxes were cut for the American people.

I was somewhat shocked this weekend, I was at a particular place in our district, we had about 200 people there, in our State, we had about 200 people there, not many people actually knew that the tax cut package had been passed into law and was available right now in January 1998 for virtually any taxpayer with a child under the age of 17 earning less than $110,000 a year.

Right now, today, January 1998, if a child under the age of 17 is in your family, you can fill out a new W-4 form and start taking home $33 a month more right now, this January. It is a $400 per child tax credit.

Now, if you do not do anything, you are still going to get the tax credit, but you are not going to get it until 1999. By going in and filling out a new W-4 form, any parent or constituent of ours or my colleagues out there in America can literally start taking home $33 a month more right now. The $33 a month is the $400 tax credit divided up amongst the 12 months. All we have to do, all that has to be done, is a new W-4 has to be filled out.

Let me make that very clear. If we have a family in our districts that has a child under the age of 17, and they go in and fill out a new W-4, and then they look at their December paycheck and they compare it to their January paycheck, their January paycheck should be $33 bigger than their December paycheck. For a family with three kids, that is $100 a month. All a family has to do is simply go in and fill out a new W-4, and a family with three kids under the age of 17 starts taking home $100 a months more immediately.

There is more to the tax cut package. We put education as a top priority. If you have a freshman or sophomore in college, in virtually all cases they are eligible for a $1,500 tax credit.

Again, let me translate that. Because if the people do not do anything, they are going to get the $1,500 dollars back at the end of the year, April of 1999. But you can start getting that money back in your pocket right now.

The college students I know, they have got college tuition bills to pay right now and in the fall of this year. If a senior in high school is looking ahead to college, that college bill comes due in fall of this year, not in April 1999.

So what the parents need to do is go in and change the W-4 forms. If you are going to have a freshman or sophomore in college, you start taking home $125 a month right now, January 1998. There is no reason to wait.

There is another problem with not doing it. If you do not fill out a new W-4 form to take that extra money into their home right now today, that means that Washington is going to be getting $33 per month per child, or $125 a month for a freshman or sophomore in college, and that money is going to be coming out here to Washington, instead of the people keeping it in their own homes. When Washington sees this big pile of money that actually belongs out there in the homes of the American people, when Washington sees that big pile of money, they are going to want to spend it.

So the problem with this waiting until 1999 to get the tax credit is that Washington gets the people's money in the interim, and it is very difficult in this city when people see this money to get them to not spend it.

So it would be a tremendous help to all of the elected officials, all of my colleagues here and myself in Washington, if the people would very simply keep their own money in their homes. For juniors and seniors in college, it is 20 percent of the first $5,000 cost, up to $1,000 total.

If folks own their own home, and I am going on with some of the other tax cut provisions that are included, if folks own their own home and they sell it, they have been there for 2 years or longer, there is no longer any Federal taxes due in the vast majority of the cases.

If someone has made an investment in stocks and bonds, and, again, I spend a lot of time with people in Wisconsin, and as I ask people in Wisconsin, I ask rooms full of people how many own a stock or bond or mutual fund, and virtually every hand in the room goes up. We are in a day and an age where people have made investments into stocks and bonds and mutual funds. I talk to them about the fact if they make a profit, and I tell them I hope they make a profit, I do not know of anybody who invests in stocks or bonds or mutual funds with the intent of losing money, I hope they make a profit. That means the economy is good. That is what this is all about.

So when they make that profit, instead of sending 28 cents out of every dollar to Washington, they now only send 20 cents, because capital gains is reduced from 28 percent to 20, and if you earn less than $41,000 a year, it was reduced from 15 percent down to 10. These are very significant changes.

Then I talk to a lot of folks in the room where the kids are grown and gone and they are starting to think seriously about retirement. I talk to them about the Roth IRA. It is a new kind of IRA where you can put $2,000 per person per year into this account, and you do not get the tax break up front, but all of the interest and earnings that accumulates on that $2,000 between whenever you put it in and retirement, it accumulates absolutely tax-free, and when you take it out there is no taxes due. A monumental change in the Tax Code.

One other thing to mention in the Tax Code change, there are a lot of middle income families in America today that, for whatever reason, to find out they can't have their own children and would like to adopt a child. I think this is a very important, very significant Tax Code change.

In America today, it costs about $10,000 to get through the legal red tape to adopt a child. So what we have done in the Tax Code is provided a $5,000 adoption tax credit, so that if a middle income family finds themselves in a situation where they cannot have their own children and they would like to adopt a child, that tax credit is now available to assist and to help in that particular situation.

I have talked about a lot of issues here tonight. If I could close with where we started basically, and that is the Social Security issue, I think it is very, very important as the people listen to the debate here in Washington and my colleagues talk about Social Security and putting Social Security first, I think it is very important that we remember Social Security is collecting this year alone $98 billion more than it is paying out our seniors in benefits. That money is being spent on other government programs right now. At this point the proposal is simply to give the leftovers to Social Security.

It does not have to be that way. The Social Security Preservation Act would require that that $98 billion, not IOU's, real money, gets put directly into the Social Security Trust Fund, so Social Security would once again be safe and solvent for our senior citizens.

There is $600 billion that has been taken out of the Social Security Trust Fund and spent on other Government programs between 1983 and today. Our National Debt Repayment Act, we do not have to ignore that money. It is not gone. We do not have to say we cannot pay that money back.

That $600 billion that has been taken out of the Social Security Trust Fund, that is all part of the national debt, the $5.5 trillion. All we have to do is pass the National Debt Repayment Act and as we repay that Federal debt, we find ourselves in a position where part of that debt is the Social Security Trust Fund, so the money gets back into the Social Security Trust Fund.

So tonight I am encouraging my colleagues to join me in two separate bills, the Social Security Preservation Act, which truly would put Social Security first, and the National Debt Repayment Act, which would pay off the entire Federal debt by the year 2026, so our children inherit a debt-free Nation. It would restore the Social Security Trust Fund, so Social Security would again be solvent for our senior citizens, and it would lower taxes, taking one-third of any surpluses and dedicating it toward tax reduction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of a death in the family.

Mr. MANTON (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and tomorrow, on account of district business.

Mr. GILLMOR (at the request of Mr. ARMEY) for January 27, on account of the birth of a granddaughter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:

Mr. WOLF, for 5 minutes on February 5.

Mr. GEKAS for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. Clement) and to include extraneous matter:

Mr. Skelton.
Mr. Lantos.
Mr. Pascrell.
Mr. Berman.
Mr. Farr of California.
Mr. Stark.
Mr. Deutsch.
Mr. Barrett of Wisconsin.
Mr. Hamilton.
Mr. Manton.
Mr. Schumer.
Mr. Levin.
Mr. Kleczka.
Mr. Fazio of California.

The following Members (at the request of Mr. Pease) and to include extraneous matter:

Mr. Talent.
Mr. Radanovich.
Mr. Gilman.
Mr. Ramstad.
Mr. Solomon.
Mr. Sensenbrenner.

The following Members (at the request of Mr. Miller of Florida) and to include extraneous matter:

Ms. Ros-Lehtinen.
Mr. Bilirakis.
Mrs. Johnson of Connecticut.
Mr. Packard.
Mr. Smith of New Jersey.
Mr. Barrett of Wisconsin.
Mr. Dellums.
Mr. Combest.
Mr. Kanjorski.
Mr. Blagojevich.
Mr. Payne.
Mr. Knollenberg.
Mr. Kildee.
Mr. Kind.
Mr. Filner.
Mr. McIntosh, in two instances.
Mr. Oberstar.
Mr. Torres.
Mr. Baker.
Mr. Gillmor.
Ms. Stabenow.
Mr. Farr of California.
Mr. Clyburn.

The following Members (at the request of Mr. Neumann) and to include extraneous matter:

Mr. Clyburn, in three instances.
Mrs. Mink of Hawaii.
Mr. Thune.

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ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), the House adjourned until tomorrow, Wednesday, February 4, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6724. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Peanuts Marketed in the United States; Relaxation of Handling Regulations [Docket Nos. FV97-997-1 IFR and FV97-998-1 IFR] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6725. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit [Docket No. FV98-905-2 IFR] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6726. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1997-98 Marketing Year [Docket No. FV98-982-1 IFR] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6727. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tomatoes Grown in Florida and Imported Tomatoes; Final Rule to Change Minimum Size and Size Designation Requirements [Docket No. FV97-966-1 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6728. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Revision to Container Requirements [Docket No. FV98-925-2 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6729. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, et al.; Temporary Suspension of Proviso for Exporting Juice and Juice Concentrate; Establishment of Regulations for Handler Diversion [Docket No. FV97-930-4 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6730. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit [Docket No. FV97-905-1 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6731. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Temporary Suspension of Continuing Assessment Rate [Docket No. FV98-925-1 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6732. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV98-959-1 IFR] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6733. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Humane Treatment of Dogs and Cats; Wire Flooring [Docket No. 95-100-2] (RIN: 0579-AA78) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6734. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Horses from Mexico; Quarantine Requirements [Docket No. 96-052-3] received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6735. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule— Restrictions on the Importation of Ruminants, Meat and Meat Products From Ruminates, and Certain Other Ruminant Products [Docket No. 97-127-1] received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6736. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans for Louisiana: Motor Vehicle Inspection and Maintenance Program; Correction [LA-33-1-7374; FRL-5955-9] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6737. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consolidation of Certain Food and Feed Additive Tolerance Regulations [OPP-300572; FRL-5755-9] (RIN: 2070-AB78) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6738. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carboxin; Extension of Tolerance for Emergency Exemptions [OPP-300604; FRL-5766-5] (RIN: 2070-AB78) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6739. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions [OPP-300453; FRL-5588-1] (RIN: 2070-AB78) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6740. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Bicarbonate and Potassium Bicarbonate; Tolerance Exemptions [OPP-300440A; FRL-5572-2] (RIN: 2070-AB78) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6741. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program (RIN: 0560-AF17) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6742. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Hybrid Seed Crop Insurance Regulations; and Common Crop Insurance Regulations, Hybrid Seed Corn Crop Insurance Provisions (RIN: 0563-AA78) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6743. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Hybrid Sorghum Seed Endorsement and Common Crop Insurance Regulations; Hybrid Sorghum Seed Crop Insurance Provisions (RIN: 0563-AB03) received December 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6744. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Canola and Rapeseed Crop Insurance Provisions [7 CFR Part 457] received December 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6745. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Potato Crop Insurance Regulations; and Common Crop Insurance Regulations, Northern Potato Crop Insurance Provisions, Central and Southern Potato Crop

Insurance Provisions, Northern Potato Quality Endorsement Crop Insurance Provisions, Northern Processing Potato Quality Endorsement Crop Insurance Provisions, Certified Seed Potato Endorsement Crop Insurance Provisions, and Northern Potato Storage Endorsement Crop Insurance Provisions [7 CFR Parts 422 and 457] received December 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6746. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions (RIN: 0563–AB03) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6747. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Pea Crop Insurance Regulations; and Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions [7 CFR Part 457] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6748. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Sweet Corn Insurance Regulations; and Common Crop Insurance Regulations, Processing Sweet Corn Crop Insurance Provisions [7 CFR Parts 437 and 457] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6749. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Public Information [7 CFR Part 412] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6750. A communication from the President of the United States, transmitting a request for emergency appropriations of $6,000,000 for the Department of Agriculture from the sale of grain in the disaster reserve established in the Agricultural Act of 1970, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—198); to the Committee on Appropriations and ordered to be printed.

6751. A communication from the President of the United States, transmitting a report of eight new deferrals of budgetary resources, totaling $4.8 billion, pursuant to 2 U.S.C. 684(a); (H. Doc. No. 105—205); to the Committee on Appropriations and ordered to be printed.

6752. A communication from the President of the United States, transmitting the Budget of the United States Government, Fiscal Year 1999, pursuant to 31 U.S.C. 1105(a); (H. Doc. No. 105—177); to the Committee on Appropriations and ordered to be printed.

6753. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report on military expenditures for countries receiving U.S. assistance, pursuant to section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993; to the Committee on Appropriations.

6754. A letter from the Acting Director, Defense Finance and Accounting Service, transmitting notification that the Defense Finance and Accounting Service is modifying the scope of the cost comparison study of accounting functions supporting the Defense Commissary Agency announced on July 18, 1997, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

6755. A letter from the Director, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam (RIN: 0790–AG43) received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6756. A letter from the Director, Office of the Secretary, Department of Defense, transmitting the Department's final rule—National Policy on Reciprocity of Failures and Guidelines for Implementation of Reciprocity (RIN: 0790–AG55) received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6757. A letter from the Director, Office of Secretary, Department of Defense, transmitting the Department's final rule—Personnel Security Policies for Granting Access to Classified Information (RIN: 0790–AG54) received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6758. A letter from the Director, Office of the Secretary, Department of Defense, transmitting the Department's final rule—National Policy on Technical Surveillance Countermeasures (RIN: 0790–AG56) received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Determination of Fair and Reasonable Guideline Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels [Docket No. R–158] (RIN: 2133–AB19) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6760. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Reservists' Education: Increase in Rates Payable Under the Montgomery GI Bill —Selected Reserve (Coast Guard) (RIN: 2900–AI89) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

6761. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Rural Rental Housing Assistance (RIN: 0575–AC15) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6762. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Risk-Based Capital Standards: Market Risk [12 CFR Part 325] received December 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6763. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Membership Eligibility [No. 97–66] (RIN: 3069–AA66) received January 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6764. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting a report on a notice of relief from regulatory provisions for Student Assistance General Provisions, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, Federal Family Education Loan, William D. FORD Federal Direct Loan, and Federal Pell Grant Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

6765. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—National Mine Health and Safety Academy (RIN: 1219–AB04) received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6766. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6767. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6768. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Finding Aids; Terminology; Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans (RIN: 1212–AA75) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6769. A letter from the Secretary of Health and Human Services, transmitting the 1995 annual report on the National Health Service Corps (NHSC), the NHSC Scholarship Program (NHSCSP), and the NHSC Loan Repayment Program (NHSC/LRP), pursuant to 42 U.S.C. 254b(g); to the Committee on Commerce.

6770. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Nuclear Classification and Declassification (RIN: 1901–AA21) received January 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6771. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 15 Percent Plan and 1990 VOC Emission Inventory for the Pittsburgh-Beaver Valley Area [PA 098–4055; FRL–5946–7] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6772. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Commonwealth of Puerto Rico; Final Approval of State Underground Storage Tank Program [FRL–5938–5] received January 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6773. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for the Commonwealth of Puerto Rico [FRL–5938–6] received January 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6774. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allocation of 1998 Essential Use Allowances [FRL–5953–6] (RIN:

2060-AG48) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6775. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Ohio [OH58-1a; FRL-5954-6] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6776. A letter from the Administrator, Environmental Protection Agency, transmitting the Mercury Study Report, pursuant to section 112(n)(1)(B) of the Clean Air Act, as amended in 1990; to the Committee on Commerce.

6777. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management Program: Incorporation by Reference of Approved State Hazardous Waste Program for Florida [FRL-5948-1] received January 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6778. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 041-1041; FRL-5948-4] received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6779. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: Revisions to Permits, Allowance System, Sulfur Dioxide Opt-Ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures [FRL-5936-3] (RIN: 2060-AF43) received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6780. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the One-Hour Ozone Standard for the Poughkeepsie, New York Ozone Nonattainment Area and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements [Region 2 Docket No. NY 26-2-176a; FRL-5936-8] received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6781. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee; Final Authorization of Revisions to State Hazardous Waste Management Program [FRL-5956-4] received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6782. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Utah; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [UT001-0010a and UT0011a; FRL-5948-7] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6783. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Florida: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5948-2] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6784. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN80-1a; FRL-5929-5] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6785. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information and Health and Safety Data Reporting; Stay of a Final Rule [OPPTS-82049A; FRL-5577-6] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6786. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines; Removal of Obsolete Guidelines [FRL-5670-6] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6787. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program: Missouri [FRL-5832-8] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6788. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interim Final Determination for Approval of the District of Columbia New Source Review Submittal [SIPTRAX DC032-2005; FRL-5832-9] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6789. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals [OPPTS-82049; FRL-5397-9] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6790. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Benzidine-Based Chemical Substances; Significant New Uses of Certain Chemical Substances [OPPTS-50617A; FRL-5396-6] (RIN: 2070-AA58) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6791. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Improved Motor Vehicle Inspection and Maintenance Program [UT-NHA-02; FRL-5834-9] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6792. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 15 Percent Plan and 1990 VOC Emission Inventory for the Philadelphia Area [PA 099-4063; FRL-5837-6] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6793. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Nitrogen Dioxide: Final Decision [AD-FRL-5632-1] (RIN: 2060-AC06) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6794. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aliphatic Ester; Revocation of a Significant New Use Rule [OPPTS-50622D; FRL-5715-2] (RIN: 2070-AB27) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6795. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Chemical Substances [OPPTS-50581D; FRL-5715-3] (RIN: 2070-AB27) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6796. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Limitation of Future Contracting [FRL-5684-1] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6797. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Removal of Outdated or Unnecessary Coverage [FRL-5639-5] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6798. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water State Revolving Fund Program Guidelines—received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6799. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Credible Evidence Revisions [FRL-5691-2] (RIN: 2020-AA27) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6800. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Ocean Dumping; Amendment of Site Designation; Correction of Effective Date Under Congressional Review Act [FRL-5944-9] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6801. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines;

Removal of Obsolete Guidelines: Correction of Effective Date Under Congressional Review Act [FRL–5944–7] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6802. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Final Authorization of State Hazardous Waste Management Program; Missouri: Correction of Effective Date Under Congressional Review Act [FRL–5944–8] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6803. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Credible Evidence Revisions; Correction of Effective Date Under Congressional Review Act [FRL–5943–4] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6804. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals; Stay of Final Rule: Correction of Effective Date Under Congressional Review Act [FRL–5944–5] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6805. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions: Correction of Effective Date [FRL–5944–4] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6806. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Sodium Bicarbonate and Potassium Bicarbonate; Tolerance Exemptions: Correction of Effective Date [FRL–5943–8] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6807. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: 15 Percent Plan and 1990 VOC Emission Inventory for the Philadelphia Area: Correction of Effective Date [PA 099–4063; FRL–5945–4] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6808. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Acquisition Regulation: Removal of Certification Requirements Regarding Collection, Use, Access, Treatment, and Disclosure of Confidential Business Information: Correction of Effective Date [FRL–5944–3] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6809. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Acquisition Regulation: Limitation of Future Contracting: Correction of Effective Date [FRL–5943–5] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6810. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Benzidine-Based Chemical Substances; Significant New Uses of Certain Chemical Substances: Correction of Effective Date [FRL–5943–6] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6811. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Aliphatic Ester; Revocation of Significant New Use Rule: Correction of Effective Date [FRL–5943–9] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6812. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Revocation of Significant New Use Rules for Certain Chemical Substances: Correction of Effective Date [FRL–5943–7] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Acquisition Regulation; Removal of Outdated or Unnecessary Coverage: Correction of Effective Date [FRL–5945–5] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans: Utah; Improved Motor Vehicle Inspection and Maintenance Program: Correction of Effective Date [FRL–5945–2] received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6815. A letter from the Administrator, Environmental Protection Agency, transmitting the second triennial report on the Status of the Hazardous Air Pollutant Program under the Clean Air Act; to the Committee on Commerce.

6816. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Waelder and Yorktown, Texas) [MM Docket No. 97–22, RM–8953, RM–9075] received January 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6817. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Goldsmith, Texas) [MM Docket No. 97–197, RM–9154] received January 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6818. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Gideon, Missouri) [MM Docket No. 97–120, RM–9054] received January 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6819. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 96F–0213] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6820. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives Exempt From Certification; Ferrous Lactate; Confirmation of Effective Date [Docket No. 93G–0017] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6821. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F–0101] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6822. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings; Adjuvants, Production Aids, and Sanitizers [Docket No. 95F–0210] received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6823. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Policy on 180-Day Marketing Exclusively for Drugs Marketed Under Abbreviated New Drug Applications; Clarification [Docket No. 85N–0214] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6824. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Deliberate Misconduct by Unlicensed Persons (RIN: 3150–AF35) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6825. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 1997 as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100–203; to the Committee on Commerce.

6826. A letter from the Secretary of Transportation, transmitting the Superfund Financial Transactions Report for Fiscal Year 1997, pursuant to Public Law 99—499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

6827. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Covered Securities Pursuant to Section 18 of the Securities Act of 1933 [Release No. 33–7494, 34–39542, File No. S7–17–97] (RIN: 3235–AH18) received January 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6828. A communication from the President of the United States, transmitting a report on actions and policies of the National Union for the Total Independence of Angola (UNITA) and the national emergency declared in Executive Order 12865, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—189); to the Committee on International Relations and ordered to be printed.

6829. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—191); to the Committee on International Relations and ordered to be printed.

6830. A communication from the President of the United States, transmitting notification that the emergency declared with Libya is to continue in effect beyond January 7, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 105—193); to the Committee on International Relations and ordered to be printed.

6831. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—194); to the Committee on International Relations and ordered to be printed.

6832. A communication from the President of the United States, transmitting notification that the emergency declared with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 105—195); to the Committee on International Relations and ordered to be printed.

6833. A communication from the President of the United States, transmitting a report on actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934 covering the period from May 30 through November 29, 1997, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—199); to the Committee on International Relations and ordered to be printed.

6834. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—201); to the Committee on International Relations and ordered to be printed.

6835. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—202); to the Committee on International Relations and ordered to be printed.

6836. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6837. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101—246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

6838. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6839. A letter from the Secretary of Defense, transmitting a report that the Department is renotifying $1.3 million in FY 1994 funds to implement the Cooperative Threat Reduction (CTR) Program, pursuant to 22 U.S.C. 5955; to the Committee on International Relations.

6840. A communication from the President of the United States, transmitting a report relating to the approval and implementation of the Agreement for Nuclear Cooperation Between the United States and the People's Republic of China, pursuant to 42 U.S.C. 2153(d); (H. Doc. No. 105—197); to the Committee on International Relations and ordered to be printed.

6841. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6842. A communication from the President of the United States, transmitting a report on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 105—190); to the Committee on International Relations and ordered to be printed.

6843. A communication from the President of the United States, transmitting a report in accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997; (H. Doc. No. 105—192); to the Committee on International Relations and ordered to be printed.

6844. A communication from the President of the United States, transmitting a report in accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997; (H. Doc. No. 105—203); to the Committee on International Relations and ordered to be printed.

6845. A letter from the Director, Bureau of Economic Analysis, Economics and Statistics Administration, transmitting the Administration's final rule— International Services Surveys: BE-22 Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons (RIN: 0691-AA30) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6846. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Establishing New Research Data Centers [Docket No. 971231318-7318-01] received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6847. A letter from the Secretary, Mississippi River Commission, Department of the Army, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6848. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Administration's final rule—Financial Assistance for Internship Program for Postsecondary Students —received December 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6849. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Privacy Act; Implementation [Docket No. OST-96-1472] (RIN: 2105-AC60) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act [FRL-5943-2] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6851. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Removal of Certification Requirements Regarding Collection, Use, Access, Treatment, and Disclosure of Confidential Business Information [FRL-5860-6] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6852. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 1997 annual report of the Comptrollers' General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

6853. A letter from the Senior Deputy Chairman, National Endowment for the Arts, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6854. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Electronic Freedom of Information Act: Implementation (RIN: 3150-AF78) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6855. A letter from the Office of Independent Counsel, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6856. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration Under the Fair Labor Standards Act (RIN: 3206-AG70) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

6857. A letter from the Chief Administrative Officer, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6858. A letter from the Secretary, Postal Rate Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6859. A letter from the Board Members, Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

6860. A letter from the Board Members, Railroad Retirement Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6861. A letter from the Director, Selective Service System, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6862. A letter from the Director, Financial Services, Library of Congress, transmitting the United States Capitol Preservation Commission Annual Report for the fiscal year ended September 30, 1997; to the Committee on House Oversight.

6863. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1997–98 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AE18) received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6864. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Amendments to Transportation Allowance Regulations for Federal and Indian Leases to Specify Allowable Costs and Related Amendments to Gas Valuation Regulations (RIN: 1010–AC06) received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6865. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Royalty Relief for New Leases in Deep Water (RIN: 1010–AC14) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6866. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Royalty Relief for Producing Leases and Certain Existing Leases in Deep Water (RIN: 1010–AC13) received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6867. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; Amendment of Site Designation [40 CFR Part 228] received December 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6868. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—Disposition of Surplus Range Animals (RIN: 1018–AD75) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6869. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—1997 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest (RIN: 1018–AE07) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6870. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Designated Ports for Listed Plants (RIN: 1018–AD97) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6871. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Designated Critical Habitat; Umpqua River Cutthroat Trout [Docket No. 970715175–7292–02; I.D. No. 042997B] (RIN: 0648–AG58) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6872. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Adjustments to the 1998 Quotas; Commercial Summer Period Scup Quota Harvested for Massachusetts [Docket No. 971015246–7293–02; I.D. 010798C] received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6873. A letter from the Office of Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

6874. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the third annual report on the Communications Assistance for Law Enforcement Act of 1994, as amended, pursuant to Public Law 103—414; to the Committee on the Judiciary.

6875. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1996 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

6876. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Issuance of new or replacement immigrant visas [Public Notice 2664] received January 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6877. A letter from the Director, Office of Management and Budget, transmitting recommendations for necessary legislative changes involving the relationship between the Federal Advisory Committee Act and the Negotiated Rulemaking Act of 1990, as amended, pursuant to Public Law 104—320, section 11(e) (110 Stat. 3874); to the Committee on the Judiciary.

6878. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled "Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination," pursuant to 42 U.S.C. 1975; to the Committee on the Judiciary.

6879. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting the report on authorization of a flood damage reduction project for the Blue River Basin at the Dodson Industrial District, Kansas City, Missouri, pursuant to Public Law 104—303, section 101(a)(18); (H. Doc. No. 105—185); to the Committee on Transportation and Infrastructure and ordered to be printed.

6880. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule —Americans with Disabilities Act Accessibility Guidelines for Building and Facilities; Building Elements Designed for Children's Use [Docket No. 94–2] (RIN: 3014–AA17) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–247–AD; Amdt. 39–10282; AD 98–01–20] (RIN: 2120–AA64) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–113–AD; Amdt. 39–10274; AD 98–01–11] (RIN: 2120–AA64) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–127–AD; Amdt. 39–10276; AD 97–11–02 R1] (RIN: 2120–AA64) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Models EMB–110P1 and EMB–110P2 Airplanes (Federal Aviation Administration) [Docket No. 96–CE–66–AD; Amdt. 39–10273; AD 98–01–10] (RIN: 2120–AA64) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Precision Airmotive Corporation Carburetors (Federal Aviation Administration) [Docket No. 97–ANE–16; Amdt. 39–10270; AD 98–01–06] (RIN: 2120–AA64) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; New Jersey Intracoastal Waterway [CGD05–97–003] (RIN: 2115–AE47) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace South of Abbotsford, British Columbia, on the United States Side of the U.S./Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point Roberts, Washington [Airspace Docket No. 93–AWA–16] (RIN: 2120–AA66) received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Gillette, WY; correction (Federal Aviation Administration) [Airspace Docket No. 97–ANM–11] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29114; Amdt. No. 1846] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29115; Amdt. No. 1847] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29101; Amdt. No. 1843] (RIN: 2120-AA65) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29107; Amdt. No. 1845] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney JT9D-3 and -7 Series Engines (Federal Aviation Administration) [Docket No. 97-NM-267-AD; Amdt. 39-10284; AD 98-02-02] (RIN: 2120-AA64) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 and Mark 0070 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-94-AD; Amdt. 39-10285; AD 98-02-03] (RIN: 2120-AA64) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace Areas; Manhattan, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-21] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-32] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Norfolk, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-33] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Poplar Bluff, MO (Federal Aviation Administration) [Airspace Docket No. 97-ACE-28] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Marshall Army Airfield, Fort Riley, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-20] (RIN: 2120-AA66) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Audubon, IA (Federal Aviation Administration) [Airspace Docket No. 97-ACE-30] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kansas City, Richards-Gebaur Airport, MO (Federal Aviation Administration) [Airspace Docket No. 97-ACE-10] (RIN: 2120-AA66) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Vinton, IA (Federal Aviation Administration) [Airspace Docket No. 97-ACE-13] (RIN: 2120-AA66) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lee's Summit, MO (Federal Aviation Administration) [Airspace Docket No. 97-ACE-11] (RIN: 2120-AA66) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lincoln, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-24] (RIN: 2120-AA66) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards Rear Impact Guards; Rear Impact Protection [Docket NHTSA-98-3342, Notice 1] (RIN: 2127-AA43) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Certification of Speed Limit Enforcement [NHTSA-97-3196] (RIN: 2125-AE17) received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; London, OH (Federal Aviation Administration) [Airspace Docket No. 97-AGL-46] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Osceola, WI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-49] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Legal Description of Class E Airspace; Aberdeen, SD (Federal Aviation Administration) [Airspace Docket No. 97-AGL-37] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29102; Amdt. No. 1844] (RIN: 2120-AA65) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Sparta, TN (Federal Aviation Administration) [Airspace Docket No. 97-ASO-30] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Elmo, AL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-23] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ashtabula, OH (Federal Aviation Administration) [Airspace Docket No. 97-AGL-56] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Akron, OH (Federal Aviation Administration) [Airspace Docket No. 97-AGL-55] (RIN: 2120-AA66) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-90-AD; Amdt. 39-10275; AD 98-01-12] (RIN: 2120-AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration)[Docket No. 97-NM-314-AD; Amdt. 39-

10277; AD 98–01–15] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–247–AD; Amdt. 39–10278; AD 98–01–16] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–179–AD; Amdt. 39–10279; AD 98–01–17] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–111–AD; Amdt. 39–10280; AD 98–01–18] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–109–AD; Amdt. 39–10281; AD 98–01–19] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, -500 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–45–AD; Amdt. 39–10283; AD 98–02–01] (RIN: 2120–AA64) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6922. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; Laughlin, Nevada [CGD11–97–004] (RIN: 2115–AE46) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6923. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Mystic River, MA [CGD01–96–002] (RIN: 2115–AE47) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6924. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Minnesota River [CGD08–97–004] (RIN: 2115–AE47) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6925. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-5B/2P Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–29–AD; Amdt. 39–10286; AD 98–02–04] (RIN: 2120–AA64) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6926. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cesna Aircraft Company Models 172R and 182S Airplanes (Federal Aviation Administration) [Docket No. 97–CE–150–AD; Amdt. 39–10287; AD 98–01–01] (RIN: 2120–AA64) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6927. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–335–AD; Amdt. 39–10288; AD 98–02–06] (RIN: 2120–AA64) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6928. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's final rule—Simplification of Service Contract Filing Requirements [Docket No. 97–23] received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6929. A letter from the Secretary of Transportation, transmitting the 6-year report on state-of-the-art technology in highway design and construction utilized on the Blair County, Pennsylvania, demonstration project, pursuant to Public Law 97—424, section 131(b)(2); to the Committee on Transportation and Infrastructure.

6930. A letter from the Director, Program Office, National Institute of Standards and Technology, transmitting the Institute's final rule—Advanced Technology Program [Docket No. 970822200–7272–02] (RIN: 0693–AB44) received December 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6931. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Minimum Income Annuity (RIN: 2900–AI83) received January 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6932. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Mongolia, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—196); to the Committee on Ways and Means and ordered to be printed.

6933. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—200); to the Committee on Ways and Means and ordered to be printed.

6934. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—204); to the Committee on Ways and Means and ordered to be printed.

6935. A letter from the Secretary of Health and Human Services, transmitting the report on data processing, pursuant to Public Law 104—193, section 106(a) (110 Stat. 2164); to the Committee on Ways and Means.

6936. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds [Department of the Treasury Circular, Public Debt Series No. 1–93] received November 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6937. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury BONDS, Notes, and Bills; Determination Regarding State Statutes [Department of the Treasury Circular, Public Debt Series, No. 2–86] received November 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6938. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds [Department of the Treasury Circular, Public Debt Series No. 1–93] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6939. A letter from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Repeal of Obsolete Title IV-A and IV-F Program Rules (RIN: 0970–AB84) received December 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6940. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [No. 39–97] received December 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6941. A letter from the Acting Assistant Secretary, Department of Labor, transmitting the Department's final rule—Welfare-to-Work Grants (RIN: 1205–AB15) received November 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6942. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Hybrid Arrangements under Subpart F [Notice 98–11] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6943. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98–7] received January 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6944. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts [TD 8758] (RIN: 1545–AU28) received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6945. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–17] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6946. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employment taxes [Rev. Proc. 98–16] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6947. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election Not to Apply Look-Back Method in De Minimis Cases [TD 8756] (RIN: 1545-AV78) received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6948. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Dispositions of Certain Life Estates [Rev. Rul. 98-8] received January 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6949. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Obligations of States and Political Subdivisions [REG–110965-97] (RIN: 1545-AV47) received January 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6950. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Small Business Taxpayer Advance Pricing Agreements [Notice 98-10] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6951. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-9] received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6952. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuity of Interest and Continuity of Business Enterprise [TD 8760] (RIN: 1545-AU72 and 1545-AU73) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6953. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 98-9] received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6954. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 98-19] received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6955. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Installment Obligations received From Liquidating Corporations [TD 8762] (RIN: 1545-AB43) received January 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6956. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— Requirements for Privately Designed and Printed Federal Tax Return Forms [Rev. Proc. 97-54] received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6957. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 98-6] received January 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6958. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eligible Deferred Compensation Plans under Section 457 [Notice 98-8] received January 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6959. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Filing Requirements for Returns Claiming the Foreign Tax Credit [TD 8759] (RIN: 1545-AP36) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6960. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuity of Interest [TD 8761] (RIN: 1545-AV80) received January 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6961. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—TECRO/AIT Carnet Issuing and Guaranteeing Association—received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6962. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Addition of Hong Kong to the List of Nations Entitled to Special Tonnage Tax Exemption [TD 98-3] (RIN: 1515-AC27) received December 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6963. A letter from the the Director, the Congressional Budget Office, transmitting CBO's final sequestration report for Fiscal Year 1998, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—587); (H. Doc. No. 105—187); to the Committee of the Whole House on the State of the Union and ordered to be printed.

6964. A letter from the the Director, the Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for Fiscal Year 1998, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—587); (H. Doc. No. 105—188); to the Committee of the Whole House on the State of the Union and ordered to be printed.

6965. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Application of Inherent Reasonableness to All Medicare Part B Services (Other than Physician Services) [HCFA-1908-IFC] (RIN: 0938-AI37) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

6966. A letter from the the Assistant Secretary for Legislative Affairs, the Department of State, transmitting notification that the President has exercised the authority to suspend restrictions on the maintenance of a Palestine Liberation Organization Office for a duration of six months, pursuant to section 539(d) of the Foreign Operations, Export Financing, and Related Programs Act, FY 1998; (H. Doc. No. 105—186); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

6967. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to the Office of Management and Budget regarding the initial determination of their fiscal year 1999 budget request, pursuant to 49 U.S.C. app. 1903(b)(7); jointly to the Committees on Transportation and Infrastructure and Appropriations.

6968. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or after October 1, 1997 [HCFA-1904-NC] (RIN: 0938-AI36) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

6969. A letter from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting notification of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to section 514 of the Omnibus Consolidated Appropriations Act, 1997; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

6970. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled "National Disability Policy: A Progress Report," pursuant to 29 U.S.C. 781(a)(8); jointly to the Committees on Education and the Workforce, the Judiciary, and Transportation and Infrastructure.

6971. A letter from the Secretary of Health and Human Services, transmitting a report in response to a congressional directive contained in House Report No. 104-173, regarding contract support cost escalation; jointly to the Committees on Resources, Appropriations, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted January 29, 1998]

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2625. A bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport"; with amendments (Rept. 105-408). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 30, 1998]

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2846. A bill to prohibit spending Federal Education funds on national testing without explicit and specific legislation; with an amendment (Rept. 105-409). Referred to the Committee of the Whole House on the State of the Union.

[Submitted February 3, 1998]

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 429. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations (Rept. 105-410). Referred to the Committee of the Whole House on the State of the Union.

[Submitted February 3, 1998]

Mr. SOLOMON: Committee on Rules. House Resolution 344. Resolution providing for consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport" (Rept. 105-411). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolutions 345. Resolution providing for consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on

December 18, 1997, should not be paid with taxpayer funds (Rept. 105-412). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ADERHOLT (for himself, Mr. RAHALL, Mr. RILEY, Mr. BACHUS, Mr. LAHOOD, Mr. TANNER, Mr. JENKINS, Mr. CRAMER, and Mr. BOUCHER):

H.R. 3137. A bill to amend section 4615 of the Balanced Budget Act of 1997 to delay for 18 months the prohibition of payment under the Medicare Program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample and to require submission of a report on the impact of implementing such section; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. PAUL, and Mr. ADERHOLT):

H.R. 3138. A bill to require congressional approval for certain uses of the exchange stabilization fund; to the Committee on Banking and Financial Services.

By Mr. BERRY (for himself, Mr. BROWN of Ohio, Mr. NEAL of Massachusetts, Mr. STARK, Mr. FILNER, Mr. LEWIS of Georgia, Ms. DELAURO, Mr. FROST, Mr. BAESLER, Mr. PETERSON of Minnesota, Mr. SANDLIN, Ms. SLAUGHTER, Mr. STENHOLM, Mr. TANNER, Mr. SCHUMER, Mr. PASCRELL, and Mr. DAVIS of Illinois):

H.R. 3139. A bill to amend title XVIII of the Social Security Act to stop overpayment for drugs and biologicals under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself and Mr. CUNNINGHAM):

H.R. 3140. A bill to amend title 18, United States Code, to provide that certain muzzle loading firearms are to be treated as antique firearms for purposes of the Federal firearms laws; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 3141. A bill to direct the Secretary of the Army to issue to certain veterans who served in the disputed Italy-Yugoslavia area at the end of World War II the "Italy" clasp for the World War II Army Occupation Medal; to the Committee on National Security.

By Mr. FALEOMAVAEGA:

H.R. 3142. A bill to amend the Second Morrill Act to provide that funds for the land grant college of American Samoa shall not be subject to annual appropriation by the legislature of American Samoa; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. YATES, Mr. WEXLER, Mr. SHERMAN, Mrs. KELLY, Mr. FILNER, Mr. LAZIO of New York, Mr. FROST, Ms. FURSE, and Mr. HORN):

H.R. 3143. A bill to prohibit foreign insurance companies from doing business in the United States unless they disclose any financial dealings they had with individuals who survived or died in the Holocaust, to prohibit an insured depository institution from transacting any business with or on behalf of any such foreign insurance company, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 3144. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 3145. A bill to amend title 38, United States Code, to enact into law eligibility requirements for interment in Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. NADLER (for himself, Mr. CONYERS, and Mr. HILLIARD):

H.R. 3146. A bill to amend title 11 of the United States Code relating to bankruptcy; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. LATOURETTE, Mr. DINGELL, Mr. OBEY, Mr. CONYERS, Ms. KAPTUR, Mr. LIPINSKI, Mr. TRAFICANT, Mr. VISCLOSKY, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. LAFALCE, Mr. JOHNSON of Wisconsin, Ms. STABENOW, Mr. JACKSON, and Ms. RIVERS):

H.R. 3147. A bill to authorize the United States to enter into an executive agreement with Canada relating to the establishment and operation of a binational corporation to operate, maintain, and improve facilities on the Saint Lawrence Seaway, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STABENOW (for herself, Mr. BARCIA of Michigan, Mr. KILDEE, Ms. KILPATRICK, and Ms. CARSON):

H.R. 3148. A bill to establish food safety research, education, and extension as a priority of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture.

By Mr. THUNE (for himself and Ms. DUNN of Washington):

H.R. 3149. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the personal exemption; to the Committee on Ways and Means.

By Mr. GEKAS (for himself, Mr. MCCOLLUM, Mr. BOUCHER, and Mr. MORAN of Virginia):

H.R. 3150. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself and Ms. DUNN of Washington):

H.R. 3151. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by increasing the amount of taxable income which is taxed at the lowest income tax rate; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. ARCHER, Mr. THOMAS, Mr. DELAY, Mr. BOEHNER, Mr. ENGLISH of Pennsylvania, Mr. BEREUTER, Mr. COMBEST, Mrs. EMERSON, Mr. ENSIGN, Mr. CRANE, Mr. GOSS, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. ROYCE, Mr. SALMON, Mr. SESSIONS, and Mr. STUMP):

H.J. Res. 107. A joint resolution expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself and Mr. LATOURETTE):

H.J. Res. 108. A joint resolution proposing an amendment to the Constitution of the United States to allow the limitation of contributions and expenditures respecting elections; to the Committee on the Judiciary.

By Mr. SAXTON:

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress that the International Monetary Fund should raise funds in private financial markets, rather than from member countries, in order to reduce the risk of loss to United States taxpayers; to the Committee on Banking and Financial Services.

By Mr. GINGRICH (for himself and Mr. BARR of Georgia):

H. Res. 346. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in honor of General Lucius D. Clay; to the Committee on Government Reform and Oversight.

By Mr. HASTINGS of Florida:

H. Res. 347. A resolution expressing the sense of the House of Representatives with respect to the spiraling violence in Algeria; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

240. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 114 urging Congress to adopt House Concurrent Resolution 14 of 1997, which encourages efforts to reunite family members separated during the Holocaust; to the Committee on International Relations.

241. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 1 memorializing Congress to support legislative initiatives to discourage use of public resources for movement of professional sports franchises and to repeal antitrust exemptions for professional sports; jointly to the Committees on Commerce, the Judiciary, and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. BURTON of Indiana, Mr. PAXON, Mr. ROYCE, and Mr. KINGSTON.

H.R. 165: Mr. ENSIGN.

H.R. 339: Mr. NETHERCUTT.

H.R. 611: Mr. WALSH.

H.R. 685: Mr. KUCINICH.

H.R. 693: Mr. FORBES, Mr. CALVERT, Mr. MANZULLO, and Mr. NEY.

H.R. 806: Mr. FRANK of Massachusetts.

H.R. 820: Mr. DIXON.

H.R. 859: Mr. SESSIONS, Mrs. MYRICK, and Mr. DELAY.

H.R. 900: Mr. DELAHUNT and Mr. OBEY.

H.R. 934: Mr. FOLEY.

H.R. 971: Mr. ENGEL.

H.R. 979: Mr. GEJDENSON, Mrs. ROUKEMA, Mr. BISHOP, Mr. HUTCHINSON, Mr. HEFLEY, Mr. BAESLER, Mr. WYNN, and Mr. WAMP.

H.R. 992: Mr. GILLMOR.

H.R. 1005: Mr. TAYLOR of Mississippi.

H.R. 1061: Mr. INGLIS of South Carolina, Mrs. MINK of Hawaii, Mr. BALDACCI, Mr. MOLLOHAN, Mr. PETERSON of Minnesota, and Mr. KENNEDY of Rhode Island.

H.R. 1126: Mr. SANFORD, Mr. CHAMBLISS, and Mr. SUNUNU.

H.R. 1173: Ms. KAPTUR, Ms. HOOLEY of Oregon, and Mr. DAVIS of Illinois.

H.R. 1289: Mr. MOLLOHAN, Mr. SESSIONS, Mr. HAYWORTH, Mr. BURR of North Carolina, and Mrs. TAUSCHER.

H.R. 1320: Mr. SANDLIN.

H.R. 1329: Mrs. LOWEY, Mr. ENGEL, Mr. BENTSEN, Mr. RUSH, and Mr. SESSIONS.

H.R. 1354: Ms. SÁNCHEZ.

H.R. 1356: Mr. ADERHOLT, Mr. GOODE, Mr. HANSEN, Mr. HINOJOSA, Mr. PETERSON of Minnesota, Mr. HUNTER, and Mr. MCCOLLUM.

H.R. 1378: Mr. CAMP and Mr. WATKINS.

H.R. 1401: Mr. PALLONE.

H.R. 1425: Mr. PAYNE, Mr. POSHARD, and Mr. MARKEY.

H.R. 1432: Mr. WEXLER.

H.R. 1591: Mr. DELAY.

H.R. 1601: Mr. MASCARA, Ms. SLAUGHTER, Mr. BAESLER, Mr. TAYLOR of Mississippi, Mr. HORN, Mr. GREENWOOD, and Mr. COYNE.

H.R. 1624: Mr. MALONEY of Connecticut, Ms. LOFGREN, and Mr. VISCLOSKY.

H.R. 1628: Mr. LAFALCE.

H.R. 1631: Mr. PETERSON of Minnesota.

H.R. 1632: Mrs. LOWEY, Mr. KUCINICH, and Ms. CHRISTIAN-GREEN.

H.R. 1635: Mr. DELAHUNT, Mr. LATOURETTE, Mr. CRAMER, Ms. MCCARTHY of Missouri, Mr. MCDADE, Mr. LAFALCE, Mr. PORTER, Mr. GILCHREST, Mr. WOLF, Mr. GEPHARDT, Mr. LEVIN, Mr. MARKEY, and Mr. BALDACCI.

H.R. 1656: Mr. FOX of Pennsylvania, Mr. FROST, and Mr. GUTIERREZ.

H.R. 1689: Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. ENSIGN, Mr. WICKER, Mr. SKEEN, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. COMBEST, Mr. INGLIS of South Carolina, Mr. SHADEGG, Mr. SAM JOHNSON, Mr. LEWIS of Kentucky, and Mr. SUNUNU.

H.R. 1693: Ms. FURSE.

H.R. 1705: Mr. BASS and Mrs. MORELLA.

H.R. 1773: Mr. FILNER and Mr. PETERSON of Minnesota.

H.R. 1782: Mr. YATES.

H.R. 1799: Mr. CLYBURN.

H.R. 1872: Mr. COBURN and Mr. SANFORD.

H.R. 1995: Mr. BECERRA, Mr. DIXON, Mr. MALONEY of Connecticut, Ms. DELAURO, Mr. UNDERWOOD, and Mr. ADAM SMITH of Washington.

H.R. 2001: Mr. CALLAHAN.

H.R. 2081: Mr. PETERSON of Minnesota and Mr. WAMP.

H.R. 2090: Mr. SHAYS and Mr. SAXTON.

H.R. 2100: Mr. PETERSON of Minnesota.

H.R. 2128: Mr. PETERSON of Minnesota.

H.R. 2174: Ms. PELOSI, Mr. TOWNS, Mr. EDWARDS, Mr. WATT of North Carolina, Mrs. MINK of Hawaii, Mr. TURNER, Mr. SAWYER, Mr. PAYNE, and Mr. BROWN of California.

H.R. 2189: Ms. FURSE, Mr. LANTOS, and Ms. KILPATRICK.

H.R. 2228: Mr. FROST, Ms. FURSE, Mr. JACKSON, and Mr. SHERMAN.

H.R. 2229: Mr. SHERMAN.

H.R. 2263: Mr. GREENWOOD, Mr. FORBES, and Mr. PETERSON of Pennsylvania.

H.R. 2327: Mr. HOEKSTRA and Mr. ANDREWS.

H.R. 2351: Mrs. KENNELLY of Connecticut and Mr. GONZALEZ.

H.R. 2380: Mr. BAKER.

H.R. 2397: Mr. CANADY of Florida and Mr. DAVIS of Illinois.

H.R. 2432: Mr. JENKINS, Mr. FILNER, and Mr. YOUNG of Alaska.

H.R. 2453: Mr. HINCHEY and Mr. GILCHREST.

H.R. 2509: Mr. GILLMOR and Mr. FARR of California.

H.R. 2524: Mr. FORD, Ms. SLAUGHTER, and Mr. FILNER.

H.R. 2543: Mr. GREEN.

H.R.2549: Mr. STUPAK and Mrs. LOWEY.

H.R. 2556: Mr. TANNER.

H.R. 2586: Mr. BERRY, Mr. JOHN, and Mr. KIND of Wisconsin.

H.R. 2592: Mr. NETHERCUTT.

H.R. 2602: Mr. WEXLER.

H.R. 2635: Ms. NORTON, Ms. PELOSI, Mr. CARDIN, Mr. BENTSEN, Mr. HINCHEY, Mr. MCNULTY, Ms. KILPATRICK, Ms. KAPTUR, Ms. RIVERS, Ms. ESHOO, Mr. PRICE of North Carolina, Mr. SHAYS, and Mr. STOKES.

H.R. 2639: Mr. SHAYS, Ms. HOOLEY of Oregon, and Mr. ENGEL.

H.R. 2695: Mr. STARK, Mr. BROWN of California, and Mr. SHERMAN.

H.R. 2697: Mr. FILNER and Ms. SLAUGHTER.

H.R. 2708: Mr. LUTHER, Mr. PACKARD, Mr. OXLEY, Mr. SHIMKUS, Mr. BARRETT of Nebraska, and Mr. SAWYER.

H.R. 2718: Mr. DOOLITTLE and Mr. SMITH of Michigan.

H.R. 2740: Mr. CANNON, Mr. KNOLLENBERG, Mr. GUTKNECHT, Mr. HILL, Mr. PETERSON of Minnesota, and Mr. HALL of Texas.

H.R. 2748: Mr. TAYLOR of Mississippi.

H.R. 2752: Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. MCGOVERN, Mrs. CHENOWETH, Mr. FROST, Mr. RADANOVICH, Mr. HUNTER, Mr. WALSH, Mr. POMBO, Mr. CALVERT, Mr. SKEEN, Mr. BILBRAY, Mr. MCDADE, and Mr. PACKARD.

H.R. 2754: Mr. RANGEL.

H.R. 2807: Mr. SHAYS.

H.R. 2819: Mr. HULSHOF, Mr. FROST, Mrs. THURMAN, Ms. KILPATRICK, Mr. COYNE, and Mr. DOOLEY of California.

H.R. 2821: Mr. BURR of North Carolina, Mr. FORD, Mr. RODRIGUEZ, and Mr. FOLEY.

H.R. 2829: Mr. BERMAN, Mrs. CLAYTON, Mr. GALLEGLY, Mr. HASTINGS of Washington, Mr. HINOJOSA, Mr. MEEHAN, Mr. PETERSON of Pennsylvania, Mr. DAN SCHAEFER of Colorado, Mr. TANNER, Mr. UNDERWOOD, and Mr. WEYGAND.

H.R. 2837: Mr. GALLEGLY.

H.R. 2843: Mr. COOKSEY.

H.R. 2870: Mr. FALEOMAVAEGA, Mr. LIPINSKI, Mr. WEXLER, and Mr. KOLBE.

H.R. 2888: Mr. KNOLLENBERG and Mr. KIND of Wisconsin.

H.R. 2914: Mr. COSTELLO.

H.R. 2923: Ms. CARSON and Mr. WISE.

H.R. 2936: Mr. WATTS of Oklahoma, Mr. SESSIONS, and Mr. TIAHRT.

H.R. 2943: Ms. SLAUGHTER.

H.R. 2951: Mr. SANDERS, Mr. WISE, Mr. RAHALL, and Mr. WAXMAN.

H.R. 2968: Mr. MCINTOSH and Mr. CANADY of Florida.

H.R. 3010: Mr. MCGOVERN.

H.R. 3016: Mr. HINCHEY.

H.R. 3039: Mr. PAYNE and Mr. SMITH of New Jersey.

H.R. 3050: Mr. FROST, Mr. GORDON, and Mrs. MALONEY of New York.

H.R. 3089: Ms. GRANGER, Ms. DUNN of Washington, Mr. FRELINGHUYSEN, Mr. BEREUTER, and Mrs. EMERSON.

H.R. 3100: Mr. CLYBURN, Mr. DEFAZIO, Mr. DEUTSCH, Mr. MEEHAN, Mr. POSHARD, Mr. SCOTT, Mr. SERRANO, and Mr. YATES.

H.R. 3104: Mr. ARMEY, Mr. WELLER, Ms. DUNN of Washington, Mr. SHADEGG, Mr. PAPPAS, Mr. BOB SCHAFFER, Mr. RADANOVICH, Mr. BURTON of Indiana, Mr. INGLIS of South Carolina, Mr. NORWOOD, Mr. SCARBOROUGH, Mr. COBURN, Mr. GOODE, Mr. SESSIONS, Mr. DICKEY, Mr. HILL, and Mr. HEFLEY.

H.R. 3107: Mr. SMITH of New Jersey.

H.R. 3111: Mr. LIPINSKI.

H.R. 3121: Mr. NADLER, Mr. FOSSELLA, and Mr. TOWNS.

H.R. 3131: Mr. DREIER.

H. Con. Res. 19: Ms. ROS-LEHTINEN and Mr. WATTS of Oklahoma.

H. Con. Res. 177: Mr. NEUMANN.

H. Con. Res. 203: Ms. KAPTUR, Mr. SANDLIN, Mr. MCGOVERN, Mr. KLINK, Mr. FRELINGHUYSEN, Mr. COYNE, and Mrs. MEEK of Florida.

H. Con. Res. 205: Mr. BONIOR, Mr. SERRANO, and Mr. FROST.

H. Res. 16: Mr. SCHUMER.

H. Res. 172: Mr. PALLONE.

H. Res. 218: Mrs. CLAYTON, Mr. HEFNER, Mr. COBLE, Mr. BALLENGER, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mrs. MYRICK, and Mr. BURR of North Carolina.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

32. The SPEAKER presented a petition of Warrensburg Town Board, Warrensburg, New York, relative to Resolution No. 185–97 expressing strong opposition to H.R. 971 and requesting that the House of Representatives defeat this bill; to the Committee on Agriculture.

33. Also, a petition of the LeClaire City Council, LeClaire, Iowa, relative to Resolution No. 98–02 urging the President, Congress, and Department of Defense to reconsider the moving of the 114 personnel and accompanying mission of the Defense Information Systems Agency, Defense MEGACENTER Rock Island, from Rock Island Arsenal Island to St. Louis and instead move the entire Defense Information System Agency, Defense MEGACENTER St. Louis personnel and mission to Rock Island to maximize cost savings to the government; to the Committee on National Security.

34. Also, a petition of the Libertarian Party of Wisconsin, Greenfield, Wisconsin, relative to memorializing Congress to cease certain activities concerning the United Nations; to the Committee on International Relations.

35. Also, a petition of the Societas Docta, Inc., Knoxville, Tennessee, relative to petitioning the House of Representatives, the Senate and President of the United States of America to maintain and extend the affirmative action programs; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2625

Offered By: Mr. DeFazio

Amendment No. 1. Page 3, after line 23, insert the following:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation secures the consent of the Metropolitan Washington Airports Authority for the redesignation made by section 1.

H.R. 2625

Offered By: Mr. Moran of Virginia

Amendment No. 2. Amend the title to read as follows: "A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the 'George Washington National Airport'.".

H.R. 2625

Offered By: Mr. Moran of Virginia

Amendment No. 3. Page 3, line 2, strike "Ronald Reagan" and insert "George Washington".

Page 3, line 6, strike "Ronald Reagan" and insert "George Washington".

Page 3, lines 17 and 18, strike "Ronald Reagan" and insert "George Washington".

Page 3, line 22, strike "Ronald Reagan" and insert "George Washington".

H.R. 2625

Offered By: Mr. Moran of Virginia

Amendment No. 4. Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation secures the consent of the Metropolitan Washington Airports Authority for the redesignation made by section 1.

H.R. 2625

Offered By: Mr. Moran of Virginia

Amendment No. 5. Page 3, after line 23, add the following new section:

SEC. 3. FUNDING.

(a) Establishment of Fees.—The Metropolitan Washington Airports Authority shall establish and collect fees for reserved parking provided for Members of Congress at the airport referred to in section 1 at rates comparable to the rates charged for public parking at the airport.

(b) Use of Proceeds.—The Metropolitan Washington Airports Authority shall use the proceeds of the fees collected pursuant to subsection (a) to cover the costs of the redesignation made by section 1 until such redesignation is completed.

H.R. 2625

Offered By: Mr. Moran of Virginia

(Amendment in the Nature of a Substitute)

Amendment No. 6. Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation determines that a referendum proposing the redesignation made by section 1 has been approved by the voters of Arlington County, Virginia.

EXTENSIONS OF REMARKS

RONALD REAGAN NATIONAL AIRPORT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. SOLOMON. Mr. Speaker, if I had my way Ronald Reagan would not only have the key airport in Washington named after him, he'd have his face on Mt. Rushmore.

But for now, renaming the airport will do. His birthday comes in a few days, and this would be a fitting present. A few years ago, Mr. Speaker, we sent President Reagan another fitting present, passage of the line item veto, which he championed so vigorously during his administration. Why such honors for the former President? In all due respect to the current and previous occupants of the White House, Mr. Speaker, Ronald Reagan left a positive stamp on the political life of this country that even present and future presidents will never erase.

It was my great privilege, Mr. Speaker, to serve as one of Ronald Reagan's group of core congressional advisors, along with such outstanding leaders as former Congressman Bob Walker, and present Senate Majority Leader TRENT LOTT. And it was a singular honor to carry President Reagan's water on foreign affairs in the House, because it was his leadership that led to the collapse of the Berlin Wall and the dissolution of the Soviet Empire.

His leadership was equally effective in economic policy. Recently, a survey of leading American businessmen attributed today's strong economy precisely to Reaganomics. Those businessmen made it clear that although President Clinton is the beneficiary, he is by no means the cause, of that prosperity.

And finally, Ronald Reagan set a moral tone for this country solidly rooted in traditional American virtues. His personality, his sense of humor, his ability to distill complex issues into language everyone understood, and finally, his total lack of guile and malice disarmed his critics and made us all feel good once again about being Americans.

The political landscape was littered with the bones of critics who underestimated him until the very last moment in 1989, when he climbed aboard the helicopter carrying him away from Washington for the last time. It was not the same Washington that greeted him in 1981. Ronald Reagan changed the very vocabulary of this city. And when we finally balance the budget and dig Americans out from the mountain of debt built by Ronald Reagan's critics, it will be the greatest birthday present of all.

Mr. Speaker, let me close by saying, "Mr. President—and for me Ronald Reagan will always be 'Mr. President'—I miss you, your country misses you, and we all wish you the happiest of birthdays with many returns."

IN HONOR OF ROBERT J. FROST

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. SCHUMER. Mr. Speaker, I would like for my colleagues to stand with me today to pay tribute to Officer Robert J. Frost of New York for his bravery and selflessness.

He is already called the "Christmas Angel" by the Pareja family. He had simply made the decision to stay late at work one night, and on his usual walk home is when he noticed the strong smell of smoke. Because he followed his hunch that something was terribly wrong, he is credited with helping a family of 9 escape from their burning home. You could say it was fate that brought together Transit Officer Frost and the Pareja family. I would say, like them, that it must have been a miracle.

Gathering here today to acknowledge the heroism of Robert, reminds us to continually pay heed to the local heroes of our communities. Recognizing Robert Frost will allow us all to take stock in our actions and reflect on how we too can make a difference in our neighbor's lives. Robert did not have to run up to the burning house. He did so because he cared enough and perhaps because like all of us, he would like to believe that someone would do the same for him if he ever needed their help. Let us take this moment to thank all the Officer Frosts out there and pray that we can be fortunate enough to have an "angel" like him around. I wish Robert Frost and his family all the success in future endeavors.

PROMOTING DEMOCRACY AROUND THE WORLD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. HAMILTON. Mr. Speaker, the euphoria that greeted the end of the cold war, and the authoritarian regimes around the world that drew their strength from it, is fading as we face the reality of how difficult it is to instill democratic ideals and processes in emerging nations. Some critics have argued that elections have not brought freedom to many of these countries. Some have even gone so far as to suggest that a new kind of authoritarian government might be preferable to an elected one.

I am not so pessimistic. In my judgment, what is useful at this point in the U.S. and international experience with democracy-building programs is to analyze which programs have proven useful in the long-term process of reforming institutions and citizens' demands on their governments. Instead of giving up on democracy, we should support the democratic leaders—in government and civil society—who will lay the foundation for reforms in their countries.

I would commend to my colleagues a January 26, 1998 Wall Street Journal article on this subject by Marc F. Plattner and Carl Gershman of the National Endowment for Democracy. The Endowment works creatively with non-governmental organizations in the U.S. and around the world to help build lasting democratic institutions that can protect fundamental freedoms. I am proud to be one of its strongest supporters.

The article follows:

[From the Wall Street Journal, Jan. 26, 1998]

DEMOCRACY GETS A BUM RAP

(By Marc F. Plattner and Carl Gershman)

Two recent articles—by Fareed Zakaria in Foreign Affairs and by Robert Kaplan in The Atlantic Monthly—have given voice to a growing pessimism about the global fortunes of democracy. This gloom is no more well-founded than the euphoria about democracy that prevailed just a few years ago. For serious students of democracy have always known that it is a difficult form of government to sustain: Setting up a new democracy is much easier than getting it to perform well or to endure.

Two decades ago the world had only a few dozen democracies, predominantly in Western Europe or countries populated primarily by the descendants of Western Europeans. Citizens of these countries enjoyed not only free and competitive multiparty elections but also the rule of law and the protection of individual liberties. Nearly all (India being the most notable exception) had advanced industrial economies, sizable middle classes and high literacy rates—characteristics that political scientists typically regarded as "prerequisites" of successful democracy. Meanwhile, what were then called the Second and Third Worlds were dominated by other kinds of regimes (Marxist-Leninist, military, single-party, etc.) that rejected multiparty elections.

REGIMES CRUMBLED

By the early 1990s this situation had changed dramatically, as Marxist-Leninist, military and single-party regimes crumbled and were mostly succeeded by regimes that at least aspired to be democratic. Today, well over 100 states can plausibly claim to have elected governments, including most countries in Latin America, many in the post-Communist world and a significant number in Asia and Africa.

Outside Africa, surprisingly few of these regimes have suffered outright reversions to authoritarianism. At the same time, it has become clear that many of them, even among those that hold unambiguously free and fair elections, fall short of Western standards in protecting individual liberties and adhering to the rule of law. As Larry Diamond, co-editor of the Journal of Democracy, puts it, many of the new regimes are "electoral democracies" but not "liberal democracies." Mr. Zakaria puts a more pessimistic spin on a similar diagnosis in his article, entitled "The Rise of Illiberal Democracy."

The difference is more than semantic. Calling the emerging democracies "illiberal" suggests that they constitute a new threat to freedom. In fact, compared with the old regimes, they represent a major gain for freedom, a new opening that makes possible the gradual institutionalization of democratic practices and liberties. The new pessimists criticize the simplistic view that elections are sufficient to make a country free. But they commit the same fallacy, failing to recognize that democratization is a process of transition, not an instant transformation to a new order.

The new pessimists seem inclined to rush to the judgment that elections are the primary cause of the problems besetting the new democracies, and to believe that the holding of all those elections is a product of U.S. policy. Both these propositions are false.

The problem with elections, it is said, is that they empower majorities that may favor policies motivated by ethnic or religious intolerance or by short-term economic interests. This is a danger, but what is the alternative? The critics tend to suggest some version of what might be called "liberal nondemocracy"—an unelected government that preserves political stability, promotes economic development, observes the rule of law and generally respects the rights of its subjects.

In theory such a benevolently authoritarian government might be preferable to a corrupt and illiberal democracy. But where can we find one in the real world? The critics cite very few contemporary examples. Mr. Kaplan lavishes praise on the temporary, technocratic government of Pakistan's appointed premier Moeen Qureshi, named to the post after the army forced out his elected predecessor in 1993. Mr. Qureshi served for just three months—hardly a model for long-term stability or widespread emulation. Mr. Zakaria's prime examples are 19th-century European constitutional monarchies that restricted suffrage and Hong Kong under British rule—not exactly a practical vision as we look toward the 21st century.

Proponents of liberal nondemocracy fail to recognize that there is a reason why electoral democracy and liberalism, though sometimes at odds, usually tend to be found together. Liberalism derives from the view that individuals are by nature free and equal, and thus that they can be legitimately governed only on the basis of consent. The historical working-out of this principle inevitably "democratized" Europe's constitutional monarchies, just as it later undermined colonialism. Even if "first liberalism, then democracy" were the preferred historical sequence, today a nondemocratic government would be hard put to find a solid basis for its ligitimacy—and thus also for its stability—while it goes about the task of liberalization.

Moreover, the new pessimists overlook the close connection between elections and rights. Elections, if they are to be free and fair, require the observance of a substantial body of rights—freedom of association and expression, for example, and equal access to the media. The pessimists fear that elections will undermine rights by legitimizing illiberal regimes. But elections, if they are truly competitive, tend to arouse citizens to insist upon their rights and upon the accountability of elected officials. The process makes government more subject to public scrutiny.

The spread of democracy abroad is the result not of American policy or propaganda, but of demands by peoples worldwide. Whether this demand springs from human nature or from global communications and the unparalleled current prestige of democracy, people almost everywhere want to have a say about who their rulers are. On what basis shall we deny them? Mr. Kaplan suggests that electoral democracy is somehow responsible for the problems of places like Russia, Afghanistan and Africa today. This is plainly absurd. If democracy is the problem, why wasn't Africa flourishing during the 1970s and 1980s, when the continent had but a handful of democracies?

ELECTIONS ARE NOT ENOUGH

None of this is meant to deny the important—though hardly unfamiliar—insight that elections are not enough. Many of the new democracies have performed poorly with respect to accountability, the rule of law and the protection of individual rights. Helping electoral democracies become liberal democracies is certainly in the interests both of the U.S. and of the countries that we assist.

But we are more likely to provide such assistance if we view elections as an opportunity to work for the expansion of rights, rather than an obstacle to it. As countries lacking the usual prerequisites attempt to liberalize and improve their democracies, it would be foolish not to expect serious problems. But it would be even greater folly to believe that authoritarianism is the solution.

TRIBUTE TO WILLIAM RUSSELL KELLY, FOUNDER OF KELLY SERVICES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. LEVIN. Mr. Speaker, I rise today to honor the memory of Mr. William Russell Kelly, founder of Russell Kelly Office Service, and founder of this modern temporary help industry. Mr. Kelly died Saturday, January 3 at his home in Ft. Lauderdale, Florida. He was 92.

In 1946, single-handedly, Russ Kelly founded a new industry in a Detroit storefront. It began as an accommodation to employers to fill in for vacationing or sick employees, and also to supplement regular staff during short-term workloads. In the early days most of the temporary employees were women secretaries, hence the name "Kelly Girls" soon became a trademark around the world. Society has moved far beyond this confined role for women and so has the company; today, tens of thousands of professional and technical women and men have joined others in Kelly Services.

Beginning as a fledgling company totaling $848.00 in sales in its first year, Kelly Services has grown today to a Fortune 500 and a Forbes 500 company, with annual sales approaching $4 billion. Annually, this Troy, Michigan-based company provides the services of more than 750,000 of its employees through more than 1500 company offices in 50 states and 16 countries.

Mr. Speaker, I ask my colleagues to join me in honoring the ingenuity and the memory of this entrepreneurial pioneer. Indeed, when Russ Kelly was asked how he wanted to be remembered, he said, "Only as a pioneer."

I extend my sincere sympathy to Russell Kelly's wife, Margaret, his son, Terence E. Adderley, who joined the company in 1958 and became its President in 1967 and who has now succeeded Mr. Kelly as Chairman of the Board of the Company, his daughter-in-law, Mary Beth and his six grandchildren, and three great-grandchildren.

A TRIBUTE TO DAVE MOORE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a true pioneer in broadcasting and television journalism.

These are very sad days in Minnesota, as a true legend has passed from our midst. No one who has called Minnesota home for the past half century will ever forget Dave Moore of WCCO Television in Minneapolis, who died on Wednesday, January 28, 1998.

Dave Moore was much, much more than a television news anchor. His standard-setting ethics, keen wit, astute observations, lyrical prose, sheer longevity, inspiring work ethic and unique, curmudgeonly demeanor helped to define Minnesota for all of us who absolutely had to be home for the 6 and 10 p.m. news. His background in theater gave him a special talent few of today's journalists possess: the ability to touch viewers by conveying his feelings.

Mr. Speaker, Dave was a humble man, full of self-effacing humor, never one to overrate his importance in our lives. "I am a very lucky guy . . . I have one marketable talent," he once said, "reading out loud."

For 47 wonderful years on Channel 4, WCCO–TV, Dave gave us the news. On newscasts from 1957 until 1991, he was there every day.

Late on Saturday nights, you were absolutely un-Minnesotan if you weren't home for Moore's late-night "The Bedtime Nooz," a show full of cutting-edge humor that poked fun at current events and politicians.

An outsider trying to gauge Dave Moore's significance to Minnesotans needed only look at the front pages of newspapers last week. The tributes to Dave Moore have been poignant and powerful: grown people searching and yanking deep to pull up childhood memories—and producing tears mixed with laughter in our newspapers and on broadcasts across the dial.

Mr. Speaker, if you went back to just about any day—from television news' infancy in the 1950s to its slick, digitalized, distant relative here in the 1990s—you would find Moore dominating conversations, too. You would hear at lunch counters the ubiquitous query: "Did you hear what Dave said last night on the news?"

The Star Tribune wrote that, with Moore, it was "not a question of credibility, or expertise, or looks—certainly not looks. It's simply that Moore had a presence that inspired calm, trust and good will." The Pioneer Press said Dave Moore "was a kind of Midwestern comfort food—the meatloaf and mashed potatoes of broadcast . . . the heart behind the headlines."

Dave Moore was anything but slick, and that's why we loved him so much. He was trust personified, substance over style. His credibility was beyond reproach. But if you saw him at one of his favorite places out in public—a play, baseball game, movie—he was easily approachable. His diverse and widespread charitable efforts were inspiring. A truly fitting favorite was reading the newspaper to the blind.

This week, a Vietnam veteran called a radio station to pay his tribute to Dave Moore. This vet said when he returned from the war, he had totally lost his sense of humor. He said he only started to laugh again when he tuned into Dave Moore.

Mr. Speaker, Dave Moore was much, much more than just your everyday anchorman. He was the man we welcomed into our homes every day and filled it with important facts, wit, perspective and the simple joys of being from Minnesota.

Dave Moore gave us great and priceless gifts. Our thoughts and prayers are with his wife Shirley and their wonderful family. Minnesota will never forget Dave. As one newspaper put it: "Journalism won't see his like again." And Minnesota won't see a friend like him again, either.

TRIBUTE TO LOUISE RENNE, SAN FRANCISCO'S OUTSTANDING CITY ATTORNEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. LANTOS. Mr. Speaker, it is truly an honor for me to pay tribute to San Francisco City Attorney Louise Renne, who was recently cited in *California Lawyer* magazine as one of the state's top attorneys for 1997. To those of us who have known her and followed her career over the course of the last three decades, Louise is so much more than an outstanding solicitor: She is a fighter for the people of San Francisco, a crusader for the progressive values of fairness and equal rights and one of the most compassionate and decent public officials that I have had the privilege of knowing.

California Lawyer writes: "Think of a hot political issue that came up during the past year involving a city, and San Francisco City Attorney Louise Renne was probably center stage." For Louise, 1997 was indeed a successful year, as her participation in a $1 billion-plus lawsuit forced Bank of America to admit its culpability in knowingly mishandling millions of dollars as trustee of San Francisco's municipal bond programs.

While this is a landmark achievement for the city, it serves as only one of many in Louise's remarkable career. Her commitment to public service has spanned decades, initially as a California deputy attorney general for eleven years, during which time she worked with the Sierra Club to stop clear-cutting at Redwood National Park and with the San Francisco Fire Department to ensure the hiring of more women and minorities. As president of the California Women Lawyers during the 1970's, she fought tirelessly for increased representation of women on the judicial bench. In her twelve years as City Attorney, she and her highly regarded staff have established a record of legal accomplishment and dedicated community activism that dwarfs contemporaries and predecessors alike.

One of Louise Renne's most recent and, in many respects, most significant battles has been her fight against Big Tobacco. In June 1996, at a time when many analysts and attorneys claimed that it would be folly to demand compensation from large tobacco companies for the billions of public dollars spent on treating tobacco-related illnesses, her office filed suit against these irresponsible corporations. San Francisco was one of the first cities to stand up to Big Tobacco, but certainly not the last.

Following Louise's leadership, public officials began to speak out in overwhelming numbers, demanding that tobacco companies be held accountable for decades of deceit and outright lies. She has already scored one huge victory, negotiating a settlement with R.J. Reynolds that included $1.5 million for city anti-smoking programs focusing on children and a ban on the use of the cartoon character Joe Camel forever in the State of California. She continues to make her voice, and the voices of the overwhelming majority of San Franciscans, heard on this vital issue, fighting for legislative initiatives which promise to reimburse cities and towns, restrict tobacco advertising and keep this addictive and deadly drug away from our children.

Mr. Speaker, I am proud to have as my constituent and friend such as outstanding public servant. Congratulations to Louise Renne on being named by *California Lawyer* as one of the state's top attorneys for 1997, and congratulations to all San Franciscans for twice electing this outstanding woman as City Attorney.

TRIBUTE TO ISAAC AND VEOLA CHAMBERS, RUTHERFORD BOYD GASTON, SR., DR. BENJAMIN F. QUILLIAN, MICHAEL E. SMITH, AND LA'VERA ETHRIDGE-WILLIAMS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Isaac and Veola Chambers, Rutherford Boyd Gaston, Sr., Dr. Benjamin F. Quillian, Michael E. Smith, and La'Vera Ethridge-Williams for being selected the 1998 Portraits of Success program Honorees by KSEE 24 and Companies that Care. In celebration of African-American History Month, these five leaders were honored for their unique contributions to the betterment of their community.

Isaac and Veola Chambers were selected for the Portraits of Success award as a husband and wife team. They have lived in Madera since 1957 and have been blessed with nine children. Veola Chambers was a farm worker and nurse's aid until 1975. She then was hired by the Madera County Welfare Department as a social service aid. In 1977, she served as a peace officer for the Madera County Probation Department until 1995. Isaac Chambers served in the U.S. Army during the Korean War and was discharged in 1956. After his discharge he worked hard in the construction industry and in the fields. In 1968, he became the foreman for the United Vintners/Canadian Winery in Madera, where he worked until retirement in 1995. The Chambers have also worked hard to give back to the community by organizing food, clothing and toy drives for the needy. They organized Fresno's popular "Juneteenth Celebration" and have been very active with the Second Baptist Missionary Baptist Church. Isaac and Veola Chambers have truly been model citizens over the years through their strong dedication to children, family values, hard work, volunteerism and a commitment to church and God.

Mr. Rutherford "Bud" Gaston is one of Fresno's most highly distinguished African-American leaders. He achieved the rank of Second Lieutenant in five years of service with the U.S. Army. After his military service, Mr. Gaston enrolled at California State University, Fresno and obtained a degree in education. He later went on to obtain a Masters Degree in Educational Administration. Mr. Gaston had a distinguished teaching career in the Fresno Unified School District from 1953 to 1986. His passion for education is reflected by his lifetime involvement with community educational advocacy groups. Mr. Gaston founded Black Educators of Fresno in 1961, and was instrumental in Fresno's Desegregation Task Force during the mid-1970's. He has served as the President of United Black Men of Fresno for ten years and also kept active on several organizational boards, including the Fresno Metropolitan Museum, Chaffee Zoo, Boys & Girls Clubs of Fresno, St. Agnes Medical Center and the Kiwanis Club of Fresno. Mr. Gaston's hard work and leadership has earned him much appreciation from major civic, church and public agencies in Fresno.

Dr. Benjamin F. Quillian, Jr. has served as the Vice President for Administration for the California State University System since 1993. This position gives him the responsibility to oversee and plan the areas of financial management, plant operations, human resources, procurement, facilities planning, campus police, environmental health and utility management for the entire California State University System. He also chairs the Athletic Corporation Board of Directors and the Campus Planning Committee. Dr. Quillian has published numerous research articles dealing with affirmative action, the juvenile justice system, the status of black men in education, and more recently investment in information technology. His work will likely have a positive impact on many people for years to come.

Michael E. Smith began his career as a firefighter in 1978 with the Monterey Fire Department. In 1981, Mr. Smith joined the San Jose

Fire Department and soon moved through the ranks to become Deputy Chief. He was then selected as the Fresno Fire Department Chief in 1994. Since then, he has started several innovative programs, such as "A Friend is Waiting." This program welcomes children or residents who feel threatened by strangers or a dangerous situation. Mr. Smith is married and has three children. I applaud his exceptional dedication and hard work.

La'Vera Ethridge-Williams is a dedicated community leader and highly successful business woman. Ms. Ethridge-Williams was born in Oklahoma and moved to Fresno to attend Fresno State University in 1945. In the mid-1960's, Ms. Ethridge-Williams recognized the enormous need for child care in West Fresno. Armed with this knowledge and vision, she opened her first child care facility in 1969. Today she operates fourteen child care centers in Fresno and surrounding cities. These facilities service over 1,000 children daily and employ more than 100 people. In addition to being highly successful in business, Ms. Ethridge-Williams has been very active in community work. Her hard work and commitment to help better the community has resulted in numerous awards.

Mr. Speaker, it is with great honor that I pay tribute to Isaac and Veola Chambers, Rutherford Boyd Gaston, Sr., Dr. Benjamin F. Quillian, Michael E. Smith, and La'Vera Ethridge-Williams for being recognized as the KSEE 24 and Companies that Care 1998 African-American Portraits of Success honorees. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine people many more years of success.

U.S. POLICY TOWARD THE PERSIAN GULF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from November 1997 entitled *U.S. Policy Toward the Persian Gulf.*

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

U.S. POLICY TOWARD THE PERSIAN GULF

The United States has vital national interests in the Persian Gulf: to maintain unrestricted access to Gulf energy resources at tolerable prices, to prevent any power from gaining control over them, and to ensure the security of regional friends and allies.

The crisis over UN weapons inspectors in Iraq highlights the strain in U.S. policy. The policy of "dual containment" of Iraq and Iran has not changed these defiant regimes, and it is not sustainable. Seven years after the Gulf War, friends and allies have little enthusiasm for open-ended UN sanctions against Iraq. The U.S. threat to sanction firms that invest in Iran's energy sector has caused rifts with Europe. Key Arab states boycotted the U.S.-supported summit in Qatar, but all Arab states will attend a December Islamic summit in Iran. U.S. policy needs review. Iraq, a police state led by an unpredictable tyrant, still threatens regional stability. Iraq is weaker than it was six years ago, yet Saddam's grip is tighter. He is unchallenged at home. The Arab-Israeli impasse, and the suffering of Iraqis due to sanctions, enable Saddam to win Arab support. Many of Iraq's weapons of mass destruction (WMD) have been destroyed; but many have not, especially chemical and biological weapons. Thus, the work of UN inspectors is far from over. We will need highly intrusive inspections in Iraq for years to come.

Iran, with over 60 million people, confronts the U.S. and the region with a challenge of great difficulty. The 18-year break in U.S.-Iran ties means that mutual understanding is poor. U.S. policy is to contain Iran because of its opposition to the Arab-Israeli peace process, its WMD programs, and its support for terrorism. The present U.S. policy of unilateral sanctions against Iran is not backed by our European allies and is not working. Those sanctions have been counterproductive in achieving U.S. goals.

The Arab Gulf states host a large U.S. military presence, rely on us for security, and are doing little for collective self-defense. They are reluctant to support confrontation with Iraq and Iran. With the exception of Kuwait, they resent what they see as U.S. partiality toward Israel and hostility toward Arabs and Muslims—in the West Bank and Gaza, Libya, Sudan, Iraq, and Iran.

Within the United States, there is strong support for military deployments in the Gulf, which are seen as vital to defending U.S. interests. Iran, and especially Iraq, remain deeply unpopular, but there is little desire for war.

How should U.S. policy change? First, the willingness of Gulf states to stand with the U.S. will improve if we get the Arab-Israeli peace process back on track. The greater the momentum in the peace process, the stronger the support in the Gulf for overall U.S. objectives.

Second, we should state precisely U.S. objectives toward Iraq, which have always lacked specificity. U.S. policy has not been clear about whether Saddam should be removed and at what point sanctions should be lifted. Our prime objective should be to contain Iraq, because its weapons programs are a threat to peace. If Saddam threatens his neighbors, or openly pursues WMD, the U.S. should severely punish Iraq. To maintain support for UN sanctions against Iraq and to eliminate Iraq's WMD successfully, U.S. policy needs some adjustment.

We must make clear that our problem is not with Iraq's people, but with the policies of its government. To lessen the impact of sanctions on the Iraqi people, we should allow them to get much more food and medicine, so long as the UN can monitor end-use. We should support Iraq's territorial integrity, and maintain sanctions until Iraq complies with all UN resolutions. The U.S. should indicate its willingness to help a new government in Iraq that abides by UN resolutions. An Iraq that accepts international norms of behavior should be allowed to return to the family of nations.

Third, the U.S. opposes many of Iran's policies, but does not seek to oust its government. U.S. criticisms should focus on the conduct of Iran's leadership, not on Iran's people and certainly not on Islam. Our goal should be to change Iran's unacceptable policies on terrorism, the people process, and especially its quest for WMD.

The U.S. and Iran need to cool the rhetoric, end mutual demonization, explore better ties, and gradually establish a reliable and authoritative dialogue. As Iran's policies change, the U.S. should respond step-by-step—reducing sanctions, permitting non-military trade, and allowing U.S. firms into Iran.

We should support the military containment of Iran. We should push for full international inspections of Iran's nuclear facilities and multilateral restrictions focused on, and limited to, WMD and related technology.

The U.S. should work to reduce differences with its allies and develop new avenues for cooperation against Iran's unacceptable behavior. Because Central Asia's energy resources are becoming increasingly important, we should work with our allies to secure access to them. In this process, we should not automatically exclude commercial relations with Iran. The U.S. needs more carrots in its policy toward Iran, and Europe needs more sticks. We cannot guarantee success if we work together, but we will surely fail if we do not.

Finally, there must be no doubt that the U.S. plans to remain in the Gulf. U.S. forces continue to be necessary, yet we need balance between the military and civilian aspects of our presence. The profile of the U.S. military in the region has been reduced appropriately since the Khobar Towers bombing last year, but we also need to strengthen political and economic ties. More attention from senior U.S. officials will help preserve the Gulf coalition and strengthen the U.S. message about reform, accountability and openness in Gulf societies.

Conclusion. Peace and security in the Gulf are vitally important to the U.S. national interest. For the immediate future, Iraq and Iran will require constant, consistent and balanced attention from U.S. policymakers. The task is enormously difficult. Success will require close and effective cooperation with friends and allies, and strong American leadership.

CONGRATULATING STUDENTS OF MIDWOOD HIGH SCHOOL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. SCHUMER. Mr. Speaker, I would like for my colleagues to join me in congratulating the thirteen Midwood High School students who took honors at the Westinghouse Science Talent Search this year.

This school, a magnet program in Brooklyn, surpassed the traditional frontrunners to grab the first place semifinalist ranking in this prestigious contest. This indeed is a sweet victory for a school often without the resources some other more affluent schools have been able to avail for themselves. However, they still managed to come out on top. It just goes to show that hard work and perseverance are still two very important factors to becoming a success in whatever you choose.

I would also like to take this opportunity to thank Brooklyn College, Maimonides Medical Center, Downstate Medical Center, and Rockefeller University. They provided mentorship to these youngsters and arranged for the use of laboratory space so students could perform extensive research their own school labs could not handle. This is wonderful to see that these institutions understand that young minds needs to be nurtured early and often to encourage the best performance.

As a father, I understand the sense of pride and joy their parents must feel as they watch their children reach such pinnacles of success in their young lives. I believe congratulations should go to the parents of these students for the encouragement, support, nurturing and inspiration to keep on during the trying times. I wish these students the best as they follow their dream to expand the boundaries of science and understanding of our natural world.

TRIBUTE TO JOSEPH L. ALIOTO, FORMER MAYOR OF SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Joseph L. Alioto, an outstanding American who served two terms as the mayor of San Francisco from 1968 to 1976 and who left his distinctive stamp on our city. Joe Alioto died last Thursday at his home in San Francisco after a struggle with prostate cancer. Mr. Speaker, Joseph Alioto left an indelible imprint on San Francisco, and he represents the best of this city.

Immigrants have contributed much to the character, the zest and the diversity of San Francisco, and Joe Alioto was a product of that culture. The son of a Sicilian immigrant fish wholesaler, he was born in 1916 in North Beach and grew up in that area. He attended San Francisco schools—Garfield and Salesian Schools and then Sacred Heart High School. He graduated from St. Mary's College in Moraga, and then received a law degree from Catholic University of America in Washington, D.C.

As an attorney, Joe Alioto had a highly successful career, both before and after his two terms as Joe Alioto's mayor. After completing law school in our nation's capitol, he accepted a position in the Antitrust Division of the U.S. Department of Justice. In 1945 he returned to San Francisco to establish a highly successful private antitrust legal practice, one of the first such practices in the country. After retiring from politics in 1976 upon the completion of two terms as mayor, Joe Alioto returned to his antitrust practice, which for a time was our nation's largest such law practice. He established a distinguished record as a determined advocate for such clients as Walt Disney, Samuel Goldwyn and Al Davis, the owner of the Oakland Raiders football team.

His career in public service began shortly after he returned to San Francisco in 1945, after spending eight years in Washington, D.C. at law school and at the Department of Justice. In 1948 Joseph Alioto was appointed to the San Francisco School Board, and seven years later he became a member of the board of the City's Redevelopment Agency.

The decision to run for mayor of San Francisco was not a part of a calculated or long-term plan. In 1967, Joe Alioto was chairman of the mayoral campaign of Eugene McAteer, who died suddenly from a heart attack just two months before the election. After a few days of reflection, Alioto made the decision to run in McAteer's place. He waged a lightning 55-day campaign and won, overcoming the lead of his opponent in the early polls of 44 to 17.

The two terms that he served as mayor—from 1968 to 1976—were a critical time, and his administration left a positive and a lasting imprint on the City that he loved. He became mayor during a politically unstable period—hippies dominated Haight-Ashbury; demonstrations, some of which turned violent, were taking place against the Vietnam War; and racial tensions reached a fever pitch following a series of street killings known as the Zebra murders.

Mayor Alioto largely succeeded in keeping the city at peace during the turbulent period of domestic protests against the Vietnam War. He fought racial violence and intolerance, telling black militants "come to me with your problems before you take them to the streets." He was a strong advocate of civil rights, and he was also a strong opponent of violence. As our current San Francisco mayor, Willie Brown, said, he was "a champion of racial diversity long before it was fashionable."

Mr. Speaker, the tenure of Joseph Alioto as mayor has had a permanent impact upon the physical appearance of San Francisco. He was largely responsible for the building boom that created the downtown city panorama as we now know it, including the TransAmerica Pyramid, the Embarcadero Center, the Golden Gateway, and a number of skyscrapers that still dominate the city's profile. Hunters Point renewal programs began under his leadership, and the city escaped the destructive rioting that convulsed a number of other major American cities at that time. Jerry Carroll and William Carlsen in *The San Francisco Chronicle* said his legacy as mayor was "an explosion of downtown growth that changed the city's skyline, helped cement San Francisco as a player on the Pacific Rim and stirred up the neighborhoods in a way that has altered the city's political landscape to this day."

He seized national attention as San Francisco's mayor. In 1968, just a few months after he was elected mayor, he was considered a leading candidate as runningmate of Democratic presidential candidate, Hubert Humphrey. Though ultimately he was not selected as the vice presidential candidate, he did make the speech nominating Senator Humphrey at the Democratic Convention.

His career suffered from a libelous story about him in *Look Magazine* in 1969. Although he eventually won a substantial libel judgment against the magazine in the courts, his political career did not recover. He easily won reelection as mayor of San Francisco in 1972, but he lost the Democratic primary for governor of California in 1974. When his second term as mayor was completed in 1976, he returned to his legal practice, which he continued until a few months before his death.

Joseph Alioto was a larger-than-life personality. Ken Garcia in *The Chronicle* said, "On so many levels, Joe Alioto was San Francisco—often vain and parochial but unerringly charming and sophisticated, and always ready for a good fight." Carroll and Carlsen, also in *The Chronicle*, called him "bold, tireless and articulate, combining a boundless self-confidence with a buoyant charm and erudition that enabled him to dominate any gathering." In an editorial paying well deserved tribute to the former mayor, *The Chronicle* called Alioto "a man who embodied boundless ambition, high self-regard, operatic conduct, and the city's immigrant character" and dubbed him "a San Francisco story, a local boy who made good, charging through life in high style."

He was larger than life. As *The Chronicle* observed editorially, "He gave speeches in Italian. He wrote poetry that he spouted in North Beach coffeehouses." Carroll and Carlsen added that, "in addition to everything else, Alioto was found of quoting Dante and St. Thomas Aquinas to illustrate his points."

His last press conference as mayor in 1976 gives some of the flavor of the man. He spent more of the time at this final press conference savaging the media; nevertheless, the next day, *The Chronicle* called him a "colorful and zestful man, who roared into office literally bursting with energy and imagination" and further said he was "one of the most energetic, entertaining and stylish of mayors."

Mayor Willie Brown observed that "Joe's two great loves were his family and the city of San Francisco." Mr. Speaker, I invite my colleagues to join me in extending condolences to Joseph Alioto's family—his wife Kathleen Sullivan Alioto, and his children Lawrence M., Joseph M., John, Michael, Angela Mia, Thomas, Patrick, and Domenica. He will be missed, Mr. Speaker. He was a great mayor, a dedicated public servant, and a great San Franciscan.

ANDERSON HIGH SCHOOL INDIANS BASKETBALL TEAM

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. Mc. MCINTOSH. Mr. Speaker, I want to take this opportunity to recognize the boys' varsity basketball team of Anderson High School. These distinguished and courageous young men traveled to Washington D.C. and won an exciting game against Dematha High school in the Washington Classic right here in our nation's Capitol.

The determination shown by the team is a tribute to the rich tradition of Hoosier basketball. The Indians demonstrated a level of achievement which can only be attained when individuals dedicate themselves to a team effort. Their awesome victory was indeed a remarkable performance.

The game also had special significance for the two coaches. Both men have undergone successful liver transplants and the tournament raised awareness for this important procedure. The evening was a true testimony to the fact that anything is possible with a positive mental attitude.

Let me join everyone involved with the team's trip and winning season—the fans, parents, teachers and students in saying that we are all very proud of you! Congratulations.

CLIMATE CHANGE AND THE KYOTO PROTOCOL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from December 1997 entitled Climate Change and the Kyoto Protocol.

I ask that this newsletter be printed in the Congressional Record.

The newsletter follows:

Climate Change and the Kyoto Protocol

The United States and 150 other countries met in Japan this month and agreed to reduce global greenhouse gas emissions. Scientists believe that these emissions, primarily carbon dioxide, trap heat and cause warming of the Earth's atmosphere. This new treaty, called the Kyoto Protocol to the 1992 Climate Control Treaty, launches a lengthy political debate over science, sovereignty, economics, the environment and America's leadership role in the world. Many are skeptical about scientific evidence of global warming or the need for action. Strong Presidential leadership will be necessary if Congress and the American people are to support measures to curb greenhouse gas emissions.

Global Warming. There is broad scientific consensus that the presence of greenhouse gases—produced by the burning of wood and hydrocarbons such as oil, coal, and gas—is increasing in the atmosphere, and that the Earth's temperature has warmed by about 1 degree Fahrenheit over the past century.

There is no clear consensus about the link between global warming and greenhouse gas emissions, or the effect of global warming on human life. There is also no consensus about the cost or effectiveness of measures to reduce emissions. The uncertainty has led to an intense debate over the correct policy to reduce or limit greenhouse gases.

The Protocol. The Kyoto Protocol requires 38 industrialized nations to cut emissions from six different greenhouse gases by about five percent below 1990 levels, and to do so in the next 14 years. Reductions would vary between six to eight percent for the U.S., Japan and the European Union. Developing countries—including major greenhouse gas producers such as China and India—were asked to set voluntary targets to reduce emissions. The Protocol will enter into force after its ratification by 55 states, and will be binding only on those states that have ratified it.

The Protocol also permits "trading"of emissions rights. A country or company could meet its targets by cutting emissions, purchasing emissions rights from a country or company below its cap, or both. The purpose of this provision is to encourage cost-effective emissions reductions. The Protocol calls for a follow-up meeting next year to reexamine emissions trading, and to decide on "appropriate and effective" ways to deal with treaty non-compliance.

Economic Concerns. Opponents argue that global warming is not a problem, and, if it is a problem, others are causing it and doing anything about it will cost too much. Opponents frame the issue in terms of economic security and national sovereignty. They complain developing countries get a free ride.

Developing countries argue that they are not the chief source of emissions, and that they cannot reduce fossil fuel use without harming economic growth. The industrialized world is overwhelmingly responsible for the accumulation of greenhouse gas emissions thus far, but the contribution of developing countries is expected to rise over the next decade.

U.S. business and labor groups strongly oppose allowing developing countries to reduce emissions at a slower pace than industrial countries. This discrepancy, they argue, will encourage companies to move operations to developing countries with lower energy prices—and take thousands of U.S. jobs with them.

A Balanced Approach. Climate change is a complex and serious problem. The Protocol offers a serious solution, but policymakers must take time to digest fully its implications. President Clinton must convince Congress and the American people that it does not promote global environmental interests at the expense of American jobs and economic growth.

First, the President should not submit the Protocol for Senate ratification until developing countries agree to meaningful emissions reductions. A global problem demands a global solution, and developing countries must be involved. They cannot be expected to accept identical targets and burdens, and they have a right to energy-efficient growth. But they are becoming major polluters, and need to play their part to reduce emissions.

Second, the Administration should emphasize tax incentives, not tax increases. Market-based approaches to reduce emissions work better than command and control techniques. The President should advocate tax cuts and incentives for research and development to encourage cleaner and more efficient technologies. Industry, not government, should take the lead to improve fuel efficiency.

Third, the Administration must begin to build public support for eliminating wasteful energy use. Even though a majority of Americans in polls say the U.S. should take steps to cut greenhouse gas emissions "regardless of what other countries do," the question of global warming is still largely undefined in the public mind. The President will need to persuade voters that there are not only costs but opportunities in a cleaner, more efficient economy.

Finally, the Kyoto Protocol is historic and important—but it is only a first step. In the United States, the debate over global warming has really just begun. This must be seen as an initial and partial agreement, which will begin many years of international negotiations. With sustained and committed leadership, this treaty can evolve into a significant international agreement that commits the nations of the world to action to safeguard the future of the planet.

Conclusion. Reducing emissions will protect against unpleasant environmental surprises. The pressing question is how much should we sacrifice now to buy insurance against unknown future threats. To do nothing would be irresponsible, but to sacrifice our economic vitality would be a high price to pay, and the benefits are uncertain.

The political question on global warming is tough. All politicians understand that the American people are not ready for a 25 cents per gallon gasoline tax. The Congress will not agree to large economic sacrifices until Members are convinced of the seriousness of this problem. There is no reason to rush or panic, but gradual steps now to reduce reliance on fossil fuels could prevent disruptive climate change later—change that could severely damage the economies of the world. If we do not get this right, our grandchildren will not—and should not—forgive us.

HONORING AFRICAN AMERICAN PIONEER AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KILDEE. Mr. Speaker, as we celebrate Black History Month, it is with great pleasure that I rise to day to recognize the achievements of seven African American individuals whose contributions to society have enriched all our lives. On February 1, 1998, The Forum Magazine will host the 8th Annual African American Pioneer Awards at the Riverfront Hotel in downtown Flint. The honorees are as follows:

Dr. J. Merrill Spencer fought in 1964 to bury his mother in previously all-White, Flint Memorial Park Cemetery. His sense of justice prevailed and his action led to the demise of racially motivated cemetery practices in the State of Michigan. Dr. Spencer is a graduate of Morehouse College and was awarded a Doctor of Mortuary Science by the National Conference of Examiners of Morticians and Embalmers.

Minnie Madison Martin is being posthumously honored for a life that can only be described as inspirational. Ms. Martin began a career at General Motors as a cafeteria worker, became an assembly line employee, and was finally promoted to a supervisory position at A.C. Spark Plug. She took a leave of absence from GM to start her own business, Martin Leasing. From humble beginnings, Ms. Martin turned her company into a multimillion dollar corporation.

Glenora Roland has been a vital part of the Flint community for more than half a century. She was the proprietor of Flint's first African American entertainment agency, played a key role in the creation of the Flint Neighborhood Improvement Preservation Project, and was Executive Director of the Flint Neighborhood Coalition. Her commitment to our community and her wisdom over the years is very much appreciated.

Samuel R. Dismond, Jr., M.D. is the first African American to serve as Chief of Staff at Flint's Hurley Medical Center. A graduate of Howard University Medical School, Dr. Dismond is a Charter Fellow of the American Academy of Family Physicians. In 1997, the Academy of Family Practice paid tribute to Dr. Dismond by naming him Michigan's Family Physician of the Year.

Captain Mickey Traylor's career has literally led him to new heights for 25 years. He began his distinguished career in the United States Armed Forces, and had since piloted for Southwest and Lufthansa Airlines. Captain Taylor has shared his love of flying with young people through the creation of Friends of Aviation, an organization which provides flight opportunities and learning experiences for underprivileged children from all walks of life.

Tracy M. Byrd is a true pioneer in the field of boxing. She is currently the International Female Boxing Association's Lightweight Champion, defending her title around the world. With an undefeated record in boxing and her service as a Flint police officer, Tracy has made us all very proud.

Rose Byrd is nationally recognized as the first woman professional boxing trainer. This accomplishment alone is admirable, but Mrs. Byrd is also the mother of eight wonderful children. Her compassion and nurturing extend beyond her family to the boxers in her charge. Mrs. Byrd is shy about receiving praise for what she sees as "just doing her job" but she is most deserving of this honor.

Mr. Speaker, African Americans have a magnificent and rich history; a history which is inextricably woven into the economic, social, and political fabric of this Nation. In 1926, the late Dr. Carter G. Woodson understood that black Americans were not receiving proper recognition in history for their contributions. His idea of setting aside one week each year to commemorate the achievements of African Americans led to the observance of Black History Month in 1976.

In this spirit, I urge my colleagues in the House of Representatives to join me in commemorating Black History Month. It is indeed a great honor for me to highlight and pay tribute to the notable accomplishments of these seven individuals who have contributed so much to this great Nation. I thank The Forum Magazine for initiating the African American Pioneer Awards to document, honor, and celebrate African Americans in Flint and in the State of Michigan. Best wishes for a truly successful event.

ARLINGTON NATIONAL CEMETERY INTEGRITY ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation that will restore the integrity of the final resting place for many of our veterans, Arlington National Cemetery. These men and women who so proudly served our nation, and their families, deserve to be the only Americans interred in this place of high honor.

In recent months, it came to be known that 69 non-veterans have been granted waivers by the Secretary of the Army to be buried in Arlington in the last six years. In addition, we heard allegations that campaign donations may have influenced the waiver process. Fortunately, an investigation by the General Accounting Office found that no wrongdoing occurred. However, the outcome of this investigation brought to light the need for tightened standards to ensure the integrity of Arlington National Cemetery.

Today I am introducing legislation, Arlington National Cemetery Integrity Act, which will put into law the current regulations allowing veterans, certain of their family members, and a few distinguished government officials with active duty military service to be interred at the cemetery. My legislation will end the practice of granting waivers and legally clarify once and for all who may be buried at Arlington.

Currently, the Code of Federal Regulations outlines who can and cannot be interred at Arlington National Cemetery. The code allows the following to have their remains kept at Arlington: any active duty member of the Armed Forces; any retired member of the Armed Forces; any former member of the Armed Forces separated for physical disability prior to October 1, 1949; any former Member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded the Medal of Honor, Distinguished Service Cross, Distinguished Service Medal, Silver Star, or Purple Heart; qualified elective officers, Supreme Court Justices, and certain other government officials, all of whom served in the Armed Forces and were terminated honorably from their last period of active duty as a member of the Armed Forces; any former prisoner of war who served honorably in the active Armed Forces, whose last period of active military service terminated honorably, and who died on or after November 30, 1993; the spouse, surviving spouse, minor child and unmarried adult child of the persons listed above; the surviving spouse, minor child, or unmarried adult child of any person already buried in Arlington; and finally, the parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery.

The only addition to the code that my legislation allows for is for the U.S. Commander in Chief, the President of the United States, to be buried at Arlington National Cemetery. This provision allows for both present and former presidents to be buried there.

The granting of waivers to unqualified individuals not only takes up precious, limited space at Arlington, but also threatens to diminish the integrity of the veterans who are interred there.

Burial at Arlington is the last honor that we can bestow upon our veterans. We must preserve this tribute to our soldiers, who gave their lives for our nation. The Arlington National Cemetery Integrity Act will preserve this honor and final resting place for our veterans for years and years to come.

THE PASSING OF CHARLES SCHWEP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of my colleagues the passing of an outstanding American and dedicated environmentalist, Charles Schwep of West Nyack, NY.

I would like to take this opportunity to reflect on the remarkable life of Charles Schwep, who worked tirelessly to protect our community and our environment.

Charles always made it clear that he considered protection of our environment to be our highest national priority. As a member of my Citizen's Advisory Committee on the Environment, he never hesitated to make us aware of his views in light of his experience and expertise in this field.

Charles Schwep, a professional film maker, fought to preserve the environment in Rockland County by fighting the proposal for the Palisades Center Mall since 1985. As the Rockland Environmental Management Council's Citizen watchdog on the building of the Pyramid Mall in West Nyack, the largest proposed mall in the country, Charles continued his fight against the pollution and environmental desecration of his community.

As a sufferer of emphysema, Charles was concerned with the fact that the new malls would increase air pollution from cars and trucks. His main concern was with what kind of environment we were leaving behind for our children.

As a personal friend of Charles Schwep, I know that a man so passionate about his convictions will be greatly missed. Mr. Speaker, I extend my deepest condolences to the family and friends of Charles Schwep.

LETTER FROM GREAT-UNCLE SAM McMANIS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. McINTOSH. Mr. Speaker, On October 23, 1997, my wife Ruthie and I were blessed with God's greatest gift—our daughter Ellie Jenkins McIntosh.

Words can not express the joy and happiness our little Ellie has brought to our lives. Since her birth our friends and family have sent us so many wonderful letters. Letters that touched our hearts. Letters that we will save for Ellie to read one day.

One letter, from Ruthie's Uncle Sam McManis especially warmed and touched our hearts. I know Sam as a quiet father who loves his family and with his wonderful wife Kathy have raised two wonderful children. But Sam also tells me that when he was growing up he was a handful for his parents. Perhaps that has given him a special perspective as a parent.

As new parents ourselves, Ruthie and I found his advice on raising and loving Ellie made sense, so we decided to share Sam's letter with my colleagues and the American people.

November 16, 1997

My dear Ruthie, David and Eli, Congratulations on your new arrival!! Welcome to the family, Eli! Having heard your cry, I love you already!

What a treat to have such a nice, long conversation with you, Ruthie, just a few days after having a pleasant evening with you, David. You two are pretty cool. I wish we could spend more time together. During our conversation, Ruthie, you asked for my advice on child rearing. Here are some of my thoughts on the subject, most of which I learned by watching closely and trying to remember what she did while the premier nurturer, your wonderful Aunt Kathy, has worked her magic on our children. She always seems to know the right thing to say and do at the moment.

My first piece of advice is to talk to Kathy and your mom a lot, because they are both experts on the subject of raising great kids, and they each have tangible results to prove it.

Enjoy your children while they are growing up. They grow up too fast, regardless of how slow the moment is passing while they are driving you crazy. As my mother is fond of saying, "This, too, shall pass." Avery and Parke grew up too quickly and my memories of their childhood are already fading, which makes me sad. Those were special times for all four of us.

Love your children unconditionally. Help them understand that there is nothing they can do that is so horrible that you will stop loving them and that you love them so much that you would die for them, just like Jesus loved us so much he died for us on the cross.

Patience with your children will make being parents (and being your kids) more enjoyable.

When Eli is crying and refuses to stop and you are at the point that you feel like you are going to explode, put her in the crib, walk out of the room, close the door and get away from her until you calm down. It won't hurt her to spend some time alone in her crib screaming while you go get a grip or get someone else to take over for a while. I had an experience with Avery at four weeks old when she wouldn't stop crying. While I didn't do anything to harm her, the feelings that welled up inside of me were pretty scary.

Do Eli and yourselves a huge favor and have at least one more child, maybe three or four years later, like you and Rob or Avery and Parke.

Keep Eli's baby book and photo album up to date. At least have these for Eli's little brother or sister, even if there is nothing in them but a few recipes!

You and David need to ask yourselves now what traits you want your children to have as adults, then spend the next 18 years helping them to develop these traits. Make your day to day experiences with your children reinforce these traits. Here are some examples:

If you want to be first in your child's life, make your child first in your life. There is a lot of truth in the song "Cat's in the Cradle". Be interested in Eli's life and listen as she tells you about her experiences. Help her tell you what is going on with her by asking her questions.

If you want your children to be honest with you, be honest with them. You don't have to tell her *all* of the truth, but be sure that what you do tell her is the truth. However, children don't have that option, they have to tell you *all* of the truth, because you are the parents! The longer you can keep them believing this, the better off you will be.

Show your children how to be forgiving by forgiving them when they make mistakes and ask for their forgiveness when you make mistakes. It is pretty humbling to ask a four year old for forgiveness, and joyful to receive because they give it so freely.

If you want your children to be able to get along with others, put them where they can learn some social skills early in their lives. Avery and Parke were both in day care for a few hours each day by the time each of them had turned two. We feel like this is one reason they are both so comfortable around other people.

If you want Eli to be an independent thinker, let her learn how to make her own decisions.

If you want Eli to be respectful of her and demand that she be respectful of you. I remember one Sunday when my dad was out of town and my mother was left sitting out in the car for longer than she should have when we got home from church because the three of us boys all made a mad dash to the house for dinner. It was pretty funny, and also pretty impressive, when we all looked out the front window and saw her still sitting out in the car, waiting for one of her "gentlemen" to open the car door for her and help her out of the car. She didn't have to say a word to teach us that lesson.

If you want Eli to be an assertive adult, don't crush her spirit when she is a belligerent child. Deal with the problem behavior without destroying the child. When you do have to reprimand her, attack the behavior and not the child. When Eli does something stupid, and she will on a regular basis, don't say, "Eli, you're pretty stupid to do that!!" Rather, say, "Eli, I just don't understand how such a bright kid can do something so dumb!"

If you want your children to have inner strength, give them some inner muscle. Take them to church and Sunday School. Talk to them about Christian faith and values. Teach them, by your examples, that they should stand up for the things that are right.

If you want your child to be good at managing money when she grows up, start teaching her early by giving her an allowance that she can spend any way she wants to, even if you think she is throwing the money away. Over time, she will learn how to make good financial decisions. Better to make bad financial decisions while spending dimes than dollars.

Impress upon your children that they never get a second chance to make a first impression.

Kathy's first rule in the classroom is "Be Considerate" and it pretty much covers all of the behavioral situations that arise. It's a pretty good rule in the home, too.

Children don't come with an instruction manual. You spent 18+ years getting the education you needed to cope in life and pursue a career. View child rearing as another 18 year continuing education project. There are many good books on child development, how to raise a brighter child, how to deal with a strong willed child and how to parent children more effectively.

While we are talking about education, we feel it is important to spend whatever it takes to get your children the best education possible from Pre-Kindergarten on up. The second largest line item in our family budget for 14 years, right after our house note, was St. Andrew's School tuition. It has cost us a bundle getting Avery and Parke through St. Andrew's, and it has been worth every penny.

If you suspect that something is going on in another room that you might not approve of, you might want to use my mother's method of dealing with it. She would stomp her way up the stairs, making sure we had plenty of time to quit doing what we were doing, before she came in the room. She seldom caught us doing bad stuff as a result.

If you do catch your children doing stuff, try to catch them doing stuff right so you can praise them for it. Kids would rather get positive strokes from you than negative ones, but they will take bad strokes over no strokes at all, and may act up intentionally just to get some attention from you if they feel like you are ignoring them.

Get to know your children's friends and their parents by getting involved at school, church and other activities such as Scouting, especially as they grow older.

My children have taught me a great deal about love, acceptance, humility, joy, forgiveness and enjoying simple pleasures. I also have come to view Kathy very differently since we have shared the task of raising our children together, Not only is she my wife of almost twenty eight years (Dang, that's a long time!) that I have grown to love deeply for the special person she is, but she is also the mother of my children.

Kathy and I used to joke about all of the dangling conversations we had that got interrupted in mid-sentence by a child's crisis. We seem to have more time to talk now without interruption, and could finish those conversations, but now I can't remember what they were about.

We are all really excited about Eli's arrival. We look forward to holding her and getting acquainted with her. We may just have to make a trip to Muncie or Washington over Spring Break next March, if that is convenient for you. Having Eli at the family reunion in 2001 is going to add a new dimension of excitement to our group!! It is going to be fun sharing in your baby stories and watching your family grow. You will both be such good parents! Kathy and I hope your parenting experience will be as joyful as ours has been.

I love you all,

SAM.

TRIBUTE TO THE NEWARK COMMUNITY SCHOOL OF THE ARTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. PAYNE. Mr. Speaker, a special event will take place on February 13 in my district. It is the celebration of the 30th anniversary of the Newark Community School of the Arts. Whenever I think of visionaries, the Newark Community School of the Arts and its founders come to mind. Today's Newark, New Jersey, the renaissance city, was very different thirty years ago. Newark in 1968 was feeling the scars of the 1967 acts of civil disobedience and the death of Dr. Martin Luther King, Jr. who had visited the city days before his assassination on April 4, 1968. Amongst all the turmoil and disappointments, the Newark Community School of the Arts was born. Its founders, Stella Lass and Saunders Davis, exhibited their faith and vision in a great city and its people, especially its children.

They took a beautiful brownstone building that had been neglected for some time at the outskirts of downtown Newark and renovated it, in terms of its physical appearance and what it meant to the community. The building became a renovations anchor for the area. It became a hub of activity on Saturdays when children from all over the city would come to learn about the arts. It was not unusual to see children leave their sometimes substandard homes and take a bus to spend a few hours learning to play the violin and interacting with others, who shared similar and different backgrounds, on a new peer-to-peer basis. This building on Lincoln Park became a safe haven for spirits, ideas and culture. I am happy to report that it still serves that purpose. I'm sure you can imagine the trials and tribulations that had to be faced to take this vision—this "far-fetched idea"—from the drawing board through to completion and beyond. What may have seemed as a herculean task was actually a labor of love for many individuals and corporations.

Four individuals are being honored on February 13. The co-founders, the late Stella Lass and Mr. Saunders Davis; Mr. Louis Prezeau, President, City National Bank; and Ms. Cynthia Moore, Northeast Regional Manager, Corporate Affairs, Anheuser-Busch Corp. are being recognized for their roles in helping to shape the lives of a city and its children. I am fortunate to have worked with each of these fine individuals. Each is a leader in their own industries and communities. Today, when Newark is experiencing such a renaissance, especially with the recent opening of the magnificent New Jersey Performing Arts Center, the visions of people like those being honored are true testament to how faith and hard work for people and communities can be manifested.

Mr. Speaker, I am sure my colleagues will want to join me as I extend my best wishes and thanks to the Newark Community School of the Arts on its 30th anniversary celebration and its honorees.

TRIBUTE TO THE LATE CAPT. JOSE CALUGAS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to Captain Jose Calugas, who passed away on January 18, 1998. Captain Calugas was the only Filipino World War II veteran to receive the Congressional Medal of Honor.

Jose Calugas was a true hero! On January 16, 1942, he was a mess sergeant who voluntarily ran 1,000 yards across a shell-swept area to take command of a gun position where all the cannoneers had been killed or wounded. Organizing a volunteer squad of 16 men, he placed the gun back in commission and fired effectively against the enemy although this position was under constant and heavy fire.

Born December 29, 1904 in the Philippines, he entered military service in the Philippine Scouts in 1930. Captured by the enemy forces after the fall of Bataan in 1942, Calugas survived the infamous Bataan Death March and more than two years as a prisoner of war. He remained in the United States Army after the war, and retired with the rank of Captain in 1957. He received his Bachelors Degree in Business Administration at the University of Puget Sound and worked for Boeing Aircraft in Seattle until his retirement in 1972.

Upon receiving the Medal of Honor, Calugas, a naturalized United States citizen, said:

> When the situation confronted me, I did not have any hesitation to fight and give my life for the cause of freedom and my country. I feel great being an American. I am proud to be such and I humbly say thank you.

Besides the Congressional Medal of Honor, Calugas was awarded many additional military decorations, including the Asiatic Pacific Campaign Medal, the Distinguished Unit Citation with 1st and 2nd Oak Leaf Cluster, the Philippine Liberation Ribbon, the World War II Victory Medal, and an Ex-Prisoner of War Medal.

He also received many civilian awards, including the Honorary Citizen Award of Tacoma, Washington, the Key to the City of Tacoma, and the Medal of Honor Permanent Car License Plate Recipient, presented by then Governor of Washington, Dixy Lee Ray.

He is survived by his wife, four children, 11 grandchildren and 5 great-grandchildren.

It is an honor to acknowledge the life and bravery of Captain Jose Calugas and his courageous action under fire to preserve the freedoms we all hold dear.

TRIBUTE TO THE LATE HONORABLE EDNA F. KELLY

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. GILMAN. Mr. Speaker, last month marked the passing of an extraordinary woman, former member of Congress, Edna F. Kelly.

Edna Kelly was the first woman elected to the Congress from Brooklyn, serving as a member of the House of Representatives from 1949 until 1968. During a political career that reflected her drive and dedication, Edna Kelly worked tirelessly to strengthen U.S. foreign policy and improve the economic status of the American family.

Strongly opposed to the spread of communism, Congresswoman Kelly served on the Committee on Foreign Affairs and was recognized as an expert on the Soviet bloc. She headed fact-finding missions all over the world in order to better inform the Congress and America of the potential threat of international communism and the importance of NATO.

Edna Kelly was also a great humanitarian. Her efforts included sponsoring the legislation that made the Peace Corps possible, and adding an amendment to the Mutual Security Act that helped to resettle more than a million and a half eastern European and Russian people displaced by World War II.

Edna Kelly was committed to raising the standard of living of American families. She advocated tax deductions for low-income single parents and helped to bring the economic problems of women into the national consensus. She introduced the bill that established the concept of "equal pay for equal work."

Edna Kelly served as a role model to so many. Her legacy extends beyond her pioneering role as the first female elected to Congress from her district. Legislation she helped to pass is still of benefit to the American people today.

Mr. Speaker, I extend my deepest condolences to the family and friends of Edna Kelly and urge my colleagues to join in memorializing a great woman legislator.

TRIBUTE TO CHARLES A. GREENE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. house of Representatives to pay tribute to an outstanding citizen, Mr. Charles A. Greene. Mr. Greene will be honored by family and friends on Monday, February 2, 1998 in my hometown of Flint, MI.

A native of Alabama, Charles moved to Michigan at an early age and attended Detroit Public Schools. He moved to Flint to attend high school, living with his uncle and aunt Leo and Irene Greene. After graduation from Flint Junior College, Charles served his country in the United States Army. He then attended Texas Southern University and Wayne State Mortuary School earning a degree in Mortuary Science. Upon receiving his funeral director's license from the State of Michigan, Charles was named vice-president of the Greene Home for Funerals and eventually became President.

In addition to his many professional achievements, Charles has been active in a number of civic organizations, including the Big Brothers of Flint, the Boy Scouts of America-Tall Pine Council, the United Negro College Fund, and the Police Activities League. His professional affiliations include the Downtown Development Authority, both the Michigan and National Funeral Directors Associations, and the Black Funeral Directors and Mortician's Association. Charles was a member of the Bishop Airport Authority and was a 1974 Charter Commission City of Flint member.

Charles has always impressed me with his dedication to the youth of our community. On countless occasions he has served as a mentor to young people. His encouragement and support influenced many to succeed in school and go to college. I know that Charles was very honored to receive an Honorary Doctorate of Humanities from Selma University. His commitment to education and public service serves as outstanding examples of the positive influence one person can have in the lives of many. For more than 30 years, Charles has been a faithful member of Foss Avenue Missionary Baptist Church. I know that the congregation joins us in honoring him on this special occasion.

I know that Charles would want to point out that the love and support of his family have contributed greatly to his success. He is very proud of his children Chawn and Woodrow, his granddaughter Phaelon Elise, his sister's Sara, Jacquetta, Juanita, his brother Robert, and his Aunt Irene.

Mr. Speaker, it is indeed a privilege for me to rise today before my colleagues in the House of Representatives to honor Mr. Charles A. Greene. Without a doubt, our community is a much better place because of his dedication and leadership.

SENIOR CITIZENS NEED QUALITY HOME HEALTH CARE SERVICES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. SMITH of New Jersey. Mr. Speaker, on our very first day back in session, I joined with my colleague, Rep. JIM SAXTON, in introducing legislation to block the implementation of the Health Care Finance Administration's (HCFA's) new Medicare reimbursement program for home health care.

This new Medicare reimbursement program, known as the "Interim Payment System" (IPS), is based on an incomplete and inequitable funding formula which directly jeopardizes home health care agencies and the elderly they serve in my state.

The value of home health care is obvious. All of us intuitively know that enabling our seniors to receive quality, skilled nursing care in their own homes is preferable to other, more costly, sometimes isolated, settings. Senior citizens receive the peace of mind from familiar settings and their loved ones close at hand. And the cost savings to Medicare from proper use of home health care are considerable.

The legislation we have introduced (HR 3108) corrects several flaws contained in the IPS formula and assures fair and reasonable Medicare reimbursement for quality home health care. If left unchanged, the IPS will cut Medicare reimbursement for home health care in New Jersey by $25 million in fiscal year 1998 alone. Several agencies in New Jersey could lose $2 million or more in anticipated reimbursement for homebound Medicare patients.

One of the most unfair aspects of the IPS is that it seeks to treat efficient and inefficient home health agencies alike, despite the fact that average utilization rates in New Jersey's agencies—43 visits per beneficiary served in 1996—are far lower than the national average of 74 visits that year.

Because the IPS reimbursement rates for each home health care agency are linked to earlier utilization rates and costs, agencies that were efficient and honest all along still find themselves struggling to squeeze another 12 to 15 percent reduction in aggregate reimbursement rates from already lean operations—a very tall order indeed. Meanwhile, agencies in other parts of the country with abnormally high home health costs and utilization rates are permitted to use base year utilization rates that were badly inflated in the first place. Thus, they will continue to receive high reimbursement rates because they had inflated costs in the past. The IPS, therefore, effectively punishes efficient operations and does not comprehensively address the problem in areas with inordinately high home health utilization statistics.

For example, home health agencies serving senior citizens in NJ will only receive enough funding to provide as few as 30 to 35 visits per patient. Meanwhile, agencies in other parts of the country—such as Tennessee and Louisiana—may continue providing their patients with almost triple that number of visits at twice the cost per visit. Disparities of this magnitude are inherently unreasonable and unfair, and must be corrected.

Mr. Speaker, it is a simple fact of life that the home health care industry is very time and labor intensive. There are ways to restructure an agency's operations to make care-giving more efficient, but at a certain point, one cannot go any further without impacting the quality of care the patient receives.

In Ocean County, New Jersey—which is home to the greatest concentration of senior citizens in New Jersey—home health care agencies may only receive enough resources to provide as few as 30 visits per patient. The situation in Mercer, Burlington, and Monmouth counties is much the same: all will see an arbitrary capping of reimbursement for home care visits no matter the patient's condition. If New Jersey patients require, on average, more visits per patient than Medicare will reimburse, the quality of the care they receive could be jeopardized and an agency that is forced to continue providing uncompensated care will eventually risk bankruptcy.

The IPS is troubling for another reason: as initially implemented, the IPS gives providers a perverse incentive to avoid treating critically ill, chronic, or more expensive patients. Unlike a fully implemented prospective payment system (PPS), the Interim Payment System (IPS) makes no attempt to distinguish between agencies that are simply inefficient and agencies that are treating a disproportionately sicker patient population.

Our bill mitigates the damage set in motion by the IPS and will restore at least 60% of the reimbursement cuts announced January 1, 1998. To preserve the quality of medically necessary care for our seniors, our legislation mandates two changes to the IPS.

First, our bill will allow home health care agencies to use calendar year 1994—rather than fiscal year 1994—cost data as the base year upon which visits and reimbursement rates are derived. This distinction may seem technical but it is extremely important for states like New Jersey which do not run on the same fiscal year as the federal government. The practical result of the IPS fiscal year requirement is that it forces NJ home health agencies to use earlier base year data (1993) when complying with the IPS. The older the data, the greater the gap between the IPS settings and the actual needs in 1998. Older data also glosses over the growing trend to move patients out of acute care settings and into home health care programs. The IPS program should be based on the most recent, practical, data.

The second provision contained in our bill will protect home health agencies from a hidden cut in the Medicare home health reimbursement. Under the guise of "freezing" certain costs and prohibiting adjustments for inflation, the IPS actually goes beyond merely capping or "freezing" home health cost limits—it reduces total per-patient payments, too. If left unchanged, this "so-called" freeze provision will not only cut the anticipated inflation costs, but go below current per-patient reimbursements as well. To address this, HR 3108 requires HCFA to factor in medical inflation in IPS calculations.

Mr. Speaker, when HCFA first announced its changes to the Medicare coverage of home health care I sent a letter signed by the entire NJ Congressional Delegation to Nancy-Ann Min DeParle, the Director of HFCA, outlining three major problems with the IPS and asking that the agency not implement its proposal until the formula was corrected. While one of our concerns has been addressed, the remaining inequities have not. I urge my colleagues to act swiftly on this legislation and move to protect homebound Medicare patients who are now at risk.

THE INTERNATIONAL MONETARY FUND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from January 1998 entitled The International Monetary Fund.

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

THE INTERNATIONAL MONETARY FUND

The chaos of the Great Depression, which led to the Second World War convinced American leaders that economic crises were key sources of international conflict. Presidents Roosevelt and Truman took the lead in creating postwar institutions to help stabilize economies, improve living standards, and promote peace. One of the most important of these is the International Monetary Fund (IMF). Though not perfect, the IMF is vital to U.S. interests today.

The IMF's purpose is to promote a stable international financial environment, a prerequisite for expanding trade and economic growth. The IMF gives financial advice to member countries. When countries have trouble balancing their books, the IMF provides loans in exchange for policy reforms. The typical IMF prescription calls for spending cuts, higher interest rates, and market-oriented reforms.

IMF loans come primarily from the pooled contributions of the Fund's 182 member countries. Each country's contribution, or "quota," is linked to the size of its economy, and quota shares equal IMF voting shares. Because important IMF decisions require an 85% majority vote, the U.S. voting share of 18% gives us a veto over decisions we oppose.

Contributions to the IMF have never cost U.S. taxpayers a cent. When the IMF uses the funds we provide, it gives us an interest-earning claim in return. U.S. contributions must be authorized by Congress, but they have no impact on the federal budget, and they do not require any spending.

The most recent U.S. quota contribution to the IMF, valued at $11.9 billion, occurred in 1992. Last year, IMF members agreed to another quota increase. The U.S. share would be about $14.5 billion. Two dozen IMF members, including the U.S., have also agreed to make additional funds available in an extraordinary crisis. The proposed $3.5 billion U.S. contribution to this emergency credit line would require a budgetary outlay only if these funds were used and not paid back. The President will ask Congress to approve both IMF funding requests later this year.

U.S. interests. The IMF serves U.S. interests in many ways. First, it promotes stability and prosperity by helping countries work through economic difficulties. Second, the IMF helps sustain an international environment conducive to trade expansion and economic growth, which reduces poverty and creates profitable markets for U.S. exports and investment. Third, the IMF's loan conditions usually require countries to adopt free-market reforms, which make them better trade and investment partners. Fourth, the IMF distributes the burden of stabilizing the international economy and responding to crises—a task that might otherwise fall to the U.S. alone.

For reasons of our own security and prosperity, it is not in the U.S. interest for the economies of our trading partners to collapse. The IMF uniquely possesses the policy expertise and resources to help avert economic collapse and keep the international financial system running smoothly. If the IMF didn't exist, we'd have to create it.

Criticism and changing roles. The IMF has long been a target of criticism. One leading criticism is that the reform conditions often attached to IMF loans—sharp budget cuts, for example—cause a lot of economic pain and do nothing to improve environmental, labor, or human rights conditions. The IMF could be more sensitive to the economic and social consequences of its reform prescriptions, but it is usually a country's economic "disease," not the IMF "cure," that causes most of the pain. Countries receiving IMF support have a tough enough time implementing required financial reforms. Asking them to achieve additional objectives during a crisis could make the crisis unmanageable. Furthermore, economic stability and growth will, over time, tend to improve environmental, labor, and human rights conditions.

A second criticism holds that the IMF shouldn't bail out those who make bad decisions. An expectation that the IMF will step in during an emergency will make investors and governments more careless, increasing the risk of future crises. IMF and U.S. officials agree that new strategies are needed to ensure that investors and creditors bear more risk for bad judgments.

A third and related criticism holds that we are better off doing nothing—letting markets clear. Market forces are beneficial, but they can swing to extremes. Too much is at risk to let markets alone resolve problems of financial instability. We recognized long ago that institutions such as the Federal Reserve System, the Securities and Exchange Commission, and the Federal Deposit Insurance Corporation protect the economy from the excesses of the market. Failing to mount an international bailout could inflict great economic pain on a lot of innocent citizens. A crisis in a major U.S. export market could cost many U.S. jobs.

A fourth criticism is that the IMF sometimes helps developing countries—such as those now in crisis in Asia—that compete aggressively with U.S. exports and labor. Yet withholding emergency support would only aggravate a country's crisis, further reducing the value of its currency. That would hurt U.S. exports and intensify the threat to U.S. workers posed by imports.

Finally, critics blame the IMF for failing to predict or prevent financial crises. The IMF says its effectiveness is hampered by countries that conceal bad economic data. To address this problem, the U.S. and other key IMF members are pressing for tough new disclosure standards.

U.S. policy. The U.S. can do several things to strengthen the IMF. First, Congress should approve the President's funding requests for the IMF, because its resources have been depleted by the Asian crises. Second, the U.S. must take the lead in strengthening the international financial system and creating an architecture to prevent and better manage financial crises. We need to ensure that investors and creditors pay a price for their mistakes, consistent with our broader interest in preventing economic catastrophes. IMF member countries must also be required to provide more accurate, detailed, and timely economic data. Third, the IMF needs to give social and economic considerations greater weight in lending decisions. Finally, the IMF's largely secretive mode of operating needs to be more accountable, transparent, and open to public scrutiny.

Conclusion. The United States took the lead in creating the IMF. It has served U.S. interests for a half century. It is not perfect, and it can be improved. Yet its contribution to international financial stability, economic growth, and world peace is immense. It deserves U.S. support.

MINORITY SCHOLARSHIP PROGRAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to share information about an important scholarship program for minority students that has been established by the Army Research Laboratory.

The Science and Technology Academic Recognition System (STARS) fellowship provides tuition and expenses for the senior year of undergraduate study, and two years of graduate study. This program targets undergraduates who attend historically black colleges and universities and other minority servicing institutions, but recipients may pursue graduate studies at any accredited university. Fellowship recipients are employed by the Army Research Laboratory during the Summer and other school breaks throughout the academic year. The awards can total up to $100,000 over the course of three years. In 1997, the Army Research Laboratory committed $300,000 to three STARS fellowship recipients.

While STARS funds only undergraduate and Master's degrees, the Army Research Laboratory has other fellowships which can help students complete doctoral studies. Upon completion of the STARS program, graduates are free to stay on with the Army Research Laboratory or they can pursue work in other parts of the federal government.

In order to become eligible for the STARS program students must have a 3.0 grade point average, be rising seniors, hold U.S. citizenship and have an interest in pursuing graduate study in science, engineering or mathematics. Interested students should write to Director, U.S. Army Research Laboratory, ATTN: AMSRL–SP, 2800 Powder Mill Road, Adelphi, Maryland, 20783.

RONALD REAGAN NATIONAL AIRPORT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. PACKARD. Mr. Speaker, Ronald Reagan's legacy is the end of the Cold War and the greatest economic expansion in United States history. He ended the outrageous income tax rate of 70% and simplified the tax system with the 1986 Tax Act. He nominated the best Federal Reserve Chairman in history, Alan Greenspan and forced the Soviet Union to make massive nuclear reductions through his "peace through strength" plan.

Ronald Reagan presided over eight years of peace and prosperity. He was a great governor, presiding over my home state of California, and a great President. He exalted the rights and dignity of the individual and preached that government must be the servant, not the master of its citizens. Ronald Reagan is a great American and he deserves to be recognized.

Earlier this week, the House Transportation and Infrastructure Committee passed a resolution to rename Washington National Airport the Ronald Reagan National Airport in order to honor Reagan prior to his 86th birthday. I was shocked to learn that this legislation did not pass unanimously, but by a lopsided vote of 39–28. Democrats are actually openly opposing this bill to honor one of our nation's greatest leaders.

Mr. Speaker, this resolution recognizes the one man who likely made the greatest impact of any human being on our lives. This bill should not be made into a political agenda item by the Democrats. When Ronald Reagan took the oath of office, the United States economy was in the midst of its worst recession since World War II. Big government ruled at home and abroad and the U.S. government had income tax rates as high as 70%. President Ronald Reagan changed the direction of the country and I applaud my colleague, BOB BARR, for introducing and fighting for this measure.

A PIONEER FOR MIAMI-DADE COUNTY EDUCATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Ms. ROS-LEHTINEN. Ms. Speaker, It gives me great pleasure to rise to recognize the outstanding accomplishments of Mr. Pat Tornillo, who has played a major leadership role in Miami-Dade's public school system for almost four decades.

As chief negotiator for Dade County's teachers since 1963, Mr. Tornillo is widely credited for raising the salaries of Miami's teachers to the among the highest level in the nation. Pat has also won numerous benefits and professional initiatives that have given our area's teachers a wide variety of opportunities for growth and professionalism. He is recognized nationally for his progressive and innovative work in the professionalization of teaching and educational reform in South Florida.

Pat came to Miami in 1956 from the Newark, New Jersey school system. As a new teacher in the Miami-Dade County school system, he soon became active in the Dade County Classroom Teachers Association (which later became the United Teachers of Dade). He presently serves as Executive Director of the United Teachers of Dade, President of the Florida Education Association/United and Vice President of the American Federation of Teachers.

He has been a pioneer in blazing a trail for quality education in the Southeast. He helped build our local school system into one of the largest and most culturally diverse public school systems in the nation. He has won many awards for this record including the Martin Luther King Jr. Memorial Brotherhood Award, the Outstanding Leadership Award from the United Way, and the NAACP Distinguished Award.

As a former Dade County educator, I am happy to join with his many friends and colleagues who will pay tribute to him at a major event in his honor on February 7th. This event, "A Gathering of Eagles, honoring Pat L. Tornillo, for his Uncommon Commitment to Public Education", is a fitting commemoration of the record of one of Florida's leading educators.

IN TRIBUTE TO THE LIFE AND ACHIEVEMENTS OF JAMES ROBERTS OF ANDREWS, TX

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to the life and achievements of James Roberts of Andrews, Texas.

James Roberts was a very important reason that the county and community of Andrews lived up to its self-proclaimed truism, "A Community of Quality." James embodied every bit of that quality as the local boy who grew up to take an active, important part in his community. After graduation from Andrews High School, he completed his education after serving this country in the U.S. Army in World War II and bravely surviving a year's time in a German prisoner-of-war camp. He returned home to Andrews and married Marie Holman on April 18, 1946. He had attended Texas Tech in Lubbock, and in 1950, earned his college degree from Baylor University.

James became the owner and editor of the Andrews County News. His writing spoke with the strong, common sense voice and views of the vast West Texas and Eastern New Mexico region through several newspapers under the Roberts Publishing banner. The family paper, founded by his parents during the Great Depression, carried James' own "Drifting Sands" column of homespun humor and down-to-earth basics of daily life and politics, James Roberts' own course in life was anything but drifting. James was an important and thoughtful local leader, one of the community's strongest boosters.

As the president of the Andrews Industrial Foundation, he attracted Fortune 500 businesses to Andrews, to diversify an economy once dependent on financial fluctuations in the domestic oil industry. James Roberts was also a leader among newspaper editors and publishers throughout the state, serving as president of the Texas Press Association and the West Texas Press Association. With strong community ties, a member of the First Baptist Church, two terms as president of the Andrews Chamber of Commerce, and the 12-year presidency of the Permian Basin Railroad Company, it is no surprise that James had earned early recognition as Andrews' Outstanding Citizen.

Just a few days before Christmas, James Roberts passed from this life—a life of community service for the betterment of his neighbors. Mr. Speaker, I believe that Andrews, Texas will always be that community of quality, with credit due to the quality of its people—people like James Roberts.

COMMEMORATING GENERAL LUCIUS D. CLAY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GINGRICH. Mr. Speaker, today Congressman Barr and I introduced a House Resolution to commemorate and honor fellow Georgian General Lucius D. Clay, the United States Military Governor of Germany and Commander of the US Forces in Europe following the end of World War II.

Born in Marietta, Georgia in 1897, Clay's Southern heritage influenced his ideology and policy throughout his life and military career. General Clay's impressive military career began in the 1930's as a military engineer. He soon established himself a highly competent, willful and vigorous man with a exceptional understanding of the purpose of government. General Clay's impressive role in US Military affairs in Europe and more specifically in Germany are marked not only by his military prowess but also by his humanitarian efforts to protect all men and women regardless of their military allegiance and ideology.

The Russian motivated Berlin Blockade, which halted all freight, passenger, water and food supply traffic to Berlin, began June 24, 1948. On June 26, 1948, the United States, under General Clay's leadership, began the Berlin Airlift that provided the German people with the necessary supplies for day-to-day existence. The Airlift continued for 328 days until May 12, 1949 when the Russians ended the blockade.

We are very pleased to honor the prominent role General Lucius Clay played in implementing the Berlin Airlift and in shaping post-WWII Europe. Issuing a postage stamp would be a first step in appropriately recognizing General Clay's role in history.

RECOGNIZE AND LAUD PROGRESSIVE ALTERNATIVE BUDGET FOR BERKELEY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. DELLUMS. Mr. Speaker, I rise today to call attention to, and to praise the passage of the Progressive Alternative Budget 1997–1998 for the City of Berkeley. This landmark budget was passed by the City Council on June 24, 1997.

This budget, initiated by the Honorable Vice-Mayor, Maudelle Shirek, established the seemingly impossible goal of forging a budget which would meet the needs of two apparently divergent, distinct communities within Berkeley. Although Berkeley's population of approximately 112,000 places it in the category of a small city, it has two polar economic groups with attendant issues, a common characteristic of large urban areas. To quote Vice-Mayor Shirek: "The City of Berkeley is divided into two distinct societies; one consisting of those well above the safety net; the other made up of those just above, within or below that same safety net."

The Vice-Mayor's 1997–98 budget achieved the target of meeting the basic needs of the entire city by maintaining the excellent police and fire services, as well as meeting the special requirements of the citizens with the lowest income and the greatest needs. The Vice-Mayor, working with four other Councilmembers, Margaret Breland, Linda Maio, Dona Spring and Kriss Worthington, set three priorities in allocating the $200 million discretionary funds available; increased employment opportunities for the poor and homeless, access to health care for at-risk individuals, and more affordable housing.

Within these three priorities, the Vice-Mayor proposed that the budget be appropriated in the following manner; city parks and waterfront, clean, safe streets, and the library (39.92%); public safety (22.84%); a healthy city and the disabled community (7.17%), the needy and soon-to-be-needy (5.35%); economic development (4.22%); children and seniors (3.19%); South and West Berkeley, two traditionally underserved sections of the city (0.32%); and arts and culture (0.29%).

In presenting this premier budget, Vice-Mayor Shirek expressed her appreciation for City Manager James Keene and his staff for the data that formed the basis of her budget, and was especially proud to note that this budget included the traditional annual 4% surplus as well as an AA rating enjoyed by only 17 other cities in California.

It is appropriate at this time for me to thank all those involved in this undertaking for their energy and hard work. I am proud that the Berkeley community has united to focus its attention on issues which are critical to the health, safety, and well-being of its citizens.

VOTE ON THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. PASCRELL. Mr. Speaker, on October 8, 1997, I inadvertently cast a vote in favor of H.R. 901, The American Land Sovereignty Protection Act. I intended to vote against the bill, but mistakenly voted for it. As you well know, debate on the bill and amendments to the bill occurred in the evening of October 7, but all of the votes were delayed until the next afternoon. The votes were then taken in rapid succession without debate or review.

As my record clearly indicates, I voted in support of each of the four amendments that would have significantly weakened this misguided legislation. Unfortunately when it came time to vote for final passage, I mistakenly thought we were voting on another amendment. Had I recognized that the vote was on final passage, I would have certainly voted "no."

I would like for my record to reflect that this vote was cast in error, and that should it come up for a vote again, I fully intend to vote against H.R. 901.

1972: SENATE PASSES EARLY BUY-INTO MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. STARK. Mr. Speaker, Members of Congress will soon be introducing a bill to provide affordable health insurance for people in the age 62–65 bracket and for displaced workers over age 55. The bill will let Americans buy-into Medicare at full cost—that is, without any cost to the existing Medicare system.

Five Senators have already voted for this proposal: Senators ROTH, STEVENS, THURMOND, BYRD, and INOUYE all voted for it in 1972, when the Senate version of H.R. 1 included a proposal from the Senate Finance Committee to let spouses of Medicare eligible individuals and early Social Security retirees buy into Medicare.

Senator DOLE also voted for the proposal.

The Senate floor statements by Republican Senator Gurney of Florida and Democratic Senator Cranston of California are still an eloquent testimony to why this year's proposal makes great sense. I would like to include this legislative history in the RECORD at this point. The numbers cited in speeches have to be updated, of course, but the reasons why we should give people the option of spending their own money to buy into Medicare are still accurate:

SOCIAL SECURITY AND WELFARE REFORM—SUMMARY OF THE PRINCIPAL PROVISIONS OF H.R. 1 AS DETERMINED BY THE COMMITTEE ON FINANCE, COMMITTEE ON FINANCE, UNITED STATES SENATE, RUSSELL B. LONG, CHAIRMAN, JUNE 13, 1972

MEDICARE COVERAGE FOR SPOUSES AND SOCIAL SECURITY BENEFICIARIES UNDER AGE 65

Present Law

Under present law, persons aged 65 and over who are insured or are deemed to be insured for cash benefits under the social security or railroad retirement programs are entitled to hospital insurance (part A). Essentially all persons aged 65 and over are eligible to enroll for medicare insurance (part B) without regard to insured status. The House bill includes a provision that would permit persons aged 65 and over who are not insured or deemed insured for cash benefits to enroll in part A, at a premium rate equal to the full cost of their hospital insurance protection ($31 a month through June 1973).

Problem

Many additional social security cash beneficiaries find it difficult to obtain adequate private health insurance at a rate which they can afford. This is particularly true if they are of an advanced age, say, age 60-64. Frequently, these older beneficiaries—retired workers, widows, mothers, dependents, parents for example—have been dependent upon their own group coverage or that of a related worker who is now deceased for health insurance protection. It is a difficult task for such older persons to find comparable protection when they no longer are connected to the labor force.

Finance Committee Amendment

The provision makes Medicare protection available at cost to spouses aged 60-64 of Medicare beneficiaries and to other persons age 60-64 (such as a beneficiary who elects early retirement at age 62) entitled to benefits under the Social Security Act.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 989

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GURNEY. Mr. President, I am today introducing an amendment to H.R. 1 that would apply to that part of the bill dealing with medicare.

My amendment is directed toward the 3 million or so people between 60 and 65 whose husbands or wives receive medicare benefits but who are not eligible for it themselves. By and large these people live on limited retirement incomes and, as retirees, are more vulnerable to economic hardship resulting from serious illness. The most reasonable solution would be to bring them under the umbrella of medicare, while adding as little as possible to the cost of that program.

This amendment would do just that. It provides that one spouse must be over 65 and already enrolled in the medicare program for the other spouse, who must be at least 60, to enroll in the program and receive equivalent benefits at cost.

The cost of these benefits to the newly eligible spouse should be reasonable enough to attract enrollees yet comprehensive enough to provide the necessary medical coverage. For an estimated $30 to $35 a month, spouses will get the same hospital insurance and insurance to cover physician's charges that anyone else enrolled in medicare gets.

To discourage people from waiting until they are sick to enroll, this amendment provides for a 10-percent increase in premiums for each year they delay. Thus, the potential enrollee has an incentive to sign up when he or she is 60. Such a proviso will put the program on a sounder financial basis.

In summary, this proposal will provide the spouse of a retiree on medicare with adequate medical insurance at reasonable rates during a 5-year period when getting a policy from a private company would be either impossible or prohibitively expensive. Once the person reached age 65, regular medicare would take over, dropping the $30 to $35 a month charge to an estimated $5.80 per month.

Since the financial burden of this proposal would be underwritten by the subscribers and since its implementation would utilize the administrative services of a program already in existence—medicare—this seems to be the most efficient and most economical way to reduce some of the trails and tribulations faced by our senior citizens. They have worked hard for their retirement and they deserve a chance to live it in peace and contentment. This amendment would help give them that chance without depriving them of their dignity or overburdening the already hard-pressed American taxpayer.

EXTENSION OF MEDICARE COVERAGE TO EARLY RETIREES AND THEIR DEPENDENTS

Mr. CRANSTON. Mr. President, I submit for printing today for myself and the Senator from Florida (Mr. GURNEY) an amendment to H.R. 1, which would enable certain individuals who have not yet reached age 65—those who are entitled to old-age, wife's, husband's, widow's, widower's, or parent's Social Security benefits—to "buy-into" Parts A and B of Medicare by the payment of equal-to-cost-premiums.

The need for this legislation stems from the fact that medicare eligibility does not begin until age 65, yet many older persons lose their group health coverage when they retire before the age of 65. They are then forced to enroll in high-cost individual health policies—usually not even available to them—or to forego any coverage whatsoever, gambling that they will stay healthy at least until they reach age 65 when they become eligible for medicare. This is an intolerable situation, Mr. President, and I believe that we can effectively counteract it through the enactment of the measure we propose today.

Senator GURNEY submitted on March 3 an amendment (No. 989) to H.R. 1. The amendment provides that if one spouse is over 65 and enrolled in medicare, the other spouse, if at least 60 years old, may enroll in the program and receive equivalent benefits at cost. As Senator GURNEY stated when he introduced this measure:

"Since the financial burden of this proposal would be underwritten by the subscribers, and since its implementation would utilize the administrative services of a program already in existence—Medicare—this seems to be the most efficient and most economical way to reduce some of the trials and tribulations faced by our senior citizens."

I believe that Senator GURNEY has submitted an excellent amendment, and I have requested to be added as a cosponsor.

In discussing the benefits afforded by amendment No. 989, which the Finance Committee has already tentatively adopted in its markup of H.R. 1 in executive session, Senator GURNEY and I agreed that, at still no cost to the American taxpayer, these benefits could be made available to an even broader range of older Americans—those already on the Social Security rolls. It is these individuals that the amendment we are submitting today would cover. They include in addition to the Social Security spouse covered by the Gurney amendment: First, Social Security old age beneficiaries 62 years old and over; second, a wife or widow, regardless of her age, if she is caring for a child under 18 or disabled and the child received payments based on the worker's record; third, a wife 62 or older or widow 60 or older; fourth, a dependent husband 62 or over, or a dependent widower 60 or over; or a disabled widower who has attained age 60; or fifth, dependent parents of a deceased worker.

The "buy-in" procedure we propose today is similar to that allowing States to buy into medicare on behalf of their retired public employees 65 years old or older—a provision contained in section 202 of H.R. 1 as passed by the House. And H.R. 1 as passed by the House also extends medicare coverage to recipients of Social Security disability benefits. The Senate Finance Committee has tentatively agreed to this extension of coverage which I have long advocated. In light of this expansion of the medicare program, I believe it is only fitting that we concern ourselves, too, with the health care needs of the individuals who would be covered by this amendment.

Our amendment would allow these individuals, at an estimated cost of approximately $30 per month in the first year of operation—and perhaps as law as $22 per month thereafter—to enroll in part A of medicare—Hospital Insurance Benefits—anytime they are or become eligible during a 90-day period following receipt of notice of eligibility from the Social Security Commissioner.

Because the enrollment period is limited to a specific number of days—a reasonable period of 90 days after the recipient receives notice of eligibility—the opportunity for adverse selection of coverage is very much reduced, thereby promising to keep premium charges to the absolute minimum.

Our amendment would allow these same elegible individuals to enroll in part B of medicare—Medical Insurance Benefits—within the same 90 day period. The premium for part B coverage would be 200 percent of the regular part B premium—one-half of which the Government presently underwrites for medicare beneficiaries. If a provision is enacted in H.R. 1 to eliminate completely or place a limitation upon, as the Finance Committee proposes, the part B premium cost to beneficiaries—it is presently $5.60 per month—I expect that the cost to those covered by this amendment would be appropriately adjusted.

Individuals may opt out of either part A or part B at anytime, but automatically cease to be eligible for part B if they drop or lose eligibility for part A. All of these beneficiaries of course, would be eligible for the regular medicare program when they reached the age of 65.

Mr. President, on March 3 and 4, as ranking majority member of Senator EAGLETON's Subcommittee on Aging of the Labor and Public Welfare Committee, I was privileged to preside at hearings in California on legislation affecting our Nation's more than 20 million older Americans. I discussed with many of the witnesses present the legislation that Senator GURNEY and I propose today, and all testified to the importance of and vital need for such a measure.

Adequate health care coverage is a matter of the greatest concern to Americans reaching retirement age. This amendment addresses that concern and provides a mechanism for a substantial number of particularly hard-pressed older Americans to take full advantage of the benefits under the medicare program.

IN MEMORY OF MR. WALTER RHULEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to honor the life of Walter Rhulen of Sullivan County, NY, who has passed away after decades of dedication to his business, his community and family.

Walter Rhulen was a man of many exceptional qualities. His business sense helped him build an insurance empire, worth more than a billion dollars, out of his family company. With his dedication to Sullivan County he personally helped to make for it a better place. Walter Rhulen spent his life giving his spirit, ideas and his financial support to Sullivan County, changing it forever.

Walter Rhulen's work touched the lives of thousands of his neighbors. He was committed to the Sullivan County region and to its people. Even after his business's great success he kept its headquarters in his home town, showing his dedication to the home he loved.

Mr. Rhulen helped to bring better health care to his neighbors by campaigning for a new hospital. With his leadership and financial support he helped to open the new Community General Hospital. This modern facility provided better health care for the entire region.

Mr. Rhulen also helped to create and fund a scholarship fund for Sullivan Community College students.

Walter Rhulen has provided the residents of my Congressional district with an invaluable service. His love for our region was remarkable and estimable. With the death or Walter Rhulen our community lost much more than a resident. We lost a role model and a great man. His dedication was exemplary and will not be forgotten or underappreciated.

Walter Rhulen was of tremendous assistance to me as a member of my Congressional Economic Advisory Committee. There he demonstrated his concern of regional affairs, and was always eager to share his vast wealth of experience with us.

Mr. Speaker, I extend my deepest condolences to his widow, Judith Schmid Rhulen and his children, Suzanne Laughlin and Harry, Erik and Anthony Rhulen for their loss on such a tragic occasion.

HONORING RICK TUTTLE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BERMAN. Mr. Speaker, my colleague Mr. WAXMAN and I want to bring to your attention, our close personal friend, Los Angeles City Controller Rick Tuttle (L.A.'s elected financial officer), will receive the L.A. City's "Employee of the Year" Award on December 10, 1997. We would like to take this opportunity to recognize, at a national level, what the people of Los Angeles have known for decades and we, individually, have known for all of our professional lives: Rick Tuttle is an extraordinary individual who has made a major mark by contributing his time and talents to elevate the quality of life of Los Angeles.

The "Employee of the Year" award will be presented to Rick by the All City Employees Benefits Service Association (ACEBSA) for his outstanding achievements in a city career that spans 12 years. In announcing the selection, ACEBSA President, Jay R. Sloan said,

> Mr. Tuttle heads one of the City's most important and largest departments. His record as an outstanding leader speaks for itself. His career sparkles with achievement.

Few people have been as dedicated, and have contributed so much time, energy and passion, as Rick has to the City of Los Angeles. He has made an enormous mark not only on the City but on the larger society as well. It would be impossible to list all of Rick's honors, but we would like to mention a few.

Among the awards Rick has received are the Equal Justice in Government Award from the NAACP Legal Defense and Education Fund; the Distinguished Public Service Award presented by the Pacific Southwest Region of the Anti-Defamation League; Lifetime Membership Award from the Los Angeles Business Council; the Distinguished Leadership Award for 1996 presented by the Association of Government Accountants. He has served as Director of the Los Angeles West Chamber of Commerce, a Director of the UCLA Religious Conference at UCLA and has been an active leader of the California Democratic Party for 30 years.

As our immediate successor as statewide President of the California Federation of Young Democrats, as a friend and ally for over 30 years, Rick has an impressive commitment to community improvement. His awards and achievements have come over three decades of professional excellence: as a Dean of Students at UCLA, as an elected trustee of the Los Angeles Community colleges and as L.A. City's Controller since 1985.

We, of course, have a personal involvement with the entire Tuttle family. His wife, Muff Singer, served as campaign coordinator and the first Administrative Assistant to Howard Berman. Muff left government employment to pursue a career as a successful writer of children's books and to devote herself to raising a family. Rick and Muff's daughter, Sarah, has been raised with a respect for community involvement and is already a pride to her community.

From his time of his courageous civil rights involvement in the early 1960's (from Wesleyan University he went south to register voters and to fight for civil rights) to his courageous and fierce guardianship of L.A. city's budget as City Controller, Rick has been an exemplar of the best of public service.

Each of us have known Rick, and his wife, Muff, personally and professionally for more than 30 years. He is a close personal friend, trusted advisor, and a model of what an elected official ought to be. Our admiration of him is indescribable.

INTERNATIONAL TREATY ON GLOBAL CLIMATE CHANGE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KNOLLENBERG. Mr. Speaker, I rise today to ask that the following statement be included in the Congressional Record. The attached resolution was adopted by the Board of Commissioners of Oakland County, Michigan, regarding the recently passed international treaty on global climate change.

I have already voiced my very strong concerns with this treaty, which will require legally binding cutbacks in greenhouse gas emissions. By exempting all developing nations, the treaty will create a two-tiered environmental obligation, forcing the entire burden to reduce greenhouse emissions on industrialized nations while turning the developing world into a pollution "enterprise zone." This will have a devastating impact on American jobs. Oakland County agrees, and offers this resolution to express its grave concerns with the impact cutbacks will have on jobs and economic growth.

Mr. Speaker, please accept this statement in the Congressional Record. Oakland County is sending us a powerful message about how these drastic cutbacks will affect our Nation's local communities. As the current administration plans to implement the bureaucratic regulations needed to bring the U.S. in compliance with the recently adopted treaty, Congress must acknowledge this warning.

The following is a representative copy containing all amendments to:

Miscellaneous Resolution #97227.

By: Commissioner Shelley Taub, District #12; Commissioner Donn L. Wolf, District #19.

In re: United Nations Climate Change Treaty Opposition.

To the Oakland County Board of Commissioners.

Chairperson, Ladies and Gentlemen:

Whereas the Michigan Association of Counties, the National Association of Counties and SEMCOG have recommended support for the following concepts in the main body of the resolution; and

Whereas the United Nations Framework Convention on Climate Change was adopted in May, 1992 at the Earth Summit held in Rio de Janeiro and calls upon industrialized nations to aim towards voluntarily limiting their greenhouse gas emissions to 1990 levels by the year 2000; and

Whereas ongoing international negotiations are underway aimed at finalizing a Climate Treaty by the end of 1997 that is expected to require legally-binding cutbacks in energy usage and emission targets that will be applicable to developed nations only; and

Whereas a growing body of economic studies indicate that any U.S. effort to significantly limit greenhouse gas emissions in a short time frame will slow economic growth, cost hundreds of thousands of jobs in Oakland County and throughout the United States, and discourage investments in more energy-efficient technologies or facilities; and

Whereas mandatory constraints on fossil fuel use would raise the monthly cost to consumers for electricity, heating and cooling bills. Projections also indicate that the residents of Oakland County could experience a gasoline price increase of up to $0.50 per gallon. This would be particularly detrimental to those on fixed incomes, living in rural areas or dependent on private vehicles to transport their families to work, school and stores; and

Whereas ill-advised policies on climate control change could significantly limit personal mobility, seriously disrupt the growing economy of Oakland County and would negatively impact those businesses located in Oakland County that could no longer compete effectively against their foreign counterparts as a result of the higher cost of fuel; and

Whereas the exemption for developing countries is inconsistent with the need for global action on climate change, is environmentally flawed and imposes trade disadvantages. The Climate Treaty will inflict serious harm to Oakland County's economy with the loss of manufacturing jobs, as the incentive to move industry abroad to exempt, high-growth countries such as Mexico, China and Brazil is heightened; and

Whereas the Oakland County Board of Commissioners holds that the United States should not agree to any international global climate proposals that are not justified by sound scientific and economic policies.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners strongly supports MAC, NACo and SEMCOG, and urges that the United States not be signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negations in Kyoto in December 1997, or thereafter, which would:

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the United States, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing countries within the same compliance period, or

(B) result in job loss or serious harm to the economy of Oakland County, the State of Michigan and the United States; and

BE IT FURTHER RESOLVED that any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, signed by the United States at negotiations in Kyoto in December 1997, or thereafter, should:

(1) be voluntary as much as possible;

(2) include all nations, developed and developing, under comparable criteria and within the same compliance period;

(3) assist developing nations in growing economically while increasing energy efficiency; and

(4) promote technology approaches that can reduce adverse impacts on consumers and the economy.

BE IT FURTHER RESOLVED that the members of the United States Senate are strongly urged not to consent to any protocol or agreement regarding the Global Climate Change, unless said protocol or agreement is:

(i.) accompanied by an analysis of the detailed explanation of any legislation or regulatory actions that would be required to implement the protocol or agreement; and

(ii.) accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States that would be incurred by implementation of the protocol or agreement.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Vice President of the United States, Senator Spencer Abraham, Senator Carl Levin, Oakland County Legislators, the Governor of the State of Michigan, and to Oakland County's Legislative Agents.

Chairperson, we move the adoption of the foregoing resolution.

Shelley Taub,
District #12.
Donn L. Wolf,
District #19.

Vote on resolution, as amended:

AYES: Huntoon, Johnson, Law, McCulloch, McPherson, Moffin, Obrecht, Palmer, Powers, Schmid, Taub, Wolf, Amos, Dingeldey, Douglas, Garfield. (16)

NAYS: Holbert, Jacobs, Jensen, Kingzett, Coleman. (5)

A sufficient majority having voted therefor, the resolution, as amended, was adopted.

RECOGNIZING MS. THELMA SIAS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to recognize Ms. Thelma Sias, of Milwaukee, Wisconsin, for her outstanding contributions to the community and her life long dedication to serving others.

Ms. Sias is the 1998 recipient of the "Drum Major Award" presented at the annual Martin Luther King, Jr. Breakfast in Milwaukee. This highly distinguished award is presented every year to an individual who has dedicated his or her life to public service and promoting positive change within the African-American community.

Throughout her years in Milwaukee, Ms. Sias has worked to affect positive change. As the Director for Community Programs at Wisconsin Gas Company, she has set out every day with one goal—to make a difference. She has served on countless boards and committees in Milwaukee where she has worked to revitalize neighborhoods, to provide food for the hungry, to advance women's issues, to improve education opportunities, and to make our neighborhoods safe for children. Ms. Sias is a passionate youth mentor and role model for Athletes for Youth, New Concepts Self Development Center, YMCA Black Achievers Program, and Dr. Martin Luther King, Jr. elementary schools.

Although Thelma is not one to seek praise, her work has not gone unnoticed. She has received a steady stream of accolades including the 1993 Honored Woman Award presented by the Women's Fund, the 1993 Future Milwaukee Community Service Award, the 1991 Milwaukee Times/TV 6 Black Excellence Award, the 1990 YWCA Outstanding Woman of Achievement Award and the 1989 Black Achiever of the Year in Business and Industry Award.

Now, in 1998, Thelma is receiving an award named after the Rev. Martin Luther King, Jr., a man she calls her "role model." How appropriate it is that someone who modeled her own life after the life of a man who made sacrifice after sacrifice for the benefit of others has become a role model to those who witness her work.

We, in Milwaukee, are lucky. Ms. Sias left Mississippi and adopted Milwaukee as her home and, in time, adopted each of us and shared with us her great love for her fellow man. Her contribution has been remarkable. Her recognition is deserved. I congratulate her on her accomplishment and I know that she will continue to devote her time and energy to making Milwaukee a better place.

TRIBUTE TO MISSOURI STATE SENATOR HAROLD L. CASKEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. SKELTON. Mr. Speaker, it is a pleasure for me to rise to congratulate a friend and political colleague from Missouri, State Senator Harold L. Caskey, who was recognized recently for his outstanding work in behalf of people who are blind.

Harold was named 1997 State Official of the Year by the General Council of Industries for the Blind. It is a recognition he richly deserves in light of his work in enacting the State Use Law for the State of Missouri. In addition, his leadership and commitment to the Lighthouse for the Blind will open the door for blind people to receive training, and enable them to lead meaningful and independent lives.

My friend, Harold Caskey, is visually impaired, but there is no selfish motivation to his work to improve access to the blind. He stands out as a model civic leader, with a successful career in law and government. His blindness, however, has given him a unique vision and insight most people lack, and he is using that vision to pave the way for inclusion.

Mr. Speaker, I know my colleagues will join me in congratulating Harold Caskey, and join the General Council of Industries for the Blind in commending his good work.

A QUESTION OF HONOR

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. TALENT. Mr. Speaker, I commend the remarks of William Bennett to my colleagues. His recent speech at the United States Naval Academy is an excellent discussion of what is important in our society.

DOES HONOR HAVE A FUTURE

(By William Bennett)

It is a privilege to address you this evening.

As way of background—not by way of boasting, but simply wondering out loud—I should tell you that lately I have received invitations from all of the military academies looking for guidance and help on ethical issues. I will confess that it is a bit strange to me that a well-known former government employee and sometime philosopher like myself should be asked to address this assemblage on matters of ethics and honor, right and wrong, on the question, "Does Honor Have a Future?". But as Sir Thomas More said, "Ladies and gentlemen, I give you the times."

And what do we make of these times? These are good times and bad times. We all know that there have been troubling, and even terrible, incidents here at the United States Naval Academy, and at other academies as well. While we should be bothered by these incidents, we should also be troubled by the superficial, flawed analyses these events have sometimes received. Most of these bottom on the limp excuse that the Academy simply reflects more general changes in society. It goes something like this: "There are these problems everywhere—so why not here? The Academy is just a reflection of the larger society." To which I would respond: no, it is not. Whether we are talking about Annapolis, West Point or Colorado Springs, you are supposed to be different—and in some important ways, you are supposed to be better. It was a wise man who said that when a man enters military life, he enters a higher form of civilization.

Former assistant secretary of the Army Sara Lister, who called the Marines "extremists," did not sufficiently grasp this point. But thank goodness many other Americans still do.

So yes, the military is—and ought to be—different in some important ways from the world outside its walls. It operates with a different code of conduct; a different set of activities; a different way of life. I have no doubt that most of you—perhaps all of you—will leave this academy changed in many important regards. Perhaps you can see the changes in your own life occurring even now.

Last year, I visited the United States Air Force Academy and spoke with one of the cadets, the son of a friend of my wife and me. He told me about the grueling schedule: drills, training, study, sports, lack of sleep, the constant pressure to perform, officers yelling at him to do better and to be better. I asked him two questions: When you are home on vacation, do your friends understand what it is you are going through? He told me no. I then asked him: do you like it here? And he said, "Mr. Bennett, I love it." And you could tell that he did—as I know many of you love the regimen here, even as you struggle to master it. And in mastering it, it is inevitable that you will draw back from some of the softness of contemporary civilian life.

I want to draw to your attention an extraordinary 1995 article in the Wall Street Journal, written by Thomas E. Ricks, about the transformation that took place in Marine recruits after eleven weeks of boot camp at Parris Island.

A Marine talked about his re-entry into society: "It was horrible—the train [ride home] was filled with smoke, people were drinking and their kids were running around aimlessly." Another private said this: "It was crowded. Trash everywhere. People were drinking, getting into fights. No politeness whatsoever." But he went on to say, "I didn't let it get to me. I just said, 'This is the way civilian life is.'" According to one Sgt. Major, "It is a fact of life that there isn't a lot of teaching in society about the importance of honor, courage, commitment. It's difficult to go back into a society of 'what's in it for me?'"

You know that this is, unfortunately, pretty accurate. There are plenty of people in the rest of society, who live outside these walls, who do not identify with what you stand for; some who do not agree with it; and even some who scoff at honor codes and mission statements, feeling themselves superior to such things.

Here at Annapolis you learn obedience to orders, the responsibility of command, respect for authority. Here at Annapolis, you have dedicated yourself to high purpose and to noble cause. But in the twilight of this twentieth century, concepts like honor, nobility and manliness not only do not elicit approbation; they often illicit ridicule, scorn, mockery.

It brings to mind C.S. Lewis's book, *The Abolition of Man*. There, Lewis writes that "We make men without chests and expect of them virtue and enterprise. We laugh at honor and are shocked to find traitors in our midst."

America is the greatest nation in the history of the world—the richest, most powerful, most envied, most consequential. And yet America is the same nation that leads the industrialized world in rates of murder; violent crime; juvenile violent crime; imprisonment; divorce; abortion; sexually-transmitted diseases; single-parent households; teen suicide; cocaine consumption; per capita consumption of all drugs; and pornography production and consumption.

America is a place of heroes, honor, achievement and respect. But it is as well a place where far too often heroism is confused with celebrity; honor with fame; true achievement with popularity; individual respect with political correctness. From inside here you look out at a culture that celebrates self-gratification; the crossing of all moral boundaries; and now even the breaking of all social taboos. And on top of it all, too often the sound you hear is whining—the whining of America, what can only be heard as the enormous ingratitude of modern man toward our unprecedented prosperity and good fortune.

Despite our wonders and greatness, we are a society that has experienced so much social regression, so much decadence, in so short a period of time, that in many parts of America we have become the kind of place to which civilized countries used to send missionaries.

Of course this does not change your duty in general, or your duty to this country in particular. It doesn't mean you may not defend this nation, or be willing to give your life for it. Because the ideals of this nation are still the greatest ever struck off by the mind of man. And because we are a free society—with all of its attendant virtue and vice—we expect you to defend the whole nation. Your job, as you know—like it or not—is to defend the worst, as well as the best, of us.

So there is a difference, isn't there, between life here and outside. But let me be very candid and ask a question. There is doubt in Boulder, Birmingham, Boston and Buffalo. Is there also doubt about honor here in Bancroft Hall? Are the Midshipmen of the United States Naval Academy, and your colleagues, ever seized by mission doubt? Does doubt about honor gain any purchase here? Are you sure, in your bones and in your heart, as well as in your head, why honor is worthy of your allegiance?

I ask the question because I am told that among even the military's best and the brightest young men and women—that is, even among some of you here—there is confusion of purpose, attenuation of belief. What is it all about? What matters most? What is life for? What endures? These are the kinds of question young people within and outside the military have always asked. They are worthy of your attention, and ours. And they deserve, from your teachers and others, an answer.

Let me very briefly try to begin to answer these questions by using two contemporary reference points which celebrated major anniversaries in the summer of 1994. The first was the 25th year reunion of Woodstock. Woodstock, you may recall, was a rock festival held in New York in 1969. It was attended by 300,000 young people in the first 24 hours, and it was marked by rowdiness, drinking, drug use, and even death.

The other 1994 reference point was the 50th anniversary of Operation Overload, the Normandy invasion under the command of General Dwight David Eisenhower. This was, as you know, the largest amphibious landing in history. It was attended by about 170,000 young people in the first 24 hours. Let me say a few words about each. Back in the summer of '69, Woodstock was called the "defining event of a generation;" it was undoubtedly the high point of the counterculture movement in America. "If it feels good, do it" was a kind of unofficial banner under which the participants walked. But it is worth noting, I think, that most of those whose attended the 25th year reunion were not even at the original Woodstock rock festival. The reason, one can fairly surmise, is that for many of those who attended in August 1969, the memories were not good ones, not ones they wished to rekindle. Woodstock was not a place to which they wanted to go again. Many people grew up and grew beyond what Woodstock stood for; in adulthood, they consider it to have been childish, utopian, irrelevant, irresponsible, or worse. It was a chapter of their lives many would just as soon close, a memory they hoped would grow dim with the passage of time. And the deaths and sickness there were pointless, mindless, and avoidable. It was a season of drug overdoses and self-inflicted death.

Now compare the Woodstock reunion with the anniversary of D-Day, which took place on another coast, in the same year. What they were celebrating was something far different. Poignancy and dignity surrounded that event, precisely because the stakes involved were so high; the heroism so manifest; the examples so inspiring. Many listened to President Roosevelt's prayer, broadcast on D-Day, as he recognized the horror that awaited the young men who had embarked on "the Great Crusade."

"Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor . . . They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces . . . They will be sore tired, by night and by day . . . The darkness will be rent by noise and flame. Men's souls will be shaken with the violence of war."

As at Woodstock, there were deaths there. But they were different, in numbers and in cause. According to military author Paul Fussell, in one 10 minute period on Omaha Beach, a single rifle company of 205 men lost 197, including every officer and sergeant. But they were not pointless or avoidable deaths. The price was very high—but that for which they died was sacred. We remember. And their comrades-in-arms remember. And so those who could, came back.

My point is a simple one: Ephemeral things are the flies of summer. They drift away with the breeze of time. They are as wind and ashes. An event like Woodstock cannot hold the affections of the heart, or command respect, or win allegiance, or make men proud, or make their parents proud. It may be remembered by the media, but it leaves no lasting impression on the souls of men. It is forgotten. It was meant to be forgotten. People do not pilgrimage there, for it can give them nothing of worth.

Plato reminds us that what is real is what endures. Trenton, Midway and Tarawa; those on the Bonhomme Richard and the crews of "Taffey Three" in Leyte Gulf; the Marines and brave naval offices at "Frozen Chosin"—these things endure.

In the Funeral Oration, Pericles said, "For it is only the love of honor that never grows old; and honor it is, not gain as some would have it, that rejoices the heart of age and helplessness."

Honor never grows old, and honor rejoices the heart of age. It does so because honor is, finally, about defending those noble and worthy things that deserve to be defended, even if it comes at a high cost. In our time, that may mean social disapproval, public scorn, hardship, persecution, or as always even death itself. The questions remain: What is worth defending? What is worth dying for? What is worth living for?

So let me end where I began. Does honor have a future? Like all things human, it is always open to question. As free citizens, we can always fail to live up to those "better angels of our nature." A lady reportedly asked Benjamin Franklin after the conclusion of the Constitutional Convention: "What kind of government have you given us, Dr. Franklin?" The good doctor replied, "A Republic—if you can keep it."

And so honor has a future—if we can keep it, and if you can keep it. We keep it only if we continue to esteem it, uphold it, value those who display it—and refuse to laugh at it.

Earlier in these remarks I suggested a gulf—sometimes even a chasm—between your life here and the rest of America. But there are bridges across the chasm, too—bridges made by hands and words and ideas that reach across generations, across the centuries, from military to civilian, from civilian to military. I am thinking of a small group of men, not soldiers, not naval officers. They were civilians—only civilians. but it was not by accident or luck that our Founders pledged to one another "our lives, our fortunes and our sacred honor." They meant it. In this act of national baptism, we are all bound together.

It is your task, members of the brigade—it has been given to you, especially—to show the way as you and your forbearers, alive and dead, have showed the way before. We outside know you will do it again. And the children will learn by your example what honor means.

Thank you.

TRIBUTE TO OSCAR LOYA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. FARR. Mr. Speaker, I rise today to honor a beloved and remembered man. Oscar Loya the superintendent of Alisal Union School District and community hero died on January 26th, 1998.

Oscar helped foster strong involvement in his home, the Salinas Valley, by being "an inspirational leader and a person who operated from the heart" (Roxanne Regules, principal of Caesar Chavez School). Last year Loya received a recognition of his accomplishments by President Clinton for bringing PeaceBuilders, a violence reduction program, to Salinas schools.

Immigrating to the United States at age 7, Mr. Loya, always concerned for others, gave many years of service toward improving the quality of education for migrant children. "He was very caring about what happen with his students and what direction they were headed" (Stephanie Lopez, a former student and first grade teacher).

In return, the community was there for Loya. When it was discovered that he needed a bone marrow transplant, hundreds flocked to have their bone marrow tested during six drives in his honor. Although no matching donor was found, Loya helped to raise awareness of the need for bone marrow donors.

In the Salinas Valley a true champion is lost. My thoughts remain with his family.

HONORING THE 5TH ANNUAL "CALIFORNIA DUCK DAYS"

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to pay special tribute to an event in my district that has become one of the premier wildlife festivals in the United States. In the short span of five years, "California Duck Days" has grown from a small, community-based event to a large, regional festival offering a wide range of activities including field trips, workshops, lectures, family and youth activities, and, for the first time ever, a large Exposition Hall which includes educational displays, vendor booths, and demonstrations about wetlands and wildlife.

This year, "Duck Days" is co-hosted by the California Waterfowl Association, and it coincides with the Sacramento Valley's peak migration period for hundreds of thousands of waterfowl moving south on the Pacific Flyway. "Duck Days" showcases the wonders and diversity of our region's wetlands and it serves both to increase public awareness and to promote education about the importance of wetlands and wildlife.

Last fall, the community, and many of this year's "Duck Days" participants, braved the cold and rain to successfully dedicate the opening of the Yolo Bypass Wildlife Area. We were joined that day by President Clinton who noted that "there is no challenge facing this country that we cannot meet, if we will just do what you have done here." The 3700 acre wetlands area that constitutes the Yolo Bypass Wildlife Area is the largest wetlands area in the western United States and "California Duck Days" is a continuation and expansion of the many partnerships that created the Yolo Bypass Wildlife Area. The president's message, which stressed the power of collaboration, continues to be highlighted by the growing successes of the "Duck Days" celebrations.

With over 60 participating organizations, "Duck Days" is proof that individuals and organizations can work together to give thousands of people, young and old, the opportunity to experience these wild places, learn about them, and share their experiences with others. I commend the successful model of the Yolo Basin Foundation to my colleagues and extend the congratulations of the House of Representatives to the organizers and participants of 1998's "California Duck Days" festival.

HONORING TILLIE ROTHSTEIN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the lifetime achievements and the memory of a remarkable visionary, activist, and friend, Tillie Rothstein. Tillie was a determined and tireless trailblazer whose contributions to Broward County, and to me personally, have left a permanent impression and a rich legacy.

Tillie is a New York native who made her home and her political career in South Florida. She and her husband retired to Sunrise, Florida in 1977, but Tillie wasted no time launching into the local political arena. She served as a congressional aide and worked in public relations at Broward Federal Savings & Loan. However, she is perhaps best known for her leadership as president of the West Broward Democratic Club which now flourishes as an influential presence, due in large part to her hard work and courageous pioneering. She was unshakably loyal, and her support was one of the most sought after endorsements among those with political aspirations. Always confident and tenacious, Tillie campaigned for her candidates and the causes she championed for over twenty years, thus earning recognition as a stalwart figure in the Broward County community. I am grateful for this opportunity to applaud Tillie for her outstanding efforts and thank her for her innumerable contributions to the community. She will be missed.

TRIBUTE TO ODESSA E. TEVIS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BILIRAKIS. Mr. Speaker, I once heard beauty described as "unity in variety." In considering our American people, that definition could easily be expanded to describe the beauty of America—a nation of people gathered from a diversity of backgrounds united in their belief in the freedom of all human beings and their deep love for the country that protects those freedoms.

Mr. Speaker, I rise today to introduce you to an exemplary American, and a good friend, Odessa E. Tevis. Odessa is being honored on Sunday, February 1, 1998 by the Tarpon Springs Historical Society and by the community, for her 25 years of volunteerism in this area.

Born in St. Louis, Missouri on November 27, 1908, Odessa, like so many children during wartime and a troubled economy, moved several times during her childhood. Having moved from Missouri to Chicago to Iowa then back to Chicago, Odessa graduated from High School and then junior college. On the last day of 1931, she married her high school sweetheart, Harry Tevis. Harry worked for the Illinois Bell Telephone Company, and for the next eighteen years, every promotion meant yet another move to another city in Illinois.

There was one interruption—WWII—and Harry had orders to go overseas. But, before he left, he helped Odessa find a job at the Atlas Educational Film Company in Oak Park, Il where she worked on scripts and even did a little acting when needed.

Having made several trips to this area over the years, when Harry retired in 1973, they decided the Florida Suncoast was where they wanted to live. The two cars and camper were barely unpacked when Odessa began making the community her own. Within a year her beloved Harry had passed away and Odessa filled those open hours by helping others. If someone needed a ride to the doctor or the hospital, or needed medication; or a friend to stay through an extended illness or watch a child—Odessa was there. Even today, at 89 years of age, her days are divided between at least two projects such as volunteering at an eye care clinic and a local museum. When asked why she does so much, she chuckles and matter-of-factly replies, "might as well"!

Her 25 years of involvement in many organizations, including the Women's Club of Tarpon Springs, the New Port Richey Garden Club, the Tarpon Springs Garden Club, the Friends of the Library, the Republican Women's Club of Tarpon Springs, and the Tarpon Springs Historical Society, to name a few, has endeared her to the community. Her involvement in projects for the last quarter century has resulted in countless improvements in the community and benefited many, many residents indeed.

Because of her energy and her example, Odessa has the ability to gather people from diverse backgrounds and unify them by a common goal . . . and has therefore made a beautiful difference in our community. Mr. Speaker, I am very proud to join my community members and the Tarpon Springs Historical Society in honoring our own Odessa E. Tevis as an exemplary American volunteer.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KIND. Mr. Speaker, as we return for the beginning of the 1998 legislative session I want to renew my call for action this year on campaign finance reform. Last year, I submitted a daily statement for the official RECORD calling on you to allow a vote on campaign finance reform. Unfortunately, we were not allowed an opportunity to vote on this important issue. I hope that 1998 will be the year we finally respond to the demands of the public, who overwhelmingly want us to fix the current campaign funding system.

In the U.S. Senate, Senator LOTT has promised a vote on this issue before March 5. I applaud his commitment to allowing a vote. I hope that the leadership in the House will also commit to a date certain. Until then, I will continue my practice of submitting a daily statement to remind the congressional leadership and the public that we have not passed campaign finance reform.

Mr. Speaker, the problem is clear, there is too much money involved in the election campaigns. The influence of money has created the appearance of special interest influence in the democratic process. The voters no longer believe they have a voice in the system. We will not be able to turn around public opinion, and therefore restore the public's confidence in our democracy, until we pass a meaningful campaign finance reform bill.

I urge you to schedule a vote on campaign finance reform on the floor of the House of Representatives. We must act soon. The people of western Wisconsin have told me to continue the fight until you agree to allow a vote. The people will not take "no" for an answer.

HONORING STEPHEN LEBEL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has dedicated himself to improving the quality of life in my hometown of Flint, Michigan. On January 23, 1998, Mr. Stephen LeBel will be the guest of honor as family and friends gather to celebrate his lifelong career in public service.

Stephen LeBel has never once hesitated to reach out and help someone in need. In 1970, after graduating from Michigan State University, he found work in the Flint area as an Employment Counselor for the Michigan Employment Security Commission. While with the MESC, Stephen proved to be a valuable resource to Flint residents in the areas of placement services and vocational counseling and training. This led to a two-year stint as a Vocational Rehabilitation Counselor for the Michigan Department of Education. In 1975, Stephen began his career with Insight Recovery Center, a nonprofit substance abuse treatment agency. After a short break, Stephen returned to Insight in 1977 as Director of Alcoholism Services. His achievements were recognized when he was named President and Chief Executive Officer in 1980, a position he holds to this day.

Since its inception in 1965, Insight Recovery Center has expanded its scope to include drug abuse and mental health services. This is due in large part to the exceptional leadership of Stephen LeBel. Over the years, Insight has established itself as Michigan's first independent facility to win accreditation by the Joint Commission on the Accreditation of Hospitals Organization. It has consistently been in the forefront of addiction treatment services.

In addition to his work with Insight, Stephen's influence extends throughout the state as well as the nation. He is a co-founder of the Michigan Campaign for Substance Abuse and Mental Health Reform. He has been affiliated with such groups as the Michigan Health and Hospital Association, National Association of Addiction Treatment Providers, and the National Council on Alcoholism and Drug Dependence of Michigan. In the Flint community, Stephen has been associated with the Urban League of Flint and United Way. For all his efforts, he has been recognized by both houses of the Michigan Legislature. His expertise and guidance are much sought after by his colleagues.

Mr. Speaker, many people, not only in the city of Flint, have been granted a new lease on life because of the dedication of Stephen LeBel. As it is our duty to preserve and protect the quality and dignity of life for our constituents, let us remember that our task is made easier by people like Stephen. I ask my colleagues in the 105th Congress to join me in acknowledging the accomplishments of Stephen LeBel. We owe him a debt of gratitude.

KNIGHTS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Wilkes-Barre Council No. 302 of the Knights of Columbus on the occasion of its 100th Anniversary. I am pleased to have been asked to participate in this momentous event.

The Knights of Columbus have been active in the Wyoming Valley in my District in Pennsylvania since the organization's founding in 1898. The Organization has served the community in all aspects of religious and civic concerns. In January of that year, a call was sent out to prominent Catholics in the area. The notice read:

> To promote sociability and patriotism among Catholic gentlemen of this city, it is proposed to form a Council of the Order of the Knights of Columbus, to be affiliated with the American Catholic organization of that name already existing.

The call was swiftly answered. Preliminary arrangements began for organization. Meetings were held every few days until the first official Council was formed and officers elected. A prominent newspaperman, Thomas P. Ryder was elected to head the council as Grand Knight.

The years to follow were filled with community activity and charitable undertakings. Council 302 had the unique distinction of having organized a complete military unit for active duty in World War I. In addition to the charity and community service activities, the members became involved in fraternal and social activities throughout the years. The Council formed many clubs which are still active to this day.

Mr. Speaker, I am extremely proud to join with the community in extending sincere congratulations on the occasion of the Council 302's 100th anniversary. I am also pleased to have had the opportunity to bring this important event to the attention of my colleagues and send my best wishes for a most successful anniversary celebration.

COOKING THE NUMBER TO SELL A SALES TAX?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. STARK. Mr. Speaker, we must have the facts to debate the relative merits of alternative tax systems. I commend the following New York Times article to my colleagues and urge them to take a hard look at the math before endorsing the concept of a national sales tax to replace the current income tax.

[From the New York Times, Jan. 23 1998]

THE 23 PERCENT SOLUTION?

(By Robert S. McIntyre, Director, Citizens for Tax Justice)

WASHINGTON.—Suppose a bunch of rich people want to promote a national sales tax to replace the Federal income tax. How do they try to persuade the public to support such a plan? Simple: play with the arithmetic.

Earlier this month, the well-financed group Americans for Fair Taxation, based in Texas, kicked off a sales-tax campaign with a full-page advertisement in several large newspapers. It called for replacing all the main Federal taxes—personal and corporate income taxes, payroll taxes and the estate tax—with a 23 percent national retail sales tax.

According to the group, such a plan would raise exactly as much money as current laws do, while cutting taxes for just about everyone. The group's plan has been implicitly endorsed by Representative Bill Archer, a Republican from Texas, the chairman of the tax-writing House Ways and Means Committee and a longtime sales-tax fan and income-tax hater.

I was curious about how the group did its arithmetic, so I checked about its Web site—www.fairtax.org—and sent a note to the E-mail address to get further information about the group's calculations.

According to the group's figures, at 1995 levels a new sales tax would have to raise $1.36 trillion to replace all Federal income taxes, payroll taxes and estate and gift taxes. Under its plan, the group says, taxable spending would be $4.6 trillion (after accounting for rebates to partly protect lower-income families). So, $1.36 trillion divided by $4.6 trillion would be the required sales tax rate. Fine, except that $1.36 trillion divided by $4.6 trillion is not 23 percent. It's about 30 percent.

It turns out that the group's purported 23 percent tax rate is misleading and hypothetical. It came up with that number by dividing the sales tax by the cost of a purchase plus the tax. So if the tax on a $100 purchase is $30, the group prefers to call it a 23 percent "tax inclusive rate" ($30 divided by $130). Ever hear of computing a sales tax like that?

The fact that the group's sales tax, even by its own figures, entails a 30 percent tax rate is only the beginning of the math problems. The group's backup materials also assert that almost a third of its projected sales-tax revenue is supposed to come from taxes the Government will pay to itself. Build a road, pay yourself a tax. Buy some planes for the Air Force, pay yourself some more. And so on.

Unfortunately, that shell game won't work. Without these phantom governmental tax payments, the sales tax rate would have to jump to 42 percent to break even.

A bit more digging reveals that a quarter of the remaining sales taxes are supposed to be paid on things like church services, free care at veterans hospitals and a variety of hard-to-tax financial services like free checking accounts. If we discount the taxes on these items, the sales tax rate would have to climb to an astronomical 56 percent to break even.

Apparently, the millions of dollars that American for Fair Taxes says it has spent on focus groups and polling have taught it an important lesson: giving people the real facts about a national sales tax is politically disastrous for its proponents. So the group is trying the only other available route: cooking the numbers.

IN HONOR OF THE 40TH ANNIVERSARY CELEBRATION OF THE CITY OF PICO RIVERA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. TORRES. Mr. Speaker, I am proud to rise in honor of the 40th anniversary of the City of Pico Rivera. On Thursday, January 29, 1998, residents from the City of Pico Rivera came together at a "City Birthday Party" celebration in honor of this milestone and to inaugurate Pico Rivera's yearlong 40th anniversary festivities.

Following a grass roots movement for incorporation, the neighboring communities of Pico and Rivera decided to join together as an incorporated city. On January 7, 1958, an election was held to select the name of the 61st city incorporated in the County of Los Angeles and to create a City Council-City Manager form of government. On January 29, 1958, the Secretary of State received and filed the election results of the residents of this newly formed city and by resolution of the Los Angeles County Board of Supervisors the City of Pico Rivera was born.

During the past four decades, the residents of Pico Rivera have grown together as a strong family oriented community. The City's residents are highly motivated, faithful, and unselfishly willing to share their talents and time to build a brighter future for their community. The City provides a variety of programs and services to its residents, who take full ownership in its success. Over the years, citizens of Pico Rivera have remained steadfast and strong in their belief in civic duty. With many proactive youth, senior, veteran and civic groups, Pico Rivera is proud of its over 60,000 friendly citizens.

The City of Pico Rivera has made substantial and significant contributions to the progress and development of Southern California. Located in the center of the City is the former site of the once thriving Ford Auto plant. Now, in that same location is one of our nation's critical links in our national defense, the Northrop-Grumman B–2 Division. Truly the City of Pico Rivera has a long and rich history of local, regional, and national significance.

The birthday celebration was a kick off for the City of Pico Rivera's yearlong family oriented festivities. Entertainment was provided by children and youth groups in the community. The Ladies Vocal Ensemble from El Rancho High School performed "Las Mañanitas," a Mexican birthday folk song as the community joined in the chorus of "Happy Birthday." Other performances were provided by the nationally acclaimed North Park Middle School Marching Band, a participant in the 1997 Tournament of Roses Parade, South Ranchito Elementary and El Rancho High School Folklorico Dancers, and the Pico Rivera Football for Youth Donnas. The Colors were presented by my fellow veterans of the Veterans of Foreign Wars Post 7734, led by Commander Joe Perez.

In February, banners emblazoned with the colorful 40th Anniversary logo will be installed on street lights along major city thoroughfares. In March, the City's annual "Youthfest" will tie in its art celebration with the City's 40th birthday. A city-wide tree planting program will be kicked off in April, tying in the anniversary celebration with "Earth Day." Discussions are underway for planning a parade and family festival in May. The July 4th fireworks display will carry the anniversary theme as will the "Concert in the Park" summer series in July and August. Junior and business golf tournaments for charity have been proposed as well as a Hispanic cultural event in October. The 40th Anniversary will conclude with the New Year's Gala entitled "The Next Best 40 Years."

Planning the events is the mayor's Select Anniversary Steering Committee chaired by Ms. Terri Bodadilla. Others on the committee who have dedicated their talents and time are Armando Abrego, Stephen Chavez, Charmaine Garcia, Bea Palomarez, and Gregory Salicido.

Mr. Speaker, I ask my colleagues to join me in honoring Mayor Bea Proo, Mayor Pro Tem Garth Gardner, Council members Pete Ramirez, Carlos Garcia, and Helen O'Hara, the City staff, community leaders and residents on the occasion of the City of Pico Rivera's 40th Anniversary and send our best wishes for its continued success and prosperity.

THE GREAT LAKES-ST. LAWRENCE SEAWAY SYSTEM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. OBERSTAR. Mr. Speaker, today, I am introducing legislation to improve the competitiveness of the Great Lakes-St. Lawrence Seaway system and restore its vitality.

The Great Lakes-St. Lawrence Seaway system is a vital transportation corridor for the United States. The Seaway connects the Great Lakes with the Atlantic Ocean and makes it possible to ship manufactured products from our industrial Midwest directly to overseas markets. Benefits of efficient operations of this transportation route are not limited to the Great Lakes region but extend throughout the United States. Congress recognized the broader impacts and, accordingly, designated the Great Lakes as America's fourth sea coast in 1970.

The Great Lakes region, and international markets, recognized the system's potential, as evidenced by the sharp rise in vessel and cargo traffic through the Seaway immediately after its opening in 1959. Unfortunately, that potential was never fulfilled. The upward trend in cargo traffic peaked around 1977–79. It has since declined in part as a result of a nationwide economic recession that hit the manufacturing sector particularly hard, and in part due to capacity constraints imposed by the Seaway.

Locks on the Seaway and the Great Lakes were built as long ago as 1895. New locks constructed for the Seaway between the mid- and late-1950s as authorized by Congress in 1954 were built to the same size as those completed in 1932. Locks and connecting channels were limited to 27 feet of draft. Because vessel size has grown over time, Seaway facilities were too small on its opening day to service the commercial fleet then in existence. Today, they are capable of accommodating only about 30% of the world's commercial fleet. An undersized Seaway that denies large, specialized, and efficient vessels access to the system will prevent U.S. products, especially those from the Great Lakes region, from competing effectively in the global economy.

In addition to declining traffic, inadequate investment in Seaway infrastructure caused the mix of cargoes shipped through the system to be transformed from one that was diverse to one composed largely of low volume commodities. Although the trend of cargo tonnage through the system turned up once again in 1993, current cargo mix consists of essentially steel coming to the Great Lakes region from abroad, grains going overseas, and iron ore moving from one port to another within the region. Since the late 1980s, industrial manufacturing in the United States has recovered through investment in technology and corporate restructuring. Industrial production is flourishing once more in the Great Lakes region; Midwest economies are booming. Yet, only a small volume of high value finished goods move through the system. The Great Lakes region, therefore, is unable to fully participate in this resurgence of economic strength due to limitations in the Seaway's capacity.

For the past year I have been working closely with interested parties in the Great Lakes maritime transportation community and the infrastructure investment finance sector throughout the United States and Canada to develop a proposal to allow the Seaway to reach its full potential, to guarantee the future viability of the Seaway, and to continue the economic development of the Great Lakes region.

The bill I am introducing today, the Binational Great Lakes-Seaway Enhancement Act of 1998, developed in concert with the Honorable Joe Comuzzi, a dear friend of mine and a member of the Canadian Parliament whose district (Riding) is adjacent to mine, would establish the foundation, create the conditions, and provide the resources to permit the system to achieve its full potential. The bill would authorize the creation of a binational authority to operate and maintain the Seaway. It would also provide for the establishment of a nonfederal credit facility to offer financial and other assistance to the Seaway and Great Lakes maritime communities for transportation-related capital investments.

Specifically, the legislation would establish a binational governmental St. Lawrence Seaway Corporation by combining the existing, separate U.S. and Canadian agencies which operate each country's Seaway facilities. It would require the Corporation's top management to run the Seaway in a business-like manner. It would transfer Seaway employees and the operating authority of Seaway assets to the Corporation. It would provide labor protection for current U.S. Seaway employees, whether or not they transfer to the Corporation. It would offer incentives for employment and pay based on job performance. It would set forth a process for the Corporation to become financially self sufficient. At the same time, it would provide the United States with ample oversight authority over the Corporation.

Through merger of the two national Seaway agencies into a single binational authority, we could eliminate duplication and streamline operations. Improved efficiency would reduce government's cost of operating the Seaway. At the same time, a unified Seaway agency would reduce regulatory burden and help cut the sailing time of ships through the system. This latter efficiency improvement would positively affect the bottom line of Seaway users. All of these efficiencies would make the system a more competitive and viable transportation route for international commerce.

The Great Lakes and the Seaway should be considered as an integrated system in maritime transportation. Improvements to the Seaway infrastructure alone would not be sufficient to deal with the efficiency and competitiveness problems facing the Great Lakes-Seaway system. On the contrary, improvements to the Seaway, for example, could stress the capacity of ports on the Great Lakes. A comprehensive approach is necessary to address the system's investment needs.

My legislation, therefore, would provide for the establishment of a Great Lakes Development Bank. It would outline in broad terms the structure of Bank membership. To insure no taxpayer liability, this legislation would prohibit the United States and the St. Lawrence Seaway Corporation from becoming members of the Bank. It would specify eligible projects for financial and other assistance from the Bank. It would define the forms of such assistance. It would require recipients of Bank assistance, states or provinces in which such recipients are located, contractors for projects financed with Bank assistance, and localities in which such contractors are located to become Bank members to broaden the Bank's membership base. It would establish an initial capitalization level for the Bank, and would provide as U.S. contributions $100 million in direct loan and up to $500 million in loan commitments that could be drawn upon to meet the Bank's credit obligations. It would set interest on U.S. loans to the Bank at rates equal to the current average yield on outstanding Treasury debts of similar maturity plus administrative costs to preclude taxpayer subsidy to the Bank. It would allow the United States to call loans to the Bank if the Bank is not complying with the objectives of this legislation and would provide specific limitations on United States' liability to protect our interests.

Mr. Speaker, my legislation is intended to make the Great Lakes-Seaway system a more efficient, competitive, and viable transportation route. Such a system will enable our manufacturers to bring their goods to the world market at reduced cost, making their products more competitive in the global economy. This is a sensible bill; it is a good-government bill. We should all support it. I will be sending out a Dear Colleague letter seeking co-sponsors for the bill. I hope Members will offer their support and join me in moving this legislation forward. This proposal should be enacted this year.

THE MIDDLE CLASS TAX RELIEF ACT OF 1998 AND THE TAXPAYER CHOICE ACT OF 1998

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. THUNE. Mr. Speaker, in 1994, the American public spoke loudly and clearly about their dissatisfaction with the direction Washington was headed. Their voice came in the form of an historic change of control in both the House and Senate from the Democratic, to the Republic Party. It was that election that brought the President to proclaim in his State of the Union in 1995 that the era of big government was over. But for how long?

It seems clear here in 1998 that he would like to bring that era back. In his State of the Union address, the President outlined his policy goals. Now that his budget is out, we know his ideas translate into some $150 billion in new Washington spending. Most of us can agree with his goals. They include important priorities like caring for and educating our children, to providing health care for an aging population. These are important issues. On that we all agree.

However, the differences are clear in trying to determine how best to achieve those goals—particularly in the context of a potential revenue surplus. The President's programs mark an incredibly expansive reach by the federal government into the lives of Americans. At the same time, he seems remarkably inconsistent as he refers to reserving a potential surplus for Social Security, while on the other hand talking about increasing the size and reach of government by $150 billion in new Washington spending and bigger government. While I agree Congress must begin to restore the Social Security Trust Fund, the juxtaposition of saving and spending sends mixed signals to me and to the American public.

I believe there is a responsible public policy approach to dealing with any potential surplus. Accordingly, I am cosponsoring Congressman MARK NEUMANN's H.R. 2191, the National Debt Repayment Act, which is consistent with a number of important policy objectives. The Neumann legislation would apportion any potential surplus in three ways. First, it would allocate two thirds of any surplus to paying off debt and restoring the various federal trust funds—including Social Security, transportation and environmental trust funds. The final third would go toward reducing taxes on hard working Americans.

H.R. 2191 further puts into place a systematic plan to completely retire our $5.5 trillion debt over the next 30 years. The plan establishes that spending be 1 percent less than the government collects in revenue every year and applying that 1 percent surplus to paying down debt. Assuming moderate economic growth rates, we can be completely debt free by 2026. In addition to winning the war on drugs, that would be the most important thing we could do for our children and grandchildren. Paying down the debt also would free up the nearly $250 billion Congress appropriates every year just to pay interest on our $5.5 trillion debt.

Moreover, the National Debt Repayment Act would allow us to actually give something back to the taxpayers of this country. After all, it is their money.

The plan certainly seems reasonable. If the President is able to build $150 billion in new Washington spending into his budget, it would necessarily follow that Congress and the President could give that money back to the taxpayers. The best solution to helping working families deal with tough issues like child care is to let them keep more of what they earn, and allow them to choose how to address this important need. The President's proposal tends toward employing Uncle Sam as your children's nanny. His plan would have Washington determine which children and which child care providers receive Washington's assistance. Who would you rather have raising your kids, the federal government or the American family? The answer seems easy to me.

If you give some inside the Beltway long enough, they try to create a risk free society. They would have the government guarantee child care, education, health care, jobs, income, retirement, and big screen televisions. But the cost will be high. There will be a corresponding decrease in freedom and more and more taxes to pay for all that so-called security.

There is a better way, and that is to say to the people of this country: We trust your judgement. We believe you are capable of caring for your children and making good decisions about their future. We believe that as a matter of principle, America is infinitely better off when families are making decisions rather than bureaucrats. In the same way we believe that America is infinitely better off when parents are teaching values rather than bureaucrats.

The president was clear in his State of the Union address how he feels about tax relief. He wants relief targeted. I find that troubling. Why? Because targeted tax relief creates winners and losers. Every tax break he mentioned is targeted. However, we should strive toward a more perfect union by looking for ways to allow all Americans—irrespective of marital status, age, or heritage—to participate in the benefits of the greater freedom that comes with lower taxes. We should strive to make all taxpayers equal under the law.

Furthermore, we should take a consistent approach to making the tax code simpler. Too many relief proposals further complicate the tax code. Such efforts do not take us down the road toward making government less intrusive and more user friendly.

For these reasons, I am proud my friend from Washington, Congresswoman JENNIFER DUNN, has joined me in introducing two pieces of tax relief legislation that I believe will serve as alternatives to the new Washington spending in the President's budget. At the same time, these bills are consistent with the dual goals of distributing tax relief in a broad and even fashion, while not adding to an inordinately complicated tax code.

Both Democrats and Republicans in Congress that sincerely want to lower the tax burden on working families should be 100 percent behind these two bills. The bills do not target behavior and do not contain gimmickry or loopholes. The bills represent plain and simple common sense. The first bill addresses the issue of bracket creep by allowing working Americans to make more money before they fall into the higher tax bracket. It lowers taxes by raising the income threshold at which the 28 percent tax bracket would apply. Simply put, more income of working Americans would be subject to the 15 percent tax bracket rather than the much higher 28 percent bracket.

This legislation would help Americans who are achieving success and, as a consequence, have graduated from the 15 percent tax bracket to the higher 28 percent tax bracket. Due to bracket creep, 28 cents of each additional dollar they earn now goes to the federal government. Talk about a disincentive to improving your lot in life. Under our legislation, many of these hard working people will have an incentive to continue to be hard working people. How? They would be liberated from the higher tax rate on each additional dollar they earn. The real beauty is the legislation gives no preference based on status, marital or otherwise. Presently, the higher 28 percent tax rate begins to apply to a single person making more than $25,350. Our legislation would raise that threshold to $35,000. For heads of household, the 28 percent rate starts at $33,950. We would raise that to $52,600. For married couples, the 28 percent rate starts at $42,350. We would raise it to $70,000.

According to the Tax Foundation, over 29,000,000 filers would see their taxes lowered under this proposal, with the average savings of approximately $1,200 per filer. Over 10 million filers would move out of the 28 percent bracket to the 15 bracket. Again, this initiative represents an infinitely better approach to assisting families with their child care needs than the discriminatory Washington-knows-best approach embodied in the President's plan. A $1,200 tax cut could pay for sixteen weeks of child care, four car payments, up to three months of housing bills, or fourteen weeks of grocery bills. That is real help for working families.

The Taxpayer Choice Act would raise the personal exemption from $2,700 to $3,400. Again, this simple change would reduce taxable income by $700 and allow them the freedom to choose how best to use the benefit of their tax reduction. This legislation would deliver broad based relief to taxpayers in the lower and middle income ranges.

This change is straightforward and easy to calculate. For someone in the 15 percent tax bracket, the benefit would result in an estimated savings of $100, or for a family of four, $400. That reduction gives taxpayers a choice of spending on what is the approximate equivalent of five weeks of child care, a car payment, housing payment, or five weeks of grocery bills. That's real relief and those are real life choices. For someone in the 28 percent tax bracket, that's $200 per individual, or $800 per family of four. That return could be used for ten weeks of child care, almost ten weeks of grocery bills, three car payments of a couple of housing payments. As is true today, the deduction would phase out for wage earners whose incomes exceed $124,500.

Let me reiterate an important point. We agree with the president that working families in America need relief. However, the President has mistakenly interpreted that need as a request for more Washington spending. We, on the other hand, know that what working families are really asking for is not more federal government, but relief from more federal government.

American families, we have heard you. We agree with you that your family should not have to sacrifice one more dime of your hard earned money to build new government bureaucracies that will further undermine your ability to care for yourself and your family. We will stand with you. The bills we have introduced today make it abundantly clear that no surplus government revenues should go to more government in Washington. Rather, they should go into your pocket. That's common sense government.

The legislation I introduced today should also fit nicely with what I believe ought to be a reality before the turn of the century, and that is a new tax code that is simple and fair. Americans waste too much time and money filling out tax returns. It is a dream for lobbyists, lawyers, and tax preparers. It is a nightmare for the American taxpayer. Ultimately, the only way to get real reform is to kill the beast and start over. Every time Congress starts chipping around the edges like we did last summer, we make the code more complicated. We now have some 480 different forms, 6,000 pages, and 34 and one half pounds. It is time to say, "Enough already."

Reform will not be easy. There is tremendous internal resistance to changing the status quo. But it must be done. Some certified public accountants from South Dakota were in my office last week and they agreed. That profession probably is in the best position to benefit from the complexity of the code, and they agree that the current code is an abomination.

The two bills I have introduced today are consistent with a simpler, fairer approach to the tax code. At the same time, I hope these bills would begin the discussion about replacing the code with a view of taxation that invites all Americans to participate in the benefits of a growing economy that will spur investment and create jobs by limiting taxes and minimizing the burden of tax compliance.

These are our goals, and I look forward to working with this Congress to making them become a reality. To that end, I ask for your support of this legislation.

TRIBUTE TO THE 1997 DELPHOS ST. JOHN'S HIGH SCHOOL FOOTBALL TEAM ON WINNING THE OHIO DIVISION VI FOOTBALL CHAMPIONSHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from Ohio's Fifth Congressional District. This past fall, the Delphos St. John's High School football team completed a truly memorable season by winning the Ohio High School Athletic Association Division VI State Championship.

The 1997 Delphos St. John's High School football team demonstrated that, with a great deal of hard work, dedication to the task at hand, and with a strong sense of commitment, you can realize your dreams and make them come true.

The Delphos St. John's football team achieved more this past year than any other football team in the school's history by winning its first ever State Football Championship. The Blue Jays football team capped off a perfect 14–0 season by defeating second-ranked Norwalk St. Paul 42–28 in the Division VI state championship game.

Under the guidance of Head Coach Vic Whiting, the Blue Jays realized a life-long dream, through a great deal of hard-fought success. Their willingness to sacrifice for each other, to find the extra energy needed to produce a champion is a true testament to the unwavering loyalty that each player has for the team. The unselfish attitude of the Delphos St. John's Blue Jays is certainly a good example of what can be accomplished when people work together for a common goal.

Mr. Speaker, I would like to congratulate Coach Vic Whiting and the 1997 Division VI State Champions, the Delphos St. John's High School Blue Jays. I would urge all of my colleagues to join me in paying special tribute to an outstanding team.

TRIBUTE TO JUDGE WALTER JONES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Judge Walter Jones of the Sixth Congressional District of South Carolina. Judge Jones has been the Columbia Magistrate since 1976. It is on the occasion of his retirement that we pay tribute to his 22 years of tireless involvement in the community surrounding the Capitol city of South Carolina.

Judge Jones is a champion of community involvement. His community service includes membership on the Financial Board of Sickle Cell Anemia, the Board of Judicial Standards, the United Way Board and Board of Directors of the Boys Clubs of Greater Columbia. He is also Treasurer of a Pop Warner Football League and past President of Logan and Withers Elementary School P.T.A. Through his involvement with these various organizations, Judge Jones has emerged as a role model for the community at large. Judge Jones can be heard sharing these words of wisdom with young and old alike: "You can be anything that you want to be."

Judge Jones is currently an active member of Bethlehem Baptist Church. He is a member of Bethleham's Board of Trustees and has served for several years as it's Chairman. His favorite Bible scripture is John 3:16 "For God so loved the world that he gave his only begotten son. That whosoever believeth in him should not perish, but have everlasting life."

Judge Jones was born in Eufaula, Alabama. He has attended several institutions of higher learning which include: Texas Central State College, University of Maryland, the National Judicial College, University of Nevada, and American Academy of Judicial Education.

After serving twenty years in the United States Army he retired and settled in Columbia, South Carolina. He is married to Janet Ann Sims, Jones. They are the parents of Walter, Jr., Maurice, Jeannie, and Donna and they have two grandchildren, Christopher and Joseph Gilbert.

Mr. Speaker, I commend Judge Jones for his community involvement and support throughout the years, and I ask you to join with me in extending best wishes to him for a fulfilling retirement.

WELCOMING SENEGAL TO LOUISIANA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BAKER. Mr. Speaker, I am honored to have the opportunity to extend a warm welcome to Paul Ndong, Mayor of Joal-Fadiouth, Senegal, West Africa, and his delegation as they visit their sister city, Baker, Louisiana.

Sharing similar traits such as their French heritage, seaside ports and a love for life, Louisiana and Senegal have several things in common. So, it is only natural that the town of Joal-Fadiouth and the town of Baker should select each other to be sister cities. As a result of a visit from Baker Mayor Bobby Simpson to Senegal last year, the mayor of Joal-Fadiouth, Mayor Paul Ndong, will visit Baker, Louisiana, this week and complete the ceremonial bridge that will formally unite these two cities. I am excited about this newly forged friendship and look forward to the promising partnership which stands to grow.

As these two cities continue to cultivate their friendships, I am confident that residents of both Baker and Joal-Fadiouth will gain a deeper appreciation and understanding of each other's culture and identities. Through education, scientific, economic development and cultural exchanges, the citizens of both of these cities have the tremendous opportunity to learn more about another country through exciting and interactive means. These real, hands-on experiences will bridge the geographical gap between Baker and Joal-

Fadiouth and bring a land which was at once both foreign and distant, closer to home.

So, as Mayor Paul Ndong travels through Baker, I wish him the warmest welcome and hope that he enjoys and learns much from his stay. And in the tradition of our shared French heritage, I would like to say soyez les bienvenus à la Louisiana—faites comme chez vous.

TRIBUTE TO CHARLES WOODSON ON WINNING THE 1997 HEISMAN TROPHY AWARD

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILLMOR. Mr. Speaker, it is with a great deal of pleasure that I rise today to pay special tribute to an outstanding gentleman from Ohio's Fifth Congressional District, Mr. Charles Woodson. Charles is the recipient of the 1997 Heisman Trophy, given each year by the Downtown Athletic Club to college football's most outstanding player.

Charles Woodson, who led the University of Michigan Wolverine Football Team to a perfect 12–0 record this past year, and the school's first National Football Championship in almost 50 years, is the first and only defensive football player ever to win the Heisman Trophy.

Charles Woodson, whose hometown is Fremont, Ohio in Sandusky County, broke quite a few Buckeye hearts when he chose to play football at Michigan instead of The Ohio State University. In fact, in arguably one of his finest performances of the year, Charles nearly single-handedly defeated the Buckeyes in Michigan's 20–14 victory.

Charles Woodson's success, both on and off the field, is a demonstration to all of us that hard work, determination, and commitment to excellence can truly have an impact on our lives. He is a prime example that good deeds are rewarded.

Not only by becoming the first and only defensive football player to win the Heisman trophy, but with his positive attitude and strong work ethic, Charles Woodson is helping to redefine how college football players are judged.

Mr. Speaker, Charles Woodson is a truly gifted athlete, a team player, and a good person. I would urge my colleagues to join me today in recognizing the 1997 Heisman Trophy winner, from Fremont, Ohio, Mr. Charles Woodson.

IN HONOR OF THE DEDICATION CEREMONY OF "THE MONTEBELLO SENIOR CITIZEN CENTER ALEX ESQUIVEL COMPLEX"

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. TORRES. Mr. Speaker, I rise to recognize the dedication of the City of Montebello's Senior Citizen Center Alex Esquivel Complex. The Complex has been named after Mr. Alex Esquivel in recognition of his tireless and heartfelt dedication to the City of Montebello and its residents.

Today, the City of Montebello will host a special dedication ceremony in tribute to Alex for his over 30 years of caring service to the residents of Montebello, as an employee and resident of Montebello. To many in Montebello, Alex is known for doing the impossible in his relentless effort to assist those in need of shelter, food, counsel, or simply friendship.

Throughout his years with the City of Montebello, Alex has founded and sponsored countless programs for youth and seniors. Among the programs he has sponsored or founded in Montebello include: the Summer Youth Employment Program; Montebello Ponytail Softball Association; Azteca Head Start Preschool Program; Montebello Co-Ed Softball League; Association of Foster Parents; Girls Basketball League; Montebello Baseball Association; Boy Scouts of America; Girl Scouts of America; Careers for Older Americans; American Red Cross; American Legion Post #272; Lions Club; Rotary Club; Optimist Club; Soroptimist Club; Kiwanis Club; Ensenada Sister City Association; Senior Citizens Affairs Committee; juvenile diversion programs; family counseling; individual and group counseling; nutrition programs; and domestic violence programs.

For his years of exemplary service in the community he has received the City of Montebello's Career Contribution Award, he has served as the Grand Marshall of the Montebello Royale Parade, named the American Legion Man of the Year and the Montebello Boy Scouts of America Good Scout of the Year, and he has received the Lifetime Achievement Award from the Alumni Association of the University of Mexico City.

On Friday, January 30, 1998, Alex Esquivel celebrated his 71st birthday. He resides in Montebello with his wife Rachel. They have four sons, Alex Jr., Ted, Robert, David and 10 grandchildren. He is a veteran of the Korean Conflict, former middleweight boxing champion, and the first American of Mexican descent drafted by the National Football League, having played for the Baltimore Colts.

Mr. Speaker, I ask my colleagues to join me in saluting Mr. Alex Esquivel, one of our nation's true heroes, for his lifetime of service to our country, his community and his neighbors as the City of Montebello dedicates the Montebello Senior Citizen Center Alex Esquivel Complex.

TRIBUTE TO THE SENECA COUNTY PORK PRODUCERS ASSOCIATION ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILLMOR. Mr. Speaker, it is with a great deal of pleasure that I rise today to pay special tribute to an outstanding community organization from Ohio's Fifth Congressional District. On Sunday, February 1, 1998, the Seneca County Pork Producers Association will be celebrating its 50th Anniversary.

During all of its 50-year history, the Seneca County Pork Producers has demonstrated the highest commitment to the profession of farming, the agriculture industry, and to the community and residents of the Seneca County area.

As a resident of Old Fort, Ohio, in Seneca County, I have come to know the various members and leaders of the Seneca County Pork Producers. Those individuals are my friends, neighbors, and colleagues. They are always willing to lend a hand to folks who are in need, and give selflessly to the entire community.

It is an outstanding achievement that, after 50 years of dedication, the Seneca County Pork Producers continue to look into the future with a tremendous amount of enthusiasm to what is sure to be another half century of success. By keeping pace with the improvements and overall changes in their profession, the Pork Producers have maintained the highest sense of responsibility to its members, and to the surrounding area.

Mr. Speaker, I urge my colleagues to join me in paying tribute to 50 years of achievement of the Seneca County Pork Producers, and in wishing them much success in the coming years.

TRIBUTE TO BRIGGS V. ELLIOTT PLAINTIFFS, CLARENDON COUNTY, SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. CLYBURN. Mr. Speaker, I ask you to join me during Black History month to honor a group of genuine American heroes. I rise to pay tribute to the original plaintiffs of *Briggs* v. *Elliott*. The heroism of these 20 individuals has changed both our country's past and future in a positive way.

While many have studied the landmark case of *Brown* v. *Board of Education of Topeka*, few have heard the story of the individuals who questioned the status quo in a small South Carolina county. Beginning in 1947 with a community's desire to provide bus transportation for African American children who were then walking to school, these individuals and their supporters embarked on a journey that would change the texts of history books forever.

In 1949, 107 Clarendon County citizens signed a petition to the local school board that pushed beyond the transportation issue and asked for equal education for African American children. After both denials and refusals to act from the local school board, twenty of those courageous signers went on to become plaintiffs in *Briggs* v. *Elliott* in 1950. These petitioners risked their well being, many lost jobs and some were forced to move away from their families because they dared to take a stand against the "separate but equal" doctrine in the south.

The South Carolina District Court ruled against the petitioners by denying their plea for desegregation of the schools in 1951. After a second negative hearing in 1952, *Briggs* v. *Elliott* found its way from Clarendon County, South Carolina to the United States Supreme Court. Upon being placed on the Supreme Court's calendar, *Briggs* v. *Elliott* was not alone. There were four other desegregation cases from Kansas, Virginia, Delaware and the District of Columbia. The Court ended 1952 with a split decision on the five cases that became known as *Brown* v. *Board of Education of Topeka*.

Late in 1953, the Supreme Court convened to hear final rearguments in *Brown* v. *Board of Education of Topeka*. By early 1954, the Court had written a final opinion. On May 17 at 12:52 p.m., Chief Justice Warren announced that the court had reversed the "separate but equal" doctrine by ruling unanimously that segregated schools were unconstitutional. The opinion reads in part, "We conclude that in the field of public education the doctrine of 'separate but equal' has no place." Warren went on to say, "Therefore, we hold that the plaintiffs . . . deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."

Although the early political wars surrounding *Briggs* v. *Elliott* were lost, these 20 plaintiffs were the foundation on which the case of *Brown* v. *Board of Education of Topeka* was based to eventually win the battle of public, desegregated education in our nation.

Mr. Speaker, I ask you and my colleagues to join with me and pay tribute to the 20 plaintiffs in *Briggs* v. *Elliott* who are indeed American heroes.

Harry Briggs, Anne Gibson, Mose Oliver, Bennie Parson, Edward Ragin, William Ragin, Luchrisher Richardson, Lee Richardson, James H. Bennett, and Mary Oliver.

Willie M. Stukes, G. H. Henry, Robert Georgia, Rebecca Richburg, Gabrial Tyndal, Susan Lawson, Frederick Oliver, Onetha Bennett, Hazel Ragin, and Henry Scott.

SAFE FOOD ACTION PLAN ACT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Ms. STABENOW. Mr. Speaker, today I introduced the Safe Food Action Plan Act, a bill that will set a national priority for food safety by focusing on prevention and rapid response. The Safe Food Action Plan has been built upon the four pillars of research, consumer education, technology transfer programs, and a federal Rapid Response Team.

I am proud of our Nation's reputation for providing its citizens with the safest food supply in the world. The high standard set by our country is the product of the combined efforts of our agricultural community, researchers and scientists, processors, consumer educators, the business community, state and local governments, and federal regulators. The Safe Food Action Plan recognizes that it is only through this kind of teamwork, from farm to table, that we can continue to guarantee families the food they feed their children is safe.

I am pleased to introduce a bill that represents not only the direction I think this country needs, to guarantee the safety of its food, but the plan the experts believe should be pursued. While drafting the Safe Food Action Plan, I enlisted the help of the food safety community and created the Food Safety Advisory Committee. Membership of the Advisory Committee included scientists and researchers, educators, producers, processors, public health officials, and technology companies. I am especially grateful to the National Food Safety and Toxicology Center at Michigan State University, and its director, Dr. Robert Hollingworth, for hosting the Advisory Committee meetings.

One change identified by the Advisory Committee as being critical for food safety, is the ability for the Secretary of Agriculture to promote multi-disciplinary and integrated research. The science of food safety is a complex pursuit and research institutions need to work together to solve life-threatening problems. The Safe Food Action Plan encourages this type of integrated research at USDA.

The Safe Food Action Plan redirects existing resources at the Department of Agriculture to focus on initiatives that focus on food safety. I was surprised to discover that food safety is not already listed as a priority for such programs as the Fund for Rural America, nor is it listed as a priority for research and consumer education programs funded through Research, Education, and Extension. The Safe Food Action Plan closes the gaps and makes food safety an important component of these programs.

Technology is an important weapon in the war against pathogens. The Safe Food Action Plan amends the Cooperative Research and Development program at USDA (CRADA) to include food safety technology as a priority. In the CRADA program, USDA conducts high risk research that might not be undertaken by private industry but which is needed for the public good. Once the technology is developed, the USDA enters into partnerships with business to bring the ground-breaking research to the market. A wonderful example of cutting-edge food safety technology is the rapid E. coli test developed by the Neogen company, located in my district in Lansing, Michigan. By highlighting food safety as a priority, the Safe Food Action Plan guarantees that the latest and best technology will be available for our nation in defense of public health.

While most of the Safe Food Action Plan focuses on prevention, we all understand that food emergencies may still happen and the government must be prepared. The Safe Food Action Plan creates a federal Rapid Response Team that will be ready to strike when public health is in danger. Rather than adding a layer of bureaucracy, the Safe Food Action Plan focuses existing resources within the federal government toward the combined efforts of the Rapid Response Team. Using the Federal Emergency Management Agency as a model, the Safe Food Action Plan instructs the Secretary of Agriculture to integrate his emergency response plan with the efforts of other agencies in developing the Food Safety Rapid Response Team.

Finally, Mr. Speaker, I would like to take this opportunity to make a technical clarification. After submitting a very similar bill last week, I discovered that the name of my bill was almost identical to one introduced last year by my colleague, VIC FAZIO. Out of courtesy to my colleague and to avoid confusion regarding our bills I am reintroducing my bill with its official short title today. In future debates and deliberations, please refer to my bill by its new title, the Safe Food Action Plan.

TRIBUTE TO THE 1997 LIBERTY CENTER FOOTBALL TEAM ON WINNING THE OHIO DIVISION V FOOTBALL CHAMPIONSHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from Ohio's Fifth Congressional District. This past fall, the Liberty Center High School football team completed a truly memorable season by winning the Ohio High School Athletic Association Division V State Championship.

The 1997 Liberty Center High School football team demonstrated that, with a great deal of hard work, with dedication to the task at hand, and with a strong sense of commitment, you can realize your dreams and make them come true.

The Liberty Center football team achieved more this past year than any other football team in the school's history by winning its first ever State Football Championship. The Tiger Football Team capped off a perfect 14–0 season by easily defeating Amanda Clearcreek in the Division V state championship game held in Massillon, Ohio. The 49-8 victory is the culmination of an effort that started four years ago, when, unfortunately, Liberty Center lost in the title game.

Under the guidance and leadership of Head Coach Rex Lingruen, the Tigers realized a lifelong dream, through a great deal of hard-fought success. As a result of the team's unwavering loyalty for each other, the dedication and commitment to Coach Lingruen, and the enthusiasm they have for the game of football, the 1997 season ended in victory. The unselfish attitude of the Liberty Center Tigers is certainly a good example of what can be accomplished when people work together for a common goal.

Mr. Speaker, I would like to congratulate Coach Rex Lingruen and the 1997 Division V State Football Champions, the Liberty Center High School Tigers. I would urge all of my colleagues to join me in paying special tribute to an outstanding team.

TRIBUTE TO MACK WILLIE RHODES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a pillar in our community, Mr.

Mack Willie Rhodes of Sumter, South Carolina.

Mr. Rhodes has offered tireless assistance to his community for many years. He spends valuable time visiting the sick and continually offers assistance to his neighbors, friends, and family.

Mr. Rhodes became a member of Melina Presbyterian Church in 1915 and is now their oldest member. He currently serves as an Elder in his church and was a Sunday School Superintendent for many years. He also taught Sunday school at the Goodwill Presbyterian Church. Aside from his church membership, he has been a member of Masonic Lodge Golden Gate No. 73 since 1948.

Mr. Rhodes was born in Sardinia, South Carolina, on February 25, 1898, to Robert and Adranna Olivia Williams Rhodes. Mr. Rhodes is the second oldest of 15 children. Family, good values, and good living are Mr. Rhodes' most cherished possessions. At an early age he married Annie Elizabeth Rhodes (deceased). They had 14 children—Calvin Oliver Rhodes, John Tillman Rhodes, Adranna Oliver Cooper, Susanna H. Hannibal, Annie Elizabeth Muldrow, Hattie Jane Burgess, Mack Willie Rhodes, Sam J. Rhodes, Daisy B. Sims, Willie Rhodes, Albert Rhodes, Viola Rhodes Montgomery, MacArthur Rhodes, and Paul Rhodes. Mr. Rhodes later married Ms. Carrie Smith Rhodes (deceased), who brought two children to his union—Maggie and Johnny Smith. He proudly carries the title of great great-grandfather and is affectionately addressed as "Papa" by his eight surviving children, 36 surviving grandchildren, 39 surviving great-grandchildren and 10 surviving great great-grandchildren. Mr. Rhodes' favorite past time is reading the Bible. His favorite Bible scripture is the 23rd Chapter of Psalms. Mr. Rhodes lives by a motto, "Treat others as you would have them to treat you."

On Saturday, February 14, 1998, family and friends will gather in celebration of Mr. Rhodes 100th birthday. Please join me in wishing Mr. Mack Willie Rhodes a prosperous and happy birthday. Mr. Rhodes is truly a living example of the American spirit that our country's flag represents.

TRIBUTE TO THE 1997 DEFIANCE HIGH SCHOOL FOOTBALL TEAM ON WINNING THE OHIO DIVISION II FOOTBALL CHAMPIONSHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from Ohio's Fifth Congressional District. This past fall, the Defiance High School Football Team completed a truly memorable season by winning the Ohio High School Athletic Association Division II State Championship.

The 1997 Defiance High School Bulldog Football Team demonstrated that, with a great deal of hard work, dedication to the task at hand and to each other, and a strong sense of commitment, you can realize your dreams and make them come true.

The Defiance Football Team achieved more this past year than any other football team in the school's history by winning its first ever State Football Championship. The Bulldog Football Team capped off a perfect 14–0 season by defeating Uniontown Lake in the Division II state championship game held in Massillon, Ohio.

Under the guidance of Head Coach Jerry Buti, the Bulldogs realized a life-long dream through a great deal of hard-fought success. Their willingness to sacrifice for each other, to dig deep within themselves to find the extra energy needed to produce a champion is a true testament to the unwavering loyalty that each player has for the team. The unselfish attitude of the Defiance Bulldogs is certainly a good example of what can be accomplished when people work together for a common goal.

Mr. Speaker, I would like to congratulate Coach Jerry Buti and the 1997 Division II State Champions, the Defiance High School Bulldogs. I would urge all of my colleagues to join me in paying special tribute to an outstanding team.

SENATE—*Wednesday, February 4, 1998*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, our desire to pray is a result of Your greater desire to love us, guide us, and strengthen us. Prayer is Your idea, implanted in our minds because You want to communicate Your vision to us. We praise You for Your providential care for this Nation. You have chosen to work through the women and men of this Senate to accomplish Your very best for the United States. No matter is too small to escape Your concern, nor too complex to resist Your solutions. When we respond to Your invitation to prayer, unlimited intelligence and indefatigable courage are given to us. We find answers beyond our human skill and experience an openness to work together in unity beyond our human competitiveness and combative party spirit. Here we are, Father; our minds snap to attention and our hearts salute You as Sovereign. May our communication with You provide us with supernatural briefing all through this day. Through our Lord and Saviour. Amen.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT, from Mississippi is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business today until 10:30 a.m. Under a previous order, the Senate then will resume consideration of S. 1575, legislation renaming National Airport after former President Ronald Reagan. Under this consent that was entered into yesterday, there will be 4 minutes equally divided in the usual form before each vote on the remaining four amendments in order to S. 1575—amendment No. 1643 offered by Senator ROBB, amendment No. 1641 offered by Senator DODD, amendment No. 1640 offered by Senator REID, and amendment No. 1642 offered by Senator DASCHLE—with a vote on final passage of S. 1575 following those votes.

I guess it is possible still that there may be some change, some agreement on one of these amendments, at least where a recorded vote might not be necessary. But at this point we expect four votes on amendments and final passage beginning at 10:30.

After that, the Senate will begin debate on the nomination of David Satcher to be Surgeon General. We do not know exactly how long will be needed for that debate, but at least the balance of the afternoon is anticipated, and it could actually go over until tomorrow. Senators will be notified if there are going to be additional votes today. There could be a vote on the Satcher nomination late this afternoon if we complete the debate and Senators are ready to vote; otherwise, it is anticipated the vote would then occur on the Satcher nomination tomorrow.

We will consult with Senators about legislation that may come up tomorrow. We have a number of issues we are still working on, and we will make that announcement late this afternoon.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to exceed beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT—AMENDMENT NO. 1640

Mr. REID. Mr. President, we will shortly be called upon to vote on an amendment that I offered yesterday with Senator TORRICELLI to change the name of the J. Edgar Hoover FBI Building, in effect to take his name off the building and have it referred to as the FBI Building.

That underlying amendment is really about how we honor those who undertake the profession of public service. The amendment is about those who serve the public and also contrasting that with those who abused its trust and violated the rights of thousands of public and private citizens.

Mr. President, we dishonor our undisputed reputation as the greatest defender of civil liberties in the world by maintaining the name of J. Edgar Hoover on the FBI's headquarters. This amendment will remove one of the last vestiges of McCarthyism still on display in Washington.

Yesterday, Mr. President, I talked about some of the things that he did. I talked about some of the people he abused, such as Joe Louis.

Today, I am going to talk about a few more people whose civil rights he violated. Irving Berlin, the man who wrote "God Bless America," and "White Christmas" and hundreds of other songs, was a person that J. Edgar Hoover investigated endlessly for years. Irving Berlin did not die until he was 101 years old, but he was investigated by J. Edgar Hoover for most of his life.

He conducted surveillance on Albert Einstein, Wernher Von Braun, Vice President Hubert Humphrey, Marilyn Monroe, Clark Gable, Rock Hudson, Elvis Presley, Senator John Tower, Cesar Chavez.

Mr. President, in Chavez's case, the FBI seemed omnipresent, tuning in to the Reverend Jesse Jackson's radio broadcasts dealing with Cesar Chavez when Jesse Jackson was simply appealing for support for the farm workers. Chavez created so much concern by J. Edgar Hoover that they had many FBI agents keeping tabs on a Valentine's Day dance at Grand Rapids Junior College in Michigan where there was literature being distributed about a grape boycott. He even had investigators following people who were on a 12-man march dealing with the grape boycott.

We simply do not honor the historical record of this country by maintaining this man's name on Bureau headquarters.

Mr. President, in a biography that I talked about yesterday, written by Curt Gentry, which he spent 10 years writing, Gentry says that Hoover used his FBI files to advance the careers of numerous politicians he liked, including President Nixon, and against those he did not like, including the Kennedys, Estes Kefauver and Adlai Stevenson.

Gentry further said that extensive records were maintained on the suspected amorous adventures of President Kennedy. And Hoover ordered the bugging of the entire Justice Department during Bobby Kennedy's tenure as Attorney General. Gentry isn't saying that he maintained wiretaps of various places in the Justice Department, but everything was wiretapped in the Justice Department.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

So the list is endless of people who this man thought was suspicious. There is no question in my mind that he is the greatest violator of human rights during this century in this country. That says a lot. I hope that my colleagues will remove from that building something that is and should be an embarrassment to all people who believe in human rights.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I want to rise today to introduce the Survivors of Torture Support Act and to ask my colleagues for their support, and I send the bill to the desk.

The PRESIDING OFFICER. The bill will be received and referred to the appropriate committee.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1603 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1575, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

The Senate resumed consideration of the bill.

Pending:

Reid Amendment No. 1640, to redesignate the J. Edgar Hoover FBI Building in Washington, District of Columbia, as the "Federal Bureau of Investigation Building".

Dodd Amendment No. 1641, to establish a Federal Facilities Redesignation Advisory Group to consider and make recommendations for the renaming of existing Federal facilities.

Daschle Amendment No. 1642, to require the approval by the Metropolitan Washington Airports Authority of the renaming of Washington National Airport as the Ronald Reagan National Airport.

Robb Amendment No. 1643, to provide an orderly process for the renaming of existing Federal facilities.

AMENDMENT NO. 1643

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided in the usual form on amendment No. 1643 offered by the Senator from Virginia, (Mr. ROBB).

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia, (Mr. COVERDELL), is recognized.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment. My remarks were made last night. In essence, the amendment by my distinguished colleague from Virginia vitiates or makes moot the entire effort of the bill. His amendment has the effect of nullifying what we have been endeavoring to do throughout the week.

I might take another second to say that several of these amendments that have been offered—and I see the Senator from Nevada here—have considerable merit and substance. The problem is that we have used the week in a very inefficient way. I have been up very late last evening and early this morning endeavoring to resolve this matter and deal with some of these amendments that don't nullify the legislation, but there is not time now to deal with this effectively with the House and meet the attempt to have this occur on the President's birthday. So the week has cost us the ability to resolve some of the other issues. In any event, I would have been opposed to the amendment offered by the good Senator from Virginia.

I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia, Mr. ROBB, is recognized.

Mr. ROBB. Mr. President, I suggest that the lack of time is part of the problem that we are dealing with here, as just alluded to by the distinguished Senator from Georgia. This is not the right way to do what we propose to do, even if that is our objective.

This amendment, crafted by the minority leader's office, would simply provide a procedure whereby there would be input from the local jurisdictions. The problem right now is that this bill was introduced, held at the desk, and there were no committee hearings, no committee votes, no public hearings on the matter. We have heard from countless people who have a local interest. Those jurisdictions—Alexandria, Arlington, Washington Metropolitan Airports Authority, Greater Washington Board of Trade—are against it. Normally, even in judgeships we give the local Senators input on whether the judge who would be sitting in their particular jurisdiction ought to go forward without some additional debate. You do not have the support of either of the local Senators or the local Members of Congress on this. I normally don't suggest this is scientific or pay that much attention to sheer numbers, but the calls are overwhelmingly against proceeding with this. This sets up a procedure so that we can consider it in an appropriate manner.

With that, I think my two minutes are about up. I ask for the support of this amendment. Senator DASCHLE has an amendment that is even more precise and specific, if we want to deal with this issue in a very short period of time. But the problem is the lack of time to thoughtfully consider the implications for the renaming, as well as for all of the local jurisdictions concerned.

With that, I yield whatever time I have remaining.

Mr. COVERDELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Georgia has approximately 35 seconds.

Mr. COVERDELL. Mr. President, I just say that I think there has been sufficient time to consider a very uncomplicated issue here, renaming the airport Ronald Reagan Washington National Airport.

As I said to the Senator last evening, the Governor of his State does support this. This is not the Alexandria airport; this is a national airport.

I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on amendment No. 1643, offered by the Senator from Virginia, Mr. ROBB. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—35

Akaka
Baucus
Biden
Bingaman
Bryan
Bumpers
Cleland
Conrad
Daschle
Dorgan
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Sarbanes
Torricelli
Wellstone

NAYS—63

Abraham
Allard
Ashcroft
Bennett
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm

Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NOT VOTING—2

Coats
Moynihan

The amendment (No. 1643) was rejected.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, there will now be——

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1641, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent to send a modification of my amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modification is as follows:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, a commission consisting of the Architect of the Capitol and of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided for each side on the amendment as modified.

Mr. DODD. Mr. President, let me, first of all, say to my colleagues here, my intention, as I have said earlier, is to support the underlying legislation to name the airport in honor of Ronald Reagan.

As I said yesterday, I certainly had no lack of disagreements with Ronald Reagan during the 8 years of his stewardship but believe that a two-term President deserves to be recognized. And if it is the desire of his family and others to rename this airport, given the fact it has had name changes over the years, I do not object to that. I had offered this amendment for the purpose of dealing in the future with these same issues.

In a sense, Mr. President, it has become sort of a modern day graffiti when we run around naming things here willy-nilly, both on the Capitol grounds and in this city. We are mere custodians of these facilities; we don't own them, and we ought to have a process by which we make solid determinations about whose names are associated with great monuments, buildings and rooms that we have. When we as an institution decided to decorate the reception room with five of our former colleagues, it was Senator John Fitzgerald Kennedy who chaired that commission—I look to my colleague from West Virginia as our historian—where a deliberative process went forward and that decision was made.

It seems to me we as a body ought to adopt something like this so that we are not faced with these situations year in and year out.

Now, Mr. President, I gather from talking with my colleague and friend from Georgia that my amendment to the underlying legislation is going to be rejected, but I hope that we might consider something like this amendment at the appropriate place. Unfortunately, what happens in the absence of a decision like this, these matters get shunted aside and we do not bring them up again until the next issue emerges. But I happen to believe that setting up a commission that would deal with these issues, having a commission made up of former Members to deal with Capitol grounds, possibly the Architect of the Capitol included, is the way we ought to go about the process of naming rooms, buildings, and renaming facilities, Federal facilities, here in Washington and elsewhere.

Having said that, I know my colleague from Georgia will want to be heard on this. When he completes his comments, I will withdraw my amendment and hope that at some point in the not too distant future we can bring this matter up through the Rules Committee or other such committees where it would be appropriate. I see my colleague from Texas who I know is interested in this as well.

The PRESIDING OFFICER. The Senator from Texas.

Who yields time to the Senator from Texas?

Mr. COVERDELL. How much time have we remaining?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes remaining.

Mr. COVERDELL. I ask unanimous consent the Senator from Texas be granted 1 minute to make her comments on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. I agree with what the Senator from Connecticut is doing in laying this aside. I do think we need a process and procedure. I am on the Rules Committee. I will work with the Senator from Georgia and our leadership as well as the Democratic leadership. I would like to see us have a process in which all the views are represented and then we can go forward. And I pledge to the Senator from Connecticut my support.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. President, who has time?

The PRESIDING OFFICER. The Senator from Georgia controls the time.

Mr. BAUCUS. Will the Senator yield for just 15 seconds?

Mr. COVERDELL. I yield.

Mr. BAUCUS. I might inform the Members there is a process. It is the Environment and Public Works Committee. If this bill had been referred to the proper committee, we would have gone through the proper process. That committee has jurisdiction over public buildings. We have rules as to naming and when not to name buildings after whom and under what circumstances. There is a process. One of the problems with this whole procedure here today is the process was skirted. The process wasn't used.

Mr. President, this is a very difficult issue for me, but I am going to be voting against the underlying bill basically because I do not think we should displace George Washington, our Founding Father, with what we might be doing here, and a whole host of other reasons which I do not have time to get into.

There is a process. We are not following it.

The PRESIDING OFFICER. The Senator from Georgia has 1½ minutes remaining.

Mr. COVERDELL. Mr. President, I should like to address my remarks to my colleague from Connecticut. He appeared yesterday. He has been very facilitating to the effort. I appreciate very much what he and my colleague from Texas are endeavoring to do. As I said to him this morning, I look forward to joining with him in his attempt to prospectively deal with these kinds of issues in the future. I am very appreciative of his collegiality.

I would say, as I have said repeatedly, that there are certain extraordinary conditions associated with the manner in which we are dealing with this issue. The former President's birthday is this Friday, and he is facing the most difficult battle he has faced in his life. And he has faced many. This is a spontaneous response to that. I will leave it at that. But I do want to again thank the Senator from Connecticut and make known that I intend to join with him in his efforts prospectively to deal with these sorts of matters.

I yield back all time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1641, AS MODIFIED, WITHDRAWN

Mr. DODD. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 1640

The PRESIDING OFFICER. Under the previous order there will now be 4 minutes of debate equally divided in the usual form on amendment No. 1640 offered by the Senator from Nevada, Mr. REID.

The Senator from Nevada is recognized.

Mr. REID. My friend from Connecticut indicated that any amendment that was offered to this bill was rejected. I have not heard that. I have not heard a single person come forward and speak against the amendment I have offered. I suggest that this amendment would not hold up this bill one bit; that anyone voting against this amendment is voting against good Government. There is not an organization in this country that is concerned about human rights or civil rights that wants J. Edgar Hoover's name on the FBI building. This is a building that houses officials sworn to defend and protect the Constitution of the United States, our civil liberties, the liberties of all Americans. No official in the history of this country has done more to violate the rights of people than J. Edgar Hoover. Consider going after Irving Berlin, the man who wrote God Bless America. He is one of scores of people I have talked about these last few days.

I think we should honor those who work in that building by removing this man's name from the building. It is one of the most popular places to visit by visitors that come to this Nation's Capital, and they should not be subjected to a building with this man's name on it.

Mr. President, Ronald Reagan stands for what is good about this country. J. Edgar Hoover stands for what is bad about this country. This small man violated the rights of hundreds, if not thousands, of people, famous and not so famous. He was a vindictive, petty man who harassed and abused untold thousands during his entire 48 years as the Director of the Federal Bureau of Investigation. We should remove the last segment of the McCarthy era by deleting his name from one of the most important buildings in this city.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. First, let me say to my colleague from Nevada I appreciate the remarks he made about the underlying bill. We do have a logistical problem here in terms of—and we have spent the better part of the week perhaps in a less efficient manner than we could have, and it has robbed me of the opportunity to iron the way on the other side, so I regretfully will in a moment move to table the amendment.

It may not be much comfort to the Senator from Nevada at this time, but I would welcome working with him. Obviously, there have been a number of assertions made about the individual to which the Senator from Nevada takes umbrage. It is a complex issue, and as I said I simply do not have time, given where we are in the week and what we are attempting to do, to resolve the matter in the House. So for that reason, Mr. President, I move to table the amendment.

Mr. HATCH. Will the Senator withhold for just a short moment?

Mr. COVERDELL. I withhold my motion.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Georgia has 40 seconds remaining.

Mr. COVERDELL. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank my colleague.

I oppose this amendment. Yes, there are things that can be said, but there are many things that have been accomplished during the tenure of Hoover. I have to say there is a raft of FBI agents who would be very offended by this. And I don't think we should do it. As a matter of fact, if we go back through time, if you look at all the good things that were done and all the many accomplishments of the FBI, you have to conclude there was an awful lot that we have to be proud of even though there are some things that are certainly to be criticized and rightfully so.

When the Senate takes action to honor—or discredit—men and women who have favorably shaped this Nation, we should do so only after careful reflection and deliberation. We must also be careful not to allow the faults or excesses of an individual overshadow the contributions they have made to our country.

I think we need to consider the negative effect passage of this amendment could have on an institution that has made a profound contribution to the safety and security of this Nation. The FBI is deservedly recognized as the preeminent law enforcement agency in the world. And whether we care to like him or not, unlike any other institution in our Federal Government, there is one person that is directly responsible for the FBI's rise in prominence, J. Edgar Hoover. Under Hoover, the FBI was transformed from a small sleepy Washington office, into the major force thwarting criminal activity in this country.

Hoover took over the FBI in May 1924 and placed the Bureau at the forefront in combating the major gangster activity of that era. The FBI was directly responsible for the arrest of notable gangsters such as John Dillinger and Baby Face Nelson. During World War II the FBI spearheaded efforts to uncover Nazi saboteurs and spies infiltrating the United States in an effort to disrupt the Allied war effort.

In the 1950's under Hoover's leadership the Bureau was instrumental in the identification and arrest of Soviet Spies of the likes of Sobel and Abel, as well as the arrest of Julius and Ethel Rosenberg. Remember also, that it was the Hoover FBI that cracked the infamous Brinks robbery in Boston, loudly touted as the "Crime of the Century" at that time.

Among many other responsibilities, the FBI played a vital role in the 1960's in fighting deep seated racism in the deep south. It was Hoover's FBI that combated threats from the Ku Klux Klan. It was this same FBI that investigated the infamous "Mississippi Burning" case that brought to justice those responsible for the senseless murder of 3 civil rights workers. It was this same FBI that brought James Earl Ray to justice. It was also the Hoover FBI of the 1960's that conducted an extensive investigation into organized crime that led to the identification of an enormous criminal network stretching from Chicago to New York and Boston, and touched the lives of countless communities in between. Today we recognize this network as La Cosa Nostra.

This is merely a snap shot of the considerable accomplishments made by the FBI under the leadership of J. Edgar Hoover. Let me remind my colleagues that the day after his death in 1972, Hoover's body was laid in State in the Rotunda of the Capitol—an honor bestowed upon only 21 other Americans in the history of this great Nation.

In his death, despite revelations that have been made, it is undeniable that Hoover's legacy in building the FBI to its current stature continues to have a profound effect upon the safety and security of this Nation. From the investigation and arrest of those responsible for the World Trade Center bombing, to the recent conviction of Unabomber Ted Kaczynski; from the arrest of CIA agent Aldrich Ames for espionage, to the investigation that resulted in the convictions of Timothy Macveigh and Terry Nichols for the Oklahoma City bombing, the FBI continues to be recognized as a vital component of law enforcement. Let us honor the legacy of this honorable institution, by continuing to give appropriate recognition to Mr. Hoover, the principal architect in its rise to prominence.

In reviewing my colleague from Nevada's reasoning for this amendment, it is clear that he believes he is doing the right thing. I do not question his sincerity. But I do not think the Senate should act on accounts contained in a single book.

More importantly, we are here today to honor President Reagan. I urge each of my colleagues to address this issue alone without being compelled to bring other agencies or memorials into the equation.

So I hope our colleagues will vote against this amendment. I respect my good friend from Nevada, but I oppose this amendment.

Mr. COVERDELL. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table amendment No. 1640 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—62

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—36

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Sarbanes
Torricelli
Wyden

NOT VOTING—2

Coats
Moynihan

The motion to lay on the table the amendment (No. 1640) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to compliment the manager of the bill for his good arguments.

Mr. DASCHLE. Mr. President, we still do not have order.

The PRESIDING OFFICER. The Democratic leader is correct, we do not have order. The Senate will be in order. The Senator from Utah.

Mr. HATCH. Mr. President, I want to compliment the manager of the bill and others who voted against this amendment. I know it was sincerely brought, and I know that there may be some arguments that some could raise. But in all honesty, the FBI has been one of our most venerable institutions for all of these years.

We know that the former Director deserves most of the credit for building it and that there are literally thousands of FBI agents who would have been very upset if that amendment was adopted.

I thank all of our colleagues for having voted to table the amendment, and I hope that we do not do this in the future. We do not put names on buildings idly, and we do not do them facetiously, and we do not do them foolishly. Once they are there, we ought to remember the traditions and history and the good things that really were done. All of us have faults, all of us make mistakes, and all of us need to work out our own repentance for things that we do from time to time.

So I thank everybody who did vote to table the amendment for having done so, and I think they did the right thing.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent to be allowed to speak for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Utah and others who voted to table this amendment that I think it was a bad vote. The fact of the matter is, when the name was placed on this building, J. Edgar Hoover's record was not clear to the American public. It was not clear that he conducted investigations of Irving Berlin and hundreds and hundreds of other people.

I say without any qualification, there is no one this century who has violated the human rights and civil rights of America's citizens more than J. Edgar Hoover.

I have the greatest respect for the chairman of the Judiciary Committee, my good friend, but on this issue, I think he is flat wrong, and I think we missed an opportunity to take a person's name off a building that should be an embarrassment and is an embarrassment to the people who work inside that building, as reflected in private conversations with an FBI agent today.

AMENDMENT NO. 1642

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes equally divided in the usual form on amendment No. 1642 offered by the Democratic leader, Mr. DASCHLE. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, thank you. I had the opportunity to discuss this amendment last night. President Reagan stood for a lot of things, but I think the things for which we identify him more than anything else is local control, the need to ensure that at the local level, government is given the greatest opportunity.

In 1987, President Reagan signed a bill into law that provided authority to the Metropolitan Washington Airports Authority for all decisionmaking regarding the operation of the Washington National Airport. That was 11 years ago. My amendment, Mr. President, simply says, let's keep the spirit of Ronald Reagan alive as we pass this piece of legislation; let's ensure that the Metropolitan Washington Airports Authority, in keeping with local control, has an opportunity to voice its approval. That is what this amendment does.

Mr. FORD. Mr. President, may we have order? There are pockets of conversation all over this Chamber, and I want my leader to be heard.

The PRESIDING OFFICER. The Democratic leader deserves to be heard. Conversations will cease or be removed from the Senate Chamber. The Democratic leader is recognized.

Mr. DASCHLE. I thank my friend from Kentucky and I thank the Presiding Officer.

I simply conclude, Mr. President, by saying if we are for local control, if we are for the spirit of what Ronald Reagan represented, then we all ought to be supporting this amendment. This amendment, again, simply says, let's give the Washington Airports Authority the authority given to them by President Reagan in 1987, the opportunity to be heard, to have a voice, to say yes. So I hope my colleagues will join me in the adoption of this amendment.

Mr. REID. Will the leader yield?

Mr. DASCHLE. Whatever time I have remaining I will be happy to yield to the Senator from Nevada.

Mr. REID. Mr. President, I just say briefly to my friends on the other side of the aisle, I support renaming the airport after President Reagan, but using the logic of my friend from Utah, the chairman of the Judiciary Committee, he said you should not change the name of existing buildings. I assume that should also apply to airports. So if that logic is carried through, I would think everybody on the other side of the aisle would vote against renaming this airport for the President.

Mr. COVERDELL. Mr. President, I yield the manager's time to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I think we all ought to understand that if this amendment were accepted, it would kill our effort to rename Washington National Airport after President Ronald Reagan. So let's be very clear about the effect of this amendment.

Second of all, again, I am intrigued by this continuous argument from the other side that Washington National Airport, which identifies the airport as servicing Washington, DC, is somehow George Washington. Obviously, we know that is not true.

If we want to give local control to National Airport and the Metropolitan Washington Airports Authority, I strongly suggest to my friend, the distinguished Democratic leader, that we repeal the perimeter rule which is a Federal law which prevents aircraft from flying any further west than the far western end of the runway at Dallas-Fort Worth Airport, a law that was passed by former Speaker of the House Jim Wright who happens, as we all know, to reside there.

So, if we are going to give truly local control, I hope the distinguished Democratic leader would want to remove Federal laws that also affect Washington National Airport which, frankly, has affected the lives of millions of Americans for many years in preventing them from going from one end of this country to the other without stopping in between.

So I say to my colleagues, have no doubt about the effect of this amendment. It would kill our ability to do an appropriate thing and, if I may add as an aside, I hope we get this done pretty soon, because I think everybody knows how we and the majority of the American people feel about this issue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1642 offered by the Democratic leader, Mr. DASCHLE. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—35

Akaka
Baucus
Bingaman
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dorgan
Feingold
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Sarbanes
Torricelli
Warner
Wellstone

NAYS—63

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Boxer
Brownback
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe

Specter Thomas Thurmond
Stevens Thompson Wyden

NOT VOTING—2

Coats Moynihan

The amendment (No. 1642) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, as we move into a vote on final passage, it still seems somehow impossible that 23 years have passed since that genial American—the one who had starred in movies and television, who early in his career had been a talented sports broadcaster, who served as a commissioned officer during World War II and who had served with distinction as Governor of California—that this remarkable man yielded to the urgings of thousands of his fellow Americans and tossed his hat in the ring for consideration as the 1976 Republican presidential nominee.

But in the instance of Ronald Reagan, history proves that tempus does fugit. It has indeed been 23 years. Ronald Reagan has done all of the above, and done them well. But when he agreed to be a candidate for the Presidential nomination, there were few who foresaw the profound effect this remarkable American would have on his party, his country—and the entire world.

Mr. Reagan did not, of course, win the nomination in 1976. But he did lay the groundwork for 1980 when delighted Republicans chose him as the party's standard bearer in the presidential election that year.

He won overwhelmingly and, as Paul Harvey always says, now you know the rest of the story.

Mr. President, I had known Ronald Reagan for some years when he announced in 1976—the year when I was in the middle of my first six years in the U.S. Senate. Like Mr. Reagan I had once been a registered Democrat—and I confess that I was stunned on that November 1992 evening when the election returns were coming in that I had become the first U.S. Senator ever elected by the people of North Carolina.

I was disappointed in 1976 when Mr. Reagan failed to win the GOP primary for president because it seemed clear to me then, and clear to millions of others, that Ronald Reagan was an eloquent and forceful defender of conservative values. For that reason, and because of my friendship with him, I became the first sitting Senator in 1976 to endorse Candidate Reagan for the Presidency—a fact that I shall forever note with pride because history is already clear that Mr. Reagan was the outstanding President of the 20th Century.

There have been others who served well but it was President Ronald Reagan who stout-heartedly defended Thomas Jefferson's counsel that the least government is the best government.

Indeed, the enormity of President Reagan's domestic achievement boggles the mind. Consider the unprecedented Gross National Product expansion and job creation after a period of failed statist economic policies; declining interest rates that allowed entrepreneurs to enter the market, bringing energy and innovation to countless industries; tax cuts that at long last allowed Americans to keep more of what they earned; a long overdue hiatus in the unchecked growth of the federal bureaucracy. Simply put, our economy is strong and vibrant today because Ronald Reagan had the courage to trust the free market.

Ronald Reagan did all of this, yes, but the real heart of his legacy will forever rest upon in his courageous opposition to communism and totalitarianism opposition that led to the birth of freedom in Eastern Europe and the end of the Cold War.

Two years before the remarkable fall of the Berlin Wall, Ronald Reagan traveled to Berlin, stood at the Brandenburg Gate, and thundered: "As long as this gate is closed, as long as this scar of a wall is permitted to stand, it is not the German question alone that remains open, but the question of freedom for all mankind."

In this cynical age, when so many ridicule anyone attempting to divine the difference between right and wrong, Ronald Reagan dared to believe in democracy. It was, perhaps, his old-fashioned belief in the goodness of America and all that it represented that led him to understand what so many so-called experts failed to understand: that the Cold War was a struggle not of military might or economic theory, but of the human spirit's longing to be free.

President Reagan never lacked detractors—it seems there is no easier way to arouse scorn than to stand up for traditional values—but even his most vociferous opponents stood in awe of his amazing rhetorical gifts. They called him the "Great Communicator." But President Reagan—with his typical humility—rejected the moniker. In his farewell address to the Nation, delivered on January 11, 1989, he said:

> I never thought it was my style or the words I used that made a difference: it was the content. I wasn't a great communicator, but I communicated great things, and they didn't spring full bloom from my brow, they came from the heart of a great nation—from our experience our wisdom, and our belief in the principles that have guided us for two centuries. They called it the Reagan revolution. And I'll accept that, but for me it always seemed more like the great rediscovery, a rediscovery of our values and our common sense.

Indeed, the Reagan years were a reclamation of traditional principles. And all Americans owe Ronald Reagan a great debt, one that the simple renaming of an airport doesn't begin to repay. But this does not lessen the importance that the name of Ronald Reagan be enshrined in national institutions.

In the same farewell address to which I referred a moment ago, President Reagan issued a warning for those who would forget history. "If we forget what we did," he said, "we won't know who we are." He spoke of an "eradication * * * of the American memory that could result, ultimately, in an erosion of the American spirit."

This Friday, Ronald Reagan will be 87 years old. All of us are saddened by his illness, but we are inspired by the gracious manner in which he and his family have faced it. And while he is still with us, we should heed his admonishment to remember the values he stood for, the President he was, and the man that he is.

Today, our classrooms and our universities are a battlefield of revisionist history and sometimes venomous ideology. But long after today's petty scholastic disputes lie forgotten in the pages of some academic journal, the Washington Monument, and the Jefferson and Lincoln Memorials, and other national shrines will continue to stand in tribute to achievements of great Americans.

Ronald Reagan richly deserves to be remembered for his achievements just as earlier great American patriots are remembered. I am proud to support the Ronald Reagan Washington National Airport, and I hope that Americans will accept this gesture of deep and genuine appreciation.

Mr. KENNEDY. Mr. President, I support this legislation. I disagreed with President Reagan on many issues, but I believe this proposal is an appropriate honor for a distinguished former President. I also support it because of the many personal kindnesses that President Reagan and his family have shown to the Kennedy family over the years.

In particular, I remember two extraordinary occasions. On a wonderful morning in the Rose Garden in June of 1981, President Reagan presented a Gold Medal authorized by Congress and honoring Robert Kennedy to our family, and he spoke about my brother. Four years later, on a magnificant evening in June of 1985, President came to my home in McLean, Virginia and spoke about President Kennedy. These are two of the finest tributes that anyone has ever given to my brothers. I believe our colleagues will find these tributes of interest, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Remarks of President Ronald Reagan on Presenting the Robert F. Kennedy Medal to Mrs. Ethel Kennedy, June 5, 1981

The *President*. Mrs. Kennedy, the Congress has authorized the presentation of a medal for you in recognition of the distinguished and dedicated service which your husband, Robert Kennedy, gave to the government and to the people of the United States.

Robert Kennedy's service to his country, his commitment to his great ideals, and his devotion to those less fortunate than himself are matters now for history and need little explanation from me. The facts of Robert Kennedy's public career stand alone. He roused the comfortable. He exposed the corrupt, remembered the forgotten, inspired his countrymen, and renewed and enriched the American conscience.

Those of us who had our philosophical disagreements with him always appreciated his wit and his personal grace. And may I say I remember very vividly those last days of the California primary and the closeness that had developed in our views about the growing size and unresponsiveness of government and our political institutions. Among the last words he spoke to this Nation that night in Los Angeles were, "What I think is quite clear is that we can work together in the last analysis, and that is what has been going on within the United States—the division, the violence, the disenchantment with our society; the divisions, whether it's between blacks and whites, between poor and more affluent, or between age groups or on the war in Vietnam—is that we can start to work together. We are a great country, an unselfish country, and compassionate country."

Obviously, many of you here knew him better than most. You knew him as husband, as brother, as father, and uncle. He wrote to his son, Joseph, on the day of President Kennedy's death, "Remember all the things that Jack started. Be kind to others that are less fortunate than we and love our country." And it is in the final triumph of Robert Kennedy that he used his personal gifts to bring this message of hope and love to the country, to millions of Americans who supported and believed in him. "Come my friends," he liked to quote the Tennyson lines, "it's not too late to seek a newer world." And this is how we should remember him, beyond the distinguished public service or our own sadness that he is gone.

His friend, composer John Stuart, said about him what he said about the first fallen Kennedy and about us: that when a chill wind takes the sky, we should remember the years he gave us hope, for they can never die.

Remarks of President Ronald Reagan at a Fundraising Reception for the John F. Kennedy Library Foundation June 24, 1985

I was very pleased a few months ago when Caroline and John came to see me and to ask for our support in helping the library. I thought afterwards what fine young people they are and what a fine testament they are to their mother and father.

It was obvious to me that they care deeply about their father and his memory. But I was also struck by how much they care about history. They felt strongly that all of us must take care to preserve it, protect it, and hand it

They're right, of course. History has its claims, and there's nothing so invigorating as the truth. In this case, a good deal of truth resides in a strikingly sculpted library that contains the accumulated documents, recollections, diaries, and oral histories of the New Frontier. But I must confess that ever since Caroline and John came by, I've found myself thinking not so much about the John F. Kennedy Library as about the man himself and what his life meant to our country and our times, particularly to the history of this century.

It always seemed to me that he was a man of the most interesting contradictions, very American contradictions. We know from his many friends and colleagues, we know in part from the testimony available at the library, that he was self-deprecating yet proud, ironic yet easily moved, highly literary yet utterly at home with the common speech of the ordinary man. He was a writer who could expound with ease on the moral forces that shaped John Calhoun's political philosophy. On the other hand, he possessed a most delicate and refined appreciation for Boston's political wards and the characters who inhabited it. He could cuss a blue streak—but then, he'd been a sailor.

He loved history and approached it as both romantic and realist. He could quote Stephen Vincent Benét on General Lee's army: "The aide de camp knew certain lines of Greek and other such unnecessary things that are good for peace, but are not deemed so serviceable for war.* * *"

And he could sum up a current statesman with an earthy epithet that would leave his audience weak with laughter. One sensed that he loved mankind as it was, in spite of itself, and that he had little patience with those who could perfect what was not really meant to be perfect.

As a leader, as a President, he seemed to have a good, hard, unillusioned understanding of man and his political choices. He had written a book as a very young man about why the world slept as Hitler marched on. And he understood the tension between good and evil in the history of man; understood, indeed, that much of the history of man can be seen in the constant working out of that tension. He knew that the United States had adversaries, real adversaries, and they weren't about to be put off by soft reason and good intentions. He tried always to be strong with them and shrewd. He wanted our defense system to be unsurpassed. He cared that his country could be safe.

He was a patriot who summoned patriotism from the heart of a sated country. It is a matter of pride to me that so many men and women who were inspired by his bracing vision and moved by his call to "ask not," serve now in the White House doing the business of government. Which is not to say I supported John Kennedy when he ran for President; I didn't. I was for the other fellow. But you know, it's true, when the battle's over and the ground is cooled, well, it's then that you see the opposing general's valor.

He would have understood. He was fiercely, happily partisan. And his political fights were tough—no quarter asked, none given. But he gave as good as he got. And you could see that he loved the battle.

Everything we saw him do seemed to betray a huge enjoyment of life. He seemed to grasp from the beginning that life is one fast-moving train, and you have to jump aboard and hold on to your hat and relish the sweep of the wind as it rushes by. You have to enjoy the journey; it's unthankful not to.

I think that's how his country remembers him, in his joy—and it was a joy he knew how to communicate. He knew that life is rich with possibilities, and he believed in opportunity, growth and action.

And when he died, when the comet disappeared over the continent, a whole nation grieved and would not forget. A tailor in New York put up a sign on the door: "Closed because of a death in the family." The sadness was not confined to us. "They cried the rain down that night," said a journalist in Europe. They put his picture up in huts in Brazil and tents in the Congo, in offices in Dublin and Warsaw. That was some of what he did for his country, for when they honored him they were honoring someone essentially, quintessentially, completely American. When they honored John Kennedy, they honored the Nation whose virtues, genius, and contradictions he so fully reflected.

Many men are great, but few capture the imagination and the spirit of the times. The ones who do are unforgettable. Four administrations have passed since John Kennedy's death; five Presidents have occupied the Oval Office, and I feel sure that each of them thought of John Kennedy now and then and his thousand days in the White House.

And sometimes I want to say to those who are still in school and who sometimes think the history is a dry thing that lives in a book: Nothing is ever lost in that great house; some music plays on.

I've even been told that late at night when the clouds are still and the Moon is high, you can just about hear the sound of certain memories brushing by. You can almost hear, if you listen close, the whir of a wheelchair rolling by and the sound of a voice calling out, "And another thing, Eleanor!" Turn down a hall and you hear the brisk strut of a fellow saying, "Bully! Absolutely ripping!" Walk softly, now, and you're drawn to the soft notes of a piano and a brilliant gathering in the East Room when a crowd surrounds a bright young President who is full of hope and laughter.

I don't know if this is true, but it's a story I've been told. And it's not a bad one because it reminds us that history is a living thing that never dies. A life given in service to one's country is a living thing that never dies—a life given in service, yes.

History is not only made by people; it is people. And so, history is, as young John Kennedy demonstrated, as heroic as you want it to be, as heroic as you are.

And that's where I'll end my remarks on this lovely evening, except to add that I know the John F. Kennedy Library is the only Presidential library without a full endowment. Nancy and I salute you, Caroline and John, in your efforts to permanently endow the library. You have our support and admiration for what you're doing.

Thank you, and God bless you all.

Mr. MURKOWSKI. Mr. President, I rise in strong support of this bill to rename the Washington National Airport "Ronald Reagan National Airport."

I am disappointed in the partisanship and delay tactics involved in stalling this legislation. Personally, I can think of no more fitting tribute to our 40th President then renaming the main airport facility for visitors to our nation's capital.

During his eight years in as President, Ronald Reagan stood as a President of principle, integrity and optimism. He took America at a time of great disillusionment—gasoline shortages, hyper-Inflation and American diplomats held hostage abroad—and transformed our spirit through vision and leadership

President Reagan showed America that leadership is not making promises, it's keeping promises.

Ronald Reagan promised us a better future and he delivered. His message was simple: America can be better. His charm, wit and eloquence combined to communicate exactly the message that Americans needed to hear. And the nation reacted:

Interest rates, inflation and unemployment fell faster under President Reagan than they did immediately before or after his Presidency;

The nation experienced a 31% increase in real, inflation-adjusted gross national product;

Exports increased 92.6% and manufacturing increased by 48%;

Median family income grew every year during his Presidency for an increase of nearly $4000, after years of zero-growth in pre-Reagan years;

In short, during the Reagan era, economic growth was stronger, job creation was faster, incomes were higher and productivity was healthier.

President Reagan's accomplishments were achieved because he believed that a healthy economy should create opportunities and reward responsibility and work. In his first inaugural address he told us:

> It is not my intention to do away with government. It is rather to make it work work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

Some people believe that President Reagan's greatest legacy was the restoration of pride and optimism in America. He made us believe in ourselves and told us: "There are no such things as limits to growth, because there are no limits on the human capacity for intelligence, imagination and wonder."

Americans reawakened to themselves as a great people with a great future. A notable Democrat, our former colleague, Majority Leader George Mitchell said, "Like President Roosevelt, President Reagan possesses a legendary ability to inspire in Americans pride in their nation and faith in its future."

And, perhaps, our colleague Senator TED KENNEDY said it best in a quote from the Boston Globe in 1989: "He (Reagan) has restored the public's confidence in the presidency. For that alone, he deserves our appreciation."

Not only did President Reagan restore our sense of purpose and meaning as a great country, but it was because of his vision and commitment to freedom and democracy that today there is no longer a Union of Soviet Socialist Republics. There is today, no longer a Berlin Wall.

These two seminal events of the 20th century are a direct result of the policies of President Reagan. Our children and grandchildren will know a level of security and peace well into the next century because President Reagan understood that peace can only be achieved and maintained when we provide the full measure of resources to our men and women in the military who stand guard to protect liberty 24 hours a day, seven days a week, 365 days a year.

Mr. President, I ask my fellow colleagues to help demonstrate to President Reagan that appreciation. I ask my colleagues to help me in passing S. 1575.

Mr. LAUTENBERG. Mr. President, I would like to voice my opposition to this bill.

Mr. President, I certainly have respect for our former President, Ronald Reagan. I served in the Senate during his two terms as President and we worked together on many pieces of legislation. One of my proudest achievements was the passage of the national minimum drinking age bill that established a national drinking age of 21.

That law, which President Reagan proudly signed, is credited with saving nearly 1,000 young lives each year. I am thankful to President Reagan for being a part of that fight. While I did not agree with him on a number of other issues, I do respect him and believe his legacy is a powerful one.

However, Mr. President, Washington National Airport in Alexandria, is already named after a great American—George Washington, our first president. George Washington's role in our nation's history and in this area's history is rich and well documented.

George Washington, the father of our country, the man who led our troops against the powerful British army, the man who chaired the Constitutional Convention, the man who lived a short 15 miles away at Mount Vernon in Virginia, certainly does not deserve to have his name stripped from the airport, and replaced by another, which this bill would effectively do. If this legislation passes, most people will refer to it as Ronald Reagan airport, and President Washington's name will rarely be associated with this facility again.

Mr. President, a short time ago, Congress named the second largest federal office building in the nation—second to the Pentagon—after Ronald Reagan.

Naming the Federal Triangle Project in downtown Washington the Ronald Reagan Building and International Trade Center is a fitting tribute to President Reagan, who signed the authorization for that project into law, and who believed strongly in free trade. In the wake of honoring President Reagan with that naming, this bill is not necessary.

Mr. President, I have other concerns with this legislation, and I believe that those issues would also concern President Reagan.

There is a serious question as to whether it is appropriate for Congress to change the name of Washington National Airport. The bill would impose Congress's will upon the local authorities by forcing them to change the airport's name. This would be done with no input from the local communities. No hearings. No votes. No discussion. No opportunity for public comment. Simply put, the airport authority must adopt the name as determined by Congress, the federal government. This clear mandate from the federal government, imposed on the local communities, is precisely what President Reagan would object to.

His legacy is clear on this matter. We should not offend that legacy in an attempt to honor the man himself.

I am not ruling out any legislation with respect to this issue, but the underlying bill will have to be improved before I will vote for it.

Mr. BROWNBACK. Mr. President, I rise today in strong support of this bill designating Washington National airport as the "Ronald Reagan National Airport." Mr. President, I am honored to participate in renaming this airport after such a distinguished American.

Ronald Reagan presided over an era of tumultuous change and great challenge. His policies helped reverse stagflation and high interest rates, and unleashed the longest economic recovery in recent history.

His courage extended freedom around the world. Ronald Reagan knew that weakness is provocative. He not only restored America's military strength, but challenged the tyrants who would shed American blood and deny freedom to others. He confronted terrorists boldly and decisively—with or without the assistance of other nations. He defied conventional wisdom to challenge Mr. Gorbachev to "tear down [this] wall." And the wall fell. He demonstrated that America would stand strong—even when she stood alone.

But perhaps most importantly, Ronald Reagan helped restore faith in the American dream. When Reagan took office, America, is was said, was suffering from "malaise." Reagan reaffirmed the vision of a "shining city on a hill." He spoke to the hopes and dreams of ordinary citizens for opportunity, achievement, and growth. He helped dispel the public cynicism that had darkened politics for years, and celebrating the dawning of "morning in America."

President, Franklin Delano Roosevelt once said that "the presidency is pre-eminently a place of moral leadership." It was in this area that Reagan's leadership was the most significant. Reagan was always more simple than subtle. The American people knew where he stood, and what he stood for. In times of economic or international crisis, Americans knew that Reagan's word was true, and that his resolve would not waver.

It is for these reasons that I offer my support for S. 1575, to honor a man who honored America.

Mr. ALLARD. Mr. President, I rise today to add my vocal support to S.

1575, the bill to rename Washington National Airport the "Ronald Reagan Washington National Airport."

Last year, I was the first co-sponsor of this measure. At the time, I thought I had just beat the rush, and that I would be merely the first of a long list of co-sponsors. I though that surely, if every Member of this chamber was aware of the debt they and their country owe to Ronald Reagan, this bill would have 99 co-sponsors.

Instead, I was surprised that only 35 others have co-sponsored Senator COVERDELL'S bill. I was surprised when I learned that this bill is encountering serious opposition. And I will be more than surprised if this bill does not pass. I will be shocked and I will be saddened. It is not often we are able to consider a bill so simple and so right as this one.

Ronald Reagan can truthfully be called one of the greatest living Americans. President Reagan's most important contribution to his country was the leadership he provided during the West's long struggle with totalitarian communism. When he called the Soviet Union an 'evil empire' media pundits scorned him. Today, we all know that he was right. But President Reagan provided far more than rhetoric in the struggle against communism. In 1980, America was dangerously weak and demoralized. President Reagan understood this and he directed the strengthening of all aspects of our military, coordinating our efforts with other members of the Western alliance.

From the point when Ronald Reagan entered the White House, no additional territory fell to the Communists. From that point forward the tide began to turn. On all fronts, the Reagan administration backed the forces of freedom. Reagan supported Solidarity in Poland, he backed the freedom fighters in Afghanistan, Grenada was liberated, and he helped democratic struggles throughout Latin America. The Soviet Union was everywhere confronted by a Western alliance that had finally awakened to the dangers of appeasement. The alliance was greatly strengthened by the friendship and support of President Reagan's close friend and ally, British Prime Minister Margaret Thatcher. Together they thwarted Communism and made the Kremlin and its puppet states aware that the free world intended to remain free. The West won the cold war, and Ronald Reagan deserves much of the credit.

President Reagan's second great triumph was his economic plan. He was the first modern President to directly challenge the notion that more government was good. In his view, Government does not solve problems, it subsidizes them. While this view is widely held today, it was ridiculed throughout the 1960's and 1970's. During those years, Reagan was nearly alone in his struggle against the endless growth of government. But he never altered his message. Unlike other politicians, he stood firm, and gradually the country moved his way. He stopped the slow socialist slide of our Nation, and instead implemented policies that provided the catalyst for the unparalleled financial and economic security and freedom we now enjoy.

The Reagan program of lower taxes and less regulation was a tremendous success. In the early Reagan years all income taxes were cut across-the-board by 25 percent. The decade to follow witnessed the longest peacetime economic expansion in the history of our Nation. All income groups experienced significant income gains from 1980 to 1989. Twenty million new jobs were created, and the vast majority were high-paying professional, production, and technical jobs.

In the late 1970's inflation was as high as 18 percent, and interest rates rose to 21 percent. The Reagan economic program brought both of these down dramatically. The 1970's malaise brought on by high inflation, skyrocketing interest rates, high unemployment, and high taxes was replaced by an economy that fostered opportunity, growth, and optimism.

President Reagan rallied our Nation. He reminded each of us of our proud history and heritage. He was never afraid to proclaim his love for America. Most important, he stood up for what he believed. He knew the importance of strength and resolve. The result was the most successful Presidency in decades. As Reagan himself reminded us:

> History comes and goes, but principles endure and inspire future generations to defend liberty, not as a gift from government, but as a blessing from our creator.

I know that the Federal Triangle building will be opening soon. I know that it is named after Reagan. But Ronald Reagan was a man of the people, not of bureaucrats. When he was called "The Great Communicator" it was not because of his skill with memos or inter-office correspondence. It was because of his ability to speak with, and for, the average American. Some good can come of the irony in naming the second largest and by far the most expensive federal building in America after Ronald Reagan. We can let the name of the Ronald Reagan building stand as a direct counter to the waste and excess involved in its building. It will also be a constant reminder to the civil service workers inside of President Reagan's belief in a small, responsible and effective government.

But again, Reagan was not a man who loved big government. He should not be memorialized solely by a big government building. The Ronald Reagan Washington National Airport—an airport that is used by our government, but more importantly, by our people, and by the free people of the world—should stand as the monument to the Great American President.

President Reagan's 87 Birthday is Friday. We need to approve this bill, and present him with a small but well deserved gift from the country he so ably served.

Mr. LEVIN. Mr. President, I will not support the legislation to rename the Washington National Airport. This is not legislation to name an unnamed airport or a new airport. Washington National Airport already has an appropriate name and has had that name since it opened in 1941.

We should have a normal and systematic process for the naming of buildings, bridges, monuments, airports and other public facilities. The names of these landmarks should not bounce around from name to name in response to current events. Such decisions should be made in a non-political and careful manner weighing the many factors which come into play, including the concerns of local governments and authorities.

There are many past Presidents, admired by millions of Americans, and others around the world, including Harry S Truman who have no monument in Washington, D.C.

We have already, quite appropriately, recognized the accomplishments of President Ronald Reagan in several appropriate ways, including the new federal Ronald Reagan Building and International Trade Center at Federal Triangle (which is the largest building in D.C.) and the Navy's newest *Nimitz*-class aircraft carrier.

The Washington Post, in an editorial this past Saturday titled "Don't Rename Washington National" stated, "It is a bad proposal on many counts, all of them going well beyond any public wishes to honor the former president."

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in its entirety immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEVIN. Mr. President, for all these reasons and others, I cannot support this legislation to precipitously strip Washington National Airport of the name it has borne for more than half a century.

EXHIBIT 1

[From the Washington Post, Feb. 1, 1998]

DON'T RENAME WASHINGTON NATIONAL

With alarming speed and little serious thought, members of the House and Senate are pushing a bill to strip Washington National Airport of its time-honored name and call it instead Ronald Reagan National Airport. It is a bad proposal on many counts, all of them going well beyond any public wishes to honor the former president. As it happens, this capital city already has honored Mr. Reagan in a most impressive way, naming a major new, heart-of-downtown federal office building after him. As it also happens, the name Washington National honors this country's first president, who lived just down the road a bit from the airport site. In addition, the name Washington National clearly identifies the airport's location and market—an important aid to travelers and shippers all over the world.

There is yet another solid reason to drop the proposal. Former Virginia governor Linwood Holton, the first Republican to hold statewide office in the Old Dominion since Reconstruction and former head of the Washington Airports Authority, cites the history, intent and spirit of congressional legislation signed in 1986 by President Reagan. That act transferred Washington National and Dulles International to the regional authority, granting it control and oversight of the two airports. Gov. Holton notes that the purpose of the transfer, "as recited in the lease itself, was to achieve 'local control, management, operation and development' of the airports. I am very concerned that after ten years of this lease arrangement, the Congress now proposes to take unilateral action to change the name."

Mr. Holton notes that in the past, any changes in the lease at the request of Congress were done with agreement to secure the consent of the regional authority. And in this instance, the local governments involved oppose the change—not for any partisan or political reasons but because of the name recognition that Washington National Airport conveys in the travel and commercial industries, as well as the costs that would have to be borne by businesses in and around the airport (changing signs, business forms and promotional materials, for example).

Yet the renaming proposal is being rushed along without proper hearings in an attempt to make it law in time for Mr. Reagan's birthday next week. Thoughtful members of Congress should consider the negative effects of this measure. There are many ways to salute Ronald Reagan—as has been done here already—but stripping Washington National of its name and history is not an appropriate way. There is no insult attached to voting no; on the contrary, this is the respectful and proper way to redirect and continue any movement to honor President Reagan here or elsewhere in the country.

Mr. BAUCUS. Mr. President, earlier today this body passed legislation to rename Washington National Airport to the Ronald Reagan National Airport. I rise today to express my opposition to that legislation. My opposition is in no way meant to dishonor President Reagan. Recently, we have named the nation's second largest federal building after President Reagan and have named a *Nimitz*-class aircraft carrier after him as well. Clearly, Ronald Reagan accomplished a great deal during his Presidency, and he deserves to be recognized for that contribution to our country.

However, I do not believe that we should seek to honor President Reagan by diminishing the honor that we have bestowed upon President George Washington when we named the Washington National Airport—truly one of our nation's greatest founding fathers. Mr. President, I recently finished reading a biography of George Washington. I recommend everyone in this body do so also. It is important to remember and recognize the many contributions that he made to this country. For it is largely through his efforts that the United States is a world leader in every sense of the word.

Because of his leadership, the thirteen individual colonies united to become the United States—a sovereign, independent nation.

After the Revolutionary War, George Washington took a lead role in crafting our constitution and in the campaign for its ratification. The success of Washington's campaign was assured by 1797, at the end of his second presidential term, and his legacy continues to be the basis of law today.

President Washington acted with Congress to establish the first great executive departments and to lay the foundations of the modern federal judiciary. He directed the creation of a diplomatic service. Three presidential and five congressional elections carried the new government, under the Constitution, through its initial trials.

His policies procured adequate revenue for the national government and supplied the country with a sound currency, a well-supported public credit, and an efficient network of national banks.

Above all, he conferred on the presidency a prestige so great that political leaders afterward esteemed it the highest distinction to occupy the chair he had honored. His work and leadership as President is a benchmark by which we should measure all those who serve in that high office.

Most of the work that engaged Washington had to be achieved through people. President Washington found that success depended on their cooperation and that they would do best if they had faith in causes and leaders. To gain and hold their approval were among his foremost objectives. He thought of people, in the main, as right-minded and dependable, and he believed that a leader should make the best of their good qualities.

As a national leader he upheld the right of everyone to freedom of worship and equality before the law, condemning all forms of bigotry, intolerance, discrimination, and persecution.

Throughout his public life, Washington contended with obstacles and difficulties. His courage and resolution steadied him in danger, just as defeat steeled his will. His devotion to his country and his faith in its cause sustained him. Averse to harsh measures, he was generous in victory. "His integrity," wrote Thomas Jefferson, "was the most pure, his justice the most inflexible I have ever known. He was, indeed, in every sense of the word, a wise, a good, and a great man."

Therefore, Mr. President, despite the respect and admiration I have for President Reagan, I cannot in good conscience support a bill which will diminish the great contributions President George Washington has made to our nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, needless to say, I think we are all grateful to be at this moment.

I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, S. 1575, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—76

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feingold
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reid
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—22

Akaka
Baucus
Bingaman
Bumpers
Cleland
Conrad
Daschle
Dorgan
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Lautenberg
Levin
Moseley-Braun
Reed
Robb
Sarbanes
Torricelli
Wellstone

NOT VOTING—2

Coats
Moynihan

The bill (S. 1575) was passed, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (54 Stat. 686), and known as the Washington National Airport, shall be known and designated as the "Ronald Reagan Washington National Airport".

SEC. 2. REFERENCES.

(a) In General.—

(1) The following provisions of law are amended by striking "Washington National Airport" each place it appears and inserting "Ronald Reagan Washington National Airport":

(A) Subsection (b) of the first section of the Act of June 29, 1940 (54 Stat. 686, chapter 444).

(B) Sections 106 and 107 of the Act of October 31, 1945 (59 Stat. 553, chapter 443).

(C) Section 41714 of title 49, United States Code.

(D) Chapter 491 of title 49, United States Code.

(2) Section 41714(d) of title 49, United States Code, is amended in the subsection heading by striking "WASHINGTON NATIONAL AIRPORT" and inserting "RONALD REAGAN WASHINGTON NATIONAL AIRPORT".

(b) Other References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the "Ronald Reagan Washington National Airport".

Mr. COVERDELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senate and our cosponsors. I want to reiterate my gladness that this has been a spontaneous effort on the part of the U.S. Senate to respond to a great American President.

Throughout the debate it was questioned from time to time, what was the position of the Reagan family? There was not a position. This is a gesture from a people and grateful Nation and a grateful Senate. And I thank my colleagues, those who disagree, for the collegiality in which this matter was resolved.

I yield the floor.

Mr. LOTT. Mr. President, I want to congratulate and express my appreciation to the Senator from Georgia for the leadership he has exhibited here. He kept calm and he got the job done. I think it was the right thing to do, and I am very proud that the Senate, in a very broad, bipartisan vote, voted to name this airport after former President Reagan. I had the opportunity to talk to a couple of colleagues here in the well as we were voting—Democrats who came up and remembered acts of kindness they had experienced from former President Reagan, and they voted for the legislation.

I know some had reservations or misgivings, but I think it was the right thing to do and it was the right time to do it. I thank the Senator for his efforts; he did an excellent job. I thank one and all for their cooperation.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE HIGHWAY BILL

Mr. BYRD. Mr. President, the Intermodal Surface Transportation Efficiency Act reauthorization, ISTEA—in other words, the highway bill—sets the authorization levels for the current fiscal year and the next 5 years for our Federal highway construction, bridge, highway safety, and transit programs. When the Senate found itself unable to complete action on S. 1173 at the end of the last session, it was necessary to pass a short-term extension bill to tide these programs over from October of last year until May 1, 1998. I supported that short-term extension measure, but I did so with the understanding from the distinguished Senate majority leader, and others in the leadership, that "immediately following the President's State of the Union Address," the Senate would return to the highway reauthorization bill.

It now appears that things have changed and that the distinguished majority leader is being urged by a handful of Senators to delay action on it and not bring up ISTEA until after Congress completes action on the fiscal year 1999 budget resolution. Mr. President, as one who has been majority leader, I can understand the pressures that are upon our own distinguished majority leader at this time with reference to the highway bill. I have had discussions with the able majority leader, and prior to the reconvening of the Senate, I had the pleasure of talking with the majority leader in my office. He showed me the courtesy of coming to my office, and we sat for 30 minutes and discussed this measure and other matters. I can understand the pressures that are on him from other Senators in this body. Having been majority leader, I know that one cannot please all Senators on his own side, much less Senators on the other side of the aisle. I am fully aware of that. And what I say with respect to the bill certainly is not in denigration of our majority leader. I have an excellent relationship with him, as I do with my own leader on this side of the aisle, and I would not want to do anything to impair that relationship.

But, Mr. President, having said that, this would be a very shortsighted approach to handling one of the most important matters to come before this Congress—the highway bill. I understand that the very able chairman of the Budget Committee, Mr. DOMENICI, has expressed his hope and intention to proceed quickly with his hearings and the markup of the budget resolution. As Senators are aware, Section 300 of the Congressional Budget Act sets a date of April 1 as the deadline for the Senate Budget Committee to report the budget resolution each year. The Congressional Budget Act requires Congress to complete action on budget resolutions every year by April 15.

I was here, Mr. President, when we enacted the Congressional Budget Act of 1974, and I spoke for it, supported it, and had a considerable bit to do with the formulation of it. But in all of the years since the Congressional Budget Act of 1974, Congress has met the deadline for completing action on budget resolutions only 3 times. Those 3 years were fiscal years 1976, 1977, and 1994.

I say to all Senators, but particularly to the leadership, that this is not a very good record upon which to base our hopes for early completion of the fiscal year 1999 budget resolution. Yet, that's what the plan appears to be, as it relates to the highway bill. As I say, I implored, I importuned, I beseeched, I pleaded with the distinguished majority leader before this session was convened and urged that we be allowed to bring up the highway bill. That was the commitment that was made. It was made to the Senate, it was made to the American people. As I say, I know the majority leader has a lot of pressures on him, and I can understand those, having been majority leader. So I am not going to be one to criticize the majority leader in this respect. Heavy and uneasy is the head that wears the crown.

We are being told we should just be patient and our State highways and transit authorities should not worry. We'll get around to enacting the ISTEA bill after the budget resolution is finished. Mr. President, that places our State highway departments in an extremely precarious and uncertain position as they struggle to continue, without interruption, the Nation's critically important highway construction, bridge construction and repair, highway safety and transit programs.

Now, every highway department is being put into that position. How can we be sure that the budget resolution will be completed at all, much less by the April 15 statutory deadline? Eventually, it will be completed, but how can we be sure that it will be finished in time to meet that deadline? In the past 25 years, Congress has only met that deadline three times, as I have already indicated. On all other occasions, the deadline was missed, sometimes by months, as it was in fiscal year 1985 when the budget resolution was not completed until October 1, 1984; and for fiscal year 1991, when the budget resolution was not completed until October 9, 1990.

But even if it is passed, how can we afford to wait until that deadline? How can we afford to wait until April? How can we afford to wait until April 15 to bring up the highway bill? Construction seasons are upon us. Construction seasons in the northern States, in particular, are going to be constricted.

If the leadership continues to hold up the ISTEA bill, I am concerned that Congress will not be able to act on a new highway bill prior to the statutory deadline now in existence for the obligation of highway and transit funds. How many more days do we have, Mr. President until May 1? May 1 is the drop-dead date with respect to highway obligations—new obligations by the highway departments throughout this country. May 1. How many more days remain? We don't count Saturdays and Sundays, naturally. But only 41 session days remain. Only 41 session days when the Senate will be in session. The States will hit the spending walls for highway transfer funding on May 1. I assure all Senators that we will hear from the American people if we continue to ignore the basic transportation needs of this Nation in such a cavalier fashion. The disruption of these transportation projects will be massive, massive in the Northeast, in the Northwest, in the Southwest, and in the Southeast—all over this country. The disruption of these projects will be massive across the Nation as States will be required to stop obligating funds on May 1 for the highway and transit programs. Congress needs to get its act together!

This is an irresponsible and unnecessary course that threatens the very lives of people as well as the economic well-being of the people throughout the country. Does it take a crisis, Mr. President, to force us to act here in Congress? Do we have to have a bridge collapse and possibly have people killed before we wake up? I have not forgotten the collapse of the Silver Bridge at Point Pleasant, WV, in 1967. It killed 46 people.

Let us look out of the windows and observe the rains that are pounding our area. Listen to the radio, or watch the television set—I don't do much of that; but I do watch the weather—and watch what they are saying about the weather all over this country, about the storm, about what is happening in States back to the west and to the north. The snow, the ice, the ravages of winter will further pock-mark and erode our highways and bridges. We can't afford delays in stepping up to our responsibilities for public safety very much longer.

Mr. President, I have asked the journal clerk how much time the Senate wasted yesterday in quorum calls and in recesses. On yesterday—one day alone—we spent 59 minutes, almost an hour, in quorum calls, and 2 hours and 18 minutes in recesses. That is 3 hours 17 minutes—with a quick calculation—3 hours 17 minutes spent in quorum calls and recesses here in the Senate yesterday. We could have been working on the highway bill.

Strategy games in Washington may be fine for those who do not depend on safe, modern highways to protect their livelihoods and their lives. But, handsitting will not serve us well when the public realizes what is going on.

I implore the leadership to move this bill as soon as possible. The clock is ticking, Mr. President, and time is running out.

I thank the Chair. I thank all Senators. I yield the floor.

MEASURE PLACED ON CALENDAR—S. 1601

Mr. LOTT. I understand the cloning bill is at the desk awaiting second reading by the clerk.

The PRESIDING OFFICER. The majority leader is correct. The clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (S. 1601) to amend Title 18 United States Code to prohibit the use of somatic cell nuclear transfer technology for the purposes of human cloning.

Mr. LOTT. Mr. President, I object to further consideration of this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of David Satcher, and that it be in order to consider both the position of Surgeon General and the Assistant Secretary of HHS en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, reserving the right to object, and I do not intend to object, I am troubled by moving to this measure because I have sought information from this administration, from the Centers for Disease Control, and that information has not been forthcoming.

I thank the majority leader for his willingness to assist me in this respect. He has been very gracious and helpful to me in seeking to get the information that I have requested. I will continue to propound that request, and I have agreed that it would be appropriate to proceed with the measure at this time.

I want to thank the majority leader. While I do not intend to object, I do want to say that I think it would be inappropriate to conclude the debate on this matter in any respect, by a vote or otherwise, absent the kind of cooperation that I think the Senate deserves, when the President has brought a nominee to the Senate and individual Members of the Senate have asked for information.

With that in mind, I thank you for this opportunity to express myself on this. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me note that I appreciate the cooperation of the Senator from Missouri, and I certainly agree with him. When a U.S. Senator requests information from an agency or a department like the Centers for Disease Control about a nominee—I have looked over the list. This is certainly not an unreasonable request. It is one that should be able to be complied with very easily. That request has to be honored. I do have a call into the Secretary of Health and Human Services, Secretary Shalala, and will urge her to act expeditiously this afternoon to get that information to Senator ASHCROFT. If that information is not forthcoming, then I certainly understand that there would be no way that this debate could be brought to a conclusion or a vote until all information that is requested by any Senator would be made available to this body.

I thank Senator ASHCROFT for not objecting at this time so we can proceed with the debate and make sure that all relevant information is available to the Senate.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of nomination of Dr. David Satcher to serve our nation as Surgeon General and as Assistant Secretary for Health. Dr. Satcher is a well-respected physician and medical researcher who has devoted his career to serving the Nation's public health.

I want to note at the outset that it is relatively unusual for one person to be nominated to fill two such significant positions at the same time. When I reviewed the history of these positions, however, I learned that there is a historical precedent. From 1977 to 1981, Dr. Julius B. Richmond served ably in both positions. I believe that by combining these responsibilities we will better serve the needs of the nation.

Dr. Satcher has demonstrated the kind of commitment to serving our Nation's public health that will be required to faithfully fulfill these responsibilities. At a time when many physicians and policy makers failed to appreciate urban health care needs, he began his career serving low-income and other disadvantaged patients in neighborhood health centers and urban hospitals. In 1982 he became President of Meharry Medical College in Nashville, Tennessee. Meharry Medical College has trained more African American physicians than any other medical school in the country.

In 1993, Dr. Satcher became the Director of the Centers for Disease Control and Prevention where he has served with distinction the past four years. Under his leadership, CDC has placed greater emphasis upon the prevention of disease. He has worked to increase childhood immunization rates from 55% to 78%.

As a result, the incidence of vaccine-preventable childhood diseases has been reduced to its lowest level ever and three vaccine preventable diseases have been entirely eliminated.

In addition, participation in CDC's comprehensive breast and cervical cancer screening program has expanded from 18 to 50 states. As a result of this initiative, more than 1.2 million women have received screening, over 2900 women with breast cancer have been identified and referred for treatment and over 21,000 women with an early treatable stage of cervical cancer have been identified and referred for treatment.

Dr. Satcher also used his leadership to dramatically upgrade CDC's ability to detect and respond to new infectious diseases and foodborne illnesses. As a result, CDC played a lead role in responding to the outbreak of salmonella in Oregon that was caused by contaminated food, and was responsible for the efforts to contain the multi-state outbreak of cyclospora resulting from consumption of contaminated raspberries that threatened the health of thousands of children. Dr. Satcher's efforts lay the groundwork for the development of a new early warning system for infectious disease and foodborne illness that promises to save thousands of American lives each year.

Dr. Satcher will need to draw heavily upon all of this commitment and experience to master the challenging duties for which he has been nominated. The Surgeon General occupies the "bully pulpit" of public health and is charged with the responsibility to protect the health of the Nation through public education.

The Surgeon General must advocate for effective disease prevention and health promotion programs and must serve as a powerful symbol of our national commitment to protecting and improving the Nation's health. Dr. Satcher's legacy at CDC demonstrates his fitness to fulfill these responsibilities.

The position of Assistant Secretary for Health is a position of equal importance. The Assistant Secretary serves as the Secretary's senior advisor for public health and science. In this capacity, Dr. Satcher will be required to provide Department-wide leadership in the application of sound medical and scientific principles to public health. In addition the Assistant Secretary for Health has direct responsibility for several key public health initiatives.

These include: Disease Prevention and Health Promotion, Emergency Preparedness, HIV/AIDS Policy, International & Refugee Health, Minority Health, Research Integrity, Women's Health, Population Affairs, and Physical Fitness & Health.

Dr. Satcher's particular challenge will be to preserve the independence of the Surgeon General while fulfilling the Assistant Secretary's responsibilities to the Secretary of Health and Human Services.

Dr. Satcher has revealed a profound understanding of the importance of these two positions and pledged to me that he will rely upon science and common sense rather than politics to guide his decision making.

Dr. Satcher enjoys unprecedented and overwhelming support from within the medical and public health community. I believe that Dr. Satcher is eager to continue his efforts on behalf of the nation's public health and that he will fulfill his responsibilities faithfully. I urge my colleagues to support this nomination.

Mr. President, we did a thorough examination of the history and of the work of Dr. Satcher, and we too looked into some areas that may be of controversy. But, in conclusion, after that thorough investigation, I have absolutely no reason not to stand before you and do all I can to make sure that his nomination is approved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, thank you very much.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent of the Senate that several members of my staff be given floor privileges during the pendency of this debate: Don Trigg, Annie Billings, David Ayres, Lori Sharpe, and Sarah McElroy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Thank you very much.

Mr. President, as I explained earlier when the unanimous consent was sought by the leader to bring this matter to the floor of the Senate, there is an absence of some materials that are important and pertinent to an evaluation of this nominee as a result of the failure or lack of cooperation of this administration to provide to Senators information upon our request. So I indicate at this moment that there will be things that are reserved for debate at a later time when we have that material available to us.

I am pleased to go forward now and take this opportunity to outline some of my reasons for opposing the nomination of Dr. David Satcher for U.S. Surgeon General and Assistant Secretary for Health.

While a case against Dr. Satcher is a compelling one, I must confess from the outset to being a grudging participant in these struggles over political nominees. It is really not one of the more pleasant tasks in the Senate. It gives me no satisfaction to deny anyone an opportunity to serve his or her country. Nomination fights can be difficult, they can be abrasive, they can be partisan, and sometimes they work neither to educate nor to unify the Senate. Yet, after three years in Washington, I believe that America deserves better, America deserves higher quality, and America deserves higher standards of ethics than the standard that has been sent to this Senate by the administration for confirmation.

A nation, like a person, rarely loses its integrity, or its capacity, or its ethics all at once. Instead, our values tend to be lost little by little. And I think we have seen that in this administration.

I can remember a Surgeon General of this administration who wanted to legalize drugs. We have seen Cabinet Secretaries come forward to admit their infidelity. Then one day the Vice President goes out and endorses and embraces Hollywood and all of the values that Hollywood would propound to undermine the ethics and character of America. The next day the President vetoes a partial-birth abortion bill and basically defends what PATRICK MOYNIHAN, the Senator from New York, has labeled as "infanticide." And so it goes.

Finally, we wake up to find our President accused of a kind of conduct in the White House with employees that I wouldn't even want to try to describe here on the Senate floor. Frankly, I don't know what is more tragic: That the Office of the President has been so thoroughly debased in the debate and comments and accusations in the society, or that our values have been so demeaned, that it appears much of the public doesn't believe that we can expect any better.

Frankly, if my time in government has taught me any one thing it is that we teach when we govern. We are assigning values to things when we govern. When we approve of something we say to the culture "This is good," and when we disapprove of something we say "This is bad." In assigning values in a culture, the values of which have been under serious attack, asking questions is an important one of our responsibilities.

Government and its officials teach, and what we are teaching these days is wrong. Although Dr. Satcher is a person of incredibly strong medical credentials in terms of his expertise and his capacity, his effort has been devoted in an area and in a number of ways which call into serious question the values that we would be teaching and the kind of ethical standards we would be saying are OK, if we were to confirm him.

While our Nation is challenged by the crisis of drugs, the tragedy of illegitimacy, and the breakdown of the family, our public officials have been too busy accommodating America in these things, rather than calling America to her highest and best. Piece by piece, our Nation's integrity has been sacrificed, and too often the Senate of the United States has participated in confirming nominations or ratifying proposals without looking carefully at the ethics involved or the values that are being challenged when a nomination is being confirmed.

Dr. Satcher's elevation to the post of Surgeon General of the United States, Dr. Satcher's confirmation, would reject America at her highest and best and would simply say that we are willing to accept a series of values which are far beneath what the American people endorse. Dr. Satcher, for example, has embraced partial-birth abortion. He tolerates abortions for minor children without parents' consent. He supports free needle programs, so that drug addicts would be aided and assisted in the administration of their drugs by a Government program that provides free needles.

I think this accommodates people where they are, at a low level, instead of challenging people to where we need to be, at a high level. I think America deserves that kind of challenge for quality and integrity and ethics. I question the value of a Government program and its ethics when it provides needles to drug addicts so they can administer drugs in a way which is more healthy—if you could say that. Why should the United States of America participate in that?

Consider the following information. Dr. Satcher has promoted research on African women who were HIV positive. That research denied them known, lifesaving drugs and therapy. Our Nation's top medical journal is the New England Journal of Medicine. Virtually everything that you ever hear, in terms of something new, something at the cutting edge of improving medicine, is written of and announced in and discussed on the pages of the New England Journal of Medicine. The New England Journal of Medicine chastised Dr. Satcher, literally branding his research in these African HIV trials—in which some African women bearing children were given sugar pills or placebos—as being unethical.

I think America deserves better. America deserves a Surgeon General who repairs to the highest standard of ethics. America deserves better than a Surgeon General who would experiment on the most vulnerable members of the world's population.

Dr. Satcher has championed blind tests that sent thousands of HIV positive infants home without parental notification. That happened in this country, not in Africa. Infants were tested for HIV. The tests were maintained as blind so that no parent would know if the child that was tested, their baby, was testing positive for HIV. This practice intentionally left moms and dads without an awareness or understanding of whether their child was infected with the HIV virus.

It might be argued, "Well, the moms and dads might be able to find this out because they realized they were living in risky lifestyles or were at high risk for HIV infection themselves." That might be true. It might not be true. But what happens if that mom or that family decides to give the child up for adoption? If there had been a test of the child's blood which indicated whether or not it was HIV positive, the adoptive parent might not be privy to that information, especially if the information isn't even available to the natural birth parent. I think America deserves better. I think this country deserves better than a Surgeon General who would have those kinds of tests conducted and not provide that kind of vital, potentially lifesaving information.

I understand that people might want this kind of information for statistical purposes, so we could develop an awareness of the statistics about AIDS and which communities have the highest levels of AIDS. But I think Government too often views people as statistics. I think we need a Government that views people as human beings and understands the importance of individuals and parents and children. Ignoring the potential for an early diagnosis on the HIV virus is, I think, something that would raise serious questions. I would not want to be a parent who was not told if my child had HIV, in spite of the fact that the Government had conducted a test which would reveal it.

Certainly, if I weren't the natural parent and I were in the shoes of someone adopting a child, I think I would want to know, not so that I might not adopt the child, but so that I might take whatever measures would be necessary. One might begin to take the steps which could curtail the incidence of the kinds of diseases that can attend and participate in the eventual collapse of an individual who is HIV positive. There is progress being made in the area of AIDS research. But it seems to me if you have some life extending knowledge, you would want to make that available because you might extend a life to the time when a cure would become available.

America deserves better than a Surgeon General who is more concerned about the secrecy of experiments than he is about the lives of the specific patients involved. There are scientists and medical doctors who are more concerned about statistics. It may well be that they should be commended for their interest in statistics. But I think America's family doctor, the Surgeon General of the United States of America, should be one who reflects a concern about individual lives and about individual health conditions. He should call America to her highest and best as it relates to health and should never, never settle for America at her lowest and least.

Maybe this is what America has come to expect from Washington. It may be what we expect, but it is less than we deserve. It is time for us to stand up and defend values—values like honesty, integrity and decency—and it's time for us to demand a Surgeon General who will appeal to the better angels of our nature, who will attend the health of the Nation, not one who would participate in the "clean needles" approach to the drug problem.

These are issues that I intend to elevate in the Senate's consideration of this nomination: The African HIV studies overseen by Dr. Satcher during his supervision of the Centers for Disease Control and the ethical debate that swirls around these studies, including the indictment by the New England Journal of Medicine that these studies were unethical; the domestic AIDS detection programs that refused to identify the blood samples with the children so that the parents would never be told as a result of that test whether their children had AIDS, sending parents home with AIDS-infected children without giving them the benefit of what the studies could have shown; there are the clean needles programs which, frankly, don't appeal to us at our highest and best but accommodate the culture at its lowest and least and put the Government in the drug business.

I think there are real reservations about the kind of signals that sends. What does it teach? What does it teach a young person if a junkie says to him or her, "You ought to try this," and the young person says, "Well, I don't know if I should." Then the junkie says, "Well, look, the Government gives us these clean needles," rips open a pack, and says, "so that you won't have any problem, so this will be a safe procedure for you." I have real reservations about that. I think the people of the United States of America deserve better than that.

I think the United States of America deserves better than a Surgeon General who is willing to endorse the President's position on partial-birth abortion. It is clear to me that the people of this country understand the heinous terror, the horror, and the tragedy of partial-birth abortion. We do teach by what we endorse, when, by confirming something, we authorize and ratify it. I think we have real problems when we would purport to confirm an individual who is endorsing partial-birth abortion, especially when it is now well understood by medical authorities that it is not even a medically needed or indicated therapy.

All of these things are interesting points. There are other matters which will be the subject of discussion. But America deserves better. We deserve a family doctor who will lead us to our highest and best, rather than accommodate us at our lowest and least. I mentioned in a colloquy, with the leader of this Senate, that we had sought information from the Centers for Disease Control and from the administration about this nominee and we had not been sent that information. Some of the information which we will be using in the debate has come as a result of Freedom of Information Act demands, which information hasn't been forthcoming without those kinds of inquiries. As a result, I think you can expect the debate to be more thorough as the information arrives.

These are the broad outlines. America deserves better. America ought to have a Surgeon General who calls us to our highest and best, not one who accommodates us at our lowest and least. We should not have a Surgeon General who would participate in an assault on the values of America, opposing 80 percent of Americans who believe partial-birth abortion is wrong. We should not have a Surgeon General who believes that it would be OK to have clean needles programs that put the Government in the business of participating in the administration of illegal drugs. We should have real reservations about a Surgeon General whose regard for Third World populations allows him to use your tax dollars to have lower standards in conducting medical research on people overseas than the standards he would use in the United States of America. I think that has implications for who we are as a people and it has implications for the way other nations view us, if we are willing to do things with their population we wouldn't do with our own population. Obviously we would have reservations about the maintenance of a program which tests the blood of young children for HIV but does not provide their parents with the information that would allow them to make good judgments about their health care later on.

With those things in mind, I would just signal that, as the information becomes available, I would expect additional Members of the Senate to come to the floor and participate in this debate. We will have a chance to examine each of those categories in detail with a view toward assessing whether or not this Senate should teach the kinds of things that would be taught to the American public if we were to confirm this nomination.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I have listened very carefully to my friend from Missouri. I was disturbed about these matters, as he was, when I initially looked into the background of Dr. Satcher. These were fully investigated. They were answered in detail by the nominee. The record of those requests, involvement in these particular issues—the two most dramatic ones being perhaps the so-called free needles, clean needles, and also the AZT trials—the answers to those interrogatories are a matter of record and available to all Senators. In addition to that, they are on the Internet so the public can freely look into them.

Let me very briefly give you an idea of the nature of the situation. The Senator referred to the New England Journal of Medicine. That would give you considerable credibility. But you should know that two members of the editorial board who were familiar with the AZT trials, which were in Africa, and were familiar with the methodology used resigned from the board as a result of that journal editorial. They understood. And I will go into length later on these trials, but I do not desire to do so now.

Also, the question of needles and drugs is a matter of AIDS as well, AIDS prevention, and therefore when you understand fully the issue you will understand that this is a defensible way to prevent the spread of AIDS.

But with that brief discussion, I will yield to my good friend who has been so very helpful on my committee, the Senator from Tennessee, Mr. FRIST.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Tennessee.

Mr. FRIST. Mr. President, I am delighted to rise because I think we have before us a very important issue and one that we have not dealt very well with, at least since I have been in the Senate. There will be a lot of debate as we just heard on a number of issues and I am happy to debate those issues. I think they are important to the American people. If the allegations that have been sent to me by fax machine, some of which we have heard just expressed in the Chamber, are true, I would agree that America does deserve better. What I hope that I can do is offer a reasoned voice, a voice based on some experience but more importantly one that is close to science, one that has been involved in placebo controlled trials, one who participates in ethical decisionmaking in medicine, in health care, one who knows Dr. Satcher, whom I hope we hear something about. In fact, I will take a few minutes and talk about Dr. Satcher, the man, the man who came before our committee, the man who has contributed so much throughout his life for the betterment of public health, his fellow man and, more importantly, for that next generation.

I do think we need a Surgeon General. I was in Africa last week and asked a lot about these AZT trials, and I hope to have a chance to comment on those a little bit later. About a month ago, there was what we thought was a new disease, what the world thought was a new disease called Rift Valley Fever, which killed about 400 people in Kenya over a period of 3 weeks. It came quickly. It came because of the flooding. There was an awakening of a mosquito larvae that carried a deadly virus which could not be identified. There was mass confusion in the scientific community, really all around the world, about, is this a new virus? It causes a huge hemorrhagic bleeding and terrible death. Is it going to extend beyond the borders of Kenya to Africa and to the United States?

Amidst all that confusion there was not a single voice either in the United States or anywhere in the world to step forward and take that available information to reassure the public, to point out what is known by science.

Luckily, a few weeks later, the virus itself was described, the floods actually got much better and hopefully we have seen the end of that particular virus for hopefully the next decade. It is a virus that does stay around for decades and decades. But it made me think how important it is to have a reasoned, educated, articulate, concise voice—we do not have it—in the United States right now to interpret the innovation and changes in how health care is delivered today to the American people.

Just yesterday on this floor we introduced a bill on cloning. It is a difficult bill, a bill I have had to go back and spend a lot of time on, putting on my hat as a scientist to understand, and it made me think once again, wouldn't it be nice to have somebody whose sole job is to be the Nation's doctor and to help interpret science, help interpret what we know, to talk directly to the American people. I am talking really generically about the Surgeon General now, because many of my colleagues have come forward in the past and said, do we really need a Surgeon General? Wouldn't it be easier to escape all the politics?

Let me say I think much of the discussion we are going to hear about is straight politics, nothing beyond that, and I hope we show over the next few hours and the next few days the lack of substance that has been demonstrated by a number of groups today in terms of getting down to reality, the truth, and that is what I want us to demonstrate in this body not just to each other but the American people. Let's rise above politics.

Now, unfortunately, some people point back to several years ago when the position of Surgeon General appeared to be used for political agendas and social agendas which were outside of the mainstream and America did at that time deserve better. The case I wish to make is that Dr. David Satcher does better. He is the most appropriate person for this position today and will carry it out with the integrity, with the dignity, with the moral values and the forethought, the background and the training that we as Americans expect.

Now, what is this position of the Surgeon General? A lot of people say, "What does he do?" I already told you my impression of what we need in terms of that articulate, concise, straightforward voice that can listen and talk to the American people.

In addition, the Assistant Secretary of Health oversees administration of eight agencies of the Public Health Service, which include the office of Surgeon General. In these dual roles, Dr. Satcher would serve as the public doctor, but in interpretation of what is going on, the direction we should go, looking into the health and the future welfare of our children, but also in advising the Secretary of Health and Human Services. That is a void which we have today. The Secretary of Health and Human Services does not have a person to come in and advise on the sorts of policy that will affect everybody in this Chamber today and their children and that next generation.

I sat through a lot of meetings today with talk about how much money the President can spend, and the President has proposals, the private sector has proposals, how many hundreds of millions of dollars can we spend on television to educate people so that their children won't start smoking or how we can set up a new bureaucracy with new employees out of Washington, DC, or take an old bureaucracy and have them come in and educate our young people today.

I just want to throw up my hands and say, listen, let's go back to those basic principles. You do not have to spend more money. You do not have to set up big bureaucracies. Let's get that one vocal, intelligent, trained, articulate, eloquent spokesman who can speak for mainstream values, and that one position can be the Surgeon General, without spending all this money on this extra bureaucracy that we do not know whether it will work or not.

We know the role of Surgeon General works. On this same issue, in 1964, if you asked the world who is the one voice who has had the most impact today on this issue of smoking and teenagers, it has to go back to the Surgeon General's report of 1964. Yes, way ahead of its time. But who better than to have the Surgeon General? Is it better to have the heads of the tobacco companies or the manufacturers or politicians or somebody who can intelligently go in and digest the available scientific data, who can reach out to the American people and interpret what is right and what is wrong for the public health?

I contend it is the Surgeon General, and if you look back over that longer record, not just the last 6 years but back to 1964 and before, you will see that the Surgeon General's voice has been effective.

Dr. C. Everett Koop in the 1980s, all of us remember, woke America up to an emerging public health threat. Some people wanted to hide in the sand and say it is not a problem; it is not affecting my family, my community. Therefore, let's not make any progress. Dr. C. Everett Koop, as Surgeon General, stepped forward and he said we have an emerging crisis. He said it is HIV positive. It is called AIDS. In candor, in realism, let's help the public.

I needed help as a health professional at the time to help separate out the facts from the fiction, what you read in the press, what you receive over your fax from some special interest group that wants to take a tiny little topic and blow it out of proportion. Who sets that perspective? I would argue that if it is in the field of public health, the Surgeon General sets that perspective for an audience of health practitioners as well as the public.

Although we have not been very effective in looking to this office. Yet there the Surgeon General's reports have been very effective and informative regarding public health. About a year and a half ago, the Surgeon General's office issued a report demonstrating that moderate physical activity can reduce the risk of heart disease and some cancers. These very effective reports produced over time have helped to interpret for the public the direction of living a healthier lifestyle.

Now, if you look back historically at these reports—and I went back and did it because I haven't been around that long, in terms of looking at what has been generated from the office of the Surgeon General—my conclusion is that there has been no political agenda in mind in these reports—I don't want to say without exception because I haven't read every report, but the well being of the Nation, of the public health was at the heart of each of these reports. And I guess as I was in Africa 2 weeks ago as a scientist who looks at new viruses, who looks at the public health challenges, I thought we have public health threats in this country, such as smoking and drug abuse. Just last year we talked in this body about foodborne illnesses, alcoholism, emerging infectious diseases, resistance to antibiotics which we feel so comfortable with. I can tell you the resistance to antibiotics is one of the greatest challenges we have in this Nation but also the world that stands before us. Who is going to help us interpret what that means? Is it going to be a Senator? I don't think so. Is it going to be the Secretary of HHS? I don't think so. Is it going to be the President? No. It is going to be the Surgeon General.

Dr. Koop called this position of Surgeon General a "high calling with an obligation to interpret health and medical facts for the public." A high calling. I will tell you, it is a high calling because you put yourself through the sort of accusations which I will contend and hopefully show that many are false. They are totally untrue. They are accusations, totally unproven, and that is going to be the subject I think of much of our discussion today. I hope the American public keeps faith in this institution and in the sort of debate we will engage in and at every case come back and ask those fundamental questions about integrity, about looking at one's past record as we look to the future.

I haven't said very much yet about Dr. David Satcher. Let me say at the outset that I know Dr. David Satcher. I have known him for a long time. I knew him as a physician, a fellow physician in Nashville, TN. I have known him as an educator, as somebody who has run a medical school. And as we look to the sorts of challenges we have in the future, medical education is one of those challenges—how we maintain the excellent physicians that we have today in a world of managed care, reduced funding by the Federal Government.

Dr. Satcher is an administrator. I guess a lot of the focus is going to be on the large public health agency, the Centers for Disease Control and Prevention (CDC). Over the next several days, I have a feeling what is going to happen is that you have the head of a large organization and you have thousands of programs under that organization, and we are going to have people find in some program down at the community level where there is some tracing through the large organization to the fellow at the top who is held responsible, and he should be responsible for it as long as the American people look at all of the other positive things that he—in this case, Dr. Satcher—has done in leadership of that organization, which is the largest public health organization, not just in the United States but in the world.

So I ask my colleagues to paint the larger perspective as we go through, as these examples of local programs are brought forward that have something that I don't agree with personally. We will come back to that. So I hope we can get above the politics and look at the qualifications of this family physician.

As we move into this next millennium, we need to be thinking about family practice. He is a family practitioner. He has the endorsement of the society that represents family practitioners. Dr. Satcher has taught family practice and chaired a department of family practice.

Science. Again, I mentioned that yesterday I spent most of the day interpreting what somatic cell nuclear transfer is to my colleagues, to the media, and to the American people and that's good, but I am not sure a United States Senator needs to be spending so much time talking about a specific scientific technique year after year after year. And here we have somebody who is nominated to be the next Surgeon General who has not only a medical degree but a Ph.D., another advanced degree in an advanced science, the science of cytogenetics, somebody who has written research papers, been in the laboratory, applied for grants and received those grants, somebody who understands what a clinical trial is, what peer review is, what a placebo control trial is, somebody who has been in the room as we talk about medical ethics. And medical ethics is tough. You can always find people within the field who disagree.

But I will contend that as we look at these ethical issues, such as the clinical trials in Africa and other parts of the world, we will come to the conclusion that the appropriate ethical process was undertaken under the leadership of Dr. David Satcher.

Another hat. Dr. Satcher has a distinguished record of promoting the public health, improving health based upon science, not one's feelings or one's politics, but on science.

I don't agree with everything that Dr. Satcher says or does, nor do I expect to, but I do want to go back to what he has told me, what he presented to our committee, because it is important for the American people and for my colleagues to fully understand what his vision is, as well as his background, because there is going to be an attempt to insert another agenda on Dr. Satcher which is not his agenda.

I think in the confirmation process, we have to ask a couple of questions.

No. 1, does this man, Dr. David Satcher, have the commitment, the intelligence, the training, the experience, the honesty, and the integrity to be the chief spokesperson for Americans on matters concerning health?

I contend that he does.

And can he articulate those views?

He is a good spokesperson. For my colleagues who have had the opportunity to talk to him, he can articulate his views with dignity and with clarity as an eloquent spokesperson.

He has a demonstrated public service record, which has been reviewed by the chairman in part. He is a good manager. Scientific integrity I have mentioned.

President of Meharry Medical School in Nashville, TN, how important is that? I contend it is important to have had that past experience. If you had to go out and choose a physician to participate in understanding public health, I think that being the head of a medical school is a wonderful credential to bring to the table. He has an understanding of population-based medicine, a broad understanding of the health care delivery system and—I can tell you and I am sure over the course of the day, a number of people will put in letters of endorsement by the medical societies and by his peers—he is a widely respected physician by the medical community.

He is a scientist, I mentioned. I should also mention, because we are going to be talking about ethics so much, that he is a wonderful family man with a wonderful wife, wonderful children, teaches Sunday school, understands medical ethics. From everything that I know about Dr. Satcher, he is a reasoned, scientific voice, and he will represent us well as the next Surgeon General.

Let me look a little bit more at his experience. I mentioned he received his medical degree and his Ph.D. The Ph.D. was in cytogenetics. It was at Case Western Reserve.

I think it important to have both, that understanding of individual patients—and he has practiced medicine—as well as an understanding of the science and having that advanced degree, a Ph.D. in cytogenetics.

His experience is broad. We know about the Centers for Disease Control and Prevention. We know about Meharry Medical College. What you may not know, is that for 3 years, he was professor and chairman of the Department of Community Medicine and Family Practice—that was back in 1979 to 1982—thus, demonstrating his concern for his local communities.

In a theme which he gave again and again, both in our committee and with me directly, was his commitment to allowing decisions to be made by local communities instead of decisions dictated by the federal government out of Washington, DC. I think that is important, because as we look at a number of these programs and information we are reaching out for, I hope my colleagues will ask the question, did Dr. Satcher, through the CDC, make the decision on that program or did he allow a local community to make a decision using the resources that are available?

I think his commitment, which has been made very clear to me, to have both resources and decisions about public health made by local communities comes from his experience having been a chairman of the Department of Community Medicine and Family Practice at the School of Medicine in Morehouse College down in Atlanta.

Before that time, Dr. Satcher was a dean, an interim dean, at the Charles R. Drew Postgraduate Medical School. He was also a professor and chairman of the Department of Family Medicine at the Charles R. Drew Postgraduate Medical School in Los Angeles. And, he was medical director of the Second Baptist Free Clinic.

His professional experience is interesting, because we talk about populations, and I don't want to get too far into the science, but I think it is important that whoever is the Surgeon General does understand what happens with large populations. The Surgeon General becomes the Nation's doctor. And just like when I, as a physician before coming to this body, would see a patient who came in the door, it was my job to interpret, to educate, to listen to and to diagnose. The Nation's doctor does the same for over 250 million people. Therefore, it is important he understands populations and disease in populations.

It is interesting that Dr. Satcher also was an assistant professor of epidemiology, and that is the statistical study of population-based diseases. Once again, a wonderful credential for the position of Surgeon General. That was at the School of Public Health at the UCLA School of Medicine in Los Angeles.

Does he understand medical problems? Yes.

Remember his many published articles—I don't need to go through the articles, but let me relate to you that he has written extensively about hypertension, high blood pressure. Cardiovascular disease is the No. 1 killer in the United States of America today. In the early 1970s, he was director of the hypertension outreach program. He has done research. He understands the importance of preventive as well as therapeutic medicine.

Board certification. His qualifications: 1994, fellow, American College of Preventive Medicine. Yes, this man understands what we need to do now to prevent, not just treat, the problems that we inevitably will face and probably will face with increasing frequency in the future.

In 1980, fellowship, American Academy of Family Physicians. I have already mentioned their broad support for their medical colleague in this position.

1976, board certification, American Board of Family Practice.

Active in communities. I mentioned that he spent a large period of his life in Nashville, TN, which is my home. These are the sort of things we don't look at a lot here because we get lost in rhetoric. I think a lot is how involved one is as a role model in their own communities. Dr. David Satcher was involved in his own community. I mentioned he taught Sunday school. He is active with the United Way and has been on the board of United Way in middle Tennessee. He was chair of the Minority Health Professions Foundation. He was a board member of the

Boy Scouts of America for 10 years. Board member, Easter Seals Society. This man understands his commitment to large populations. He understands public health. What is wonderful to me is it starts with him as a role model, as a father, as an active participant in his own community.

We are going to come back to a lot of the issues, issues which mostly arose after the committee hearing on Dr. Satcher's nomination. At the hearing, Dr. Satcher had the opportunity to articulate his vision of what this Office of Surgeon General is. And, therefore, I would like to refer back just very briefly to what he has said, to use it as the foundation upon which the discussions about looking to the future will rest.

This is from the testimony before the Labor Committee. He basically said:

> As Assistant Secretary for Health and the Surgeon General, I would take the best science in the world and place it firmly within the grasp of all Americans. I would not just speak to Americans but would also listen to them, really listen to them. I would want to hear about their expectations and their experiences, their questions and their concerns and engage them in an ongoing conversation about physical activity, about good nutrition.

We haven't heard much about that thus far in this body, about Dr. Satcher's agenda.

I hope we talk about Dr. Satcher's plans for good nutrition.

> For responsible behavior and passports to good health and long life.

He says:

> As Surgeon General, I would strive to provide our citizens with cutting-edge technology in plain old-fashioned straight talk. Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people.

He continued:

> My goals as Assistant Secretary for Health and Surgeon General are to be an effective advisor to the Secretary by providing sound medical public health and scientific advice as appropriate. I want to bring more attention, awareness and clarity to the opportunities for disease prevention and health promotion that are available to individuals, families and communities in this country. I want to help make the health of children and youth a greater priority for the Nation and serve as a positive and inspirational role model to them.

That is his vision.

One last quotation from that testimony, again more to get it in the RECORD and have my colleagues understand where Dr. Satcher wants to go. He said in closing:

> I will challenge the American people to be the best they can be and to respect the roles of parent, families and communities. I will try to bring people together. That is who I am.

Let's keep that in mind, that fundamental kernel in mind as we go through and listen to the various arguments made why he should not be Surgeon General.

As a way of introduction, because that is what we are doing in terms of setting the parameters, instead of going into each of the issues that have been mentioned earlier, let me cite several of the allegations and start that debate as we go back and forth.

As I have said, a number of allegations have come forward, and I am sorely disappointed in the substance behind those allegations as they come across the fax machine and are presented to me by well-meaning constituents who came forward and said, "What is it? Did Dr. Satcher really do that?" I hope to point out over the next day or so that, no, he did not, and that our responsibility is to come to the truth behind Dr. Satcher.

Position No. 1 is partial-birth abortions and the proposed ban, and this is one I dealt with very early on, because I feel strongly that this body has a responsibility as trustees to the American people to ban this procedure which offends the sensibilities of everyone.

The issue of partial-birth abortion also deeply troubles Dr. Satcher, and I hope that everybody who is concerned about this issue has sat down and talked with him and listened to his statements.

In a letter dated October 28 to me, Dr. Satcher wrote the following:

> Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda—

Let me read that one more time—

> I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans, not divide them. If confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country.

In the written responses to the Labor Committee—also it is important to refer at least to that in passing; we will probably come back to it—Dr. Satcher says he supports in concept the ban of this partial birth abortion procedure, and then explains what his position is. But I think what is important, if you look over his past, his 25 years as a professional, abortion has not been on his agenda in terms of promoting the public health, and as you look forward, based on the statements he has made to us directly to the committee and in our own conversations, abortion is not going to be on his agenda.

I think the people who feel so strongly about the litmus test on the statement by Dr. Satcher that he thinks those sorts of decisions should be made locally—if the litmus test is so strong, I can understand my colleagues voting against Dr. Satcher. But I hope they look more broadly since it is not going to be on his agenda for the future and has not been over the last 25 years.

Number 2. Dr. Satcher's position regarding AZT, which is a drug that is used successfully, if it is given in a certain high-tech way, to prevent the transmission of the HIV virus from a mother to a child. We are going to come back to this a lot. It is a good issue. It is a good issue because there has been years of extensive debate on this very issue by the countries that are involved, by the United States, by scientists, by theologians, by trained ethicists. We can relive those debates, if you would like.

But let me try to boil it down to several issues. I was in Africa last week, in countries including Kenya. The per capita spending on health care for an individual in Kenya is about $5 annually.

Should we take a therapy, ethically, that in this country we know works—the cost down there, if we adopted it, is about $1,000. This therapy works in the United States. But in truth, from a practical standpoint, logistically, because it is intravenous therapy, it requires a series of doses with followup that extends over a long period of time. Practically, economically, logistically, that therapy has zero chance—and nobody says otherwise—to become the standard therapy in a country like Kenya today, zero chance.

Is it ethical, I ask, for us in the United States to take that arm, that therapy to Kenya and experiment there when there is absolutely no chance that that therapy can ever be used to benefit that population? The answer is, no. By international standards, the answer is, no.

That is the standard basically. If you are going to be using clinical trials which are dealing with people directly, the therapy has to be in some shape or form potentially beneficial to that population. And $5 per person is what is spent on health care totally—child care, prenatal care, treatment in the hospitals, clinics, medicines. And to thrust a therapy which cost $1,000 into a health care system that cannot support it is, to my mind, unethical. That is No. 1.

No. 2, placebo control trials. What does that mean? It means basically that someone comes in, you are looking to see whether an intervention works or not, the HIV virus is transmitted from mother to daughter. What can you do to intervene to stop transmission of that virus that is practicable, that is reasonable, that has some chance of being applied there broadly?

Well, the question is, can you take that very complicated, Western-style, intravenous $1,000 AZT therapy, which is the standard in America now, can you in some way modify that so there is some chance that a shorter course, hopefully given orally, or maybe a shorter course with one intravenous dose, but a shorter, less expensive course, works? Because if it works, you can go out and prevent the transmission of HIV to the millions of babies who are born to mothers who are HIV positive.

How do you know if it works or not? You have to compare it to something. From an ethical standpoint, nobody has been in any one of these AZT trials under discussion that informed consent has not been obtained. So when you go out and say this is like Tuskegee—we can go into that—it is nothing like it. And I look forward to that, coming to the floor in relation to that, because I received these faxes comparing it to a terrible, terrible experiment in this country. It is not like that. We will come back to that. But every person had informed consent in these trials. That is very important because that is one of the national, international norms.

AZT. Does it work or not? What do you compare it to? Well, the standard today in clinical trials all over the world is that you have a control population and a population that you intervene with. How else are you going to know what the difference is, whether this AZT therapy works?

Yes, this was a placebo controlled trial. It is the standard of therapy today. People do not get treatment right now for the transmission of HIV. When I was down there as a physician asking, "What do you do?"—one out of four people in this community are HIV positive—"What do you do?" they laughed. "We can't do anything. Why don't you help us devise a protocol?" That is what happened.

These countries came to the United States of America, through the World Health Organization, and said, "We have to design an intervention that will work, that is practical, that is consistent with it being applied in these countries." And the response, going through the appropriate ethical channels, were these trials that we are talking about.

Why placebo control? Why can't we use placebo controls, since we had this control population, in the United States? Well, we do not know today whether AZT, this drug, interacts in some way with a background of malaria. And you have to have a placebo control trial because the population there is not the population in the United States of America or in France or in England or wherever these past trials have been conducted. The only way you can get the answer is through carefully designed placebo control prospective trials to be able to answer that question—does AZT work or not?

The third issue that has come forward is this needle exchange program. And I think we will get back to that. Let me just make the following statement because it boils it down to everything.

Dr. Satcher has never advocated taxpayer-funded needle exchange programs for drug abusers. Dr. Satcher has recommended to Congress that we allow scientific studies to answer the key questions involved with this particular issue. Dr. Satcher believes strongly that we should never do anything to advocate the use of illegal drugs. The intravenous use of illegal drugs is wrong. He has said that. He opposes the use of any illegal drugs.

Secretary Shalala, in a February 1997, report to Congress, concluded the following in regard to this needle exchange program, because it can be pulled out and draw up these images in people's minds of needles going into the arms of drug addicts, especially free needles. We have to step back and look at what the scientific studies show.

In the letter that she sent to Congress, the following conclusions could be made. Needle exchange programs—and I quote—"can be an effective component of a comprehensive strategy to prevent HIV and other bloodborne infectious diseases in communities that choose to include them." That is what the science said. We can argue that and we can talk about the social policy. That is what the science says today. But most importantly, the department itself has not yet concluded that the conditions set forth by Congress on Federal funding of needle exchange programs have yet been met. We in Congress have crafted a protection to disallow federal funding of needle exchange programs unless the science shows that such programs will not only reduce HIV infection, but also not increase drug use.

Fourth, is Dr. Satcher's position on the survey of childbearing women, the blinded surveys. We have heard already this morning, and we will continue to hear, that opponents of Dr. Satcher have erroneously claimed—and I use the word "erroneously;" and I underline it—that the infants known to be HIV positive were sent home without parental notification after being tested specifically for HIV. And this is simply untrue. It is not true.

Again, it takes some understanding of how science today, and the medical community and the public health, obtains baseline data from a population so you will know where you are starting, whether or not interventions work or not, how much of a public health issue it should be.

In this particular case, samples were gathered from left over blood specimens that were taken for standard tests. The rest of the blood is discarded and put over in a cabinet, typically thrown away.

Under this study, all personal identifying information is taken off. But that blood has some useful purpose from an epidemiologic standpoint, from a public health standpoint because we can see what the baseline of something like HIV positivity actually is. The information that was gathered from these surveys of this discarded blood is not labeled, is not attached to an individual—Why not? For reasons of privacy, something that we all respect. We do not want people taking blood from us, having our name attached to it, testing it, and then releasing it to the world. However, those same women were counseled about the benefits of being tested and offered an HIV test that would allow them to know their and their baby's HIV status. The allegation is that this was a secret test. Yet, women were offered and encouraged to be tested and to be aware of their HIV status.

This blind survey was critical. We can look how far we have come and the progress that has been made, in terms of treating HIV infection, with our public health officials, because it was the only totally unbiased way to provide a valid estimate of the number of women infected with HIV as well as their demographic distributions.

Thank goodness we have access to such information. But again, this whole accusation that infants known to be HIV positive were sent home without telling their parents they were being diagnosed with HIV is simply untrue. This survey yielded population-based numbers of the incidence of HIV, not linked to individuals unless they gave their informed consent.

Well, as you can tell, I feel strongly about this position of Surgeon General. I will bring my remarks to a close for this time around. I feel strongly that we need a Surgeon General who can articulate the needs, the challenges of public health, which are inevitably there. We need a Surgeon General who can advise the administration because the administration is making decisions every day that affect the public health whether it be in the area of disease or prevention or managed care, organization and delivery of our health care system.

Second, I feel very strongly that Dr. David Satcher is the man for this position. He is a scientist. He is a family man. He is committed to local decisionmaking. He is an educator. He is a spokesperson. He is an eloquent spokesperson. But most importantly, he is committed to his fellow man, to improving the public health.

I look forward to the debate. I hope our colleagues do participate in the debate. And I think that at the end of the day, hopefully, we will get to the truth and the kernels of truth that lie behind all the accusations and ultimately confirm Dr. David Satcher.

Mr. JEFFORDS. Mr. President, I thank the Senator from Tennessee for a well-documented, very thorough and careful examination of the nominee.

I now yield 20 minutes to the Senator from Massachusetts, my esteemed ranking member.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. Are we under a time agreement?

The PRESIDING OFFICER. There is no control of time.

Mr. KENNEDY. Thank you.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that two fellows in my office, Caroline Lewis and Diane Robertson, be granted floor privileges for the consideration of the Satcher nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I want to join in commending my friend and colleague, the Senator from Tennessee, Senator FRIST, for an excellent presentation. During the consideration of the nominee, he was careful with his questions, probing with his questions, and obviously prepared prior to the time of the nominee's presentation and during the course of the hearings.

I think today we see the result of some very hard and disciplined and informed judgment based upon his evaluation of this extraordinary nominee for the position of Surgeon General and the Assistant Secretary. I listened with great interest to his very detailed description of the great opportunities for this Nation when we gain the service of Dr. Satcher in that position as Surgeon General and Assistant Secretary for Health.

I heard with great interest, again, his response to a number of the allegations, quite frankly, misrepresentations that have been made about Dr. Satcher's record. I must say that I find myself in agreement with his understanding of Dr. Satcher's position, and as to his representation to the committee during the course of the nominee's presentation, and in response to various questions.

I also want to commend the chairman of our committee, Senator JEFFORDS, for the work that he has done in both scheduling Dr. Satcher for the hearings, for the way that the hearings were conducted, the balance and the fairness which is so much a part of everything that he is associated with, and for his compelling statement as well.

I am very hopeful that the Senate will have the opportunity to vote on this truly outstanding nominee in the not too distant future. This position has been vacant for a very considerable period of time. We have an outstanding recommendation by the President, a truly outstanding nominee, an outstanding candidate, an outstanding individual on the issues of public health. The position of Surgeon General needs to be addressed if we are going to be responsive to the concerns of our families in this country. We have had, quite frankly, enough delay on this outstanding nominee. It is time to act.

Mr. President, I commend the leadership for bringing to the floor the nomination of David Satcher to be Surgeon General and Assistant Secretary for Health. Dr. Satcher is extremely well qualified for this position. In fact, his life story is a tribute to the strength and vitality of the American dream. Dr. Satcher was raised on a farm in rural Alabama. He was one of 10 children. His mother was a homemaker and his father was a foundry worker. Neither of his parents finished elementary school, and between them, they never earned more than $10,000 a year.

The defining moment of Dr. Satcher's extraordinary life may well have occurred when he was a toddler. It was then, at the age of two, that he survived a near fatal attack with whooping cough. Although whooping cough had been a leading cause of death among young children in the United States, it would become much rarer by the time he was born. But the vaccine was not available to Dr. Satcher's family. They were poor African Americans living in the rural South. They had limited access to medical care, and none of the white doctors who practiced in the area would treat black patients. Fortunately, Dr. Satcher's father was able to talk a black physician in the area into making a house call and, against all odds, Dr. Satcher survived this dire illness. Largely as a result of this experience, he decided he wanted to become a doctor. He stated that he wanted to "make the greatest difference for the people who I thought have the greatest need."

Mr. President, he repeated that during the course of these hearings. Anyone who was in that room at that time and had an opportunity to listen to Dr. Satcher make that statement and make that commitment would not be on the floor of the Senate now urging rejection of this nominee. His commitment was to make "the greatest difference for the people who I thought had the greatest need." That was a statement made with extraordinary humility. By someone else, it might have a different ring. But when you were there listening to Dr. Satcher make that statement, you could not help but know that he has been committed to that cause over the course of his extraordinary life, and it has been an extraordinary life.

Dr. Satcher's parents wanted their children to get the best education they could as black children attending segregated schools in rural Alabama. Dr. Satcher was valedictorian of his high school class. He was one of only three students, out of a class of seventy, who went on to college.

He attended Morehouse College in Atlanta, which awarded him a full scholarship. He graduated magna cum laude and was elected Phi Beta Kappa.

I have heard comments on the floor that "the United States is entitled to the best." Three out of seventy graduated from his high school and he goes on to college with a scholarship and graduates magna cum laude. We have the best, Mr. President. We have the best in this nominee.

He went on to medical school at Case Western Reserve University, a first-rate, tough medical school. I have had the opportunity to visit that excellent school, and it is one of our best, and it's tough academically, it's vigorous. He was one of only two African American students. He became the first black student to receive a Ph.D. degree and M.D. degree simultaneously.

He was also elected to Alpha Omega Alpha Honor Society. After finishing his residency at the University of Rochester, Dr. Satcher went to Los Angeles to join the hypertension clinic at the Martin Luther King, Jr. General Hospital in Watts. I have had the chance to go to that hospital, and it is right on the firing line, in terms of trying to meet human need. He went on to direct research on Sickle Cell Anemia at the King-Drew Sickle Cell Center there, and he founded and chaired the King-Drew Department of Family Medicine. He opened a free clinic in Watts, in the basement of a Baptist church that he had joined, and he served as its medical director until 1979.

Mr. President, just keep following along this extraordinary life of commitment to others, and of excellence, in terms of the practice of compassion and reaching out to those who are the hardest pressed.

From 1974 to 1979, he taught epidemiology at UCLA, one of the top medical schools. Dr. Satcher then returned to Morehouse College to chair the Department of Community Medicine and Family Practice. In 1982, he became president of Meharry Medical College in Nashville and served in that capacity for 10 years, where he is credited for helping to deal effectively with the college's financial problems.

Whether you are talking about going out into the most difficult areas and opening a free clinic in the bottom of a church and trying to help and assist people, whether you are talking about being in the classrooms at UCLA as an instructor to the brightest minds in our country, whether you are talking about being a college president, he has done it all. He has done it all, Mr. President. But his heart is out there with the underserved people. You can't look at his record, and you can't read about it and listen to him and not understand it.

Since 1992, Dr. Satcher has ably led the Centers for Disease Control and Prevention in Atlanta, the agency responsible for protecting the Nation's health and preventing disease, injury and premature death. In this capacity he has played a leading role in safeguarding and improving the health of all Americans.

In 1992, under Dr. Satcher's leadership, CDC developed and implemented a very successful childhood immunization initiative. Before the initiative, only a little more than half of the Nation's children—55 percent—were immunized. Today, the figure is 78 percent, and vaccine-preventable childhood diseases are now at a record low.

Dr. Satcher would be the first to say: I don't deserve all the credit for this. He would say: I don't even deserve a great deal of the credit, or even a little of the credit.

But he would tell you that he was out there fighting every step of the way with those who do deserve the credit. He was there, and he deserves great credit for this because he made it a priority. It was in terms of not only the availability and accessibility of vaccines, but it was working to try and overcome the kinds of resistance that exists in so many communities locally across this country that he was able to devise strategies to work this through. I find that in my own State of Massachusetts, in a number of different communities, there is a great hesitancy or resistance to move ahead with immunizations for children, for many different reasons—those individuals that have difficulty with the English language and those that have cultural kinds of problems in moving forward, in terms of vigorous vaccination regimes, the repetitiveness in making sure children are going to keep up to speed in terms of the number of times that we have to go back and get these vaccinations. There is a lot of complexity in terms of making sure that children are going to receive those vaccines. But we have gone from 55 percent to 78 percent on his watch. He deserves credit.

Dr. Satcher has also led CDC efforts to deal more effectively with the infectious diseases and foodborne illnesses. Our Nation relies on CDC to provide the rapid response needed to combat outbreaks of disease and protect public safety. Under Dr. Satcher, CDC is implementing a strategy against new and re-emerging infectious diseases, like TB, with better surveillance and detection. Many of us thought we had moved past TB, the time of tuberculosis. Yet, we find pockets of it that still exist in many different communities in this country. It is associated so much with the problems of poor housing, poor sanitary conditions, and generally the problems associated with poverty. We have it in many of our communities. We still have it and we can't forget it, and we should not forget it. We need a doctor that understands the response to recent food poisoning incidents. He has been a leader in developing a new early warning system to deal with such illnesses. He has earned many distinguished tributes during his extraordinary career. In 1996, he received the prestigious Nathan B. Davis Award from the American Medical Association for outstanding service in advancing the public health.

In 1986, he was elected to the Institute of Medicine of the National Academy of Sciences in recognition of his outstanding leadership.

Dr. Satcher is a respected family doctor. Ask those families out there in the Watts area. Ask the families down in the southern parts of our country in rural communities. I think for any of us that took the time to sit through those hearings and listen to him can understand that he has—I suppose the best description is the "bedside manner." There are other words that are more eloquent to describe it. But he has it, and anybody that has ever met him and known him, or talked to him, or, I am sure, have been treated by him would understand and respect him. He is a respected scholar that has been elevated to the most prestigious positions in our country, voted on by those of his peers who understand his scholarship, and he is a respected public leader recognized for his service in public health.

His career has emphasized work in patient care, health policy development and planning, education, research, health professions education, and family medicine. His range of skills and experience, and strong commitment to improving public health make him well qualified to be the country's principal official on health care and health policy issues—America's doctor. America is a healthier nation today, and it is healthier in large part because of Dr. Satcher's leadership. He is an excellent choice to be Surgeon General and Assistant Secretary for Health. The Nation faces significant public health challenges.

We need a Surgeon General who can speak with candor, and advise the nation on smoking, AIDS, teenage pregnancy, the link between diet and disease, and other major health concerns. In the 1940s, Surgeon General Thomas Parran used blunt talk to warn the public about venereal disease. In 1964, Surgeon General Luther Terry first alerted the public to the dangers of smoking and the link between smoking and lung cancer. Surgeon General C. Everett Koop used his position to raise awareness about AIDS and other major health issues. People listen when the Surgeon General speaks. Dr. Satcher is well-qualified to follow in this distinguished tradition.

Dr. Satcher's nomination has broad bipartisan support. He's been endorsed by a large number of health groups, including the American Medical Association, the American Nurses Association, and a wide range of academic health centers and public health organizations. I look forward to working closely with him in the future, and I urge the Senate to give him the overwhelming vote of support he deserves.

Mr. President, I have about 10 or 15 more minutes. But I see my friend and colleague from Maryland. I would like to be able to conclude my remarks after the Senator from Maryland.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. HATCH. I was supposed to be here at 2 to give a short speech and introduce a bill. Would it be all right with the distinguished Senator from Maryland if I do that? I have to chair the Judiciary Committee.

Ms. MIKULSKI. I can enter my statement into the RECORD. I am not debating the merits, if my colleague will yield—but just to affirm the competency.

Mr. KENNEDY. I would rather hear from the Senator. If I can't, and if what I have outlined is not satisfactory, I would rather let the Senator speak, and I will take my chances. Could we have the Senator speak for 10 minutes?

Ms. MIKULSKI. I will speak for less than 5 minutes.

Mr. HATCH. If I could go immediately following the Senator from Maryland.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we recognize the Senator from Maryland for whatever time she expects, and following that the Senator from Utah, and then if I could ask that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I thank my colleagues for this arrangement.

Mr. President, It is a great honor for me to support the nomination of Dr. Satcher.

I enthusiastically support his nomination to be Surgeon General and Assistant Secretary of Health.

This position, which serves as the nation's spokesperson on public health issues, has been vacant far too long. When I decide whether to support a nominee, I look at the nominee's competence and personal and professional integrity. Dr. Satcher is highly competent. Dr. Satcher has the greatest personal and professional integrity of any nominee who has come before our Committee in recent years. Dr. Satcher has a truly remarkable story. He's overcome substantial odds and hardships. He graduated from that great institution Morehouse College in Atlanta, Georgia, where Dr. Martin Luther King graduated and thousands of African-American men.

At a time when there were few African-American physicians in our country, Dr. Satcher attended Case Western University in Cleveland, Ohio, where he received his medical degree. Dr. Satcher was the first African-American to earn an M.D. and a Ph.D. at Case Western. He was later a professor at Charles R. Drew Medical School in Los Angeles, California and returned to his alma mater, Morehouse, to become the head of the School of Medicine there. He served as president of Meharry Medical School in Nashville, Tennessee from 1982 to 1993 before becoming the director of the Centers for Disease Control.

I have worked closely with Dr. Satcher, when he was the head of the Centers for Disease Control. He was enormously helpful and responsive with my state's pfesteria crisis.

During his tenure at the Centers for Disease Control Dr. Satcher established himself as a very capable leader in the arena of public health. He aggressively took on the responsibilities of promoting health and preventing disease, injury and premature death. Whether it was increasing childhood immunization rates, expanding the breast and cervical cancer screening program, researching effective treatments for AIDS, or stressing preventive measures in pursuing good health, Dr. Satcher has done an excellent job.

I admire his work on the issues of minority health, especially sickle cell anemia, which affects mostly African-Americans. I also admire Dr. Satcher's courage to look at the link between guns and the public health. Too many young African-American men are being killed by gun violence in our cities. I was also pleased with the way Dr. Satcher took on the issue of food safety.

I am very concerned about recent incidents which have forced us to take a good look at the safety of our food supply.

Dr. Satcher was on cue when he laid the groundwork for a new Early Warning System to detect and prevent food-borne illnesses. This initiative will help respond to outbreaks of food-borne illness earlier, and give us the data we need to prevent future outbreaks.

The work Dr. Satcher has accomplished at CDC, along with his experience as a physician and scholar before that, directly prepare him for the role of a good surgeon general.

As Surgeon General, Dr. Satcher will be America's advisor on public health issues and the national leader in developing public health strategies.

I know Dr. Satcher will provide this country with a strong voice for public health. I wholeheartedly endorse this nominee. I urge my colleagues to support Dr. Satcher's nomination.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH and Mr. CLELAND pertaining to the submission of S.J. Res. 40 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, some of my colleagues have questioned Dr. Satcher's support for clinical trials of the drug AZT in foreign countries as part of the all-out international public effort to halt the mushrooming epidemic of mother-to-infant transmission of the AIDS virus. Every day more than 1,000 babies in developing countries are born infected with HIV. Clinical trials in the United States in 1994 showed that it is possible to reduce the mother-to-infant transmission of HIV by administering AZT during pregnancy, labor and delivery. However, it is recognized that such treatment would not be feasible in developing countries.

Senator FRIST talked about this briefly in his presentation. It is too expensive, and it requires ongoing therapy which is not possible in remote areas. It also prohibits breast feeding. For these reasons a group of international experts convened by the World Health Organization in June 1994 recommended that research be carried out to develop a simpler, less costly treatment. The idea was to make it affordable in terms of the limited resources for African countries and also that would be culturally suitable in terms of the breast feeding and in terms of the amount of times that individuals would have to come back for treatment. The idea was to tailor the regime to the existing cultural, economic and social regimes which exist in areas of the world where we have high concentrations of HIV but recognizing that one of the very encouraging areas with regard to HIV is trying to intercept the passage of the HIV into newborn children.

Recognizing the possibilities for trying to reduce the communication of HIV to these infants, the challenge was, can we develop an alternative regime that would prevent the babies of those infected with HIV from contracting this disease, and do it in a way which is affordable, culturally acceptable, and effective? So, responding to this urgent need, the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and other international experts worked closely with scientists from developing countries to develop a treatment that is usable in these countries and can reduce the devastating toll of HIV on their children.

Dr. Satcher has acted entirely ethically and responsibly on this issue. The World Health Organization and the developing countries urgently requested the CDC and NIH to provide assistance in designing and conducting these trials, in cooperation with the research communities in the host countries.

In a letter to NIH dated May 8, 1997, Edward K. Mbidded, chairman of the AIDS research committee of the Uganda Cancer Institute wrote:

> These are Ugandan studies conducted by Ugandan investigators on Ugandans. Due to lack of resources, we have been sponsored by organizations like yours. We are grateful that you have been able to do so. There is a mix-up on issues here, which needs to be clarified. It is not NIH conducting the studies in Uganda, but Uganda's doing the study on their people for the good of their people.

Dr. David Ho, the director of the Aaron Diamond AIDS Research Center in New York City and Time's 1996 Man of the Year, has stated:

> These clinical trials were created for Africans by Africans with the good of their people in mind and with their informed consent. The studies were designed to be responsive to local needs through the constraints of each study site. African scientists have argued that it is not in their best interests to include a complicated and costly AZT regime for the sake of comparison, for such a regime is not only unaffordable but logistically indefensible.

Before patients were enrolled in the clinical trials, they were specifically informed of their AIDS status and counseled about the risks and benefits of participation, including the fact they might be in a study group that received a placebo instead of an AZT anti-virus drug.

This is the critical issue or one of the very major issues that obviously distinguish it from the Tuskegee study where there was no informed consent. At the time when the study started with the African Americans, blacks in this country, in the South, primarily in Alabama, those who participated in the venereal disease studies were never told that there was a cure. They were never informed that there was medical information that could make these individuals healthy. They were maintained, effectively, by the U.S. Public Health Service, in their stage of sickness. And some of them even died.

This whole issue of informed consent was a matter of very considerable debate and discussion here in the U.S. Senate in the early 1970's. I had the opportunity of chairing the hearings during that period of time. After those series of incidents, we required informed consent. Every Member of this body and everyone who is listening to this knows that every time they go into a doctor's office and they sign that little sheet, "informed consent"—they never did that before 1975. That was as a result of Senate hearings. Any tie-in with Tuskegee is a distortion and misrepresentation and a disservice and inaccurate.

In Tuskegee there was no ethical review. In these studies there was an ethical review. There was no oversight of those kinds of studies. In this study there is an oversight. There was no counseling about the transmissibility. In this study there was. No informed consent. In this case—yes. It is entirely different.

Now, as a practical matter, the only AZT treatment—to come back to the proposal again that was approved for the African countries—as a practical matter the only AZT treatment available to any women in these developing countries is the treatment provided to participants in the study. There was no other kind of treatment. The HIV-infected women in these countries do not have access to AZT because, as has been pointed out, it costs too much.

Ethics Committees in both the United States and the developing countries conducted continuous, rigorous ethical reviews of the trials. The committees were made up of medical scientists, ethicists, social scientists, members of the clergy, and people with HIV. The role of these committees guaranteed that the trials would conform to strict ethical guidelines for biomedical research, including the Declaration of Helsinki and the International Guidelines for Biomedical Research Involving Human Subjects.

The AMA president-elect, Dr. Nancy Dickey, has stated that these studies are "scientifically well founded" and "in the long run will provide serious answers and are not the kind of superficial, unethical research that the critics are trying to make them out to be."

Dr. Neil Halsey, the Professor and Director of the Division of Disease Control of the Department of International Health at Johns Hopkins University; Dr. Andrea Ruff, Associate Professor at Johns Hopkins, wrote to Secretary Shalala on October 24, 1997 stating:

". . . we strongly believe that these trials are ethical and essential for identifying effective, practical regimes that could be implemented in most developing countries."

Even those within the scientific community who have raised concerns about these trials, such as Dr. Sidney Wolfe, the director of the Public Citizen Health Research Group, have expressed their support for Dr. Satcher.

So, I ask unanimous consent to have printed in the RECORD a series of articles that indicate the broad ethical support for the conduct of these trials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New England Journal of Medicine, Oct. 2, 1997]

ETHICAL COMPLEXITIES OF CONDUCTING RESEARCH IN DEVELOPING COUNTRIES

(Harold Varmus, M.D. and David Satcher, M.D., Ph.D)

One of the great challenges in medical research is to conduct clinical trials in developing countries that will lead to therapies that benefit the citizens of these countries. Features of many developing countries—poverty, endemic diseases, and a low level of investment in health care systems—affect both the ease of performing trials and the selection of trials that can benefit the populations of the countries. Trials that make use of impoverished populations to test drugs for use solely in developed countries violate our most basic understanding of ethical behavior. Trials that apply scientific knowledge to interventions that can be used to benefit such populations are appropriate but present their own ethical challenges. How do we balance the ethical premises on which our work is based with the calls for public health partnerships from our colleagues in developing countries?

Some commentators have been critical of research performed in developing countries that might not be found ethically acceptable in developed countries. Specifically, questions have been raised about trials of interventions to prevent maternal-infant transmission of the human immunodeficiency virus (HIV) that have been sponsored by the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC). Although these commentators raise important issues, they have not adequately considered the purpose and complexity of such trials and the needs of the countries involved. They also allude inappropriately to the infamous Tuskegee study, which did not test an intervention. The Tuskegee study ultimately deprived people of a known, effective, affordable intervention. To claim that countries seeking help in stemming the tide of maternal-infant HIV transmission by seeking usable interventions have followed that path trivializes the suffering of the men in the Tuskegee study and shows a serious lack of understanding of today's trials.

After the Tuskegee study was made public, in the 1970s, a national commission was established to develop principles and guidelines for the protection of research subjects. The new system of protection was described in the Belmont report. Although largely compatible with the World Medical Association's Declaration of Helsinki, the Belmont report articulated three principles: respect for persons (the recognition of the right of persons to exercise autonomy), beneficence (the minimization of risk incurred by research subjects and the maximization of benefits to them and to others), and justice (the principle that therapeutic investigations should not unduly involve persons from groups unlikely to benefit from subsequent applications of the research).

There is an inherent tension among these three principles. Over the years, we have seen the focus of debate shift from concern about the burdens of participation in research (beneficence) to equitable access to clinical trials (justice). Furthermore, the right to exercise autonomy was not always fully available to women, who were excluded from participating in clinical trials perceived as jeopardizing their safety; their exclusion clearly limited their ability to benefit from the research. Similarly, persons in developing countries deserve research that addresses their needs.

How should these principles be applied to research conducted in developing countries? How can we—and they—weigh the benefits and risks? Such research must be developed in concert with the developing countries in which it will be conducted. In the case of the NIH and CDC trials, there has been strong and consistent support and involvement of the scientific and public health communities in the host countries, with local as well as United States-based scientific and ethical reviews and the same requirements for informed consent that would exist if the work were performed in the United States. But there is more to this partnership. Interventions that could be expected to be made available in the United States might be well beyond the financial resources of a developing country or exceed the capacity of its health care infrastructure. Might we support a trial in another country that would not be offered in the United States? Yes, because the burden of disease might make such a study more compelling in that country. Even if there were some risks associated with intervention, such a trial might pass the test of beneficence. Might we elect not to support a trial of an intervention that was beyond the reach of the citizens of the other country? Yes, because that trial would not pass the test of justice.

Trials supported by the NIH and the CDC, which are designed to reduce the transmission of HIV from mothers to infants in developing countries, have been held up by some observers as examples of trials that do not meet ethical standards. We disagree. The debate does not hinge on informed consent, which all the trials have obtained. It hinges instead on whether it is ethical to test interventions against a placebo control when an effective intervention is in use elsewhere in the world. A background paper set forth our views on this matter more fully. The paper is also available on the World Wide Web (at http://www.nih.gov/news/mathiv/mathiv.htm).

One such effective intervention—known as AIDS Clinical Trials Group protocol 076—was a major breakthrough in the search for a way to interrupt the transmission of HIV from mother to infant. The regimen tested in the original study, however, was quite intensive for pregnant women and the health care system. Although this regimen has been proved effective, it requires that women undergo HIV testing and receive counseling about their HIV status early in pregnancy, comply with a lengthy oral regimen and with intravenous administration of the relatively expensive antiretroviral drug zidovudine, and refrain from breast-feeding. In addition, the newborn infants must receive six weeks of oral zidovudine, and both mothers and infants must be carefully monitored for adverse effects of the drug. Unfortunately, the burden of maternal-infant transmission of HIV is greatest in countries where women present late for prenatal care, have limited access to HIV testing and counseling, typically deliver their infants in settings not conducive to intravenous drug administration, and depend on breast-feeding to protect their babies from many diseases, only one of which is HIV infection. Furthermore, zidovudine is a powerful drug, and its safety in the populations of developing countries, where the incidences of other diseases, anemia, and malnutrition are higher than in developed countries, is unknown. Therefore, even though the 076 protocol has been shown to be effective in some countries, it is unlikely that it can be successfully exported to many others.

In addition to these hurdles, the wholesale cost of zidovudine in the 076 protocol is estimated to be in excess of $800 per mother and infant, an amount far greater than most developing countries can afford to pay for standard care. For example, in Malawi, the cost of zidovudine alone for the 076 regimen for one HIV-infected woman and her child is more than 600 times the annual per capita allocation for health care.

Various representatives of the ministries of health, communities, and scientists in developing countries have joined with other scientists to call for less complex and less expensive interventions to counteract the staggering impact of maternal-infant transmission of HIV in the developing world. The World Health Organization moved promptly after the release of the results of the 076 protocol, convening a panel of researchers and public health practitioners from around the world. This panel recommended the use of the 076 regimen throughout the industrialized world, where it is feasible, but also called for studies of alternative regimens that could be used in developing countries, observing that the logistical issues and costs precluded the widespread application of the 076 regimen. To this end, the World Health Organization asked UNAIDS, the Joint United Nations Programme on HIV/AIDS, to coordinate international research efforts to develop simpler, less costly interventions.

The scientific community is responding by carrying out trials of several promising regimens that developing countries recognize as candidates for widespread delivery. However, these trials are being criticized by some people because of the use of placebo controls. Why not test these new interventions against the 076 regimen? Why not test them against other interventions that might offer some benefit? These questions were carefully considered in the development of these research projects and in their scientific and ethical review.

An obvious response to the ethical objection to placebo-controlled trials in countries where there is no current intervention is that the assignment to a placebo group does not carry a risk beyond that associated with standard practice, but this response is too simple. An additional response is that a placebo-controlled study usually provides a faster answer with fewer subjects, but the same result might be achieved with more sites or more aggressive enrollment. The most compelling reason to use a placebo-controlled study is that it provides definitive answers to questions about the safety and value of an intervention in the setting in which the study is performed, and these answers are the point of the research. Without clear and firm answers to whether and, if so, how well an intervention works, it is impossible for a country to make a sound judgment about the appropriateness and financial feasibility of providing the intervention.

For example, testing two or more interventions of unknown benefit (as some people have suggested) will not necessarily reveal whether either is better than nothing. Even if one surpasses the other, it may be difficult to judge the extent of the benefit conferred since the interventions may differ markedly in other ways—for example, cost or toxicity. A placebo-controlled study would supply that answer. Similarly, comparing an intervention of unknown benefit—especially one that is affordable in a developing country—with the only intervention with a known benefit (the 076 regimen) may provide information that is not useful for patients. If the affordable intervention is less effective than the 076 regimen—not an unlikely outcome—this information will be of little use in a country where the more effective regimen is unavailable. Equally important, it will still be unclear whether the affordable intervention is better than nothing and worth the investment of scarce health care dollars. Such studies would fail to meet the goal of determining whether a treatment that could be implemented is worth implementing.

A placebo-controlled trial is not the only way to study a new intervention, but as compared with other approaches, it offers more definitive answers and a clearer view of side effects. This is not a case of treating research subjects as a means to an end, nor does it reflect "a callous disregard of their welfare."[2] Instead, a placebo-controlled trial may be the only way to obtain an answer that is ultimately useful to people in similar circumstances. If we enroll subjects in a study that exposes them to unknown risks and is designed in a way that is unlikely to provide results that are useful to the subjects or others in the population, we have failed the test of beneficence.

Finally, the NIH- and DCD-supported trials have undergone a rigorous process of ethical review, including not only the participation of the public health and scientific communities in the developing countries where the trials are being performed but also the application of the U.S. rules for the protection of human research subjects by relevant institutional review boards in the United States and in the developing countries. Support from local governments has been obtained, and each active study has been and will continue to be reviewed by an independent data and safety monitoring board.

To restate our main points: these studies address an urgent need in the countries in which they are being conducted and have been developed with extensive in-country participation. The studies are being conducted according to widely accepted principles and guidelines in bioethics. And our decisions to support these trials rest heavily on local support and approval. In a letter to the NIH dated May 8, 1997, Edward K. Mbidde, chairman of the AIDS Research Committee of the Uganda Cancer Institute, wrote:

> These are Ugandan studies conducted by Ugandan investigators on Ugandans. Due to lack of resources we have been sponsored by organizations like yours. We are grateful that you have been able to do so. . . . There is a mix up of issues here which needs to be clarified. It is not NIH conducting the studies in Uganda but Ugandans conducting their study on their people for the good of their people.

The scientific and ethical issues concerning studies in developing countries are complex. It is a healthy sign that we are debating these issues so that we can continue to advance our knowledge and our practice. However, it is essential that the debate take place with a full understanding of the nature of the science, the interventions in question, and the local factors that impede or support research and its benefits.

[From the New York Times Oct. 15, 1997]

AIDS Experts Leave Journal After Studies Are Criticized

(By Lawrence K. Altman)

Two internationally recognized AIDS experts are resigning from The New England Journal of Medicine's editorial board over the content and handling of articles criticizing the ethics of Federally financed studies of AIDS treatments in third-world countries.

The countries seek a drug regimen less costly than those used in the United States to thwart transmission of the AIDS virus from mothers to infants. In trials involving more than 12,000 infected pregnant women in Africa, Thailand and the Dominican Republic, some women receive the drug AZT, which has worked in studies in the United States, while others receive dummy pills.

The journal's attack on the studies, which compares them to the infamous Tuskegee experiment, has led to wide discussion, including harsh criticism of the journal itself, and focuses attention on the role of the 25-member editorial aboard and the two who are resigning in protest, Drs. David Ho and Catherine M. Wilfert. The two objected to not being consulted before publication of an attack on research that could save lives, and Dr. Ho worried that the attack itself could jeopardize future research on experimental AIDS vaccines.

Dr. Jerome P. Kassirer, the journal's chief editor, said the board's function is to give advice on broad issues and suggestions of authors for editorials and reviews, but that the board was not routinely consulted.

Dr. Ho, a virologist at the Aaron Diamond AIDS Research Center in Manhattan, and Dr. Wilfert, a pediatrician at Duke University in Durham, N.C., are the journal board's chief advisers on AIDS.

A third board member, Dr. Richard P. Wenzel, chairman of medicine at the Medical College of Virginia in Richmond, said in an interview that he agreed with much of Dr. Wilfert's criticism but was withholding a decision about resigning until after the issue was discussed at the board's annual meeting in December.

Drs. Ho and Wilfert said in separate interviews that they had resigned independently largely because the journal had not consulted them before publishing an editorial that likened the new experiments to the Tuskegee experiment, in which poor black men suffering from syphilis were left untreated.

Dr. Ho, Dr. Wilfert and others have taken issue with the Tuskegee comparison in part because the subjects in the AZT studies were told that some would get dummy pills. In the Tuskegee study the men were not told that penicillin had became available while the study was under way, and so did not know that effective treatment was being withheld.

A full-time staff of editors produces the weekly journal, but Dr. Ho said that "the reason you have an editorial board to help with policy is to get some input when you have major issues like this one, and that clearly did not take place."

In the editorial process, "it was clear that my role was not crucial," he said.

Dr. Ho said he was deeply concerned about how the critical editorial would affect the future of studies to evaluate experimental AIDS vaccines in developing countries.

Dr. Wilfert said she was resigning because the journal published the editorial and another critical article on Sept. 18 without presenting the other side.

"It was like ignoring half of it on purpose," Dr. Wilfert said.

Because her name was on the masthead, "It implied that I agreed with it when I didn't," she said.

"It is an error and bad policy" and "a grievous misuse of the journal's power," Dr. Wilfert said.

"Those are not decisions that a few people in the editorial office ought to feel comfortable with, because no one small group of persons, no matter who they are, can cover the waterfront well enough" in translating health policy and practice in developed countries to those in developing countries, Dr. Wilfert said.

Dr. Wilfert said she was resigning effective Dec. 31 in order to "vent my spleen" at the annual meeting. She said she feared that if she resigned sooner "the issue might not be discussed at the meeting."

The journal published a rebuttal two weeks after its attack. It was written by Dr. Harold Varmus, the head of the National Institutes of Health, and Dr. David Satcher, the head of the Centers for Disease Control and Prevention, and would not have been printed so quickly had not Dr. Varmus received a leaked copy of the original editorial before publication, those involved in the dispute said.

Dr. Marcia, Angell, the journal's executive editor, wrote the editorial.

Dr. Wenzel, the board member from Richmond, said that if the authors of the critical articles "really knew the facts they would have done a better job."

The journal's chief editor, Dr. Kassirer, said he regretted Dr. Ho's said Dr. Wilfert's decisions to resign and was unaware of any similar resignations at the journal, which was founded in 1812.

The editorial board members, who have no set term, Dr. Kassirer said, are named by the chief editor, who can elect not to renew them as members and has done so.

Dr. Kassirer said that Dr. Wilfert "wanted to have prior consultation of the material in the journal, which is just not acceptable to me because prior consultation is not what the editorial board is for."

He said the journal intentionally did not strive to present all sides of an issue "because if you did you would end up with a kind of Talmudic discussion in "which readers could end up having no particular view one way or the other and it would be rather boring."

Dr. Varmus, the National Institutes of Health director, said that "The New England Journal of Medicine is trying to attract more attention by making political, ethical, philosophical and economic statements that have traditionally not been in that journal in such an inflammatory way."

But he also said that "before you inflame the public and attract so much attention, you might want to ask experts on the editorial board what they thing."

The Massachusetts Medical Society owns The New England Journal of Medicine. Dr. Ronald A. Arky, a Harvard Medical School professor who heads the society's publications committee to which Dr. Kassirer reports, said he learned of the resignations last Friday.

"The committee will want to hear from the editor about the resignations" at their next meeting in early November, Dr. Arky said.

[From Time Magazine, Sept. 30, 1997]

IT'S AIDS, NOT TUSKEGEE—INFLAMMATORY COMPARISONS WON'T SAVE LIVES IN AFRICA

(By David D. Ho, M.D.)

In the current issue of the New England Journal of Medicine, Peter Lurie and Dr. Sidney Wolfe of the advocacy group Public Citizen charge that some U.S.-sponsored AIDS-research projects in Africa are unethical. The journal's editor, Dr. Marcia Angell, goes even further, comparing these studies to the infamous Tuskegee experiment in which black men in the South were deliberately deceived and denied effective treatment in order to determine the natural course of syphilis infection. This comparison is inflammatory and unfair and could make a desperate situation even worse.

Doctors in the U.S. have known since 1994 that the drug AZT can substantially reduce the chance of transmission of the AIDS virus from an infected woman to her newborn child. Unfortunately, administering AZT to pregnant women is complicated and quite expensive—about $1,000 per mother. That's far beyond the means of most developing countries, where 1,000 newborns are infected each day.

Hoping to find an AZT regimen they could afford, African researchers sought sponsorship from U.S. health agencies and launched a number of scientific studies in which some mothers were given short treatments with AZT and some, for the purpose of comparison, received a placebo. It is the inclusion of these placebo groups that the critics find objectionable. Giving a sugar pill to an AIDS patient is considered ethically unacceptable in the U.S. To give one to a pregnant African, Dr. Angell writes, shows a "callous disregard of [a patient's] welfare for the sake of research goals."

These clinical trials, however, were created for Africans, by Africans, with the good of their people in mind and with their informed consent. The studies were designed to be responsive to local needs and to the constraints of each study site. African scientists have argued that it is not in their best interest to include a complicated and costly AZT regimen for the sake of comparison when such a regimen is not only unaffordable but logistically infeasible. They have, instead, opted for a study design that is achievable in practice and is likely to provide lifesaving answers expeditiously, even though it includes a group of women receiving a placebo. While the inclusion of this placebo group would not be acceptable in the U.S., the sad truth is that giving nothing is the current standard of care in Africa.

The ethical debate here is obviously a complex one, without a clear distinction between right and wrong. Comparisons to Tuskegee don't help; neither does the imposition of Western views, or what Dr. Edward Mbidde of Uganda calls "ethical imperialism." Calm and careful deliberations are in order. Insisting on the infeasible in the name of ethical purity is counterproductive in the struggle to stop this deadly virus.

Mr. KENNEDY. I see my friend and colleague, Senator WELLSTONE. I had some other remarks, but I will either make them later in the afternoon or include them in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Massachusetts. I say to Senators who are out here for the debate, I shall not take long.

I rise to support the nomination of Dr. David Satcher to be the next Surgeon General of the United States and Assistant Secretary of Health. Dr. Satcher is a man above reproach, whose life path has brought him here today to serve as the 17th Surgeon General. We should not delay in confirming this nomination.

What is it that makes Dr. Satcher such a wise appointment for Surgeon General of the United States? Look back over this man's life, for the fabric of a person is woven over the course of a lifetime. Dr. Satcher's fabric is tight knit, vibrant, trustworthy and strong.

Where does he come from? Is it from his childhood, growing up in rural America in a poor family with poor access to medical care, nearly dying at the age of 2 from whooping cough? Is that what makes him such an outstanding spokesperson for childhood immunization, for childhood nutrition, for preventive health? Is that what makes him such a powerful role model for children to follow their dreams?

Or is it from the tragic loss of his first wife, the mother of his children, at a very young age from cancer? This man knows the tragedy of disease, not just on an academic level, not just on a professional level, but also on a very personal level.

Or is it from his professional, academic and public service careers that truly do make him very special? This is a man who has used his considerable skills to serve those people in our country who were quite often the poorest of poor and, in particular, I have in mind poor children all across our Nation.

After graduating from Case Western Reserve Medical School, his life has been spent caring for patients, teaching students and promoting public health, and he has done it well. His most recent position has been as Director for the Centers for Disease Control and Prevention.

In his 4 years as Director for the Centers for Disease Control and Prevention, Dr. Satcher had—a little bit of evidence—spearheaded initiatives that have increased childhood immunization rates from 55 percent in 1992 to 78 percent in 1996; improved the Nation's capability to respond to emerging infectious diseases; laid the groundwork for a new early warning system to detect and prevent foodborne infections; expanded the CDC's comprehensive breast and cervical cancer screening program from 18 States to all 50 States; and under Dr. Satcher's stewardship, the CDC has directed its attention to the causes and consequences and prevention of an epidemic which has long been a concern of my wife Sheila and of concern to me, and that is the epidemic of domestic violence against women in our country.

Mr. President, I frequently come to the floor to talk about fairness, what is the right thing to do, what is the fair thing to do. And today I want to talk about fairness; yes, to Dr. Satcher, but even more so to fairness to the people in our country who are waiting for leadership from this Surgeon General; fairness to the families and children of inner cities I have visited all across America who are waiting for a spokesperson to tell them how to improve some of the unsafe conditions that they live under, how to improve their health care for themselves as parents and for their children; fairness to the residents of rural America who are medically underserved and are waiting for new ideas to make health care accessible; fairness to the youth of America who have been waiting for a clear and credible voice to lead them away from tobacco addiction before they light their first cigarette; and fairness to the victims of domestic violence and cancer and drug and alcohol abuse who are waiting for Dr. Satcher to speak from his bully pulpit about preventing these terrible tragedies.

Mr. President, it is not fair for us to delay any longer Dr. David Satcher's nomination. We have the responsibility to vote. We have the wisdom, or should have the wisdom, to vote for this man who can do so much for our country. Elementary justice demands that the United States Senate vote for confirmation of Dr. David Satcher as Surgeon General and Assistant Secretary of Health. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, that was an excellent statement by my friend and colleague, the Senator from Minnesota.

Mr. BINGAMAN. Mr. President, I rise in support of Dr. David Satcher for confirmation both as the Surgeon General of the United States and Assistant Secretary for Health. In so doing, I want to speak both to the position of Surgeon General itself and to the qualifications of this nominee.

From 1871 until the present, 16 individuals have had the honor to serve as this nation's chief advisor on public health matters. These individuals served to protect, improve, and advance the health of all people in the United States. While there are those that criticize and may disagree with the position, in many ways the Surgeon General serves as the health conscience for the country.

Many Americans may not know the history of this position and can name few of the 16 individuals who have served as Surgeon General. However, most Americans can point to ground breaking reports or initiatives that were conducted by Surgeon Generals. For instance, they are aware of the role of the Surgeon General in programs to immunize millions against polio. Most can cite the important declaration in 1964, by the Surgeon General that: "smoking can be hazardous to your health." Indeed, past Surgeon Generals have issued benchmark reports on smoking, nutrition, water fluoridation, and HIV and AIDS.

The public deserves to have this position filled; it has been vacant for too long. We have been without a Surgeon General since December of 1994. We need an identifiable, objective leader as we deal with the broad spectrum of health care issues before the country. Dr. David Satcher is that leader.

Dr. Satcher is a distinguished family physician, academician, and leader in the arena of public health. Indeed, he has headed the Centers for Disease Control and Prevention since 1993. He has written that he will utilize the position of the Surgeon General to focus on issues that unite Americans. I am particularly interested in his commitment to, and expertise on, the issues of health promotion and disease prevention. During his confirmation hearing before the Committee on Labor and Human Resources, he emphasized his desire to promote healthy lifestyles and focus on issues of critical importance such as better nutrition and exercise. Dr. Satcher recognized the opportunities for lifestyle modification as a way of improving the health of Americans. His performance in this arena in the past and his stated agenda for the future, place prevention as a focal point.

Mr. President, the accomplishments of Dr. Satcher at the CDC have had a direct impact in my home state of New Mexico. For New Mexico, border health issues are of utmost importance. Dr. Satcher has helped develop an innovative strategy to combat threats from new and reemerging communicable diseases like tuberculosis which cause problems in our border region. Greater outreach to the general public and health professionals has resulted in four straight years for declining TB rates.

Additionally, he has worked to improve the quality and quantity of immunization services. He has promoted better community involvement in the immunization programs. Nationwide, childhood immunization rates rose to a record 78 percent under his leadership at the CDC.

Another initiative, the CDC comprehensive breast and cervical cancer screening program, has flourished under Dr. Satcher's leadership. This program has undeserved and minority women has grown from being offered in the initial eighteen states, to including 50 states, the District of Columbia, 5 U.S. territories, and thirteen Native American organizations. Outreach efforts such as this lead to increased access and are key to reaching low income minority and older women. They afford the opportunity as well to educate at risk women on early detection of cancers.

In closing, Dr. David Satcher is eminently qualified to speak out for the public's health and the nation's health needs. The nation deserves to have this position filled now. His commitment to public health will be a credit to this country. Please join me in supporting Dr. David Satcher for Surgeon General and Assistant Secretary for Health.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President.

There have been a number of charges made and some pretty strong language suggested, as well as a lot of repetition and volume regarding some of the circumstances surrounding the conduct of Dr. Satcher in his role as an individual involved both in domestic health situations and international health situations.

Let me begin by going through a number of these issues and referring to what notable authorities and investigators have indicated.

When I raised the issue of the CDC, under the direction and in cooperation with Dr. Satcher, being involved with blind HIV testing for newborns—and while learning about the level of HIV present in the newborns not providing information to parents and sending newborns home without that kind of information—there was a pretty vociferous response, indicating that there were things in the studies that were worth learning. I don't challenge that. There are things that are worth learning that can be learned from medical research. As a matter of fact, it is sometimes easier to learn a lot of things more quickly if you don't really pay much attention to the ethics that are involved. You can learn the most, probably, with research that might be damaging to individuals.

So the mere fact that there are items to be learned and that there is value in terms of statistical data that can be assembled from the study, doesn't justify the existence of a study. As a matter of fact, when you are running rats in a study, you can learn a lot of things very quickly. The reason we use animals in a lot of studies is because we accord to human beings a kind of standing that says the learning objective is not the end of all that we do: we also have to respect the dignity of the individuals involved.

So I just wanted to mention a couple of the kinds of things that were said around the country and by authorities regarding these so-called blind HIV tests.

Here is what was said in the New York Daily News on the 27th of June in 1995. They put it this way:

> Only politics, radical politics, explains the separate standard for AIDS.

Meaning there is a separate approach:

> The Centers for Disease Control and Prevention carried this illogic to an absurd end by requiring testing of newborns, then keeping the results secret. That let officials track the epidemic but denied treatment. Fearful of the push to use the results for actual care, the CDC turned churlish and quit testing.

It is kind of interesting to me that the New York Daily News, which doesn't have an ax to grind here, indicates that there was a set of circumstances that resulted in the CDC pursuing a logic to an absurd end, including testing newborns and keeping the results secret. And then when it was suggested that the CDC provide information to parents, instead of approaching the problem this way, the CDC just decided to quit the program altogether rather than provide information to parents.

My view is that our objective in health, in confirming one who would be a health voice for all the people, should not be that one promotes controversial health measures by just keeping people from knowing about the situation. We should be informative and have a culture of information for people. If people have trouble accepting the information, we should work with them to help them get into a position where they digest the information appropriately and take steps to curtail the risks.

The Washington Post made a pretty clear statement about this at the same time. I think it is important for us to understand that the Washington Post isn't some sort of organization that would be unfair in its assessment of this kind of situation:

> For the last 10 years, the Federal Government's Centers for Disease Control has urged doctors and hospitals to advise pregnant women at risk for AIDS to be tested for the disease. Now the CDC has recommended extending this effort to all pregnant women.

The Washington Post goes on to say:

> This expansion is due primarily to completion of a study showing that administering the drug AZT to an infected mother during pregnancy and delivery and to her baby for a period after birth reduces incidence of transmission of the disease from 25 to 8 percent. If only those pregnant women known to be at risk are tested, others with the affliction will inevitably be missed and their babies won't receive the drug therapy that has proven to be so effective. Congress is now considering legislation that will make the AIDS testing of newborns mandatory. The congressional effort to include AIDS in this category deserves support.

I think that's important:

> A positive test of a child is a sure indication that the mother has the disease. With this information, breastfeeding, which transmits this disease, could be avoided.

I think it is very important to note that if you had provided information about the existence of the HIV virus to the parent, then they would know to avoid breastfeeding in certain situations. And because some of the babies, as Senator KENNEDY has noted, first test positive for HIV and then later remit that indicator spontaneously, those babies shouldn't be breast fed by mothers with risk of additional contamination.

The article makes another interesting point:

> And finally it is particularly important that the status of children who are placed in foster care be known. The CDC enumerates all these reasons supporting voluntary testing for all pregnant women. In fact, they are of sufficient weight to require the routine testing of all newborns for AIDS.

The point is this, that testing newborns for AIDS should be attended by being able to take advantage of the appropriate therapies and the appropriate remedial action.

Arthur J. Ammann, who is the professor of pediatrics at the University of California Medical Center in San Francisco and who was the man who discovered both pediatric AIDS and blood transfusion AIDS, really was distressed about a program of this kind testing blood samples from unidentified children and collecting the epidemiological data but not telling parents whether or not kids have AIDS.

Dr. Ammann is a noted authority who, incidentally, was invited by the Labor committee to give a briefing just this week. And he put it this way. He indicated that the policies were a violation of the international Nuremberg code. "The failure to inform the guardians of known HIV-infected infants, when treatment is available, violates both international and national codes of ethics." The quote comes from an August 3, 1995, Wall Street Journal article.

I think it is important for us to note that there are very serious questions about the kind of testing and the information resulting from the tests and the ethics involved therein. And there may be ways in hindsight to come back and say, "Well, there was value to what was learned and, therefore, it was appropriate for us to do what was done." But I do not think this adequately answers the questions. It does not really adequately address the question why, when we could have moved toward identification and notification, we simply acceded to the politics of the situation.

The New York Daily News said that only radical politics explains the separate standard here, in referencing the fact that there are so many other diseases which, if you had that kind of information, would have been made available immediately.

Another item which I raised earlier about Dr. Satcher was the idea of needle exchanges. The U.S. Congress has expressed itself on needle exchanges. And the American people are, I think, loathe to be participants in a program which would promote needle exchanges.

A Member of this body came to the floor to say that Dr. Satcher had never supported the expenditure of any resources to provide clean needles at Government expense. I think that is technically true. Dr. Satcher and the CDC have, I think, not had a program. They have had studies in which clean needles were provided, and those have been funded.

The Berkeley study in California was a study funded by the CDC which provided so-called "clean needles" to drug addicts. As a matter of fact, the group known as the Harm Reduction Group, which means trying to reduce the harm of IV drug use through needle exchanges, put on a conference called the Atlanta Harm Reduction Working Group Conference. It was a 2-day meeting designed to advance harm reduction in the Southeastern United States by providing government-sponsored or other privately sponsored needle exchange programs.

The CDC was a sponsor or provided funding for this. So it is technically true, almost in a sort of lawyerspeak sense, that the CDC did not engage in a program of needle exchange. It has just had studies where the needle exchanges are used. And they have not exactly advanced the policy in some respect of needle exchanges, they have just undertaken to do it by sponsoring conferences for private groups, whose prime objective is to sponsor these so-called clean needle programs.

We will have more to say about clean needle programs in the future because one of the things that is very difficult about clean needle programs is that they frequently provide clean needles to so-called drug addicts, and then the needles are not appropriately disposed of. And in a variety of settings those needles then are available in the culture because they are left laying around. It is dangerous to have those needles available.

Let me move to the ethics of some of the studies that have been conducted. It is important to know that challenges have been made to the suggestion that the studies in Africa involved breaches of ethics. The study in Africa is said to involve a serious breach of ethics, as stated by the New England Journal of Medicine, a very important medical journal.

The point was raised by supporters of the studies that two members of the board of directors resigned from the New England Journal of Medicine when the criticism of the studies was made.

Let us look at what that means. According to one article, there are 25 members of the board of directors. There were two who agreed sufficiently with the nature of the studies to resign and 23 who thought that their resignations were inappropriate and apparently did not think they should resign.

If we are to infer that the two who did resign supported the ethics of the way the study was conducted, we might infer that the 23 that did not resign opposed the ethics of the study.

It is pretty clear that in our culture there are separate standards, in a lot of ways, for AIDS as a disease and for the HIV virus as a disease.

I think some of that took place as a result of the early acquaintance of the culture with the HIV virus. Then people who had the disease could not get treatment and individuals would not get close to them, and there were elevated desires to have privacy. So HIV was treated in a different way than other viruses or deadly viruses would be treated.

But the only individuals who resigned were individuals who were accustomed to the special ethical standing, if it is appropriate to say that, or the special rules for HIV. They were AIDS individuals. The people in the conventional medical community did not resign.

Dr. Jerome Kassirer, the editor in chief of the New England Journal of Medicine—which is published by the Massachusetts Medical Society—was asked about his response. He said he was surprised and dismayed at the resignations, but he said it was never policy to have editorial board members review editorials or other opinions before they were published.

And these individuals who were interested in, I suppose, having the opportunity to screen what would be said about these kinds of studies simply had not been accorded that opportunity because the medical journal itself did not want to accord any special status or differential treatment here.

A lot has been said about the ethics of the studies. Others indicated that maybe we should not have followed the ethical requirements because not much money is spent on individuals in Africa for health care on an annual basis.

I think there was a statement made about $5.50 being spent per year in some of the countries. It varies in different countries in Africa. I believe the study that is most sharply in focus would have occurred in the Ivory Coast. The key is, some experts said we could not have used as a part of the study the 076 AZT regime which has been proven to be effective in reducing the number of HIV and AIDS cases among newborn children of HIV infected mothers.

They said we could not use 076 because that treatment is a substantial regime and has substantial costs. They were trying to find a way for a lower-cost regime. And they were going to compare low doses of AZT to a placebo to find out whether low doses could be effective. However, that can be accomplished by comparing low doses to the standard, proven regime.

As a matter of fact, the latter comparison is what ethics requires. According to the New England Journal of Medicine, published by the Massachusetts Medical Society, "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." Again, the use of a placebo is ethical "Only when there is no known effective treatment."

We have had effective treatments substantiated and approved in the United States and internationally with the 076 AZT regime. Now, it would be possible to compare a lower level of AZT with this effective known treatment to find out whether the low levels were as efficacious as the 076 regime. But we chose instead—and I use the word advisedly, saying we "chose" instead—to use the unknown, low dosage with a placebo, with a sugar pill, which has a known consequence.

We are not comparing two unknowns here. We are comparing a known consequence of no treatment, that is the placebo, with the unknown consequence of a treatment. But this is not the proven treatment. And the real approach we have to understand here is that the ethics of modern medicine in America, in a country that cares about individual patients as well as about scientific data can be generated, would not allow such research. Even though one can generate a lot of data in studies that are very dangerous to the people, our standards of ethics would not allow it. When there is a known treatment, we compare new treatments to the known treatment rather than comparing new potential treatments to something that we know will have no beneficial effect.

And here is the way the editorial in the New England Journal of Medicine went forward. It said:

> Those requirements are made clear in the Declaration of Helsinki, of the World Health Organization, WHO, which is widely regarded as providing the fundamental guidelines of research involving human subjects. It states in research "The interests of science and society should never take precedence over considerations relating to the well-being of the subject." And in any medical study every patient, including those of a control group, if any, should be assured of the best proven diagnostic and therapeutic method.

Now, there was a proven diagnostic and therapeutic method. It was the 076 regiment which has been proven in the United States and internationally. Instead of comparing low dosages of AZT to the best proven therapy and diagnosis, they chose to compare low doses of AZT to a known placebo. And to say to individuals, "Well, those of you that get the placebo are destined to have no therapy"—and we know what that means when it comes to the HIV virus.

The New England Journal of Medicine noted, "Further, the Declaration of Helsinki requires control groups to receive the best treatment, not the local one." Individuals have raised in the study the idea that "Well, people wouldn't be getting good treatment over here anyhow, so we are eligible to disregard the treatment standards for them." They observe that these are poor people. These are African individuals. We can adopt a different standard there. We certainly could not do this in the United States, but we can do this over there because things are not what they ought to be over there.

And here is what the New England Journal says: "Acceptance of this ethical relativism"—this is important—"Acceptance of this ethical relativism could result in widespread exploitation of vulnerable Third World populations for research programs that could not be carried out in the sponsoring country."

Now, additionally, it has been suggested that the reason researchers could not use the 076 regime, which is an expensive regime as in comparison to the low dose of AZT, is that there is not enough money in these African countries ever to give people the high-dose program. Therefore, we cannot experiment with any high-dose programs and find out, using them, whether or not the low-dose program would also work.

The truth of the matter is, you can learn a great deal by comparing the low-dose program to the high-dose program. I submit that you have the opportunity to learn about as much, if not more, than you have by comparing the low-dose program to the placebo. But more importantly is that this is consistent with the ethical standards.

It was suggested that the reason you could use the no-treatment program as part of the study—the placebo—is because there was a low, low amount of money to be spent per capita on health care in these countries. And it said you could not use an $800 program in the test because the people could not afford it. They only spend $5 a year on medicine. Why is it, then, that you could use the low-dose program, which is a $50 program? If one can't afford but $5, one is ineligible for $50 just like he would be for an $800 regime. I do understand that we are not talking about a regime for trying to give everybody the $800 program. Theirs was an effort to try and prove that a $50 program might work. So all they needed to do was to be able to compare the $50 program to subjects who were getting the full program. If the less expensive program it worked just as well, they would at least have the cost down to the $50 level.

But the point being made by the proponents of the research as it was conducted was that it is ethical, because of the costs involved. My own view is that if you only have $5, you can't really buy a $50 treatment any more than an $800 treatment. To say $50 is close enough and $800 isn't misses the point. If you are trying to develop the availability of the $50 treatment, the tests themselves could be measured against a therapy which is more costly.

The last point I make is that if none of the treatments would be used in the countries where the tests are being made, it is unethical to conduct tests there. It's clear from international standards, whether one is talking about the Nuremberg Code or other standards, you only conduct tests in countries where there is a chance that the therapy would be used. If the testimony of those who argue against the New England Journal of Medicine and these individuals is that you might have used the low dose, that is fine, we can conduct them there. However, you don't make laboratory rats out of people in the conduct of those tests merely because there is not a sufficient level of medical resources there to justify the more expensive program being used in the United States.

The New England Journal of Medicine directly indicates that "The test directly contradicted Department of Health and Human Services' own regulations governing U.S.-sponsored research in foreign countries, as well as joint guidelines for research in the Third World issued by the WHO and the Council for International Organizations of Medical Science, which require that human subjects receive protection at least equivalent to that in the sponsoring country."

Now, here you have another standard. It is not that this fell short of the ethics of one part or another part, or one little fraction, or another little fraction. In the first instance, you never use a placebo when an effective treatment is known. Secondly, control groups are required to receive the best current treatment, not the local one. Thirdly, you don't do, in a Third World country, what you could not do in your own country.

Now, it is pretty clear that there are a number of settings in which that idea of using other countries might be productive. But one might have trouble getting agreement to this, especially in the light of some of the controversy that has existed in the United States. Dr. Satcher testified at one time, "What may not be readily apparent to all is how the CDC and the U.S. learned and benefited from international public health activities, including those related to HIV protection. It is clear that, in some instances, research relevant to both developing countries and the U.S. can be conducted more efficiently and expeditiously in developing countries because of the magnitude of the problem in those settings and, therefore, we have utilized that approach." Yes, it's more efficient and expeditious, if it is only because there is a bigger population. I think that justifies the potential if we follow the ethical guidelines. But if we say that we can do it more efficiently and effectively there because we don't have to provide real medicine, we say to the people of those countries that we don't care as much about your lives as we care about lives in our own country. If we say these things, we have then also embarked on a course of action that has very serious ethical complications.

I would like to quote from Dr. Arthur Kaplan, the Director of the Center for Bioethics at the University of Pennsylvania:

> If you tried to do this study in the U.S., you would have to do it through a throng of demonstrators and a sea of reporters," he states. "I would not do this study without a design that would let me run it without a placebo. I think you owe that to your subjects, even if they are not educated enough or savvy enough to demand it from you.

Now, that is strong language. I have no doubt that Dr. Satcher is an individual of tremendous achievement and great scientific capacity. I have not sought to question that, and I certainly don't want to question his achievement, his capacity, his intellect, or the fact that he does represent the American dream. But I will question the ethics of the studies in which individuals were given placebos when it's clear that placebos are only ethical in comparisons when there is no known effective treatment. I will question the ethics of the studies when we owe treatment to our subjects and we fail to give it to them because they are in a culture where it's not normally expected. I think Dr. Arthur Kaplan is right. I wouldn't do this study without a design that would let me run it without a placebo. I think you owe that to the subjects. "Subjects" is a kind of interesting term there; it is really talking about the people who are in the medical study. ". . .Even if they are not educated enough, savvy enough to demand it from you."

Here is another article titled "An Apology is Not Enough." This was printed in the Boston Globe on the 18th day of May, 1997:

> No research in developing countries is ethically justified, unless the treatment developed or proven effective will actually be made available to the population.

We have had testimony here that the treatments could not be available, they would be too expensive. The low dosage treatment researchers were seeking to develop was estimated to cost $50. It might be possible to create a less costly regimen. But the components of the study should be performed ethically, regardless of what the ultimate objective is. Even though the objective was a $50 treatment, that doesn't mean that there could be no components greater than $50 in the study. Because ethics requires it you should be measuring the $50 treatment that is being experimented with and comparing it to the best known treatment. You don't compare it to a placebo.

A lot of comment has been made about informed consent. I would just like to take a few minutes to talk about informed consent, because I think it is important for us to try dealing with this problem in the cold light of what the international ethical requirements are. All guidelines stress the importance of obtaining informed consent from individuals asked to participate in the studies. Informed consent isn't just signing a paper. I would indicate in a setting where you are giving individuals sugar pills and it is known that the individuals who get sugar pills are going to have no treatment, that the level of information in the consent should be more than a "sign here," or a rush to consent. It should be an informed, considered, deliberate consent.

Let's see what the international standards are on informed consent. The Declaration of Helsinki, which the New England Journal of Medicine cited, makes informed consent a sort of touchstone of ethics requirements. The Declaration says:

> In any research on human beings, the potential subject must be adequately informed of the aims, the methods, anticipated benefits, and potential hazards of the study and the discomfort it may entail.
>
> Guideline 10: When obtaining informed consent for the research project, the physician should be particularly cautious if the subject is in a dependent relationship to him or her or may consent under duress.

Certainly, in the African studies where these individuals are in a situation where the health care availability is not substantial, these people are in a dependent relationship to the physicians. In that case, the informed consent should be obtained by a physician who is not engaged in the investigation or is completely independent of this official relationship.

Another guideline is from the Council of International Organizations of Medical Sciences—international ethical guidelines for biomedical research involving human subjects. We are not talking about running rats through a maze, or animal trials, taking the heart out of a pig and seeing if it will work in a variety of circumstances, but rather the international ethical guidelines for biomedical research involving human subjects. The Council of International Organizations of Medical Sciences, CIOMS, in collaboration with the World Health Organization make these statements regarding informed consent.

> Guideline 1: For all biomedical research involving human subjects, the investigator must obtain the informed consent of the prospective subject.
>
> Guideline 2: Before requesting an individual's consent to participate in research, the investigator must provide the individual with the following information, in language that he or she is capable of understanding: Each individual is invited to participate as a subject in research and the aims and methods of the research.

So they have to be told that they are invited to participate as a subject and what the aims and methods are.

> The benefits reasonably to be expected to result to the subject, or to others, as outcome of the research, and any foreseeable risks for discomfort to the subject associated with participation in the research; any alternative procedures or courses of treatment that might be as advantageous to the subject as the procedure or treatment being tested.
>
> Guideline 3: Obligations of investigators regarding informed consent. The investigator has a duty to communicate to the prospective subject all the information necessary for adequately informed consent.

All the information necessary. This is a technical area. All the information in a technical area like this might include being informed that there is a known therapy and that it is unethical to conduct a trial without providing the known therapy, according to the Helsinki Declaration and a variety of other ethics guidelines.

> Guideline 4: Subjects may be paid for inconvenience and time spent and should be reimbursed for expenses incurred in connection with their participation in the study, and may also receive free medical services. However, the payment should not be so large on the medical services, so extensive as to induce prospective subjects to consent to participate in the research against their better judgment.

The idea here is, if you are going to offer a bunch of medical care free to a person, they might make a judgment about getting involved in your program and might look aside and not be aware of, or be sensitive to, the risks that would otherwise inure to them as an individual participant.

There is a specific science guideline, No. 8, for research involving subjects in underdeveloped countries.

> Before undertaking research involving subjects in underdeveloping communities, whether in developed or developing countries, the investigator must be sure that every effort is made to ensure that the ethical imperative of consent of the individual subjects be followed.

The first guideline of the Nuremberg code relates to informed consent.

Here we are with another code. We have been through the Helsinki, through the CIOMS, which was the Council of International Organization of Medical Sciences, and now we go to the Nuremberg code.

> The voluntary consent of human subjects is absolutely essential.

This means that the person involved should have the legal capacity to give consent.

> . . . should be so situated as to be able to exercise free power of choice without the intervention of any element of fraud, force, deceit, duress, overreaching, or other ulterior force, constraint, or coercion, and should have knowledge and comprehension of the elements of the subject matter involved to enable him to make understanding and enlightened decisions.

I could go further.

The truth of the matter is that Dr. Satcher claims that there was informed consent here. And there has been a lot of statements on the floor about the nature of informed consent. The facts of the matter, as I have come to understand them—it could be that I need to be corrected—is that the informed consent has not been as thorough as those who have joined in this debate would want to lead people to believe.

Dr. Satcher, in an article that he wrote with Dr. Varmus states that there was informed consent in their studies.

> In the case of the NIH and CDC trial, there has been the same requirements for informed consent that would exist if the work were performed in the United States.

Well, was there informed consent?

It is kind of interesting. The New York Times sent a reporter to the area, and decided that there wasn't the level of informed consent that should exist in these cases. The New York Times article says:

> According to the CDC, before deciding about entering the studies, women who were potential study participants were provided information about HIV and AIDS and about the intended study, and the possible risks and benefits for their children. It was clearly intended that women involved, their children, and others receive a placebo, a capsule without active medication. There would be no way for them to tell which group they were in. Women must give informed consent before participation commences.

That is what the CDC says. That is in a CDC study, to prevent HIV transmission in developing countries, and their report of April 30, 1997.

So the CDC, in the case of everybody being given all of the information, and that there is an informed consent.

Here is what happened when the New York Times sent a reporter, and the New York Times article brings into question whether many of these women truly gave "informed consent."

I indicate to you that I have blotted out the names of the actual individuals involved here respecting their privacy. Here is an excerpt of the article, along with the accompanying photograph of one of the women who participated in the study. According to the article—we will call this woman "AB,"—a 23-year-old, illiterate, HIV-infected mother and patient in the study "still does not grasp, even after repeated questioning, exactly what a placebo is, or why she might have been given that instead of real medicine."

They gave me a bunch of pills to take and told me how to take them. Some were for malaria, some were for fever, and some were supposed to be for the virus. I knew there were different kinds. But I figured if one didn't work against AIDS then one of other ones would.

This is a picture of AB.

The reason to enroll in the study last year was clear. It offered her and her infant free health care and a hope to shield her baby from deadly infection. Unmarried and unemployed, this new mother, like many others, said the prospect of health as she brought her baby into the world made taking part in the experiment all but irresistible. Still the question of whether she and other pregnant women knew of the implications of consenting to a placebo test hangs over the subject.

Let me give you what the New York Times said about this individual's circumstance, AB. This is CD? I have the initials on the individuals—

> Minutes after she was informed for the first time that she carried the virus, one pregnant woman—

This is her picture, CD.

> still visibly shaken by the news, was quickly walked through the details of the test, as well as general advice about maintaining her health and protecting others from acquiring the disease, in less than 5 minutes.

This is the eyewitness testimony of how this so-called "informed consent" was obtained "in less than 5 minutes in which the previously unknown concept of a placebo was briefly mentioned."

> The session was over and DC.—

Unemployed, and illiterate—

> had agreed to take part in the test. One of the most highly educated of the women who spoke to a reporter, a 31-year old single mother with a degree in law who gave her name only as X, said she had never been made to understand that the medicine being tested, ATZ, was already known to stop the transmission of the virus DURING pregnancy.

So what we have here is a feint toward "informed consent." We have people with formal training with a law degree not knowing about effective therapies, not knowing what the real options are, not knowing what the real facts are, and we have a situation where we are using a placebo knowing that the utilization of placebo in that setting is going to result in the absence of any treatment for a disease which is, understandably and acknowledged, to be fatal in virtually every situation.

I think this New York Times article suggests to us that some of the so-called highly touted "informed consent" wasn't as informed as it should have been, and by just reading what the international conventions and the international declarations require you know that it is virtually impossible for a person even of great and substantial medical awareness to understand about "informed consent" in a 5-minute interval.

This is obviously a difficult situation.

I said when I started that America deserves better. I think Africa deserves better than this kind of treatment. I think people in Africa deserve to be treated with the same kind of dignity that the people America ought to be treated. I don't think we should say local conditions over there are different and that changes our ethics. I don't think our character is determined by the people we are dealing with. It is not OK to do things that are not ethical because you are dealing with people who are less well endowed than you are. I don't think it is OK to do things that are unethical or wouldn't meet the ethical standards here at home because the people are poorer than you are, or because they don't have the education. I think as Americans we understand that character is not a condition of circumstance. Circumstances may reveal character. But character is something on the inside that is determined by character itself—not by the circumstances outside.

I really think these are very serious questions about the conduct of medical experimentation. No question in my mind that there is a lot to be gained from these studies. But the truth of the matter is time and time again people, because they have had a a lot to gain from studies who haven't been as sensitive to ethics as we have been, have done things that are inappropriate or ashamed of. There was something to be gained from the study. I am not saying this was Tuskegee. There was something to be gained by it. And the people who excused it said, "Well, these are just poor individuals, and they are not very intelligent individuals. So we can treat them differently than we treat other individuals." And I think the Nation has a real tug in its heart. We realized we were wrong. It was inappropriate, and it was appropriate that there be an apology. And an apology obviously doesn't solve that situation.

I think we have to ask ourselves whether or not we can excuse away the absence of the right ethical standards based on local conditions, based on local education, based on the individual's intelligence, based on any circumstances. I believe that we have a responsibility to adhere to the guidelines. And in the absence of our commitment to those guidelines there is a serious deficiency. I believe if we do not have a strong commitment to ethics in the office of Surgeon General that we will not have a strong commitment to serving the people of this country in the way that they should be served.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I know that there are others that choose to speak. So I will not take long.

Just in a brief response, we have on the one hand the life of Dr. Satcher when we talk about ethics. And if there is any real kind of a question about his judgment and his failing a duty in terms of ethics, I think we ought to take a look at what the facts are and also take a look at what kind of life he has led in terms of the service of the underserved in his professional life, and the work that he has done. And you will see, this extraordinary light that shines brightly in terms of working for the disadvantaged and those that are left out and left behind, those that do not have good health and medical services, and those that are the sickest and neediest in our society.

To try to take a situation here about informed consent when we have those that have been involved in the programs themselves who describe the various ways that they went about informing potential subjects to be involved in these trials—particularly with the statements of the in-country personnel and to try to use anecdotal information based upon the conversations with one or two of those people that are involved in the trials—as being somehow a reflection of the failure of Dr. Satcher to reach a high ethical standard is a pretty far stretch.

Madam President, I listened with great interest to my friend from Missouri talk about the Helsinki accords, and about the importance of making available the known, effective treatment, that we shouldn't have various kinds of research being conducted if we are denying known effective treatment to these individuals. Well, understand the regimen we are talking about when we are talking about known effective treatment because it was the judgment of the medical professions that if we took the known effective treatment that is used here in the United States that there was serious doubt as to whether it would be effective. That is why the lower dose regimen is being tested in developing countries.

What do I mean? By using the known effective treatment that is used here in the United States that is referred to by the Senator from Missouri, you have to stop breast feeding. You can't use that regimen and continue to breast feed. It was the judgment of the Centers for Disease Control that if you used the 076 regimen you might also be exposing these subjects to other health risks, such as high levels of drug toxicity due to their entirely different diet. It must be recognized that the 076 regimen is not known to be an effective regimen for populations in developing countries. It was known at the Centers for Disease Control if you are going to use the 076 treatment as the standard in the United States, you have to have 100 milligrams of AZT five times. You have to have treatment for 12 weeks of pregnancy and you need to receive intravenous AZT during labor and pregnancy. In order to do this, you have to have a sufficient health infrastructure, one which is going to bring these various infected individuals and bring them back to the center frequently. This infrastructure just is not available.

Senator, get real; the regimen that is effective in the United States, the majority of the scientists at the Centers for Disease Control do not believe it could be effective over there. So when you say, they have no effective treatment, we have this treatment here in the United States of America and we are denying those people that effective treatment and it is violating all those ethical considerations, I have to disagree. Understand what is happening in these situations. Understand these regimens. These developing countries just do not have the infrastructure. You cannot get them to stop breast feeding so they have to follow a different regime, one that permits them to breast feed, one that doesn't require them to come to a clinic on a frequent basis, one that says they do not have to have the elaborate infrastructure that is necessary under the 076 regimen.

The idea to put out on the floor that Dr. Satcher is not qualified, not qualified to be Surgeon General because of this kind of a situation is the most extraordinary stretch in terms of misrepresentation and failure to understand what these trials are really about. I am just amazed as we get further and further into it how weak that case is.

The Senators who are opposed to Dr. Satcher better do a lot better tonight and tomorrow in their opposition than they have done today. I have listened to these arguments, and I can't believe any one of our colleagues who has been following them can believe that there is very much to it. Take this man whose total life has been committed to his fellow human beings, and try and do the acrobatics and gymnastics and trapeze work in terms of misinterpreting these kinds of studies to show that he is basically flawed in terms of his ethical standards, my goodness, Madam President, give us a break. Give us a break.

So, Madam President, I will have more to say on some of these other questions, on the other misrepresentations. There were a series of others. I will just mention in addition one further area that has been raised during the consideration here earlier in the afternoon. Critics have also charged that Dr. Satcher at CDC supported HIV studies on newborns that allowed them to be sent home without telling their parents of their HIV status.

This survey was part of an effort to obtain a better idea of how HIV was spreading in different populations.

It was implemented by State and local health departments across the country with support from CDC. The survey began at a time when little was known about the impact of HIV on women and their children.

The studies were designed to check for the presence of antibodies to HIV infection in newborns. The presence of such antibodies would indicate that the mother is infected with HIV and that her child has been exposed to the virus. Approximately 25 percent of children exposed to HIV develop HIV infection, too.

That is the point I made in the debate earlier in the afternoon. That is why this whole area of study is so important and so exciting, and the consequences so important, because this is an area in medical research that offers some really important potential breakthroughs for babies whose mothers are infected.

The studies were carried out using blood samples that were left over from other routine purposes and that otherwise would have been discarded. The samples were not identified as coming from specific individuals. At the time, AIDS was not well understood. CDC was surveying newborns as a group to learn more about the incidence of the disease in particular communities. No treatment was available for newborns at that time—none. This was in 1988.

This study was part of a responsible scientific effort to learn more about the prevalence of HIV, so that resources could be targeted quickly and effectively. The survey followed strict ethical principles and was approved by the Office for Protection From Research Risks at NIH. A task force of ethicists, lawyers, civil liberties advocates, gay rights proponents, and public health officials met at the Hastings Center, a bioethics think tank, to consider the issue. No objection was raised to these studies.

The Hastings Center is one of the important resources in this country in terms of bioethical issues. They have a number of very thoughtful teachers and scholars who have testified before our committees over the years. And they have been included in this review of this particular project. A 1988 review of the issue by a Canadian work group also gave its approval to the studies. So did the World Health Organization's Global Program on AIDS.

The Institute of Medicine of the National Academy of Sciences reviewed the survey and approved it as a well-established approach to public health surveys.

Here you have it. You have the NIH Office for Protection from Research, you have the Hastings Center, which is one of the leading bioethic think tanks in this country, approving it. No objection was raised. The Canadian group also reviewed the work and so did the World Health Organization's Global Program on AIDS. The Institute of Medicine of the National Academy of Sciences reviewed the survey and approved it as a well-established approach to public health surveys. All of these bodies have approved these surveys.

The information in the surveys was used by communities for education, screening, and treatment.

The surveys ended in 1995, when new treatments for infants exposed to HIV and other ways to monitor HIV population trends in women of childbearing age became available.

In September of 1997, Dr. Satcher recommended the study be formally terminated, and HHS agreed. So Dr. Satcher terminated it. It was going on when he became the head of the Centers for Disease Control, but he terminated the survey. CDC continues to work with States to identify ways to monitor trends of HIV in women of childbearing age.

Now, Madam President, I was in the Senate during this period of time. It was in 1988 that we had the first initiatives on pediatric AIDS. My good friend from Ohio, Senator Howard Metzenbaum, on the Health and Human Resources Committee—and I will include the exact references tomorrow in the RECORD—was the one who offered the first amendment. It was $10 million to try to help and assist in the area of pediatric AIDS. It was a brand-new challenge in public health. And these studies have been referred to as something we would not subscribe to today, but at a time when we were attempting to find out the nature of the threat in terms of mothers and the extent of the challenge for communities and States in our Nation, these surveys were considered and reviewed and approved.

To try to use today's standard for an earlier period of time when we virtually knew nothing about how to deal with pediatric AIDS—and there was enormous resistance in this body to doing anything about it then, enormous resistance to get into it at all. People forget all of that. Why get involved in this kind of disease research? We went through all of that. We eventually had the work with the Ryan White bill and several other breakthroughs that were important that moved us into a direction which respected the science rather than the ideology of the time. But during this period of time, and I remember very clearly, it was extremely difficult. We were trying to find out more as a nation and as a people about the prevalence of this disease within the population, and so this kind of survey took place. It is easy to flyspeck it now in terms of how surprising it is that any such study could possibly take place today. And it is always useful and valuable to be a Monday morning quarterback. The studies that were done then had been reviewed in terms of their ethical considerations. Maybe some agree, some differ. We could all certainly find criticisms of it knowing what we know today, but that isn't the question.

The fact is this issue was actually started under a Republican administration and ended by Dr. Satcher.

Now, it is nice to come out here and say, well, he should have ended it earlier and therefore he is not qualified. If that is your argument, so be it. But it is not, nor should it be, an argument that is elevated to a serious reason for having any second thoughts about this outstanding nominee.

Finally, I just say, Madam President, as I started out today, we have an extraordinary doctor who has been willing to take on the responsibilities of Surgeon General and tend to our nation's public health concerns. These are tough issues. They deal with the most difficult kinds of problems that we can possibly imagine. We understand that. And Dr. Satcher deserves great credit for being willing to stand up and say I want to continue to serve, as he has his whole life.

We are very fortunate to have such a person willing to stand up, and we are fortunate to have the President nominate him. I am going to be proud to vote in support of him, and I am confident we will have an overwhelming majority of the Senate to do so.

As I said, I have been proud to respond to the questions that have come up today and look forward to further debate and discussion on this outstanding nominee. Hopefully, we will get the opportunity of having a chance to approve him.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, sometimes my colleague from Massachusetts and I disagree openly, sometimes loudly, on different issues, but he and I will not disagree today on the integrity or the excellence of the individual before us, David Satcher. But we will disagree. Nobody deserves a break on the truth or the facts as it relates to the performance of an individual.

So let the Senator from Massachusetts and I agree that David Satcher is an outstanding individual of high quality. We agree. But because of differences in philosophy that sometimes produce politics we will disagree. I think my colleague from Missouri was doing that today. And so no breaks are given to anyone, nor should they be given. We are talking about building a record that is tremendously important as we reach out to decide whether this gentleman should become America's family doctor as the Surgeon General of the United States and therefore the record and the facts as they relate to this individual's performance and what he has done in the past are relevant and very important.

There is no question that David Satcher will probably be confirmed as the Surgeon General, and as he is confirmed and as the American public gets to know him it is important that they know a little bit about his background so they can be ready and aware of what he might do along with what he will be required to do as our Surgeon General.

I would like to talk about two areas that I think are very important to our country as a whole. As I have said, his philosophy is generally very different from my own, and that means that I will and do fundamentally disagree with the views of many of his efforts and my view, my politics, my philosophy is different from our President's. And so it is not unusual that he might nominate somebody that I would not agree with nor would I want to vote to confirm. But I also recognize the reality and the importance of our President being able to nominate those whom he feels would serve best under his Presidency based on his philosophy and his vision of how the country ought to be. So, while I believe the President's choice deserves some deference, I do not believe the Senate should automatically rubberstamp any decision that our President makes. This is one that he has made. It deserves reasonable debate on the floor. I believe I can offer some of that this afternoon.

David Satcher comes to us with a background that includes service as a Federal officer. In his capacity as Director of the Centers for Disease Control, he was made aware of serious concerns that I and other Members of both the House and the Senate had talked about and had visited with him about. I was privileged to have that conversation in my office some time ago with Dr. Satcher. I was pleased that he would come, sit down and engage in a thoughtful and earnest way about something that was of concern to me and a very large constituency in this country; that I felt he and the tax dollars engaged at the National Centers for Disease Control were being misused.

The House and the Senate had concerns about a crusade mounted by the

National Center for Injury Prevention and Control about certain kinds of things, and our director, the Director of the Centers for Disease Control, Dr. Satcher, went in a different direction. He launched a study against private firearms ownership in this country.

Now, you have to scratch your head a bit and say, "What? Firearms? Guns? Centers for Disease Control?" I did. I scratched my head and said, "Dr. Satcher, where are you coming from?" Well, he was quoted to say this, that his efforts and the studies he was putting forth were "to convince Americans that guns are first and foremost a public health menace" and to that end they had ignored years of study by criminologists, people much more directed in the area of guns and crime than the Centers for Disease Control. But Dr. Satcher being politically correct for his President moved on. And therefore went on to say that they had labeled violence as an "epidemic," and concluded that gun control was the way to cure it.

What they failed to recognize, and they should have recognized if they are good clinicians, is that the state and the condition in which the individual is raised produces a violent person, and that a violent person will reach out in his or her act of violence and use any tool available to them. But, no, because it was politically correct, they chose firearms.

Dr. Satcher, firearms are not an epidemic in this country, they are a constitutional right and you ought to understand that. And, while you were being politically correct for this President and your philosophy, you were being unconstitutional. You were directing the energies and the taxpayers' dollars of this country against something that in my opinion was, frankly, none of your business. But you chose to move ahead, for all the reasons I think I have just stated.

In short, the so-called research done by that agency was, in my opinion, both politically motivated and from a scientific point of view—and we have heard about his tremendous scientific credentials this afternoon—seriously flawed. Although Dr. Satcher did not personally conduct the research, he used his position to defend it. Even worse, his leadership at CDC caused it to continue even after it came under criticism. So you have to question. My job is to question. I think my argument today is legitimate. Dr. Satcher, you were acting beyond your professional credentials and, therefore, your science in my opinion was flawed. Now he wants to be America's family doctor.

Mr. President, law abiding gun owners are not a public health menace. Violent people are, and have demonstrated by their actions that they can become a menace to people's health. It is outrageous that the head of any Federal agency would endorse using taxpayers' dollars in a political campaign against a constitutionally protected right of the taxpayer who paid for the campaign. But the gentleman this Senate is about to vote on did just that. He very openly talked to me about it in my office and I respect him for coming to visit about it. His only argument was he just thought it was important to do.

I noted that he was very much in sync with the President, and therefore he was obviously doing the right thing politically. But I think it is time we question him on that issue.

This is not the only area where Dr. Satcher's extreme views, I think, generate some concern. He also supports the legality of partial birth abortions. His position on this controversial procedure is at odds with what most polling data suggest today is 80 percent of the American people, and with the professional and ethical judgment of the American Medical Association. In taking this position, Dr. Satcher clearly chooses the President's political agenda over the views of his medical colleagues. So I think it is important, when there are some who get a bit exercised here that somehow we are questioning this gentleman's sincerity, or most important his professional integrity, that this man is quite often very willing to politicize beyond science something that happens to fit the agenda of the President that he serves.

His views on this particular procedure are so far in the minority, and I think it is important that we recognize that. Many Members of Congress who advocate abortion voted in favor of banning partial birth abortion. Dr. Satcher and President Clinton say the decision to have an abortion should be between a woman, her conscience, and her doctor; and that abortion should be safe and legal. The partial-birth abortion procedure is indefensible on any of those grounds. The procedure we are talking about is one of causing and then stopping delivery of a child. I could go into the details of that. That isn't necessary to do. It has been talked about for a long time on the floor of the U.S. Senate. I think Senators, in a large majority now, fit the understanding of the American people on this issue.

So, let me conclude by saying that my intent this afternoon is not to impugn the talent or the integrity of Dr. Satcher. It is, though, to clearly demonstrate that he is a political nominee who can operate in political ways and has chosen to do so to stay in step with the President who nominated him and to be out of step, not only with the Constitution of this country, but in many instances the vast majority of the American people.

I am not going to attempt to predict the outcome of the vote on the floor but my guess is that when the vote settles, Dr. David Satcher will be the next Surgeon General of the United States. I and others will watch him very closely, hoping he will serve with integrity and responsibility, and that he will not choose to use his bully pulpit as a leverage against fundamental constitutional rights in our country, or what a vast majority of the American people think would be a wrong procedure, a wrong process, or an unnecessary law.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I rise in support of the nomination. If my colleagues will permit me to tell a short personal story, my father was a medical doctor and he practiced the last half of his career in the greater metropolitan area of the Nation's Capital, largely in Virginia. He was a marvelous man. His whole life was his family and medicine. He was sort of in that vintage of the old timers who, when you called, he got in his car or he walked or whatever the case may be, and he went to the homes and the hospitals and tended to the sick and the needy.

I can remember in the Depression days, people would come to our front door and he never hesitated to give his God-given brains and expertise to the assistance of others. I have to tell you, Mr. President, I have said this before, if I had half the brains of my father I would have gone to medical school but I came up short and had to sort of accept the lot that was cast me.

The nominee came to visit me, as I am sure he did with many others, and I talked to him at great length. He impressed me as a man of considerable skills in the medical profession, not in one narrow area but a very broad area. His education, his demeanor—I was very impressed with him. And I then sought, as all of us do, the consultation of our constituents, people who might have known him or had a judgment. I found in the State of Virginia he is highly regarded professionally. As a matter of fact, one of the most eminent physicians in Richmond VA, Frank S. Royal, Sr., whom I have known now for more than 30 years personally as a friend, and who has been a friend and a counsel to a number of Governors—indeed, Republican Governors. He was the late Governor Dalton's physician and closest friend. Anyway, he knew the nominee very well, all the way beginning back in his education. And he wrote me this letter which I ask unanimous consent to have printed in the RECORD following my remarks, giving an unequivocal endorsement of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. That letter, together with the endorsement of other recognized medical organizations and physicians in my State, corroborated my own findings. For that reason I am privileged and pleased to cast my vote for the nominee.

I regret, however, that he does not hold all the views that I hold. Particularly, I am opposed to partial-birth abortion and have consistently and will consistently vote to try to end that tragic practice. But we cannot expect this nominee or the nominee for Secretary of State or Defense to hold views which are consistent in their entirety with the views of individual Senators. I have been here, this is my 19th year now. I have cast many votes for nominees, and often you do so based on the totality of the credentials.

Mr. President, I will ask unanimous consent to have printed in the RECORD other documentation which I feel is important to this nomination and those reviewing it, and indicate in my own personal judgment we are fortunate to have a man of this depth of experience and dedication, who could obviously earn many times over a Government salary in private practice, to step forward and volunteer to help the ever-increasing problems associated with America's health system.

Mr. President, I yield the floor.

EXHIBIT 1

EAST END MEDICAL CENTER,
Richmond, VA, September 30, 1997.

The Hon. JOHN W. WARNER,
The U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am very pleased to lend my support to the nomination of Dr. David Satcher to the position of Assistant Secretary for Health & Human Services and Surgeon General. I am confident that all will benefit from his continued advocacy in his new role.

I am very familiar with Dr. Satcher's creative and innovative approaches to increasing access to health care services for all people through public-private partnerships. His unique proposal to consolidate the acute hospital services offered by Nashville's Metropolitan General Hospital and Meharry Hubbard Hospital into one modern facility on the Meharry campus is scheduled to come to fruition in January 1998.

Dr. Satcher is uniquely qualified for this position because of his dedication to two causes-improving the diversity and quality of the educational experience of health professionals and enhancing the capacity of our public health infrastructure to address the needs of the nation's communities.

I pledge my support for this nomination and request that Dr. Satcher be confirmed for this position.

Sincerely,

FRANK S. ROYAL, Sr., M.D.

Mr. JEFFORDS. Mr. President, I thank the Senator for his very excellent words about the nominee, Dr. Satcher, as we work in order to, hopefully, bring about his confirmation.

I would like to make a few comments while we wait and see if someone else is ready to talk.

I think it is important to briefly go through, and I am going to do it again another time with perhaps a little visual presentation of what we are talking about when we talk about the AZT trials and the responsibility of Dr. Satcher and Dr. Varmus, who is the head of NIH.

We are talking about trials which were designed in Africa, by Africans, for Africans, after the review of many boards and groups that were working toward a solution to this problem. We are not talking about trials in the United States. Those of you who have visited Africa know the incredible AIDS epidemic that is going on in those nations. We think we have a problem here. The problems in the African nations where there is some evidence that the AIDS epidemic started—there are millions of pregnant women who are in danger of transmitting HIV to their children—are unimaginable.

The question was, how do you handle that situation? It was decided by doctors and health officials in the host countries that they had to design some sort of a treatment protocol where they would know what would happen when they administered certain doses of drugs. So what they did—out of the huge pool of HIV infected pregnant women—was invite a group of them to participate in this trial.

They invited these women—who were not going to receive any treatment for their HIV infection—and they said to them that, "We would like you, if you are willing, to participate in our trial; some of you will get medicine which might help your baby, some of you will receive a sugar pill. You may stop participating in this trial anytime you want. The only way we can determine whether the medicine is safe for you and your baby, however, is to do it in this way."

So it is not a question of whether these HIV infected pregnant women had an alternative to go out and get help someplace else. They did not. Participation in this trial was the best hope for getting any treatment that might prevent them from giving HIV to their babies. Not only that, most of these women were not in a situation, for instance, where they could have used the 076 regimen even if it had been made available as part of the drug trial. They could not buy infant formula; thus, they ended up having to nurse anyway. The 076 regimen requires that women give up nursing.

There are a lot of differences—differences in culture and differences in circumstances—between here and in Africa. The host countries and the international organizations involved discussed all of these issues and finally agreed on this regimen for testing. They did so because they believed it provided the greatest hope for their own people.

Now they get criticized because these pregnant women who would never have gotten any help were invited to participate in a trial where they might get some help. They are criticized for doing this, because the participants didn't know whether they would receive the medicine or the sugar pill. It is a difficult situation, but it can be misleading if you don't understand the dynamics of the situation which the various countries were facing.

I hope as we go forward to make an additional point to my colleagues—and I am going to try to explain this a little more articulately and specifically later. The heads of CDC and NIH were separated a long, long ways from what was going on, and they had all sorts of review boards and organizations approving this regimen. It is not like Dr. Satcher and Dr. Varmus were over there in Africa conducting these trials. It was something that Dr. Satcher and Dr. Varmus have responsibility for as leaders of CDC and NIH, but certainly the design was something which came about by virtue of the many U.S. and international organizations trying to figure out how to take care of this terrible epidemic and how to, hopefully, save as many of the young babies as they can from being infected.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will just take a few moments to wind up today's comments on truly an extraordinary nominee of the President and an incredibly gifted and talented medical professional doctor, Dr. Satcher.

I want to just mention at this time and I will read part of an excellent letter that was made available to us. It was written to our friend and colleague, Senator ASHCROFT, from the Morehouse School of Medicine. It is from Dr. Louis Sullivan, who was the Secretary of HHS under President Bush and had a very distinguished career there and has had over the course of his lifetime a very distinguished career.

I will read this part, and I will submit the letter in its entirety for the RECORD:

DEAR SENATOR ASHCROFT: I understand that in a dear colleague letter you recently questioned the ethics and leadership of Dr. Satcher because of his support of AZT trials to reduce perinatal HIV transmissions in developing countries. You also questioned his role in the HIV-blinded "Surveys of Childbearing Women" which started in 1988 and was suspended in 1995. As a biomedical scientist, former Secretary of the Department of Health and Human Services under President Bush, and one who has known and worked with Dr. Satcher for twenty-five years, I write to respectfully take exception to your assessment of the studies and especially Dr. Satcher. I share the view of the World Health Organization, UNAIDS, the National Institutes of Health and the Centers for Disease Control and Prevention that these studies were ethical, appropriate and critical for the health of babies in developing countries. I also agree with public health leaders at every level of government that the HIV-blinded survey which was started five years before Dr. Satcher entered government were ethical, appropriate and critical during the early phase of the AIDS epidemic. More importantly, I agree with those such as Dr. Sidney Wolfe, of Public Citizen, who, while questioning the AZT trials in Africa, strongly attest to the ethics and leadership of Dr. Satcher and strongly support his nomination for Surgeon General.

Then it goes on in a very, very important way in this letter. I ask unanimous consent that the letter be printed in the RECORD. It gives both the history and the background on these AZT tests and responds to all the various issues that I think have been raised on that particular program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOREHOUSE SCHOOL OF MEDICINE,
Atlanta, GA, January 30, 1998.

The Hon. JOHN ASHCROFT,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: I understand that in a dear colleague letter you recently questioned the ethics and leadership of Dr. Satcher because of his support of AZT trials to reduce perinatal HIV transmission in developing countries. You also questioned his role in the HIV-blinded *Surveys of Childbearing Women* which started in 1988 and was suspended in 1995. As a biomedical scientist, former Secretary of the Department of Health and Human Services (DHHS) under President Bush, and one who has known and worked with Dr. Satcher for twenty-five years, I write to respectfully take exception to your assessment of the studies and especially of Dr. Satcher. I share the view of the World Health Organization (WHO), UNAIDS, the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) that these studies were ethical, appropriate and critical for the health of babies in developing countries. I also agree with public health leaders at every level of government that the HIV-blinded survey which was started five years before Dr. Satcher entered government were ethical, appropriate and critical during the early phase of the AIDS epidemic. More importantly, I agree with those such as Dr. Sidney Wolfe, of Public Citizen, who, while questioning the AZT trials in Africa, strongly attest to the ethics and leadership of Dr. Satcher and strongly support his nomination for Surgeon General.

In 1994 scientists in the United States found a regimen using the drug AZT that dramatically reduces the transmission of the HIV virus from mothers to newborns. As a result of this breakthrough, perinatal AIDS transmission in the United States has dropped by almost half since 1992. Naturally, such an advance raises hopes of making dramatic reductions not only in the developed world, but in developing nations, where 1,000 babies are born each day infected with HIV.

Unfortunately, it is generally agreed that the regimen that has worked so well in the United States is not suitable for these developing nations. Part of the problem is that the cost of the drugs involved is beyond the resources of developing nations. In Malawi, for example, the regimen for one woman and her child is more than 600 times the annual per capita allocation for health care.

Just as important, developing nations lack the medical infrastructure or facilities required to administer the regimen, which requires (1) that women undergo HIV testing and counseling early in their pregnancy, (2) that they comply with a lengthy therapeutic oral regimen, and (3) that the anti-HIV drugs be administered intravenously at the time of birth. In addition, mothers must refrain from breast feeding; the newborns must receive six weeks of oral drugs; and both mothers and newborns must be closely monitored for adverse effects of drugs.

Given the general recognition that this therapy could not be widely carried out in developing nations, the WHO in 1994 convened top scientists and health professionals from around the world to explore a shorter, less costly, and less complicated drug regimen that could be used in developing countries. The meeting concluded that the best way to determine efficacy and safety would be to conduct research studies that compare a shorter drug regimen with a placebo—that is, no medicine at all.

After the New England Journal of Medicine (NEJM) published its editorial criticizing the AZT trials in developing countries, two of the three AIDS experts on this editorial board resigned in protest because they disagreed. Many other outstanding biomedical scientists and ethicists have since taken issue with the NEJM editorial.

As one who feels strongly about what happened in Tuskegee, let me say that it is utterly inappropriate to compare these trials with Tuskegee where established treatment was withheld so that the course of the disease could be observed while these men died. The AZT trials being carried out in developing countries are for the purpose of developing treatment that is appropriate, effective and safe to prevent the spread of HIV from mother to child. Unlike Tuskegee, these programs have a very strong informed consent component.

Likewise, I do not believe that your criticism of the blinded-surveys of childbearing women is inappropriate. These surveys, which started in 1988, five years before Dr. Satcher came to government, were supported by public health leaders at every level. They were considered to be the best way to monitor the evolving epidemic during that very difficult period when we knew so little of the nature of the problem and virtually no treatment was available. These surveys use discarded blood from which all indentifying information had been removed, to measure the extent of the HIV problem in various communities and groups. The information was invaluable to state and local communities in planning education and screening programs. Using these surveys we were able to document that the percentage of women infected with HIV grew from 7% in 1985, to almost 20% in 1995. At no time was any baby, known to be positive for HIV, sent home without the parent being informed.

Again, I acknowledge your right to criticize Dr. Satcher, the nominee for Surgeon General. But, I believe that Dr. Satcher's long and distinguished career speaks for itself relative to his commitment to ethical behavior, service to the disadvantaged, to excellence in health care and research and to human dignity.

Should you wish, I would be happy to review any of the areas where there is any remaining confusion or questions.

With best wishes and regards, I am
Sincerely,

LOUIS W. SULLIVAN, M.D.
President.

Mr. KENNEDY. Mr. President, in another letter from Dr. Sullivan to Senator LOTT that was made available to all the membership, he said:

I enthusiastically support the nomination of David Satcher, M.D., for the positions of Surgeon General and Assistant Secretary for Health of the Department of Health and Human Services.

In light of the recent debate about issues regarding his nomination, I wish to communicate with you my experience with, and opinion of, David Satcher. I have known David for over twenty-five years, and I can state unequivocally that he is a physician. . .of [extraordinary] integrity, conviction, and commitment. As Surgeon General and Assistant Secretary of Health, I know that David has no intention of using those positions to promote issues related to abortion or any other political agenda. He has worked throughout his career to focus on health issues that unite Americans—not divide them.

And the letter goes on.

Both of these letters are from a very, very distinguished leader of the Department under President Bush and someone who has made, in his own way, an extraordinary contribution to public health and to health policy generally. Someone who has known Dr. Satcher for a long period of time should have a very important influence, I would think, and weight with our colleagues.

I just mention, finally, Mr. President—and I am sorry my friend from Missouri is not here, Senator ASHCROFT. He talked about the State surveys that were taken, and he was highly critical of the State surveys.

It has been brought to my attention that the surveys went into effect in 1988, and then were concluded in 1995. Dr. Satcher came to the Centers for Disease Control—started under a Republican administration. But it is interesting that Senator ASHCROFT was Governor of Missouri during this period of time, and he signed on for these various State surveys, and supported them.

It just has to have somewhat of a ring here today as we are considering these surveys and as the point is being raised about how effective or how wise these surveys will be, that the person who is raising this and the most critical is someone who was a Governor of a State that actually endorsed and signed the applications. I do not think it is necessary, but we will have those available for the RECORD tomorrow.

I think this is just, again, interesting. If these are the best cases that can be made against someone who has such a distinguished record, such a powerful life record in terms of the public interest and service, then we should be about the business of moving ahead and supporting this nomination.

We look forward to the further debate. I am puzzled about where those are that have the serious reservations. We have been out here ready to debate this record. We look forward to debating it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today to speak in favor of the nomination of Dr. David Satcher to the position of Surgeon General. As many colleagues have noted, he is exceptionally well qualified for this position. He has been involved, throughout his professional career, in a very broad range of health issues and has championed improvements in all the areas that he has been involved with.

I find it somewhat unusual that this appointment to an important position, though not a Cabinet-level position, seems to always attract such debate and such controversy. Certainly, we want someone with real leadership skill to serve as the Surgeon General; but why, time after time, do we find ourselves embroiled in a debate over who that person might be? Some critics will say it is the fault of President Clinton for bringing names before the Senate that are so controversial. Yet, I think if history serves me correctly, I believe Dr. Koop, an appointee of President Reagan's, was a controversial nominee. Dr. Koop caused a lot of people some concern. He had some rather strongly held personal views on a controversial issue, the issue of abortion. The Democratic-controlled Congress wrestled with his nomination and came to the conclusion that Dr. Koop's medical credentials and in the area of public health were so compelling that he should be given a chance to serve, even though a majority of the Democrats might disagree with his position on the issue of choice or abortion. It is a good thing we did because, despite our differences with Dr. Koop on that issue, he proved to be an exceptional leader on public health issues for America. In fact, some of the initiatives that Dr. Koop really spearheaded, I think, were so timely and so important that history will treat him very kindly. For example, alerting America at that moment in time to the dangers of HIV/AIDS was a controversial thing to do. Yet, he did it with the approval of the Reagan administration, at a time when it was appropriate. I think lives were saved as a result of that. So I have always drawn from the experience of Dr. Koop, who has become a friend of mine on the tobacco issues, that you should not judge a person on one life experience or one issue, but you should look at the totality of the circumstances, look at their values and principles and try to determine whether or not that person, man or woman, can do the job.

That is why it is easy today to rise in support of Dr. David Satcher to fill the spot as our Surgeon General of the United States. Some of the areas he has worked in have been extraordinary. From increasing childhood immunization rates, to improving breast and cervical cancer screening, Dr. Satcher has been a leader.

I want to focus on one aspect of his work at the CDC, in improving the Nation's food safety programs. Make no mistake—and I want to underline this, if I can—America is blessed with the safest and most abundant food supply in the world. You need only travel to any other country and take a look at the alternative to appreciate what I have just said. But we can do better.

The General Accounting Office estimates that as many as 33 million Americans will suffer food poisoning this year, and more than 9,000 will die from it, primarily infants and elderly people. The annual cost of foodborne illnesses in this country may rise to as high as $22 billion a year.

Since 1993, the CDC, under Dr. Satcher's direction, has played a critical role in modernizing our food safety programs and responding to challenges created by the large amount and variety of food now available in the United States.

As part of this effort, the CDC has led rapid response to outbreaks of foodborne illnesses, conducted research into the cause and transmission of foodborne illness, and expanded outreach to health officials and the public on treatment and prevention of foodborne illness.

The Department of Health and Human Services predicts that foodborne illnesses and deaths are likely to increase 10 to 15 percent over the next decade. Such estimates make increased vigilance even more important. Both early detection and rapid response are critical to minimizing health hazards from unsafe food.

Building on these efforts, President Clinton announced in January 1997 that the CDC will join forces with the Federal, State, and local agencies on new efforts to improve the safety of our Nation's food supply.

CDC and Dr. Satcher have played a key role in the new early warning system to help try to catch and respond to outbreaks of foodborne illness earlier and to give us the data we need to prevent future outbreaks.

In 1995, the CDC, with the FDA, Department of Agriculture, and State health departments, established this network of "sentinel" surveillance sites in five States that conducted in-depth surveillance for foodborne illness and related epidemiological studies.

Since becoming operational in 1996, the network already has identified an outbreak of salmonella caused by contaminated alfalfa sprouts and an outbreak of E. coli from lettuce.

I hope we can do more. We need a Surgeon General in place who is sensitive to that need. I think that we can start to consolidate under one Federal agency the many disparate Federal agencies that now try to keep our food supply safe. Isn't it a curious thing that when you take something as common as an egg, and if that egg is broken and served as a product, it is the jurisdiction of the Food and Drug Administration. If that egg remains in the shell and is sold as a product, it is the jurisdiction of the Department of Agriculture. Consumers have to shake their heads in wonderment that we would make such arbitrary distinctions between products which families view as the same thing, as far as they are concerned. It calls for leadership not only in the Department of Agriculture, the FDA, the Environmental Protection Agency, the Department of Commerce, and many other agencies, but it calls for the leadership of a Surgeon General, and that vacancy should be filled by Dr. Satcher, sooner rather than later.

Dr. Satcher, as head of the Centers for Disease Control and Prevention, has dramatically expanded the CDC's landmark "National Breast and Cervical Cancer Early Detection Program," which offers comprehensive breast and cervical cancer screening services to medically underserved women nationwide.

Prior to Dr. Satcher's tenure and leadership at CDC, 18 States had the program. Today, all 50 States do, as well as 5 U.S. territories, and 13 American Indian/Alaskan Native organizations have programs. This expansion was based on strong scientific evidence showing that breast and cervical cancer screening can save women's lives.

As of 1996, more than 1.2 million cancer screening tests were provided by the program. There are some critics of Dr. Satcher who might dwell or focus on one or two controversial things. I hope they will judge the man in his totality, and that they will judge his contribution fairly, because if you look at his work in public health, it is truly extraordinary.

There is one area I would like to speak to that has been brought up on the floor, and I would like to close with this. Some have been critical of the efforts by the Centers for Disease Control to address the whole issue of firearm injuries in the United States. Many believe that this is entirely too political for an agency that is supposed to be dedicated to public health. I disagree. Over 38,500 Americans are killed each year with firearms in America; 17,800 homicides; 18,700 suicides; 1,300 unintentional deaths; 5,800 children and teenagers die in America each year from firearm injuries; they are the leading cause of death among African American teenagers and the second leading cause of death among white teenagers.

In the city of Chicago, IL, there is a hospital that we all admire so much, Mount Sinai. Next to it is a facility known as the Schwab Rehab Institute. Mount Sinai Hospital is in a tough neighborhood. In fact, a visit there on any weekend evening would be a sobering experience for all of us, because the people who come in there, the victims of dramatic injury and gunshot wounds, unfortunately, are in great number. Those physicians, nurses, and medical personnel scramble to do their best to try to keep these people alive. They manage, in many cases, to do that, and it takes the miracle of medicine to do it. Those folks might find themselves, a few weeks or months later, across the street at the rehab institute, Schwab Rehab, where I visited a few times to speak to victims of gunshots, and to talk to men in wheelchairs, paraplegics and quadriplegics, who will never have a chance to enjoy full physical mobility, because they were so victimized. It is not a surprise to me that many of the Nation's largest medical organizations and physician groups are now starting to focus on firearm injuries as a national epidemic —not only because of their number, but because of the severity of injury that is suffered. What day goes by in a major city in America where we don't hear or read about some innocent victim, many times a child waiting for a school bus, or a child who is out front playing on a bicycle, who is sprayed by random bullets and becomes a victim and is perhaps even killed? In that situation, we should step back and say, what can we do not just to treat the injury, but to reduce the likelihood that that injury will occur.

I think the CDC, which really tries to improve public health across America, should include firearm injuries on the agenda. I am happy that Dr. Satcher feels the same way, and I hope CDC does not relax its efforts in this area in any way whatsoever.

Finally, let me say, over the years, I have worked with the CDC on the issue of tobacco and tobacco-related diseases. They have really been leaders. They have brought out sound, credible evidence of the devastation caused by tobacco in America. They have talked about what we need to do to reduce what is the No. 1 preventable cause of death in America from occurring. I think the CDC has that responsibility.

Our Surgeon General, in the past, has exhibited the same kind of leadership. We have seen those men and women come forward to the post and try to identify those issues that are important to Americans. Some friends of mine are managers of television stations. Since most of us spend a lot of our waking moments watching television, I sometimes say to them, "When you are scheduling your programming for television, what do you look for? What are people interested in? What are American families anxious to watch and hear about?" An interesting thing has occurred over the last 10, 12 years. You will notice it if you watch the news tonight, or any other night for that matter, or any morning. Americans are interested in public health issues. They are primarily interested in breakthroughs in medical discoveries. You see it every day. Since talking with this one station manager in Decatur, IL, 10 years ago, I have been focusing on it. Most news programs include a story about medicine. America's families want to hear what we know and what we can share with them that might improve the quality of their lives. I think that is an indication of why this debate over the appointment of the Surgeon General is so important, and why we should not delay it or in any way sidetrack this debate over some tangential political issue. What is important is that we put a person of quality in this position, who can address the important public health challenges facing America. I think that is our responsibility here.

Let me tell you, after reviewing his background, I think there is nobody better qualified for that position than Dr. David Satcher. I am happy to support his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I rise this afternoon not just in support of but in strong support of the nomination of Dr. David Satcher to be Surgeon General of the United States.

I also want to state that I have a personal prejudice because I have worked closely with Dr. Satcher over the last 5 years since he became head of the Centers for Disease Control.

There is a current cute saying making the rounds in Washington, and unhappily it is true. This is the only nation on Earth where a person is presumed innocent until they receive a Presidential nomination.

We have had a lot of contentious debate on this floor about various nominations. I have not participated in many of those debates. But I am participating and I will continue to participate in the nomination of Dr. Satcher because I think he is one of the finest medical people in the United States. I also happen to think that he is one of the finest men, one of the finest people in the United States. I believe that the President could not have chosen better for this position.

Mr. President, it is a real travesty to me that people who want to serve their Government in a position such as this are subjected to such a contentious process. Admittedly, the position of surgeon general doesn't have a lot of clout, but it does have a lot of public relations value. There are a lot of public appearances made by the Surgeon General. They take a lot of different positions on medical techniques and medical practices in this country. In some respects, I can sympathize with the Senator from Missouri who is opposed to this nomination, apparently based on Dr. Satcher's presumed feelings about the issue of partial-birth abortion. I happen to agree with Dr. Satcher on partial-birth abortions, but I recognize it is a very, very difficult moral question for everyone. I also have to confess to the Senate that I voted against Dr. Koop's confirmation to be Surgeon General because of his position on that issue, and have lived until this day to regret my vote because he turned out to be one of the greatest surgeon generals this country has ever had. I didn't know Dr. Koop. If I had known him maybe I would have voted differently.

I do know Dr. Satcher in a very personal, intimate way because I have worked closely with him for 4 years. But aside from that, I ask my colleagues to look at his credentials. Look at the life of this African American who has risen from a poor rural community to become prominent, to become a role model. He went to Morehouse College, the same school Dr. Martin Luther King graduated from. Do you know what he did there? He was Phi Beta Kappa, which means that intellectually he was superior; a good student. From there he went on to get his MD and Ph.D. from Case Western Reserve in Cleveland. He did that in 1970, and then went into a career of academic and public health medicine.

So far that is pretty impressive, is it not? A man who has spent his entire life since 1970 in public health and was a Phi Beta Kappa with the highest degrees you can get in medicine. After he graduated he served on the faculty at the UCLA Medical School, and as Dean of Family Medicine at King-Drew Medical Center in Los Angeles. He was then appointed president of Meharry Medical College in 1982. He was President of Meharry Medical College until 1993 until President Clinton chose him to head up the Centers for Disease Control, an agency to which we turn time and time again every year. Whether there is an EColi breakout, or a virus breakout in Africa, or whether it is mad cow disease in England, or whether it is an avian flu virus in the chickens of Hong Kong, it is the Centers for Disease Control who the world calls on, and they respond. They respond always in a very professional and effective way.

I don't know what else may be involved in this, other than partial-birth abortions. I have heard that some people take exception to the role of the

Centers for Disease Control in conducting research in developing countries aimed at reducing transmission of HIV from pregnant mothers to newborns through AZT therapy. Let me say, first of all, that tests to measure the effectiveness of long-term AZT therapy on pregnant women were started long before Dr. Satcher came to the Centers for Disease Control. Let me also say those tests were expanded upon to measure the effectiveness of short-term drug therapy, because the public health infrastructure in Africa could not support the longer-term regimen. Getting AZT to pregnant African women during their entire pregnancy was almost impossible because of logistics. It was just not practical. The short-term regimen provides massive doses to pregnant women just before they deliver. And it is this short-term approach that holds out hope for the thousands of HIV-infected children who are born in Africa each week. In every experiment, the health ministers of each African country in which the trials were conducted approved the study design.

But whether you like that or whether you do not like that, or whether you don't think the tests should have been conducted, or if they were not conducted correctly, the entire process started long before Dr. Satcher came to CDC. And the process was a joint effort of NIH, CDC and the World Health Organization. And what difference should it make when we consider the nomination of this outstanding candidate for the post of surgeon general?

Mr. President, there is also controversy on the question of preventing AIDS transmission through needle exchange and on the issue of making condoms available in public schools. Regarding the former, Dr. Satcher has said that science rather than politics should determine our policy. On the issue of condoms, Dr. Satcher has stated that such decisions should be made in local communities by parents, teachers and community leaders. Who here can disagree with those positions?

Mr. President, on the issue of partial-birth abortion, the American Medical Association came out and said they are opposed to it but here is what they say about Dr. Satcher.

> The American Medical Association continues to enthusiastically support Dr. David Satcher . . ." [The surgeon general's office] "has been vacant far too long," [and] "the American public needs a credible voice they can turn to in times of a public health crisis. . . . We urge Congress to look at the totality of Dr. Satcher's expertise and experience. He is a physician, administrator, educator, and outstanding public health leader.

Why is it we turn to the agencies like the AMA when we agree with them and want to ignore them when we don't agree with them?

Mr. President, I want to go back to say that Betty Bumpers, my wife, and I have devoted a large part of our public life, which now spans 27 years, to improving the immunization of children. It was Betty's idea. It was not mine. And until this day she is extremely active. She and Roslyn Carter have their own program, and have had it for 7 years, called "Every Child by Two." They go around the country and work with Governors and community groups to educate parents and providers on the importance of immunizing our young children by age 2. I have paid close attention to CDC's immunization program ever since I came to the Senate, and over the past 5 years under Dr. Satcher's leadership, our Nation has achieved the highest immunization levels and the lowest rates of childhood disease in our country's recorded history. What parent in the United States wouldn't take great pride in that achievement? What Senator would not applaud Dr. Satcher for the role he has played in eradicating polio from the Western Hemisphere? Who would not applaud Dr. Satcher's efforts to eliminate polio in Africa? The elimination of polio in the United States alone saves the taxpayers of this country $250 million a year. He had whooping cough when he was a child. It made an indelible impression on him, and it was the reason he went into medicine.

So when I think of the many conversations and meetings I have had with Dr. Satcher in my office, he is always at the highest professional level. I have never heard him utter a statement that didn't reflect credit on him personally and didn't reflect credit on his total commitment to the health of the people of the United States. What in the name of God else do you want—would we reject a man who came up from nothing to become one of the preeminent medical people in this country simply because we disagree with him on one or two things?

I notice people who do not want Washington telling them what to do often want Washington to tell the rest of the country what to do. If an atheist invented a cure for cancer, would you refuse to take it because he was an atheist? Of course you wouldn't.

That is the kind of logic we are confronted with here because you may disagree on a policy that really is not a policy. You want to deprive this man of the post that the President nominated him for. And what did he say in answer to a letter from Senator FRIST from Tennessee? What did he say to Senator FRIST about the issue of partial-birth abortion? I see Senator FRIST on the floor. He knows exactly what he said and it is this:

> Let me say unequivocally that I have no intention of using the position of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans—not divide them. If confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help reduce the number of abortions in our country.

Where can you find a more noble or professional statement than that?

I say to my colleagues: Let us not divide ourselves over an appointment of this importance and destroy a man who has devoted his entire life to the well-being of the children of this country as well as its adults.

I yield the floor, Mr. President.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LEAHY. Mr. President, there are many reasons to support the nomination of Dr. David Satcher for Surgeon General. An experienced physician, Dr. Satcher has distinguished himself as the Chairman of the Morehouse School of Medicine, the President of the Meharry Medical College, and most recently as the Director of the Centers for Disease Control and Prevention (CDC). In recognition of his achievements, Dr. Satcher recently received the Surgeon General's Medallion for significant and noteworthy contributions to the health of the Nation.

Heading an agency with 11 major branches and responsibility for promoting health and preventing disease, injury and premature death is no easy task. Since 1993, Dr. Satcher has met the challenge with initiative, poise and professionalism. Under his direction, the CDC has been instrumental in increasing childhood immunization rates, reducing vaccine-preventable childhood diseases, and improving national and international defenses against food-borne illnesses and infectious diseases.

Under Dr. Satcher's leadership, the CDC has done its best to respond to the threat that infectious diseases like tuberculosis, influenza, AIDS and malaria pose to Americans and people everywhere. In 1994, the CDC introduced a strategy to improve early disease detection, surveillance and outbreak containment worldwide. The CDC is also developing and implementing new diagnostic tests and prevention guidelines, and providing training, equipment, and supplies for public health personnel and national and international institutions.

The U.S. has a central role to play in the international fight against infectious diseases. By providing $50 million to strengthen global surveillance and control of infectious diseases in the fiscal year 1998 Foreign Operations Appropriations Bill, Congress clearly indicated the urgent need for U.S. leadership in this area. As Surgeon General, Dr. Satcher would be able to bring together U.S. agencies such as the CDC, the Agency for International Development, the Department of Defense and the National Institutes of Health in a united effort against emerging, re-emerging and endemic diseases. He would also provide an important link to the World Health Organization and the health ministries of foreign governments.

Mr. President, I am confident that Dr. Satcher would bring the same degree of dedication, commitment, and vision to the position of Surgeon General that he has to the CDC. If Dr. Satcher is confirmed, and I hope he is, I look forward to working with him in the fight against infectious diseases.

Mr. ALLARD. Mr. President, I ask unanimous consent to go into morning business for a period of 45 minutes, that my comments be placed at the appropriate place in the RECORD, and that Senator ENZI's comments follow my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD and Mr. ENZI pertaining to the introduction of S. 1608 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise today in strong support of the nomination of Dr. David Satcher to the positions of Surgeon General and Assistant Secretary for Health.

I commend the President for selecting him to serve as a voice for the Nation's public health needs and goals. Dr. Satcher is a renowned physician, scholar and public health leader. During his tenure at the Centers for Disease Control and Prevention, the Nation saw a dramatic increase in childhood immunization rates as well as an increased capacity to respond to and detect emerging infectious diseases. In addition, while under Dr. Satcher's leadership, the CDC placed a significant emphasis on prevention programs, including efforts to screen low-income women for breast and cervical cancer. I also applaud his quest to protect the health of our Nation's children by supporting research into prevention of deaths and injuries from gun injuries.

Dr. Satcher, as has been noted on numerous occasions, is a remarkable individual of distinguished accomplishment. This Nation will be richer and better off were he to fill the job of Surgeon General and Assistant Secretary of Health.

I am distressed that there are some who want to make another issue of Dr. Satcher's nomination. There are those who would argue that there is no need for a position of Surgeon General. That has been raised in the past. I think that is a legitimate debate, although I happen to believe that having an Office of Surgeon General has been tremendously valuable to this country, having someone who can speak on behalf of the Nation in a clear voice about issues of national concern. No one better epitomized that role than Dr. C. Everett Koop, who led the Nation on numerous health care issues over the years, speaking very clearly. To this day he plays a very important role as a former Surgeon General of the United States.

The position of Surgeon General has been vacant since December of 1994. We are now going to the fourth year not having filled this position. That is inexcusable. This Nation deserves to have a Surgeon General.

As I said a while ago, if there are those who want to eliminate the position altogether, then offer legislation that will do that. But we have a position that needs to be filled, a position that can play an important role, as shown by various Surgeons General over the years, leading this Nation in the debate on health care issues. So I hope within the coming days here we can complete this nomination process and send it to the President and allow Dr. Satcher to assume the job of Surgeon General and Assistant Secretary for Health.

Mr. President, parliamentary inquiry. I have a bill I want to introduce. I inquire as to whether or not it would be permissible for me to do so in this debate?

The PRESIDING OFFICER. The Senator will be permitted to do so should the Senate, by unanimous consent, consent to that act.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD, Mr. KERREY, and Mr. BINGAMAN pertaining to the introduction of S. 1610 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, may I inquire as to the state of the proceedings? What is the position of the Chamber?

The PRESIDING OFFICER. The Senate is in executive session and is considering the nomination of David Satcher to be Surgeon General and Assistant Secretary of Health and Human Services.

Mr. ASHCROFT. Thank you, Madam President.

I rise to continue my debate with respect to the nomination of Dr. David Satcher, a nomination for two positions, that of U.S. Surgeon General and Assistant Secretary for Health.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ASHCROFT. Thank you, very much.

Madam President, there has been some considerable discussion today surrounding the ethics of the Centers for Disease Control and the studies that they have conducted regarding the transmission of AIDS from mothers to newborns—those studies having been conducted not here in the United States, but having been conducted in the underdeveloped countries of the world.

These studies were conducted and have continued to be undertaken under the auspices of the Centers for Disease Control, under their authority and during the time which Dr. Satcher has had responsibility for the Centers for Disease Control.

It is troublesome to me that a number of these studies have not really provided the same kind of guarantee in terms of the care which would be accorded to individuals if those individuals participating in the study were in the United States. Basically what I am saying is that the studies were conducted in such a way that they would probably be unacceptable in the United States of America.

A disregard for individuals who participate in clinical trials or medical studies is, unfortunately, something that we have had problems with before. Not long ago, the United States apologized to a number of individuals who are part of what was called the Tuskegee experiment because the participants in the study had simply been left without treatment as doctors watched the progression of the disease.

I think the Nation's conscience was shocked as a result of the fact those conducting the experiment were interested in scientific data that could be developed by watching people suffer and die. It was troublesome that we would somehow decide we could allow people to have been involved in that kind of experiment. When we discovered the nature of the Tuskegee experiment, the country was shocked and saddened by what had occurred.

What was even perhaps more shocking is that after we had been through all the problems in assessing the difficulties of Tuskegee, there were revelations about these studies in Africa. The Boston Globe, on the 18th day of May of 1997, published an article entitled "An apology is not enough." The article stated that "Even as the President laments the Tuskegee experiment, the United States is conducting questionable research in Africa." This particular article—while it does not purport to say that the African research is similar in every respect to the Tuskegee situation, did point out that there are some real problems with what is being done in Africa. One of the problems is that in Africa individuals who are a part of the study are not given the best known medical help. They are not being accorded medical treatment which would be required by ethical standards. They were given, however, sugar pills or placebos in the face of a virtually always fatal virus. They were given capsules which had no real medicinal value.

This was so shocking to the medical community and individuals who cared about medical ethics that it found its way into the editorial pages of the Massachusetts Medical Society's journal, the New England Journal of Medicine. The New England Journal of Medicine is the most widely respected medical journal in the world. Virtually no major announcements of medical import are made in the United States without appearing in the New England Journal of Medicine. The New England Journal of Medicine is prudent with regard to what it publishes. The Journal does not publish medical findings just because they have scientific value. It is alert to the dangers of science which would cause people to set aside ethics.

For instance, in an editorial of the Journal's, the publication states clearly that reports of unethical research will not be published, regardless of their scientific merit. You could have reports that would be very valuable scientifically, but they could be unethical. You could probably learn some things by watching people die without treatment, and that data would be valuable scientifically. As a matter of fact, that is what happened in the Tuskegee setting. But it was clear that kind of experiment was wrong and improper. This medical journal takes a stand against that. It says it refuses to publish reports, even if they are scientifically meritorious, if those reports are the result of unethical research.

Now, the research which was conducted in Africa was controversial for a couple of reasons. The first point of contention was the use of the placebo, or the sugar pill that doesn't have medicine, as part of the study. The New England Journal of Medicine indicates clearly, "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." In other words, if you know that you can do absolutely nothing, there is no known way to cure something, no known way to impair or stop the progress of a disease, then you are allowed to try something and measure it against nothing—which is basically the placebo. But when you know, in fact, that there is something that works, it is unethical, according to the New England Journal of Medicine, to use a placebo against some other proposed remedy.

I think that is the reason the New England Journal of Medicine took exception with the CDC studies, particularly as it related to the Ivory Coast. Prior to the time of these studies it was pretty clear that a regimen had been developed which had been effective in substantial measure in curtailing the transmission of the HIV virus from women to their children. As a matter of fact, the AZT treatment is called the AZT 076 regimen. That regimen has had pretty good results. Normally in newborns, 25 percent of those that are born to mothers with HIV carry the HIV virus themselves. But the studies indicated that if you followed the AZT regimen, the AZT 076 regimen, instead of having 25 percent, or 1 out of every 4 children emerge with the HIV virus, that you could cut it down to 8 percent. So from one-quarter of all the babies, 1 out of every 4 babies, to 1 out of every 12 babies. Now that is a substantial improvement. It is a clear demonstration, accepted by medical authorities, that it is a regimen of treatment that has promise, it is effective, and it is worth doing.

So when you go to Africa to conduct a study, to do it ethically, according to the New England Journal of Medicine, it would require that individuals in the study compare proposed new treatments not with a placebo, but since there is a known effective treatment, new treatments would have to be compared against the known effective treatment.

I quote from the New England Journal of Medicine: "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." Now, what we have in the studies in Africa is the comparison of a known effective treatment with a placebo. This is not appropriate. Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo.

In reaching this conclusion—this isn't just the opinion of the editorialists at the New England Journal of Medicine. They cite the Declaration of Helsinki of the World Health Organization as providing what is widely regarded as the fundamental guiding principles of research involving human subjects. In research on man, they say, "The interests of science and society should never take precedence over considerations related to the well-being of the subject," and "In any medical study, every patient, including those of the control group, if any, should be assured of the best proven diagnostic and therapeutic method."

It is pretty clear that the best, proven diagnostic and therapeutic method is not the placebo, not the sugar pill. The best, proven therapeutic and diagnostic method is the 076 regimen, which cut the transmission rates from 1 out of every 4 to 1 out of every 12 infants infected with HIV. That is a substantial cut. I think it is always important for us to understand that we are talking about a nearly always fatal virus. We are not talking about a situation where maybe a few more people are threatened. The HIV virus, as it ultimately develops into a condition known as AIDS, is a final and fatal condition. So I don't think it behooves us to take it lightly. As a matter of fact, medical authorities have not taken it lightly.

I will just point out that even those individuals who were involved in the very discovery of AIDS and the transmission of AIDS in the birth process do not take it lightly. As a matter of fact, studies of intensive treatment of AZT ended in 1994, just as soon as it was shown that the drug sharply reduced HIV transmission to infants. Four years ago, we made it clear that the use of the placebo was over. You would not be doing placebo-based tests any longer, because it had been demonstrated that the drug sharply reduced transmission of the virus from mothers to their babies. That is from the New York Times article, "AIDS Research in Africa; Juggling Risks and Hopes."

The Third World studies, however, were in progress in 1995. They continue to be in progress. Apparently, they were ongoing as of late January. Now, the CDC provided funding for the studies on the Ivory Coast. The study was simply designed to determine whether a new course of AZT—a short course, as opposed to the 076 regimen—whether that new short course would have an impact of curtailing the virus in the children born to HIV-infected mothers. As we indicated before, the 076 course cuts transmission of HIV from 25 percent of all infants down to 8 percent of all infants, or approximately a two-thirds reduction. The studies were designed to determine if a smaller dose of AZT would have any impact.

CDC decided to use a technique known as the placebo controlled study, and it was their methodology of choice. Now it seems to me that we have a clear problem here, and that is that we have an ethical standard for a medical test and trial that says you don't use placebos when there are effective known treatments. You have had a clearly established treatment since 1994, recognized in the United States as a treatment that is effective in reducing the incidence of HIV in new-born infants by two-thirds.

One of the reasons that the CDC chose to move forward with the placebo-based trials is that the trials are well understood to be very informative scientifically. Those who have come to the floor of the Senate on repeated occasions during the day have talked about how wonderful this was to get this information. I really don't want to get into a big argument about whether or not you can get good scientific data in trials where you let people die because you give them sugar water or sugar pills instead of real medicine. I think it is very likely that you can get good scientific data. I think it is very likely that the outcomes of your tests will be scientifically valid. You can prove that certain kinds of therapies are better than sugar and water. But we are not here just to find out what could be scientifically advantageous. I think it is important that we remind ourselves of that.

There were scientists who thought they learned a lot from the Tuskegee studies. The mere existence of advantageous or helpful data at the end of a test or the mere facility with which scientific data can be collected doesn't really determine what the standard should be for us. The standard should be that we have our tests conducted in a way that is consistent with the ethical standards and with the requirements that have not only been developed for the United States, but are recognized in the international community.

Among the guidelines in the international community for tests that are clinical and designed to inform our health care procedures is a guideline that says you should never test in a culture what the culture is totally unlikely to be able to implement. In other words, one culture is not allowed to go to another culture that isn't ever going to be able to use the therapy and say, "We are going to use you as guinea pigs, we don't want to endure this on our own."

There is another standard that is relevant, whether we are talking about Helsinki or a number of the other codes. We have the Helsinki Declaration; the Nuremberg Protocols; the WHO Guidelines developed in Geneva—a variety of guidelines. Another one of these ethical standards is that you should not test for a therapy in a country that can probably never use it. And you should not test where the cost of using a therapy will make it virtually inaccessible.

That is one of the reasons that I think individuals want to support what was done by the Centers for Disease Control in this situation. They want to say, well, the 076 regimen is very expensive, therefore, it could not be part of a test to discover a less expensive regimen. It's important to understand that it is the expense of the outcome, the therapy that you are seeking to develop that should define whether or not a country or a society would be able to use it. It's not the expense of conducting the test that is the key issue, but the expense of using the therapy after the test is over. Unless the proponents of these tests want to argue that they were really hoping that sugar pills, which are very cheap, would be the ultimate therapy, they have to say that the ultimate therapy they were proposing is approximately the $50 therapy that CDC was experimenting with, which was the short course, or more confined schedule of administering AZT. That is a $50 dose. The 076 regimen, already proven effective, is an $800 dose. There is a big difference.

The point I make is that what you are seeking to test in the country is not the $800 dose. That has already been established. That was established in the United States, and it was established in France. What you are seeking to test is not the placebo. We all know that is useless and worthless. You don't even have to be a medical practitioner. That is understood. What you are testing is the $50 dose. And so you have to ask yourself the question, is the $50 dose something that might someday be available and utilized there? If it is, that is the test. It doesn't change the need to treat people humanely in seeking to provide a basis for using that $50 test.

So what we really have here is a question of whether or not the United States Centers for Disease Control treated individuals in Africa with the same kind of respect that they would have treated individuals in the United States. The real question is whether or not they followed the guidelines which require us to treat individuals as distinct and different from the way we would treat, say, laboratory animals where we might disregard their health and safety.

Of course, the New England Journal of Medicine says when effective treatment exists a placebo may not be used, and it cites the Declaration of Helsinki saying that any medical study of patients, including those of a control group, should be assured of the best proven diagnostic and therapeutic method.

I don't think there is any other way of saying it. No matter how thin you slice this, it is still baloney. It is clear that the placebo is not the best therapeutic method. It simply cannot be categorized as the best therapeutic method, which is the method, according to the New England Journal of Medicine, that participants in the study are required to have.

This afternoon I took the time to go through the assurance of protection document entered into by the Ivory Coast and the CDC that lays out the guidelines, principles, and procedures that the parties agree to follow in the research. I believe that in the assurance of protection document mention was made of the Declaration of Helsinki.

In biomedical research, involving human subjects and international ethical guidelines for them, the protection document states that research must be conducted in accordance with established international standards for protection of human subjects—for example, the Declaration of Helsinki, or CIOMS. Those are examples. But it says we must live in accordance with those established international standards.

The signature page for the relevant officials says that the research will be conducted in accordance with the established international standards for the protection of human subjects.

It is kind of interesting that the assurance of protection was not obtained until July of 1997, according to Dr. Satcher's written responses to questions from the Senate Labor and Human Resources Committee. We were dealing with these individuals in the Ivory Coast in a way which did not even provide them with a guarantee of the protections included in the Declaration of Helsinki and other relevant international guidelines. We did not see the guarantees until we had articles appearing in major newspapers in the United States that criticized the African studies—articles which compared them to the Tuskegee experiment.

Dr. Satcher has claimed that the studies complied with all the rules. In the New England Journal of Medicine article with Dr. Harold Varmus of the National Institutes of Health, Dr. Satcher asserts that the NIH and CDC support trials have undergone a rigorous process of ethical review, including not only the participation of the public health and scientific communities in developing countries where the trials are being performed but also the application of the U.S. rules for the protection of human research subjects by relevant institutional review boards.

Dr. Satcher also relies on World Health Organization guidelines developed in Geneva in 1994 as authority for the studies. He said that the CDC chose to use a placebo controlled study because such an approach has been recommended by a WHO conference of international experts, including those from many developing countries.

This World Health Organization conference to which Dr. Satcher refers took place in Geneva in June of 1994. Marcia Angell and Michael Grodin of Boston University criticized the conference recommendation, saying that the CDC and the researchers involved developed the recommendations simply to justify their desire to conduct the AZT trials in Third World countries.

I would like to review some of the international guidelines. It is pretty clear that people around the country and around the world understand that you shouldn't use placebos when there is an effective treatment, particularly if you are conducting a trial that includes victims of deadly viruses.

Again, I mentioned that Dr. Marcia Angell said in the New England Journal of Medicine that only when there is no known effect or treatment is it applicable to compare a potential new treatment with a placebo.

The director of Harvard's Human Subjects Committee has stated that use of placebos would be unethical in such cases. The New England Journal of Medicine reports that in 1994 a researcher at the Harvard School of Public Health applied for NIH funding for an equivalency study in Thailand in which three shorter AZT regimens were to be compared with the regimen similar to the 076 regimen. The journal indicates that the NIH study section pressured the researcher and his institution to conduct a placebo trial, which prompted the director of Harvard's Human Subjects Committee to reply in a letter. The conduct of a placebo controlled trial for AZT in pregnant women in Thailand would be unethical and unacceptable since an active controlled trial is feasible.

So here we have medical authorities resisting efforts by our Government to accept and conduct a trial which is ethically substandard. You have them saying it is unethical; it is unacceptable because there are actively controlled trials that are feasible. Basically this is a reflection for which we can be grateful in the medical community. We don't use sugar pills when we have known capacity for treatment.

I could go through the guidelines as I did this afternoon. I do not want to do this. The point is the simple ethics of the matter come down to this: If there is a known treatment which is a therapeutic treatment it can make a difference. It is unethical instead of giving patients that treatment to provide them with sugar pills, or with placebos. The known treatment is well established. It is well documented in the medical literature. Its availability makes impossible the use of placebo studies in the United States in this kind of setting, and to echo the statements of many experts, I think it should make it impossible in Africa as well.

Some of those who have commended the unethical studies overseen by Dr. Satcher in the Centers for Disease Control have indicated that these are poor people and they will never be able to afford the 076 high-dosage, long-schedule regimen of AZT.

The truth of the matter is this was a study to experiment with lower doses, shorter schedules, and could have been conducted in a manner consistent with medical ethics by using as a control group the 076 regimen. There are medical authorities that will provide testimony to that extent.

The truth of the matter is that we would not do in the United States what we did in Africa. And I think that is an important point.

Dr. George Annas, a bioethicist and professor of health law at Boston University, and health law professor Michael Grodin have criticized the AIDS work in Africa not only on the basis of the placebo but they said that these studies with lower ethical standards were imposed on a population that will never receive the fruits of the research.

It seems to me that there are so many ethical questions surrounding this particular AZT trial that demand answers that we should look carefully at this study.

One of the answers of individuals who have commended these tests is that "The individuals knew what was happening"—that participants had given their informed consent.

I will concede that there is virtually always an ironclad, high standard of informed consent that is required for medical trials and experimentation to take place, and virtually every one of the protocols—whether it is the Helsinki Declaration, the Council of International Organizations of Medical Sciences, the Nuremberg Code, or any number of other CDC or Federal regulatory items—they almost all require that participants give their informed consent. Those who would defend these AZT trials seem to want to emphasize that since there was informed consent, we can overlook breaches in the ethics that might have taken place in the design of the studies and in the implementation of the trials.

First of all, the presence of informed consent does not authorize unethical activity. The mere fact that people would agree to engage in unethical activities and unethical trials with our Government or with agencies of our Government does not mean that our Government can or should do that. We have standards that require a certain respect for human beings and that do not allow our health organizations to treat them as experimental subjects. Whether or not there is consent does not obviate or does not alleviate or does not mitigate the demand of our ethical codes for treating people like human beings and not experimental subjects.

But there still is a real question about the level of the so-called consent that was given. This afternoon I had the opportunity to refer to an article in the New York Times which talked about a woman who, 5 minutes after she was informed for the first time that she carried the HIV virus, still shaken by the news, was walked through the details of the so-called trials and tests, as well as given general advice about what she should do to help herself and her baby. In less than 5 minutes she was given a quick explanation of what a placebo was. The session was over and this unemployed, illiterate individual had agreed to take the test. Asked what had persuaded her to do so, she said, "The medical care they're promising me."

Here is a situation where this is a mockery of informed consent. People who don't even know what a placebo is agreeing to participate in a medical study where they have a 50–50 chance of getting the placebo, a sugar pill.

The New York Times article talked about another individual. One of the most highly educated women in the test spoke to a reporter. She was a 31-year-old single mother with a degree in law who gave her name only as "X." She said she had never been made to understand that the medicine being tested, AZT, was already known to stop transmission of the virus during pregnancies. One of the fundamentals of informed consent is helping people understand what kind of therapeutic, known cures or known treatments exist, and she wasn't even told about that. "I am not sure that I understand all this so well," she said, "but there were some medicines that they said might protect the child, and they wanted to follow the evolution of my pregnancy and the effectiveness of the treatment."

People have talked about the situation of following the evolution of the pregnancy and the effectiveness of treatment. We have seen situations where we have followed the evolution of disease and the effectiveness of nontreatment and for half the people in this study we are talking about the effectiveness of nontreatment. There is no evidence in terms of this woman's testimony that she would have gotten real treatment rather than a sugar pill.

"Pressed further, X, like other mothers, said that she had not been told the results of the tests on her 1-year-old. Asked how she would feel if she learned tomorrow she received a placebo when proven treatment existed, X's tone changed abruptly," according to the New York Times. "I would say quite simply that that was an injustice," she said.

Well, it appears to me she has a good understanding of ethics if she does not have a good understanding of medicine. She understands that to provide individuals with a placebo, with a fake pill, and not to tell them that there is a real treatment that is available, would be an injustice. I could not agree more.

One of the important concepts about medical ethics is that you should only use treatments that host countries could reasonably be expected to use. As I mentioned earlier, those who support the studies say that we could not use the 076 regimen because it was too expensive. We could use the $50 treatments. However, that doesn't comport with their statistics which also state that the average expenditure for health care is $5. If the per capita spending in these countries is often less than $10 per person, as the CDC says, how can these countries afford even the $50 treatment.

Dr. George Annas, whom I mentioned, from Boston University, was publicly critical of the AIDS studies on the grounds that "they were being carried out with lower standards in a population who will never receive the fruits of the research."

These same authors talk about the research being largely unrelated to the potential for treatment in these countries. "No research in developing countries"—and I am quoting again from these same two authors, Dr. George Annas and Michael Grodin of Boston University—"No research in developing countries is ethically justified unless the treatment developed or proven effective will actually be made available to the population. And the best CDC can say about its new AZT regimens, if they work, is that they would be a far more feasible option for the developing world."

More feasible, yes, but would they be attainable? No evidence of the fact they would be attainable. I resume quoting. "This is a far cry from assuring that they will actually be made available." And then they say, "In the absence of such assurance, the African women and their children are being used purely as guinea pigs. They will be subjected to the intrusions and risks of research without any hope, much less any expectation, that they or their communities can ever benefit from the studies."

The problem of treating individuals as experimental subjects is a serious problem. It is an ethical problem. And it is one which was so problematic that it caused the New England Journal of Medicine and a variety of other scholars to say that this is unacceptable.

As we are debating whether or not we have a nomination for a Surgeon General that should be the doctor for America's families, the leader in terms of what America should be and can be, I think the ethics of the research conducted at his specific direction and under his control are important and legitimate concerns.

I am saddened that Dr. Satcher chose to get involved in experimentation in Africa which would have been unacceptable here, which medical ethicists have indicated could not have been done here, which would have occasioned an outcry from the public and from authorities here, but which he thought could be done in Africa because these individuals have a different standard of living and that local conditions are different than ours. The situation of ethics is not something that relates to the economic standing of people, and it should not be related to a capacity on the part of a nation to transfer experimentation which it would not allow in its own country to be undertaken in another country.

I believe America deserves the highest and best when it comes to ethics. I believe we deserve a Surgeon General who would criticize rather than implement this kind of anemia in the ethical world. I believe we deserve a Surgeon General who understands that human beings, regardless of their wealth, social station, national origin or citizenship, deserve to be treated as human beings and not as laboratory experiments. I regret that too often in Washington we have come to the place of thinking that if we can get a big value, or if there is a lot of scientific knowledge to be gained, we can disregard ethics—that if the payoff is big enough, and particularly if the price to be paid is not in our own families, that we can look away from the ethics.

I really don't think that ethics and integrity are divisible. Just like we should be one Nation, indivisible, I think we should have one ethical standard that is indivisible, and I think it should be a high one. I think America deserves better than a Surgeon General who is willing to adjust on a relative scale of values the ethics that relate to those in another setting as compared to individuals who would be here in the United States. It is time for us to demand a Surgeon General who will appeal to the better angels of our nature, not bow to our basest desires.

As I conclude my remarks, I would indicate the African AZT trials and the ethical problems surrounding them are just one aspect of the serious difficulties I have with this nomination, difficulties that lead me to oppose this nomination. This nominee endorses the practice of partial-birth abortion. This nominee has indicated a willingness to fund studies for the distribution of clean needles to drug addicts. He has indicated a willingness to fund conferences to promote the distribution of clean needles to drug addicts, to put the Government in the business of facilitating the administration of illegal drugs.

He has reserved, in a technical statement, that he had never provided funding for a Government program to provide clean needles to addicts. But he has provided funding for Government studies and he has provided funding for other programs to promote the distribution of such needles. He has indicated that if he could get the right result from the studies he would be willing to have a program that distributed clean needles. It may be true that clean needles might help some people avoid illness, but frankly I don't know that we should be in the business of assisting individuals in the administration of IV drugs merely because there would be some "health benefit" in a discrete situation where the Government provided a sterile instrument for the administration of illicit substances.

Individuals have come to this floor also indicating that they don't believe firearms are a disease. As you know, and I think as Senator CRAIG of Idaho indicated pretty clearly, the Centers for Disease Control has sought to limit or otherwise conduct studies which might be used in seeking to limit the availability or eligibility of people to own firearms in this country because they say that firearms are dangerous to a person's health. Frankly, the provision that guarantees the right of individuals to bear arms in America is the second amendment to the Constitution of the United States and I don't believe that the Bill of Rights is a disease. I think if we have resources that need to be devoted in our culture to the abatement and mitigation of diseases, we ought to deploy those resources to fight diseases and not to try and build a case for depriving Americans of a right guaranteed them by the Bill of Rights.

In all of these settings the cumulative effect of this candidate, this nominee of the President, shows us that we are not being offered the kind of Surgeon General to lead the American people in ways that I think are appropriate and consistent with the ambitions and aspirations of Americans. For these reasons—in addition to my focus today on the ethical deficiencies of the African AIDS studies—I think this nominee should be defeated.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JENNY LYNN STILES HUDSON

Mr. GORTON. Mr. President, it is with great sadness that I speak here in the U.S. Senate this evening. I share a story of a wonderful and talented young woman, Miss Jenny Lynn Stiles Hudson, whose life was lost tragically in an automobile accident a week ago today, on January 28.

Jenny was only 21 years old at the time of her death and had just begun a career as my deputy director for eastern Washington. While Jenny was with the Gorton organization only for a few short weeks, she had already demonstrated the talents to be a valuable member of my organization.

But Jenny Hudson will not be remembered for being a Gorton staffer. Rather, she will be remembered as an amazing and dynamic young woman who accomplished so much in her 21 years and who touched the lives of all around her.

Jenny grew up in Lyman and Hamilton, in rural Skagit County, north of Seattle. She was a joy and a delight to her family and a participant in almost all of the school and community activities offered to her in that rural setting.

Jenny graduated from Washington State University only in December of last year. At the university she was active in the Block and Bridle Club, the Livestock Judging Team, the Washington Cattlemen's Association, all while raising and showing Limousin beef cattle throughout the State of Washington.

Jenny enjoyed swimming and singing. At the same time, she maintained a strong belief in God, working as the youth director of her local church.

Jenny Hudson will be missed by all who knew her. In her short 21 years, Jenny inspired those around her with her vibrant outlook on life, her ambition and her many accomplishments. An early death reminds us of the sanctity and the fragility of life. Let the lesson of Jenny Hudson's remarkable life be no less deep.

My thoughts and prayers go out to Jenny's parents, to her husband of just 6 months, Tipton, and to her countless friends and relatives as they deal with this difficult time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. WARNER. Mr. President, I have listened very carefully to the senior Senator from West Virginia, Mr. BYRD, as he has every day taken the floor regarding the need for the U.S. Senate to address S. 1173, a bill that I named the ISTEA 2 authorization bill, since it came through my subcommittee on the Environment and Public Works Committee.

I joined with Senator BYRD, the senior Senator from Texas, Mr. GRAMM, and the senior Senator from Montana, Mr. BAUCUS, who is the ranking member on my subcommittee and the full committee, in an amendment which will ensure that a greater amount of funds will go to the Nation's infrastructure of highways.

Under the leadership of Senator BYRD, the four of us on this particular amendment have been talking to a number of Senators. We are very pleased to announce that we are up to 52 cosponsors. I met earlier today with a group of Governors who have an organization termed "trust," and they have visited the Nation's Capitol to speak particularly with Senators on the urgency of addressing this bill and passing the needed legislation so funds can flow to the new construction programs for this calendar year.

The most fervent appeals for prompt consideration of this bill understandably come from the States in the northern tier of the United States of America, because they have a very short season within which to do the needed construction because of the severity of the weather. The distinguished Presiding Officer has some specific knowledge about the needs based on his own experience in this field. We have talked about it many times. It is my understanding he is also a cosponsor of the Byrd-Gramm-Warner-Baucus amendment.

The Senate has very few legislative days comparatively this session, perhaps as few as 100, given that we, by necessity, must leave early in the fall given the elections this year, and, therefore, it would be my hope that the leadership could judge this period within the next few weeks as a suitable time within which to bring up this very important piece of legislation.

It had been my hope and understanding based on commitments made last fall that the Senate would be debating this bill at this time.

I want to share with my Senate colleagues my strong concerns about the impacts of a prolonged delay in considering this bill on our state transportation partners and on employment in many industries engaged in highway and bridge construction activities.

This important legislation to reauthorize our nation's surface transportation programs was reported unanimously from the Committee on Environment and Public Works on October 1, 1997.

We all know of the difficulties that delayed consideration of this bill last October. Because of this, a short-term extension of ISTEA was enacted to provide a modest amount of funding to our states to keep our safety, highway construction and transit programs going.

Many expressed reservations about the wisdom of providing a brief extension of ISTEA funds for fear that Congress would not promptly consider the full reauthorization bill early this session. Regrettably, those concerns appear to be coming true.

Mr. President, since October 1, our states have been struggling to manage their safety, highway and transit programs on a temporary, stop-gap basis. The ISTEA Extension Act provided only approximately six-months worth of funds—enough to last from October to this March. So, in approximately 7 weeks, our states will have exhausted the funds released in the short-term ISTEA Extension bill.

I want to be sure that my colleagues also understand the impacts of the May 1st deadline provided in the ISTEA Extension bill. That provision prohibits states from spending any federal highway dollars after May 1st. So, states who want to prudently manage their federal dollars are prohibited from stretching them out to last during the summer construction season.

During consideration of the short-term extension bill last October, this May 1st limitation was viewed as a way to ensure that all states would be in a similar position—absent passage of a new surface transportation reauthorization bill.

It was my view that based on the assurances that S. 1173, the ISTEA II reauthorization bill, would be the first order of business this session, the May 1st deadline seemed appropriate.

If the Senate does not turn to consideration of this critical legislation until after the Budget Resolution, as some of my colleagues are requesting, the entire highway construction season for many states is in jeopardy.

Waiting for the completion of the Budget Resolution before proceeding to ISTEA is an irresponsible course of action, especially since the estimated completion of the Budget Resolution varies greatly.

Mr. President, according to AASHTO, the Association of State Secretaries of Transportation, approximately 70 percent of all road and bridge construction, including critical maintenance work, occurs during the peak summer months of June, July and August.

States must be able to plan today for that work to occur this summer. Projects must be advertised, contractors selected and bids awarded before projects are ready for construction. This process takes months to complete. Our states today are not proceeding with this planning because there is no certainty as to when new transportation funds will be forthcoming.

We already know that many states are beginning to severely cut back on their construction schedules.

For these reasons, I believe the Senate must move promptly to consider this legislation. Time is slipping by and millions of jobs are hanging in the balance—awaiting our action.

These jobs are not just road builders and contractors, but thousands of suppliers of asphalt, stone, steel, and heavy manufacturing equipment. All work will be idle this summer unless we take action soon.

Mr. President, it is also important to note that delay in considering this legislation not only impacts highway construction activity in our states, the delay also puts our nation's safety and transit programs in jeopardy.

Highway safety grant programs received only half a year funding in the ISTEA extension bill. Without additional funds major safety initiatives involving safety belt use, child seat use, drunk driving prevention and motor carrier safety programs will cease.

Mr. President, we must make every effort to ensure that these serious disruptions in our nation's highway, safety and transit programs do not occur. Let's move forward today to consider legislation that was unanimously supported by the Committee on Environment and Public Works.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, first, I commend the senior Senator from Virginia for his very helpful remarks. I am a very strong believer that we must take immediate action on ISTEA. I think it is critical for the Nation, especially in my State, which as the Senator pointed out, those of us in the northern tier probably have about the shortest season, along the State of Maine and the top of New Hampshire. So we are desperate for action.

Mr. WARNER. Mr. President, I thank the Senator for his remarks. I wish to add, it is not only the short season but the funding profile. In a number of these States, the reserves are going to expire in that period of time. It is my judgment that we cannot pass an extension in order to allow them a period within which to have these expenditures beyond May 1. So that is a second reason. I thank the Senator for his kind remarks.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Ms. MIKULSKI. Mr. President, today I voted in support of renaming Washington National Airport as the Ronald Reagan National Airport.

I am aware of the concerns about the need for local control over the airport. That's why I voted in favor of the Daschle Amendment that would have given the Washington Metropolitan Airports Authority the final say over renaming the airport. I have always been a strong supporter of local control over National Airport.

However, in the end, I decided that the decision to rename National Airport should rise above party politics. My decision to support S. 1575 was a personal one.

It's no secret that I didn't always agree with President Reagan's policies. As a matter of fact, when it came to politics, President Reagan and I disagreed quite often. However, Ronald Reagan and I shared one important thing: our respect for the Presidency.

President Reagan devoted much of his life to serving the people of this country—first as the Governor of California, then as our President. For that reason, he deserves our respect. He has mine. No matter how different our political viewpoints were, I have always respected President Reagan and always will.

In the twilight of his distinguished life, President Reagan and I have something else in common. Like the President, my father suffered from Alzheimer's disease. I know how devastating this illness is and the strength it requires from a family. My thoughts and prayers are with Mrs. Reagan and all of the President's family. One thing I learned during my father's illness was the importance of gestures. Renaming National Airport as the Ronald Reagan National Airport is a gesture that I support.

Today, like many of my fellow Senators, I saluted President Reagan. While I would have preferred that the decision was made by the Airports Authority, I believe it is the end that matters, not the means. That is why I voted in favor of this bill.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota.

THE HIGHWAY BILL

Mr. DORGAN. Mr. President, there has been a fair amount of discussion in the last few days about the desire that many Members of the Senate have that we be able to debate a highway bill here on the floor of the Senate. I want to add my voice to that of Senator BYRD and Senator GRAMM of Texas, Senator BAUCUS and so many others who have come to the floor of the Senate and indicated the importance of the Senate proceeding ahead to deal with the highway bill.

I know that there are those who say, "Well, the House of Representatives indicates it is not going to proceed on a highway bill until some point much later, perhaps following the decisions made on the budget." There are those who say in the Senate that we ought not proceed until we deal with the budget.

The fact is, the highway bill was supposed to have been done last year and was not. It ought to be done now. If we wait, we will move right to that May 1st drop-dead date on the highway short-term extension, and we will leave a good many States out there wondering what on Earth are they going to do with respect to their roads and bridges that need repair and rebuilding? Now, the highway bill does not sound very sexy or very interesting to some. But the investment in highways is very important to this country. It represents an investment in infrastructure, it represents jobs and economic activity and opportunity. It is very, very important.

We take for granted so many things in this country, almost every day. But go, for example, to Honduras and get on a road going south from Tegucigalpa, and then think to yourself, as you drive along that road, what a different kind of infrastructure there exists in some countries versus what we have done in this country. We take roads for granted until we go elsewhere in the world and discover what we have done in this country to make this a better place.

I come from a very, very rural area of America, a county the size of the State of Rhode Island that has only 3,000 residents. I know from that background how important roads have been to my hometown—the opportunity to move grain to market, the opportunity to get to a hospital, the opportunity to go back and forth for purposes of commerce. It unlocks economic opportunities in all parts of our country. That is why building and maintaining the network of roads and bridges in our country has been so important.

One of the wonderful examples of progress in this country was when we decided as a country that we were going to build an interstate highway system and it was going to be an American system, a national system. They did not decide, you know, we should debate whether the interstate highway should go through a State like North Dakota. They did not say, "Well, when it gets to Fargo, ND, on the Minnesota border, we have to stop there because there aren't enough people living between Fargo, ND, and Beach, ND, over by the Montana side to justify building four lanes of highway calling it an interstate." They don't say that.

They built an interstate highway all across this country to connect this country even through remote rural areas because we knew it was a good investment for this country.

Roads, infrastructure—it represents an awfully good investment for this country. What has happened to us—and I am not laying partisan blame at all—what has happened to us is we have gotten embroiled in debates about a lot of other issues here in the U.S. Senate when in fact it is our duty and responsibility to take up the issue of highway reauthorization and get it done.

We have a very short construction season in some of our northern States. We have to know what kind of money is available, what kind of investment can be made, what kind of resources will be available to us to proceed and develop the plans needed to maintain our roads and bridges. I worry very much that what is going to happen to us is we will come up to the May 1st deadline and not have done the highway bill even this year, when in fact it should have been done last year. So the question before the Senate is not whether we are going to do a highway bill. The question is when. And the question of when is very, very important.

I know the majority leader told the Senate that it would be the first order of business when we come back after the first of the year. I also know there are others in the Senate who are tugging at his sleeves saying, well, we do not want the highway bill to come up until after the budget. So I know the majority leader wants to bring the highway bill up, but he has other Members suggesting that it be brought up later.

I urge the majority leader, in the strongest terms possible, to heed the call of Senator GRAMM from Texas, Senator BYRD, Senator BAUCUS, Senator CHAFEE, so many other Senators who say this is a critically important issue. Let's do this. Let's do it together in a bipartisan way, and let's tell the Governors and the mayors and the legislators and the folks out in our country in the countries and the cities that here is our highway bill, here are the resources, here is our investment in infrastructure. We are proud of it. We want to do it because it is good for the country. Let's do it soon.

So we will continue, in the coming days, to call for action on the highway bill. It is not meant in any way as a partisan call, because there are both Republicans and Democrats who feel very strongly that it ought to be placed right at the top of the agenda right now. Some say that when the highway bill comes to the floor, there will be 100 or 200 amendments. Well, if there are 100 amendments, we could have gotten rid of a lot of them last week and this week. Let's work our way through it and pass this legislation and send a message to the folks out in the country that this Congress values the investment in infrastructure in our country, this Congress understands the importance of a highway program that provides certainty to the American people about our investment in infrastructure.

The National Council of State Legislatures, today, has written the majority leader saying:

> On behalf of the Nation's State legislators, the National Conference of State Legislatures reiterates its continuing, firm support for immediate action on ISTEA reauthorization.

That is the highway bill.

> It is crucial that a long-term reauthorization be enacted before March 31.

It goes on to say:

> The National Council of State Legislatures feels that immediate action is essential. States face imminent shortfalls in various program accounts at the end of March, 1998, shortfalls which can have serious ramifications for State transportation programs. For example, contractual relationships for future highway construction can be compromised, transit agencies can be unable to apportion funds without the passage of authorizing legislation, and highway safety programs can come to a halt in certain States. State legislators remain greatly concerned about the possibility of these disruptions.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, February 4, 1998.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: On behalf of the nation's state legislators, the National Conference of State Legislatures reiterates its continuing, firm support for immediate action on ISTEA reauthorization.

It is crucial that a long-term reauthorization be enacted before March 31st. NCSL feels that immediate action is essential. States face imminent shortfalls in various program accounts at the end of March 1998, shortfalls which can have serious ramifications for state transportation programs. For example, contractual relationships for future highway construction can be compromised, transit agencies can be unable to apportion funds without the passage of authorizing legislation, and highway safety programs can come to a halt in certain states. State legislators remain greatly concerned about the possibility of these disruptions.

Thank you for your consideration. We hope that you will do your part to ensure the passage of any surface transportation reauthorization.

Sincerely yours,
RICHARD FINAN,
Senate President, Ohio,
NCSL President.

Mr. DORGAN. Mr. President, I know the majority leader wants to pass this legislation. I know there will be a bipartisan consensus on a highway reauthorization bill. I come today to the floor of the Senate saying, let us start now, let us move to the highway reauthorization bill and decide to take action as quickly as possible for the benefit of this country.

I yield the floor.

ANDY REESE

Mr. COCHRAN. Mr. President, today in Mississippi, funeral services were held for Andy Reese, who was a long time reporter for United Press International and later served as the public information officer of the Mississippi House of Representatives.

He was a friend of mine and of many others who had the good fortune to come to know him. He was totally trustworthy, very intelligent, and dependably accurate in his reporting. Our state has suffered a great loss.

I ask unanimous consent that an editorial in today's Clarion Ledger of Jackson, MS which eloquently describes his career and his wonderful qualities be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"ANDY" REESE

A QUIET MAN WITH A POWERFUL VOICE

For most Mississippians, the name of Andrew "Andy" Reese was anything but a household word. But, the words he spoke and wrote made a powerful impact on this state.

Reese, of Jackson, died Sunday at age 65. For 28 years, he worked for United Press International (UPI), covering some of the biggest stories of the civil rights era here.

Since 1985, he provided the calming voice that was the bridge between the fractious media and sea of egos that is the Legislature, serving as House public relations officer.

He was as calm, thoughtful and informative during the heat of a legislative battle as he was during those thorny times in the '60s when chaos seemed to reign supreme.

Reese had a soft, quiet voice, filled with humor and respect for all he met and lending reason in times of turmoil. But, his impact was thunderous. His integrity was unimpeachable, his reputation solid, his trust sure.

Reese is to be buried today. But, his influence upon this state will not be forgotten. His honesty and intellect will be remembered as guidelines for others to follow.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, January 3, 1998, the Federal debt stood at $5,474,822,352,150.77 (Five trillion, four hundred seventy-four billion, eight hundred twenty-two million, three hundred fifty-two thousand, one hundred fifty dollars and seventy-seven cents).

One year ago, February 3, 1997, the Federal debt stood at $5,297,382,000,000 (Five trillion, two hundred ninety-seven billion, three hundred eighty-two million).

Five years ago, February 3, 1993, the Federal debt stood at $4,171,477,000,000 (Four trillion, one hundred seventy-one billion, four hundred seventy-seven million).

Ten years ago, February 3, 1988, the Federal debt stood at $2,458,168,000,000 (Two trillion, four hundred fifty-eight billion, one hundred sixty-eight million).

Fifteen years ago, February 3, 1983, the Federal debt stood at $1,197,902,000,000 (One trillion, one hundred ninety-seven billion, nine hundred two million) which reflects a debt increase of more than $4 trillion—$4,276,920,352,150.77 (Four trillion, two hundred seventy-six billion, nine hundred twenty million, three hundred fifty-two thousand, one hundred fifty dollars and seventy-seven cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JANUARY 30TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending January 30, the U.S. imported 6,811,000 barrels of oil each day, 329,000 barrels fewer than the 7,140,000 imported each day during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less oil than the same week a year ago, Americans still relied on foreign oil for 51.7 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 6,811,000 barrels a day.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 31, 1997, concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1997, through February 1, 1998.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products every 90 days for a total of 180 days under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the President of the Security Council received the report prepared by the Secretary General as requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10, 1996.

On June 4, 1997, the U.N. Security Council adopted UNSCR 1111, renewing for another 180 days the authorization for Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 986 of April 14, 1995. The Resolution became effective on June 8, 1997. On September 12, 1997, the Security Council, noting Iraq's decision not to export petroleum and petroleum products pursuant to UNSCR 1111 during the period June 8 to August 13, 1997, and deeply concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1129. This resolution replaced the two 90-day quotas with one 120-day quota and one 60-day quota in order to enable Iraq to export its full $2 billion quota of oil within the original 180 days of UNSCR 1111. On December 4, 1997, the U.N. Security Council adopted UNSCR 1143, renewing for another 180 days, beginning December 5, 1997, the authorization for Iraqi petroleum sales and humanitarian aid purchases contained in UNSCR 986. As of January 2, 1998, however, Iraq still had not exported any petroleum under UNSCR 1143. During the reporting period, imports into the United States under this program totaled about 14.2 million barrels, bringing total imports since December 10, 1996, to approximately 23.7 million barrels.

2. There have been two amendments to the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "ISR" or the "Regulations") administered by the Office of Foreign Assets Control (OFAC) of the Department of the Treasury during the reporting period. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

On December 30, 1997, the Regulations were amended to remove from appendices A and B to 31 C.F.R. chapter V the name of an individual who had been determined previously to act for or on behalf of, or to be owned or controlled by, the Government of Iraq (62 *Fed. Reg.* 67729, December 30, 1997). A copy of the amendment is attached.

As previously reported, the Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products from Iraq (61 *Fed. Reg.* 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization, must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 escrow account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the 661 Committee and satisfaction of other conditions established by the United Nations, be paid or payable out of the 986 escrow account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing

and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation.

On July 15, 1995, a jury in the Eastern District of New York returned a verdict of not guilty for two defendants charged with the attempted exportation and transshipment to Iraq of zirconium ingots in violation of IEEPA and the ISR. The two were charged in a Federal indictment on July 10, 1995, along with another defendant who entered a guilty plea on February 6, 1997.

Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, OFAC collected civil monetary penalties totaling more than $1.125 million for violations of IEEPA and the ISR relating to the sale and shipment of goods to the Government of Iraq and an entity in Iraq. Additional administrative proceedings have been initiated and others await commencement.

4. The Office of Foreign Assets Control has issued hundreds of licensing determinations regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Specific licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, sales of humanitarian supplies to Iraq under UNSCR 986 and 1111, diplomatic transactions, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq. Since my last report, 88 specific licenses have been issued, most with respect to sales of humanitarian goods.

Since December 10, 1996, OFAC has issued specific licenses authorizing commercial sales of humanitarian goods funded by Iraqi oil sales pursuant to UNSCR 986 and 1111 valued at more than $239 million. Of that amount, approximately $222 million represents sales of basic foodstuffs, $7.9 million for medicines and medical supplies, $8.2 million for water testing and treatment equipment, and nearly $700,000 to fund a variety of United Nations activities in Iraq. International humanitarian relief in Iraq is coordinated under the direction of the United Nations Office of the Humanitarian Coordinator of Iraq. Assisting U.N. agencies include the World Food Program, the U.N. Population Fund, the U.N. Food and Agriculture Organization, the World Health Organization, and UNICEF. As of January 8, 1998, OFAC had authorized sales valued at more than $165.8 million worth of humanitarian goods during the reporting period beginning August 2, 1997.

5. The expenses incurred by the Federal Government in the 6-month period from August 2, 1997, through February 1, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1.2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

6. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with relevant United Nations Security Council resolutions. Iraqi compliance with these resolutions is necessary before the United States will consider lifting economic sanctions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Seven and a half years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal to provide immediate, unconditional, and unrestricted access to sites by these inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of all forms of political expression, oppression of minorities, and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not comply with UNSCR 688 of April 5, 1991. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turkomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998*.

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations."

ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native America

Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. Thurmond).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 4, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar.

S. 1601. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1603. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. Grassley):

S. 1604. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. Leahy, Mr. Hatch, Mr. D'Amato, Mr. Faircloth, Mr. Hollings, Mr. Johnson, Mr. Kennedy, Mr. Reid, Mr. Torricelli, and Mr. Dodd):

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. Kennedy, and Mr. Harkin):

S. 1606. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1607. A bill to direct the Secretary of the Army to carry out an environmental restoration and enhancement project at the Eastern Channel of the Lockweeds Folly River, Brunswick County, North Carolina; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. Enzi):

S. 1608. A bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. FRIST (for himself, Mr. Rockefeller, Mr. McCain, Mr. Hollings, Mr. Burns, and Mr. Kerry):

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. Daschle, Mr. Kennedy, Mr. Inouye, Mr. Akaka, Mr. Biden, Mr. Bingaman, Mr. Dorgan, Mr. Durbin, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Kerrey, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Ms. Mikulski, Ms. Moseley-Braun, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Wellstone, Mr. Bumpers, Mrs. Boxer, and Mr. Kerry):

S. 1610. A bill to increase the availability, affordability, and quality of child care; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. Kennedy):

S. 1611. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; read the first time.

By Mr. HATCH (for himself, Mr. Cleland, Mr. Hagel, Mr. Stevens, Mr. Ford, Mr. Lott, Mr. Coverdell, Mr. Kempthorne, Mr. Allard, Mr. Ashcroft, Mr. Bond, Mr. Brownback, Mr. Burns, Mr. Campbell, Mr. Coats, Mr. Cochran, Ms. Collins, Mr. Craig, Mr. D'Amato, Mr. DeWine, Mr. Domenici, Mr. Enzi, Mr. Faircloth, Mr. Frist, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Helms, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Kyl, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. Murkowski, Mr. Roberts, Mr. Roth, Mr. Santorum, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Thompson, Mr. Thurmond, Mr. Warner, Mr. Baucus, Mr. Breaux, Mrs. Feinstein, Mr. Hollings, Mr. Reid, Mr. Rockefeller, and Mr. Johnson):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mr. Brownback):

S. Con. Res. 72. A concurrent resolution honoring the centennial celebration of the University of Kansas basketball program and the contributions of the program to the sport of basketball and of the coaches, players, and 500 lettermen, who have achieved success and made significant contributions on and off the basketball court; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1603. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE SURVIVORS OF TORTURE SUPPORT ACT

Mr. GRAMS. Mr. President, most people do not realize that torture is practiced or condoned in more than 100 countries.

We all agree that torture is a horrible act. It is designed to physically and emotionally cripple individuals, to render them incapable of mounting an effective opposition to a regime or a system of beliefs.

Torture does not affect just the victim—it sends a strong message to the victim's family, community, and nation that dissent will not be tolerated. Torture is not used as a weapon just against an individual—it is used as a weapon against democracy.

As a nation, we cannot stand by and continue to let the victims of torture suffer in silence. We must do more than proclaim that the practice of torture is abhorrent. We must provide assistance to torture survivors, for they truly are not able to help themselves.

The "Survivors of Torture Support Act" will assist victims of torture both here and abroad. While the practice of torture is not a problem in this country, many victims of torture flee to the United States to seek refuge.

As many as 400,000 torture survivors now live in the United States. Many of the survivors may not be getting the assistance they need. Other survivors of torture remain abroad; they deserve effective treatment as well.

The "Survivors of Torture Support Act" makes changes in U.S. immigration policy to account for the special needs of torture survivors.

This bill designates torture victims as refugees of special humanitarian concern.

It ensures expedited processing for asylum applicants who present credible claims of subjection to torture. It also establishes procedures for taking into account the effects of torture in the adjudication of such claims.

This bill grants the presumption that such applicants shall not be detained while their asylum claims are pending, and provides exemption from expedited removal procedures for individuals in danger of being subjected to torture.

Many times, torture survivors are not identified by U.S. officials because consular, immigration, and also asylum personnel have not received adequate training in either the identification of evidence of torture or the techniques for interviewing torture victims.

The "Survivors of Torture Support Act" requires that the Attorney General and the Secretary of State provide training necessary for these officials to recognize the effects of torture on victims, and the way this can affect the interview or hearing process.

It also requires special training in interview techniques, so that survivors of torture are not traumatized by this experience.

Torture survivors can be productive members of American society if they have access to treatment. That is why this bill provides $50 million over three years for treatment of victims of torture in the United States and abroad.

My home state of Minnesota is fortunate to have the first comprehensive treatment center in the United States for victims of torture.

The Center for Victims of Torture has treated more than 500 patients since it was established in 1985, and by helping those patients overcome the atrocities suffered in their homelands, has assisted them in becoming productive members of our communities.

In addition to providing treatment to persons who have been tortured by foreign governments, the Center has been active in providing training and support for treatment centers abroad. I have learned a great deal from visiting the Center and meeting its clients and staff.

Support for legislation to assist torture survivors has been increasing since Senator Dave Durenberger first introduced it in 1994.

I have worked closely with my colleague from Minnesota, Senator WELLSTONE, in developing legislation to address the very real needs of these survivors. While we have chosen different paths in bringing this issue before the Senate, our bills differ primarily in approach.

Therefore, I applaud his efforts and look forward to working closely with him to move legislation forward in 1998 that will assist victims of torture who reside in the U.S. and also abroad.

The United States should take a leading role in encouraging the establishment of additional treatment programs both at home and also abroad.

We are making progress in this direction. The U.S. is now the largest contributor to the United Nations voluntary fund for victims of torture. We must continue to support treatment centers, like the one in Minnesota, which help those who cannot help themselves.

Again, I urge my colleagues to support this much-needed legislation.

By Mr. D'AMATO (for himself and Mr. GRASSLEY):

S. 1604. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care of imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Finance.

MEDICARE TRANSFER REPEAL LEGISLATION

Mr. D'AMATO. Mr. President, I am introducing legislation today to repeal a provision of the Balanced Budget Act (BBA) of 1997 that is particularly onerous and unfair to New York's and our nation's hospitals. The provision is one that expands the definition of a Medicare transfer and it is inherently counterintuitive to assuring the delivery of appropriate health care services to patients.

As many of my colleagues might recall, I was actively involved during the Senate's debate of the BBA in fighting for the elimination of the transfer provision. I thought then, and I still believe now that it is bad health care policy that runs counter to the mission that we should be advocating when we make policy: to encourage the providers of health care in our communities to provide the most appropriate care for the good of their patients. Along with my colleague Senator DODD, last year, we were able to mitigate the impact of the original transfer provision in the final BBA that was enacted. Unfortunately, we were not able to eliminate it from the BBA and that is why I am here today, offering legislation to finish the job we started last summer.

Included in the BBA was a provision that would expand the definition of a Medicare acute care transfer to include discharges to any rehabilitation or psychiatric hospital, nursing home or home health agency. This policy is scheduled to go into effect on October 1, 1998, for 10 Medicare hospital procedures that will be determined by the Secretary of Health and Human Services. What this means for hospitals that transfer patients is that the hospital would no longer get paid the appropriate payment (a DRG payment)—they would instead get paid a lesser amount—just because the patient was discharged to receive a more appropriate level of care. This policy would only apply for patients that are transferred in under the average length of stay.

Let me give you an example: a patient goes into the hospital for one of the 10 designated procedures, for example, a hip operation, which has an average length of stay of 10 days. At 7 days, the patient's doctor wants to transfer him to a rehabilitation hospital to continue his recovery. This is where the transfer policy would have an effect: the hospital that discharged him would no longer receive the payment that is due to them—the DRG payment. Instead, they would receive a lesser per diem payment, merely because the patient was discharged to receive a more appropriate, cost effective level of care.

Let me spend a moment here talking about the hospital payment system. The DRG system was put into place by Congress to create the proper incentives for providing an appropriate level of care for patients. It is a system that is built on average: patient cases that have higher lengths of stay are "underpaid" and cases that have lower than average lengths of stay are "overpaid" because, regardless of the length of stay, hospitals get the same payment. The new transfer policy would begin a serious erosion of the DRG system and, as a result, create the wrong incentives for hospitals. Hospitals that are faced with receiving a lesser payment for providing the appropriate care for a patient, will undoubtedly change their behavior: they will end up keeping a patient in the hospital longer—until the average length of stay is reached, and then transfer the patient to a post-acute care facility. As a result, the transfer policy creates a disincentive for hospitals to efficiently provide the most appropriate level of care for their patients.

The transfer policy is not necessary. Patients that use post-acute care services tend to have more complicated health care needs and longer hospital stays than those patients that don't use post-acute care. For this reason, the transfer policy does not address a problem in the Medicare system that needs fixing. Even the Prospective Payment Assessment Commission rejected this policy change because they believed it was bad health care policy and that it provided the wrong incentives for a hospital prospective payment system.

It also creates billing documents for our hospitals who would be held responsible for the future actions of former patients. This sets up our hospitals for future allegations of fraud. For example, a hospital discharges a patient, who goes home from the hospital, expecting to be cared for by a family member. Suddenly, the family member becomes ill and unexpectedly cannot care for a patient. The patient's doctor calls the local home health care agency, who now sends a nurse out to the patient's home for 3 weeks of home care. The hospital has no knowledge of this and will bill Medicare for the full DRG because it believed that the patient was discharged and at home recovering. The hospital is unaware of actions of the patient and therefore would have no reason to bill the Medicare program differently. The government later could cite the hospital for fraud because they billed the Medicare program improperly. Hospitals are faced with the impossible and untenable task of tracking the future actions of patients that left their care.

Repeal of the transfer policy is the only way to right a very misguided policy that was adopted last year. I urge my colleagues to support legislation that will eliminate a provision of the BBA that is bad health policy and disruptive to a system that aims to assure that patients receive the right care in the most appropriate setting.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RESTRICTION ON MEDICARE PAYMENT FOR CERTAIN HOSPITAL DISCHARGES TO POST-ACUTE CARE.

(a) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)), as amended by section 4407 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 401), is amended—

(1) in subparagraph (I)(ii), by striking "not taking in account the effect of subparagraph (J),", and

(2) by striking subparagraph (J).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSON, Mr. KENNEDY, Mr. REID, Mr. TORRICELLI, and Mr. DODD):

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

THE BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Act of 1998, a bill to establish a matching grant program to help State, Tribal and local jurisdictions purchase armor vests for the use by law enforcement officers. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and Senators D'AMATO, FAIRCLOTH, HOLLINGS, JOHNSON, KENNEDY, REID, TORRICELLI and DODD. This bill expands on legislation I introduced last month to help law enforcement.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Act of 1998 would form a partnership with state and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To make sure that no police department is left out of the program, the matching requirement could be waived for those jurisdictions that cannot afford it.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a "public safety crisis in Indian country"; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term "armor vest" means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. LEAHY. Mr. President, today Senator CAMPBELL and I are introducing the Bulletproof Vest Partnership Act of 1998, along with Senators D'AMATO, DODD, HATCH, HOLLINGS, JOHNSON, KENNEDY, REID and TORRICELLI. I am particularly pleased that the Chairman of the Senate Judiciary Committee, Senator HATCH, is an original cosponsor of this bill. Our bipartisan legislation is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country every day officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, federal, state and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscores the point that all of our law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. Just last week I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty every day. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." In fact, the National Association of Chiefs of Police just reported that 21 police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Senator CAMPBELL and I have the support of the Fraternal Order of Police and many other law enforcement groups for this proposal. I urge my colleagues to support this bipartisan legislation and its quick passage into law.

Mr. D'AMATO. Mr. President, in 1996, one violent crime was committed every nineteen seconds in the United States. According to the Uniform Crime Reports, firearms were the weapons used in 29% of all murders, robberies and aggravated assaults, collectively, that year. When a crime occurs, no matter what the crime or the weapons used, the first action taken is to call the police. Law enforcement rushes to the rescue, risking their own lives in the process.

It is imperative that we do all we can to assist the police in handling these volatile situations. That is why I join with Senators CAMPBELL and LEAHY in introducing the Bulletproof Vest Partnership Grant Act—a bill that will provide funding for equipment that is critical to preserve the lives of our law enforcement. The "equipment" of which I speak is a bullet proof vest. Under this bill, the federal government will pay half the cost for the purchase of armor vests for a State and local law enforcement.

This bill promotes the purchases of these life-saving vests. The need for them is proven over and over again. Nationwide, the FBI estimates that nearly one third of the 1,182 law enforcement officers killed by a firearm in the line of duty since 1980 would be alive if they had worn a bullet proof vest.

Just this past December, Rochester, New York was rocked by the shooting of three police officers. Rochester Police Officers Mark G. Dibelka and Thomas DiFante were both shot in the chest and Sgt. Michael Kozak was shot in the arm. All three men lived —thanks to the bulletproof vests. These heroes will live to see the judicial process at work against the criminal charged with three counts of first degree attempted murder. Due to the bullet proof vests, we are able to wish these men a speedy recovery.

In New York City, the lives of two officers were saved with a bulletproof vest. A convicted drug dealer is accused of shooting two officers, firing three shots at Detective Wafkey Salem in the chest and shot at Detective Lourdes Gonzalez' shoulder. These officers lived to tell their stories.

The Bulletproof Vest Partnership Grant Protection Act of 1998 authorizes $25 million of federal funds to be matched with State and localities funds for the purchase of armor vests. Any agent or officer that prevents, detects or investigates crimes, or supervises sentenced offenders, will be able to receive a bulletproof vest with the assistance of this grant—that includes law enforcement and correction officers.

Special attention is paid to rural areas, with at least 50% of the funds available to jurisdictions with populations of 100,000 or less. Each state would receive a minimum of .75% of the total federal funds, including Puerto Rico. The bill also includes a maximum of 5% that can be drawn to each state, including the grantees of that state. The only restriction is that the armor vests are not made by prison labor, a very reasonable requirement, especially in light of the nature of the life-saving equipment. This legislation also recognizes that the equipment purchased with federal assistance should be made in the United States.

Law enforcement officers risk their lives for people, and we owe it to them to make sure the risks are at a minimum. We owe it to the men and women who go to work every day and have no idea what dangerous situation awaits them—and we owe it to their families. This bill should be passed, swiftly and, I hope, with the full support of the Senate.

Mr. HOLLINGS. Mr. President, today I am proud to co-sponsor a bill which will be an essential component of the war on crime. The Bulletproof Vest Partnership Act, which was introduced today, will save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Providing body armor to more law enforcement agencies will greatly reduce injuries and fatalities among officers. The FBI estimates that more than 40 percent of the 1,182 officers killed in the line of duty by a firearm since 1980 would have lived had they worn bullet-resistant vests. In fact, the FBI considers the risk of death to officers not wearing armor to be 14 times greater than that for officers wearing body armor.

Mr. President, today 150,000 law officers in the United States do not have access to this essential equipment. This is unacceptable. These brave men and women risk their lives every day to enforce the law and protect and serve the public. The least we can do is afford them the greatest degree of protection possible as they fight crime in our communities.

The Bulletproof Vest Partnership Act of 1998 will provide state and local law enforcement officers with the critical equipment they need to protect their officers in the line of duty. This bipartisan bill will create a $25 million grant program in the Department of Justice to provide matching funds to state and local law enforcement agencies to purchase body armor. I would like to underscore the importance of the word "Partnership" in this bill. This grant program will continue the effective federal-state-local partnerships that have proved so successful in the war on crime.

One of the greatest features of this bill, Mr. President, is that it prefers law enforcement agencies that cannot now provide body armor for their officers. This is especially helpful to small and rural jurisdictions. In fact, the Bulletproof Vest Partnership Act requires the Justice Department to provide at least 50% of the grant program's funds to small jurisdictions comprising fewer than 100,000 people. This provision is especially important in states like South Carolina, where the vast majority of jurisdictions fit this description.

The Fraternal Order of Police, National Sheriff's Association, International Union of Police Associations, and Police Executive Research Forum all endorse this bill, Mr. President. These groups understand better than anyone the importance of this legislation. They know from firsthand experience that body armor often can mean the difference between life and death for an officer.

If we are serious about fighting crime, we must ensure the safety of our law enforcement officers. The best way to do this is to provide state and local law enforcement agencies with the funds to purchase new equipment such as body armor for their officers. Though we cannot protect every law officer from danger, we can and must ensure that they have the best equipment available to protect themselves while in the line of duty.

The Bulletproof Vest Partnership Act will do all these things. I am proud to co-sponsor it, and I encourage all my colleagues to support this bipartisan legislation. Let us do our part in the war on crime.

Mr. JOHNSON. Mr. President, I rise today in support of the Bullet Proof Vest Partnership Act of 1998 introduced by Senator LEAHY and Senator CAMPBELL. I am an original cosponsor of this legislation and I want to take this opportunity to commend my colleagues for their work in addressing this issue. This bill is about saving lives and protecting the men and women in law enforcement who keep our communities safe. There are few opportunities for the Congress to help local law enforcement, and I thank Senators LEAHY and CAMPBELL for bringing this grant program to the attention of the Senate.

The Bullet Proof Vest Partnership Act will establish a $25 million matching grant program within the Department of Justice to help state, local and tribal law enforcement agencies purchase needed body armor. According to the Department of Justice, approximately 150,000 state and local law enforcement officers, nearly 25 percent, are not issued body armor. Justice estimates that the risk of fatality for officers while not wearing body armor is 14 times higher than for officers equipped with protection on the job.

While law enforcement in my rural state of South Dakota does not face the volume of high risk and hazardous situations that police forces in New York or California contend with every day, one preventable death is too many, and this program will help every community protect their officers. To that end, Senators LEAHY and CAMPBELL were careful to structure this program to guarantee access for rural states and communities. Under the small state minimum in the Leahy-Campbell bill, South Dakota would be eligible for at least $187,000 per year in federal matching grant funds. The bill also gives the Department of Justice the discretion to lower or waive the matching requirement for communities facing financial hardship. Life saving body armor can run $500–700, keeping bullet proof vests out of reach for many small and rural communities with extremely limited resources.

I also strongly support the recognition of Indian tribal law enforcement needs included in this bill. Juvenile crime and gang activity are on the rise on rural reservations, and resources are continually scarce. This bill will allow tribes to access funds on equal footing with state and local police forces. I am committed to encouraging cooperation between tribal and non-tribal law enforcement agencies in my state and throughout the country for the important and shared goal of combating crime nationwide. Recognizing tribal law enforcement through this grant program is an important step forward.

Mr. President, the need to protect our law enforcement officers is pressing. This legislation will outfit our law enforcement officers with the equipment necessary to protect themselves while protecting our families. I encourage speedy Judiciary Committee consideration of this initiative and urge full Senate support for this much needed grant program.

By Mr. WELLSTONE (for himself, Mr. KENNEDY and Mr. HARKIN):

S. 1606. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE TORTURE VICTIMS RELIEF ACT

Mr. WELLSTONE. Mr. President, today I am introducing the Torture Victims Relief Act of 1998. I am joined today by Senator KENNEDY and Senator HARKIN as original cosponsors of this measure. This legislation outlines a comprehensive strategy for providing critical assistance to refugees, asylees, and parolees who are torture survivors in the U.S. and abroad. It also protects asylum seekers from being involuntary returned to a country where they have reasonable grounds to fear subjection to torture. This legislation provides a focus and a framework for a newly reenergized debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities.

Late in the 103rd Congress, I introduced with Senator Durenburger the Torture Victim's Relief Act, which laid down a bipartisan marker on the issue. I reintroduced it in the 104th, along with Republicans and Democrats alike, pressing forward on several fronts.

I hope that enactment of this legislation will be a watershed in the movement to garner broader public and private support, both here and abroad, for much-needed torture rehabilitation programs. Specifically, the Torture Victims Relief Act would authorize funds for domestic refugee assistance centers as well as bilateral assistance to torture treatment centers worldwide. It would also change our immigration laws to give a priority to torture survivors and provide for specialized training for U.S. consular personnel who deal with torture survivors.

Finally, the bill would allow an increase in the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which funds and supports rehabilitation programs worldwide. In 1997 this fund contributed about $3.4 million to nearly 100 projects in more than 50 countries. I believe that continuing to expand the U.S. contribution to the fund is necessary as a show of genuine U.S. commitment to human rights, and I will continue to push until these programs receive the funding they need and deserve.

Mr. President, the practice of torture is one of the most serious human rights issues of our time. Governmental torture, and torture being condoned by officials of governments, occurs in at least 70 countries today. We need look no farther than today's headlines about Algeria, Turkey, Iraq, Bosnia, Rwanda, China and Tibet to know that we will be dealing with the problems that torture victims face for many years.

In many countries torture is routinely employed in police stations to coerce confessions or obtain information. Detainees are subjected to both physical and mental abuse. Methods include beatings with sticks and whips; kicking with boots; electric shocks; and suspension from one or both arms. Victims are also threatened, insulted and humiliated. In some cases, particular those involving women, victims are stripped, exposed to verbal and sexual abuse. Medical treatment is often withheld, sometimes resulting in death.

In China, torture of detainees and prisoners is not uncommon, as exemplified by Chen Longde's case. In 1996, one month after his conviction without trial, Chen leapt from a two-story prison walkway in an attempt to avoid repeated beatings and electric shocks from a senior prison official as punishment for his refusal to write a statement of guilt and self-criticism.

Richard Oketch was tortured by the Ugandan military. He was imprisoned for a total of a year in various military compounds near his home. His hands were shackled to his feet, he was denied food and sleep, and he was beaten regularly. Oketch managed to flee Uganda and eventually, with the help of the United Nations, he made it to the United States. However, the emotional scars of watching his family members and dozens of friends slaughtered left him for a time, unable to function in society.

Today Oketch holds a master's degree and works as a program specialist for the St. Paul Public School. He credits his transformation to the treatment he received at the Minnesota Center for Victims of Torture. There Oketch received the services he needed to deal with his grief and become an active member of his community. Unfortunately, Oketch's story is the exception, not the rule. Most torture survivors, even those who are granted asylum in the United States, never receive the treatment they need.

We can and must do more to stop horrific acts of torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide.

Providing treatment for torture survivors is one of the best ways we can show our concern for human rights around the world. The United States and the international community have been increasingly aware of the need to prevent human rights abuses and to punish the perpetrators when abuses take place. But too often we have failed to address the needs of the victims. We pay little if any attention to the treatment of victims after their rights have been violated.

This commitment to protect human rights is one shared by many around the world. In 1984 the U.N. approved the United Nations' Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. Senate ratified it in April of 1994. Although Congress has taken some steps to implement parts of the Convention, we have not yet taken action to provide sufficient rehabilitation services in the spirit of the language of Article 14 of the Convention which provides that the victim of an act of torture has: "the means for as full a rehabilitation as possible."

We have also failed to adopt implementing legislation for Article 3 which states that "No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." Without legislation implementing this article, it is possible for the United States to return someone to a country even where there are substantial grounds for believing the person would be subjected to torture. This legislation would help ensure that the U.S. is fulfilling its obligation under the Convention Against Torture.

There also exists a great need for the rehabilitation programs supported by this legislation. Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self-loathing. They often report an inability to concentrate or remember. The severity of the trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

In Minnesota, we began to think about the problem of torture, and act on it, over ten years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and one of just a few worldwide. The Center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The Center has treated or provided services to hundreds of people since its founding in 1985.

Some of the often shrill public rhetoric these days seems to argue that we as a nation can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last ten years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who helped craft this bill, including those at the Center for Victims of Torture in Minneapolis and others in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally-recognized human rights worldwide, the cause of human rights here in the U.S. would be seriously diminished. I salute them today. We must commit ourselves to aiding torture survivors and to building a world in which torture is relegated to the dark past. My hope is that we can help bring about a world in which the need for torture treatment programs becomes obsolete. I urge my colleagues to cosponsor this bill, and I urge its timely passage.

I ask unanimous consent that a partial list of organizations supporting the Torture Victims Relief Act be printed in the Record with a copy of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

(9) The United States became a party to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on November 20, 1994, but has not implemented Article 3 of the Convention.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) In general.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) Torture.—The term "torture" has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. PROHIBITION ON INVOLUNTARY RETURN OF PERSONS FEARING SUBJECTION TO TORTURE.

(a) Prohibition.—Notwithstanding any other provision of law, the United States shall not expel, remove, extradite, or otherwise return involuntarily an individual to a country if there is substantial evidence that a reasonable person in the circumstances of that individual would fear subjection to torture in that country.

(b) Definition.—For purposes of this section, the term "to return involuntarily", in the case of an individual, means—

(1) to return the individual without the individual's consent, whether or not the return is induced by physical force and whether or not the person is physically present in the United States; or

(2) to take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force and whether or not the person is physically present in the United States.

SEC. 5. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) Covered Aliens.—An alien described in this section is any alien who presents a claim of having been subjected to torture, or whom there is reason to believe has been subjected to torture.

(b) Consideration of the Effects of Torture.—In considering an application by an alien described in subsection (a) for refugee status under section 207 of the Immigration and Nationality Act, asylum under section 208 of that Act, or withholding of removal under section 241(b)(3) of that Act, the appropriate officials shall take into account—

(1) the manner in which the effects of torture might affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) Expedited Processing of Refugee Admissions.—For purposes of section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)), refugees who have been subjected to torture shall be considered to be refugees of special humanitarian concern to the United States and shall be accorded priority for resettlement at least as high as that accorded any other group of refugees.

(d) Processing for Asylum and Withholding of Removal.—Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by adding at the end the following new clause:

"(iv) Special procedures for aliens who are the victims of torture.—

“(I) Expedited procedures.—With the consent of the alien, an asylum officer or immigration judge shall expedite the scheduling of an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, unless the evidence indicates that a delay in making a determination regarding the granting of asylum under section 208 of the Immigration and Nationality Act or the withholding of removal under section 241(b)(3) of that Act with respect to the alien would not aggravate the physical or psychological effects of torture upon the alien.

“(II) Delay of proceedings.—With the consent of the alien, an asylum officer or immigration judge shall postpone an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, if the evidence indicates that, as a result of the alien's mental or physical symptoms resulting from torture, including the alien's inability to recall or relate the events of the torture, the alien will require more time to recover or be treated before being required to testify.”

(e) Parole in Lieu of Detention.—The finding that an alien is a person described in subsection (a) shall be a strong presumptive basis for a grant of parole, under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), in lieu of detention.

(f) Exemption From Expedited Removal.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended by inserting before the period at the end the following: “, or to an alien described in section 5(a) of the Torture Victims Relief Act”.

(g) Sense of Congress.—It is the sense of Congress that the Attorney General should allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service current information relating to the use of torture in foreign countries.

SEC. 6. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) In General.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, immigration judges, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) Gender-Related Considerations.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 7. DOMESTIC TREATMENT CENTERS.

(a) Amendment of the Immigration and Nationality Act.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

“(b) Assistance for Treatment of Torture Victims.—The Secretary may provide grants to programs in the United States to cover the cost of the following services:

“(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

“(2) Social and legal services for victims of torture.

“(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).”.

(b) Funding.—

(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999, 2000, and 2001, but not from funds made available to the Office of Refugee Resettlement, there are authorized to be appropriated to carry out section 412(g) of that Act (relating to assistance for domestic centers and programs for the treatment of victims of torture), as added by subsection (a), the following amounts for the following fiscal years:

(A) For fiscal year 1999, $5,000,000.

(B) For fiscal year 2000, $7,500,000.

(C) For fiscal year 2001, $9,000,000.

(2) Availability of funds.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 8. FOREIGN TREATMENT CENTERS.

(a) Amendments of the Foreign Assistance Act of 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

“SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

“(a) In General.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

“(b) Eligibility for Grants.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

“(c) Use of Funds.—Such assistance shall be available—

“(1) for direct services to victims of torture; and

“(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).”.

(b) Funding.—

(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999, $7,500,000 for fiscal year 2000, and $9,000,000 for fiscal year 2001 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) Availability of funds.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 9. MULTILATERAL ASSISTANCE.

(a) Funding.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the “Fund”) the following amounts for the following fiscal years:

(1) Fiscal year 1999.—For fiscal year 1999, $3,000,000.

(2) Fiscal year 2000.—For fiscal year 2000, $3,000,000.

(3) Fiscal year 2001.—For fiscal year 2001, $3,000,000.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) Sense of Congress.—It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

PARTIAL LIST OF ORGANIZATIONS SUPPORTING THE TORTURE VICTIMS RELIEF ACT

Advocates for Survivors of Trauma and Torture, Baltimore, MD.

American-Arab Anti-Discrimination Committee.

American Civil Liberties Union.

American Immigration Lawyers Association.

American Kurdish Information Network (AKIN).

American Psychiatric Association.

American Psychological Association.

Amnesty International U.S.A.

Asia Pacific Center for Justice and Peace.

Center for Reproductive Law and Policy.

Center for Victims of Torture.

Church in America.

Church World Services Immigration and Refugee Program.

Coalition Missing.

Episcopal Church People for a Free Southern Africa.

Guatemala Human Rights Commission/U.S.A.

Human Rights Access.

Human Rights Advocates.

Human Rights Watch.

Institute for Study of Genocide.

Institute for the Study of Psycho-Social Trauma.

International Campaign for Tibet.

International Human Rights Law Group.

Khmer Health Advocates, West Hartford, CT.

Lutheran Immigration and Refugee Service.

Lutheran Office for Governmental Affairs, Evangelical Lutheran.

Marjorie Kovler Center for the Treatment of Survivors of Torture.

Maryknoll Justice and Peace.
Mental Disability Rights International.
Midwest Coalition on Human Rights.
National Spiritual Assembly of the Baha'is of the U.S.
People's Decade of Human Rights Education.
Physicians for Human Rights.
Robert F. Kennedy Memorial Center for Human Rights.
Rocky Mountain Survivors Center, Denver, CO.
Travelers Aid of New York.
Ursuline Sisters of Mt. St. Joseph.
United Church Board for World Ministries.
United Methodist General Board of Church and Society.
Washington Kurdish Institute.
Washington Office on Latin America.
World Organization Against Torture U.S.A.
World Sindhi Institute.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. HOLLINGS, Mr. BURNS, and Mr. KERRY):

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. FRIST. Mr. President, advances in computer networking have led to some of the most significant developments of the last decade. We have all been touched one way or another by the Internet and the networking protocols that form the World Wide Web. Its presence is being felt in schools, businesses and homes across the country. Many people already come to rely on the Internet as their source for news and information. Now, electronic commerce is beginning to emerge as a significant source of network traffic, so it appears that more individuals are relying on the Internet for purchases as well.

By any measure, the Internet is a success. It is a fast-paced living laboratory where every day brings new innovation and applications. The Internet's culture of rapid innovation stems from its days as a research vehicle sponsored by the Defense Advanced Projects Research Agency (DARPA). This original federal investment in university based research and development has grown to pay dividends to our country in the form of new technology, new jobs and economic growth. The Internet has also served as a case study in the proper role of the federal government in science and technology. Although the research was first sponsored by the Department of Defense, multiple agencies have come to play a significant role in the development and commercialization of the Internet. In particular, the National Science Foundation demonstrated how to successfully transition the management of an operational system, the Internet, from the public to the private sector.

Today's Internet is a flexible, robust network, but already some of its limits have been reached. There are fascinating applications running in the laboratory that simply cannot be run on the Internet as it is today. Recently, I had a first hand look at a prime example: the virtual reality "Immersion Desk" collaboration. As a physician, I found it fascinating to take a guided tour of a human ear, seeing its structure in three dimensions, and able to interact with the guide and the structure in real time. It was immediately obvious to me the educational benefits that will come from putting similar devices in the hands of our nation's teachers and students. However, until the Internet's infrastructure limitations have been overcome, these applications will remain outside the reach of those who can benefit the most.

Some of the limits that now impede advanced applications can be overcome through a straightforward application of existing technology, but there is an entire class of problems that requires new approaches. I believe that our nation's research and development enterprise holds the key. That is why I rise today to offer the "Next Generation Internet Research Act of 1998." This legislation funds the agencies that are involved in creating advanced computer networking technology that will make tomorrow's Internet faster, more versatile, more affordable, and more accessible than today. The agencies funded by this legislation: The Department of Defense (DOD), the National Science Foundation (NSF), the Department of Energy (DoE), the National Aeronautics and Space Administration (NASA), and the National Institute of Standards and Technology (NIST), each have a role to play in moving forward the state of the art in computer networking and network applications. The NGI program will provide grants to our universities and national laboratories to perform the research that will surmount these technical challenges and create a network that is 100 to 1000 times faster than the current Internet.

Today, many that are located in rural areas of the country such as portions of eastern Tennessee, find that high speed access to the Internet is too expensive and difficult to obtain. Researchers from select states enjoy access to high bandwidth Internet connections at costs that are sometimes one-eighth the rate of their rural colleagues. This legislation acknowledges this geographical penalty and encourages networking researchers to look at this problem as a research challenge. Emphasis must be placed on finding new technology that permits high speed information access without leaving large sections of the country behind.

Mr. President, I believe that the passage of this legislation will continue the tradition of prudent and successful federal investment in science and technology. The Internet truly is a success story. One that could not have been written without federal support. One that has already paid for itself through the creation of jobs and technology for Americans. The last chapter of the Internet success story is far from being written, and with this legislation, we are helping to ensure that the Internet will reach its potential to provide greater educational and economic benefits to the country. I ask for support in passing this key legislative initiative.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Generation Internet Research Act of 1998".

SEC. 2. DEFINITIONS.

(a) TERMS USED IN THIS ACT—For purposes of this Act—

(1) INTERNET.—The term "Internet" has the meaning given such term by section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

(2) GEOGRAPHIC PENALTY.—The term "geographic penalty" means the imposition of costs on users of the Internet in rural or other locations attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(b) DEFINITION OF NETWORK IN HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Paragraph (4) of section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended by striking "network referred to as the National Research and Education Network established under section 102; and" and inserting "network, including advanced computer networks of Federal agencies and departments; and".

SEC. 3. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States' investment in science and technology has yielded a scientific and engineering enterprise without

peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in Federal networking research and development programs.

(b) Additional Findings for the 1991 Act.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

"(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research."; and

(2) adding at the end thereof the following:

"(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

"(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

"(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.".

SEC. 4. PURPOSES.

(a) In General.—The purposes of this Act are—

(1) to served as the first authorization in a series of computing, information, and communication technology initiatives outlined in the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.) that will include research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) Modification of Purposes of the 1991 Act.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

"SEC. 3. PURPOSES.";

(2) striking "purpose of this Act is" and inserting "purposes of this Act are";

(3) striking "universities; and" in paragraph (1)(I) and inserting "universities;";

(4) striking "efforts." in paragraph (2) and inserting "network research and development programs;"; and

(5) adding at the end thereof the following:

"(3) promoting the further development of an information infrastructure of information stores, services, access mechanisms, and research facilities available for use through the Internet;

"(4) promoting the more rapid development and wider distribution of networking management and development tools; and

"(5) promoting the rapid adoption of open network standards.".

SEC. 5. DUTIES OF ADVISORY COMMITTEE.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end thereof the following:

"SEC. 103. ADVISORY COMMITTEE.

"(a) In General.—In addition to its functions under Executive Order 13035 (62 F.R. 7231), the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet, established by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7231) shall—

"(1) assess the extent to which the Next Generation Internet Program—

"(A) carries out the purposes of this Act;

"(B) addresses concerns relating to, among other matters—

"(i) geographic penalties (as defined in section 2(2) of the Next Generation Internet Research Act of 1998); and

"(ii) technology transfer to and from the private sector; and

"(2) assess the extent to which—

"(A) the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear, complementary to and non-duplicative of the roles of other participating agencies and departments; and

"(B) each such agency and department concurs with the role of each other participating agency or department.

"(b) Reports.—The Advisory Committee shall assess implementation of the next Generation Internet initiative and report, not less frequently than annually, to the President, the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Science on its findings for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 the last report shall be submitted by September 30, 2000.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 5 of this Act, is amended by adding at the end thereof the following:

"SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the purpose of carrying out the Next Generation Internet program the following amounts:

"Agency	FY 1999	FY 2000
"Department of Defense	$42,500,000	$45,000,000
"Department of Energy	$20,000,000	$25,000,000
"National Science Foundation	$25,000,000	$25,000,000
"National Institutes of Health	$5,000,000	$7,500,000
"National Aeronautics and Space Administration	$5,000,000	$5,000,000
"National Institute of Standards and Technology	$5,000,000	$7,500,000".

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator Frist in introducing legislation to authorize the Next Generation Internet (NGI) Program for fiscal years 1999 and 2000. This bill funds the NGI program, which actually involves six agencies, at $102.5 million for FY99 and $115 million for FY2000. It would also require the Advisory Committee on High Performance Computing and Communication Information Technology and Next Generation Internet to oversee the program and report to the President and the Congress on its activities.

As everyone in the Senate knows, I have been a long and ardent supporter of the Internet and Internet-related research. In fact, I would point to the current Internet as an example of what the government can do right. When the Internet was started, it was a government funded network for researchers and military personnel. It was expected to grow, but not into the commercially supported network with a $250 billion market base that it is today, and it is still growing. This rate of return on a rather modest government investment is something that any investment banker would love to achieve. An added benefit is that this modest government investment has allowed U.S. industry to become the world leader in most Internet-related markets.

I also want to commend the Clinton Administration for their steadfast commitment to a clearly needed leadership role in charting the future of the Internet, and yet in also working closely with the affected industries, the academic community, and many others whose contributions to future applications and possibilities are almost endless. I am pleased to now work with Senator Frist, the dedicated chairman of the Senate's Commerce Subcommittee on Science, Technology, and Space, to provide a further foundation for this important work through this legislation.

The current Internet is a victim of its own success. As more and more people come on-line, the network gets more and more crowded. People are beginning to think that the "www" in Internet addresses stands for "world-wide wait" rather than "world-wide web". Therefore, I fully support the idea of increasing the speed, reliability and usefulness of the Internet. With increases in speed and efficiency of data transfer, hopes of distance learning with real-time video and audio, remote access image libraries, and more use of telemedicine, will become practical realities. In addition, with increases in bandwidth, I am sure that U.S. researchers will come up with new applications that we cannot even think of today.

Do not think that it is a coincidence that all the applications I just listed have to do with remote access to data. The ability to give those that do not have easy physical access quick and reliable electronic access to resources is, I feel, one of the Internet's greatest benefits to society. As history has shown us, it would be extremely easy for a situation to arise in which there are states with NGI capabilities and states without, if there is not balanced representation in the decision-making process. Due to the increased computing power and ability to collaborate with other NGI network institutions, NGI states could have a large advantage over non-NGI states when applying for grants and participation. With this in mind, I am glad to point out that this bill formally addresses geographic concerns for rural institutions and users.

As I stated earlier, I have always been a firm supporter of the Internet, and will continue to support research in this area. This bill authorizes an innovative inter-agency program to increase the speed, reliability and usefulness of the Internet. I encourage my colleagues to support this bill.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. INOUYE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. KERREY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. BUMPERS, Mrs. BOXER, AND Mr. KERRY):

S. 1610. A bill to increase the availability, affordability, and quality of child care; to the Committee on Finance.

THE CHILD CARE A.C.C.E.S.S. ACT

Mr. DODD. Madam President, the bill I send to the desk I send on behalf of myself and 24 of my colleagues whose names are included on the introduction of the legislation. The bill I have sent to the desk is called the Child Care and ACCESS bill, "ACCESS" standing for Affordable Child Care for Early Success and Security. As I said, I am pleased to be joined by 24 of my colleagues. There may be others in the coming days who care to join us in presenting what we believe is a comprehensive approach to dealing with an issue that I think all Americans—certainly I hope all in this Chamber—will recognize as a crisis: That is the crisis of child care.

Almost on a daily basis, we read stories of children in child care settings who are left alone and then are discovered either with serious injury or worse. Many of them are left in certified and accredited child care centers. These stories highlight the critical importance of this issue. This is an issue that now affects 13 million children, the overwhelming majority of whom come from families where there is either a single parent or both parents must work in order to provide for the basic needs of their families.

We have often felt in this country that we should not ask parents to make a choice between the job they need and the children they love, so child care has become a necessity. The question now is can we make it affordable for families? At a cost of $4,000 to $10,000 a year per child, is care accessible for parents who need it? Is the care they find going to be in a quality setting, where a child is safe? If the provider is a qualified parent, obviously her or she can provide for the needs of the child. But in this country, we know that too often qualified parents, in order to provide for the economic needs of their family, must provide a child care setting for their children.

There's the issue of after-school care. 5 million children are home alone in this country. Any chief of police in this Nation will tell you that the most dangerous time for these children is not after 11 p.m. at night when many of the curfews are invoked, but rather between 3 and 8 o'clock, in the afternoon, when children are unsupervised. We don't have after-school programs for these kids where they can either stay in school or be involved in a worthwhile outside academic experience. So, there is a need here.

When we discuss child care, we must also consider recent findings concerning early child development. We know how important these first 36 months of a person's life are, about the development of synapses that occur, about the nurturing that must go on in those years. We must make sure that parents can find quality care where there children will be intellectually stimulated, not simply warehoused.

What we are doing today is presenting a piece of legislation which tries to deal in a comprehensive way with this issue of child care. This bill recognizes the needs of parents, working parents, middle-income families, those who are striving to achieve a middle-income status, poorer families in this country, providers who want to provide good child care but don't have the resources to do so, businesses that want to help their employees either by providing a child care setting, and businesses that want to assist their employees with help in attaining child care support.

This legislation also includes an expansion of the Family and Medical Leave Act, a piece of legislation that was signed into law 5 years ago tomorrow. It has already benefited literally thousands and thousands of families across this country.

Today as part of this legislation we are calling for an expansion of the Family and Medical Leave Act by lowering the threshold from 50 employees to 25. We think by including 13 million more Americans who, when faced with the crisis of choosing between their children and their jobs, ought not to be asked to make that choice.

So this legislation includes an expansion of the Family and Medical Leave Act.

At any rate, the challenge before us is certainly a significant one, and that is to create a child care system that works for America's families. As I said, for far too many families today when it comes to child care, they either have no choices or very bad choices. Here are some of the appalling statistics. They are incontrovertible, undeniable.

Child care quality: Only one in seven child care centers provides care that promotes healthy development; child care at one in eight centers actually threatens children's health and safety.

Infants and toddlers, our youngest and most vulnerable children, fare the worst. Almost half of infant and toddler care in our country endangers the health and safety of those who are in those centers.

No State in this Nation has child care regulations in place that can be characterized as good quality standards. Two-thirds of the States have regulations that don't even address the basics—care giver training, safe environments, appropriate provider-child ratios.

Even though we know that well-paid, educated and trained providers make a difference between poor and good quality child care, we pay caregivers in this country—almost all of them women—abysmally, some of them at well below the poverty levels, even though they're caring for our most precious possessions.

As someone said not too long ago, children represent 27 percent of America's population, but they represent 100 percent of our future. These are the children that will be asked to be good employees, good employers, good citizens, and good parents, making a contribution to this Nation in the 21st century.

Yet, for the 13 million children who are in child care environments today, the results are not good at all. We can either recognize that in this country and try and do something about it, or we can sit back and allow our system to continue to deteriorate and then face the judgment of history as to why we didn't stand up and try and put up some of the resources that we have to help these families.

How does a family making $20,000 or $25,000 or $30,000 a year, with 2 or 3 children, afford care at $7, $8, $9, $10 thousand per year per child. The cost of some child care settings is in excess of some universities.

Child care providers and centers workers average only $12,000 a year in pay, Madam President. That is just at the poverty level for a family of three. Home based providers average $9,000 a year. That is their income.

Those are the people we are asking to provide for our children, making several thousand dollars below the poverty level.

These numbers and statistics, by the way, come from national surveys and studies done by child care centers around the Nation. As I mentioned earlier, full day child care costs run from $4,000 to $10,000 per child. Because of a lack of funding, only an estimated one out of 10 eligible families actually received help in paying for care through the child care block grants which Senator HATCH and I authored eight years ago in this very Chamber.

Good quality child care does cost more than mediocre quality, but not a lot more. An investment of only an additional 10 percent has a significant, positive impact on quality.

And many types of child care remain unavailable at any cost, Madam President. Many new parents are dismayed to learn that care for infants is virtually nonexistent, and the problem is only getting worse. The General Accounting Office estimates that by the time the 50-percent work participation goal is reached in 2002, 88 percent of infants needing child care will not be able to find it. This corresponds to 24,000 young children in Chicago alone without child care.

Let me repeat that. The General Accounting Office, not a partisan organization, estimates that by the time we reach the 50-percent work requirement in 2002, 4 years from now, 88 percent of infants in this country that need child care—we are not talking about choices now, it is not a question that someone is in an income category where they have a choice as to whether or not they are going to put a child in child care or stay home. We are talking about people who absolutely have to have child care. Eighty-eight percent of them will not be able to find it.

We cannot let that happen, and this ought not to be a partisan debate about whether or not we see the facts. We know what is going to occur. Do we stand up and try and address it?

In addition, there is a glaring lack of after-school programs. As I mentioned earlier, 5 million children are home alone. Eighth graders left home alone after school reported a greater use of cigarettes, alcohol, marijuana, the gateway drugs, than those who are in adult-supervised settings.

The challenge, again, facing us is a straightforward one: to find a way to support families in the choices about how their children are cared for. I know that some will argue that child care is a private problem, one that families should be left to solve on their own. However, we don't expect families to shoulder the financial costs of educating their children alone. We provide public schools. We don't expect families to shoulder the burden of providing health care for their children alone. The vast majority of families have that cost subsidized through their employers. And as a nation, we have an interest in well-educated and healthy children, and so we accept that the Federal Government, States and employers play a role in getting us to these laudable goals of public education and health.

Yet, when it comes to child care, we set families adrift. We tell them that it is a private problem, you have to solve it alone. The result is a system in which parents have less, not more, choices. The result is a nation in which child care is too often unaffordable, unavailable and unsafe. I believe that it is a compelling national interest in making sure that our children are safe and well cared for.

I rise today to offer this plan that I have sent to the desk that will broadly improve the ability of families to make the right choice when it comes to their children's care. Twenty-four of my colleagues and myself—25 of us—have offered this bill. There are several main parts in our initiative. Let me touch on them briefly.

One, improving the affordability of child care. Our legislation would provide an additional $7.5 billion over 5 years through the child care and development block grant, that I mentioned that Senator HATCH and I authored some eight years ago, to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by the year 2003.

Secondly, we enhance the quality of child care in early childhood development. This legislation will provide some $3 billion over 5 years to encourage States to invest in activities known to produce significant improvements in the quality of child care. For example, we help the States with this $3 billion to bring provider-child ratios to nationally recommended levels.

Again, I think most people understand this. Even if you have a well-trained adult, if they have too many children they are watching over, it doesn't work well. So we get to these ratios that those who understand this issue think are acceptable. With smaller infants, it is a very small ratio. As the children get a little older, the ratios can be a little broader.

We improve the enforcement of quality standards by conducting unannounced inspections.

Let me, as an aside, say that we had the head of the Defense Department's child care program testify the other day before a group of us. This is the best child care program in the world, by the way. Our Armed Forces serve 200,000 children all over the world every day.

The Defense Department would be the first to tell you not too many years ago they had the most dreadful system which was the subject of severe criticism as a result of national reports that were done on them. They have turned this around and, as I said, have now set up one of the best systems, if not the best system certainly, in this country if not in the world.

One of the things they do is they have unannounced inspections of child care centers on military bases. Just recently, I went to the child care facility at the submarine base in Groton, CT. Really, they are doing a magnificent job—the providers, the staff, the children. This is a great sense of pride for our military personnel, our men and women, who must by necessity have child care.

In the case of submariners, the men are off on submarines for weeks and weeks on end. Their spouses, if they are married with families, are working to supplement their incomes, and they need child care. To the Defense Department's great credit, they put in place a great system. Unannounced inspections make a difference.

Conducting background checks on child care providers. Today, it is hardly done at all. Someone can move from State to State, get a job and then we find out there is a long record of abuse and other problems, and that goes on every day.

Improve the compensation, education, and training of child care providers. I have already shared the statistics on what the average salaries are, $12,000 and $9,000. We pay parking attendants in this country higher salaries than we do people who take care of America's children. Your car is more likely to have someone with a better salary watching over it than your child. That is unacceptable, or should be, to all of us in this country.

Educating parents on how to find good quality child care and ensuring that high quality care is available to children with disabilities.

Those are some of the ways in which we try to help our States in this bill.

Thirdly, we increase the availability and quality of school-age child care. This initiative will provide $3 billion over 5 years to increase the supply and quantity of school-age care through child care development block grants. In addition, we incorporate the model developed by Senator BOXER which ensures that schools play a central role in these efforts by providing the 21st century community learning centers with $1 billion over 5 years to create before- and after-school programs.

Again, as an aside, I think all of us would agree, I hope, that our taxpayers build wonderful schools around our country, marvelous facilities. In many instances, they open at 8 or 9 in the morning, but then close in the afternoon, and are not open in the evening, weekends, vacations, summer months. We want to see the school buildings get more community use for children in after-school programs, adult education, summer programs, when kids are out of school. There ought to be ways in which we incorporate the use of these facilities to a larger extent than we have been able to.

Fourthly, we expand the dependent care credit. This initiative would also expand the existing dependent care tax credit by nearly $8 billion over 5 years, following the model of Senator HARKIN's earlier child care bill.

We would adjust the sliding scale to increase the credit for families earning under $60,000 and index the credit for inflation to keep pace with the rising child care costs.

We would also make the credit refundable so that families with little or no tax liability, those making under $30,000 a year, can receive assistance with child care expenses. I hope that this will not be a matter that ends up being a significant debate. On refundability, again, when people have incomes under $30,000, they don't pay Federal taxes or very few taxes, and if we don't make this refundable, then they are not going to get the benefit. It is to people at that income level struggling to make ends meet, it seems to me, that refundability is absolutely critical if they are going to get help.

No. 5, supporting family choices in child care. Our legislation would also provide new support for families who make the difficult choice to forgo a second income or career and to stay at home to care for their children. We would allow stay-at-home parents with children under the age of 1 to claim a portion of the dependent care credit. This credit would also be made refundable to allow stay-at-home parents earning under $30,000 to benefit, and it is phased out for families earning over $70,000.

There is a bill that has been introduced by our colleague from Rhode Island, Senator CHAFEE. The Presiding Officer may, in fact, be a cosponsor of that bill. I know we have worked together on these issues. There is a difference here because the proposal being offered, I believe, by Senator CHAFEE treats parents who stay at home exactly the same way we treat parents who can't stay at home.

In our bill, we do it a bit differently. I am very sympathetic of providing some help to parents who can make the choice, but if we provided it on a totally equal basis, it just becomes far too expensive. What we have done here is said, look, we are going to provide this assistance to you in the first year of that child's life. That cuts the cost by two-thirds. The reason I say that is because there are people out here who have no choice. I want to make this case. It is one thing to have the choice, that is a wonderful luxury, but for the overwhelming majority of the 13 million children who are in child care centers, their parents don't have the choice, they have to be there.

It is not a question of "I would like to stay home, I have another spouse that is earning enough." It is not a question of "I want to go play golf or go to the club and play cards." These are people trying very hard on their own or with their spouse to hold their families together. So the choice doesn't exist for them.

So it is not exactly equal in that sense. But I do think we should try to recognize and offer help where they do have stay-at-home parents, particularly for that first year. So we do provide that provision in our bill. I think it is a worthwhile one. I am hopeful we can reach some common ground.

Madam President, we also expand the Family and Medical Leave Act, which I have already mentioned at the outset of my remarks. I invite my colleagues to go to a children's hospital in your State. Go to the waiting room in those hospitals. You will meet the parents who need protection under Family and Medical Leave. They will tell you about the difficulties. They will tell you, if they work for someone who employs 25 to 50 people, how difficult it is. There's the problems with health care, the insurance benefits.

You go out to NIH here. Go to the Ronald McDonald House. Talk to parents who have children with extended illness problems where they can't stay at home, and they have to travel and be with their children. Talk to C. Everett Koop, a pediatrician. He will tell you about a child's recovery rate when they are with a parent, with a loved one who is with them.

This ought not to be a controversial item, Madam President, to provide family and medical leave for working families, to be with their parents, to be with their children during a time of crisis. I just do not understand when people raise the kind of objections to trying to help out people in that situation. It ought to be a sense of national mortification that every other nation you can name provides a family and medical leave process.

I can count colleague after colleague in this Chamber who had a problem with their children, had a problem with their parents, missed votes, did not go to committee hearings, and in fact had they been here and not been with their family they probably would have been subjected to political attack, that their priorities were wrong, that they were down here voting when they should have been with their children or parents at a time of illness.

If we believe that to be the case among ourselves, is it asking too much to say, too, to parents who work outside of public life, that when they are faced with that crisis, that they ought not to have to choose between their job and their families?

So I hope we can expand this benefit to the 13 million working people in this country who do not have the luxury of the Family and Medical Leave Act that others have enjoyed for the past 5 years.

Madam President, No. 6, we encourage private sector involvement, which is a very important element in all of this. Child care cannot be the sole responsibility of Government, State, local or Federal. So our legislation will create a new discretionary program of competitive challenge grants in which communities that generate funds from the private sector would be eligible for matched Federal grants to improve the availability and quality of child care on a communitywide basis.

This program would be authorized at $1 billion over 5 years. Based on the legislation of the Senator from Wisconsin, Senator KOHL, which was approved, I might add, by the full Senate during the budget reconciliation bill of last year but dropped in conference, we would provide a new tax incentive to open high-quality, on-site child care centers or to assist employees in finding and paying for child care offsite.

Many businesses, Madam President, understand what their employees are going through, and they want to help. But they are not affluent businesses. If they could get a little bit of help on paying their Federal taxes by providing onsite child care or assisting their employees, I think we would do a lot to expand the availability and the quality of child care. So we offer that to employers.

Seventh, Madam President, we ensure the quality of Federal child care facilities. We would also ensure that the Federal Government would lead by example in providing its workers only the highest quality of child care. Many people would be surprised, I think, to hear that currently Federal child care facilities are exempt from State quality regulations. In this bill we require that all Federal child care centers meet all State licensing standards.

Madam President, this is a comprehensive package. I have run down through the major provisions in a brief way. It is a long bill. It covers a lot of territory, a lot of ground. But it is a bold agenda, I think one that people of common purpose can come to. As the Presiding Officer and I see my colleague from Vermont, the chairman of the Labor and Human Resources Committee, who is on the floor here, back in October, November we convened a group of us here, Democrats and Republicans, to try to fashion a compromise bill. We spent long hours, I know our staffs did, in trying to hammer out a bill that we could have presented to the full Chamber here in January. That was my hope. I know it was the hope of the Senator from Vermont and the Senator from Maine.

Well, that did not happen. I am not going to spend time here on why things didn't happen. There are various elements. But a new bill was introduced by Senator CHAFEE. I do not agree with all of it. There are parts I do agree with. In fact, there are parts that are exactly alike in both of these bills.

I urge the leadership, the distinguished majority leader, Senator LOTT, the distinguished Democratic leader, the minority leader, Senator DASCHLE, who is a cosponsor, I might add, of this bill, that we try to set some time aside for this issue if we are only in session for 70 days, 100 days out of the 300 days left in this calendar year—at least that is what we have been told. I realize this is a big bill. It is not small. It is a lot of money over 5 years. A lot of ideas need to be thought out carefully. But we ought to be getting about the business, Madam President, of doing just that. This issue becomes more of a crisis and more of a problem and arguably more costly the longer we wait to address it.

To the President's great credit, he identified this issue during his State of the Union Message—after school care, affecting millions of working families, early childhood development, that zero to 3 range, the brain studies that all of us are now very familiar with, the infant care, the provider assistance, the family assistance through the credits, the Family and Medical Leave Act. We ought to get about the business of trying to get a bipartisan bill that all of us can claim credit for. So we can say to the American public in 1998, "We heard your concerns. We recognize the problems coming down the road. We stepped up to the plate. We resolved our differences, and we presented you with our best efforts in this regard."

My sincere hope, Madam President, is that is what exactly will happen in these coming days. As I said, it is a bold agenda. It is comprehensive. And we must try to work together if we are going to succeed in that regard.

Madam President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF DODD CHILD CARE BILL: THE CHILD CARE A.C.C.E.S.S. ACT

(Affordable Child Care for Early Success and Security)

IMPROVING THE AFFORDABILITY OF CHILD CARE

Provide an additional $7.5 billion/5 years through the Child Care and Development Block Grant to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by 2003.

ENHANCING THE QUALITY OF CHILD CARE AND EARLY CHILDHOOD DEVELOPMENT

Provide $3 billion/5 years to encourage states to invest in activities known to produce significant improvements in the quality of child care and early childhood development, for example: bring provider-child ratios to nationally recommended levels; improving the enforcement of licensing standards, through unannounced inspections; conducting background checks on child care providers; improving the compensation, education and training of child care providers; educating parents on the availability and quality of child care; creating support networks for family child care providers; establishing links between child care and health care services; and ensuring the availability and quality of child care for children with special health care needs.

INCREASING THE AVAILABILITY AND QUALITY SCHOOL-AGE CHILD CARE

Provide $3 billion/5 years to increase the supply and quality of school-age care. Through the 21st Century Community Learning Centers, provide $1 billion/5 years to encourage schools to create before and after-school programs.

EXPANDING THE DEPENDENT CARE TAX CREDIT

Adjust the sliding scale to increase the credit for families earning under $60,000 and index the current expense limits for inflation to help the credit keep pace with rising child care costs. Make the credit refundable so that families with little or no tax liability (those making under $30,000) can receive assistance with child care expenses.

SUPPORTING FAMILY CHOICES IN CHILD CARE

Allow stay-at-home parents with children under the age of 1 to claim a portion of the department care tax credit. This credit would also be made refundable to allow families earning under $30,000 to benefit and is phased out for families earning over $70,000.

Expand the Family and Medical Leave Act to include businesses with 25–50 employees. This would protect an additional 13 million working Americans and their families and provide coverage for 71% of the private workforce (an additional 14%).

ENCOURAGING PRIVATE SECTOR INVOLVEMENT

Create a new discretionary program of competitive "challenge grants" in which communities who generate funds from the private sector would be eligible for matched federal grants to improve the availability and quality of child care on a community-wide basis. Authorize at $1 billion over 5 years.

Provide a 25% tax credit to employers ($500 million/5 years) for operating on-site child care centers, contracting for off-site child care, contributing to the costs of accreditation or operating resource and referral systems.

ENSURING THE QUALITY OF FEDERAL CHILD CARE FACILITIES

Require federal child career centers to meet all applicable state licensing standards.

Mr. KERREY. Mr. President, I am honored to be an original cosponsor of Senator DODD's important initiative to improve the affordability, availability and quality of child care in the United States. I believe that American families will welcome this legislation.

We all know that high quality, affordable child care is an important concern to working families. The number of working mothers with preschool-age children has increased five-fold since 1947. More than ten million children of working mothers are in child care—and this number will increase as our strong economy enables welfare parents to find jobs. Child care belongs on the top of the national agenda.

This legislation uses a number of strategies to improve child care for American families. Most families struggle to cope with the costs of child care. Under this legislation, low-income working families will benefit from increased subsidies for child care services through the Child Care and Development Block Grant. Families who have little or no tax liability will receive new assistance through refundability of the Dependent Care Tax Credit, while an adjusted sliding scale and indexed expense limits will enhance the tax credit for families with incomes below $60,000.

This legislation also provides funds for significant quality improvements. Through block grant funds, States will be encouraged to invest in meaningful strategies that improve quality of care and enhance early childhood development, such as lower provider-to-child ratios, new training and education opportunities for child care providers, higher wages for child care workers, and greater enforcement of state licensing standards. In addition, new funding for school-age child care will encourage schools to create before- and after-school programs.

Finally, Senator DODD has structured this legislation to encourage a significant private sector role in child care improvements. By expanding the Family and Medical Leave Act, establishing competitive "challenge grants" for community-based child care improvements, and developing a new tax credit for employers that provide child care opportunities to their employees, this legislation recognizes the important role that community organizations and private businesses have to play in meeting American families' child care needs.

I am pleased to support such an important investment in American families and America's children. We know how important a child's early years are to its later intellectual, emotional and physical development. All American families have great dreams for their children and seek the best care possible during these critical early years. And all families deserve a chance at the American dream. Through this legislation, Congress will be doing its part to help American families work towards a successful future.

Mr. BINGAMAN. Mr. President, I rise today to join in the introduction of the Child Care A.C.C.E.S.S. Act. The initiative is designed to improve access, quality and affordability of child care.

Access to child care is a necessity for all working parents. Nationwide, 55% of children under age six have both parents (if they live with two parents) or their single parent in the labor force. That figure rises to 61% of school age children who have both or their only parent in the labor force. In my home state of New Mexico, 54% of preschool and 63% of school age children have both or their only parent in the workforce.

Another way of thinking of the magnitude of the issue is to consider that more than half of all preschool children are away from their parents most of the day and two out of three school age children are likely to require child care before or after school. With the passage of the TANF legislation in 1997, a number of mothers will be entering the workforce for the first time and will require child care if they are to succeed in the job market.

Mr. President, while I may not agree with every portion of the bill, I believe that we need to improve child care access, quality, and affordability for our working families. I believe that this bill affords us the best approach to these child care issues and urge others to join in support of this initiative.

Access is a problem for many parents and expansion of the child care and development block grants is one step toward increasing the availability of child care programs. Accessibility grows even more complicated when we look at our rural areas of the country. Each community has unique circumstances to overcome, such as a lack of resources, programs, and transportation. Since the issues of availability and access are addressed in this initiative, I am hopeful that individual states will be able to address their most critical needs.

Yet, Mr. President, improving access without improving the quality of the child care is an empty gesture. Staff education and training are among the most critical elements in improving quality. Currently, many states do not require providers who care for children in their homes to have any training prior to serving children. I am told that 33 states allow teachers in child care centers to start work without prior training. This legislation includes incentives to encourage states to invest in activities that will enhance provider-child ratios, improve the enforcement of licensing standards, improve the compensation of child care providers, and offer training and education to child care providers. It is essential that we have child care staff who are trained to provide the necessary care and then have salaries commensurate with their training to retain them in the field. It is a credit to those who have worked in crafting this bill that they have ensured that child care for children with special health care needs will be addressed as well.

My state currently has many families who cannot find the quality, affordable child care they need to ensure that their children are well cared for and safe. Currently, child care is unaffordable for many working families in New Mexico. Full day child care for one child can easily cost $4,000 to $10,000 per year, which is a lot of money in a state where the average per capita income is $18,803. This is beyond the reach of many families. These families simply cannot afford the cost of quality child care in addition to all of the other demands on their monthly budget. Increasing the Child Care and Development Block Grants will increase the amount of child care subsidies available to working families.•

Finally, Mr. President, this bill addresses a critical area: the issue of after school care for school age children. Good after school options can help children and teens do well in school and stay out of trouble. It is estimated that nearly 5 million children are left unsupervised by an adult after school each week. Studies have shown that juvenile crime actually peaks between 3:00 p.m. and 7:00 p.m. when many children are unsupervised. Additionally, I am told that one study found that eighth graders left home alone after school reported greater use of cigarettes, alcohol, and marijuana than those who were in adult supervised settings. Our initiative will allow us to strengthen local resources and is designed to improve the quality of care in after school programs.

In closing, the legislation covers the full spectrum of child care from early childhood to adolescent after school needs. I look forward to participating in the debate on making child care affordable and accessible. I am hopeful that the Senate will move forward on these issues of utmost importance to our working families, parents and children alike.

Mr. HARKIN. Mr. President, I am pleased to join Senator DODD in sponsoring the Child Care ACCESS Act to improve the affordability, availability and quality of child care.

One of the major accomplishments of the last session was to help make college more affordable for working Americans. We passed bipartisan legislation to increase Pell Grants to the highest level in history and to provide tax credits for college expenses. As a result, more Americans will now be able to afford college.

We must now turn our attention, with the same firm resolve, to the education of our young children and making child care affordable, available and safe. This must be the top priority for this Congress.

The recent research on brain development has provided the importance of the first three years of a child's life. Early education opportunities are essential for the positive emotional, physical and social development of children.

Last year's appropriations bill included several important provisions related to early childhood education and development. We increased funding for the Early Head Start program by $66 million and provided and 11% increase in early intervention programs for infants and toddlers with disabilities. We also provided an additional $50 million for the Child Care and Development Block Grant to improve the quality of care for infants. I would have liked to do more, but we were constrained by provisions in the budget agreement. These accomplishments set the stage for us to do much more during 1998.

Mr. President, many low and middle-income families simply cannot afford high quality or even get decent child care. According to the Children's Defense Fund, child care can cost between $3,000 and $8,000 for each child. This clearly makes child care inaccessible to many low-income and middle-income working parents with young children. The need for safe and affordable child care is great and this legislation will provide families with the help they need.

Last year, the President and First Lady sponsored the first White House Conference on Child Care. The child care concerns facing families was summed up quite simply by Secretary of Health and Human Service Secretary Donna Shalala. Can they afford it? Can they get it? Can they trust it? This legislation is a comprehensive response to those questions.

First, the bill improves the affordability of child care for low-income families by providing additional resources for the Child Care and Development Block Grant. This new funding will double the number of families who can qualify for these subsidies. Second, it provides significant additional assistance for many middle income families struggling with these huge costs.

We have all heard concerns about the difficulty working families have in securing child care subsidies. In Iowa, eligibility for Block Grant assistance is restricted to families who earn less than 125% of poverty—or less than $1,389 per month for a family of three. I have long championed the need for parents to have the opportunity to work rather than to be on welfare. But, we cannot expect that to happen without sufficient resources to pay for child care.

I am pleased that this legislation includes a significant increase in the child care tax credit, similar to a measure I introduced in 1996 and 1997. A key feature of this legislation is to make the credit refundable so that those with the greatest need—those making near the minimum wage would be able to receive this tax benefit. Under current law, they are not eligible.

However, low-income families are not the only ones who are struggling to pay for child care. Middle income families also need relief and this legislation expands the Dependent Care Tax Credit and makes this credit refundable. The limits of the existing tax credit was last changed in 1982 and it has been seriously eroded by inflation. Under existing law, a working family with two children in child care making $30,000 can receive only $960 which, in Iowa often that amounts to only a fraction of child care costs. This is a huge burden on young working families. The tax law in this area is especially unfair since other tax provisions allow some taxpayers with generous company benefits to acquire tax reductions equal to over $1500 for child care with only a single child in day care.

In 1996 and 1997, I introduced legislation to substantially increase the assistance available to working families and to make those benefits refundable so lower income families would also benefit. My proposal provided for a benefit of up to $2300 when two children are in day care. I am pleased that the proposal being introduced today, and the proposal submitted by the President reaches that same level. Because of need to keep this overall proposal within our ability to pay for it without eating into the surplus, the benefits start to phase down for families making over $30,000 in this proposal. I would favor starting to phase out the size of the increased benefit at a higher level covering a larger share of middle income families if we can find the additional offsetting funding.

A key feature of the tax provision is to make the credit refundable so that those with the greatest need—those that making near the minimum wage would be able to get this benefit, that is currently available to higher income families. While some make technical arguments against the provision regarding budget and tax policy issues, I feel that we must do more to help working families bear this considerable cost and help their children receive decent child care so important to establish a good foundation for their years in school and thereafter. And, I find it most unreasonable that those with the most need would be receiving less benefit then those with far more resources.

After our constituents tell us about the trouble they have paying for child care, the next thing we hear is that they can't find child care, especially for children who are school age. An estimated five million children spend some times each week as "latchkey" children without the supervision of an adult. Further, the Department of Justice tells us that most juvenile crime occurs during the hours of 3 and 8 pm.

This legislation addresses this critical need by expanding funding to improve the supply and quality of child care for school age children. In addition, more funds would be made available to the 21st Century Community Learning Centers to help public schools create before and after school activities for their students.

Finally, families want quality child care that they can trust and this legislation provides additional funding to encourage states to improve the quality of child care. These funds could be used for a variety of different activities that we know make a difference such as providing additional training for providers or reducing provider-child ratios.

The legislation also provides a modest tax credit to allow a parent to stay at home with children under the age of one and provides a tax credit to employers for expenses related to child care for their workers.

Mr. President, this legislation provides the most comprehensive response for families struggling to meet their child care needs and I urge my colleagues to support it.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 1608. A bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE AMERICAN DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I have, of course, from time to time addressed the Senate at this point in the day because I am introducing a piece of legislation called The American Debt Repayment Act.

I think this is an important piece of legislation, and it certainly is very timely when we take into consideration that Congress now has the President's budget before us for consideration. Recently the President submitted to Congress what he claims to be a balanced budget for the fiscal year 1999. I would like to welcome him to the ball game of talking about a balanced budget.

Since I was elected as a Member of Congress in 1990, I have fought to balance the budget using real numbers. In fact, I was a member of the House Budget Committee that passed the first balanced budget in over 25 years only to see this detailed, responsible plan vetoed by the President.

As happy as I am that the administration has come close to realizing what the Republican led Congress has known all along, that we can balance the budget while maintaining responsible spending habits, I am deeply concerned that all progress could be lost if we do not diffuse the ticking time bomb of the Federal debt. The Federal debt now stands at over $5.4 trillion. That is almost $20,000 for every man, woman and child in the United States. If we do not begin a procedure for paying down the debt and funding the Social Security trust fund, entitlement programs will consume the entire Federal budget by the time the baby boomers retire. This is of great concern to me, and we cannot be shortsighted in dealing with the future of our children and grandchildren.

The news, however, is not all bad. As I said, the President has submitted a budget that balances on paper beginning with the fiscal year 1999. While the reality could be different, this is still 4 years ahead of the 2002 timetable that was laid out by previous Congresses. Balancing the budget is clearly not the end but, rather, is only the beginning. From the outset, many of us have realized that once the budget is balanced, the Federal Government has the responsibility to retire the Federal debt. Included in the balanced budget agreement of 1997 was an amendment of mine, and it expressed the sense of the Congress that the President submit a plan to pay down the debt when he submitted his budget. He did not follow this congressional guideline and that is one of the reasons why I feel I must come to the floor today and introduce the American Debt Repayment Act with my good friend from Wyoming, Senator ENZI. It is clear that now is the time to begin that process and commit to retiring the Federal debt.

Let's talk a little bit about what I call the debt tax. The debt tax is the amount of hard-earned tax dollars that Americans send to Washington to pay the interest on the debt. With the Federal budget in balance, we can begin to pay down the debt and decrease the annual gross interest payments of $355 billion. I repeat that, $355 billion is what we are paying in gross interest. This is $355 billion that could be spent on any number of programs, or more beneficially, in my view, tax relief for American families. In real terms, American families are paying an annual debt tax of about $5,300 to pay interest on the debt. As any consumer knows, the interest on unpaid debt compounds quickly, which is exactly what has been happening to our country. We need to relieve our citizens of this burdensome tax.

Now, there are reports that we might actually realize a surplus before the fiscal year 1999. While I am not ready to take it to the bank yet, I believe that is exactly what we should do with any surplus, take it to the bank and retire the Federal debt. The Congressional Budget Office is predicting a $5 billion deficit for fiscal year 1998. That is down from a forecast of $120 billion at the beginning of the year. I believe that we can and should deliver a balanced budget to the American people beginning with this fiscal year.

I am a realist and understand that we cannot retire the Federal debt immediately. What we can do is create a plan by which we pay down the debt over a set number of years. I have such a plan. My legislation, the American Debt Repayment Act, seeks to amortize and pay off the debt in the year 2028. That is as simple as it gets. My plan puts the Federal Government on a 30-year mortgage to pay its creditors and place our country on sound financial ground.

Let me share some of the numbers. If we assume a 4.5 percent growth in revenues and similar growth in Federal spending, we could retire the Federal debt in the year 2028 by maintaining a balanced budget and by amortizing the debt payments just like you would pay a home mortgage. Just as important, this plan does not break our promise to the American people under the balanced budget agreement.

By doing so we save over 3.7 trillion tax dollars in interest payments and free at least that much for tax relief or programs. In fact, if we stick to baseline outlays we will be able to provide over $370 billion in tax relief or program spending through the year 2007 while sticking to the American Debt Repayment Act to pay off the debt.

I would like to take an opportunity to refer to my chart that I have on the floor where I have placed for the Members to see an amortization schedule on how we are going to pay off this huge debt Americans are faced with today, which is about $5.5 trillion. If we start paying down on the debt in fiscal year 1999, we have a $11.6 billion payment that we start out with and each year we increase the amount we pay down on the debt by $11.6 billion. If we continue that plan, by the year 2028 we have no debt. And what we have saved the American people over that same period of time, and I have it in red here, is $3.7 trillion. By paying down the debt, we have saved the American people in interest savings more than $3.7 trillion.

By the year 2014 the savings in interest payments could be applied directly to the $11.6 billion to continue to pay down the debt. So this is a very realistic plan. It is a very simple plan. It is less than 1 percent of our total budget that we have in the fiscal year, our total budget being somewhere around $1.7 trillion. It is a plan that I think the Senate should adopt. It is called the American Debt Repayment Act. My hope is that we can set an example for the country as well as the House and send over to the President a plan that will balance the budget by 2028.

In the end, we will realize tremendous benefits from paying down the debt. It is well-known that the United States economy performs well when Government follows sound budgetary policies. I believe that enacting a plan to retire the debt can only foster economic growth and stability.

Many of my colleagues have come to the floor to discuss reduction plans, and for the most part we all agree on the necessity to do so. But the problem with plans that call for one-half or one-third of any surplus to repay the debt is that any President or Congress can produce a budget without a dime of surplus even though revenues continue to increase.

I believe that any money left over after $11.6 billion has been committed to the debt should go to tax cuts, and I will fight against tax cuts for any extra spending. As I indicated earlier under my plan we can pay down the debt and lessen the tax burden on the American family.

Mr. President, the Federal Government has not reduced its debt burden since 1959. We did not have a deficit in 1969, but it has been way back to 1959 since there has been any effort to reduce the debt burden. We have a historic opportunity to begin the process of retiring the Federal debt. We must eliminate the debt tax by retiring the Federal debt and restoring financial security to the trust funds and the American people.

The American Debt Repayment Act is the only real plan to retire the national debt. This plan puts forth real numbers with a set payment and a balanced budget requirement to retire the Federal debt. So long as the Federal Government carries a $5.4 trillion debt, we cannot tell our children and our grandchildren that we have provided for their future. By enacting my and Senator ENZI's plan, we can maintain responsible spending levels within the Federal Government while providing for future generations.

Again, I thank my friend from Wyoming and look forward to the Senate's action on this plan.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I too rise as an original cosponsor to express my support for the American Debt Repayment Act and to congratulate Senator ALLARD for all of his work on this very important issue.

While Congress was not in session, I traveled several thousand miles across Wyoming. At town meetings I constantly and consistently heard comments such as, "What surplus? If there is any surplus, please pay down the debt. Don't squander any of it on new spending ideas."

If recent CBO estimates hold true, we have the lowest deficit in about 30 years. We did not get to that point by exercising fiscal restraint, however. We still spent too much—nearly $1.7 trillion every year. I voted against the spending portion of the Balanced Budget Act of 1997 because it seemed clear more could have been done to cut down the size and scope of the Federal Government and get our fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not even be close to eliminating the Federal deficit today.

In recent days, I have seen a unique attitude transformation take place in this city. Even though a budget surplus, or even a zero deficit—only estimated, of course—has not occurred yet, the administration has not hesitated to offer over $100 billion worth of new and expanded programs that would easily create a larger deficit in its proposed balanced budget. There are even more tax proposals. It seems the eye for spending is still bigger than our taxpayers' wallets.

Even though the economy is strong, I am surprised that so few are concerned about the debt we as a nation are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending money, spending money that we do not even have. We do not see the danger that looms in the not too distant future if we do not stop spending on credit and with reckless abandon. That danger is a massive Federal debt and changing demographics that will place a tremendous amount of pressure and burden on young taxpayers who, if no changes are made to the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of debt so high and an economy so weak there will be no hope of paying it off. Somehow we have convinced ourselves that we deserve these benefits. Meanwhile, we will will it to our children to figure out a way to pay for them.

The interest, just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to $250 billion that cannot be used for education or military readiness and our national defense or people. The only way we can cut down on the amount of interest paid is to pay down the Federal debt.

We have a Federal debt of over $5.5 trillion. We must run budget surpluses not just for 1 or 2 years but for 30 or more years to pay off that debt. And the surpluses are not even projected to last that long. I believe the administration and Congress should heed the words of the Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony to the Senate Budget Committee on Thursday, January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and they may fall short of our expectations.

He again advised that "we should be aiming for budgetary surpluses and using the proceeds to retire outstanding Federal debt." That will keep the economy sound and protect Social Security.

The American Debt Repayment Act follows the advice of Chairman Greenspan. It requires budgetary surpluses every year, with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to house mortgage payments, only on a $5.5 trillion mansion. Anyone who purchases the house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It's the ethical thing to do, and it just makes sound economic sense. Yes, we bought a house for us and our kids, and we will pass on the house and the debt. But let's be sure it's a responsible debt with the payments current.

Now is the time to start making these mortgage payments and begin to chip away at that mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will jeopardize the national security and economic freedom of us, our Nation, and our children.

Some may ask if we can afford to do this now. In response, I would borrow the words of former President Ronald Reagan:

> If not now, when? If not us, who?

I yield the remainder of my time.

Mr. ALLARD. I thank the Senator for his very fine statement and yield the remainder of my time. I thank the Senator from Vermont.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOTT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, and Mr. JOHNSON):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, it is with great honor and reverence that I rise today with my friend and colleague, Senator CLELAND, to introduce a Constitutional Amendment to permit Congress to enact legislation prohibiting the desecration of the American flag.

Mr. President, symbols are important. They remind us of who, and what, we are. Those of us who are married, for example, wear wedding rings to symbolize the commitment we have made to share our lives with another person. For those of us who are Christians, the cross serves to remind us of the importance of faith and sacrifice. Similarly, Jews unite behind the Star of David, which tells them they are of an ancient faith and lineage. These representations are not trivial. They help bind us together and give us a common identity.

In similar fashion, the American flag serves as a symbol of our great nation. As a religious symbol serves to remind its adherents of their common identity, the flag represents in a way nothing else can, the common bond shared by an otherwise diverse people. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

Nearly a decade ago, Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Justice Stevens' words ring true. After all, for over 200 years, this proud banner has symbolized hope, opportunity, justice and, most of all, freedom, not just to the people of this nation, but to people all over the world.

Perhaps no three events symbolize the importance of this national symbol better than the great battle to our North that gave rise to our national anthem, the "Star Spangled Banner"; the raising of the American flag on the Island of Iwo Jima by United States Marines during World War II; and the planting of the flag upon the moon.

When Francis Scott Key, imprisoned on a ship in Baltimore Harbor, looked to the besieged Fort McHenry he penned the immortal question "O say does that star spangled banner yet waive, o'er the land of the free and the home of the brave?" That dark night, he witnessed the bombardment of the fort, and knew that if it fell, the tide of the war could turn. In the early morning light, Key gazed out across the water to see if the fledgling nation had survived. And one glorious symbol gave him his answer.

In the second verse of our great national anthem, Key described what he saw: "On the shore dimly seen through the mists of the deep, where the foe's haughty host in dread silence reposes—What is that which the breeze o'er the towering steep—as it fitfully blows, half conceals, half discloses? Now it catches the gleam of the morning's first beam in full glory reflected now shines on the stream. 'Tis the Star Spangled Banner, Oh long may it wave o'er the land of the free and the home of the brave." When Francis Scott Key looked out that morning, oh how he must have felt to have seen that yes, that banner did wave and that the hope of the nation was preserved.

At a similarly cricial point in this nation's history, Americans rallied around a photograph of United States Marines raising the flag on the island of Iwo Jima during World War II. That heroic image, immortalized in the Marine Corps Memorial next to Arlington National Cemetery, instantly came to symbolize the determination and courage of all the brave Americans fighting in that great struggle for the very survival of America as a free nation. Seeing the American flag raised on an island so close to the enemy's shore, so far from home, gave the country the will it needed to fight on.

Fifty years later, the planting of the flag on that small pacific island remains one of our nation's most powerful images, reminding us that throughout our history, through the generations, from the Battle of Bunker Hill, to the Civil War, to Operation Desert Storm, on every continent and ocean, in every corner of the world, Americans have fought, and in many cases given their lives, fighting under this flag for the nation and the ideals it represents.

And who can forget the fact that the greatest honor bestowed upon those who have died in battle or otherwise given great service to this nation, is to have the flag draped over their caskets. It is a reminder to the living that they owe their freedoms to those who have fallen and a promise to the dead that their country has not forgotten them.

It is not only in war that this national symbol has served to unite us. Few who saw it live on television will forget the moment when Neal Armstrong and Buzz Aldrin planted the American flag on the moon. This moment, perhaps more than any other, demonstrated that we are a nation of restless explorers, of dreamers, always ready to reach for the stars. The flag planted upon that alien soil was a testimony to the hard work, the ingenuity, and the pioneer spirit of the American people.

I am therefore proud to rise today to introduce a constitutional amendment that would restore to Congress the right to protect our unique national symbol, the American flag, from acts of physical desecration.

Restoring legal protection to the American flag is not, nor should it be, a partisan issue. Fifty four Senators, both Republicans and Democrats, have joined with Senator CLELAND and myself as original cosponsors of this amendment.

Now, some have argued that this Amendment actually violates American principles. They contend that preventing the physical desecration of the flag actually tramples on the sacred right of Americans to speak freely. I disagree. Restoring legal protection to the American flag would not infringe on free speech. If burning the flag were the only means of expressing dissatisfaction with the nation's policies, then I, too, might oppose this amendment. But we live in a free and open society. Those who wish to express their political opinions may do so in the media, in newspaper editorials, in peaceful demonstrations, and through their power to vote.

Certainly, smashing in the doors of the State Department may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. And one may even consider such behavior speech. Laws, however, can be enacted preventing such actions—in large part because there are peaceful alternatives that can be equally powerful. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries. As a society, we can and do place limitations on both speech and conduct.

Moreover, contrary to the claims of some, restoring legal protection to the American flag would not overturn or otherwise constrict the First Amendment. Rather, it would merely overturn an interpretation of that amendment by the Supreme Court, in which the Court, by the narrowest of margins, held that flag burning was a form of protected free speech. I believe the Court's majority had it wrong—that its decision flew in the face of over 200 years of American history: burning the flag is conduct—conduct for which there exists numerous peaceful alternatives—and may be prohibited. The amendment Senator CLELAND and I propose would correct the Supreme Court's error and restore to Congress and the States the power they historically had to protect the American flag from acts of physical desecration.

Nor would restoring legal protection to the American flag place us on a slippery slope to limit other freedoms. The flag is unique as our national symbol. There is no other symbol, no other object, which represents our nation as does the flag. Accordingly, there is no basis for concern that the protection we seek for the American flag could be extended to cover any other object or form of political expression.

For many years, our flag was protected, by federal laws and laws in 48 states, from acts of physical desecration. No one can seriously argue that freedom of speech or freedom of expression was diminished or curtailed during that period. Restoring the protection of law to our flag would not prevent the expression, in numerous ways safeguarded under the Constitution, of a single idea or thought.

I would note that the effort to restore legal protection to our national symbol is a movement of the American people. It has been initiated by grassroot Americans; numerous civic, veterans and patriotic organizations, led by the American Legion, joined together in the Citizens Flag Alliance, working to build support across this nation for a constitutional amendment to restore the historical protection of our flag. And forty-six states have passed resolutions urging Congress to send a flag protection amendment to the states for ratification.

That is no small support. I believe we need to support them.

I therefore think that the will of the people should not be frustrated by this body. This resolution should be adopted, and the flag amendment sent to the states for their approval.

Mr. President, I ask unanimous consent that the text of the proposed amendment be included in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE—

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. HATCH. Mr. President, I am very honored to be a cosponsor with my dear friend from Georgia, Senator CLELAND. I appreciate the efforts he has put forth in this battle, and having served in the military as he has done with such distinction and with such courage and heroism I think we ought to all listen to him and I for one will certainly do that. I am proud and privileged to be able to work with him. So I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I thank my friend and colleague, the distinguished Chairman of the Judiciary Committee, Senator HATCH. I applaud his stalwart leadership on this important matter.

Mr. President, I am a strong supporter of a Constitutional amendment to prohibit the physical desecration of the United States flag.

Like many Americans, I was troubled when the Supreme Court ruled in two cases, Texas v. Johnson, and United States v. Eichman, that statutes protecting the United States flag were unconstitutional violations of the First Amendment right to free speech. I respected the wisdom of the Justices of the Supreme Court, yet I was saddened that we no longer were able to rely upon statutory authority to protect the flag.

I was especially saddened in light of the views expressed by such distinguished past and present Supreme Court Justices as Justices Harlan, Warren, Fortas, Black, White, Rehnquist, Blackmun, Stevens, and O'Connor. These Justices have each supported the view that nothing in the Constitution prohibits the states or the federal government from protecting the flag. Nonetheless, the current Supreme Court view stands. That is what brings us here today.

The flag is not a mere symbol. It is not just a symbol of America. It IS America. It is what we stand for. It is what we believe in. It is sacred.

I do not have to tell the Senate what the flag means.

Just ask the soldier who proudly marches behind the flag what it means to salute the flag of the United States.

Ask the newly sworn citizen what it means to claim the flag of the United States for his or her own.

Ask the grieving widow or mother of a slain soldier who is presented with the flag that draped the soldier's casket.

Being from the South and being a history major in college, it was only natural that I become a student of the Civil War. For those who do not believe in the flag, I would point to the literally hundreds of citations given to men in battle during the Civil War for acts of valor associated with the flag.

Soldiers were routinely awarded the Medal of Honor, America's highest military award, for defending the United States flag and carrying it forward into battle. Many of these awards were awarded posthumously. These brave men knew the meaning of the flag.

The flag unites Americans as no symbol can. Only God and the United States Constitution itself stand above the flag.

Everywhere history has been made in this country, the flag has been present.

It was the United States flag that inspired our National Anthem.

It was an American flag that was raised when Jesse Owens stunned Nazi Germany.

It was a United States flag that was hoisted in Iwo Jima.

It was the United States flag that was planted on the Moon.

Those who would desecrate the flag would desecrate America. I cannot stand by that. Therefore, I stand for a Constitutional amendment.

This amendment is simple. It vests only Congress with the authority to protect the flag through statute. We need not fear that the states will create a hodge-podge of flag protection statutes. Instead, Congress can create one uniform statute for the entire nation.

According to opinion surveys, 3 out of every 4 Americans support protecting the flag from desecration. Forty-nine states have enacted resolutions to calling on Congress to pass a flag protection amendment. I believe we ought to let the American people decide this important matter. Therefore, I lend my support to efforts to send this initiative to the American people for ratification.

Unfortunately, it has been the Senate that has blocked these efforts. The House has twice passed resolutions that would begin the formal process of amending the Constitution to protect the flag. The Senate has failed to respond to the overwhelming majority view of the American people.

I believe now is an especially important time to reinforce our support for the American flag. The United States is unquestionably the world's only remaining superpower. Our leadership around the world is unrivaled. The principles of democracy and freedom that guided our forefathers in establishing our great nation are seen as shining examples for the world.

Everywhere that communism has failed, where dictators have been overthrown, where tyranny has been rooted out, people look to America. And it is an American flag that leads our ambassadors, our troops, our citizens, and our hope as we lend our support and leadership to those nations struggling to overcome their past.

People who seek asylum from religious, political, and ethnic persecution look for an American flag flying over our embassies abroad to guide them to the place where their human rights will be respected and protected.

Let us now send a strong signal to the world that we truly cherish this great symbol. Let us now use this opportunity to show the world that we reaffirm our commitment to the ideals the flag stands for.

Indeed, as Supreme Court Justice Stevens said in his dissent from Texas v. Johnson:

> The freedom and ideals of liberty, equality, and tolerance that the flag symbolizes and embodies have motivated our nation's leaders, soldiers, and activists to pledge their lives, liberty, and their honor in defense of their country. Because our history has demonstrated that these values and ideals are worth fighting for, the flag which uniquely symbolizes their power is itself worthy of protection from physical desecration.

These are powerful, wise words. Words we should all heed.

Let us now stand in support of the Flag of the United States of America. I urge my colleagues to join with us in support of this resolution.

Mr. STEVENS. Mr. President, this joint resolution, the Flag Desecration Constitutional Amendment, proposes an Amendment to the Constitution that would empower Congress to prohibit the physical desecration of our Flag. I am proud to join Senator Hatch and my other colleagues as a sponsor.

Two years ago the Senate came close to passing this amendment. At that time, ninety percent of Alaskans who contacted me supported this effort. I am confident their stance has not changed. Alaskans support our flag and the freedom it represents. Alaskans strongly support the protection of this symbol of freedom.

Our flag has a special place in my heart and the hearts of all Americans. As those who have served overseas know, the flag was our reminder of America and our freedom. Freedom much greater than any country ever offers. Our missions oveaseas were to protect that freedom and the flag which symbolizes it. Too many have devoted their lives for our country for us not to protect its most sacred symbol.

Forty-eight states had laws preventing flag desecration before the Supreme Court struck them down. The flag is a direct symbol of our country. Fifty stars for fifty states. I remember the day the forty-ninth star was pinned on the flag. Having played a role in the Alaska statehood movement, I can say it was one of the proudest moments in my life. I support every effort to preserve the sanctity of America's flag.

The Supreme Court has given us a choice. We can accept that the First Amendment allows the desecration of America's flag. Or we can change the law to prevent it. The power to amend the Constitution demands a cautious respect. It is a considerable power—one that has helped chart the course of our history. We should not jump headlong into amendments. But we should not be afraid to act on our beliefs, either. The people of Alaska are strong in their belief that our flag should not be desecrated, and we support this amendment.

Mr. FORD. Mr. President, today I add my name as an original cosponsor of a constitutional amendment to prohibit the physical desecration of the American flag.

I know that there are many who believe that the desecration of our country's flag is the ultimate expression of their political freedoms, but I do not believe all speech is free. Our country pays a price when we see demonstrations which tear down our standard bearer of national integrity. Our flag represents the values upon which this nation was founded and our charter of government established in Philadelphia in 1787. When we no longer value the flag as a symbol of national unity and allegiance to this compact, our Republic is weakened.

Burning our country's flag is not political free speech, it is political garbage. As a society, we have placed parameters on free speech. A person who shouts fire in a crowded theater does not enjoy the protection of freedom of speech. A person whose words incite violence does not enjoy the protection of the First Amendment. I firmly believe that no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the Federal government. However, to allow the physical desecration of our national symbol is to allow the ties that bind us as a country, the ties that bind one generation to the next in their love and respect for this country, to be weakened. When we no longer value our flag, we lose value for our country, our government, and each other.

Over two hundred years after the ratification of our nation's Bill of Rights, the United States Supreme Court erroneously ruled that the desecration of our national symbol is protected speech in the case of Texas vs. Johnson. In response to this decision, the United States Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional by the high court. The Supreme Court's action has made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag. Up to this point, neither House of Congress has been able to garner the two-thirds super majority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I have joined with members on both sides of the aisle to again try passing this amendment. I am hopeful that this time we will get the necessary votes.

Let me close by recalling the words of a Union Soldier in his last letter to his wife dated July 14, 1861. He said, "my courage does not halt or falter. I know how American civilization now bears upon the triumph of the government and how great a debt we owe to those who went before us through the blood and suffering of the Revolution, and I am willing, perfectly willing, to lay down all my joys in this life to help maintain this government and pay that debt."

Today, our task here in the Senate seems trivial in comparison. But if we want the flag that hangs in school rooms, over courthouses, in sports stadiums and off front porches all across America, to continue symbolizing that same commitment to country, then it is a challenge we cannot fail to meet.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

Mr. LOTT. Mr. President, today, we begin the process of restoration. Restoration and renewal. Today, we look to our past, our history, as prologue of our future. We examine the events of recent years in the context of history in an effort to restore and renew our faith in this place we call America. They lynchpin of this process will be our restoration of what our flag—our American flag, the flag of these United States, the flag of what our founders referred to as "We, the People"—means to us as a people, as citizens, as people united in the common cause of Freedom.

Our flag is no mere piece of cloth, even a brightly-colored piece of cloth—it is the symbol of our nation, and it stands for our ideals, our freedom, our hopes and dreams and, yes, our faith in our nation and in one another.

Let's consider this common cause, freedom. Some may say that we need no symbols to embody this cause. I might agree with those people if I had no knowledge of our history or how the American flag is viewed by people around the world.

For many, in this country and around the world, the American flag is the symbol of the freedom that they long for, that they strive to achieve and to preserve and that they honor. America has been called a "melting pot", where people of many cultures and nationalities come together to live, work and raise their families. Immigrants all, save those native Americans whose roots in this land we must also continue to honor and preserve, we recognize our fortune derived by living in a country where we don't merely talk about freedom, we practice and work to preserve it.

Symbols such as our flag don't just appear and receive acceptance. The flag hanging at the Smithsonian didn't come to be so large by chance—those who made that flag wanted our people to see it waving in the breeze and take cheer and for our opponents to see it and beware. The flag was born in our struggle for independence, and continues to exist in our struggle to ensure freedom for all Americans and other peoples of this world.

Our flag has survived burning and desecration in this country and in other countries. It will survive, as will our faith in our country and our freedoms, no matter the strength of our enemies. We who believe in this country must recognize that our symbols, such as our flag, are important and must be protected and preserved for they are the very embodiment of the ideals, hopes and dreams they stand for. We must protect our flag just as we would protect those ideals.

In 1942, Congress recognized that the flag should be treated in a way more special than the way we treat any other symbol. That year, the Congress enacted the Flag Code to set requirements for how the flag should be displayed and honored. In that day and time, the question was not how to prevent destruction and desecration but merely to set rules for the care and handling of the flag. There was no thought given to doing what we propose to do today because it was beyond thought that conditions would exist in this country that would require such action. Even then, Congress recognized that with freedom comes responsibility. It is time that we recognize that responsibility again as our predecessors in the Congress in 1942 did.

Mr. President, I will close by quoting from an address in 1914 by Franklin K. Lane, then Secretary of the Interior, to the employees of the Department of the Interior on Flag Day, commenting on what the flag might say to us if it could speak:

> I am song and fear, struggle and panic, and ennobling hope.
>
> I am the day's work of the weakest man, and the largest dream of the most daring.
>
> I am the Constitution and the courts, statutes and the statute-makers, soldier and dreadnaught, drayman and street sweep, cook, counselor, and clerk.
>
> I am the battle of yesterday and the mistake of tomorrow.
>
> I am the mystery of the men who do without knowing why.
>
> I am the clutch of an idea and the reasoned purpose of resolution.
>
> I am no more than what you believe me to be, and I am all that you believe I can be.
>
> I am what you make me, nothing more.
>
> I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this nation. My stars and stripes are your dream and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts. For you are the makers of the flag and it is well that you glory in the making.

Mr. President, we made this flag as we made this nation. We can destroy this flag or we can protect and preserve it, just as we can destroy this nation or we can protect and preserve it.

The choice is clear. The result is in our hands. As for me, I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

I urge the adoption and passage of this Constitutional amendment.

Mr. COVERDELL. Mr. President, I am proud to join the Chairman of the Senate Judiciary Committee Senator HATCH, and others in introducing a constitutional amendment to prohibit the desecration of the flag of the United States of America. In the 104th Congress we fell a mere four votes shy of the two-thirds majority needed for the Senate's approval of a similar amendment. I encourage my colleagues to join in this effort and hope we will be able to address this matter before the end of the year.

In a 1989 Supreme Court case, Texas versus Johnson, the Court erroneously ruled, by the narrowest of margins, 5 to 4, that flag burning is a constitutionally protected expression of First Amendment free speech rights. Again in 1990, in U.S. versus Eichman, the Supreme Court protected flag desecration by declaring unconstitutional a federal statute designed to protect our flag. I remain dumbfounded by these decisions. Former Supreme Court Justice Hugo Black, generally regarded as a First Amendment absolutist once stated "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." It passes my belief as well.

It is my belief that the American flag does not belong to one person; it belongs to the American people. When an individual desecrates a flag I believe he does not destroy private property but a national symbol, a public monument. Just as an individual cannot spray paint the Washington Monument as an exercise of free speech, nor should he be able to vandalize the American flag. I believe the American flag is "franchised" to individuals who wish to display it. Thus, those who choose to display an American flag have an obligation to the American people and to the country to maintain and respect it.

For more than 200 years Old Glory has symbolized hope, opportunity, justice and most of all, freedom. For this very reason our flag was protected from desecration by federal laws and laws in 48 states for many years. It is the will of the people that the States and Congress have the power to protect our national symbol. Let us now act on that will.

Mr. President, it is my firm belief that this constitutional amendment would protect our flag without jeopardizing the First Amendment. It would overturn these erroneous interpretations and would place flag desecration in the same category as other forms of illegal expression including libel, slander and obscenity. I believe the unique nature of Old Glory ensures a constitutional amendment protecting it from desecration would not impinge upon citizens' First Amendment rights nor would it establish a dangerous precedent. It would simply prohibit offensive conduct with respect to our nation's most revered symbol. I urge my colleagues to support this most important amendment.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to prevent desecration of our great national symbol. In 1995, I was an original co-sponsor of an amendment to the Constitution designed to protect the symbol of our nation and its ideals. When that resolution was defeated narrowly, we vowed that this issue would not go away and it has not. I stand here, again, today to declare the necessity of protecting the Flag of the United States of America and what it represents.

Thoughout our history, the Flag has held a special place in the minds of Americans. As the appearance of the Flag changed with the addition of stars as the nation grew, its core meaning to the American people remained constant. It represents no particular perspective, political agenda, or religious belief. Instead, it symbolizes an ideal, not just for Americans, but for all those who honor the great American experiment. It represents a shared ideal of freedom. The Flag stands in this chamber and in our court rooms; it is draped over our honored dead; it flies at half-mast to mourn those we wish to respect; and it is the subject of our National Anthem, our National March and our Pledge of Allegiance. As the Chief Justice noted in his dissent in *Texas* v. *Johnson* (1989), "[t]he American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our nation * * * Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have."

There can be little doubt that the people of this country fully support preserving and protecting the American Flag. The people's elected representatives reflected that vast public support by enacting Flag protection statutes at both the State and Federal levels. Regrettably, the Supreme Court thwarted the people's will—and discarded the judgment of state legislatures and the Congress that protecting the Flag is fully consistent with our Constitution—by holding that the American flag is just another piece of cloth for which no minimum of respect may be demanded. As a consequence, that which represents the struggles of those who came before us; which symbolizes the sacrifice of hundreds; and for which many men and women have died cannot be recognized for what it truly is—a national treasure in need of protection.

Further, the question must be asked, what is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when our political leaders are embroiled in scandalous allegations, we need a national symbol that is beyond reproach. America needs its Flag untainted, representing more than some flawed agenda, but this extraordinary nation. The Flag, and the freedom for which it stands, has a unique ability to unite us as Americans. Whatever our disagreements, we are united in our respect for the Flag. We should not allow the healing and unifying power of the Flag to become a source of divisiveness.

The protection that the people seek for the Flag does not threaten the sacred rights afforded by the First Amendment. I sincerely doubt that the Framers intended the First Amendment of the Constitution to prevent state legislatures and Congress from protecting the Flag of the nation for which they shed their blood. At the time of the Supreme Court's decision, the tradition of protecting the Flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the First Amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the Flag in 1907 in *Halter* v. *Nebraska*. As the Chief Justice stated in his dissent, "I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag."

Nor do I accept the notion that amending the Constitution to overrule the Supreme Court's decision in the specific context of desecration of the Flag will somehow undermine the First Amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The Flag is wholly unique. It has no rightful comparison. An amendment protecting the Flag from desecration will provide no aid or comfort in any future campaigns to restrict speech. Moreover, an amendment banning the desecration of the Flag does not limit the content of any true speech. As Justice Stevens noted in his dissent in *Johnson* v. *Texas*, "[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offence." Likewise, the act of desecrating the Flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, "flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

In sum there is no principle or fear that should stand as an obstacle to our protection of the Flag. It is my earnest hope that by Amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom and honor that the Flag uniquely represents.

Mr. CRAIG. Mr. President, I am pleased to join Chairman HATCH in introducing the joint resolution proposing a constitutional amendment to protect from physical desecration the flag of the United States. This is the same resolution that the House has passed, and we hope it will soon be passed by this body and sent to the American people for ratification.

Some of my colleagues may remember the time I came to this Senate floor with memorials from forty-three state legislatures, urging Congress to take action to protect the American flag from physical desecration. Those memorials were inserted in the CONGRESSIONAL RECORD for all to read. Today that number has swelled to forty-nine states, eleven more than are needed to ratify an amendment

Since this amendment was proposed in 1989, poll after poll has found that eighty percent of the American people consistently support a flag protection amendment. These polls have been performed in times when flag burnings have been more frequent, and times when the flag burners have been fairly quiet; yet the result is always the same—Americans want the flag protected.

Mr. President, today, we have an opportunity to respond to the American people by passing this resolution and sending a very simple amendment to the states for ratification. This amendment authorizes Congress to prohibit physical desecration of the flag of the United States. It is a very straight-forward proposal, and the only way this goal can be accomplished, according to the U.S. Supreme Court.

Our flag, which predates our Constitution, articulates "America," more clearly than any other symbol does. Our flag represents the tapestry of diverse people that is America—as well as the values, traditions, and aspirations that bind us together as a nation. It waves as a patriotic symbol of our values. It's amazing to see how our flag captures basic American values and inspires people to protect them. In return, the vast majority of the American people want our flag protected from acts of intentional, public desecration.

We have many songs for our flag and have even named it Old Glory. That's because our flag holds a special place in our hearts. No other emblem of our nation has been defended as a symbol of freedom so animatedly. No other symbol has brought our country closer together, dedicated to life, liberty, and the pursuit of happiness. No other token has drawn immigrants to our nation, with the promise of democracy. No other artifact inspires us to rise to the same level of dignity and patriotism.

Our flag's leading troops into battle is an American tradition, inspiring both families at home and those on the front lines; it has inspired men and women to great accomplishments; it flies over our government buildings because it symbolizes our republic; it is displayed in our schools as a reminder of the importance of learning and our desire for an educated people; it is flown from the front of our homes because we are proud to be Americans and we are proud of the contributions our nation has made; it waves above our places of business as a testament to the free enterprise system; it hangs in our houses of worship as a symbol of our freedom to worship God as our conscience dictates. The flag represents the values, traditions and aspirations that bind us together as a nation. It stands above our differences and unites us in war and peace.

The American people want an amendment to protect the flag from desecration, and they should be given the opportunity to ratify it. We, as servants of the American people, shouldn't act as stumbling blocks. Instead, we should respond by passing this resolution. If the American people don't want this amendment, they can vote to reject it. However, we should remember that already more than three million people have signed petitions asking Congress to pass a flag-protection amendment and send it to the states for ratification. This is the first step in that process.

Flag desecration is offensive to the majority of Americans. To publicly desecrate even one flag promotes nothing worthwhile in our society, communicates no clear message, and tears at the fabric of our nation. Chief Justice William Rehnquist said, "One of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning." The U.S. flag is more than just a piece of cloth. It represents the fabric of our nation. I urge my colleagues to listen to the voice of the American people and join us in protecting our flag.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to join Senators HATCH and CLELAND and others, as an original co-sponsor of S.J. Res. 40, the proposed constitutional amendment to protect our Nation's flag.

The act of flag burning—or any other kind of flag desecration—is an aggressive, provocative act. It is also an act of violence against the symbol of America—our flag. Even more disturbing, it is an act of violence against our country's values and principles. The Constitution guarantees freedom, but it also seeks to assure, in the words of the Preamble, "domestic Tranquility."

Many Americans have given their lives to protect freedom and democracy as symbolized by the flag. In my own family, my father died in a service-related accident during World War II. Our family was presented with his burial flag. That flag means a great deal to our family—and we believe that the flag deserves protection under the law.

Some people believe that outlawing desecration of the flag—which this Constitutional Amendment would authorize the Congress to do—would lead to the destruction of "freedom." I disagree. Our Constitution was carefully crafted to protect our freedom, but also to promote responsibility. We are stepping on dangerous ground when we allow reckless behavior such as flag burning or other forms of physical desecration of the flag.

The Constitution that our Nation's Founders fashioned has survived the tests of time, but it has also been amended on 27 occasions. Under our Constitution, the Supreme Court does not have more power than the people. The people do not have to accept every Supreme Court decision—because ultimate authority rests in the Constitution, which the people have the power to amend.

The idea of amending the Constitution is serious business. We have found, however, that a simple statute is not enough. We tried that, and the Court struck it down. We must stand for something or we stand for nothing. I stand for a constitutional amendment authorizing Congress to ban flag desecration and I am confident that we will succeed in passing it in this Congress and submitting it to the States for ratification.

Mr. SMITH of Oregon. Mr. President, the people of the United States revere the American flag as a unique symbol of our great nation. It symbolizes the national unity that exists among diverse people, the common bond that binds us and makes us Americans. We are a nation that is defined by democracy. The flag symbolizes this democracy not only to ourselves, but to all other nations. It is through this democratic process that we feel free to exercise and enjoy the many liberties guaranteed to us.

Over the years, Congress has reflected respect and devotion to the American flag. In 1931, it declared the Star Spangled Banner to be our national anthem, and in 1949, established June 14 as Flag Day. In 1987, Congress designated John Philip Sousa's 'The Stars and Stripes Forever' as the national march. Congress also has established detailed rules for the design and the proper display of the flag. Today, we have an opportunity to add one more important gesture of support for our national symbol, to pass an amendment that prohibits the physical desecration of the Flag of the United States.

Since 1990, 49 states have passed memorializing resolutions calling on Congress to pass a flag desecration amendment for consideration by the states.

Public opinion surveys have consistently shown that nearly 80 percent of all Americans support a constitutional amendment to prohibit flag desecration and do not believe that freedom of speech is jeopardized by this protection. Among the grassroots groups that endorse this legislation is the Citizens Flag Alliance, an alliance comprised of 119 civic, patriotic and veterans organizations, including The American Legion, AMVETS, the Knights of Columbus, the National Grange, the Grand Lodge, Fraternal Order of Police, and the African-American Women's Clergy Association.

This amendment, grants Congress and the states the power to prohibit physical desecration of the flag, but does not amend the First Amendment.

If we want to embrace the will of the American people, if we want to reserve the flag's unique status as our nation's most revered and profound symbol, and if we believe the flag is important enough to protect from physical desecration, then we should pass this Constitutional amendment.

Mr. President, I urge my colleagues to join me in support of this amendment.

Mr. THURMOND. Mr. President, I am pleased to rise as an original cosponsor of a proposed constitutional amendment prohibiting the physical desecration of the flag of the United States.

I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of *Texas* v. *Johnson* in 1989. To date, we have not been successful in out efforts to pass a Constitutional amendment by the required two-thirds majority.

However, we have come close, and, most importantly, we have refused to quit. Last year, the House passed the amendment with the necessary votes, and I am very hopeful that we will follow suit in the Senate this year.

Some say that burning or defacing the American flag is not widespread enough or important enough for a constitutional amendment. I could not disagree more.

Since the birth of the Republic, the flag has been our most recognizable and revered symbol of democracy. It represents our Nation, our national ideals, and out proud heritage.

Men and women of our Armed Forces have put their lives on the line to defend the principles and ideals that the flag represents. Soldiers have risked and even lost their lives to prevent the flag from falling.

To say that the flag is not important enough to protect is to say that the values that hold us together as a Nation are not worth defending.

Flag burning may be rare, but even it is, it is not acceptable—I repeat, it is not acceptable. It is not tolerable. I hate to see anyone burn or deface the flag to make some statement. Why should society let even one person wrap themselves around some absolute interpretation of the First Amendment to protect indefensible speech? Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

It is clear that the American public strongly favors this amendment. Opinion polls register overwhelming support. Every state except one has passed resolutions calling for a Constitutional amendment to protect the flag. It is a feeling of great pride to know of the sincere national patriotism that this support represents.

The House has already acted. It is now our turn in the Senate. We have a profound responsibility to pass this constitutional amendment as quickly as possible so that it can go to the States for ratification.

I urge my colleagues in the strongest terms to join us in this great effort to restore protection for the American flag. The flag of the United States, the symbol of freedom and democracy, must always be protected, and forever wave over the land of the free and the home of the brave.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. McCAIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from California (Mrs. BOXER), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 427

At the request of Mr. THOMAS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 800

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1316

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1316, a bill to dismantle the Department of Commerce.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1422

At the request of Mr. McCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Arizona (Mr. KYL), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1575, a bill to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

S. 1580

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1599

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 1599, a bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO THE CENTENNIAL CELEBRATION OF THE UNIVERSITY OF KANSAS BASKETBALL PROGRAM

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 72

Whereas in 1898, the "Father of Basketball", Dr. James Naismith, became the first basketball coach at the University of Kansas;

Whereas Dr. Forrest "Phog" Allen, considered one of college basketball's most successful coaches, succeeded Dr. James

Naismith, winning 746 games, 24 conference championships, 2 Helms Foundation National Championships, and 1 National Collegiate Athletic Association (referred to in this resolution as "NCAA") Championship;

Whereas Dr. Allen was influential in forming the National Association of Basketball Coaches, lobbied to make basketball an Olympic sport, and was a key individual in the formation of the NCAA Basketball Tournament;

Whereas University of Kansas graduates who played basketball under Dr. Allen, including Adolph Rupp, Dean Smith, Ralph Miller, and Dutch Lonborg, went on to achieve unparalleled success as college basketball coaches;

Whereas 13 University of Kansas alumni, including Wilt Chamberlain and Clyde Lovellette, are members of the Naismith Basketball Hall of Fame;

Whereas the jerseys of Danny Manning, Charlie Black, B.H. Born, Paul Endacott, Wilt Chamberlain, and Ray Evans were retired by the University of Kansas because of their achievements on the basketball floor as University of Kansas Jayhawks;

Whereas the University of Kansas men's basketball tradition includes more than 1,650 victories, 44 conference championships, 10 NCAA Championship Final Four appearances, 2 Helms Foundation National Championships, 2 NCAA Championships, in 1952 and 1988, and 10 Consensus All-American players; and

Whereas Allen Field House in Lawrence, Kansas, maintains a spirited atmosphere that provides the University of Kansas Jayhawks an immeasurable advantage in their games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and honors—

(1) the 100 years of basketball history at the University of Kansas; and

(2) the players, coaches, alumni, and fans of the University of Kansas Jayhawks who have participated in the basketball program throughout the years.

Mr. ROBERTS. Mr. President, it is my privilege to submit a Senate concurrent resolution today commending the centennial celebration of college basketball played at the University of Kansas.

This weekend former Jayhawk players and coaches, along with fans from all over the country, will gather for a reunion weekend in Lawrence, Kansas. Festivities include a legends game, banquet, and culminate with the Missouri game on Sunday afternoon. They will celebrate and honor a tradition that is second to none.

College basketball history contains many milestones and accomplishments achieved by the Kansas Jayhawks. Since KU's first team in 1898–99 the Jayhawks have had more than 1,650 victories, second only to North Carolina and Kentucky. Kansas has played in the NCAA Tournament 26 times, made 10 final four appearances and won or shared 44 conference titles. Not only can Kansas lay claim to college basketball's greatest coaches, but it has ties to both its inventor and one of its dominant players.

In 1898 Dr. James Naismith, only seven years removed from nailing two peach baskets on the wall in Springfield, Massachusetts YMCA, became KU's first basketball coach. Ironically, Dr. Naismith was the only Jayhawk coach to retire with a losing record. Although Dr. Naismith's record does not reflect his ingenuity for inventing basketball, he is fondly remembered at KU.

Ten years later, Forest "Phog" Allen took over the reins from Naismith. Allen, a KU basketball letterman learned the game from his playing days under Dr. Naismith and refined them so much so that he is referred to as the "father of basketball coaching." Off the court, Allen joined in the creation of the National Basketball Coaches Association, led the international effort making basketball an Olympic sport, and assisted in the formation of the National Collegiate Athletic Association Tournament. Allen compiled a record of 590–219 in 39 years as the Jayhawks head coach. This includes 24 conference championships and one NCAA Championship. All totaled Allen won 746 games, a record twice since broken by his former players.

One of the outstanding games in the Jayhawks 100 year history is the 1952 NCAA championship game played in Kansas City's Municipal Auditorium. The Allen-coached Jayhawks won the game over St. John's with Basketball Hall of Fame member Clyde Lovellette contributing 33 points. Another future Hall of Famer saw limited action that night, Dean Smith.

Also in the fifties, the Kansas Jayhawks added more to the history and legacy of college basketball. In 1957 Wilt Chamberlin led the Jayhawks to a 24-3 record and a spot in the NCAA finals where Kansas was defeated by North Carolina, 54–53 in three overtimes in what is considered one of the most exciting games in NCAA Tournament history. Despite the loss, Chamberlin was selected tournament MVP and was a two-time All-American. Chamberlin went on to achieve great success in the NBA setting a single game scoring record of 100 points while with the Philadelphia Warriors.

In recent years, Kansas Jayhawks on the court continued to add more history. Danny Manning and his all-stars persevered in their underdog effort that culminated in the Jayhawks 1988 victory over Big Eight Conference rival Oklahoma and once again being crowned national champions.

Even after reaching the pinnacle of being a national champion in 1988, the Jayhawks are still regarded as one of the top teams in the nation. In his nine seasons as the Jayhawks head coach, Roy Williams has led the Hawks to two Final Fours and five conference championships. Like all his coaching predecessors, Williams' teams excel on the court and off, not only preparing student athletes for difficult games, but for the challenges to come in lives.

I would like to list for my colleagues those Kansas Jaykawks who have been elected to the Naismith Hall of Fame in Springfield, Massachusetts: Dr. Naismith, Phog Allen, E.C. Quigley, John Bunn, Adolph Rupp, Paul Endacott, Dutch Lonborg, William Johnson, John McLendon, Wilt Chamberlain, Dean Smith, Clyde Lovellette, and Ralph Miller. In addition, KU's Lynette Woodard, who became the first woman to play with the Harlem Globetrotters, has also been recognized for her winning endeavor on the Jaykawks women's team.

Mr. President, this short history cannot convey the atmosphere of college basketball played at "Phog" Allen Field House, which opened in 1955. Although it resembles a large Kansas barn, when it's filled with 16,300 Jaykawkers it quickly becomes a near impossible place for opposing teams to win. The mood of the building is often inspiring, and Coach Allen's spirit is said to remain in residence and aid the Jaykawks in times of need.

On this 100th anniversary of KU basketball, I want the past and present fans, alumni, players and coaches to know the United States Senate appreciates their efforts for the past one hundred years in contributing to, and perpetuating the heritage of America's unique game; basketball.

AMENDMENTS SUBMITTED

THE REGULATORY IMPROVEMENT ACT OF 1997

LEVIN (AND OTHERS) AMENDMENT NO. 1644

(Ordered referred to the Committee on Governmental Affairs.)

Mr. LEVIN (for himself, Mr. THOMPSON, Mr. GLENN, Mr. ABRAHAM, Mr. ROBB, Mr. ROTH, Mr. ROCKEFELLER, Mr. STEVENS, Mr. GRAMS, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the bill (S. 981) to provide for analysis of major rules; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Improvement Act of 1998".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective regulatory programs provide important benefits to the public, including improving the environment, worker safety, and public health. Regulatory programs also impose significant costs on the public, including individuals, businesses, and State, local, and tribal governments.

(2) Improving the ability of Federal agencies to use scientific and economic analysis in developing regulations should yield increased benefits and more effective protections while minimizing costs.

(3) Cost-benefit analysis and risk assessment are useful tools to better inform agencies in developing regulations, although they

do not replace the need for good judgment and consideration of values.

(4) The evaluation of costs and benefits must involve the consideration of the relevant information, whether expressed in quantitative or qualitative terms, including factors such as social values, distributional effects, and equity.

(5) Cost-benefit analysis and risk assessment should be presented with a clear statement of the analytical assumptions and uncertainties, including an explanation of what is known and not known and what the implications of alternative assumptions might be.

(6) The public has a right to know about the costs and benefits of regulations, the risks addressed, the risks reduced, and the quality of scientific and economic analysis used to support decisions. Such knowledge will promote the quality, integrity and responsiveness of agency actions.

(7) The Administrator of the Office of Information and Regulatory Affairs should oversee regulatory activities to raise the quality and consistency of cost-benefit analysis and risk assessment among all agencies.

(8) The Federal Government should develop a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and conduct the research needed to improve these analytical tools.

SEC. 3. REGULATORY ANALYSIS.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—REGULATORY ANALYSIS

"§ 621. Definitions

"For purposes of this subchapter the definitions under section 551 shall apply and—

"(1) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

"(2) the term 'benefit' means the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule;

"(3) the term 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule;

"(4) the term 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decisionmaking on the matter involved, taking into consideration uncertainties, the significance and complexity of the decision, and the need to adequately inform the public;

"(5) the term 'Director' means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs;

"(6) the term 'flexible regulatory options' means regulatory options that permit flexibility to regulated persons in achieving the objective of the statute as addressed by the rule making, including regulatory options that use market-based mechanisms, outcome oriented performance-based standards, or other options that promote flexibility;

"(7) the term 'major rule' means a rule that—

"(A) the agency proposing the rule or the Director reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

"(B) is otherwise designated a major rule by the Director on the ground that the rule is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities;

"(8) the term 'reasonable alternative' means a reasonable regulatory option that would achieve the objective of the statute as addressed by the rule making and that the agency has authority to adopt under the statute granting rule making authority, including flexible regulatory options;

"(9) the term 'risk assessment' means the systematic process of organizing hazard and exposure information to estimate the potential for specific harm to an exposed population, subpopulation, or natural resource including, to the extent feasible, a characterization of the distribution of risk as well as an analysis of uncertainties, variabilities, conflicting information, and inferences and assumptions;

"(10) the term 'rule' has the same meaning as in section 551(4), and shall not include—

"(A) a rule exempt from notice and public comment procedure under section 553;

"(B) a rule that involves the internal revenue laws of the United States, or the assessment or collection of taxes, duties, or other debts, revenue, or receipts;

"(C) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

"(D) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;

"(E) a rule relating to the operations, safety, or soundness of federally insured depository institutions or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)); credit unions; the Federal Home Loan Banks; government-sponsored housing enterprises; a Farm Credit System Institution; foreign banks, and their branches, agencies, commercial lending companies or representative offices that operate in the United States and any affiliate of such foreign banks (as those terms are defined in the International Banking Act of 1978 (12 U.S.C. 3101)); or a rule relating to the payments system or the protection of deposit insurance funds or Farm Credit Insurance Fund;

"(F) a rule relating to the integrity of the securities or commodities futures markets or to the protection of investors in those markets;

"(G) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission under sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315);

"(H) a rule required to be promulgated at least annually pursuant to statute;

"(I) a rule or agency action relating to the public debt or fiscal policy of the United States; or

"(J) a rule or agency action that authorizes the introduction into commerce, or recognizes the marketable status of, a product; and

"(11) the term 'substitution risk' means a significant increased risk to health, safety, or the environment reasonably likely to result from a regulatory option.

"§ 622. Applicability and effect

"(a) Except as provided in section 623(f), this subchapter shall apply to all proposed and final major rules.

"(b) Nothing in this subchapter shall be construed to supersede any requirement for rule making or opportunity for judicial review made applicable under any other Federal statute.

"§ 623. Regulatory analysis

"(a)(1) Before publishing a notice of a proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule covered by this subchapter.

"(2) The Director may designate any rule to be a major rule under section 621(7)(B), if the Director—

"(A) makes such designation no later than 30 days after the close of the comment period for the rule; and

"(B) publishes such designation in the Federal Register, together with a succinct statement of the basis for the designation, within 30 days after such designation.

"(b)(1)(A) When an agency publishes a notice of proposed rule making for a major rule, the agency shall prepare and place in the rule making file an initial regulatory analysis, and shall include a summary of such analysis consistent with subsection (e) in the notice of proposed rule making.

"(B)(i) When the Director has published a designation that a rule is a major rule after the publication of the notice of proposed rule making for the rule, the agency shall promptly prepare and place in the rule making file an initial regulatory analysis for the rule and shall publish in the Federal Register a summary of such analysis consistent with subsection (e).

"(ii) Following the issuance of an initial regulatory analysis under clause (i), the agency shall give interested persons an opportunity to comment under section 553 in the same manner as if the initial regulatory analysis had been issued with the notice of proposed rule making.

"(2) Each initial regulatory analysis shall contain—

"(A) a cost-benefit analysis of the proposed rule that shall contain—

"(i) an analysis of the benefits of the proposed rule, including any benefits that cannot be quantified, and an explanation of how the agency anticipates that such benefits will be achieved by the proposed rule, including a description of the persons or classes of persons likely to receive such benefits;

"(ii) an analysis of the costs of the proposed rule, including any costs that cannot be quantified, and an explanation of how the agency anticipates that such costs will result from the proposed rule, including a description of the persons or classes of persons likely to bear such costs;

"(iii) an evaluation of the relationship of the benefits of the proposed rule to its costs, including the determinations required under subsection (d), taking into account the results of any risk assessment;

"(iv) an evaluation of the benefits and costs of a reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rule making, including, where feasible, alternatives that—

"(I) require no government action or utilize voluntary programs;

“(II) provide flexibility for small entities under subchapter I and for State, local, or tribal government agencies delegated to administer a Federal program; and

“(III) employ flexible regulatory options; and

“(v) a description of the scientific or economic evaluations or information upon which the agency substantially relied in the cost-benefit analysis and risk assessment required under this subchapter, and an explanation of how the agency reached the determinations under subsection (d);

“(B) if required, the risk assessment in accordance with section 624; and

“(C) when scientific information on substitution risks to health, safety, or the environment is reasonably available to the agency, an identification and evaluation of such risks.

“(c)(1) When the agency publishes a final major rule, the agency shall prepare and place in the rule making file a final regulatory analysis.

“(2) Each final regulatory analysis shall address each of the requirements for the initial regulatory analysis under subsection (b)(2), revised to reflect—

“(A) any material changes made to the proposed rule by the agency after publication of the notice of proposed rule making;

“(B) any material changes made to the cost-benefit analysis or risk assessment; and

“(C) agency consideration of significant comments received regarding the proposed rule and the initial regulatory analysis, including regulatory review communications under subchapter IV.

“(d)(1) The agency shall include in the statement of basis and purpose for a proposed or final major rule a reasonable determination, based upon the rule making record considered as a whole—

“(A) whether the rule is likely to provide benefits that justify the costs of the rule; and

“(B) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency.

“(2) If the agency head determines that the rule is not likely to provide benefits that justify the costs of the rule or is not likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency, the agency head shall—

“(A) explain the reasons for selecting the rule notwithstanding such determination, including identifying any statutory provision that required the agency to select such rule; and

“(B) describe any reasonable alternative considered by the agency that would be likely to provide benefits that justify the costs of the rule and be likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the alternative selected by the agency.

“(e) Each agency shall include an executive summary of the regulatory analysis, including any risk assessment, in the regulatory analysis and in the statement of basis and purpose for the proposed and final major rule. Such executive summary shall include a succinct presentation of—

“(1) the benefits and costs expected to result from the rule and any determinations required under subsection (d);

“(2) if applicable, the risk addressed by the rule and the results of any risk assessment;

“(3) the benefits and costs of reasonable alternatives considered by the agency; and

“(4) the key assumptions and scientific or economic information upon which the agency relied.

“(f)(1) A major rule may be adopted without prior compliance with this subchapter if—

“(A) the agency for good cause finds that conducting the regulatory analysis under this subchapter before the rule becomes effective is impracticable or contrary to an important public interest; and

“(B) the agency publishes the rule in the Federal Register with such finding and a succinct explanation of the reasons for the finding.

“(2) If a major rule is adopted under paragraph (1), the agency shall comply with this subchapter as promptly as possible unless compliance would be unreasonable because the rule is, or soon will be, no longer in effect.

“(g) Each agency shall develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals that contain significant Federal intergovernmental mandates. The process developed under this subsection shall be consistent with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

“§ 624. Principles for risk assessments

“(a)(1)(A) Subject to paragraph (2), each agency shall design and conduct risk assessments in accordance with this subchapter for—

“(i) each proposed and final major rule the primary purpose of which is to address health, safety, or environmental risk; or

“(ii) any risk assessment that is not the basis of a rule making that the Director reasonably determines is anticipated to have a substantial impact on a significant public policy or on the economy.

“(B)(i) Risk assessments conducted under this subchapter shall be conducted in a manner that promotes rational and informed risk management decisions and informed public input into and understanding of the process of making agency decisions.

“(ii) The scope and level of analysis of such a risk assessment shall be commensurate with the significance and complexity of the decision and the need to adequately inform the public, consistent with any need for expedition, and designed for the nature of the risk being assessed.

“(2) If a risk assessment under this subchapter is otherwise required by this section, but the agency determines that—

“(A) a final rule subject to this subchapter is substantially similar to the proposed rule with respect to the risk being addressed;

“(B) a risk assessment for the proposed rule has been carried out in a manner consistent with this subchapter; and

“(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule,

the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

“(b) Each agency shall consider in each risk assessment reliable and reasonably available scientific information and shall describe the basis for selecting such scientific information.

“(c)(1) When a risk assessment involves a choice of assumptions, the agency shall, with respect to significant assumptions—

“(A) identify the assumption and its scientific and policy basis, including the extent to which the assumption has been validated by, or conflicts with, empirical data;

“(B) explain the basis for any choices among assumptions and, where applicable, the basis for combining multiple assumptions; and

“(C) describe reasonable alternative assumptions that—

“(i) would have had a significant effect on the results of the risk assessment; and

“(ii) were considered but not selected by the agency for use in the risk assessment.

“(2) As relevant and reliable scientific information becomes reasonably available, each agency shall revise its significant assumptions to incorporate such information.

“(d) The agency shall notify the public of the agency's intent to conduct a risk assessment and, to the extent practicable, shall solicit relevant and reliable data from the public. The agency shall consider such data in conducting the risk assessment.

“(e) Each risk assessment under this subchapter shall include, as appropriate, each of the following:

“(1) A description of the hazard of concern.

“(2) A description of the populations or natural resources that are the subject of the risk assessment.

“(3) An explanation of the exposure scenarios used in the risk assessment, including an estimate of the corresponding population or natural resource at risk and the likelihood of such exposure scenarios.

“(4) A description of the nature and severity of the harm that could reasonably occur as a result of exposure to the hazard.

“(5) A description of the major uncertainties in each component of the risk assessment and their influence on the results of the assessment.

“(f) To the extent scientifically appropriate, each agency shall—

“(1) express the estimate of risk as 1 or more reasonable ranges and, if feasible, probability distributions that reflects variabilities, uncertainties, and lack of data in the analysis;

“(2) provide the ranges and distributions of risks, including central and high end estimates of the risks, and their corresponding exposure scenarios for the potentially exposed population and, as appropriate, for more highly exposed or sensitive subpopulations; and

“(3) describe the qualitative factors influencing the ranges, distributions, and likelihood of possible risks.

“(g) When scientific information that permits relevant comparisons of risk is reasonably available, each agency shall use the information to place the nature and magnitude of a risk to health, safety, or the environment being analyzed in relationship to other reasonably comparable risks familiar to and routinely encountered by the general public. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks, well understood or newly discovered risks, and reversible or irreversible risks.

“§ 625. Peer review

“(a) Each agency shall provide for an independent peer review in accordance with this section of the cost benefit analysis and risk assessment required by this subchapter.

“(b)(1) Peer review required under subsection (a) shall—

“(A) be conducted through panels, expert bodies, or other formal or informal devices that are broadly representative and involve participants—

"(i) with expertise relevant to the sciences, or analyses involved in the regulatory decisions; and

"(ii) who are independent of the agency;

"(B) be governed by agency standards and practices governing conflicts of interest of nongovernmental agency advisors;

"(C) provide for the timely completion of the peer review including meeting agency deadlines;

"(D) contain a balanced presentation of all considerations, including minority reports and an agency response to all significant peer review comments; and

"(E) provide adequate protections for confidential business information and trade secrets, including requiring panel members or participants to enter into confidentiality agreements.

"(2) Each agency shall provide a written response to all significant peer review comments. All peer review comments and any responses shall be made—

"(A) available to the public; and

"(B) part of the rule making record for purposes of judicial review of any final agency action.

"(3) If the head of an agency, with the concurrence of the Director, publishes a determination in the rule making file that a cost-benefit analysis or risk assessment, or any component thereof, has been previously subjected to adequate peer review, no further peer review shall be required under this section for such analysis, assessment, or component.

"(c) For each peer review conducted by an agency under this section, the agency head shall include in the rule making record a statement by a Federal officer or employee who is not an employee of the agency rule making office or program—

"(1) whether the peer review participants reflect the independence and expertise required under subsection (b)(1)(A); and

"(2) whether the agency has adequately responded to the peer review comments as required under subsection (b)(2).

"(d) The peer review required by this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"§ 626. Deadlines for rule making

"(a) All statutory deadlines that require an agency to propose or promulgate any major rule during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) In any proceeding involving a deadline imposed by a court of the United States that requires an agency to propose or promulgate any major rule during the 2-year period beginning on the effective date of this section, the United States shall request, and the court may grant, an extension of such deadline until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(c) In any case in which the failure to promulgate a major rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"§ 627. Judicial review

"(a) Compliance by an agency with the provisions of this subchapter shall be subject to judicial review only—

"(1) in connection with review of final agency action;

"(2) in accordance with this section; and

"(3) in accordance with the limitations on timing, venue, and scope of review imposed by the statute authorizing judicial review.

"(b) Any determination of an agency whether a rule is a major rule under section 621(7)(A) shall be set aside by a reviewing court only upon a showing that the determination is arbitrary or capricious.

"(c) Any designation by the Director that a rule is a major rule under section 621(7), or any failure to make such designation, shall not be subject to judicial review.

"(d) The cost-benefit analysis, cost-benefit determination under section 623(d), and any risk assessment required under this subchapter shall not be subject to judicial review separate from review of the final rule to which such analysis or assessment applies. The cost-benefit analysis, cost-benefit determination under section 623(d), and any risk assessment shall be part of the rule making record and shall be considered by a court to the extent relevant, only in determining whether the final rule is arbitrary, capricious, an abuse of discretion, or is unsupported by substantial evidence where that standard is otherwise provided by law.

"(e) If an agency fails to perform the cost-benefit analysis, cost-benefit determination, or risk assessment, or to provide for peer review, a court shall remand or invalidate the rule.

"§ 628. Guidelines, interagency coordination, and research

"(a)(1) No later than 9 months after the date of enactment of this section, the Director, in consultation with the Council of Economic Advisors, the Director of the Office of Science and Technology Policy, and relevant agency heads, shall issue guidelines for cost-benefit analyses, risk assessments, and peer reviews as required by this subchapter. The Director shall oversee and periodically revise such guidelines as appropriate.

"(2) As soon as practicable and no later than 18 months after issuance of the guidelines required under paragraph (1), each agency subject to section 624 shall adopt detailed guidelines for risk assessments as required by this subchapter. Such guidelines shall be consistent with the guidelines issued under paragraph (1). Each agency shall periodically revise such agency guidelines as appropriate.

"(3) The guidelines under this subsection shall be developed following notice and public comment. The development and issuance of the guidelines shall not be subject to judicial review, except in accordance with section 706(1) of this title.

"(b) To promote the use of cost-benefit analysis and risk assessment in a consistent manner and to identify agency research and training needs, the Director, in consultation with the Council of Economic Advisors and the Director of the Office of Science and Technology Policy, shall—

"(1) oversee periodic evaluations of Federal agency cost-benefit analysis and risk assessment;

"(2) provide advice and recommendations to the President and Congress to improve agency use of cost-benefit analysis and risk assessment;

"(3) utilize appropriate interagency mechanisms to improve the consistency and quality of cost-benefit analysis and risk assessment among Federal agencies; and

"(4) utilize appropriate mechanisms between Federal and State agencies to improve cooperation in the development and application of cost-benefit analysis and risk assessment.

"(c)(1) The Director, in consultation with the head of each agency, the Council of Economic Advisors, and the Director of the Office of Science and Technology Policy, shall periodically evaluate and develop a strategy to meet agency needs for research and training in cost-benefit analysis and risk assessment, including research on modelling, the development of generic data, use of assumptions and the identification and quantification of uncertainty and variability.

"(2)(A) No later than 6 months after the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter a contract with an accredited scientific institution to conduct research to—

"(i) develop a common basis to assist risk communication related to both carcinogens and noncarcinogens; and

"(ii) develop methods to appropriately incorporate risk assessments into related cost-benefit analyses.

"(B) No later than 24 months after the date of enactment of this section, the results of the research conducted under this paragraph shall be submitted to the Director and Congress.

"§ 629. Risk based priorities study

"(a) No later than 1 year after the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter into a contract with an accredited scientific institution to conduct a study that provides—

"(1) a systematic comparison of the extent and severity of significant risks to human health, safety, or the environment (hereafter referred to as a comparative risk analysis);

"(2) a study of methodologies for using comparative risk analysis to compare dissimilar risks to human health, safety, or the environment, including development of a common basis to assist comparative risk analysis related to both carcinogens and noncarcinogens; and

"(3) recommendations on the use of comparative risk analysis in setting priorities for the reduction of risks to human health, safety, or the environment.

"(b) The Director shall ensure that the study required under subsection (a) is—

"(1) conducted through an open process providing peer review consistent with section 625 and opportunities for public comment and participation; and

"(2) no later than 3 years after the date of enactment of this section, completed and submitted to Congress and the President.

"(c) No later than 4 years after the date of enactment of this section, each relevant agency shall, as appropriate, use the results of the study required under subsection (a) to inform the agency in the preparation of the agency's annual budget and strategic plan and performance plan under section 306 of this title and sections 1115, 1116, 1117, 1118, and 1119 of title 31.

"(d) No later than 5 years after the date of enactment of this section, and periodically thereafter, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to human health, safety, or the environment.

"SUBCHAPTER III—REVIEW OF RULES

"§ 631. Definitions

"For purposes of this subchapter—

"(1) the definitions under section 551 shall apply; and

"(2) the term 'economically significant rule' means a rule that—

"(A) is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

"(B) is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities.

"§632. Review of rules

"(a)(1) No later than 1 year after the date of enactment of this section (and no later than every 5th year following the year in which this section takes effect) each agency shall publish in the Federal Register a preliminary schedule for the review of economically significant rules previously promulgated by the agency. The preliminary schedule shall be subject to public comment for 60 days after the date of publication. Within 120 days after the close of the public comment period, each agency shall publish a final schedule in the Federal Register.

"(2) In selecting which economically significant rules it shall review, each agency shall consider the extent to which—

"(A) the rule could be revised to be substantially more cost-effective or to substantially increase net benefits, including through flexible regulatory options;

"(B) the rule is important relative to other rules being considered for review; and

"(C) the agency has discretion under the statute authorizing the rule to modify or repeal the rule.

"(3) Each preliminary and final schedule shall include—

"(A) a brief description of each rule selected for review;

"(B) a brief explanation of the reasons for the selection of each such rule for review; and

"(C) a deadline for the review of each rule listed thereon, and such deadlines shall occur no later than 5 years after the date of publication of the final schedule.

(4) No later than 6 months after the deadline for a rule as provided under paragraph (3)(C), the agency shall publish in the Federal Register the determination made with respect to the rule and an explanation of such determination.

"(5)(A) If an agency makes a determination to amend or repeal a rule, the agency shall complete final agency action with regard to such rule no later than 2 years after the deadline established for such rule under paragraph (3).

(B) The Director may extend a deadline under this section for no more than 1 year if the Director—

"(i) for good cause finds that compliance with such deadline is impracticable; and

"(ii) publishes in the Federal Register such finding and a succinct explanation of the reasons for the finding.

"(b) The agency shall include with the publication under subsection (a) the identification of any legislative mandate that requires the agency to impose rules that the agency determines are unnecessary, outdated or unduly burdensome.

"(c)(1) The Administrator shall work with interested entities, including small entities and State, local, and tribal governments, to pursue the objectives of this subchapter.

"(2) Consultation with representatives of State, local, and tribal governments shall be governed by the process established under section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"§641. Definitions

"For purposes of this subchapter—

"(1) the definitions under sections 551 and 621 shall apply; and

"(2) the term 'regulatory action' means any one of the following:

"(A) Advance notice of proposed rule making.

"(B) Notice of proposed rule making.

"(C) Final rule making, including interim final rule making.

"§642. Presidential regulatory review

"(a) The President shall establish a process for the review and coordination of Federal agency regulatory actions. Such process shall be the responsibility of the Director.

"(b) For the purpose of carrying out subsection (a), the Director shall—

"(1) develop and oversee uniform regulatory policies and procedures, including those by which each agency shall comply with the requirements of this chapter;

"(2) develop policies and procedures for the review of regulatory actions by the Director; and

"(3) develop and oversee an annual governmentwide regulatory planning process that shall include review of planned significant regulatory actions and publication of—

"(A) a summary of and schedule for promulgation of planned agency major rules;

"(B) agency specific schedules for review of existing rules under subchapter III and section 610;

"(C) a summary of regulatory review actions undertaken in the prior year;

"(D) a list of major rules promulgated in the prior year for which an agency could not make the determinations that the benefits of a rule justify the costs under section 623(d);

"(E) identification of significant agency noncompliance with this chapter in the prior year; and

"(F) recommendations for improving compliance with this chapter and increasing the efficiency and effectiveness of the regulatory process.

"(c)(1) The review established under subsection (a) shall be conducted as expeditiously as practicable and shall be limited to no more than 90 days.

"(2) A review may be extended longer than the 90-day period referred to under paragraph (1) by the Director or at the request of the rule making agency to the Director. Notice of such extension shall be published promptly in the Federal Register.

"§643. Public disclosure of information

"(a) The Director, in carrying out the provisions of section 642, shall establish procedures to provide public and agency access to information concerning review of regulatory actions under this subchapter, including—

"(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

"(2) disclosure to the public, no later than publication of a regulatory action, of—

"(A) all written communications relating to the substance of a regulatory action, including drafts of all proposals and associated analyses, between the Administrator or employees of the Administrator and the regulatory agency;

"(B) all written communications relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government;

"(C) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government; and

"(D) a written explanation of any review action and the date of such action; and

"(3) disclosure to the regulatory agency, on a timely basis, of—

"(A) all written communications relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government;

"(B) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations, relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government; and

"(C) a written explanation of any review action taken concerning an agency regulatory action and the date of such action.

"(b) Before the publication of any proposed or final rule, the agency shall include in the rule making record—

"(1) a document identifying in a complete, clear, and simple manner, the substantive changes between the draft submitted to the Administrator for review and the rule subsequently announced;

"(2) a document identifying and describing those substantive changes in the rule that were made as a result of the regulatory review and a statement if the Administrator suggested or recommended no changes; and

"(3) all written communications relating to the substance of a regulatory action between the Administrator and the agency during the review of the rule, including drafts of all proposals and associated analyses.

"(c) In any meeting relating to the substance of a regulatory action under review between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government, a representative of the agency submitting the regulatory action shall be invited.

"§644. Judicial review

"The exercise of the authority granted under this subchapter by the President, the Director, or the Administrator shall not be subject to judicial review in any manner.".

(b) PERIODIC REVIEW OF RULES.—Section 610 of title 5, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a)(1)(A) No later than 60 days after the effective date of this section (and every fifth year following the year in which this section takes effect) each agency shall submit to the Administrator of the Office of Information and Regulatory Affairs and the Chief Counsel for Advocacy of the Small Business Administration a proposed plan describing the procedures and timetables for the periodic review of rules issued by the agency that have or will have a significant economic impact on a substantial number of small entities. No later than 60 days after the submission of the proposed plan to the Administrator and the Chief Counsel, such plan shall be published in the Federal Register and shall be subject to public comment for 60 days after the date of publication.

"(B) No later than 120 days after the publication of the plan under subparagraph (A), each agency shall submit a final plan to the Administrator and the Chief Counsel. No later than 60 days after the date of such submission of the plan to the Administrator and Chief Counsel, each agency shall publish the agency's final plan in the Federal Register.

"(C) Each agency's plan shall provide for the review of such rules no later than 5 years after publication of the final plan.

"(2)(A) Each year, each agency shall publish in the Federal Register a list of rules that will be reviewed under the plan during the succeeding fiscal year.

"(B) The publication of the list under subparagraph (A) shall include—

"(i) a brief description of each rule and the basis for the agency's determination that the rule has or will have a significant economic impact on a substantial number of small entities;

"(ii) the need for and legal basis of each rule; and

"(iii) an invitation for public comment on each rule.

"(3)(A) Each agency shall conduct a review of each rule on the list published under paragraph (2) in accordance with the plan maintained under paragraph (1) and pursuant to the factors under subsection (b). After the completion of the review, the agency shall determine whether the rule should be continued without change, or should be amended or rescinded, consistent with the stated objectives of the applicable statutes, to minimize any significant economic impact of the rule upon a substantial number of small entities.

"(B) No later than 18 months after the date of the publication of the list of rules referred to under paragraph (2)(A), each agency shall publish in the Federal Register the determinations made with respect to such rules under subparagraph (A) and an explanation for each determination.

"(4) If the head of an agency determines that the completion of a review of a rule under this subsection is not feasible within the period described under paragraph (1)(C), the head of the agency—

"(A) shall certify such determination in a statement published in the Federal Register; and

"(B) may extend the completion date of the review by 1 year at a time for a total of not more than 2 years."; and

(2) by striking subsection (c) and inserting the following:

"(c) The Administrator and the Chief Counsel shall work with small entities to achieve the objectives of this section.".

(c) Presidential Authority.—Nothing in this Act shall limit the exercise by the President of the authority and responsibility that the President otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices.

(d) Technical and Conforming Amendments.—

(1) Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY

"Sec.
"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unnecessary analyses.
"606. Effect on other law.
"607. Preparation of analysis.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments.
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—REGULATORY ANALYSIS

"621. Definitions.
"622. Applicability and effect.
"623. Regulatory analysis.
"624. Principles for risk assessments.
"625. Peer review.
"626. Deadlines for rule making.
"627. Judicial review.
"628. Guidelines, interagency coordination, and research.
"629. Risk based priorities study.

"SUBCHAPTER III—REVIEW OF RULES

"631. Definitions.
"632. Review of rules.

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"641. Definitions.
"642. Presidential regulatory review.
"643. Public disclosure of information.
"644. Judicial review.".

(2) Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY".

SEC. 4. COMPLIANCE WITH THE UNFUNDED MANDATES REFORM ACT OF 1995.

Compliance with the requirements of subchapter II of chapter 6 of title 5, United States Code (as added by section 3 of this Act), shall constitute compliance with the requirements pertaining to the costs and benefits of a Federal mandate to the private sector in sections 202, 205(a)(2), and 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, 1535(a)(2), and 1538).

SEC. 5. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect 180 days after the date of enactment of this Act, but shall not apply to any agency rule for which a notice of proposed rule making is published on or before 60 days before the date of enactment of this Act.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mr. LEVIN. Mr. President, today Senator Thompson and I and the cosponsors to S. 981, Senators Glenn, Abraham, Robb, Roth, Rockefeller, Stevens, Grams, and Cochran are putting in the Record a substitute we will be offering in the Governmental Affairs Committee to S. 981, the Regulatory Improvement Act of 1997.

The substitute is the product of several months of dialogue with interested parties, including the Administration; environmental, labor and public interest groups; the business community; the National Governors' Association; academic experts and various associations. I hope that a number of these persons and groups will support the substitute.

This dialogue began with the Committee's hearing on the bill on September 12th and continued through the end of January. The substitute does not make any radical changes to the bill as introduced, but it does clarify a number of important issues and lay to rest areas of possible uncertainty.

The major changes in the substitute are:

(1) We have added a so-called "savings clause" that affirms that nothing in the bill is intended to supersede any requirement for rulemaking or opportunity for judicial review applicable under any other Federal law. That was our intent all along with this bill, but various groups asked that we make it explicit, so we did.

(2) We modified the judicial review section to conform it to current judicial review principles, by eliminating, for example, the requirement for showing of non-materiality with respect to the cost-benefit analysis or risk assessment. The regulatory analysis is part of the whole rulemaking record and shall be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary or capricious. Agency failure to comply with the procedural requirements of S. 981 would not, in and of itself, be grounds for remanding or invalidating the rule. However, if an agency totally fails to perform a required analysis, including peer review, the court shall remand or invalidate the rule.

(3) We modified the cost-benefit determination provision to make absolutely clear that the agency determination is a disclosure requirement and does not dictate the substantive outcome of a rule.

(4) We changed the definition of "substitution risk" to require that it be a "significant" increased risk instead of just an increased risk, and we eliminated the requirement of a full risk assessment under the procedures of the bill for significant substitution risks.

(5) We changed the principles for risk assessment to be less prescriptive to the agencies and to be more accommodating for non-carcinogenic risks. The risk assessment provisions more accurately reflect the diversity and uncertainties in risk assessment while adding the requirement that agencies identify central and high-end estimates of risk.

(6) We added a requirement that agencies develop an effective process for State, local and tribal governments to consult with agencies and provide input as new rules containing federal mandates are developed and old rules are modernized.

(7) We enhanced the independence and quality of the peer review process, and require agencies to apply current standards for conflicts of interest.

(8) We modified the review of rules procedures to reduce the bureaucracy in the bill as introduced by eliminating the need for agency advisory committees. We also include an amendment to the Regulatory Flexibility Act to enhance the review of rules affecting

small businesses and small governments.

Those are some of the most important changes made by this substitute.

I believe this bill will improve the regulatory process, will build confidence in the regulatory programs that are so important to this society's well-being, and will result in a better—and I believe—a less contentious regulatory process.

Mr. President, many people think that when many of us fought hard against the Dole-Johnston bill that we didn't really want to reform the regulatory process. Well they are wrong. Many of us were disappointed that we were unable to pass a comprehensive regulatory reform bill in the last Congress. We weren't going to support bad reform, but that doesn't mean we didn't want to see good reform. Those of us who believe in the benefits of regulation to protect health and safety have a particular responsibility to make sure that regulations are sensible and cost-effective. When they aren't, the regulatory process—which is so vital to our health and well being—comes under constant attack. By providing a common sense, moderate and open regulatory process, we are contributing to the well being of that process and immunizing it from the attacks on excess.

Mr. President, I ask unanimous consent that major changes in the substitute and a summary of the substitute to S. 981 be printed in the Record.

Summary of the Regulatory Improvement Act of 1998 (Substitute)

1. *Regulatory Analysis* (§623)

When issuing major rules (costing over $100 million or deemed by OMB to have a significant impact on the economy), Federal agencies must conduct a regulatory analysis, including a cost-benefit analysis and, if relevant, a risk assessment.

a. *Cost-benefit analysis*

The cost-benefit analysis shall consider: The expected benefits of the rule quantifiable and nonquantifiable); the expected costs of the rule quantifiable and nonquantifiable); and reasonable alternatives, including flexible regulatory options—such as market-based mechanisms or outcome-oriented performance-based standards;

b. *Cost-benefit determination*

The agency shall include in the statement of basis and purpose for the rule a reasonable determination: (1) whether the rule is likely to provide benefits that justify its costs; and (2) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, then the other reasonable alternatives considered by the agency.

If the agency determines that the rule is not likely to provide benefits that justify its costs or to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives, it shall: (1) explain the reasons for selecting the rule notwithstanding such determination; (2) identify any statutory provision that required the agency to select such rule; and (3) describe any reasonable alternative considered by the agency that would be likely to provide such benefits.

The agency shall include an executive summary in the regulatory analysis and in the statement of basis and purpose for the rule.

There is an exception from the regulatory analysis requirements when the agency for good cause finds that conducting the regulatory analysis before the rule becomes effective is impracticable or contrary to an important public interest.

Each agency shall develop an effective process to allow elected representatives of State, local and tribal governments to provide meaningful and timely input into regulatory proposals, consistent with the Unfunded Mandates Reform Act of 1995.

2. *Risk assessment principles* (§624)

Agencies shall conduct risk assessments under §624 for (1) major rules that have the primary purpose of addressing health, safety, or environmental risks, and (2) risk assessments not related to a rule making that the OMB Director determines would have a substantial impact on a significant public policy or the economy. To promote transparent and scientifically sound risk assessments, agencies would be required to—identify and explain significant assumptions made when measuring risks; notify the public about upcoming risk assessments and allow people to submit relevant and reliable information; disclose relevant information about the risk, including the range and distribution of risks and corresponding exposure scenarios, for the potentially exposed population and for any more highly exposed or sensitive subpopulations; and when scientific information permits, compare the risk being analyzed with other reasonable comparable risks familiar to and routinely encountered by the general public.

3. *Peer review* (§625)

Agencies shall conduct independent peer review for required cost-benefit analyses and risk assessments. Agency standards governing conflicts of interest apply. Peer review can be formal or informal, as warranted. Peer review is not required where the agency and OMB certify that an assessment or analysis has previously been subjected to adequate peer review.

4. *Deadlines for rule making* (§626)

For two years after the Act becomes effective, agencies have the opportunity for a 6-month extension from a regulatory deadline if needed to satisfy the requirements of the Act.

5. *Judicial Review* (§627)

Judicial review will ensure that agencies perform cost-benefit analyses, risk assessments, and peer reviews. The cost-benefit analysis and risk assessment are included in the rule making record for purposes of judicial review of the final rule only under the deferential arbitrary and capricious standard. Failure to comply with a specific procedural requirement of S. 981 regarding how to perform a risk assessment or cost-benefit analysis would not, in and of itself, be grounds for invalidating a rule.

6. *Guidelines, interagency coordination, and research* (§628)

Within 9 months, OMB is required to consult with CEA, OSTP and relevant agencies to develop broad guidelines for cost-benefit analyses, risk assessments and peer reviews as required by the Act.

Within 18 months after issuance of the general guidelines, each agency subject to §624 shall develop detailed guidelines for risk assessments tailored to agency programs, consistent with the general guidelines.

OMB shall consult with CEA and OSTP to evaluate and improve agency cost-benefit analysis and risk assessment practices.

Within 6 months, OMB shall consult with OSTP to enter a contract for research to develop common basis to assist risk communication, and to develop methods to appropriately incorporate risk assessments into cost-benefit analyses.

7. *Risk-based priorities study* (§629)

OMB, in consultation with OSTP, shall enter into a contract with an accredited scientific institution to conduct a study that provides a comparison of significant health, safety and environmental risks, the methodologies for such comparisons, including development of a common basis to assist comparative risk analysis related to both carcinogens and noncarcinogens, and recommendations on the use of comparative risk analysis to set priorities to reduce risks to human health, safety, or the environment.

Within 5 years, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to health, safety and the environment.

8. *Review of Rules* (§§631–632; Sec. (b))

To periodically review economically significant rules, each agency shall publish a review schedule every 5 years. In selecting rules for review, the agency shall consider the extent to which the rule could be revised to be substantially more cost-effective, or to substantially increase net benefits, as well as whether the agency has statutory authority to modify or repeal the rule. If, as a result of the review, the agency determines to amend or repeal a rule, it shall complete the rulemaking within 2 years. For good cause, the OMB Director may extend the deadline for 1 year. Consultation with representatives of State, local and tribal governments shall be governed by the process established under section 204 of the Unfunded Mandates Reform Act.

To provide for the review of rules affecting small entities, S. 981 amends Section 610 of the Regulatory Flexibility Act. Agencies would review Reg-Flex rules every 5 years, and the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of OMB's Office of Information and Regulatory Affairs would oversee the review process.

9. *Executive Oversight* (§§641–644)

The bill codifies the regulatory review process and sets out responsibilities and authority of OMB's Office of Information and Regulatory Affairs (OIRA) to develop policies and procedures to review regulatory actions and to develop and oversee an annual government-wide regulatory planning process that includes the review of major rules and other significant regulatory actions.

OIRA shall establish procedures to provide public and agency access to information concerning regulatory review actions.

Information to be disclosed to the public includes: the status of regulatory actions; written communications between OIRA and the agency on the regulatory action; written communications between OIRA and persons outside the Executive Branch; and a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between OIRA and persons not employed by the Executive Branch.

Information to be disclosed to the regulatory agency includes: written communications between OIRA and persons outside the Executive Branch on a regulatory action; a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between

OIRA and persons not employed by the Executive Branch; and a written explanation of any review action taken.

The agency shall include in the rule making record: (1) a document identifying the substantive changes between the draft submitted to OIRA for review and the rule subsequently announced; (2) a document identifying and describing those substantive changes in the rule that were made as a result of the regulatory review and a statement if the Administrator suggested or recommended no changes; and (3) all written communications exchanged between OIRA and the agency during the review of the rule, including drafts of all proposals and associated analyses.

10. *Effective Date* (Section 4)

The Act shall take effect 180 days after the date of enactment, but shall not apply to any agency rule for which a notice of proposed rule making is published on or before 60 days before enactment.

MAJOR CHANGES IN SUBSTITUTE TO S. 981

SAVINGS CLAUSE: Adds a "savings" clause which affirms that nothing in the bill is intended to supersede any requirement for rulemaking or opportunity for judicial review applicable under any other Federal law.

JUDICIAL REVIEW: Conforms the judicial review section to current judicial review principles, by eliminating, for example, requirement for showing of non-materiality with respect to the cost-benefit analysis or risk assessment. The regulatory analysis is part of the whole rule making record and shall be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary or capricious. Agency failure to comply with the procedural requirements of S. 981 would not, in and of itself, be grounds for remanding or invalidating the rule. However, if an agency fails to perform a required analysis, including peer review, the court shall remand or invalidate the rule.

COST-BENEFIT DETERMINATION: Modifies the cost-benefit determination provision to make absolutely clear that the agency determination is a disclosure requirement and does not dictate the substantive outcome of a rule.

SUBSTITUTION RISK: Changes the definition of "substitution risk" to require that it be a "significant" increased risk instead of just an increased risk. Eliminates the requirement of a full risk assessment under the procedures of the bill for significant substitution risks. Requires that an agency identify and evaluate substitution risks in the regulatory analysis where information on such risks is reasonably available to the agency.

RISK ASSESSMENT: Changes the principles for risk assessment to be less prescriptive to the agencies and to be more accommodating for non-carcinogenic risks. More accurately reflects diversity and uncertainties in risk assessment while adding requirement for agencies to identify central and high-end estimates of risk. Provides a more accurate definition of "risk assessment". Applies the risk assessment procedures in the bill to important risk assessments, which are not related to a rule making, if designated by the OMB Director. Requires agencies to notify the public of upcoming risk assessments and to solicit relevant data.

COMPARATIVE RISK STUDY: Simplifies comparative risk study. Agencies are to use the results of study to inform the preparation of their budgets and strategic planning under the Government Performance and Results Act.

STATE/LOCAL GOVERNMENT: Requires agencies to develop an effective process for State, local and tribal governments to consult with agencies and provide input as new rules containing federal mandates are developed and old rules are modernized.

Strikes the requirement that an agency evaluate the benefits and costs of alternative approaches to regulating that *inter alia* "accommodate differences among geographic regions and among persons with differing levels of resources" and substitutes the requirement that consideration be given to alternatives that provide flexibility for small entities and state, local and tribal governments.

PEER REVIEW: Enhances the independence and quality of the peer review process. Applies current standards for conflicts of interest.

REVIEW OF RULES: Modifies review of rules procedures to reduce the bureaucracy in the bill as introduced by eliminating the need for agency advisory committees. Also amends the Regulatory Flexibility Act to enhance the review of rules affecting small businesses and small governments.

OTHER:

Provides more accurately worded exceptions to the definition of "rule"; adds as an exception a rule that authorizes the introduction of a product into commerce.

Modifies definition of "major rule" to strike "or a group of closely related rules".

Findings better reflect the value of regulatory programs and how cost-benefit analysis can result in more benefits at less cost.

Modifies the "good cause exception" for meeting the regulatory analysis requirements of the bill by striking the limitations on what could be considered to be "contrary to the public interest."

Adds Council of Economic Advisors to entities required to be consulted by OMB Director when issuing cost-benefit analysis guidelines.

Provides that compliance with the Regulatory Improvement Act shall constitute compliance with the provisions of the Unfunded Mandates Reform Act as they relate to the private sector.

Mr. THOMPSON. Mr. President, I am pleased to join Senator LEVIN and eight of our colleagues in submitting a substitute for S. 981, the Regulatory Improvement Act. This substitute incorporates some clarifications and improvements to the bill as result of our Committee hearing, written statements and letters, and a series of discussions with the Administration, environmental and public interest groups, State and local government, scholars, and other interested parties. I ask unanimous consent that a summary of the substitute and a list of the major changes to the substitute be included in the RECORD following my remarks. The substitute is the text that we will use as the basis for our Committee markup. This bill is an effort by many of us who want to improve the quality of government to find a common solution. The supporters of this bill represent a real diversity of political viewpoints, but we share the same goals. We want an effective government that protects public health, well-being and the environment. We want our government to achieve those goals in the most sensible and efficient way possible. We want to do the best we can with what we've got, and to do more good at less cost if possible. The Regulatory Improvement Act will help us do just that.

The Regulatory Improvement Act is based on a simple premise: that people have a right to know how and why government agencies make their most important and expensive regulatory decisions. The S. 981 not only gives people the right to know; it gives them the right to see—to see how the government works, or how it doesn't. And by providing people with information the government uses to make decisions, it gives people a real opportunity to influence those decisions. So much of what goes on right now is pretty much done in secret. We're going to change that.

Second, the bill will make government more accountable to the people it serves. S. 981 is based on the idea that increased public scrutiny of government decision making—and people who make those decisions—will lead to better and more accountable government performance. It gives people the ability to look over the Federal government's shoulder.

The Regulatory Improvement Act will deliver more decisionmaking power closer to home—and into the hands of State and local governments. The bill empowers people and their State and local officials to provide input into the Federal system. It will make the Federal government more mindful of how unfunded mandates can burden communities and interfere with local priorities. When I became Chairman of the Governmental Affairs Committee last year, I asked the General Accounting Office to investigate whether the Unfunded Mandates Reform Act of 1995 was improving regulations, which was one of its goals. Unfortunately, the answer is "No." GAO released the report today. It is entitled, Unfunded Mandates: Reform Act Has Had Little Effect on Agencies' Rulemaking Actions. I view S. 981 as really phase two of the unfunded mandates reform effort, because it will make Federal regulators—not just Congress—more sensitive to local needs.

Finally, the Regulatory Improvement Act will improve the quality of government decision making—which will lead to a more effective and efficient Federal government. The Regulatory Improvement Act will require the Federal government to make better use of modern decisionmaking tools (such as risk assessment and cost-benefit analysis), which are currently under-used. Right now, these tools are simply options—options that aren't used as much or as well as they should be. The bill also will help the Federal government to set smarter priorities—to better focus money and other resources on the most serious problems.

The Regulatory Improvement Act bill builds on the Clinton Administration's government-wide reinvention efforts. It codifies many of the requirements of Executive Order 12866 and the principles of other Reinventing Regulation initiatives. It will give some needed horsepower to these efforts. This will help us reach our common goal: improving the quality of government. That's why the bill has broad bipartisan support, including myself and Senator LEVIN, as well as Senators GLENN, ABRAHAM, ROBB, ROTH, ROCKEFELLER, STEVENS, GRAMS, and COCHRAN. This is a common sense effort we all can be proud of.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Fraud on the Internet: Scams Affecting Consumers.

This hearing will take place on Thursday, February 10, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the Subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 4, 1998, at 10:00 a.m. in open session, to consider the nomination of General Joseph W. Ralston, USAF, for reappointment as Vice Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 4, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Donald J. Barry to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior; and Margaret Hornbeck Greene to be a Member of the Board of Directors of the U.S. Enrichment Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, February 4, 1998 beginning at 9:30 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 4, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, February 4, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 4, 1998 at 10:00 a.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FAIR MINIMUM WAGE ACT OF 1998

• Mr. TORRICELLI. Mr. President, I rise today in strong support of the Fair Minimum Wage Act of 1998. I am proud to be an original co-sponsor of this crucial piece of legislation.

Once again, we begin our fight for the dignity and respect of working Americans. Our goal is simple; to ensure that individuals dedicated to hard work and committed to their families no longer live in poverty. The fact is that while our nation is experiencing a time of unprecedented prosperity, nearly 12 million Americans earning the minimum wage still face a daily struggle to maintain an acceptable quality of life.

Sixty years ago, Labor Secretary Frances Perkins successfully convinced our predecessors of the need to pass legislation that would guarantee low wage workers a decent living. Today, the need to maintain a basic level of income for American workers is no less necessary. Indeed, that need has never been greater.

The statistics showing the economic injustice faced by low-wage workers are staggering. Full-time minimum wage workers earn only $10,712 year, $2,600 below the poverty level for a family of three. Given that fact, it should come as no surprise that 38 percent of the people seeking emergency food aid in 1996 were employed.

One reason behind these disturbing statistics is the diminishing purchasing value of the minimum wage. Between 1980 and 1995, inflation rose by 86 percent, but during the same time, the minimum wage was increased by a paltry 37 percent, greatly reducing the purchasing power of American workers. While the minimum wage legislation we passed in 1996 was a bold step towards closing that gap, our work is not complete. And with each passing day, as inflation marches on, workers' purchasing power once again is falling.

The legislation drafted by Senator KENNEDY will take the steps necessary to restore and maintain the purchasing power of the minimum wage into the next century.

As modest as our proposal is, The Fair Minimum Wage Act of 1998 will help guarantee low income workers a degree of economic dignity. It will increase the earnings of over 12 million workers, 60 percent of whom are women, 46 percent of whom are full-time workers, and 40 percent of whom are the sole breadwinners in their families.

An increase in the minimum wage is also closely linked to the success of the 1996 welfare reform. Individuals struggling to make the difficult transition from welfare to work deserve the opportunity to become truly self sufficient. We need to provide an incentive to exchange welfare checks for paychecks.

The Economic Policies Institute has concluded that, not only did low income families reap the majority of the benefits from the last increase, but minimum wage recipients experienced no disemployment effects. Despite the predictions made by our opponents, vulnerable groups, including teenagers and young adults, were not negatively effected by the increase.

In closing, I would like to thank Senator KENNEDY for drafting this legislation and for his tireless efforts on behalf of working Americans throughout his long career in the Senate. As he has said, this is the right thing to do. Put in the words of President Abraham Lincoln, "Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed."•

TRIBUTE TO BEN KENDIG JR., ON BEING NAMED THE 1997 HOSPITAL AUXILIARY/VOLUNTEER OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Ben Kendig Jr., a distinguished individual, for being named the 1997 Hospital Auxiliary/Volunteer of the year. I commend his compassion for others in volunteering countless hours for the service of his fellow citizens.

Ben bravely served his country as a fighter pilot in World War II. After the war, he attended Massachusetts Institute of Technology and received his degree in aeronautical engineering. Ben then used his skills working at United Aircraft. After that, he then decided to settle down in Nashua, New Hampshire, and opened up his own engineering firm.

After 15 years of running his own business, he decided to retire. However, at the age of 71, he still had plenty of energy and drive so he decided to put it to good use. According to Ben, he wanted to spend his time helping others, an attribute that I admire greatly.

As a result, he joined the Southern New Hampshire Regional Medical Center Messenger Service. Ben initially wanted an easy position with little responsibility, however, it developed into something much greater.

As time went on, Ben accepted more responsibility and assumed leadership roles within the Messenger Service. His dedication to service and supportive energy exceeded the normal expectations of any volunteer. Naturally, people turned to him in times of need. Unfortunately, the president and the director of auxiliary was diagnosed with cancer. Like many times before, Ben picked up the reins of leadership and was appointed the president of the Messenger Service.

This arduous job involved overseeing over 200 volunteers, a position that certainly would test any man. Close to 30,000 hours of time had to be delegated throughout the hospital. Ben also had a budget of $100,000 the organization had to distribute to improve certain areas of the hospital like the maternity ward.

Ben gave not just to the hospital, but to each and every individual with whom he worked. He inspired others by his own actions and caring attitude. Ben exceeded the expectations and surpassed the ordinary responsibilities of a volunteer. Mr. President, I want to congratulate Ben for his outstanding work and I am proud to represent him in the U.S. Senate.•

THE 13TH LABOR OF HERCULES

• Mr. MOYNIHAN. Mr. President, nearly a year-and-a-half since I wrote President Clinton urging him to appoint a high level aide to handle the Year 2000 Computer Problem, I am encouraged that the President has made this issue a top priority, and named John Koskinen to chair a Presidential Year 2000 Council.

The President's council has many similarities to the Commission/Task Force that would have been created by my bill, S. 22, which I introduced on the first day of the 105th Congress (1/21/97). This all has come about in no small part because of the tireless efforts of Representative STEVE HORN and his House Government Reform Subcommittee. I look forward to working closely with Mr. Koskinen.

Having spent two years studying, and warning of, the lagging progress of the agencies on this issue, I should warn Mr. Koskinen that with fewer than two years remaining, he faces what looks to be the 13th labor of Hercules.•

LANE A. RALPH

• Mr. LUGAR. Mr. President, on February 1, 1998, Lane A. Ralph celebrated his 20th anniversary of service in the Indiana State Office of the United States Senate. In recognition of this milestone achievement, and with deepest appreciation, I commend him.

An alumnus of Indiana State University with a Bachelor's Degree in Political Science and a Master's of Public Administration, Lane joined my state office staff during my second year of membership in the Senate. In the ensuing years, Lane has worn many hats with unbridled enthusiasm, vast energy and selfless commitment.

In 1980, Lane rose to the challenge of serving two senators, as Senator Dan Quayle and I established the only combined state office in the country. When Senator DAN COATS joined the Senate in 1988, Lane continued his selfless commitment to serve both of us, ceaselessly offering sage council, valued continuity and dedication to a shared purpose. Lane has consistently articulated a vision of humane government and has demonstrated a genuine commitment to public service. He has served with humility, compassion and empathy for those in need.

As the Director of Projects for the United States Senate State of Indiana Office, Lane has provided leadership with integrity and intelligence. He has developed an extraordinary encyclopedic-knowledge of people, places, facts and issues which affect the quality of life of all Hoosiers. He has cultivated a comprehensive network of contacts in federal, state and local government and among community leaders who value his responsible and credible expertise, as well as his well-reasoned approach to public policy.

Lane's leadership in environmental issues is well-known throughout Indiana. He has been a steadfast advocate of soil and water conservation, clean air and water, better forest management and responsible hazardous waste disposal. In his collaborations with Operation Lifesaver, Lane has worked tirelessly to educate Hoosiers in railroad-crossing safety. As an expert in public works issues, he has assisted elected officials, municipal administrators and concerned citizens enhance Indiana's roads, drinking-water systems and planning mechanisms.

In his many years of service, Lane has consistently demonstrated a talent for forthrightness and for clarifying the intricacies of complex situations. He cuts to the heart of concerns and issues with a knack for asking key questions. Lane is fairminded and industrious with people from all walks of life, balancing the interests of conflicting parties and affably fostering collaborative partnerships.

Apart from his distinguished career of public service, Lane has been a loving and generous partner to his wife, Ruth, throughout their 18 years of marriage. He is a caring and supportive father to his two daughters, Elina and Emily. He is also personally, my trusted and loyal friend.

For his honesty, sincerity and integrity, for his dedication to excellence and for his genuine decency, I commend Lane A. Ralph for 20 remarkable years of service.•

TRIBUTE TO 1997 DOVER (N.Y.) HIGH SCHOOL FOOTBALL TEAM

• Mr. D'AMATO. Mr. President, consistent with the greatest traditions of athletic competition, the 1997 Dover High School football team became the first in Dutchess County history to earn the high honor of New York State Champion. Rolling to victory after victory, their perfect season culminated in a spectacular double-overtime triumph over Christian Brothers Academy of Syracuse.

While the victories they gained were as a team of 31 dedicated scholar-athletes, they did not travel that road to victory alone. Behind them all the way were their parents, their classmates and the entire community. Guiding them and offering encouragement in difficult times while challenging them to be the best were their coaches: Bill Broggy, Chris Lounsbury, John Thorpe, Bill Peel, Paul Kenny and Israel Lorimer.

Their skill on the field, their refusal to give up and their commitment to excellence have brought honor and distinction not only to the Dover Dragons, but to all of Section 1. In addition to their undefeated season and many memories, they have developed skills that will be with them long after their playing days are over. The dedication they displayed through countless hours of practice, their sense of teamwork, and the ability to rise to a challenge will serve them well as they continue to grow not only as athletes, but as human beings.

Leading up to the championship game on November 28, 1997, the players, coaches, parents, and so many fans traveled with hope and pride to play and watch the ultimate game. Win or lose, the Dover Dragons had made it all the way to the New York State Championship at the Carrier Dome. Facing a tough hometown team, the Dover Dragons never backed down and never forgot what brought them to the contest. Although facing defeat in the fourth quarter, the Dragons tapped their collective strength and battled back through two overtimes to earn the title of New York State Champion. This championship win represented an entire season of tenacity, commitment, and dedication to excellence.

For so many of our young men and women, the athletic fields are a place to be challenged, a place to succeed, a place to learn the value of teamwork and loyalty. The Dover Dragons have learned these lessons well, and as they continue to celebrate their New York State Championship, I salute them:

The 1997 Dover High School Football Dragons: Tim Jones, Kurt Abrams, John Greiner, Eric Bosley, George Morfea, Chris Maglin, Willie Peel, Spencer Harby, Jeff Aubry, Christian Harby, Chris Barto, Rob Schaus, Chris Zabowski, Shane Barto, Justin Agrella, Luis Jusino, Frank Cawley, Steve Meilleur, Ed Pisano, Matt Judson, Nick Savarese, John Hammond, Rick Rappazzo, Jeff Acken, Pat Hearn, John Locke, Justin Cole, Justin Brown, Matt Light, Nate Davis, Garett Yeno.●

MEASURE READ FOR THE FIRST TIME—S. 1611

Mr. ASHCROFT. In the absence of colleagues on the other side of the aisle, Mr. President, I understand that S. 1611, which was introduced earlier today by Senator FEINSTEIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1611) to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

Mr. ASHCROFT. I ask for its second reading, and I object to my own request on behalf of our side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

VITIATION OF PASSAGE AND MEASURE INDEFINITELY POSTPONED—S. 1033

Mr. ASHCROFT. Mr. President, I ask unanimous consent that passage of S. 1033 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF PASSAGE OF MEASURE—S. 940

Mr. ASHCROFT. Mr. President, I ask unanimous consent that passage of S. 940 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 5, 1998

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Thursday, February 5, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin morning business, not to exceed 30 minutes, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator GORTON, 10 minutes; Senator REID, 10 minutes; Senator BAUCUS, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. Mr. President, tomorrow morning, the Senate will be in a period for the transaction of morning business from 10:30 a.m. until 11 a.m. At 11 a.m., the Senate, hopefully, will be able to begin consideration of S. 1601, the cloning bill. It is hoped that the Senate will be able to make good progress on that legislation throughout Thursday's session of the Senate.

As a reminder to all Members of the Senate, we will not be in session on Friday.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Thursday, February 5, 1998, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 4, 1998*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, O gracious God, a full measure of your grace to all who seek you in prayer. To those who are ill or know uncertainty for their well-being, grant healing and strength; for those who know not the joys and opportunities of freedom, grant liberty; for those who are fearful for their security or experience conflict or war, grant peace; for those who do not have the necessities of life, grant nourishment for body, mind, and soul; and for those who seek greater meaning or purpose in their own lives, grant direction and fulfillment and the blessed assurance of Your grace and love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 1-minutes on each side.

FCC SHOULD SAFEGUARD RURAL TELEPHONE SERVICE CONSUMERS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it is time for the Federal Communications Commission to do something to safeguard the telephone rates that people living in rural America pay.

When the Telecommunications Act of 1996 passed, there was one thing Congress wanted to ensure: that rates for residential and rural customers did not skyrocket. To protect against that, the FCC was directed to come with a "competitively neutral" support program.

The law required them to take action by May of last year. We have yet to see action. They announced possible rules, but also stated a whole new round of administrative proceedings. Right now, the FCC is debating which computer model will give them the right answers. Some of the smaller telephone companies have seen their support programs frozen in place; others are still up in the air.

This is not acceptable, Mr. Speaker. I urge the FCC to resolve this issue and resolve it soon. For rural Americans, telephone service at affordable rates is not a luxury, it is essential.

THE REPUBLICAN WAR

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I have already said many times on the floor of the House how important it is for us to move on an agenda of managed care reform for consumer protection; and I have to say today that I am very upset to hear that the National Association of Manufacturers is down here today visiting Members trying to basically pressure Members to not support managed care reform.

We have an internal memo that basically says that the message the House Republican leadership is going to send is that we are at war and need to start fighting against managed care reform, and Senator LOTT says that the Senate Republicans need a lot of help from their friends on the outside. "Get off your butts. Get off your wallets."

The Republican leadership is now involved in this special interest activity. They are talking about their wallets and getting off their butts to try to fight against managed care reform.

Mr. Speaker, the American people have spoken out. They want managed care reform. They want quality health care. The Republican leadership should not be backed up by these special interest groups that are down here today to fight against these important, very important, consumer protections that the American people are demanding. This is the beginning of the Republican war.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Members should refrain from directly referring to members from the other body.

CONGRESS SHOULD RETURN BUDGET SURPLUS TO AMERICAN PUBLIC

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the budget estimates are in; and the news is very good. This year, for the first time, the Congress of this Nation is going to have an opportunity to do what the American family has had to do for year after year. That is balance the budget.

Substantial progress has been made and giant steps have been taken in shrinking the size and the scope of the Federal Government. However, we must not stop now. We have finally righted the ship, and now we must take great care to stay the course.

The presence of a budgetary surplus must be used to save our current entitlement programs, not create new ones. This money should be returned to the people, not used to create more layers of bloated Federal bureaucracy.

Now that this Republican Congress has succeeded in balancing the Federal budget, all attention should be focused on the family budget. The liberal's concept of bigger government and $100 billion in newer taxes is not better government. Decreasing taxes and reducing the size and the scope of the Federal Government has gotten us where we are today.

Mr. Speaker, I urge my colleagues to continue this fight. Do not follow this giant step forward with two equally large steps back.

PATIENT ACCESS TO RESPONSIBLE CARE ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. DELAURO. Mr. Speaker, today the National Association of Manufacturers is in Washington to oppose legislation that would reform managed care. It appears that the Republican leadership will stand with their special interest friends at the expense of average, middle-class Americans.

Now, let us talk about what this legislation is, the Patient Access to Responsible Care Act. Take away that title. This is what this bill is about: ensuring that patients have access to specialists; making it easier for consumers to sue health plans for medical malpractice; and ensuring that medical decisions are made by doctors and not by insurance company bureaucrats and by allowing doctors to tell their patients what their options for medical treatment are and not be gagged by health care providers.

Instead, the National Association of Manufacturers and the Republican leadership want to keep power in the hands of the insurance companies that are more concerned with healthy profits than with healthy patients.

Mr. Speaker, I call on the Republican leadership to join Democrats in supporting these commonsense reforms.

THE ERA OF SMALLER GOVERNMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, 2 years ago on the lectern to my right behind me, the President stood up and said the era of big government is over. Hence, enter into, I guess, the era of the smaller government. And then this week, as he announced his new $100 billion increase-spending budget, he said we are at the end of an era. So I guess what the President was saying is that the era of big government being over only lasted 2 years, or about 23 months if we are counting.

What else does he say in this new era? Nationalize health care; nationalize Federal day care programs; expansion of the sinking Medicare program, causing more problems for our Nation's seniors; and, of course, paying millions and millions of dollars to that favorite U.N. organization.

We in the Republican party hate to see the era of smaller government being over with. We think that it should continue. We support smaller government and lower taxes; stronger families, not a stronger Washington bureaucracy. We support a stronger military, not a stronger Saddam Hussein. We support stronger local governments and less influence outside of Washington.

INTERNET NEEDS A CHASTITY CHIP

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, what a world. Frazzled Frances Wyndham believes she got pregnant during a sexy e-mail exchange by a paramour 1,500 miles away. That is right: pregnant.

Frances said, and I quote, "His words were so sexy, I was totally seduced." Talk about instant connection. This is immaculate reception, Mr. Speaker.

And if that is not enough to crash our hard drive, think about the legal implications. What is next? Bill Gates paying child support? Microsoft, my eye.

Mr. Speaker, it is time for Congress to act. The computers do not need a V-chip; Internet needs a chastity chip. I would say, "Beam me up," but that may be a new delivery system for e-mail.

PRESIDENT'S "TAX AND SPEND" BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, President Clinton just 3 years ago proposed a 5-year budget with $200 billion deficits every year for as far as the eye could see. We Republicans said no. We said no to big government, no to using phony numbers. We in Congress insisted on passing a bipartisan budget that balanced and that kept the lid on spending.

Well, here we go again. It is back to budget-busting time. Once again it is going to be up to Congress to act like grown-ups and keep a lid on spending. The President's budget expands entitlement spending. It puts the Medicare program in jeopardy only 1 year after we acted to save it. Taxes go up and up again in the President's budget.

Tax and spend, tax and spend. No matter how good the White House can spin it, and they are very good at spinning, the President's budget is a tax and spend budget.

Mr. Speaker, let us balance the budget. Let us pay down the national debt. Let us really save Social Security, not with smoke and mirrors. And let us give the American people the much deserved tax relief.

AMERICA SHOULD END CUBAN EMBARGO

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, last month we witnessed one of the most amazing events in recent memory, one that we thought that we would never see: Communist dictator Fidel Castro welcoming Pope John Paul to Cuba.

The sight of thousands of Cubans turning out to see the Pope and the sounds of his words on Cuban national television rebuking Castro for decades of repression against democracy and the Church were cheered by Americans. The Pope is on our side in the fight against communism and tyranny.

But let us also remember the second part of the Pope's message: The U.S. embargo against Cuba is unfair and inhumane and should be ended. For almost 40 years, we have tried and failed to isolate Castro's Stalinist regime. The Cold War is over, yet we still pretend that the small island 90 miles off our coast does not exist. But for the millions of Cubans who live in poverty, the lack of adequate food and medicine is all too real.

At a time when we send millions in humanitarian aid to "democratic allies" like North Korea, we should heed the Pope's advice by ending the embargo for food and medicine. We can punish Castro, but it is time to stop punishing the poor people who live in Cuba and need food and medicine.

AMERICA SHOULD MOVE CAUTIOUSLY REGARDING IRAQ

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, the Saudis this past week expressed a sincere concern about an anti-American backlash if we start bombing Baghdad. We should not ignore the feelings of the Saudis. If a neighbor can oppose this bombing, we should be very cautious.

In the next week or two, we may have a resolution coming to this floor endorsing the bombing and, in essence, allowing for a declaration of war. Saddam Hussein does not pose any threat to our national security. We should be going very cautiously. Bombing might cause some accident regarding biological warfare. It may cause an irrational act by Saddam Hussein with one of his neighbors. It is bound to kill innocent lives, innocent civilians in Iraq. It could kill many American flyers as well. It costs a lot of money.

And even if we do kill Hussein, what do we do? We create a vacuum, a vacuum that may be filled by Iran. It may be filled by some other groups of Islamic fundamentalists.

There is no real benefit to pursuing this. Our own military has said this is like putting on a show. It is political, not a military operation.

□ 1015

PATIENT BILL OF RIGHTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, there is a bipartisan coalition formed in Congress to pass a patient bill of rights to curb abuses from health maintenance organizations, from HMOs. This bill would give people the right to know all their medical options, not just the cheapest: the right to choose the doctor they wanted for the care they need, the right to emergency room care wherever and whenever one needs it, and the right to keep medical records confidential.

A majority of Congress, almost all the Democrats and a fairly large number of Republicans, support the bill. So what is the problem? The problem is Speaker GINGRICH, Republican leadership in this House, Republican leadership in the other body and the insurance industry. Not so long ago there was a memo passed around from one of the top Republican leaders in the other body talking about opposing this legislation and he said, quote, get off your butt, get off your wallets. He talked about spending money and raising money from insurance companies, spending that money to defeat this bipartisan legislation. Again, Mr. Speaker, it is the right thing to do. It is too bad the Republican leadership will not get out of the way and let the House pass it.

THE COMPREHENSIVE HOLOCAUST ACCOUNTABILITY IN INSURANCE MEASURE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, during the Second World War and the years preceding it, life insurance companies throughout Europe sold numerous policies to Jews and other minorities worth an average of 400 deutsche marks. As the Nazis seized power and began their anti-Semitic practices, laws were passed to deprive the Jews of their property. In fact a 1933 German law confiscated the property of Jews who emigrated to escape the Nazis. But with sickening irony, Jews who were forcibly deported to the Nazi death camps were considered emigrants, and their property, including any life insurance policies, was confiscated according to German law.

At the war's end death camp survivors and the heirs of those who perished attempted to collect on the life insurance policies that were due. But because many policies had been paid out to the Nazis or because of the companies' unwillingness to pay out the claims, there was no money for the rightful heirs.

Over the years much of the insurance companies' collusion with the Nazis became evident. Some companies attempted a small amount of restitution, but the vast amount of money owed the Holocaust survivors has never been paid.

I have crafted a bill to help these Holocaust victims get restitution.

The Comprehensive Holocaust Accountability in Insurance Measure will prohibit foreign insurance companies and their American subsidiaries from conducting business in the United States or conducting business with a United States bank unless the insurance company fully discloses all financial dealings they have with individuals who are known to have survived or perished during the Holocaust years. Today survivors and surviving heirs are still struggling to regain their property.

I urge Members to cosponsor this bill.

HEALTH CARE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, today our Republican friends are talking about naming airports. What America should really be concerned about is the "NAMing" of our airports. That is right, NAM, the National Association of Manufacturers, is having a corporate fly-in today.

The corporate jets line the runways out at the airport here in Washington, and the special interests fill this Capitol. And what is it all about? They are heeding the cry of the Republican Party to come to Washington and block a consumer bill of rights for health care consumers who are enrolled in managed care: the right to see your own doctor, the right to be able to go to the emergency room without having to ask someone's permission, the right to hold accountable some insurance plan that denies you access to health care, the right of all Americans to begin to do what Texans can already do, and that is to hold accountable these managed health care plans.

But NAM and the Republican Party, they have the NAM slam of this plan. It is really a NAM scam. It is a scam to deny the American people the rights they should have as health care consumers.

HONORING RONALD REAGAN

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, I would remind my good friend, the gentleman from Texas (Mr. DOGGETT) that the last time a slew of corporate jets converged upon Washington, DC, those executives were not filling the Capitol. I believe they were filling the Lincoln bedroom.

That aside, Mr. Speaker, I rise today to speak about another President: Ronald Reagan. I am pleased to support naming Washington National Airport after him. He was a President whose legacy was not being written by supermarket tabloids. President Reagan's great legacy included 20 million new jobs created, a substantial drop in poverty rates, an increase in middle class and real farm income, and the doubling of women-owned businesses. Under President Reagan, African-American employment increased 46%, and Hispanic employment increased a whopping 84%.

More importantly, Mr. Speaker, he was a President who gave us a romance and patriotism about our country that we knew long since, and had lost for awhile. We recovered that splendid sense under his leadership. It is time to honor President Reagan with this simple, yet well-earned, tribute.

MANAGED CARE REFORM

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, today the American people will get an opportunity to see the spectacle of the dreaded special interest groups. That is right. The National Association of Manufacturers have flown into town to oppose managed care reform.

Congress has in the works the Patient Access to Responsible Care Act, a bipartisan bill, Democrats and Republicans working together to protect patients rights. The President refers to it as a patients' bill of rights. It would guarantee access to emergency rooms, access to specialists. It would make the decisions or put the decisions in the hands of doctors, not medical insurers or bureaucrats or medicrats. It would guarantee that the American people have the kind of access to health care that they deserve.

But the special interests are in town, and they are here to try to scare Americans, to try to convince Americans that if you have a health care bill of rights, you will lose your health insurance, that employers will not be able to offer health insurance to their employees. My colleague says it is a scam. I think he is right. We need to stand up to the dreaded special interest groups.

NEW BIG GOVERNMENT PROGRAMS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, what would you call a leader that wants to begin spending money before he even has it? Irresponsible? Liberal? Slick? Well, the budget just submitted by the President calls for spending on 39 new big government programs with tax revenues that the government does not yet have. Using the usual sleight of hand, the President's budget makes assumptions about billions of dollars from a tobacco settlement that does not even exist.

Spending money based on tax increases that do not even exist adds new meaning to the expression tax and spend liberal. Now we have a liberal who spends first and hopes that a tooth fairy Congress will give him a tax increase later.

Mr. Speaker, the middle class has gotten the shaft long enough. The middle class is tired of promising something for everyone and sticking their families with the bill. Mr. President, do not break the balanced budget agreement with these new big government spending programs and entitlement expansions. It is time to say no to more big government.

PRESIDENT'S HEALTH CARE TASK FORCE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, it seems as though we are beginning this year on the same note as last year but with a different tune. Today we are going to vote on House Joint Resolution 343, an effort to deny the legitimate payment of bills incurred by the President's Task Force on National Health Care Reform convened in 1993. Some Members of this body do not want to pay the bills because they did not like the recommendations.

Let us be serious. Let us get on with the real business of this country like providing health care to indigent children, protecting Social Security, fixing our roads and bridges, providing day care, creating jobs with livable wages, hiring teachers and lowering class size.

Let us vote down House Joint Resolution 343 and get on with the real business of the American people.

RONALD REAGAN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, later today we are going to vote on a very important resolution concerning former President Ronald Reagan. I love President Reagan for many reasons, but he was a great storyteller. I wanted to relate a story that he told, and I quote:

> I remember one day I was sitting in the principal's office. I was not invited there for a social visit. He said something that fortunately stuck in my mind and I remembered. He said, Reagan, I do not care what you think of me now. I am only concerned with what you will think of me 15 years from now. Thank the Lord I had the opportunity to tell him shortly before he died, how I felt about him 15 years later, after that visit in his office. And I was very grateful for the influence he had on my life.

Mr. Speaker, President Reagan was a man who worked for the people. He was a man concerned about the people. He was a man who put the people first. It has not been 15 years since President Reagan left office, but I believe we, the people, can honor his life by renaming our national airport after him.

CORPORATE SPECIAL INTERESTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, today the corporate special interests are responding to the call of the Republican leadership to get off their wallets. Today they start spending millions of dollars, with the National Association of Manufacturers fly-in, to kill the bipartisan effort to pass a patients' bill of rights to protect people against the excesses of managed care, to make sure that people know that doctors are making the medical decisions and not insurance companies, to make sure that patients have a right to appeal the denial of services, to make sure that people understand that these medical decisions are theirs and between them and their doctors.

But, no, the Republican leadership in the House and the Senate have told the special interests lobby to come to Washington to spend millions of dollars to deny us the right to have a bill that has over 220 cosponsors, Republicans and Democrats, who know that their constituents need these protections against managed care. We have got to respond to the need of our people, not to the corporate interests and their million-dollar campaign.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, today I wanted to stand up and rise and speak towards an issue which deserves bipartisan support. That is the issue of eliminating the marriage tax penalty. I believe that the best way to frame the issue of the marriage tax penalty is to ask some very simple questions: Do Americans feel that it is fair that a married couple with two incomes who both work pay higher taxes under our Tax Code? Do Americans feel that it is fair that a married working couple, two incomes, pays higher taxes than an identical couple who choose to live together outside of marriage? That is just not unfair, Mr. Speaker, that is wrong.

On average, 21 million married working couples pay an average of $1,400 more in taxes under our Tax Code today just because they are married. Here in Washington that is a drop in the bucket. Back in the south suburbs of Chicago, $1,400 is a lot of money for the average of those 21 million married working couples: down payment on a car and a home, a year's tuition in a local community college. Let us work together in a bipartisan way and eliminate the marriage tax penalty.

HMO REFORM

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, today the special interests are swarming around this Capitol to defeat HMO reform, reform that will hold the HMOs accountable for their actions. The American people of both political parties want to make their health care decisions with themselves and their doctors and not with some accounting clerk, who is neither a doctor or a nurse or other health care professional, make that decision which often denies them the care that they paid for with their insurance premiums, where the accounting clerk often gets an incentive for denying that care.

Both political parties have put forth a bill to reform HMOs, but the special interests are now swarming over this Capitol to deny the right of the American people to get what they paid for when they paid their insurance premiums, the right to see the specialists they need, the right to know that they can go to the emergency room and not be turned away, the right that their doctor can send them somewhere and know that the patient that they send will get the care they deserve.

I will save the special interests some trouble coming to my office. The people of Bergen and Hudson Counties, New Jersey want HMO reform, and they will not let the special interests stop us from doing the right thing.

THE ERA OF BIG GOVERNMENT CONTINUES TO LIVE IN INFAMY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, we seem to be living in a Humpty Dumpty world today. Humpty Dumpty says, "When I use a word, it means what I mean it to mean." I think that applies to the person who announced in his State of the Union address 2 years ago the era of big government is over.

I guess the question that all America would like to know is what the President meant when he said that. Does he mean that the government will not continue proposing huge programs to achieve social goals? Does he mean that government spending will decline or even the spending as a percentage of GDP will decline? Does he mean that the trend towards ever more control and micromanagement from Washington will end? Does he mean local control will be given preference over Federal bureaucratic control from Washington?

The Humpty Dumpty truth is that the President's budget answers no, no, no, to all of these questions. Yes, Mr. Speaker, the era of big government continues to live in infamy.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 344

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 344 is a modified open rule providing for consideration of H.R. 2625, the Ronald Reagan National Airport bill.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule also provides a 2-hour overall limitation on the amendment process.

The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read.

The rule additionally authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and it allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

And, finally, the rule provides one motion to recommit.

Mr. Speaker, this rule strikes an appropriate balance between the majority's interest in moving its legislation through the House expeditiously and the minority's interest in being allowed to offer amendments to the bill. An overall time limitation in this case seemed to be a fair way for the Committee on Rules to address both sides' interest in the legislation.

Mr. Speaker, we are here today to honor Ronald Reagan through the passage of a bill to rename National Airport the Ronald Reagan National Airport. Why should we bestow this honor on President Ronald Reagan?

As far as I am concerned, Mr. Speaker, we cannot honor Ronald Reagan enough. His leadership brought prosperity and pride back to America and freedom to much of the rest of the world, and I will discuss that maybe perhaps a little bit later in the debate.

Mr. Speaker, in order to fully appreciate President Reagan's lasting impact and the rationale for naming the airport, let me remind Members of the world landscape when he took office back in 1980, and I was here then. In 1981, the Soviet Union was continuing a massive arms buildup and attempting to spread its hegemony into Afghanistan. They had invaded Afghanistan back in 1979. Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe, enslaving millions and millions of people.

In America, we were experiencing something called "stagflation." I just wonder if many of my colleagues can remember back that far. That dreadful combination of unconscionable 13 percent inflation. Can we imagine what that did to senior citizens living on a fixed income? Thirteen percent annual inflation and interest rates of 22 percent, and 24 percent prime if one happened to be a small businessman like I was, borrowing money to keep our businesses going and paying 24 percent interest. That brought on a recession, my colleagues, that created massive unemployment in almost every industry in America. And that was back in 1980, before President Reagan took office.

In fact, our country's morale was so low that then President Carter even declared the American people to be in a state of malaise. Imagine that, we proud Americans being in a state of malaise. But President Reagan saw the moral and financial flaws inherent in that Soviet system that was enslaving half the world population. He had the courage to call communism by its rightful name, the Evil Empire, and insist on human rights and proper treatment of human beings, dissidents, behind the Iron Curtain.

And his peace through strength policies, Mr. Speaker, ultimately resulted in the collapse of the Soviet Union and freedom for the captured nations of Eastern Europe so that today, instead of deadly atheistic communism spreading its tentacles throughout this world, we now have democracy breaking out all over the world, and these people now have sovereign nations to live in and they enjoy the freedoms that we have enjoyed for so many years now.

Mr. Speaker, as a member of the Committee on Foreign Affairs all during President Reagan's two terms, it was a great honor for me to support President Reagan's foreign policies here in the House and on the floor of Congress. It makes me so proud to know that those policies for which President Reagan was berated at the time have led to an explosion of that freedom I just talked about of democracy and prosperity all around this globe and in this country of ours.

Domestically, President Reagan's economic policies not only pulled this country out of that stagflation I talked about, but they created economic benefits for everyone, for all of our citizens. Nineteen million new jobs were created. Incomes grew at all levels. New industries and technologies flourished and exploded. Exports exploded around this world.

In fact, a recent survey of leading American businessmen, and I hope Members will listen to this, a survey of leading American businessmen attributed today's strong economy precisely to the Reaganomics that was laid out during the 1980s right here on the floor of this Congress.

Mr. Speaker, Ronald Reagan's views and his ideas, once considered conservative, now occupy the center, the mainstream, of American politics, and it is represented here in this Congress in the House and Senate today. President Reagan's vision of a smaller government and individual responsibility are still embraced by the American people even more so today, and that is really what we Republicans are fighting for on the floor of this Congress every single day.

And, finally, Mr. Speaker, Ronald Reagan set a moral tone for this country that would always bring out the best in us as individual Americans and as a Nation as a whole. He would speak to the Nation plainly and convincingly about complicated subjects and he trusted in the judgment of the people, the American people. His words and his gestures were always genuine.

He had such respect for the office of Lincoln and Washington that he would never ever put personal gratification above the national interests of this country. Let me repeat that. He had such respect for the office of Lincoln and Washington that he would never, ever put personal gratification above the national interest of this great country of ours. Ronald Reagan would never have put himself in a situation which might tend to degrade either himself or the esteemed office of this Presidency. That is why he was such a great President.

Mr. Speaker, passage of this rule will bring us one step closer to voting on a bill to honor one of the greatest Americans that I have ever had the privilege of knowing and working with. I urge all of my colleagues to come over here and participate in this next 3 hours of debate to pay long-lasting tribute to this great American, Ronald Wilson Reagan.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend and colleague, the gentleman from New York (Mr. Solomon), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I know and I realize that there may be a lot of people in this country who think Washington National Airport should be named after President Reagan, but I daresay very few of them live in the area.

For that reason, Mr. Speaker, I rise in opposition to this restrictive rule. Because in 1986 there was a bill in which the Federal Government ceded responsibility for managing this airport to the Metropolitan Washington Airport Authority. That bill was signed into law by none other than President Ronald Reagan. Because, Mr. Speaker, President Reagan was a big believer in giving local government more control and the Federal Government less control.

In fact, Mr. Speaker, President Reagan himself said, and I quote, this is a quote:

> In many respects the Federal Government is still operating on the outdated and, if I may say so, arrogant assumption that the States just can't manage their own affairs.

But this bill is a complete contradiction of the very philosophy of Ronald Reagan himself. This bill takes a local airport name and says the Federal Government has decided to change the name of this airport despite nearly unanimous local opposition. And I want to add also, Mr. Speaker, that this airport does have a name. It is Washington National Airport, named for our first President, George Washington, who lived just a stone's throw away from where the airport currently stands.

The Federal Government has already named the second largest building in Washington after Ronald Reagan, the Ronald Reagan Trade Center. And as far as I am concerned, they can name the largest building in the D.C. area after Ronald Reagan, the Pentagon. It does not have a name. Let us make it the Ronald Reagan Peace Clinic.

Mr. Speaker, President Reagan had a profound impact on our country. He was one of the greatest proponents of freedom worldwide. My opposition in renaming the airport has nothing to do with my respect for the former President but, rather, my belief that we should honor his ideas as well as his name.

Yesterday afternoon in the Committee on Rules we heard from local representatives, Democrats and Republicans alike. These are the people who speak for this area. These are the people who can speak for the people who live around the airport. Mr. Speaker, every one of them, every one of them asked that the airport not be renamed but remain Washington National Airport after our first President, George Washington.

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But today it looks like my Republican colleagues are going to continue despite strong local opposition and despite the very principles Ronald Reagan himself stood for.

My dear friend, my colleague, the gentleman from New York (Mr. Solomon), said this bill will honor President Ronald Reagan. That is true. But, Mr. Speaker, this bill will dishonor President George Washington.

I urge my colleagues to oppose the rule. This imposes a 2-hour time cap on a partisan bill, which we have nothing but time around here, and it does not do anything to credit the memory of a great president, Ronald Reagan.

Mr. Speaker, may I inquire from my dear friend how many speakers he has remaining?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, we have a number of speakers; but, at the present time, none of them are on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a great puzzlement to me why the Committee on Rules chose to have, in a sense, an open rule on amendments and a closed rule on the time in which to consider the amendments and the votes thereon.

I indicated yesterday to the Committee on Rules that I did not expect more than three amendments to be offered but that we did expect to have some time for debate. I did not expect that we would be constrained given the very light schedule that there is today. But I did expect that we would have an opportunity to discuss at some length, not ad nauseam; and I did indicate that I had worked diligently to deflect a number of amendments that I thought would be dilatory and to reserve those amendments to only those that were necessary.

Unfortunately, we are operating under a very restrictive rule; and we will limit the number of amendments. But I hope that, within the time, we will also have adequate discussion of the issue at hand.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I have great respect for him. I served on his committee as much as 20 years ago. He was a good Member in those days, and he is a good Member today. But I just have to take exception with him talking about a closed rule, a restrictive rule.

Mr. OBERSTAR. I did not say "closed." I said, "restrictive."

Mr. SOLOMON. No, my colleague said, "closed."

Mr. OBERSTAR. Closed as to time.

Mr. SOLOMON. But forget about that. The truth is the gentleman did say there were only a couple of amendments that might be offered. As a matter of fact, several of them were withdrawn I think by the gentleman from Virginia (Mr. Moran) when he was upstairs. And in order to try to schedule the schedule for today, and we have another open rule coming up after this one, I felt that 2 hours was ample time.

The SPEAKER pro tempore (Mr. Sununu). The time of the gentleman from Minnesota (Mr. Oberstar) has expired.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota and ask if he would yield to me.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman knows that, under the Rules of the House, that if my colleague or his counterpart, the other respected Member, the gentleman from Pennsylvania (Mr. SHUSTER) feel that additional time is needed, I am sure I would agree and I am sure he would agree that we might want to extend that time a little bit.

So we are not trying to cut anyone off at all. I want the gentleman to know that.

Mr. OBERSTAR. I greatly appreciate that. That is a very grand gesture, and I appreciate that very much.

I will return just briefly, if I have additional time, to summarize my concern about the bill at hand.

Of course, we will debate it on its merits later. But it is not appropriate for the Congress to intercede in a jurisdictional matter where we have given authority to a local airport entity with full power, full authority, over the Dulles and National airports to then take back some of that power and say we will arrogate onto ourselves the authority to name this airport, not only to name it but to take off a good name that it already has and to replace another name. That is my principal objection.

Never in the history of the Committee on Transportation and Infrastructure or its predecessor, named Public Works Committee, did we take a name of a building and replace it with another name.

Washington National already has a name. It is good enough for the country. It has been good enough since 1940. It ought to be good enough for the next 50 years or the next millennium.

We should not be in the business of renaming facilities. If this precedent is followed, then woe be to any other building that the Federal Government has funded or any other airport that has received Federal airport improvement funds anywhere in the Nation as this Congress is setting a precedent today that we can come in and take names off buildings and place other names on them. That is not appropriate.

If this building were rising fresh out of the ground, if there had not been a Washington National Airport, I would have no objection to naming it for whomever the Majority chose to name it. But I certainly object to taking the name Washington National off that airport and replacing it with another name.

Mr. MOAKLEY. Mr. Speaker, the gentleman from New York still does not have any speakers?

Mr. SOLOMON. I do. But I think you want to yield the time.

Mr. MOAKLEY. Why do you not give the gentleman from Ohio (Mr. TRAFICANT) the time then?

Mr. SOLOMON. I do not have as much time as he wants. So, I think he is a good Democrat on your side of the aisle. The gentleman from Massachusetts ought to yield him some time; and I will, too.

Mr. MOAKLEY. He only needs a couple minutes. Why not give him a couple minutes?

Mr. SOLOMON. I am friendly today. I am glad to yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT). He is one of the most respected Members on the gentleman's side of the aisle. I will always yield him 2 minutes.

Mr. TRAFICANT. Mr. Speaker, I rise to support the rule and support the bill. How much time do I have?

Mr. SOLOMON. I yield the gentleman 3 minutes.

Mr. MOAKLEY. Mr. Speaker, I wish the gentleman from New York would make up his mind.

Mr. TRAFICANT. Mr. Speaker, I question many of the economic policies, like many Democrats. And we can take a look at Ronald Reagan as any other president, and we can question many things. But I think we have to give the Gipper his due here today.

Ronald Reagan, probably more than any other single individual, was responsible for correctly identifying the Soviet Union as the big bad bear, for pressing communism around the world, and for challenging the people of the free world to really actually tear down the Berlin Wall. And, more than any other individual, Ronald Reagan is to be credited with the collapse of the Soviet Union, the demise almost of communism, and the dismantling of the Berlin Wall.

Now I do agree with the gentleman from Massachusetts (Mr. MOAKLEY), whether he was serious about it or not, and he is a great Member, that, honestly, we probably should name the Pentagon after this fearless leader. But the Republican party wants to honor their great president, and it is a lesson that maybe the Democrats should learn from it. I believe that I will support that because he was a great president, and I will vote for the rule, and I will vote for the bill.

But I want to say this to the Republican party. There are many Democrats that want the legacy of Robert Kennedy remembered with a significant naming in this District; and since RFK has become now a suburban stadium, there is no real present honoring that legacy.

Now the Union Station has a lot of private interests, but I believe we could look at that and talk to those interests, and I think we should look at some other buildings in this district. So I am not talking about any deal being made here. I support the naming of the National Airport, the local interests notwithstanding. This is a national airport.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I would just like to ask the gentleman if, during his years as chairman of the Public Buildings and Grounds Subcommittee, in his years as Ranking Minority Member on that subcommittee, if he presided over a bill naming in which we took the name off a building and put another name on? Did we ever rename a building?

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, no, this was not in my jurisdiction. And when we look at J. Edgar Hoover, I think the Democrats should have taken some action when we were in charge.

So all I am going to say is I support this. I believe President Reagan did a great job in dismantling communism, and I will vote for the rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to say, speaking as a former John F. Kennedy Democrat, which I was and so was Ronald Reagan, we support what my colleague has just asked for; and we would like to help him with Robert F. Kennedy in the future.

Mr. TRAFICANT. We will be doing that. I thank the gentleman very much.

Mr. MOAKLEY. Mr. Speaker, I just had a thought. I was thinking maybe 10 or 15 years into the future, when there is a beautiful edifice in New York named after the gentleman from New York (Mr. SOLOMON), then maybe 20 years later than that someone says, take that name down and let us put up another name, what a terrible travesty that would be.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), Ranking Member of the Committee on Rules, for making the important points that need to be made so eloquently, as well as the Ranking Member of the Committee on Transportation and Infrastructure. (Mr. OBERSTAR.)

I want to say to the chairman of the Committee on Rules that my opposition to this bill in no way implies a lack of sympathy for the health condition of our former president. It is not a criticism of his policies. In fact, it is just the opposite. My opposition is completely consistent with his philosophy. Our hearts do go out to the Reagan family. We want a fitting memorial for President Reagan.

But I strongly oppose this bill. I bitterly oppose it because it is an arrogant abuse of power, and it stands in direct contradiction to everything that President Reagan stood for.

Arlington County, where the airport is located, is opposed to this. The City of Alexandria, which is directly contiguous to the airport, voted unanimously in opposition to this. The Greater Washington Board of Trade, which represents the business community in the

Washington Metropolitan Area, is opposed to this. It is going to cost them millions of dollars to change all their advertising material. Why can we not respect the wishes of local government and the small businesses in the area.

It needs to be emphasized that, in 1986, it was President Reagan who signed the legislation that turned over the authority of this airport to a regional authority that would then be responsible for making these decisions. Why should we not now defer to them? Why would we impose our will upon the very organization that President Reagan created?

It is wrong that we do this today. It is wrong to strip George Washington's name from our national airport.

Many of my colleagues may not be aware of the fact that Franklin Roosevelt, when this airport was commissioned, told the architects he wanted the main terminal to look like Mount Vernon. It was clear that this was to memorialize George Washington. His adopted son owned the land. There is no precedent for this, stripping a former president's name and imposing another president.

The only explanation can be a partisan political one. And this should not be partisan. In fact, in many ways it dishonors President Reagan's legacy to be subjecting he and his family to this kind of contentious debate, to be doing something that is so contrary to what he believed in. This should not be done.

And one of the people that has explained why it should not be done is the first Republican governor of Virginia, Governor Linwood Holton, who was the first chair of this airport authority. Governor Holton has written a letter. We have that letter. He urges us in the strongest terms, do not do this.

□ 1100

It is completely contrary to what President Reagan stood for.

We will have a number of amendments that will seek to make a bad bill a little bit more palatable. One would defer this renaming decision to the Washington Airport Authority. Another would say that until we have enough money to reimburse the businesses and the public bodies that are going to incur substantial expenses because of this, we should not do it.

President Reagan is being honored in appropriate ways. We have an $800 million Federal Trade Center. Outside of the Pentagon, this is the largest Federal building in the world. It is going to be named after President Reagan in just a few weeks. We are going to name the next *Nimitz* class aircraft carrier after President Reagan. We have got a courthouse in California named after President Reagan. There are going to be a lot of things named after President Reagan.

I am not sure that this idea that was in Time Magazine that we ought to carve his face in Mount Rushmore is not going to be an even more contentious issue, but there are sure going to be lots of opportunities to honor President Reagan, appropriate non-partisan opportunities. This is not an appropriate opportunity.

Mr. MOAKLEY. Mr. Speaker, I would ask the gentleman from New York (Mr. SOLOMON), are his speakers reassessing their position on this bill?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, one of the real pleasures of serving on the Committee on Rules is having the gentleman from Massachusetts (Mr. MOAKLEY) as my counterpart, as the ranking member, because the gentleman always makes my day, as Ronald Reagan used to say.

Mr. MOAKLEY. I hope they do not make it the same way they made Clint Eastwood's day.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am surprised at the opposition from my friend the gentleman from Massachusetts (Mr. MOAKLEY), because there was a speaker of this House named Thomas "Tip" O'Neill, and he was one of the most loved speakers we have ever had, even though he was tough and he once broke a gavel yelling at me from the Chair up there one day.

But let me just say that we have heard people say, well, you know, this goes against Reaganomics and all President Reagan wanted to do.

I was just going to ask the gentleman from Massachusetts (Mr. MOAKLEY), how did he and all of the other Members that have spoken here today vote when we wanted to reform welfare, return welfare back to the States and back to the counties, so that we could make able-bodied people work for their welfare checks? How did they vote when we changed the whole concept of doing away with categorical aid grants for education; in other words, where we were telling local school boards how to educate their children, we here in Washington? We changed all of that, converted it to block grants, gave it to the States, and mandated that 80 percent of those funds go right on to the local school districts. That is Reaganomics.

So when we talk about what we are doing here, I just have to question a little bit the complaint about Washington National Airport, because, as the gentleman knows, and I will read from this document, according to the National Park Service, in 1927 a joint airport committee voted to approve a site for a new municipal airport for the Nation's capital. It chose Gravely Point, a shallow water area on the west bank of the Potomac across from Hains Point, 4.5 miles south of Washington, D.C. This was designed to replace, listen to this, the Washington Hoover Airport, which was located over where the Pentagon is today.

At first the proposed airport was referred to as the Gravely Point Airport project. However, over time it came to be known as the National Airport. There does not seem to be any precise moment or action that can be cited for the name change. Nevertheless, the name National Airport was appearing on documents as early as 1938.

Then in 1940, when legislation was finally passed on this floor, they named it Washington National Airport, after the City of Washington, after the District of Columbia. So it is not that we are deleting one name and adding another.

As a matter of fact, I do not have any strong opposition to naming it the Ronald Reagan Washington National Airport. There may be an amendment on the floor here dealing with that. We will cross that bridge when we come to it.

Mr. Speaker, I just wanted to make clear that the gentleman ought to be singing the accolades of Ronald Wilson Reagan, the same way our good friend Tip O'Neill would if he were on this floor today.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's explanation, but I do not know what he was explaining. All we are talking about here is naming an airport. I have the greatest respect for my colleague's greatest friends and idol, Ronald Reagan. I have great respect. The matter here is taking one President's name off a building and putting another President's on it. It is a bad precedent. Who knows where it is going to stop?

I would hate to think that the party in power is going to rename every Federal Building in honor of their heroes and take down the minority's names. It just does not make sense.

Ronald Reagan, in his own statements that I quoted, would be the last one in the world that would want to take someone else's name off a building and put his name on it. He would be the last one in the world that would want a congressional action to name a local airport, against the wishes, against the desires of the people who sit on the board. Nobody who represents that district was even asked. They read about it in the newspaper. This is no way to legislate.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will remove the 2-hour time limitation on the amendments and will also provide that the IRS reform bill be added to this bill.

Mr. Speaker, as you know, the measure passed the House last spring by an overwhelming vote of 426 to 4. What greater tribute could we pay to President Ronald Reagan than this IRS amendment?

The Senate has yet to consider this bill, but by adding the House-passed bill to the measure, we can give the Senate a much-needed push to take up the IRS reform.

Mr. Speaker, so I urge Members to vote no on the previous question so we can add the bipartisan IRS reform bill, H.R. 2625.

Mr. Speaker, I include the following for the RECORD.

PREVIOUS QUESTION FOR RULE ON H.R. 2625: RONALD REAGAN NATIONAL AIRPORT

Text: Strike all after the resolving clause and insert in lieu thereof the following:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2625) to redesignate Washington National airport as "Ronald Reagan Washington National Airport". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. In the engrossment of H.R. 2625, the Clerk shall: (1) add the text of H.R. 2676, as passed by the House, as new matter at the end of H.R. 2625; (2) conform the title of H.R. 2625 to reflect the addition of the text of H.R. 2676 to the engrossment; (3) assign appropriate designations to provisions within the engrossment; and (4) conform provisions for short titles within the engrossment.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a role resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the title, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a role does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield 2 minutes to my dear friend, the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts, for yielding me this time.

Mr. Speaker, I rise in support of this request that we reject the previous question so that we can have made in order H.R. 2676, the IRS Restructuring Act of 1997 and be able to bring that up and include it in this bill.

H.R. 2676 is a bill that is very important. It is one of the highest priorities, I think, of this Congress. I want to congratulate both the Democratic and Republican leadership in this body, because we made it a truly bipartisan bill.

The Speaker, the gentleman from Texas (Mr. ARCHER), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Pennsylvania (Mr. COYNE), and others, worked together so that we in this House could pass by an overwhelming majority the IRS Restructuring Act of 1997.

It is important for us to act now. Tax season is coming up shortly. We need to act before April 15 so that the reforms can take effect immediately.

President Clinton has urged the Congress to act, and Secretary Rubin has worked with us on this important legislation. It provides for a reform in the administration of the IRS by creating an outside oversight board. It provides for taxpayer bill of rights and makes it easier for electronic filing. It simplifies the Congressional oversight function. In short, it will be the first major reform of the IRS in over a half a century.

Mr. Speaker, it is important that we act now. By defeating the previous question, we have a chance so that the other body can follow the lead of this body and act now on IRS reform.

Since the House passed this bill, we have continued to learn about abuses in the IRS. Charles Rossotti, the new Commissioner, has embarked on an ambitious plan to reorganize the IRS, but he needs the tools provided in this legislation in order to complete the job.

Mr. Speaker, I agree with the ranking member: Nothing could be more fitting than for Ronald Reagan to be associated with this historic legislation to reform the IRS. I urge my colleagues to reject the previous question so we can move this legislation forward and give the other body a chance to do what this body has done.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was surprised to hear my good friend the gentleman from Maryland (Mr. CARDIN) talk about breaking the rules of the House, because the gentleman is known as a person who obeys the rules of the House. As a matter of fact, he helps us keep the House in order quite often. But the gentleman knows that an amendment making in order an IRS debate is not in order, it is not germane, and cannot be added to it, regardless of whether you defeat the previous question or not. We might as well add the Superfund to it, or we could add cloning. We could do a lot of things. But we have rules, and we have to obey them.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we know it is also nongermane, but we know of the gentleman's love for Ronald Reagan. We felt, because of that, the gentleman would allow this amendment to be placed on this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as early as this morning, I spoke to Senator BILL ROTH from Delaware, who has the IRS bill in his committee. They are moving that bill and it is going to become law. We are going to make it a lot easier for the taxpayers of this Nation to obey the law when they are filing their income taxes.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman could make it a lot easier by allowing an amendment on this bill.

Mr. Speaker, I think we have touched all the pertinent pieces, and I would hope that Members would vote no on the previous question so we can amend this bill to take away the 2-hour time limitation and also put the IRS language in here.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a former town mayor in New York, they are called supervisors, town supervisors, and county legislator and State legislator, I would be the last one to stand up here and try to take away home rule, to try to usurp the authority of local governments. But let me just lay the facts out here.

The Congressional Budget Office has stated, and it is in the report here, that the cost of complying with this particular mandate, the mandate of changing a name, is insignificant. The cost, therefore, would be negligible. There is no real cost. I, for one, would be glad to work with the Committee on Appropriations and reimburse anyone for any cost there might be.

Mr. Speaker, let me tell you why we are really here. I am also the chairman of the NATO observer group, and that is a group of parliamentarians here in the House and the Senate that are responsible for the expansion of NATO.

I was in various countries in central Asia, which is really a part of Europe, just recently. These are countries that have strange names like Uzbekistan, like Kazahkstan, like Turkmenistan, Azerbaijan, Georgia, and these people, who were enslaved for decades under this terrible philosophy called communism, all came to me as I was walking the streets in each one of these cities and each one of these new sovereign nations, and, even though they could speak little English at all, they all knew the words "Ronald Reagan," and they all gave a thumbs up to this great President, because after decades and decades and decades of suffering, they were now a free people, they were no longer a captive nation. They had their sovereignty, and now they have a chance to enjoy what we Americans have enjoyed for all these 200-plus years, the ability to live where we want to live, to work where we want to work, to worship in the church of our choice, these things we all take for granted.

The rest of the world knows the value of Ronald Reagan and why he was a great President. That is why we are attempting to just pay some lasting tribute to this great, great American.

Mr. Speaker, therefore, I would hope all Members would come over here and vote for the previous question, vote for the rule, and then come over here and vote for this bill. This President deserved it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 189, not voting 14, as follows:

[Roll No. 3]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek

Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Becerra
Eshoo
Fattah
Franks (NJ)
Gonzalez
Herger
Luther
McCarthy (MO)
Mollohan
Payne
Riggs
Schiff
Stokes
Torres

□ 1134

Mr. BONIOR, Mr. HEFNER, Ms. KILPATRICK and Ms. DEGETTE changed their vote from "yea" to "nay."

Mr. BILBRAY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 3, moving the previous question, I was unavoidably detained at Washington National Airport.

Had I been present, I would have voted Nay.

The SPEAKER pro tempore. (Mr. SUNUNU). Pursuant to House Resolution 344 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2625.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport," with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding. I rise in support of the redesignation of the Washington National Airport as the Ronald Reagan National Airport.

Mr. Chairman, I rise in support of H.R. 2625, the redesignation of the Washington National Airport as the "Ronald Reagan National Airport." I wish to thank our colleagues from Pennsylvania (Mr. SHUSTER) and from Georgia (Mr. BARR) for bringing this legislation to our attention.

President Reagan's dedication to a safe world, coupled with a strong and prosperous America, secured the status of our nation as an international leader, and led directly to the economic and political successes we have in recent years achieved. The roots of Communism's worldwide collapse can be found in the Reagan Administration's effective defense strategy, which has as its cornerstone the truism that negotiations can take place only from a position of strength.

It is appropriate that we honor former President Reagan in this manner because it was his Administration which transferred, in 1986, all Washington airports to a local authority. This ended 45 years of inefficient and expensive federal ownership, and opened the door for privatization. This, in turn, paved the way for much-needed airport modernization projects.

With Mr. Reagan's 87th birthday occurring on February 6, 1998, it is appropriate that we approve this legislation immediately, to make it a fitting tribute on a milestone occasion.

I ask that my colleagues join with me in supporting H.R. 2625 in an expeditious manner, as a fitting, appropriate tribute to one of the great Americans of all time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2625 was introduced by the gentleman from Georgia (Mr. BARR) last October 7. This bill would change the name of the Washington National Airport to the Ronald Reagan National Airport.

Ronald Reagan was born on February 6, 1911, and in 1980 was elected the 40th President of the United States. This legislation would honor President Reagan for his leadership to and for the citizens of the United States and all freedom-loving people throughout the world.

In particular, this bill is designed to honor the President for the following accomplishments during his administration:

President Reagan established fiscal policies that invigorated the American economy. As a result of his efforts, growth and investment increased while Federal spending, inflation, interest rates, tax rates and unemployment decreased.

When confronted by the former Soviet Union, President Reagan's policy of peace through strength restored national security, ensured peace and paved the way for the successful end of the Cold War.

President Reagan's leadership encouraged the rediscovery of the values upon which our forefathers founded this Nation. And in 1986, President Reagan persuaded Congress to end the inefficiency and expense of Federal ownership of National Airport and to transfer the operating control to an independent authority, paving the way for long overdue airport modernization projects, including construction of the new terminal.

Mr. Chairman, I urge support of this bill.

Mr. Chairman, I reserve the balance of my time.

□ 1145

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

It is clear that the fix is in, the tablet has been handed down from atop Mount Gingrich. Republicans are determined to erect a political billboard at the entrance to the Nation's capital in honor of their hero Ronald Reagan.

I have no objection to naming something for Ronald Reagan. In fact, I supported the naming of the billion-dollar international trade center in downtown Washington in honor of Ronald Reagan, just a stone's throw from the White House. I sympathize with his family and the condition that he finds himself in with Alzheimer's. My dearest aunt suffered from and succumbed to Alzheimer's. I know the pain that they are experiencing. But that does not justify doing something we have never done in the history of the Committee on Transportation and Infrastructure or its predecessor, the Public Works Committee, and that is take a name off a building and put another name on.

If this structure had no name, there would be no objection on this side. But you are taking a good name, the good name of Washington National Airport, and taking that off and substituting for it another name. That is not right. You are going to leave the word "national" in. I correct myself. But the title itself is defaced. That is not right.

You are interfering, interceding in the affairs of the airport authority itself. That is not right. When Congress created the Metropolitan Washington Airport Authority in 1986, the law said this airport should be treated like any other airport in the country. The transfer law leased the airport to the MWAA for 50 years and gave it complete discretion and full power, those words in the lease, to run the airport. This takes away complete discretion and full power. It is wrong. It should not be done.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Just to make the record clear, I would like to point out to the body that in the last Congress, 63 Democrats sponsored legislation, H.R. 3247, to rename the Herbert Clark Hoover Department of Commerce building as the Ron Brown Commerce building and, indeed, my dear, dear friend from Minnesota as well as several of our other esteemed colleagues on our committee, on the Democratic side of the aisle, cosponsored that legislation. So it is a little mystifying to me to hear that this is something that has never been attempted before. Indeed the very Members who oppose this are Members who attempted to remove the name of President Hoover and replace it with the name of Mr. Brown.

Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for his leadership on this issue. I rise in support of H.R. 2625 and urge my colleagues to support it as well.

Obviously, as the gentleman from Pennsylvania (Mr. SHUSTER) and others have mentioned, President Reagan was one of the most popular and most well-respected leaders this Nation has ever produced. As all of us know, he accomplished many great things during his Presidency.

Washington, D.C., is a city that symbolizes freedom and democracy for every American, for many people all over the world. Renaming the Washington National Airport as the Ronald Reagan National Airport is a fitting tribute to this great American, a man with a vision and a man who has done so much for this Nation and for the world.

In the 2 decades before President Reagan took office, Americans suffered oppressively increasing rates of taxation, inflation, unemployment and interest rates. It was Ronald Reagan who led this Nation out of its economic problems, reducing runaway inflation and interest rates to the lowest levels in many years and creating prosperity for millions of citizens across this country.

Mr. Chairman, President Reagan got this Nation back on track. His initiatives led to great improvements in all sectors of our economy, including the aviation industry. Air passenger traffic increased dramatically throughout the Reagan years, and airlines had some of their best years as well, both as a result of deregulation and the strong economy.

Finally, Mr. Speaker, this is a fitting tribute because flying, aviation, airports, flight in general in the final analysis are about freedom. They enable people to expand their horizons and accomplish things that otherwise would not have been possible. They give people the freedom and the ability to go places and do things that make all of our lives better.

In the same way Ronald Reagan's life, his philosophy, his beliefs, his actions, if they could be described in one word, that word would be freedom. He fought to protect and preserve freedom here at home and to expand freedom for people all over this world. In the great Battle Hymn of the Republic it says, in the beauty of the lilies Christ was born across the sea with a glory in his bosom that transfigures you and me. As he died to make men holy, let us live to make men free. Ronald Reagan did that. He lived for freedom. He did so much for so many, naming this airport after him is a small way to say thank you for all that he did.

I rise in support of H.R. 2625 and urge my colleagues to support it as well.

Obviously, as you and others have mentioned Mr. Chairman, President Reagan was one of the most popular and well respected leaders this Nation has ever seen.

As all of us know, he accomplished many great things during his presidency.

Washington, DC is a city that symbolizes freedom and democracy for every American and for many people all over the world.

Renaming the Washington National Airport as the Ronald Reagan National Airport is a fitting tribute to this great man—a man with vision and a man who has done so much for this Nation and for the world.

In the two decades before President Reagan took office, Americans suffered oppressively increased taxation, inflation, unemployment, and interest rates.

It was Ronald Reagan who lead this Nation out of its economic problems; reducing runaway inflation and interest rates to the lowest levels in years and creating prosperity for many citizens across the Country.

Mr. Chairman, to be direct, President Reagan got this Nation back on track. His initiatives led to great improvements in all sectors of our economy, including the aviation industry.

Air passenger traffic increased dramatically throughout the Reagan years. And airlines had some of their best years as well. Both a result of deregulation and a strong economy.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding time to me. I wanted to be on record as saying that this makes no sense whatsoever. We have a President whose name of this city is very well known. It is well known that National Airport is the Washington National Airport, named after a President. There is no need to change it, spending the money to name it for another President. This is only done, only done for partisan reasons. We should have this as a bipartisan city, a bipartisan airport. Why is there a need for a change in the name? This is the wrong way to go. We should let it stay, by the way, bipartisan to object to this. Both Republicans and the Democrats on the National Airport said this is the wrong way to go. I will vote against this and urge my colleagues to vote against it.

Mr. Chairman, I rise in opposition to this well meaning, but ill-conceived legislation.

It is appropriate to honor past Presidents. And, we have done so with President Reagan.

We have named a federal courthouse in California after him—we have named the brand new building at the Federal Triangle in Washington, DC, after President Reagan—and, the newest aircraft carrier will be named the U.S.S. *Ronald Reagan*.

In addition, President Reagan has been honored in states and cities across America by hospitals, bridges, highways and other constructions that bear his name.

I would say to my friends on the other side of the aisle that this is a matter that should be left to local authorities.

Congress should not impose its will on the Airport Authority that manages National Airport.

Members from other states should not override the views of Congressman MORAN, in whose District the Airport is located, and Congresswoman NORTON, whose constituents are affected by this decision.

We either support the right of state and local governments or we don't.

And, while there is some debate over whether the Airport was named after our first President, George Washington, it would seem important to maintain that name because of its historical value.

I am aware also that a change in the name of the Airport will have an adverse economic impact on many merchants who will suffer great losses as a result.

It is for these reasons that I urge my colleagues to do the responsible thing on this Bill—vote for order, history and fairness and against chaos, confusion and disarray—vote against this Bill.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I would like to set the facts of the record straight. If indeed this bill has been made partisan, it is only because our friends on the other side choose to make a naming bill partisan.

Let me share with the body the facts in the previous Congresses. In the 100th Congress, two-thirds of the naming bills were named by Democrats, and we Republicans supported it. In the 101st Congress, two-thirds of the naming bills were for Democrats, and we Republicans supported it. In the 102d Congress, 60 percent of the naming bills were for Democrats, and we Republicans supported it. In the 103d Congress, 66 were named for Democrats, and we Republicans supported it. And in the 104th Congress, a Congress controlled by Republicans, two-thirds of the naming bills were for Democrats, and we Republicans supported it. And in the 105th Congress, thus far, two-thirds, again, the 105th Congress, a Republican-controlled Congress, two-thirds of the naming bills were for Democrats. We Republicans supported it. And indeed, when Supreme Court Justice Thurgood Marshall died, we cooperated in a naming in his honor in 2 days. He was not even buried when we acted promptly to cooperate on a bipartisan basis.

So indeed if there is partisanship here, the record of the past several Congresses shows that in naming bills, we Republicans have cooperated. And if there is partisanship, it is because our friends on the other side choose to make it so.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I would like to thank the chairman of the committee for his stewardship and leadership on moving this piece of legislation through the committee so that it comes before this great body today to vote on.

Mr. Chairman, it is somewhat disappointing that constantly there are those who find partisanship and rail against something on partisan reasons when in fact those things have nothing to do with partisanship. This is one of those bills. This bill is simply one of a number of efforts that Congress undertakes on a bipartisan basis year in and year out, as the chairman just indicated, to recognize great Americans for their role in shaping American history by naming public buildings and public facilities, and National Airport is a public national facility, after those great Americans.

When we vote in the Congress, year after year to name Federal facilities and Federal buildings after Democrats, Republicans and Independents and those not affiliated necessarily with any political party, we do so because the people of this country want their heritage to be remembered and monumentalized on our public buildings. When we in the Congress have voted in the past to name a particular Federal facility or building after a particular person, I doubt that any of us vote in favor of those votes, for those votes because we agree with every single policy or every single pronouncement that those individuals have made during the course of their public career. They are recognized through legislation such as this, not for any one particular vote, not because every one of us agrees with everything that they did, but because they have contributed in some form or fashion in a significant way to the overall history and running of this great Nation.

I do not think that there are anybody but the most extreme partisans who could with a straight face fail to put Ronald Reagan in that category. I think it is entirely appropriate and clearly within the purview of this United States Congress to name a Federal facility which we, the people of this country, not of any particular State, own and have a stewardship relationship in running that facility.

It is not that there is anything sacrosanct about any name. The name of National Airport in Washington has been changed in the past. Other Federal facilities have had their name changed as new people, new American heroes have come on the scene and for which the order of the day is to recognize them.

I think it is entirely appropriate that we in this Nation's capital, we the Representatives of the people of this country today seek to honor on the eve of his birthday one of the great Presidents of this country's history. I would urge all of my colleagues to put aside any sort of partisanship that they may feel. We are not asking them today to vote for this resolution, for this piece of legislation because they agree with everything that President Reagan did, although I do think he was a great President. There are others who may not place him in that high category, but I do not think that that means that they have the right to simply vote against it because they may disagree with something that he said or did. The same as we on this side did not vote against naming Federal facilities after persons on the other side of the aisle simply because we may have disagreed with something that they said or did.

The history, the legacy, of Ronald Reagan will far outlive our great leader. It is a legacy that future generations can know and enjoy and bear the fruits of because of the work that he did in ending the Cold War, in bringing pride back to these United States of America.

I think that all of us also feel a sense of pride as this name change goes forward and our national airport, which, again, I would like to stress, Mr. Chairman, is owned by the people of this country, it is not a State facility, it is run, leased to a local facility. That is something that Ronald Reagan believed in, but naming this national airport after Ronald Reagan does not take away from the ability of that airport authority to run the airport as it was intended to do.

Those that make that claim are simply making a specious claim in order to disguise the fact that they just do not want to name an airport after Ronald Reagan. If there are some folks that believe that in their heart, and their constituents want them to do that, that is one thing, but to come up with arguments that this airport is not a Federal facility, that the Federal Government through congressional mandate does not have every single right to name this airport, as we the people, through our representatives feel free and feel fit to do, is inappropriate.

I would prefer to see the debate stay exactly where it ought to be, and that is a legitimate exercise of limited congressional authority to name Federal facilities owned by the Federal Government on behalf of the people of this country, this entire country, not any particular State or region, on behalf of and in recognition of great national leaders, of which Ronald Reagan clearly is.

This legislation has the very clear support of his family, as he enters his twilight years. We know he is very ill, and I think there would be no more fitting tribute than to pass this legislation today and rename National Airport after Ronald Reagan.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, first of all, as a member of the Subcommittee on Aviation, let me say that it is inappropriate that we reported this bill out without a hearing or a markup in subcommittee. This is an important decision we are making today, and I urge my colleagues to consider all of the information. Naming National Airport after President Ronald Reagan is unnecessary government intervention and duplication, and, in addition, he is not known for being a champion of aviation policy. Quite the contrary, his aviation policies were often divisive and controversial. Although we differ on political views, I do respect him as the President.

First of all, as a member of the aviation subcommittee, let me say that it is inappropriate that we reported this bill without hearings or a markup in subcommittee. This is a very important decision we are making today, and I urge my colleagues to consider all the information.

I hate to be put in the position like this, when we are pressured to vote on an important issue that will be costly, involves wrongful government intervention into local business, and renames a public facility—something we have never done before, when President Reagan is ill. This is not the time or place for this discussion.

I will not enter into a partisan debate on this issue. I think the simple facts speak for themselves. We have already honored President Reagan for his achievements. Many credit him for bringing an end to the Cold War, and I think it is fitting that there is an Aircraft Carrier to be named in his honor, as America's defense buildup helped bring an end to the Cold War.

Additionally, we have honored him again by naming the largest Federal building outside of the Pentagon after President Reagan. This building which completes the Federal Triangle project is just a few blocks from the White House, and in plain view to the millions of tourists that come to Washington every year.

And in President Reagan's home state of California, a Federal courthouse bears his name. This is an addition to countless other roads, bridges, and buildings that have been named after him across the country. Naming National Airport after President Reagan is unnecessary government intervention and duplication. And additionally he is not known for being a champion of aviation policy. Quite the contrary, his aviation policies were often divisive and controversial.

Although we differ in political views, I do respect him as a President; however, I truly feel he has been honored, and in many ways unlike any other President, in terms of the number of honors to him in the short period of time since he has left office.

Let us stop the politics and move on to real business. I urge my colleagues to vote "no" on this bill.

The CHAIRMAN. The gentleman from Illinois (Mr. LaHood), now controlling the time of the gentleman from Pennsylvania (Mr. Shuster), has 17 minutes remaining, and the gentleman from Minnesota (Mr. Oberstar) has 27 minutes remaining.

□ 1200

Mr. LAHOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. Kelly).

Mrs. KELLY. Mr. Chairman, as a cosponsor of this bill, I rise today in strong support of this measure to honor President Ronald Reagan with this designation.

Much has been said about the redesignation of the airport which received the title Washington National, contrary to the insistence of the other side of the aisle, not directly because of George Washington's legacy but because of the name of our Nation's capital. We have always acted in a bipartisan manner on such bills, until now, when the Democrats, not the Republicans, have decided to be partisan on this matter.

I would like to address the importance of the Reagan years. I hope that all of us will remember the anxiety of the Cold War and pay homage to the man who put our fears to rest. Please support this bill.

President Reagan once stated that through his policies he hoped to "foster the infrastructure of democracy". We foster and measure our Presidents by the fruition of their promises; and by that high standard, President Reagan has been proven a champion of foreign policy. He deserves this designation and he deserves our utmost respect.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. Moran).

Mr. MORAN of Virginia. Mr. Chairman, several things need to be clarified. This airport clearly was named in honor of George Washington, and anyone suggesting that it is only referring to Washington, D.C., should ask themselves who they think Washington, D.C. was named after; Bugs Bunny?

It is obvious that George Washington is honored here. In fact, the land was owned by George Washington's adopted son.

There is a lot of history. We are going to share that with Members. The main thing we need to emphasize here is this is directly contrary to Ronald Reagan's legacy. Ronald Reagan signed the legislation giving local control. Respect that local control.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. Dunn).

Ms. DUNN. Mr. Chairman, I thank the gentleman for yielding me this time.

I am proud to be here to talk in favor of naming Washington National Airport after Ronald Reagan. He was my President. I knew him, I admired him, I loved him. I worked with him as state party chairman in the State of Washington for all of those first years during the Reagan administration, the 8 years.

And I remember my fondest memory of Ronald Reagan was when he came to Seattle in 1989, after he had left the Presidency and his Vice President, George Bush, had become President and he did a little meeting with some of the folks that cared a lot about Ronald Reagan. There were people who had been with him over the years from when he was first a movie actor, from when he ran for governor of California, from when he ran for the Presidency in 1976 and then again in 1980. And it was my joy that day to introduce him and to have the opportunity to thank Ronald Reagan for everything that he did for us.

It was the last time I talked to him in private, but that was such an overwhelming sense of support in that room, all the personal connections in that room and the opportunity to say thank you, Mr. President, for getting rid of the potential threat from the Soviet Union, for standing strong for our Nation, for its principles, for everything that we believe in, and for leaving a legacy of decency in the White House, for setting us up to be able to compliment him now years later after he was the President.

I think this is the proper, the fair, the appropriate thing to do. And, Mr. Chairman, in my household, I have a son named Reagan. He was 9 years old when the Reagan he was named after became President. So, indeed, he waited a long time to be named after a President, but I think compared to the naming of a son, an airport is very small indeed.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. Norton).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

History judges Presidents over time. People love Presidents in real time, and millions clearly love Ronald Reagan today. Monuments spring up all over America. They always spring from the ground up. That way we assure consensus and comity and dignity surrounding the process.

There is a pragmatic reason for this, as well and that is because we seek to honor the person, not to have a quarrel among ourselves. If we do, we overwhelm the honor with contention and embarrass the person and the family. That is why naming bills in this House are always done by consensus, first within State delegations and then always on a bipartisan basis.

H.R. 2625 breaks the time honored tradition of the House in moving forward a bill that does not have the necessary consensus.

The other value, besides consensus, that has always been honored in naming bills is local control. This is the second time that local control has been violated in the name of President Reagan. The first time was the Ronald Reagan Building located in my district. It was my project. I worked harder on it than any other Member. I was not consulted on the name. Out of respect for President Reagan, I did not raise an objection.

Now, we have the second instance of no respect, this time for the entire region. D.C. is one of three jurisdictions on the regional authority. So is the Federal Government on the regional authority. Congress has been glad to have the authority pay for the magnificent new terminal. Congress is glad, however, as well, to intervene at every whim.

There have been two Supreme Court lawsuits. Both of them Congress lost when Congress wanted to intervene whenever it wanted to do something. The lease says full power and dominion and complete discretion go to the regional authority.

What we are doing now is going to get us another lawsuit. President Reagan deserves much better than that.

There have been a number of great Presidents. History may one day say that Ronald Reagan is one of them, but only one President's name belongs on the airport that is the gateway to the Nation's capital. That is the President whom Congress named the capital itself for.

There is no partisanship, no division of the House surrounding George Washington's name. We would not remove his name from this city. I ask this House please do not remove George Washington's name from our airport.

Mr. LAHOOD. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair the time remaining on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. Oberstar) has 23½ minutes remaining, and the gentleman from Illinois (Mr. LaHood) has 14 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Chairman, this is a most extraordinary event. We are, without any hearings whatsoever, naming an airport after a President in opposition to the wishes of the people in the area.

The most remarkable thing is that we are taking an airport named after the first President of the United States, one of the greatest of Americans living and dead in the entire history of the country, but who is apparently not appreciated sufficiently to allow that airport to be named after him.

As a young boy I knew the man who built that airport. He was a Virginian, a student of history, and he was a man who was determined that he would name that airport after one of the greatest Americans of our history, Clinton M. Hester. Franklin Delano Roosevelt, when he made the inaugural speech with regard to that particular airport's dedication, mentioned President Washington not once but twice. Washington lived just down the road and owned lands around that airport.

The extraordinary thing about the whole business is, however, that we are naming an airport which was given by the Federal Government on a long-term lease to an authority. We literally have no ability and no authority and no control over that land, because it was planned when we gave that land to the authority that they would have entire control over the function and operation of that airport in all its particulars.

We are removing the name of our greatest President from that airport. We are adding another President. I think it is fine that we should honor President Reagan. He is and was a great man. But I do not believe that this is a suitable honor for him. It raises a controversy which, very frankly, besmirches his name, which stands in the way of carrying out the intention of the original creators of that airport, and which leaves us in a situation where we are doing something that we really do not have the authority to do.

If something needs to be named after President Reagan, let us search for it and let us come about it in a bipartisan way. The Democrats stand ready to assist in that kind of undertaking.

Mr. LAHOOD. Mr. Chairman, I yield myself such time as I may consume to address the issue of whether, in fact, the airport is named after George Washington.

The current official name of the airport is Washington National Airport, not George Washington National Airport. The Washington is in the name to indicate the market in the airport service. The name in the bill, Ronald Reagan National Airport, is consistent with the approach taken by other airports named after Presidents.

For example, there is the John F. Kennedy, JFK, International Airport in New York. I wonder what the public outcry was when that airport was renamed. It would be interesting to check that.

Also, there is the George Bush Intercontinental Airport in Houston. Nobody thinks that name change slighted Sam Houston. I wonder what the public outcry was when that airport was renamed.

Concerns that the name chosen for this airport would somehow denigrate the memory of George Washington are, quite frankly, without foundation. The term "Washington" was included in the 1940 name of the airport to indicate the market the airport served; that is, Washington, D.C. The term "Washington" included in the name of the other two local airports was not to honor the man but to indicate the market.

For example, Public Law 98-510 in 1984 named Dulles International Airport the Washington Dulles International Airport. I do not believe there was a big outcry when that airport was named, but it would be interesting to check the record. The purpose of this renaming was not to minimize the contribution of John Foster Dulles but to indicate to passengers that Dulles serves the Washington market.

And I know it is going to be hard to refute this, because I am sure my colleague does not have the evidence to go back and look at the record to see what kind of public outcry there was, but in any event the gentleman may use his time when I am finished.

Similarly Baltimore Washington International Airport, BWI, was given that name not to honor Lord Baltimore and George Washington but, rather, to indicate to passengers that that airport served both Baltimore and Washington, D.C.

The Reagan International Airport, with its close proximity to Washington, D.C., is now so closely associated with the Nation's capital that there is no real need to continue to include "Washington" in the title.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Would the gentleman from Illinois, with his very carefully researched and closely reasoned presentation acknowledge that the namings that he cited of airports, or renamings, were not done by the United States Congress except for Dulles?

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. LAHOOD. Dulles was.

Mr. OBERSTAR. They were not done by the United States Congress.

Mr. LAHOOD. Dulles was.

Mr. OBERSTAR. I made that exception. But the others were not done by the United States Congress.

The gentleman from Illinois would embrace, then, given this scenario he just presented, would embrace an act of Congress to rename O'Hare Airport? Would the gentleman embrace that idea?

Mr. LAHOOD. If we could name it after Mayor Daley or Governor Thompson or somebody like that, I certainly think the people of Illinois would——

Mr. OBERSTAR. Would the gentleman be happy to have the U.S. Congress do that?

Mr. LAHOOD. It is not a Federal facility.

□ 1215

Mr. OBERSTAR. That is the distinction. My colleague draws false distinctions when talking about naming an airport in Houston for former President Bush. That was done by local authority. That is the whole point. We gave authority to the Metropolitan Washington Airport Authority full power over the airport. We should not take over their authority and rename an airport.

Our Chairman referenced the legislation to name the Commerce Department building. Former Secretary of Commerce Ron Brown died in a tragedy in Bosnia in early April, 1996. Our colleague, the gentleman from Mississippi (Mr. THOMPSON), introduced on April 15 a bill to name the Commerce Department for Ron Brown. My name was listed as a cosponsor.

Later, I asked our staff to review this issue before it should come up in our committee. We found that the Commerce Department already had a name. I was not aware of it. I did not know that it was named for former President Herbert Hoover.

I ruled against bringing up that bill, against moving that bill in our committee. Instead, our colleague, the gentleman from New York (Mr. RANGEL), introduced on May 30, 1996, a bill to name a courthouse in New York for Ron Brown, which I felt was more appropriate. I did not want to initiate a procedure in our committee where we would rename a building. That is what this issue is all about, about renaming.

And the matter of Dulles renaming was done before we transferred authority to the Metropolitan Washington Airport Authority. It was still fully within the power of the Congress to rename that airport, which was done in order to avoid confusion of names for airports. And I do not need to go into it any further, but that was done before we created the Metropolitan Washington Airport Authority. So, again, it was not a matter of intrusion into local affairs.

Mr. Chairman, I reserve the balance of my time.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Today, Mr. Chairman, we are seeing a little bitterness from people who should not be bitter, we are seeing partisanship and pettiness from people who should not exhibit partisanship and pettiness, and we certainly are seeing a lot of silliness and gamesmanship when people say that we are changing this name of the airport from George Washington.

I go to the National Airport every single week twice. I have never see any bust or any reference whatsoever to the great George Washington. Let us get away from that silliness. The real matter is partisan politics.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I will be glad to yield on the gentleman's time.

We can talk about the Reagan record, reducing inflation. We can talk about unemployment going down, the creation of 18 million new jobs, economic turnaround, interest rates falling, the demise of the Soviet Union, the rise of the American military and international prestige.

We can talk about the Reagan spending programs, the fact that seven out of eight of his budgets that he submitted to the Democratic-controlled Congress were actually increased, that if we had kept as a Congress with the Reagan budgets, he would have left office with over $100 billion in surplus. Now, we can talk about his strong economic legacy.

But I want to speak to you, Mr. Chairman, about Reagan the man. I am a baby-boomer. I was raised during the Watergate era and then Gerald Ford and Jimmy Carter and the Iran hostage situation. And do you know what? Speaking as a young American, we did not have that much to look up to, particularly out of Washington.

But when Ronald Reagan came to the scene, I can tell my colleagues that, as a youngster, younger than I am now, in my late 20s, we had somebody to look up to.

My wife said, "Isn't he wonderful? He is like a king, somebody you can really respect and follow." Then I said to her one day, I said, "Libby, you know what, you like Ronald Reagan" she kept on going on and on and on, "You like Ronald Reagan better than you like me." And she said, "Yes. But I like you better than I like George Bush." So I had to take it any way I could get it.

The man, as president, brought dignity, honor, respect and optimism to the White House and to the streets of America. He wrote my wife's grandfather, Basil Morris, while in his 80s, a birthday letter. And Mr. Morris wrote him back and said, "You have restored the prestige of what it means to be the president of the United States." And I think that those words, coming from an octogenarian, means so much and speaks so loudly.

I will close with this line. There were a lot of difficulties. Was Reagan the perfect president? No, he was not the perfect president. Is Bill Clinton? No. Was George Bush? No. Jimmy Carter? No. Was George Washington? No. I do not know that we will ever have the perfect president. But one thing that Ronald Reagan taught us is that we can all be optimistic and look forward without fear of tomorrow because, and I quote, "After all, we are Americans."

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, I would just like to remind my friend, the gentleman from Georgia (Mr. KINGSTON), that he is kind of rewriting history here.

All the years Ronald Reagan was here, he sent a budget up, he never offered but two of those budgets. He never offered them for a vote. And one of them got one vote, and one of them got, I believe, 37 votes. So he did not produce a balanced budget, and we ran up $3 trillion of new debt. To me, the gentleman is rewriting history.

Those of us that served on the Defense Subcommittee had a little bit to do with the Cold War coming to an end and building up the Armed Forces in this country. So the gentleman should not rewrite history on the floor during this debate.

Mr. OBERSTAR. Mr. Chairman, what is the time split remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 17½ minutes remaining, and the gentleman from Pennsylvania (Mr. SHUSTER) has 8 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the first thing that needs to be made clear is that, just as Washington, D.C., is named after George Washington, Washington National Airport is named after George Washington.

I know that Ronald Reagan would not want us doing this. He would know that the main terminal at Washington National Airport is designed after Mount Vernon. He would know that. He would know that Washington National Airport is located on the very land that George Washington's adopted son owned. He would know the history behind this.

He would also know that it is unprecedented to rename a facility in a district of a Member that opposes it. He would know why that Member opposes it. Because he would respect the fact that the County of Arlington, the City of Alexandria both have informed the Congress that they are opposed to it. He would respect the fact that the Washington business community has written to us their opposition to doing this. He would know that the local community does not want this name change because it respects George Washington. And our community, the community I represent, does not want to dishonor Ronald Reagan by doing this, and it certainly does not want to dishonor George Washington.

We know there are better ways, more appropriate ways, to honor Ronald Reagan. This is not an appropriate way to do it. There are many other ways.

But the irony of this, that it was Ronald Reagan that signed the very legislation in 1986 to seed over local control, is completely consistent with his philosophy of devolving power to local and State governments.

Ronald Reagan signed that legislation. That legislation epitomizes what he was all about. And what an irony, what a dishonor to then turn around and act so contrary to that legislation.

He would also recognize that the first Republican State-wide official in the Commonwealth of Virginia has written this body stating his opposition to this legislation. Governor Linwood Holton, who certainly respects Ronald Reagan but fully understands why this should not be done and not just for the financial cost. He understands the history of Virginia. He understands the background of Washington National Airport and of the local control. He understands what Ronald Reagan stood for.

I wish more Members of this body did understand that and respected it. Let us find a way to honor Ronald Reagan's memory that is consistent with Ronald Reagan's philosophy, that is consistent with the legislation establishing Washington National Airport, and is certainly consistent with the history behind its name.

Washington National Airport is a facility we can all be proud of. We will not be as proud of a facility that is renamed after another president against the wishes of the local community. It should not be done. It is an arrogant abuse of power.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking Member.

Well, Mr. Chairman, there they go again. The Majority is again sacrificing commonly accepted rules, practices, traditions, and even their own sacred mantras to meet their own partisan needs of the moment.

The self-proclaimed party of family values now seeks to strip the name of America's founding father, George Washington, from the airport that serves the capital city, also named in his honor. The Congressional Majority that only 3 years ago legislated a prohibition on unfunded mandates now blindly ignores the unfunded costs imposed on the Metropolitan Washington Airport's Authority and other local jurisdictions.

The Majority that purports to favor low local control and coined the word "devolution" now dismisses any notion of local control. They disregard the opinions and wishes of our colleagues who represent the airport, as well as the local airport authority, which itself was created by legislation that Mr. Reagan signed.

The mantra of a smaller, less intrusive government is conveniently forgotten again as the heavy arm of Congress reaches out to impose its big government will by edict. Forgotten too are the accepted practices of not renaming structures, of seeking bipartisan support for naming efforts and of not naming structures of people who are still living. It is all another case of "Do as I say, not as I do," Mr. Chairman. The rules do not suit the Majority, so the Majority is changing the rules.

Yes, I believe that we should have a suitable memorial to Mr. Reagan. We have it in the $800 million Ronald Reagan Building in the International Trade Center. We have it in the future $4.5 billion U.S.S. Ronald Reagan aircraft carrier, the Ronald Reagan Courthouse in Santa Ana, California, the Ronald Reagan Presidential Library, and a dozen other sites throughout the Nation.

We in California remember Governor Reagan's famous phrase, "If you've seen one redwood tree, you've seen them all." I say, in paraphrase, "If you've seen one Ronald Reagan memorial, you've seen them all."

We should not cut the redwoods. We should not cut Washington out of Washington National Airport. I will follow our accepted procedures, honor America's founding father, President George Washington, vote to keep his name on Washington National Airport.

Mr. SHUSTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has 8 minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 12½ minutes remaining.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. McINTOSH. Mr. Chairman, I thank the Chairman.

I had the privilege of working for Ronald Reagan in the last 2 years of his administration, first at the Justice Department and then in the White House as a special assistant to the President. Ronald Reagan is, in my estimation, the greatest president in our times. He came in fighting big government. In fact, he noticed that the government in Washington had the notion that, if it moves, tax it. If it keeps moving, regulate it. If it stops moving, subsidize it.

But things would be quite different under Ronald Reagan. His administration was an administration of ideas and one idea in particular, that freedom should be the watchword of our policies at home and abroad. He believed that the explosive growth of government in the 20th century was depriving Americans of the freedom to keep more of their hard-earned money and to make decisions for them and their family, and he believed that abroad the rise of communism was the biggest threat to freedom that we have seen in the history of the world.

He set about correcting both of those problems. He reined in big government in Washington; and he marshalled the coalition that had won the Second World War to win the Cold War and defeat communism in our lifetime, something that people did not believe could be done when he came to Washington in 1980; and we were all celebrating at the end of that decade after his presidency brought about the collapse of the Berlin Wall and the resurrection of freedom throughout eastern Europe and the former Soviet Union.

□ 1230

Well, today we see a world that is free of communism, but we still have the vestiges of big government in Washington. Many of us would like to see this airport named after Ronald Reagan so that those passengers traveling to our Nation's capital would be reminded of his call to freedom at home and abroad, and that that reminder would greet us every time we entered into this city.

I support the chairman's resolution. I think it is the best thing we can do to remind America that Ronald Reagan stood for freedom, that freedom is a battle we must always engage to preserve, and that we will not let that flame die here in Washington after his departure.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been referenced by several Members on the other side that opposition on our side is partisan-based, partisan-motivated, we are upset because this airport is to be named for Ronald Reagan.

It is not the Democrats who initiated the partisanship. In the "This Week" show on ABC television, conservative columnist and commentator George Will was the one who said if the renaming proposal is adopted, Washington passengers "would fly out of two airports; one named for John Foster Dulles and the other after Ronald Reagan, and that is an ideologically perfect choice."

On the same program, his fellow conservative, Bill Kristol, remarked that naming the airport after Ronald Reagan is "especially worth it, because it will so annoy people like George Stephanopoulos."

Those are partisan remarks. We did not initiate them. Opposition on our side is not to naming something for Ronald Reagan, but it is to taking a name off an already-named structure and renaming it.

As I said earlier, my good friend from Pennsylvania (Mr. SHUSTER) was out of the room, I vigorously directed our staff not to ask for movement on the Ron Brown Commerce Department naming when I learned that the building had already been named for Herbert Hoover. I did not know that at the time my name was added to the bill that was introduced in rush after Ronald Brown's death, and instead we sought another building to be named for Ron Brown. The chairman very graciously and with great skill moved that legislation through our committee and through the House, and we greatly appreciate that. But I want to emphasize, once we learned that the Commerce Department building had a name, said we should not be in the business of renaming. That applies today to this bill, and to this airport.

Mr. Chairman, again, no other airport in the country would we dare to name or rename since other airports are already under the authority of local governments.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, in 1978 or 1979, I was driving home late one evening from a course I was teaching, and I listened to the President of the United States talk about America in malaise. The Nation was baffled with stagflation. It seemed as though the Soviet empire was a threat to every corner of the world. It seemed as though we were not able to cope, not only with our own domestic problems, but with the world situation. It seemed, in fact, that maybe we were destined to be a Nation in despair.

Then, all of a sudden, we saw a new shining voice of optimism emerge on the American scene, a person who had so much confidence, so much hope for this country, so much appreciation for the quality of the American people and so much dedication to the fundamental principles of personal freedom and responsibility, that he reached out and he lifted us up. That person was Ronald Reagan.

I must say that during the 1970s, I even thought maybe I would move to another country just to find more freedom, and when Ronald Reagan came on the scene, I drew hope, I drew from him encouragement.

I dared again to believe in America and the greatness of this great land, and when he came to Washington, D.C., as the President of this land, he stood and delivered. In the first 2 years he whipped inflation, a problem of economics that had baffled seven Presidents before him. He got this Nation on a new standing of prosperity and growth, price stability, that in fact it stands unto this day, and he broke down the Soviet empire and tore down that wall.

He has been and he is today a shining example of goodness, a reflection of the fundamental goodness of the American people. We want to honor that. We want to appreciate that. We think it is little enough to ask.

It is a confusing thing in Washington, D.C. The question is, is something that is named after George Washington the President or Washington the city, but not so confusing. We talk about the George Washington monument. We talk about the George Washington Parkway. We make the distinction. Washington National was not understood to be George Washington National, it was Washington National after the city.

I get on a plane at what is today Washington National and I drive to Dallas, and on my way home I drive on the LBJ Freeway. Now, I could probably take some umbrage at that, but to many people in America, LBJ was a great President; not to me, but they have the right to honor a man who served as President of this great land. I go to Fort Worth and I drive on the Jim Wright Freeway. Again, they have the right to honor him. It would seem to me the fundamental standards of decency and respect should accommodate that we have a right to honor Ronald Reagan.

I will tell you, Mr. Chairman, I travel a lot in this country. I have to tell you, I do not believe that you can find in America today a more loved American than Ronald Reagan. I want to honor Ronald Reagan for the example of goodness, faith, confidence in this Nation, appreciation for and confidence of this Nation's people that he has always been. I want to get on an airplane at Ronald Reagan Airport. I want to be reminded of his greatness, and by so being reminded of the greatness of these people of this great land.

And when I get off the airplane on the other end, having had the 3 hours to reminisce in my mind about the greatness of Ronald Reagan, I will be content to drive home on LBJ Freeway, with an understanding that we are able to get beyond politics, we are able to be decent and respectful, and we are willing to accept that everybody in America has a right, I believe a duty, certainly should have the opportunity, with honor, dignity and respect, to honor those people we believe to have been great people that served this Nation well.

Mr. Chairman, I would encourage everybody, show that standard of decency, respect, appreciation and good sportsmanship, and vote yes on this measure.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, speaker after speaker on the other side has come to the floor and said this airport was not named after George Washington. Goodness gracious me, that is splitting hairs with the finest theological, philosophical razor that you can find.

For whom is the City of Washington named? Joe Washington, who played football for the Washington Redskins? Or for Harold Washington, the former mayor of Chicago?

It was named the City of Washington, was named for our first President. When the name "Washington" was added to this airport, it was obviously done with the name of our great first President, Father of the Country in mind. Good heavens, stop denying your patrimony. That is just silliness.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

It is extraordinary to me that we are engaged in a debate here today where the majority party is going to break a sacred lease with local government and violate one of the principles of Ronald Reagan's tenure in office, which is local control, to remove things from the awesome bureaucracy of Washington, D.C. and get them back down to the local level.

It was Ronald Reagan who signed the agreement which gave the compact to the District of Columbia and the State of Virginia, and it is an extraordinary document. It is one of the most comprehensive lease agreements you have ever seen. And actually he was right, because they have done things that I am sure the Federal Government and Congress never could have done in terms of developing that beautiful terminal at Washington National Airport. The investment that has gone in there would not have gone forward had it remained totally under Federal control, given the lack of interest in this Congress, which is also a scandal, in the infrastructure of this country.

But back to the issue at hand: This legislation would preempt, probably illegally and probably actually is doomed to lose in court should it be challenged, the authority, the full authority, the full control, the dominion, for the use, the development of this airport, extraordinary terms in a 50-year lease. Fifty-year leases are akin to ownership. In the courts they are interpreted that way. And yet Congress now is going to wade back in, the Republican majority, in order to rush through something for Ronald Reagan's birthday. They cannot wait for the *Nimitz* class aircraft carrier. They can't be happy with the largest Federal building in the world outside of the Pentagon. And we could rename the Pentagon, if they so chose, and I would probably support that.

Mr. Chairman, to preempt the name of George Washington, the Father of the Country, the first President, from this airport, it is extraordinary to not only violate the principles set down by Ronald Reagan, that is local control, local authority, a legal and binding contract and lease agreement signed by Ronald Reagan, endorsed by the Congress, which now Congress is attempting to usurp, and to remove the name from the airport of the Father of our Country, the first President of our country. It is extraordinary, and it is no way to honor Ronald Reagan or his principles, despite our many disagreements. I think this is a disservice to your greatest living President.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, my route to Congress was from State and local government. One of the legacies that I think is indisputable for President Reagan is that he focused more perhaps than any American President the attention of governance on the State and local level, his assertion that big government at the Federal level is not necessarily the best approach to solving our problems.

I think history will note that this will be one of his most important and lasting legacies, refashioning partnerships with local governments.

I can think of no more bizarre way to recognize President Reagan than to undercut that important part of his legacy when we have a designation of an airport, over the objection of the local business community, over the objection of the local airport authority, and where the Congress itself has no ability to go out and change the signs, to say Ronald Reagan Airport.

We had our distinguished committee counsel explain that what we could do is simply withhold passenger landing fees and other Federal funds. We could basically force the local authority to bend to the will of the United States Congress, and in the alternative force them to put at risk the safe and orderly administration of that airport.

Think about that extraordinary response.

□ 1245

I have no doubt in my mind that if Ronald Reagan were President and a Congress came forward with a proposal like this that would thwart the will of the local community, establish a precedent that would allow the renaming of any airport in America; for instance, the John Wayne Airport, this principle could allow the John Wayne Airport to be renamed the Jane Fonda Airport by withholding the same revenue stream, force them to comply with the will.

I think this is an embarrassment to our former President. I think it is actually the wrong way to go, and I hope that the Congress will not follow this path in a way that I think has a very dangerous precedent in the long term.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in support of naming the airport after Ronald Reagan. I was a medical student in the late 1970s and early 1980s, and I remember 20 percent inflation rates, I remember no job creation, I remember my wife and I wondering what kind of future we were going to have. Then I remember Ronald Reagan getting elected and things really beginning to turn around, and I also remember the defense bill that he wanted to pursue which ultimately led to the end of the Cold War, and every step of the way there was opposition, opposition, how his policies were wrong.

He created prosperity in this country, and in my opinion, he is one of the greatest Presidents that this country has ever seen. It is fitting and proper for us to name this airport after him, and considering all of the opposition he got during his career, it is not surprising to me at all that this simple act is indeed opposed as well. It is because the people who oppose it will never recognize the fact that his policies were good for this country and the people loved him, and we are living today in the prosperity and the benefits still, created by Ronald Reagan.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to come back to the point about the name that the airport of our Nation's Capital bears. I said earlier, it is splitting hairs to try to say it is not named after our first President. It bears the name of the city that bears his name. It is clear that George Washington was in the mind of those who built and named this airport.

I have a copy of the brochure that was printed at the occasion of the opening of National Airport in 1941. It is replete with references to our first President. Let me just quote:

> From the highest point within the airport, George Washington might well have chosen the site for the Capitol to be amidst the meadows and low hills at his feet across the river.

Again and again, throughout this brochure, there are references to our first President.

> Another stratum of American history is about to be laid along the banks of the Potomac. The powerful figures in history will land here on land that knew the tread of Washington's horse as he campaigned for freedom, governed his country and managed his farms.

It is splitting hairs.

Look, this debate is not about the greatness of Ronald Reagan or his place in history. That will be secured by future historians. That will be secured by the value of his deeds, his actions as President, the legislation that he championed.

This airport has a good name. Let us find something else. Let us build a monument to Ronald Reagan in our Nation's capital, build it on ground at the National Airport, but let us not take a name, let us not be like the Evil Empire that Ronald Reagan so despised and so opposed and take names off and put other names on, depending on who is in favor or who is out of favor.

That is not the American way. That is not the way of this Congress. That is not appropriate. Go out into greater America, as I have been just recently in my district and hear what average folks say. They say, this is silly. This is trivial. There are better things to do in the Congress than to go about changing names and renaming.

I am sorry we are here to do this. It does not serve Ronald Reagan's name well, his place in history well, to take a name off and replace it with his. I wish the majority were pursuing a different course.

As in the case of the Ronald Reagan International Trade Building, I was glad to support it, and if there is some other structure they want to name or build in his honor, I would support it. But not this, not this action, not at this time in history, not this airport.

Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

I would like to make several closing points. It is a fact that the Federal Government owns this airport, which makes it quite different from other airports around the country. So to suggest that we could rename the John Wayne Airport is something entirely different, since we do not own the John Wayne Airport.

Secondly, with regard to the fact, and I think it is very clear, that the name Washington represents a market area. If it does not represent a market area, then I suppose The Washington Post should change their name to the George Washington Post, or the Washington Times to the George Washington Times, or the Washington Redskins to the George Washington Redskins.

Beyond that, in Houston the airport was not named for Sam Houston; it was named for the market area, and it has changed from the Houston Airport to the George Bush Airport.

Indeed, we have taken names off buildings. When our friends were in control of this House, they chose, and we supported it, to take the Lincoln Federal Building and change it to the Robert V. Denney Federal Building in Nebraska, and likewise, to take the Quincy Post Office in Massachusetts and change it to the James A. Burke Post Office in Massachusetts. These are minor points, but they have been brought up by our friends, and so I think they need to be addressed.

Perhaps the most crucial point, however, is that in the past several Congresses, when our friends were in control of the Congress, two-thirds of all of the naming bills were for Democrats, and we Republicans supported them. Even more significantly, in the 104th Congress, which the Republicans controlled, and in the 105th Congress, which the Republicans controlled, two-thirds of the naming bills continued to be for Democrats, and we Republicans supported it.

So we believe that it is quite proper for us to honor a President in this fashion who happens to be a Republican President, and just as we have supported our Democrat colleagues in the past on a bipartisan basis, we are disappointed that our colleagues have chosen not to support us on this matter and to make it a partisan issue. Nevertheless, so be it.

Mr. Chairman, I urge my colleagues to vote in favor of honoring a great President, Ronald Reagan.

Ms. McCARTHY of Missouri. Mr. Chairman, today I rise to voice my concern about an issue of fiscal responsibility. The proposal to rename Washington National Airport for former President Reagan, while an attempt to honor a revered leader of this country, is an unfunded mandate on the state and local governments of Virginia as well as the businesses of this region. Public Law #104-4, enacted by the 104th Congress, which I cosponsored, prohibits the federal government from imposing requirements on state and local governments without adequate funds to carry out the order. The enactment of this legislation without a guarantee of federal funds to pay for it violates the intent of the law.

The cost of this mandate will effect the federal government as well as state and local governments and the regional airport authority. It is estimated to run in the millions of dollar when one considers all of the revisions which will have to be made to our air traffic control system, airline schedules, computer programs, baggage tags and other preprinted items, and the cost of changing the road signs leading to and around the airport and numerous other related activities. The State of Virginia estimates that changing the road signs alone will cost $60,000.

In addition to the costs, the action of revising a previously named facility is without precedent and the general practice of the House to consult with the Members who represent the affected facility before moving forward is being ignored. Mr. MORAN and other members from the Washington area are opposed to this renaming and support the decision-making authority that a previous Congress gave to the Washington Metropolitan Airports Authority. We should reject this measure as it is an action that may set us on a course for a number of name changes to existing buildings across the country to honor various icons of either party. We should respect the precedent of consultation with Members of affected areas and maintain the practice of honoring distinguished Americans without partisan debate.

The Federal Aviation Administration has stated that such a change needs "strong and documented justification, primarily concerning air safety," because of its recognition of the costs to the system of making such a change. Mr. Chairman, today we need to ask ourselves if the benefits of changing the name of an airport from one former President to another outweigh the costs, and whether this is the best way to honor the principal of federalism for which former President Reagan stood firmly. I believe that it is important to remember as we enter into this era of intergovernmental cooperation and budget balance the restraint which brought us to this point of fiscal responsibility.

Mr. SANDLIN. Mr. Chairman, I rise today in opposition to H.R. 2625, a bill to rename Washington National Airport as "Ronald Reagan National Airport." I have no problem naming a government building after President Reagan. I believe we should honor him for the many things he accomplished as our President. I have a problem with renaming an airport that was built as a monument to our first President, George Washington.

The Congress has a long-standing policy against renaming buildings. Washington National Airport was named when it opened in 1941. It is named "National" because it serves the capital of our nation and "Washington" in honor of our first President.

In addition, I believe it is an insult to the Reagan legacy of local control for this body to impose this legislation on a local government body that has made it quite clear that they oppose this legislation. This bill is an unfunded mandate—both on the local government, and on the local businesses who will be forced to spend hundreds of thousands of dollars to make the changes necessary to accommodate a new name for this airport.

My final—and perhaps most important—objection to this legislation is the fact that none of our constituents will benefit from it. Yet, in the Transportation and Infrastructure Committee on which I sit, we debated this issue for three hours. Prior to that meeting, the Democratic Caucus spent an hour and the Republican Caucus probably spent a comparable amount of time debating the legislation. My constituents did not send me to Congress to spend this much time working on an issue that is of no consequence to the great majority of Americans.

I believe it is appropriate for the Congress to name federal buildings in honor of great American leaders. I have no problem with naming an unnamed federal building after President Reagan. I have no problem with naming an unnamed federal building after any great American leader. Building namings are typically routine matters that pass through our committee without discussion and pass the House under suspension of the rules. When any building-naming legislation is debated for this long and with this much objection, we must think twice about whether that legislation is really worthwhile. My colleagues, I submit to you that this particular proposal is not worthwhile.

Mr. Speaker, we should honor the Reagan legacy. We should name buildings in his honor. But we should not insult that legacy by imposing our will upon a local government that has made it quite clear that they do not want this name change.

Mr. DIAZ-BALART. Mr. Chairman, I rise today in support of H.R. 2625, a bill to redesignate Washington National Airport as the "Ronald Reagan National Airport".

What is the standard we use to judge our Presidents? How do we appropriately honor those men who have served our great nation and the office of the Presidency with great distinction, courage, honor, and vision? In this city, which is already graced with so many memorials of marble, granite, and bronze, to men and women who have loved freedom more than life and their country more than self—how can we best remember and celebrate the service rendered to these United States and to those dedicated to the cause of freedom throughout the world by President Ronald W. Reagan?

President Reagan represents the spirit that has made America strong. He began his eight years in office at a time when America appeared to be on the ebb—economically and militarily demoralized. But for President Reagan—it was morning in America. America during the Reagan years was an America of hopes fulfilled and a place where dreams came true. Reagan's America was to be a Shining City on a Hill—shining the light of freedom for all peoples throughout the world. This was his vision, a vision from which he never wavered.

In a speech given in 1964, President Reagan responded to his detractors, to those who said that only bigger and more powerful governments could provide security despite the price of freedom. He said:

> They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right. . . . You and I have a rendezvous with destiny. We will preserve for our children the last best hope of man on earth or we will sentence them to take the first step into a thousand years of darkness.

Throughout his life, President Reagan has fought against tyranny and oppression—against that thousand years of darkness. He did not shy back from calling the Communist Soviet Union an Evil Empire; He did not hesitate to support those freedom-fighters who were engaged in battle against tyranny; He fought back relentlessly against every attack against America's people and her interests.

His moral courage and his conviction that America should be the example for all who would desire freedom to pursue life, liberty and happiness never failed and he is an example to all Americans. Around the world today, we are harvesting the benefits of that vision and hard labor as more and more nations around the world are turning from tyranny and oppression to democracy and justice.

I still share President Reagan's vision of America as a Shining City on a Hill shining its light of freedom around the world. It is only fitting that we honor the lifetime and legacy of this great American hero by reminding all that travel through our National Airport, a major gateway into this Capitol city, of his unwavering service and strength of vision. As long as freedom is our watchword and liberty our call to arms, America will continue to so shine its light into the world for all to see.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I must reluctantly oppose H.R. 2625, the renaming of Washington National Airport for one of our former Presidents of the United States Ronald Reagan. I find it inappropriate that the forces of self interest are using public sympathy of an ailing President as a justification for their own efforts which are misguided and mystifying to me. Washington National Airport already has an appropriate name, which was given to the airport when it opened in 1941. The word "National" is appropriate considering we live in the Capital of this Nation. The airport does not belong to the memory and ideology of one man or political party but it belongs to all citizens of the United States, regardless of party affiliation. We also need to remember that Washington Dulles International is already named after a Republican official. We have enough names in this city to pay homage to both Democrats and Republicans.

Some say that during the era of President Reagan, safety took a back seat to economics. After all, one of President Reagan's most controversial decisions was to fire air traffic controllers in 1981 and he prevented them from reapplying for their jobs. We also need to realize that as a Congress, it would be disrespectful to go against the wishes of the Member who represents that airport and who is opposed to this renaming bill.

Finally Mr. Chairman, I would like my colleagues to know that I am not here to undermine the Reagan Era, for after all he was the leader of this country at one time. But as a Congress we need to take a stand on renaming buildings, airports and monuments in order to fulfill political favors.

Mr. PAYNE. Mr. Chairman, I rise today to express my opposition to House Resolution 2625, a bill that would change the name of Washington National Airport to "Ronald Reagan National Airport." With all due respect to the former President, it is no secret that there was no love lost between President Reagan and this city. Over and over again, he stated emphatically that he did not hold this city in high regard. He was proud to call himself anti-Washington.

Clearly, when visitors arrive in their Nation's Capital, it is only appropriate the airport don the name of our Nation's first President. It would be inappropriate to name this airport after the man who in 1981, fired over 11,000 air traffic controllers and deprived the aviation industry of years of expertise and experience. The negative effects of President Reagan's actions are still visible today.

Evidently, I am not the only one who has these sentiments. My colleague, Mr. MORGAN, the Greater Washington Board of Trade, and both Arlington County and the city of Alexandria are officially opposed to H.R. 2625. Generally speaking, naming bills are enacted with the consent of the Member or community in which the building is located. I would support an amendment that requires the approval of local officials before an official name change takes effect. This partisan attempt to force a federally unfunded mandate onto a local community, as well as the city as a whole, contradicts President Reagan's own philosophies.

In addition, President Reagan has already been honored by having his name on a bridge in Illinois, a boulevard in New York, a beltway in Ohio, and a nuclear-powered aircraft carrier which is to be christened in 2000. Not to be forgotten is the 3.1 million square foot, $818 million Ronald Reagan Building and International Trade Center which is located here in Washington, DC, only a few miles from the airport.

For better or for worse, I will concede that President Reagan was an influential President in our Nation's history, but there are many alternatives that could be considered to honor his accomplishments, as well as his name. Unfortunately, these alternatives are not being considered by the proponents of this bill. Therefore, I urge you to join me in opposition of H.R. 2625.

Mr. SKAGGS. Mr. Chairman, today's debate is not about whether there will be a monument to Ronald Reagan's Presidency; there are several, and there will likely be more. The largest Federal building in Washington bears his name, as does the newest *Nimitz*-class carrier in the Navy's fleet.

Mr. Reagan was committed to, and perhaps best remembered for, keeping the Federal Government out of local affairs. That's what makes the renaming of this airport, over vociferous local opposition, so inappropriate.

Mr. Reagan signed the bill in 1986 that put Washington National Airport under local control. Today, the Federal Government no more controls Washington National Airport than it does the airports in Denver or Los Angeles.

Denver International Airport, like most major airports, was built with substantial help from the Federal Government but is operated by a local authority, accountable to the people it serves. If Congress were to attempt to rename Denver's DIA after former President Eisenhower, or LAX after John Denver, I suspect most here would adamantly oppose overriding local control. And the most devoted supporters of former President Reagan's belief in local control would lead the charge.

Yet that's the precedent we would set today by passing this bill. It stands for the absurd proposition that any airport can be renamed, without regard to local opinion.

Congress make a commitment to local control of Washington National Airport in 1986 under the Ronald Reagan administration. It would do no justice to his legacy to go back on that commitment now.

Mr. COSTELLO. Mr. Chairman, while I have a great respect for Ronald Reagan and what he was able to accomplish during his tenure in the White House, I strongly disagree with the proposal to rename Washington National Airport the Ronald Reagan National Airport.

Over the years, this body has named many buildings and public facilities for past presidents, including the new Ronald Reagan Trade Center in Washington, DC. However, to my knowledge we have never renamed a building, let alone an airport. To replace the name given to Washington National Airport—clearly named after the first president and founding father of our country, George Washington—with another president sets a terrible precedent.

There is overwhelming local opposition to renaming Washington National Airport. To do so is contradictory to the Republican philosophy that the Federal Government should stay out of local matters. The Airport Authority, which was granted control of Washington's two airports in 1986, does not support this name change. Representative JIM MORAN, who represents the district in which Washington National is located, opposes the redesignation as do many of his constituents in the airport's community. Further, the County of Arlington and the Greater Washington Board of Trade both oppose changing the name.

This attempt to rename Washington National Airport does not serve Ronald Reagan well. I cannot support this bill and I urge my colleagues to join me in voting against it.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to the legislation before us today, H.R. 2625, a bill that would rename Washington National Airport to the Ronald Reagan National Airport. This legislation usurps local authority, betrays the legacy of President Reagan, and would be an unfunded mandate to the hundreds of businesses located in Arlington, VA.

As a former State Representative for the State of Michigan and a current Member of Congress, I respect the position and office of the President. I also sympathize with the struggle that former President Reagan and his wife, Nancy, have shown with former President Reagan's challenge with Alzheimer's Disease. President Reagan and his family have my personal prayers and hope in battling this debilitating and destructive disease. I want to make it unequivocally clear that my opposition to this legislation is regarding its impact upon our tax payers, not because of any ill will toward the former President or his family.

I oppose this bill for many of the same reasons delineated in the committee report that accompanies H.R. 2625:

I. Renaming Washington National Airport would be against the wishes of the locality in which it is located, and is directly opposite the emphasis upon local control that was the fulcrum of President Reagan's philosophy. Congressman JIM MORAN (D–VA), the Member of Congress in whose district National Airport resides, Arlington County, VA, the City of Arlington, the Greater Washington Board of Trade, and former Virginia Governor Linwood Holton, the former Chairman of the Washington Airport Authority and the first Republican elected to statewide office in Virginia since the Reconstruction, opposes this legislation.

II. Renaming Washington National Airport would be against Federal precedents. Congress has never changed the name of a facility which already has a name. This policy has been followed by Democrats and Republicans alike. For example, the Department of Commerce building was not renamed when the late Secretary Ronald H. Brown died in the line of duty to his country. If this bill is adopted, all of our national monuments: the Washington Monument, Mount Rushmore, and numerous other buildings and edifices—might be renamed as well. To rename a building or edifice that has already been designated is a disgrace to the former honoree and the current honoree.

III. Renaming Washington National Airport is particularly puzzling because of his aviation policies. It is particularly ironic that an airport would be selected to be named after former President Reagan, as it was President Reagan who fired over 11,000 air traffic controllers after they went on strike in 1981, and then went on to prevent them from reapplying for their jobs far beyond any reasonable period of punishment. This overt union-busting tactic did little to improve the safety or security of our Nation's airways, and destroyed the financial well-being and livelihood of thousands of families across the Nation.

IV. Renaming Washington National Airport is not necessary to honor former President Reagan. President Reagan has been honored with the $800 million International Trade Center in Washington, DC, the largest Federal building other than the Pentagon; by a Federal court house in California; and the newest *Nimitz*-class carrier in the Navy's fleet. It should be noted that construction on George Washington's monument did not begin until 49 years after his death; President Lincoln was not honored with a memorial until 44 years after his assassination, and the Jefferson and Roosevelt memorials were not complete until 134 and 52 years after their respective deaths.

President Reagan has already been honored. President Reagan will continue to be honored—but, he should be honored in a manner that is appropriate with his legacy of less Federal intervention in local affairs and no unfunded mandates on municipalities. The cost of this legislation could perhaps be better used to improve Michigan's roads and bridges, provide safer and affordable home health care to our seniors, or provide more before- and after-school programs for our youth. While I sincerely respect the position of the Presidency, I must oppose this legislation and will vote against it on final passage.

Mr. NADLER. Mr. Chairman, I rise today to oppose the removal of the name of the father of our country from Washington National Airport. While there are many people in American history deserving of recognition in their role in the development of our country, I do not believe that any of them made a larger contribution than our first President, a great patriot, George Washington.

Let us forget for just a moment that Washington National Airport is named for the father of our country, but instead for someone who won the "what are we going to name our airport lottery." Even in that situation, do we really want to follow the old Soviet Union model where we change the names of our cities and landmarks depending on the whims of whomever is in power? St. Petersburg which became Volgograd which became Leningrad and then became once more St. Petersburg. I don't think anyone on the other side of the aisle would appreciate it if, when Democrats regain control of the Congress we change the name of the Ronald Reagan Federal Building downtown to the Franklin Delano Roosevelt Federal building.

I would like to ask my colleague on the other side of the aisle why they would deny George Washington an airport? No one on this side of the aisle denied Ronald Reagan his landmark by naming the largest federal building in Washington, DC, after our former President. No one objected. The building did not yet have a name. Why is it that you want to deny George Washington his due?

Again, forgetting for a moment who this airport is named after, the name "Washington National Airport" is easily recognizable to shippers and tourists alike. When people come to our nation's capitol they see the name of the City they have come to visit. They see Washington and know they are in our nation's capital. Changing the name would cost the Airport Authority millions of dollars to change signs and pamphlets. Additionally, it would go against the wishes of the people of the region who provided the main support for Washington National Airport. These people are proud of the name of their airport, they are proud to be the gateway to our nation's capital.

Ronald Reagan's legacy will be decided by history, and monuments to that legacy should not come at the expense of the wishes and desires of the local community and especially not at the expense of our first President, George Washington.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (Chapter 444; 54 Stat. 686), and known as the Washington National Airport, shall hereafter be known and designated as the "Ronald Reagan National Airport".

SEC. 2. REFERENCES.

(a) IN GENERAL.—(1) The following provisions of law are amended by striking "Washington National Airport" each place it appears and inserting "Ronald Reagan National Airport":

(A) Section 1(b) of the Act of June 29, 1940 (Chapter 444; 54 Stat. 686).

(B) Sections 106 and 107 of the Act of October 31, 1945 (Chapter 443; 59 Stat. 553).

(C) Section 41714 of title 49, United States Code.

(D) Chapter 491 of title 49, United States Code.

(2) Section 41714(d) of title 49, United States Code, is amended in the subsection heading by striking "WASHINGTON NATIONAL AIRPORT" and inserting "RONALD REAGAN NATIONAL AIRPORT".

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the "Ronald Reagan National Airport".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments shall be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DAVIS of Virginia:

Page 3, after line 23, insert the following:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation secures the consent of the Metropolitan Washington Airports Authority for the redesignation made by section 1.

Mr. DAVIS of Virginia. Mr. Chairman, this amendment is offered by myself, the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Virginia (Mr. MORAN), and the gentlewoman from Maryland (Mrs. MORELLA). It is bipartisan.

This amendment simply says that the act will take effect on the date that the Secretary of Transportation secures the consent of the Washington Metropolitan Airport Authority for the redesignation. Congress would go ahead and redesignate it, but we would ask the authority to share in that decisionmaking.

Let me explain to this body, I am a great fan of President Reagan's. I was his cochairman in Fairfax County, my county, in 1976, when he opposed the sitting Republican President, and in 1980. I was a delegate to various State and county conventions for Ronald Reagan in 1976, 1980 and 1984. His picture adorns the wall in my office. I believe he was a great President. I think he is worthy of great recognition.

But the good news and the bad news in this debate reminds me of a story of a man coming up for a dinner and saying, the good news is we have voted to make you man of the year; the bad news is it was a 5-to-4 vote. Ronald Reagan deserves more than a 5-to-4 vote. He deserves a mandate. We are not getting that here, we are not getting that in Congress the way this has developed, unfortunately.

Ronald Reagan stood for and warranted and recognized that localities should have control of this airport. Look at what Ronald Reagan's vision of a Metropolitan Washington Airport Authority, the legislation he signed in 1986, has done. If my colleagues have been out to Dulles and looked at the terminals out there and looked at the renovations that have been done, that would not have been completed if the Federal Government still owned and operated this airport. But under the leadership of the airport authority, under their bonding capacity, those renovations have been made and Dulles is now an international airport, and a model for international airports across the world.

Look at the new terminal at National. If there is one indicia of the legacy of Ronald Reagan, it is that terminal there at National Airport, which is new, it is modern, and it is a result of Ronald Reagan's work and legacy when he signed that legislation and gave control of the airport to the airport authority. That work would not have been done had it gone through the Federal appropriation process with the controls and the conflicts in terms of where the dollars are spent. So there is a Ronald Reagan legacy at National Airport.

This amendment simply allows the local airport authority, created by Ronald Reagan, signed into law by the President in 1986, to share in the renaming of this airport. This is not a partisan Republican, such as former Governor Linwood Holton, the first Republican governor of the Commonwealth of Virginia, supported this amendment. A number of Reagan members of his administration serve on that authority and advisory and support this amendment and believe that Ronald Reagan would want local control honored in the renaming of any airport that he was involved in in creating that authority.

The airport authority has had 2 lawsuits against this Congress when we tried to intervene our mandate onto their authority. As the gentlewoman from the District of Columbia (Ms. NORTON) noted earlier, we lost both of them. What a terrible tragedy it would be if we were to pass this, if we were to be sued and lose this and have it overturned in court because of some judicial interpretation, and both of those earlier suits went to the U.S. Supreme Court. They were not just lower level cases.

Ronald Reagan deserves better than this. He was a great man. He deserves a mandate, not a sharply partisan debate, which is the way this has unfolded, unfortunately.

This amendment is not about the history of the airport. This region was originally the Washington Hoover Airport, where the Pentagon is, and it was the Gravely Point project; it developed from there into the National Airport and then later the Washington National Airport. It has a long history. This is not about Ronald Reagan's legacy, which is a legacy I think historians will treat very kindly: A President who presided over the demise of the Cold War, the falling of the Iron Curtain; a time of great prosperity, and who signed the Airport Authority Act into law in 1986, a landmark decision that helped make this the airport it is.

This amendment is about a principle that he stood for and believed in, and that I believe is local control. I think we not only violate local control, we violate the principles he stood for if we try to impose from Congress, without consultation and the approval of that local airport authority, which is chaired by a Republican, I might add, to have them participate in the process.

I would ask for approval of this amendment, Mr. Chairman. I think that this is the way to go. A lot of Members over here are wondering if this is the appropriate legacy, but no one here wants to vote against somebody who we consider to be a great President, and this I think allows the localities to share in this decisionmaking, as it should be, and I think as he would want it if he were here speaking. So I ask for approval of this amendment.

□ 1300

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must rise in reluctant but very strong opposition to this amendment, because we believe it is simply a circuitous way to kill this bill. It is very clear that when we passed the legislation creating the Metropolitan Washington Airports Authority, it was careful to transfer only operating, I repeat operating, responsibility to the new authority, not ownership. The Federal Government owns the airport and, therefore, the Federal Government can rename the airport.

A change in the name does not affect the airport authority's operational abilities. They can still safely and efficiently operate the airport whether it is called the Washington National Airport or the Ronald Reagan National Airport.

If it is a concern about financing, the rather insignificant costs of changing signs at the airport, the Ronald Reagan Legacy Foundation has volunteered to help finance those changes. But, in reality, this is really a roundabout way to kill the name change.

Proponents are well aware that the Washington Post reported that the airport board, which has a majority of Democratic appointments on it, would vote 6-to-4, a partisan vote, to kill the name change. So that is what this amendment really is all about. It is unnecessary and it would, in effect, kill the bill.

The naming of federally owned facilities is uniquely a Federal prerogative. That privilege and responsibility should not be abrogated by this facility or any other federally owned facility, and I strongly oppose the amendment.

Mr. DeFAZIO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we are a country with a rule of law; and few things are more sacred under a rule of law than contracts. I always hate and hesitate to disagree with the gentleman from Pennsylvania (Mr. SHUSTER), my esteemed chairman, but I have got to disagree in this matter of how the airport was delegated and what authority the Federal Government retained.

It is quite clear. We gave them a 50-year minimum term lease, interpreted by most courts as being akin to ownership. We give them full power and dominion over and complete discretion in operation and development, development, of the airport. Not just operation, but development. And they shall have the same proprietary powers and be subject to the same restrictions with respect to Federal law as any other airport, which goes to some of the earlier arguments.

We did say this will be treated as any other airport in the United States. That is, we are not recognizing nor continuing the Federal authority to wade in and change the name or something else that we do not like, unless they violate the term of the lease.

The agreement went on to say that it would not be subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title.

In paragraph after paragraph, principle after principle, we gave control to a local authority, a local authority that is doing an admirable job in improving a facility which was outdated and undersized for current demands. They have created a beautiful new gateway to the Nation's capital at Washington National.

But now we are saying, well, we are all for local control, except when we disagree with the conclusions reached by majorities of local boards. I mean, we are either for it or we are against it. We stand on, I believe, no legal ground here.

If Congress does make this empty gesture today in passing this legislation and it becomes law, surely, as Congress has twice before in recent history, Congress will lose in the courts. Like it or not, we signed a 50-year contract. Contracts are sacred under the Constitution in this country. And, as I said earlier, we are also violating the spirit of one of the principles with which, and I think Ronald Reagan made some good changes in this country, and that is some of the movement back from a huge centralized Federal bureaucracy to local governments.

Mr. Chairman, I was a county commissioner at the time; and I agreed with the principle that he set forward. I disagreed with the fact that he took away all of our revenue-sharing money to carry out some of those duties. But I felt the principle was good, that the solutions that work in New York do not necessarily work in Springfield and Eugene, Oregon; and the Federal Government did not necessarily have the best handle on how to solve the problems of Eugene, Oregon, nor the people of New York.

We need here just to rein it in a little bit. Yes, his birthday is coming up Friday. But, just think, my colleagues on the other side of the aisle have already honored the President by naming the largest, newest, most expensive Federal building in the United States of America in terms of square feet outside of the Pentagon for Ronald Reagan. There is an aircraft carrier which will be launched in the year 2000 which will be named for Ronald Reagan. There are many other things which do not have names which could be named for Ronald Reagan, the B–1 bomber which he was a great champion of and Star Wars, for instance.

So I believe that rather than removing the name of the first President of our country, usurping the control which we granted by sacred contract to a local board, that Congress would be better served today to approve this amendment and say if the local board agrees and the local communities agree, we will go forward. But if they do not, this renaming will not go forward; and Congress will choose, in its full authority in cases that are fully clear, fully within our dominion, to name other things as the majority so wishes.

Mr. Chairman, I really want to thank the gentleman from Virginia (Mr. DAVIS) for offering this amendment, which I offered in committee; and I particularly want to thank the other gentleman from Virginia (Mr. MORAN), who actually first brought this issue to my attention and the attention of my staff several weeks ago in saying that this was causing a local fire storm.

I mean, this is against the desires of local communities, local business, and the duly appointed local authority to whom Congress has given local control and dominion. This is not an appropriate tribute. This amendment should be adopted; then it becomes an appropriate tribute.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Davis-DeFazio-Moran-Morella amendment to H.R. 2625, which would redesignate Washington National Airport as the Ronald Reagan Washington National Airport.

This amendment would leave the decision to rename Washington National Airport with the local Metropolitan Washington Airports Authority where it belongs.

When the Republicans became the majority party during the 104th Congress, we came into power on the theme of greater fiscal responsibility and more local control. This theme was consistent with former President Reagan's philosophy that the Federal Government should not carry out responsibilities that could be handled by State and local governments.

In keeping with this philosophy, President Reagan signed the legislation that in 1986 transferred control of Washington National Airport from the Federal Government to a local authority, the Metropolitan Washington Airports Authority, called MWAA.

During the first 45 years of National Airport's existence, it was owned by the Federal Government and operated by the Federal Aviation Administration. There were several attempts to transfer National to local control, but none was successful until President Ronald Reagan and Transportation Secretary Elizabeth Dole established an advisory commission to review the matter.

It was this advisory commission's report that brought about the transfer legislation that created the local authority, made up of members appointed by the governors of Maryland and Virginia and the Mayor of the District of Columbia.

Under the auspices of the Federal Government, National Airport was deteriorating and losing money. Under the auspices of MWAA, National has a new terminal and has undergone major renovation. These have been funded without any Federal contributions but with bonds and fund-raising efforts of the local authority. MWAA has been doing an outstanding job, and the airport indeed is the proud gateway to the Nation's capital.

Now, contrary to Mr. Reagan's philosophy, Congress is reaching into the affairs of National Airport, instead of leaving the major decisions to the local authority.

I have been very involved in issues regarding National Airport during my tenure in Congress. It is our local airport. I pushed for policies that would ensure that the airport is safe and a good neighbor to the surrounding communities.

Mr. Chairman, no one ever contacted the local congressional delegation about the issue of renaming National Airport. No hearings were held. H.R. 2625 has come to the House floor without local input, and I think this betrays former President Reagan's legacy.

Mr. Chairman, I can tell my colleagues, from the phone calls and letters to my office, that the local governments oppose renaming National Airport. MWAA, the Greater Washington Board of Trade, and the Federation of Citizens Associations of the District of Columbia all oppose the name change.

In addition, renaming National would be costly and would hurt small businesses in and around the airport. These businesses would have to change signs, stationery, and other promotional materials at a significant cost. We should not impose this unfunded mandate on local businesses and on our local authority. Of course, there would be resulting confusion.

Let me add that there was one flaw in the legislation that transferred control of National Airport to a local authority. That flaw was the creation of the Congressional Review Board that had oversight over all the decisions made by MWAA. The constitutionality of this congressional oversight was challenged on two occasions by the local community, and the case went all the way to the Supreme Court. Twice, the Supreme Court decided that Congress exercised too much power over National Airport. In essence, the Supreme Court told Congress to stay out of the affairs of the airport and leave the daily operations and major decisions to MWAA, the Metropolitan Washington Airports Authority.

So I urge my colleagues to vote "yes" on the Davis-DeFazio-Moran-Morella amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with all due deference to lawyers and lawyer wannabees, a lease is not quite the same as ownership, no matter what the term of the lease; and I think that we need to recognize that fact.

Mr. Chairman, if there are those that simply politically disagree or personally disagree with renaming National Airport for President Reagan, then fine. But let us do away with some of these arguments that are cluttering up what is really going on here. The Federal Government owns National Airport. The fact that they have leased it to a local authority does not change the fact that the Federal Government owns that airport.

Some have suggested that President Reagan's name be affixed to Dulles International Airport. It is not quite the same. Mr. Chairman, Washington National Airport, the national airport at Washington, D.C., is the only airport in our country that is a national airport. It is the national airport. It is the only national airport. It is America's airport.

And as the airport for all of America, not for any locality, it is not Virginia's airport. It is not Maryland's airport. It is not Pennsylvania's airport. It is not Georgia's airport. It is America's airport. It is the airport that serves our Nation's capital. It is the only airport that directly serves our Nation's capital, and I believe that it is entirely within the prerogative of the United States Congress to name that airport as the people of this country through their representatives wish it to be named.

Mr. Chairman, make no mistake about it. This amendment is a killer amendment. It would gut and remove what we are trying to do here as representatives of the people, for the people, and by the people.

I urge my colleagues to vote this amendment down, recognizing it for what it is, and that is a killer amendment designed to kill this legislation and the intent of the legislation. I urge a "no" vote on this amendment, Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are those who would like to make this debate and passage of this bill a referendum on whether or not we honor and respect President Reagan's service to the Nation. So let me say up front, while I may not agree with many of President Reagan's policies, I honor and respect his committed and dedicated service to his fellow citizens. I believe most us here today do feel that way.

But, unfortunately, this legislation is not about honoring his service. It is about honoring his politics. And there is a difference.

The gentleman from Georgia (Mr. BARR), the sponsor of this legislation, supported the bill by saying, quote, "It is only fit that this gateway to the city that still enjoys the Reagan legacy of smaller government and lower taxes be named after this American hero."

Former Governor Allen of Virginia was quoted in The Washington Post as saying, quote, "He noted with relish that, with the new name, generations of lawmakers would be greeted by a memorial to a famous opponent of Federal spending."

Honoring service is not a controversial matter. Honoring politics is. We need look no further than how this legislation is being viewed to tell how this effort is perceived.

□ 1315

It is the proponents of this bill who are doing a disservice to President Reagan by using him as a political pawn to forward a contemporary agenda. But to be consistent, if the goal is to honor President Reagan's politics, then we could at least be presented with a bill in keeping with the spirit of his work. This bill does not even do that. In fact, it does just the opposite. It would place an unfunded mandate on the local airport authority. It takes power and decisionmaking away from the local officials who run the airport to name it as they see fit. It could add costs to private sector operations ranging from airlines to travel agents, but we did not even bother to hold a single hearing to find out what these costs might be. This bill does not honor the spirit of President Reagan's work. It flies in the face of it. It defies everything he stood for, and that is why we should adopt this amendment.

Worse yet, of all the times and of all the places we could choose to inject this politics over service rhetoric, using it to rename Washington National Airport is the most inappropriate of all. As its name says, Washington National Airport belongs to the Nation, to everyone, Democrat, Republican, Independent and alike, young and old, black and white, rich and poor. It welcomes visitors from around the Nation and around the world to our capital, where everyone has a say, where all views can be debated, where the majority may govern but the minority have rights, too.

We have already named various institutions for President Reagan. We think that those are appropriate. But in this case, we in the minority are exercising those rights not to deny President Reagan's honorable service, but to affirm that service, not politics, is the criteria and the way an entire Nation comes together to honor a leader. This is not the way to do it. The amendment should be passed, and in its absence, in its failure, the legislation should be defeated.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this is a bipartisan amendment, and it is in that spirit that we usually change names or put names on buildings or monuments. It is an amendment that will be supported by some who are for the name change and some who are against the name change. This amendment is one that Members should rush to the floor to support because it simply says that local control should apply here as it does everywhere else. In this case local control would mean regional control.

This was the only airport under the control of the U.S. Congress for a very long time. The result was that an airport that was a state-of-the-art airport when it was opened became almost dysfunctional and unworthy of being the airport for the Nation's capital. What Congress wisely did was to create the Washington Regional Airport Authority, and what has emerged, is a beautiful new airport to show for it.

My colleagues, we simply cannot have it both ways, not under the law. This cannot be a regional or local airport when you pay for it and when you run it, but a national airport whenever the Congress feels like intervening into local affairs. Indeed, to have that kind of back and forth, even if it were legally permissible, would be the antithesis of local control. It would be arbitrary and capricious, and the courts have so found.

We wrote a lease which gave absolute, total control and discretion to the Washington Airports Authority. I assure my colleagues, we did not do that out of our great generosity. It was very controversial. Congress did not want to give up control of this airport because it regarded this as its airport with all of the perks attending that status. But Congress was forced to write a lease that gave full responsibility to the Washington Regional Airports Authority. And the reason it was forced to do so was that the legal status and the financial status of the new airport required it. We were simply not going to be able to float bonds, for example, at a reasonable rate if in fact the marketplace was not sure who was in control and who was not. So the words are simply unmistakable; words like "full authority," "complete discretion." There are simply no exceptions in the law or in the lease.

My colleagues do not have to believe me. Simply go to two Supreme Court decisions which have interpreted this language. The Supreme Court has interpreted this language twice. This language is designed to protect bondholders. And what will happen if the courts were to allow even a name change, intervention to change a name, to rename, is that it would send a message in the marketplace that you cannot tell when Congress may come in, and, therefore, we would destabilize the legal and the financial position of the Washington Regional Airports Authority. That is why, Mr. Chairman, this name change is not going to withstand another legal attack. What do we need—three Supreme Court decisions in order to get it? Congress has already lost twice.

This is no way to honor a President of the United States who is beloved by millions upon millions of Americans. But we are on our way not to a name change, we are on our way to a court suit unless this amendment passes. This amendment is a common-sense amendment, the kind of amendment that those who want this name will support, and the kind of amendment that I think could get them this name if they do it the right way, the way we have always done it in this House, the way we always do it in other locations.

This amendment leaves us with the only way to honor a President who lived for and by local control. I ask Members to support this common-sense amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Speaker of this body is in receipt of a letter from the chairman of the Metropolitan Washington Airports Authority that indicates that the action that we are about to take is likely illegal. I would urge the Speaker to release that letter to the body before we do act in an illegal manner. The letter addresses the legal authority that the gentlewoman representing the District of Columbia just referred to.

There is substantial cause to uphold the control that was ceded in 1986 to the Metropolitan Washington Airport Authority and compelling reason not to take away some part of that controlling authority. It does send the signal that not only jeopardizes its bonding authority and the ability to implement its other subsequent decisions, but it would have precedent in other situations where this Congress has ceded authority.

Speaking of Speaker GINGRICH, I would like to quote Speaker GINGRICH from the Congressional RECORD of 1986, when the authority was being granted to this Metropolitan Washington Airport Authority. The Speaker said, "Tonight we have the chance to get the Federal Government out of the business it has no business being in. The very scale and complexity of this resolution should remind all of us that managing legitimately Federal activities is a big enough job. It is time to allow a regional authority to do a regional job, that of managing airports."

"The fact is very simple." He goes on to say, "The Federal Government ought not be involved in dictating what regional airports ought to be doing." He says, "Do we allow the regional authority to both run the airport, getting it away from our attention and not cluttering us, or do we allow the regional authority to borrow the money, thus not having ourselves burdened?"

I am not going to take up the body's time, but it is clear from the Speaker's quotes as well as the language in the Senate debate, and Senator Dole was most explicit, that complete authority was given to the Metropolitan Washington Airport Authority. We did not retain authority to do what is being suggested be done today.

This has substantial adverse implications. That is why the business community is opposed to it. The business community's opposition has no political partisan basis. One rental car company told me that if the Congress does this, it is going to cost him $200,000. It means that they have to change all their promotional materials. It means that the airport location is not going to be readily identifiable. Who knows where Ronald Reagan Airport is? It is going to take a time for the public to figure it out.

We made the arguments against doing this on the basis of history. I think those are compelling arguments. The airport stands on the very road that leads to George Washington's home, Mount Vernon. The land was owned by George Washington's adopted son. We have a long historical relationship, and we can show that. Apparently that does not matter.

But I think it should matter to the Members when the chairman of the committee cites precedent. It is unprecedented to rename a facility or to name a facility in the jurisdiction of a Member of this Congress when that Member opposes that naming. This Member opposes the action that this body is considering. It is unprecedented to do this over the wishes of the Member, whether they be Republican or Democrat. In the past Democratic Congresses have always respected that custom.

I have good reason to be opposed to this because my constituency is opposed to this. The local governments have opposed this. We have made those letters available. They have good reason to be opposed to this. Respect the wishes of those local governments. Respect the constituencies that I am bound to represent.

Our opposition is not partisan. In fact, it is wholly consistent with President Reagan's philosophy of devolving power to local government. If we do this, it will be an arrogant abuse of power. It will be partisan. It will be wrong. We should not do this.

There are plenty of ways to recognize Ronald Reagan appropriately. We are going to be doing that very soon when we dedicate the International Trade Center, an $800 million Federal building, in his honor. We are going to dedicate the next *Nimitz* class aircraft carrier in Ronald Reagan's honor. Those things are appropriate. This is inappropriate.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know, as I said at the outset, how the vote is going to come out on this. This is Republican dogma. And the Republican side is going to vote because some order has been passed from on high to vote for this name change. But I do want to make the reasoned argument; at least reason will be on our side, if not the votes.

When the compact was entered into pursuant to act of Congress in 1986 to create the Metropolitan Washington Airport Authority, there was very clear and specific language in the lease. It is broad. It is comprehensive in its scope.

"The Airports Authority is authorized to occupy, operate, control and use for the term of this lease all land, improvements, buildings, fixtures, easements, rights of interest, egress and appurtenances thereto belonging, owned by, used or controlled by or assigned to the United States of America."

□ 1330

Subject to the provisions of this lease, the airport's authority shall have, consistent with the 50-year minimum term of this lease, full power and dominion over and shall have the same proprietary powers and be subject to the same restrictions with respect to Federal law as any other airport, except as provided herein.

The lease also contains what lawyers call a quiet enjoyment clause; that the airport's authority shall fully, peaceably and quietly occupy in joyful possession of the leased premises without hindrance or interference by the Secretary or any other person or entity. That is us, the United States Congress.

The United States, in the grant of authority to MWAA, did not reserve the right to change the airport's name, and any such action, in my judgment, is patently inconsistent with the broad scope of the lease rights that conferred control and full power and dominion over the airport.

In fact, the Congress did attempt to establish authority to interfere with or override actions of MWAA that it considered not in the broad public interest by creating a control board or an oversight board. On two occasions that oversight board was ruled unconstitutional by the U.S. Supreme Court. In my service then as chair of the Subcommittee on Aviation, I vigorously opposed reestablishing the authority of this oversight board. I felt we ought to get rid of it and, indeed, the Supreme Court twice ruled that this was an unconstitutional interference in executive branch authority.

So now the question comes up, well, supposing we do pass this legislation, it does become law, and the authority chooses not to change the name as directed by Congress. In the course of our committee markup I asked counsel, well, what authority do we then have? What action could we take if the airport authority would not put up new signs to reflect the change or other actions to reflect the change?

It was rather calmly and coolly suggested that Congress could compel the authority to change signs by taking away their Federal grants and their ability to levy local passenger facility charges to make safety and efficiency improvements. Pretty heavy-handed. An astonishing ruling. An astonishing arrogance to ourselves of power.

If carried out to its logical conclusion, that gives this Congress, gives our committee, authority to interfere in any airport anywhere in America under control of any local government by simply shaking our finger at them and saying, change your name, make some other change that we want done by an act of Congress or we will take away your airport improvement grant money; we will cancel your passenger facility charge authority.

That is an enormous arrogance of power and it opens a dangerous door through which none of us would want to tread. This is a dangerous precedent.

The amendment should be adopted; if not, the bill defeated.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, evidently the Congress is into the business of naming things after people who have nothing whatsoever to do with the facilities that are being named after them. I would say that while I had great personal affection for President Reagan and served with him, I would say that he had about as much to do with Washington National Airport as I have to do with an airport in Tibet. I am old-fashioned enough to believe that if we are going to name something after somebody, we ought to give the name to something with which that person is intimately associated.

So I would simply have a question. Would it not be more appropriate, for instance, to name the Bureau of Public Debt the Ronald Reagan Bureau of Public Debt? The act of this Congress that has made me more angry than any act since I have been here is the action that this Congress supinely took in 1981 when it whooped through here, with people in both parties voting for it, the Reagan budgets, which took the deficit, which had never been higher than $74 billion, up to well over $200 billion. It has taken us almost 20 years to dig out from under that, with strong efforts on the part of people in both parties to accomplish that fact.

And so I simply make that point to note that there ought to be a certain degree of appropriateness, and a certain connection between the name of the person and the act, and I think that would be at least as appropriate as the action being contemplated both by this amendment and by this bill in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 344, further proceedings on the amendment offered by the gentleman from Virginia [Mr. DAVIS] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON: Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Metropolitan Washington Airports Authority secures funds other than funds from the operating budget of the Authority for all costs of carrying out the redesignation made by section 1.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

Ms. NORTON. Mr. Chairman, my amendment simply keeps the promise of the House that there shall be no unfunded mandates. I do not believe that there is any Member of this House who would take exception to this amendment.

The bill itself represents a broken promise: No congressional mandates on Federal buildings without local consent. All I am asking is that we do not add cost to injury by adding cost to the operating budget of the Washington Regional Airport Authority.

The authority that runs the airport consists of four jurisdictions. This authority has not given its consent to this renaming or to accepting the cost. Two of the Members are from Maryland, five are from Virginia, three are from the District of Columbia, and three are Federal appointees. My amendment simply requires that funds outside the operating budget be obtained to carry out any renaming.

Now, those who are for the renaming ought to be the first to vote for this amendment; that is, if they have read the Supreme Court decisions which have interpreted the language to mean that the Congress cannot, in fact, impose its will on any issue at this time. At the very least, when this matter goes to court, and I predict that it will, Congress will be able to say that it did not add to the operating costs.

And that is important also to protect the financial position of the regional authority. The whole reason for the absolute language in the lease is to protect the financial position and the legal posture, and also to protect the Congress so that it is clear that the full faith and credit of the United States of America is not behind this airport at this time; that only bonds floated by this airport stand behind this airport.

My amendment simply says, that is right, we are not imposing on you any costs from Federal legislation, nor is there any Federal mandated cost, nor would any Federal costs be allowed for my bill. And we do not need any Federal costs to be imposed as well. If in fact Ronald Reagan's name is to be imposed on the airport from the top down, rather than the way it is always done in our country, from the bottom up, then certainly no costs should devolve to the local area.

But, Mr. Chairman, nobody has a shred of evidence of what the costs are because we were not given the courtesy of hearings. There is no information and no data. We do not know what the cost to government would be, governments around the world, the country, and regional. We do not know what the cost to the private sector would be. Essentially, what the Congress would be saying by passing this bill is, "It is not our cost, so why care?" Well, I tell my colleagues who does care. The business community and the public in this region who will bear those costs care.

There is very substantial injury to this region well beyond cost. What is in a name? Well, billions of dollars in real money and in good will are in a name. That we must all surely recognize from the fact that establishments now sell naming rights and earn millions of dollars simply by selling the right to put one's name on a building or on an establishment. We in the District of Columbia have just sold the naming rights to the wonderful new arena, which I invite Members to partake of, downtown. It is called the MCI Arena, not because we like it that way but because we got millions of dollars for getting it that way.

Over time billions of dollars are tied up in the name of the Washington National Airport. This is a major tourist region. This is the gateway to official Washington, named for the first President of the United States.

My amendment is surely one that the entire House can support. It is very short. All it does is to say to the regional folks that the money from this is going to come from elsewhere; it is not going to come from you. We are sure that those who want the airport renamed, many of them from the private sector, if there are costs, would in fact be able to raise those costs. There is no partisan content here. I ask for a bipartisan vote.

And, Mr. Chairman, I insert for the RECORD a letter from the Board of Trade opposing this change.

GREATER WASHINGTON BOARD OF TRADE,
Washington, DC., January 26, 1998.

Hon. BUD SHUSTER,
Chairman, Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER: On behalf of the Greater Washington Board of Trade, I am writing to express our opposition to H.R. 2625 designed to change the name of Washington National Airport to the "Ronald Reagan Washington National Airport." With all due respect to President Reagan, we believe that renaming the airport would be very confusing to air travelers, visitors, and local residents alike.

If there is a compelling desire to memoralize President Reagan at Washington National Airport, we believe that a more appropriate recognition would be in renaming the new terminal in his honor. The revitalization of the terminal and other improvements can, after all, be traced to activities initiated during his term in office.

The Greater Washington Board of Trade is the chamber of commerce for the greater Washington region covering Northern Virginia, suburban Maryland, and the District of Columbia. Through the Transportation and Environment Committee, the Board of Trade addresses the needs of our region's transportation infrastructure and the environment.

Thank you for your consideration in this important matter.

Sincerely,

CHARLES A. DUKES, JR.
Chairman, Transportation and Environment Committee.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is just a last ditch back-door effort to delay and, hopefully, kill this legislation. There are several important points I think that can be made in response.

First of all, there is no reason to delay because the cost of making this change is insignificant. Now, those are not my words, this is the Congressional Budget Office, which estimates that the costs "would not be significant." Further, the chairman of the airport authority stated last year that the cost would be small. Third, it only cost the Houston Airport $10,000 to change the name to the George Bush Intercontinental Airport. And with National Airport having a budget of $259 million, this indeed is significant.

Beyond that, the Reagan Legacy Project has said that they would be willing to help in expenses, if it were necessary. So there is no reason to delay this.

And let me further deal with the issue of no hearings and moving quickly. In the 104th Congress we had five naming bills pass that did not go through the committee and had no hearings. In the 103rd Congress, six did not go through the committee hearings; 102nd Congress, three; the 101st Congress, four; the 100th Congress, six.

In fact, when we named the Thurgood Marshall building, that did not even come to committee. That was done directly here on the floor two days after Justice Marshall died, before he was even buried. So there is enormous evidence to suggest that we are not doing anything here unusual at all.

For all those reasons, I would urge that we defeat this amendment.

□ 1345

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that the chairman of the full committee recognizes that the CBO estimate of cost only refers to the direct costs incurred by the airport's authority. It does not include the very substantial cost that the small businesses in the private sector would incur.

I got a letter and subsequent phone calls from several companies. But one such company, an airport rental firm, estimated that it would cost them $200,000 to make this name change. All of their National promotional materials have to be changed. And that is not one of the largest rental car companies. There are any number of businesses, hundreds of businesses, that refer to their location that serve Washington National Airport. All of that has to be changed.

This, in fact, is an unfunded Federal mandate, more so on private businesses than on the public entity, the airports authority. But it is on both. It is contrary to the legislation that we passed that we would not continue to do these unfunded Federal mandates.

But here we are again. When it suits our purposes, what difference does it make what we do to these local businesses? We want our will imposed. It is more important to us. They do not live in the area. They do not represent the area. So what is it to them?

Their people, if they care anything, they know about Ronald Reagan. They do not know anything about Arlington or Alexandria or the Greater Washington Board of Trade's concerns. But that is what Ronald Reagan told us. That was part of his philosophy: Respect the wishes of local government; respect the wishes of small businesses. And they are going to incur very substantial costs.

I had an amendment that said, well, if we are going to do this, maybe we ought to start paying for parking at the airport and put those funds in a fund that would reimburse the small businesses for the costs that they are going to incur because we chose to impose our will on them.

Talk about rubbing salt into wounds. They thought they got the authority. They have to pay the expense. They issue the bonds. It is not Federal money. We get free parking, and then we decide how the airport should be named, despite the wishes of the local government.

Arlington has voted against it, Alexandria, the Greater Washington Board of Trade, any number of businesses that expect me to represent them and that would expect that this body would have some respect for them.

This is a good amendment. It should pass. It is completely consistent with what this Congress is supposed to be all about.

Certainly, the Republican side of the aisle ought to have some respect for small businesses, even if those small businesses do not happen to be in their own congressional district. It might even be nice if they showed a little respect for the Member who represents that district, because that Member would respect the wishes of them if it was going to be done in their district. But, no, this has too many national political implications, so the heck with it.

This came about because of a national solicitation for funds by a man by the name of Grover Norquist. He set part of this Reagan legacy project and then everybody goes along with it.

It is not right. It is not right to trample on the wishes of local government. It is not right to impose these fees on small businesses. My colleagues do not know whether they can afford that cost.

One of these rental car companies said, "This could drive me out of business if I have to change all my promotional materials. I just updated them all." But what do we care? It is nothing to us. We have the power of the purse. We have the power. We can exercise it at will. Well, this is an arrogant abuse of power. It should not be done. It is wrong, and it creates a precedent that is going to come back to haunt us.

I urge support for the amendment.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

Mr. MORAN of Virginia. Mr. Chairman, I object unless the gentleman is willing to yield so I can respond.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. SHUSTER), distinguished member of the committee.

Mr. SHUSTER. Mr. Chairman, I thank my friend for yielding.

I simply wanted to make the point that there is nothing in the law that requires small businesses to change the signs. If I had a small business, I would use my signs and stationery that I had; and when it was appropriate and when it ran out, I would then change it. So I would expect over time this would occur and, therefore, would not be a financial burden on the small businesses.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I do want to say that I think it would have been appropriate for the gentleman's unanimous consent request to be concurred in so that he could speak, and I think there was simply a misunderstanding over here on our side.

So far, the costs that this bill will impose on the local airports authority are not known. It is conceivable that they will not be inconsequential or unsubstantial. The local authority should not be required to bear these costs when they have been given no voice in change of name.

Under the amendment pending, the costs do not have to be met by the Federal Government since a good deal of the motivation for the name change has come from private sources who want to name airports all over the country. In fact, it was suggested there ought to be a Ronald Reagan Airport named in every State, which raises the possibility we could take off from one State and land in another and not know where we are, we would always be landing in a Ronald Reagan Airport. But it is reasonable to expect that those who are advocating this name change should pay for it.

The CBO statement, which appears in our committee report on the bill, suggests its costs are likely to be minimal. It says that if the State of Virginia chose to change signs, costs would not exceed $500,000. Well, that is $500,000. If they have got a tight budget, that $500,000 makes it all the more tight.

I certainly think that someone other than the Washington Metropolitan Airports Authority should bear the responsibility and the cost for any changes or any costs that may be incurred.

One that occurs to me is that, as one approaches the old terminal now as it is known, across the front of the terminal is the name Washington National Airport. It is engraved in stone, has been there since 1941. I have heard no discussion of whether it is the intent of this legislation to change that name, if we are going to have stonemasons come and replace those blocks of stone with others on which Ronald Reagan's name is carved, or whether there is the intention to lay another block of stone atop what is already there, put the name Ronald Reagan on it, and somehow the idea is to have a political billboard greeting people as they arrive at our Nation's capital.

So I am just wondering if there are stonemasons perhaps in the State of Pennsylvania. My good friend, the gentleman from Pennsylvania (Mr. SHUSTER), might have some stonemasons there that might want to engage in this trade. Or whether the Majority has given any thought to the fact that this structure, the terminal building, is on the National Register of Historic Places and that to rename it, to change its facade, would require great exceptions under the National Historic Preservation Act. I do not think any thought has been given to that possibility.

So, as the gentlewoman from the District of Columbia (Ms. NORTON) proposes, there are costs. We have not thought a great deal about them in this rush to name the airport before President Reagan's birthday. We certainly, at least, ought to pause to give thought to the costs and let those who are proposing this name change bear those costs.

It is quite a responsibility on small businesses that depend upon the airport to have to go and change all of their materials to accommodate this name change that we have been hoisting upon the public here for very narrow partisan purposes.

The amendment is a good one. It raises the issue of costs which have not been carefully thought through, and it is one that ought to be adopted, and I urge support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was rejected.

Mr. OBERSTAR. I move to strike out the last word. Mr. Chairman, within the 2 hours allotted for consideration of the bill, how much time remains?

The CHAIRMAN. There is 1 hour remaining.

Mr. OBERSTAR. Mr. Chairman, I intended to ask for a recorded vote on the Norton amendment.

The CHAIRMAN. That request comes too late.

AMENDMENT NO. 3 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MORAN of Virginia:

Page 3, line 2, strike "Ronald Reagan" and insert "George Washington".

Page 3, line 6, strike "Ronald Reagan" and insert "George Washington".

Page 3, lines 17 and 18, strike "RONALD REAGAN" and insert "GEORGE WASHINGTON".

Page 3, line 22, strike "Ronald Reagan" and insert "George Washington".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, this amendment would clarify the name of Washington National Airport since, apparently, there is a great deal of misunderstanding. It needs to be recognized, for example, that Franklin Roosevelt, in the commissioning of Washington National Airport, told the architects that the main terminal was to be designed to look like Mt. Vernon, the home of George Washington.

We can see it from perspective, which is difficult because most of us see it when we are right up on top of it and getting out of an automobile. If we look at it from the proper perspective, though, we can see that that is what the architects did.

I think it also is important to recognize that this land on which Washington National Airport is located was owned by John Park Custis, who was George Washington's adopted son, the only surviving son of Martha Custis Washington. He owned the property, lived there until his death at the battle of Yorktown. He was named to George Washington, who, after marrying Martha, treated John P. Custis as his own son.

Dr. David Stewart, who was then President Washington's physician, married J.P. Custis' widow and moved into the Abingdon estate, which is where Washington National Airport is located. Dr. Stewart was one of the three commissioners supervising the development of the Nation's new capital and personally named the city across the river the city of Washington and the territory of Columbia. It was clear that it was being named after George Washington, that Washington National Airport is named after George Washington.

□ 1400

J.P. Custis' son, George Washington Park Custis, who lived at both Abingdon and Mount Vernon, who was adopted by George Washington following the death of J.P. Custis, built Arlington House, better known as the Custis-Lee Mansion, which later became Arlington Cemetery. He was Robert E. Lee's father-in-law. All of this occurred on this land. That is why my constituents care so much about retaining the identification of Washington National Airport with George Washington.

There is a lot of history here. Washington National Airport is built on the very foundation of Abingdon Plantation. This is where these people lived.

In the promotional material for Washington National Airport, as the gentleman from Minnesota (Mr. OBERSTAR) has referred to, time and again they talk about George Washington treading on this land. His family owned this land. This was very important to him. That is why it is so important to us. He lived on the same road, at the very end of it, at Mount Vernon.

What this amendment would do is to make it clear that this airport is named after George Washington, as George Washington National Airport. That is the way it should continue to be named.

Mr. Chairman, I can understand people's respect for Ronald Reagan, but, I have to say, this dishonors Ronald Reagan's legacy. This is not right, and I know that neither President Reagan nor Mr. Reagan's family would want his name to be involved in such a contentious issue.

My constituents, who want to retain George Washington's name, do not want to be involved in any way in dishonoring Mr. Reagan's legacy. They do not want this to be such a contentious issue. But they jealously guard the name that this airport now has.

Not only does it honor George Washington, it also identifies where the airport is. It is helpful to the people who use the airport. It is going to be very confusing if it is renamed. People are not going to know where Ronald Reagan Airport is, because it could be anyplace in the country. Why would anyone figure it is going to be in Arlington, Virginia?

I think this is the kind of amendment that we should do, to make it clear that we will not get into this kind of partisan, contentious debate, ever again.

Mr. Chairman, I urge support for my amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) insist upon his point of order?

Mr. SHUSTER. Mr. Chairman, I insist upon my point of order.

Mr. Chairman, as a preface to making it, I note my good friends on the other side, by making this amendment, have totally destroyed their argument about cost and lack of hearings, because this is going to cost money and this is going to cause hearings.

My point of order is this: My point of order against the amendment is on the ground it violates clause 7 of rule XVI of the rules of the House because it is not germane.

Clause 7 of rule XVI provides that no motion or proposition on a subject different from that under consideration shall be considered under color of amendment.

The amendment adds an additional proposition. It is not germane because it substitutes a new name. It substitutes George Washington for Ronald Reagan. The bill is narrowly limited to a certain name, and the substitution of another violates the House rules.

Also, interestingly, the law establishing the boundary between Virginia and D.C. names the airport as the Washington National Airport while referring to the adjacent parkway as the George Washington Memorial Parkway. This is further proof that the airport is named for the metropolitan area and not for the person, and I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Virginia (Mr. MORAN) wish to be heard on the point of order?

Mr. MORAN of Virginia. Mr. Chairman, I do.

Mr. Chairman, in the other body they have named this airport Ronald Reagan Washington National Airport. The point that I want to make is that no one knows, including our very respected, knowledgeable parliamentarians, whether the people who named the airport Washington National Airport were identifying with the geographical location or with the personal identification. That is my point.

The constituents who use it, in whose district it is located, feel that it is named after George Washington, rather than the geographical location. But who is to say? I do not know for sure.

I am sharing my point of view, and this goes directly to the point of order. I feel that it is named after George Washington, and so I do not see that it would be subject to a point of order simply to clarify that. Certainly you do not need to change any signs, when people already assume Washington National Airport means George Washington National Airport.

So I do not agree it should be subject to a point of order. I think it is entirely in order. I think this clarification is appropriate for this body to pass.

The CHAIRMAN. Do other members seek to be heard on the point of order?

The Chair would rule on the point of order. The gentleman from Pennsylvania (Mr. SHUSTER) makes a point of order that the amendment offered by the gentleman from Virginia (Mr. MORAN) is not germane to the bill.

The bill, H.R. 2625, seeks to redesignate the Washington National Airport as the Ronald Reagan National Airport. The bill consists of a single individual proposition. It proposes to redesignate a specific airport in honor of a specific person.

The amendment offered by the gentleman from Virginia (Mr. MORAN) seeks to substitute the name "George Washington" for the name "Ronald Reagan" in the bill. Clause 7 of rule XVI of the rules of the House requires that amendments be germane to the proposition to which offered. A general principle of germaneness rule is that one individual proposition may not be amended by another individual proposition, even though they may be of the same class. This principle is recorded on page 619 of the House Rules and Manual. The chair notes a relevant ruling on this principle. On February 9, 1910, the House was considering a bill providing for the erection of a statue to honor General Von Steuben. An amendment was offered to strike the word "Von Steuben" and insert "George Washington." Speaker Clark ruled that the proposition before the House was confined to a statue honoring General Von Steuben and that an amendment offering a proposition for the erection of a statue of George Washington was not germane. This ruling is codified in Cannons Precedents, Volume 8, Section 2955.

Because the pending text propose proposes a narrow individual proposition, the naming of a specific airport for a specific person, and the amendment proposes to substitute a separate individual proposition, to wit, the naming of that airport for a different person, the amendment is not germane.

While the Chair acknowledges the difference of opinion expressed regarding the derivative nature of the current name of the airport, nothing in the committee report on the history of the naming of the airport, or as a matter of law of which the Chair is aware, indicates that the airport is now explicitly named in honor of George Washington. In addition, the Chair would note that a relevant statute, the Act of October 31, 1945, printed in part on page 10 of the committee report, illuminates a distinction between the George Washington Memorial Parkway and the Washington National Airport.

Accordingly, the point of order is sustained.

Are there further amendments?

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am disappointed to know George Washington has been overruled by the House Parliamentarian before today. I appreciate my friend offering that amendment, and it is not in order.

Mr. Chairman, I had an amendment that I was going to call up that would have at least clarified the Ronald Reagan National Airport, that is currently contained in the legislation, and would have made it the Ronald Reagan Washington National Airport. That would have stopped some of the confusion we hear. It would have kept Washington's name in it. Whether it demarks the location or a great President and Virginian, I am not certain. But as I understand it, there will be opposition on the other side to this amendment, so I will not bring it up at this point.

Am I correct there is to be opposition to that amendment to change it from Ronald Reagan National Airport to the Ronald Reagan Washington National Airport?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would find objection to the gentleman's amendment, along the same lines that had been offered by the majority to other amendments on this side, that that would be a killer amendment. I would also question whether it would be germane in light of the erudite ruling just elicited from the Chair.

Mr. DAVIS of Virginia. Mr. Chairman, reclaiming my time, it is not a killer amendment from this side of the aisle's point of view. If you do not consider it a killer, we do not consider it a killer amendment. I think it does bring some clarification. I have not had a parliamentary ruling.

I would hope, since there is opposition from the other side, and I am disappointed to hear that, at least in the conference, we could clarify that. If this legislation is going to go through, I think it is very important that we keep the name Washington National Airport as a part of it. To many it is always going to be known as that. You have the DCA designation as it moves through customs and it moves through the baggage checks, and to change those, I think, creates a whole series of problems that were not contemplated by the bill's authors.

I would ask the chairman of the committee if he could assure me in conference if this is an accommodation that could be reached?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to my good friend that after conferring with our leadership, we indeed were prepared to accept the gentleman's amendment. I understand it is precisely the same language that is in the Senate. Therefore, it would be my hope and intention to accept the Senate's version of the language, which would then conform with what the gentleman are attempting to do.

I regret that our colleagues on the other side have indicated their opposition to including the name "Washington" in the name of the airport.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend, and, with that, I will not call up the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to simply explain that I think in opposing the proposed but not offered amendment of the gentleman from Virginia (Mr. DAVIS), it would be appropriate to keep faith with the bill that emerged from committee, since the chairman in committee had offered a substitute for the introduced bill, which substitute struck the name "Washington" from the proposed name of the airport to call it Ronald Reagan National Airport instead of Ronald Reagan Washington National Airport. If that was the original purpose of the committee in reporting this bill, we ought to keep faith with it on the floor and let it go its merry way further.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I am certain that the chairman of the committee appreciates that kind of loyalty to his amendment.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, it is loyalty of the greatest and deepest felt sort.

Mr. DAVIS of Virginia. With that kind of bipartisan camaraderie, I look forward to working with the gentleman on other issues.

Mr. OBERSTAR. On other issues, indeed, that do not take over local control of airport naming.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hate to prolong this debate, it has been prolonged too long, but there are some things that need to be said about the situation we find ourselves in.

Mr. Chairman, I really feel badly about the fact that this bill is going to be voted on and there will be a lot of red lights up there. I think the purpose of this bill is to honor a great American President, a great American President who is in the evening of his life, and of whom can be said more people are walking free in the world today because he was our leader for two terms. The very phrase "free world" owes much to this man whom we seek to honor, but whom we are trivializing, and whom this great honor for him has become a victim of what really is raw and petty politics.

"Mr. Gorbachev, tear down that wall"; the democratizations of central Europe, the unification of Germany, the dissolution of the Soviet Union, these are cosmic occurrences in our time and in our century that are worthy of recognition.

And, yes, I think the gentleman in whose district the airport belongs has an important role to play, but the airport is a national airport, and Ronald Reagan was a national figure, and I think there is something beyond the parochialism of a district. I say that with respect, but that is how I feel.

This man, Ronald Reagan, gave this country dignity, he gave it hope, he gave it optimism. It was his fervent desire to make this country a city on a hill, and he did it. He did it. He made us proud of our chief executive, proud of our government, proud of America, and he gave us something to look forward to.

This is simply a small effort to recognize that, and it ought not fall victim to petty politics. If Members deny there are petty politics involved here, I can only say they are fooling themselves, because everybody knows what is the problem here.

But here is a man deserving of the fullest recognition, especially as he is still living, and might in some way learn of what we are doing.

□ 1415

But to put red lights up there is to me demeaning and sad and unfortunate. Let us recognize the man who made America proud.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have enormous respect and deep affection for my good friend from Illinois, the Chairman of the Committee on the Judiciary. We have agreed on so many issues over the years. I just want to make it clear that this is not raw and petty politics. We are not trivializing Ronald Reagan's name or his legacy when we oppose the action proposed.

There was no such suggestion when the Democrats wholeheartedly supported the naming, without a murmur of dissent, of the Ronald Reagan International Trade building in Washington, D.C. That was quite a monument, quite a monument for the President. When it is just a stone's throw from the White House, when it is in the heart of what is known as Federal Triangle, that is quite a monument. People from all nations will come there to discuss trade issues. Significant Federal Government agencies will be housed there. Remembering his legacy as workers and constituents from around the country come into that building. It is quite appropriate.

The issue is not do we honor Ronald Reagan, but do we take a good name off this airport and replace it with another albeit good name, I do not think that is appropriate.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman had an opportunity not to take the Washington name off of the Washington National Airport, but simply to add to it Ronald Reagan, and the gentleman did not like to do that.

Also, just let me say, the gentleman is quite right. The Reagan building such as it is ought to satisfy people. But we have the George Washington Parkway, we have the Washington Monument, we have the City of Washington, D.C. It would seem to me in the Washington National Airport there would be room for a few more letters acknowledging and honoring President Reagan.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I would argue also that the person who had most to do with National Airport was Franklin Delano Roosevelt, who was present at the groundbreaking, who was the driving force behind the construction of that airport, who laid the cornerstone for this building; who proposed a big ceremony to dedicate the newly completed airport, but who, on recommendation of his Secretary of Commerce and on his own gut instincts, said, as the darkening clouds of war are gathering, it is not a time, an appropriate time to have a celebration, and chose not to.

He was the first President, Franklin Roosevelt, to fly across the Atlantic. He convened the international conference that guides aviation trade agreements today, the Chicago conference in 1944, in which we negotiate trade rights in aviation among all nations of the world. He had more to do with aviation, I submit, than President Reagan did, and more to do with this airport, but never have we suggested, in the words of my good friend, adding a name, which is really changing a name, of an airport to add Franklin D. Roosevelt.

In fact, Franklin Roosevelt wanted for himself only the smallest monument, not larger than the size of a desk, a piece of stone some place in Washington. That is all he ever asked for. He did not ask to have a political billboard greeting people in his name as they came to the Nation's capital. That is what is at stake here.

This name change was not fueled by a popular citizen movement, it springs from the Ronald Reagan Legacy Project, a movement begun by Americans for Tax Reform. It does not spring from the heart of America.

Why do we not designate a piece of ground in the Nation's capital to be a place where an appropriate memorial to the memory and legacy of Ronald Reagan will be erected? I will support that, as we have legacies for other Presidents. We waited 50 years to begin construction of the Washington Monument. We waited 130-some years to begin construction of the Jefferson Memorial. We waited well over 50 years before a memorial was built to Franklin Roosevelt's name. I am not sure that he would have liked that, frankly. As I said already, he wanted something very modest, very, very simple to be remembered by.

So this is not the appropriate way to honor the legacy of Ronald Reagan, and I urge defeat of the bill.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment, Amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MORAN of Virginia:

Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation determines that a referendum proposing the redesignation made by section 1 has been approved by the voters of Arlington County, Virginia.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. SHUSTER. Mr. Chairman, may we have a copy of the amendment?

Mr. MORAN of Virginia. Mr. Chairman, it is at the desk, and it has been printed. It was printed last night. It is Amendment No. 6, requiring a referendum.

The CHAIRMAN. The Clerk is endeavoring to distribute copies of the amendment.

Mr. MORAN of Virginia. Mr. Chairman, it is interesting that a point of order was raised before the chairman knew which amendment it was, but I assure the gentleman it was printed.

Mr. SHUSTER. Mr. Chairman, I would say to my friend, I believe that is the procedure.

Mr. MORAN of Virginia. Mr. Chairman, I assume that this is not taken off my time.

The CHAIRMAN. The gentleman is correct.

The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I guess I should wait for the Chairman to determine whether he wants to continue to raise a point of order against it, or reserve a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) reserve a point of order?

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman may wish to exercise that at the appropriate time.

Mr. SHUSTER. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) may continue.

Mr. MORAN of Virginia. Mr. Chairman, as I was saying, I have 2 amendments left that were filed last night. One of them I will not submit. That amendment would have required that the Members of Congress and the Senate and the judiciary would have to pay for their own parking at Washington National Airport and the receipts would then be used to offset the costs of changing this name. I will not do that.

However, I would like for the Members to consider how my constituents feel when they see Members of Congress getting parking for which they have to pay, for which Members of Congress do not have to pay, getting it closer to the airport than they are able to park. They resent that. However, I do not think that this is the way to address that, and I am perfectly willing to let that go.

I do think that Members of this body should give those constituents who live in the area where this airport is located, in Arlington County, Virginia, the opportunity to be heard on this issue that does affect them directly, and in fact, does cost the small businesses that work at Washington National Airport a substantial amount of money.

So what this amendment would do is to simply allow for a referendum; it would hold in abeyance our decision with regard to the renaming until there is a referendum conducted in Arlington County, Virginia. It would be conducted in November so there would be no additional expense, and we would hear from the local residents. This is consistent with hearing from local people as to how they feel about Federal Government directives. That is all this would do. There would be a public referendum, as there are already a number of referendums in many states, California particularly, and certainly a procedure that the other party has embraced in any number of other cases. That would give us a real sense of how the people most directly affected by this decision feel about it.

Do not take my word for it. Take the word of the majority. I am certainly willing to accept the democratic process. Let us see what the Democratic majority feel about it. Certainly both parties are well represented in this community. Both parties would have every opportunity to make the case. After full consideration, because there was not a public hearing on this issue, after full consideration, they could then vote through the democratic process, but at least let the majority of citizens render a determination whether this is the right thing to do, whether this is the way that they choose to honor Ronald Reagan. I think this is an appropriate amendment. It is the kind of thing that we should do in any number of cases. Before we decide to impose our will from on top, let us listen to the local community. Let us see what the majority want to do, and let us take that into consideration before we make decisions that affect their daily lives.

So, Mr. Chairman, I would offer this amendment, and I would hope it would be accepted by the party in the majority. I would hope that maybe this could even set a precedent for this type of thing where it clearly is contentious, but where I am purporting to represent the majority. Perhaps I do not, and if I do not, then the majority's will is to be respected by this body. It is certainly consistent with President Reagan's philosophy of devolving power down to local government. That is where the rubber should hit the road, that is where the people are most directly affected, and that is where they should have the most influence over the conduct of our decision-making.

So I offer the amendment, and I hope it would be made in order. I hope that there will not be an objection to this common sense amendment that respects local government, respects local communities, respects the democratic process.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) insist upon his point of order?

Mr. SHUSTER. I insist upon my point of order, Mr. Chairman.

I make the point that indeed, this is an airport owned by the national government, not owned by Arlington County. The amendment violates clause 7 of rule XVI of the rules of the House because it is not germane. Clause 7 of rule XVI provides that no motion or proposition on a subject different from that under consideration shall be considered under color of amendment. The amendment adds an additional proposition.

It is not germane because it adds an unrelated condition. The amendment conditions the name change on a referendum by Arlington County voters. We would be imposing a new duty on Arlington County, which does not own the airport. It currently has no such responsibility.

Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Virginia (Mr. MORAN) wish to be heard on the point of order?

Mr. MORAN of Virginia. Mr. Chairman, I do not want to delay this any longer out of respect for my colleagues. I think the point has been made. The point has been made on any number of these amendments. I would just hope that we would show respect, both for Ronald Reagan's legacy to respect the wishes of local governments and local communities, whether we agree with them or not, and to respect the democratic process of governance. But I will not say any more than that. I know Members want to get on and vote and dispatch this bill. I obviously object to what it does, both to Ronald Reagan's legacy, what it does to a local community and the way that it tramples upon the democratic process. I think it is an arrogant abuse of power.

The CHAIRMAN. If no other Members seek to be heard on the point of order, the Chair is prepared to rule.

The amendment provides that the effective date of the redesignation would be delayed pending the approval of a referendum by the voters of Arlington County, Virginia.

Clause 7 of rule XVI of the rules of the House requires that an amendment be germane to the proposition to which offered. The germaneness rule allows that an amendment delaying the effectiveness of proposed legislation can be made to depend on a related contingency. The Chair notes a relevant ruling on this principle in the 93rd Congress, an amendment proposing to delay the effectiveness of a bill pending the enactment of other legislation and requiring actions by entities not involved in the administration of the program affected by the bill was held not germane. This precedent is recorded in Deschler's Precedents, volume 11, chapter 28, section 31.7. In addition, the Chair has ruled on at least 2 other occasions that an amendment delaying the effectiveness of a bill pending the enactment of State legislation is not germane. These precedents are recorded on page 628 of the rules of the House Rules and Manual.

The condition the amendment seeks to impose on the redesignation is the approval of a referendum by the voters of Arlington County, Virginia, a local entity not responsible for the administration of the airport. Requiring the approval of an entity not charged with the administration of the airport is not a related condition under existing law. As such, an amendment imposing approval by the voters of Arlington County, Virginia as a contingency on the redesignation of the airport is not germane.

Accordingly, the point of order is sustained.

Are there further amendments to the bill?

□ 1430

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not engage in a discussion of the point of order that was made on the last amendment, but I do want to rise and acknowledge two points that have been made on this floor, and there are many others.

One, that a President of the United States deserves high honor. The gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, made that very plain in an all-so-eloquent statement; and I agree with that. The President of this Nation, whoever it might be, deserves high honor. That includes former President Ronald Reagan, and particularly the honor is appropriate at the time of the celebration of his birthday.

At the same time, I raise the other perspective; and this is a bipartisan perspective. Members who represent the community in which the entity that is sought to be named, both Democrats and Republicans, in this instance, have raised some concerns that I think we in the United States Congress need to consider. One, the involvement, if you will, of the community, so that it is one that is embraced by the community.

It seems that the presentation of this legislation, and maybe the lobbyists or the advocates that have pushed this legislation have gone somewhat far afield. In fact, they may have gone further than President Ronald Reagan may have even encouraged.

I do recognize that Republicans backing this legislation want to pay tribute to someone they honor. It is like trees wanting to celebrate sunshine. They view Ronald Reagan as their source of enlightenment. It is not my place to debate that.

However, I think the gentleman from Minnesota (Mr. OBERSTAR), our Ranking Member, and other Members are making valid points. Does this Congress change the names of buildings that are already named? Does Congress name a building in a congressional district against the wishes of the Congressperson of that district? These are questions that I think are extremely important.

Do we want to engage in partisan politics and do we not say to the American people that, in fact, we have a wonderful and beautiful new testament to President Reagan in the new Federal building that is for international trade? He was one who stood tall in international politics, and this building is an appropriate vehicle by which to honor him.

Mr. Chairman, then there is a more salient issue. I believe this debate started some time early afternoon, and my clock tells me it is 2:30, and we may still be continuing.

It is my point, Mr. Chairman, that there are other issues, such as reforming managed care and getting both better health facilities and service for Americans; the Patient Bill of Rights where we can reinforce the opportunities of choice between patient and physician; the availability of accountability for managed care entities; the need for better health in this country. These are issues, I believe, that the American people would much rather see us debate than have us debate something where we really do not even know what the supporters across the country in America might even think of it that support President Reagan or anybody around him. We do not even know those facts.

Here we are raising up something that seems to be divisive that may cause, as the gentleman from Illinois (Mr. HYDE) said, a red light on the board.

I would only offer that it is extremely important that we focus on the business of making America a better place. We need reform in health care. In managed care, in particular, we need reform. The Patient Bill of Rights is extremely important. I am someone who has suffered through that with the loss and passing of my father. I know firsthand what happens when managed care entities do not properly function and serve those who are utilizing its services.

So, Mr. Chairman, I would certainly say, in closing, that we should honor our presidents. We should honor the office. We should honor the responsibility. In this instance, however, I think we do a disservice by not reflecting upon the desires of the community. Bipartisan concerns.

Republicans and Democrats have risen to this floor for local involvement. And, yes, we do not honor the name by bringing forward legislation that does not have a clear point in honoring someone who has served this country as President Reagan has served.

Mr. Chairman, I would ask that we find and respect his name by honoring him with this wonderful Federal building and saying to the American people that we thank him for his leadership and we want to do it in the right way, in a way that can be befitting of this Congress and the American people.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise because several speakers have talked about this being a very partisan issue. I do not really think it is that partisan of an issue, and what I am going to say here is what I said not too long ago at the Committee on Transportation and Infrastructure markup of this legislation.

That is that certainly, from my perspective, I am opposed to the renaming of Washington National Airport for Ronald Reagan. Not because I oppose Ronald Reagan. In fact, there are a few people on this side of the aisle, if any, that supported Ronald Reagan more than I did in the 6 years that I was here while he was President of the United States. In fact, there are some people on the other side of the aisle who were here, and still are here, who probably supported Ronald Reagan less than I did.

I remember back when we were debating the situation on Nicaragua and the President had a piece of legislation in to give military aid to the Contras, and that passed this floor by one vote. Poor Tip O'Neill was the Speaker of the House at that time, and he came very close to having a heart attack when I voted on behalf of President Reagan and the military aid to the Contras. There were numerous other things that I supported the President on.

So I come to this floor today to express to everyone listening that I am not opposed to Ronald Reagan. Ronald Reagan is the only President that I served under that I have asked to have a picture taken of, my wife and I, Rose Marie, in the Oval Office of the White House. That is how enthusiastic I was of Ronald Reagan. I have been a fan of his since I first saw him play George Gipp in "The Knute Rockne Story."

But Ronald Reagan's greatest memorial is not an airport or a building here in Washington or in other States throughout the Union. His real memorial is in, as the gentleman from Illinois (Mr. HYDE) said, in Central Europe, in Eastern Europe, through the former Soviet Union where democracy is starting to grow or in some cases democracy has already bloomed, where the free markets, where capitalism are taking hold.

Someone said earlier that, because of Ronald Reagan, more people on this planet are freer than ever before in the history of the world; and I believe that to be absolutely true. I, myself, would have no problem seeing Ronald Reagan put up on Mount Rushmore. But I do not believe that it is appropriate to rename Washington National Airport after Ronald Reagan, simply because it has a name and there are many other monuments that we can name for former President Reagan.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have thought a good bit about the debate that has occurred both in the committee and in the Committee on Rules and on the floor and also in the Senate about naming the Ronald Reagan National Airport. I have partly reflected, as a former member of the Committee on Transportation and Infrastructure, on how often over the past years when I have been here Republicans, in a good spirit, voted yes to name buildings, to name airports. Because we felt that if there was somebody who was a national leader who had worked hard, even if they had been a partisan figure, that there comes a moment when we band together as Americans and we express it.

I just flew back from a meeting and landed at Kennedy Airport in New York. I did not think anything of it. I happen to serve on the board of the Kennedy Center, and it is totally appropriate.

Yet there has been more noise, more heat. I do not think a single Republican who has served in the House, who is currently serving, can remember the level of opposition, the level of explanation. People who are for it, but. They like President Reagan, but. They think there ought to be something named for him, but.

Yet I have to confess, as I was reading Dinesh D'Souza's brilliant new book on Ronald Reagan which he called "How An Ordinary Man Became An Extraordinary Leader," that it is a real tribute to President Reagan that even today that there is so much passion about who he is. That, in fact, he was such a decisive agent of change that some Members on the other side still cannot quite accept that he might have something important named for him.

He arrived at a time when we had malaise. We were told there were limits to growth. We were told we had to accept high inflation, high unemployment. It was the American's people's fault that the system was failing. We had price controls on gasoline. People waiting in line routinely to buy gasoline. The Soviet empire was occupying Afghanistan. Taxes were high, take-home pay was low, and the American people felt miserable.

The man who was elected with the highest negatives of any person ever elected president walked into the Oval Office and in his very first act eliminated price controls for gasoline and ended all government bureaucratic controls of gasoline, and within 6 months the price had collapsed because the free market had worked and the gasoline shortage was over.

He announced proudly that we stood for freedom. He described the Soviet Empire as an Evil Empire to the great shock of political elites, and we were told later by Gorbachev it was quite helpful because they always thought it was evil, but it was useful to have somebody verify it.

He said the Berlin Wall should come down, and people thought he was fantasizing. He built up the American military on the grounds that, in the end, the Soviet Empire would account not compete with us. And within 8 years, the Berlin Wall had fallen, the Soviet Empire could not compete with us and, in fact, it is today gone.

It is politically incorrect to say we had won the Cold War, but let us me say unequivocally, Ronald Wilson Reagan led the United States to the cause of freedom and we won the Cold War and there is today no Soviet Empire. And, for that alone, he deserves a historic role.

But he did more. He said lower marginal tax rates, encourage entrepreneurs, create economic growth. We are today in a continuation of the entrepreneurial boom that began with Ronald Reagan and which, with the exception of one brief recession brought about by a tax increase, in fact, has been continuous since late 1982.

He said we should be proud about being Americans. He was the proudest of Americans; and, under him, we revived American culture. People came back once again to have the sense not that there were limits to growth, not that there was malaise, not that poverty was inevitable, but instead that our only limits were those of the spirit and the mind, that every American had the right to pursue happiness. And, as President Reagan said so often, "You ain't seen nothing yet." That is the spirit he rekindled.

So a man who in one brief appearance on the world stage defeated the Soviet Empire, reestablished American strength, rekindled the American spirit, revalidated American culture, and launched a 20-year economic boom of entrepreneurial invention I think deserves to be remembered.

Let me say there has been some confusion. Nancy Reagan did not ask for this. She sought, and the President sought, no personal aggrandizement. On the other hand, I think she would be very gratified if the Congress on its own decided this was an appropriate thing. The family has not been out seeking anything. But, on the other hand, they know that their father did great things and they would be, I think, humbly grateful if we were willing to recognize him for that.

□ 1445

Finally, more than any President in my lifetime, President Reagan came close to taming Washington, D.C. It will somehow be very fitting that as people come from overseas to the capital of freedom they will be landing at the Ronald Reagan airport. It will be even more fitting as taxpayers fly in from all over America to demand that we reform the IRS, to demand that we keep a balanced budget, to demand that we lower taxes, to demand that we get government out of their lives that they land at the Ronald Reagan airport.

This is a good proposal. It is a sound proposal. It is one which reflects President Reagan's commitment to history. I hope every Member will put aside partisanship and every Member will put aside pettiness and decide to honor a very great man on this week of his birthday.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 10, as follows:

[Roll No. 4]

AYES—206

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)

Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Barcia
Becerra
Eshoo
Fattah
Gonzalez
Herger
Leach
Schiff
Torres

□ 1508

Messrs. QUINN, RADANOVICH and TALENT changed their vote from "aye" to "no."

Ms. KILPATRICK, Mr. PASCRELL, Mr. BAESLER, Ms. PELOSI, and Messrs. MCDERMOTT, RAHALL, WEYGAND and HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport," pursuant to House Resolution 344, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDING.

Congress finds that Ronald Wilson Reagan was the forty-second President of the United States and is deserving of having a structure that will be seen by many visitors to the Nation's capital named in his honor.

SEC. 2. NAMING OF TERMINAL BUILDING AT WASHINGTON NATIONAL AIRPORT.

The Metropolitan Washington Airports Authority is urged to use its existing authority to name the terminal building that opened in 1997 at Washington National Airport as the "Ronald Wilson Reagan Terminal Building" and that signs and other appropriate designations should be erected to reflect the name of the terminal building.

Amend the title so as to read as follows: "A bill to urge the Metropolitan Washington Airports Authority to name the terminal building that opened in 1997 at Washington National Airport as the 'Ronald Wilson Reagan Terminal Building', and for other purposes.".

□ 1515

Mr. OBERSTAR. Mr. Speaker, I offer my colleagues an opportunity to designate an appropriate memorial to President Ronald Reagan without a single dissenting vote.

As was indicated by the previous vote, there is not complete bipartisan support. There are many on the other side of the aisle who voted crossing their fingers with a little check in their throat. This is not the right way to go about designating an appropriate memorial to the memory of Ronald Reagan.

The motion to recommit that I have offered has precedent. The precedent for the motion I offer is that offered by no less than the Senate Minority Leader in 1990, almost 8 years to the week, Senator Dole, who offered a joint resolution to urge the Washington Metropolitan Airports Authority to use its existing authority to change the name of Washington-Dulles International Airport to Eisenhower International Airport.

Note, Senator Dole rose to urge the Washington Metropolitan Airports Authority to use its authority to change the name of Washington-Dulles to Eisenhower International. He was in the Senate when the legislation was introduced and enacted to create the Metropolitan Washington Airports Authority to rebuild both Dulles and Washington National.

His great wife was the Secretary of Transportation at the time. Senator Dole understood fully the importance of the transfer of authority from the Federal Government to the Airports Authority created by that legislation. He did not presume to rush in and rename National Airport on the sole fiat and power of the United States Congress but rather, as I propose here modestly, to urge the Metropolitan Washington Airports Authority to use its authority to change the name of this airport.

I propose to name the terminal, which does not now bear a name. I am opposed to renaming, I am opposed to taking a good name, anyone's good name, off a building and renaming it. But I do not oppose naming that which does not now bear a name or a title. There is no name. There is no title for the new terminal. That is the greatest contribution of the legislation submitted to the Congress by President Reagan, building of the new terminal and reconstructing Dulles Airport.

I think it is entirely appropriate that we should name the terminal for Ronald Reagan. It does not now bear a name. We will not be doing a disservice to anyone. We will not be creating a precedent for this Congress to come in and name any other airport in the country simply because we have given that airport Federal grant funds from the airport improvement program and thereby arrogate to ourselves the power to rename any airport in America. That is not right.

Naming the terminal would be appropriate. I think that would be a fitting memorial; and if there are other memorials that my colleagues on the Republican side propose to offer and to construct in the name of President Reagan, I will support those. But do not take a good name. My colleagues would not want their good name taken off any structure, any building, or off their own door. Do not take Washington National's good name off that airport.

Mr. Speaker, I yield to my colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for the arguments that have been made today; and I would say, if it matters to any of my colleagues, that I am the Member who represents the area where Washington National Airport is located.

Mr. Speaker, if we were to agree to this recommittal, I daresay it would probably be unanimous. What a fitting tribute for President Reagan to have a unanimous vote of this body. It would be fully accepted by all the people and the businesses that are located in Northern Virginia. This is a beautiful terminal, millions of dollars. It is state-of-the-art. It has no name now, so there is no need to strip George Washington's name from it.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, because there is only a second left, this is not a killer amendment. We will support and advocate the Airports Authority to name the terminal.

The SPEAKER pro tempore (Mr. HANSEN). Is the gentleman from Pennsylvania opposed to the motion to recommit?

Mr. SHUSTER. I am, Mr. Speaker; and I yield to my good friend the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes, and he yields to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this motion to recommit is one of the saddest motions I have ever seen. This is, to me, a personal insult to Ronald Reagan. I can understand voting against the bill if my colleagues do not want the airport named after Ronald Reagan. But to say that it is okay to name a terminal after Ronald Reagan is an insult to the name of one of the greatest presidents that has ever served this country, and I hope the Members will understand it that way.

If they want to vote against the bill, vote against it. Or if they want to name this terminal after a congressman, go right ahead.

In Houston, Texas, we named a terminal after Mickey Leland; and he deserved the naming of that terminal. But we named the entire airport after George Bush. And to name it after a terminal is just an insult. I hope our Members will vote no against this motion to recommit.

Mr. SHUSTER. Mr. Speaker, make no mistake about it, this does kill the naming of the airport for Ronald Reagan. President Reagan deserves more than simply to have a terminal bearing his name. Other important people, including presidents of the United States, have airports named after them. The Kennedy Airport is named after President John F. Kennedy, not simply a terminal at the airport.

Mr. Speaker, the airport in Houston, the airport, is named after President Bush, not simply a terminal. Washington-Dulles International Airport, the airport, is named after a former Secretary of State, not simply a terminal. The John Wayne Airport is named after an actor, not simply a terminal. In all of these cases, the entire airport is named for the individual, named after an important person.

President Reagan's legacy is worthy of similar treatment, indeed even greater treatment. I strongly oppose this motion to recommit and urge its rejection.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 186, nays 237, not voting 8, as follows:

[Roll No. 5]

YEAS—186

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Ford
Frank (MA)
Frost
Furse
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—237

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Becerra
Ehlers
Eshoo
Gonzalez
Herger
Hoyer
Ney
Schiff

□ 1543

Mr. STARK and Mr. HORN changed their vote from "yea" to "nay."

Mr. BARCIA changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 186, not voting 5, as follows:

[Roll No. 6]

YEAS—240

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Becerra
Eshoo
Gonzalez
Herger
Schiff

□ 1554

Mr. DEUTSCH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the 'Ronald Reagan National Airport'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2625, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REQUEST FOR IMMEDIATE CONSIDERATION OF S. 1575, RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport," and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. HANSEN). As indicated in the House Rules and in the Manual in section 757, the Chair is constrained by the Speaker's announced guidelines not to entertain such a request in the absence of bipartisan clearance.

Mr. SHUSTER. Mr. Speaker, this has been cleared by the majority on this side. Do I understand the Speaker to say that it has been objected to by the minority?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The Chair has been advised that the minority will object.

Mr. SHUSTER. I understand the Speaker to announce that the minority will object to this, and I therefore understand and withdraw.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, because of the objection that was just heard, I would like to make an announcement.

Mr. MOAKLEY. Mr. Speaker, it was not an objection, it was just reserving my right to object. I did not object.

Mr. SOLOMON. Mr. Speaker, if I might continue, I would just like to announce an emergency meeting of the Committee on Rules to consider the Ronald Reagan Washington National Airport bill that just arrived from the

Senate, S. 1575. The Committee on Rules will meet at 4:30, or right after the finish of this rule that is going to be debated in a few minutes. So 4:30, or at the end of the debate on the rule.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2846, PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–143) on the resolution (H. Res. 348) providing for consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport".

□ 1600

CONCERNING ATTORNEYS' FEES, COSTS, AND SANCTIONS PAYABLE BY THE WHITE HOUSE HEALTH CARE TASK FORCE

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 345, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 345

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Hayworth of Arizona or his designee and Representative Stark of California or his designee. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of germane debate only.

Mr. Speaker, this is as straightforward as it gets when it comes to rules. This is a wide open rule that was voted out of the Committee on Rules last night without dissent or, in fact, really without debate.

The rule provides for 1 hour of general debate, as we have heard, equally divided between the gentleman from Arizona (Mr. HAYWORTH) or his designee and the gentleman from California (Mr. STARK) or his designee.

The rule provides that the Joint Resolution be considered as read and provides for one motion to recommit, with or without instructions, which is of course the guarantee we always provide for the Minority.

It is truly a bipartisan product that should elicit universal support, in my view. I cannot understand that this could in any way be a controversial rule. The only point that could have been of controversy was overcome last night by a brilliant suggestion by the gentleman from Massachusetts (Mr. MOAKLEY), which was accepted unanimously by the full committee to make this as fair and as bipartisan and as open as has ever been done in the recorded history of the Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), my colleague, my dear friend, for yielding me the customary half-hour; and I yield myself such time as I may consume.

Mr. Speaker, Congress has just returned from a 3-month recess; and, after all that time, the American people expect something substantive from their representatives. Today, they are not going to get it.

There are a lot of issues that need addressing in this country. As President Clinton said in his State of the Union: This is an opportunity for action. We need to protect Social Security, reduce the size of classrooms, expand Medicare, increase the minimum wage, Mr. Speaker, and a lot more. The list of issues that are important to the American people is very long, it is very diverse, but it does not include the attorneys' fees for the White House Health Care Task Force.

I bet if we walked down the street today, we would not find a single person that would say that the utmost concern on their mind was the fees of the White House task force on health. They would probably say they were more concerned with making a decent living, sending their children to college or affording decent health care.

But this Congress will waste time debating the issue of these fees. It is nearly the first issue we have taken up on this the second day back in session; and I, for one, Mr. Speaker, think there are a lot more important things that we should be doing.

This is a politically driven, partisan resolution which, even if it passes, will do absolutely nothing.

Mr. Speaker, the issue we are debating today is a sense of the Congress resolution. It cannot even become law. In other words, if the House passes it, we will have said, in effect, here is what we think, for what it is worth, and that is it.

Other than expressing an opinion, this bill does nothing. It does not make anyone do anything. It is a politically motivated, partisan attack; and, frankly, as I said, it is a total waste of time.

Instead of this resolution, we should save Social Security. We should help working families afford child care. We should protect people's pensions. We should reform managed care.

So I urge my colleagues to let us get to work on something just a little bit more important than this.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I was hoping the distinguished gentleman from Massachusetts (Mr. MOAKLEY) would say that this was a great rule also.

Mr. MOAKLEY. Mr. Speaker, this is a great rule also.

Mr. GOSS. Mr. Speaker, I am pleased to say that we got the rule out with the gentleman's help.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. HAYWORTH), author of the resolution.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding to me for a colloquy. Prior to this rule resolution, the gentleman and I had discussed the following scenario for the advice of Members.

It is this gentleman's hope on this side of the aisle that there would be no amendments for which a recorded vote would be requested. And that if there are no amendments that come to a vote, final passage, not necessarily the rule, which may or may not call for a vote, but after the rule, it would not be our intention to ask for a recorded vote.

I think the gentleman from Arizona (Mr. HAYWORTH) would concur in that, with the understanding that we obviously cannot control our colleagues' actions. But I ask the gentleman if that is his understanding.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his comments. No doubt there will be some contentious debate here in the well, but in an effort to maintain the civility and comity of the House and indeed to echo to a certain degree the outlook of the distinguished gentleman from Massachusetts (Mr. MOAKLEY), Ranking Member on the Committee on Rules, I do believe it is important to move forward in this debate in a fairly brief manner to make the points necessary and then move on to others of business and the business of this House.

So, accordingly, recognizing the fact that neither the gentleman from California nor I can control the rights of any other Member of the institution, it would be my intention not to call for a recorded vote, providing that there are no amendments that are insisted upon and that the straightforward nature of this resolution can, indeed, be reflected by a straightforward voice vote of this institution. That would be my view.

Mr. STARK. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman; and I hope we can conclude. We will have a strenuous debate, and I have a hunch that the gentleman will win on a voice vote. So, anticipating that, I hope Members can make their plans accordingly.

Mr. HAYWORTH. Mr. Speaker, again reclaiming my time, just to clarify for a second to my colleagues in this hall and in this Chamber and to the American people, I would agree with the gentleman from Massachusetts to this degree: We do have many pressing issues.

But where I would part, and indeed I think an important case to make in this rule is the fact that $285,000, while in the Washington scheme of things, certainly as it relates to a proposed $1.7 trillion budget, might not mean much in Washington numbers, but, Mr. Speaker, to the American people and to the taxpayers of this country, it is very important that this House go on record as saying we are here to protect the taxpayers, even for this sum.

Because the very same working families that my colleague from Massachusetts mentions have a right to be protected on this issue. Especially when, in the wake of a district court ruling, it was found that this Health Care Task Force met in secret, devising plans that in the words of the court were reprehensible and fundamentally dishonest, and we should protect the public purse.

That is why I think this is a fair rule and why I welcome the debate on the floor and am happy to reach an accommodation with the Minority to have this House go on record that it is the sense of this Congress that no taxpayer funds should be used.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), my great colleague.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding, and I hope I do not violate the rules and appear to be addressing others when I welcome everyone to the session of the Model U.N. My colleagues remember the Model U.N. That is when all the students with nothing else to do come together and pass resolutions that have no visible effect, or invisible effect, on anybody, anything, anytime, anywhere, anyplace.

Here is what we have got. This is a resolution which is intended to have absolutely no effects whatsoever on anyone. That is because, if it were to have any effect, it would be illegal and unconstitutional.

So what we have here is a Majority with apparently nothing that they feel they want to do and get caught doing. There are things they would like to do, but they understand that the public would not like many of those things. So having been reluctantly forced to end what was the longest recess in a very long time, we have come back to do nothing. The difference between the recess we were on and the sessions that we are now having is not visible to the naked eye.

Thus, we get this resolution, and it is the Model U.N. It is a resolution, we should stress, which has absolutely nothing to do with anything.

The gentleman from Arizona said $285,000 is real money. Well, it is real money, but this is play money. This is Monopoly money. Because whether we pass this resolution, defeat this resolution, burn this resolution, make it into 11 paper airplanes and fly it around the room, it has nothing to do with the $285,000. It is not intended to. They did not try to. They know how to draft a binding resolution when they want to, and they did not.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I just simply want to ask my colleague from Massachusetts, and always am very interested in his observations, has he ever in the past voted for a sense of Congress resolution?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, have I? I do not remember. I do not remember whether or not I have voted for a sense of Congress resolution.

Mr. HAYWORTH. That is an interesting response.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman asked a question, and I am telling him that I do not remember, because they are often of such little significance that they do not register.

I will say this, though. I will say to the gentleman that I now recollect I have in the past voted for senses of Congress' resolutions, but I have never claimed that any of them saved anybody any money. I have never said that, having expressed my opinion, I saved anybody $285,000.

And, by the way, if we wanted to save money, and I agree $285,000 is a lot of money for lawyers, I do not know how many hundreds of thousands of dollars we paid the lawyers for the House Oversight Committee to tell us today that the gentlewoman from California (Ms. SÁNCHEZ) won the election that we knew she won in November 1996. I daresay that the amount of legal fees that will have been paid to lawyers over the past year-plus that people have been harassing the gentlewoman from California——

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Speaker, not yet. I think the gentleman from Arizona needs time to assimilate the first answer. It does not seem to me that he has gotten it yet. But I will get back to him when he has more time.

Mr. Speaker, I want to point out that $285,000 is a very small amount of money compared to the much larger sum that the Majority has spent; and they are now going to come forward with a resolution telling us that the gentlewoman from California (Ms. SÁNCHEZ) can be a Member of Congress. Some of us knew that hundreds of thousands of dollars ago.

Mr. Speaker, now I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for yielding.

Actually, I believe I understood what he said a little bit earlier. I just want to make sure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I would ask the gentleman if I could have a couple more minutes, because they are not doing anything with it.

Mr. MOAKLEY. Mr. Speaker, I yield the gentleman 4 more days.

Mr. FRANK of Massachusetts. Excuse me, I would say that is not a yield, that is a sentence.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the gracious gentleman for yielding to me.

Basically, essentially what the gentleman is telling us is that, when it comes to this, in the words of another prominent member of the gentleman's party, there is no controlling legal authority? Is what the gentleman is trying to get across?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, what I am trying to say is that not being able to think of anything to say himself, borrowing a wholly irrelevant comment from the Vice President does not seem to me to advance the gentleman's argument.

Because the argument is one, the gentleman from Arizona is simply wrong when he claims that this has anything to do with saving $285,000. It does not. It does not save a nickel.

A judge ordered that the money be paid. Now, the Majority wants to make some political hay. They know better than to actually defy the judge's order. They have not offered a resolution to defy the judge's order. So what they tell us is a resolution which it is the sense of Congress that the judge's order ought to be defied, knowing full well that no one is going to defy it.

□ 1615

They claim in this that they are going to be saving some money. In fact the only impact this debate will have on the Treasury is the extra few thousand dollars it will cost us to print this silly debate.

I thank the gentleman from Massachusetts for yielding me the time.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, is the gentleman for or against the rule?

Mr. FRANK of Massachusetts. I am against the rule because if we defeated the rule, we would save time, not vote on the useless resolution, and be a few thousand bucks ahead.

Mr. GOSS. If the gentleman would perhaps like to get rid of the Committee on Rules, if saving time is the final goal.

Mr. FRANK of Massachusetts. Mr. Speaker, would it be in order to get unanimous consent to abolish the Committee on Rules?

Mr. GOSS. Mr. Speaker, I think we have established the gentleman's views.

Mr. FRANK of Massachusetts. Let me say to Members who may think that this is not at a high level, that is where we started. This is about nothing. This is a political game. This is the Model U.N., about nothing. It is wasting time and money.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, do I understand, is this kind of like the vote that we had after we voted for the pay raise that went into effect and we had another vote disallowing the pay raise? Is that something on the same order that we did then?

Mr. FRANK of Massachusetts. Mr. Speaker, is there any coincidence to the fact that the gentleman is not running again that he brings up the pay raise?

Mr. HEFNER. Mr. Speaker, if the gentleman will continue to yield, I do not know the procedures too well. I have only been here 20 some years. I am a slow learner. In the case this did pass, would it to go conference with the Senate, and would the President sign this, or is this just about making us feel good?

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to my friend, the beauty of this resolution from this standpoint is none of this makes any sense. This is pure for show.

The reference to $285,000 baffles me. If it was intended to suggest that this is going to save the $285,000, it is not written to. It is simply written to try and take some political shots and let the gentleman from Arizona mention a comment from the Vice President, although he could have done that in 1-minute. I guess he used up his 1-minute today and wanted to have a second 1-minute. So we may have more of this political activity, but it is all a total waste of time.

I thank the gentleman from Massachusetts for yielding me the time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I rise in support of this resolution. The debate, as indicated by the gentleman from Massachusetts earlier, has been very lively and very engaging here. One only has to read the decision of the Federal judge in this, the scathing comments that the judge made, not just about the White House and Mr. Magaziner, but also about the Justice Department and the way this was handled, to know that there was a complete failure on the part of all parties in this to handle this appropriately. And so it is quite appropriate, I think, that we have a resolution expressing the sense of Congress that taxpayers should not be footing the bill for the legal fees here and that the individuals involved should be doing so.

But I rise for another reason; that is that I, in my responsibility as the chairman of the subcommittee of appropriations that funds the Executive Office of the President, I can assure my colleagues that we intend to take a very close look at this issue; that indeed if there is an intention of the White House to pay for this out of the Justice Department funds that is reserved for this, there should be, I think, an appropriate reduction in the amount of funding that goes to the White House, to the Executive Office. And we will look for the appropriate account to make sure it is as closely related to the specific thing, to this issue that is involved, to see that we should say that no, if indeed you are going to pay for it that way and not pay for it as it should be, out of your funds, that indeed there would be a concomitant reduction in spending for the White House for this kind of thing.

I think it is very clear that what we heard in the judge's comments, and again I would urge all my colleagues to read the judge's decision in this case, it is absolutely unremittingly scathing in the comments that it makes about the conduct, the conduct of the White House, the conduct of the Justice Department in the handling of this. There is no excuse for the way this was done. There is no excuse essentially for the dissembling that was done on the part of the White House, that was told to people, to the judge. The judge points out that there is no excuse for this. There could be no other explanation for it except that there was dissembling going on. There was an attempt by the Justice Department not to look into that and to allow this to happen.

I think it is quite appropriate that at the appropriations level that we should take action that would assure that in the future this kind of conduct does not occur. And so I can only say to my colleagues that indeed this may be about nothing, that indeed this resolution cannot assure that it will be paid from private sources as it should be, but I can tell my colleagues that this will help send a signal to the Committee on Appropriations and to the subcommittee that we should look for ways in which to make sure that there is a reduction in the spending elsewhere by the White House to offset this, if indeed they pay it out of what has been the normal standard, through the Justice Department fund that is set aside for this.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I ask the gentleman from Arizona, who is on the Committee on Appropriations, while this may not come before his subcommittee, is he aware of other times when we have appropriated money to pay legal fees for officers or employees of the executive branch of the government in cases like this?

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, in this case there is a specific fund that is set aside when there are legal fees for this. But never have I experienced a judge that has written such a scathing remark.

Mr. STARK. But has the Committee on Appropriations ever appropriated any money?

There is a case where the Committee on Appropriations appropriated $430,000 to pay for the White House travel office. How does that differ in a sense technically from the money the gentleman is talking about spending?

Mr. KOLBE. Mr. Speaker, if the gentleman will continue to yield, I would say that it differs like night and day. In the first case, that of Travelgate, you are talking about individuals who were victimized by the White House, who were fired and victimized and had to try to recover their good names. And I think it was appropriate that the government pay for their being victimized. We are talking here about an individual who victimized the American public and the judge said so.

Mr. STARK. Mr. Speaker, what about the two Secret Service agents? There were two Secret Service agents who were investigated for the accuracy of their testimony over White House FBI files. They were not victimized, I do not think. And the Committee on Appropriations voted to pay their legal defense fees. How does that differ?

Mr. KOLBE. Mr. Speaker, I would say that each of these cases so far that the gentleman has raised substantiate what I am suggesting. Yes, the two Secret Service agents, and I am very aware of that because the subcommittee funds both the White House and the Secret Service, were indeed victimized in this case. They were unfairly called to task by the inspector general of the Treasury Department who is no longer there, and of course they were completely cleared by this.

Again, the good employees of the Federal Government should not be held responsible for when they are made victims of the bureaucracy or victims of political appointees. But we are not talking about that in the case of Mr. Magaziner.

Mr. STARK. Mr. Speaker, one of the people who was sued was investigated by the U.S. Attorney and had to spend some money to defend himself against the U.S. Attorney's investigation, and the U.S. Attorney subsequently decided that the case was not prosecutable or was not worth prosecuting. This was Mr. Magaziner. So the U.S. Attorney investigated him and said they were not going to prosecute him. Would that not be the same?

As the gentleman well knows, Mr. Magaziner and I have had vast differences over the years, and I would hate to have this turned around that I am here defending him, but I wonder if perhaps there is someone that feels more strongly about Mr. Magaziner than they might have about Mr. Dale of the travel office and whether we are kind of picking and choosing. That is my concern.

Mr. KOLBE. Mr. Speaker, I think the thread that runs through all of these is consistent and the same in that I think in this case we are saying that the people who committed what I think is the wrong in this case of the dissembling that was going on should indeed pay the legal costs for those who tried to bring this case to light, I think appropriately so.

Mr. STARK. Mr. Speaker, I thank the gentleman.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really believe that this again is wrong-headed and wrong-directed, and frankly this is a silly rule.

Let me applaud the White House health task force and applaud it for several reasons. One, that task force raised to a national debate the question of the right kind of health care for Americans. If there is anything that we hear our constituents talk about, it is lack of access to health care and good health care.

Just coming in from the Rayburn Room discussing with constituents who work with home health care agencies, the type of agencies that I have been familiar with or had familiarity with through the illness of my father, to come to find out that these agencies are being required to get $50,000 bonds, which they do not disagree with but they cannot get the bonds, and so people who are home-bound are not getting health care; that individuals who require home visits once a month to take blood tests are now cutting those services.

These are the kinds of issues that we should be discussing: greater accessibility to patient care with respect to choice of physicians, making sure that individuals can be enrolled under these managed care programs, separating out the dollar from the care, making sure that the dollar is not the only thing that is considered when we have to take care of people in their times of illness.

This is a silly, silly rule and we should really be applauding the fact that the White House health care task force under the leadership of Hillary Clinton allowed us to think about what kind of health services we want, what kind of health system, whether we wanted to have a system that was similar to the one in Canada, whether we wanted to have universal access, whether we wanted to have a combined. No, we did not resolve it, but we did discuss it, and we realize that there are problems with the system we have now. Those individuals who worked on this worked in good faith.

Frankly, I think that we do well to spend more time dealing with the patient bill of rights than wasting the people's time dealing with such silliness about who is paying what and not allowing us to focus on these very important issues. I would hope that my colleagues would listen.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the Chair how much time remains?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts (Mr. MOAKLEY) has 16 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 22 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. Gekas).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me the time.

I was surprised to hear the gentleman from Massachusetts say that this is not important. Social Security is important. Violation of the law is not important enough to take up the time of the House, not even in a sense of the Congress resolution. Social Security is important, but public officials violating the law, that is not important. Do not waste time, allow people to trivialize it. Allow people to mock it. Allow people to get great amusement out of the fact that we are discussing a very serious problem of people in high official places in the government violating the law. The courts found that Mr. Magaziner and the people with whom he was associated in this gigantic health plan fiasco that was occurring in 1993 violated the law.

Clean air is important, and Social Security is important, and child care is important, and health care is important and violation of the law is important. The gentleman from Massachusetts is falling into the pattern of taking what might appear to be a violation of the law and then trying to mask all of that by saying there are more important things to do. Well, now is the time here in this place to discuss whether or not it was proper for these people in this public officialdom that they were in to violate the law. I say that is important to discuss.

The Federal Advisory Committee Act is one in which it says, when advisory committees, like the one that Magaziner formed with the First Lady, had to comply with the law, full sunshine, they did not.

□ 1630

And they were then chastised by the court and these sanctions, these penalties were inflicted by the court.

That is not as important as Social Security, says the gentleman from

Massachusetts. We should not waste a moment on the violation of the law that occurred here. And he may be right, but there is a time and a place to discuss why public officials flaunt the law.

There is a larger question here that comes to play, and that is the role of our administrative agencies and how sometimes they try to find ways and means to get around the law. I remember one in my own Subcommittee on Commercial and Administrative Law, where the agency involved could not find that enough dollars were involved to be able to be in a position to notify a small business that it was being affected by an adverse regulation. But we found that there were enough dollars involved.

And so it goes on. Acts like this within the agencies are the ones that ruin the confidence of the people in their high officials in Washington. That is why it is important. I am for Social Security as much as the gentleman from Massachusetts, and he should be as much in concert with me in condemning violations of the law that seem to mask government actions.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that I do not know what script it was the gentleman was reading from, but this is not about violating law. This is a sense of the House resolution that has no power. If the gentleman really felt as strong as he says, why does he not get the proper piece of legislation before the House.

This is the payment of legal fees and who is responsible. It is not about violating the law.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I will treat the gentleman just as he treated me.

Mr. GEKAS. The gentleman is going to treat me with a smile?

Mr. MOAKLEY. I will treat the gentleman with a smile.

Mr. GEKAS. I treated the gentleman with a smile.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I must say that I was shocked that the gentlewoman from Texas would refer to this rule as being silly. What we are talking about here is ethics in government, really. And if there were a way that we could do more than simply pass a resolution of the sense of the Congress, I think we should do so.

We have an obligation and a responsibility to inform the American people about what is taking place in the executive branch of the government, and I would like to take just a few moments to run over a little bit of this.

President Clinton created the Task Force on National Health Care Reform on January 25th, 1993, five days after he took office for his first term. The panel conducted its work in secret. The very next month the American Council for Health Care Reform, the National Legal and Policy Center, a foundation that promotes ethics in government, and the Association of American Physicians and Surgeons filed suit against First Lady Hillary Clinton, Ira Magaziner and others to gain access to the documents and records of the secret meetings of the President's health care task force.

Ira Magaziner went to court and testified in Federal Court, in March, that all members of the task force and its staff working groups were Federal employees and, as a result, they did not have to hold open meetings or divulge their working papers. Then, after an analysis of the evidence by Federal Judge Lamberth, he ruled that the working group formed by the First Lady and Mr. Magaziner violated Federal law and ordered that a penalty of $285,000 be paid to the plaintiffs as reimbursements for legal fees that they used to expose the fact that the White House task force violated Federal law.

Throughout the State of the Union address, President Clinton stressed the importance of personal responsibility. We talk to our children all the time about personal responsibility, and we know that personal responsibility is the anchor of a free society. So why should the taxpayers of America pay a $285,000 fine for something for which they were not responsible? Ira Magaziner and the First Lady were responsible for the violation of Federal law. Why do they not pay the fine? They are responsible.

Now, I just want to take a few minutes more to talk about what Judge Lamberth has said in his decision and in the newspapers about this issue. He was quoted as saying, "I am convinced that Ira Magaziner, Clinton's health care adviser, deliberately misled the court with his sworn statement." He went on to say that he ". . . believes Magaziner and the government's lawyers made intentionally misleading statements." And then Judge Lamberth went on to say, and he bluntly denounced the White House and the Justice Department for what he called ". . . dishonest and reprehensible failures to provide accurate information."

This is another example of a pattern of misconduct by this administration. So why should taxpayers pay a fine that they had nothing to do with? Judge Lamberth said that the White House, the task force, violated the Federal law; that they misled the court; that they would be paying the $285,000 fine that now the taxpayers are going to pay.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I would like to concur in what the gentleman is saying. I have some other language. The court found that "The declaration Mr. Magaziner made was false." It was, "The most outrageous conduct by the government in this case is what happened when it never corrected or updated the Magaziner declaration." I mean it was wrong. He did say, however, that the government did take action that amounted to what the court referred to as a total capitulation.

So I do not think that is an issue with which we would debate with the gentleman. Magaziner either lied, misrepresented, or did not know what he was talking about. I would further go on to say I have not much faith in the gentleman's ability to get anything straight. So whether he made it up or whether he was just wrong, it is the same old Ira Magaziner. No quarrel from me.

I do not feel that way, I might add for the record, about Mrs. Clinton, with whom I worked closely, as well as Mr. Magaziner, during all of that.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I was not allowed into those sessions and felt badly about that. What I am suggesting is that the issue was that subsequent to all of this the people who brought the original lawsuit, mostly asking for an injunction to stop it, that is what they started out asking for. And then, many years later, they came back to ask to get their legal fees back. So they were awarded legal fees; not a fine. Nobody was convicted.

As a matter of fact, Ira was investigated by the U.S. Attorney, who found that he did nothing that would have warranted his being indicted. Now, that is where we are, and I believe those are the facts. And I do not know as we have to go on. He was wrong. The government admitted it. I do not know whether he ever admitted it. The people who brought the case were awarded legal fees that the government is obligated to pay because, under the law, nobody else can pay it. Now, that is where we are tonight.

I would be perfectly willing to figure out how to prevent that. This resolution does not do it. So what I am suggesting is we may have more accord here than the gentleman thinks.

Mr. GOSS. May I inquire of the Speaker how the time divides at this point?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. Goss) has 14 minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 14½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, there is nothing wrong with this rule, but I am against this resolution and I am particularly grateful to my good friend, the gentleman from Florida, for yielding to me knowing that I must disagree with my dear friend from Arizona (Mr. HAYWORTH). Occasionally I can be wrong, frequently I can be wrong, but I think I am right on this occasion.

The reason why the resolution is wrong is the Equal Access to Justice Act says that one can get attorneys' fees from the government, and it only says that one can get attorneys' fees from the government. So if the effect of this resolution were law, and it is not, but if it were law, it would cut off the plaintiffs from getting any attorneys' fees.

And I think the whole purpose of the argument on the side of the gentleman from Arizona is that these plaintiffs should get their attorneys' fees. So there is a problem with this resolution if it were binding.

Secondly, and perhaps even more important, suppose we were to amend the law and say that one can go after individuals for attorneys' fees. That is not the purpose or effect of this resolution. But if it were then I would have a separate problem, which would stem from the fact that the judge in this case held that the culpable behavior that caused the attorneys' fees to be owed was by the government attorneys after the filing of the inaccurate affidavit by Mr. Magaziner. It was not because of Mr. Magaziner's activities. Although I completely agree that the judge characterized Mr. Magaziner's activities pejoratively in the extreme, it was because of the action of the attorneys afterwards that he awarded attorney's fees to the plaintiffs.

And here is what the judge said, page nine of his opinion. "But the most outrageous conduct by the government in this case is what happened when it never corrected or up-dated [sic] the Magaziner declaration. That was a determination not made individually by Mr. Magaziner, but by the government through its counsel."

The difficulty, thus, if we were to apply the law, changed as the movers of this resolution would wish, so that plaintiff's could obtain their attorney's fees somewhere, it would have to be from the attorneys who acted after Mr. Magaziner did. And I have a serious problem with asking government employees, Federal Government employees working on a general schedule salary, to bear the risk of paying attorneys' fees. I just do not think that is right. If, however, they deserve to be sanctioned by the court, that is fine. That would be under the court's jurisdiction. But under the Equal Access to Justice Act, it is the government that is responsible, not the individual government employees.

While I do not like the idea of taxpayers paying money any more than my colleagues supporting this resolution do, there comes a time when wrongdoing happens. And sometimes it is done by the executive branch and we in the legislative branch have nothing to do with it.

My classic example is where there is a taking of property by the Federal Government and there is no compensation paid. That is terrible. It violates the Constitution. And at the end of the fiscal year we have to pay for it. We, the taxpayers, have to pay for it, even though I did not do it, nobody in the legislative branch did it, nobody in the Congress did it. It is still the burden of the taxpayer because the government did it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding me this time.

The last two points I wanted to say were, if we read the judge's opinion with care, time after time he emphasizes the wrongdoing of "the government." That is why the government is obliged to pay the fees. At page five, "While the evidence need not include proof beyond a reasonable doubt, the court finds clear and convincing evidence that sanctions should be imposed because of the government's misconduct in this case." Not Ira Magaziner and Mrs. Hillary Rodham Clinton.

At page 18:

> "This whole dishonest explanation was provided to this court in the Magaziner declaration on March 3, 1993, and this court holds that such dishonesty is sanctionable and was not good faith dealing with the court or plaintiffs' counsel. It was not timely corrected or supplemented, and this type of conduct is reprehensible, and the government must be held accountable for it.

And lastly, at page 3, "The defendants thereafter, produced a great deal of information, but they still took no steps to correct Mr. Magaziner's sworn declaration that all working group members were federal employees." The defendants who failed to take the steps to correct the Magaziner declaration were at fault.

Lastly, what about Mr. Magaziner? The answer is very clear. Other sanctions were possible for Mr. Magaziner. Indeed, the court said, and I'm quoting from Judge Lamberth, "The court, however, indicated the question of whether Mr. Magaziner should be held in criminal contempt of court for possible perjury and/or making a false statement when he signed the sworn declaration to this court on March 3, 1993, should be investigated by the United States Attorney for the District of Columbia."

The reason why I took to the floor to make this point is much broader than just this issue. We have to be very careful about assessing attorneys' fees against employees of the Federal Government for work they are assigned to do, up until the point when the Federal trial judge intends to sanction them.

□ 1645

Under the Equal Access to Justice Act, it is a terrible mistake to stick Federal employees with that obligation. But if we were to go after Mrs. Clinton, as a private party, we then have the question, who would ever serve on a Federal advisory committee? Who would put themselves forward knowing that that liability would be potentially there?

So, with a very heavy heart but with much admiration for the integrity and the fervor that my colleague, the gentleman from Arizona (Mr. HAYWORTH), brings to this issue, I must urge my colleagues to vote no on the resolution in chief. But I repeat, as I began, I have no objection to the rule.

Mr. GOSS. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for reminding us that this is a debate about this good rule, and I am relieved to hear that he has no objection to it. I was hoping, actually, for an endorsement for the rule. But since I did not get that, I yield 4 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding.

Mr. Speaker, I have been working on this particular matter for 5 years as a member of the subcommittee that handles the White House appropriations; and we are here because there is a question about does Congress care when an official at the highest levels of the White House lies under oath in a civil proceeding and it costs the taxpayers a ton of money.

Mr. Magaziner, a senior adviser to the President of the United States, according to the orders issued by the Federal judge, clearly, unquestionably lied, trying to keep information secret about this White House task force that was trying to remake one-sixth of the American economy in private confidential meetings, not letting us know even who the members were.

Ultimately, when they were able to look beyond Mr. Magaziner's affidavit, they found that, instead of everybody being a Federal employee and, therefore, no Federal money going to private individuals in this endeavor, they found there were hundreds, hundreds, of people working directly with Mr. Magaziner who were not Federal employees at all. Mr. Magaziner should have been fired.

The President of the United States should care if people at the White House are truthful to our courts. He does not seem to care. Therefore, Congress is saying, do we think the burden ought to fall upon the people who cause the problem or upon the taxpayers generally?

Now why have an initial resolution such as this? Well, it is the first step.

Maybe in the appropriations process we should say Mr. Magaziner and everyone else who was involved in the deceit of the court should not be paid anything more than, say, the minimum wage if the President is going to keep them on the payroll.

One of the other presidential assistants, Patsy Thomasson, lied to our subcommittee about the makeup of this organization when we directly questioned her, lied under oath to the court, lied to Congress, lied to the newspapers, all of these people involved with deceit.

Now the President of the United States, we read in today's papers, is looking at raising millions of dollars of private money for his personal legal defense funds, unlimited amounts from different individuals. If the President cares about proving the truth to the American people, let the President come forward and say, we will make sure that while we are raising these millions of dollars for legal fees we will raise another $285,000 to pay the plaintiffs who brought this action. Would that not be a nice refreshing approach for the President to take?

Because it was the White House that was involved in lying under oath, and it was the Justice Department that permitted it. And then the Justice Department investigated itself as to whether or not perjury charges would be brought.

Read the court decision. Officials in the Justice Department, officials in the White House were intimately involved in this.

The court said there might be a problem prosecuting it because one of the White House lawyers involved, Vince Foster, is now dead and one of the Justice Department lawyers involved, Webb Hubbell, has been convicted of felony since then.

Well, it does not matter that the taxpayers still have this bill and these people still are on the public payroll who the court found do not care to tell the truth under oath.

This is the first step in a process of this Congress, Mr. Speaker, where we will find out which Members think that it is important to honor the principle of truth in testimony to our courts and, yes, to say that principle applies to the White House and everyone there, as well as to the rest of us.

I urge adoption of the rule and of the underlying resolution.

Mr. GOSS. Mr. Speaker, I am happy to advise my colleague and friend from the Commonwealth of Massachusetts that all that remains on this side, as far as I know at this time, are some illuminating closing remarks.

Mr. MOAKLEY. Mr. Speaker, at this time, I would like to congratulate my dear friend from Florida for bringing forth an open rule which I am very happy with; and I will tell him I will vote for the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I will try and be brief. I have got about 2 minutes' worth of summation here.

I realize that when we talk about the rule in this hour set aside for the rule sometime some of the technical aspects seem to get lost in some of the other material that comes forward. I would like to refocus that this is actually the right rule and I believe it deserves all of my colleagues' support, no matter what their feeling is on the subject matter.

To describe this as a silly rule, especially by the gentlewoman from Texas, who is a regular attendee at the Committee on Rules meetings and knows how hard we work up there, is indeed disappointing. I do not think this is silly at all. And, frankly, I think the substance is silly. I think it is troubling.

We have got an underlying resolution here that actually brings forward an important question to the American taxpayer, and it is simply this: Should the taxpayer be held liable for what in this case a judge has determined to be dishonest conduct of high-ranking Government officials and lawyers? And I am not going to specify any. Should hard-working Americans be made to pay penalties of those at the White House who have been caught up in what the judge determined was a coverup? That is what is being posed here in the resolution. Granted, it is the sense of Congress.

I believe most Americans would say no to those questions. They would simply say, pay your own penalties. Stop the shenanigans, and do not expect us to pay for these things. The resolution to that question is what we are discussing today. But, obviously, a sense of Congress is not going to resolve the matter.

I think there is an important point here. The President himself said it in this very Chamber not too long ago in the State of the Union address. We should all be accountable. Accountability is really what this is all about. Straightforwardness and accountability are really two of the basic precepts that we have in our Democratic governance.

Occasionally, these things seem to be the first ones thrown overboard when there is a squall in the area; and sometimes we rue the fact that the truth, the whole truth, and nothing but the truth are on the casualty list inside the Beltway. The information seems to surface in bits and pieces, and people are left with less than a clear and timely disclosure of facts that they are entitled to know about.

So the specific misdeed that we are addressing here today took root early in the Clinton administration, as I understand it; and in an effort to avoid, what I think was a wrong effort to avoid, candid public debate on the merits of a health care proposal which involved universalizing or nationalizing our health care system, the White House did, in fact, hold secretive closed-door sessions, which is, in my view, completely contrary to the spirit and the intent of the Federal Advisory Committee Act, which calls for sunshine.

They had something to hide, as it turns out. It turned out to be an ill-conceived health care scheme that they were trying to sell to the United States of America.

The idea I think of that scheme was that Washington, not your own doctor, knows what is best in terms of our own health care; and when the sunshine finally shone on that proposal, the American people saw it for what it was, and it fell of its own weight, and it was soundly rejected.

But to compound to this circumstance, and here is what I think why it is a real problem and why this is serious business and we are taking it up today, is that White House officials and White House lawyers, at someone's direction, stonewalled efforts by the judiciary branch to determine the makeup and content of these health care advisory meetings. There was something wrong there.

In fact, the administration produced a statement to the court that was, to use the court's words, the judge's words, "simply dishonest." We cannot ignore that the judge called it a coverup at the highest levels of government and ordered over $285,000, $285,000, in sanctions and penalties costs.

These are not words and actions of some alleged radical right wing group. This is the court. These are the conclusions of the sister, co-equal group of government, the judiciary, doing its job. The White House was, quote, simply dishonest, acting in bad faith. So said the judge. We cannot ignore that.

Now that the facts are in and the sanctions have been levied, the White House's guile on this I think is matched by arrogance, which I frankly do not like. They got caught. The judge said they acted dishonestly. And now they are saying to the American taxpayers the equivalent of, tough luck, you have got to pay the penalty.

Now we have heard some of the legal reasons from our distinguished colleague and jurist from California, and I suggest the American people are more interested in justice than they are in the legalese of lawyers.

I would like to submit for the RECORD the letter of December 29, 1997, from the Deputy Chief of Staff of the White House to the Honorable BILL ARCHER, Chairman of the Committee on Ways and Means, saying that the White House will rely on the taxpayers paying this fine, paying these sanctions.

Because I think that is wrong. I think this is running and hiding behind a piece of legislation that is not appropriate at this point and that is not acceptable, either, to the Americans. American taxpayers, in my view, should not have to pay for White House misdeeds.

THE WHITE HOUSE,
Washington, December 29, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: I am writing in response to your December 27, 1997 letter to the President concerning Judge Royce Lamberth's ruling regarding the American Association of Physicians and Surgeons' claim for legal fees related to the Health Care Task Force litigation.

The Department of Justice is still reviewing whether to appeal Judge Lamberth's ruling. Nevertheless, the President is confident that Mr. Magaziner acted appropriately in this matter. The facts as well as the findings by the U.S. Attorney's Office in its 1995 investigation of Mr. Magaziner's conduct in this matter support this conclusion. In particular, the U.S. Attorney's Office determined that "there is no basis to conclude that Mr. Magaziner committed a criminal offense in this matter. There is no significant evidence that his declaration was false, much less that it was willfully and intentionally so." Moreover, Mr. Magaziner acted upon the advice and guidance of government lawyers.

As the President has stated, Mr. Magaziner is and will remain a valued member of this Administration. He is a hardworking and dedicated public servant.

Judge Lamberth awarded fees pursuant to the Equal Access to Justice Act. Should his ruling stand, the fees will be paid in the normal course, using appropriate government funds.

Sincerely,

JOHN PODESTA,
Deputy Chief of Staff.

Mr. Speaker, the underlying resolution is not binding. We said that. We are not forcing the administration to do anything today. We are not trying to point fingers at individuals, at least I am not. But we are sending a clear message to constituents across the country that Government officials and lawyers must be held accountable for their actions. We are asking for accountability.

There is no reason why hard-working Americans should pay through taxes almost $300,000 in sanctions levied against the Clinton White House. Somehow I think those taxpayers have got better use for that money.

When there are ethical breaches of the White House, especially this White House that pledged to be the most ethical of all White Houses, the fault lies there. I think they should accept the responsibility and pay these sanctions, and I do not think the American people should be asked to do this.

I applaud my friend, the gentleman from Arizona (Mr. HAYWORTH), for bringing this issue forward. I urge my colleagues to consider the American taxpayers when they vote and to consider the underlying need for accountability and what that means for the credibility of governance in this democracy, which is, after all, the foremost democracy in the world.

Mr. Speaker, I yield back the balance of my time; and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 345 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, H.J. Res. 107.

□ 1658

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds, with Mr. LATOURETTE in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from California (Mr. STARK) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this committee is preparing to deal with is a very serious matter that goes to the heart of our constitutional republic; and it is this: that, Mr. Chairman, fundamentally there has been a breach of trust emanating from the executive branch of this administration with the citizens of this constitutional Republic.

□ 1700

It has been reflected in what a U.S. District Court judge calls a dishonest way by those who have led the so-called Health Care Task Force in the executive branch of government.

It is clear what has transpired: In a debate on national health care, rather than involving the American people, rather than involving many Members of this institution, as has been pointed out by my colleague from California, those at the White House, specifically Mr. Ira Magaziner, strove to shut off public scrutiny, strove to make secret the deliberations of this so-called Health Care Task Force, to come up with a Rube Goldbergesque plan to socialize our Nation's health care that eventually collapsed of its own weight, because it fundamentally denied the American people what is so vital within our Republic, and that is the concept of choice.

But above and beyond that, legal action was taken when a group of doctors went to court to say this is fundamentally wrong. It violates Federal law. And, as has been pointed out in the rules debate, Mr. Magaziner and other officials of the Health Care Task Force testified in front of Congress that this was only made up of Federal employees, that no one else was involved, and, therefore, no names need be submitted for the record as commensurate with public law.

That was wrong. Accordingly, the courts ruled that was dishonest. And here we come to the fundamental breach of trust, and it is this: That in handing down his decision, Judge Lamberth said that there would be attorneys' fees that would be owed.

Now, I appreciated in the rules debate the legal nuances offered by my colleague from California (Mr. CAMPBELL). But let me simply restate what I perceived to be the mission of this House and the mission of those of us who serve in the legislative branch.

We, Mr. Chairman, are here to be guardians of the public Treasury and the public trust. There is no reason on earth why hard working American taxpayers should be called upon to ante up in excess of $285,000 to satisfy the legal fees in this civil case, because the American taxpayers are not culpable. Those within the executive branch of our government, those within the administration, are in fact culpable for this, and this House should go on record with this sense of the Congress resolution.

Now, I noted with great interest the comments of my colleague from Massachusetts (Mr. FRANK), who in seeking to demean the whole notion of the sense of Congress resolution said it carried no effect.

Mr. Chairman, that is incorrect, because the sense of the Congress resolution, first of all, sends a message to the executive branch, and serves as an entreaty to our chief executive, to the President of the United States, to say to him, Mr. Chairman, that perhaps the President ought to rethink this, and he has the chance to change his mind. Because even more disturbing is the letter that was entered into the record a little earlier by my distinguished colleague, the gentleman from Florida, where the White House, in writing back to the chairman of the Committee on Ways and Means, said that appropriate government funds would be used to pay this penalty.

I believe that to be wrong. So, first of all, the sense of the Congress resolution serves as an entreaty to the executive branch to say, think again. Use another mechanism, but not the tax money of hard-working American people, to satisfy this fine in excess of $285,000.

But, moreover, as pointed out by my colleague from Arizona, a member of the Committee on Appropriations, other action may be taken within the appropriations process. As my colleague stated and as he implied, there may be the entire action of rescissions of a like amount from the executive branch's budget to deal with this.

So let me suggest to those who would try to say that somehow this is not important, that it is some sort of political posturing or stunt, nothing could be further from the truth.

Mr. Chairman, I must also point out, because we heard a bit of it in the rules debate, that I have no doubt that others will come here not to debate the focus of this resolution, which is to protect the money of the taxpayers, but, again, to come up with a type of soup-to-nut government-run health care plan that they will try to offer with some nuances here on this floor to change the subject.

Let me again suggest to all of my colleagues, Mr. Chairman, that the subject of health care debate is important, and it should be held in this forum, but on another occasion, because this sense of the Congress resolution deals with something fundamental and vitally important, protection of the taxpayers' funds and healing this breach of trust. That is what we must do, and that is why I believe this resolution should be passed unanimously, if possible.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to say to the gentleman from Arizona, we can settle this right now. As we have heard earlier, the sense of the Congress resolution would have no legal effect. What the American Law Division told me is if its language was introduced as a bill, its effect would work, if it is not ruled unconstitutional.

So I would ask the gentleman if he would object if I asked unanimous consent that on page 3, that we strike all of section 2, basically which is the section that talks about a joint resolution, and merely reword the language to say, "No payment of award by taxpayers. The award of $285,684.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al., v. Hillary Rodham Clinton, et al., shall not be paid with taxpayer funds."

I would offer that as a unanimous consent. We could agree, and go home.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I would have to reserve the right to object, and I would object, because, in keeping with the comity of this House, in keeping with the nature of civil debate and full discourse, this is precisely intended, as I said just moments ago, as a first step.

We offer this as an entreaty to the President of the United States to ask him to change his mind, to take the first step to mend this breach of faith and breach of trust, and I offer that in that spirit, and also again would make note of the record that exists earlier and the comments of my colleague from Arizona, who said he is perfectly willing to take solid action within the appropriations process.

So I would have to object to the unanimous consent request, Mr. Chairman.

Mr. STARK. Mr. Chairman, reclaiming my time, it shows me the majority is not serious about doing this. This is, indeed, as this certifies, they are just playing games here and posturing, because if they wanted to not spend the money, we could have done it right then. I offered it, we could have passed it, gone home. Absolutely the money would not get paid. Now we are just posturing.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this resolution deals with the President's Task Force on National Health Care Reform. That task force was concerned about quality health care for the people of this country. It dealt with many subjects, including how to expand health care insurance for many Americans who had no health care insurance, and it was also deeply concerned about quality standards and consumer protection for people who are in managed care programs.

Each of us have heard from our constituents their concern that the practice of medicine, the medical decisions are being made by bureaucrats rather than by medical professionals.

The United States District Court ruling that is the subject matter of this resolution awarded attorneys' fees for some physicians who challenged the work of that task force. This sense of Congress resolution says that those attorney fees should not be paid for by taxpayer funds.

As the gentleman from California (Mr. CAMPBELL) pointed out, the law says that attorneys' fees can only be paid for by the government, and, therefore, if this sense of Congress resolution was carried out, if we made it law, as my friend the gentleman from California (Mr. STARK) pointed out, the plaintiffs in that lawsuit would not be able to recover any attorneys' fees, which is certainly contrary to the intent of the sponsors of this resolution.

That is why this sense of Congress resolution makes no sense. The impact, though, could have an impact. As the subcommittee chairman Mr. KOLBE pointed out, it is his intention to deny these funds from the White House budget. Therefore, this resolution could have an effect if we pass it, a psychological effect and a chilling effect, on people who want to serve their government on task forces that look at problems.

The work of the President's Task Force on National Health Care Reform goes forward. We have had a President's Commission on Quality Standards for Managed Care. The work of the task force moves forward, important work. We have legislation pending that deals with those recommendations.

One deals with external appeal for managed care programs. I received a phone call this morning from a constituent, a constituent whose child needed institutional care, who was being threatened to be taken out of the hospital just arbitrarily by the managed care operator. That is wrong. That plan had no external appeal, independent appeal, so that person could take that grievance to an independent body.

We need to correct that. We need people who are willing to serve on task forces to correct that. This resolution will have a chilling effect on people serving on those types of task forces.

We have legislation here that would provide access to emergency care. Today I can tell you of examples in my community where people who are in a managed care program go to an emergency room. They have chest pains, they are sweating, they think they are having a cardiac problem. They go to the emergency room. The good news is that they didn't have a heart attack, but then when they get the bill from the hospital and the managed care plan refuses to pay because the diagnosis was not an emergency, they almost have a heart attack.

We need to enact legislation, the work of that task force, in order to correct those problems. We have circumstances every day that people need referral to specialists, and the managed care plan prevents that referral. We need people willing to serve on task forces in order to correct those problems.

So, Mr. Chairman, it is important that we do not send the message out today that we do not want to see people work and provide their expertise and independence, so the Congress can get the benefit of their work.

The sense of Congress resolution should call upon us to enact quickly the consumer protection provisions for managed care plans. Then the sense of Congress resolution would make more sense. Better yet, we should use the time tonight that we are debating this resolution to debate the bills themselves, to provide the protection that each of our constituents want and deserve. Why not bring those bills before us this evening, and then we really could provide the protection that people need that are in managed care programs.

If we did that, then the call I received today from my constituent, we would not be receiving them tomorrow, and we will be receiving those calls tomorrow, each one of us know that.

I hope that we can turn this resolution into action, so that this Congress acts on what is really important to my constituents, providing national standards for quality care in this country. Then we will be doing a service to the taxpayer.

Mr. HAYWORTH. Mr. Chairman, as I am proud to note, I am a cosponsor of the access to emergency care bill.

Mr. Chairman, in keeping with the tradition of maintaining debate on the subject at hand, I am pleased to yield 4 minutes to the gentleman from the Commonwealth of Pennsylvania (Mr. ENGLISH), my colleague on the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, if the opponents of this resolution are successful, it will indeed have a chilling effect. It will have a chilling effect on efforts to open up and provide sunshine into every area of government, because the issue before us is basically a sunshine issue. Every supporter of open government and public accountability should be prepared to support this resolution. This is about the illegal efforts by some in the current administration to draft a sweeping and radical health care bill in secret.

□ 1715

Operative word: In secret. Whether one likes the legislation or not, it is problematic that the task force that is referenced in this resolution had meetings closed to the public. They proceeded cloaked in a shroud of secrecy. If one is doing good work and in the public interest, one should have nothing to hide.

This issue is also about telling the truth. When that does not happen, the guilty should be punished, not the innocent. Judge Lamberth I think was compelling on this point when he found improper behavior, and let me specifically reference some things from his decision. He said, "Government's responses were preposterous, incomplete and inadequate."

Elsewhere he said, "The court finds clear and convincing evidence that sanctions should be imposed because of the government's misconduct in this case."

Elsewhere he says, "It is clear that the decisions here were made at the highest levels of government and that the government itself is, and should be, accountable when its officials run amok. The executive branch of the government working in tandem was dishonest with this court and the government must now face the consequences of its misconduct."

Finally, Mr. Chairman, Judge Lamberth wrote, "It seems that some government officials never learn that the cover-up can be worse than the underlying conduct. Most shocking to this court and deeply disappointing is that the Department of Justice would participate in such conduct. This type of conduct is reprehensible and the government must be held accountable for it."

Accordingly, Mr. Chairman, Judge Lamberth imposed the sanctions on Mr. Magaziner, and this $285,000 punishment, in my view, should be covered by the guilty party, not borne by the taxpayers.

This is a very simple issue. If one believes that this outrage should be swept under the carpet, if one thinks that Mr. Magaziner's penalty should be paid by the taxpayers, then by all means vote no on this resolution. If one wants the House to go strongly on record opposing this cover-up and insisting that the taxpayers not foot the bill for Mr. Magaziner's penalty, then I think the Members of this House have an obligation to vote aye.

To the opponents of this resolution, whom I very much respect, I would suggest to them, do not change the subject. The ends do not justify the means. If this were a Republican administration engaged in this kind of conduct, I think their outrage would be palpable here.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I really cannot resist, gentlemen. I think my colleagues are on pretty thin ice when they start talking about who is lying and who is hurting the American people. I remember when Secretary Schlesinger and Secretary Kissinger lied to this Congress and thousands of Americans died unnecessarily in Vietnam. Put that in your book against 238,000 bucks and see how you come out. I can remember when Nixon lied and we put him away. I can remember when Harding lied over an oil deal, by golly, and we put him away.

So there is nothing partisan or unique about politicians stretching the truth. Our own Speaker may have very well been dealt with and have to pay some money or have other people pay it. Let us not get into whether all politicians never lie, ever lie, maybe lie, should not lie.

I am willing to stipulate to my distinguished friends that Ira Magaziner did the wrong thing in spades. I would go further and say, I think he is kind of a nut. But my colleagues should be happy that he is still working for President Clinton. He will do more to help us inside the White House than if we put him in jail. So I say, why do we not stay ahead of the game? Let the guy in there.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, just quickly, that is not the sort of partisan advantage I would seek, and I thank the gentleman for yielding.

Mr. STARK. Mr. Chairman, reclaiming my time, seriously, nobody is debating that there was serious error, but I do not think anybody in this Chamber can debate the other side and say, nobody else has ever made an error as egregious or as costly, either in dollars or in human life. That is not the issue.

I think I established with my good friend from Arizona that they would rather have this as a debate to in effect tweak the White House, see if they can humiliate the President a little bit. Although it seems to be with events that have led up to this, they have tried and have not succeeded. His popularity is high because he has done a good job with the budget; he has done a good job of addressing all of the things that the Republicans were unable to do that the Democrats did. So I do not know as this is going to make a major difference.

But the resolution deals with government officials using private citizens. Is it any worse to meet with lobbyists in private to try and destroy health insurance to fight for improvements in health care in America? We have a memo from the Health Insurance Association of America, the for-profit health insurance lobby, and it talks about the Speaker's aides calling lobbyists up to Capitol Hill to trash a bill to provide consumer protections in HMOs. That was done in secret.

Is that any worse than a goof-up like Magaziner making the wrong statement and not letting us find out about a health care plan that never came through? I do not think so, because I think every American wants to see managed care protections. So when the Republicans, to be trying to defeat the bill of the gentleman from Georgia (Mr. NORWOOD) in secret, to me is more harmful than bashing this and not really stepping up to the bar. I would like to save the $285,000 just like my colleagues would, but they turned down my unanimous consent request to do that.

There is a fly-in today, not a fly in the ointment, I mean a fly into Washington. The National Association of Manufacturers, that outgrowth of the John Birch Society, is staging a fly-in to get sponsors off of the bill of the gentleman from Georgia (Mr. NORWOOD), which would protect consumers in this country from egregious treatment by managed care plans.

Now, this was perpetuated by the Republican leadership, certainly not in open court, in an attempt to kill a bill that has enough cosponsors to pass. Is it egregious? No. Mean-spirited? Yes, I would say so. I think that trying to help get 41 million people insured who are uninsured was a good effort in 1993. The Republicans defeated that, and I think that there was indeed a screw-up by Mr. Magaziner and the administration, but I am just suggesting to my colleagues that this tends to point us away from the important issues of the day, and the issues of the day are not whether they are going to pay $285,000 out of the Treasury, because this resolution will not have any effect on that one way or the other. I offered to do that, my colleagues turned it down.

It cannot be just about lying, because that does not seem to be the special province of any party or any body to government or any particular social institution in general. It certainly cannot be that my colleagues just want to humiliate the President, because there is a long line outside the White House of people who are trying to do that now, and it does not seem to have much effect, because at least, regardless of what went on in 1993, the President is doing this: He is addressing the issue of helping children. He is addressing the issue of getting insurance to people where the private sector will not give it to them now, and the only objection I am getting from the other side of the aisle is that government is doing it. Well, that is an objection, I guess, if my colleagues believe that. He is addressing the issue of a cleaner environment. He is addressing the issue of helping small business provide retirement funds.

Now, we can embarrass him, but I will tell my colleagues, the American people know that he is trying to deal with the issues that are important to them.

So I would hope we could say again and again, Ira Magaziner was a bum. Ira Magaziner ought not to have been there and he did not help promote the health care of this Nation at all. He is an embarrassment, he ought to go back and continue to ruin General Motors or Electric or whatever he did before he came here. I stipulate to that. I do not care. If there is a way my colleagues could find, and I offered it to them to get the $285,000 out of his hide. I lead the parade. My colleagues turned down that offer.

So why do we not just agree, I say to the gentleman from Arizona (Mr. HAYWORTH), my good friend, that he was a bum, the government made a mistake, we do not want him to pay $285,000, my colleagues do not want him to pay $285,000, but this bill is not going to stop it, and we have had an interesting debate.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume before I yield to the gentleman from Texas (Mr. JOHNSON), because the charges of my good friend from California and his very interesting, somewhat jaundiced revisionism of history certainly need a response.

First of all, it is worth noting that this new majority in the Congress has worked to enact quality health care reforms. In 1997, in bipartisan fashion, our Balanced Budget Act saved the Medicare program from bankruptcy for at least a decade and helped extend health care coverage for up to 5 million uninsured children. This new majority in 1996 enacted the Health Insurance Portability and Accountability Act to help workers keep health insurance when they changed jobs or lose their job, and, Mr. Chairman, I would point to a more recent piece of history that I am sure my colleague from California remembers. The gentleman from California (Mr. STARK) was one of only two Members of the House of Representatives, from all of the Republicans and Democrats here, to vote against the bipartisan Health Insurance Portability and Accountability Act, which the General Accounting Office found would help 25 million Americans.

I would concur with my colleague from California that some folks are absolutely beyond humiliation. I might also state that that may be one of the major problems we face in this Nation today. But again, the purpose of this sense of Congress resolution is to say this: It is to say, Mr. Chairman, to the executive branch and specifically to the President of the United States, that here is a chance to change our minds and go on record and mend this breach of trust and pay the fees.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to say to the gentleman from California (Mr. STARK) that I like his comment: Ira Magaziner is a bum. I will just call him that. But there was a difference in this case because there was a judge involved, and I think we have to protect the American taxpayer from paying that $286,000 for a crime they did not commit.

In 1993, the President did form a secret task force to try and socialize the best health care system in the world, to put the lives of all Americans in the control of our government. A U.S. district judge recently ruled the President's task force engaged in "dishonest and reprehensible conduct" and levied that fine of $286,000, and the President believes the American people ought to pay that fine. That is unbelievable. Here we have a secret task force that did not consult with the American people, trying to destroy the best health care system in the world, and that same administration has the audacity to turn around and tell the American people, they break the law and pay a fine. I am outraged. Pay this fine? No, no, I do not think so. The American people ought not to have to give up their hard-earned dollars to a government that already takes over 38 percent of the taxpayers' income anyway.

Mr. Chairman, where is the accountability? It is time for people who break the law to stand up and take responsibility. I think Mr. HAYWORTH is right. The President made these same remarks in his State of the Union speech. The task force should take responsibility for their conduct. The task force should pay the fine themselves.

Mr. STARK. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I wanted to ask the gentleman from Arizona a question. My colleague wanted to talk about what bills had passed. Can the gentleman from Arizona tell us whether the Republican leadership intends to bring forward a bill on consumer protection and managed care and when we can expect to that have bill on the floor?

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield, I thank my colleague for asking me the question. As I am not part of the leadership, I am not sure when those bills will be brought up.

Mr. CARDIN. Mr. Chairman, that is the answer I thought I would receive.

The gentleman from Arizona (Mr. HAYWORTH) was talking about what he was able to bring forward. I thought you could at least give us some assurances that we will be able to take up bills that are important to our constituents.

□ 1730

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I hope that the American people watching this will be able to sort out all of this gobbledygook back and forth and to really understand that this is a resolution, every side is trying to make some points on it, and some partisan banter.

But I think the point that the gentleman from Maryland (Mr. CARDIN) mentioned is the point that we should be addressing and, unfortunately, it is not in this debate that we are having. It does merit some consideration.

What is being proposed in this resolution is a condemnation of a fellow, who by the way in my State of Rhode Island is held in high esteem, Ira Magaziner, someone who has committed his life to public service. Maybe he did some things that were wrong; i.e., he held meetings in secret. But let us understand what he was trying to do. He was trying to come up with a plan to make sure that all Americans in this country would be able to gain access to quality and affordable health insurance.

Now, is that so wrong? Okay, it may have been a secret plan. But that is because he wanted to keep it a secret from the insurance industry that, once this plan got out, was sure to attack it. The American people who are out there know what I am talking about. They remember the "Harry and Louise" ads on TV condemning the President's plan to make sure that every American got insurance.

Mr. Chairman, the American people have seen the insurance industry repeatedly go against the kind of health care reforms that the Democratic Party and the President have been trying to usher through.

Mr. Chairman, I call the attention of my colleagues to a memo by the Health Insurance Association of America. It was regarding the Republican leadership to kill health insurance reform. They killed it when the President proposed it. They are trying to kill health reform once again in this Congress.

Mr. Chairman, listen to what they say in this memo. They said, "Republicans need a lot of help from their friends on the outside." I wonder who that could be. Maybe the insurance industry. "Get off your butts and get off your wallets." Come on insurance industry. Give us your money, because we have got to make sure we can still make money off of people.

And how do we make money off of people? We deny them health insurance. If they get sick, we deny them care. It is very elementary common sense. The American people understand how health insurance makes money. They make money by ripping off the American people.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened with great interest to the gentleman from Rhode Island and want to thank him for offering his letter or memo in enlarged fashion.

Let me also point to another very enlightening piece of correspondence which again reaffirms our reason for this sense of the Congress resolution.

It is because, despite the fact that the gentleman from California (Mr. STARK) has been rather forthcoming in his analysis and how he perceives the disposition of one Mr. Ira Magaziner vis-a-vis his involvement in government and while he may have a bone of contention with the gentleman from Rhode Island (Mr. KENNEDY), this case involving Mr. Magaziner is not an isolated incident.

Mr. Chairman, I point to the work of the gentleman from California (Mr. THOMAS), chairman of the Subcommittee on Health of the Committee on Ways and Means. If it were not for the work of the gentleman from California (Mr. THOMAS), another committee would be meeting today behind closed doors in violation of the Federal Advisory Committee Act.

The gentleman from California suspected that the Health Care Financing Administration's Technology Advisory Committee, the committee that makes national coverage decisions that affect our 37 million seniors, operated behind closed doors in violation of, with its handpicked members of the public. He immediately called for an investigation by the GAO.

Mr. Chairman, here is the letter from the General Accounting Office dated January 13. Five major violations, Mr. Chairman, which include: one, failure to hold meetings that are open to the public; two, failure to provide public notification of the creation of a committee; three, failure to charter with the head of the agency, the administrator of general services and the congressional committees with legislative jurisdiction; four, failure to sunset the committee within 2 years unless renewed by the agency; and, five, failure to keep records that fully disclose the use of funds by the committee.

Now this is the most important thing, and I am glad the gentleman from Maryland (Mr. CARDIN) was listening. Since this discovery, HCFA scrambled to comply. The first move was to cancel the scheduled meeting February 3 and 4. Mr. Chairman, as we see, they were going to continue the meetings right now behind closed doors. The breach of trust grows ever wider. It makes this sense of Congress resolution all the more important.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am sure that recitation of all the facts regarding these meetings really did a lot for the American people, the 40 million Americans who are without health insurance today. I am sure the gentleman is really glad that he did point that out.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I think it is important; and certainly my colleague would join with me in agreeing that the first step to sound public policy is an open, honest debate as we hold here on the floor. It should not be reserved solely for this Chamber or this Committee of the Whole House. Instead, it should also extend, as it does under law, to other committees.

I am sure my colleague would concur with me that we may have differences on how best to insure uninsured Americans, but one vital step that I believe the gentleman's family and his long tradition of public service would point out is that there should be honesty with this policy, and so I trust he joins me in outrage about this meeting behind closed doors.

Mr. Chairman, I insert the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 7, 1997.

BILL SCANLON, Ph.D.,
General Accounting Office, Health Financing and Systems, Washington, DC.

DEAR BILL: I am concerned by reports that the Department of Health and Human Services is using an advisory committee without complying with the requirements of the Federal Advisory Committee Act. I request that the General Accounting Office review the matter for the Committee.

According to Department documents, the Technical Advisory Committee (TAC) makes recommendations to the Office of Clinical Standards and Quality in the Health Care Financing Administration concerning, among other things, whether particular medical technologies are appropriate for Medicare national coverage. Membership of the TAC comprises both government employees and selected medical directors of Medicare carriers, which are private sector entities.

The Federal Advisory Committee Act provides generally that meetings of an advisory committee, as defined in the Act, must be open to the public. The TAC, because it has members who are not government employees, appears to fall within the definition of advisory committee in the Act, yet its meetings are closed. In addition, the TAC may be in violation of other provisions of the Act that govern the formation and operation of advisory committees.

Please provide the following: (1) a description of the responsibilities and operations of the TAC; and, (2) a legal opinion concerning whether the TAC is in compliance with the requirements of the Federal Advisory Committee Act and, if it is not, the legal implications of that violation.

Thank you in advance for your assistance. If you have any questions about my request, please contact Allison Giles of the Health Subcommittee staff at 225–3943.

Sincerely,

BILL THOMAS,
Chairman.

U.S. GENERAL ACCOUNTING OFFICE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 13, 1998.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health,
Committee on Ways and Means,
House of Representatives.

DEAR MR. CHAIRMAN: The Health Care Financing Administration created the Technology Advisory Committee to provide it will expert advice concerning whether Medicare should cover specific technologies on a national basis. In your November 7, 1997, letter to this Office, you asked that we provide a description of the responsibilities and operations of the Committee. You also requested that we provide our opinion whether the Committee is in compliance with the requirements of the Federal Advisory Committee Act and, if it is not, that we discuss the legal implications of that violation.

The purpose of the Technology Advisory Committee (the Committee) is to help the Health Care Financing Administration (HCFA) make decisions concerning whether Medicare should reimburse providers on a national basis for new procedures and technologies. Until HCFA makes a decision to provide national coverage, the carriers—the private-sector companies that operate the Medicare program under contract with HCFA—may decide individually whether they will cover a particular technology.

The Committee meets several times a year to consider an agenda established by HCFA. The membership has consisted of both government employees and carrier medical directors. Although it merely provides information in some instances, the Committee has on occasion made recommendations to HCFA.

As it was constituted as of December 31, 1997, the Committee was an advisory committee as defined in the Federal Advisory Committee Act (the Act of FACA), but was not operating in compliance with the Act. The Act requires that meetings of an advisory committee be open, unless a specific exception to that requirement is invoked. Although HCFA promptly publishes a summary of meetings of the Committee after they take place, the meetings are not open to the public, and no exception has been invoked. The Committee has also not been in compliance with other provisions of the Act. These include the requirements that the head of the agency, in consultation with the Administrator of General Services, make a formal determination that creation of an advisory committee would be in the public interest, that a charter for an advisory committee be on file with the agency using it and with the congressional committees having legislative jurisdiction, and that the committee have an expiration date.

The Act is silent concerning the consequences of non-compliance. A person who can establish that he is adversely affected by the violation can seek relief from the courts, which are free to craft what they consider to be an appropriate remedy. For example, when the complaint is based on failure to hold open meetings, the courts have ordered that the meetings be opened.

HCFA, in commenting on a draft of this letter, acknowledged that the Committee was "likely not in compliance with the requirements of FACA," and indicates that it is taking steps to cure the violation. HCFA points out that the Committee "performs a very important role in augmenting the limited clinical resources available on our staff to review the scientific evidence respecting the appropriateness of extending Medicare coverage to specific health care items and services." HCFA and the Department of Health and Human Services are therefore developing a proposal for a new committee, chartered under the Act, and with broad public membership, that would in effect replace the existing Committee. Pending that decision, HCFA will "reformulate the current committee" with membership limited to federal employees. (We were told that this would be done before the next scheduled meeting of the Committee in February.) A committee so constituted would not be subject to the Act, which excludes from coverage committees consisting entirely of full-time government officers or employees.

We agree with HCFA's course of action. In the short term, it will cure the violations that now exist. In the longer term, HCFA's consideration of a reconstituted committee with broad public representation that will comply with the Act is worthwhile; although we have not analyzed the operation of the Committee in depth, we found no reason to doubt that it performs a useful function for HCFA. Moreover, it seems reasonable that, as HCFA believes, the presence on the Committee of carrier medical directors brings an added valuable perspective to the Committee's deliberations, and that there may be merit to having additional public representation.

A more detailed discussion and a copy of the comments provided by the Health Care Financing Administration on a draft of this letter are enclosed.

As arranged with your office, unless you announce its contents earlier, we plan no further distribution of this letter until 30 days after this date. At that time, we will send copies to the Administrator of HCFA and interested congressional committees. Copies will be made available to others on request.

If you or your staff have any questions, please call me at (202) 512-8203.

Sincerely,

BARRY R. BEDRICK,
Associate General Counsel.

Enclosures.

The Technology Advisory Committee

The Technology Advisory Committee (the Committee) was established by the Health Care Financing Administration (HCFA) to advise it concerning whether new medical techniques and products should be covered under Medicare on a national basis. HCFA has described the functions of the Committee in part as follows:

"[The Committee] serves in an advisory capacity to HCFA's Office of Clinical Standards and Quality (OCSQ). Its major focus is to assist HCFA in its technology assessment efforts, to recommend whether a technology is appropriate for Medicare national coverage policy, and to refer topics to the Agency for Health Care Policy and Research . . . or other technology assessment expert, for a comprehensive technology assessment when appropriate."

Although many Medicare coverage decisions are made locally by the carriers that administer the program under contract, HCFA has an "overall interest in increasing the consistency of coverage policy among carriers and making national policy for coverage issues that are significant."[1] The Social Security Act specifies certain Medicare benefits, but in addition gives the Secretary of Health and Human Services discretion to cover additional items as long as they are "reasonable and necessary for the diagnosis and treatment of illness or injury or to improve the functioning of a malformed body member." The Committee is used to help HCFA decide which items fall within that definition:

". . . The [Committee] provides interchange between local and national policy and considers when an issue becomes of such prominence that it warrants a national policy. HCFA develops the agenda that the [Committee] will follow to evaluate and make its recommendations. The [Committee] could recommend that HCFA: issue a national coverage policy, refer the issue for assessment by the Public Health Service or other qualified assessment organization, postpone the decision until there is more information, or decline to establish a new policy. HCFA can then accept or reject the [Committee's] recommendation."[2]

Membership on the Committee was originally limited to HCFA employees, but was gradually broadened to bring in employees of other components of the Department of Health and Human Services (HHS) as well as of other federal agencies and, eventually, the medical directors of the carriers. At present,[3] the membership of the Committee comprises representatives of HCFA and other agencies within HHS,[4] representatives of the Department of Veterans Affairs and the Department of Defense, and medical directors of the carriers. An official of HCFA's Office of Clinical Standards and Quality serves as chairman.

The expansion of the Committee's membership coincided with an evolution of its functions. Originally the Committee reviewed whether a technology assessment by the Public Health Service was needed and helped to prepare requests for such assessments. Over time, the committee took on additional responsibility and began to make its own assessments. Current practice is for the Committee to discuss the scientific evidence, and for members to express their views on whether that evidence supports Medicare coverage.

Meetings of the Committee are closed, but HCFA has made information on the meetings, including agendas and minutes, publicly available through HCFA's Home Page on the Internet. According to the former Administrator, "[t]his is one of the means by which we hope to increase participation by interested parties."[5]

The published minutes of Committee meetings provide illustrations of its operation. During its August 5-6, 1997 meeting, for example, the Committee considered, among other technologies, a test intended to assist clinicians in selecting chemotherapy agents by predicting tumor resistance to specific drug regimens. In determining the chemotherapy regimen for cancer, practitioners typically use the most powerful therapy available. If the first line of treatment fails, the second attempt at tumor control is rarely as successful as the first one. Therefore, it is important to be precise at the onset of treatment. The Committee considered evidence that the new test lets physicians avoid administering toxic agents that not only offer no benefit, but that lessen the likelihood that the next treatment will be effective.

The Committee agreed that a test of this kind would be beneficial but was concerned with the lack of data demonstrating clinical utility and acceptance of the particular test under consideration. The committee recommended to HCFA that the test not be covered.[6] (HCFA's coverage decisions do not prevent technologies such as this one from being used; the only issue for HCFA, and the Committee, is whether the technology should be reimbursable under Medicare on a national basis.)

The Federal Advisory Committee Act

In explaining the purpose of the Federal Advisory Committee Act (the Act), the Congress acknowledged that the numerous committees, boards, commissions, and other organizations established to advise the executive branch are frequently a useful and beneficial source of expert advice, ideas, and diverse opinions. At the same time, it found that the need for many then-existing advisory committees had not been adequately established, and that some committees continued in existence after they were no longer useful. The Congress concluded that additional controls were needed over advisory committees, so that it and the public would be kept informed with respect to the number, purpose, membership, activities, and cost of these committees. 5 U.S.C. app. 2 §2.

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[1] Prepared statement, "Medicare Coverage Policy," by Bruce C. Vladeck, Administrator, Health Care Financing Administration, before the Subcommittee on Health, House Ways and Means Committee, April 17, 1997.

[2] *Id.*

[3] As discussed further below, HCFA is in the process of reformulating the membership of the Committee to bring it into compliance with the Federal Advisory Committee Act. This discussion applies to the Committee as it existed as of December 31, 1997.

[4] The other HHS components represented on the Committee are the Food and Drug Administration and the National Institutes of Health.

[5] Vladeck statement, *supra.*

[6] This account is drawn from the summary of the meeting that HCFA posts on its Internet site.

The Act achieves these ends through a set of requirements that apply to the formation and operation of advisory committees.[7] Advisory committees must have written charters on file with the head of the agency that created them, and with the congressional committees with legislative jurisdiction over the agency. 5 U.S.C. app. 2 §9(c). They must announce and hold open meetings unless one of several specific exceptions applies. Id. §10. They must cease operation within two years of their creation, unless expressly renewed. Id. §14. Advisory committees must keep publicly available records of expenditures. Id. §12. Requirements of the Act are implemented in regulations of the General Services Administration. Id §7; 41 C.F.R. Subpart 101-6.10.

The Committee is Subject to the Federal Advisory Committee Act

The Act covers the Committee. As defined in the Act, "advisory committee" includes "any committee . . . which is . . . established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for . . . one or more agencies or officers of the Federal Government. . . ." 5 U.S.C. app. 2 §3. The Committee is established and used by HCFA in the interest of obtaining advice or recommendations.

There are several exceptions in the law from the general definition in the preceding paragraph, but none applies to the Committee as it is currently organized. Two of the exceptions are for specific organizations; the third is for committees "composed wholly of full-time officers or employees of the Federal Government." 5 U.S.C. app. 2 §3(2)(C). As it was originally constituted, the Committee was composed wholly of full-time government officers or employees and therefore came within the latter exception. However, once the carrier medical directors became Committee members, that exception was no longer available.[8]

The Committee is not in compliance with the Act. Among the most fundamental of the requirements with which the Committee does not comply is that meetings must be open and, subject to reasonable limitations, interested persons must be permitted to attend, appear before, or file statements with any advisory committee. 5 U.S.C. app. 2 §10(a). Meetings of the Committee have been closed in the past. In addition, the Committee was not established based on a formal determination by the head of the Department of Health and Human Services, after consultation with the Administrator of General Services, that its creation would be in the public interest (Id. §9(a)(2)), and does not have a charter on file with the Department and the authorizing congressional committees (Id. §9(c)). The Department of Health and Human Services does not keep records of costs and activities of the Committee. Id. §12. The Committee has continued in operation for more than two years despite not having been renewed by the Department. Id. §14.

Consequences of Violation

The Act does not prescribe remedies or penalties for violations, nor does it specify who may bring suit to challenge alleged violations. This in effect leaves it to the courts to decide who may bring suit and to craft remedies for violations.

Because the Act does not create a right to sue for violations, those seeking to challenge the operation of an advisory committee must first establish that they are directly affected in some fashion by the alleged impropriety concerning the committee. This establishes the requisite "standing" to sue.

In those cases where a plaintiff has been found to have standing, legal challenges under the Act have generally focused on two of its requirements. One of these is balance; that is, the plaintiff argues that the constitution of the committee unfairly weights it in favor of one point of view, in violation of the requirement that the membership of an advisory committee "be fairly balanced in terms of the points of view represented. . . ." 5 U.S.C. app. 2 §§5(b)(2), (c). The other requirement that commonly forms the basis for a challenge is openness; plaintiffs allege that they have not been permitted to attend meetings, or that they have been denied access to information about the operations of the committee. Id. §§8(b), 10(a)–(d).

Although there is no statutory penalty for violations of the Act, a plaintiff can ask a court to order appropriate relief. Courts have generally responded to violations of the openness requirement by ordering that the committee's proceedings be opened.[9]

In one instance where an order to open the meetings of the committee would have had no effect because the committee had completed its work before the lawsuit concluded, a federal appellate court upheld an order to the agency not to use the product of the committee's deliberations "for any purpose whatsoever, directly or indirectly.[10] The court reasoned that "to allow the government to use the product of a tainted procedure would circumvent the very policy that serves as the foundation of the Act." It is not clear whether courts in the other federal circuits would take the same approach.

HEALTH CARE FINANCING ADMINISTRATION, OFFICE OF CLINICAL STANDARDS AND QUALITY,
Baltimore, MD, December 22, 1997.

BARRY R. BEDRICK,
Associate General Counsel, General Accounting Office, Washington, DC.

DEAR MR. BEDRICK: Thank you very much for giving us the opportunity to comment on a draft of your response to Congressman Bill Thomas, who has asked you for a description of the responsibilities and operations of HCFA's technology advisory committee and a legal opinion concerning that committee's compliance with the Federal Advisory Committee Act (FACA).

We believe the committee has been performing a very important role in augmenting the limited clinical resources available on our staff to review the scientific evidence respecting the appropriateness of extending Medicare coverage to specific health care items and services. The committee has also added valuable perspectives to our discussions about these coverage decisions, based on the experience of other agencies faced with similar issues and the experience of our contractors responsible for processing Medicare claims.

As your draft correctly points out, the composition of the committee has evolved since its inception in 1980. It began solely with a group of clinicians who were on the staff of HCFA. Over time, we added representatives of other Federal agencies, both within and outside the Department, and medical directors from some of the Medicare carriers. The functions of the committee have also evolved. The initial purpose was to review whether a technology assessment should be sought from the Public Health Service regarding coverage for a specific item or service and, if so, to help HCFA staff frame the issue properly and review the response from PHS. As the committee grew and gained experience, it began to undertake more extensive discussion of the scientific evidence available regarding the clinical utility of items and services under review and, eventually, the members began to express their views on whether such evidence supported Medicare coverage.

We acknowledge that the committee is likely not in compliance with the requirements of FACA. Although we have publicized the existence of the committee, and now make the agendas and minutes of its meetings available to the public by means of the Internet, we have not made an effort to charter the committee under FACA. Nor have we opened its discussion of the scientific evidence to the general public.

Since the reorganization and reorientation of HCFA in July of this year, we have been reviewing our coverage decision process and the role of this committee. We believe there may be merit in establishing a FACA-chartered committee, with broad public representation, to review and provide counsel on the policies and procedures for coverage policy. We are developing a proposal for such a committee and will be presenting it for review and approval by the Department. It will likely be several months before there is a final decision on such a committee. During this process, we plan to reformulate the current committee, so that it is comprised solely of Federal employees, in order that we can continue to receive the valuable services it provides.

Thank you again for providing us a draft copy of your response and an opportunity to comment.

Sincerely,

PETER BOUXSEIN,
Acting Director, Office of Clinical Standards and Quality.

Mr. Chairman, I yield 5 minutes to the gentleman from the great State of Oklahoma (Mr. ISTOOK), a member of the Committee on Appropriations.

Mr. ISTOOK. Mr. Chairman, I certainly hope I misunderstood the gentleman from Rhode Island, because I am sure he did not intend to suggest that, because somebody is doing something that he likes, it is okay to lie.

Because the Court did not say Mr. Magaziner erred by holding meetings in secret. No, the Court found that his position was dishonest, deceitful, preposterous, in the words of the judge's findings, because he lied to the court in order to try to justify having those meetings in secret with hundreds and hundreds of people.

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[7] The Act provides different treatment in some respects for advisory committees created by statute, or created or utilized by the President. This discussion applies to advisory committees created by executive agencies.

[8] We understand that it has been suggested that the Committee might fall within the third exception on the theory that the carrier employees should be regarded as federal employees based on the unique and close relationship between the carriers and the federal government. However, this theory is untenable: carriers employees do not meet the legal requirements for status as officers or employees of the United States. Cf *Ass'n of American Physicians and Surgeons v. Clinton*, 813 F. Supp. 82 (D.D.C. 1993); rev'd. 997 F.2d 898 (D.C. Cir.); remand 837 F. Supp. 454.

[9] *Ass'n. of American Physicians and Surgeons v. Clinton*, 813 F. Supp. 82 (D.D.C. 1993); rev'd. 997 F.2d 898 (D.C. Cir.); remand 837 F. Supp. 454.

[10] *Alabama-Tombigbee Rivers Coalition v. Fish & Wildlife Service of U.S. Dept. of Interior*, 1993 WL 646410 (N.D. Ala. Dec. 22, 1993), aff'd. 26 F.3d 1103 (11th Cir. 1994).

In fact, if we look at the list of the people that were meeting in secret, they even included representatives from the insurance industry. This was not something about one industry versus another and supposedly it is okay for one group to lie, because they question the motives of another. No, this is someone coming before a Federal judge saying under oath things that were blatantly untrue.

Since when are we going to say the means justifies the ends? Since when is the White House going to say that it is okay for people in the highest levels of the White House to lie under oath to the courts of this Nation?

What would happen if that is the standard? And that is the question before us. Those who vote against this resolution are saying it is okay to do nothing about it. Mr. Magaziner is still on the payroll.

Mr. Chairman, I checked the most recent figure we have showing that he is making $110,000 a year of taxpayers' money. He filed this affidavit the first week of March in 1993. That means that, since he has filed the affidavit, he has been paid by the taxpayers almost half a million dollars; and he remains on the payroll. Nothing has been done about it.

Mr. Chairman, should we not send a message to the White House that they ought to do something about keeping somebody on the public payroll at an expense to taxpayers of half a million dollars whose lies and deceits have cost us $280,000 in court-awarded sanctions and fines and legal fees?

Mr. Chairman, I submit that nobody would be kept on the payroll of any private business that did such a thing.

However, it is not just Mr. Magaziner. As I mentioned earlier, the White House representative to come before Congress and talk and testify to our subcommittee repeated the same lies about saying, oh, these are all Federal employees, they are not private citizens from other walks of life involved in this task force.

Patsy Thomasson lied to us. She is still on the public payroll. Attorneys that were involved in the preparation of this at the White House and the Justice Department. And the Court properly said that they failed for years afterwards, even though they knew, they failed to correct the deceit and the lie practiced by Mr. Magaziner in the White House. Attorneys at the Justice Department are also culpable in this.

We have all of these people who in the Clinton administration remain on the public payroll that were involved in this deceit. Their collective salaries are not just half a million dollars but probably a few million dollars.

Now, should we not fashion a remedy where these people that the White House chooses to keep on the public payroll, despite their deceit, should be the ones who have to have this money taken out of their pay in some form or fashion? Maybe we ought to, as a second step in this process, say that those persons should not be paid more than minimum wage. Maybe there is some other mechanism.

But for Congress to do nothing is to say that Congress goes on record saying that it is okay for officials at the White House to lie to Federal courts under oath. We cannot have standards such as that. The Nation cannot afford a standard like that.

Under any other President, what is the watchword? What are Washington and Lincoln known for? They are known for being honest with the American people. And part of being honest is also if we make a mistake, if it is an innocent mistake, we correct it.

That was not done. Multiple people have been kept on the payroll who were involved in a pattern of deceit, deliberate deceit to the Federal court. This is the first step in correcting that process.

Congress cannot stand idly by, cannot do nothing, cannot say it is only $285,000.

I heard someone before in this Congress saying that it was only $1 million. Well, next thing we know they will be saying it is only $100 billion or some similar figure. If we find that deceit is being practiced by White House officials, we have the obligation to the American people to root it out, to say we cannot continue to let those persons continue on the public payroll.

Mr. Chairman, I urge adoption of the resolution.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one, I would remind the distinguished gentleman from Oklahoma (Mr. ISTOOK) that we offered a unanimous consent request which would absolutely cut out the payment with any taxpayers' money and it was rejected by his side of the aisle.

I would further remind the gentleman that, while they have spent the better part of a year and a half or better part of a year trying to get rid of a duly elected Democrat to the House of Representatives who committed no crime, other than to get elected, the Republicans are harboring a convicted felon in their delegation and have done nothing except see that his salary is paid and that he is an active Member of the Republican House delegation.

So I would suggest that one ought to be careful about talking about who pays money to crooks on whose time, because it is the Republicans that are supporting a crook in their midst and not doing anything to get rid of him.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I wanted to comment. I want my colleagues to understand why I am on the floor today.

I listened to one of the previous Republican speakers who said would it not be a shame if this resolution would not be brought up. And the gentleman from Arizona (Mr. HAYWORTH) said to the gentleman from Rhode Island (Mr. KENNEDY) that he wanted to have an honest debate on what to do about the uninsured.

My problem here today is the fact that my Republican colleagues bring up this resolution. They are in the majority. The Republican leadership decides what is brought up on the House Floor, and I do not think this resolution is important enough to waste the time of the House of Representatives.

I would like to see an honest debate on how we are going to cover these 40 million Americans that do not have insurance. But the problem here is that they do not bring up those things. The Republican leadership does not allow us to deal with health insurance reform and how to deal with the uninsured.

For the last couple of years, every time we wanted to address the concerns that were originally brought up by this President's task force about how to insure the people that were uninsured, whether it was the portability issue or preconditions in the Kennedy-Kassebaum legislation or it was the kids' health initiative that the President talked about in his last State of the Union address, on both of those occasions the Republican leadership blocked any efforts to bring those issues to the floor. And it was only after we repeatedly said, as Democrats, over and over again, this is important, pass Kennedy-Kassebaum, this is important, we need a kids' health care initiative, then eventually they acceded and said, okay, bring it up.

The problem is that what the President's task force started 5 years ago, to talk about the need to address the uninsured, those problems are still out there. They are getting worse. More people are uninsured today than were uninsured 4 or 5 years ago when Mr. Magaziner started this task force.

So my Republican colleagues should not kid us and say to us this is important and we will deal with that issue later. They will not do it. We have got to constantly pressure and pressure and pressure.

Right now, the President in his State of the Union address talked about the need to reform managed care. He talked about a consumer Bill of Rights to deal with the problems that people face with managed care. Bring it up. Bring up the President's agenda that so many people care about and that we know the public cares about. Bring up the problems of the near elderly, the people in the 55 to 65 year range who increasingly do not have health insurance.

□ 1745

You have the ability to bring it up. You control the agenda. Do not sit here or stand here and tell us that this is more important than that, because it is not.

I want to tell my colleagues why they are not bringing it up. My colleague, the gentleman from Rhode Island (Mr. KENNEDY), pointed it out. That is because the Republican leadership is engaged in this war that they want to stop any health care reform. They want to get the money from the special interests. They do not want the public and the agenda that the President has put forward to come forth and be heard on the floor of the House of Representatives.

What does Senator LOTT say there? He says, the Republicans need a lot of help from their friends on the outside. Get off your butts, get out your wallets.

The message we are getting from the House and Senate leadership is that we are in a war and need to start fighting like we are in a war.

Do Members know why? Because the President's message that we need managed care reform works. The public wants it. The Democrats are saying, bring it up.

They have got to start this war with all the special interest money to make sure it does not happen. That is what is going on here today.

Mr. HAYWORTH. Mr. Chairman, I am astonished to learn that ethics in government should take a back seat to another agenda, but then again I forewarned this committee that folks would try to change the subject.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), esteemed colleague and chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Chairman, I thank my distinguished colleague for yielding time to me.

As parents we try to teach our children one of the most fundamental elements of decency, thou shalt not lie. If you do not tell the truth, there are consequences.

Unfortunately we have before us today an issue that violates that tenet, and the punishment is being undermined by the President's administration. The court case we are talking about brings an almost $286,000 judgment against the Clinton health care task force which was led by Ira Magaziner. The court determined that Mr. Magaziner chose not to tell the truth when he was questioned about the members of the task force. To compensate for his deceit, he and the other task force members must pay the plaintiffs attorneys' fees and costs. He lied, and now he must pay, a justifiable punishment within our justice system.

Instead of making Mr. Magaziner pay for his dishonest action, the administration has said it is appropriate for the American taxpayers to pay the penalty. It is similar to someone robbing a bank, getting caught, not returning the money and using it to pay for his defense. That is wrong, and why this is so difficult for the administration to understand is beyond me.

Tax money should not be used to subsidize dishonesty, and I would urge my colleagues to cast their vote in support of honesty and integrity. Vote for H.J. Res. 107.

Mr. STARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me again thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Chairman, let me just point out a couple points. First, it is undisputed that this sense of Congress resolution has no legal effect. In fact if it had legal effect, the plaintiffs in the lawsuit would not be able to recover attorneys' fees, which is just the opposite of what the sponsors of this resolution would have us do.

If we want to debate what should be the personal responsibility of someone who is employed by the government, then we should have on the floor legislation, generic legislation, the way we normally would take up bills, not aimed at one person or a personality, but aimed at whether this is good public policy or not. And then we would debate that issue and come to some resolution. I assume that we would have an opportunity to amend that particular bill, and we would have an open and full debate. But instead we are working on a resolution that has no meaning, that does not do what the sponsors claim it does, that, as the gentleman from California (Mr. CAMPBELL) pointed out, it cannot have any effect. And if it did, we would have to amend the underlying law.

The gentleman from California (Mr. STARK) made a unanimous consent request to deal with the underlying law, but that was objected to by the other side. So if we want to have a debate on responsibility, then bring forward a bill that does it in a generic sense, but do not hide behind one person and one court decision when your resolution does not even affect that resolution.

Mr. HAYWORTH. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ARCHER), one of the true gentlemen of the House.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the resolution the House takes up today is simply about five words. It is not about all of the other things that have been said that reach out on many different subjects. It is about protecting taxpayers and honesty in government.

A Federal judge ruled last December that the Clinton administration engaged in, and I quote, dishonest, unquote, and I quote again, reprehensible, unquote, conduct by trying to deceive the court as to the makeup of its 1993 health care task force. The court found that the administration broke the Nation's sunshine laws and fined the White House $285,000. But President Clinton has announced that he intends to make the taxpayers pay this fine.

Today the House of Representatives can send the President a message: Mr. President, protect the taxpayers. It is wrong to make the taxpayers pay this fine. Reverse yourself, Mr. President. Taxes are already at a peacetime record high, and do not make the taxpayers pay one penny more. It is your responsibility. These people acted in your behalf. It is up to you to find a way to protect the taxpayers.

Mr. Chairman, in 1993, the taxpayers narrowly escaped paying the price for the administration's failed attempt to have a government takeover of health care. Having come so close to paying the price back then, I do not see why the taxpayers should have to pay the price now.

My colleagues, the fines at issue arise from no ordinary case. This matter sprang from the administration's extraordinary attempt to keep secret the deliberations of its 1993 health care task force. In a sworn affidavit, Mr. Ira Magaziner, currently a senior advisor to the President, swore the task force consisted only of government employees. As we all know, the task force contained many outside special interest representatives, private citizens, not government employees.

But here is what the judge said, and I quote: The Magaziner declaration was actually false. It is clear that the decisions here were made at the highest levels of government, and the government itself is and should be accountable when its officials run amok. The court agrees with the plaintiffs that these were not reckless and inept errors taken by bewildered counsel. The executive branch of the government, working in tandem, was dishonest with this court, and the government must now face the consequences of its misconduct. It seems that some government officials never learn that the coverup can be worse than the underlying conduct.

That is the end of the judge's statement, which I quoted verbatim.

Mr. Chairman, it is worth noting that the administration has not indicated that it will even appeal this ruling. That is why it is so important that we vote today to protect the taxpayers. Honesty in government is important always, at all times, for all of us everywhere. It is important in the Congress, and it is important in the White House. But when a breach occurs, the mistake should not be compounded by forcing the taxpayers to pay the price. And with this vote, we can help the President to change his mind. I hope that if the President will not protect the taxpayers, Congress will.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I would just remind my distinguished chairman, the gentleman from Texas (Mr. ARCHER), that this resolution does not do what he wants done. He knows that. He is a brilliant lawyer. But I offered, Mr. Chairman, him the opportunity to make this a law, and it was turned down by the Republicans. So if we really want to do what the gentleman from Texas (Mr. ARCHER) is asking us to do, we will make this a law instead of a meaningless resolution.

So while you can talk tough, you are not willing to fight. You are talking the talk, but you will not walk the walk. You are afraid to make this work. You are afraid of the consequences of what could happen. You will not do it. We are offering you the opportunity. Where are you, Republicans? If you want to embarrass the President, come on. I will repeat my request for unanimous consent to strike section 2 and make it a bill. Will the gentleman accept my challenge?

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Chairman, I would say to the gentleman that the intent and the effort of this resolution is to give the President the opportunity to resolve this issue without Congress having to come back in a way such as the gentleman suggests. We want to give the President the opportunity to do the right thing. And we hope that he will.

Mr. STARK. Mr. Chairman, the President under the law cannot. You want him to break the law twice. He has been ordered by the judge to pay the fine. It is only us who can prevent it. So I am offering you the chance again. Let us prevent it. You and I right now, before we go home for dinner, we can solve this.

Mr. ARCHER. Mr. Chairman, if the gentleman will continue to yield, the President does have the opportunity to find nongovernment funds that can be used to pay this. He has access to all sorts of opportunities for nongovernment funds. The President today has announced that he is going to raise $10,000 per person to go into his defense litigation fund, and so clearly he has plenty of opportunities. And I think it would be a much simpler thing if he would resolve it in the right way, and then the Congress would not have to take any precise sanctionable action.

Mr. STARK. Mr. Chairman, that is like asking me to raise NEWT GINGRICH's fine. And it is not going to happen, and the gentleman and I know it.

If in fact you are looking for the President to go out and give some hard-earned campaign funds to this issue, I think that that is what you should suggest. What you are trying to suggest is that the Republicans are doing something noble. You are not. You are coming up to the edge, but you do not have the nerve to make this a law. You do not, just like you are not solving the health care problems. You are talking about it, but you do not have the nerve. It is just like finding health insurance for children. You talk about it, but you do not have the nerve to do it. You are flimflamming the American people, and that is what this resolution is.

You are worried, Magaziner is no charm, but you are worse. You are worse because you have the chance to correct it now, and you are misleading the American people because you will not act, you do not have the guts, you do not have the nerve to do it. We are offering you that chance. And you will not take it. You are sitting there on your hands just wondering, what do we do now?

Come on, guys. If you want to legislate, legislate. But if you are afraid to, do not keep people up all night listening to this because the American public knows it is simple. It is very simple. This resolution has no force and effect. We, the Democrats, have offered you a unanimous consent request to make it law. It would happen just like that. No votes, no nothing. All you have to do is accept it, and you refuse.

So what are we doing but wasting money and time while you want to argue about some guy who we all agree was a useless addition to the health care debate. I submit that the American public will recognize that it is the Republicans who will not protect Americans from HMOs by giving them a bill of rights. It is the Republicans who are frustrating the chance to provide decent health care to early retirees. It is the Republicans who are not getting children the care they need. I think that that is a sad commentary on this Congress and its current leadership.

Mr. Chairman, I reserve the balance of my time.

□ 1800

Mr. STARK. Mr. Chairman, I yield myself the balance of my time.

I am troubled, as Members may have realized, and we are doing this just to recap, I least of all would have any brief for Mr. Magaziner and whatever attempts he may have made at public service. I have no brief for people lying, whether it is Republican Presidents or Democratic Presidents or Secretary Schlesinger, Secretary Kissinger, I do not care, Ollie North. People should not lie. It does happen.

In this case, the administration apologized and recognized the error of its ways and it has been assessed legal fees to a bunch of right wing wacko doctors down south. And so if they want their $280,000, then let these Neanderthals collect it. And we can do that by, in fact, accepting my unanimous consent request to make this resolution binding.

I do not think my colleagues want to touch it. I think the Republicans are afraid that what they have done is so silly that it would cause more harm than good. We have offered to give it to them. We are offering it again. They can have it. They can win. Make it a law. Stop the taxpayers from having to pay the money.

But they do not dare. They do not dare. They are backing away. They are cowards. Come on. Here we are, we are willing to prevent it in a law, and they will not do it.

I think the American people, Mr. Chairman, have to recognize that the Republicans brought up this issue, they marched up the Hill and, when faced with no opposition, they raised the white flag of surrender and ran away from saving the very day that they tried to win. I say I think that defines the difference between the Republicans and the Democrats.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time to close the debate.

It is very interesting, Mr. Chairman, that just a short time ago my colleague from California came to me with an entreaty to maintain the civility and the smooth running procedures in this House and yet has attempted, perhaps, sadly, because the facts are not on his side, to goad this side of the aisle into some sort of debate when he starts his "mano a mano" type of talk, and then refers to right wing wackos and cowards.

Look, the situation is clear here, and despite all the name calling and the lack of civility, Mr. Chairman, that I hope our friends in the fourth estate noticed in the closing remarks of my colleague from California, despite all the incendiary verbiage, the facts are these: Members of the administration deceived this Congress and moved to deceive the American people. Their deceit has been found out. They have been fined. And American taxpayers should not foot that bill.

That is the sense of this Congress resolution. And all the insults hurled from across the aisle, and all the other entreaties to move to other forms of policy and change the subject are not germane.

In closing, Mr. Chairman, I would like to mention the hard work and efforts of the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Georgia (Mr. BARR) on their original investigation of the health care task force. I also want to mention the hard work of the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, on publishing the names on the list.

Let us mend this breach of trust. Pass the resolution.

Mr. LIVINGSTON. Mr. Chairman, I rise today in strong support of H.J. Res. 107 of which I am an original cosponsor. I also want to thank the gentleman from Arizona (Mr. HAYWORTH), for his leadership on this matter.

Contrary to the belief of many, the administration is actually considering using taxpayer dollars to pay a court ordered fine. A fine that resulted from a misstatement of fact—a lie—by the President's National Health Care Reform Task Force.

The resolution simply expresses the sense of Congress that the court ordered fine not be paid by the taxpayer.

The case centered primarily on the status of the Task Force's employees. Under the terms of the Federal Advisory Committee Act, the Task Force should of been comprised of "full-time officers or employees" of the federal government. It was not. The Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government.

The courts not only found the Task Force's declaration a misstatement, but also found that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force. The court awarded the Associations of American Physicians and Surgeons, the plaintiffs in the case, $285,864.78 for attorney's fees, costs and sanctions.

Well, the administration is now considering paying the fine with taxpayer dollars. The taxpayers of the United States, who work hard for their money and already send too much of it to Washington, should not be forced to send more of it to cover the deliberate dishonest actions of others.

I urge the adoption of the resolution.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Joint Resolution 107 is as follows:

H.J. RES. 107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American Public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate conduct of Federal Government officials and lawyers involved with the Task Force.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

The CHAIRMAN. The chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the joint resolution?

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARDIN:

In section 1(1), insert after "American Public" the following: ", including the need for meaningful national quality standards for all group and individual health care plans and the need of individuals enrolled in such plans for access to an independent external appeals process which would ensure that treatment decisions are made by medical professionals whose only interest is to provide medically sound care".

In section 1, redesignate paragraphs (2) through (5) as paragraphs (3) through (6), respectively, and insert after paragraph (1) the following new paragraph:

(2) legislation has not been enacted to address such issues, including the specific needs identified in paragraph (1);

In section 2, insert after "It is the sense of Congress that" the following: "(1) legislation that provides meaningful national quality standards (such as those included in legislation introduced by Representative Norwood or by Representative Dingell) for all health care plans and assures enrollees in such plans access to an independent external appeals process (similar to that available to medicare beneficiaries) should be enacted in a timely manner, and (2)".

Mr. CARDIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HAYWORTH. Mr. Chairman, I reserve point of order against this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. CARDIN. Mr. Chairman, this amendment is very clear. It deals with the same action that the underlining resolution deals with, and that is the action of the health care task force that the President constituted.

This amendment would make it clear in the sense of Congress that we want to consider on the floor as quickly as possible legislation that would provide national quality standards for health care plans.

I make specific reference to two bills, and I do that intentionally, one by the gentleman from Georgia (Mr. NORWOOD), a Republican, and one by the gentleman from Michigan (Mr. DINGELL), a Democrat, because I know that there is bipartisan support for quality standards for managed care programs. By the number of cosponsors of these bills, it is clear that the majority of the Members of this House want this body to take up standards to protect our consumers in managed care programs so that medical decisions can be made by medical professionals and not health insurance bureaucrats.

Now, the reason why I think this is so important to put on this sense of Congress resolution, and I will relay a story of someone who visited my office yesterday who was interested in an environmental bill and had a meeting with the Republican leadership and was told that it was unlikely that that bill could be brought up this year because there was not enough time. Mr. Chairman, we are in the second week of this session of Congress and we are already being told that because of the condensed schedule that the Republican leadership has brought forward that there will not be time to consider important legislation.

Well, let us go on record now to say that protecting our consumers who are in managed care programs is a priority that we want to deal with before Congress adjourns this year.

My amendment is simple. It adds to the sense of Congress resolution that we bring up basic consumer protection this year before we adjourn. Matters such as external appeal, so that consumers have a right to challenge a managed care operator as to whether health care is needed or not; matters such as access to emergency care, that I mentioned before, so that prudent layperson standards can be used so people can be reimbursed when they go to emergency rooms; to get rid of the gag rule so that doctors can talk to their patients without fear of conflicting the contract that they have with an HMO; antidiscrimination rules, so we do not discriminate against providers, that HMOs do not discriminate against providers.

And the list goes on and on and on. There is need now for this Congress to act. My amendment makes it clear that this Congress will take up that legislation.

I urge my colleagues to accept this amendment. It is a sense of Congress resolution. It makes it clear to the leadership that we want to take up and debate the issue this year. That is the least we can do as we debate this resolution, and I urge my colleagues to accept the resolution.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Arizona insist on his point of order?

Mr. HAYWORTH. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr HAYWORTH. I make a point of order against this amendment, Mr. Chairman, on the grounds that it is not germane to the joint resolution. Now, it is a good attempt to try to change the subject, and certainly we all agree that health care is a vital issue that we should debate but, Mr. Chairman, the amendment is not germane to this joint resolution.

The fundamental purpose or common thread in the joint resolution is very narrow. It is limited to expressing the sense of Congress on the fine imposed on government officials for conduct on the President's health care task force. It does not concern the subject matter of health care matters generally, therefore, the amendment is outside the scope of the bill and is, therefore, not germane.

I urge the Chair to sustain this point of order.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. CARDIN. Mr. Chairman, I do. My amendment has the same fundamental purpose as the resolution before us. The fundamental purpose has a longstanding test of germaneness by this body.

The resolution addresses the actions of the health care task force, so does my amendment. It was one of the major issues before the health care task force that we return to medical professionals the right to make decisions about our health, and that we should be able to express ourselves against insurance company bureaucrats making those judgments rather than health care professionals.

It is the same fundamental purpose as the underlining resolution, and I urge the Chair to rule in favor of germaneness.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Arizona has made a point of order that the amendment offered by the gentleman from Maryland is not germane to the resolution.

The joint resolution, H.J. Res. 107, proposes to express a sense of Congress that the award of attorneys' fees, costs and sanctions ordered by a Federal judge should not be paid by taxpayers' funds.

The amendment proposes to express the sense of Congress on the duties of a Presidential task force referenced in the resolution. The amendment also proposes that specified health care legislation pending in Congress should be enacted into law in a timely manner.

Clause 7 of rule XVI of the rules of the House require that amendments be germane to the proposition to which it is offered. One of the general principles of the germaneness rule is an amendment must relate to the subject matter under consideration. This principle is recorded on page 611 of the House Rules and Manual. The pending resolution focuses on the source of payment of various charges ordered by a Federal Court judge in a specific court case. By contrast, the amendment addresses the enactment of specific legislative proposals currently pending in Congress. In the opinion of the Chair, the enactment of specific health care legislation by the Congress falls outside the ambit of a resolution focusing on a source of payment for charges resulting from a court case.

The resolution, H.J. Res. 107, as introduced, was referred solely to the Committee on the Judiciary. The health care policy legislation addressed in the amendment offered by the gentleman from Maryland does not fall within the jurisdiction of that committee. An amendment concerning a subject matter outside the committee of jurisdiction of the pending bill may not be germane.

For the reasons stated, the Chair finds that that amendment is not germane and the point of order is sustained.

Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. CARDIN:

On page 3, strike all of section 2 and insert the following:

"Section 2. No Payment of Award by Taxpayers.

The award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et. al. versus Hillary Rodham Clinton, et. al., shall not be paid with taxpayer funds."

Mr. CARDIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds it is not germane to the joint resolution.

The CHAIRMAN. The gentleman from Arizona has made a point of order. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. CARDIN. Mr. Chairman, I do. And since we cut off the reading, let me explain what the amendment does and why. It is in compliance to the Chair's most recent pronouncement on my previous amendment.

What this amendment does is what the gentleman from California (Mr. STARK) tried to do by unanimous consent.

Mr. HAYWORTH. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair will entertain brief comments on the point of order from the gentleman from Maryland, and would ask that the gentleman from Maryland confine his remarks to the point of order made by the gentleman from Arizona.

Mr. CARDIN. Mr. Chairman, I was trying to do that. The amendment deals with the payment of counsel fees. The Chair just ruled on the previous amendment that it was not germane because it did not deal with counsel fees.

My amendment has the same fundamental purpose as the resolution before us. Fundamental purpose has a longstanding test of germaneness. The resolution addresses the action of the health care task force, so does my amendment. The resolution suggests how the payment of attorneys' fees in this case should be resolved, so does my amendment. My amendment changes the sense of Congress resolution to make it effective; to change it into law. It has the same underlining purpose.

The people who have spoken on behalf of the resolution all have said that its underlying purpose is identical to what this amendment would do. Therefore, the test of germaneness has been met.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Arizona has made a point of order that the amendment offered by the gentleman from Maryland (Mr. CARDIN) is not germane.

H.J. Res. 107, again expresses the sense of the Congress that the award of attorneys' fees, costs and sanctions ordered by a Federal judge in a specific case should not be paid with taxpayers' funds. The amendment would convert the joint resolution from an expression of congressional sentiment to a legislative prohibition on the use of Federal funds for that purpose.

The Chair finds guidance in two relevant precedents. Under the precedent carried at section 6.20 of volume 10 of Deschler-Brown Precedents, to a bill extending the advisory functions of a governmental agency charged with conducting voluntary programs to resist inflation, an amendment directing the issuance of orders and regulations stabilizing economic transfers was held not germane.

□ 1815

Order the precedent carried at section 30.22 of volume 11 of Deschler-Brown Precedents to a section of the bill stating the Congressional intent of proposed legislation, an amendment to insert a further statement of intent was held to be germane.

Central to the Chair's ruling in that case was the view that the amendment was merely an indication of Congressional intent and "not binding on anybody."

The Chair is unable to interpret the amendment in this case as similarly not binding but rather is of the opinion that the amendment is intended to prohibit the use of Federal funds as a matter of law.

Therefore, the precedents cited earlier are relevant in supporting a decision finding that the amendment is not germane. The Chair sustains the point of order.

Are there further amendments to the joint resolution?

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

I certainly understand the Chair's rulings on my past two amendments. I am disappointed by the rulings. But I am more disappointed by my friend, the gentleman from Arizona (Mr. HAYWORTH), raising points of order against these amendments. If he had not raised points of order, we could have either changed this resolution from a sense of Congress to a law and we could have tested whether we were sincere in what we are trying to do today.

And on the other amendment, if my colleague had not raised that point of order, we could have at least told the people of this country, the taxpayers of this country, which this resolution is aimed at, that we will take up this year consumer protection and managed care and health care.

The President's task force was aimed at maintaining and improving quality of care for all Americans. That was the central purpose of the task force. My amendment would have made it clear that we wanted to bring up this year quality assurances in managed care programs.

I regret that my friend from Arizona raised a point of order. But I would hope that the Republican leadership in this House will give us some commitment that we will have time to debate this very important issue on the floor of this House and then let the majority rule. Let us have an open debate. Give us an opportunity to take up these issues so that the American people know where we stand on the very important issues as to whether medical personnel should make medical decisions or insurance company bureaucrats.

I urge my colleagues to support efforts to bring these matters to the floor. The Chair's ruling confirms that this resolution does absolutely nothing. If it did something, according to the Chair, my amendment would have been made in order. I regret that. And I hope we will have another day in order to argue these issues.

The CHAIRMAN. Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK:

On page 3, line 7, strike "." and insert ", and further, it is the sense of the Congress that Speaker Newt Gingrich and his staff should not be paid with taxpayer funds for any time that they spent convened behind closed doors with lobbyists plotting to block legislation improving health insurance and health quality for the American people."

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, again I would make a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona will state his point of order.

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds that it is not germane to the joint resolution.

Again, despite our best efforts to maintain civility, this amendment is just totally improper. It is not germane to the joint resolution.

As we know, the fundamental purpose or common thread in this joint resolution is very narrow. It is limited to expressing the sense of Congress on the fine imposed on Government officials for conduct on the President's Health Care Task Force. Therefore, this amendment, once again, is outside the scope of the bill and is, therefore, not germane.

Again, I would urge the Chair to sustain this point of order.

The CHAIRMAN. Does the gentleman from California (Mr. STARK) wish to be heard on the point of order?

Mr. STARK. Yes, Mr. Chairman, of course.

The amendment is germane. It draws on the language of paragraph 2 in section I and extends the very purpose of the resolution to similar actions by Members of Congress.

I believe that the Parliamentarian will find that Speaker Muhlenberg, during the Whiskey Rebellion of 1793, had a precedent, saying, "Sauce for the goose is sauce for the gander." And I think Speaker Clay, in dealing with the war in 1812, said, "Take no prisoners and lie about it."

So that, I believe, this is indeed germane. I hope that the Chairman will find it so.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered concerns subject matter not addressed in the underlying resolution. Specifically, the amendment addresses persons not touched upon in the underlying resolution. For these reasons, the amendment is not germane; and, accordingly, the point of order is sustained.

Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK:

On page 3, line 7, strike the "." and insert the following: ", and since the Task Force failed to develop a plan to ensure access of all Americans to affordable health care similar in scope to the type of health insurance available to Members of Congress, the United States Congress should develop, pass, and submit such a plan to the President of the United States prior to August 1, 1998."

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds that it is not germane to the resolution.

The CHAIRMAN. The gentleman makes a point of order.

Does the gentleman from California wish to be heard on his point of order?

Mr. STARK. Yes, Mr. Chairman, I would like to be heard.

I believe, Mr. Chairman, that this amendment is germane. It refers to the work of the task force, which is still uncompleted and, instead of concentrating on the mistakes of 4 years ago, calls on Congress to help all Americans obtain health security. Members, we in the Congress, have excellent health insurance; and we should support similar coverage for our constituents.

It is, after all, the nexus of what this whole resolution is about, is the issue of the task force and why it failed; and I think that it should indeed be included so that we show our resolve to show all Americans that they should have at least as good health insurance as they are paying for us Members of Congress.

The CHAIRMAN. The Chair is prepared to rule on the point of order by the gentleman from Arizona.

As mentioned in the Chair's earlier ruling, the pending joint resolution expresses a sense of Congress with respect to the award of attorneys' fees, costs, and sanctions ordered by a particular court. For the reasons stated by the Chair on the first amendment offered by Mr. Cardin of Maryland, the pending amendment urging development of a health care proposal is not germane as addressing matters not addressed in the underlying joint resolution. The point of order is sustained.

Are there further amendments to the joint resolution?

Mr. STARK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that the amendments that have been offered, with the anticipation that they would be denied the opportunity for debate, should illustrate to the American people what we have tried to suggest here.

There is, in fact, no question that there was a serious breach of behavior on part of the administration, for which they apologized and a Federal judge assessed legal costs; and we have agreed that the American taxpayers should not pay for it. And the Democrats have offered as an amendment, as a unanimous consent request, a concrete, absolute way to see that that is denied.

My colleagues, on the other hand, have ducked that and not wanted to. Perhaps they wanted to see how it will twist in the wind a little longer.

Secondly, the other amendments have called attention to the American people that, while the President has sought to extend health care to the 40-plus million Americans who do not have it, to provide health care coverage or access at no cost to the Federal Government and at no cost to anyone else, to the early retirees, to extend health care to children, to give people who are in managed-care plans the protection from the egregious actions of the for-profit insurance companies by denying them access to emergency room care, by denying young children needed medical procedures which could save their lives, and then having these same corporate plans hide behind the skirts of ERISA as they attempt to avoid liability.

And while the Republican leadership has refused to support Dr. Norwood's bill which would accomplish this and has bipartisan support and has more than enough cosponsors to pass this House, it shows that it is the Republican leadership that is conspiring with the lobbyists in secret to keep the American people from getting the managed care protection they need, from getting the health care they need at a reasonable cost and indeed getting fair treatment by this Congress. Because that fair treatment is being denied by the Republican leadership.

Mr. Chairman, with that unhappy assessment of this rather waste of time of a resolution, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to the joint resolution?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J.Res. 107) expressing the sense of Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Court Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds, pursuant to House Resolution 345, he reported the bill back to the House.

The SPEAKER pro tempore (Mr. BLILEY). Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 126, not voting 31, as follows:

[Roll No. 7]

YEAS—273

Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Murtha
Myrick
Neumann
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—126

Ackerman
Allen
Andrews
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Engel
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
King (NY)
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Stark
Stokes
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey

NOT VOTING—31

Abercrombie
Aderholt
Bartlett
Becerra
Bereuter
Bonior
Borski
Delahunt
Dellums
Dicks
Eshoo
Farr
Fattah
Frank (MA)
Gekas
Gonzalez
Goodling
Hall (OH)
Herger
Hinojosa
McKeon
Nethercutt
Ney
Pickering
Sánchez
Schiff
Souder
Spratt
Talent
Whitfield
Yates

☐ 1845

Mr. POSHARD changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on Roll Call Vote #7

H.J. Res. 107, concerning attorneys fees, costs, and sanctions payable by the White House health care task force. If I had been present I would have voted aye.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, I was unavoidably detained on February 4, 1998 for the vote on H.J. Res. 107, Fees and Sanctions Relating to Health Care Task Force. Had I been present, I would have voted 'aye.'

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 107.

The SPEAKER pro tempore (Mr. BLILEY). Is there objection to the request of the gentleman from Arizona?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. BUNNING. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1575, RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–414) on the resolution (H. Res. 349) providing for consideration of the Senate bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport," which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2552

Mr. BACHUS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2552.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REPORT CONCERNING CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-207)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 31, 1997, concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1997, through February 1, 1998.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products every 90 days for a total of 180 days under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the President of the Security Council received the report prepared by the Secretary General as requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10, 1996.

On June 4, 1997, the U.S. Security Council adopted UNSCR 1111, renewing for another 180 days the authorization for Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 986 of April 14, 1995. The Resolution became effective on June 8, 1997. On September 12, 1997, the Security Council, noting Iraq's decision not to export petroleum and petroleum products pursuant to UNSCR 1111 during the period June 8 to August 13, 1997, and deeply concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1129. This resolution replaced the two 90-day quotas with one 120-day quota and one 60-day quota in order to enable Iraq to export its full $2 billion quota of oil within the original 180 days of UNSCR 1111. On December 4, 1997, the U.N. Security Council adopted UNSCR 1143, renewing for another 180 days, beginning December 5, 1997, the authorization for Iraqi petroleum sales and humanitarian aid purchases contained in UNSCR 986. As of January 2, 1998, however, Iraq still had not exported any petroleum under UNSCR 1143. During the reporting period, imports into the United States under this program totaled about 14.2 million barrels, bringing total imports since December 10, 1996, to approximately 23.7 million barrels.

2. There have been two amendments to the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "ISR" or the "Regulations") administered by the Office of Foreign Assets Control (OFAC) of the Department of Treasury during the reporting period. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

On December 30, 1997, the Regulations were amended to remove from appendices A and B to 31 C.F.R. chapter V the name of an individual who had been determined previously to act for or on behalf of, or to be owned or controlled by, the Government of Iraq (62 Fed. Reg. 67729, December 30, 1997). A copy of the amendment is attached.

As previously reported, the Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products form Iraq (61 Fed. Reg. 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization, must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 escrow account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the 661 Committee and satisfaction of other conditions established by the United Nations, be paid or payable out of the 986 escrow account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation.

On July 15, 1995, a jury in the Eastern District of New York returned a verdict of not guilty for two defendants charged with the attempted exportation and transshipment to Iraq of zirconium ingots in violation of IEEPA and the ISR. The two were charged in a Federal indictment on July 10, 1995, along with another defendant who entered a guilty plea on February 6, 1997.

Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, OFAC collected civil monetary penalties totaling more than $1.125 million for violations of IEEPA and the ISR relating to the sale and shipment of goods to the Government of Iraq and an entity in Iraq. Additional administrative proceedings have been initiated and others await commencement.

4. The Office of Foreign Assets Control has issued hundreds of licensing determinations regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Specific licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, sales of humanitarian supplies to Iraq under UNSCR 986 and 1111, diplomatic transactions, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq. Since my last report, 88 specific licenses have been issued, most with respect to sales of humanitarian goods..

Since December 10, 1996, OFAC has issued specific licenses authorizing commercial sales of humanitarian goods funded by Iraqi oil sales pursuant to UNSCR 986 and 1111 valued at more than $239 million. Of that amount, approximately $222 million represents sales of basic foodstuffs, $7.9 million for medicines and medical supplies, $8.2 million for water testing and treatment equipment, and nearly $700,000 to fund a variety of United Nations activities in Iraq. International humanitarian relief in Iraq is coordinated under the direction of the United Nations Office of the Humanitarian Coordinator of Iraq. Assisting U.N. agencies include the World Food Program, the U.N. Population Fund, the U.N. Food and Agriculture Organization, the World Health Organization, and UNICEF. As of January 8, 1998, OFAC had authorized sales valued at more than $165.8 million worth of humanitarian goods during the reporting period beginning August 2, 1997.

5. The expenses incurred by the Federal Government in the 6-month period from August 2, 1997, through February 1, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1.2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

6. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with relevant United Nations Security Council resolutions. Iraqi compliance with these resolutions is necessary before the United States will consider lifting economic sanctions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Seven and a half years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal to provide immediate, unconditional, and unrestricted access to sites by these inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of all forms of political expression, oppression of minorities, and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not comply with UNSCR 688 of April 5, 1991. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turkomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

IN SUPPORT OF HMO REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I, too, rise to support the patient bill of rights and reform of HMOs because I believe it will help create a better health care system in this country.

Today as well I rise to support another project supported so strongly by our First Lady Hillary Clinton, and that is to commemorate the one-year anniversary of the Microcredit Summit, an international conference held here in Washington last year. The summit launched a campaign to provide 100 million of the world's poorest families with credit for self-employment and other businesses and financial services by the year 2005. This, in fact, was not a handout but a hand up. This House passed that Microcredit for Self-reliance Act last year to assist in that endeavor.

Microenterprises are very small, informally organized businesses, other than those that grow crops. Microenterprises often employ only one person, the owner-operator, but in some lower-income countries microenterprises employ a third or more of the labor force. The microenterprise program is targeted at the poor, seeking to help then increase their income and assets, raise their skills and productivity, increase their pride and self-esteem. It helps mostly women.

I am here to support this program and hope the Congress will continue to fund it and applaud the First Lady for her vision in helping the world improve their lives and conditions.

Microcredit is particularly important because more than ninety percent of microcredit loans go to women, who are, along with children, hardest hit by poverty. The small loans enable women to open their own businesses and, ideally, increase their independence and status in male-dominated cultures.

The positive effects of the microenterprise program cannot be minimalized. Access to microcredit helps to educate women. It raises their income level and, thus, that of their families. It has been well-documented that education women have fewer children, have more time between births, and therefore, have fewer health problems and have healthier children.

On this one-year anniversary of their convention, I commend the thousands of delegates who came together at the Microcredit Summit, dedicated to improving the lives of our world's poor. I applaud not only the significant work that has been done, but that that is yet to come. I join other Members of this body in encouraging expansion of the Microenterprise program, particularly throughout Africa. No segment of the world's unfortunately enormous, poverty-stricken population should be denied the incredible opportunities this program provides.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BIPARTISAN CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I rise today to speak in support of the Bipartisan Campaign Integrity Act, which is H.R. 2183. I want to express my thanks to the Speaker and to the leadership of this body for the action they took before we went home at the end of the first session in which they promised that we would have a vote in this House of Representatives on this floor in March on campaign finance reform.

I think this is a significant step that takes this body with the American people to reforming our campaign finance system that has led to so many abuses during the last election cycle. So I am grateful for the leadership of this body and their commitment, although it does not answer all of the problems. There is still a division as to exactly what we need to offer, but we need to address soft money, and that is understood by the leadership, as well as those who are committed to reform in this body.

So as momentum grows in America for campaign finance reform, I am delighted that the momentum is also growing for the Bipartisan Campaign Integrity Act. This last week we added 3 new cosponsors to this legislation. There are now 74 sponsors of the Bipartisan Campaign Integrity Act. Republicans and Democrats alike from all areas of the political spectrum can support this legislation because it is bipartisan, because it avoids the extreme, and it moves to what we can agree upon in the area of campaign finance reform, and that is really the criteria for reform that might be able to pass this bipartisan body.

I was encouraged this last week that we had the support of 189 former Members of Congress for campaign finance reform legislation. They came out and indicated their support for the proposals of former Presidents Bush, Carter and FORD, expressing the need and hope for campaign finance reform legislation that includes a ban on soft money. This range of former Members of Congress goes from Howard Baker to Mark Hatfield to Alan Simpson, to Bob Michel on the Republican side, Rudy Boschwitz, Brock Adams, Mickey Edwards, to David Pryor on the Democrat side, George McGovern, Howell Heflin, Alan Cranston, and so on. And so former Members of this body who have been taken back from the fray of politics here in the Congress can step back and say, we need this reform and they support it wholeheartedly.

So momentum is building in America for reform, but it is also building in this body and the support for the Bipartisan Campaign Integrity Act is also growing.

What does this legislation do? First of all, it bans soft money to the national political parties, and this must be the linchpin of any significant reform legislation. This last week Charlie Trie was arrested. He submitted himself after the indictment was returned, and what happened? What are the allegations? They involve the chase, the inexplicable, inordinate, exaggerated chase of soft money during the last election cycle, and that is what led to the abuses that we saw, that was revealed so extensively in Senator THOMPSON's hearings. So this proposal bans soft money to the national political parties.

The second thing it does, it indexes contribution limits to the rate of inflation, and this is important. An individual's contribution does not lose value, but it gradually increases as inflation increases. So this is important to individuals to keep the value of their contribution.

The third thing it does is that it helps the political parties to raise the honest money, the hard dollars, the individual contributions, and we need to help the political parties whenever we accompany it by a ban on soft money to them.

The fourth thing that it does is it increases disclosure, or it increases information to the American public. It increases information that is available to them on how much candidates spend, on where they get their contributions, more timely disclosure. When it comes to issue groups that influence our political process, it increases information available to the public as to who the group is and how much money they are spending if it is on radio or television. That is what is Constitutional; that is what the courts will allow us to do in a constitutional framework without violating anyone's freedom of speech. That is what the legislation does. It is very simple, straightforward and bipartisan.

What is unique about this legislation that sets it apart from other items of legislation that are being offered in this body? First of all, it is the result of a bipartisan process. We as freshmen, the Democrats and Republicans, met together for 4 months coming up with this legislation. The gentleman from Maine (Mr. ALLEN) was my Democrat counterpart that worked so diligently on this, and the gentleman from Montana (Mr. HILL) I see here in this body that supports this and helped us produce this. So it is unique legislation, we have worked hard on it, we are grateful to the leadership for giving us the encouragement and bringing this to a vote in March on the floor.

BIPARTISAN CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, I want to join my friend and colleague, the gentleman from Arkansas (Mr. HUTCHINSON) in rising today to speak about the Bipartisan Campaign Integrity Act. I first want to acknowledge the hard work and leadership that he has provided in helping us bring this measure forward. This process started out with 6 freshmen Republicans, 6 freshmen Democrats who decided to form a task force, study the problems with campaign finances, and definitely a bipartisan proposal and a bipartisan solution to the problem. Mr. HUTCHINSON has provided outstanding leadership in helping us bring it this far. From that group of 12 people, we now have 74 cosponsors of the Bipartisan Campaign Integrity Act.

I want to remind my colleagues what the problem is. The problem that we have is soft money. Soft money is out of control. Just 4 years ago, 5 years ago now, both political parties, Democrats and Republicans, raised about $35 million in soft money. In the last campaign cycle, they raised about $270 million in soft money. Labor unions added over $100 million more to the process. Soft money is out of control. All we have to do is read the headlines about the problems that are going on in the White House, or in both political parties, and the influence that labor unions and corporations have over the political process now because of the excesses of soft money.

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I want to remind my colleagues what soft money is, because as candidates we cannot accept soft money. What soft money is is funds that come from corporations, from labor union dues, and wealthy individuals that is in excess of contribution limits that they can make now.

Substantially, this money is unreported. We do not know where it comes from and, for the most part, we do not know how it is spent. But we can ban soft money in our political parties and not limit the right of individuals to speak out on issues.

As candidates, we are affected by soft money, because independent groups often spend huge sums of money to try to influence the political process, either in support of where we stand or in opposition to where we stand.

What can we do? Well, we can begin by supporting the bipartisan Campaign Integrity Act. It bans soft money, and it does make it easier to raise the good money, which we call hard money.

We also need to make sure that workers have the right to choose whether or not they want to contribute to the political process and to protect them from those abuses by supporting the Paycheck Protection Act, and we can give members of other organizations that same right of protection.

Mr. Speaker, the American people want us to reform campaign finance; and if we talk to the Members of this House privately, they all believe that we need to reform it and that we ought to reform it. The problem is that the majority of the American people doubt that we actually have the courage and the conviction to get it done.

Mr. Speaker, I would urge my colleagues today to join as cosponsors of the bipartisan Campaign Integrity Act and the Paycheck Protection Act. We need to ban soft money. We need to protect workers. We can do this job when this comes to the floor in 6 weeks. I urge my colleagues to support it.

STOP MEDICARE OVERPAYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise to request my colleagues' support for legislation I introduced yesterday to save the Medicare program almost half a billion dollars a year in unnecessary overpayments for prescription drugs.

As the only pharmacist in the 105th Congress, let me first state that the price of these drugs is not due to the family pharmacist. The high price is set by the pharmaceutical manufacturers.

Making the situation even worse, under current Medicare law, the program reimburses doctors who prescribe covered drugs for 95 percent of the "sticker price" quoted by pharmaceutical manufacturers, rather than the actual cost to the doctor of acquiring the drug.

Furthermore, Medicare pays doctors for the cost of their expenses, overhead, consultation time, and for administering the drugs under the practice expense system, not to mention the close to $7 billion that Medicare spends each year to educate our Nation's doctors.

A recent analysis by the Department of Health and Human Services Inspector General shows that Medicare is wasting millions each year under the current system, $447 million alone in 1996.

Our patients deserve better. The Stop Medicare Overpayment Act, based on the President's fiscal year 1999 budget and included in a comprehensive antifraud proposal introduced by the gentleman from California (Mr. STARK) last year, will go a long way toward establishing a fair and adequate payment system.

The Stop Medicare Overpayment Act is simple: Reimburse the doctors for what they paid for the drug. They already get paid for their office overhead, dispensation and "professional services" through the Medicare system. Why allow a small group of persons to reap a $447 million windfall benefit each year?

Seventy-five percent of the cost of these overpayments are coming directly out of the taxpayers' wallet. Twenty-five percent come directly from senior citizens who are forced to pay a higher Part B premium.

My legislation will go a long way toward ending these overpayments. Unfortunately, it will not do anything to address the root of this problem: the high cost of prescription drugs charged by pharmaceutical companies.

It is indeed unfortunate that here in the world's richest nation our seniors should be forced to choose between buying food or buying prescription drugs and that our pharmacies should be discriminated against by drug manufacturers.

As Congress considers ways in which to reduce the $23 billion in Medicare fraud and abuse, my legislation should be first on the list. It is a sensible, responsible, and prudent approach to rein in unnecessary Medicare costs.

I urge my colleagues to join me in support of this important initiative.

TRIBUTE TO OFFICER DAVID LYON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, too often in Washington and in our districts we are greeted with news stories of public apathy and senseless death. It seems that we are constantly bombarded with accounts that reflect negatively upon humanity.

When we do hear stories of people selflessly helping their fellow man, they are few and far between. For that reason, I would like to take a moment to commend David Lyon, a 2½ year veteran of the U.S. Capitol Police Force.

At around 7 p.m. on January 18, Officer Lyon, who was off duty, was suddenly startled by the sound of a car careening into the river near his home on the Washington waterfront. Without hesitation, he dove into the frigid, winter-chilled water and saved the life of one of the vehicle's passengers.

Like his neighbor, Mr. Courtney Thomas, who saved the other passenger, Officer Lyon displayed enormous character and selflessness.

When confronted with someone in need, Officer Lyon unhesitatingly lent a hand; and his valor should be recognized and applauded.

As a United States Congressman, I am proud that Officer Lyon is part of the distinguished U.S. Capitol Police Force; and, as an ordinary American, I am proud that he showed such concern for his fellow man.

I think it is important to note that the Capitol Police Force who man security around this building are of the finest caliber and quality. They do serve the public and the people of the United States of America in not only protecting our guests and visitors, which number in the millions on an annual basis, but also the property that we consider sacred, this Chamber, the monuments that surround this wonderful complex.

So it is not just Officer Lyon that I speak of today who deserves a great deal of thanks from this body and from all citizens of the United States for his bravery in this very unique and wonderful opportunity to help a fellow human being but, more importantly, that we salute all members of law enforcement, both our Capitol Police Force and those that serve around our country.

Mr. Speaker, it is a very, very dangerous job. Many men and women who don uniforms and the badges that they wear go out of their homes and oftentimes their families do not know whether, in fact, they will return safely because of the dangers of just doing their job.

They are not the best paid in our society. In fact, they are paid far too little for the job that they do protecting the civil order of our country.

So tonight in this Chamber in our Nation's Capitol, I salute Officer Lyon for his bravery; and I salute every member of the U.S. Capitol Police Force for their protection of this great Capitol of ours and also all men and women throughout the Nation who honor us by service as law enforcement personnel for this country of ours.

TRIBUTE TO THE HONORABLE RON DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DIXON) is recognized for 5 minutes.

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to a gentleman who is leaving this House on this weekend. It is the Honorable RON DELLUMS from Oakland, California.

RON DELLUMS is a very unique person. We could see from the special orders last night that this gentleman, although he may have political differences with many in this House, became a friend to all in this House.

He is unique in that few people can leave this House and say they have made a real contribution to the security of our country. RON DELLUMS has fought diligently for the reduction of defense budgets and has won that battle.

Few of us can say that we have done much to spread democracy around the world, but his diligence has been proved in Grenada, in Haiti and in South Africa that he has made his mark for democracy and to free all people.

He is unique in that most Members of this House consider him a personal friend. We should be happy for RON DELLUMS making the decision, for he leaves this House with good health and his integrity, and he leaves this House with a mark of pursuing justice for all people.

So I say to you, RON: Godspeed. You have made your mark here in Congress, and we know that you will continue to serve your country well.

Mr. Speaker, I rise today in honor of my good friend and long-time colleague, RON DELLUMS. RON has served the people of California's Ninth Congressional District honorably, ably, and with great distinction. He is a powerful champion of the progressive cause who has been at the forefront of many important efforts—from dismantling apartheid to instituting humane social policy. At a time when debate in this body has become acrimonious and at times uncivil, the loss of RON's thoughtful, respectful, calming presence will be widely felt. His voice in this chamber will be sorely missed by this member and this institution.

A product of Oakland, CA, RON DELLUMS is not only a prominent legislator, but an outstanding role model for the young people of his Northern California district. RON rose to his present stature through hard work and dedication to his beliefs and goals. Following service in the U.S. Marine Corps, RON attended Oakland City College where he received an associate of arts degree. RON went on to earn a bachelor of arts degree at San Francisco State University and a master of social welfare degree at the University of California at Berkeley. Upon graduation from Berkeley, RON embarked on a career in social work, job training, and community development. In 1967, he ran successfully for the Berkeley City Council, winning in his first foray into electoral politics. Three years later, in 1970, he was elected to the U.S. House of Representatives.

RON DELLUMS' tenure on the Armed Services—now National Security—Committee is indicative of his rise in the House. RON came to the House a strong and outspoken opponent of American involvement in Vietnam and has continued through 26 years to strongly advocate reduced defense spending. RON saw governmental neglect of the educational, economic and health needs of the urban population as a significant threat to our national security. Twenty-two years later, Chairman DELLUMS was presiding over the full Armed Services Committee in the 103rd Congress.

Some in this House were wary when RON became Chairman of Armed Services, but he soon put those reservations to rest. He set an example for fairness from which all members can take a lesson.

While his views on defense spending differed from many of his colleagues, RON faithfully constructed and reported defense authorization bills that reflected the will of his committee and of the House.

RON's leadership in the effort to end apartheid in South Africa stands as just one of his numerous accomplishments during his distinguished House career. Starting in 1971, his first year in the House, RON consistently introduced bills to impose economic sanctions on the brutally racist apartheid government of South Africa. Fifteen years later, in 1986, Congress enacted South African sanctions over President Reagan's veto. I am proud to have worked with my colleague toward that end, and again commend his leadership on the issue.

Throughout his service in this body, Representative RON DELLUMS has earned the respect, admiration, and friendship of many members on both sides of the aisle. He has witnessed great changes, in the world, the nation, and certainly in this institution. Despite these changes, he has remained steadfast and loyal to his beliefs that our nation must care for all of her citizens if she is to survive as a nation. His has been the moral conscience of a Congress that too often has lost sight of the impact of our policies on all of humankind. As he leaves this institution, he leaves us with a legacy and a mandate to continue our advocacy for peace and for the welfare of all our citizens. His contributions to the House of Representatives, through his intellect, dedication, integrity, and collegiality cannot be overstated. While I regret the loss of a distinguished colleague, I wish RON DELLUMS great happiness and success in his future endeavors.

CONDOLENCES TO THE FAMILY OF DR. THOMAS KILGORE

Mr. DIXON. Mr. Speaker, it is also my duty to inform the House that one of the outstanding clergymen in Los Angeles, California, Dr. Thomas Kilgore, passed away this morning. He served as the minister for the Second Baptist Church from 1963 to 1987. He was a confidant of Dr. Martin Luther King. We will miss his leadership in Los Angeles, and we send condolences to his family.

TRIBUTE TO DR. JOHN MORTON-FINNEY, FROM INDIANAPOLIS, INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise on a very humble occasion to pay tribute to the life and work of Dr. John Morton-Finney, a 108-year-old gentleman of my district, and for whom family, friends and admirers paid final tribute on last Saturday.

Dr. John Morton-Finney, the son of George and Mattie M. Gordon Morton-Finney, was born in 1889 in Uniontown, Kentucky. He was the son of a former slave. His ancestors migrated from Ethiopia to what is now Nigeria before becoming enslaved in America. He was reared in a family in which the old people never forgot about their African heritage.

Mr. Morton-Finney was the last surviving member of the World War I Army unit of black soldiers known as the Buffalo soldiers. Dr. Morton-Finney was also the oldest veteran in the State of Indiana. He never spoke of his involvement as an infantryman in World War I, except to note with pride that he had a citation from General John J. Pershing. During World War II, he was cited for work in the distribution of rationing tickets.

After being honorably discharged from World War I, Dr. Morton-Finney began teaching languages in black colleges, including Fisk University, Nashville, Tennessee, and Lincoln University in Jefferson City, Missouri.

In 1922, he learned there were openings in the Indianapolis public schools. He decided to join Crispus Attucks High School, of which I am a proud graduate; and he was hired to teach Latin, Greek, German, Spanish and French, some of the languages that he spoke fluently. His career spanned 47 years as teacher, department head and administrator, enriching the lives of his students and colleagues.

Mr. Speaker, I often tell my grandsons, Andre Carson and Sam Carson, that I wish they had an intimate opportunity to meet Dr. Morton-Finney, because they certainly could have learned a lot from a man who had five earned degrees in law. He had a JD from Indiana University School of Law, AB from Butler, and the list of his earned certificates span probably most of my life.

Then he was also cited with a lot of awards for the good work that he did in touching the lives of young people. He often reflected on the tangible awards and citations that he received and his achievement.

Dr. Benjamin Mays, formerly at Morehouse and now Mr. Morton-Finney having joined him in the hereafter, once said, "How can I articulate the depth of my respect and the degree of my admiration for a young man who excelled in life beyond the reach of anyone else?"

And Dr. Mays said that, "It must be borne in mind, however, that the tragedy in life does not lie in reaching your goal. The tragedy lies in having no goal to reach. It is a calamity to die with dreams unfulfilled and it is a calamity not to dream."

□ 1915

"No vision and you perish; no ideal and you are lost; your heart must ever cherish some faith at any cost."

I think that it is imperative for the Congress of the United States to recognize the life and work of Dr. John Martin Finney, who could have easily been a Member of the United States Congress or could have easily been President of these United States, given the amount of attributes and academic achievements that he amassed in his 108 years that he was among us, a very fine individual.

I wanted to pay a special tribute to his daughter Gloria Martin Finney who taught in the Indianapolis public school system for many years and worked in the administration of the Indianapolis public schools, but I think it is important as well that Dr. John Martin Finney from Indianapolis, Indiana, be saluted for all of the fine work that he did do during his lifetime.

Mr. Speaker, I rise on this most humble occasion to pay tribute to the life and work of Dr. John Morton-Finney, a 108 year old gentleman of my district and for whom family, friends and admirers paid final tributes on Saturday, January 31, 1997.

Dr. John Morton-Finney, the son of George Morton-Finney and Mattie M. Gordon Morton-Finney, was born June 25, 1889 in Uniontown, Kentucky. The son of a former Kentucky slave, his ancestors migrated from Ethiopia to what is now Nigeria before becoming enslaved in America. He was reared in a family in which the old people never forgot about their African Heritage.

The last surviving member of the World War I Army unit of black soldiers known as the Buffalo Soldiers, Dr. Morton-Finney was also the oldest veteran in Indiana. He never spoke of his involvement as an infantry in World War I, except to note with pride that he has a citation from General John J. Pershing. During World War II, he was cited for work in the distribution of rationing tickets.

After being honorably discharged from World War I, Dr. Morton-Finney began teaching languages in black colleges including Fisk University, Nashville, Tennessee, and Lincoln University, Jefferson City, Missouri. In 1922, he learned there were openings in the Indianapolis public schools. He decided to join the system and was hired to teach Greek, Latin, German, Spanish, and French, some of the languages he spoke fluently. His career spanned over forty-seven years, as teacher, department head and administrator, enriching the lives of students and his colleagues in the system.

He arrived from St, Louis, Missouri, newly married to the former Pauline Ray, a native of Geneva, New York, and a graduate of Cornell University. Together they enjoyed over fifty-two years of marital contentment, and a daughter, Gloria Ann, was born to their union.

A learned man, Dr. Morton-Finney's education included:

Pd.B., Lincoln Institute, 1916
A.B., Lincoln Institute, 1920
A.B., State University of Iowa, 1922
A.M. (Ed.), Indiana University, Bloomington, 1925
A.M. (French), Indiana University, Bloomington, 1933
L.L.B., Lincoln College of Law, 1935
L.L.B., Indiana Law School, 1944
L.L.B., Indiana University, 1944
J.D., Indiana University School of Law, 1946
A.B., Butler University, 1965
Litt. D., Lincoln University, 1985
L.H.D., Butler University, 1989
Diploma Trial Advocacy, NITA, 1987
L.L.D., Martin University, 1995
Certificate of Meditation in Indiana, ICLEF, 1992
Certificate of Meditation in Indiana, Indiana Bar Association

In addition to the immeasurable rewards a teacher gets from touching the lives of young people, Dr. Morton-Finney often reflected on the tangible awards and citations that he received and his achievements:

Superintendent's License, 1st Grade, Life, Indiana Public Schools
Veteran, W.W.I., A.E.F., France 1918
Member of the Bar of Indiana Supreme Court, 1935
Member of the Bar of U.S. District Court, 1941
Member of the Bar of the Supreme Court of the United States, 1972
Administrator and teacher, Indianapolis Public Schools forty-seven (47) years
Member of the bar of the Supreme Court of Indiana sixty-one (61) years
Member Emeritus Club, Indiana University Faculty, 1975
Crowned Adeniran, I, Paramount Chief of Yoruba Descendants in Indiana, U.S.A. by Council of Yoruba Chiefs of Nigeria, West Africa on August 31, 1979, in an authentic African ceremony at the Children's Museum in Indianapolis, Indiana
Distinguished Graduate, School of Education Award by Indiana University Alumni Association, 1983
Certificate Award by Chief Justice of Supreme Court of Indiana for Public Service, June 9, 1989
White House Invitation by President George Bush, 1990
Certificate of recognition, Board of School Commissioners, Indianapolis Public Schools, May 22, 1990
Inducted into the Hall of Fame, National Bar Association, Washington, D.C., August 9, 1991
Sagamore of the Wabash Award by Indiana Governor
Kentucky Colonel Award by Kentucky Governor, 1994
Honorary Member of U.S. 9th and 10th (Horse) Calvary Association, 1995
Harvard University Invitation and Recipient of Harvard's Certificate of Award for Public Service
Certificate Awarded by Indianapolis City Council for Public Service, 1995
Certificate Award by Mayor of Indianapolis for Public Service
Oldest Practicing Attorney in U.S. on June 25, 1996, at age one hundred and seven years
Only surviving Buffalo Soldier of the U.S. Army

How can I articulate the depth of my respect and the degree of my admiration for a young man who excelled in life beyond the reach of anyone else. His thirst for academic excellence, his zeal for molding character and academic achievement among all who was fortunate to be his student.

He envisioned this country's move to a global economy when he mastered and taught so many foreign languages. He was one of my favorite teachers at Crispus Attucks High School.

Dr. Benjamin Mays said:

> It must be borne in mind, however, that the tragedy in life does not lie in reaching

> your goal. The tragedy lies in having no goal to reach. It is not a calamity to die with dreams unfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim is the sin.

Harriet du Autermont has beautifully said:

> No vision and you perish;
> No ideal, and you're lost;
> Your heart must ever cherish
> Some faith at any cost.
> Some hope, some dream to cling to,
> Some rainbow in the sky,
> Some melody to sing to,
> Some service that is high

To state it another way, man must live by some unattainable goal, some goal that beckons him on, but a goal so loft, so all-embracing that it can never be attained. In poetry it is expressed in many ways.

Man shall not live by bread alone. Man must live by affection and love; by forgiveness, forgiveness of man and the forgiveness of God; by God's grace, by the labors of many hands; by faith, faith in himself, faith in others, and by faith in God. And finally man must live by his dreams, his ideals, and unattainable goal, and what he aspires to be. Man shall not live by bread alone.

OPPOSITION TO RENAMING OF WASHINGTON NATIONAL AIRPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I want to take this opportunity to explain my opposition to the bill passed today renaming Washington National Airport, Ronald Reagan Washington National Airport.

First of all, as a member of the Subcommittee on Aviation, let me say that it is inappropriate that we reported this bill without hearing or markup in subcommittee. Hearings are a very important part of the political process here in Congress. That is where we learn what the implications of our actions might be, including the cost of renaming the airport, which includes changing signs around the region and airport designator codes around the world. Today the leadership ushered through a bill without knowing what the real costs or the impact would be to the Washington metropolitan region.

Second, naming, in this case renaming, a building or airport is a very important decision. In respect to the family and the memory of the person named, there should be bipartisan support. And there should be no opposition from the Member of Congress whose district contains the facility.

None of my colleagues would want the Federal Government to come into their district and rename an airport without the support of the airport authority. That is what happened today. That is not what Ronald Reagan stood for.

My opposition is not only with the process, but also with the fact that naming this airport after Ronald Reagan is a totally inappropriate way to honor him. President Reagan's legacy will not be for aviation or transportation. It will be for his efforts to build a strong military and, with the support, I might add, of a Democratic Congress, bringing an end to the Cold War. A fitting honor to him would, therefore, be a defense-related one.

Well, guess what? In the year 2000 a United States Air Force carrier will be named in his honor. President Reagan will join great Presidents such as Washington, Lincoln, Roosevelt and Kennedy, and this is a fitting honor. We have also named the second largest Federal building in his honor. A new Federal trade center just a few blocks from the White House bears his name for millions of tourists to see each year. What more could be done to honor a President still living?

I think for now we have done enough. History will still have to judge the Reagan era, and before we go further in naming things around the country, we should view it in a proper context, after sufficient time has passed.

But most important, why the airport? Ronald Reagan's aviation policies were controversial, and not all Americans agreed with his policy. Many Americans do not feel that running up billions and billions in deficits was good policy. We should respect their feelings and not force them to enter this great city through a controversial monument. The word national welcomes everyone, and that is what this country and city are all about.

I hate to be put in this position, when we were pressured to vote on an important issue that will be costly, involving wrongful governmental intervention into local business and renaming a public facility, something we have never done before.

This is not a time for this discussion when President Reagan is ill.

I have to say that this is a sad day in this Congress.

HCFA VENIPUNCTURE PROVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. CLEMENT) is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, as many of my colleagues know, the Health Care Financing Administration will implement a rule tomorrow that will have a disastrous impact on our Nation. To some, excluding venipuncture, blood drawing, from eligibility criteria for skilled home health care nursing services may not seem like a move that deserves national attention, but I fully disagree. An estimated 1 million home-bound Medicare recipients who receive blood monitoring services are in danger of losing their home care as a result of this provision.

To date I have received hundreds of letters and phone calls from concerned constituents who depend on this assistance. I recently spoke with a 73-year-old insulin-dependent diabetic who had suffered from a stroke. He takes 11 pills a day and is completely bedridden. This man receives home health care services to monitor his nutritional status and blood sugar levels. His family members agree that it is this personal care that he receives which promotes his general well-being. In addition, home health currently provides trained personnel to identify and report changes in his condition. It is this provision of personal care that enables him to stay at home rather than being forced out of the home that he has lived in for 45 years and into a nursing home.

Tomorrow he will no longer be able to receive personal care at home because venipuncture will no longer be a qualifying skill.

Unfortunately, home health agencies across Tennessee and the rest of the Nation are familiar with cases just like this one. Their diseases may be different, but their circumstances are alike.

As a result, I am an original cosponsor of H.R. 2912, the Medicare Venipuncture Fairness Act of 1998, sponsored by the gentleman from West Virginia (Mr. RAHALL). This legislation would secure continued home health services to these beneficiaries. In addition, it would require a study by the U.S. Department of Health and Human Services to document any abuses in the venipuncture benefit and recommend to Congress the appropriate use of venipuncture under the Medicare home health benefit.

Some health care policymakers are concerned that venipuncture coverage has led to abuse of the home health care service. While I remain concerned about the millions of dollars that are being inappropriately spent because of the fraudulent and abusive billing practices of some home health care providers, I feel strongly that the patients are not the ones to be penalized. Individuals and institutions who knowingly defraud the government by submitting improper Medicare claims should be punished. However, it is inexcusable to penalize sick, disabled, elderly people who are innocent victims. I will continue to fight to see that this matter is addressed appropriately while allowing much needed home health services to continue for those who have an undisputed need for this care.

Mr. Speaker, I hope very strongly that the Health Care Financing Administration will revisit this issue. I think they are wrong. In the best interest of America and these people that need this service so badly, that they revisit it and extend the time and let these people get the care that they badly need at home.

FURTHER TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I come to this floor today to pay homage to a great man, a great Californian and a great American, my colleague, my friend, the Honorable RONALD V. DELLUMS.

The gentleman from California (Mr. DELLUMS) has served 31 years in public life, the last 27 in the U.S. House of Representatives, with distinction and honor. When he came to this House 37 years ago in 1971, he wore bell bottom pants and an afro perhaps larger in scale than the dome of this Capitol. Not surprisingly, he was immediately labeled as an untrustworthy radical and militant, the victim of stereotypes to which African Americans have long been accustomed. But he was here to represent his East San Francisco Bay area constituents, whose commitment to a full employment economy, equality, civil rights, quality education and peace with justice has been and remained steadfast throughout his career.

What those who stereotyped him failed to recognize was that they would be dealing with a distinguished, principled, educated man who diligently and strategically worked to understand the rules and customs of this House and to learn how to work within the construct of this House. Through his work and example, we who are new Members learned many lessons from RON DELLUMS. Policy development and lawmaking is a marathon, not a sprint. To be successful, we must be prepared to meet those who hold different points of view than our own and meet them on their own terms, carefully listening to their arguments, and struggle to find common ground and mutuality of interest.

In offering this advice, he never told us what we should do, but instead suggested what he would do. He taught us to plan and prepare, to thoroughly understand the nuts and bolts of an issue. And finally, he said, never forget the people who sent you here, the constituents who invested in us the power to represent them. They are the reason we are here.

Congressman RON DELLUMS is revered on both sides of this aisle because of his integrity and his commitment to progressive ideas. He was always on the cutting edge of the issues. California will miss him in the ninth district, but the State has been enriched by RON DELLUMS. While he towers above most of us physically, this attribute is matched by his intellect, faith in the process and optimism for peaceful resolution of conflict.

Mr. Speaker, I came to Congress during the midterm of the 104th Congress, having won a special election. My path to Congress did not provide me the opportunity to bond with the Members of my class during the heady days which normally follow a general election victory. I did not have orientation for Members-elect, as is the practice of getting acquainted with your colleagues before sitting for a new Congress. Nevertheless, RON DELLUMS' gentle smile, kind words and unreserved support, willingness to listen without prejudice and accessibility qualities have contributed to my development as a Member and my ability to better represent the constituents of my California's 37th Congressional District.

Congressman RON DELLUMS' intellect, keen grasp of the issues, knowledge of the process and impeccable style are attributes to the people of California's Bay area, the United States House of Representatives and the Nation which will mostly miss him. And while we will miss him, we all recognize that life goes on, and the only constant in life is change.

□ 1930

RON DELLUMS' contributions to this House, indeed his greatest legacy, will be that he used his service in Congress as an instrument for change in the pursuit of jobs, peace and justice.

I wish him the very best as he pursues his future endeavors and wish to convey my thanks as a colleague, a friend, and an American to his family for their sacrifice and generosity in sharing this unique man with us. And I thank my brother, the honorable RONALD V. DELLUMS, for his friendship and his unreserved brotherly support on my behalf.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Speaker, I have neither the eloquence or the thoughtfulness to find the right words to express my feelings for my colleague, RON DELLUMS, who is leaving this House this week. How does one say "thank you" to someone who has had their phones tapped, who has been subjected to experiences in committee, on the floor, that we could not now imagine as Members of Congress?

About 15 years ago, when I was not involved in Federal politics at all, to the extent I had any involvement in politics it was at the local or State level, most of my time was being spent making a living learning how to practice law, someone invited me to attend in Washington a Congressional Black Caucus weekend. It was at that weekend that RON DELLUMS was the keynote speaker. He spoke for about 45, 50 minutes, and the entire audience never uttered a peep. It was at that point that I started to admire and respect RON DELLUMS.

Fast forward to 1992 and imagine how it felt to me to be elected to Congress and to have the honor and privilege of serving with this powerful man; to have him come to me and say, I have heard you speak on the floor and I like your passion, when I had admired his passion for so many years; to receive from him constructive suggestions about how to be an effective Member of Congress; to receive from him constructive suggestions about how to express myself on the floor, when I had heard him be one of the few people who could rise on the floor of Congress and actually change opinions of his colleagues during the course of a debate. Those are the things that I am indebted to RON DELLUMS for.

But my respect goes beyond that. My admiration goes beyond that, because RON has been willing to share with people and to spend time with young people. I will never, ever forget eating lunch in one of the House facilities here with my son and a friend of his from his college class. We had almost finished eating when RON entered the dining room, and RON came over and sat down with us as we were about to leave, we thought. And about an hour later he was still mesmerizing these two college students with stories about how he had gotten involved in politics, how he had come to understand the principles and commitment that one has to make to gain the respect and admiration of others, and how he valued the opportunity to serve his constituents and the people of America.

There is nobody in this body that I admire and respect more than I admire and respect RON DELLUMS. I am going to miss him immensely. It has been wonderful over the last several days to hear the tributes that have been made to RON DELLUMS and to learn more and more about this powerful, beautiful man.

I wish him well. I wish him success in everything that he endeavors. I understand the circumstances under which he is leaving this body, and I hope that he will have much success with those circumstances. I just simply want to take this moment to express my respect and admiration for this powerful, powerful man.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from

Texas (Ms. SHEILA JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be able to discuss what I believe is a very important issue and need in this country, and I could first start speaking generally about the value of good health care and how health care touches all Americans, how health care is bipartisan, not a respective race or agenda or region. It really is the desire of all people to have good health care, good and safe and viable and, yes, reasonable health care.

But even as we talk about reasonable health care, I think it is important that that word be put in the context of the right kind of medical professional-patient relationship and interaction. Just a few hours ago there was an extensive debate on the floor of the House regarding attorneys' fees for the White House Task Force on Health. During that debate I indicated that I thought my colleagues were moving in the wrong direction, a punitive direction rather than a helpful direction, and, in fact, the question of who should pay attorneys' fees for a challenge to that task force really begs the question and really took up the time of the American people in the wrong way.

We passed no effective health legislation by that vote. And I voted against it because I thought that it simply missed the point of the House Health Task Force that, in fact, did not conclude with a decision as to which type of health care this whole Nation would buy into, but they did do something very important. They put in the minds of the American people that we had a health system that needed repair and, in fact, all was not well and there were other options that we might look at.

Whether it was universal service or access universally to health care, or whether or not it had to do with physician assisted plans, or whether or not it had to do with the professional health maintenance organizations, which have now about taken over the country, it still raised the debate. And, yes, it talked about the importance of making sure that all aspects of our community, our children, our infants, our senior citizens, our working families had access to health care. And today we find that we do have and still have a broken system.

Many of us can rise to the floor of the House and share personal stories. For example, my father, who suffered from cancer, not unlike many families in America, a senior citizen who, in fact, had been healthy every day of his life and was shocked that there was now something wrong with him. In the family's eyes there was nothing wrong with him. He was ill and we wanted him to be better. But in his mind there was something wrong, and we needed a sensitive and responsive health maintenance organization. I am sorry to say we did not get that.

How many times I have heard from constituents who indicate that it seems like the question of cost was more the priority of their health maintenance organization than it was quality of service and the wellness of the patient.

I do not believe Congress can proceed any further without assessing the need for better health care and good health care. We already have noted that 88 percent of the American public supports a consumer Bill of Rights as it relates to HMOs. Eighty-two percent support tax breaks and grants and subsidies for child care that also has an impact on how our children are cared for and also a better quality of life. But always the health care rises to the level of importance.

The attractiveness of a tobacco settlement focuses on opportunities to improve the health of Americans, to ensure that we diminish the opportunity for Americans to suffer through smoking and the illnesses that come about. But no matter how much we tell Americans to be healthy and to participate in wellness programs, if we have a broken health system, if we have HMOs that are governing and controlling all of the health systems around this Nation with little sensitivity to the importance and the sacredness of the patient-physician relationship, or the patient-professional medical practitioner relationship, then we do not have a system.

So Americans are very interested in this consumer protection Bill of Rights, and I believe we must drive this to the end and it must be passed. And so I call upon my colleagues and the leadership of this House, the Republican leadership, to let us stop dividing along the lines of party when it comes to health care. No one in America goes to their physician and asks for their voting card. They want a good physician. They want the kind of physicians who carefully guided into this world those wonderful septuplets in our Midwest now, as we watch each healthy baby leave the hospital.

Those two young physicians, young women, in fact, might I say, cared enough about those lives and the good health of both the mother and those babies to meticulously and carefully and without any question of cost to proceed to bring and to help as God's creations were being born.

And so it is important that we understand what Americans want. No, they do not want fraud and abuse. But if there had to be a question of whether or not they could readily and carefully and with expertise help bring those septuplets into this world, help them be born, help create a unique time in history, I do not think Americans would want HMOs standing outside the door of that young couple saying, well, you know, you have to make a decision.

□ 1945

The cost is too much to get and to have septuplets. What an outrageous thought. But that is what many Americans are feeling with the kind of HMOs we have in America. Calls being made to corporate institutions by physicians and physicians saying, "No, they cannot have that transplant. How old are they? There is not enough money in their coverage. How old are they?" And as the decision is being deliberated and the arguments are being made long distance, someone, your loved one, is dying. Americans are saying, enough is enough.

I am gratified that we have this opportunity to fix this system, that we have not gone too far. Coming from an area that has the Texas Medical Center and premier hospitals, in particular one that I happen to serve on the advisory committee for prostate cancer, M.D. Anderson, I know that most of the health officials want to do their job efficiently, effectively, with great recognition of cost; and they want to save lives; and they want to go to any length to save lives. We must give them that opportunity. Our HMOs are stifling good health care in America.

Oh, yes, there are some that provide easy access by way of the cost that one pays for an office visit. But, in many instances, the physicians are overloaded, having to match a certain number of visits per day, having to move patients out in a certain period of time, some tell me 15 minutes or less, sort of a factory type sense, being penalized if they take a longer period of time to ask questions of that senior citizen who may have a difficult time communicating, that person who does not speak English, that child who is younger and has a difficult time explaining to the physician and to mommy or daddy where the pain is. I have heard these stories.

My colleague from Tennessee has said that we even have some difficulties in administrative regulations relating to home health care. We find that these agencies are proliferating, but we understand as well that there is a need.

Many of our health needs revolve around home-bound patients who need to be with family and in warm surroundings, as opposed to the possibility of a sterile hospital; and they need these visits from home health care officials. Yet we are creating hassles, if you will, for those businesses to survive, many of them small businesses; and we are creating financial hurdles for them to jump through, so that they cannot have that kind of care.

If I may personalize this again, at the time of the height of my father's illness, he needed around-the-clock, 24-hour care. It was much better for him to be at home than it was for him to stay at a hospital of which there was at that time, very sadly, not much to be done. But yet, we find ourselves in controversy because these kinds of opportunities and choices are being denied.

So I am delighted to be able to support the Democratic Health Task Force proposal for a patient bill of rights, to have been able to work through this and work with the task force as it looked first at child health care. We saw in the last budget fiscal year 1998 $24 billion that was allotted for children's health, to see the numbers of immunization rise and the numbers of preventable diseases that would, in fact, be destructive of our children's health, to see those diseases go down because our children are being immunized.

So we see what can happen when we turn our attention effectively to the whole question of good health care.

What does the patients bill of rights, the access to care, what does it really mean for America? Well, let me tell my colleagues what it means.

And I can simply say that it means a smile on every American's face. It means a comfort level for some daughter who is worried about her elderly mother in another State and where she only has the ability to consult with that mother's medical professionals by telephone and is not really aware of what kind of care that mom is getting or whether or not she is being shortchanged.

It means a choice of plans. We have found that giving consumers choice, allowing them to pick what fits their needs, enhances consumer satisfaction.

So, we, as Democrats, would allow a limited point of service option for employees who were only offered one health plan and that health plan was a closed panel HMO. The health plan, not the employer, would be required to make available another point of service option for those beneficiaries who wanted it. Being released, unshackled, if you will, taking a breath of relief that they would actually be able to express dissatisfaction with their HMO and still have good health care. They are not boxed in.

I just want us to think for a moment. Maybe the American public is not familiar with how far we have come and how low we sunk in health care in America.

Just a year or so ago, we had the drive-by maternity hospitalization. Mothers were being dispatched out of the hospital in 24 hours, and those who had what we call a Caesarian section were cast out in 4 hours. Drive-by deliveries. It took Congressional legislation, working with the Senate, that time Senator Bradley and others, working with the Women's Caucus and many others.

I remember cosponsoring and working on that legislative plan to extend the time that mothers who were delivering their precious baby to be cared for with the right kind of care in the hospital that they were in.

Only those of us who may have firsthand experienced all of the excitement and the doubt and the needs of care of giving birth would be able to fully appreciate, along with, of course, the father and relatives, the need for care.

I heard terrible stories from constituents of their fear and apprehension of that moment of delivery and then the next moment when they barely have had a chance to be able to be cared for, to be able to be stabilized, the baby stabilized and because of their HMO they were dispatched, turned away if you will, out of the hospital.

Have any of my colleagues heard of postpartum depression? Most females will be able to share that with you, a serious condition. Is anyone able to detect that in a 24-hour time period? Well, that is what we had just a short period of time.

What about the story of this daughter whose elderly father was delivered home in a taxicab from a hip replacement surgery to a mobile home in Florida and left at the doorsteps with a walker, no home health care, no training as to how to use the walker, no one to help him use the bathroom facilities, no knowledge of how he would fix his food, because he had to be removed from the hospital because of his HMO?

These are just the tip of the iceberg of the stories that you have heard because cost has been the ultimate decider of health care rather than the care, nurturing and then the eventual wellness of the patient. So choice of plans. Because, "If your HMO cannot provide you with the guidance and necessary physician care, then go somewhere else."

What about the quality and the expansiveness of the providers? We say plans must have a sufficient number, distribution and variety of providers to ensure that all enrollees receive covered services on a timely basis. This way, again, you are not confined or boxed in; and you do not have a sense that you are not able to get the breadth of diversity that one might need.

I would probably give it away if I talked about my admiration for that TV doctor that used to carry the little black bag and visit people in their homes. I would really be dating myself if I said that my first doctor visited us in the home. What a special privilege to be home sick from school, warmed in a bed, and to have your physician travel all the way to your house.

Those were, in fact, the good old days of which we will not return. But I think Americans want the old-fashioned medicine, that their care and their nurturing is the first priority, not some bottom-line figure where someone is arguing that the red ink overcomes the need for the care of your loved one.

So we are looking to have specialty care. Patients with special conditions should have access to providers who have the records and expertise to treat their problems.

Our particular proposal of the patients bill of rights allows those patients with special needs, diabetes, MS, special forms of cancer, to be treated, liver disease, to be treated at the level that they have need. Those who need various specialists with relation to allergies, something very unique and isolated sometimes. But if they suffer from that and their HMO says, no, you cannot go to a specialist, it is not life-threatening, or let me say to them that it may not be life-threatening to someone in corporate America in a cubicle in New York, but certainly I would say to them that it totally damages and takes away the quality of life and the kind of health care that we have come to appreciate.

So that specialty care is something that I frequently heard from constituents, "I have been denied the right to see a specialist. They told me I could not do it. My HMO refused. I could not get a second opinion." You develop a relationship with that physician, and you certainly develop a relationship if you have a chronic illness.

In many instances, chronic is not terminal. But it does mean that they need to be under constant care. They are seriously ill. They require continued care. So we are saying that if that is the case and they require continued care by a specialist, the plan must have a process for selecting a specialist as the primary-care provider and assessing necessary specialty care without impediments.

What that means is that, rather than them going to a general practitioner, who certainly does an enormous job in our community, and I encourage the further training of general practitioners, but if they have such a degree of chronic illnesses that they need a specialist more than they need the general practitioner, they should be able to utilize that as their primary physician, and there should not be, again, the hoops and the wagons and the races that they would have to run to get that done.

I have heard in many cases as we have made progress in the detection of breast cancer and other women-related illnesses that part of the success of that has been early detection. Yet, in many instances, women have not been able to, under the present HMO provisions and what HMOs have been willing to pay for, they have not been able to get OB-GYN services. So it is extremely important and we think it is vital that women have the ability to designate an OB-GYN as a primary-care provider.

Why should that be outside the loop of medical care? Might I say, in this day and time, what a blatant form of discrimination that necessary health care services had to be argued for rather than automatic. How many times we have heard our surgeon generals preach wellness prevention; and, in essence, without a complementary system to be able to provide for that, there is no wellness, there is no care.

□ 2000

So we have a provision that deals with women's protections, and that is extremely important.

Continuity of care. There is nothing more frightening than to have care and to lose it and to need it, and that has come about to many of us because of a change in a plan or a change in a provider's network status. So we thought it was extremely important in our task force to lay out guidelines for the continuation of treatment in these instances, and particular protections for pregnancy, terminal illnesses, and institutionalization.

It is a horrific impact on families when all of a sudden someone loses their job, and they have a child or a loved one who is suffering and has a terminal illness or some other condition that needs constant medical care. What an overwhelming burden on the family.

Already many of us have heard of situations in our community where there are barbecues or fish fries or fire departments and police departments and communities rallying around families who need transplants. I frankly am outraged about that process. Those are particular incidents where there is a great need to be able to have the money, where money is not, and communities rally.

Well, imagine yourself caring for a very ill loved one and you lose your job. How many of us have had the experience of some bad times or hard times come in the midst of the caring for a loved one who needs a great deal of care?

We think it is imperative that there are guidelines that will carry you as a bridge over troubled waters so there is never a point where you come to the flat Earth theory, you get to the edge, and you completely fall off the edge; no hope, no safety net, no ability to carry that care forward. Believe me, my friends, that is not an isolated set of circumstances.

So that is why I am moved to say debates like who is paying the White House health task force attorneys' fees is tomfoolery to a certain extent, when we have Americans who are without good health care, and we have really got to get on the ground working on this consumer protection bill, this patient bill of rights, because as I listened to those who are seeking help from the government to make health care accessible, but the best it can be, these are the kind of hard issues that these providers face every day.

When I say that, the health professionals in our public hospital system, the health professionals in our private hospital system, every day they are dealing with life-or-death issues, questions of how do you pay for health care, how do you utilize Medicaid in the best way it possibly can be used.

So as we balance HMOs, we must also look at making sure that Medicaid is effectively utilized, and that it, too, reaches the necessary patient base that goes without health care if they do not have coverage under Medicaid. Frankly, that is many of our children.

So I would like us to look both at those of the very poor, those who are in need of coverage of Medicaid, as well as those individuals who are operating under HMOs.

Another point that we want to see HMOs improve on is emergency services. Individuals should be assured that if they have an emergency, those services will be serviced by the plan.

Let me give you an example of just some problems that sort of relate to emergency services. It is the question, one, of denial. That means you are not covered. You think it is an emergency, you are driven to the emergency room, but in fact your HMO will not allow that. I guess tragically, unless you come with a bullet wound and unable to speak, that is not always the kind of emergency that occurs.

I heard tell of tragic stories where patients have driven themselves to the emergency room with a near heart attack, needing immediate assistance, and the first thing that the emergency room is forced to ask is, do you have health insurance. Might I say that I have heard of tragedies that have resulted in death because hospital emergency rooms had to be too engaged in finding out whether this patient, who has come into the emergency room, has the necessary health coverage.

Part of that certainly is the way our whole system has been structured. Part of it is the overwhelming fear that HMOs instill in all kinds of health providers, we are not going to pay for this. And in many instances it originally started with good intentions,. The whole idea is to make more cost-effective our managed care system, but in actuality it became the death knell for many who needed good health care.

There is a big debate about research and clinical trials. Not when you go to the National Institutes of Health, and many of our research hospitals. Talk to the community that suffers extensively, any community, from HIV, those both infected and affected. They realize how important clinical trials are and the fact that many people could not participate if they did not have such participation covered or allowed by their health insurance.

So they should be able to engage in clinical trials because that treatment may be the only treatment that is possibly able to cure their tragic illness, and certain approved clinical trials we believe should be allowed under the HMOs. And right now you are more than climbing through hurdles, you are swimming rivers, climbing mountains, and then jumping off and flying like an eagle to even think of getting the approval of an HMO for clinical trials.

We believe that drug formulas, prescription medication, should not be one size fits all. There should be plans that allow beneficiaries to access medication that is not formulary when the medical necessity dictates.

We also think that there should be nondiscrimination against other health care services. We should not be discriminating against our enrollees on a variety of factors, including genetic information, sexual identity and disability.

Very serious point that raises a great deal of consternation is preexisting disease. That has always been a problem, and I believe that the patient bill of rights has to rein in this whole issue of preexisting disease and any bar that it gives to the whole idea of not being able to get good health care.

We want this to be an encompassing package. We want to be able to take away the aura around health care, the fear. In the early stages, or the good old days, as I have mentioned, it was merely the respect that most Americans had for their physicians and the great belief that they did all they could for them, so it was sort of an accepted posture, if you will, where there was sort of this great, great elevation of our physicians.

That is all right, that is voluntary. That came about through competence and trust. Now, however, much of the relationship is out of absolute fear, fear of losing your health insurance, fear of being told you cannot get this surgery, fear of waiting long periods of time for approval to come from some corporate office, some insensitive, nonknowing analyst that has to respond to the HMO's criteria of selection.

This is not an indictment of those professionals who work in the corporate structure. They are guided by the numbers that have come down that they must respond to.

So we want to make sure that we break the aura of fear, devastating fear, and provide health plan information so that you can have and make informed decisions about your health care options and know what is in your plan, and not have pages and pages of small print that someone passes out to you in your corporate mail and you have no knowledge of what you are accepting or rejecting.

Medical records need to be kept confidential, and that has to be a key element of the patient bill of rights. Patients should be able to accept the fact that their medical records are confidential so that they cannot be used against them by their HMOs. Many times there must be that link, that ombudsman, or woman, that you can comfortably go and show your confusion as a consumer of health care and be able to have answers being given to you.

We will not get a health system that works if we act in fear. We will not get one that works if we do not act. We simply will not have the kind of health care that all Americans can be proud of if we do not take a stand on behalf of the millions of patients, far more than the numbers of HMO organizations that dominate our country.

We are told that some States have nothing but HMOs. We have seen our physicians hover in fear because of HMOs. I have had physicians from certain communities, in particular the Indian community, that have acknowledged seemingly the lack of cultural understanding, the needs of their patients, the intrusion of the HMO into the kind of care that they need to give.

The one thing we pride ourselves about here in this country is freedom, freedom of choice, the ability to go where you feel most comfortable; certainly not to do damage to anyone else, not to tread on anyone else's freedom, but certainly the freedom to get what you desire and need.

We think it is important that as we break this aura of fear, that we assure the American public that they have quality health insurance, that the plans are working the way they should, doing what they should, that the caliber of physicians are at the level that they should be, so we support quality assurance, monitoring the HMOs and their service over a period of time. We think it is important to collect data, to be able to see how many success stories, how many cure stories, if we might, what are the surgeries and their success rate. Are we looking at the kind of plans that have the kind of health professionals and hospitals that provide the best care.

I think it is very important that we have HMOs that reflect the community. I have been very much a strong advocate in my own district, in Houston, of encouraging Hispanic and African American physicians, Asian physicians, to organize and serve those inner-city populations, or populations that will be inclined to feel comfortable with the service that these particular physicians are rendering.

Does it limit the service to one community over another? Absolutely not. But what it does say is that these kinds of PPOs in particular give comfort level to the consumer, if you will, and reinforces the key element of good service.

We must also be fiscally responsible, and I think a utilization review. Which our patient bill of rights agrees to, is worth having so that we can review the medical decisions of practitioners. What do they need most? What helps them serve their patients best?

I think it is extremely important that we give the consumer a right to a process of grievance. Patients voice their concerns about the quality of care, and an outside process that allows that matter to be handled even before any court action is necessary. Sometimes these processes need to be done so that they are working internally and without a court structure.

□ 2015

Certainly, we would want to have what I call the antigag and provider incentive plans. Consumers have a right to know all of their treatment options. Again, that goes back to the key element of a sense of confidence, breaking the fear, not having a zip mouth in the physician's office, because I do not want to ask this question. He or she said I only have 15 minutes, and maybe they will cancel my health insurance if I ask too many questions. We need to lay down the options. There should be no bell ringing, to say now your time is up and one certainly cannot be engaged in this decision of wanting to know more treatment options, and that is it. Take it or leave it.

So I believe that it is now time that we have the right kind of HMOs and therefore, it is extremely important that we get off the dime, if you will, and really respond to what Americans are talking about, is an unentangled, caring health system that allows the best and the brightest of our health professionals to do their thing.

As I see my colleague who has joined me who has been a real leader on these issues; in fact, he might be called Mr. Health Care, because it has not just been reforming this HMO revolution. Whenever there is a revolution, we get excited and it is a new toy to play with, but sometimes we have to go in and direct the revolution. But my colleague was there on the Medicare fight when we thought a number of our seniors would be denied care, he was there on the Medicaid fight, and each step of the way we have seen a better system come about.

So for all of those people now hovering in the corner on the patient's Bill of Rights, hold your calmness and listen to what we are saying, that it is of great necessity that we open the doors to patients so that patients might feel that the system works for them.

With that, I would like to say to the gentleman from New Jersey (Mr. PALLONE) let me thank him for organizing this Special Order and allowing me to share with you what I think has to be one of the most important issues that we really need to face in the next 30 to 60 days. Somebody might say this year or over the next 2 years. I think we have a crisis that we have to deal with, and we need to pass the patient Bill of Rights that deals with HMO reform. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I wanted to thank the gentlewoman for being here tonight. I think the gentlewoman is the one that organized this Special Order, but I thank my colleague for saying that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we shared in it.

Mr. PALLONE. Mr. Speaker, I know that the gentlewoman has been on the floor before talking about this issue and many other health issues that the Democrats have tried very hard to bring forth in the House of Representatives.

One of the concerns that I expressed today earlier in the day when there was a resolution that the Republicans brought up with regard to President Clinton's health care task force, and they were criticizing that, and they brought up some procedural matter related to it. I took to the floor at the time because I wanted to express my concern that we not waste our time here in the House of Representatives dealing with procedural matters about who had a task force and who paid for the task force and what happened with the task force, but rather, we spend our time on substantive ways to try to achieve health care reform.

We know that there are about 40 million Americans now that have no health insurance, and we know that there are problems with managed care and with HMOs, quality problems, which the gentlewoman talked about when she talked about the Patient Protection Act and the consumer protections that we all feel should be addressed with regard to HMOs and managed care reform.

All I wanted to say today, and I will say it again this evening, and I am sure both of us are going to be saying it a lot more over the next few months to the Republican leadership, because they control the floor and what measures come up and what bills pass, and let us bring up these health care reform issues, let us bring up the patient Bill of Rights so we can reform managed care and HMOs. The President, when he spoke in his State of the Union address the other night, was very clear that a major priority for him was managed care reform and the patient protection concerns that the gentlewoman talked about. The public overwhelmingly, not only the Congressmen and women in the room, but the public in general overwhelmingly said that that was a high priority for them. But it is not going to come up and be debated on this floor unless the Republican leadership allows that to take place.

One of the concerns I had today, and that is what this chart is, and I am not going to dwell on it, because we talked about it a lot today, but there is a concerted effort now by certain special interests to fight against the Patient Protection Act, to fight against these managed care reforms and not allow them to come forward, to move forward here in the House of Representatives. Today, the National Association of Manufacturers was actually here lobbying Members and telling the Republican leadership and getting them to go along with this idea of fighting against managed care reform.

What we have up here, I will just mention it briefly, this is a blow-up of a memo from the staff person at the Health Insurance Association of America, the for-profit health insurance lobby, and it talks about the Speaker's aides calling up lobbyists to Capitol Hill and giving them marching orders to trash the bill providing consumer protections in HMOs. I think one of the most egregious things that I see where it says here the message we are getting here from House and Senate leadership is that we are in a war and need to start fighting like we are in a war. Well, the reason we are in a war is because we know and the President knows and the Democrats know that people want managed care reform, they want these patient protections, so the war is to fight against that. They are talking about the war because they know that there is so much support for it.

Then later on, I think it is Senator LOTT, who is the majority leader in the Senate, he said that the Senate Republicans need a lot of help from their friends on the outside, and he says that they should get off their butts, I hate to use that expression, and get off their wallets, reference obviously to the need to finance and provide money, if you will, for campaigns and special interest money, if you will, to support those who fight against the health care and the patient protection reforms.

So we have a battle here. I think the gentlewoman and I said the other day that this is going to be a battle. Well, the Republican leadership claims it is a war. Whether it is a battle or a war, I do not know, but we have our work cut out for us.

But I wanted to mention very briefly if I could, there were a group of family and health care advocates, organizations that are in favor of these patient protections and the managed care reform.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. PALLONE. And they sent a letter to Members today, Members of Congress, because they knew that the National Association of Manufacturers was coming down here and lobbying against this managed care reform. So they sent a letter, and this is from Families USA, American Federation of Teachers, United Church of Christ, Women's Legal Defense Fund, AFL-CIO, a number of groups that are involved in this.

They said to the Members in their letter, when these people come that are against these managed care reforms and they come to your office today, why do you not just go through the checklist that we will provide you of what this managed care reform does and ask them whether or not—why these are bad things, why they are against these things. If I could just briefly, I have the other chart here, go through this. I know the gentlewoman mentioned a lot of these things earlier today. But I think it is very interesting to sort of pose the question in that way.

Ms. JACKSON-LEE of Texas. Absolutely. If the gentleman will yield just for a moment, it is interesting, and the checklist is important, that this group would want to go up against 88 percent of the American public that wants a consumer protection bill as it relates to health care. They want a patient Bill of Rights.

So the war is on. I think the clarion call is for the 88 percent of the American public to stand up and say what they want loudly and clearly. I think they can overcome any of those who would want to detract away from what they need, and of course that checklist will be the real test as to whether or not these folks who are opposed to it even know what they are opposed to: Simple, basic assurances, if you will, that we in this country believe that everyone should have access to good health care. I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, the reason I would like to go through it quickly together, if the gentlewoman would like, is because a lot of times I worry that we deal in abstracts. Even when we talk about patient Bill of Rights, I am not sure that the public necessarily understands what we are talking about.

The great thing about debating this issue of managed care reform and the patient Bill of Rights is that when one sees what we are actually talking about, and then one hears the stories about people who do not have these benefits, then the public becomes even more aware of why it is necessary.

The first one says that health care consumers can appeal denials or limitations of care to an external, independent entity. I have had a lot of my constituents, in other words, they seek certain care, they want to stay in the hospital a couple of extra days, they want to see a certain specialist, they want to use a certain kind of equipment for a particular medical procedure, and they are either denied or they are told well, we have to go and it has to be reviewed by a certain party. What we are saying here is that if it is denied or limitations are put on a procedure or access to a doctor, that there has to be some way of externally independently reviewing that decision and overturning it in a quick fashion. Obviously, that is very important.

The second thing is, consumers can see specialists when needed. Again, I think one of the biggest problems with HMOs is the fact that increasingly, the gatekeeper, whoever it is, whether it is the primary care physician or more often some bureaucrat with the insurance company that says that one cannot see a specialist, and people need that type of specialty care, so this is an issue.

The third thing is that women have direct access to OB-GYN services. Another one is the physician decides how long patients stay in the hospital after surgery. That I think is so crucial. We had this with the drive-through deliveries where women were released from the hospital the same day that they had a child; people that had C-sections were allowed to stay only 2 days in the hospital, and the bottom line is that that decision about how long one stays in the hospital at a particular time after surgery, that should be made by the physician, in cooperation with the patient, not by the insurance company.

Health care professionals are not financially rewarded for limiting care. This is the biggest problem that we face. Increasingly, the doctors and the method of payment they receive is dependent on them putting limits on how they care for patients and what kind of care patients receive. How could one possibly have quality health care with those kinds of limitations? It is okay to say, for a doctor to say, okay, this is the number of days that you should have for this particular activity, or this particular surgery, but to have there be a financial incentive for the doctor to do that I think opens the door to abuse, and this is what we keep hearing over and over again is occurring.

Then, consumers can see my provider if the providers in their plan do not meet their needs. Again, in many cases where the HMO does not have the specialist or even does not have certain types of hospital facilities that are covered by the plan, well, if they are not covered by the plan, if someone needs a certain type of care or a certain type of specialization, they should be able to have access to it if the plan does not cover it as part of their network. That is essentially what we are saying.

Then, consumers have access to an independent consumer assistance program to help them choose plans and understand programs. This is the ombudsman concept. What I find more and more is that the average person does not even know what their plan consists of. They do not know what is in it, they do not know what is covered, they do not know what care they are allowed to have, because there is no requirement in many States for any kind of disclosure when one enters into one of these networks, one of these HMOs, and obviously, it would be a good idea to have someone to go to to provide that kind of assistance.

Then we have health plans demonstrate that they have inadequate number mix and distribution of health care providers to meet consumer needs. Consumers get information on plans including how many people drop out of the program each year, amounts of premium dollars spent on medical care and how providers are paid, just basic disclosure. People should know what they are getting into.

Finally, this is just of course the most important aspects, is that doctors, nurses and other health care workers can speak freely to their patients about treatment options and quality problems without retaliation from HMOs, insurance companies, hospitals, and others. I think the gentlewoman mentioned before about the gag rule and how we have to eliminate that as well.

This is what we are talking about. This is not any abstract science here. It is just simple things that I think most people probably think that they are getting until they actually find out that the HMO or the managed care plan does not provide it and has these limitations. We get this out to the American public, people understand this. That is why better than 80 percent of the people support these kinds of managed care reforms.

□ 2030

Ms. JACKSON-LEE. Mr. Speaker, I keep raising the 88 percent, because the gentleman is right. If we get the message out as to the Patient Bill of Rights, it is not even out the way it should be, because, as the gentleman has said, the Republican leadership has not yet seen the wisdom of getting it on the floor of the House.

Can my colleague imagine if the American public saw the value of what we were offering and realized in many instances that they did not have those privileges if they had a crisis or real health need? The good thing about what happens in this country is that as many sick people as we have, we have a lot of well people who pay for health insurance and never have the real opportunity, which is very fortunate, to maybe have a serious illness.

Of course, as we age, there are times when we do have, through age, serious illnesses. But, in fact, these persons who are in their prime of working do not have major illnesses and, therefore, are not even aware that there are limits on the kind of treatment that they might be able to get that maybe someone who has children who are all 10 and 12 did not come through the time when in 24 hours you had to be out.

Just think as we educated individuals how they would want the numbers or the numbers would show 100 percent supporting this. If we emphasized the drama of what occurred today. Leader GEPHARDT indicated a "fly-in" of the friends of our colleagues to swat down any kind of interest in the Patient Bill of Rights. If we could just have the American public see a swarm of bees swarming in to just stop it in its tracks, I would say we would have 120 percent because health is such a sacred part of the quality of life and what we have come to expect in this country.

I cannot imagine why this would not be a bipartisan effort to really run to support the Patient Bill of Rights, because, in doing so, we would be responding to what all of America would want, irrespective of whether or not they are Democrat, Republican, Independent. They clearly want to be able to count on their health plan.

So the gentleman has highlighted several of the major points. I had the opportunity to emphasize some of the other aspects. And it is quite extensive, but it is not redundant, it is not costly, it is certainly recognizing that what we have is a broken system.

We started out with it. It was new. We organized it in a manner that had more of a dominance of the insurance companies as opposed to the health care providers. We see that is wrong; and so we are now going back to fixing, which is a good concept. But the wrong direction. The head is not leading. The tail is leading. I think we need to get it in order so that the health care of this country can be what we would like it to be.

Mr. PALLONE. Mr. Speaker, and I know we only have a couple of minutes left, and I just wanted to say that I know what some of the arguments are that are coming from the opponents. They are saying that it will cost too much. Well, most of these things do not cost anything; and if there is a slight cost from some of them, it is so slight in terms of the benefits that a person is receiving that I think overwhelmingly people would support these patient protections.

The other thing, of course, we hear is that the Democrats, they are trying to move towards national health insurance or socialism. The reason HMOs have become so predominant in the insurance market is basically through the capitalist system. This is not the government. They have actually worked and they have competed and a lot of people have joined them, a majority of people have joined them, but we know that there are times when the system gets out of hand and the government has to step in with some modest restrictions.

These are modest restrictions. That is all we are talking about. This is not major tinkering with the system. HMOs will still be out there, and managed care will still be out there. They can still compete, but we are saying that these basic provisions have to be met to provide some semblance of quality health care.

Mr. Speaker, I yield back to the gentlewoman, because she, in fact, organized this special order this evening. But I thank the gentlewoman for having me participate in it.

Ms. JACKSON-LEE. Mr. Speaker, it was certainly my pleasure. And, as we close, I certainly want to thank the Speaker for this time. I think this was an important discussion on the floor of the House, and I am delighted to have the gentleman from New Jersey join on the kinds of issues that we will be facing. We have a plan. Our task force has a plan. It is certainly appropriate for the leadership to move forward on this issue of good health care.

THE AMERICAN WORKER AT A CROSSROADS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the Majority Leader.

CONGRATULATIONS TO THE CONGREGATION OF GRAAFSCHAP CHRISTIAN REFORMED CHURCH ON THEIR 150TH ANNIVERSARY

Mr. HOEKSTRA. Mr. Speaker, to begin with tonight, I rise today to recognize the congregation of the Graafschap Christian Reformed Church of Graafschap, Michigan, as they celebrate 150 years of service to God, family, and their community.

On April 4, 1847, 14 pioneers left Rotterdam, the Netherlands, with the hope of finding religious freedom and economic opportunity in America. They arrived in New York harbor on May 23 and settled on the south shore of Macatawa beach in Holland, Michigan, on June 20.

The settlers soon founded the Graafschap Christian Reformed Church, dedicating their first log church in 1848. As Graafschap Christian Reformed Church grew in numbers and strengthened her spiritual roots, its vision expanded beyond its own congregation and extended into its community. In the past 150 years, the church has been a strong supporter of Christian education. As a leader in community ministry, the congregation has supported and participated in mission projects around the world.

The past and present members of the Graafschap Christian Reformed Church have had a profound impact on the Holland, Michigan, area. Now with more than 500 members, the church is dedicated to continuing its spiritual mission far into the future.

I would like to extend my thanks to Graafschap Christian Reformed Church for 150 years of service and commitment to God and the community, and offer my congratulations on the celebration of their anniversary. May God continue to bless the congregation and their work in the years to come.

THE AMERICAN WORKER AT A CROSSROADS

Mr. Speaker, I would like now to move on to another topic, a topic that I feel very strongly about and that I have a high degree of interest in. The project is called the American Worker at a Crossroads, because I think we recognize that the American worker is at the heart of our economy. It is not what Congress does, it is not what the President does, it is not what the Federal Reserve does, it is the American worker that is at the heart of our economy and determines whether we will have a thriving economy and whether we will move forward or whether we will move backward.

What is the purpose of the American Worker at a Crossroads project? Very simply, we want to promote the most effective workplace on the planet. We want to develop a system of laws and rules and regulations, an environment where the American worker has the opportunity to thrive and to be successful and to truly develop and contribute with all of their skills.

We want a workplace and a workforce and an economy that provides for the American worker when they assume their responsibilities, that when they step forward and assume their responsibilities that they will have security, that they will have flexibility, and because of the opportunity that is provided and because of their taking advantage or their taking responsibility for their future, they can have prosperity well into the 21st Century.

The process that we are going through as we take a look at developing a strategy is we are stepping back and we are taking a look at where the economy was in 1938, the 40s and 50s, but we have picked 1938 as a classic year because this is when many of the labor laws were originally developed. And we are saying, what was 1938 like and what was the environment and what was the economy like in 1938 and how does that compare to where we were in 1988 and where we are in 1998 and where we expect to be after the year 2000? And as the set of laws and rules and regulations that developed out of the 30s and 40s is that the kind of framework that is going to allow the American worker to be successful in the future?

We are also taking a look at whether the programs and the activities that are currently taking place in the Department of Labor, an agency that has a budget of somewhere in the neighborhood of $35 billion per year, which makes the Department of Labor bigger than all of the expenditures in the State of Michigan, are the expenditures in the Department of Labor helping the American worker to achieve their dream and their vision, or is it a barrier to the American worker to compete in this new environment?

So, under the Results Act, which says we are going to every agency in government, and I have oversight specifically for the Department of Labor, we are asking them to meet the Results Act. Where are they going? How are they going to get there? And how will the Department know whether they got there or not?

Those are some very basic questions that we should be asking of any agency that gets over $30 billion per year.

Also, as we take a look at the future of the American worker, we are going out into America and we are taking a look at the American workplace. In the last 2 months we have had 22 roundtables in five different cities where management and where workers, where academics, where public policy experts, business owners, managers, workers, union members, nonunion members, locally elected officials, have all told us about what is working and what is not working in the private sector, what is working in regards to American labor law and what is not working, where we are facilitating and where we are a barrier.

We have had a great response. We have learned a lot, and I will share a little bit of that with you as we go through the special order tonight, but it has been fascinating. American workers are being successful. They are competing on an international basis; and many of them are doing it very, very successfully.

That is what this project is about. It is about each and every American worker. It is about each and every American who wants to work and to contribute to this country.

It is about the single mom. It is about the young father. It is about the young couple who are saving for their first house or for the middle-aged couple that is facing the task of helping their children go through college. It is about the kids who are in college, the skills that they are going to need to make sure that they can become successful. It is about the young people that are out there that are making the decision as to whether they are going to go to college or whether they are going to go into a trade or technical school, because we need a balance of those occupations filled in this country if we are going to be successful.

This is about the real world. This is not about sitting in Washington and reading documents. This is about going to the actual workplaces, going to the American worker and going to the different communities around this country to find out what is working. This is about trying to connect what Washington is doing to what is going on at the grassroots level.

□ 2045

It is about trying to see whether there is a connect or whether there is a disconnect between Federal labor policy, Federal labor law and what we really need to do to be successful. As we go through this process, I think it will lead to a dialogue about change, about how do we create a more favorable environment for the American worker that recognizes perhaps that the economy of 1998, but more importantly the economy of the year 2000 and beyond, is very, very different than the economy and the society that we had in 1938 and 1948 when many of these laws were first created.

Let us take a look at 1938. What was 1938 like? Remember, this is the era when the Federal Government started to exert a more powerful role in to the relationships between employer and employee. You really cannot judge whether that was good or bad. That was 60 years ago. But let us take a look at 1938 and recognize that many of these laws are still on the books and take a look at 1938, take a look at 1998 and say, would you, is there still a match or have we changed?

In 1938, 20 percent, 20 percent of all American workers were unemployed. Today the national unemployment rate is in the neighborhood of 4 to 5 percent. What kind of workers did we have in 1938? What were the American people doing? The employment picture for America in 1938 reflected that one out of every five, 22 percent of the American workers, were agrarian, worked in agriculture, 78 percent were nonagrarian.

Where are we in 1998? Today we have 2.5 percent of the American work force involved in agriculture, and 97.5 percent of us work in something other than agriculture. What about in manufacturing? Well, man if we lost all these jobs in agriculture, they must have moved into manufacturing. No. In 1938, 33 percent of the nonagrarian population, the nonagrarian work force, 33 percent worked in manufacturing. What is it in 1998? It is 15.4 percent. We went from 33 percent of our work force in 1938 working in manufacturing to today where it is 15.4 percent. Where did they go? Retail is up from 15 percent to 18.1 percent. Services is up from 11.4 percent to 28.8 percent. So we have seen a dramatic increase in services.

Another fast-growing compared to manufacturing or agrarian which went down in employees is the size of government. In 1938, 13.1 percent of all American workers worked in some level of government. In 1998, it is 16.3 percent.

What else is different about 1938 versus 1998? In 1938, the average life expectancy for Americans was 59.7 years. Today it is 75.8 years. Interestingly enough, 70 percent of the Members of the United States Congress were born after 1938. Most of the Members or a good number of the Members in this chamber were born after some of the most significant labor laws were developed in this country. Those laws are still in effect today. In 1938 is when the Fair Labor Standards Act was signed.

Also if you take a look at 1938, there was no television, no computer chip, no personal computer, no e-mail, no nylon, no compact disk, no Home Depot, no Intel, no Wal-Mart, no Microsoft. For some there was also no

Bill Gates. Probably also no telemarketing, which probably would have been a blessing for all of us.

The question now becomes do those changes encourage us to take a look at labor law and say, does it fit or does it need to change? Since American workers are doing different things in different types of occupations, do we really need to take a look at whether the labor laws that were put in place still match these new industries?

What is one of the fastest growing sectors in our economy today? It is the high tech industry. It is about $866 billion per year. It is 50 percent higher than the construction sales. How big is it? It is bigger than the sale of all food products. It is bigger than the automotive industry. The high tech industry is 866 billion; the automotive industry is about 433 billion.

What we need to do, this is what the American worker project is about, is we are stepping back, we are taking a look at American labor law. We are taking a look at the agencies that have oversight over our workers and over the workplace. What we are intending to do as we step back and analyze what we have, where we want to go, we are deciding that we are going to develop a plan and a strategy to create a playing field that is clearly proworker, taking into account what do we need to do to provide security and flexibility, recognizing that workers first have to step up and assume some responsibility themselves, but provide security and flexibility also in a rapidly changing world. How do we make sure that employees today, where rather than the expectation being you are going to be in one job and you are going to be there for 30 years and retire from that firm, you may go through four career changes in your lifetime, in your professional career?

It means that we really need to take a look back and say, how do we prepare or how do we provide and encourage or create a greater opportunity for workers to participate in training, for education to make sure their benefits move with them from one job to the next? How do we allow them to prepare for anticipated technological changes? How do we provide an environment where the American worker can prepare himself or herself to compete in a global economy?

We need to create a proworker agenda because it is the American worker that is the driving force in our economy. We have to create an environment where the American worker has the opportunity to be successful so that as companies choose where they are going to locate their plant, whether they are going to locate it in Michigan or whether they are going to locate it in California, which is the decisions that many times are being made today, but we also know that in a global economy, companies are going to be making the decision as to whether they locate in Michigan or whether they are going to locate in England or whether they are going to locate in China.

We need to make sure that as organizations go through the process of making those decisions that it becomes very difficult for them to come anywhere, to go anywhere else but the USA because we will have the best-skilled workers. We will have the best infrastructure in place. We will have the best learning environment. It is where people will want to work. It is where organizations will want their products and services produced because we will have the most talented work force. We will have labor law in place which allows those workers to be the most productive workers on the planet.

That is what a proworker agenda is about. It is not an agenda that is supporting business. It is not an agenda about supporting unions or bashing businesses or bashing unions. The focus needs to be on the American worker because it is the American worker that each and every day gets up and goes to work and works under the rules and regulations that we have put in place. And we need to make sure that those rules and regulations enable that worker to be the best-trained and the most productive worker in the world.

Let us take a look at some of the other trends that are going on, that have implications for the American worker. What kinds of trends do we see going on? We know that by the year 2000, the American, the population will reach about 270 million people. But we also recognize that the annual growth rate of our population continues to decrease. Back in the early 1900s, we were growing at roughly 1½ percent per year. By the year 2020, 2030, we will be growing at about 6/10 of a percent per year. What this means is that if we want to continue to grow and to expand economic opportunity, we are going to have to work to make sure that our workers can increase their productivity.

A second trend that will have implications for the American work force is that in 1995, we have about 4, 4.1 workers for every person who is over 65. So that means for the people who are between the ages of 25 and 64, we have about 4.1 for every person who is over 65. In 35 years, that ratio will switch. That ratio will move from 4.1 to about 2.3, meaning that there will roughly be 2.3 workers for every person who is over 65.

Obviously as the number of people in the work force versus the number of people who are over 65 creates a number of different challenges. There is an inevitable explosion in the cost of entitlements such as Social Security. The need for greater participation rate of people over 65 in the work force, that is a possibility. Do they want to work after they are 65? Does American labor, does American tax law encourage participation of people over 65 in the work force? Do we provide a neutral situation where there is really no tax advantage or disadvantage to participating in the work force or not participating in the work force? This tells us that perhaps by 2030, we ought to provide tax incentives to encourage seniors to participate in the work force.

Today the situation is much different. I do not know what the answer is, but I believe it is a dialogue that we ought to be having in 1998 rather than in 2025, because the sooner we start discussing this issue, the sooner we can start reaching a consensus on how we want to evolve tax law and American labor law in a way that will enable us to be productive in this country.

What is another trend that we are aware of? I think this is a positive trend. There is going to be a greater diversity in the American population. There will be a decrease in the number of white non-Hispanics from 76 percent of the population to 68 percent. There will be an increase in Orientals from 4 percent to 6 percent of our population. The Hispanic population is projected to grow from 9 percent to 14 percent. This can be a challenge, or it can be an opportunity. But I believe a growing diversity of the Nation's population in the work force is likely to create some very interesting opportunities. We will bring a greater diversity of skills and backgrounds into this country for us to learn and grow from.

What is another trend that we see? A change in the traditional family structure. In 1940, 67 percent of families consisted of a husband who worked and a wife who did not. Only 9 percent of families had two working spouses. By 1995, the man was the sole earner of only 17 percent. So from 1940 to 1995, we went from 67 percent to 17 percent. Two parents working in the family now is the reality for 43 percent of our families.

□ 2100

In 1970, 11 percent of our families with children under 18 were headed by a single parent. By 1996 that number had risen to 27 percent. By the year 2005, women are expected to represent 48 percent of the work force. More than 70 percent of mothers today are in the work force.

It is not a value judgment about whether those statements are right or wrong, good or bad. It is kind of like this is the reality that we have in America in 1998 and we need to take a look at what used to be nontraditional families or work styles or work patterns in the family and does American labor law recognize that kind of reality? Or was it set up to support and reflect the reality that most of the time there was a parent at home. That is not the case today.

Do we provide the flexibility, the opportunity for adults to have flexibility in their job schedules so that they have a greater degree of latitude in making sure that a parent is home with a child, if that is what they choose to do, so that parents can adjust their work schedules perhaps to a greater degree of flexibility in relationship to when their children are at school, when their children are on vacation or perhaps when their children have a day off of school? Do parents have the kind of flexibility to match their work schedules to their children's schedules? Those are some questions that we ought to ask. How do we support a family to make different kinds of choices about how they will support their family?

There is a couple of other interesting trends. This relates to how we work. I mean technology is going gang busters. It is unbelievable what technology is doing in the workplace. I have been out of the private sector for a little over 5 years, and going back and touring different plants and going through different facilities it is amazing that even in 5 short years how much technology has changed work environments and really enhancing the skills and the capabilities of American workers.

What has happened to the cost of telecommunications? They have decreased significantly. What used to cost $9 in 1950, this is a charge for a 3-minute call from New York to the United Kingdom, in 1950 that 3-minute call cost $9. By 1996 we were down in the neighborhood of $3.

But I think even more interesting than the reduction in the cost of telecommunications is the change in processing capability. How many transistors can be packed onto a single microchip? It doubles every 16 or every 18 months. It is expected to reach 125 million by the turn of the century. What that means is the number of transistors packed onto a single Intel microprocessor. In 1971, a little over, roughly 2,000. By 1978, model number 2, we moved up in the area of perhaps 50,000. By 1997, we are approaching 10 million. And they are expecting by the end of the century to reach 125 million. And that has a very huge impact on the workplace. And the amazing thing is they keep packing this stuff onto a transistor while lowering costs.

We would all like to own a Rolls Royce, perhaps. Coming from Michigan, I would prefer to own a car built in Detroit. But if Rolls Royce or anybody who makes a hundred thousand dollar car had applied the same increases in productivity to producing a car that Intel and other chip manufacturers have put into their processing, a hundred thousand dollar car in 1975 today would cost $4.50. The cost of technology is going down, which is enabling us to increase the productivity, the effectiveness of the American workplace and will have a significant impact on the workplace of the future.

Let us talk about some of the places that we have visited. We have gone to a number of high-tech areas. We have been in Seattle, we have been in Silicon Valley, we have been in Dallas and Houston and Atlanta. Twenty-two roundtables. I think we have talked to 187 different people, most of the time in the area where they work, if not specifically in the facility that they work.

One message keeps coming back. We need skilled workers. We need a system that allows our workers to receive training, training, training, training, because the very nature of their jobs continues to evolve. We need an environment where we have skilled people entering into the work force and when they are in the work force they keep enhancing their skills.

Now, some workers may think that that's threatening, but in the workers we talk to it is exhilarating. The ability to take a job and grow it and grow it and grow it rapidly is exciting, because each time they learn and expand their job it is an opportunity to more fully utilize their God given skills.

What numbers do we see? Occupations requiring a Bachelor's Degree or above will average a 25 percent growth, or double the projected growth rate for occupations requiring less education and training. We need more skilled workers: Systems analysts, computer engineers. These are the third and fourth fastest growing occupations from 1994 to 2005. We need systems analysts; we need computer engineers. This is a fast growing industry. There are great opportunities.

This is also a kind of an interesting thing. When we are talking about software and we talk about the nature of competition, if you are a software engineer, we need you. And if we do not provide skills and opportunity for individuals to get those skills, what happens? We will have software engineers in other parts of the world, because when you are writing software, you are not limited by time or distance. If you write a program in Indonesia, if you write it in China, if you write it in India, you can probably get your product to the office next door faster than I could if I was in the office next door and just kind of walked over. You can get it over.

Remember the cost we talked about in telecommunications? Right now 11 semiconductor companies they had open requisitions for 17,000 employees. Nearly 40 percent of surveyed manufacturers said skill deficiencies prevented them from introducing new technology or enhancing their productivity. Manufacturers are saying we can increase productivity, lower the cost of our products, increase the value of the American worker but we need workers with more skills. Twenty percent of surveyed manufacturers said that they are potentially stopping business expansion because they do not have enough workers with the skills that they need. Eighty-eight percent of surveyed manufacturers reported a shortage of qualified workers in at least one job category.

What have we found in our site visits? We have gone there, we have invited people on the other side of the aisle to participate with us. The Department of Labor has been at all of our events. Remember the opportunity and what we are trying to do is obtain input from individual Americans on how they view their jobs, their companies and their workplace to better understand what is working and what is wasted. All of this with the intent of getting more money back into the pockets of the American worker and developing an American worker agenda; to encourage candid discussions; to make sure that America is globally competitive in the 21st century; to pinpoint and identify innovative practices; to identify emerging trends; to make sure that we can measure those trends versus the restrictions that may be placed on them in labor law; and to obtain an overview of the future.

We have had some wonderful success stories. One of the places we visited, we met with a group of management and union employees dealing with the maritime industry, an industry that has seen its work force decline from 30,000 to 3,000. They are going to come back to us with a proposal and say, you know, some of the labor law and some of the Federal restrictions, some of the problems were self-inflicted but some of it was the result of American labor law. We are going to come back to you with a recommendation from labor and from management on how we might modify that labor law because we would like to get those jobs back in America.

We have gone to a job training site and we have heard success stories about people who have gone through this. A welfare mom, for 13 years, tried to get into an apprenticeship program, constantly excluded. Finally got into another job apprenticeship program. She is 33. She is off of welfare. She has bought her own home, has her child enrolled in a private school. She is now living the American dream. She got the skills that were required, moved into a job, bought a home and is helping her child now get an education.

Here is an example one of the corporations we visited and one of the colleges that we visited. There is a lot of good stuff going on in America's community colleges. But this community college said before we do anything to give them, our students, advanced skills or college level skills, 60 percent of our students who are coming in are not ready for college level work. Think about this. How can we be globally competitive if 60 percent of our students who are entering community college do not have the basic skills to do college work?

The constant theme we get is the shortage of workers. Another success story. A small waste management, wastewater management plant, an excellent story of union and management coming together creating an innovative work environment, a team environment. We hear about participation, teaming, blurring the lines between management and employees to focus on the success of the corporation. Employee involvement. The result? The gain sharing plan. Because of this team effort between union personnel and management, $2,000 in the pocket of each worker in 1996.

Another thing people are talking about, different work styles. Telecommuting. People working from their home because of the change in technology. The need for flatter, more flexible work environments. The nature of work in many industries is changing and management and workers are recognizing that they need to work together to be successful in a global economy.

Another community college that we visited talks about in their program they formed a partnership. Key word: Partnership, teams. Whether it is between business and college, whether it is between management and workers, whether it is between unions and management, the marriage of labor and education is their theme, recognizing that the skills that they teach within their community colleges have to be directly translated and transferable into a job.

□ 2115

Talk about rapid change. We visited with a company, a high-tech company. Their planning year, they talk about a web year. I did not know what a web year was. They told me, "Well, our planning horizon is about 90 days." I said, "That is kind of short-sighted. Why do you not plan longer?"

In their industry they have as much change going on in 90 days as perhaps other people have going on in a year. As a matter of fact, this company, this high-tech company, 80 percent of their product volume in 1998 will come from products that were introduced in the last 3 months of 1997.

Talk about a rate of change. Think about this: 80 percent of your product volume comes from products that were introduced in the last 3 months of 1997.

And you say, it must be a small start-up company. Wrong. They have 15,000 employees, 15,000 employees, who now recognize that they have to compete in four areas. They have to be the most advanced and most skilled in technology. They have to be very good at marketing. They have got to keep their costs down. And they have got to develop an organizational capability. Because not only do they have to get it right, but they have to do it over and over and over again because of the shortness of the life cycles in the products that they are dealing with.

Does American labor law recognize this kind of environment when we go back to 1938 and it took, like, five and a half days to build a car? Today, General Motors can build a car in 26 hours; and a company like this recognizes that they have to produce new products because, next year, 80 percent of that volume will come from the products that they just introduced and they have the future of 15,000 employees in their hands.

Another corporation talked to us about areas of low unemployment. They have new challenges. Drugs in the workplace. We need to address and solve the drug problem. Workers who enter the workforce with a drug problem are not fulfilling their key responsibilities to their employer when they have this problem.

Workers need more flexibility. Different family styles, two parents working, they need more flexibility to be able to support their children at home.

What does that mean? That is something we are going to have to debate and work through. Every place that I have gone to has had a low unemployment rate. They take a look at our Federal programs and they say, have you got training programs for this and for that, training programs for this group? It is not what we need. We need the opportunity at a local level to address the workers' skill issue, that for those communities that have low unemployment the issue of training workers is very different.

When we have got 4 percent unemployment, the type of work, the type of skills and the type of effort we need to bring to those 4 percent in the workforce may be very different than if we are in an area that has 8 or 10 percent unemployment, may be very different in an area where we just had a major manufacturer leave and we are trying to retrain the workers that were in this business and attract new businesses.

It is a very complex economy that we work in, and we need to design flexibility within our programs so that the leaders at the local level can identify the problems and the opportunities that they have, and we have to recognize that they are best able to identify what they need to do about that.

Again, we have seen wonderful examples. Sometimes they say we are not maximizing what we can do because we have got so many rules and regulations coming from Washington.

A lot of talk about alternative work styles. What I am talking about here is we have got full-time permanent employees, we have got part-time permanent employees, we have got temporary workers, we have got contract employees, we have got leased employees. There are all kinds of different work arrangements. Should Federal labor law reward one or recognize one as being better than others?

Some of the highest paid workers in the high-tech industry love being contract employees or love being independent contractors. They love being independent workers who maybe work from their home and go and work for certain companies on a specific project for a specific period of time and then move on to another challenge or do that as perhaps they are developing a business. Is that better or worse than being a full-time permanent employee? Current labor law would lead us to believe that one is better than another. I am not sure that is the right case.

We need to recognize that people want different work styles because the type of jobs and the type of family structure and the type of challenges that they want and what is important to them may be very different than what they were in 1938 or 1948.

We met with a group of individuals who have disabilities. We have a decreasing rate of population growth. We should do everything we can to enable those people to be fully employed as well. Whether we have high growth rates or whether we have low growth rates, they deserve an opportunity to contribute in our society.

Then why is it that current Medicare and Medicaid assistance provides disincentives for these people to go to work?

One person mentioned that he has the opportunity to do this, to take a $30,000 a year job. If he takes the job, he will lose $29,000 a year attending care assistance.

Maybe there is a better way to do that, a compromise that says, we really want you in the workforce. You want to contribute. We know that this is not a good trade-off for you. As a matter of fact, this trade-off does not work for you, that if you go out and take a job and earn $30,000, the first $29,000 goes to replace what otherwise you would have got from Medicare or Medicaid. How do we fix that? How do we solve that?

It is the best solution for this individual. I think we can reach a compromise that would save taxpayers money.

Why are some of these things happening? It comes back to technology. Technology is opening up a whole new world for individuals with disabilities to contribute. We need to recognize that, and we need to modify American labor law to take that into account.

Finally, we cannot go around America and talk to workers and business without hearing about bureaucracy, red tape, and the Federal Government wasting money. Too often, these companies are burdened with costs placed on them by the Federal Government that add no value.

We have got to recognize that there are American workers and American businesses that are trying to be globally competitive, who each day are going out there; and they are pinching pennies; and they are finding pennies; and they are saving nickels; and they are glad they do it. And when they do it, that money either goes to the employee or it goes back in investment or it goes to a shareholder or goes in lower prices. But that is a positive thing to do when we find waste.

What we are saying with the American working project is saying to the American worker and to American business, help us find that waste in government regulations. How can you save pennies and nickels in Federal rules and regulations that add costs to your business but do not add any value? What would you like to do in your business but cannot because Federal labor laws are in the way?

We need help to identify what works and what is wasted. We need help in identifying where we need to go and how we are going to get there, and we need help from the American worker. We need help because we are developing an agenda for you that will help you be successful, will help you be competitive and will enable you to be the most productive worker on the planet.

When we combine high productivity with high skills and a favorable economic climate, those high-paying jobs will be in America. That is where we want them to be. That is where we need them to be. And, by partnering together, that is where we will be.

My colleague from Pennsylvania (Mr. WELDON) is not here. I was going to yield the last 10 or 15 minutes of this special order to him.

Mr. Speaker, I yield back the balance of my time.

EDUCATION IMPROVEMENT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the Minority Leader.

Mr. OWENS. Mr. Speaker, I also would like to compliment the gentleman from Michigan (Mr. HOEKSTRA), who spoke before me, a fellow member of the Committee on Education and the Workforce. I found his presentation fascinating.

I would certainly like to be a part of discussion on the items that he outlined there and hope that the committee itself officially can take up some of that discussion also. We will all benefit greatly from the kind of macrovision that he brings. And I salute the gentleman.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I would very much look forward to working with my colleague. I realize that it is a complex issue, and I really think that where we are beginning with a macropicture really allows us to go through a learning process in very much a bipartisan way. So thank you very much, and I look forward to working with you.

Mr. OWENS. Mr. Speaker, reclaiming my time, I salute the gentleman; and I congratulate him on his vision. I hope he understands also that a part of what he is talking about cannot be separated from education, what happens in our schools. He did mention the kind of training the workers will have to have, and that is what I want to talk about again tonight.

Education for the next 3 or 4 months is certainly on my agenda; and I hope to put it on the agenda of most of my colleagues, especially those who are on the Committee on Education and the Workforce. I hope that all the Members of Congress will not let the present discussion that has been launched by the President in his State of the Union address, a list of items that he gave there related to education, I hope that that wonderful list will not get lost. I hope that we will not have a fragmentation of the discussions about education to the point where we have all these tiny, separate discussions going on and there is no focus, no unity and no sense of priorities.

I want to hold on to a sense of priorities within that education list that the President offered. Some things are more important than others. One thing is key to everything else. Unless we understand that, I think we are going to lose out in our efforts to improve the schools, those schools that need improvement; and the great majority of American schools do need improvement, some more than others.

In the inner city communities, like the ones in my district and in many other big cities, inner city schools are on the verge of collapse. They have lost their education mission already. There is a ceremony going on where the kids come to school. But, for a number of reasons, education of the kind needed to prepare youngsters for the complex society that we live in is not taking place.

So I really want to focus finally on that. I think that some of the other things I have to say are very much related; but, most of all, I want to keep the drumbeat going for the improvement of education. It must be kept on center stage.

There is a dangerous education emergency in the inner city communities of America where most African-American students attend school, and I want to send that message to my constituents and to other representatives of African-American districts and to the people who live in these districts. We have an emergency which is far greater than anything else that exists in American education.

Other schools are in trouble. There is a need for improvement everywhere. Rural schools and schools where poor children attend are probably in similar difficulties to the schools of the inner city where most African-Americans attend school. But all schools can stand some improvement.

□ 2130

The emergency must be recognized, however, in the African American community, with leaders of the African American community. Members of the Congressional Black Caucus, everybody in a position which has any influence must be made to understand that our schools are falling behind at a more rapid rate every day.

The indicator of the African American education emergency, which has the highest visibility and the most obvious exposure of neglect, is the dangerous and counterproductive condition of school buildings.

I focused on construction, education and infrastructure, because that is most visible. If we cannot deal with that which is most visible and most obvious, then I have no hope that we are going to deal with the more complex in a meaningful and productive way.

There are a lot of people who want to micro-manage the schools and have an answer for every problem that exists in the schools. Most of the people who have all the answers never took a single course in education at any college anywhere or never read a book on education, but every adult in America has ideas on how to improve education.

But it is important that all of us, leaders and laymen, experts in education, et cetera, admit that there is something obvious that has to be corrected before we go forward on any other level. We cannot improve our schools with respect to the ratio of teachers to pupils in the early grades. That is one of the items on President Clinton's list, and I welcome that item, and we all should. It just makes a whole lot of sense. It is supported by a whole lot of research.

It is not the solution to the problem. Automatically children do not learn by being placed in a situation where there are fewer children with one teacher, but it does improve things a great deal.

However, you cannot have a better ratio of students to pupils unless you have more classrooms. You have got to construct more classrooms. You cannot have a situation where the teacher with the lower ratio of pupils to teacher can do anything, if the classroom that she has to teach in is unsafe, if it is poorly lighted. It is counterproductive with respect to education, and you are going to have no result from the initiative to produce more teachers and smaller classes.

There are many other problems which result in a denial of the opportunity to learn to inner-city, rural and poor children all over America. There are other problems, other than construction, other than the physical infrastructure problem. But the physical condition of the schoolhouse itself tells the story of inadequacy with a loud and clear example.

We do not have to go into abstract reasoning. We do not have to go into syllogisms, deductive or any other kind of reasoning. We do not have to use boolean algebra. It is quite obvious when a school is 100 years old; it is quite obvious when a boiler in a school has a coal burning boiler and it is 70 years old. It is quite obvious there is a problem. It is quite obvious if you have coal burning furnaces in schools, you are contributing to a pollution problem that you are teaching children every day in the classroom should be eliminated. Some things are obvious, and, because they are obvious, it is a good place to start.

So I want to start to continue the drum beat today on this theme. But before I do that, I want to talk about two other items that still relate back to the central theme of we have an educational emergency, and the place to begin to deal with that emergency is to deal with school construction and improvement of the infrastructure, to be real about it, to follow through on the President's proposal that we have $5 billion for 5 years, which is totally inadequate, but it is a beginning, to use his initiative; to call upon the President to use the bully pulpit of the White House; to call upon the governors and the mayors in cities and states where they have a surplus now, a budget surplus, to let them take the initiative at the local and state level and deal with this problem of construction and physical infrastructure.

But before I add my new evidence to my argument, the evidence beyond what I stated last week, I do want to take time out to do two things.

One is I want to pay tribute to RONALD DELLUMS. I am very frustrated as one of the admirers of RONALD DELLUMS, my colleague from California, who is resigning from the Congress. I am frustrated because we have had several opportunities to have statements made on the floor on behalf of Mr. DELLUMS, and all of those occasions, the first hour, the second hour, the extra half hour, the extra time made today, all that time has been crowded, and it has been impossible to get the statement in, because so many people from both sides of the aisle have wanted to come forward and praise RONALD DELLUMS.

He is a magnificent human being, he is a magnificent leader, he has been a magnificent Congressman. Certainly whatever RONALD DELLUMS decides to do in the future, he will be a magnificent person in that arena also.

He is leaving the Congress, and his life and record, in my opinion, is a profound statement, and that statement sends a message of inspiration to all ages, including school age students. If I wanted to stay on the theme of education, I could certainly do it in discussing the life of RONALD DELLUMS.

I am by profession a librarian, an educator. As a librarian, I saw how popular biographies were with young people. Probably the section of the library most popular with young people is biographies. The fiction section, of course, is very popular.

Girls, I notice, read a lot of fiction, but girls also read biographies, and boys read a lot of biographies. So, in combination, biography, the study of the life of people, was the most popular section that I saw among young people when I was a librarian. I think it is good that that is so.

I have seen the development of channels on cable television which deal with a lot of biography, the History Channel, the Discovery Channel, the Biography Channel, and I think they are very entertaining and a very good way to pass on knowledge of our history and our culture.

The biography of RONALD DELLUMS is one that fascinates me. In my next career I want to be a writer, I want to write many things of many kinds, but I never was inspired to think of writing somebody's biography until the past few days when I have heard people making statements about RON DELLUMS. I have learned a great deal more about him as a result of these statements and some of his responses to these statements that I never knew before. I had quite a bit that inspired me that I observed on my own, but I have learned so much more.

RON DELLUMS' life is the kind of life you would like to have between the pages of a book on a shelf in a library where young people come in to read. In terms of being a role model for inner-city African American youth, I can think of no better role model than RONALD DELLUMS, an exciting role model. His life has been an adventure, an adventure of ups and downs and taking great risk and getting pretty close to the edge of the precipice in many cases.

He is a man who is an ex-marine, and young men like the whole macho nature of the Marine Corps and what that means, a guy who is a marine. He also in the crowning achievement of his career became the chairman of the Committee on Armed Services. The Committee on Armed Services is responsible for the legislation relating to the defense of the United States, the defense of the free world, the maintenance of some semblance of law and order in the entire world. That is where this marine rose to, the point that he was at at the height of his career.

How fascinating that is. He recently was given a Medal of Honor at the Department of Defense, and that, too, I am sure is an exciting story for many young people.

But we have learned from RON DELLUMS' own mouth that he was like a lot of inner-city youth out there today, on the precipice, walking on the edge of the cliff in many cases.

He was always very bright in high school and was slated to go places, and there was a chance for him to win a scholarship that would have paid for his entire college education, 4 years in college. But according to RON, in his junior year began to slack up and become interested in girls and the kinds of things and pitfalls that many youth fall into, not only in the inner-city but elsewhere, too. But he was very bright, began to take things for granted, slacked off, and he missed off on winning that scholarship that would have paid his way to college, and his parents were very poor. So he had to begin college working. And like a lot of young people out there, it was tough to work and try to go to college, so he dropped out.

There are a lot of dropouts out there, and they ought to know the story of RON DELLUMS. He dropped out. He could have just kept dropping, but he wanted to make something of his life, and he saw military service as an opportunity. This relates to something my colleague was saying before, it was an opportunity to get an education. Go into the military service, and you come out using the provisions of the GI Bill, and you get an education. You can have an education paid for.

That GI Bill was a revolutionary bill in the history of this country. They gave returning veterans an opportunity. They kept it going for quite a long time after that. So RON DELLUMS decided to join the Marines in order, really, his ultimate goal was to go to college and get an education. When he came out of the Marines, he was true to his dream and went to college and got his bachelor's degree.

While he was in the Marines, his experience there is a good example also to hold up to a whole lot of minority youth out there, African American, Hispanic, Asian, who from time to time, and I know, because I have been there, are going to face outright ugly immediate discrimination staring you in the face. Something is going to happen, and it happens all too frequently, that is going to make you seethe and boil, want to hit somebody, or give up.

RON DELLUMS had that kind of experience while he was in the Marine Corps. He had the highest score on a battery of tests that were given in his battalion. He came out with the highest score of all of the members of his battalion. So naturally there was interest in him. When they saw the score, people who were interviewing people for officers school, candidates for officer's school, wanted to interview RON DELLUMS.

Somebody had made a mistake and had not appropriately noted on the statement recommending that he be interviewed that he was not white, and RON was told by his sergeant to go down to the quonset hut where they were interviewing candidates for officer's school, and, of course, he was thrilled and went down and reported. The officer looked up at him and said, you know, what race are you? They noticed that he looked a bit darker than most whites. And they corrected the error, the omission that had been made, and they told him, you know, we thought you were white. I am sorry, we don't need you. I am not sure they said, I am sorry. They said, we don't need you, we can't use you.

That was one of those points in his life where he could have blown up on the spot and done something outrageous and gotten into serious trouble, or he could have crumbled away into a mass of suffering and feeling sorry for himself and hating the world and given up, but he didn't.

That incident, and many others like that, of course, only gave RON greater strength. So he went on, finished the Marine Corps, finished his college career.

RON DELLUMS came to politics in a very strange way. He was not seeking to run for office, he was just known among some young people to be a person of considerable leadership ability, and one day he was sort of tapped when they were considering a person to run for the city council, and he was a person who impressed them most as being most independent and caring the least about the glory or the patronage or spoils that might come with the job. He cared only about the fact that he wanted to speak his mind.

He so impressed the people making the selection that they chose him to run for the city council, and he spent a lot of time trying to run away from that call of the people. But he finally succumbed, and he ran and he won.

A similar call came later on for him to run for Congress against an incumbent in the Democratic primary, and he ran there and came to Congress as an African-American from a predominantly white district. That is the way RON DELLUMS came to Congress.

He came to Congress as an advocate known for his stance on peace, an advocate for peace and the environment. He came as an advocate for those principles that had been enunciated in the Berkeley movement. He came and found a lot of people waiting for him with all kinds of insults and traps.

□ 2145

His office was bugged and his phone was tapped and a number of things happened because RON DELLUMS was considered a great radical. RON DELLUMS came as the advocate for peace and saw that peace and the kind of life that was needed, the kind of resources that were needed to create a just society where people could live in peace and want to live in peace was being blocked by the humongous military budget and the amount of resources and dollars going into the military. So RON DELLUMS did another amazing thing, contradictory, the peace advocate became a member of the Committee on National Security. The Committee on National Security had on it a peace advocate that they did not welcome so much, so he had to endure quite a number of hardships there also.

I could go on and on, but there are a whole lot of things that we could write in a special book just for young people as we often write biographies and shelve them in young adult section and the children's section; there are biographies written particularly for children, particularly for young people, and there are numerous examples of the kinds of problems faced by young people today that would be very inspiring for young people if they were to read them. There are numerous things that also should inspire all of us.

Adults confronted with difficulties should take a page, a few pages from RON DELLUM's book, adults who want nice, tidy lives and see things in straight formulas should understand how this man's life is so admired and has become so productive as a result of dealing with these contradictions.

The advocate of peace who went on to the Committee on National Security. The advocate of peace who stayed on the Committee on National Security long enough to become a chairman of the Committee on National Security. The advocate of peace who would come to the floor and make a presentation reporting what his committee had decided and the votes of his committee, and usually the votes of his committee were overwhelmingly in favor of whatever had been decided and alone in the center would sometimes be the Chairman himself. The Chairman of the Committee on National Security often would have to vote, feel compelled to vote against his own committee's proposals on the floor. The authorizing legislation for defense often received a no vote from RON DELLUMS.

RON DELLUMS set us free. Those of us who always saw the military budget and the discussion of military strategy and security of the Nation as being off limits to laymen and felt we were sort of dependent on the experts, RON became an expert, an expert with the point of view of a man of peace. RON could explain the military budget in as graphic detail as any person in America. RON could discuss military strategy with the same kind of precision and sense of vision and understanding of what had to happen, what resources had to be matched with what forces, et cetera, in order to guarantee that America was prepared to defend itself. RON DELLUMS set us free and made it clear that a person who was a proponent of peace and a person who wanted to cut the military budget in order to create more resources for the education budget or for health care or for child care, that person was not unpatriotic. He sat there and talked about the defense of America first and talked about national security in terms which did not require a lot of wasteful spending that gobbled up and devoured resources that could go somewhere else.

RON DELLUMS set us free to understand the *Trident* submarine and many other kinds of submarines and the warheads on the submarines versus the warheads on the land base, versus the warheads of the air, and when we put it all together in terms of being able to defend ourselves against anyone, and how when we start adding to that we were just adding more expensive weapons that added nothing to our defense. He made us understand and set us free from the mystery and the mystique that most people like to bring and surround the whole matter of the military defense of the Nation with. RON DELLUMS was the kind of person who could come on this floor and actually change the minds of his colleagues. There are not many Congressmen who can do that. I have seen it happen over and over again. We make wonderful speeches on the floor, but we seldom change the minds of our colleagues. RON DELLUMS had the capacity.

Some people have said, some people that believe in democracy, who are not cynical about democracy, have said that the Representatives and Members of Congress are the tribunes of the people in our democracy, they are the tribunes. If we are tribunes, then RON DELLUMS was a tribune for the Members of Congress. He would summon us to do things that we normally might not have done. He could provide leadership and he could change minds and he could make those who disagreed with him always respect him.

In summary, I would say that in one single body RON DELLUMS carries the capacity for great passion as well as great wisdom. He was a person who felt—he is, this is not his eulogy, he still lives. He is a person that cares about whatever he undertakes with a great deal of intensity. He cares and lives with a great deal of intensity. But he also has a great deal of wisdom behind that intensity. I can think of no more noble mixture to describe and that I think all human beings should aspire to, the mixture of great passion and great wisdom, and that is the kind of person that we have been saluting for the last 3 days here in Congress. He deserves all the accolades that he has received and many more. RON DELLUMS is a model for all Congressmen and Congresswomen.

RON DELLUMS cared about education and he made a great sacrifice when he left the arena of education and social service. He was a trained social worker. He left that arena to go on to the Committee on National Security because there was no one else to go from the peace movement. There was no one who had the peace perspective who was willing to go, so he was a social worker, he was very much concerned about education. He wrote, authored several bills related to education as well as to health care and some other items not related to defense, and he would certainly agree with the kind of proposals that I have been making here related to our education agenda for 1998.

Before I go back to that agenda directly, there is one other item that I want to also mention, and that is the fact that tonight, I came here from an exhibit called the African-American Odyssey. The African-American Odyssey is an exhibit across the street in the Library of Congress. It opened tonight and will be running for quite some time, about just that, the African-American Odyssey from the time the first slaves were brought into this Nation to the Civil War, and—not the Civil War, civil rights movement, past the Civil War to the civil rights movement. I think it is an exhibit that everybody in Washington ought to take a few moments to go over and take a look at. I think it relates very much to the President's initiative on race.

The President's initiative on race is one of his farsighted initiatives where he deliberately started a discussion of race and the implications of race relations in this Nation before there was a crisis and before there was a crisis, he wanted some basic items put on the table, he wanted Americans from all walks of life and all ethnic and racial groups to talk about race, talk about relations between groups, and I think that this African-American Odyssey exhibition and items like this have a major role in this discussion.

What has been absent in the discussion on race, the President's initiative so far, is a set of facts, pieces of history that everybody agrees to and understands on a just simple, factual basis. So much is not known about slavery, so much is not known about one of these raises that evolved from this discussion. Perhaps the race that is at the center of all of these discussions are African-Americans. Our relations with others, our relations certainly with the majority population is the most complex one. It has the most tangled roots, the roots are more tangled than any others in terms of history.

There are many reasons why this discussion of race has to deal first of all and most of all with African-Americans and their experience here and their experience in relation to the majority, the white Americans who are in the majority. So we need to, in this effort, and I would strongly recommend this to the President, I will do it in writing soon, we need to have a grounding, a scholarly grounding as we go forward in these discussions now and for the future.

The future may be 10 years, it may be 20 years. Nobody expects to solve any profound problems related to race as a result of initiating these discussions. It is where they have directed us, it is a sense of where we can go with these discussions that is most important.

So I would urge the President to commission a group of Nobel Prize winners from all over the world. Maybe 10 Nobel Prize winners who would be charged with the job of laying out a study of the history of slavery and race relations starting back to the beginning of mankind and bring it right up to the rape of Africa where large levels of human beings for the first time were uprooted and hauled away. They were not involved in a war where it was a result of a war and losing a war; they became slaves. They were not involved in a situation where the conqueror, despite the fact that he was in power, respected them as human beings. They were not involved in a situation like the Romans and the Greeks where the Romans chose to learn a great deal from the Greeks, although they had the power to enslave them; they were involved in a situation where because of the fact that basically the European nations were Christian, they had to justify what they did by reducing these slaves to a category of being subhuman. The rape of Africa, the Atlantic slave trade and the fact that so many were transported across the Atlantic in subhuman conditions and the fact of exactly how many. If we try to find out exactly how many or anything close to a reasonable discussion of how many, and we read the books that are written and find that they are ridiculous. We cannot find anything which really has substance on some of these fundamental issues like exactly how many people were on the continent of Africa, not exactly, but approximately how many people were on the continent of Africa when the slave trade began.

If we took a certain percentage out of Africa, what did that percentage look like? If we had the same ratio in today's population terms, what percentage of Africans were hauled away and what would the numbers be like if they were percentages of populations that exist now, so we would have a better idea of what terrible thing was done to a continent, black Africa, part of a continent.

I would like to see scholars who are more or less objective, who have been cited as being great scholars by Nobel Prize, the Nobel Prize process; I would like to see them be given the charge of assembling a body of people, other scholars and historians and sociologists like Gunnar Myrdal, the Swedish scholar did a study called the American Dilemma. He did it on one person and it had a lot of value at that time. There is a great deal of value having someone who is not immersed in the situation take part in a process of really trying to lay out all of the problems and having us look at the facts, the history surrounding the problems.

□ 2200

I do not think the government should pay for this. I do not think we should get into government paying for it, because it will lead to a whole series of restrictions and political decision-making about the results and the final product that would probably jeopardize the whole project.

I think foundations, and we have many rich foundations in this country and throughout the world. We do not talk much about the fact that there are a lot of big foundations in a few other countries, but certainly in this country foundations could pay whatever had to be paid to support this process. They could finance it.

So if we have a combination of top scholars recognized all over the world, being able to buy the best expertise available, they could pay for a staff of historians, anthropologists, sociologists, and write a total history. It may be encyclopedic and be quite long and take 5 or 10 years, but write a history that more or less every civilized human being everywhere in the world could respect because of the process that produced it.

From that history we could make some deductions. We could begin to see the truth. We could see a little part of that truth by going to visit this exhibit that I just mentioned.

It is a beginning of opening the eyes of a lot of people who take for granted a lot of myths about slavery and the process of slavery, the process of arriving to the point where a Civil War had to be fought, the role of the abolitionists. There are a lot of young black men who ought to know the role of the white abolitionists and other whites, including the white soldiers who gave their lives on the battlefields in the process of setting them free, of setting their ancestors free, and of standing for the principle that all men are created equal at a time that they could not do it for themselves.

That is one thing ought to bring us together and lessen the animosity among young blacks who feel that they have been victimized, is understanding the history that the whole flame of freedom and the whole insistence that every man is created equal.

What we see in the movie, "Amistad," the principle that John Quincy Adams sets forth, it was not self-evident at all because a great deal of propaganda and a great deal of rationalization, including bringing the Bible in and the myth of Ham, and Ham being cursed by Noah and told that his descendants had to serve everybody else. All of those myths can be laid to rest if we had a really factual history of slavery from the beginning, a history of the freedom struggle here in this Nation that began with whites insisting that the institution of slavery was an evil institution.

The African-American Odyssey talks about that. It is a presentation at the Library of Congress which will have parts that will go on line. We can get it on the Internet. There are certain parts of this African-American Odyssey that will go into any school, college, library anywhere in the country because they have put it on line and we can get it from the Internet.

The Library of Congress is proud to announce it. This is paid for by gifts from Anheuser-Busch, the Philip Morris Company, Citibank, Fannie Mae Foundation, Home Box Office, James Madison Council, Library of Congress. In addition, a major gift from Citicorp Foundation to the National Digital Library of the Library of Congress allows this 5-year effort to transmit portions of the African-American Odyssey and some related rare and unique items from the Library's vast African-American collections to the classrooms, libraries, and community centers on the Internet electronically.

I think that if we interject this profound note into the discussions that are going on as a result of the President's initiative on race, it will lift up the discussions to new levels. I am not criticizing what has happened before. There are a lot of important things happening in small ways.

By the way, on the Internet there is a site called Promising Practices, and on that site one can find out what is being done in the race initiative, the President's initiative on race.

They also have a section which, from day to day, lists the kinds of activities that are going on related to the initiative; and another section called Promising Practices, which delineates results that have been reported, the kinds of things they recommend all over the country.

So this discussion of race and this understanding of race relations is not unrelated to my discussion of education in general.

Because I am now going to conclude by discussing the collapse of the school system in New York City literally. School construction, the dangerous nature of going to school in New York right now, February, 1998, and how the danger has mushroomed and why we are in a state of paralysis because people making decisions in New York City are not the same people whose kids are in those schools.

There is a difference in race. There is an element of racism combined with incompetence and bureaucracy that make its impossible to move forward on providing a decent place to study for the schoolchildren in New York City.

Even when the money is available, the evidence is that they cannot move. Nobody has a sense of urgency. There are not enough people in leadership who really care, so millions of dollars are sitting there waiting for something as simple and obvious as a conversion of a coal-burning furnace to a gas-burning furnace which does not pollute.

Mr. Speaker, we have 300 schools that have coal-burning furnaces. Of the 1,100 schools in New York, 300 have coal-burning furnaces. That is the statistic given to me. Some say 274, some say 284.

Mr. Speaker, would the gentleman from Maryland (Mr. CUMMINGS) like to speak? I would be happy to yield to the gentleman.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman from New York very much for yielding.

I want to, first of all, compliment the gentleman. I was listening to him a few minutes ago as he talked about education.

I also heard him talk about our distinguished colleague, Congressman RON DELLUMS; and I just, when I look at the gentleman's career and I look at that of RON DELLUMS' and I look at other congressmen and women who came before I did, it is sort of a sad day to see him go. And I know the gentleman from New York feels the same way.

But as I listen to the gentleman's comments, and I listen to others, there is one element that I wanted to add, tack on to it, and I really appreciate the gentleman giving me this opportunity.

When I was a student at Howard University here in Washington, RON DELLUMS was one of my heroes. We were at Howard protesting all kinds of things, and a lot of us saw government as not something we wanted to get into. We felt that it would be very difficult to go into government and not have to sacrifice our feelings, our concerns and our convictions.

RON DELLUMS was someone who was a hero for us. When we saw this man come into the Congress, a man who stood tall, who refused to bow to anything that was not consistent with his conscience, it made us feel good.

He also, as the gentleman well knows, is a man who is, like the gentleman from New York, consistently pursuing excellence, always standing up for what he believes in, always synchronizing his conduct with his conscience.

So, Mr. Speaker, I just wanted to take this moment to not only compliment the gentleman from New York for all that he has been doing, and he has been certainly a tremendous leader in the area of education. I have long followed his career, and I want to thank the gentleman for constantly pounding the podium, constantly standing up for children and constantly making the case known about African-American people as they struggle through very difficult times.

I was pleased to hear the gentleman talk about the exhibit, because that is very important, too. As was said a little bit earlier, we have to make sure that all Americans know the story of African-Americans and know the story of all the people and what part they played in creating this country.

So I take this moment not only to salute RON DELLUMS, but I also salute the gentleman from New York.

I thank the gentleman for yielding.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks and would like to certainly say that RON DELLUMS used to frequent special orders when he first came to Congress and was first frustrated. He spoke repeatedly about defense issues, Armed Services issues. The things that he was not allowed to say in the committee and could not get time to say on the floor, he came to say them in special orders.

So I am here because I am inspired by his record; and I hope that, on the matter of education, we will achieve the same results so that somewhere down the line we are going to make a breakthrough to the conscience of Americans and they will understand as much about the fact that education is the number one national security issue as we now understand about certain more obvious defense issues.

I thank the gentleman from Maryland (Mr. CUMMINGS).

Mr. Speaker, I think it is important to note that it is not only a national security issue, what happens with education. As my colleague, my Republican colleague, was talking about before, the workforce is going to be determined by the quality of education that we produce today. The workforce of tomorrow will be determined by that effort now.

It also is important for us to understand that we are subjecting our children to conditions. And I say we because, regardless of where you live, you may have a suburban school which is perfect, but if you are a decision maker here in Congress then you are part of the problem, too. Any Congressman who does not wake up to the fact that we have an education emergency in our inner-city communities, that emergency begins with something as basic as buildings, as basic as bricks falling from school buildings and striking children.

I talked about Yanahan Zhao last week. Just a week ago last Wednesday, I talked about Yanahan Zhao who was killed after bricks fell from a scaffolding that was being repaired by careless contractors who allowed that to happen.

I talked last week about East New York Transit Technical High School.

That is a high school building where the back wall, the whole wall, a wall that weighs 10 tons and was 500 square feet collapsed into the school yard. And the only reason large numbers of children were not injured or maybe killed was that the wall collapsed on Martin Luther King's birthday when school was out. It was a holiday.

I talked about that was only the beginning. I gave some examples from across the country where other kinds of accidents are happening that are endangering children and teachers in schools, and I invited all of my colleagues to begin the process of collecting examples of mishaps that have endangered children or injured children or certainly that have taken the lives of children.

There are many that never get reported. There are many that may get reported in the local paper and we may never know about nationally, but I think we do ourselves a great favor. It would be very useful for all of us to start collecting examples of where we fail children in the most basic way.

We can debate a long time about whether we are teaching them reading properly. There is a great debate whether we should use the whole word method or phonics. There are debates about the importance of technology versus the importance of fewer teachers. There are all kinds of debates raging around instruction and pedagogy which will not be settled easily.

But, Mr. Speaker, we can see a building where the ceiling has fallen in many classrooms. We can see the walls on the top floors of many schools. We can look at the age of many schools that are 100 years old and know the problems they are going to have.

We know they have lead pipes in the plumbing and that if the children are drinking water and the pipes have not been changed and they have lead pipes, that may be a danger.

We know if they have been built in the last 50 years that they have large amounts of asbestos in the walls for various purposes, not just the roof but also in the insulation.

We know certain things are directly related to the age of a building, and we know that certain buildings cannot be wired with new technology because the facts are the wires will not take it. We know these things are happening.

So let us document it for ourselves. Let us document it for all of those who do not believe it.

The sight in New York is more obvious. We have The New York Times, which goes all over the country, which reports the most dramatic local news when children are killed by bricks falling; and the New York Times, along with other local papers, reports another incident that took place this Monday. Those who are skeptics and do not believe it, listen: Seventy-five children, three teachers and a custodian were stricken with nausea, dizziness and headaches; and 1,250 people were evacuated as carbon monoxide and other poisonous gases from a 70-year-old coal-fired furnace drifted through an elementary school in Queens.

□ 2215

This is a report from the New York Times dated yesterday, February 3. Seventy-five children, three teachers and a custodian stricken. Every child was traumatized. They had to be marched out of the school. There were ambulances and fire trucks. Every child experienced that, I assure you; whether they vomited or fainted or were clutching their throbbing heads and churning stomachs or not, they still were affected in a very negative way by this experience. So it is impacting everybody.

The cause of the fumes were still under investigation on Monday night, but the board of education suspected human error. On the morning of chaos that raised questions about the safety of coal-fired furnaces in the city's schools and about funding and priorities and rehabilitating an aging, often crumbling school system, the pupils of PS 127 and its staff of 100 were evacuated twice. First they had a terrible smell that took the kids out, but it did not smell bad enough and it was not obvious enough, so they took them back in. But on the second time when they came out, there were ambulances and fire trucks, and many had to be treated at a hospital.

I talked about Yanahan Zhao as one of those heroes that we do not want to see repeated. We do not want to see any more children killed as Yanahan Zhao was killed. I do not want to see any other kid like Jodyann Sibbles, 10 years old, a fifth-grader who said that the school smelled like rotten eggs, or any of her colleagues who found themselves, her fellow students who found themselves vomiting. Francine Johnson who stood with her daughter Yolanda, I do not want to see children like that who think that they might have been killed. Her mother said maybe she was overreacting, but carbon monoxide can kill you.

I do not want do see children subjected to bureaucracies of the kind that has appeared in today's paper where you have officials of the board of education using very strange language. If you want to know exactly what I am talking about, listen closely to these statements. The officials say that the incident was the result of human error and not caused by the age of the furnace or the crack in it that was discovered during the investigation. The furnace is 70 years old and fumes were escaping, and they have some explanation about a new man that was putting the coal in, left a door ajar, and that interfered with the way the fan was blowing the air, et cetera. But during the investigation they discovered that there was a crack in the furnace and they said, no, there is a crack in the furnace, but do not worry about it. That is not the cause. Why would not a crack in the furnace, where the furnace is 70 years old, not be a possible cause?

These same school officials admitted that they had made a mistake last month when they investigated the school heating system, and they put in a request for funding for a heating system upgrade. They did not put in a request for a new boiler. The money is available to replace the coal-burning furnace, the boiler that burns coal. All they put in for was an upgrade of the radiators and the ventilation system, not the boiler.

The spokesman for the board of education says that now they are going to put the school on the list to have a boiler replacement. What reason does she give? Parents are alarmed. It is not that they made a mistake, not that they were callous, it is not that they are guilty of child abuse and neglect, they do not care enough to use the money available in the right way. No, parents are alarmed, and since parents are alarmed, rather than just make repairs, they decided to go ahead and do the full conversion. Almost half of the students stayed home yesterday because the parents felt the school is still not safe despite the fact that it is now open again.

The city council has agreed this year to fund 21 boiler conversions in 279 city schools that are still heated by coal-fueled furnaces. Those numbers continue. Another 63 conversions are being funded with State bond money and board of education funds. Not all the schools have been identified.

The board of education officials say there was no serious health problem at this school, PS 127, as a result of the exposure to carbon monoxide which was three times the acceptable levels on the school's first floor. Seventy-five children, four adults were treated at area hospitals for headaches, nausea and symptoms. The board of education said there was no serious health problem. The air quality returned to normal, they said, with a level of carbon monoxide measurable three parts per million, well below the acceptable level of 34.

It has not been mentioned at any time by any official of the board of education that if a furnace has a crack in it or if there is something wrong with the ventilation system, the employees make mistakes and more carbon monoxide comes up into the school than should come from the basement where the boiler is, that children may be harmed if it happens on a small scale every day, and you cannot detect it because it is not so dramatic and obvious. I would not want to send my child back to that school until the coal-burning furnaces were replaced or something happened to remove that danger.

It is highly probable that if the boilers, all three of them, this is one of three boilers, all are 70 years old, that there is enough carbon monoxide or other pollutants escaping on a small scale every day to cause harm to the health of the children because children are very susceptible to pollutants. They are the most endangered. So if you have that condition, you do not have to talk about three parts per million, well below acceptable levels of 34, if you know seepage is there.

I do not think any member of the school bureaucracy would want their child to go to that school. I do not think any person with any common sense would want their child to continue to go to that school. Yet this is the kind of condition which probably exists in all of the coal-burning schools.

The efficiency of a coal-burning boiler that is 70 years old, and most of them are about that age, is such that you know you have the leakage. Even the most efficient coal-burning boiler is spewing pollutants high into the air which fall back and create other problems like the high rate of asthma in New York City.

Let me just close my argument. These things are happening in a city that has the money to make the repairs and to convert the boilers. There are three sources of money. The school, the City Council of New York City several years ago appropriated $1 billion to start the process of converting the coal-burning furnaces to oil or gas, less polluting substances. They made the money available. The board of education has no explanation as to where the money went.

We had an environmental bond issue at the State level, and part of the money raised from a more than a billion-dollar environmental bond issue was dedicated to the conversion of coal-burning boilers in the schools to updated, more efficient boiler systems. The power authority, the New York power authority, was given money even before that to start the process of converting the boilers in the schools. That money came from a consent decree which showed that one Exxon was not doing some things properly. They had to agree to compensate for it by making a lot of money available for some projects designated, related to energy. So the power authority was given the authority to spend money to convert the boilers. The money is there.

For some reason they say it costs $1.3 million for the conversion of each school heating system; 1.3 million seems like a lot of money to me but I will not quarrel with that at this point. If you divide 1.3 million into the amount of money that has been appropriated, I told you a billion before came from the city council, 28 million came to the school construction authority from the State environmental bond issue in fiscal year 1997, another 50 million in fiscal year 1998, this year, and the power authority had a large amount, several million before that. With all these millions, if you divide them by 1.3, you will find that the number of schools, eight schools, they are working on eight schools, they have not fully converted any, eight schools.

So I close by saying the fact that bureaucrats who do not feel any sense of urgency are in charge of the schools impedes the process of improving the infrastructure even when you have the money. Nothing is more important, and we feel that there is a state of emergency and that we do what is necessary to take control from these bureaucrats and upgrade our school infrastructure as rapidly as possible.

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening I wanted to come before the body tonight and talk a little bit about the freshman Republican class, that group which was elected in 1996 and has now finished 1 year serving here in Congress and is embarking on the second year. I recently became elected President by that body, and tonight is one of those opportunities where I wanted to talk about our agenda and some of the things we are trying to accomplish here in Washington as a new freshman body.

This group is 34 Members strong, and over the 3-month break that we took recently, from which we just returned, the 34 Members of the Republican freshman class endeavored to spread out across the country in our respective districts holding a number of town meetings and visits and so on. I wanted to talk about some that I had occasion to conduct and also those that had been reported back to me, and other Members perhaps will be here.

The 34 Members also have been involved in putting together a number of projects and proposals that we are trying to push through this Congress. One of those which we unveiled just 3 weeks ago entails a Republican freshman tax relief package. It is spearheaded by the gentleman from Pennsylvania (Mr. PITTS), and this package has four basic provisions that I would suggest that the House ought to consider quite seriously, and in fact these proposals are becoming the basis for further discussions of tax relief that are occurring in the Committee on Ways and Means, by the chairman, and being supported with the effort of our Speaker and other Members of leadership.

The first of those provisions is a provision that involves 100 percent deductibility of health care programs or the benefits that small employers provide for their employees. Under today's current tax structure, section 106 of the Internal Revenue Service code, section 106 provides for a 100 percent deductibility of health insurance benefits for large employers, but small employers, the small entrepreneurs, those individuals who provide the majority of jobs and entrepreneurial spirit of our country, have not achieved that parity yet. That has been a long-term stated goal, but at this particular point in time, again taking a look at where the real strength of our economy comes from and where the expected growth is likely to occur, it is quite clear that this benefit, this tax advantage, ought to occur to all entrepreneurs in America, all those who would propose to create economic activity, create opportunity to create jobs in fact for our country.

This second provision of the bill is the elimination of the marriage tax penalty. The notion that families should suffer additional tax burdens simply due to their decision to become married is one that is particularly onerous and seems in many ways to be un-American certainly and really violates our strong regard for the strength of the American family as the most basic central and essential social unit in our Nation. Eliminating the marriage tax penalty is a goal and an objective that we take quite seriously, and we will be pushing for it quite vigorously in the coming months until we achieve success in arriving at moving the legislation forward and eventually putting it on the President's desk.

□ 2230

The third provision is one that involves education. Currently, there are many States throughout the country that are setting up educational accounts where parents are able to prepay college tuition for children. Now, on a State level, and certainly at the Federal level there are significant number of advantages that are companion with that goal and objective, too, but in many cases seems to be isolated.

This provision is one that, in fact, broadens the number of choices of educational institutions that families might choose for their children in setting dollars aside now while their children are very young and allowing these funds to grow in a way that is unmolested by our tax code to that point in time when they would decide to go ahead and go to college and get accepted at the school of their choice. That is an important provision of the overall tax bill that we have moved forward.

The fourth provision is one that really moves us toward our goal of encouraging savings and investment. The Republican Congress last year provided significant advantages for those who do save money and savings on earnings, but the tax on interest earnings still, in our opinion, is prohibitive.

And there is a lot more that this Congress can do to relieve the tax burden on savings and investments and the earnings of those investments in a way that will allow our economy to grow, to encourage more and more people to put more money into savings, and to providing capital for other entrepreneurs and others who are in the business of creating wealth, creating jobs and moving our country forward economically.

Those four provisions outline the proposal that we have put forward and is one that has been warmly received here in Washington but, more importantly, has been warmly received by the taxpayers throughout the country and throughout the districts that are represented by those Members who have put the plan forward and others who have joined us in the effort.

I want to tell my colleagues about some of the things that I had heard over the three months that I traveled throughout my district in the eastern plains of Colorado. There were a number of news stories that occurred over that time period suggesting that, it was some polling data actually, that revealed that young people in America have somehow lost interest in citizenship and the whole concept of their role as citizens in our country.

Here are some articles I brought with me, one from the Washington Times that says that college freshmen have the blahs, survey indicates. Academic civic apathy reached record levels. Student poll finds soaring apathy levels. College freshmen aiming high for marks in income but developing a philosophy of life can wait. This article in The New York Times.

The National Report further highlights this apparent trend that some pollsters seem to have found that young people are interested in other things but not civic virtue in contemplating their roles as actual leaders of our country.

USA Today reports that money, not learning, is freshmen's top goal, a freshman in college. And it talks about how the research again confirms, according to USA Today, that young people are not focusing on their eventual roles as leaders of the country and do not think in patriotic terms.

Los Angeles Times, freshmen get high marks in apathy and so on. And there are several more here too from Boston. Boston Globe, college freshmen called more detached.

I have to tell my colleagues that I found just the opposite in my travels, to the places I went. I spent a lot of time visiting local schools and talking with lots of young people. I want to talk about one person in particular, who I have had a chance to get to know. She lives in Limon, Colorado, which is a small town out in the eastern plains of my State.

Amanda King is her name. She is 16 years old. I had a chance to go visit her school and spoke with a number of her classmates and acquaintances and teachers as well. They are very proud of her. She is one who has been involved very directly in the political process and one who does take her role as citizen quite seriously.

Her goal is to go on to college and, in fact, to learn about government, to learn about political science, and to learn about the political system that allows each and every individual, including individuals her age, to play a meaningful role in moving our country forward. When I asked her what her goals and objectives are, what she wants to do with this degree at some point in time and how she wants to serve the country, she said she just generally wanted to help make government better, to make life in America a little more positive than it is today.

She said that she believes that there are great opportunities for young people to be involved in the political process and to set high standards for themselves and establish ambitious dreams and to achieve them.

I asked her what motivated her in that regard; what gave her the interest and how was she inspired in such a way to think in such terms about her country. She credited her teacher, Mr. Fiedler, who was the 7th grade teacher, at Limon High School. Now, Mr. Fiedler is no longer the 7th grade teacher, he has become the principal. And it is teachers like that, I have met several of them over the course of the several years I have been privileged to serve in public office, to meet individuals like this who have inspired young people, who have found ways to use the lecture forum of their classrooms to talk about our great country, to talk about how academic success in a classroom leads to economic success for the country over time.

Several other places that I visited, a lot of other classrooms that I visited in Fort Collins and Loveland and Greeley, Colorado, out in Sterling and Flagler, in Limon, down in the town of Las Animas, in the southern part of my district in Colorado, had similar experiences with many of these young people. And it was, in fact, refreshing. It was something that suggests that these polls, while they may be true in some quarters and some segments of the country are certainly not true in rural America. Again, indeed it was very gratifying.

People are concerned about taxes, Mr. Speaker. Most of the town meetings that I attended and the people that I spoke with believe that at a point in time when our economy seems to be most productive and our economy seems to be very good, that this is the time we ought to consider not only reforming our prohibitive Tax Code, one that is a confiscatory strategy that, from the regulatory perspective, treats taxpayers as though they are guilty until they prove their innocence, if they are questioned and audited on tax matters, but also, again, in addition to reining in the abuses that seem to occur at the Internal Revenue Service on the enforcement side, was a call for wide scale reform of our income Tax Code.

The graduated system of income tax collection that we have today and income tax assessment is one that punishes hard work and punishes those who seek to achieve more economically in our country. And those who have been confronted with that kind of a tax system for so long are crying for relief and demanding that politicians take them quite seriously and commit themselves to devoting the time and the attention and the energy to reforming the tax system.

As the Speaker knows, we have two prevailing proposals for wholescale reform of the income tax structures, a national consumption tax that has been supported by the other gentleman from Colorado (Mr. DAN SCHAEFER), another SCHAEFER from Colorado, and promoted primarily by the gentleman from Texas (Mr. BILL ARCHER), the Committee on Ways and Means chairman, here in the House; and also a competing version of tax reform pushed primarily by another gentleman from Texas (Mr. DICK ARMEY), our majority leader, and that provision calls for a flat tax. That tax would flatten out the graduated nature of our income Tax Code as we know it today and eventually arrive at one low, flat, fair rate which would treat all taxpayers equally and begin to reward entrepreneurial success, reward investment and so on.

Both tax proposals try to achieve the same thing in that regard, and it is a matter of strategy and tactics as to how we move them forward and which seems to be the most successful in earning overall support here in the Congress and throughout the country.

These discussions ought to take place right now, especially when we have headlines that we have seen about a supposed budget surplus that we are anticipating and expecting. Over the 10-month period from November of 1996 until November of 1997, we actually accumulated an approximately $2.4 billion surplus. This is the first time this has occurred in many years, certainly in the length of time that I have been involved in the political process and following politics. And so the question occurs as to whether this is the right time to strike, while the iron, as they say, is hot.

Sustaining our economic growth seems to me to be the most important thing that we as Americans can do to move toward not only balancing the budget but getting us toward real debt relief. Resolving our question of a mounting Federal national debt is a far bigger problem that looms over us and costs us more than anything else in terms of jobs and in terms of economic growth. Sustaining the level of economic growth that the American taxpayers have been able to achieve and the American entrepreneurs have been able to sustain in spite of poor tax policy that we maintain right now is an objective of a very high order, in my estimation.

The fact of the matter is that the impact of high Federal debt is no different than high Federal taxation. With the debt-based currency that we have in the United States, high debt effectively reduces the value of every single dollar that every American carries around with them today. And manipulating the management of that debt has the ability to effectively tax citizens to higher or lesser degrees, depending on decisions that are made, in many cases, without any scrutiny of elected officials or Members of Congress or people in the White House, for that matter.

But there is a very positive side to strong economic growth that we see right now. I want to share with Members who may be watching, a few comments that appeared in our local papers. There was an article back at the end of December how economic success in America today is filtering its way down to local charities. There was a man named Jerry Langley, who is vice president of a McDonald's corporation, this is in Illinois, and he said he helped soften the tax bite on his investments by donating shares of stocks to selected charities. Now, his business seems to be doing fairly well at the present time and he is finding that his ability to engage in charitable contributions is better now than it has been in some years.

For instance, here is another example. The American Red Cross said that contributions were up 120 percent to that organization over the previous year. And the United Way noted that they had realized a 17 percent growth in gifts of more than $1,000. Don Struke, who was a spokesman for the United Way Foundation, says what we are seeing is definitely an upturn in giving.

Now, I would point out, Mr. Speaker, that when it comes to real humanitarian and compassionate concern that we have and that we express here on the floor of the House from time to time, that this is real charity. When individuals are able to put the fruits of their economic growth, their productivity toward the charities of their choice, a number of things occur. One, is there is no bureaucracy.

When Mr. Langley here makes a contribution directly to the American Red Cross, these dollars are not filtered through Washington, they are not filtered through various State capitals, they are not filtered through various bureaucracies that are involved in the distribution of public funds for government charities. No, these dollars go directly from charitable donor to charitable organization and make their way directly to the individual who is in need, the poor person who is the beneficiary of some of these organizations or those who are confronted with the tragedy in the case of the Red Cross.

It is without question a time in which we are able to help more people with fewer dollars and less government. That ought to be our message that we move forward in this Congress when it comes to how we deal with budget surpluses, how we deal with a huge bureaucracy that still needs to be dealt with, and a strategy toward shrinking the size of Washington's influence in the lives of Americans.

Here is another story. Workers coming off welfare to get job help. Volunteers in a new county program to provide circles of support for 2 years. This is a story out of Larimer County, Colorado. There is a program that has been established by county commissioners at a local level called Larimer County Builds Community, and it will match former recipients of welfare with advocates from local faith-based organizations, service groups, and help these recipients make the transition into sustaining employment.

□ 2245

Now imagine that, Mr. Speaker. Imagine a welfare system that utilizes faith-based and spiritual organizations and charitable groups in a way that is helping people come off of welfare and achieve self-sufficiency.

A strong economy is certainly making this possible. Individual contributions and donations that come directly from these groups and organizations is adding to the momentum that welfare reform has established in the country.

But, more than anything else, the message that the Republican Congress has sent by crafting a responsible welfare reform provision is this, that self-sufficiency makes more sense, it is more rewarding, it is by far a better way to achieve a high degree of human dignity than any more levels of government spending, higher levels of spending, or greater degrees of bureaucratic management of the way in which people live.

This is a great story. This is an American success story. This is a real testimonial to the strength of local governments and local entities getting involved in welfare reform that they were never allowed to do previous to welfare reform coming out of Congress.

By providing that level of freedom and liberty at the local level, we are helping real people get on their feet, helping them re-enter the job market, helping them become self-sufficient, helping them enjoy life in America as Americans ought to be able to. It is a real cause for celebration, not only by those that are associated with welfare programs and with these charities but for the actual individuals themselves who are no longer dependent on bureaucrats, no longer dependent on taxpayer subsidies, no longer are dependent on a welfare system that over the last several years has been so cruel and so heartless.

A strong economy, a compassionate welfare reform program is by far more humanitarian, more charitable, more compassionate than large government and the solutions of big bureaucracy.

"Consumers Are Upbeat" is another news story that many people in my district were talking about. "Consumers were upbeat so much so that it is a high," the article says. This is an Associated Press story that made big news out in Colorado.

> Consumer confidence surged to a 28-year high in December, a milestone for an economy embarking on its eighth year of expansion. Growth is up. People are employed. We are competitive with the rest of the world. What's not to be confident about?

That is again something that we had heard repeated over and over again at our various town meetings and voiced as a strong indicator of why we ought to move forward on further tax relief for our country and do so in a way that will sustain economic growth and allow us to bring down our looming debt that looms over us even today.

Here is another one, Mr. Speaker.

> Today Colorado income studies shows that the poor did better. Did you hear that, that the poor did better? What a strong economy does in a capitalist society like ours is allows those who have been struggling for years and years to move from one income category to another, a final chance to actually achieve that. The average income of Colorado's poorest families increased faster than the average income of the State's richest family over the last decade, a new study says.

Now, this is a national study that focused on every State and highlighted the particular features of this study in all States. But in Colorado, where we have enjoyed wonderful economic growth for a number of years, we have seen that this has not been something that only benefits the rich, as we will sometimes hear the left and the Democrats here in Congress suggest, but a strong, vibrant economy and, in this case, actually raised the income of the poor faster and more conclusively than income levels for the rich.

The average income for the poorest 20 percent of Colorado families increased by $4,050, from $10,280 to $14,330, or a 39-percent increase in income for the poorest 20 percent of Colorado families. Average income for the middle 20 percent increased by $5,150, from $42,650 to $47,800, or a 12-percent increase. And average income for the top 20 percent increased again over this 10-year period by $17,860, from $113,510 to $131,370, or 16 percent.

Again, the wealthiest and middle-income families saw income increases over the last 10 years between 12 and 16 percent, but the poorest 20 percent of our economy in my State realized income growth of 39 percent.

Once again, when we think of how this Government and this Congress can exercise real compassion, can exercise real humanitarianism, can exercise real concern for those that we care most about, our friends and our neighbors, those who are in need, those who face certain unfortunate occasions in their life that make economic participation difficult, the best way to assist those individuals and to be concerned about them is by fighting for a strong economy, by fighting to remove the impediment to economic growth, by fighting to remove the tax disadvantages toward job creation and instead replace them with advantages that motivate and move job creation forward.

In response to all of this, of course, over at the White House they suggested that no tax cuts will be considered, that providing additional tax relief for American families is something that they are not interested in discussing. We suggest that we can expect a vigorous debate and ensuing battle that will take place over whether we ought to continue to tax the American people at high rates, tax American job producers at high rates and continue to force the jobs overseas in a way that does not allow us as a country to achieve the economic progression parity that we ought to, to the degree that we ought to.

Failure by this Government and our Congress to move forward on tax relief and relieving debt will erase stories like this.

It will in the end be cruel to individuals who are today realizing greater income. It will be cruel to those who are presently upbeat and excited about our economic promise. It would be cruel and heartless whether it comes to those who are leaving the welfare roles, finding jobs on their own. It will be cruel to those charities who are finding great economic success because of that certain amount of progress that we have made.

What we need is more economic growth. What we need are lower levels of tax rates. What we need are more provisions in our business laws and regulatory laws that make entrepreneurism more within the grasp of more and more Americans.

People out West are also very concerned, Mr. Speaker, about an executive order that has been put forward by the Clinton administration called the American Heritage Rivers Initiative. This is an initiative that is established by executive order without the consent, without the review of the Congress.

Water in the West is one of the most precious natural resources that we have. If you take my State, Colorado, for example, it is one of two headwater States in the entire country. All of our water, all of our usable water and that which has been appropriated flows out of our State. The other one is Hawaii, by the way.

Managing, reusing, conserving water is something we know an awful lot about in the West. Colorado's water law has been developed over the entire history of our State. It is a model that the rest of the country has used in developing their water law.

It is based on the notion that water and a water right is a property right and that if you want to acquire water or purchase one of those rights you need to stand in line and purchase it from a willing seller.

The Federal Government does not understand that, Mr. Speaker, when it comes right down to it. The United States Forest Service, other Federal agencies, are very envious of the precious resources that are held in many cases by private owners, by ranchers and farmers, by private conservationists, by foresters, by municipalities, by industry and by other private water users.

The Federal Government would like to have their hands on that water, and they try with a voracious thirst to try to acquire it. They do not understand that you have to stand in line like everyone else, that you have to put up the cash to purchase water rights like everybody else. They have devised many ingenious strategies to impede the ability of water rights owners, water users, to use their own water in a way that they see fit and that is of beneficial use for their economic activities.

The American Heritage Rivers Initiative put forward by the Clinton administration is one more example of this lack of understanding that we see coming out of Washington and threatening the West. It is the next stage being waged in the war on the West. It is one that makes people in the West quite nervous, in fact quite angry; and we do not intend to sit by and watch the administration by executive order, I remind my colleagues again, to move forward in a way that will only constitute confiscation potentially of such a precious resource.

The American Heritage Rivers Initiative would establish 10 rivers per year that would be designated by the Federal Government as Heritage Rivers, and that sounds lake a nice thing. But it is not, I assure you, once you get into the details and review the testimony that was given by the Clinton administration in front of the Committee on Resources and in other correspondence that took place between various members of the Congress and the administration itself.

Certainly it sounds like the American Heritage Rivers Initiative suggests that we are going to feature and preserve some unique quality of river systems throughout the country, perhaps clean up river front, perhaps remove various levels of pollution or degradation in streams. And some of that, in fact, may occur. That is a very positive thing.

The fact of the matter is that all of those can occur today. There is no need for this initiative being put forward by the Clinton administration unless you buy their silly notion that there is so much regulation that their agencies, their Federal Government, their bureaucracy has created that we need to hire more bureaucrats to help local communities untangle all that red tape and assist them in that way.

Well, we are concerned about a number of things, first and foremost that this initiative seems to have gone forward without any level of meaningful scrutiny by the United States Congress. An executive order is not a law, it is not a law suggested, as the Constitution lays out, that is to be established by the Congress on such an important topic. An executive order is a set of instructions to the executive branch, its bureaucracies, and its agents to behave in a certain way, in this case to behave in a way that has the ability in a way that enables these agencies to restrict not only water rights but property rights, usages and to elevate priorities in the distribution of these assets through a certain level of Federal meddling and intervention.

What the Clinton administration is proposing is not only to designate these rivers but to hire somebody called a river navigator, that would be their job title, have a river navigator actually move into your State, move on your river system and manage the resources associated with river management and water management.

This person would be employed at a cost of approximately $120,000 per year, and I assume there will be staff associated with that. There is a pending proposal here in the Congress that has made its way right here to the floor that would pull the cash out from underneath this expenditure, again bearing in mind that this new function of government has not been approved by Congress ever. The attempts in the White House to direct the taxpayers' cash towards this new activity is inappropriate. That proposal ought to be taken up swiftly on the House floor and hopefully passed.

But, in the meantime, I would suggest that we ought to be charged, as a conscientious body, with seeing to it that the administration is not permitted through the appropriations process to draw funds from the various and several agencies associated with water management in order to implement the American Heritage Rivers Initiative.

□ 2300

We ought to make absolutely certain that no dollars are appropriated by this Congress unless we first of all approve of the activity that is taking place and upon which those dollars would be spent.

Western states, most States, Colorado in particular, understand very well how to manage water in our State. Our law is good. It has a long tradition of working well.

We secure agreements with neighboring States through interstate compacts on the distribution of water and the allocation of shares. Those agreements are negotiated at the State level, under Federal guidelines, and insured through a Federal water court system. But they are devised by States, nonetheless, by Governors and their agents, who sit down and negotiate these agreements, sometimes at great cost.

Then they are signed, they are approved by States, and they become effectively the law, a contract on how water ought to be distributed.

The very notion that the Federal Government will elevate its level of meddling in that age-old traditional process is one that Westerners are not willing to stand for. Time after time after time, when I asked constituents in my district what they really care about and what they want to be addressed here by this Congress, over the last 3 months that I conducted these kinds of hearings and these kinds of meetings, maintaining and preserving and protecting Colorado water was always high on the list.

There are four Members of Congress, myself included, who have chosen to file a lawsuit against the President himself as a defendant over the American Heritage Rivers Initiative. That lawsuit has been filed in the District of Columbia Federal Court. We also filed an injunction recently and in fact expect a judgment to be rendered within days on an injunction. It is hopeful that that injunction will allow Colorado's water rights laws and history to stand while the lawsuit that is pending is considered.

We also have a big crisis out in the State when it comes to forestry and forest health. People are very concerned about what would happen if we have another dry summer, as some suggest we may. The level of forest fire potential in Western States is higher than it has ever been before. The state of forest health is very poor.

There are large problems with infestations and disease that are spreading across western forests, and this is no accident of nature. In fact, it is a very understandable response, when you take into account the poor management strategies that the Forest Service has been responsible for over the last several years.

In fact, there is a great battle going on internally within the Forest Service presently, where foresters are quite concerned. Their ability to apply accurate scientific data and knowledge about how to manage our National Forests is something that the Forest Service here in Washington, D.C. seems to be disinterested in.

There is another agenda that seems to be driven by economic goals and objectives that would suggest to the White House and the people here in the Clinton Administration that forests should not be managed, that they should be allowed to be confronted with infestation, with continued disease.

When this occurs and when overgrowth occurs as well, another big problem, forests are not properly thinned and cared for, these trees become stressed. They run out of water, they compete for nutrients, they compete for water resources. They do get stressed, they do get infested and get diseased. They become brittle, they become very dry, and all it takes is one flash of lightning or one careless activity of a camper or somebody watching wildlife or a hunter or somebody along those lines, or somebody who happens to be living in a forested area, and these fires burn far more intensely, and they burn with such intensity, as a matter of fact, that they effectively sterilize the soil.

These are forests that have a much more difficult time recovering and coming back from these kinds of devastating fires. It is much different than the natural fires that occurred long before humans showed up. These are fires that burn far more intensely, precisely because they have been poorly managed and poorly treated by our Forest Service when it comes to public lands.

That is another big problem that I had heard of, another big concern that people suggested to me over the months that I was able to travel throughout the district.

Mr. Speaker, let me conclude once again by talking about the freshman class. When I first got elected to Congress, I had heard a little bit about this class status, I heard a little bit about the freshman class, the sophomore class and so on.

It works almost like high school. Those that got elected in a certain year, they would come here and have to go through the orientation process, learn about the institution at the same pace and learn about it together. But they are also elected under the pretense of a certain set of issues.

Every election year seems to define for itself a certain mood that is prevalent throughout the country. What we discovered is that 34 Members came here from throughout the country, unified in our belief that the American people are taxed in excess, that our government at the Federal level is far too big, and, as such, threatens real freedom and real liberty throughout the country, and that the best way to ensure real freedom and real liberty and real participation, economically and politically, is not through bigger Federal involvement and a bigger Federal Government, but by a smaller one, one which defers to the wisdom of states, all 50 of them, including territories, and local governments, and, even more so, defers to the people themselves.

We are unified in our vision that the size of the Federal Government needs to be contained, it needs to be reduced, and that we do need to empower people back home in ways that historically and traditionally we know leads to more prosperity in the country.

Those are the issues that define our class, the 34 Members that got elected in 1996. Those are the issues that define the projects that we are moving forward on, that define the issues that we fight for passionately here on the House floor, and it defines the issues that we speak about frequently and that we discuss often.

Our agenda is one that we are very committed to. It is an agenda that we believe is playing a primary role in driving the overall message we are sending as a majority Republican party here in Washington, and it is one that we look forward to engaging in vigorously with those on the left side, the Democratic side of the floor, who would disagree.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCKEON (at the request of Mr. ARMEY) for 4 p.m. today and February 5, on account of official business.

Mr. HERGER (at the request of Mr. ARMEY) for today and on February 5, on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BISHOP, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. SÁNCHEZ, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. WATT of North Carolina, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. MCHALE, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. BOUCHER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. CLEMENT, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. HUTCHINSON, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TALENT, and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD, and is estimated by the Public Printer to cost $1,161.

(The following Members (at the request of Mr. STUPAK) and to include extraneous matter:)

Mr. RAHALL.
Mr. BERMAN.
Mr. SCOTT.
Mr. MANTON.
Ms. HARMAN.
Mr. ETHERIDGE.
Mr. HAMILTON.
Ms. MCCARTHY of Missouri.
Mr. WISE.
Ms. WOOLSEY.
Mr. DELLUMS.
Mr. DIXON.
Mr. BONIOR.
Mr. SERRANO.
Mr. ENGEL.
Mr. SKELTON.
Mr. GORDON.
Mr. TOWNS.
Mr. KIND.

(The following Members (at the request of Mr. FOSSELLA) and to include extraneous matter:)

Mr. GOODLING.
Mr. BEREUTER.
Mr. SMITH of Oregon.
Mr. WALSH.
Mrs. MORELLA.
Mr. FRELINGHUYSEN.
Mr. GEKAS.
Mr. GALLEGLY.
Mr. NORWOOD.
Mr. GILMAN.
Mr. SHAW.
Mr. HOUGHTON.
Mr. CALVERT.
Mr. ROHRABACHER.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. COYNE.
Mr. PACKARD.
Mr. SANDLIN.
Mr. LATOURETTE.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On February 4, 1998:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, February 5, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6970. A letter from the Chair, Defense Environmental Response Task Force, Department of Defense, transmitting the Defense Environmental Response Task Force Annual Report for Fiscal Year 1997; to the Committee on National Security.

6971. A letter from the Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report of determination to combine multiple depot-level maintenance and repair workloads, pursuant to Public Law 105—85, section 359(a); to the Committee on National Security.

6972. A letter from the Secretary of Defense, transmitting the report entitled "Acquisition Workforce Reductions," pursuant to Public Law 105—85, section 912(b); to the Committee on National Security.

6973. A letter from the Director, Federal Deposit Insurance Corporation, transmitting the 1997 annual report on the activities of the Affordable Housing Advisory Board, pursuant to Public Law 103—204, section 14; to the Committee on Banking and Financial Services.

6974. A letter from the Secretary, Federal Trade Commission, transmitting the Individual Reference Services Report; to the Committee on Commerce.

6975. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

6976. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6977. A communication from the President of the United States, transmitting his annual report reviewing all activities of United States Government departments and agencies during calendar year 1996 relating to the prevention of nuclear proliferation, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

6978. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the texts of Amendment X to the Memorandum of Agreement Regarding the Implementation of the Verification Provisions of the INF Treaty; to the Committee on International Relations.

6979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report regarding certain forms of United States assistance to countries that have contributed to the Korean Peninsula Energy Development Organization; to the Committee on International Relations.

6980. A letter from the President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform and Oversight.

6981. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1997 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Government Reform and Oversight.

6982. A letter from the Secretary of Education, transmitting a report concerning surplus Federal real property disposed of to educational institutions in fiscal year 1997, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Government Reform and Oversight.

6983. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Management Reform Plans covering eight District of Columbia government departments and four City-wide functions, pursuant to Public Law 105—33, section 11103;

to the Committee on Government Reform and Oversight.

6984. A letter from the President, National Endowment for Democracy, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6985. A letter from the Director, National Science Foundation, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6986. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6987. A letter from the Postmaster General, U.S. Postal Service, transmitting the Annual Report of the Postmaster General for Fiscal Year 1997, pursuant to 39 U.S.C. 2402; to the Committee on Government Reform and Oversight.

6988. A letter from the Chairman, United States Postal Service, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6989. A letter from the General Manager, Washington Metropolitan Area Transit Authority, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6990. A letter from the Chair, Board of Directors, Office of Compliance, transmitting notification that the Board of Directors has approved Gary Green to serve as General Counsel of the Office of Compliance for the statutory five year term; to the Committee on House Oversight.

6991. A letter from the Secretary, Federal Trade Commission, transmitting the report on antitrust mutual assistance agreements required by Section 11 of the International Antitrust Enforcement Assistance Act of 1994; to the Committee on the Judiciary.

6992. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102—240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

6993. A letter from the Secretary of Transportation, transmitting the report on the commercial feasibilty of high-speed ground transportation, pursuant to section 1036 of the Intermodal Surface Transportation Efficiency Act; to the Committee on Transportation and Infrastructure.

6994. A letter from the Chairman, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4711; to the Committee on Science.

6995. A communication from the President of the United States, transmitting the second report on the Operation of the Andean Trade Preference Act, pursuant to Public Law 102—182, section 203(f) (105 Stat. 1239); to the Committee on Ways and Means.

6996. A letter from the Secretary of Labor, transmitting the thirteenth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

6997. A letter from the Secretary of Labor, transmitting the Department's fourth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1995 to 1996, pursuant to Public Law 102—182, section 207 (105 Stat. 1244); to the Committee on Ways and Means.

6998. A letter from the Secretary of Energy, transmitting notification of the conditions of the proposed sale of the United States' interest in Naval Petroleum Reserve Numbered 1, Elk Hills, in California, pursuant to Public Law 104—106, section 3414(a); jointly to the Committees on National Security and Commerce.

6999. A letter from the Secretary of Energy, transmitting the Savannah River Site Nuclear Material Stabilization Activities report for fiscal year 1998, as requested in the Conference Report 105-27; jointly to the Committees on Commerce and Appropriations.

7000. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

7001. A letter from the Chairman, Federal Election Commission, transmitting the FY 1999 Budget Request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Oversight and Appropriations.

7002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

7003. A letter from the Secretary of Health and Human Services, transmitting the sixth annual report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access," pursuant to Public Law 101—239; jointly to the Committees on Ways and Means and Commerce.

7004. A letter from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting notification of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to section 514 of the Omnibus Consolidated Appropriations Act, 1997; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

7005. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER. Committee on Rules. House Resolution 348. Resolution providing for consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation (Rept. 105-413). Referred to the House Calendar.

Mr. SOLOMON. Committee on Rules. House Resolution 349. Resolution providing for consideration of the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport" (Rept. 105-414). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMPBELL:

H.R. 3152. A bill to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 3153. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Oversight.

By Mr. CANADY of Florida (for himself, Mr. McCollum, and Mr. Goss):

H.R. 3154. A bill to provide for the appointment of additional Federal district judges in the State of Florida; to the Committee on the Judiciary.

By Mr. GOODLING (for himself and Mr. Manton):

H.R. 3155. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. Gingrich, Mr. Gephardt, Ms. Waters, Mr. Gilman, Mr. Hamilton, Mr. Bereuter, Mr. Menendez, Mr. Chabot, Mr. Payne, Mr. Sanford, Mr. Hastings of Florida, Mr. Campbell, Mr. Dellums, Mr. Rangel, Mr. Lewis of Georgia, Mr. Hall of Ohio, and Mr. McDermott):

H.R. 3156. A bill to present a congressional gold medal to Nelson Rolihlahla Mandela; to the Committee on Banking and Financial Services.

By Mr. PAXON (for himself, Mr. Bliley, Mr. Livingston, Mr. Hoekstra, Mr. Souder, Mr. Gibbons, Mr. Graham, Mr. Smith of Michigan, Mr. Riley, Mrs. Linda Smith of Washington, Mr. Sessions, Mr. Hayworth, Mr. English of Pennsylvania, and Mr. Ensign):

H.R. 3157. A bill to improve education in overcrowded classrooms by increasing the number of teachers; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER (for himself and Mr. Royce):

H.R. 3158. A bill to provide that the President may not waive, with respect to the Socialist Republic of Vietnam, the statutory prohibitions on nondiscriminatory trade treatment, commercial agreements, and participation in programs of the United States Government which extend credits or financing guarantees and certain other forms of assistance; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mr. Rohrabacher):

H.R. 3159. A bill to provide that the President may not waive the provisions of title IV of the Trade Act of 1974 with respect to the Socialist Republic of Vietnam; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Ms. Slaughter, Mr. LaFalce, Mr. McNulty, and Mr. Hinchey):

H.R. 3160. A bill to enhance competition between airlines and reduce airfares, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. Lantos, Mr. Gilman, Mr. Wolf, Mr. Sanders, Mr. King of New York, Ms. Kaptur, Mr. Minge, Mr. Sabo, Mr. Evans, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Shays, Ms. Woolsey, and Mr. Ramstad):

H.R. 3161. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS (for himself and Mr. Watts of Oklahoma):

H.R. 3162. A bill to amend title XVIII of the Social Security Act to delay implementation of the interim payment system to home health agencies for home health services provided under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York:

H. Con. Res. 208. Concurrent resolution expressing the sense of the Congress regarding access to affordable housing and expansion of homeownership opportunities; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. Hamilton, and Mr. Berman):

H. Res. 350. A resolution congratulating the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Bryant and Mr. Davis of Illinois.

H.R. 65: Mr. Davis of Illinois.

H.R. 107: Mrs. Maloney of New York, Ms. Eddie Bernice Johnson of Texas, Mr. Stark, Ms. DeGette, Mr. Coburn, and Mr. Hansen.

H.R. 132: Mr. Calvert.

H.R. 169: Mr. Peterson of Minnesota.

H.R. 303: Mr. Davis of Illinois.

H.R. 476: Mr. Lantos and Mr. Manton.

H.R. 543: Mrs. Johnson of Connecticut, Mr. Pascrell, Mr. Manzullo, Ms. Kaptur, Mr. Mollohan, Ms. Kilpatrick, Mr. Sununu, Mr. Sanford, Mr. Stenholm, and Mr. Calvert.

H.R. 604: Mr. Rothman.

H.R. 617: Mr. Mollohan and Mr. Rush.

H.R. 619: Mrs. Roukema, Mr. Price of North Carolina, Mr. Oxley, and Mr. Sherman.

H.R. 716: Mr. Foley and Mr. Sessions.

H.R. 738: Mrs. Clayton.

H.R. 920: Mr. Cook.

H.R. 922: Mr. Riley, Mr. Knollenberg, Mr. Poshard, Mrs. Roukema, Mr. Thornberry, Mr. Blunt, Mr. Shimkus, Mrs. Myrick, Mr. Hoekstra, Mr. Bereuter, Mr. Duncan, Mr. Lewis of Kentucky, Mr. Barcia of Michigan, Ms. Danner, and Mr. Ryun.

H.R. 923: Mr. Riley, Mr. Knollenberg, Mr. Poshard, Mrs. Roukema, Mr. Thornberry, Mr. Blunt, Mr. Shimkus, Mrs. Myrick, Mr. Hoekstra, Mr. Bereuter, Mr. Duncan, Mr. Lewis of Kentucky, Mr. Barcia of Michigan, Mr. Ney, Ms. Danner, and Mr. Ryun.

H.R. 1055: Mr. Kucinich.

H.R. 1126: Mrs. Thurman.

H.R. 1130: Ms. Stabenow.

H.R. 1151: Mr. Hunter.

H.R. 1231: Mr. Hulshof and Mr. Fazio of California.

H.R. 1241: Mr. Hunter and Mr. Gallegly.

H.R. 1281: Mrs. Thurman.

H.R. 1320: Mr. Poshard.

H.R. 1322: Mrs. Emerson and Mr. LaTourette.

H.R. 1330: Mr. Bereuter.

H.R. 1356: Mr. Royce, Mr. Gibbons, Mr. Hall of Texas, and Mr. Romero-Barceló.

H.R. 1375: Mr. Deutsch and Mr. Lantos.

H.R. 1390: Mr. Sherman.

H.R. 1415: Ms. Millender-McDonald, Mr. Gejdenson, Mr. Forbes, Mr. Watt of North Carolina, and Mr. Wynn.

H.R. 1425: Mr. Stokes and Mr. Clay.

H.R. 1500: Mr. Ford and Mr. Kucinich.

H.R. 1524: Mr. Allen, Mr. Skeen, Mr. Ford, Mr. Minge, Mr. Holden, Mr. Peterson of Minnesota, and Mr. Kind of Wisconsin.

H.R. 1577: Mr. Foley.

H.R. 1628: Mr. Shays.

H.R. 1754: Mr. Kucinich.

H.R. 1813: Mr. Watt of North Carolina, Ms. Woolsey, Mrs. Kelly, Mr. Sandlin, and Mr. McNulty.

H.R. 1891: Mr. Hulshof, Mr. Cook, Mr. Collins, Mr. Crapo, Mr. Peterson of Minnesota, Mr. Goodling, Mr. Bilbray, Mr. Ackerman, Ms. Pryce of Ohio, Ms. Lofgren, and Mr. Christensen.

H.R. 1984: Mr. Redmond and Mr. Inglis of South Carolina.

H.R. 2009: Mr. Brown of California, Mr. Oberstar, Mr. McGovern, Mr. Neal of Massachusetts, Mr. Dixon, and Mr. Gejdenson.

H.R. 2023: Mr. Maloney of Connecticut.

H.R. 2094: Mr. Andrews, Mr. Miller of California, Mr. Dellums, and Ms. DeLauro.

H.R. 2110: Mr. Baldacci.

H.R. 2122: Mr. Peterson of Minnesota and Mr. McHugh.

H.R. 2124: Mr. Sessions, Mr. Calvert, Mr. Pappas, Mr. Stump, Mr. Inglis of South Carolina, Mrs. Linda Smith of Washington, Mr. Hyde, and Mr. Kim.

H.R. 2139: Mr. Oberstar.

H.R. 2173: Mrs. Thurman, Mr. Sandlin, Mr. Bereuter, Mr. Calvert, and Mr. McHugh.

H.R. 2183: Mr. Petri, Mrs. Maloney of New York, and Ms. Lofgren.

H.R. 2257: Mr. Dellums.

H.R. 2321: Mr. Souder, Mr. Hefley, Mr. Wamp, Mr. Filner, Mr. Fawell, and Mr. Hastings of Washington.

H.R. 2454: Mr. Lantos, Mr. Baldacci, and Ms. Velázquez.

H.R. 2456: Mr. Goodlatte.

H.R. 2457: Mr. Lantos, Mr. Baldacci, and Ms. Velázquez.

H.R. 2500: Mr. Shays, Mr. Cannon, Mr. Snowbarger, Mr. Smith of Michigan, Mr. Ford, Mr. Hilleary, Ms. Granger, Mr. Miller of Florida, Mr. Frelinghuysen, Mr. Gillmor, Mr. Sherman, Mr. Pappas, Mr. Blunt, Mr. Duncan, Mr. Franks of New Jersey, Ms. Velázquez, Mr. Clyburn, Mr. Thornberry, Mr. Riley, and Mr. Kind of Wisconsin.

H.R. 2541: Mr. Sessions and Ms. Norton.

H.R. 2545: Mr. Ford, Mr. Faleomavaega, Mr. Kucinich, Mr. Green, Mr. McHale, Mrs. Thurman, Mr. Tierney, Mr. Berry, Mr. Rothman, and Mrs. Myrick.

H.R. 2547: Mr. Martinez, Mr. Oberstar, Ms. Woolsey, Mr. Evans, Mr. Neal of Massachusetts, and Mr. Blumenauer.

H.R. 2579: Mr. Boehner, Mr. Coburn, and Mr. Norwood.

H.R. 2588: Mr. Goodlatte.

H.R. 2602: Mr. Ackerman.

H.R. 2608: Mr. Istook and Mr. Goodling.

H.R. 2658: Mr. Sununu, Mr. Pappas, Mr. Menendez, Mr. Saxton, and Mr. Aderholt.

H.R. 2671: Mrs. Mink of Hawaii.

H.R. 2699: Mr. Filner and Mr. Moran of Virginia.

H.R. 2713: Mr. Ford.

H.R. 2752: Mr. Frelinghuysen and Mr. Hansen.

H.R. 2757: Mr. Doyle, Mr. Frank of Massachusetts, and Mr. Oberstar.

H.R. 2760: Mr. Hill and Mr. Clay.

H.R. 2774: Mr. Ford, Mr. Jackson, Mr. Kleczka, Mr. Manton, Mr. Wynn, Mr. Towns, Mr. Vento, Mr. Waxman, Mr. Filner, Mr. Moran of Virginia, Mr. Lantos, Mr. Stark, Mr. Sensenbrenner, Mr. Frank of Massachusetts, Mr. LaFalce, Mr. McDermott, Mr. Miller of California, and Mr. Payne.

H.R. 2820: Mrs. Meek of Florida, Mr. Manton, Mr. Gutierrez, Mr. Hastings of Florida, Ms. Kilpatrick, Mr. Ney, Mr. Filner, Mr. Davis of Illinois, and Mr. Bachus.

H.R. 2850: Mrs. Lowey, Mr. Barrett of Wisconsin, Mr. Sandlin, Mr. Gutierrez, Ms. Ros-Lehtinen, Mr. Ford, Mr. Pallone, Mr. Underwood, Mr. Markey, Mr. Wexler, Mr. Kleczka, Mr. Davis of Florida, Mr. Etheridge, Mr. Sessions, and Ms. Millender-McDonald.

H.R. 2854: Mr. Kucinich, Mr. Sandlin, Mr. Sanders, Mr. Rush, Mr. Ford, Mr. McDermott, Mr. McNulty, Mr. Kleczka, Mr. Brown of California, Mr. Dooley of California, and Mr. Ney.

H.R. 2912: Mr. Lewis of Kentucky, Mr. English of Pennsylvania, Mr. Skelton, Mr. Berry, Mr. Gonzalez, Mr. Faleomavaega, Mr. Boyd, Mr. Duncan, Mr. Yates, Mr. Clyburn, Mr. Oberstar, Mr. LaTourette, and Mr. Bunning of Kentucky.

H.R. 2916: Mr. Dan Schaefer of Colorado.

H.R. 2951: Mr. Houghton and Ms. Stabenow.

H.R. 2955: Mr. Bonilla and Mr. LaTourette.

H.R. 2960: Mr. Stark, Mr. Frost, and Mr. Lampson.

H.R. 2990: Mr. Skaggs, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Gejdenson, Mr. Delahunt, Mr. Matsui, Mr. Owens, Mr. McDermott, Mr. Vento, Mr. Barrett of Nebraska, Mr. Wamp, Mr. Taylor of North Carolina, Mr. Pomeroy, Ms. Kaptur, Mr. Coyne, Mr. Kanjorski, and Mr. Goode.

H.R. 3008: Mr. Taylor of North Carolina, Mr. Goode, Mr. Hall of Texas, Mr. Lipinski, and Mr. Peterson of Minnesota.

H.R. 3027: Mr. Payne and Mr. Faleomavaega.

H.R. 3028: Mr. Payne and Mr. Faleomavaega.

H.R. 3043: Mr. Sandlin, Mr. Wexler, and Mr. Pascrell.

H.R. 3062: Mr. HOLDEN and Mr. COYNE.

H.R. 3070: Mr. HINCHEY and Ms. CARSON.

H.R. 3097: Mr. GIBBONS, Mr. SALMON, Mr. COOK, Mr. KLUG, Mr. BALLENGER, MR. GOSS, Mr. DAN SCHAEFER of Colorado, Mr. HILL, Mr. COMBEST, Mr. CHAMBLISS, Mr. GOODE, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. WATKINS, Mr. ROYCE, Mr. SOUDER, Mr. GRAHAM, and Mr. COBURN.

H.R. 3107: Mr. ANDREWS.

H.R. 3116: Mr. LAZIO of New York.

H.R. 3126: Ms. DELAURO, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, and Mr. DINGELL.

H.R. 3128: Mr. SANDLIN, Mr. GOODLING, Mrs. THURMAN, and Mr. MANTON.

H.R. 3134: Ms. SLAUGHTER, Mr. MANTON, Ms. HOOLEY of Oregon, Mr. BONIOR, Mr. OBERSTAR, Mr. SANDLIN, Mr. MCGOVERN, Ms. NORTON, Mr. MCDERMOTT, Mr. FROST, Mr. PASCRELL, Mr. LIPINSKI, and Mr. DEFAZIO.

H.R. 3135: Mr. TORRES.

H.J. Res. 71: Mrs. EMERSON and Mr. LATOURETTE.

H.J. Res. 100: Mr. BARRETT of Nebraska, Mr. FILNER, Mr. BATEMAN, Mr. WELDON of Florida, Mr. TAYLOR of North Carolina, Mrs. CLAYTON, Mr. NEY, Mr. SISISKY, Mr. SABO, Mr. CALVERT, Mr. BLILEY, Mr. WAMP, Mr. KNOLLENBERG, Mr. SANDERS, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. BERMAN, Mr. CONDIT, Mr. CAMP, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. GREEN, Mr. STUMP, Ms. LOFGREN, Mr. METCALF, Mrs. TAUSCHER, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. LAMPSON, Mr. MORAN of Kansas, Mr. HILLEARY, Mr. BOYD, Mr. COYNE, Mr. HANSEN, and Mr. CANADY of Florida.

H. Con. Res. 15: Mr. SHERMAN.

H. Con. Res. 55: Ms. LOFGREN, Mr. WAXMAN, Ms. DELAURO, Mr. OBEY, and Mr. PAXON.

H. Con. Res. 126: Ms. JACKSON-LEE.

H. Con. Res. 141: Mr. MCCRERY.

H. Con. Res. 152: Mr. KUCINICH, Ms. DELAURO, and Mr. TRAFICANT.

H. Con. Res. 175: Mr. BOEHLERT.

H. Con. Res. 195: Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. UPTON, Ms. WOOLSEY, and Mrs. THURMAN.

H. Res. 37: Mr. BROWN of Ohio.

H. Res. 267: Mr. HOEKSTRA and Mr. HILLEARY.

H. Res. 310: Mr. BURTON of Indiana, Mr. CONDIT, and Mr. BACHUS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. BUNNING of Kentucky.

H.R. 2552: Mr. BACHUS.

AMENDMENTS

Under clause 6 of rule XIII, proposed amendments were submitted as follows:

H.R. 2846

OFFERED BY: MR. CLAY

(Amendment in the Nature of a Substitute)

AMENDMENT No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Although the majority of our Nation's elementary and secondary public schools provide high quality education for our children, many schools need additional resources to implement immediate assistance and reform to enable them to provide a basic and safe education for their students.

(2) The Government Accounting Office recently found that ⅓ of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair and renovation.

(3) Recent reform of under-achieving schools in a number of States and school districts demonstrates that parents, teachers, school administrators, other educators, and local officials, given adequate resources and expertise, can succeed in dramatically improving public education and creating high performance schools.

(4) Such reform efforts show that parental and community involvement in those reforms is indispensable to the objective of high quality, safe, and accountable schools.

(5) Despite the successes of such reforms, public schools are facing tremendous challenges in educating children for the 21st century. The elementary and secondary school population will grow by 10 percent by the year 2005, and over the next 10 years, schools will need more than 2,000,000 additional teachers to meet the demands of such expected enrollments.

(6) Almost 7 of 10 Americans support increased Federal assistance to our Nation's public schools, and that support crosses all boundaries, including cities, towns, and rural areas.

(7) When Federal investment in public schools and children has increased, test scores have improved, and high school graduation rates and college enrollments have increased.

(8) The Federal Government should encourage communities that demonstrate a strong commitment to restore and reform their public schools.

(b) PURPOSE.—It is the purpose of this Act to assist local communities that are taking the initiative—

(1) to overcome adverse conditions in their public schools;

(2) to revitalize their public schools in accordance with local plans to achieve higher academic standards and safer and improved learning environments; and

(3) to ensure that every community public school provides a quality education for all students.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CONSORTIUM.—The term "consortium" means a local schools consortium as defined in paragraph (2).

(2) LOCAL SCHOOLS CONSORTIUM.—The term "local schools consortium" means the local educational agency in collaboration with a group composed of affected parents, students, and representatives of teachers, school employees and administrators, local business and community leaders and representative of local higher education group working or residing within the boundary of a local educational agency.

(3) PARENT.—The term "parent" includes any of the following:

(A) A grandparent.

(B) A legal guardian.

(C) Any other person standing in loco parentis.

(3) PLAN.—The term "plan" means a 3-year public schools renewal and improvement plan described in section 4.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the American Virgin Islands, Guam, and American Samoa.

SEC. 3. PROCEDURE FOR DECLARATION.

(a) IN GENERAL.—A request for a declaration by the President that a "public schools renewal effort is underway" shall be made by a local schools consortium.

(b) REQUEST.—The local education agency shall submit the request to the Governor of the State who shall, with or without comment, forward such request to the President not more than 30 days after the Governor's receipt of such request. Such request shall—

(1) include the plan;

(2) describe the nature and amount of State and local resources which have been or will be committed to the renewal and improvement of the public schools; and

(3) certify that State or local government obligations and expenditures will comply with all applicable matching requirements established pursuant to this Act.

(c) DECLARATION.—Based on a request made under this Act, the President, in consultation with the Secretary, may declare that a "public schools renewal effort is underway" in such community and authorize the Department of Education and other Federal agencies to provide assistance under this Act.

(d) PROGRESS REPORTS.—The consortium shall—

(1) amend such request annually to include additional initiatives and approaches undertaken by the local educational agency to improve the academic effectiveness and safety of its public school system.

(2) submit annual performance reports to the Secretary which shall describe progress in achieving the goals of the plan.

SEC. 4. ELEMENTS OF RENEWAL AND IMPROVEMENT PLAN.

(a) IN GENERAL.—As part of its request to the President, and in order to receive assistance under this section, a consortium shall submit a plan that includes the elements described in subsections (b) and (c).

(b) ADVERSE CONDITIONS.—The plan shall specify the existence of any of the following factors:

(1)(A) A substantial percentage of students in the affected public schools have been performing well below the national average, or below other benchmarks, including State developed benchmarks in such basic skills as reading, math, and science, consistent with Goals 2000 and title I of the Elementary and Secondary Education Act of 1965; or

(B) a substantial percentage of such students are failing to complete high school.

(2) Some or all of such schools are overcrowded or have physical plant conditions that threaten the health, safety, and learning environment of the schools' populations.

(3) There is a substantial shortage of certified teachers, teaching materials, and technology training.

(4) Some or all of the schools are located where crime and safety problems interfere with the schools' ability to educate students to high academic standards.

(c) ASSURANCES.—The plan shall also include assurances from the local educational agency that—

(1) the plan was developed by the local schools consortium after extensive public discussion with State education officials, affected parents, students, teachers and representatives of teachers and school employees, administrators, higher education officials, other educators, and business and community leaders;

(2) describe how the consortium will use resources to meet the types of reforms described in section 6;

(3) provide effective opportunities for professional development of public school teachers, school staff, principals, and school administrators;

(4) provide for greater parental involvement in school affairs;

(5) focus substantially on successful and continuous improvement in the basic academic performance of the students in the public schools;

(6) address the unique responsibilities of all stake holders in the public school system, including students, parents, teachers, school administrators, other educators, governmental officials, and business and community leaders, for the effectiveness of the public school system especially with respect to the schools targeted for greatest assistance;

(7) provide for regular objective evaluation of the effectiveness of the plan;

(8) the agency will give priority to public schools that need the most assistance in improving overcrowding, physical problems and other health and safety concerns, readiness for telecommunications equipment, and teacher training and the pool of certified teachers;

(9) ensure that funds received under this Act shall be used to supplement, not supplant other non-Federal funds;

(10) certify that the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the request for a declaration is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the request for a declaration is made; and

(11) will address other major issues which the local schools consortium determines are critical to renewal of its public schools.

SEC. 5. ALLOWABLE FEDERAL ASSISTANCE.

(a) IN GENERAL.—To provide assistance under this Act, the President may—

(1) direct the Department of Education, with or without reimbursement, to use the authority and the resources granted to it under Federal law (including personnel, educational equipment and supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts;

(2) direct any other Federal agency to provide assistance as described in paragraph (1);

(3) coordinate such assistance provided by Federal agencies; and

(4) provide technical assistance and advisory assistance to the affected local educational agency.

(b) DISTRIBUTION OF ASSISTANCE FUNDS.—

(1) IN GENERAL.—At the direction of the President, the Secretary shall distribute funds and resources provided pursuant to a declaration under this Act to local educational agencies selected for assistance under this Act.

(2) EXISTING PROCEDURES.—The Secretary shall determine the best method of distributing funds under this Act through personnel and existing procedures that are used to distribute funds under other elementary and secondary education programs.

(c) PROHIBITION.—No provision of this Act shall be construed to authorize any action or conduct prohibited under the General Education Provisions Act.

SEC. 6. USE OF ASSISTANCE.

Assistance provided pursuant to this Act may be used only to carry out a plan, and to effectuate the following and similar types of public school reforms:

(1) STUDENT-TARGETED RESOURCES.—

(A) Increasing and improving high-quality early childhood educational opportunities.

(B) Providing comprehensive parent training so that parents better prepare children before they reach school age.

(C) Establishing intensive truancy prevention and dropout prevention programs.

(D) Establishing alternative public schools and programs for troubled students and dropouts, and establishing other public school learning "safety nets".

(E) Enhancing assistance for students with special needs (including limited English proficient students, English as a second language, and students with disabilities).

(2) CLASSROOM FOCUSED SCHOOL DEVELOPMENT.—

(A) Establishing teacher and principal academies to assist in training and professional development.

(B) Establishing effective training links for students with area colleges and universities.

(C) Establishing career ladders for teachers and school employees.

(D) Establishing teacher mentor programs.

(E) Establishing recruitment programs at area colleges and universities to recruit and train college students for the teaching profession.

(F) Establishing stronger links between schools and law enforcement and juvenile justice authority.

(G) Establishing stronger links between schools and parents concerning safe classrooms and effective classroom activities and learning.

(H) Establishing parent and community patrols in and around schools to assist safe schools and passage to schools.

(I) Implementing research-based promising educational practices and promoting exemplary school recognition programs.

(J) Expanding the time students spend on school-based learning activities and in extracurricular activities.

(3) ACCOUNTABILITY REFORMS.—

(A) Establishing high learning standards and meaningful assessments of whether standards are being met.

(B) Monitoring school progress and determining how to more effectively use school system resources.

(C) Establishing performance criteria for teachers and principals through such entities as joint school board and union staff improvement committees.

(D) Establishing promotion and graduation requirements for students, including requirements for reading, mathematics, and science performance.

(E) Providing for strong accountability and corrective action from a continuum of options, consistent with State law and title I of the Elementary and Secondary Education Act of 1965.

SEC. 7. DURATION OF ASSISTANCE.

Assistance under this Act may be provided for each of fiscal years 1998 through 2000.

SEC. 8. REPORT.

Not later than March 31, 2000, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate assessing the effectiveness of this Act in assisting recipient local schools consortia in carrying out their plans submitted under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; MATCHING REQUIREMENT.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act—

(1) for fiscal year 1998, $250,000,000; and

(2) for fiscal year 1999, $500,000,000; and

(3) for fiscal year 2000, such sums as may be necessary.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Federal funds expended or obligated under this Act shall be matched (in an amount equal to such amount so expended or obligated) from State or local funds.

(2) OTHER FEDERAL RESOURCES.—The Secretary shall, by regulation and in consultation with the heads of other Federal agencies, establish matching requirements for other Federal resources provided under this Act.

(3) WAIVER.—Based upon the recommendation of the Secretary, the President may waive paragraph (1) or (2).

H.R. 2846

OFFERED BY: MR. MARTINEZ

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) 7,000,000 children attend schools with life safety code problems.

(3) School infrastructure problems exist across the country in urban and nonurban schools; at least 1 building is in need of extensive repair or replacement in 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools.

(4) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(5) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(6) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and low-income communities have had the greatest difficulty meting this need.

(7) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this Act is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

SEC. 2. DEFINITIONS.

Except as otherwise provided, as used in this Act, the following terms have the following meanings:

(1) COMMUNITY SCHOOL.—The term "community school" means a school facility, or part of a school facility, that serves as a center for after-school and summer programs and delivery of education, tutoring, cultural, and recreational services, and as a safe

haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs, senior citizen programs, children's day care services; nutrition services, services for individuals with disabilities, employment counseling, training, and placement, and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(2) Construction.—(A) The term "construction" means—

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing, or extending school facilities;

(iii) demolition in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term "construction" does not include the acquisition of any interest in real property.

(3) Local educational agency.—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18) (A) and (B)).

(4) School facility.—(A) The term "school facility" means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term "school facility" does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) State.—The term "State" means each of the 50 States and the Commonwealth of Puerto Rico.

(7) State educational agency.—The term "State educational agency" has the meaning given that term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,000,000,000 for fiscal year 1998 and such sums as may be necessary for each succeeding fiscal year.

SEC. 4. ALLOCATION OF FUNDS.

(a) Allocation of Funds.—Of the amounts appropriated to carry out this Act, the Secretary shall make available—

(1) 49 percent of such amounts for formula grants to States under section 111;

(2) 34 percent of such amounts for direct formula grants to local educational agencies under section 206;

(3) 15 percent of such amounts for competitive grants to local educational agencies under section 127; and

(4) 2 percent of such amounts to provide assistance to the Secretary of the Interior as provided in subsection (b).

(b) Reservation for the Secretary of the Interior and the Outlying Areas.—

(1) Funds allocated under subsection (a)(4) to provide assistance to the Secretary of the interior shall be used—

(A) for the school construction priorities described in section 1125(c) of the Education Amendments of 1978 (25 U.S.C. 2005(c)); and

(B) to make grants to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under subsection (b)(1)(B) shall be used for activities that the Secretary determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this Act, that the Secretary may establish.

TITLE I—GRANTS TO STATES

SEC. 111. ALLOCATION OF FUNDS.

(a) Formula Grants to States.—Subject to subsection (b), the Secretary shall allocate the funds available under section 4(a)(1) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive direct grants under section 206 of this Act.

(b) Adjustments to Allocations.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 206, the percentage allocated to a State under this section and to localities in the State under section 206 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) Reallocations.—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

SEC. 112. STATE ADMINISTRATION.

The Secretary shall award each State's grant to the State educational agency to administer the State grant, or to another public agency in the State designated by the State educational agency if the State educational agency determines that the other agency is better able to administer the State grant.

SEC. 113. ALLOWABLE USES OF FUNDS.

Each State shall use its grant under this title only for 1 or more of the following activities to subsidize the cost of eligible school construction projects described in section 114:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 114. ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION

(a) Eligible Projects.—States and their subgrantees may use funds under this title, in accordance with section 113, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards, improvements in air quality, plumbing, lighting, heating, and air conditioning, electrical systems, or basic school infrastructure, and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of community schools.

(b) Period for Initiation of Project.—(1) Each State shall use its grant under this title only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this title will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this title.

(c) Reallocation.—If the Secretary determines, by a date before September 30, 2001, selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this title, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to 1 or more other States that are making satisfactory progress.

SEC. 115. SELECTION OF LOCALITIES AND PROJECTS.

(a) Priorities.—In determining which localities and activities to support with grant funds, each State shall give the highest priority to localities with the greatest needs, as demonstrated by inadequate educational facilities (particularly facilities that pose a threat to the health and safety of students), coupled with a low level of resources available to meet school construction needs.

(b) Additional Criteria.—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this title:

(1) The age and condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 114(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this title.

(c) Ineligibility for Title 2 Subgrants.—Local educational agencies in the State that receive direct grants under section 206 shall be ineligible for a subgrant under this title.

SEC. 116. STATE APPLICATIONS.

(a) Application Required.—A State that wishes to receive a grant under this title shall submit through its State educational agency, or through an alternative agency described in section 112, an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) Development of Application.—The State educational agency or alternative agency described in section 112, shall develop the State's application under this title only after broadly consulting with the State board of education, and representatives of local school boards, school administrators, and business community, parents, and teachers in the State about the best means of carrying out this title.

(c) State Survey.—(1) Before submitting the State's application, the State educational agency or alternative agency described in section 112, with the involvement of local school officials and experts in building construction and management, shall survey the needs throughout the State (including in localities receiving grants under title II) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this title.

(d) Application Contents.—Each State application under this title shall include—

(1) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(2) a description of how the State will implement its program under this title;

(3) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 115;

(4)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 517(a), to each local project that the State will support;

(5) a description of how the State will ensure that the requirements of this title are met by subgrantees under this title;

(6) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this title;

(7) an assurance that the State will use its grant only to supplement the funds that the State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this title, and not to supplant those funds;

(8) an assurance that, during the 4-year period beginning with the year the State receives its grant, the average annual combined expenditures for school construction by the State and the localities that benefit form the State's program under this title (which, at the State's option, may include private contributions) will be at least 125 percent of the average of those annual combined expenditures for that purpose during the 8 preceding years; and

(9) other information and assurances that the Secretary may require.

(e) Waiver of Requirement To Increase Expenditures.—The Secretary may waive or modify the requirement of subsection (d)(8) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred particularly high level of school construction expenditures during the previous 8 years.

SEC. 117. AMOUNT OF FEDERAL SUBSIDY.

(a) Projects Funded With Subgrants.—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this title, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the costs of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than 1 type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) The interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) State-Funded Projects.—For a construction project under this title funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) Non-Federal Share.—A State, and localities in the State, receiving subgrants under this title, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 118. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

(a) Separate Funds or Accounts Required.—Each State that receives a grant, and each recipient of a subgrant under this title, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this title.

(b) Prudent Investment Required.—Each State that receives a grant, and each recipient of a subgrant under this title, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 113; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this title.

SEC. 119. STATE REPORTS.

(a) Reports Required.—Each State receiving a grant under this title shall report to the Secretary on its activities under this title, in the form and manner the Secretary may prescribe.

(b) Contents.—Each report shall—

(1) describe the State's implementation of this title, including how the State has met the requirements of this title;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) Frequency.—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grants under this title.

(2) Each State shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

TITLE II—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 201. ELIGIBLE LOCAL EDUCATIONAL AGENCIES

(a) Eligible Agencies.—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 126 are the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) CERTAIN JURISDICTIONS INELIGIBLE.—For the purpose of this title, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

SEC. 202. GRANTEES.

For each local educational agency for which an approvable application is submitted, the Secretary shall make any grant under this title to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this title.

SEC. 203. ALLOWABLE USES OF FUNDS.

Each grantee under this title shall use its grant only for 1 or more of the following activities to reduce the cost of financing eligible school construction projects described in section 204:

(1) Providing a portion of the interest cost (or of any other financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 204. ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION

(a) ELIGIBLE PROJECTS.—A grantee under this title may use its grant, in accordance with section 203, to subsidize the cost of the activities described in section 114(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) REDISTRIBUTION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this title, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to 1 or more other local educational agencies that are making satisfactory progress.

SEC. 205. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—A local educational agency, or an alternative agency described in section 122 (both referred to in this title as the "local agency"), that wishes to receive a grant under this title shall submit an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The local agency shall develop the local application under this title only after broadly consulting with the State educational agency, parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this title.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) LOCAL SURVEY.—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this title.

(d) APPLICABLE CONTENTS.—Each local application under this title shall include—

(1) an identification of the local agency to receive the grant under this title;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this title;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 208(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this title will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this title, and not to supplant those funds;

(10) an assurance that, during the 4-year period beginning with the year the local educational agency receives its grant, its average annual expenditures for school construction (which, at that agency's option, may include private contributions) will be a least 125 percent of its average annual expenditures for that purpose during the 8 preceding years; and

(11) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous 8 years.

SEC. 206. DIRECT FORMULA GRANTS.

(a) ALLOCATIONS.—The Secretary shall allocate the funds available under section 4(a)(2) to the local educational agencies identified under section 201(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) REALLOCATIONS.—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

SEC. 207. DIRECT COMPETITIVE GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary shall use funds available under section 4(a)(3) to make additional grants, on a competitive basis to local educational agencies, or alternative agencies described in section 202.

(b) ADDITIONAL APPLICATION MATERIALS.—Any local educational agency, or an alternative agency described in section 202, that wishes to receive funds under this section shall submit an application to the Secretary that meets the requirements under section 205 and includes the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) A description of the extent to which the proposed construction activities would enhance the health and safety of students.

(4) A description of the extent to which the proposed construction activities address compliance with Federal mandates, including providing accessibility for the disabled and removal of hazardous materials.

(5) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(6) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding 8 years.

(7) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake and of the extent to which those projects will use cost-efficient architectural design.

(8) Other information that the Secretary may require.

(c) SELECTION OF GRANTEES.—In determining which local educational agencies shall receive direct grants under this title, the Secretary shall give the highest priority to local educational agencies that—

(1) have a need to repair, remodel, renovate, or otherwise improve school facilities posing a threat to the health and physical safety of students, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources;

(2) have a need to repair, remodel, renovate, or construct school facilities in order

to comply with Federal mandates, including providing for accessibility for the disabled and removal of hazardous materials, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources; and

(3) demonstrate a need for emergency assistance for to repair, remodel, renovate, or construct school facilities, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources.

(d) MINIMUM ALLOCATIONS.—Of the amount available for competitive awards under section 4(a)(3), the Secretary shall ensure that, in making awards under subsection (a), no less than 40 percent of such amount is available to the local educational agencies described in section 121(a) and no less than 40 percent of such amount is available to the local educational agencies eligible for subgrants under title I.

(e) ADDITIONAL CRITERIA.—The Secretary may establish additional criteria, consistent with subsections (c) and (d), and with purposes of this title, for the purpose of electing grantees under this title.

SEC. 208. AMOUNT OF FEDERAL SUBSIDY.

(a) AMOUNT OF FEDERAL SUBSIDY.—For each construction project assisted under this title, the Secretary shall determine the amount of the Federal subsidy in accordance with section 117(a).

(b) NON-FEDERAL SHARE.—A grantee under this title may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 209. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this title shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this title.

(b) PRUDENT INVESTMENT REQUIRED.—Each grantee under this title shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this title.

SEC. 210. LOCAL REPORTS.

(a) REPORTS REQUIRED.—(1) Each grantee under this title shall report to the Secretary on its activities under this title, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this title, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this title, including how it has met the requirements of this title;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives it grant under this title.

(2) Each grantee shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as it is using grant funds.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL EMPLOYEES.

For purposes of carrying out this Act, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 5 of that title relating to classification and General Schedule pay rates.

SEC. 302. WAGE RATES

(a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics employed by contractors and subcontractors on any project assisted under this Act are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d-3) is amended—

(1) in paragraph (5), by striking out the "and" at the end thereof;

(2) in paragraph (6), by striking out the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) title V of the Reading Excellence Act,".

SEC. 303. NO LIABILITY OF FEDERAL GOVERNMENT.

(a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities, or instrumentalities thereof in connection with any assistance provided by the Secretary under this Act are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this Act, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

SEC. 304. REPORT TO CONGRESS.

The Secretary shall report on the activities conducted by States and local educational agencies with assistance provided under this Act, and shall assess State and local educational agency compliance with the requirements of this Act. Such report shall be submitted to Congress not later than 3 years after the date of enactment of this Act and annually thereafter as long as States or local educational agencies are using grant funds.

SEC. 305. CONSULTATION WITH SECRETARY OF THE TREASURY.

The Secretary shall consult with the Secretary of the Treasury in carrying out this Act.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 3150, THE BANKRUPTCY REFORM ACT OF 1998

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GEKAS. Mr. Speaker, yesterday, I had the honor, along with my colleagues Congressmen JIM MORAN of Virginia, RICK BOUCHER of Virginia, and BILL MCCOLLUM of Florida, to submit to the Congress legislation to reform the Bankruptcy Code. This measure, the Bankruptcy Reform Act of 1998—H.R. 3150—will be referred to the House Committee on the Judiciary, and then to the Judiciary Subcommittee on Commercial and Administrative Law. As the Chairman of the Subcommittee on Commercial and Administrative Law I can assure the Congress that this measure will be given an expeditious review and brought to the full House of Representatives as soon as possible. Why? Because bankruptcy reform is needed, and needed now.

Mr. Speaker, I would like to submit to the body two items for printing in the CONGRESSIONAL RECORD which detail my position on bankruptcy reform and the major provisions of H.R. 3150. There will be much, much more information offered on this topic, this bill and the arguments for, and against, what is here being proposed. I look forward to a spirited debate and enactment of the best bankruptcy reform bill possible.

THE BANKRUPTCY REFORM ACT OF 1998

MAJOR PROVISIONS

The Bankruptcy Reform Act of 1998 was introduced on February 3rd by Rep. GEORGE GEKAS (R–Pa.), Rep. JAMES MORAN (D–Va.), Rep. BILL MCCOLLUM (R–Fla.), and Rep. RICK BOUCHER (D–Va.). The bill is designed to restore personal responsibility to the bankruptcy system and to ensure that it is fair for debtors, creditors and consumers. Topics covered by the bill include:

Consumer Bankruptcy

In 1997, Americans filed an all-time record of 1.33 million consumer bankruptcy petitions, which erased an estimated $40 billion in consumer debt. Those losses are passed on to all consumers, resulting in a hidden tax of $400 for every American household. In other words, consumers who pay their bills are forced to pick up the tab for those who do not. The consumer bankruptcy provisions of the Bankruptcy Reform Act of 1998 are designed to address a flaw in bankruptcy law that allows individuals to file for bankruptcy and walk away from their debts, regardless of whether they are able to repay a portion of what they owe.

Needs-based bankruptcy—The Bankruptcy Reform Act of 1998 creates a system that would determine the amount of financial relief a debtor needs and require people to repay what they can. The amount of relief would be calculated based on a formula that uses a debtor's income and obligations to determine his or her ability to repay.

If the debtor cannot repay all of his or her secured and priority debts, and at least 20 percent of unsecured debts over five years, the debtor has the option of filing for complete relief under Chapter 7 of the bankruptcy code. (Examples of secured debts are car loans and mortgages. Priority debts are such obligations as alimony, child support and back taxes. Unsecured debts include installment loans and credit card debts.)

If the debtor could repay all of his or her secured and priority debts and at least 20 percent of unsecured debts over five years, the debtor may not file under Chapter 7; if the debtor still chooses bankruptcy, he or she would file under Chapter 13 and begin a repayment plan. (Under Chapter 7, a debtor receives nearly complete relief from debts. Under Chapter 13, the court establishes a timely repayment plan that can run up to five years.)

Those debtors with an annual income of less than 75 percent of the national median family income can choose automatically whether to file for bankruptcy under Chapter 7 or Chapter 13; the needs-based test does not apply to these individuals.

Debtor's Bill of Rights—This provision would protect consumers from "bankruptcy mills"—law firms and other entities that steer consumers into filing bankruptcy petitions without adequately informing consumers of their rights and the potential harm bankruptcy can cause. Under the legislation, an attorney is required to refund the full cost of representing the consumer if he or she does not provide full and fair representation. The bill would also crack down on misleading advertisements and other tactics by requiring full disclosure about an organization's services, and sets out a series of rules under which for-profit "debt relief counseling organizations" must operate so that consumers are assured that they will get proper and adequate advice.

Consumer Education—The bill contains two education-related provisions. First, each consumer must receive information prior to filing for bankruptcy about his or her options, both within the bankruptcy system and alternatives to bankruptcy. Second, the bill creates a pilot program of financial management training for debtors and allows the Court to require a debtor to complete such a program as a condition of having his or her debts discharged.

Exemptions—The bill increases from 180 to 365 days the time in which a debtor must live in a particular state in order to take advantage of that state's asset exemption rules. This provision is designed to limit a debtor's ability to move into a state with broader exemptions immediately prior to filing for bankruptcy.

Small Business Bankruptcy

More than 50,000 American businesses file for bankruptcy each year, including many small ones. The Bankruptcy Reform Act of 1998 implements reforms recommended by the National Bankruptcy Review Commission to streamline the treatment of small business Chapter 11 cases. The legislation defines a small business as one with less than $5 million in debts. The Commission found that the Chapter 11 process, which is designed to give business owners time to reorganize and get the business back on its feet, often had inadequate oversight and was ineffective for small businesses. Major reforms in this area include:

Requiring all small businesses to confirm Chapter 11 plans within 150 days of filing, or prove that they are deserving of an extension.

Enlarging the grounds for conversion to Chapter 7, under which a Bankruptcy Trustee is required to liquidate the business.

Charging U.S. Trustees and Bankruptcy Administrators with overseeing small business debtors and "blowing the whistle" early on cases that cannot succeed in Chapter 11. (The current oversight system, which involves court-appointed creditors' committees, has proven ineffective).

Single-Asset Realty Cases

These provisions also implement recommendations of the National Bankruptcy Review Commission in a specific area of Chapter 11. Single-asset realty cases typically involve in office or apartment building where the rents are inadequate to cover payments due on the mortgage. Owners often file Chapter 11 to postpone foreclosure. Usually there are few or no creditors other than the mortgage holder. The Commission found that owners in this situation often propose "new value" plans, whereby the mortgage holder's claim is reduced to the current value of the building, the excess claim is canceled, and the owner contributes a new amount of money toward the new value. The Bankruptcy Reform Act of 1998 takes steps to streamline this process and to ensure that the "new value" must be in cash equal to 25% of the full value of the property.

Enhanced Data Collection

A common complaint about the current bankruptcy system is that data is limited, making it difficult for Congress to recommend changes. The Bankruptcy Reform Act of 1998 would require: Uniform, national reporting forms for Chapters 7, 11 and 13; monthly filing forms for Chapter 11, so that the progress of a business reorganization can be easily monitored; a "sense of the Congress" declaration that all non-confidential data should be stored electronically and be made available to the public via the Internet; and a "Sense of the Congress" declaration that a national data system should be established for tracking bankruptcy trends.

Bankruptcy Tax Issues

The Bankruptcy Reform Act of 1998 makes a number of changes to existing law to close loopholes that limit the government's ability to collect taxes. The bill also improves the system for notifying government representatives of a bankruptcy filing in which taxes may be involved.

The Bankruptcy Reform Act of 1998 also incorporates the major elements of S. 1149, the Investment in Education Act, which was unanimously reported by the Senate Judiciary Committee last October. This language ensures that local school districts and governments are given a priority in bankruptcy proceedings to recover back property taxes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

School districts around the country are losing money because they tend to be last in line to collect back taxes owed by property owners who have filed for bankruptcy. These provisions ensure that more money is put back into schools.

Direct Appeals

Under current law, there are two levels of appeals in bankruptcy cases. The first is an appeal to a district court or a bankruptcy appellate panel and the second is to the U.S. Court of Appeals. This proposal would streamline and expedite the appeals process by eliminating the first step and allowing appeals to be taken directly to the U.S. Court of Appeals.

Making Chapter 12 Permanent

The bill would also make permanent Chapter 12 of the Bankruptcy Code, which is scheduled to expire in 1998. Chapter 12 is designed to preserve family farms by limiting the power of a bank to exercise a veto over a farmer's reorganization plan. This provision was adopted unanimously by the Senate in October.

STATEMENT OF CHAIRMAN GEORGE W. GEKAS, CHAIRMAN, JUDICIARY SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW—BANKRUPTCY REFORM ACT OF 1998

The greatest, and perhaps most dangerous, irony I have come across in the past decade is that despite economic growth, low inflation, low unemployment, and increasing personal income, our nation has seen an alarming increase in the number of bankruptcy filings—1.3 million in 1997 to be exact. Think about that for a second. That's more than one family per every hundred in the United States and over $40 billion in debt that has been erased—in a year of strong economic growth. It only further illustrates the problem when you consider that the number of filings in the '90s is eight times as many, per household, as there were during the Depression.

It wasn't always this way. The so-called "bankruptcy of convenience" is a new phenomenon, borne out of the loss of stigma the word "bankruptcy" once, but no longer, carried. It used to be a sense of responsibility, or perhaps more appropriately, a sense of disgrace and embarrassment that discouraged Americans from declaring bankruptcy. Deals were cut to make sure that creditors would at least eventually see their money and that debtors paid off, rather than legally erased, their debt.

Harry S. Truman, the 33rd President of the United States, spent the better part of the 1920s in debt due to the collapse of his clothing business in 1922. Truman was both a man and a President of the highest moral character with a tremendous sense of responsibility, which was reflected in the motto that sat on his desk in the Oval office— "The buck stops here." Truman eventually paid off all of his creditors by working out deals and payment schedules, thereby keeping himself out of bankruptcy court and ensuring that he lived up to bills he amassed.

As an attorney in practice, I can remember negotiating such a repayment arrangement for a client in the late '60s. With just a few phone calls I was able to appease my client's creditors and arrange for payments to be made on a regular basis until my client's debt could be discharged. While my client's creditors were demanding their pound of flesh, they knew all too well that a deal was in their best interests. The creditors would get paid, albeit not immediately. The other option was for my client to declare bankruptcy, which would have erased his debt and left his creditors high and dry. Both parties agreed that an arrangement based on responsibility and good faith was the better alternative.

Today's situation is tremendously difficult to comprehend, because times are good. The only reasonable explanation is that the stigma of bankruptcy is all but dead. How do we know? Other than the last two decades, we only see "spikes" in the number of bankruptcy filings during times of recession—which makes sense. During difficult economic times it is always tougher to make ends meet. But the past six years have been a period of unparalleled economic growth—as any Wall Street broker would be happy to tell us. So obviously the growth in the personal bankruptcy market is not a response to the economy.

Nor can we justifiably point an accusing finger at the credit card industry. The popular myth is that the credit card industry is flooding consumers with credit they can't afford thereby causing a surge in filings. However, those accusations are misdirected. Credit card debt accounts for only 16% of all bankruptcy debt. With some quick calculations you can see that leaves $33.6 billion of some $40 billion in debt still unaccounted for—so it is not likely nor is it fair to blame the credit card industry for the rapid increase in bankruptcy filings.

The lack of stigma has become a weed infesting the bankruptcy landscape. And the seed that sprouted this condition was Congress, or more correctly our predecessors in Congress. The Bankruptcy Reform Act of 1978 changed the code dramatically, making the system decidedly pro-debtor. The 1978 reforms were appropriate for the times. But the times have changed. In the twenty years since, filings have gone from 200,000 to 1.3 million.

In his 1997 Economic Report, President Clinton also acknowledged that the Bankruptcy Reform Act of 1978 is the primary culprit for the increased filings of the past two decades. The report states that "recent rises in nonbusiness bankruptcies is probably the result of changes in the bankruptcy law and a number of broader social changes . . . researchers generally attribute much to the increase in bankruptcies since the late 1970s to effects of the Bankruptcy Reform Act of 1978."

The weed has spread as bankruptcy became viewed more as a financial planning tool, government debt forgiveness program, and a first choice, rather than a last resort. Bankruptcy has even become fashionable—the Hollywood trend setters do it. People Magazine recently ran a cover story to illustrate the problem. Willie Nelson, Burt Reynolds, Kim Basinger, M.C. Hammer, former Baseball Commissioner Bowie Kuhn, Arizona Governor Fife Symington, former Philadelphia Eagles owner and Pennsylvania trucking magnate Leonard Tose are just a few of the high profile filers lending their help, albeit unconsciously, to make bankruptcy en vogue. Just last week, Grammy Award winning singer Toni Braxton, who has sold more than 15 million records in the past 5 years, declared bankruptcy.

It is simply too easy to file. I sent my bankruptcy counsel, Dina Ellis, to Bankruptcy court a few weeks back and what she reported to me was mind boggling. Lawyers who have never met their clients looking like limousine drivers at the airport as they try to identify their clients and get them in front of the judge. Scores of cases decided over the course of a few hours, spending an average of 1 to 5 minutes to decide each case. Can you imagine? Spend a couple of hours filling out forms and a couple of minutes before a judge and you can kiss your debts goodbye. You want to put that in perspective? By the time this press conference is finished 20 people will have had their debts discharged.

Of course, any remnants of the bankruptcy stigma are easily erased by our daily dose of media. Bankruptcy lawyers have taken to advertising on TV, radio and in the papers to tout the benefits of stiffing your creditors or how to restore your credit immediately after declaring bankruptcy. The way they make it sound, you would think that you are crazy to responsibly pay your bills or mortgage. It pays to go into debt.

The crux of the problem is that too many consumers are choosing convenience rather than responsibility for the debts that they have accrued and can afford to pay. This is why you and I should care about stemming the tidal wave of bankruptcies.

When irresponsible spenders who can afford to pay all or some of their debt declare bankruptcy, you and I get stuck with the bill. It's a $40 billion bill that we share this year, or $400 per household. I don't know about you but $400 dollars is 5 weeks' worth of groceries or 20+ fill-ups at the gas pump to me. It has also been estimated that it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

When consumers file for bankruptcy, retailers pass on the costs in the form of higher prices, layoffs and/or buying less from suppliers. Lenders redistribute bankruptcy debt by charging you and me higher interest rates and insurance premiums.

Now my colleagues and I have a decision to make: plow new ground or let the weeds grow. Mr. Moran, Mr. McCollum, Mr. Boucher and I have decided to plow. The bill we are introducing here today is a conglomeration of ideas, strategies and solutions that, when enacted, will put an end to the abuse, protect the downtrodden and keep you and I from footing the bill for someone else's irresponsibility.

The genesis of this reform was the Bankruptcy Reform Act of 1994 and its major tenet, the formation of the National Bankruptcy Review Commission. The Commission was charged with the duty of studying the bankruptcy code and submitting a report in two years suggesting proposed reforms. Last October, the Commission released its report and recommendations to Congress. To put it lightly, the report was disappointing (even by several Commissioner's own admissions), for it failed to identify the problem of increased consumer bankruptcies or offer adequate solutions. However, in its defense, it did provide a starting point for our debate.

Our bill is comprehensive—tackling both consumer and business bankruptcy. Let me highlight some of the fine points of our bill:

Our bill emphasizes responsibility and cuts down on abuse by implementing a needs-based system. Our plan mirrors previous legislation introduced by Congressmen McCollum and Boucher.

A unique portion of our legislation is what I call the "Debtor's Bill of Rights," which outlines protection for those who legitimately require bankruptcy's safety net and in particular would save them from becoming victims of the "bankruptcy mills."

There is also language included in the bill that provides a pilot program for consumer education to help debtors better manage their finances.

We have addressed the exemption issue, making it more difficult for those who are dodging their debts to hide their wealth in exempted assets.

Our bill also permanently extends Chapter 12 bankruptcy to protect family farmers under the Code.

What you see before you is a tremendous accomplishment—reestablishing the link between bankruptcy and the ability to pay one's debts. Yet it still preserves the foundation of bankruptcy—providing the safety net that supports those who suffer a major life crisis.

My home state of Pennsylvania passed one of the first bankruptcy laws in our nation's history. The Pennsylvania Bankruptcy Act of 1785, called for consumers convicted of bankruptcy to be nailed to the pillory by the ear and then publicly flogged. After the flogging the ear would be cut off. By no means do we wish to return to those days.

To paraphrase my former colleague and former Treasury Secretary Lloyd Bentsen: while there is nothing wrong in legitimately admitting financial defeat by filing bankruptcy when it becomes impossible to repay one's debts, we must make an effort to restore the justifiable sense of embarrassment Americans once felt asking their neighbors to shoulder their burden.

Another concern is that the current system—which breeds financial irresponsiblity—is not the cure-all imagined by those who live beyond their means. By allowing people to escape from their financial obligations, we are doing those individuals a disservice by not encouraging them to manage their finances and control their debt. The end result is a citizenry caught in a never-ending cycle of debt. With bankruptcy filings expected to reach historic levels this year, I have grave concerns for the stability—economic and emotional—of the American family.

The time is now, while our economy is robust, to reform. Waiting until the dawn of the next recession or economic downturn will only allow this outbreak of bankruptcy to run into an uncontrollable epidemic. Historically, bankruptcy was intended as a last resort pursued only under the most dire of situations. We are committed to ensuring that the code will help those in dire circumstances get back onto their feet while protecting responsible consumers who are unfairly bearing the cost.

HONORING TROUSDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Trousdale High School Yellow Jackets football team of Hartsville, Tennessee, and that goal was winning the state 1–A championship game. Their hard-fought victory, and the hard work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as Region 3 1–A Champions, 1–A State Champions, and had a perfect 15–0 record.

These men of Trousdale High School trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their Head Coach, Clint Satterfield, and all the assistant coaches, managers, school administrators and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Taylor Dillehay, Brandon Eden, Thomas Payne, Eli Sanders, Robert Duncan, Chris Sutton, Travis Marshall, Casey Marshall, Jason Evitts, Dominique Harper, Jason Vootoo, Corey Harper, Brandon Samson, Brent Dalton, Colin Meyer, Ryan McCellan, Nick West, Renard Woodmore, Craig Moreland, Bowdy Fain, Shawn Vaughn, Jatarius Osborne, Adam Harper, Daniel Towns, Joe Cornwell, Bobby Livingston, Adam Keeton, Tony Jewell, Junior Fields, Benjamin Blair, Earl Carman, Timmy Tomlinson, James Keller, Pete Wilkerson, Michael Scruggs, Blake Holder, Baxton Adams, Dion Burnley, Adam Bratton, Brian Haney, Corey Timberlake, Justin Smith, John Carey and Kevin Gregory.

IN RECOGNITION OF MONTANA PERRY ROMINE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. RAHALL. Mr. Speaker, I rise to pay special tribute to Montana Perry Romine, a native of Mount Hope, West Virginia, who retired from the Mine Safety and Health Administration on January 3, 1998, after more than 47 years of federal service.

Mrs. Romine was first hired on June 26, 1950, by the U.S. Bureau of Mines in Mount Hope. During her career, she offered professional and dedicated service to the people of the United States through her work at the Bureau of Mines, the former Mining Enforcement and Safety Administration, and finally with the Mine Safety and Health Administration. In recognition of her service and professionalism, Mrs. Romine earned numerous awards, including a distinguished career service award.

I am sure that Mrs. Romine's many friends and colleagues at the Mine Safety and Health administration will miss her both personally and professionally. Today, I join them in congratulating her for her service and wishing her continued health and happiness in retirement.

TRIBUTE TO DR. HAROLD P. SMITH, JR., ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL BIOLOGICAL DEFENSE PROGRAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. DELLUMS. Mr. Speaker, I would like to pay tribute today to the numerous accomplishments of my constituent, Dr. Harold P. Smith, Jr., the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. He is leaving his position to return to California. In his service to the Administration, he directed programs that refocused national defense to respond to the growing threat posed by the potential proliferation of Weapons of Mass Destruction (WMD).

One of the most noteworthy programs benefiting from Dr. Smith's skillful leadership was the Cooperative Threat Reduction (CTR) program. This program was designed to help the successor states to the Former Soviet Union eliminate WMD delivery systems and to promote the safety and security of the weapons remaining in Russia. Dr. Smith established a dedicated Program Office which successfully implemented agreements with the Former Soviet Union that eventually resulted in the denuclearization of Belarus, Kazakhstan, and Ukraine. This program initiated the construction of a major fissile material storage facility in Russia to provide secure, long-term storage for approximately 12,500 nuclear warheads. In addition, supercontainers, specialized railcars, emergency response equipment, computerized inventory and personnel reliability capabilities were provided to enhance the safe and secure transportation and storage of Russia's nuclear warheads. He personally negotiated an agreement with Russia to design the first Chemical Weapons Destruction Facility to begin the destruction of 40,000 metric tons of chemical weapons.

Dr. Smith significantly advanced the U.S. Chemical Demilitarization Program. The destruction process for the United States chemical weapons stockpile is currently underway at Johnston Island and Tooele Army Depot in Utah. Construction of destruction facilities at the other seven storage sites in the United States is on schedule to meet the requirements of the Chemical Weapons Convention Treaty that entered into force in 1997.

Unprecedented changes affecting nuclear matters occurred during Dr. Smith's assignment. He worked successfully with the Department of Energy and the Department of Defense to balance the nuclear stockpile in a non-testing environment. In anticipation of implementation of a Comprehensive Test Ban Treaty, he collaborated with the Department of Energy to develop the Stockpile Stewardship and Management Plan (SSMP). This plan will eliminate nuclear explosive testing requirements. Dr. Smith also improved significantly our capability to monitor world-wide nuclear testing and organized the Department of Defense for this support.

In response to shortfalls in military capabilities identified during Operation Desert Storm, Dr. Smith established a Joint Program Office to ensure better management and higher visibility of Department of Defense chemical and biological defense programs. Resources required to counter proliferation of weapons of mass destruction were moved from research and development status to procurement programs in support of troops on the battlefield. He was instrumental in joint military service improvements of biological agent detection systems such as the establishment of the Joint Vaccine Acquisition contract. As a result, shortages of equipment critical for U.S. forces to survive and fight on contaminated battlefields have been remedied.

Two Defense agencies have enhanced their missions under Dr. Smith's leadership. The Defense Special Weapons Agency (DSWA) has responsibility for supporting a variety of programs dealing with WMD. This mission includes support for CTR, research and development for counter proliferation and arms control, as well as facility vulnerability assessments. DSWA is now the center for nuclear expertise in the Department of Defense. The On-Site Inspection Agency has set international standards in arms control monitoring through professional execution of inspection, reduction, liaison, escort, and monitoring missions for various regimes.

I commend Dr. Smith's leadership and accomplishments in reducing the threat of Weapons of Mass Destruction. He successfully tackled a very challenging mission and his contributions towards improving our nation's security are many and enduring.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to RON DELLUMS—a distinguished member of this body who has announced that he will retire this Friday.

The House will lose an outstanding Member of Congress with Representative DELLUMS's retirement. Congressman DELLUMS has served his constituents and the United States well and faithfully in the 27 years since he was first elected to Congress.

RON DELLUMS's career before his election to Congress helped prepare him for his outstanding service in the House. His service in the U.S. Marine Corps provided him with experience that would be of great use during his many years on the House Armed Services Committee. His experiences as a social worker and as a job training and development program manager provided him with insights into the everyday problems facing many American families. And his service on the Berkeley City Council provided him with valuable first-hand knowledge of the challenges facing municipal governments.

RON DELLUMS was first elected to Congress in 1970, campaigning on a platform of civil rights, environmentalism, and social justice. He clearly delivered on that promise in his first term and in his subsequent terms.

In his 14 terms in office, RON DELLUMS has served on a number of different committees, including the Foreign Affairs Committee, the National Security/Armed Services Committee, the District of Columbia Committee, the Post Office and Civil Service Committee, the Permanent Select Committee on Intelligence, and the Select Committee to Investigate the Intelligence Community. He served as chairman of the Armed Services Committee and of the District of Columbia Committee; he has the distinction of being the first Member of Congress to chair two different House standing committees.

RON DELLUMS has earned his reputation as an opponent of wasteful military spending. He believed that the defense budget could be reduced significantly without compromising our national security. He was unswerving in his efforts to cut military spending and shift federal resources to addressing pressing domestic needs. He worked diligently to halt the nuclear arms race, and with that end in mind he was a vocal opponent of strategically unwise weapons systems like the MX Missile and the B–2 Bomber.

Congressman DELLUMS was instrumental in recent years in drafting and offering an annual alternative budget that reflected progressive, fiscally responsible policies rather than the status quo, and he was an articulate and respected advocate for dramatic changes in federal spending priorities.

Congressman DELLUMS was active in a number of other areas as well. He introduced health care reform legislation as early as 1977. He introduced housing legislation and infant mortality bills. He led the fight against Apartheid in South Africa, introducing legislation as early as 1971 to impose economic sanctions on that country. He worked to help create the Department of Education and to fully fund Head Start. He was involved in environmental issues like dredging. And he was a strong supporter of the Civil Rights Restoration Act, the Americans with Disabilities Act, and the reauthorization of the Voting Rights Act in 1987.

Congressman DELLUMS has had a remarkable career in the House. He has left his mark, made many friends, and earned great respect on both sides of the aisle.

RON, we will miss you here in the House. We will miss your insight, your passion, your eloquence, and your sense of perspective. We wish you well in your future endeavors.

CORINNE ROTH SMITH NAMED HANNAH G. SOLOMON AWARDEE OF THE YEAR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. WALSH. Mr. Speaker, I want to ask my colleagues to join me today in congratulating a Central New York woman of whom I and my community are very proud, Corinne Roth Smith, the 1997 Hannah G. Solomon Award Recipient.

This prestigious award is named in the memory of the founder of the National Council of Jewish Women. The concerns of the NCJW include the improvement of the quality of life for people of all ages and backgrounds. To paraphrase the recent tribute: Corinne Smith has helped to change and expand the role of other women in vital areas of the community. Her leadership has motivated others to fight for change and has resulted in public enlightenment.

This is the 25th year in which the NCJW's Greater Syracuse Section has presented this award. As I salute Corinne Smith, I congratulate the Syracuse Section as well.

Corinne is a volunteer, organizer and community leader extraordinaire. She has led the United Way, been a board member of Hillel, chaired the Federal Campaign for the Jewish Community Center, and in fact was the first woman to serve as President of the JCC.

She has received the Jewish Family Service Humanitarian Award, as well as the Syracuse Post-Standard Woman of Achievement in Education award. As the Dean of Academic Programs for the School of Education at Syracuse University, Corinne has touched the lives of students, families and even indirectly other academicians through her outstanding publications which deal with learning disabilities, her specialty area.

It is with great pride that I enter Corinne Smith's name in the CONGRESSIONAL RECORD today as a exemplary citizen, a mother, wife, and civic leader who rightly deserves this tremendous honor as well as our great esteem and deep respect.

HONORING THE REVEREND HARRISON T. SIMONS FOR PUBLIC SERVICE IN THE AREA OF RACE RELATIONS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to the work of the Reverend Harrison T. Simons of Oxford, North Carolina, for outstanding public service in the area of race relations. Reverend Simons received the Nancy Susan Reynolds Award on November 22, 1997 given by the Z. Smith Reynolds Foundation. The Nancy Susan Reynolds Award was founded "to seek out unsung heroes who have made a difference in their North Carolina communities."

On January 1, 1998, Reverend Simons retired from his position as rector of St. Stephen's Church and vicar of St. Cyprians Church in Oxford. As our nation prepares to celebrate Black History Month, it is appropriate to honor the work of Reverend Harrison, for his more than twenty-five years of service to the cause of racial harmony. I commend the work of Reverend Harrison and all members of the Oxford, North Carolina community of all backgrounds for their work in enhancing relations among people of every race. The Nancy Susan Reynolds Award to Reverend Harrison proclaims the following:

THE 1997 NANCY SUSAN REYNOLDS AWARDS

When Z. Smith Reynolds died in 1932, his two sisters and brother wanted their portion of his estate to benefit the people of North Carolina who had helped to create that wealth. So they formed the Z. Smith Reynolds Foundation in 1936. When their uncle, William Neal Reynolds, died in 1951, he left the majority of his estate to provide additional support to the Foundation.

One of the founders of the Z. Smith Reynolds Foundation was Smith Reynolds' sister, Nancy Susan Reynolds, who has been called "the most remarkable woman of widely diversified philanthropy in Twentieth Century America." She believed in taking risks, even risking failure; she respected leadership and those who exhibited the courage "to try again and again."

She held strongest to the conviction that the best societies are those built from the bottom up and that a good community is not improved by grand gestures alone but by many people working together for common goals. In 1986 the Trustees of the Foundation created the Nancy Susan Reynolds Awards to honor her by seeking out unsung heroes who have made a difference in their North Carolina communities.

This is the twelfth year that the Z. Smith Reynolds Foundation has presented the Nancy Susan Reynolds Awards, recognizing the uncommon leadership of North Carolinians whose vision, determination, resourcefulness, and strength of character have caused them to succeed where other individuals would have failed.

Even today, few people outside the recipients' neighborhoods would recognize their names. You will not find among the previous winners a governor, a corporate executive, or a bishop. You will find a priest, a teacher, a carpenter, a forester, a farmer, a librarian, and a physician assistant. What is remarkable is how each, usually with limited resources and in spite of the odds, has accomplished extraordinary good in his or her community.

The recipients this year—a Catholic nun from Belmont, an Episcopal priest from Oxford, and a dynamic young woman from Sunbury—are no less remarkable.

During its history, the Z. Smith Reynolds Foundation has made grants of more than $240 million to projects in all 100 counties in North Carolina. While the Foundation's geographic boundary of North Carolina is firm, the Foundation's grantsmaking strives to be far-reaching. It often seeks to initiate rather than to react, to question rather than to accept, to challenge rather than to affirm. The Foundation currently gives special attention to certain focus areas—community economic development, the environment, pre-collegiate education, issues affecting minorities, and issues affecting women.

LATIN AMERICA: PROGRESS IN DEMOCRACY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GALLEGLY. Mr. Speaker, while members were in their districts for the recent recess, several countries in Latin America and the Caribbean held important political elections. In every instance, these elections were seen as free, fair and transparent as observed by representatives of the international community. These success stories have once again demonstrated the growing acceptance and strength of democracy in the region. This nation has worked very hard to promote regional democracy through our Agency for International Development as well as through our efforts here in the Congress. As Chairman of the Western Hemisphere Subcommittee, I believe we can be very encouraged by the progress that is being made and we should commend those nations, and others, for their commitment to democracy and free and open elections.

I also want to commend the nations of Latin America and the Caribbean for the economic progress they are making as many of them progress to open market economies. According to a recent report by the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the economies of Latin America and the Caribbean experienced their best economic performance as a region in almost twenty-five years averaging a rate of growth of close to 5.3 percent while experiencing an average inflation rate of just 11 percent. This is truly good news and serves to reinforce the fact that the region is making steady and impressive progress.

Mr. Speaker, I want to congratulate President Janet Jagan of Guyana, President Carlos Flores of Honduras, Prime Minister P.J. Paterson of Jamaica, President Miguel Rodriguez of Costa Rica, as well as all of the candidates for Congress and municipal seats in both Chile and Colombia who won their respective elections.

Mr. Speaker, I am submitting a brief description of several of the elections which took place during the recess.

Colombia—On October 26, 1997, Colombia held nationwide municipal elections. These elections portrayed the worst and best aspects of modern Colombian democracy. Unfortunately, leftist rebels (a.k.a. "narco-guerrillas) attempted to disrupt the elections, especially in the rural areas which they control, by kidnaping and murdering many of the candidates. These efforts were modestly successful in twenty municipalities where elections were not held. Despite this disruption, and more positively, over 10 million Colombians voted, showing their strong support for the electoral process. The right to choose municipal officers is only about ten years old, so this affirmation of that right is encouraging, considering the rebels and drug lords assault on Colombia's democracy.

Guyana—The December 1997 presidential election was won by Janet Jagan's People's Progressive Party (the Chicago-born widow of the former president). However, this election was significant in that the opposition People's National Congress fomented rioting for several weeks after disputing the election results, charging fraud in the victory of the People's Progressive Party. Many experts, including those at International Foundation for Elections Systems, agreed that there were irregularities, but doubted that they had any conclusive impact on the outcome. Recently, the opposition signed an agreement with President Jagan to accept the results of the vote and end the street demonstrations.

Honduras—The November 1997 presidential election was momentous for the fact that it allowed the citizens for the first time to vote in their residential districts using new national identity ID cards. As a result, there was much less confusion for voters and irregularities were held to a minimum as the Liberal Party's Carlos Flores won the presidency. Importantly, the army played a vital role of supporting democracy. Observers noted that if it had not been for the army's help in transporting the ballots and election results, the chances of fraud and diminished public confidence would have been much greater. The Honduran governments is committed to addressing problems for future elections as well: turnout has dropped off somewhat, and the voter list is not as accurate as it should be.

Jamaica—The December 1997 parliamentary elections witnessed the historic second re-election of Prime Minister P.J. Patterson's People's National Party over the Jamaican Labour Party and the National Democratic Movement. While the elections were mostly free and fair across the country and the results are not in dispute, international observers, which included President Carter and Gen. Powell, noted that Jamaican politics still suffers from the problem of the garrison communities in the capital of Kingston. These are parts of the city wherein one of the major parties is dominant by means of patronage or intimidation; therefore, election results continue to return few or no opposition votes in these communities.

Chile—The December 1997 congressional elections resulted in victory for the Concertacion, the center left ruling coalition, and improved showings for both the hard right and the hard left; the more moderate left- and right-wing forces did worse than last time out. Aside from some poll workers showing up late for work, a commonality in Latin America, and a high abstention rate, there were no irregularities, and the vote represents for many observers evidence that Chile's democracy is quite stable.

HONORING WHITE HOUSE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the White House High School Blue Devils football team of White House, Tennessee, and that goal was winning the state 3–A championship game. Their hard-fought victory, and the hard-work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as Region 4 Champions, 3–A State Champions and had a perfect 15–0 record. The team also had 5 Associated Press All State players, 2 Tennessee Sportswriters All-State players and 8 All Region 1st team members.

These men of White House High School trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their Head Coach, Jeff Porter, and all the assistant coaches, managers, school administrators and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Jarod Jullierat, Corey Coker, Joey Rodgers, Jim Smith, J.R. Carroll, Andy Tucker, Ryan Sherrill, James Harper, Chris Barnes, Rudy Farmer, Brock Waggoner, Brian Whittaker, Josh Lanius, Jonathan Finch,, Josh Barton, Chuckie Jarrett, Clint Ruth, Brent Bunn, Josh Harrison, Eddie Carrigan, Jeremy Perry, Alan Hargrove, Jon Shelton, Adam Smith, Jim

Stacey, Brian Jones, Jon Simpson, Jason Faulk, Chad Rogers, Josh Ahmic, Roger Smith, Chris Gaddis, Chris Laroy, Tyler Judge, Scott Hawkins, Will Bush, Aaron Holmes, Jeremy Adcock, Ryan Cole, Jesse Sharp, Kevin Harris, Dustin King, Joseph Dillehay, Justin O'Guin, Josh Widener, Nathan Jarrett, Joe Bledsoe, Daniel Gray, David Mapes, Andrew McGreggor, Jessie Wagner, Michael Day, Matt Armistead, Josh McEarl, Adam Hanes, Jason Buckner, Ryan Holmes, Jonathan Miller, Mychael Smith, Ricky Ellis, Eric Carpenter, Clinton Van Der Westhuizen, Gary Adcock, Darrell McDaniel, Robert Keene, Brandon Barker, Joe Armistead, Casey Nash, Brandon Scott, Todd Stephens, and Pete Bloodworth.

HONORING RENEE NOLAN AND FRIENDS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor a group of remarkable young women in the 11th District of New Jersey and to share with my colleagues in the U.S. House of Representatives a story of selflessness and friendship.

In September 1996, Renee Nolan, a college sophomore at Seton Hall University, was diagnosed with an inoperable brain tumor. Radiation and chemotherapy treatments forced her to leave college and an experimental treatment left her paralyzed on her right side.

Despite her illness and many setbacks, this courageous woman has continued her valiant fight, regaining some movement in her right hand and learning to walk again. Renee received tremendous support from friends that deserve recognition.

Daniela Mastria, Beth Reynolds, Jennifer Franke, Jennifer Kelleher, and Alexis Smith of Boonton, New Jersey, and Donna Polizzi and Domenica "Mimma" Avena of Lincoln Park, New Jersey, have all been friends with Renee since their grade and high school days. When Renee's friends learned of her devastating illness, they began one of the most touching and determined crusades that I have ever known.

Immediately, Renee's friends made and randomly passed out fliers, set up a bank account, and rented a post office box to receive donations. Then, they sponsored a dinner dance to honor Renee and to raise additional money to help defray Renee's growing medical expenses.

Since June of 1997, this amazing group has raised approximately $32,000 for their friend and her family. Of even greater importance to Renee, these devoted friends have provided continual and invaluable moral and emotional support. When Renee is well enough, they plan outings. When she is not, they are with her at home with ice cream, games and smiles to help her and her family keep their spirits up. When Renee is most ill, they help nurse her.

This group of friends, all college students, have visited Renee daily at home or in the hospital, cooked for her family, and taken Renee back to Boonton High School, where she was once co-captain of the cheerleading squad. They have given selflessly of themselves, by any standard, often giving up their college and social activities to be available for Renee and her family.

It is heartwarming to see the selfless dedication with which these women have acted for their friend. In fact, as a result of her experience with Renee, one of the young women has changed her college major to nursing, so that she can better continue her legacy of caring.

These young women were recently honored by the New Jersey State Assembly and by Governor Christine Todd Whitman. This proved to be an especially moving and encouraging experience for Renee and her family.

Mr. Speaker, I know that all of my colleagues in the House join me in congratulating and thanking these exceptional women and friends, and that you will also join me in wishing them, Renee and her family well.

TRIBUTE TO EDUARDO PALACIOS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Eduardo Palacios, who for 27 years has been a bona fide hero to hundreds if not thousands of immigrants in the San Fernando Valley. In 1971, Eduardo started an immigrant rights and resource clinic in a tiny one-room office in the City of San Fernando. Today these kinds of centers are common, but that wasn't the case in the early 1970s.

Eduardo was motivated by humanitarian concerns and a strong sense of Chicano pride. He witnessed Mexican immigrants who were being exploited by unscrupulous businesses. Language and culture prevented many from seeking or receiving help. By offering his services, Eduardo filled a huge need.

Soon after opening, the clinic moved into a room with a couple of desks and file cabinets in Santa Rosa Church. The clinic adopted the name Immigration Services of Santa Rosa. Using a corps of dedicated volunteers, Eduardo expanded the clinic to include job referrals, medical assistance, food and shelter. He was doing everything possible to provide his clients with the tools to make a good living in this country.

It's hard to believe that Eduardo was doing this work while employed full-time at Harshaw Chemicals. In 1983, he left his job with Harshaw to devote himself to assisting immigrants. Two years later Immigration Services of Santa Rosa was accredited by the Board of Immigration Appeals, which led to more clients. The timing could not have been better; new arrivals were now coming to Southern California from Central America as well as Mexico.

Immigration Services of Santa Rosa is a family affair. In 1988, Eduardo hired his daughter, Victoria Aldina, as Assistant Executive Director; three years later his son, Carl Alan, joined the organization as Administrative Director. Together the Palacios have been a godsend for Spanish-speaking immigrants.

I ask my colleagues to join me today in saluting Eduardo Palacios, a leader in the effort to improve the lives of immigrants. His compassion, sensitivity and extraordinary energy inspire us all. I am proud to be his friend.

SOLVE OUR NATION'S NUCLEAR WASTE PROBLEM

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. NORWOOD. Mr. Speaker, before the larger issues of election year politics and balancing the federal budget eclipse this short legislative cycle, there is an urgent need for Congress to solve the nation's nuclear waste problem.

For 16 years, we have witnessed the Department of Energy's (DOE) hesitation to move this project forward, despite a clear statutory obligation established in the Nuclear Waste Policy Act of 1982. As we are aware, January 31 marked the deadline for DOE to begin accepting used nuclear fuel from nuclear power plants and defense facilities in 41 states and storing it in a single, federally monitored location.

This failure by DOE to act is simply irresponsible. I can find no reason that the department has disregarded the deadline other than a slate of serious consequences or the miscarriage of its fiscal duty and unconscionable behavior.

For one, DOE had a clear obligation to accept used nuclear fuel, not only according to a federal statute, but also according to federal court. In two rulings since 1996, a federal appellate court reaffirmed DOE's legal obligation to take nuclear fuel under a contract with electric utilities.

As if those rulings were not enough, DOE's offense could land it in court again—this time to defend challenges that utilities and electricity consumers are entitled to a full refund, plus damages for financing a disposal program that never materialized. Those damages could amount to $56 million by some estimates. Where will that money come from? Taxpayers, no doubt. Whatever the source, one thing's for certain—any refund or damages owed to utility customers undermine this Congress's efforts to balance the federal budget. It also puts all taxpayers at risk of paying a hefty lawsuit for capricious delays.

For these reasons, it is essential that the House and the Senate leaders appoint conferees to negotiate minor differences in the nuclear waste reform bills passed overwhelmingly by both chambers last year.

I urge my colleagues to pass this legislation as early as possible, so that it is not obscured by other weighty matters that await us this session. Let us solve the nuclear waste problem swiftly, for the sake of taxpayers—our constituents—who have already sent $14 billion to the Nuclear Waste fund without getting anything in return.

A GIFT

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. LATOURETTE. Mr. Speaker, as a proud co-sponsor to H.R. 1500, America's Red Rock Wilderness Act of 1997, I would like to insert the following poem, written by Ms. Anna Taft on October 27, 1997, into the CONGRESSIONAL RECORD:

> The desert gave me a package: a pile of sand wrapped in a bundle of cottonwood leaves. This gift contains a mixture of all the medicine of this land. It has red and white powders from slickrock sculptures, crushed juniper berries and pinon nuts, tiny bits of cryptogamic castles, damp sand from deep canyon streams, desert varnish from narrow blackened slots, and minuscule shards of Anasazi cookware. All blended together, its contents are no longer discernible, but it smells distinctly of triumph over adversity, of trees sprouting up far from water, of pothole creatures emerging from dormancy as raindrops rehydrate their world, of topographic contour lines at last clicking into place to match landforms, of hikers passing packs past the last ledge to reach a canyon rim, of warm sleeping bags inside a megamid covered with snow, of evaporation off of hot bodies as they emerge from a sweat lodge into cold night air, of a group of people learning to live together in harmony in the desert, of balance, neither superabundance nor emptiness. This bundle is wrapped tightly, but as I travel its leaves will start to come apart. The sand inside will spill out, spreading its magic through all the places I go. Everyone I meet will smell the job of accomplishment, the peace of harmony. One or two of them will recognize the scent and pull out their own little bundles, letting their own magic flow over them again. The others will smell and know of the wonderful things that are out there. For some, it may be the signal to go out and find that essence of life for themselves. For others it will be enough simply to breathe deeply and understand. If I don't keep the leaves moist, they will dry out and crack and I will lose more sand. But some will always be with me and the medicine will always be there.
>
> The desert has given me a package, but what can I give to the desert? I can give only sweat and blood, perhaps tears, and my love and gratitude, my commitment to walk softly and protect this land as best I can. The desert asks only this in return: that I let it live and share its magic with others, that they, also, may learn to love the land.

TRIBUTE TO DR. AND MRS. ZERZAN ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to recognize an outstanding achievement of two of my fellow Oregonians, Dr. Charles and Mrs. Joan Zerzan of Milwaukie, Dr. and Mrs. Zerzan will be celebrating their 50th wedding anniversary on February 7, 1998, and I believe this body would be remiss in not taking note of this accomplishment.

Dr. and Mrs. Zerzan met while attending college at Willamette University in Salem, Oregon. Dr. Zerzan was a veteran of the United States Army, having fought for our country in the China-Burma-India campaign in an effort to free those nations from the Imperial Army of Japan. Mrs. Zerzan, known at that time as Joanie Kathan, was an outstanding violinist from Rogue River, Oregon. Her talents as a violinist won her a scholarship to Willamette. The two met when Dr. Zerzan was running for President of his class, and Mrs. Zerzan was running for Secretary. Although both lost their respective races, they won something more important: each other's hearts. The two were married in Milwaukee, Wisconsin, where Dr. Zerzan was attending medical school at Marquette University.

Upon graduating from medical school, Dr. Zerzan re-enlisted in the Army. The Zerzans were stationed all over America, including here in Washington at Walter Reed Army Hospital. Somehow they found the time to have 12 children, four daughters and eight sons, who in turn have given Dr. and Mrs. Zerzan 29 healthy, happy grandchildren. Dr. Zerzan retired from the Army with the rank of Lt. Colonel in 1968, and the entire family moved back home to Oregon.

Mr. Speaker, Dr. and Mrs. Zerzan's accomplishment would be notable enough for its longevity. But, for the reasons I have outlined above, and for countless others that time will not permit me here to mention, their accomplishment serves as an example to future generations of the awe-inspiring power of love. Strong families are truly the bulwark of this nation, and it is individuals like Dr. and Mrs. Zerzan whose dedication to one another, and to America, give this nation its greatest strength. Mr. Speaker, I know that you and this entire body join me in saying to Dr. and Mrs. Zerzan, congratulations on your 50 years together, and thank you for the example you have set. St. Paul said long ago, "in the end there abideth faith, hope and love, these three; and the greatest of these is love." Dr. and Mrs. Zerzan, long driven by these words, have once again proven their enduring wisdom.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to one of the most respected members of the House of Representatives, the ranking Member of the House National Security Committee, RON DELLUMS. I know that I safely speak for all of my Colleagues when I say that the House will not be the same without his thoughtful leadership when he leaves this body on Friday.

Chairman DELLUMS has served in the House of Representatives for over twenty seven years, arriving in 1971 as an intense young man, committed to his principles of justice, education and health care for all. His legislative goals including cutting back on defense spending and using that money to help local communities, and to ending apartheid in South Africa.

In the 27 years since arriving in Washington, Mr. DELLUMS may have gotten a little bit more gray hair, but one thing hasn't changed: His intensity and commitment to the people of California's Bay Area and to the United States.

RON DELLUMS has taken stands on issues that sometimes have been at odds with many other Members. For example, when most members fought to join the House Armed Services Committee to increase defense spending, Mr. DELLUMS joined for another reason. He said at the time, "I did not join the Armed Services Committee to learn about missiles, planes and ships; I joined because I knew I would need to become an expert in this field in order to argue successfully for military spending reductions that would free up resources for the desperate human needs that I see every day in my community."

His stands on other issues have been just as principled. In 1971, the Freshman from California introduced legislation to impose economic sanctions on the apartheid regime of South Africa. It would be fifteen years before this legislation was enacted into law, enacted over the veto of President Ronald Reagan. Lesser members may have given up the cause, but not RON DELLUMS.

It will be this that I will always remember RON DELLUMS. For his hard work and commitment to his ideals and his willingness to always seek an alternative. RON DELLUMS always could be counted on to develop alternatives that reflected his beliefs, so that he would never have to sacrifice his principles.

RON DELLUMS will be missed by the House of Representatives and by me. I wish him the best of luck in all of his future endeavors.

HONORING RIVERDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve yet another milestone.

The group is the Riverdale High School Warriors football team of Murfreesboro, Tennessee, and that goal was winning the state 5–A championship game. Their hard-fought victory, and the hard work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as 5–A State Champions and fought to a 14–1 record for the season.

I congratulate each member of the team, their Head Coach, Gary Rankin, and all the assistant coaches, managers, school administrators and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Ron Akins, Carmoski Mitchell, Quentez Mitchell, Shawn Sanford, Kyle Jones, Eric Locke, Jason Hill, Deran Martin, Conner Barnett, Marvin Smith, Guy Freeman, Brad Garrett, Chance Dittfurth, Donnie Ayers, Jessie Chesterfield, Vincent Watkins, Dejuan Duke, Aundrell Cummings, Dario Hodge, Craig Garrison, Todd Howard, Jeremy L. Davis, Donte Bell, Chad Mackens, Keane McDonald, Larry Verge, Marcus Limbaugh, Rashad Watkins, Jeremy R. Davis, Tarrius Davis, Aaron Macedo, Billy Arrasmith, Troy Broughton, Gene Thorpe, Matt Sawyer, Michael Smallwood, Jonathon Davis, Jon Kelly, Brian Travis, Ryan Gjertson, Gabriel Besleaga, Bill Massaquoi, Justin Prince, Wes Denney, Scott Lowman, Harrison Mullins, Malachi Hernandez, Donald Morris, Chris Brown, Walker Thomas, Darnell Gresham, Rashawn Ray, Justin Waller, Rusty Stephens, Kolas Hughes, Terry Daniels, Josh Stewart, Kevin Bane, Joe Moos, Rhett Bass, Nick Patterson, Corneice Hoke, Andy Davis, Matthew Young, and Eric Greer.

TRIBUTE TO CAPT. ROBERT E. ANDERSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. DIXON. Mr. Speaker, I rise today with great pleasure to honor and acknowledge Robert E. Anderson for his distinguished career and his contributions to family, community, and nation. On February 1, 1998, Captain Anderson retired from his position as Delta Air Lines Chief Pilot based in Los Angeles, culminating an illustrious career. I thank you Mr. Speaker and esteemed colleagues for joining me in commemorating this occasion.

Robert Anderson embarked on his path of lifetime achievement in 1955, graduating as valedictorian from Roosevelt High School in Gary, Indiana. He earned both academic and Naval Reserve Officer Training Corps scholarships to the University of California, Los Angeles (U.C.L.A.). Upon graduation from U.C.L.A. in 1960 with a bachelor of science degree in Electrical Engineering, Captain Anderson was commissioned an Ensign in the United States Navy.

Captain Anderson served his country in the Navy for five years. After flight training in Pensacola, Florida, and Corpus Cristi, Texas, he was deployed to Vietnam where he patrolled the coast at the controls of a P2V airplane. Following his 1965 Honorable Discharge from active duty in the Navy, Captain Anderson returned to Los Angeles and continued military service until 1972 as a member of the United States Naval Reserve. During this time he was employed by I.B.M. as a systems engineer.

In 1968, Captain Anderson began his career as a commercial aviator with Western Air Lines. He was the second African-American pilot hired by the airline and began with the rank of Second Officer flying 737s. At Western, Anderson steadily progressed through the ranks. He was promoted to First Officer in 1972 and earned his Captain's wings in 1979. In June of 1980 he made the transition to DC–10s as a First Officer. Also a member of the Air Line Pilot's Association (ALPA) since 1968, Capt. Anderson's colleagues expressed their esteem for him by selecting him to serve as Chairman of ALPA's Grievance Committee for five years.

Captain Anderson flew 737 and DC–10 jet aircraft for Western until its acquisition by Delta Airlines in 1987. He retained his rank of Captain, flying 727 jets for the carrier. In 1989, Captain Anderson took on additional responsibilities as Line Check Airman; and in 1991 he became an Assistant Chief Pilot based in Los Angeles and in 1996 was promoted to become Delta's first African-American Chief Pilot, a position he held until retirement.

In addition to his distinguished aviation career, Captain Anderson has been a devoted family man. Robert and Yolanda Anderson are the proud parents of four: Roderick Eldon, Kimberly Mauriere, Staci Larelle, and Roslynn Elise; and the grandparents of young Tyrone Pierce Hinderson, Jr.

Mr. Speaker, I congratulate Captain Robert Anderson on his service to our nation and on a stellar career in aviation. I ask that you join me in commending and extending our best wishes to him and Yolanda for many years of good health and prosperity.

KEEP GUNS OUT OF THE HANDS OF CRIMINALS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GOODLING. Mr. Speaker, today I am introducing legislation intended to keep firearms out of the hands of those convicted of misdemeanor drug offenses. Current federal law prohibits a person convicted of a felony crime involving drugs and firearms from owning a firearm. However, those convicted of lesser drug offenses can legally own a gun. My legislation would impose strict penalties and fines for misdemeanors during crimes such as use or possession of an illegal substance when a firearm is present. Similar to legislation I have introduced in the past, my bill has had the endorsement of the Pennsylvania Chiefs of Police and the National Association of Chiefs of Police.

Quite simply, this bill would expand current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug trafficking. Those found guilty of simple possession of a controlled substance, and who possesses a firearm at the same time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. Mandatory jail time and fines would be required for second and subsequent offenses.

The guilty party would be prohibited from owning a firearm for 5 years. Exceptions could be granted depending upon the circumstances surrounding each individual's case. Current law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition provided it would not threaten public safety. This legislation will not affect a law-abiding citizen's right to own a firearm.

By imposing stiff penalties on people convicted of lesser drug offenses where a firearm is present, we will send a serious message that the cost of engaging in this activity far outweighs the benefit. If my bill becomes law, individuals owning firearms for legitimate purposes (hunting, target-shooting, collecting, or personal protection) and who also engage in the use of illicit drugs, will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms.

Mr. Speaker, the 104th Congress passed legislation that will prevent the early release of drug traffickers and provide increased enforcement on our borders to reduce drug trafficking. Last year, the House passed legislation to establish a program to support and encourage local communities who demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. I urge my colleagues to continue to focus its efforts on the drug war by passing this legislation in an effort to crack down on this criminal behavior. Drugs and guns are a lethal combination that must not be tolerated by a civilized nation.

TRIBUTE TO ELLEN STRAUS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Ms. WOOLSEY. Mr. Speaker, last week, I had the privilege of taking part in a ceremony to honor a true American hero. Ellen Straus, and her family, were named the recipients of the 1998 Steward of the Land award by American Farmland Trust. Ellen was selected because of her tireless efforts in promoting responsible land stewardship, farmland conservation policy and the use of environmentally and economically sustainable farming practices. This national award could not have gone to a more deserving person.

Born in Amsterdam, Holland, Ellen came to the United States in 1940. She met and married Bill Straus in 1950 and moved to his dairy on the Tomales Bay, in Marin County, where they have been farming ever since. In 1993, the family converted their traditional dairy to an organic operation. The Straus Family Creamery, the first organic dairy and creamery west of the Mississippi, now sells over one million bottles of organic milk per year, in addition to cheese, butter and yogurt.

Their commitment to environmentally sound practices dominates their operation. Their cows are fed 100 percent organically grown feed and are not treated with hormones or antibiotics. Their milk is sold in reusable glass bottles. A windmill pumps water to cows pastured uphill to reduce land erosion. Their bottle washing equipment has been redesigned to use 90% less water than originally designed, and the reclaimed water is used to wash floors. Wastewater generated at the creamery is treated in containment ponds and is later used to irrigate pasture lands. And, they are the first ranch in the area to use a no-till drill for seeding crops. The Straus family's farming practices have been a model to ranchers throughout Marin County and serve as a standard for organic farming nationwide.

One of Ellen's greatest legacies is the organization she co-founded in 1980, the Marin Agricultural Land Trust (MALT). MALT was the first land trust in the country to focus exclusively on the protection of farm and ranch lands. Through her efforts, Ellen was able to build a consensus among the agricultural, environmental and political communities to protect the farmland which is such an important part of the heritage of Marin County. Currently, MALT holds easements on over 25,000 acres of land, protecting 38 Marin County farms from development. Ellen's vision has served as a model for other land trusts which have been developed across the country.

As a Member of the House of Representatives, I have the good fortune to represent some of the greatest constituents in the country, and Ellen Straus is one of these people. She and Bill have advocated for a lifestyle in which they truly live and believe. Ellen has been an inspiration to me for her vision, her dedication, and her desire to protect the environment and agriculture as a way of life. Without her efforts, the agricultural heritage of West Marin County would have disappeared to development and urban sprawl many years ago. Instead, Ellen Straus has protected the peace and beauty of the West Marin hills for generations to come.

INTRODUCTION OF SEN. ROBERT C. BYRD

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. WISE. Mr. Speaker, I recently had the opportunity to be at an event with Congressman NICK RAHALL and Senator ROBERT C. BYRD in Beckley, West Virginia. That day Congressman RAHALL gave a wonderful introduction of Senator BYRD. I would like to submit a copy of his remarks for the RECORD.

REMARKS OF U.S. REP. NICK RAHALL, INTRODUCTION OF U.S. SENATOR ROBERT C. BYRD, COLLEGE OF WEST VIRGINIA LIBRARY, NOVEMBER 22, 1997.

Thank you, Dr. Polk.

"I cannot live without books." Declared Thomas Jefferson at age 72.

As we dedicate this state of the art learning resource center today, we should reflect that books and Beckley and Senator Byrd share a rich history.

John Beckley, our Town's namesake was the first Librarian of Congress, appointed by Jefferson.

The Library of Congress houses perhaps the greatest collection of human knowledge ever assembled—with one glaring exception.

The greatest collection of knowledge on the United States Senate rests here with us today in the form of our state's senior senator, our esteemed guest, The Honorable Robert C. Byrd.

I do believe Senator Byrd would agree with Jefferson that life without books makes living difficult, but Senator Byrd would go a step further.

You see when Senator Byrd studies history, he studies not for leisure, though it is a passion with him, he studies for the future of our Country, and of our State of West Virginia."

As has been said a good book is one "which is opened with expectation, and closed with profit."

America and West Virginia have greatly profited by the books read by Senator Byrd.

President Polk, Senator Byrd is probably the best student you ever had because he still thirsts for knowledge. Knowledge not for knowledge sake, but knowledge put to work for the people.

I would like to cite one example.

Senator Byrd addressed his colleagues starting on May 5, 1993, in 14 addresses on the pitfalls, the hazards, the constitutional danger and the sheer stupidity of a line-item-veto concept.

He drew heavily from the lessons of the Roman Senate, applied them to the constitutional system we have benefited from for over two hundred years, and showed them for what they are. If I may Senator Byrd put it best, I quote:

"The Budget medicine men have once again begun their annual pilgrimage to the shrine of Saint Line-Item Veto, to worship at the altar of fools' gold, quack remedies . . . and other graven images—which if adopted would give rise to unwarranted expectations and possibly raise serious constitutional questions involving separation of powers, checks and balances, and control of the national purse."

But his voice of principle rose above and went right over the heads of the petty politics of the day and a concocted line item veto was passed by the Congress. Senator Byrd has said teaching the Constitution to his colleagues is like reading the Bible to a herd of buffalo.

When the majorities in the Congress handed the President the power of the line item veto, guess what? He used it.

The first time he used it, the cry went up from the Congress, even from those who had voted to give away their power.

Do you know what the same Congress that had given the President the power of the veto, that same Congress over rode his vetoes—all of them—in the first bill he vetoed.

I share this example with you to say, Robert C. Byrd was in this case, one man armed with truth who made a majority.

When Senator Byrd is able to provide federal funding for a resource center such as this, he builds with more than bricks and mortar—he builds with minds and character for those who will use and grow within these walls and those connected to this center through cyberspace.

Today is not an end, it is a beginning, a new dawn. It is a culmination of the efforts of the tireless worker, a man who believes in West Virginia and in its people.

Builder of highways, mover of mountains, job creator, student, scholar, teacher—a man whom we respect, we know, we love and we thank.

It has been said, a teacher affects eternity, he never knows where his influence will end.

It is indeed my great privilege, my high honor to introduce you to our friend, our neighbor, our senior Senator, whose influence will never end.

CONCERN ABOUT "THE TURKISH UNDERWORLD"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ENGEL. Mr. Speaker, I rise to call attention to a growing problem in Turkey. Although it is a member of NATO and a democracy, Turkey is currently experiencing a growth of government-connected crime. Indeed, a recent official report has found that former Prime Minister Tansu Ciller's administration conspired with a broad range of criminal organizations to eliminate political enemies of the Turkish government domestically and abroad. I commend the following editorial, "The Turkish Underworld", published in the New York Times on January 30, 1998, to my colleagues for a fuller explanation of this serious dilemma.

I ask unanimous consent that the text of the article be printed at this point in the CONGRESSIONAL RECORD.

[From the New York Times, Jan. 30, 1998]

THE TURKISH UNDERWORLD

Turkey's secular leaders like to talk about the subversive activities of Islamic politicians and Kurdish separatists, but the gravest threat to democratic order in Turkey in recent years seems to have come from the secular leadership itself. An official investigation has found that between 1993 and 1996 the Government of Prime Minister Tansu Ciller connived with drug gangs, gambling moguls and right-wing hit men to assassinate enemies at home and abroad and sponsor a failed coup attempt in nearby Azerbaijan.

The current Prime Minister, Mesut Yilmaz, has properly expressed outrage at these abuses and promises further inquiries into possible misconduct during the Ciller era. But the problem was not limited to Ms. Ciller's term, and Mr. Yilmaz must not restrict further inquiries to protect government agencies and officials. His recent declaration that he opposes probing into areas that would "harm the state" sounds like a transparent pretext for circumscribing further investigation.

The initial investigation was spurred by the 1996 crash of a car carrying, among others, a senior police official, a drug smuggler wanted on murder charges and a pro-government Kurdish militia leader. These unlikely companions were traveling together, investigators found, because police and intelligence agencies, under government orders, were contracting with criminal gangs to murder real and imagined political opponents. The targets included Kurdish rebels, suspected Armenian terrorists and those believed to be their financial supporters. The report also found that the Ciller Government had aided a failed plot to overthrow the Azerbaijani President, Heydar Aliyev, in hopes his removal would protect drug smuggling routes through Azerbaijan.

The investigators looked mainly at the Ciller period, but also found that links between government security agencies, right-wing death squads and criminal gangs went back much earlier, at least to the time of a 1980 military coup that was followed by a period of severe repression. These earlier links should now be explored more closely, including the period in the early 1990's when Mr. Yilmaz previously served as Prime Minister.

Further investigation is also needed into possible connections between the armed forces and death-squad-style killings in Kurdish areas. The collusion between the Government and the underworld that has now been exposed must be eradicated and never repeated.

A TRIBUTE TO B.L. (BUD) FREW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SKELTON. Mr. Speaker, it has come to my attention that an outstanding career in the agricultural industry is coming to an end in Missouri. B.L. 'Bud' Frew, president and CEO of the Mid Continent Farmers Association, is retiring after having served Missouri's farming community for nearly 28 years.

Bud Frew's distinguished career in agriculture began in 1960, when he worked at the Illinois farm cooperative, FS Services, Inc. In 1970, Frew crossed the state line, and joined the Mid Continent Farmers Association (MFA). After 10 years of dedicated service to the MFA, Frew became the company's chief operating officer, and just four years later he was appointed as president and CEO.

While representing Missouri farmers at the MFA, Bud Frew involved himself in many agricultural affiliations. He has served as a Board Member of both CF Industries and the National Council of Farm Cooperatives, and as member of the Advisory Committee for the University of Missouri College of Agriculture, Food, and Natural Resources. He has also served on the Governor's Advisory Council on Agriculture. In addition, he has been president of the MFA Foundation, and he has received recognition from the Missouri Young Farmers, the FFA, and the University of Missouri.

Bud Frew's commitment to the community and the MFA is to be commended. MFA's recent success stands as a legacy to Bud Frew's dedication to Missouri farmers. As he prepares for quieter times with his wife, Kit, I know the Members of the House will join me in paying tribute to Bud Frew and wishing him the best in the days ahead.

SOUTH BRONX MENTAL HEALTH COUNCIL, INC. SEVENTH PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the South Bronx Mental Health Council, Inc., which this past Friday celebrated its seventh annual "Patient Recognition and Empowerment Day."

Created in 1968, the South Bronx Mental Health Council, Inc. was previously named the Lincoln Community Mental Health Center. It is a community-based organization which provides treatment and mental health services to the local population and to area schools and senior centers.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 30th, celebrate the seventh annual Patient Recognition and Empowerment Day.

TRIBUTE TO THE YALE LIONS CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BONIOR. Mr. Speaker, I ask my colleagues to join me in saluting the Lions Club of Yale, Michigan as they celebrate their 50th Anniversary on February 14, 1998.

In 1948, sixteen concerned Yale citizens felt there was a need to charter the Yale Lions Club. Though their membership has grown and changed, their goal has remained the same: to dedicate their talents to people in need. As DeWayne Wissel, a member of the Lions Club has said, "To know that even one person was helped through our efforts, makes it all worth it."

During the last fifty years, members of the Lions Club have contributed their time and resources to the betterment of their community. Among their many contributions include purchasing eye exams and glasses for area residents, Diabetes Assistance and Awareness programs, Lion's Quest, and funding scholarships for Yale High School students. The members of the Lions Club have also been strong supporters of D.A.R.E., the Yale High School Seniors All-Night Party, Boy Scouts, Girl Scouts, and the Leader Dogs for the Blind. I would like to thank all of the members, past and present who have donated their various talents to improve the quality of life in the Yale community.

The self-sacrificing qualities of the Lions Club members are what makes our communities successful. I ask my colleagues to join me in wishing the Lions Club of Yale a joyful 50th Anniversary. Their legacy of public service is sure to last well beyond another fifty years.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. MOAKLEY. Mr. Speaker, I would like to thank the gentleman from Missouri, Mr. SKELTON, for arranging for this time to honor our colleague, RON DELLUMS, as he prepares to retire from the United States House of Representatives.

Throughout his tenure in this House, he has served his constituents from the 9th congressional district of California with great distinction. Since first being elected to the House in 1970, RON DELLUMS has used a unique combination of common sense, grace, compassion and his strong intellect to become a champion of many causes. He has worked tirelessly on a wide range of issues, indeed, in almost all of the most important issues of our time. He has fought for civil rights, for equal rights for all. He has stood tall as a strong steward of our environment. He served as a powerful voice of reason in the struggle to challenge the militarization of U.S. foreign policy. He was a frequent and eloquent speaker against our misguided military and foreign policies in Latin America in the 1980's. Indeed, while I worked on the investigation of the murders of the Jesuits, their housekeeper and her daughter in El Salvador, I frequently enjoyed having RON's counsel.

As Chair of the Rules Committee, I enjoyed working with RON in his capacity as Chair of the House District of Columbia and in his role as Chair of the Armed Services Committee. It was during this time that I admired RON as he became a masterful practitioner of the art of coalition-building. RON has crossed lines of all types. He always set aside racial, cultural, political, class or gender considerations when dealing with people. Indeed, RON has earned the respect of Members and staff regardless of ideology. RON, you should be most proud of this accomplishment.

Today, it is most appropriate that we take time to honor RON DELLUMS. His service to his constituents and to this nation has been strong. The House of Representatives and all of its members will be diminished by your departure. RON, I wish you continued good health, happiness and a long life. I have enjoyed working with you and will always be proud to call you my friend.

CLINTON'S CHILD CARE PROPOSAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BEREUTER. Mr. Speaker, this Member highly commends this January 12, 1998, Omaha World-Herald editorial on President Clinton's child care proposal to his colleagues.

BIG GOVERNMENT ERA LIVES ON IN CLINTON'S CHILD CARE PROPOSAL

Bill Clinton is playing Daddy President again. The same president who announced the end of the era of big government in 1996 is now advocating a major new government benefit: subsidized child care.

Clinton has proposed a five-year combination of spending increases and tax incentives that would cost the Treasury almost $22 billion. Of that, he would spend $14.3 billion on child care subsidies for low-income families, increased funding of Head Start for preschoolers and a new federal program to promote training and safety at child care centers.

The plan would let families with incomes of up to $30,000 take a tax credit for 50 percent of child care expenses up to a limit of $2,400 for one child, $4,800 for two or more. Families above $30,000 in annual income could also claim credits on a sliding scale as income rises. At $60,000, their maximum credit would be 20 percent of child care costs. The current credit is 20 percent—30 percent if family income is $28,000 or less.

The plan has shocking implications. It would eliminate federal income taxes for a family of four with an annual income of up to $35,000 a year. So long as the family used the maximum credit, life would be tax-free as far as the Internal Revenue Service was concerned.

Reducing the tax burden on the poor is one thing. A family that earns $35,000 a year is not poor.

Accompanied by a dozen children for the announcement, Clinton called the plan "the single largest national commitment to child care in the history of the United States." His plan would in fact be an unprecedented foray by the federal government into the way American children are raised.

And what of the families who have planned and sacrificed to allow one parent to stay home with the children? Many families with a stay-at-home mom or dad are not wealthy. The Clinton proposal ignored them. Indeed, the Clinton plan could encourage more families to send both parents to work outside the home.

Federal income and payroll taxes eat up so much family income that some families decide that both parents must work full time. Clinton would best serve families by reducing government and reforming Medicare and Social Security, thereby making it possible to further reduce the tax burden on families. Instead, he seeks to expand government, further complicate the tax code and encourage the funneling of children into day care.

Certainly the government might properly help provide temporary child care assistance for families in emergency circumstances, or while a single parent prepares for a job. That does not change the general concept that people should not have children unless they can care for them or can afford to pay someone else to care for them.

However, Clinton's proposal to turn federally subsidized child care into what amounts to a middle-class handout is bad policy. It undermines the fundamental notion that parents—not the Daddy President—should be primarily responsible for the care of their children.

THE HOLOCAUST VICTIMS REDRESS ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SANDLIN. Mr. Speaker, I rise today to lend my strong support to the Holocaust Victims Redress Act. The Holocaust Victims Redress Act will provide redress for the inadequate restitution of assets that belonged to victims of the Holocaust seized by the United States Government during World War II. We can never do enough to help end the suffering of the 125,000 Holocaust survivors living in the United States and the approximately 500,000 survivors living around the world. Many of these victims still bear the scars of the most brutal regime in history.

The United States Government seized more than $198,000,000 in German assets along with over $1,200,000,000 in assets of Swiss nationals and institutions during World War II. It had long been believed that some of the bank accounts, trusts, securities, or other assets belonged to victims of the Holocaust. Although Congress and the Administration provided $500,000 to the Jewish Restitution Successor Organization of New York in 1962 to nominally reimburse Holocaust victims, this action was nowhere near the sum of financial losses most victims suffered.

After World War II, United States support for an independent Jewish homeland was fueled by our desire to help settle the large number of Jewish refugees, displaced persons, and survivors of the Nazi holocaust. Ever since President Harry Truman recognized Israel on May 15, 1948, minutes after Israel declared its independence, the United States Government has maintained a strong relationship with Israel, the Jewish community around the world, and survivors of the Nazi holocaust. The Holocaust Victim Redress Act continues to shine light painfully on a wound that has not yet been healed.

It is important that our country continue to aid holocaust victims recover lost assets and even more important to continue pressuring other nations to completely open their wartime records so we can fully account for all lost assets. It would be easy for the United States and other nations around the globe to sweep this problem under the rug 50 years after the holocaust. However, this great nation founded under the principles of liberty and justice for all will never rest until victims of the holocaust can finally receive the justice they deserve.

TRIBUTE AND MEMORY OF THE HONORABLE EDNA KELLY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mrs. MORELLA. Mr. Speaker, on December 14, 1997, Edna F. Kelly passed away at the age of 91. Mrs. Kelly served as a Member of Congress for twenty years, from 1949 to 1969.

I did not know Congresswoman Kelly personally, but I did know her through her daughter, Maura Patricia (Pat) Kelly who works in the Clerk's office on the Daily Digest, and Jean Gilligan, a longtime friend of the Kelly family and a Hill retiree after 45 years of service.

Edna Kelly was the fifth daughter of Patrick J. Flannery, an Irish immigrant, and his wife, Mary Ellen Flannery. Mrs. Kelly, after graduation from Hunter College in 1928, married Edward L. Kelly, an attorney who was active in Brooklyn Democratic politics and later became a judge on the New York City Court.

Mrs. Kelly was one of the those pioneers who paved the way for more representation by women on the local and federal level. Her active political career began when her spouse met an untimely death in 1942. She was active in the Women's Auxiliary of Brooklyn's Madison Democratic Club. She then joined the county executive committee and became research director for the Democrats in the State Legislature. In 1949, she was elected to fill the unexpired term of deceased Representative Andrew L. Somers' vacant seat in the 81st Congress and was reelected by her constituents nine times. Her constituents affectionately called her "Kelly."

Mrs. Kelly became known as an expert in Soviet issues and became the third-ranking member of the Committee on Foreign Affairs. During the cold war she headed several fact-finding missions to Berlin, Hungary, Czechoslovakia, Greece and Turkey. Her intensive studies and reports raised our country's awareness of the threat of international Communism and the importance of NATO. She firmly opposed Communist expansion. As chair of the Foreign Affairs Subcommittee on Europe, she advanced the advantages of rebuilding a strong Europe. In 1963, President Kennedy appointed Mrs. Kelly as a member of the U.S. delegation to the United Nations. She was instrumental in creating the Arms Control and Disarmament Agency and she served as co-chair of the first United States-Canada Interparliamentary Conference.

Mrs. Kelly is known for her sponsorship of legislation creating the Peace Corps.

Mrs. Kelly's interests went beyond the international scene. She was a sensitive yet outspoken champion of those who were oppressed. She sponsored legislation to improve the economic status of American families and refugees of World War II. Her bill, the Mutual Security Act, helped to find homes for more than 1.5 million people dislocated from the Soviet Union and Europe. She also supported the civil rights legislation, the newly formed State of Israel, and pleaded for Irish unity. She denounced political and religious persecution as an indignation to humanity. She stood for peace and understanding among all people.

As the only Congresswoman in the New York delegation at that time, Mrs. Kelly was at the center of a group of bipartisan women legislators who focused their attention on the economic problems of women in their roles as homemakers, widows, and employees. The work, tenacity, and joint efforts of these Members of Congress resulted in legislation to correct discrimination in laws denying women employment, credit, housing, pensions and educational opportunity. Passage of her bill in 1963 established the principle of "equal pay for equal work" and launched a new era in the struggle for women's equality.

Edna Kelly was pivotal to the progress made by women in our country today. She will be remembered by those who knew her as a person of strong character, sharp intellect and gracious Irish charm. For those who did not have the privilege of knowing her personally, she is, in the words of her daughter, Pat, "* * * a great person to emulate."

REMEMBERING GEORGE WASHINGTON

HON. BENJAMIN G. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GILMAN. Mr. Speaker, I rise today to draw my colleague's attention to my Concurrent Resolution on the remembrance of the 200th anniversary of the death of the father of our nation George Washington. The contributions of this former farmer and member of the

Virginia House of Burgesses have played an integral role in the formation of our nation's history and culture.

Little did Washington know that those fateful shots fired in Lexington and Concord would eventually lead him down a path that would cause him to forever be synonymous with the ideas of freedom worldwide.

His reluctant acceptance of the Second Continental Congress' appointment to head the American Continental Army resulted in one of the world's greatest triumphs against tyranny. The example he displayed was used by nations around the world who desired freedom from their tyrannic rulers and oppressors. It is also important to note the pivotal role General Washington played in the drafting and ratification of the United States Constitution, which has also served as a model for other nations around the globe.

However, the most important role he may have played was as the first President of the newborn United States of America. His influence on the designs and ideals for our government was of great assistance to the formation of a system where no one body could achieve an overabundance in power. In turn his selflessness would limit his own Presidency. His reasoning was sound though, for the elimination of the possibility of tyranny in the nation he fought so hard to create.

Biographer James Thomas Flexnir said, "From the first moment in command, Washington was more than a military leader; he was the eagle, the standard, the flag, the living symbol of the cause."

The selfless bravery and astute decision making of this man helped to formulate our great nation into what it is today. That is why I wish to bring this Concurrent Resolution to the attention of my colleagues. I can think of no one person more deserving of such an honor.

I ask my colleagues to join Speaker GINGRICH and myself in approving this Concurrent Resolution, and to join me in the celebration of this outstanding human being.

CONGRATULATIONS SAMUEL A. "SKIP" KEESAL, JR.

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Samuel A. "Skip" Keesal, Jr. on his recognition as Distinguished Citizen of the Year by the Long Beach Area Council Boy Scouts of America.

Skip has dedicated himself to the local community by supporting numerous charitable and civic projects. His enduring commitment and outstanding leadership are reflected in the Boards on which he serves: the Boards of Directors for the Long Beach Area Council of Boys Scouts of America, YMCA of Greater Long Beach, and the Board of Trustees at Long Beach Memorial Hospital. His strong support of education is exemplified in his founding membership in the Board of Governors at California State University Long Beach and his support of many programs sponsored by the local schools. Further recognition of Skip's efforts include the "Outstanding Corporation" award presented to Keesal, Young & Logan, the law firm of which he is founding partner, on National Philanthropy Day in Los Angeles.

He serves on the Advisory Board of the Children's Health Fund which awarded him the "Big Apple" award for his outstanding contributions to children's health care.

Support of his profession through excellence and personal commitment also deserves recognition. As a result of Skip's trial practice, he has been named to the "Best Lawyers in America," both in civil litigation and maritime law. In 1990, he was selected as one of 500 lawyers in the world to join the prestigious International Academy of Trial Lawyers, where he sits on the Board of Directors of the Academy and the Academy's Foundation. Among other distinctions, Skip is a member of the American Board of Trial Advocates. California State University Long Beach named him "The Distinguished Alumnus" of the Business School in 1991.

Congratulations, Skip.

CONGRESSIONAL GOLD MEDAL FOR NELSON MANDELA

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. HOUGHTON. Mr. Speaker, I rise today, on behalf of you and a bipartisan group of our colleagues, to introduce a bill to award the Congressional Gold Medal, our nation's highest civilian honor, to Nelson Rolihlahla Mandela, President of the Republic of South Africa.

Nelson Mandela has dedicated his entire life to the abolition of apartheid and creation of democracy in his beloved country, South Africa. His story is familiar to us all; his impact on Members of this body and citizens of our nation—immense. This will be his final full year in office. We therefore thought that honoring him might be appropriate.

For the three decades that he was in prison, Nelson Mandela never once gave up on the struggle to free South Africans from their racist oppressors. He sacrificed his life, his youth. His daughter, Zindzi, often said that she "grew up without a father, who, when he returned, became the father of a nation." There is no doubt that he became and remains South Africa's best known and most beloved hero, a sentiment that exists here in the United States.

As President of South Africa, Mandela's dedication to his people did not cease once the apartheid laws were lifted. He refocused his efforts toward his nation's reconciliation by creating the Truth and Reconciliation Commission, Chaired by Archbishop Desmond Tutu. This Commission has been a fair, no-nonsense forum to expose an uncomfortable past in a constructive—not divisive—way.

When he accepted the Nobel Peace Prize with then-President FW de Klerk in 1993, he did so as a tribute to all people around the world who have worked for peace and stood against racism. This of course includes former South African Nobel Peace Laureates Chief Albert Luthuli and Bishop Desmond Tutu, and so many others, including some of our colleagues and fellow citizens.

Here in the United States, I think especially of our colleague, RON DELLUMS, who retires at the end of this week, as someone who fought so hard against apartheid, and worked to convince members of this body to impose sanctions on the South African government, which eventually led the events that culminated with apartheid's demise.

Our bill also specifically recognizes American student Amy Biehl, and her parents, Peter and Linda Biehl. Amy lost her life in the struggle against apartheid when she was murdered by the hands of an angry, racially-charged mob, in the Guguletu township outside Cape Town. Amy was a bright young woman, full of potential. She had traveled to South Africa to help register African women to vote. Peter and Linda are extraordinary people. When they confronted Amy's murderers last year, they showed an element of forgiveness and compassion rarely seen on this earth. They are an example to us all.

So, Mr. Speaker, I would especially like to express my thanks for your cosponsorship and the other Members who have joined us as original cosponsors—Mr. GEPHARDT, Mr. RANGEL, Ms. WATERS, Mr. GILMAN, Mr. HAMILTON, Mr. CAMPBELL, Mr. MENENDEZ, Mr. BEREUTER, Mr. PAYNE, Mr. SANFORD, Mr. HASTINGS of Florida, Mr. CHABOT, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. MCDERMOTT, and Mr. HALL of Ohio. I hope, with your help, we can assemble an appropriate number of cosponsors to move this bipartisan bill through the House and Senate—then welcome President Mandela to the United States this year and offer him this gift to recognize our immense appreciation for all he has done to rid the world of the scourge of racism.

HONORING DAVID SAMSON

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SHAW. Mr. Speaker, on December 18, 1997, I had the pleasure of honoring David Samson at a meeting of the Concerned Citizens of Northeast Dade. Below is the text of my speech:

TRIBUTE TO DAVID SAMSON

Today I rise to honor a man who has proven himself to be a true leader in one of the most civic and politically involved communities in these United States. I am speaking of The Honorable David Samson, Mayor of Sunny Isles Beach, Florida. When Mr. Samson moved to Florida 25 years ago, he planned to retire after a successful business career in Chicago. But for a man like Dave Samson, retirement didn't come easily. He got involved in his community, became the president of his condominium, and has held that office for the past 23 years. I believe he is the longest standing condominium president in Florida's history. Dave also has been Chairman of the Citizens Advisory Committee for the Metro-Dade Police Department Station 6 for the past eight years. To his credit, he has raised thousand of dollars to assist the police department and the families of fallen police officers.

For the past 13 years, Dave has been President of one of the most active and influential civic groups in all of Miami-Dade County, Concerned Citizens of Northeast Dade. During his tenure, Dave has improved the quality of life for residents, most of who are in their golden years. He created the Vial of Life Program for seniors in emergency situations, created programs to educate residents on hurricane preparedness, improved police protection, street lighting, and urged the formation of a much needed fire rescue unit on the beach. Under Dave's leadership, this group has also been responsible for tremendous support in "getting out the vote" initiatives for important issues and candidates they felt were worthy of their support. I have been a beneficiary of this support and feel that we have an excellent partnership working on issues that greatly affect this community such as beach renourishment and seniors' right related to adult-only condominiums. This outstanding organization is honoring Dave at a most-deserved affair to pay tribute to him as the outgoing president. I am proud to be a part of this tribute.

Ladies and Gentlemen, there's still more. At the ripe young age of 80, Dave Samson led the fight to incorporate his beautiful area of Sunny Isles Beach and befittingly became its first mayor. This doesn't surprise those of us who know Dave personally. He is truly a dynamo and a man filled with heart. Perhaps the person who knows best is Dave's beautiful wife of 58 years, Marion. They say behind every great man is a strong woman. To have endured a lifetime with a man whose career that just won't quit, I believe Marion deserves a medal.

On behalf of Emilie and myself, I congratulate Dave on his many years of dedicated service to Concerned Citizens of Northeast Dade and to the entire community who has benefited from all his tireless efforts on their behalf.

HONORING THE LIFE AND CONTRIBUTIONS OF MR. JACK ALLAN BELL

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. COLLINS. Mr. Speaker, I rise today to honor the life and accomplishments of Mr. Jack Allan Bell of Columbus, who passed away on December 22nd. His life should serve as an example to all of us who seek to serve our families, communities, states, and nation.

A son of the South, Mr. Bell was born in Birmingham, Alabama, educated at Birmingham Southern College and the University of Alabama, and spent most of his life in Columbus, Georgia, where his widow still resides.

Mr. Bell demonstrated his patriotism at a young age, serving in combat during both World War II and the Korean Conflict. Even in times of peace, Mr. Bell served in extremely dangerous positions, including piloting RB–45 reconnaissance aircraft for the Strategic Air Command (SAC). These reconnaissance missions produced invaluable intelligence information regarding Soviet defenses but also resulted in the loss of two-thirds of Mr. Bell's squadron. And as an Air Force test pilot, Mr. Bell again proved his skill, gaining certification in over 40 different U.S. military aircraft.

Following his military service, Mr. Bell made countless contributions to the Columbus community as both a businessman and a benefactor. He served as president of the Gas Light Company of Columbus, the Southern Gas Association, the Muscogee Lions Club, and the Greater Columbus Chamber of Commerce, as well as Director Emeritus for Sun Trust Bank.

As a member of the Board of Trustees, Mr. Bell was instrumental in the growth and development of the Columbus Museum and the Springer Opera House. He also was a leading force in the Chattahoochee Council Boy Scouts.

Jack Bell is and will be greatly missed in Columbus. As a father, husband, patriot, and community leader, Mr. Bell will continue to serve as a shining example of the great impact that one individual can have on his community and on his country. I am honored to have had the opportunity to represent him.

SALUTE TO COLONEL PETER A. HADLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to salute Colonel Peter Hadley for many years of outstanding service to his country and community on the occasion of his retirement.

I have known Peter Hadley for over forty years and I can attest to his devotion to the United States and his home State of California. Following graduation in 1964 from the California Military Academy, Colonel Hadley was commissioned a second lieutenant in the California National Guard and the United States Army. He soon distinguished himself in a variety of important command and staff positions culminating in his assignment as the Director for Reserve Affairs in the Pentagon's Office of the Assistant Secretary of the Army for Research, Development and Acquisition.

During his outstanding career, Colonel Hadley received numerous decorations and awards including the Legion of Merit, Meritorious Service Medal (with two Oak Leaf Clusters), the Army Commendation Medal, the Army Reserve Components Achievement Medal (with five Oak Leaf Clusters), the National Defense Service Medal, the Armed Forces Reserve Medal (with two Hourglass Devices), and the California Commendation Medal with Pendant (with three Oak Leaf Clusters). He retired on January thirtieth, 1998 after thirty-four years of service to the California National Guard and the United States Army.

In addition, Colonel Hadley had a distinguished career with the California Department of Transportation from 1960 to 1985. He was an associate transportation engineer and a registered professional engineer in the State of California. In this capacity, he received an award for the design, development and fielding of equipment to monitor air pollution in Los Angeles, California.

I have had the great pleasure of not only knowing Colonel Hadley but also knowing his father and mother, Al and Cecelia Hadley, since I was a boy growing up in Huntington Park. Al Hadley was my Scout Leader and he had a tremendously positive influence on my life as he did on the lives of his two children, Peter and David. Both Al and Cecelia Hadley can be proud for having raised such a wonderful family.

It has been an honor to have known Colonel Hadley for these many years. During that time he has been responsible for numerous accomplishments and outstanding contributions to our Nation's defense. He will be missed greatly in both the United States Army and by all those who worked with him throughout his military career.

His innumerable contributions will serve as a legacy to his years of dedication. I want to congratulate him and wish him the very best in his retirement.

STATE OF THE UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 4, 1998 into the CONGRESSIONAL RECORD.

THE STATE OF THE UNION ADDRESS

Washington took a time out from all of the scandal talk to listen to the President's State of the Union address. This was hardly a normal State of the Union address. I've never seen the House gallery so packed with media. But everyone was on their best behavior for his annual ritual of American democracy.

The President's speech was long, about 72 minutes, interrupted by applause a hundred times. Hoosiers can take some pride that one of the special guests was a mother of four from Indianapolis who served as an example of successful welfare-to-work efforts. As expected, the President said the State of the Union is strong. He struck several themes that have now become the hallmark of his presidency: a smaller but more progressive government; an economy that offers opportunity; a society rooted in responsibility; and a nation that lives as a community. All of the 35 proposals in the State of the Union address had been skillfully crafted over the last few months while the president controlled the political environment with Congress out of Washington.

The most dramatic moment in the address was the President's stern and direct warning to Saddam Hussein: "You cannot defy the will of the world." With the increasing feeling that the diplomatic options have been exhausted in preventing Iraq from producing weapons of mass destruction, the President's words were taken very seriously by everybody in the chamber if not in the world. The President also emphasized several other international initiatives that face very tough fights in Congress. He urged us to make good on our debt to the United Nations. He urged an expanded commitment to the International Monetary Fund (IMF) to deal with the Asian crisis, arguing that this was the right thing to do for a safer world.

He renewed his plea for fast track authority to negotiate trade pacts, and urged the Senate to ratify the treaty expanding NATO.

In domestic policy, education occupied a principal place in the President's address. He wants to reduce class size in grades one through three by spending over $12 billion over seven years to hire 100,000 new teachers, and proposed programs to help modernize or build some new schools. The President also proposed a $22 billion 5-year initiative to make child care more available and affordable. He wants to use the money from the proposed tobacco settlement to finance some of these initiatives, going outside the normal appropriations process.

President Clinton said he would submit a balanced budget for 1999, three years earlier than required under the budget agreement struck last year. He proposed raising the minimum wage and asked Congress to give him a bipartisan campaign finance reform bill. And he advocated reform of the IRS, with new citizen advocacy panels, a stronger taxpayer advocate, and phone lines open 24 hours a day.

Probably the President's most important initiative is to set aside the expected budget surplus as a reserve for the long-term deficit in the Social Security system. The President did not present a detailed plan to preserve Social Security, but called for conferences around the nation to discuss the issue. He also launched a new clean water initiative and pleaded for action to deal with the crisis of global warming. He was adamant that it is possible to grow the economy and clean the environment at the same time as we have often done in the past. He said, "Discrimination against any American is un-American," and urged everyone to "Work together, learn together, live together, and serve together."

The President gave us some tantalizing glimpses of the 21st Century. The entire store of human knowledge doubles every five years. All the phone calls on Mother's Day can be carried on a single strand of fiber the width of a human hair. A child born this year may well live to see the 22nd Century. So he proposed a 21st Century research fund for groundbreaking scientific inquiry and the largest funding increase in history for the National Institutes of Health and the National Science Foundation. He urged a ban on the cloning of human beings.

At the end of the speech there was a touching moment when the President wished John Glenn Godspeed on his upcoming space trip.

There was not much doubt that President Clinton achieved one of his principal purposes, which was to come across as presidential, an engaged Chief Executive eager to move on with the national agenda. The President was disciplined, dignified, and presented a constructive agenda for the American people to consider. I left the Capitol impressed that there is too much work to do to waste a lot of time speculating about the scandals. We will simply have to let the facts unfold.

Of course, the test lies ahead, and it will take unusually skillful presidential leadership to enact even a small part of the President's proposals. It is, for example, by no means clear that he can emerge with the government's fiscal integrity intact with all of the pressures for additional tax cuts and spending increases. Using the projected budget surpluses to shore up Social Security could slow the push for tax cuts. Whatever the merits of the President's Social Security proposal, it's good to get a dialogue going on a very important problem.

The education and child care proposals are worthy, but how the President would fund them demands more examination. I am troubled by his linking domestic spending proposals to a tobacco settlement and a large increase in the federal cigarette tax. I look upon the tobacco settlement as essentially a one-shot revenue increase but not a sustained way to finance programs. Moreover, the settlement's prospects for congressional approval are very uncertain. The President's plan to extend Medicare to retirees aged 62 to 64 needs to be examined very carefully for its affordability and for the precedent it might set for a costly expansion of the program in coming years. Extraordinary presidential leadership will be needed to get the increase in the U.S. contribution to the IMF or to get the approval of Congress for fast track authority. All in all a real test of leadership lies ahead for the President.

Like most State of the Union speeches this was a wish list, but the President understands as well as anybody that he proposes and Congress disposes. Both Houses in Congress are controlled by the opposition party and the President's influence with members of his own party is limited. Congress and the President must concentrate on moving forward with the important work of the nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. KIND. Mr. Speaker, will 1998 be the year the U.S. House of Representatives finally considers and passes meaningful campaign finance reform? Debate on this issue is long overdue. I urge you to take the first step and open this issue for discussion on the floor.

Much of the controversy over campaign financing has to do with perception—how things might appear to the voting public. Are certain interests buying access to elected officials through campaign contributions? Are elected officials using the power of office to solicit campaign contributions, thereby perpetuating themselves in office? To some, it appears that way. I ask you, Mr. Speaker—What is the voting public's perception of your refusal to allow this issue up for debate? President Clinton has called for it. The Senate has agreed to debate it. Still, the House remains silent. The voting public—my constituents included—want to know why.

Mr. Speaker the people refuse to accept "no" for an answer.

CONGRATULATING THE RIVERSIDE COMMUNITY COLLEGE DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. CALVERT. Mr. Speaker, I rise today to congratulate the Riverside Community College District, located in Riverside, California, for their innovative education initiative, Passport to College, which makes college education a reality for the students of six school districts in Riverside County. The Passport to College program is being honored at a White House ceremony today as one of ten exemplary educational programs in the United States. The president is using this ceremony as an opportunity to demonstrate to the nation educational programs that are worthy of duplication.

In 1996, Riverside Community College District began the program working with fifth graders in the Riverside, Alvord, Corona-Norco, Jurupa, Moreno Valley and Val Verde unified school districts. If the fifth graders follow the program guidelines and graduate from high school, Riverside Community College District has pledged free tuition and fee assistance. This amounts to 12,000 eligible students participating in the program. In addition, working with local universities, the Passport to College Program has secured the commitment of La Sierra University, California Baptist College, and the University of California, Riverside to provide $2,500 a year in scholarships for graduates of the program who transfer to their schools. The University of Redlands has pledged $5,000 per year in scholarship assistance.

Today's youth are our leaders of tomorrow, and Passport to College is a model program that demonstrates what can be achieved when a community comes together. Riverside Community College District recognized a need to help children understand at a young age that college is available for everyone. All that is required is some hard work and commitment. When we hear about the poor state of education in our country, or the problems with the youth of today, think about the success of this program and the lofty goals it is working hard to accomplish. The program achieves two very important objectives by involving parents in their children's education from a very early age, and making students begin to think about the importance of college early in their academic careers.

Dr. Salvatore Rotella, President of the Riverside Community College District, Amy Cardulo, Director of the Passport-to-College program, and all of those participating are to be commended for their dedication and hard work to ensure the success of future generations. The success of this program is due to the hard work and tenacity of both administrators and students. On behalf of the residents of the 43rd Congressional District, I would like to congratulate them on the Passport-to-College program and wish them continued success in the future. They are a credit to their community, their state, and their nation.

MULTI-AGENCY AUTO THEFT TASK FORCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached article from the October, 1997 edition of APB and place it into the CONGRESSIONAL RECORD. The article illustrates the importance of anti-theft VIN labels when used in identifying "renumbered" stolen cars.

MULTI-AGENCY TASK FORCE FIGHTS AUTO THEFT AND WINS 3M/IAATI/AWARD

A Florida multi-agency auto theft task force was selected to receive the 1997 3M/International Association of Auto Theft Investigators (IAATI) Vehicle Theft Investigation Award for an investigation that led to several federal and state indictments and the recovery of vehicles valued at nearly one million dollars.

Detective John Pierce received the award on behalf of the Dade County Multi-Agency Auto Theft Task Force at the Annual IAATI Conference August 4-8 in Brisbane, Australia, for an investigation coordinated by Sergeant Dave Rehrig. All task force members, represented by U.S. Customs, FBI, Florida Highway Patrol, Dade County State Attorney's Office, Metro-Dade Police, Miami Police, Miami Beach Police, Hialeah Gardens Police, and the National Insurance Crime Bureau, demonstrated excellent teamwork to successfully close down an organized auto theft ring.

The case was initiated when task force detectives learned of an apartment complex where several high value sport utility vehicles were being recovered on a regular basis. Surveillance of these vehicles led to the discovery of a large, loosely organized, but very professional group of individuals responsible for vehicle smuggling to South American countries. The group also had been "re-numbering" vehicles for domestic sale.

During the investigation, Detective Pierce discovered that an employee at the Port of Miami was selling lists of vehicle identification numbers (VINs) from exported vehicles that had been showing up on stolen re-numbered vehicles. This discovery, in turn, led to the recovery of several vehicles. "Almost all the cars had counterfeit labels on them," Sgt. Rehrig said. After obtaining a warrant, tools of the counterfeit VIN label operation were uncovered, which included over 150 counterfeit anti-theft labels.

The counterfeiting technique used by the subjects produced, at first blush, visually perfect labels. Investigators were able to determine they were counterfeit, however, by examining for a covert security feature and by the way the labels peeled off, leaving a paper residue pattern. "VIN labels on re-numbered cars peel right off but they don't leave a footprint like the 3M anti-theft labels," explained Sgt. Rehrig. The counterfeit labels also were discovered because they were produced on a flat paper that did not have the "window" in the middle, which is characteristic of authentic 3M anti-theft labels.

Even though the vehicles were missing their public and confidential VINs, Detective Pierce was able to prove the vehicles were stolen and make arrests by finding at least one component part with an intact anti-theft label. Several vehicles were identified using the original 3M anti-theft label which the subjects had missed when they were sanitizing the stolen vehicles.

For example, one recovered Toyota Landcruiser had been re-numbered and the thieves replaced the 3M anti-theft labels with counterfeits. The frame rail was re-stamped, and even the window glass (etched with the VIN) was changed. Despite these extraordinary measures, the subjects missed removing a single anti-theft label. "There is no question the anti-theft labels were a crucial part of the investigation," Sgt. Rehrig said.

"Vehicle identification labels are often the key to cracking vehicle theft cases," said Kevin Curry, Verification Systems, 3M Safety and Security Systems Division. "The winner of this year's award is a concrete, real-world example of the value and role that anti-theft labels play in the investigation and recovery of stolen vehicles."

According to preliminary reports conducted by the National Institute of Justice and the National Highway Traffic Safety Administration, anti-theft labels have been a significant contributor to the continued decline of auto theft in the United States since the early 1990's. The study reports that component parts anti-theft labels assist most big city and state auto theft investigators to arrest car and parts thieves and to prosecute them.

Sgt. Rehrig agrees. "The auto theft rate in Dade County dropped 17.5 percent in 1996," Rehrig said. "Furthermore, detectives have noticed a decline in the theft of Toyota Landcruisers countrywide."

Detective Pierce and the task force continue to follow-up leads from this case. To date, the case has yielded seven federal indictments, including the charging of the individual believed to be responsible for most of the overall operation of the theft organization. Four subjects have been arrested on state charges, and 38 vehicles, valued at some $906,000, have been recovered.

The 3M/IAATI award is given annually to recognize superior efforts of an auto theft investigator or team where vehicle identification number (VIN) labels played a crucial role in the investigation. "We are very pleased and proud to be selected for this award," Rehrig said.

CONGRATULATIONS TO THE NAVY NURSE CORPS ON THEIR 90TH ANNIVERSARY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. PACKARD. Mr. Speaker, I proudly rise today to recognize the men and women who have honorably served in the United States Navy Nurse Corps. On May 13 of this year, the U.S. Navy Nurse Corps will celebrate their ninetieth anniversary of dedicated service to our country.

Established by an act of Congress in 1908, the U.S. Navy Nurse Corps has played an integral role in the day-to-day medical operations of the United States Navy. Serving in both times of conflict and peace, the men and women of the U.S. Navy Nurse Corps have bravely provided the highest level of medical assistance.

Beginning as a small, dedicated collection of twenty women, the Navy Nurse Corps quickly grew in numbers to support the expanding needs of the military. During World War I, the Nurse Corps totaled over 460 regular and reserve force nurses. By the end of the World War II, the Corps had an enrollment of over 11,000 nurses. Through their involvement in the two world wars and their service during the conflicts in Korea, Vietnam and the Persian Gulf, the Navy Nurse Corps has consistently proven their ability to adapt to changing circumstances and technological advances.

I respect the dedication, innovation and professional excellence that the U.S. Navy Nurse Corps has displayed since its inception. During my years of service in the Naval Dental Corps, I was able to experience, firsthand, the hard work and commitment shown by the nurses.

Mr. Speaker, it is with a great amount of pride that I congratulate the men and women that have previously and currently serve in the United States Navy Nurse Corps on their ninetieth anniversary. The United States Navy Nurse Corps truly represent nursing excellence.

WELCOME TO REPRESENTATIVE STEPHEN CHEN OF TAIWAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ROHRABACHER. Mr. Speaker, I wish to join my colleagues in welcoming Representative Stephen Chen to Washington. Prior to his present assignment, he was a deputy secretary-general in the office of the President, Taiwan.

Representative Chen joined the Republic of China's foreign service early in his career and has been a career diplomat, having served in various Republic of China's embassies and consulates throughout the world. Representative Chen brings to his Washington post vast experiences and super knowledge of foreign policy issues affecting the Republic of China such as Taiwan's eventual reunification with the People's Republic and Taiwan's relations with the United States and Japan.

I wish Stephen Chen a pleasant tour of duty in Washington. These are trying times for the Republic of China's diplomats. But with patience and wisdom exercised by Taiwan's President Lee Teng-hui and Foreign Minister Jason Hu, I am confident that Taiwan will continue to be respected and recognized worldwide as a free vibrant democracy, deserving admiration from all freedom-loving people everywhere.

TRIBUTE TO MARIE BIAGGI

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Marie Biaggi, a true heroine—not one who has been heralded publicly, nor sought the fleeting fame of a celebrity—but a steadfast human being whose very being was the spiritual and emotional center of her family and whose guiding hand nurtured them in body, mind and soul.

Marie was an unassuming woman, whose strength, determination and sheer will is without peer. She was a matriarch in the most positive sense of the word—a leader in the microcosm of her family, who chose to stay in the shadows so that others could bask in the sunlight of their own accomplishments—husband, children, grandchildren, friends, academic associates and community and humanitarian activists. It was her strength that served as a springboard for others to achieve, to be of service. It was her strength that made her a loyal friend, a good neighbor, the quintessential mother and wife.

Born in Colonie, New York on March 18, 1918, Marie came from a family of five siblings. She and her four brothers, Anthony, Gene, Jerry, and Neil, enjoyed the simple pleasures of life in upstate New York. But, in that simplicity was generated an understanding of the most profound values of human existence—love of family and friends, strong spiritual values, a pride in work, and a tenacity that would allow her to prevail when others would have long since dropped by the wayside.

When her family moved to New York City, Marie was employed at Schrifft's and, because her inner beauty was matched by her head-turning outer beauty she was also employed as a model in the garment district. As life progressed, so did her commitment move more and more away from the business world to the world of her husband, children and family.

She delighted seeing her husband of 56 years, Mario Biaggi, progress from postman to policeman to lawyer and, finally, to United States Congressman. It was her unceasing giving and constancy that provided the foundation for her husband to achieve, knowing the hearth and home were well tended. This same feeling of security and support that she gave to her children, Jacqueline, Barbara, Richard, and Mario Jr., that engendered in them the confidence to pursue successful careers in law, nursing, and psychology.

No matter what tribulation, no matter how great the sacrifice, their mother was always there. This is surely lesson to be learned by individuals from all walks of life.

As the family grew, so did Marie's desire to fulfill her personal goals—goals always born out of service to others—President and lifelong member of the Fordham Prep Mothers Club, member of AMITA, and Italian Women's Humanitarian Organization, member of the Board of Directors of the Bedford Park Senior Citizens Center, President and Member of the Columbia Association, founding member of the St. Philip Neri Assumption Society Security Patrol, and member of the St. Philip Neri Don Bosco Society—are some of her many accomplishments. Yet, while working in these volunteer capacities, she still had time at the age of 63 to graduate from Lehman College, having earned her Bachelor's degree in healthcare administration. Her motivation and grades were matched only by the warm way in which her professors and fellow students, albeit several years her junior, spoke of her.

Her achieving a college degree was the ultimate crown in a family whom she inspired and guided to academic excellence. Her reward was knowing that she had achieved her goal, yet, also knowing she had done it without sacrificing the care of her family, without compromising her ultimate raison d'etre.

When one pictures Marie however, one also has to picture a woman whose sense of purpose had a lighter side as well. Who can forget the sound of the famous cowbell ringing throughout Baker Stadium as Marie and her family cheered her son Mario on during Columbia football games? She was a woman whose New Year's Eve parties were much anticipated and filled with song and laughter; whose Columbia Association Christmas parties for policemen and their children were characterized by an overflowing sense of generosity and love; whose square dances for AMITA brought even the most sedentary to respond to the callers hoots and hollers; whose culinary talents, especially her apple pie, were committed to book form; whose joys and blessings were found in the smiles and accomplishments of her 11 grandchildren—Julio, Vanessa, Marisa, Nicole, Justin, Veronica, Alessandra, Maria, Christina, Alexis and Mario III; and whose interest in police work was not limited to her husband's career and resulted in an outstanding citizen award by the New York City Police Department when she aided in the capture of a perpetrator. Marie was a diverse and robust woman whose touch and kindness towards others transcended every level of society and humanity. Indeed, a remarkable human being whose call to greatness was in the silence of knowing who she was and in the unrelenting giving of self that marks a true heroine.

If the spirit of a person is what distinguishes them; if this is what their "essence" is, then Marie will always be with us, doing what she does best—guiding, caring, forever loving those she loves, unfettered by the limits of earthly form, more expansive, more boundless in her love and strength than ever before.

She will be missed by all those who knew her or were touched in some way by her generous, caring nature.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 5, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 6

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for January. 1334 Longworth Building

FEBRUARY 10

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine incidences of indecency on the internet.
SR-253

Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on fraud on the internet.
SD-342

10:00 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SR-222

Budget
To hold hearings to review recent revenue growth in the United States.
SD-608

Foreign Relations
To hold hearings on the President's budget request for fiscal year 1999, and foreign policy issues for fiscal year 1998.
SD-419

Judiciary
To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.
SD-226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD-430

Special on Aging
To hold hearings on the goals that must be achieved by a reformed social security system.
SD-628

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine computer security issues.
SR-253

FEBRUARY 11

9:30 a.m.
Energy and Natural Resources
Business meeting, to consier pending calendar business.
SD-366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

Budget

To hold hearings to examine the fiscal relationship between the Federal government and State and local governments.

SD–608

Energy and Natural Resources

To hold hearings on S. 1069, to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, to establish an historic lighthouse preservation program, within the National Park Service.

SD–366

Finance

To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on proposals to protect spouses who file joint tax returns and are held responsible for the other spouse's errors.

SD–215

Judiciary

To hold hearings to review the national drug control strategy.

SD–226

2:00 p.m.

Budget

To resume hearings on proposals to reform the national education system.

SD–608

FEBRUARY 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Winter D. Horton Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

Small Business

To hold hearings on proposals to reform the Internal Revenue Service.

SR–428A

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.

SR–222

Commerce, Science, and Transportation

To hold hearings on S. 1422, to promote competition in the market for delivery of multichannel video programming.

SR–253

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To hold oversight hearings on the implementation of the Education of the Deaf Act.

SD–430

2:00 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on the implementation of the Airport Improvement Program.

SR–253

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S.477,to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S.691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R.901, to preserve the sovereignty of the U.S. over public lands, and H.R.1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

SD–366

FEBRUARY 24

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR–253

10:00 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.

SD–226

Labor and Human Resources

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SD–430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.

SD–366

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.

SD–226

FEBRUARY 25

10:00 a.m.

Judiciary

To hold hearings to examine incidences of high tech worker shortage and immigration policy.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending judicial nominations.

SD–226

FEBRUARY 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I. 345 Cannon Building

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To resume hearings to examine the confidentiality of medical information.

SD–430

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on oversight of the antitrust division of the Department of Justice.

SD–226

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars. 345 Cannon Building

MARCH 5

2:00 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to consider pending calendar business.

SD–226

MARCH 18

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans. 345 Cannon Building

MARCH 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association. 345 Cannon Building

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion. 345 Cannon Building

CANCELLATIONS

FEBRUARY 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.

SR–332

10:00 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

POSTPONEMENTS

FEBRUARY 5

9:30 a.m.

Veterans' Affairs

To hold hearings to evaulate U.S. biologic vaccine programs as to their impact on Gulf War veterans, and to examine lessons learned for future deployments.

SH–216

HOUSE OF REPRESENTATIVES—*Thursday, February 5, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 5, 1998.

I hereby designate the Honorable JO ANN EMERSON to act a Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, who created, sustains and redeems us:

We come before You on a rainy, windy morning in this capital city, and pray that You would send a rain that cleanses our souls and a wind that enlivens our spirits.

This month we recall our history as a Nation through the lives of George Washington and Abraham Lincoln and the distinctively rich contributions of Black Americans. Grant us the grace to see it honestly, to receive who we are, and to embrace who You are calling us to become.

We dare to believe that is one Nation, under You, indivisible, with liberty and justice for all. Give Members of this House, we pray, the understanding to walk, the wisdom to lead, and the courage to legislate in such a direction. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. WHITE) come forward and lead the House in the Pledge of Allegiance.

Mr. WHITE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain five 1-minutes from each side.

THE DEVIL IS IN THE DETAILS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, as usual with this administration, the devil is in the details. The President's budget, carefully constructed by pollsters, is a hodgepodge of nice-sounding government programs. In fact, it expands government spending by close to $100 billion.

Now, there are two ways to pay for this additional Washington spending. One is to increase taxes, and the other is to spend any surplus.

Madam Speaker, my constituents have two messages for the President: Do not increase taxes and do not spend the surplus.

The American people do not want more government programs; they want more efficient government programs. They do not want more taxes; they want lower taxes; and they do not want us to spend the surplus.

I hope the President gets the message.

CONGRATULATIONS TO THE DENVER BRONCOS: SUPERBOWL CHAMPIONS

(Mr. JOHNSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Wisconsin. Madam Speaker, I rise today to pay tribute to the winners of Superbowl XXXII, the World Champions of football, the Denver Broncos.

I expected to be here discussing how the Lombardi Trophy would once again be making its home in Titletown.

That aside, let me say that this year's Superbowl left no football fan disappointed. It was a nail-biter of a game that was decided with only 32 seconds left on the clock, leaving those of us from northeast Wisconsin scratching our collective cheeseheads wondering what went wrong.

So today, I give my best version of the mile-high salute to John Elway, to Terrell Davis, and to the entire Bronco team. Congratulations on a well-earned victory. I guess those of us in Green Bay will only have to console ourselves with three Superbowl trophies, and congratulate Denver on this moment of glory.

Let me also say to the people of Denver that they are extremely fortunate to have a Congresswoman who fights as hard for her constituents as do the Broncos, the gentlewoman from Colorado (Ms. DEGETTE), a lifetime Bronco fan and, like her team, a champion.

ELECTRONIC CAMPAIGN DISCLOSURE ACT

(Mr. WHITE asked and was given permission to address the House for 1 minute.)

Mr. WHITE. Madam Speaker, in March we are going to vote on campaign finance reform in this House. It is a very important issue but also a very difficult issue, and it is made particularly difficult because most of the bills before us are big bills that deal with the whole comprehensive issue that we have to talk about.

I have got one of those bills, and I hope that we can pass one. But just in case we cannot, today I am introducing what we might call a small bill that will deal at least with some of the problems. This bill is called the Electronic Campaign Disclosure Act, and what it does is tell the Federal Elections Commission to get into the 21st century.

It directs the FEC to establish a database on-line to search over the Internet for all the information needed about campaign finances in our country. Every campaign would have to file within 10 days a report of every contribution that it receives and contributors, and PACs would also have to file.

Madam Speaker, sometimes we cannot do it all in one step. The longest journey begins with a single step, and I think if we cannot pass a big bill a small bill like the one I am introducing today would be a step in the right direction.

HOME HEALTH CARE BENEFITS MUST BE RESTORED FOR MEDICARE RECIPIENTS

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Madam Speaker, today is February 5, the day that up to 3,000 elderly and homebound West Virginians have dreaded. After today, Medicare will no longer pay for skilled nurses to perform venipuncture, that is drawing

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

blood, as a sole reason for a home health visit.

For the 98-year-old woman living alone on a Randolph County mountain, no nurse will be visiting once a month. An 88-year-old woman who cannot get into the bathtub by herself loses both her monthly nurse's visit but also the home health aide who bathes her twice a week.

I do not believe this change was intended as part of the very large Medicare changes that were passed last year. But, in rural areas, many senior citizens who are homebound and bedbound cannot be expected to drive 25 miles to a doctor's office.

Think of the costs. People going without regular medical monitoring at home will go without the services until they are so sick that they show up at the emergency room and are hospitalized, the most expensive kind of care both for them and for society.

Madam Speaker, this Congress must act to help these people. I have cosponsored the bill offered by the gentleman from West Virginia (Mr. RAHALL) to restore reimbursements. It is a frightening day for many homebound senior citizens today. Congress must act.

CONGRESS SHOULD MOVE CAUTIOUSLY ON RESOLUTION REGARDING IRAQ

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Madam Speaker, in 1964, a resolution passed this Congress which urged the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression, the Gulf of Tonkin resolution.

Today there is a resolution floating around this Congress that urges the President to take all necessary and appropriate actions to respond to the threat posed by Iraq. We should remember history. We lost 50,000 men after we passed that last resolution. We do not have a sensible policy with Iraq. We should move cautiously.

Madam Speaker, I would also urge other Members to be cautious when they talk about a surgical strike and assassination. Assassination of foreign leaders is still illegal under our law.

I urge my fellow colleagues, please, be cautious, be careful, and be wise when it comes to giving this President the right to wage war. Ironically, this President did not respond in the same manner with the Gulf of Tonkin resolution.

ACCESS TO THE WHITE HOUSE BY COMMUNIST CHINESE IS DANGEROUS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, while everybody in Washington is talking about a fly on our face, an elephant may be eating our assets.

Charlie Trie was indicted for illegal campaign contributions. The indictment reads: Charlie Trie helped to purchase access to high-level government officials with illegal contributions from foreign sources. Foreign sources. Chinese communists.

Think about it. Charlie Trie was not soliciting money from the Rotary. Charlie Trie was soliciting money from communist China.

Beam me up.

And while everybody may be talking about access to the White House by sexy interns and how sensational that is, access to the White House by communist China is dangerous.

Madam Speaker, I yield back the balance of any nationality sovereignty we have left.

NATIONAL TESTING IS NOT IN THE BEST INTEREST OF AMERICA

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Madam Speaker, last year, this Congress made great strides toward keeping the Federal bureaucracy out of our children's classrooms. Unfortunately, the administration is now trying to reverse our progress and to put Federal bureaucrats back in local classrooms by implementing a national testing program that Congress has already once clearly rejected.

I have said it before, and I will say it again: National testing is not in the best interest of this country.

The key to providing America's children with the best possible education is to put control in the hands of the parents, teachers and communities, not in the hands of Federal bureaucrats who are hundreds and even thousands of miles away.

For the sake of our children, I hope those of us who believe in parents and teachers, instead of bureaucrats, will pass H.R. 2846 to prohibit Federal testing, without the authorization of Congress.

CONGRESS MUST WORK TO PRESERVE AND STRENGTHEN AMERICA'S PUBLIC SCHOOLS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, in last week's State of the Union, President Clinton challenged this body to pass legislation to improve America's public schools. Democrats are eager to get to work, reducing class size, repairing crumbling schools, putting computers in every classroom.

But my Republican colleagues on the other side of the aisle are saying no. They bring unnecessary legislation today that would block national tests to ensure that every American child meets higher standards in math and in reading, that would make schools and teachers more accountable.

It is our public schools that have made this Nation strong and have put the American dream within the reach of all of our children. We should be working to ensure accountability, quality, and discipline in our schools, not passing legislation that would prevent teachers from using the tools that they need to teach our kids.

Republicans do not believe that our country and our Federal Government should have a role in education. They are wrong. I call on my colleagues to work with us to preserve and to strengthen America's public schools.

CONGRESS CONTROLS NATIONAL PURSE STRINGS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, as Congress considers budget legislation this year, it might be helpful to recall a few things about our constitutional system.

Congress controls the purse strings, not the President. And for the taxpayers, it is a good thing the Republicans control Congress, because we all know what happened to spending and to the deficit over the past 40 years, the 40 years when liberal Democrats controlled the Congress.

Consider the 1980s when President Reagan was President. The Democrats controlled Congress and spent more than Reagan asked for 7 out of 8 of those years, and then turned around and blamed President Reagan for the deficits.

Think of it. Democrats in Congress refused to control spending, adding more and more big government programs each and every year, and then blamed President Reagan for the deficits.

Well, now Republicans control Congress by a slim margin and the "big spender" is down in the White House. We must reject his proposals to spend any projected surpluses and instead let us pay down the national debt and let us cut taxes.

SCHOOL VOUCHERS ARE A DROP IN THE OCEAN OF EDUCATIONAL NEED

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, America has a commitment to public education, an education which is a requirement for our country to be competitive in this world. Public education needs to be available to all Americans. It is not designed to educate just a few Americans. We want to educate everyone.

We should not take scarce public education funds and use it to support private institutions that only educate a few. Vouchers are the solution of my Republican colleagues to help education, but it is but a drop in the ocean of need.

Education opportunity, smaller class sizes, more qualified teachers are what America's youth need. Safer schools. We debate national tests today and vouchers. We are not seeing the forest for the trees.

Let us deal with public education with more qualified teachers, safer schools, and make sure we educate everyone and not just a few.

PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

☐ 1015

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 348 is a completely open rule providing for consideration of H.R. 2846, a bill that will prohibit Federal testing unless specific and explicit statutory authority is given. H. Res. 348 provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute as an original bill for the purpose of amendment which shall be considered as read. This rule also accords priority in recognition to Members who have preprinted their amendments in the Congressional RECORD and allows the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question. These provisions will facilitate consideration of amendments. House Resolution 348 also provides for one motion to recommit with or without instructions.

Madam Speaker, this is a straightforward open rule for a straightforward bill that ensures that there will be no Federal education testing in the future without specific and explicit statutory authority. This is not the end of the debate on national testing. But simply a reassertion of the fact that any Federal testing measure must go through the proper committee process of the United States Congress first.

I have been asked a number of times, what is so wrong about national testing for America's children? This is a legitimate question. I want to explain why we are so concerned about this nationalized planning concept. First, according to the chairman of the committee and Senator ASHCROFT, the Federal Government's record in Federalized testing is substandard to be generous. In addition I am most fearful that a national testing standard would lead us down a slippery slope toward a national curriculum most certainly designed by some bureaucrat here in Washington. I dread the one-size-fits-all education approach contrived by someone who does not know the first thing about the citizens of Georgia.

This idea also gets to the heart of what we believe. We are committed to providing more freedom and less government for the American people. Education decisions belong with local school districts and families and teachers in their communities. We cannot support additional multimillion-dollar testing mechanisms that waste money and strip local control of education.

As Republicans prepare an education agenda which returns decisionmaking to parents and teachers, gives school districts more flexibility, gives children more opportunity, I grow increasingly frustrated as the President moves in the opposite direction toward a more bloated Washington education bureaucracy. We passed legislation forcing 90 percent of education spending to be spent in the classroom. Now in the President's budget, he has decided to increase the Education Department's bloated administrative budget and add $143 million in programs that would never send a dime to the classroom.

Madam Speaker, we heard arguments in the Committee on Rules that consideration of this legislation is premature and unnecessary. On the contrary, with only about 86 legislative days in this session of Congress, Chairman Goodling deserves praise for moving this important legislation through the normal authorizing process ahead of the appropriations process. This bill deals very specifically with the issue of Federal testing, and there is no better time for this House to begin consideration of this matter than today.

H.R. 2846 was favorably reported out of the Committee on Education and the Workforce as was this open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

The Republican majority seems unable to offer a positive, forward working agenda for the people of this great Nation. Instead my Republican colleagues seem to have chosen the refrain of the 1980s, just say no, to apply to any and all proposals of the current administration. And indeed my Republican colleagues seem to want to ignore the fact that they struck a deal just last fall with the same administration on the issue of national testing of fourth- and eighth-grade schoolchildren.

Madam Speaker, my Republican colleagues seek to enact a permanent ban on the expenditure of Department of Education funds for any work on the development of such testing beyond the preliminary work agreed to last fall. Without waiting for the results of studies which are being conducted by the highly respected National Academy of Sciences, the Republicans want to just say no to the entire issue of national testing in reading and mathematics. This bill flies in the face of a carefully crafted compromise and undoes an agreement that was hard fought and hard won.

Madam Speaker, I do not want to prejudice the outcome of the studies that are now under way, studies that were agreed to by the full Congress just 3 short months ago. By doing so, Madam Speaker, I believe the Congress would be undermining the role of the independent and bipartisan National Assessment Governing Board whose role it is to oversee and assess the studies conducted by the NAS. In fact, Madam Speaker, the agreement reached last fall specifically calls for these, for those findings to be incorporated into reauthorization legislation for the testing program which will be considered this fall. Therefore, I must oppose both this rule and the bill because they break a deal this Congress agreed to.

Madam Speaker, we all want the best for our children and for all the children in this great Nation. I suggest that jumping to conclusions before the results have been tabulated is not doing the best for our kids. Why is it that my Republican colleagues are so opposed to the concept of testing children to determine if a child is keeping up with his grade level? The Republican Governor of my own State, George W. Bush, has publicly advocated the necessity of testing children for reading and math. He rightly says, and I quote, a child who can cannot read cannot learn, and to send our children through the system without teaching them to read is like sending them to Mount Everest without the tools or the training to reach the summit, close quote.

Governor Bush has advocated holding back third-graders who cannot pass a reading test and requiring that children pass reading and math tests in the fifth grade and reading and writing and math tests in the eighth grade. If the Republican Governor of Texas can advocate such testing and in fact recognizes the necessity to determine if our kids are meeting educational benchmarks, why are my Republican colleagues here in Congress so opposed to conducting a study and perhaps conducting field tests based on the results of those studies?

Madam Speaker, let me quote Governor Bush one more time. As he said to the Texas Education Association last week, "Some say tests should not matter, but I say our children are not with us long before they have to face the real world. And in the real world tests are a reality."

Madam Speaker, our children deserve the very best. The Congress has a moral obligation to ensure that the education they receive will prepare them for the very real world to which Governor Bush referred. This bill is a bargain-buster and is short-sighted and could, for all we know, shortchange our children.

Madam Speaker, while the resolution before us in fact is an open rule, it does not allow amendments which would permit the House to consider matters that would give our children access to the kind of public education we know they need and deserve.

The gentleman from Missouri (Mr. CLAY), the full committee ranking member, and the gentleman from California (Mr. MARTINEZ), ranking member of the subcommittee, oppose this bill and yesterday requested that the Committee on Rules make their alternative proposals in order. Those proposals which were rejected by the Republican majority would offer the House the opportunity to support a major school construction and renovation program as well as an initiative to assist in the implementation of locally developed public school renewal plans. Those are the issues we should be addressing today, Madam Speaker. It is the intention of the Democratic side to seek to offer those proposals by amending this rule, and accordingly it is my intention to ask for the defeat of the previous question.

Madam Speaker, I would like to suggest that this proposal does not do much for America's children. We would do much better by them by ensuring that their schools are safe inhabitable and that the programs we offer them will prepare them for life in the new century. We cannot do that by just saying no. Instead we must look for new answers. I urge defeat of the previous question.

Madam Speaker, I reserve the balance of my time.

Mr. LINDER. Madam Speaker, I yield myself 30 seconds to respond that while both the gentleman from Texas and I agree that reading is important, he thinks we should spend the money discovering they cannot; we should spend the money teaching them to read.

This is an open rule. This rule does not prohibit any amendments from coming to the floor to amend this bill. If the gentleman would like to bring amendments to the floor that are simply not germane, that is their problem, not the problem with this rule.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the committee.

Mr. GOODLING. Madam Speaker, I want to correct one or two statements that were made in the gentleman's time from the other side. First of all, this legislation has nothing to do whatsoever with anything that the National Academy of Science is doing. We are the people who ask the National Academy of Science to look at existing tests and see whether existing tests as a matter of fact can be used for whatever purpose it is they want to use them. We expect to use that when they present that to us as we go ahead and reauthorize NAEPS. That is the time for the discussion; that is the time for the debate. That is the time for the amendments, when we are involved in this whole business of testing from the national level.

We as a matter of fact have made it very clear that as we review all of the testing procedures, and keep in mind we spend $30 million every year for NAEPS and NAGB, every year we spend that amount of money, but we will review what they are doing, we will review all of the testimony that we get, and then we will make a determination about this.

What this legislation does is give us the right that we have to make the determination of whether or not we want to move ahead with a national test. In other words, the President has always proposed, whomever that President is proposes, we dispose. That is our constitutional right; not only our right, that is our responsibility. All this legislation says is what the gentleman from Wisconsin (Mr. OBEY) said last fall, that we, when we authorize, will make that determination and that they do not go ahead until as a matter of fact we go through the authorizing process.

Now, Governor Bush is saying the same thing that 40 some other Governors have said. They have moved so far ahead of us when it comes to upgrading standards, they are so far ahead of us when it comes to determining assessments based on those standards, they are so far ahead of us in trying to put the horse before the cart. We are trying to do it the other way and trying to better prepare teachers.

☐ 1030

That is what he is talking about. That is what all those governors are talking about. And basically what they are saying to us is what I said to the President. We are going to fool around and we are going to dumb down what these governors and their legislative bodies are doing to improve standards and the ability to assess those standards.

What I have said so many times, is we do not fatten cattle by constantly weighing them. We should not tell 50 percent of our children and their parents one more time that they are doing poorly. They want to know what it is we are going to do to help them do better.

Mr. FROST. Madam Speaker, I yield myself 30 seconds.

It is very interesting, my Republican governor often disagrees with the far right Republicans in the House of Representatives. I suppose this will go on from time to time.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, during yesterday's Committee on Rules consideration the gentleman from California (Mr. MARTINEZ) and myself offered two amendments that addressed urgent public education priorities. One amendment calls for a $5 billion investment to help local communities repair crumbling and overcrowded schools. The other would provide critical assistance to communities that are committed to locally driven public school renewal. Unfortunately, the majority of the Committee on Rules blocked consideration of these education measures by refusing to waive points of order against the amendments.

To me it is incomprehensible that we continue to ignore the needs of millions of schoolchildren desperately in need of our help. It is also incomprehensible to me that with all of the problems that we are facing and our school systems are facing that this silly piece of legislation would be the first one to come out of the Committee on Economic and Educational Opportunities in this session of Congress. It has nothing to do, it has no relevancy whatsoever with resolving or addressing the problems that our children are facing in the school system, and I urge my colleagues to defeat the previous question so we may address the Nation's real educational priorities.

Mr. LINDER. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, national testing is opposed by the far right. It is opposed by the far right but not just the far right. That is quite the definition. Apparently, the conspiracy is America has now gotten to be now 350 Members of Congress. Two-thirds of America and two-thirds of the Representatives in Congress voted against this.

I hope that this resolution puts to rest this whole idea of national testing. The President seemed to have gotten confused in his State of the Union address. He said, "Thanks to the actions of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in 4th grade reading and 8th grade math."

Did I miss something? The truth is we proactively opposed these testing standards; 300 Members of Congress. We allowed very limited development as part of the compromise but, in fact, this has been taken that they are going to go ahead when that is the opposite message that we sent, which is why we are here this morning.

The idea that we had a compromise that somehow is going to move national tests means anybody did not read the details of the language. The fact is the specifics in that language are self-contradictory. It is dead as a doornail. We cannot satisfy both the minority concerns and those who want to measure.

We have restrictions in there that the tests cannot be biased. Quite frankly, that has been lodged against every test, and if that is the criteria these tests cannot go ahead. We have restrictions in there that it cannot be used for promotion. If it cannot be used for promotion and those type of things, what value is the test to the others?

There are self-contradictory things in one section and another in the restrictions we put on to kill it. It was a face-saving compromise. It was not a compromise to move ahead on national testing.

Now, why do so many people oppose it? Conservatives oppose it, minorities oppose it, teachers oppose it. And here is why. Conservatives oppose it because parents and local school boards believe they should make these decisions.

We want standards in our schools, we want standards on our teachers, but we do not want them in Washington. We do not want a national curriculum developed in Washington. It scares us to think that Congress and the President are going to control the curriculum.

Furthermore, this affects home schoolers. It affects private schools. Because if we want to move our kids back into the public schools, all of a sudden we have to be teaching to the tests they are taking in the public schools, which they will do, as the chairman pointed out, teach to test.

Minorities are justifiably concerned because it can be skewed against them, one, depending on the content of the test but, secondly, how it is used and how it makes inner city schools stack up against suburban schools or marginal schools. And parents then move around districts and businesses locate by that. That is something state and local people need to work through, not the Federal Government biasing people against local schools.

My daughter is in college right now studying to be an elementary Ed teacher. A lot of the reasons teachers oppose this is they know there are a lot of reasons other than what is right in front of them and what they are teaching that lead to the scores of their students. Yet if we publish these scores, particularly if it is a national standard seen as some kind of litmus test for every teacher in America, those teachers are going to be very reluctant to go in the schools where we need them most. This is a death warrant, a death certificate potentially on the schools that we most need our best teachers.

Now, lastly, do we really want a test under the control of Congress? It is laughable to think that we are going to improve our educational standards in America by having a national test subject to politicians, whether it is the President of the United States or Members of Congress.

The truth is when history standards were developed Congress, House and Senate, overturned those history standards, I believe lousy history standards. We have math standards being floated that are both insulting and simplistic and stupid. Now, if those math standards go ahead, we are going to overturn those math standards.

I happen to be a creationist, many people are evolutionists. Do we really want to have that debate on science here in Congress as to these kind of tests? The idea that we will have an independent board at a national level that we are authorizing and we are not going to have control over things that are contradictory is silly. I think it is a devastating analysis in the end to put politicians in Washington in front of what is in the best interest of educating students at the local level.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, Democrats are ready to address the problems facing our public schools: To reduce class size, repair crumbling buildings and put computers in the classroom. We are prepared to go to work to raise standards and prepare our children for the challenges ahead.

Unfortunately, my Republican colleagues are not addressing the real issues facing our schools. Instead, they bring unnecessary legislation that blocks voluntary national tests, an important tool which can be used to ensure that every child can read, write and do basic math.

Parents across the country share my belief that these are very minimum standards to which our students, our schools, our teachers must be held accountable. Parents want higher standards. They want their children to succeed. Parents deserve an objective, reliable measure of how their children are doing in school and how well their schools are preparing their children. Parents and indeed all of us taxpayers deserve to know that our local schools are meeting our national expectations.

Madam Speaker, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy of Science to study what type of test might work best for all of our kids.

Republicans in this Congress, as their nominee for President last fall articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of the agreement.

The American people do want to have higher standards that they want their children to be able to meet in fact so that they can succeed in life and to have the opportunities as early as possible. We should vote against this legislation that works against our young people. We need to make education work for all children in this country.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume to point out it is not us backing out of the agreement, it is the President and the Secretary of Education backing out of the agreement.

Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I want to thank the gentleman for yielding me this time. I rise in support of H.R. 2846, a bill prohibiting any new Federal testing without specific congressional authority.

Let me first say that we do not need another achievement test for our Nation's students. Let me name a few of the tests we already have in existence. The Stanford Achievement Test, the Iowa Test of Basic Skills, the Comprehensive Test of Basic Skills, the National Assessment of Educational Progress, known as NAEPS, and the Third International Math and Science Study, known as TIMMS. Again, these are just a few of tests currently used to assess student performance.

So let us focus now for a moment on TIMMS. It is the largest study of educational achievement undertaken so far. There are 45 countries participating. Five grades are assessed in two school subjects, and approximately one million students tested in 31 languages. Through this study we already know how students in this country are performing in math and science, so why do we need another math test?

In July of 1997 the results of the TIMMS 4th grade math and science test were announced and we found out that American students scored about average in both math and science when compared with other countries. However, we found that students in six countries, Singapore, Korea, Japan, Netherlands, Czech Republic, Austria and Hong Kong did better than the U.S. students in math in the 4th grade.

Also in November of 1996, the TIMMS report showed that United States 8th graders were performing slightly above average in science but slightly below average in math.

Madam Speaker, the point is that we already know how American students are stacking up in these subjects and there is no need to spend more money on another test aimed at the same students, as proposed by the President. The money and the effort involved in conducting another test could better be used to improve our educational system and help students achieve academic excellence.

Now let me ask that we vote for the previous question and the rule.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Madam Speaker, I am going to ask all of our Democratic colleagues to vote against the rule and vote against the previous question, because I really believe we are wasting our time here.

The gentleman from Missouri (Mr. CLAY), the ranking member on the committee, and I went to the Committee on Rules yesterday and offered two amendments that would really do something for the children in our schools across this Nation. They were rejected as nongermane. I guess that is the prerogative of the majority in the Committee on Rules, but let me say why I believe we are wasting our time here.

I supported the bill of the gentleman from Pennsylvania (Mr. GOODLING) when it came before us the last time, and that bill ended up in the labor HHS appropriations and was sent to conference. And during that conference there was a great controversy over whether that should remain in the bill, and the President, of course, wanting national testing, stood stiff and strong on it.

A compromise was made. An agreement was made. And in that agreement there was offered three studies which we were going to have the benefit of before we made any decisions on this side. But it was agreed that no money would be expended for field tests or deploying the test. In the act itself it recommends, as it was agreed to by both sides, it recommends that NAGB, who has exclusively rights to develop the test, would do certain things by certain dates. And that is all NAGB is doing.

I understand the concern of the gentleman from Pennsylvania (Mr. GOODLING) is that they are moving ahead too quickly and that this may become a reality, contrary to his wishes. As I said before, the gentleman from Missouri (Mr. CLAY) and myself supported the gentleman from Pennsylvania, and we did so because we had some questions about whether this expenditure of monies was the wisest or not.

The fact is we still have that question, but we were just as pleased that in the agreement there was a chance to provide studies to prove to us one way or the other whether they were needed or not or whether they would do any good or not. I think we should stick by that agreement.

I do not think that the administration is reneging on the agreement. I think we are now, when we try to push forward this bill in order to nail closed the barn door in order to make sure no horse gets out at all, not even one that would give us the knowledge we need to determine whether or not we need to proceed with those tests.

So I for one would ask all my Democratic colleagues to remain strong and stiff and resist this bill. This bill has been passed once already. There was a compromise in the conference and, as a result, all sides are proceeding according to that conference agreement, and I think we ought to abide by it.

This resolution will allow H.R. 2846, a bill to ban national testing, to come to the floor under an open rule. However, this rule, while being deemed "open," will not allow us to have a substantive discussion on the education issues of great concern to the American people—school construction and renewal of our neighborhood public schools.

Members who are listening to this debate may question why I am asking for consideration of such initiatives as a part of our discussion on this legislation since it is solely directed towards testing. I want to point out to the body that our committee and this House has had little opportunity to debate the real pressing educational needs of our country. Instead of considering measures to respond to our crumbling schools and efforts by our local communities to raise academic achievement, this House has considered legislation to authorize vouchers and block grants. These Republican-sponsored efforts are aimed at producing good sound bites for the 6 o'clock news rather than producing good public policy.

Ladies and gentlemen, these are not the answers America is looking for from its leaders.

Yesterday, during Rules Committee consideration of H.R. 2846, my good friend BILL CLAY and I asked that two separate amendments, dealing with local public school renewal and school construction, be made in order under the rule. Because these amendments are not particularly directed toward national testing, it was deemed that their consideration today was unnecessary.

I believe that if you ask the American people today whether we should be engaged in partisan wrangling over national testing or considering real measures to advance our children's educational opportunity, their support would be for the latter. I urge Members to defeat the previous question so we can have a real substantive debate on the educational needs of our Nation.

Mr. LINDER. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Madam Speaker, I thank the gentleman for yielding me this time.

Why are we doing this bill? That is a good question. A lot of what the gentleman from California (Mr. MARTINEZ) said I agree with, about the substance of the bill. The reason I think we are having to do the legislation now is because the President and the administration has not taken the results of our agreement seriously and there is a constant state of spin. Everything has to be spun.

The truth cannot be announced that when he sent a bill over here to create another national test, 295 Members of the House said no, not a good idea, Mr. President, for a variety of reasons. Two hundred ninety-five Members of the House is a veto-proof vote.

Why were we so upset with this proposal and why did we support the Goodling amendment that stopped it in its tracks? There is a lot of reasons. If one is in a minority community, an inner city, where parents have a hard time getting their kids into a quality school, and we do a national test, those kids are going to do a lot worse on the test than somebody here in the suburbs of Washington. We already know that. We do not need to stigmatize those kids any more.

□ 1045

It is $100 million. That bothers some of us, that we are going to spend $100 million to develop yet another national test on the top of the ones that we have. So we said no overwhelmingly to the President. But every time he got to speak, the spending would reflect that he just could not get his way on this issue.

I thought the agreement was a good agreement, the slowdown, stop, no field testing, no pilot programs. We have done nothing in this legislation to prejudice the studies, to look at the existing tests we have so we can get some useful information out of it. This bill does not prejudice those studies that this House and the President agreed on.

The President said in the State of the Union, "Thanks to the actions of this Congress last year, we will soon have for the first time a voluntary national test based on national standards in fourth grade reading and eighth grade math."

That is not true. That is not what we agreed to. On the website for the Department of Education, they are advertising the implementation of a national test that Congress said, whoa, stop, slow down, no go. We are not going to give you the money. This is about keeping your word.

We need a legion of lawyers, apparently, to do a deal with this other crowd down the street. And that is very disturbing to me. I understand that many of my colleagues that voted for us are going to vote against it because they feel like they have to support the President.

The truth of the fact is that this agreement that we all worked so hard to get, a lot of hours spent by the gentleman from Pennsylvania (Mr. GOODLING) and others, handshakes were had; and it is in the law now not to implement a national test that Congress said is okay is being violated by the Department of Education. And every time the President speaks, he is denying that agreement.

That is what this bill is about, and that is why we are having the vote 2 weeks into that Congress to put us back on track, and we do need a legion of lawyers to do a deal with this guy.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Speaker, by "this guy," I think my colleague is referring to the President of the United States. Is that correct? So I would hope that after yesterday, when we named that airport for a former president, it is obvious that he will continue to respect the current president that was elected in 1992 and reelected in 1996, instead of just referring to him as "this guy."

Like a lot of my colleagues, Madam Speaker, I am not particularly thrilled about a national test. We have lots of State tests and everything else. But this bill is so premature I think it is ludicrous.

The number one concern of America's people is improving our Nation's schools. Americans are concerned about school children being required to attend classes that are overcrowded, school facilities that are falling down, schools that are not being held to accountable results. And yet, what do we get? The first bill out on education is to prohibit a national test.

I do not want a national test. The first bill we ought to do is say, okay, how can we fix the public schools instead of stopping the national test? Instead of bringing bills forward that address these critical concerns, we are seeing this bill today.

Nothing can happen on a national test until this Congress approves it, whether it be reauthorization or whether it be some other agreement. This bill is a waste of our time. We ought to be spending more time talking about fixing public education instead of this bill and talking about vouchers that supposedly are going to save everything. This bill is completely unnecessary, and it is an attack on our bipartisan agreement last year.

Why are my Republican colleagues wasting this time in the House? One of the reasons is that they do not have anything else to do. But the answer is that the Republicans, my colleagues, do not really have a pro-education agenda. They do not really want to fix overcrowding. They do not want to put more qualified teachers in the schools. They do not want to fix it to make sure that the schools are safe. They do not want to work with the States and the local communities to make sure education is a national concern and a national issue.

But it is really local folks in the school districts in our States who do most of the work. But we need to be the ones that say, hey, let us help.

Prohibiting a national test is, again, a waste of time. Many educational reforms, such as reducing the class size, building safer schools, training more teachers are much more important than some straw person that we are throwing up here, "We are going to fight a national test."

Again, there is not a demand for a national test. Last year, we had almost 300 Members of Congress, and I was one of them. I do not mind a voluntary national test that says, okay, State of Texas, you have lots of tests. But this is what we would like to do. See if we can correlate those tests. Let us do it. But it is voluntary.

That is what that agreement called for, and that is what I hope the Department of Education is working for. This bill is a make-work legislation. It does nothing to make education more effective or better.

Mr. LINDER. Madam Speaker, I yield another 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Madam Speaker, I was just amused that we ought to spend more time fixing public education.

First of all, in many areas of the country it ain't broke; and they prefer that we do not try to fix it. And, in other areas, we spent 35 years trying to fix it; and we messed it up royally. So I think we better be careful about how much knowledge and how much one-size-fits-all from Washington goes in relationship to improving academic achievement of our students.

We will have a lot of discussions on how we do that in the committee. We will have suggestions. We will have ideas. We will have legislation. All we are trying to do at the present time is say, there is a procedure. The procedure says that the Congress of the United States determines the direction we should be going. Only the President can suggest and recommend. All we are asking is give us what is our right and our responsibility, and that is to determine how this test should be put together. If this test should be enacted at all, the Congress makes that decision.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY), the ranking member of the committee.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

I just want to refute the statement that is continually made on the other side that the Democrats are violating a bipartisan agreement. Madam Speaker, the only agreement that we have was that in the appropriations bill passed last fall.

The appropriations bill agreement made two points. One, it made the National Assessment Governing Board responsible for development and administration of the test; and, two, it gave the National Academy of Science the obligation to conduct a series of studies that would help to inform future deliberations by this Congress.

If this bill passes, it will undermine the NAGB's role and prejudice the finding of the National Academy of Science. The bill that we passed only prohibited the use of 1998 fiscal year funds to field tests to administer or implement any national test. Fiscal year 1998 ends September 30th of this year. So this bill would preclude any testing. We are not in violation of the agreement; they are.

Mr. LINDER. Madam Speaker, I am not sure we are going to settle that violation question here today. But I yield 1½ minutes to the gentleman from Texas (Mr. PAUL) to try.

Mr. PAUL. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this rule; and I support H.R. 2846, which forbids the use of Federal funds to develop or implement a national test without explicit authorization from Congress.

Supporters of protecting the United States Constitution from overreaching by the executive branch should support this bill. The administration's plan to develop and implement a national testing program without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support of this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. Education is not one of the powers delegated to the Federal Government.

As the 9th and 10th amendment makes clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in this area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children: individual States, local communities and, primarily, parents.

I therefore urge my colleagues to vote for H.R. 2846 which stops the administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the Federal education bureaucracy and cutting taxes on American parents so they may better provide for the education of their own children.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Madam Speaker, let me explain something very clearly. In the agreement that was made and in the law now, no test can be conducted without the authorization of Congress. That is in there. In fact, in its planning stage with what is authorized in that agreement, they have changed the date. They have renewed the contract, changed the contract. The contract had already been let by the administration because they thought they had the prerogative to do that.

And NAGB then, when they were given the sole responsibility for this, not the responsibility of education as my friend from South Carolina says, but NAGB was given sole authority, and, in doing so, they called back the contract and renegotiated the contract.

They have the option now under the law and the agreement as it was made to terminate that contract at any time, at any time upon the authority of Congress or on Congress deciding whether or not they should proceed. This is doing it without the benefit of the three studies that was also included in that agreement to give us a chance to really look at the merits of national testing.

Mr. LINDER. Madam Speaker, I yield 1 minute to the gentleman from Arizona, (Mr. SHADEGG).

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding time to me.

With all due respect to my colleague on the other side, I am afraid he does not read carefully the agreement which occurred last year. The legislation which addressed this issue was an appropriations bill. It cannot authorize. Appropriations acts cannot do that.

In the appropriation bill, it said specifically, no funds in this legislation may be used to implement or field test a national test. But I think listening to the debate, it is clear that we are missing some issues here.

Some of us believe strongly in education but strongly oppose a national test. Let me tell my colleagues why. Because if they go across America, as I have done and others have done on the Committee on Education and the Workforce, they discover that schools work where parents and teachers get involved, where they have possession of the curriculum, not where the curriculum is dictated by a national test.

But, for purposes of this debate, that is not even the issue. We can indeed, with the passage of this legislation, debate whether or not a national test dictated from Washington is a good idea. This bill lets the Congress do that. This bill gives us a chance to get into the merits of a debate of whether a national test crammed down the throats of the American people is the best thing for the American children.

I urge the passage of this bill.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge Members to vote against the previous question.

If the previous question is defeated, I will offer an amendment to the rule that will make in order the amendments offered in the Committee on Rules by the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. MARTINEZ), the Public Schools Renewal and Improvement Act and the School Construction Act. These are the kinds of programs we need to improve in order to improve our public education.

Vote no on the previous question so we can consider these two worthy legislative initiatives to improve the quality of our public schools.

Madam Speaker, I include the following for the RECORD:

Previous Question for Rule on H.R. 2846 To Prohibit Spending Federal Education Funds on National Testing

TEXT:

At the end of the resolution add the following new section:

"Sec. 2. One amendment offered by Representative Clay of Missouri and one amendment offered by Representative Martinez of California each shall be considered as read, shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against an amendment offered under this section are waived.

The majority argues that our attempt to defeat the previous question is futile because our proposed amendment is not germane. The fact of the matter is that the chair has not made a ruling nor heard our arguments as to the germaneness of our amendment. The only way to make that determination is to allow us to offer the amendment by defeating the previous question.

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

I ask unanimous consent to insert material in the RECORD at this point.

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

> Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

> Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at this point, I would like to urge all of my colleagues to vote for the previous question and for the rule. This is the third rule we have had on the floor in the second half of the 105th Congress. All three of them have been open rules, allowing any amendment in order at any time.

What the gentleman from Texas would like to do is create a political issue, to say, if you vote against the previous question, you are voting against schools construction when, in point of fact, they are not germane to the bill. They have nothing to do with testing.

Even were he to win his previous question vote, those amendments would continue to be ruled out of order for lack of germaneness. So I urge my colleagues to see through this little bit of a game. Vote for the previous question. Vote for the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 25, as follows:

[Roll No. 8]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—185

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—25

Becerra
Blumenauer
Burton
Chenoweth
Doggett
Engel
Eshoo
Gonzalez
Hall (OH)
Herger
Johnson, Sam
King (NY)
Klink
Largent
Markey
McKeon
Neal
Pomeroy
Radanovich
Riggs
Rogan
Schiff
Stupak
Taylor (NC)
Visclosky

□ 1121

Messrs. WYNN, MURTHA, KLECZKA and TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore. Pursuant to House Resolution 348 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2846.

□ 1122

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, about a year ago, President Clinton announced his proposal for a Federal test in fourth grade reading and eighth grade math, and the White House and the Department of Education relied upon a little-known program, the Fund for the Improvement of Education, for their authority. Yet, nowhere, nowhere in the Fund for the Improvement of Education is there specific or explicit authorization for the President's national tests in reading and math. Nor was the program ever intended as a justification for national tests.

A few years ago, the predecessor to the Fund for the Improvement of Education specifically and explicitly provided for "Optional Tests of Academic Excellence." However, the majority at that time in 1994 changed all that. That testing language was purposely removed by Congress in the Improving America's Schools Act of 1994. It is now clear that there is no current specific or explicit authority in the Fund for the Improvement of Education or any other statute for implementing the President's national tests.

When the testing issue was put to vote last Congress, nearly 300 Members voted against national testing, including many Members from both sides of the aisle. I realize that is diminishing because there are all sorts of pie-in-the-sky promises, and therefore, the vote will be different. That is obvious.

The final result of the appropriations activities last year was to prohibit pilot testing, field testing or any implementation or administration of the tests in 1998. Limited test development activities could go forward, because they already put up $17 million, but what happens beyond 1998 was never addressed.

Despite the appropriate language, the White House and the Department of Education continue to represent to the public that testing will automatically go forward in future years, even without any action by Congress. That is wrong. No decision has ever been made by Congress about testing policy in the fiscal year 1999 or any other time thereafter.

Now, at the November 13, 1997 signing of the appropriation bill, the President said, "For the very first time, Congress has voted to support the development of voluntary national tests to measure performance in fourth grade reading and eighth grade math. The tests will be created by an independent, bipartisan organization and will be piloted in schools next October 1998." 1998.

Just last week the President reiterated in his State of the Union address, and at that time the President said, "Thanks to the action of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in fourth grade reading and eighth grade math."

Again, the point is that the Congress has made no decision about Federal testing in 1999 or future years. That was never even talked about. In addition, beginning in November of 1997 and continuing through January of 1998, the day of our markup last week, the Department of Education's website represented to the public that pilot testing would in fact take place beginning in the fall of 1998.

□ 1130

Here is how the web page read at that time: "The bill, [PL 105-78] provides full funding to proceed with immediate development of the first-ever voluntary national test in fourth grade reading and eighth grade math . . . The bill permits pilot testing to begin in fall 1998."

Never, never did any Congress ever say that that is what is going to take place. That is a decision that we as a Congress will make, not the President of the United States.

On the very next day after our markup, the Department changed the year for pilot testing from 1998 to 1999. Well, I know why. We all tried to tell them they cannot get a test that is going to be valid, worth anything, in less than 3 to 5 years. So NAGB, of course, redid the contract and rebid the contract and told them here is what we have to do.

We also found out a day after the markup that the display now says on their web site, "The first pilot tests are scheduled for the fall of 1999, and the first field tests in the spring of the year 2000."

Again, what I am trying to point out is there is no agreement about 1999, the year 2000, or any time thereafter. That is the only point we are trying to make in this legislation. It is our responsibility. The Congress of the United States, to make that determination.

Mr. Chairman, let me tell my colleagues who probably gave us the best argument for slowing down this train. It was the minority members on my committee. The minority members on my committee during markup gave us all the reasons why we should slow down this train. What did they say during markup? There were those that were concerned about tests being used for tracking. There were those who talked about we are concerned about language barriers in tests. There were those who said how are the tests going to be used? Are they going to be used to compare schools, children, et cetera? There were those who were concerned about who determines the content.

All of these things came up during the debate when we were marking up this legislation. And what did I say to them? I said, "Well, let me ask you, did the Secretary call and ask you for any input on how they were putting this test together?" Total silence.

Then I said, "How about the contractors, did the contractors call you and ask you to give input on how they are putting together these tests?" Total silence.

And then I said, "Well, how about NAGB? Have they called and asked you for any input in what they are doing?" Total silence.

And, of course, that is the whole purpose of this piece of legislation today; to give those people who were asking those questions an opportunity to participate in any kind of development. To make sure that their concerns that they had, legitimate concerns, are realized and that they are understood.

But if we do not do what we are going to do today, they get no opportunity to participate in any way, shape, or form, it is a done deal. And so we get 300 math professors who say, wait a minute, they are moving in a way of constructing a test that really is not the best way to teach mathematics. We have reading people saying is the reading test dealing with phonics? Is it dealing with look-see? Is it dealing with any other kind of programs that may be out there, whole language? They need to have answers to those questions.

My colleagues on the committee have to have answers to those questions. My colleagues who are on the minority side truly need to have answers to those questions.

The only way they get to participate is if we, as a matter of fact, accept this legislation today so that we become the players, the Congress of the United States, in determining what goes forward as we reauthorize NAEP and NAGB this year, we look at the whole picture.

Now, there are some who say this would jeopardize what the National

Academy of Sciences is doing. It does not have anything to do with what the National Academy of Sciences is doing. As a matter of fact we will take what they do. They are due, I believe, June 1 with their report. That will be considered. It does not interfere with anybody out there who has any kind of input they want to put in.

Mr. Chairman, all it says is: Hold it, administration. The decision is made here in the Congress of the United States. Constitutionally, it is our authority. Constitutionally, it is our responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am very disappointed that we find ourselves debating this bill today. With all the problems facing our schools, overcrowded classrooms, crumbling buildings, teacher shortages, it boggles the mind to see that the first bill passed out of the Committee on Economic and Educational Opportunities this year is one as petty as this one.

It is designed as a political ploy to embarrass Secretary of Education Riley and President Clinton. There is no reason to act on this bill today. The fiscal year 1998 Labor HHS Education Appropriations bill is very clear. It prohibits the use of 1998 fiscal year funds to field test, administer, distribute or implement any national test. The appropriations bill also requires three separate studies by the National Academy of Sciences, which are due later this year.

This proposal fails to address a number of issues of critical concern to parents, students, teachers and schools. And I ask some questions, some very basic questions that this Congress ought to be asking, that our Chairman referred to in his opening remark:

Will a national test accommodate students who have limited English proficiency or disabilities? Could the test be used for high stakes purposes such as tracking, funding reductions, grade retention and graduation thresholds? How will civil rights protections be ensured in the development, use, and administration of the test? How do we weed out bias and discrimination in the content of a national test? And most importantly, will those students who fail the test be provided significant new resources to ensure that they will have real educational opportunities?

These are legitimate concerns and legitimate questions that this Congress ought to answer. But if this bill passes, the sponsor of this bill will preclude the Congress from ever acting in these areas.

Mr. Chairman, we should act to resolve these and other serious questions about national testing in a measured, deliberate way during this year's reauthorization of the National Assessment of Education Progress, and the National Assessment of Governing Boards.

Mr. Chairman, with so few days in this legislative session, it is critical that the House act wisely and constructively on urgent education priorities. We should be passing legislation to repair our Nation's crumbling schools and overcrowded schools. We should be initiating legislation calling for reduced class sizes and stronger after-school programs. This bill does nothing to address these critical needs. Therefore, Mr. Chairman, I urge its defeat.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding, and I agree with the gentleman's statement.

Mr. Chairman, this bill seems to follow in the footsteps of Forrest Gump. That is that it seems to be in a state of denial. I am not qualified to participate in this debate, because I have taken educational measurement courses and have taught secondary school for about 10 years and I do not find much of a discussion that is connected to the real world of education or testing.

I think maybe following the logic in this bill we ought to ban all testing, because they are imperfect instruments. And the issues being raised in terms of problems are not unique. In fact, there is a body of knowledge that for 100 years has gone on with educational measurement that has tried to address these issues and perfect the ability to utilize reliable and valid instruments.

Mr. Chairman, I commend Members of Congress for taking this on in a few hours today in resolving this problem in favor of not having banning national tests. That way nobody will know what they are receiving and whether or not they are attaining the educational goals and we will all be happier for it; just like the character Forrest Gump.

Mr. CLAY. Mr. Chairman, I thank the gentleman for his comment, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA) a distinguished member of the committee.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the bill offered by the gentleman from Pennsylvania (Mr. GOODLING), and also in support of his statement. I want to associate myself with the gentleman's remarks.

Mr. Chairman, as a member of the authorizing committee, I believe it is not only inappropriate, it is also wrong for the President to use any funds on a program that has not been authorized by the relevant committee, the Committee on Education and the Workforce.

If we do not pass this bill today, we will be allowing the President to circumvent our committee and that action would mock the fundamental constitutional separation of powers principle.

Despite the fact that the administration has no specific or explicit authorization, the President has already put the Department of Education on a track to develop and implement these tests automatically without our authorization. I do not understand this.

Until Congress has the opportunity to review the proposal, no action should be taken. Congress must and should act to look into any national testing proposal and whether such an idea is a good test or not. I do not believe it is a good way of spending Federal dollars, but that is really beside the point of this debate right now.

Mr. Chairman, I do want to say and advise our colleagues here that we already have numerous tests, including two federally funded testing programs. The first, the National Assessment of Education Progress, and the other, the Third International Mathematics and Science Study, not to mention all the State programs.

Additional Federal dollars, and I want my colleagues to understand this because we are under very strong restrictions about Federal money and where it is coming from and where it is going, additional Federal dollars should be better spent improving our schools and the education of our children. We should be spending those Federal dollars, limited as they are, in the classrooms on programs such as Head Start and Early Start and teacher preparation.

Additionally, in my opinion, the national test would inevitably lead to a de facto national curriculum, but that is one of the discussions we should have and the debate when the committee discusses and really evaluates whether or not there is any merit to a national testing program.

But I even have a greater concern, and all of us know it, and I actually think the ranking member made an indirect reference to this, there is a question as to whether or not a national testing program leads to teaching to the test. There have been all kinds of studies done about the limitations of testing and to what extent teaching to the test will really obscure proper educational goals.

So there are all kinds of reasons why we should be having an appropriate national debate through the committee of authorization on this subject. And no money should be spent without the authorizing committee's action on this issue.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, last fall, Members of Congress from both parties worked with the administration and drafted a bipartisan agreement on what we could and what we could not do regarding national testing. Since then, there has been no evidence that the administration or any of the agencies named in that agreement have broken the agreement. Yet here we are, Mr. Chairman, not 3 months later, after putting the agreement together, debating again the development of national tests.

I cannot help but believe that this legislation is motivated more by political urgency than by any real need. I hope that my colleagues will join me in putting the partisan politics aside. Vote "no" on H.R. 2846 and let us get to work on what we really need to do on reducing crowded classrooms, training more teachers, building new schools, and helping all of our children achieve high standards.

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Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), another member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

I think we have a tremendous disconnect in the reality of education in America today which concerns me a great deal. And that is that we have studies that show that the ultimate consumers in terms of what happens to the education product, if you want to phrase it that way, the colleges and the workplace all say the kids are just not doing as well as they should, that education is not where it should be. But if we look at polls on how our schools are doing on a local basis, we will find that parents and others say, gee, they are achieving at an 80 percent level or whatever it may be be. We just do not find that to be the right answer out in the workplace.

I am one who believes that we need some sort of national comparison. I am not sure if we need a national voluntary test or not, and for that reason I am going to support the legislation. I do not think that this legislation has gained adequate support from families and educators in the States or Congress yet, and the National Assessment Governing Board, on which I actually served for a couple years, has recommended that the test be delayed until 2001. And the administration wants to move it up. Tests cannot be done that rapidly. They are very difficult to do.

But having said that, I do not come down on the side of those who say that we need no testing at all. I would hope that in our looking at reauthorization of NAGB and NAEPS later this year that we look seriously at that question. I will tell my colleagues most of the tests that are given now on a national level do not lend themselves to comparisons from one place to another because they are not given in a way so that we can make the comparisons. That is intentional to some degree, and I do not think we are going to learn too much by any studies on tests which exist right now. But I think we have to do something about it.

We talk about State standards, for example, as a way of doing this. My State happened to adopt very tough standards, and most of the students did not meet the standards. Then they took a national test and they did pretty well on the national test. There is at least one Southern State in which 80 percent of the kids did extraordinarily well on that State's standards, and they took the national test, and I think fewer than 20 percent of them actually did well on the national test. What does that mean? Does it mean that the Delaware students are better or worse because they did well on the Federal, not well on the State? I do not know. I think we need that comparison.

Believe me, now, in my State, we have comparisons school by school, and it has driven education reform tremendously. It appears in our newspapers. They see what it is. Parents are able to make choices now within public schools. It has made a huge difference as far as education is concerned. I think we really have to continue to look at the subject and develop it in every way we possibly can.

There are those who I know oppose any kind of national testing, and I would tell them I would hope they would keep their powder dry, continue to look at this subject. I think we understand there are reasons, which range from fears of discrimination or national curriculum or wasting Federal dollars or students' time with yet another test. But there has to be something to improve education.

I think part of it is to get into this whole issue of some sort of a comparison, be it testing or whatever it may be. I have heard critics of testing say that one does not fatten a cow by weighing it regularly, and we should not test kids that way. But I will tell Members that this is not testing kids in the same way from one State to another. We have got to be able to make a fair comparison. Right now the State tests do not do it. So let us all try to work together on this. This is a very important issue for the future of this country.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. CLAY) for yielding the time to me.

It seems that we are into this thing again when we did it once last year at the close of the last session. I do not know why we are doing this thing at this time. I would rather be spending the time very clearly making a difference in things that matter to children across the Nation, things that are desperately needed like teacher training, classroom construction and a whole lot of other things that I could go into and I will not at this time.

What really disturbs me is that in the past we, in the majority on the committee, especially this committee, have worked in a bipartisan way. That is not true in the debate that is before us today. Only a few months ago the chairman deservedly has to be given credit for working out a compromise, and that compromise that was reached between the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the administration on what national testing activities would be allowed during the fiscal year of 1998.

As Members know, that agreement banned all activities except those related to the development and planning of tests. In addition that compromise required the National Academy of Science to issue three studies, and those studies were intended to give the Members information which would be key to enlightening us to the policy decisions on this issue. Lastly the compromise transferred oversight of the test to the National Assessment Governing Board, or NAGB, as the gentleman from Delaware (Mr. CASTLE) has referred to that he served on, to assure a nonpartisan supervision of those tests.

With this compromise recently put into place, I was one Member who thought that we would be informed by the NAGB studies prior to a substantive debate during our committee's consideration of NAGB; that is, NAGB reauthorization. However, this is clearly not the major intent here.

I have great respect for the gentleman from Pennsylvania (Mr. GOODLING); I always have had. Traditionally our committee, as I said before, has resolved our differences in a bipartisan fashion. The past session of Congress, under the leadership of the gentleman from Pennsylvania (Mr. GOODLING), we followed that theme. Consideration of this bill, however, has been handled in exactly the opposite fashion. Despite the objections of Secretary Riley, the gentleman from Missouri (Mr. CLAY), ranking member, and several prominent civil rights groups, the gentleman from Pennsylvania (Mr. GOODLING) has pushed forward with this legislation. In the committee we asked him to postpone its consideration until the review of the reauthorization of NAGB, and he did not see fit to do so.

Frankly there is little if any need for us to be considering this on the floor today. It is all in law and exactly the things that he is concerned about exist in that law, and the National Assessment Governing Board is following the letter of that law. They have sent a letter, as I said before, to the gentleman from Missouri (Mr. CLAY), and I have a copy of the letter which indicates that they have every intention of following the law and not proceeding with testing or deployment of testing until the Congress authorizes it. Frankly, I believe that Members on our side of the aisle, even if they voted for the bill the first time, in this case should vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time. I would also like to congratulate the chairman on leading the fight on this issue.

I think there is at least three issues we need to talk about today. The first thing is that the executive branch is moving outside of the intent of Congress. They are moving forward in defining the Federal Government's role in education without an agreement and without a consensus having been developed between the executive branch and Congress. This is a key issue and we should not move forward on this issue without an agreement between the executive branch and this Congress. This Congress and this committee should set the direction for national testing.

A second issue that we really need to have a national debate about, beginning in this committee, is exactly what is the role of the Federal Government in education. Last year we went to 14 States, had hearings, had 22 different field hearings, and what we are hearing at the local level are some tremendous progress being made in education. It is not because of what we are doing here in Washington, but it is because of what parents, teachers and administrators are doing at the local level.

They are not sure that at the local level they want the Federal Government building their schools, hiring their teachers, feeding their kids, developing their curriculum, putting in their technology or determining their class size. They would like to have something to do at the local level as it regards to their schools and their children.

The third issue is even if we did testing, is this the right way to do it? We had hearings in Delaware, my colleague from Delaware described the process that they have gone through in that State. It is a difficult process. In Delaware I believe it took about 3 years. They worked aggressively at the grassroots level to involve parents, to involve teachers, to involve administrators, and to involve elected officials. That is the way to do it. We do not do testing, we do not make this kind of change by one branch of government moving forward and saying, this is what we are going to do, and leaving the rest of us behind.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, at a time when the Nation's attention is focused on education as a national priority and certain significant initiatives and programs have been clearly set forth by the President in the State of the Union address, the response of the committee of jurisdiction is a bill which implies that testing is the number one priority. And even worse than that, it appears that the sequence and the date for the testing and the fine print of a deal that was negotiated by a handful of people is more important than a response of the committee of jurisdiction to the agenda that has been laid out by the President.

Leadership on education improvement should be regained by the committee of jurisdiction, the Committee on Education and the Workforce. We have all kinds of folks who have taken over that leadership. Most of all the Committee on Appropriations makes the most significant legislation on education nowadays. I do not think that is appropriate and it is not the wisest use of the talent here. The committee that has the institutional memory, the committee that knows the issue across the board should be the committee where the major decisions are made.

We would like to get on with it. Let us have the hearings on the construction initiative. I do not agree with the gentleman from Michigan who said that local people want something to do, to keep the Federal Government totally out of it. There is plenty for local people to do. I think most localities would appreciate some help with school construction. That is rural, suburban and certainly the inner-city communities. New York City certainly needs some help just to convert coal-burning boilers in schools into more efficient and less dangerous boilers. Just a few days ago we had a situation where a school had to be evacuated because a 70-year-old coal burning boiler was leaking carbon monoxide.

So we have an emergency in many ways. Certainly the infrastructure emergency, the emergency which cries out for help most is the one related to construction. Let us have a hearing, a series of hearings; let us begin legislation on that. Sequence is very important. Before you get into testing, I am all against testing until we deal with opportunity to learn. This opportunity to learn which the Committee on Appropriations took out of legislation a few years ago, that has to come first. Opportunity to learn means you provide decent, safe, physical facilities. Opportunity to learn means that you provide teachers who are trained, and you improve the teacher-student ratio.

Some of the things that have been set forth by the President in the State of the Union address relate to providing an opportunity to learn. Before you drop the load on the backs of the children and say, we are going to test you, give them a chance to learn.

At present there is a great need for leadership from the Federal Government in terms of leading the States and the municipalities to do more to improve these opportunities to learn. We had a deal that was negotiated by a few members on the subcommittee outside of the usual democratic process where you have a committee of the conference, a committee, a group of members in the committee. So we are sort of locked out of this process of really knowing what the agreement was except what we see in writing. Why should we proceed with that? Let us deal with the substance of the education improvement issue and not with the frills and the details of a deal that somebody thinks has gone bad but there is plenty of time to correct if they think there is correction needed.

I urge a no vote on this unnecessary legislation.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in support of the bill offered by the gentleman from Pennsylvania (Mr. GOODLING) and commend him for his tireless efforts in this area and thank him for yielding time to me.

I totally agree with the gentleman that preceded me. The gentleman from New York says that testing is unimportant. The fact is we should be spending money elsewhere. I am particularly pleased that the gentleman from Pennsylvania (Mr. GOODLING) has brought the bill to the House early though in this session so that it can be fully aired, passed and sent to the other body and sent to the President early this year.

There is no argument that students should be held to high standards and teachers, students and parents should have a clear idea on their educational progress toward meeting those standards. But national testing is a perfect example of how the Clinton administration makes policy. If it sounds good, if it polls good, and if the focus groups say it is needed, well, then it is automatically great national policy even when it does not work. It is spending resources, valuable resources, scarce resources, in areas that do not need it.

We do not need national testing. We need good education, just as the gentleman from New York said. The fact is that there are many ways to assure high quality education to meet the needs of today's economy, and I commend the gentleman from Pennsylvania (Mr. GOODLING) for putting a stop to this single-minded big government approach to the problem.

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If there was any doubt that the Clinton testing plan was at best folly, simply imagine the logistic and cost nightmare on test day. On that day the reading test would have to be delivered to over 3 million students in 64,000 elementary schools in the Nation at more or less the same time. Delivery would have to be an overwhelming task. Security so that people do not cheat, an endless ordeal. The cost would be astronomic and the cost would recur each year.

Mr. Chairman, the testing, as proposed by the administration, violates our values of local control. People that know the best about education are the people at home. It provides opportunities for educational fads like "whole math" to be suddenly imposed and is scornful of the real issues raised by the minority and disadvantaged communities and just will not work. We need to apply the money on teachers and better schools, not on national testing.

I support this bill and urge its adoption.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation. This bill would stop the development of voluntary testing dead in its tracks. It would block cities and States from pursuing a new tool in our efforts to make our schools the best in the world. These tests are not about history, not about science curriculum, they are about the ability to read and write, to add and subtract. Mr. Chairman, there are just no politics in the A, B, Cs; no hidden agendas in the 1, 2, 3s.

Mr. Chairman, an agreement on Federal support for voluntary Federal testing was reached last year. That agreement permits limited test development but not its implementation. It was my understanding that the gentleman from Pennsylvania approved that compromise. Why are we wasting time revisiting an issue that we resolved just a few short months ago?

Last year six of the Nation's seven largest cities accepted the challenge of voluntary national tests, including New York City, Chicago, Philadelphia, Los Angeles, Atlanta and Detroit. These communities have decided that voluntary national performance measures can help them determine what is working and what needs fixing.

Mr. Chairman, I would urge my colleagues to permit limited test development to move forward and move on to debate ways to repair crumbling schools, reduce class size and keep schools open after hours. Let us talk about ways to promote educational reform and excellence, not slow it down. Vote "no" on this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the President wants voluntary tests identifying individuals, schools and States as meeting or failing voluntary education standards. His education plan calls for voluntary tax credits to build more schools. He is also volunteering the Federal Government to hire 100,000 teachers. Sounds to me like the era of big government is still alive and well over at the White House.

Mr. Chairman, are we to volunteer ourselves to the nationalization of our education system? Will Uncle Sam test, set standards, build the schools and hire the teachers? If so, we might as well tell our State legislatures, boards of education and local school boards to go home, Uncle Sam has taken charge.

H.R. 2846 brings sanity to the process. It tells the administration that Congress will live up to the deal we made in the last appropriations bill but, most importantly, the bill maintains the right of people's Representatives to settle the question of education testing. Support H.R. 2846 and preserve the rights of Congress.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

This debate is really a debate about our Nation's future. This morning in this hall we opened the session with a pledge of allegiance in which we pledged to be one Nation. But what is that debate? What does it mean when we want to be one Nation? Well, one Nation is about national priorities and to have priorities we must make priorities.

This Nation has found it important to have national standards for aviation, obviously for food safety, and even for truck tires, but we have never made it a national priority for education. There are no national standards. Think about that.

High school standards are set by local communities and State legislatures. College boards exams are a private industry, not regulated by government. Everyone knows that tests are essential to function in our society. We require them for everything from driving a car to entering the Armed Services.

This bill is the wrong way to go because we ought to have our national priorities be as important to us in education as they are for entering the military or driving a car. And we will never be one Nation unless we put education at that high priority. And when we do, we truly will be one Nation under God, with liberty and justice for all.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE), a State where on their own they have done remarkable things in relationship to standards and assessment.

Mr. GOODE. Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. GOODLING) for his initiative in this area, and he is correct, Virginia is a leader in testing its students. We want to see education maintained at the local and State level.

I supported this measure the first time and am very glad to support it this time, and I want to read a few statements from a teacher in the Pittsylvania County School System.

"I am greatly disturbed by the President's attempt to sponsor national student testing. I am intimately aware of the problem confronting teachers, parents, employers and students' ability to perform many needed basic skills. I don't see that more tests, especially those generated by administrators or bureaucrats at a national level, will identify any problems that teachers on the front line have not already known. National standards have no meaning to localities except one more example of the Federal Government trying to run the show."

He said it all, Mr. Chairman.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, what gall for the majority to argue today the merits of local governance when just yesterday they trampled on the local rights of Virginians. Are we only principled when it suits our purposes?

I rise today in strong opposition to this extraneous legislation. I happen to support national tests, so it is easy for me to oppose this bill. But I would oppose it even if I opposed national testing. Have we already forgotten how painstaking was the compromise that was mapped out before the Labor-HHS appropriations bill could be signed into law?

That compromise is good policy. It will give us an opportunity to get the facts before we debate the merits of national testing. The National Academy of Sciences would conduct a series of studies to inform us before we administer any national tests.

I think we all want to do the right thing on the national testing issue, we just disagree about what the right thing is. Getting the facts on national testing before we debate whether or not to have tests is a step in the right direction, but this legislation would deny us that opportunity.

While I understand the desire of the chairman, the gentleman from Pennsylvania, to keep discretion over authorization of national testing in his own committee, he will have that opportunity when the committee reauthorizes the National Assessment of Education Progress and the National Assessment Governing Board. There is no reason not to wait until we consider legislation to reauthorize those programs and debate this issue at the appropriate forum.

I urge my colleagues to oppose this politically motivated attempt to secure jurisdiction where jurisdiction has already been established.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a former member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, there is a vision for education and a vision that could be bipartisan, but it chooses not to, unfortunately, because of partisan politics.

We can have big government control of education or we can have it where parents, teachers, local administrators can control that. We talk about voluntary national testing. The gentleman from Michigan Mr. DALE KILDEE, who was the ranking minority member on the subcommittee, he and I killed national history standards. Why? As a previous history teacher, the gentleman from Michigan saw they were teaching more about Madonna than they were the Magna Carta, and that the Federal Government was getting involved in socialized history and the standards that went into it. And the worst part was that the textbook companies, before that bill was ever passed, had set forth that liberal agenda into our schools. And that is wrong.

The President talks about more money for school construction, but yet the other side of the aisle denied the average age of D.C. schools is 60 years. And when they talk about school construction and more tax dollars for it, the other side rejected that all we had to do is waive Davis-Bacon and we would save 35 percent of school construction. But yet the union bosses controlled the other side of the aisle and they rejected it. So there is a difference in vision.

The Democrats had 40 years to establish the foundation of public education. Public education should be the foundation of this country. It spreads across a lot of lines, but yet they want big bureaucracy, big government control. There are 760 Federal education programs. The President wanted $3 billion for a new literacy program. There are already 14 literacy programs, Title I is one of those.

What is wrong with saying let us take one or two and get rid of the rest of the bureaucracy that steals the money for big Washington government and keeps it from going down to the classrooms so that teachers and parents and administrators can have more control instead of big Washington union bosses and bureaucrats?

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to this legislation and I urge my colleagues to vote against it.

In the balanced budget President Clinton presented to the Congress last week he laid out an action plan for improving America's schools, a plan to reduce class size, thereby creating a better learning environment for our children, better opportunity to have discipline in our schools. The plan also called for repairing of crumbling schools, putting computers into every classroom, training teachers so that our children will be prepared to meet the challenges of the 21st century.

And instead of considering legislation to improve our schools, Republicans today are bringing this unnecessary legislation to the floor to block national tests that would, in fact, help to ensure that every child in our country meets higher standards in math and in reading.

Voluntary national tests would give us the opportunity to gauge our children's progress in these basic skills. These are essential skills to ensuring a future success in life. Tests will let parents know that local schools, that teachers are doing their job and holding them accountable for the results that they achieve.

Mr. Chairman, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy of Sciences to study what type of test might work best for our kids. Quite honestly, Republicans in this Congress, as their nominee for President last year articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of that agreement.

The American people want this Nation to have high education standards. I want high education standards. We in this body should be for high education standards. That is why I oppose this legislation.

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Let us stop wasting our time on this unnecessary legislation. We ought to be working together to pass measures that improve our schools and make education today work for our young people.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I was going to say to the Chairman of the committee that we have several people who have indicated they want to speak, but only one is on the floor. So I guess we will call on him.

I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding.

Largely ignored in this morning's debate on this question of the testing on national educational concerns is the fact there is a test going on right here this morning, and the scores are already in. When the question is concentrating on those issues, on the periphery of the lives of ordinary Americans, this Republican leadership scores an unqualified A-plus.

Whether it is naming an airport and switching the name of one President for another or dealing with something that the administration is not really doing right now, they have done excellent, absolutely outstanding, in concentrating on these issues that do not really make a flip to ordinary American families who are out there struggling to make a go of it and are trying to get their kids through the schools.

But when it comes to a commitment, a Federal commitment to back up our families, to support our local school boards and the many other groups, whether it is the PTA or the large adopt-a-school program that our Chamber of Commerce does down in Austin, TX, and Uvalde, TX, and in Pflugerville, TX, to back up and support those local efforts, when it comes to ideas, new ideas and new approaches to improve the quality of education, that test score is in also. And just like last year, this Republican leadership scores an unqualified F. They do not even get up to D-minus.

Because the only new idea they have only advanced, other than trying to prevent other people from doing something to improve the quality of public education in this country, something that our parents and our communities all over this land want, the only solution that they have offered, they will not vouch for public education, they want to voucher out a privileged 10 percent and move them off into private academies and leave the other 90 percent to sink. That is not a solution. It is contributing to part of the problem.

What we need to be doing is not dealing with things on the edge of reality but concentrating on how we can reshape and reinvigorate some of our existing programs and channel those resources to reduce class size, improve teacher training, focus on many things, that we share common concerns and not focus on these things that will not make a difference one way or the other in the quality of any child's education.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Whip.

Mr. DELAY. Mr. Chairman, I thank the Chairman for yielding.

I want to rise in favor of this resolution because this resolution is quite simple. It says that the President cannot formulate a national test for our students unless the Congress specifically authorizes such a test. It is just that simple. It is not all the other things that we have heard.

This might seem like a typical inside-the-Beltway type of squabble between the President and the Congress, but I say to my colleagues that there is a bigger principle at stake in this resolution: Who should control the education of our children? Should it be parents or should it be the Federal Government?

The administration and its supporters in the Congress want more control over local communities and parents when it comes to educational policy. They want to expand the national bureaucracy at the expense of working families. They want to promote a one-size-fits-all education system, a system that dictates national standards and promotes a national curriculum and gives more power to Federal bureaucrats.

We want to return power to families. We want to give parents more choices. We want our local communities to make the decisions, not some huge Federal bureaucracy. That is why we support the concept of school choice. That is why we believe working families should be able to use tax-free education savings accounts so that parents can have more options for their children. And that is why we oppose efforts by this administration to waste money on needless tests and wasteful national bureaucracies.

So I ask my colleagues to support this resolution and support America's working families.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I especially want to thank the Chairman of this committee. Because many would shirk at the issue of national testing because we often think that testing is the way to assure education.

But this last week, my school board members came to me and they said, "Oh, please, do not test us any more. We already in our State have a 4th and 8th grade test. We are already having the teachers complain that they are working to test instead of working to teach."

So today what we are saying is Congress should take a look at this. And it really says, Mr. President, you cannot spend that $342 million developing a new bureaucracy, a new test, until you talk to us and we talk to the people. That is what this debate is about. It is about talking to the people.

When my school board members, one by one, from all over the State that has little to big districts, come and say, all of our administration is Federal regulation, testing and bureaucracy and it is even affecting the classroom, we should take a look. The people elect Congress, they elect us to represent them, and I think we should stop and take a look.

This is a great bill, and I strongly support it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished Ranking Member for giving me this opportunity to speak in opposition to H.R. 2846, the prohibition on Federally sponsored national testing.

As my colleagues know, this legislation would prohibit the development and the administration of volunteer national testing without specific statutory authority. This is a controversial issue, clearly; and there are Members on both sides of the aisle who have questions about testing. But that is not the issue before us today.

Last year, members of the Committee on Appropriations spent weeks diligently working with the author of the legislation, the gentleman from Pennsylvania (Mr. GOODLING), the authorizer, to craft an acceptable compromise to this language. But that never, in fact, belonged in an appropriations bill in the first place, that the National Academy of Science would continue its studies on development of the test.

The National Assessment Governing Board has recently determined that, even if we should decide that the voluntary testing should proceed, the test cannot be sufficiently developed and ready to be administered until the year 2001.

Mr. Chairman, the purpose of the proposed test is to help our students learn and to improve their performance. A voluntary national test will determine whether our children possess the basic skills they need to achieve and help their parents and teachers help them learn. But a bipartisan compromise was worked out in good faith 3 months ago to resolve this controversial issue. We do not need another resolution.

What we do need is to focus our efforts on making educational opportunity possible for all other children by rebuilding schools in desperate need of repair, reducing class size, and creating after-school programs.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 2846.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 8 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 4¼ minutes remaining.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), and then I will close.

Mr. SOUDER. Mr. Chairman, I know many people are concerned about the standards in their schools. But this is something different. This is Washington pointing an accusing finger at our Nation's children, many trapped in inner city, broken down schools and saying you miserable little failures. Do we really want Washington doing that?

Many people, myself included, I think have been very confused by the mixed signals that the President is sending. Now I happen to believe that there is a responsible public policy approach to dealing with a potential surplus. For that reason, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which is consistent with a number of important policy objectives.

Last year, 300 of us had the courage to say that is not Washington's business, that is the business of parents, local school boards, and the States.

The question today and the question before us is who is going to flip-flop their vote today.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me once again focus the debate on the real issue. I agree with every question the Ranking Minority Member asked. We need to have answers to those questions before anyone progresses with a test as a done deal.

The only way we get to do that, as a matter of fact, is if we now pass this legislation. Otherwise, we do not participate. We have not been allowed to participate up to this point. We will not then.

We have a lot of questions to ask. We have hearings in February. We have a hearing in March on testing. A lot of questions to ask. And we need a lot of answers. One of those will be, who pays? Who pays? They are very leery back there about who pays. Cops on the beat, oh, yes, we will pay one time, and then we are stuck.

Well, let me tell my colleagues about the President's budget. The President cuts $450 million from effective programs that operate on the local level. The President adds $150 million for programs that will be operated out of Washington, D.C. They have a right to ask who pays. We do it one time and then they are stuck with it. Again, this is putting the cart before the horse for them to move ahead without any consultation with us.

We have all the questions I ask. We have all the questions the Ranking Minority Member asks. They need to be answered. And they will be answered as we have our debate in committee and then as we bring that debate to the floor of the House.

But the only way we can get answers to those questions is if we are players. And the only way we can be players is if we pass this legislation so that, as a matter of fact, we get to participate in this debate, and we get to ask the questions that the Ranking Member has asked and I have asked.

So I ask my colleagues to, I realize, as I said before, there are a lot of pie-in-the-sky promises out there. I know the vote will be different. But I ask Members to vote for it. Vote your conscience. Do not vote pie-in-the-sky promises.

Mr. CRAPO. Mr. Chairman, I thank the distinguished gentleman for yielding to me and I rise to express my support for overriding the President's veto of H.R. 2631, the Line Item Veto Cancellation Act.

Mr. Chairman, I am a long-time supporter of the line-item veto. This new law makes possible a more restrained Congress, but also entrusts the President with the important responsibility of using this new power wisely. That is why I was so disappointed to see the President make a misinformed decision in canceling funding for 38 military construction projects, including 2 in my home state of Idaho, and then repeating this mistake by vetoing this legislation.

As we all now know, based on faulty and outdated information provided by the Department of Defense, President Clinton eliminated needed funds for a B–1B bomber avionics facility for low-altitude navigation and a F–15C squadron building for planning and briefing combat crews at Mountain Home Air Force Base. Both of these projects are among the Air Force's top priorities and were a part of the President's own 1999 and 2000 Pentagon budgets. These facilities are critical because the 366th Composite Wing at Mountain Home Air Force Base represents one of our nation's premier rapid-deployment forces in times of an emergency. Even Defense Secretary Cohen has reflected on the critical role of the 366th Wing in our national security structure and acknowledged that "it must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts." For service at home and in the Middle East, Central America, and Europe, the men and women of Mountain Home Air Force Base have answered the call of their country; it is only right and proper that the Commander in Chief recognize this important commitment.

I was pleased to assist in the effort to provide the President with line-item veto authority. However, this power is significant and must be practiced with great care and attention to preserve the system of "checks and balances" in our Constitution. It is my hope that the President understands this and will in the future only exercise the veto in appropriate cases.

At this time, I would like to express my appreciation to Chairman PACKARD, Chairman SKEEN, and the House leadership on both sides of the aisle for considering this measure today to overturn the President's veto. This action today will send a strong message to the Senate and White House that the American people expect careful use of the line-item veto. It will also demonstrate to opponents of the line-item veto that the new law works and is consistent with our Constitution.

Mr. RADANOVICH. Mr. Chairman, I rise today in support of H.R. 2846 which bars Federal spending for planning, developing, implementing or administering national education testing unless such tests are specifically authorized by Congress.

Passage of this bill is good for our schools. The President's strong support of national testing reveals serious philosophical differences between many in Congress and the Administration with regard to the role that teachers, parents, school board members and local communities play in ensuring that our children have the best possible opportunities for education available to them.

A national test would tell us little more than we already know—that the measure of a child's education is determined both by the quality of the education that the child has access to and the willingness and ability of that child to learn. I oppose such a test because I believe that we need to invest in our schoolchildren and in their education, not study them.

Make no mistake, I think schools should provide minimum requirements and standards of learning. However, we should not expand the role of the Federal Government in education to achieve this goal. Our teachers, parents, school districts and local communities, particularly those in California's Central Valley, are more capable of cultivating a better education for our children, and in measuring that education, than federal bureaucrats in Washington, D.C. Federal money is better spent on improving the conditions and quality of our schools than on a full-employment program for administrators of a national education test.

National testing is the first step towards further federal intervention and control of the education of our children. In order to administer a national test, it first must be written. This job, no doubt, will be performed by federal bureaucrats in the Department of Education. Soon, these same individuals will be setting the reading and math standards for our nation's schoolchildren. Next, the Department of Education will want to set the curriculum of school districts and classrooms to meet those standards as evaluated through the federal test.

Mr. Chairman, we spend over $29.5 billion on the federal Department of Education. According to a recent study, only 85 cents of each dollar that the department allocates for elementary and secondary education actually makes it to the local school district. One study of a New York public school system showed that only 43 cents of every district dollar actually made it into the classroom.

If we want to maximize our return on federal education dollars, we need to skip over the bureaucracy, reject national testing and provide as much funding as possible directly to communities and schools.

Besides shifting education funds to local communities, it is important that we ensure our children are given the educational choices and opportunities they deserve. This means giving states, school districts, local communities, teachers, and parents flexibility to implement policies and use resources that best respond to the education needs of that particular community—and not forcing them to adopt a national one-size-fits-all test.

My goals for educating our children are not tied to national testing. Instead, we must maintain our strong commitment to education funding that shifts more dollars and greater control to our states, communities, parents and teachers.

I urge my colleagues to vote in favor of H.R. 2846.

Mr. PAUL. Mr. Chairman, I rise in support of H.R. 2846, which forbids the use of federal funds to develop or implement a National Test without explicit authorization from Congress. Supporters of protecting the United States Constitution from overreaching by the Executive Branch should support this bill as the Administration's plan to develop and implement a national education test without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support for this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. After all, Congress, like the Executive and the Judicial branches of government, must adhere to the limitations on its power imposed by the United States Constitution. Although many seem to have forgotten this, in our system, the limits set by the Constitution, rather than the will of any particular Congress, determine the legitimate authority of the United States Government.

The United States Constitution prohibits the executive branch from developing and implementing a national test, or any program dealing with education. Education is not one of the powers delegated to the Federal Government, and, as the ninth and tenth amendment make clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in the area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children—individual states, local communities, and, primarily, parents.

Implementation of a national test also must be opposed because of its primary effect: the de facto creation of a national curriculum. Many supporters of a national testing try to minimize this threat to local and parental sovereignty by claiming the program would be voluntary. However, these are many of the same people who consider Goals 2000 a "voluntary" program, despite the numerous times Goals 2000 uses the terms "shall" and "must" in describing state functions. Furthermore, whether or not schools are directly ordered to administer the tests, schools will face pressure to do so as colleagues and employers inevitably begin to use national tests as the standard by which students are measure for college entrance exams and entry-level jobs. At the very least, schools would soon find federal, and perhaps even state, funding conditioned upon their "voluntary" participation in the national testing program.

Educators will react to this pressure to ensure students scored highly on the national test by "teaching to the test"—that is, structuring the curriculum so students learn those subjects, and only those subjects covered by the national tests. As University of Kansas Professor John Poggio remarked in February of last year, "What gets tested is what will be taught." Government bureaucrats would then control the curriculum of every school in the nation, and they would be able to alter curriculums at will by altering the national test!

Private schools and home schools will be affected as well, as performance on the national tests becomes the standard by which student performance is judged. Those in private and home schools will face increasing pressure to participate in national testing and shape what is taught to fit the criteria of the tests.

National testing is a backdoor means by which the federal government can control the curriculum of every school in the nation. Implementation of national testing would be a fatal blow to constitutional government and parental control of education.

The Executive Branch has no constitutional authority to implement and develop a national test and the Congress has no authority to authorize the test. I therefore urge my colleagues to vote for H.R. 2846, which stops the Administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the federal education bureaucracy and cutting taxes on America's parents so they may provide for the education of their own children.

Mr. WELDON of Florida. Mr. Chairman, last year this Congress voted 295–125 against allowing the federal government to establish national tests for education. However, President Clinton and the Federal Department of Education continue to pursue their effort to establish national testing. I am very disturbed, but quite frankly not surprised by the President's efforts to bypass the Congress and establish national testing. He has done this in other areas as well.

The Constitution gives the Congress, not the President, discretion over federal spending. The Congress has not authorized the Administration to expend taxpayer funds on developing or implementing a national education test and its is wrong for the Administration to pursue such efforts.

The American people don't want federal control of education and that is exactly what national testing moves us towards. H.R. 2846 would ensure that the House Committee on Education and the Workforce (the Congress) will have increased involvement and discretion over this program. I am a proud cosponsor of this legislation and am hopeful that we can move it forward.

Unlike liberals in Washington, I believe that states and local communities are better equipped to design and implement school assessment programs because they are closer to the needs and abilities of their students, teachers, and schools. Furthermore, national testing could lead to a watered-down, ineffective test which holds everyone to lower standards. It also would divert scarce federal education dollars away from the classrooms and would reallocate them toward bureaucracy and test administrators.

I am very concerned about the potential that a national test could effectively lead to the adoption of a national curriculum. In this scenario, individual school districts would be compelled to conform their classroom curriculum to the national test in order to ensure that their students did well on the test. Educating children and giving them the skills and abilities they need would be sacrificed so that learning is geared toward doing well on a national test. I believe education decisions should be made by state and local governments, not the federal government.

Finally, many states and local communities have done a considerable amount of work to develop their own standards. Florida has been a leader in this area and has just completed an extensive effort to improve standards and implement its own state test. For the federal government to thwart the extensive effort and expenditure of the State of Florida is wrong and should be rejected. I trust the people in the State of Florida to do what is right, not the bureaucrats and education elite at the Federal Department of Education in Washington.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in this country.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105–78, the Labor, Health and Human Services and Education Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not this country implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Part C of the General Education Provisions Act is amended by adding at the end the following:

"§447. Prohibition on federally sponsored testing

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105–78, the Labor, Health and Human Services and Education Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Math and Science Study or other international comparative assessments developed under authority of section 406(a)(6) of the National Education Statistics Act of 1994, and administered to only a representative sample of pupils in the United States and in foreign nations.".

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, pursuant to House Resolution 348, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays, 174, not voting 14, as follows:

[Roll No. 9]

YEAS—242

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Becerra
Burton
Cannon
Dellums
Eshoo
Gonzalez
Hall (OH)
Herger
Istook
Kilpatrick
Klink
McKeon
Pickering
Schiff

□ 1250

Mr. SNYDER changed his vote from "yea" to "nay."

Mr. EVANS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, on rollcall No. 9, I was unavoidably detained en route by traffic. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on roll call vote 9, I inadvertently voted "aye." I intended to vote "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2846, PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2846, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2846, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2021

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport". The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my very good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. Speaker, this resolution is a closed rule providing for consideration of S. 1575, which is a bill to rename the Washington National Airport as the, and listen carefully, as the Ronald Reagan Washington National Airport. That will be the name of the airport, if this bill passes.

The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation. The rule also provides that the bill shall be considered as read. Finally, the bill provides 1 motion to recommit.

Mr. Speaker, the passage of this rule will bring us one step closer to finishing the task of renaming the National Airport after a truly great American and an outstanding President, Ronald Wilson Reagan.

At this time I include for the RECORD 2 articles, one which appeared back in 1993 by myself in the CONGRESSIONAL RECORD, and the other by Donald Devine, the former Director of the U.S. Office of Personnel Management that appeared in today's papers.

A Tribute to Ronald Reagan

(By Hon. Jerry Solomon)

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York, [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I take this special order tonight to pay tribute to a great American, the greatest American that I have ever known, and that is President Ronald Reagan. As you know, I had intended to hold this event last night as a birthday present for the former President, but the House was occupied on an even better birthday present, passage of the line item veto. And what better birthday present could be offered to the President and to Mrs. Reagan than to complete the unfinished business of the Reagan revolution?

I know I speak for every Member of this House, Mr. Speaker, and virtually all Americans in offering President Reagan and his beloved First Lady, Nancy, our prayers and our very best wishes on this very wonderful occasion.

Mr. Speaker, what do you get for the man who has everything, so that saying goes? Well, Mr. Speaker, as we observe President Reagan's birthday, a better question is how do we appropriately honor a man who has done so much for us, for our country and for the cause of freedom around the world? Our tribute this evening should extend beyond the President's accomplishments in office, although they are numerous, too numerous to mention here tonight.

Let us examine Ronald Reagan's record with the benefit of historical reflections. The story has been told that during his darkest hours, President Nixon was reassured by those around him that history would treat him well. Ever sharp and skeptical, President Nixon shot back, "That depends on who is writing the history." In the case of Ronald Reagan, Mr. Speaker, most of those writing the history of his Presidency have done everything in their power to turn light into darkness, achievement into failure and hope into despair.

Those of us who stood shoulder to shoulder with Ronald Reagan from the very beginning are here today on the occasion of his 84th birthday to say that we are not going to let them get away with it anymore.

Ronald Reagan's views now occupy the center, the main street, of American politics. Look at some recent House votes, the balanced budget amendment passed this House by 300 to 132; unfunded mandates reform to implement the new federalism Ronald Reagan espoused passed this House by a vote of 360 to 74, and the line item veto just the other day, 294 yeses to only 134 noes. All of these measures passed with substantial Democratic support from the other side of the aisle as well, good conservative Democrats voting for the Ronald Reagan programs that we were unable to deliver a number of years ago.

And, yes, Mr. Speaker, throughout the proceedings of the 104th Congress and, indeed, through the election of 1996, coming up, a history debate has been resolved in favor of the ideals articulated by President Reagan and his remarkable vision.

Over the last 15 years, President Reagan's goals were subject to the most robust scrutiny that our system of democracy has to offer. During the 1994 election, some liberal Democrats even campaigned against the Contract With America on the basis that the contract was a continuation of what, of the Reagan legacy. Can you imagine?

Well, Mr. Speaker, the actions of this Congress are evidence that President Reagan's legacy has not just endured that test of scrutiny and criticism but that it flourishes today to the benefit of all Americans.

It is useful to look back, however, in order to more fully savor and appreciate President Reagan's vision. American morale in the 1970's, think back, could not have been lower. President Jimmy Carter declared us in a state of malaise. Ronald Reagan's Presidency was what turned things around. Ronald Reagan's economic policies triggered the largest and longest peacetime extension of our economy in the history of this Nation.

Nineteen million new jobs were created. Incomes grew at all levels and new industries and technologies flourished and exports exploded. Why? Because President Reagan, he cut taxes, he slowed the growth of domestic spending and regulation, and he restored faith in what he liked to call the magic of the marketplace.

That magic then caught on all around the globe. Remember, my colleagues, the world in 1980 was a very different place than it is today. The Soviet Union was continuing a massive arms buildup, bolstering the formidable number of missiles already pointed at the West, and at cities right here in the United States of America. Soviet troops were marching literally through Afghanistan. Do you remember that? Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe.

The United States military was described back in those days as a hollow force, and our citizens were held hostage by thugs in a place call Iran. Do you remember that?

Our world today contains pockets of instability, but the simple fact is that democratic tide that has swept this globe in the last 5 years is a direct result of Ronald Reagan's Presidency. The man and his policies were essential to freedom's march across this globe. It was Ronald Reagan who faced down the nuclear freezeniks in this Congress and in Western Europe by deploying the Pershing II in West Germany.

Eventually this deployment and a policy called Peace Through Strength, Mr. Speaker, that you and I helped to formulate, forced the Soviets to the bargaining table. The result in 1987 was the IMF Treaty, the first agreement to eliminate an entire class of weapons. Ronald Reagan turned out to be right on that issue.

It was Ronald Reagan who armed freedom fighters in Afghanistan and in Nicaragua, allowing those nations to determine the course of their own destiny. Ronald Reagan was right.

It was Ronald Reagan who said this country had a moral obligation to defend its citizens from nuclear attach, and that we had to strive for something better than that and the same policy of mutually assured destruction with weapons aimed at every city in America. He said we must work for the day when nuclear missiles were no longer pointed at American cities.

But the experts laughed, and they ridiculed. "This is nothing more than a naive daydream of a silly old man." Do you remember reading those headlines by the liberal press in this country? But you know what, again, Ronald Reagan was right. President Reagan pointed out from the start that the Soviet system was morally and financially bankrupt. Such a system, he argued, could not bear the cost of occupying Eastern Europe.

What was the ultimate result of Ronald Reagan's Peace Through Strength policies? Well, as Ronald Reagan used to say, the Soviet Union collapsed and captured nations all around this world were freed from the atheistic tyranny of the tentacles of communism.

Once again. Ronald Reagan was right.

It was Ronald Reagan who stood under the shadow of the Berlin Wall, which you all remember, and said, "Mr. Gorbachev, tear down this wall." I will never forget his saying that. The experts laughed again, and decried his pleas as a public relations stunt. Do you remember that? But Ronald Reagan was right again as he always was. Ronald Reagan encouraged us to maintain a strong defense in case the United States was forced to defend its interests in any remote corner of the globe, and after all, that is the reason this Republic of States was formed, to provide for a common defense, to protect America's interests around the world.

Given this, should anyone really be surprised that our Armed Forces performed so well during the Persian Gulf war? President Bush and General Schwartzkopf were able to lead our troops magnificently and to bring them home with astonishingly low casualties. Do you remember that? Once again, Ronald Reagan was right. Those of us who served in the House at the time and fought President Reagan's fights right here on this floor were so proud to do so.

I was honored that President Reagan signed my legislation to create the Department of Veterans Affairs so that we could guarantee that, with an all-volunteer military, it would work.

As a member of the House Committee on Foreign Affairs. I was so, proud to carry his water for a foreign policy respected around the world by friends and foe alike, and it was a privilege to join these battles, looking back at the enormous good that came of those policies. But, Mr. Speaker, more than any specific policy, we must salute Ronald Reagan's ability to bring out the best in us as a nation. He consoled us on the evening of the *Challenger* disaster. Do you remember that? It was a sad day in our history.

And on the 40th anniversary of the D-Day landing. Mr. Speaker, President Reagan painted a vivid picture of the scene on that day and genuinely proposed that we, we dedicate ourselves to the cause for which those soldiers gave a last full measure of devotion.

He never offended us with staged prayers or phony flag placements. He words and his gestures were all genuine, and, as proud as we should be of his many accomplishments, Mr. Speaker, it is a sad commentary that it took over 5 years longer, over 5 years longer, to tear down the wall of resistance to the line-item veto and the balanced budget amendment. It took 5 years longer than it did to tear down the Berlin Wall and the Iron Curtain.

Ronald Reagan inspired a generation of young people to ignore the cynical bombardment of the media and hold dear the American heritage: "hopeful, big-hearted, idealistic, daring, decent and fair," as he described it during his second inaugural address.

Mr. Speaker, last night 1,000 supporters turned out for a birthday party, including the former British Prime Minister Maggie Thatcher, that I attended along with many of you to pay tribute to this great President Ronald Reagan. We were so fortunate to have him as our President during that period of time in the history of our country, and at this time I would yield to a Democrat, one of the finest Members of this House, the gentleman from California (Mr. CONDIT). He is an outstanding Member.

POACHING ON REAGAN'S LEGACY

(By Donald Devine)

As Ronald Reagan celebrates his 87th birthday tomorrow, he is recognized now even by most of his critics as the most influential president since Franklin Roosevelt. Bill Clinton—struggling for mere survival—still tries rhetorically to denigrate this record. But he adds his unacknowledged acquiescence by the facts of his puny budget increases—his voice is forced to request millions and will acquire less, while his heart lusts billions—and his abject submission to his predecessor's vision, by his concession: "The era of big government is over."

As Lady Thatcher put it in her Heritage Foundation lecture, while it is "an irony that it is an administration of instinctive spenders and regulators that now is reaping much of the political reward," the unmistakable fact is that "today's American prosperity in the late 1990s is the result, above all, of the fundamental shift of direction President Reagan promoted in the 1980s." Successor conservative leaders in both his and her countries first departed from this program and then were frustrated that they were unable to re-create it.

Yet, if Ronald Reagan himself ran in the year 2000, he would not run on the Reagan platform. Despite the plethora of rightist leaders trying to poach the Reagan legacy, it is too late: His set of policies is passe. All conservatives can learn from President Reagan now is his basic philosophy and his character. As Dinesh D'Souza puts it in his new book, "Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader," it is sufficient to learn that he "had a vision for America, he was not afraid to act, and he believed in the good sense and decency of the American people." Vision, courage, good sense and decency were the essence of Ronald Reagan, as they were of his view of America. While he deeply valued the conservative values of the Founders, what made him such a leader was his courage and good sense, including being able to see the world both clearly as it was and idealistically as it should be.

There is much talk about optimism being the secret of President Reagan's success. But it was not a sunny optimism that skirted tough issues. As Mr. D'Souza documents, he often went courageously against literally all "expert" opinion, not only on obviously big issues such as his refusal to concede the Strategic Defense Initiative to get an arms agreement with the Soviet Union but also when he boldly confronted Libya, invaded Grenada, shut down the air controllers union, and even refused to cancel his visit to the Bitburg cemetery. Contrary to those who now see him as assertive generally in foreign policy, he was also prudent enough to be almost disengaged on major foreign issues like South Africa, Chile and Haiti. He had enormous courage to act and the prudence not to risk American treasure nor blood unless absolutely necessary.

While President Reagan will be most remembered for his critical role in ending the Cold War, his domestic legacy of taming the welfare state might be greater in the long run. Many thought he lacked courage here and even Mr. D'Souza believes he did not reduce domestic spending. Yet, the facts show he reduced non-defense spending hundreds of billions, from 17.9 to 16.4 percent of gross national product. Indeed, a return to the Founders' idea of limited government was equal to his passion against the evil empire. At his first Inaugural he was clear he "was not cutting government spending just to save money, but to return power to states, communities and citizens." Consequently, William Kristol and David Brooks' National Greatness Conservatism, when it claims "the revitalization of our local civic culture depends, ultimately, on our national political health," and that "America won't be good locally if it isn't great nationally," has it quite backward in the Reagan philosophy. To Ronald Reagan, it is communities and individual that make us great.

Virginia I. Postrel and James K. Glassman were closer when they responded that Kristol-Brooks conservatives "confuse small government with no government and neutral government with vice." Lacking faith in non-governmental and community institutions to solve problems, "national-greatness conservatives are desperately seeking the moral equivalent of the Cold War" to keep the national government busy. Yet, Postrel-Glassman's emphasis upon individual happiness, private pursuits and avoiding "gloom and doom" at all costs, is at variance with the urgency with which Ronald Reagan viewed America's departure from limited government and how difficult he thought it would be to rebuild private institutions. For he believed big government had grievously wounded the nation and he had a sense of urgency for its reform.

Ronald Reagan was and still would be moved by the fact that 1 out of 3 American children are born to unmarried mothers and that, for the first time in history, these accumulating 1.2 millions per year will not have a family to guide them. His solution would not be some Clinton-Light additional millions to some silly, bureaucratic childcare program but an urgent desire to break the government-supported incentives in welfare that reward this behavior.

Unlike members of Congress prematurely claiming success, he would face the fact that, at the last moment, the Republicans caved on the largest part of welfare and dropped Medicaid reform; and they later kept silent when President Clinton, paying off his public sector union friends, doomed workfare by not allowing those on welfare to get their most likely job, on a government payroll.

Mr. Reagan would not claim success on education because the GOP spent as much as Mr. Clinton but face the fact that only 40 percent of eighth grade urban children have basic reading, math or science skills. More shocking, only 60 percent of suburban students have. That is, even 40 percent in the prosperous areas are not taught basic educational skills in the near-monopoly government schools as a result, not of oversight, but of a plan to de-emphasize these skills because failure to master them might cause lower self-esteem.

Even for those lucky enough to have a family, good education and a real job, leisure is polluted with senseless violence, amoral entertainment and vile behavior from a little box in this own homes.

What is more important than kids and family, friends and neighbors, and one's own living space? Official complacency about them is why polls show Americans are still dissatisfied in the midst of one of the greatest economic expansions in history. When that economic bubble bursts, as it soon will (probably from Asian economic flu), Reagan-like tax and regulatory policy will help revive the economy.

But conservatives need a program for the more fundamental problems too. Real welfare reform, private and charter school voucher scholarships, the strengthening of private institutions by letting them have more of their own money to spend on their own children, families and neighbors, and determined presidential moral leadership to tell Hollywood we simply will not tolerate such filth, is a Reagan program to both fulfill his legacy and celebrate his birthday properly.

Happy birthday, Mr. President, we miss you.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), my colleague and my dear friend and chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

The chairman of the Committee on Rules and the chairman of the authorizing committee, we have all agreed that we fought this battle yesterday, and so I rise in opposition to this closed rule, and I rise in opposition to the idea of changing the name of the local airport against the wishes of the people it serves.

I will submit the rest of my statement at this point in the RECORD.

Mr. Speaker, I rise in opposition to this closed rule and in opposition to the idea of changing the name of a local airport against the wishes of the people it serves.

Mr. Speaker as I said yesterday, I have every respect for former President Reagan. He had an enormous impact on this country and he deserves to be remembered.

And this bill, the Senate bill, which leaves the name Washington National Airport and tacks on Ronald Reagan at the beginning is a slight improvement over yesterdays.

But the fact remains this Congress is still proposing renaming an airport despite very strong local opposition. This Congress is proposing having the Federal Government run roughshod over the local airport authority President Reagan never would have done that.

Today's action Mr. Speaker, is despite the bill which President Reagan himself signed into law in 1986 ceding management responsibility of this very airport to the Metropolitan Washington Airport Authority.

I want to add, Mr. Speaker, that the responsibility that President Reagan so wisely handed over to the local airport authority includes the right to change the name of the airport and the right to keep the name just as it is.

So I do not believe we do President Reagan's philosophy of empowering localities any justice by completely ignoring their wishes on the name of their airport.

The Airport Authority does not want the name changed, the county of Arlington does not want the name changed, the Greater Washington Board of Trade does not want the name changed, and the Congressman who represents the district in which the airport is located does not want the name changed.

I'm not sure if my Republican colleagues realize it Mr. Speaker but if they vote to change the name of this airport, it will be the first time ever that Congress has named a building against the wishes of the local representative.

And my very good friend Mr. MORAN has been extremely patient and thorough in his arguments on behalf of his constituents despite this bullying and we should respect him as each of us would expect to be respected.

Because, Mr. Speaker today we must let JIM MORAN speak for the 8th District of Virginia lest tomorrow someone try to speak for any one of us.

I urge my colleagues to defeat this closed rule, it is unfair, it contradicts the very ideas President Reagan espoused, and it does not do justice to the memory of one of this centuries most loved Presidents.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 349, I call up the Senate bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 349, the Senate bill is considered read for amendment.

The text of the Senate bill is as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (54 Stat. 686), and known as the Washington National Airport, shall be known and designated as the "Ronald Reagan Washington National Airport".

SEC. 2. REFERENCES.

(a) IN GENERAL.—

(1) The following provisions of law are amended by striking "Washington National Airport" each place it appears and inserting "Ronald Reagan Washington National Airport":

(A) Subsection (b) of the first section of the Act of June 29, 1940 (54 Stat. 686, chapter 444).

(B) Sections 106 and 107 of the Act of October 31, 1945 (59 Stat. 553, chapter 443).

(C) Section 41714 of title 49, United States Code.

(D) Chapter 491 of title 49, United States Code.

(2) Section 41714(d) of title 49, United States Code, is amended in the subsection heading by striking "WASHINGTON NATIONAL AIRPORT" and inserting "RONALD REAGAN WASHINGTON NATIONAL AIRPORT".

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the "Ronald Reagan Washington National Airport".

The SPEAKER pro tempore. Pursuant to House Resolution 349, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

All we are doing here today is adding the word "Washington" to the legislation that we passed yesterday. Yesterday we passed legislation renaming the airport the Ronald Reagan National Airport. We are taking the Senate version, which inserts the name "Washington" and makes it the Ronald Reagan Washington National Airport. By agreement with our friends on the other side, we do not expect a rollcall vote on this matter and expect it to move expeditiously.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the conference report for all the reasons I articulated yesterday, and without recapitulating them, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

I think that a recommittal would have been in order today personally, but we had a full debate yesterday. We understand that the majority of this Congress has chosen to rename this airport, and we respect the majority, obviously.

I do want to take a couple minutes here, because I do think that it should be said for the record that renaming this airport does constitute an unfunded Federal mandate on local governments. The cost involves more than just changing a few signs and reprinting stationery. Millions have been invested by the local governments, the private sector, the airlines, the travel hospitality industries to promote this region and identify Washington National as the gateway to the Nation's capital.

□ 1300

So the Board of Trade's assessment is probably an understatement, that it would be confusing and expensive. The total amount might be in millions of dollars for new ad campaigns to associate the airport's new name with the location it serves.

We felt it was ironic that part of President Reagan's legacy was the successful transfer to local control of Washington National Airport. All of the locality organizations and the local governments oppose this.

But I think at this stage in the process, Mr. Speaker, that we want to also be clear that it is entirely appropriate to give some positive recognition to Ronald Reagan on his birthday. We felt it was not the appropriate recognition; but, given the fact that the majority of the Congress has spoken, I do not think that it would be appropriate to force people to go through what has got to be an embarrassing situation for the Reagan family and for everyone who wants to find an appropriate way to memorialize President Reagan.

He will be memorialized soon with the new Federal trade building, the aircraft carrier and so on. But if this is the wishes of the majority, then we will not ask for a recommittal. We will not ask for a rollcall vote. We will just ask that in the future, that the interests of the minority, and particularly of local governments, gain greater respect from the majority so that in the future we can be more consistent with what we thought was President Reagan's underlying philosophy that local governments ought to have greater say in the things that affect their daily lives.

So, with that, Mr. Speaker, I will sit down. I will not fight this battle again, at least this year. Maybe people will recognize that what goes around can come around. But at this point, I think the majority of this body would like to put this issue to rest and go home and try to deal with more constructive issues in the future.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I read in the morning papers that the President has said he will sign this bill. And, with that comment, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The bill is considered read for amendment and, pursuant to House Resolution 349, the previous question is ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2625) was laid on the table

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1575, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 182

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 182.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DISAPPROVING THE CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997, REGARDING PUBLIC LAW 105–45—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the veto message and the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, from the President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

(For veto message, see proceedings of the House of November 13, 1997, at page H10942.)

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California (Mr. PACKARD) is recognized for 1 hour.

Mr. PACKARD. Mr. Speaker, I yield the customary 30 minutes to the gentleman from North Carolina (Mr. HEFNER) for purposes of debate only, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message and the bill, H.R. 2631, from the President of the United States, and that they may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PACKARD. Mr. Speaker, I rise to urge all Members to vote to override the President's veto of H.R. 2631, a bill disapproving the President's line item vetoes of the Military Construction Appropriations bill.

Mr. Speaker, I do this for three simple reasons. First, in his first-ever use of the line-item veto on an appropriations bill, the President used this new power in this instance carelessly and casually without doing his home work. The administration did not even consult with the Pentagon.

The administration admitted making several mistakes. The President said he would correct these mistakes by putting these projects in the fiscal year 1999 budget. Well, we have just received the fiscal year 1999 budget, and only one of the 38 projects that he line-item vetoed was put in his budget proposal, so he has not corrected his mistake. We simply want to make those corrections today.

Second, according to the Pentagon, all of these projects are executable and address valid and military requirements. By executable, I mean they are executable in this fiscal year. In fact, we ran all of these projects through the Defense Department and not one raised any objections.

Nearly all of these projects are in the Pentagon's 5-year plan. Each of these 38 project were scrubbed very carefully by our subcommittee.

□ 1315

Finally, all of these projects were approved by the authorizing committee and fall well within the budget limits set by Congress. There is absolutely no wasteful spending. In fact, Members should all know that spending on military construction has been reduced significantly every year for the past 3 years, an 18 percent cut in the past 2 years from $11 billion to $9 billion.

We gave the President the line item veto power and authority to use judiciously. I still support the President having that power, and whether my colleagues support the President having the authority or not, they should not support the misuse of that authority. A vote today to override is not only a vote for our men and women in uniform, it is a vote to ensure that the line item veto is used fairly, carefully and responsibly in the future.

Last September, 413 of us here in this body voted for these projects when the conference report came to the floor; 352 of us voted to disapprove the President's line item veto of the 38 projects. That vote was last November 7. Nothing has changed. There is no reason for anyone to change their vote from aye. I urge every Member to restore these quality of life projects to our men and women and families in the military service by voting aye on this override resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

This is a first for this committee. We have worked very diligently in the past years when I was the chairman of the committee and we worked with staff. The staff did a tremendous job. We had hearings. We had people come in from all of the services, and we worked together as a bipartisan group to put together what we thought were bills over the past years that were in the best interest of our men and women in service.

We have had to fight some difficult battles because our budget has been shrunk, and we have actually been in free fall for a few years, and we are not even up to what we were several years ago. It is a little bit disappointing that the President and the folks down at the other end of Pennsylvania Avenue would be looking for some things to scratch in this bill. I think they are absolutely misguided in their direction on our bill.

Some of the folks said that these were not already designed, but most of these projects could be completed, they are in the 5-year plan. Not everything has to be a certain percentage designed because some of them are off of the shelf, and they can be implemented right away. They are all good projects. They have been considered by four committees, and they all have a contribution to our national defense.

I spoke against and was totally opposed to the line item veto because I do not think it serves democracy very well. And so the Members that would say, I voted for the line item veto and I cannot very well go back on my vote, if they read this bill and if they look at the things that it does, when they voted for the line item veto, they did not take a blood oath that anything that was vetoed that they would go along with. That is not the way our democracy works.

This is a good bill. It has been well thought out. The staff did a tremendous job along with the other body. It is a bipartisan bill and has absolutely, to our knowledge, it has absolutely no errors in it. Of course that would be speaking a little bit presumptuously to say that there are no errors, but this is a good bill. Everybody in this House should vote to override this veto. I would ask that Members give us their vote on overriding the President's line item veto.

Mr. Speaker, I reserve the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me tell my colleagues, I rise in the strongest support for this vote to override the President's veto. This is both a pro-defense and a pro-line item veto vote that we are going to be casting.

As the chief proponent and the author of the line item veto, and I believe very strongly in it, the line item veto was written to give any President, regardless of party, the authority to highlight questionable spending provisions in omnibus bills in his judgment. Likewise the law was written specifically to protect Congress's ability to defend its spending decisions and priorities by providing for expedited consideration of bills to disapprove of the President's actions and, if subsequently vetoed, to use the constitutional process to override that veto.

This is stage four in the line item veto process. First Congress passed the military construction appropriations bill. Second, the President exercised his line item veto authority to cancel 38 provisions from that bill. Third, the House and Senate voted 352 to 64 and 69 to 30 respectively for a bill disapproving the cancellations. Today we reach stage four in the process.

Let me just say this to my colleagues. The reason they need to come over here and vote to override this veto is this: We wrote the line item veto so that any items that are vetoed and those vetoes stand, it takes away from the overall appropriation. In other words, we reduce the amount of money we are going to spend on our defense budget. That has already reached the low figure of 15 cents on every dollar.

The reason that we are here today in this Congress is to provide for the common defense for our 50 States. That is the main reason we are here, and we are close to going back to 1979 when we had to cannibalize 15 helicopter gunships just to get five that would work. And then three of those failed, and so did the rescue of our hostages. Let us not go back there. Let us come over here and vote to override this veto.

Mr. Speaker, I rise in strong support of this vote to override the President's veto of the Military Construction Appropriations disapproval bill, pursuant to the Line Item Veto Act.

This is both a pro-defense and a pro-line item veto vote.

As a chief proponent of the line item veto in the House and as Chairman of one of the Committees charged with oversight over that law, I believe such an action would be fully consistent with the intent of the line item veto.

The line item veto was written to give any President, regardless of party, the authority to highlight questionable spending provisions in omnibus bills.

Likewise, the law protects Congress' ability to defend its spending decisions and priorities by providing for expedited consideration of bills to disapprove of the President's actions and if subsequently vetoed to use the Constitutional process to override that veto.

This is stage four in the Line Item Veto Process. First, Congress passed the Military Construction Appropriations Bill for FY 1998. Second, the President exercised his line item veto authority to cancel 38 provisions from that bill.

Third, the House and Senate voted 352–64 and 69–30 respectively for a bill disapproving those cancellations last November. Today we reach stage four in the process. As provided in the Constitution, Congress can override the veto of such canceled provisions with a two-thirds vote of both Houses.

Indeed the fact that this measure is on the floor of the House today demonstrates that the line item veto process works and that Congress' Constitutional prerogatives are protected.

Under the line item veto, any canceled dollars are dedicated to deficit reduction, as the spending cap for the affected bill is lowered by the value of the cancellations. In this particular instance the spending ceilings for defense programs would be reduced by $287 million.

However, if these provisions are overridden total defense spending would not be reduced. This is the 13th straight year of inflation-adjusted cuts in the defense budget. No other major account in the entire federal budget has been reduced by this much.

Consequently, it is imperative that we maintain the current level of defense spending to ensure that we equip our uniformed men and women with the best that money can buy and that research and development can obtain.

Congress can agree with granting the President line item veto authority while disagreeing with how that authority is exercised.

This is clearly the case here today. Each member is able to look at each cancellation individually and decide for themselves whether or not to vote to override the President's action.

The line item veto law provides Members that opportunity and I am proud to stand here today with my colleagues in casting a strong vote in favor of overriding the President's veto. This is a yes vote for our national defense and a yes vote for the line item veto.

Mr. PACKARD. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Mr. SKEEN. Mr. Speaker, I support the override of the President's veto.

I rise in support of the override of the President's veto of H.R. 2631, the military construction line-item disapproval bill.

Passage of this legislation is necessary to correct the mistakes that were made during the President's vetoes of 38 projects included in the bill which passed the House by a wide margin last year.

I thank the leadership for allowing this bill to come to the floor, and I am especially grateful to Chairman PACKARD and Mr. HEFNER for their work in shepherding this legislation.

This bill has been called by several of my colleagues as the "military construction line item integrity bill," since this legislation restores integrity to the line-item veto process by ensuring that decisions are made on the basis of facts, not mistakes.

The Office of Management and Budget has acknowledged that mistakes were made which led to the President's line-item vetoes, and passage of this legislation would allow those mistakes to be corrected.

This bill has broad bipartisan support, and has received the endorsement of the National Guard Association of the United States.

I ask all of my colleagues in the House of Representatives to support this legislation to ensure that our laws are based on factual information, not mistakes and erroneous information.

Mr. HEFNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

I would like to take just a moment to thank the gentleman from North Carolina (Mr. HEFNER), this being his last year, although we will get to work together on the next bill, but I want to tell him personally how much I appreciate the work he has done on this bill.

He certainly has been a joy to work with and has made a great contribution to our country and to our men and women in the services. This bill reflects his priorities as it does mine. It has been a real pleasure to work together.

Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding the time to me.

I want to rise in strong support of H.R. 2631. I want to give my colleagues one good example why it is appropriate to do that. On the Subcommittee on Asia and the Pacific, I became familiar with a proposal of a particular construction project in Fort Derussey, Hawaii. It is to relocate the Asian Pacific Center for Security Studies to a building that is existent. It is used as a reserve center. This center today is renting very high-cost space. That building is waiting to be renovated. All parties concur that this was an appropriate and agreed decision and appropriation item. Its inclusion on the veto list was an inexplicable error that ought to be corrected by our override on the veto.

Undoubtedly there are other such cases in the hastily prepared and inadequately vetted veto list, but this is one that saves the taxpayer money. Everybody agrees it should have been done. It was inexplicable error. It is another reason why we should vote to override the veto.

I thank the gentleman for yielding me this time.

Mr. Speaker, this Member rises in strong support of H.R. 2631, legislation to override the President's veto of military construction programs. Certainly, the President has the authority to exercise the line-item veto on occasion when fiscal responsibility demands. No one disputes that prerogative; however, this authority must be exercised very judiciously.

This Member would tell his colleagues that there are many meritorious programs that the President targeted for elimination without careful consideration of the consequences. In particular this Member would point to one particular construction project, that of Fort Derussey, Hawaii. This is to become the future home of the Asia-Pacific Center for Security Studies which was established in September 1995.

Relocating the Asia-Pacific Center from its current location to Fort Derussey will eliminate a very major rental cost now being borne by the Center and the American taxpayer. It makes sense to use the existing U.S. government facility after renovations rather than continue to pay the high rental costs. All parties concur that this is the proper and agreed decision and appropriations item. Its inclusion on the veto list was an inexplicable error that ought to be corrected by our override vote of the veto. Undoubtedly, there are other such cases in the hastily prepared and inadequately vetted veto list.

The Asia-Pacific Center's mission is to serve as a focal point where national officials, decision makers, and military officers of the United States and other Asia-Pacific nations gather to explore pressing issues and achieve a greater understanding of the challenges that face the Asia-Pacific region. This center can help foster early rapport among the leaders of tomorrow and promote U.S. interests throughout the region.

Mr. Speaker, this Member urges support for H.R. 2631.

Mr. SPENCE. Mr. Speaker, I rise in support of the motion to override the President's veto of H.R. 2631, legislation to restore funding for the 38 military construction projects which were proposed for cancellation late last year.

The projects proposed for cancellation by the Administration are among the most heavily reviewed military construction projects in history. This vote will mark the sixth time the House has rendered judgment upon them. In every case, support for these projects has been overwhelming and I hope the same will be the case today.

The facts are clear. First, each of these projects meets a validated military requirement. Second, each of the 38 projects is executable in this fiscal year. Third, nearly all of these projects—85 percent—are in the Administration's own defense program. And fourth, the $287 million to complete these projects are within the limits established by the budget agreement.

The Administration admits mistakes were made in the extensive exercise of the line-item veto on the Military Construction Appropriations Act and, it is my understanding, that the Administration no longer opposes this legislation.

The evidence on the public record provides ample justification to restore these projects. I urge my colleagues to support the restoration of funds to meet critical facilities shortfalls affecting the armed forces. I urged the House to support H.R. 2631.

Mr. STENHOLM. Mr. Speaker, I rise today to express my support for H.R. 2631, the Military Construction Veto Disapproval. I have the privilege of representing Dyess Air Force Base in Abilene, Texas. One of the thirty-eight projects stricken from the military construction bill was in my district so I have a very personal interest in this legislation, but I believe that the President made the decision to strike many projects in the bill based on poor advice and inaccurate information.

One of the reasons the President gave for vetoing these projects was that they did not meet a so-called "quality of life" requirement. I don't know what the President's definition of quality of life is, but I do know this: these thirty-eight projects which were eliminated included facilities to provide a safe working place for the men and women we entrust with the defense of our nation.

In the case of the squadron operations facility to be built at Dyess Air Force Base, there are currently no existing facilities to house the 13th Bomb Squadron. Without this facility, the men and women of the 13th Bomb Squadron will be denied the tools they need to do their jobs.

How does this add to their quality of life or their ability to discharge their duties? "Quality of life" involves a great deal more than housing and child care facilities and gymnasiums, although those are very important. I cannot imagine how the quality of work life could be much worse than importing 500 to 1,000 men and women to do a job without any facilities in which to house that work.

The projects line item vetoed by the President were included in the military construction bill because they are essential to the mission of our military. Most of these projects were included in the five-year plans of the military services so that the money for these projects will be spent eventually. These projects were considered by four different Congressional committees with expertise in the area of national security and were reviewed by the Pentagon. The House and the Senate voted by overwhelming majorities to approve the military construction appropriation act.

Yet the President and his staff acting in haste crafted a new criteria for military construction projects—quality of life. While I do not oppose the use of quality of life as a consideration for determining the merit of a project, it should not be the only criteria, and it should be clearly defined and fairly applied. In the case of the 13th Bomb Squadron Operations Facility and many of the other projects cancelled by the President, it was not. The President incorrectly substituted his judgment for that of the Congress and the Pentagon. I urge my colleagues to support our men and women in uniform by voting again to override the President's line item veto to restore these projects.

Mrs. FOWLER. Mr. Speaker, I rise to express my strong support once again for H.R. 2631, legislation to override the President's line item vetoes of projects in the fiscal year 1997 Military Construction Appropriations Bill.

Last October 6, the President line item vetoed 38 military construction projects worth $287 million. The other body overruled him on October 30, by a 69–30 vote. The House followed suit on November 8, voting 352–64 to restore funding. Despite two-thirds margins in both Houses, however, the President vetoed the bill disapproving his line item vetoes.

There are many reasons why Members should support this bill. Every one of the 38 vetoed projects was properly authorized by Congress. Every one of them met strict criteria established by the committees with oversight for military construction. The vast majority—33 of the 38—were in the Pentagon's 5-year plan, and those that were not were only absent because they were emergent requirements. And the inclusion of all of these projects was completely consistent with both the Congress' constitutional responsibility to provide for and maintain our Armed Forces, and the fiscal year 1998 budget resolution.

When President Clinton originally signed the bill giving him line item veto authority, he argued that it would help him cancel projects that are "special interest boondoggles, tax loopholes or pure pork."

However, according to OMB Director Franklin Raines, "the great majority, if not the overwhelming majority of these [vetoed] projects can make a contribution to our national defense." Moreover, in vetoing these items, the President himself said that these projects "have merit but should be considered in the future."

Then, after the vetoes, the administration itself admitted that it acted on erroneous data. Initially, the White House said two projects should not have been vetoed. Later, the number grew to 11. Still later, the White House admitted to as many as 18 mistakes.

Finally, I should note that anyone inclined to support the President's position should understand that they are not saving money by endorsing his vetoes. Rather, they will be costing the American taxpayer more money. These projects will all get built, because they are all validated military requirements and are in the services' extended budgets. Postponing them will only drive up costs due to inflation.

Given all of these considerations, I believe every Member ought to support the override bill. These projects were not pork, but had merit. The process that the administration used to select them was deeply flawed. Postponing construction of these projects will only cost more money.

I urge my colleagues to support this bill.

Mr. BISHOP. Mr. Speaker, I rise today as a strong supporter of this bipartisan bill which would disapprove the President's line-item vetoes of 38 critically-important projects included in the fiscal 1998 Military Construction Appropriations Act. Each of these projects is needed by the military. Each complies with the spending limits established by the Balanced Budget Act of 1997. And each, if funded, can be started during this current fiscal year.

I can speak about one of these projects from first-hand knowledge.

Included in the vetoes was $6.8 million to construct an operations and training facility for combat-ready rescue personnel in the 41st Rescue Squadron based at Moody Air Force Base in Valdosta, Georgia, located in the District I represent. The job they do is dangerous and absolutely essential to the safety and well-being of our airmen and civilian populations on the ground. These highly-trained rescue specialists not only serve areas of Georgia and Florida in the general vicinity of the base, it is believed they perform more deployments throughout the world than any other Air Force units. Rescue personnel from Moody are assigned right now to the Persian Gulf.

They were transferred to Moody Air Force Base from Patrick Air Force Base during the first six months of last year. Although there was no available building for these units at Moody, the Air Force planned to build one as quickly as possible. Meanwhile, they had to be housed in temporary, rented trailers at a cost of $108,000 a yeers at a cost of $108,00s are cramped and totally inadequate for the work these units do, including operations planning and on-going training exercises.

If anyone can overcome difficulties such as this, it is the men and women who serve in our armed forces. But it will be a disgrace if we, in Washington, D.C., keep these rescue units stuck in crowded temporary facilities any longer than necessary. We will fail in our responsibility if we send these troops into harm's way without providing them the basic support they need.

It will also be more costly. Not only will construction costs go up, we will continue paying the rent—and that is pure waste.

I believe the Administration acted in good faith. These are projects they truly believed could wait. But, I also believe the White House was acting on misinformation.

Based on the veto message, the White House apparently thought the rescue personnel had not yet been relocated to Moody, that the planning was not far enough along for construction to begin this fiscal year, and that this was not a quality-of-life project.

This was incorrect on all counts.

The rescue personnel had been transferred months before. Work can begin this year. Without question, providing adequate working conditions for military personnel, and particularly for those involved in life-and death operations, is a quality-of-life issue.

In fact, a number of these vetoes were evidently based on mistakes.

Moreover, there is no question that each and every one of the vetoed projects is needed for military readiness.

I urge my colleagues to vote "yea" on this bill and live up to our responsibility to provide our military forces the basic tools they need to carry out the missions that keep our country secure and help protect freedom throughout the world.

Mr. OLVER. Mr. Speaker, I rise in support of MILCON veto override.

Most of the projects on the President's cancellation list were in the Pentagon's future years defense plan.

All of them are executable this fiscal year.

Three of the projects were Air Force Reserve projects, and together they represent 50 percent of the Air Force Reserve's construction budget for fiscal year 1998.

While the active Air Force and the Air National Guard have suffered some cuts over the last few years, the Air Force Reserve's MILCON Program is literally being driven out of existence.

The President's fiscal year 1999 budget submission includes only one new Air Force Reserve project. One project. That's it.

Enough is enough.

The MILCON bill was the only appropriations bill where fiscal year 1998 spending was below fiscal year 1997.

I urge all of my colleagues to support motion to override.

Mr. GOSS. Mr. Speaker I thank my friend, the distinguished chairman of the Military Construction Appropriations Subcommittee, for yielding.

I rise in support of this override effort because I am a strong supporter of the line-item veto and the process it provides for ensuring careful scrutiny of Federal spending. In this case, Mr. Speaker, Congress is asserting its power of the purse, insisting to the President that we have carefully considered the items in the military construction spending bill that the President—I believe in haste and in error—chose to line-item veto. Contrary to the claims of some naysayers, we did not write Congress out of the spending process when we crafted the line-item veto. Quite the contrary, in fact, we provided very explicit procedures by which Congress could assert its authority—as we witness by today's proceedings.

Some pundits and even some Members have pointed to the President's application of the line-item veto on the military construction spending bill as an example of why the line-item veto isn't a good idea. I firmly disagree. The line item veto has accomplished exactly what those of us who spent years bringing it about intended—it has brought greater accountability and sunshine to the process of spending the taxpayers' money. And it has provided a real opportunity for saving more than one point $2 billion. Sure, in the cynical world of budgeteers and inside-the-beltway types, that may seem like a rounding error—but to the American people, $1.2 billion is serious money. And there's more to come, I am sure. I share with many of my colleagues some disappointment that this President did not spend more time and take more care in developing sound criteria and preparing to use the powerful new tool we delegated to him in the form of the line-item veto. But I remain firmly committed to the idea that we did the right thing by implementing the line-item veto—and I hope this exercise of override will chasten the administration to think first and line item second during the upcoming budget cycle. I urge support for this override effort.

Mr. PACKARD. Mr. Speaker, I am aware that there are others that have come on the floor that want to speak, but in deference to my colleague from North Carolina, who has yielded back the balance of his time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 347, nays 69, not voting 14, as follows:

[Roll No. 10]

YEAS—347

Abercrombie
Aderholt
Allen
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy

Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—69

Ackerman
Andrews
Barrett (WI)
Boswell
Brown (OH)
Carson
Chabot
Conyers
Davis (FL)
DeFazio
DeGette
Deutsch
Dickey
Doggett
Dooley
Duncan
Engel
Ensign
Ewing
Filner
Frank (MA)
Franks (NJ)
Ganske
Greenwood
Gutierrez
Harman
Johnson (WI)
Kanjorski
Kind (WI)
Klug
Leach
Lofgren
Luther
Markey
Martinez
McCarthy (MO)
McDermott
McKinney
Meehan
Miller (FL)
Minge
Neumann
Nussle
Owens
Payne
Petri
Ramstad
Rangel
Rivers
Rohrabacher
Rothman
Royce
Salmon
Sánchez
Sanford
Sensenbrenner
Shays
Sherman
Skaggs
Smith (MI)
Stark
Strickland
Stupak
Towns
Upton
Vento
Waxman
Wexler
Yates

NOT VOTING—14

Armey
Becerra
Burton
Dellums
Eshoo
Furse
Gonzalez
Hall (OH)
Herger
Klink
McKeon
Porter
Schiff
Wynn

□ 1345

Ms. LOFGREN and Messrs. SHAYS, SALMON, MARKEY and GREENWOOD changed their vote from "yea" to "nay."

Mrs. TAUSCHER, Mrs. MALONEY of Connecticut and Messrs. NADLER, RUSH and PALLONE changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SUNUNU). The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. McKEON. Mr. Speaker, because of official business I was not present for Roll Call votes 7, 8, 9, and 10. Had I been present, I would have voted "aye" on each of these votes.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 10, I was unavoidably detained making remarks to a business association headquartered in downtown Washington and was, for that reason, not present for the vote.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HALL of Ohio. Mr. Speaker, on roll calls #8, #9, and #10, I was unavoidably absent because of activities connected with this morning's National Prayer Breakfast. Had I been present, I would have voted nay on roll call #8—ordering the previous question on H. Res. 348; nay on roll call #9—final passage of H.R. 2846; and yea on roll call #10—final passage of H.R. 2631.

(Mr. DELLUMS asked and was given permission to speak out of order for 5 minutes.)

FAREWELL SPEECH OF THE HONORABLE RONALD V. DELLUMS

Mr. DELLUMS. Mr. Speaker, it is with an incredibly heavy heart that I take the well of the House of Representatives today because this will be the last time that I will do this.

I have served in these chambers for 27 years, and it has been an extraordinary honor and high privilege to serve with all of my colleagues here.

I came to Congress in January of 1971, against the backdrop of a very tumultuous era in the history of this country. The civil rights movement, the struggle for the liberation of many oppressed and downtrodden people in this country, the struggle for the liberation of women, peace in Vietnam, the notion that peace was a superior idea to war, the concern for the fragile nature of our ecological system. I came at a very unique era, at a very interesting and tumultuous period in this country.

I had to try to make sense out of all the music and anger and pain that I heard in Oakland and Berkeley and in the Bay area and in the country at that time. I was not to know that Berkeley and Oakland, in the mind's eye of many people, was so extraordinary and that when people wanted to lash out at what they thought Berkeley represented at that period in American history, they could not lash out at an abstract idea or at a city, but they could lash out at that person that was the representative of that community.

But I am just a guy. And if you hit me, I hurt; and if you cut me, I bleed. And there were many times when you hit me hard and you cut me deep. And there were times when I went to my office at night and sometimes in the dark, with tears in my eyes, I would pray to just have the strength to march back to the floor of the United States Congress with my pride and my dignity and to continue to try to fight back.

Over the years, I tried to extend to every one of my colleagues, on both sides of the aisle, the greatest respect that I could give you, and that is to give you my undivided attention, to listen to you.

Well, a couple nights ago my colleagues had a special order. And it was about me, so I listened with great care. The first thing I want to tell you is that one thing I thought is, no matter how old you are, you are always your mother's boy. And I sat here thinking, I wonder if my mom is watching.

The first person that called me when I got home was my mom. She was watching. And she asked me to thank all of you for your kind and generous remarks. And I thank you because you made my mother feel great pride and great joy, and thank you for that.

You used many adjectives. You said, "He is the fairest guy I ever worked with." Well, I was fair because I think that this process cannot function without fairness, that the cornerstone of this institution, what makes a representative democracy real, what makes this at the end of the day the people's branch of Government, is that it has to be rooted in the essence of fairness.

And when I first walked in the door, I was not often treated fairly. But I recognized that, as Martin Luther King, Jr., taught me, was that I could not be the flip side of the same coin, that I had to be willing to try to take the moral high ground, to not respond in the way that people responded to me. So I leaned over backwards to be fair. Because if this place is to be about anything, it has to be about fairness.

Some of you, in your accolades, used the term "integrity." The reason why over the years I insisted that the process have integrity is because, without it, I recognized that the ideas that I came to espouse, the constituency that I represented, their hopes and their dreams and aspirations would never have a chance unless the process had integrity.

So the reason why I was willing to stand in defense of the most junior Democrat, the most junior Republican, or to make sure that the most conservative Member had the right to speak out was because to deny that person the right to speak was to diminish myself and to deny me the right to speak. And for me not to challenge any of you on the basis of your ideology and your philosophy in terms of your ability to have input meant that I was acquiescing to anyone denying me, based upon my political views, an opportunity to speak.

This institution cannot function without fairness and without justice.

And, so, I tried to do that. There have been times in these chambers when pettiness, challenges of personality, and partisanship have been the order of the day.

Some of my colleagues said rarely have they ever heard DELLUMS take the well as a partisan. You know why? Because I came to realize early on that campaigning had to take place outside these chambers, that once we walked onto the floor of Congress, the dynamic changed, the paradigm changed. At that point, it was not about campaigning and politicking; it was about the incredible responsibility of governance.

And irrespective of your political views, we have to find some way to come here intellectually, honest enough to say, how do we now, based upon the judgments of the people, with far-ranging perspectives, interests and views, manage to govern this country.

Too often, we have fallen apart at that level.

Some of you said to me, "Ron is about ideas and not about personalities." At the end the day, my friends, it is never about personalities. We spend a lot of time attacking each other at the level of personalities.

For any of you where, in the fit of battle, you ever even interpreted that I came personally, I take this moment to profusely apologize to you. It was never about personal battles. It has always been about ideas. Individuals come and go, but ideas must ultimately transcend, and ideas must ultimately prevail.

It has been an incredible honor to serve in the House of Representatives. Incredible. Late night talk show hosts' jokes notwithstanding, it has been a privilege to serve here, an honor to serve here. To get up every day and put on your uniform and put on your tie and march to the floor of Congress knowing that, in your hands, in that card, in your very being, you have life and death in your hands, it is an incredible thing.

Try not to take RON DELLUMS too seriously. I am just a guy. But I always took my job with deadly seriousness.

There were times when a few of us almost went nose to nose. And people said, "RON, you are a man of peace. How could you be angry?" I said, "I am a man of peace; but I didn't necessarily say I was always a peaceful man. You can make me angry."

But I learned something. I met an incredible man. His name was Nelson Mandela. His strength, coming after 20 some years in prison, I recognized that his strength and his power laid in his tranquility.

I said, "Here is a man that has learned to harness his anger, to discipline his pain, to harness his desire to retaliate." I said, "That is what I need to try to move myself toward, the ability to discipline and harness and challenge the anger so that, ultimately, it is one of constructive engagement with people around problem solving."

I leave here not as a cynic. And there have been days when this place has been at an all-time low, we all know this, but I do not leave cynical. I leave with my idealism and my enthusiasm intact because, when you look around, each of us have had the privilege of walking to the floor of Congress with the total freedom to express ourselves across whatever lines divide us, to say whatever we felt was important to say. That is an incredible gift, and I am privileged to have had that opportunity to have that gift.

For those of you who stop long enough to try to see me in more than one dimension, thank you. For those of you who stop long enough to embrace me as a friend, thank you. For those of you who came together with me in the spirit of battle, to try to right the wrongs, to challenge the evils, to make this world a better place for our children and our children's children, thank you. For those of you who each day just said, hi, RON, thank you.

I leave you with just one challenge. Continue to battle on behalf of the people.

I raise the question that I raised once with the Speaker GINGRICH. I said, Mr. GINGRICH, if we are successful in tearing down this institution, what podium do I mount to advocate on behalf of my constituency?

So let us be guided by wisdom and judgment.

You call me civil. Well, I came from a generation that was in a hurry. I walked in the door. I wanted to kick the door in and bring change immediately.

My generation said, peace, when do you want it? Now. Freedom, when do you want it? Now. So I was impatient. But you folks taught me the two most incredible lessons of life, the lesson of patience and the lesson of humility.

You forced me to have to walk up and down that Hill 27 years in a row fighting the same old battles. You taught me that I was not a cocky dude, that one guy against 434 could change the world. But if we care about each other and we respect each other and we respect this incredible opportunity we have, together we can change the world.

□ 1400

I learned a concept called homeostasis when I was in college, which said that institutions manage to find a way to come into balance. Well, a member of the Gray Caucus is leaving, and the good Judge from Florida grew a gray beard, so the House is in balance on that issue. An old guy is leaving, and a young African-American is coming to be sworn in today. This institution is in homeostasis.

Thank you for caring; thank you for the privilege of working with you. It has been the most incredible and high honor of my life, and I hope that whatever life has in store for me beyond today will be a fraction of the excitement, the enthusiasm and the thrill of serving in this institution.

Thank you very much.

CALL OF THE HOUSE

Mr. OWENS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 11]

ANSWERED "PRESENT"—356

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hoyer
Hulshof
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern

McHale
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

☐ 1421

The SPEAKER pro tempore (Mr. ROGAN). On this rollcall, 356 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of letter received from Mr. Thomas R. Wilkey, Executive Director, State Board of Elections, State of New York, indicating that, according to the unofficial results for the Special Election held February 3, 1998, the Honorable Gregory Meeks was elected Representative in Congress for the Sixth Congressional District, State of New York.

With warm regards,

ROBIN H. CARLE,
Clerk.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, February 4, 1998.

ROBIN H. CARLE,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. CARLE: Enclosed please find the unofficial results of the Special Election held in the 6th Congressional District of New York on Tuesday, February 3, 1998. The results appear to indicate that candidate Gregory Meeks will be the apparent winner.

The Board of Canvassers will be meeting on Tuesday, February 24 to officially certify the official results, and you will be provided with an official certification at that time.

Sincerely,

THOMAS R. WILKEY,
Executive Director.

SWEARING IN OF THE HONORABLE GREGORY W. MEEKS, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York, Mr. GREGORY W. MEEKS, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the gentleman from New York (Mr. MEEKS), the Member-elect, along with the Members of the New York delegation come forward and will the Members please stand.

Mr. MEEKS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the Congress of the United States.

WELCOMING CONGRESSMAN MEEKS

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Mr. Speaker and my colleagues, many of us have the great task of succeeding Members of the House of Representatives that have left, as Reverend and Congressman Floyd Flake has, but indeed, the strong keep coming, and we are so fortunate that a young man a few years back was born in East Harlem, saw fit to go to Queens, got his training there, became an administrative judge for workmen's compensation, and then joined the great legislature of the State of New York in the New York State Assembly. And as I look in front of me, it looks like there is hardly a Member of the New York delegation in our Congress that did not serve in our State legislature.

Having served there for 6 years and working hard each and every day, he was selected by the African-Americans, as well as the Puerto Rican Hispanic Members of that group to head up the Black and Hispanic Caucus. He has worked hard, he has got two lovely daughters that are here with his wife, Simone-Marie. His brothers and his family are here to support him as they were during the great election that with more than a half a dozen candidates, he came through with 57 percent of that vote.

At this time I would like to yield to a senior member, the senior Republican Member of our delegation, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, Chairman RANGEL, serving as the chair of our New York delegation, and my colleagues of the New York delegation, and all of our colleagues, we are so pleased to be able to welcome Mr. MEEKS to the Congress.

Our retired colleague, Floyd Flake, amassed a distinguished record of congressional service. His dedication in fighting for the concerns of his 6th District, his patriotism, his hard work are a testament to the leadership that he displayed, and while Congressman Flake leaves his shoes to fill, his successor seems to me to be able to come with a great potential to do just that.

GREGORY MEEKS comes to the Congress after already having had a distinguished career in public service, graduating from Howard University Law School. He joined the Queens County District Attorney's Office, was quickly promoted to the Office of Special Narcotics Prosecutor, something Mr. RANGEL and I have been working on for a number of years in our battle against drugs. We are pleased to welcome a legislator with the experience and determination in fighting the war on drugs. Congressman MEEKS, I know while he was serving on the New York State Commission on Investigation, directed criminal and civil investigations and major organized crime figures, and we hope he will continue his devotion to fighting crime as he did in the past. We want to commend you and we wish you well. I am pleased to welcome you and your two daughters, Ebony and Aja and your wife, Simone, to the pantheon of congressional families, and we are here ready to help you in your work. God bless.

Mr. RANGEL. Mr. Speaker, reclaiming my time, there are so many Members that would like to be heard, but a lot of people have to make trains and planes, and so we have in our delegation not only an outstanding Member from Queens County, but the Democratic county leader that was able to guide the membership of the great organization there so that they were able to make the proper decision for the election, TOM MANTON, for purposes of introducing our brand-new member.

WELCOMING CONGRESSMAN MEEKS

(Mr. MANTON asked and was given permission to address the House for 1 minute.)

Mr. MANTON. Mr. Speaker, my colleagues, our newly-elected Member, GREGORY MEEKS, it gives me a great deal of pleasure to welcome you, GREGORY and your family and all of your supporters in Southeast Queens from the 6th Congressional District to this great Hall. I am not going to be repetitive here, but I would just like to say that your credentials were impeccable, starting off after law school as a prosecutor, and later on as a judge in the worker's compensation system, and then your service in the New York State Assembly.

□ 1430

So you have come here, you have hit the ground running, and we welcome you and ask that you have a long career in these sacred halls.

The SPEAKER. Will the gentleman from New York yield?

Mr. MANTON. Mr. Speaker, I am happy to yield to the Speaker.

The SPEAKER. It would please the Chair to recognize for his first time here the newly elected gentleman from New York (Mr. MEEKS), and to recognize him on behalf of the House and offer him an opportunity to speak to the House.

EXPRESSION OF THANKS FOR SUPPORT

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, thank you.

The first feeling that I have is: God is good. God is good. He has truly blessed me, and but by His grace am I here today. He has blessed me for an individual who grew up in public housing and a product of public education to be able to go on and receive a degree at the great institution known as Howard University School of Law, which I am proud of; to be blessed with individuals who are really responsible for me being here.

Mr. Speaker, it started with my mother, who is not with us any longer, but she is with us. She gave me the strength, the support, and the upbringing so that this day could be possible. She gave me the vision and the determination to make things happen, and I will be so ever thankful to God who blessed me with her as a mother.

I want to thank my dad, who is here, who always was behind me and taught me the lessons of life and family.

I want to bless and thank my wife, Simone-Marie, who gave her energy, her time, and gave me her permission to seek the office of the United States House of Representatives.

My sisters, Rosalyn and Janella, who are here, who worked diligently day and night on this campaign, thank you.

And the Lord blessed me with two beautiful daughters who I am so proud of for all that they are doing and how they are growing up. That is Ebony and Aja.

And, as indicated, my mother is not with me, but the Lord blessed me with a great mother-in-law, Miss Eleanor Sing.

Mr. Speaker, let me say thank you, particularly, to my political godfather, Bob Simmons, and all of the individuals who are up in the balcony who are responsible for that huge victory on February 3. I will never forget them, for they are why I am here to represent the constituency and the people of the 6th Congressional District.

I know that I have very big shoes to fill, and I can say that I am not Floyd Flake. I am GREGORY MEEKS. I am going to do the best I can. I believe that Floyd Flake was on the right path, the same path of many of the Members of this hall that I have admired for a long time. The path of Barbara Jordan who sat here. The path of Shirley Chisholm. The path of Adam Powell. The path of Brother DELLUMS. The path of CHARLIE RANGEL. The path of THOMAS MANTON.

Mr. Speaker, I look forward to working with you. I look forward to trying to make a difference in the lives of the people of this great country. I look forward to living the dream that Dr. King had that all of us will be able to walk together, talk together, live together under this big tent and this great Nation. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to simply observe for the RECORD, if I might, that we are welcoming a new Member whom we are delighted to have with us and who we think has a great future. We are welcoming him on a day when weare losing a great Member who has had a great career and to whom we are all indebted for being a model of representing democracy in a free society.

So while we are saying good-bye to the gentleman from California (Mr. DELLUMS) we are saying hello to the gentleman from New York (Mr. MEEKS) and that is the biological process by which a free people renews itself.

We will miss you, Mr. DELLUMS; and we are grateful to have you here, Mr. MEEKS.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H.Res. 351) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That the following named Members be, and are hereby elected to the following standing committees of the House of Representatives:

To the Committee on Banking and Financial Services:

Max Sandlin of Texas; Gregory Meeks of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–415) on the resolution (H. Res. 352) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this time for the purposes of inquiring from the distinguished Chief Deputy Majority Whip regarding the schedule for today, the remainder of the week, and the following week.

Mr. HASTERT. Mr. Speaker, if the gentleman from Michigan, my good friend, will yield, I am pleased to announce that we have finished the legislative business for the week.

The House will reconvene on Wednesday, February 11, at 3 p.m. for legislative business. Members should note that we do not expect any recorded votes before 5 p.m. on Wednesday; and on Thursday, February 12, the House will meet at 10 a.m. for legislative business.

On Wednesday and Thursday, the House will consider the following legislation: a resolution providing for consideration of motions to suspend the rules and a resolution regarding the contested election in the 46th Congressional District of California.

Once the rule allowing suspensions next week has been agreed to, we hope to consider the following bills under suspension of rules:

H.R. 1428, the Voter Eligibility Verification Act; H. Con. Res. 202, the Daycare Fairness for Stay-at-Home Parents; and, S. 927, the National Sea

Grant College Program Reauthorization Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by early afternoon on Thursday, February 12. Friday, February 13, marks the beginning of the President's Day district work period from which the House will return on Tuesday, February 24.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, reclaiming my time, could the gentleman clarify two points for me? On the return date of Tuesday the 24th, can the gentleman enlighten us on when we can expect the first vote on that day?

Mr. HASTERT. Mr. Speaker, there will be no votes until after 5 o'clock.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

Finally, the gentleman said that on February 12, which is Thursday next, I think, we will meet at 12 for legislative business?

Mr. HASTERT. Mr. Speaker, 10 o'clock for legislative business.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A MATTER OF TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to take a moment to speak on what has been happening in the country lately. It is not about impeachment of the President or prosecution of the President; it is about what is on my mind and my conscience.

First of all, for all the clamor in the press and on radio and TV about allegations swirling around the President, there has been a blanket of silence on the part of many who ought to provide commentary on the moral tone of this country. And I am not sure why there has been this silence. Perhaps there is a "do not rock the boat" feeling. Times are good and let us just sweep this under the rug and not focus on the moral aspects of this.

Perhaps the talk of impeachment and prosecution, which I think have been gotten out there too early, may have preempted those who might have felt obligated to comment on the moral issue and its impact on the leadership of the country.

Their reluctance was not evident in earlier cases. The young woman who flew the Air Force B-52s. The military general passed over for Chairman of the Joint Chiefs. The Tailhook scandal, which touched a number of senior Navy officials. Charges against a former Senator who resigned. A Supreme Court nominee and a Presidential candidate and others brought a tidal wave of comment from every corner of America.

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong.

We must give the President the benefit of the doubt. But let us not say that these things do not matter, because they do. They are at the very heart of honor, integrity, character and leadership.

What a person does in private affects the type of person he or she is in public, and a leader has an obligation to take responsibility for his or her actions and not try to explain them away or blame others.

If, indeed, we have lost the capacity to distinguish vice from virtue, if we believe that private behavior has no public consequences, if we believe that our Nation's leaders do not have to be good or moral and righteous men and women who live by the truth, then we abandon the very heritage of this Nation.

□ 1445

I believe America ought to expect more from its leaders, and I think most of the American people agree. If, as has been the case for ages, kids want to grow up to be President of the United States, then like it or not the person holding that title has a special responsibility, and we have every right to hold him or her accountable to that duty.

Saying Americans do not care just does not wash with me. Truth is something we have always honored in this country. We teach our children from an early age to be truthful. George Washington's birthday is coming soon, and we have long told the story about him admitting to cutting down the cherry tree, where he said, I cannot tell a lie.

When any President takes office, there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and its people. And it must always be that way. Every President has an obligation to tell the whole truth. If Richard Nixon had told the whole truth and had asked the American people for forgiveness, I believe he would have been forgiven.

Today there is a pall of doubt over the Presidency. Not being forthcoming with whatever the truth may be leaves doubt about the bond of trust between the President and the people and keeps open the question of fitness to serve in high office. The only way America can put this behind us once and for all is to be assured that when the President speaks, he is telling the truth. I hope this President can give this assurance. If President Clinton tells the American people the whole truth and needs forgiveness, I believe he will be forgiven.

But let us remember, all of us, all of us err and make mistakes, including me. No one, not one is perfect. But for forgiveness and healing to take place, there must first be confession and truth, and then we can move on.

HONORING KAREN SUE NOBUMOTO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to commemorate a remarkable woman from the 37th District of California: Karen Sue Nobumoto. Ms. Nobumoto is an exceptional leader in the field of law within the African American community and the Los Angeles area. She has inspired young lawyers and law students throughout her long history with the John M. Langston Bar Association, and has dedicated her life to giving back to her community. As she completes her one year term as President of the Langston Bar Association, I would like to take this opportunity to recognize her long list of achievements.

Ms. Nobumoto received her Bachelor of Arts degree in Political Science from the University of Hartford in West Hartford, Connecticut in 1973. She continued her studies at Southwestern University School of Law in Los Angeles, where she obtained her Juris Doctorate degree in 1989. Throughout her years at Southwestern University, Ms. Nobumoto served as an active student leader. She was the President of the Black Law Students Association and Vice-Dean of the Delta Theta Phi Law Fraternity.

Ms. Nobumoto has served on the board of directors of the John M. Langston Bar Association continuously since 1987. In 1988, she received the President's Special Recognition Award and received the same award again in 1996. She served as the first student Section Chairperson and worked with the past president to institute the Langston Law Student Career Day and Mentor Program. She also managed the Law Student Scholarship Program in 1990 and succeeded in increasing the scholarship funds distributed to African American law students over the past seven years.

Perhaps more important than this long list of achievements, is Ms. Nobumoto's unyielding determination and strong commitment to leaving no stone unturned when it comes to planning the critical path to success. She has attended every Langston board meeting and monthly meeting and represented the Langston Bar Association at over sixty-five different events throughout this past year. In addition to her work for Langston, Ms. Nobumoto is a hardworking Trial Deputy in the Office of the District Attorney in Los Angeles. She has also served on the Ethnic Minority Relations Committee of the State Bar from 1987 to 1990 and was the Vice-Chair of the Committee from 1989 to 1990. In 1990, she was also elected to a District 7 seat on the California Young Lawyers Association Board of Directors.

Clearly, Karen Nobumoto's commitment to carrying forward the tradition of service and leadership that defines the Langston Bar Association has made her one of the greatest Presidents to serve Langston. I am honored to know Ms. Nobumoto and wish her the best of luck as she pursues a position on the State Bar Board of Governors. Karen Nobumoto is a shining example of what it means to lead, to educate and to truly make a difference for the generations of today and tomorrow.

A RESOLUTION TO PROTECT WINNIE THE POOH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise to introduce a resolution to protect Winnie the Pooh and his friends from being taken away from their safe and comfortable home at the New York Public Library. For 10 years Winnie the Pooh has held court in the New York Public Library, delighting millions of New Yorkers. But in recent days a member of the British Parliament has been expressing her intention to take them away from their home.

As a mother of three and a grandmother of two, I am determined to keep Winnie the Pooh right where he belongs in New York City. Quite frankly, the British have their heads in a honey jar, if they think they are taking Winnie the Pooh out of New York City.

Mr. Speaker, Christopher Milne, son of the creator of Winnie the Pooh and the real life model for Christopher Robin, gave his blessing to the New York Public Library's display of his childhood friends before his death 2 years ago. Winnie the Pooh, Tigger, Eeyore, Kanga and Piglet belong in New York, and this resolution will ensure that they stay there.

H. CON. RES. —

Whereas Winnie-the-Pooh, Tigger, Eeyore, Kanga, and Piglet have lived safely and comfortably in a climate-controlled, bulletproof case at the New York Public Library for ten years.

Whereas they bring happiness to the 750,000 people who visit them each year.

Whereas Christopher Milne, the model for Christopher Robin, gave his blessing to the New York Public Library's public display of his childhood friends before his death.

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States expresses its strong support for the residents of Pooh Corner to remain at the New York Public Library.

THE FUTURE OPPORTUNITY AND WELL-BEING OF OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. RIGGS) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I want to take this opportunity to address the House under special orders on a topic that I think is of really paramount importance to our country, and that is the future opportunity and well-being of our children. I rise to talk today a little bit about our congressional, by that I mean House and Senate, Republican agenda for improvement of our schools, to ensure that every American child, especially those that come from disadvantaged back-grounds, socioeconomically disadvantaged backgrounds, has access to a high quality education and the kind of skills training that can unlock the future for that young person.

I have had the opportunity on many occasions, as many of the Members of this House have, to have my children accompany me to work sort of a dad takes daughter to work day. I have had my young daughter Sarah Anne, who is 11, going on 21, I think, at times, with me here on the House floor. And it has been a wonderful experience. It has given her an opportunity to see firsthand what I do as an elected Member of Congress. It has helped her not only better understand what I do, but it has helped her, I think, become a more responsible young person in her upbringing.

I can harken back a few years ago, when I first was elected to Congress, and the Sarah who is now in the fifth grade back then was in the second grade. And on the first day of school as the boys and girls were going around the classroom, when it came her turn to say what mom and dad do for a living, she piped up very proudly, my dad is FRANK RIGGS. He runs for Congress. Well, as they say, out of the mouths of babes. Since then, as I mentioned, she has come to have a far better understanding of what I do and what the purpose is of the Congress as our National Legislature.

I think our primary purpose, our most important objective has got to be, as I said before, the future of our children. They are all our children. They are, they represent our hopes, our dreams, our common mission. I am here today out of concern for, addressing the House under special orders out of concern for her future and the future of her generation, and for that matter a generation of children yet unborn.

I want to talk about how the children of tomorrow can receive a better education today and what we might do in the remaining months of this legislative session of Congress over the course of this year, between now and the targeted final adjournment of this Congress in early October.

But before I get into that, as I was talking about my daughter Sarah Anne, I also harken back to my days as a local Little League and school board president. I had the dubious distinction of serving in both capacities at the same time, and I like to tell my colleagues that if they really want to know what politics are all about, they should try being both a Little League president and a school board president at the same time.

There is an old saying that was, I believe, coined by a former Speaker of the House of Representatives, Tip O'Neill, who said that all politics are local, and it does not get any more local than being Little League president and school board president at the same time.

So I sort of jokingly have made that statement, but quite seriously, if you want to know what politics are all about, forget about matters of war and peace and life and death, which we sometimes have to confront out on the House floor, and try dealing with the responsibilities of being Little League president and school board president at the same time and a constituency of many, many parents who do not at all times necessarily agree with the official positions of a little league or a school board.

I can say though that that experience has taught me that there is that shared concern about children. Everyone is concerned about their own children obviously, and there is a larger concern that many times extends to all children in the community, and while I personally do not agree with the philosophy that it takes a village to raise a child, because that seems to shift the responsibility for raising that child from the parents, the immediate family, to a larger and more amorphous institution known as a community or a village, and too often puts the trust and responsibility for raising children in government instead of where it properly belongs with those parents in that particular home, I can again say that we all have concerns about our children and want to create obviously a better future for our children. That is what brings us together as concerned citizens and as leaders in our respective communities, whether it be a position of elected leadership or whether it be some other position of leadership as perhaps through civic affairs or business involvement.

I am going to talk a little bit about our children. The first thing I want to address since there is some very real concern about the future of Social Security, the first thing I want to mention is that this Congress over the course of last year and the previous Congress, which represent about 3½ years to date of a Republican control of the Congress, this Congress and the past Congress have made some tremendous strides in creating a better future for our children and fulfilling our promises to the American people. We have adopted a balanced budget, and as the President told the country the other night in his State of the Union address, we are on the verge of realizing that goal, and we are really on the verge of seeing the Federal Government for the foreseeable future generating a budget surplus, not a budget deficit, a budget surplus here in Washington. In fact, the current trend line projections for the Federal budget indicate surpluses, not deficits, surpluses as far as the eye can see. That is very encouraging news, and we are going to have a debate that will commence this year and continue again for the foreseeable future in terms of how to best utilize that budget surplus.

We have lowered taxes, especially through a $500-per-child tax credit for hard-working, overburdened families, families, the median family income tax burden in America today being roughly 38 percent of that family's income, 38 percent going to taxing authorities at all levels, Federal, State and local. We have taken the first steps again to lower the tax burden on families, especially families with dependent children, under the theory that those families deserve to keep more of what they earn, and they are in a far better position to determine how to spend that money to benefit or to benefit their children and to create a better future for their children than any Federal Government bureaucracy back here in Washington.

We have also overhauled welfare. That reform is helping millions of our fellow Americans move from welfare to work. Many of those are single mothers that struggle against heroic odds, and by improving the quality of life for welfare recipients as they make that transition from welfare to work, we are also obviously creating a better future for the children of those households.

But we do have a long ways to go in terms of improving the future for our children. I mentioned briefly education reform. But we also are looking now at fundamental reform of the Tax Code. In my view, we have to have campaign finance reform at the Federal level because if we really want to change the way we govern, we have to change the way we campaign for office.

And we need entitlement reform or reform of the entitlement programs, the so-called old age entitlement programs of Social Security and Medicare, if we want to make sure that those programs are preserved and strengthened; that is to say, to make sure that they are financially solvent well into the 21st century.

□ 1500

Now, House and Senate Republicans do have a real plan for Social Security, and I make reference to a commentary that was written in the Washington Times by Senator TRENT LOTT, the Senate majority leader, and he points out in this article that we are attempting to bring about fundamental restructuring of the Social Security program. His commentary begins by saying the President says he wants to talk about Social Security.

Talking is the easy part. Doing the right thing is another matter. Let us review the Clinton record. For 5 years the President has talked about entitlement reform, but almost all progress has come from a congressional coalition of Republicans and centrist Democrats. True, the President passed incremental Medicare and Medicaid changes in 1993, but unlike our more recently enacted reforms, his bill made no attempt at structural spending changes; in other words, fundamental overhaul of these programs, and instead relied on raising taxes to temporarily shore up those programs.

In 1994, the President proposed, as I think we all now know, a Federal Government, a big government takeover of health care. Setting aside the obvious demerits of subjecting one-seventh of the economy to government price controls, his plan would have created massive new entitlements and accelerated government spending. At the same time, however, the bipartisan Entitlement Commission, chaired by Democratic Senator ROBERT KERREY, Senator KERREY of Nebraska, concluded that the present spending trends for the old age entitlement programs, Social Security and Medicare, are unsustainable.

The President ignored the Entitlement Commission and its chairman, but the newly elected Republican congressional majority did not. We passed structural Medicare and Medicaid reforms in 1995, only to have them be vetoed and demagogued by the President.

The White House's demagoguery was supplemented, as we now know, by tens of millions of dollars in union-funded attack ads that were targeted at incumbent Republicans around the country, including myself in the 1996 elections and, unfortunately, made Medicare a partisan campaign issue in 1996 and turned it into just another political football, another partisan "he said, she said" type of argument. However, 1 year later, in a nonelection year, last year, 1997, the President signed reforms that were very similar to the ones that he had vetoed and demagogued for over a year. He signed similar reforms into law.

Now, early last year both a Federal commission and Alan Greenspan concluded that the Consumer Price Index overstates increases in the cost of living by about 1 percent. Senator LOTT then proposed appointing a panel of technical experts to correct these flaws. However, again, the President and many congressional Democrats, backed by the labor unions and some of their other special interest allies, refused to address this problem, reinforcing this impression out there, this stereotype, that entitlement reform continues to be the third rail of American politics; that if one goes anywhere near it as an elected official they just might get electrocuted, in a political sense that is.

Last year the other body, the Senate, passed historic Medicare reforms, including raising the Medicare eligibility age and means testing premiums for more wealthy beneficiaries. And, in my view, they deserve a lot of credit for those actions. They also demonstrated a bipartisan willingness to make politically difficult choices in the interest of our children and in the name of their future.

U.S. News and World Report called it the Senate's magic moment and wondered whether the President would get on board. Well, the news that I share with my colleagues and the American people today is the President never even got near the boat.

Now, we do have a newly created Medicare commission, which was originally supposed to report in early 1999 to the Congress. To avoid having to address Medicare in the State of the Union address, next year's State of the Union address, the White House has proposed that the commission postpone their report to March. That would mean, if that comes to pass, that the President has ducked yet another opportunity to really exert presidential leadership and make a difficult choice on this most vexing issue.

Medicare is the second largest entitlement, and it will grow $88 billion over the next 5 years, more than total Federal Government spending, more than total Federal taxpayer spending on crime, education and the environment combined. Yet the President proposes what we feel is a tremendously irresponsible expansion of the Medicare program for early retirees and refuses to allow seniors to use their own money to pay a doctor.

Of course, he knows in making that proposal, which he mentioned last Tuesday night, or a week ago Tuesday night in his State of the Union address, he knows that that expansion will be popular because he is offering a political goody, another entitlement, if you will, to a demographic group with a high voter turnout; upper income people in their 50s and 60s, who could afford to retire early and buy into the Medicare program.

His proposal, however, would benefit only the wealthiest beneficiaries and would encourage employers to dump older workers and early retirees into a government program.

So in the name of entitlement reform, the President raised taxes on employees to reduce the deficit, ignored the entitlement commission, he has demagogued both Medicare and Medicaid, he has refused to consider the Senate bipartisan proposal to fix the Consumer Price Index problem which overstates the annual rate of inflation, he has rejected the bipartisan Medicare beneficiaries reforms, and he has now delayed the Medicare commission. That is not true presidential leadership.

On top of all that, he now proposes to expand the second largest entitlement program, yet says he wants to reform the largest. He proposes to expand Medicare at the same time he is talking about reforming Social Security. Why should the American people believe him? And I am going to have more to say later on the President's trustworthiness.

So we have a tremendous challenge ahead in terms of entitlement reform. It is one of the chief pieces of unfinished business in this Congress and, in my view, will be probably confronting the next Congress, when we consider that just over the horizon, the challenge that lies just over the horizon, 75 million baby boomers will begin retiring around 2008.

That happens to be my generation. I admit it. I am one of the baby boomers. We have to address this problem and we have to adjust our programs for the aging, the graying of the American population. If we fail to do that, then these programs which constitute the social safety net in America are, in my view, in real jeopardy, especially for those who are most dependent upon these programs in their retirement, low income individuals, many of whom have to rely on a fixed income to make ends meet.

So the challenge for this Congress, and it is a bipartisan challenge, is how can we convince the President that we are willing to tackle Social Security and Medicare reform on a serious and, I would hope, nonpartisan basis. We have the proposals out on the table. And as Senator LOTT, Majority Leader in the Senate, points out, we really do need to have, and as Speaker GINGRICH has said, we really do need to have an adult conversation about reforming and preserving Social Security in this country.

We believe that Americans want more than talk; that they have a right to expect more than talk from their elected officials when it comes to entitlement reform, and that the onus is now on the President to close this enormous credibility gap that is created by the discrepancy between what he says on the one hand and what he has done on the other with respect to entitlement reform, because, as we all know, actions speak louder than words.

So entitlement reform is a critical issue facing this country. We also know that the time has come to make a commitment to fundamentally reforming the Tax Code. The current Federal income tax system is economically destructive. It is inconsistent with the principles of a free society, and many of us are joining together in this Congress to work toward the enactment of a new, simple and fairer system that would apply a single low rate of taxes to all Americans. We want to move from the present system of taxation to a simpler, flatter, fairer Tax Code and tax system and a single rate of taxation for all Americans.

We want to continue to provide tax relief for working Americans. And when we consider all the abuses that have come to light from recent hearings here in Washington and the hearings that many of us have had in our congressional districts around the country, we want to protect, do a better job of protecting the rights of taxpayers against tax collection abuses by the IRS.

I also believe, going back to the theme and the importance of creating a better future for our children, that we have to eliminate the bias in our present Tax Code against savings and investment. It is one of the perverse incentives that riddles American life when we consider that we have a Tax Code and a tax system that continues to promote consumption and spending over savings and investment. If we can eliminate that bias, if in fact we can emphasize savings and investment, we can reduce the tremendous strain that is going to be placed on those old age entitlement, the old age retirement programs, the Social Security and Medicare that I just mentioned a moment ago, when the baby boomer generation reaches retirement age.

So tax reform, entitlement reform, campaign finance reform, education reform are all critical in terms of the challenges facing this Congress and future Congresses as we look at the future and try to create more opportunity and more security for our young people.

I think it is safe to say that congressional Republicans want to take this country to a new level of freedom and opportunity through less taxes and more choices for families by improving our schools. And we are going to be looking at a number of educational proposals that are now pending before the Congress.

I happen to chair the education subcommittee in the House of Representatives, the so-called Subcommittee on Early Childhood, Youth and Families, and we are moving forward on a number of fronts right now. We had a very successful legislative year last year, a very ambitious year, where we passed legislation to improve the education of children with learning disabilities and special needs, to expanding vocational education and technical training opportunities for those young people who are not college bound or who, if they go to college, may not complete college, so that they actually have employable skills that they can market in the real world of business and private enterprise.

We have passed legislation that will encourage States and local school districts to create more independent public schools. These are called charter schools. And this is a very simple concept where local schools, and by local I mean that individual school is given a great deal of freedom and autonomy to experiment in education and to make improvements and innovations.

Charter schools are, to date, a very successful experiment in decentralization and deregulation in public education. And based on the early results, charter schools have led to an increase, an improvement in pupil performance at those charter schools. And that is really the bottom line.

Charter schools are also a step, a milestone, I guess we could say, on the road to creating full parental choice in public education today. I happen to believe that parents should be given the full range of choice among all competing institutions; that parents, as the consumers of education, the people who pay the majority of taxes for public education, should be empowered to select the school and the education that is most appropriate for their child, and that no one is better positioned, better able to make that decision regarding that child's welfare and the schooling that is appropriate for that child than, obviously, the parent or parents of that child.

I am encouraged that we are moving forward with charter school legislation. The Senate, the other body, has indicated that they are going to be taking up our charter school legislation in the context of their very comprehensive education plan, which they are calling the BOKS legislation, the Better Opportunities for our Kids and Schools Act, and the acronym, as I mentioned, is BOKS. So I am pleased that they are recognizing that Federal taxpayers and the Federal Government have a role in expanding charter schools.

□ 1515

I want to quote to my colleagues from an article in the Weekly Standard edition of December 8, 1997, in an article that was written by David Brooks, the senior editor of the Weekly Standard, where he says that,

> The early evidence suggests that these tax-supported independent schools, charter schools, run by their own boards, their own

> board of trustees, their own governing board, within the public system raised student achievement. Moreover, if the country is going to shift eventually to a voucher system,

this is the idea where parents would have tuition scholarships through taxpayer funding to select the school, the education that is appropriate for their children.

Moreover, if the country is going to shift eventually to a voucher system, it will first have to pass through a charter phase so that when choice prevails there will be a variety of independent schools to choose from. Charters can prove to the public that alternatives exist to a centralized system and so lay the intellectual groundwork for vouchers.

So I am pleased again that we are going to be moving forward on charter school legislation over the coming months in the Second Session of Congress.

However, charters are just one form of empowering parents through choice, just one way, if you will, of infusing competition and great accountability into the education system in America today.

There are several other forms of education choice, including tax credits, as have been implemented in certain States. Minnesota, under Governor Carlson, immediately comes to mind.

I mentioned tuition scholarships, or vouchers. We are going to be looking again at opportunity scholarships for underprivileged District of Columbia children here in the next few weeks, focusing specifically on those children who are attending unsafe and/or underperforming schools.

And, of course, Senator COVERDELL and Speaker GINGRICH have also proposed the ideas of education savings accounts where parents could contribute after-tax dollars to an IRA, an Individual Retirement Account, for education purposes and then make withdrawals tax-free for any education expense, including education expenses associated with their child attending a private primary or secondary, a private elementary or high school. So we are moving forward aggressively on expanding educational choice in this country and empowering parents.

Now, I do have a couple other things to mention in the area of education.

I mentioned that House and Senate Republicans are working on a comprehensive measure to improve education that would allocate money to better train teachers and parents to teach reading.

We are also looking at another pilot program for vouchers for low-income students that would be patterned after our legislation for the District of Columbia but would potentially allow other school districts, primarily urban school districts, to pursue the idea of vouchers on a pilot basis to see if, in fact, those vouchers, those tuition scholarships, increase or improve pupil performance and give parents a way out of failing school districts.

And I just cannot stress how important that is. Because I personally believe that our country could not afford to lose another generation of urban schoolchildren.

So we are going to be pursuing a voucher pilot in school districts around the country.

We mentioned charter schools. We are also looking at legislation that would require that the great majority of Federal taxpayer spending for education go down to the classroom level, down to that local school district, and from there to that individual school, and from there into the classroom, hopefully, to pay someone who knows that child's name.

The idea is very simple. We want to get the most bang for the buck. We do not want the money continuing to be siphoned off for bureaucracy at the Federal or State or even, for that matter, local district school level. We want to drive it down locally into that classroom to pay someone who knows that child's name, under the theory that those dollars should follow the child. And, again, we are going to be looking at legislation that would test teachers' skills and provide them with merit pay raises.

I personally believe that the teaching profession is a missionary calling. It is one, quite honestly, where I think that if we are honest and admit that we cannot afford to pay the very best teachers what they are truly worth and, conversely, anything that we pay to a bad teacher is probably too much. But I think we have to understand how important the teaching profession truly is.

It has been said that a teacher can affect eternity because they never know where their influence on that child might end. So we are going to be looking at a way, again, where we can assist and enhance the teaching profession and where we can encourage more accountability and more incentive in the teaching profession.

So we are moving forward on a number of fronts in education aggressively, making it the top legislative priority for the Republican congressional Majority.

However, we are not going to do as the President has discussed, which is attempt to finance a bunch of new Federal education programs out of the future anticipated revenues resulting from a settlement of the tobacco class-action lawsuit against the States. It would be foolish. It would be unwise. It would be imprudent. It would be something that we would not do in our lives, in our homes or in our businesses, to spend money before we actually have it.

Our education proposal will be fully paid for. It will not involve new Federal spending. It will not involve raising taxes. It will not rely on the presumed revenues from the tobacco settlement.

We believe that one of the ways that we can pay for our education spending is to take all of these categorical programs that are housed back here in Washington, they are located primarily in the Department of Education, but they are spread, to be honest about it, spread about the whole Government bureaucracy, they are administered by a number of different Federal departments, agencies and commissions, and take those programs and consolidate them into a block grant to State and local school districts.

The savings that result by reducing bureaucracy here in Washington can go a long ways towards helping to pay for education initiatives. So I want to make sure that I stress that our Federal education programs, as we prepare for a debate on the fiscal year 1999 Federal budget, we will be having a debate out here on the House floor in the coming weeks on a budget resolution, and once we adopt a budget resolution that sets the Federal spending limits for 1999 fiscal year, we will then be debating the 13 annual spending bills for the Federal Government that effectively implement the Federal Government.

But I want to emphasize that we are not going to go back to smoking mirrors budgeting. We are not going to rely on money that we do not have and may never receive here in Washington.

In fact, the gentleman from Texas (Mr. ARMEY), the Majority Leader, who has been a real leader in education reform both in the Congress and in the District of Columbia public schools and in other States and communities around the country, a catalyst, a change agent for fundamental reform and improvement of our schools, he has said as recently as just a couple days ago something that kind of laid out the parameters for what the Republican congressional Majority will accept with respect to tobacco legislation.

Majority Leader ARMEY said that the President wants to use the tobacco deal and about $65 billion in anticipated revenues that may not result from the tobacco deal, the tobacco class-action lawsuit settlement, as a cash cow, that is the Majority Leader's term, to pay for a sweeping array of domestic programs. And he made it very clear that we are not going to accept that position.

The Majority Leader also said that if there is congressional action on tobacco legislation that it will be action to use the money for the correct and primary purpose of preventing teen smoking; it will be focused on prevention and cessation initiatives and on health care research. Because, after all, we have to remember that the tobacco class-action lawsuit filed by the States against the tobacco companies is to recover the cost that taxpayers in those

States that both State and Federal taxpayers have incurred through spending on the Medicaid program for tobacco-related illnesses.

So we want to put the money into teen smoking initiatives, anti-smoking initiatives, and in biomedical research. And our health care initiatives, I believe, have tremendous bipartisan support as we concentrate more money through the National Institutes of Health on research into the causes and prevention of cancer-related illnesses.

That is where we are going to spend the money. We are not going to go back into smoking mirrors budgeting and start making budgeting decisions over the coming year, over the coming months, that is predicated on the settlement of this lawsuit and the receipt of millions or billions of dollars to the Federal Treasury when, in fact, those funds may not materialize.

Now, the other thing I want to say about the President's initiatives is, quite simply, that he seems well-intentioned. I do not doubt the President is sincere when he talks about trying to improve education, and I tend to agree with him that partisan politics ought to stop at the schoolhouse door when we talk about education and improving schools.

However, I also hasten to add that the President seems to want to concentrate, when he talks about education, wants to concentrate more and more power and authority, more of the dollars and the decision-making responsibility for education here in Washington. And I do not think that is the way to go; and I know that sentiment is shared by many, many of my fellow Republicans, my congressional colleagues, as well as many Republicans around the country.

I do not think it makes sense at a time when we are trying to bootstrap improvement of our schools, at a time when we are trying to encourage more responsibility and accountability in education, which, after all, has to occur at the local level, right at that individual school site level, which, again, is keeping with the long-standing American tradition of local control and decentralized decision-making education. Given that, I do not think it makes sense to try to create more and more programs here in Washington and invest more and more authority in the United States Congress and in the Federal Government bureaucracy.

It does not make sense to constantly nationalize and federalize these initiatives when, in fact, we ought to be working to reduce bureaucracy here in Washington in order to get more resources and more decision making authority out there to States and to the local school districts where it will do the most good.

I do not think, whether we are talking about national testing, as we were debating on the House floor earlier today, or any other of the President's new education proposals, to turn the Congress of the United States into some sort of national school board.

We want, again, to decentralize the funding and decision making in education. We respect the autonomy and the authority of that local school district.

I am a former school board member myself, served 5 years on my hometown school board including two terms as a school board president. I have the greatest respect for those people who were there sort of on the front lines of education, if you will, and who are making those sort of policy decisions on a daily basis in their local communities. They also are far more accountable to the people who elected them, their constituents, than we could ever be.

I go back to what I said earlier about serving as school board president and Little League president in the same year. I literally could not go anywhere in my home community, could not go into the corner grocery store without encountering a constituent. I was in the phone book. I was accessible.

It is that accessibility that I think is paramount to improving the quality of education in America today by increasing the accountability that local school districts have to the ultimate consumers of education, parents and guardians.

That is what we want to create here in Washington. We want a new education paradigm, a paradigm shift, if you will, where we shift the attention in education from the providers of education, the whole education establishment, to the consumers of education. Again, the best way to do that is to give those consumers the right to choose the education that is most appropriate and best suits their child.

So I wanted to kind of quickly touch a little bit about where I see the Congress going.

I mentioned the Social Security problem. That is a problem not just for the baby-boomers, as I mentioned in my remarks, but for the children of the baby-boomers, the so-called echo-boomers.

Because if we do not take steps, obviously, to reform Social Security structure now well into the next century so it is solvent when the baby-boomer generation reaches retirement age, it obviously will cease to exist in subsequent years when the children of those baby-boomers, the echo-boomers, reach retirement age.

So it is critically important we address education reform, tax reform, entitlement reform, and I would hope again entitlement reform.

But as critical as all those issues are, I want to talk about one other issue in my special order. That is the importance of moral leadership in America today. Because everything that we might say or do from a policy standpoint pales to the personal example that we set as elected decision makers, as elected office holders.

With the possible exception of the clergy, I do not think that there is a position of greater public trust than holding elective office. I am afraid that, too often, we have wandered away from that realization.

I am pondering this today because, earlier today, this morning, we had the National Prayer Breakfast. While it appears that our country is sailing along on a polite course and enjoying peace and prosperity in a booming economy, underneath that veneer is a struggle going on for the soul of America. There is a moral crisis occurring that underscores the importance of ethical and moral leadership in America today.

Again, I stress this because that leadership, that kind of ethical and moral leadership is what forms the bond, if you will, between elected officeholders and the people who really obviously have the true power in a representative democracy.

□ 1530

I am very distressed about the events that have been occurring back in Washington over the last few weeks, and I have to say, as I turn to this subject, I have to say at the beginning that I cannot find the explanations that have been coming out of the White House, all the political advisers with their spin, lawyers, the First Lady, and even the President, I cannot find that orchestrated and concerted effort credible. It is not credible to me.

When I look at the compelling, even overwhelming circumstantial evidence, with daily revelations, I have to conclude that the President has not leveled, has not been honest, with the American people, and I want to say quite sincerely that I think that deceit, that stonewalling, is jeopardizing the President's tenure, and I think really imperils his Presidency.

I cannot for the life of me understand why the—and I said this a week ago when matters first came to light—I cannot understand for the life of me why the President has not stepped forward and put this matter to rest, addressed head on the allegations that have been swirling around, particularly if he was sincere and honest when he looked at the camera, stared at the American people in the face and said there was nothing to these particular allegations.

In fact, I am looking at the President's quote from an article in Roll Call, which is the Capitol Hill newspaper from last Thursday, or Thursday, January 22, when he was asked by a reporter, you said in a statement today that you had no improper relationship with this intern. What exactly was the nature of your relationship with her?

This is the President's verbatim answer: Well, let me say the relationship was not improper, and I think that is important enough to say. But because the investigation is going on and because I don't know what is out—what is going to be asked of me, I think I need to cooperate and answer the questions.

Now, I couldn't agree more. Therefore, I cannot understand the deafening silence that is coming out of the White House.

The President goes on to say, I think it is important for me to make it clear what it is not. And then at the appropriate time, I will try to answer what it is. But let me answer, it is not an improper relationship, and I know what the word means.

I don't know when the appropriate time would be, but I don't think that the President and the country are well-served by continuing to stonewall and deny on this issue. I think the appropriate time for the President to address these allegations would have been at the outset of this whole controversy, when the allegations came to light. I can only conclude that by failing to address the allegations, which the President promised the American people he would do, that that then suggests that there is far more to this whole controversy than what the President has told the American people.

Now, let me also make clear that this is not about some sort of sexual relations, in my view. This is all about lying and obstruction of justice. This is all about the fundamental responsibility, going back to that bond, if you will, that covenant, between the elected officeholder and the people that he or she represents, and in the case obviously of the President, that is all the American citizens, all American people. This is about, again, moral leadership and setting the right example and teaching our children and future generations through that example.

I have to be honest and say again that I am really dismayed by this controversy and concerned that with every passing day there is a real problem, a real potential, rather, that this country may become paralyzed by this particular scandal or controversy, and that it could then potentially impede the ability of this body, the United States Congress, to carry out its very important work in facing the challenges that confront us as a country as we try again to create that better future with more opportunity for our children.

Now, this is another Capitol Hill publication called The Hill, dated January 28th, and I want to share these words, because I think it underscores the magnitude of what we are talking about here.

It goes on to say, "Even if the," and they use the term "Arkansas Houdini," "Even if the President escapes from his latest crisis and serves out his second term, the Clinton presidency as we have known it is over. His undeniable character flaws, which his family and friends and the voters have been willing to turn a blind eye to in the past, are now glaringly obvious, and have cost him dearly in terms of the moral leadership and public trust that are a President's greatest asset.

"Americans are willing to forgive their elected officials almost any sin as long as they tell the truth."

We cannot countenance not telling the truth. We cannot countenance lying and deceit and stonewalling and covering up. We cannot do that, because if we do that, we destroy the fundamental trust between the elected office holders and the American people, and we contribute to this widespread cynicism and apathy in American society when it comes to political participation and making your voice heard and your vote count.

It contributes to this alienation and distance that too many American people feel from their government, their representative government, and their elected representation.

The Hill goes on to say, "We do not believe that President Clinton has done that in the present case, and we don't know if he will or is enable to, without exposing himself to charges of perjury. As a result, he must explain and justify the all too human failings that he managed to conceal from the American people, even as he has persuaded them to entrust him with the highest office in the land.

"Until he does that, it will be impossible for him to exert the kind of moral leadership that is the true mark of Presidential character. As it is, he has forfeited the right to expect the American people to cut him any more slack. He has," and these are The Hill's words now, this publication, "He has disgraced and degraded the Presidency and betrayed his family and friends, his party and his country. His legacy is now uncertain and his journey across that bridge to the 21st Century is fraught with peril."

And it is fraught with peril, because I also harken to the words of a very respected political commentator and widely syndicated columnist, David Broder, who wrote in the Washington Post on January 21, "The controversy surrounding the President is especially disturbing and potentially dangerous, because international affairs are slipping from his control. Saddam Hussein's defiance of U.S. policy and UN weapons inspection teams is becoming more brazen," although I do believe since Mr. Broder wrote these words that in large part, because of the Republican leadership of the Congress rallying to the President's side, we have been able to bring Hussein more into check.

Broder goes on to write, "After the rebuff Congress handed President Clinton last year by denying him Fast Track trade authority, he faces a difficult struggle for approval of the funds he wants to commit to stabilizing troubled Asian economist, and Bosnia looks more and more like a place that will keep U.S. and NATO forces he enmeshed for years."

I do not necessarily agree with his take on world events, but I think his primary point is that we have a number of potential flash points around the globe, we have these brush fires that could really heat up and become a conflagration in different parts of the world, and we need a President who can exert his Presidency and use his bully pulpit to the fullest. To do that, again, he has to have, as The Hill suggested, the moral leadership and the public trust.

So I am profoundly disturbed by what has been going on and the fact that, from all appearances, this is going to become a typical Washington scandal, where the President is going to try to hang on as long as possible, attempting to basically divert public attention from this particular issue, rather than, again, confront the truth and level with the American people, because I just do not find him, again, believable or credible when he looked at the American people, looked that camera in the eye, and denied any relations with this young 21 year old intern.

The other fundamental question here is, really, doesn't America deserve better? I really believe the American people deserves better leadership than what we have had from the President, and the only way we can get that particular leadership is, again, for the President to level and tell the truth.

The truth is really paramount. This is an article that was in the San Diego Union Tribune back in December, and it was a column that says, "Give a child integrity for Christmas." And it talks about the sense of integrity is the most important gift that we can give our children. So how do we teach them?

Then it goes on to quote a Professor of Ethics at the University of San Diego by the name of Larry Hinman who says that he thinks about this question a lot, and certainly it has been on my mind constantly in recent days.

Professor Hinman says he struggles every day to teach integrity to his 5 year old daughter. Then it quotes him as saying, "If I talk about integrity with my child and don't practice it, I will actually undermine her sense of integrity, so I try to practice what I preach. If I tell her no shouting, I try my best to follow my own mandate, and I don't shout. Keeping promises to her is also a part of integrity. She always remembers if I make a promise, and if I don't deliver, she is quick to point it out."

So I really believe that, again, particularly to those of us who hold a position of public trust, that we should be held to a higher standard, and the only way that we can meet or even exceed that standard, is to try to demonstrate integrity and honesty in our every deed and in all our words.

Again, I hope that this somehow this particular matter can be resolved, but I worry that we are, by perhaps turning a blind eye, by going along with the political spin, we are sending exactly, precisely, the wrong message to our young people about the importance of honesty, integrity and moral leadership. We have got to, as a Nation, if we want to I think really rediscover, or recover, our greatness and fulfill our destiny as the greatest Nation in the history of the world, as the leader of the world as we enter the 21st Century, we have got to rediscover basic American values like honesty, integrity and morality, and we have to regain really a sense of moral outrage when people play fast and loose with the truth.

So, again, this morning we had the National Prayer Breakfast back here in Washington, and this is actually a sermon that was published in the paper earlier this week by an Episcopalian priest or minister in Falls Church, in Northern Virginia, just across the Potomac River.

In this sermon he said, "Let us pray this week that at the National Prayer Breakfast, that our leaders would experience a spiritual and moral renewal, whereby they aspire to the stature of a monarch whose highest concern is obedience to God and the well-being of our Nation; that they would be men and women who would have the courage to refuse to speak anything other than the truth."

He goes on to say, and I think this is really the most important lesson we can teach our children as they develop character, as they begin to realize the importance of personal integrity and honesty in all of their words and actions, he goes on to say, "Truth matters. Truth matters, and character matters. It matters for the well-being of our Nation. One day all truth will be revealed when we stand at the final judgment of God, and those who have the courage to walk in and speak the truth now will not be ashamed at that final day. Whatever is true, St. Paul says, think on that. The truth, Jesus said, will free us. The truth matters in the lives of our children, our homes, at church, and in Washington."

I submit to my colleagues if it matters in your house, it certainly ought to matter in the White House.

□ 1545

EDUCATION AND SCHOOL CONSTRUCTION

The SPEAKER pro tempore (Mr. ROGAN). Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, education, education, education. I sit on the Committee on Education and the Workforce. Now, Mr. Speaker, it is interesting to hear so many people this year talk about education. In particular, when I see some of them were the ones who were cutting the school lunch program for our children just a few years ago. And I remember that, because I sat on the other side of the television watching and hearing what was being debated. Today, when we were talking about national standards, something we had already resolved last year, I thought, this is not doing any good for our children. So let us talk about issues that really matter to our children.

For example, school construction. Now, this past couple of months, every weekend when I have gone back to Anaheim and Santa Ana and Garden Grove, the areas and cities that I represent, I have been visiting schools. In fact, I have probably visited almost 60 elementary and secondary schools in my district. And since I went through the public school system in Anaheim, I have gone back to many of the same schools that I graduated from. Indeed, one of the biggest reasons that I ran for Congress was because I wanted the children in Anaheim to receive the same type of education that I had received 25 years earlier.

Well, the biggest problem we have right now back home is that our children have no classrooms in which to study. In fact, I visited an elementary school patterned exactly the way my elementary school was patterned. The same floor plan, where a teacher was holding class in what used to be the broom closet for the janitor of our school or, for example, I took a look at the classroom that was made from the breezeway because we used to walk through a silent tunnel to get from one set of classes to the other when I went to school, and now, doors have been slapped on the sides and this too has been turned into a classroom. And I held a forum just a few weeks ago in my district with minority leader GEPHARDT and JUANITA MILLENDER-MCDONALD, a former public school teacher in California, and we listened to parents and to children and to school administrators talk about what it feels like to be in an elementary school built for 500 with 1,100 children attending; with 23 permanent classrooms and 27 portable classrooms on the playground, on what used to be basketball courts, on the grass areas, and our children are going year-round to school. Even in Anaheim, we are contemplating such a shortage of classrooms that we will now be considering in July double sessions, which means our children could go to school early in the morning and be late getting out in the dark, for example.

So it becomes even more important to address the issue of school construction, and we are trying to do that. I have introduced a Rebuild America's Schools Act, which would require local parents, teachers, taxpayers, to take the responsibility of building new classrooms, and we would help them by giving them tax credits for the interest paid on bonds they would have to pay, they would have to pass in order to build new schools.

Individuals would have to take local responsibility to ensure that children have a place to study, but we need to help them. And in California where we are growing by 5, 6, 10 percent a year in the number of children who attend schools, we must find a solution. I hope that the bill that I have here in Congress now will become law. It is patterned after a program we already have on the books, one which we passed in August. Mr. Speaker, it is not just urban city children who need help. It is children in suburbs who also have many attendees in their school districts, it is children that I represent. It is not just at-risk kids who we must talk about, because all of our children are at risk right now. They are at risk when one child is hungry in the classroom and bothering those who are fed. They are at risk when there is no band program in the school. They are at risk when PE has been taken away because there is no gymnasium and no money to build those facilities, and they are at risk when our children have no playgrounds because there are portable classrooms sitting there.

Let us really talk about what matters to our children.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CENTENNIAL ANNIVERSARY OF THE SPANISH-AMERICAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this year 1998 marks the centennial anniversary of the Spanish-American War. History tells us that it was fought to liberate the Cuban people from the yoke of Spanish colonialism. Historians and scholars are still debating America's true motivation for engaging in a fight between the Spanish empire and its long-held colonial possessions in the Caribbean and in the Pacific. They are still addressing, at least in an academic sense, the long-term effects and the many uncomfortable and the unresolved political issues that are the aftermath of the Spanish-American War. For 100 years now, the American flag has fluttered, both literally and philosophically, over the spoils of what has been termed the splendid little war.

In the months ahead I am sure that students throughout the Nation will be introduced to historical anecdotes which set the stage for the Spanish-American War in 1898. In the wake of the Civil War, the U.S. was cementing its identity not only as a unified Nation of separate States, but also as a rising power rich in natural resources, growing and prospering and spreading the benefits of American democracy from the Atlantic to the Pacific. Against this backdrop the plight of opposed Cubans and the depravity of a crumbling European power became rich fodder for American newspapers. The Cuban uprising, the sinking of the USS *Maine*, Teddy Roosevelt and his Rough Riders and the charge up San Juan Hill, are likely to command the most attention, while the capture of Guam, the Filipino insurrection, General Emilio Aguinaldo and his Freedom Fighters and the Battle of Manila Bay will certainly not get equal attention.

The Pacific theater of the Spanish-American War is as colorful and rich in history as the Caribbean theater, but it is certainly not as well-known. Even here in the hallowed halls of Congress, few understand the 100-year progression between the arrival of an American warship on Guam in 1898 and the presence of a Guam delegate in the U.S. House of Representatives today. It is ironic, Mr. Speaker, that a war fought over Cuba and over issues pertaining to the Caribbean saw its first strike in the Pacific within a month.

The warship that stopped on Guam, the USS *Charleston*, under the command of Captain Henry Glass, was transporting American troops to the Philippines en route from Hawaii. Captain Glass received orders to stop and take the island of Guam. The *Charleston* arrived at Apra Harbor on June 21, 1898, and then, at that time, Guam was part of the Spanish empire, pretty much underfunded and pretty much forgotten within the realm of the Spanish empire.

What then was the U.S. interest in Guam in 1898 that a warship should be detoured from its intended course and ordered to take possession of what was a run-down Spanish garrison and its ill-informed commanders? Well, alas, like the declining Spanish empire, the emerging U.S. empire wanted a foothold on Asia's doorstep. Under American rule, Guam was converted from a reprovisioning port for Spanish galleons to a cooling station for naval ships, American naval ships. And while seemingly undramatic, this conversion reverberates with profound effects to this very day.

The Spanish-American War ended in December 1898 with the signing of a peace treaty in Paris. The Treaty of Paris ceded Guam, Puerto Rico and the Philippines to the United States and charged Congress with determining the civil rights and political status of the innovative inhabitants of these areas. A few days after the signing of the treaty on December 23, President William McKinley placed Guam under the full control of the Navy, ordering the Secretary of the Navy to "take such steps as may be necessary to establish the authority of the United States and give it the necessary protection and government." Once again, Guam, like in the previous 200 years, was given over to military rule.

Like their Spanish predecessors, the American naval officers who were assigned to Guam lamented the lack of adequate funding for support of a naval station, but they managed to build some roads and schools and raise some health and educational standards, and improve the lives of the Chamorro people. After more than 100 years of neglect under Spanish rule, the people of Guam were grateful for the improvement in their lives and hopeful for a bright and prosperous future under American rule. In fact, so eager were they to prove themselves worthy new members of the American household that in the interim, which lasted almost a year, in the interim between the removal from Guam of all Spanish government officials as prisoners of war and the arrival of Guam's first American naval governor, the people of Guam attempted to establish their own civilian government patterned after the American model under the leadership of Joaquin Perez. Guam's first naval governor arrived in August 189 and the naval government of Guam began to take shape in the months that followed. In its efforts to erase every vestige of foreign rule and establish America's presence and influence, the naval government imposed many new rules and regulations. Its orders were unilateral and beyond question. Its rule was strict and often clumsily racist, and still hoping to secure the benefits of American democracy for Guam, a group of island leaders drafted a petition in 1901 asking Congress to establish a permanent civilian government for Guam, one that would enable the people to mold their institutions to American standards and prepare themselves and their children for the rights, obligations and privileges as loyal subjects of the United States, and one which would remove the yoke of military government over Guam. That petition was not adhered to until 49 years later.

Mr. Speaker, 100 years ago the United States acquired Guam from Spain and established a military government of Guam. Now Guam was considered at that time a possession of the United States, and there is still much confusion as to what these small territories are in actual practice. Sometimes the term "possession" is used, sometimes the term "territory," sometimes a "protectorate," and as a "position," as if it were a thing to be owned and moved around. But in reality, the actual term and the appropriate legal term, which is also a part of the legacy of the Spanish-American War, is "unincorporated territory of the United States."

An unincorporated territory of the United States means that we are owned by the United States, but we are unincorporated. We are not fully a part of the United States. Until we change that status, congressional authority, congressional plenary authority, remains in full effect and the Constitution applies to Guam only to the extent that Congress sees fit to apply it to Guam. That is what happens when something is a territory; the Constitution applies to all American citizens, except in the territories when Congress decides which parts of the Constitution apply.

☐ 1600

One of the main elements of great discussion about political theory today and the appropriate relationship between the Federal Government and the local government is the use of the 10th amendment of the Constitution where certain powers are reserved to the States or to the people.

We frequently hear references to the 10th amendment on the floor of the House in order to describe the appropriate relationship between the Federal Government and State governments and individual citizens. The concept of devolution in those cases used, as a core article, obviously draws its faith from the full application of the 10th amendment. However, the 10th amendment is not applied to Guam or any of the small territories as decided by Congress.

It was not until after World War II, and during which Guam suffered an horrific occupation by the Japanese, with the passage of the Organic Act that Guam was called an unincorporated territory. And the Organic Act of Guam is the governing document, is the basic law of Guam, and it simply means the organizing act of Guam.

For 50 years, the Navy was the primary instrument of government over Guam and the commanding officer of the naval station was also the Governor of Guam. The commander of the Marines was the head of the Department of Public Safety. The Navy chaplain was automatically the head of the Department of Education. This was the system of government which existed on Guam for the first 50 years after the Spanish-American war.

Under naval rule, political participation was very limited for island residents. A Guam Congress was authorized, but it was entirely advisory in nature. Certainly unlike any of the citizens of the 50 States, or even the District of Columbia, the citizens of Guam do not enjoy all the full protections of the U.S. Constitution. And by being and remaining an unincorporated territory in its current form, the U.S. has broad powers over the affairs of Guam and ultimately the future of the Chamorro people of Guam.

After the passage of the Organic Act in 1950, Guam had a civilian government under the U.S. flag. And in 1970, Guam was authorized the right to elect its own governor. Here we are 100 years later and we still have not solved the final political status situation for Guam.

It is ironic that in this, the 100th year of the commemoration of the Spanish-American war, there are really two remnants of that war which cry out for attention. Those are Guam and Puerto Rico. So it is a very difficult time for those two areas, and I cannot speak for Puerto Rico, but I can certainly speak for Guam, that it is a very difficult item for us to try to relate to.

How do we seek to commemorate 1898? In 1898, we had a flag raising on Guam. Implicit in that flag raising was the promise of the fulfillment of American democracy. One hundred years later, that promise has yet to be fulfilled.

How Guam commemorates the 100th anniversary of 1898 will be, in many respects, a measure of how Guamanians who are today U.S. citizens, see themselves as a society.

The other areas that were a part of the process of the Spanish-American war, namely Cuba and the Philippines, as political projects are complete. But Puerto Rico and Guam are not complete. Guam remains one of the two last pieces of the puzzle of 100 years that has come from the Spanish-American war. And it is interesting to note that when Spain lost the Spanish-American war, Spain had claims not only to the Philippines but throughout much of the central Pacific; all of the islands in Micronesia, including the Northern Marianas, much of the Caroline Islands, Palau, Yap, Ponape, Chuuk and Kosrae.

And even though America had the opportunity to inherit those claims, it chose not to and it only took one island out of the whole Micronesian region and that island was Guam. The remaining islands were then sold by Spain to Germany. Then, after World War I, those islands became a part of a League of Nations mandate that was given over to Japan. After World War II, those islands were then given as a United Nations trust territory over to the United States.

All of those islands have had their political status resolved by today. Three freely associated governments, the Republic of Palau, the Republic of the Marshalls, and the Federated States of Micronesia and the new Commonwealth of the Northern Marianas all came out of those islands which the United States chose to ignore in 1898. It makes one think that perhaps had Guam been ignored at that time, by this time today we would have our political status fully resolved.

It is ironic that those who have been most associated with the United States in the Pacific are those who have waited the longest to see their political dreams fulfilled.

Because Congress is constitutionally mandated to make all of the decisions regarding the territories, and please bear in mind that we are talking about very small units, it is particularly incumbent upon this body to examine Guam's quest for political status change.

Now, in the year 1998, in the 100th anniversary of the centennial, now is an appropriate time to take a look at the issue of Guam's political status and its quest for commonwealth.

I would also like to focus upon another issue which is directly related to the centennial celebrations. As we celebrate in the United States the centennial of the Spanish-American war, the people of the Philippines will celebrate the centennial of their Declaration of Independence.

The Philippines declared its independence in 1898 but did not actually achieve it until 1945. And although most of us recognize 1898 as the beginning of our long relationship with the Republic of the Philippines, I think it is most unfortunate that I believe a majority of Americans today are unaware of the dynamics and the nature of our initial relationship with the Filipinos.

F.E. Warren Air Force Base in Cheyenne, Wyoming, a former Army post occupied by Army Indian fighters, plays host to historical artifacts that are becoming a concern to more and more Americans and is already a concern to many, many Filipinos. I am referring to a couple of church bells taken from a Catholic church in the Philippines by members of the 11th Infantry in 1901. Known to many as the "Bells of Balangiga," which have become the center of a century-old controversy which have placed the people of the Republic of the Philippines and many of the residents of Cheyenne, Wyoming, at odds.

The people of the Philippines have repeatedly requested the return of the bells, and they would particularly like to have them back for their 100th anniversary celebration of this year of their declaration of independence from Spain. Several residents of Cheyenne, however, have expressed strong opposition to this request.

On November 7, 1997, I introduced H. Res. 312, a resolution urging the President to authorize the transfer of the ownership of one of the two bells currently displayed at F.E. Warren Air Force Base to the people of the Philippines. My purpose here is neither to glorify any of the actions taken nor condemn any of the atrocities committed at the time the bells were taken, but to shed light upon and clarify the issues behind the Bells of Balangiga.

At the onset of the Spanish-American war in 1898, the American fleet under George Dewey was ordered to attack the Spaniards at Manila Bay. Admiral Dewey and E. Spencer Pratt, the American consul in Singapore, convinced Filipino rebel leader, Emilio Aguinaldo, to ally his troops with the Americans, indicating that independence would probably be granted to the Philippines.

After Spain's defeat, however, it became evident that the Americans never intended to recognize the legitimacy of the Philippine republic declared in 1898. Aguinaldo, whose troops lacked the arms and discipline required to directly engage Americans in combat, issued a proclamation calling upon Filipinos to employ guerrilla tactics against Americans. The next few years saw a war which engendered much controversy in this country, but which is not well understood today, in which 4,200 Americans and an estimated 220,000 Filipinos lost their lives. Needless to say, atrocities were committed on both sides.

Mr. Speaker, 4,200 Americans died subduing the Philippines. In the course of the entire Spanish-American war, including the charge up San Juan Hill, only 398 Americans died in battle. But in subduing the Philippines over the next few years, 4,200 Americans died.

One particular example of the tragedy of the so-called Philippine insurrection occurred in the island of Samar. In September 26, 1901, rebels disguised as women smuggled weapons, mostly bolos, past inattentive sentries. While preparing for breakfast, the townspeople simultaneously attacked and killed Members of the Ninth Infantry "C" Company. Reinforcements were sent through the 11th Infantry and, in retaliation, Brigadier General Jacob Smith ordered every village on the island of Samar to be burned and every male Filipino over 10 years of age to be killed.

Evidence suggests that the priests at Balangiga rang the town's church bells every time the American troops were about to engage in search and destroy missions. The church bells were most likely confiscated by American troops in an attempt to ensure the secrecy and heighten the efficiency of these missions.

Three of these bells are known to exist. The survivors of the Ninth Infantry "C" Company took possession of one bell, which is now in a traveling collection maintained by the Ninth Infantry in Korea. The Eleventh Infantry also took two bells and a 15th-century English cannon with them to the U.S. when the unit was assigned to what was then Fort D.A. Russell in Cheyenne, Wyoming.

In 1949, Fort Russell was converted to the present Air Force base which house the Bells of Balangiga after having been left there by the Eleventh Infantry. There was a time when the officers at F.E. Warren wanted to get rid of the bells. These brass relics have no relevance for F.E. Warren Air Force Base, which is a missile base. Few people seemed to know or care about these bells. That is until the government of the Philippines asked for their return.

The President of the Philippines, the current President, Fidel Ramos, first became interested in the bells as a West Point cadet in the 1950s as he attended the U.S. Military Academy.

In the late 1980s, as defense minister, Fidel Ramos sought the help of his U.S. counterpart, former Wyoming U.S. Congressman Dick Cheney, who was then the Secretary of Defense.

For the 50th anniversary of Philippine's independence from the United States in 1996, the matter was brought to President Clinton's attention. However, these efforts, along with those of many others, including mine, have fallen on deaf ears. It seems that a vast majority of the people involved have made a decision that, instead of being on the right side of this issue, they would certainly rather be on the safe side.

It is true that there has been some vocal opposition against the return of the bells. However, this opposition may not fully understand the events of the past.

Although the insurrection cost the lives of American soldiers, let us not forget that the U.S. sent troops to the Philippines in 1898 in order to subdue a country that wanted to be independent. Let us also not forget that, later on, these very same people and their descendants suffered, fought, and died fighting with our troops for a common cause in the battlefields of Bataan, Corregidor, Korea and Vietnam, making the Philippines the only Asian country that has stood with the United States in every conflict in this century.

For almost 100 years, the Philippines has been our closest friend and ally, and in the name of friendship and cooperation it would only be fitting and proper for the United States to share the Bells of Balangiga with the people of the Philippines for their centennial celebrations.

Still, there are a number of veterans groups in Wyoming vehemently opposing the return of the bells, claiming that by doing so a sacred memorial would be desecrated and dismantled.

☐ 1615

I beg to differ. Although Filipinos and the majority of the people with whom I have come into contact feel that both of the bells should be returned, a proposed compromise offered by the Philippine Government calls for the United States and the Republic of the Philippines to share the bells. The bells will be recast and duplicates made. The United States and the Philippines will each keep one original and one duplicate, and the Philippines Government has even offered to absorb all of the costs involved. H. Res. 312 would facilitate this proposal.

I assure everyone that this compromise would not in any way desecrate or dismantle the memorial at Trophy Park. What we presently have at F.E. Warren is a century-old reminder of death, suffering and treachery, brought about by vicious guerrilla warfare in a highly misunderstood conflict. By having the bells and duplicates both in the Philippines and in Wyoming, this solitary memorial will be converted into fitting monuments located on both sides of the world, dedicated to the peace, friendship and cooperation that have since existed between the American and the Filipino people.

The memory of those who perished, both Americans and Filipinos, will then be associated with a compromise of peace and friendship, cemented 100 years after they volunteered to travel halfway around the world to seek and secure this same peace and friendship from the people of Asia and the Far East. We have the world to gain and nothing but silly pride to lose.

My grandfather, from whom I got my name, although I am a native of Guam, James Holland Underwood, was a marine who served during the Spanish-American War prior to being mustered out on Guam. His brother and my namesake, Robert Oscar Underwood, was also a veteran of that war. He served in the Philippines during the time of the Philippine insurrection. I am sure that these men would understand and support the concept of having national symbols such as the Bells of Balangiga unite us and not divide us, those of us who care about independence and democracy and freedom for peoples around the world. Had they been alive today, I am sure that they would applaud my efforts because they will surely realize that the Bells of Balangiga would always mean more to the Filipinos than they could ever mean to us.

Sharing the Bells of Balangiga with the Filipinos is the honorable thing to do. It is the sensible thing to do. It is the right thing to do.

On behalf of a growing number of people who have expressed their support, I urge my colleagues to cosponsor H. Res. 312.

A FURTHER TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, this is the last day for one of our most distinguished Members, RONALD DELLUMS, who has represented Oakland, California, for almost 27 years. Yesterday or the day before there have been some tributes to RON DELLUMS. There were so many Members who wanted to step up and speak their piece that some of us simply ran out of time. I did not want to end today, have Mr. DELLUMS retire or for myself for me to go home without saying a few words on his behalf.

I am a freshman on the Committee on National Security on which he has been the former chairman and now the ranking member for the Democratic Party. In the course of my experience with RON DELLUMS on the Committee on National Security, I have been struck by several things. He is a ranking member who has been always careful to make sure that he takes part of his time and allocates it to newer Members. He has forgone questioning witnesses on his own to make sure that new Members have a chance to ask questions themselves. Throughout his management of that committee, throughout his management of the minority, he has been very careful to show respect for others because he cares for others.

Today when he spoke here in the well of the House for the last time, he talked about learning the lessons of patience and the lessons of humility during his 27 years here in the House. He treated us all consistently with respect, and those who heard his remarks today will understand how much he values this House and how much he values its traditions.

I will also cherish some of my private conversations with RON DELLUMS. During one of those conversations, we talked about something that Martin Luther King, Jr. once said. Reverend King once said, the most radical action that anyone can take is to assert the full measure of his citizenship, to assert the full measure of his citizenship. When I go back to Maine and I talk to people in Maine and I want to encourage them to participate in civil society, when I want to encourage them to do everything that they can to participate in this political process, I use that quotation, and I cannot think of anyone who better exemplifies the full participation of his citizenship than RON DELLUMS.

As a freshman Member when I go back to Maine, I am often asked what I think of other people in this Chamber, how I regard other Members of Congress, how they stack up. And several times in the last few months people have said to me, is there anyone in

Congress that you regard as truly great? My answer has always been the same: RON DELLUMS. RON DELLUMS is a truly great man. This Chamber will miss him.

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce:

To the Congress of the United States:

I am pleased to present to you the 1996 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with fostering scholarship and enriching the ideas and wisdom born of the humanities. The agency supports an impressive range of projects encompassing the worlds of history, literature, philosophy, and culture. Through these projects, Americans of all walks of life are able to explore and share in the uniqueness of our Nation's democratic experience.

The activities of the NEH touch tens of millions of our citizens—from the youngest students to the most veteran professors, to men and women who simply strive for a greater appreciation of our Nation's past, present, and future. The NEH has supported projects as diverse as the widely viewed documentary, *The West*, and research as specialized as that conducted on the Lakota Tribe. Small historical societies have received support, as have some of the Nation's largest cultural institutions.

Throughout our history, the humanities have provided Americans with the knowledge, insights, and perspectives needed to move ourselves and our civilization forward. Today, the NEH remains vitally important to promoting our Nation's culture. Not only does its work continue to add immeasurably to our civic life, it strengthens the democratic spirit so essential to our country and our world on the eve of a new century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

AGREEMENT BETWEEN GOVERNMENTS OF UNITED STATES AND REPUBLIC OF POLAND CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-211)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Poland extending the Agreement of August 1, 1985, Concerning Fisheries Off the Coasts of the United States, with annexes and agreed minutes, as amended and extended (the 1985 Agreement). The Agreement, which was effected by an exchange of notes at Warsaw on February 5 and August 25, 1997, extends the 1985 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Poland, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

PROPOSED TOBACCO SETTLEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, let me state at the outset that I do not smoke, nor do I encourage others to smoke. Children should not smoke, nor should they be enticed to smoke. I applaud President Clinton's efforts to curb and ultimately reduce the incidence of youth smoking in the United States in the near future.

Tobacco, the mere word, engenders many strong feelings and opinions in most Americans and especially in those of us who serve in Congress. With regard to the pending tobacco settlement, no matter how you feel about tobacco, one must view it for what it is, a legal commodity grown by many American farmers.

North Carolina grows quite a lot of tobacco, both burley and flue-cured. Over 65 percent of the total U.S. production is grown in North Carolina of flue-cured. In fact, my constituency, the First Congressional District, produces more flue-cured tobacco than any other in the Nation. These eastern North Carolina farmers produced over 225 million pounds in 1995.

These North Carolina farmers, our tobacco farmers, want the same things as other Americans, a good quality of life overall for them and their families, for their children to have a good education, for them to have sufficient resources with which to provide their families with food, shelter and other amenities of life, savings for their retirement, a secure environment in which to live and work, and most importantly, hope for the future.

These farmers, our tobacco farmers, care about their children as well as other children in their community, instilling in them the values of honesty and hard work. Many of them are third and fourth generation tobacco farmers, even though some of them must seek additional employment off the farms as teachers, business persons, factory workers and other occupations. Many of them serve as leaders in their communities, in their schools, in their churches, in their synagogues and in other local and civic organizations.

Like other American farmers, like those in many of your home States, these North Carolinians prepared their land, tilled it carefully, planted their crops, tended their fields, harvested their yields and marketed their product, much like any other commodity such as corn and wheat. These farmers are often small family farms. The average size in North Carolina is 172 acres, as compared to 491 acres nationally.

Tobacco is one of the main reasons that small farmers are able to stay in business because no other crop yields as much income per acre. Most of these farmers are unable to find an alternate crop that provides a comparable income. It would take almost 8 times as much cotton, 15 times as much acreage of corn, 20 times more acreage of soybeans and 30 times more acreage of wheat to equal the income of a single acre of tobacco. Farmers would have to acquire the land, secure the needed equipment, purchase the required seed, fertilizer and pesticides and hire the labor, undue and perhaps impossible financial burdens of acquiring extra loans and debt, all too often not available to those socially disadvantaged farmers or to minority farmers.

The total income impact for North Carolina was more than $7.7 billion last year, income that came from a combination of the production, the manufacture and the marketing. North Carolina entrepreneurs and employees, all of those benefit from those resources. The money earned by farmers and those employed in tobacco-related business flow into their communities, spreading those profits around. It has been estimated that the agriculture dollar turns over about 10 times, so 7.7 billion multiplied means there is a possibility of $77 billion available to rural communities providing many necessities and public purposes. Much of that goes to supply the value of the taxes that support schools and hospitals. So all of these programs are interrelated in terms of a quality of life that is possible in eastern North Carolina.

The present tobacco program operates on a no net cost to the Federal Government and, through the deficit reduction marketing assessment, actually contributes an average of $30 million a year to the U.S. Treasury. The continued existence of the program is vital to the continued ability of tobacco farmers to survive in this modern world of agriculture.

I believe as Congress contemplates the broad policy implications of the proposed tobacco settlement, there are several things we should consider. First, quota equity must be protected because land value reflects that cost. Two, farm income stability must be preserved in order to protect against market volatility caused by the settlement. Three, global export market excess must be preserved. Four, economic assistance for impacted communities must be provided along with assistance for those farmers. All of these must be considered if indeed we are going to have a fair and equitable settlement.

Finally, fifth, we cannot ignore the value it would have of removing these resources from the classroom for young children. Therefore, we must find funds to speak to the needs of our youth development. I ask that any discussion on a proposed settlement as we are having will continue to include the consideration of all these factors. And please understand, as we pursue this worthy policy, we must also find the implication it would mean for thousands of tobacco farmers living in my district.

□ 1630

TRIBUTE TO ROBERT DORNAN

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. STEARNS) is recognized for 30 minutes.

Mr. STEARNS. Mr. Speaker, it is an honor and a pleasure to come on the House floor tonight to speak of my good friend Bob Dornan, who has been in the press recently dealing with the decision by Congress to allow the election to go forward in the Dornan-Sánchez race.

My purpose tonight in coming forward is while Mr. Dornan has been in the press recently and there has been some controversy about this particular election, I sort of share his views, and I believe in many ways that he should still be here in Congress. My feeling is that eagles do not flock together, we have to find them one at a time. And Bob Dornan is really one of those outstanding Americans that should still be here. He represented the best of this House, and so I wanted to take a few moments tonight to talk a little bit about Bob Dornan.

The hour is late, and many of my colleagues are on their way back home to their districts, and I will be going back tomorrow, but I thought it appropriate to come to the House floor and speak about this great individual, this good friend, and what I think is an American eagle, one of a kind.

I think many of my colleagues know his personal history. He volunteered for pilot training at age 19. Was still in college and he served as a fighter pilot in the Air Force from 1952 to 1958. He served in the Air Force Reserves from 1962 to 1975 and served in the Air National Guard from 1958 to 1961. So he is a true patriot, a person that believes serving our country is important, and he is proud of his record and he makes no bones about the fact that he has great regard and respect for the military and he thinks Americans should serve their country.

He worked as a civilian combat photographer. Five of his eight trips to wartime Vietnam were served in this capacity. One of the things about this individual I like the most is he is willing to speak his mind forthrightly.

Many of us saw that great movie Jerry McGuire, in which Jerry McGuire is represented as a sports agent for Rod Tidwell in the movie, who was a football star. And Jerry McGuire writes this book which gets him fired, which essentially says I am going to tell the truth about what people really believe and not what they say. And this, of course, caused quite a stir in his sports agency and he was fired. But he went on to represent with great compassion Rod Tidwell, and eventually he was vindicated in the movie when Rod Tidwell received an $11.3 million contract when most people thought that this professional football player would not succeed. But Jerry McGuire had the faith and courage and, sometimes lack of confidence, but in the end persevered because he was willing to put his heart and mind in the same place; that his spirit and what he believed in his heart was what came out when he spoke: sincerity and honesty.

Bob Dornan is such a man, and he is to be commended for being willing to say some things that people will not say at times. He represented leadership on the House floor that many of us commend him for. One of the areas in which he was particularly articulate and also a strong advocate was the pro-life position. He was the original sponsor of the Right to Life Act, which would effectively declare abortion unconstitutional. He led the fight to end Federal funding for fetal tissue research at military hospitals and government organizations. He was one of the strongest pro-life advocates in Congress. He made no bones about that, and many of us, like myself, agree with him and look to him for leadership in that area.

He was also a humanitarian advocate, the former chairman of two important House subcommittees, the National Security Subcommittee on Military Personnel and Intelligence Subcommittee on Technical and Tactical Intelligence. He gathered and learned information for his responsibilities firsthand by traveling around this globe and visiting areas of engagement like Central America and Somalia.

He was loadmaster on twelve humanitarian missions to Africa. Now, a lot of us might go on these trips to England, we might go to France, or we might go to China and stay at the best hotels, but not Bob Dornan. When he went on a trip, he was involved at a grass roots level and as a loadmaster, not on one, not on five, not on eight, but on twelve humanitarian missions to Africa.

He visited a refugee camp in Honduras as a longtime member of the Human Rights Caucus consistently. These were part of his activities. He opposed excessive cutbacks in defense spending, especially in California in his Congressional District. He added an amendment to the 1994 crime bill that imposed the death penalty for espionage that leads to the death of U.S. agents.

The reason I talk about this is because I have been on a trip with Bob Dornan, when we went for the 50th anniversary of D-Day. This was an extraordinary time. It was bipartisan. We had 18 Senators and 25 Members of Congress. The delegation was led by Sonny Montgomery. And what was so extraordinary about this trip was to see some of these old veterans come back and to see the emotion and feeling in the people of France; how glad they were to see Americans return 50 years later, and to have the whole sense of this great movement in history because of D-Day and other successes against the Nazi government.

Most of us went through the standard procedure for the 50th anniversary and went and attended most of the functions, and we would come back at 11 o'clock at night and be very tired. One night when we came back, Bob Dornan wanted to go out again, and so the Army was kind enough to provide him a driver and a jeep and he went out because he wanted to go to some of the graves. He wanted to walk and see some of those young soldiers that died. He wanted to see their grave sites.

And he did not get back until about 5 or 6 o'clock the next morning. When we all assembled on the bus the next morning, Bob Dornan came on time and talked about the terrific experience he had, highly emotionalized experience that went to the core of the reason we were there, to show respect and honor for these men who gave their life for their country and for this momentous occasion that turned the entire history of the Western Civilization.

He has always been a supporter of higher military pay and benefits, and endorsed the investigation of the POW-MIAs not accounted for in Vietnam. He initiated the POW-MIA bracelet. Remember, all the bracelets all of us started wearing? Bob Dornan is the one that initiated this bracelet, worn by many veterans. He led the charge to oppose the normalization of relations with Vietnam until full account of the POW-MIAs were provided, and he helped design a program to help to seek military personnel become teachers.

I mean I have more here that I want to go on, and we are going to do a special order later on for Bob Dornan, but I was just compelled to come to the floor and I am joined here with another distinguished Member of Congress from California, who is also compelled out of sheer friendship, out of sheer respect, out of sheer love for our colleague, Bob Dornan. The gentleman from San Diego (Mr. DUNCAN HUNTER) perhaps knows Bob Dornan better than anyone else on the House floor, so I will yield part of my time to the gentleman.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and Bob Dornan is a guy who deserves more than 15 or 20 minutes of discussion. He is a guy who deserves days of discussion, because he brought to this House of Representatives unique qualities that we had not seen before he got here and we are not going to see again for years.

I am a Member of the Committee on National Security, and I have to tell my colleagues a story about myself and Bob Dornan. When I came here as a freshman and I was competing with a lot of other people to get on the Committee on Armed Services, we had one seat we thought was from California, from a senior Member retiring. Everybody who wanted that seat, including Bob, got up to make their presentation and tell why they should get that very coveted committee seat.

When Bob got up, he started to talk in his own favor. And then he stopped and he said, you know, actually, we have this young guy down from San Diego who was in the military, who loves the military and loves national security issues, and I think we should give this thing to DUNCAN HUNTER. And he did that when I was a freshman. I had never seen such an act of generosity, such an act of goodness coming from a senior member, and I have never seen it since.

And that was Bob Dornan, a guy who had just an absolutely great heart. But beyond that, and the gentleman from Florida (Mr. STEARNS) knows this well, Bob Dornan probably had the best background in terms of all the military aircraft and all the military equipment that we look at and analyze in the Committee on National Security because he flew everything from the B-2 bomber to the newest Navy trainer. Bob Dornan was in the cockpit. And when we had authorization bills coming up, deciding how we would spend billions of dollars, it was Bob Dornan who had the hands-on experience with those pieces of equipment, who was able to give us little insights into whether or not these were really good buys.

Mr. STEARNS. If the gentleman will yield for a second, I wanted to read some of the aircraft he has piloted. A lot of us go out on these field trips and we look at these aircraft, but Bob Dornan is a little different than most of us. He has actually piloted some of these. Of course, he piloted, as the gentleman mentioned, the B-1 bomber, plus the SR-71 Blackbird, the B-52, the U-2, the FB-111, the F-15, F-16, the F-18, the AV-8 Harrier, A-10, F-111F, the F-5 Tiger and 17 other high performance fighters.

I mean this is a Congressman that got involved. He was not a back-bencher. He was not somebody that stood by and said let us talk about the appropriations for some of these aircraft. I want to find out if they operate. I want to see how well they operate, and I want to talk to the pilots and the people that operate, the repairmen, the enlisted people, noncommissioned officers. It is just an extraordinary thing to realize that this Member of Congress went out and did those things.

And I yield again to the gentleman.

Mr. HUNTER. And I say to my friend, he cared not only about what kind of equipment our military people used, but he also really cared about those people.

When we lost the Rangers in Somalia a couple of years ago, there was one member of the Committee on National Security who went out and got into an aircraft and flew about 20 hours to get over to Somalia and looked at all the facts, all the things that had happened, got debriefed on that tragedy, and then flew all the way back here and contacted every single member of the families of those Rangers who had been killed in Somalia. That was Bob Dornan.

And I felt so proud when I heard that Bob had done that, because that reflected so well on us as a Committee on National Security, the old Committee on Armed Services, because it is filled with people who really care about people in uniform and Bob had kept that tradition and kept that legacy going on.

So while the rest of us were going on trips to our district and trips overseas and were doing the work that we do here when we are in a break and have a chance to spend time with our families and maybe go out and catch up with a little relaxation time, Bob Dornan was flying in an aircraft for 20 hours straight so that he could get over to Somalia and let those people know that wear our uniform and let their families know that we cared about them.

When we stand here, we can think of all these great Bob Dornan stories. I remember one of the great stories of the Contra wars, when Ronald Reagan brought freedom to Guatemala, and Honduras, and Salvador, and Nicaragua, Congressman Jack Buechner was getting arrested in Nicaragua by the Sandinistas. I remember, from what I heard, Bob Dornan went up and said, listen, if you arrest this Member of Congress, you have to arrest me, too.

□ 1645

And that is how he was.

I remember there was a fight one time, a little match-up between two of our Members one time, just off the House floor. Both of them were about twice as big as Bob. But it was Bob who got in between and broke them up. Of course, the press hated that role for Bob Dornan because he was a peacemaker. He was not B-2 Bob; he was a peacemaker.

But when you flew into a foreign country and you flew into a place where a military conflict was taking place, Bob Dornan had a memory, an analytic capability with respect to facts that nobody on this floor has had before or since. He can give you population, he can give you all the various armed services that that country possessed, all the weaponry they possessed. And, similarly, he could totally analyze the adversary of that particular country so he could give you, basically, the match-up on both sides. What a great asset for this House.

Mr. STEARNS. Further reclaiming my time, let me take back my time and return to my colleague.

The gentleman went right into one of the things that I wanted to mention, which was his favorite line of scripture. Because he believes this is what our military and police officers today do for us on a daily basis and embodies the ideal of patriotism that he believes is so very important. This line of scripture sort of ties into what my colleague mentioned when he tried to separate the Members of Congress when they got into a little scuffle here. The line is, "Greater love than this no man has than he lay down his life for his friends."

When I think about Bob Dornan's willingness to sacrifice—and, as my colleagues know, his full name is Robert Kenneth Patrick Dornan. Almost, when I saw the movie Brave Heart, I could not help but think of Bob Dornan because of his spiritedness and his mission and willingness to go to any lengths to help his fellow man, not just on the basis of humanitarian purposes but on honor and duty and country.

Mr. HUNTER. If the gentleman would yield further, that reminds me there was in the last year or so a lot of talk about ethnic conflict and who Bob Dornan likes and who he does not like.

I was just reminded when I was in Salvador with him, that little country, we were in Salvador during the time when Jose Napoleon Duarte, that great leader, democratic leader, in Salvador was trying to move that country from its past of military dictatorships to democracy. What a great scene that was, the one when they finally had the election.

There was a lot of activity on the part of the communist guerillas, who were supplied by the then Soviet Union, and they were trying to disrupt the election. A lady stood in line, and she had blood dripping from her arm. She had a bullet wound in the arm; and somebody said, "Do you want to go to the infirmary?" She said, "No, I never had a chance to vote and I am going to vote." I am reminded of that.

I am reminded of Jose Duarte, one of Bob Dornan's real heroes. Bob had a number of us over to Jose's house, the leader of El Salvador, at a time when he was starting to make that democracy work and he had all these great hopes for the people of El Salvador. If my colleagues could have seen and all the Americans could have seen and the Hispanic-Americans could have seen Bob Dornan sitting there with that great leader, Jose Duarte, and encouraging him to continue his fight for democracy and telling him how much he admired him and everyone who loved freedom in that small country that was beset by so many troubles, I mean, your hearts would have gone out to Bob Dornan.

Of course, his other idol, his other hero, was Cardinal Obando y Bravo, that brave Catholic leader in Nicaragua who dared to stand up to the communist Sandinistas. He was always being oppressed by that group, but he hung in there, and Bob Dornan loved him for that.

Bob Dornan loved our freedom, and that is one reason he went to Vietnam eight times. He went there as a combat photographer on five different occasions. Nobody else has done that.

My colleague mentioned that Bracelet, that POW bracelet that so many people wore. What a great idea that was. Think of all the hope that that gave people over the years and comfort that it gave them. It gave them a feeling, whenever they saw another person wearing the bracelet, they knew that this American was in solidarity with them, that they appreciated their people that had been left, the POWs and MIAs.

I know that bureaucracy came to the conclusion when the Clinton administration felt like it had to recognize communist Vietnam and they felt like they had to do that and so they pushed aside the 800-and-some odd sightings of POWs that had been reported by boat people and other folks that had fled that country. But Bob Dornan, even when that became an uncomfortable position for a person in Washington, D.C., a Washington that wanted to move over, on to other issues and move on to the issues of big business doing business in communist Vietnam, Bob Dornan held tough.

We can lose a lot of things in this life and in this political life, but he never lost his loyalty to an issue or his loyalty to his friends. That loyalty was something that every Member of Congress who walks onto the House floor should take a lesson from.

Mr. STEARNS. My colleague is correct there. I would like to reclaim my time for a moment here to also make the emphasis that Bob Dornan, while he had a national agenda and was concerned about the military personnel and had a humanitarian agenda, he was also a very wonderful, strong advocate for his congressional district. This is an individual that worked hard in his district, was available, was willing to listen to anybody at any time.

I just want to talk a little bit about what he has done in his congressional district. Because the people might know Bob Dornan because of the bracelet. They might know about him because of his oratorical skills, about his advocacies for pro-life. They might talk about his traveling the country speaking against drugs and violent crime and child pornography and some of the social issues. He was willing to take a stand.

He has won the endorsement and respect from law enforcement agencies and organizations around the country, but also, in his congressional district, the Santa Ana Police Officers Association, Latino Peace Officers Association, the National Association of Police Organizations, Crime Victims United.

But here is just some of the sampling of the things that he has done for the 46th District, his congressional district. He obtained more than $1 million for the Santa Ana Fiesta Marketplace, which is very important because it rebuilt the downtown Santa Ana neighborhood. He obtained Federal funding to assist in cleaning up neighborhoods in Buena Vista from a slum drug and prostitute area into a clean, drug-free environment for our kids. This meant he went down into the district, assessed the situation, and worked hard to get the Federal funding.

Of course, my colleagues know we were in the minority at that point. We were not in the majority. So to have a Member of Congress to get this Federal funding back into the district in which he was in the minority party is important to realize.

He assisted in obtaining police hiring grants to place new police officers in Garden Grove and Santa Ana. He facilitated in the construction of a four-acre police and fire training center in Santa Ana. He worked to ensure that the Department of Defense cleans toxic waste from El Toro Marine Corps Air Station, included a provision in the Illegal Immigration Reform Bill to empower the cities in the 46th district to apply for Federal reimbursement for costs associated with incarcerating criminal aliens.

He helped obtain almost $1 million in Federal funds for Rancho San Diego College, and he sponsored a breast health awareness fair in his district.

So, I mean, the list goes on and on of the achievements in his district on a local level for the people he represented. So even though we know Bob for some of his national agenda, these achievements are just a sample of what he has done just for the people in his district.

Mr. HUNTER. If the gentleman will further yield, and among those people were some of the people who were the most defenseless and the most without representation; and those, of course, are unborn children. Today, when we have the awareness, this growing awareness, by America that this late-term abortion, or partial-birth abortion, where a baby is actually partially born and then killed by the abortionist, that is waking America up to the horrors of abortion.

Bob Dornan was the advocate for a lot of little human beings who could not vote, could not campaign for him, did not have PAC money. But they were important for him because he had a big heart and because of his religion.

You know, we used to have a lot of fun with Bob. I mean, Bob was a guy who was an Irishman with a great sense of humor and a great sense of fun, and he was great to be with.

But I will tell you, when he was a first sponsor of the right to life, the fundamental right to life bill that was introduced here in the House of Representatives, when you had a right to life issue on the House floor, Bob Dornan was by far the most professional, most serious legislator I have ever seen.

He, together with the great HENRY HYDE and CHRIS SMITH from New Jersey and a lot of the rest of us who are kind of spear carriers in the battle, he led that battle. He did such a great job, because when Bob spoke from the heart, everybody heard him loud and clear.

Mr. STEARNS. Well, I think that is what happens, is that Bob Dornan had this ability to project issues. Where a lot of us cannot create the aura and the rhetoric necessary to bring this into the people's mind, he could do this.

A lot of people would say that, if Bob Dornan gets ahold of an issue, he does not let it go. He sort of root hog or die, sort of the cry that the people had when they went West from the East in their covered wagons. They were going to make it one way or the other. That is the kind of determination that he had when he had an issue.

He was a very substantive Member of Congress. He had issues. He had things he believed in. You know, I say to my colleague from San Diego, there is no use being here. There is no use getting elected every year if you do not stand for something. If you come here to go along and get along, it makes no point.

You are on the board of the directors of this most wonderful, most powerful country in the world economically and militarily. You should not come to this district and hide. You should come to this district and point the way, be a beacon of light, be a light that other people can see and project what your ideas should be for all of America.

So I think Mr. Dornan did that in an unbelievable fashion. In a very truthful way, he said, I am going to be a credible congressman. I am going to state my mind. Only if 435 members would actively get engaged like Bob Dornan can we actually come up with a solution which is right. Then the people can say, is that a proper way? Is that truth or not? Bob Dornan made those a strong advocate of ideas.

Mr. HUNTER. While he represented his people and his constituency, he never let his principals be pushed aside by a poll.

We have the media always telling us polls are a bad thing in this country, and you should not always stick your finger up in the wind to see which way it is blowing before you make a decision as to what your principals are. Bob Dornan never made a major decision based on which way the wind was blowing. He had the principals, had that compass right inside him.

Incidentally, one thing we have not mentioned is that he was the Chairman of the Personnel Subcommittee on the Committee on National Security. He was the guy, when he was a chairman of that subcommittee, who authored the pay raise for every single man and woman who wears a uniform and who put in literally dozens and dozens of incentives to be in the military, incentives to stay, that helped retention, and all kinds of things that were good for quality of life for our military families. Military families never had a better friend in the House of Representatives than Bob Dornan.

Mr. STEARNS. Do you remember when you were in leadership and you assigned me as chairman of a personnel task force and, at that time, we were discussing lifting the ban on gays in the United States military and the new policy and we had several hearings? Bob Dornan was active in that.

Perhaps a lot of Members did not necessarily agree with Bob Dornan. But Bob Dornan had a strong principle in which he stated his position; but, at the same time, he was willing to listen to other people on this very controversial issue.

I remember having our hearings, of which you were helping us to bring in witnesses. He would attend those hearings, and he would ask the most concise and cogent questions. He helped to form our policy in the Republican Party dealing with this whole policy.

Today, in this important area of, you know, lifting the ban on gays in the military, he stood in the gap. I commend him for that.

Something else we should remember is that he participated in Dr. Martin Luther King's historic march on Washington.

□ 1700

A lot of Members of Congress watched it on TV. A lot of Members of Congress said, well, that is just an issue I am not involved in.

But Bob Dornan believes in the rights of individuals. He does not believe that any man or woman should be discriminated on the basis of race, creed color, or national origin. So he was out there participating, and you can see his picture in some of these photographs from the civil rights movement, in which there is Bob Dornan, out there participating. Because this is part of his personality. He wanted to get involved, he knew it was the right thing to do.

He traveled to Mississippi to assist in efforts to register black voters, despite death threats from the KKK.

Mr. HUNTER. Let's hold up on that one. Some Members of the media have accused Bob of believing in ethnic differences and in oppressing ethnic groups who want to register and vote.

So here is a guy who went to Mississippi when it was not very popular to go to Mississippi, to help the black community to register and vote, and who also marched with Martin Luther King, being accused of not believing in the community of America. Bob Dornan believed in the community of America probably more than anybody else who has ever walked out on this House floor.

Mr. STEARNS. That is why earlier I mentioned that he is a true humanitarian. He makes a statement in his life and in his past activities that "I believe freedom that works; I believe all men and women should have the opportunity to enjoy success," and he was just a patriot. He was an individual that was an active proactive individual, with a high level of energy and an enormous intelligence.

So I think tonight, that is why you and I felt it so important to come down here, because we were just moved, based on what we had seen in the newspapers today, we thought, by golly, we have got to come down here and talk about, as you pointed out, his participation in this historic march on Washington with Dr. Martin Luther King.

Mr. HUNTER. I think if Bob was here, he would say to us, "You ain't seen nothing yet," because Bob Dornan still possesses all those great talents and that great heart for America. He has a lot of wonderful kids and grandkids, and I am privileged to know some of them and have spent a lot of great time with them. Robin and Kathy, and Mark and Bobby, Jr., and Terry; and the grandkids, Ricky and Para, and Kevin and Collin, and Anna and Haley, and, incidentally, that Haley is named after I think Uncle Jack Haley, who was the Tin Man in the Wizard of Oz. That is where Bob got some of the show business blood in his veins. Erin, Robbie, Liam, Molly and Morgan.

Incidentally, Bobby Dornan, Jr., is a great buddy of mine, lives out in Virginia. We were out working on a log cabin together, and he had this little tiny baby in his arms, and I said, "Who is this?" And he said, "This is little Molly Dornan."

I tell you, if you have ever seen Bob Dornan with little Molly and the all the rest of them, and you have seen them on this bobsled run, I mean, this thing is like the Olympics. I would not get on this run, but Bob Dornan puts all these fearless grandkids together, bundles them all down around him, and goes whipping down this bobsled run at about 100 miles per hour. Bob Dornan is one of the great grandfathers in American history.

He also lets them pelt him with water balloons, and he showed an extraordinary amount of restraint when all of these grandkids started giving him the water balloon barrage.

Here is a great guy, great family man, great American. We are going to see a lot more of him.

Mr. STEARNS. You point out his family tradition. As I recollect now, I think he was been married about 43 years to one lovely woman——

Mr. HUNTER. Sally.

Mr. STEARNS. Sally. His family life exemplifies his whole life, in the sense that he is a strong family man for family, God, and all the decency that exists today in our culture.

So we will take another time to talk about our great friend and great patriot, Bob Dornan, but on this evening, we have let our sentiments to our colleagues be known.

Mr. HUNTER. God bless Bob Dornan and all those little Dornans.

Mr. STEARNS. God bless Bob Dornan.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLINK (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:

Ms. SÁNCHEZ, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mr. FOLEY, for 5 minutes today and February 11.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. LOWEY, for 5 minutes today.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. CLAYTON, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DOGGETT) and to include extraneous matter:

Mr. VISCLOSKY.
Mr. DELLUMS.
Mr. HASTINGS.
Mr. POSHARD.
Ms. ROYBAL-ALLARD.
Mr. DAVIS of Illinois.
Mr. ANDREWS.
Mr. DAVIS of Florida.
Mr. DIXON.

The following Members (at the request of Mr. WOLF) and to include extraneous matter:

Mr. DIAZ-BALART.
Mr. RADANOVICH.
Mr. MCINTOSH.
Mr. ARCHER.
Mr. BURTON of Indiana.
Mr. SALMON.

The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:

Mr. COBLE, in two instances.
Mr. FORBES.
Mr. KIND.
Mr. ANDREWS.
Mr. HINCHEY.
Mr. ROMERO-BARCELO.
Mr. MCKEON.
Mr. BURTON of Indiana.
Mr. DIXON.
Mr. VISCLOSKY.
Mr. DELLUMS.
Ms. ROYBAL-ALLARD.
Mr. HAMILTON.
Mr. HASTINGS of Florida.
Mr. POSHARD.
Mr. SALMON.
Mr. WELDON of Florida.
Mrs. MORELLA.
Mr. GOODLING.
Mr. CALLAHAN.
Mr. HYDE.
Mr. BISHOP.
Mr. BAKER.
Mr. SOUDER.
Mr. LUCAS of Oklahoma.
Mr. PICKERING.
Ms. JOHNSON of Texas.
Mr. PICKETT.
Mr. HUTCHINSON.
Ms. KILPATRICK.
Mr. WELLER.
Mr. SOLOMON.
Mrs. FOWLER.

The following Members (at the request of Mr. STEARNS) and to include extraneous matter:

Mr. PITTS.
Mr. PAYNE.
Ms. STABENOW.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport".

ADJOURNMENT

Mr. STEARNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 3 p.m. on Wednesday, February 11, 1998.

Thereupon (at 5 o'clock and 5 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Wednesday, February 11, 1998, at 3 p.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Member, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable GREGORY W. MEEKS, Sixth District of New York.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, January 26, 1998.

The Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995, 2 U.S.C. §1383, I am transmitting the enclosed Supplementary Notice of Proposed Rulemaking (requesting further comment on proposed amendments to procedural rules previously adopted) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notices be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,
RICKY SILBERMAN,
Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997). The Congressional Accountability Act of 1995 ("CAA") applies rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 and 215 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHAct"), became effective with respect to GAO and the Library on December 30, 1997. The NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of: (1) proceedings relating to these sections 204–206 and 215, (2) proceedings relating to section 207 of the CAA, which prohibits intimidation and reprisal for the exercise of rights under the CAA, and (3) regulating *ex parte* communications.

In the only comments received in response to the NPRM, the Library questioned whether the CAA authorizes employees of the Library to initiate proceedings under the administrative and judicial procedures of the CAA alleging violations of sections 304–207 of the Act. The Office is publishing this Supplementary Notice of Proposed Rulemaking (this "Notice") to give the regulated community an opportunity to provide further comment on the questions raised by the Library's submission.

With respect to proceedings relating to section 215 of the CAA (OSHAct) and with respect to *ex parte* communications, a separate Notice of Adoption of Amendments is being prepared to extend the Procedural Rules to cover GAO and the Library and their employees and to respond to relevant portions of the Library's comments, and will be published shortly.

Dates: Comments are due within 30 days after the date of publication of this Notice.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly provides that GAO and the Library and their employees are included within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act:

(a) EPPA. Section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA")—in which subsection (a) generally prohibits an employing office from requiring a covered employee to take a lie detector test, regardless of whether the covered employee works in that employing office; and subsection (b) provides that the remedy for a violation shall be such legal and equitable relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits.

(b) WARN Act. Section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act")—in which subsection (a) prohibits the closure of an employing office or a mass layoff until 60 days after the employing office has served written notice on the covered employees or their representatives; and subsection (b) provides that the remedy for a violation shall generally be back pay and benefits for up to 60 days of violation.

(c) USERRA. Section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA")—in which subsection (a) protects covered employees who serve in the military and other uniformed services against discrimination, denial of reemployment rights, and denial of benefits by employing offices; and subsection (b) provides that the remedy for a violation shall include requiring compliance, requiring compensation for lost wages or benefits and, in case of a willful violation, an equal amount as liquidated damages, and the use of the "full equity powers" of "[t]he court" to fully vindicate rights and benefits.

(d) OSHAct. Section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct")—in which subsection (a) protects the safety and health of covered employees from hazards in their places of employment; subsection (b) provides that the remedy for a violation shall be an order to correct the violation; and subsection (c) specifies procedures by which the Office of Compliance conducts inspections, issues and enforces citations, and grants variances.

Sections 204–206 and 215 go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The Board of Directors of the Office ("Board") transmitted its study (the "*Section 230 Study*") to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The NPRM proposed to extend the Procedural Rules of the Office, which govern the consideration and resolution of alleged violations of the CAA, to cover GAO and the Library and their employees in four respects:

(1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the Procedural Rules detail the procedures administered by the Office under sections 401–406. On the premise that GAO and the Library and their employees are covered by the statutory procedures of sections 401–408 when there is an allegation that sections 204–206 have been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of these sections.

(2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA. On the premise that GAO and the Library and their employees are covered under section 207, as well as under the statutory procedures of sections 401–408 when there is an allegation that section 207 has been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207.

(3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the Procedural Rules detail the procedures administered by the Office under that section. As these statutory procedures are part of section 215, which expressly covers GAO and the Library and their employees, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of proceedings under section 215.

(4) Section 9.04 of the Procedural Rules, which regulates *ex parte* communications, includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a proceeding or rulemaking." As GAO and the Library and their employees may reasonably be expected to be involved in proceedings and rulemakings, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

As to proceedings under section 215 of the CAA (OSHAct) and *ex parte* communications, the Library's comments argue that the Library should not now come under the Office's Procedural Rules generally or under the Rules relating to section 215 proceedings specifically. After considering those arguments, the Executive Director, with the approval of the Board, has decided to amend the Procedural Rules to cover GAO and the Library and their employees with respect to proceedings under section 215 and *ex parte* communications, and a Notice of Adoption of Amendments to accomplish this and to respond to relevant portions of the Library's comments is being prepared and will be published shortly.

However, as to whether CAA procedures cover GAO and the Library and their employees for purposes of resolving disputes under section 205–207, the Library's comments raises issues of statutory interpretation upon which the Office seeks comments. The Library argues that Congress "expressly excluded" the Library and other instrumentalities from the application of all procedural and other provisions of the CAA other than the substantive provisions in Title II. The Library states: "A fair reading of the CAA is that Congress intended to ensure that the Library's employees were covered by the substantive protections of the law, but that no procedural regulations should affect the Library's employees until the Office of Compliance completed its study [under section 230], made it legislative recommendations, and Congress acted on those recommendations." (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) The Office hereby invites the views of the entire regulated community on the issues raised by the Library, including the following specific questions:

SUPPLEMENTAL REQUEST FOR COMMENT

1. Can GAO and Library employees use the administrative and judicial procedures of sections 401–408 of the CAA when a violation of sections 204–206 (EPPA, WARN Act, USERRA) is alleged?

As noted above, the NPRM was premised on the view that the administrative and judicial procedures of section 401–408 cover GAO and the Library and their employees with respect to proceedings where violations of sections 204–206 are alleged. Because the procedures in section 401–408 can only be invoked upon an allegation that substantive rights granted in Title II have been violated, the procedures arguably derive their scope from the substantive provision involved in a particular proceeding. Sections 204–206 expressly cover GAO and the Library and their employees, and, if the premise of the NPRM is correct, proceedings under sections 401–408 that involve alleged violations of sections 204–206 may likewise cover those instrumentalities and employees. However, the Library's comment challenged this premise, arguing that Congress "expressly excluded" the Library and other instrumentalities from the application of all portions of the CAA except the substantive provisions of Title II.

Commenters are asked to provide their views as to whether the statutory procedures under sections 401–408 should be construed as covering GAO and the Library and their employees where violations of sections 204–206 are alleged, and are requested to present the legal rationales that may bear on this inquiry. Commenters should address:

The relationship, if any, between the substantive requirements and remedies granted in part A of Title II and the procedures established in Title IV of the CAA.

The definitions and usage of the defined terms "covered employee" and "employing office" in various portions of the Act.

Whether the statute can be read to provide substantive rights and remedies but not procedures.

The provision in section 415 of the CAA prohibiting the use of the Office's awards-and-settlements account for awards and settlements involving GAO and the Library.

The effect that section 225(d) of the CAA should have in determining this issue.

The canons of construction requiring that statutes in derogation of sovereign immunity must be construed strictly in favor of the sovereign and that a statutory construction which raises constitutional questions such as separation-of-powers may be adopted only if clearly required by the statutory text.

2. Notwithstanding whether the procedures established under the CAA apply, are other procedures, whether internal or external to GAO and the Library, available for considering alleged violations of sections 204–206 and for imposing the remedies available under those section?

In conducting the *Section 230 Study*, the Board received information from GAO and the Library and their employees indicating that a variety of internal and external venues are available for consideration of employee allegations of violations of workplace rights and protections. Commenters are invited to provide their views on the extent to which procedures other than those established by the CAA are available to GAO and the Library and their employees where a violation of sections 204–206 is alleged and the monetary and equitable remedies specified in those sections are sought. Furthermore, insofar as existing procedures may not comprehensively cover any dispute or provide any remedy afforded under the CAA, do GAO, the Library, and other employing offices have the authority to craft new procedures and, through such procedures, to grant whatever monetary and non-monetary remedies the CAA provides?

In responding to this inquiry, commenters are also asked to consider the implications of several provisions in the CAA. Do the following provisions limit the availability to GAO and the Library and their employees of the administrative, judicial, and negotiated procedures that might otherwise be available to them where violations of sections 204–206 are alleged and remedies granted under those sections are sought.

Section 225(d) and (e) and 401 contain provisions specifying, in general terms, what procedures must be used to consider a CAA violation and to seek a CAA remedy.

Section 409 and 410 allow judicial review of CAA regulations and of CAA compliance only pursuant to the procedures of section 407, which provides for judicial review of Board decisions, and section 408, which provides a private right of action.

Commenters are also requested to be clear as to whether procedures available outside of the CAA cover claims by applicants for employment, former employees, and temporary and intermittent employees, and whether these procedures cover allegations by GAO or Library employees that their rights granted under the CAA were violated by other employing offices and allegations by employees of other employing offices that their CAA rights were violated by GAO or the Library.

3. Does section 207 of the CAA cover GAO and the Library and their employees with respect to sections 204–206 and 215? If not, do other laws, regulations, and procedures covering GAO and the Library and their employees afford similar protection against intimidation and reprisal for exercising CAA rights?

The RPRM proposed to amend the Procedural Rules to cover GAO and the Library and their employees with respect to "any allegation of intimidation or reprisal prohibited under section 207 of the Act." While the Library did not object to this proposal, section 207 does not expressly cover GAO and the Library and their employees. Comment is therefore invited on whether the prohibition against intimidation and reprisal established by section 207 should be construed as covering GAO and the Library and their employees.

If section 207 is construed not to apply, would other laws and regulations covering GAO and the Library and their employees afford protection against intimidation and reprisal for exercising rights under the CAA Would these laws and regulations afford the same substantive rights and remedies as section 207? What procedures would be available to consider violations and to impose such remedies? Commenters are requested to be clear as to whether such laws, regulations, and procedures outside of the CAA cover applicants for employment, former employees, and temporary and intermittent employees, and whether these laws, regulations, and procedures cover allegations that GAO or the Library intimidated or took reprisal against employees of other employing offices and allegations that other employing offices intimidated or took reprisal against GAO or Library employees for exercising rights granted under the CAA.

* * * * *

No decision will be made as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of alleged violations of sections 204–207 until after the comments requested in this Notice have been received and considered. During this interim period, the Office will accept requests for counseling under section 402, requests for mediation under section 403, and complaints under section 405 filed by GAO or Library employees and/or alleging violations by GAO or the Library where violations of sections 204–207 of the CAA are alleged. Any objections to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408. The Office will counsel any employees who initiate such proceedings that a question has been raised as to the Office's jurisdiction and that the employees may wish to preserve their rights under any other available procedural avenues.

Signed at Washington, D.C., on this 26th day of January, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7006. A letter from the Secretary of Defense, transmitting the Department's Annual Report to the President and the Congress 1998, pursuant to 10 U.S.C. 113; to the Committee on National Security.

7007. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 98–7: Emigration Policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, pursuant to 19 U.S.C. 2432(a) and 2439(a); (H. Doc. No. 105—209); to the Committee on International Relations and ordered to be printed.

7008. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—212); to the Committee on International Relations and ordered to be printed.

7009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Department's report entitled "Country Reports on Human Rights Practices for 1997," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

7010. A communication from the President of the United States, transmitting the President's report entitled "Destruction of Equipment East of the Urals"; to the Committee on International Relations.

7011. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–226, "James M. McGee, Jr., Street, S.E. Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7012. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–227, "Ronald H. Brown Building Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7013. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–228, "Brian T. A. Gibson Memorial Building Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7014. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–229, "Closing of a Public Alley in Square 5157, S.O. 95–107, Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7015. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–230, "Taxicab Commission Hearing Examiner Amendment Act of 1997" received January 29, 1998, pursuant to

D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7016. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-231, "Fleet Traffic Adjudication Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7017. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-232, "Closing of a Public Alley in Square 5405, S.O. 96-135, Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7018. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-233, "Criminal Code Technical Amendments Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7019. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-234, "Establishment of Council Contract Review Criteria Temporary Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7020. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-235, "Tax Revision Commission Establishment Temporary Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7021. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-236, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-246, "Technical Amendments Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7023. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-249, "Chief Procurement Officer Qualification Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7024. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Department of Employment Services' Surplus Tax Surcharge Funds.," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

7025. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

7026. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled the "Federal Employees Health Benefits Children's Equity Act of 1997"; to the Committee on Government Reform and Oversight.

7027. A letter from the Secretary of Energy, transmitting the FY 1997 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7028. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

7029. A letter from the the Administrative Assistant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 76th National Convention, including their annual audit report of receipts and expenditures as of December 31, 1996, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 105—208); to the Committee on Veterans' Affairs and ordered to be printed.

7030. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Albania, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—210); to the Committee on Ways and Means and ordered to be printed.

7031. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 2000; to the Committee on Ways and Means.

7032. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 352. Resolution providing for consideration of motions to suspend the rules (Rept. 105-415). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE:

H.R. 3163. A bill to amend the Trademark Act of 1946 to provide protection for trade dress, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON (for himself and Mr. YOUNG of Alaska):

H.R. 3164. A bill to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Resources.

By Mr. BAKER:

H.R. 3165. A bill to amend the Securities Exchange Act of 1934 to provide an opportunity for judicial review concerning the adoption of accounting principles applicable to issuers of federally-registered securities; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. ARCHER, Mr. THOMAS, Mr. MICA, Mr. SALMON, Mr. SESSIONS, Mr. GILMAN, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. ENSIGN, Mr. NORWOOD, Mr. CANNON, Mr. HASTERT, Mrs. KELLY, Mr. COX of California, Mr. STUMP, Mr. PAUL, Mr. BALLENGER, Mr. INGLIS of South Carolina, Mr. WALSH, Mr. PAPPAS, Mr. DREIER, Mr. CHRISTENSEN, Mr. GANSKE, Mr. KNOLLENBERG, Mr. FOLEY, Mr. MCCRERY, Mr. CRANE, Mr. BRADY, Mr. SAM JOHNSON, Mr. ENGLISH of Pennsylvania, Mr. CAMP, Ms. GRANGER, Mr. MILLER of Florida, Mr. DELAY, Mr. HILLEARY, Mr. TALENT, Mr. PETRI, Mr. COOK, Mr. HOUGHTON, Mr. MCINTOSH, Mr. BOEHNER, Mrs. MYRICK, Mr. ARMEY, Mr. HOEKSTRA, Mr. SPENCE, Mr. HAYWORTH, Mr. BARTON of Texas, Mr. PETERSON of Minnesota, Mr. BOB SCHAFFER, Mr. LINDER, Mr. METCALF, Mr. SOUDER, Mr. NUSSLE, Mr. SHADEGG, Mr. WELDON of Florida, Mr. KLUG, Mr. ROHRABACHER, and Mr. DICKEY):

H.R. 3166. A bill to amend title 5, United States Code, to permit the use of medical savings accounts under the health benefits program for Federal employees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. KING of New York, Mr. LAZIO of New York, Mr. FORBES, and Mrs. MCCARTHY of New York):

H.R. 3167. A bill to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. HUTCHINSON (for himself, Mr. CANADY of Florida, Mr. CONYERS, Mr. HASTINGS of Florida, Mrs. MYRICK, Mr. BLUNT, Ms. LOFGREN, Mr. OBERSTAR, Mr. ALLEN, Mr. KLECZKA, Mr. FILNER, Mr. DEFAZIO, Mr. FROST, Mr. MARTINEZ, Ms. FURSE, Mr. BARRETT of Wisconsin, Mr. WEXLER, and Mr. SHADEGG):

H.R. 3168. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 3169. A bill to amend the Occupational Safety and Health Act of 1970 to include State and local law enforcement agencies under the protection of such Act; to the Committee on Education and the Workforce.

By Mrs. KENNELLY of Connecticut:

H.R. 3170. A bill to amend the Internal Revenue Code of 1986 to prevent the conversion of ordinary income or short-term capital gain into income eligible for the long-term capital gain rates, and for other purposes; to the Committee on Ways and Means.

By Mr. KLUG (for himself, Mr. OXLEY, Mr. HALL of Texas, Mr. STEARNS, and Mr. PAXON):

H.R. 3171. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce.

By Mr. PETERSON of Pennsylvania:

H.R. 3172. A bill to provide that funds received by the Federal Government from a tobacco industry settlement shall be used for part A of Medicare; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3173. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE (for himself, Mr. Hastings of Washington, Mr. Franks of New Jersey, Mrs. Maloney of New York, and Mr. Nethercutt):

H.R. 3174. A bill to amend the Federal Election Campaign Act of 1971 to require electronic preservation and filing of reports filed with the Federal Election Commission by certain persons, to require such reports to be made available through the Internet, and for other purposes; to the Committee on House Oversight.

By Mr. GILMAN (for himself and Mr. Gingrich):

H. Con. Res. 209. Concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on Government Reform and Oversight.

By Mr. SHAYS (for himself, Mrs. Johnson of Connecticut, Mr. Greenwood, Mr. Lipinski, Mrs. Kennelly of Connecticut, Mr. Regula, Mr. LaFalce, Mr. Farr of California, Mr. Frost, and Mr. Goode):

H. Con. Res. 210. Concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAZIO of California:

H. Res. 351. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. KINGSTON (for himself, Ms. Brown of Florida, Mr. Callahan, Mrs. Fowler, Mr. Traficant, Mr. Wamp, Mr. Barrett of Nebraska, Mrs. Maloney of New York, and Mr. Deal of Georgia):

H. Res. 353. A resolution expressing the sense of the House of Representatives concerning human rights and due process in Ecuador; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. Burton of Indiana.

H.R. 347: Mr. Shadegg.

H.R. 453: Mr. Vento, Mrs. Roukema, Mr. DeFazio, Ms. Rivers, Mr. Foley, and Mr. Wexler.

H.R. 586: Mr. Coyne.

H.R. 612: Mr. Jefferson, Mr. McIntosh, Mr. Poshard, Mr. Sessions, Mr. Barrett of Wisconsin, Mr. Brown of Ohio, Mr. Peterson of Minnesota, Mr. Hastings of Florida, Mr. Wise, Mr. Baesler, Mr. Pascrell, Mr. Nethercutt, Mr. King of New York, Mr. Mollohan, Mr. Hefley, and Mr. Cook.

H.R. 634: Mr. Bonilla.

H.R. 859: Mr. Ballenger, Mr. Stump, Mr. Turner, and Mr. Jones.

H.R. 979: Mr. Hefner, Mrs. Tauscher, Mr. Metcalf, and Mr. Hinojosa.

H.R. 1104: Mr. Frank of Massachusetts and Mr. Sherman.

H.R. 1111: Ms. Kaptur, Mr. Sandlin, Mr. Price of North Carolina, and Mr. Mollohan.

H.R. 1114: Mr. Castle and Mr. Combest.

H.R. 1126: Mrs. Lowey and Mr. Gordon.

H.R. 1215: Mr. Gilman.

H.R. 1231: Mr. Adam Smith of Washington.

H.R. 1302: Mr. Kennedy of Rhode Island.

H.R. 1362: Mr. Bass.

H.R. 1595: Mr. Ballenger.

H.R. 1689: Mr. Turner, Mr. Weygand, Mr. LoBiondo, and Mr. Hostettler.

H.R. 1763: Mr. Shays.

H.R. 1814: Mr. Foley.

H.R. 1951: Mr. Jackson, Mr. Oberstar, Ms. DeLauro, Mr. Poshard, and Mr. Blagojevich.

H.R. 2023: Mr. Kennedy of Rhode Island.

H.R. 2053: Mr. Fattah.

H.R. 2145: Mr. Farr of California, Mr. McHugh, Mr. Thornberry, and Mr. Watkins.

H.R. 2154: Mr. Clyburn, Mr. Frost, Ms. Slaughter, Mr. Fattah, Mrs. Thurman, and Mr. Gejdenson.

H.R. 2191: Mr. Peterson of Minnesota.

H.R. 2202: Mrs. Myrick and Mr. Engel.

H.R. 2228: Mrs. Maloney of New York.

H.R. 2250: Mrs. Myrick and Mr. Calvert.

H.R. 2363: Mr. Hastings of Washington.

H.R. 2365: Mr. Hinchey.

H.R. 2374: Mr. Dellums.

H.R. 2497: Mr. Skeen, Mr. Hilleary, Mr. Portman, Mr. Horn, Mr. Fossella, Mr. Whitfield, Mr. Pease, Mr. Lewis of California, Mr. Latham, Mr. Smith of Oregon, Mr. Pickering, Mr. Baker, Mr. McKeon, Mr. Hunter.

H.R. 2499: Mr. Hoekstra, Mr. Brown of California, Mr. Watts of Oklahoma, Mr. Jackson, and Mr. Gutierrez.

H.R. 2537: Mr. DeFazio and Mr. Gallegly.

H.R. 2556: Mr. Metcalf.

H.R. 2560: Mr. Brown of Ohio, Mr. Menendez, Mr. Hoyer, Mr. McDermott, Mr. Edwards, Mr. Sisisky, and Mr. Rothman.

H.R. 2604: Mr. Porter, Mr. Barrett of Nebraska, Mr. Canady of Florida, and Mr. Talent.

H.R. 2701: Mr. Manton, Mrs. Maloney of New York, Mr. Schumer, Ms. Stabenow, Mr. McNulty, Mr. Frank of Massachusetts, Ms. Velázquez, Mr. Nadler, Mr. Hinchey, Mrs. Lowey, Mr. Walsh, Mr. Serrano, Mr. Ackerman, Mr. Peterson of Minnesota, Mrs. McCarthy of New York, Mr. Towns, Mr. King of New York, and Mr. Mollohan.

H.R. 2713: Mr. Filner and Mr. McDermott.

H.R. 2714: Mr. Bilbray.

H.R. 2757: Mr. Poshard.

H.R. 2760: Mr. Hansen.

H.R. 2775: Mr. Fattah, Mr. Goodling, Mr. Coyne, Mr. Kanjorski, and Mr. McHale.

H.R. 2817: Mr. English of Pennsylvania and Mr. Blunt.

H.R. 2855: Mr. DeFazio and Mr. Borski.

H.R. 2868: Mr. DeFazio.

H.R. 2870: Mr. Dooley of California.

H.R. 2874: Mr. English of Pennsylvania.

H.R. 2884: Mr. Petri and Mr. Goodlatte.

H.R. 2908: Mr. Walsh, Mr. Engel, Mr. Gallegly, Mr. Lucas of Oklahoma, Mr. Peterson of Minnesota, Mr. McHugh, Mr. Ortiz, and Mr. Hill.

H.R. 2912: Ms. Jackson-Lee, Ms. Stabenow, and Mr. Lucas of Oklahoma.

H.R. 2914: Mr. Skelton.

H.R. 2923: Mr. Frost, Mr. Mollohan, and Mr. Cunningham.

H.R. 2936: Mr. Aderholt.

H.R. 2939: Mr. Nethercutt, Mr. Oxley, Mr. Hilleary, Mr. Miller of Florida, Mr. Coble, Mr. Goodlatte, Mr. Foley, and Mr. Calvert.

H.R. 2973: Mr. Norwood, Mr. Lewis of Georgia, and Mr. Sessions.

H.R. 2983: Mr. Evans, Mr. Meehan, Mr. McGovern, and Ms. Woolsey.

H.R. 3001: Mr. English of Pennsylvania, Mr. Filner, and Ms. Furse.

H.R. 3033: Mr. Frost, Mr. Menendez, Mr. Clay, Mr. Jefferson, Mr. Thompson, Mr. Stokes, Ms. Carson, Mr. Rush, Mr. Cummings, and Mr. Neal of Massachusetts.

H.R. 3086: Mr. Kennedy of Massachusetts and Mr. Rahall.

H.R. 3101: Mr. Frost and Mr. English of Pennsylvania.

H.R. 3102: Mr. Matsui, Mr. Frank of Massachusetts, Mr. English of Pennsylvania, Mr. Delahunt, Mr. Klug, Mr. Foley, Mr. Frost, and Mr. Paul.

H.R. 3110: Mrs. Myrick and Mr. English of Pennsylvania.

H.R. 3120: Mr. Kolbe, Mr. Radanovich, Mr. Cook, Mr. Crapo, Mr. Doolittle, Mr. Faleomavaega, Mr. McKeon, and Mr. Packard.

H.R. 3126: Mr. Borski.

H.R. 3133: Mr. Metcalf.

H. Con. Res. 106: Mr. Wexler.

H. Con. Res. 202: Mr. Christensen, Mr. Sessions, Mr. Inglis of South Carolina, Mr. Dickey, Mr. King of New York, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Bachus, Mr. Watts of Oklahoma, Mr. Hostettler, Ms. Pryce of Ohio, Mr. Buyer, and Mr. Cannon.

H. Res. 267: Mr. Souder, Mr. Petri, Mr. McIntosh, and Mr. Fawell.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2021: Mr. Lipinski.

H. Con. Res. 182: Mr. Davis of Virginia.

SENATE—*Thursday, February 5, 1998*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, we thank You for the blessings You release when Your people pray. The President and Vice President and their families, the Justices of the Supreme Court, the Members of the House of Representatives and the men and women of this Senate, along with those of us privileged to work with them, are recipients of the impact of the prayers of intercession prayed by millions of Americans around the clock. Help us to remember that You are seeking to answer those prayers as we receive Your wisdom and guidance. May we never feel alone or only dependent on our own strength. Your mighty power is impinging on us here as a result of people's prayers. An unlimited supply of supernatural strength, wisdom and vision from You is ready to be released.

But, Lord, also, remind us that our ability to receive is dependent on our willingness to pray for each other here as we work together. We recommit ourselves to be channels of prayer power not only to our friends and those with whom we agree, but also for those with whom we disagree, those we consider our political adversaries, and especially those who test our patience, or those we need to forgive. So, lift our life together from a battle zone of combative words to a caring community of leaders who pray for and communicate esteem for one another. Thank You for giving us unity in spirit as we deal with diversity of ideas. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator GORTON of Washington State, is recognized.

SCHEDULE

Mr. GORTON. Mr. President, on behalf of the majority leader, I announce that this morning the Senate will be in a period for the transaction of morning business until 11 a.m. At 11 a.m. the majority leader hopes that the Senate will be able to begin consideration of S. 1601, the cloning bill. We hope that the Senate will be able to make good progress on this legislation throughout today's session of the Senate.

As a reminder to all Members, the Senate will not be in session on Friday.

I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 1611

Mr. GORTON. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1611) to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

Mr. GORTON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the Calendar of General Orders.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. GORTON. Mr. President, I now ask unanimous consent that I may be allowed to proceed for 15 minutes in morning business and that, if the Senator from Nevada, Mr. REID, is on the floor when I complete my remarks, he be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

MICROSOFT

Mr. GORTON. Mr. President, while the Senate is conducting its morning business, a conference is being held in Georgetown by the Progress & Freedom Foundation (PFF) on an issue that has gotten a great deal of attention over the past few weeks. From the conference title—Competition, Convergence and the Microsoft Monopoly—one might be deceived into believing these are frightening times for American consumers.

Any fears about the success of Microsoft isn't coming from those who buy Microsoft products, but from frustrated competitors. While I don't dismiss the concerns expressed by anti-Microsoft factions, their arguments certainly lack force when consumers appear to be so completely uninterested in this tale.

In fact, that's the untold story in the drama of the past several months—what does the consumer think of all this? How are American consumers being impacted? These questions are appropriate when you consider that the anti-trust laws of this country came into being to encourage competition and to protect consumers, not to settle bickering among business competitors.

Unfortunately, a lot of words have been printed and broadcast on this subject, but we've hardly heard a peep from the people who matter most—the consumers. This concerns me precisely because it appears that so many people participating in this dispute have already decided who gets to wear the black hat, and who the white.

At this morning's event my colleague from Utah, Senator HATCH, who chairs the very committee that exercises jurisdiction over the antitrust laws, spoke to the PFF conference about the Microsoft dispute. Normally, I don't keep track of where my colleagues make speeches and what they speak about, but because Senator HATCH has been quoted in the news media as taking a very hard anti-Microsoft line, I feel compelled to share some of his statements with my colleagues and rebut some of the criticism that he, and other Microsoft critics, have tossed out in the past several weeks about one of America's most visible, and successful, companies.

On Jan. 25th, Senator HATCH spoke at length to the San Jose Mercury News about Microsoft and his competitors, and I was surprised by the tone of his remarks. The newspaper quotes Senator HATCH as saying, "if Microsoft has engaged in driving out competition, and I think it has—most everybody who's looked at it carefully believes it has—and takes control of (Internet standards), they're going to exercise a tremendous amount of control over Internet content and commerce." Senator HATCH goes on to say, "if they're using anticompetitive practices to achieve that, it's wrong—and we have to do something about it."

In light of Senator HATCH's comments, I am concerned about how Microsoft is treated on Capitol Hill. Fortunately, Senator HATCH has promised that the Judiciary Committee has no intention of interfering with [the Microsoft litigation] and as our examination goes forward, we will work in a bipartisan manner to ensure that it continues to be fair and balanced. (Feb. 3 letter to GORTON/MURRAY)

I appreciate this statement, but I must admit it concerns me when he speaks at a conference that refers to Microsoft as a "monopoly."

Having said that, I would like to begin my comments on the Microsoft investigation by making a couple of points:

First, the question of whether the company has violated antitrust laws is something of an abstract question that has been posed, not by American consumers, but by Microsoft's competitors. I believe that to be the key of this entire discussion, and why I feel so strongly that Microsoft is being treated unfairly. This isn't an effort led by those who purchase software products . . . if it were, you can be sure that my attitude would be much different . . . this fight was started by those who must compete with Microsoft, which, in my opinion, makes it very hard for those individuals and companies to make an argument that is not completely driven by their self-interest.

Let's remember why we have antitrust laws in this country—these laws weren't written to preserve unsuccessful competitors; they were written to encourage competition, and thereby protect consumers. And to date, I haven't seen one bit of evidence to support the theory that consumers are being hurt by Microsoft's success, or the success of any other company in the software industry.

Second, as a former state attorney general, I support government enforcement of antitrust laws, but I cannot support the DOJ's attempts to restrict Microsoft's ability to produce and market the full-featured products its customers demand. Product design decisions should be made by software developers responding to consumer demand in the marketplace, not by governmental agencies.

And so on behalf of the American consumer, indeed the American economy, I'd like to review a few facts that we simply should not overlook today.

From 1990 to 1996, the number of software companies in the United States grew 81 percent, from 24,000 to 44,000 companies.

During the same period, employment in the American software industry grew 70 percent, to more than 600,000 jobs today.

The industry generated direct wages of more than $36 billion in 1996, and another $83 billion in related sectors of the economy.

It generated $7.2 billion in taxes paid to federal and state governments, and another $7.9 billion through the "ripple" effect.

Venture capital investment in new technology companies is at an all time high—$2.4 billion invested last year alone.

Prices for personal computer hardware and software are constantly falling. Where a single Microsoft application such as Microsoft Word cost $399 in 1990, today consumers can acquire all of Microsoft Office (which includes word processing, spreadsheet, presentations, scheduling and other functionality) for just $499 at retail.

If Microsoft's competitors are right, how could all of that success taken place? Wouldn't logic tell us that if a "Microsoft Monopoly" actually existed, prices would be higher, job growth would be lower, and venture capital investment would be next to nothing? Yet, the facts show the opposite course.

Also, I think it's important to remind ourselves that all of these accomplishments took place without government regulation or interference.

Let's review that again: Competition in the American software industry is not only healthy but vigorous. America leads the world. Innovation is at an all-time high. Employment is flourishing. Prices continue to fall for consumers and businesses alike. Productivity is skyrocketing. And barriers to entry for any company or individual that wants to compete in this industry are low.

The principal assets required to create software are human intelligence, creativity and a willingness to assume entrepreneurial risk. All of the hallmarks of a thriving, healthy industry are in place in America's software industry.

Let's return now to this question—what is the basic goal of antitrust law in America?

I believe that the basic goal of our anti-trust laws is to promote competition, thereby insuring that consumers benefit from the widespread availability of goods and services at fair prices. Often competition is vigorous, but the fact that certain companies perform better than others is no reason to doubt that consumers benefit greatly from their success. As many courts have recognized, all companies should strive to do as much business as they can, even if that means taking business away from rivals, because it is that quest that causes the creation of new and better products offered to consumers at attractive prices.

So, why are a handful of Microsoft's competitors so successful at scaring up government investigations, public policy debates and media scrutiny? One might argue that all of these incredible statistics that I've just reviewed are somehow skewed because Microsoft is really the only beneficiary. In other words, all of the benefits accrue to Microsoft. Well, that's just wrong. Once again, the facts tell another story:

The top 20 companies in the industry account for only 42% of the total revenues from packaged software sales—demonstrating that the software industry is highly competitive and decentralized.

Microsoft represents less than 4% of total worldwide software industry revenues. In 1996, total software industry revenues were $250 billion; Microsoft's portion was less than $10 billion. How can there be a "Microsoft Monopoly" if Microsoft accounts for less than 4% of industry revenues? If such a monopoly existed, shouldn't that percentage be more like 60%, 70%, 80% or higher?

But what about Microsoft's dominance in the PC software space? Well, a few more facts:

In online services, Microsoft represents only 9.8 percent of the online services sector. America Online has 75 percent.

Database software: Microsoft represents only 6 percent of the database software sector, compared to Oracle's 30 percent share.

E-mail software: Microsoft represents only 14 percent of e-mail software revenues, compared to 43 percent for IBM/Lotus.

Server operating systems: Microsoft represents only 27 percent of server software revenues, compared to 41 percent for Novell.

Again, where is the monopoly? Percentages of 9.8, 6, 14 and 27 hardly sound like monolopies to me.

So we're still left to ponder, why the fuss over Microsoft, given all of this good news? This is the question so many in the media are striving to answer. The New Republic recently attributed it to techno-angst—society's anxiety about the Information Age and its desire to focus that angst on someone or some company.

I think a more plausible answer is a coordinated PR and lobbying campaign by a handful of Microsoft's competitors. Two weeks ago, the author and management guru James Moore wrote in The New York Times:

> The courtroom drama played out in Washington in recent weeks concealed what was happening backstage: a small number of companies that compete with Microsoft have managed to make the Federal Government an unwitting tool of their narrow competitive objectives.
>
> These sorts of unholy alliances almost always lead to bad policy. If users are better served, if the cost of software is reduced and if new layers of information-industry innovation are built, a strong argument can be made that the public good is being achieved without Government intervention.

The public good is being achieved without Government intervention. This cannot be overemphasized. The Progress and Freedom Foundation has played an important role in developing intelligent public policy with an eye toward limiting the role of government in markets. In 1995, PFF published a major study on the need to replace the FCC and substantially deregulate the telecommunications marketplace. Today, PFF is conducting a major project designed to limit government interference in the market for digital broadband networks. I applaud PFF's efforts on behalf of the free market in those industries, and am somewhat mystified by the organization's apparent inconsistency with regard to

Microsoft and the software industry. Based on the organization's past, I simply want to encourage the Progress and Freedom Foundation to remain steadfast in its belief in the American marketplace.

Now, I'd like to turn for a moment to addressing some of what I will call the myths out there about Microsoft. I think it's important that we deal with some of the less scholarly thinking and ideas up front.

Myth #1: Microsoft is somehow going to control access and commerce on the Internet.

I was amused to see a press release earlier this week from the New York Attorney General's Office making this claim. It's almost as though the PR campaign being championed by several Microsoft competitors who have decided these buzzwords have the most media appeal. Anyone who goes out onto the Internet to find the world of knowledge and information available there knows that no one will ever control access and commerce on the Internet. Such a thought is as laughable as suggesting one company will control all commerce and information in the world. The Internet is a vast information source that will continue to grow and expand. No company will ever represent more than a tiny fraction of all the commerce and all the content available on the Internet.

Myth #2: Some companies are afraid to come forward with complaints about Microsoft because they are afraid that Microsoft will use its dominance in the marketplace to punish them.

My colleague, the chairman of the Judiciary Committee, Senator HATCH, has made this charge himself in interviews with the news media. This is a serious accusation but one that is also baseless. Microsoft has gone so far as to give the Justice Department a letter that it can present to anyone and everyone doing business with the company encouraging them to cooperate with the DOJ on its investigation. Microsoft has been extremely cooperative for years with the DOJ. And it would be out of character for Microsoft—a company that values its partners—to make this an issue with them.

Myth #3: Microsoft's license agreements with Internet Service Providers unfairly force ISPs to promote only Internet Explorer, and prohibit ISPs from even mentioning the existence of Netscape Navigator.

Like PC manufacturers, ISPs know and understand their customers. They provide their customers with choice—whether it's Internet Explorer, Navigator or some other product. Microsoft has no exclusive arrangements with ISPs. This is a non-issue.

Myth #4: Microsoft is entering into proprietary agreements with Content Providers to create popular websites that can only be viewed using Microsoft's browser.

Let me be absolutely clear. A consumer can use any browser he or she wants to view any material on the Internet. A content provider may choose to take advantage of technology available in either Internet Explorer or Navigator to make their content even more compelling.

Content providers like Warner Brothers want to reach the most customers. They aren't looking for exclusionary technology. They are looking for the best technology to serve their customers. Right now Warner Brothers believes that Microsoft has the best technology. There are other content providers that believe Netscape has the best technology. That's what competition is all about. This is similar to saying that manufacturers of VHS videocassette players entered into proprietary deals with Hollywood studios to force their movies on VHS tapes rather than Beta tapes. Just as VHS and Beta were competing standards, so too are Internet Explorer and Netscape Navigator. May the best technology win.

Myth #5: The Justice Department is working to restore choice for consumers.

This is disingenuous at best. Consumers have always had choice. Netscape and thousands of other software programs run wonderfully on Microsoft Windows. In fact, the great untold story is how Microsoft spends more than $65 million and 1,000 Microsoft employees to work with its competitors to build great software applications that run on Windows.

It's important to understand these myths. Sound public policy must be based in fact, not competitive rhetoric.

These are exciting times for American consumers and for American business. Microsoft's business model, which is focused on rapid product development, broad distribution at low prices and close collaboration with hardware and software vendors, is helping to drive demand through the high technology sector. We are seeing upgrades to telecommunications networks—telephone, cable, satellite and wireless—the introduction of new types of devices such as hand held computers and automobile PCS—and the creation of innovative new software to make these networks and devices improve the lives of all consumers.

New technologies and new ideas are being introduced at a dizzying pace—led largely by innovative and highly competitive American companies.

I've spoken today about the American consumer and the American software industry. I'd like to conclude by talking a little about Microsoft. You can hardly talk about innovation and competition without focusing on Microsoft. It's founder, Bill Gates, is one of the true visionaries of the Information Age and his company has produced technology that will forever change the way we work, play and think.

I have enjoyed watching this phenomenal man and his company for many years. And over those years, I have seen Microsoft remain committed to four very important business principles that have guided the company since its founding:

1. Microsoft builds software that improves the quality of people's lives. Bill Gates' vision of Information at Your Fingertips brings businesses closer to their customers, voters closer to their elected officials, doctors closer to their patients and teachers closer to their students.

2. Microsoft listens closely to its customers and focuses on how it can do a better job. If you want to know the true secret to Microsoft's success, look at its intense focus on incorporating customer feedback into its products.

3. Microsoft believes that innovation is at the heart of its future. Microsoft will spend more than $2 billion this year on research and development. More than 16 percent of its revenues are dedicated to R&D. Its competitors, Sun and Oracle will spend about 8 percent of revenues on R&D.

4. Microsoft partners with many companies, large and small, who share these principles. Microsoft's thousands of partners are in every state in America—independent software vendors who build great software products for the Windows operating system, PC manufacturers, solution providers who support and implement Microsoft technology solutions and many other partners.

In conclusion, I believe that a review of the facts shows that the American software industry is healthy, vigorous, innovative and continually improving the lives of American consumers. Microsoft is one of many aggressive and innovative companies in this industry. Its leadership is an asset for the nation. Its leadership is also not guaranteed. In any dynamic, innovative industry such as software, your position in the market is only as strong as your last product release. The competitive threats to Microsoft are real.

As PFF, the participants at its conference, and many of my colleagues know all too well, it is the marketplace, not government regulation that will ensure continued innovation and consumer benefits.

Mr. HATCH. Mr. President, I ask unanimous consent that an address I gave to the Progress and Freedom Foundation be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SEN. ORRIN G. HATCH BEFORE THE PROGRESS AND FREEDOM FOUNDATION FEBRUARY 5, 1998

ANTITRUST IN THE DIGITAL AGE

Good morning. It is a true pleasure to be with you this morning and to be included in such a distinguished group of leading economic and antitrust thinkers. I know that, given the early hour, some of you no doubt are looking for some eye-opening comments. Well, I hate to disappoint, but, let's not kid ourselves folks, this is antitrust we're talking about, so I hope you've had your coffee.

Seriously, though, I would like to applaud the Progress and Freedom Foundation for convening this symposium, as well as those who have focused their intellectual energies on the topics to be discussed today.

It is, I believe, no overstatement to say that the so-called Digital Revolution is one of the most important economic developments of our age, one which promises to fundamentally change our economy, our business, and our daily lives.

Just when I have finally mastered how to set the clock on my VCR, I discover that it won't be long before I'll be watching movies off the Internet, not my VCR. Now I'm really beginning to understand that "virtual reality" means something more than simply getting up in the morning.

These rapid changes present numerous challenges to policymakers who are seeking to understand what, if any, role the government should play both in the transition to our new digital economy and in the new economy itself. These changes present challenges to policymakers who are seeking to ensure that, where there truly is a productive role for government, this role is both limited and effective.

While of course the Digital Revolution impacts numerous policy areas, I believe that, ranking high among those is the task of understanding the proper role of antitrust in high-technology markets. I promise to keep my comments brief this morning, but thought I would spend a few minutes discussing why I believe it is important for antitrust policymakers, law enforcers, and intellectuals to engage in a serious examination of market power and structure, and the proper role for antitrust enforcement, in the Digital Age.

Make no mistake about it—these are difficult issues. Anyone who suggests that the answers are easy cannot be taking the issues very seriously. But anyone who suggests that these are not serious policy issues, worthy of debate and study, has, for one reason or another, chosen to ignore reality.

But, the difficulty of the questions should not deter us from seeking answers. And, especially given the breathtaking pace by which technology is advancing, it is imperative that we search all the more diligently and assertively.

I. ANTITRUST AND FREE MARKETS

While there has always been, and probably will always be, considerable debate about the proper role of antitrust enforcement, it is important to note here something that just about everybody agrees with: some degree of antitrust enforcement is important to protecting our free market system and the consumers that system is meant to benefit.

Thus, most who, like myself, trumpet the free enterprise system, also recognize that proper antitrust enforcement plays an important role in protecting free markets. Let me repeat that. Proper antitrust enforcement plays an important role in protecting free markets.

From Adam Smith to Robert Bork, free market, free-enterprise proponents have long recognized as much. So let me debunk the myth that economic conservatives do not believe in antitrust. To the contrary, we believe strongly in antitrust—so long as the role of antitrust is understood properly and not overextended.

Properly conceived, the role of our antitrust laws is to maximize consumer welfare—allowing the marketplace to work its will so that the products consumers want can be produced in an efficient fashion and offered at competitive prices. The basic premise is that antitrust protects "competition" in the marketplace, and that a competitive marketplace enhances consumer welfare. In a properly functioning competitive market, consumer choice dictates which products will be produced and sold, and competition among firms determines who will make them and at what price. Consumer welfare is maximized, and society's "pie" is larger.

At the same time, though, our society and our antitrust laws recognize that markets will not always operate freely and achieve their objective of maximizing consumer welfare. The reality is that, in some circumstances, private market power can distort the workings of the marketplace and, as a consequence, can hurt consumer welfare by raising prices, restricting consumer choice, or stifling innovation. This is where antitrust steps in.

As Judge Bork has written, proper antitrust enforcement actually "increase[s] collective wealth by requiring that any lawful products . . . be produced and sold under conditions most favorable to consumers. . . . The law's mission is to preserve, improve, and reinforce the powerful economic mechanisms that compel businesses to respond to consumers." That's an important point—preserving "economic mechanisms that compel businesses to respond to consumers." [*The Antitrust Paradox* at 91 (1993).]

The $64,000 question, though—or, perhaps in today's context I should say the $300 billion question—lies in defining what actually injures consumer welfare, calling for antitrust enforcement. For it is not enough to say that any reduction in the amount of rivalry in a particular industry reduces competition, injures consumers, and should be stopped by antitrust laws. The very nature of competition and capitalism is for firms to beat each other in the marketplace. While this process—competition—certainly benefits consumers, its natural outcome is that the firms who succeed do so at the expense of other firms. [*See id.* at 49.]

Antitrust law certainly cannot be about punishing winners or protecting losers. The goal is not simply to identify practices that reduce competition or rivalry. Rather, it is to identify when the exercise of market power impedes markets from operating freely and, as a consequence, hurts consumers.

Where such situations can be identified, antitrust has the additional burden of identifying effective remedies that actually benefit consumers and are not more costly than the so-called anticompetitive practices identified in the first place. This sounds pretty simple, but it is not, especially when you are dealing with highly complex, fast-moving marketplaces such as high technology.

But it is my hope that those participating in this symposium today will help those of us in policymaking or enforcement positions arrive at the right answers. For getting the answers right is, I would argue, more important now than ever, especially with respect to these markets which will be the key to our economy for years to come.

II. THE IMPORTANCE OF ANTITRUST TO THE DIGITAL REVOLUTION

The stakes are high, because ill advised antitrust policy, whether it is overly aggressive or overly timid, could have drastic consequences for the future of our economy. I would like to spend the rest of my time this morning explaining why I think understanding and implementing appropriate antitrust policy for the digital marketplace is a singularly important policy issue.

1. *First* is the very simple fact that high technology represents the most important sector of our economy. High technology is the single largest industry in the United States, leading all other sectors in terms of sales, employment, exports, and research and development. [American Electronics Association. "Cybernation," 1997.]

Perhaps more importantly, high technology is the key to the development of our future economy. Not only will technology continue to be one of the driving forces behind our economy's growth, but it also will drive the development of the Internet, the "Information Highway," which, by all accounts, will fundamentally alter the way we do business.

Even Congress, which has traditionally been an institution of Luddites, is getting into the swing of things. Communication and accountability to our constituents is much improved by web sites and e-mail. Although, come to think of it . . . we may want to rethink this e-mail thing. Now we get feedback instantly—not even a grace period.

The future direction of the Internet will be shaped in no small part by events occurring in today's marketplace. A handful of developments in today's marketplace could, I believe, have tremendous impact on the Internet, electronic commerce, and information technology as a whole, for years to come.

2. Which brings me to my second, somewhat related reason for suggesting that antitrust enforcement in high technology is a vitally important policy issue. We are currently in the midst of important structural shifts in the computing world.

Given the unique nature of high technology markets, it is with respect to precisely such technological paradigm shifts that healthy competition and effective antitrust policy is most important. Allow me a moment to elaborate on this point, which I believe is a fundamental and important one.

As many economists and capitalists alike have come to recognize—including, I might note, many of today's participants, and software industry leaders such as Bill Gates—the economic dynamics in so-called "network" markets such as the software industry often allow individual firms to garner unusually large market shares in particular segments.

Most who have studied such markets closely, agree that the cyclical effects of network effects or increasing returns can translate early market leads into rather large market dominance, if not de facto monopolies, as well as a significant degree of installed base lock-in. This in itself is not anti-competitive when it results from proper market behavior.

While lock-in effects and single firm dominance of particular sectors certainly render a market less than competitive, and consequently has costs in terms of consumer welfare, it also produces an important positive effect.

When one firm dominates the market for a product which serves as a platform—a product to which other software developers will write their programs—that firm creates a de facto standard, a uniform platform. Software developers thus are not faced with the cost, in terms of time and resources, to develop applications that run across a variety of platforms. This can lead to significant boosts in productivity and innovation.

Indeed, this is precisely what we have seen with respect to Microsoft's successful establishment of the Windows monopoly, which, by creating a uniform platform for software developers, has had a tremendous effect in the recent boom in software applications and the software industry generally. Even those who are concerned about Microsoft's exercise of its vast market power must enter this efficiency gain in the "plus" column of their consumer welfare calculation. The fact of the matter is that Microsoft and the success of Windows has been an important ingredient in the innovation and wealth creation our software industry has produced over the past decade or so.

So, if a single firm's domination of a particular sector at a particular point in time might be the result of perfectly rational market behavior, and indeed may have some economic benefits, where do we go from here? Does this mean that antitrust is useless, irrelevant, or even counterproductive in high technology markets? To some extent, perhaps. On balance, the antitrust machinery in Washington, D.C. probably shouldn't concern itself with every technology market which, at a particular point in time, is dominated by a particular firm to an unusual, even unhealthy extent.

Where antitrust policy should focus, I would propose (with a large footnote to the Judiciary Committee testimony of Professor Joseph Farrell, and other economists who have studied these markets), is on the transition from one technology to the next—on so-called paradigm or structural shifts in computing.

While it may be likely and even, to a degree, useful, to have a particular firm dominate a particular segment at any point in time, it is dangerous, unhealthy, and harmful to innovation and consumer welfare where that firm can exploit its existing monopoly to prevent new competitors with innovative, paradigm shifting technologies, from ever having a fair shot at winning and becoming the new market leader or de facto standard.

This is especially the case where a single firm exercises predatory market power to prevent healthy competition over a series of structural computing shifts. Where this is so, one would imagine that investors and innovators would find other things to do with their time and money than to try to compete with the entrenched firm to establish an important new technology. Innovation is chilled, and the consumer suffers.

The critical question, then, is how a dominant or monopoly firm exercises its market power, even if fairly and naturally obtained, with respect to the new guy that comes down the pike offering an innovative, potentially paradigm shifting technology. Does this new firm, offering a new technology that may compete with, replace or otherwise threaten the old firm's entrenched monopoly, have a legitimate opportunity to compete in the marketplace?

To borrow a phrase recently attributed to Professor Carl Shapiro, do innovative start-ups get a "market test," or are they "killed in the crib before they get a chance to become a core threat?" [Steve Lohr with John Markoff, "Why Microsoft is Taking a Hard Line with the Government?" The New York Times, January 12, 1998 at D1.]

In high-technology markets displaying a high degree of single-firm dominance, this is perhaps the most important question for antitrust policymakers and enforcers:

To what extent are innovators who offer potentially fundamental changes to the nature of computing given a fair "market test," and just what practices by the entrenched firm should be considered anticompetitive or predatory efforts to foreclose the opportunity for such a genuine market test?

I believe this is precisely the question—or one of the questions—presented by Microsoft today and is one of the reasons why Microsoft in particular inescapably invites scrutiny in the course of assessing competition policy in this digital age.

Of course, while antitrust policy in the Digital Age encompasses more than scrutiny of a particular firm, the fact remains that Microsoft in particular does raise a handful of questions, given its dominance of the desktop, together with its admitted effort to coopt important paradigm shifts and, in the process, extend its dominance to a number of new markets.

The Internet generally and, more specifically, the potential promise of browser software, and object-oriented, "write once, run anywhere" software, represent important and possibly critical developments for the computer industry. Both the possibility of a new, browser-based platform and interface, and the possibility of a programming language that is genuinely platform independent, able to interoperate with any type of operating system, could fundamentally change the nature of computing.

Among other things, both of these developments, likely representing the next generation in computing, introduced a serious threat to Microsoft's desktop dominance. As we all now know, Microsoft has clearly come to recognize as much.

Thus, with respect to both the so-called "browser wars" and the battle between Java (Sun's essentially open programming language) and ActiveX (Microsoft's proprietary alternative to Java), we see Microsoft in a fever pitched battle to control two potentially fundamental technological developments and to prevent new technologies, developed by other firms, from undercutting the current desktop monopoly Windows enjoys.

I am confident that nobody from Microsoft would dispute this assertion. Nor should they. Microsoft has all the right in the world not to be asleep at the switch and allow a fundamental, structural technology shift from undermining its current dominance of the software market. Its shareholders no doubt would demand as much.

At the same time, this is precisely where the practices of a currently dominant firm, such as Microsoft, must be scrutinized, and where the appropriate rules of the road must be clarified and enforced. Tying arrangements, free product offerings, licensing or marketing practices that are effectively exclusionary—these and other practices may be entirely appropriate in most instances.

But the question that, in my view, must be addressed is whether such practices, when engaged in by an entrenched monopolist with respect to paradigm shifting innovations, have the predatory effect of foreclosing innovators from getting a fair market test. Where they do, I would suggest that we have a significant market imperfection which impedes innovation, and in the process hurts both the industry and the consumer.

The questions that I believe law enforcers and policymakers must address are first, how to identify when particular practices have such an effect; and, second, whether our current antitrust regime adequately guides industry as well as the courts and the enforcers to reach the right answer in a timely fashion. These are some of the questions I plan to give close scrutiny in the coming months, and which I hope to learn more about from today's presenters and panelists.

Answering these questions, and coming up with the proper policy and/or enforcement solutions, is more important now than ever. The market battles being waged today are likely to have significant consequences for the Digital Age tomorrow.

3. Which brings me to my third and final reason why I believe sound antitrust policy is so critically important to the Digital Age: because it could prove critical to the growth of a free and open Internet.

Interfaces. In the proper hands, software interfaces are everything. To oversimplify somewhat grossly, software interfaces refer to certain critical external links or hooks in a software program that permit other programs to communicate, and therefore interoperate, with the first program. Because interfaces are the key to interoperability, and interoperability is the key to software markets, relentlessly aggressive, savvy companies with vast resources can be quite successful at translating the control of a critical interface into control of the markets on either side of the interface.

And the ultimate interfaces are the interfaces to Internet access and content.

Microsoft has made no secret of the fact that it has made dominating the Internet space a corporate priority. And I credit them for it. Any genuine free-marketeer, any genuine capitalist, must admire the efforts the company has recently taken to go after what Microsoft itself has called the huge "pot of gold" the Internet represents.

Like many, I cannot help but admire and applaud Microsoft's drive to pursue this vision. Whether it be a no-holds barred approach to competing with alternative browser vendors, seeking to control Web software programming and tools markets with proprietary products, buying the intellectual property of WebTV, making large investments in the cable industry while vying to control the operating systems of cable set-top boxes, linking Internet content to the Windows desktop, or any other of a handful of aggressive steps to control the groundwells, plumbing and spigots of the Internet, one can hardly question Microsoft's ambition to dominate the Internet space, or their business savvy in getting there.

Just how much control over the Internet Microsoft will exercise is anyone's guess, and I certainly do not pretend that I know the answer. But many certainly do believe that this is what Microsoft is out to achieve, in effect a proprietary Internet, and that the answer lies in the outcome of market battles which are being waged right now. For controlling the key Internet interfaces is a critical step to controlling much of the Internet itself.

This, then, is my third reason for why properly calibrated, vigilant antitrust enforcement is all the more imperative today. In the end, the marketplace should be permitted to choose whether it wants a proprietary Internet. I think I know what the answer would be. But I can assure you that, if one company does exert such proprietary control over the Internet, and the Internet does in fact become a critical underlying medium for commerce and the dissemination of news and information, rest assured that we will be hearing calls from all corners for the heavy hand of government regulation—for a new "Internet Commerce Commission."

It seems far better to have antitrust enforcement today than heavy-handed regulation of the Internet tomorrow.

So, let me suggest to those of you who abhor the regulatory state that you give this some thought. Vigilant and effective antitrust enforcement today is far preferable than the heavy hand of government regulation of the Internet tomorrow.

III. CONCLUSION

In closing, I would like to come back to what I said at the outset. These are difficult, but very important, policy issues. Because of what is at stake, effective and appropriate antitrust policy is critical to our digital future. Antitrust policy that errs on either side—be it too aggressive or too meek, could have serious consequences. But because of the uniqueness, and the complexity of high technology markets, discerning the proper role for antitrust requires some fairly hard-headed analysis.

Those who dismissively say that technology is complicated stuff that changes like quicksand are in a sense correct. But, is the answer, as has been suggested by some politicians and other new-found friends of Microsoft here in Washington, simply to throw up our hands and move on to other, easier, and less sensitive issues? Hardly.

Rather, let me suggest that the answer is to make sure that the rules of the road are the right ones, and that the referees do a good job enforcing them, when and where it is appropriate. Antitrust policymakers and enforcers should not shirk their duties just because the task is a hard one.

I have a great degree of confidence that the current head of the Antitrust Department is up to the task, and, as Chairman of the Committee with antitrust and intellectual property jurisdiction, I plan to do what I can to ensure that the rules are being applied both fairly and effectively. We in Congress not only can, but in my view must, ask the questions and help ensure the right answers.

Toward this end, I would like again to thank the Progress and Freedom Foundation, and those who have dedicated the time and intellectual effort to these difficult questions, for taking a very productive step in this process of understanding and implementing a sound, effective role for antitrust policy in the Digital Age. I expect that we all will learn a great deal from what I trust will be a vibrant and energetic discourse throughout the remainder of the day.

Mr. GORTON. Mr. President, I want particularly to thank my friend from Nevada for agreeing to let me proceed.

The PRESIDING OFFICER. Under a unanimous consent request, the Senator from Nevada is recognized for up to 15 minutes.

Mr. REID. I say to my friend from Washington, it was a pleasure to yield that time and to listen to his statement, which was typically much like the Senator from Washington; it was very thorough and educational for me.

Mr. President, I ask unanimous consent that following my statement, the Senator from California be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR THE HIGHWAY BILL NOW

Mr. REID. Mr. President, the State of Nevada is a large State, one of the largest in the Union, 74 million acres. Nevada is also the most mountainous State in the Union except for Alaska. We have 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. We also have vast extremes in weather. In the southern part of the State it is not unusual for places such as Laughlin, NV, in the southern tip of the State to reach temperatures of 120 degrees. In the northern part of the State we at times have the coldest place in the Nation, temperatures far below zero that remain for days at a time.

The State of Nevada is also the fastest growing State in the Nation; we also have the fastest growing city and the fastest growing county: the city of Las Vegas city and Clark County. Every month, 7,800 new residents move into Clark County. So we have an unusual State.

The reason I lay this on the RECORD today is that the State of Nevada desperately needs a highway bill. We desperately need a surface transportation bill brought before this body and debated and resolved. The ISTEA legislation, as we call it, was a good piece of legislation when it passed in 1991. I was fortunate to be on the subcommittee that drafted that legislation. I was fortunate to be able to work on that committee with the chairman of the committee, Senator MOYNIHAN, and the ranking member, now the chairman of the committee, Senator CHAFEE.

We did some unique things with that ISTEA legislation. We allowed more spending but more of that spending power went to the individual States. That was the main goal of the ISTEA legislation that passed in 1991: turning more spending power and authority over to the States and localities while maintaining a strong national transportation system. And during the 6 years this legislation has been in effect it has worked well.

We have made progress in returning more authority to local jurisdictions. I believe, when we are able to take up the bill that came out of the committee, the bill which is now before this body, we will continue along the same lines.

I rise today to say that I think we are breaking faith with the American people by not having this legislation in the Chamber today. I have outlined the problems we have in the State of Nevada. Because of the mountains we have around the State, because of the extremes we have in weather around the State of Nevada, we badly need these highway funds. All of this is compounded by the tremendous growth we are having in the State of Nevada.

The President came to Lake Tahoe last summer with the Vice President and five Cabinet officers. A commitment was made by the States of California and Nevada to do something about Lake Tahoe because it is being degraded environmentally. Everyone agrees—Republicans, Democrats, conservatives, liberals, environmentalists, nonenvironmentalists—that the lake needs to be saved, and a commitment was made at that time to save that lake. Part of the salvation of the lake comes in the form of transportation improvements in the ISTEA bill that should be before this body.

Mr. President, the money that we are talking about spending is not new tax dollars. We are not spending money that does not exist. Every time an individual goes to a service station to buy gas, they put gas in their car and automatically, because of legislation that has been passed here, the money that comes from that purchase goes into a trust fund. That money is set aside for highway construction and surface transportation. And so we are not here today demanding that we spend new taxes for these roads that are badly needed in Nevada and around the country. What we are saying is let's spend the money that is in the trust fund. That is all we are asking. Let's spend the money. There has been a commitment made that those moneys that have been collected should be spent on our surface transportation. The first step is to get the highway bill done (and the sooner the better).

Mr. President, when I practiced law, we would set up trust funds for our clients, and it could be as a result of a contract that you were dealing with for your client, trying to resolve contractual differences; it could be for the sale of a piece of real estate; it could be for a personal injury case. This money was put into a trust fund for the client. If in fact we used those trust fund moneys for anything else, to pay rent, to purchase a car, or to do something that wasn't in keeping with our client's wishes, we could be disbarred and in fact criminally prosecuted.

I cannot imagine that we are using these trust fund moneys for these highways for some other purpose. If we did that in the private sector, we would be subject, if we were a lawyer, to disbarment; if you were not a lawyer, maybe to criminal prosecution and, in fact, if you were a lawyer to criminal prosecution.

So these highway trust fund moneys should be spent for the purpose for which they were collected and no other purpose. Not for offsetting the deficit, not for a fancy new spending program in some other place. This money should be used for surface transportation. I cannot understand why we are not bringing this bill before this body immediately.

When Congress was unable last year to complete its work on the long-term reauthorization program, I was a strong proponent of the notion that we needed to pass a short-term extension. The Presiding Officer at this moment serves on the Environment and Public Works Committee with this Senator. He, too, helped move the bill out of the committee, and we agreed that there should be a short-term extension to ensure continuity in State programs and to live up to our obligation to the American people to provide a world-class—in fact, the best—transportation system.

That is what these trust fund moneys are all about. I supported this short-term approach as a last resort. But I was under the assumption that leadership here would allow us to move the surface transportation bill to the floor so that we could begin working on it as soon as we returned from the recess. This has to happen. It was supposed to be one of the first things we brought up when we got back here.

The surface transportation bill made the States partners with the Federal Government. With this highway bill, we had more of a partnership than we had ever had before. The partnership was to build a stronger transportation system and to maintain a stronger transportation system. We are leaving the departments of transportation in all States in the lurch by putting off work for months now. This is no way to treat a partner. If we are truly partners with the States, their departments of transportation, then certainly we should be moving this legislation.

State transportation programs are continuing for the moment, but let's not kid ourselves. These programs are dying. They are on life support, but they are dying. We designed the short-term extension in a way that we would, in effect, force ourselves to work on this legislation after we came back after the first of the year. We are not following through on that. Our goal was to allow the States to spend unallocated balances for a couple of months to prevent a lapse in the programs. We didn't build an extra quarter or 6 months into that idle time.

I congratulate and I applaud Senator BYRD, the ranking member of the Appropriations Committee, who has been on this floor and steadfastly and continually and very effectively has brought to the attention of this body and the people of this country the need that we move to (and pass) the surface transportation bill. The closer we get to the election the harder it is going to be to do the right thing in regard to this legislation. If we wait until April, April is going to become July, and then July will become October. We should do this now. We should move this bill as quickly as possible.

There are some States, including the State of Nevada, where we are limited in terms of the amount of funds we can allocate because of bid-letting procedures. There are only certain times that we can let these contracts—sometimes because of weather in parts of the State of Nevada. As I have already described, because of the weather extremes, you cannot do work all year round in the State of Nevada. So we need to let these bids take place. As I have indicated, there are many parts of Nevada, in the high Sierras and other parts of the State of Nevada, where the construction season is extremely short. Delays in reauthorization are going to lead to delays in roadbuilding and maintenance soon. A delay of several months can easily lead to a delay of a year or more in the colder climates of our State.

This applies all over the country. Nevada is currently the fastest growing State in the Nation. As I indicated, about 8,000 people moved to Clark County last month—that's the Las Vegas area. In order to address our long-term growth-related infrastructure needs, we need a 6-year bill; not a 3-month bill, not a 6-month bill. Six-month bills do not allow us to adequately plan for the future. It is unfair of this body, this Congress, to arbitrarily wreck the planning processes of 50 States and tens of thousands of highway construction workers and contractors whose livelihood depends on the timely and consistent flow of these highway funds. We must move forward. To not do so is simply unfair. It is unfair for the Congress of this country to hold up the gas taxes that the people pay every time they fill up their tanks at a service station while we continue collecting these huge sums of money every day to go into this trust fund. We are not being fair to the American public by not spending these trust funds.

We spend a lot of time in this body talking about States rights. Let's demonstrate our commitment to States by passing this highway bill. It is important we do it. It is important we do it tomorrow, not next month or the month after that. Let's get to work on reauthorization today.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. KENNEDY. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. I will.

PRIVILEGE OF THE FLOOR—S. 1601

Mr. KENNEDY. Mr. President, I ask unanimous consent that two fellows in my office, Ellen Gadbois and Diane Robertson, be granted the privilege of the floor during Senate consideration of the cloning legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the distinguished Senator yield for a question?

Mrs. FEINSTEIN. Yes, I certainly will.

Mr. BYRD. Will the Senator object to my asking consent that I be recognized, after the distinguished Senator from California speaks, for not to exceed 20 minutes?

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the distinguished Senator and I thank the Chair.

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business. I understand I have 10 minutes by the unanimous consent agreement of Senator REID.

The PRESIDING OFFICER. That is correct.

DROP IN COCAINE SEIZURES ON THE SOUTHWEST BORDER

Mrs. FEINSTEIN. Mr. President, Congress has increased the priority of the war on drugs in recent years. We've allocated nearly $300 million in additional funds to the U.S. Customs Service since 1996.

And I think all of us know that the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts, with more than 70% of the cocaine and other narcotics entering this country across the 2,000 mile stretch of border between our country and Mexico.

To meet this threat Congress authorized more than $100 million over the last two years to add 650 inspectors and employ state of the art technologies along the Southwest border. The President's budget in fiscal year 1999 calls for an additional $104 million for Southwest Border narcotics efforts.

So you can imagine my surprise when I opened yesterday's edition of the Los Angeles Times to read the following:

> The amount of cocaine seized at the commercial ports of entry along the U.S./Mexico border plummeted 84% in 1997, forcing U.S. Customs Service officials to develop a new drug fighting strategy and leaving them concerned about a backlash in Congress.

Well, Mr. President there is a backlash from this United States Senator because for five and a half years now I have sounded a constant drumbeat on Treasury and on Customs to stop the mixed missions of the Customs Department and understand that there is a major problem with cocaine coming across the Southwest Border. Frankly an 84% drop in seizures last year indicates that all of the money and all of the personnel we have been pumping in has simply not done the job. 84% at the Southwest border, and cocaine seizures are down 15% across the nation.

If someone could tell me the reason for the drop is because, overall, there is less cocaine coming into the country—I'd say, congratulations, our efforts have been successful.

But that doesn't appear to be the case. Narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year. We are just not getting it.

If someone could tell me that the drop along the Southwest Border is because our efforts have been so successful, that the drug smugglers are going elsewhere—I'd say bravo, the taxpayers' money has been well spent.

But, again, that does not appear to be the case. Customs officials are widely quoted in news reports saying the problem is that the drug traffickers continue to stay two steps ahead of our interdiction efforts. And in fact, that is the case.

Let me again quote from this article:

> Customs officials received a warning in June 1997 that portions of the agency's enforcement strategy at the ports had been compromised. A June 20, 1997 memo from Assistant Commissioner Robert S. Trotter to all Southwest border port directors warned that "traffickers have developed detailed knowledge and profiles of our port operations".

More than once, Customs officials have come into my office to tell me that—not only is it not possible to increase inspection of trucks and cars entering our border, obviously because there are so many of them—it is not really necessary, because today we are applying sophisticated technology, including electronic technology, random searches, and Customs' vast intelligence operations and all of that combined is enough to do the job.

Four years ago I went and spent a day at the Otay Mesa port at the Southwest border. I observed, directly adjacent to our Customs facilities, "spotters" who are individuals standing out on the street with radios and cellular telephones. I then went up to a hill overlooking the Customs facility and I watched the spotters work. They get on their phones and they talk to the trucks waiting to cross the border and they direct the trucks as to which lines they should be in to get through the border.

I mentioned this at the highest levels of the Treasury, both verbally and in writing. I said that we must do something about the spotters. Four years later, the spotters are still there, they are still operational. I am told that there is no law under which we can do anything about it. Unfortunately, at no time has Customs come forward in this four year period with any recommendations for any laws to be passed to deter this activity which is almost certainly an illegal conspiracy to bring cocaine into this country across the Southwest border.

The "random" searches that I have heard so much about are supposed to keep traffickers trembling in their bigrigs. But they have become so predictable that, by Customs' own admission, "traffickers know what cargo, conveyances, or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder, and what lanes are more accessible for smuggling."

Now, Mr. President, I am not insensitive to how difficult this task is, and I want to commend the extremely hard working men and women of the United States Customs Service. I know many of them personally. I know they work hard. I know they try to do their job. They put on those uniforms every day, they inhale all of these exhaust fumes, and they try to keep up with what has been a massive increase in traffic coming across the border.

But, Mr. President, I do not like to be told how effective our intelligence is, and how sophisticated our technology is, and how tough our enforcement efforts are—and then read reports in the newspaper from Customs' officials about how easily the traffickers are walking all over us.

I do appreciate the candor from Acting Commissioner Sam Banks on the weaknesses in our efforts. And I understand that Customs is moving very rapidly to counter this 84% drop in seizures with a new operation entitled "Operation Brass Ring". They clearly know that what they are doing is insufficient.

For some time, I have believed that the mixed mission given by the Administration to the United States Customs Service creates a situation whereby the law enforcement functions of the United States Customs Service cannot be carried out properly.

You cannot run an agency with a mixed mission, especially a mission that has the kind of a diametrically different goals that Customs faces. Move the trucks by the millions, just do random searches, depend only on technology, and avoid statistics like the one that just appeared in the Los Angeles Times with an 84% drop in seizures in cocaine coming across the Southwest border.

I have urged the Administration to appoint a law enforcement person as the new Commissioner of Customs. I am heartened to understand that the Administration has just signed off on the appointment of Ray Kelly as the new Commissioner of the U.S. Customs Service.

I have worked with Mr. Kelly over the past few years as he has been the Secretary for Enforcement in the Treasury Department. I believe he is a straight shooter. He is a law enforcement person. He has an exemplary background. I hope that he will be able to redirect the Customs Service to understand that they do have a law enforcement mission. And, in fact, that that mission is to deter contraband from coming across the border of the United States.

We also know, Mr. President, that guns in large supply are moving from this country down to Mexico. These guns are used for two purposes. One is to give them to the cartels for their use and the second is for revolutionary insurrection against the government of Mexico.

I believe that the work of the United States Customs is really cut out for them. In the best of all worlds, trade will continue to increase across the Southwest Border, providing jobs and income for those on both sides of the border.

But if we are serious about the drug threat—as we say we are—we must demand that the law enforcement functions of deterring contraband be made the highest mission of the United States Customs Service.

Mr. President, I ask unanimous consent that an article entitled "Drop in Drug Seizures Worries U.S. Customs" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 4, 1998]

DROP IN DRUG SEIZURES WORRIES U.S. CUSTOMS

(By H.G. Reza)

SAN DIEGO—The amount of cocaine seized at the commercial ports of entry along the U.S.-Mexico border plummeted 84% in 1997, forcing U.S. Customs Service officials to develop a new drug-fighting strategy and leaving them concerned about a backlash in Congress.

Bill Heffelsinger, assistant to acting customs Commissioner Samuel H. Banks, said Tuesday that inspectors working at the high-risk commercial ports on the Southwest border confiscated 2,383 pounds of cocaine last year, compared to 15,114 pounds in 1996.

Nationwide, the quantity of cocaine seized by the agency dropped 15% last year to 159,475 pounds, compared to 187,947 pounds in 1996, Heffelsinger added. The total number of seizures by customs agents and inspectors of all kinds of drugs was a record 26,240 nationwide last year, authorities said.

Acting Commissioner Banks, in an interview Tuesday, said the drop in cocaine seizures is worrisome. "You look at those numbers and you want to be your own worst critic," Banks said. "You're going to be asked questions on [Capitol] Hill, and we have to provide answers [for how to stop the flow of drugs]."

Rep. Ron Packard (R–Oceanside) said Tuesday he was disappointed by customs' failure to seize more cocaine at the commercial ports.

"Congress has directed almost every possible resource toward drug interdiction efforts, including more agents, better technology and several hundred million dollars in additional funding," said Packard. "These are not the results we expected. If interdiction is down, the American people deserve some answers."

Customs officials hope to find answers through Operation Brass Ring, a new nationwide drug interdiction strategy launched by the agency this week. Officials said the operation is part of a broader five-year program by the Office of National Drug Control Policy to reduce by 50% the amount of illegal drugs entering the country and, according to a news release, "was designed almost entirely in the field by . . . inspectors, investigators and union representatives."

Memos obtained by The Times show that the new strategy comes at a time of concern among customs union officials over possible political repercussions resulting from the drop in the amount of cocaine caught at the commercial ports.

A Nov. 28, 1997, National Treasury Employees Union memo noted that Congress had authorized $64 million in funding in 1997 for 657 new enforcement positions along the Southwest border as part of Operation Hard Line, the drug interdiction plan in effect at the time.

Hard Line was launched in 1995 after The Times reported that there had been virtually no cocaine seizures at the biggest commercial ports on the U.S.-Mexico border, where thousands of trucks cross daily.

The union memo predicted that "no doubt Congress will be highly upset with these [1997] figures . . . border drug interdiction is becoming a major political issue in Washington."

Another union memo on Dec. 22 said new "enforcement operations" were needed and urged inspectors to be flexible and imaginative in their approach to drug interdiction.

"The objective being to increase our seizures so customs and [the union] don't get their heads handed to them by the politicians in Washington when the budget meetings start in March," the memo said.

Robert Tobias, president of the employees union, said he would not apologize for the blunt talk in the memos.

"This was me doing my job as president to inform [members] what the stakes are," said Tobias. "There's nothing wrong with telling people that if you don't get off your duff you're in danger of losing your job. Brass Ring is a wake-up call to all of us involved in fighting drugs."

On Tuesday, Banks said he was pleased that the president's proposed customs operating budget for 1999, publicly announced Tuesday, was $1.8 billion, up from $1.7 billion in 1998. That budget must still be approved by Congress.

Banks said he was willing to publicly admit some of the agency's enforcement problems "so we can get the issue out there, even if it's critical to us."

"I'm willing to take it on the chin if necessary to get the message out, so we can focus on the drug problem," said Banks. "I want to get the message out to the American public so they can deal with it in the community and in schools."

Banks said Brass Ring will "dramatically increase drug seizures" at the 24 points of entry on the U.S.-Mexico border.

"The push for Brass Ring is to turn up the heat internally and get people focused. We're trying to get people focused. We're trying to put the heat on ourselves," Banks said.

A Nov. 28, 1997, report by the union said that "intelligence sources are reporting that 5 to 7 tons of illegal drugs are being smuggled from Mexico to the U.S. every day."

In the interview Tuesday, Banks said he does not dispute the union's figures.

Concern over the declining cocaine interdiction figures arose in September, when Banks reported in a memo to customs employees that he had met with Gen. Barry McCaffrey, head of the Office of National Drug Control Policy. The Sept. 18, 1997, memo said that "we were asked some tough questions about the effectiveness of our various operations, and we did not always have convincing answers."

Heffelsinger said the biggest problem in customs' interdiction plan had been its predictability.

In 1997, 3.5 million trucks and rail cars crossed into the United States from Mexico at the commercial ports along the border from Texas to California and about 30% were inspected for narcotics, customs officials said. An equal number of trucks and rail cars crossed in 1996, and 25% were inspected for drugs that year, they added.

However, "we aren't as unpredictable as we would like to be. The goal of Brass Ring is to get back to being unpredictable," Heffelsinger said.

Customs officials received a warning in June 1997 that portions of the agency's enforcement strategy at the ports had been compromised. A June 20, 1997, memo from Assistant Commissioner Robert S. Trotter to all Southwest border port directors warned that "traffickers have developed detailed knowledge and profiles of our port operations."

Trotter said that spotters, commonly used by drug rings to warn of enforcement activity at the ports, "have determined what cargo, conveyance or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder and what lanes are more accessible for smuggling."

Banks acknowledged that customs has still not learned how to defeat the spotters, who work in the open on the U.S. side at the gates to the commercial ports.

"There's no question that people are sitting at the ports, shepherding loads and acting as guides," said Banks. "We're trying to turn the tables on them and use them against themselves. Counter surveillance is part of [the Brass Ring strategy], but I can't say more."

Mrs. FEINSTEIN. I thank the President, and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator's time has expired. Under a previous unanimous consent agreement, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I, again, thank the distinguished senior Senator from California for her usual characteristic courtesy.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. BYRD. Mr. President, it is imperative that the Senate turn immediately to the consideration of the Intermodal Surface Transportation Efficiency Act of 1997. We now have less than 45 days remaining in which the Senate will be in session between today and May 1, 1998.

On May 1 of this year, our State highway departments throughout the land and our transit providers across the Nation will be forbidden by law from obligating any new Federal highway or transit funds. That is the drop-dead date. That is the deadline.

What will it mean to individual States when they no longer can move forward on a comprehensive highway construction program? What will it mean to your State? What will it mean to mine? What will it mean for our Nation's highway construction workers when they are thrown out of work, when that paycheck stops and when they have to struggle to put a meal on their family table?

What will it mean for our urban transit systems when they must cease progress on projects, projects that are needed to minimize congestion and to move our constituents to work, to schools, to places of worship, to child care centers, and back home?

It will mean disruption, deprivation, and, in cases where some construction projects need to go forward for the sake of safety, it will mean that accidents, injuries, and perhaps even death may be the result because of our delay—our inexcusable delay. There is no excuse for the delay.

On Monday of this week, the President sent his formal budget request for fiscal year 1999 to the Congress. That budget calls for the overall obligation ceiling for our Federal aid highway programs to be frozen. Now hear that! This is the President's budget, calling for the Federal aid highway program to be frozen for each of the next 6 years at the level enacted for FY 1998, namely, $21.5 billion.

The President ran for office the first time on a strong platform recommending more infrastructure in this country, more highways, safer bridges, but the President now is proposing an absolute freeze on highway spending for the next 5 years; never mind the tremendous unmet needs that exist across this Nation for bridge and highway construction, and for safety improvements; never mind a critical provision in the Taxpayer Relief Act of 1997, which is there by virtue of an amendment that was offered by my friend and colleague from Texas, Senator PHIL GRAMM; never mind that critical provision in the Taxpayer Relief Act of 1997, a bill that the President signed into law with much fanfare, and rightly so, last year.

That bill included a provision transferring the 4.3 cent gas tax—that had been used for deficit reduction since 1993—into the highway trust fund, so that it could not be used for other programs, instead of the highway program, but could be used to address these serious highway deficiencies. But even with this new source of revenue to the trust fund—roughly $7 billion per year—the President's budget now calls for the overall Federal obligation ceiling for highways to increase by how much? Not one copper cent! Not one penny; not one penny! Over the next 5 years, it is to be frozen.

Under the President's budget, the uncommitted balance of the highway trust fund will grow and grow and grow, like topsy. Based on estimates that I have received from the Congressional Budget Office, under the committee-reported bill, the unspent balance of the highway trust fund will grow from $25.7 billion at the end of this fiscal year to more than $71.8 billion at the close of the authorization period covered by the next ISTEA legislation.

At that time, therefore, there will be almost $72 billion that would just sit unspent in the highway trust fund; $72 billion paid by you out there, paid by you, the buyers of gasoline; $72 billion paid by our constituents—yours, I say to the distinguished Senator from California, and mine—paid by our constituents at the gas pump—money that will be deposited into the highway trust fund but not used. Not used.

Under the President's budget, the trust fund balance would grow even larger, since his 5-year highway freeze is some $9.6 billion less than would even be authorized in the committee-reported bill which we debated on this Senate floor for about 21 days last fall.

I do not believe that a majority of this body supports the notion that highway spending should be frozen for the next 5 years, while the unspent balance in the highway trust fund rises by roughly 300 percent over the next 6 years. I am confident that a majority of this body does not support that idea.

I do believe, however, that it is incumbent for this Senate to take up the highway bill, to take it up immediately and to make it clear that we do not support the President's proposal for a 5-year freeze on highway spending.

Let the President hear that message, loud and clear. We do not support a 5-year freeze on highway spending, nor do the American people support that. I am confident they don't.

The financial needs of our national highway network vastly exceed our current levels of expenditure. If we freeze highway spending for the next 5 years, the gap between what will be needed just to maintain the present inadequate conditions of our Nation's highways, on the one hand, and what we will be able to spend, that gap is going to grow wider and wider and wider, and we will fall farther and farther behind.

Yet, Mr. President, the Department of Transportation has stated that our Nation would be required to spend an extra $15 billion each year above current spending levels just to maintain the current conditions of our Nation's highways. We would have to boost spending on highways by more than $15 billion a year to make the least bit of improvement overall in the condition of our Nation's highways. Now, that is what the U.S. Department of Transportation is telling us.

And what are the current conditions of our Nation's highways? At present, only 39 percent of our National Highway System is rated in good condition. That is not what Senator BYRD is saying, that is what Senator BYRD says that the U.S. Department of Transportation says. Fully 61 percent of our Nation's highways are rated in either fair or poor condition.

For our 42,794 mile interstate system, the crown jewel of our National Highway System, one-half of the mileage is rated in fair or poor condition. These figures only worsen when one looks at our other major and Federal State highways. In our urban areas, 65 percent of our noninterstate highway mileage is rated in fair or poor condition.

There are over a quarter of a billion miles of pavement in the United States that is in poor or mediocre condition. This is what the U.S. Department of Transportation tells us. There are almost 95,000 bridges in our country that have been classified as deficient, and within that total, roughly 44,000 bridges have been deemed to be structurally deficient, meaning that they need significant maintenance, rehabilitation or replacement.

Many of these bridges require load posting, requiring heavier trucks to take longer alternate routes. That affects our efficiency, our productivity and our overall economy. And an additional 51,000 bridges have been deemed to be functionally deficient, meaning that they do not have the lane width, shoulder width or vertical clearances sufficient to serve the traffic demand. The condition of our highway system is fast becoming a national disgrace.

As I said, Mr. President, to make any improvements at all in these conditions, to keep these conditions from worsening further, we would have to boost spending in our highways, according to the U.S. Department of Transportation, by more than $15 billion annually.

With that backdrop, it defies sanity that the administration wants to freeze highway spending over the next 5 years. Every driving American pays gas taxes. We have told them that that money would go toward increased highway investments. What will we tell them now? Mr. President, this Senate needs to take an immediate step to call up the highway bill and to tell the traveling public that we do not support freezing highway spending for the next 6 years.

Why wait until May 1, when our States will be prohibited from obligating any Federal funds on highway or transit projects? We should call up the highway bill and make it clear to America that we meant what we said when we voted to transfer the 4.3 cents gas tax from deficit reduction to the highway trust fund. An overwhelming majority of the Senate supported that transfer. The administration may have frozen the transportation budget, but this Senate does not have to freeze in a stupor of suspended animation while we watch our States careen toward a certain brick wall. There are only 45 days left. Now is the time—now is the time—to take the next step by moving to the highway bill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 6 minutes.

Mr. BYRD. I ask unanimous consent that I may reserve that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I have 20 minutes, and then at the conclusion, following the time reserved for the Senator from West Virginia, that Senator BOND be recognized to proceed with the measure that was originally planned.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, last Monday several Senators came to the floor to express their concern because the Senate has failed to pass a reauthorization of the Nation's surface transportation programs. Senator BYRD was on the floor again Tuesday and indeed has been on the floor today, Thursday, on this same subject. As Senators and the American people listen to these expressions of concern, I hope they will keep the bigger picture in mind.

First, why hasn't the Senate passed an ISTEA II bill that would reauthorize our highway and transit programs? Well, it isn't for lack of trying, Mr. President. That bill was before the Senate for a period of more than 2 weeks at the close of the session last year. But Senate consideration of the bill was blocked by a filibuster, a filibuster that was supported by some of the very Senators who now complain about lack of action.

The majority leader filed four—not one, not two, not three, but four—cloture petitions to force action on the bill. I voted for cloture each and every time. Almost all the Members on this side of the aisle voted for cloture each and every time. But on the other side of the aisle we did not get much support for acting on ISTEA; in fact, we did not get any support. Considering that, Senators who now come to the floor demanding action on this bill used the procedural rules of the Senate to block action just a few short weeks ago. They voted to block ISTEA four times, as I say. Not once, not twice, not three, but four times they blocked action on proceeding to ISTEA.

On four separate occasions, when these Senators could have used their power as voting Members of this body to help the majority leader move this vital legislation forward, they voted no. They would not help. If they believe ISTEA is a vital bill, why didn't they help? With their help we could have completed Senate action last year.

Last Monday, one Senator even said that Congress is "derelict in its duty" because it has not acted on the ISTEA reauthorization. Now, "derelict in its duty" is a pretty strong statement. Well, who is it that has been derelict? It has not been the majority leader. He forced four cloture votes on this bill. I did everything I could to move the bill forward. I was ready then. I am ready now.

If dereliction of duty is a fair charge, I suppose it is a charge most appropriately aimed at those Senators who voted against cloture on this bill four separate times. There is a record. Anyone can look up and see who those Senators were.

Now, my second point goes to the schedule for completing action on ISTEA. The Senators who spoke Monday and Tuesday were talking as if Senate action is all that is needed to wrap this matter up now. They went on at great length about how the States need early Senate action so the States can plan for the coming construction season. These Senators expressed great frustration on behalf of the States because any further delay will greatly complicate the work of the States.

Well, I am sympathetic to the plight of our State transportation departments because this bill has been delayed. I wish we were at the end of the day and the States had the bottom-line allotments they need for their planning, but as everybody knows, Senate action on this bill is only a very small step in a long traveling process.

The House has to do a bill. That bill is likely to be very different from the Senate bill so, therefore, we have to resolve the differences in conference and then bring the bill back for passage in the respective bodies. Any State that did any planning based solely on a Senate-passed bill would be making a great mistake. Frankly, they cannot make any plans until the entire process is completed.

Now, everyone knows that the House has made a very firm decision to postpone action on this transportation legislation, so-called ISTEA reauthorization, until the budget resolution for fiscal year 1999 is completed. That is a fact. The House has said that. Even if we passed ISTEA II in the Senate this afternoon, we would not speed up the process one iota. Even if we passed it last year when some of us were here on the floor ready to take action we would still be forced to wait for the House to complete its work.

As I look at the calendar, the House is making the task facing the States more difficult. But we cannot change the calendar by voting on this bill today on the floor of the Senate.

So what is really going on here, Mr. President? Why would Senators who voted to block action on this bill just a few weeks ago now come to the floor demanding action today? Why would Senators who know that we have to wait for the budget resolution to be completed before the House will act speak as if the Senate is "dithering and dallying and delaying" on this bill?

The real issue, Mr. President, is how much money are we going to spend on the highway program. That is the real question. The Senators who are clamoring for action now are the sponsors of a big amendment to dramatically increase Federal highway spending. They want the bill to come up now because they want their amendment for highway spending to be considered now in a budgetary vacuum with no other priorities competing for the dollars they would like to spend on highways.

A week ago, the President of the United States delivered his State of the Union Address. Perhaps the most memorable line in that speech was his call to use any future budget surpluses for "Social Security First."

If there is a surplus—and at this point everybody should keep in mind it is a projected surplus; the dollars have not actually come in yet—the President said Congress should not spend the money and Congress should not cut taxes; rather, we should use the surplus to shore up the Social Security system so that it can go on meeting the retirement needs of all Americans well into the next century.

Those Senators who are calling for action on the highway bill now are not exactly in the President's camp when it comes to Social Security first. They might be called the "Highway First" crowd. They want the Senate to take up the highway bill so that they can put a big proportion of the potential surplus into more highway spending before anybody else, including Social Security, can lay claim to that projected budget surplus.

"Highways First," that is their motto. I must say, I find their arguments astonishing, especially when they are expressed by the Senator from Texas. It comes down to this. "The Government has a surplus. We must spend the surplus. To do otherwise would break a solemn oath we made to the American people."

Now, the surplus that the Senator from Texas most frequently mentions in the context of the highway bill is one that will result because of action taken last year to put the revenue from the 4.3-cent gasoline tax imposed in 1993, that was passed to reduce the deficit—and the vote, as has been pointed out today, was to transfer that—into the highway trust fund.

In 1993, when the Democratic Party still controlled the Congress, gasoline taxes were increased by 4.3 cents per gallon with the revenue going to the general fund to reduce the deficit. The Senate Republicans all voted against that tax increase in 1993. But last year, with the Republicans in charge, the revenue from that tax increase was transferred into the highway trust fund from the deficit reduction area where it was before. And now we are asked to spend it.

Now, the notion—this is something I really want to stress—the notion that anybody promised the American people to spend that 4.3 cents on highway construction is preposterous. It is just the opposite. The American people were promised that that 4.3-cent increase would be used to bring down the deficit, not to increase spending programs.

Now that the deficit is under control, the Senator from Texas has led the charge to transfer the revenue from that tax to the highway trust fund. As a result, the highway trust fund is projected to run a big surplus in the future. And without even a blush, the Senator from Texas says we are bound by a solemn commitment to prevent that surplus. Pour it into highway spending whether it is needed or not—tax and spend. Never was there a more open and shut case of the "tax and spend" fever.

The clamor we have heard over the past few days to do ISTEA now is all about spending the surplus. And who is going to be first at the trough? It is not about dereliction of duty. Senators who voted four times to block the bill just a few weeks ago are in no position now to suggest that the Senate is shirking its duty.

And it is not about when this bill will ultimately be concluded. I wish it were done already. It is a burden, as anybody knows. No one knows better than some of the Senators on the floor today what it is like to manage a complicated, contentious piece of legislation such as the surface transportation legislation.

I wish that we could have accelerated the schedule by acting here in the Senate today. Unfortunately, we are not in control of the calendar. The House has decided, as I said before, to wait until the budget resolution has been completed.

What these Senators really want for the Senate is to vote on their amendment to spend more on highways before any other priorities can make a claim on this potential surplus. "Highways First," as I say, is their motto.

I know there are many Members of this body who believe we should spend more on highways, maybe not "Highways First," not take it all, but some more. For those Senators, I would make three quick points.

First, the bill reported by the committee—the committee I am chairman of that brought the bill to the floor—dramatically increases highway spending. It is up over 20 percent over ISTEA I. It is up $25 billion over the 6-year period. In the context of the balanced budget amendment reached last year, that essentially freezes discretionary spending over the next 5 years. And here is a program that gets a 20 percent increase. Thus, no one can argue that we did not do very well in connection with this piece of legislation.

As a second point, if Senators believe that even more is needed, they will have the opportunity to make that case when the Senate considers the budget resolution in March. The committee-reported bill tracks the spending levels given to us in the budget resolution last year. We have followed our instructions in and abided by the budget that this Senate adopted, and the ink is hardly dry on it. It was only signed by the President I believe in

July. If the Senate changes course and wants to increase spending in the budget resolution for next year, then I would assume an amendment to ISTEA II to carry out that instruction would be adopted.

Third, Senators should be careful about the sequence of these decisions. I believe that many Senators have signed on to the so-called Byrd-Gramm amendment without fully understanding all the subtleties. It does authorize massive amounts of additional spending, but it also restructures who has first claim to the funds that are actually appropriated.

The Byrd-Gramm amendment increases the share of the pie going to 13 Appalachian Regional Commission States and to a trade corridor program that would benefit a few States, such as Texas. Their portion of the pie gets bigger. But if the pie itself does not grow because there is no room in the budget for larger appropriations, the net effect will be that all the other States will go down. In other words, they are locked in at this increased amount for the Appalachian Regional Commission States and this corridor dealing with the so-called NAFTA demands. That is locked in under the proposal that they have. And if we do not increase the overall spending, then theirs stays up there and it comes out of the portion allocated to all the other States.

A Senator voting for Byrd-Gramm now because he or she wants to increase highway spending authorization could actually cause his or her State to lose highway dollars if subsequent budget decisions do not provide for increased highway appropriations. So I urge everyone to be cautious on this matter.

All these considerations have persuaded me that the wisest course is the one that Senator DOMENICI, chairman of the Budget Committee, has urged. Let's make the spending decisions in the context of the entire budget. I'm ready to go with ISTEA II now. I am more committed to getting ISTEA done than any other Member of this body. I want it completed, but I am willing to stand down for the time being because I believe the Senate will make better public policy if it considers highway spending in the context of the entire budget rather than in the vacuum of these early days of the session, as the highways first group has been urging.

I thank the Chair.

Mr. BYRD. Well, Mr. President, at last we have smoked him out. I have been speaking on this floor urging that the leadership bring up the highway bill. So we are having a good debate today. That is what we have been needing all along. The debate is just starting.

I'm glad that my friend has come out of the bushes. Let's debate this matter, but let's debate it with the bill before the Senate.

Mr. CHAFEE. Could I ask the Senator a question?

Mr. BYRD. Without it being charged as my time.

Mr. CHAFEE. How did the Senator vote on the cloture motion when we tried to move to this bill in October, late September, October?

Mr. BYRD. Mr. President, the Senator thinks he has me over a barrel. I voted against cloture. I make no bones about that.

But why finger point at that bill? Finger pointing isn't going to resolve the problems that are going to confront our highway departments and our Governors and our mayors throughout this country. That is not going to do any good, Senator.

Yes, I voted against cloture. I would like to see a campaign finance reform bill, but I would also like to see a highway bill. So forget what happened back there on cloture.

Lot's wife looked back and she turned to salt. Let's don't look back. Let's keep our promise, the promise that was made to bring up this highway bill. I didn't make that promise. The leadership of the Senate made that promise.

This is not a partisan matter, Mr. President. Republicans and Democrats buy gas at the gas station. Republicans and Democrats pay a gas tax. Republicans and Democrats use the highways of this country and the transit systems. Republicans and Democrats are injured and die when safety conditions get to the point where accidents occur. So this is not a partisan matter.

I know that the Senator from Rhode Island is against that amendment. He has been all along. He was against it when the bill was up last fall. That is a given. There is no surprise in that. But, Mr. President, the promise was made to bring up the highway bill.

Now, I have been around this Senate a long time, and this is the first time I have heard that the House controls the Senate calendar. I don't believe that, and I have reason to believe that if the Senate will act, the House might change its mind. Why should the House control the calendar here? The highway needs are out there. The Senator knows that. They exist in his own State. They exist in my State. They exist in every State in this country.

The highway departments and the Governors and the mayors don't know how to plan their budgets for this year because they don't know what Federal resources they can count on and they can't do long-term planning. When we talk about highways, those plans have to be long term.

I say to the Senator, why not have a bill up now? Let's debate it, but let's debate while we are on the bill. That is the promise that was made. I didn't make that promise. I'm not attacking any Senator personally. I am urging the Senate leadership to take up the bill. Why not have the bill before the Senate? Now, if we take up the bill, the House will surely move, I would think. The pressure will be on them. We can't base our actions on what the House might do.

The House schedule doesn't change the May 1 deadline, Senator. The May 1 deadline is only 45 days away, and the House schedule won't change that. That is approaching. Every day that we waste here, sitting on our hands talking about other matters, some of which are important, some of which are not—I pointed out just the other day that we wasted over 3 hours in one day in recesses and in quorum calls. We could be debating this bill, my friend. I hope that the Senator will join us in urging the leadership to bring this bill up. I would like to hear the Senator on the floor every day. I would like to hear his voice rising, up sometimes, up and down. I hope he will join us because I would like to be here with him. I would like to be debating the highway bill.

We have had a series of broken promises. Congress acted to shift the 4.3-cent gas tax to the highway trust funds. The people have been told, regardless of what the Senator says, the people have the understanding that that money is going to be spent on surface transportation programs. So we promised that, and then we promised to take up the highway bill. What about the highway needs? How can we ignore those needs when we have huge, unspent balances in the trust fund?

Mr. President, I just called my highway department this morning, and according to the West Virginia State Highway Commissioner, if ISTEA is postponed beyond the May 1 date, 75 highway projects, including about 20 bridges in West Virginia, will have to be delayed. This story can be told all over this country. Senator, you will hear it. You will hear it. I say that with the utmost respect. The Senator from Rhode Island is going to hear it.

Mr. President, do I have any time left?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes.

Mr. BYRD. He is my friend and I respect him highly, always have and will continue to do so.

Mr. CHAFEE. Mr. President, I want to say there is nobody I enjoy dueling with more on this floor than the Senator from West Virginia. We have been against each other on some rare issues. We have been together on many issues.

Mr. BYRD. I like it much better when we are together.

Mr. CHAFEE. As I listened to what he said, Mr. President, it brought to mind that old song, "Will you love me in November as you did in June?" And I say to the Senator, why didn't he love this bill in October as he does in February?

Mr. BYRD. Mr. President, I loved it. I loved it then.

Mr. CHAFEE. We had not one, we had not two, we had not three, we had four votes, Mr. President——

Mr. BYRD. Mr. President, I loved it.

Mr. CHAFEE. To try to move this bill that the Senator from West Virginia is embracing now.

His arms are around ISTEA II——

Mr. BYRD. Tell me now.

Mr. CHAFEE. With affection. Where was he when we needed him?

Mr. BYRD. I wanted to offer my amendment, but the amendment tree was filled.

Mr. CHAFEE. And we have those votes, and I looked; where is a vote—we are voting aye.

Mr. BYRD. I didn't see the Senator looking for me.

Mr. CHAFEE. I sought him, but I couldn't find him——

The PRESIDING OFFICER. We will have order.

Mr. CHAFEE. And I went away distressed.

So now we will have an opportunity in this bill, as the majority leader has made it clear the way we will proceed, and I look forward, as we get into this, that he will support a bill that will accomplish the goals of the Nation in the context of all the other demands that are placed upon the budget of the United States.

I will conclude by stressing once again that we have an increase in this bill this year, ISTEA II, over the past, of 20 percent when the other discretionary accounts are frozen. In other words, the nondefense items and the nonentitlement items are all frozen—whether you are talking Head Start, school lunches, the school programs, the health programs; they are frozen—and we get a 20 percent increase, which is pretty good, for this program.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BYRD. Will the Senator from Missouri yield?

Mr. BOND. For a brief comment?

Mr. BYRD. For a brief comment.

Mr. BOND. I am happy to yield.

Mr. BYRD. I want to thank the distinguished Senator from Missouri for his patience in listening to this discussion that has been going on. He is going to manage a bill, but he has been very patient, and I think we imposed on him. I just wanted to apologize and thank him.

Mr. CHAFEE. I also thank the distinguished Senator from Missouri because he let us proceed. He was to go at 11:30. We thank him very much for his time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have to say that it is very enlightening to listen to my two distinguished colleagues debate this very important matter. Were it not for the schedule of the Senate, I far prefer to be enlightened and edified by these two great leaders of our time. Unfortunately, I believe the time has come for us to move on with other business.

* * *

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 304, S. 1601, regarding human cloning.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. In light of the objection from the other side of the aisle, I now move to proceed to S. 1601.

The PRESIDING OFFICER. Is there debate on the motion?

Mrs. FEINSTEIN. Mr. President, I wish to debate the motion.

The PRESIDING OFFICER. The Senator from California may proceed.

Mrs. FEINSTEIN. Mr. President, this is a rush to judgment on one of the most fundamental issues of the 20th century. Mr. President, this is not renaming National Airport Ronald Reagan Airport.

Mr. President, I submit respectfully to the distinguished Senators on the other side of the aisle that this is a major debate that has scientific implications, moral implications and ethical implications. It is a debate, also, that involves one of the most difficult areas of science involving human genetics, with a vocabulary and a lexicon that is not understood by the great bulk of the American people and certainly not by many of us in the U.S. Senate.

Both the Bond-Frist bill and the Feinstein-Kennedy bill dealing with the subject of human cloning were introduced less than 48 hours ago—48 hours. No hearings have been held on either bill, no floor debate has been held on either bill. The medical community, the research community, patients with currently incurable diseases whose cure we might affect by both of these bills have barely read the bills, much less analyzed them.

As a matter of fact, the letters are now beginning to pour in. I ask unanimous consent to have printed in the RECORD a 9-page statement of the Biotechnology Industry Organization regarding legislation introduced to ban human cloning and a letter to Senator MACK from the American Association for Cancer Research.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE BIOTECHNOLOGY INDUSTRY ORGANIZATION REGARDING LEGISLATION INTRODUCED TO BAN HUMAN CLONING

The Biotechnology Industry Organization (BIO) believes that it is both unsafe and unethical to even attempt to clone a human being. BIO strongly supported the review of this issue by the National Bioethics Advisory Commission (NBAC) and the moratorium on cloning imposed by President Clinton. We believe that the FDA has clear authority and jurisdiction and will, as they have stated, prohibit any attempt to clone a human being.

BIO is concerned about the scope and impact of legislation introduced to make it a crime with a ten year prison sentence to conduct biomedical research which may or may not have any relevance to the cloning of a human being. We are very concerned about the rushed process to pass legislation on this complex subject and the possibilities for unintended consequences. The scientific and legal issues with respect to any legislation regarding biomedical research are exceedingly technical, and a hastily drafted bill could advertently and inadvertently damage biomedical research on deadly and disabling diseases.

The Senate needs to adhere to the standard for doctors, "first, do no harm." Biomedical research into deadly and disabling diseases is far too important to rush to enact legislation which would unequivocally undermine promising research and therapies. The Senate should be extremely cautious before it starts sending scientists to jail when the purpose of their research meets the highest moral and ethical standards and holds such promise for relieving human suffering.

ANALYSIS OF PENDING BILLS AND THE SCIENCE AT RISK

Several bills have been introduced in the Senate regarding human cloning. They vary widely in focus and precision. The three principal bills are S. 368, S. 1599, and S. 1602 and we have analyzed each of them here.

The first bill introduced by Senator Bond last year, S. 368, is one of the better drafted bills introduced in either body. It uses reasonably accurate terms to describe the applicable science and limits Federal funding for the cloning of a human being.

The new bill introduced by Senator Bond, S. 1599, would impose a ten year prison sentence for any individual for the act of "producing an embryo (including a preimplantation embryo)" through the use of a specified technology, "somatic cell nuclear transfer," even if the production of such an embryo is for purposes unrelated to the cloning of a human being and even if the embryo does not contain nuclear DNA which is identical to that of an existing or previously existing human being (cloning). The bill goes beyond the issue of cloning to make it a crime to use somatic cell nuclear transfer of a nucleus derived from normal sexual union of an egg and sperm, which is obviously not cloning. It would also make it a crime to conduct some research seeking to generate stem cells to treat a wide range of deadly and disabling diseases, treatments which have nothing whatever to do with human cloning.[1]

The third bill, introduced by Senator Feinstein, S. 1602, would impose heavy civil fines for any entity that would "implant or attempt to implant the product of somatic cell nuclear transfer into a woman's uterus . . ."

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[1] An identical bill has been introduced by Senator Lott as S. 1601 and this may be the bill which is called up for the Senate debate.

This sharply focuses the bill on an attempt to clone a human being and would not imperil biomedical research.

IMPACT OF BILLS ON STEM CELL RESEARCH

The current bill introduced by Senator Bond would, because it goes well beyond the issue of human cloning, imperil promising biomedical research, including research to generate stem cells. Instead of focusing on cloning, it makes it a crime to zygote or embryo through the use of a new technology, somatic cell nuclear transfer, even if the use of this technology is essential for the generation of stem cells to treat disease and where there is no intention or attempts through use of this technology to clone a human being. Basically the current bill would make it a crime to conduct research if it could possibly be related to the cloning of a human being even if it is not, in fact, conducted for that purpose.

This approach in S. 1599 goes beyond the issue of human cloning and would outlaw some research to create stem cells, including stem cells for the following types of treatments: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for treatment of spinal cord trauma and paralysis; neural cells for treating those suffering from neurodegenerative diseases; pancreas cells to treat diabetes; blood cells to treat cancer anemia, and immunodeficiencies; neural cells to treat Parkinson's, Huntington's and Amyotrophic Lateral Sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including Cystic Fibrosis, Tay-Sachs Disease, schizophrenia, depression, and other diseases; blood vessel endothelial cells for treating atherosclerosis; liver cells for liver diseases including hepatitis and cirrhosis; cartilage cells for treating of osteoarthritis; bone cells for treatment of osteoporosis; myoblast cells for the treatment of Muscular Dystrophy; respiratory epithelial cells for the treatment of Cystic Fibrosis and lung cancer; adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration; modified cells for treatment of various genetic diseases; and other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions.

To be precise, the current bill introduced by Senator Bond, S. 1599, would make it a crime to generate stem cells, for the above uses, where somatic cell nuclear transfer technology is used. It would not ban stem cell research where the stem cell is generated without the use of somatic cell nuclear transfer. It is not possible to say how much of this promising research will or might involve the use of somatic cell nuclear transfer. As described below, the bill would clearly ban the generation of any stem cells "customized" to an individual where somatic cell nuclear transfer must be used.

This stem cell technology is exciting and potentially revolutionary. Scientists are developing a new approach for treating human diseases that doesn't depend on drugs like antibiotics, but on living cells that can differentiate into blood, skin, heart, or brain cells and can potentially treat various cancers, spinal cord injuries, and heart disease. For example, this stem cell research has the potential to develop and improve cancer treatments by gaining a more complete understanding of cell division and growth and the process of metastasis. This could also lead to a variety of cancer treatment advances.

The type of cells that make up most of the human body are differentiated, meaning that they have already achieved some sort of specialized function such as blood, skin, heart or brain cells. The precursor cells that led to differentiated cells come from an embryo. The cells are called stem cells because functions stem from them like the growth of a plant. Stem cells have the capacity for self-renewal, meaning that they can reproduce more of themselves, and differentiation, meaning that they can specialize into a variety of cell types with different functions. In the last decade, scientists studying mice and other laboratory animals have discovered new powerful approaches involving cultured stem cells. Studies of these cells obtained from a mouse's stem cells show they are capable of differentiating, in vitro or in vivo into a wide variety of specialized cell types. Stem cells have been derived by culturing cells of non-human primates. Promising efforts to obtain human stem cells have also recently been reported.

Stem cell research has been hailed as the "[most] tantalizing of all" research in this field, because adults do not have many stem cells. Most adult cells are fully differentiated into their proper functions. When differentiated cells are damaged, such as damage to cardiac muscle from a heart attack, the adult cells do not have the ability to regenerate. If stem cells could be derived from human sources and induced to differentiate in vitro, they could potentially be used for transplantation and tissue repair.

Using heart attacks as an example, we might be able to replace damaged cardiac cells, with healthy stem cells, that could differentiate into cardiac muscle. Research using these stem cells could lead to the development of "universal donor cells," and could be an invaluable benefit to patients. Stem cell therapy could also make it possible to store tissue reserves that would give health care providers a new and virtually endless supply of the cells listed above. The use of stem cells to create these therapies would lead to great medical advances. We have to be sure that this legislation concerning human cloning would not in any way obstruct this vital research.

BOND BILL APPLICATION TO NON-IDENTICAL NUCLEUS

The purpose of a bill to ban human cloning is supposedly to ban the cloning of an individual and the essence of this is the duplication of the DNA of one individual in another. The term "somatic cell," however, is not limited in the current Bond bill to somatic cells with DNA which is the same as that of an existing or previously existing human being. If it is not limited to cases where the DNA is identical, human cloning is—by definition—not involved.

The current Bond bill goes beyond cloning because it does not define the term "somatic cell" or limit to cases where the DNA is identical. It only defines the term "somatic cell nuclear transfer," but it does not define the term "somatic cell." We need a brief glossary of terms to define what constitutes a "somatic cell."

"Zygote" means a single celled egg with two sets (a diploid set) of chromosomes as normally derived by fertilization;

"Egg" and "oocyte" mean the female gamete;

"Gamete" means a mature male or female reproductive cell with one set (a haploid) set of chromosomes;

"Sperm" means the male gamete;

"Somatic cell" means a cell of the body, other than a cell that is a gamete, having two sets (a diploid set) of chromosomes.

So a "somatic cell" is any cell of the body other than a gamete, and it includes a fertilized egg. This means that the current Bond bill would make it a crime to use somatic cell nuclear transfer even in cases where the somatic cell contains a nucleus derived from sexual reproduction, which is obviously not cloning. This means that even though the nucleus is not a clone, the current Bond bill makes it a Federal crime to create it. This means that the current Bond bill goes beyond the issue of cloning.

Because of this coverage of all "somatic cells" the current Bond bill would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. In this treatment women who have the disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria, which is an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, undiseased egg. The current Bond bill would make a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization, no cloning.

CUSTOMIZED STEM CELLS

If the current Bond bill was limited to sometic cells with nuclear DNA identical to that of an existing or previously existing human being, i.e., to a cloned nucleus, it would make it a Federal crime to conduct one especially promising type of stem cell research, into generating "customized" stem cells.

A researcher or doctor might want to create a human zygote with DNA identical to that of an existing or previously existing person through the use of somatic cell nuclear transfer, the act prohibited in the bill, in order to create a customized stem cell line to treat the individual from whom the DNA was extracted. By using the same DNA, the stem cell therapy would more likely to compatible with, and not be rejected by, the person for whom the therapy is created. By starting with the patient's own nuclear DNA, the therapy is, in effect, custom made for that person. It is like taking the patients blood prior to surgery so that it can be infused into the patient during surgery (avoiding the possibility of contamination by the use of blood of another person).

Because the current Bond bill makes it a crime to use the technology—somatic cell nuclear transfer—it would make it a crime to develop a therapy with the equivalent of the patient's personal monogram on it a customized treatment based on their own nuclear DNA.

Because the bill introduced by Senator Feinstein requires the implantation of an embryo, it does not curtail stem cell research, and the bill provides that the transfer nucleus must be that of an "existing or previously existing human child or adult," precisely the limitation not present in the current Bond bill. None of the issues we have raised regarding the current Bond bill apply to the Feinstein bill, which is narrowly focuses on the act of cloning, or attempting to clone an individual.

PROTECTING BIOMEDICAL RESEARCH

The current Bond bill and the Feinstein bill both contain clauses for the protection of biomedical research. There is a critical difference between them.

At the press conference announcing introduction of his bill Senator Bond distributed a document entitled "Current Research Untouched by the Bond/Frist/Gregg Legislation." The title of this document was followed by a list of such research, including "In Vitro Fertilization," "Stem Cell Research," "Gene Therapy," "Cloning of Cells, Tissues, Animals and Plants," "Cancer," "Diabetes," "Birth Defects," "Arthritis," "Organ Failure," "Genetic Disease," "Severe Skin Burns," "Multiple Sclerosis," "Muscular Dystrophy," "Spinal Cord Injuries," "Alzheimer's Disease," "Parkinson's Disease, and "Lou Gehrig's Disease". Unfortunately, the title is followed by a critical qualification, an asterisk. The asterisk qualification states, "The current Bond bill would not prohibit any of this research, even embryo research, as long as it did not involve the use of a very specific technique (somatic cell nuclear transfer) to create a live cloned human embryo."

In the ways described above this asterisk qualification acknowledges that the bill would, in fact, make it a crime to conduct some types of stem cell research and other research. Given the importance of the asterisk, the document's title the list of supposedly protected research could be considered misleading. The document should more accurately have been entitled "Only Some Research Regarding the Following Diseases is Outlawed."

The current Bond bill contains a Section 5 entitled "Unrestricted Scientific Research." This section provides that "Nothing in this Act (or an amendment made by this Act shall be construed to restrict areas of scientific research that are not specifically prohibited by this Act (or amendments)." This provision is circular. It states that the bill does what it does and does not do what it does not do. The provision does nothing to modify the prohibitions on research and does nothing to protect "scientific research."

In contrast the Feinstein bill includes a provision regarding "Protected Research and Practices" which provides that "Nothing in this section shall be construed to restrict areas of biomedical and agriculture research or practices not expressly prohibited in this section, including research or practices that involve the use of—(1) somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; (2) mitochondrial, cytoplasmic or gene therapy; or (3) somatic cell nuclear transfer techniques to create nonhuman animals." This is a "savings" clause with meaning and content. Its reference to the cloning of "cells" and to "mitrochondrial" therapy are laudatory and meaningful.

NBAC RECOMMENDATION AND CLINTON ADMINISTRATION BILL

The National Bioethics Advisory Commission (NBAC) cautioned that poorly crafted legislation to ban human cloning may put at risk biomedical research on the following types of diseases and conditions: "Regeneration and repair of diseased or damaged human tissues and organs" (NBAC report at 29); "assisted reproduction" (NBAC report at 29); "leukemia, liver failure, heart and kidney disease" (NBAC report at 30); and "bone marrow stem cells, liver cells, or pancreatic beta-cells (which product insulin) for transplantation" (NBAC report at 30). The Clinton Administration proposed law, like the Feinstein bill, avoids the peril identified by NBAC and focuses only on the issue of human cloning and does not imperil biomedical research.

SUNSET AND PREEMPTION

NBAC proposed that any law include both sunset review and preemption provisions.

Regarding a sunset review provision, NBAC stated in its report: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science. Some mechanism, therefore, such as a sunset provision, is absolutely needed to ensure an opportunity to re-examine any judgment made today about the implications of somatic cell nuclear transfer cloning of human beings. As scientific information accumulates and public discussion continues, a new judgment may develop and we, as a society, need to retain the flexibility to adjust our course in this manner. A sunset provision . . . ensures that the question of cloning will be revisited by the legislature in the future, when scientific and medical questions have been clarified, possible uses have been identified, and public discussion of the deeper moral concerns about this practice have matured." NBAC report at 101.

President Clinton has proposed a five year sunset in his bill. The Feinstein bill includes a ten year sunset and the current Bond bill includes no sunset review.

BIO supports inclusion of a sunset review provision, but the most important issue is whether the terms of the prohibition in any law focuses only on the issue of human cloning. A sunset review provision will not undo the damaged which a poorly crafted, over broad law would do to biomedical research prior to the sunset date.

The Feinstein bill, but not the current Bond bill, includes a clause which preempts inconsistent state laws. NBAC strongly supported a preemption of state laws: "The advantage to federal legislation—as opposed to state-by-state laws—lies primarily in its comprehensive coverage and clarity. . . . Besides ensuring interstate uniformity, a federal law would relieve the need to rely on the cooperation of diverse medical and scientific societies, or the actions of diverse IRBs, to achieve the policy objective. As an additional benefit, federal legislation could displace the varied state legislative efforts now ongoing, some of which suffer from ambiguous drafting that could inadvertently prohibit the important cellular and molecular cloning research described . . . in this report." NBAC report at 100.

Numerous bills introduced in state legislatures, some of which are very poorly crafted and over broad.

BIO supports inclusion of a preemption clause. Again, the key issue is whether the prohibition in any law focuses only on the issue of human cloning and does not imperil biomedical research. A poorly drafted, over broad Federal law which preempts state laws might do even more damage.

NBAC ROLE AND COMMISSION

NBAC performed a public service with its quick and thoughtful analysis of the human cloning issue. The current Bond bill would set up an entirely new body to review the human cloning issue rather than rerefer the issue back to NBAC for further review. NBAC is well qualified and positioned to perform this function and it may be wasteful and expensive to establish another body to perform this ongoing review. The Feinstein bill calls on NBAC to conduct the reviews.

AMERICAN ASSOCIATION FOR
CANCER RESEARCH, INC.,
Philadelphia, PA, February 4, 1998.

Hon. CONNIE MACK,
U.S. Senate, Washington, DC.

DEAR SENATOR MACK: Medical research, conducted in the United States over the last 20 years, has opened up tremendous opportunities to make progress against many devastating diseases. The scientific community does not desire to make human beings, or modify or genetically mark any portion of our population. However, to deny the application of molecular biology, made possible through the use of cloning technologies, to patients who could be benefited would be a great injustice.

A litany of beneficial applications of cloning technology was enumerated in this weeks TIME Magazine. Several of these applications are at the core of cutting-edge cancer research, and there are many more potential benefits that are unknown at this time. These applications, as well as any future progress, would be eliminated by broad legislation setting back progress and potential in our conquest to develop effective approaches to the prevention, detection, and treatment of cancer.

The American Association for Cancer Research (AACR), with over 14,000 members, is the largest professional organization of basic and clinical cancer researchers in the world. Founded in 1907, its mission is to prevent, treat, and cure cancer through research, scientific programs, and education. To accomplish these important goals it is essential that scientists vigorously pursue all promising lines of investigations against cancer.

The AACR feels strongly that an ethical and just compromise can be reached that will protect the public and the scientific community from the irresponsible application of cloning technology while permitting meaningful and ethical research to move forward. The medical and cancer research community feels that the present rush to enact legislation without proper consideration or deliberation is a serious mistake, and the unfortunate result would be irresponsible legislation.

As scientists we clearly see the tremendous advantages of cloning technology as well as its potential problems, which we, also, have reason to fear if it is applied in an unreasonable manner.

The AACR, therefore, appeals to all Members of Congress to establish and honor a moratorium of at least 45 days on enacting any legislation until definitions and implications of legislation can be determined in a more reasonable and thoughtful manner, and in an open and public process. This would be a service to humanity, science, and millions of individuals who are now suffering, or will suffer in the future, from catastrophic and crippling diseases such as cancer. We appeal to all members of Congress to give this important moral and scientific issue very careful consideration and deliberation. Clearly a rush to judgment on this complex issue could be a major setback for cancer and medical research.

Sincerely,

DONALD S. COFFEY,
President.

Mrs. FEINSTEIN. Mr. President, the Biotechnology Industry Association analyzes both the Bond-Frist bill and the Feinstein-Kennedy bill, which is a second bill that addresses cloning. This interesting analysis, representing the entire biotechnology industry of the United States, makes a very important point, that whatever we do here impacts on human research in a multitude of different areas, and most particularly it affects cancer research. Mr. President, I will comment on this paper and also comment on a number of other items.

The American Association for Cancer Research's letter to Senator CONNIE MACK urges that there be a 45-day delay in enacting any legislation until definitions and implications of legislation can be determined in a more reasonable and thoughtful manner and in an open and public process. They are calling for reason, they are calling for thoughtful deliberation, they are calling for a public process. Who can deny that on a very complicated subject?

The Whitehead Institute—and specifically Gerald R. Fink, a Director of the American Cancer Society, Professor of Genetics—in his letter talks about the limited ability to develop cell-based strategies, which will take place if the Bond-Frist bill is ramrodded through this body.

The American Society for Reproductive Medicine has written a letter urging this body to vote no on the Bond-Frist legislation.

The American Psychological Association has written to us urging that we delay, that there be discussion and debate, and they point out that we need to protect research efforts in this area.

The American Association for the Advancement of Science has said that they are deeply concerned about the ethical and scientific issues. They warn us: "Use great caution in moving with this legislation."

Even the College of Veterinary Medicine from the University of Missouri, Colombia, has written to this body urging caution.

The University of California at San Francisco, Roger A. Pederson, Professor and Research Director of the Reproductive Unit of the Department of OB/GYN and Reproductive Science, has written to this body urging caution and restraint as well.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY FOR
REPRODUCTIVE MEDICINE,
Birmingham, AL, February 5, 1998.

DEAR SENATOR KENNEDY: The American Society for Reproductive Medicine (ASRM) urges you not to allow the Bond Human Cloning Prohibition Act (S. 1601) to be brought to the floor for a vote today, and if it is, to vote against it.

ASRM is very concerned that in the rush to make human cloning illegal, Congress will inadvertently outlaw very serious and promising medical research that may uncover cures to some of the most deadly diseases. Cloning is a highly technical area that cannot easily be understood and should not be hastily legislated.

Scientists engaged in legitimate medical research are not interested in cloning a human being. Since October, professional organizations representing more than 64,000 scientists have announced their participation in a voluntary five year moratorium on human cloning. Efforts led by the scientific community, rather than legislative prohibitions, have worked before, and will work this time.

When we first discovered how to duplicate DNA at any level, there were cries to outlaw it. Luckily your predecessors did not take that step, instead allowing the scientific community's voluntary moratorium to slow research while we explored its implications. Today millions of Americans are alive thanks to drugs made using recombinant DNA.

This bill prohibits not just the creation of a human clone, but any attempt to understand how somatic cell nuclear transfer could be used to improve our understanding and treatment of disease.

We urge you and your colleagues to carefully consider any human cloning legislation and to proceed through the proper legislative channels so that a hastily drafted bill does not get passed, sentencing millions of Americans to needless suffering.

Sincerely,
J. BENJAMIN YOUNGER, M.D.,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
February 2, 1998.

Senator DIANNE FEINSTEIN and
Senator EDWARD KENNEDY,
Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR SENATORS FEINSTEIN AND KENNEDY, I write to support the proposed "Prohibition on Cloning of Human Beings Act of 1998" introduced by both of you. There appears to be considerable confusion on this topic which apparently has resulted in an effort by some to restrict various areas of biomedical and agricultural research dealing with reproduction and embryo research. It is important to differentiate between human cloning and other types of research. My understanding also is that the FDA has indicated that they are the federal agency responsible for monitoring any possible attempts at cloning research.

I do want to emphasize again that we need to protect researchers efforts at research which does not include "the production of a precise genetic copy of a molecule (including DNA), cell, tissue, organ, plant, animal or human".

Let me also add that the American Psychological Association took the stand that it is human behavior, in all its aspects which should ultimately serve as the focus of scientific and bioethical inquiry, not simply the techniques which initiate the process. After all, just think if nature had not beaten us to the development of twins. Wouldn't there be a huge cry about how we ought not to have identical twins because it would be unnatural to have two people so similar to each other?

Thank you for permitting me to express my viewpoints. I am sure they are shared by many scientists in this country.

Sincerely,
NORMAN ABELES, Ph.D,
Professor and Immediate Past President.

AMERICAN ASSOCIATION FOR THE
ADVANCEMENT OF SCIENCE,
February 2, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: The American Association for the Advancement of Science (AAAS) has followed with interest the developments of the past year related to cloning, including current and proposed legislation regarding the possible use of somatic cell nuclear transfer to clone a human being.

Throughout its 150-year history, AAAS has been a pioneer among American scientific organizations in addressing the moral and ethical issues related to scientific developments. We are deeply concerned about the scientific and ethical issues raised by the possibility of cloning human beings and believe that a much more complete understanding of these issues is essential before such experiments are even considered. At the same time, however, we are also concerned that well-intentioned legislation in the area of human cloning may inadvertently impede vital research in agriculture, biotechnology, pharmaceuticals, and genetics.

We urge that congressional leaders use great caution in drafting legislation to ban human cloning. Congress should consult with leading researchers in genetics and other areas of the life sciences in crafting language so that definitions of scientific and technical terms are well understood and the resulting laws do not impede important research that may use similar techniques but do not raise the same kinds of moral and ethical concerns. Such related research can yield great benefits, for example, in increasing agricultural production, generating new products through biotechnology, finding cures for genetic disorders, and reducing the costs of pharmaceuticals. It is essential that these legitimate and socially-important areas of research not be adversely affected by legislation aimed at restricting human cloning.

AAAS, founded in 1848, is the world's largest multidisciplinary scientific association, with 145,000 individual members and nearly 300 affiliated scientific and engineering societies. Our Committee on Scientific Freedom and Responsibility has been a powerful voice for ethics in science and, in collaboration with our Program of Dialogue Between Science and Religion, held a major public forum in Washington last June that explored scientific, moral, ethical, and religious implications of human cloning. We are eager to assist in promoting a responsible and constructive dialogue between scientists, policymakers, and the public in this area, and stand ready to assist you in any manner that would be useful.

Sincerely,
RICHARD S. NICHOLSON.

COLLEGE OF VETERINARY MEDICINE,
UNIVERSITY OF MISSOURI-COLUMBIA,
Columbia, MO, February 4, 1998.

To: Ms. Adira Simon, Senator Kennedy's Office.
From: R. Michael Roberts, Curators' Professor and Chair, Veterinary Pathobiology.
Subject: Feinstein/Kennedy (S1602) *versus* Bond (S1599).

I am sending you a copy of my letter to Senator Bond, which addresses some of the same scientific issues raised in your comparison.

I have read S1602 and believe that it would be well accepted by scientists, including members of the Society for the Study of Reproduction, and the Developmental Biologists. What is important is criminalization of any intent to produce a baby and not to ban a possibly desirable outcome of the technology, which is the generation of replacement cells and tissues for an individual. The Feinstein/Kennedy Bill also creates a moratorium rather than a difficult-to-reverse ban on cloning of human beings. Again, most scientists would find this comforting.

I should point out that the term "somatic cell nuclear transfer technology" has much broader meaning than the way it is defined in either bill. Nuclear transfer between somatic cells is a common technique and has been used for decades. I would be happier if the wording of both bills made it clear that it is the transfer of a somatic cell nucleus to an oocyte to create a human baby that is the issue.

What I found contradictory about S1601 is that it creates an elaborate commission to report on cloning (and other issues), yet the very technique that could allow future discourse will have been criminalized.

In summary, I judge the Feinstein Kennedy Bill likely to accomplish what most scientists and the lay public support, a ban on cloning human beings. It will not prohibit the legitimate use of somatic nuclear transfer to oocytes to create replacement tissues, and it places a time limit on the ban, which can be extended as public and scientific sentiment dictates.

University of California,
San Francisco,
January 30, 1998.

Hon. Senator Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy, I am writing to express my profound appreciation and support for your efforts to preserve the opportunities for continuing research in the United States on the earliest stages of human development. I can provide you with the names and histories of several patients in our experience who have benefited directly from prior research and diagnostic procedures leading to healthy pregnancies and births. In addition, I can provide you with one or more names of families whose health misfortunes could have been or could be avoided through research on early products of human conception.

Please tell me if this additional information will be of value to you. I applaud your efforts to achieve a responsible bill on the subject of human cloning prohibition that does not impede the benefits of basic and clinical research for the American people.

Sincerely yours,

Roger A. Pedersen, Ph.D.,
Professor and Research Director, Reproductive Genetics Unit, Department of Obstetrics, Gynecology and Reproductive Sciences.

Mr. BOND. Mr. President, may I inquire of the distinguished Senator from California how long she will be? We have not had an opportunity for an opening statement. I would like to know how long she proposes to proceed in opposition.

Mrs. FEINSTEIN. I would like to respond to the distinguished Senator from Missouri. I think the Senator is right. I do have a very lengthy presentation to make, and it is going to be quite involved. I would be very happy to yield to him to make his opening statement if he would see that I have the floor regained directly following his statement.

Mr. BOND. Mr. President, I would be happy to ask unanimous consent that when my remarks are finished, the Senator from California be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thought before we got into a full-fledged debate saying this is bad, perhaps my colleagues would like to know what it is that we propose to do, speaking for the sponsors of this measure. It is obviously one that is going to take some discussion and debate, and it's very helpful to know some of the objections that are raised to it. Again, for the sake of the RECORD, let me say what this is.

This measure is a very carefully and narrowly targeted provision that places an outright ban on the use of somatic cell nuclear transfer for human cloning purposes. It defines one technique, the technique that was used to create, by cloning, the sheep Dolly and says that you shall not do that for human beings—quite simply.

Why is this necessary? Why is it necessary that we move forward on this? Well, frankly, recent reports show that a Chicago-based scientist is prepared to move forward with human cloning experimentation. I think this forces an immediate debate on how far out on a moral cliff we are willing to let science proceed before we as a nation insist on some meaningful constraints. We no longer have the luxury of waiting around for this morally reprehensible act to occur.

That scientist is proposing to raise huge sums of money and promise infertile couples that he can clone human beings for them. The time for the debate and action is now. If creating test tube babies by cloning a human embryo is morally, ethically, and practically wrong, as I strongly believe it is, we need to stop it now. To delay it, to filibuster it, to postpone it means that not only this scientist and others who, perhaps, are not holding news conferences, can go forward with a process that I believe the overwhelming majority of American people believe is wrong, as I believe it is. To those who say we have not studied this or debated this, I only say that since we had this story about the cloning of Dolly the sheep, and stories of organizations and individuals pursuing human cloning, they have kept the debate alive. The American public is asking if similar techniques can be used to clone human beings, and they are concerned very deeply whether something which was thought only to be science fiction is now closer to reality.

Now, there are some distinguished books that oppose a prohibition on human cloning. They suggest that we cannot put the genie back in the bottle and we cannot stop progress. I suggest that we have come to the point where our technological capability may be outrunning our moral sense. We have, in this body, carried a prohibition against Federal funding of cloning human embryos. We have prohibited the research and experimentation with Federal funding because we thought it was way down the line. We didn't want to see money used. Last year, after the cloning of Dolly the sheep, we held hearings; tremendous amounts of testimony were presented. I personally testified before Senator FRIST's subcommittee. This is not a new debate. The reason this debate is important, and the reason that action is important is that now we are faced with scientists of, I believe, questionable judgment, who would go forward with something that is morally reprehensible.

This measure is targeted narrowly to one specific process that was used to clone the sheep Dolly. It is the somatic cell nuclear transfer to create a human embryo. In addition to prohibiting that, we have, at the urging of my distinguished cosponsor, Senator FRIST, provided for a commission to study the ethical implications of related technologies. And I believe we have made it clear that ongoing legitimate activity, short of this one specific process, cleaning out a human embryo and putting in a nuclear cell transfer, and starting the process of differentiation of the cell toward creating a test tube baby is unacceptable.

The ethical implications of human cloning are staggering. I believe that we would have the overwhelming understanding and support of the American people that we should never create human life for spare parts, as a replacement for a child who has died, or for unnatural or selfish purposes. How many embryos or babies would we tolerate being created with abnormalities before we perfect human cloning? It took Dr. Wilmut, the Scottish scientist, 276 tries before creating Dolly, and we still do not even know if Dolly is the perfect sheep. For humans, those results are unacceptable—creating tremendously deformed human embryos or human beings. Dr. Ian Wilmut, the lead Scottish scientist who created Dolly, himself stated that he can see no scenario under which it would be ethical to clone human life. And he is right.

In September of 1994, a Federal human embryo research panel noted that, "Allowing society to create genetically identical persons would devalue human life by undermining the individuality of human beings." Further, the panel concluded that there are moral concerns about the deliberate duplication of an individual genome, and that making carbon copies of a human being is repugnant to members of the public. "Many members of the panel share this view and see no justification for Federal funding of such research."

I emphatically argue that those statements apply to private sector research as well. That is what we are trying to reach. It is important to note that the legislation is narrowly drafted, and its sole objective is to ban the use of somatic cell nuclear transfer for human cloning purposes. We worked overtime to ensure that this language was specific so that it would ban only the technique used to create Dolly.

This technique has also been criticized by a representative of the pharmaceutical industry, who in a prepared statement for Members of Congress, dated January 13, 1998, stated:

> While conventional cloning technology has been used extensively worldwide to meet global medical needs, nuclear transfer technology is fraught with untold failures for each partial success and has major scientific and significant ethical issues associated with it. Furthermore, it has no strong therapeutic or economic-based need driving it at this time. The concept that it is a viable alternative to infertile parents is cruel and completely unjustified. I would challenge you not to confuse the two as the Congress considers its options here.

Well, Mr. President, myself, Senator FRIST, Senator GREGG, and others, have met with and consulted with representatives of the pharmaceutical industry, researchers, representatives of patient groups, and we have told them what we are proposing to do, and we have listened to them discuss all of the implications. We know that in vitro fertilization, plant and animal cloning, cloning of DNA cells and tissues, stem cell research, gene therapy research, and other activities taking place at the Human Genome Center offer great hope in addressing how to prevent, diagnose, and treat many devastating diseases. These types of research will continue to thrive, that is clear, because we have targeted our ban so narrowly, and we intend only to prohibit, by cloning, the creation of the human embryo.

This is a technique characterized by industry, researchers, theologians, ethicists, and others, as fraught with failures and lacking therapeutic value. This bill, however, does allow the important and promising research to continue. I have long been a supporter of biotechnology. I have supported biotechnology efforts. I continue to support everything from human genome mapping to all of the other human research efforts. We have no problems with and support cloning of animals. But there is a bright line between those activities and human cloning, and we must draw that line. There is a line, Mr. President, and that line is clear.

You can do all the research you want. You can create organs, you can do all kinds of experimentation. But you should not be able to create a human embryo by cloning, starting a test tube baby. Now, there are some who say that it is all right so long as you don't implant that cloned human embryo, so long as you destroy it. Once you start the process of creating this test tube baby, it is OK to destroy it. As a matter of fact, they would have us believe that we would start all these human embryos, start the cell differentiation, and then wipe them out. Well, I think that raises serious questions with many people, and I am included in that. But it also raise also the prospect that once you start cloning these human embryos—they are very small —they can be transported very easily, picked up and taken from this country to someplace else in the world in large numbers, where there may be no ban on implementation. The difficult science is creating the human embryo. Once you do that, you have opened a whole area. And to say we are just going to prevent them from being implanted so a baby is brought to term, that won't get it because that is too late. I have heard the arguments of those who oppose this bill. And, quite frankly, let me tell you what those arguments are.

They are that some scientists would like to be able to create human embryos, play with them, and experiment with them, experiment with a human embryo that is differentiating and starting to grow, and say, "OK. Time is up. We will toss this one away and we will start playing with another one." Once you get into that process, Mr. President, you have stepped over the moral and ethical line. There is a clear line. There is a very clear line.

We are ready to have the argument because I believe a significant majority of the Members of this body reflect a significant, overwhelming view of the American people that that is unacceptable. There may be well-intentioned scientists who say we need to play with human embryos and start these embryos growing and let us play with them. They may get something. They may develop some scientific knowledge. But the statements I have already presented show that there is no really legitimate, scientific need, and, in fact, there are grave moral and ethical reasons not to. I strongly hold the belief that all human beings are unique and created by God. And I think billions of people around the world share it. Human cloning, a man's attempt to play God, will change the very meaning of life, of human dignity, and what it is to be human. Are we ready for that? I don't think so.

Mr. President, the Washington Post in October of 1994 in an editorial said:

> The creation of human embryos specifically for research that will destroy them is unconscionable. Viewed from one angle this issue can be made to yield endless complexities. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of a brand new embryo? But before you get to these questions, there is a simpler one. "Is there a line that should not be crossed even for scientific, or other gain, and, if so, why is it?"

That is the quotation from the Washington Post. In case you missed it, let me give you the first sentence again. "The creation of human embryos specifically for research that will destroy them is unconscionable."

That is a simple, straightforward statement with which I agree, and I believe when the Members before the body have an opportunity to reflect on it and consider it, they will agree that is right.

Let me quote President Bill Clinton, 1994.

> The subject raises profound ethical and moral questions as well as issues concerning the appropriate allocation of Federal funds. I appreciate the work of the committees that have considered this complex issue, and I understand that advances in in vitro fertilization research and other areas could be derived from such work. However, I do not believe that Federal funds should be used to support the creation of human embryos for research purposes.

That is the President. He said don't create human embryos by cloning for research.

That is the question. Those who would delay and filibuster want to avoid that question and delay it. I know they are well-intentioned. I know they may have great reservations. They may not agree with that simple moral standard. But there are people out there who want to start that process, who may as we speak be engaged in that process.

We have debated whether cloning of human embryos is a good idea. I think there is a clear consensus. We have drafted a narrow bill, a targeted one that I hope we can move forward to enact. There is a lot of smoke and mirrors, and there are a lot of discussions about a whole range of other options. These are very technical. That is why we set up a commission to review all of these things. What we are targeting right now is the one procedure that has been used with sheep, and could be used, if it is not stopped, to start creating human embryos. For those people who want to create human embryos for research purposes and destroy them or implant them, I say you are going across the line. I don't care what your motives are. I don't care whether it is profitable. I don't care what you think might come out of it. At this point we are saying, "No, you cannot cross the line."

Mr. President, that is what this debate is all about. I believe that we may have an opportunity, if discussion continues, to bring this debate to a close. At such time I will be back on this floor to say, if you want to allow the scientific community and some people with different sets of standards and different sets of judgments to go ahead and attempt to create human embryos by cloning by a somatic cell nuclear transfer, go ahead and support the extended discussion. Vote no against cloture. But, by doing so, you are providing a green light. You are saying, go ahead and use this technique that I believe is unacceptable and should be made illegal in this country as it is in the United Kingdom, Germany, Canada, and many of the other developed and leading countries in the world.

Mr. President, I appreciate very much the Senator from California allowing me to explain what the bill is and what it is not. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Missouri. I appreciate his comments. And I must tell him that in the main I agree with him.

We have submitted an alternative bill to Bond-Frist. It is Feinstein-Kennedy.

I am opposed to human cloning. I believe human cloning is scientifically dangerous, it is morally unacceptable, it is ethically flawed, and we should outlaw it. That is not the issue.

The issue is we are dealing with a complex subject. The bill at hand is a bill that uses words and does not define those words. There is the rub.

So the issue here today is whether we go ahead and ramrod through legislation with virtually no consideration by this body, legislation that would impose a permanent ban forever with prison terms of up to 10 years, and we will not understand fully what that bill will do. That is why the medical and the scientific research community have asked us to proceed with caution.

Let's say that you don't believe me. Would you believe the Biotechnology Industry Association representing the entire biotechnology community? Let me quote from page 4 of their 9-page statement to us.

> The current Bond bill goes beyond cloning because it does not define the term "somatic cell" or limit to cases where the DNA is identical. It only defines the term "somatic cell nuclear transfer," but it does not define the term "somatic cell." We need a brief glossary of terms to define what constitutes a "somatic cell."
>
> "Zygote" means a single celled egg with two sets (a diploid set) of chromosomes as normally derived by fertilization;
>
> "Egg" and "oocyte" mean the female gaméte;
>
> "Gamete" means a mature male or female reproductive cell with one set (a haploid) set of chromosomes;
>
> "Sperm" means the male gaméte;
>
> "Somatic cell" means a cell of the body, other than a cell that is a gaméte, having two sets (a diploid set) of chromosomes;

Here is the point.

> So a "somatic cell" is any cell of the body other than a gaméte, and it includes a fertilized egg. This means that the current Bond bill would make it a crime to use somatic cell nuclear transfer even in cases where the somatic cell contains a nucleus derived from sexual reproduction, which is obviously not cloning. This means that even though the nucleus is not a clone, the current Bond bill makes it a Federal crime to create it. This means that the current Bond bill goes beyond the issue of cloning.
>
> Because of this coverage of all "somatic cells" the current Bond bill would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. In this treatment women who have the disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria, which is an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, undiseased egg. The current Bond bill would make it a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization, not cloning.

This is the Biotechnology Industry Association's statement.

It goes on into other areas that would be prohibited. But let me say what I think the major problem here is.

The key terms in this bill are undefined, and the full scope of the bill is unknown by anyone in this body. It is just 48 hours old. We don't understand the impact of it. The bill is not ready for rushing to the full Senate for immediate consideration.

The Bond-Frist bill fails to define the following terms: somatic cell, oocyte, embryo, and preimplantation embryo.

These are all technical, scientific, state-of-the-art terms that need definition. The bill actually drops the definitions that were in earlier versions of it.

Undefined key terms will chill vital medical research and treatment. The medical and scientific community has overwhelmingly stated that this bill would chill important scientific and health research. The bill criminalizes that research. Scientists will refuse to do that research. Venture capitalists will refuse to fund it when faced with possible prison terms.

The Bond bill bans somatic cell nuclear transfer technology, and, as a result, the Bond bill may ban production of genetically identical tissues for treatment of disease and transplantation, including blood cell therapies for diseases, such as leukemia and sickle cell anemia; nerve cell therapy for neurodegenerative diseases such as Alzheimer's, Parkinson's and Lou Gehrig's; multiple sclerosis; nerve cell therapy for spinal cord injury; insulin transplants for diabetes; skin cell transplants for severe burns; liver cell transplants for liver damage; muscle cell therapy for muscular dystrophy and heart disease; and cartilage-forming cells for reconstruction of joints damaged by arthritis or injury.

Let me say what I think the problem is.

Senator KENNEDY and I have another bill. We approach this differently. Rather than banning all somatic cell nuclear transfer, period, the end, we say you can't use this technology if you are going to implanting it in a human uterus. You cannot grow a baby by implanting it in a human uterus.

Let me restate that.

You cannot grow a baby using this technology unless it is implanted in a human uterus. I have confirmed that, to my knowledge, scientifically at this stage, there is no way of doing it. However, you can use this somatic nuclear cell transfer for the tissue research, the other areas of research that I am talking about. Once you ban the technology, you cannot use it for these other areas of research.

That is why we feel that the place to ban it is with implantation in the female uterus or womb. That stops the production of a baby. It is dangerous. It took 277 implants in Dolly before they got it to work. And there is a lot we do not know about the procedure. It is terribly dangerous because you are taking a cell at a certain degree of maturity, not an infant cell. You are taking a mature cell, and you don't know what the impact of that cell is going to be on developmental disabilities and the rest of human development.

So scientifically it is dangerous to clone a human. Morally, we say it is unacceptable, and there are a lot of reasons for this: Who would clone? What rules do you set up in cloning? Do you permit the cloning of Adolf Hitlers and the other less favorable characters of history, history past and history future.

So there are many, many questions to discuss. I think everyone in this body believes that human cloning should be made illegal, but we should not attack the technology from which so much good can come. For example, using this technology scientists believe that it will be possible to treat third-degree burns, to provide skin grafts because the DNA would be the same. We may that be able to clone their skin, grow that skin and transfer that skin without rejection. The same thing may be true of diabetes, and particularly in juvenile diabetes which is so recalcitrant and so difficult to handle.

This technology may offer a cure. And with respect to cancer, this technology is what is used in the mass production of anticancer drugs. It would stop all of this particular technology.

So the key is not to stop the technology. The key is to stop the implantation of the embryo produced by this technology in a human uterus. That is what we do in our bill. And that is why I can say virtually all of the scientific community supports Feinstein-Kennedy and opposes Bond-Frist.

Now, I am aware of the fact our staffs met earlier this morning. We all want the same thing. Let me beg this body, do not do something in a rush that is going to mean one day someone is not going to have a cure for cancer or diabetes or somebody lying in a burn unit at St. Francis Hospital in San Francisco or anywhere else is not going to make use of this technology to produce tissue that the body will not reject.

That is really the issue. Why does this have to be done in 48 hours? The FDA says it will prevent human cloning. Why are we rushing to do something and use terms like somatic cell and we do not define in the legislation what a somatic cell is. How many people do we condemn to death because we shut off research because anybody that does any research will have a 10-year Federal prison sentence, a 10-year Federal prison sentence if you do research on somatic nuclear cell transfer to try to develop a skin graft for a third-degree burn that will not be rejected?

That is essentially what we are talking about here today, Members of the Senate. The Bond bill additionally could ban noncloning treatments for diseases carried in the cytoplasm. The cytoplasm is the nonnuclear material in a cell. So parents whose children inherit cytoplasmic diseases can have healthy children by using a variation on somatic cell nuclear transfer. This isn't cloning. It is curing a disease. And I am as sure as I am standing here the Bond-Frist bill bans this kind of therapy.

So let's have hearings. These bills should go to committee and be considered thoroughly. Let's have the biotechnology community testify. Let's have the scientific community testify. Let's have a glossary of terms that we all agree upon. And let's put those definitions into a bill. Yes, let's ban human cloning. Let's say you cannot implant a uterus with somatic cell nuclear transfer. Then there are no babies. Then there is no human cloning. But the rest of the research, research to cure diseases, can move ahead.

I am aware of the fact that the distinguished Senator from Florida is in the Chamber and may wish to make a statement. If I could regain the floor, I would be happy to yield to him for the purpose of that statement.

Mr. BOND. Mr. President, I think there are others in the Chamber as well. I do not believe that we have any agreement at this time to go back and forth with proponents and opponents. The Senator from California has the floor, and if she wishes to yield I suggest the Senator from New Hampshire has been here for some time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from California has the floor.

The Senator from California.

Mrs. FEINSTEIN. Yes, I would like to continue if I can then, and if there is any message that I might be able to deliver on behalf of the distinguished Senator from Florida, who probably knows more about research into areas involving cancer than many of us in this body, I would be happy to deliver it for him.

I say to the distinguished Senator, I do not want to yield the floor and lose the floor because it is my intention to slow down Senate consideration today in this rushed manner in hopes that we will be able to send it to committee, have a hearing and follow the normal deliberative process, including sending it back to the Senate soon for thoughtful consideration.

Mr. MACK. I wonder if I might——

Mrs. FEINSTEIN. I am afraid to yield the floor because I may well lose the floor and not get it back again. So I will continue, if I may.

Mr. President, just yesterday, Dr. J. Benjamin Younger, the Executive Director of the American Society For Reproductive Medicine, wrote:

> I urge you and your colleagues to carefully consider any human cloning legislation and to proceed through the proper legislative channels so that a sloppily drafted bill does not get passed and sentence millions of Americans to needless suffering.

Mr. President, once again, I say we should not charge ahead at full throttle on a bill that legislates issues as profound as those surrounding human cloning. There is simply too much at stake.

I would like to give you just a quick side-by-side comparison of the two bills under consideration that ban cloning, Bond-Frist and Feinstein-Kennedy.

Feinstein-Kennedy, as I have said, bans the implantation of the product of somatic cell nuclear transfer into a woman's uterus. It makes unlawful the shipping of the product of somatic cell nuclear transfer in interstate or foreign commerce for the purpose of implanting into a woman's uterus. And it prohibits the use of Federal funds for implanting the product of somatic cell nuclear transfer into a woman's uterus. I recognize that is current in the fiscal year 1998 appropriations law, but we reinforce it in our bill.

The Bond bill, as I understand it, bans human somatic cell nuclear transfer period. It is defined as taking the nuclear material of a human somatic cell and incorporating it into an oocyte from which the nucleus has been removed or rendered inert and producing an embryo, including a preimplantation embryo. Again, it defines none of these terms. And it makes unlawful the importation of an embryo produced through human somatic cell nuclear transfer technology. It is silent on the use of Federal funds, probably because the authors know that a prohibition on human embryo research is already in place.

The length of the ban in our bill is 10 years. It is a permanent ban in the Bond bill.

The reason it is a temporary ban or a moratorium of 10 years is largely because a voluntary moratorium has been put in place by the entire American scientific community, and to the best of my knowledge, what they were requesting was a 5-year moratorium which the President's bill contained. We felt the 5-year moratorium was too short. We prefer the longer period so that it can be reviewed at the end of 10 years.

The Feinstein-Kennedy bill protects and allows biomedical and agricultural research on practices which are not expressly prohibited. That would include research or practices involving somatic cell nuclear transfer or cloning technologies, mitochondrial, cytoplasmic or gene therapy or somatic cell nuclear transfer to create animals. We do not interfere with that. The Bond bill protects or allows areas of scientific research not specifically prohibited. It is silent on mitochondrial, cytoplasmic or gene therapy. And that is part of our problem here, and that is one of the reasons why we think it needs to go to committee and we need to know at the end of the hearing exactly what it is we are doing.

On the issue of a national commission, Feinstein-Kennedy authorizes the current National Bioethics Advisory Commission for 10 years, from the date of enactment. The current commission terminates in 1999. Our bill would continue it and we require reports and recommendations from the commission in 4½ years and in 9½ years. The Bond bill would establish a new national commission to promote a national dialogue on bioethics of 25 members appointed by the Senate and House majority and minority leadership by December 1, 1998, to conduct a discourse on bioethical issues, including cloning, and to report to Congress by December 31, 1999 and annually thereafter.

On the issue of penalties, the Feinstein-Kennedy bill has a civil penalty of $1 million or three times the gross pecuniary gain or loss resulting from the violation, in other words, a very stringent civil penalty. If an individual uses somatic cell nuclear transfer and implants the product into a woman's uterus, we subject that individual to forfeiture of any property derived from or used to commit a violation or attempted violation. This would get at the lab or hospital where an implantation into a human uterus would take place. Obviously, it has to be done somewhere, and I think this is in a sense a fail-safe major penalty because that entire lab could be forfeited.

The Bond bill has 10 years in prison or a civil penalty if pecuniary gain is derived of not more than twice the gross gain or both. We think 10 years in prison, when definitions are not included to clearly show what we are talking about, 10 years in prison for someone who might use somatic cell nuclear transfer to create the DNA in a cell that could produce a skin graft or another tissue culture, a skin graft that would heal a burn patient, that that individual should not be subject to 10 years in prison.

On the issue of preemption, there is a difference between the two bills as well. Feinstein-Kennedy preempts any State or local law that prohibits or restricts research or practices constituting somatic cell nuclear transfer, mitochondrial or cytoplasmic therapy or the cloning of molecules, DNA cells, tissues, organs, plants, animals or humans. So, we would set a national standard so that the States could not pass legislation and say it's OK to insert a somatic cell in a woman's uterus. We preempt the area.

Internationally, there are some differences in the two bills, too. Feinstein-Kennedy has a sense of the Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions. The Bond bill has a sense of the Congress that the Federal Government should advocate for and join an international effort to prohibit the use of human somatic cell nuclear transfer technology to produce a human embryo.

I think we could easily come to agreement on many of these, particularly this last one. I think we want the same thing.

The major difference is that the Feinstein-Kennedy bill would allow the technology to proceed in medical research as long as it does not involve human cloning.

Mr. President, the successful cloning of a sheep——

Mr. GREGG. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. I will be happy to yield.

Mr. GREGG. Will the Senator entertain a unanimous consent request that I be allowed to speak without taking the floor from the Senator, so the Senator can regain the floor after I finish speaking? I will not offer any amendments.

Mrs. FEINSTEIN. I will be happy to, again, if I can regain the floor.

Mr. GREGG. I ask unanimous consent I be allowed to speak for 5 minutes and at the end of the statement the floor return to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from California because I wish to address this issue, also. I, unfortunately, have a meeting that starts at 1 o'clock.

Mr. President, I think we are all actually concerned about the issue of human cloning, and certainly the representations by the doctor from Chicago who stated he intends to pursue a course of commercializing human cloning has caused us to need to accelerate addressing this as a public policy matter. It is appropriately an issue that should be addressed at the level of the Congress of the United States. It should be spoken to by the people's representatives and not left to a regulatory environment such as the FDA for a determination, because it is a matter of dramatic import to our culture and to our scientific community.

There is no question but that the concept of cloning a human is unethical, inappropriate and wrong. We don't have to delve very far into the history of this century to see the horror that can result from a society which allows itself to pursue a course of creating humans or designing a human race not based on God's will but based on the determination of a political decision or a scientific community. Obviously, the Nazi government, in its seeking of a master race, represents one of the true horrors of the history of mankind.

So, the need to debate the issue of whether or not humans should be cloned I think is not necessary. There should be and I believe there is almost unanimity on the need not to allow human cloning to go forward in our society or any other civilized society. I think it is interesting to note that the European Community has also banned human cloning. The question becomes how should we proceed and whether we should proceed with a bill that has been designed by Senator BOND, Senator FRIST and to some part myself, or whether we should proceed in some other manner. I for one strongly support the initiative that is put forward by the bill which we are presently considering because it addresses the core issue of human cloning, which is the creation of an embryo through the process of somatic cell nuclear transfer. That is really the question here.

In order to clone a human, you produce an embryo and as a result you get a human if you follow the next scientific steps. What we have done is limited dramatically and really focused the question specifically on the necessary scientific acts to produce a cloned human and then said, "No, you cannot proceed in that direction." That is the way it should be addressed.

This bill was structured in order to respond to the very legitimate concerns of the scientific community for further research in all the areas the Senator from California has outlined. This bill does not, in my opinion, in any way limit the research into those areas because this bill is purely directed at the embryo issue and the creation of a cloned human being as a result of taking that step. The scientific issues are further protected by the commission which is in this bill, which says essentially that we have in place, or will have in place, a bioethical commission which will be able to evaluate science as it evolves and make a determination as to when science needs to have more leverage or needs to have more flexibility and then can come to the Congress and say what changes should occur in order to allow for that flexibility. So there is in place a commission which is not only scientifically based but is theologically based and which is politically based, in the sense that it represents, not politicians, but the community at large and which will have the capacity to review what is happening in the area of cloning technology so that we can stay ahead of the curve and be sure we are not limiting the scientific experience and expansion in this very critical area.

So this bill allows for cloning in the area of agriculture and it allows for cloning in the area of animal husbandry. It also allows for cloning for the production of organs. It allows for cloning in stem cell research technology. It allows for cloning in a whole variety of places. Where it does not allow cloning is in the production of a human being, and that is what we should be saying. As a matter of ethics, as a matter of policy, as a matter of a nation which must stand up and define its purposes and ideas, we should be saying humans shall not be cloned.

I yield my time.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know there are others on the floor. The distinguished Senator from Texas and my friend and colleague from Massachusetts wished to speak on this issue. I would just like to wrap up very rapidly.

This whole issue was really galvanized with the cloning of the sheep Dolly. Let me reinforce the fact that it took 277 attempts before this cloning was successful. The impact of the cloning is not yet known.

The second point is that the science is such that huge disabilities, real problems can result from human cloning. It is unsafe.

And my third point is, the circumstances to not require us to rush. Chicago physicist Dr. Richard Seed propelled the debate into full force last month when he told the media that he intended to clone human beings. And he said that there were 10 clinics in the United States interested in offering cloning services and that he believed the demand would be for 200,000 cases per year. That's according to the American Medical News.

Since that time, as you know, the scientific community itself has exercised a self-imposed moratorium on human cloning. I know of no legitimate lab, hospital, or facility that will permit human cloning today. I also would like to add that the FDA has said that they are asserting jurisdiction in this area and will not permit human cloning. So I respectfully submit to those who feel there is time pressure that forces us to proceed to the Senate today, that is not correct. There is time for us to take time to consider this issue, to hear the testimony, to go over the scientific terms, to really debate whether the Feinstein-Kennedy approach or the Bond-Frist approach or perhaps a third or fourth approach is the right way to go.

So I would like to end my comments today, Mr. President, by thanking you for your discretion and by appealing to the majority side of this body. You have an opportunity to do some good. But you also have an opportunity to do enormous harm that could cost tens of thousands of lives needlessly if we do not legislate carefully. So let's do it right.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak for 10 minutes as in morning business.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

THE HIGHWAY TRUST FUND

Mr. GRAMM. Mr. President, I wanted to talk today on the same subject Senator BYRD spoke on earlier and that Senator CHAFEE also spoke on earlier. Without getting into a debate with Senator CHAFEE, I want to respond to a couple of things he said.

I want to remind my colleagues that in the American system of Government, we have a series of dedicated revenues where we collect specific taxes and fees and we tell the American people that those taxes or those fees are dedicated to a specific purpose. When you go to a filling station, if you live in a State that has banned the little clip that holds the nozzle in the "on" position so you have to stand there while it's pumping gas into your car or your truck, I am sure that you have read the sign on the gasoline pump. It basically says, if you wanted to reduce it down to good news and bad news, that the bad news is that a third of the price that Americans are paying for gasoline is taxes. But the good news is every American is assured on every gasoline pump in America that those taxes are going to build highways. Virtually every American in this era of self-service has read that sign on the gasoline pump, the bad news and the good news.

The problem is, the good news is not true. The bad news is sure enough honest to God true. But the good news is not true. Today, on average, somewhere between 25 cents and 30 cents out of every dollar of gasoline taxes is not spent on roads. So that when we tell the American people that the gasoline tax is a user fee for roads, as is often the case in Government, we are not totally leveling with the American people.

Senator BYRD and I would like to partially change that. I want to explain exactly what we are doing. As my colleagues will remember, in 1993, for the first time in American history, the President pushed through Congress a permanent gasoline tax, 4.3 cents per gallon, that was not dedicated to the highway trust fund, and every penny of it was spent by Government on a broad array of projects and programs, none of which had anything to do with highways. You will remember that I offered an amendment in the Finance Committee that was adopted by the Senate, ultimately adopted by the conference, voted on in the House and Senate, signed into law by the President, that took that 4.3-cent-a-gallon tax on gasoline away from the general revenue and put it in the highway trust fund, where it belongs.

We now are looking at a situation where, if we don't take action to allow a competition where those of us who believe that, relatively speaking, we are spending too much on many programs and not spending enough on highways, we are going to have a situation where the trust fund could rise to almost $80 billion, where we have collected $80 billion between now and the end of the highway bill that should be before the Senate today. We will have collected $80 billion, telling people the money was going to highways, and, yet, every penny of it will have been spent on something else.

Senator BYRD and I have said that that is not honest. Senator BYRD and I have said that our amendment, basically, has to do in part with honesty in Government.

Our dear colleague from Rhode Island has said that this has something to do with the budget surplus, or at least has talked about surpluses in the trust fund and the budget in such a way that people might get confused between the two. So I want to make it very clear what the Byrd-Gramm amendment does and what it does not do. In fact, anybody who wants to read the amendment can understand exactly what it does, because it is a very simple amendment.

Basically, what the amendment says is this: We have put the 4.3 cent a gallon tax on gasoline into the trust fund. We had a surplus of $23 billion that had already been collected to build roads but has been spent on something else. What Senator BYRD and I are saying, in essence, is, all right, we ought to get that money back. Fairness would dictate it goes to roads. It was collected for that purpose.

An analogy I have used is that it is like a rustler has come out and has been stealing your cattle and you catch him. Senator BYRD and I called the sheriff and the sheriff has come out and arrested this rustler. Being benevolent, we have said two remarkable things. No. 1, we are not going to hang you, and, No. 2, we are not going to make you give any of the cattle back that you have already rustled. All we are saying is stop rustling our cattle. What you have already taken from the highway trust fund and spent on other things, go and sin no more.

Their response is, "Well, it's great to spend money on highways, but where"—going back to my rustling analogy—"where are we going to get our beef? If we can't raid the highway trust fund to fund other programs of Government, just where are we going to get our money?"

That's not my problem. We have Members of the Senate who were looking at that $80 billion and saying, "Great, if we can prevent that from being spent on highways, we could spend it to pay arrears of the U.N. dues, we could spend it on social programs, we could give it to the Legal Services Corporation, we could do all kinds of things with it." So they are not happy that Senator BYRD and I want to allow the money to be spent on highways.

After, basically, raising the concern that they are going to be disadvantaged because they wanted to spend the money in inappropriate ways, now they are trying to say that Senator BYRD's amendment and my amendment would bust the budget. It is not so. Our amendment does not raise the spending caps in the budget. Our amendment does not provide any authority or mandate or excuse for violating the budget agreement we reached last year. All our amendment says is this: You are collecting this money in gasoline taxes. You are telling people that you are spending the taxes to build roads. At least allow those who want to deliver on what you are promising the American people the right to compete in the appropriations process with every other program of the Federal Government.

The answer for those who don't want the money spent on roads is, don't bring up the highway bill; wait and vote on this as part of the budget. Now here is what they hope to do. They hope to convince some of our Democratic colleagues that if they let the highway trust fund be spent on highways, that there is strong support for building new roads, which the country desperately needs and, after all, we said the money was being spent for it when we collected the gasoline taxes. So they are worried that we will build roads or they are going to argue that we will build roads and that will take money away from other programs, so if you want other programs, you don't want to build roads.

They are going to try by getting this all involved in the budget so it can be commingled with President Clinton's proposal to increase spending by $130 billion and bust the caps. They are hoping to convince Republicans that our proposal is no different than the President's proposal.

The truth is, all we are asking is that money collected in gasoline taxes for highways be authorized to be spent on highways, and then we have to have competition for available money. And under the budget, if we spend the money on roads, obviously, we are going to have to set priorities, and every Member of the Senate will have to make those decisions.

But this is not a budget issue. We are not talking about breaking the spending caps. This is an issue about highways. Let me tell you why it is critically important.

The current highway bill ends on May 1. It is highly unlikely that we will get another extension of the highway bill. Construction projects on roads and highways all over America are going to come to a screeching halt on May 1. In my part of the country, which is more blessed by God than others, we have long building periods where people can construct through a long spring and summer and fall and actually, for all practical purposes, build year round. But in many States of the Union, they have a 3- or 4-month window when they have to build highways.

So if we follow the prescription of the people who don't support building more roads, who want to spend the highway trust fund on other things, we are going to delay, and by delaying, we may get no highway bill, the States in the northern part of the country may lose their whole building window within this year and, finally, people need to make plans. They need to hire workers. They need to buy capital equipment. We have major highway projects that are partially completed, so we have tied up all this money in building new interstates and new bypasses, and the States, if we are forced to stop construction, will get no use out of those projects.

So I want to urge the majority leader to bring up the highway bill and bring it up next week. I want to make it clear to my colleagues, I will not support breaking the spending cap. I would not author an amendment that broke the spending cap. Our amendment does not raise the spending cap, and that is not what the Senator from Rhode Island is worried about. He is worried that we won't break the spending cap and that highways will compete money away from other programs. Well, I am not worried about that. That is exactly what I want to do, and I think it is the right thing to do. We have 51 cosponsors. We would love to have more.

I thank the Chair for the Chair's indulgence, and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. KENNEDY. Mr. President, earlier today, a request was made to consider the cloning legislation that had been introduced by my friend and colleague, Senator BOND. Objection was made to the consideration of that legislation by the Senator from California.

I want to just indicate to our Members that I think Senator FEINSTEIN was quite right to file that objection. Many of us who are on the Labor Committee believed we would be debating the Satcher nomination this afternoon. It is an enormously important matter that has been delayed too long. We have an outstanding nominee. In fairness, we should be continuing that debate today. The leadership has decided to move on to this cloning legislation.

I believe that this legislation that is being proposed is one of the most important scientific and ethical issues of the 21st century. The legislation itself was introduced 2 days ago. It was put on the calendar 1 day ago. It has not received 1 day of committee hearings. It has not received 1 minute of committee markup. This legislation is a matter of enormous significance and importance to the research communities all across this country and they understand that this legislation does not only impact human cloning.

As the research community has pointed out, technologies that would be banned under Senator BOND's bill offer the key for reaching resolution of a number of very important diseases: Cancer, diabetes, birth defects, arthritis, organ failure, genetic diseases, severe skin burns, multiple sclerosis, muscular dystrophy, and spinal cord injuries. Stem cells may be the key to reproducing nerve cells, which is not possible today, and other cells that may be used to treat Alzheimer's disease, Parkinson's disease, Lou Gehrig's disease. The major researchers in every one of these areas oppose strenuously the Bond legislation because they believe that it will provide a significant barrier to meaningful progress in a number of promising research areas.

I will be delighted to discuss these issues, as Senator FEINSTEIN believes we should, in a timely way so that we can at least have an opportunity to consider these measures in the committee and report those out.

Therefore, I join Senator FEINSTEIN in objecting to the consideration of cloning legislation at this time. We have introduced legislation of our own on this subject. We hope that the Senate will consider it in due course, and that we can work out an acceptable compromise on this issue to give it the careful action it deserves. A rush to enact bad legislation on this subject would be far worse than passing no legislation at all. Every scientist in America understands that, and the American people should understand it, too.

Several months ago, the world learned of one of the most astounding developments in modern biology—the cloning of a sheep named Dolly. This incredible scientific achievement awakened widespread concern about the possibility of a brave new world, in which human beings would be made to order and where individuals would seek to achieve a kind of immortality by reproducing themselves. There is widespread agreement among scientists, ethicists, and average Americans that production of human beings by cloning should be prohibited.

The President reacted rapidly and responsibly to this scientific advance and the unprecedented issues it raised by asking the National Bioethics Advisory Commission to study the issue and make recommendations. The Commission recommended that creation of human beings by cloning should be banned for at least five years, and the Administration has submitted legislation to implement this recommendation.

The legislation that Senator FEINSTEIN and I have introduced will assure the American public that reproducing human beings by cloning will be prohibited. It follows the President's legislation and the recommendations of the Commission. It makes it illegal to produce human beings by cloning, and establishes strict penalties for those who try to do so.

If the legislation the Majority Leader is seeking to call up achieved this objective, I believe that it would be passed unanimously by the Senate. Unfortunately, it goes much farther. It does not just ban cloning of human beings, it bans vital medical research related to cloning—research which has the potential to find new cures for cancer, diabetes, birth defects and genetic diseases of all kinds, blindness, Parkinson's disease, Alzheimer's disease, paralysis due to spinal cord injury, arthritis, liver disease, life-threatening burns, and many other illnesses and injuries.

All of these various kinds of research have broad support in Congress and the country. A blunderbuss ban on cloning research would seriously interfere with this important and life-saving research, or even halt it altogether. Scientists, physicians and other health professionals, biotechnology companies, pharmaceutical companies, and citizens and patients working with organizations such as the Cystic Fibrosis Foundation, the Parkinson's Action Network, the AIDS Action Council, the American Diabetes Association, and the Candlelighter's Childhood Cancer Foundation understand this. The Senate should understand it, too.

Let me read from a letter signed by the organizations I have just cited and many others as well and sent to members of Congress on January 26, 1998. The participating organizations said, "We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree . . . that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology."

But they go on to say, "Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research."

They point to a long list of diseases where cloning research could be critical, including cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barre syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease"—the list goes on and on.

They conclude: "We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, 'first do no harm.' We believe that there are two distinct issues here, cloning of a human being and the healing that comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases."

These are reasonable tests for legislation in this important area. First, do no harm. Proceed with extreme caution. No one can pretend that the legislation the Majority Leader is seeking to call up meets these tests?

Proceed with extreme caution! The Majority Leader's legislation was introduced on Tuesday of this week. There has not been a single day of hearings held on it. Not one single day. I doubt that more than a few members of this body have even had the opportunity to read the legislation.

Many of our offices have been deluged with calls from health organizations, scientific bodies, and individual scientists and physicians who are seriously concerned about the damage this bill may do to fundamental research and to possible discovery of long-sought cures for dread diseases. Within a few days, we will have dozens if not hundreds of distinguished scientific bodies and disease societies expressing their opposition to this bill in its current form. As far as I know, there is not a single major scientific body of any stature that has endorsed this legislation.

What is the rush? What is the rush? It is not as if, despite the absurd publicity given to Richard Seed, a baby will be cloned tomorrow. To quote again from the letter I cited earlier, "The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being."

It is also important to recognize that the Food and Drug Administration already has broad jurisdiction over human cloning, and would act vigorously to shut down any clinic that operates without FDA approval. Such approval depends on a finding that human cloning is safe and effective. But given the current state of science, no human cloning procedure could possibly be called safe at this time. The FDA approval process is not a permanent ban on human cloning, but it effectively bans the procedure for the near future.

So we have a situation where the procedure is not yet perfected, where the scientists who are competent to clone a human being say that they will not do it, and where the FDA already has the legal tools and responsibility to prevent it. We do not need to act today—and we should not act today—because this bill goes far beyond the simple prohibition of the creation of a human being by cloning.

The sponsors of this legislation state that all they want to do is ban cloning of a human being and that they do not want to interrupt important research. But their bill goes far beyond that, and it does not deserve to pass.

This bill would clearly interfere with medical research that offers hope for a cure of many deadly diseases. A letter I received two days ago from leaders of the Society for Developmental Biology states: "As active researchers in developmental biology, we understand the implications of the Dolly cloning results for basic science and human health." These techniques are essential for basic research because, as the letter goes on to say, "Many diseases, including heart disease, diabetes, and neurodegenerative diseases (such as Parkinson's Disease) involve the depletion or destruction of a particular cell type. One of the great hopes in medicine is to learn ways to replace the lost or damaged cells, for example by stimulating the body to regenerate its own missing cells or by growing the cells in culture and providing them to patients. The main obstacle is that most of the needed cell types cannot be grown in culture, nor can their growth be stimulated in any known way. Dolly was grown from the nucleus of an adult cell, proving that the genetic material of an adult body cell can be reprogrammed by the egg to restore the genetic potential for specializing into all possible cell types. Basic research on genetic programming will likely lead to novel transplantation therapies for numerous human diseases. In essence, we all carry in our cells a library of all the information needed to build a healthy human, and Dolly proves that the information can be reactivated and used again. What are the implications? For example, instead of diabetes meaning a lifetime of insulin injections accompanied by serious side effects, perhaps we can learn how to cause the reactivation of pancreas development genes and the regeneration of the missing cell types. Such exciting ideas are no longer far-fetched."

The key ingredients of this research offer great hope. DNA from an adult cell is placed in an egg cell that has had its own DNA removed. The egg cell then begins to grow and divide under the instructions of the adult cell DNA. The procedure involves what is called "somatic cell nuclear transfer technology." In the case of Dolly, the technology was used to create a sheep embryo from an adult sheep cell. The embryo was implanted in the womb of the female sheep and ultimately resulted in the birth of a baby sheep named Dolly.

The legislation that Senator FEINSTEIN and I have introduced makes it illegal to implant a human embryo using this technique in a woman's womb. Without that, no baby, no human being can be created by current cloning technology. This is what Dr. Seed says he is going to do. This is what most ethicists oppose. This is what the American people want banned—and our legislation will do it.

But the bill proposed by the Majority Leader will go much farther. It will block this new technology in all other cases as well. It will make it impossible to carry out the research that the overwhelming majority of scientists and researchers say is so important. It will make it impossible to use this new technology to grow cells that can be used to cure diabetes or cancer or Alzheimer's disease or spinal cord injury.

The Majority Leader's bill—page 2, line 13, paragraph 301 is entitled, "Prohibition on cloning." It is the heart of the bill. It states, "It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology." That is the end of the statement. It does not just ban the technology for use in human cloning. It bans it for any purpose at all.

That means scientists can't use the technology to try to grow cells to aid men and women dying of leukemia. They can't use it to grow new eye tissue to help those going blind from certain types of cell degeneration. They can't use it to grow new pancreas cells to cure diabetes. They can't use it to regenerate brain tissue to help those with Parkinson's disease or Alzheimer's disease. They can't use it to regrow spinal cord tissue to cure those who have been paralyzed in accidents or by war wounds.

Congress should ban the production of human beings by cloning. We should not slam on the brakes and halt scientific research that has so much potential to bring help and hope to millions of citizens. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine, has said:

"We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

Let us work together. Let us stop this know-nothing and unnecessarily destructive bill. Together, we can develop legislation that will ban the cloning of human beings, without banning needed medical research that can bring the blessings of good health to so many millions of our fellow citizens.

I bet you could take the legislation that we are talking about here, and I bet there aren't three Members of this Senate who have read this legislation. They could not. It was just out yesterday. And most of the Members have been involved in the various other measures. And we are being asked to vote on it. No committee, no explanation, absolutely none that is going to affect very, very important research.

That is not the way that we are going to try and move on into the next millennium, which is really the millennium of the life sciences. As science, as chemistry and physics have been in our past history, life sciences are going to be the key to the next millennium. And we want to make sure that we are going to meet our responsibilities and our opportunities in a way that is going to bring credit to the kind of research and can help make an enormous difference to families all over this country and really all over the world.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak, hopefully in part at least, to clarify where we are today in terms of a bill which is enormously important to all of us, to our families, to our children, to health care, to medical science. It is a bill that has been talked about in the context of cloning, of human cloning. For the past year—not on the specifics of the bill—no, but there has been debate in the past year about whether or not today, in 1998, our society is ready to clone, or have mass production, of cloned human individuals.

My distinguished colleague from Massachusetts just spoke to the importance of science, and of protecting scientific discoveries that will contribute to health care for the next generation. As a scientist, let me say at the outset that I could not agree more wholeheartedly with the commitment to not slowing down science in its efforts to improve health care.

I say this, and I will qualify my statement by saying that we have to today consider the ethical implications that surround scientific discovery. We must consider the ethical ramifications that might—in certain very narrowly defined and specific arenas—tell us to stop, tell us to slow down before we jump or really leap ahead—into the unknown. This would have huge moral and ethical implications, not just in how we deal with each other as individuals, but also in terms of how we deal with each other globally. This is because we are talking about affecting the overall genetic pool as well as the psychosocial implications of how we are defined as individuals.

This does need to be addressed. It is going to take an ongoing dialogue. We cannot—cannot—answer all the questions here in this Senate Chamber or in the U.S. Congress. It does take the overall debate of "What are the ethical limitations to various aspects of science today?" into the public square—where we can meet with scientists, lay people, bioethicists, people from the business community, theologians, and ethicists broadly.

We need to face that. And I mention that because this bill has not been brought to the floor formally. We have the objection. But I think it is important to understand what this particular bill does. It does two important things. No. 1, it establishes a commission, a bioethical commission which is composed of 25 people, a permanent commission that will look at the bioethical issues of new innovations, new science, new technology so that we do not have to debate every new breakthrough, every new technology which is coming with increasing frequency here in this Chamber.

This commission is to be comprised of 24 individuals. Subcommittees are set up in terms of ethics, medicine, theology, science and social sciences. It is broadly representative, not with politicians on it. In fact, there is an exclusion in there for putting politicians on it, but it will be appointed in a bicameral way by both sides of the aisle, broadly representative, with each member serving for 3 years, rotating members, with ongoing discussion.

There is no forum today for the American people to have the ethical, theological, scientific, social implications of this new technology discussed. And that is why this is striking such a strong chord here today. So some people say, "Why don't we run away from this? Why don't we just say," based on what I have just implied, "let's don't address it now. Let's wait until the future?"

Well, in truth, that is what has happened over the last year. We had a breakthrough. And it is a breakthrough using a specific technology which in a sheep—Dolly—really captured the attention of the world because it demonstrated for the first time that we are on the edge or on a precipice looking out to a type of science which we have never had to face before realistically, and that is the replication, the duplication of the human being.

How have we handled it? It is not like we have not talked about human cloning. Yet a lot of people will come forward and say we have not addressed this in this body or as a Nation.

As chairman of a subcommittee which is focused on issues of public health and safety, I can tell you that the subcommittee actually held two hearings. The first hearing was entitled "Examining Scientific Discoveries In Cloning, Focusing On Challenges For Public Policy." And that particular hearing was in March of last year. We had a number of people come forward. Again, this is for the benefit of my colleagues so they can go back and look at the testimony that was presented really aimed directly at the Wilmut experiment on Dolly, somatic cell nuclear transfer and its implications.

That discussion was begun back in March. Harold Varmus, who is Director of the National Institutes of Health, Public Health Service, U.S. Department of Health and Human Services, came and testified. His testimony is available, talking about this specific technique. Dr. Ian Wilmut talked before our committee in a public hearing. He is an embryologist at Roslin Institute in Edinburgh, Scotland. I had an opportunity to visit the institute there and view the type of research that is going on personally.

Dr. Wilmut's testimony has been presented to this body. I would encourage my colleagues to go back and look at that public hearing. We looked principally, at that particular hearing, at the scientific discoveries. But we wanted to hear from members of the National Bioethics Advisory Committee, or NBAC. The NBAC committee was eventually charged, over a 90-day period, to look at this issue of human cloning and to make recommendations. And we had Dr. Alta Charo, professor of law, University of Wisconsin, on behalf of the National Bioethics Advisory Commission testifying.

We also had John Wallwork, director of the transplant unit—transplantation, my field, has been mentioned on the floor today. And I hope to have a few comments on that shortly because I think we have to be very careful not to overstate what the bill, which has not yet even been discussed, does because it is easy to frighten people and say that this bill is going to shut down science in a field like transplantation. It does not do that. This bill is very, very narrowly defined and only in an arena which results in human cloning.

We held another hearing. And that hearing was entitled, "Ethics And Theology: A Continuation Of The National Discussion On Human Cloning." I mention this because, as a scientist, as a physician, as someone who has taken care of patients, and now as a U.S. Senator, I am going to come back to again and again that we do have the responsibility to look at the ethical implications of new innovations. That is what we are, trustees of the American people.

This hearing on "Ethics And Theology: A Continuation Of The National

Discussion On Human Cloning" had witnesses, such as James Childress, again a member of the National Bioethics Advisory Commission, and also Edwin Kyle, professor of religious studies at the University of Virginia. We had Dr. Ezekiel Emanuel, a member of the National Bioethics Advisory Commission. We had a number of people testifying from the theological community as well.

I mentioned both of these hearings and the testimony therein for two reasons: No. 1, to help my colleagues and the American people know where they can reference certain material, and, No. 2, to demonstrate that the dialogue has been ongoing both in Washington, DC, in the U.S. Senate, in Congress broadly, but also on the public square.

We have heard some call for a private moratorium among the scientific communities. All of that seems pretty good until we recognize that it is not working. Just several weeks ago, we had a proposal by an individual, in essence, to set up an industry. The purpose of that industry is stated, not in these exact words, but that industry which is proposed is to clone human individuals.

I'm of course, referring to Dr. Seed. Can it be done? We don't know. We know that there is a certain technology that worked in an animal that, if a lot of people focused on that and there were a lot of experiments, could result in a human being. But the pronouncement that in spite of the moratorium, in spite of the discussions today, that we have an individual proposing the creation of an industry that is going to go charging ahead when we don't know the implications to society, to this country, to the world, is something that we must react to.

Tough issue. Ethics. We are talking about a procedure which has never been applied in the human arena. It has only been performed in animals. A lot of hypothetical examples will come to the floor. This bill addresses the problem that I just stated. We don't have a national forum now in which to intelligently, with broad input, discuss these ethical implications of new technology and new innovations and science. This bill, once it is allowed to be brought to the floor, very specifically sets up a mechanism outside of the U.S. Congress but broadly representative to be able to discuss these issues in a sophisticated, intelligent, ethical way. We need that mechanism. This bill creates that mechanism permanently.

The second thing that this bill does, it attempts to—and it is tough; I can tell you it is tough in terms of doing it just right, but the bill does it just right—it narrowly focuses on a particular procedure in the big world of science and research. It takes a very specific procedure that has never been even used in human cells in terms of creating embryos and says let's ban that procedure. Let's allow that procedure, even in animals, in the research arena, in cells. Let's learn more about that procedure so we will know what those implications are. But let's ban that narrow procedure when it is used to create a human being, another person.

Now, the advantage is by banning just that specific technique as it applies to human cloning, you can still continue experimenting with Dollys, bovine models, pigs, cows, baboons—animal research. There will be a lot of people who will say maybe we shouldn't use it there, but that is not what this bill does. It only bans the somatic cell nuclear transfer, so-called Dolly technique, as it applies to human cloning. In vitro research continues, other embryo research continues. This does not stop embryo research, or research on diabetes or sickle cell or cancer. It does not do that. It takes a very narrow procedure which is not commonly even applied to human cloning and says, stop, we will ban that. All other research continues.

No. 1, we do not ban all somatic cell nuclear transfer, only somatic cell nuclear transfer which is a specific technique as it applies to human cloning. Somatic cell nuclear transfer technology can continue in other fields. It can continue in animals. It can continue in cells. It is important for people to understand that we only ban this very specific procedure when used to produce a cloned human embryo.

Second, a little while ago a concern was expressed about the definition of "embryo"; the definitions are imprecise. We don't need to get into a debate about how to define an embryo this morning or today or on the floor of the U.S. Senate because we already know what an embryo is. I will just cite two references. The National Institutes of Health Embryo Panel, which had a formal report in 1994, basically said, "In humans, the developing organism from the time of fertilization." That is their definition of embryo.

If we look at the very good, although admittedly I will say incomplete, report by the NBAC, the National Bioethics Advisory Committee appointed by the President, which had a very short time line, their report I should say had recommendations based on the safety of the procedure. They admitted they did not have the time or the process to look at all the ethical and social and theological implications. They held hearings on it, but their conclusions were not based on those ethical considerations. In their report in 1997, several months ago, they said the embryo is "the developing organism from the time of fertilization."

The NIH Embryo Panel—I was not in this body at that point in time, but I have had the opportunity to go back and read their findings and their report—was very clear in their statement that the embryo does have some moral significance. The embryo as just defined by these two definitions does have moral significance today.

There is a huge debate, a debate which I think we should avoid on this narrow, narrow bill, that can go into abortion, pro-choice and pro-life, when do you define a life. I don't think we need at this point in time to get into that discussion. We do need to recognize that people such as previous panels like the NIH Embryo Panel did give moral significance to that embryo.

Now, third, in essence, the statement was made the application of nuclear transfer cloning to humans could provide a potential source of organs or tissues of a predetermined genetic background. That statement refers to my own field of transplantation where the concept is that rejection of a heart or of a lung or of a kidney is determined in large part by how different the recipient organism looks at that transplanted organ, genetically how different are they, which explains this whole process we called rejection. That is an inflammatory-like process which says the recipient body will reject that heart, either more often or totally. The genetically closer you get, the less that process of rejection occurs, free of other types of immunosuppression. This whole idea of having lots of copies of an organ, of a DNA, is one line of research in terms of eliminating rejection.

References were made to spinal cord injuries, Alzheimer's, Parkinson's, cancer, with the whole premise being that research will be shut down in these fields. I want to assure my colleagues it will not. Again, it is a very specific, narrow procedure as it applies to human cloning. Animal research will continue, plant research will continue, other cellular research will continue.

Now, NBAC also in their report in 1997 looked at this issue about transplantation, since that was brought up on the floor. Let me refer to their finding, and this is from their Chapter 2, Science and Applications of Cloning, in their report. "Because of ethical and moral concerns raised by the use of embryos for research purposes, it would be far more desirable to explore the direct use of human cells of adult origin to produce specialized cells or tissues for transplantation into patients."

I think it pretty much speaks for itself based on their ethical and moral concerns with this type of research that you don't necessarily have to rely on somatic cell nuclear transfer to produce an embryo as being the technique in order to create this likeness to prevent rejection.

No. 2, they say it deals with transplantation and research. "Given current uncertainties about the feasibility of this, however, much research would be needed in animal systems before it would be scientifically sound and therefore potentially morally acceptable to go forward with this approach." That is, the approach of somatic cell nuclear transfer. So what NBAC concluded, "Given these uncertainties . . . much research would be needed in animal systems. . . ."

Our bill allows that research to continue and then make a decision, possibly 5 years from now, 10 years from now, 3 years from now, in terms of what we learn from those animal systems. Our bill says, "Don't use this technique to clone humans." There are a lot of other strategies. I don't want my colleagues to think that somatic cell nuclear transfer technique is one of the more important techniques today. There are all sorts of strategies in terms of the transplantation arena.

Again, looking at NBAC, they recognize that, "Another strategy for cell-based therapies would be to identify methods by which somatic cells could be de-differentiated and redifferentiated along a particular path. This would eliminate the need to use cells obtained from embryos."

Again, now is not the time to go into these details, but I do want to show in part the richness of science to demonstrate that this one particular technique as applied to a human, as applied to human cloning, is the only thing that is being banned, and all this other research continues right along.

The issue has come up and will likely come up, should we create embryos purely for research purposes? Our bill does not. Let me say at the outset, our bill, as I said, allows embryo research to continue as it is today under the requirements and the regulations that are out there today. What our bill does, it looks at a particular technique with other research and embryos allowed to continue. You can step back and say, should someone be out creating all these mass-produced human embryos just to do research on them and then destroy those embryos? It is an issue which is very likely to come up before this body.

Let me introduce it and just say that our bill does not allow creation of these embryos using somatic cell nuclear transfer—human embryos. Again, animal research can continue. The Washington Post really captured, I think, what this debate will evolve to as we look at ethics and theology and science, careful not to slow down the progress of science which we want to encourage in all the fields that have been mentioned this morning. The Washington Post editorial in 1994 basically says, "The creation of human embryos specifically for research that will destroy them is unconscionable. Viewed from one angle, this issue can be made to yield endless complexity. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of the brand new embryo? But before you get to these questions, there is a simpler one: Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?"

This is not a one-side-of-the-aisle issue. In fact, both sides of the aisle have put forth bans on human cloning. President Clinton doesn't believe the Federal Government should be funding embryo-type research. Basically he has said, "The subject raises profound ethical and moral questions as well as issues concerning the appropriate allocation of Federal funds. I appreciate the work of the committees that have considered this complex issue and I understand that advances in in vitro fertilization research and other areas could be derived from sufficient work. However, I do not believe that Federal funds should be used to support the creation of human embryos for research purposes."

Well, let me step back and then I will close. The bill, which we had hoped would come to the floor today does two things. No. 1, it creates a bioethics commission, permanent, 24 members, broadly representative of society today, with the disciplines of ethics, bioethics, theology, the social sciences, all well represented, a forum that I think is most appropriate to discuss these very difficult issues of technology that will be coming through even more rapidly in the future. The answer to the question is, why don't we just appoint this commission and pass that part of your bill and not worry? Well, that is what we have sort of been doing for the last several months—sitting back as the national dialog continues. Yet, we have a proposal coming from the private sector at this juncture and that proposal is to go out with the single objective of cloning human beings. If we as trustees of the American people want to step back and say, no, that is too hot an issue for us, that is one approach. My approach is that we go in, we address that specific problem, that cloning of the human individual with the very best legislation that we can do, set up a commission so that in the future both that issue and other issues can be discussed, look at the science, look at the ethics, look at the philosophical and social implications of this research. So that is No. 1, a bioethics commission.

No. 2 is to target the Dr. Seeds of the world—people who don't have the problem, who don't fully see the ethical potential for harm to society and to the world and, therefore, have basically publicly stated what their objective is—to create human beings, and be appealing for resources to do just that. That is why the American people expect us to come forward and debate and talk about the implications, make sure that we do exactly what I have said, which there will be debate on and that is in a very focused way, target a particular technique which has never been used to clone a human individual. We just want to prevent that and allow that science to continue.

The editor of the New England Journal of Medicine basically has said in the past: "Knowledge, although important, may be less important to a decent society than the way it is obtained."

I hope as we go forward and look at the final disposition of this bill that we come back to that statement.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to my colleague's excellent statement and, of course, since he is the only physician in the Senate, I think we should all pay strict attention to him.

Let me just say that I am very concerned about debating this bill today, a bill which falls within the jurisdiction of the Judiciary Committee, without our having any hearings or other discussion, because there are a lot of complicated issues involved here.

I want to let the distinguished Senator from Tennessee know that I support his statements in many respects. I, too, am opposed to cloning of human beings.

But at the same time, we have to move very carefully in this area so that we do not preclude a lot of very promising medical technologies and very valuable biomedical research. It may be that amendments are need to clarify that.

I maintain an interest in this issue both as Chairman of the Committee under whose jurisdiction this criminal code amendment would fall, and as a Senator with a long-standing interest in biomedical research and ethics.

The questions raised by this legislation are both novel and difficult and it behooves us to move carefully.

Mr. FRIST. I thank the Senator.

Mr. HATCH. Mr. President, I ask unanimous consent that the remarks I am about to give be considered as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DAVID SATCHER TO BE SURGEON GENERAL

Mr. HATCH. Mr. President, I have listened with great care to our debate about the nomination of Dr. David Satcher over the past few days. It has been a constructive discussion, one which has raised a number of important issues.

I have the greatest respect for the Offices of the Surgeon General and Assistant Secretary for Health. The individual who occupies this position will become the Nation's No. 1 public health official, our top doctor, if you will. For this reason, this nomination deserves the utmost scrutiny.

I have the greatest respect for our colleague, the Senator from Missouri. I think he has made some arguments that raise very valid concerns, and it behooves this body to examine them.

That being said, after a great deal of analysis, I have concluded that Dr. Satcher is eminently qualified for the position, and that there is a more than adequate explanation for his position on two key issues—partial-birth abortion and HIV testing in Third World countries. Accordingly, I intend to support his nomination.

From a humble rural background, David Satcher has risen to become a leading public health expert—the director of the prestigious Centers for Disease Control and Prevention, a doctor who is widely respected for his ability to communicate scientific information in a credible manner. He has done a great job at the Centers for Disease Control and Prevention.

I have spoken at length with Dr. Satcher and became convinced that he has an agenda that Americans of both parties should support. Tobacco control is at the top of that agenda. On the issues of teen pregnancy and sexually transmitted disease, Dr. Satcher intends to promote abstinence and assures me that he believes health and sex education are a parental responsibility, in which the Government should play only a supportive role. Moreover, Dr. Satcher believes science should determine health policy, attendant upon which we have based virtually all of the public health legislation that has passed this body.

Let me note for the Record that Dr. Satcher has experience with three of the four historically black medical schools. He learned firsthand of the problems that Americans face in seeking care, and he does not advocate for a Federal solution.

During Dr. Satcher's tenure at CDC, the Centers for Disease Control, he worked to increase childhood immunization rates, to develop better ways to protect Americans from new infections, and decrease teenage pregnancy rates. He has also demonstrated U.S. leadership in attacking the world AIDS problem.

Critics of the nomination have raised concern that he supports the President's position on partial-birth abortion. It is no secret that I disagree vehemently with that position and will continue to work until a prohibition on partial-birth abortion is the law of the land.

Yes, it is true that Dr. Satcher supports the President's position, which is not surprising given that Dr. Satcher is the President's nominee. I certainly understand the motivation of some in saying that he should be opposed for that reason.

But in reviewing the hearing record on this nomination, I am impressed by Dr. Satcher's assurances to the committee on this issue. He said, "Let me unequivocally state that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues relating to abortion. I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans, not divide them. If confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country." I believe that nothing in Dr. Satcher's background, including his work as CDC Director, suggests that he would try to make the Surgeon General's post into a pro-abortion bully pulpit. Indeed, he has personally given me his assurances to the contrary.

I remember when Dr. C. Everett Koop was nominated by a Republican President and his nomination was held up for some 8 or 9 months on the issue of abortion, even though Dr. Koop asserted he would not use the Surgeon General's Office as a public forum for advocacy for abortion. As things worked out, we finally were able to get him confirmed, and I won't go into all the details on how that happened. He proved to be one of the great Surgeons General of the United States. I believe Dr. Satcher will likewise prove to be a very successful Surgeon General of the United States. I urge my colleagues to vote for him.

In addition, I am aware that another series of questions has been raised regarding joint CDC/NIH-sponsored clinical trials conducted in Thailand and the Ivory Coast to determine the effectiveness of AZT to prevent pregnant mothers from transmitting the HIV virus to their children.

In a nutshell, concern has been raised because the foreign trials were placebo-controlled against a "short course" regimen, whereas, in the United States a "long course" AZT regimen would have been the baseline for care. While it is clear that an argument can be made that the U.S. standard of care could have been used, this would not have resolved a more difficult problem of lack of access to expensive medications.

While opinion is hardly unanimous on this issue, the better view is that these grounds were appropriate to the nations and the populations studied. These trials were done in complete partnership with the local patients, health officials, and the World Health Organization.

As our debate on the Hatch-Gregg FDA export bill in 1995 made abundantly clear, we need not and should not second-guess the choice of patients and officials in other countries who, for a myriad of reasons, seek not to use the American standard of care. I believe it is critical for those in Congress to respect differences of the health and wealth characteristics of other countries. What is appropriate policy in the United States is not necessarily appropriate in the Third World.

Mr. President, I want to emphasize the importance of the position Dr. Satcher seeks to assume. The Surgeon General is the head of the United States Public Health Service Commission Corps. And, formerly, the position of Assistant Secretary for Health was the top public health slot in the government. Unfortunately, the position of Assistant Secretary for Health was downgraded in the Clinton administration and has become less important since the "ASH" no longer has line authority over the public health agencies such as CDC, NIH and FDA.

I hope that Dr. Satcher will undertake a review of that decision because I think it was a mistake, and I hope to discuss that with him in the future.

In closing, I want to point out that Dr. Satcher has a distinguished record that will be an asset to those important public health positions.

Doctor Satcher is a recognized public health leader and a member of the Institute of Medicine of the National Academy of Sciences, the recipient of numerous awards, such as the 1996 awardee of the AMA's prestigious Dr. Nathan B. Davis award.

In short, Dr. Satcher is a well-credentialed, highly effective public health leader. If confirmed, he will be the highest-ranking physician within HHS and could be counted on to be an articulate national spokesperson on a wide range of public health issues that we all agree are important.

I think we can all learn by the example set almost 20 years ago when this body, as I mentioned earlier, confirmed C. Everett Koop to be Surgeon General over the objections of many in the other party.

The fears about Dr. Koop's partisanship were unfounded. Today, he is widely respected by Senators on both sides of the aisle, and it is my hope that this is a legacy Dr. Satcher will leave as well.

THE TOBACCO SETTLEMENT

Mr. HATCH. Mr. President, I also want to take this opportunity to announce what I consider to be an important development on the tobacco legislative front.

This morning, a senior official in the administration, David Ogden, counselor to Attorney General Reno, delivered testimony on the tobacco settlement at the House Judiciary Committee hearing.

Mr. Ogden testified that:

> If there is agreement on a comprehensive bill that advances the public health, then reasonable provisions modifying the civil liability of the tobacco industry would not be a deal breaker.

Since announcement of the June 20 proposed tobacco settlement last year, I have maintained that a legislative measure which incorporates strong public health provisions in conjunction with certain defined civil liability reforms could do more to stop the next generation of our children from getting hooked on tobacco than any bill we have ever considered.

The administration's announcement today will do much to make passage of that landmark legislation possible. I call upon the President to send us his language on a priority basis. In fact, I have invited the Department of Justice to testify at the Judiciary Committee hearing next Tuesday on the tobacco settlement, and we will be greatly interested in the details of the President's position on liability.

Mr. President, this is a stunning breakthrough, one which I believe greatly increases the probability that a broad, bipartisan consensus can be reached on the tobacco settlement.

PRIVILEGE OF THE FLOOR

Finally, Mr. President, let me just conclude by asking unanimous consent that Bruce Artim and Marlon Priest be granted privileges of the floor during the pendency of the Satcher nomination and during consideration of S. 1601, the anti-cloning bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Would the Senator like me to yield?

Mr. LEAHY. Mr. President, will the distinguished Senator from Tennessee be willing to yield me 3 minutes?

Mr. FRIST. Absolutely.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1612 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. I thank my good friend from Tennessee for yielding me this time.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Tennessee.

Mr. FRIST. Mr. President, Thank you.

COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS

Mr. FRIST. Mr. President, I want to take a moment to speak to the Bioethics Commission which will be proposed. It is part of a bill which I am not sure is going to make it to the floor today. I would like to comment on that Commission.

Mr. President, I want to comment briefly on this concept which is in the bill that will be considered sometime in the future. I am not sure it will be this afternoon, or next week, or sometime in the future. And the aspect that I want to comment on is this Bioethics Commission. I think it is critical that at the end of this century and on into the next century we have somewhere in the United States a forum where we can carry on intelligent discussions on the ethical, the theological, the scientific, and the medical issues that are inevitable as science progresses with breakthrough discoveries that have the potential both for very good—very good—but also evil. Where do we digest those in the society when they are coming through not every week nor every month but even more frequently? In response to that, I proposed the National Bioethics Commission.

We have the National Bioethics Advisory Commission, so-called NBAC. And I think over the next few days the country will become familiar with that NBAC designation. The NBAC, the National Bioethics Advisory Commission was appointed entirely by the President of the United States. They did a very good job this past year in assimilating data, information, reports, and testimony from experts and the lay public broadly over a 90-day period addressing human cloning. That was a good start. But they very openly said that they were unable to substantively address the ethical issues surrounding human cloning.

As I have said earlier today, as a scientist, and a public servant now, I want to make the case that we can no longer separate science from the ethical consideration in that we as a body must address how to establish a forum in which such discussions can be carried out.

The Commission cited inadequate time to tackle the ethical issues in the context of our pluralistic, complex, intricate society in that they chose primarily to focus on scientific concerns as well as the less abstract concept of safety. What is safe or not safe? Is this procedure safe, or is it not safe? They then appealed to each American citizen to step up to the plate and exercise their leadership and their moral leadership in formulating a national policy on human cloning. We need that forum.

Time has shown that neither the Presidential Commission nor the U.S. Congress is probably the forum, or at least is an inadequate forum, for addressing these bioethical issues which are of tremendous intricacy and important to society.

I, therefore, proposed this National Bioethics Commission in our legislation. It is representative of the public at large. It has the combined participation of experts in law, experts in science, experts in theology, experts in medicine, experts in social science, experts in philosophy, and the interest of members of the public. It is my hope that this Commission will forge a new path for our country in the field of bioethics that will enable us to have an informed, a thoughtful, a sophisticated, and scientific debate in the public square without fear on behalf of the public, or politicians, or politics driving our decisions.

In this proposal, the majority and minority leaders of Congress would appoint the members of the panel. No current Member of Congress or the administration would serve on this panel. We simply must depoliticize these discussions which will simultaneously broaden input from the general public. Each and every citizen of this country should have the opportunity to contribute to these debates.

This Commission would be established within the Institute of Medicine, and would be known as a Commission to promote a national dialogue on bioethics.

Very briefly, it would have 25 members, 6 appointed by the majority leader of the Senate, 6 by the minority leader of the Senate, 6 appointed by the Speaker of the House, and 6 appointed by the minority leader of the House of Representatives. There would be a chairman. In addition, representatives stated in the legislation would be from the fields of law, theology, philosophy, ethics, medicine, science, and social science. The Commission would be appointed no later than December 1 of this year. We have to move ahead quickly. They would serve for a length of 3 years. And the duties of the Commission, as spelled out in the legislation, would be to provide an independent forum for broad public participation and discourse concerning important bioethical issues, including cloning, and provide for a report to Congress concerning the findings, conclusions, and recommendations of the Commission concerning Federal policy and possible congressional action.

Subcommittees are established on that Commission for legal issues, for theological issues, for philosophical and ethical issues, medical issues, and scientific issues, and for social issues.

I will not belabor the Commission, but want to come back to the concept and the concept is to have an appropriate forum to discuss the types of issues we are discussing today, which I have made the case that we have to act on today in response to proposals that have been made from the private sector and to have a better, a more appropriate, a more responsive, and a more representative forum to address such issues in the future.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET

Mr. KERREY. Mr. President, there has been a lot of commentary before about the President's budget, and I would like to offer a little comment prior to talking about the proposals that I heard the distinguished Senator from West Virginia, Senator BYRD, make the other day having to do with the importance of ISTEA legislation.

My own view is that there is an awful lot that Congress needs to be proud of at the moment. We sometimes make it worse with our actions. And when we help make things better, it seems to be important for us to take stock of what we have done and to acknowledge our accomplishments.

I believe the last 7 years in the United States we have seen a dramatic transformation in the United States Congress from one of an expectation almost that the Japanese and other Asian nationals are going to overwhelm us.

I remember very well in 1991 the debate was: Will the U.S. currency be devalued in the end? Could our automobile manufacturers survive? Could our computer manufacturers survive? There were a lot of people who reached the conclusion that we would not be able to do that, and what we ought to do is adopt the Japanese model, to have the Government much more involved in the decisionmaking businesses, with a much closer relationship, and industrial policy was quite popular at the time.

We chose a different direction. We enacted in 1990, and in 1993 and again enacted in 1997, legislation that imposed fiscal discipline on the Federal Government. And as a consequence of that we are now finding ourselves debating what are we going to do about the surplus? We have reduced Government borrowing, and reduced Government borrowing just from the 1993 legislation by almost $800 billion; and that coupled with tremendous accomplishments in the private sector, businesses and employees working harder, producing more, being more competitive and especially paying attention to price and quality which is what the consumer increasingly is looking at before they will make a purchase.

Our goods are selling. Our cars and computers are selling. Our software and food is selling. Our products are selling. People throughout the world, where they have an opportunity to buy our products are saying that "Made in the U.S.A" is good again. It wasn't that long ago when people were saying maybe it is not so good.

So we need to congratulate ourselves. We have a surplus. The cost of the Federal Government is down to the lowest as a percentage of GDP than it has been in a long time. Crime is down in most major cities. There is a lot that we need to feel good about—not just as Members of Congress but as Americans for how it is that we have gotten to where we are today.

Mr. President, I think, as is always the case in any competitive operation, that it must be pointed out that there is a need to take advantage—not to say it is terrific and we are on the top of the heap and become complacent. That is when you get in trouble. I understand that there is uncertainty when you are having to compete. But in part that uncertainty means we are doing a good job because we are not asking anybody to provide us with an absolute guarantee of success. We are saying that we are prepared to get in the market and do what we have to do to be successful.

So I believe it is not the time in 1998 to say that it is terrific, and let's figure out how to spend the surplus, or let's figure out how to take an easy course of action. I think the President has outlined for us a tough course in setting Social Security as a top priority saying we have to have a discussion in 1998 about it besides in 1999 what we are going to do with the most expensive program that we have in Washington, DC, today. I applaud that.

All of us need, as we look at the Congressional Budget Office numbers, to be alert. And the distinguished Senator from Tennessee and I are both on the Medicare commission, and I presume that Medicare commission, which I think is going to have our first meeting sometime in March relatively quickly, I hope. Our big concern should be the year 2010, the year 2030, and the CBO numbers that we are given. All of us need to understand that it only extends out 10 years. The next 10 years looks pretty good. Over the next 10 years not a single baby boomer will retire. They start to retire; 77 million of them start to retire in the year 2010. And from 2010 to 2030, the number of retirees will increase almost 25 million while the number of workers only goes up 5 million. That is a demographic problem—not caused by liberalism or conservatism. It is a demographic problem, and my guess is that this year it will impose some sort of children's health fee on tobacco. My guess is that the increased funding in NIH will go through. And my guess is that as a consequence of that and what other sorts of things there will be that the baby-boom generation is going to live even longer than what we are currently forecasting. And their demand for collective transfer payments both from Social Security and Medicare are apt to be larger than what we are currently estimating, not likely to be smaller.

During that period of time—2010–2030—the percent of our budget that is allocated to mandatory spending, presuming that we allow net interest to go down, which is by no means certain, if we allow the debt to be paid down so the net interest can go down, even with that scenario, at the end of the baby boom generation 80 percent of the budget will go to mandatory spending. All one has to do is take today's budget of $1.7 trillion, subtract 80 percent, and ask yourself how you are going to defend the Nation with 20 percent, how you are going to build our roads, how you are going to maintain a law enforcement system, how you are going to do all the things that everyone wants to do with only 20 percent left.

That is the dilemma, it seems to me, we are going to face. So I hope in this moment of exuberation and exhilaration we understand now is not the time to become complacent. Now is not the time for us to just come to the floor and try to tee up things that are relatively easy. We have to get the tough things done.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I was very disappointed, many of my colleagues down here, a lot of us were disappointed that we were not able to get the ISTEA legislation passed last year. For me the ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my State, but much more importantly, it adds to the productive capacity out in the future. It contributes to our capacity to be competitive. It enables our families to do what they want to do when they take their leisure time.

Our transportation system is enormously important, and it is one of the things we in America have to be proud of. It enables us to maintain our competitive edge and to be able to celebrate.

I was encouraged earlier last year when the majority leader indicated that he was going to make this a priority and bring it up right away. I have great respect for Senator DOMENICI, the chairman of the Budget Committee, who is asking that this legislation be taken up after we get a budget resolution, but that means we will have to get another 6-month extension. That means there will be contract uncertainty out there in the country. That means we may not get this thing done until next year.

All of us know there are bitter divisions about formulas, bitter divisions about how we are going to allocate our money: should it go out to the West, to the Northeast? All of these battles that typically do not break down by party line but by geographic line, all of those battles will have to be waged here in the Senate Chamber when the bill is brought up. If you delay it, not only do we risk not getting a 6-month extension, we risk not getting ISTEA passed until very late in the session, creating contract uncertainty, creating, it seems to me, problems none of us ought to be courting.

So I hope that the distinguished chairman of the Budget Committee and the majority leader will bring this legislation up before this budget resolution, will schedule it for debate as quickly as possible.

We need, on behalf of the American workers, on behalf of American businesses, to pass what arguably I think both Republicans and Democrats would say is apt to have the most immediate, positive impact in terms of our economy and in terms of jobs and productivity.

I have a letter from one of Nebraska's significant engineering companies pointing out, quite correctly, that there is an urgency to this legislation. There are jobs hanging in the balance, there is productivity hanging in the balance, there is safety hanging in the balance. There are lot of things that need to be done that we are not going to be able to do if this piece of legislation is delayed.

I voted yesterday to rename the National Airport in favor of Ronald Reagan. I am a Democrat. There were many of us who said, oh, my gosh, do we have to put a Republican name up on our airport? Ronald Reagan was one of the most important Presidents of this century. It was an important piece of legislation. But relative to ISTEA, it is not as important. When you size and scale these things in terms of the contribution they are going to make to keep our people safe, to give our kids a good education, to give Americans a shot at the American dream, ISTEA gives them that opportunity. ISTEA gives us jobs; it gives us a chance to maintain our competitive edge.

I hope there is some reconsideration given. I hope that the advice that was offered earlier by the distinguished senior Senator from West Virginia, Mr. BYRD, that this legislation be brought up sooner rather than later will be taken by the majority leader.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADE INITIATIVES

Mr. GRASSLEY. Mr. President, as we start the second session of the 105th Congress I want to outline my priorities on international trade issues from my vantage point of chairman of the Finance Committee's International Trade Subcommittee. Some of these are legislative initiatives that began in the 1st session and others are things that we should be doing everyday.

The first thing we need to do is restore the United States to its rightful position of leading the world in liberalizing global trade. We can do this by granting the President new trade negotiating authority. The failure to pass fast track last year was harmful to American workers, American farmers and American consumers.

Why? Free trade not only creates new, high-paying jobs/it helps preserve existing jobs. When high trade barriers prohibit U.S. companies from exporting to a foreign market, the company will choose to relocate in that other country in order to sell its product.

The United States has one of the most open economies in the world. Our average tariff is about 2.8 percent. The world average is 12 percent. Fifty years ago it was 48 percent. Many other countries have virtually closed markets. According to the World Bank, for instance, China's average tariff is 23 percent. Thailand's is 26 percent, the Philippines 19 percent, Peru almost 15 percent, and Chile has a flat 11 percent tariff.

It can be difficult for American companies to export to a country like China, that places a 23 percent tariff on our goods. The tariff prices our goods out of the market. So these companies move their plant to China and avoid paying the tariff.

The preferred alternative—for American workers—is negotiating with China to lower its tariffs. Bring their tariffs down to our level. Then the companies can stay here—employ American workers—and export their goods to China. It's a "no-brainer."

But we can not negotiate these tariffs down without fast track authority. That is why fast track is so important. It leads to lower tariffs in foreign countries and the preservation of American jobs.

Fast track also leads to the creation of new jobs. Exports already support 11 million jobs in the U.S. Each additional $1 billion in exports creates between 15,000 and 20,000 new jobs. These jobs pay 15 to 20 percent higher than non-export related jobs. And, in Iowa, companies that export provide their employees 32 percent greater benefits than non-exporters.

All of this is in jeopardy without fast track. And it is the American worker who will suffer.

Mr. President, what I am most concerned about is the vacuum of leadership on international issues that is left by the United States relinquishing this traditional role. Ever since the first Reciprocal Trade Agreements Act of 1934, the United States has led the world in reducing barriers to trade. And we have benefitted greatly from this leadership.

American workers are the most productive, highest-paid workers in the world. American companies produce the highest quality products. And American consumers have more choices of goods and pay less of their income on necessities, such as food, than consumers of any other country. These are the benefits that we have enjoyed because we've been willing to lead on trade.

This leadership is now being questioned by our trading partners. They are moving on without us. They're forming regional and bilateral trading arrangements that don't include the United States.

What are the consequences for the United States? The European Union, Japan and developing countries will have a greater influence in shaping world trade policies. Should we trust Japan and the European Union to advance our interests? How hard will they push for opening markets?

I ask my colleagues who voted against fast track because of labor and environmental concerns, how hard do you think other nations will push for raising these standards? I ask my colleagues from rural states, do you trust the European Union and Japan to push for open markets at the 1999 WTO agriculture talks?

Only our President can advance our interests. Only the United States can influence other countries to improve their environment and labor standards, to improve human rights, and to embrace democracy through international trade. That is why the President should renew his effort for fast track authority and Congress should pass it this year.

Congress also included a reauthorization of the Trade Adjustment Assistance program in the Senate's fast track bill. This program assures that every American who loses their job due to a free trade agreement receives the job training and assistance they deserve. No American will be left behind by our participation in the global economy. My second initiative is to secure passage of the TAA this year.

MY third priority is to keep markets open the troubled Southeast Asian countries. I support IMF assistance of the nations in crisis. But as part of the economic reforms that the IMF requires, we must insist that the Asian countries open their markets to our exports.

Countries have a natural inclination to close their markets in time of crisis. But this only accelerates the downward spiral they find themselves in. For their own good, they should resist the temptation to raise trade barriers.

Also, some of these countries will attempt to increase their exports to our market in order to help their economies. If that's the case, they have a moral obligation to open their markets to our exports. And I will work to make sure that happens.

Last week I joined with 19 of my fellow senators on a letter led by Senators ROBERTS and BAUCUS requesting a meeting with Treasury Secretary Rubin to discuss the pervasive trade barriers that remain in the Asian countries. Hopefully, that meeting will lead to a cooperative effort between Congress and the administration to remove these barriers.

The fourth area I will be focusing on in 1998 persuading our trading partners to live up to the commitments they have made in prior trade agreements. Getting a good agreement is one thing. But we must demand compliance with our agreements on a daily basis. Many markets we thought we had opened are still closed.

I will monitor our existing agreements and strongly urge the administration to bring enforcement actions when necessary. Trade agreements aren't worth the paper they are written on unless we put some force behind them.

The last two initiatives I will pursue in 1998 involve agriculture trade, which is so important to my state and many others. Exports now account for over 30% of farm income in this country. Take away foreign markets, and we'd have to idle one-third of America's productive cropland.

In recognition of the importance of foreign trade to the agriculture economy, last year Senator DASCHLE and I introduced S. 219 a bill creating a "Special 301" process for agriculture. This new 301 procedure requires the U.S. Trade Representative to identify and remove the most onerous barriers to U.S. ag exports. It will put other countries on notice that we are serious about gaining access to their markets.

This bill was made part of the fast track legislation that was on the floor of the Senate at the end of last year. It is my intent to move this bill again as a part of fast track legislation or independently, if necessary.

Finally, agriculture is preparing for another round of market access negotiations at the World Trade Organization beginning in 1999. These talks will lay down the rules on agriculture trade for the next century. I pledge to work with the administration to ensure the United States sets the agenda for these talks.

Our trading partners do not necessarily want to remove their barriers to our ag exports. Because our farmers produce the highest quality products at the lowest cost. So American farmers will gain access to new markets only if the United States leads these negotiations and persuades other countries to open their markets.

Mr. President, free and fair trade creates good, high-paying jobs. It raised the income of our farmers and the standard of living for our workers and consumers. Trade has contributed significantly to our strong economic growth and record low unemployment. I will continue to pursue an agenda of free and fair trade through this Second Session of the 105th Congress.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the majority leader had programmed a short talk but I don't see him, so I will go ahead with mine, if I may.

Mrs. BOXER. Reserving the right to object, may I ask my friend if he, in his request to speak, would add that I may speak for no more than 5 minutes following his remarks?

Mr. FAIRCLOTH. Is the request you may speak following my remarks? It's absolutely fine with me, but as I said, the majority leader was supposed to speak for 5 minutes. But if he's not here, that's fine.

Mrs. BOXER. If you want to amend it so he can, if he does arrive, speak before I speak, that's not a problem at all. I will then withhold until he completes and take my 5 minutes at that time.

Mr. FAIRCLOTH. Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTORNEY FEES AND THE TOBACCO SETTLEMENT

Mr. FAIRCLOTH. Mr. President, I rise to say a few words about attorney fees and the proposed Senate bill, S. 1570. The Public Health Funds Preservation Act, which is better known as the Tobacco Settlement Act, limits attorney's fees, and only if there is a tobacco settlement. It limits their fees, the bill that I have introduced, to $125 per hour plus court-approved expenses. This is not something that we came upon. This is the same rate that Congress set for lawyer fees in suits filed against the Federal Government. So this is an accepted and nationally known attorney fee, $125 an hour.

For trial lawyers, this debate is not about public health, it is about private greed. It is about creating instant billionaires. It is about using the public funds to create instant billionaire trial lawyers. It's a huge pot of money, billions of dollars, and it is wanted to fund frivolous lawsuits far into the 21st century. As long as you pay lawyers, you will have lawsuits. At the rate these are being paid, we will have lawsuits into infinity.

Let me mention a few cases that reveal the real motive of the trial lawyers. This is a typical example of how this group works. The trial lawyers negotiated a $349 million settlement with the tobacco companies in the so-called "flight attendants case."

These were flight attendants who said they had been affected by secondary smoke. They won the $349 million: $300 million went to a new research foundation, and the lawyers took $49 million. Not one dime did a single flight attendant get because of the lawyers in the suit—not a dime. The entire amount went to lawyers and the research foundation. It is clear what happened—lawyers, $49 million; clients, $0, and that is the way the score usually turns out.

The litigation machine grinds on and on, long after settlements. More lawsuits, more billable hours and more attorney's fees. It goes on into infinity.

The flight attendants' own lawyers sold them out for a quick buck—$49 million to be exact.

This is not an isolated case. The Texas Attorney General agreed to pay lawyers close to $2.2 billion, 15 percent of the settlement that Texas was able to negotiate with the tobacco companies—$2.2 billion to the lawyers.

The lawyers involved in the settlement of the Florida suit claimed $2.8 billion, 25 percent of the entire settlement. The settlement was $11.3 billion, the lawyers want $2.8 billion.

The judge in the Florida case said that their demands were "unconscionable." Certainly they are. They are unreasonable. But that didn't stop the trial lawyers. They were not going to let a judge stand between them and $2.8 billion. They could see the red meat. That didn't stop the trial lawyers. They filed a lien to prevent the State from collecting its first $750 million payment until they were paid. If they couldn't get the big money for themselves, neither did they want the children of the State of Florida to have it.

One Mississippi lawyer is busy lining up a $1.39 billion payment. He admits that he spent at most $10 million on the case. This lawyer says that the fee might seem a little obscene. These fees have simply gotten out of control.

Mr. President, this is a pillaging spree and nothing more. These trial lawyers rival Genghis Khan or any other raider that ever went after a pile of money.

The trial lawyers are intent on plundering. They are now stealing from the public health trust. That is exactly what they are doing if this Tobacco Settlement Act comes about. They are simply stealing from the trust that we will be putting up for the public health and for the children. After all, some of them have already filed liens to prevent the public health payments until they have been paid.

Mr. President, I say it is time to stop. This bill will do that. The tobacco settlement is a settlement to ensure medical care and future help of people who might have been affected by tobacco. It is not a lottery for trial lawyers. My bill makes sure the focus stays on children and not on lawyers. The trial lawyers want to play "Wheel of Fortune" with our money. Well, I say, no, it is not their money. Let's stop the scrambling for dollars and the greed. Public health versus private greed—let's get on with the public health part of it and put some restraints on the private greed. That is where we should draw the line.

Mr. President, I thank you, and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Thank you very much, Mr. President. I want to take 5 minutes out of the debate on this very important bill. I commend my colleague, Senator FEINSTEIN, for her leadership in explaining why it is important, when we legislate, particularly on a matter of science, that we know exactly what we are doing and that we don't pass a bill that will have unintended consequences which could lead to setting back help to people who need it who are ill. I just wanted to mention that.

CONDEMNING CLINIC BOMBING

Mrs. BOXER. Mr. President, earlier today, I submitted a resolution, Senate Resolution 173. It is very straightforward. It condemns last week's tragic bombing of a reproductive health services clinic in Birmingham, AL. As most of us know, this vicious and unprovoked attack killed a police officer and critically injured a clinic worker. We already know that clinic worker lost one eye, and I watched her anguished husband talk about the possibility that she might have an operation on the other eye as well.

I am very proud that this resolution that I have submitted is bipartisan. I submitted it on behalf of myself and Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator JEFFORDS, Senator LAUTENBERG, Senator MURRAY, Senator BOB KERREY, Senator COLLINS and Senator MOSELEY-BRAUN.

Last week's attack was the first clinic bombing in the United States to cause a death, but, unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented reign of terror. Last year alone, clinics in Atlanta, GA, and in Tulsa, OK, were bombed, resulting in many, many serious injuries.

The reign of terror began with the murder of Dr. David Gunn in Pensacola, FL, in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida, and on the bloodiest day of the antichoice terror campaign, two clinic workers were killed and five injured in vicious cold-blooded shootings in Brookline, MA.

All told—all told—over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. If I succeed in doing anything with this resolution, it is to make my colleagues aware that the attacks and the level of violence in those attacks are increasing every year.

I know that reproductive choice is a contentious issue. It was decided by the Supreme Court in Roe v. Wade in 1973. There are people who agree with the decision; there are people who disagree with the decision. And believe me, Mr. President, I have the deepest respect for people who hold a view other than mine. Mine is a pro-choice view. Mine is a view that holds that Roe v. Wade was a balanced, moderate decision that weighed the rights of everyone involved and basically says that previability, a woman has this right to choose, it is a personal decision and Government isn't involved, but postviability, indeed, the Government can come in and regulate as long as her life and her health are protected at all times.

But I think what is key here is that when someone explodes a bomb in a clinic, this is a violent act. This is not about philosophy, because violence is not a form of speech. Violence is not a form of speech. Violence is criminal. Violence maims, violence kills, and violence hurts the very people who are trying to carry out that cause in a peaceful manner.

I respect those with a different view, but I have no respect for anyone in this country, regardless of their view, who ever resort to violence as a form of speech. This resolution is not about choice, it is about violence.

I know that there is not a single one of my colleagues who believes that murder, bombing and terror and acts of intimidation are appropriate ways to express political views. I know that, Mr. President. This Congress stands firm on saying if you commit one of these acts, it is a Federal crime. These bombings are part of a terrorist campaign, a campaign designed to destroy a woman's right to choose through violence, making her afraid to go to a clinic maybe just to get a Pap smear. Maybe it is her only line of health care. Maybe she wants to find out how she can conceive, so she goes to a clinic. Or maybe she is exercising her right to choose, which is the law of the land.

The U.S. Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism. When we hear about other acts of terrorism, whether in America or around the world, we are down here with a resolution of condemnation. Well, we should be down here now.

I am proud of the number of cosponsors I have. I invite my colleagues who may be listening to please join in. You need to be on the side of protecting the people whom you represent as they exercise their constitutionally given rights.

In addition to condemning this attack, this resolution expresses the sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at these reproductive health care clinics. Again, we passed a law. It is a Federal crime to do violence at these clinics. We need to enforce that law. We need to protect these clinics. We need to devote more resources.

Here is a policeman, alone, unsuspecting, getting caught up in a bombing of a clinic, dying, leaving his family, all alone, watching a clinic, and being the victim of an explosive device, a bomb. It may well be that the people who perpetrated this, perpetrated other attacks. We don't know that for sure, but we do know one thing. There was a written message that this isn't where they are going to stop. There can be no quarter for these people in this country. It is cowardly to do what they did.

We have a law that says it is a Federal crime to do what they did. We need to prevent these things from happening by devoting more resources, and I call on the Attorney General to do that. We can't leave policemen alone facing these terrorists. We can't leave clinic workers alone facing these terrorists. We can't leave patients alone facing these terrorists. We need the help of the Federal Government. We pay taxes for that. This is an explosive device. This is not only breaking one Federal law, but more than one Federal law.

So I am proud, again, to be joined by my distinguished colleagues in offering this resolution. I plan to speak with both leaders, Leader LOTT and Leader DASCHLE, about setting aside some time to condemn this violence, to stand up for the people of this country and say, whatever your view, we respect it; however, violence will not be tolerated in this country.

I think if we did this in a bipartisan way, it would send a clear signal to anyone in our country who would even consider making violence a form of speech.

I thank the Presiding Officer, and I yield the floor.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. MACK. What is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1601.

Mr. MACK. Thank you, Mr. President.

I want to begin my comments by making it clear, like I suspect everyone in the U.S. Senate, that I am against human cloning. I have not really found too many people who have come forward with a statement saying that they are for human cloning. I am opposed to human cloning. So, let me make that clear at the beginning of the discussion. But, there is much more to this debate than as to whether one is for or against human cloning, and I think it is important that we get beyond that.

I agree with those who have indicated earlier in the day that, frankly, we need to delay this debate, we need to delay this legislation. You might say, "Well, why?" Certainly the individuals who engaged in producing the legislation are thoughtful, serious people. I do not question that, nor do I question their intentions. But what they have proposed I think has tremendous risks.

I will read from just a couple of letters that I have received from Nobel laureates. One of the letters indicates—and this is from Dr. Paul Berg, Stanford professor, Nobel laureate, chemistry, 1980. In his letter he says:

> The bill sponsored by Senators BOND, FRIST, GREGG and others, if passed, would be the first to ban a specific line of research.

A specific line of research. Not the end result, but the specific line of research would not be permitted.

And he goes on to say:

> I believe this is a serious mistake, one that we could regret because of its unintended implications for otherwise valuable biomedical research.

He goes on in the letter to say:

> At the same time, any legislation should not impede or interfere with existing or potential critical research fundamental to the prevention or cure of human disease.

In another letter, from J.M. Bishop, Nobel laureate, university professor, University of California, San Francisco:

> The fundamental flaw in this legislation is the prohibition of a technology irrespective of its application. Such prohibition forecloses on any benefit from the technology, even if that benefit were in no way objectionable. Many well-intentioned people fail to understand that somatic cell nuclear transfer is not limited to cloning an organism. There are many examples of possible future applications of this technology to produce healthy tissue for therapeutic purposes, such as skin grafts for burn patients, or even to create insulin-producing cells for diabetics. There may also be applications for cancer patients who need a bone marrow transplant for whom a match cannot be found.

Mr. President, I suggest that if time had permitted and if there had been greater warning that this legislation was going to come to the floor, I could virtually fill up the CONGRESSIONAL RECORD with those individuals who have serious concerns about what this legislation would do. And the same group of people would make the statement they are opposed to human cloning.

I must admit that I have more than just a casual interest in this legislation. I have been deeply involved in trying to understand basic research as it relates most specifically to finding cures and better treatments for cancer. I am terrified at the thought that this legislation could move forward without the opportunity for there to be in-depth scientific debate before committees of the Congress of the United States about what this legislation would do.

I just say to people that, if you go back into the early 1970s, 1971, I believe, regarding the issue of recombinant DNA, there were horror stories that were told about recombinant DNA research. There were all kinds of fears that were created. And there were places in the country where bans were actually put into place.

Well, fortunately, the Congress never passed a ban like they are talking about here, because if they had, just to use one disease—cystic fibrosis—think about what it would be like if you were the parent of a child with cystic fibrosis that had been denied a treatment that was developed as a result of going forward with recombinant DNA.

What was developed enhanced the ability of the lung to function as a result of the discovery. Back in 1971, no one had even an idea where that research might have taken us. But in retrospect we can see that the foundation has been built for the future research that may in fact find better treatments, whether that is cancer, whether that is diabetes, whether that is Parkinson's disease, whether that is AIDS, whether that is sickle-cell anemia. And I could go on and on and on.

So, Mr. President, all I am saying here today, and to my colleagues, is that if there is not a change in this legislation, then I am going to have to oppose the legislation. I understand that the majority leader will be coming to the floor shortly to file a cloture motion. I would have to vote against cloture if this legislation is not changed. I frankly believe that the most significant thing we could do would be to delay so that in fact we could hear from both sides on this issue.

Again, the debate really isn't whether there should be human cloning. I think most people in this country clearly have said we should not do that, that it should be banned. But what we are debating is the potential outcome of the language that is put into legislative form that would limit the scientists of our country, limit them in their ability again to find cures, possibly, and certainly better treatments for the diseases that face our families, our children and our grandchildren.

So, Mr. President, I sincerely hope that either we find some way to correct the legislation before us or that we delay this so that not only the scientific community can have an opportunity for input but also for patient groups. I think they ought to have an opportunity to come before the Congress at our hearings and let them raise their concerns about what might be done to maybe one area of hope that they have about better treatment or a cure.

Mr. ABRAHAM. Mr. President, I rise in support of legislation to place a permanent ban on the unethical, immoral pursuit of human cloning.

I do not believe, Mr. President, that the fact that a thing is possible makes it desirable. The study of ethics is filled with things we can do, but should not do. The subject of cloning presents an obvious example along these lines. And I believe it is necessary for us to face the problem head-on.

Genetic research has been crucial to saving thousands upon thousands of lives all over the world. It continues to be an important part of medical research as we look for cures and treatments for cancer and other dreaded diseases. But there are certain things we cannot do, even as we seek, in the long run, to save lives. As shown by recent scandals concerning studies at Tuskegee Institute and elsewhere, in which people were denied treatment for serious ailments in the name of science, most people, most of the time, recognize the moral limits to scientific and medical research.

But we cannot always trust in the good judgment of the scientist. In some extreme cases we, the people's legislature, must see to it that certain practices are not undertaken. Human cloning is one of those practices. No man or woman, not even a scientist, has the capacity to manipulate the very nature and existence of human life in a moral manner. Plants, animals and even discrete human cells may be the proper subjects of research, but to attempt to create a human being, as the product of scientific experiment, risking that that product may be seen as something other than a living, sentient human being, is simply not acceptable.

Mr. President, we are not now, nor will we ever be, morally capable of manufacturing life, or of making experiments on the human soul.

It is because I value life, each and every human life that comes into this world, that I have joined with my colleague from Missouri in sponsoring this legislation to ban, now and for the future, any attempt at human cloning.

Now is not the time, Mr. President, for our Nation to create, or rather add to, an atmosphere in which human life is valued for anything other than itself. Each of us is unique and uniquely valuable. Our laws recognize this, providing as they do for due process and equal protection of every one of us. Our religions are based on this understanding of the individual as the creature of God. We must see to it that our science also recognizes the intrinsic value of every human life.

Science has been of great service to mankind. It will continue to improve, protect and save lives, so long as we recognize our duty to see that scientists abide by their duty to serve, and not manipulate, each and every human being.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hagel). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe the Senate has already had a healthy debate on the cloning legislation and I thank Senators Bond, Frist, Gregg and others for their leadership on this issue. I find it unfortunate that our democratic colleagues have chosen to block consideration of legislation at this time, even a motion to proceed.

Clearly, this is an issue that has America's attention. The idea that so much progress has been made in the cloning area, and that we have doctors or scientists already threatening to clone human beings, is a very serious matter from a scientific, medical, moral and ethical standpoint. I don't think we can afford to set this issue aside without some immediate consideration and some immediate attention.

I am very pleased that the Senators that are involved on both sides of the aisle are obviously very concerned, very thoughtful, and would like to get an agreement.

I am particularly pleased that one of the leaders on our side of the aisle is Dr. Bill Frist of Tennessee, one of the Senators who knows the most about questions of science. He would never want us to sacrifice appropriate advancements in science and medical achievement in any way. The difference is he really knows what he's talking about. So, while there are some disagreements about how far to go, what would be appropriate, what would not be appropriate, a lot of good work has been done.

It seems to me that the thing to do is to go forward. Let's have a continued debate in addition to what we have already heard from a half dozen or seven Senators or so. Let's have other Senators become informed, read the debate we have already had, think about this issue, study the bills, and make recommendations. If there are amendments by the Senator from California, I think they should be offered. Let's debate them and let's think about them.

This is an issue whose time has come—maybe sooner than we would have ever dreamed, and maybe in a lot of ways we had not anticipated this. But if we don't act, what could be the result? Do we want to allow the possibility of human cloning to go forward? I don't think so. Leaders in the scientific and medical communities, and others, have already indicated their concerns about that. The President of the United States has made it very clear in an early statement that he wanted to make sure that this human cloning did not occur. So I urge the Senate—we can go forward with deliberate speed, which is always the case, but we should go forward and not have this pigeon-holed somewhere in the bowels of the building for weeks or months while time and events pass us by.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk so that we can proceed to the very serious legislation on the issue of cloning.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1601 regarding human cloning.

Trent Lott, Christopher S. Bond, Bill Frist, Spencer Abraham, Michael B. Enzi, James Inhofe, Slade Gorton, Sam Brownback, Don Nickles, Chuck Hagel, Rick Santorum, Judd Gregg, Rod Grams, Larry E. Craig, Jesse Helms, and Jon Kyl.

Mr. LOTT. Mr. President, I emphasize once again that this is only to end debate on the motion to proceed. Could we at least go to the substance of the bill, and then we can make a judgment about whether we have had enough discussion, whether we know enough, or whether we have amended it appropriately. We have no option at this point other than to file cloture.

For the information of all Senators, the vote will occur on Tuesday, February 10, at a time to be determined by the majority leader after discussion with Senators on both sides of the issue and with the minority leader.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed will be withdrawn.

CLOTURE MOTION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the Senate now resume the nomination of David Satcher in order for me to file a cloture motion on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of David Satcher, of Tennessee, to be an Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service.

The PRESIDING OFFICER. The clerk will report the cloture motion.

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar Nos. 338 and 339, the nomination of David Satcher to be Assistant Secretary of HHS and to be Surgeon General.

Trent Lott, James Jeffords, Richard Lugar, Conrad Burns, Arlen Specter, Frank H. Murkowski, Ted Stevens, Ted Kennedy, Olympia J. Snowe, Susan Collins, Tom Daschle, Paul Wellstone, Herb Kohl, Christopher Dodd, Chuck Robb, Tim Johnson, and Tom Harkin.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 11 a.m. on Thursday, February 10, with the mandatory quorum being waived and, further, that if cloture is invoked, the Senate proceed to an immediate vote on the confirmation of David Satcher to be Assistant Secretary of HHS and Surgeon General, all without any intervening action or debate. I further ask that following the vote, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask that there be up to 6 hours for debate on the nomination on Monday, February 9, to be equally divided between Senators Jeffords and Ashcroft, and that there be 1 hour, equally divided in the same fashion, on Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Once again, Mr. President, regarding this matter, I want to make it clear that there is no intent to rush to judgment here. This nomination has been pending for quite some time. There is strong support for this nomination on both sides of the aisle, and there are legitimate concerns about this nominee. I had indicated yesterday that we would not go forward to a vote until requested information from the Centers for Disease Control had been received, as requested by the Senator from Missouri, Senator Ashcroft. I had FAXed that list to the Secretary of HHS, Secretary Shalala, and talked to her subsequently on the telephone. I had been told that there were seven items listed. One of them had already been provided, one was on the way, and the other five were being pursued. I believe that most of that information now has been obtained. If not, there is time for it to be received

Saturday, Sunday, or Monday before we get to vote on Tuesday.

I urge the White House, the Centers for Disease Control, and everybody involved, to make that information available. It was inferred that, well, it might be used against him. I don't know what the information is. It may be used against him. If it is out there and in the public record or should be in the public record, we need to know that, and we will make a decision.

We have had time given to this nomination in that it has been pending a long time, and now we have had debate pointing out where the problems are and pointing out the assets of this nominee. I think we should not delay it any further. It would be my intent to vote for cloture, which I don't always do, but I think once you have had adequate time—in fact, I rarely do it, but I think this nominee should have a vote on his nomination. So if we in fact do come to a final vote on cloture, I will vote for cloture. That does not indicate how I would vote on final passage. I will make that final decision based on all the information made available before the vote occurs. But I think we should bring it to a conclusion.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I would like to announce, for the information of all Senators, that at 3:45 the Senate will receive, on a bipartisan basis, the Secretary of State in S. 407 for a briefing on her recent visit to Europe and the Middle East. Then, also, a number of Senators and House Members will be meeting with Prime Minister Blair in the Rayburn Room on the House side at 4:30. So we would like to make sure that all Senators can attend the briefing at 3:45, and since we have such a large number of Senators that are going to be meeting with Prime Minister Blair, it would not be our intent to have recorded votes or further substantive business this afternoon.

Obviously, we still have time for morning business speeches, if Senators would like to do that. That is why we are not scheduling anything else this afternoon legislatively, because these are very important meetings we have pending.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations:

Four nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and then the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

IN THE AIR FORCE

The following-named United States Air Force officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and for appointment to the grade indicated under title 10, U.S.C., section 154:

To be general

Gen. Joseph W. Ralston, 9172.

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas R. Case, 2013.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C. Section 12203:

To be brigadier general

Col. Michael J. Squier, 8084.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert L. Echols, 6631.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SENATOR KENNEDY'S ELOQUENT ADDRESS IN NORTHERN IRELAND

Mr. DASCHLE. Mr. President, earlier this month, our colleague Senator KENNEDY made his first ever visit to Northern Ireland.

On Friday, January 9, in the Guildhall, in the City of Derry, Senator KENNEDY delivered the first Tip O'Neill Memorial Lecture, sponsored by the University of Ulster, the City Council of Derry, and the U.S. Consulate in Belfast.

Senator KENNEDY's leadership on this issue and his longstanding efforts to reach out to both Protestants and Catholics in Northern Ireland were evident in his remarks and in the warm reception he received from both sides of the community during his visit.

For many years, Senator KENNEDY has been at the forefront of this country's commitment to do all it can to end the violence in Northern Ireland and achieve a lasting peace for that troubled land. I believe all of us in Congress share that commitment.

I commend Senator KENNEDY for his contribution to the current peace initiative. I believe that his eloquent address will be of interest to all of us in Congress and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR EDWARD KENNEDY—"NORTHERN IRELAND—A VIEW FROM AMERICA"

TIP O'NEILL MEMORIAL LECTURE, UNIVERSITY OF ULSTER, MAGEE COLLEGE, INCORE, GUILDHALL—DERRY, NORTHERN IRELAND—JANUARY 9, 1998

I want to thank Professor Lord Smith and the University of Ulster's Initiative on Conflict Resolution and Ethnicity, the home of the Tip O'Neill Chair in Peace Studies and the Tip O'Neill Fellowship, for inviting me here today. Let me also thank the Deputy Mayor, Joe Miller and everyone at Derry City Council for welcoming me to this beautiful city. I'm grateful to Dr. Maurice Hayes for his generous introduction, and I commend him and the Ireland Funds for establishing this living memorial to a great man, a great friend of mine, and a great friend of Ireland.

I'm especially honored that Mr. and Mrs. Restorick and Mr. and Mrs. McGoldrick have traveled from Peterborough in England and from Craigavon to take part in this occasion. In the face of great personal tragedy, these two families refuse to hate. They honor their sons Stephen and Michael most by their resolve that no other family shall have to suffer what they endure. Their lives every day are as eloquent as their words here today.

I'm honored as well that the U.S. Ambassador to the U.K., Philip Lader, is with us today. Ambassador Lader has close personal and professional ties to President Clinton, and I have great respect for his skill and judgment. He is perhaps best known in America for his ability to bring people together, and he's an excellent choice to represent President Clinton here at this auspicious and hopeful time.

And I'm delighted that my sister Jean is here. My family has a great love for this island from which we come and which for us will always be a home. Jean visited Ireland in 1963 with President Kennedy and I know he would be proud—as all the Kennedys are—of the extraordinary work she has done as our Ambassador to Ireland.

A President of Harvard is reported to have said that the reason universities are such great storehouses of learning is that every entering student brings a little knowledge in—and no graduating student ever takes any knowledge out.

But I'm sure that's not true at the University of Ulster.

This institution teaches, in many different ways, the most important lesson of all—that all knowledge is universal and all men and women are brothers and sisters.

It was here, in the Guildhall, in November 1995 that President Clinton inaugurated the Tip O'Neill Chair in Peace Studies. As he said on that occasion, "peace is really the work of a lifetime."

In that spirit, I come here to give the Tip O'Neill Memorial Lecture. And it is fitting that I do so in this place, because Tip's ancestral home on his grandfather O'Neill's side was just down the road in Buncrana.

Throughout Tip's life, Ireland was one of his greatest loves. His Irish smile could light up a living room, the whole chamber of the U.S. House of Representatives, and the whole State of Massachusetts.

One of Tip's most famous stories was about a gift by Henry Ford to help build a new hospital in Ireland. His gift was $5,000, but a local newspaper the next day reported that it was $50,000. The editor apologized profusely for the mistake, and said he'd run a correction right away, explaining that the actual gift was only $5,000. It took Henry Ford about one second to realize what was happening, and he said, "No, no, don't run the correction. I'll give the $50,000, but on one condition—that you install a plaque over the entrance to the hospital with this inscription—"I came unto you, and you took me in."

Tip was scrupulously neutral in the American presidential campaign of 1980, when I was running for President against Jimmy Carter. But Tip told me that every night, before he went to sleep, he was secretly praying that we would have another Irish President of the United States. The prayer was a little ambiguous—but Tip's Irish friend Ronald Reagan, who eventually won that election, was very grateful.

This doesn't quite feel like my first visit to Derry, since I've known John Hume for so long, and I've heard him sing "The Town I Love So Well" so many times.

I first met him a quarter century ago, in the fall of 1972. I was troubled by what had been taking place here, and people I knew well in Massachusetts told me to get in touch with him. I was traveling to Germany for a NATO conference in November of that year. So I called John and he agreed to meet me in Bonn. We had dinner at the home of Ireland's Ambassador there, Sean Ronan. When I signed the Ambassador's guest book, I wrote that I hoped to see him again when there was peace in Ireland. I see Ambassador Ronan here today, so I'm more hopeful than ever that lasting peace is finally very close.

In the following years, John Hume came to Washington often, and we would sit together and talk about the Troubles. He has been a constant voice of reason, an often lonely champion of non-violence, a stalwart advocate of peace.

In 1977, because of John, four Irish-American elected officials—Tip O'Neill, Senator Daniel Patrick Moynihan of New York, Governor Hugh Carey of New York, and I—joined forces to condemn the support for violence that was coming from the United States, and to insist that dollars from America must never be used to kill innocent men and women and children in Northern Ireland. And so the Four Horsemen were born, and over the years, we acted together on many occasions to do what we could to advance a peaceful resolution of the conflict.

Forty-four million Americans are of Irish descent. It is no accident that America has an abiding interest in the island of Ireland—and in the current generation, an abiding commitment to peace and justice in Northern Ireland. Over the years, we have welcomed many leaders of Northern Ireland—from politics, business, churches and communities. We have listened to all and tried to be a friend to all.

When President Clinton took office in 1993, it was clear that America had a President who would go the extra mile for peace—and an opportunity soon arose. In December 1993, the Irish and British Governments issued their Downing Street Declaration, which gave birth to the current peace initiative. Soon thereafter, President Clinton was faced with a critical decision—whether the goal of ending the violence would be enhanced by granting a visa for Gerry Adams to visit the United States. I had been receiving reports for several months from a delegation led by journalist Niall O'Dowd that the IRA was serious about silencing the guns. My sister Jean had heard the same reports.

John Hume and Jean both said that a visit by Gerry Adams to the United States could be very important in achieving a ceasefire by the IRA. So I and others in Congress urged President Clinton to act favorably. He made the bold and courageous decision to grant the visa, despite advice from some quarters in Congress and the Administration that he should deny it. The visa was given, the ceasefire followed, and a new and hopeful period in the history of Northern Ireland was born.

Since then, there have been setbacks along the way. But America's interest has not faltered, and President Clinton has provided continuing encouragement. His visit to this island in November and December of 1995 was a powerful demonstration that America cares about peace—and the outpouring of affection that greeted him from Protestants and Catholics alike was an unmistakable sign to political leaders on both sides that peace was the people's priority.

Today, we stand at a defining moment in the modern epic of this land. The talks that are about to resume offer both a challenge and an opportunity. In the coming crucial weeks, the parties will determine whether this is a genuine way forward, or just another failed station on the way of sorrows.

To Nationalists who have suffered decades of injustice and discrimination, I say "Look how far you've come". One need only look around to see the success of the Nationalist community—what John Hume has done for the peace process and for new investment in Derry—what Seamus Heaney, Seamus Deane, Brian Friel, Frank McGuinness, and Phil Coulter have done for the spirit of Ireland—North and South. Ireland has its first ever President from Northern Ireland. Gerry Adams and other Sinn Fein leaders have been to Downing Street. You have come so far. Have faith in yourselves and in the future.

And to Unionists who often feel afraid of what the future may bring, I recall that you are descendants of the pioneers who helped build America, and now you can be the pioneers who build a better future for this island.

Everyone is well aware of the numerous contributions of Irish immigrants—mostly Catholic—who came to America in the 19th century, fleeing famine. Many of those famine ships left from Derry. But it is often forgotten that more than half of the 44 million Americans of Irish descent today are Protestants.

Most of that Protestant immigration came in the 1700's and early 1800's. As far back as the late 1600's, persecution of Scottish Presbyterians led many to leave Ulster and seek religious freedom in the American colonies. The father of American Presbyterianism was born only a few miles from here. Magee College, our host today, was in fact a training college for Irish Presbyterianism. Historically, the very hallmark of that faith is respect for differences. The Presbyterian tradition helped endow America with that respect. It is one of our greatest strengths. That same basic value—respect for differences—is now the key to a better future here as well.

The impact on America of Scotch-Irish settlers from what is today Northern Ireland was profound. Large numbers joined our fight for independence. Five signed the Declaration of Independence. John Dunlap of Strabane printed the Declaration, and also established the first daily newspaper in America.

In the years that followed America's independence, these settlers were instrumental in founding the Democratic Party in the United States. They helped assure the election of two of our greatest Presidents, Thomas Jefferson and Andrew Jackson.

Jackson himself was of Ulster Presbyterian stock and proud of it. As he said on a visit to Boston in 1833, "I have always been proud of my ancestry and of being descended from that noble race. Would to God, Sir, that Irishmen on the other side of the great water enjoyed the comforts, happiness, contentment and liberty that they enjoy here."

Eleven other Presidents of the United States were of Scotch-Irish heritage, including President Clinton.

In ways such as these, Protestants of Irish descent have made indispensable contributions to America as a land of freedom and opportunity for all. You are part of our heritage and history. We are brothers and sisters, not enemies. The vast—vast—majority of Irish Catholics in America bear you no ill will. Our hope is that as your ancestors did for America, you will lead the way to peace and justice for Northern Ireland.

It is an apt coincidence that the goal for the peace talks is to reach a successful conclusion in this year that marks the two hundredth anniversary of the United Irishmen Rebellion of 1798. As 1998 begins, we can all salute the idealism and courage of those leaders two centuries ago—Catholics, Presbyterians, and Anglicans as one. Their brave doomed uprising took its immediate inspiration from the French Revolution and its call for liberty, equality, and fraternity. But Wolfe Tone, Samuel Neilson, Thomas Russell, William Drennan and other members of the United Irishmen were also well aware of the Irish role in the American Revolution.

For some, the United Irishmen will be remembered primarily as courageous and independent-minded ancestors. Others will celebrate the political philosophy they created. The point is that all traditions can draw current inspiration from the vision that guided their struggle. They believed that the different traditions in Ireland were not destined to be enemies, but had a profound shared interest in championing and guarding each others' rights.

So I hope that the participants in the current all-important talks can draw inspiration from all these streams of our common heritage, and succeed in devising new arrangements for this land that will at last give true effect to our shared ideals.

Many people have already taken risks for peace. John Hume laid the groundwork over many years for the current progress, and is one of the shining apostles of non-violence in our century. Gerry Adams and Martin McGuinness impressively led the way to the IRA cease-fire of 1994 and its restoration last summer. David Trimble demonstrated genuine leadership in bringing the Ulster Unionist Party to the peace table. John Alderdice deserves credit for his efforts to bridge the gap between the two communities. The representatives of the Loyalist paramilitaries—David Ervine, Gary McMichael and others—helped achieve the Loyalist cease-fire and have made ceaseless efforts to maintain it. The Women's Coalition deserves admiration and support for participating and persevering—and for demonstrating anew the rightful place of women at the highest level of politics.

The Governments of Bertie Ahern and Tony Blair have carried the process forward with skill and wisdom. Mo Mowlam is tireless in her commitment. George Mitchell's transatlantic shuttle diplomacy is America's special gift to the peace process —living daily proof that the United States not only cares, but can be scrupulously even-handed too. John de Chastelain and Harri Holkeri deserve credit for their leadership and patience. And numerous others—church leaders such as Father Alex Reid and Reverend Roy Magee—community workers such as Geraldine McAteer and Jackie Redpath—have worked hard and well at building bridges.

Above all, the people of Northern Ireland deserve credit for never giving up their dreams of peace, and for constantly reminding political leaders of their responsibility to achieve it. As Yeats wrote, "In dreams begins responsibility."

There are some who seek to wreck the peace process. They are blinded by fear of a future they cannot imagine—a future in which respect for differences is a healing and unifying force. They are driven by an anger that holds no respect for life—even for the lives of children.

But a new spirit of hope is gaining momentum. It can banish the fear that blinds. It can conquer the anger that fuels the merchants of violence. We are building an irresistible force that can make the immovable object move.

In 1968, at a time of unconscionable violence in America, my brother Robert Kennedy spoke of the dream of peace and an end to conflict, in words that summon us all to action now:

"It is up to those who are here—fellow citizens and public officials—to carry out that dream, to try to end the divisions that exist so deeply in our country and to remove the stain of bloodshed from our land."

It is not my plan or place to address the details of the talks—that is for the participants. But comments from observers may prove useful as a source of perspective and reflection, as a way to dispel distortions and misunderstandings and to create possibilities for peace—and above all, to demonstrate as powerfully as we can that America truly cares.

Irish Americans are anything but indifferent to what is happening. We have a long-enduring desire to see peace and prosperity take root here. Our commitment embraces the welfare of all the people of Northern Ireland—and when we say "all," we mean all.

Whoever we are, wherever we come from, whatever our differences—there is one self-evident, fundamental, enduring truth. There must be no return to violence. Killing produces only more killing. Endless, escalating cycles of death and devastation have brought unspeakable human tragedy, deeper division between and within the two great traditions, and painful stagnation and failed prosperity for Northern Ireland.

It does not have to be that way. Addressing the Irish Parliament in 1963, President Kennedy quoted the famous words of George Bernard Shaw: "Some people see things as they are and say, 'Why?' But I dream things that never were, and I say, 'Why not?'" May those words inspire the search for peace today.

The present must learn from the past. As the Joint Declaration states: "the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it."

Equality and mutual respect are the twin pillars of peace. It is clear that the Nationalist community will never accept a role of subservience to Unionism. And the Unionist community will never accept a role of subservience to Nationalism.

The obvious and inescapable conclusion is that these two traditions can find a stable relationship only on a basis of equality and mutual respect. A successful outcome must mean no second-class citizens on this island, and no second-class traditions either.

The peace process does not mean asking Unionists or Nationalists to change or discard their identity and aspirations. It means using democratic methods, not bombs and bullets, to resolve the inevitable differences and tensions between them.

However far into the future, whatever the color of the flags, there will be two communities, each with its own character and its own pride, sharing this beautiful piece of earth.

The heritage of America offers a hope and a lesson. The motto of America—to which John Hume has often referred—is the Latin phrase "e pluribus unum"—out of many, one—the whole is greater than the sum of its parts. The diversity of America is America's greatest strength, and the diversity here can be your greatest strength as well.

As you travel the road together, the choice is whether it will be as wary adversaries forever fearful of each other, or as friends and neighbors who agree on fair rules for the journey ahead, willing to meet and master fateful challenges together.

At its core, the conflict is about each side cherishing its noble ideals, and fearing the other may damage or destroy them.

If the true goal for each side is the protection of its rights and aspirations, rather than the denial of the rights and aspirations of the other, then surely there is a high and common ground. Protecting the rights of both sides, based on principles of equality and mutual respect, is the surest path—perhaps the only path—to peace.

I appeal to the talks participants to ask nothing for their own side they are not prepared to grant to the other—and to ask nothing from the other side they would not accept for their own. Let us make that principle the Golden Rule for the road to peace—to do unto others as we would have them do unto us.

I urge everyone involved in the peace process to approach the talks with a view to giving as much as they can, rather than as little as they think they can get away with. In the words of Seamus Heaney, you must "walk on air, against your better judgment."

As we come to a new century, the three basic relationships—within the North, between North and South, and between Britain and Ireland—can be transformed. Hatred and injustice can be replaced with respect and equality.

Taking full advantage of this unique opportunity will bring lasting peace, and a genuine place in history for all those who make it happen. Failure to grasp this opportunity will be devastating. History will harshly judge any who fail the test and waste the decisive moment.

I particularly encourage the young people of this island to become involved in the work for peace. For it is you—even more than your parents and your grandparents—who have the most to gain, and the most to lose.

As you extend yourselves to reach agreement, the United States will exert itself to build more bridges. Personal bridges. Political bridges. Economic bridges. And be assured, I will do all in my power to see that the U.S. assumes a central role in providing economic assistance to implement the agreement that is reached.

In the closing pages of the Iliad, Priam, the elderly king of Troy, goes to Achilles to beg for the return of his son Hector, whom Achilles has slain in the war. Achilles, in an act of simple humanity, gives the old man the body of his son.

The last lines of Michael Longley's eloquent poem "Ceasefire" draw an analogy with Northern Ireland. Priam speaks these words:

"I get down on my knees and do what must be done

And kiss Achilles' hand, the killer of my son."

The two communities in Northern Ireland must reach out and do what must be done—and join hands across centuries and chasms of killing and pain.

And there is great pain in both communities. Families—Protestant and Catholic—have been denied the bodies of loved ones to bury. Families—like those whose loved ones were killed on Bloody Sunday—have been denied the truth. Families—like those whose loved ones died at Enniskillen—have been denied justice. Families—enduring generations of unemployment—have been denied opportunity. Families—harassed by security forces—have been denied dignity. Families—victims of punishment beatings—have been denied justice. Children—Catholic and Protestant—have been denied their future. It is time to say enough is enough is enough is enough. It is time to replace hate with hope.

My prayer today is that individuals, families, and political, religious, business, educational and community leaders across Northern Ireland will show the forgiveness and compassion and humanity that John and Rita Restorick showed—that Gordon Wilson showed—that Joyce McCartan showed—that Michael and Bride McGoldrick showed—that everyone must show.

Like so many of you here, my family has been touched by tragedy. I know that the feelings of grief and loss are immediate—and they are enduring. The best way to ease these feelings is to forgive, and to carry on—not to lash out in fury, but to reach out in trust and hope.

So in closing, let me share with you a letter my father wrote in 1958 to a friend whose son had died. Fourteen years earlier, my oldest brother Joe had been killed in World War II. Ten years earlier, my oldest sister Kathleen had been killed in an airplane crash. My father wrote to his grieving friend:

"There are no words to dispel your feelings at this time and there is no time that will ever dispel them. Nor is it any easier the second time than it was the first. And yet, I cannot share your grief because no one could share mine. When one of your children goes out of your life, you think of what he might have done with a few more years and you wonder what you are going to do with the rest of yours. Then one day, because there is a world to be lived in, you find yourself a part of it again, trying to accomplish something—something that he did not have time enough to do. And, perhaps, that is the reason for it all. I hope so."

Too many lives of too many sons and daughters of this land have been cut short. We must dedicate ourselves to accomplish for them what many "did not have time enough to do"—a lasting peace for Northern Ireland.

Thank you, and may God bless the work ahead.

NOMINATION OF DR. DAVID SATCHER, TO BE U.S. SURGEON GENERAL

Mr. CHAFEE. Mr. President, I am pleased to support the nomination of Dr. David Satcher for U.S. Surgeon General and Assistant Secretary for Health. I have examined his qualifications and achievements, and I believe he has the capacity to serve this country well in the important role of the nation's top physician.

On Tuesday of this week, I, along with Senators GRAHAM and JEFFORDS and Representatives MORAN and LEACH, announced the formation of the Congressional Prevention Coalition. Former Surgeon General C. Everett Koop was kind enough to join us at the press conference.

During the course of his remarks, it struck me how greatly we have missed having a national spokesperson on health issues the past three years. Dr. Koop spoke forcefully about the grave health risks posed by tobacco use, lack of exercise, and poor diet. He didn't pull any punches—he gave a stern lecture to all of those present on the dangers inherent in the so-called couch potato lifestyle.

I have reviewed Dr. Satcher's statements before the Senate Labor Committee, and he clearly is anxious to start in along the same lines. At his confirmation hearing, Dr. Satcher stressed the importance of disease prevention and health promotion. As he put it, "Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people." And I was delighted to learn that one of his top priorities in this role would be to put the health of our children and grandchildren in the national spotlight. To my view, all of these matters fall directly within the job description of a U.S. Surgeon General.

As I said, we have been without a Surgeon General for three years now—a period of time when we have been confronted with a staggering array of public health issues. The need for a Surgeon General has never been greater, as we are seeing an increase in smoking among high school seniors, widespread substance abuse, continuing struggles with AIDS, and a startling rate of obesity among youngsters. And as we consider the potential consequences of human cloning research, I know that I, for one, would benefit from the perspective that a Surgeon General could bring to this issue.

Several of my colleagues have expressed their misgivings about this nomination. Some have raised concerns about Dr. Satcher's views on late term abortions. Others have questioned his role in a series of AZT trials that were conducted in Africa. As Senator JEFFORDS, the Chairman of Labor Committee, and Senator FRIST, the Chairman of the Public Health and Safety Subcommittee, stated during the debate on the nomination yesterday, however, these are not new charges. Indeed, each of these issues was raised by the Committee during Dr. Satcher's confirmation hearing, and it's my understanding that he responded satisfactorily. Indeed, his answers on these and other matters have been available to all Senators and the American people for some months now via the internet.

Dr. Satcher's participation in many aspects of the health care system—provider, scientist, public and private administrator—give him the extensive knowledge and experience necessary to fulfill his role as the U.S. Surgeon General. He has dedicated his career to improving public health.

I urge my colleagues to join me in voting in favor of Dr. Satcher's nomination.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 4, 1998, the Federal debt stood at $5,475,809,861,023.23 (Five trillion, four hundred seventy-five billion, eight hundred nine million, eight hundred sixty-one thousand, twenty-three dollars and twenty-three cents).

One year ago, February 4, 1997, the Federal debt stood at $5,300,797,000,000 (Five trillion, three hundred billion, seven hundred ninety-seven million).

Five years ago, February 4, 1993, the Federal debt stood at $4,173,289,000,000 (Four trillion, one hundred seventy-three billion, two hundred eighty-nine million).

Ten years ago, February 4, 1988, the Federal debt stood at $2,458,727,000,000 (Two trillion, four hundred fifty-eight billion, seven hundred twenty-seven million).

Fifteen years ago, February 4, 1983, the Federal debt stood at $1,198,779,000,000 (One trillion, one hundred ninety-eight billion, seven hundred seventy-nine million) which reflects a debt increase of more than $4 trillion—$4,277,030,861,023.23 (Four trillion, two hundred seventy-seven billion, thirty million, eight hundred sixty-one thousand, twenty-three dollars and twenty-three cents) during the past 15 years.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 107. Joint resolution expressing the sense of the Congress that the award of attorney's fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds.

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

At 3:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2846. An act to prohibit spending Federal education funds on national testing without explicit and specific legislation.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 107. Joint resolution expressing the sense of the Congress that the award of attorney's fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds; to the Committee on the Judiciary.

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2846. An act to prohibit spending Federal education funds on national testing without explicit and specific legislation; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calender:

S. 1611. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 5, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named United States Air Force officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and for appointment to the grade indicated under title 10, U.S.C., section 154:

To be general

Gen. Joseph W. Ralston, 9172.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas R. Case, 2013.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael J. Squier, 8084.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert L. Echols, 6631.

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1612. A bill to provide for taxpayer recovery of costs, fees, and expenses under section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1613. A bill to reform the regulatory process, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1614. A bill to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System; to the Committee on Energy and Natural Resources.

By Mr. CLELAND (for himself, Mr. COVERDELL, Mr. HELMS, and Mr. GLENN):

S. 1615. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 1616. A bill to authorize the exchange of existing Federal oil and gas leases in the State of Montana, located in the Lewis and Clark National Forest and the Flathead National Forest, for credits in future Federal oil and gas lease sales in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. CHAFEE, Ms. SNOWE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERREY, Ms. COLLINS, and Ms. MOSELEY-BRAUN):

S. Res. 173. A resolution expressing the sense of the Senate with respect to the protection of reproductive health services clinics; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1612. A bill to provide for taxpayer recovery of costs, fees, and expenses under section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

THE EQUAL ACCESS TO JUSTICE FOR TAXPAYERS ACT OF 1998

Mr. LEAHY. Mr. President, I wish to introduce the Equal Access to Justice for Taxpayers Act of 1998. I am pleased that the Senator from Wisconsin, Senator FEINGOLD, is joining me as an original sponsor of this important legislation.

Like so many Americans, I was disgusted by the evidence that surfaced of so many abuses of the IRS at recent hearings by the Senate Finance Committee. I followed the hearings very closely, and I heard taxpayer after taxpayer come before the Finance Committee recounting horror stories and trying to fight against unjustified action by the IRS that cost them thousands of dollars and countless hours of emotional distress. These average taxpayers told of frustration and despair caused by rogue IRS personnel who used the awesome resources of that agency to punish them.

Probably the saddest part about what we heard was that these good Americans, taxpayers, felt powerless to even question or fight back against their own Government. I believe, as many of my colleagues from both sides of the aisle do, that Congress needs to reform the IRS and stop these abuses from ever happening again.

Unfortunately, current law hamstrings taxpayers who challenge the IRS. Our legislation would change that by giving taxpayers, for the first time ever, a cause of action under the existing Equal Access to Justice Act (EAJA). Under our bill, taxpayers may exercise their rights under the EAJA to win awards of legal fees, expert witness fees and other costs against the IRS when that agency takes substantially unjustified action against them. Thousands of citizens have won vindication against unjust governmental action under the EAJA, and taxpayers should be able to do the same thing.

Today, most taxpayers feel that if the IRS comes after them, even if they think it is unjustified, they don't dare fight it because it will cost more in lawyers, accountant fees, and so on. Under our act, if they prove it was unjustified action, the Government pays them for their lawyer fees and for their accountant's fees. This was done by Congress to help individuals, partnerships, and corporations in other administrative actions involving the Government. We should do the same with the IRS.

In 1981, Congress enacted the EAJA to help individuals, partnerships and corporations seek review of, or to defend against, unjustified governmental action because of the expense involved in securing the vindication of their rights in civil actions and in administrative proceedings. The EAJA permits citizens who prevail in these actions in proceedings against federal agencies to recover their costs when the government acted unjustly. Its purpose is to deter abusive actions and overreaching by the government and to enable individuals to vindicate their rights, regardless of their economic circumstances.

But court decisions have interpreted the EAJA to exempt all civil actions and administrative proceedings in connection with the Internal Revenue Service (IRS) from its protections. Instead, taxpayers must seek review of, or defend against, unjustified actions by the IRS under provisions in the Internal Revenue Code. These Internal Revenue Code provisions make it much harder for average taxpayers to recover against unjust IRS actions.

The recent report of National Commission on Restructuring the Internal Revenue Service agreed that the Internal Revenue Code fails to provide taxpayers with adequate legal rights to recover attorney's fees and other costs against unjust IRS actions. The Commission recently proposed numerous reforms to make the IRS more effective and responsive to taxpayers. I commend Senators KERREY and GRASSLEY, who served on this bipartisan commission, for introducing legislation to implement many of its recommendations. I am a cosponsor of the IRS reform bill that they have introduced, and I hope the Senate's majority leadership will allow this bill to come to a vote soon to put these taxpayer protections in place as rapidly as possible.

The Commission's report found that: "While the Taxpayer Bill of Rights legislation made great strides to allow taxpayers to recover damages for IRS malfeasance, current provisions do not provide adequate relief. In addition, there are many cases in which taxpayers are not able to obtain review of IRS actions." The Commission concluded that: "Congress must provide taxpayers with adequate and reasonable compensation for actual damages incurred for wrongful actions by the IRS."

What I am saying is this: If the IRS comes after a taxpayer, and if they use draconian methods in an unjustified action, that not only is the taxpayer going to win but the taxpayer is going to get their costs of defending back. So that at least we are going to have the potential of an equal playing field so that we will not have taxpayers who feel that they are being attacked in an unjustified fashion. We will not have them think, "I will either pay the lawyers or I am going to pay the IRS. I might as well surrender, even though I have done no wrong." Now they can defend their rights.

It is time for Congress to heed this advice and give taxpayers the same rights that other citizens now have to seek review of, or to defend against, unjust governmental action. The IRS should be treated like every other federal agency under the law—no better and no worse.

I urge my colleagues to support this legislation to provide taxpayers with the same rights as all other citizens who are subject to unjust governmental action.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague, Senator LEAHY, the distinguished Ranking Member of the Senate Judiciary Committee, in introducing a bill today that gives American taxpayers greater ability to recover attorneys fees and other costs against the Internal Revenue Service (IRS) for unjustified civil actions and administrative proceedings under the Equal Access To Justice Act (EAJA).

Clearly, there is a need for such legislation in light of recent hearing testimony that average taxpayers have lost thousands of dollars in actual damages defending themselves against unjustified IRS actions. As the National Commission on Restructuring the Internal Revenue Service reported, current Internal Revenue Code provisions do not provide adequate relief for unjust IRS actions, much less enable many taxpayers to obtain review of IRS actions at all. I am pleased to join the Senator from Vermont in this effort to help level the playing field and help the American taxpayer recover when the IRS acts improperly.

Like other citizens who seek review of, or defend against, unjustified governmental action by Federal agencies, taxpayers who successfully defend against the IRS should be able to recover attorneys fees and other costs against when the situation warrants such an award. By providing such relief to taxpayers under the EAJA, not only does this bill help individuals recover the cost of their defense, but also helps deter future abusive actions by the IRS. The Equal Access to Justice Act has helped American citizens and small businesses recover against other federal agencies and this bill makes the IRS accountable under EAJA, just like the rest of the federal government.

My interest in the Equal Access To Justice Act predates my election to this body, dating back to my tenure as a State Senator where I worked on the Wisconsin version of EAJA. In addition to working on the Wisconsin EAJA, I have introduced in a previous Congress, and will do so again today, separate legislation to update and streamline the existing federal EAJA—to make the process of recovery less cumbersome and to help ensure that people are made whole when the government cannot defend their actions.

The federal EAJA was originally enacted in 1980 and made permanent in 1985. The Act was intended to make taking on the Federal Government in court less intimidating and I was specifically aimed at helping average citizens and small businesses that prevail against unjustified governmental actions. In my view, EAJA is an effective and valuable check on the virtually limitless power of the Federal Government.

One would assume that the typical American taxpayer is protected by the EAJA. However, this is not the case as the Act exempts all civil actions and administrative proceedings in connection with the IRS from its protections. In addition, court decisions have consistently interpreted the tax code as providing the only relief for taxpayers treated unjustly. The current system is inadequate and this legislation will help to change that untenable situation.

I want to commend my friend and colleague from Vermont for his leadership on this important issue. The legislation we are introducing today is only one step in reforming the Internal Revenue Service and making that agency more accountable to the American people. However, it is an important and essential step in that process. The American people should not have to squander their hard earned money defending against unjustified actions by federal agencies—including the IRS. I look forward to working with Senator LEAHY and the other concerned Members of this body as this legislation moves forward.

By Mr. FEINGOLD:

S. 1613. A bill to reform the regulatory process, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO JUSTICE AMENDMENTS OF 1998

Mr. FEINGOLD. Mr. President, I rise today to introduce the Equal Access to Justice Reform Amendments of 1998. This legislation contains necessary improvements to existing law, the Equal Access to Justice Act, which will streamline and improve the current process of awarding attorney's fees to private parties who prevail in litigation against the government of the United States. I am introducing this legislation for the second consecutive Congress because I believe the reforms embodied in this legislation are important steps in reducing the government generated burden under which many individuals and small businesses currently operate.

Over the past few years, certainly since the elections of 1994, many Members of the Senate have taken to the floor and spoken about the importance of "getting government off the backs of the American people." We often hear about the need to reform government in very fundamental ways that effect people all across this nation. I agree and the legislation I propose here today deals directly with some aspects of the concerns we have heard in this Chamber, by assisting everyday Americans who face legal battles with the Federal Government and prevail.

At the outset, it is important to understand what the Equal Access to Justice Act is, and why it exists. The premise is very simple, EAJA places individuals and small businesses who face the United States Government in litigation, on equal footing by establishing guidelines for the award of attorney's fees when the individual or small business prevails. Quite simply, EAJA acknowledges that the resources available to the Federal Government in a legal dispute far outweigh those available to everyday Americans. This disparity is resolved by requiring the government, in certain instances, to pay the attorney's fees of successful private parties. By giving successful parties the right to seek attorney's fees from the United States, EAJA seeks to prevent small business owners from having to risk their companies in order to seek justice.

My interest in this issue predates my election to the Senate and arises from my experience both as a private attorney and a Member of the Senate in my home state of Wisconsin. While in private practice, I became aware of how the ability to recoup attorney's fees is often the initial inquiry which must be made when deciding whether or not to seek redress in the courts. The significance of this factor should not be underestimated. Upon entering the State Senate, I authored legislation modeled on the federal law. Today, section 814.246 of the Wisconsin statutes contains provisions similar to the federal EAJA statute.

It seemed to me then, as it does now, that we should do what we can to help ease the burdens on parties who need to have their claims reviewed and decided by impartial decision makers. To this end, I have reviewed the existing federal statutes with an eye toward improving them and making them work better. I believe that my legislation does just that. The bill I am introducing today, does a number of things to make EAJA more effective for individuals and small business men and women all across this country.

One provision of my original bill that I introduced previously, raising the hourly attorneys fee cap to $125 from $75, has already been enacted as part of the Small Business Fair Treatment Act signed into law during the 104th Congress. While I am pleased that significant change was adopted, my legislation goes further by eliminating the existing "special factors" language which allowed the fee cap to be increased in certain circumstances. I believe the $125 level is consistent with the going rate and obviates the need for "special factor" language which often serves to slow the recovery process. Further, my legislation explicitly establishes a formula for calculating cost-of-living adjustments for awards and eliminates the often time consuming evaluation that was previously required in the absence of a specific standard. Both of these changes, coupled with the fee increase will work to make EAJA more efficient and effective for Americans.

Another significant factor of my legislation is the elimination of the language which allows the government to escape paying attorneys' fees even if it loses a suit but can provide a substantial justification for its action. I believe that if an individual or small business battles the federal government in an adversarial proceeding and prevails, the government should pay the fees incurred. Imagine the scenario of a person who spends countless time and money dueling with the government and prevails, only to find out that they must now undergo the additional step of litigating the justification of the underlying governmental action. For the government, with its vast resources, this additional step poses no difficulty, but for the citizen it may simply not be financially feasible. A 1992 study prepared by University of Virginia Professor Harold Krent on behalf of the Administrative Conference of the United States found that only a small percentage of EAJA awards were denied because of the substantial justification defense and that while it is impossible to determine the exact cost of litigating the issue of justification, it is his opinion, based upon review of cases in 1989 and 1990, that while the substantial justification defense may save some money awards, it was not enough to justify the cost of the additional litigation. In short, eliminating this often burdensome second step is a cost effective step which will streamline recovery under EAJA.

The final point in regard to streamlining and improving EAJA is language designed to encourage settlement and avoid costly and protracted litigation. Under the bill, the government is provided the ability to make an offer of settlement up to 10 days prior to a hearing on a fees claim. If the government's offer is rejected and the prevailing party seeking recovery ultimately wins a smaller award, that party is not entitled to attorneys' fees and costs they incurred after the date of government's offer. Again, this will speed the process and thereby reduce the time and expense of the litigation.

We all know that the American small business owner has a difficult road to make ends meet and that unnecessary or overly burdensome government regulation can be a formidable obstacle to doing business. It can be the difference between success or failure. The Equal Access to Justice Act was conceived and implemented to help overcome the formidable power of the federal government. In this regard it has helped many Americans do just that. The legislation I am offering today will make EAJA more effective for more Americans while at the same time deterring the government from acting in an indefensible and unwarranted manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) Short Title.—This Act may be cited as the "Equal Access to Justice Reform Amendments of 1998".

(b) Award of Costs and Fees.—

(1) Administrative proceedings.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after "(2)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(2) Judicial proceedings.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after "(B)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(c) Hourly Rate for Attorney Fees.—

(1) Administrative proceedings.—Section 504(b)(1)(A)(ii) of title 5, United States Code, is amended by striking all beginning with "$125 per hour" and inserting "$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee);".

(2) Judicial proceedings.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking all beginning with "$125 per hour" and inserting "$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee);".

(d) Payment From Agency Appropriations.—

(1) Administrative proceedings.—Section 504(d) of title 5, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(2) Judicial proceedings.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(e) Offers of Settlement.—

(1) Administrative proceedings.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(2) Judicial proceedings.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by striking ", unless the adjudicative officer" through "expenses are sought"; and

(B) in subsection (a)(2), by striking "The party shall also allege that the position of the agency was not substantially justified.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A), by striking ", unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust";

(B) in paragraph (1)(B), by striking "The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought."; and

(C) in paragraph (3), by striking ", unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust".

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

By Mr. CAMPBELL:

S. 1614. A bill to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK SERVICE IMAGE PERMIT FEE ACT

Mr. CAMPBELL. Mr. President, today I introduce a bill that gives our National Park Service the authority to require fee-based permits for the use of the parks in the making of motion pictures, television programs, advertisements or other commercial purposes.

Our national parks are among our nation's most valuable resources. My "National Park Service Image Fee Permit Act" would help us to protect them and ensure that future generations will be able to enjoy their beauty by making sure the parks are reimbursed for their commercial use.

The Bureau of Land Management and the Forest Service already have a similar permit and fee system for commercial filming on public lands. Rocky Mountain National Park in my home state of Colorado has had twenty-five commercial filming operations take place between 1996–1997. According to park supervisors many individuals in the entertainment business are shocked at the fact that they are not currently charged for the use of our great national parks.

It makes no sense that our national parks' lands, that have been deemed to be even more precious by their designation, should be used commercially for free. This is especially important now when taxpayers are facing increased fees to enter the national parks and more and more people are enjoying our natural wonders every year in record numbers.

As the Vice-Chairman of the Parks, Historic Preservation and Recreation Subcommittee of the Senate Energy and Natural Resources Committee, I am concerned about the maintenance backlog that exists in most of our national parks. It is also no secret that the amount of federal tax dollars available for that maintenance has been dwindling for some time now.

I offer this bill as a funding vehicle for our parks to reimburse them for the administrative costs they incur by allowing the images of our precious national parks to be used in commercial ventures. This bill will not provide all of the funds needed to address the maintenance backlog in our parks, nor do I intend it to, but it will defray the real costs associated with making our parks available for commercial enterprises such as the motion picture industry.

We can all understand why Hollywood or book publishers want to use the spectacular beauty of our national parks as backdrops for their productions. My bill simply allows the National Park Service to recover the real costs of allowing such use and devoting those fees to the parks for their preservation. Common sense directs us to do this, and I believe this bill is fair for the commercial users of our parks and more importantly, for the American taxpayers.

This bill is similar to legislation introduced in the House of Representatives by my friend and colleague from Colorado, Congressman HEFLEY.

Mr. President, I have a letter from the National Parks and Conservation Association that has reviewed and endorsed this legislation. I look forward to working with the Association, other interested parties and, of course, the Committee, to deal with the maintenance backlog at our national parks.

I ask unanimous consent that the National Parks and Conservation Association letter of support and my bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITS FOR MAKING COMMERCIAL VISUAL DEPICTIONS IN UNITS OF THE NATIONAL PARK SYSTEM AND NATIONAL WILDLIFE REFUGE SYSTEM.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL VISUAL DEPICTION.—

(A) IN GENERAL.—The term "commercial visual depiction" means a visual depiction that a person produces with the intention that the depiction (or reproductions of the depiction) will be disseminated to the public in connection with a for-profit enterprise.

(B) EXCLUSIONS.—The term "commercial visual depiction" does not include—

(i) a visual depiction produced for dissemination to the public as news; or

(ii) a visual depiction produced by an individual in a limited number and intended to be sold by the individual as a work of art.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) VISUAL DEPICTION.—The term "visual depiction" means a motion picture, television program, videotape, photograph, or other form of visual depiction or any part of such a depiction.

(b) PERMIT REQUIREMENT.—A person shall not produce a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System without first obtaining a permit from the Secretary and paying a permit fee.

(c) REGULATION.—The Secretary shall by regulation establish criteria and a procedure for determining the conditions under which a person shall be permitted to produce a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System and the amount of a permit fee.

(d) FEE AMOUNTS.—

(1) BASIS OF IMPOSITION.—A permit fee may be imposed—

(A) in a single amount for use of any part of a unit of the National Park System and National Wildlife Refuge System or in different amounts for use of different areas within a unit;

(B) in different amounts for different forms of visual depiction; or

(C) in a set amount applicable in all cases or in a negotiated amount applicable in a particular case.

(2) AMOUNT.—

(A) MINIMUM AMOUNT.—The amount of a permit fee shall be not less than an amount that is sufficient to compensate the Secretary for all direct and indirect costs to the Secretary in accommodating the production of a commercial visual depiction (including costs of ensuring compliance with any conditions on the use of the area for production of the commercial visual depiction and costs of cleanup and restoration).

(B) OTHER CONSIDERATIONS.—In establishing the amount of a permit fee, the Secretary shall take into consideration—

(i) the extent of any inconvenience to the public that production of the commercial visual depiction may cause; and

(ii) an estimate of the amount that an owner of private property would charge for use of property that is comparable to the area in which the commercial visual depiction is to be produced.

(e) CIVIL PENALTY.—A person that produces a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System without first obtaining a permit and paying a permit fee or that fails to comply with any condition stated in a permit shall be subject to imposition by the Secretary, after notice and opportunity for a hearing on the record, of a civil penalty in an amount not exceeding 200 percent of the amount of the permit fee.

(f) USE OF PROCEEDS.—Each amount collected by the Secretary as a permit fee or civil penalty under this section shall be retained by the Secretary and shall be available, without further Act of appropriation, for capital improvement and restoration activities in the unit in which the commercial visual depiction was produced.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
February 3, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: I am writing to applaud your efforts to resolve a small but nettlesome issue affecting both the national parks and the American taxpayer.

For years, Hollywood and Madison Avenue production companies have been able to avail themselves of the unique resources of the national parks at well below market prices. In fact, film production companies have been required to cover only the physical cost of monitoring their activities and any remediation necessary after they leave the site. In many cases, this amount has totaled in the hundreds of dollars, compared with production budgets that total in the tens of millions of dollars and more.

At a time when the Congress has directed the National Park Service to do more in collecting entrance and recreation fees from park visitors, the current requirements for film production fees are patently unfair and must be changed. Your legislation represents a step forward in this regard and will contribute substantially to this issue as it is debated in this congress.

Again, I want to thank you for your efforts. With your help, the parks will finally enjoy a more balanced financial relationship with private film production companies.

Sincerely,

THOMAS C. KIERNAN,
President.

By Mr. CLELAND (for himself, Mr. COVERDELL, Mr. HELMS, and Mr. GLENN):

S. 1615. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL LEGISLATION

• Mr. CLELAND. Mr. President, today we are introducing legislation which would authorize presentation of a Congressional Gold Medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith. "Heroes are made every little while," Will Rogers once said, "but only one in a million conduct themselves afterwards so that it makes us proud that we honored them at the time." The gold medal we propose would honor two American heroes for the wholesome entertainment they have given the world for six decades and for the shining example they have set as role models for America's youth. I am pleased to be joined by the distinguished cosponsors, Senators COVERDELL, HELMS, and GLENN.

For generations of Americans, Roy Rogers has been the symbol of the Western hero—a man who combines courage with honesty and impeccable integrity—who always righted wrong through straight talk and square-dealing. When asked about the roles he played on-screen, Roy once answered that he did "what I was supposed to do. I played myself. * * * When I talk about my image, there isn't anything that isn't really me. I always try to be the best that I can be." In all that we have seen or heard or read about Roy Rogers, on screen or off, the persona and the man are indeed one and the same—and in Roy Rogers we see what is best about America.

Dale Evans counts among her highest honors the Cardinal Terrence Cook Humanities Award and the California Mother of the Year. Both are tributes to two of her greatest gifts—her generosity of spirit and her strong family values. Together she and Roy have raised nine children, and they have sixteen grandchildren and 30 great-grandchildren. And the fact that most of them live near Roy and Dale's ranch outside of Victorville, California, is a testament to their devotion and strong family ties. Dale is the author of 25 books. Her most famous, "Angel Unaware", chronicles the life and death of Dale and Roy's daughter, Robin, who died from complications of Down's syndrome. The book is about loss, but it is also about the capacity to love—a quality which both Dale and Roy have in abundant measure.

Roy and Dale are an American institution—and their fans span the globe. Together they have achieved the pinnacle of success in the entertainment industry. Their movies were No. 1 at the box office. Their television series was the highest rated of its time. The episodes have been translated into every major language, and they can still be seen here in America and in markets abroad. Between the two of them they have set appearance records in every major arena in the world, including Madison Square Garden, the Los Angeles Coliseum, the Chicago Stadium, the Harringay Arena in London, and Toronto's Canadian National Exhibition. Roy once sold out Madison Square Garden 29 straight nights, and he still holds the record for the largest crowd ever to see an indoor rodeo.

It has been said that we make a living by what we get, but we make a life by what we give. Both Roy and Dale's careers have been an unqualified success, as their world-wide appeal attests. But this tells only half the story. Their appeal—which reaches to all four corners of the globe—is also the result of the values, the ethics, and the uncompromising principles by which they have lived their lives. It is our hope that we honor their worthy contributions with the Congressional Gold Medal. Should we do so, we will have honored in their time true American heroes, and our choice—to use Will Rogers' yardstick—will be validated by the ages to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith in recognition of their accomplishments as entertainers and humanitarians, which include—

(1) careers in the entertainment industry that spanned 6 decades and covered such industries as music, film, television, writing, sports, and radio;

(2) acting in and producing more than 100 films, as well as their popular 10-year television show "The Roy Rogers Show", which is still seen in American and foreign markets;

(3) setting appearance records in virtually every major arena in the world, including Madison Square Garden in New York City, the Houston Fat Stock Show, the Los Angeles Coliseum, the Chicago Stadium, the Harringay Arena in London, Toronto's Canadian National Exhibition, and many State fairs and rodeos;

(4) on the part of Len Slye, once selling out Madison Square Garden 29 straight nights, holding the record for the largest crowd to

ever see an indoor rodeo, and twice attracting more than 100,000 people to rodeos in the Los Angeles Coliseum;

(5) selfless service as role models through their strong faith in Christianity as well as their devotion to their 9 children (5 by adoption and 4 by birth), 16 grandchildren, and 30 great-grandchildren;

(6) Octavia Smith's classic book "Angel Unaware", which dealt with the death from complications associated with Down's syndrome of Robin, the one child Len Slye and Octavia Smith had together; and

(7) creating the Roy Rogers-Dale Evans Museum in Victorville, California, that vividly chronicles their lives and the values and ethics that represent the basis of their worldwide appeal.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 2. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 3. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 4. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.●

By Mr. BAUCUS:

S. 1616. A bill to authorize the exchange of existing Federal oil and gas leases in the State of Montana, located in the Lewis and Clark National Forest and the Flathead National Forest, for credits in future Federal oil and gas lease sales in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

EXCHANGE LEGISLATION

Mr. BAUCUS. Mr. President, I am pleased today to introduce a Bill that would provide the Secretary of the Interior with the authority to exchange oil and gas leases in the Badger Two-Medicine area, in the State of Montana, for credits that could be applied toward bidding or royalty payments in Montana and the Gulf of Mexico.

The area involved in this legislation is located along the Rocky Mountain Front, an area whose rich natural beauty I care deeply about. It lies south of one of the "Crown Jewels" of the National Park system, Glacier National Park. Also adjoining this area is the Blackfeet Indian Reservation and the uniquely wild and pristine Bob Marshall Wilderness Area. The Badger Two-Medicine area is undeveloped wilderness and contains many sites sacred to the Blackfeet Nation. The location of this area, its cultural value, and its undeveloped natural condition has been the focus of the decade-long debate over whether or not the oil and gas resources of the area should be developed. I myself believe that we should protect this special place for our children and grandchildren, and I have fought to do just that.

We are no closer today to resolving the question of development of the resources of this area than we were a decade ago and it is time to resolve these conflicts. During this time the ten leaseholders in the area have made investments in anticipation of being able to exercise the option of developing wells under their leases. The time has come to break this stalemate that only costs the leaseholders, the citizens concerned with protecting the area, and the government time and money without resolution. The bill that I am introducing today is fair for the landowners, the citizens of Montana and the Nation, and fair for the leaseholders.

Chevron, the largest leaseholder in the area, stated "While we would have liked to have developed our well in the Badger Two-Medicine area, we understand that the public had concerns about our proposal. Senator BAUCUS' bill breaks the deadlock and allows everyone to get on with their business".

Today I am introducing this legislation, a common sense solution to a long-standing controversy, to allow all the parties to leave this dispute as winners. The Secretary of the Interior would work with leaseholders, who have made investments over the years, to determine credits for their expenses. These credits, allowing for reinvestment in Montana, can be applied to lease bids or royalty payments in other locations where they already have active wells or where development is more likely to occur. The citizens who are concerned about the cultural and resource effects of development would see the integrity of this area maintained. The government would be able to refocus the use of its limited financial resources on management activities that have a more direct positive result than continuation of the current disputes.

This bill focuses on resolving Montana problems while looking out for the economic and natural resource interests of this State. Creating and maintaining jobs in Montana is very important to me. This bill helps save jobs. As Richard Jackson, owner of an outfitting business in the Badger Two-Medicine recently said, "This bill isn't just about saving some of our most precious wildlands; it's about saving our wildlands and Montana jobs". Montana has a unique recreational industry that has sustainable jobs that are dependent on wild untamed lands. We need to care for this wildness. I look forward to continuing work with the Governor and the Montana Delegation on innovative ideas to stimulate appropriate development of the State's rich mineral heritage while protecting its wildness and uncomparable natural beauty.

I encourage my esteemed colleagues to support this bill and look forward to working with them in their consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF OIL AND GAS LEASES IN THE LEWIS AND CLARK NATIONAL FOREST AND THE FLATHEAD NATIONAL FOREST, STATE OF MONTANA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior may exchange Federal oil and gas leases that are in existence and in good standing as of the date of enactment of this Act and are located in the exchange area described in subsection (b) for credits that may be used—

(1) for bids in Federal oil and gas lease sales or for royalty and rentals due under Federal leases in the central and western planning areas of the Gulf of Mexico for leases outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)); or

(2) for bid, royalty, or rental payments due under Federal oil and gas leases on Federal land within the State of Montana.

(b) EXCHANGE AREA.—The exchange area referred to in subsection (a) consists of—

(1) the portions of the Lewis and Clark National Forest and the Flathead National Forest in Flathead County, Glacier County, and Pondera County, Montana (including the area known as the "Badger-Two Medicine"), as delineated on the map entitled "Exchange Area Map" and located in T. 27 N., R. 11 W., T. 28 N., R. 10–14 W., T. 29 N., R. 10–16 W., T. 30 N., R. 11–13 W., and T. 31 N., R. 12–13 W.; and

(2) the area covered by Federal oil and gas lease no. MTM–53314, in Teton County, Montana.

(c) AMOUNT.—The amount of the credits shall be based on investments made in the acquisition and development of the leases before the date of enactment of this Act and agreed to by the Secretary of the Interior and the leaseholder.

(d) WITHDRAWAL FROM MINERAL LAWS.—Subject to valid existing rights not relinquished, the exchange area described in subsection (b)(1) is withdrawn from location and entry under the mining laws and from leasing under the mineral leasing laws.

(e) EFFECT OF USE OF CREDITS.—If a person that receives a credit under subsection (a) uses the credit to pay any rental or royalty due under any Federal oil and gas lease on Federal land within the State of Montana, the Secretary of the Interior shall pay the State of Montana, from amounts received from oil and gas leases on Federal land that, but for this subsection, would be deposited in the Treasury of the United States under section 35 of the Act of February 25, 1920 (commonly known as the "Mineral Lands Leasing

Act") (41 Stat. 450, chapter 85; 30 U.S.C. 191), the amount that the State would have received under applicable law if the amount of the royalty or rental had been paid in cash.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 859

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 990

At the request of Mr. KYL, his name was added as a cosponsor of S. 990, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging.

S. 1352

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1352, a bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LEAHY, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 173—RELATIVE TO THE PROTECTION OF REPRODUCTIVE HEALTH SERVICES CLINICS

Mrs. BOXER (for herself, Mr. CHAFEE, Ms. SNOWE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERREY, Ms. COLLINS, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 173

Whereas there are approximately 1000 reproductive health services clinics in the United States;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the January 29, 1998, bombing outside a reproductive health services clinic in Birmingham, Alabama, in which 1 person was killed and 1 person was critically injured;

Whereas the death that occurred at the Birmingham clinic was the first bombing fatality at a reproductive health services clinic in the history of the United States;

Whereas organizations monitoring clinic violence have reported over 1,800 acts of violence at reproductive health services clinics, including bombings, shootings, arson, death threats, kidnapping, and assaults;

Whereas in 1997, reproductive health services clinics reported an increase in the number of acts of violence over 1996;

Whereas in January 1997, reproductive health services clinics in Atlanta, Georgia and Tulsa, Oklahoma were bombed, resulting in several injuries;

Whereas in December 1994, 2 workers at a reproductive health services clinic were murdered and 5 others injured in an assault in Brookline, Massachusetts;

Whereas in July 1994, an abortion provider and his security escort were murdered in Pensacola, Florida;

Whereas in March 1993, a doctor providing abortion services was shot and killed in Pensacola, Florida;

Whereas Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with persons seeking to obtain or provide reproductive health services, and for intentionally damaging or destroying, or attempting to damage or destroy, the property of a clinic because the clinic provides reproductive health services;

Whereas violence is not a mode of free speech, is not entitled to constitutional protection, and should not be condoned as a method of expressing an opinion; and

Whereas on January 2, 1995, the President instructed the Attorney General to direct—

(1) the United States Attorneys to create task forces of Federal, State, and local law enforcement officials to develop plans to address security for reproductive health services clinics located within their jurisdictions; and

(2) the United States Marshals Service to ensure coordination between reproductive health services clinics and Federal, State, and local law enforcement officials regarding potential threats of violence: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that the Attorney General should—

(1) fully enforce the law and protect from violent attack persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services; and

(2) allocate the resources needed to accomplish the mission of the Department of Justice, including the protection of reproductive health services clinics, as described in the instruction of the President on January 2, 1995.

SEC. 2. EXPRESSIVE CONDUCT.

Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the Constitution of the United States.

Mrs. BOXER. Mr. President, I rise to submit a resolution condemning last week's tragic bombing of a reproductive health services clinic in Birmingham, Alabama. This vicious and unprovoked attack killed a police officer and critically injured a clinic worker.

Last week's attack was the first clinic bombing in the United States to cause a fatality, but unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented terror campaign. Last year alone, clinics in Atlanta, Georgia and Tulsa, Oklahoma were bombed, resulting in many serious injuries.

This reign of terror began with the murder of Dr. David Gunn in Pensacola, Florida in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida. And on the bloodiest day of the anti-choice terror campaign, two clinic workers were killed and five injured in vicious, cold-blooded shootings in Brookline, Massachusetts.

All told, over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. I hope my colleagues are aware that the attacks and the level of violence in those attacks are increasing every year.

Reproductive choice is a contentious issue. I know that many of my colleagues feel very strongly that abortion should be outlawed in America, and although I strongly disagree, I respect their views and I hope they respect mine. But this resolution is not about choice; it is about violence. I know that not a single one of my colleagues believes that murder, bombing, terror and acts of intimidation are appropriate ways to express political views.

These bombings are a part of a terrorist campaign—a campaign designed to destroy a woman's right to choose through violence. The United States Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism—both here and around the world.

In addition to condemning the attack, this resolution expresses the Sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at reproductive health services clinics.

I am proud to be joined in this effort by a distinguished, bipartisan group of Senators. I hope the Senate can move quickly on this resolution and pass it as early as today.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, February 5, 1998, in open session, to receive testimony on the defense authorization request for fiscal year 1999 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, February 5, 1998 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider the nominations of Donald J. Barry, nominated by the President to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and Sallyanne Harper, nominated by the President to be Chief Financial Officer, Environmental Protection Agency, Thursday, February 5, immediately following the first Senate vote in the President's room (S-216).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WILLIAM T. FRAIN JR., GREATER MANCHESTER CHAMBER OF COMMERCE CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate William T. Frain Jr., a distinguished individual, for being named Greater Manchester Chamber of Commerce Citizen of the Year for 1997. I commend his consistent drive and aggressive encouragement to improve the quality of life for his fellow citizens.

William has held many officer roles as well as been a member of many organizations. To name a few, he has been involved in the Board of Directors of the Greater Manchester Chamber of Commerce, New Hampshire Business Committee for the Arts, and New Hampshire Better Business Bureau. He also devotes a great deal of time to civic and charitable endeavors including the Easter Seal Society, Junior Achievement, The Humanities Council and Bishop of Manchester's Summer Reception Fund Committee. These are just a few organizations with which he has spent countless hours and dedicated service. This impressive list goes on and he should be very proud of these contributions.

William has enthusiastically worked with more than twenty organizations, countless residents and employees, and developed a considerable portfolio of citizenship. Four words come to mind that best represent what William is trying to strengthen: community, teamwork, partnership, and development. These are terms that bind all Americans together and strengthen the unity of this great country.

These words best exhibit the tools he employs to bring about positive change and as a leader, encouraging others to rise to the calling of citizenship. Yet, William is not just a great citizen, but a defender of companionship and a visionary of better communities.

William's commitment to each organization he represents is extremely solid and substantial. He gives it his all and inspires others to follow his lead. His actions and beliefs have become a catalyst for significant change resulting in profound achievements. Mr. President, I want to congratulate William for his outstanding work and I am proud to represent him in the U.S. Senate.•

VERMONT OLYMPIANS

• Mr. LEAHY. Mr. President, I would like to take a moment to honor the twenty-two Vermonters who will be representing our country this week at the XVIIIth Winter Olympics in Nagano, Japan. Perhaps Chris Graff of the Associated Press said it best when he noted in an article that appeared in the Rutland Herald that Vermont produces more than its share of Olympians, ". . . a fact that should surprise no one. There is something about Vermonters and the Vermont spirit that is so keenly associated with the Olympic spirit." Maybe it is the mix of severe weather, Yankee stubbornness, and that New England work ethic that instills in Vermonters an appreciation for hard work and perseverance.

Representing Vermont on the U.S. Men's Ice Hockey Team is the now famous John LeClair from St. Albans. LeClair may play professional hockey for the Philadelphia Flyers, but he has never forgotten his roots in the small city of St. Albans. John donates his time and expertise to the people of Franklin County throughout the year. His skill and All-American image have brought civility and a touch of New England neighborliness to the most unlikely of sports. For the first time ever, the National Hockey League is competing in the Olympics. Vermonters are rooting for John LeClair to leave a lasting impression.

If there is one thing Vermonters excel at it is getting through snow, so it makes sense that Vermont is well represented on the U.S. Olympic Cross Country Ski Teams. Four Vermonters will be on the team: Marc Gilbertson and Laura Wilson of Montpelier, Kerrin Petty from Townshend, and Suzanne King of East Warren. This is Marc's first time as a member of a U.S. national team and I admire his grit in going after his Olympic dream. Laura, Kerrin, and Suzanne will bring experience to the women's team and are aiming to show the world what Vermont women are made of.

The Nordic Combined event has Norwich native Tim Tetreault competing. Tim's parents Tom and Anne will be going to Japan this week to watch their son, who has been skiing since he was five, compete in his third Olympic games. The Freestyle U.S. Ski teams also include four skiers and a head coach from Vermont. Ann Battelle from Williston got hooked on skiing during her years at Champlain Valley Union High School and has never looked back. Jim Moran of Stowe and Evan Dybvig of Turnbridge, who have both spent many cold hours conquering the slopes of Stowe, will also be competing. Donna Weinbrecht, another team member, knows well all the steep trails and sharp twists at Killington Mountain. The four will be joined by coach Jeff Good from Williston.

Skiing comes naturally for Vermonters, but add a rifle and you have a sport Vermonters can really get behind! Seven Vermonters will be doing just that on the U.S. Biathlon teams—Dan Westover from Colchester, Robert Rosser of Underhill, Kristina Viljanen-

Sabasteanski of Richmond, Deborah Nordyke from Jericho, Kara Salmela of Bolton Valley, Algis Shalna (head Coach) from Williston, and Timothy Derrick (assistant Coach) of Jericho. Head Coach Shalna brings with him Olympic experience having competed for the Soviet Union's Gold Medal winning team in the 1984 Winter Olympics. The group has been training at a state-of-the-art Vermont National Guard facility in Jericho—which will be hosting the World Junior Biathlon Championships just after the Olympics.

New to the Olympics but familiar to Vermont is snowboarding. As the birthplace of this sport and home to Jake Burton's renowned snowboard company, it is appropriate that Vermont will be sending three talented competitors as part of the first U.S. Snowboarding Team. Ross Powers from South Londonderry, Ron Chiodi of Rochester, and Betsy Shaw of East Dorset will be traveling to Nagano this week. Ross knows all about travel since snowboarding has taken him all over the world. He will celebrate his nineteenth birthday on February 10th and be joined by his mother, Nancy, in Japan. East Dorset will be cheering for their neighbor, Betsy, who has "surfed" mountains all over the globe but knows the ones in southern Vermont best. Ron too will bring his Vermont experience at Stratton Mountain with him to the Olympics.

Also going to Nagano, Japan is Vermonter Kathryn Vigesna Lipke of Belvidere. She will be serving as one of five international jurors who will judge the snow-sculpting competitions. Having lived in the mountains of Belvidere with its snowy peaks and dense woods, Kathryn will make an excellent judge of cold weather beauty.

I am truly proud of the athletes Vermont is sending to the Olympics. I commend them for their hard work and the example they set for Vermonters and for athletes everywhere, and join all Vermonters in wishing them the best in the 1998 Winter Olympics.•

PROTECTION OF THE AMERICAN FLAG FROM PHYSICAL DESECRATION

• Ms. SNOWE. Mr. President, I am proud to join Senators HATCH, CLELAND, and others in cosponsoring the proposed constitutional amendment to grant the States and Congress the power to prohibit the physical desecration of the flag of the United States. Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. I have long held that our free speech rights do not entitle us to consider the flag as merely personal property, to be treated any way we see fit, including its desecration for the purpose of political protest. I want to commend Senator HATCH for once again leading us in this very worthwhile cause.

Mr. President, with the introduction of this resolution, we resume our effort to protect the greatest symbol of the American experience. There is no more powerful symbol of freedom, democracy, and our commitment to those principles that the American flag, and it is altogether just that we try to ensure that it is publicly displayed with pride, dignity, and honor. Make no mistake, Mr. President, the flag is not merely a visual symbol to us, nor should it be. Too many Americans have contributed too much of their labor, their passion, and in some cases their very being for it to be so simply regarded. For the flag permeates our national history and relays the story of America in its simplest terms. Indeed, knowing how the flag has changed—and in what ways it has remained constant—is to know the history and hopes of this country.

More than 220 years ago, a year after the colonies had made their historic decision to declare independence from Britain, the Second Continental Congress decided that the American flag would consist of 13 red and white alternating stripes and 13 white stars in a field of blue. These stars and blue field were to represent a new constellation in which freedom and government of the people, by the people and for the people would rule. As we all know, the constellation has grown to include 50 stars, but the number of stripes has remained constant. In this way, the flag tells all who view it that no matter how large America may become, it is forever rooted in the bedrock principles of freedom and self-government that led those first 13 colonies to forge a new nation.

Equally important is the fact that the flag also represents our commitment to these ideals. This commitment has exacted a high human toll, for which many of America's best and brightest have given their last full measure of devotion. It is in their memories and for their commitment to America's ideals that I am proud to support the amendment introduced yesterday.

The amendment is necessary because the Supreme Court, in its 1990 U.S. verses Eichman ruling, held that burning the flag in political protest was constitutionally protected free speech. No one holds our right to free speech more dearly than I do, Mr. President, but in my view, the Eichman decision unnecessarily rejects the deeply held reverence in which millions of Americans hold our flag. With all the forums for public opinion available to Americans every day, from television and radio, to newspapers and Internet chat rooms, Americans are afforded ample opportunity to freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens. Simply put, protecting the flag from desecration poses no serious threat to the exercise of free speech in America.

We must also remember that this constitutional amendment is carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted, although many States and the Federal Government have already demonstrated widespread support for doing so. In fact, prior to the Supreme Court's rulings on this issue, 48 States, including my own State of Maine, and the Federal Government has anti-flag-burning laws on their books for years. So really what we do with this resolution is give the American flag the protection that almost all the States, the Federal Government, and a large majority of the American people have already endorsed.

Protecting the flag also enjoys widespread support in Congress. During the 104th Congress, the House of Representatives overwhelmingly passed a flag protection resolution, and 63 Senators supported a resolution identical to this one. Just last year, the House or Representatives, to its credit, reaffirmed its commitment to the sanctity of the American flag by once again passing a flag protection resolution with ease. Now it is time for the Senate to show a similar commitment.

Whether our flag is flying over Fenway Park, a military base, a school, or on a flag pole on Main Street, the stars and stripes have always represented the ideals and values that are the foundation of this great Nation. Our flag has come to not only represent the pride we have for our Nation's past glories, but also to stand for the hope we all harbor for our Nation's future. Mr. President, it is with this pride and hope that I urge my colleagues to support this amendment.

PAYMENT OF AN EQUITABLE CLAIM TO DR. BEATRICE BRAUDE

• Mr. MOYNIHAN. Mr. President, I rise today with good news. We have at long last seen a measure of justice in a case which brings back memories of an awful time in our nation's history.

In 1953 Dr. Beatrice Braude, a linguist, was wrongfully dismissed from her position at the United States Information Agency and was subsequently blacklisted by the Federal government as a result of accusations of disloyalty to the United States. The accusations were old. Two years earlier the State Department's Loyalty Security Board had investigated and unanimously voted to dismiss them. The Board sent a letter to Dr. Braude stating "there is no reasonable doubt as to your loyalty to the United States Government or as to your security risk to the Department of State." Despite this, her name was not cleared.

Dr. Braude was terminated one day after being praised for her work and informed that she would probably be promoted. She was told that her termination was due to budgetary constraints, but the truth was that she was selected for termination because of the old—and answered—charges against her. Because she did not know the real reason for her dismissal, she was denied certain procedural rights, including the right to request a hearing.

Over time she grew suspicious. When she was unable, over the course of several years, to secure employment anywhere else in the Federal government—even in a typing pool despite a perfect score on the typing test—she became convinced that she had been blacklisted. The Privacy Act of 1974 enabled her to obtain her government files and confirm her suspicions. She invested much time and energy fighting to regain Federal employment and restore her reputation. She was partially successful. In 1982, at the age of 69, she was hired as a language instructor in the CIA. Sadly, she still had not been able to clear her name by the time of her death in 1988. The irony of the charges against Dr. Braude is that she was an anti-communist, having witnessed first-hand Communist-sponsored terrorism in Europe while she was an assistant cultural affairs officer in Paris and, for a brief period, an exchange officer in Bonn during the late 1940's and early 1950's.

Mr. President, I have reviewed the charges against Dr. Braude before on the floor of the Senate, but I think that they merit repeating because they are illustrative of that dark era and are instructive to us even today. There were a total of four charges. First, she was briefly a member of the Washington Book Shop on Farragut Square that the Attorney General later labeled subversive. Second, she had been in contact with Mary Jane Keeney, a Communist Party activist employed at the United Nations. Third, she had been a member of the State Department unit of the Communist-dominated Federal Workers' Union. Fourth, she was an acquaintance of Judith Coplon.

With regard to the first charge, Dr. Braude had indeed joined the Book Shop shortly after her arrival in Washington in 1943. She was eager to meet congenial new people and a friend recommended the Book Shop, which hosted music recitals in the evenings. I must express some sensitivity here: my F.B.I. records report that I was observed several times at a "leftist musical review" in suburban Hampstead while I was attending the London School of Economics on a Fulbright Fellowship.

Dr. Braude was aware of the undercurrent of sympathy with the Russian cause at the Book Shop, but her membership paralleled a time of close U.S.-Soviet collaboration. She drifted away from the Book Shop in 1944 because of her distaste for the internal politics of other active members. Her membership at the Book Shop was only discovered when her name appeared on a list of delinquent dues. It appears that her most sinister crime while a member of the book shop was her failure to return a book on time.

Dr. Braude met Mary Jane Keeney on behalf of a third woman who actively aided Nazi victims after the war and was anxious to send clothing to another woman in occupied Germany. Dr. Braude knew nothing of Keeney's political orientation and characterized the meeting as a transitory experience.

With regard to the third charge, Dr. Braude, in response to an interrogatory from the State Department's Loyalty Security Board, argued that she belonged to an anti-Communist faction of the State Department unit of the Federal Workers' Union.

Remember that the Loyalty Security Board investigated these charges and exonerated her.

The fourth charge, which Dr. Braude certainly did not—or could not—deny, was her friendship with Judith Coplon. Braude met Coplon in the summer of 1945 when both women attended a class Herbert Marcuse taught at American University. They saw each other infrequently thereafter. In May 1948, Coplon wrote to Braude, then stationed in Paris and living in a hotel on the Left Bank, to announce that she would be visiting shortly and needed a place to stay. Dr. Braude arranged for Coplon to stay at the hotel. Coplon stayed for 6 weeks, during which time Dr. Braude found her behavior very trying. The two parted on unfriendly terms. The friendship they had prior to parting was purely social.

Mr. President, Judith Coplon was a spy. She worked in the Justice Department's Foreign Agents Registration Division, an office integral to the FBI's counter-intelligence efforts. She was arrested early in 1949 while handing over notes on counterintelligence operations to Soviet citizen Valentine Gubitchev, a United Nations employee. Coplon was tried and convicted—there was no doubt of her guilt—but the conviction was overturned on a technicality. Gubitchev was also convicted but was allowed to return to the U.S.S.R. because of his quasi- diplomatic status.

Judith Coplon was a spy. Beatrice Braude was not. We know that Judith Coplon was not alone as a Soviet spy; though there were not as many as one might have imagined given the American response. In 1956, Edward A. Shils captured the overreaction to Communist activities in the United States in his fine, small study, The Torment of Secrecy: The Background and Consequences of American Security Policy. "The American visage began to cloud over," Shils wrote. "Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The fantasies of apocalyptic visionaries * * * claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government, while a hugely divisive debate raged in the Congress and the press.

The public now divided. There were those who perceived of treason on every hand, and so we witnessed the spectacle of Senator Joseph McCarthy making such accusations of George C. Marshall. Charges and counter-charges of Communist conspiracies proliferated.

A balanced history of this period is now beginning to appear, but at the time, the American government and the American public was confronted with possibilities and charges, at once baffling and terrifying. A fault line appeared in American society that contributed to more than one political crisis in the years that followed.

The first fact is that a significant Communist conspiracy was in place in Washington, New York, and Los Angeles, but in the main those involved systematically denied their involvement. This was the mode of Communist conspiracy the world over.

The second fact is that many of those who came to prominence denouncing Communist conspiracy, accusing suspected Communists and "comsymps," clearly knew little or nothing of such matters. And in many instances, just as clearly were not in the least concerned. And so while there were spies like Coplon who were caught, there were also innocent people who, having been accused, were unable to remove the stain. Dr. Braude is one such.

My involvement in Dr. Braude's case dates back to early 1979, when she came to me and my colleague at the time, Senator Javits, and asked us to introduce private relief legislation on her behalf. In 1974, after filing a Freedom of Information Act request and finally learning the true reason for her dismissal, she filed suit in the Court of Claims to clear her name and seek reinstatement and monetary damages for the time she was prevented from working for the Federal government. The Court, however, dismissed her case on the grounds that the statute of limitations had expired. On March 5, 1979, Senator Javits and I together introduced a bill, S. 546, to waive the statute of limitations on Dr. Braude's case against the U.S. government and to allow the Court of Claims to render judgment on her claim. The bill passed the Senate on January 30, 1980. Unfortunately, the House failed to take action on the bill before the 96th Congress adjourned.

In 1988, and again in 1990, 1991, and 1993, Senator D'AMATO and I re-introduced similar legislation on Dr. Braude's behalf. Our attempts met with repeated failure. Until at last, on September 21, 1993, we secured passage of Senate Resolution 102, which referred S. 840, the bill we introduced for the relief of the estate of Dr. Braude, to the Court of Claims for consideration as a congressional reference action. The measure compelled the Court to determine the facts underlying Dr. Braude's claim and to report back to Congress on its findings.

The Court held a hearing in November 1995 and on March 7, 1996 Judge Roger B. Andewelt issued his verdict that the USIA had wrongfully dismissed Dr. Braude and intentionally concealed the reason for her termination. He concluded that such actions constituted an equitable claim for which compensation was due. Forty-three years after her dismissal from the USIA and 8 years after her death, the Court found in favor of the estate of Dr. Braude.

Justice Department attorneys reached a settlement with lawyers representing Dr. Braude's estate concerning the monetary damages. In due time, $200,000 in damages were appropriated by Congress.

I am happy to report that Beatrice Braude's estate has just received a check from the Department of Justice. Fully forty-five years after her wrongful dismissal and ten years after her death, Beatrice Braude's reputation has been restored and the United States government has paid her estate for the damages it inflicted during a dark period of our history. The money will be donated to Hunter College, the institution from which Dr. Braude received her bachelor's degree. Happily, students at Hunter College are now learning a more balanced history of the Cold War. We are now not in the least concerned about the infiltration of the government by ideological enemies. With the end of the Cold War we are able to learn much more of the facts of the Communist threats we faced. Our response to that threat was certainly mixed and I am pleased that we have been able to set the matter of Beatrice Braude to right.

Senator D'AMATO and I wish to express our profound gratitude to Joan L. Kutcher and Christopher N. Sipes of Covington & Burling, two of the many lawyers who have handled Dr. Braude's case on a pro bono basis over the years. It is thanks to their tireless dedication that history has been made and Dr. Braude's name has been cleared.

I ask that an article appearing in the January 26, 1998 issue of the Washington Post, "45 Years Later, U.S. Pays Up," be printed in the RECORD.

The article follows:

[From the Washington Post, Jan. 26, 1998]

UPDATE ON THE NEWS

(By Cindy Loose)

45 YEARS LATER, U.S. PAYS UP

It has taken awhile for the $200,000 U.S. government check for Beatrice "Bibi" Braude to show up—45 years, reckoned from the time she was fired from the United States Information Agency, where she translated French newspapers.

It has been 23 years since the Freedom of Information Act opened government files and she was able to confirm her suspicions: that the Office of Security recommended that she be fired, citing a report from an FBI informant that Braude was in contact with a communist in November 1946 and that she had visited a leftist book store.

A decade has passed since Braude died at the age of 75. Most of the government officials involved in her firing are also dead.

Braude was among 1,500 federal employees dismissed for similar associations and accusations from 1953 to 1956, and 6,000 others resigned under pressure of security and loyalty inquiries, according to experts. No one, however, fought back as long and as hard as Braude.

A lawsuit she filed bounced around various courts for years until the U.S. Claims Court ruled that the statute of limitations had run out. She then persuaded New York Sens. Daniel Patrick Moynihan (D) and Alfonse D'Amato (R) to sponsor legislation that mandated review of the case by the U.S. Court of Federal Claims.

The Justice Department fought the case, saying that the government should not be judged by today's standards and that perhaps Braude had failed to find employment for years because she was a woman, and over age 40.

However, Judge Roger B. Andewelt ruled about two years ago that Braude was a loyal American who had been unlawfully persecuted and that she had an "equitable claim" based on tort law, which recognizes moral wrongdoing. He ordered the Justice Department to negotiate an award with attorneys from Covington and Burling, a D.C. law firm that continued to fight Braude's case pro bono after her death.

The lawyers settled on $200,000, and in November, Congress approved the funds as part of a spending bill for the Justice Department. Braude's brother, 79-year-old Theodore Braude, said he was told last week that the check to be paid to Braude's estate is in the mail.

"Immediately on receipt it will be copied and framed," Braude said. "The most important thing is that her name was cleared, that the government admitted an injustice. That makes a whole lot of us feel better."●

TRIBUTE TO THE BOY SCOUTS OF AMERICA ON THE OCCASION OF THE 88TH ANNIVERSARY OF ITS FOUNDING

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Boy Scouts of America (BSA) on the occasion of the 88th Anniversary of its founding on February 8, 1998.

At the turn of the century in England, Robert Baden-Powell, an outdoor enthusiast and a veteran of the British Army's campaigns in Africa, published a nature skills book intended for young people to expose them to the rewards offered by a working knowledge of nature. The book was titled "Scouting for Boys" and was based on survival manuals Baden-Powell authored during his military career. Shortly after the book's publication, Baden-Powell led a group of 22 boys on a scouting exhibition on Brownsea Island, off the coast of England, for the purpose of applying the principles contained in the book.

From that original group of 22 sprang forth a movement which now boasts over 5 million members in this country alone, and continues to grow each year. In my home state of Minnesota, the Viking Council of the Boy Scouts of America serves over 57,000 youths between the ages of 5 and 20, making it the 21st largest of the 335 Boy Scout Councils in this country.

Participation in the Boy Scouts of America gives young people a sense of self-worth and satisfaction that is the product of setting and accomplishing goals, and being a part of a winning team. Such experiences cultivate discipline and a sense of responsibility that are assets for life.

By cooperating with peers to achieve a common end, Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our Nation were involved in the Boy Scouts of America as youths, including 302 members of the 104th Congress.

Through programs like the "Urban Scouting Emphasis," which has over 4,300 participants in urban Minneapolis, the Boy Scouts of America is bringing its valuable life lessons to inner city youth who are particularly at risk of falling victim to the entrapments of the streets. The Boy Scouts of America offers a place where young people can gain a sense of belonging and loyalty that they may otherwise seek to find in street gangs. Furthermore, the importance of programs like "Urban Emphasis" is amplified when considering the annual cost per youth served by Viking Council is $58.31, whereas the cost of housing a juvenile offender is $100.00 per day.

Of course all the forementioned would hardly be possible without the adult volunteers who are the foundation of the Boy Scouts of America. Currently there are over 1.3 million men and women nationwide who, in the spirit of Robert Baden-Powell, graciously give their time and talents to ensure that the youth of society grow into well-adjusted adults. Adult volunteers touch the lives of young people by serving as excellent role models and teachers, as well as caring friends.

The Boy Scouts' objectives are defined in the "Aim of Scouting" as being character development, citizenship training, and personal fitness. On the surface, these aims may seem simplistic, yet many have forgotten the importance of these principles. Thankfully, these principles continue to prosper in the Boy Scouts of America.

Mr. President, for 88 years the Boy Scouts of America has been teaching the value of community, Nation, and Creator to our Nation's youth. This is truly grounds for celebration.•

AMENDING THE CONSTITUTION TO PROHIBIT FLAG DESECRATION

• Mr. HAGEL. Mr. President, I rise today to speak in support of Senate Joint Resolution 40, introduced yesterday by my distinguished colleague from Utah, Senator ORRIN HATCH, proposing an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the American Flag.

From the birth of our nation, the Flag has represented all that is good and decent about our country. Whether it be the battlefields of Bunker Hill and Gettysburg, the trenches of Flanders Field, the shores of Normandy, the rugged terrain of Korea, the jungles of the Mekong, or the desert of Kuwait—the Stars and Stripes led young Americans into battle. Proud young soldiers would carry it high, and if they should fall another would be right there to pick up Old Glory and carry it forward. It may have been tattered by the battle and singed by fire of war, but the American flag burned as a guiding beacon of hope and freedom for our young men and women. For those who paid the ultimate price for our nation, the Flag blanketed their journey and graced their final rest place.

You see, Mr. President, the Flag is not just a piece of cloth. The "broad stripes and bright stars" shining through the "rockets' red glare" inspired Francis Scott Key to write the Star Spangled Banner. It is a symbol so sacred to our nation that we teach our children not to let it touch the ground. It flies over our schools, our churches and synagogues, our courts, our seats of government and homes across America. The Pledge of Allegiance unites all Americans regardless of race, creed or color. The flag is not just a symbol of America, it is America.

Those who oppose this legislation say that it impinges on freedom of speech and violates our Constitution. In my view this is a hollow argument. There are many limits placed on "free speech," including limiting yelling "fire" in a crowded theater. Other freedoms of speech and expression are limited by our slander and libel laws.

In 1989 and 1990 the Supreme Court of this great nation struck down flag protection laws by narrow votes. The Court has an obligation to protect and preserve our fundamental rights as citizens. However the American people understand the difference between freedom of speech and "anything goes."

When our citizens disagree with our national policy, there are a number of options available to them other than destroying the American Flag to make their point. Let them protest, let them write to their newspaper, let them organize, let them march, let them shout to the rooftops—but we should not let them burn the Flag. Too many have died defending the Flag for us to allow it to be used in any way that does not honor their sacrifice.

Mr. President, in a day where too often we lament what has gone wrong with America, it's time to make a stand for decency, for honor and for pride in our nation. Just as the Flag has wrapped itself around the hearts and souls of our nation, let us now wrap the protection of our Constitution around the Flag.•

ORDERS FOR MONDAY, FEBRUARY 9, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, February 9, and immediately following the prayer the routine requests through the morning hour be granted, and that there then be a period for morning business until 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator KYL for 10 minutes, Senator BYRD for 20 minutes, and Senator HAGEL for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that, at noon, the Senate resume consideration of the Satcher nomination for up to 6 hours of debate, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, the Senate will not be in session tomorrow, but will convene on Monday, as I have just indicated, February 9—although no rollcall votes will occur on Monday—so that the debate can go forward on the Satcher nomination for the position of Assistant Secretary of HHS and Surgeon General.

As a reminder to all Members, the next rollcall vote will occur then on invoking cloture on the Satcher nomination, if necessary, and I presume it will be at 11 a.m. on Tuesday, February 10. If cloture is invoked on that nomination, a second vote would occur immediately on the confirmation of the nomination. Also, a cloture motion was filed on the motion to proceed to the cloning legislation; therefore, that vote will occur on Tuesday as well.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 4 p.m. today for Members to introduce legislation and to submit statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. LOTT. Mr. President, in conclusion, before I take the Senate out following the statement of Senator KENNEDY, I want to briefly comment on some statements that have been made today and yesterday here and in other arenas and forums. There are those saying we should immediately bring up the ISTEA highway bill.

First, I want to remind the Senate that I urged the House and the Senate and interested parties to do this bill last year when it should have been done, because it expired last year. That is No. 1. No. 2, because it was not an election year and I knew, if we waited until this year, we would have less time and more pressure as we try to decide how $175 billion or more is fairly distributed across the country.

I remind the Senators of that, and they know now and they knew then that I was right. I stood right here and filed not one, not two, not three, but four cloture motions to try to bring to a conclusion unrelated debate and delays based on pure politics, if I may suggest, but for an unrelated issue. I kept saying we need to deal with this bill, and others kept saying, "Until you agree to what we want on an unrelated issue, we are not going to let you bring up ISTEA."

That was a mistake. The Senate made a mistake. Now some of the same people not voting to bring it up last year are saying, "Where is it? Please bring it up," demanding that it be brought up right away.

Well, the world is different now. A lot has happened. For one thing, we find that we may actually have a little more money than we anticipated last year. There are very few Senators that have a longer history of having voted to spend the highway trust fund for the purpose it was intended—highways. There are very few places where I think the Government should be involved in spending money. Defense is one and budding infrastructure is the other. This is a place where people can't do it by themselves. The Government has to do its part.

So I want this. I want more money. But I also have a responsibility as majority leader to look at this from the standpoint of how does it relate to the overall budget? How is it going to affect all these other programs? And what we did last year—we stood out here in the rotunda and said that we had reached an agreement with the President of the United States on a balanced budget, on how to control taxes and how to control spending. We entered into an agreement. We entered into an agreement in every category across the board. We said we will spend this much on transportation, this much on education, this much on housing, interior, energy, right across the board.

Now, if we open the year up by raising spending, without looking at how it will affect everything else, we could break the dam and have another avalanche of spending. I am not saying it will happen. I am not saying how it should happen. I am just saying we should take our time and see what's going to happen before we charge forward. Why does the Senate need to do this when the House is not going to act? They are not going to act this month and not until at least the end of next month. I tried to get the Senate to show leadership and to lead and go first. The Senate would not do it. Now, let's act in concert.

Let's work with the House. Let's do this together. Nobody wants to bring this up more than I do. But my responsibility as majority leader is to make sure that we have thought it through and know what the impact will be on a budget agreement that we gave our word to the American people on. I intend for us to keep it, and I will do everything I can to get that result.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY.

Mr. President, the Senator is in the area. He will return shortly I am sure to give his remarks. I observe the absence of a quorum until he can return.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DR. SATCHER

Mr. KENNEDY. Mr. President, first of all, I want to express the appreciation of all of us to the majority leader for scheduling this nomination promptly in this session. I thank the majority leader for scheduling this Satcher nomination, and also for filing the cloture motion.

We had an opportunity to make the presentation, and the excellent presentation by Senator FRIST yesterday, which I thought was just so compelling. There were those who took some issue with the record of Dr. Satcher. But I do believe that at the end of the day yesterday the membership would be convinced of the quality of this extraordinary nominee and the incredible opportunity that all America has for his service when he is confirmed, which I expect will be on Tuesday next.

So we look forward to the opportunity to vote and to hopefully see Dr. Satcher in that important position.

In response to questions raised yesterday, I also am including a copy of a letter from Dr. Harold Varmus, Director of the National Institutes of Health, to Senator ASHCROFT regarding studies of maternal-to-infant transmission of HIV in developing countries.

I ask unanimous consent that these materials be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, NATIONAL INSTITUTES
OF HEALTH,
Bethesda, MD, February 3, 1998.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC

DEAR SENATOR ASHCROFT: Your "Dear Colleague" letter criticizing Dr. David Satcher's support for studies of maternal-to-infant transmission of HIV in developing countries has been brought to my attention. I am writing to offer a different view of the situation from my perspective as the Director of the National Institutes of Health, a sister agency in the Department of Health and Human Services that also conducts studies to prevent transmission of HIV in the developing world.

Virtually all parties involved in this difficult issue acknowledge that there are many factors to be considered in determining whether to use a placebo-controlled group in a clinical trial; several of these factors are discussed in an attached article from the New England Journal of Medicine, co-authored by Dr. Satcher and me a few months ago. For the trials in question, the general design of the studies was carefully considered by the World Health Organization and the Joint United Nations Program on HIV/AIDS, and the specific studies we support have been reviewed and approved by duly constituted Institutional Review Boards in the United States and in the countries in which the studies are being performed.

The essential point is that the studies are designed to provide information useful to the management of HIV infection in the countries in which the studies are done; to act otherwise and generate knowledge applicable only in wealthier parts of the world would, in my opinion, be exploitative of the subjects of the study. Viewed in this context, it is entirely appropriate that we are supporting studies in the developing world that would not be conducted in the United States.

The article to which you allude in your "Dear Colleague" letter, by Dr. Marcia Angell, the Deputy Editor of the New England Journal of Medicine, presents a view that is not generally accepted in the medical community. Indeed her views have been strongly contested by many knowledgeable physicians, scientists, and ethicists, including some members of the Editorial Board of the Journal who have offered their resignations in protest. (The enclosed essay by Dr. Satcher and me was also written in response to Dr. Angell's article.)

Finally, I must take issue with the contention that the current CDC- and NIH-supported trials are similar to the infamous Tuskegee study. In that study, the course of a disease (syphilis) was observed without attempts to intervene, and informed consent was neither sought nor obtained from the research subjects. In the current studies, the goal is to find useful means to prevent transmission of HIV, the studies are closely supervised by many knowledgeable people, and informed consent has been obtained from each enrolled individual. The analogy to Tuskegee is inappropriate and distracting.

I appreciate that there are legitimate concerns about the ethical conduct of clinical trials in developing countries, but the debates need to be described in a fashion that gives due consideration to the arguments on both sides. Furthermore, Dr. Satcher's position on these trials should not, in my opinion, constitute grounds for opposing his nomination to be Surgeon-General of the United States. Indeed, even Dr. Sidney Wolfe of Public Citizen, one of the strongest critics of the position Dr. Satcher and I have taken, is an ardent supporter of Dr. Satcher's nomination.

I offer these comments on your letter in hopes that they will be useful to you and your colleagues in considering Dr. Satcher's nomination to this important post.

Sincerely,
HAROLD VARMUS, M.D.,
Director, NIH.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. KENNEDY. Mr. President, I want to join Senator BYRD and others who were speaking today in support of prompt action on an issue of major importance to the country—the ISTEA reauthorization that will set the country's course for the next six years on transportation policy and investments.

I noticed the majority leader had indicated that there were some differences about the consideration of that proposal last year.

But the fact of the matter remains that when I look over what we are involved in outside of the Dr. Satcher nomination, it seems that we certainly would have the opportunity for the consideration of the ISTEA reauthorization. And looking over the anticipated schedule, I would think that we could deal with this, and deal with it appropriately, certainly before the February recess. I don't know what else has been placed on the schedule prior to that time next week. Certainly we would make time for any kind of consideration or resolution on the issues of Iraq. But barring that, it would seem to me that reauthorization could be dealt with by that particular time.

This debate has major ramifications, not only for the Nation's transportation system, but for the economy and the environment.

What Congress does with this legislation will, in many ways, define the degree to which communities across the country will be able to take full advantage of the possibilities for economic development and growth in the years ahead. Without a modern, safe and efficient transportation network, America's businesses can't compete as efficiently, America's cities can't be revitalized as effectively, and America's families will lose valuable time in the daily struggle to move from home to work, and carry out all the other responsibilities of daily life.

This legislation will also have a major impact on the environment, as we debate what direction the law should take. A major goal is to preserve and strengthen the innovative intermodal approach established under the original ISTEA, including special emphasis on public transit, the Congestion Mitigation and Air Quality Program, bikeways and other initiatives that enhance the quality of life in our communities.

I hope we will be able to build on the original ISTEA law, sustaining its innovative programs and laying the foundation for greater economic growth. To do that, we need to make a substantially larger investment that will address the many urgent transportation needs facing the country, and also facing my own State of Massachusetts that has some very special needs.

I commend Senator BYRD for his extraordinary leadership on all of these vital infrastructure issues. The amendment he proposed last fall will make a significant difference for all States, enabling us to meet all of the new challenges more effectively.

I think he makes a compelling case. Let the Senate make its judgments. Let the Senate decide. It is difficult to justify and say we are not going to let the Senate decide because we might have the votes for a particular position, which is at least partly delaying the opportunity to consider the legislation.

We can't afford to have this important debate drag on into the months ahead. The country's transportation needs are urgent and can't wait. We should take up the ISTEA legislation and complete action on it promptly, to avoid paralysis in critical ongoing work involving transportation construction, public transit operations, traffic safety programs, and other issues that demand attention.

Mr. President, I may have more to say on this subject. I know that the Senate is anxious to recess in order to hear the full report of the Secretary of State.

So I will yield at this time and hope that the Senate will follow the leader's motion for adjournment.

ADJOURNMENT UNTIL 11 A.M., MONDAY, FEBRUARY 9, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 11 a.m. on Monday, February 9.

Thereupon, the Senate, at 3:52 p.m., adjourned until Monday, February 9, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1998:

DEPARTMENT OF VETERANS AFFAIRS

ELIGAH DANE CLARK, OF ALABAMA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS, VICE CHARLES L. CRAGIN.

DEPARTMENT OF AGRICULTURE

KEITH C. KELLY, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE GRANT BUNTROCK.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE DAVID ALLEN BROCK, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. FRED E. ELLIS, 9826.
BRIG. GEN. EDWARD R. JAYNE II, 0797.
BRIG. GEN. CARL A. LORENZEN, 9580.
BRIG. GEN. RICHARD A. PLATT, 5817.
BRIG. GEN. JOHN H. SMITH, 7849.
BRIG. GEN. IRENE TROWELL-HARRIS, 0379.

To be brigadier general

COL. WILLIAM E. BONNELL, 6991.
COL. EDWARD H. GREENE II, 8459.
COL. ROBERT H. HARKINS III, 3718.
COL. JAMES W. HIGGINS, 5324.
COL. ROBERT F. HOWARTH, JR., 5285.
COL. THOMAS C. HRUBY, 4185.
COL. RICHARD S. KENNEY, 4868.
COL. PHIL P. LEVENTIS, 5798.
COL. CHARLES A. MORGAN III, 9002.
COL. JERRY W. RAGSDALE, 4281.
COL. LAWRENCE D. RUSCONI, 1916.
COL. RICHARD H. SANTORO, 9860.
COL. WAYNE L. SCHULTZ, 7036.
COL. RALPH S. SMITH, JR., 2016.
COL. RONALD C. SZARLAN, 0548.
COL. JAMES K. WILSON, 1397.
COL. RUTH A. WONG, 1961.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN W. BERGMAN, 6022.
COL. JOHN J. MCCARTHY, JR., 8507.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 5, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 154:

To be general

GEN. JOSEPH W. RALSTON, 9172.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. CASE, 2013.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SQUIER, 8084.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT L. ECHOLS, 6631.

EXTENSIONS OF REMARKS

THE CITIZEN PROTECTION ACT

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HUTCHINSON. Mr. Speaker, I rise today to announce the introduction of the "Citizen Protection Act," legislation designed to hold bounty hunters, and the bail bondsmen who employee them, liable for civil rights violations. The bill also requires bounty hunters and bail bondsmen who travel in interstate commerce to recover a defendant to report their intentions to local law enforcement authorities and provide whatever information is required under that state's laws.

I believe this bill accomplishes an important public safety goal, namely keeping innocent citizens safe from the abusive actions of rogue bounty hunters, without creating a new federal bureaucracy or imposing any mandates on the states.

Under current law, bounty hunters do not operate under the same standards required of law enforcement officers, which prohibit excessive force. Bounty hunters are free to break into the homes of people thought to be criminals in order to capture bond-jumpers, without any accountability to innocent citizens who may be injured because of wrongful and abusive conduct.

In September 1997, five men claiming to be bounty hunters forced their way into a private residence, terrorized a mother and her children, and fatally shot a young couple. Despite the fact that the Arizona suspects turned out not to have been bounty hunters, the notoriety of the case brought national attention to flaws in the bail bond system.

While not as publicized as the Arizona case, bounty hunter abuses occur more frequently than we realize. One such case from Houston, Texas illustrates why Congress needs to provide a legal recourse for innocent victims. In the Summer of 1995, Betty Caballero was beaten by a bail bondsman seeking to arrest another woman, Ms. Ruth Garcia. Because of the beating, Betty miscarried her pregnancy the next day. Although she brought suit against the bail company for the violation of her civil rights, the district court found that federal civil rights laws did not apply to the case and exonerated the bond company from any liability for the bounty hunter's behavior.

Just a few weeks ago, rogue bounty hunters in Memphis, Tennessee beat up a high school student they mistakenly targeted as a bond-jumper. Last year, in anther case of mistaken identity, an innocent Kansas City man was shot three times by bounty hunters. And in the summer of 1994, an innocent New York woman was abducted by bounty hunters and transported to Alabama. The bounty hunters ignored the woman's protests of innocence. Three and a half days and 910 miles later, the bounty hunters acknowledge their error and paid for a bus ticket to send the woman back home. She also was not allowed to pursue a case for violation of her civil rights against the bail bond company or the bounty hunters.

The Citizen Protection Act remedies these injustices by allowing abused individuals to seek redress in federal court. The bail bond industry is interstate in nature, and many of these abuses involve the transportation of victims across state lines. It is important to note that this bill does not create a new federal regulatory scheme or impose any mandates on the states. It merely provides remedial relief to those who are now slipping through the cracks of the justice.

Many professional bounty hunters and bail bondsmen support regulation of their industry in order to drive out the rogue bounty hunters who undermine the industry's reputation and credibility. Law enforcement agents have also been supportive of the notification requirement, arguing that they want to be aware of bounty hunter activities in their jurisdictions.

Mr. Speaker, I believe Congress can and should take this modest step and bring some accountability to the use of bounty hunters. That is why am I proud to be introducing this legislation with my colleagues Congressmen CHARLES CANADY, JOHN CONYERS AND ALCEE HASTINGS.

JOHN HOGAN III, A VERY SPECIAL YOUNG MAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOLOMON. Mr. Speaker, in today's cynical, selfish world, it is rare to find an individual whose pure goodness, compassion and selfless generosity transcend his own personal travails. I would like to bring to your attention just such a person, 11-year old John Hogan III of Hadley, New York.

Diagnosed at birth with cerebral palsy and a seizure disorder, John's doctors did not expect him to survive. However, John beat the odds, earning the opportunity to embark on what has already become a remarkable life. Because of his medical conditions, John was referred to the Make-a-Wish program of Northeastern New York, an organization which arranges for children with life-threatening illnesses to realize their dreams. Unlike many young people, John's dream was not to meet a celebrity or to go to Disney World. John's only wish was to feed the homeless—a desire to which he held firm despite the efforts of volunteers and other adults to convince him to do something special for himself. This incredible young man would not be dissuaded from his goal.

Through Make-a-Wish, John arranged for $50,000 worth of food to be distributed to food banks in his area, riding along in the cab beside a truck driver to personally deliver the 22 tons of much-needed food donated by a local supermarket chain. Although John's wish initially flabbergasted the Make-a-Wish volunteers, John's mother was not at all surprised. "He's always been this way," she said, "He shares everything with others." In fact, she remembered, when his parents would give him quarters to play in an arcade, John would instead give them away to his brothers. Feeding the homeless was simply a natural next step for this selfless young man, who hopes one day to become a minister.

Mr. Speaker, John Hogan is an example we should all strive to follow. Faced with adversity from the very beginning of his young life, John has not only coped with his situation, he has triumphed over it through his spirit of kindness and generosity. I ask that all members join me in rising to express our thanks and admiration for this remarkable young man. I only hope we can all achieve at some point in our lives the strength and compassion which he has accomplished already in eleven short years.

TRIBUTE TO DORIAN DAVID ROREX

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. VISCLOSKY. Mr. Speaker, on Thursday, January 15, 1998, tragedy struck Northwest Indiana when Dorian David Rorex, a police officer with the Gary Police Department, was fatally shot by a drug dealer. Dorian made the ultimate sacrifice by giving his life in the effort to protect our community. On the day he was killed, Dorian was working with a team of detectives in an undercover sting operation to put illegal drug dealers behind bars. In the process of making the arrest, however, a drug dealer turned on Dorian and fired his gun repeatedly, putting an abrupt end to the life of a man who had been dedicated to helping protect others.

The black bunting that hung over the police station door in Gary, Indiana, was a reminder of the sadness that hung on the hearts of all the people who have been affected by this terrible incident. It affected all the citizens of Northwest Indiana who suffered loss, knowing that the plague of illegal drugs and the violence they breed had taken the life of a courageous public servant who had been working to protect them. Dorian's colleagues, the officers who knew him and worked with him, are now forced to deal with the pain and anger of a lost partner. Most of all Dorian's family, his mother, father, fiancé, and his young son, David, must face this terrible pain that this tragedy has brought them. They must now struggle to come to terms with their painful loss.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As we all work to move on from this point, we can take solace from the Bible and St. Paul, who said: "Let us not grow weary in doing good. For in due season we shall reap if we do not lose heart." Dorian Rorex did not grow weary of doing good, and he did not lose heart. In all of his life's endeavors he worked to help people. He was a member of Tarrytown Baptist Church and a graduate of West Side High School. He was a veteran of the United States Marine Corps, who served in Operation Desert Storm. While serving as a member of the Gary Police Department he was a member of the Fraternal Order of Police, the S.W.A.T. team, and served as an Honor Guardsman.

Dorian's life ended too soon, but his life was full, and he lived it with honor and a sense of duty to others. In all of our endeavors to make our community safe, we were encouraged by his energy. We were made young by his enthusiasm, and, when things weren't perfect, we were warmed by his friendship. His commitment to his colleagues, his department and his city was complete. Dorian's love for his family was absolute. And, though we'll never know "Why?" Dorian was taken from us, we can take heart in knowing that at least part of the reason he gave his life was so that the world his son, David, inherits will be the best he could make it. And with that, in some small way, we can all try to make sure that Dorian's hope for a better world for David, and all of our sons and daughters, is fulfilled.

IN HONOR OF MR. PAT TORNILLO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to publicly recognize an important civic leader and my good friend, Mr. Pat Tornillo.

As some of you may know, Pat has been the leader of a nearly four-decade effort to improve the public schools in the Miami-Dade County area.

Pat arrived in the Great State of Florida in 1956. As a new teacher in Miami-Dade, he took an active role in the Dade County Classroom Teachers Association (which is now known as the United Teachers of Dade). Today, 42 years later, he serves as the Executive Director of that important organization.

This week, on February 7, the educational and political communities of Florida are joining together to honor Pat L. Tornillo for his "Uncommon Commitment to Public Education." This commitment includes turning Miami-Dade's public schools into one of the largest and most culturally diverse school systems in the country today.

Mr. Tornillo's work has been publicly noted before. He has won the Martin Luther King Jr. Memorial Brotherhood Award, the Outstanding Leadership Award from the United Way, and the NAACP Distinguished Award. Now, it is Congress' turn. Mr. Speaker, I ask for my colleagues to join me today as we honor a truly great American. A grateful nation thanks Pat Tornillo.

IN RECOGNITION OF MAYOR LIONEL WILSON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DELLUMS. Mr. Speaker, I rise to honor a historic figure, Lionel Wilson, who was elected in 1977 as the first African-American Mayor of the City of Oakland, California. Lionel passed away recently at the age of 82 and left a legacy that forever changed the political contours of the city.

Born in New Orleans, Lionel came to his "hometown" of Oakland, California with his family at age 3. He attended Clawson Elementary and McClymonds High School. Lionel went to law school and eventually became the first African-American Superior Court Judge in Alameda County. The Wilson Family became a cornerstone of the West Oakland neighborhood during its economic and social heydays of the forties and fifties. Lionel served as Chair of an anti-poverty board in the sixties and seventies that came out of the Great Society legislation under President Lyndon Baines Johnson.

When Oakland elected Lionel in 1977, City Hall was boldly turned around as his compassionate but firm leadership brought access to those who had been denied access. Wilson opened up city government for blacks and other minorities, creating a new Oakland that paved the way for a new generation of minority politicians. Critical to policy decision is the city budget which was the responsibility of the city manager; however, his insistence that the mayor must have an important role in the process led to a three-term mayor serving for 12 years. His broad vision can be seen in the development of downtown Oakland and its neighborhoods.

One passion that Lionel and I share is the love for baseball, in fact, to be professional players. As you see, history had other plans. Lionel Wilson will be greatly missed and remembered by all as a man with a vision for the City of Oakland.

CELEBRATING THE LIFE OF KENNETH ROGER THOMAS, ESQ.

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. MAXINE WATERS

OF CALIFORNIA

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIXON. Mr. Speaker, I join with my colleagues Congresswoman MAXINE WATERS and Congresswoman JUANITA MILLENDER-MCDONALD in announcing the untimely passing of one of this nation's outstanding minority newspaper publishers. Kenneth Roger Thomas, Esq., publisher of the Los Angeles Sentinel, died on November 28, 1997. He was not only a friend, but a valiant crusader for the truth and a compassionate man who ceaselessly contributed his time and energy to those who needed help.

Born January 1, 1930, in Cleveland, Ohio to James Edward Thomas and Augusta Dickerson, Ken spent his formative years in Marietta, Ohio. He completed his primary and secondary education there before attending Ohio University from 1947–1951, where he received a bachelor's degree in pre-medicine. His degree took him not to medical school but to the military; Thomas served in the U.S. Air Force from 1951–1956 in Korea and Japan, achieving the rank of First Lieutenant.

Upon returning to the states in 1956, Ken studied law at Ohio State University, earning his bachelor of laws and doctor of laws degrees in 1958 and 1967, respectively. He began his successful private law practice in 1960, and served as a California Probate Referee from 1974 until his death. Ken utilized his keen legal mind to assist and advise a number of organizations, including the Los Angeles Fair Housing Council, the NAACP, and the Congress of Racial Equality (CORE). Over the course of his career, he served on the boards of the California Rapid Transit District, the Los Angeles Urban League, and the National Newspaper Publishers Association.

Ken's affiliation with the Sentinel began with his service as longtime attorney for Ruth Washington, the widow of Sentinel founder and civil rights activist Col. Leon H. Washington, Jr. Col. Washington died in 1974, leaving the paper to his wife, who made Ken CEO in 1983. Ken brought tremendous energy and vision to the Sentinel, which had been foundering amid huge debts and antiquated equipment. Through his herculean efforts, the weekly was equipped with computers, its finances were stabilized, and the physical plant was renovated. Meanwhile, Ken found the stamina to maintain his private law practice and help the less fortunate, often playing Santa Claus for foster children at Christmas.

Ken was also important to the Sentinel and the Los Angeles community because he maintained the paper's commitment to relating the black experience to the general public, covering stories not told by the mainstream papers and providing frank commentary untinged by racial bias. He maintained an active interest in Los Angeles politics and was a trusted confidant and advisor to several community and political leaders.

Ken's tenacity, courage, conviction, love, and generosity will be sorely missed by us all. MAXINE, JUANITA, and I strongly urge our colleagues to join us in extending condolences to his loving wife Jennifer, his daughter Maria K. Thomas of Los Angeles, his extended family, and his many devoted friends.

PEACE INITIATIVE OF DR. ANTHONY S. LENZO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. VISCLOSKY. Mr. Speaker, I would like to call your attention to a noble initiative proposed by Dr. Anthony S. Lenzo of Crown Point, Indiana. Dr. Lenzo has toiled selflessly for many years in an attempt to designate a "Weekend of Prayer, Meditation and Thought on the Futility of War and the Desperate Need for Peace in the World." His goal is to have the United States submit his resolution to the United Nations. Dr. Lenzo feels that, as a global leader and the chief proponent of peace, the United States should be the country to propose such a resolution. The United Nations Educational, Scientific and Cultural Organization constitution itself reads, "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

His own words most eloquently express his intentions. According to Dr. Lenzo, who recently retired from teaching elementary school and from his position as a colonel in the Army Reserves, peace is still a possibility: "With the entire world, together with its political and religious leaders, all praying for peace at the same time, marked with parades, speeches, dinners, fireworks, and whatever else is necessary to make this the most important event of the year, it has to have impact on everyone and further the cause of peace." Dr. Lenzo continues, "It will be a thankful day when we can once again live in peace * * * peace in the world, peace within our nations, peace in our neighborhoods, peace on our streets." He dismisses claims that this is impossible: "Years ago it was said that it was impossible to find a cure for polio, but we did; impossible to find a cure for smallpox, but we did; impossible for the Berlin Wall to come down, but it did; impossible to overcome Russian communism, but we did! The endless list of accomplishments that were once thought to be impossible are now realities. Peace in the world can also become a reality."

During the course of his campaign, Dr. Lenzo has met with great success. Between 1992 and 1994, he received responses from 30 states, 9 of whom instated a weekend of prayer for peace at his request. He has received responses from Boutros Boutros-Ghali, the Pope, and Elizabeth Taylor. Nearly all who hear Dr. Lenzo's plea to champion peace commend his campaign.

The last time I called your attention to Dr. Lenzo's initiative, in January 1991, we were just four days away from the United Nations' deadline for Saddam Hussein to remove his troops from Kuwait. Five days after I spoke of Dr. Lenzo's project, we deployed military forces in Kuwait. Now, again, we are nearing a stand-off with Iraq. And again, Dr. Lenzo works to remind us of the gravity of the actions we contemplate. As we negotiate and strategize and consider all our options, Dr. Lenzo tells us to keep in sight the end we all seek. His suggestion that we step back and remember to whom we are accountable is vitally relevant at this time.

In the words of John Milton, "Peace hath her victories, no less renowned than War," and Dr. Lenzo's work is surely one of those victories. I admire Dr. Lenzo's insight and encourage all my colleagues in the House of Representatives to seriously contemplate his "Weekend of Prayer, Meditation and Thought."

PRESIDENT'S BUDGET FOR FISCAL YEAR 1999

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today as a member of the Budget Committee, to analyze the President's budget for FY 1999.

The federal budget isn't just an accounting tool. It's a vision of the kind of America we want for our families. Our vision is for an America where families are restored to their central role in society, the entrepreneurial spirit is unleashed in every community, and religious and civic organizations are released to solve local problems.

Unfortunately the President's vision, as outlined in his latest budget, is limited to an ever expanding Federal government.

The President claims that his spending plan achieves a $9.5 billion surplus in fiscal year 1999 thereby reaching, and even surpassing, the goal of a balanced budget three years sooner than expected.

But even if that assertion is correct, his budget submission misses the real point: balancing the federal budget is not just a bookkeeping exercise. Balancing the budget is about moving power out of Washington, having more decisions made by families and communities, and putting more faith in people rather than Washington "experts."

Balancing the budget is about restraining the size of the federal government so that other fundamental institutions—families, religious and civic organizations and business enterprises—begin to play their appropriate roles in the nation. When government grows, it invades the proper roles of these other institutions. The reverse is also true, so that when government is restrained, the other institutions grow. That is why Congress insisted that last year's budget agreement should not only balance the budget, but should also cut taxes at the same time. Only by coupling both strategies would the growth of federal bureaucracies stay in check. Only in this way could balancing the budget achieve the far more important goal of restoring balance among the nation's fundamental institutions.

One example of this restored balance is the economic growth of the past several years, which has contributed significantly to today's favorable budget outlook. Critics have long predicted that too much deficit reduction, undertaken too fast, would cause the economy to contract. Instead, the reverse has happened. As the 104th and 105th Congresses held fast to their pledge to restrain spending and reform government, the engines of economic growth took over. The economy grew faster than projected. Interest rates fell, which in effect gave everyone a tax cut. Employment climbed. This growth, coupled with Congress' spending restraint, fueled our ability to quickly reach a balanced budget.

Another example of how rebuilding fundamental institutions helps all Americans is the decline in welfare dependency. This has occurred partly because the welfare reform law adopted in 1996—a reform the President vetoed twice before finally accepting public demand for it—devolved responsibilities and control to states and communities, which always were better suited to address the problems of poverty. Welfare reform gave Governors the flexibility to experiment, and tailor programs to their own unique populations. More importantly, it showed real compassion for those who received public assistance by encouraging taking responsibility for their lives, by making them accountable, and by moving them off the welfare rolls and onto payrolls. Since welfare reform was enacted, the welfare rolls have declined by 2.2 million people.

Mr. Speaker, the President seems not to have noticed. His budget reflects a typical return to expanding government whenever and wherever possible. For him, every problem (real or imagined) has a government solution—one that puts trust in Washington bureaucrats rather than individuals and families.

The President's budget contains 85 new spending programs, including 39 new entitlements. In all, these entitlements add nearly $150 billion to federal spending over the next five years. Meanwhile, he fails to pursue any further reduction in the tax burden on the American family—who notwithstanding last year's reduction—are still overtaxed. In fact, he slams the family budget by gobbling-up over $129 billion more of American income in new taxes and fees.

The President, who speaks of building bridges to the future, is actually taking the discredited road of the past—the past that brought on the era of big government. His zeal for more spending is disturbing. The government should be doing all it can to foster growth of economic resources, to provide for long-term prosperity, and to assure that the nation can meet its obligations to future generations. The government should not look for every way possible to spend these resources.

Nowhere is this more important than in Social Security—and nowhere does the President present a more staggering contradiction. To his credit, the President has acknowledged the need to prepare this unique program for the coming retirement of 76 million "baby boomers." In his State of the Union address, he urged that any budget surpluses that appear should be preserved for Social Security's needs. But right now, in this budget, he proposes to spend any surpluses and then increase taxes and pour those funds into more government programs. All this increased spending could, alternatively, be preserved for saving Social Security. But the President's actions say more than his words. He would rather spend the money on special interest giveaways than provide for a safe and secure Social Security system.

The soul of last year's budget agreement was a commitment to restrain the growth of government and to help restore the vitality of America's communities, neighborhoods, and families. By contrast, the President's budget harkens back to the era of big government. While Americans have come to recognize the limits of Washington's ability to solve problems, President Clinton continues trying to draw more of American life under the control of Washington.

America is hungry for a positive vision of society, a society that values hard work, honesty, and a commitment to family faith and freedom. But the President only serves up a vision of more government in a budget that is balanced in numbers, not in spirit.

MICHAEL KELLY COLUMN ON PRESIDENTIAL SCANDAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOLOMON. Mr. Speaker, if any members are keeping a file of administration scandals, I would suggest including the February 4 "I Believe" Op Ed column in the Washington Post by Michael Kelly, senior writer for the National Journal.

It's a paradox that this administration has bought some time by giving us so many and such a variety of scandals that we cannot possibly keep up with them. Critics take the measure of one scandal, only to be distracted or overwhelmed by another, and another, and another, seemingly without end.

Kelly's column serves to remind us that the Lewinsky affair is only the latest in a series of scandals, and the White House attempt to change the subject merely the continuation of a pattern of dissembling.

Mr. Speaker, I believe our present policy of deferring to the independent counsel is the correct one. Should it ever be found that such dissembling took the form of obstructing justice, we will be faced with a serious decision. If only a fraction of the allegations catalogued by Kelly turn out to be true, the House will be obliged to act. It will do so with a collective feeling of sorrow, but it must not shrink from its responsibilities.

I include the Kelly column in today's RECORD.

I BELIEVE

I believe the president. I have always believed him. I believed him when he said he had never been drafted in the Vietnam War and I believed him when he said he had forgotten to mention that he had been drafted in the Vietnam War. I believed him when he said he hadn't had sex with Gennifer Flowers and I believe him now, when he reportedly says he did.

I believe the president did not rent out the Lincoln Bedroom, did not sell access to himself and the vice president to hundreds of well-heeled special pleaders and did not supervise the largest, most systematic money-laundering operation in campaign finance history, collecting more than $3 million in illegal and improper donations. I believe that Charlie Trie and James Riady were motivated by nothing but patriotism for their adopted country.

I believed Vice President Gore when he said that he had made dunning calls to political contributors "on a few occasions" from his White House office, and I believed him when he said that, actually, "a few" meant 46. I believe in no controlling legal authority.

I believe Bruce Babbitt when he says that the $286,000 contributed to the DNC by Indian tribes opposed to granting a casino license to rival tribes had nothing to do with his denial of the license. I believed the secretary when he said that he had not been instructed in this matter by then-White House deputy chief of staff Harold Ickes. I believed him when he said later that he had told lobbyist and friend Paul Eckstein that Ickes had told him to move on the casino decision, but that he had been lying to Eckstein. I agree with the secretary that it is an outrage that anyone would question his integrity.

I believe in the Clinton Standard of adherence to the nation's campaign finance and bribery laws, enunciated by the president on March 7, 1997: "I don't believe you can find any evidence of the fact that I had changed government policy solely because of a contribution." I note with approval the use of the word "evidence" and also the use of the word "solely." I believe that it is proper to change government policy to address the concerns of people who have given the president money, as long as nobody can find evidence of this being the sole reason.

I believe the president has lived up to his promise to preside over the most ethical administration in American history. I believe that indicted former agriculture secretary Mike Espy did not accept $35,000 in illegal favors from Tyson Foods and other regulated businesses. I believe that indicted former housing secretary Henry Cisneros did not lie to the FBI and tell others to lie cover up $250,000 in blackmail payments to his former mistress. I believe that convicted former associate attorney general Webster Hubbell was not involved in the obstruction of justice when the president's minions arranged for Hubbell to receive $400,000 in sweetheart consulting deals at a time when he was reneging on his promise to cooperate with Kenneth Starr's Whitewater investigation.

I believe Paula Jones is a cheap tramp who was asking for it. I believe Kathleen Willey is a cheap tramp who was asking for it. I believe Monica Lewinsky is a cheap tramp who was asking for it.

I believe Lewinsky was fantasizing in her 20 hours of taped conversation in which she reported detailed her sexual relationship with the president and begged Linda Tripp to join her in lying about the relationship. I believe that any gifts, correspondence, telephone calls and the 37 post-employment White House visits that may have passed between Lewinsky and the president are evidence only of a platonic relationship; such innocent intimate friendships are quite common between middle-aged married men and young single women, and also between presidents of the United States and White House interns.

I see nothing suspicious in the report that the president's intimate, Vernon Jordan, arranged a $40,000-per-year job for Lewinsky shortly after she signed but before she filed an affidavit saying she had not had sex with the president. Nor do I read anything into the fact that the ambassador to the United Nations, Bill Richardson, visited Lewinsky at the Watergate to offer her a job. I believe the instructions Lewinsky gave Tripp informing her on how to properly perjure herself in the Willey matter simply wrote themselves.

I believe that The Washington Post, the Los Angeles Times, The New York Times, Newsweek, Time, U.S. News & World Report, ABC, CBS, NBC, CNN, PBS and NPR are all part of a vast right-wing conspiracy. Especially NPR.

NATIONAL AFRICAN-AMERICAN PARENT INVOLVEMENT DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HASTINGS of Florida. Mr. Speaker, it is often said that education is the key to our country's future. While so many individuals give mere lip service to this idea, I am proud to announce that several of my constituents have been working hard to bring education into the limelight it deserves. February 9th of this year will mark the third annual National African-American Parent Involvement Day, a program done in conjunction with the Miami-Dade County School Board. This effort is being chaired by Earl Davis from the Office of Multicultural Education of Miami-Dade County Public Schools and co-chaired by Eunice Davis from North Davis Middle School and Carlos Seales from the Miami-Dade PTA/PTSA Council.

As we all know, parents in our hectic times often do not have the time to take an active role in the education of their children. Quite frequently, they do not know what their children are learning or who is teaching them. The "Take Your Child to School—Visit Your Child in School" program is a concerted effort by principals, teachers, and other educators to encourage parents to change this disturbing trend. Parents will come into their children's schools to meet teachers, tour the buildings, and learn alongside their youngsters. Employers are also being contacted and encouraged to give interested parents "release time" so that they are able to be with their children on this important day.

I would like to personally commend my constituents who are organizing and participating in this vastly important program. When we consistently hear bad news about our nation's public schools, it is truly refreshing to see individual and community efforts such as these. I join my colleagues in South Florida in hoping that February 9th will initiate open communication between parents, children, and educators throughout the nation. Education truly is the key to the future, and it is programs such as this one that insure that it proceeds in the right direction.

A TRIBUTE TO LA SUPERIOR COURT JUDGE SHERMAN SMITH, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to outstanding Los Angeles Superior Court Judge, the Honorable Sherman Smith, Jr. For nearly two decades, Judge Smith has presided over cases in a fair and forthright manner, earning him the respect of his judicial peers, as well as the admiration of the many members of the bar who have tried cases in his courtroom.

Judge Smith received his undergraduate and law degrees from Howard University in

Washington, DC. Following his 1969 graduation from law school, he headed west to Los Angeles, landing a job with the public defender's office, where he helped the poor achieve justice through our legal system. He then spent a year at the L.A. City Attorney's office, working in the appellate department and then as one of the special counsels for then-City Attorney Burt Pines. He worked an additional year with the office as a prosecutor in West Los Angeles before being appointed to the Los Angeles Municipal Court in 1979 by then-Governor Jerry Brown, Jr. Judge Smith eventually reached the ranks of presiding judge, making substantial changes and working to modernize the court. He served on the Municipal Court bench for nine years.

In 1988 he was elected to a Superior Court seat and has served on the court's budget and personnel committee, chairing the education subcommittee of its access and fairness committee. During this period he was also active in judicial education, serving four years on the California Judicial Education and Research board and teaching for the program.

Judge Smith's commitment to the court and to a fair and equitable judicial system for every citizen honors our system of jurisprudence. I am honored to call him my friend and to have this opportunity to provide this brief retrospective of his exemplary career with my colleagues. I ask that you join me in paying tribute to him for his distinguished contributions to the court and to the citizens of Los Angeles. Thank you, Sherman, for your many years of public service.

HOME HEALTH CARE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. STABENOW. Mr. Speaker, I rise today as an advocate for the vital services home health care provides to many of our nation's citizens and their families—people whose voices are not always heard on Capitol Hill. We all recall the stories from the news last year of the bad actors who abused the Medicare system and provided inadequate care to their patients. Unfortunately, the reprehensible actions of a few home health care businesses lead to dramatic changes in the Balanced Budget Act that will impact the quality of care of all individuals whose doctors and families have decided that home care is the necessary course of action. Although it is critical to curb abuse, we must be careful that we do not inadvertently cause harm to the small businesses who have always provided and who will continue to provide quality care to many people in our communities.

I am very concerned that as of today, home care providers will no longer be reimbursed if they visit a patient solely to draw blood. Section 4615 of the Balanced Budget Act states that this is a non-vital service to provide to homebound patients. What about the blind diabetic who needs a blood sugar reading? What about the cancer patient or AIDS patient who is confined to a bed and whose continued treatment relies on blood tests? This provision of the Balanced Budget Act must be reversed or at least modified to allow the needs of the patient to determine the need for this health care service. As of today I am a co-sponsor of the Venipuncture Fairness Act, H.R. 2912, sponsored by my colleague, NICK RAHALL. H.R. 2912 will reinstate payment under Medicare for home health visits made to provide the important service of drawing blood. I urge my colleagues to immediately join the Venipuncture Fairness Act as co-sponsors and to work to ensure swift passage of the bill so that homebound patients do not suffer a life-threatening gap in care.

Other efforts are underway in Congress to reverse decisions made in the Balanced Budget Act that inadvertently cause harm to the home care providers. This Wednesday I will join Congressman JIM MCGOVERN as an original co-sponsor of a bill to protect effective home health care agencies from last year's cutbacks. The bill will delay the implementation of the interim payment system for home health services and provide for a later base year for the purpose of calculating new payment rates. It is our hope that the bill will allow continuation of quality home health services in communities throughout the country.

Another obstacle stands in the way of home health care companies staying in business. The Balanced Budget Act provisions regarding surety bonds is being misread by the Health Care Financing Administration. It is reasonable to ask home health care businesses to secure a surety bond at an affordable cost. The Balanced Budget Act set that cost at $50,000 or 15% of an agency's previous year's Medicare revenues. It was assumed that a $50,000 surety bond would be too expensive for some agencies, hence the provision for 15% of revenues was included to ease the burden on smaller operations. I have now discovered that the Health Care Financing Administration is requiring all home health care providers to get a surety bond for 15% of the previous year's revenues. For some companies, this could be as high as half a million dollars, a far cry from the original $50,000 Congress intended. I will be circulating a letter to send to the Health Care Financing Administration urging them to implement this provision of the Balanced Budget Act according to the original intent of Congress. I urge my colleagues to sign the letter and send a strong message to the Health Care Financing Administration.

Home health care is a critical part of the health care system for thousands of Americans. Citizens, who would otherwise be required to be in nursing homes, are able to live independently or with family members because of the support services provided by home health care professionals. It is critical that our policies make sense for the thousands of qualified and dedicated home care agencies in America while we focus our energies on those who abuse the system and waste taxpayer dollars. I urge my colleagues to join with me in taking appropriate actions to meet both important goals. Thank you.

ANDERSON HIGH SCHOOL INDIANS BASKETBALL TEAM

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. McINTOSH. Mr. Speaker, I want to take this opportunity to recognize the boy's varsity basketball team of Anderson High School. These distinguished and courageous young men traveled to Washington D.C. and won an exciting game against DeMatha High school in the Washington Classic right here in our Nation's Capital.

The determination shown by the team is a tribute to the rich tradition of Hoosier basketball. The Indians demonstrated a level of achievement which can only be attained when individuals dedicate themselves to a team effort. Their awesome victory was indeed a remarkable performance.

The game also had special significance for the two coaches. Both men have undergone successful liver transplants and the tournament raised awareness for this important procedure. The evening was a true testimony to the fact that anything is possible with a positive mental attitude.

Let me join everyone involved with the team's trip and winning season—the fans, parents, teachers and students in saying that we are all very proud of you! Congratulations.

HONORING THE LIFE AND SERVICE OF ED BLACKBURN

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DAVIS of Florida. Mr. Speaker, I rise today to honor a man who changed the face of law enforcement in my community of Hillsborough County and in the entire State of Florida—Ed Blackburn.

Mr. Blackburn was elected sheriff of Hillsborough County in 1953 at a time when organized crime tied to gambling was pervasive in the community. Sheriff Blackburn joined with nearby counties to stage gambling raids in an effort to break up the syndicate. Together, they were successful in turning back crime. He worked with other sheriffs to found the Florida Sheriffs Bureau—the precursor to what is the Florida Department of Law Enforcement today. The sheriffs bureau was the first effort to coordinate law enforcement across the state.

Sheriff Blackburn won a seat in the Florida House of Representatives in 1968 where he became a champion of law enforcement. He also served as a interim director of the Florida Department of Law Enforcement in 1979. During that time, he persuaded the Florida Legislature to fund a statewide crime laboratory. The crime lab is an essential tool for investigators as they work to establish concrete evidence against criminal suspects.

There is another important legacy of Ed Blackburn—the Florida Sheriff's Youth Ranch. As a former law enforcement officer, Mr.

Blackburn knew well that early efforts to steer youth away from a life of crime was as important as locking up a wrongdoer. Mr. Blackburn helped found the ranch and also served as its executive director. He saw firsthand countless lives transformed at the youth ranch.

Mr. Blackburn recently passed away. I rise today in appreciation for Mr. Blackburn's years of selfless public service to his community and his state.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport":

Mr. ANDREWS. Mr. Chairman, I hope someday in the near future to vote for a bill designating an appropriate memorial to President Reagan. But the proposal before us this week, to rename Washington National Airport, is not that proposal. I oppose this renaming of the airport, and I want to explain my reasons.

This bill violates one of President Reagan's most cherished values: federalism. The federal government should not carry out responsibilities which can be handled by state or local governments. The renaming of Washington National Airport would be in direct opposition to the wishes of the local authority which governs the airport, as well as the surrounding communities and local governments. The airport is not a federal facility, but is run locally and financed by the local taxpayers, who ought to have the say in this matter.

This airport is already named for a great President, George Washington. There are other, more appropriate landmarks and facilities that can be named for President Reagan. I support the naming of a new aircraft carrier, the USS Ronald Reagan. And I strongly approve of the recent christening of the new federal building in Washington after President Reagan. But we should not act, contrary to the principle of federalism, to name this airport after President Reagan, over the objection of local officials and the people they represent.

PENNSYLVANIA'S SCIENCE EDUCATION SUCCESS STORY

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PITTS. Mr. Speaker, Pennsylvania's West Chester University, a pioneer teacher training institution, has been blazing new trails to lead students toward greater enthusiasm for math and the sciences. The vehicle for this effort? An Educational Center for Earth Observation Systems. March 11–13 this year, West Chester University will host the eleventh annual 'Satellites and Education" Conference for teachers as part of this program. West Chester's innovative program has attracted thousands of elementary, middle and high school educators by focusing on inexpensive "hands on" classroom exercises that enable students to participate in actual satellite communications and earth observations.

While serving in the Pennsylvania State Legislature I was pleased to be an early advocate of this innovative experiment in educational leadership. I have also been proud to serve as Chairman of the Satellite Educators Association, an outgrowth of West Chester University's novel approach to science instruction composed of teachers and school system supporters across the nation.

Each year the University hosts its "Satellites and Education" Conference for teachers during Pennsylvania's "Spaces Satellite and Technology Week," an observance established by a Special Resolution of the Pennsylvania House of Representatives.

The tenth anniversary conference was attended by more than 300 students, educators, and federal and state scientists, from 25 states, the District of Columbia, Canada, Finland, Indonesia and Japan. Enthusiastic sponsors and exhibitors were Lockheed-Martin, DuPont Aerospace, Hughes Aircraft Corp., National Aeronautics and Space Administration (NASA), National Oceanic and Atmospheric Administration (NOAA), the American Institute of Aeronautics and Astronautics, Center for Rural PA, Pennsylvania Space Grant Consortium, Accu-Weather Inc., Analytical Graphics Inc., Aquila Systems Inc., Center for Image Processing in Education, Civil Air Patrol, Maryland Space Grant Consortium, Orbital Sciences Corporation, PCI Enterprises Inc., Sargent Welch, Satellite Educators Association, Service Argos, and The Wether Underground. Keynote speaker at the 1997 conference was Dr. Mary Cleav, NASA Aeronaut who is now managing NASA's Sea WiFS Program. Exciting Ocean-color images for the Sea viewing Wide Field-of-view Sensor (Sea WiFS)—the first readily available ocean-color data in more than ten years—should play a major role in studying El Nino and other global warming research. Other speakers included Dr. Michael Hanes, former Dean of West Chester's School of Education and now president of Georgia Southwestern University; Helen Martin, President, Satellite Educators Association; Tom Pyke, Director of Project GLOBE, the international youth environmental study program; Dr. Ronald McPherson, President American Meteorological Society; Robert Winokur, NOAA Assistant Administrator in charge of the National Weather Service's 4.5 billion modernization program; Dr. Shelby Tilford, Chief Scientist, Orbital Sciences Corporation; Dr. Perry Samson, Director of the Atmospheric, Oceanic and Space Science Program at the University of Michigan. The 1998 program will be equally outstanding. The day conference offers many workshop sessions where educators and government and industry experts exchange ideas, with students as kibitzers, to evaluate instructional materials, equipment and techniques. A popular feature of the conference is the distribution of dozens of door prizes useful to teachers. These have been contributed by supporting industries and other vendors including a complete Aquila system for receiving earth images from satellites.

Primary objects of these conferences are: To introduce educators to satellite and related technologies; to demonstrate equipment affordable to educators and help teachers employ them in the classroom; to examine successful programs for integration into math/science curricula; to provide mentor-ship and follow-up activities for teachers; to network locally and globally with educators who have successfully incorporated satellite applications into their curricula; and to conduct concurrent workshop sessions dealing with the Internet applications for various computer systems, as well as to show students how to assemble and operate satellite receiving stations.

I know my colleagues will applaud and join me as I offer congratulations to Dr. Madeleine Alser, President of West Chester University; Dr. Michael Hanes, President of Georgia Southwestern University; Nancy McIntyre, Director of the West Chester University's Educational Center for Earth Observation Systems; Helen Martin, President of the Satellite Educators Association; and sponsoring government agencies and corporations for their efforts to help young people, and especially to the many far-sighted educators who have participated over the years in this educational success story.

CONGRATULATIONS TO CAROL BARNES PIERCY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Clovis Unified School District teacher Carol Barnes Piercy for being recognized with the Presidential Award for Excellence in Teaching Mathematics. Carol Piercy is committed to her teachings and is very deserving of this honor.

The Presidential Award program was initiated in 1983 by President Ronald Reagan to encourage excellence in teaching math and science. In January, Clovis Unified School District teacher Carol Piercy received this award for her accomplishments in teaching. Ms. Piercy has an extensive educational background with a Bachelor of Science degree from Stanford University, a Master of Science degree from Oregon State University, and a teaching credential from California State University, Fresno.

Carol Piercy has held multiple leadership roles in the community during her career. A few of her many achievements include acting as Chairperson of the Mathematics Curriculum Committee from 1993–1994, as a Family Math Leader at the University of Berkeley in 1995, and as consultant for the Department of Defense Schools from 1995–1997.

As a speaker and presenter, Ms. Piercy has dedicated herself towards making a difference. She has participated in numerous presentations that include contributions to the Fresno County Office of Education during 1994, the National Council of Teachers of Mathematics Western Regional Office, and the California

League of Middle Schools Conference in San Diego.

Mr. Speaker, it is with great honor that I congratulate Carol Barnes Piercy for being honored with the Presidential Award for Excellence in Teaching Mathematics. It is the guidance and commitment shown by Ms. Piercy that should serve as a model for all teachers. I ask my colleagues to join me in wishing Ms. Carol Piercy many more years of success.

WOMEN OF EXCELLENCE HONORED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PAYNE. Mr. Speaker, today eleven African-American women of distinction are being honored as part of the Essex County, New Jersey, Hospital Center's Third Annual Afrikan Heritage Month celebration. The vision of Carter G. Woodson to set aside some time to remember and pay tribute to our history and its people is one for which we will always be grateful. I am especially proud of this group of women for it is representative of our families and our society as a whole when it comes to being prepared and accomplished.

The women being honored today are: Gail Thompson, Vice President of Design and Construction of the New Jersey Performing Arts Center, our new $165 million, 255,000 square foot theater building and infrastructure on 12 acres; Carolyn Wade, President of Communications Workers of America Local, the largest local in New Jersey which represents 9,000 dues-paying members in both the public and private sectors; Senator Wynona M. Lipman, distinguished by her tenure as the only African-American female state senator for 21 years; Dorothy E. Grisby, a representative of the National Black Nurses Association, a national organization with 42 chapters that works to provide quality health care; Miriam E. Ferguson, a community advocate is also Superintendent of Recreation and Culture for the City of Hackensack, NJ; Mary F. Lewis, an Education Training Coordinator and the Site Administrator of the United Auto Workers/General Motors Skill Center at the General Motors Corp. in Linden, NJ, became the first African American female electrician in General Motors in 1984; Dolores 'Bobby" Reilly, a former Montclair, NJ, Councilwoman became the first African American woman ever elected to political office in the town; Audrey Fletcher, a former Montclair Councilwoman serves as the Executive Director of the Montclair Child Development Center which provides comprehensive services to Montclair's children and their families; Desha L. Jackson, the first African American female Assistant Prosecutor for Ocean County, NJ; Marcia Wilson Brown, a law school graduate and community activist who has used her time and talent to assist urban cities to plan, develop and fund a variety of housing and community development programs to improve the quality of life for poor, low and moderate income persons and neighborhoods; and Cheryl Diane Lawrence, an adventurous, compassionate and civic-minded business woman is the founder of Blind Detective Agency, a provider of customized security services, a business she developed when she became permanently disabled as a result of an act of heroism while serving as the first female police officer at the Rutgers University Police Department.

Mr. Speaker, I am sure my colleagues will want to join me in congratulating these individuals for this appropriate recognition as their "labors of love" are recorded in the annals of American history.

NEED FOR NUCLEAR DISARMAMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DELLUMS. Mr. Speaker, on my last legislative day as a Member of Congress, I wish to share with my colleagues my concern that we are not moving forward deliberately enough to meet our obligations to secure the eradication of nuclear weapons—as is required under the Nuclear Non-Proliferation Treaty (NPT).

Preserving our planet for the future of our children is our moral obligation, and eradicating nuclear weapons stockpiles is a key to fulfilling that obligation. Former Generals of the United States armed forces have called for such a commitment. The International Court of Justice has opined on the obligation nations have to achieve this goal. The United Nations General Assembly has recently acted in this regard and circulating now is a draft convention on the elimination of such weapons.

I urge our government to take the lead in changing its own policy and in advancing the cause of nuclear disarmament in the world. We should not be inventing new uses for these weapons of mass destruction, but should instead use all of the power of our imagination, diplomacy and statecraft to achieve this objective.

In this light, Mr. Speaker, I want to share with my colleagues two documents that are part of the legal and moral fabric that surrounds this issue. The first is of the "dispositif" of the International Court of Justice which illuminates the legal obligations that face the nations of the world. The second is the General Assembly Resolution on this subject. I hope that my colleagues will familiarize themselves with the issues raised within these important documents.

UNITED NATIONS,
GENERAL ASSEMBLY.

[Fifty-second session, First Committee Agenda item 71 (k)]

GENERAL AND COMPLETE DISARMAMENT

Algeria, Bangladesh, Brazil, Brunei Darussalam, Burundi, Colombia, Costa Rica, Ecuador, El Salvador, Fiji, Ghana, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Marshall Islands, Mexico, Mongolia, Myanmar, Namibia, Niger, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Phillipines, Samoa, San Marino, Singapore, Solomon Islands, Sri Lanka, Sudan, Thailand, United Republic of Tanzania, Uruguay, Viet Nam and Zimbabwe: draft resolution

Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994 and 51/45 M of 10 December 1996,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,[1] particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,[2] and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapons arsenals,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1997 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons,[3] issued on 8 July 1996,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

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[1] Footnotes appear at end of article.

2. *Calls once again upon* all States to immediately fulfill that obligation by commencing multilateral negotiations in 1998 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-third session;

4. *Decides* to include in the provisional agenda of its fifty-third session an item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons."

FOOTNOTES

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[*] Reissued for technical reasons.

[1] United Nations, *Treaty Series*, vol. 729, No. 10485.

[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I)), annex, decision 2.

[3] A/51/218, annex.

APPENDIX III—DISPOSITIF OF THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS

THE COURT

(1) By thirteen votes to one,

Decides to comply with the request for an advisory opinion;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: Judge Oda.

(2) Replies in the following manner to the question put by the General Assembly:

A. Unanimously,

There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;

B. By eleven votes to three,

There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: Judges Shahabuddeen, Weeramantry, Koroma.

C. Unanimously,

A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;

D. Unanimously,

A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;

E. By seven votes to seven, by the President's casting vote,

It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

IN FAVOUR: President Bedjaoui; Judges Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo;

AGAINST: Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.

F. Unanimously,

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighth day of July, one thousand nine hundred and ninety-six, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

[SIGNED] PRESIDENT
[SIGNED] REGISTRAR

REPORT FROM INDIANA—GREENSBURG DRUG-FREE RALLY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report from Indiana. Every weekend, I travel around the 2nd Congressional District of Indiana from Richmond to Muncie, Anderson to Greensburg.

And so often, people share with me amazing stories about their friends and neighbors who have done amazing things. These individuals are good people who make our communities better places to live. They give us hope for the future that our best days are yet to come.

In my book, these individuals are Hoosier Heroes. Hoosier Heroes because they set examples for all of us to live by. But more importantly they make us proud.

Today, I would like to share with you about a special event that was organized by teachers, parents, and community leaders in Greensburg, Indiana to help protect the children of the community from the effects of drug abuse. On Wednesday, October 29th over 300 students gathered on the Decatur County Courthouse Lawn for the first ever Red Ribbon Week Drug-Free Rally.

The students listened to speeches from several local leaders encouraging them to stay away from drugs and to help protect the future of their community. They were reminded that they will face many difficult challenges in life, but that they have to use their good judgement when it comes to situations involving drugs.

Greensburg Mayor Frank Manus told the students that "When people offer you drugs, just remember that it is a test. When you are in those situations you have to be on your toes. Life is a test."

Mike Riley, Chief of the Greensburg City Police, reminded the students to live up to their commitment not to use drugs, telling them that "You are now saying you are against drugs, but now you've got to live as you say."

Bob Bostic, Executive Director of the Greensburg Area Chamber of Commerce, reminded the students that by saying no to drugs, they are helping to make the Greensburg community a better place for everyone, saying that "We are at war against drugs, and you have come down here today to say no to drugs and yes to a clean life and yes to a clean community."

Keith Hipskind, Coach of the Greensburg Community High School Boys' Basketball team, told the students that they can always rely on their families and people in their community for help and support when they have a problem, saying that "We all have problems. They're not going to go away. Just remember that you have good leaders to lean on throughout the problem's duration."

I was especially touched by a poem that was written for the rally by Sarah Nahmias. Sarah is currently a member of the Greensburg Community School Board and has been active in issues involving education and children in the local community. I would like to share the poem that Sarah wrote for the children of the Greensburg community:

Well, the teachers all announced that there would be Red Ribbon Week
And you felt "if I show interest, then my friends will call me a 'geek.' "
But you'll see as each day passes it's unto your heart we speak.
Be brave enough to just say no—don't fall back and become meek.

When you each unite together to celebrate this "dare"
You will find so many others whose strength you then can share.
And just like the little child who stepped up when no one was there
You can help in such a big way if you only show you care.

Yes, you've heard all of the facts about what happens on the drugs
Your mind will turn to mush and you'll slither like a slug.
You'll often think—"oh, what the heck," your shoulders you might shrug
But poppin' pills to get your thrills won't last quite like a hug.

Some say to drag on cigarettes or pack a wad of chew
Is for them the only measure of how to show they're cool.
But let me tell you of the toll which will come to each of you
Though not so brisk—you'll think 'no risk,' Oh, please don't be a fool.

Should I tell you of the money you will spend, if that you choose?
You could buy yourself a nice new car—or just cigarettes and booze.
Or should I introduce the friend of mine who can no longer speak?
You see, they cut his tongue and throat—the cancer's made him weak.

Or would you rather hear of Gramps who we all hold so dear?
He misses the games the grandkids play—they'll never hear him cheer.
Or the dad who just retired, looking forward to his golf?

But he can't play that much—he has the time, but breath, there's not enough.
There'll be someone who's out there who will offer you some grass.
You may answer—"no, no drugs for me."
They'll laugh then as you pass.
So gather 'round your friends and find the strength you need to fight
And stand up for the only thing you know—it's only right.
For if you make the choice to give into the ones who push
So many things will pass you by while you're sitting on your tush.
Perhaps you'll want it easy—the work seems much too hard
But self-respect and true reward come from trying 'til you're tired.
Perhaps it is particularly tough, to stand up all alone.
Your friends all seem to do it, and you see it in your home.
But YOU CAN make a difference—believe me just one step
Say "no that's not the way I want to live"—and get a grip
Make the promise to yourself, be proud it's one you've kept.
The toughest one you may just face—a teenager with beer.
If you don't chug-a-lug with them, they'll point to you and jeer.
But walk away and say, "no way, I'm more valuable than that"
And find the safety with your friends with whom you'll need to chat.
Talk about how hard it is to fight and to resist
Dare to show the strength you hold in your heart—and not your fist.
Then you will have more than anyone can ever offer you
Because you dared to take a stand and say, "I know what I must do!"
Each one of you who sit here has a value each his own
Whether you live in a fancy house or don't even have a phone
It's the individuality that's deep within your heart
That makes you oh so special and sets you so apart.
So pull from there and take the dare to stay away from drugs.
A simple promise to yourself with friends—to not give in to thugs.
Surround yourself with friends like those you find 'round here today.
For if you're feeling weak, then they can help you on your way.
For as the story told us, we don't have to be alone
There are many all around us to support us—here or home
So lean upon your brother to your left or to your right
And all please join together for this most important fight.
You see it isn't just adults who are preaching what to do
But people in your community who are reaching out to you.
Allow us all to share our strength to fight this ugly war.
After all—each one of you is most worth fighting for!

Every day, children across this country are confronted with decisions regarding drugs. It is important that these children have the knowledge and the strength to deal with these situations appropriately. I salute these men and women in Greensburg who are doing their part to help the children of their community make the right choices in life and secure a brighter future.

And that, Mr. Speaker, is my Report from Indiana.

THE SPIRIT OF DR. MARTIN LUTHER KING, JR. LIVES ON

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to continue the celebration of the life and work of Dr. Martin Luther King, Jr. Last month, I attended an event in Deptford Township, New Jersey, honoring Dr. King and his dream. Speaking with the people of Deptford, I was struck by how significant of an impact Dr. King had on all our lives and, in particular, on the lives of our children. Even though Dr. King left this world long before they entered it, America's youth have a deep understanding of what his message says to us today. I would like to share with my colleagues the essays of Krystal Tribbett and Dave Forstrom, two local high school students. Their words do much to inspire us as we continue our progress to realizing Dr. King's dream.

"FULFILLING DR. KING'S DREAM"

(By Krystal Tribbett)

"I have a dream, that one day, my four little children will grow up in a nation where they are not judged by the color of their skin, but by the content of their characters." In the future Martin Luther King's dream will come true, not because biased people will change their points of view, but because people will no longer allow themselves to sit in the back of the bus, or the middle, but will place themselves in the front, to become an intricate element in protesting against bigotry in today's society. Men and women of different denominations, creeds, and colors will transcend the negative comments, stereotypes, and statistics in order to become our leaders. The tormented will focus their attention on improving their status and beating the odds stacked against them in order to better themselves, by helping their families and communities. They will improve the nation by improving themselves. They will fight not through violence, but through intelligence. They will use the power of the gray, gray matter, to place their ethnicity, individuality to a respected, revered level in the world.

The many people of the world are recognized in history for various reasons, for being slaves, illegal aliens, drug dealers, etc. They are also known, however, for being renown actors and singers, scientists, doctors, attorneys, and athletes. In these areas people have begun to exhibit themselves as a powerful force that can reshape history. Youths are the key to the accomplishment of Dr. King's dream. They are setting goals to impact the future. Most importantly, the goals of young people focus on disproving various stereotypes, in order to serve as an example to the older generation, as well as the younger one, that they can be more than drug dealers, clerks, or custodians. They want to prove to biased individuals that anyone and everyone can be anything, and all that they want to be, despite obstacles that they have or will encounter. Everybody can make a difference.

In the future, great changes are bound to occur in the history of this nation, of this world, because of the remarkable achievements of the people who did not allow ignorance to hold them back. The history makers of tomorrow are recognizing, and taking advantage of the fact that nothing and no one but themselves can keep them from achieving their dreams. True, there will be an element of society who remain ignorant, however adults and juveniles who are knowledgeable and determined will make the difference. The fulfillment of Dr. King's honorable dream is not too far around the corner. Blacks, Whites, Jews, Hispanics, and Asians will put forth their best effort to carry out their plans and become role models that will inform others of prejudice, and how to defeat it. The ambitions are many and the intentions are promising. The great dream of Martin Luther King is going to come true, with the use of the "gray, lifting up the black."

MARTIN LUTHER KING JR.

(By Dave Forstrom)

What can one person do to carry on the legacy of this great individual? I feel you must start by acquiring some of his own characteristics. You will need his passion, drive, and most of all his courage. Without these you will never accomplish anything worthwhile. Next, you must look at what he did for African Americans and America as a country. He led a massive movement against racism and prejudice which is unparalleled. The main reason for this is that every one of his marches, rallies, and boycotts was completely peaceful.

Now that you have a basic idea of what King did you must look at society today and see how you can make an impact on it. The world now is still rampant with racism and it seems like an insurmountable problem. Everywhere you look there is segregation, prejudice, and hatred. Many people choose to ignore it and put it out of their minds. That is where you must make the choice to care and not to ignore but to start making a change for the better.

I think the next logical step would be to find other people who have made the same choice as you and surround yourself with them. Talk to them and find out what they have done and plan to do. You should also share your experiences with the problem and any ideas that you might have. Together you have many options to choose from. You can start organizing meetings to expand your following and try to get more people involved.

At these gatherings you could discuss plans on what you are going to do. As a group you could follow Dr. King's example and hold peace marches or boycotts. By making yourselves more public you will be noticed more and be able to spread your message to a larger amount of people. This is important because it will cause people to think about how they feel on this issue and may gain your group more support.

Another possibility is to seek help from already founded organizations that share your views on racism. You can gain a deeper understanding of what is happening and what needs to be done. This will also be a good starting point and will provide much needed experience for yourself.

It may also help your quest to write letters to your local government or member of Congress. By getting support from a politician your group would get much more attention and recognition. That would certainly be a great boost and would land you many more members.

But what if you are not a great leader or cannot devote all your free time to such an organization? Well, there are also ways you can help as well. You could set aside a part of your income each month and try to support the peace groups. You could also set aside some time to attend one of the meetings. But I feel the most important thing is to make that choice to care about racism in your society. Do not ignore it and keep yourself informed about it by reading or watching the news each night. Refuse to let racism continue and eat away at the community. Keep the memory of Martin Luther King Jr. alive and stand up for what is right.

TRIBUTE TO ROBERT G. KEENE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. FORBES. Mr. Speaker, I rise to pay tribute to a good friend and neighbor to all of us Suffolk County who recently passed away, Robert G. Keene, beloved historian for the Town of Southampton.

Bob was a familiar figure in Southampton and a regular columnist for the weekly Southampton Press, where according to his editor Peter Boody, :"He wrote mostly about things that irritated him, and that included everything from people with no class to historians who didn't give Southampton the credit it deserved." Bob was a vocal and articulate advocate of Southampton's cause in the debate with Southold over which community was the first on Long Island to establish an English-speaking settlement.

For 31 years, Mr. Keene ran a bookstore and art gallery in Southampton that brought him into daily contact with such notables as Truman Capote and Willem de Kooning. His store carried many rare titles, including a first edition of Dr. Samuel Johnson's dictionary and a copy of the first Roman Catholic bible published in America. Bob also had a very passionate appreciation for art and eventually he combined his love for books and art by displaying art work in his shop.

Bob started working with the town historian's office when it was under William Dunwell. Mr. Dunwell was first appointed town historian in 1939 and served the people of Southampton faithfully for 43 years until 1981 when he retired to become historian emeritus. Bob took over the historian's office in 1979, although he was not officially appointed historian until Mr. Dunwell's retirement in 1981. From day one Bob office was an historic treasure trove piled high with books, documents, photographs and local history memorabilia. The local history that Mr. Keene carried in his head, garnered from his own personal experiences and his years working with William Dunwell, was considered so valuable, that the town board recently budgeted $10,000 to capture it all in an oral-history project. Regrettably, that project was not begun before Mr. Keene's untimely death. An irreplaceable history is lost to us forever.

Although Bob Keene only settled in Southampton in 1950, from Bar Harbor Maine, his heart and soul beat for Southampton. He loved Southampton and he loved the people of Southampton. He will be sorely missed. I urge my colleagues to join me in celebrating the life and accomplishments of Bob Keene and wishing his family, especially his daughter Melissa Elizabeth, our prayers and condolences.

CONGRATULATING THE GARDNER GRADE SCHOOL CHORUS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate the Gardner Grade School Chorus of Gardner, IL. on their recent performance at Walt Disney World in Orlando, FL.

At the direction of Patti Johnson, the Gardner Grade School Chorus had a dream back in 1996, that it would someday have a chance to perform at Walt Disney's Magic Kingdom. After a year of research, planning, rehearsals, and raising the funds that were needed to make the trip to Orlando, the Gardner Grade School Chorus realized their dream on June 9, 1997.

The journey to Orlando by the 40 member chorus and 10 chaperones began on June 7, 1997. After saying their goodbyes to family and friends, the chorus was escorted through Gardner by the local police and fire departments as they began their 23-hour bus ride to the Magic Kingdom. In short Mr. Speaker, this was not a dream come true just for the chorus, it was a dream come true for an entire town.

On June 9, 1997 the long-awaited dream was finally fulfilled. Outlasting the Florida rain, the chorus dazzled the audience as they performed on the Tomorrowland Stage in the Magic Kingdom. The chorus performed several selections in their 25-minute performance including, "Dance, Dance, Dance", "Sea of the Cowboy", and "Footloose". On June 10 the Chorus participated in a 3-hour music education workshop at the Epcot Center, where chorus members received first hand knowledge on how Disney prepares its shows from the Disney cast.

Now as you might suspect Mr. Speaker, this trip was not all work and no play. On the final 2 days of their trip, chorus members explored the theme parks and took part in many of the activities in the Orlando area, taking advantage of a much deserved rest before returning home to Illinois.

Mr. Speaker, the Gardner Grade School Chorus had a dream that they would perform at Walt Disney World someday, and they did. Thanks to the hard work of its members, directors and chaperones, the Gardner Grade School Chorus not only realized their dream, but, they shared their dream with their parents, schoolmates, town, and the people in the audience at the Magic Kingdom. Mr. Speaker, I ask my colleagues to join me in saluting the Gardner Grade School Chorus and their very special performance at Disney World, and I ask that a list of those who participated on this trip be included in the RECORD following my statement.

DIRECTOR

Patti Johnson.

FIFTH GRADE

Carissa Crater, Jaime Wade.

SIXTH GRADE

Laura Bivens, Rhonda Brookman, Nicole DeToye, Misti Domagala, Rachel Hanson, Lynsi Lardi, Nicci Mack, Krystle Phillips, Nikki Rowland, Jonathan Scheel, Sarah Sibley, Lauren Zagar.

SEVENTH GRADE

Brandon Carwell, Milly Chase, Tiffany Hullet, Cassie Kirkpatrick, Krystal Lamping, Renee Moore, Jacob Olson, Carly Scheuber, Samantha Serena, Brigid Sweeney, Ashley Wade, Vicki Wayne, Mary Wollgast.

EIGHTH GRADE

Becky Christensen, Candi Forsythe, Beth Hanson, Cindy Harrop, Mindy Harvey, Meghan Holohan, David Wayne.

NINTH GRADE

Jeanette Bivens, Kathy Bolton, Elizabeth Esparza, Amber Forsythe, Mary Landers, Anne Wollgast.

CHAPERONES

Sandy Harrop, Pam Holohan, Janine Lardi, Sharon Zagar, Becci Forsythe, Mary Hanson, Jody Harop, Denise Sibley, Wendy Rowland, Greg Bingheim, Dick Johnson.

A TRIBUTE TO JOHN L. SMITH

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a dear friend, Mr. John L. Smith of Chicago, IL, who will be retiring next month from the U.S. Small Business Administration. He has honorably served as director of the SBA's Chicago District Office of over 20 years.

Jack has been a faithful Federal employee for 46 years beginning in the U.S. Navy and then establishing his career in the Department of Commerce's Economic Development Administration. In 1973, Jack was named Regional Administrator for the Commerce Department's Office of Minority Business Enterprise. The SBA noticed his extraordinary accomplishments as Commerce Regional Administrator and after just 2 years, Jack was appointed SBA Chicago District Director. He has been a major supporter of private sector development through his dedicated service. During his tenure, Jack oversaw several billion dollars in loans and Federal contracts to Illinois small businesses.

As you know, Mr. Speaker, I am a member of the House Small Business Committee which oversees the SBA, and the retirement of one of the best directors from Illinois will certainly be a loss to the Chicago business community and to the state. Jack's experience and enthusiasm for his work will be missed greatly by business owners and public officials involved in private sector development. I wish him the best in his future endeavors.

Mr. Speaker, Jack dedicated his life to the community and to the SBA. Now it is our turn to thank Jack for all of the energy and dedication he expended for so many years to make Illinois a better place.

STATEMENT IN SUPPORT OF NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. KILPATRICK. Mr. Speaker, I rise today to state my strong support for the 12th Annual National Girls and Women in Sports Day. I have long been an ardent supporter of women athletes who use grace, strength, and discipline to break down barriers. Sports instill confidence in girls and women and equip them with important life skills such as teamwork, goal-setting, the pursuit of excellence in performance, and other achievement-oriented behaviors.

National Girls and Women in Sports Day was established in 1987 in memory of the late Flo Hyman, the Olympic volleyball champion who died suddenly in 1986.

Participants in this year's celebration include Tajama Abraham, Sacramento Monarchs center; Lillian Greene-Chamberlain, PhD, national track and field champion; Nancy Hogshead, three-time Olympic swimming gold medalist, Benita Fitzgerald Mosley, Olympic track and field champion; Nadia Comaneci, Olympic gymnastics champion; Robin Campbell, track and field Olympian; Dominique Dawes, Olympic gymnastic gold medalist; Camille Duvall-Hero, world champion water-skier; Kelly Dyer, world-champion ice hockey player; Wendy Hilliard, national rhythmic gymnastics champion; Rusty Kanokogi, highest ranking woman in judo; Nikki McCray, 1996 Olympic gold medalist and member of the newly formed WNBA Washington Mystics; Aimee Mullins, national track and field champion; Donna Richardson, fitness star, national aerobic champion; Chanda Rubin, tennis champion; Lyn St. James, champion auto racer.

At a luncheon today in the Senate Hart Building, Nadia Comaneci was given the Women's Sports Foundation's 1998 Flo Hyman Award. Every year on National Girls and Women in Sports Day, the award is given to women who exemplify the dignity, spirit, and commitment to excellence of Ms. Hyman, captain of the 1984 U.S. Olympic volleyball team.

Ms. Comaneci is the most celebrated gymnast in the history of the sport. She was the star of the 1976 Olympic Games in Montreal, where she won three gold medals, two silver medals, and a bronze, and became the first woman ever to score a perfect 10.

I congratulate Ms. Comaneci for her awe-inspiring achievements, and I applaud the Women's Sports Foundation for its recognition of the importance of sports for women and girls.

MEDICAL SAVINGS ACCOUNTS FOR FEDERAL EMPLOYEES

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SALMON. Mr. Speaker, I am very pleased today to see the introduction of the Burton/Archer/Thomas/Mica/Salmon legislation on medical savings accounts for federal employees. It is certainly time our federal workers have the opportunity to select a medical savings account for their health care. Over the past two years we have enacted landmark legislation that has made the choice of an MSA possible for some American workers and Medicare recipients. Now it is time to extend that option to our federal workers.

I have long been a proponent of medical savings accounts. While a state senator in Arizona, I sponsored the MSA legislation that was signed into law in 1994. As a member of Congress, I have consistently introduced legislation promoting and expanding MSAs. One of my bills would allow MSAs for federal workers, and two others would "lift the caps" on MSAs for all workers and those on Medicare, virtually allowing everyone the freedom to choose a medical savings account.

MSAs would empower federal employees to take control of their own health care decisions. With an MSA, workers can choose which physician or specialist they want to see and when to see them. They decide how they want to spend their health care dollars, and what they don't spend they can roll over to the next year.

Medical savings accounts would reduce health care inflation for the federal government. Results from the private sector show that companies using MSAs report lower utilization of health care services and reduced high-deductible premiums. This contributes to lower overall health care costs for the United States.

MSAs encourage preventive care and "incentivize" people to live healthier, so that they do not need expensive medical services in the future. Unlike some insurance plans that have deductibles or copays to meet, the employee's MSA account has money in it to use immediately if they desire routine or preventive care.

Because they can roll funds leftover at year-end, an MSA account would offer federal employees the ability to build a fund for future health care needs such as long-term care insurance or nursing home services. The savings accrued in these accounts will also help the federal government by reducing dependence on federal health care programs for assistance.

Again, Mr. Speaker, I am pleased to join in on the introduction of this legislation and I urge all members to support the expansion of health care choices for federal employees by cosponsoring Burton/Archer/Thomas/Mica/Salmon.

UNITED STATES CATHOLIC CONFERENCE QUESTIONS U.S. CUBA POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HAMILTON. Mr. Speaker, I commend to my colleagues' attention the recent statement by Archbishop Theodore E. McCarrick, Chairman of the United States Catholic Conference (USCC) Committee on International Policy. The USCC met on the heels of the Pope's historic visit to Cuba, and concluded that "it is incumbent on us, therefore, to take a fresh look at the issues that continue to divide [the United States and Cuba], and to see if it is not time for fresh initiatives to promote goals of reconciliation among us."

We would do well to consider fresh initiatives in U.S. policy toward Cuba.

STATEMENT ON CUBA IN THE LIGHT OF THE PAPAL VISIT BY ARCHBISHOP THEODORE E. MCCARRICK, CHAIRMAN, USCC COMMITTEE ON INTERNATIONAL POLICY

JANUARY 30, 1998

Together with other members of the USCC Committee on International Policy and staff of the Conference, I have just returned from a most moving and, I truly believe, historic event, the visit by our Holy Father, Pope John Paul II to the Church and people of Cuba. It was a visit that not only provided new hope and energy for the Church in Cuba, enabling the faithful to express their religious beliefs in a climate of ever greater freedom, but may also have marked a positive advance in the long sought for goal of reconciliation among the Cuban people, both within Cuba and with the Cubans in the diaspora. It is our hope that the visit will also mark a new phase in the relations between our two countries, so deeply in need of reconciliation.

As bishops of the Church in the United States, we feel strongly called to express our convictions about possible implications the visit may have for the conduct of our country's policy toward Cuba. No other country in the world looms as large in the minds of the Cuban people and their government as does the United States. No other country has had, and continues to have, such a turbulent and mutually hostile relationship with Cuba as does the United States. And no other country outside of Cuba itself has within it such a large concentration of Cuba's sons and daughters. It is incumbent on us, therefore, to take a fresh look at the issues that continue to divide us, and see if it is not time for fresh initiatives to promote the goals of reconciliation among us.

As a Conference, our overarching concern has been and continues to be the freedom of the Church in Cuba to exercise its threefold ministry of free and open worship, of prophetic preaching, and of Christian service to the needy. Within this essential framework of religious liberty and respect for fundamental human rights which we call upon the Cuban government to assure, we turn to the policies of our own government. The central U.S. policy issue is, of course, the decades-old economic sanctions imposed by our government against Cuba. As far back as 1969, the Cuban bishops called for the dismantling of the trade embargo, a move that was publicly supported by the USCC in 1972. It was only in the present decade, however, that circumstances have made such appeals even remotely possible.

The moral principles governing Catholic teaching on economic sanctions in general, and on Cuba specifically, are well known. The Cuban bishops have repeatedly expressed their opposition to "any kind of measure that, in order to punish the Cuban government, serves to aggravate the problems of our people." Observing that embargoes are acts of force, the bishops addressed provisions of the 1992 Cuban Democracy Act, stating that any embargo that prevents essential foods and medicines from getting to people in need is "morally unacceptable, generally in violation of the principles of international law, and always contrary to the value of the Gospel."

After the passage of the so-called Helms-Burton Act in 1996, the Cuban bishops expressed their concern that the law runs the risk of "making even more difficult the likelihood of finding peaceful means to lead to the reconciliation of all Cubans." Cardinal Jaime Ortega of Havana added that "Any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people, is unacceptable."

And in his departure remarks at José Martí Airport on January 25th, Pope John Paul stressed that, in our day, "No nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

The officials of our government repeatedly affirm their readiness to at least modify aspects of the embargo, to take some practical steps, in response to clear signs of a greater opening within the society and increased respect for basic human rights, including religious freedom. While we make no predictions on how lasting some of the expressions of openness shown by the Cuban government prior to and during the papal visit may prove to be, it is an undeniable fact that important changes did occur over this past year; allowing for the door-to-door missions conducted by the dioceses to talk about the Pope's visit, permission for a number of open-air Masses, including hitherto forbidden religious processions, granting a larger than previously allowed number of visas for foreign priests and the religious to minister in Cuba, a limited amount of access to the state media, even re-instating Christmas, at least for this past year, as a national holiday, and other expressions of a more open official attitude toward the rights and freedoms of believers.

As welcome as these changes are, it is obvious that they fall far short of the measure of a just society repeatedly outlined by the Holy Father. But they are steps along a better path and should be acknowledged as such. In our view, therefore, it is clearly time for the United States also to take some practical steps of its own and test whether the hopes enkindled by the papal visit can lead to real improvements in relations between our two countries.

First of all, we call upon the President to rescind the onerous and evidently meaningless ban on direct flights to Cuba, requiring all passenger traffic and humanitarian aid to transit third countries en route to Cuba. This ban was lifted for flights related to the papal visit these past weeks, for which we are indeed grateful. But as humanitarian agencies here, such as Catholic Relief Services and Catholic Medical Mission Board, plan their next shipments of critically needed medicines and other aid to the Cuban Church's relief and development agency, Caritas Cuba, they are still faced with the excessive added costs that third country transit imposes.

Secondly, only a very small part of the nutritional and health needs of the Cuban people can be met by these periodic infusions of humanitarian aid from private donors from other countries. The Cuban people need these commodities from abroad, including from the United States, without excessive prohibitions and restrictions. The present socio-political system, privileging those with power and ready access to hard currency but leaving great numbers of the poor with inadequate access to food and medicine, will not be changed overnight. The demands of elementary social justice, however, call upon us to do what we can to alleviate the suffering of the Cuban people, especially the poorest and most vulnerable. Ending the restrictions on the sale of food and medicines, as legislation currently in both Houses and of the U.S. Congress calls for, would be, in our view, a noble and needed humanitarian gesture and an expression of wise statesmanship on the part of our elected leaders.

It is our fervent hope and prayer that the encouraging, inspiring and, we hope, transforming words spoken by the Holy Father in Cuba will continue to strengthen and give hope to the Cuban people, especially our brothers and sisters in the faith. And we pray that his powerful and eloquent calls for a more open, participative and just society, for a liberation "that reaches its fullness in the exercise of freedom of conscience, the basis and foundation of all other human rights," will be ever more heeded by the civil authorities. We urge and look forward to further hopeful signs of positive developments within Cuban society that could lead toward the needed rapprochement between our two countries and reconciliation among all our peoples.

The Holy Father summarized his goal for the visit as offering the "opportunity to strengthen not only the courageous Catholics of that country but also all their fellow citizens in their efforts to achieve a homeland ever more just and united, where all individuals can find their rightful place and see their legitimate aspirations realized." We stand with the Cuban people in their just hopes for full civic, political and religious freedom.

CELEBRATING A CHICAGO LEGEND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HYDE. Mr. Speaker, one of the few genuine legends of Chicago journalism, Irv Kupcinet, has just completed 55 years of writing one of the most popular columns in the midwest. "Kup" has countless friends in the worlds of entertainment, politics and sports. His entire career has been spent with the Chicago Sun-Times and predecessor newspapers. And on January 18th, the Sun-Times published a warm editorial which I am pleased to share with my colleagues:

KUP A TREASURE

For 55 years, Kup's Column has been a staple of Chicago journalism. And its author, Irv Kupcinet, has been a dean of his profession.

It is not just that he has done what he does for so many years. It is that he has done it with a grace, quality and compassion so often missing from contemporary American culture.

Kup has been a gentleman away from his keyboard as well. Over the years, he has spent his time and money supporting the Weizmann Institute of Science, the Chicago Academy for the Arts, Little City Foundation and the Variety Club, and working on telethons raising money for Easter Seals, muscular dystrophy and cerebral palsy. Last, but certainly not least, he spent an amazing 50 years hosting the Purple Heart Cruise to thank veterans for their service to the country.

And to think this whole, wonderful career happened only because an injury ended his first career as a professional football player.

Football's loss was Our Town's gain. Chicago, and the Sun-Times, are lucky to have you, Kup.

REGARDING COL. WILLIAM VOGEL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. CALLAHAN. Mr. Speaker, I would like to take a moment to extend my utmost appreciation to Col. William Vogel, district engineer, U.S. Army Corps of Engineers, Mobile District. Colonel Vogel deserves special recognition for the hard work and dedication to his employees demonstrated during the recent reduction in force executed at the Army Corps of Engineers' Mobile District.

Faced with unfortunate, but unavoidable funding constraints, the Corps was forced to notify 192 employees in June 1997 they would be affected by the impending RIF in October of the same year. Obviously, when this notice was made public by the Corps there was tremendous and justified concern and uneasiness felt on the part of those employees whose names appeared among the 192.

Colonel Vogel led the mission to accomplish the necessary reductions and made every effort to minimize the apprehension and potentially devastating implications to his dedicated and loyal work force. He worked tirelessly to accomplish this goal. Realizing the only way a mutually beneficial agreement could be reached was through the cooperation of the Corps' management and the union, Colonel Vogel met often with union officials in an attempt to minimize the impact on those who would be terminated. Among the many efforts designed to accomplish this goal, local union leaders were invited to attend staff meetings and labor-management meetings were increased to every 2 weeks, therefore opening the lines of communication between the two sides.

The immensely successful program which followed was the direct result of Colonel Vogel's efforts. Several options were made available to the employees who faced termination, ranging from early retirement packages to transfers or pay cuts. A center was established to facilitate job placement for those who chose to leave. The final results in December 1997 were, given the potential alternatives, the best possible in this unfortunate situation. Seventy-nine employees left to pursue other employment opportunities and 113 were to be reassigned. Of the 192 employees affected by the Reduction in Force, none were faced with involuntary separation.

I would like to personally thank Colonel Vogel and his staff for their dedication and commitment to their employees and coworkers. As Congress continues in its efforts to reduce the size of the Federal Government, other Federal agencies facing the same downsizing realities would do wise to study the model and accomplishment put forth by Colonel William Vogel and his staff.

I and everyone else affected by the Corps' reduction in force extend our sincere appreciation for a difficult job well done.

TRIBUTE TO NAVY CAPT. MANUEL A. HIPOL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PICKETT. Mr. Speaker, I rise to pay tribute to Capt. Manuel A. Hipol of the Navy Medical Corps who is retiring after almost 30 years of loyal and dedicated service to our country.

Born in Manila, Philippines, Captain Hipol launched his medical career at Manila Central University, completing its thoracic medicine residency program at the Philippines Veterans Hospital in 1966. Later that year he immigrated to the United States and settled in Seattle, WA, where he completed a 1-year internship and then accepted a commission as captain in the U.S. Army.

Like many dedicated, hard working career medical officers, Captain Hipol saw duty in numerous locations including Fort Sam Houston, TX; Fort Sheridan, IL; the Rock Island, IL Arsenal dispensary where he became officer-in-charge; and the Camp McCoy Army Dispensary, Sparta, WI, also serving as officer-in-charge.

Captain Hipol resigned from the U.S. Army in 1974 and almost immediately accepted a commission in the U.S. Navy as a lieutenant commander. His first assignment at the Naval Medical Center, Portsmouth, VA, was in the radiology department of Boone Clinic. He transferred to the reserves and served as commanding officer of the Naval Reserve, Naval Station Branch Clinic 106 in Norfolk. In 1980, he was promoted to the rank of captain.

Captain Hipol was recalled to active duty during Desert Storm and rejoined the reserves after his active duty release. Despite these many transfers and assignments, he remained active in numerous professional and community organizations including: the Association of Philippine Physicians in America; the Manila Central University Medical Alumni Association of America, where he served as national president; the Philippine Cultural Center Building Committee, where he served as chairman; and the Council of United Filipino Organizations of Tidewater, where he also served as chairman.

He has been recognized as 1 of the 20 most outstanding Filipino-Americans in the United States and Canada.

Dr. Hipol will continue his medical practice of outpatient diagnostic radiology in partnership with his wife, Rose, who practices general internal medicine. I join his many friends in wishing Captain Hipol and his family fair winds and following seas.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to RON DELLUMS, a friend and a man whose departure from Congress will leave a major void on Capitol Hill. RON is known as an articulate spokesman for his constituents and a serious legislator of proven ability. These attributes alone when combined with his many years of public service are worthy of praise and commendation. But RON brought more to the job that singled him out as a congressional and national leader.

He reached out: across the aisle, across racial boundaries, and across ideological lines. He did it with a sincerity that was heartfelt and a pure motive, and it showed. This was his magic and this was the key to his many friendships and the unusual respect he received during his service and upon his retirement. I know Congress as an institution is a better place for his service. I hope we as individual Members have learned from his example.

CONGRATULATIONS TO BETHESDA-CHEVY CHASE MEALS ON WHEELS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding work done by the Bethesda-Chevy Chase Meals on Wheels. On February 11, the organization will mark the one millionth meal delivered in more than 25 years of continuous service to those in need.

The remarkable commitment displayed by the B-CC program is best exemplified by some of the veterans who have been with the organization since its inception. Alfred Wellborn, Mary Bartels, and Ann-Marie Snyder, all have worked for, and supported, the B-CC Meals on Wheels since the beginning. They are the embodiment of perseverance and dedication.

There are many other unsung heroes of this institution. The burden of cost for deliveries rests on the shoulders of the volunteers, while the Christian Church provides office space for administrative duties. Many other area places of worship contribute by supplying volunteers and organizing routes, such as Chevy Chase Methodist Church, St. Dunstan's Church and St. John's Episcopal Church.

I salute the commitment displayed by these individuals and congratulate them heartily on their achievement. Furthermore, I join the Bethesda-Chevy Chase Meals on Wheels in their celebration of longevity and distinguished performance in service.

THE INTRODUCTION OF H.R. 3136, THE "TRADE DRESS PROTECTION ACT"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce today the "Trade Dress Protection Act." This bill is intended to clarify the law with respect to the applicable legal standards for the protection of trade dress, which includes product designs and packaging.

Several years ago, Mr. Speaker, the Supreme Court, in the case *Two Pesos, Inc.* v. *Taco Cabana, Inc.*, 505 U.S. 763 (1992), held that trade dress which is inherently distinctive is protectable under federal trademark law without a showing that it has acquired secondary meaning. The Court, however, had no occasion to comment on the test that should be applied in determining whether trade dress is inherently distinctive.

Subsequent to the Court's decision in *Two Pesos*, a number of federal courts of appeals have issued conflicting and confusing opinions regarding the showing necessary to establish if trade dress is inherently distinctive. My bill is intended to provide the courts, as well as the U.S. Patent and Trademark Office, with guidance as to the relevant factors to consider in determining whether or not product designs or packaging are inherently distinctive. It has been drafted in conjunction with the Administration to make the registrability and protection of trade dress as efficient as possible for both the applicant and the examiner.

The "Trade Dress Protection Act" addresses a number of other issues as well. Under U.S. trademark law, trade dress is not subject to protection if it is functional. However, the Trademark Act does not define the term "functional" and some courts still rely on widely discredited tests; for example, whether the trade dress in issue is an important ingredient to the commercial success of the product. My bill, Mr. Speaker, attempts to define the term "functional" in a manner consistent with prevailing case law and provides the courts and the PTO with a number of factors to consider when engaging in a functionality analysis.

The "Trade Dress Protection Act" also clarifies the law with respect to which party to a lawsuit bears the burden of proof on the issue of functionality. This issue has provoked a sharp split among the federal courts of appeals.

My bill also provides the PTO with a new statutory basis upon which it may refuse to register matter that, as a whole, is functional. The number of applications seeking registration of trade dress has increased markedly over the past few years, and my bill updates the Trademark Act to provide the PTO with the statutory tools necessary for it to carry out its mission.

Finally, my bill contains a number of technical amendments to the Trademark Act to correct drafting and other errors.

Due to the importance of the issues raised by this bill, the House Subcommittee on Courts and Intellectual Property, which I chair, will hold a hearing on the measure on February 12. My colleagues and I look forward to hearing the testimony of the scheduled witnesses and to advancing this legislation this session.

PRESIDENT LEE TENG-HUI CELEBRATES TEN YEARS IN OFFICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HINCHEY. Mr. Speaker, President Lee Teng-hui of the Republic of China assumed the office of the Presidency on January 13th, 1988, upon the sudden death of President Chiang Ching-kuo. On March 21st, 1990, Lee was elected in his own right by the National Assembly as eighth President of the Republic of China. On March 23rd, 1996, Lee won a landslide victory in the first direct presidential election in the history of China. President Lee was sworn in as the ninth President of the Republic of China on May 20, 1996.

In the past ten years, Taiwan has made remarkable progress in moving toward full-fledged democracy. Vigorous opposition parties compete in regular, fair, frequent elections, allowing Taiwan citizens an opportunity to determine the future of their nation. In fact, Taiwan has succeeded in developing full democratic representation at all levels of government throughout the island.

The right and responsibility to choose political representatives through the ballot box is guaranteed in the Republic of China Constitution. Taiwan's political leaders, from the lowest administrative officer to the highest office holder, must be accountable to the people.

The people of Taiwan will decide Taiwan's future with mainland China. The 21 million people in Taiwan have rejected the so-called "one country, two systems" approach advocated by the government on the mainland. In order for meaningful dialogue to begin between Taipei and Peking, President Lee Teng-hui has made it very clear that the two sides must first narrow the enormous differences between the standards of living and political systems.

On the matter of economic cooperation between the two sides, President Lee Teng-hui on January 7th explained Taiwan's "no haste, be patient" policy on investment in mainland China by saying that the policy is aimed at protecting Taiwan's entrepreneurs and Taiwan's overall interests.

In addition to advocating economic caution in dealings with mainland China, President Lee has repeatedly said that Taiwan, like all sovereign nations, must be given a place in the international community. Since mainland China has never stopped trying to have Taipei expelled from the world village, Taiwan must promote its "pragmatic diplomacy" more actively.

There is no question that Taiwan faces many challenges in the world. But Taiwan stands tall and firm as a beacon of freedom in the Far East. In addition, I would like to express admiration for Taiwan and President Lee Teng-hui for their skill in economic management. While other countries in Asia are suffering from plunging currency values, Taiwan has remained secure and stable.

In large measure, that is because of Taiwan's careful banking practices, and high foreign reserves. The Washington Post reports that Taiwan has been so confident of its fiscal management that it is prepared to use its vast financial resources to aid its Southeast Asian neighbors. As an indication of Taiwan's willingness to offer help to its troubled neighbors, high-level delegations, composed of government officials and business leaders, have been visiting the Philippines, Indonesia, Thailand, and Singapore.

Taiwan is a good neighbor in Asia and a responsible member of the international community.

On the occasion of President Lee's ten years in office, I wish him and his country much good fortune in the months and years ahead.

May the year of the Tiger be a good one for all my friends in Taiwan.

THE FEDERAL EMPLOYEES HEALTH CARE FREEDOM OF CHOICE ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BURTON of Indiana, Mr. Speaker, I am please to join my collegue Congressman ARCHER in introducing today the Federal Employees Health Care Freedom of Choice Act. This is significant legislation because it will allow Federal employees the option to choose a medicare savings account combined with a high deducatible catastrophic policy under the Federal Employee Health Benefit [FEHB] Program. We believe that it is important that Federal employees have the same option that is now, or will be, available to almost every other American. By offering an MSA, Federal employees and their families will have the opportunity to take control over their health care dollars by choosing their own doctors.

The FEHB Program is the largest employer-sponsored health insurance system in the country. The program is often cited by both the private and public sector as a model of efficiency and effectiveness, controlling costs through private sector competition with limited governmental intervention. Participants choose from roughly 400 competing health plans nationwide, with anywhere from 10 to 30 health plan options available in any particular area. With a fixed dollar amount contributed by the Government, Federal employees can decide which health plan best meets their specific health needs. We strongly believe that the FEHB Program can be further enhanced by allowing enrollees the opportunity to choose an MSA option.

Under our legislation, MSA's combined with a high deductible plan will be available to all FEHP Program enrollees, including active workers, dependents, and annuitants, at the beginning of 1999. The annual deductible limits are identical to those currently in law for private market MSA's: $1,500–$2,250 for individual coverage with an annual out-of-pocket cap on expenses of no more than $3,000, and $3,000–$4,000 for family coverage with an annual out-of-pocket cap on expenses of no more than $5,500. Contributions made to the MSA and any interest on the account will build up tax free. Distributions from MSA's are exempt from Federal income tax to the extent that the distributions are used to pay for qualified health expenses. Should the worker retire prior to age 65, he or she can continue coverage through the high deductible health insurance plan and will continue to have contributions made to his or her MSA.

I believe that there are many advantages to using MSA's. One of the most important advantages of MSA's is that it provides individuals maximum freedom of choice regarding their health care. Rather than putting the power to choose in the hands of the Government, employer, insurance company, or provider, MSA's keep the power to choose in the hands of the patient. In addition, MSA's have been shown to be cost effective. Under the current third party system consumers have little incentive to limit spending or weigh the cost-benefits of services. However, when individuals realize that the money in the MSA's belong to them, they are much more cost-conscious purchasers of health care and make much more informed judgments about their own health care needs. And, as a result of more cost-effective use of health care resources, health care costs are reduced not only for the individual, but ultimately for the Government and the taxpayers.

Over the past few years, many of us in Congress have fought hard to provide MSA's to Americans. We have succeeded in providing MSA's to both individuals in the private sector and Medicare beneficiaries. It is now time for us to turn to our Federal employees and empower them to control their own health care decisions.

Adding MSA's to the FEHB Program will expand choice to Federal workers, improve their health coverage, and reduce heatlh care costs for Federal employees, the Government, and taxpayers. Furthermore, they will further strengthen and improve the FEHB Program by expanding the array of choices in the program. I urge my colleagues to join us in supporting this essential legislation.

HONORING THE 75TH "DIAMOND" ANNIVERSARY OF THE CITY OF SOUTH GATE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with great pride and honor that I rise today to recognize the 75th "Diamond" Anniversary of the City of South Gate, California.

Founded on January 20, 1923, the City of South Gate is a proud community where families and industry flourish together. South Gate's successful blending of the needs of the community and industrial base provides residents with a safe community where families can prosper, industry can succeed, and diversity can thrive. Fittingly, South Gate has consistently ranked among the best cities in Southern California for its quality of life, and in

1990, won the "All America City" award from the National Civic League.

South Gate's motto, "Opportunity," is fitting for this thriving community. Throughout the city's history, it's opportunity that gave Amelia Earhart a place where she first learned to fly; it's opportunity that gave rise to the spectacular transportation and industrial base the city grows from; and it's opportunity through the city's ethnic diversity, safe communities, and positive youth outlets that allows South Gate to prosper. Whether it be religious cooperation or community volunteering, abundant parks or growing industries, South Gate has always promoted opportunity for its diverse population in order to give rise to success.

To the casual observer, South Gate is seen as a place with a strong history of support for the promotion of the "ideal community" through individual and collective opportunity. Look deeper and one sees that "opportunity" has always been a way of life for South Gate's citizens. Industries are thriving because of targeted incentives and investments in the commercial districts; residents are prospering because of the city's nationally recognized schools, parks, churches, civic groups, and recreational facilities; and the community is flourishing because of the unequaled protection provided by the police, fire, and publicworks services.

Over the past 75 years, South Gate has persevered because of its innovative spirit, community vitality, and diverse population. But most importantly, South Gate has excelled because of the opportunities given to its people. I congratulate South Gate on their 75th anniversary and for being a city whose vision and character reflect the best of America.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. KIND. Mr. Speaker, we have been back in session for several days now and still no word on campaign finance reform. With almost daily editorials and articles in newspapers across this country, how can we sit back and ignore a call to action? There may be different ideas promulgated and different reservations expressed about the problem but until those ideas and reservations are debated on the House floor, we are getting nowhere fast. The American people deserve a response to their concern.

This week the members of the House of Representatives were in town for a very light schedule. This would have been a perfect time to consider campaign finance reform. I hope that next week, with another light schedule, we may take up this important issue. The people of my district refuse to accept "no" for an answer.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BISHOP. Mr. Speaker, on Friday, February 6, 1998, the House of Representatives and the California Delegation will bid farewell to RON DELLUMS, a man who will go down in history as one of the most effective legislators ever sent to Washington. I rise today to pay tribute to this man who has served this country and this body with great distinction, valor, integrity, and honor.

He has been a faithful servant on a long journey. When he came to Congress in the early seventies, he came with a mission—to ensure civil rights and social justice for all mankind. His record speaks for itself. From leading the fight against apartheid in South Africa to providing comprehensive solutions to a myriad of problems that this country has faced over the last 27 years.

RON's presence in Congress will surely be missed. His wisdom and hard work have provided a solid foundation on which the Congress continues to build. It has been a pleasure working with him throughout the years. He has all always been fair and equitable in his approach. I am pleased that I have been able to build a lasting professional and social relationship with RON. He has given me sound advice and has provided a legacy for legislators such as myself to emulate.

He has worked tirelessly to provide the people of the Ninth District of California with a sound, reasonable, and effective voice in Washington while providing the entire country with superb statesmanship. His accomplishments are innumerable.

I would like to thank RON for his commitment, wisdom, and guidance to our great nation. His work ethic has been and will continue to be the measure by which all legislators should be judged.

As he leaves this body to pursue new interests and endeavors, I want him to know that our prayers are with him and his family. I know that God will continue to bless and keep him as he moves into yet another phase of life.

H.R. 2846—NATIONAL TESTING

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. LUCAS of Oklahoma. Mr. Speaker. During the first session of the 105th Congress, nearly 300 members of the House rejected the President's federal testing plan as part of the FY 1998 Labor, HHS, and Education Appropriation Act. A compromise was reached that prohibited the President from moving forward with national testing in FY 1998. However, no agreement was reached regarding national testing activities in FY 99 or beyond. Therefore, President Clinton is at it again.

For some reason the Clinton Administration thinks people inside the beltway know what is best for my children and my constituent's children in Western Oklahoma. The Department of Education is moving forward to write a national test to be voluntarily administered to fourth and eighth graders in reading and math respectively. How can a huge bureaucracy such as the Department of Education know how to test the students of Hollis, Oklahoma? Has anyone from the Clinton Administration ever been to Hollis, Oklahoma? Is it appropriate to give fourth and eighth grade students in Boise City, Oklahoma population 1,509 the same national test as the students in Boston, Massachusetts? What is the Clinton Administration hoping to accomplish with the results of these beltway developed tests?

Many questions still need to be answered regarding the manner in which the Administration is moving ahead with test development. During consideration of the FY 98 Labor, HHS, and Education Appropriations Act, I head from hundreds of parents who were irate with the proposal of national testing. Parents, local PTA's, and local school boards know what is best for their local students. Lets support the parents in our districts by voting in support of H.R. 2846 and insuring that Congress will have a voice in developing any sort of voluntary testing. Parents need to know that their children's best interests are being protected.

25TH ANNIVERSARY OF JOHN H. HARLAND CO. IN GURABO, PR

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am pleased to have the opportunity to call attention to an important American success story. This past December 1997, the John H. Harland Co., headquartered in Atlanta, GA, celebrated the 25th anniversary of its Gurabo, PR, printing plant.

The Gurabo plant opened in 1972. During that quarter of a century, Harland's employees have played a crucial role in helping the company meet the needs of its customers. Today, the 52 employees at the Gurabo facility fill approximately 31,000 check orders each month for customers of financial institutions in Puerto Rico, Antigua, the Virgin Islands, the Dominican Republic, and throughout the Caribbean. The financial institutions represented include Banco Popular, Banco Santander, Citibank, Scotia Bank of Puerto Rico, and Banco Bilbao Vizcaya.

Based on their experience with Harland's Gurabo facility, many of these financial institutions now also use other Harland products and services, including the company's database marketing software which help them to better understand the needs of their customers. They have served as a fine example of entrepreneurship, demonstrating over the past 25 years their commitment to the development of quality products and services. As the needs of their clients expanded or varied, so did their services.

The John H. Harland Co. was founded in 1923, and is the second largest check printer in the United States. It is also the Nation's leading provider of database marketing to financial institutions. Harland is understandably proud of the Gurabo plant and its employees. And Mr. Speaker, we are proud to have such a good corporate neighbor in our community. John H. Harland Co. has preserved and enhanced a great tradition during its first 25 years in Puerto Rico. I offer my congratulations to the John H. Harland Co. and its employees on the occasion of its 25th anniversary in Puerto Rico. It is my hope that their fine example proves to be a catalyst for other companies to make similar commitments. May the company's endurance and prosperity serve as positive lessons to future generations of Americans.

JENNIFER RODRIGUEZ PARTICIPATION IN THE WINTER OLYMPICS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIAZ-BALART. Mr. Speaker, it gives me great pleasure to rise today, just one day before the Opening Ceremonies at the 1998 Winter Olympics in Nagano, Japan to congratulate Jennifer Rodriguez, the first Cuban-American to participate in this most important event. Ms. Rodriguez, who will compete in the women's speedskating tournament, also has the distinction of being the first Hispanic athlete and the first Miamian to participate in a Winter Olympics. As a Hispanic, a Cuban-American and a resident of South Florida, I am immensely proud of Ms. Rodriguez great accomplishment.

We are blessed to be the heirs of an extraordinary tradition of athleticism, competition and camaraderie which began over 2,000 years ago in Ancient Greece and lives on in our modern Olympic games. These celebrations bear witness to the best in the human spirit—the Spirit of the Olympiad. As elected officials, we too partake of an arena which itself is marked by conflict. All too often, however, we forget to play fair—the old cliche that it is not just about winning. These games should remind us of the inherent value of sportsmanship.

I salute Ms. Rodriguez for her dedication. Her effort serves as testimony that those virtues the Ancient Greeks so valued are alive and well, so much so that they have driven a young woman from the warm, semi-tropical climate of her native South Florida to the ice-cold weather of Milwaukee where she has been training rigorously since 1996 for this upcoming event.

Good luck Ms. Rodriguez and best wishes to your family! They, like me, must be very proud.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it saddens me today to say goodbye to Congressman RONALD V. DELLUMS of the 9th District of the State of California. He has brought a great conscience to this body during our debates over military spending and the role of the modern U.S. military. He is as thoughtful and passionate on issues to protect the opportunities for children as he is on reducing a massive military budget. Mr. Speaker, on those issues of advocacy of children, he reminds many of a mutual friend of both of ours, Congressman Mickey Leland of Texas.

Mr. Speaker, we all know that Congressman DELLUMS is a staunch opponent of weapons funding, specifically the funding of the B–2 bomber, an issue where he and I have disagreed on sharply. However, as with all his dealings with opponents, I never experienced a slight or an unkind word.

Although he opposes many weapons funding initiatives, he is not an enemy of our military or the ideas of the country it is sworn to protect. Rather, he is outspoken when in times of peace, our military spending takes more importance than feeding our children.

I would be remiss if I did not acknowledge that Congressman DELLUMS and Congressman Leland lead the effort to end U.S. support for the apartheid regime in South Africa by introducing legislation calling for economic sanctions. Fifteen years later, that legislation passed the House, imposing the sanctions that would eventually lead to the dismantling of apartheid and begin the creation of a new South Africa.

Congressman DELLUMS was born in Oakland, CA, on November 24, 1935. However, he has deep Texas roots. After serving in the U.S. Marine Corps for 2 years, he received an A.A. degree at Oakland City College, A.B.A. from San Francisco State University and his master's in social work from the University of California at Berkeley.

Throughout his career in the Berkeley City Council and Congress, his education background and experience in social work helped draw attention to the plight of the poor and influence the implementation of policies like the National Health Service Act and the Head Start Program.

Mr. Speaker, among all his legislative accomplishments and contributions to this body, all Americans, particularly African-Americans are proud that in 1973 he was the first African-American appointed to the formerly known House Armed Services Committee. He made another historic first in the 103rd Congress, becoming chairman of the committee. As chairman, he articulated a progressive and alternative vision of the military, beginning an honest debate over the possibilities of reinventing our military forces without threatening national security.

Mr. Speaker, ironically, the wars in Vietnam and on the streets of urban ghettos developed his sense of compassion and concern for those who face inequities and discrimination. He could have easily had a bitter soul forged out of the fires from the 1960 riots and battles he knew so well, but he chose to care and use his mind and ability for justice. Therefore, he is a great example to young men and women that the anger and distress known to many of our cities can be directed to solving our country's most pressing social problems.

Mr. Speaker, although many Members of Congress may have disagreed with his stands on military spending and his legal challenges to a President's authority to declare war on countries, no one can dispute that his arguments and debating style were pragmatic, intelligent, and were carried out with respect and dignity toward others, regardless of ideology. Therefore, he was respected in this House by those of all ideologies and political persuasions.

Mr. Speaker, our colleague from California is leaving this body after a long and productive career. While I can say that his return to private life is much deserved, I must say that he will be sorely missed because of his courage, leadership, and compassion. I will miss him as a friend.

PERSONAL EXPLANATION

HON. CHARLES W. “CHIP” PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PICKERING. Mr. Speaker, I was unable to return to the House floor last evening due to a scheduling conflict and missed the following vote:

Rollcall vote No. 7, passage of H. J. Res. 107. Had I been present, I would have voted “aye.”

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOUDER. Mr. Speaker, I have introduced H.R. 2970, the National Historic Lighthouse Preservation Act, which would amend the National Historic Preservation Act, to establish a national historic light station preservation program. This legislation was introduced in the other body by the Chairman of the Energy and Natural Resources Committee, Senator FRANK MURKOWSKI of Alaska.

As you may know, Mr. Speaker, lighthouses have served as life-saving navigational aids since before the turn of the century. However, many of these lighthouses have outlived their use to the Coast Guard as navigational aids. Thus, the Coast Guard is left with surplus lighthouses, and declares them “excessed.” The question then becomes, who cares for these lighthouses once they leave the Coast Guard's hands? If the land on which a particular lighthouse in question was first granted by a Presidential Order to the U.S. Lighthouse

Establishment, it is considered to be "public domain," and has to be first offered through the Bureau of Land Management (BLM) to the Interior Department. If the Interior Department does not claim the land, then the lighthouse is placed in the General Service Administration's (GSA) excessing process. If the property is not considered public domain, then the lighthouse is placed directly into the GSA excessing process.

Through the GSA process, priority is first granted to federal agencies. This means that the lighthouse could be used for such things as an office for the Internal Revenue Service. If no federal agency claims it, the property is then surveyed to see if it suitable to qualify under the McKinney Homeless Assistance Act, thereby allowing it to be transferred to those organizations that assist the homeless. Should neither of these categories claim the lighthouse, it is then offered to the state in which it is located, possibly to be used for recreation purposes. If the state not claim it, then it is offered to the local government where the property is located. Finally, if the lighthouse is still available at the end of the GSA process, it is put up for public sale.

The real tragedy here, Mr. Speaker, is that many of these lighthouses have been protected and preserved over the years by non-profit historical lighthouse societies, which have donated a great deal of time, money, and resources to lighthouse preservation efforts. As you can see, in order to have the lighthouses conveyed to them, they must wait through the long process described above, and then must bid on them. This process basically requires these non-profit organizations to compete financially with private groups that have greater access to funds, and that have, in many cases, not made the same commitment to the lighthouse in the past. In addition, these private groups may have plans for the lighthouse that are inconsistent with the best interests of the community. Though these non-profit groups can, in some specific cases, purchase the light house directly from the BLM, they sometimes have to pay as much as half of its market value—a value that those particular groups helped to increase over the years through their hard work. Thus, the message we are sending here is that if you're going to provide a public service by preserving historical sites, you're going to have to pay for them in the end.

I should point out that another method for conveyance is for Congress to enact separate pieces of legislation to transfer a lighthouse to a specific group. As you know, this process can be very time consuming and cumbersome considering that there are hundreds of lighthouses that will be excessed in the near future.

My legislation would introduce a degree of fairness to the conveyance process for historic lighthouses by amending the National Historic Preservation Act to transfer this process to the National Parks Service, which would be able to work in conjunction with the State Historic Preservation Officer, to establish a national historical light station program. This new program would have priority to those government agencies that have entered into a partnership agreement with a non-profit organization whose primary mission is historical preservation of lighthouses, and would convey them at no cost. If no such applications are offered, or approved of, then the lighthouse would be put up for public sale. Thus, this legislation would help to ensure that in those cases where a non-profit group has been active in a particular lighthouses' preservation, and wishes to continue in it's work, that that group would be given a fair shot at claiming that lighthouse when the Coast Guard declares it excessed.

Mr. Speaker, we need to recognize the very important role lighthouses have played in this country's history. By encouraging government agencies to join with non-profit groups to help preserve lighthouses for the future, we will be providing a much fairer process to those who wish to continue their work in preserving these nationally historic structures.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. STARK. Mr. Speaker, we are here to celebrate the career of a champion of Democratic principles in the House of Representatives. I am honored to have served with my friend, RON DELLUMS.

For over a quarter of a century, I have had the distinct privilege of joining RON in the good fight. He vehemently opposed our government's involvement in Vietnam. He asked the tough questions and pursued the truth in the crime of Watergate. He demanded quality for women and minorities and defended civil rights. He did not waver in the charge to stop the testing of nuclear weapons. He fought for the poor, the disabled, and the disadvantaged, in the hope that all Americans could partake in our country's bounty.

His focus, above all, was to promote peace. His work on the National Security Committee earned him the respect of all his colleagues for his grasp of issues, his focus and his powerful oratory skills. He worked for decades to expose unnecessary military spending and cut defense spending. He came here to make things better for all Americans and he succeeded.

Mr. Speaker, I stood with RON DELLUMS for close to three decades; I am saddened to see him go but I know he will make a difference for the better wherever he goes.

FINANCIAL ACCOUNTING FAIRNESS ACT OF 1998

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BAKER. Mr. Speaker, today I am introducing a bill that will serve as a legislative remedy to a flaw in the private sector process for developing financial accounting standards. Specifically, the Financial Accounting Fairness Act (FAFA) will provide for judicial review of accounting principles that the Financial Accounting Standards Board has developed and the Securities and Exchange Commission has approved. In short, public companies will not be able to do what they currently cannot: have their complaints with the substance of a proposed accounting principle aired in the neutral forum of the federal court system, just like those companies can when they are affected by other SEC rules and regulations.

Congress should not have to inject itself in these controversies each time they erupt—as it has in recent years with squabbles over accounting for stock options and derivatives. Rather, the federal court system, the traditional mechanism our democratic republic has employed to solve disputes, should be called upon to serve as the final independent adjudicator of thorny issues that arise in accounting principles.

Yesterday the issue was stock options. Today it is derivatives. What will the issue be tomorrow and beyond? The process needs to be fixed, and fixed now, before another disagreement again causes congressional intervention—an outcome few observers want.

Since 1934, when Congress and President Roosevelt created the SEC, the agency has had the ultimate responsibility for establishing financial accounting and reporting standards for public companies. Although the SEC decided long ago to place that authority in the private sector—a system that by and large has worked well—it has maintained oversight authority of these principles with regard to the federal securities laws. Since its creation in 1973, the Financial Accounting Standards Board (FASB) has served this role. Like its two predecessors, the Committee on Accounting Procedure and the Accounting Principles Board, statements and interpretations of the FASB have benefited from an SEC presumption that financial statements not in compliance with these principles are misleading and therefore in violation of the federal securities laws. As a result of this policy, FASB pronouncements have generally had the full force and effect of SEC regulations.

Although it is true that the FASB itself has extensive procedures to allow parties interested in FASB projects to make their opinions known, questions have arisen whether persons aggrieved by FASB pronouncements have the right to judicial review of their complaints, and whether such prononuncements must comply with the requirements applicable to other SEC regulations.

Recently, for example, the FASB held 100 public meetings to discuss a project, followed by four days of public hearings, and still more public meetings on an "Exposure Draft" of a proposal related to accounting for derivatives and hedging activities. Yet, even with all this openness, and ample opportunity for interested parties to comment on the project, there exists substantial dissension on what has emerged as the final product. Some have claimed that the process, however open, does not provide meaningful opportunities for a party—whose business may be fundamentally affected by SEC-enforced accounting and reporting standards—to truly have their concerns heard. Ultimately, the FASB can and will move forward, and its product will be endorsed through routine SEC policy. This process is flawed. Congress, having given the SEC an important responsibility for establishing accounting principles for public companies, should now clarify that judicial review can and will be available for persons whose livelihoods are at stake because of these rules.

FAFA makes it clear that judicial review is available in the event that an aggrieved party decides to seek it, and that accounting principles established for federal securities purposes shall meet the same good standards that other SEC promulgations must. To require less is to say that financial accounting principles are somehow different in nature and kind from other SEC regulations, and that they should be exempt from legal challenge, no matter how good the reason. At the end of the day, this legislation will simply provide a last chance for an aggrieved party to make its case before a neutral forum—a federal appeals court—rather than limiting it to pleas before the very body that implemented and created the standard.

The Financial Accounting Fairness Act retains the current system of private sector development of accounting principles. It in no way interferes with the FASB's process for producing financial accounting guidelines. It will not meaningfully affect the speed with which these standards are implemented, except in the event that an appeals court decides that good cause exists to stay the implementation of the standard pending resolution of a case before the court. As a result of SEC policy, FASB pronouncements have generally had the full force and effect of SEC regulations. Other SEC regulations are subject to judicial review, and the Act would allow SEC-recognized accounting principles to be similarly reviewable.

Under the Fairness Act, FASB accounting principles, as well as the FASB's record of proceedings, would be delivered to the SEC, which would in turn publish notice of each principle, and provide interested persons an opportunity to comment. The SEC would then determine whether the principle shall apply to public companies by issuing an order approving or disapproving it. In making this decision, the agency must consider the proposed principle's impact on the protection of investors, and whether it will promote efficiency, competition, and capital formation. Additionally, no principle may be approved that imposes an unnecessary or inappropriate burden on competition. These requirements are identical to those applied to other SEC regulations.

If the principle will apply to persons subject to Federal banking agency oversight, each applicable agency shall be consulted, and its views considered. Without SEC approval, SEC registrants shall not be required to comply with FASB standards for the purposes of SEC filings.

If an aggrieved party determines to seek judicial review, the Act would, in accordance with current law regarding SEC regulations, recognize the conclusiveness of SEC findings of fact supported by substantial evidence. Moreover, the reviewing court must affirm and enforce the regulation unless the SEC's action in approving the regulation is found to be arbitrary, capricious, or an abuse of discretion, among other such considerations already required under existing law. The Act would only apply to FASB pronouncements formally adopted after January 1, 1998.

Recent events have highlighted the need for this legislation. I look forward to its passage, so that the need for congressional involvement in the development of financial accounting principles will be reduced or eliminated in the future. Only when aggrieved parties clearly have the opportunity to make their cases in court will we have accounting standards that are truly accountable for their impact on public companies.

SENATE—*Monday, February 9, 1998*

The Senate met at 11 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our Father, we begin this new week with a sense of Your spirit calling us to prayer.

In response, we praise You, not only for all that You give us and do for us but for who You are. You are our Creator, sustainer, redeemer, strength, and hope. Most of all, we praise You for Your grace—Your unchanging, unqualified, unlimited love. It is given before we deserve it and is never dependent on our earning it.

Your love opens us up to You. It makes us willing to confess anything that stands between us and You and between us and anyone else. Forgive what we have done and what we have left undone. Most of all, forgive our reluctance to love and affirm others. Help us to be to others the love that You have been to us.

We commit our loved ones and friends to Your care. They need Your strength and courage. And we commit ourselves to work today as an expression of our worship of You.

Dear God, bless America. Give us Your vision for the future and a determination to be faithful and obedient to You. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. I thank you, Mr. President.

SCHEDULE

Mr. LOTT. This morning the Senate will be in a period for the transaction of morning business until 12 noon. At noon, as previously agreed to, the Senate will proceed to executive session to debate for up to 6 hours the nomination of David Satcher to be the Surgeon General and Assistant Secretary of HHS.

As a reminder to all Members, no rollcall votes will occur during today's session of the Senate. However, the next rollcall vote will occur on invoking cloture on the Satcher nomination Tuesday at 11 a.m. If cloture is invoked on that nomination, then a second vote would occur immediately on the confirmation of the nomination.

In addition, a cloture motion has been filed, on Thursday, on the motion to proceed to the cloning legislation. Therefore, a cloture vote will occur on Tuesday also. We will announce the exact time after consultation with the minority leader. This cloture motion is on the motion to proceed.

Once again, I would like to note I do think this is an issue on which we should go forward. It is a complicated bill. There are some legitimate concerns that need to be addressed, or discussed at least. When Senators become familiar with the bill that has been crafted by Senator BILL FRIST, who certainly knows the subject matter of medical research and science and the cloning issue, and then when they hear from Senator BOND and Senator GREGG and are able to be involved in discussion and debate, I think Senators will feel comfortable with what we are doing here and we should move this cloning legislation forward so that we will not have even the threat of human cloning.

Also this week the Senate may consider the nomination of Margaret Morrow to be a district judge in California and the nomination of Frederica Massiah-Jackson to be a district judge in Pennsylvania. We will continue to work with the administration and our colleagues on both sides of the aisle with regard to a resolution on Iraq.

As a reminder to all Members, the next rollcall vote then will occur at 11 a.m. on Tuesday morning to invoke cloture on the Satcher nomination.

VETO MESSAGE ON H.R. 2631

Mr. LOTT. Mr. President, I ask unanimous consent that the veto message to accompany H.R. 2631, the military construction appropriations bill, be deemed read and, as the Constitution provides, be spread upon the journal; and that the majority leader, after consultation with the minority leader, be authorized to proceed to the reconsideration of the said bill, the objections of the President of the United States to the contrary notwithstanding.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. LOTT. I would indicate that that vote will probably not occur until after the recess coming up at the end of this week.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Nebraska, Mr. HAGEL, is recognized to speak for up to 20 minutes.

The Senator is recognized.

Mr. HAGEL. I thank the Presiding Officer.

ESTABLISHING A CLEAR OBJECTIVE IN IRAQ

Mr. HAGEL. Mr. President, these are very serious times. The administration and America face a complicated and dangerous dilemma in Iraq. This dilemma must be approached from a framework of both our short-term and long-term foreign policy objectives.

As the administration weighs its short-term options, including the possibility of military action with regard to the situation in Iraq, I believe it is very important that we in the Senate keep a steady focus on the objective before we start playing out these other options.

We all know that any military action must have a clear objective. If our Nation decides to risk the lives of young American men and women, we must do so for a clear purpose, with a clear understanding of the possible intended and unintended consequences and a reasonable assurance of success.

Let us remember that the original objective in the Iraqi puzzle was the full compliance by Saddam Hussein with the 1991 resolutions that ended the Gulf war. Most important is Security Council Resolution 687, adopted on April 3, 1991, which clearly spelled out Iraq's obligations under the cease-fire agreement that ended the Gulf war. Those obligations have the force of international law and still stand today.

This has been the U.N.'s primary focus and objective. It was Saddam Hussein who created this current situation when he invaded Kuwait in 1990 and the world united against him. This is not the United States and Great Britain against Iraq. This has been the civilized world united against a pariah intent on developing and using weapons of mass destruction.

We have sympathy for the Iraqi people. The U.N., led by the United States, has provided millions of dollars in humanitarian aid for the Iraqi people. But we must remember that Hussein used chemical weapons against his own people and has starved his own people in his clandestine and relentless pursuit of these weapons.

Time after time he has directly challenged the terms of his surrender under the U.N. resolution. What he is now challenging is the resolve of the world community to stand up to him.

The members of the international coalition that condemned his actions in 1991 and fought against him must remember who is the guilty party here; who is the guilty party. The guilty party is Saddam Hussein.

Just as the world stood united in terms of his surrender, it should stand united and resolved in action against his defiance of those terms. If he refuses to comply with U.N. Resolution 687, he will pay a heavy price. And if Saddam Hussein offers his own people as sacrificial lambs, their blood surely will be on his hands.

Mr. President, there is a growing chorus which suggests that perhaps our short-term objective should be more than Saddam Hussein's full compliance with U.N. Resolution 687, that our immediate short-term objective should be to expel Saddam Hussein from Iraq, to sweep him from the world stage. This kind of talk is very dangerous and inhibits the administration's efforts as it seeks to reconstruct the 1991 coalition united against Saddam Hussein. Let us not be buffeted by the winds of quick fixes, bombing raids and shortsightedness. Saddam Hussein has cleverly framed this world debate as Iraq against the United States. We must not play into his manipulative hands. This is not the equation.

We all would like to eliminate the threat he poses to the civilized world and that should be our long-term goal. That should be our long-term goal. But for the moment we must not forget that from objectives come actions, and from actions come consequences. Every objective carries with it a different set of military options and will have very real consequences. Actions always produce consequences and not always the geopolitical consequences we expect. We must guard against the short-term objective turning into a long-term unexpected problem.

After our lightning success in Desert Storm, I fear that we, as Americans, may have been lulled into a false sense of believing that modern wars can be fought relatively quickly and painlessly, with high-tech weapons and very limited casualties. This is not the case, nor will it ever be the case in warfare.

Those who believe that this greater short-term objective could be accomplished without the use of a massive ground force are underestimating the task.

We need to be aware of the "law of unintended consequences." There are always uncertainties in war. The consequences of any kind of military undertaking are far-reaching. With the current tensions in this region and the grim prospects for peace in the Middle East, this area of the world could erupt like a tinder box. Whatever military action might be taken against Saddam Hussein, it must be surgical, it must be precise, and it must be focused and, above all, well thought out. Other nations would undoubtedly seek to increase their spheres of influence in the Middle East if our immediate objective was to eliminate Saddam Hussein. If we were to escalate the level of our short-term objective, would we create consequences just as, if not more, dangerous to our national interests in the world than the situation we currently face?

As painfully slow as this process seems to be moving, events can unfold very quickly and uncontrollably. We cannot allow Saddam Hussein to stampede us into precipitous actions. Remember how the Six Day War began in 1967. Remember other events of this century that engulfed nations in wider, larger, and more deadly conflicts than anyone could have predicted.

I ask my colleagues in the Senate to keep this in mind when thinking about how to respond to the present situation in Iraq. What chain of events will we unleash with any action we take? Always the question must be asked, what then happens? What happens next? Are we prepared to not only answer this question but deal with the answer? Any short-term action must fit into a long-term foreign policy objective.

Any short-term action that America takes must fit into a long-term foreign policy objective. What is the administration's long-term objective in Iraq? Do we have one? Or are we crafting a long-term policy to justify short-term actions?

In the long term, I believe we need to be more creative in reviewing our options against Saddam Hussein. We must not allow ourselves to get caught up in the trap of doing something—anything—just because we said we would and the world expects us to. Our options should be based on what's right, what's achievable commensurate with the risk we are willing to take with American lives and what will truly have an impact in resolving the problem. And the problem is Saddam Hussein.

Mr. President, I am a little disturbed about reports over the weekend quoting high-ranking administration officials and congressional leaders saying such things as: We may have to face the reality that we will not get U.N. inspection teams back into Iraq; any military action would be to just slow Saddam Hussein down and we would have to keep going back to bomb him again and again every so many months and years; and our allies' support of us in Iraq may be tied to our future commitment to NATO.

These are disconcerting remarks. We owe it to our country and the men and women in uniform who will be called upon to fight a war, if that decision is made, to do better than just bomb Saddam Hussein. First of all, the military option alone will not work if we truly want a final resolution of this problem. Some form of immediate military action may well be required as part of an overall long-term solution but only a part, only a part of a long-term solution.

Former Assistant Secretary of Defense in the Reagan administration, Richard Perle, in a Washington Post op-ed piece yesterday, listed a series of political actions that could be taken along with any military actions in Iraq. I believe Secretary Perle's analysis and general recommendations should be taken seriously and I ask unanimous consent that his article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HAGEL. I find that I am asking myself the unescapable question—are we preparing to send our young men and women to war because we just all expect that this is the thing to do because we don't know what else to do?

That is not good enough. There is something very surreal about all the war talk, and war preparation being played out in this matter of fact tone on international TV with every talk show panelist in the world presenting his or her theories and options on war in Iraq—when most all of them have never been to war, prepared for war or understand the first thing about the horrors of war.

Our national defense is the guarantor of our foreign policy. I don't know if we have a long term policy on Iraq other than maintaining the U.N. sanctions and enforcing the resolutions, but that's not a foreign policy. If we are to commit America to war, it should be to enforce our foreign policy—just going to war alone is not enough. We must have an overall long term policy to enforce. The reason for war must be connected to more than just short-term sanctions enforcement.

It is my opinion that if we exercise any military option it must be accompanied by and attached to creative geopolitical elements of a comprehensive policy toward Iraq—geopolitical elements such as Secretary Perle listed yesterday. In the long run, how do we realistically get rid of Saddam Hussein? That's the policy question we should have been focused on over the last seven years. Sending America to war with one ally is no policy. We can do better. We must do better.

Nations lead from their strength of purpose, self confidence, and character. As President Teddy Roosevelt once said, "The one indispensable, requisite for both an individual and a nation is character." Allies will follow us if they trust our word and our policy. Bullying allies into submission for agreement is not leadership.

With regard to the immediate situation in Iraq we need to remain focused on the original objective—the full compliance by Saddam Hussein with U.N. Resolution 687. We should not act out of frustration or impatience. We have to stay focused on the objective and not overstate—not overstate expectations to the American people or the world.

For the mothers and fathers, sons and daughters, and loved ones of our men and women in the Gulf—we must proceed with clear eyed realism, not with emotionalism, not with revenge.

There are no good options. Saddam Hussein is intent on building the most vile weapons in the history of man, weapons outlawed by nearly all the countries of the world, and is openly defying the will of the global community. He cannot go unchallenged.

Should diplomatic efforts fail, we will be forced to take additional action to force Saddam Hussein to comply with the unanimous mandate of the U.N. Security Council. As long as this action meets a clear immediate objective, and the level of force is commensurate with that objective, the American people will come together and be unified behind the action taken.

In the future, the American people and the Congress must have a more solid basis for our support. We cannot continue to ricochet from crisis to crisis and call that foreign policy. Our nation must develop a long term, coherent policy not only toward Iraq and Saddam Hussein, but toward the entire Middle East. How are we prepared to deal with Iran? How do we plan to help make meaningful and lasting progress in the Middle East peace process? What are our foreign policy objectives with regard to North Korea, China, Bosnia, Europe, Russia, Asia, and other areas of the world? These policies must be clearly stated and clearly understood by both our allies and our adversaries.

As I said in the beginning, these are serious times. These are difficult times. There are no easy answers, only tough challenges and tough questions. They require serious solutions to serious questions from serious people. America is up to the task.

I yield the floor.

EXHIBIT 1

FEBRUARY 9, 1998

THIS TIME, HELP IRAQIS TO GET RID OF SADDAM'S REGIME

(By Richard Perle; The Washington Post)

The immediate provocation is Saddam Hussein's defiant attachment to weapons of mass destruction and his interference with UN inspectors charged with finding and eliminating them. Given the prospect of chemical and biological weapons in his murderous hands, military action is long overdue.

But the more fundamental threat is Saddam Hussein himself. As long as he remains in power, it is idle to believe that this threat can be contained.

That is why even a massive bombing campaign will fail—unless it is part of an overall strategy to destroy his regime by helping the nascent democratic opposition to transform itself into Iraq's new government.

America, alone if necessary, should encourage, recognize, help finance, arm and protect with airpower a provisional government broadly representative of all the people of Iraq.

Such a program would not be easy. But it has a better chance and is a worthier contender than yet another failed effort to organize an anti-Saddam Hussein conspiracy among retired Iraqi generals, or another round of inconclusive air strikes.

There is no repeat, no—chance that even a carefully conceived and well-executed bombing campaign would eliminate the arsenal of chemical and biological weapons (and the capacity to make more of them) that Saddam has hidden away.

There is a real danger that an inadequate bombing campaign, especially if it appeared decisive, would be quickly followed by calls from other nations to lift the UN sanctions on the grounds that the danger was over. This would be the ultimate example of winning the battle and losing the war.

A serious Western policy toward Iraq would be aimed at the destruction of Saddam's regime through a combination of military and political measures—with the political measures every bit as important as the military ones.

Chief among these would be open support for the Iraqi National Congress, an umbrella opposition group in which all elements of Iraqi society are represented.

To be effective, support for the Iraqi opposition should be comprehensive: support given them in the past has been hopelessly inadequate. In fact, help for the Iraqi opposition, administered in an inept, halfhearted and ineffective way by the CIA, has been the political equivalent of the insubstantial, pinprick air strikes conducted against targets in Iraq in recent years.

A serious political program would entail five elements:

Washington should, first, recognize the democratic opposition as the legitimate, provisional government and support its claim to Iraq's seat at the United Nations.

It should begin to disburse to the provisional government some of the billions of Iraqi assets frozen after the Kuwait invasion.

It should lift the sanctions on the territory (now principally in the north but likely to spread) not under Saddam Hussein's control. This would catapult these areas into significant economic growth and attract defectors from within Iraq. Much of Iraq's oil lies in areas that Saddam cannot now control or over which he would quickly lose control if an opposition government were established there.

It should assist the opposition in taking its message to the Iraqi people by making radio and television transmitters available to them.

It must be prepared to give logistical support and military equipment to the opposition and to use airpower to defend it in the territory it controls.

This is what should have been done in August 1996 when Saddam's troops and secret police moved into northern Iraq and murdered hundreds of supporters of the opposition Iraqi National Congress. Shamefully, America stood by while people it had supported were lined up and summarily executed.

Skeptics will argue that the Iraqi National Congress is too frail a reed on which to base a strategy for eliminating Saddam. It is indeed a small corps (of perhaps a few thousand); it would need to rally significant popular support. But it has been steadfast in its principled opposition to Saddam, consistent in its democratic ambitions, and, when given the chance, able to establish itself in a significant area of Iraqi territory.

It has earned American support by the sacrifices of its members. And with American backing it has a chance.

It would be neither wise nor necessary to send ground forces into Iraqi when patriotic Iraqis are willing to fight to liberate their own country.

I would not want to be in Saddam's tanks in the narrow defiles of northern Iraq, or in parts of the south, when U.S. airpower commands the skies.

This strategy aims at eliciting a full-blown insurrection, taking off from territory Saddam does not control and spreading as his opponents find security and opportunity in joining with others who wish to liberate Iraq.

There can be no guarantee that it will work. But what is guaranteed not to work is a quick-fix air campaign that leaves him in power.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to begin by thanking my colleague from Nebraska for the eloquent remarks that he just made, to say that I totally agree with his analysis of the situation. He is a student of this, both because of his committee assignments and the way in which he has dedicated himself to study these issues. I think he has contributed significantly to the debate that we in Congress are going to have to have on this subject. I commend him for devoting that time this morning to this important subject.

I would like to speak to a different subject today.

THE SPECIAL COUNSEL

Mr. KYL. Mr. President, I think it is time for some of us in the Congress, particularly some of us who have spent a lifetime in the judicial process, to comment upon what has been occurring in the last few days with respect to the special counsel investigating the matter of the President and various affairs in which the President may or may not have been involved.

This is a most serious matter and I think the time has come for people who believe in the judicial process, who believe in the rule of law, and who believe ultimately in our justice system in this country, to speak out against those who are deliberately attempting to undermine that process. We have something going on today which runs counter to the entire history of the United States of America, a country which is based upon the rule of law, which has established a three-branch

Government in which each branch respects the other and in which we support each other because we understand that an attack on one of these branches is, in effect, an attack on the entire Government.

We have established certain processes for attempting to deal with wrongdoing in our country. One of them is the process of investigating potential crimes in high places through the independent counsel statute, a statute that has not been without controversy in the past but which has been used to probe potential conflicts of interest and criminal behavior in each of the last administrations, many times resulting in indictments or prosecution.

I will get back to the point in a moment, but some of us have tried to improve the way that statute works. But the way to do that is to do it in the legislative process with calm and deliberate debate, to ensure that justice in the end is always done.

What we have today, instead of an effort to look at the independent counsel statute to see where it might need to be modified to operate more appropriately, we have the same kind of tactic being employed by the highest levels of the White House that is employed in typical murder or rape or assault cases where the person charged attempts to defend himself by attacking the prosecution, by attacking the corrupt police, or by attacking the victim's credibility and reputation. That is what is happening today by key defenders of the President, including the President's lawyer.

Rather than coming out with the President's version of the facts—and he alone knows what the facts are in their entirety, with respect to the matters that have been recently carried in the press, the administration—rather, his lawyers, have chosen to tell him to keep quiet while they attack the judicial process that is underway to try to determine the facts and to bring to justice whoever needs to be brought to justice. The most recent deliberate attempt here is to specifically attack the reputation and credibility and actions of the Special Counsel, Judge Kenneth Starr. Judge Starr cannot defend himself because he is under orders not to talk about what he is doing. The very thing that the President's lawyers accuse him of doing, of talking too much, he cannot, and he is not. Someone has to stand up and say the process, the judicial process, and the people who are doing their best to make that process work, need to be defended.

I rise today to say it is time to stop attacking Judge Starr publicly and in the media. If you have a beef with him, go to his supervisor, in this case Attorney General Reno, or to the judges who can determine whether or not there is any improper activity within his office. But don't use as a defense in the case an attack broadly upon the prosecutor and his individual reputation and credibility. Because he cannot defend himself.

I said I had a background in law. I practiced law for 20 years, including practice in the United States Supreme Court. One of my law partners was a former Solicitor General of the United States, someone who, as a matter of fact, was well acquainted with Judge Kenneth Starr, who also was a Solicitor General of the United States. That is the highest position that a lawyer can achieve in this country with the exception of being appointed to the bench or being the Attorney General of the United States. He is the Government's lawyer in the Supreme Court. That is what Kenneth Starr was. Then he himself was elevated to the bench.

He has had a solid reputation all his life as a moderate, intelligent, capable and fair person. But now, because he is investigating the President, the President's own lawyer and his attack dogs in the media programs have decided to go after the reputation of this man who, as I said, can't defend himself. Those of us who have spent our careers in the law understand that you cannot undermine the law repeatedly and expect to end up having justice in this country. That is why lawyers are taught to respect the judiciary and not to attack it directly. If you have a complaint, as I said, you go into court and try to prove your case. If you can, fine. But if you can't, then you should not be talking about it in public.

What has been happening recently? The President's lawyer, David Kendall, and people like Paul Begala, connected to the administration, have accused Independent Counsel Judge Starr of leaks. One of the things that was done recently is the filing of a letter by David Kendall, released to the public on Friday, which makes several bold allegations. Let me repeat what some of them are. He says the leaking of the past few weeks is "intolerably unfair." He continues, "These leaks make a mockery of the traditional rules of grand jury secrecy." And who does he attribute the leaks to? He says Mr. Starr's office is "out of control. . . . The leaking by [Mr. Starr's office] has reached an intolerable point."

These are unfair and unfounded accusations and somebody needs to respond to them. As I said, Kenneth Starr is very limited in what he can say publicly. He did respond in a letter to attorney Kendall and what he said in that letter, essentially is as follows. He said, first, and I am quoting from his letter to Mr. Kendall:

> First, you elevate mere suspicion to specific accusation without any facts other than the press's often misleading attribution of sources.

I would make the point that is precisely what administration spokesmen are asking us to be careful about doing, and why personally I have absolutely refrained from responding to press inquiries about whether I believe these charges or do not believe them or what might have happened. Because I don't know. All we have is what has been reported in the media and I cannot judge whether that is true or not, and I should not express it publicly before the process is complete. The administration has been urging us to withhold our opinions until we do know. Well, I have been abiding by their admonishment, but they have not been doing it with respect to Ken Starr. As he says, they have "elevated mere suspicion to specific accusation without any facts," other than what has been reported in the media.

> Second, [Kenneth Starr says] the timing of your letter—arriving in the midst of what appears to be an orchestrated plan to deflect and distract this investigation—undermines your expression of outrage.

Certainly I think anyone would have to agree with that, given the fact that it is now an acknowledged fact that the Administration has been orchestrating a campaign to discredit Ken Starr. I refer you to the New York Times newspaper today, Headline, "President's Aides Expand Offensive to Counter Starr. Prosecutors Denounced As Corrupt and Accused of Leading a Witch Hunt." Somebody has to defend this process.

The third thing that Mr. Starr said in his letter in response to Mr. Kendall was:

> [W]e are aware that as of several days ago, the President's defense attorneys had most if not all of the material information (whether true or not) set forth in [Friday's] New York Times article.

This had to do with the leaks. In other words, what Judge Starr was saying is that the President's own lawyers had talked to the people who had testified in the grand jury, at least those people who were connected in any way with the Administration, and knew what had been said in the grand jury. The implication, of course, is that it is the White House and its lawyers themselves who could be just as likely the leakers as anyone in the special prosecutors office. When a witness testifies before the grand jury the witness is not constrained as to what he or she can say thereafter. And you have seen some witnesses go in, testify, and they come out and talk to the press about what they said. So these leaks could be coming from all number of people, from the witnesses themselves to the very people in the White House and the White House lawyers' group who are complaining about the leaks today.

In fact, I would suggest it is most unlikely that the source was Judge Starr's office.

He continues:

> In my service as independent counsel, particularly with regard to secrecy of the grand jury, I have insisted on a high commitment

> to professional conduct. I have expressed this commitment to you repeatedly. From the beginning, I made the prohibition of leaks a principal priority of the office. It is a firing offense, as well as one that leads to criminal prosecution. In the case of each allegation of improper disclosure, we have thoroughly investigated the facts and reminded the staff that leaks are intolerable.

Then Mr. Starr makes clear he has no reason to suspect anyone in his office of leaks after those investigations by saying:

> I have no factual basis, as you likewise do not have, even to suspect anyone at this juncture. You do an extreme disservice to these men and women and to the legal profession and the public by your unsupported charges.

Mr. President, I agree with Judge Starr that this does a disservice, both to the people who are doing their best to uphold the laws of the United States and to his effort generally to get at the truth here. He is supervised by the Attorney General of the United States, and he is supervised by a three-judge court, the members of which have been appointed by Presidents Johnson, Nixon and Reagan. If there is any wrongdoing, they can see to it that it is stopped and the appropriate people punished in whatever way is appropriate. But instead, the White House has chosen to make this a media campaign rather than to focus on how any leaks might be stopped within the judicial process.

As a matter of fact, we know, because recently Lucianne Goldberg, one of the people who had access to the tapes, disclosed the fact that she herself had leaked a lot of this information. She had the tapes from Linda Tripp, which were given then to the special prosecutor. So it does not follow that simply because leaks occurred that it had to come from the special prosecutor's office. Indeed, she herself said, "I told people about this. It wasn't Kenneth Starr."

So why then do we have this concerted effort on the part of the President's own lawyer to discredit Judge Starr and his investigation? The reason ought to be obvious. Do anything you can to undermine the prosecution in order to cast discredit upon its efforts so that if anything ever comes of the independent counsel's investigation and the President actually has evidence presented against him in this matter, it will be previously discredited information.

As I said, I think it is time for those of us who have some respect for the judicial process and for this individual himself, Judge Kenneth Starr, to make it clear to the American people that the judicial process must be respected, must be supported and must be upheld if we are to ensure that justice prevails in this country and that it ought to discredit the people who are attacking that system if the way in which they do it is so clearly designed to affect public opinion, as it appears to have been done in this case, rather than to get at the facts.

As I said, there is a process available, if you have evidence that someone in the prosecutor's office has engaged in conduct, to take that to the appropriate authorities, make your case and have them act in the appropriate, responsive fashion. It is not at all certain that that is what the Administration is attempting to do in this case.

Let me conclude with this point, Mr. President. I think all of us in the Senate are impressed with the awesome responsibility that we have under the Constitution to withhold our own independent judgment because of the fact that at least, theoretically, there is a potential for an impeachment proceeding in any case involving accusations of the type that have been made in this case.

As I said, I have withheld my judgment, because I have no idea whether these things are true or not, and I am not going to indicate whether I think they are true or not. In fact, I am going to wait until, in effect, the information is presented to us, if it ever is. I think that others need to make that same commitment. Let's see how the facts come out here.

The same thing should be done with respect to Judge Starr. When people say he hasn't produced very much, his investigation has run amok, he is leaking, he can't defend himself. We don't know whether any of those things are true, and he is owed the same sense of justice that the President and anyone else accused is owed; namely, the opportunity to present the facts when the process provides that opportunity.

In due time, Judge Starr will be able to present those facts. At that time, we will know precisely what he has. Until then, I think it is incumbent upon all responsible people in this process to treat the independent counsel as they would treat any other person involved in law enforcement or the judicial process, with the respect and the dignity that the office carries.

While I appreciate the fact that defense lawyers will sometimes stoop to any tactic to get their client off, it demeans the Office of the Presidency in this case for his lawyers to use the same kind of tactics that the lowest kind of defense lawyers would use in defending a party who is probably guilty of a heinous crime when there is no other defense than to attack the victim's credibility or to attack the prosecutor.

That demeans the Office of the Presidency. It is time for this Administration to treat the prosecutor with the same respect that they are demanding to be treated. I think that those of us who believe in our rule of law and in the system of justice in this country need to stand up and speak out and make that point.

Mr. President, I thank you for the opportunity to speak to this matter this morning.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized to speak for up to 20 minutes. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair. I may or may not need all of the 20 minutes, Mr. President. I ask unanimous consent that Mr. GRAMM of Texas be recognized for not to exceed 10 minutes following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISTEA FUNDING

Mr. BYRD. Mr. President, only 45 session days remain through May 1, the deadline date, beyond which every State will be prohibited by law from obligating new Federal highway or transit funds. This past Thursday, we heard the argument that there is no reason for the Senate to rush to the highway bill, because, it was said, the House does not plan to act on the highway bill until next month or later.

Well, Mr. President, I have served in the Congress now going on 46 years. I was 6 years in the House, and this is my 40th year in the Senate. I have served both as majority leader and minority leader, as well as majority whip and secretary of the Democratic conference. I respectfully suggest that the Senate must never let itself be governed by the scheduling preferences of the other body, especially on legislation as important and as urgent as is the highway bill.

I have served in the other body, and so have several other Senators, including the distinguished Senator, Mr. PAT ROBERTS, who now presides over the Senate with a degree of efficiency and poise and dignity and skill, so rare as a day in June. But all other Senators know, as I do, that the House of Representatives is a very different place with very different rules.

When the House of Representatives takes up the highway bill, the House Rules Committee will report out a rule that will probably limit the number of amendments that will be allowed to be offered and mandate limitations under which those amendments can be debated. The House can well take up a highway bill and pass it within one day or two days or three days. But who here thinks that the Senate will be able to take up and pass the highway bill in two or three days?

When the Senate takes up the highway bill, Senators, as always, will have the right under the Senate rules, to offer amendments and to have those amendments debated. It will probably take 2 or 3 weeks for the Senate to pass an ISTEA bill. Given all of the competing and contentious amendments that the Senate will likely debate on

ISTEA, we should recognize the fact that it will probably take two or three weeks for the Senate to pass an ISTEA bill. One does not have to look further back in history than the last time that the Congress authorized our surface transportation programs. Back in 1991, I believe it was, the Senate debated the ISTEA legislation for the better part of 3 weeks—not 3 days, but 3 weeks. The other body, however, was able to call up and dispense with their version of the ISTEA legislation in two days! The Senate took almost 3 weeks; the House took 2 days. What reason do we have to think that, this time, things will be different?

I believe that we have an obligation to try to get a complete, comprehensive, six-year highway authorization bill to the President's desk by or before May 1. We owe that to our Governors, our mayors, our highway engineers, our highway departments throughout the country, and to our constituents who drive on the Nation's highways every day. If we have any hope of getting a highway bill to the President by or before May 1, the Senate needs to begin now.

In November of last year when we took up the short-term highway authorization bill, we were told that it was the intent for the Senate to take up ISTEA and address it early in this year in order to put pressure on the House and also so that when the House acted, we, in the Senate, would be ready for conference with the House. Now, however, it seems that the pressure is not on the House, but on the Senate. The wind has shifted, and we are now on a course that puts pressure on the Senate—pressure from the Governors of our States, pressure from our transportation departments throughout the country, pressure from our transit providers—all of whom will be forbidden by law from obligating any federal funds after May 1. We are also receiving pressure from our citizens who must endure hazardous driving conditions. Why are we waiting, Mr. President?

As I stated last week, the President's budget proposes an absolute freeze on highway spending for the next five years. The President, the first time he ran for the office, campaigned strongly on a platform of investing in the Nation's infrastructure. We don't hear that anymore. The President is proposing a freeze on spending while the balances in the highway trust fund skyrocket. Meanwhile, the 6-year highway bill, as reported by the Environment and Public Works Committee, will also allow unspent balances of the highway trust fund to pile up year after year after year, while the Nation's highway needs go wanting year after year after year. Where else, then, but on a highway authorization bill, can the Senate come forward to make an affirmative statement that the expectations for spending on highways over the next six years will go well beyond the freeze levels proposed by the President?

I recognize that there will be disagreements among Senators as to how increased authorization levels for highways can and should be financed. Senator GRAMM, one of the principal cosponsors of my amendment, has stated that he is categorically opposed to moving the caps in order to boost spending for highways. We will have that debate through the regular budget and Appropriations process. Mr. President, one thing I am sure of, if we do not get a 6-year ISTEA bill to the floor, and make a statement by the full Senate that we do not expect to allow the unspent balances of highway trust fund to pile up year after year, as the President proposed and as the Environment and Public Works Committee in its reported bill proposes, highways will be nowhere in the upcoming budget debate. We will be debating direct Federal expenditures for child care and other social welfare programs that are being pushed by the administration, while the needs of our Nation's infrastructure will be left out, just as they were left out of the President's budget.

Well, let me make one thing preeminently clear. The Byrd-Gramm-Baucus should be called up so that those unspent highway balances, at least to the tune of $31 billion, can be authorized to be spent. We will not spend them in the amendment. We only authorize them to be spent. We will not be debating the budget bill. It is the highway bill I am talking about.

In last week's remarks on the floor about the highway bill, reference was made to the "Highways First" crowd. Well, Mr. President, I plead guilty as charged. I make no apologies for standing on this floor and saying we have been remiss in our national investment in surface transportation. At a time when the ISTEA authorization has expired, and it did expire on last September 30; at a time when the country is just limping along—limping along—on a stopgap highway authorization bill; at a time when the construction season is looming just—just—a few weeks away; at a time when Governors and mayors and highway departments throughout the country need to know just what Federal resources they can count on for this year's budget as well as for long-term highway construction plans; at a time when we should be discussing a long-term, 6-year highway authorization bill just as the commitment was made to the Senate and to the country that we would be discussing a long-term, 6-year ISTEA bill; yes, yes, I believe that first things should come first and that the 6-year highway bill is the first thing that the Senate should be debating, and last November we were told just that. So, yes, I am one of the "Highways First" crowd. Count me in. Count me in.

When 42,000 people are dying on the highways of this country every year, and when we are told by the U.S. Department of Transportation that 30 percent of those highway deaths are caused by outdated safety features, poor pavement quality, substandard road and bridge designs, and other bad road conditions, yes, I am one of the "Highways First" crowd. Count me in!

What could be more fundamental to our national prosperity, and to the quality of our daily lives, than adequate, safe highways? Major highways carry nearly 80 percent of U.S. interstate commercial traffic, and, roughly, 80 percent of intercity passenger and tourist traffic—80 percent. When it comes to the daily lives and the daily working conditions of our constituents, Americans take more than 90 percent of all their work trips in cars or trucks.

And we hear much from the administration as to how this Nation should better meet our child care needs, and that is quite appropriate. Therefore, I make no apology for taking the floor to point out how the family lives of millions of Americans would be improved if working parents could spend more time at home with their children rather than sit in ever-worsening traffic jams. We hear so much talk about protecting our children; and yet, getting them to school to be educated, and to hospitals and to clinics to receive healthcare can't be done with efficiency without safe, modern highways.

Everyone knows that. Twenty-two million people in Appalachia know it. Twenty-two million people in Appalachia know the difficulties in getting to work, in getting to school, in getting to hospitals, in getting to child care clinics, in getting to church, and in getting back home—22 million people in Appalachia.

Highways first? You bet, I believe in highways first as of now under the circumstances that I have outlined. I believe in highways first. Fixing potholes and pavement may not be glitzy and may not be sexy, but attending to our Nation's transportation system is a basic, fundamental need. It is job one, because so much of life in the United States absolutely depends on our ability to get people and goods from one place to another.

Francis Bacon, who went to the tower because he was found guilty—and he admitted it—of accepting bribes, said, "There be three things that make a nation great and prosperous: A fertile soil, busy workshops, and easy conveyance of men and goods from place to place."

Well, it was said on this floor last week that two of the few places where the Government should be involved in spending money were in the field of national defense and in the field of building infrastructure because people cannot do these things by themselves, it was said. How true. The Government had to do its part, it was said last week on the floor of this Senate. Well, the unfortunate fact is that the Government has not done its part. The record is replete with evidence that we have not done as good a job as we should have done in maintaining our highway infrastructure. We are letting our National Highway System fall more and more into disrepair. And, as a result, the cost of bringing our highways up to an adequate and safe condition grows by billions of dollars every year.

Mr. President, it was President Ronald Reagan, who, in January 1983, said, "Common sense"—"common sense"—perhaps one of the most uncommon things that would be found in this city—"Common sense tells us that it will cost a lot less to keep the [national highway] system we have in good repair, than to let it disintegrate and have to start over from scratch. Clearly"—this is former President Reagan talking; I am quoting him—"Clearly, this program is an investment in tomorrow that we must make today." How true.

Ronald Reagan was right. We must make that investment today. The commitment that the highway bill would be brought up at the beginning of this session should be kept, a 6-year ISTEA bill should be made the pending business of the Senate, and it should be done right today or soon, very soon. The highway needs grow worse day by day; the time grows shorter day by day; and I hope that the Governors and mayors and highway departments throughout this country—and I am speaking to you out there—I hope that the Governors and mayors and highway departments throughout this country will join in urging the Senate leadership to keep its commitment, so that we can debate this highway bill—it is number one on the Nation's business list.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 2½ minutes remaining.

Mr. BYRD. I ask unanimous consent that I may reserve that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to thank my colleague from West Virginia. In fact, I want to say to him what a great honor it is for me to work with him on this amendment. He made a very strong case just a moment ago about building highways, but I believe the case is stronger yet because there is one factor that I want to make sure that everybody understands, that at least in the portion of Senator BYRD's statement that I heard he did not drive home, in my opinion. And that is, it is not just a debate about highways versus other things; it is a debate about basic honesty in Government because, you see, we collect taxes specifically for the purpose of building roads.

We do not collect taxes for the purpose of providing child care. We do not collect taxes specifically earmarked for welfare. We do not collect taxes that are dedicated by their source to the United Nations or to foreign aid. But we do collect taxes that are dedicated to highway construction, at least in terms of what Americans believe the policy of Government is and should be.

If you go to the filling station this afternoon, and you pull up in your car or truck and you get out and you are pumping gas, while you are standing there, let me urge people to read what it says on the gasoline pump. Basically, what it says on the gasoline pump is, there is good news and bad news. The bad news is that about a third of the cost of a gallon of gasoline in America today is taxes. The good news is, as it says right on the pump, those taxes are dedicated to building the very roads that you are going to burn up this gasoline riding around on. So it is a user fee. It is a fee you pay in buying gasoline to build the roads that you are going to use.

The only problem with that bad news-good news story is the good news is not true. The good news is not true because the Federal Government, beginning in about 1990, started diverting substantial quantities of funds collected on gasoline taxes to other uses. Some of it occurred by just letting surpluses build up in the highway trust fund, which under a unified budget in essence meant you could spend more money on other things in Government. Some of the problem resulted in 1993, when, for the first time in American history, we adopted a 4.3-cent-a-gallon tax on gasoline that went to general revenue and not to the highway trust fund.

Senator BYRD, I, and others have solved that problem in the tax bill by dedicating that 4.3-cent-a-gallon tax on gasoline to the highway trust fund where it belongs. So let me turn to this chart and really explain how modest the Byrd-Gramm-Warner-Baucus amendment is, how modest it is in terms of what we are asking. In fact, the American people would never believe that we are doing enough.

But if you look at this chart, you see where we are. As of today, we have $23.7 billion of surpluses in the highway trust fund. This is money that we have collected on gasoline taxes that we put into the highway trust fund to spend on roads, but money that has not been spent on roads. In reality, that money, through our unified budget, in the total level of spending we could have by running this surplus in the trust fund, that let Government spend that money on thousands of other things.

We were successful, as I noted earlier—well, last year; that went into effect on January 1—of being sure that every cent of gasoline taxes, just as the gasoline pump says, goes into the highway trust fund.

Now, under the bill that will be before us when we get an opportunity to consider it, the surplus in the highway trust fund, if my amendment with Senator BYRD was not adopted, would grow from $23.7 billion to $90 billion. In other words, over the 6 years that highway bill would be in effect, we would be collecting, in total, looking at all we have already done plus what would occur during that period, $90 billion that we are telling the American people that we were spending on highways that in reality would not be spent on highways and in reality would be spent on something else.

Here is what Senator BYRD and I are saying: You have already spent this $23.7 billion, and we are not asking for it back; in fact, we are saying that we are going to let the surplus grow under our amendment from $23.7 billion that should have been spent on roads to $39 billion, and that that money will be available, therefore, for general budget uses.

What we are saying is that this 4.3-cent tax on gasoline, a total of $51 billion in spending authority, we want it spent on roads. I have likened this—and I am sure some of my colleagues don't like the analogy, but I think it fits perfectly—I have likened our opponents to cattle rustlers. What they have been doing, as you can see from this chart, they have been rustling our cattle. They have been taking money that has been collected in taxes on gasoline, put into the highway trust fund to spend on roads, and they have been spending it on other things. In any other business except government you might actually go to jail for doing something like that.

In fact, Senator BYRD reminded one of our opponents of the story in the Bible of Ananias in the book of Acts. In the young church, Ananias makes a big deal about selling all his property and giving it to the church, but he cheats. The Lord thought so little of that activity that he struck him dead and struck his wife dead.

Obviously, we are not talking about striking anybody dead. All we are talking about is the following: We are saying, keep the $23.7 billion. In fact, we are going to let it build up to $39 billion. Just let us spend the 4.3-cent tax on gasoline on highways.

Their response is, "Well, you know, we already got the $23.7 billion and we were expecting not only $39 billion but $90 billion, and if we don't get to spend that money on all these other programs, on everything other than highways, we are going to lose the ability to spend that money."

Well, it reminds me of a cattle rustler who has been stealing Senator

BYRD's cattle and my cattle. We call the sheriff out. We confront the guy, and we say, "You stole these cattle, and we are letting you keep on stealing cattle, but you have to limit the number of stealing. You can't steal any cattle out of this pasture." Their response is not, "Thank you for not hanging me, thank you for letting me continue to do what I have been doing"; their response is, "Where are we going to get this extra beef?"

That is not our problem. That is their problem. They shouldn't have been spending this money out of the highway trust fund to begin with.

Now, let me turn to several points I want to make. First of all, if we don't pass this amendment, we are going to be locked into this highway bill for the next 6 years with mounting infrastructure needs all over the country and with tens of billions of dollars collected in gasoline taxes that will be spent on something else.

If the American people had a vote on our amendment of whether to require that gasoline taxes that are collected for the purpose of building roads be spent on roads and only on roads, I can't imagine that many people would oppose this provision. But we are only going to have one chance in the next 6 years to do something about it, and that is on the highway bill.

Now, those who oppose our amendment, those who want to spend that $90 billion on everything but roads say, "Don't bring up the highway bill now, let us deal with the budget first." Now, they are trying to play on the confusion. Senator BYRD and I have spoken many times, and we will speak many more times until this is settled and until we have prevailed on this issue. But they are trying to play on the confusion. They are trying to act as if the proposal the President has made about expanding child care or the President has made about building schools or hiring teachers or any of the literally hundreds of programs he has proposed to increase spending, $130 billion worth of spending, they act as if somehow that is equivalent to what we are talking about. It is in no way equivalent to what we are talking about. The President is talking about increasing the total level of spending. We are talking about debating how to spend the money that is currently collected.

We have a gasoline tax that is dedicated to building highways, and all we are saying is this is not a budget issue. This is an issue of honesty in Government and highway construction. All we are asking is that the money collected in gasoline taxes be spent on highways. In terms of setting spending levels, that is something we ought to do in the budget and decide what the total level of spending next year is going to be. Then any individual Senator—and obviously the majority—will make a determination as to what they want to do. But this is not a budget issue. This is a highway issue and it has to do with spending money for the purpose that money is collected. So, we don't want this to be commingled with the budget. There is no equivalent of what we are asking we do here, which is basically a truth-in-Government provision where you collect money on gasoline taxes, you tell people it is going to highways, but you don't do it. We want to fix that. There is no equivalent between that and a proposal to raise the total level of spending in the Federal budget. We don't believe the two should be commingled.

Let me turn very briefly to two other issues that a big deal has been made out of, and all of our colleagues will hear about it. I want to be sure people understand it. I want to start with the Appalachian program. That program started in 1965. It has been part of every highway bill since 1965. The President's highway bill, like ours, divides money into two parts, the 90 percent that goes directly to the States, the 10 percent that is spent by the Secretary. Under the President's budget, 1.6 percent of the highway bill is dedicated to the 13 States that make up Appalachia as part of a program that was authorized in 1965.

Now, those who oppose our amendment say their amendment provides funds for those 13 States under a program that is now over 30 years old. But what they don't tell you is the rest of the story, and that is we provide a lower percentage of the money going to those 13 States out of the Secretary's discretionary funds than does the President. The President provides 1.6 percent to those 13 States; we provide 1.4 percent to those 13 States.

Finally, on that issue, the President's bill, like the bill before the Senate, has this strange provision that says that if we don't have enough money in the trust fund and we have a shortage of money, that we cut the States first. Senator BYRD and I changed that in our amendment. We treat the Secretary's funds equivalent to the States' funds. So from the point of view of this issue, the issue of Appalachia, it is always easy, obviously, in these complicated bills to confuse people, but the two points every Member of the Senate should understand is that as a percentage of the highway bill, less money is going to the 13 States of Appalachia in the program, which dates back to 1965, under the President's amendment; and our amendment eliminates a terrible inequity, which says, if there is a shortfall of funds, what the Secretary has discretion over is funded first. We eliminate that.

A final point, and I will be finished, is that one of our critics has said that our bill funds interstate corridors of international trade and border infrastructure. This was called for under NAFTA. Interestingly enough, the bill that is before the Senate, the highway bill—or we wish was before the Senate—provides $750 million to fulfill the commitments made in NAFTA only by a sleight-of-hand. It provides no real authorization for the money to be spent. So they tell you they are providing $750 million. You can read it right in their bill. But elsewhere they have a provision which renders that nonexistent. We have provided $450 million which is real. So in reality they claim to be providing more than we are, but their complaint is we are basically doing it; whereas they were basically misleading people about what they were doing. So I want people to understand this issue.

We need to get on with the highway bill. We have work to do. We are running out of time. The highway bill is going to expire. Road construction is going to stop all over the country. We need to bring this highway bill up and we need to do it now. I want to ask our Governors, our mayors, the people who build highways, the people who use highways, we need to hear from you in this debate because your interests are at stake.

Mr. BYRD. Mr. President, I ask unanimous consent that my reserved 2½ minutes be reduced to 30 seconds, and I wish the Senator would add to the list of cosponsors. I believe he has two additional Senators on this side.

Mr. GRAMM. We have gotten the commitment, I think, in writing from Senator THOMAS; that brings us up to 51. We have one other Member who has said verbally they want to cosponsor, but I want to wait until we get that in writing.

The point in the 30 seconds is that this is the first legitimate bipartisan effort in this Congress. We have 51 cosponsors, Democrats and Republicans, because this is a bipartisan issue. People say they want bipartisanship. This is an issue where we are getting it, and what we need is this bill on the floor of the Senate so that we can provide this bipartisan leadership to do what the country needs.

Mr. BYRD. I thank the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Arizona.

EXTENSION OF MORNING BUSINESS

Mr. MCCAIN. I ask unanimous consent that morning business be extended for 15 minutes and that I be may be allowed to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. MCCAIN. Mr. President, a decision to send our military personnel into combat is the most serious policymakers can make. We do not or should not cavalierly discuss military options without losing sight of the human dimension that people, whether our own uniformed personnel or innocent civilians in the country against which we take action, will die.

We were correct to strike Libya in 1986, although we mourned the loss of lives of innocent people whose sole crime was to live in a dictatorship that provoked us to action. We were correct to liberate Grenada and Panama, despite the loss of life that accompanied those conflicts. And we were correct to conduct overwhelming airstrikes against Iraq in order to evict it from Kuwait, but we regret the deaths of civilians cynically placed in harm's way by that country's regime. And we have been correct in the past to launch punitive missile strikes against Iraq in response to its violation of the U.N. resolutions.

We now stand on the precipice of yet another military confrontation with Saddam Hussein and the military security forces that protect him. Iraq has repeatedly, over the span of 7 years, defied U.N. resolutions and agreements, negotiated in exchange for the termination of the Persian Gulf war. The demands made of Iraq are simple and reasonable and, if complied with in good faith, would not have unduly subjected it to violations of its sovereignty. Iraq was to destroy its existing stockpiles of banned weapons of mass destruction and its capability to reconstitute the scientific and industrial infrastructure for their development. It was to repatriate Kuwaiti prisoners after Iraq's brutal invasion and occupation of its smaller neighbor; and it was to compensate the victims of its aggression.

Mr. President, it has not done any of these things. Instead, it has demonstrated for 7 straight years its contempt for the United Nations, for the agreements it has signed, and for the most simple norms of civilized behavior.

Saddam Hussein has repeatedly pushed the international community to the brink and then pulled back just enough to head off military action. He has eluded the scale of punitive measures warranted by calculating the point at which his actions would result in serious retaliatory measures by the United States. He has gotten away with this because in those few instances when military action was taken against him, it was ineffectual. Nowhere was this more evident than the September 1996 cruise missile strikes against Iraqi targets following the most egregious violation to date: the large-scale military incursion into Kurdish territory and subsequent execution of anti-Saddam activists working with the United States. At that time, the forces involved in the incursion on what was supposed to be protected territory should have been directly and forcefully attacked.

The United Nations Special Commission tasked with verifying Iraqi's compliance with U.N. resolutions has been systematically stymied at every point. Saddam Hussein has clearly placed a higher priority on continuing to develop the means to threaten his neighbors than on the welfare of children the fate of which Baghdad purports to decry. Iraq has received every conceivable opportunity to comply with legitimate and lawful demands and to join the community of nations as a member in good standing, and has spurned those opportunities.

The nature of the regime of Saddam Hussein is impervious to any peaceful effort at resolution of the ongoing conflict. There is every reason to believe that Iraq continues to possess chemical and biological weapons and the means to deliver them. There is no indication that it aspires to live in peace with its neighbors; on the contrary, I have no doubt that if the opportunity arose, it would again attempt to retake Kuwait. It certainly aspires to participate in the destruction of Israel.

The time for talk may be over. The chairman of the U.N. Special Commission has thrown up his hands in dismay. The approaching option is the large-scale and protracted use of military force. Diplomacy, certainly the optimal approach, has failed thus far. Withdrawing our forces and lifting the sanctions would enable Iraq to fully rearm and openly threaten to destabilize the region, brandishing the very banned weapons at issue. Not only should sanctions not be lifted, they should in fact be tightened. Existing no-fly zones should continue to be enforced and expanded, perhaps to include no-drive zones targeted against Republican Guard armored units.

The only viable military option is to inflict serious damage on the Iraqi Republican Guard and destroy the compounds and "palaces" Saddam has sought to protect. Ineffectual cruise missile and air strikes such as characterized past punitive actions, particularly in 1996 when 27 cruise missiles were launched against largely insignificant targets, will once again prove counterproductive. Domestic communications links should be targeted as well as military ones, in order to sever Saddam's ability to communicate to the Iraqi people. The expansion of our own broadcasting into Iraq aimed at influencing public opinion there should have been a higher priority all along.

And we should be prepared to act alone if necessary. While Britain has stood by us and prepared to act with us, for which we should be grateful, it is disconcerting to witness the paucity of public support for enforcing legitimate U.N. resolutions. While some of us were in Germany this past weekend, it was gratifying to hear the German government come out in support of our efforts, but European support is less important right now than attaining the open support of the Middle Eastern governments that will play a vital role in dealing with the political ramifications within that region of any military actions we take against Iraq. In that respect, Saudi Arabia's decision to permit only the use of support aircraft from its territory is deeply disturbing. I understand Saudi, and all Arab, concern for the welfare of the Iraqi populace. And I am aware of the domestic and regional implications for the Saudi government of openly supporting air strikes against Iraq. The threat posed by Saddam Hussein against Saudi Arabia, as well as every other country in the region, however, argues forcefully for the government in Riyadh to be more openly supportive of our measures and to communicate to their people the simple fact that measures against Iraq occur solely because of that country's belligerent and unlawful stance.

The military option, should it be chosen, must be designed to accomplish meaningful military objectives. Restraints on targeting intended to minimize criticism from other nations, whether friends, allies or potential foes, will have the effect of reducing the likelihood that objectives will be accomplished. It is clear that the United States will be widely criticized by many parties should we launch an attack against Iraq. As stated, it is of little comfort that some of those governments that criticize us publicly applaud us privately, as their populations take their cue from the public posture. Iraq has provided every incentive for us to strike, and we must not squander the opportunity to eliminate its weapons of mass destruction from the region by tailoring military actions to minimize the political outcry that will follow. Leadership and responsibility often entail unpopular actions, and the prosecution of actions that lead to deaths of many is a horrible burden to bear. But bear it we must.

The key to a long-term resolution of the Iraq problem lies largely in one man, or, to be more precise given what is known about his sons, one family. The United States should adopt stronger measures aimed at undermining the ruling regime through greater support of dissident elements both within and outside of Iraq. Saddam's internal security apparatus has proven enormously effective at defeating such elements in the past, and I am under no illusions about the scale of the effort required to get the job done. It is an effort, however, that must be made. Considerable opposition to Saddam and his family exists inside Iraq and, particularly, among exiled dissident groups. The Administration should organize a more concerted effort at unifying these dissident elements and providing the logistical support needed to bring about the collapse of Saddam's regime.

Financial support toward this end is already at hand in the form of Iraqi assets frozen after its invasion of Kuwait. The current and future Administrations should budget appropriately for the costs of such an operation within the international operations discretionary portion of the federal budget—not out of a defense budget already suffering the effects of seeing resources diverted to various contingency operations.

I do not adopt this stance lightly. On the contrary, I wish there were another way, but I know there is not. I regret very much that American personnel may lose their lives in any military operation we conduct against Iraq and I mourn the loss of those innocent Iraqis who want nothing more than to live in peace. But Saddam Hussein has left us no choice.

Mr. President, it is imperative that this body convey to the President the support he needs in this time of domestic political crisis to employ the level of force necessary to bring closure to the situation with Iraq. For that to happen, though, the President should ask Congress for its support, not just welcome it if and when it comes. Politics stops at the water's edge, it is often said in discussions of foreign policy. We are at the water's edge, and the currents are threatening to sweep away U.S. credibility in the very region where we can least afford for that to happen. Vital U.S. interests are at stake, and it is time to act.

I yield the floor.

AID TO AFRICA

Mr. ASHCROFT. Mr. President, I rise today to acknowledge and honor the achievement of Assist International, World Serv, the Hewlett Packard Foundation, and the Erie Area Chamber of Commerce in delivering medical aid to the people of Ethiopia. This group of organizations has worked to provide medical equipment to Ethiopia that can save hundreds of lives. This generous gift, valued at over one million dollars, will bring hope and health to many in Ethiopia.

These organizations and the concerned Americans associated with them have demonstrated the true spirit of charity. The group cooperatively has donated a state-of-the-art cardiac heart monitoring unit to the Black Lion Hospital—Ethiopia's leading teaching medical facility. In addition to the cardiac unit, beds, mattresses, and other system support equipment will be provided.

World Serv and Assist International have a strong history of providing humanitarian aid to relieve human suffering in needy countries. Assist International donated medical equipment to a site in Mongolia which was then approved by the World Health Organization to perform open heart surgery. The Hewlett Packard Foundation donated the medical equipment in the Black Lion Project in its goal to ease human suffering internationally. Finally, the Chamber of Commerce of Erie, Pennsylvania, has joined together with the other organizations and has raised the funding for transportation, installation, and training costs of this project. Specifically, I commend the Erie Area Chamber of Commerce for this cooperative effort and for holding the third annual "Aid to Africa" banquet to raise funds for humanitarian projects.

The Black Lion project is an example of the compassion and generosity that other countries appreciate and admire in the United States. It gives me great pleasure as the chairman of the Senate Foreign Relations Africa Subcommittee to know that Americans are finding ways within the private sector to aid other countries in Africa. It is my pleasure to ask the members of the Senate to join me in recognizing and honoring the work of the members and staff of Assist International, World Serv, the Hewlett Packard Foundation, and the Erie Area Chamber of Commerce.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The PRESIDING OFFICER. The clerk will report the business pending before the Senate.

The legislative clerk read the nomination of David Satcher, of Tennessee, to be an Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I yield myself as much time as I may consume.

Mr. President, the nomination of David Satcher for U.S. Surgeon General has been a matter of significant discussion over the last several days. I would like to indicate that I rise to oppose this nomination. There are a number of very important reasons why I believe we should not confirm this nominee.

During the last several days of discussion here on the Senate floor, we have gone through a number of topics, none of which reveals a record that would recommend Dr. Satcher to be the Surgeon General of the United States of America, none of which would say that this individual ought to be America's family doctor.

We looked at the Third World AIDS studies that have been conducted and that are ongoing under Dr. Satcher's supervision at the Centers for Disease Control. You will remember that those Third World AIDS studies were the subject of an editorial in the New England Journal of Medicine, which has simply said that those studies are not being ethically conducted, that as a matter of fact, the studies were unethical. In short, the New England Journal of Medicine says that to give people sugar pills, or placebos, when there is a clearly understood and accepted therapy that is available, pharmaceutically or otherwise, is unethical, and that has been the position of the CDC in this situation. They have simply persisted with the administration of placebos, or sugar pills, for individuals, in spite of the fact that there is proven therapy available that should be or could be given to those individuals. It has been clear, even in the words, I believe, of Dr. Satcher himself, that these are studies that could not be conducted in the United States. It is simply that we don't treat human beings as laboratory subjects—to give them a placebo when there is a known therapy in this country. So the first thing we discussed pretty substantially last week were the Third World AIDS studies. In these studies the activities of the CDC, under Dr. Satcher, had been labeled conclusively, in my judgment, and at least very strongly by the New England Journal of Medicine, as unethical. They were called unethical because, in the face of known therapy, individuals were just given sugar pills, even though we know that an infection or a virus like HIV is often considered a fatal virus.

The second item of concern related to the way in which Dr. Satcher has conducted himself as the head of the CDC has related to domestic newborn AIDS studies. In the eighties, there was a program to test the blood of newborn infants. It was a test that was conducted after identifying marks were taken off the blood samples so that researchers just found out what percentage of the samples were HIV-infected. Researchers kept that for epidemiological reasons or for statistical purposes, in order to find out in a particular community what percentage of the newborns were being born with HIV.

Now, since that study began, and during the pendency of Dr. Satcher's tenure at Centers for Disease Control, new therapies have been developed that could maybe make a difference for some of these children. But Dr. Satcher persisted in doing the tests after the markings were taken off the blood samples, so that no one would be able to know which babies had the HIV and which didn't. We just continued to assemble the statistical data in the blind newborn studies.

There are individuals who have raised very serious questions about this. Those individuals have been very prominent in the AIDS research community and in the medical community. These individuals say it's one thing to maintain a statistical basis if there is no known therapy, if there is nothing you can do, but it is another thing after a therapy is found to continue forward in a situation where you don't take the identifying characteristics for the blood and you just persist and then you don't notify—so you don't have any information to give to parents because you have taken the names and the identifying characteristics away from the blood. That was irresponsible. As you well know, there was quite a controversy in the Congress about that. And that whole program has been shut down.

But my view is that the leading doctor for American families should have a view toward how to help families understand how to improve their health standing. When there is a therapy that becomes available, one should not persist in the maintenance of nameless statistical records and epidemiological data. One should try quickly to get that data to the people so that they can arrest the development of the disease in their children, so they can take remedial steps. And not only did Dr. Satcher preside over a continuity in the program that ignored the potential therapies, but also when the Congress came in to shut down a program designed for statistics which ignored the potential for helping individuals, Dr. Satcher sought to stop the Congress and lobbied the Congress to allow it to continue.

I have discussed these two issues: The HIV studies in Africa and the HIV studies on newborns in the United States with the epidemiological data and statistics about how many in each town were HIV infected.

I think it is important for us to understand that both of these studies place too much emphasis on the data and upon the research aspects without enough emphasis on the actual health of individuals.

In each of those cases, very serious questions have been raised about the ethics and the conduct of those kinds of experiments. There is, though, another area of concern which I hope to be involved in more fully today during the debate, and that is the concept of needle exchanges for dope addicts. Most Americans do not want their tax dollars to support programs which provide drug paraphernalia, needles or other things, to drug addicts. There are some of those in the public community who think that we can preserve the health of drug addicts if we will provide them with good paraphernalia, if we can just provide them with the right kind of needles we can help them lead healthy lifestyles. We could help armed robbers have greater health in the conduct of their robberies if we would provide them with bulletproof vests. But I don't think we want to do that. As a culture, we are not in the business of supporting the administration of illegal drugs.

I will spend substantial time later in the day talking about the commitment of Dr. Satcher in promoting needle exchange programs and using public resources to help promote needle exchange programs. There has been substantial debate over this. Frankly, there has been some confusion in the Senate about this, and I think it results from the fact that the CDC and Dr. Satcher have not been forthcoming. It is very clear to me that they have not been complete in their disclosure of what they have been doing and what they have been supporting. We have asked for document after document and, as previous discussion in this debate revealed, the CDC has been loath to send us information and documents. But all the trickle of information reveals a greater and greater commitment, on the part of this nominee to be Surgeon General of the United States, to support needle exchange programs which would provide those who are breaking the law with the capacity to do so, perhaps at less disease risk. But I question whether or not most Americans want to be spending their tax resources to provide needles for dope addicts instead of improving the education of their children or pursuing a variety of other objectives which might be undertaken.

A fourth, very important item that relates to my reservations about Dr. Satcher is that the Centers for Disease Control, instead of focusing its energy on diseases and the eradication of diseases, has in some cases diverted its attention to areas far afield from the area of disease control or prevention, or even the development of therapies for diseases.

Here is one example of another area they have moved into—the area of accidents. The CDC has decided that significant studies related to gun ownership are the equivalent of the examination of diseases. As LARRY CRAIG, the Senator from Idaho, has eloquently argued on this floor, the second amendment to the Constitution—the right to bear arms—is not an epidemic. The second amendment to the Constitution of the United States is not a disease. We really do not intend for the Centers for Disease Control to be involved in some debate about the politically correct response to this set or the other about gun ownership. The Centers for Disease Control should focus its energy and deploy its resources in a way that will help American families have greater health and will help them maintain freedom from disease and the threats that real health problems can bring to them.

Those are an array of issues which I think will be discussed again today, and have been discussed in this debate at some level. But I would like to focus my remarks on one additional matter for the next few minutes in this debate. It is simply this: That a Surgeon General who sanctions partial-birth abortions is unfit to serve the people of the United States of America. A Surgeon General who acquiesces in partial-birth abortions is unfit to serve as the family doctor for the people of this country.

Dr. Satcher, in a letter of October 28th, 1997, to Senator FRIST, said the following:

> I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I want to use the power of these positions to focus on issues that unite Americans, not divide them.

Satcher goes on in his letter:

> As a family physician, medical educator, and public health leader, I have devoted my entire career to mainstream consensus building efforts to improve the health of the American people.

Yet, Dr. Satcher has stated that he supports the President's position regarding partial-birth abortion. On October 21, 1997, in a response written to Senator COATS of Indiana, Dr. Satcher stated that he supports the President's position on partial-birth abortion.

Mr. President, is that a mainstream consensus building position shared by America? Is the position of President Clinton mainstream? Is that position supported by most Americans? Does it build consensus? Thankfully not. This is pretty clear.

A recent CNN-Times poll reveals that fully 3 out of every 4 Americans believe that partial-birth abortion is wrong. Nonetheless, President Clinton, Dr. Satcher, and their allies on Capitol Hill persist. The suggestion that Dr. Satcher is only going to do things that are mainstream to build consensus is immediately belied by his performance on this issue.

Lest there be any confusion, we are talking about an abortion procedure that allows a child to be partially born from a mother's womb only to have its skull crushed by a doctor who pledged to "do no harm." Most Americans by now understand the horrors of partial-birth abortion. They understand that this is a late-term abortion. They understand that these abortions are conducted in a way that results in the child being born 80 to 90 percent, and while just a small portion of the child remains in the mother's body, the child is then killed. This procedure occurs at a time in the pregnancy when the child could survive outside the mother's womb.

One of the things that really strikes me is that partial-birth abortion is revealed on a continuing basis by science to be less and less acceptable in the American culture, because there are so many things known today that weren't known a few years ago. We held hearings in the Senate Judiciary Committee, Constitution Subcommittee on Abortion, and we solicited the testimony of Jean A. Wright, medical doctor and master of business administration. She is an individual who is board certified in pediatrics, anesthesia, and in both sub-boards of critical care medicine. What she pointed out was very important; that is, that these children who are subject to partial-birth abortion have an increased sensitivity to pain.

So much of the argument surrounding abortion has alleged that these children can feel no pain, that it is not a person, that this is just a group of cells, and this is not anything to be concerned about. As technology progresses, science reveals that indeed these young, preborn children are very sensitive to pain.

I just wanted to point out that in our hearings Dr. Wright made a very, very compelling presentation about the nature of this pain. The way they found out about pain in preborn infants comes from techniques that have been developed for doing surgery on preborn infants. When these surgeries are performed they sometimes measure things like blood pressure and the level of hormones and other substances in the blood. And when a person is undergoing pain, his blood pressure goes up. When a person is undergoing pain, that person's blood composition changes in response to pain.

Medical personnel have noticed, both when they are doing surgeries on preborn infants inside the mother and when they withdraw the child from the mother for later placing it back in the womb to do surgery, that the elevation in the pain levels of these preborn infants is very substantial, at least as seen in the indicators that are associated with pain. So that the child's blood pressure goes up very substantially and the blood's hormonal content goes up. As a matter of fact, it is not a suggestion that preborn infants feel pain less than full-term infants and newborns. It looks as if prior to being born the sensitivity to pain is higher than it is once one is born. That would make sense because the preborn infant is not accustomed to being knocked around, or invaded, or cut on, or otherwise injured. So the child's sensitivity is very high.

With that in mind, I think this knowledge just dramatizes the whole issue of partial-birth abortion—this issue of taking a late-term child, withdrawing that child substantially from the mother, and then destroying that child, which otherwise could survive with the kind of medical help that is frequently attendant to premature births.

Dr. Satcher says that he has a mainstream approach and that he is going to pursue consensus, but he indicates that he favors these kinds of abortions. I just do not think that is a very unifying approach. I don't think it is the kind of view that is reflected in the mainstream of America. But not only is Dr. Satcher's view outside the mainstream of America, Dr. Satcher's view on this issue is also outside the mainstream of America's medical community. It is not just that the American people broadly defined don't accept his views. Dr. Satcher departs also from thousands of his colleagues in the medical profession who have declared emphatically that there are no health reasons or health justifications for performing partial-birth abortions. The American Medical Association opposes the procedure.

I have to leave it to the AMA, in the face of their opposition to this procedure which Dr. Satcher is willing to embrace, to explain why they would support Dr. Satcher, and I would leave it to them to explain the inconsistency which I believe that particular position reveals.

The group called the Physicians Ad Hoc Coalition for Truth is a nationwide coalition of doctors now numbering over 600 members. This organization has insisted there is no medical need or justification for the partial birth abortion procedure and that it should be banned.

So we have a clear indication that not only is partial-birth abortion in the mind of the public improper—three out of four people do not support it—but groups as diverse as the American Medical Association and the Physicians Ad Hoc Coalition for Truth say there is no reason for it and reject it. Of course, as I indicated, testimony from Jean Wright of Emory University about pain in preborn infants provides another basis for the American people to say this isn't the kind of thing we want to support.

Dr. Roy C. Stringfellow, of Colorado, wrote:

> President Clinton's medical reasoning for his stance on partial-birth abortion has been clearly shown to be flawed and not in any way in touch with reality.

I am sure Dr. Satcher understands this, and I am sure he is aware of the fact that the AMA as well as many other medical groups and medical experts have recognized President Clinton's flawed reasoning.

It concerns me greatly that Dr. Satcher does not have the courage to take an appropriate stance in regard to this issue. If he cannot be trusted to take the side of medical reality versus political expediency in this case, how can we trust him to fulfill the office of Surgeon General?

We haven't had a Surgeon General for 3 years. We did not have a Surgeon General for 3 years because the last Surgeon General was so irresponsible, so outspoken as to literally wage an assault on the good judgment and values of the American people and on the values of the medical community. But I do not think we need a Surgeon General so badly that we will have to embrace a Surgeon General who will be politically instead of medically correct. And I don't think anyone who supports widely-opposed medical issues that are as clear, convincing, and consensus oriented as partial-birth abortion, or who will just defer to what political bosses dictate in that respect, should be elevated to such a position of high trust and respect as Surgeon General.

I have just a few exemplary letters that I will be reading. They are by individuals from all across the country, from Massachusetts, Colorado and Montana to Florida and Louisiana.

Dr. Helen T. Jackson of Brookline, MA, shares a concern:

> As a practicing obstetrician and gynecologist, I hereby state that there is no place in medicine for partial-birth abortion. This is a barbaric procedure which should not be accepted in any civilized society. No Surgeon General should be a rubber stamp for the President's position.

This is not just a question here about partial-birth abortion. This becomes a larger question. If a Surgeon General is willing to go against the best of medicine in order to cave in to political demands from the President on an issue so important as the life and death of unborn children by partial-birth abortion, I think we have to ask ourselves, will we get the kind of advice and help from the Surgeon General that we need and want?

Dr. Douglas B. Boyette wrote:

> Please let it be clearly understood that I would oppose the appointment of Dr. David Satcher in his quest to become Surgeon General. He supports President Clinton's veto of the Partial-Birth Abortion Ban Act. Obviously, this physician lacks clear judgment and, therefore, would be an inappropriate candidate for such an important position.

Let me read a letter from yet another doctor. Dr. John I. Lane of Great Falls, MT, writes:

> I strongly urge you and your colleagues in the Senate to let the President know that this Nation deserves a physician of the highest caliber, not a politician, to serve as Surgeon General of the United States.

I think Dr. Lane would reflect the concerns of a lot of people in this country. Sure, we would be glad to respond to someone as our America's family doctor, as our leader in terms of health concerns, but there is nothing more important between the doctor and the patient than the responsibility of trust. You would hate to think you were going to your doctor and, instead of getting good medical advice, were getting political advice. The American people want a doctor to lead us to better health, not to parrot politics. I agree with the letter of Dr. John Lane of Great Falls, MT, when it says, "The Nation deserves a physician of the highest caliber, not a politician, to serve as the Surgeon General of the United States." I think it is pretty clear that we owe a duty of responsibility to the American people in this confirmation deliberation to make sure that we do not confirm someone who is going to advance a political agenda rather than a health agenda.

Too often I think a lot of people realize this. They feel there are going to be political health agendas instead of the real health agendas. People have had real reservations about the way the research funds of the United States have been allocated. They have had real reservations about what has been done in terms of trying to conquer various diseases. It seems to them that some diseases are more politically popular and get a lot of support and research dollars, in spite of the fact that the same number of dollars might really save far more lives somewhere else or might be devoted to developing a promising therapy which is on the verge of complete development and discovery. But, instead, politicians take the resources and redirect them toward political objectives or to political constituencies instead of having the resources directed in the areas of real medical assistance.

In a setting like this, we should find out whether an individual is going to be subject to political exigencies or whether the individual is going to take the direction of medicine. I think a real question is raised here when, repudiating the American Medical Association position on partial-birth abortion, repudiating the advice of the overwhelming number of experts that it is never medically indicated, the proposed Surgeon General of the United States decides to embrace a political position of the President rather than to advocate a medical position for the people. That is troublesome.

Or consider the letter of Peggy B. James, a clinical assistant professor at the University of Florida College of Medicine:

> As a physician practicing for the past 17 years, and as a mother of three children, one of whom was delivered very early and was very ill but is doing very well now, I am abhorred that Dr. Satcher's confirmation may take place.

Here you have a clinical assistant professor, a mother, a medical doctor, who has had experience—one of her own three children born very ill and very early, but doing very well now—who understands the tangibility of a child that is not born at full and the tangibility of its survival. She is, frankly, shocked that a person might be endowed with the mantle of respect to lead America in health decisions who favors allowing the destruction of such children rather than trying to protect them. "I am abhorred," she says, "that [the confirmation] may take place."

One more letter. Finally, W.A. Krotoski, a retired medical director of the U.S. Public Health Service, living in Louisiana, asserted:

> The position of Surgeon General of the United States is too important to place in the hands of people who are willing to deny their oaths and medical facts. Should Dr. Satcher be selected, he will have enormous influence over the dedicated group of health care professionals who constitute the U.S. Public Health Service. Please don't allow this influence to be that of denied integrity regarding human life.

It is not a matter of minor consequence. The opportunity of the Senate in confirmation hearings is a sobering opportunity, and it is not a matter of pleasure to come to the floor to say that we can and ought do better and that we need someone who is a physician above being a politician, someone who will lead us to better health rather than reinforce the politics of an administration. I think that is something we are owed and something for which we ought to aspire.

So I read through these letters from Dr. Stringfellow, Dr. Jackson, Dr. Boyette, Dr. Lane, Dr. James, and Dr. Krotoski. These are letters which speak about the mainstream medical community's understanding, and they call us to our highest and best. They diagnose something. The best diagnosis is the diagnosis that is in advance; it doesn't wait until you get the disease. It says, if you persist in a kind of behavior, you will find yourself in a substandard position.

This is what we have here. We invite someone to be the health leader for the United States of America whose commitment, when push comes to shove, is to politics over health, or at least who is willing to accommodate the political position of the President on partial-birth abortion, rather than someone who is willing to stand up and say what is true in the hearts and minds of mainstream and what is true in terms of the medical community. I think that kind of diagnosis by these physicians is very helpful. We should heed the warning of these doctors. In a sense it is a health warning.

Mr. President, what message would we send by embracing a Surgeon General nominee who would support such barbarism? What does it say about who we are? What does it say about the moral condition of our Nation, when the Surgeon General, in the face of the American Medical Association and in the face of expert medical testimony, would seek to put a political position in place, or would reinforce that political position? He may say, well, I am not going to be there to talk aggressively on this issue. I am not going to be there to make a big thing over abortion.

I can assure you that when the debate comes to the floor of the Senate, the Surgeon General's position will be recited. To have it suggested that there would be an opportunity for a person to be Surgeon General and not lead on an issue this important, whose position would be inconsequential on a position this important, would simply be to deny what the responsibility of the job is. The job is to lead. The job is to lead toward better health. And if a person is willing to put politics above better health in situations like this and say we are not going to emphasize it, I do not believe a person really is saying they understand what the nature of the job is.

There has been and there will be more talk of what Tuesday's vote signifies. The New York Times suggested that this is a fight about abortion. They put it this way:

> Conservatives want to block this highly respected nominee because of his mildly stated views on abortion.

Well, frankly, this is about partial-birth abortion. This is about whether we are going to cloak an individual with the title, prestige, impact and influence of the Surgeon General of the United States of America who is willing to support partial-birth abortion against the will of the American people and against the wisdom of America's medical community.

Now, there are other issues involved here. It is not exclusively about abortion, but it is about abortion. The New York Times is right. It suggests that it is about abortion, and, Mr. President, this is about abortion. It is about partial-birth abortion, a procedure so cruel, a procedure so inhumane, a procedure the barbarism of which is so significant that rational support is hard to generate. I do not believe that reasonable and rational support can be accorded this procedure. The procedure itself defies that kind of support. This nomination is about whether a man who championed this horrific act is fit to serve as the Nation's family doctor. I am a little bit troubled by the phrase in the New York Times editorial, "mildly stated." It has been stated on the Senate floor, I believe by the senior Senator from New York, that this procedure is "infanticide."

I wonder if the New York Times believes that if someone just mildly states their support for infanticide that makes infanticide appropriate? I wonder if we had a mild statement in support of genocide, whether that would make genocide acceptable? You know, mild statements sometimes cover over the most serious of circumstances. I remember a Presidential nominee who resolved that abortion should be safe, rare and legal—a pretty mild statement. But it is the same President who has consistently vetoed bans on the barbaric procedure known as partial-birth abortion. If my time as Governor and Senator have taught me anything it is this, that government and its officials teach. Teaching that partial-birth abortion is acceptable is wrong.

There is a struggle in the country. There is an idea that our young people do not have the right view of themselves. They do not have the kind of esteem which we would like young people to have. Somehow, our children do not have the kind of self-image, according to a number of individuals, that we would want them to have. Maybe we contribute to the absence of the right kind of esteem and self-image in children when we indicate to them that they can be survivable, and they can be substantially born, but it's still OK and appropriate if someone wants to destroy them at that stage of their existence.

If we want to teach children self-esteem, maybe we should begin to esteem children a little more ourselves. In the absence of the right value for children to place on their own lives, maybe we should seek to place a greater value on the lives of children ourselves. I think America deserves better than a Surgeon General who would show a callous disregard for innocent human life, even if it is a mild statement of approving partial-birth abortion. A man who would sanction and support partial-birth abortion cannot provide the moral leadership that the office of Surgeon General so desperately needs.

Mr. President, I thank you for this opportunity to open this debate. I believe more than anything else, America needs a Surgeon General who will tell the American people the truth; whose efforts in the Surgeon General's office will not be to protect the political agenda of any individual but will be to help the health agenda of the American people. When we are offered individuals who are willing to go in the face of the American Medical Association and the medical community to support partial-birth abortion and support the President rather than the health concerns of the country, I think we are shown a clear symptom of a problem which we would rather do without. The best way to avoid that problem is to insist on better for the United States of America.

I note the presence of the senior Senator from New Hampshire on the floor. He introduced the legislation to ban partial-birth abortion. He is an individual who has been a great fighter for the rights of the unborn. He tackled the issue of partial-birth abortion in a setting that was very difficult and thereby demonstrated his outstanding courage. I am pleased to yield to the senior Senator from New Hampshire, such time as he may consume in regard to this nomination.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, let me say to my colleague from Missouri how much I appreciate his leadership, being out here hour after hour, many times alone, in opposition to this nomination. It is the right thing to do. I don't think it is a secret that probably we are going to lose this fight. But in the effort the Senator has distinguished himself in accenting what I think are the issues that need to be accented in this debate.

The Senator pointed out a number of important other questions that have arisen, but I want to focus on one particular issue because, as the Senator said, I have written the legislation to ban partial-birth abortions here in the country.

Regretfully, I must say, but for 3 votes in the U.S. Senate we would have a ban on partial-birth abortions—or, better put, perhaps if the President had not vetoed it, since we have 64 votes already in the Senate but we need 67, it would have come to pass.

As I sat here for the last 15 or 20 minutes listening to my colleague, I couldn't help but think how frustrating it must have been, even for Lincoln in the time of the Civil War, basically having the courage to take on the issue of slavery. Ironically, it led to the destruction of one political party. The Whig Party went down and the Republican Party was formed in opposition to slavery. In those days, people refused to stand up on principle and lost a political party. I do not know if there is a lesson to be learned here, but it is certainly something to which we ought to give serious consideration.

I know how the Senator feels because for many hours I stood here on the floor, in 1995, and took abuse from the national media. I still do take abuse from the national media, and many in the media in my own State, for pointing out what this procedure is and how horrible it is and how wrong it is. But we all know that there are many out there who fight hard to keep us from telling the truth on this issue. I want to get into that in a little more detail later, about just exactly what happened. But let me say on behalf of many, thank you for your leadership and stepping into the breech.

As you know, there are many people who did not want us to make an issue of this; who wanted this nomination to slip by quietly so people wouldn't be "embarrassed" by having to vote on the Satcher nomination. But let me point out that the Surgeon General is America's family doctor. That is what he or she is supposed to be. When you go to see your family doctor you look for competence, certainly. You might want to take a look on the wall to see what his qualifications are, see where he studied. You certainly want to look for expertise. You want to look for somebody who works hard, who does a good job.

You also want someone with moral authority. I know Dr. Satcher has a very distinguished record. But I ask whether or not, on an issue as important as this issue is, whether being passive is sufficient. Is it sufficient to say that you are not going to make an issue of partial-birth abortion if you are the Surgeon General, to say that you are not going to crusade for it, that you are just going to be passively for it? That is not good enough. That is not good enough.

You want somebody who is grounded in common sense, who knows and understands the difference between right and wrong. Every day in the press today—we don't have to get into it. The American people know full well what I am talking about. But every day we are hearing suggestions that Americans no longer care. They do not care about right or wrong. They do not care about lying. They do not care about untruthfulness. They do not care about cheating. They do not care about setting a good example. We have to turn the television off now when our kids are in the room when we are talking about issues involving some of the leaders in our country. That is a pretty tragic commentary.

Similarly, the family doctor, the Nation's family doctor, ought to be about saving lives, not taking lives. We are talking about taking lives here. Make no mistake about it.

I was in a debate with a colleague on the floor of the Senate here a few years ago, in which this particular Senator said he had studied this issue very carefully and he realized that, until the third month, the fetus wasn't a person. I asked him if he could tell me what it was, then, for the first 3 months? There was not an answer. What is it for the first 3 months? We all know what it is. It's a life. It is a young child. And of course, in the context of partial-birth abortion, we are not talking about the first three months. What we are talking about in partial-birth abortion, as Senator MOYNIHAN has said on the floor of this Senate, is infanticide of a later-term baby. It is executing a little child. That is what it is.

We are hearing today that families of America should not care whether their family doctor—the doctor for America—knows the difference between right and wrong, that we should not care whether our family doctor believes that killing a little child as her body rests in your hands is wrong or right. You should not care about that. It does not matter, as long as he believes in the President, as long as he supports the President and doesn't say anything about it. It will be all right.

Would we have ended slavery if we had taken that approach? Would we have ended generations and generations of racial prejudice and discrimination? We still have not ended these, but would we have made the inroads that we have made? I don't think so. I don't believe it and I don't believe that deep down in their souls the American people believe it either.

That is why I am here today.

I am not here today to cast any aspersions or make any commentary on Dr. Satcher's general character. He has had a very distinguished career. But he is wrong. He is wrong on this issue. And as long as I have a vote I intend to exercise that vote against this nomination. I know it is not going to be a vote that we are going to win—and that is unfortunate.

Now I should probably know better than to expect this President to pick someone for Surgeon General who is going to be against abortion or even against partial-birth abortion. This President is for abortion. He is for partial-birth abortion. He has vetoed the legislation we sent him two or three times now. We do not have quite the number of votes to override him. We are only 3 short, though.

When you hear people tell you that votes don't matter, or your vote doesn't matter, or one vote doesn't matter—I would ask you to reflect for a moment on this. This bill has been brought through the process two or three times, through the House, through the Senate, up to the President's desk and vetoed. We are but three votes away from stopping the execution of little children as they come from the womb. That is what we are talking about. That is what partial-birth abortion is. Three votes. If three people in the U.S. Senate changed their mind we could change that.

If we had a family doctor who would be willing to use the bully pulpit to talk about this issue, we might be able to influence those three votes. You never know. But we are not going to influence them with a Surgeon General who says, "It's OK. It is all right. There is nothing wrong with it." And that is why we are here.

I am going to oppose this nomination, along with Senator ASHCROFT and others, because it is morally wrong to kill little children as they exit their mothers' wombs.

I would say, deep down in your heart—no matter where you are, who you are, how you feel about abortion in general—you probably agree with me. You can get into all these other debates about who is responsible, who has the right to do this, who has the right to choose and all that. But deep down in your heart, do you think that is right? Do you think it is right that the chief medical person, the family doctor of America, won't speak out against it? Do you think it is right that the President of the United States refuses to appoint someone who will speak out against it to this post? Do you think the President is right?

Maybe some of these folks ought to witness some partial-birth abortions, like nurse Brenda Pratt Shafer did. Until shortly before I came to the floor in 1995 and discussed this issue, I didn't know what partial-birth abortion was. One of the people I discussed it with was nurse Brenda Pratt Shafer who considered herself "pro-choice" until she accepted a temporary assignment at a clinic where partial-birth abortions are performed.

Of course, we've heard all kinds of things from the other side of this debate. They said we only do a few of them a year, maybe a few dozen. They said it is only done in the case of extreme deformities. I said it wasn't so and I was attacked on the floor of the Senate and attacked in the press. I still am being attacked in the press.

Come to find out, it is several thousand a year. This news came from prominent people in the abortion industry, a few people like Ron Fitzsimmons, the head of the National Coalition of Abortion Providers who came out and told the truth. He said, "I lied through my teeth." Now we know, and in spite of the fact that we know, we still are faced with a nominee for Surgeon General who won't oppose this brutal procedure.

With all the problems we face in America today, all the terrible things, what is wrong with our country when we can't get enough people in the Senate to override the President's veto of a bill to stop the killing of children, as their bodies are literally in the hands of the abortionist? What is wrong with this country? What are we coming to?

We shouldn't even have to be on the floor of the U.S. Senate talking about this. We shouldn't have to be here. The Constitution protects life, but we are not abiding by the Constitution.

When I introduced the partial-birth abortion ban in the Senate in June of 1995—we prevailed with 54 votes ultimately. I believe that is correct, 54 votes. I think we started off with maybe 40, but then I began to describe the procedure, and I remember Senators coming down here saying how horrible it was that in front of the American people I would talk about this. Well, why not? Why shouldn't we talk about it?

Do you know what a partial-birth abortion is? Let me tell you what it is. We are talking about a child anywhere from the fifth month to the ninth month.

In the first step, guided by ultrasound, the abortionist grabs the baby's leg with the forceps. This is the first step.

The baby's leg, in the second step, is pulled into the birth canal.

Then in the third step, the abortionist, by taking hold of that little child's feet, pulls the child entirely through the birth canal with the exception of the head, restraining it from being completely born.

The abortionist then uses scissors which he puts into the baby's skull. He then opens the scissors to enlarge the hole, and, the final step, the scissors are removed and a suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse, and the dead baby is then removed.

That is what partial-birth abortion is. Let's understand what it is. That is a process that our Nation's family doctor will not oppose, that our President, the President of the United States will not oppose.

There are two very famous ships in American history. One of them was the *Titanic* that sailed from Great Britain in the early 1900s. The other was the Mayflower that sailed in the 1600s from England.

On the *Mayflower*, there was a group of people who knew where they were going and who knew what they wanted to do when they got there. They had a turbulent voyage. People died during the voyage. They hit storms. It was a long, long ride, but they got here. They landed on the beaches and began to found a nation. They knew what they wanted to do, and they did it.

The *Titanic* sailed from England three centuries later. They were happily and merrily enjoying themselves, drinking and dining. But the crew failed to navigate the obstacles and the *Titanic* hit an iceberg and sank. Figuratively speaking, the Roman Empire hit an iceberg and sank into history.

I say to you today, with the greatest respect for the differences of opinion on this issue, that there are huge moral icebergs out there facing the U.S.S. America today, the ship of state. There are a lot of them. Abortion is one of them, and partial-birth abortion itself is a big one. If we can't speak up for the babies who are innocent victims of an abortionist's scissors, then we are going to run smack into that iceberg and we are going to sink.

Sometimes, when we take the Senate floor to speak, we wonder how important our words are. Sometimes they are not important at all; sometimes they are very important. But at some point, you have to look back and you have to say to yourself, "Did I sit by and not do what was right or say what was right?" or "Did I speak up for what I believed in?"

I don't want to serve in the U.S. Senate if I can't do that. I am perfectly happy to have history judge me. Not by contemporaries in the media. I could care less what they say or how often they say it. It is irrelevant. History will be my judge, and history will be the judge of this debate. History will be the judge of the debate on abortion, and history will be on the side of those who stood up for life. I am convinced of that. I know that. So I don't worry about it.

I used to get upset, but today I am very calm about it. Inside I am not calm, because it is a sad, sad commentary on America. That iceberg looms out there, and it is big. With three more votes in the U.S. Senate, we could melt that iceberg and take it out of the way of the American ship of state.

We could get those three votes if we had a Surgeon General and a President who had the courage to hold a two minute press conference to say: "This is wrong, this is wrong. You know, I've thought about this. I'm for abortion but this is infanticide" We could succeed if the President came to the same conclusion that Senator PAT MOYNIHAN did and said, "This is wrong. I am going to stop it. You send me that bill again and I won't veto it. And I'll send you a Surgeon General who will speak out against this and let's try to stop this brutal procedure that takes innocent life in such a brutal way."

I can't get a hard-and-fast number for how many partial-birth abortions are performed. Nobody will really talk about it but it is estimated to be several thousand. You have to ask yourself, what those several thousand human beings would have done with their lives. Just as we must ask the same question about each of the more than one million human beings destroyed by abortion every year in this country. We will never know. Is there a President of the United States in that group? Is there a doctor who will find a cure for cancer or a preacher who will save some souls? We will never know. They never had a chance. This Nation, but for three votes, stands by and lets it happen, to several thousand of these children even as they leave the birth canal.

And this Senate tomorrow will vote to make Surgeon General a man who won't speak out against it.

When this debate began in 1995, some worked hard to hide the truth. But Ron Fitzsimmons had the courage to speak out and admit, "I lied through my teeth." They denied there was such a thing as a partial-birth abortion. "It's a phrase that was coined by the pro-life lobby," they said, "There's no such thing." And when they had to admit that there was such a procedure, they lied about what happens to a baby who is a victim of the procedure.

But the web of lies spun by those determined to defend the indefensible has finally unraveled, and the American people now know the truth.

And how do our two great political parties face up to this truth? In one political party, there is not even an issue. That party doesn't make any comment on life. Abortion is fine in that political party. In my political party, we take a position in favor of life. But—and this is the part that sends me in orbit—we say "be pro-life but don't talk about it. It offends too many people. Just say, 'I'm pro-life, what's your next question? Is there a question on Iraq or maybe a question on education? Could we talk about something else?' " I have been hearing it for 13 years in politics. All the consultants say, "Don't talk about abortion."

Well, I did in my last election. They tried to make me pay the price for it. I barely won, but I won, and you know what: If I had lost, I would have lost because I believed in something, and I would have gone on with my life.

I often wonder what would Lincoln have said about this, or what would Jefferson have said? It is really sad; it is really sad.

In 1995, the abortion industry said that all of these procedures are performed in situations where the mother's well-being is imperiled. But then the American Medical Association endorsed a ban on partial-birth abortions. And both Houses of Congress passed such a ban. And now only Bill Clinton and his veto pen prevent us from stopping this procedure.

So as we consider Dr. Satcher's fitness to fill an office that provides a bully pulpit on matters of health, I believe that it is appropriate to inquire about his views on the subject. This has been quoted before here on the floor, but let me repeat it. Here is what Dr. Satcher said about partial-birth abortion:

> I support the President's position. The President opposes late-term abortions except where necessary to protect the life and health of the mother.

The partial-birth abortion ban bills passed by Congress protect the life of the mother. But the President's insistence on a "health" exception is really a demand for language so broad that courts will interpret it to mean partial-birth abortion-on-demand. For that reason, we must ask: Does politics or science guide Dr. Satcher's abortion views? The Physicians' Ad Hoc Coalition for Truth, a nationwide coalition of hundreds of doctors formed to refute misinformation about partial-birth abortion, has asked why Dr. Satcher is so far out of the mainstream on partial-birth abortion. Physicians' Ad Hoc Coalition for Truth—citing the opinions of doctors holding a variety of views on the broader issue of abortion, including the American Medical Association—have concluded there is no medical reason for using this barbaric partial-birth abortion procedure. They express concern that Dr. Satcher "may be relying on politics rather than medicine in reaching his conclusions about abortion."

The "life-and-health" position is a political position. Worse, is politics that will cost the lives of innocent unborn children.

It is amazing really to look at the intensity of the attacks on those of us who stand up here and speak out on this issue. They are venomous, they are vicious, but it's worth it.

Someday I will look back. If any of my grandchildren ask me where I was when this issue was being debated, I can tell them in good conscience where I was. I am proud to be here today on the Senate floor defending unborn children in the context of this nomination. I am proud to be here. I wish I did not have to be here because we should not have to stand here on the floor of the Senate to do this because it is a right that these children have under the Constitution, one outrageous Supreme Court decision notwithstanding.

Mr. President, I will oppose President Clinton's choice of Dr. Satcher for the position of Surgeon General. I will make that vote proudly. It is the least we can do when, as a result of the President's position—the position upheld by the nominee under consideration today—thousands of innocent lives will be brutally extinguished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that we are under a time control. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So I will yield myself such time as I might use on behalf of those who are supporting Dr. Satcher.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, again want to commend the Senate leadership for moving to consideration of the nomination of Dr. Satcher. It is long past time for the Senate to vote on his nomination to be Surgeon General. It is long past time for the country to have a Surgeon General and have an Assistant Secretary for Health. And it is important that we make a judgment, which we will do tomorrow. I believe there will be strong bipartisan support, as there should be, for this really extraordinary, outstanding nominee.

I listened with interest and read a good part of the debate. Mr. President, the discussion thus far is a very brief sketch of Dr. Satcher's extraordinary achievements. He rose from poverty, obtained his doctorate and medical degree. He has been published in many of the scientific publications. He has been recognized with honorary degrees and various awards over the course of his lifetime.

He has been endorsed by an overwhelming number of groups and organizations. When you look through the list virtually every medical association—the American Medical Association, the Academy of Pediatrics, the Public Health Physicians—and the list goes on and on; virtually all of the nursing associations; the hospitals; the principal pharmaceutical companies; the major academic centers; the Association of American Medical Colleges; virtually all the children's groups, such as the Children's Defense Fund, the Children's Health Fund; virtually all of the allied health groups, the Cancer Society, the Lung Association, the Public Health Association, the Association for Maternal and Child Health Programs, the National Mental Health Association; all of the disability groups, the March of Dimes, National Multiple Sclerosis—again the list goes on—women's groups, such as the Women's Legal Defense Fund, the Breast Cancer Coalition, the National Black Women's Health Project, the National Asian Women's Health Organization; virtually all the senior groups, the National Council of Senior Citizens; and very strong support from the various religious groups; virtually all of the civil rights groups, law enforcement societies, the other groups; family, violence prevention, and a number of extraordinary individuals.

I do not agree with all of these organizations on all of their various matters, but the breadth of the type of support that we have here, virtual uniformity, the men and women who have judged him on the basis of his professional life and also about his commitment and caring, it is virtually uniform. And these are the men and women, the organizations, who over a lifetime have been associated with this really extraordinary individual.

It is interesting. Are all these groups and individuals that support Dr. Satcher out of step with those that have spelled out their reservations about him? I daresay, this is about as mainstream a group of organizations as we would find in our country. Basically, it is a group of organizations that understand the extraordinary life and achievements and accomplishments of a very, very exceptional individual.

Mr. President, Dr. Satcher's life story is the story of America at its best. He eminently deserves the Senate's overwhelming support and confirmation.

Dr. Satcher learned his work ethic early. As a young boy in rural Alabama, he often rose before dawn to work on his family's farm before heading off to his segregated school. In addition to helping on the farm, he worked after school and on weekends in the foundry where his father worked for some 55 years.

His extraordinary ability was evident early. He did so well in high school that he sometimes substituted for the school's chemistry teacher and other teachers when they were ill.

Dr. Satcher rose above the poverty and racism of his youth to become a national public health leader. His early commitment to his family, his education, and his community reflect the best American values. Today, he is a respected family doctor. He is a respected researcher and educator and public health leader. He is a role model for everyone, especially those from disadvantaged backgrounds.

Before becoming the director of the Centers for Disease Control and Prevention, Dr. Satcher was President of Meharry Medical College in Nashville, the Nation's largest private historically black institution for educating physicians, other health care professionals, and medical researchers.

This is a nominee whose whole life has been committed to making health better for fellow citizens, as an educator, practicing physician, and as a teacher. How fortunate we are to have this nominee.

Earlier in his career, before he served as president of Meharry, he served as professor and chairman of the Department of Community Medicine and Family Practice at Morehouse School of Medicine in Atlanta. He served on the faculty of UCLA School of Medicine and the King/Drew Medical Center in Los Angeles, one of the top medical teaching schools in the country.

For 5 years, Dr. Satcher ably led the Centers for Disease Control and Prevention in Atlanta, the Federal agency responsible for protecting the Nation's health and preventing disease, injury and premature death.

Dr. Satcher has many accomplishments as director of the CDC. In 1992, under his leadership, CDC developed and implemented the extraordinarily successful childhood immunization initiative. Before the initiative that was developed, only a little more than half of the Nation's children—55 percent—were immunized. Today, it is 78 percent. As a result, vaccine-preventable childhood diseases are now at record lows. He has borne an important responsibility. There are others that should share in those achievements, but Dr. Satcher was there and fighting and in a key position to make a very, very important difference—and he has, and he will.

Dr. Satcher has also led the CDC efforts to deal more effectively with infectious diseases and food-borne illnesses. We rely heavily on CDC to provide the rapid response needed to combat outbreaks of disease and protect public safety. Under Dr. Satcher, CDC has implemented a strategy against new and re-emerging infectious disease, like tuberculosis, using better surveillance and detection. In response to recent food-poisoning incidents, Dr. Satcher has been instrumental in developing a new early warning system to deal with such illnesses.

Dr. Satcher has received numerous honors and prizes, including the Watch Grassroots Award for Community Service in 1979, the Human Relations Award of the National Conference of Christians and Jews in 1985, Founders' Award of Distinction of the Sickle Cell Disease Research Foundation in 1992 and the Martin Luther King Jr. Drum Major for Justice Award in 1994. He was elected to the Institute of Medicine of the National Academy of Sciences for his leadership skills in 1986; recognized again by the National Academy of Sciences as being one of the outstanding leaders in health policy and for all of his leadership skills brought into the Academy of Sciences. We are fortunate to have this extraordinary human being as a nominee. In 1996, he received the prestigious Dr. Nathan B. Davis Award given to Presidential appointees for outstanding public service to advance the public health.

More recently, he received the James D. Bruce Memorial Award for distinguished contributions in preventive medicine from the American College of physicians. And the list goes on: the John Stearns Award for Lifetime Achievement in Medicine from the New York Academy of Medicine, and the Surgeon General's Medallion for significant and noteworthy contributions to the health of the Nation.

Dr. Satcher's broad range of skills and experience and his strong commitment to improving public health make him well qualified to be the country's principal official on health care and policy issue—America's doctors.

Today, the public is constantly bombarded with reports about new diseases from other parts of the world—from the Ebola virus to dengue fever to Hong Kong flu to mad cow disease. Yet there is no Surgeon General in office to educate the public about these threats and to dispel the widespread concern and fear about them. The public also continues to be confused about rapid changes in the health care system, especially on issues such as access and quality and cost and managed care. We need a Surgeon General who can address these challenges.

For more than three decades, the Surgeon General has been effective in educating the public about the dangers of smoking. Now we know there are those that don't like that message and take it out on the messenger, and we understand that.

At his hearing in the Senate Labor Committee, Dr. Satcher said with typical eloquence that he would like to "take the best science in the world and place it firmly within the grasp of all Americans." That challenge is a big part of the job of the Surgeon General—to translate scientific research into plain talk that the public can use to improve their health.

Dr. Satcher's nomination has received broad bipartisan support and is endorsed by a large numbers of organizations, including medical societies and all of the various groups I mentioned earlier. Clearly, he has the credentials, the commitment and integrity to serve brilliantly as Surgeon General and as the Assistant Secretary for health.

Mr. President, some of the critics have raised questions about some of the particular issues, and I will respond to some of those. Some critics of Dr. Satcher have argued that he and CDC want to fund needle exchange programs that will increase the use of illegal drugs in the name of AIDS prevention. It is preposterous to suggest that Dr. Satcher would do anything to advocate the use of illegal drugs. Use of illegal drugs is wrong and is a major public health problem and a major law enforcement problem. The needle exchange is a strategy for preventing the spread of infectious diseases by providing clean needles in exchange for old ones. One to two million Americans inject illegal drugs. Sharing of needles is a leading cause of AIDS transmission. Approximately a third of all AIDS cases are linked to drug use. For women, 66 percent of all AIDS cases are caused by drug use or sex with partners who inject drugs. More than half of the children with AIDS contracted the disease from mothers who are drug users or their sexual partners.

A report to Congress from Secretary Shalala in February of 1997 concluded that needle exchange can be an effective part of a strategy to prevent HIV and other blood-borne diseases. The GAO, National Academy of Science, National Commission on AIDS, and the Congressional Office of Technology Assessment have all concluded that needle exchange is an effective strategy. Despite the scientific and public support for such programs, a congressional ban on Federal funding of the program is in effect unless the Secretary of HHS determines that certain conditions are met. These include a finding that the program is effective in reducing AIDS transmission, and it has not encouraged illegal drug use.

Dr. Satcher is an eminent scientist. He has recommended to Congress we allow scientific studies to answer the key questions involved with this issue. Dr. Satcher supports Federal funding for research and evaluation of State and local needle exchange programs to assess the effort. That is the extent of his position, to find out what the best in terms of science is going to provide, whether it does make a difference. That sounds to me to be a very reasonable and responsible position to have on that question.

Some critics have alleged Dr. Satcher, as head of CDC, has been promoting a pro-gun-control agenda. In reality, Dr. Satcher, through CDC's National Center for Injury Prevention and Control, is simply carrying out a congressional mandate to collect data relating to all types of injuries that occur outside the workplace, including those caused by motor vehicle accidents, fires, and firearms.

President Bush established the National Center for Injury Prevention and Control in the hope that just as the Federal highway fatality reporting system helps to reduce unintended death from automobile accidents, better information about other injuries would lead to better education and prevention programs. Recent public service campaigns have focused on such injury prevention strategies, especially children's safety, bicycle safety, seatbelt use, watercraft safety.

Preventing violence is a public health issue and a criminal justice issue. Thirty-eight thousand Americans were killed with firearms in 1994; 17,800 were homicides, 18,700 were suicides, and 1,300 were caused by unintentional discharge of a firearm. Approximately 100,000 citizens are treated in hospital emergency rooms each year for nonfatal firearm injuries.

The budget of the Center for Injury Prevention and Control amounts to $49 million a year or 2 percent of the overall CDC budget of $2.5 billion. Of the $49 million, only $7.5 million is spent on research concerning youth violence, and less than 11 percent of that deals with firearm-related violence.

Even that is enough, listening to the speeches in opposition to Dr. Satcher—a center set up by a Republican President, that has these broad responsibilities, and people are flyspecking that there will be less than $1 million and, therefore, somehow he is going to violate second amendment rights.

Injuries resulting from violence are preventable. CDC's purpose is to save lives. Firearm injuries have a huge impact on public health. We cannot ignore the issue. Instead of criticizing Dr. Satcher's efforts as a public health leader to address this serious problem, we should condemn the attempts by the National Rifle Association to shut down this important aspect of research into the causes and the prevention of injury.

Now, critics have also charged that Dr. Satcher, as CDC director, conducted HIV studies on newborns and allowed them to be sent home without informing parents of the HIV status of their children. This survey was part of the Nation's effort to obtain more information on the spread of HIV in various populations. The survey was implemented through State and local health departments with support from CDC.

In fact, the survey, which was initiated under President Bush, was implemented in 45 States, including the State of Missouri, when Senator ASHCROFT was Governor of that State. He signed the papers. And as I understand it, the effort was made to continue at the time when they were going to halt this study.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. Briefly.

Mr. ASHCROFT. Does the Senator purport to know when those papers were signed and what the condition of AIDS research was at the time?

I think the Senator indicated that the Governor of Missouri had signed papers, I take it, personally signed papers in this respect; is that correct?

Mr. KENNEDY. It is my understanding, that these papers were approved either by the Governors of the States or their Administrators and that you signed for your state.

Mr. ASHCROFT. Does the Senator have a copy of that?

Mr. KENNEDY. I will make it available later on this afternoon.

Mr. ASHCROFT. Do you know what date it was in which that study was commenced?

Mr. KENNEDY. As I understand, the way it was represented to me, when you were Governor.

Mr. ASHCROFT. The Senator from Missouri had the privilege of being Governor for a period of time that spanned 8 years, and during that time there were substantial changes made in terms of the known treatments for AIDS. Since that time there have been substantial changes made, not the least of which is the 076 regimen for AZT treatment of newborns and expectant mothers.

Do you know whether or not at the time of this alleged signature by the then Governor of Missouri that treatment was known and had been proven and had been developed?

Mr. KENNEDY. I don't believe just from personal knowledge that it was, but I will provide the papers during the course of the debate with regard to this particular program which the Senator is familiar with because he has criticized it quite extensively. But it has been represented to me by the Department that this program was put in place while you were Governor. If you tell me it was not, I am willing to accept that, but I have been informed it was.

I was not aware that you had been critical of it prior to the time that we had Dr. Satcher's nomination—or were critical of it at the time it was in place in Missouri, but all I am saying is you or your Administration signed the paper for these studies which you have been critical of and I want them in the RECORD. I think you obviously will make whatever comment you want in interpreting it.

Mr. ASHCROFT. I ask the Senator if developments in the technology which make treatment available at some time subsequent to the commencement of the study and subsequent to my time as Governor might change whether or not you should continue with the study, which would remain a blind study when treatment becomes available.

My question is: Is it possible that a study that is based on epidemiological and statistical value would have that value and be appropriate until such time as maintenance of a blind study would be in a position to deprive individuals of care which had recently been developed.

Mr. KENNEDY. Senator, you will be able to explain it when we put it into the RECORD.

This study was stopped by Dr. Satcher for some of the reasons that you are just mentioning at the present time.

The point I was making here is that I listened to your very eloquent statement and criticism of this kind of a study last week, and then in the preparation for this debate found out, to my surprise, when it was initially proposed that your Administration signed on for it for the State of Missouri.

Now, I am sure there are other changes, perhaps, that were brought about while you were Governor. That is fine. Whatever explanation you have on it—and maybe you were critical of it at the time that you received it.

My information from the DHHS is that your Administration signed it and that you never expressed any criticism of it at the time that you were Governor, and that Dr. Satcher eventually halted it.

I may be wrong in that series of time line, but that, at least, is my understanding.

Mr. ASHCROFT. I guess I will have an opportunity to respond, but my point is that it may be appropriate to do blind studies when there is no known therapy, but when a therapy is discovered, like it was in 1994, a year after I left the Governor's office, then it would be incumbent upon one seeking to protect the health of the children to identify the children and provide the information to those children. So I look forward to the opportunity and I look forward to seeing the documents that you would present purporting to bear my signature approving those studies. I would be interested to see those documents. I ask that you please provide them.

Mr. KENNEDY. Fine. I will make every effort to provide them this afternoon. Are you questioning whether you did OK it for the State of Missouri, or not, just so I have an understanding?

Mr. ASHCROFT. I would be very interested in seeing my signature on the document. More importantly, the point is this: There are times when it's appropriate to have a study and not provide notice. But when it becomes clear that there are therapies available and to persist in the studies without providing notice, that changes the whole dynamic. I think this is an essential and critical fact that hasn't appeared in your analysis and maybe hasn't appeared adequately in mine. So I will be pleased to discuss it, because the 1994 discovery of the AZT regimen, which cut by two-thirds the incidence of HIV virus cases that otherwise would occur, changes the dynamics.

That brought the issue to the attention of the Congress, and the Congress forced the cessation of the studies on the part of Dr. Satcher. He lobbied against ceasing the studies even in light of that.

I thank the Senator.

Mr. KENNEDY. Well, I certainly agree with the Senator that at the time when you have this kind of progress made for alternative remedies, there has to be full notification. The point that I also mention is that Dr. Satcher halted the studies.

Mr. ASHCROFT. If the Senator will yield, are you aware of the fact that after the new therapy was available and the Senate and the House began to debate this issue, even in the face of the new therapy and in the face of the informed consent laws, Dr. Satcher came to the Congress to lobby Members of the Congress against stopping the studies?

Mr. KENNEDY. I am familiar that he came with others on that. I think it is an open question whether he was lobbying for the continuation or not.

Mr. President, this survey went on, as I mentioned, in 45 States. It began at a time when little was known about the impact of HIV on women and their children. Studies were carried on to check for the presence of antibodies to HIV in newborns. The presence of such antibodies could indicate that a mother has the HIV virus and the child has been exposed to the virus. Approximately 25 percent of the children exposed to HIV by mothers developed HIV infection, too.

They were carried out by using blood samples left over from other procedures, which otherwise would have been discarded. The samples could not be identified as coming from specific individuals because the identifying information had been removed to protect confidentiality.

At the time, because AIDS was so poorly understood, CDC decided to survey newborns as a group to learn more about the level of AIDS in particular communities at the time. Science offered no treatment for the newborns. The goal was to obtain information as quickly as possible about the prevalence of HIV in each population so that the resources could be targeted quickly and effectively. The survey adhered to the ethical principles, was approved by the Office of Protection From Research and Risk at NIH, the Institute of Medicine. The Academy of Sciences also agreed with using this well-established approach. No infants known to be HIV positive were sent home without parental notification. The information in the surveys was used by communities for education screening and treatment.

In 1995, the survey ended when a combination of treatment options for infants with HIV and better ways to monitor HIV trends in women of childbearing age became available in September of 1997. Dr. Satcher recommended that the study be formally terminated, and HHS agreed.

Some in the scientific community have questioned the surveys. Dr. Satcher's opponents cite the opposition of Dr. Arthur Ammann, the Professor of Pediatrics of the University of California Medical Center in San Francisco. These clinical trials are support for their opposition. They ignore the fact that Dr. Ammann has endorsed Dr. Satcher.

I ask unanimous consent that a letter to Senator LOTT from Dr. Ammann be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PEDIATRICS,
UNIVERSITY OF CALIFORNIA,
San Rafael, CA, February 4, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR LOTT: It is my understanding that my objections to the HIV seroprevalence study once conducted by the Centers for Disease Control and Prevention (CDC) are being used as an argument against the confirmation of Dr. David Satcher. This is taking my position totally out of its context and is not an argument I would support.

I believe that the study was initiated long before Dr. Satcher's arrival at the CDC. When I initially raised my objections to the study, I felt that Dr. Satcher and Dr. Phillip Lee (then assistant secretary for health) gave me a full and fair hearing, and I was very satisfied with the meeting we had.

I know David Satcher, and I believe he has the interests of all people, including children with HIV, close to his heart. I support his nomination fully, and I would urge that you and your colleagues vote to confirm him.

Sincerely,

ARTHUR AMMANN, M.D.,
Adjunct Professor.

Mr. KENNEDY. Dr. Wolfe raised some questions about ethical issues about the studies in Africa, and then we find Members of the Senate using his kind of statements and representations and saying, isn't this horrible, shouldn't we oppose it? And Dr. Wolfe is supporting Dr. Satcher. Then we have these studies and hear Dr. Ammann quoted here about how Dr. Ammann himself was very much involved in interacting with Dr. Satcher. He indicated his full and complete support for the nominee despite his concerns about these surveys. He stated, "I support the nominee."

We have heard it said considerable times over the past few days that these issues were never raised in the committee hearings. Dr. Satcher has the credentials, integrity, and commitment to be Surgeon General and Assistant Secretary for Health, and he really is outstanding.

I mentioned the other day, Mr. President, we have the extraordinary letter of support from Dr. Sullivan, who was the Secretary of HEW, a Republican under the previous administration, who is familiar with these various kinds of issues that are being raised and considered here on the floor of the Senate. He goes into analyzing just about all of them. I urge my colleagues who are having any questions about it, take the time, and I will include it in the RECORD.

I ask unanimous consent that Dr. Sullivan's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOREHOUSE SCHOOL
OF MEDICINE,
Atlanta, GA, October 29, 1997.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR TRENT: I enthusiastically support the nomination of David Satcher, M.D., for the positions of Surgeon General and Assistant Secretary for Health of the Department of Health and Human Services.

In light of the recent debate about issues regarding his nomination, I wish to communicate with you my experience with, and opinion of, David Satcher. I have known David for over twenty-five years, and I can state unequivocally that he is a physician and scientist of integrity, conviction, and commitment. As Surgeon General and Assistant Secretary for Health, I know that David has no intention of using these positions to promote issues related to abortion or any other political agenda. He has worked throughout his career to focus on health issues that unite Americans—not divide them.

I first met David Satcher in the early 1970's when he served as the Director of the King-Draw Sickle Cell Center in Los Angeles, California and I was the Director of the Boston University Sickle Cell Center. I also had the opportunity to work with David during my first tenure as President and Dean of the Morehouse School of Medicine in the late 1970's, before I served as Secretary of the Department of Health and Human Services, from March 1989 to January 1993. While at Morehouse School of Medicine, David worked on my faculty as the Chairman of Community Medicine and Family Practice. He brought a wealth of experience in patient care, health policy, education and research to this critical post.

Dr. Satcher has devoted his entire career to mainstream efforts to improve the health of the American people. He has a long history of promoting messages of abstinence and responsible behavior to our youth. As a physician, manager, and public health leader, David is a man of tremendous commitment and dedication to the health of our citizens.

I strongly support Dr. David Satcher. I am hopeful that the Senate will act swiftly to confirm him as Surgeon General and Assistant Secretary for Health.

Sincerely,
LOUIS W. SULLIVAN, M.D.,
President.

Mr. KENNEDY. Dr. Sullivan goes through the studies and regimens and deals with those in a very responsible way—I would say we could call it an unbiased way. He has been the head of the whole department, HHS, under a Republican administration. He has known this man for a lifetime, and he has heard all of the charges we have heard last week. He discusses them and provides strong support for Dr. Satcher. It is a very, very powerful letter. I won't take the time of the Senate now to go through the letter. It is a very important letter, which I hope our colleagues will consider.

Now, Mr. President, there are other issues. I would like to briefly address the AZT trials. Some of our colleagues have questioned Dr. Satcher's support for clinical trials of the drug AZT in foreign countries as part of the international public health effort to stop the epidemic of mother-to-infant transmission of the AIDS virus.

Every day, more than 1,000 babies in developing countries are born infected with HIV. Clinical trials in the United States in 1994 showed that it is possible to reduce mother-to-infant transmission of HIV by administering AZT during pregnancy, labor and delivery. It was obvious, however, that such treatment would not be feasible in developing countries. It is too expensive and requires ongoing therapy, including intravenous administration of AZT, which is not possible in remote areas. It also prohibits breastfeeding, which the various populations that were the most at risk were following. Thus, the standard treatment in the United States termed the "076 Regimen," was not a feasible option for the developing countries.

Dr. Satcher could have washed his hands of the whole matter, but he didn't. He felt he could help. A group of international experts convened by the World Health Organization in June 1994 recommended research to develop a simpler, less costly treatment. Responding to the urgent need, the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, and other international experts worked closely with scientists from developing countries to find treatment that is feasible for use in these countries and that can reduce the devastating toll of HIV on their children.

In cooperation with experts and leaders from countries where the studies were to be conducted and with careful input from ethical committees, it was recommended that placebo-controlled trials offer the best option for a rapid and scientifically valid assessment of alternative treatments to prevent mother-to-infant transmission of HIV.

The decision to go forward with the trials was carefully made by the countries themselves and by the international medical research community. They did so because it was the only approach that could be expected to produce a sufficiently clear response, in a reasonable time period, to the questions that had to be answered about safety and effectiveness of an alternative treatment in the developing world.

The point is made that they might have followed a different experimental design or a different regimen and could have gotten the outcomes, perhaps not quite as accurate, but fairly accurate, but it would have taken a good deal longer to receive the outcomes if they had not used a placebo.

Dr. Satcher has acted entirely ethically and responsibly on this issue. The World Health Organization and the developing countries had urgently requested help from CDC and NIH in designing and conducting these trials.

Before patients were enrolled in the clinical trials, they were specifically informed of their AIDS status. They were specifically counseled about the risks and benefits of participation, including the fact that they might be in a study group that received a placebo instead of an experimental AZT antivirus drug. I think that is an enormously important responsibility, that full information is available and that those who are participating in these various regimens have a full understanding of the risks. There is no indication that they did not. The best we have heard from those opposed to Dr. Satcher is anecdotal kinds of information. But we never heard that prior to the time that we had this opposition on the floor of the Senate to his nomination.

As a practical matter, the only AZT treatment available to any women in these developing countries is the treatment provided to participants in the study.

Ethics Committees in both the United States and developing countries conducted continuous, rigorous ethical reviews of the trials. The committees are made up of medical scientists, ethicists, social scientists, members of the clergy, and people with HIV. The role of these committees guaranteed that the trials conform to strict ethical guidelines for biomedical research, including the Declaration of Helsinki and the International Ethical Guidelines for Biomedical Research involving human subjects.

Even those within the scientific community who have raised the concerns about these trials, such as Dr. Sidney Wolfe, director of Public Citizen's Health Research Group, have expressed their support for Dr. Satcher's nomination. Dr. Wolfe has said that he thinks Dr. Satcher will "make an excellent Surgeon General."

Dr. George Annas and Dr. Michael Grodin of Boston University's School of Public Health have stated, "While it is true that we have expressed concern regarding the U.S.-sponsored trials in Africa, it is also true we strongly support Dr. Satcher's nomination as Surgeon General."

These judgments that are made on these ethical issues are complex, and it is very difficult to get virtual uniformity on some of them, particularly when they are at the cutting edge of various kinds of research. We understand that is part of the debate on these issues. But to those who have expressed a differing opinion regarding the various studies, even though every effort was made to go through the various regimens to make sure they adhere to ethical standards—and I believe, having gone through this in great detail myself that it certainly meets all of those standards—but the ones that have expressed some reservation by and large are enthusiastic about Dr. Satcher. It isn't that they reached a different conclusion with regard to this but they also respected the process Dr. Satcher followed.

Again, this was not an issue during the confirmation hearings, not that we should be restricted from talking about it. But it is something that we welcome the opportunity to try to respond to.

Some colleagues have also questioned Dr. Satcher's views with regard to abortion. Again, this was an issue during Dr. Satcher's confirmation hearing. But some Senators appear eager to use the controversial and unconstitutional Partial-Birth Abortion Ban Act to attach his credibility.

Dr. Satcher believes—as do most Americans—that abortions should be safe, legal and rare. His position reflects 25 years of medical experience and is entirely consistent with Supreme Court decisions.

In fact, Dr. Satcher supports a ban on most late-term abortions. He believes that "if there are risks for severe health consequences for the mother, then the decision [to have an abortion] should not be made by the government, but by the woman in conjunction with her family and physician." Dr. Satcher's position on this issue is shared by the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association.

Some of our Republican colleagues have raised this issue in an attempt to defeat a supremely qualified nominee. They point out that Dr. Satcher's position on this issue is at odds with the position of the American Medical Association—but what our Republican colleagues don't point out is that the AMA has unequivocally endorsed Dr. Satcher's nomination.

I ask unanimous consent that the letter of endorsement from the AMA may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, September 15, 1997.

The Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The American Medical Association (AMA) enthusiastically supports your nomination of David Satcher, MD, for the position of Surgeon General and Assistant Secretary for Health of the U.S. Public Health Service. As Surgeon General and Assistant Secretary for Health, Dr. Satcher will serve as a national advocate for public health and a trusted advisor to you and Secretary Shalala on critical health policy issues.

Dr. Satcher has the expertise and talent to do an excellent job in this dual position. He will bring to the office a wealth of experience in both the private and public sector. Dr. Satcher's distinguished career has been broad in scope and deep in experience, including work in patient care, health care policy, education and research. He is a physician, manager and outstanding public health leader.

Under Dr. Satcher's leadership at the Centers for Disease Control and Prevention (CDC), childhood immunization rates have increased dramatically from 55 percent in 1992 to a record 78 percent in 1996. Dr. Satcher also spearheaded CDC's efforts to significantly improve the nation's ability to detect and respond to emerging infectious diseases and foodborne illnesses. While at CDC, Dr. Satcher has emphasized the importance of prevention. Under his direction, CDC released the first Surgeon General's Report on Physical Activity and Health. Dr. Satcher appreciates the importance of effectively communicating to the public on health-related issues.

Through our work with Dr. Satcher over the years, the AMA has learned first hand that he is a man of tremendous integrity and commitment to public health. We are proud to highlight that in 1996 the AMA awarded Dr. Satcher our most prestigious honor, the Dr. Nathan B. Davis Award for his outstanding service to advance public health.

The AMA strongly supports Dr. Satcher and we are hopeful that the members of the Labor and Human Resources Committee and the full Senate will act swiftly to confirm Dr. Satcher as Surgeon General and Assistant Secretary for Health.

Sincerely,
P. JOHN SEWARD, MD,
Executive Vice President.

Mr. KENNEDY. Mr. President, in addition, Dr. Satcher emphatically stated on October 28, 1997, in a letter to Senator FRIST, chairman of the Subcommittee on Public Health and Safety, "I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion."

I ask unanimous consent that this letter from Dr. Satcher to Senator FRIST may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 28, 1997.

The Hon. WILLIAM H. FRIST,
Chairman, Subcommittee on Public Health and Safety, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: I appreciate the support you gave me in the Committee on Labor and Human Resources meeting for my nomination to be Assistant Secretary for Health and Surgeon General. I was surprised and disappointed, however, to learn of the discussion that took place during the Committee meeting. The discussion about abortion is an issue that was not raised during my hearing before the Committee. I would like to take this opportunity to set the record straight about my focus and priorities if I am confirmed for these important positions.

Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda and I want to use the power of these positions to focus on issues that unite Americians—not divide them.

If I am confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country. I will also work to ensure that every child has a healthy start in life. I will encourage the American people to adopt healthy lifestyles, including physical activity and diet. And I will try to help the American people make sense of a changing health care system, so they can maximize their access to—and quality of—the health care they receive.

As a family physician, medical educator and public health leader, I have devoted my entire career to mainstream, consensus-building efforts to improve the health of the American people. I believe it would be unfair and inappropriate to have my nomination complicated at this time by an issue that has little, if anything, to do with my background or agenda for the future.

I look forward to working with you to advance the health of the American people.

Sincerely,
DAVID SATCHER, M.D., Ph.D.

Mr. KENNEDY. Mr. President, this assurance has been enough to persuade many of our Republican colleagues to put this issue aside and support Dr. Satcher's nomination.

I see others who want to address the Senate.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank my colleague from Massachusetts.

Although cigarette smoking continues to be a major problem in this country today, I don't think there is anyone who doubts that the Surgeon General using his bully pulpit in 1966 had a profound impact on public opinion and behavior in this country.

Mr. President, the nomination of Dr. David Satcher poses a difficult problem for those of us who oppose the procedure known as partial-birth abortion. The vast majority of Americans agree that it is a barbaric process and procedure. As our distinguished colleague, the senior Senator from New York, has pointed out, it is disturbingly close to infanticide.

As a matter of conscience, Mr. President, I cannot support a nominee for the position of Surgeon General—in essence, America's chief doctor—who is a defender of this procedure.

That, Mr. President, is why I will vote no on this nomination. While I suppose it would be unrealistic for any of us to hope this administration would send us a pro-life nominee for Surgeon General, I don't think it's too much to ask that their nominee oppose this particularly brutal procedure of partial-birth abortion.

But we are now left, Mr. President, with the compellingly serious problem of a three-year vacancy at the post of Surgeon General. The Surgeon General is our number one public health official—the only doctor who can command the national bully pulpit to alert America to public health threats. This is a very important position. As our distinguished colleague, Dr. FRIST, has said, and I quote:

> A Surgeon General brings national and international recognition to public health problems. Their expertise and credibility as well as a national forum can bring life-saving attention to issues Americans may not otherwise hear.

Mr. President, I could not agree more. Whoever occupies the position of Surgeon General can command America's attention. For example, we all know that in 1966, the Surgeon General used that bully pulpit to warn Americans about the health dangers of cigarette smoking.

Although cigarette smoking continues to be a major problem in this country today, I don't think there is anyone who doubts that the Surgeon General using his bully pulpit in 1966 had a profound impact on public opinion and behavior in this country.

And there are other serious public health problems confronting America—challenges that cry out for a strong voice—for a physician who will use the bully pulpit of the office of Surgeon General to be a teacher, and to be a leader.

Mr. President, I would like to note in this context that this nominee, Dr. Satcher, has promised that if he is confirmed, he will not—he will not—use the bully pulpit of his office to promote partial-birth abortion.

He has been very clear about that.

We need a Surgeon General. There may well be important challenges out there that we don't yet know about. Who knows what public health threats might emerge in the next 6 months, or 12 months, or 2 years?

Mr. President, we need somebody on the job. That is why, while I cannot support this nominee, I cannot in good conscience vote to delay the filling of this position.

Consequently, I will vote in favor of cloture on this nomination. But it's time to move forward with this matter, it is time to have a vote on this nominee.

If Dr. Satcher is then in fact confirmed, we should extend all possible cooperation to him, as he undertakes what is a very important task for the American people. Senator FRIST says Dr. Satcher is, and I quote, "an accomplished researcher with a long and truly distinguished record in promoting public health" and "will reclaim the integrity historically associated with the position of Surgeon General."

Mr. President, if the nominee is successful, I wish him well in the difficult and very important task facing him and facing the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the President, and I thank the Senator from Massachusetts for yielding to me time to speak.

Mr. President, I am here today to convey my enthusiastic support for the nomination of Dr. David Satcher for the positions of U.S. Surgeon General and Assistant Secretary of Health.

The job of Surgeon General is to serve as a defender of public health and safety and bring important health issues to the forefront of public awareness. I regret the long vacancy that has existed in the position of U.S. Surgeon General and I implore the Senate to support the nomination of Dr. David Satcher and fill this long vacated seat as expeditiously as possible.

Dr. Satcher's background reflects a strong emphasis on preventive medicine and an intense care for our nation's youth and underserved communities. His expertise covers a wide range of medical fields, and I believe Dr. Satcher will certainly be a strong voice for public health and medical education.

For the past four years, Dr. Satcher has directed the world renowned Centers for Disease Control and Prevention, an agency located in my home state of Georgia, which has 11 major branches and worldwide responsibility. While at the CDC Dr. Satcher has championed stepped-up immunization drives, spearheading initiatives that have increased childhood immunization rates from 55% in 1992 to 78% in 1996 while simultaneously reducing vaccine-preventable disease to the lowest rates in U.S. history. In addition, Dr. Satcher has boosted programs to screen for cancer, upgraded the nation's capability to respond to emerging infectious diseases and laid the groundwork for a new Early Warning System to detect and prevent foodborne illnesses.

Throughout his career Dr. Satcher has worked in patient care, health care policy development and planning, education, research, health professions education, and family medicine. He is a physician, scholar and a public health leader of national stature and has received broad support from the medical community. In 1986, Dr. Satcher was elected to the Institute of Medicine of the National Academy of Sciences in recognition of his leadership skills. In 1996, he received the prestigious Dr. Nathan B. Davis Award from the American Medical Association for outstanding service to advance the public health. Dr. Satcher has also received the American College of Physicians' James D. Bruce Memorial Award for distinguished contributions in preventive medicine, the New York Academy of Medicine's John Stearns Award for Lifetime Achievement in Medicine, and the National Conference of Christians and Jews' Human Relations Award. These are awards given by Dr. Satcher's colleagues, experts in the fields of medicine and health, who have decided among themselves to praise Dr. Satcher and acknowledge his outstanding service and significant contributions to the health field.

As Americans we look toward the Supreme Court justices as a strong national voice for the cause of justice. We look toward our priests, rabbis and ministers for spiritual guidance. The people of this great nation deserve a strong and respected voice on the issue of health, an issue that affects every single American without exception.

I believe that Dr. David Satcher's strong background in public health matters, his dedication and unquestionable commitment to the practice of medicine, and his strong and sensible opinions on health issues make him the ideal choice for the positions of Surgeon General and Assistant Secretary of Health. Dr. Satcher will be a strong and forceful voice of the highest quality whom every American can look to with respect and admiration.

I ask of my colleagues, what attributes could we possibly look for in a Surgeon General that Dr. Satcher does not possess? He has dedicated himself to bettering the human condition and has worked tirelessly to improve the lives of people throughout this country and the world. Through his work, Dr. Satcher has touched millions of people, and has made their lives better. We would be doing every American a great disservice by denying the nation Dr. Satcher's service as Surgeon General. To quote an editorial from the Atlanta Constitution, Dr. Satcher "is the right man at the right time for these two positions, and the Senate, which must confirm him, should recognize that."

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). Who yields time?

Mr. COATS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank you for trading places with me so that

I could come down and make remarks regarding the nomination.

First of all, I want to commend the Senator for conducting what I think is an informative and factual and civil debate on this very important nomination.

We have over the past several years had some very controversial Surgeon General discussions and debates on this floor. The previous Surgeon General, Joycelyn Elders, was controversial, to say the least, and resigned after one of her more controversial actions. Then, subsequent to that, one of the nominees for that position failed to achieve majority support in the U.S. Senate and withdrew his name. So that is the position that has been open for some time.

Earlier, Mr. President, a speaker on the floor said that those who oppose this nomination never mentioned the experience and the qualifications and the life experiences of Dr. Satcher—his help for children, women, and the poor and disadvantaged. That is not true, at least in my experience, having been in the Chair for the last hour and a half. I think each speaker I have heard has acknowledged Dr. Satcher's fairly remarkable life experience in terms of providing help to people; in terms of dedicating his life to advancing the cause of medicine. He is an engaging person. He is a fine person with a history of achievements at the institutions for which he has worked.

My personal meetings with him in my office have been cordial and informative, and his presentation before the Labor and Human Resources Committee on which I sit was also one of cordiality and civility. But, Mr. President, those are not just the qualifications for someone to occupy the position of Surgeon General. Cordiality and life experiences in the ability to be, as someone said and I have said on previous occasions, the Nation's doctor are important qualifications but there are other criteria by which I believe it is important Members make the determination. I cannot speak for other Members. They can and will speak for themselves. However, I can state to the Senate and to the people I represent why I intend to cast my vote tomorrow in opposition to the nomination of Dr. Satcher. It is based on the committee hearings we have had. It is based on the answers to questions that I personally proposed to Dr. Satcher. My opposition is based on his answers to some of the questions I have raised during meetings which I have conducted in my office. Other Members have spoken on issues that have been of concern to me—his involvement and his role in the AIDS trials in Africa, his support for needle exchange programs, his inability to state clearly the relative importance of abstinence by children and avoiding drug use by teens.

I will leave further details of those issues to others. The Senator from Missouri has already touched on some of those, as have others. Each of those matters could be potentially disqualifying. The accumulation of those matters could be disqualifying. But for me ultimately my opposition to the nominee is based on his support for a practice that I consider indefensible, partial-birth abortion, a practice which we now know is brutal killing of a living child who has been partially delivered from the mother.

Some have claimed that the nominee has not in fact stated that he opposes legislation to ban this practice, and he made that statement to me. But I need to read from the following exchange of the nominee with my office as was printed in the hearing record and available on the committee's web site.

> Mr. COATS. Please indicate, Dr. Satcher, whether you support the President's recent veto of legislation regulating partial-birth abortion.

Dr. Satcher's brief but critical reply:

> I support the President's position.

Mr. President, I cannot support someone who supports that position. Some have claimed that they expect the nominee won't do anything to further advance the President's position on this question. But it is precisely on a matter so crucial to defining who we are as a nation and who we are as a people that I expect, and the qualifying criteria for me, is that our Nation's doctor show some independence and integrity on this question. I can understand why a nominee feels compelled to "support the President's position." But this is a matter of such fundamental importance, of such defining importance that I believe each has to speak their own moral conscience on the matter and come to their own conclusion regardless of the political consequences or any other implications.

Whether or not you will be an advocate or not an advocate for a position is not the criteria. The question is, what is your position on this, the most critical of all and the most defining of all issues, the issue of life itself. By supporting a procedure that I personally consider infanticide, this nominee has in fact joined forces with those who would create questions about whether or not that is the case, who supports without qualification a radical procedure that is not justifiable in any case except to save the life of the mother, and we have heard testimony from witness after witness, medical provider after medical provider, expert after expert, that it has never been the case that it is necessary to utilize the procedure of partial-birth abortion to save the life of the mother.

It is a grotesque practice. It has been described in this Chamber. It is not justifiable for any medical reasons, and yet that is the reason why it is defined here.

Mr. President, we need a Nation's doctor who unequivocally stands for, speaks for, advocates life itself, the sacredness of life itself and who will not hedge that qualification with an answer that simply says, I support the position of the President. Whether that person privately supports that position or not is irrelevant. That person is a public figure. The Surgeon General is the doctor to whom the Nation looks for advice and counsel on medical matters. He speaks, he advocates for those issues, and that someone says on this issue, I simply support the President's position, is unacceptable to this Senator because the President's position is unacceptable to this Senator.

So for that reason, Mr. President, I oppose this nomination and intend to do so when we vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened with great care to the arguments that have been made today and in the past, on past days, in opposition to the nomination of Dr. David Satcher.

The PRESIDING OFFICER. If the Senator will withhold for a moment, I would like to find out who yields time to the Senator?

Mr. HATCH. I am sorry. Will the Senator from Massachusetts yield some time to me?

Mr. KENNEDY. Could I ask how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 hour and 58 minutes remaining.

Mr. KENNEDY. Yes, I yield such time as the Senator requires, and then could I ask consent that the Senator from South Dakota be recognized after the Senator from Utah, for whatever time he requires?

Mr. ASHCROFT. Reserving the right to object, the proponents have been on the floor for quite some time. Does the Senator know how much time will be consumed for the two?

Mr. KENNEDY. I think the Senator from South Dakota indicated 6 or 7 minutes; 5 minutes?

Mr. ASHCROFT. No objection.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized.

Mr. HATCH. Mr. President, as I said, I have listened with care to the arguments made today in opposition to the nomination of Dr. David Satcher for the position of Surgeon General of the United States Public Health Service and Assistant Secretary for Health, and I feel compelled to rise again in support of this nominee.

Let me make perfectly clear that I do not agree with all of Dr. Satcher's positions. I do not agree with all of the positions, indeed with many of the positions, of the Administration he will represent.

But, on balance, my overriding consideration, after having spoken extensively with Dr. Satcher, is my conviction that he has exemplary qualifications and experiences that will enable him to hold this important office with great distinction.

I know that others, like my friend from Missouri, Senator ASHCROFT, and Senator COATS and others earnestly believe that Dr. Satcher should not be confirmed as Surgeon General. I respect their point of view, especially Senator ASHCROFT's and Senator COATS' point of view. I believe they have raised some necessary questions for the nominee to answer.

The debate over this nomination has focused on important issues of public policy such as partial-birth abortion and the appropriate role of the United States conduct of clinical trials in the Third World.

These are indeed serious issues worthy of debate by this chamber. It is important for this body to know what the Surgeon General thinks about key issues pertaining to the health of the American public and the health of our international neighbors.

This year Congress has the opportunity to pass historic public health legislation that can protect our Nation's teenagers by materially reducing the next generation of smokers.

If we accomplish this—and I think we should because each day 3,000 young people begin to smoke and ultimately 1,000 will die early from smoking related diseases—a portion of this success must be attributed to the involvement past Surgeons General.

In 1964, it was Surgeon General Luther Terry who first reported to Americans that smoking is a major cause of disease. Frankly, it was this Surgeon's General report that did as much as anything that set the course that places us on the verge of this historic legislation.

Since 1964, all succeeding Surgeons General have played an active role in warning the public of the risks of tobacco use.

In the 1980s, it was Surgeon General C. Everett Koop who did so much to put this issue back on the front burner of public opinion.

I don't think that there is any question about the fact that one of the most important legacies of the Office of Surgeon General over the last 35 years is the great contribution that these officials have played in significantly cutting down the number of Americans who use tobacco products to about 25 percent of the population.

But 25 percent is still too high because it results in an estimated 400,000 premature deaths annually and runs up billions in extra health care costs.

In my view, we must have a Surgeon General who is able to communicate effectively with the American people about the risks of tobacco use.

On the Today Show last Friday morning, former Surgeon General Koop—a strong supporter of Dr. Satcher—pointed out that in the years since the Office of Surgeon General has been vacant, certain types of youth tobacco use have gone up about 4 percent.

It just seems to me that it is critical at this time to have in office a Surgeon General who can lead the Government's anti-tobacco use efforts.

From his past efforts in this battle against smoking while at CDC—and from my personal conversations with him—I am convinced that Dr. David Satcher can be a major public figure in the country's battle against tobacco use.

No one is saying that a policy of prohibition for tobacco would be workable. This makes it all the more important that public opinion leaders, like the Surgeon General, be able to communicate the risks of tobacco use in a fashion that convinces the public about the benefits of stopping to use these deadly products.

I think Dr. Satcher can play the role of public spokesman in an effective fashion because, when the American people get to know him, he will have earned their respect and will listen to his advice of matters of public health.

While tobacco alone is critically important, there are many other public health issues that cry out for the national focus and leadership that a strong Surgeon General can provide.

In many respects, we are at a critical juncture in the battle against HIV transmission and other sexually transmitted diseases. Fortunately, the latest triple combination therapies have shown—at least in the short run—great promise in combating the progression of the AIDS virus.

But, unfortunately, this may lead some people to conclude falsely that HIV has been cured or is at least not dangerous, or not very dangerous.

This may lead some young people to engage in sexual behaviors and drug abuse behaviors that not only are morally troublesome, but can be potentially lethal.

In this regard, there are some recent indications that certain types of sexually transmitted disease are once again on the rise.

We need a strong Surgeon General to help teach our citizens, and particularly our young citizens, that abstinence from promiscuous sexual behavior and illicit drugs is good for your health.

I am pleased that Dr. Satcher has a strong track record in getting this message out—and as a long time health educator he knows how to get this message out in a way that young people will listen to. And given his long record of involvement as a health leader with special ties to those in the minority community—from his work at Morehouse College and Meharry Medical School and the King-Drew Medical Center—Dr. Satcher promises to be able to use his leadership position as Surgeon General to direct greater attention on health problems that disproportionately affect minority communities.

I have no doubt in my mind that Dr. Satcher will be able to serve effectively as Surgeon General for all the people in this country.

Under his leadership at CDC, the agency put greater emphasis on prevention. I think that there is much truth in the old adage, "An ounce of prevention is worth a pound of cure." Frankly, as a conservative, I think Government debates pounds and pounds of cures, having completely lost sight of the benefits of a little old-fashioned, non-governmental ounce of prevention.

In the past I have been involved in a number of confirmations of Surgeons General.

During the Bush Administration, I enthusiastically supported the nomination and confirmation of Surgeon General Antonia Novello.

Dr. Novello came from a research background at the National Institute of Child Health and Development and did a very good job for this country. Dr. Novello spent much of her efforts on pediatrics problems such as pediatric AIDS programs.

Before that, I was involved in the then very controversial nomination of Dr. C. Everett Koop by President Reagan.

At the time of his nomination, many had concerns that Dr. Koop, a pediatric surgeon by training who held strong pro-life views on abortion, would turn the Surgeon General's role into a polarizing position because of the politics of abortion.

Dr. Koop and I went to his opponents and explained that the great challenge and responsibility of the Surgeon General's office is not to stress issues that divide Americans but to act to unite the public by educating our citizens about the medical and scientific facts of health issues. I might mention that was a big battle. It took 8 months to get Dr. Koop approved because of pro-choice Senators. But, finally, he was approved and those Senators became some of his strongest supporters through the years.

I agree with Dr. Koop's oft-repeated statement that the job title is Surgeon General of the Public Health Service, not chaplain of the Public Health Service.

I think that history will judge that I was correct in my assessment that Dr. Koop was the right man for the job. I know that many who voted against him now agree that Dr. Koop was an outstanding Surgeon General.

It is somewhat ironic that one of the issues raised in the Koop confirmation has also been raised in the Satcher confirmation.

That matter is abortion, in particular the nominee's view of partial birth abortion.

Let me be abundantly clear: I am firmly and resolutely opposed to partial birth abortion. I disagree with the views of both the President and Dr. Satcher on this issue. I think that they are in the minority on this issue.

Nevertheless, I don't think that Dr. Satcher's views on this issue should disqualify him for this position, so long as he does not make it a matter of public policy and does not advocate for it. And he has indicated to me that he will not advocate for it, that he will not bring abortion into the debate if he is confirmed as Surgeon General.

While others who have held this post have endeavored to use it as a bully pulpit for a controversial social policy agenda, I am assured by Dr. Satcher that he fully understands the extreme sensitivity of these issues, particularly abortion. In my discussions with him, he has assured me that he will not use the Surgeon General's Office as a pro-abortion platform, and I believe him. And, with that assurance, I am willing to support him here today.

As Dr. Satcher has written to the Congress:

> Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda and I want to use the power of these positions to focus on issues that unite Americans—not divide them.
>
> If I am confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country.

Let me tell you, I can't tell you how much that means to me, that we have a Democrat-appointed Surgeon General who is willing to preach abstinence throughout this country to our youth. And to preach—I should say teach, would be a better word—good health practices.

I have to say some of our Republican Surgeons General haven't done this as well as I think Dr. Satcher will be inclined to do it. So that is one reason alone to vote for Dr. Satcher. And it is about time.

It seems to me that Dr. Satcher and Dr. Koop, while having almost completely opposing views on abortion, share the view that the Surgeon General's post is not the place to press the public debate on this contentious issue.

Given his public assurances—which have been butressed by my private conversations with the nominee—I am satisfied that Dr. Satcher can effectively help set the public health agenda of this country and can do it in a way that perhaps no other person at this time can. I think it is time to get this position filled and I think he will do a great job in it, and I intend to see that he does.

I also recognize that a lot of this debate has focused on the question of certain AZT trials co-sponsored by CDC and NIH in Thailand and the Ivory Coast.

I think that this debate has been healthy and has been helpful in facilitating a better understanding of the proper role of United States public health agencies in conducting research in the Third World.

First off, let me just make the point that I believe that any comparisons with the infamous Tuskegee experiments is way wide of the mark. Those natural history studies held no promise of treatment and, in fact, after a treatment was found, this treatment was denied to the participants of the study.

Unlike Tuskegee, these AZT trials have a strong informed consent component.

These trials were undertaken in close cooperation with the World Health Organization and the national and local public health officials of the country where the trials took place. As a proponent of the successful FDA export bill in 1995, the Hatch-Gregg amendment, I believe that it is imperative in forming public health policy that the United States must recognize and respect the differences in health and wealth characteristics of our foreign neighbors.

What is the standard of care in the United States may simply not be appropriate, proper, or possible in another country.

In fact, as former Secretary of Health and Human Services, Dr. Louis Sullivan has written to me to rebut criticisms raised against Dr. Satcher. Dr. Sullivan pointed out with respect to these AZT trials:

> Part of the problem is that the cost of the drugs involved is beyond the resources of developing nations. In Malawi, for example, the regimen for one woman and her child than 600 times the annual per capita allocation for health care.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOREHOUSE SCHOOL OF MEDICINE

February 6, 1998.

Hon. ORRIN HATCH,
U.S. Senator,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I understand that questions have been raised about the ethics and leadership of Dr. Satcher because of his support of AZT trials to reduce perinatal HIV transmission in developing countries. Questions have also been raised about his role in the HIV-blinded Surveys of Childbearing Women which started in 1988 and was suspended in 1995. As a biomedical scientist, former Secretary of the Department of Health and Human Services (DHHS) under President Bush, and one who has known and worked with Dr. Satcher for twenty-five years, I write to respectfully take exception to this assessment of the studies and especially of Dr. Satcher. I share the view of the World Health Organization (WHO), UNAIDS, the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) that these studies were ethical, appropriate and critical for the health of babies in developing countries. I also agreed which public health leaders at every level of government that the HIV-blinded survey which was started five years before Dr. Satcher entered government were ethical, appropriate and critical during the early phase of the AIDS epidemic. More importantly, I agree with those who, while questioning the AZI trials in Africa, strongly attest to the ethics and leadership of Dr. Satcher and strongly support his nomination for Surgeon General.

In 1994 scientists in the United States found a regimen using the drug AZT that dramatically reduces the transmission of the HIV virus from mothers to newborns. As a result of this breakdown, perinatal AIDS transmission in the United States has dropped by almost half since 1992. Naturally, such an advance raises hopes of making dramatic reductions not only in the developed world, but in developing nations, where 100 babies were born each day infected with HIV.

Unfortunately, it is generally agreed that the regimen that has worked so well in the United States is not suitable for these developing nations. Part of the problem is that the cost of the drugs involved is beyond the resources of developing nations. In Malawi, for example, the regimen for one woman and her child is more than 600 times the annual per capita allocation for health care.

Just as important, developing nations lack the medical infrastructure or facilities required to administer the regimen, which requires (1) that women undergo HIV testing and counseling early in their pregnancy, (2) that they comply with a lengthy therapeutic oral regimen, and (3) that the anti-HIV drugs be administered intravenously at the time of birth. In addition, mothers must refrain from breast feeding; the newborns must receive six weeks of oral drugs; and both mothers and newborns must be closely monitored for adverse effects of drugs.

Given the general recognition that this therapy could not be widely carried out in developing nations, the WHO in 1994 convened top scientists and health professionals from around the world to explore a shorter, less costly, and less complicated drug regimen that could be used in developing countries. The meeting concluded that the best way to determine efficacy and safety would be to conduct research studies that compare a shorter drug regimen with a placebo—that is, no medicine at all.

After the New England Journal of Medicine (NEJM) published its editorial criticizing the AZT trials in developing countries, two of the three AIDS experts on this editorial board resigned in protest because they disagreed. Many other outstanding biomedical scientists and ethicists have since taken issue with the NEJM editorial.

As one who feels strongly about what happened in Tuskegee, let me say that it is utterly inappropriate to compare these trials with Tuskegee where established treatment was withheld so that the course of the disease could be observed while these men died. The AZT trials being carried out in developing countries are for the purpose of developing treatment that is appropriate, effective and safe to prevent the spread of HIV from mother to child. Unlike Tuskegee, these programs have a very strong informed consent component.

> Likewise, I do not believe that criticism of the blinded-surveys of childbearing women is appropriate. These surveys, which started in 1988, five years before Dr. Satcher came to government, were supported by public health leaders at every level. They were considered to be the best way to monitor the evolving epidemic during that very difficult period when we knew so little of the nature of the problem and virtually no treatment was available. These surveys use discarded blood from which all identifying information had been removed, to measure the extent of the HIV problem in various communities and groups. The information was invaluable to state and local communities in planning education and screening programs. Using these surveys we were able to document that the percentage of women infected with HIV grew from 7% in 1985, to almost 20% in 1995. At no time was any baby, known to be positive for HIV, sent home without the parents being informed.
>
> Again, I acknowledge the right to criticize Dr. Satcher, the nominee for Surgeon General. But, I believe that Dr. Satcher's long and distinguished career speaks for itself relative to his commitment to ethical behavior, service to the disadvantaged, to excellence in health care and research and to human dignity.
>
> Should you wish, I would be happy to review any of the areas where there is any remaining confusion or questions.
>
> With best wishes and regards, I am
>
> Sincerely,
>
> LOUIS W. SULLIVAN, M.D.,
> *President.*

Mr. HATCH. Let me be clear: This economic circumstance is a sad fact of life in many developing nations but it is a fact of life nevertheless.

A key question is how best to bring new treatments and new hope to these underprivileged peoples around the world.

As Dr. Sullivan goes on to explain what happened in the construction of these trials you can see that the U.S. standard of care—the so-called long course AZT treatment could not serve as the proper baseline:

> Given the general recognition that this therapy could not be widely carried out in developing nations, the WHO in 1994 convened top scientists and health professionals from around the world to explore a shorter, less costly, and less complicated drug regimen that could be used in developing countries. This meeting concluded that the best way to determine efficacy and safety could be to conduct research studies that compare a shorter drug regimen with a placebo—that is, no medicine at all.

Let me just go on to tell you what Dr. Sullivan—the Bush Administration's HHS Secretary who is currently President of the Morehouse School of Medicine—thinks about the comparison of this study to the Tuskegee study:

> As one who feels strongly about what happened in Tuskegee, let me say that it is utterly inappropriate to compare these trials with Tuskegee where established treatment was withheld so that the course of the disease could be observed while these men died. The AZT trials being carried out in developing countries are for the purpose of developing treatment that is appropriate, effective and safe to prevent the spread of HIV from mother to child.

Dr. Sullivan is joined in his opinion by many health experts such as the American Medical Association and the American Academy of Pediatrics, that support Dr. Satcher.

Let me just conclude that I respect the views of those who have raised issues about this nominee. I certainly respect their right to raise these issues, but when I weigh all the evidence, I come to the conclusion that Dr. Satcher's nomination should be strongly supported.

Frankly, I find his life inspiring. He comes from humble roots. He is an American success story. He is a good man. And I judge that he will be a fair man. I am confident that if we confirm him, David Satcher will do his best to advance and protect the health of the American public.

I do not agree with all his views but I do believe that this good American merits our votes.

Let me mention a few of Dr. Satcher's accomplishments both before and during his tenure at CDC:

Dr. Satcher has led an international effort to reduce transmission of HIV from mother to child;

He has worked to close the health gap between the "haves" and the "have-nots." He was the Chair of Community and Family Medicine at Morehouse College. He served as the President of Meharry Medical College which has as a primary mission caring for the underserved.

In fact, Dr. Satcher has led an innovative public/private effort to consolidate the Meharry teaching hospital with the county facility in order to reduce cost and improve care;

During his tenure at CDC, the childhood immunization rate has risen from 55 percent to 78 percent. Over 90 percent of children are now immunized against measles, mumps, rubella, tetanus, pertussis and hemophilus. With particular respect to measles, between 1989 and 1991, over 27,000 kids suffered each year. In 1995 there were less than 500 cases, and last year there were no deaths.

In years prior to approval of a vaccine for hemophilus B influenza, about 1,000 children died a year. Dr. Satcher has worked to promote use of this new vaccine, and last year, only nine families suffered a death;

During Dr. Satcher's tenure, the number of states with breast cancer screening programs has risen from 18 to 50;

Another accomplishment of Dr. Satcher's is Food Net, a new surveillance system which detects foodborne illnesses. It worked in 1996 when there was a salmonella outbreak from apple juice and again with the tainted raspberries from Guatemala;

Dr. Satcher has developed and nurtured a program to provide public health information on the leading cause of death for African-Americans between 15 and 24. These statistics, along with a teenage suicide rate that has tripled since 1950, are a problem our Nation's physicians and leading public health authorities have stated they cannot ignore any longer;

Dr. Satcher has also developed a much-needed comprehensive approach to detecting and combating infections emerging in both the U.S. and around the world. The possibility that world travel could quickly result in an epidemic underscores the need for a rapid detection system.

All of these are tremendous accomplishments in a relatively short period of time by a man who had just one small agency under his control.

I do not agree with all of Dr. Satcher's views. But I didn't agree with all of Dr. Koop's views or all of Dr. Novello's views either, but probably more with them than I do with Dr. Satcher. But I believe this good American merits our votes.

President Clinton did win the election. He should have the right to have a Surgeon General of his choice, so long as that person is within the mainstream and so long as that person will not advocate a radical agenda that divides America. This man has indicated that he will encourage an agenda that will bring America together, an agenda that will help our youth to abstain from promiscuous sexual activity. He has indicated he will be sensitive in so many other areas that will bring America together. I think Dr. Satcher is a man who, at this time, could do this better than anyone else I know. That is why I support his nomination. I hope that our colleagues will also support him in our vote tomorrow. I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, I rise to fully join in the strong bipartisan support for the nomination of Dr. David Satcher, as expressed on the Senate floor today, for the dual position of U.S. Surgeon General and Assistant Secretary of Health.

This Nation is fortunate that a man of Dr. Satcher's dedication, vision and deep commitment to public service has agreed, in fact, to take on this critically important role, a critical role, I might add, that has been unfilled—unfilled—since 1994. It is time to fill this critical position. We have gone more than 3 years without a Surgeon General to push Americans toward better health and healthier lifestyles.

Dr. Satcher has served the American people as a family practice physician, as an educator and as an established leader in the public health arena. During his tenure as the Director of the Centers for Disease Control, Dr. Satcher worked to strengthen the critical prevention link in our Nation's public health structure. He tackled the problem of lagging childhood immunization rates, increasing the number of kids immunized by nearly 25 percent. Rates increased from 55 percent in 1992 to 78 percent in 1996. This is an exceptional accomplishment.

Under Dr. Satcher's leadership, we reduced by one-fourth the number of children at risk for immunization-preventable diseases, some of them permanently disabling, or even fatal.

Dr. Satcher also spearheaded a highly successful program to provide breast and cervical cancer screening to women throughout America. State participation in the CDC breast and cervical cancer screening program increased from 18 to 50 percent.

He helped launch an early warning system to detect and prevent foodborne illnesses, such as E. coli. This system was instrumental in tracking and containing salmonella, E. coli and cyclospora, in imported raspberries, outbreaks.

Dr. Satcher has wide-ranging support. He is clearly of the political, of the medical mainstream in our Nation. He is endorsed by 133 organizations, including the American Medical Association and many physicians groups, the American Hospital Association and most hospital organizations, the American Nurses Association and many others, including prominent pharmaceutical companies.

Dr. Satcher has indicated very clearly to this Senate that he sees his role as providing a focus on issues that unite Americans and not divide them; that he wants to strongly promote a message of abstinence and responsibility to our youth.

In a recent letter Dr. Satcher wrote:

> If I'm confirmed by the Senate, I will work to ensure that every child has a healthy start in life. I will encourage the American people to adopt healthy lifestyles, including physical activity and diet, and I will try to help the American people make sense of a changing health care system so that they can maximize their access to and the quality of the health care they receive.

I believe, Madam President, that Dr. Satcher's goals are squarely on target. Our Nation will be well served by a public health leader who could help us foster healthy lifestyles, a consumer advocate who recognizes that strengthening our health care system means empowering individuals to make informed decisions of their own about the care that they receive. I am confident that Dr. Satcher, a man of experience, proven integrity and great insight will help us make these goals a reality. I am confident that my colleagues on both sides of the aisle will join me in confirming this important nomination. I yield back my time.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, I yield myself as much time as I may consume in my opposition to this nomination.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ASHCROFT. Madam President, may I ask how much time remains on each side?

The PRESIDING OFFICER. The Senator from Missouri has 1 hour and 42 minutes; the Senator from Massachusetts has 1½ hours remaining.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

Madam President, I rise to oppose this nomination because this nominee has an approach to America's drug crisis which is an approach of tolerance—in many respects—rather than an approach of eradication. That is clear by the fact that this nominee has shown a clear willingness to encourage needle exchange programs and to groups of individuals that want to sponsor needle exchange programs and to embrace a concept waiving State laws in America that are against drug paraphernalia that accommodates the problem of drug abuse.

This afternoon, I would like to take some time to review evidence that shows where we are in this debate in our culture. We can then juxtapose that with the views of the current nominees.

To begin the discussion, we must understand that the Surgeon General of the United States has a very important responsibility, not only to the people of America—advising you and me and families across America on our health concerns—but also in advising the Secretary of Health and Human Services and advising the President of the United States in terms of health policy the Nation should be following.

In that role, the Surgeon General—"America's Doctor"—should not only value life, but also should value the quality of life in this great land.

Drugs in America impact not only the quality of life of those addicted to the illegal narcotics, but also the children in our schools and the citizens of our cities. If you look carefully, it is pretty clear that of the number of people in our prisons—the majority of them have been involved with some substance abuse in the commission of their crimes.

The Nation's drug policy should be one of zero tolerance. It should not be a policy of accommodation. Drugs are turning our once vibrant cities into centers of despair and hopelessness. We need a Surgeon General who rejects and fights the drug culture—who has no tolerance for the drug culture. A Surgeon General who says that America can be called to a higher standard rather than accommodated in a culture of consuming drugs.

Many special interest groups are calling on Congress and the administration to turn our drug policy into a policy of accommodation and tolerance. Let me just sort of try to help you understand what kind of an approach that would be.

Rather than treating drug addiction as the problem— understanding that it is a criminal act and that it should not be tolerated, many groups have increasingly called for a "harm reduction" policy. Harm reduction advocates policies to literally reduce the harm of injecting illegal drugs. These policies include providing clean needles to drug addicts and for some—legalization of drugs.

This was the case with the former Surgeon General of the United States, Joycelyn Elders, who actually said that we ought to just legalize drugs, we should make them available on a broad basis so that more people could have easy access to them. I think that is the wrong approach. I think accommodating drug users, I think providing a greater accessibility to drugs, providing safe accessibility to drugs sends all the wrong messages.

The "harm reduction" school of thought is the idea that if we provide people with either free drugs or clean needles, so that there will be less risk involved in using drugs, that we will have done the right thing.

The Harm Reduction Coalition's Home Page provides that HRC "supports individuals and communities in creating strategies and obtaining resources to encourage safer drug use. . . . Rather than perpetuating the 'all or nothing' approach to drug intervention, harm reduction—and here is the key phrase—"accepts drug use as a way of life."

Once you come to the conclusion that you want to accept for this country drug use as a way of life, you really have embraced something that is—very troublesome as far as I am concerned. I think America wants to reject drug use as a way of life. We do not want to accommodate ourselves with the concept of more and more young people and more and more citizens of our culture who are involved in drug use. I think what we really want to be able to do is say we want fewer people to be involved in drug use, and that as a way of life it is something we want to reject rather than embrace.

I see that my colleague from the State of New Mexico is here and has come to the floor. And I intend to speak for quite some time on this issue. I would be happy to ask for unanimous consent that he be able to make some remarks, and then that the RECORD would reflect that his remarks would be somewhere outside the confines of mine. I think he would probably prefer that.

Mr. DOMENICI. Madam President, if we could have unanimous consent that I could deliver my remarks at 4:30, in which event the Senator would be finished. It is 3:20.

Mr. ASHCROFT. Yes. I would be finished by 4:30.

Madam President, I ask unanimous consent that the Senator from New Mexico be allowed to speak at 4:30, and that his time be taken—I understand he is supporting the nomination—that his time be taken from the time on the supporting side for the nomination.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I note the presence of Senator BINGAMAN, my colleague from New Mexico. He wanted to speak for 2 or 3 minutes on the same subject. I am not sure if 4:30 will accommodate that. I ask unanimous consent that Senators DOMENICI and BINGAMAN have 15 minutes together at 4:30, and that for part of that 15 minutes we be permitted to speak on a resolution regarding the 400th anniversary of the commemoration of the first permanent Spanish settlement in New Mexico.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. ASHCROFT. Reserving the right to object, let me say, to the extent the time is expended in favor of the nomination, that I ask unanimous consent that it be taken from the time allotted to the side favoring the nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Madam President, has time for every Republican in favor of the nominee been taken out that way? If that is the case, I want to be treated that way.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Thank you very much, I say to Senator ASHCROFT.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you very much.

As I said, there was a stream of thought in this country that says, we ought to begin accepting drug use as a way of life. It is known as the "harm reduction" school of thought. It is a philosophy that tries to limit some of the harm and to provide as much support as is necessary to drug users in the culture.

Now, this is the philosophy behind the needle exchange programs which have gained the favor of the nominee, Dr. Satcher. By giving addicts clean needles, the argument goes, you reduce their chance of becoming infected with HIV, therefore, you improve their quality of life.

I, along with a majority of Americans, believe that such policies are nothing more than a subsidy for drug use—providing equipment for drug users to administer illegal drugs to themselves, and hoping somehow that in this safer environment for them and somehow that they have fewer infections.

I indicate that that is not the view of most Americans. And I do not think it is the view of many sensible individuals, including Gen. Barry McCaffrey, who is the director of the Office of National Drug Control Policy. We frequently refer to General McCaffrey as the "Drug Czar." These are the words of General McCaffrey:

> The problem is not dirty needles, the problem is heroin addiction. . . . The focus should be on bringing help to this suffering population—not give them more effective means to continue their addiction. One does not want to facilitate this dreadful scourge on mankind.

Well, I couldn't agree more with General McCaffrey. We do not want to facilitate the dreadful scourge of drugs on mankind. We do not want to accept drug use as a way of life. Furthermore, it is crucial that we understand whatever we do in Government—we teach—we send signals to young people.

What are young people to think when they encounter a junkie who wants to convince them to use IV drugs, and young people say, "Oh, I don't know. I've been told that's wrong. And I've been told that's dangerous." But the junkie says, "Oh, don't worry about that. The Government gives us needles. And we can do this without risk or harm. You don't think the Government would provide us with the tools if this was something that's really wrong, do you?"

I think it would be hard, as a young person who was otherwise tempted, to understand that the government would not be endorsing drug use. What does this do to our children? What kind of message does it send to America in terms of that to which we aspire? Does it carry us to our highest and best or does it accommodate us at our lowest and least?

Is this harm reduction a means, by saying that we will tolerate this, that we are willing to embrace it, and not only embrace it but to subsidize it? And in so doing, are we willing to corrupt the next generation because we are trying to provide a clean needle? Besides—there are real questions about whether clean needles reduce drug use or not.

Obviously, the Congress has rejected this policy of facilitating, in the words of General McCaffrey, the "dreadful scourge on mankind."

In 1988, the U.S. Congress began banning the use of Federal funds for needle exchange programs. The representatives of the people of the United States of America said, "My taxpayers, the people who send me here, don't want to spend their money buying needles for drug addicts."

I keep thinking to myself, I will bet you they don't want to buy bulletproof vests for bank robbers either. You could improve the health condition of bank robbers, if you wanted to, and make it safer for them. Under those circumstances, they would less likely die in the commission of a robbery if you would strap a bulletproof vest on them. But I don't think we want to do that because we don't want to participate, with Federal money or State money or any money, in the commission of a crime. It is something we are against doing.

I do not think we want to participate in the commission of the drug crimes which spawn the robberies, spawn the assaults in our cities by saying, "We're going to make this easier for you. We're going to make it less risky for you. We're going to make it cleaner for you. We're going to make it more convenient for you. So any time you need a needle, we can give you one. You won't have to find one or you won't have to try and get one some other way illegally. We'll just make it available to you. That way, you won't ever have to quit taking drugs."

In 1988, Congress began banning the use of Federal funds for needle exchange programs.

Last year, in 1997, Congress included language in the Labor, Health and Human Services Appropriations bill that would allow the ban to be lifted if the Secretary of Health and Human Services determines that needle exchange programs reduce HIV among intravenous drug users and does not encourage drug use. Well, I think it would be a very difficult finding to be able to make.

Since it is the function of the Surgeon General to advise the Secretary of HHS on such policies, Dr. Satcher's position on the needle exchange program is crucial in the debate.

Here you have it. The law now says that we will not spend tax dollars in this respect unless the Secretary of Health determines that needle exchange programs reduce HIV among intravenous drug users and they do not encourage drug use. So all he would have to do is say, well, I kind of think they probably will reduce—or accept a study that might say that they do, or accept a study that says they don't encourage drug use. And having done that, he is in the position to have the law of the United States go from not supporting needle exchange to supporting needle exchange programs.

Dr. Satcher's needle exchange position has been very difficult to determine. It has been difficult to determine in substantial measure because they have not been forthcoming. There has been a set of responses made by the Centers for Disease Control which are incomplete. And the more complete they are, the more troublesome they become.

A 1992 study conducted by the University of California moved the harm reduction debate into the mainstream of public debate. Also, this is the most often cited study showing that needle exchange programs reduce HIV in intravenous drug users.

In 1993, CDC was asked to "review" the California study and give its "opinions and recommendations for Federal action in response to needle exchange" programs.

In the review, the CDC embraced the study findings that needle exchange programs reduce HIV infection among IV drug users and show no evidence of encouraging drug use.

The CDC, led by Dr. Satcher, made its recommendations not only on Federal action but also made recommendations on policy changes to State and local governments.

> The ban on Federal funding of needle exchange programs should be removed to allow States and communities the option of including needle exchange programs in comprehensive programs [programs that share Federal funding].

In the review, the CDC found the recommendation that State and local governments repeal their drug paraphernalia laws as they "apply to syringes," to be "reasonable and appropriate."

So here you have the Centers for Disease Control, under the leadership of Dr. Satcher, saying that we ought to urge States to repeal their drug paraphernalia laws concerning syringes that it is a reasonable and appropriate recommendation. He is sending word up the chain to the Secretary of Health and Human Services that that is what ought to be done.

He is also saying the ban on Federal funding of needle exchange programs should be lifted to allow States and communities the option of including needle exchange programs in comprehensive programs.

The review also found the California study recommendation that "substantial Federal funds should be committed both to providing needle exchange services and to expanding research into these programs." And they found that recommendations was "reasonable and appropriate."

So here is what you have. You have the CDC recognizing and evaluating the California study. And then you have the CDC saying, under Dr. Satcher's direction and leadership, that the recommendations are both reasonable and appropriate.

And what are those recommendations?

They are to spend substantial Federal funds to provide needle exchange services and to expanding research into such needle exchange programs, and they are to recommend that state and local governments repeal their drug paraphernalia laws as they relate to syringes, and they are to say that the ban on Federal funding of needle exchange programs should be lifted.

Here you have a real conflict. You have the people of the United States against providing needles for drug addicts. You have Dr. Satcher running the CDC, evaluating studies and saying that it is reasonable and appropriate to start spending Federal tax dollars. Then he concludes, based on the studies, that there is no increase in HIV transmission or drug use as a result of needle exchange programs.

Now, I have to say that this so-called review by CDC has been very controversial. In fact, it was made public only during the past 2 years after a needle exchange advocacy group obtained and disseminated a copy. Prior to that time CDC even denied Freedom of Information Act requests to obtain copies of the review.

Here is what you have. You have the CDC on record in favor of needle exchange programs under the direction of Dr. Satcher. You have a refusal of the agency to provide copies of their review of the report. I can understand Dr. Satcher's trying to distance himself from this review. When I asked for a copy of the CDC's review of this report, it was not forthcoming. And when it was forthcoming, it came to me with a critical piece of the operation missing. What was missing from the report was the letter of Dr. Satcher—the cover letter—where he is "pleased to submit the attached review."

Now, I have some real reservations about the fact that the CDC would send out the report and not include the cover letter from this nominee. I can understand why this nominee would not want the cover letter to accompany the review because he has sought to lead Members of the Senate and committees of the Senate that he has not endorsed, not participated in programs that would promote needle exchange or clean needles for drug addicts. But I think it is beneath the dignity of the CDC and beneath the integrity of the Senate of the United States to send out the review without having the letter of endorsement on the review that is signed on behalf of David Satcher.

In my opinion, for us to make good judgments about individuals who are before the Senate, we have to expect agencies to comply completely with our requests. To provide documents that we ask be provided—selectively—in ways which favor prior statements of a nominee, and to withhold items which might not be as favorable to the nominee and to provide items that might be more favorable to the nominee reflects poorly on the compliance of the agency. It could reflect on the integrity of the nominee if the nominee himself or herself is in control of the agency.

It might be possible to argue that, well, maybe the cover letter does not really apply to the recommendations and maybe the signature on the cover letter, which purports to be a signature for Dr. Satcher, is not one that ought to be considered, but I hope that agencies in providing information to the Senate would allow the Senate to make judgments like that.

The Centers for Disease Control has withheld relevant and material information I believe in an effort to mislead this body on Dr. Satcher's position on Federal funding for needle exchange programs.

A statement was made on the Senate floor that suggested I was trying to mislead my colleagues by saying that Dr. Satcher supports needle exchange programs. A Senator stated that "Dr. Satcher has never advocated taxpayer funded needle exchange programs for drug abusers. Dr. Satcher has recommended to Congress that we allow scientific studies to answer the key questions involved with this issue. Dr. Satcher believes we should never do anything to advocate the use of illegal drugs; the intravenous use of illegal drugs is wrong. He has said that he opposes the use of any illegal drugs."

The key point here is after I indicated Dr. Satcher had promoted and sought to promote illegal drug use, statements were made in the Chamber that he has never advocated taxpayer funded needle exchange programs for drug users.

Well, I think you can tell from the report I just quoted, which was sent to us finally, begrudgingly—minus the cover letter from Dr. Satcher—that directly contradicts "Dr. Satcher has never advocated taxpayer funded needle exchange programs." No question about it.

Let's look at the record. In addition to this, although it is difficult to find since the CDC consistently has withheld and delayed getting requested information to my office, Dr. Satcher has not been forthright in addressing his view on public funding for needle exchange programs. He has embraced the lawyer speak, Clinton speak that we have all heard too much of in the last 6 years. When asked the question about his position on the Federal funding of needle exchange programs, he talks about quality science or the administration's position. He does not simply answer the question.

When my office requested information from the CDC on the "number of needle exchange programs, education or research conferences sponsored with Centers for Disease Control funds," I was told that the CDC did not fund such conferences. The cover letter, transmitted with part of the information that we had requested, stated that the "CDC has participated in several conferences and other activities designed to reduce the spread of HIV/AIDS" but said categorically there were no CDC funded conferences in this respect.

Understanding again the lawyer speak, the CDC only funds conferences "designed to reduce the spread of HIV/AIDS," therefore, we had to ask for information on all conferences funded by the CDC that were designed to reduce the spread of HIV and AIDS. We asked for this information 5 days ago and still have not received it.

Even though the CDC stated that it did not fund such conferences. Even though we have a great deal of information, including conference brochures, indicating that the CDC does fund such conferences. They found one "Award of Notice" relevant to my request, it was a needle exchange conference that the CDC decided not to fund. This was a Harm Reduction Action Coalition conference that was supposed to be funded by the CDC but the funding was terminated because the CDC could not approve the final agenda. The CDC is forthright in giving me information about a needle exchange conference finding—it is relevant to the request when they terminated funding but not when the funding for the conference actually went through.

Let me go over it. We asked them if they had ever funded a conference that regarded needle exchange and whether they would fund such a conference and they sent us documentation that said here is a conference which we're going to fund—which happens to be the needle exchange advocacy group we already have talked about today—but the funding was terminated because we could not agree on the final agenda. They understood that they wanted to support Dr. Satcher's representations to Senators and to the members of the committee of the Senate that he does not support needle exchange programs.

So we will look at the record. First, he submitted the review I just mentioned recommending the end to the Federal ban. Under Dr. Satcher's leadership the CDC has cosponsored conferences designed to advance the needle exchange agenda.

I have mentioned the cover letter that I was sent by the Department of Health and Human Services Legislative Affairs Office, but now I quote:

> The CDC does not provide funds to support needle exchange programs, nor has the CDC directly funded any educational research conference on needle exchange, although CDC has, of course, participated in several conferences and other activities designed to reduce the spread of AIDS.

What you have here is I have asked them if they ever support conferences on needle exchange. They say no. They say we can show you a document of a conference we denied because it had needle exchange in it. And then outside of their own response with documents we get this logo from a conference sponsored by CDC "Getting the Point." I do not think it takes a rocket scientist to know that this is a needle. "A conference about clean needle programs sponsored by the Chicago Department of Public Health and the Centers for Disease Control and Prevention."

Now, it may be a coincidence that the Centers for Disease Control provided me information about a conference which they were going to fund but then terminated the funding, but when I have asked for information from them about conferences which they did sponsor and they omit those carefully—but I doubt it.

It may be a coincidence that they omitted the cover letter which provided Dr. Satcher's direct connection to the assessment of the Centers for Disease Control for Federal funding for clean needles and for the conclusions of the California study—which—incidentally are not based on good science—but I doubt it.

It seems like it is all too convenient that this agency—in pursuit of this nomination—selectively has provided to the Senate those things which reinforce the stated position, the public position of the nominee and has then deleted from the record those things which do not comport with the position of the nominee.

It not only happened as it related to the cover letter on the evaluation of the California study; it happened when we wanted to know whether we really find ourselves sponsoring clean needle conferences and agendas around the country. And conveniently enough the cover letter was deleted and conveniently enough the conference that was funded was deleted, but the conference which was not funded was included in the evidence.

I quote from a letter from the Illinois Drug Education Alliance—who attended this Chicago—"Getting the Point" Conference which was addressed to Dr. Satcher.

> Dear Director Satcher. As President of the Illinois Drug Education Alliance, I take strong exception to how the Centers for Disease Control and Prevention are promoting clean needle programs in the State of Illinois. My understanding is that no Federal money is to be spent on clean needle programs, so I do not understand how the CDC can justify promoting clean needle programs.
>
> In Chicago, on June 30, 1997, the Chicago Department of Public Health and Centers for Disease Control and Prevention cosponsored a conference "Getting The Point" on clean needle programs. I was one of three IDEA (Illinois Drug Education Alliance) board Members who attended the conference, and I can personally testify that it was totally weighted toward clean needle programs. There were no (in italics "N-O") speakers presenting the opposite view.

Judy Kreamer, the President of the Illinois Drug Education Alliance, persists to write:

> We were further alarmed to learn that the CDC is providing technical assistance and financial support for another conference "HIV Prevention Among Injection Drug Users." This Illinois Department of Public Health conference also presents a clearly biased perspective. After a number of telephone calls and cooperation of IDPH, we were able to include a panel, featuring a nationally known expert, to present the opposing view.

Critical point. The kind of representations made by Dr. Satcher to Members of the Senate have been that he opposes Federal funding, does not advocate Federal funding for clean needle programs.

That was made so convincingly to a number of Members of this body that when I rose to say early in the debate that he advocated clean-needle programs or needle exchange programs, there were those who rose to vociferously contradict it and assure us that that was not the case. I think this evidence speaks for itself.

One, he has endorsed the report saying it's reasonable and appropriate to have substantial Federal funding for clean-needle programs. No. 2, he has endorsed a report saying it's reasonable and appropriate to urge that the State laws be changed so that drug paraphernalia laws provide an exception for needles and syringes. Secondly, there is clear evidence, when all the evidence is in—or at least when enough evidence is finally provided—that not only did the Department fail to provide us with notice of the clean-needle programs, there was a selective provision of material requested by the Senate, and that is very, very distressing. The reasoning for not providing the letter was that it was just a transmittal letter, although they did send us, of course, a substantial amount of information. I would like to submit the conference agenda and letter for the RECORD.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED READINGS REGARDING HIV/AIDS AND ACCESS TO STERILE SYRINGES AND NEEDLES

DISCLAIMER

(The following printed materials are provided as background for the "Getting the Point" conference. Inclusion here does not represent endorsement by the conference sponsors for the accuracy or views expressed in the materials. Refer to CDPH notes throughout. In all cases, readers are urged to review original copies of the full documents and supporting materials)

GETTING THE POINT

(A Conference about Clean Needle Programs Sponsored by the Chicago Department of Public Health and Centers for Disease Control and Prevention; Monday, June 30, 1997, Harold Washington Library Center, Chicago, Illinois)

SPONSORS

Sponsored by the Chicago Department of Public Health and The Centers for Disease Control and Prevention (CDC)

BACKGROUND

HIV/AIDS, hepatitis and other blood-borne illnesses are often spread through contaminated equipment used by injection drug users (IDU). As one effort to address the problem, Illinois legislators are debating measures to legalize possession of hypodermic syringes/needles and allow their limited sale without prescription at pharmacies. Such measures are intended for people who cannot or choose not to get treatment for their substance abuse.

OBJECTIVES

Our conference is intended to educate and encourage discussion regarding clean needle programs. Participants will learn about: (1) epidemiology and demographics of HIV/AIDS related to IDU; (2) treatment availability and harm-reduction for IDU; (3) evaluations of current clean-needle programs; (4) related legal/legislative issues; and (5) community response.

Information and feedback from the conference will assist the Chicago Department of Public Health in formulating policies regarding the role of clean needle programs as part of a comprehensive system of prevention, education, and care for injection drug users and their sex partners.

KEYNOTE ADDRESS

Jonathan Mann, M.D., M.P.H. The plenary keynote will be delivered by Dr. Jonathan Mann, founding director of the World Health organization's Global Program on AIDS and Chair of the Global AIDS Policy Coalition. At the Harvard School of Public Health, Dr. Mann is Director of the International the Francois-Xavier Bagnoud Center for Health and Human Rights. Additionally, he is Professor of Epidemiology and International Health, and Director of the International AIDS Center of the Harvard AIDS Institute. Dr. Mann will discuss public health lessons and challenges related to the HIV/ADIS epidemic and clean needle programs.

SPECIAL PRESENTATION

Connecticut Representative William Dyson in 1992, the Connecticut legislature legalized the sale and possession of up to ten clean syringes/needles. State Representative William Dyson, D-New Haven, reports on the results of clean needle legislation in his state.

WORKSHOPS

All three workshops will be held twice (11:00 AM and 1:30 PM). Each features a panel of authoritative speakers and opportunity for audience participation. Indicate your preference on the attached form.

Workshop A: Needle Programs. Place: Video Theater: What does research say about the effectiveness of needle exchange programs? Does access to clean needles reduce disease? Will easier access increase the use of drugs and encourage drug injection? *Moderator:* Supriya Madhavan, Epidemiologist, CDPH. *Speakers include:* Steve Jones, CDC; Andrea Barthwell, Encounter Medical group, Chicago; Beth Weinstein, Connecticut Dept. of Public Health.

Workshop B. Community Response. Place: Main Auditorium: How strong is the public sentiment for and against clean needle programs? What are opinions of affected neighborhood groups, churches and community leaders? *Moderator:* Theordora Binion-Taylor, CDPH. *Speakers include:* Sandra Crouse Quinn, University of North Carolina, Chapel Hill; Johnny Colon, VIDA SIDA; Sidney Thomas, Woodlawn Adult Health Clinic.

Workshop C: Legal and Legislative Issues. Place: Multipurpose Room B: How are legislators handling proposals to legalize possession of hypodermic syringes and needles? How would such proposals impact law enforcement, pharmacies, and other interested parties? *Moderator:* Fikrite Wagaw, Epidemiologist, CDPH. Speakers include: William Dyson, Connecticut State Representative; Sara

"GETTING THE POINT" A CONFERENCE ABOUT CLEAN NEEDLE PROGRAMS (MONDAY, JUNE 30, 1997 8:30 A.M.–4:30 P.M.—HAROLD WASHINGTON LIBRARY, LOWER-LEVEL CONFERENCE CENTER, 400 SOUTH STATE STREET, CHICAGO IL 60603)

AGENDA

8:30–8:55 Welcome and Overview:

Robert Rybicki, M.A., Assistant Commissioner, CDPH Division of HIV/AIDS Public Policy and Programs.

Steve Whitman, Ph.D., Director of Epidemiology, Chicago Department of Public Health.

9:00–9:30 Keynote Address:

"The HIV/AIDS Epidemic: Public Health Lessons and Challenges." Jonathan Mann, M.D., M.P.H., Harvard School of Public Health.

9:30–9:50 Legislative Issues:

State Representative William Dyson, Connecticut General Assembly.

9:50–10:10 Treatment Dilemmas:

Andrea Barthwell, M.D., Encounter Medical Group, Chicago.

10:10–10:30 Community Perspectives:

Sydney Thomas, M.S.W., Woodlawn Adult Health Clinic.

10:30–10:45 Questions and Answers
10:45–11:00 Break
11:00–12:30 Concurrent Workshops A, B, C
12:30–1:30 Wintergarden Lunch
1:30–3:00 Concurrent Workshops A, B, C (Repeated)
3:00–3:20 Break
3:20–4:30 Closing Plenary

Workshop Summations

Complexities for Law Enforcement: Views From the Chicago Police Department, Commander Dave Boggs

Perspectives of Public Health: Sheila Lyne, R.S.M., Commissioner, Chicago Department of Public Health

4:30 Adjournment

Mr. ASHCROFT. Madam President, the CDC also cosponsored with the Atlanta Harm Reduction Coalition, which is one of the groups who believe that reducing the harm of IV drug use through needle exchanges is an appropriate way for us to begin to accept drug use as a fact of life and a way of life in the United States.

I ask unanimous consent that the agenda of the Atlanta Harm Reduction Coalition Conference, cosponsored by the CDC, also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARM REDUCTION

Harm reduction is a model and a set of strategies, based in the public health ideology, that encourage users and service providers to reduce the harm caused by licit and illicit substance use. In allowing users access to the tools needed to become healthier, we recognize the competency of their efforts to protect themselves, their loves ones and their communities.

The Atlanta Harm Reduction Working Group Conference is a two-day meeting designed to advance harm reduction in the Southeastern United States. Although this area of the country is a focal point for several prominent schools of public health and government controlled health agencies, most local policies do not use public health or harm reduction when dealing with substance users.

This conference is designed for health care workers, social service providers, outreach workers, drug treatment workers, educators, lawyers, law enforcement officials, researchers and academics for education on harm reduction policies. The specific objectives include presenting practical strategies for incorporating harm reduction into existing services and programs; providing local and national examples of successful harm reduction strategies; and developing networks of people who are or will be working in the field of harm reduction.

FRIDAY, MARCH 22, 1996

8:30–9:30 a.m.—Registration and Coffee

Rita Anne Rollins Room—8th Floor

9:30–10:00 a.m.—Welcoming Remarks by Sponsoring Agencies:

Jim Curran, MD, MPH, Dean, Rollins School of Public Health.

Ariane Kraus, Coordinator, Atlanta Harm Reduction Coalition.

Sara Kershnar, Program Director, Harm Reduction Coalition.

Ethan Nadelmann, JD, Director, The Lindesmith Center.

David C. Condliffe, Exec. Director, The Drug Policy Foundation.

10:00–11:00 a.m.—Introduction and Keynote Address:

Jim Curran, MD, MPH, Dean, Rollins School of Public Health.

Steven Jones, MD, U.S. Centers for Disease Control and Prevention.

11:15 a.m.–12:30 p.m.—What Is Harm Reduction?

Michael Poulson, MPH, Atlanta Harm Reduction Coalition.

Imani Woods, Training Specialist, Progressive Solutions.

Jon Paul Hammond, Harm Reduction Coalition.

Margaret Kadree, MD, Morehouse School of Medicine.

Cheryl Simmons, SISTERS.

SATURDAY, MARCH 23, 1996

9:30–10:00 a.m.—Coffee.

Rollins School of Public Health

10:00 a.m.—12:00 p.m.—Working Groups-Repeated

12:09—1:30 p.m.—Lunch

Rita Anne Rollins Room-8th Floor

1:30–3:30 p.m.—Where Do We Go From Here? Community Organizing and Grass-Roots Policy Change:

Sara Kershnar, Harm Reduction Coalition.

Joyce Perkins, Nashville Needle Exchange Program.

Dave Purchase, North American Syringe Exchange Network.

Cathalene Teahan, Georgia AIDS Coalition.

Sterling White, Starr Team.

3:45–5:30 p.m.—Southeast Harm Reduction Coalition Meeting.

Please Attend the Fund-raising Events for the Atlanta Harm Reduction Coalition

Friday Evening: Whole World Theater Benefit, Saturday Evening: Red Light Cafe Benefit.

CONFERENCE SPONSORS

U.S. Centers for Disease Control and Prevention; Atlanta Harm Reduction Coalition; Harm Reduction Coalition (HRC); The Drug Policy Foundation; The Lindesmith Center; Dogwood Center; Common Sense for Drug Policy; The Criminal Justice Policy Foundation; Summerhill One-to-One; Emory Harm Reduction Working Group; Sisterlove; Nyarko & Associates; Emory University Center for Health, Culture and Society; Georgia

AIDS Coalition; Georgia Men's Health Education Network; North American Syringe Exchange Network; Southeast AIDS Training and Education Center; Rollins School of Public Health of Emory University.

12:30–1:45 p.m.—Lunch

Rollins School of Public Health-Working Groups

2:00–3:45 p.m.—Drug Treatment, Twelve-Step and Harm Reduction: How They Best Relate:

Imani Woods, Training Specialist, Progressive Solutions.

Nana Nyarko, Nyarko and Associates.

Bruce Stepherson, NDRI.

George Kenney, AIDS Action Committee.

2:00–3:45 p.m.—Harm Reduction in the Black Community: Key Challenges and Effective Techniques:

Michael Poulson, MPH, Atlanta Harm Reduction Coalition.

Ricky Bluthenthal, Harm Reduction Coalition.

Ben Selasi, MPH, MSW, GA Men's Health Education Network.

Dazon Dixon, Executive Director, Sisterlove.

Cheryl Simmons, SISTERS.

2:00–3:45 p.m.—Harm Reduction and the Criminal Justice System:

Erick Sterling, JD, Criminal Justice Policy Foundation.

Nicholas Pastore, Chief of Police, New Haven, CT.

Sterling White, Starr Team.

Cheryl Epps, Dir. of Government Affairs, The Drug Policy Foundation.

Nancy Lord, MD, Attorney at Law.

2:00–3:45 p.m.—Needle Exchange, a Harm Reduction Intervention: Savings Lives One at a Time:

Davd Purchase, North American Syringe Exchange Network.

Ariane Kraus, Atlanta Harm Reduction Coalition.

Mark Kinzly, Bridgeport, CT, Department of Health.

Jon Paul Hammond, Harm Reduction Coalition.

2:00–3:45 p.m.—Reaching Youth:

Whitney Taylor, The Drug Policy Foundation.

Heather Edney, Santa Cruz Needle Exchange Project.

Rosa Colon, Lower East Side Harm Reduction Center.

Abeni Bloodworth, Summerhill One-to-One.

Gwen Alford, MPH, Acupuncturist.

Rita Anne Rollins Room—8th Floor

4:15–6:00 p.m.—Harm Reduction: The New Paradigm for Public Health:

Jim Curran, MD, MPH, Rollins School of Public Health.

Bob Fullove, Assoc. Dean, Columbia University School of Public Health.

Margaret Kadree, MD, Morehouse School of Medicine.

Claire Sterk-Elifson, PhD, Women's and Children's Center.

Mr. ASHCROFT. Madam President, the CDC claims it does not sponsor needle exchange conferences. Two times during the confirmation process, Dr. Satcher was given the opportunity to make his position on Federal funding for needle exchange programs known. Both times, in response to written questions, he wrote:

> I believe that, as a nation, we must remain open to the input of quality science. Secretary Shalala's 1997 report to Congress concluded that needle exchange programs "can be an effective component of a comprehensive strategy to prevent HIV and other blood-borne infectious diseases in communities that choose to include them." At the same time, the administration's position on Federal funding of needle exchange programs is that we do not have adequate science to conclude that such programs do not encourage drug use in communities. Thus, we have not asked that the ban on Federal funding for these programs be lifted.

Dr. Satcher was asked and given the opportunity to state clearly, in writing, what his position was, and it is pretty clear that this answer is consistent with the way they responded to my request for documents. Asked about his commitment to a clean-needle program, he said that he believed we must remain open to the input of quality science, and then he cited the administration's position. Well, quality science without values can be dangerous.

The Surgeon General of the United States should reject such policies as an acceptance of defeat and an embrace of hopelessness. We should not decide we are going to accept drugs as a way of life in the United States. We should not spend resources providing clean needles to drug addicts or for conferences that promote the distribution of clean needles.

In theory, there are those who really think clean needles would help. In practice it doesn't work that way. Let me just give you some information about needle exchange programs.

First, needles are not always exchanged. Therefore, they do not keep dirty needles out of our communities. The New York Times' reporter went into a needle exchange center and received 20 syringes without exchanging any needles. His companion received 40 syringes. They serve them up by the dozen. According to the Associated Press, in Willimantic, CT, "More than 350 discarded hypodermic needles were collected from the city's streets, lots and alleys" in a single week.

Now, there's a great environment for children in America—to have used hypodermic needles from drug addicts discarded under the guise of a "clean-needle program," protecting the drug addicts, but exposing the children of America. It is obvious that we are teaching the wrong things to children when we teach them that we will provide them with clean needles so that they can involve themselves in drugs, but in one week in a small town in Connecticut, there were 350 discarded syringes. You know, of all the clean-needle studies I have heard about, they don't talk about the discarded syringes. Frankly, I suppose it is supposed to be laid at the feet of the Congress because we said it would cut down on HIV infections in drug users and would not increase drug use. Well, it doesn't ask about what happens to the children of the country. I think maybe we ought to think a little more carefully about what happens to the children.

Here is an article from USA Today, September 17, 1997:

> Ms. Fiske says the exchange gets back one-third to one-half of the needles it gives out. That's not ideal, she says, but "one-for-one exchange does not fit the reality of how injection drug users live. Some of them are homeless. What are they going to do—put the dirty needles in their pockets for a week?

So the clean-needle advocates say, if we have 50 percent of the needles tossed on the road or available as sort of medical waste, contaminated with perhaps the deadly virus of HIV, that is a sacrifice we are willing to make in order to be able to accept drug use as a way of life. I don't think that is leadership or where we want to lead this country. That is not the kind of health to which we want the Surgeon General of the United States to summon us. We don't want to be summoned to an environment of drug use and dirty needles laying around.

It goes on:

> It is 1:30 p.m., time for the exchange to close. Within minutes, the tables and left-over supplies are wedged back inside Acker's car. But she isn't done yet. Now she drives about a mile back to the neighborhood near the old exchange site and pulls up in front of a row house.
>
> Out comes Kellie Jones, a sometime drug user who has spent a rough 45 years on the streets. Acker gives her a garbage bag full of 900 boxed, sterile syringes. By 10 that night, Jones says, the bag will be empty and the clean needles will be in neighborhood shooting galleries.
>
> She distributes the needles, she says, because "AIDS is such a horrible death," one she has seen. "The public should know that this isn't about condoning drug use. This is about stopping the madness."

I think if you are going to give out 900 needles in one night, 450 will come back and the rest will be found somewhere in the culture, it is about the madness. I think it injures the quality of life in our communities.

From the Pittsburgh Post Gazette, a letter to the editor:

> . . . Aside from my personal aversion to the destruction needle exchange undeniably perpetuates in the life of the addicts, there are several other key issues that . . . are of concern to myself and my neighbors.
>
> Our community has worked hard to battle the drug problem that plagues our neighborhoods at many levels. But the needle exchange program gives dealers and users one more reason to stay here. In addition, drug users from outside our community now find reasons to frequent our neighborhood.
>
> Drug addiction is not a victimless crime. Not only does it kill the addict, but also, in the process, the addict preys on those around him. Prostitution, burglary, and now violence are an increasing problem in our community. So while the needle exchange people try to help addicts, they do so at the expense of our neighborhood.

You wonder about taxpayers who establish neighborhoods, who own homes, pay their taxes, what they think of a Government that provides needles so that addicts will come to their neighborhoods and they help addicts at the expense of the neighborhood.

> The needle exchange people, who do not live in our community, have been allowed to operate openly for more than two years here, while the police and neighbors looked the other way. We have seen no noticeable changes of a positive nature. The drug problem only gets worse.
>
> Sadly, AIDS is a fact of drug addiction. But the truth is, nothing but recovery and abstinence can truly save the addict. Most addicts do not die from AIDS, but from a host of other tragic consequences directly related to a life of addiction . . .

This citizen from Pittsburgh, PA, I think tells us something about needle exchange programs.

Here is a letter from the editor of the New York Times:

> Ever since the Lower East Side Harm Reduction Center—

Remember the harm reduction group, the kind of group that sponsors these kinds of programs that have been subsidized by American tax dollars through the CDC.

> Ever since the Lower East Side Harm Reduction Center, a needle exchange program, began operating in a storefront in a residential population of working poor, our community has witnessed drug abuse not seen since Operation Pressure Point cleared the area of drugs in the 1980's. Needle exchange is a link in a chain called "one-stop shopping." You can receive your Government-sponsored clean needles (there is no limit to the number), rob and steal to get money for drugs (or sell your clean needles), buy cocaine in store fronts, or heroin on any corner, then leave behind a pool of blood, dirty syringes, glycine bags, alcohol swabs, and bottle caps—the debris of a depraved individual. The needle exchange program has legitimized drug use on the lower east side.
>
> "The needle exchange program has legitimized drug use." That is the key. That is the problem. We don't want to make drug use legitimate.
>
> And by a tacit approval has invited a population of predators into our community. Statistics on the spread of AIDS cannot be the only criterion for measuring the success of the program.

One of the inevitable consequences of needle exchange programs is that the police look the other way. I mean, after all, if you are going to give them the needle with which they are to use the illegal drug, you are not really in the position to go and ask them to stop using the illegal drug.

> So we compromise the integrity of the law enforcement community. We make them duplicitous individuals who say one thing but have to do another. We make the police house, a station house, a house divided.

From South Tucson, the Arizona Daily Star News:

> When the unmarked police car pulled behind the Wagon Wheel Bar yesterday afternoon, a young woman in a black hat was squatting by the back wall with both hands on one ankle. "She is shooting," said Gerald Brewer, South Tucson Police Chief. Brewer was checking areas frequented by intravenous drug users when he happened upon the woman who stood and walked over toward South 6th Avenue when the police car stopped. "Police, stop," Brewer yelled, as he stepped from the car and walked after the woman. But she didn't stop, even as Brewer pulled a gun from his ankle holster and shouted at her several more times. She disappeared around the corner of the bar and Brewer didn't follow. She had shot the dope up and already she was rubbing her ankles. So there is no substance on her. "She has discarded the syringe," Brewer said, explaining why he didn't chase her. After turning a trick, prostitutes go to drug houses near South 6th Avenue to buy heroin. Then they fire up in a vacant lot, or an alley, before heading back to 6th Avenue to repeat the cycle.

The point here that is being made is since it is no longer illegal, since the government gave you the needle, once the drug is injected into you, and you are no longer carrying the substance—at least outside your body and in your bloodstream —you are no longer subject to arrest, you end up demoralizing the police, and you end up making it impossible for individuals to enforce the law.

This article is from the Vancouver Sun about Glasgow, Scotland which is called "The drug injecting capital of the world." That is a title we don't want to wrest from their control. They have a massive needle exchange program there that makes it possible for individuals to be drug injectors very conveniently, theoretically, safely.

The article from the Vancouver Sun says:

> Michelle is 20. She is soaked through, wearing all the clothes she owns. A thin, pretty, guarded girl in a sodden, flimsy top and light trousers. She has been on drugs for 5 years, and sleeps in an abandoned warehouse with her boyfriend, Michael, 26. Both had spent the equivalent of $800 Canadian on two days of heroin. Michelle isn't sure if she has 17 or 25 convictions for shoplifting. Michael has spent all but six months of the past 10 years in prison for two serious assaults. "I was out of it, stoned, both times", and has been on drugs for longer. Before Michael, Michelle lived with another junkie who repeatedly beat her up. She lost the baby she was carrying. "I'd rather be dead than to live like this," she says. The unemotional delivery convinces you she means it. And, as she walks away in the rain, you realize that she is almost certainly moving toward it.

Yes. "The drug injection capital of the world," fueled by a clean needle program.

As teen drug use continues to rise, as the use of heroin, cocaine, and marijuana continues to rise, the Federal Government should not be sending the message that drug use should be accepted. The Federal Government should not embrace drug use as a way of life. The Federal Government should not subsidize illegal drug use through clean needle programs. And the Centers for Disease Control should not advocate spending taxpayer dollars to provide clean needles which will find their way into the alleys and playgrounds and streets of American cities discarded by irresponsible IV drug users. And people who run the programs now that are privately funded or otherwise locally funded say that the 50 percent return is all you can expect.

Teen drug use is up 105 percent from 1992 to 1995. The Office of the National Drug Control Policy, led by America's Drug Czar, General Barry McCaffrey, strongly opposes the needle exchange program.

On August 20, the Office of National Drug Control Policy issued a statement: "Federal treatment funds should not be diverted to short-term harm reduction efforts like needle exchange programs."

We are told by those who keep statistics on drugs that more teenagers and young adults tried heroin for the first time in 1996 than ever before. Imagine what would be the case if it had the endorsement of the Federal Government.

Speaking in front of a Harvard research conference, General McCaffrey called spending money on the needle exchange program a "copout." He said, "The problem isn't dirty needles. It is the injection of illegal drugs."

His statement, I believe, is the policy that is appropriate.

Here is a story from the Buffalo News, August 24, 1997 "Accepting Defeat."

> The needle exchange is one of the few places where addicts aren't treated like losers, although that is how many view themselves. "There is no more shame in me," said a 36-year old woman from the Buffalo who has been shooting up for 15 years. The woman, who asked not to be identified, has lived in heroin shooting galleries, and worked as a prostitute to support her addiction that costs more than $100 a day. She wears her terrible life on a racked, puffy face. To prevent three of her children from being placed in foster care, she sent them away years ago to live with a sister in North Carolina. But she can't stop thinking of them. She has attached to her blouse a section of an old rosary that belonged to her daughter's godmother. Next to it is a piece of jewelry she found, a gold heart surrounded by the words "Perfect Mom." "I pray a lot despite the life I lead," she said. "I know it sounds farfetched. It helps me think that maybe there is a chance I can have my children back."

The Buffalo News talked about the two sites which together have distributed 713,000 hypodermics in less than 4 years. They have also taken in about 600,000 needles, not in the exchange program necessarily, many of which would have littered the city neighborhoods in the exchange program.

Needle exchange programs are not always as effective as their advocats suggest to the public. Connecticut has six needle exchange programs, and repealed its syringe prescription law in 1992. It has intravenous drug use related AIDS at 61 percent. This is almost double the national average.

New York has 10 needle exchange programs, but has intravenous drug use related AIDS at 49 percent. It is also a lot higher than the national average of 33 percent.

Italy and Spain have a 70-percent HIV rate among IV drug users, and have never had a restriction on the sale of needles. So they are freely available there. It is pretty clear, at least, I think from looking at the data, that there is no conclusive evidence that making needles available and providing them freely reduces the HIV infection rate. Embracing the harm reduction—defeatist—philosophy to any degree will lead to further tolerance of drug addiction.

The so-called "syringe experiment" I think we have all heard about. First, they started a needle exchange program. Then they opened the needle park so that they could give addicts a place to shoot up. Obviously, it is a park in which they just allow drug use. Then, in order to cut down on crime, they began giving 1,000 addicts doses of heroin. And that will increase to 5,000 this year. This is an effort, a growing momentum, to legalize all drugs.

It is a question of whether or not we as a culture want to say that we accept drug use as a way of life, or whether we want to say we want to correct this problem in America.

I believe that we ought to stay with General McCaffrey; that the problem is not dirty needles. "The problem is heroin addiction. The focus should be on bringing help to this suffering population—not to give them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind."

How does this relate to the nomination of Dr. David Satcher? Unfortunately it relates directly. Dr. Satcher has been less than candid with the U.S. Senate, and has been less than candid with Members of this Senate in providing his record on the needle exchange programs. The Centers for Disease Control, under his direction and authority, selectively has provided to the Senate materials which would indicate that he does not have a program supporting needle exchange when a more thorough review of the record indicates that he has personally endorsed programs that would promote needle exchange opportunities.

It is troublesome to me why this nominee would provide information on a selective basis.

It is, second, troublesome to me that he would support a clean needles program.

And, third, I would say that the single most important thing that must exist between the Nation and its family doctor is the idea of trust. I believe that the elements of that required trust are lacking in the way that the CDC has provided information, and its selective provision of information and its withholding of information that is important.

The needle exchange program is just one of the reasons that I believe this nomination should not go forward. The needle exchange program flies in the face of the values of the American people whom I believe really endorse General Barry McCaffrey—understanding that the addiction is the problem, and for us to support that addiction with a clean needle program would make no sense.

For these and the reasons relating to the AIDS studies, for the reasons related to the deployment of the resources of the Centers for Disease Control to limit the availability of or access of citizens to their second amendment rights, I believe we should reject this candidate.

I was, I think, safely in the population of the Senate believing that there were no problems with an individual whose record is so replete with qualification and qualification at one time. It is true that Dr. Satcher is a remarkable person, and he has done great things. I thought that one of the Senators failed to mention that the Denver Broncos had won the Super Bowl for the first time under Dr. Satcher's direction of the CDC. But that is about the only good thing that hasn't flowed.

But the truth of the matter is that there are other important considerations. David Keene came to my office late last year and began to alert me to the need for us to look more carefully at this candidacy, and to see the critical points of attention between the values of America and the willingness of this candidate to support things like the needle exchange, and to support things like research on other continents that could not be done here to support concepts like partial-birth abortion. While all of these things are related to science and can be undertaken by individuals of great intellect and may only be undertaken by individuals of great intellect and training, they are at odds with the values of America. There should be an understanding that Americans do not want to sponsor the criminal activity of intravenous drug use, that Americans do not want to treat people on the other side of the world as medical experiment subjects instead of as human beings. They don't want to give them sugar pills if giving sugar pills would be illegal in the United States. They don't want to pretend that we have been ethical by saying that we got the consent of all the people involved in the medical studies when those consents were not only seriously challenged—but had to be strengthened—on the advise of ethics boards because the consents were not appropriately obtained.

This conflict of values is at the heart of this nomination. I believe the conflict is so substantial that we would be well served to ask the President to send us an individual whose commitment to the public health reflected the values of the American people.

I take this opportunity to thank Mr. Keene who came to see me and who brought to my attention the need for this particular kind of investigation, which I believe demonstrates that this nomination should not be confirmed by the Senate.

Mr. KENNEDY. Madam President, the Senator from Missouri asserted that the CDC funded an Illinois needle exchange conference "Getting the Point." The H.H.S. informs us that the CDC did not cosponsor that conference.

The Center's for Disease Control do not fund "needle exchange conferences." CDC does make a number of small grants to local organizations to support HIV-AIDS prevention conferences, and awarded approximately $600,000 to 65 projects last year. The conferences can include such topics as community planning; HIV testing; counseling; referral and partnership notification; health education and risk reduction; public information programs; and training and quality insurance programs. The content of the conferences is determined locally, according to the needs of the community. However, CDC reserves the right to review the conference agenda.

The only documents CDC located that were determined to be at all responsive to Senator ASHCROFT's request on needle exchanges were documents related to an HIV conference in Denver, Colorado. After reviewing the agenda, which focused on the transmission of HIV through drug use and included sessions on needle exchange, CDC found it inappropriate for funding. CDC withdrew its award of $4,719 to the conference in October 1997.

In March of 1996, CDC was incorrectly listed as a cosponsor of a conference held in Atlanta which included sessions on needle exchange. CDC did not fund the conference, which was held at the Rollins School of Public Health at Emory University, and Dr. Satcher did not participate in it. A CDC scientist participated in the conference to discuss the HIV epidemic among intravenous drug abusers. The scientist was unaware that Dr. Satcher had declined to participate in or sponsor the conference. Following the conference, one of the participating organizations released information listing CDC as a cosponsor. When the error was discovered the organization withdrew the materials.

Dr. Satcher is opposed to illegal drug use, and would never do anything to encourage the use of illegal drugs. He agrees with the Administration's position. While the studies summarized in Secretary Shalala's February, 1997 report showed that needle exchange programs can be an effective HIV prevention strategy, the Administration has not yet found a similar degree of evidence on the question of whether such programs encourage drug use. Therefore, both tests—as mandated by Congress—have not been met.

Senator ASHCROFT has charged that HHS inappropriately withheld a copy of an intra-departmental transmittal memo when it supplied Senator ASHCROFT with information concerning CDC's staff review of a University of California Needle Exchange study.

The truth is that Senator ASHCROFT received everything he requested from HHS less than 24 hours after his request was first sent to HHS by Majority Leader LOTT's staff. Senator ASHCROFT's request included "The CDC's 1993 and 1994 written reviews of the California Study", which he received with all the other materials.

The transmittal memo in question, which was prepared subsequent to the CDC staff review as a cover note to a non-CDC official, was supplied to Senator ASHCROFT several hours later when HHS realized that his staff was interested in additional material beyond his original request.

The charge that this transmittal memo was inappropriately withheld is untrue. The memo is an innocuous six sentence cover note to the Deputy Assistant Secretary for Health that summarizes the subject of the CDC needle exchange staff review and indicates that it was reviewed for scientific comment by staff of other HHS health agencies.

If anything, the memo indicates how little Dr. Satcher and other top HHS public health officials were involved in the CDC staff review of the needle exchange study. In the memo, Dr. Satcher states that "Directors of these [public health] agencies have not been asked for final concurrence on the review."

It is also important to remember that the CDC review of the University of California needle exchange study was a scientific evaluation prepared by CDC career staff. Most of the work was completed before Dr. Satcher joined CDC on November 15, 1993. And as Dr. Satcher's cover note indicates, it was not intended to represent the views of the leaders of the HHS public health agencies.

I ask unanimous consent that the full text of the transmittal letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
December 10, 1993.

Note to Jo Ivey Boufford
Subject: Review of University of California Report on Needle Exchange and Recommendations on Needle Exchange

On October 15 you requested that the Centers for Disease Control and Prevention (CDC) review the University of California research report on needle exchange and provide opinions and recommendations for Federal action in response to needle exchange.

The UC report and recommendations were reviewed by CDC staff. CDC also requested and received comments on the UC report and recommendations for needle exchange from the National Institutes of Health, the Substance Abuse Mental Health Services Administration, the Health Services and Resources Administration, and the Food and Drug Administration. The comments attached to the review were provided by the Principal AIDS Coordinators of the four agencies. Directors of these agencies have not been asked for final concurrence on the review.

I am pleased to submit the attached review (Tab A).

——— ———

(For David Satcher.)

Attachment

Tab A—Review of University of California Report on Needle Exchange and Recommendations on Needle Exchange

Tab B—NIDA/NIH Comments on the University of California Report on Needle Exchange and Recommendations on Needle Exchange

Mr. KENNEDY. The subject of that transmittal was a University of California needle exchange study, commissioned in 1992 by the Bush Administration. The goal was to provide a scientific evaluation of local needle exchange programs.

Senator ASHCROFT has requested and received a review of the University of California study prepared by CDC scientific staff. The CDC review was conducted by career CDC scientists and the bulk of the review was done before Dr. David Satcher joined CDC.

The CDC staff analysis was not intended to reflect scientific consensus within the Department of Health and Human Services, which must include the National Institutes of Health, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration and the Food and Drug Administration.

While scientific review of needle exchange issues continues, HHS has not yet concluded that the conditions set forth by Congress on federal funding of needle exchange programs have been met.

Dr. Satcher has never advocated taxpayer funded needle exchange programs for drug abusers. He also believes strongly that we should never do anything to advocate the use of illegal drugs. The intravenous use of illegal drugs is wrong. It is a major public health problem as well as a law enforcement concern.

Dr. Satcher does believe that to realize our goals of effective HIV prevention, it is vital that we identify and evaluate sound public health strategies to address the epidemic of HIV and substance abuse.

Dr. Satcher, like Secretary Shalala, has recommended to Congress that we allow scientific studies to answer the key questions involved with this issue.

Dr. Satcher supports the Administration's position as summarized in Secretary Shalala's February 1997 report to Congress that concluded that needle exchange programs "can be an effective component of a comprehensive strategy to prevent HIV and other blood borne infectious diseases in communities that choose to include them." But, the Department has not yet concluded that the conditions set forth by Congress on federal funding of needle exchange program have been met. Specifically, it has not yet been concluded that needle exchange programs do not encourage drug use, one of the key standards set by Congress. The Department continues to look at the science on this issue.

The federal government continues to fund the research and evaluation of state and locally funded needle exchange programs in order to increase scientific knowledge concerning their impact, if any, on drug use. But at present, this is, and should be, a local decision. Under current law and policy, local communities remain free to use non-federal funds to support such programs if they choose.

Madam President, earlier today, the Senator from Missouri and I had a colloquy about surveys of child-bearing women for HIV.

The surveys began in 1988 and the State of Missouri requested to participate in them from the beginning, including while Senator ASHCROFT was Governor, the director of the division of administration signed on behalf of Missouri.

I ask unanimous consent that two applications on behalf of the State of Missouri be printed in the RECORD at this point.

There being no objection, the applications were ordered to be printed in the RECORD, as follows:

APPLICATION FOR FEDERAL
ASSISTANCE

1. Type of Submission:
Application:
[] Construction
[X] Non-Construction
Preapplication:
[] Construction
[] Non-Construction
2. Date Submitted: 9/3/91.
Applicant identifier: U62/CCU706241–01.
3. Date Received by State:
State Application identifier:
4. Date Received by Federal Agency:
Federal identifier: U62/CCU706241–02.
5. Applicant Information:

Legal Name: Missouri Department of Health.

Address (*give city, county, state, and zip code*): 1730 E. Elm, P.O. Box 570, Jefferson City, MO 65102.

Organizational Unit: Bureau of AIDS Prevention.

Name and telephone number of the person to be contacted on matters involving this application (*give area code*): Theodore D. Northup, Chief, Bureau of AIDS Prevention, (314) 751–6438.

6. Employer Identification Number (EIN): 44–6000987.

7. Type of Applicant: (*enter appropriate letter in box*) [A]
A State
B County
C Municipal
D Township
E Interstate
F Intermunicipal
G Special District
H Independent School Dist.
I State Controlled Institution of Higher Learning

J Private University

K Indian Tribe

L Individual

M Profit Organization

N Other (Specify)

8. Type of Application:

[] New

[X] Continuation

[] Revision

If Revision, enter Appropriate Letter(s) in box(es) [] []

A Increase Award

B Decrease Award

C Increase Duration

D Decrease Duration

Other (*specify*)

9. Name of Federal Agency. Centers for Disease Control.

10. Catalog of Federal Domestic Assistance Number: 13–118.

Title: HIV/AIDS Surveillance Announcement #103.

11. Descriptive Title of Applicant's Project: FY 1992—Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) Surveillance.

12. Areas Affected by Project (*Cities counties, states, etc.*): Statewide.

13. Proposed Project:

Start Date: 1/1/92.

Ending Date: 12/31/92.

14. Congressional Districts of:

a. Applicant: Fourth.

b. Project: Statewide.

15. Estimated Funding:

a. Federal: $1,367,876.00.

b. Applicant:

c. State:

d. Local

e. Other:

f. Program Income:

g. Total: $1,367,876.00.

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. Yes, this preapplication/application was made available to the state executive order 12372 process for review on (date) 9/3/91.

b. No [] Program is not covered by E.O. 12372.

[] or program has not been selected by state for review.

17. Is the applicant delinquent on any federal debt?

[] Yes. If "Yes," attach an explanation.

[X] No.

18. To the best of my knowledge and belief all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative: John R. Bagby.

b. Title: Director.

c. Telephone number: (314) 751-6002.

d. Signature of Authorized Representative: H. Douglas Adams, Director of Administration, Missouri Department of Health.

e. Date Signed: 9/3/91.

APPLICATION FOR FEDERAL ASSISTANCE

1. Type of Submission:

Application:

[] Construction

[X] Non-Construction

Preapplication:

[] Construction

[] Non-Construction

2. Date Submitted: 9/14/90.

Applicant identifier: U62/CCU702028–06.

3. Date Received by State:

State Application identifier:

4. Date Received by Federal Agency: 9/17/90.

Federal identifier: U62/CCU706241–01.

5. Applicant Information:

Legal Name: Missouri Department of Health.

Address (*give city, county, state, and zip code*): 1730 E. Elm, P.O. Box 570, Jefferson City, MO 65102.

Organizational Unit: Bureau of AIDS Prevention.

Name and telephone number of the person to be contacted on matters involving this application (*give area code*): Todd Baumgartner, Bureau of AIDS Prevention, (314) 751–6438.

6. Employer Identification Number (EIN): 44–6000987.

7. Type of Applicant: (*enter appropriate letter in box*) [A]

A State

B County

C Municipal

D Township

E Interstate

F Intermunicipal

G Special District

H Independent School Dist.

I State Controlled Institution of Higher Learning

J Private University

K Indian Tribe

L Individual

M Profit Organization

N Other (Specify)

8. Type of Application:

[] New

[X] Continuation

[] Revision

If Revision, enter Appropriate Letter(s) in box(es) [] []

A Increase Award

B Decrease Award

C Increase Duration

D Decrease Duration

Other (*specify*)

9. Name of Federal Agency. Centers for Disease Control.

10. Catalog of Federal Domestic Assistance Number: 13–118.

Title: HIV/AIDS Surveillance Announcement #103.

11. Descriptive Title of Applicant's Project: FY 1992—Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) Surveillance.

12. Areas Affected by Project (*Cities counties, states, etc.*): Statewide.

13. Proposed Project:

Start Date: 1/1/91.

Ending Date: 12/31/91.

14. Congressional Districts of:

a. Applicant: Eighth.

b. Project: Statewide.

15. Estimated Funding:

a. Federal: $1,312,383.00.

b. Applicant:

c. State:

d. Local

e. Other:

f. Program Income:

g. Total: $1,312,383.00.

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. Yes, this preapplication/application was made available to the state executive order 12372 process for review on (date) 9/3/91.

b. No [] Program is not covered by E.O. 12372.

[] or program has not been selected by state for review.

17. Is the applicant delinquent on any federal debt?

[] Yes. If "Yes," attach an explanation.

[X] No.

18. To the best of my knowledge and belief all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative: John R. Bagby.

b. Title: Director.

c. Telephone number: (314) 751-6002.

d. Signature of Authorized Representative: H. Douglas Adams, Director of Administration, Missouri Department of Health.

e. Date Signed: 9/14/90.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Madam President, I ask unanimous consent that for any quorum call made, time be reduced on the different sides in the debate equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, last week I put into the RECORD a statement expressing my support for the nomination of Dr. David Satcher for U.S. Surgeon General and Assistant Secretary for Health. As I indicated then, I believe in his qualifications and achievements, and think he would serve well as the Nation's top physician. Dr. Satcher has excelled in many aspects of the health care system. He has been a provider, a scientist, a teacher, an administrator, in both the private and the public sector.

I must say I was impressed that the American College of Physicians, which is a very prestigious organization, awarded Dr. Satcher its James D. Bruce Memorial Award for distinguished contributions in preventive medicine. Dr. Satcher has dedicated his career to improving public health.

The United States has been without a Surgeon General for a little over 3 years. This is unfortunate, I believe. Just last week, Dr. C. Everett Koop, former Surgeon General of the United States, spoke at a press conference which I had the privilege of attending. In that press conference Dr. Koop spoke forcefully about the grave health risks posed by tobacco use, lack of exercise, and poor diet. He did not pull any punches. He gave a stern lecture to all those who were present and hopefully beyond that, about the dangers in America to American young people and to all our citizens from the so-called couch potato lifestyle.

I have reviewed the statements that Dr. Satcher has made before the Senate Labor Committee and he is clearly anxious to follow in the footsteps of Dr. Koop and his successor, Antonia Novello. At his confirmation hearing Dr. Satcher stressed the importance of disease prevention and health promotion. This is what he said: "Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people." So I was delighted to learn that one of his top priorities would be to put the health of our children and our grandchildren in the national spotlight. All of these matters fall directly within the job description of a U.S. Surgeon General.

I might say, it seems to me what we are concerned with, Madam President, is not just extending the life expectancy of Americans. It is beyond that. We want to have Americans in good health as they proceed in their elder years, and throughout all their lives. In other words, it's what they call the quality of their lives that we are concerned with. It is not just living longer, it's that they be healthy and be able to construct a healthy life and a happy one, where they feel good about themselves.

In the period we have gone without a Surgeon General, we have been confronted with a host of tough public health issues. I believe the need for a Surgeon General has never been greater. We have these problems in my home State of a very substantial percentage, something like 27 percent, of our seniors in high school smoke. This is on the increase, not just in my State but throughout the Nation. We have seen widespread substance abuse, and continued struggle with AIDS, and a startling rate of obesity amongst our youngsters. They just don't get out there and exercise.

As we consider the potential consequences of human cloning research, I for one would benefit from the perspective that a Surgeon General would bring to this issue

Several of my colleagues have expressed misgivings about this nomination. Some have raised concerns about Dr. Satcher's views on late-term abortions. Others have questioned his role in a series of AZT trials that have been conducted in Africa.

I just heard the distinguished Senator from Missouri talk about concerns about the free needle exchange, or needle exchange program. As Senator JEFFORDS, the chairman of the Labor Committee, and Senator FRIST, the chairman of the Public Health and Safety Subcommittee, stated during the debate on the nomination last week, these are not new charges. I am not familiar with the needle exchange that was just being discussed here before, but apparently the AZT trials and the late-term abortion matters were thoroughly discussed in the committee and subcommittee. Each of these issues was raised by the committee during Dr. Satcher's confirmation and it is my understanding he responded satisfactorily—satisfactorily to the committee. They reported out the nomination. Indeed, his answers on those and other matters have been available for all Senators and the American people to view.

So I want to say I am pleased that we have the nomination for a new Surgeon General before us. I applaud the majority leader for recognizing the importance of this post and moving the Senate forward on this matter.

So I urge my colleagues to join me in voting for cloture and in favor of Dr. Satcher's nomination.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I am slightly late but is it fair to assume that I have 15 minutes?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized for 15 minutes.

Mr. DOMENICI. If Senator BINGAMAN arrives I will yield time to him. If he does not, I will speak on my own for the 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Madam President, I rise today to support Dr. David Satcher to be Surgeon General of the United States and Assistant Secretary for Health at the Department of Health and Human Services. Let me first say I base this on many things, but I would like to tell the Senate right up front that we have a wonderful doctor who is a United States Senator, Dr. BILL FRIST from the State of Tennessee. While I am not saying that he knows everything about medicine, he knows a lot more than I do. We have talked at length about this nominee and he not only knows him, but he knows of him in ways that I probably would not discern from just reading the same things that my friend Senator FRIST has read. Because he reads into some of these past performances and past professorships and various things that Dr. Satcher has done—he reads much more into them than I can because he knows what they are all about.

Suffice it to say that no Senator should rely on another Senator as the only source of why he votes one way or another, but I would like to say right up front that I started with at least a presumption on my part that I would find out a little more and read what I could on my own in addition to receiving some excellent advice.

On my own, beyond that, I have looked at his career and, frankly, I think the President has picked a very, very distinguished American doctor. He has been a rather reputable scholar, a rather renowned teacher, and obviously a very good physician. In addition to that, he has obviously done considerable research and already in his career has been the head of one of America's premier institutions that pertain to preventive medicine and well-being, the Centers for Disease Control and Prevention.

I have recently been fortunate, in turning the channels as I do with the flipper on cable TV, to see a rather exciting report on how great the Centers for Disease Control are. And then I have been reading about some new breakthroughs they are constantly making, and some of the work they do, to catch viruses and learn about them before they strike. I think it is a pretty good qualification to say that this nominee headed that organization during a period of time that it gained in renown and prestige, and clearly I think that is another significant plus for this nominee.

From my own standpoint, some may know that I, over the last few years, have added a significant concern regarding a certain illness to the arena that I worry about. That has to do with diabetes, in this case because, in my home State, the Navajo Indian people and a couple of other tribes of Indian people are suffering from diabetes at rates and ratios well beyond any other group of American citizens; not just a little bit more, but way, way more to the point of being significantly in trouble. And I actually believe that if we don't do something about the problem, there are a couple of great groups of Indian people that may not be around in 50 to 100 years. That worries me very much.

I am very grateful that this good doctor and others helped work on the diabetes issue with Secretary Shalala and others, and our good friend NEWT GINGRICH from the House, and in the last reconciliation bill, the Balanced Budget Act, we put in $150 million over the next 5 years for enhanced research in diabetes in America and, believe it or not, we put in $150 million, $30 million a year, for special attention to this disease among the Indian people.

I happened to talk to Dr. Satcher at length about that. While I assume most doctors can talk about diabetes in a very understandable way, steeped in facts, there is no question that he knew precisely what we were talking about. For that I give him another accolade.

So, I intend, when it is right, to vote in favor of this nominee.

Madam President, I ask unanimous consent I be permitted to speak on a subject that is not on the floor of the Senate.

The PRESIDING OFFICER. Without objection.

Mr. DOMENICI. I believe I have some time left. How much time do I have left?

The PRESIDING OFFICER. The Senator has 12 minutes remaining and may proceed.

OÑATE CUARTOCENTENARIO—S. RES. 148

Mr. DOMENICI. Madam President, in November of last year, Senator BINGAMAN and I introduced a resolution regarding the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

I ask unanimous consent that the Senator from Mississippi (Mr. LOTT); the Senator from South Dakota (Mr. DASCHLE); the Senator from Georgia (Mr. COVERDELL); the Senator from Nebraska (Mr. HAGEL); the Senator from Texas (Mrs. HUTCHISON); the Senator from Alaska (Mr. MURKOWSKI); the Senator from Tennessee (Mr. THOMPSON); the Senator from New Hampshire (Mr. SMITH); the Senator from Utah (Mr. BENNETT); the Senator from Maine (Ms. COLLINS); the Senator from Oklahoma (Mr. NICKLES); the Senator from Montana (Mr. BURNS); the Senator from Kansas (Mr. ROBERTS); the Senator from Idaho (Mr. CRAIG); the Senator from Arkansas (Mr. HUTCHINSON); the Senator from New York (Mr. D'AMATO); the Senator from Washington (Mr. GORTON); the Senator from Utah (Mr. HATCH); the Senator from Mississippi (Mr. COCHRAN); the Senator from Colorado (Mr. ALLARD); the Senator from Missouri (Mr. BOND); the Senator from Ohio (Mr. DEWINE); the Senator from Indiana (Mr. LUGAR); the Senator from Oklahoma (Mr. INHOFE); the Senator from Michigan (Mr. ABRAHAM); the Senator from North Carolina (Mr. FAIRCLOTH); the Senator from Indiana (Mr. COATS); the Senator from North Carolina (Mr. HELMS); the Senator from Iowa (Mr. GRASSLEY); the Senator from New Hampshire (Mr. GREGG); the Senator from Tennessee (Mr. FRIST); the Senator from Alabama (Mr. SESSIONS); the Senator from Hawaii (Mr. INOUYE); the Senator from California (Mrs. FEINSTEIN); the Senator from New York (Mr. MOYNIHAN); the Senator from Illinois (Mrs. MOSELEY-BRAUN); the Senator from Massachusetts (Mr. KERRY); the Senator from Wisconsin (Mr. KOHL); the Senator from West Virginia (Mr. ROCKEFELLER); the Senator from Arkansas (Mr. BUMPERS); the Senator from Maryland (Ms. MIKULSKI); the Senator from Florida (Mr. GRAHAM); the Senator from Nebraska (Mr. KERREY); the Senator from Connecticut (Mr. DODD); the Senator from South Carolina (Mr. THURMOND); the Senator from Virginia (Mr. ROBB); the Senator from Nevada (Mr. BRYAN); the Senator from Nevada (Mr. REID); the Senator from Louisiana (Ms. LANDRIEU); the Senator from Washington (Mr. WYDEN); the Senator from Missouri (Mr. ASHCROFT); the Senator from New Jersey (Mr. LAUTENBERG); the Senator from Vermont (Mr. JEFFORDS); the Senator from New Jersey (Mr. TORRICELLI); the Senator from Alaska (Mr. STEVENS) be added as cosponsors to S. Res. 148, designating 1998) as the Oñate Cuartocentenario, the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. As we know, we have some procedural rules requiring 51 Senators to support a resolution, before it can be considered by the full Senate. I thank Senators from both sides of the aisle. We now have 57 Senators on this resolution and this number assures Senate passage. Our resolution declares 1998 as the "Oñate Cuartocentenario", the 400th Anniversary of the Oñate settlement at San Juan Pueblo, New Mexico, and asks the President to issue a proclamation of similar intent. Besides the historical event, this resolution acknowledges the cultural, economic, and political contributions that these Hispanic settlers of 400 years ago started in northern New Mexico. So I thank the majority leader, Senator LOTT, Senator DASCHLE the minority leader, and the long list of cosponsors for helping us with this.

I guess right off the bat, it gives me a great deal of pride to remind Americans, especially here in the east where this Capitol lies, that the first Spanish settlement in New Mexico occurred in 1598, when Don Juan de Oñate settled at San Juan Pueblo in the Valley of Española in northern New Mexico. I might say, if one just remembers the dates, this event precedes Plymouth Rock, which landing there occurred in 1620. The Spanish settlers arrived in northern New Mexico 22 years before Plymouth Rock. And they were also settlers who came from Europe. They just happened to come from the Spanish part of Europe rather than that part where our rather famous and much talked about pilgrims came from.

So this year we commemorate the brave and adventurous Hispanic families who first set roots in this beautiful land of New Mexico. By commemorating these early events we are also honoring the important cultural, political, and economic contributions that those families and their descendants have made to enrich our State, and actually our Nation.

This expedition was part of a very large effort to expand the Spanish empire, convert more people to Christianity, and find great wealth in the new world. There was great excitement at the beginning of the 16th century about these prospects. Spaniards like Hernan Cortes and Francisco Pizzaro, cousins from Medellin and Ciudad Trujillo, left Spain in the early 1600s to seek their fortune and spread the glory of Spain. When the Mayan gold was taken back to Spain from the Yucatan Peninsula of Mexico in 1517, it fueled the fires of enthusiasm for finding the legendary Seven Cities of Gold in the New World.

Spanish explorers like Ponce de Leon, Francisco Coronado, and Don Juan de Oñate explored modern-day America, believe it or not, from Florida to California.

Some 400 Spanish settlers led by Oñate from Santa Barbara, Mexico, through El Paso, Texas, to San Juan Pueblo, named by Oñate for John the Baptist. The soldiers, priests, laymen, families, servants and their 83 wagons and 7,000 animals formed a 2- to 4-mile long caravan as they journeyed up the Rio Grande.

I spoke about this the other night at a very large gathering in our State for the Hispanic Chamber of Commerce. Sitting at a table with our archbishop, one of my staff people said, as Senator DOMENICI explained this 83 wagon and 7,000 animals forming a 4-mile long caravan, the archbishop was heard to say, "The first traffic jam in northern New Mexico." I don't know if it was that or not. There probably were no intersecting roads in those days.

When they arrived at San Juan Pueblo on July 11, 1598, they established the first Spanish capital in the New World. They built the San Gabriel chapel and convento. Today, a beautiful replica of the San Gabriel chapel stands in the Española Plaza.

It is well known that the Spanish people founded the oldest cities in America. First, St. Augustine, Florida was founded in 1565, followed by Santa Fe, New Mexico, the second oldest city in what is now the United States. In 1610, Santa Fe was named the capital of New Mexico making it the oldest capital city in America today.

Before Santa Fe became the capital of the New Mexico territory, the San Gabriel mission served as the first Spanish Capital of New Mexico, beginning in 1598. San Gabriel is at San Juan Pueblo where the Rio Chama meets the Rio Grande. Its Indian name was Yunge Oweenge. The designation and renaming of this site by its first Governor, Don Juan de Oñate, as San Gabriel del Yunge Oweenge marks the first permanent Spanish settlement in the west.

1998 marks the 400th Anniversary of the founding of San Gabriel del Yunge Oweenge in the Española Valley of present-day New Mexico.

This resolution highlights the importance of the Spanish explorations in

America and pays tribute to the growing population of Hispanics who are anticipated to be twenty percent of our national population by the year 2030, with a projected population of 60 million Hispanics. Two-thirds of the 26 million Hispanics in America—who make up eleven percent of our population today—are of Mexican origin, and 70 percent of Hispanics live in 4 states: California, Texas, New York, and Florida.

New Mexico has the highest percentage of Hispanics at 39 percent or about 660,000 residents out of a total 1995 state population of 1.7 million. Albuquerque, New Mexico, will be the site of a new Hispanic Cultural Center to celebrate and preserve Hispanic culture including literature, performing arts, visual arts, music, culinary arts, and language arts.

New Mexico will be the center of many exciting events throughout the year to commemorate this important historic milestone. New Mexicans are looking forward to fiestas, balls, parades, and other stimulating events to mark this historic occasion.

The Archbishop of Santa Fe will be opening a Jubilee year in January. Among other events, he will hold an encuentro at Santo Domingo Pueblo to mark the meeting of the missionaries with the Pueblo Peoples.

The City of Española will have a fiesta in July to commemorate the actual arrival of the Spanish into the area. Santa Fe, Las Vegas, Taos, Socorro, Aztec, Albuquerque, and other New Mexico towns and cities will be holding such special events as fiestas, historic reenactments, a State Fair Pageant, a historic Spanish costume ball, and parades. Seminars and lectures will abound.

State Fair pageant plans include a reenactment of De Vargas' reentry into New Mexico, a review of the Pueblo Revolt and its ramifications, life under the American flag during the middle to late 1800's, and a patriotic tribute to all Hispanics who have fought for the United States. This reentry spectacular will be performed twice before large New Mexico State Fair audiences. It will also be televised.

This resolution also asks the President to issue a proclamation declaring 1998 is a year to commemorate the arrival of Hispanics and celebrate their growth in importance in our nation's culture and economy.

This Senate resolution calls upon the people of the United States to support, promote, and participate in the many Oñate Cuartocentenario activities being planned to commemorate the historic event of the first Spanish settlement in the Southwest Region of the United States.

Mr President, I ask my colleagues to support Senate Resolution 148, designating 1998 as the "Oñate Cuartocentenario" to commemorate the 400th anniversary of the first Spanish settlement in New Mexico.

Mr. BINGAMAN. Madam President, I rise to speak about Senate Resolution 148, designating 1998 as the "Oñate Cuartocentenario," the anniversary commemoration of the first Spanish settlement in New Mexico. First, I thank my colleague from New Mexico, Senator DOMENICI with whom I have the great pleasure of marking this anniversary. And I thank my Senate colleagues for cosponsoring the resolution. The bipartisan support for this resolution I believe is indicative of the broad understanding and appreciation for the cultural contributions that Hispanics have made in our American society.

This resolution commemorates one of the most meaningful and significant dates of both New Mexico and American history. July 1, 1598 stands out in history because it was on that day, almost 180 years before the Declaration of Independence was signed in Philadelphia, that a small group of Spanish pioneers ventured north from Mexico, up the Rio Grande Valley and settled in what is now North-Central New Mexico. The settlers, led by Don Juan de Onate, established a small mission at the confluence of the Rio Chama and the Rio Grande and next to an Indian Pueblo the inhabitants called "Ohke." The Spanish settlers named their mission San Gabriel de los Espanoles.

From San Gabriel, Spanish families moved outward and, in 1610 established the mission of "La Villa Real de Santa Fe", now well-known as "Santa Fe." Other settlements were soon established throughout the Rio Grande Valley, Arizona, California, Colorado, and Texas following the long-established settlements in Florida.

As much as this resolution commemorates the early Spanish settlements on this continent, it is meant to do much more. This resolution celebrates the Hispanic people themselves and the many contributions they have made to the history of this continent and this country over the last 400 years.

Indeed, many Hispanics have earned a place in American history. During the American Revolution, Bernardo de Galvez, a Spanish aristrocrat and governor of the Spanish province of Louisiana, was instrumental in helping defeat the British navy and army near the Gulf of Mexico.

During the Civil War, David Glasgow Farragut, also of Spanish descent, commanded a Union naval expedition against the city of New Orleans. Because of his leadership at the battle for Fort Jackson, President Lincoln promoted Farragut to Rear Admiral.

Hispanics have made significant contributions also in the area of Science. Luis Alvarez, for example, won the Nobel Prize for Physics. Alvarez taught at University of California-Berkeley and was later instrumental in the development of radar at the Massachusetts Institute of Technology. In 1944, he went to work on the development of the atomic bomb in Los Alamos, New Mexico.

Of course, I cannot speak of distinguished Hispanics without speaking of New Mexico's own Dennis Chavez, whom many of my Senate colleagues no doubt remember well. Dennis Chavez was one of eight children and through hard work and determination became one of New Mexico's distinguished Congressmen in 1934. Not long after that, he became United States Senator, and while in the Senate worked tirelessly for fair employment and civil rights legislation.

Madam President, I easily can point to all aspects of our American society, from literature to sports, and identify many Hispanic individuals who have made significant contributions. It is a tremendous history—indeed, more than 400 years of history. Through this resolution, I wish to help New Mexico and our Nation celebrate that history. Thank you, Madam President.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I be able to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

WHAT IS HAPPENING WITH WELFARE REFORM?

Mr. WELLSTONE. Madam President, there were two articles today, one article in the New York Times, a front page story: "Pessimism Retains Grip on Region Shaped by War on Poverty," Booneville, KY, eastern Kentucky, Appalachia. At the same time, there was also an editorial in the Minnesota Star Tribune. I ask unanimous consent that both the New York Times piece and this editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Minneapolis Star Tribune)

STATES MUST ASK THE RIGHT QUESTIONS

From Maine to California, governors are celebrating a plunge in the nation's welfare rolls. Some 2 million families have gone off benefits since 1994, and caseloads have fallen to their lowest level in 27 years. But few officials are asking what seems an obvious question: What became of these families after they left public assistance?

That's exactly the question posed by seven Midwestern welfare administrators who have banded together in implementing the landmark 1996 federal welfare-reform law. The seven, including Ann Sessoms of Minnesota's Department of Human Services, recently traveled to Washington, D.C., to unveil a new framework for measuring the success of state welfare experiments. They're asking the right questions, and they deserve support from the Clinton administration and their colleagues.

Once upon a time, the fate of families leaving welfare might have been an afterthought. The system was self-regulating, in that clients who fell on hard times after leaving public assistance could simply re-apply. Cash assistance to families, known as AFDC, was an "entitlement"—if you fell below certain poverty thresholds, you were entitled to benefits.

But since Congress passed the Personal Responsibility and Work Opportunity Act of 1996, better known as welfare reform, that self-regulating feature has vanished. States can kick families off assistance for many reasons—failing to find work, breaking administrative rules, or simply exhausting their benefits "clock," a time limit as short as 18 months in some states.

The federal law requires states to submit lots of data on the number of clients who receive benefits and who find jobs, but it is almost silent on the issue of family well-being after clients leave welfare. As federal bureaucrats draft new reporting requirements, there's a danger that Washington and the governors will define "success" as merely cutting caseloads.

Sessoms and her colleagues have a more robust definition. They'd like to know if clients are earning enough money to rise out of poverty, if they're finding safe day care, whether their children are seeing a doctor and attending school, whether marriages are holding together or breaking apart. Minnesota's Department of Human Services has decided to track many of these questions for its own clients. But the nation needs comparable measurements, so that governors have the right incentives and so Washington can compare results of the 50 state welfare experiments.

This is an ambitious, even intrusive, list of questions. But then, these were the very questions that prompted welfare reform in the first place. It's worth remembering that Congress didn't tackle welfare reform because caseloads were rising—they were already falling by 1996. It wasn't because assistance costs were climbing—cash welfare to families has been stable at less than 2 percent of the federal budget since Richard Nixon was in office. It was because welfare was seen as a failed program that fostered other social pathologies: idleness, drug use, broken marriages and neglected children. Having blamed welfare for these problems, it seems only fair to find out whether welfare reform is solving them.

[From the New York Times, Feb. 9, 1998]

PESSIMISM RETAINS GRIP ON APPALACHIAN POOR

(By Michael Janofsky)

There is an area of Booneville that some residents call Ho Chi Minh City for its third world appearance. It is not large, just a few winding gravel roads. But many of the houses look like shanties, heated with wood or coal. Children walk around with dirty bare feet. Many people lack telephones and cars.

In many respects, this little corner of Appalachia looks much as it did 30 years ago, when President Lyndon B. Johnson declared a war on poverty, taking special aim at the rural decay in places like Owsley County, here in eastern Kentucky, and other distressed areas in the 399 counties of 13 states that make up Appalachia.

Federal and state agencies have plowed billions of dollars into Appalachia through economic development programs, highway construction and job-creation initiatives to help residents overcome the economic and psychological isolation caused by poverty and the rugged terrain.

But a tour of Booneville offers ample evidence that money and countless programs have had only marginal effects on breaking a cycle of poverty and despair that continues throughout many parts of Appalachia. And conditions could grow worse before they improve.

With state welfare regulations forcing recipients to find work and with the Federal Government reviewing the eligibility of children who receive disability benefits, many Owsley County residents could lose vital monthly checks that they have relied on for years. More than half of the people in the county who receive those benefits are children.

Viewing those prospects, some residents sound much like people who have criticized entitlement programs for stagnating inner cities.

"The war on poverty was the worst thing that ever happened to Appalachia," said Denise Hoffman, 46, who runs a small farm here with her husband, Neil. "It gave people a way to get by without having to do any work."

By many measures, Appalachia remains mired in poverty. In about one-quarter of the highland region's counties, according to data from the 1990 census, 25 percent or more of residents live below the poverty level as defined by the Federal Government. That rate is nearly double the national average.

Owsley County, with a population of 5,400, is one of the most distressed areas. To many residents, the booming national economy is something they hear about only on television.

More than 46 percent live in poverty, as defined by the Government. The median household income of $8,595 is one of the lowest in Appalachia. Almost half of the adults are unemployed. About two-thirds of the people in the county receive Federal assistance, 30 percent of county families do not have telephones, and 20 percent do not have cars.

More than half the adult population is illiterate.

But perhaps most critical of all, with the coal industry long gone as a major employer and job creation minimal and sporadic, feelings of hopelessness have become so deeply entrenched that many residents have long forsaken any expectation of bettering themselves.

Even a generous new program to encourage savings is struggling to win participants. Through a foundation grant to finance a $6-to-$1 match, residents can deposit up to $15 a month for two years, a total of $360, and receive back $2,520. The program began in May to encourage low-income people to set aside money for home improvements, a new business or school.

Eight people are participating.

"The overriding theory of the program works against the mentality that is deeply set within people who live in poverty," said the program administrator, Jennifer Hart. "They don't think they have a future. If they did, they would think about it and delay instant gratification. But they have no reason to. And they can't. They can only think about how they are going to feed the children this week and pay the rent this month."

Even many of the 70 seniors at Owsley County High School this year sense the inevitability of spending their lives in poverty, unchanged from their parents' situations.

The Hoffmans' 17-year-old daughter, Megan, a top student and an athlete who has been accepted to four state colleges, thinks of her classmates with chagrin.

"Many of them think things are never going to get any better," she said. "It's pretty sad. Kids feel, 'I don't think I can make a difference.' They don't seem to want to change or care."

When the senior class voted on the message to print on their T-shirts this year, an annual custom, they chose: "I came, I slept, I graduated." Megan said fewer than 25 percent plan to attend college.

As elsewhere in Appalachia, the feelings of hopelessness prevail despite energetic efforts by Government and private groups like the Mountain Association for Community Economic Development, a 21-year-old organization in Berea that helps community groups in 49 counties around the state.

In Owsley it provides a ray of hope through self-help programs like job-training classes, courses on starting a business and agencies that make low-interest loans. It also aids in recruiting companies into the area, a mighty challenge in Booneville, with its remote location and lack of services. The town has two restaurants, three groceries and one dentist. And while it has three doctors the nearest hospital is an hour away.

To attack the worse of rural poverty, the association created "action teams" six years ago for the most distressed counties, Owsley and Letcher. In each, officials work closely with local leaders to convince residents that they can lead more productive lives.

The efforts take many forms. In Booneville, the team helped bring Image Entry, a data-entry company that created 58 jobs, onto a site that local leaders hope will become an industrial park. Team members helped start associations for goat breeders and vegetable growers, to increase their profits. The team also helped set up a second-hand shop that employs welfare recipients so that they can fulfill new state regulations that require them to find a job in two years or lose benefits. Next to the shop is a credit union that offers low-interest loans and a generous matched-savings program.

The state welfare agency has set up a pilot program for recipients that teaches "job readiness skills," including how to write a resume and how to fill out a job application.

Yet every initiative pits the action team and Government agencies against an intractable pessimism built on decades of depressed conditions that are visible everywhere: piles of garbage heaped into creeks and ravings because people cannot afford the $12 monthly fee for trash removal; landscapes of rusting cars, some from the 1950's, and the crumbling shell of the Seale theater, which last showed a movie, "Silver Bullet," in 1985.

But many residents say the prevailing attitude in the county, particularly among those receiving state and Federal entitlement benefits, is that no amount of help and instruction is going to make a difference. According to the most recent state statistics, 14.3 percent of Owsley residents receive welfare benefits, 20 percent receive benefits through the Federal assistance program for disabled people known as Supplemental Security Income and almost half receive food stamps.

Mr. Hoffman, 47, a member of the action team, grew almost angry, talking about the conditions in much of Appalachia. "Poverty is not about money," he said. "It's in the mind. It's a way of life. Once you're in that cycle you think you can't break out of it. I don't know why people think that way, but they become a prisoner of it. It took us three generations to get into this mess, and it's going to take us three generations to get out of it."

Members of the team say many parents urge their children to try to go to special education classes at school as a way to prove that they are eligible for disability benefits.

"That shows how creative people are when there are no jobs," said Jeanne Gage, the director of the sustainable communities initiative for the Mountain Association. "You learn how to work the system."

But as the system is changing, that could have a devastating effect on Owsley County without more jobs.

Pam Barrett, 32, a divorced mother of a 17-year-old daughter and two sons, 11 and 10, is beginning to feel the pinch. Living with her 38-year-old former husband, who receives $438 a month in disability benefits for bad nerves and a spine injury, she began working 20 hours a week at the secondhand shop two months ago. She plans to use some of the money for her daughter, Jennifer, who expects to receive an athletic scholarship and start college in the fall.

"She has the chance I passed up to have three young'uns," Ms. Barrett said. "I quit school in the eighth grade to get married. I was 15. He was 21. I've regretted it ever since. And young'uns having babies is going on right today. But I tell you what, you learn from your mistakes."

Farmers like the Hoffmans, who rely on tobacco as their leading cash crop, are enduring another anxiety, waiting to see how the litigation between cigarette companies and Federal and state governments might affect small growers.

Action team members and government officials working to turn around the fortunes of Owsley County all say their efforts are paying off, even against an enormous tide of negativism that now touches some of those who are succeeding.

Megan Hoffman said, "I have really enjoyed growing up here." But asked whether she planned to return after college, she said: "No. There is nothing here. There is nothing to come back to."

The president of the Mountain Association, Don Harker, said that attitude would be difficult to change any time soon.

"We have an immense amount of work to do to bring up the prosperity levels of Appalachia," Mr. Harker said. "To give people hope, we have to change the whole dynamic. To give people a reason to believe things can be different than they are, we have to change their expectations.

"I know we can do it," he said. "But I don't think it will be done in my lifetime."

Mr. WELLSTONE. Madam President, I just want to read one part of the editorial today in the Star Tribune:

> But since Congress passed the Personal Responsibility and Work Opportunity Act, better known as welfare reform, that self-regulated feature has vanished. States can kick families off assistance for many reasons—failing to find work, breaking administrative rules, or simply exhausting their benefits "clock," a time as short as 18 months in some states.

The context for this piece was that seven Midwestern welfare administrators have banded together, and they want us to ask questions about what is happening with the welfare bill in the country.

I just want to say to colleagues that we would be making a mistake if we assumed that 2 million fewer families on welfare meant also that we had 2 million fewer families that were poor in America. What the New York Times front page article points to—and I had a chance to visit Letcher County, KY, this summer—what this editorial speaks to, I think, is a really important question.

I am going to have an amendment that I am going to offer on the first bill that is appropriate which essentially says this: We cannot automatically equate reduction in caseload with reduction in poverty, and what we need to know as responsible policymakers is what is happening with these families.

When I say "these families," I am really talking about, in the main, women and children. I know that in my travels around the country—and I do no damage to the truth, I don't think I exaggerate at all—I met too many families where, as it turns out, 3- and 4-year-olds were home alone. The single parent is working now, but the child care has not been worked out. Or it is a very ad hoc child care arrangement, hardly what any of us would like for our own children, not really good developmental child care.

In addition, too many first and second graders, I said before on the floor of the Senate, are now going home alone because their single parent, the mother, is working, but there is nobody there to take care of them when they are home. First and second graders are going home sometimes in some very dangerous neighborhoods.

It is also true, Madam President, that wherever I travel, when I am told in any given State we have reduced the welfare rolls by X number of families, the question I have is, where are they? What kind of jobs do these mothers now have? Do they pay a living wage? Where are the children? Is it decent child care? And the interesting thing is that hardly anywhere in the country do we have the data. I can't get answers to those questions.

So, the amendment that I am going to have on the floor of the Senate soon will essentially call on States to provide to Health and Human Services data, let's say, every 6 months as to how many families are actually reaching economic self-sufficiency.

I am not trying to bias the conclusion one way or the other, but since, depending on the State 3 years from now or 2 years from now or a year and a half from now or 4 years from now, there is a drop-dead date certain where all these children—women and children—will be removed from any assistance, we ought to know what is happening. That is all I am saying to colleagues, let's have the data, let's make sure we know what is happening to those families. That will be an amendment I will bring to the floor soon.

The second amendment I want to mention today is, I think, very much within the same context and, I think, important. Around the country, as I travel, I cannot believe how many women who are in a community college, who are on the path to economic self-sufficiency in school, are now being told that they have to go to work. It may be a $5.50-an-hour job, but they are essentially told they can no longer be in school.

Madam President, I would argue that this is very shortsighted. This is very shortsighted. As a matter of fact, if these women can complete their 2 years in the community college or even get a 4-year degree, they and their families will be much better off.

So the second amendment I am going to offer will essentially call for a student exemption. It will say, let's let these welfare mothers pursue and complete their education. They and their families will be much better off. I hope that the community colleges and the universities will speak up for these families, because they know what is happening. This is, I think, a profound mistake.

SIERRA BLANCA

Mr. WELLSTONE. Madam President, I want to move on and talk about a related topic, in fact, very related, and this is a discussion that is urgent and long overdue. It has to do with the bill, S. 270, that would result in the dumping of low-level radioactive waste in a small, poor, majority Latino community in rural west Texas. I want to stop that from happening, not only in Sierra Blanca, but in poor minority communities all over this country.

The best way to get this conversation going, which is a conversation about environmental justice, is to make sure that the story of Sierra Blanca gets told, and it is an incredible story.

Last week, several of the people who have been telling that story for several years were here in Washington. Father Ralph Solis, who is the parish priest for Sierra Blanca, led a delegation of Texans who told us of the anger and the anguish of the people of Sierra Blanca. It is not just the people of Sierra Blanca who are organizing. Citizens from all over Texas, from cities and towns through which radioactive waste will be passing on its way to Sierra Blanca, are all demanding that their voices be heard. The newspaper columnist Molly Ivins has written that, "This is community action and local organizing at its very best." I couldn't agree more.

Let me tell you something about Sierra Blanca. It is a small town in one of the poorest areas of Texas. The average income of the people who live there is less than $8,000 a year, and 39 percent of them live below the poverty line. Over 66 percent of the residents are Mexican American, and many speak only Spanish. It is a town that already has one of the largest sewage sludge projects in the world. Every week, 250 tons of partially treated sludge are brought to Sierra Blanca.

So why has Sierra Blanca been targeted with both a sewage sludge project and a radioactive dump? I am firmly convinced the issue here is one of environmental justice. The tragedy of Sierra Blanca is part of the larger and very disturbing pattern across the country. In far too many instances, poor people of color simply don't have the political clout to keep the pollution out of their communities. Studies by the United Church of Christ's Commission for Racial Justice, for example, found that race was the single best predictor of the location of commercial hazardous waste facilities, and Texas was second only to California in the number of such facilities located in communities with above-average percentage of minorities. I don't think that is a coincidence.

Let me be clear about one thing, Mr. President. Sierra Blanca is not being singled out because its residents are unusually fond of waste. In April 1992, the Texas Waste Authority commissioned a telephone poll of surrounding communities, areas where the poorest residents don't even have telephones, and they found that 64 percent of the people oppose the dump. But you don't need a poll to tell you that. Just show up at any town meeting or any licensing hearing. Local residents are often angry and emotional about their community being turned into a radioactive dump. And they have every right to be.

Let us be clear about one other thing as well. Science does not explain the selection of Sierra Blanca, either. In the early 1980s, the Texas Waste Authority screened the entire State to find the most scientifically appropriate site. Their engineering consultants, Dames & Moore, concluded that the Sierra Blanca site was unsuitable for a nuclear dump because of its complex geology. But, lo and behold, that was the site that was chosen.

You will hear again and again from colleagues on the other side that this siting decision is a purely local matter. It is not. The most obvious reason is that it is up to the Congress to ratify this Compact between Texas, Maine, and Vermont. Without the Compact, it is unlikely there will be a dump. Without the upfront payments from the other States, where is the construction money going to come from? And by the Texas Waste Authority's own projections, the dump will not be economically viable if Maine and Vermont do not sign up in advance. Texas does not generate enough waste.

There are other reasons why this debate rises above the purely local level. If the Texas Compact passes the Senate, it is entirely possible that Sierra Blanca will become the low-level radioactive waste dump for the entire country. Backers of the Compact say that that is not their plan. They say no other States besides Maine and Vermont will ship waste to Texas. If that is the case, then I propose a solution. And I am hoping there will be support for this.

Let the Senate agree to an amendment I want to offer, which is just like the Doggett amendment that passed the House, limiting the Compact to Maine and Vermont. Now, it seems to me, if the argument is being made that the only waste that is going to come to Texas is from Maine and Vermont, then let us just pass that amendment. And let us be clear about it. Then the debate is over.

But we cannot shirk our responsibilities by pretending that this is nothing more than a State or local affair. The Sierra Blanca dump is unlikely to be built if the Senate rejects this Compact. But if the Senate approves this Compact, Sierra Blanca may become the Nation's premier dump site for low-level radioactive waste. It is that simple.

The Senate vote will largely determine whether or not a grave injustice is inflicted on a community that deserves no such thing. It would be easy for all of us to turn our backs and just ignore this issue. But there is no way for the Senate to wash its hands of this business. For good or ill, we bear moral responsibility for what happens to the people of Sierra Blanca. This is a wrong that richly deserves to be righted. And we have the power to do just that.

Mr. President, again, let me just make it clear that this is an issue of environmental justice. It is a David versus Goliath fight. There are lots of big guns in here that are pushing for this waste dump site. But we have one thing on our side. My colleagues have said, "Rest assured, this will only be waste from Maine and Vermont that will go to Texas." I say, if that is the case, please support the Doggett amendment. It has already passed the House of Representatives. Then we can go forward.

I will have one other amendment which just says that if we approve the Compact, but it turns out that it can be proven that this has a discriminatory effect on a community of color or low-income people, then they have the right to go to court. If those amendments pass, then this Compact will pass the floor of the Senate.

Mr. President, I do believe that the people of Sierra Blanca and hundreds of minority communities just like them from around the country have not been given their due. But we can make the system work. I am firmly convinced of that. Sometimes justice needs a second chance. Sometimes it needs a little push. And over the next few weeks, I think we are going to give justice a second chance on the floor of the U.S. Senate.

I am hoping that these amendments will be accepted. I believe that would be the right thing to do. I think there should be strong bipartisan support for that. If that does not happen, then I am prepared to use all of the hours on the floor of the U.S. Senate that I have at my disposal as a Senator—and I will use those many hours—to talk about environmental justice in this country.

Over and over and over again, we essentially take this waste and we dump it, right on the heads of low-income people. Over and over and over again, we look to the communities of color, we look to poor communities, we look to the communities that are not the heavy hitters, that are not well connected, and this is where we put it.

This happens all across the country. I can bring to the floor of the Senate study after study after study that show that. I can marshal the evidence. I am hoping that we will agree that this Compact will be something we can pass, if we make it clear that the waste can only come from Maine and Vermont. If not, I think for the first time on the floor of the U.S. Senate we will have a really—maybe not the first time—but we will certainly have a very thorough and important debate, I think, about environmental justice.

TRIBUTE TO FRANK STRUKEL

Mr. WELLSTONE. Finally, Mr. President—I know other colleagues are on the floor. I just looked back and I saw Senator KENNEDY from Massachusetts, who I think has been the best labor Senator maybe in the history of the country. Maybe along with Senator Metzenbaum.

It was Saturday night, and I promised myself I would do this. I want to make this a part of the official RECORD of the U.S. Senate. Saturday night, on the Iron Range in Eveleth, MN, there was at a gathering to honor a man named Frank Strukel who has been one great labor organizer. He is struggling with ALS, which is commonly called Lou Gehrig's disease. His friends from all over the State of Minnesota came to honor him. He should be honored.

I see my colleagues—Senator ASHCROFT, who happens to be a good friend, even though we do not always agree on issues. But one thing we do agree on is we respect people who work hard on things that they believe in. We respect people who live by the words they speak. Frank Strukel was that way. Frank Strukel is that way.

I am hoping and praying he will somehow figure out a way to defeat this disease. He said that night he is going to be with us for a long time. I hope and pray that is the case. I promised him that I would say on the floor of the Senate that Frank Strukel has been one heck of a hell-raising labor organizer. And he has been just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield time or—

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that I be able to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Thank you, Mr. President.

Mr. HARKIN. Sorry? What was that request?

Mr. ABRAHAM. To speak as in morning business for up to 5 minutes.

Mr. HARKIN. Oh.

CONCERNING RECENT NATURALIZATION DEVELOPMENTS

Mr. ABRAHAM. Mr. President, I come to the floor today in my capacity as chairman of the Immigration Subcommittee to call my colleagues' attention to some recent developments in the naturalization area, some of which are extremely serious.

As many of you may have read in today's Washington Post or the Los Angeles Times, Coopers & Lybrand today unveiled its recommendations to the Justice Department for reengineering the naturalization process. After a year-long review, Coopers & Lybrand has developed what it is calling a "blueprint for a new naturalization process," which would involve a complete overhaul of that process. Given what we have seen in the past in this area—particularly in the area of criminal background checks—a reworking of the entire process is certainly needed and Congress should be involved in any redesign. Coopers & Lybrand has prepared us with what is essentially a solid outline for a streamlined, more automated and more centralized naturalization system. Of course, many details remain to be worked out, but I am genuinely pleased with many aspects of the Coopers & Lybrand recommendations for redesigning the process. I hope the administration will take those recommendations seriously. For far too long, the naturalization process has been characterized by intolerable backlogs, very poor customer service, and, of course, unfortunate examples of outright fraud and mismanagement.

Unfortunately, just today we also learned the results of a separate review of the current naturalization process. That review was conducted by the Department of Justice and by KPMG Peat Marwick. In a review of roughly 5,500 naturalization files selected at random over a 1-year period, it was determined that 90.8 percent of the files contained at least one significant processing error, and a total of 87.7 percent of the files had insufficient documentation in the file to support a proper naturalization decision.

The bottom line is that we can be confident that naturalization was proper in only 8.6 percent of the 1,049,867 cases naturalized between August 1995 and September 1996. Mr. President, clearly these statistics are alarming and appalling. I don't doubt that most of the cases involved were, in fact, properly naturalized. But because of the system that is currently in place, we not only have enormous backlogs in the naturalization process but we cannot determine on a case-by-case basis whether naturalization decisions have been made correctly.

In my judgment, any redesign of the naturalization process must ensure a 100 percent level of compliance. So, in the coming weeks, I plan to hold hearings at which the Senate Immigration Subcommittee can explore the Coopers & Lybrand proposal—which at this point is simply a blueprint—in more detail and so that we can get to the bottom of the complete breakdown of the process I have described here today.

In particular, we need to examine some open issues in the redesign proposal, such as who would conduct the tests that are given with respect to English proficiency and civics and what those tests should contain. Given the recent indictments in California for fraud in citizenship testing, in which 20 defendants have been indicted for nationwide fraud in this area, we must take a close look at the extent of the fraud in the testing process and we must reform the system to eradicate any future wrongdoing in connection with citizenship testing.

As a proponent of legal immigration and the value of naturalization, I do not come at this in any way trying to undercut the naturalization system. Yet recent information suggests such a complete breakdown that the process has to be redesigned to eradicate the fraud and the mismanagement that has characterized this system.

What we need to do is strike the right balance, Mr. President, so that the people who deserve and have the right to be naturalized and become citizens have the opportunity to do so in a timely manner, and so that everyone, both the people who are waiting in those lines who ultimately will become naturalized and those who are already citizens, will have confidence that the people who are becoming citizens have met the standards and the criteria which the Congress has established for doing so. That means, Mr. President, close scrutiny of the current system, close scrutiny of the proposed recommendations by Coopers & Lybrand, and action, I believe, ultimately by the INS and Congress to move us in the right direction.

I am very disturbed by the report we received today, but I hope that will form the basis for all of us to work together to find the right solutions.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The Senate continued with the consideration of the nomination.

Mr. HARKIN. Mr. President, I am proud today to speak in support of the confirmation of Dr. David Satcher to be our Nation's Surgeon General and Assistant Secretary of Health.

I want to speak about Dr. Satcher's qualifications for these important jobs, but first I want to quickly comment on the circumstances that have led to the delay of our consideration of his nomination. I think the course of events that have taken place is very unfortunate. I think whenever we let certain political views interfere with the public health, we are doing the American people a great disservice. It has been 3 years since we have had a Surgeon General. That has not been good for this country. It has created a vacuum of leadership on public health issues. I hope that once everyone has had a chance to voice his or her opinion on his nomination we can quickly move ahead and fill the longstanding vacancy.

Mr. President, as chairman and as now ranking Democrat on the Appropriations Subcommittee on Labor, Health and Human Services, I have had the pleasure of working very closely with Dr. David Satcher since he has been the head of the Centers for Disease Control and Prevention in Atlanta. Over the past 4 years, he has directed the CDCP with integrity, compassion, and a commonsense approach. Because of his leadership, the Centers for Disease Control and Prevention has successfully addressed some of the most pressing public health challenges facing our Nation by promoting health and preventing disease, injury, and premature death.

Mr. President, let there be no mistake, the position of Surgeon General is an important one. Americans look to our Nation's top medical official for leadership and guidance on a number of critical health care issues. For example, one of our most honored Surgeons General, Dr. C. Everett Koop, used the office's bully pulpit to further public awareness of the dangers of smoking, and he was a courageous advocate for public health measures to address the growing AIDS crisis. Now those are big shoes to fill, but I can think of no one more qualified or capable than Dr. David Satcher.

In 1992, I worked with former CDC Director William Roper to change the name of the CDC from the Centers for Disease Control to the Centers for Disease Control and Prevention. We added the word "prevention" to the name. Now, Dr. Roper has moved on, but under Dr. Satcher's direction the CDCP has truly lived up to its new name.

Since he took the helm, Dr. Satcher has spearheaded a child immunization initiative, upgraded the Nation's ability to detect and respond to emerging infectious diseases, and he has expanded the participation in the agency's breast and cervical cancer screening program.

Dr. Satcher has taken the lead in creating an early warning system to detect and prevent food-borne illnesses and did the bulk of the work on the first-ever Surgeon General's Report on Physical Activity and Health, which outlined ways in which all types of Americans can be more physically active. These initiatives have been very successful, and they have made the CDCP renowned worldwide for its leadership on prevention efforts.

As many of you may know—and I will probably repeat a lot what has been said here, but I think it is worth repeating—Dr. Satcher has a distinguished background. President of Meharry Medical College from 1982 until he was named Director of the CDCP in 1993. At Meharry, he gained national recognition as an able administrator, and his leadership has been accorded wide recognition.

In 1986, he was elected to the Institute of Medicine of the National Academy of Sciences for his leadership skills.

In 1996, Dr. Satcher received the prestigious Dr. Nathan B. Davis Award for outstanding public service to advance the public health. He has also received Ebony Magazine's American Black Achievement Award in Business and the Professions in 1994, and the Breslow Award for Excellence in Public Health in 1995.

Most recently, Dr. Satcher has received the James D. Bruce Memorial Award for distinguished contributions in preventative medicine from the American College of Physicians. He has received the John Stearns Award for Lifetime Achievement in Medicine from the New York Academy of Medicine, and the Surgeon General's Medallion for significant and noteworthy contributions to the health of the Nation.

These awards all testify to the fact that Dr. Satcher is a talented, compassionate doctor, researcher and administrator who, throughout his career, has committed himself to caring for those less fortunate and to focusing on preventative health care. Dr. Satcher's lifelong commitment to improving the health of the American people began not long after he survived a near fatal brush with whooping cough as a child. Because of this experience, he understands how important it is to have a Surgeon General who communicates clearly with the people about health-related issues and policies that can literally save their lives. He has strong and practical positions on ways to improve the public health, and as Surgeon General and Assistant Secretary of Health, he will provide a positive and articulate voice on some of our Nation's most important health issues.

The Atlanta Journal and Constitution stated in an editorial endorsing Dr. Satcher:

> He is the right man at the right time for these positions.

I can think of no truer statement, Mr. President. So I look forward to concluding this debate, hopefully, on a positive note. I look forward to seeing Dr. Satcher confirmed as our Nation's Assistant Secretary of Health and Surgeon General. America needs a Surgeon General. We need that leadership, and Dr. Satcher is the best person for that job.

HUMAN CLONING PROHIBITION ACT

Mr. HARKIN. Mr. President, I, as in morning business, want to digress here just a moment, if I might, to talk a little bit about another issue that is going to be coming up here tomorrow. I understand we are going to be voting on cloture on a bill that has not gone through any committee, hasn't had any hearings. It involves an area of science and medicine which very few, if any, of us in this entire body are qualified to vote on with short notice, without proper hearings and proper input. Yet, it's trying to be rammed through here. I am talking about the bill regarding cloning research.

Now, there has been a lot of, I think, undue, inflammatory kinds of statements and comments made about this cloning research. It seems odd to me that on something that has so much potential to alleviate human suffering and which is also, I will be frank to admit, fraught with perils of ethics and bioethics—it seems odd to me that a bill of that nature would be rushed so soon to the floor of the Senate. It seems to me that this is the kind of bill that ought to go through a lengthy and involved hearing process, to bring in the best minds, ethicists, physicians, doctors, researchers, those involved in gene therapy, those who have been involved in cloning research in the past, to hear their views on this. And then out of this, perhaps we can develop a more reasoned, logical, bipartisan approach on the issue of cloning research.

So I have to ask, what is this so-called rush? Why bring it out on the floor like this without the proper kind of hearings, because there is a hidden political agenda? Is this to inflame fears among people? Well, I hope not. To take away that apprehension, I think the best thing would be to refer this to committee and have hearings on it. I serve on the Labor, Health and Human Services Committee, and I would assume that committee would be the proper one to have the hearings, at least some of them, plus those on the House side. So I want to speak about it in that context.

Mr. President, each year, too many of our loved ones suffer terribly. They are taken away from us by diseases like cancer, heart disease and Alzheimer's. For many years, I have worked hard to expand research into finding cures and preventative measures and improve treatments for the many conditions that rob us of our health. Over the last several years, there have been major breakthroughs in medical research. We need to make sure that our world-class scientists continue to build on this progress, but that we also say to young people who are in college today, maybe even in high school, who are thinking of pursuing research careers, that we welcome their inquisitiveness, we welcome their experimentation, we want there to be no bounds put on their inquiries by a rush to judgment by the Congress of the United States, which is ill-equipped to make such a judgment. I think our actions here send a very chilling message to young people, who want to go into biomedical research, that somehow there is going to be the heavy hand of "Big Brother" Government overlooking their research, telling them you can do this but not that, or you can go no further than that, or you can ask this question, but you can't ask that question. I think this bill that we have, again, pushed before us in this rush, can have that kind of chilling effect.

Now, another area of research that has been ongoing for a long time—this is nothing new—has recently captured public attention. That is the research into cloning, cloning cells. Now, there is a man in Chicago—I don't know him and I never have met him—and his name is Richard Seed. Well, he caused quite a sensation a few weeks ago by saying he intends to clone infertile people within the next 2 years. Well, when I first heard this, I said, who is this guy? I never heard of him and I have been involved in research, medical research for a long time. Well, I found out that, quite frankly, he is a very irresponsible individual. He doesn't have the expertise himself. He doesn't have the laboratory, the money, or the wherewithal. I think most researchers and policymakers that I know who know of this person say that he is both out of the mainstream and that his plans for cloning are, at the very least, premature.

Now, again, from all that I have read—and now I have seen him on television—I think that Mr. Seed is more interested in getting his name in the paper than actually carrying out any legitimate scientific research. This is the unfortunate part of it. Why should the irresponsible actions of an individual like Mr. Seed lead to irresponsible actions on our part, because that is exactly what we are doing? Is Mr. Seed irresponsible? I believe so, absolutely. As I said, he doesn't have the expertise, the lab, or the wherewithal to even carry out this research. So he is making very irrational, irresponsible, inflammatory statements. But then why should we respond irresponsibly? I think we should respond responsibly and very carefully to an area of scientific research that can hold so much promise to alleviate pain and suffering and premature death all around the world.

Let's not act irresponsibly because one person in America has spoken irresponsibly. S. 1601, the bill we will be having a cloture vote on tomorrow, bans the use of cloning technology called somatic cell nuclear transfer. To create an unfertilized egg cell, even if this egg cell is for research, is totally unrelated to the cloning of a human being. For example, if the cell is grown under special laboratory conditions, it does not become a child, or a baby, but instead becomes specific tissue such as a muscle, nerve, or skin.

Just think of the potential of this kind of technology. I have looked into this a lot over the last several years. Science makes genetically identical tissues and organs for the treatment of a vast array of diseases.

I gave a sort of off-the-cuff set of comments last summer when this issue came up with Dolly, the sheep that was cloned in Scotland. Dr. Wilmut was at our committee. I talked about the need to continue research into cloning of cells. I said it was going to happen in my lifetime. I certainly stand here and hope that it does.

Shortly after that, I was at a restaurant in a small town in Iowa. A person came up to me, a friend of mine. I went over to their booth to see them. There was a woman there whom I had never met, a rather young woman with her husband. I was introduced to them. Just right out of the clear blue she said, "Thank you for what you said about cloning and taking the position you did on cloning." I don't even think it was in the newspaper. It was on television, I think. CNN may have carried that type of thing. But I was curious as to why this young woman, who, if I am not mistaken, lives on a farm, I believe—I can't quite remember that detail. I asked her, "Why are you so interested in this?" She said because she has a rare kidney disorder. She is hoping because of rejection possibilities that there might come a time when we could actually grow the kind of tissue that would develop into a kidney to replace her kidney so that there wouldn't be that possibility of rejection. She got it. She understood it.

That is what we are talking about. Those are the kinds of possibilities that I believe will happen in my lifetime if we do not act irresponsibly and irrationally.

This bill, S. 1601, would make it a crime to conduct some research seeking to generate stem cells to treat a wide variety of and a wide range of deadly and disabling diseases.

S. 1601 could ban blood cell therapies for diseases such as leukemia and sickle cell anemia, nerve cell therapies for Alzheimer's disease, Parkinson's disease, Lou Gehrig's disease, and multiple sclerosis. It could ban nerve cell therapy for spinal cord injuries, a very promising area of research for cloning. It could ban pancreas cells to treat diabetes, skin cell transplants for severe burns, liver cell transplants for liver damage, muscle cell therapies for muscular dystrophy and heart disease. This bill before us could ban research on cartilage cells for reconstruction of joints damaged by arthritis or injuries. It could ban cells for use of genetic therapy to treat 5,000 different genetic diseases, including cystic fibrosis, Tay-Sachs disease, schizophrenia, depression, and other diseases. S. 1601 could permanently ban all of this type of research.

In addition, under this bill, scientists could be thrown in jail for 10 years if they conduct this research—research which may not have any single thing to do with cloning a human being.

Last year, during this hearing on human cloning research, someone asked, "Are there appropriate limits to human knowledge?" Quite frankly, I responded—and I respond again—to say that I do not think there are any appropriate limits to human knowledge, none whatsoever. I think it is the very essence of our humanity and human nature. As long as science is done ethically and openly and with the informed consent of all parties, I do not think Congress should attempt to place limits on the pursuit of knowledge.

To those who suggest that cloning research is an attempt to play God, I invite you to take your ranks alongside Pope Paul V who, in 1616, persecuted the great astronomer Galileo for heresy—for saying that the Earth indeed revolved around the Sun and not otherwise.

But we don't have to go back that far. Not too long ago in our Nation's history, Americans viewed artificial insemination as abhorrent and its use was banned as being morally repugnant—even for animals; even for animals. There was an attempt to ban artificial insemination. Of course, now that is about all we use on the farm these days. Heart transplants were scorned and X-rays were considered witchcraft. But today we don't think twice about test tube babies, in vitro fertilization, or organ transplants.

Throughout the 1950s, whenever we pushed the bounds of human knowledge, there has always been a constant refrain of saying, "Stop—you are playing God." But if a couple did not have a baby and decides to seek artificial insemination, is that playing God? If a patient is dying of kidney disease and a doctor decided to transplant healthy kidneys, is that playing God? If a patient is dying of heart disease and receives a heart transplant, are we playing God?

Others say that human cloning research is demeaning to human nature. I am sorry; I don't think so. I think that any attempt to limit the pursuit of human knowledge is demeaning to human nature. I think it is the very essence of our humanity to ask how and why and if and what. I think it is demeaning to human nature to raise unfounded fears among the people of America. I think that is demeaning to human nature.

As I said, I think the finest part and the very essence of our human nature and our humanity is to ask why, how, and what if. It is our very humanity that compels us to probe the universe from the subatomic to the cosmos, and, yes, from blastocysts to the full human anatomy. Our humanity compels us to do that.

However, I must admit that I think it is rightly proper for us as policymakers to ask how human cloning research is going to affect our Nation. It is right and proper for us to examine the use of public funds for scientific research.

But I urge my colleagues to proceed with caution on this legislation. What we are talking about here is not the cloning of a human being. What we are talking about is the cloning of cells, and without further research and appropriate regulations, many people will die and become ill and spend very, very miserable lives when that could otherwise be alleviated through this cloning research.

So I have to ask: Why the rush to pass hastily drafted legislation on this very complex technical subject? We need to take the time to consider what could be the unintended consequences. The U.S. Congress and the Senate should tread very softly before sending scientists to jail for what could be promising research to cure diseases and disabilities.

Mr. President, there was an article in Time Magazine dated February 9, 1998, called "The Case for Cloning." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time magazine, February 9, 1998]

THE CASE FOR CLONING—THE BENEFITS OF THIS BOLD TECHNIQUE OUTWEIGH THE RISKS, AND THE DANGER IS NOT WHAT YOU THINK

By J. Madeleine Nash

An elderly man develops macular degeneration, a disease that destroys vision. To bolster his failing eyesight, he receives a transplant of health retinal tissue—cloned from his own cells and cultivated in a lab dish.

A baby girl is born free of the gene that causes Tay-Sachs disease, even though both her parents are carriers. The reason? In the embryonic cell from which she was cloned, the flawed gene was replaced with normal DNA.

These futuristic scenarios are not now part of the debate over human cloning, but they should be. Spurred by the fear that maverick physicist Richard Seed, or someone like him, will open a cloning clinic, lawmakers are rushing to enact broad restrictions against human cloning. To date, 19 European nations have signed an anticloning treaty. The Clinton Administration backs a proposal that would impose a five-year moratorium. House majority leader Dick Armey has thrown his weight behind a bill that would ban human cloning permanently, and at least 18 states are contemplating legislative action of their own. "This is the right thing to do, at the right time, for the sake of human dignity," said Armey last week. "How can you put a statute of limitations on right and wrong?"

But hasty legislation could easily be too restrictive. Last year, for instance, Florida considered a law that would have barred the cloning of human DNA, a routine procedure in biomedical research. California passed badly worded legislation that temporarily bans not just human cloning but also a procedure that shows promise as a new treatment for infertility.

Most lawmakers are focused on a nightmarish vision in which billionaires and celebrities flood the world with genetic copies of themselves. But scientists say it's unlikely that anyone is going to be churning out limited editions Michael Jordan or Madeleine Albright. "Oh, it can be done," says Dr. Mark Sauer, chief of reproductive endocrinology at Columbia University's College of Physicians and Surgeons. "It's just that the best people, who could do it, aren't going to be doing it."

Cloning individual human cells, however, is another matter. Biologists are already talking about harnessing for medical purposes the technique that produced the sheep called Dolly. They might, for example, obtain healthy cells from a patient with leukemia or a burn victim and then transfer the nucleus of each cell into an unfertilized egg from which the nucleus has been removed. Coddled in culture dishes, these embryonic clones—each genetically identical to the patient from, which the nuclei cme—would begin to divide.

The cells would not have to grow unto a fetus, however. The addition of powerful growth factors could ensure that the clones develop only into specialized cells and tissue. For the leukemia patient, for example, the cloned cells could provide an infusion of fresh bone morrow, and for the burn victim, grafts of brand-new skin. Unlike cells from an unrelated donor, these cloned cells would incur no danger of rejection, patients would be spared the need to take powerful drugs to suppress the immune system. "Given its potential benefit," says Dr. Robert Winston, a fertility expert at London's Hammersmith Hospital, "I would argue that it would be unethical not to continue this line of research."

There are dangers, but not the ones everyone's talking about, according to Princeton University molecular biologist Lee Silver, author of Remaking Eden (Avon Books). Silver believes that cloning is the technology that will finally make it possible to apply genetic engineering to humans. First, parents will want to banish inherited diseases like Tay-Sachs. Then they will try to eliminate predispositions to alcoholism and obesity. In the end, says Silver, they will attempt to augument normal traits like intelligence and athletic prowess.

Cloning could be vital to that process. At present, introducing genes into chromosomes is very much a hit-or-miss proposition. Scientists might achieve the result they intend once in 20 times, making the procedure far too risky to perform on a human embryo. through cloning, however, scientists could make 20 copies of the embryo they wished to modify, greatly boosting their chance of success.

Perhpas now would be a good time to ask ourselves which we fear more: that cloning will produce multiple copies of crazed despots, as in the film The Boys from Brazil, or that it will lead to the society portrayed in Gattaca, the recent science-fiction thriller in which genetic enhancement of a privileged few creates a rigid caste structure. By acting sensibly, we might avoid both traps.

WHO COULD BENEFIT?

Cloning might help patients with Parkinson's and other brain diseases by providing them with neural tissue that is genetically identical to their own.

Burn victims could receive soft, new skin, which would be grown in a laboratory and wrapped around injured areas like a bandage.

Patients with chronic myelogenous leukemia could gain reliable source of healthy bone marrow, which might eventually result in a cure.

Combined with gene therapy, cloning may make it possible for scientists to eliminate the transmission of Tay-Sachs and other inherited diseases.

Mr. HARKIN. Mr. President, for example, I want to read a couple of things from the article. It says:

> House Majority Leader Dick Armey has thrown his weight behind a bill that would ban human cloning permanently. "This is the right thing to do, at the right time, for the sake of human dignity," said Armey. "How can you put a statute of limitations on right and wrong?"

Right and wrong? It is wrong to conduct cloning research that might enable us to grow a liver out of a person's own DNA? To grow skin out of a person's own DNA? Perhaps even to grow heart tissue, or even a full heart, out of a person's own DNA, so there would be no rejection possibilities? It is wrong to do research in cloning of cells that might permit my nephew, Kelly, who, at the age of 19, got injured in the military, his spinal cord was broken and he has been a quadriplegic since and still holds out the hope that research someday is going to enable him to walk again? And, yes, cloning research might be able to rebuild those kinds of cells from his own DNA that will get those nerve endings going again so that my nephew can walk again. That research is wrong? I ask who appointed the House majority leader as the arbiter of what is right and wrong in biomedical research?

Well, as the drafter of this article went on:

> . . . hasty legislation could easily be too restrictive. Last year, for instance, Florida considered a law that would have barred the cloning of human DNA, a routine procedure in biomedical research.

You might say that's not what we are doing here. But we could be sending the wrong signals to State legislatures, again, to try the same thing:

> Cloning individual human cells [the writer goes on], however, is another matter. Biologists are already talking about harnessing for medical purposes the technique that produced a sheep called Dolly. They might, for example, obtain healthy cells from a patient with leukemia or a burn victim and then transfer the nucleus of each cell into an unfertilized egg from which the nucleus has been removed. Coddled in culture dishes, these embryonic clones—each genetically identical to the patient from which the nuclei came—would begin to divide.
>
> The cells would not have to grow into a fetus, however. The addition of powerful growth factors can ensure that the clones develop only into specialized cells and tissue. For the leukemia patient, for example, the cloned cells could provide an infusion of fresh bone marrow, and for the burn victim, grafts of brand-new skin. Unlike cells from an unrelated donor, these cloned cells would incur no danger of rejection, patients would be spared the need to take powerful drugs to suppress the immune system.

And this, I think, says it all:

> Given its potential benefit," says Dr. Robert Winston, a fertility expert at London's Hammersmith Hospital, "I would argue that it would be unethical not to continue this line of research.

Mr. President, I hope that tomorrow, when we vote on this, that the Senate will choose to be on the side of the Galileos, those who want to expand human knowledge, those who will not be constricted by outmoded and outdated ideas, who understand it's the very nature of our humanity to ask how and why and what if. No, not to be on the side of those who wanted to keep the Sun moving around the Earth, but to be on the side of progress and advancement, enlightenment and unlimited human potential.

S. 1601 needs to be amended drastically. Frankly, it needs to be sent to committee. There is no rush. Dr. Seed—is that his name? Yes, Dr. Seed from Chicago is not going to clone any human being. No reputable scientist or doctor that I have spoken to, and I have spoken to quite a few of them, believes he is anywhere near that for years and years and years. But he is making a name for himself. He is on all the talk shows, that's for sure. He has become notorious, a public figure, and I guess a lot of people like to do that.

But just because he's irresponsible doesn't mean we ought to be irresponsible. Let's take a careful look at this. Let's have our hearings. Let's bring in the experts. Let's bring in the bioethicists, the people from all the different communities, to see what parameters, if any, should be drawn on this. The parameters of S. 1601 are too constrictive.

To send scientists to jail for up to 10 years for doing the kind of research that can enable my nephew to walk again is not the kind of legislation that we ought to be passing here.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call will roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The Senate continued with the consideration of the nomination.

Mr. McCAIN. Mr. President, I wish to speak briefly about the nomination of Dr. William Satcher to become the United States Surgeon General and Assistant Secretary of Health and Human Services.

I have been closely following the Senate debate regarding Dr. Satcher's nomination and his qualifications to serve as the next Surgeon General and Assistant Secretary of Health and Human Services. In particular, I found his views regarding partial birth abortion and his role in clinical AZT trials to treat patients infected with HIV in Africa and Southeast Asia disturbing.

While Dr. Satcher initially expressed his opposition to partial birth abortions, he also stated that he shares President Clinton's view that a ban on this procedure should include an exception for cases in which the procedure might be needed to protect the health of a pregnant woman. This raises serious concerns for me, since I am adamantly opposed to partial birth abortions except to save the life of a woman. This is a procedure which is inhumane and offensive to anyone who values human life. No matter what a person believes regarding the legalization of abortion, we should all be appalled and outraged by the practice of partial birth abortions.

Since these concerns were raised, however, Dr. Satcher has provided written assurances regarding his intentions if nominated. Dr. Satcher wrote, "I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda and I want to use the power of these positions to focus on issues that unite Americans—not divide them." Dr. Satcher also wrote that he would promote a message of abstinence from premarital sex and behavioral responsibility to our youth. This is a commendable objective that should be promoted among our nation's youth.

The other major concern raised for me was Dr. Satcher's role in clinical trials of AZT conducted in Africa and Southeast Asia. In 1994, the World Health Organization (WHO) recommended that studies be conducted to test the safety and efficacy of short-term AZT therapy in developing countries in reducing the transmission of HIV from pregnant women to their babies. This study was needed because 1,000 babies are born every day infected with HIV in developing nations. This study was intended to determine an effective and affordable treatment for women in the nations that can not afford the expensive AZT and are unable to receive intravenous treatments. The developing nations, in conjunction with the WHO, determined that placebo controlled trials offered the best method for determining an alternative to the expensive and culturally incompatible AZT drug treatment.

After reviewing the available materials on these studies and conferring with Senator FRIST, who is a practicing medical physician and has extensive knowledge and experience with the complex issue of biomedical ethics, I am confidant that these AZT trials were conducted in a scientifically sound and ethical manner. It is my understanding that the appropriate protocols for these clinical trials were developed and extensively reviewed for scientific and ethical integrity by Institutional Review Boards in the United States and by equivalent committees in the counties conducting the clinical trials. According to these medical standards, it is clear that the CDC's decision, under the guidance of Dr. Satcher, regarding the AZT trials researching methods for providing functional, affordable and effective care to people worldwide was based on sound ethics and science.

Mr. President, I believe that the individual who fills the position of Surgeon General must be a person who unites our nation and promotes healthy living. This individual must place the health and well-being of our nation's citizens far above any political agenda. They must provide leadership in disease prevention and health promotion throughout our country by developing innovative and worthwhile public health initiatives. In short, our nation's Surgeon General must be capable of serving as a national symbol of commitment to protecting and improving the public's health.

After carefully reviewing all the facts surrounding Dr. Satcher's professional career and consulting with members of the medical community, including our colleague, Senator FRIST, I am confident that Dr. Satcher is well-qualified to serve this nation in these important public health positions. It is my belief that the concerns raised about Dr. Satcher have been adequately and openly addressed. I believe that he has continually demonstrated his commitment to public health throughout his life and is ready and willing to continue these efforts as Surgeon General and Assistant Secretary of Health and Human Services. Therefore, I am confident that when Dr. Satcher is confirmed as the next U.S. Surgeon General and Assistant Secretary of Health and Human Services, he will serve the health needs of our nation and I will support his efforts.

Mr. ASHCROFT. Mr. President, I rise to speak in opposition to the confirmation of the nominee for Surgeon General of the United States, David Satcher, and I allocate myself such time as I may consume in opposition.

Mr. President, we have had extended debate on this nomination. It is conceded by individuals from every quarter that the nominee is a person of great talent, of substantial intellectual capacity, and who has made a substantial contribution to the medical community. The reservations which I have expressed in no way are designed to derogate the record of achievement that this medical doctor has assembled. But there are a series of concerns which I have raised, some of which are so serious that I believe they would cause us to refrain from voting to confirm this nominee to lead us as America's family doctor.

I would like to just mention four of them, as I conclude my remarks today. As is contained in the unanimous consent order, there will be another hour of debate on this issue tomorrow prior to the vote on cloture, and in the event cloture is invoked, there will be a vote on final passage immediately thereafter.

These four points, though, I would like to raise, and I believe each of these would be adequate or sufficient as a basis for denying confirmation here. But certainly the cumulative impact of these particular concerns should weigh heavily on the minds of Senators as we move toward the votes related to the confirmation of this nominee. And in my case they clearly indicate that we should not vote in favor of this confirmation.

The first is this. This is a nominee who favors partial-birth abortion. Partial-birth abortion is a procedure that has been demonstrated to be a cruel, inhumane, unnecessary procedure. The American Medical Association opposes it. Three-quarters of the American people oppose it, especially those who understand what it is. And for this nominee to side with the political agenda of the President rather than the health agenda of the United States of America indicates, I think all too clearly, that the agenda will be politics rather than health. We ought to have a Surgeon General who has a health agenda and does not repair to the politics of the President or anyone else.

Next, during the time when this nominee presided over the Centers for Disease Control, he and the Centers for Disease Control sponsored studies in Africa regarding the transmission of AIDS from HIV infected mothers to their children.

Rather than implement an ethical strategy for that research that was consistent with the ethics in the United States, they conducted the tests by giving half of the individuals in the study sugar pills or placebos, when there was a known, effective treatment. This was such a breach of the ethics of the medical profession in testing that the New England Journal of Medicine, the No. 1 medical journal in the United States of America, very seriously and aggressively cited this ethical lapse and said that these studies were unethical and should be discontinued on that basis.

The truth of the matter is, the studies go forward. There are a lot of reasons that have been put forth in this debate about why they have gone forward. Some have talked about informed consent. It is clear the level of informed consent there would never pass muster here.

What is clear to me is this nominee views lives differently in Africa than he could be allowed to view them in the United States. This nominee views lives differently before they are born, in the partial-birth abortion arena, than I think the American people do.

Next, there were CDC studies on HIV-infected newborns in this country. No identification was made of the newborns. The studies were conducted after the blood samples were de-identified. This may have been an appropriate strategy before we knew that we could help a newborn that tested positive for HIV. But once we developed a potential therapy, to persist with the studies in the absence of identification of the infected newborn and notification to the parent so that remedial action could be taken, it seems to me a tremendous moral lapse, and it was characterized by one of the most notable AIDS researchers in the world as a breach of the ethics not only of the United States, but international ethics.

When the Congress got upset about this and sought to ask Dr. Satcher and the CDC to cease these tests where you learned about the fact that there were X number of HIV-infected babies but you couldn't identify them, and therefore, you weren't able to tell the parents, what did Dr. Satcher do? He came to the Hill to lobby Congress that we should keep doing that, in spite of the fact that we had the ability, once we learned about the HIV virus, to be able to curtail it with the therapy, with the administration of drugs and other things. I think that compounds the ethical problems that were identified in the Africa studies, and it compounds the ethical problems that relate to the disregard for human existence that characterizes his embrace of the President's position on partial-birth abortion.

The last item which was the subject of significant debate today was the needle exchange program. While Dr. Satcher has indicated that he doesn't support needle exchange programs, the documents that have only recently been released by the Centers for Disease Control find him in endorsement of needle exchange programs, and urging that there be large amounts of Federal money to support needle exchange programs.

I don't believe that we need a family doctor for America who says we ought to subsidize the drug culture by providing free needles, by saying to the drug dealers, you can get all the needles you want, and when you want to go and tell our young people that they should get involved in your drug culture, you can have the authority of the Government with you to say it must be OK; surely, the Government wouldn't provide us with these free, clean, sterile needles to use in shooting up drugs if it weren't in your best interest.

I think that sends the worst message possible to young people that the Government is a subsidizer of and a promoter of an environment in which drugs can be used with lowered risk.

My own sense is that it makes no more sense to provide clean needles to drug dealers than it would be to provide bulletproof vests to bank robbers. We could surely make bank robbing a safer occupation by providing bulletproof vests, but we wouldn't want to do it. Neither should we make intravenous drug use a sort of project of the Government because we might be able to provide some safety to some user.

I won't go into the details; we have already done that. We already know that people who don't care enough about themselves to use good needles or clean needles in drug use won't take care of the needles once they have used them. One town found over 300 needles in the course of 1 week after a privately funded clean-needle program was implemented there. I don't think we want our playgrounds and our streets and our cities to be littered with once-used free needles supplied by the Government that could later infect our children.

All of these things that relate to a disregard for the right health strategy for America are disqualifying events for this candidate: partial-birth abortion, the African AIDS studies, the domestic blind HIV tests on newborns, where we persisted in this practice even after we discovered an effective therapy for these infants, and last but not least, the clean-needle exchange program, which basically wants to accept drug culture as a way of life instead of calling America to its highest and best and saying that the real problem is heroin, the real problem is drug addiction, the real problem is not the absence of a needle program funded by the taxpayers. The taxpayers do not want us to destroy their neighborhoods by subsidizing drug dealers who will not only use the clean needles, but leave them in places where they can infect the children of America.

For those reasons, I believe it would be appropriate for us to reject the nomination of Dr. David Satcher to be Surgeon General. We do need a Surgeon General, but we don't need one so badly that we need to welcome one who doesn't really call us to the highest and best health that America ought to have.

Mr. President, I thank you very much for the opportunity to make these concluding remarks. With that, I yield back the remainder of my time on today's debate, reserving, obviously, the time to be a participant in the debate tomorrow on this issue. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

NOMINATION OF MARGARET MORROW

Mr. DASCHLE. Mr. President, we will soon debate the confirmation of Margaret Morrow to be a United States District Judge. Her qualifications are exemplary; her commitment to public service is impressive; and her supporters are many.

Despite the high regard of a broad and bipartisan group of attorneys and judges, Ms. Morrow has had to wait over 19 months for a vote of the full Senate. But this long delay is finally coming to an end. I am very pleased Senator LOTT has promised that, before the February recess, this fine nominee will get her day on the Senate floor.

The Alliance for Justice, which represents a whole host of organizations interested in a strong judiciary, sent a letter to me yesterday outlining their many reasons for supporting the nomination of Margaret Morrow as well as their concern about the time it has taken for the Senate to act. As a supplement to the voluminous information already on the record in support of this nomination, I submit the Alliance for Justice's letter for my colleagues' review. Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 4, 1998.

Senator TOM DASCHLE,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: We write to express our concern over a series of developments that continue to unfold in the Senate that are undermining the judicial confirmation process. These include calls for the impeachment of judges, a slowdown in the pace of confirmations, unjustified criticisms of certain nominees, and efforts to leave appellate vacancies unfilled. Some court observers have opined that collectively these are the most serious efforts to curtail judicial independence since President Roosevelt's plan to pack the Supreme Court in 1937.

In the past year nominees who failed to meet certain ultraconservative litmus tests have been labeled "judicial activists." While these charges are unfounded, they nonetheless delay confirmations and leave judicial seats unfilled. We note that of the 14 individuals whose nominations have been pending the longest, 12 are women or minorities. This disturbing pattern is in striking contrast to those 14 judges who were confirmed in 1997 in the shortest period of time, 11 of whom are white men. For example, Margaret Morrow, a judicial nominee to the United States District Court for the Central District of California, was nominated more than a year and a half ago. Not only is she an outstanding candidate, but her credentials have earned her enthusiastic and bipartisan endorsements from leaders of the bar, judges, politicians, and civic groups.

An honors graduate from Harvard Law School, a civil litigator for more than 20 years, winner of numerous legal awards, and the first female president of the California Bar Association, Morrow has the breadth of background and experience to make her an excellent judge, and in the words of one of her sponsors, she would be "an exceptionally distinguished addition to the federal bench." Morrow has also shown, through her numerous pro bono activities, a demonstrated commitment to equal justice. As president of the Los Angeles County Bar Association, she created the Pro Bono Council, the first of its kind in California. During her year as bar president, the Council coordinated the provision of 150,000 hours of previously untapped representation to indigent clients throughout the country. Not surprisingly, the American Bar Association's judicial evaluation committee gave her its highest rating.

Republicans and Democrats alike speak highly of her accomplishments and qualifications. Robert Bonner, a Reagan-appointed U.S. Attorney and U.S. District Judge for the Central District of California and head of the Drug Enforcement Administration during the Bush Administration, has said Morrow is a "brilliant person with a first-rate legal mind who was nominated upon merit, not political affiliation." Los Angeles County Sheriff Sherman Block wrote that, "Margaret Morrow is an extremely hard working individual of impeccable character and integrity. . . . I have no doubt that she would be a distinguished addition to the Court." Other supporters include local bar leaders; officials from both parties, including Los Angeles Mayor Richard Riordan; California judges appointed by the state's last three governors; and three Republican-appointed Ninth Circuit Court of Appeals judges, Pamela Rymer, Cynthia Holcomb Hall, and Stephen Trott.

Despite her outstanding record, Morrow has become the target of a coordinated effort by ultraconservative groups that seek to politicize the judiciary. They have subjected her to a campaign of misrepresentations, distortions and attacks on her record, branding her a "judicial activist." According to her opponents, she deserves to be targeted because "she is a member of California Women Lawyers," an absurd charge given that this bipartisan organization is among the most highly respected in the state. Another "strike" against her is her concern, expressed in a sentence from a 1988 article, about special interest domination of the ballot initiative process in California. Her opponents view the statement as disdainful of voter initiatives such as California's term limits law; however, they overlook the fact that the article outlines a series of recommended reforms to preserve the process. It is a stretch to construe suggested reforms as evidence of "judicial activism," but to search for this members of the Judiciary Committee unprecedentedly asked her to disclose her personal positions on all 160 past ballot propositions in California.

Morrow's confirmation has been delayed by the Senate beyond any reasonable bounds. Originally selected over nineteen months ago in May 1996, her nomination was unanimously approved by the Judiciary Committee that year, only to languish on the Senate floor. Morrow was again nominated at the beginning of 1997, subjected to an unusual second hearing, and recommended again by the Judiciary Committee, after which several Senators placed secret holds on her nomination, preventing a final vote on her confirmation. These holds, which prevented a final vote on her confirmation during the 1st Session of the 105th Congress, were recently lifted.

As Senator Orrin Hatch repeatedly said: "playing politics with judges is unfair, and I'm sick of it." We agree with his sentiment. Given Margaret Morrow's impressive qualifications, we urge you to bring the nomination to the Senate floor, ensure that it receives prompt, full and fair consideration, and that a final vote on her nomination is scheduled as soon as possible.

Sincerely,

Alliance for Justice: Nan Aron, President; American Jewish Congress: Phil Baum, Executive Director; Americans for Democratic Action: Amy Isaacs, National Director; Bazelon Center for Mental Health Law: Robert Bernstein, Executive Law; Brennan Center for Justice: E. Joshua Rosenkrantz, Executive Director; Black Women Lawyers Association of Los Angeles: Eulanda Matthews, President; California Women Lawyers: Grace E. Emery, President; Center for Law and Social Policy: Alan W. Hausman, Director; Chicago Committee for Civil Rights Under Law: Clyde E. Murphy, Executive Director; Disability Rights Education and Defense Fund: Patricia Wright, Coordinator Disabled Fund; Families USA: Judy Waxman, Director of Government Affairs; Lawyers Club of San Diego: Kathleen Juniper, Director; Leadership Conference on Civil Rights: Wade Henderson, Executive Director.

DISTINGUISHED FLYING CROSS

Mr. THURMOND. Mr. President, I rise today to recognize former Navy and Marine Corps members who received the Distinguished Flying Cross in accordance with section 573 of the National Defense Authorization Act for Fiscal Year 1998, which waived time limitations for award of this decoration for specified persons. These awards were recommended by the Secretary of the Navy based upon requests from Members of Congress. These procedures were established by section 526 of the National Defense Authorization Act for Fiscal Year 1996 to resolve a dilemma under which deserving individuals were denied the recognition they deserved solely due to the passage of time. I am proud to have established a procedure that enables these distinguished veterans to receive the honors they earned. We are very proud of their dedicated service to our Nation.

At this time, I ask unanimous consent that a list of all who were awarded the Distinguished Flying Cross be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Waiver of Time Limitations for Award of Certain Decorations to Specified Persons

DISTINGUISHED FLYING CROSS

FIRST AWARD

MARINE CORPS

Mr. Marcus F. Daley, Davis, CA
Mr. John F. Digney, Lakewood, OH
Mr. William N. Green, Kilmarnock, VA
Mr. Victor V. Hall, Lincoln, NB
Mr. Joseph E. Heindle, Jr., Vernon, OH
Mr. Brooks D. Kaufman, New Hope, PA
Mr. Harold H. Norvell, Summerville, SC
Mr. Dante H. Paliuca, North Miami, FL
Mr. Raymond W. Smith, Casselbury, FL

Mr. Louis A. Sombati, Redlands, CA
Mr. Robert R. Stecker, Cedarbury, WI
Mr. William T. Terlecki, Parlin, NJ
Mr. Bernard E. Vanden-Brandon, Westlake, OH
Mr. James Q. Yawn, Alice, TX
Mr. Harry C. Tyler, Jr., Clinton Township, MI
Mr. Gerald J. Slack, Danvers, MA
Mr. Charles L. Jones, Corcoran, CA
Mr. Dewey H. Jackson, York, SC
Mr. Richard D. Blomgren, Lake Isabella, CA
Mr. Leland G. Anderson, Mountain Home, AR
Mr. James A. Foerster, Homosassa, FL
Mr. Alfred F. Ueckert, Jr., Dallas, TX
Mr. Robert M. Stone, Nashville, TN
Mr. Ralph E. Dickson, Irvine, CA
Mr. James T. Doswell, II, Jacksonville, FL
Mr. Paul P. McCastland, Fort Lauderdale, FL
Mr. John M. O. Ryland, Portland, OR
Mr. Lynn F. Williams, Fallbrook, CA
Mr. Dean F. Ziegler, Lewistown, PA
Mr. Edward Kufeldt, Burke, VA

NAVY

Mr. Veran L. Guttery, San Diego, CA
Mr. J. D. Barber, Johnstown, PA
Mr. John R. Doyle, Shrasoth, FL
Mr. Varlock M. Gardner, Westland, MI
Mr. Michael P. McDonnell, Farmington Hills, MI
Mr. William R. Peterson, Livonia, MI
Mr. John J. Reardon, Grosse Pointe Farms, MI
Mr. Robert L. Blackmer, Whittier, CA
Mr. Francis M. Phillips, Farmington Hills, MI
Mr. Peter C. Giorio, Jr., Allen Park, MI
Mr. Raymond S. Degroote, West Bloomfield, MI
Mr. Andrew W. Yancy, Memphis, TN
Mr. Stanley W. Kern, Kutztown, PA
Mr. Walter R. Irey, Poway, CA
Mr. Frederick G. Fox, Lower Lake, CA
Mr. Elmer E. Lore, Thousand Oaks, CA
Mr. Harlan Day, Ironton, OH
Mr. Lawrence K. Kotecki, Bigfork, MT
Mr. Robert W. Carey, Round Rock, TX
Mr. Floyd C. Bradley Jr., Plainview, TX
Mr. Gordon C. Ostwall, Berwyn, IL
Mr. Lawrence H. Cool, Jr., Platte, SD
Mr. Charles E. Hill, Jr., Clinton, MI
Mr. Paul A. Gerrior, Covina, CA
Mr. Darwin T. Johnston, Manteca, CA
Mr. William E. Anderson, Jr., Pioneer, CA
Mr. Nicholas Antonelli, West Long Branch, NJ
Mr. Maurice W. Birchmeyer, Liverpool, NJ
Dr. Albert E. P. Bozic, Williamsport, PA
Mr. James G. Cockrell, Milwaukie, OR
Mr. Edward T. Gaines, Lexington, KY
Mr. Leslie D. Demott, Rancho Palos Verdes, CA
Mr. Ralph V. Elwin, Santa Barbara, CA
Mr. Morris E. Ford, Jr., Tacoma, WA
Mr. Louis J. Gavalyas, Massapequa Park, NY
Mr. Andy Glosecki, Springfield, IL
Mr. Frederick L. Gordon, Marietta, GA
Mr. Roger J. Gawer, Hermann, MO
Mr. John Gregory, Lecanto, FL
Mr. Anthony J. LaMarco, Jr., Fort Lee, NJ
Mr. Gene S. McIntyre, San Antonio, TX
Mr. Kenneth B. Wood, Plymouth, NH
Mr. Roger M. Wiley, Bradenton, FL
Mr. Howard E. Bensing, Louisville, KY
Mr. George E. Murphy, Milwaukee, WI
Mr. Robert A. Tovey, Orland Park, IL
Mr. Chester G. Ritchey, Sacramento, CA
Mr. Charles W. Scranyon, Jr., Dorset, UT
Mr. Evan W. Pickrel, Alexandria, VA
Mr. Vincent J. Panzarella, Fairport Harbor, OH
Mr. Robert W. Fillion, Littleton, NH

SECOND AWARD

MARINE CORPS

Mr. Thomas A. Clemente, Loudonville, NY
Mr. Hoyt C. Johnson, Jr., Columbus, MS
Mr. Donald P. Callahan, Rensselaer, NY
Mr. Harold J. Derr, Hamburg, PA
Mr. Glenn Dunning, Zion, IL
Mr. James J. Fisher, Camp Hill, PA
Mr. Adolph B. Hugo, Jr., Tulsa, OK
Mr. Harold M. Kerber, South Holland, IL
Mr. Beverly W. Landstreet, Nashville, TN
Mr. Robert J. Moreo, Mechanicsburg, PA
Mr. Raymond G. Neal, Waxahachie, TX
Mr. Dominic A. Panasiti, Encinitas, CA
Mr. James R. Richardson, San Diego, CA
Mr. Willie B. Tucker, Stanfield, NC
Mr. Walter R. Williams, Victorville, CA
Mr. Frederick C. Eckhardt, Freehold, NJ
Mr. Philip W. Dunford, Forest City, NC
Mr. Paul E. Buskuhl, Portland, OR
Mr. Albin J. Prisby, Rockland, IL
Mr. James Padick, Banning, CA
Mr. Russell Smith, Jr., Charleston, WV

NAVY

Mr. J.D. Barber, Johnstown, PA
Mr. James H. Keating, Anacortes, WA
Mr. Vincent A. Kozole, Philadelphia, PA
Mr. Charles S. Williams, Palm Beach Gardens, FL
Mr. Garland Collett, Richardson, TX

THIRD AWARD

MARINE CORPS

Mr. Ralph P. Jones, Albany, GA
Mr. Felix S. Cecot, Portland, OR
Mr. John A. Blackstock, San Diego, CA
Mr. Harold C. Bauer, Beavercreek, OR
Mr. Warren W. Hills, Fresno, CA
Mr. Dayton A. Swickard, Muncie, IN

FOURTH AWARD

MARINE CORPS

Mr. James E. Smurr, Columbus, OH
Mr. Harry D. Ross, Zanesville, OH
Mr. Wilton C. Fleming, Maulden, SC

FIFTH AWARD

MARINE CORPS

Mr. Walter V. Ross, Jr., Garden City, SC
Mr. Stephen G. Warren, Marshall, TX
Mr. Harding H. Holloway, Hilltop Lakes, TX
Mr. Reinholdt Deines, Garden City, KS

SIXTH AWARD

MARINE CORPS

Mr. William F. Degan, Squantum, MA
Mr. John J. Demet, Ocala, FL
Mr. Delbert R. Nash, Dunwoody, GA
Mr. Richard M. Seamon, Annapolis, MD
Mr. Paul M. Tollefsrud, Richlands, NC
Mr. Sterling F. Price, Ballwin, MO
Mr. James H. Magill, Port St. Lucie, FL
Mr. Frederick R. Scharnhorst, Richland, WA
Mr. Charles S. Scruggs, Augusta, GA

SEVENTH AWARD

MARINE CORPS

Mr. George J. Brennan, Jr., Westwood, MA
Mr. William H. Boodro, Columbus, OH

TENTH AWARD

MARINE CORPS

Mr. Archie D. Simpson, Alexandria, VA

HUMAN CLONING PROHIBITION ACT

Mr. KENNEDY. Mr. President, tomorrow the Senate will cast one of the most important votes of this Congress, and perhaps of this decade. That vote will determine whether one of the most promising avenues of research against a host of dread diseases will continue, or whether the Congress will act to ban it—and condemn millions of Americans to unnecessary death and disability in the process.

The vote that will occur is on a cloture motion to take up S. 1601. The authors of S. 1601 say that it is a bill to ban the production of human beings by cloning—an attempt to stop Dr. Seed and other unscrupulous scientists in their tracks.

But that claim cannot pass the truth in advertising test. S. 1601 isn't a bill to ban a brave new world of mass production of cloned human beings. It is not legislation to stop wealthy individuals from reproducing themselves at will in an unscrupulous and unethical attempt to achieve a kind of immortality. Instead, this legislation bans the actual technology used in human cloning research—the technology that could be used to create cures for cancer, diabetes, spinal cord injuries, arthritis-damaged joints, birth defects, and a host of terrible neurological diseases like Alzheimer's disease, Parkinson's disease, Lou Gehrig's Disease, and multiple sclerosis.

Every scientist in America understands the threat this legislation poses to critical medical research. Every American should understand it, too. A vote against cloture is a vote for medical research. It is a vote for millions of Americans suffering from dread diseases for whom the technology of cloning offers hope of new and miraculous cures. But it is certainly not a vote in favor of cloning human beings. Congress can and should act to ban cloning of human beings during this session. But it should not act in haste, and it should not pass legislation that goes far beyond what the American people want or what the scientific and medical community understands is necessary and appropriate.

Senator FEINSTEIN and I understand the importance of a ban on creating human beings by cloning. This is an ethical judgment I believe our society is ready to make. We have introduced legislation of our own that will accomplish this goal. We hope that it can be reviewed through the normal committee process of hearings and mark-up. I have no doubt that responsible legislation to ban the production of human beings by cloning can come through committee and mark-up and be passed into law during this session of Congress. But S. 1601 is not that responsible ban on cloning. It is an attempt to capitalize on public concern to rush through a sweeping and inappropriate ban on critical medical research.

I have just received the Administration's statement of position on S. 1601. The President has taken the lead in directing a prompt response to the ethical and moral dilemmas created by human cloning. He called for a ban on creation of a human being by cloning in the State of the Union message. If S. 1601 were simply a ban on creation of a human being by cloning, it would receive his wholehearted support. But that is not what S. 1601 does, and that is why the Administration says in its letter, "On June 9, 1997, the President transmitted to Congress legislation making it illegal for anyone to create a human being through cloning. The President believes that using somatic cell nuclear transfer cloning techniques to create a human being is untested, unsafe, and morally unacceptable. The Administration, however, believes S. 1601, as introduced, is too far-reaching because it would prohibit important biomedical research aimed at preventing and treating serious and life-threatening diseases. Therefore, the Administration does not support passage of the bill in its current form."

I ask unanimous consent that the entire text of the Administration statement of position be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
> *Washington, DC, February 9, 1998.*
>
> STATEMENT OF ADMINISTRATION POLICY
>
> (This statement has been coordinated by OMB with the concerned agencies)
>
> S. 1601—HUMAN CLONING PROHIBITION ACT
>
> On June 9, 1997, the President transmitted to Congress legislation making it illegal for anyone to create a human being through cloning. The President believes that using somatic cell nuclear transfer cloning techniques to create a human being is untested, unsafe, and morally unacceptable. The Administration, however, believes S. 1601, as introduced, is too far-reaching because it would prohibit important biomedical research aimed at preventing and treating serious and life-threatening diseases. Therefore, the Administration would not support passage of the bill in its current form. The Administration looks forward to working with the Congress to address these concerns. Specifically, the Administration supports amendments to S. 1601 that would:
>
> Include a five-year sunset on the prohibition on human somatic cell nuclear transfer technology. The sunset provision would ensure a continuing examination of the risks and benefits of this, while being free from the concern that someone will use it prematurely.
>
> Permit somatic cell nuclear transfer using human cells for the purpose of developing stem cell (unspecialized cells capable of giving rise to specific cells and tissue) technology to prevent and treat serious and life-threatening diseases and other medical conditions, including the treatment of cancer, diabetes, genetic diseases, and spinal cord injuries and for basic research that could lead to such treatments.
>
> Strike the bill's criminal penalties and instead make any property, real or personal, derived from or used to commit violations of the Act subject to forfeiture to the United States.
>
> Strike the bill's provisions establishing a new Commission to Promote a National Dialogue on Bioethics. The new Commission would needlessly duplicate the mission of the President's National Bioethics Advisory Commission.
>
> The President's proposal, which in many ways is reflected in S. 1602 sponsored by Senators Feinstein and Kennedy, would prohibit any attempt to create a human being using somatic cell nuclear transfer, provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer, and protect important biomedical research.

Mr. KENNEDY. Mr. President, as the scientific and medical community learns more about this legislation, almost universal opposition is developing. The American Association of Medical Colleges has circulated a letter to other scientific and medical organizations asking that this legislation not go forward.

The letter states,

> The current opportunities in biomedical research are unparalleled in our nation's history. To ensure that these continue, the scientific and organized medicine communities urge you to oppose legislation that would prohibit the use of somatic cell nuclear transfer due to the grave implications it may have for future advances in biomedical research in human healing.

They go on to compare S. 1601's attempts to ban not just cloning of human beings but use of the technique itself to the ill-considered attempts to ban recombinant DNA techniques in the '70's.

They state,

> Like the recombinant DNA debate, the scientific techniques involved in cloning research hold great promise for our ability to treat and manage myriad diseases and disorders—from cancer and heart disease, to Parkinson's and Alzheimer's, to infertility and HIV/AIDS.

As of this morning, the letter had been signed by 71 distinguished organizations, from the American Academy of Allergy, Asthma, and Immunology, to the Association of American Cancer Institutes to the Parkinson's Action Network—and the list continues to grow.

A letter from Dr. Gerald R. Fink, the Director of the Whitehead Institute of the American Cancer Society—one of the pre-eminent cancer research institutes in the country—explains very clearly what is at stake. Dr. Fink says, "I am very concerned about efforts to bring the Bond bill to an immediate vote. While I agree that there should be a national ban on human cloning, it is essential that any such law protects areas of critical research that can benefit human health. The Bond bill's generic ban on the use of 'human somatic cell transfer technology,' would in fact be quite damaging to medical research progress in the United States.

"The Bond bill would seriously limit our ability to develop new cell-based strategies to fight cancer, diabetes, and Alzheimer's disease. It would also prevent vital research on the repair of spinal cord injuries and severe burns.

"I urge you to convey to your colleagues that the Bond bill would cause us to lose ground in the battle against deadly and disabling human diseases."

Is this really what the Senate or the American people want, Mr. President? To lose ground in the battle against deadly and disabling human diseases? I don't believe so.

More than 120 scientific and medical organizations have expressed opposition to the Lott-Bond bill or concerns about prohibition on legitimate cloning research as the result of ill-conceived or over-broad legislation.

So you have this immense array of scientific and medical societies and patient groups opposing S. 1601 and urging us to use caution and not to rush ahead without adequate consideration. Our friends who are supporting this bill say that it won't impede necessary research. If this is true, where is their support from people who know.

I ask them to cite even a handful of mainstream scientific or medical organizations supporting rushing their legislation through without committee hearings, adequate definitions, or even a semblance of careful consideration. They can't do it. They can't do it, because the scientific and medical and patients' communities know that what they are doing is wrong.

As objectionable as the substance of this bill is the procedure by which it is being considered. To grant cloture to this bill tomorrow would be a travesty of the Senate's role as a deliberative body.

This is one of the most important scientific and ethical issues of the 21st century.

It was introduced on Tuesday of last week.

It was put on the calendar on Wednesday.

The Majority Leader tried to bring it to the floor on Thursday and filed an immediate cloture petition when he was unsuccessful.

The Senate was not in session Friday—and few of our colleagues are present today.

This legislation has not received one day of committee hearings.

It has not received one minute of committee discussion and markup.

The telephones in my office are ringing off the hook from scientists and physicians and patients from all over the country who are deeply concerned about the impact of this legislation. But they have had no opportunity to have their voices heard.

Mr. President, this is an important issue. It warrants Senate consideration. But it does not warrant consideration under this accelerated and indefensible procedure.

The authors of this legislation know that it cannot stand up to public scrutiny. That is the reason for their extraordinary attempt to rush this legislation through.

The Lott-Bond bill does not just ban cloning of human beings, it bans vital medical research related to cloning—research which has the potential to find new cures for cancer, diabetes, birth defects and genetic diseases of all kinds, blindness, Parkinson's disease, Alzheimer's disease, paralysis due to spinal cord injury, arthritis, liver disease, life-threatening burns, and many other illnesses and injuries.

Here is what the bill says—Page 2, line 13, paragraph 301 is entitled, "Prohibition on cloning." It is the heart of the bill. It states, "It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology." That is the end of the statement.

It does not just ban the technology for use in human cloning. It bans it for any purpose at all.

That means scientists can't use the technology to try to grow cells to aid men and women dying of leukemia. They can't use it to grow new eye tissue to help those going blind from certain types of cell degeneration. They can't use it to grow new pancreas cells to cure diabetes. They can't use it to regenerate brain tissue to help those with Parkinson's disease or Alzheimer's disease. They can't use it to regrow spinal cord tissue to cure those who have been paralyzed in accidents or by war wounds.

Congress should ban the production of human beings by cloning. But we should not slam on the brakes and stop scientific research that has so much potential to bring help and hope to millions of citizens. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine, has said:

> We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed.

Let us work together. Let us stop this know-nothing and unnecessarily destructive bill. Let us vote against cloture tomorrow and send this bill to Committee where it can receive the careful consideration it deserves. Together, we can develop legislation that will ban the cloning of human beings, without banning needed medical research that can bring the blessings of good health to so many millions of our fellow citizens.

BOSTON'S SUCCESS FIGHTING JUVENILE CRIME

Mr. KENNEDY. Mr. President, I recently received an impressive letter from Boston Police Commissioner Paul Evans on Boston's current successful experience in reducing crime in the city, especially juvenile crime. Firearms homicides have plummeted, and the overall crime rate has dropped significantly.

As Commissioner Evans states, "The keys to our effort in Boston have been prevention, intervention and enforcement." The city's comprehensive approach includes not only law enforcement agencies, but the entire criminal justice system and community and social service agencies as well. As more and more cities become aware of this successful, anti-crime strategy, Boston is becoming a model for the nation on this vital issue.

His letter goes on to say, "Our strategy relies on focused intervention, with smarter, tougher enforcement targeted at the very small group of hard-core offenders. We work closely with state and federal agencies to disrupt the flow of illegal firearms by mounting coordinated investigations and prosecutions of gun traffickers."

As Commissioner Evans emphasizes, the progress in Boston was made "without measures such as housing juvenile detainees and convicts in adult jails and prisons. The focus of policy and dollars should be intervention and prevention at the front end, and not incarceration in adult facilities at the back end."

As the Senate prepares to take up legislation to combat juvenile crime, I urge my colleagues to heed the words of Commissioner Evans, and I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOSTON POLICE DEPARTMENT,
January 30, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: As the Senate prepares to debate the juvenile crime bill, I agree with your suggestion that it would be helpful to look again at the collaborative work in Boston, and the progress we have made over the past 18–24 months. I offer the following.

The keys to our effort in Boston have been prevention, intervention and enforcement conducted with broad collaboration across law enforcement, criminal justice, community and social service agencies. Our strategy relies on focused intervention, with smarter, tougher enforcement targeted at the very small group of hard-core offenders. We work closely with state and federal agencies to disrupt the flow of illegal firearms by mounting coordinated investigations and prosecutions of gun traffickers.

Firearm homicides among people aged 24 years and younger are down over 70 percent since we instituted the innovative "Cease-Fire" program in 1995. We have lost one juvenile to a firearm homicide since July, 1995. Overall homicides are at their lowest level in 30 years, with a 30 percent decrease in 1997 as compared with 1996.

It also noteworthy that we have made these strides without measures such as housing juvenile detainees and convicts in adult jails and prisons. The focus of policy and dollars should be intervention and prevention at the front end, and not incarceration in adult facilities at the back end.

As the Senate takes up the complex question of effective juvenile crime control policy, I would strongly recommend federal spending that requires collaboration, that requires communities to support a balance of prevention along with enforcement, and the directs these funds in the most crime-impacted neighborhoods. We cannot be credible in the community about enforcement if we are not credible on prevention. The juvenile block grant offers an excellent opportunity for the Senate to invest seriously in prevention.

Sincerely yours,

PAUL F. EVANS,
Police Commissioner.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 6, 1998, the Federal debt stood at $5,472,049,936,751.15 (Five trillion, four hundred seventy-two billion, forty-nine million, nine hundred thirty-six thousand, seven hundred fifty-one dollars and fifteen cents).

One year ago, February 6, 1997, the Federal debt stood at $5,307,084,000,000 (Five trillion, three hundred seven billion, eighty-four million).

Twenty-five years ago, February 6, 1973, the Federal debt stood at $445,600,000,000 (Four hundred forty-five billion, six hundred million) which reflects a debt increase of more than $5 trillion—$5,026,449,936,751.15 (Five trillion, twenty-six billion, four hundred forty-nine million, nine hundred thirty-six thousand, seven hundred fifty-one dollars and fifteen cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Commerce, Science, and Transportation.

REPORT OF AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF POLAND—MESSAGE FROM THE PRESIDENT—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Poland extending the Agreement of August 1, 1985, Concerning Fisheries Off the Coasts of the United States, with annexes and agreed minutes, as amended and extended (the 1985 Agreement). The Agreement, which was effected by an exchange of notes at Warsaw on February 5 and August 25, 1997, extends the 1985 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Poland, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to present to you the 1996 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with fostering scholarship and enriching the ideas and wisdom born of the humanities. The agency supports an impressive range of projects encompassing the worlds of history, literature, philosophy, and culture. Through these projects, Americans of all walks of life are able to explore and share in the uniqueness of our Nation's democratic experience.

The activities of the NEH touch tens of millions of our citizens—from the youngest students to the most veteran professors, to men and women who simply strive for a greater appreciation of our Nation's past, present, and future. The NEH has supported projects as diverse as the widely viewed documentary, The West, and research as specialized as that conducted on the Dakota Tribe. Small historical societies have received support, as have some of the Nation's largest cultural institutions.

Throughout our history, the humanities have provided Americans with the knowledge, insights, and perspectives needed to move ourselves and our civilization forward. Today, the NEH remains vitally important to promoting our Nation's culture. Not only does its work continue to add immeasurably to our civic life, it strengthens the democratic spirit so essential to our country and our world on the eve of a new century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

MESSAGES FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2631) disapproving the cancellations transmitted by President on October 6, 1997, regarding Public Law 105–45, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill, pass, two-thirds of the House of Representatives agreeing to pass the same.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3932. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, the reports of three rules received on January 27, 1997; to the Select Committee on Intelligence.

EC–3933. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the sequestration preview report for fiscal year 1999; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC–3934. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule received on February 3, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3935. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule received on January 27, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3936. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, the report of a rule received on February 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3937. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule received on February 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1617. A bill for the relief of Jesus M. Collado-Munoz; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, Mr. FRIST, Mr. REED, and Mr. BRYAN):

S. 1618. A bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. COATS, and Mrs. MURRAY):

S. 1619. A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. THOMAS, and Mr. LUGAR):

S. Res. 174. A resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; to the Committee on Foreign Relations.

By Mr. ROBB:

S. Res. 175. A bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1617. A bill for the relief of Jesus M. Collado-Munoz; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. MOYNIHAN. On September 28, 1996, the Senate passed the Omnibus Consolidated Appropriations Act, a 749-page bill with 24 separate titles. Included in that unwieldy legislation was the Illegal Immigration and Immigrant

Responsibility Act of 1996, a far-reaching measure designed to curtail illegal immigration and prevent criminals from entering our country. This legislation, hurried to passage in the final days of a legislative session, has proven to be overly punitive in a number of cases, including that of Jesus Collado.

On April 7, Jesus Collado, a 43-year-old legal resident of the United States, returned to this country after vacationing in the Dominican Republic, his homeland. Upon arrival at John F. Kennedy airport in New York, Mr. Collado was detained by INS officers who kept him handcuffed and made him sit on the floor of a room in the airport for nearly 24 hours. INS officials had determined Mr. Collado excludable because the Illegal Immigration and Immigrant Responsibility Act made the misdemeanor on his criminal record a deportable offense. Twenty-three years ago, when Mr. Collado was 19-years old, he was convicted of a class A misdemeanor, having sexual relations with a minor, his 15-year-old girlfriend. I should note here that their relationship was a consensual one. Mr. Collado was sentenced to a year's probation, which he served. He has not been in trouble with the law since.

Whatever I or my colleagues think about his teenage indiscretion, the fact remains that he is not a serious criminal who should be excluded from entering the United States. Yet, as I mentioned, on April 7 last, Mr. Collado was arrested upon arrival in New York and was held without bail for 201 days at the INS Detention Facility at the York County Prison in York, Pennsylvania.

The Illegal Immigration and Immigrant Responsibility Act was meant to keep serious criminals out of the United States. It was not meant to exclude those who have resided here legally for a quarter century because of a misdemeanor committed as a teenager. Might I add that LAMAR SMITH, the chairman of the House Immigration Subcommittee seems to agree with me. In Anthony Lewis' December 22, 1997 column in the New York Times, Mr. SMITH remarked that Jesus Collado's case "obviously tugs at your heart. Clearly this is an instance where humanitarian considerations should be taken into account. I believe in redemption and I believe it should be granted generously."

Ultimately, the Immigration and Naturalization Service must be given discretion in the implementation of this Act. But Mr. Collado and his family need relief now. Today I am introducing private relief legislation for Mr. Collado to establish that his misdemeanor is not grounds for inadmissibility, deportation or denial of citizenship. Representative NYDIA VELÁZQUEZ, who has worked tirelessly on Mr. Collado's behalf, has introduced a similar measure in the House of Representatives. I urge the Senate to act on this matter swiftly so that the Collado family may get on with their lives.

Mr. President, I ask unanimous consent that the text of the bill and Anthony Lewis' column be printed in the RECORD.

There being no objection, the material was order to be printed in the RECORD, as follows:

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONSIDERATION OF CRIMINAL OFFENSE FOR IMMIGRATION PURPOSES FOR JESUS M. COLLADO-MUÑOZ.

Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Jesus M. Collado-Muñoz shall not be considered, by reason of the criminal offense to which he pleaded guilty on October 24, 1974, to be inadmissible to, or deportable from, the United States. The offense shall not be used to find that Jesus M. Collado-Muñoz lacks good moral character for any purpose under that Act, including eligibility for naturalization.

[From the New York Times, Dec. 22, 1997]

A GENEROUS COUNTRY

(By Anthony Lewis)

WASHINGTON.—The immigration law passed by Congress in 1996 has had harsh effects on some individuals: visitors barred at our borders, aliens marked for deportation after living here legally for many years. I discussed the issues with the principal House sponsor of the law, Representative Lamar S. Smith, Republican of Texas.

"America should continue to be the most generous country in the world toward immigrants," Mr. Smith said, "I thing they have much to contribute to this country."

The 1996 act, he said, was designed to deal with people who do not deserve to be here, such as those who enter illegally. But it was not intended to deny anyone fair treatment.

"There is not excuse for anybody being treated unjustly," he said "Justice is one of the things that makes this country great, and rightly attracts people here, along with economic opportunity and freedom."

What about instances, I asked, where the Immigration and Naturalization Service has admitted that its officers mistreated individuals at the border? The Commissioner of Immigration, Doris Messner, has said that about several cases described in this column in recent months.

"It's not the fault of the law," Mr. Smith replied. "It's the fault of the I.N.S.

"When you have hundreds of millions of entries every year, and you have human nature involved, there are inevitably going to be some lapses. That doesn't excuse them. I hope it won't be interpreted as rationalizing any kind of insensitivity. It is simply a comment on what is a fact of life."

One provision of the 1996 act, called "expedited removal," allows I.N.S. agents to keep out anyone they think is trying to enter the country improperly, even if the person has a U.S. visa, and bar him for five years. I asked whether that, didn't encourage hasty, sometimes unfair decisions.

Mr. Smith said he had been to two border checkpoints in the last several months and found the border patrol agents "enthusiastic" about the provision. "I think on the whole it's reducing the abuses," he said, "the gaming of the system."

The new law's process for dealing with applicants for political asylum is also working well, he said. It requires someone who claims to be fleeing persecution first to persuade an asylum officer at the border that he or she has a "credible fear," then to have an asylum hearing before an immigration judge.

"The asylum officers are getting some good training," Mr. Smith said. "Almost 90 percent of people asking for asylum are being found to have a credible fear. When you have that high a level of initial acceptance of their claims, clearly the officers are giving people the benefit of the doubt."

Since it was human nature for the I.N.S. to make some mistakes, I asked, why had the new statute in many areas stripped away the right to judicial review of the agency's decisions?

"Judicial review," he said, "encouraged many of the people who are in this country illegally" by allowing them to contest their deportation endlessly. He said there were about five million, with the number growing by 300,000 a year.

The 1996 law also made legal immigrants deportable because of minor crimes committed years ago, and removed their right to seek a waiver of deportation. A notable case is that of Jesús Collado, a Brooklyn man who faces deportation because he slept with a 15-year-old girlfriend 23 years ago and was put on probation for contributing to the delinquency of a minor. He has lived a blameless life since and has an American wife and three children.

"In the vast majority of cases I think the crimes do justify deportation," Mr. Smith commented. "However, perhaps around the far edges the I.N.S. should have some discretion in these cases.

"First I'd like to be reassured that the Administration is serious about deporting hardened criminals. It has a program to deport those currently in prison when they finish their sentences, but it is deporting less than 50 percent."

The Collado case, he said, "obviously tugs at your heart. Clearly this is an instance where humanitarian considerations should be taken into account. I believe in redemption, and I believe it should be granted generously.

"The question is how you do that without creating a giant loophole through which thousands of others can escape deportation."

By Mr. McCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, Mr. FRIST, Mr. REED, and Mr. BRYAN):

S. 1618. A bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER ANTI-SLAMMING ACT OF 1998

Mr. McCAIN. Mr. President, today I am introducing the Consumer Anti-Slamming Act of 1998. This legislation is aimed at putting an end to an abusive and unscrupulous practice that affects thousands and thousands of consumers every year. Joining me as a cosponsor of this legislation are Senator FRITZ HOLLINGS, the Ranking Member of the Senate Commerce Committee, and Senator FRIST and Senator SNOWE, also Members of the Committee. I am most grateful for their support in this important effort.

"Slamming" is the unauthorized changing of a consumer's long-distance carrier. A consumer who is slammed often receives lower-quality service or is charged higher rates. Sometimes consumers are not even aware that they have been slammed until they get their bills. When they realize what has happened, they have to go through the aggravation of getting their service switched back to their original carrier and having their bills adjusted. And they often find it difficult to secure compensation for any additional damages they may have incurred.

Mr. President, last year alone over 20,000 consumers filed slamming complaints with the FCC. This is by far the largest category of complaints the FCC received. When you stop to consider that only a small fraction of all consumers who are slammed actually file complaints about it with the Commission, the real dimensions of the problem become apparent. And those dimensions are growing: last year's 20,000 complaints represented a 25 percent increase in the number of complaints filed in 1996, despite the fact that the FCC adopted new rules to discourage slamming.

The reality we face is that unless Congress supplements by law what the FCC can do by regulation, this already bad problem will only get worse. This legislation will attack slamming in two ways: it will establish stringent anti-slamming safeguards to deter slamming from happening in the first place, and it will enlarge the remedies available to punish slammers and make consumers whole if it does. The bill does this by prescribing definitive procedures for telephone companies to follow, providing alternative ways for consumers to obtain redress for having been slammed, and giving federal and nonfederal authorities the power to impose tough sanctions, including high fines and compensatory and punitive damages.

The bill takes a straightforward approach. It prohibits a telephone company from changing a consumer's telephone service unless the company obtains a verbal, written, or electronic verification from the subscriber showing that the subscriber has consented to the change. The company making the change will be required to retain this verification. If a consumer charges a company with slamming, the company has 120 days in which to satisfy the consumer's complaint. If it does not do so, the company must promptly advise the consumer of that fact, and give the consumer a copy of the verification and information about how to pursue the complaint with the FCC and about all other available remedies. If a company ignores a consumer's slamming complaint, it will be subject to the penalty for slamming.

The bill then provides for simple, streamlined complaint resolution procedures at the FCC, requiring the Commission to issue a decision on the carrier's liability within 150 days. It broadens the Commission's enforcement powers by authorizing it to award both compensatory and punitive damages, and requires that damages be awarded within 90 days of the liability determination. It directs the FCC not to levy a fine of less than $40,000 against first-time offenders and $150,000 for repeat offenders absent mitigating circumstances, and it empowers the FCC to prosecute slammers who refuse to pay their fines. The bill also enables consumers to go after slammers in court instead of at the FCC through a state class-action suit. These alternatives—consumer action at the FCC and state action in court, backed up by stiff monetary penalties—will provide both a sword against past slamming and a shield against future slamming.

Finally, Mr. President, the bill assures that the FCC will detect and deter other problems that might result in slamming. It requires the Commission to report to Congress on telephone companies' telemarketing practices, to recommend whether it would be in the public interest to levy penalties directly on telemarketers or on other entities not currently subject to the bill's provisions, and to promptly adopt rules proscribing any deliberately deceptive or misleading telemarketing practices disclosed by the report.

The bottom line here, Mr. President, is that slamming has to stop, once and for all, and this bill means to stop it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED PROTECTION FOR CONSUMERS AGAINST "SLAMMING" BY TELECOMMUNICATIONS CARRIERS.

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) section 258 of the communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

"(a) PROHIBITION.—

"(1) IN GENERAL.—No telecommunications carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

"(2) VERIFICATION.—

"(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier shall, at a minimum, require the subscriber—

"(i) to acknowledge the type of service to be changed as a result of the selection;

"(ii) to affirm the subscriber's intent to select the provider as the provider of that service;

"(iii) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

"(iv) to acknowledge that the selection of the provider will result in a change in providers of that service;

"(v) to acknowledge that the individual making the oral communication is the subscriber; and

"(vi) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

"(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

"(i) preclude the use of negative option marketing;

"(ii) provide for verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form; and

"(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate.

"(3) INTRASTATE SERVICES.—Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

"(4) SECTION NOT TO APPLY TO WIRELESS.—This section does not apply to a provider of commercial mobile service, as that term is defined in section 332(d)(1) of this Act.".

"(b) RESOLUTION OF COMPLAINTS.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended by adding at the end thereof the following:

"(c) NOTICE TO SUBSCRIBER.—Whenever there is a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, the telecommunication carrier selected shall notify the subscriber in writing, not more than 15 days after the change is executed, of the change, the date on which the change was effected, and the name of the individual who authorized the change.

"(d) RESOLUTION OF COMPLAINTS.—

"(1) PROMPT RESOLUTION.—

"(A) IN GENERAL.—The Commission shall prescribe a period of time, not in excess of 120 days, for a telecommunications carrier to resolve a complaint by a subscriber concerning an unauthorized change in the subscriber's selection of a provider of telephone exchange service or telephone toll service.

"(B) UNRESOLVED COMPLAINTS.—If a telecommunications carrier fails to resolve a complaint within the time period prescribed by the Commission, then, within 10 days after the end of that period, the telecommunications carrier shall—

"(i) notify the subscriber in writing of the subscriber's right to file a complaint with the Commission concerning the unresolved complaint, the subscriber's rights under this section, and all other remedies available to the subscriber concerning unauthorized changes;

"(ii) inform the subscriber in writing of the procedures prescribed by the Commission for filing such a complaint; and

"(iii) provide the subscriber a copy of any evidence in the carrier's possession showing that the change in the subscriber's provider of telephone exchange service or telephone toll service was submitted or executed in accordance with the verification procedures prescribed under subsection (a).

"(2) RESOLUTION BY COMMISSION.—The Commission shall provide a simplified process for resolving complaints under paragraph (1)(B). The simplified procedure shall preclude the use of interrogatories, depositions, discovery, or other procedural techniques that might unduly increase the expense, formality, and time involved in the process. The Commission shall issue an order resolving any such complaint at the earliest date practicable, but in no event later than—

"(A) 150 days after the date on which it received the complaint, with respect to liability issues; and

"(B) 90 days after the date on which it resolves a complaint, with respect to damages issues, if such additional time is necessary.

"(3) DAMAGES AWARDED BY COMMISSION.—In resolving a complaint under paragraph (1)(B), the Commission may award damages equal to the greater of $500 or the amount of actual damages. The Commission may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

"(e) PENALTY.—

"(1) IN GENERAL.—Unless the Commission determines that there are mitigating circumstances, violation of subsection (a) is punishable by a fine of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

"(2) FAILURE TO NOTIFY TREATED AS VIOLATION OF SUBSECTION (a).—If a telecommunications carrier fails to comply with the requirements of subsection (d)(1)(B), then that failure shall be treated as a violation of subsection (a).

"(f) RECOVERY OF FINES.—The Commission may take such action as may be necessary—

"(1) to collect any fines it imposes under this section; and

"(2) on behalf of any subscriber, any damages awarded the subscriber under this section.".

(c) STATE RIGHT-OF-ACTION.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258), as amended by subsection (b), is amended by adding at the end thereof the following:

"(g) ACTIONS BY STATES.—

"(1) AUTHORITY OF STATES.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that a telecommunications carrier has engaged or is engaging in a pattern or practice of changing telephone exchange service or telephone toll service provider without authority from subscribers in that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such unauthorized changes, an action to recover for actual monetary loss or receive $500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

"(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

"(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.

"(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

"(5). INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

"(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the tendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

"(8) DEFINITION.—As used in this subsection, the term 'attorney general' means the chief legal officer of a State.

"(h) STATE LAW NOT PREEMPTED.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits unauthorized changes in, a subscriber's selection of a provider of telephone exchange service or telephone toll service.".

SEC. 2. REPORT ON TELEMARKETING PRACTICES.

(a) IN GENERAL.—The Federal Communications Commission shall issue a report within 180 days after the date of enactment of this Act on the telemarketing practices used by telecommunications carriers or their agents or employees for the purpose of soliciting changes by subscribers of their telephone exchange service or telephone toll service provider.

(b) SPECIFIC ISSUES.—As part of the report required under subsection (a), the Commission shall include findings on—

(1) the extent to which imposing penalties on telemarketers would deter unauthorized changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service;

(2) the need for rules requiring third-party verification of changes in a subcriber's selection of such a provider; and

(3) whether wireless carriers should continue to be exempt from the verification and retention requirements imposed by section 258(a)(2)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 258(a)(2)(B)(iii)).

(c) RULEMAKING.—If the Commission determines that particular telemarketing practices are being used with the intention to mislead, deceive, or confuse subscribers and that they are likely to mislead, deceive, or confuse subscribers, then the Commission shall initiate a rulemaking to prohibit the use of such practices within 120 days after the completion of its report.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. COATS, and Mrs. MURRAY):

S. 1619. A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERNET SCHOOL FILTERING ACT

Mr. McCAIN. Mr. President, I rise today to introduce The Internet School Filtering Act, which is designed to protect children from exposure to sexually explicit and other harmful material when they access the Internet in school and in the library. I am pleased to be joined by Senators HOLLINGS, COATS, and MURRAY as cosponsors of this legislation, and I thank them for their assistance in this important effort.

This legislation comes to grips with a regrettable but unavoidable problem. Today, pornography is widely available on the Internet. According to Wired magazine, today there are approximately 28,000 adult Web sites promoting hard and soft-core pornography. Together, these sites register many millions of "hits" by websurfers per day.

Mr. President, there is no question that some of the websurfers who are accessing these sites are children. Some, unfortunately, are actively searching for these sites. But many others literally and unintentionally stumble across them. Anyone who uses seemingly innocuous terms while searching the World Wide Web for educational or harmless recreational purposes can inadvertently run into adult sites. For example, when the word "teen" is typed into a search engine, a site titled "Teenagesex.com" is the first search result to appear.

Mr. President, parents have a responsibility to monitor their children's Internet use. This is their proper role, and no amount of governmental assistance or industry self-regulation could ever be as effective in protecting children as parental supervision.

Parental supervision, however, is not possible when children use the Internet while they are away from home, in schools and libraries. The billions of dollars per year the Federal government will be giving schools and libraries to enable them to bring advanced Internet learning technology to the classroom will bring in the Internet's explicit online content as well. These billions of dollars will ultimately be paid for by the American people. So it is only right that if schools and libraries accept these federally-provided subsidies for Internet access, they have an absolute responsibility to their communities to assure that children are protected from online content that can harm them.

And this harm can be prevented. The prevention lies, not in censoring what goes onto the Internet, but rather in filtering what comes out of it onto the computers our children use outside the home.

Mr. President, Internet filtering systems work, and they need not be blunt instruments that unduly constrain the availability of legitimately instructional material. Today they are adaptable, capable of being fine-tuned to accommodate changes in websites as well as the evolving needs of individual schools and even individual lesson-plans. Best of all, their use will channel explicit material away from children while they are not under parental supervision, while not in any way inhibiting the rights of adults who may wish to post indecent material on the Web or have access to it outside school environs.

Mr. President, it boils down to this: The same Internet that can benefit our children is also capable of inflicting terrible damage on them. For this reason, school and library administrators who accept univeral service support to provide students with its intended benefits must also safeguard them against its unintended harm. I commend the efforts of those who have recognized this responsibility by providing filtering systems in the many educational facilities that already have Internet capability. This legislation assures that this responsibility is extended to all other institutions as they implement advanced technologies funded by federally-mandated universal service funds.

Mr. President, this bill takes a sensible approach. It requires schools receiving universal service discounts to use a filtering system on their computers so that objectionable online materials will not be accessible to students. Libraries are required to use a filtering system on one or more of their computers so that at least one computer will be appropriate for minors' use. Filtering technology is itself eligible to be subsidized by the E-rate discount. Once a school or library certifies that it will use a filtering system, they will be eligible to receive universal service fund subsidies for Internet access. If schools and libraries do not so certify, they will not be eligible to receive universal service fund-subsidized discounts.

Some have argued that the use of filtering technology in public schools and libraries would amount to censorship under the First Amendment. The Supreme Court has found, however, that obscenity is not protected by the First Amendment. And insofar as other sexually-explicit material is concerned, the bill will not affect an adult's ability to access this information on the Internet outside the school environment, and it will in no way impose any filtering requirement on Internet use in the home. Perhaps most important, the bill prohibits the Federal government from prescribing any particular filtering system, or from imposing a different filtering system than the one selected by the certifying educational authority. It thus places the prerogative for determining which filtering system best reflects the community's standards precisely where it should be: on the community itself.

Mr. President, more and more people are using the Internet each day. Currently, there may be as many as 50 million Americans online, and that number is expected to at least double by the millennium. As Internet use in our schools and libraries continues to grow, children's potential exposure to harmful online content will only increase. This bill simply assures that universal service subsidies will be used to defend them from the very dangers that these same subsidies are otherwise going to increase. This is a rational response to what could otherwise be a terrible and unintended problem.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

"(l) IMPLEMENTATION OF A FILTERING OR BLOCKING SYSTEM.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) or (3), respectively.

"(2) CERTIFICATION FOR SCHOOLS.—Before receiving universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has—

"(A) selected a system for computers with Internet access to filter or block matter deemed to be inappropriate for minors; and

"(B) installed, or will install as soon as it obtains computers with Internet access, a system to filter or block such matter.

"(3) CERTIFICATION FOR LIBRARIES.—Before receiving universal service assistance under subsection (h)(1)(B), a library that has a computer with Internet access shall certify to the Commission that, on one or more of its computers with Internet access, it employs a system to filter or block matter deemed to be inappropriate for minors. If a library that makes a certification under this paragraph changes the system it employs or ceases to employ any such system, it shall notify the Commission within 10 days after implementing the change or ceasing to employ the system.".

"(4) LOCAL DETERMINATION OF CONTENT.—For purposes of paragraphs (2) and (3), the determination of what matter is inappropriate for minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making that determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).".

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1045

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1045, a bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes.

S. 1151

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1151, a bill to amend subpart 8 of part A of title IV of the Higher Education Act of 1965 to support the participation of low-income parents in postsecondary education through the provision of campus-based child care.

S. 1283

At the request of Mr. BUMPERS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1334

At the request of Mr. BOND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1580

At the request of Mr. SHELBY, the names of the Senator from Kentucky (Mr. FORD) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1582

At the request of Mr. ROBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1582, a bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes.

S. 1615

At the request of Mr. CLELAND, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1615, a bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Concurrent Resolution 55, A concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE RESOLUTION 148

At the request of Mr. DOMENICI, the names of the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. DASCHLE), the Senator from Georgia (Mr. COVERDELL), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Tennessee (Mr. THOMPSON), the Senator from New Hampshire (Mr. SMITH), the Senator from Utah (Mr. BENNETT), the Senator from Maine (Ms. COLLINS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Montana (Mr. BURNS), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New York (Mr. D'AMATO), the Senator from Washington (Mr. GORTON), the Senator from Utah (Mr. HATCH), the Senator from Mississippi (Mr. COCHRAN), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. LUGAR), the Senator from Oklahoma (Mr. INHOFE), the Senator from Michigan (Mr. ABRAHAM), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Indiana (Mr. COATS), the Senator from North Carolina (Mr. HELMS), the Senator from Iowa (Mr. GRASSLEY), the Senator from New Hampshire (Mr. GREGG), the Senator from Tennessee (Mr. FRIST), the Senator from Alabama (Mr. SESSIONS), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Arkansas (Mr. BUMPERS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. GRAHAM), the Senator from Nebraska (Mr. KERREY), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. ROBB), the Senator from Nevada (Mr. BRYAN), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mr. ASHCROFT), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Resolution 148, A resolution designating 1998 as the "Onate Cuartocentenario", the 400th anniversay commemoration of the first permanent Spanish settlement in New Mexico.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of Senate Resolution 170, A resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maine (Ms. SNOWE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), the Senator from Virginia (Mr. ROBB), the Senator from Virginia (Mr. WARNER), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 171, A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

SENATE RESOLUTION 173

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 173, A resolution expressing the sense of the Senate with respect to the protection of reproductive health services clinics.

SENATE RESOLUTION 174—RELATIVE TO THAILAND

Mr. ROTH (for himself, Mr. BAUCUS, Mr. THOMAS, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 174

Whereas, the United States maintains a close bilateral partnership with Thailand and has a profound interest in furthering that relationship;

Whereas, the friendship between our two countries goes back farther than that with any other Asian nation dating back to the Treaty of Amity and Commerce and Navigation of 1833;

Whereas, the bilateral trade relationship is robust and promises to grow even more so in time;

Whereas, the U.S. security relationship with Thailand is one of our most critical, and it is in both countries' interest to maintain and strengthen that relationship;

Whereas, the new government in Thailand has committed itself to making significant structural reforms to its economy in line with the conditions placed upon it by the International Monetary Fund, including improving financial and economic transparency and cutting its budget;

Whereas, the conditions imposed on Thailand by the IMF were developed in August of 1997 when the economic environment in Asia was vastly different from that existing today;

Whereas, an example of those changed circumstances is the fact that both Korea and Indonesia provided second line of defense contingency loans to Thailand in August, 1997, amounting to US$500 million each;

Resolved, That it is the sense of the Senate that:

(1) The United States should be prepared to take appropriate steps to help ensure that Thailand's economic recovery efforts will continue uninterrupted and to enhance the close political, economic and security relations between Thailand and the United States; and

(2) Thailand deserves praise and commendation from the United States for the measures it has implemented to resolve its financial problems.

Mr. ROTH. Mr. President, I rise today on behalf of myself, Mr. BAUCUS, Mr. THOMAS, and Mr. LUGAR, to submit a Resolution to state the sense of the Senate that Thailand remains one of America's most important partners and closest friends, and that Bangkok has been making important strides in executing its responsibilities under its arrangements with the International Monetary Fund.

Mr. President, America's friendship with Thailand is our longest-standing in Asia. Our first Envoy to Thailand negotiated a Treaty of Amity and Commerce with that country in 1833.

Thailand was the first country afflicted with the so-called Asian contagion, and the first to receive IMF assistance. However, at the time the IMF put the package together for Thailand in August, 1977, Asia's regional economy looked far different than it does today. Let me give one compelling example of how things have changed: Last year, both Korea and Indonesia were economically secure enough to pledge so-called "second line of defense" contingency loans to Thailand.

The point is, Mr. President, many of the assumptions that the IMF used in formulating the conditions for Thailand's package are no longer applicable.

Despite the changes, however, the new Government of Thailand has been making important progress in fulfilling its IMF obligations. Already Thailand has taken steps to improve financial and economic transparency and cut its budget.

I recently visited Thailand and was very impressed by the new leadership in Bangkok, by the steps they have taken thus far and by their resolve in fulfilling their IMF obligations.

Mr. President, I believe I am safe in saying that all of us in this chamber—and Americans all across this land—are great admirers of Thailand and Thai culture. I remain optimistic about Thailand's future. Given the Thai people's energy and initiative, the country's remarkable history, and its record of economic success, I hope and expect to see Thailand's return to prosperity in the not-too-distant future.

SENATE RESOLUTION 175—TO DESIGNATE "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK"

Mr. ROBB submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 175

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 3, 1998 as "National Correctional Officers and Employees Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. ROBB. Mr. President, I rise today to submit a Senate resolution to designate the week of May 2, 1998 as "National Correctional Officers and Employees Week."

Mr. President, this resolution gives needed recognition to the vital role that correctional personnel play in our communities.

Correctional officers and employees put their lives on the line every day to protect the public from dangerous criminals. These brave men and women also protect incarcerated individuals from the violence of their circumstance, and they help prisoners work toward returning to lawful society.

I urge my colleagues to join with me to recognize the work and contributions of our nation's correctional officers and employees.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, February 10, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Tobacco Settlement IV. For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Wednesday, February 11, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Agency for Health Care Policy and Research (AHCPR). For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, February 12, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Education of the Deaf Act. For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "IRS Reform: What America's Taxpayers Need Now." The hearing will be held on February 12, 1998, beginning at 9:30 a.m. ET in three locations: room 428A of the Russell Senate Office Building, Washington, D.C.; St. Louis, Missouri; and Salt Lake City, Utah. Description of hearing: Senate Committee on Small Business meets cyberspace; holds first virtual committee hearing on the Internet on proposals to reform the IRS and improve taxpayer rights. For further information, please contact Mark Warren at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources. The hearing will take place Wednesday, February 24, 1998 at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. The purpose of this hearing is to receive testimony on the use of specialty forest products from the national forests. Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

ADDITIONAL STATEMENTS

MILITARY ACCIDENT IN AVIANO, ITALY

• Mrs. FEINSTEIN. Mr. President, I rise today to express my deep sympathy to the families of those killed in Italy by a low flying plane. Like all Americans, I was shocked, saddened, and angered that an American plane caused this tragedy.

We do not have all the details at this time and are having to rely on media reports, but I want to be very clear. This tragedy never should have happened. This was a disgraceful act, military training should not be done in civilian areas.

I wish that I could say that this was an isolated incident. Unfortunately, I cannot. Accidents during training missions occur with disturbing frequency.

Last September, the Secretary of Defense was forced to suspend all training flights after a rash of six crashes within one week.

Also in September, a F–117 crashed in Maryland, injuring 4 civilians and burning a portion of a home.

In 1996, a U–2 spy plane crashed in the parking lot of the Mercury-Register newspaper, killing one and injury two others.

In October, a military jet crashed in Pennsylvania. The pilot managed to eject safely, but the plane exploded near a busy interstate highway.

It may be impossible to make training missions 100% safe for the pilots, but we have an obligation to make sure they are safe for civilians.

In the tragedy in Aviano, Italy, the pilot was flying an approved flight path though not at an approved altitude. This flight path led the plane, at a very low altitude, directly over a functioning ski lift. While I have trouble believing news reports that pilots entertain themselves by flying under the ski lift cables, that plane never should have been in the proximity of the ski lift. The potential for tragedy was simply too great. Unfortunately, it took the deaths of 20 people to prove it.

Clearly, responsibility for this tragedy lies not only with the pilot, but also with the commanders who authorized these dangerous flights. There is a certain degree of risk involved in all training missions. That risk should not fall upon innocent civilians. How many more incidents such as the one in Aviano have to occur before it becomes clear that the potential for tragedy in these missions is too great?

I would like to see the following actions taken:

1. A change in the guidelines over where planes can fly training missions.

2. An immediate report to the American people of the facts of the accident at Aviano. It has been almost a week and we still have no information from the military.

3. If the investigation shows that the pilot was at fault, the pilot should be subject to Italian law.•

"BEWILDERING BUDGET-SPEAK" ON SOCIAL SECURITY

• Mr. KYL. Mr. President, millions of Americans, myself included, listened intently to what President Clinton had to say about Social Security in his State of the Union address. What we heard—or what we thought we heard—was a plan by the President to reserve any budget surplus that might emerge in the next few years to shore up Social Security for future generations.

It was a plan that drew widespread praise from the public. But now it turns out that what we heard is not, according to White House spokesmen, what the President really meant. The Washington Post put it this way in a February 4 report: "the ringing simplicity of Clinton's call to 'save Social Security first' gave way to a fog of bewildering budget-speak from the administration's top economic advisers."

Here is what OMB spokesman Larry Haas had to say: "People who think it [President Clinton's proposal] shores up Social Security were not listening closely." Testifying before the Senate Budget Committee, Treasury Secretary Robert Rubin admitted that the Clinton budget does not include any mechanism that would transfer surpluses to the Social Security trust fund.

Mr. President, why the intricate game of words? Is Social Security first or not? Let us take a look.

Next year—the year covered by President Clinton's proposed budget—Social Security itself will run an estimated surplus of about $93 billion. Remember, the system is currently generating surpluses that are intended to build up until about the year 2016, when we will have to begin using them to pay retirement benefits to 75 million baby boomers.

But the Clinton budget does not set aside this $93 billion Social Security surplus. The Clinton budget spends every penny of it on general operating expenses of the federal government.

The practice of using the Social Security nest egg to mask overall government deficits dates back to President Lyndon Johnson. Colleagues from both sides of the aisle have condemned it for years. It is only because President Clinton employs this sleight of hand—counting the Social Security surplus in the unified federal budget—that he is able to show an overall surplus of $9 billion for next year. If Social Security's $93 billion surplus and the surpluses held in other federal trust funds were removed from the calculations, the Clinton budget would actually show a deficit of $95.7 billion.

Even the relatively small surplus that is created by commingling all of the funds—that is, after mixing Social Security with the rest of the federal budget—is shrunken considerably from what it would have been if the President reserved the entire amount for Social Security, as he said he would. That is because he devotes the bulk of the resulting surplus to a host of new spending initiatives.

Here are just some of the new programs that President Clinton is proposing:

a new clean water initiative for about $37 million;

two new farm programs for $14 million;

$170 million for new mandatory empowerment zones and enterprise communities;

a new program called the Community Empowerment Fund, which will cost about $400 million;

a new $10 million Indian land consolidation pilot program;

$47 million on a new community adjustment program to help areas adversely affected by trade agreements;

at least eight new education programs totaling over $1.8 billion;

a new Medicare buy-in program costing $1.5 billion over five years;

$4.5 billion for five new child-care related programs;

a new smoking cessation program for $87 million; and

two new law-enforcement initiatives for $200 million.

The cost of these new programs is estimated to be about $120 billion to $130 billion over the next five years, and that does not even count the myriad increases he proposes for other existing federal programs. In other words, some $120 billion to $130 billion of anticipated unified budget surpluses are not reserved for Social Security at all, but are used to create brand new programs.

Granted, many of these proposals are appealing, and some address real needs in our communities. Granted, some of the spending for these new programs is designed to come from the proposed tobacco settlement. But if President Clinton is sincere in his desire to reserve 100 percent of the surplus for Social Security, how is it that there is so much money for so many new programs? Why is the tobacco money not used to boost the size of the surplus that could be devoted to Social Security?

Given the programs I just mentioned a few moments ago, it is obvious that Social Security is not really first on President Clinton's list of anticipated uses of any unified budget surplus. It is not second or even third It does not make the top 10 list. It is number 26 on the President's list, after all of these other new programs are created. Remember, too, that President Clinton is proposing to spend the entire $93 billion surplus that the Social Security system will itself generate—spend it on other things.

So what did President Clinton really mean when he spoke of Social Security in his State of the Union? Here is what he said:

> I propose that we reserve 100 percent of the surplus—that is every penny of any surplus—until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.

His budget clearly spends the surplus, so what hidden meaning could there possibly be in his apparently very carefully crafted words?

Treasury Secretary Rubin explained to the Budget Committee that the President was merely declaring his opposition to using surpluses, should they materialize, for any purpose other than paying down the national debt until Congress and the President have agreed on a long-term solution that ensures the solvency of the Social Security program. In other words, nothing may ever be set aside specifically for Social Security.

Mr. President, I am confused, as I think most Americans are, about President Clinton's intentions with respect to Social Security. John Rother, chief lobbyist for the American Association of Retired Persons, told The Washington Post that many of his members are also confused and mistakenly assume the surpluses will be used to pay future Social Security benefits.

Crafting next year's budget, let alone tackling the coming problems in the Social Security system and the many other important problems facing this administration and the country, requires straight talk and straight answers. Either Social Security is first or it is not. Either we reserve any surplus for Social Security or we do not. Tell the truth, and the American people will support what needs to be done.

Senior citizens deserve better than to be treated as a political football by this President.•

FOOD CHECK OUT DAY

• Mr. CRAIG. Mr. President, today we celebrate "Food Check Out Day" and commemorate the day when the average American will have earned enough income to pay for the entire year's food supply. We celebrate the bounty from America's farms and ranches and how it is shared with American consumers through affordable food prices.

According to the United States Department of Agriculture, on average, American consumers spend only 10.9 percent of their disposable income for food. When applied to the calendar days, that means that the average American will have earned enough income to pay for his or her family's annual food supply in just 40 days. We commemorate this fact on February 9th, which is the 40th day of this year.

Compared to other expenses facing America's families, food is a bargain. While Americans must only work until February 9th to pay for their yearly food supply, last year they had to work until May 9th just to pay for their taxes. In addition, the percentage of disposable personal income spent for food has declined over the last 25 years. In 1997, Food Check Out Day would have been on February 10. In 1970, Food Check-Out Day would have been 11 days later than it is today—February 20.

This is made more notable by the fact that trends indicate Americans are buying more expensive convenience food items for preparation at home, as well as more food away from home.

The Agriculture Department's latest statistic, compiled for 1996, includes food and non-alcoholic beverages consumed at home and away from home. This includes food purchases from grocery stores and other retail outlets, including food purchases with food stamps and vouchers for the Women, Infants and Children's program. The statistic also includes away-from-home meals and snacks purchased by families and individuals, as well as food furnished to employees.

Mr. President, many states will mark today with an event to raise food donations for their local Ronald McDonald House. The Ronald McDonald House provides a "home-away-from-home" for the families of seriously ill children receiving medical treatment in their local areas. The food donated from these Food Check Out Day programs will be used to help feed visiting families staying at the House.

The bottom line, Mr. President, is that food in America is affordable, in large part because of America's productive farmers and ranchers. Food Check-Out Day allows us to recognize their hard work, the benefits of which we all enjoy. As a fellow rancher, I personally want to salute these Americans and thank them.•

70TH BIRTHDAY OF PRESIDENT EDUARD SHEVARDNADZE

• Mr. STEVENS. Mr. President, I call the Senate's attention to an individual who has dedicated his life to liberating his people and restoring his nation. Eduard Shevardnadze's career of government service is marked most significantly by his personal journey from being a member of the Soviet hierarchy to being the prominent democratic leader he is today. I am proud to have met him on several occasions and draw the Senate's attention to this extraordinary man's accomplishments in celebration of his seventieth birthday which was January 25, 1998.

Eduard Shevardnadze's career began with a steady rise through the Communist Party. As the Minister of Foreign Affairs, his ability as a diplomat brought the United States and Soviet Union into a better understanding of one another. He was a significant force in ending the Cold War peacefully and ushering in an historic era of improved world-wide relations. In 1991, however, Eduard Shevardnadze was at odds with the dictatorial policies of the Communist Party. His strong principles ultimately drove him to forego the trappings of the elite political class and he resigned his position.

Upon his resignation, Eduard Shevardnadze returned to Georgia. In the aftermath of the collapse of the Soviet Union, his homeland was destabilized and struggling economically. Eduard Shevardnadze began assisting in the revitalization of Georgia, and in November, 1995, he was elected president. His policies have focused on restoring territorial integrity, as well as promoting economic and political independence. Since his election, President Shevardnadze's notable achievements include adopting and implementing a new constitution, introducing a new currency, cracking down on organized crime, and negotiating important treaties with neighboring countries to secure Georgia's future.

President Eduard Shevardnadze's personal journey from communist to democratic leader is a compelling example of the triumph of the human spirit. His high standing among Western leaders has been earned through his principled democratic leadership and perseverance in the face of adversity. I would like to express my warm regards to President Shevardnadze in wishing him a prosperous seventieth year.•

PROHIBITING THE DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for S.J. Res. 40, a resolution to propose a Constitutional amendment to prohibit the desecration of the flag of the United States. I am pleased to be an original cosponsor of this resolution.

The people of Idaho have told me, quite clearly, that they feel we must take steps to protect the Stars and Stripes. By way of a resolution passed by the Idaho State Legislature approximately three years ago, my constituents let it be known that Idahoans want the opportunity to ratify an amendment to the Constitution which would prohibit the desecration of the flag. The resolution stated, ". . .the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal. . .".

Perhaps nowhere is the desire to protect the American ideal exhibited better than in the men and women who serve this nation in our armed forces. As a member of the Armed Services committee, I have had the opportunity to visit with many of these outstanding Americans who serve our nation both on our own soil and in foreign lands around the globe. These men and women stand ready, at a moments notice, to put their lives on the line so that U.S. citizens here and abroad may live in peace and safety. They are prepared to protect, at any cost, the rights and freedoms which we all hold so dear, and for which so many have sacrificed so much during the more than 220 years of our nation's history. As they serve, even on foreign ground, they serve under Old Glory, the symbol of all that we value and cherish about the United States of America. The flag serves as a constant reminder of the land they call home, of their family and friends, and of all the values that make the United States of America the beacon of liberty and justice throughout the world.

In trying to define what the flag of the United States means, I was particularly moved by the words of Henry Ward Beecher. In his essay, "The Meaning of Our Flag," he wrote, "Our Flag carries American ideas, American history and American feelings. Beginning with the Colonies, and coming down to our time, in its sacred heraldry, in its glorious insignia, it has gathered and stored chiefly this supreme idea: divine right of liberty in man. . . .That it meant, that it means, and, by the blessing of God, that it shall mean to the end of time!"

Mr. President, by supporting S.J.Res. 40, we honor the meaning of the flag. By acknowledging that the flag of the United States is more than just a piece of cloth, more than just a physical entity devoid of value, we indicate our understanding of those things for which it stands. I hope my colleagues will join me, and the resolution's sponsors and cosponsors, in taking the first step toward protecting the flag and everything it represents.

REDUCTION OF THE DEFICIT

Mr. NICKLES. Mr. President, during the President's State of the Union speech, as well as in the submission of the budget, there have been a lot of accolades about a balanced budget. Many of us have worked for a long, long time to see a balanced budget. It has been kind of interesting, with different people taking credit for it. The President said he has done it since has been in office, that the deficit has come down every year. The Republicans have said after they took control in the '94 elections, that is when we really saw the deficits reduce.

I would like to put some facts into the RECORD, dealing both with the President's budget and also the source of the decline of the deficit since January of 1995. In the budget deficit of 1995, submitted by President Clinton, in January of 1995, it showed that the deficit was estimated to be $176 billion in 1995; in 1996, it was supposed to be, or estimated to be $207 billion; in 1997, $224 billion; $222 billion in '98; $253 billion in '99; $284 billion in 2000; $297 billion in 2001; $322 billion in the year 2002. This is President Clinton's budget. That was what he submitted to Congress in January of 1995.

Now, you had something happen in November of '94, which is that the Republicans were elected to take control of Congress. That was the change. This already takes into account the President's large tax increase of 1993. So that is already computed in here. In spite of his large tax increase, deficits continued to increase, from $176 billion in '95 to an estimated $322 billion in the year 2002.

I make a point of that because I have heard several administrative officials testifying, "Yes, we brought the deficit down and did it because of that historic tax increase of 1993." I just beg to differ. The facts were that the policies showed that the deficit was going to continue to climb significantly. What happened since 1995? That is what this chart will show. We have had some tax cuts. The tax cut that was passed—actually, there was one passed in '95, but the President vetoed it. So there is no change in '95 and '96, as far as the Tax Code. Congress did pass, and the President signed, a tax reduction effort last year. This chart will show the net effect of that. Frankly, it is not very large. In between the years 1997 and 2002, it is a net tax cut of $75 billion. So that didn't have a lot of difference on what happened in the economy.

Spending cuts over that same period of time, between the year 1995 and 2002, was $276 billion. So that didn't have a lot. The primary difference was re-estimates—re-estimates. I am using CBO data, Congressional Budget Office data. The difference of technical and economic assumptions is $1.567 trillion over those same years. And so, yes, the economy has done better, and the estimates were off. The growth rates have been higher, revenues have been higher. That is the principal source of deficit reduction. Again, I am not even trying to offer a lot of my own opinion. I am just trying to show that here is the deficit projection given by CBO in January of 1995. Here is the CBO deficit baseline in January of 1998, 3 years apart, but a total of a couple of trillion dollars difference in their net results.

Now, Mr. President, I would like to talk about the President's budget that he submitted to Congress. He made the statement that he did not want one dime to be spent that would increase the national debt—not one dime. Under the President's proposal, he has $124 billion, actually $124.1 billion, between the year 1998 and the year 2003, that 5-year period of time, that would increase the debt by new spending. And $70.9 billion of that is discretionary spending—including mandatory, a total of $124 billion of new spending, spending over and above what we have in present law, spending over and above what is now contemplated, spending over and above what was agreed upon last year.

I might mention, as far as the discretionary spending, last year we entered into an agreement that said here is how much we are going to spend in discretionary spending every year. The President is violating that agreement by his submission of the budget.

Now, the budget was balanced, but yet in the budget that we agreed upon last year, one of the reasons it is balanced is because basically we froze, or came close to freezing discretionary spending. He is calling for increases in discretionary spending above what was agreed upon last year. He calls for $124 billion in new spending. He also has tax cuts that really also would have an increasing impact on the deficit of $24.2 billion.

If you add the two together, the President's proposal that he made in his budget and in the State of the Union, if you took the new spending and the tax cuts, which are really, in my opinion, using the Tax Code to spend money, it would have a negative impact on the deficit of $148.3 billion over this period of time.

I am going to submit this for the record. It will show you exactly where it goes, the discretionary, mandatory—where in the mandatory spending, where in the tax cuts, the amount of those tax cuts the President has proposed. He has proposed this amount of new spending and tax cuts which have a negative impact on the deficit of $148 billion.

In other words, if we do not do anything, the deficit picture will be $148 billion better than it would be if we enacted the President's spending and tax proposal.

Now, to pay for it, he does provide for $115.8 billion of new taxes—tobacco tax increases, other tax increases, and user fees. If you add all that together, it is $115.8 billion. He has proposed spending cuts in the mandatory items of $34 billion, and so that's how he is paying for his new spending and for his tax cuts.

So I just make mention of that, Mr. President. The President's proposal violates the budget proposal because it increases discretionary spending more than we agreed upon last year, and that's where we are getting a lot of savings. Then he says basically what he wants to do is to spend $124 billion more over this period of time than what we agreed upon last year. He wants to give some tax cuts of $24 billion, targeted social spending through the Tax Code, and some of that is for school construction, some of it is for child care tax credits, for environmental purposes, and so on. But anyway, he wants to use the Tax Code to spend money, and so he has $148 billion. What does he do? He says, well, let's increase taxes $115.8 billion and let's make some changes in some of the entitlement programs, spectrum fees and so on, and we will raise the money to do it. So he wants to spend and tax $150 billion more than we agreed to last year—$150 billion over 5 years. That is what it boils down to.

In other words, you can do nothing and you will have basically the same deficit picture under the President's budget as if you adopted it. If you adopt the President's budget, you would spend a lot more and you would tax a lot more, period. If you just look at the figures, here is the budget level under existing law, or if we adopt the President's, we are going to spend about $148 billion, $150 billion more in discretionary and mandatory spending and we are going to tax that much.

That is really what it boils down to. I hope we do not follow that. But I at least wanted to put that in the RECORD so my colleagues would have it.

I ask unanimous consent that three charts I prepared using the President's budget and CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOURCE OF DEFICIT DECLINE
Under GOP Congress

	104th Congress		105th Congress		106th Congress		107th Congress		
	1995	1996	1997	1998	1999	2000	2001	2002	TOTAL
CBO DEFICIT BASELINE (January 1995)	**(176)**	**(207)**	**(224)**	**(222)**	**(253)**	**(284)**	**(297)**	**(322)**	**(1,985)**
Tax Cuts	0	0	4	(9)	(7)	(22)	(24)	(17)	(75)
Spending Cuts	0	16	22	(2)	22	57	50	111	276
Reestimates (technical & economic)	12	84	180	228	235	246	285	297	1,567
CBO DEFICIT BASELINE (January 1998)	**(164)**	**(107)**	**(22)**	**(5)**	**(2)**	**(3)**	**14**	**69**	**(220)**

Amounts which reduce the deficit are shown in (parenthesis).
Details may not add due to rounding.

BUDGET PROPOSAL SUMMARY
President Clinton's FY99 Budget
(In billions of dollars)

	1998	1999	2000	2001	2002	2003	Total, 1999-2003
OMB BASELINE (DEFICIT) / SURPLUS	(9.9)	5.6	5.2	27.8	90.3	89.1	218.0
PROPOSALS WHICH INCREASE THE DEFICIT							
Discretionary (includes user fee spending)	(0.0)	6.4	10.5	12.4	17.7	23.9	70.9
Mandatory							
Activities authorized in tobacco legislation	0.0	3.4	3.9	4.6	5.0	5.4	22.3
Child care block grant	0.0	0.8	1.1	1.3	1.5	1.9	6.6
Teachers	0.0	0.1	0.8	1.2	1.4	1.6	5.1
Early learning fund	0.0	0.4	0.5	0.6	0.6	0.6	2.7
Student loans	0.3	0.3	0.5	0.6	0.7	0.9	3.1
Legal immigrants	0.1	0.5	0.5	0.5	0.5	0.5	2.5
Medicare	0.0	0.1	0.5	0.5	0.5	0.5	2.1
Other mandatory	*	1.5	1.7	2.1	1.9	1.7	8.8
Subtotal, New Spending	**0.4**	**13.5**	**20.0**	**23.8**	**29.8**	**37.0**	**124.1**
School construction & education tax incentives	0.0	0.4	1.2	1.7	1.4	1.3	6.0
Child care tax credits	0.0	0.3	1.3	1.3	1.3	1.4	5.6
Climate change tax incentives	(0.0)	0.4	0.6	0.6	0.8	1.2	3.6
Extension of expiring provisions (R&D, etc)	0.4	1.1	1.0	0.6	0.4	0.3	3.4
Increase low income housing tax credit	0.0	0.0	0.2	0.3	0.4	0.6	1.6
Other tax cuts	0.1	0.9	0.9	1.0	0.6	0.6	4.0
Subtotal, Tax Cuts	**0.5**	**3.2**	**5.1**	**5.5**	**5.0**	**5.4**	**24.2**
TOTAL PROPOSALS WHICH INCREASE THE DEFICIT	0.8	16.8	25.1	29.3	34.8	42.3	148.3
PROPOSALS WHICH DECREASE THE DEFICIT							
Tobacco revenues	0.0	(9.8)	(11.8)	(13.3)	(14.5)	(16.0)	(65.5)
Other tax increases	(0.5)	(6.2)	(8.0)	(8.9)	(9.0)	(8.0)	(40.1)
User fees	0.0	(1.7)	(2.1)	(2.1)	(2.1)	(2.2)	(10.2)
Subtotal, Tax Increases & User Fees	(0.5)	(17.7)	(21.9)	(24.2)	(25.6)	(26.2)	(115.8)
VA tobacco reform	0.0	(0.8)	(1.3)	(2.3)	(6.3)	(6.4)	(17.0)
Medicare	0.0	(0.2)	(0.4)	(0.5)	(0.6)	(0.7)	(2.4)
Other mandatory	(0.4)	(1.7)	(2.5)	(2.5)	(2.6)	(2.5)	(11.8)
Debt service	0.0	(0.1)	(0.3)	(0.4)	(0.4)	(0.3)	(1.5)
Spectrum & other items	-*	(0.3)	(2.2)	0.2	1.0	(0.2)	(1.5)
Subtotal, Spending Cuts	**(0.4)**	**(3.1)**	**(6.7)**	**(5.5)**	**(8.9)**	**(10.1)**	**(34.2)**
TOTAL PROPOSALS WHICH DECREASE THE DEFICIT	(0.9)	(20.8)	(28.6)	(29.7)	(34.5)	(36.3)	(150.0)
CLINTON BUDGET (DEFICIT) / SURPLUS	(10.0)	9.5	8.5	28.2	89.7	82.8	218.8

TAXES & USER FEES
President Clinton's FY99 Budget
(In millions of dollars)

	Total 1999-2003
Education incentives	(6,046)
Child care tax credits	(5,591)
Environment & climate change tax credits	(3,635)
Expiring provisions	(3,392)
Low-income housing tax credit per capita cap	(1,559)
Trade provisions	(1,409)
Promote expanded retirement savings	(915)
Other tax incentives	(813)
Simplify the tax laws	(631)
Enhance taxpayers' rights	(188)
Tax Cuts	**(24,179)**
Replace sales-source rules with activity-based rules	6,571
Convert aviation taxes to user fee system	5,950
Modify reserve rules for annuity contracts	4,641
Reinstate environmental tax imposed on corporate taxable income	3,841
Reinstate Superfund excise taxes	3,606
Modify corporate-owned life insurance (COLI) rules	2,204
Repeal lower-of-cost-or-market inventory accounting method	1,647
Extend excise taxes on gasoline, diesel fuel and special motor fuels	1,547
Reinstate oil spill excise tax	1,221
Eliminate non-business valuation discounts	1,008
Other tax increases	7,906
Tax Increases (non-tobacco)	**40,142**
User Fees	**10,183**
Tobacco Tax Increases	**65,494**
NET TAX INCREASES & USER FEES	**115,819**
TOTAL, ALL TAX INCREASES & USER FEES	**91,640**

PRESIDENT CLINTON'S BUDGET

BILLIONS OF DOLLARS	1997	1998	1999	2000	2001	2002	2003	Total 1999-2003
Defense	272	265	267	270	271	273	290	1,370
Domestic	276	288	300	304	304	304	306	1,518
DISCRETIONARY	549	553	566	574	575	577	595	2,887
Social Security	362	378	393	409	427	447	468	2,144
Medicare	208	216	226	238	256	261	285	1,266
Medicaid	96	101	108	115	123	133	143	622
Other Mandatory	143	177	198	213	220	215	234	1,079
MANDATORY	809	872	925	975	1,026	1,056	1,129	5,111
INTEREST	244	243	242	236	234	227	221	1,160
NET OUTLAYS	1,601	1,668	1,733	1,785	1,834	1,860	1,945	9,158
NET REVENUES	1,579	1,658	1,743	1,794	1,863	1,949	2,028	9,376
DEFICIT/SURPLUS	(22)	(10)	10	9	28	90	83	219

PERCENTAGE CHANGE	1997	1998	1999	2000	2001	2002	2003
Defense		-3%	1%	1%	0%	1%	6%
Domestic		4%	4%	2%	0%	-0%	1%
DISCRETIONARY		1%	2%	1%	0%	0%	3%
Social Security		4%	4%	4%	4%	5%	5%
Medicare		4%	5%	5%	8%	2%	9%
Medicaid		5%	7%	6%	7%	8%	8%
Other Mandatory		24%	12%	7%	3%	-2%	9%
MANDATORY		8%	6%	5%	5%	3%	7%
INTEREST		-0%	-0%	-2%	-1%	-3%	-3%
NET OUTLAYS		4%	4%	3%	3%	1%	5%
NET REVENUES		5%	5%	3%	4%	5%	4%

On-Budget Deficit/Surplus	(103)	(106)	(96)	(105)	(94)	(45)	(63)
Debt Held by Public	3,771	3,797	3,807	3,812	3,798	3,722	3,652
GDP	7,972	8,348	8,685	9,047	9,440	9,880	10,336

Mr. NICKLES. Mr. President, I see my colleague from West Virginia. I am going to close the Senate unless he wishes to address the Senate. And he has declined, Mr. President.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF MARGARET MORROW

Mr. NICKLES. Mr. President, I ask unanimous consent that in executive session the majority leader, after consulting with the Democratic leader, may proceed to executive session for consideration of the nomination of Calendar No. 135, Margaret Morrow, to be U.S. district judge for the Central District of California.

I further ask consent that the nomination be considered under the following limitation: 4 hours for debate on the nomination, with Senator ASHCROFT in control of 2 hours, and the remaining 2 hours divided with Senator BOXER in control of 45 minutes and 1 hour 15 minutes equally divided between the chairman and ranking member.

Finally, I ask consent that following the expiration or yielding back of the debate time, the Senate proceed to a vote on the confirmation of the nomination, and that following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 10, 1998

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, February 10, and immediately following the prayer, the routine requests through the morning hour be granted.

I further ask consent that the time until 11 a.m. be equally divided between the proponents and opponents of the nomination of David Satcher to be Surgeon General.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 on Tuesday for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1601

Mr. NICKLES. I further ask unanimous consent that the cloture vote on the motion to proceed to the cloning bill occur at 10 a.m. on Wednesday. I also ask unanimous consent that on Wednesday the time from 9:30 until 10 a.m. be equally divided between the two leaders or their designees for debate on the motion to invoke cloture on the motion to proceed to the bill, S. 1601.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. On Tuesday, at 11 a.m. the Senate will vote to invoke cloture on the nomination of David Satcher to be Surgeon General. Under the agreement, if cloture is invoked, a second vote will occur immediately on the confirmation of that nomination. Therefore, Senators should be aware there may be two consecutive rollcall votes beginning at 11 a.m. tomorrow.

As a reminder, the cloture vote on the motion to proceed to the cloning bill will now occur on Wednesday at 10 a.m.

At 2:15 on Tuesday, February 10, it may be the majority leaders's intention to consider the nomination of Judge Massiah-Jackson. Therefore, votes can be expected to occur.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senatae, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Tuesday, February 10, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 1998:

CORPORATION FOR PUBLIC BROADCASTING

CHRISTY CARPENTER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE LESLEE B. ALEXANDER, TERM EXPIRED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 10, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider the nominations of Donald J. Barry, of Wisconsin, to be Assistant Secretary of the Interior for Fish and Wildlife, and Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation.

SD–366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement.

SD–430

10:00 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Regulatory Relief Subcommittee

To hold hearings to examine bankruptcy reform issues.

SD–538

Budget

To hold hearings to examine the fiscal relationship between the Federal government and State and local governments.

SD–608

Energy and Natural Resources

To hold hearings on S. 1069, to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, to establish an historic lighthouse preservation program, within the National Park Service.

SD–366

Finance

To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on proposals to protect spouses who file joint tax returns and are held responsible for the other spouse's errors.

SD–215

Foreign Relations

To hold hearings to examine implications of the Kyoto protocol on climate change.

SD–419

Select on Intelligence

To resume hearings on the constitutionality of Section 306 of S. 858 (Public Law 105-107) relating to the encouragement of disclosure of certain information to Congress.

SH–216

2:00 p.m.

Budget

To resume hearings on proposals to reform the national education system.

SD–608

2:30 p.m.

Select on Intelligence

Closed business meeting, to mark up proposed legislation relating to the disclosure of classified information to Congress.

SH–219

4:00 p.m.

Foreign Relations

To hold a closed briefing on possible target options in Iraq.

SD–415

FEBRUARY 12

9:00 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine adoption and foster care reform measures in the District of Columbia.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Winter D. Horton Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

Small Business

To hold hearings on proposals to reform the Internal Revenue Service.

SR–428A

Indian Affairs

To hold hearings on the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors and to redress the adverse health effects of tobacco use.

SR–485

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.

SR–222

Commerce, Science, and Transportation

To hold hearings on S. 1422, to promote competition in the market for delivery of multichannel video programming.

SR–253

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for the Education of the Deaf Act of 1986.

SD–430

2:00 p.m.

Budget

To hold hearings on unfunded private sector mandates.

SD–608

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on financing the Airport Improvement Program.

SR–253

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S.477, to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S.691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R.901, to preserve the sovereignty of the U.S. over public lands, and H.R.1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

SD–366

Foreign Relations

To hold hearings to examine the International Monetary Fund's role in the Asian financial crisis.

SD–419

FEBRUARY 13

10:00 a.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine the ramifications of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime.

SD–226

FEBRUARY 24

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR-253

Joint Economic
To hold hearings to examine the budget request for fiscal year 1999 for the International Monetary Fund (IMF).
311 Cannon Building

10:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD-226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD-430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD-366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD-226

FEBRUARY 25

9:30 a.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1999 for Indian programs.
SR-485

9:45 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the use of speciality forest products from the National Forests.
SD-366

10:00 a.m.
Judiciary
To hold hearings to examine incidences of high tech worker shortage and immigration policy.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD-226

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs' tribal priority allocations.
SR-485

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD-430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the antitrust division of the Department of Justice.
SD-226

MARCH 3

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 4

9:30 a.m.
Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget, and to mark up the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use; to be followed by a hearing on s. 1280, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996.
SR-485

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR-332

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

MARCH 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on sovereign immunity issues.
Room to be announced

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).
SR-485

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
Room to be announced

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR-485

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR-485

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

FEBRUARY 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

POSTPONEMENTS

FEBRUARY 11

10:00 a.m.
Judiciary
To hold hearings to review the national drug control strategy.
SD-226

SENATE—*Tuesday, February 10, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have shown us the power of an unreserved commitment. We prayerfully personalize the promise of the psalmist, "We commit our way to You, Lord. We also trust in You, and You will bring Your plans to pass. We rest in Your word, and wait patiently for You" (Psalm 37:5,7). In all the challenges of life, we've discovered that Solomon was right, "Commit your works to the Lord and your thoughts will be established" (Proverbs 16:3). Over and over again, You have responded to our commitment to solve problems by providing us with clarity of thought and ingenious solutions.

You have revealed that commitment is the key to opening the floodgate for the inflow of Your Spirit. It is as if You set all of the angels in heaven, all the people who serve You on Earth, and the confluence of circumstances to help us. Unexpected blessings happen; coincident events occur; people respond; and the tangled mess of details is untangled. Amazed, we look back to the moment when we gave up and You took over; when we let go and You took hold; when we rested in You and You replenished our strength. Lord, help us to commit ourselves, our problems, and our hopes and dreams to You. In the name of Jesus who prayed, "Father, into Your hands I commit My spirit." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, under a previous consent, the Senate will debate the motion to invoke cloture on the nomination of David Satcher to be Surgeon General until 11 a.m. At 11 the Senate will vote on the motion to invoke cloture on the nomination. Under the agreement that we reached last week, if cloture is invoked, a second vote will occur immediately on the nomination itself. Therefore, Senators should be aware that there may be two consecutive rollcall votes beginning at 11 a.m.

As under the order, from 12:30, then, to 2:15, the Senate will recess for the weekly policy luncheons to meet. Following the luncheons, the Senate may begin consideration of the nomination of Judge Massiah-Jackson to be U.S. District Judge for the Eastern District of Pennsylvania. Therefore, further votes can be expected to occur following the one or two votes at 11 o'clock.

Also, I want to give Senators a reminder that a cloture vote on the motion to proceed to the cloning bill will now occur Wednesday morning at 10 a.m. I thank my colleagues for their attention to this and I urge they pay particular attention to this cloning issue. The Senate needs to make a decision on whether or not we want to allow human cloning to go forward. There is a lot of concern about that. The President has indicated he is opposed to it and we need to take this issue up.

I urge the Senate to at least vote to go to debate on the substance of the bill itself. The cloture motion is on the motion to proceed. I think we ought to have a beginning of a full discussion about this, see where there are disagreements and where maybe we can come to agreements. If we do not do that, this process will be allowed and there are going to be serious, I think, scientific, medical, ethical and moral questions that are going to be left dangling in the wind. If Senators have additional ideas that they would like to offer in the form of amendments to this human cloning issue, that is the way we should proceed.

I urge the Senate to begin to pay close attention to this issue. The alternative is, perhaps, to do nothing, and I think that would be a very dangerous thing in this very important issue.

Mr. President, I see a Senator seeks recognition. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The PRESIDING OFFICER. Under the previous order, there will now be an hour debate, equally divided between the Senator from Vermont and the Senator from Missouri or their designees, prior to the cloture vote on the nomination of Dr. David Satcher of Tennessee to be Assistant Secretary of Health and Human Services and to be Surgeon General.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the nomination of Dr. David Satcher of Tennessee. I have listened to the debate. I have talked to Dr. Satcher about the issues involved. I am convinced that this is an outstanding appointment that the President has made. Whether you look at Dr. Satcher's history in terms of his commitment to his family, whether you look in terms of his commitment to his community, or whether you look in terms of his commitment to his profession, I believe he is an outstanding individual. From everyone that I have talked to, I have come away with that conclusion. Clearly there are some policy issues on which we disagree. I think we have one in terms of the debate on partial-birth abortion. Frankly, in looking at the issues and listening to the debate, I think that that is at the crux of the concern as far as Dr. Satcher's confirmation. I think a lot of these other issues are collateral issues.

I have talked to him about this. I am a strong supporter of the ban on partial-birth abortions. I think there is no justification whatsoever for that onerous procedure. And, in response to questions on this issue, Dr. Satcher has said:

> While I support the concept of a ban on late-term abortions, like the President I feel that if there are risks of severe health consequences for the mother then that decision should not be made by the Government, but by the woman in conjunction with her family and her physician.

Again, he supports the concept of a ban on late-term abortions but he believes there should be more thought given to the situation of severe health consequences for the mother. I understand what he is talking about. Personally, I have concerns about that exception and its potential for abuse. Without getting into that whole debate again, I can simply say I disagree with the President's position on that issue. However I have discussed this issue with Dr. Satcher and I have read what he has written in response to questions on this issue. I am satisfied he does not intend to use the position of Surgeon General to advocate or promote abortion in any way. In fact, he said:

> Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans and not divide them.

He went on to say:

> If I am confirmed by the Senate I will strongly promote a message of abstinence and responsibility to our youth which I believe can help to reduce the number of abortions in our country.

This is the commitment that he has made. Many of us have been concerned in times past that this particular position of Surgeon General would be used as a bully pulpit by individuals to promote policies that are contrary to the best interests of this country. I think it has been done in the past. I do not feel that Dr. Satcher will do this. I think he has a good concept of the good that can be done in this job. I think he understands the terrible problems that our young people have. I think he sees an opportunity to do some good for these young people. Everything in his history indicates that that would be his attitude in approaching this position, and I believe him when he says that and I respect his position on that.

I believe that, generally speaking, a President has the right and should have the right to appoint the kind of nominees, the kind of people he wants to these positions. I believe that, whether the President is a Democrat or a Republican. There are some situations where the positions or the background is so out of the norm, out of the mainstream, that we as a confirming body have to take a contrary position to that of the President. I think those situations ought to be rare. I have considered Dr. Satcher's record. I do not see anything in his record where that particular result on our part should obtain.

Unfortunately, I think sometimes in these confirmation debates we have a policy problem with the President, or we have a policy problem with the individual who the President nominates. But, instead of concentrating on that policy problem we begin to look for other things that we perhaps could use against this nominee. I think we get into, then, issues sometimes of credibility and veracity and character and things like that that, frankly, I think is unfortunate. I think it has happened on both sides of the aisle with regard to nominees from both sides of the aisle in times past.

I think we would be well served to keep our eye on the ball. Let's look at the history of this particular individual. I don't think anybody can question his character or his veracity or his commitment to his profession. We have a policy issue here. We need to address whether or not the fact that he supports the President, as all the President's nominees for any position that comes up are going to do—whether or not his support for the President in this case is sufficient to disqualify him for this position. I think the answer to that is no. I think he will be a good Surgeon General.

He does happen to be a Tennessean. That does not disqualify him either, in my estimation. And therefore I respectfully submit this gentleman should be confirmed.

I thank the Chair for the opportunity to speak this morning. I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who seeks time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be allotted equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I rise to speak against the confirmation of Dr. David Satcher, and I allocate myself so much time as I may consume, but I ask that I be notified when 8 minutes have expired.

The PRESIDING OFFICER. The Chair will notify the Senator at that point.

Mr. ASHCROFT. Thank you very much.

Mr. President, we live in an information age. We have come to a conclusion and an understanding of an important fact, which is that those individuals who control information and have information are in a position to make good decisions. And, as a matter of fact, the basis of good decisions really determines the outcome of arguments and determines the strategy that will be developed, determines the course of a nation. No one is able to make good decisions without good information. In the computer world, it is put this way: Garbage in, garbage out. If you don't have good information going in, you don't get good information coming out. It is that simple and easy to understand.

It works with computers; it also works with the U.S. Senate. If we don't get good information, we can't make good decisions. If we don't get accurate information, we can't make the kinds of decisions the people expect us to make in this office.

There are a variety of issues which have characterized the debate as it relates to the potential confirmation of Dr. David Satcher: issues relating to the New England Journal of Medicine's conclusion that the African AIDS studies were unethical and that they were improper; issues relating to the study of newborns and the transmission of AIDS from mothers to their children in the United States; the maintenance of an experiment that left the identification of the children unknown long after we had therapy that would have been available to them if we just identified the children by virtue of the blood samples.

We have had the issue of both of those AIDS studies. We have had the issue of partial-birth abortion. We have had the issue about needle exchanges. We have had issues raised in this Chamber about the Accident Prevention Center at the Centers for Disease Control, that center which is so focused, in some respects, on guns and their impact on the lives of Americans. It has been an issue because there has been a suggestion that guns, in some respects, qualify as a disease and has become something that we should address in the Congress. I personally don't believe that the second amendment to the United States Constitution, which guarantees the opportunities of individuals to have guns, is a disease. I think it is a valuable right for this country, and it is one we ought to cherish.

But in all of these issues, the ability of the Congress to make good decisions, the ability of the Senate, specifically, to make decisions about a confirmation depends on the reliability and availability of the information.

There are some troubling aspects about the unavailability and the unreliability of information that have characterized the information flow in this confirmation proceeding. The Centers for Disease Control seems to have felt that it could selectively provide information regarding the controversial AIDS study in Africa, the study which the New England Journal of Medicine criticized because people were given sugar pills, or placebos, at a time when there was a known therapy. And it is pretty clear that when there is a known therapy, medical ethics say you are not allowed to give people just sugar pills and send them on their way, watching them die.

The New England Journal of Medicine took the Centers for Disease Control to task over this. The Centers for Disease Control was asked about it by my office and by others, and a meager stream of information came out.

I hold in my hand today a report of May 22, 1997. This report has yet to be delivered to me by the Centers for Disease Control but came into my possession from a third party who had gotten this report through a Freedom of Information Act demand last year. It seems to me that when we ask for information like this, the Members of the Senate ought to be accorded at least the courtesy of the information being provided, but when we read the report, it may well be that it is the nature of the report, it is the content of the report that makes it difficult for them to want to share it with the Senate.

Paragraph No. 3 says:

> Whether the use of a placebo in this study is ethical.

So they are still debating 3 or 4 years after the start of this study serious questions at CDC about whether what they are doing is ethical, the way they are treating individuals in these African trials. I personally agree with the New England Journal of Medicine that to treat people as if they are laboratory subjects and not as human beings, to give them placebos when it is known that the HIV virus ultimately is fatal is unethical.

But what is important here is, and I quote the language:

> This concern is because a placebo-controlled trial in the United States would be unethical.

Here you have a document from the Centers for Disease Control admitting that for us to do this in the United States to the citizens of the United States would be unethical. I think that is substantial. For me, human beings are indivisible. It says in our Declaration of Independence, we are endowed by the Creator with certain inalienable rights. We don't have superior standing in terms of ethics and expectation because we happen to live in the United States. This flat statement by those in authority at the Centers for Disease Control reporting on this randomized placebo-controlled study in Africa flatly states that a placebo-controlled trial in the United States would be unethical.

I find the unavailability of this kind of report to the U.S. Senate in a confirmation process to be troublesome. I think we have a right to be asking for good information. I think absent good information we won't make good decisions.

If this were the singular situation in which there had been the absence of information in this confirmation hearing, I might say, "Well, gee, they have a lot of things and perhaps this is to be overlooked. This must have been an error." But early in the debate, needle exchange programs and the support by Dr. Satcher of such programs were raised. Several Senators came to the floor saying he has never supported a needle exchange program; he would never support federally funded needle exchange programs.

We asked for information from the CDC about that. We only got the information, frankly, after we had the leader intercede to give us information. When it came, it did show that there was a report from CDC that said that they approved of and thought reasonable and appropriate substantial Federal funding for needle exchange programs.

But even—I thank the Chair for the 8-minute warning. I allocate myself 5 minutes additional.

So there was a report that said the CDC itself supported substantial Federal funding for needle exchange programs. That is where you give dope addicts needles so that they can shoot up the dope and have less opportunity to be contaminated by a dirty needle.

But what was strangely missing, uniquely missing, was the fact that Dr. Satcher had written a cover letter to the report endorsing the report. When I asked for the information, it wasn't forthcoming. Finally, when we insisted, they sent the report, but they didn't send the cover letter of Dr. Satcher. That had to come from collateral sources that we were able to generate.

Stonewalling is a problem in Washington, and it is inappropriate to think that we can fail to tell the truth in this city and have the kind of Government that Americans deserve. It is a problem in a variety of settings, but it is a problem as it relates to the U.S. Senate and to this confirmation hearing.

Additionally, I asked in my exchanges with the CDC whether or not they ever funded conferences that promoted clean needles, and they said no. They even sent documents showing that there were certain conferences devoted to clean needles which they declined to fund. But then later we find that there are documents, as the agenda of conferences, that reveal the cosponsorship of the Centers for Disease Control and other so-called health agencies that are designed exclusively for the purpose of clean needles. The name of the conference was "Getting the Point"—the needle point.

We can debate needle exchange programs. There are very serious ethical problems in providing dope addicts with clean needles. What is a young person to think when the junkie comes up and says, "The Government provides us with these clean needles." Must be OK to use dope, to have tax dollars spent by Americans to provide clean needles to dope addicts so that they can focus their activities and operate safely to inject drugs. The folks who pay taxes in those neighborhoods where the clean needles are distributed must wonder about the commitment of their Government to protect them rather than to provide a safe haven for drug users.

But this is a disturbing set of circumstances, where we simply have an absence of information as a result of a stonewall on the part of the administration, and I believe that those who provide that approach are not the kind of individuals who ought to be trusted with the responsibilities of Government.

I believe an individual who supports needle exchange programs, who would accommodate drug use instead of seeking to curtail drug use, who thinks that the problem is dirty needles instead of the addiction to heroin, is not the type of person who ought to be leading our culture as it relates to drug policy or health policy.

I believe that the absence of information and the willingness to stonewall and not provide information does not characterize the way in which we would want to deal with our own doctors, our family doctors, and certainly would not characterize the way we would expect the family doctor of the United States of America to deal with us.

It is in that respect that I think we understand that the absence of information keeps us from making good decisions—garbage in, garbage out. And when the agency decides to provide to the U.S. Senate, selectively, information which reinforces what it wants us to know, but withhold information about things that it hopes we do not find out, we should not reward that kind of behavior, that stonewalling, if you will, that absence of truth, that selective revelation of what they want us to know but not what we need to know. We should not reward that with confirmation.

There is an epidemic in Washington, DC, of bureaucracy that feels like it can tell people only what they think the people want to know. It is because there are those in the bureaucracy who feel they know so much better than the people. But that is contrary to the values of America.

The real value of America is not that the values of Washington, DC, be imposed on the people. The genius of this democratic republic is that the values of the people would be imposed on Washington, DC. For the values of the people to be understood, they have to be recognized and accorded dignity and respect, and they have to be formed in the context of information which is complete and thorough.

Mr. President, I reserve the remainder of my time.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Tennessee has 18 minutes remaining. The Senator from Missouri has 10 minutes 41 seconds.

Mr. FRIST. Mr. President, I rise in strong support of the nomination of Dr. David Satcher for the positions of Surgeon General and Assistant Secretary for Health. Dr. Koop called the position of Surgeon General "a high calling, with an obligation to interpret health and medical facts for the public." "A high calling"—a high calling because one subjects oneself to all sorts of accusations, in portraits painted that may not quite be accurate. In fact, sometimes they may be false and sometimes misguided and certainly misleading. Therefore, I would like to focus my comments over the next several minutes on debunking some of the accusations we have heard on the floor over the past week, one by one.

No. 1, Dr. Satcher's position regarding abortion. Let me say at the outset that I strongly support the ban on partial-birth abortions passed by this Congress, vetoed by the President. I questioned Dr. Satcher about his agreement with the President's position. Let me say that in talking with him, the issues of partial-birth abortion deeply trouble Dr. Satcher. He has said both to me and in writing to this committee that he supports the ban of this procedure in concept, but he stops short of Federal legislation when the health of the mother is involved.

I do not agree with the President's position or Dr. Satcher's agreement with the President. In a letter of October 28, he wrote me the following, which is reassuring to me. It says:

> Let me state unequivocally that I have no intention of using the positions of the Assistant Secretary for Health and Surgeon General to promote issues related to abortion.

He continues:

> I share no one's political agenda. And I want to use the power of these positions to focus on issues that unite Americans—not divide them.

He continues:

> If I am confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country.

If you look over Dr. Satcher's past—not an agenda we want to impose on him, but his past—over the last 25 years, he has never made abortion a part of his agenda in promoting the public health. And, as you look forward, using the words that I just quoted, he has made the statement that abortion is not going to be a part of his agenda in the future.

No. 2, AZT trials in Africa and Asia. I have talked about this on the floor, but let me just very briefly say that today, actually over the course of the day, 1,000 HIV-infected babies will be born in developing countries. These babies will go ahead and, unfortunately, die.

The goal of the studies that have been carried out, proposed, and are under discussion, was to find a way to stop transmission of that HIV virus from HIV-infected pregnant women to their children. You do not do that—you do not do that—by studying Western-style, prohibitively expensive technology impractical in developing countries. Western-style medicine that requires intravenous administration, repeated visits back to the physician or to the clinic, because there is absolutely no chance that that sort of therapy can be applied in the developing countries where the goal is to prevent transmission.

That is the goal of the study—not to make us feel good, not to prove that the therapy works for the United States or England or France—but to decrease transmission in those countries. And you do not do that by eliminating an arm of the study that includes the current standard of care. We are blessed in this country where the standard of care is not a placebo or doing nothing. Unfortunately, in Africa—and I was just there 3 weeks ago—the current standard of care is no therapy. That has to be an arm of the trial when you are looking at a new intervention.

I am absolutely convinced, as a physician, as a clinical researcher, that the trials in Africa met the institutional, the national, and the international ethical standards as defined today.

These studies came in 1994. The World Health Organization recommended that studies be done to test the safety and efficacy of this short-term AZT therapy which had the potential of helping developing countries. In fact, I would argue that it would be unethical to take a Western-style therapy that can only be applied in countries that have the technological advances, that can have repeated visits, that have the money, it would be unethical to take that and experiment on a population that could not potentially benefit from that in the future.

Third issue. Federal funding of needle exchange programs and educational conferences has come up again and again and again. Dr. Satcher will very simply—talking about the man; no programs and documents coming from here and there; talking about the man—Dr. Satcher, the man nominated, has never advocated, has never supported taxpayer-funded needle exchange programs for drug abusers. Let me repeat, Dr. Satcher has never advocated or supported taxpayer-funded needle exchange programs for drug abusers.

Dr. Satcher, furthermore, in both written and oral conversations, believes strongly that we should never do anything to advocate the use of illegal drugs.

Mr. ASHCROFT. Would the Senator yield?

Mr. FRIST. Let me run through this in the interest of time.

No. 4, research on guns. The CDC National Center for Injury Prevention and Control has been criticized by some for supporting grantees with an alleged bias against guns as we look at violence. These studies have been carried out.

Again, I have talked to Dr. Satcher personally and discussed, in my office, this issue. I brought up at that time the fact that raw data had not been made available from a study published in the New England Journal of Medicine, that it should be made public. And I am actually very pleased that the raw data is now available on the Internet for everybody to see. I appreciate his rapid response.

Fifth issue. Dr. Satcher has been accused of secretly conducting blind HIV studies on newborn babies and sending them home infected without treatment. Not true. Not true. It makes for great sound bites, and it catches the people's imagination, but it is simply not true.

Again, look at what happens. The big issue is what is the incidence at the time? What is the incidence? What is the prevalence of HIV infection in your community? How would you find that out today?

Well, the study that was actually carried out was that samples were obtained that had been discarded, set aside from clinics and from hospitals, all done once again with ethical standards of the time, and tests were done on that blood to see what the underlying incidence was. Yes, they were not labeled. In fact, all of the personal labeling had been stripped from the discarded samples. Why? Because of the privacy of those individuals.

Another point that has not been mentioned is that each of these clinics, each of these hospitals who participated in this baseline study to see what the incidence of HIV infection is, had at the time offered voluntary HIV counseling and testing at every site where this study took place. Therefore, each and every woman did have the opportunity to learn her HIV status.

Those are the issues that have come forward. Let me just briefly say, in Dr. Satcher's own words, because we have tended to look at all these other issues—I think we need to look at his past, his principles, and his agenda. What is his agenda? His agenda is—and I quote—

> As Surgeon General, I would strive to provide our citizens with cutting-edge technology in plain old-fashioned, straight talk. Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people.

He continued, as he looked forward in his vision:

> My goals as Assistant Secretary for Health and Surgeon General are to be an effective adviser to the Secretary by providing sound medical, public health and scientific advice as appropriate. I want to bring more attention, awareness and clarity to the opportunities for disease prevention and health promotion that are available to individuals, to families, to communities in this country. I want to help make the health of children and youth a greater priority for the Nation and serve as a positive and inspirational role model to them.

Personal responsibility and prevention, that is Dr. Satcher's agenda for the future.

Dr. Satcher has dedicated his career to public health. He is well qualified to lead the U.S. Public Health Service and its commissioned officers to meet these worthy goals. I urge my colleagues to support the vote which will take place in a few minutes, the cloture vote, and to support Dr. Satcher as the next Surgeon General.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, the position of Surgeon General was created in 1870 and played a vital role in fighting infectious diseases and other threats to public safety. Communicating with the American public about the health of their families and communities is probably the most important responsibility of a Surgeon General. This person serves as our nation's chief spokesperson for public health. This is the bully pulpit from which we may be lead down the path to a strong, healthy, and productive society.

After nearly eight years of dormancy, President Reagan recognized the importance of a national health leader in 1981 and revived the position of Surgeon General with the nomination of Dr. C. Everett Koop. At the time, this too was a very controversial nominee, but the Congress and nation grew to deeply respect his leadership. Dr. Koop and his successors made tremendous strides in educating the public about the spread of AIDS, the prevalence of domestic violence, and the need to control out-of-wedlock births. There should be no doubt that Dr. David Satcher will continue this legacy.

This critically important post has been vacant for three years and our nation does not have anymore time to spare. The longer the Senate delays this appointment, the greater the lost opportunity to improve public health. For example, there is a developing consensus across the nation about the need to reduce teen smoking. Three thousand children become permanent smokers every day. We need a Surgeon General in place to spearhead a national strategy to meet the challenge of teen smoking.

Mr. President, I have listened to a lot of the debate on this nomination. I want to offer my support to Dr. Satcher and highlight some the experiences and qualities that make him the right person for this position.

Dr. Satcher is a physician, a scholar, and a public health leader of national stature. His almost uniform endorsement by the medical, business, and education communities are a testament to the respect which Dr. Satcher's work has earned him. I ask unanimous consent that a list of more than 120 of the nation's medical associations, allied health groups, businesses, and educational institutions that have also endorsed Dr. Satcher be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ENDORSEMENTS OF DR. DAVID SATCHER

(as of November 24, 1997)

MEDICAL ASSOCIATIONS

American Medical Association.
American Academy of Family Physicians.
National Medical Association.
National Hispanic Medical Association.
Tennessee Medical Association.
American Academy of Child and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association of Clinical Endocrinologists.
American Association of Neurological Surgeons.
American Association of Public Health Physicians.
American College of Chest Physicians.
American College of Emergency Physicians.
American College of Gastroenterology.
American College of Nuclear Physicians.
American College of Obstetricians and Gynecologists.
American College of Occupational & Environmental Medicine.
American College of Physicians.
American College of Preventative Medicine.
American Dental Association.
American Gastroenterological Association.
American Medical Group Association.
American Medical Women's Association.
American Osteopathic Association.
American Psychiatric Association.
American Society of Cataract and Refractive Surgery.
American Society of Clinical Pathologists.
American Society of Internal Medicine.
American Society of Pediatric Nephrology.
American Society for Reproductive Medicine.
American Society for Transplant Physicians.
California Medical Association.
College of American Pathologists.
Congress of Neurological Surgeons.
Interamerican College of Physicians and Surgeons.
Mississippi State Medical Association.
Society of Nuclear Medicine.
Society of Thoracic Surgeons.

NURSES

American Nurses Association.
American Association of Nurse Anesthetists.
National Black Nurses Association.
Emergency Nurses Association.

HOSPITALS

American Hospital Association.
InterHealth.
National Association of Public Hospital and Health Systems.
National Association of Children's Hospitals.
The Hospital and Health System Association of Pennsylvania.

PHARMACEUTICAL COMPANIES

Merck.
Smith Kline Beecham Pharmaceuticals.
Zenecca Inc.
Wyeth-Lederle Vaccines and Pediatrics.

BUSINESSES

American Airlines.
American Association of Health Plans.
American Greetings.
Avon.
Community Health Resources, Inc.
Ford.
National Pharmaceutical Association.
Phoenix Healthcare Corporation.

ACADEMIC HEALTH CENTERS

Association of American Medical Colleges.
Charles R. Drew University of Medicine & Science, Los Angeles, CA, Dr. W. Benton Boone.
Harvard University Medical School, Cambridge, Massachusetts, Dr. Julius B. Richmond.
Meharry Medical College.
Morehouse School of Medicine, Dr. Louis W. Sullivan.
Rollins School of Public Health of Emory University.
Vanderbilt University Medical Center.
University of California, School of Medicine, San Francisco, California, Dr. Phil Lee.
University of Washington School of Public Health and Community Medicine.
University of Pittsburgh Graduate School of Public Health.
University of North Carolina School of Public Health, Chapel Hill, NC, Dr. William L. Roper.

CHILDREN'S GROUPS

Children's Defense Fund.
The Children's Health Fund.

ALLIED HEALTH GROUP

AIDS Action Council.
American Cancer Society.
American Diabetes Association.
American Dietetic Association.
American Lung Association.
American Public Health Association.
Association of Schools of Public Health.
Association of Maternal and Child Health Programs.
Association of State and Territorial Health Officials.
Coalition for Health Funding.
Council of State and Territorial Epidemiologist.
Intercultural Cancer Council.
National Association of County and City Health Officials.
National Association for Public Health Policy.
National Family Planning and Reproductive Health Association.
National Black Child Development Institute.
National Association of People With AIDS.
National Mental Health Association.
National Osteoporosis Foundation.
National Task Force on AIDS Prevention.
Partnership For Prevention.
Society for Public Health Education.
U.S. Department of Health and Human Services Hispanic Employee Organization.

EDUCATION

Bethune-Cookman College, Daytona Beach, Florida.
Claflin College, Orangeburg, South Carolina.
National Alliance of Black School Educators.
Voorhees College, Denmark, South Carolina.
West Virginia State College, Institute, West Virginia.
Mississippi Valley State University, Itta Bena, Mississippi.
Coppin State College, Baltimore, Maryland.
St. Paul's College, Lawrenceville, Virginia.
South Carolina State University, Orangeburg, South Carolina.
Langston University, Langston, Oklahoma.
Paine College, Augusta, Georgia.
Texas Southern University, Houston, Texas.

Tuskegee University, Tuskegee, Alabama.

University of the District of Columbia, Washington, DC.

DISABILITY GROUPS

March of Dimes Birth Defects Foundation.

National Multiple Sclerosis Society.

YOUTH GROUPS

College Democrats of America.

FRATERNITIES AND SORORITIES

Alpha Phi Alpha Fraternity, Inc.

Phi Beta Sigma Fraternity, Inc.

Zeta Phi Beta Sorority, Inc.

Delta Sigma Theta Sorority, Inc.

WOMEN'S ORGANIZATIONS

Joint Action Committee for Political Affairs.

National Black Women's Health Project.

National Asian Women's Health Organization.

National Breast Cancer Coalition.

Women's Legal Defense Fund.

SENIOR GROUPS

National Council of Senior Citizens.

RELIGIOUS GROUPS

Ray of Hope Christian Church.

Shiloh Baptist Church of Washington.

Southern Christian Leadership Conference, Joseph Lowery.

CIVIL RIGHTS GROUPS

Dr. Martin Luther King, Jr., Commemoration Commission.

National Association for the Advancement of Colored People.

National Urban Coalition.

LAW ENFORCEMENT GROUPS

American Correctional Association.

National Association of Blacks in Criminal Justice.

National Organization of Black Law Enforcement Executives.

OTHER

Family Violence Prevention Fund.

INDIVIDUALS

Sister Mary Alice Chineworth, OSP.

Ms. MOSELEY-BRAUN. There can be no doubt that Dr. Satcher is eminently qualified to be Surgeon General. He has spearheaded successful public health improvements at each stage of his career. As director of the Centers for Disease Control, he lead four important advancements in public health which distinguished his tenure there.

Under his leadership, childhood immunization rates have risen to a record 78 percent. Vaccines have become more affordable and vaccine-preventable childhood illnesses have fallen to the lowest level in history.

All states now participate in the special breast and cervical cancer screening program due to Dr. Satcher's leadership. When he became CDC director in 1993, only 18 states were participating in this program. In almost two-thirds of the nation, women were excluded from this early outreach and cancer detection program. Today, more than one million women are receiving cancer screening tests and 21,000 cases of treatable cervical cancer have been identified. This is the result of Dr. Satcher's leadership.

Further, he led the development of a comprehensive strategy to combat infectious diseases. Recent outbreaks of *e. coli* and other bacterial infections, as well as the reemergence of malaria and cholera, have raised national awareness. Dr. Satcher brought networks of physicians and clinics together to monitor emerging diseases and formed an innovative seven-state surveillance program.

Finally, Dr. Satcher also developed an early warning system to respond to outbreaks of food-borne illnesses. Food safety is clearly one of our nation's most important issues, particularly so given the increasing globalization of trade. As more imported foods products find their way to Americans' dinner tables, having a strong food safety systems in place will be vital. Thankfully, the early warning system established by Dr. Satcher was in place last year to catch salmonella contaminated alfalfa sprouts and *e. coli* contaminated lettuce and apple cider which might have caused a public health tragedy.

These are just four examples of improvements in public health Dr. Satcher has achieved during his tenure as CDC director. These are the types of results and initiatives that Dr. Satcher would continue to work towards in his role as Surgeon General and Assistant Secretary of Health.

Concerns have been raised during this debate about Dr. Satcher's limited involvement in controversial HIV/AIDS studies in Africa, Asia, and the Caribbean. I share many of these concerns and wrote to the President in this regard in April of last year. Subsequently, I discussed these concerns at length with Dr. Satcher and others in the scientific community. They advised me that, useful medical research and clinical trials in developing countries often pose special challenges. The resources available to people of developing worlds are not comparable to resources available to individuals in this country. Even though I strongly disagree with their conclusions, I understand scientists' belief that we may need to balance our research standards in this country with the public health needs in developing nations.

This issue poses a debate concerning medical ethics which is yet unresolved in the scientific community. We can certainly not expect to resolve it with this nomination process. Dr. Satcher's position on these studies is not central to whether he would serve the nation well as Surgeon General. We can have the professional disagreement over the merits of the HIV studies, but the defining question should be whether this individual, is qualified for the challenges of the position. I believe unequivocally, that Dr. Satcher has that ability, the experience, and commitment to be an excellent Surgeon General.

It is reasonable for many of us to have various disagreements with nominees for executive branch posts. This ability to voice opposition and debate ideas is what makes our democracy great. At the end of the day, however, reason should prevail. The President has done the country a service by nominating such an outstanding candidate. Dr. Satcher is qualified to be Surgeon General and would be the first family physician to hold the post. What better person to be the nation's doctor? I hope that my colleagues will join me in supporting his confirmation.

Mr. BOND. Mr. President, I have observed the debate over the nomination of Dr. David Satcher over the past couple weeks. It has been a very productive, yet intense, discussion which has raised some critical questions.

Today, there is an unmistakable need for a capable individual to fill the position of United States Surgeon General—a position which has been vacant for over three years. Marked increases in smoking and substance abuse by our nation's youth, combined with the continuing plague of disease such as heart disease, cancer, diabetes, and others, have made it imperative for the nation to have access to advice that is both scientifically accurate and trustworthy.

The person who occupies the Surgeon General's Office is our Nation's number one doctor and public health leader. Kids around the country will seek and heed the advice of the Surgeon General, and for this reason alone, thorough scrutiny of Dr. Satcher's qualifications and views is well-placed.

Dr. Satcher has proven that he is an effective leader. Under Dr. Satcher's direction of the Centers for Disease Control and Prevention, child immunization rates have increased from 52 percent to a record 78 percent. As a result, vaccine-preventable childhood diseases are at record lows. Dr. Satcher also has led CDC's efforts to strengthen our nation's defenses against infectious diseases and food-borne illnesses. These are just a couple of significant results that have been achieved under Dr. Satcher's guidance.

Despite Dr. Satcher's remarkable credentials and achievements, there have been some questions raised by my colleagues concerning his positions on partial-birth abortion and gun control. I have known and worked with Dr. Satcher on numerous occasions, especially in the area of birth defects prevention. In fact, I just met with him last week to discuss these grave concerns that have arisen since his nomination. Dr. Satcher has personally assured me that he will rely on science, instead of politics, to influence his decisions—thereby preserving the independence of the Office of the Surgeon General.

Let me make it clear. I will continue the battle to ban partial-birth abortion, and have consistently voted to prohibit federal funds for abortion. In addition, I have consistently fought efforts to restrict the ability of law-abiding citizens to purchase and own firearms.

Dr. Satcher has exemplified the utmost dedication, ability, and professionalism throughout his distinguished career. I am satisfied that he will continue to operate in this manner as Surgeon General of the United States. We may not agree on all issues, but I have the utmost confidence in his character and ability to serve with distinction. Dr. Satcher is a strong choice for this position, and I look forward to witnessing Dr. Satcher's efforts to preserve the independence of this office.

With an issue as important as our nation's health, which rises far above partisan politics, I am confident that Dr. Satcher will serve America well.

Mr. KYL. Mr. President, I do not doubt Dr. Satcher's competence as a physician, scholar, and medical researcher. However, serious questions on two important issues have arisen during Senate debate on his nomination to be U.S. Surgeon General.

I am concerned about Dr. Satcher's position on partial birth abortion. The vast majority of Americans (84 percent, according to a 1996 Wirthlin poll), a majority of the Senate and U.S. House, and the American Medical Association support banning partial birth abortion. Former Surgeon General C. Everett Koop has said that there is "no way to see partial birth abortion as a medical necessity * * *" It is clear that Dr. Satcher's view on this controversial procedure is out of the mainstream of public and medical opinion. Since Dr. Satcher is apparently willing to subordinate mainstream medical judgment to politics in this instance, I have concerns that he may do so on other important health issues as well.

I am also troubled that, as administrator of the Centers for Disease Control, Dr. Satcher approved a questionable medical research project in Africa and Asia. The researchers gave one group of HIV-infected pregnant women placebos while another group received AZT, a drug known to decrease by 67 percent the probability that the unborn children would be infected by the HIV virus. A September 18, 1997 editorial in the New England Journal of Medicine concluded that this research was "unethical."

The editorial explains that the reason the code of medical ethics is unambiguous with regard to the investigators' primary responsibility to care for the human subjects of scientific testing "is due to the strong temptation to subordinate the subjects' welfare to the objectives of the study." The editorial concludes that the "research community must redouble our commitment to the highest ethical standards, no matter where the research is conducted."

As the "nation's doctor," the U.S. Surgeon General should embody the highest professional and ethical standards. He or she should clearly reflect the views of a majority of Americans and the medical community. Because Dr. Satcher's views on these two issues raise doubts in my mind—and because, after three years without a Surgeon General, it is unclear whether the position is necessary—I have decided to resolve my doubts against his confirmation. If the president strongly believes the country needs a Surgeon General, I am sure there are thousands of well-qualified candidates whose nominations would not raise these issues.

Mrs. MURRAY. Mr. President, I come to the Senate floor today to express my frustration and concern with the opposition to the nomination of Dr. Satcher as the new Surgeon General and Assistant Secretary for Health. I will not reiterate what has been said here today about Dr. Satcher's outstanding credentials or his outstanding work as head of the Centers for Disease Control. This has been well documented. I do not wish to lengthen the debate any more than necessary. Dr. Satcher is an ideal candidate who should already be serving the American people as our Surgeon General.

I come here today to unmask some of my Colleagues who are attempting to further delay the nomination of Dr. Satcher to advance their own political agenda. They are not opposing him because his is not qualified, but rather because he stands with the President, and the Supreme Court in defense of a women's right to adequate medical care that protects her life and health.

What my Colleagues on the other side are attempting to do is to ask a nominee for the position of Surgeon General to disregard the law and acceptable medical practice. This is what the debate is about.

I have heard and read other concerns expressed by opponents, but interestingly enough these issues were not debated at any great length during the Committee process. This would have been the opportunity to air these other issues or concerns. Instead they chose to block the nomination on the floor all because Dr. Satcher believes in protecting the health and life of women. They are trying to do what they could not and would not do in the Labor and Human Resources Committee. They did not have the votes.

I have listened to many of my Colleagues come to the floor as champions of women's health care. I see bill after bill being introduced in the Senate, all in the name of protecting or improving women's health. But, when it comes to really protecting women's health many of these same Senators are silent or stand in direct conflict with what is good for women's health.

Women's health is not just about breast cancer or cardiovascular disease. We all know that these are important women's health concerns and issues, but women's health also includes reproductive health. Dr. Satcher recognizes this fact and realizes the importance of standing for women's health.

In addition to the reproductive health issues involved here today, I think I should remind many of my Colleagues that we need a Surgeon General and we need one now. The American people need someone who they can trust and depend on as they try to negotiate through a more complicated and frustrating health care delivery system than any of us ever envisioned. We need someone who will talk to us about health care and access to health care, especially prevention services. While there is little consensus on what reforms or changes need to be made in the way our health care system currently delivers care, the one thing that we all can agree on is consumers need more information that speaks to their needs and concerns. It is no wonder so many of my constituents are concerned about the increasing role of non medical personal in making their health care decisions. Who else is out there talking to consumers, besides insurance companies?

For those of you so concerned about women's health, keep in mind that women are the true health care consumers in most American families. They pick the family doctor; they take care of the sick child; they make the doctors appointments for the aging parent; and they worry the most about lack of information available to make informed decisions.

Let's end this debate and move to vote on the nomination of an outstanding doctor to be our new Surgeon General. We all know that there will be another day to debate the issues surrounding late term abortions. This has become an annual event so we do not need to delay the nomination of Dr. Satcher simply to have yet another debate on late term abortion.

Mr. INHOFE. Mr. President, I rise today in opposition to the nomination of Dr. David Satcher to the position of Surgeon General of the United States. In my view, Dr. Satcher represents many of the problems undercutting the moral fabric of American life. Too many, including myself, Dr. Satcher is outside the mainstream of public opinion.

I understand that Dr. Satcher is a remarkable man, with many years of distinguished service as a doctor. My position on his nomination does not stem from his history of service or his qualifications. Rather, my opposition comes from the ideals that Dr. Satcher represents. It is unfortunate that the office of the Surgeon General, America's family doctor, has become politicized. Due to this increasing political role, Dr. Satcher remains unfit to fulfill the position of Surgeon General. As head of the Center for Disease Control and Prevention, Dr. Satcher's actions and decisions have wandered into the political arena time and again.

Dr. Satcher has publicly supported the President's position on partial-birth abortion. His position is completely at odds with over 80% of the American public and the America Medical Association. The AMA has said that there is never any medical circumstance where this particular procedure should be used to terminate a babies life. I find the elitism and arrogance of Dr. Satcher on this issue completely irresponsible. When asked by the Labor and Human Resources Committee about his support of the President's position, Dr. Satcher re-affirmed his support for this procedure. I need not remind my colleagues the description of this outrageous procedure. Even Senator DANIEL PATRICK MOYNIHAN, an abortion rights supporter, has termed this procedure "infanticide." Continued support for this barbaric procedure borders on the ridiculous.

Dr. Satcher also has apparently adopted the opinions of his predecessor, Dr. Jocelyn Elders, on many sensitive cultural issues as well. As head of the CDC, Dr. Satcher has endorsed the distribution of condoms to our children in public schools. This is Dr. Satcher's way of teaching our kids how to deal with problems like teen pregnancy and AIDS. Mr. President, I must say I am appalled at this blatant attempt at undermining the concept of abstinence as the best form of disease prevention and birth control. Are we truly teaching children responsibility by providing them with condoms in their classrooms?

Dr. Satcher also supports using taxpayer dollars to promote this dangerous agenda. In 1994, Dr. Satcher began an $800,000 national advertising campaign aimed at out nation's youth promoting condom usage. This was all done in the name of AIDS prevention. I find this egregious use of precious resources disturbing. By promoting condom usage, we are simply encouraging our children to become sexually active. I understand the issue of responsibility, however, I have never heard the word abstinence associated with Dr. Satcher. To me, abstinence is truly the responsible way to prevent unwanted pregnancies and AIDS.

It is interesting to that note Dr. Satcher's view of responsibility is convenienent when it conforms with his political beliefs, when in reality his actions often appear to be irresponsible from both a moral and scientific point of view. I say this because much has been made recently of Dr. Satcher's morally questionable African HIV study. As we have all become aware, as head of the CDC, Dr. Satcher approved of research conducted in Africa and Asia that called for a groups of HIV positive pregnant women to receive placebos (sugar pills), without their knowledge, while others knowingly received valuable lifesaving medication (AZT). Those receiving the placebo served as the control group and those receiving the medication the study group. All this, despite the fact that it was known that AZT decreased by ⅔ the likelihood that the disease would be transmitted from the mother to the child.

This experiment is both repulsive and morally questionable. It violates every know protocol from the Hippocratic Oath to the Nuremberg Code and the Declaration of Helsinki which requires doctors to provide any and all life-saving measures. The Declaration of Helsinki states: "In a medical study every patient—including those in a control group, if any, should be assured of the best proven diagnostic and therapeutic method." Apparently, Dr. Satcher viewed his research outside established international ethical protocols.

A September 1997 New England Medical Journal of Medicine editorial, our most recognized medical journal in the United States, declared Dr. Satcher's actions unethical and likened the study to the Tuskegee Incident, where medication with known benefits was withheld from a control group. Truly, this represents a dark day in American history. However, sadly, one we chose not to learn a lesson from.

In responding to the criticism, Dr. Satcher admitted that this human experiment would not have taken place in the United States because all participants in any clinical trial must be given at least small amounts of AZT. He argued, however, that cost and efficiency dictated that the experiment be done in developing countries. Did he really mean to imply that those childrens' lives are any less of value than our own? As a grandfather, I feel for those grandparents who lost grandchildren and potential grandchildren because of Dr. Satcher's experimentation.

I wish that this was the first and only time Dr. Satcher had promoted blind testing in regard to HIV. Sadly, it is not. Dr. Satcher has also endorsed anonymous testing of domestic newborns.

In 1988, the CDC began collecting anonymous blood samples from newborn children right here in the United States. The results of these blood tests were subsequently withheld from the parents of the children. Mothers of newborns with HIV were sent home without being told that their child was carrying a fatal disease. Because the results were withheld, important life-sustaining treatment was denied.

When this blind testing became public, Dr. Satcher defended the CDC's practices saying the mothers would panic and ultimately leave their health system. These were life and death decisions made by Dr. Satcher. Apparently, he did not appreciate that fact as much as he should have.

With the public enraged over these unethical tests, Congress quickly sprang into action. Representative GARY ACKERMAN introduced legislation to prohibit the continuation of the studies. In response to this legislation, Dr. Satcher personally lobbied Representative ACKERMAN to abandon the bill. Fortunately, Representative ACKERMAN refused. The CDC was eventually forced to abandon the blind testing due to public outcry. Now just imagine for just a second if you will, what would have happened if the public had not become aware of the CDC's activities? How many countless children would have been denied access to health care.

Mr. President, Dr. Satcher's conduct in these cases was not only disturbing, but horrifying. Essentially, depending on which group you were in, Dr. Satcher was playing God. If anything is unethical, this must be. Surely, this sort of behavior cannot and should not be overlooked by this Senate today.

If Dr. Satcher's questionable ethical conduct were not enough, the CDC, under Dr. Satcher, has been attempting to subvert our right to keep and bear arms as guaranteed by the Constitution of the United States. The National Center for Injury Prevention and Control (NCIPC) has begun tracking gun-related injuries and turning the research over to anti-gun liberals with a political agenda. Now, I'm not exactly sure how the NCIPC developed this authority. However, these activities constitute nothing less than an all out political assault on the Second Amendment paid for by the American taxpayer.

The director of the NCIPC, Dr. Rosenberg, is a known anti-gun crusader. He is on record equating gun ownership to cigarette usage. Apparently, Dr. Rosenberg's, and presumably Dr. Satcher's, copy of the Constitution differ greatly from mine. My copy of the Constitution talks openly about the right and the freedom to keep and bear arms. Dr. Rosenberg has openly and repeatedly said that firearms are "dirty, deadly, and [should be] banned." All of this is done with the tacit approval of Dr. Satcher and at taxpayer expense. In fact the very agency Dr. Satcher wishes to head, the U.S. Public Health Service, has had since 1979 one of its primary goal "to reduce the number of handguns in private ownership," starting with a 25% reduction by the end of this century. Unfortunately, not enough taxpayers are aware of how their money is being used to promote this activist liberal agenda.

In responding to questions about the relevancy of the CDC's work on gun issues, Dr. Satcher predictably defended the agency saying that those who were upset by its work should be more upset about the relationship between firearms and injury. I can assure Dr. Satcher unequivocally, no one is more concerned about gun safety than gun owners. In defending the CDC's practice, Dr. Satcher failed to comment on why the data, collected at taxpayer expense, is not being released to the public. Once again, it is ironic that responsibility has been confused with truthfulness.

In closing, Mr. President, I would like to reiterate my opposition to Dr. Satcher's nomination. The position of Surgeon General should be someone the American people can trust to advise them on important health issues. However, through his deeds and words, Dr. Satcher has demonstrated again and again that his ethics must be questioned and that he carries a biased politically driven agenda into a position that requires non-partisan action. Is Dr. Satcher the man for the position of America's family doctor? I cannot and do not come to this conclusion. I would urge my colleagues to evaluate their positions carefully before elevating someone with such a blatant and aggressive political agenda to such an esteemed position.

Thank you Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, what is the allocation of time that remains?

The PRESIDING OFFICER. The proponents have 7 minutes 49 seconds remaining. The opponents have 10 minutes 41 seconds remaining.

If neither side yields time, time will be charged equally to both sides.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time again do we have?

The PRESIDING OFFICER. The proponents have 7 minutes 19 seconds remaining.

Mr. KENNEDY. Mr. President, I know Senator DASCHLE wants to speak in favor of the nominee, and there are only 7 minutes left. I will take just 2 minutes, and then I hope that those who are opposed to the nominee will take what time they need, and then the time-honored tradition is that those who are in support of the nominee are generally accorded the courtesy of the last response.

Mr. President, as we approach the vote, I want to point out that the various questions, allegations and charges that have been made to try to disqualify Dr. Satcher have been responded to, and none more eloquently than by our friend and colleague, the chairman of the Health Subcommittee of the Human Resources Committee, Senator FRIST.

I hope that those Members who have some questions in their mind have listened very carefully to those responses, because I think they accurately respond to the various allegations and charges.

Finally, I just want to say that Dr. Satcher is uniquely well qualified. His life has been a life of service. He was one of 3 out of 70 students who graduated from his high school to go on to college. He graduated magna cum laude from his college. He was at the top of his class at Case Western Reserve University where he pursued a medical degree and a Ph.D.

Dr. Satcher is a respected family doctor, researcher, teacher, and administrator, affiliated with some of the great universities of this country. He is an individual who has looked out for fairness and decency in the service to families in this country. Dr. Satcher has a unique background and it is due to this background that every single health organization, without exception, has endorsed Dr. Satcher. Every single one of them has endorsed him. The past Secretary of HEW, the very distinguished Dr. Louis Sullivan, has endorsed him as well.

We are very fortunate to have Dr. Satcher as a nominee. I commend the President and look forward to a vote of cloture so we can get on with the business of getting him in place to serve the American public.

Mr. President, I ask unanimous consent that letters of endorsement of Dr. Satcher from the head of the Office of National Drug Control Policy, Barry McCaffrey, and the Director of the National Institutes of Health, Dr. Harold Varmus, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Executive Office of the President, Office of National Drug Control Policy,
Washington, DC, February 10, 1998.
Hon. Edward M. Kennedy,
Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: Dr. David Satcher's written response to a question for the record from his confirmation hearing clearly indicates that he supports the Administration's needle exchange position. We do not have clear scientific evidence to conclude that needle exchange programs do not encourage drug use. His statements is fully consistent with federal law which requires the Secretary of HHS to make two science-based findings before lifting the ban on use of federal funds for needle exchange programs. Specifically, the Secretary must demonstrate that: (1) needle exchange programs reduce the transmission of the HIV virus and (2) do not encourage drug use.

Dr. Satcher has a distinguished background as the President of Meharry Medical College for eleven years, as a faculty member of the UCLA School of Medicine and the King/Drew Medical Center in Los Angeles, and outstanding service as the Director of the Centers for Disease Control since 1993. He is eminently qualified to serve as the nation's Surgeon General. Dr. Satcher will bring enormous expertise to bear on our efforts to reduce drug abuse and its consequences in America.

I fully support Dr. Satcher's nomination for Surgeon General.

Respectfully,
Barry R. McCaffrey,
Director.

Department of Health & Human Services, National Institutes of Health,
Bethesda, Maryland, February 9, 1998.
Hon. Edward M. Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: I am writing to support the nomination of David Satcher, M.D., Ph.D., currently the Director of the Centers for Disease Control and Prevention, to be Surgeon General of the United States and Assistant Secretary for Health in the Department of Health and Human Services. Dr. Satcher is a medical scientist of outstanding ability, a leader of great energy and vision, and a public servant of the highest integrity.

As Director of the Centers for Disease Control and Prevention, Dr. Satcher has led the Federal Government's primary programs for promoting health and preventing disease, injury, and premature death. He has directed a revamping of Federal efforts in AIDS prevention and led Federal actions to revitalize our attack on emerging infectious diseases. Dr. Satcher's accomplishments in his medical career, which has included work in sickle cell research and family medicine at King-Drew Medical Center in Los Angeles, earned him election to the Institute of Medicine of the National Academy of Sciences as well as selection to receive the 1978 Watts Grassroots Award for Community Leadership. His academic career has included positions on the faculty of the Morehouse School of Medicine and the King-Drew Medical Center and UCLA School of Medicine. During a distinguished tenure as president of Meharry Medical College from 1982 through 1993, Dr. Satcher's leadership and public service were recognized with the National Conference of Christians and Jews Award in 1985 and the "Nashvillian of the Year" Award in 1992. His expertise and background, as well as the outstanding personal qualities obvious to anyone fortunate enough to work closely with him—as I have—qualify Dr. Satcher exceptionally well to serve as Surgeon General and Assistant Secretary for Health and to be the single, clear voice in communicating to the Nation on issues that affect public health.

Sincerely,
Harold Varmus, M.D.,
Director.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Let me commend the distinguished senior Senator from Massachusetts for his summary comments with regard to the Satcher nomination. I don't think anyone could have said it more persuasively or more succinctly. As he noted, every single organization in this country with any standing, with any credibility in regard to health care, has said this is an extraordinary individual, a leader in health care.

The Senate ought to confirm him today. Nothing else really needs to be said.

I commend the Senator from Tennessee for his leadership and his advocacy of Dr. Satcher. I, secondly, join with all of my colleagues in supporting very strongly the nomination today. I hope that we can pass his nomination on an overwhelming vote, Republicans and Democrats, given the circumstances that we have now faced over the last 3 years.

We ought to be saying to the country, unequivocally: "We need leadership in health care. We can no longer tolerate a void in that leadership by not having a Surgeon General in the United States of America." That is what this is about, acknowledging that void, recognizing the need for leadership, recognizing the need for a strong agenda in health care, spearheading efforts to place greater emphasis on children's health, to intensify the youth antismoking campaign and the array of responsibilities that the Surgeon General takes on as the Nation's top public health advocate.

There shouldn't be any doubt about what this is all about. It is at long last acknowledging the need for leadership, acknowledging the tremendous contribution Dr. Satcher has made in an array of different roles, especially in the Centers for Disease Control, and acknowledging the opportunity that we now have to ask him to take on the nation's most important public health role. I believe Dr. Satcher's nomination deserves broad-based Republican and Democratic support.

I hope, Mr. President, that the people will listen to the words of Senator KENNEDY, Senator FRIST and others as they have so eloquently argued for his nomination over the last several days.

Mr. President, I fully support the nomination of Dr. David Satcher for the dual position of U.S. Surgeon General and Assistant Secretary of Health. This nation is fortunate that a man of Dr. Satcher's dedication, vision and deep commitment to public service has agreed to take on this important role.

Dr. Satcher has served the American people as a family practice physician, an educator and an established leader in the public health arena. During his tenure as the Director of the Centers for Disease Control, Dr. Satcher worked to strengthen the critical prevention link in the nation's public health structure. He tackled the national problem of lagging childhood immunization rates, increasing the number of children immunized by nearly 25 percent.

This is an exceptional accomplishment. Under Dr. Satcher's leadership, we reduced by one-fourth the number of children at risk for immunization-preventable diseases, some of them permanently disabling or fatal.

Dr. Satcher also spearheaded a highly successful program to provide breast and cervical cancer screening to women throughout the nation, and launched an early warning system to detect and prevent food-borne illnesses such as *e-coli*.

I have received an unprecedented number of letters and calls in support of Dr. Satcher's nomination: physicians, nurses, hospital administrators, public health organizations, individuals from my state and others. Clearly, Dr. Satcher is already recognized as a guiding force in our health care system. I believe the nation can only benefit from asking him to serve as the nation's leading voice for public health, science and medical education.

In a recent letter, Dr. Satcher wrote: "If I am confirmed by the Senate, I will work to ensure that every child has a healthy start in life. I will encourage the American people to adopt healthy lifestyles, including physical activity and diet. And I will try to help the American people make sense of a changing health care system, so they can maximize their access to—and quality of—the health care they receive."

I believe Dr. Satcher's goals are on target. The nation will be well served by a public health leader who can help us foster healthy lifestyles, a consumer advocate who recognizes that strengthening our health care system means empowering individuals to make informed decisions about the care they receive.

I am confident that Dr. Satcher, a man of experience, integrity and insight, will help us make these goals a reality. I hope that my colleagues on both sides of the aisle will join me in confirming his nomination.

I ask unanimous consent that a letter I received from the Director of the Office of National Drug Control Policy, Barry McCaffrey, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, February 10, 1998.

HON. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Dr. David Satcher's written response to a question for the record from his confirmation hearing clearly indicates that he supports the Administration's needle exchange position. We do not have clear scientific evidence to conclude that needle exchange programs do not encourage drug use. His statement is fully consistent with federal law which requires the Secretary of HHS to make two science-based findings before lifting the ban on use of federal funds for needle exchange programs. Specifically, the Secretary must demonstrate that: (1) needle exchange programs reduce the transmission of the HIV virus and (2) do not encourage drug use.

Dr. Satcher has a distinguished background as the President of Meharry Medical College for eleven years, as a faculty member of the UCLA School of Medicine and the King/Drew Medical Center in Los Angeles, and outstanding service as the Director of the Centers for Disease Control since 1993. He is eminently qualified to serve as the nation's Surgeon General. Dr. Satcher will bring enormous expertise to bear on our efforts to reduce drug abuse and its consequences in America.

I fully support Dr. Satcher's nomination for Surgeon General.

Respectfully,
BARRY R. MCCAFFREY,
Director.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. If neither side yields time, time is charged equally to both sides.

Mr. ASHCROFT. Mr. President, would you please inform the Chamber of the remaining time for each side.

The PRESIDING OFFICER. The time of the proponents has expired; the time remaining for the opponents is 8 minutes and 21 seconds.

Mr. ASHCROFT. Would the Chair please notify me when 2 minutes remain.

The PRESIDING OFFICER. The Chair will so advise.

Mr. ASHCROFT. Mr. President, I rise to say to the U.S. Senate that this responsibility which we are considering today is a very important responsibility. The Nation's doctor is a very important position. We should be very careful about doing those things which can and need to be done in making sure we confirm appropriately or deny confirmation appropriately to someone nominated for that responsibility.

It is in that regard that I have sought to raise issues that are, I think, fundamental to the values of the American people and ask serious questions about them. I want to review those at this time.

The first thing I mention is that Dr. Satcher transmitted to the Secretary of Health and Human Services a report favorably saying that substantial Federal funds should be committed both to providing needle exchange services and to expanding research into these programs. Both recommendations, according to the CDC's comment, are reasonable and appropriate. That transmission saying that needle exchanges should have substantial funding was made in a report under Dr. Satcher's signature going to the Secretary of Health and Human Services.

It is pretty clear to me that one of the leadership responsibilities of the Surgeon General is the responsibility to inform the President or the Secretary of Health and Human Services of policies that ought to be adopted. This nominee has said that needle exchange programs ought to have substantial Federal funding and they ought to be studied carefully.

Now, in my view, it doesn't make sense to give dope addicts needles with which to conduct their poisonous activity and with which to propagate bad habits of intravenous drug use. What are we saying to young people if the junkie comes along and says, "Don't worry about this, we have clean needles. The Government approves it. They give us the needles to use." What are we saying to the families when the needles from the junkies are left by the hundreds around the neighborhoods so that young children will find them? As soon as you provide free needles—a town that tried this found 300 discarded needles by junkies in one week.

No. 2, this nominee for Surgeon General conducted studies on individuals in Africa when the studies would have been unethical in the United States. The regulations provide that you are not allowed to do to other people what you won't and can't do to yourself. The New England Journal of Medicine made clear the absence of ethics in this situation.

No. 3, David Satcher persisted in conducting blind HIV studies of newborns in the United States, ignoring the need to identify the blood samples and notify parents of HIV infections in children, even after therapies were developed which could help those children in those settings. When the Congress got upset about it and decided to discontinue the program altogether, Dr. Satcher said, "No, we want to continue it without telling parents and without identifying which of the children is HIV infected," and came and lobbied the Congress in that respect.

I don't think that calls us to our highest and best. I think that accommodates America at something far less. So you have this pattern.

In addition, we have tried to get information from the Centers for Disease Control and Dr. Satcher. They have given us partial bits of information. The report in which the CDC commended the idea of Federal funding for needle exchange was sent to us but it didn't have Dr. Satcher's cover letter on it—conveniently didn't. The denial of needle exchange support by Dr. Satcher conveniently didn't indicate that Federal funds, provided through the CDC, had the sole purpose of promoting needle exchange programs.

When we asked about the ethics of the African trials we simply didn't get all the information from the CDC. We were not given memos internal to the agency which we have received from other sources that have raised the very ethical issues in CDC by medical personnel there that we have been raising on this floor.

Now if trust is a fundamental component of the relationship between the doctor of a nation and the people of the Nation, there has been in some substantial measure a breach of the necessary trust in the absence of candor and the absence of providing information in this setting.

Last but not least, let me say that Dr. Satcher has said that he supports the President's position on partial-birth abortion. The President's position has been that he is going to continue to make it available in this country and refuse to have a reasonable law which would prevent it. In my judgment, it is time for us to say that we expect the leadership on health in this country to comport with the understanding of the health community that partial-birth abortions are not indicated, they are not necessary, and that to endorse the political agenda of the President rather than the health agenda of America is inappropriate. This is about whether someone who is indifferent to infanticide can care for our children.

The PRESIDING OFFICER. The Chair advises the Senator that he has 2 minutes remaining.

Mr. ASHCROFT. Mr. President, I ask unanimous consent the time remaining be yielded to the chairman of the Senate Labor and Human Resources Committee so that he has the custom of concluding the remarks in the Chamber in a way that is favorable to the nominee.

The PRESIDING OFFICER. The chairman of the committee, the Senator from Vermont, is recognized.

Mr. JEFFORDS. Mr. President, first I want to thank my good friend for allowing me to do this.

Mr. President, this is one of the relatively few times in the Senate when we have had a cloture motion on a nomination.

I want to remind everyone of the fine, fine man that we are voting on here today. I urge my colleagues to vote for cloture, and then to confirm Dr. Satcher.

When we opened this debate last week, I stated that Dr. Satcher's record of service to the people of the United States was exemplary. I noted that his character and integrity were absolutely without blemish. Nothing has been said over the past two days that has challenged these assertions. Not even Dr. Satcher's critics question his professional qualifications to serve in the positions for which he has been nominated.

Senators FRIST and THOMPSON, and others, have already spoken eloquently about Dr. Satcher's commitment and integrity. They described the unprecedented support Dr. Satcher enjoys within the medical community, the public health community, and the research community. They have also described firsthand their own experiences working with the nominee to address public health issues in the State of Tennessee.

I wish to associate myself with their remarks and to urge my colleagues to support Dr. Satcher's nomination. I know of no reason why we should not vote for cloture, and then support Dr. Satcher.

Mr. President, I yield the remainder of my time, if any.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. By unanimous consent, pursuant to rule XII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar Nos. 338 and 339, the nomination of David Satcher to be Assistant Secretary of HHS and to be Surgeon General:

Trent Lott, James Jeffords, Richard Lugar, Conrad Burns, Arlen Specter, Frank H. Murkowski, Ted Stevens, Ted Kennedy, Olympia J. Snowe, Susan Collins, Tom Daschle, Paul Wellstone, Herb Kohl, Christopher Dodd, Chuck Robb, Tim Johnson, and Tom Harkin.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of David Satcher of Tennessee to be Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

The yeas and nays resulted—yeas 75, nays 23, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—75

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—23

Allard
Ashcroft
Brownback
Burns
Campbell
Coats
D'Amato
Enzi
Faircloth
Gramm
Grassley
Helms
Hutchinson
Inhofe
Kempthorne
Kyl
Lugar
McConnell
Roberts
Santorum
Sessions
Shelby
Smith (NH)

NOT VOTING—2

Levin
Warner

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 23.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order the question is now on the nomination without further debate.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David Satcher to be an Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service? On this question the yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 63, nays 35, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—63

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Daschle
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—35

Abraham
Allard
Ashcroft
Brownback
Burns
Campbell
Coats
Craig
D'Amato
DeWine
Enzi
Faircloth
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas

NOT VOTING—2

Levin
Warner

The nomination was confirmed.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business for not to exceed 1 hour, with the first 30 minutes under the control of Senator BYRD and the remaining 30 minutes under the control of Senator ROBERTS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for arranging the time for me to speak.

HIGHWAY FUNDING

Mr. BYRD. Mr. President, since the convening of this session of Congress 2 weeks ago today, I have spoken on the Senate Floor numerous times to convey the urgency of prompt action on the highway bill. We were told that it would be among the first pieces of legislation considered this year, and yet the bill is still not before us. This inactivity is unjustified and, I think, it is inexcusable. The deadline for passing highway reauthorization legislation is May 1—May 1 of this year.

That deadline is set forth in the short-term highway bill that was passed last November before the Congress adjourned sine die. It is very clearly set forth in that legislation. After May 1, States will be prohibited from obligating any Federal highway or transit funds.

After that date, states will be prohibited from obligating any Federal highway or transit funds. As a result, many states will be forced to delay road and bridge projects and thousands of highway construction workers, as well as those in related industries, such as gravel and asphalt manufacturers, highway equipment manufacturers, and steel suppliers, may begin to be laid off. At the height of the highway construction season, thousands of highway, bridge, and safety projects will be stopped cold—dead in their tracks—and those who are employed in relation to these projects could begin to be sent home and lose their paychecks, while they await further action by Congress to enact highway reauthorization legislation.

So the Senate has just 44 session days remaining, including today. Those are days we have been told that the Senate will be in session. So there are just 44 session days, including today, remaining in which to avert this impending crisis. When the hour strikes midnight on May 1, the time is up.

I want to take a few minutes to explain exactly what this May 1 deadline means to a number of the States.

The Road Information Program, TRIP, recently surveyed the State transportation departments throughout the country to ascertain what will happen after May 1 if a new highway bill has not been signed into law by the President by that time. To date, TRIP has received responses from 15 State transportation departments, and additional responses are expected soon. Even with preliminary results, however, it is clear that billions of dollars worth of highway projects and transit projects are in danger of being postponed, and will be postponed until new Federal funding is available. These are critical transportation projects—critical transportation projects—projects designed to improve road safety and reduce the number and severity of highway crashes, to smooth the flow of traffic so we can improve air quality and lower the pollution that Americans breathe every day and every hour and every minute, and to reduce congestion so that Americans can spend more time at work and more time at home caring for their children, more time with their families and less time trapped in gridlock.

It may be edifying to my colleagues to hear some of the specific projects in their States that will be delayed, according to their own State transportation departments, if new Federal highway funding is not available beyond May 1. Remember, these are just the 15 States that have responded already to the TRIP survey.

The Road Information Program asked each State to list some of the most critical transportation projects that would have to be postponed during the 12-month period beginning May 1, 1998, if no new Federal funding is available.

And so let us go down the list. The very first State that is on the list is the State of Georgia.

In Georgia, the State transportation department will have to delay: Improvements to I–475 from I–75 in Bibb County to I–75 in Monroe County; improvements to the Harry S. Truman Parkway in Chatham County; work on the Jefferson Bypass in Jefferson County; and improvements to Peachtree Industrial Boulevard in Gwinnett County.

The Indiana transportation department will have to postpone: rehabilitating I–69 in Dekalb County; road and bridge rehabilitation on I–465 in Marion County; and bridge rehabilitation on US 20 in St. Joseph County.

In Kentucky, funds will dry up after May 1 for projects to: widen US 27 to four lanes from Lexington to Paris; reconstruct the Donaldson Road interchange on I–75 in Boone County; and replace the Cumberland River Bridge in Somerset.

Now, the Senators from these respective States, I am sure, are talking with their highway departments. Those Senators will probably have more complete lists than these that I am reading. But these are just the first 15 that have been supplied to me by TRIP.

In Maine, delays will occur on: The rehabilitation of the Carlton Bridge on US Route 1 in Bath; the reconstruction of 4 miles of Route 9 in Devereaux; and the replacement of the Penobscot River Bridge on Route 11 in Medway.

The Missouri transportation department will have to postpone, I am told: the replacement or rehabilitation of seven bridges on I–70 in the St. Louis area; plans to add left turn lanes on Route 61 at Lemay Woods in St. Louis to improve traffic safety; the widening and resurfacing of Route 39 in Barry County; and the replacement of two bridges over the North Fabius River on Route 136 in Scotland County.

In Nevada, they will have to delay plans to: widen I–15 from two to three lanes in West Las Vegas; remove and replace pavement on I–80 in Reno; and widen US 95 to four lanes in Las Vegas.

In New Hampshire, our failure to enact a highway bill by May 1 will mean the transportation department has to postpone: reconstructing exit 20 on I–93 in Tilton; safety improvements planned for I–93 in Manchester; and replacing a bridge over North Branch River in Stoddard.

In North Dakota, congressional inaction will mean the postponement of plans to: reconstruct South Washington Street in Grand Forks; improve I–94 from Eagles Nest to Geck; and widen US 52 from Drake to Harvey.

The Oklahoma transportation department will have to shelve plans for: interchange reconstruction and resurfacing on I–35 in Oklahoma City, a project designed to relieve congestion; widening 50 miles of US 183 from Cordell to Snyder in western Oklahoma to provide four lane access to I–40, designed to foster economic development in the region; and building shoulders and a passing lane on US 283 in Beckham County to improve highway safety.

In South Dakota, failure to meet the May 1 funding deadline will mean the delay of plans to: reconstruct I–29 in Minnehaha and Moody Counties; improve Benson Road in Sioux Falls to provide access to the Joe Ross Field Airport; and improve the interchange at the Haines Avenue exit on I–90 in Rapids City.

The Texas Department of Transportation reports that the following projects scheduled for Spring 1999—all designed to relieve congestion—would be delayed without new Federal funding beyond May 1: widening to eight lanes a 4.3 mile section of Route 1960 in Harris County; widening to eight lanes a 3.9 mile section in Fort Bend County; and widening to four lanes a 6 mile section of US 67 in Johnson County.

In Utah, the following projects—all related to preparations for the 2002 Winter Olympic Games—would be delayed: The reconstruction of the Kimball and Silver Creek Junctions on I–80; the construction of the 1.5 mile Winter Sports Road; and the reconstruction of the interchange at I–84 and US 89.

In Vermont, our inaction will mean delay in the planned resurfacing of 200 miles of State highways; the rehabilitation or replacement of three State highway system bridges and five local highway system bridges; as well as the reconstruction of four miles of US 7 in Shelburne and South Burlington to increase capacity and improve traffic flow.

In my State of West Virginia, the lack of new Federal highway funds after May 1 would mean postponement of the renovation of the Shepherdstown Bridge on West Virginia 480 in Jefferson County; the widening of a segment of West Virginia 2 in Ohio County to improve traffic flow—by the way, it was on Route 2 that my former colleague in the Senate, Senator Jennings Randolph, and I had an accident in 1957—1957 or 1958. We had an accident in that county. We ran head on into another automobile, killing the driver of the other automobile. That was Route 2. So we are talking here about the widening of the segment of West Virginia 2 in Ohio County to improve traffic flow, and the replacement of the Easley Bridge in Princeton, Mercer County. Mercer County, that is where I first started school in a little two-room schoolhouse over 70 years ago.

And finally, in Wyoming, the Senate's failure to act by May 1 would mean delaying reconstruction and bridge work on I–80 in Rock Springs, Rawlins, and Laramie Marginalal; as well as widening and rehabilitation projects on I–90 from Buffalo to Gillette and from Moorcroft to Sundance.

So, Mr. President, I urge Senators to call their transportation departments, if they have not already, and find out what a prolonged delay in Federal highway funds would mean for their States. The list I have just read is, obviously, not exhaustive; but it is indicative of the serious problems every State, or almost every State certainly will face if Congress does not act before midnight May 1. When Senators start to realize what this May 1 deadline means for their States, and how few days we have left to move a highway bill through the Senate, it should become obvious that we will have no choice but to bring up the highway reauthorization bill.

We have just 44 days, 44 session days. That does not count days like Saturdays and Sundays or other days when the Senate is not expected to be in session. Only 44 session days, including today, remain through the hour of midnight May 1. After that hour of midnight, then those States can obligate Federal aid highway program funds for any Federal highway project, after the hour of midnight on May 1. Now, that is by law. That was a part of the law that Congress passed last November when it enacted the short-term highway bill. It is in there. Bridge replacements, traffic decongestion projects, and road widening efforts all mean safety, time, money and jobs to our people. Further delay makes no sense. A commitment was made to bring up the highway bill after the President's State of the Union speech. The State of the Union speech has come and gone and there is still no highway bill here in the Senate. Further delay makes no sense and the Senate should consider the highway bill promptly.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. BYRD. I yield that remaining time to my friend, the distinguished Senator from Kansas, Mr. ROBERTS. I thank the Chair, I thank all Senators, and again thank the leader for making possible the time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent notwithstanding the previous order for the Senate to stand in recess at the hour of 12:30, that I may be permitted to speak for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CURRENT SITUATION IN IRAQ

Mr. ROBERTS. Mr. President, I rise today to express my concerns about United States policy with regard to Iraq. Through the national and international news media and in consultations with members of Congress, we have been told time and again in the past several weeks that the United States is on the brink of waging a limited but significant military strike against Iraq and Saddam Hussein.

At the same time, Administration officials and President Clinton have also repeatedly stated they are hopeful for a diplomatic solution.

It would appear, however, that Saddam Hussein despite almost frantic revolving-door diplomatic efforts from Russia, China, France, Turkey and others, will not agree to the resumption of full and open U.N. inspections. So, we have a standoff.

Mr. President, in regard to this latest crisis in the Gulf, I commend to the attention of my colleagues the remarks made yesterday by the distinguished Senator from Nebraska, Mr. HAGEL. His remarks are both thoughtful and thought provoking and they come from a man who is a veteran with a most distinguished record.

Senator HAGEL said this:

> This dilemma must be approached from the framework of both our short-term and long-term foreign policy objectives. We cannot allow Saddam Hussein to stampede us into precipitous action.
>
> What chain of events will we unleash with any action we take? What is the Administration's long-term objective in Iraq? Do we have one? Or, are we crafting a long term policy to justify short-term actions?

Senator HAGEL went on to say he was disturbed about reports over the weekend quoting high ranking Administration officials and Congressional leaders saying such things as:

"We may have to face the reality that we will not get U.N. inspection teams back into Iraq;

"Any military action would be to just slow Saddam Hussein down;

"We have to keep going back to bomb him again;

"Our allies support of us in Iraq may be tied to our future commitment to NATO" and other such disconcerting remarks.

Senator HAGEL concluded by saying we owe it to our country and the men and women in uniform who will be called upon to fight a war to do better than just bomb Saddam Hussein.

He said:

> That is not good enough. There is something surreal about all of the war talk, and war preparation played out in this 'matter of fact' tone on international TV with every talk show host panelist presenting his or her theories and options when most of them have never been to war, prepared for war or understand the first thing about the horrors of war.
>
> There are no good options. Saddam Hussein has and is intent on building the most vile weapons in the history of man, weapons outlawed by nearly every country in the world. He cannot go unchallenged.
>
> But, the American people and the Congress must have a more solid basis for our support. Whatever action is taken, it must meet a clear and immediate objective. We cannot continue to ricochet from crisis to crisis and call that foreign policy.

Mr. President, that is straight talk and I commend Senator HAGEL for his candor and forthrightness.

And, Senator HAGEL is right. The policy discussions regarding Iraq have indeed been unique, if not bizarre. We have seen more policy declarations, more redefined policy declarations, and more mixed signals than a coach signaling his quarterback with the time clock running out. That may well be part of diplomatic carrot and stick efforts but it certainly does not improve public understanding or provide confidence for a well defined and successful military mission.

The latest comments by Administration officials indicate the attack is now only weeks away although there has been considerable speculation that the U.S. would not attack while the Winter Olympics are being held. The United States is a signatory to a U.N. resolution that calls on all countries to honor a cease fire during the Olympic Games. International Olympic Games President, Juan Antonio Samaranch has made a public appeal to the United States.

I do not mean to be disrespectful but it occurs to me that a previous U.S. President canceled U.S. participation in the Olympics in response to one country invading another. This time we apparently will attack, but not while the Olympics are being held.

In addition, while our strongest Arab ally in the Gulf War, Saudi Arabia, has refused the use of their country from which to base an attack, they have expressed strongly that any military strike should be well over before the beginning of the annual pilgrimage to Mecca and Medina that is the high point of the Islamic year. The Olympics are over February 23 and the pilgrimage begins March 20.

Such are the rather unique things that military planners must factor into their planning in this modern world of limited and political military strikes.

Saddam Hussein doubtlessly can pretty much figure out when the strike is coming: all he has to do is read the latest Time magazine for the latest target and battle plan information and the London Times for the Iraqi sites at risk not to mention many other press reports.

It goes without saying, this will be no surprise attack.

Nevertheless, additional time will at least afford us the opportunity to take a hard look at what is being proposed, especially as Senator HAGEL has stressed in regard to how a limited strike will fit into long term foreign policy goals and the law of unintended consequences.

First, I recommend to my colleagues and the American public the comments made by the Chairman of the Senate Armed Services Committee, Senator Richard Russell of Georgia almost 30 years ago to the date. The Senator made his remarks in the midst of the Vietnam war and during the month in which the United States suffered over 2,000 casualties. He said this:

"I for one am not afraid of the old fashioned term, victory. We hear a great deal about limited wars, but I would point out that there is no such thing as a limit on actual combat in which our men are engaged. While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them.

The Senator went on to make the following pledge:

> As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.
>
> It is inconsistent with our history, traditions and fundamental principles to commit American boys on far-flung battlefields if we are to follow policies that deny them full support because we are afraid of increasing the risk of those who stay at home.
>
> It is a confession of moral weakness on the part of this country not to take any steps that are necessary to fully diminish the fighting power of our enemies.

I submit, Mr. President, that is a most powerful statement of truth that has direct application to the challenges we face today in the Persian Gulf. The only thing that has changed is that today we refer to American men and American women.

The question must be asked, just where are we in regard to specific goals regarding Iraq? Last week, in a press conference with Prime Minister Blair of Great Britain, President Clinton "clarified" Administration policy. He said the goal of the proposed attack on Iraq would be to, "substantially reduce or delay Iraq's ability to develop and use weapons of mass destruction."

The President also ruled out the removal of Saddam Hussein from power or action designed to compel him to halt obstruction of disarmament inspectors from the U.N.

The President went on to say, "I don't believe we need to get into a direct war with Iraq over the leadership of the country. Do I think the country would be better served if it had a different leader? Of course I do. That's not the issue."

In making this statement, the President has clearly narrowed the goals of the proposed air strike. In fact, in my opinion, he has narrowed them from the goals articulated in previous speeches by key administration officials and from the goals outlined in consultation with Members of Congress.

Secretary of State Albright, in a speech given last year emphasized the American strategy was to continue the sanctions until there was a successor regime. The President stated sanctions would continue "until the end of time or as long as he lasts." That strategy was changed however to one of trying to accommodate Saddam with what was described as "small carrots." It was the "small carrot" strategy that many observers now say led to the current crisis.

Just last week, members of Congress were told there were two specific goals:

First, to set back Saddam Hussein's ability to deploy and deliver weapons of mass destruction and,

Second, to preserve the ability of the U.N. Security Council to respond to the threat of proliferation of weapons of mass destruction by enforcing the disarmament resolutions that ended the 1991 Persian Gulf war, specifically in regard to unrestricted access for weapons inspectors.

Now, with all due respect to the President and his national security advisers, I am concerned the first mission may have a very limited success at considerable risk to our men and women in uniform and for all intent and purpose, end whatever possibility there is for achieving the second mission. The bombing may not destroy Saddam's capacity to deploy and deliver weapons of mass destruction but it is almost a sure bet bombing Saddam will NOT bring about open inspections.

This is especially significant in that the current resolution of support being crafted by our Senate leadership has been premised on U.N. Security Council Resolution 687 and four subsequent resolutions demanding open inspections by the U.N. inspection team. The language mirrors the statement of the distinguished Democratic Leader, Senator DASCHLE who stated last week:

> The end game is simply to allow access by U.N. inspectors into all locations suspected to be the manufacturing facilities for biological weapons. I don't know what could be more clear than that.

The Democratic Leader's statement is, in fact, clear and direct. The problem, however, is that there is a follow on goal articulated in the resolution draft and it says:

We urge the President, in consultation with the Congress, and consistent with the U.S. Constitution and existing laws, to take all necessary and appropriate action to respond effectively to the threat posed by Iraq's refusal to allow inspection.

The question is will the bombing be effective? It may set back Saddam's capability to deploy and deliver biological weapons and it may not. But one thing for sure, after a week of bombing, there will be no welcome mats for U.N. inspectors.

In addition the resolution draft urges the president to work with Congress to further a long-term policy.

My colleagues it has not taken long to discover that we do not have the support of our allies, that we do not have a long-term strategy and that if we go ahead with the limited military strike we will effectively end chances for open inspection, which is precisely the original stated goal of the administration and the stated goal of the draft resolution of support.

Now, in making these remarks, I realize the current challenge posed by Saddam Hussein is both difficult and complex and that the situation in the Gulf and our relations with the members of the Gulf Coalition allies has dramatically changed.

The President stated, "I don't believe we need to re-fight the Gulf war. It's history. It happened. That's the way it is."

The President is right. The way it was is not the way it is and we have been frantically trying to play catch up in efforts to formulate a successful response to Saddam's latest threat.

Nevertheless, Administration officials state today we have Saddam in a box. To the contrary, after repeated efforts to "lead" and convince our allies in supporting the planned military action, I do not see much "following" and I wonder who has whom in a box.

It seems to me there are several obvious disconnects:

First, other than Saddam simply behaving like the international thug that he is, we are told his primary reason for closing down the inspections is to somehow force an end to the economic sanctions now in place, that the deprivation now experienced in his country is such that his continued rule is threatened.

It is true that most of his 22 million people are going through severe deprivation. But, this is the man who has a 90,000 strong security force made up of well trained, dedicated, fanatical professional units that have maintained a climate of terror. To the extent one can be, he is both bomb and assassination proof and simply gets rid of his opposition even to the extent of using weapons of mass destruction upon his own people.

The argument is also being posed that with France, Russia and China all opposing military action, and his Arab neighbors sitting on the fence, the United States might then be willing to lift the sanctions or at least increase the oil for food and medicine program. But, the United States already proposed increasing the oil for food program and Saddam refused it. And, he has used oil revenue to further construct the many palaces that now house his weapons. In any case, this explanation of his reasoning, if true, represents a good argument against a military strike.

In a paradox of enormous irony, it could be argued that by withstanding and suffering through the attack and exploiting the obvious propaganda opportunity, Saddam may actually gain sympathy and support for ending the sanctions from the very nations we are asking for help!

Second, what if Saddam's primary reason for shutting the door to U.N. inspectors was simply self preservation, not from within but from Iran? In fact, it was the attack from Iran several months ago that precipitated the crisis. Saddam, without his weapons of mass destruction and Iran with that capability and with a growing army represents a self preservation crisis for Saddam.

A military strike against Saddam further weakens Iraq in relation to their long standing enemy. Have we thought through what the Mideast will look like when Iran has the balance of power?

Third, in proposing military action, we do not have the support of the members of the Security Council whose credibility and effectiveness in enforcing open inspection we are trying to protect! We do not even have Security Council or allied support for the continuation of sanctions.

So much for a rational prospective U.N. policy with reference to proliferation of weapons of mass destruction.

France wants to sell Iraqi oil, China wants to buy it and Russia desperately needs the money that Iraq owes to Russia. All three do not support military action and have warned of dire consequences should military action be taken.

While trying to broker a diplomatic solution (Lets see, how about eight palaces open for inspection for 60 days with x number of inspectors from this country and y number of diplomats from that country and on and on) France is worried that American bombs plus Iraqi casualties will only consolidate domestic support for Saddam and that the bombing does not represent a long term answer. They have a point.

The Chinese foreign minister, speaking on television, said China is extremely and definitely opposed to the use of military force because it will result in a tremendous amount of human casualties and create more turmoil in the region and could even cause more conflict.

However, the winner of the Coalition Cross Current Sweepstakes has to be Russia. Foreign Minister Primakov has seized an opportunity to climb back on the world stage as the self declared pro Muslim broker while Boris Yeltsin's comment that bombing could mean "world war" could well have been made while pounding his shoe on a lectern. But, the Iraq issue did not stop there. Gennady Zyuganov, the Communist leader stated the Russian Duma should not ratify the START II treaty and said Americans "act like drunk cowboys." The ultra nationalist Vladmir Zhirinovsky called for Yeltsin to put Russian troops in Southwest Russia on alert. Moderate members of the Russian Duma have argued the United States must get U.N. authorization before any attack. We cannot simply dismiss this sorry state of affairs as just Russian bluff and bluster.

To say that these landmark changes in policy amongst our former coalition allies will have grave consequences is an understatement to say the least.

Fourth, we do not have the support of the Arab nations whose sovereignty and freedom were are allegedly trying to protect! With the exception of Kuwait, no Arab nation has endorsed American threats of military action.

Saudi Arabia, our closest Arab ally and a major regional power provided a crucial base for 500,000 American and allied troops that routed Iraqi forces back in 1991. Today, Saudi Arabia has refused to support a military strike upon Saddam Hussein and Secretary of Defense Cohen and the Commander of U.S. Forces in the Middle East, General Anthony Zinni have been forced to change battle plans.

The Saudi's stance also undercuts political support throughout the Arab world sensitive to the view that the United States has already excessively punished the Iraqi people and that the limited attack will not rid the Gulf region of Saddam and that he will remain as vengeful as ever.

In proposing limited strikes, the United States is in the position comparable to local law enforcement asking a witness to testify against the Mafia with no promise of incarceration or protection. Those chances are slim and none.

Like other staunch allies during the Gulf war, Turkey is now putting its own interests first regarding any confrontation with Saddam. Their foreign minister has also been one of the revolving door diplomats trying to broker a solution. Seen in the rest of the Muslim world as a pawn of the United States, having suffered economic losses as a result of the Gulf war, and having to fight Kurdish rebels, the Turks have also refused the use of air bases.

There is no doubt that most leaders in the Muslim world would like to be rid of Saddam Hussein. They view him as a menace. But, the political reality is that limited bombing with no plan for getting rid of the menace will lead to the perception of the United States conducting a military exercise with innocent civilians being killed on world wide television with ominous repercussions throughout the Muslim world . . . including the trouble spots of Bosnia and in Indonesia.

Our policy has also made Israel more than a little nervous. Israeli leaders have stated they reserve the right for self protection and will act in accordance with their defense interests. Once again, we are trying to convince Israel to forgo its right to self defense and retaliation. A retaliatory attack upon Israel in response to U.S. bombing may be unlikely but it cannot be ruled out. Such a missile exchange would have devastating consequences.

Fifth, as a result of Arab denial to use our bases in their countries, the United States must now launch any attack from aircraft located in neighboring gulf states, from aircraft carriers and from an Indian ocean island. The USS *Independence* was supposed to be decommissioned this coming September but now, the oldest ship in the fleet, is in the Gulf.

This renewed buildup of sea and air forces in the Gulf and the corresponding manpower and equipment gaps in Europe and the Pacific is another example of just how stressed and stretched our U.S. military has become, all in the wake of substantial troop cuts and rising commitments to various peacemaking and nation-building missions such as Bosnia. We are already experiencing serious problems in regard to readiness, modernization, procurement and military quality of life.

If we sustain a three carrier force in the Gulf, it will mean zero presence somewhere else. Yet, Navy command has mapped out plans for two carrier presence through 1999. Our Air Force is not structured as a mobile expeditionary force. Accustomed to operating out of large bases, the new operations and personnel tempo has caused serious retention problems.

The obvious budget, military readiness, national security and foreign policy repercussions will be far reaching. Without question we cannot fund this current buildup and prospective military strike from within the current defense budget. If this is, in fact, an emergency requiring a military strike, then it should be funded by an emergency supplemental bill.

I must ask, has enough consideration been given to the collective risks that could well outweigh whatever benefit a limited military strike might bring?

Can we really ascertain the extent of Saddam's air and missile defense?

Can we, with any degree of certainty effectively target and destroy his most deadly weapons and eliminate the threat?

Do we have adequate protection for the men and women who will conduct the operation? Personnel recovery? POW recovery?

Can this strike destroy most of Saddam's deployment and delivery capability?

Will this action end all chances of further inspection? If this is true, what happens next when his capability is restored?

Will this strike hurt or improve his support within and without his country?

Will the strike prevent Saddam from counter-attacking and using weapons of mass destruction?

Will Iran attack a weakened Iraq?

What will be the response of the Muslim nations throughout the world?

How will the attack change Saddam's conduct?

Are our forces adequately equipped and protected against biological and chemical agents?

Have we considered the possibility of terrorist activities both in the Mideast and in the United States?

There is almost no end to these kind of questions and there is no question that the President's national security team and Pentagon planners have studied all of these questions and more with great care and purpose.

I can say as a member of the Armed Services and Intelligence Committees, I have great faith and a sense of personal pride and trust in our military and in our intelligence community. But, I also know that too often in the past military action has been rooted in misguided policy and our military has suffered the consequences.

The Chairman of the Joint Chiefs of Staff, General Shelton, has already found it necessary to refute allegations that the battle plan and targets in Iraq have been drafted and selected by the executive as opposed to warfighters, a charge that harkens back to the limited and political decision making in the Vietnam war. There is no question that our military will obey their Commander in Chief and will do an exemplary job, no matter what the mission. That is how it should be and is. Nevertheless, I would be less than candid if I did not say judging from the private commentary from many within the military and public questions from those with expertise in military tactics and national security that this proposed strike may well be flawed and counterproductive.

Administration spokesmen have stated that this strike will attempt to destroy as much of Saddam Hussein's capability to deploy and deliver chemical and biological weapons as possible: not the actual material mind you, but the delivery means. But, we will not be able to destroy all of that delivery means.

So, at the end of the attack, at the end of the day, when all is said and done, with civilian and military casualties, Saddam will still be in power, his scientists will still be at work, his military and the Republican Guard still deployed, some of his weapons of mass destruction and their delivery means will still be intact. It strains credibility that there will be any chance of inspections. In a year or two we may have to do it all over again.

In the meantime, we will have a continued erosion of faith and confidence with our allies, anti-American sentiment throughout the Muslim world, and the horrors of war on international television courtesy of Saddam Hussein. If our bombing does not kill innocent civilians, then Saddam will.

This is not some kind of impersonal therapy to correct Saddam's behavior we are contemplating. Too often we refuse to recognize the reality and horrors of war. In this regard, there is a pretty good test. Imagine what you would say to the loved one of an American service man or woman who will be put in harms way and may not return. For what did that airman, soldier, sailor or Marine die? Justify that loss.

Many times in our history we have been able to do so with the knowledge and comfort in knowing that our nation and our individual freedoms were protected. Tragically, there have been other times we have not. We could not in Vietnam. We could not in Beirut. We could not in Somalia. Unleashing the horrors of war can be justified only to protect our vital national interests and to get rid of a greater evil. I am concerned the proposed military strike may not do either.

Mr. President, before we consider S. Con. Res. 71, these concerns should be answered and other policy alternatives should be considered.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. BROWNBACK. I ask unanimous consent I be allowed to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the submission of S. Con. Res. 73 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

ATTEMPT ON THE LIFE OF PRESIDENT EDUARD SHEVARDNADZE OF GEORGIA

Mr. BROWNBACK. Mr. President, I serve on the Foreign Affairs Committee and I note, last night an attempt was made on the life of President Eduard Shevardnadze of The Republic of Georgia by assailants who have yet to be identified. President Shevardnadze survived the attack without injury. Unfortunately several members of his personal security detail were killed, and number of others were wounded.

The Republic of Georgia is one of the key linchpins of the new Eurasia. It is the most democratic of all of the states that succeeded the Soviet Union. Under President Shevardnadze's inspired leadership a civil war has been put to rest, criminals have been jailed, private armies have been disarmed, and economic decline has been reversed. In 1997, Georgia's economy grew by nearly 8 percent, inflation was held in check and the Georgian currency remained rock solid. Democracy has flourished. Indeed, if democracy is allowed to fail in Georgia, it is unlikely to succeed anywhere in the region.

Any attempt to kill Shevardnadze must be seen in this context. It is an attempt to derail a successful democratic process, and an effort to compromise the growing number of U.S. economic and strategic interests in Georgia and the region.

According to Georgian authorities, the attempted assassination was well-planned and well-executed by as many as 30 well-trained assailants. They were armed with rocket propelled grenades and automatic weapons. The Georgians are asking, as we must ask: How could a group this size operate undetected in the capital of Georgia? Where did they receive arms and ammunition? Who trained them? Where did they disappear to in the aftermath? And most importantly: Whose interests do they represent?

Georgian authorities make it clear that they suspect outside powers of this attempt on the life of their president. They are not alone. Azerbaijan's president Aliyev was also the object of an assassination attempt in recent days, which Azerbaijani authorities believe was planned and executed by outsiders. We should be mindful that these two cowardly acts may be part of a plan to destabilize the Caucasus with the intention of scaring off American and other investors who seek to bring the Caspian's great energy wealth west to international markets.

Who benefits from promoting instability in the Southern Caucasus at this time? Russia is everyone's leading candidate as the outside power with the most to gain. Russia has long raged and conspired to thwart Caspian energy from flowing any direction but north through Russia. Most parts of Russia's political elite still view Caspian wealth as their own. The suspected perpetrator of an earlier assassination attempt on Shevardnadze remains under Russian care despite vociferous demands from Georgia that he be extradited. Russia still has bases in Georgia from which yesterday's attack could be planned and staged. None of this is proof of Russian complicity, but the strong suspicion of Russian involvement will not go away quickly.

The U.S. Government should make every effort to learn the truth. More than this, we must articulate in clear and forceful terms to those outside powers who might be tempted to destabilize the Caucasus some simple truths:

First, the United States has vital interests in the Caucasus which these attacks threaten.

Second, our support for President Shevardnadze and the other Caucasian leaders is unbending.

Third, we will do everything we can to facilitate democracy and free markets in the region.

Fourth, oil and gas will flow west.

And finally, we must make it painfully evident that outside states that seek to destabilize America's friends in the Caucasus are not states we will favor with political and economic aid and other forms of assistance.

The attempt to kill President Shevardnadze, one of America's most valued friends, is intolerable and will have consequences.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL VACANCIES

Mr. GRASSLEY. Mr. President, lately, there has been a lot of talk about Chief Justice Rehnquist's "Year End Report on the Federal Judiciary." As chairman of the Subcommittee on Administrative Oversight and the Courts, I have an added interest in what the Chief Justice has to say. According to some, the Chief Justice's report indicates that the federal judiciary suffers from a partisan produced "vacancy crisis." Indeed, some critics have gone so far as to feverishly conclude that the Senate's Constitutionally mandated confirmation process has become an "obstruction of justice." Caught up in this frenzy, some Democrats have come to the Senate Floor blaming many, if not all, of the judiciary's problems on vacancies. Vacancies, however, are not the source of the problem.

Despite assertions to the contrary, the Chief Justice could not have been more clear on this point: Vacancies are the consequence of what he perceives to be an overburdened judiciary. In fact, the Chief Justice pointed out that it is the judiciary's increased size and expanded jurisdiction that is the major threat to justice in the United States. In his Report, Chief Justice Rehnquist warned that the federal judiciary had become "so large" that it was losing "its traditional character as a distinctive judicial forum of limited jurisdiction."

Mr. President, in addition to what the Chief Justice said about the size of the judiciary has become "so large" that it was losing "its traditional character as a distinctive judicial forum of limited jurisdiction," I ask unanimous consent to have printed in the RECORD an article by Chief Judge Harvie

Wilkinson III of our Circuit Court of Appeals entitled "We Don't Need More Federal Judges."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 9, 1998]

WE DON'T NEED MORE FEDERAL JUDGES

(By J. Harvie Wilkinson III)

The tune is so familiar that most federal court watchers can whistle it in their sleep. Add more and more judges to the federal bench, goes the refrain, and all will be well.

Well, Congress has been adding judges for years now, and somehow each new addition never seems to be enough. The trend has been dramatic. At midcentury, the number of authorized federal judgeships stood at approximately 280. Today, the number of authorized judgeships is 846. And the process shows no signs of abating. The Judicial Conference of the U.S. has asked Congress for 17 additional judgeships for the 13 circuits on the U.S. Court of Appeals—12 permanent judgeships and five "temporaries." Under the conference's proposal, the Ninth Circuit alone would increase to 37 judgeships from the already unwieldy 28.

The federal judiciary is caught in a spiral of expansion that must stop. With growth in judgeships comes growth in federal jurisdiction. And with the expansion of federal jurisdiction comes the need for additional federal judges to keep pace. Whether the growth in judges precedes the growth in jurisdiction or vice versa is anybody's guess. The one follows the other as the night follows the day.

The process of growth has not been a carefully examined one. Rather, it is fueled by a mechanical formula that presupposes that every increase in case filings must be met not with judicial efficiencies or jurisdictional restrictions but with additional battalions of judges. The Judicial Conference has come up with a benchmark of 500 filings per three-judge panel for requesting an additional judgeship on the appellate courts.

Nobody knows precisely what is the basis for the 500 figure except that it is a nice round number; not so long ago the magic unit was 255. While the figure is intended to be used in conjunction with other assessments, it remains the major factor and the one on which a request for additional judgeships is presumptively justified.

To be sure, there are some hard-pressed courts where the workload makes it imperative that new judges come on board. But adding judges to the federal courts is no long-range answer. In fact, the consequences of this silent revolution in the size of the judiciary could not be more serious.

Growth in the federal judiciary has three main costs. The first is that of simple inefficiency. Large circuit courts of appeals present problems that small ones don't have. There are more internal conflicts in circuit law. These must be resolved by more en banc hearings of the full court. If the en banc court consists, for example, of 20 judges as opposed to 12 it takes twice the time even to get the decision out. Judges on a large court must also spend more time simply keeping abreast of the work of other panels—time that cannot be spent resolving their own cases.

The second cost is that of litigiousness. With a smaller court of appeals, the possible panel combinations of three judges are less numerous and the law is more coherent. Legal principles are discernible and judicial outcomes are predictable. As a court grows, so do the possible panel combinations, and the law becomes fuzzier and less distinct. Litigation takes on the properties of a game of chance and litigants are encouraged to come to court for their roll of the dice. When legal outcomes are uncertain, cases are brought for their settlement value and parties lack clear guideposts for their conduct out of court.

The third cost of judicial growth is that of intrusiveness. The number of life-tenured federal judges now exceeds the membership of Congress. The outpouring of federal law from this expanding establishment touches every local issue and affects every public official. Local disputes are tossed into federal court on the assumption that there will always be plenty of federal judges around to resolve them. In the end, unrestricted growth in the federal judiciary threatens to upset the federal-state balance just as much as uncontrolled growth in the federal budget would. With more federal judges will come more federal rulings, and with more federal rulings will come more opportunities for federal judicial intervention into even the smallest of controversies in our classrooms, our workplaces, our prisons, our zoning boards, our city council chambers and the like.

Congress must preserve an independent judiciary without sanctioning an intrusive one. It can strike this balance by imposing a ceiling on judicial growth and setting limits beyond which the size of the federal judiciary may not expand. A numerical cap would strike a historical blow for limited government. But it would have other advantages also. It would allow each party to fill judicial vacancies but only up to the point of the numerical limit. A cap would force Congress to think about what is, and what is not, the proper business of the federal courts.

As for the judiciary, a cap would force courts to adopt innovative management techniques. In the Fourth Circuit, we have established a sophisticated tracking system that requires straightforward appeals to be resolved promptly and inexpensively. This step would not have been taken if we had assumed that the addition of new judges was the solution to our problems.

The alternative to a cap is a federal judiciary that, at the current pace of growth, will number more than 2,000 well before the middle of the next century. Judge Jon Newman, a Carter appointee to the Second Circuit, and Judge Robert Parker, a Clinton appointee to the Fifth Circuit, have spoken eloquently of the threat that judicial growth poses to the collegial functioning of appellate courts, to the stability of legal precedent and to the historic regional characteristics of the federal judicial system. Indeed, if the courts of appeals become much larger, the temptation will be to break them up into smaller and more parochial units. With this development, we shall have surrendered a national and regional perspective on American law.

I have heard it said that those who favor a cap on growth are nothing more than elitists supporting a small and exclusive club. The truth is just the opposite. The real elitists are those who would deprive the American people of the right to determine their own destiny and would lodge their collective fate in an overgrown federal judicial establishment. Federal courts play an important role in the protection of a uniform law and our fundamental liberties. But with unrestricted growth it will become an all-important role. I cannot imagine a more unhealthy development for our society.

Mr. GRASSLEY. Mr. President, in order to reverse this trend, the report resoundly concluded that Congress needed to reduce the jurisdiction of the federal courts.

In the last Congress, the Republican leadership wisely pushed for measures designed to reduce the federal workload. Both the Antiterrorism and Effective Death Penalty Act and the Prison Litigation Reform Act "streamlined" procedures so as to decrease the number of potential federal court filings. These measures were praised by the Chief Justice as "promising examples of how Congress can reduce the disparity between resources and workload in the federal judiciary without endangering its distinctive character."

Similarly, a bill I sponsored, The Federal Courts Improvement Act of 1996, included a provision that raised the threshold for diversity jurisdiction cases. It's estimated this provision alone reduced the federal workload by as many as 10,000 filings per year.

In addition to what had been a continually expanding jurisdiction, the judiciary's increasing case filings was also a result, in large measure, from the policies and practices of the current Administration. Over the last year, the Executive Branch alone increased its number of civil filings by 23%. This increase, in addition to the increase resulting from expanded federal jurisdiction, accounted for the total overall increase in the number of civil filings in 1997.

The policies and practices of the President have also crippled the criminal justice system. President Clinton has yet to present even a single nominee to fill the six vacancies on the seven seat Sentencing Commission. As a result, the Commission is "seriously hindered" in pursuing its important statutory functions, making it more likely that criminals may "beat the system."

The Ninth Circuit probably suffers the most from President Clinton's indifference to the judiciary's plight. The President sent up only six nominees to fill 10 vacant seats on the Ninth Circuit. One nominee has already withdrawn from consideration, leaving only four nominees to fill over one-third of the Circuit's total seats. To our credit, the Senate also just confirmed one of these nominees to this court a few days ago who had only been pending for a few months. Having solid qualifications and bi-partisan support, the Senate confirmation of Barry Silverman illustrates what we Republicans have long maintained. Whenever nominees can demonstrate that they follow the law as stated by the Constitution or enacted by Congress, rather than making up laws as they see fit, the Senate is prepared to expedite their nominations.

By the latest count, there are around 83 vacant seats on the federal judiciary. When Democratic Senators controlled the confirmation process in 1991 and 1992, there were 148 and 118 vacancies respectively. Why wasn't the other side talking about a judicial crisis then? No one blamed the shortcomings of the judiciary on vacancies then, but now that Republicans control the confirmation process, 83 vacancies have all of a sudden become a "judicial crisis." Taking into consideration the fact that there are 42 more judges sitting on the bench today than five years ago, 83 vacancies is not such an ominous figure as some would have us believe.

Today, the Senate is working hard to confirm qualified nominees, but remains hard-pressed to fill those 83 judgeships when President Clinton has so far made only 42 nominations, which is just slightly over half of the number needed. The difficulty is only exacerbated by the President's refusal to offer new candidates after his nominees have been properly rejected by the Senate.

The case of a nominee from Texas provides an excellent example. Both Texas Senators steadfastly rejected his nomination. Traditionally, and under Senator BIDEN's former chairmanship, when even one Home State Senator disapproves of a nomination, the nomination is effectively rejected. President Clinton, however, continues to press for this flawed nominee, despite the fact that other more qualified nominees could immediately replace him.

These examples illustrate how some are trying to manipulate the vacancy issue in order to steer the public away from the real problems facing the federal judiciary. Put simply, the Chief Justice believes the judiciary's expanded jurisdiction and consequent workload is too large and needs to be cut back. Why aren't the demagogues who keep repeating the Chief Justice's point about vacancies also talking about his points of reducing jurisdiction as well as the overall number of judges? It's simple. They are being selective, because they don't agree with the Chief Justice's major arguments. They want to continually expand federal jurisdiction, and continually expand the number of judges.

I agree with the Chief Justice that we should attempt to process qualified nominees in a timely manner and then have a vote. Of course some of the nominees we have been getting are not qualified or are flawed in some way.

But, at the same time, Congress should refrain from expanding the overall size of the federal judiciary. As chairman of the Subcommittee on Administrative Oversight and the Courts, I have been conducting a review of the nation's judgeship needs. I hope to have this review completed by this summer. Although it may be true that additional judges are needed in some areas, it is also the case that judgeships should be reduced or at least not filled in other jurisdictions.

A number of these 83 judgeships are not even needed. For instance, in the Judiciary Committee we have already made the case that the 12th seat in the D.C. Circuit should not be filled. We have had chief judges in other courts testify that they don't need seats in their courts filled. This further undermines the argument that there is some kind of a vacancy crisis. As a matter of fact, three of these vacant seats were created in 1990 and have never been filled. If they were so necessary, why didn't a Democrat-controlled Senate fill them in the four years it had to do it? I think the answer is self-explanatory, Mr. President. Those who charge that Republicans are practicing partisan politics against Clinton nominees are the same crowd that brought partisan politics to an art form against Reagan and Bush nominees.

Mr. President, I intend to speak on this matter more as we continue to consider nominees and debate the issue of judicial vacancies further. I urge my colleagues on this side of the isle to do the same.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of Frederica Massiah-Jackson.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Let me also note for the record, there is no objection on the part of the minority, at least I have been informed there is no objection, to proceeding with this debate at this time.

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. HATCH. Mr. President, I rise today to express my strong concerns with respect to President Clinton's nominee to be a U.S. district court judge for the Eastern District of Pennsylvania—Judge Frederica Massiah-Jackson. I voted for this nominee in committee, but on the basis of information that has been presented to the committee since Judge Massiah-Jackson's hearing, I now have serious reservations about her nomination.

Judge Massiah-Jackson, who currently serves as a State court trial judge in Philadelphia, was nominated by President Clinton on July 31, 1997, to serve in the Eastern District of Pennsylvania. The Judiciary Committee received her completed paperwork on August 15 and began processing her nomination around mid-September. The committee began, in bipartisan fashion, to review what available information there was on her background, her qualifications, and her experience.

The committee's assessment of that information was directed from the outset to serious allegations that were leveled against Judge Massiah-Jackson. In particular, the committee's bipartisan investigative team followed up on allegations that Judge Massiah-Jackson was biased against law enforcement, that she was unduly lenient in sentencing career criminal offenders, and that she lacks proper judicial temperament, as shown with her use of profanity while sitting on the bench.

Despite attempts to investigate seriously these allegations, no one was willing to come forward publicly during the initial investigation with specific and credible evidence or information showing a general bias against law enforcement. In fact, Judge Massiah-Jackson, when confronted with this allegation, had denied having such a bias.

I was particularly troubled by a newspaper account reporting that Judge Massiah-Jackson had identified two undercover officers in open court and warned the spectators to watch out for them. No one, however, came forward to substantiate those charges.

But the committee's investigation did unearth some very troubling information. Judge Massiah-Jackson herself admitted to using profanity at least once while sitting as a judge—she admitted to cursing at a prosecutor in open court; it was not pleasant, and the profanity was not incidental profanity—but she expressed contrition about that event. Indeed, she promised the committee that, if confirmed, she would act appropriately as a Federal district judge.

Now, I take charges of intemperance from the bench seriously. Judges, by their very position, must remain above the fray. They must, by their demeanor and comportment, preside with dignity over their courtrooms and set an example for the attorneys and witnesses to follow. Nevertheless, as a former litigator, I know that in the rough and tumble world of courtroom advocacy that sometimes things can get a bit out of hand. That at least places such untoward remarks in some kind of context. Judge Massiah-Jackson assured the committee that she would conduct herself in an appropriate manner in the future, and that such mistakes as had occurred were early in her tenure on the bench and that she would never allow that to happen again.

The committee's investigation also confirmed that Judge Massiah-Jackson's sentences, while not grossly out of line with those imposed by other State judges, were indeed very lenient on average.

By the time the committee held a hearing on Judge Massiah-Jackson, it was clear to me that she had exercised questionable judgment in a number of cases, that she was softer on crime than I would wish a Federal judge to be, and that there were some serious questions about her ability to preside over a courtroom with the level of decorum that our citizens have the right to expect.

It was clear to me, in a word, that Judge Massiah-Jackson would never be my nominee to the Federal bench. But the Constitution does not vest judicial appointment authority in the Senate. She is President Clinton's nominee. I have never viewed my advise-and-consent responsibilities as an opportunity to second-guess whoever is the President—so long as he sends us nominees who are well qualified to serve and whose views, while perhaps not my own, reflect a commitment to uphold the Constitution and abide by the rule of law.

For that reason, I anticipated that the nominee's responses during her hearing would be extremely important to my own vote. To my mind, those responses would determine whether there was reason to expect that Judge Massiah-Jackson could yet be a credit to the Federal bench.

During her hearing, Judge Massiah-Jackson was questioned extensively about her sentencing record in various cases, she was asked about charges she was antiprosecution, and she was asked to explain the incident in which she had cursed at prosecutors.

After the hearing, members of the committee posed further questions in writing, to which she responded.

In a nutshell, Judge Massiah-Jackson again apologized for her use of profanity in the courtroom and she made every effort to persuade us she has the highest respect for law enforcement and for the difficult job that police officers have to do in our country.

Of particular significance to me, Judge Massiah-Jackson expressly disputed the published press report that indicated she had used her job as a State judge to expose the identities of undercover police officers—in open court, I might add—and to warn the spectators against them. In response to a written question from Senator THURMOND, she flatly denied that such an event had occurred.

On the faith of those assurances and the assurances of those who knew her and know her, and while reviewing the issue very closely, I voted with a majority of my colleagues to report her nomination favorably out of the committee.

I am disappointed to say that with the benefit of hindsight, information has emerged since the Judiciary Committee held its hearings on this particular nominee of President Clinton that strongly suggests to me that she was somewhat less than candid with the committee.

In addition, since the committee's vote, the committee has been virtually deluged with letters from prosecutors and law enforcement agencies in Pennsylvania that document a disturbing pattern of open hostility toward the law enforcement communities. These condemnations have been bipartisan and, in some respects, overwhelming. The Pennsylvania District Attorney's Association, as well as the Philadelphia District Attorney, have come out in opposition to Massiah-Jackson, as have the Pennsylvania Attorney General, the Fraternal Order of Police and the National Association of Police Officers. That is pretty extraordinary. I don't know of any other case where that really has happened, although there may be one or more, even in my experience, but I don't remember any. Moreover, the committee has now received more details about particular rulings by Judge Massiah-Jackson that evidence an inability to deal with law enforcement issues fairly.

First, let me address Judge Massiah-Jackson's possible lack of candor with the Judiciary Committee. During the committee's bipartisan investigation, Judge Massiah-Jackson was questioned about an article that appeared in the local Philadelphia newspaper in 1988 which stated that she had told spectators in the courtroom to take a good look at the undercover officers who are witnesses in the case and to watch themselves. She was asked whether the circumstances described in the article were true. Judge Massiah-Jackson told committee staff she does not recall the incident, but that she did not understand the concern about "outing" the officers if they had already testified. Thereafter, the committee faxed a copy of the article to Judge Massiah-Jackson and asked her to write a letter and comment about the allegations mentioned within the article. Later, the committee received a letter from the nominee that failed to make mention of the incident with the undercover police officers.

Later, at her hearing before the committee, Judge Massiah-Jackson was questioned again about her alleged comments about the undercover police officers. Unfortunately, Judge Massiah-Jackson failed to answer the questions directly and instead she indicated that she respected the role of law enforcement officers.

Dissatisfied by her answers both to the written questions and to the questions at the hearing, Senator THURMOND sent the nominee a follow-up question directly asking her to explain her statement to courtroom spectators to "take a good look at the undercover officers and watch yourselves." In her written response, the nominee categorically denied ever having made the statement. Her written answer back to the committee was as follows: "I have read the 1988 article and it is inaccurate. I would not and did not make any such statement to the spectators. I have great respect for law enforcement officers who have very difficult jobs and work in dangerous situations."

In the wake of recent developments, however, committee staff, in a bipartisan investigation, was able to interview the two police officers who were mentioned in the news article. Those officers provided written statements to the committee that refute Judge Massiah-Jackson's representations and corroborate the newspaper story. Both Sergeant Rodriguez and his partner, Detective Terrace Jones, an African American, felt that the judge's statement jeopardized their lives if any of the people in the courtroom were friends, family or associates of persons with whom they might negotiate drug buys in the course of their undercover work.

Although I was more than willing to credit Judge Massiah-Jackson's denial of the newspaper account, in the face of statements by the two officers and the newspaper story, her denial now appears to be somewhat less credible.

I would also point out that Judge Massiah-Jackson unequivocally informed the committee during her hearing and during questioning by Senator SPECTER she had never been reversed on a sentencing issue. This fact was important because of concerns that Judge Massiah-Jackson was particularly bent on leniency in sentencing. In fact, nominees are routinely asked, if they are presently judges, to provide the committee all of the cases on which they were reversed.

In response to the committee's request, Judge Massiah-Jackson identified 14 cases in which she had been reversed. None involved a sentencing issue. When asked a second time in writing whether there were any other cases in which she was reversed, Judge Massiah-Jackson reported one additional case. Once again, this case did not involve a sentencing issue.

Since her hearing, however, the committee itself discovered that Judge Massiah-Jackson's statement that she has never been reversed on a sentencing issue is inaccurate. In fact, to date, the committee has found she has been reversed in at least two sentencing cases: Commonwealth v. Easterling and Commonwealth v. Williams. In both cases, Judge Massiah-Jackson imposed a sentence found to be too lenient by the appellate court.

In Easterling, the defendant pled guilty to burglary and criminal conspiracy. Despite a serious prior criminal history, including nine prior adult property convictions and two adult armed robbery convictions, Judge Massiah-Jackson sentenced the defendant to concurrent terms of 11½ to 23 months imprisonment. Her sentence was 3 years below the standard guidelines and 1 year below even the mitigated guidelines. The Supreme Court found that the downward departure was unreasonable and vacated the sentence.

In Williams, the defendant pled guilty to robbery and possession of an instrument of a crime. The defendant, in attempting to take the victim's purse, viciously slashed the victim with a razor. Despite having a prior criminal history, Judge Massiah-Jackson again sentenced the defendant to only 11½ to 23 months' imprisonment and then immediately paroled him. The superior court again held that this sentence was unreasonable—it was substantially below the minimum sentencing guidelines which required a minimum of 4 to 7 years' imprisonment for robbery with a deadly weapon. In addition to finding that Judge Massiah-Jackson had improperly lowered the defendant's offense gravity score, the superior court also found her refusal to apply a deadly weapon enhancement to the razor was clearly erroneous. The court vacated Judge Massiah-Jackson's unreasonable low sentence.

In addition to these reversals for illegal sentences, I would like to provide an example of why I am so concerned about Judge Massiah-Jackson's ability to weigh the facts fairly. Recently, the committee has received numerous cases that were not previously provided by the committee. One of these cases, Commonwealth v. Smith, appears to be a particularly egregious case, and I want to tell you about it so you may assess for yourself why this nominee is perceived as being unalterably hostile to crime fighting.

In the early evening of September 28, 1990, a 13-year-old boy was dragged into the bushes on the grounds of a Philadelphia hospital. The assailant raped and sodomized the boy, threatening to kill him. Despite the fact that his face was slashed with a box cutter, the boy managed to escape from his assailant's clutches. Naked and bleeding, he told two female hospital employees who were passing by what had just happened and that his attacker, a man, was still in the bushes. Shortly thereafter, hospital guards arrived and took the boy to the emergency room for treatment.

The two women then saw a man crawling out of the bushes where the boy had told them the attack had occurred. They made eye contact with the man from only 2 feet away. The man jumped to his feet and turned to walk away from the crowd of security guards and bystanders.

One of the women informed the guards of the man's appearance. Remember, the two women, according to the court of appeals' decision, never lost sight of the man until after he was apprehended by police just 2 minutes after they spotted him crawling out of the bushes where the young boy said he was.

A Philadelphia police officer arrived on the scene within seconds of receiving a police radio call of a "rape in progress." The officer stopped the man and told him he was investigating a radio call of a rape. The man said that he had not raped anyone. When the security guards and witnesses told the officer that the man had just raped a young boy, the officer handcuffed him and put him in the back of his patrol car.

Moments later, another officer conducted a safety search of the man before placing him in a patrol wagon. He found a box-cutter knife like the one used to cut the boy's face and a rag still wet with blood. The defendant later confessed. Despite the overwhelming evidence in the case, Judge Massiah-Jackson held that the police officer had no probable cause to arrest the man. She suppressed the defendant's statement, the box-cutting knife, the bloody rag and the out-of-court identifications as the fruits of an illegal arrest. I am thankful to say her ruling was appealed and reversed, but I am somewhat surprised President Clinton would still nominate this judge if he was aware of this decision.

It has been noted that by some that, after the case was reversed, the case was assigned to a new judge and the defendant was, I am told, acquitted. This is why it would be advisable to consider holding a hearing at which the nominee can explain her decision in this case. Frankly, notwithstanding the eventual verdict, I fail to see how one could conclude that probable cause to arrest the defendant did not exist.

In recent weeks, the Judiciary Committee has received letters from virtually every law enforcement office in the State of Pennsylvania and several national organizations voicing their opposition to President Clinton's nominee. To date, we have received letters from the Attorney General of Pennsylvania, the Philadelphia National Fraternal Order of Police, the National Association of Police Organizations, the Pennsylvania District Attorneys Association, and letters by numerous district attorneys around the State, including one from Lynn Abraham, district attorney for Philadelphia, who I understand is a Democrat herself. All of these letters express opposition to this nominee's appointment because of her record of hostility to prosecutors, law enforcement and victims of crime.

Now, although it certainly would have been beneficial to the committee if we had this information before Judge Massiah-Jackson's hearing, we certainly cannot turn a blind eye to the facts. We ought to just make it clear that this committee, in a bipartisan way, takes these judgeship nominations very seriously. We continue to investigate right up to the time of confirmation. We are not going to fail to look at matters when we think there may be some legitimacy to them, as may be the case here.

Make no mistake, I take my floor vote on Judge Massiah-Jackson very seriously. When her candidacy was in the committee, I resolved my serious misgivings about her nomination in her favor, as I often do, if we don't have people who are willing to appear before the committee, willing to give statements that are substantiated rather than unsubstantiated and if the FBI matters also are unsubstantiated, regardless of the accusations. We see in the FBI reports all kinds of accusations from everybody, from responsible citizens to crazies, and we have to look at those things in a bipartisan, decent, honorable way, sift through them, and do the best we can to arrive at the facts and to be fair to the nominees.

While her candidacy was in the committee, like I say, I resolved these serious misgivings I had in her favor because we do not—most of the accusations, all of the accusations, by and large, were unsubstantiated. People were unwilling to come forward and to speak on the record. I am not about to oppose a nominee and cast a shadow over his or her career when all the Committee has to act on are anonymous sources. But now we have people who have been willing to come forward. I wish they had done so before. It would have helped the Committee straighten out this matter.

My decision on the committee was based in large measure on the representations made by the nominee herself, both in answer to the written questions and at her hearing. To the extent that these recent developments called the nominee's statements before the committee under question—and they do—I am obliged to reconsider my vote. After reviewing and considering the information that has recently been provided to the committee by law enforcement officers about her conduct on the bench, her alleged bias against law enforcement, her flawed judicial rulings, and above all, her apparent lack of candor with the committee, I can't in good conscience, based on what is available to me now, continue to give her the benefit of the doubt.

I have the highest personal regard for Senator SPECTER, who has ably promoted her candidacy, I believe, with the same understandings that I have had up until now, but I have serious questions whether Judge Massiah-Jackson is fit for the Federal bench. Senators SPECTER and SANTORUM have suggested that she be given an opportunity to publicly respond to these recent developments. As chairman of the committee, I hope that the Senate can accommodate their request. I am not sure that we will at this point. But I hope that we will. I hope we can give her a hearing. If we decide to have a hearing, I can hold a hearing. And I think I would have the cooperation on the part of the minority in doing so.

Having said that, I also believe that some of my colleagues, who will speak in opposition to the nominee, have a legitimate argument in urging the Senate to vote on this.

In his State of the Union Address, President Clinton challenged the Senate to "vote on the highly qualified nominees before you, up or down." Since President Clinton's challenge, the Senate has voted to confirm five judicial nominees. One judicial nominee has chosen to withdraw. And Judge Massiah-Jackson's nomination is in serious question due to concerns from the law enforcement community. Today, some of my colleagues are eager to comply with President Clinton's request. And I hope that this year we will be a bit more expeditious in bringing judges up for votes on the floor. If Senators have objections to them, let them raise them here. This is an appropriate place to do it. Above all, it is appropriate to raise them during the hearings that we hold in the Judiciary Committee. But they can also be raised here, and we face those objections if we are for or against these nominees as they come up for a vote.

Mr. President, if I could just have one more sentence, I don't know whether we will have another hearing or not. But I am certainly going to keep my options open on the subject and work with my colleagues from Pennsylvania. I can't believe that all of these people who have suddenly come forth as law enforcement people are not telling the truth. Yet, I do have some information that Judge Massiah-Jackson may have massaged some of the facts herself. And I am very concerned about this. Frankly, I am going to look for guidance here on the floor from a wide variety of people. And let's just hope that we can do what is appropriate here under the circumstances.

I yield the floor at this time.

Mr. LEAHY. Mr. President, if the distinguished Senator from Utah will stay on the floor for a moment on this, I know there are a number of Senators, especially the two distinguished Senators from Pennsylvania, and others who wish to speak. I advise Senators that I am only going to hold the floor for a moment.

I would like to underscore something that the distinguished Senator from Utah said, which is that if this matter does not come to a vote in the next couple of days and stays on the calendar during that time, the distinguished chairman of the Judiciary Committee has the authority to hold further hearings, if he wishes to, even though the matter is here pending on the calendar. It is something that can be done without the direction one way or the other from the Senate as a body.

I would also note that the distinguished chairman and I have a long practice of discussing first privately issues of this nature that may come up so that we can then report back to the individual Members on our side of the aisle where we are going. I know that the distinguished Senator from Utah would do that. I mention this only to say that I do not want in any way to limit anyone's right to speak, but I will reserve any comments that I might make until after the time I have discussed this matter privately with the Senator from Utah. I will certainly listen to the things that are said by other Senators on the floor. I want to note an agreement with what the Senator from Utah has said, which is, of course, that the committee has the right to hold further hearings while this matter is pending before the Senate. It is not often done. But certainly it could be.

Mr. President, I am about to suggest the absence of a quorum, and I will assure Senators that I will have no objection to having it called off in about 1 minute. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see other Senators, including the distinguished senior Senator from Pennsylvania, on the floor. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I think that there may well be an agreement on the basic course in this matter; that is, to have another hearing in the Judiciary Committee after we have reviewed all of the cases presented by the district attorneys, and after we have given Judge Massiah-Jackson an opportunity to reply. Before commenting about the background and history of the case and the actions which have been taken up until now, I would ask for the attention of our distinguished chairman, Senator HATCH.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. Senator HATCH has cited the case of Commonwealth v. Smith, and noted Judge Massiah-Jackson's judgments in the matter. And I just wanted to inquire of my distinguished colleague, if I could have Senator HATCH's attention, does my distinguished colleague know that when the case came up on retrial before a different judge that the defendant Smith was found not guilty?

Mr. HATCH. I understand this to be the case. As I noted, the record as of today is unclear on a number of these issues. The Department of Justice is still reviewing some of these cases. But the fact that the defendant was eventually acquitted does not excuse the fact that she was reversed on appeal, that we only learned of this case last week, and that there certainly appeared to be probable cause to arrest him.

Mr. SPECTER. The Senator from Utah has commented about two cases where there were sentences below the guidelines. I ask my colleague from Utah if he knew in the case of Commonwealth v. Earnest Smith, January term, 1986, 0144–0146 that Judge Massiah-Jackson was reversed for handing out a sentence which was too tough or long under the sentencing guidelines? I would be interested to know if the Senator knew as opposed to the staff knowing, if it please.

Mr. HATCH. I am aware that she may have handed down some tough sentences as well.

Mr. SPECTER. I raise those two points on specific matters cited by the distinguished chairman because there is a great deal which has to be analyzed. I am in total agreement with Senator HATCH when he says that there has to be review in a bipartisan manner to take a close look at Judge Massiah-Jackson's qualifications. I consider myself as a juror on the matter to look at the facts and make an impartial, unbiased determination. That is the conclusion which I came to in conjunction with my distinguished colleague from Pennsylvania, Senator SANTORUM, when we had the district attorneys in my office on January 23rd at the invitation of Senator SANTORUM and myself to hear the specifics of their complaints. They said at that time that they had some 50 cases to present on Judge Massiah-Jackson's record, and we responded that we wanted to hear them to see what they were. We hoped that they could be filed within a week, although whatever information they give us at any time, including today, is going to be considered.

This is a very important matter when you have a lifetime Federal court appointment. In fact, 49 cases were submitted on Monday, February 2nd, a week ago yesterday. Those cases are currently under review. I am told that some 15 people are reviewing the cases in the Department of Justice and at the White House to make an analysis of those cases. Judge Massiah-Jackson is now in the process of reviewing those matters to present her views as to why she did what she did in those cases. Once that is concluded, I think that we would have to make an analysis. And the probabilities are high that another hearing will be required, although even that cannot be determined until we take a look at the cases to see what those cases say.

When Senator HATCH outlined the history of this matter, he pointed out that the President submitted the nomination of Judge Massiah-Jackson to the Senate on July 31st of 1997, and that the papers were sent over on August 15th of 1997.

I think it is worth noting, Mr. President, that an arrangement which has been worked out between Senator SANTORUM and myself as the Senators from Pennsylvania and the White House has been that for every three nominees submitted by the President's party, Senator SANTORUM and I would be able to make recommendations as to one judge from the Republican Party. Pennsylvania is the only State which has that arrangement, with the exception of New York which has had that arrangement going back to the 1970's when Senator Javits was the Senator from New York. Our recommendation was for the Eastern District and for former Pennsylvania State Supreme Court Justice Bruce Kauffman and that was our suggestion. There was no connection with any other nominee. But that arrangement has been carried out, and we expect it to be carried out in the Western District and the Middle District as well.

As Senator HATCH pointed out, when we sought to have information about Judge Massiah-Jackson, none was forthcoming, and there was a reluctance on the part of the Judiciary Committee until further investigation was done.

So Senator SANTORUM and I convened a hearing which was attended by Senator BIDEN, former chairman of the Judiciary Committee, in Philadelphia in early October. We asked all parties to come forward at that time, if they had any information adverse to Judge Massiah-Jackson. Among the witnesses who testified that day, one was a representative of the mayor. And Mayor Rendell has been very forceful in his support of Judge Massiah-Jackson. Mayor Rendell told me that Judge Massiah-Jackson had only one appeal taken and had been sustained on that. Senator HATCH pointed out that apparently is not the case with two other cases having been reviewed here. Mayor Rendell had been District Attorney in Philadelphia, and had subsequently been the Mayor of Philadelphia, been the interim District Attorney until 1985, and then elected Mayor in 1991. So he had some substantial familiarity with Judge Massiah-Jackson's record and was very forceful in his support of Judge Massiah-Jackson.

In any event, after the hearing in Philadelphia in early October, the Judiciary Committee hearing was scheduled in late October. And at that time there was a review of Judge Massiah-Jackson's record at that time. Senator KYL presided. Senator SESSIONS was present, and I was present. Others were present when we went into her record. Subsequent to that hearing, information has come forward from the Pennsylvania District Attorneys Association challenging Judge Massiah-Jackson on a variety of grounds.

When I heard about that, I asked them to come in. January 19 was an inconvenient date, but we did meet on January 23 and then the sequence followed with their having presented their cases which we have in hand as of a week ago yesterday, February 2.

It seems to me that what we need to do is to take a look at those cases. There have been citations against Judge Massiah-Jackson in some cases—and I am not going to go into them at this time—where Judge Massiah-Jackson's judgments were later upheld by the appellate court. The information which has been provided to me is that in 95 cases which were taken on appeal from Judge Massiah-Jackson, she was reversed in 14 cases. Some of those cases were civil as well as criminal. And I think it important to note that Judge Massiah-Jackson has not sat in criminal cases since 1991.

I think there is agreement by all people who have taken a look at this nomination that a lifetime appointment is a matter of great concern, and I might add that there is a special concern among the district attorneys which has been expressed to me as the result of the decision by Judge Dalzell of the same court, the United States District Court for the Eastern District of Pennsylvania, in a case of Commonwealth v. Lambert in Lancaster County, a very serious homicide matter where Judge Dalzell suppressed evidence and said there could not be a retrial. Judge Dalzell has since been reversed by the Court of Appeals for the Third Circuit because the defendant did not exhaust State remedies, and Congressman PITTS and Congressman GEKAS and I have filed legislation which would deny jurisdiction to a Federal judge to order no retrial. Federal judges have the authority to suppress evidence, but I do not think they have the authority to deny retrial. That is a matter for the District Attorney of Lancaster County, something I have some familiarity with, having been DA for 8 years and Assistant District Attorney for 4 years before that. But I think a retrial is a matter for the local District Attorney and the local court. But there is quite a concern among the District Attorneys of Pennsylvania about that action by a Federal judge and a concern as to this nomination, and as citizens, as District Attorneys, they obviously have every right to provide information to the Judiciary Committee on this nominee. I think we have to consider what they have to say. I think we have to consider Judge Massiah-Jackson's responses and then make a determination of the judgment as to whether she should be confirmed or not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I rise to support what seems to be a growing notion on the floor that we not vote on this nominee today, that we take an opportunity for the sake of fairness to give Judge Massiah-Jackson the opportunity to respond to the new information provided by the district attorneys association.

I had to leave the floor for the past few minutes, and I missed most of the remarks of my colleague from Pennsylvania. There were some folks from Core State who wanted to talk about the Core State-First Union merger which is a very important issue in my state. I have been informed that Senator SPECTER went through some of the history of how this nomination came to this point, and I think it serves us well to understand that this information has come out late, that the opportunity was made available to anyone to not only testify in Philadelphia—Senator SPECTER and myself and Senator BIDEN held a hearing in Philadelphia to seek information, as well as the Judiciary Committee held its hearing. Information could have been provided.

I must admit that for a period of several months prior to the nominee coming up before the committee I was provided a whole bunch of information slid under the door, thrown over the transom, but not information that was in fact stood behind by anybody willing to come forward and say this is what the record indicates and go on the record. It led me to have some very serious concerns about the nominee, but, as Senator HATCH said, I am not going to make a decision on a judge based on information that someone is not willing to stand up in the public light and testify to. Senator SPECTER and I have a joint committee that reviews nominees to be district court judges in Pennsylvania. We both have an equal number of representations—a bipartisan committee. They review the qualifications of a judge, basically resume and other kinds of information. In fact, we ask several questions of the judge, but the judge provides us with the information, and we make a decision based on that information we receive. Judge Massiah-Jackson was approved by that commission. As a result, my policy is to support anybody who gets approved by the commission and then subsequently nominated by the President, to support that nominee's right to come out of committee and come to the floor of the Senate. I have on occasion not too long ago actually held judges and objected to judges being considered by the committee and coming to the floor of the Senate from the State of Pennsylvania because the commission that Senator SPECTER and I have did not find that individual to be qualified. They did find Judge Massiah-Jackson to be qualified. Therefore, I agreed to support her through this process until it reached the floor.

I always left open the opportunity, and still do, to judge as to whether I believe that person should be finally approved by the Senate. In the case of Judge Massiah-Jackson I have very serious concerns that she is in fact going to be a good judge on the Eastern District in Pennsylvania. The charges that have been put forward by the district attorneys association and others I think are very serious. The cases you have heard from Senator HATCH and I know others will be talking about today raise very serious concerns about her respect for law enforcement and her treatment of criminals on both her record as far as a finder of fact in nonjury trials as well as her sentencing as a result of being the finder of fact.

So those things I have very grave concerns about, but having said all that I don't think it is fair for the Senate to move forward and vote on a nominee who has not had the opportunity to respond. I just think that would be unprecedented. These allegations, unfortunately, came in at the last minute, came in almost after the last minute. Judge Massiah-Jackson actually almost was approved before we left at the end of last year but an objection was raised by two Senators for that approval. Otherwise, she would have been approved by unanimous consent here. Two Senators objected to that approval. It was only after that—in fact not immediately after that because that happened in November. It was 2 months later that this information came out—not 2 months but almost 2 months later that this information came out in a letter from the district attorney of Philadelphia and the neighborhood who voiced her concern and her opposition and obviously the district attorneys association followed suit, or I guess about the same time came forward and said they objected. Subsequently, the fraternal order of police in Philadelphia objected, then the State and then the national. So we had this sort of drip, drip, drip of opposition come out, and I am not questioning whether it is legitimate or not.

These are, obviously, very important substantive issues, but I must admit I am a bit concerned and bothered by the fact it came out at such a late time and in such an, I think, unprofessional fashion. We needed to have this information before the committee when the committee brought her nomination up for confirmation. It was only fair to the judge to do that. And I think these allegations coming out at the time they are have not been fair to her, so I think for the Senate to move forward at this point would be an additional unfairness to this candidate. And so I would encourage my colleague, the Senator from Utah, as well as the Senator from Vermont, Senator LEAHY, to coordinate, whether we have to do it by some formal action in the Senate or preferably by some informal action, that we delay this nominee today, give her the opportunity to come before the Judiciary Committee and have an opportunity to be heard and to respond to these allegations, and they are serious, but I frankly think the more serious the more I feel compelled to give her the opportunity to respond. If they were not so serious, then I would say, well, let's just move forward. But the fact they are serious I think fairness requires her to come before the committee and give her accounting of these fact situations.

And what are they? Well, 50 cases have been brought to our attention here in the last few weeks, 50 cases that have been delivered to us for the last year in which she was a judge. I believe she was a criminal court judge about 7 years. I could be wrong by a half year or so. The last year they went through her records and of 400 some cases, they pulled 50 to show what they believe is conduct that shows a disrespect for the rule of law and a very soft approach on crime.

I must admit I have read the summaries of all 50 of those cases and I am troubled by not all of them but certainly most of them. I also understand that is the synopsis of the district attorneys association as to what the facts were in the cases, and I would think it is only fair that we hear what the judge's perspective is as to what the facts at least alleged in these summaries are before we make the decision in the Senate.

And so again I think on that count the judge deserves an opportunity. Other information has been brought forward as to her sentencing record. Again, that was somewhat reviewed by the committee. They are taking a little different angle. But these are nuances that I think are important, when it comes to sentencing, she have an opportunity to provide at least some light on the subject.

There is the issue of her acquittal rate. According to the district attorneys association, her acquittal rate is much higher than the average judge. When I say acquittal rate, acquittal when she sits as finder of fact in a nonjury trial—that her rate of acquittal is higher than the average rate of acquittal, on all charges I might add, on all charges of the average judge in Philadelphia. In fact, in the last 4 years it is three times the rate of the average judge in Philadelphia. Again, I am not an expert in the way the court system functions in Philadelphia. I don't know what division of the court she was sitting in. I don't know what that means. Is it maybe as the result of the kind of cases she was hearing? I think those are important questions we have to ask her and, frankly, ask the district attorneys association or the district attorney of Philadelphia at a hearing so we can understand in a little broader picture what the facts are with respect to her acquittal rate.

So those are just some of the things that while on the face of it I must admit are troubling and may continue to be troubling if the response, Judge Massiah-Jackson's responses are not satisfactory, I think the opportunity to respond is imperative.

So I rise to support what hopefully will be the order of the day here which is to give everyone an opportunity to be heard but hopefully then give Judge Massiah-Jackson the opportunity to be heard.

I thank the Chair.

Mr. ASHCROFT. Mr. President, I rise today to speak out in opposition to the nomination of Judge Frederica Massiah-Jackson to be United States District Judge for the Eastern District of Pennsylvania.

We have heard in recent weeks about the so-called vacancy crisis in Federal courts and that the Senate needs to move more quickly in putting the Clinton nominees on the bench.

Well, I for one am more concerned about the quality of nominees than I am about the quantity of nominees. And I am quite sure that we should not respond to a perceived vacancy crisis by giving a lifetime appointment to Frederica Massiah-Jackson.

Before putting this nomination into the context of judges in Washington, and the battles over judges, it is worth emphasizing the remarkably strong and unified opposition of local law enforcement to this nomination. I have not had a long history of appointments and confirmations here in the Senate—3 years. We have confirmed scores of judges over the course of 3 years. When I was Governor, I had the opportunity to appoint a couple of hundred judges. I appointed all seven members of the supreme court of the State of Missouri. It was a privilege for which I was deeply grateful and I took it very seriously. I thought it very important that we appoint individuals of high quality.

Never in my experience with judicial appointees here in the U.S. Senate or in my time as a Governor, when I appointed several hundred judges in my home State, did I ever see a community of prosecutors step forward and say, "Don't do this." Never before have officers of the court—and prosecutors are officers of the court—felt the necessity to stand up and say, whatever you do, don't confirm this one. Don't appoint this individual.

At noon today I participated in a press conference with national and local law enforcement officials. Other participants included John Morganelli, the district attorney from Northampton County in Pennsylvania, and Ralph Germak, the district attorney in Juniata County of Pennsylvania, and Richard Costello, the president of the Philadelphia Fraternal Order of Police.

I thank them for their willingness to come forward. They came to the news conference to express their opposition to Judge Massiah-Jackson. Interestingly enough, these are not individuals that you would normally expect to publicly express their opposition. District Attorney Morganelli is a Democrat. The nomination of this Democrat judge from Philadelphia was made by a Democrat President. It takes courage to put one's country and the judicial system above one's party. But District Attorney Morganelli chose to do so.

Not only did District Attorney Morganelli come forward, but he also made us aware of District Attorney Lynne Abraham, a Democrat district attorney for Philadelphia. At great political cost to her, Ms. Abraham said this nominee is simply unacceptable. She wrote in a letter addressed to Senator ARLEN SPECTER on January 8 of this year, referring to Judge Massiah-Jackson:

> This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude toward police, and a disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

The severity of that statement is matched only by its candor and its courage. It is not easy for a district attorney who has the responsibility of sending prosecutors into that courtroom to come forward with that kind of testimony about a nominee. Most of us would not want to tell the truth about a judge that we were going to have to face over and over and over again. When District Attorney Morganelli and District Attorney Lynne Abraham come forward, speaking at great personal risk, I do not take that lightly.

When Richard Costello spoke, as the president of the Philadelphia Fraternal Order of Police, he mentioned casually a fact that sent a chill down my spine. He said, "I have been shot twice." And then he related the story of how Judge Massiah-Jackson had ordered undercover policemen to stand up and be recognized in court so that any drug dealers that were there would recognize them if they saw them on the streets. You can imagine what happens to an undercover policeman who is trying to make a drug buy in a case and the drug dealer recognizes the policeman. It could well be that that individual's life would not be worth that much.

I think these individuals who have come forward have a unique blend of personal experience and an unparalleled amount of courage to provide this important information to the U.S. Senate. Nomination fights are difficult. I wish we didn't have all these fights stacked at once. But there is a level of quality that we must expect from individuals who are appointed for life to the Federal bench. If that level of quality does not exist, we must find it elsewhere.

I do not believe that the talent pool of individuals available to be Federal judges in America is shallow. I do not believe that we cannot find moral people who are decent, who have an ability to stay in the middle of a controversy instead of joining one side or the other. I do not believe that the number of trained, skilled lawyers in the Philadelphia, PA community is so low that we have to accept individuals who, according to the district attorney, have an adversarial attitude toward police and disrespect prosecutors. The prosecutors are a part of the court and judicial system. They are entitled to respect. But this nominee is so far below the minimum quality we should expect from a Federal judge that it is tragic. The local law enforcement community is horrified. They are about to be saddled with a judge that they say is the worst.

There is a principle, I think they call it "the Peter Principle," where they kick people upstairs. They keep promoting them because they want to get rid of them. These officials who came forward in this case are not even willing to do that. They understand that this would be a mistake of unparalleled proportions. Washington may seem willing to rubberstamp nominees no matter how unqualified, but these courageous individuals from Philadelphia—and, I might add, the prosecutors association from the State of Pennsylvania, which voted unanimously against this nominee—are not.

I began a minute ago to address the idea of the talent pool, the idea that there are people talented enough and capable enough, and who have the requisite integrity to do a good job. I am firmly convinced of that. What really troubles me is that the Senate here, now, is talking about maybe we can try and allow this individual to have another hearing, in spite of the fact that the written responses were inadequate, in spite of the fact that the oral responses of this judge, when heard previously, were inadequate, that somehow we could explain away everything. It is as if there is no other option.

I do not think we should try to find a way to make the worst nominee that these folks have ever seen somehow marginally acceptable. We should not be seeking the lowest quality possible in the Federal judiciary. We should be seeking the highest quality possible.

Let me go through some of the objections that the local officials outlined. These happen to be the basis for my own opposition. They are fourfold.

This nominee has shown disrespect for the court by using the English language's most offensive profanity in open court. This is not a subject of debate. This is the subject of court records. You see, there were certain times when this judge's personal court reporter wasn't there to take down the testimony and so a reporter unaccustomed to the language of this judge just filed the report with the offensive language in it, instead of scrubbing the report.

I think for us to say that a judge who uses the crudest profanity that we know in America in a way that demeans the prosecutor in a courtroom is someone that we should not reward by elevating to a lifetime appointment as a Federal judge. It is just that simple. There are some who said there have been apologies and it did not happen very often. I know that there are several cases in court records which show the kind of language that was used. They don't happen to occur in records that were kept by the regular reporter. But, in my judgment, when we have a deep talent pool, why should we say to those who are both in the system and hoping someday to be made Federal judges, or otherwise, that "it doesn't matter what kind of language you use. You just can come up and say you are not going to do it anymore and next time make sure that the reporter scrubs it out of the record." We really need to make a statement that people who disrespect the participants in the judicial system do not belong as Federal judges with lifetime appointments, accountable to no one.

Second, I already mentioned the eloquent testimony of Richard Costello, the president of the Philadelphia Fraternal Order of Police, and how this judge so favoring dope dealers asked undercover police officers to stand up and be identified in court. You know any dope dealer in the court wouldn't have been identified to the police officers, only the police officers to the dope dealers. Here is a judge who recklessly and without regard to the lives of police officials, puts those lives at risk. Officer Costello indicated that he attended the funerals of seven police officers who had been killed in the line of duty, and he didn't appreciate in the least a judge jeopardizing his fellow officers and his own ability to survive.

Third, this judge demonstrated hostility to prosecutors by suppressing evidence and dismissing charges against criminals. I think the statement by the chairman of the committee with regard to the young man who was raped and the assailant who was captured, identified crawling out of the bushes, was eloquent and powerful. We need judges who will be fair and impartial.

Last but not least, this judge has shown leniency to criminals in sentencing violent criminals to probation only, even when they have been involved in violent crimes on a repeated basis. The judge has used a technique to get to a place for lower sentences. When a person would be charged with a crime and the evidence would come in and show unequivocally that they are guilty of the crime, the judge would find guilt of a lesser included offense so that she could avoid having to impose the minimum sentence and could give a lesser sentence.

There has been a great deal of talk about how there have not been very many appeals. Some have asked, “How many times has she been reversed on appeals?” Let me say this, if you are a criminal you are not going to appeal when the judge turns you loose. You are not going to appeal when the sentence is low. It's very difficult for the prosecutor to appeal.

The Senate cannot confirm this nominee in the face of the strong opposition of the local law enforcement community and on the basis of these four fundamental facts, which are established clearly in the record and which require no additional committee meetings to examine. This judge has been a profane judge, disrespecting prosecutors in the courtroom by referring to them with the lowest level of profanity known in the English language. This judge has recklessly risked the lives of law enforcement officers by making undercover agents reveal who they are to the drug-running community. This judge has demonstrated a hostility toward prosecutors by suppressing evidence unnecessarily and improperly on a repeated basis. And this judge has shown leniency toward criminals by sentencing violent criminals only to probation when the record clearly shows that not only are they violent criminals, but they are violent repeat offenders.

For us to confirm this nominee of this President would be to betray our oath of office to provide advice and consent. For us to confirm this nominee would be the height of arrogance and another example of “Washington knows best,” when the folks at the local level know what is right and they have come forward with great courage and inordinate candor to share with the Senate their sentiments about this nominee.

As I mentioned earlier, never in my experiences with the appointment of hundreds of judges have I ever heard from prosecutors like we have in this matter. I've never seen so many stand up, be willing to call a news conference and say, “This kind of candidate is totally unacceptable.”

We have heard a great deal in recent weeks about the vacancy crisis in the Federal courts, and we heard it said that Republicans are delaying for the sake of delay. In the case of Massiah-Jackson, I have asked that we debate this issue for the sake of the country and for its courts.

I must confess that this issue is here in the U.S. Senate because of me, because at the close of the last session, I was contacted by no less than a half a dozen different Senators who urged me to let this nomination go through in the dark of night as a matter of unanimous consent. They said, “Let's get it over with; let's just get this done.”

Well, that would have been an unfortunate mistake. It would not have allowed these prosecutors and local officials to assemble their briefs. It would not have allowed us to hear the evidence. It would not have allowed us to make good decisions as Members of the U.S. Senate. I resisted those efforts because I felt the nomination raised serious questions, it had serious defects that needed to be examined in the light of day.

When the President comes and asks us to work hard to make sure we do a good job on nominees, I think that is a sincere request, but we should take him at face value. I think these nominees are important enough for us to debate, I think they are important enough for us to decide, and I think we should debate them and decide them in the light of day. There is no need for us to rush this particular item back into a committee room somewhere so something can be done absent the light of day and the scrutiny of the public. It is time for the U.S. Senate to stand up and to say that there are times when the President simply sends us individuals who are unacceptable.

I placed a hold on this nomination and refused to lift it, despite the insistence of a number of Senators, including Senator SPECTER. Some would point to this as unnecessary delay, but we will create an actual crisis, not an imagined one, if we send individuals of this caliber into America's courtrooms.

The Senate has a constitutional obligation to give its advice to the President with respect to judicial nominees, and, in this case, I think we should withhold our consent. I think that the President should have withdrawn this nominee. I can't imagine the President understands the character and nature of this nominee's conduct and wants the Senate to ratify that conduct by sending this nominee into a lifetime appointment. Surely the President is familiar with the litany of disrespect assembled by this nominee in her prior service.

One has to wonder about the vetting process that raises no objections to a nominee like this one. You wonder what kind of job the American Bar Association did. They purport to be the “Good Housekeeping Seal of Approval.” I maybe ought to apologize to Good Housekeeping for saying that, because never has a product with the “Good Housekeeping Seal of Approval” fallen so short of its advertised billing.

The truth of the matter is this: The Constitution does not give the American Bar Association or the Justice Department or the White House counsel's office the screening responsibility for Federal judges. The responsibility to screen Federal judges is resident in the U.S. Senate.

Some have said, “Well, we ought to have another committee hearing; we ought to have this; we ought to have that.” The U.S. Senate acts as a committee of the whole. When the nomination comes, we are each eligible to evaluate the evidence. We are each charged with the responsibility, duty and opportunity to help make sure that the judicial branch of this country is properly staffed.

The President should withdraw this nomination. The American people deserve better. This nomination sends the wrong message to criminals, suggesting that you can find a friendly judge whose predisposition is adversarial to the prosecutors. That is not my conclusion, that is the conclusion of the prosecution community in Pennsylvania. It sends the wrong message to young people that it doesn't matter what kind of language or respect you accord to the judicial system, you can still be moving up the ladder. Finally, this nomination sends the wrong message to law enforcement that the U.S. Senate doesn't mind promoting someone who puts the lives of law enforcement officials in jeopardy.

I call on the President to withdraw this nomination. If the President refuses to withdraw this nominee, the Senate should vote to reject the nominee now. There is no need for additional proceedings. The President himself says we should have up-or-down votes. He says that there is a backlog. Well, if there is a backlog, why slow the system down with a reexamination of an individual who is unqualified to serve, who will not take this responsibility of the American judiciary to its highest and best, but who, unfortunately, will be found as reinforcing it at its lowest and least?

Nothing will be gained by further delay or sending the nominee back to committee. We know more than enough now, and we know more than enough about the talent pool of lawyers in Philadelphia, PA, to know at least there are some lawyers there that could have a far superior propensity for public service than this nominee who has already soiled a reputation while serving in a public position of responsibility.

We are constantly being told that if there are problems with nominees, we should bring them up and vote them down. Now is the time to dispose of this nomination. Now is the time to say America deserves better. We deserve better than someone who would profanely abuse the courtroom and the participants in the judicial system.

We deserve someone who would do better than to jeopardize the lives of law enforcement officials.

We deserve a judge who would be fairer than to arbitrarily dismiss evidence so that criminals could go loose unjustifiably.

We deserve someone who knows better than to avoid tough sentences when there are repeat violent offenders against the people of our cities and States.

I believe we have the votes, and after a debate in which people can see the kind of nominees that the President is sending to the Senate, we should vote this nominee down.

I thank the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, let me take strong offense to what the Senator from Missouri has said in a number of particulars, if I could have his attention. If I could have the attention of the Senator from Missouri. When he makes a comment about betraying the oath of office, I consider that insulting. I have been in this body a little longer than the Senator from Missouri has, and I know what my oath of office is. If the Senator from Missouri thinks that he knows enough, that can be his conclusion. He may be willing to make a judgment without hearing from Judge Massiah-Jackson, but I don't think that is the fair or the appropriate thing to do.

When he talks about why send it back to the Committee, let's debate and decide this in the light of day, he is not only insulting this Senator, he is insulting the Committee—why send it back to the Committee without the scrutiny of the public? If the matter goes back to the Committee, there will be an open hearing, and the Senator from Missouri is on the Committee, although he wasn't present when Judge Massiah-Jackson's hearing came up. The Senator from Missouri has made a good political speech, but I don't think a speech becoming of the United States Senate's decision to hear both sides of the case.

When the Senator from Missouri says that there has been offensive language, that is true, and that was taken up with the Committee and the Committee voted 12 to 6 to report Judge Massiah-Jackson out, notwithstanding that language which was, in fact, offensive, and she apologized for it. I don't know of any Senator on this floor or in this body—maybe there is one, the Senator from Missouri—who has never made offensive comments. But I don't think you would find people in many offices, if any, who would be disqualified from office because they made two offensive comments.

Mr. ASHCROFT. Will the Senator yield?

Mr. SPECTER. No, I won't. When I finish—no, go ahead, I will yield.

Mr. ASHCROFT. I wondered if the Senator had a question of me. You asked that I stay, and I wonder if you had a question. If you do, I will be pleased to answer it.

Mr. SPECTER. No, I do not have a question of you. I would like you to listen to this. If you don't want to listen to Judge Massiah-Jackson, I hope you will listen to a colleague who has something to say about what you just said.

Mr. ASHCROFT. I have thoroughly reviewed the record of Judge Massiah-Jackson.

Mr. SPECTER. Are you aware that the case you referred to involving the rape of a young man was sent back to another judge for trial and that defendant was acquitted?

Mr. ASHCROFT. I am aware of the record of Judge Massiah-Jackson. It was clearly stated by the chairman of the committee.

Mr. SPECTER. Well, that's an interesting answer to some other question, but the question I just posed to you, are you aware of the fact that defendant was acquitted when he went back for another trial—you talked about the defendant being guilty, are you aware of the fact that he was acquitted?

Mr. ASHCROFT. I am not aware of the ultimate disposition of that case.

Mr. SPECTER. Well, then I would suggest——

Mr. ASHCROFT. Mr. President,——

Mr. SPECTER. Mr. President, regular order. I have the floor.

Mr. ASHCROFT. I have the floor.

Mr. SPECTER. I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, when I make that comment about the Senator from Missouri saying that he knows the facts, knows the case, he raises four points, and one of them is the rape of this young man, a victim, but he doesn't know that the defendant was acquitted. That does have some bearing. If the scrutiny and the thoroughness of the Senator from Missouri on the balance of the record is as thorough as it was on this case, some may question the basis for his judgments, wanting to come to a vote without having heard the other side of the case.

When the Senator from Missouri comments about endangering police officers, I wonder if the Senator from Missouri knows that those officers were identified because they testified in open court?

And when the Senator from Missouri talks about attending the funerals of seven police officers, this Senator has attended the funerals of a lot more police officers than seven in 4 years as an Assistant District Attorney and 8 years as District Attorney of Philadelphia. It may be in that capacity that I have some greater knowledge of criminal procedure in that city and what goes on in the courtroom and what happens and whether somebody is entitled to make a reply. Not only attended the funerals of seven police officers, but prosecuted on many occasions their murderers.

When the Senator from Missouri makes a comment about lower sentences, lesser included offenses, he may have a point on that, but that requires an analysis of what was in the case.

I agree with the Senator from Missouri when he talks about the need for a quality evaluation of judges, and I do not believe that we ought to appoint judges for the Federal courts for lifetime appointments without very thorough scrutiny, but I do not think that it advances the cause to vilify or joke about the American Bar Association and the "Good Housekeeping Seal of Approval." The Philadelphia Bar Association is making an analysis and stands behind Judge Massiah-Jackson as her advocate.

When the Senator from Missouri says that ARLEN SPECTER is the sponsoring Senator, again, he doesn't know what he is talking about. This is a nominee by the President. This is a nominee by the President, and I have said that Judge Massiah-Jackson is entitled to a fair hearing and to have her side of the matter presented. That is, as a member of the Judiciary Committee, as a United States Senator and as a juror, who has to make a decision.

I am well aware of my oath of office. And I am well aware of my responsibilities to make an impartial judgment in this case. I said to the district attorneys who came to my office on January 23—and I repeated it earlier today—that I was interested in hearing what they had to say, but I will not make a judgment until I hear the reply of Judge Massiah-Jackson as a matter of basic fundamental fairness.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the process of advise and consent in the U.S. Senate for judicial nominees is indeed an important one. We have had some tremendous debate already this afternoon. And we have had it on other nominees. The Senators that have spoken earlier today are outstanding Senators who deeply care about their work. And I respect them all.

I think it unfortunate that we may have crossed over into some personal matters that would not be normally displayed on this floor. But I think it is important what we are doing. I think it is commendable that people speak with passion about what they believe in.

A Federal judicial lifetime appointment is an important office. I served as an assistant U.S. attorney, a Federal prosecutor, for 2½ years. I served as a U.S. attorney, a Federal prosecutor, for almost 12 years. I practiced every day, full time, before Federal judges.

I respect and believe in Federal judges with great passion. I believe we ought to have the finest quality of people we can possibly have on the federal bench. I have tried, as I have participated in the Senate Judiciary Committee, as a member, to conduct myself in that committee with the highest levels of professionalism.

When this nominee came up, I had some concerns as a professional prosecutor. I had a feeling, an intuition, that there was something unhealthy about this nominee, that there was perhaps an unstated bias against prosecutors and law enforcement. We had a number of matters that indicated such a bias.

She testified well and gave some explanations. I concluded that we ought to vote no on the nominee. A number of other people, a majority, did not oppose the nominee. Her nomination came to the floor.

I think it is true, as Senator ASHCROFT has suggested, had he not put a hold on that nominee, she would be a Federal judge today. That was the direction we were heading. The vote was coming up. The committee had voted 2 to 1 in favor of that nominee.

The President has asked that his judges be voted on. I think he has a right to ask that, as it is a fair thing for the President to ask. But I think the President also recognizes that sometimes giving a little insight into it is important; otherwise we become nothing more than a rubber stamp or a potted plant. And I do not intend to do that. I have a responsibility. I serve on that committee. I care about the Federal judiciary, and I want good quality judges on the bench.

So that is where we are. I think one thing is important and instructive out of this entire process. Senator SPECTER and Senator SANTORUM and Senator BIDEN had a hearing in Philadelphia. They sought out comments. They did not receive any substantial negative comments. In defense of Senator SPECTER, at the hearing he volunteered to allow me to continue my questioning of Judge Massiah-Jackson beyond the normal time limit that I would have been given. I do not think there has been an attempt to suppress the truth.

What happens in situations like this, however, is that people hate to speak out against a person who has been nominated for a high position. They just do not like to do it. There is no fun in it. There is no pleasure to it. It is not a nice thing to have to do.

So what really happened was, after the hearing in which I questioned Ms. Massiah-Jackson, as did Senator SPECTER and Senator KYL and others, it was reported in the Philadelphia papers, apparently, that law enforcement officers, line prosecutors, who had been in the courtroom day after day in Philadelphia, the Philadelphia district attorney and others began to think about this, the prospect of this nominee being a full time, lifetime appointed Federal judge.

As a result of that, they made some decisions. They decided to come forward and express their true beliefs. Those opinions ought to be respected. I would say, in accord with Senator ASHCROFT, in my experience I have never seen the kind of unanimity of opinion in opposition to a nominee by a group of professional people who have associated with that nominee on a daily basis as I have seen in the case of this nominee.

The objections are bipartisan—Republicans and Democrats. The district attorney in Philadelphia is a democrat and is nationally known, Lynne Abraham. She is a true professional, a leader in a number of different activities for law enforcement, and has substantial credibility.

She wrote the Judiciary Committee, after our hearing, this letter. I will quote from it. You can listen because it is very carefully explained. She chooses her words very carefully. It is a significant opinion by a prosecutor in Philadelphia whose assistants practiced under this judge on a regular basis, who personally served as a judge with her on the bench at another point in time, a fellow colleague with her.

This is what she said. She first said she had never taken a position on a judge. She did not want to take a position on a judge, but she felt she had to. She said:

> My position on this nomination goes well beyond mere differences of opinion or judicial philosophy. Instead, this nominee's record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.

Ms. Abraham, a Democratic district attorney in Philadelphia, goes on to write:

> This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude toward police, and disrespect and a hostile attitude toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

I say, Mr. President, that is a serious comment by a serious person about a nominee that they felt very deeply about. It was important that we hear it. Had that nominee not been held up over Christmas, and had it not been they had an opportunity to discuss it, we would not have heard that.

I submit this, too, that I have been a prosecutor that supervised a staff of attorneys. They talk about judges. You know who the judges are that are just a terror to work before. You know who the ones are that are always looking to undermine the case, to rule for the defendant.

A prosecutor, see, does not get to appeal most rulings on evidence. A motion of judgment of acquittal on a case is a final judgment. The prosecutor has no right to appeal. But a judge can rule against the defendant, and the defendant has the right to appeal. So if a judge is not willing to give the prosecutor a fair trial, there are many times there is no recourse. A granting, for example, of a judgment of acquittal by a judge is an unreviewable order. They can take a case from the jury, declare there is not enough evidence there, and it is the same as if a jury had acquitted them. Double jeopardy applies and that sort of thing. So this is a problem. It is particularly a problem with a lifetime Federal appointment.

Other law enforcement officials share Ms. Abraham's concern. District Attorney John Morganelli of Northhampton County, PA, also opposes the nomination of Judge Massiah-Jackson. Mr. Morganelli, who is also a Democrat, wrote last month that Judge Jackson's conduct is "unjudicial, improper, and illustrates a disdain for police and prosecutors." Those are his words, not mine.

Another district attorney from Pennsylvania, Bob Buehner of Montour County, also opposes the nomination. He wrote that Judge Jackson's "actions as a common pleas judge in Philadelphia have, at times, bordered on the outrageous. She has used profanity in her courtroom. What is even worse is her consistent, demonstrated exceedingly adverse attitude toward prosecutors and members of the law enforcement community.

That is what troubled me to begin with about this matter when it came up before the committee. We had the circumstance in which Judge Jackson in the courtroom, on the record, said to a female assistant U.S. district attorney: "Shut your 'F'-ing mouth."

Well, some may say people slip. They say things they ought not to say. But from what was said about that, it troubled me, from some of the other circumstances involved, that it indicates a lack of respect for the prosecutor, a lack of understanding that the prosecutor is a litigant, too, who represents the people of Pennsylvania and is entitled to the same protections of the law as is the defendant. That is what concerned me about it.

Now we have these letters from these professional law enforcement people in Philadelphia. They have seen this judge handle hundreds of cases, thousands of cases perhaps. Their assistants have been prosecuting there on a daily basis. They talk about what it is like to be in that courtroom. That is where we are today.

Let me say this. These are not just isolated comments of one or two prosecutors. In fact, on January 8 of this year, the Pennsylvania District Attorneys' Association officially and unanimously voted to oppose the confirmation of Judge Massiah-Jackson. The association found that Judge Jackson's record "indicates an attitude which is unusually adversarial toward police and prosecutors. Her record also indicates a tendency to be lenient with respect to criminal defendants."

In addition to the prosecutors, many police officers oppose the nomination of Judge Jackson. For example, the Philadelphia lodge of the Fraternal Order of Police announced their opposition to Judge Jackson last month. The Philadelphia lodge of the Fraternal Order of Police stated that:

> Judge Jackson has an established record of being extremely lenient to criminals; insensitive to the victims of crime; and has posed a direct threat against police. Judge Jackson's bizarre rulings, coupled with her challenging and adversarial attitude toward police and prosecutors, make it appear she is on a crusade against public safety.

That is the Fraternal Order of Police there.

Now, even in a great city the size of Philadelphia, judges have reputations. Police officers know them. They know what kind of experience it is to appear before them. They know how a hostile judge can leave them hanging out to dry—and it can be a very tough day indeed—and what it is like to be before a fair and objective judge. I do not think that is a flippant comment. I think that represents a considered opinion of the police department, the police officers, the line police officers in Philadelphia.

Judge Jackson's nomination is so controversial that even the National Fraternal Order of Police has taken a stand and formally opposed her confirmation.

I would like to share with my fellow Senators some examples that demonstrate why these law enforcement people oppose Judge Jackson's nomination. While these are just a few of her decisions—many of which I firmly disagree with—I think they indicate some of the reasons why they would reach these conclusions and why she should not be confirmed as a judge.

In Commonwealth v. Ruiz, Judge Jackson acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe the testimony of the two undercover officers. In this case, Judge Jackson pointed out in the courtroom the two undercover officers, telling the onlookers "to take a good look at the undercover officers and watch yourself."

Well, some say, "Well, you know, maybe they shouldn't have been testifying. Maybe they would have been identified anyway. What harm did that do?"

I will tell you what troubled me about it, in addition to just the plain fact that it may have jeopardized the lives of line police officers. What went through my mind was, what would make her do that? Why would she do that? What kind of hostility or bias against police and law enforcement would cause her to go out of her way to identify police officers and tell others to watch out because they might come out to arrest you or catch you. That is what concerned me from the beginning about this case.

Detective-Sergeant Daniel Rodriguez, one of the undercover officers exposed by Judge Jackson, had this to say: "I hope I don't ever have to make buys from anyone in this courtroom. They would know me but I wouldn't know them. What the judge said jeopardized our ability to make buys. And it put us in physical danger."

Now, the reason that is significant is in every sizable police department there are a number of police officers who, for a period of time, work in an undercover capacity. It is the best way to make a drug case because the one guy who sells drugs today is going to sell them tomorrow. You simply send somebody out pretending to be a drug dealer and put a tape recorder under his coat. He goes out to buy drugs from him and records it so it is not one person's word against another one. It is actually the drug dealer's recorded word and you can play that in court and the jury who hears it can feel like they are right there, know whether or not there was any entrapment. They will know everything that was said and they can make a decision whether this was a person who committed a crime.

These officers were undercover police officers. This was their responsibility—to go out on a regular basis to make cases. I don't know, maybe they are witnesses in other courtrooms there. Maybe there were other drug defendants there, maybe families of drug dealers who also dealt in drugs, who may have been of a violent nature. It made the police officer unhappy and it also made him afraid. He knew that if he ever tried to make an undercover buy from any of those individuals they would not deal with him and may even harm him.

Again, why would she do that? Why? What would make a judge do that—something I have never seen in my entire lifetime or practice of law as a prosecutor. By the way, we did ask about this matter and some of the others at the hearing, and she did have a chance to answer to them.

In addition, Judge Jackson made some very offensive comments to prosecutors in court. In Commonwealth v. Willie Hannibal she told an assistant United States attorney, as I said, "Will you shut your 'f-ing' mouth." When asked about this comment by the Philadelphia Inquirer, Jackson said, "Maybe I would suggest it offended [Ms. McDermott], but I can't imagine the defendant was offended."

Now, later, when the Judicial Inquiry Commission, the disciplinary commission of the Pennsylvania judicial system, disciplined her in some fashion she said she was sorry and she shouldn't have done it and she said that before our committee. But to the newspaper, her comments didn't reflect remorse to me, and in fact she said it may have made the prosecutor mad but it made the defendant happy.

It is the kind of odd approach to judging that I think is unhealthy. I believe it shows an insight into her attitude about law enforcement and criminal law that is very instructive.

She is also on record as using profanity in another instance in the courtroom.

Now, you would expect, perhaps, if my intuition is correct, that this is an anti-law enforcement judge, a person who is more concerned about the rights of criminals than about the rights of the victims, that it would show up in the sentencing tendencies of the judge. In this case it really does. In Commonwealth v. Norman Nesmith, the defendant was convicted of striking a pedestrian with his car, leaving her seriously injured in a gutter, fleeing the scene of the crime and beating into unconsciousness one of the woman's relatives who tried to thwart his escape. As usual, the defendant waived a trial.

You have a right to waive a trial by jury and be tried by the judge. Apparently, many people waive their jury trial early on in the system in Philadelphia and they don't know what judge is actually going to hear it and they are tried before a judge and not before a jury. They have a right to be tried by a jury if they demand it.

At any rate, this individual waived a trial by jury and asked to be tried by the judge herself. She sentenced him to 2 years probation for all seven convictions. The defendant had a long prior record for that offense.

In Commonwealth v. Jerome Gray, the defendant severely beat his girlfriend. The victim had cracked ribs, a collapsed lung, a ruptured spleen that had to be removed. After being released from the hospital the defendant threatened to kill her.

As usual, the defendant waived jury trial and was tried by Judge Jackson. He was found guilty of recklessly endangering another person, aggravated assault, second-degree and simple assault, and was sentenced to only 24 months probation.

In Commonwealth v. Freeman, the defendant shot and wounded another man in the chest because the defendant laughed at him. Judge Jackson convicted the defendant of a misdemeanor instead of a felony offense and sentenced him to 23 months, but then immediately paroled him so he did not have to serve any prison time.

In Commonwealth v. Jenkins, the police arrived at the scene of an armed robbery within minutes. They were given detailed descriptions of the robbers and told that the suspects had run north along the street. The descriptions were broadcast over the radio. Soon thereafter, other police officers arrested an individual matching the description 1½ blocks from the crime scene. When approached by the police, the suspect took a roll of cash from his pocket and threw it on the ground.

Amazingly, the judge ruled that probable cause did not exist to make the arrest or stop, and suppressed the stolen cash. She also suppressed the in-court and out-of-court identifications.

Now, police have a responsibility and a duty to be on the streets to try to protect us from crime. The Supreme Court is clear, in my opinion, that these kind of stops by police officers when they have this kind of probable cause are constitutional. Here, the police saw the defendant throwing down a roll of money, he meets the description of a defendant, he is running a block and a half away—that is the kind of basis to make a stop. If we eliminate the ability of police to make that kind of good, heads-up police work because some judge says it violates the search and seizure law, we are in real trouble. The law does not say that is illegal. In fact, the Supreme Court of the United States, and I am sure the Supreme Court of Pennsylvania, holds regularly that those kind of searches with probable cause are legitimate and constitutional

In Commonwealth v. Hicks, the defendant was charged with robbery, theft, receiving stolen property, aggravated assault and simple assault. The defense made a motion for continuance because a police officer that the defense had called did not show up to testify, even though he had been subpoenaed. Judge Jackson ruled that the officer was under the State's control and forced the prosecution to dismiss or nolle pros the case. When the prosecution refused to nolle pros the case, she dismissed the charges.

Judge Jackson's order dismissing that case was reversed by the appellate court and the charges were reinstated. The appellate court noted that the prosecution was ready to try the case, the prosecutor was ready to try the case. What wrong had he or she done? The only motion before the court was a defense request to continue the case until he got his witness there. Judge Jackson could simply have granted the motion by the defendant to continue the case instead of dismissing the charges.

Prosecutors don't like to resist judges. They have to practice before them on a regular basis. It is something that they have to do. I say, from my reading of those facts, that that prosecutor was probably a young person not long out of law school, hustling to handle a whole bunch of cases, and just would not knuckle under. He was not going to nolle pros that case because there was no basis for it. Why would she dismiss it and cause the State to go to the incredible expense of appeal is not rational to me. It does not suggest that we have an even-handed justice in Judge Jackson's courtroom. In fact, just the opposite.

Mr. President, there are a number of other things that we could say about this with regard to sentences. I asked Judge Jackson about this at the Judiciary Committee hearing. The State of Pennsylvania has some sentencing guidelines. They are pretty broad. They are not as strong and not as tight as the Federal guidelines but they are significant. You carry a gun during the commission of a crime, you have another 5 years you have to serve. It has to be 5 years for that gun, regardless. If you are convicted of aggravated assault, felony-one, then you are looking at 10 to 20 years in jail.

Under the sentencing guidelines, according to her own numbers presented by Judge Jackson, she departed from the sentencing guidelines twice as much as other judges in Philadelphia. What I don't think those numbers show and what would make them even more dramatic, they don't show the instances that appear to be so regular in which she convicted the defendant of a lesser offense than which he was charged.

The District Attorney's Association have provided some 50 cases that show, time and time and time again, that this judge convicted the defendant on a lesser offense than what they were charged when it would seem it was almost impossible for the defendant not to be convicted on a higher and more serious offense.

For example, Commonwealth v. Sprewall, the defendant ordered a friend to shoot the victim but the friend refused. The defendant took the gun from the other defendant's hand. The defendant's brother then tried to stop the defendant, but he pushed away his brother and fired over five shots at the fleeing victim, hitting him in the stomach, thigh, buttocks and leg. The victim slipped in and out of consciousness when he was admitted to the hospital where he spent 3 weeks. One of his toes had to be amputated and he had to use a colostomy bag for 10 months following surgery. Despite this plain evidence of serious bodily injury, in Philadelphia if you commit an aggravated assault that causes or attempts to cause serious bodily injury then you have been convicted of felony 1, 10 to 20 years.

An injury is defined as serious if it causes the protracted impairment or loss of a bodily member, organ, serious or permanent disfigurement, or a substantial risk of injury. The classic example of aggravated assault in a first-degree felony is the shooting of a gun at a person. You don't even have to hit him. If you were trying to then you are attempting to cause serious bodily injury. This person was hit a number of times.

Despite this plain evidence of serious bodily injury, the judge convicted the defendant of only felony 2, aggravated assault, causing nonserious injury, on the dubious theory that there might have been more than one shooter and that the defendant's intent to cause serious injury was somehow in doubt. Thus, the court aborted having to impose the 5-year mandatory minimum sentence for felony 1 aggravated assault. The judge then sentenced the defendant from 15 to 30 months, one-quarter of the minimum required sentence that he would have faced had he been convicted under the more serious offense.

According to the report, it goes on to say that had this defendant been sentenced to the mandatory minimum of 5 years imprisonment, using a gun, that he would still have been serving his sentence in 1993 when he was at that time arrested again for gunpoint robbery, and he would have been in jail in 1994 when he was, again, on two occasions, arrested for gunpoint robbery.

In another case, the defendant shot the victim, hitting him in the chest and back. The victim had to undergo emergency surgery and spent 2½ weeks in the hospital with the first 3 days in intensive care. Despite this clear evidence of a felony-one aggravated assault, the court found the defendant guilty of only second-degree aggravated assault. The defendant was then sentenced to 2½ to 5 years instead of at least the minimum sentence of 5 to 10 years.

I think I misspoke. I believe the minimum sentence under a felony-one sentence would be 5 to 10 years, instead of 10 to 20.

I will not continue to discuss those cases, but there are many of them. There are some 50. They are replete with just these kinds of circumstances in which serious cases are reduced and the defendant is found guilty on a lesser charge. For the most part, a judge's decision to do this is unreviewable; that is, there is no way the prosecutor can appeal because the failure to convict on the more serious charge is an acquittal on that charge. And the judge being the finder of fact, jeopardy attaches. That is a final judgment.

Under the double jeopardy clause of the United States Constitution, and I am sure the Pennsylvania Constitution, criminal defendants can't be tried again for that same offense. So it is over. That is a final decision. So the judge has this unreviewable power. Some people do not realize what the power of a judge has. They have this unreviewable power to make certain findings of fact that can never be reviewed. And the prosecutor and the victims in separate and subsequent offenses have to live with that. There is nothing they can do. You can't sue a judge. They have immunity. Judge Learned Hand said this about Federal judges: "There is nothing they can do to us. They can't fire us, and they can't even dock our pay."

So we are considering this nominee who has a lot of good friends and has been actively involved in her community. I am not saying anything about that. I am just saying that I am confident, based upon my review of this record, that this nominee has an unhealthy bias against law enforcement. It is the kind of bias that I must say is disqualifying. It suggests that she ought not to be confirmed to a lifetime appointment. At least in Philadelphia she has to come up for election or review and can be removed from office if she continues to act in a way that is arbitrary and capricious and unjustified. But when we appoint somebody as a Federal judge, then they have it for life.

Let me say this: It is a difficult task. It is an honor to be nominated. I know this is not a pleasant thing for Judge Massiah-Jackson to go through. She is still a State judge, and will be able to continue as that. And perhaps this will cause her to reevaluate whether or not she has been objective in this process of handling criminal cases. If so, then some good will come out of that.

I respect the Senators from Pennsylvania. This is not their nominee. This is the President's nominees. He chose this nominee. He had background checks done on this nominee. He is the one that submitted this name to the U.S. Senate. He asked us to vote on it. I am ready to vote. If people feel like we need another hearing to talk some more about it, so be it. I am ready to vote. The President asked us to vote. I am prepared to vote, and I am prepared to vote no.

Thank you, Mr. President.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, let me congratulate the Senator from Alabama for his professional discussion of today, and I think that the Senator from Alabama has raised questions which require an answer. I think that we will give Judge Massiah-Jackson an opportunity to respond to the questions which the distinguished Senator from Alabama has raised.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. SPECTER. I do.

Mr. SESSIONS. I would like to say that whereas I concluded at the hearings that this nominee had these kind of tendencies based on what I saw, a majority of the committee did not agree with that, and we did not have the overwhelming amount of evidence that we have now. I say that in all due respect to the Senator from Pennsylvania. He had a hearing in Pennsylvania. These things did not come up at that time. I understand. I don't criticize the district attorneys and the police. They don't like to be involved in this. But I think they had to. They felt they had to come forward, and they did. I think it is time now for us to do our job. I wanted to say that in respect to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand that the Senator from Alabama voted against Judge Massiah-Jackson at the committee level and had raised questions about Judge Massiah-Jackson so that he felt those questions were sufficient at that time for him to make his judgment. I respect his judgment. He has raised quite a number of additional questions today. And when he cites these cases about making a finding of a lesser included offense, he accurately states the law that those matters are not reviewable, that is the conclusion of the case.

On a number of other matters which he has raised, those matters are reviewable; that where Judge Massiah-Jackson has made the decision to suppress evidence, that is a reviewable matter. So when she makes that judgment, her decision can be overturned. And where she made the judgment to order a nolle pros of a case, that was subject to review as well.

When the Senator from Alabama was present at the hearing, we discussed a number of those cases. We have both been prosecutors. We know the evidentiary rules, and some matters may be reviewed. Judge Massiah-Jackson made quite a number of judgments which were subject to review, and on a good many of them she was upheld.

When the Senator from Alabama raises questions about what the police community has stated, I understand that and respect that.

We received one letter from the Grand Lodge of the Fraternal Order of Police citing a case where Judge Massiah-Jackson did some things that they write to disagree with. On that particular case, it went for appellate review, and the Appellate Court of Pennsylvania upheld Judge Massiah-Jackson. So the issue would be that these police officers and police officials will have an opportunity to testify about the specifics as to their judgment or whether their judgment might differ if they knew what had happened on appeal in the case.

When the Senator from Alabama talks about "why will the judge identify police officers in court," that is the case referred to by Senator HATCH earlier where those officers have already testified in court.

In raising questions about why Judge Massiah-Jackson would take action in a variety of contexts, I think those are fair and appropriate questions. I think those questions are appropriate for Judge Massiah-Jackson to have an opportunity in which to respond. To the credit of the Senator from Alabama, when we had the hearing, he was there and he was asking those questions.

I think it is not irrelevant to comment that there have been a number of convictions of police officers in the Federal court in Philadelphia recently for falsifying evidence in drug cases. Several hundred cases have been dismissed by the District Attorney of Philadelphia. The city of Philadelphia has paid out some $11 million in damages where you deal in a certain context and certain sections of a big city like Philadelphia. It may differ from some other communities. I came to Philadelphia from Russell, KS, and the differences were absolutely gigantic.

When I was District Attorney in Philadelphia for 8 years after being assistant DA for some 4 years, I had many very strong disagreements with the judges. In one case, I was held in contempt of court in my battle on a sentence on a narcotics case, Commonwealth v. Arnold Marks. I still remember it. It only happened 28 years ago—4 ounces of pure, uncut heroin. And I thought the sentence was insufficient. I battled with the judge.

The judges in Philadelphia when I became DA used to come to court late and leave early. I sent my detectives into court to write down the time they arrived and the time they left for lunch and the time they got back and the time they quit. Very frequently, court was supposed to run 10 to 12:30 and 2 to 4—4½ hours on the bench, not a straining schedule. But they had jobs to do in chambers. But the common practice was to arrive a few minutes before 11, work to about 12:10, come back at 2:50 and leave about 3:20. So I sent detectives in to court to write down the times.

Soon thereafter, one of my detectives was held in contempt. I went down to the court. I said to the judge, "You can't hold him in contempt. I did the order." I was the District Attorney. "If you are going to hold anybody in contempt, you have to hold me in contempt. You can't hold me in contempt because anybody can come in open court and write down the times you come and go."

Later, I got the Chief Justice of Pennsylvania to issue an order that judges had to sit from 9:30 to 5. We petitioned for reconsideration of sentences.

This business about battling with the judge is something a District Attorney has to do. That is the appropriate role of a public prosecutor. When the District Attorneys have raised questions, I think that is within their rights. The police officers have raised questions. I think that is within their rights.

But let's hear what Judge Massiah-Jackson has to say. The Senator from

Alabama raised a number of questions. He can't understand why a judge would do that. And it is a little different milieu. Let us hear what she has to say. When we have all the facts, I consider myself, as I said earlier, a juror. I have taken an oath as a U.S. Senator and as a juror. I am prepared to hear both sides and to make a judgment. I think the hearings will be held in the light of day. There will be full disclosure. There is ample opportunity for public scrutiny, as there should be, and we will make the determination on the facts and on the merits as to whether this nominee should or should not be confirmed.

I thank the Chair.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to associate myself with the remarks of my colleague from Pennsylvania. I too feel that we here in the Senate, when it comes to justice, really should be jurors, and that we should get all the information. The information shared, I think, as correctly stated by my colleague from Pennsylvania and by the Senator from Alabama, was well presented. But that is information that we received from the District Attorneys Association opposed to her nomination, without any rebuttal or explanation from Judge Massiah-Jackson. I will admit that some of those cases I find it hard to find out what a good explanation would be. But that is not for me to prejudge, nor as a juror should you prejudge those things.

So I am willing to listen. I think she needs to be given an opportunity.

The leader has not been on the floor since we brought up this nomination. I am not too sure that we are going to get a resolution today as to how to proceed with her nomination. But I am hopeful that either this evening or sometime tomorrow we will be able to come up with a plan on how we are going to proceed with her nomination and have her nomination received in a fair fashion.

Again, I respect her. I think Senator HATCH and Senator LEAHY mentioned that a hearing by the Judiciary Committee would accord the judge an opportunity to face this new information and respond to it, and give the police and the prosecutorial community an opportunity to present such evidence and such testimony to the committee that they believe is important for us to consider.

So I hope that a full committee hearing goes through, if necessary. I am not on the committee. So I can charge them with whatever I please because I don't have to sit through it; but at least take a number of these cases as a representative sampling of these cases and go through them one by one and make a determination as to the justification that Judge Massiah-Jackson had in making these decisions.

So I am hopeful that that is the next order of business, that somehow or other we can come to some accommodation with the leader, who I know wants to vote on this nominee as quickly as possible in response to the President's urgings of up-or-down votes on his judges. I know that many here, as you heard, would like to vote on this judge today. We are not going to vote on this judge today. Senator SPECTER and I don't want to vote on this judge today, and I believe there are many Members on the other side of the aisle who don't want to vote on this judge today. But we would like the judge to be given a chance and then to have a vote. Let's let the string run out, if you will, give her an opportunity to respond, have a vote somewhat promptly thereafter, and then let the Senate act as the jury, which we know it is very good at doing.

Mr. President, with that I will yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE VOTE ON MOTION TO PROCEED TO THE CONSIDERATION OF S. 1601

Mr. KENNEDY. Mr. President, tomorrow the Senate will cast one of the most important votes on health care in this Congress, and perhaps of this decade. That vote will determine whether one of the most promising avenues of research against a host of serious diseases will continue, or whether Congress will act to ban it—and condemn millions of Americans to unnecessary death and disability.

The vote that will occur is on a cloture motion to take up S. 1601. The authors of S. 1601 say that it is a bill to ban the production of human beings by cloning—an attempt to stop Dr. Seed and other unscrupulous scientists in their tracks.

But that claim cannot pass the truth in advertising test. S. 1601 goes far beyond a ban on the cloning of human beings, which we all support. This legislation also bans the use of the technology for any purpose, even though the research would be used to create cures for cancer, diabetes, spinal cord injuries, arthritis-damaged joints, birth defects, and a host of tragic diseases such as Alzheimer's disease, Parkinson's disease, Lou Gehrig's Disease, multiple sclerosis, and many other serious illnesses. It is not necessary to ban all of this important life-saving research in order to achieve our goal of banning the cloning of a human being.

Every scientist in America understands the threat this legislation poses to critical medical research.

Every American should understand it, too. A vote against this bill is a vote for medical research. It is a vote for millions of Americans suffering from serious diseases for whom this cutting-edge technology offers hope of new and miraculous cures.

A vote against this bill is certainly not a vote in favor of cloning human beings. Congress can and should act to ban the cloning of human beings. But we should not pass legislation that goes far beyond what the American people want or what the scientific and medical community says is necessary and appropriate.

It should also be clear to everyone that there is absolutely no need to act tomorrow to prevent cloning of a human being.

No reputable scientist wants to clone human beings. Scientifically, it cannot be done yet. And the FDA, which has jurisdiction over this area, has made it clear that it has both the authority and intention to prevent any human cloning until further research is done. I ask unanimous consent that a letter from FDA making this point be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FOOD AND DRUG ADMINISTRATION,
Rockville, MD, February 10, 1998.

Hon. EDWARD M. KENNEDY,
Ranking Minority Member, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: This is in response to your inquiry concerning the jurisdiction of the Food and Drug Administration (FDA or the agency) over creating a human being using cloning technology. FDA already has jurisdiction over such experiments and is prepared to exercise that jurisdiction. While FDA's authority does not address the larger question of whether or not creating a human being using cloning technology should be altogether prohibited, this authority will ensure that such experimentation does not proceed until basic questions about safety are answered.

Creating a human being using cloning technology is subject to FDA regulation under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act. Under these statutes and implementing FDA regulations, clinical research on the creation of a human being using cloning technology may proceed only when an investigational new drug application (IND) is in effect. Before such research may begin, the sponsor of the research is required to submit to FDA an IND describing the proposed research plan, to obtain authorization from an independent institutional review board, and to obtain the informed consent of all participating individuals. FDA may prohibit a sponsor from conducting the study (often referred to as placing the study on "clinical hold") for a variety of reasons, including if the Agency finds that "human subjects are or would be exposed to an unreasonable and significant risk of illness or injury," "the IND does not contain sufficient information required . . . to assess the risks to subjects of the proposed studies," or "the clinical investigators . . . are not qualified by reason of their scientific training and experience to conduct the investigation." At a minimum, the sponsor must wait at least 30 days after submitting its proposal to FDA before beginning any study.

In the case of attempts to create a human being using cloning technology, there are major unresolved safety questions. Until those questions are appropriately addressed, the Agency would not permit any such investigation to proceed.

We hope this information is useful to you in your deliberations. If we may be of any further assistance, please let us know.

Sincerely,

SHARON SMITH HOLSTON,
Deputy Commissioner for External Affairs.

Mr. KENNEDY. Senator FEINSTEIN and I strongly support a ban on the cloning of human beings. We have introduced legislation to accomplish that goal. We hope that it can be reviewed through the normal committee process of hearings and mark-up. Responsible legislation to ban the cloning of human beings can and should be enacted. But S. 1601 is not such legislation.

It is an attempt to capitalize on public concern to rush through a sweeping and unacceptable ban on a wide array of medical research.

Every day, the concern about this legislation and the opposition to it grows.

President Clinton and the Administration strongly support responsible legislation to ban human cloning. The President called for a ban on creation of a human being by cloning in the State of the Union message. If S. 1601 were simply a ban on creation of a human being by cloning, it would receive the Administration's wholehearted support.

But that is not what S. 1601 does, and that is why the Administration says in its letter:

> The Administration . . . believes S. 1601, as introduced, is too far-reaching because it would prohibit important biomedical research aimed at preventing and treating serious and life-threatening disease. Therefore, the Administration does not support passage of the bill in its current form.

As the scientific and medical community learns more about this legislation, almost universal opposition is developing. The American Association of Medical Colleges has circulated a letter to other scientific and medical organizations asking that this legislation not go forward.

The letter is signed by 71 distinguished organizations, from the American Academy of Allergy, Asthma, and Immunology, to the Association of American Cancer Institutes to the Parkinson's Action Network—and the list continues to grow.

The letter states:

> The current opportunities in biomedical research are unparalleled in our nation's history. To ensure that these continue, the scientific and organized medicine communities urge you to oppose legislation that would prohibit the use of somatic cell nuclear transfer due to the grave implications it may have for future advances in biomedical research in human healing.

The letter goes on to compare S. 1601's attempts to ban not just cloning of human beings but use of the technique itself to the ill-considered attempts to ban recombinant DNA techniques in the early 1970's. They state:

> Like the recombinant DNA debate, the scientific techniques involved in cloning research hold great promise for our ability to treat and manage myriad diseases and disorders—from cancer and heart disease, to Parkinson's and Alzheimer's, to infertility and HIV/AIDS.

Just yesterday, Alan Holmer, the Pharmaceutical Manufacturer's Association's President sent up a letter to members of the Senate on behalf of our nation's research pharmaceutical industry members urging a "no" vote on cloture on S. 1601.

He said:

> Pharmaceutical companies and their researchers are not, nor do they support, cloning entire human beings. However, without more deliberation and a meaningful opportunity for comment by the scientific and patient communities, we fear that passage of this bill also will foreclose a promising line of research.
>
> The research involves stem cells which, unlike most other cells of the human body, retain the ability to renew themselves and to differentiate into specialized cells. Based upon a better understanding of the differentiation process, scientists may be able to take the cell of a patient paralyzed by an accident, induce that cell to return to a primary state, and then coax it to differentiate into the spinal cord nerve cell needed by that patient. Such cells than could be transplanted back into the patient, whose body would not reject those perfect genetic matches. This procedure could help not only victims of traumatic injuries, but also patients suffering from diabetes, cancer, Alzheimer's, Parkinson's, cystic fibrosis, muscular dystrophy, multiple sclerosis, and other dread diseases that cause suffering and death, reduce the quality of life for both patients and their families, and cost our economy hundreds of billions of dollars annually.
>
> Any hope for such cell-based therapies would be stymied if this avenue of research were foreclosed.

These are our great research pharmaceutical companies speaking, the companies we depend upon to turn basic research in the laboratory into medical miracles at the patient's bedside. And they are saying, "Stop this bill, because it could destroy our hope to find cures for these dread diseases."

I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,
Washington, DC, February 9, 1998.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the research-based pharmaceutical industry, I urge you to vote against the motion for cloture on S. 1601 on Tuesday, February 10. More time is required to ensure that a goal of the sponsors is indeed achieved; the protection of biomedical research that benefits patients.

S. 1601 aims to ban the cloning of a "human individual." Pharmaceutical companies and their researchers are not, nor do they support, cloning entire human beings. However, without more deliberation and a meaningful opportunity for comment by the scientific and patient communities, we fear that passage of this bill also will foreclose a promising line of research.

The research involves stem cells which, unlike most other cells of the human body, retain the ability to renew themselves and to differentiate into specialized cells. Based upon a better understanding of the differentiation process, scientists may be able to take the cell of a patient paralyzed by an accident, induce that cell to return to a primary state, and then coax it to differentiate into the spinal cord nerve cell needed by that patient. Such cells then could be transplanted back into the patient, whose body would not reject these perfect genetic matches. This procedure could help not only victims of traumatic injuries, but also patients suffering from diabetes, cancer, Alzheimer's Parkinson's cystic fibrosis, muscular dystrophy, multiple sclerosis, and other dread diseases that cause suffering and death, reduce the quality of life for both patients and their families, and cost our economy hundreds of billions of dollars annually.

Any hope for such cell-based therapies would be stymied if this avenue of research were foreclosed. We, therefore, urge you to seek and consider carefully the views of scientists in the government, academia and industry, as well as patients with unmet medical needs.

We believe legislation is unnecessary since the Food and Drug Administration has announced it will prevent the cloning of an entire human being by regulation. But since legislation now appears likely, it should: Prohibit the act of cloning an entire human being rather than prohibit a biomedical research or use of a particular technology or focus on a researcher's intent; contain a savings clause that protects biomedical research (including that described above); preempt state legislation to ensure uniform implementation; establish civil money penalties as the enforcement mechanism; bar a private right of action (private lawsuits); a reasonable sunset (Perhaps five years, as recommended by the National Bioethics Advisory Commission) to ensure a deliberate review of the ethical and safety issues.

None of the current legislative proposals meet these criteria.

Human beings are not being cloned today, but millions and millions of patients are being helped by biomedical researchers using state-of-the art technologies to clone individual human genes and cells. We hope you will consider the dreams of patients and their families, and vote "no" on the motion for cloture tomorrow.

Sincerely,

ALAN F. HOLMER.

Mr. KENNEDY. Also yesterday, twenty-seven Nobel prize-winners submitted a letter opposing cloning legislation that would choke off critical medical research. The more the research community understands what the Lott-Bond bill will do, the more alarmed they become.

An editorial in the New York Times this morning represents a growing sense of concern in newspapers around the country. The editorial is entitled, "A Slapdash Approach to Cloning." It states:

> Senate Republicans are now rushing to enact a bill that would outlaw cloning a human embryo and, in the process, ban a valuable technique that could potentially cure a wide range of diseases. No wonder a slew of scientific associations and high-tech industry groups are urging more carefully constructed legislation. The sensitive scientific and moral issues involved here require careful handling, not grandstanding by politicians more interested in pandering than in reaching a reasoned solution.

The editorial concludes:

> When the matter comes up for a floor vote this week, the Senate should postpone action and demand more considered deliberation. It would be a shame if the rush to ban cloning of people ended up crippling biomedical research.

I ask unanimous consent that the full text of the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 10, 1998]

A SLAPDASH PROPOSAL ON CLONING

The shock caused by the physicist Richard Seed's grandiose intention to clone human beings may be about to cause more damage than anything Dr. Seed could do in the laboratory. Senator Republicans are now rushing to enact a bill that would outlaw cloning a human embryo and, in the process, ban a valuable technique that could potentially cure a wide range of diseases. No wonder a slew of scientific associations and high-tech industry groups are urging more carefully constructed legislation. The sensitive scientific and moral issues involved here require careful handling, not grandstanding by politicians more interested in pandering than in reaching a reasoned solution.

Congress may ultimately want to impose limits on cloning, a technique that has arrived sooner than expected with the announcement last year that Scottish scientists had cloned a lamb from the cell of an adult sheep. That achievement, if it proves practical in humans, would make it possible to take a cell from an adult and use it to produce a genetically identical twin many years younger than the parent. A national bioethics commission, the biotechnology and pharmaceutical industries and many scientific groups have all called for a moratorium on actually cloning a person until society has time to grapple with the ethical and moral issues.

But the bill sponsored by the Republican Senators Christopher Bond, William Frist and Judd Gregg does not simply prohibit the use of cloning to produce a human embryo for implantation in the womb. It would also prohibit use of the technique to produce genetically identical tissues in the laboratory to treat diseases or injuries where a person's existing cells are damaged or insufficient. Such ailments include leukemia, diabetes, Alzheimer's disease, spinal cord injury, heart attacks and severe burns, among others.

The Republicans contend that even these approaches require creating what amounts to an embryo in the laboratory and then experimenting on it to produce the desired tissues. But that is a complex matter of definitions and techniques that requires careful evaluation. The Republican bill and others on the subject have not even gone through committee hearings. When the matter comes up for a floor vote this week, the Senate should postpone action and demand more considered deliberation. It would be a shame if the rush to ban cloning of people ended up crippling biomedical research.

Mr. KENNEDY. A letter from Dr. Gerald R. Fink, the Director of the Whitehead Institute of the American Cancer Society—one of the pre-eminent cancer research institutes in the country—explains very clearly what is at stake.

Dr. Fink says:

> I am very concerned about efforts to bring the Bond bill to an immediate vote. While I agree that there should be a national ban on human cloning, it is essential that any such law protects areas of critical research that can benefit human health. The Bond bill's generic ban on the use of 'human somatic cell transfer technology,' would in fact be quite damaging to medical research progress in the United States.
>
> The Bond bill would seriously limit our ability to develop new cell-based strategies to fight cancer, diabetes, and Alzheimer's disease. It would also prevent vital research on the repair of spinal cord injuries and severe burns.
>
> I urge you to convey to your colleagues that the Bond bill would cause us to lose ground in the battle against deadly and disabling human diseases.

Surely, what the Senate and the American people do not want to lose ground in the battle against deadly and disabling human diseases.

More than 120 scientific and medical organizations have expressed opposition to the Lott-Bond bill or concerns about prohibition on legitimate cloning research as the result of ill-conceived or over-broad legislation.

An immense array of scientific and medical societies and patient groups is opposing S. 1601. They urge us to use caution and not rush ahead without adequate consideration. Supporters of this bill say that it won't impede necessary research. If this is true, where is their support from people who know. I challenge them to cite mainstream scientific or medical organizations supporting their legislation. At the very least, we should not rush ahead without committee hearings, adequate definitions, or even a semblance of careful consideration. The scientific and medical and patients' communities know that such excessive legislation is wrong.

The substance of this bill is objectionable, and so is the procedure by which it is being considered. To pass this bill tomorrow would be a travesty of the Senate's role as a deliberative body.

This is one of the most important scientific and ethical issues of the 21st century.

It was introduced on Tuesday of last week.

It was put directly on the Senate calendar on Wednesday, with no referral to a committee.

The Majority Leader tried to bring it to the floor last Thursday and filed an immediate cloture motion when he was unsuccessful.

The Senate was not in session Friday—and few of our colleagues were present on Monday.

This legislation has not received one day—not one hour of committee hearings here in the Senate.

It has not received one minute of committee discussion and markup.

The telephones in many of our offices are ringing off the hooks from scientists and physicians and patients across the country who are deeply concerned about the impact of this legislation. But he have had no opportunity for their voices to be heard.

This is an important issue. It warrants Senate consideration. But it does not warrant consideration under this accelerated and indefensible procedure.

The authors of this legislation know that it cannot stand up to public scrutiny, and they should not be making this extraordinary attempt to rush this legislation through the Senate.

The Bond bill does not just ban cloning of human beings, it bans vital medical research related to cloning—research which has the potential to find new cures for cancer, diabetes, birth defects and genetic diseases of all kinds, blindness, Parkinson's disease, Alzheimer's disease, paralysis due to spinal cord injury, arthritis, liver disease, life-threatening burns, and many other illnesses and injuries.

Here is what the bill says—page 2, line 13, paragraph 301 is entitled, "Prohibition on cloning." It is the heart of the bill. It states, "It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology." That is the end of the statement. It does not just ban the technology for use of human cloning. It bans if for any purpose at all.

That means scientists can't use the technology to try to grow cells to aid men and women dying of leukemia. They can't use it to grow new eye tissue to help those going blind from certain types of cell degeneration. They can't use it to grow new pancreas cells to cure diabetes. They can't use it to regenerate brain tissue to cure those with Parkinson's disease or Alzheimer's disease. They can't use it to grow spinal cord tissue to cure those who have been paralyzed in accidents or by war wounds.

Congress should ban the production of human being by cloning. But we should not ban scientific research that has so much potential to bring help and hope to millions of citizens. As J.

Benjamin Younger, Executive Director of the American Society for Reproductive Medicine, has said:

> We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed.

Let us work together. Let us stop this unnecessarily destructive know-nothing bill. Let us vote against cloture tomorrow and send this bill to committee, where it can receive the careful consideration it deserves. Together, we can develop legislation that will ban the cloning of human beings, without banning needed medical research that can bring the blessings of good health to so many millions of our fellow citizens.

Mr. President, I am delighted to join in this effort with my friend and colleague and our leader in this whole effort, the Senator from California, Senator FEINSTEIN.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. May I inquire as to the state of business in the Senate.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. ASHCROFT. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is the nomination of Frederica A. Massiah-Jackson.

Mr. ASHCROFT. Thank you, Mr. President.

EXECUTIVE SESSION

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate continued with consideration of the nomination.

Mr. ASHCROFT. Mr. President, I rise to continue my argument and my debate in regard to this candidate for Federal judgeship nominated by President Clinton.

Earlier in the day, I had raised several objections to this particular nomination, and in response to my objections, a number of answers were developed on the part of the Senator from Pennsylvania. I want to return to my objections. I think they are well-founded, I think they are important, and I think they should be observed and understood by the Senate.

I raised the objection today that the absence of judicial temperament on the part of this judicial nominee was an infirmity which should be considered by the Senate. In particular, I said that she had used the foulest of profanities known to the English language in open court and in reference to a prosecutor.

In explaining that, a proponent of this nomination indicated, "Well, everyone has used profanity at one time or another." Let me just point out that I think the use of profanity in open court by the judge presiding over the court is different than the fellow who hits his finger with a nail while fixing the fence in the backyard. As a matter of fact, I think it would be important for me to just outline just what happened in this instance.

In the case of Commonwealth v. Hannibal, in response to a prosecutor's attempt to be afforded an opportunity to be heard—the prosecutor was asking for the judge's attention—the following exchange took place on the record:

> The COURT [judge]: Please keep quiet, Ms. McDermott.
>
> Ms. MCDERMOTT [for the Commonwealth]: Will I be afforded——
>
> The COURT: Ms. McDermott, will you shut your [blanking] mouth?

Judge Massiah-Jackson was formally admonished by the Judicial Inquiry and Review Board for using intemperate language in the courtroom.

I realize she has apologized in this respect for having done so, but I think it tells us something about the temperament of the individual involved. I don't think it is very instructive just to concede that other people may have used profanity at some place or on the ball field or in the cloakroom. The use of profanity in this Chamber would be a serious affront to this Chamber, as would any personal attack or other indiscretion or discourtesy in this Chamber. But let me go to a second example that relates to the judicial temperament displayed by this individual.

The case of Commonwealth v. Burgos and Commonwealth v. Rivera. During a sentencing proceeding, the prosecutor told Judge Massiah-Jackson that she had forgotten to inform one of the defendants of the consequences of failing to file a timely appeal. Such a failure would prejudice the Commonwealth on appeal. Judge Massiah-Jackson responded to this legal argument with profanity, stating: "I don't give a [blank]," and the word is probably imaginable.

A district attorney, John Morganelli, the Democratic District Attorney of Northampton County, Pennsylvania, has suggested that the reason there are not more instances of this foul language on the record is that Judge Massiah-Jackson's principal court reporter routinely "sanitized the record," and the instances I have referred to here occurred in settings where, according to District Attorney Morganelli, there was not the regular court reporter.

Now, I know that people lose their temper and that people use profanity, but I think these incidents reflect the absence of the requisite judicial temperament, but I think it reflects more than that. When you indicate to officers of the court that you are disparaging their character, when you describe someone's mouth with foul language, you are not just using foul language, you are attributing a character deficit to an officer of the court, a prosecutor. I think that is unacceptable.

Perhaps those would be the kinds of things to be ignored or overlooked or to pass by, but I find it disconcerting. I find it disconcerting that it would be suggested that, well, since everybody uses profanity, it's OK for judges to use profanity in open court.

I raised the issue earlier today of the contempt for prosecutors and police officers on the part of Judge Massiah-Jackson. It was suggested that the fact that she revealed two undercover police officers and pointed them out to be observed in the courtroom was a way of threatening their safety, because drug dealers would have an extra chance to look at them and know who they are and to be cognizant of the fact that they might be persons from whom a drug buy might be made sometime and, be careful, these people would be part of a prosecution effort.

The Senator defending the judicial nominee of the President indicated, "Well, these people had already testified in court, so it perhaps didn't matter." Well, it may not have. It may have been that during the testimony, they were seen by the other people. But let's look exactly at what Judge Massiah-Jackson said about these individuals and see if it tells us something about whether or not we would want this kind of person to be a Federal judge appointed for life, a Federal judge endowed with the authority of the United States of America, answerable to no one.

As the officers were leaving the courtroom, the judge told spectators in the court:

> Take a good look at these guys and be careful out there.

I submit to you that for a judge to say, take a good look at these police officers and basically say, "Watch out for them, they're the guys who might apprehend you in your nefarious activities," tells us something about the judge.

I quoted earlier the president of the Philadelphia Fraternal Order of Police, who said that the officers involved felt like this was a threat to them, that it would expose them additionally to bodily harm.

It was suggested by a Senator defending the nomination that that was unreasonable, and it may not be as big a threat as some might think it to be, but Detective Sergeant Daniel Rodriquez confirmed the outrageous courtroom incident in a signed letter to the Senate. The detective sergeant had the following comments regarding this incident:

> I thought "I hope I don't ever have to make buys from anyone in this courtroom."

> They would know me, but I wouldn't know them. What the judge said jeopardized our ability to make buys and put us in physical danger.

It may well be that there are arguments that could be expressed in the Senate a couple hundred miles away that it really didn't put these officers in danger. I can't really say whether it would or it wouldn't, but I am prepared to take the word of the police officer involved, and I am prepared to consider his statement to be honest, and I am prepared to understand that he feels restrained now as a police officer in a way that he wouldn't have felt restrained previously.

It appears to me that Judge Massiah-Jackson was willing to make statements which would impair the capacity of police officers to function. Detective Sergeant Daniel Rodriquez felt strongly enough about it to make such a comment in writing.

Detective Terrance Jones, the other undercover officer that was identified and disclosed and about whom the warning was issued to the people in the courtroom by Judge Massiah-Jackson, also confirmed the facts of the situation in a signed statement to the committee staff. He stated that the "comments jeopardized our lives."

It may be that there are those on the floor of the Senate who don't take the comments that seriously. I really think that Judge Massiah-Jackson must not have taken seriously the threat to the integrity of these officers; she must not have believed them. Maybe some Senators don't believe them either. But Detective Jones said that the comments of the judge jeopardized the lives of police officers. Maybe not, but I would tend to think if I were an undercover police officer, that kind of exposure and identification, even if you had already testified, they must have felt that there was something there that was substantially threatening.

He wrote in his letter:

> As a law enforcement officer who happens to be an African-American, I am appalled that self-interest groups and the media are trying to make the Massiah-Jackson controversy into a racial issue. This is not about race, this is about the best candidate for the position of Federal judge.

And it is obvious he doesn't think the best candidate is Judge Massiah-Jackson after she, in fact, jeopardized his life, according to him.

Earlier today, I also raised the point about contempt for prosecutors and police officers, and that seemed to be construed as some sort of inappropriate attack.

In this case, let me talk about another example, Commonwealth v. Hicks. In an action that led to a reversal by the appellate court, Judge Massiah-Jackson dismissed charges against the defendant on her own motion.

Although the prosecution was prepared to proceed, the defense was not ready because the defense was missing a witness. A police officer who was scheduled to testify for the defense apparently had not received his subpoena. The defense requested a continuance, saying, "OK, we'll try this later. We'll clear up this mixup concerning the subpoena." The Commonwealth stated it had issued the subpoena.

The defense did not allege any wrongdoing or failure to act on the part of the Commonwealth. It did not say the Commonwealth failed to issue the subpoena, that they fouled this up, that the case was fouled up as a result of misdeeds on the part of the State or the Commonwealth.

Nevertheless, without any evidence or prompting from the defense counsel, Judge Massiah-Jackson simply did not believe that the Commonwealth's attorney subpoenaed the necessary witness. So here you have the defense unprepared to go forward, and the judge held the Commonwealth liable for the defense's unpreparedness, and on the court's own motion dismissed the case.

Here is a judge that expresses her contempt for the court and the prosecutors, profaning the court and profaning the prosecutors. Here is a judge who expresses her contempt for police officers by inappropriately identifying them and warning the community against police officers. You have a judge who is willing to dismiss cases on her own motion even when the defense is willing to just take a continuance to clear the matter up and to bring the witnesses to court.

What it turns out to be in the case is that the missing defense witness had been on vacation. The subpoena had been issued by the Commonwealth. The officer had not received it, but the Commonwealth had done everything it possibly could to issue the subpoena to help assist the defense in the preparation of the trial by providing the necessary witness. And Judge Massiah-Jackson's decision obviously was reversed on appeal as an abuse of discretion. But it tells us something. It tells us something about this judge and this judge's attitude toward police officers and prosecutors.

The appellate court concluded, having carefully reviewed the record:

> We are unable to determine the basis for the trial court's decision to discharge the defendant. Indeed, the trial court was unable to justify its decision by citation to rule or law.

When a judge does something and cannot cite any rule or any law to support it, the judge is just imposing her own preference, her own personal preference in the matter.

The imposition of judges' personal preferences is one of the real challenges we face in this country in a crisis of what I call "judicial activism."

One of the other issues I raised regarding Judge Massiah-Jackson is the issue of leniency in sentencing.

Here is an example. Commonwealth vs. Nesmith. The defendant had a criminal history of 3 prior juvenile arrests and 1 adjudication, 19 prior adult arrests, 8 convictions, 3 commitments, 3 violations and 2 revocations. If we were at the right season of the year we could then end with "and a partridge in a pear tree." Nineteen prior arrests, 8 convictions.

He was tried and convicted of striking a pedestrian with his car, leaving her seriously injured—broken legs, pelvis, four bones of the back—by the side of the road, fleeing the scene of the crime, and then beating into unconsciousness one of the woman's relatives who tried to thwart his escape. Judge Massiah-Jackson sentenced him to 2 years' probation—probation. This is an individual with eight previous convictions. Judge Massiah-Jackson sentenced him to 2 years' probation, a sentence that deviated more than 3 years below the lowest point of the standard range of the guidelines and more than 2 years below even the lowest point of the mitigated range.

The defendant committed these crimes while on parole, having just been released from prison for an assault conviction. Over the Commonwealth's strenuous objection, Judge Massiah-Jackson sentenced him to 2 years' probation. Judge Massiah-Jackson, however, explained that the defendant's actions were "not really criminal. He had merely been involved in a car accident."

You wonder about a judge who can look at an individual who hits a pedestrian, flees the scene of the crime, beats into unconsciousness one of the women's relatives who tried to thwart his escape, and then characterizes the activity as merely being the activity of one who has been involved in a car accident.

Here is another instance of leniency in sentencing.

Commonwealth vs. Freeman. The defendant shot and wounded Mr. Fuller in the chest because Mr. Fuller had laughed at him. I don't know how you know someone is laughing at you or whether they are laughing because they just have a thought of something funny. In any event, the defendant shot and wounded Fuller in the chest because Fuller had laughed at him.

Judge Massiah-Jackson convicted the defendant of a misdemeanor instead of felony aggravated assault. She sentenced him to 2 to 23 months—not 2 to 23 years—2 to 23 months, and then immediately paroled him so that he did not have to serve jail time. The felony charge would have had a mandatory 5- to 10-year prison term. Judge Massiah-Jackson explained her decision, stating that "the victim had been drinking before being shot"—the victim had been drinking before he was shot—"and that (the defendant) had not been involved in any other crime since the incident."

I think the people of the United States of America deserve a judge who will say that an individual who shoots someone, perhaps for smiling or laughing, is an individual who deserves a serious sentence.

Here is yet another example of lenient sentencing, Commonwealth vs. Burgos. During a raid on the defendant's house, police seized more than 2 pounds of cocaine, along with evidence that the house was a distribution center—2 pounds of cocaine. The street value of 2 pounds of cocaine is astronomical.

The defendant, Mouin Burgos, was convicted. Judge Massiah-Jackson sentenced the defendant only to 1 year's probation. Then-District Attorney Ron Castille criticized Judge Massiah-Jackson's sentence as "defying logic" and being "totally bizarre." He commented:

> This judge just sits in her ivory tower . . .. She ought to walk along the streets some night and get a dose of what is really going on out there. She should have sentenced these people to what they deserve.

Well, earlier this afternoon I had the privilege of relating the fact that virtually the entire law enforcement community of Pennsylvania has noticed this predisposition to be antagonistic to law enforcement.

The Executive Committee of the Pennsylvania District Attorneys' Association voted unanimously to voice their objection to the appointment of this individual to the Federal bench. The Fraternal Order of Police, both locally and nationally, has expressed its opposition to this nominee. And frankly, the Democrat district attorney in Philadelphia sent a letter saying this is the worst judge that she had ever seen. The letter also states her opinion that whoever is appointed to the Federal district court for that district should be a black woman—that they need to have a black woman on the bench there—but also stating that Judge Massiah-Jackson cannot be the one.

It takes real courage for a district attorney to say that about a judge who will stay in her current role if the Senate heeds the warning of the district attorney. And the district attorney will have to continue to send prosecutors into that court and be involved in that legal environment. But not only did District Attorney Abraham from Philadelphia, who is a Democrat, make such a contention, District Attorney Morganelli also made the same kind of statements, saying that we really have no business confirming an individual whose record is so replete with this kind of abuse.

These points are points that I believe are easily understood. It takes a substantial amount of effort to obscure these points. But these points are understood—and they are painfully understood by those who are closest to this situation and involved in the courts on a daily basis: the police officers and prosecutors. Obviously, we would not expect defense attorneys to be here objecting to this nominee.

This nominee lacks the fundamental commitment to the judicial system, to respect it, and to respect the participants of it. She has demonstrated that on many occasions. And profanity in the courtroom is important. It reflects a disregard for the court. But when it is profanity directed to officers of the court, it is a disregard for the system itself. And I do not think it is appropriate to minimize that. It makes a difference to me. I think it makes a difference to the American people whether or not we have judges who respect the institution over which they preside.

I raise the issues about the antagonism to the police. It is pretty clear that when you warn the community to be careful of the police, to "watch out," that you reveal a disrespect for this system that we do not need to institutionalize on the Federal bench. And when you use virtually every contrivance that you could possibly imagine, and even then when the appellate court says there is no basis in law, no basis in rule that would support the kind of leniency that you find in some of these cases, I think it is pretty clear that we have an individual whose predisposition is so favorable to the violators of the law that those who would enforce the law and the need for the culture to enforce the law are at a serious disadvantage in a courtroom like that.

It is clear to me—very clear to me—that this is a nominee whose resume does not merit reward, whose recommendation by the President should be withdrawn rather than confirmed.

During the closing hours of the session last year, prior to the break for the year-end recess, the Judiciary Committee was meeting. There was a debate over whether to send this nominee to the floor. And among those who are now saying that we have to have more meetings and more time in the committee were those who carried me to one of the anterooms off the committee room, and begged me, "Let's send this to the floor so it can be debated on the floor." I said, "I don't think this is appropriate to send to the floor." And they said, "You don't have to support her on the floor, but do not stop the committee from acting to send her to the floor at this time."

Frankly, the rules of the committee would have made it possible for me at that time to have stopped this individual from coming to the floor. It just strikes me as ironic that those who prevailed on me to send this nominee to the floor, and to allow her to come to the floor, are now arguing that somehow those of us who want to vote on this candidate on the floor or a withdrawal by the President are doing an injustice—that somehow by accommodating them and providing a basis which would allow the candidate to make it to the floor, that we were now wanting to act on that candidate and somehow wanting to act inappropriately.

I think all of that is just so much process—whether you had the committee hearings, and how many you had. The key to this whole situation is, what kind of information do you have? And do you have the capacity to make a good judgment about whether or not to confirm a nominee of the President of the United States?

This nominee who disrespects the system, disrespects the participants, disrespects law enforcement, this nominee who has done virtually everything within her power to make it easy on those who have violated the law and tough on those who would enforce the law, does not merit our confirmation. The President ought to withdraw her nomination, and, absent that, the Senate should vote to reject this nomination for the Federal bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to depart from the regular order and enter a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask to be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN CLONING PROHIBITION ACT

Mrs. FEINSTEIN. Mr. President, I will follow on the comments of the distinguished Senator from Massachusetts, since the Senate is scheduled tomorrow to vote on a cloture motion, whether to move Senate bill 1601, a bill that prohibits the cloning of human beings. I will clarify where we are and what the issues really are.

Let me be clear at the outset: I support a ban on the cloning of human beings. There is widespread agreement that the cloning of a human being should be prohibited. That agreement, I believe, exists in the Congress. It clearly exists in the scientific community. It exists in the medical community, in the religious community, and it exists in virtually every patient and health group that I know of.

I submit, Mr. President, that the cloning of human beings is scientifically unsafe; it is dangerous; it is morally unacceptable; and it is ethically flawed. We should enact a ban. We should pass a law that establishes the illegality of human cloning and sets forth appropriate penalties.

The argument I make today is not the ban, but how the bill before the

Senate tomorrow, the Bond-Frist bill, would affect scientific research. I introduced identical bills with Senator KENNEDY, Senate bills 1602 and 1611 which would protect research that someday, we believe, is likely to provide cures for many of the most dreaded diseases.

Some examples are treatments for damaged nerve cells, for spinal cord injuries, blood cell therapies for leukemia and sickle cell anemia, liver cell transplants for liver damage, cartilage cells for reconstruction of joints damaged by arthritis or injuries, the creation of stem cells to treat burn victims, and the creation of cells to treat some 5,000 different genetic diseases.

The bill that the leadership is trying to rush through the Senate, Senate bills 1599 and 1601, would make it a crime with up to 10 years in prison to conduct that kind of research—research that someday will save lives and suffering.

Those bills, because they don't have clear scientific terms, they don't have definitions of critical words which are part of somatic cell nuclear transfer technology, would submit scientists to prison terms for treatments using this technique. These penalties would have a serious, chilling effect on promising scientific research.

Somatic cell nuclear transfer—and I am a newcomer to this so I have had a crash course, and I still have an awful lot to learn—this transfer process is its own science. It has a lexicon all of its own. Scientists tell us that the traditional definitions of reproductive health—the traditional definitions of reproductive health—do not fit somatic cell nuclear transfer. There is the rub.

S. 1601 uses these terms but doesn't define them. The bill doesn't define somatic cell, for example. Now, what I know a somatic cell to be is a cell in your body. You can take a cell from a mammary gland. In Dolly's case, the cell was taken from the udder.

Additionally, the bill does not define embryo or preimplantation embryo. It does not define oocyte. Without clear, scientifically accurate definitions, we don't know what we are talking about and scientists will be reluctant to conduct research that might save lives and alleviate human suffering.

That is the bottom line of asking for a delay, of asking that the Senate's proper procedures be employed so that the scientific community can come forward, provide their definitions, explain them, we can debate them and clearly understand what we are doing.

My father used to tell me that the first tenet of medicine is "Do no harm." We can do great harm by proceeding without a full understanding of what this is all about.

According to the Biotechnology Industry Association, Senate bill 1601 would go beyond the issue of human cloning and would outlaw research to create stem cells. It would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. The Biotechnology Industry Association says, "In this treatment, women who have this disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, endocyst egg. The current Bond bill would make it a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization and not cloning."

So there is no need to rush. The bill we are asked to vote on is one week old—one week. It was introduced February 3, brought to the full Senate 48 hours later, on February 5. Now we are asked to vote on whether to continue consideration and have a vote of the bill. It has not been referred to committee. There have been no hearings. It has not gone through the normal deliberative process.

We should not be ramrodding a bill with this potential for harm through the Senate. It is one of the most profound issues of our time. This is a difficult area of science. It involves terminology and technologies few Americans have ever studied, let alone fully understand, terminology and technologies that few Senators understand. It poses very serious and fundamental moral, ethical and scientific questions.

We need not rush a bill to the floor without committee consideration. That is the other point. The scientific community has imposed a voluntary moratorium. The Food and Drug Administration has said they will assert jurisdiction. Many organizations have written urging caution.

Let me go into some of them right now. Let me begin with the American Cancer Society, in a letter dated February 9, and I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The American Cancer Society has called for your commitment for a renewed war on cancer through a national investment in biomedical research and cancer prevention and control programs. The sustained downturn in cancer mortality and incidence—for the first time ever—is evidence that our investment in this war is beginning to make a difference.

The current opportunities in cancer research, including our understanding of the molecular nature of the disease, are bringing us closer to the answers we need to prevent and cure cancer. Congress and the Administration are calling for unprecedented increases in funding for biomedical and cancer research which will allow us to exploit scientific knowledge and bring answers more quickly to the American people.

The American Cancer Society urges you to oppose S. 1601, legislation that would prohibit the use of somatic cell nuclear transfer. The American Cancer Society agrees with the public that human cloning should not proceed at this time. However, the legislation as drafted would have the perhaps unintended effect of restricting critical, legal scientific research. The ability to create therapeutically valuable stem cell lines from oocytes, therefore promoting genetic reprogramming of cells to prevent and cure cancer exemplifies the type of research that could be hindered with overly restrictive regulations. The current language in S. 1601 could hamper or punish scientists who contribute to our growing knowledge about cancer.

We urge you to carefully consider all aspects of this legislation to ensure the continued support for all legal and ethical modalities of cancer research.

Sincerely,
DAVID S. ROSENTHAL, MD,
President.

Mrs. FEINSTEIN. Let me quote one part:

> The American Cancer Society urges you to oppose S. 1601, legislation that would prohibit the use of somatic cell nuclear transfer. . . . The legislation as drafted would have the unintended effect of restricting critical legal scientific research. The ability to create therapeutically valuable stem cell lines from oocytes, therefore promoting genetic reprogramming of cells to prevent and cure cancer exemplifies the type of research that could be hindered with overly restrictive regulations. The current language in S. 1601 could hamper or punish scientists who contribute to our growing knowledge about cancer."

The American Heart Association—I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION, OFFICE OF COMMUNICATIONS AND ADVOCACY,
Washington, DC, February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On Tuesday, February 10th, the Senate is expected to initiate a cloture vote regarding a motion to consider S. 1601, the *Prohibition on Cloning of Human Beings Act of 1998*. The American Heart Association urges you to vote *against* the cloture petition.

The American Heart Association wishes to make it clear that we do not support any legislation allowing the cloning of a human being. However, we fear that this legislation may place biomedical research at risk and might negatively impact the use of cloning techniques on human cells, genes and tissue critical to identifying cures for a host of diseases, including cardiovascular diseases. The American Heart Association is concerned that a rush to passage of S. 1601 may inadvertently threaten to restrict critical biomedical research, which promises to have great impact on disease prevention and treatment for the American people.

For example, we are concerned that this legislation may effectively ban research using the generation of stem cells for treating heart attack victims, as well as blood vessel endothelial cells for treating atherosclerosis.

The American Heart Association urges the Senate to engage in a more deliberate debate on this important issue. Please vote "no" on cloture for S. 1601 and allow a more extensive debate on these complex issues.

Sincerely,

MARTHA N. HILL, RN, PH.D.,
President.

Mrs. FEINSTEIN. "The American Heart Association urges the Senate to engage in a more deliberate debate on this important issue."

The Cystic Fibrosis Foundation, I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CYSTIC FIBROSIS FOUNDATION,
February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The current frenzied atmosphere on Capitol Hill surrounding the issue of human cloning instills great fear in the scientific community. On behalf of cystic fibrosis (CF) scientists, researchers, caregivers, and most importantly patients, the Cystic Fibrosis Foundation (CFF) asks all members of Congress to take the time to study the potentially harmful ramifications of prohibitive human cloning legislation. As America's governing body, Congress has an unequivocal responsibility to hold public hearings on this issue in order to fully understand the scope of this debate. The CFF agrees that the cloning of a complete human being should not be done. However, we have grave concerns over current legislation that is crafted in such a way to restrict the advancement of lifesaving biomedical research.

A voluntary moratorium on human cloning should suffice to prevent scientists from attempting to clone a complete human being in the laboratory. Nevertheless, if it is decided that legislation must be drafted, extreme care should be taken not to restrict the capacity to pursue cutting edge technologies which hold great promise. For example, the strategy that may ultimately be needed to achieve a cure for CF through gene therapy techniques is called somatic cell/stem cell gene transfer therapy.

Enactment of the Bond/Frist Cloning Prohibition Act in its current form and other existing pieces of legislation would prevent the use of this kind of technology. This would be a critical set-back in our ability to develop new therapies to treat individuals with CF and other life-threatening diseases. To consider the passage of legislation without appropriate debate from the scientific community, as well as a public airing of the consequences on future biomedical research, will do irreparable damage.

For the 30,000 children and young adults with CF in this country, the message is clear. Do not allow hasty and capricious action to impede our ability to impact on this disease. It is equally important to note that until essential scientific debate has reached completion, the cloning of a complete human being cannot occur, as the regulatory safeguards of the FDA already in place prevent such an act.

Your attention to this critical matter is appreciated.

Sincerely yours,

ROBERT J. BEALL, PH.D.,
President and CEO.

Mrs. FEINSTEIN. They say, "To consider the passage of legislation without appropriate debate from the scientific community, as well as a public airing of the consequences on future biomedical research, will do irreparable damage."

The American Association for Cancer Research, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION
FOR CANCER RESEARCH, INC.,
Philadelphia, PA, February 4, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Medical research, conducted in the United States over the last 20 years, has opened up tremendous opportunities to make progress against many devastating diseases. The scientific community does not desire to make human beings, or modify or genetically mark any portion of our population. However, to deny the application of molecular biology, made possible through the use of cloning technologies, to patients who could be benefitted would be a great injustice.

A litany of beneficial applications of cloning technology was enumerated in this weeks TIME Magazine. Several of these applications are at the core of cutting-edge cancer research, and there are many more potential benefits that are unknown at this time. These applications, as well as any future progress, would be eliminated by broad legislation setting back progress and potential in our conquest to develop effective approaches to the prevention, detection, and treatment of cancer.

The American Association for Cancer Research (AACR), with over 14,000 members, is the largest professional organization of basic and clinical cancer researchers in the world. Founded in 1907, its mission is to prevent, treat, and cure cancer through research, scientific programs, and education. To accomplish these important goals it is essential that scientists vigorously pursue all promising lines of investigations against cancer.

The AACR feels strongly that an ethical and just compromise can be reached that will protect the public and the scientific community from the irresponsible application of cloning technology while permitting meaningful and ethical research to move forward. The medical and cancer research community feels that the present rush to enact legislation without proper consideration or deliberation is a serious mistake, and the unfortunate result would be irresponsible legislation.

As scientists we clearly see the tremendous advantages of cloning technology as well as its potential problems, which we, also, have reason to fear if it is applied in an unreasonable manner.

The AACR, therefore, appeals to all Members of Congress to establish and honor a moratorium of at least 45 days on enacting any legislation until definitions and implications of legislation can be determined in a more reasonable and thoughtful manner, and in an open and public process. This would be a service to humanity, science, and millions of individuals who are now suffering, or will suffer in the future, from catastrophic and crippling diseases such as cancer. We appeal to all Members of Congress to give this important moral and scientific issue very careful consideration and deliberation. Clearly a rush to judgment on this complex issue could be a major setback for cancer and medical research.

Sincerely,

DONALD S. COFFEY, PH.D.,
President.

Mrs. FEINSTEIN. They say, "The medical and cancer research community feels that the present rush to enact legislation without proper consideration or deliberation is a serious mistake and the unfortunate result would be irresponsible legislation."

The Juvenile Diabetes Foundation International, the Diabetes Research Foundation, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUVENILE DIABETES
FOUNDATION INTERNATIONAL,
THE DIABETES RESEARCH FOUNDATION,
February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the Juvenile Diabetes Foundation International (JDFI), we urge you to vote "no" on a motion to invoke cloture and proceed to consider S. 1601, a bill to ban human cloning. This vote is scheduled to come before the Senate on Tuesday, February 10.

We want to be clear: there is *no* acceptable moral or ethical justification for making a replica of another human being. As currently drafted, however, S. 1601 threatens to restrict future promising stem cell research which could lead to improved treatments or even a cure for diabetes and many other serious, chronic illnesses.

Diabetes affects approximately 16 million Americans and is a leading chronic disease in children. In addition to its severe human impact, diabetes costs about $137 billion per year in direct and indirect expenses. Therefore, it is critical that any federal policies affecting medical research are crafted so that they do not unnecessarily restrict the potential for promising future advances in diabetes research.

In the case of type 1, or juvenile, diabetes, the beta cells of the pancreas which produce insulin are destroyed. Promising stem cell research could make it possible to produce pancreatic beta cells that could then be transplanted into a person with diabetes. As a consequence, a person with type 1 diabetes would be free of the up to eight daily blood tests and up to six daily insulin injections that so significantly reduce the quality of life. More importantly, this type of cell transplantation could eliminate the horrible complications of the disease which include: kidney failure; blindness; amputation; increased risk of heart disease and stroke; and premature death.

For these reasons, JDFI urges you to vote "no" on the cloture motion for S. 1601, thereby allowing the Senate to conduct a more thorough debate on this issue. We need to better understand the impact that legislation in this area could have on research critical to improving the lives of people with devastating illness. In order to ensure medical progress and the attainment of future opportunities, we urge you to proceed cautiously.

Sincerely,

ROBERT LEVINE, MD,
Chairman, Government Relations Committee.
JAMES E. MULVIHILL, DMD,
President and CEO, Juvenile Diabetes Foundation International.

Mrs. FEINSTEIN. They say, "We urge you to proceed cautiously."

Resolve, the National Infertility Organization says, "go slow."

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLVE,
Somerville, MA, January 30, 1998.

The Hon. Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: RESOLVE expresses its strong support for the cloning bill being co-sponsored by you and Senator Edward M. Kennedy. This bill, consistent with RESOLVE's position, includes an important provision specifying that research using somatic cell nuclear transfer technology should not be banned while recommending a moratorium on the cloning of a human being until further review.

RESOLVE is pleased to note that the proposed legislation does not ban embryo research. Embryo research has been instrumental in the development of procedures that allow many couples to overcome the difficulties they experience as they strive to build families. The emotional and physical consequences of this struggle can be overwhelming. In vitro fertilization is an amazing technology which would not have been possible without the knowledge gained through embryo research. This effective treatment has brought about the birth of thousands of much-wanted babies. Continued embryo research has the potential to further the understanding of the causes of infertility, including the tragedy of miscarriage, as well as provide information which can lead to new breakthroughs.

As a national organization which provides support, advocacy and education to those experiencing infertility, RESOLVE is contacted by thousands of people from all walks of life who are struggling with this disease. The stories about their struggles can be heart-wrenching. The success stories about the joy and overwhelming appreciation of the children that are brought into this world are enormously heart-warming.

Avenues for further research to help couples must not be halted. RESOLVE joins with many other organizations across the country in expressing its opposition to any attempts to ban embryo research. We applaud your efforts to develop carefully-constructed legislation which will not impact the potential for medical advances that will help the many couples struggling to build much-wanted families.

Sincerely,

DIANE D. ARONSON,
Executive Director.

Mrs. FEINSTEIN. The National Coalition for Osteoporosis and Related Bone Diseases says, "Congress needs to be extremely cautious in drafting legislation too quickly on this very complex issue."

It is signed by several doctors. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL COALITION FOR OSTEOPOROSIS AND RELATED BONE DISEASES,
Washington, DC, February 5, 1998.

The Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC

DEAR SENATOR FEINSTEIN: As representatives of the Osteoporosis and Related Bone Diseases National Coalition, which consists of scientists and patients, we are writing to urge you to vote against human cloning legislation which would ban some types of promising stem cell research.

We support a ban on cloning a human being. We see no ethical or medical justification for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology. However, we are concerned that legislation which would expedite a ban on cloning would also effectively eliminate research on "customized" stem cell research which one day could lead to cures for many diseases.

Congress needs to be extremely cautious in drafting legislation too quickly on this very complex issue. We are concerned that Congress will not take the time to analyze the effects on stem cell research already underway or consider the future benefits of such research. It is our hope that with input from the scientific community Congress will come to a consensus which will address the public's concern about human cloning and yet allow the scientific community to do their work.

Again, we urge you to protect stem cell research which can generate cells for the treatment of numerous diseases including osteoporosis and related bone diseases. If you need further information about the proposed legislation, please contact Bente E. Cooney, Director of Public Policy at the National Osteoporosis Foundation (202) 223-2226.

Sincerely,

BENTE E. COONEY, MSW,
Director of Public Policy, National Osteoporosis Foundation.
FRED SINGER, MD,
Chairman, The Paget Foundation.
STEPHEN CUMMINGS, MD,
Chair, ASBMR Public Affairs Committee, American Society of Bone and Mineral Research.
JOE ANTOLINI,
President of the Board, Osteogenesis Imperfecta Foundation.

Mrs. FEINSTEIN. The Alliance for Aging Research strongly supports our bill, the Feinstein-Kennedy bill. They urge a no vote on cloture. They say this is not a vote for cloning but rather for reasoned debate that draws upon the wisdom of scientists and medical experts:

Senators should also take time to hear from patients and their families who yearn for cures and treatments for life-threatening diseases. A rush to legislate in this area could have serious consequences for research that could benefit the lives of millions of Americans.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR AGING RESEARCH,
Washington, DC, February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate
Washington, DC.

DEAR SENATOR FEINSTEIN, The Alliance for Aging Research strongly supports your efforts and those of Senator Kennedy to legislate responsibly in the area of somatic cell nuclear transfer technology. You and Senator Kennedy and others have proposed a ban on human cloning without threatening vital research efforts into cellular technologies that could produce cures and valuable therapies for Alzheimers Disease, Parkinsons, would healing, age-related blindness and many other medical problems of the elderly. The not-for-profit Alliance applauds your efforts on behalf of research, and we urge you to vote "no" when a motion to cut off debate on S. 1601 comes to the Senate this week.

The Alliance for Aging Research strongly opposes the cloning of a human being on moral grounds, as does every responsible health advocacy organization we know. However, the Lott-Bond-Frist bill is written so broadly as to halt cellular technology that could be a significant tool in developing therapies for scores of age-related diseases and disabilities.

The Alliance is also concerned there has not been sufficient discussion and debate to allow reasoned consideration of this highly technical and complicated issue. A "no" vote on cloture is not a vote for cloning, but rather for a reasoned debate that draws upon the wisdom of scientists and medical experts. Senators should also take time to hear from patients and their families who yearn for cures and treatments for life-threatening diseases. A rush to legislate in this area could have serious consequences for research that could benefit the lives of millions of Americans.

Respectfully,

DANIEL PERRY,
Executive Director.

Mrs. FEINSTEIN. The National Health Council states, "We urge careful consideration of the issue and a vote against cloture so a more thorough debate can occur."

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH COUNCIL,
Washington, DC, February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Early this week the Senate will decide whether to begin debate on legislation to ban the cloning of a human being. The National Health Council, which represents the Nation's leading patient organizations, agrees with the American public that the cloning of a human being should be prohibited. However, we urge careful consideration of the issue and a vote against cloture, so a more thorough debate can occur within the committees of jurisdiction before consideration by the full Senate.

Current advances in medical research are, for the first time, holding true promise of curing some of the most well-known diseases: cancer, diabetes, and paralysis. In the past, scientific gains have provided patients with novel treatments, allowing us to manage disease more effectively. But cures have eluded us.

Cloning, the duplication of scientific material, such as cells or genes, has allowed scientists to more efficiently study biological processes, and has led to many recent medical advances. The technique which created the sheep Dolly was a new approach to producing duplicate material. This novel process, called somatic cell nuclear transfer, may hold the key not only to understanding the function of all human cells but also to identifying new avenues to repair damaged cells.

By gaining a greater understanding of how cells develop and differentiate we may be able to replace damaged pancreatic cells with healthy cells, therefore curing diabetes. Combined with gene therapy, cloning may also make it possible to eliminate the transmission of such inherited diseases as Huntington's Disease.

We appreciate your concerns regarding the issues relating to cloning, but it is critical that we have a better understanding of all the implications of the various approaches aimed at banning the cloning of human beings. I am certain that you share our interest that important medical research is protected. In order to ensure medical progress and the attainment of future opportunities, we urge you to proceed cautiously.

Thank you for your consideration of this important issue.

Sincerely,

MYRL WEINBERG, CAE,
President.

Mrs. FEINSTEIN. The National Patient Advocate Foundation says, "There is no rush to legislate."

I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PATIENT
ADVOCATE FOUNDATION,
Newport News, VA, February 6, 1998.

DEAR SENATOR: The National Patient Advocate Foundation urges you to vote "no" on the cloture vote next Tuesday, February 10, regarding the motion to proceed to consider S. 1601, the legislation to ban human cloning. A vote "no" is a vote to protect biomedical research. It would also call for more deliberate debate on this complicated scientific issue.

As an organization that continues to seek insurance reimbursement for cancer therapies, therapeutic devices and agents that hold promise of improved quality of life after a cancer diagnosis, life extension and improvement in preventing cancer, bio-medical research presents significant hope for improvement in preventing, detecting and treating cancer. We have been involved with this issue since early last summer when the anti-cloning discussion first emerged when the Ehler's bill was introduced. Our position then and now is the same. Though we are in full support of no cloning of human beings, we value the progress being made in biomedical research and can not support any initiative that threatens continued research in this area. Zygotes, diploid cells and somatic cell nuclear transfer are issues that are complicated and present myriad opportunities for misinterpretation without thorough discussions relative to the impact on bio-medical research that this anti-cloning legislation poses. We urge your no vote on cloture February tenth, so that this matter may be addressed in detail in hearings.

There is no need to rush to legislate. The Food and Drug Administration has full jurisdiction to ensure that no one will clone human beings at this time. We urge careful and deliberate consideration of this legislation to ban cloning. It should be carefully reviewed by key Committees, which has not occurred. S. 1601 raises serious questions about its scope and impact on critical biomedical research seeking cures for deadly and disabling diseases.

This bill is not confined to "cloning", which is the creation of a child genetically identical to another individual.

It would halt research to develop "customized" stem cells which promise potential new treatments for many diseases and conditions.

It would outlaw a current medical procedure to treat infertility which uses eggs which are fertilized and contain the genetic traits of two individuals, not the clone of one individual.

Again, we urge you to vote "no" on Tuesday's cloture vote on S. 1601 to protect biomedical research.

Sincerely,

NANCY DAVENPORT-ENNIS,
Founding Executive Director.

Mrs. FEINSTEIN. The California Biomedical Research Association, signed by 40 or 50 major companies, urges us "to support continuing debate about the potential negative impact of Senator TRENT LOTT's legislation."

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA BIOMEDICAL
RESEARCH ASSOCIATION,
Sacramento, CA, February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the CBRA Governing Board, I am writing to encourage your "no" vote on the cloture vote on S. 1601 scheduled for Tuesday, February 10, 1998. The Association urges you to support continuing debate about the potential negative impacts of Senator Trent Lott's legislation.

Somatic cell transfer technology is essential to continuing research into cures for some of our greatest human health threats—Parkinson's Disease, leukemia, diabetes, Alzheimer's disease and spinal cord injuries. Unintended consequences of this bill as currently written could threaten the future health of millions of Americans.

Please feel free to contact our office if you should need further information.

Sincerely,

SUZANNE NESS,
President.

MEMBERS (PARTIAL LIST)

Allergan
Alliance Pharmaceutical
ALZA Corporation
American Association for Laboratory Animal Science: Northern, Orange County, San Diego, Southern and Palms to Pines Branches
American Cancer Society, California Division, Inc.
American Diabetes Association, California Affiliate
American Heart Association (Western States Affiliate and Greater L.A. Affiliate)
American Lung Association of California
Amgen
Bayer Corporation
Berlex Bio Sciences
BioDevices
Buck Center for Research in Aging
California Institute of Technology
California Medical Association
California State University: Long Beach, Pomona, Office of the Chancellor
California Veterinary Medical Association
Cedars-Sinai Medical Center
Charles River Laboratories
Children's Hospital Oakland Research Institute
Children's Hospital of Orange County
Chiron Corporation
City of Hope
Genentech
J. David Gladstone Institutes
Good Samaritan Hospital
Harbor UCLA Medical Center, Research and Education Institute, Inc.
Heartport
Huntington Medical Research Institutes
Isis Pharmaceuticals
Lawrence Berkeley Laboratory
Loma Linda University
NASA Ames Research Center
Palo Alto Medical Foundation
Roche Biosciences
Salk Institute for Biological Studies
San Diego State University
San Jose State University
Scripps Research Institute
Stanford University
The Parkinson's Institute
University of California: Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz, Office of the President
University of Southern California
Veterans Administration Medical Centers at: Loma Linda, Long Beach, Palo Alto, San Diego, San Francisco, Sepulveda, West Los Angeles.

Mrs. FEINSTEIN. The AIDS Action Council, the Allergy and Asthma Network, the Alliance for Aging Research, the Alzheimers Aid Society, the American Academy of Optometry and the American Academy of Pediatrics urges that we "proceed with extreme caution and adhere to the ethical standards for physicians, 'first do no harm'."

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1998.

Re legislation to ban cloning of human beings.

DEAR MEMBER: We are writing to express our concern about legislation pending in the Congress to ban the cloning of entire human beings.

Let us be clear. We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree with the conclusions of the National Bioethics Advisory Commission (NBAC) that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology. We recognize that this application of the technology raises fundamental ethical and social issues. This technology is not currently safe to use in humans.

The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being.

We agree with NBAC in its report on cloning that: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science." Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion. Cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barré syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease, tuberous sclerosis, tourette syndrome, alcoholism, autoimmune diseases, osteoporosis, Parkinson's disease, infertility, diseases of aging, ataxia telangiectasia and many other types of research will benefit from the advances achieved by biomedical researchers.

We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, "first do no harm." We believe that there are two distinct issues here, cloning of a human being and the healing which comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases.

Please keep patients' concerns in mind as you proceed in analyzing this very complicated issue.

Sincerely,

AIDS Action Council.

Allergy and Asthma Network/Mothers of Asthmatics, Inc.

Alliance for Aging Research.

Alzheimer Aid Society.

American Academy of Optometry.

American Academy of Pediatrics.

Mrs. FEINSTEIN. The Biotechnology Industry Organization, which represents literally hundreds of biotech organizations, says, "We are very concerned about the rushed process to pass legislation on this complex subject and the possibilities for unintended consequences."

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE BIOTECHNOLOGY INDUSTRY ORGANIZATION (BIO) REGARDING LEGISLATION INTRODUCED TO BAN HUMAN CLONING

The Biotechnology Industry Organization (BIO) believes that it is both unsafe and unethical to even attempt to clone a human being. BIO strongly supported the review of this issue by the National Bioethics Advisory Commission (NBAC) and the moratorium on cloning imposed by President Clinton. We believe that the FDA has clear authority and jurisdiction and will, as they have stated, prohibit any attempt to clone a human being.

BIO is concerned about the scope and impact of legislation introduced to make it a crime with a ten year prison sentence to conduct biomedical research which may or may not have any relevance to the cloning of a human being. We are very concerned about the rushed process to pass legislation on this complex subject and the possibilities for unintended consequences. The scientific and legal issues with respect to any legislation regarding biomedical research are exceedingly technical, and a hastily drafted bill could advertently and inadvertently damage biomedical research on deadly and disabling diseases.

The Senate needs to adhere to the standard for doctors, "first, do no harm." Biomedical research into deadly and disabling diseases is far too important to rush to enact legislation which would unequivocally undermine promising research and therapies. The Senate should be extremely cautious before it starts sending scientists to jail when the purpose of their research meets the highest moral and ethical standards and holds such promise for relieving human suffering.

ANALYSIS OF PENDING BILLS AND THE SCIENCE AT RISK

Several bills have been introduced in the Senate regarding human cloning. They vary widely in focus and precision. The three principal bills are S. 368, S. 1599, and S. 1602 and we have analyzed each of them here.

The first bill introduced by Senator Bond last year, S. 368, is one of the better drafted bills introduced in either body. It uses reasonably accurate terms to describe the applicable science and limits Federal funding for the cloning of a human being.

The new bill introduced by Senator Bond, S. 1599, would impose a ten year prison sentence for any individual for the act of "producing an embryo (including a preimplantation embryo)" through the use of a specified technology, "somatic cell nuclear transfer," even if the production of such an embryo is for purposes unrelated to the cloning of a human being and even if the embryo does not contain nuclear DNA which is identical to that of an existing or previously existing human being (cloning). The bill goes beyond the issue of cloning to make it a crime to use somatic cell nuclear transfer of a nucleus derived from normal sexual union of an egg and sperm, which is obviously not cloning. It would also make it a crime to conduct some research seeking to generate stem cells to treat a wide range of deadly and disabling diseases, treatments which have nothing whatever to do with human cloning.[1]

The third bill, introduced by Senator Feinstein, S. 1602, would impose heavy civil fines for any entity that would "implant or attempt to implant the product of somatic cell nuclear transfer into a woman's uterus . . ." This sharply focuses the bill on an attempt to clone a human being and would not imperil biomedical research.

IMPACT OF BILLS ON STEM CELL RESEARCH

The current bill introduced by Senator Bond would, because it goes well beyond the issue of human cloning, imperil promising biomedical research, including research to generate stem cells. Instead of focusing on cloning, it makes it a crime to create a zygote or embryo through the use of a new technology, somatic cell nuclear transfer, even if the use of this technology is essential for the generation of stem cells to treat disease and where there is no intention of attempts through use of this technology to clone a human being. Basically the current bill would make it a crime to conduct research if it could possibly be related to the cloning of a human being even if it is not, in fact, conducted for that purpose.

This approach in S. 1599 goes beyond the issue of human cloning and would outlaw some research to create stem cells, including stem cells for the following types of treatments: cardiac muscle cells to treat heart attack victims and degenerative heart disease;; skin cells to treat burn victims; spinal cord neuron cells for treatment of spinal cord trauma and paralysis; neural cells for treating those suffering from neurodegenerative diseases; pancreas cells to treat diabetics; blood cells to treat cancer anemia, and immunodeficiencies; neural cells to treat Parkinson's, Huntington's and Amyotrophic Lateral Sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including Cystic Fibrosis, Tay-Sachs Disease, schizophrenia, depression, and other diseases; blood vessel endothelial cells for treating atherosclerosis; liver cells for liver diseases including hepatitis and cirrhosis; cartilage cells for treatment of osteoarthritis; bone cells for treatment of osteoporosis; myoblast cells for the treatment of Muscular Dystrophy; respiratory epithelial cells for the treatment of Cystic Fibrosis and lung cancer; adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration; modified cells for treatment of various genetic diseases; and other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions.

To be precise, the current bill introduced by Senator Bond, S. 1599, would make it a crime to generate stem cells, for the above uses, where somatic cell nuclear transfer technology is used. It would not ban stem cell research where the stem cell is generated without the use of somatic cell nuclear transfer. It is not possible to say how much of this promising research will or might involve the use of somatic cell nuclear transfer. As described below, the bill would clearly ban the generation of any stem cells "customized" to an individual where somatic cell nuclear transfer must be used.

This stem cell technology is exciting and potentially revolutionary. Scientists are developing a new approach for treating human diseases that doesn't depend on drugs like antibiotics, but on living cells that can differentiate into blood, skin, heart, or brain cells and can potentially treat various cancers, spinal cord injuries, and heart disease. For example, this stem cell research has the potential to develop and improve cancer treatments by gaining a more complete understanding of cell division and growth and the process of metastasis. This could also lead to a variety of cancer treatment advances.

The types of cells that make up most of the human body are differentiated, meaning that they have already achieved some sort of specialized function such as blood, skin, heart or brain cells. The precursor cells that led to differentiated cells come from an embryo. The cells are called stem cells because functions stem from them like the growth of a plant. Stem cells have the capacity for self-renewal, meaning that they can reproduce more of themselves, and differentiation, meaning that they can specialize into a variety of cell types with different functions. In the last decade, scientists studying mice and other laboratory animals have discovered new power approaches involving cultured stem cells. Studies of these cells obtained from a mouse's stem cells show that they are capable of differentiating, in vitro or in vivo into a wide variety of specialized cell types. Stem cells have been derived by culturing cells of non-human primates. Promising efforts to obtain human stem cells have also recently been reported.

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[1] An identical bill has been introduced by Senator Lott as S. 1601 and this may be the bill which is called up for the Senate debate.

Stem cell research has been hailed as the "[most] tantalizing of all" research in this field, because adults do not have many stem cells. Most adults cells are fully differentiated into their proper functions. When differentiated cells are damaged, such as damage to cardiac muscle from a heart attack, the adult cells do not have the ability to regenerate. If stem cells could be derived from human sources and induced to differentiated in vitro, they could potentially be used for transplantation and tissue repair.

Using heart attacks as an example, we might be able to replace damaged cardiac cells, with healthy stem cells, that could differentiate into cardiac muscle. Research using these stem cells could lead to the development of "universal donor cells," and could be an invaluable benefit to patients. Stem cell therapy could also make it possible to store tissue reserves that would give health care providers a new and virtually endless supply of the cells listed above. The use of stem cells to create these therapies would lead to great medical advances. We have to be sure that this legislation concerning human cloning would not in any way obstruct this vital research.

BOND BILL APPLICATION TO NON-IDENTICAL NUCLEUS

The purpose of a bill to ban human cloning is supposedly to ban the cloning of an individual and the essence of this is the duplication of the DNA of one individual in another. The term "somatic cell," however, is not limited in the current Bond bill to somatic cells with DNA which is the same as that of an existing or previously existing human being. If it is not limited to cases where the DNA is identical, human cloning is—by definition—not involved.

The current Bond bill goes beyond cloning because it does not define the term "somatic cell" or limit to cases where the DNA is identical. It only defines the term "somatic cell nuclear transfer," but it does not define the term "somatic cell." We need a brief glossary of terms to define what constitutes a "somatic cell."

"Zygote" means a single celled egg with two sets (a diploid set) of chromosomes as normally derived by fertilization;

"Egg" and "oocyte" mean the female gamete;

"Gamete" means a mature male or female reproductive cell with one set (a haploid) set of chromosomes;

'Sperm" means the male gamete;

"Somatic cell" means a cell of the body, other than a cell that is a gamete, having two sets (a diploid set) of chromosomes;

So a "somatic cell" is any cell of the body other than a gamete, and it includes a fertilized egg. This means that the current Bond bill would make it a crime to use somatic cell nuclear transfer even in cases where the somatic cell contains a nucleus derived from sexual reproduction, which is obviously not cloning. This means that even though the nucleus is not a clone, the current Bond bill makes it a Federal crime to create it. This means that the current Bond bill goes beyond the issue of cloning.

Because of this coverage of all "somatic cells" the current Bond bill would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. In this treatment women who have the disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria, which is an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, undiseased egg. The current Bond bill would make it a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization, not cloning.

CUSTOMIZED STEM CELLS

If the current Bond bill was limited to somatic cells with nuclear DNA identical to that of an existing or previously existing human being, i.e. to a cloned nucleus, it would make it a Federal crime to conduct one especially promising type of stem cell research, research into generating "customized" stem cells.

A researcher or doctor might want to create a human zygote with DNA identical to that of an existing or previously existing person through the use of somatic cell nuclear transfer, the act prohibited in the bill, in order to create a customized stem cell line to treat the individual from whom the DNA was extracted. By using the same DNA, the stem cell therapy would more likely be compatible with, and not be rejected by, the person for whom the therapy is created. By starting with the patient's own nuclear DNA, the therapy is, in effect, custom made for that person. It is like taking the patients blood prior to surgery so that it can be infused into the patient during surgery (avoiding the possibility of contamination by the use of blood of another person).

Because the current Bond bill makes it a crime to use the technology—somatic cell nuclear transfer—if would make it a crime to develop a therapy with the equivalent of the patient's personal monogram on it, a customized treatment based on their own nuclear DNA.

Because the bill introduced by Senator FEINSTEIN requires the implantation of an embryo, it does not curtail stem cell research, and the bill provides that the transferred nucleus must be that of an "existing or previously existing human child or adult," precisely the limitation not present in the current Bond bill. None of the issues we have raised regarding the current Bond bill apply to the Feinstein bill, which is narrowly focused on the act of cloning, or attempting to clone an individual.

PROTECTING BIOMEDICAL RESEARCH

The current Bond bill and the Feinstein bill both contain clauses for the protection of biomedical research. There is a critical difference between them.

At the press conference announcing introduction of his bill Senator BOND distributed a document entitled "Current Research Untouched by the Bond/Frist/Gregg Legislation." The title of this document was followed by a list of such research, including "In Vitro Fertilization," "Stem Cell Research," "Gene Therapy," "Cloning of Cells, Tissues, Animals and Plants," "Cancer," "Diabetes," "Birth Defects," "Arthritis," "Organ Failure," "Genetic Disease," "Severe Skin Burns," "Multiple Sclerosis," "Muscular Dystrophy," "Spinal Cord Injuries," "Alzheimer's Disease," "Parkinson's Disease," and "Lou Gehrig's Disease." Unfortunately, the title is followed by a critical qualification, an asterisk. The asterisk qualification states, "The current Bond bill would not prohibit any of this research, even embryo research, as long as it did not involve the use of a very specific technique (somatic cell nuclear transfer) to create a live cloned human embryo."

In the ways described above this asterisk qualification acknowledges that the bill would, in fact, make it a crime to conduct some types of stem cell research and other research. Given the importance of the asterisk, the document's title and the list of supposedly protected research could be considered misleading. The document should more accurately have been entitled "Only Some Research Regarding the Following Diseases Is Outlawed."

The current Bond bill contains a Section 5 entitled "Unrestricted Scientific Research." This section provides that "Nothing in this Act (or an amendment made by this Act) shall be construed to restrict areas of scientific research that are not specifically prohibited by this Act (or amendments)." This provision is circular. It states that the bill does what it does and does not do what it does not do. The provision does nothing to modify the prohibitions on research and does nothing to protect "scientific research."

In contrast the Feinstein bill includes a provision regarding "Protected Research and Practices" which provides that "Nothing in this section shall be construed to restrict ares of biomedical and agriculture research or practices not expressly prohibited in this section, including research or practices that involve the use of—(1) somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; (2) mitochondrial, cytoplasmic or gene therapy; or (3) somatic cell nuclear transfer techniques to create nonhuman animals." This is a "savings" clause with meaning and content. Its reference to the cloning of "cells" and to "mitochondrial" therapy are laudatory and meaningful.

NBAC RECOMMENDATION AND CLINTON ADMINISTRATION BILL

The National Bioethics Advisory Commission (NBAC) cautioned that poorly crafted legislation to ban human cloning may put at risk biomedical research on the following types of diseases and conditions: "regeneration and repair of disease or damaged human tissues and organs" (NBAC report at 29); "assisted reproduction" (NBAC report at 29); "leukemia, liver failure, heart and kidney disease" (NBAC report at 30); and "bone marrow stem cells, liver cells, or pancreatic beta-cells (which produce insulin) for transplantation" (NBAC report at 30). The Clinton Administration proposed law, like the Feinstein bill, avoids the peril identified by NBAC and focuses only on the issue of human cloning and does not imperil biomedical research.

SUNSET AND PREEMPTION

NBAC proposed that any law include both sunset review and preemption provisions.

Regarding a sunset review provision, NBAC stated in its report: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science. Some mechanism, therefore, such as a sunset provision, is absolutely needed to ensure an opportunity to re-examine any judgment made today about the implications of somatic cell nuclear transfer cloning of human beings. As scientific information accumulates and public discussion continues, a new judgment may develop and we, as a society, need to retain the flexibility to adjust our course in this manner. A sunset provision . . . ensures that the question of cloning will be revisited by the legislature in the future, when scientific and medical questions have been clarified, possible uses have been identified, and public discussion of the deeper moral concerns about this practice have matured." NBAC report at 101. President Clinton has proposed a five year sunset in his bill. The Feinstein bill includes a ten year sunset and the current Bond bill includes no sunset review.

BIO supports inclusion of a sunset review provision, but the most important issue is whether the terms of the prohibition in any law focuses only on the issue of human cloning. A sunset review provision will not undo the damage which a poorly crafted, over broad law would do to biomedical research prior to the sunset date.

The Feinstein bill, but not the current Bond bill, includes a clause which preempts inconsistent state laws. NBAC strongly supported a preemption of state laws: "The advantage to federal legislation—as opposed to state-by-state laws—lies primarily in its comprehensive coverage and clarity. . . . Besides ensuring interstate uniformity, a federal law would relieve the need to rely on the cooperation of diverse medical and scientific societies, or the actions of diverse IRBs, to achieve the policy objective. As an additional benefit, federal legislation could displace the varied state legislative efforts now ongoing, some of which suffer from ambiguous drafting that could inadvertently prohibit the important cellular and molecular cloning research described . . . in this report." NBAC report at 100. Numerous bills introduced in state legislatures, some of which are very poorly crafted and over broad.

BIO supports inclusion of a preemption clause. Again, the key issue is whether the prohibition in any law focuses only on the issue of human cloning and does not imperil biomedical research. A poorly drafted, over broad Federal law which preempts state laws might do even more damage.

NBAC ROLE AND COMMISSION

NBAC performed a public service with its quick and thoughtful analysis of the human cloning issue. The current Bond bill would set up an entirely new body to review the human cloning issue rather than rerefer the issue back to NBAC for further review. NBAC is well qualified and positioned to perform this function and it may be wasteful and expensive to establish another body to perform this ongoing review. The Feinstein bill calls on NBAC to conduct the reviews.

Mrs. FEINSTEIN. Finally, there are hospitals and universities, the University of California Medical Center in San Francisco, the Reproductive Genetics Unit, also sent a letter.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
San Francisco, CA, February 4, 1998.

HON. SENATOR KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my deep concern about the negative impact of impending legislation introduced by Senators Bond, Frist *et al.* (S. 1599) intended to regulate cloning of a human being. As an active researcher in the scientific field of the discovery leading to Dolly, I understand its implications for basic science and human health. Dolly's existence proves for the first time that the genetic material of an adult body cell can be completely reprogrammed by the egg, thus totally restoring the genetic potential for specializing into all possible cell types. This discovery that genetic reprogramming is possible in mammals is as important to human health as the discovery of penicillin. Basic research on genetic reprogramming will likely lead to novel transplantation therapies for numerous human disease, including heart disease, diabetes, neurodegenerative diseases (such as Parkinson disease), genetic diseases and birth defects. I believe that imprecise, hastily-written legislation against human cloning, such as S. 1599, will hinder these important research opportunities for understanding genetic reprogramming of adult cells. Excessive regulation as specified by S. 1599, including civil penalties and criminalization, in the areas of this new discovery is likely to thwart the momentum of basic research on genetic reprogramming and deter the enthusiasm and ability of researchers poised to make new contributions in applying their findings to human health problems.

In no conceivable instance would research on genetic reprogramming involve cloning of human beings. Indeed, active, credible researchers and clinicians overwhelmingly regard cloning a human being as an unethical and reprehensible act. Last year, working through the Society for Developmental Biology, I spearheaded a voluntary moratorium on cloning human beings. This moratorium unequivocally states that we have no intention to clone human beings, where this is defined as "duplication of an existing or previously existing human being by transferring the nucleus of a differentiated, somatic cell into an enucleated human oocyte, and implanting the resulting product for intrauterine gestation and subsequent birth." To date, 15 additional scientific and medical societies, including the Federation of American Societies for Experimental Biology, the American Society for Reproductive Medicine, and the Society for the Study of Reproduction, together representing more than 60,000 reproductive, developmental, cell and molecular biologists, have endorsed this moratorium. Historical precedent (with recombinant DNA technology) indicates that a voluntary moratorium can deter activities that are potentially unsafe for humans. It is evident from recent events that anyone who advocates cloning human beings for any purpose will be subjected to ostracism and discredited scientifically. Therefore, I believe that the existing voluntary moratorium against cloning human beings is an effective means of regulating the behavior of U.S. scientists and physicians.

Presently, the fields of developmental biology and human genetics are at an exciting juncture, where many novel genes are being identified through the Human Genome Project and their functions during normal development are being understood for the first time. In addition, an understanding of how these genes interact with the internal and external environment of the cell is emerging for studies such as those giving rise to Dolly. Deriving the full benefits of these new insights for human health will require a dedicated and cooperative research effort by many scientists, including those who conduct research on human cells and tissues.

In conclusion, there is a great risk that anti-cloning legislation would deprive the American people of unprecedented human health benefits. I thus urge extreme caution in any legal sanctions, such as those included in S. 1599, which would have lasting detrimental effects on our ability to alleviate human diseases, and would also undermine the competitive abilities of U.S. scientists in our field.

Respectfully yours,
ROGER A. PEDERSEN, PH.D.,
Professor and Research Director, Reproductive Genetics Unit,
Department of Obstetrics, Gynecology and Reproductive Science.

Mrs. FEINSTEIN. Let me move for a moment to think tanks. I must say, Mr. President, that one of the most interesting letters to me is one from the CATO Institute, dated February 6.

They attach to their letter a very interesting article from Science magazine which really casts major doubts on the conclusions drawn from the Dolly experiment.

The letter says that the new information indicates that there is no need to rush legislation, and it can be accorded the time and deliberation appropriate to legislate that can have a lasting impact on biological research in this country.

The article from Science magazine questions whether Dolly originated from adult cell DNA. Interesting. And it suggests that she might have resulted from the cloning of an embryonic cell. "Scientists have cloned embryonic cells for years, and those activities have raised no public concern. The last sentence in the first paragraph of the Science news article sums up the significance of the new information. If Dolly isn't the product of DNA from a mature cell, 'it would mean that human cloning, which for most conceivable purposes would start with adult cells, is not the immediate threat some worry about.' "

And CATO goes on and says:

> With this new information in hand, there appears to be no need to rush legislation, and at a minimum there is ample time for hearings with knowledgeable and respected scientists, ethicists, theologians, and others testifying about the proposed legislation and its ramifications.

The CATO letter continues,

> Many scientists, including the Director of the NIH, worry that hastily drafted and loosely drawn legislation directed against cloning will foreclose research that promises new drugs and the capacity to replace or repair nerves, skin, and muscle lost to injury or disease. The information from Science indicates that legislative haste is not necessary.

I ask unanimous consent that the CATO letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATO INSTITUTE,
Washington, DC, February 6, 1998.
HON. DIANNE FEINSTEIN,
Washington, DC.

DEAR SENATOR FEINSTEIN: As you are well aware, the uproar over Dolly and the perils that many people see in the possibility of human cloning have resulted in the introduction of legislation to prohibit research into human cloning. A letter and news article from this week's Science magazine (enclosed) cast doubt on the conclusions drawn from Dolly. The new information indicates that there is no need to rush legislation and that it can be accorded the time and deliberation appropriate to legislation that can have a lasting impact on biological research in this country.

Few biological results have excited as much attention as the announcement of Dolly's birth eleven months ago. Dolly was important and surprising because, it was claimed, she was produced from the DNA of an adult sheep.

Mammalian life begins with a "totipotent" fertilized egg that can multiply and differentiate into all the diverse types of cells—skin, nerves, bones, muscle, etc.—that make up a mature animal. As cells differentiate into specialized cells, they lose the capacity to carry out the functions of other cell types; they are no longer totipotent. A skin cell cannot produce a nerve, bone, or muscle cell, for example.

Dolly was a surprise because she was, apparently, the product of DNA from a differentiated, specialized cell from the udder of a mature sheep. The DNA was introduced into a DNA-less egg, and the egg was implanted into the uterus of a sheep where it developed into Dolly.

Dolly, at the time the experiment was announced last year, appeared to open up the possibility of human cloning. In theory, DNA could be taken from a woman or man and inserted into a DNA-less egg, and the egg, which now contained the genetic information from the donor, could be introduced into the uterus of a woman. If a child resulted from the process, she or he would be genetically identical to the woman or man from whom the DNA came.

The enclosed letter from Science questions whether Dolly originated from adult cell DNA, and it suggests that she might have resulted from the cloning of an embryonic cell. Scientists have cloned embryonic cells for years, and those activities have raised no public concerns. The last sentence of the first paragraph of the Science news article sums up the significance of the new information. If Dolly isn't the product of DNA from a mature cell, "it would mean that human cloning, which for most conceivable purposes would start with adult cells, is not the immediate threat some worry about."

With this new information in hand, there appears to be no need to rush legislation. At a minimum, there is ample time for hearings with knowledgeable and respected scientists, ethicists, theologians, and others testifying about the proposed legislation and its ramifications.

Human cloning, if it is ever accomplished, will offer the promise of a child to love and cherish to couples who otherwise would be childless. Although cloning has been greeted very negatively, it is also true that negative reactions met almost every advance in human reproduction technologies—artificial insemination, in vitro fertilization, "fertility drugs," prenatal diagnoses. Those technologies became accepted when they gave healthy children to couples that otherwise would have been childless.

Many scientists, including the Director of the National Institutes of Health, worry that hastily drafted and loosely drawn legislation directed against cloning will foreclose research that promises new drugs and the capacity to replace or repair nerves, skin, and muscle lost to injury or disease. The information from Science indicates that legislative haste is not necessary.

I will be happy to talk with you or your staff and to provide additional information.

Sincerely,

MICHAEL GOUGH, Ph.D.

Mrs. FEINSTEIN. Mr. President, there are also brand new letters that I did not enter into the RECORD my last time on the floor speaking about this issue. They are from the American Society for Biochemistry and Molecular Biology, from the professor and chairman of the Department of Developmental Biology at Stanford University School of Medicine, the American Society for Cell Biology, which interestingly enough is signed by more Nobel laureates than I have ever seen signing one letter. And this is truly amazing. There are 27 Nobel laureates on this letter.

What they say, in summing-up, is:

> If legislation is deemed to be necessary, we respectfully urge you to be sure that it be limited to the cloning of human beings and not include language that impedes critical, ongoing, and potential new research.

And I have letters from the American Society for Cell Biology, the American Society for Human Genetics, the National Association for Biomedical Research, a telegram from the Federation of American Societies for Experimental Biology. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY FOR BIOCHEMISTRY AND MOLECULAR BIOLOGY,
Bethesda, MD, February 10, 1998.
Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: We are writing to express a number of concerns regarding your bill, S. 1601, the Human Cloning Prohibition Act, which would prohibit the use of "Somatic cell nuclear transfer technology for purposes of human cloning." Our main concern is that harm not be done to biomedical research through your well-intentioned effort to prevent disreputable individuals or companies from attempting to clone a human being. We recognize it is not your intent to harm biomedical research. However, we respectfully point out that this would be the likely result if the bill were to become law in its current form.

Our first concern is that few of the scientific terms used in the bill are defined. The bill defines the broad term "human somatic cell nuclear transfer technology," but the definition is flawed in several ways. The use of the word "technology", for example, implies that it is the physical tools needed to carry out human somatic cell nuclear transfer that are banned, not the process itself. The technology needed to carry out such a nuclear transfer is readily available in any modern biological laboratory dealing with reproductive biology; surely it is not your intention to ban these tools.

The definition also includes as banned the production of "an embryo (including a preimplantation embryo)". This inclusion would clearly interfere with work needed to develop a variety of therapies described below for burn victims, diabetes sufferers, and others suffering from more rate genetic diseases.

The bill also does not define the term "oocyte," which many members of the Senate may not understand. It would be useful to define term so these senators know what is being discussed. The same could be said for the terms "nuclear", "nuclear transfer," "cell," "somatic cell," and "cloning." The point of this discussion of definitions is that this whole area of biology is extremely complex, and the process itself is only now beginning to be understood by people who have devoted years of study to the subject. It is thus premature to attempt to define in legislation a process that is still evolving.

Second, we are concerned by the bill's permanent prohibition of human somatic cell nuclear transfer. While no responsible member of the life sciences community is in favor of cloning humans at this time, there may come a time, after further research and study, when it will be viewed as less egregious. For example, infertile couples might appreciate the availability of human somatic cell nuclear transfer, as it might someday enable them to experience the joys and rewards of parenthood.

Third, cloning is a widely used technique in modern biology to produce large numbers of cells and other biological materials scientist need to carry out modern biomedical research. The National Institutes of Health has produced a paper called "Cloning: Present Uses and Promises", which discusses all of these issues in clear and useful detail.

This paper explains that human somatic cell nuclear transfer can have profound benefits for human health if research is allowed to proceed using the technique. For example, a burn victim often needs skin grafts. Current grafting techniques require taking undamaged skin from the victim and grafting it onto the patient's burned areas. Skin from other humans cannot be used because it would be rejected by the victim's immune system. However, if adult cells can be taken from the victim, treated in such a way as to return them to an embryonic state and then made to grow into skin cells, virtually unlimited quantities of the victim's own skin could be grown and used as grafts. This skin would not be rejected since it would be genetically identical to the victims' original skin.

The NIH paper also discusses the potential use of somatic cell nuclear transfer in attacking diabetes, and other, more rare genetic diseases. Of course, these therapies are not available now—but they might be in the future, if biomedical research on the uses and limits of somatic cell nuclear transfer is not permanently banned, as it would be under the provisions of your bill.

Even though your bill notes that "Nothing in this Act . . . shall be construed to restrict areas of scientific research that are not specifically prohibited . . ." section 2 declares that ". . . it is right and proper to prohibit the creation of cloned human embryos that would never have the opportunity for implantation and that would therefore be created solely for research that would ultimately lead to their destruction." This language, plus the way your definition of "human somatic cell nuclear transfer technology" is phrased, makes it impossible for research to continue on these therapies using somatic cell nuclear transfer. We respectfully note that we cannot support such a broad prohibition.

A fourth matter to consider is that history is replete with examples of bad law that were primarily the products of undue haste. In our view, human cloning is not going to occur soon enough to justify taking this bill directly to the floor of the Senate without hearings at the subcommittee and committee level. Such hearings would develop the points we raise above as well as many more, and explore the consequences (both positive and negative) of the bill's provisions. There is no need at this point to short-circuit the normal hearing process, which serves our country and the Congress very well.

Finally, all of the above notwithstanding, it is not absolutely clear that the now famous sheep Dolly was cloned using an adult cell and not a fetal cell in the first place. One prominent researcher, Dr. Norton Zinder, of Rockefeller University, believes that it has not been proven that Dolly was created using the nucleus of a somatic cell. In a recent letter to Science, he notes that so far, Dolly has not been replicated, and that it took 400 tries to create her in the first place. One success in 400 "Is an anecdote, not a result," he writes. Thus, since it has not been definitely proven that an adult cell was used to clone Dolly, it is possible that Dr. Wilmut's announcement approximately a year ago was mistaken, and that a fetal cell was used by accident (the sheep from which the cell was taken was pregnant at the time, and fetal cells circulate throughout the body in such situations).

Thus, it may be that there is no danger of somatic cell nuclear transfer being used to clone a human being because it cannot be done! We simply don't know at this point. It would therefore be unfortunate if this technique, which has promise in so many other biological applications, was placed "off limits" to researchers before its promise and pitfalls were thoroughly explored. This is yet another reason why haste is not desirable.

Let me make it clear that the ASBMB does not support human cloning. This is why the ASBMB Public Affairs Advisory Committee supports the National Bioethics Advisory Commission's call for a 5-year moratorium. The committee adopted the following resolution in September 1997:

"The ASBMB Public Affairs Advisory Committee supports the declaration of a voluntary five-year moratorium on cloning human beings, where 'cloning human beings' is defined as the duplication of an existing or previously existing human being by transferring the nucleus of a differentiated, somatic cell into an enucleated human oocyte, and implanting the resulting product for intrauterine gestation and subsequent birth."

Numerous life sciences organizations, such as the Society for Developmental Biology, the Federation of American Societies for Experimental Biology, the American Society for Cell Biology, and the Association of American Medical Colleges, have indicated their support for a voluntary moratorium on human cloning. We are confident that such a moratorium will be effective in preventing the act you fear from occurring. It would also allow the issue to be revisited later, after further research and deliberation.

We hope you will take all these thoughts into consideration before moving ahead with a bill that is well-intentioned but which could also do serious harm to biomedical research unless it is modified. We would be pleased to provide you with further information on these issues in the days and weeks ahead.

For your information, the American Society for Biochemistry and Molecular Biology, founded in 1906, is a scientific and educational organization with a membership of 10,200 life scientists who teach or conduct research at most of our country's colleges and universities, nonprofit research institutions, in industry, and for the federal government. We publish the *Journal of Biological Chemistry*, one of our nation's premiere peer-reviewed journals in the life sciences. Our headquarters are on the campus of the Federation of American Societies for Experimental Biology, in Bethesda, Maryland.

Sincerely,

I. ROBERT LEHMAN,
President.

BECKMAN CENTER,
Stanford, CA, February 4, 1998.

Hon. CONNIE MACK,
U.S. Senate, Washington, DC.

DEAR SENATOR MACK: The Congress is moving rapidly, indeed precipitously, to legislate a ban on attempts to produce a human being by somatic cell nuclear transfer (SCNT) technology. The bill sponsored by Senators Bond, Frist, Gregg and others, if passed, would be the first to ban a specific line of research. I believe this is a serious mistake, one that we could regret because of its unintended implications for otherwise valuable biomedical research.

Extending the President's moratorium to the private sector would provide an interim solution to preventing any and all attempts to produce a human being by SCNT until a congressional commission determined whether and what kind of legislation would be appropriation.

I call to your attention a position statement supported by many scientific societies which recommends a course of action you should consider.

At the request of the National Bioethics Advisory Commission, the American Society for Cell Biology recommended in the Spring of 1997 a voluntary international moratorium on human nuclear transfer for the purpose of creating a new human being. This would allow scientists and the public the opportunity to determine the safety and appropriateness of such experimentation.

The ASCB continues to support such a moratorium as a constructive interim response to the concerns raised by the cloning of an adult sheep. However, recent events in the U.S. have escalated and infused new urgency into this debate, resulting in increased demands for regulatory legislation.

The ASCB urges that if legislation is needed, it should specifically be concerned with the reproduction of a human being by nuclear transfer. At the same time, any legislation should not impede or interfere with existing and potential critical research fundamental to the prevention or cure of human disease. This research often includes the cloning of human and animal cell lines and DNA, but not whole human beings.

The National Biomedical Advisory Commission did recommend a three to five year moratorium on human nuclear transfer for the purpose of creating a new human being in order to allow time to evaluate the safety of and public views about such procedures. The ASCB urges that the Commission's recommendation be the basis for any federal legislation.

Very sincerely yours,

PAUL BERG,
Nobel Laureate, Chemistry, 1980.

THE AMERICAN SOCIETY FOR
CELL BIOLOGY,
Bethesda, MD, February 9, 1998.

To the President of the United States and
Members of the United States Congress:

There is a broad consensus supporting the President's National Biomedical Ethics Advisory Commission's proposal to ban the creation of a human being by somatic nuclear transplants. The Commission urged that such a ban should not deliberately or inadvertently interfere with biomedical research that is critical to the understanding and eventual prevention of human disease. To that end, we the undersigned endorse the statement on cloning from the American Society for Cell Biology. If legislation is deemed to be necessary, we respectfully urge you to ensure that it be limited to the cloning of human beings, and does not include language that impedes critical ongoing and potential new research.

Sincerely,

Sidney Altman, Sterling Professor of Biology, Professor Chemistry, Yale University, Nobel Prize in Chemistry, 1989; Kenneth J. Arrow, Joan Kenney Professor of Economics Emeritus, and Professor of Operations Research Emeritus, Stanford University, Nobel Prize in Economics, 1972; David Baltimore, President, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1975; Paul Berg, Cahill Professor of Cancer Research, Department of Biochemistry, Stanford University School of Medicine, Nobel Prize in Chemistry, 1980.

J. Michael Bishop, University Professor, University of California, Director, the G.W. Hooper Research Foundation, University of California, San Francisco School of Medicine, Nobel Prize in Physiology or Medicine, 1989; Stanley Cohen, Distinguished Professor of Biochemistry, Vanderbilt University School of Medicine, Nobel Prize in Physiology or Medicine, 1986; E.J. Corey, Sheldon Emery Professor of Chemistry, Department of Chemistry & Chemical Biology, Harvard University, Nobel Prize in Chemistry, 1990; Peter Doherty, Department of Immunology, St. Jude Children's Research Hospital, Nobel Prize in Physiology or Medicine, 1996.

Gertrude B. Elion, Research Professor of Pharmacology and Medicine, Nobel Prize in Physiology or Medicine, 1988; Walter Gilbert, Carl M. Loeb University Professor, Department of Molecular and Cellular Biology, Harvard University, Nobel Prize in Chemistry, 1980; Alfred G. Gilman, Regental Professor and Chair, Department of Pharmacology, University of Texas Southwestern Medical Center, Nobel Prize in Physiology or Medicine, 1994; Donald A. Glaser, Professor of Physics and Neurobiology in the Graduate School, University of California at Berkeley, Nobel Prize in Physics, 1960.

Joseph L. Goldstein, Professor and Chairman, Department of Molecular Genetics, University of Texas Southwestern

Medical Center at Dallas, Nobel Prize in Physiology or Medicine, 1985; Roger Guillemin, Distinguished Research Professor, The Salk Institute for Biological Studies, Nobel Prize in Physiology or Medicine, 1977; Dudley Herschbach, Baird Professor of Science, Harvard University, Nobel Prize in Chemistry, 1986; Edwin G. Krebs, Professor Emeritus, Department of Pharmacology, University of Washington, Nobel Prize in Physiology or Medicine, 1992.

Joshua Lederberg, Professor Emeritus, The Rockefeller University, Nobel Prize in Physiology or Medicine, 1958; Leon M. Lederman, Pritzker Professor of Science, Illinois Institute of Technology, Director Emeritus, Fermi National Accelerator Laboratory, Nobel Prize in Physics, 1988; Edward B. Lewis, Thomas Hunt Morgan Professor of Biology, Emeritus, Nobel Prize in Physiology or Medicine, 1995; Daniel Nathans, Senior Investigator, Howard Hughes Medical Institute, University Professor, The Johns Hopkins University School of Medicine, Nobel Prize in Physiology or Medicine, 1978.

Marshall Nirenberg, Laboratory Chief, Laboratory of Biochemical Genetics, The National Institutes of Health, National Heart Lung & Blood Institute, Nobel Prize in Physiology or Medicine, 1968; Douglas D. Osheroff, J.G. Jackson and C.S. Wood Professor of Physics, Stanford University, Nobel Prize in Physics, 1996; Phillip A. Sharp, Professor and Head, Department of Biology, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1993; Susumu Tonegawa, Amgen Professor of Biology and Neuroscience, Director, Center for Learning and Memory, Massachusetts Institute of Technology, Investigator, Howard Hughes Medical Institute, Nobel Prize in Physiology or Medicine, 1987.

James D. Watson, President, Cold Spring Harbor Laboratory, Nobel Prize in Physiology or Medicine, 1962; Eric F. Wieschaus, Squibb Professor of Molecular Biology, Investigator, Howard Hughes Medical Institute, Nobel Prize in Physiology or Medicine, 1995; Torsten Wiesel, President, The Rockefeller University, Nobel Prize in Physiology or Medicine, 1981.

THE AMERICAN SOCIETY FOR CELL BIOLOGY STATEMENT ON CLONING JANUARY, 1998

At the request of the National Bioethics Advisory Commission, the American Society for Cell Biology recommended in the Spring of 1997 a voluntary international moratorium on human nuclear transfer for the purpose of creating a new human being. This would allow scientists and the public the opportunity to determine the safety and appropriateness of such experimentation.

The ASCB continues to support such a moratorium as a constructive interim response to the concerns raised by the cloning of an adult sheep. However, recent events in the U.S. have escalated and infused new urgency into this debate, resulting in increased demands for regulatory legislation.

The ASCB urges that if legislation is needed, it should specifically be concerned with the reproduction of a human being by nuclear transfer. At the same time, any legislation should not impede or interfere with existing and potential critical research fundamental to the prevention or cure of human disease. This research often includes the cloning of human and animal cell lines and DNA, but not whole human beings.

The National Bioethics Advisory Commission did recommend a three to five year moratorium on human nuclear for the purposes of creating a new human being in order to allow time to evaluate the safety of and public views about such procedures. The ASCB urges that the Commission's recommendation be the basis for any federal legislation.

THE AMERICAN SOCIETY
OF HUMAN GENETICS,
Bethesda, MD, February 5, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: Senators Kit Bond (R-TN) and Bill Frist (R-TN) have introduced S. 1601, "to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning." While the majority of the scientific community and the public supports a ban on human cloning, the bill's language would effect other important areas of medical and scientific research.

As President of The American Society of Human Genetics representing over 6,000 researchers in the field human genetics, I want to go on record as opposing this bill.

Congress must make sure that any bill would not restrict or inhibit stem cell research which is being used to create a whole new type of therapy—cell therapy. Congress must also make sure that research is not restricted into the pathology of disease, gene therapy research, research into the ways genes operate in the cell and other basic biomedical research which gives hope that we can find and develop cures and therapies for deadly and disabling diseases.

Thank you for allowing us to go on record as opposing S. 1601.

Sincerely yours,
ARTHUR BEAUDET, MD,
President, ASHG.

NATIONAL ASSOCIATION FOR
BIOMEDICAL RESEARCH,
Washington, DC, February 5, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: The NABR membership respectfully requests that you vote "no" next Tuesday, February 10, when a motion to invoke cloture and proceed to consider S. 1601, a bill to ban human cloning, is scheduled to come before the Senate. There is virtually unanimous agreement that human beings should not be cloned. However, as currently drafted S. 1601 threatens to restrict research efforts far beyond those which could involve cloning human beings. The proposal is going to the floor without the customary committee consideration and recommendation. The result is a well-intentioned, but ill-defined, measure that will destroy promising new research avenues that might provide long-awaited solutions to untold human suffering. Your "no" vote is needed to protect responsible biomedical research and allow this legislation to receive the full deliberation it deserves.

We all fear a disastrous outcome of new cloning technologies; however, S. 1601 is not focused on outcomes. Rather, for the first time, the government would ban a specific research technique and process. To prevent a real or imagined future calamity, approval of this bill would mean the public must also forego all the beneficial fruits of "somatic cell nuclear transfer," including the possible cloning of cells or tissue to cure and treat cancer, diabetes, Alzheimer's and many other illnesses. (Please see enclosed Time article for further discussion.) For this reason, Congress certainly should take the time to carefully consider S. 1601 and other proposals dealing with human cloning. Surely, the people whose healthy futures depend on more and better research must have the opportunity to understand and participate in the decisions Congress is facing. The current rush to pass imprecise, misunderstood legislation to ban human cloning is much more dangerous to the pubic than the remote chance a mad scientist might actually attempt it in the near future.

Until the moral, ethical and medical questions surrounding the possibility are fully explored and satisfactorily answered, no one should try to duplicate a human being by cloning. The nation's leading scientific, medical, pharmaceutical and biotechnology organizations agree and have already subscribed to a voluntary moratorium to this effect. In addition, the Food and Drug Administration has announced it will exercise regulatory authority over human cloning should any irresponsible individual try to ignore the mainstream scientific community. Therefore, it is not necessary to act hastily in the absence of all the facts.

Should you or your staff require additional information, please contact NABR. Thank you for your consideration of this urgent matter.

Sincerely,
FRANKIE L. TRULL,
President.

FEDERATION OF AMERICAN SOCIETIES
FOR EXPERIMENTAL BIOLOGY,
Bethesda, MD, February 3, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

The Federation of American Societies for Experimental Biology (FASEB) urges the Senate to proceed extremely cautiously as it considers legislation regarding human cloning. While the Federation considers the cloning of human being to be reprehensible, dangerous, and unethical, we are concerned that overly restrictive legislation could unintentionally preclude critical research of great benefit to the American people. We believe that S. 1599, currently pending consideration by the Senate, would be damaging to worthwhile research. By flatly banning all use of human somatic cell nuclear technology for any purpose, this legislation would close off key areas of research which do not involve the creation of humans. We urge that the Senate not approve this legislation in its current form as it does not balance appropriate ethical considerations with the health needs of the American people.

RALPH G. YOUNT, Ph.D.,
FASEB President.

Mrs. FEINSTEIN. And academics. I have a letter from the University of California at San Diego, from the professor of the Division of Cellular and Molecular Medicine, the Department of Pharmacology, University of California; another one from Dr. Bishop, Nobel laureate, University of California; a letter from the Whitehead Institute; another letter from the University of California from the Vice President of Health Affairs and the Vice Provost of Research; a letter from Dr. Roger Pedersen, professor and research director of the Reproductive Genetics Unit, University of California, San Francisco; and a letter from the Nobel laureate of chemistry to Senator MACK. In 1980, he won the Nobel prize.

I ask unanimous consent that these be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
San Diego, CA, February 10, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to urge you to continue working to protect basic biomedical research in any proposed human cloning legislation. While we all agree that "cloning" a complete human being is undesirable and unethical at present, it is very important that any legislation that is passed not inadvertently block important research into regenerative technology, or into the creation of artificially grown human organs for transplantation and other purposes. For example, as you know the recently proposed Bond/Frist cloning bill, S. 1599 in the Senate is far too broad and would ban many related and valuable research and medical activities. Your bill S. 1602 with Senator Edward Kennedy (D-MA) bans the implantation of the product of somatic cell nuclear transfer into a woman's womb. The language in S. 1602 appears much more reasonable and with minor modification could be recommended for support by the scientific community.

For your information, I have reproduced below a statement from the American Society for Cell Biology on cloning, which clearly delineates principles that many scientists feel are most useful in thinking about this important legislative challenge.

"The American Society for Cell Biology Statement on Cloning, January, 1998

"At the request of the National Bioethics Advisory Commission, the American Society for Cell Biology recommended in the Spring of 1997 a voluntary international moratorium on human nuclear transfer for the purpose of creating a new human being. This would allow scientists and the public the opportunity to determine the safety and appropriateness of such experimentation.

"The ASCB continues to support such a moratorium as a constructive interim response to the concerns raised by the cloning of an adult sheep. However, recent events in the U.S. have escalated and infused new urgency into this debate, resulting in increased demands for regulatory legislation.

"The ASCB urges that if legislation is needed, it should specifically be concerned with the reproduction of a human being by nuclear transfer. At the same time, any legislation should not impede or interfere with existing and potential critical research fundamental to the prevention or cure of human disease. This research often includes the cloning of human and animal cell lines and DNA, but not whole human beings.

"The National Bioethics Advisory Commission did recommend a three to five year moratorium on human nuclear transfer for the purpose of creating a new human being in order to allow time to evaluate the safety of and public views about such procedures. The ASCB urges that the Commission's recommendation be the basis for any federal legislation."

It is very important that our citizens and legislators think calmly and carefully about what legislation is passed in this area. We must ensure that we do not inadvertently hold back important and valuable medical research. I am sure that simple and temporary legislation, which doesn't seek to be too broad in its scope, and introduce many unintended consequences would be the best strategy. I hope that you will proceed with great caution.

Sincerely,

LAWRENCE S.B. GOLDSTEIN, Ph.D.

WHITEHEAD INSTITUTE,
Cambridge, MA, February 5, 1998.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am very concerned about efforts to bring Senate Bill 1599, the Bond bill, to an immediate vote. While I agree that there should be a national ban on human cloning, it is essential that any such law protect areas of critical research that can benefit human health. The Bond bill's generic ban on the use of "human somatic cell nuclear transfer technology," would, in fact, be quite damaging to medical research progress in the United States.

The Bond bill would seriously limit our ability to develop new cell-based strategies to fight cancer, diabetes, and Alzheimer's disease. It would also prevent vital research on the repair of spinal cord injuries and severe burns.

I urge you to convey to your colleagues that the Bond bill would cause us to lose ground in the battle against deadly and disabling human diseases. In contrast, Senate Bill 1602 (the Feinstein/Kennedy bill) focuses on the implantation of the product of somatic cell nuclear transfer. By banning implantation, the Feinstein/Kennedy bill would permit life-saving research to continue and still prohibit the cloning of human beings.

All major advances in technology raise new ethical, legal, and social issues. The cloning issues are particularly complex. I appreciate your efforts to promote widespread and careful public deliberation and, at the same time to foster important advances in human health.

Sincerely,

GERALD R. FINK,
Director.

UNIVERSITY OF CALIFORNIA,
Oakland, CA, February 10, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing on behalf of the University of California to urge you to vote against the upcoming cloture motion for S. 1601, the cloning bill. While we recognize the sensitivity and importance of this issue, the University is concerned that premature legislation on cloning, however well intentioned, may prove to be too inclusive, with resulting negative consequences on future advances in biomedical research.

The current opportunities in biomedical research are unparalleled. Thousands of experiments are carried out each day in the university laboratories using routine molecular and cellular research approaches involving human tissues, cells and molecules. Over the past two decades, this research has contributed to major advances in our understanding of the molecular and cellular basis of human disease. It has led to important new medical advances, including the production of human insulin, hepatitis vaccine, and sensitive diagnostics for AIDS. The scientific techniques involved in cloning research are very promising in terms of our ability to treat and manage myriad diseases and disorders, ranging from cancer to heart disease, to Parkinson's and Alzhemier's, to infertility and HIV/AIDS. These advances have saved hundreds of thousands of lives and dramatically reduced health care costs.

We urge you to vote no on the motion to invoke cloture on S. 1601, so that there is more time to consider the implications of cloning legislation. If Congress chooses to enact legislation, we urge you to make certain that any legislative language does not prohibit legitimate and worthwhile scientific research that has the potential to provide enormous health benefits. We would be happy to offer our resources as the legislative debate continues.

Thank you for considering our views.

Sincerely,

CORNELIUS L. HOPPER,
Vice President, Health Affairs.
ROBERT N. SHELTON,
Vice Provost, Research.

UNIVERSITY OF CALIFORNIA,
SAN FRANCISCO,
San Francisco, CA, February 4, 1998.

Hon. CONNIE MACK,
U.S. Senate,
Washington, DC.

DEAR SENATOR MACK: I understand that the U.S. Senate is considering several bills related to human cloning. One of these bills, introduced by Senator Bond and others, prohibits human somatic nuclear transfer to be used for the purpose of creating an embryo. Although this bill, as I understand it, protects many areas of science, the specific prohibition on somatic nuclear transfer is unwarranted and potentially detrimental to medical research.

The fundamental flaw in this legislation is the prohibition of a technology irrespective of its application. Such prohibition forecloses on any benefit from the technology, even if that benefit were in no way objectionable. Many well-intentioned people fail to understand that somatic cell nuclear transfer is not limited to cloning an organism. There are many examples of possible future applications of this technology to produce healthy tissue for therapeutic purposes, such as skin grafts for burn patients, or even to create insulin-producing cells for diabetics. There may also be applications for cancer patients who need a bone marrow transplant for whom a match cannot be found.

The Senate should instead address its attention to specific applications of this technology that are unwanted in our society, such as creating a new human being.

I hope that you will work to ensure that research on this promising technology is allowed to continue.

Sincerely,

J.M. BISHOP,
Nobel Laureate.

FEBRUARY 4, 1998.

Hon. SENATOR KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my deep concern about the negative impact of impending legislation introduced by Senators Bond, Frist et al. (S. 1599) intended to regulate cloning of a human being. As an active researcher in the scientific field of the discovery leading to Dolly, I understand its implications for basic science and human health. Dolly's existence proves for the first time that the genetic material of an adult body cell can be completely reprogrammed by the egg, thus totally restoring the genetic potential for specializing into all possible cell types. This discovery that genetic reprogramming is possible in mammals is as important to human health as the discovery of penicillin. Basic research on genetic reprogramming will likely lead to novel transplantation therapies for numerous human diseases, including heart disease, diabetes, neurodegenerative diseases (such as Parkinson disease), genetic diseases and birth defects. I believe that imprecise, hastily-written legislation against human cloning, such as S. 1599, will hinder these important research opportunities for understanding genetic reprogramming of adult cells. Excessive regulation as specified by S. 1599, including civil penalties and criminalization, in the area of this new discovery is likely to thwart the momentum of basic research on genetic reprogramming and deter the enthusiasm and ability of researchers poised to make major new contributions in applying their findings to human health problems.

In no conceivable instance would research on genetic reprogramming involve cloning of human beings. Indeed, active, credible researchers and clinicians overwhelmingly regard cloning a human being as an unethical and reprehensible act. Last year, working through the Society for Developmental Biology, I spearheaded a voluntary moratorium on cloning human beings. This moratorium unequivocally states that we have no intention to clone human beings, where this is defined as "duplication of an existing or previously existing human being by transferring the nucleus of a differentiated, somatic cell into an enucleated human oocyte, and implanting the resulting product for intrauterine gestation and subsequent birth." To date, 15 additional scientific and medical societies, including the Federation of American Societies for Experimental Biology, the American Society for Reproductive Medicine, and the Society for the Study of Reproduction, together representing more than 60,000 reproductive, developmental, cell and molecular biologists, have endorsed this moratorium. Historical precedent (with recombinant DNA technology) indicates that a voluntary moratorium can deter activities that are potentially unsafe for humans. It is evident from recent events that anyone who advocates cloning human beings for any purpose will be subjected to ostracism and discredited scientifically. Therefore, I believe that the existing voluntary moratorium against cloning human beings is an effective means of regulating the behavior of U.S. scientists and physicians.

Presently, the fields of developmental biology and human genetics are at an exciting juncture, where many novel genes are being identified through the Human Genome Project and their functions during normal development are being understood for the first time. In addition, an understanding of how these genes interact with the internal and external environment of the cell is emerging for studies such as those giving rise to Dolly. Deriving the full benefits of these new insights for human health will require a dedicated and cooperative research effort by many scientists, including those who conduct research on human cells and tissues.

In conclusion, there is a great risk that anti-cloning legislation would deprive the American people of unprecedented human health benefits. I thus urge extreme caution in any legal sanctions, such as those included in S. 1599, which would have lasting detrimental effects on our ability to alleviate human diseases, and would also undermine the competitive abilities of U.S. scientists in our field.

Respectfully yours,

Roger A. Pedersen, Ph.D.,
Professor and Research Director, Reproductive Genetics Unit, Department of Obstetrics, Gynecology, and Reproductive Science.

Mrs. FEINSTEIN. There are new letters from industry groups. There is a very interesting letter from Genentech. Genentech is a huge biotech firm. Actually, biotechnology was spawned out of San Francisco and Genentech was one of the very first companies in the Nation to enter this area. They have a very cogent letter that states well their opposition. They point out, ". . . deliberate and exercise caution and restraint in legislating this issue."

I ask unanimous consent that the February 9 letter from the Biotechnology Industry Organization be printed in the Record.

There being no objection, it has been ordered to be printed in the Record, as follows:

Regarding Human Cloning Legislation
Tuesday Cloture Vote: S. 1601, Bond/Lott

February 9, 1998.

Dear Senator: Tomorrow the Senate is scheduled to vote on cloture on S. 1601, the Bond/Lott human cloning bill. The Biotechnology Industry Organization (BIO) urges you to vote "no" on the cloture petition. BIO represents 760 biotechnology companies throughout the world engaged in research on diseases, the immune system, cell therapy, vaccines, drugs/biologics, antibiotics, and gene therapy.

The Bond/Lott bill is not ripe for consideration by the Senate. It was introduced on Wednesday of last week, no hearings have been held on it and no mark-up in the two committees with jurisdiction have been held on it. Most important, the bill as drafted would have a dire impact on biomedical research completely unrelated to human cloning.

This is not a human cloning bill. This is a bill which bans the use of biomedical technology even if that use has nothing whatever to do with human cloning.

A "no" vote is a vote to protect biomedical research on deadly and disabling diseases.

There is no rush to legislate. The FDA has jurisdiction over Dr. Seed and any others. Violations of the FDA regulatory requirements carry draconian penalties. A "no" vote is a vote to proceed with caution to make sure that biomedical research is not harmed.

A "no" vote is a vote to restrict this bill to the human cloning issue.

A "no" vote is a vote to permit the Senate Labor and Senate Judiciary Committees, which have jurisdiction over the bills to take care to draft the legislation and confine it to the human cloning issue.

BIO believes that a human cloning experiment would be utterly unethical and unsafe. What we are writing about here is our views on the terms of the Bond/Lott bill, not the larger debate about human cloning.

Attached is a more detailed statement outlining our concerns about the Bond/Lott bill which was printed in the Congressional Record on Thursday. If you have any questions about our position, please feel free to call at 857–0244.

Sincerely,

Nancy Bradish,
Director, Federal Government Relations.

Charles E. Ludlam,
Vice President for Government Relations.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the January 28 letter from the Pharmaceutical Research and Manufacturers of America be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Pharmaceutical Research and,
Manufacturers of America,
Washington, DC, January 28, 1998.

Hon. Dianne Feinstein,
U.S. Senate,
Washington, DC.

Dear Senator Feinstein: I urge you to consider any legislative proposals to ban the cloning of an entire human being with great caution. The research-based pharmaceutical industry appreciates the widespread ethical and moral concerns about the possibility of creating a genetic duplicate of an existing (or previously existing) human being. We also share the view expressed by the National Bioethics Advisory Commission that such a procedure is unsafe.

For equally valid ethical, moral and safety reasons, we are concerned that some pending proposals would inadvertently harm patients with unmet needs and their families. The member companies of the Pharmaceutical Research and Manufacturers of America support the President's call for a voluntary moratorium on any cloning of an entire human being. However, to best help and heal patients, biomedical researchers need to be able to continue to clone human genes, cells and tissues. If not drafted with laser-precision, legislation to ban "human cloning" could—unintentionally, but heartbreakingly—stop life-saving and health-enhancing medical research.

The Food and Drug Administration has announced it will prevent any cloning of an entire human being. The FDA's assertion of regulatory authority eliminates any need for well-intended but risky haste. In your consideration of any legislative proposals, we urge you to protect patients and their families from unintended impediments to ethical, moral and safe biomedical research that does not involve any cloning of an entire human being, but does involve cloning human genes, cells or tissues.

Sincerely,

Alan F. Holmer,
President.

Mrs. FEINSTEIN. The California Biomedical Research Organization ". . . urges you to support continuing debate about the potential negative impact of Senator Trent Lott's legislation."

This is accompanied by, I would have to say, 30 campuses and companies. Ligand Pharmaceuticals, two letters for the Record. I ask unanimous consent that these letters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Genentech, Inc.
San Francisco, CA, February 9, 1998.

Hon. Connie Mack,
Hart Senate Office Building, Washington, DC.

Dear Senator Mack: I am writing with regard to legislative proposals currently pending in the Senate relating to cloning entire human beings. This vexing topic needs to be put into a larger perspective before the Senate votes on a bill, S. 1601, which was introduced only last week.

The biotechnology and research community has been very open and public about its support for the President's request for a voluntary moratorium on activities that could lead to the cloning of entire human beings. This exercise of responsibility in science is consistent with our long history of restraint in the pursuit of basic biomedical research. We do not plan or seek to clone entire human beings. In addition, we fully recognize the existence of various federal laws setting out the jurisdiction of the Food and Drug Administration which, when taken together, would bar the commercialization of cloning of entire human beings. Because of this moratorium and existing legal limitations on action, it is possible to deliberate and exercise caution and restraint in legislating this issue.

The reality of modern biomedical research is that it is difficult to predict in advance exactly how specific, even esoteric, areas of research will produce breakthroughs. As Michael Bishop (cancer researcher, Nobel laureate in medicine and my colleague from the University of California, San Francisco) spoke of this issue recently, in 1968 his work with Dr. Harold Varmus, and Professor Herb Boyer would have never been foreseen as leading to breakthroughs in recombinant DNA research and cancer genetics. Similarly, work done in the 1980s on transgenic animals by Dr. Phil Leder, of Harvard, and others, would not have easily been understood as being essential to the development of animal models that could facilitate dramatic advances in our ability to test new AIDS therapies.

It is also the case that with virtually every scientific advance there are voices that seek to delay legitimate, if misunderstood, advances in science. In the early 1970s, some government officials sought to vary virtually all recombinant DNA research out of exaggerated fears about the safety of the technology. Researchers and companies voluntarily adopted a moratorium on some research until more information was obtained. Fortunately, the calls for more radical local or federal regulation were rejected. The self-regulatory efforts by industry and the research community worked, and there were no significant safety issues to arise out of that research.

In the 1980s some critics advocated bans on transgenic animal research out of fear of science. These requests for a halt to research were often based on assertions of pseudoscience. Again, we are fortunate that Congress did not act to bar the creation of transgenic animals, which are now so commonly used in drug development, especially in AIDS research. In addition, transgenic animals may someday be used for the actual production of pharmaceutical compounds. This hope for pure protein production at a lower cost is yet to be realized, but if Congress had acted in the 1980s to end research, patients would have had that hope foreclosed.

Now Congress is faced with difficult decisions about how to react to a single experiment in sheep. Each side of the current debate has sincere motivations and convictions about its legislative approach. Senators Bond, Frist and others have bona fide concerns about cloning human beings and hope that their bill would not affect biomedical research. Yet, determining how to prohibit the act of cloning an entire human being has proven to be a daunting task. For a set of reasons outlined below, we prefer the approach taken in the bill, S. 1602, to that found in the bill currently pending, S. 1601.

Most importantly, in considering restrictions on scientific research in the private sector (as opposed to previously enacted limitations on the expenditure of federal funds), great care must be exercised. In addition to the legal rights of persons to free expression and inquiry in the private market, there is little precedent for imposing limitations on research except for reasons of safety or other narrowly crafted circumstances.

In this instance, there are multiple possibilities of promising research with somatic cells. Our hope in the research community is that this branch of research will lead to discoveries that permit us to develop new cures and treatments for serious and unmet medical needs. Some of our colleagues in academe have already begun exploring questions of how to turn on and off these somatic cells so that new biological material could be generated for transplantation and for other therapeutic purposes. At this point in the discovery process, it is not known exactly how to accomplish this therapeutic goal, but one possible way is to use the technique known as somatic nuclear cell transfer. Such research could, in some circumstances, involve conduct that would be permitted under S. 1601 and would be criminalized under S. 1601. This difference (among others noted below) is the reason we prefer your bill.

There seems to be little dispute within the Congress about the current inappropriateness of using somatic nuclear cell transfer technology to create an embryo which is implanted into the uterus, with the goal being reproductive in nature. On the other hand, it is hard to understand why scientists should become criminals if they pursue legitimate new therapies for heart disease, cancer, diabetes, and other diseases, and if their research has no prospect or intent of creating an entire cloned human being.

Given our current state of knowledge, there is no reasonable prospect for creating a new human being unless an embryo is implanted into the uterus of a woman. Thus, the approach should be to adopt a bill that effectively bars what the political consensus wants to prohibit, while simultaneously retaining the option of research that is aimed at new therapies, not at reproductive ends.

There are several other reasons to support the approach taken in S. 1602:

S. 1602 preempts inconsistent state laws. Given the rush to judgment in various states, the high likelihood for overlapping and inconsistent standards, and the clearly negative effect on interstate commerce, a federal standard is appropriate.

S. 1602, unlike S. 1601, uses a civil penalty structure that will be sufficient to deter unwanted conduct. If criminal penalties or asset forfeiture are threatened for research activities, there is likely to be a chilling effect on research in this entire area. Moreover, there are additional sanctions available under the Food, Drug and Cosmetic Act to address human cloning.

S. 1602 appropriately requires that Congress should review these limitations on research after a set period of time. This review could be facilitated if, using carefully drawn criteria, there was a balanced review of this area of research by a nonpolitical entity.

The suggestion in S. 1602 for international cooperation on this topic is welcome, as is the ratification of the authority of the jurisdiction of the Food and Drug Administration.

One final point, S. 1601 would establish a commission that could approach the bioethics questions associated with certain limited new somatic cell nuclear transfer technologies. This concept is worthy of serious consideration. As we approach scientific advances, it is important that we make sure that science reflects our basic human and ethical values.

The work done by existing entities, such as the Recombinant DNA Advisory Committee of the NIH, and the NIH-DOE Working Group on Ethical, Legal, and Social Implications of Human Genome Research, has advanced the public discussion. In this regard; the work already done by the President's Commission on the topic of cloning entire human beings has materially assisted the national debate on this topic. We leave to the political process questions of whether any such bioethics commission should be situated in the Executive Branch and who should exercise the appointment authority.

There are several caveats worth noting, however:

Past history, here and in Europe, suggests that there is a real risk that any such commission could inadvertently begin to function as a new regulatory entity and serve to delay the approval of new treatments for patients. This temptation should be avoided at all costs by explicitly limiting the role of the commission.

There is a risk that any new commission will be led by other political agendas into discussions that do not advance progress on improving human health. This temptation should also be avoided by narrowly circumscribing the commission's charter.

The composition of any commission should broadly reflect the best available thinking in science, law, and ethics. The mere prohibition on political officials serving on such a panel is not likely sufficient to prevent the politicization of the appointment process. There are, I understand, precedents that permit certain relevant professional societies to offer lists of nominees to an appointing authority. This approach would appear to mitigate the risk of an overly political appointment process.

In closing, let me thank you for having the special sensitivity and commitment to biomedical research to ask for greater deliberation and for crafting a more precise bill that seeks a uniform consensus about how to ban the cloning of entire human beings.

The issue before the Senate is: Can we simultaneously advance science and the search for cures for serious diseases while also barring the cloning of entire human beings? We believe that to foster further dialogue and deliberation can help achieve that common goal.

Sincerely,

ART LEVINSON,
President.

CALIFORNIA BIOMEDICAL
RESEARCH ASSOCIATION,
Sacramento, CA, February 9, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the CBRA Governing Board, I am writing to encourage your "no" vote on the cloture vote on S. 1601 scheduled for Tuesday, February 10, 1998. The Association urges you to support continuing debate about the potential negative impacts of Senator Trent Lott's legislation.

Somatic cell transfer technology is essential to continuing research into cures for some of our greatest human health threats—Parkinson's Disease, leukemia, diabetes, Alzheimer's disease and spinal coral injuries. Unintended consequences of this bill as currently written could threaten the future health of millions of Americans.

Please feel free to contact our office if you should need further information.

Sincerely,

SUZANNE NESS,
President.

MEMBERS (PARTIAL LIST)

Allergan
Alliance Pharmaceutical
ALZA Corporation
American Association for Laboratory Animal Science Northern, Orange County
San Diego, Southern and Palms to Pines Branches
American Cancer Society, California Division, Inc.
American Diabetes Association, California Affiliate
American Heart Association (Western States Affiliate and Greater L.A. Affiliate)
American Lung Association of California
Amgen
Bayer Corporation
Berlex Bio Sciences
BioDevices
Buck Center for Research in Aging
California Institute of Technology
California Medical Association
California State University: Long Beach, Pomona, Office of the Chancellor
California Veterinary Medical Association
Cedars-Sinai Medical Center
Charles River Laboratories
Children's Hospital Oakland Research Institute
Children's Hospital of Orange County
Chiron Corporation
City of Hope
Genentech
J. David Gladstone Institutes
Good Samaritan Hospital
Harbor UCLA Medical Center, Research and Education Institute, Inc.
Heartport
Huntington Medical Research Institutes
Isis Pharmaceuticals
Lawrence Berkeley Laboratory
Loma Linda University
NASA Ames Research Center
Palo Alto Medical Foundation
Roche Biosciences
Salk Institute for Biological Studies
San Diego State University
San Jose State University
Scripps Research Institute
Stanford University
The Parkinson's Institute
University of California: Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz, Office of the President
University of Southern California
Veterans Administration Medical Centers at: Loma Linda, Long Beach, Palo Alto, San Diego, San Francisco, Sepulveda, West Los Angeles.

LIGAND PHARMACEUTICALS,
San Diego, February 2, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: Ligand Pharmaceuticals Inc. of San Diego and its more than 300 employees, like other responsible members of the biomedical community, deplore the recent announcement by Dr. Richard Seed of his intention to clone a human being. We regard such an effort to be medically irresponsible and ethically abhorrent. Nevertheless, we are concerned that Congress and State legislatures, in understandable zeal to prevent Dr. Seed and anyone of a like mind from actually attempting to clone a human, will enact legislation that fails to distinguish between vital medical research and misguided human cloning. Therefore, we ask that you and other members of Congress carefully consider both the need for and the scope of any legislation addressing this issue before acting upon it.

With respect to whether legislation is needed, Ligand suggests a careful review of existing legislation to determine whether the U.S. Food and Drug Administration (FDA) already has the authority to regulate research related to and the actual cloning of a human being. Many, including the Biotechnology Industry Organization to which Ligand belongs, believes the FDA has this authority.

If legislation is deemed to be necessary, it should achieve two important ends. The first is that it should be drafted narrowly to deal with the cloning of a human being and not contain broad or even ambiguous prohibitions on cloning which would halt or disrupt vital medical research based upon widely accepted cloning techniques. Secondly, it should be preemptive of State laws governing cloning. Biomedical research is carried out, often with Federal funding, throughout the United States. This research occurs in public and private universities and in big and small companies. Much of this research is done on a collaborative basis involving entities in more than one state. Furthermore, every advance paves the way for further progress. The individual states should not, therefore, be allowed to erect a maze of law and regulation which unnecessarily regulates this area of research.

Congress, unlike the states, has ready access to the expertise of NIH, NSF, FDA and other sources of expertise that should be drawn upon before the drafting of appropriate legislation. That fact, and the interlocking nature of biomedical research, suggests that preemption is in the best interests of the country with respect to dealing with the issues raised by Dr. Seed. We believe this to be the case even though our Federal system rightly contemplates that the fifty states can exercise sovereignty in most areas, either in concert with, or in the absence of legislation at the national level.

Should you, therefore, have the opportunity to shape the debate on this important, and even emotional issue, we ask that you support hearings which address first whether new legislation is required. If a reasoned analysis of current law suggests that FDA is not able to effectively regulate, then and only then should legislation carefully drawn based on input from the biomedical community be enacted.

Very truly yours,

WILLIAM L. RESPESS,
Senior Vice President.

LIGAND PHARMACEUTICALS,
San Diego, February 5, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Ligand Pharmaceuticals Inc. asking that you oppose Senator Bond's Bill S. 1599 concerning human cloning. It is my understanding that this bill is to come up for a vote without hearings or mark-up. We believe that is an action that is too precipitous and could result in legislation which will adversely impact the biomedical industry.

I wrote to you on February 2, 1998 expressing opposition to the announcement by Dr. Richard Seed to engage in an effort to clone a human being. However, legislation or regulation to ban such activity must be carefully drawn so as not to inhibit legitimate research. Therefore, it is essential that hearings be held on any bill to permit testimony by scientists, representatives of the biomedical industry, and others potentially affected by such legislation to be heard on the specifics of any bill. This is not the time for a justifiable rush to judgment on Dr. Seed's announced intention to result in hastily conceived legislation which may do as much harm as good. Research on cloning and the use of cloning techniques are important to the progress of medical science. While Congress should move with deliberate speed, this is not the occasion to act outside of the usual congressional scheme of engaging in hearings before appropriate committees before taking action on matters of such import.

In my letter of February 2, 1998, I suggested that Congress first look to determine whether the FDA already has the authority to regulate in this area and, only if it is persuaded that the FDA lacks such authority, to undertake to draft legislation. I still believe that is the most appropriate process.

Very truly yours,

WILLIAM L. RESPESS,
Senior Vice President.

Mrs. FEINSTEIN. Mr. President, let me be very clear. Every letter that is coming in says: Stop, consider, proceed cautiously; this bill would be harmful; it would stop vital research. What is the rush, since the FDA has asserted jurisdiction and the scientific community has engaged in a moratorium? Why proceed like this in such haste, straight to the floor?

Only two letters have come in saying, proceed like this: One from the Christian Coalition, and the other one is from the National Right to Life Committee, two letters. The entire scientific community says, go slow, define your terms, know what you are doing.

Let me share with you what I understand this technology is. Let's say a somatic cell were taken out of my tissue. The nucleus of that cell is removed and is entered into an egg cell and fused. That cell, once fused, begins to divide and create more cells. The only way that cell can produce a human being is if it is put into a human uterus. Otherwise, it cannot produce a human being. We don't even know if it will produce a human being if it is put in a uterus. There is only one known instance in an animal, Dolly, which now Science magazine has challenged in a major way. But what we do know is that those stem cells, because of their DNA, can clone tissue.

For example, a third-degree-burn patient who may reject a skin graft may some day get a skin graft made from his or her own cells and will not reject it. My husband, Bert Feinstein, died of colon cancer and liver cancer. What a miracle if those cells could have been used to come up with a cancer treatment that would have prevented his death. That is really where we are. That is what we hope for.

There are no definitions in the bill. We don't know what they call a somatic cell. We don't know what they call an embryo. The bill does not define oocyte. But the point is, we have to know, and these terms have to be spelled out in the legislation.

The bill says, if there is this stem tissue research, it is illegal, and the scientists have a 10-year sentence.

So what we are begging, imploring, respectfully asking the distinguished majority leader is, please, let's not proceed tomorrow. Let's observe the regular order. Let's go to committee. Let Senator KENNEDY and I have an opportunity to present our bill. Let's have the majority leader, Senators BOND and FRIST, whom I respect, have an opportunity to present their bill. Let's discuss it and see what is best. Then at least we have heard everybody with knowledge.

Let me be clear. I want a bill. I want a carefully crafted bill. I want this Congress to act to ban the cloning of human beings.

I thank the Chair. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

FEDERAL SURPLUS PROPERTY IMPROVEMENT ACT OF 1998

Mr. GRAMS. Mr. President, I rise today to introduce the "Federal Surplus Property Improvement Act of 1998" and ask my colleagues for their support of this legislation.

Congressional oversight of our country's surplus personal property donation program may not be a topic of debate in the Senate, but it is of great importance to my constituents and the 70,000 recipients of surplus federal personal property in all of our states.

Members of Congress and state and local officials all have an obligation to see that the government distributes this property fairly and equitably, ensuring accountability to the taxpayers.

Too often, federal agencies forget that the owners of this property are the American people—the federal government is merely its public custodian.

As my colleagues may know, once a piece of federal personal property such as a typewriter, chair or vehicle is declared "excess" by a federal agency, it is offered to other federal agencies for their use. If no other agency can utilize the property, it is donated to the states or other public agencies.

The current system of disposal is based on reforms signed into law by President Ford over twenty years ago.

The reforms to the Federal Property and Administrative Services Act of 1949 enacted in 1976 were based on concerns that as surplus property distribution programs multiplied, confusion and inefficiency on the part of the federal government grew as well.

Congress realized that the various state agencies and the General Services Administration should work together to ensure a fair and equitable allocation of surplus federal property to eligible recipients.

Under this new partnership, states would have a greater role over distribution, while GSA would guide the overall system on the federal side.

Mr. President, the 1976 reforms also broadened the pool of eligible recipients to include parks and recreation, conservation, public health and public safety.

Since then, each state agency for surplus property has worked with neighboring state agencies and GSA to provide the equipment, supplies and material used to educate our children, maintain roads and streets, keep utility rates reasonable, train the workers of tomorrow, protect families from crime, and during natural disasters, treat the health of our nation's sick and needy.

Through the efforts of the state agencies for surplus property, eligible recipients have acquired impressive pieces of equipment such as trailers, forklifts, fire trucks, aircraft, boats and generators.

The original acquisition value of property distributed through the U.S. state agencies for surplus property totaled over $537 million in fiscal year 1997. Over the last few weeks, I have heard from many recipients of surplus federal property and ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC SAFETY,
STATE PATROL DIVISION,
St. Paul, MN, January 13, 1998.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: For the past several years the flight of the Minnesota State Patrol has called upon the services of the state surplus property program, a division of the Department of Administration, for various pieces of equipment needed to accomplish our mission. In more recent years my contact person at surplus property has been Mr. Gene Glaeser who now heads up that program. Any time I have needed something, whether it be a helicopter, airplane, or an office desk, I have never had to wait an unusually long period of time to have my request filled by Glaeser's office.

In August 1992, the flight section had need of an aircraft tug to move our helicopter that is stationed in the Cloquet area in an out of our hangar. I simply called Gene Glaeser, told him what I needed and in a matter of about a week, I was notified by Glaeser that he had the tug I had requested. That tug was put into service almost immediately.

Again in September of 1996 our organization had a need to upgrade one of our helicopters from a two place piston powered helicopter to a turbine powered ship. Shortly after notifying surplus property of our need, I was told that a helicopter meeting our specifications had been located right here at the St. Paul Airport. This helicopter had been part of the fleet of OH58 helicopters operated by the Army Reserve Unit here in St. Paul, and this unit was being disbanded. Within the first year, that helicopter was refurbished and placed in service as part of our fleet of aircraft.

Once again, in February 1997 our unit had need for a twin engine airplane. One week after I made the request for this type of aircraft, Gene Glaeser called and said he had located an aircraft he thought would fit our needs. It was a Beechcraft Queen Air and it had been used by NASA for several years and was based at Langley Air Force Base in Virginia. Following many phone calls to Langley to discuss the condition of this craft, it was decided to acquire this aircraft.

In each of the above cases, there has been substantial cost savings to the State of Minnesota. The OH58 helicopter was placed in service at a total cost of $84,000.00. Had we purchased this same type of helicopter on the open market, we would have paid an estimated $450,000.00–$550,000.00. The Beechcraft Queen Air acquired from NASA, including the training of six pilots to fly it, cost the state approximately $36,000.00 to place it in service. This aircraft has been appraised at $150,000.00–$175,000.00 by an aircraft broker. In each of these cases, had the State Patrol been forced to buy from the open market, we would not have been able to upgrade our fleet because of budget constraints.

Had the surplus program not been available to us, our chances of acquiring this equipment would not have existed. This is a perfect example of our government obtaining the most from a piece of equipment. When one agency no longer has a need for that equipment, it is passed down to another government agency that does have a need. I would hope that this program would continue for many years into the future, as everyone benefits from it. As is common in today's language, "it's a win-win situation."

Should you have further questions regarding anything I have stated, please feel free to call me. Thank you.

Sincerely,

CAPT. DAVID J. ALLEN,
Chief Pilot.

THE MCCANDLESS TOWNSHIP
SANITARY AUTHORITY,
Pittsburgh, PA, January 19, 1998.

Senator ROD GRAMS,
Dirkson Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: The McCandless Township Sanitary Authority (M.T.S.A.) is located approximately 15 miles north of the City of Pittsburgh PA. M.T.S.A.'s main function is to collect and treat wastewater for seven surrounding communities, with a total customer base in excess of 35,000 residents. This Authority operates and maintains four treatment facilities, fifteen pumping stations, over 250 miles of sewer lines and employs in excess of 45 employees. Over the last five to six years this Authority has actively participated in the Pa. Federal Surplus Program. Purchases through this program have become a normal part of our budget with a yearly allocation of $20,000.00.

This Authority falls under the guidelines and rules and regulation of the EPA and the Pa. DEP. Over the last couple of years unexpected regulations have been imposed on this

Authority which require us to undertake the replacement and enhancement of many of the older sections of the sewer line collection system. Through the Federal Surplus Program we were able to obtain equipment and materials to aid in this system upgrading. Some of the items that were secured were: a transit, a material handling bucket, two-10 ton dump trucks, a loader, fork lift, a job site toolbox, a six inch portable pump, many small hand tools, hooks-cables-lifting straps and even personal employee items such as boots and gloves.

Purchases through this program have also benefited our wastewater treatment facilities. We have secured both materials and equipment for use by our maintenance personnel. Some of the pictures that are enclosed show projects that have been completed. Many of these projects were completed with use of stainless steel and/or aluminum which were secured from Federal Surplus for a fraction of their normal cost. This Authority also was able to secure a 5000 gallon tank trailer for transporting sludge from our satellite treatment facilities to our main sludge de-watering facility. This in itself was an excellent purchase; we were able to purchase a $40,000 trailer for $2,500.00. The Authority was also able to supply the treatment facility personnel with numerous safety related items such as self contained breathing apparatus, life vests, rubber * * * boots and even a small life raft.

This Authority has also used the Federal Surplus Program to supplement its fleet of vehicles. We have purchased five mid-sized trucks, one station wagon and numerous trailers; one of which we use for hauling heavy equipment. These vehicles all needed some repairs but Authority personnel were able to fix them up to make them nice additions to the fleet. Pictures and a brief description of each of these vehicles is enclosed. One vehicle of particular interest would be the vehicle used for the Dye Test Program. The Dye Test Program was implemented to meet requirements set by PA. DEP, which requires the Authority to begin testing resident's roof and driveway drains to locate illegal connections to the sanitary sewer. This program required the Authority to hire employees and purchase equipment, so this vehicle and the cost savings associated with it helped to get this program off the ground.

This Authority's involvement with the Pa. Federal Surplus Program has been very beneficial to the Authority as well as to the Authority's rate payers. The McCandless Township Sanitary Authority has not had a rate increase since 1991 and I believe that our involvement in this program as well as other cost saving measures have helped to keep these rate increases down. Finally, I would like to mention that we have had purchase parts or materials from private distributors when repairing some of our Federal Surplus purchases I was surprised to see the amount of "new stock" they had on hand. It was my understanding that state agencies have first choice on surplus. I think there would be many government bodies that could put this surplus to good use rather than see a private company making a profit at the tax payers expense.

Sincerely,

DENNIS J. BLAKLEY,
Superintendent.

FEDERAL SURPLUS PURCHASES COST SAVINGS

Item	Qty.	Purchase price	Value	Savings
Filing Cabinet	1	$75.00	$500.00	$425.00
Cement	84	94.92	420.00	325.08
Breathing apparatus	2	200.00	5,600.00	5,400.00
Fuel tanks	8	1,600.00	17,200.00	15,600.00
Press Arbor	1	147.50	1,200.00	1,052.50
¼ Ton trailer	1	300.00	1,500.00	1,200.00
Tongue buckle harness	9	135.00	675.00	540.00
Chevy station wagon	1	800.00	4,000.00	3,200.00
Air conditioner	1	195.00	5,000.00	4,805.00
Flatbed trailers (Fruehauf)	1	750.00	15,000.00	14,250.00
Safety storage cabinet	2	300.00	1,000.00	700.00
Battery for fork lift at P.C	2	150.00	4,000.00	3,850.00
5000 Gal semi trailer	1	2,500.00	30,000.00	27,500.00
1967 66 Dump truck	1	3,500.00	15,000.00	11,500.00
Jack stands	2	70.00	200.00	130.00
10,000 Lb. forklift	1	1,250.00	10,000.00	8,750.00
Lubricating oil	5	250.00	1,005.00	755.00
1988 GMC Flatbed truck	1	2,675.00	15,000.00	12,325.00
6′ Pump	1	375.00	10,000.00	9,625.00
Drafting table	1	100.00	400.00	300.00
1983 Ford pick up truck	1	1,500.00	10,000.00	8,500.00
Air sander	1	125.00	500.00	375.00
Fire cabinet	1	50.00	600.00	550.00
Pipe Bender	1	175.00	1,200.00	1,025.00
Flammable cabinet	1	75.00	600.00	525.00
410 Steel plate	3	33.75	720.00	686.25
Alum round bar 1⅝	1	25.00	185.00	160.00
48 1/16 SS Plate	1	45.00	245.00	200.00
412.090 Alum plate	1	80.00	241.00	161.00
412.050 Alum plate	2	60.00	482.00	422.00
6110 Alum bar	1	30.00	238.00	208.00
Grinder	1	60.00	500.00	440.00
Snowblower	1	250.00	1,000.00	750.00
Drill press	1	250.00	1,000.00	750.00
Alum sheets	2	70.00	609.00	530.00
Trailer/dye testing equip	1	375.00	2,000.00	1,625.00
Desk	1	175.00	1,000.00	825.00
Lateral files—5 drawer	2	150.00	1,000.00	850.00
Lateral files—4 drawer	3	180.00	3,000.00	2,820.00
Lateral files—2 drawer	4	100.00	4,000.00	3,900.00
Barrel lift	1	250.00	1,300.00	1,050.00
Sheet barrier-pine creek shed	7	105.00	4,998.00	4,893.00
Drill	1	150.00	425.00	275.00
1984 AMA ¾ Ton cargo trailer	1	750.00	20,000.00	19,250.00
1984/Chev—44 cargo diesel truck	1	5,000.00	15,000.00	10,000.00
Generators 100 KW	1	1,750.00	25,000.00	23,250.00
30 Ft flat bed trailer/miller	1	375.00	3,000.00	2,625.00
Alum I beam	6	150.00	1,800.00	1,650.00
1985/GMC ¾ Ton truck	1	800.00	10,000.00	9,200.00
Port-A-Power	1	125.00	1,000.00	875.00
Alum I beam	5	125.00	1,500.00	1,375.00
Threadlite survey—3 pc set	1	250.00	3,000.00	2,750.00
Totals		29,106.17	253,834.00	224,727.83

PLUMBERS & STEAMFITTERS
LOCAL UNION 52,
Montgomery, AL, January 16, 1998.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SIR: We are a Non-profit Organization partially funded by the State of Alabama and the Federal Government. Our Training School is a five year program that prepares our students for working in the following trades: plumbing, pipefitting, welding and air conditioning.

We have obtained supplies and equipment from our Local State and Federal Surplus Division, that has been very beneficial to our program. These purchases have also saved our Program thousands and thousands of dollars. Without these savings, our Program would not have been able to obtain the training equipment we currently possess.

We are aware that there is less property available today because of the downsizing of the Military. However, the combinations of the special interest legislation and major "giveaways" such as the humanitarian assistance program, have destroyed most of the opportunity the States have to receive the type and quality of property available in prior years. Therefore, our Program as well as all other non-profit organizations, suffer the loss.

Sir, please help us in keeping the Federal Donation Program going. If we can be of further assistance, please contact us.

Sincerely,

WAYNE BARFIELD,
Business Agent.

GRANDVIEW POLICE DEPARTMENT,
Grandview, WA, January 20, 1998.

Senator GRAMS,
Dirkson Senate Building,
Washington, DC.

DEAR SENATOR GRAMS: My purpose for writing you this letter is to appraise you of the great benefits that my Agency and City have received from our years of involvement in the Federal Surplus Program. Over the past six years, we have been very active in purchasing surplus equipment from the Government that has improved the quality of our City, and allowed us to expand and improve the operations in City government.

Over the past six years, the City has purchased a bulldozer and dump truck which has allowed us to build a quality Police firearms range to allow our officers to be proficient in the use of their weapons, as well as purchasing pickup trucks, a van and other related equipment to augment our Department, to allow us to better serve our citizens. The majority of furniture, desks, computers, typewriters and other supplies that we use on a day to day basis in the Police department are from the federal surplus program. Without this program, our Department would still be using equipment that was purchased over 20 years ago. Due to our financial situation in our rural area, this program has allowed us to keep our department current with the modern technologies and equipment of the 1990's. I would hate to think where our Department, as well as other departments within the City would be if we had not been a active purchaser of federal surplus property. Citywide, we have purchased thousands of dollars worth of quality equipment on a yearly basis, saving our taxpayers tens of thousands of dollars.

I am a very proud participant of the federal surplus program and believe that it is one of the best cost effective programs that our City has ever been involved in. I also hope that this program will continue to remain in tact in the future and allow us to grow with it. We have the pleasure of having Mr. Doug Coleman who is our State Federal Surplus Property Manager, who does a fantastic job of working with the local Cities in Washington State on the dispersement of surplus property. I would hope that this worthwhile program continues and grows.

Respectfully,

DAVID R. CHARVET,
Chief of Police.

TALENT IRRIGATION DISTRICT,
Talent, OR, January 19, 1998.

JACK GUZMAN,
Acting Manager, Federal Surplus Property, Salem, OR.

DEAR MR. GUZMAN: The Federal Surplus Property Program is an intricate part of the Talent Irrigation District's (TID) operating target. It has significantly contributed to keeping operating costs down resulting in low water rates for our taxpayers. Here are just a very few specific examples.

	Acquisition cost	Equivalent open market cost
Maintenance Pick-up trucks	$2,000.00	$8–10,000.00
Snow Cat for Mountain/high lake operation	5,000.00	95,000.00
6″ Gate valves	30.00	300.00
Fork Lifts	3,000.00	9,000.00
Structural Steel and Steel plate	Simply could not afford it at market price.	

The list goes on and on. In an era of austere funding and increased property taxes TID has been able to keep water rates one-third less than other Southern Oregon Districts. This is a direct result of utilizing the Federal Surplus Property program.

The only inequity in the system from a donee standpoint, is the "Host State" procedures. Not having any military installations, Oregon Donees are a notch below the host state at the donee level. This needs attention.

Further comment would be redundant, suffice it to say overall the program is very beneficial to the taxpayer.

Sincerely,

HOLLIE CANNON,
Manager, Talent Irrigation District.

BIRCH TREE COMMUNITIES, INC.,
Benton, AR, January 19, 1998.

Hon. ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ROD GRAMS: We are a non profit Certified Community Mental Health Center. We are a clinical and rehabilitative program for the chronically mentally ill. The people we work with are the lowest of the low income people in America.

We utilize the products of the Federal Donation Program immensely. We use many of the products they have for sale. A few of those items are beds and mattresses. To be able to purchase only these items saves our organization thousands of dollars each year. The total items we purchase and utilize would be too lengthy to list.

A bed and mattress are very simple items, but can you imagine sleeping without a bed or mattress? The people we work with are classified as homeless and many have not had the comfort of a bed or mattress for some time.

This letter is to definitely continue the Federal Donation Program in its present form.

Sincerely,

PAUL ENDERLIN.

MOUNTAIN FIRE/RESCUE
Mountain Ranch, CA, January 20, 1998.

DEAR SENATOR GRAMS: On behalf of Mountain Fire//Rescue and as the Chief of this Volunteer Fire Company, I'm writing to you in response to the urgent letter I received from the National Asso. of State Agencies for Surplus Property.

Mountain Fire/Rescue came to be 18 years ago and has grown to be the largest fire unit in Calaveras County, CA. We have 94 pieces of fire fighting, rescue, potable water tenders, generators and the parts to keep this equipment running. All but 3 of our rolling stock was obtained through Surplus property program.

We use this equipment in various ways:

Our 5 ton recovery vehicle (wrecker) is used to recover any government agencies property that has become disabled. This is a very poor county and most of the fire departments here don't have the money to hire a large tow truck to recover their equipment. This same unit responded to a call where a farmer was driving his tractor and went over a mountain side, 300 yards. At the site, we pulled out the 400′ + cable and added all of our chain then a 20′ piece of cable on the end of this mess, put a snatch block in a tree by the victim, that was pinned under the tractor, and was able to pick the tractor off of him without hurting him further. Before we got there, attempts to lift the tractor was futile. Every time the rescue team tried to move the tractor it would slid down the mountain side a little. He was air lifted to Modesto and is doing fine now. Reports we received after this incident tell us we saved his life. This was a piece of excess property. Cost $99,000.00, our cost, $1200.00.

In 1994, on a presidential order, this Volunteer Fire Co. was sent to Goma, Zaire, Africa on a C5A from Travis AFB non stop, to produce potable water to the refugees 15 miles outside of Goma. A Report can be found in Vol. 141 Washington, Saturday, August 5, 1995 No. 130, on page E–1690, True American Heroes, Hon. John T. Doolittle of California, Friday, August 4, 1995. This may be useful to you. The equipment was excess property except for the sub-pump and the fire truck. As a US Army trained medic, I took along my medical stuff from MFR. At the pumping site at Lac Kavu, MFR set up pumping operations, chlorinated the water, took care of the military personal at this site provided the heated shower, built off the back of the fire truck and generally blended in to the working order of this base. Two days into the pumping operation, Dr. Thomas Durant, Asst. Medical Director, Boston School of Medicine became my preceptor on site. He was going to rent a car to go out to the refugee camps and start to give shots to these poor people. He was going to pay $100.00 per day for the rental. I told him to take MFRs 1¼ ton 4X4 pickup to do this work at no charge. One day, as the doctor's and RNs were going to the camp, they were stopped by a squad of Zaire soldiers, told to get out of the truck. They were taken into a banana grove, where they thought they were going to be shot. In the grove was a young Zaire soldier that had picked up an explosive device of some kind and blown his hands up. The doctors put him in the truck and all his buddies and took him to a field hospital to be treated. From that time on, no more stopping for road blocks. This one vehicle provided the transportation for those good docs and no one will ever know how many lives they saved. Most of all of the support equipment we took with us was surplus property.

Photos of the African event can be obtained by contacting Lt. Col. Eric Hanson, office # 1–703–607–7864. Confirmation of events there can be confirmed by contacting Dr. Tom Durant, office # 1–617–726–2106, Boston MS.

Another source of information can be found in the August 1995 of the Fire Engineering monthly, poc Bill Manning @ 1–800–962–6484. I also wrote an article for this mag. on how to procure excess property from the government. This might be something you want in your information briefing.

Lastly, we were told we were True American Heroes, Congressman Doolittle has been the only person that has taken it upon himself to make General Jack Nix's order to give us the Category 1 and 2 civilian medals that Gen. Nix wanted us to be awarded happen. This will happen when the congressman has the time to fit us in.

MFR has been involved in many events where we use the equipment that we obtain through the DRMO program. Without this program, we could not exist. I hope this note finds you and your staff in good health and have a Happy New Year.

JOHN D. HORNER,
Fire Chief.

Mr. GRAMS. Mr. President, I am particularly impressed at how effectively the state agencies, GSA and the Defense Re-utilization and Marketing Service have worked together as a team to respond quickly and efficiently during times of national disasters and emergencies.

Together they have successfully identified and transported sandbags, blankets, cots, tools, trucks and other equipment and supplies to disaster sites.

In 1997, the state agencies and their federal partners faced a number of emergencies—and they delivered.

And I know Minnesotans who suffered through the Midwest floods last year appreciated the relief provided to them during these horrible times. I recently received a letter from Dave Allen, Chief Pilot of the Minnesota State Patrol, and a recipient of surplus property distributed by the Minnesota State Agency for Surplus Property for the last several years.

Mr. Allen wrote:

> In February 1997 our unit had the need for a twin engine airplane. One week after I made the request for this type of aircraft, Gene Glaeser called and said he had located an aircraft he thought would meet our needs. It was a Beechcraft Queen Air and it had been used by NASA for several years and was based at Langley Air Force Base in Virginia.
>
> The Beechcraft Queen Air acquired from NASA including the training of six pilots cost the State approximately $35,000 to place it in service. This aircraft had been appraised at $150,000–$175,000 by an aircraft broker . . . Had the surplus property program not been available to us our chances of acquiring this equipment would not have existed.
>
> This is a perfect example of our government obtaining the most from a piece of equipment . . . I would hope that this program would continue for many years in the future, as everyone benefits from it.

The plane filled a very important need during last year's floods by shuttling state and emergency management staff to meetings, where they assessed the damage in our communities and provided guidance to residents.

The state agencies for surplus property should be commended for following the intent of Congress and fulfilling their responsibilities under Public Law 94–519. However, I believe that the volume and value of distributed surplus federal property would increase if the intent of the Congress when it passed the 1976 reforms was more closely followed.

If Congress continues to allow surplus federal property to go abroad, or not make its way through proper channels to eligible recipients, our students, workers, taxpayers, and families will lose. The legislation I am introducing will address these concerns through the following provisions.

First, this legislation would ensure that when distributing surplus federal property, domestic needs are met before we consider foreign interests. It would, however, grant the President the authority to make supplies available for humanitarian relief purposes before going to the states, in the case of emergencies or natural disasters.

Second, my bill would amend the Foreign Assistance Act of 1961 to prohibit the transfer of Government-owned excess property to foreign countries or international organizations for environmental protection activities in foreign countries unless GSA determined that there is no federal or state use for the property.

Fourth, my bill would repeal the authority of the Secretary of Energy to transfer excess DOE research and development facility equipment to educational institutions in the U.S. This current practice by DOE falls outside the Donation Program and denies equal access to all local education agencies, schools and universities.

Third, it would ensure that 8(a) firms participating in the Small Business Administration's Capital Ownership Development Program maintain their eligibility to receive surplus Federal property, but through the normal process involving GSA and the State agencies. States, not bureaucracies, should determine how to meet the needs of our schools and universities.

Finally, this legislation would require GSA to report to Congress on the effectiveness of all statutes relating to the disposal and donation of personal property and recommend any changes that would further improve the Donation Program.

Mr. President, my bill is based on the principle that eligible recipients should be able to maximize their tax dollars through expendable Federal property that meets their needs.

It takes an important step toward stopping publicly-owned property from being shipped abroad and given to other organizations before it is distributed through each State agency for surplus property.

My legislation will fulfill the public's right to know how and where their tax dollars are being spent.

In many ways, it will serve as the second phase of the reforms overwhelmingly passed by Congress in 1976, by preserving the active role of States in the handling and distribution of surplus Federal property. This initiative will benefit thousands of recipients—the Nation's taxpayers.

The best interests of America's taxpayers has always been at the top of my agenda. I look forward to working with my colleagues in the Senate to move this legislation through Congress and give the taxpayers the highest possible return on their investment.

NOMINATION OF MARGARET MORROW

Mr. INHOFE. Mr. President, it is my understanding that tomorrow we are going to be voting on the confirmation of Mrs. Margaret Morrow, Judge Margaret Morrow, who has been nominated for the position of U.S. District Judge for the Central District of California. While I will be opposing her nomination, it is not because of her academic qualifications, nor her credentials, but her philosophy that she has expressed in the past from the bench.

Lately a lot of people have said that the state of our judiciary is somewhat deplorable, and I think it is, although I do not think it is because of the lack of judges being confirmed. I do not think that is the problem. I think it is the philosophy, the dangerous philosophy of elitism which pervades the judicial branch of the Federal Government. This elitism is dangerous and undercuts our belief in courts throughout America. Regrettably, Mrs. Morrow is representative of that elitism.

I am most concerned more than anything else with statements she has made about direct democracy. It seems to be her position that we in America are not able to rule for ourselves, not able to make intelligent decisions, but those decisions would have to be made in some protected ivory tower. She condemns direct democracy. She says, "Ballot initiatives," and this is a quote, "render ephemeral any real hope of intelligent voting of the majority."

What she is saying here is that the people are not capable of making these decisions. And, of course, they do have problems out there in the ninth circuit, and the position she is seeking to gain would put her in a position to actually promote some of those things that have been taking place there.

Recently, in Bates v. Jones, a three-judge panel—Reinhardt, Sneed, and Fletcher—affirmed a decision by Judge Wilkins to throw out California's ballot initiative, Proposition 140—that's the term limits for State officials—declaring them unconstitutional.

There have been other efforts such as proposition 209. Last year Judge Henderson struck down the voter-approved referendum ending State affirmative action programs, and fortunately for the 20 million California voters Henderson's original ruling has been struck down, restoring their faith in the voting process.

Proposition 187. Judge Richard Pfaelzer declared a State law denying benefits to illegal aliens unconstitutional because it conflicted with the 1996 welfare reform law. That was overturned.

Proposition 208. Judge Carlton has recently blocked enforcement of the popular initiative that has imposed limits on campaign contributions at the State level.

During her confirmation, Mrs. Morrow claimed never to have publicly opposed a ballot initiative in the past decade with one exception and that was proposition 209. In fact, in 1988, Morrow wrote an article urging lawyers to support or oppose various ballot initiatives. She denounces three others later that year and spoke publicly against two others. So I think it is fairly evident that Margaret Morrow, in addition to these problems, has a problem with the truth. And I certainly think if there is anything we do not need in our judiciary it is someone of that philosophy.

I like the way Senator ASHCROFT said it the other day. He said, "Morrow's writings make it clear that she believes people cannot be trusted with the fundamental powers of self-government."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 9, 1998, the Federal debt stood at $5,468,966,737,716.36 (Five trillion, four hundred sixty-eight billion, nine hundred sixty-six million, seven hundred thirty-seven thousand, seven hundred sixteen dollars and thirty-six cents).

Five years ago, February 9, 1993, the Federal debt stood at $4,173,624,000,000 (Four trillion, one hundred seventy-three billion, six hundred twenty-four million).

Ten years ago, February 9, 1988, the Federal debt stood at $2,545,424,000,000 (Two trillion, five hundred forty-five billion, four hundred twenty-four million).

Fifteen years ago, February 9, 1983, the Federal debt stood at $1,192,294,000,000 (One trillion, one hundred ninety-two billion, two hundred ninety-four million).

Twenty-five years ago, February 9, 1973, the Federal debt stood at $448,265,000,000 (Four hundred forty-eight billion, two hundred sixty-five million) which reflects a debt increase of more than $5 trillion—$5,020,701,737,716.36 (Five trillion, twenty billion, seven hundred one million, seven hundred thirty-seven thousand, seven hundred sixteen dollars and thirty-six cents) during the past 25 years.

STATEMENT OF SENATOR JOHN WARNER ON THE NATO EXPANSION AMENDMENT

Mr. THURMOND. Mr. President, Senators WARNER and LEVIN are absent from the Senate this week so that they can accompany Secretary of Defense Cohen on his trip to the Persian Gulf. They are representing the Armed Services Committee on this important trip, and will report their findings to the Committee and to the Senate leadership.

During his absence, Senator WARNER has requested that I insert the following statement in the RECORD on his behalf. I am happy to do this for my colleague. I ask unanimous consent that Senator WARNER's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WARNER—NATO EXPANSION AMENDMENT

This past weekend I was privileged to attend the annual Wehrkunde Conference in Munich, Germany. A main topic of discussion at this NATO security conference was the issue of NATO expansion. I have consistently expressed my sincere concerns with this policy.

NATO has been the most valuable and successful military alliance in the history of this Nation. It has worked far beyond the expectations of its founders—keeping peace in Europe for 50 years, and securing victory in the cold war. President Truman cited NATO and the Marshall Plan as the greatest achievements of his presidency. I am concerned that we not do anything to undermine the effectiveness of this great alliance.

Recently, the Senate Armed Services Committee received testimony from former Secretary of Defense James Schlesinger and former Secretary of State Henry Kissinger on the issue of NATO expansion. Although both said that the Senate should provide its advice and consent for the first round of expansion, they expressed a number of concerns. Secretary Schlesinger called this first round of NATO expansion "a bad idea whose time has come." And Secretary Kissinger warned that we are in danger of transforming NATO into a "U.N.-type instrument" if expansion is not handled properly.

It seems clear that this first round of expansion will go forward as planned. My concern is that we build in a mechanism to guard against precipitous, future expansion rounds.

During the Wehrkunde Conference, I had the opportunity to discuss an idea I have been contemplating to establish a moratorium—of 3 to 5 years—on new members being invited to join the NATO alliance, following the likely addition of Poland, Hungary and the Czech Republic in 1999. In my view, such a moratorium is crucial to allow NATO to begin the process of integrating the three new nations, and more fully assess the impact of this integration before proceeding with further expansion rounds.

The purpose of this statement today is to promptly inform my colleagues of my discussions in Germany and my intent, upon returning from the trip with Secretary Cohen, to submit to the Senate for consideration an amendment which will establish a 3-year moratorium on future NATO expansions. This amendment will be drafted as a condition to the resolution of ratification, and will effectively prevent the United States from agreeing to any further expansion of the NATO alliance for a period of three years.

I will make a full set of remarks on this amendment and seek co-sponsors following my return. I look forward to engaging in an extended debate on this issue—and other aspects of NATO expansion—in the weeks to come.

I thank Senator THURMOND for assisting me in making this statement a part of the RECORD during my absence on official business as part of Secretary Cohen's delegation to the Persian Gulf and Russia.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

1998 ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS—MESSAGE FROM THE PRESIDENT—PM 96

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

To the Congress of the United States:

For the last 5 years this Administration has worked to strengthen our Nation for the 21st century, expanding opportunity for all Americans, demanding responsibility from all Americans, and bringing us together as a community of all Americans. Building a strong economy is the cornerstone of our efforts to meet these challenges.

When I first took office in 1993, the Federal budget deficit was out of control, unemployment was unacceptably high, and wages were stagnant. To reverse this course, we took a new approach, putting in place a bold economic strategy designed to bring down the deficit and give America's workers the tools and training they need to help them thrive in our changing economy.

Our strategy has succeeded: the economy has created more than 14 million new jobs, unemployment is at its lowest level in 24 years, and core inflation is at its lowest level in 30 years. Economic growth in 1997 was the strongest in almost a decade, and the benefits of that growth are being shared by all Americans: poverty is dropping and median family income has gone up nearly $2,200 since 1993. We also saw the biggest drop in welfare rolls in history. Many challenges remain, but Americans are enjoying the fruits of an economy that is steady and strong.

THE ADMINISTRATION'S ECONOMIC STRATEGY

From the beginning, this Administration's economic strategy has had three crucial elements: reducing the deficit, investing in people, and opening markets abroad.

Deficit reduction. In 1993 this Administration's deficit reduction plan set the Nation on a course of fiscal responsibility, while making critical investments in the skills and well-being of our people. When I took office, the deficit was $290 billion and projected to go much higher. This year the deficit will fall to just $10 billion and possibly lower still. That is a reduction of more than 95 percent, leaving the deficit today smaller in relation to the size of the economy than it has been since 1969. And this year I have proposed a budget that will eliminate the deficit entirely, achieving the first balanced budget in 30 years.

Beyond that, it is projected that the budget will show a sizable surplus in the years to come. I propose that we reserve 100 percent of the surplus until we have taken the necessary measures to strengthen the Social Security system for the 21st century. I am committed to addressing Social Security first, to ensure that all Americans are confident that it will be there when they need it.

Investing in our people. In the new economy, the most precious resource this Nation has is the skills and ingenuity of working Americans. Investing in the education and health of our people will help all Americans reap the rewards of a growing, changing economy. Those who are better educated, with the flexibility and the skills they need to move from one job to another and seize new opportunities, will succeed in the new economy; those who do not will fall behind.

That is why the historic balanced budget agreement I signed into law in 1997 included the largest increase in aid to education in 30 years, and the biggest increase to help people go to college since the G.I. Bill was passed 50 years ago. The agreement provided funds to ensure that we stay on track to help 1 million disadvantaged children prepare for success in school. It provided funding for the America Reads Challenge, with the goal of mobilizing a million volunteers to promote literacy, and it made new investments in our schools themselves, to help connect every classroom and library in this country to the Internet by the year 2000.

The balanced budget agreement created the HOPE scholarship program, to make completion of the 13th and 14th years of formal education as widespread as a high school diploma is today. It offered other tuition tax credits for college and skills training. It created a new Individual Retirement Account that allows tax-free withdrawals to pay for education. It provided the biggest increase in Pell grants in two decades. Finally, it provided more funds so that aid to dislocated workers is more than double what it was in 1993, to help these workers get the skills they need to remain productive in a changing economy.

But we must do more to guarantee all Americans the quality education they need to succeed. That is why I have proposed a new initiative to improve the quality of education in our public schools—through high national standards and national tests, more charter schools to stimulate competition, greater accountability, higher quality teaching, smaller class sizes, and more classrooms.

To strengthen our Nation we must also strengthen our families. The Family and Medical Leave Act, which I signed into law in 1993, ensures that millions of people no longer have to choose between being good parents and being good workers. The Health Care Portability and Accountability Act, enacted in 1996, ensures that workers can keep their health insurance if they change jobs or suffer a family emergency. We have also increased the minimum wage, expanded the earned income tax credit, and provided for a new $500-per-child tax credit for working families. To continue making progress toward strengthening families, the balanced budget agreement allocated $24 billion to provide health insurance to up to 5 million uninsured children—the largest Federal investment in children's health care since Medicaid was created in 1965.

Opening markets and expanding exports. To create more good jobs and increase wages, we must open markets abroad and expand U.S. exports. Trade has been key to the strength of this economic expansion—about a third of our economic growth in recent years has come from selling American goods and services overseas. The Information Technology Agreement signed in 1997 lowers tariff and other barriers to 90 percent of world trade in information technology services.

To continue opening new markets, creating new jobs, and increasing our prosperity, it is critically important to renew fast-track negotiating authority. This authority, which every President of either party has had for the last 20 years, enables the President to negotiate trade agreements and submit them to the Congress for an up-or-down vote, without modification. Renewing this traditional trade authority is essential to American's ability to shape the global economy of the 21st century.

SEIZING THE BENEFITS OF A GROWING, CHANGING ECONOMY

As we approach the 21st century the American economy is sound and strong, but challenges remain. We know that information and technology and global commerce are rapidly transforming the economy, offering new opportunities but also posing new challenges. Our goal must be to ensure that all Americans are equipped with the skills to succeed in this growing, changing economy.

Our economic strategy—balancing the budget, investing in our people, opening markets—has set this Nation on the right course to meet this goal. This strategy will support and contribute to America's strength in the new economic era, removing barriers to our economy's potential and providing our people with the skills, the flexibility, and the security to succeed. We must continue to maintain the fiscal discipline that is balancing the budget, to invest in our people and their skills, and to lead the world to greater prosperity in the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1998.*

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Sallyanne Harper, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Finance:

Michael B. Thornton, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury.

L. Paige Marvel, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1620. A bill to suspend temporarily the duty on certain textile machinery; to the Committee on Finance.

By Mr. GRAMS:

S. 1621. A bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. GRASSLEY):

S. Con. Res. 73. A concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1620. A bill to suspend temporarily the duty on certain textile machinery; to the Committee on Finance.

TEXTILE MACHINERY DUTY SUSPENSION LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce legislation that would suspend the current duty on ink-jet textile printing machinery through December 31, 1999. I would like to make some brief comments about this bill.

It is my understanding that this machinery is not made in the United States, so there are no domestic producers that are likely to be harmed by this bill. Furthermore, the revenues currently generated by the duty on these machines are under $500,000 per annum, making it a de minimis amount under budget rules. This being the case, Mr. President, I think my colleagues will agree that this bill is not apt to have any detrimental effects on domestic industry or federal revenue.

In fact, I believe such a measure could represent a potential economic benefit for the textile industry. These ink-jet printing machines are used to print patterns and designs on fabrics, and they are indispensable for a large part of our domestic textile industry. They are also extremely costly. It stands to reason that every little bit we can do for our domestic textile producers to reduce their costs of production help them to be competitive in this increasingly global economy.

Mr. President, this is a good bill with no substantial costs involved, and I want to encourage my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEXTILE MACHINERY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/99	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to goods entered, or withdraw from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(c) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of goods described in subheading 9902.81.10 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that—

(1) was made after December 31, 1997, and before the date that is 15 days after the date of enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 442

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 512

At the request of Mr. KYL, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1191

At the request of Mr. KYL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1256

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1287

At the request of Mr. JEFFORDS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1464

At the request of Mr. HATCH, the names of the Senator from Kentucky (Mr. FORD) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1580

At the request of Mr. SHELBY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1599

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1599, a bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

S. 1601

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1601, a bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Concurrent Resolution 65, A concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LOTT, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Concurrent Resolution 71, A concurrent resolution condemning Iraq's threat to international peace and security.

At the request of Mr. GORTON, his name was withdrawn as a cosponsor of

Senate Concurrent Resolution 71, supra.

At the request of Mr. HOLLINGS, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, supra.

SENATE RESOLUTION 148

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. KEMPTHORNE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 148, A resolution designating 1998 as the "Onate Cuartocentenario," the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Resolution 155, A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 170, A resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Delaware (Mr. ROTH), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Resolution 171, A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE CONCURRENT RESOLUTION 73—RELATIVE TO THE EUROPEAN UNION

Mr. BROWNBACK (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 73

Whereas on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

Whereas increased United States agricultural exports are critical to the future of the farm, rural, and overall economy of the United States;

Whereas the opportunities for increased agricultural exports are undermined by the unfair subsidies provided by trading partners of the United States, and by various tariff and nontariff trade barriers imposed on highly-competitive United States agricultural products;

Whereas United States agricultural exports reached a record-level $60,000,000,000 in 1996 compared to a total United States merchandise trade deficit of $170,000,000,000;

Whereas the United States is currently engaged in a number of outstanding trade disputes with the European Union regarding agriculture matters and the disputes involve the most intractable issues between the United States and the European Union;

Whereas the outstanding trade disputes include the failure to finalize a veterinary equivalency program, which jeopardizes an estimated $3,000,000,000 in trade in livestock products between the United States and the European Union;

Whereas the World Trade Organization has ruled that the European Union must allow the importation of beef with growth hormones produced in the United States;

Whereas the European Union has yet to fulfill its commitment under the Agreement on Application of Sanitary and Phytosanitary Measures reached as part of the General Agreement on Tariffs and Trade;

Whereas the European Union has promulgated regulations regarding the use of "specified risk materials" for livestock products which have a disputed scientific basis and which serve to impede the importation of United States livestock products despite the fact that no cases of bovine spongiform encephalopathy (mad cow disease) have been documented in the United States;

Whereas the European Union has hindered trade in products grown with the benefit of biogenetics based on claims that also have a disputed scientific basis;

Whereas these barriers to biogenetic trade could have a profound negative impact on agricultural trade in the long run; and

Whereas there are also continuing disputes regarding European Union subsidies for dairy, wheat gluten, and canned fruits: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the European Union unfairly restricts the importation of United States agricultural products;

(2) the restrictions imposed on United States agricultural exports to the European Union are the most vexing problems facing United States exporters in Europe;

(3) the elimination of restrictions imposed on United States agricultural exports should be a top priority of any current or future trade negotiations between the United States and the European Union; and

(4) the United States Trade Representative should not engage in any trade negotiations with the European Union to achieve sectoral liberalization unless an initiative to achieve the elimination of unfair restrictions on United States agricultural products is advanced on the same time frame as the sectoral negotiations.

Mr. BROWNBACK. Mr. President, many of the lessons that we have learned regarding agricultural trade strategy, to change the subject to one that we have been not necessary been talking recently, have taken a lot of time for us to learn. I used to work in this field, the trade field. I worked for the Secretary of Agriculture, and I have been around some of these negotiations.

It took the United States forty years of multilateral negotiations, but in the Uruguay Round, we finally got it right: in order to achieve meaningful agricultural market liberalization, we must link progress in agricultural liberalization to progress in other sectors critical to our trading partners.

Throughout the world, agriculture is one of the most highly protected industries. It is also represents one of the strongest comparative advantages that the United States enjoys. Additionally, the U.S. agriculture industry is a critical building block of this economy, employing 22.7 million people. That is about 17 percent of the total domestic labor force. Agriculture also contributed $997.7 billion dollars to our economy in 1996. In other words, 13.1 percent of our country's GDP is agriculture-based. Furthermore, a large portion of what we produce in the U.S.—roughly 40 percent—is consumed overseas.

Because agriculture is so critical to the U.S. economy and so reliant on exports, I find it exceedingly troubling, along with Senator GRASSLEY, to hear the recent news reports that the office of the United States Trade Representative plans to pursue a trans-Atlantic trade pact that would not address agricultural issues. The barriers to U.S. agricultural exports represent some of the most significant market access problems that the United States currently faces in Europe. Furthermore, the U.S. is currently engaged in a number of outstanding trade disputes with the EU regarding agricultural matters, and these are among the most intractable issues between our two continents. It is incomprehensible to me that the U.S. would consider entering negotiations that would overlook these crucial issues.

Today I am joining with Senator GRASSLEY in submitting a Senate Concurrent Resolution, which expresses the sense of the Congress that the EU is unfairly restricting the importation of United States agriculture products and that the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

Mr. President, quite simply, it would be foolhardy for the United States to proceed with negotiations that avoid some of the issues that it has been seeking most desperately to advance. Without the leverage that is gained by simultaneously negotiating access in areas where the U.S. seeks greater access with the areas in which the EU would like greater access, the U.S. is positioning itself to hand over the keys to the bank. While leaving out the touchy issues in agriculture may allow the U.S. to quickly conclude an agreement, it is a strategy that would undermine the long-run economic interests of this country.

I hope my colleagues will join with me in sending a message to this Administration that the agriculture industry is not willing to be sold out for the sake of an chance to culminate a quick trade deal. We will not support any new trade negotiations unless agriculture issues are advanced on the same time frame as issues involving other sectors of the economy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 10, 1998, at 10 a.m. in open session, to receive testimony on the defense authorization request for fiscal year 1999 and the future years defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at on Tuesday, February 10, 1998, at 9:30 a.m. on indecency on the Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider the nominations of Donald J. Barry, to be Assistant Secretary for Fish and Wildlife, Department of Interior, and Sallyanne Harper, to be Chief Financial Officer, Environmental Protection Agency, Tuesday, February 10, immediately following the 11 a.m. cloture vote, the President's Room, S-216, the Capitol.

The PRESIDING OFFICER. Without objection, it is so osrdered.

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, February 10, 1998, beginning at 10 a.m. in room SH-215, to conduct a markup.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Relations be authorized to meet during the session of the Senate on Tuesday, February 10, 1998, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 10, 1998, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "The Tobacco Settlement."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Tobacco Settlement IV during the session of the Senate on Tuesday, February 10, 1998, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on February 10, 1998, at 10 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 10, 1998, to conduct a hearing into the FDIC's year 2000 preparedness.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, February 10, 1998, at 9:30 a.m., in SD-342, to hold a hearing on Fraud on the Internet: Scams Affecting Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Tuesday, February 10, 1998, at 2:30 p.m. on computer security.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ISRAELI AID

• Mr. BOND. Mr. President, I welcome the initiative on the part of Mr. Netanyahu and the Israeli government to significantly reduce the amount of aid we annually send to Israel. Our countries have a long-standing relationship which has been witness to the maturing of a fledgling democracy in an area intolerant of its presence. In a very real sense, we have supported Israel's right to exist as a nation and we have supported its economic development.

I note that Mr. Netanyahu's plan which calls for the complete elimination of $1.2 Billion in economic aid, is testament to the successful implementation of our past years' investment. The funds we provided have not been squandered. The Israeli economy is strong and growing. Mr. Netanyahu is doing the right thing at the right time. We do not need to continue the current level of these funds into the future. However, Mr. President, we must also take care not to undermine the economic stability of this democracy and we must continue to insure its military strength. For those reasons, I support a gradual phasing out of the $1.2 Billion of economic aid and the gradual increase to its military aid by $600 Million. Israel has been and remains a strategic ally, both in the region and as an important partner in developing technologically advanced civilian and defense systems. We must do all in our power to not just merely maintain that relationship, but strengthen it. I firmly believe that a strong Israel is the cornerstone for a stable and peaceful Middle East region.

The cost of defending itself has been a tremendous burden on the Israeli economy. The threats to its borders and its people are very real. The Israelis have looked to the United States not only for funding assistance but for the hardware with which to defend itself. I note with pride that the new centerpiece of the Israeli Air Force is none other than the Boeing McDonnell Douglas F-15 I, known as the Stirke Eagle here, and as the Thunder, in Israel. This is the most advanced operational tactical aircraft in the world today. It will increase Israel's security and in turn promote regional stability. This is very much in our interest.

Mr. Netanyahu's proposal will solidify our military partnership and bring an end to Israel's status as an economic dependent. Mr. President, as Israel strengthens its economic house, we must remain committed to preserving that house so that it might remain as a democratic beacon in the region. A strong Israel is good for America.•

INTERNET TAX FREEDOM ACT

• Mr. LEAHY. Mr. President, I rise today to add my support to promoting electronic commerce and keeping it free from new Federal, State or local taxes. I am pleased to cosponsor the Internet Tax Freedom Act, S. 442, as it was reported out of the Senate Commerce Committee.

In ways that are becoming increasingly apparent, the Internet is changing the way we do business. More than 30 million people around the world surf the Net. And more and more of these users turn to the World Wide Web and Internet to place orders with suppliers, sell products and services to customers, communicate with clients and market products.

This Internet market is growing at a tremendous pace. Over the past two years, sales generated through the Web grew over 5,000%. And according to one Internet research firm, Net merchants are expected to sell $6.6 billion worth of goods by the year 2000.

The growth of electronic commerce is everywhere, including my home state of Vermont. On my home page on the Web, I have put together a section called "Cyber Selling In Vermont," which is a step-by-step resource guide for exploring on line commerce and other business uses of the Internet. It includes links to businesses in Vermont that are already cyber selling. As of today, this site includes links to Web sites of more than 100 Vermont businesses that are doing business on the Internet, ranging from the Quill Bookstore in Manchester Center to Al's Snowmobile Parts Warehouse in Newport.

As electronic commerce continues to grow, I am hopeful that we in Congress will be leaders in developing tax policy to nurture this exciting new market. That is why I have closely followed the Internet Tax Freedom Act since Senator WYDEN introduced it last summer. I want to commend the senior Senator from Oregon for his leadership on cyber tax policy.

During my time in the Senate, I always tried to protect the rights of Vermont state and local legislators to craft their laws free from interference from Washington. Thus, the broad, open-ended moratorium on state and local taxes relating to the Internet in the original bill gave me pause. I certainly agreed with the goal of no new state and local taxation of online commerce, but the means were questionable.

I believe those questions have been fully answered by the changes made to this legislation during its consideration in the Senate Commerce Committee. I want to commend Senators MCCAIN, WYDEN, BURNS and KERRY for crafting a substitute bill that protects the free flow of online commerce while accommodating the rights of state and local governments. In particular, I am pleased that the revised legislation adds an end date of January 1, 2004 to the moratorium and clarifies the list of state and local taxes that are grand fathered under it. The addition of state tax organizations to the Presidential task force to develop long-term Internet tax policy also makes good sense.

Mr. President, I am proud to cosponsor the Internet Tax Freedom Act to foster the growth of online commerce and will work hard for its swift passage into law.•

HONORING THE DEEDS OF MR. FRANK "SKIP" PETTIS III

• Mr. CHAFEE. Mr. President, I ask you today to join me in honoring a native hero of Rhode Island, who, by his courage and unselfish interest in the well-being of someone he did not know, saved a man from nearly certain death.

When Frank "Skip" Pettis III set off to work on January 27, he had no idea that he would return home a hero. Pettis, who owns Pettis Marina near Pawtuxet Cove in Warwick, RI, was working when he overheard radio conversations between the Coast Guard and tugboat operators about a kayaker who was declared missing in Narragansett Bay.

Pettis jumped into one of the marina's 24-foot salvage boats and raced to the scene. There, he found Steven McGarry of Warwick, without a kayak or lifejacket, floating in the waves and clinging to a pair of empty bleach bottles, being used as traps. Mr. Pettis grabbed the half conscious and hypothermia-sticken McGarry but, unaided, was unable to lift him into the boat.

Fighting the cold and wet of the waves and the weight of McGarry's body, Pettis waited for what must have seemed an eternity until firefighters arrived to help fish him out of the water. As Pettis put it later, "All I could do was envision him just sliding out of my hands . . . I didn't want that vision stuck in my head for the rest of my life." McGarry, whose temperature had dropped to 82 degrees, was rushed to Rhode Island Hospital, where he was listed in critical condition. By the next day, thanks to Pettis' heroism, McGarry had sufficiently recovered to give thanks to his rescuer.

On January 28, just a day after Pettis hoisted McGarry's nearly frozen body from the icy water, Mayor Lincoln Chafee declared "Skip Pettis Day" in Warwick to honor our local hero.

Mr. President, Skip Pettis is a model for people across America. Hearing of a stranger in need, he joined in a desperate search for a man who, for all purposes, was lost at sea. Finding him, Pettis persevered alone in preventing McGarry's death until help arrived. Mr. Pettis' experience exemplifies a form of altruism that can seem rare today, and, as such, I believe his heroic actions should be honored.•

TRIBUTE TO ISIDORE SCHWARTZ

• Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Isidore Schwartz, a Polish immigrant to the United States and World War II veteran who is reported to have been the first man to repair mechanical watches in combat during his four years of dedicated service to the United States Army.

Mr. Schwartz learned the trade of watch repair through a Work Progress Administration program during the Depression, a skill which he later used to assist the United States military. Upon induction into the army, Isidore Schwartz, wishing to use all of his talents to help the war effort, brought the necessary instruments for repairing mechanical watches. Originally, he merely intended to perform favors for the men with whom he served. His ability to repair military mechanical watches in combat developed into a skill recognized and sought after by the Army.

Mr. Schwartz's talent was discovered during an inspection tour of an infantry company. The Commanding Officer of the Company asked Mr. Schwartz's Commanding Officer if he had a watchmaker. The Commanding Officer called Mr. Schwartz over and presented him with several malfunctioning military watches. Working out of a modified bus, Isidore Schwartz successfully repaired the watches. Word spread to the War Department that Private Schwartz had the ability to perform the important function of military watch repair in combat. Had it not been for Mr. Schwartz's initiative during his service, these military watches would have been shipped for repair under hazardous war time conditions.

Isidore Schwartz's contribution to the war effort was not limited to the repair of mechanical watches in combat as he used his ingenuity to perform similar important tasks. One accomplishment was the repair of a lieutenant's eyeglasses which were severely bent out of shape. In the process of straightening the frame, hinges broke on both sides making the glasses unwearable. Despite lacking the necessary parts to perform the repair, Mr. Schwartz, using a small brass rod and a jeweler's file created the necessary hinges thus successfully completing the repair. It is this creativity and dedication to helping fellow soldiers and the United States Army which makes the actions of Private Schwartz deserving of recognition and commendation.

Through our recognition of Mr. Schwartz's achievements, we are reminded of the tremendous contribution immigrants have made in the shaping of our nation. This diverse group of extraordinary, enterprising, and self-sufficient individuals have continuously served to strengthen the United States. The great desire of America's immigrants to contribute combined with a passion to improve their new home has allowed the United States to assume the position of world leader. We are forever grateful for their strength and courage.

The quiet, yet significant actions of Isidore Schwartz during his four years of military service in Northern Ireland and North Africa exemplify his commitment and dedication to the United States of America. It is with great pleasure that I join his many friends in the Bronx who will be honoring Mr.

Schwartz this summer for being the first man to repair mechanical watches in combat.●

THE COMING BUDGET SURPLUS

● Mr. **KYL.** Mr. President, with the federal government apparently on the verge of running its first unified budget surplus in nearly 30 years, many people are beginning to ask what comes next? What should happen to the budget surplus when it materializes? Should we spend it? Should we begin to pay down the national debt? Or should we provide hard-working Americans with meaningful, long overdue tax relief?

Before we try to answer those questions, it would be worthwhile to recall how we got here. Remember, it was not that long ago—in fact, it was as recently as February of 1995—that President Clinton submitted a budget that would have locked in annual deficits in the range of $200 billion for the foreseeable future. A unanimous Senate rejected the Clinton budget on May 19, 1995. And from that point on, the debate took a fundamental turn from whether to balance the budget, to how to balance it.

During the last three years, we have begun to slow federal spending growth. We eliminated 307 mostly small federal programs. But perhaps the most decisive factor has been what we did not do. We did not impose another large tax increase on already overtaxed families and businesses. And that gave people enough room to do things to invigorate the economy.

In fact, the economy has outperformed just about everyone's expectations, producing tens of billions of dollars in unanticipated revenues to the Treasury to close the budget gap. When the budget agreement passed last year, for example, unified budget deficits were projected to go from $67 billion in fiscal year 1997 to $90 billion in fiscal year 1998. But as it turns out, the fiscal year 1997 deficit came in at only $22 billion, and it is projected to amount to just $5 billion in the current year. The unexpected turnaround is due almost entirely to the economy's performance, and it comes in spite of the substantially increased spending allowed by the 1997 budget agreement.

Whatever we ultimately decide to do with a unified budget surplus—and I would caution that projections of a surplus are just that, projections—we ought to be sure that it sustains the economic growth that has gotten us to where we are today.

Mr. President, the suggestions that have been made about how to handle a budget surplus generally fall into four categories: Apply it to new or existing federal spending programs; use it to strengthen and improve Social Security for future generations; apply it toward the national debt; or return it to the American people in the form of tax relief.

OPTION ONE: INITIATE NEW SPENDING PROGRAMS

The first option is to spend any surplus, and there is no shortage of suggestions about how to do that. With deficits seemingly behind us, the thought of lavishing readily available funds on new government programs is tempting to many. President Clinton is proposing the creation of dozens of new programs, costing $125 billion over the next five years. That is in direct contradiction to his pledge to save Social Security first.

There are good reasons to be cautious about creating any new spending programs. For one thing, a surplus has yet to be posted. We should not commit to spend what we do not have.

Moreover, we are all aware of the instability now being experienced by Asian economies, and some of that could spill over into our own economy in the coming months. To some degree, United States markets have already felt the effects of the Asian problems.

Just as the fast-growing economy has produced billions of dollars in additional revenue for the Treasury during the last year, any slowdown in the economy could take billions of dollars out of the equation. If we cannot ensure that any new programs have a dependable revenue stream to support them, we will be back into deficit very quickly.

SOCIAL SECURITY

Mr. President, millions of Americans, myself included, listened intently to what President Clinton had to say about Social Security in his State of the Union address. What we heard—or what we thought we heard—was a declaration by the President to reserve any budget surplus that might emerge in the next few years to shore up Social Security for future generations.

It was a statement that drew widespread praise from the public. But now it turns out that what we heard is not, according to White House spokesmen, what the President really meant. The Washington Post put it this way in a February 4 report: "the ringing simplicity of Clinton's call to 'save Social Security first' gave way to a fog of bewildering budget-speak from the administration's top economic advisers."

It turns out that the President is not proposing to reserve the surplus for Social Security at all. First, it is worth noting that his budget would spend the surplus that is generated this coming year by the Social Security system itself. In other words, President Clinton takes an estimated $93 billion out of the Social Security trust fund, issues the retirement program a set of IOUs, and uses the money, not for retirees today or in the future, but to pay for other programs run by the federal government.

Second, as I mentioned a few moments ago, he would diminish the size of the other surplus we are talking about—the unified budget surplus—by proposing to spend it on a whole host of new government programs costing $125 billion over the next five years.

Is that really putting Social Security first? It seems to me that that is a plan for putting it last—or at least way, way down the list of things to do with a budget surplus.

If we really want to save Social Security, we ought to get back to what most people thought Social Security was supposed to be: A safe and secure account where their contributions could be deposited and where they could grow to produce a nest egg for their retirement years. A unified budget surplus will make it easier to get to a system where money is put into individual Social Security retirement accounts for each citizen so that the money will actually be set aside for him or her. This would put Social Security reserves completely off limits to the federal government so they could not be squandered on other programs.

This may be the best thing to do with a unified budget surplus.

OPTION THREE: BEGIN TO PAY DOWN THE NATIONAL DEBT

Mr. President, there are those who say that we should not spend any surplus revenues that may arise, nor reserve them for Social Security, but begin to pay down the debt instead.

The federal government has not run a unified budget surplus since 1969, so the fact that it may do so next year is indeed significant. But I would caution that we are not yet at the point that we can actually begin to pay down the debt—at least in the sense that most people think of. The fact of the matter is that the national debt will continue to rise, even though we are about to enter an era of surpluses. Why?

We are only on the verge of running a surplus in the unified budget—what we get when we total up all government revenues and expenses, including Social Security revenues and expenditures. If borrowing from Social Security and other trust funds were removed from the calculation, the Clinton budget would show not a surplus of $9.5 billion for fiscal year 1999, but a deficit of $95.7 billion.

With borrowing comes the obligation to repay. That is, the IOUs that are issued to the Social Security trust fund must be repaid as the needs of the retirement system dictate. This is one reason that the President's budget forecasts the debt rising from $5.5 trillion this year to $6.3 trillion by 2003.

We have a long way to go before we balance the budget without relying on Social Security, and so the first order of business must be federal spending restraint. That is why we should reject President Clinton's call to spend billions of dollars to start dozens of new programs. When we get to the point where we can balance the budget without relying on Social Security, the debt will stop growing, and then we can think about starting to shrink it.

But here is the more fundamental point: it seems to me that if our only focus is on paying down the debt, we will fail in our ultimate duty to the American people. At best we will merely perfect a mechanism for collecting the taxes and paying the debts of a government that still regulates too much, spends too much, and taxes too much. Milton Friedman has said that he would rather have a smaller budget that is out of balance, than a larger budget that is in balance. I think he is right.

It is more important, in my view, to aim first to limit government spending, reduce taxes, and foster a less intrusive federal government. The fact that we achieve balance only by relying on Social Security and other trust funds is indicative of a government that is still operating far beyond its means.

A final point. Jack Kemp has suggested that keeping taxes higher than they need to be simply to run budget surpluses to slow the amount of debt we are accumulating puts the "cart of austerity ahead of the horse of economic growth." I think his point is a valid one. The absolute size of the debt is not nearly as burdensome as its size relative to the overall economy. In other words, as long as the budget is in balance or near balance, the country's true debt burden is going to shrink by virtue of a growing economy.

The focus ought to be on maintaining a healthy and growing economy that produces good new jobs, more opportunities for everyone to get ahead, and the resulting capability to meet federal budget requirements and actually pay down the debt over time.

OPTION FOUR: PROVIDE BROAD-BASED TAX RELIEF

That gets to the fourth option: Tax relief. We know from recent experience that a strong economy can turn the unified budget from deficit into surplus, so long as we also exercise some modest restraint over federal spending. So a thriving economy is one of the keys to solving our Nation's long-term budget problems. It is a thriving economy that will make it much easier to safeguard Social Security and Medicare for the generations to come.

But with the favorable short-term budget outlook so dependent upon economic growth, and no significant pro-growth policy changes to prevent the already lengthy expansion from petering out, many of us believe that it will be difficult, if not impossible, to ever realize the extra revenues that we are depending on for the budget to stay in balance once it gets there.

Federal Reserve Board Chairman Alan Greenspan gave this advice to the Budget Committee in early February: He told us to view the surplus very cautiously, avoid new spending, adhere to spending caps, and focus on growth-oriented tax cuts, like lowering marginal income-tax rates and reducing capital-gains taxes.

So, Mr. President, regardless of what happens to a unified budget surplus, it would be prudent to invest in economic growth, and the best way to do that would be to reduce income-tax rates for all Americans. This would help the economy by lowering the tax on each additional dollar earned—something that will stimulate work, saving, and investment. This, in turn, will lead to more jobs, better pay, more opportunities for all Americans, and ultimately more revenue for the Treasury.

If the political climate is such that across-the-board income-tax rate reductions cannot be accomplished this year, then providing marriage-penalty and death-tax relief may be the best alternative for helping millions of hard-working families, while promoting economic growth.

Mr. President, in early December, Congressman JOHN SHADEGG and I hosted a town hall meeting in Scottsdale, Arizona, to discuss taxes with our constituents. Half the session was devoted to reform of the Internal Revenue Service. The other half focused on tax reform.

Most of the people we heard from expressed frustration with the federal government's propensity to try to pick winners and losers—that is, to target tax relief to select groups of Americans. That is what President Clinton is proposing again this year. The consensus was in favor of broad-based relief so that everyone has a chance to do better—singles as well as married couples, retirees as well as students, families with children as well as those without. People also cried out for simplification. Last year's attempt to provide tax relief resulted in an additional 821 changes in the Tax Code. It is just too complex.

In fact, most constituents favor scrapping the entire Tax Code and starting over with an entirely new tax system—one that puts taxpayers' interests ahead of the interests of accountants, lawyers, and lobbyists. A majority of the Arizonans who attended the Town Hall meeting appeared to favor a national sales tax. But there is a lot of support for the flat tax as well.

Therein lies our dilemma. While public sentiment appears to be strongly in favor of a fundamental overhaul of the Tax Code, significant public consensus has yet to emerge in favor of a single-rate or flat tax over a sales tax or some alternative. And given President Clinton's lack of support for any fundamental tax reform, it is likely to take a broad public consensus, the likes of which we have not seen in recent years, to drive such a tax overhaul through Congress and past the President's veto pen. Comprehensive reform will take time to accomplish.

In the meantime, though, we can take a big step in the direction of fundamental reform by providing broad-based tax relief to the American people. Income-tax rate reductions would be best, but we ought to go as far as we can this year. Marriage-penalty and death tax relief are other good places to start.

A FEDERAL SPENDING LIMIT

Mr. President, the chairman of the House Ways and Means Committee recently recommended that we not only provide tax relief, but also set a goal of limiting federal revenue to no more than 19 percent of Gross Domestic Product (GDP)—that is about 0.9 percent less than where revenues are today. The growing debt under the Clinton budget and the dozens of costly new programs the President is proposing are evidence of the need to limit the government's burden on hard-working Americans. Obviously, a tax limit would also have to be coupled with a requirement that the government balance its books.

Establishing such a limit is an idea that I have advocated for some time, although I think a better and more direct approach would be to limit federal spending instead of revenue.

It has proven notoriously difficult to accurately project what federal revenues will be from year to year. And even if we could accurately predict revenues, keeping them within the limit would no doubt require near constant tinkering with the Tax Code—something that ought to be avoided if we are interested in simplifying compliance and returning some stability to the tax laws.

But we can limit spending. And that is the cornerstone of the Balanced Budget/Spending Limitation Amendment that I have proposed over the years. Voters in my home state of Arizona overwhelmingly approved a spending limit as part of our state's constitution in 1978. It is a home-grown idea that would work well in Washington, too.

The spending limitation amendment I propose would limit spending to 19 percent of GDP, which is roughly the level of revenue the federal government has collected for the last 40 years. There are also statutory approaches to establishing such a limit.

Balance the budget and limit spending, and there is no need to consider tax increases. Congress would not be allowed to spend the additional revenue that is raised. Link federal spending to economic growth, as measured by GDP, and an incentive is created for Congress to promote pro-growth economic policies—that is, policies that lead to more jobs and better pay, more opportunities for small businesses. The more the economy grows, the more Congress is allowed to spend, but always proportionate to the size of the economy.

CONCLUSION

Mr. President, we need to be straight with the American people when we talk about a budget surplus. It has yet to materialize, so we should not attempt to spend what we do not have. Paying down the debt is not really an option, since the debt will keep growing as a result of continued borrowing from Social Security and other trust funds. We still have a long way to go to balance the budget without Social Security.

We can, however, begin to protect Social Security from spendthrift politicians by considering ways of putting Social Security contributions off-limits to the government in individual Social Security accounts. And we can invest in broad-based tax relief that will help fuel economic growth so that we not only have the means to safeguard Social Security and Medicare for future generations, but the resources to balance the budget without relying on Social Security.

The healthy and growing economy of the last year did what the big tax increases of 1993 and 1990 could not do. It has produced the surge in revenues that has nearly closed the gap between government revenues and expenditures. And it has validated what many of us have said for some time: Reduce the tax burden imposed on the American people, and the economy will flourish and produce the revenues we need to solve our budget problems.

Let us really put Social Security first, and let us provide broad-based tax relief. Those objectives should top our agenda for the year.•

JUDICIAL VACANCIES

• Ms. MOSELEY-BRAUN. Mr. President, today, my colleague from Illinois, Senator DURBIN, and I are recommending that President Clinton nominate David Herndon and Jeanne Scott for federal judgeships in the Southern and Central Districts of Illinois. David Herndon has been a highly respected Illinois Circuit Court judge since 1991. Prior to that, he practiced for 14 years, developing a real expertise in complex litigation. Jeanne Scott has served as an Illinois state judge for 18 years. She is currently the Division Chief for Civil cases in Sangamon County. She has a sterling reputation as a dedicated and fair judge. She will be the first female federal judge in the history of the Central District of Illinois. It is therefore an appropriate moment for me to say a few words about a matter of critical importance: the exceptionally large number of judicial vacancies in our federal court system.

Currently, there are 83 vacancies in the federal judiciary. This accounts for approximately one out of every ten federal judges. Twenty-five of the vacancies have been in existence for 18 months or longer and are therefore regarded as "judicial emergencies." Over one-third of the seats in the U.S. Court of Appeals for the Ninth Circuit are vacant. As of last year, the average number of days from nomination to confirmation was at a record high of 183.

Illinois presently has seven vacant judgeships. One of these, in the U.S. District Court for the Southern District of Illinois, dates back to November of 1992. Another, in the Central District, dates back to October of 1994. Two of the nominees for these vacancies are awaiting action by the Senate Judiciary Committee and two are awaiting action by the full Senate. In the Southern District, the chief judge went for more than a year without having time to hear a single civil case because his criminal docket was so full. In the Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently told the Chicago Sun-Times that "if Congress does not move quickly . . . in a short time we could have a serious backlog." Last week, Judge Aspen called the number of judicial vacancies nationwide "an unprecedented scandal."

As Chief Justice Rehnquist stated in his 1997 Year-End Report on the Federal Judiciary, "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The Chief Justice placed much of the blame squarely on the Senate. He said, "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994."

By failing to move expeditiously on judicial nominations, the majority party in the Senate is failing to live up to its responsibilities to the American people. President Clinton has made 91 judicial nominations during the 105th Congress, but the Senate has confirmed only 39 of these individuals. As the Chicago Tribune editorialized last month, "If Republicans don't like the choices, let the Senate debate them and vote them down. Doing nothing, as the Senate has done lately, is cowardly and cynical."

Worse yet, it is affecting the quality of justice in the United States. The increase in the number of judicial vacancies in combination with the growth in criminal and civil filings has created a huge backlog of federal cases. According to Chief Justice Rehnquist, since 1990, the number of cases filed in courts of appeals has increased by 21 percent and those filed in district courts have grown by 24 percent. There was a five percent increase in the criminal caseload in 1997. This resulted in the largest federal criminal caseload in 60 years.

According to the Administrative Office of the U.S. Courts, the number of active cases pending for at least three years rose 20 percent from 1995 to 1996. According to the most recent data provided by the Department of Justice, there are more than 16,000 federal cases that are more than three years old.

Time magazine wrote last year that "some Republicans have as much as declared war on [President] Clinton's choices, parsing every phrase they've written for evidence of what they call judicial activism." This has discouraged qualified candidates from subjecting themselves to the confirmation process. For instance, last September, Justice Richard P. Goldenhirsch of the Illinois Court of Appeals, withdrew his name from consideration for a federal judgeship, stating that, because of the "poisoned atmosphere of the confirmation process, my nomination would be pending for an indefinite period of time." He stated that the protracted nature of the process was "particularly unfair to the people of the Southern District of Illinois, who deserve a fully staffed court ready to hear their cases."

In condemning President Clinton's judicial nominations, one of my Republican colleagues described the judicial branch last year as being full of "renegade judges, [who are] a robed, contemptuous intellectual elite." And in explaining why the confirmation of a California appeals court judge had been delayed for two years, a senior member of the Republican majority stated, "If you want to blame somebody for the slowness of approving judges to the Ninth Circuit, blame the Clinton and Carter appointees who have been ignoring the law and are true examples of activist judging."

The President's record of judicial appointments belies any assertion that he has sought to stack the federal judiciary with the types of judges referred to by my colleagues. The New York Times commented last year that what "may be most notable about Clinton's judicial appointments may be reluctance to fill the court with liberal judges." The Times noted that a statistical analysis by three scholars "confirms the notion that the ideology of Clinton's appointees falls somewhere between the conservatives selected by [Presidents] Bush and Reagan and the liberals chosen by President Carter." The Times quoted an author of the study, Professor Donald Songer of the University of South Carolina, as stating that Clinton's appointments were "decidedly less liberal than other modern Democratic presidents." Professor Songer stated that, from an ideological standpoint, President Clinton's judges were most similar to judges selected by President Ford.

Republican members of the Senate thus cannot claim that they are safeguarding the judiciary from liberal jurists. Indeed, it is they who, in the words of Time magazine, are currently engaged in "what has become a more partisan and ideological examination of all judicial nominees." As my colleague from Vermont, Senator LEAHY, stated last September, the "continuing attack on the judicial branch [by Republican Members of Congress], the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment [against federal judges] are all part of a partisan ideological effort to intimidate the judiciary."

Mr. President, Chief Justice Rehnquist has called the independence of the judiciary "the crown jewel of our system of government." Our courts are revered around the globe precisely because of their ability to administer justice impartially and without regard to the prevailing political climate. Republicans in Congress are seeking to undermine judicial independence and freedom of action. A key element of their strategy has been to put a choke hold on the process of confirming nominees sent by President Clinton. This state of affairs must not be allowed to continue. As Chief Justice Rehnquist has stated, "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down." Let the Senate heed the words of the Chief Justice and commit itself to enabling the federal judiciary to be, as the Supreme Court pediments proclaim, the guardian of our liberty and the guarantor of equal justice under the law.•

A TRIBUTE TO CADET CAPTAIN GUY PRYOR

• Mr. FRIST. Mr. President, Cadet Captain Guy Pryor, a student at Haywood High School, in Brownsville, Tennessee, will soon be honored by the Air Force Junior Reserve Officer Training Corps with its highest honor, the Cadet Gold Valor Award. Cadet Pryor is receiving this award for his heroic efforts on Sunday, December 19, 1997, as he attempted to save the life of an automobile accident victim.

Cadet Pryor and his friends left a Sunday evening church party in Jackson when they came upon the scene of an accident, a head-on collision. One of the cars in the accident, a Toyota pickup, was already engulfed in flames, lying in a ditch, having rolled about 100 feet from the crash site. The man trapped in the vehicle was desperately calling for help.

Without hesitating, Cadet Pryor ran to the truck, and began pulling at the passenger door. Those watching cautioned him that the truck might well explode at any moment, and called for him to move from the truck. The flames were already so hot Cadet Pryor's palms burned, and an onlooker threw him a coat to better insulate his hands against the fire.

Cadet Pryor succeeded in pulling the man from the truck just as paramedics arrived. Unfortunately, the victim, Hugh Rainey Pegram of Jackson, died on the way to the hospital, and our hearts go out to his loved ones. Cadet Pryor was taken to the hospital for treatment of his burned hands and released.

So often we do not hear about our young people who distinguish themselves. Cadet Pryor is a hero in the truest sense of the word because at great peril to himself, he gave willingly and without question to a fellow human being in need. His spirit of service and selflessness is an example for all of us to emulate.

This recognition from the Air Force Junior Reserve Officer Training Corps is a wonderful testament to Cadet Pryor's bravery that Sunday night. The Cadet Gold Valor Award brings honor to Cadet Pryor and his family, and also to the outstanding Tennessee 944th unit of the Junior ROTC at Haywood County High School. Cadet Pryor's story is an inspiration to us all, and I am proud to be his United States Senator.•

NATIONAL AFRICAN AMERICAN CREED

• Mr. BENNETT. Mr. President, I submit for the RECORD the following National African American Creed, written by one of my constituents, Mr. Terry Harris. Mr. Harris is an active member of the National Association for the Advancement of Colored People (NAACP), and has presented this creed before the NAACP Executive Board. Mr. Harris' National African American Creed challenges people to make a difference beginning with themselves. In particular, Mr. Harris encourages other African Americans to eschew drugs and gang violence, gain an education, display kindness, and support our country. I commend Mr. Harris on his interest in helping others.

The material follows:

THE AFRICAN AMERICAN CREED

(By Terrance Harris)

I, the African American, man, woman, child—son and daughter and great-grandchild of slaves, descendant of Africa and child of God, no longer have to search to find my place in this world.

I, the African American, have a responsibility to my forefathers whose struggles I must continue to ward off hatred and bigotry.

I, the African American, descendant of Ishmael and Abraham, have a responsibility, to help my brothers and sisters when, and after, they fall by the wayside.

I, the African American, descendant of great kings and queens of Africa, am obligated to teach my children about our ancestors and their customs.

I, the African American, of dark complexion, have a responsibility for keeping my dark beautiful armor shined with Christ-like luster in my daily walk.

I, the African American, whose ancestors were great warriors, must become a great warrior against such things as drugs and gang violence.

I, the African American, come from a race which was so powerful, to cause a nation to change its views on segregation and rethink its views on desegregation.

I, the African American, great grandchild of great chiefs in Africa, have a responsibility to become the head of my family and to raise my children in such a manner that will enable my children to become great leaders.

I, the African American, come from a race which helped to build this country, have a responsibility to keep the talent alive and to build great buildings that will stand along side the great pyramids of Egypt.

I, the African American, whose forefathers came from a land rich in vegetation and animal life, have a responsibility to preserve that beauty so that my children will have the same opportunities to bathe in the beauty of nature that God has created for all to enjoy.

I, the African American, whose ancestors used as a part of their culture, great dances, am obligated to pass this tradition and the history behind the dances on to my children.

I, the African American, come from a race where such powerful men and women laid down their lives so that I might be able to get a fair education, am obligated to attend a school of higher learning.

I, the African American, whose forefathers have been spit upon and smitten, all in the name of equality, just so you and I could stand here today, must be willing to display in return the same equal kindness that we have demanded, not just to men and women of the African American race, but to men and women of all races.

I, the African American, whose fathers and mothers can now become men of science, medicine, and law, am obligated to follow in their footsteps ensuring the best possible care, in order to preserve my history.

I, the African American, whose forefathers have died in wars when they were not allowed to drink from the same drinking fountain, yet were equal enough to share the same bullet, but couldn't be buried in the same cemetery, am obligated to become a great general of the Armed Forces, and even to become President of the United States of America.

My country 'tis of thee, sweet land of Liberty let it be known that if any changes are to occur, it must start with me—of Thee I sing. Land where my fathers died, land of every man's pride, from every mountain side, let freedom ring and ring.

Mr. HATCH. Mr. President, I want to echo the remarks of my colleague, Senator BENNETT, in sharing with the Senate the creed written by our fellow Utahn, Terry Harris. It is an inspiring declaration of personal integrity and determination. I join in commending Terry Harris. I urge all Americans to read it and carefully consider its message, not just to African Americans, but to all of us. In doing the right thing, the power of a single individual can make our country a better place.•

ORDER OF PROCEDURE

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 11, 1998

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, February 11, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate immediately resume consideration of the cloture motion on the motion to proceed to S. 1601, the Human Cloning Prohibition Act, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. Tomorrow morning, as previously ordered, the Senate will resume debate on the cloture motion on the motion to proceed to S. 1601, the cloning bill, with the time from 9:30 a.m. to 10 a.m. being equally divided between the two leaders or their designees.

Also, as previously ordered, at 10 a.m. a rollcall vote will occur on the cloture motion on the motion to proceed to S. 1601. If cloture is invoked, the Senate will debate the motion to proceed on the cloning bill. If cloture is not invoked, the Senate can be expected to resume the Massiah-Jackson nomination.

At approximately 4 p.m. on Wednesday, the Senate can be expected to begin debate on the nomination of Margaret Morrow, of California, to be U.S. district judge. Therefore, additional votes can be expected to occur during Wednesday's session of the Senate.

As a reminder to all Senators, tomorrow at 10 a.m. a vote will occur on the cloture motion on the motion to proceed to S. 1601 the Human Cloning Prohibition Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAMS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Wednesday, February 11, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10, 1998:

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES E. CALDWELL, III 1384
COL. ROBERT C. HUGHES, JR., 4532

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

TO BE MAJOR GENERAL

BRIG. GEN. MARTIN R. BERNDT, 8515
BRIG. GEN. DAVID F. BICE, 8140
BRIG. GEN. WALLACE C. GREGSON, JR., 5925
BRIG. GEN. MICHAEL W. HAGEE, 5620
BRIG. GEN. MICHAEL A. HOUGH, 9437
BRIG. GEN. DENNIS T. KRUPP, 6282
BRIG. GEN. ROBERT MAGNUS, 6252
BRIG. GEN. DAVID M. MIZE, 9683
BRIG. GEN. HENRY P. OSMAN, 9358
BRIG. GEN. GARRY L. PARKS, 1088
BRIG. GEN. RANDALL L. WEST, 8789

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

RICHARD A. ALLNUTT, III, 7302
DANIEL K. BERRY, 6756
*JAMES N. BLACK, 2554
KEVIN F. BLAIR, 3549
*ANNE N. BOWEN, 1518
JOHN J. BOYLE, JR, 4083
ROBERT D. BRADSHAW, 5018
*STEPHEN A. BRIETZKE, 3600
*JOHN R. BROWNLEE, 8103
WILLIAM P. BUTLER, 6858
KAREN R. CARPENTER, 9410
GEORGE W. CASTRO, 6386
FREDERIC A. CONTE, 0908
*GEORGE P. COSTANZO, 4945
WENDELL A. EDGIN, 4057
*DWIGHT M. ELLERBE, 2480
JAY S. ELLIS, JR, 0776
*ERNEST E. EMMERTON, 7002
WILLIAM R. ENGLISH, 6532
JERROLD N. FLYER, 7662
*THEODORE M. FREEMAN, 1489
*RICHARD FRIEDERICH, 8330
PAUL R. GLOWIENKA, 9974
*CHARLES D. GOLDMAN, 8816
STEVEN M. GONZALEZ, 2881
RICHARD M. GREIFF, 1045
*GARY S. GRONSETH, 6480
STEVEN R. HANSEN, 9587
DAYLE V. HARTGERINK, 0122
RICHARD A. HERSACK, 7842
ROGER R. HESSELBROCK, 7686
*DAVID C. HOUGLUM, 3062
MICHAEL L. HUTCHINGS, 8037
LARRY H. ISAKSON, 0081
LYNN M. JOHNSON, 4949
*ANDREW L. JUERGENS, 3320
THOMAS J. KELLER, 1735
KENNETH S. KIM, 5424
TERENCE J. KINYON, 2980
*DAVID P. KISSINGER, 1652
CHRISTOPHER R. KLEINSMITH, 3524
THOMAS M. KOROSCIL, 6345
ERIC W. KRAMER, 3263
JAMES L. KRETZSCHMAR, 5668
DANIEL L. LEONARD, 0428
CARL M. LINDQUIST, 5787
*BARRY I. MACDONALD, 6092
SUSAN L. MALANE, 8625
*JAMES MALENKOS III, 9060
STEPHEN T. MCDAVID, 7244
*JOHN E. MCMANIGLE, 1109
BRIAN L. MEALEY, 8891
*JEFFREY J. MEFFERT, 5240
DENNIS R. MILLER, 9031
CHRISTOPHER M. MINKE, 2686
EDWARD F. MITNITSKY, 0515
GERHARD MOELLER, 7688
*DAVID S. NOLL, 4493
*MARY A. ORZECH, 7586
JOHN R. OSBORNE, 9153
RICHARD L. PASCHEDAG, 1210
DEAN A. PFIRRMAN, 4479
VICTOR M. PINEIROCARRERO, 0331
JOHN P. RAMER, 1894
MICHAEL W. RESTEY, 6830
RICHARD E. RUTLEDGE, 8000
SCOTT E. SEMBA, 3659
*WILLIAM P. THORNTON, 7297
*WILLARD M. TOWLE, 6282
RICHARD D. TRIFILO, 5127
*JAMES E. WIEDEMAN, 0401
*KAREN K. WIES, 7196
CHARLES D. WILLIAMS, 5963
*SANFORD D. ZELNICK, 5663

To be lieutenant colonel

*KENNETH L. ABBOTT, 5320
*JEFFREY P. ALLERTON, 6736
*NORMA L. ALLGOOD, 0377
KIMSEY K. ANDERSON, 0661
DAVID E. ANISMAN, 9496
FRANK J. ARCHER, 7905
GARY I. ARISHITA, 9216
*LYNN M. BAATZ, 5693
JEFFREY C. BANKER, 7265
*MICHAEL W. BARBER, 3001
*STEVEN L. BARNES, 9916
RICHARD C. BATZER, 0340
CAROLYN S. BENNETT, 4635
*SVEN T. BERG, 8361
MICHAEL H. BETO, 6299
ROBERT W. BJORAKER, JR, 1645
*MARTIN D. BOMALASKI, 3780
*JOHN MICHAEL BOSTWICK, 5659
*DEAN A. BRICKER, 7741
*GERRY L. BROWER, 1512
*HERBERT. BROWN, 3175
*TIMOTHY R. BROWN, 1758
WILLIAM R. BUHLER, 8085
JOHN W. BULLOCK, 0823
MICHEL L. BUNNING, 8396
PAMELA L. BURR, 2889
*RITA A. BURR, 3640
BRIAN R. CAMPBELL, 1105
*PAUL N. CARDON, 2170
GARY N. CARLTON, 9249
*ANDREA J. CARPENTER, 7004
TERRY L. CARPENTER, 9509
KARAN CHARISSEPIERCY, 9108
WAYNE C. CHEATUM, 2391
*ANN C. CHILDRESS, 3246
MATTHEW R. CHINI, 5036
*MICHAEL L. CHYREK, 6060
*DANIEL G. CLAIR, 6992
*RICHARD A. CLARK, 3903
*CAROLYN CLARKTILLEY, 6917
*ROBERT B. CONNOR, 1330
WILLIAM G. COURTNEY, 9471
SAMUEL M. CUMMINGS, 3001
FORREST C. CUNNINGHAM, 9371
*CHARLES R. DAY, 8460
STEVEN R. DEANDA, 7279
STEVEN C. DECOUD, 5488
DAVID P. DEWITT, 2508
WILLIAM E. DINSE, 2587
RUSSELL D. DUMIRE, 3632
*WILLIAM J. DUNN, 1159
*BRYAN D. DYE, 5160
*DAVID A. EARL, 9230
MARY K. EISERTWLODARCZYK, 6617
JEROME J. ERSLAND, 8091
PAUL W. FISHER, 2530
DIANE J. FLINT, 7087
*VICTOR A. FOLARIN, 8005
*PETER E. FRASCO, 6915
ROBERT F. GAMBLE, 9739
ROGER L. GIBSON, 1128
*JAMES J. GIFT, 2996
*HOWARD E. GILL III, 0852
*RIDGE M. GILLEY, 1736
*DANNY J. GLOVER, 5858
*JOHN S. GOLDEN, 4132
*THOMAS C. GRAU, 8562
*KENDALL E. GRAVEN, 4322
JOHN K. GRAYSON, 1739
*CARROLL H. GREENE III, 9358
RANDALL S. HAGAN, 2586
*SCOTT A. HAGEN, 3467
*MARK C. HAIGNEY, 0705
KENNETH E. HALL, 1555
*GILBERT R. HANSEN, 1684
OREST M. HARKACZ, 8417
*STUART A. HARLIN, 2740
LYNN C. HARRIS, 3561
*DANIEL R. HENLEY, 0497
*MARGARET K. HERRICK, 3536
*DAVID E. HOLCK, 3169
MARK S. HOLDEN, 4946
STEVEN W. HUMBURG, 9626
*BART O. IDDINS, 9364
*ERIC T. IFUNE, 1195
*JOHN V. INGARI, 1306
ROBERT J. JACKSON, 1225
ARTHUR M. JAMES, 2432
RONALD E. JEFFCOTT, 3057
*RAY S. JETER, 0433
*GREGORY W. JOHNSON, 7083
*JOHN W. JONES, 7498
THEODORE F. JORDAN III, 4641
ARTHUR S. KAMINSKI, 6370
ROBERT N. KANG, 3599
*GREGORY A. KASTEN, 0191
JAMES V. KIERNAN, 1175
MICHAEL P. KLEPCZYK, 3196
*ELIZABETH P. KORNEGAY, 3785
*KERRY K. LARSON, 4823
*JOHN R. LEE, 0785
*CHRISTOPHER LEWANDOWSKI, 8322
ERNEST J. LIDDLE, JR, 7021
*WILLIAM L. LUBKE, 4313
THOMAS D. FADELL LUNA, 6346
PETER W. MACARTHUR, 9938
JOSEPH R. MAIDEN, 5213
ROBERT E. MANAKER, 3056
JANET Y. MARTIN, 8627
*JOHN M. MCATEE, 1704

CANDACE L. MCCALL, 6235
KURT D. MCCARTNEY, 0151
*MICHAEL W. MCCLELLAN, 5901
*LYNN S. MCCURDY, 8837
MICHAEL P. MCGUNIGAL, 7332
MICHAEL W. METHOD, 1180
*ROBERT S. MICHAELSON, 2028
STEPHEN L. MIKKELSEN, 1092
*PATRICK P. MILES, 2993
CAROLYN L. MILLER, 6235
*CHARLES J. MILLER, 4173
JAMES E. MITCHELL, 8244
EDWARD P. MOLNAR, JR., 2999
RICHARD J. MONTMINY, 7540
KARLA A. MOORE, 1623
SARAH E. MOORE, 3558
ALAN J. MORITZ, 8538
KEVIN P. MULLIGAN, 6511
*ROBERT W. NAEF III, 2530
*PAUL J. NAWIESNIAK, 4071
*GREGORY S. NEAL, 7950
DEBRA M. NIEMEYER, 1366
*STEPHEN J. NILES, 4291
*SUSAN E. NORTHRUP, 1691
*DAVID M. O'BRIEN, 4897
LORETTA M. O'BRIEN, 5374
*HERNANDO J. ORTEGA, JR., 7545
*JOSEPH V. PACE, 9564
*KENNETH S. PAPIER, 3479
LARRY P. PARWORTH, 8789
AUGUST C. PASQUALE, III, 8403
TIMOTHY LEE PENDERGRASS, 7132
*RONALD PEVETO, 7086
*STEPHEN D. PLICHTA, JR, 9785
*THOMAS W. RATLIFF, 4183
*AUDRY G. RHODES, 4907
RONALD W. RICHARDSON, 0644
*DOUGLAS L. RISK, 2647
*JAMES K. RONE, 2479
*JAMES D. RORABAUGH, 0098
*ROBERT C. ROSTOMILY, 3464
*KENT A. SABEY, 2142
*SONIA J. SALGADO, 8639
PHILLIP R. SANDEFUR, 5262
*JEFFREY S. SARTIN, 6584
*JEFFREY A. SCHIEVENIN, 4326
THERESA YARBER SCHULZ, 8939
*STEPHEN D. SCOTTI, 3441
*THOMAS M. SEAY, 8606
*MARK D. SHEEHAN, 9697
JAMES W. SMITH, 0463
*TED R. SMITH, 5496
*TIMOTHY W. SOWIN, 1199
RICHARD M. SPEER, 1236
DIANE C. SPERRY, 7469
MICHAEL D. STAMATAKOS, 1708
STEVEN R. STANEK, 2358
JEFFREY A. STAPLES, 8524
*STEVEN R. STEINHUBL, 1901
WAYNE K. SUMPTER, 7770
HENRY J. THOMPSON, JR., 1461
*CRESCENCIO TORRES, 8930
*PATRICK W. TOWNSEND, 8835
*LEONARD E. TROUT III, 0450
*RICHARD I. VANCE, 9699
WILLIAM G. WALL, 9476
BRUCE E. WEAVER, 9929
*MATTHEW P. WICKLUND, 2152
MANFRIED K. ZEITHAMMEL, 0966
*MARY L. ZOZULIN, 2082

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BEATRICE A. ABBOTT, 9399
BRADLEY S. ABELS, 0359
LAURA S. ABNEY, 8200
LAURA K. ABTS, 3197
DAVID C. ADAMS, 4891
*MARY E. ADDISON, 1455
PAUL J. AFFLECK, 5557
GIANNA R. AHEARN, 5704
JOHN G. ALEXANDER, 7353
NOEMI ALGARINLOZANO, 8764
SAKET K. AMBASHT, 5183
CATHERINE M. AMITRANO, 1489
KATHLEEN C. AMYOT, 8320
BLAKE W. ANDERSON, 4619
CONNIE R. ANDERSON, 3469
DAVID G. ANDERSON, 1201
JUANITA ANDREWS, 0743
JOHN R. ANDRUS, 5797
LESLIE R. ANN, 8544
CRAIG M. ARAVE, 0387
CHARLES A. ATKINSON, JR., 2509
ROBERT J. ATWATER, 5415
DENISE G. AUGUSTINE, 7558
TAMARA A. AVERETTBRAUER, 1288
SAMANTHA D. BAER, 5316
ERIC K. BAKER, 4357
VICKIE E. BAKER, 5249
MARK C. BALLARD, 4677
KENNETH A. BALLOU, 4948
DAVID J. BARDSLEY, 5376
SUSAN E. BASSETT, 7246
*JENNIFER D. BAUER, 5569
SHARI J. BAUM, 1114
KYLE A. BAUMAN, 3900
CHRISTOPHER E. BAUR, 7962
RICHARD J. BEAN, 7310
DAVID A. BEAVERS, 5588
SIDNEY N. BEERS, 8501
*DIANE M. BEIHL, 7731
MARK L. BELKNAP, 7185
CAROLYN M. BELL, 9808
DENISE J. BELLEROSE, 7269
RICARDA D. BENZ, 5712
JEFFREY O. BERGSBAKEN, 2711
ZULMA M. BERRIOSBAEZ, 0836
SHERRY A. BERSICK, 4404
DOUGLAS P. BETHONEY, 9044
PHILLIPH I. BIALECKI, 6686
MASON F. BIAS, 3688
CHRISTOPHER J. BIBBY, 9047
*JILL M. BIEDERMANN, 4965
*DIANE L. BILBRAY, 4534
TAREK M. BISHARA, 4536
MICHELLE L. BISHOP, 1517
JOHN G. BITWINSKI, 6105
RONALD L. BLACKMORE, 5429
PAUL F. BLAISSE, 8133
JEFFREY F. BLEAKLEY, 3462
LISA K. BLYTHE, 2602
WILLIAM S. BOHLKE, 6499
DEBORAH M. BONI, 3921
LAURA J. BORN, 7567
MARK E. BOROWSKY, 3267
MICHAEL W. BOUCHARD, 9587
ALLISON W. BOWDEN, 1100
JOHN P. BOYLE III, 1511
KEVIN C. BOYLE, 8657
DONNA M. BRADSHAW, 0436
KATHRYN J. BRAUER, 7379
BRIAN E. BRAXTON, 5243
DARLENE E. BREASTON, 0995
JEFFREY R. BRENEISEN, 5908
MICHELE L. BRENNER, 1814
JOHN R. BRENT, 9585
MARC A. BRESLAUER, 8659
CHARLES D. BRITTAIN, 2581
WILLIAM H. BRONSON, JR, 3048
DANIEL B. BROWN, 2396
JOSEPH T. BROWN, 5125
MARGARET A. BROWN, 8800
MARY C. BROWN, 9388
MARY T. BRUEGGEMEYER, 1826
MICHAEL G. BRYAN, 2435
LOUISE M. BRYCE, 9236
NONA F. BUCHANAN, 0724
JOHN D. BUEK, 6628
LORA L. BULMAHN, 5908
*ROCHELLE H. BUNNER, 9447
JAMES T. BURDETT, 6340
*CHRISTIN M. BURKEEN, 4121
JOHN R. BURROUGHS, 7976
BRET D. BURTON, 1330
DANIEL J. BUSHEME, 4894
SHELLY D. BUTLER, 2882
CARL L. CALIFORNIA, 4570
MICHELLE N. CALLISON, 9951
THERESA B. CALLOWAY, 4327
JOSEPH L. CAMPANELLI, III, 8727
KEVIN C. CAMPBELL, 5381
MICHAEL L. CAMPBELL, 9605
EDITH DICKINSON CANBYHAGINO, 6611
ROBERT C. CARLISLE, 1712
KIM L. CARLSONSWEET, 3351
SHARREL M. CARLTON, 4708
LAWRENCE S. CARTER, JR. 8731
TANYA E. CARTER, 4349
LOLA R. B. CASBY, 8340
*LINDA A. CASE, 7840
LINDA J. CASHION, 2937
FAYE G. CENTENO, 1232
CHRISTOPHER P. CHAMBERS, 7241
APRIL C. CHASE, 2912
ROBI P. CHATTERJI, 1036
THOMAS N. CHEATHAM, 7814
MICHAEL S. CHESSER, 7105
RENE M. CHINNLANG, 7914
WILLIAM C. CHOCALLO, 9266
STEPHEN J. CINA, 1530
LESLIE M. CLARAVALL, 1705
JOSEPH T. CLARKE, 8635
ROBERT K. CLAY, 3544
STEVEN L. CLEMONS, 7250
CHARLES D. CLINTON, 4439
KRISTI A. CLUKEY, 3913
MARK R. COAKWELL, 7099
KENNETH F. B. COBBS, 0243
DONALD COLE, 4311
JAMES S. COLEMAN, 9969
*CHRISTIANNE L. COLLINS, 5897
TIMOTHY J. COLLINS, 2506
ANNE M. CONWELL, 2032
LOIS L. COOMER, 9516
JOSEPH B. COOPWOOD, 3182
RICHARD A. CORDLE, 3439
*KAREN A. CORKILL, 7167
ANKA COSIC, 1986
SEAN D. COSTON, 1295
LUBOV M. COVERDELL, 7330
JOSEPH E. COX, 2723
MARCUS M. CRANSTON, 5443
JULIA D. CRAWFORD, 5218
*JULIA E. CRISSINGER, 5487
JANE D. CRISWELL, 7828
SCOTT G. CROSS, 6413
BRIAN K. CROWNOVER, 8023
KAETI F. CROWNOVER, 6428
JOANN L. CSAKANY, 1033
ANGELA K. CURRY, 6132
DOUGLAS M. CUTLER, 6894
EDWARD P. CUTLER, 5539
PAUL L. DALBEC, 4860
NEAL C. DALRYMPLE, 5622
FRANKLIN DANA, 2371
DAWN B. DANIEL, 0605
KENNETH R. DARLING, 1490
*MICHAEL T. DARRAH, 4584
*ARTHUR R. DAVENPORT, JR., 7759
WANDA L. DAVIES, 5507
DANIEL E. DAVIS, 5238
ANTHONY A. DAY, 0056
LISA D. DEDECKER, 7000
VINCENT S. DEGEARE, 8962
KATHLEEN A. DELANEY, 1431
SUZANNE M. DELLARIA, 5921
SUSAN E. DESJARDINS, 1577
JANETTE L. DEVENNY, 9761
ERIC D. DICHSEN, 4579
BERNARD L. DICK, 8001
SARAH E. M. DIECKMAN, 1996
DAVID R. DIETRICH, 3697
SEAN W. DIGMAN, 3558
JAMES S. DISTEFANO, 9685
LAURA A. DONEGAN, 8182
*KATHRYN D. DRAKE, 6944
ROBERT W. DROEGE, 3713
JOHN M. DUCH, 4157
*SCHALA I. DUCKETT, 9041
COLLEEN M. DUGAN, 2014
MARION L. DUNCAN, 4093
PATRICIA L. DYKSTRA, 1073
KAREN L. EADS, 6947
ZELIDETH ECHEVARRIAROSADO, 6345
MICHAEL THOMAS ECKSTROM, 8004
DEBORAH J. EDGEWORTH, 0482
BARBARA A. EISENSTEIN, 1501
SCOTT T. EKIN, 1495
JAMES R. ELLIOTT, 0647
HOWARD R. ELLIS, 0321
LAURA MARIE ELMER, 9512
MATTHEW L. EMERICK, 6572
THOMAS K. EMIG, 9295
GREGORY L. ENDERS, 6407
ROBIN F. ERCHINGER, 7171
DAVID A. ERICKSON, 3448
HARRY L. ERVIN, JR., 1283
ELLEN J. ESSES, 5223
LARRY J. EVANS, 9771
VICTORIA L. EVERTON, 0382
CARLTON M. FANCHER, 8573
EDWARD F. FARLEY, 3623
DIANE E. FARRIS, 2949
MERLIN B. FAUSETT, 4919
CURT M. FEINBERG, 3244
DEBRA C. FELDOTT, 2224
CAROL M. FERRUA, 0765
ERIC W. FESTER, 3084
GREGORY C. FEY, 3666
LORI J. FINK, 9359
TOMMY D. FISHER, 1602
ROBERT J. FLIEGLER, 9375
MARGARET E. FOLTZ, 7048
WILLIAM F. FOODY, JR, 5078
DEBORAH A. FRANCO, 9182
*MARY E. FRANTZ, 3700
LEWIS E. FRAZIER, 8880
KELLY J. FRIPPS, 5429
KIMBERLY D. FRISCO, 8445
MICHAEL E. FULTON, 8897
NICHOLAS W. GABRIEL, 6853
JOHN GAMBLE III, 5150
KIMBERLY K. GANOUS, 6233
DAVID W. GARRISON, 7347
EUGENE M. GASPARD, 6679
ALBERT G. GAY, 4687
GLENN K. GEETING, 2236
PETER T. GELESKIE, 9897
BETH V. GILL, 2401
PATRICK B. GILLEN, 2111
KATRINA A. GLAVAN, 5685
REBECCA L. GOBER, 2641
BRAD S. GOLDMAN, 1564
ANNETTE GOMEZ, 9528
SCOTT T. GOODALL, 9164
JONATHAN S. GORBACH, 4274
SAMUEL P. GORE, 5548
STEVEN R. GOUGH, 9566
PHILIP L. GOULD, 5642
MICHAEL J. GOVI, 5273
BRIDGETTE J. GRABOWSKI, 5865
JAMES B. GRAHAM, 1732
*STEPHEN W. GRAHAM, 0883
ANNA M. GREEN, 4823
BRADLEY A. GREENE, 0247
DONALD R. GRIGER, 7977
RANDY J. GULIUZZA, 1115
TERRY A. HAAG, 0630
SANDRA D. HAGEDORN, 7853
FRANCES J. HAGEL, 3046
KYNA N. HAGER, 3164
*HENRI T. HAMMOND, 0674
MARTHA S. HAMMOND, 4792
LINDA M. HANEY, 5526
STEPHEN U. HANLON, 3073
CHRISTOPHER M. HANSEN, 5220
RYAN W. HARDY, 4729
DONALD N. HARLINE, 0959
DIANE E. HARMON, 6983
DEBORAH S. HARP, 0294
DAVIS LORRAINE O. HARRIS, 0253
GLENN A. HARRIS, JR., 7964
WESLEY L. HARRIS, 4889
RICHARD C. HART, 0051
LEE H. HARVIS, 7107
ROLAND HAWKINS, 3504

IAN G. C. HAYCOCKS, 8244
MICHAEL P. HEFFERNAN, 5259
KENNETH J. HELAL, 1460
HELEN J. HENDRICKS, 5503
DWIGHT C. HERBERT, 0430
ALEXANDER V. HERNANDEZ, III, 9878
CECILIA M. HERNANDEZ, 8586
DANIEL E. HESSKAMP, 1589
KAREN A. HEUPEL, 8550
LORN W. HEYNE, 6670
*RICHARD T. HIGDON, 5754
*SANDRA J. HIGGINS, 5557
DANIEL F. HINES, 6329
EDWARD JAMES HO, 6345
KARLAN B. HOGGAN, 6667
JOEL B. HOLDBROOKS, 7522
*SHIRLEY W. HOLDER, 5074
KELLY A. HOLLIDAY, 2834
BRIAN J. HOLMES, 2549
KARYN E. HOLT, 8765
VICKI HOM, 4718
DEBRA A. HOPPE, 7726
JUDITH L. HORECNY, 6517
KAREN L. HORNEOROSE, 4628
ROBERT J. HOUK, 0046
GARY A. HOWELL, 9899
*SALLY ANN HOWELL, 8673
ROBERT E. HRUBY, 7244
INRI T. HSU, 2839
ROBIE V. HUGHES, 4585
SUSAN K. HUGHES, 8352
PAMELA J. HYDE, 1755
CAROL J. IDDINS, 2485
CARMELLA N. IMIG, 7109
JAN E. INGLIS, 1575
BRENDA K. IRWIN, 6662
JAMES L. JABLONSKI II, 6186
AARON T. JAGELSKI, 1528
MARIE D. JAMES, 5799
ROBIN M. JANKE, 4956
JAMES W. JARVIS, 6544
ALETA P. JEFFERSON, 3143
CHRISTOPHER L. JEFFERSON, 1300
LINDA M. JENNINGS, 2826
KERRY G. JEPSEN, 1489
MICHAEL E. JEWETT, 1411
BEVERLY J. JOHNSON, 3263
JAMES N. JOHNSON, 4435
JEFFERY L. JOHNSON, 7075
MARTHA J. JOHNSTON, 3131
KENNETH L. JONAS, 8885
ANNA M. JONES, 8430
TERESA L. JONES, 5998
SUSAN JUHASZSTOLL, 9924
BRYAN M. KAHL, 8281
BARBARA A. KALMEN, 2781
LAYNE K. KAMALU, 0381
RICHARD G. KARLEN, 5122
ROBERT M. KEC, 7655
CHRISTINE A. KEESLING, 9791
JERILYN L. KEITH, 4082
TRACEY M. KEITH, 5986
*JOANN M. KELSCH, 0708
JACK L. KENNEDY, 8266
JOSEPH C. KENNEDY, 7293
ROBERT W. KESSLER, 6018
EVA L. KIIL, 1811
ANDREW M. KIM, 0170
ERICA A. KIRSCH, 7606
PHILLIP G. KLEINMAN, 8004
PAUL E. KLEINSCHMIDT, 3610
DONALD C. KLINE III, 9101
DAVID A. KNOLL, 4327
JOBY KOLSUN, 4447
KRISTOPHER E. KORDANA, 5118
TIMOTHY J. KOSMATKA, 4665
FRANK A. KOZEL, 0505
STEPHEN G. KRAMP, 8737
KRZYSZTOF KRAS, 7139
CALVIN P. KREMIN, 8627
RAJU P. KRISHNA, 2915
PETER K. KRONE, 1945
LINDON T. KWOCK, 7095
NANCY M. LACHAPELLE, 5568
SUZANNE M. LAFOREST, 4020
ROBYN A. LAKAMSANI, 9314
LEEANNE LAMER, 1085
RICHARD G. LANE II, 4877
REX A. LANGSTON, 5175
PHILIP D. LANHAM, 1822
ELIZABETH A. LARINO, 1168
CAROL M. LARSEN, 3149
KARL M. LARSEN, 6946
WILLIAM J. LAUER, 8459
VALERIE L. LAUREL, 7136
FELICIA LAUTEN, 8540
DIANE L. LAYMAN, 8911
KIMBERLY A. LEDERMAN, 5143
CARL J. LEDING, 4055
WILL W. LEE, 8541
RAYMOND J. LEGENZA, 9485
LAURA A. LEIGHNER, 9004
LAURA J. LEKICH, 3683
CINDY L. LEMAY, 5951
DIANE F. LENTTUCKER, 9961
GEORGE W. LEON, 5015
ERIC J. LETONOFF, 0630
ROBERT M. LEVY, 8147
PAUL A. LEWIS, 9524
ROBERT T. LIM, 4285
ELIZABETH A. LINDEKE, 1804
RONALD D. LIPPMANN, 0887
BLAKE D. LOLLIS, 0426
GLENN A. LOOMIS, 5742
*TIMOTHY F. LOOSBROCK, 2917
JUAN C. LOPEZ, 0365
ELIZABETH K. LOVE, 6500
ROBERT B. LOVE, 3087
STEVEN S. LOWRY, 4305
NATALIE A. LUCE, 4210
JOHN P. LYNCH, 6548
LORI A. MAHAJAN, 5376
JENNIFER A. MAHER, 2335
BETSY S. MAJMA, 2762
LYNN M. MALONE, 7196
CRAIG A. MANIFOLD, 1292
ERIC S. MANSKE, 1898
PAUL MARISKANISH, 5655
ROBERT J. MARKS, 5588
AMY LYNN MARLOW, 1926
*CHRISTI L. MARSDEN, 3945
DEAN R. MARSON, 6423
*VEATRICE D. MARTIN, 4426
PETER MARTINUZZI, 9005
PATRICK A. MASCHING, 0223
SHAWN B. MATHEWS, 4421
BRUCE V. MATHIS, 7285
VICTOR W. MATTHEWS, 7002
RANDY O. MAUFFRAY, 5182
JOEL R. MAUST, 5871
WILLIAM B. MAYLES, 7788
JOSEPH M. MAZZIOTTA, 0436
SHERRY A. MC ATEE, 4038
RANDALL R. MC CAFFERTY, JR., 4797
TERRY L. MC DANIEL, 5681
KENT D. MC DONALD, 5819
TROY P. MC GILVRA, 5808
LORI L. MC IRVIN, 6995
RICHARD A. MC MILLAN, 8741
SUSAN M. MC NITT, 3347
ANN M. MC QUADE, 8774
ERIC Q. MEADOWS, 3424
JUDITH A. MEEK, 4208
ROBERT M. MERRITT, 8616
GINGER D. METCALF, 5648
STEPHEN J. MICHAUD, 4891
JEAN E. MIESNER, 9120
KIRK A. MILHOAN, 7304
ALTHEA B. B. MILLER, 2391
CHANDRA M. MILLER, 9277
TERESA L. MILLWATER, 9152
PHILLIP A. MOBLEY, 1819
LYNNE A. MONSEES, 1858
ERIC J. MOORE, 9695
KELLEY C. MOORE, 2142
WILLIAM F. MOORE, 1258
GRANT C. MORRISON, 8739
BLAKE C. MORTENSON, 4406
*ANNE M. MULLEN, 4328
DONALD A. MULLEN, 0549
BRUCE H. MURRAY, 1004
LARRY D. MURROW, 6245
KIMBERLY M. MUSIAL, 6019
CYNTHIA L. MYERS, 3455
ROGELIO T. NARANJA, JR, 9822
JILL V. NARRON, 9131
CORINNE O'MEARA NAUGHTON, 6918
JENNIFER A. NEILSEN, 9285
CHARLES W. NELSEN, 1459
PAUL H. NELSON, 8465
SARAH L. NEWTON, 5244
LAN ANH NGO, 6715
CHI VU Q. NGUYEN, 1274
KAY H. NIMS, 0289
WILLIAM C. NORDLIE, 0384
ROBERT A. NORRIS, 9970
ALFONSO M. NOYOLA, 4330
DAVID W. NUNEZ, 9278
CAROLE A. NUSSEL, 9131
ANN M. NYE, 7015
KEVIN E. O'BRIEN, 7807
SHARON R. O'BRIEN, 7556
LAWRENCE P. O'CONNELL, 7905
CHARLES J. ODGERS, IV, 4984
MICHAEL OGORMAN, 7828
MARRINER V. OLDHAM, 5350
JENNIE C. OLSEN, 1729
EDWARD G. O'MARA, 5035
NANCY A. OPHEIM, 8667
CANDACE G. ORONA, 6859
JAMIE SMITH OSBORN, 4536
KATHY A. OSBORNE, 5973
BRIAN P. O'SULLIVAN, 9248
STEVEN A. OWENS, 1328
*JULIE P. PACK, 7946
CYNTHIA A. PALMERI, 3362
PAUL C. PARK, 9214
WILLIAM D. PARKER, 4199
TODD A. PARRISH, 0500
MICHAEL J. PASTON, 1096
TAMARA E. PASTORLACEY, 0637
KATRINA K. PAULDING, 1645
TIMOTHY R. PAULDING, 5845
PENNIE G. PAVLISIN, 8200
JAMES B. PAYNE, JR., 8300
TERESA A. PEÑA, 3656
ALAN S. PERLMAN, 7986
CARL N. PETERS, 5701
KAREN M. PETERSON, 4940
DAVID W. PFAFFENBICHLER, 9319
NGAN THUY D. PHAM, 2966
CHRISTINE F. PILLER, 9518
LOYD C. PIMPERL, 8870
PETER W. PINTO, 1400
SCOTT D. PLENSDORF, 7564
ROBERT M. PLOUZEK, 1507
*ALLISON W. PLUNK, 9668
CHRISTOPHER M. POGODZINSKI, 6921
TODD W. POINDEXTER, 1783
ALAN M. POLLAK, 1363
JEFFREY C. POOLE, 8549
BRYAN F. PORTER, 7187
PHILLIP C. PORTERA, 3416
JONATHAN N. PORTIS, 7429
ROGER E. PRADELLI, 2538
MICHELE A. PREVOST, 3829
ROBERT PRIETO, 3771
TERRY L. PRIZER, 8155
ALEJANDRO PRUITT, 3905
BRYAN P. PUCIK, 1787
EDWIN M. PURVIS, 7056
CALVIN RAINES, 4210
SHARATH C. RAJA, 9401
DARL W. RANTZ, 8072
TODD E. RASMUSSEN, 6045
PATRICIA A. READER, 8776
RONALD E. REAVES, 7567
RAMAKOTA K. REDDY, 3512
RAVINDRANATH K. REDDY, 9820
LISA ROGERS REID, 7405
BETH M. REINOEHLMC CLASKEY, 8748
JOHN M. REISER, 9992
RICHARD J. REUSCH, JR., 1676
RANDAL C. REYES, 8411
JOANN Y. RICHARDSON, 2709
ROSEMARY RICHARDSON, 7936
ROBBY C. RIDDLE, 4892
PATRICIA A. RINNE, 6335
STEPHEN W. RIPPLE, 0920
STEVEN E. RITTER, 6997
CAROLE S. ROBBINS, 9857
JOHN R. ROBERTS, 0565
*SANDRA M. ROBISON, 0814
ROBERT F. ROCCO, 7751
EDGAR RODRIGUEZ, 9882
JOSE L. RODRIGUEZ, 7613
LAURA N. RODRIGUEZ, 6168
*PATRICIA F. RODRIGUEZ, 7101
THERESA D. RODRIGUEZ, 3543
DORA D. ROGERS, 8985
MICHAEL L. ROGERS, 1950
JOEL T. ROHRBOUGH, 1062
CYNTHIA J. ROLEFF, 3624
JAIME L. ROSADO, JR., 5458
KEVIN J. ROSCOE, 5174
CHRISTOPHER A. ROSEBERRY, 3875
SUK HI ROSS, 2617
SUZANNE M. ROWDEN, 7010
DAWN E. ROWE, 7401
DEBORAH J. ROWLAND, 5927
BRENDA M. ROYCLARK, 0231
WILLIAM S. RUFFLE, 4272
WALTER C. RUSTMANN, 0847
LAURA A. RUTKIEWICZ, 7054
JODY L. SABATINO, 0520
BEVERLY A. SABOURIN, 0869
ROGER A. SACRY, 1921
SAIRA H. SAINI, 3654
JACQUELYN H. SALAS, 1857
STEPHEN W. SAMELSON, 2547
KATHLEEN SAMUEL, 6532
SCOTT J. SANCHEZ, 5747
DONALD M. SANDERCOCK, 5836
JOHN G. SANFORD, 0235
DELIA M. SANTIAGO, 4477
BARBARA J. SAUER, 6727
MICHAEL K. SAVAGE, 0501
ROBERT J. SAWYER, 5464
KEVIN L. SCHEU, 9974
CHRISTIAN T. SCHMITT, 3114
DREW D. SCHNYDER, 1173
MICHELE M. SCHOTT, 0684
JEROME S. SCHROEDER, 7851
JAMES M. SCOTT III, 1038
TERRY F. SEIDEL, 9031
LOWELL G. SENSINTAFFAR, 8610
GRETCHEN S. SHAAR, 1168
JOHN D. SHAHEEN, 8992
DAVID B. SHANLEY, 0420
CARRIE L. SHARPLES, 2268
KENNETH L. SHAUGER, 0081
DEBBIE B. SHAW, 0055
DONNA R. SHAY, 5371
*LEE A. SHEEHAN, 3620
CLAIR M. SHEFFIELD, 6486
SUSAN SHELLEY, 1785
LARRY T. SHEPHERD, 0128
JEFFREY A. SHERIDAN, 0498
BRADLEY J. SHIRRA, 4259
RANDAL E. SHOOK, 0135
JOSEPH P. SIMON, 0382
TERESA M. SKOJAC, 8115
JACQUELINE M.S. SLOAN, 8025
THEODORE R. SMALL, 6759
*CATHY L. SMITH, 1052
DAMAIN A. SMITH, 2673
ERNESTINE SMITH, 1609
LENORA L. SMITH, 3831
LINDA J. SMITH, 3783
ROMEO SMITH, 4786
STEVEN E. SMITH, 3243
STEVEN S. SMITH, 3733
TIMOTHY A. SMITH, 2773
*SCOTT E. SMOTHERS, 6301
STEPHANIE A. SNYDER, 3936
JAMES B. SOLA, 2591

IRENE M. SOTO, 1397
CHRISTOPHER J. SPIELES, 6024
ANNE C. SPROUL, 0417
JEFFREY H. STAPLES, 3863
DIANA L. STARKEY, 8069
MARK G. STAVROS, 4080
*DONNA R. STEEVER, 4088
THOMAS J. STEIMER II, 0451
THOMAS A. STEINBRUNNER, 5776
BRENT D. STEPHENSON, 8594
*JIMMY L. STERLING, 9915
JEANINE G. STETTLER, 1380
KEVIN V. STEVENS, 4021
STACY C. STEVENS, 4054
KENNETH C. STEWART, 3608
HILDEGARDE P. STEWART, 1207
FRANCIS J. STOECKER III, 9821
MICHAEL J. STONNINGTON, 5445
JEFFREY D. STOREY, 1739
FRED S. STRIBLING, 5725
MARY E. SWEENEY, 3648
PATRICIA J. SWEENEY, 3099
TIMOTHY J. SWEENEY, 7500
JON M. SWEET, 4930
MAUREEN J. SWEZEY, 1105
TIMOTHY J. SWIFT, 4120
MICHAEL S. TANKERSLEY, 2202
MYRON J. TASSIN, JR, 0060
MARIA T. TAYLOR, 6826
SHARON L. TAYLOR, 4897
DAVID L. TENNISWOOD, 9987
CORRENA L. TERRELL, 5424
RICHARD N. TERRY, 8310
DOUGLAS E. THOMAS, 8737
KELLI J.B. THOMAS, 3868
KIMBERLY A. THOMAS, 9619
PORTIA A. THOMAS, 6929
GRANT P. TIBBETTS, 8125
IRA H. TILLES, 0628
SUSAN M. TIONA, 4925
FREDELITO B. TIU, 4161
PATRICIA A. TOLES, 5251
PHYLLIS S. TONG, 5058
*DARLA K. TOPLEY, 3406
LUAN V. TRAN, 8511
BARBARA A. TURNER, 1969
BELINDA L. TURNER, 1118
DEREK K. URBAN, 0120
JUDITH E. VALDEZ, 0282
TIMOTHY VALLADARES, 1426
ERIC J. VANDEGRAAFF, 2482
WESLEY D. VANDERARK, 2317
ALICE R. VANROYEN, 0397
SHAWN M. VARNEY, 3367
MICHELLE A. VEAZEY, 1319
JOHN T. VENUS, 4069
ALAN D. VERRILL, 6615
JOCELYN B. VILLALOBOS, 5964
RACHEL VLK, 7309
JOHN A. VOWELS, 7223
KARLA J. VOY, 1197
DANNY X. VU, 6355
BRYAN M. VYVERBERG, 8021
MARY C. WAHL, 7690
YUTAKA WAJIMA, 5934
GLYNIS D. WALLACE, 6748
JEFFREY G. WALLS, 6842
MARGARET M. WALSH, 9159
MICHAEL A. WARWICK, 7755
KIRSTEN F. WATKINS, 3035
CYNTHIA BUCHMAN WEBB, 2016
ETHAN A. WEBB, 1683
LIDIA P. WEBB, 2855
DONNA M. WEED, 0008
KAREN L. WEIS, 0321
JON C. WELCH, 4732
JONATHAN C. WELSH, 4548
ANDREW G. WESTBROOK, 7020
GILMER G. WESTON III, 6858
THOMAS J. WHALEN, 3625
DAVID M. WHITE, 4393
SUSAN J. WHITNEY, 0986
MARY T. WIER, 8966
ELIZABETH M. WILCOX, 2644
GEORGE A. WILLIAMS, 1786
HERMINE WILLIAMS, 5247
LORI A. WILLIAMS, 8663
LOU A. WILLIAMS, 1028
PAUL D. WILLIAMS, 3917
WANDA F. WILLIS, 6127
CHARLES J. WILSON, 0088
LESLIE A. WILSON, 5891
ROY R. WOLFE, JR., 6386
JOHN P. WOLL, 3286
JON B. WOODS, 9966
JULIA M. WOODUL, 0988
DONALD G. WRIGHT, 5478
LAUREL E. WOOD WRIGHT, 2871
STEWART W. WRIGHT, 5166
ANDREW R. WYANT, 5986
MICHAEL S. XYDAKIS, 0163
GLENN A. YAP, 1987
NICOLE B. YINGLING, 5446
RICHARD A. YOKELL, 3521
GREGORY B. YORK, 2180
MARTIN K. YOUNG, 8387
VINCENT D. YOUNG, 5507
MARTIN ZADNIK, 6407
LISA A. ZAHLER, 4529
MARIE L. ZALDIVAR, 7650
AUBREY W. ZIEGLER, 7309
DIANE A. ZIPPRICH, 8705

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10, 1998:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DAVID SATCHER, OF TENNESSEE, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

SENATE—*Wednesday, February 11, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our loving, forgiving Lord of new beginnings, we listen intently to Your assurance spoken through Jeremiah, "I have loved you with an everlasting love; therefore with loving kindness I have drawn you."—Jeremiah 31:3.

We begin this day with these amazing words sounding in our souls. Can they be true? You judge our sins and forgive us. Your grace is indefatigable. It is magnetic; it draws us out of remorse or recrimination into reconciliation. You draw us to Yourself and we receive healing and hope.

Now we are ready to live life to the fullest. We are secure in You and therefore can work with freedom and joy. We know Your commandments are as irrevocable as Your love is irresistible. We have the strength to live Your absolutes for abundant life. We accept Elijah's challenge, "Choose this day whom You will serve," and Jesus' mandate, "Set your mind on God's kingdom before everything else!"—Matt 6:33;NEV. In His powerful name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning as previously ordered the Senate will resume debate on the cloture motion on the motion to proceed to S. 1601, the cloning bill, with the time until 10 a.m. equally divided between the two leaders or their designees.

Also, as previously ordered, at 10 a.m. a rollcall vote will occur on the cloture motion on the motion to proceed to S. 1601. If cloture is invoked, the Senate will debate the motion to proceed to the cloning bill. If cloture is not invoked, the Senate can be expected to resume debate on the Massiah-Jackson nomination and then, at approximately 4 p.m. today, the Senate can be expected to begin debate on the nomination of Margaret Morrow, of California, to be U.S. district judge.

I want to emphasize that even though we are going back to debate on Massiah-Jackson, that does not mean we will stay on that nomination all the way until 4 o'clock. We will probably have some announcement later on this morning about that matter, and how we would expect to handle it. Additional votes can be expected to occur during today's session of the Senate.

As a reminder to all Senators, at 10 a.m. this morning a vote will occur on the cloture motion and we probably will have a vote late this afternoon on the Morrow nomination. It appears at this time that would occur probably around 6 o'clock, even though we have not advised everybody that that is our intent, or gotten an absolute commitment, but I believe there will probably be a vote about 6 o'clock on the Morrow nomination.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for a very brief time.

The PRESIDING OFFICER. Without objection, is so ordered.

PICABO STREET

Mr. CRAIG. Mr. President, I thank my colleagues for yielding but a brief moment for the Senate to recognize something that went on last night nearly halfway around the world while all of us slept. A marvelous young lady from Idaho, and a superb athlete, won the gold medal, one of our first gold medals in this Olympics in Nagano, Japan. Picabo Street, from the Sun Valley area of Idaho, who was a silver medalist in the 1994 Olympics, brought home the gold.

I think all of us are extremely proud this morning of our country and our athletes, and this fine woman athlete, Picabo Street, who some months ago had major knee surgery, while she was at the World Cup had a major accident, but with tremendous guts and tenacity and ability she is now one of our gold medalists and we are all proud.

I yield the floor.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Who seeks the floor? Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have 15 minutes.

The PRESIDING OFFICER. The time between now and 10 o'clock is evenly divided.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, it is my intention to open the debate, then yield to Senator MACK, then Senator THURMOND, and then Senator KENNEDY for the remainder of my time.

Mr. President, I urge the Members of this distinguished body to vote no on cloture. I do so because I believe that by voting for cloture today we could do enormous harm.

The technique involved here, somatic cell nuclear transfer, creates what are called stem cells, which can be used for creation of tissue which has the same DNA as the person whose tissue it is. Therefore they are used as important adjuncts in cancer research; they offer important opportunities to overcome rejection of tissue in third-degree burns; to solve major problems inherent in juvenile diabetes; for osteoporosis; for Alzheimers; for Parkinsons disease; and for a host of other diseases.

Mr. President, there is no need to rush to judgment. No one, I believe, in this body, supports human cloning. There is a scientific moratorium on human cloning. The FDA has exercised jurisdiction to prevent it.

There is no need to rush to judgment. This bill is less than a week old. There has been no hearing on it. There are no definitions of critical terms in this bill.

Let me quote what the American Cancer Society has said in a letter dated February 9:

> The American Cancer Society urges you to oppose S. 1601, legislation that would prohibit the use of somatic cell nuclear transfer. The American Cancer Society agrees with the public that human cloning should not proceed at this time. However, the legislation as drafted would have the perhaps unintended effect of restricting critical scientific research. The language could hamper or punish scientists who contribute to our growing knowledge about cancer.

Last evening I had printed in the RECORD a huge volume of letters from virtually every single patient group, 27 Nobel prize winners, and industry groups—all saying go slow, use caution.

I urge this body to vote no on cloture.

If I may, now, I yield 3 minutes of my time to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. I thank the distinguished Senator from California for yielding this time. I have prepared remarks that I have gone over with my staff that cover things like it is obvious that there is no medical or ethical justification for human cloning. We all understand that. We also know there have been no hearings. We know as well that we have information from 27 Nobel laureates who say we should not pass this legislation. We have letters from 71 patient groups and scientific organizations that say we should not do this.

But let me say to my colleagues that I stand here this morning to make a special appeal. My father died of cancer. My mother died of cancer. My brother died of cancer. I was diagnosed with cancer. My wife was diagnosed with cancer. Our daughter was diagnosed with cancer.

I say to my colleagues, I appeal to you, don't get drawn into this debate that we should pass this legislation because we want to stand up and make a statement that we are against cloning. We are all against human cloning. We are all against human cloning. What I am asking you to do is to vote no on cloture so we will have an opportunity to hear from those patient groups that want to represent people like myself, represent families that have been affected like my family has been affected. Let us hear from the scientific community that tells us whether this is the right thing to do or the wrong thing to do. I don't make a suggestion here that this is an easy decision to be made. It is a very difficult one. But that's all the more reason that you should vote against cloture and allow the process to take place—to have input, to have discussion, to have understanding. Then we then will be in a position to try to make a decision about what is the right thing to do. We just say let the process work. Let there be input.

So I urge my colleagues to vote no on cloture and to support moving the process forward.

I thank the distinguished Senator from California for yielding.

Mrs. FEINSTEIN. I thank the distinguished Senator for his comments. Indeed, they were very, very moving. I can share my family story, although it is not as dramatic, Senator, as yours—I lost my husband to cancer, I lost my mother, my father, my in-law's. So I, in a sense, share this with the Senator. I know in their last days how important research is to patients and how willing they are to try new things. Life is critically important.

I thank the Senator for his comments.

If I may, I allot 3 minutes of my time to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to address an issue of great international concern. Since February 1997, when Scottish scientists succeeded in cloning an adult sheep, the world has been consumed with the issue of cloning. There are great social and ethical implications of the potential application of this procedure to totally reproduce human beings. Obviously, there is no acceptable justification for replicating another human being, and the bill before the Senate, S. 1601, the Human Cloning Prohibition Act, would ensure that such a procedure would never take place in this country. However, I am concerned that this bill may be written so broadly that it will restrict future promising research which could lead to improved treatment or even a cure for many serious illnesses. The Juvenile Diabetes Foundation informs me that this bill would prohibit promising stem cell research that could make it possible to produce pancreatic beta cells that could then be transplanted into a person with diabetes. As a consequence, many of the horrible complications of this disease, including kidney failure, blindness, amputation, increased risk of heart disease and stroke, and premature death, could be eliminated. Likewise, I am informed by other representatives of the medical community that this bill could prohibit research into treatment of the following diseases and ailments: leukemia; sickle cell anemia; Alzheimers disease; Parkinson's disease; multiple sclerosis; spinal cord injuries; liver disease; severe burns; muscular dystrophy; arthritis; and heart disease.

Mr. President, there have been no committee hearings on S. 1601 and, therefore, no opportunity for the medical community to fully explain the implications of this legislation. My daughter, Julie, suffers from diabetes, and I do not want her, or others like her, to be denied the potential life saving benefits of research that this bill could restrict. But without the appropriate committee hearings, we do not fully understand what these benefits may be. This is far too important an issue for us to rush this bill to the floor without committee hearings. While we can all agree that to replicate a human being is immoral, we need to investigate this issue more thoroughly so that we do not deny our citizens and our loved ones of any possible life saving research. For this reason, I will not support cloture on the motion to proceed to S. 1601, and I strongly recommend that this bill be sent to committee so that the appropriate hearings can be held.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Missouri has 12 minutes and 30 seconds and the Senator from California has 3 minutes and 45 seconds.

Mr. BOND. Mr. President, I yield myself such time as I may need.

I urge my colleagues to vote yes on cloture so that we may proceed to debate an issue which generates many profound ethical and moral questions, ones which demand our immediate attention.

Let me be quite clear. This bill does not stop existing scientific research. I am as concerned as anyone here about the need for research on a whole range of diseases, things that can be perhaps cured or at least dealt with by stem cell research, by many other techniques that are now in progress today. Our bill does not stop any of that research.

Let's be quite clear, our bill does not stop any of that promising research now underway. The measure places a very narrow ban on the use of somatic cell nuclear transfer to create a human embryo. That is what we are talking about. Everybody said, "We agree we shouldn't be creating a human embryo by cloning," and that is what this bill does.

Over the past week, we have had a lot of distortion and, unfortunately, inflamed rhetoric by some of the big special interests, the likes of which I have not seen in my many years of public service. We have asked our opponents on numerous occasions, we have sat down with them, Senator FRIST, Senator GREGG, our staffs and I sat down and said, "OK, if we all agree we shouldn't be creating a human embryo by cloning, how do you want to tighten it up?"

They are not willing to come forward because there are some rogue scientists, maybe some big drug companies, big biotech companies, who want to create human embryos by cloning. They think that would be a great way to be more profitable, to do some research on cloned human embryos. I think that is where we need to draw the line.

People say we want to have hearings. We have had hearings on the whole issue last year. We have debated it, and it comes down to the simple point: Do you want to say no to creating human embryos by cloning, by somatic cell nuclear transfer, or do you want to say, as my colleague from California would in her bill, "Oh, it's fine to create those human embryos by somatic cell nuclear transfer, so long as you destroy them, so long as you kill those test tube babies before they are implanted"?

There are a couple problems, very practical problems. Once you start creating those cloned human embryos, it is a very simple procedure to implant them. Implantation of embryos is going along in fertility research now, and it would be impossible to police, to make sure they didn't start implanting them.

But even if the objectives of the bill of my California colleague were carried out, it would mean that you would be creating human embryos by cloning, researching with them, working with them and destroying them. Do we want to step over that ethical line? I say no.

It is not going to be any clearer 3 months from now, 6 months from now than it is now. What is going to be different is that in 3 or 6 months, the rogue scientist in Chicago or others may well start the process of cloning human embryos by somatic cell nuclear transfer. That is why we say it is important to move forward on this bill.

If we bring this bill to the floor, we are happy to listen to and ask for specific suggestions from those who are concerned about legitimate research, but we have been advised time and time again that there is no legitimate research being done now in the biotech industry that uses somatic cell nuclear transfer to clone and create a human embryo as part of the research on any of these diseases.

We have heard from patient groups, people who are very much concerned, as we all are, about cancer, about juvenile diabetes, cystic fibrosis, Alzheimer's—the whole range of diseases. We can deal with those diseases. We can deal with the research without cloning a human embryo.

The approach of my colleagues from California and Massachusetts would lead us down the slippery slope that would allow the creation of masses of human embryos as if they were assembly line products, not human life. How would the Federal Government police the implantation of these human embryos?

By allowing the creation of cloned test tube babies so long as they are not implanted, our opponents' bill calls for the creation, manipulation and destruction of human embryos for research purposes.

I have a letter that I will enter into the RECORD from Professor Joel Brind, Professor of Human Biology and Endocrinology at Baruch College, The City University of New York. He addresses the question of stem cell research. I quote from a portion of it:

> Industry opponents also correctly point out that S. 1601 would ban the production of human embryos for research or other purposes entirely unrelated to the aim of cloning a human being. And well it should . . . In fact, it is in this area of research and treatment, to wit, the generation of stem cells, from which replacement tissues or organs could be produced for transplantation into the patient from whom the somatic cell originally came, which is most important to the biotech industry, for obvious reasons. For reasons just as obvious to anyone with any moral sense, such practices must be outlawed, for otherwise, our society would permit the generation of human beings purely for the purpose of producing spare parts for others, and thence to be destroyed. Some may call this a "slippery slope"—I believe "sheer cliff" would be more accurate.

Mr. President, I will add one other thing. He said:

> . . . S. 1601 would, in fact, place real restrictions on stem cell research. Stem cell researchers would have to continue to work with somatic cell nuclear transfer technology in animal systems, in order to learn how to transcend the need for producing zygotes first. However, this is no different from restricting cancer research by prohibiting the injection of cancer cells into human beings (instead of rats) and then testing potential anticancer drugs on them. As a civilized society, we do have to live with meaningful ethical constraints or we end up with the likes of the Tuskegee experiment.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BARUCH COLLEGE,
DEPARTMENT OF NATURAL SCIENCES,
New York, NY, February 10, 1998.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SIR: This letter is written in support of S. 1601, which is designed to ban the "cloning" of human beings. I have placed the word "cloning" in quotes, because, as claimed by opponents in the biotech industry, the bill would technically ban more than cloning, which, precisely defined, would be limited to use of somatic cells genetically identical to an existing human being (including an embryo or fetus). In other words, the bill closes a gaping loophole—to wit, the use of cells whose DNA has been modified artificially, or use of a fertilized nucleus—that would exist in the legislation, were it to be limited to cloning in its precise, technical sense. That is precisely why S. 1601 is a good bill, because it adequately defines a 'bright line' in the establishment of appropriate standards for stem cell research.

This 'bright line' drawn by S. 1601 is the line between the generation of a human zygote—i.e., a totipotent one-celled embryo; the equivalent of a complete human body at the time of conception—by the in vivo or in vitro union of haploid sperm and haploid egg, and the generation of a human zygote by the artificial means known as somatic cell transfer ('haploid' means half the normal human complement of 46 nuclear chromosomes [DNA], or 23. Only sperm and egg are haploid, while all other body cells—a.k.a. somatic cells—have 46 nuclear chromosomes. 'Totipotent' means that the one-celled embryo [zygote] is capable of giving rise to a completely differentiated human body, i.e., fully formed human being). In somatic cell transfer, a zygote is artificially produced by the introduction of a diploid (i.e., containing a full set of 46 chromosomes) nucleus from a body cell or a zygote, into an egg from which the nucleus has been removed. Thus, the bill clearly prohibits the generation of a human embryo by the artificial means of somatic cell transfer, whether the procedure may be strictly defined as cloning or not. (Note: It may be argued that in vitro fertilization is also artificial, however it is the artificial assistance of a natural process. A good analogy would be the difference between growing ordinary tomatoes in a greenhouse—artificial assistance—and growing genetically engineered tomatoes—artificially produced individuals.)

Industry opponents also correctly point out that S. 1601 would ban the production of human embryos for research or other purposes entirely unrelated to the aim of cloning a human being. And well it should, for the production of a zygote is the production of a human being, which would then be destroyed after use in research, or to generate spare parts for the treatment of patients suffering from a variety of ills. In fact, it is this area of research and treatment, to wit, the generation of stem cells, from which replacement tissues or organs could be produced for transplantation into the patient from whom the somatic cell originally came, which is most important to the biotech industry, for obvious reasons. For reasons just as obvious to anyone with any moral sense, such practices must be outlawed, for otherwise, our society would permit the generation of human beings purely for the purpose of producing spare parts for others, and thence to be destroyed. Some may call this a 'slippery slope'—I believe 'sheer cliff' would be more accurate.

What then? Does S. 1601 stop the field of stem cell research, with all its potential for life-saving and life-extending treatment, in its tracks? In a word, no. In fact one form of stem cell transplantation—bone marrow transplatation—has already been in wide use for years. Stem cells are body cells which are primitive and undifferentiated, and capable of giving rise to a variety of differentiated cell types and/or tissues and/or organs. For example, in a bone marrow transplant, the transplanted cells give rise, in the recipient's body, to the whole host of different types of white blood cells, red blood cells and platelets. Stem cells are thus 'pluripotent'—capable of forming many different types of cells, but not an entire human being, as would a totipotent cell or zygote. Of course the most precise way to obtain stem cells, especially if they are to be modified in order to correct a genetic defect, is to first generate a whole embryo—such as by somatic cell transfer—and then let it develop into a multicellular embryo, and finally harvest the desired stem cells and throw the rest away. Therefore S. 1601 would in fact place real restrictions on stem cell research. Stem cell researchers would have to continue to work with somatic cell nuclear transfer technology in animal systems, in order to learn how to transcend the need for producing zygotes first. However this is no different from restricting cancer research by prohibiting the injection of cancer cells into human beings (instead of rats) and then testing potential anti-cancer drugs on them. As a civilized society, we do have to live with meaningful ethical constraints, or we end up with the likes of the Tuskegee experiment.

Biotech industry opponents also point out that one form of somatic cell nuclear transfer has already been used successfully in the treatment of infertility. In particular, a zygote produced the natural way—from the union of sperm and egg—is used to supply a diploid nucleus for transfer into a normal egg from which the nucleus has been removed. Who would need such a treatment?—a woman who has a genetic defect in her mitochondrial, rather than in her nuclear DNA. The mitochondria are the energy-producing parts of a cell, and we all inherit them from our mothers (from the non-nuclear part of the egg). If the mitochondrial DNA is defective the zygote will not be viable, even if the nuclear DNA is fine. Hence, transfer of the viable nucleus into a denucleated egg from a normal donor will result in a viable zygote. Fine, except that the offspring thus produced now has two biological mothers, both having provided genetic material essential for the offspring's survival. The legal nightmares following the use of this technology are easily envisioned, and the fact that it has already been done underscores the need for enacting the present legislation without delay.

I also wish to comment on alternative legislation which proposes to allow cloning or artificial production of human embryos, provided they are destroyed and not permitted to be born or even implanted into a woman's uterus. Such legislation is worse than no legislation at all. Permitting the destruction of innocent human life is abhorrent enough—but to mandate it?

Finally I report the essence of a conversation I had earlier today with some colleagues, concerning the matter at hand. They said that the banning of this technology would only result in its pursuit beyond the borders of the United States. I replied by asking them to name any foundation document or scripture for any civilization ever in history, in which was inscribed as a principle any version of "If you can't beat'em, join 'em"? I implore you in the strongest possible terms to resist at every turn this product of corrupt mentality.

Please feel free to contact me at any time if I may be of any further assistance.

Sincerely,

JOEL BRIND, Ph.D.,
Professor, Human Biology and Endocrinology.

Mr. BOND. I reserve the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you. Mr. President, I very much regret the fact that the Senator from Missouri has chosen to mischaracterize both my position and my bill. I hope we will have a chance in committee to iron that out. But at this time, I yield the remainder of my time to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have on this?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes and 13 seconds.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, as the Senator from California has pointed out, we have someone who doesn't describe our position accurately and then differs with the position. And that is just what has happened here on the floor of the U.S. Senate.

First of all, the committee which deals with these issues on public health has not had 1 day, 1 hour, 1 minute of hearings on this legislation. The distinguished Senator, Senator BOND, has said, "Couldn't we sit down and discuss these measures?" All we are saying is that a no vote gives us an opportunity to sit down in the committee and hear from the research organizations and the ethicists to try and draft legislation that is in the interest of the patients of this country.

We have challenged those who support this legislation to mention one major research or patient group that supports their position. All we hear is about special interest groups that are going to benefit from this program.

Do we consider the cancer society a special interest group? Do we consider the American Heart Association, the Parkinsons Action Network and the Alzheimers Aid Society special interest groups? If they are special interest groups, we are proud to stand with them. They know what is at risk. And those who support this legislation have not been able to bring to the floor of the U.S. Senate reputable researchers who believe that research towards alleviating human suffering will not be curtailed by this legislation.

This has been pointed out effectively by the Senator from Florida and the Senator from South Carolina. This is not a partisan issue. We all want to have the best in terms of research for our families, for the American people and for the world.

We are effectively cutting off opportunities to advance biomedical research if we impose cloture today. Let's give the committees the opportunity for full, open, informed, balanced judgment and then come back to the floor of the U.S. Senate and have a debate on this issue. Don't cut off one of the great opportunities for research in this country by voting for cloture today. I reserve the remainder of our time.

Mr. BOND. Mr. President, I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to support the underlying bill and hope that we will be able to proceed with a discussion of the bill today. No longer can we divorce science from ethical consideration. Science moves too fast today. We see it, with what has resulted from Dolly with this cloning procedure. Science and ethics must march hand in hand.

What does this bill do? No. 1: It prevents cloning of a human being. It stops people, like Dr. Seed, who have proposed cloning human individuals dead in their tracks.

No. 2: It creates a commission, 25 people, bipartisan, broadly representative of the American people, ethicists on board, the very best scientists on board, social scientists on board and lay people on board. That commission will consider new technology, will consider cloning, will consider the next potential great advance that is out there with that ethical, theological and scientific environment.

What does this bill do? This bill does not stop any current research being done in in vitro fertilization, in stem cells, in transplantation. And I challenge any scientist, because the scientific community and the private industry and all say, "No, we can't stop science," we need to involve that ethical decisionmaking today—I do challenge any scientist who reads the wording in the bill to send me a peer-reviewed study that is banned by the wording of this bill. Read the bill.

Do we eliminate all embryo research? No, only a single technique, that balance we have achieved between hope and the potential opportunities for a technique versus the ethical consideration and the science we have achieved by looking at a single technique.

We don't eliminate all embryo research, just a single technique when applied to the procedure when it clones a human embryo. That is the only area.

Do we eliminate all of this technique? Do we eliminate all of this somatic cell nuclear transfer? Absolutely not. The Dolly experiments continue. The animal research continues in somatic cell nuclear transfer.

The only thing we eliminate is the future application when this technique is used only in the circumstance to create a live cloned human embryo. All animal research continues today. This is an untested procedure. It may be harmful. It has not been proven to be safe today. Shouldn't we be looking at it in animal models instead of taking it to the human population? That is what this bill does. Slow down. Let's do that animal research before creating live cloned human embryos.

It is a tough issue. I don't want to slow down science and the progress of science, but I do think that we, as a society, absolutely must recognize that not all science can proceed ahead without consideration by the American people, without consideration of the ethical implications. All of the hopes that have been mentioned in terms of curing disease projected into the future, I have those same hopes, but I also recognize that we can't go totally on uncharted courses. Science has been abused in the past. We can look back at Hitler and what Hitler did in the name of science. We have to take these ethical considerations and put them hand in hand in the progress of science.

Let me close and simply say, the commission is vital to this legislation. We have to have a forum that is not on the Senate floor, that is not just in the scientific communities, to address these issues. That is what this commission achieves.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRIST. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, today, I rise to state my unequivocal support for a federal ban on human cloning. However, I am uncomfortable with the hurried pace with which this issue is being considered in the Senate.

The issue before us is both extremely complex and consequential. Regulating the very cutting edge of medical science will impact our fights against nearly every category of disease, including cancer, heart disease, blindness, Parkinsons and Alzheimers diseases to name but a few.

The United States must maintain its preeminent position as the international leader in biotechnological research, but do so while adhering to the highest moral and ethical standards. Any prohibition of cloning needs to be very carefully constructed and tested by public hearing to assure that both of these goals might be fulfilled.

The Food and Drug Administration has claimed authority to regulate this technology now, eliminating the need for immediate legislative action. Knowing this, and with lives at stake, I believe all Senators should have the opportunity to benefit from a thorough public examination of this proposal.

For these reasons, I will not support cloture on the motion to consider S. 1601 in hopes that this matter will be further evaluated at the committee level.

Mr. BROWNBACK. Mr. President, I rise to make a few remarks on the matter of human cloning.

I believe that as the Senate debates this issue that is so fundamental to the meaning and the essence of what it means to be a person we must consider very carefully the moral implications associated with the issue of human cloning.

Certainly there is no moral prohibition, nor could one effectively be argued, against the cloning of plants or even animals—there is something fundamentally different. Also, no one is arguing against tissue research or other important research. The issue today is strictly limited to the use of technologically feasible methods to create and manipulate new life through a process of human cloning. And beyond that, the issue is whether or not it is morally permissible to clone human beings.

This issue demands the public attention because it implicitly revolves around the meaning of human dignity and the inalienable rights that belong to every person.

But before discussing this in particular I think it is necessary to engage in a discussion on an even more fundamental level.

What is even more fundamental in this discussion is the question of the place occupied by the birth of a new child in our society.

First it is worth noting that there is a symmetrical quality to the current debate in our culture. And although the underlying philosophical premise is the same, the outcomes are radically different. I believe it is one of the tragedies of our times that in the midst of a culture which has allowed over 35 million abortions to be performed over the last twenty-five years, we now desire to create human life by our own hands. On the one hand, we deny God's creation, on the other, we seek to create life in our own image and deny God yet again. This is tragic on both counts.

I personally believe, and 2,000 years of Western tradition support this belief, that the birth of any child is an unmerited gift from God to a man and woman. Some in recent years, have given us a notion of a child as an object merely for the fulfillment of a man and woman's personal desire. It should be reasserted though that a child is not and can never be an object merely for the fulfillment of a man and woman's personal desire. A child is a precious and unmerited gift from God. God alone gives human life—but human cloning usurps that role. And I do not believe that we can ever do that.

The creation of new life outside of man and woman is a gross distortion of the moral natural law.

Human cloning distorts the relationship between man and woman by negating the necessity of either one in the creation of new life and consequently also usurps the role of God in the creation of new life. Fundamentally, it alters the view of the child to the world in such a way that the child is seen as something which can fulfill the needs of an individual physically, emotionally or spiritually. This is an incorrect view and is a gross violation of our duty to protect the human dignity of each and every person. It reduces a child to a means to an end and denies them the dignity they deserve to be treated not as a means but as an end in and of themselves.

And this notion is precisely where the disagreement on this issue exists between the Administration and the cloning bill before us today.

Some will argue that the issue simply needs to be studied before any research begins—a notion which does not rest on the supposition of a child as a gift. This is wrong. There is no research that can ever justify the willful technological manipulation and creation of human life through the process of human cloning for the furtherance of science—or even for the preservation of humanity.

The White House doesn't want a permanent ban—they want a limited moratorium. This indicates that they believe there may be a use for this technology as it relates to the issue of human cloning. But no such use exists. The act of cloning a human being for the purposes of study, or for the purpose of bringing new life into the world is intrinsically evil and should be absolutely prohibited.

Also, there is another dimension to this debate which is fraught with problems and that is the rationale that will develop should cloning be allowed.

But what few have mentioned in this discourse is that implicit in the rush to begin cloning human beings is the eugenic rationale that will ultimately develop in support of it. Already, there are stories—what I would call horror stories—of people asking for specific genetic attributes when deciding to participate in *in vitro* fertilization. And when we are able to shop for a baby in the same way that we shop for a car; by whimsically creating new life based solely on our own personal convenience and satisfying our own personal desire, we effectively say: "God we do not need You anymore, we can do this ourselves."

And that is just wrong.

Mr. President, it would be a serious mistake and an abdication of our duty as responsible legislators to allow the devaluation of human life that would take place if we allowed for human cloning. There should be no human cloning. Period.

Mr. President, as we continue to debate this issue I would urge my colleagues to examine the role of our government in this debate and to then reach the only conclusion possible: that human cloning seriously threatens the dignity of human beings and it is our responsibility to absolutely prohibit human cloning and in so doing decisively end debate on this issue once and for all.

Mr. HATCH. Mr. President, I rise to offer some comments on the cloning legislation that we are now debating.

I think that this has been an important debate, one which should continue. It is a debate that involves many difficult, troublesome issues. I come to this debate as a concerned pro-life Senator, who also has profound questions about the scientific implications of this bill.

I can tell you that scientists from my home state of Utah are following these discussions very closely.

I am proud that researchers at the University of Utah and the Huntsman Cancer Center are at the cutting edge of science. It was scientists at Myriad Genetics of Salt Lake City who were co-discoverers of a gene—the BRCA 1 gene—that causes some types of breast cancer.

Let me share with you a letter that I received from Dr. Ray White, the Director of the Huntsman Center. I ask for unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

HUNTSMAN CANCER INSTITUTE,
Salt Lake City, UT, February 5, 1998.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: It has been brought to my attention that there is now pending legislation from the Senate leadership that would make it a criminal offense to utilize somatic cell nuclear transfer technology. The intent of the legislation is to prevent the cloning of humans. I agree completely and whole-heartedly with this intention. It would be a travesty and tragic ethical transgression to create cloned human individuals. However, this technology is the basis for a broad range of studies in biomedical research and a ban would halt research in many areas that promise major benefits for mankind.

For example, injection of fetal brain cells is thought to possibly provide benefits to individuals suffering from Parkinson's disease.

Obtaining such cells from fetal materials can create its own ethical dilemmas. It would be far better to be able to reprogram the patient's own cells for this purpose. Nuclear transfer technology might well provide ways to accomplish this desired goal without raising such ethical issues.

It is important and possible to create legislation that will achieve the desired goal of preventing human cloning. I urge you to please consider carefully the downstream negative consequences of an overly broad legislative stroke. By all means, let us outlaw human cloning. But let us not eliminate promising pathways of research that could relieve human suffering.

Thank you very much for your attention.

Sincerely,

RAYMOND L. WHITE,
Executive Director.

Mr. HATCH. I agree with Dr. White that we should try to find a way to ban cloning of human beings but do so in a way that allows, to the extent ethically proper, valuable research to continue.

In these type of debates many of us value the opinion of my good friend and colleague from Tennessee, Senator FRIST. As a physician he brings a unique perspective to issues of science and medicine. He is also a co-sponsor of S. 1601, the bill pending before this body.

Let me also share with you a letter I sent to Senator FRIST on this bill. It is a short letter which I ask unanimous consent to insert in the RECORD at this point:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 6, 1998.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR BILL: I am following the debate on the human cloning bill very closely. My interest is twofold: As Chairman of the Judiciary Committee, I have a special responsibility for considering any legislation such as S. 1601 that creates new criminal penalties. In addition, my long-standing interest in biomedical research and ethics compels me to understand a bill which has such far ranging public health consequences.

As you know, throughout my career, I have always taken a strong pro-family and pro-life stance, especially those relating to abortion and human reproduction. I have also spent considerable efforts to see that the United States remains the world's leader in biomedical research so that our citizens may continue to benefit from revolutionary breakthroughs in science. I know that you share my belief that we have a responsibility to facilitate the advance of medical science in a manner that to the greatest extent possible respects the religious and ethical concerns of a diverse population.

I believe that there is widespread agreement that the cloning of human beings is undesirable and should be stopped. However, in achieving this end we must take care not to cut off—unwisely and unnecessarily—vitally important avenues of research. Dr. Raymond L. White, Director of the Huntsman Cancer Institute at the University of Utah, has voiced his concern about this matter: "It is important and possible to create legislation that will achieve the desired goal of preventing human cloning. I urge you to please consider carefully the downstream negative consequences of an overly broad legislative stroke. By all means, let us outlaw human cloning. But let us not eliminate promising pathways of research that could relieve human suffering."

I am committed to legislation that prevents human cloning but allows vital research to continue into areas such as Parkinson's Disease, Alzheimer's Disease, diabetes, and many cancers. You raised a number of cogent points during our debate on Thursday. To better understand the operation of S. 1601, I would appreciate it if you can provide your thoughts on the following:

1. S. 1601 does not define the term "embryo". Do you believe that the initially created single cell product of somatic cell nuclear transfer is an "embryo"? Is there consensus among scientists on this?

2. What is the intent of S. 1601 with respect to allowing, or disallowing, the creation of a one cell entity through somatic cell nuclear transfer to be cultured in vitro to produce tissue intended to treat, cure, diagnose, or mitigate diseases or other conditions? Specifically, what types of research and development activities would be permitted or precluded?

3. S. 1601 does not define the term "somatic cell." Do you consider fertilized eggs of the type used in mitochondrial or cytoplasmic therapy "somatic cells"? How are such therapies treated under your interpretation of S. 1601?

4. What research and development activities does S. 1601 preclude or regulate that are currently beyond the jurisdiction of the Food and Drug Administration under current law, including its 1993 and 1997 jurisdictional statements (58 Fed. Reg. 53248; 62 Fed. Reg. 9721)?

These questions involve novel and difficult issues. I am certain that other tough questions will surface during the course of this debate. It is because of your expertise in these areas that I seek your guidance. Accordingly, I would greatly appreciate it if you could detail your reasoning in responding to these inquiries. It would be most helpful if I could learn your views prior to the cloture vote on Tuesday.

Warmest personal regards,

ORRIN G. HATCH,
Chairman.

Mr. HATCH. I think that these are some of the important questions and the type of questions on which we need to have consensus before we enact legislation:

— What are the current capabilities of cloning, in animals and humans? Should we be focusing on banning a technology, or technologies, or the results of a technology.

— What should be the status of the asexually-produced totipotent cells? What is the correct definition of an embryo? For example, is it the definition used in the Report of the National Bioethics Advisory Commission—that it is "the developing organism from the time of fertilization until significant differentiation has occurred, when the organism becomes known as a fetus"? Would that definition preclude human somatic cell transfer technology?

— What current authority does the government have with respect to techniques which might lead to cloning human beings and human tissue?

— Although there is virtual unanimity that cloning of human beings should be banned at this time, what is the appropriate type of penalty for any attempt at such an act? Should it be a criminal penalty? If so, what type? Are the criminal penalties instituted in S. 1601 the appropriate means of preventing cloned humans?

— How does the language of this bill affect the ability to do further research on whether banning somatic cell nuclear transfer technology would affect the ability of a woman with unviable eggs to conceive children?

— Precisely what types of research could—and could not—be conducted under this bill?

These are important issues that deserve our full attention.

All of us have family, friends and loved ones afflicted by some terrible disease.

When we think about this bill we need to think about people like Nancy and Ronald Reagan as they battle against Alzheimers.

We need to think about Mohammed Ali's battle against Parkinsons.

We need to be sure that in locking off human cloning that we don't do so in a way that throws away the key to many other diseases.

Over the past few days, we have heard very compelling, heartfelt debate about this issue.

Some have expressed the belief that asexually-produced totipotent cells are, in fact, an embryo, fully deserving of the protections we accord to a human life.

Others have averred that these cells are not yet a human embryo, but rather should be viewed as a very promising tool which science should be allowed to explore as we continue our quest to cure such devastating diseases as diabetes, cancer and AIDS.

Both sides hold very strong moral convictions. There are extremely important implications for both.

This body must explore these fundamental questions. We must consider the views of our scientific experts, ethicists, religious leaders, ethicists, and men and women of medicine.

Let me also add I am very troubled that this bill should have been considered in Committee where many of the fundamental issues we have been debating can be explored in more depth, especially since S. 1601 amends Title 18 of the U.S. Code.

This is obviously an important debate, one which must be continued, and therefore I will vote "yes" on the motion to invoke cloture.

As we attempt to advance the public health, we must do so in a way that protects human life. I think we must work to craft legislation that achieves both of these goals.

Mr. GORTON. Mr. President, I intend to vote for cloture on the motion to proceed to Senator FRIST's bill this morning because I believe it is imperative that we move the debate on human cloning forward. The lightening pace of scientific and medical advances, while holding immeasurable promise, often leaves society unprepared to answer the moral and ethical questions that follow. The technology used to clone "Dolly" the now famous Scottish sheep, somatic cell nuclear transfer, clearly should not be used to clone a human child; this is neither a moral nor medically ethical procedure. Yet it is clear that the scope of possibility for this new technology has not been fully explored. It may hold the potential to develop new lifesaving therapies for diseases that have historically plagued mankind. Can we close the door on new opportunities to heal cancer patients, those afflicted with Alzheimers, or burn victims?

Few of us in this body have background in science, medicine, or medical ethics. Yet we are being asked to make decisions that have tremendous consequences for the lives of every American. We are being asked to examine some of our fundamental beliefs about life and the ethical use of science. We must be exceedingly cautious before legislating in an area we admittedly know little about.

I commend Senator FRIST for his leadership in bringing this issue before the Senate. I hope that we can reach consensus; that prohibiting the use of somatic cell nuclear technology to produce a human child and promoting responsible biomedical research are not mutually exclusive goals. But we cannot do so unless we thoughtfully debate the issue; we cannot ignore it.

Mr. BYRD. Mr. President, in February 1997, scientists in Scotland were successful in producing a cloned sheep, named "Dolly." This incredible event shocked the world and led to the realization that, at some point, cloning human beings might also be on the horizon. Shortly after the announcement about Dolly, my concern about the ethical and moral implications of cloning human beings led me to cosponsor Senator BOND'S bill, S. 368, that would prohibit the use of Federal funds for research on human cloning. I believe that, with the notable exception of Dr. Richard Seed, who has announced to the world his intention of cloning a human being, there is broad agreement that cloning humans is unacceptable on many grounds.

But, the successful cloning of "Dolly" has prompted scientists to ponder other potential uses of somatic cell nuclear technology, the technique used to create Dolly. Scientists believe that research using this technique might hold promise for a whole host of devastating human diseases. For this reason many in the scientific community are urging Congress to move cautiously in this area, lest overly broad legislation have unintended consequences. Care in its crafting is, therefore, imperative.

Given the concerns raised by the scientific community and patient groups, it is therefore prudent that we proceed with caution and only after thorough consideration of the ramifications that may follow if we were to enact S. 1601, the bill before us today. This bill has received not one hour of hearing before the appropriate committee. Who can say with any comfort what the impact may be on important research aimed at dread diseases? Doesn't important and potentially far reaching legislation such as this at least warrant hearings before we proceed? This legislation could have unintended and detrimental consequences.

Let us now get down to hard work and take the time necessary to determine how to go about banning the cloning of human beings in a clear and precise way that will avoid the unwanted consequence of also banning important research intended to alleviate the pain and suffering of victims of Alzheimers disease, Parkinsons' disease, and many types of dreadful cancers.

I will vote against invoking cloture on the motion to proceed to S. 1601, the Human Cloning Prohibition Act. While I wish to register strong opposition to cloning a human being, I also believe that bringing this recently-introduced legislation to the Senate floor for consideration without hearings by the appropriate Senate committee, including testimony from expert witnesses is a mistake.

Mr. HELMS. Mr. President, the distinguished Senators BOND and FRIST are to be commended in introducing the underlying legislation to ban human cloning and the creation of human embryos. Congress must make unmistakably clear that human life is too precious and valuable to be cheapened by a medical procedure which replicates human beings.

Millions of Americans believe that human cloning is inconsistent with the moral responsibility that is incumbent upon modern medical technology. Put simply, so-called medical "advances" are not advances at all unless the dignity and sanctity of all human life are preserved. It is meaningful, I think, that the Senate's only physician has sponsored this bill. I appreciate Senator FRIST's willingness to offer his medical expertise to the American people by setting the record straight about the travesty of human cloning.

Mr. President, the overwhelming consensus among professionals in the medical industry confirms that human cloning is unethical and immoral. NIH Director Harold Vamus stated that he personally agrees with numerous polls evidencing the public's opinion that cloning human beings is "repugnant."

Indeed, Mr. President, the American people are outraged by the hubris of a fringe element of the medical community wishing to pursue human cloning—and they are demanding action. In fact, some states have already introduced similar legislation to the one before us that would ban human cloning.

Perhaps this debate over human cloning was inevitable because, for too long, our society has failed to stand on the principle that all life has value. Nowhere has the lack of respect for human life been more evident than in the Supreme Court's tragic Roe v. Wade decision in 1973—the infamous case; which established that unborn children are expendable for reasons of convenience and social policy. Roe v. Wade presaged an era where science, technology and medicine are no longer confined to work within the moral boundaries erased by that ill-fated decision made twenty-five years ago.

I'm sure most Americans were alarmed, as I was, when the Chicago physicist, Richard Seed, expressed his reasoning for wanting to clone a human being. Mr. Seed, states that he believes mankind should reach the level of supremacy as our Creator. Mark my words, a society that permits modern medicine to sacrifice human dignity for the sole purpose of such self-glorification will not survive its own arrogance.

Those having doubts need only to consult their history books. Evidence of this can be seen throughout the course of history. It is instructive to read the book of Genesis and the account about a group from Babylon who became so enamored by technology that they believed they could build a structure, the infamous Tower of Babel, that would reach into heaven. The Lord punished the arrogance of this civilization and disrupted their foolish work.

Some may say this is a story of irrelevance, but I believe it serves as a reminder of the ramifications to come if modern medicine is allowed to exceed beyond the moral boundaries and human limitations set by God. We should not be in the business of taking away life or creating life unnaturally.

So, Mr. President, it is extremely important that the Senate pass this legislation to outlaw human cloning. In doing so, the Senate will heed the American people's belief that this objectionable procedure is a dangerous precedent and a morally abhorrent use of medical technology.

Mr. COATS. Mr. President, I rise in support of S. 1601, a bill that would end the cloning of human beings. I urge my colleagues to support and cosponsor this legislation.

Many opponents of the bill will label its supporters as anti-technology, anti-science—seeking to return to the dark days of ages past. Such opponents have conveniently seized on a notion that to ban this emerging technological procedure is to despise all science and progress.

Nothing could be further from the truth. Just 80 days ago, two of the primary sponsors of this bill—Senators FRIST and GREGG—and I completed three years of intense work on the FDA Modernization Act, whose sole purpose was to advance the health of patients by supporting and promoting the extraordinary, life-saving work of high-technology biotech companies and drug firms. It is too convenient—indeed, it is dishonest—for opponents to charge supporters of this cloning bill with being anti-science, anti-patient.

Indeed, we who believe human life to be one of the greatest gifts from our Creator, do not fear the development of science and technology that protects and improves that life. We know only too well of the advances in medicine and vaccines that have dramatically reduced infant deaths. We have held hearings in which extraordinary PET technology can reveal the workings of the prenatal and postnatal brain. We have constituent companies whose fetal bladder stents now save the lives of women and their children, when death used to be a certainty.

But to admire, promote, and legislate on behalf of patient-friendly technology, and scientific achievement does not require that we sacrifice all principle or that we abandon caution in the face of serious questions about a particular technology.

Few will disagree that cloning presents this country with one of the most disturbing and tantalizing scientific developments in recent time.

At once, it presents us with the opportunity to duplicate, triplicate, infinitely replicate the best that the world has to offer; and it presents the threat of too much of a good thing—the loss of individuality and the end of the security and utility inherent in diversity. Indeed, the child is now created in our own image and not God's. It becomes a product of the will and not the receipt of gift. Who can predict the emotional, the psychological, or the spiritual consequences of such a technolgy?

Cloning technology, so new to the human experience, indeed considered just ten or fifteen years ago to be practically and scientifically unachievable, has received only scant attention from the most distinguished, thoughtful, and expert-laden institutions in our society. Even today, cloning of humans is still considered only a remote possibility by means as yet untested and only barely imaginable.

Because it differs so dramatically from in vitro fertilization and other methods of reproduction, we can scarcely begin to set forth some of the practical consequences: a reduction in genetic diversity, long considered essential to the species; an increase in deformities in the child. The possibilities are numerous and unexplored.

Proponents of cloning argue that in the face of these possibilities, caution is required. But while cloning proponents call for caution that protects experimentation, the better course is caution that protects the developing human embryos that are inevitably created by such technology.

How in good conscience can we wait for the practical and ethical complications of cloning to develop—to wait for Dr. Richard Seed to use methods that unavoidably involve the destruction of living human embryos?

Perhaps in the meantime research on animal cloning will result in the cloning technology that can be used to develop human cell lines or tissue that is not derived from a developing human embryo or does not result first in the creation of such an embryo. Again, until that day, caution is required—caution in defense of life.

S. 1601 ensures that the least among us receive our full recognition and protection as members of human society. I urge passage of S. 1601.

Mr. BIDEN. Mr. President, I want to make it absolutely clear: I oppose the cloning of human beings. But, I am voting against cloture on the motion to proceed to the cloning bill because the bill and the issues the bill raises are not that simple.

I am voting against cloture because there has not been sufficient discussion; there have not been sufficient hearings; there has not been sufficient consideration of what is a very complicated scientific issue. Legislation is supposed to be the end result of a process; not the beginning of it. This bill, Mr. President, is far too premature.

Yes, hearings were held last year after it was announced that Dolly the sheep was a clone. But, those were generic hearings on the issue of cloning. And, the bill before us is not—I repeat, not—a result of those hearings. This was a bill that was introduced a week ago, has never been the subject of a hearing, and has never been considered by a committee.

Are the definitions adequate? Or, are they over broad? In the name of preventing the cloning of a human being, are we hindering medical research that might help in the battle against cancer and other diseases? Or, in the name of allowing scientific research, are we opening the door to rogue scientists who will then find it easier to clone a human?

These are all very legitimate questions that need answers. In the end, there may be significant differences over what the answers should be. But, the problem here today, Mr. President, is that we are not ready to be debating answers to these policy questions because we have not had a thorough discussion of the questions and the implications.

With the pace of scientific advancement—scientific knowledge is now doubling about every five years—more and more of these extremely complicated bioethical issues are likely to come before the Congress in years to come. Let's not set a precedent here today that we will deal with them willy-nilly—by simply taking a position and voting without having given thoughtful consideration to the issues involved.

We need to act to ban the cloning of humans. But, before we act, we need more hearings and more discussion on how best to accomplish that. Therefore, I am voting against cloture on the motion to proceed.

Mr. DURBIN. Mr. President, I rise today to suggest that we should not be rushing to consider a bill that may do far more than ban human cloning permanently. The Lott-Bond cloning bill was only introduced last Tuesday and has been available for review for a very short period of time. The identical bill that was introduced by Senator BOND was referred to the Judiciary Committee and yet we have had no Judiciary committee hearings on this topic to examine exactly what this bill does. Is the bill really written to accomplish its goal of banning the duplication of humans via this new technology? Or does it go much further than its stated goal? I don't think that many of us here on the floor of the Senate (myself included) are well equipped to make that determination without hearing from experts in the field including scientists, bioethicists, theologians and others qualified to give us advice on this very important matter.

It is also not clear as to why we are rushing to consider this bill given that the FDA has already announced that it has authority over this area. In fact I have a letter here in my hand from the FDA that explains that before any human cloning would be allowed to proceed, FDA would need proof that the technology was safe. FDA will prohibit any sponsor of a clinical study from developing this technology if "it is likely to expose human subjects to unreasonable and significant risk of illness or injury" or "the clinical investigator was not qualified by reason of their scientific training and experience to conduct the investigation." The letter goes on to say that "In the case of attempts to create a human being using cloning technology, there are major unresolved safety questions. Until those questions are appropriately addressed, the Agency would not permit any such investigation to proceed."

The National Bioethics Advisory Committee recommended a five year moratorium on the use of this technology to create a human being. Due to the time limit that they were under, the committee was unable to focus on the issues beyond safety. They concluded that, at this time, the technology was unsafe for use for the purpose of cloning a human being. They did not address the many ethical issues involved with the use of this technology. The committee believed that these issues were too complex to be dealt with in such a short period of time. Therefore, it is still necessary to allow time for discussion about the ethical use or need for a specific ban on the use of this technology.

To date, we have excluded Patient groups, physicians, scientists and other interested parties from the discussion of how this particular bill should be drafted. Yet it is these very patients whose future hope for cures may be cut off by a bill if it is improperly drafted.

I find it extremely troubling that we are rushing to consider a bill that every patient advocacy group, doctor, or scientist that has contacted my office has either urged us not to pass or has asked us to consider in a more deliberative manner. Organizations such as: The American Heart Association, the Juvenile Diabetes Foundation International, the American Association for Cancer Research, the American Society for Human Genetics, the American Academy of Allergy, Asthma and Immunology, the Association of American Medical Colleges, the American Pediatric Society, the Cystic Fibrosis Foundation, the National Osteoporosis Foundation, the Parkinson's Action Network, the AIDS Action Council, the American Academy of Pediatrics and 27 Science Nobel Laureates. These organizations and individuals are dedicated to finding cures for diseases. They are not advocates for unethical research. They are mainstream organizations committed to finding cures for such diseases as heart disease, strokes, spinal cord injuries, birth defects, asthma, diabetes, cancer, osteoporosis. These are diseases that afflict millions of Americans. Biomedical research may be some patients with these illnesses only hope.

For some, new technologies as yet undeveloped may be their only hope. For instance, some of my colleagues may have heard the story of Travis Roy. Travis is now a 21 year old college student at Boston University. Travis grew up in Maine and was an avid ice hockey player. Unfortunately for Travis during his first collegiate hockey game 3 years ago, 11 seconds into the game, he collided with the wall and suffered a spinal chord injury that has left him paralyzed with only a small amount of movement in his right hand. Travis has written a book about his experiences and his fight for recovery. For people like Travis that have had their spinal chords severely injured they look to new research that might help them regenerate their damaged tissue. As Travis so agonizingly stated recently: "All I want to be able to do is to hug my mother."

Researchers hope that they may be able to generate what are known as "stem cells," that is cells that can give rise to lots of other cells, using the technology that the Lott-Bond cloning bill seeks to ban. With continuing research, those cells might be used to repair injured spinal cords or damaged livers or kidneys or hearts.

Stem cell research could provide: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; neural cells for treating those suffering from neurodegenerative diseases; blood cells to treat cancer, anemia, and immunodeficiencies; neural cells to treat Parkinson's, Huntington's, and ALS. The generation of stem cell lines using an unfertilized egg as a host is far removed from the act of creating embryos for research or creating a fetus for organ parts. In fact, it is the exact opposite giving an avenue for therapies that involve the culturing of single cells from adult cells. Some of these therapies would actually result in fetal tissue no longer being necessary for the treatment of many neurodegenerative diseases. Others might give hope to parents that conceive children that have genetic diseases, so that they are not faced with the agonizing choice between terminating a pregnancy or giving birth to a severely disabled child.

I think that many of us do not really know what the full scope for this technology really is. It is possible that this technology may be used in a life enhancing, life promoting manner.

We should have a full hearings process with opportunities to hear from specialists in medical genetics, researchers at NIH and other institutions. We should listen to what the medical community has to say on treatment options. We should also hear from patient advocacy groups and all others that may have expertise in this area or be affected by the legislation at hand. Likewise, the area of assistive reproductive technology has become incredibly complex and we should listen to bioethicists and religious leaders and their opinions which we surely value. Again, I wonder why we are rushing here. What about the committee hearing process is the Republican leadership afraid of that?

Some may argue that the announcement by the Chicago Physicist, Richard Seed of his intention to start cloning necessitates a rapid response. However, Dr. Seed has no training in medical procedures nor in biology. He does not have a lab for this purpose. He does not have the venture capital and in fact his home was recently foreclosed by the Bank. Thus to suggest that he will be cloning anything soon, seems outlandish at best. By the FDA's stated criteria of an investigator needing to demonstrate expertise, Dr. Seed would clearly fail and thus would be prohibited by FDA from proceeding.

One person's far-fetched claims should not propel us into passing legislation that has not been adequately reviewed. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine has said: "We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. KENNEDY. Mr. President, I yield myself 30 seconds. I have too much respect for my friend and colleague from Tennessee to let the comparison with Hitler and science be used on the floor of the U.S. Senate in reference to our position on this particular issue without comment.

Our position has been embraced by virtually every major research group in this country. This vote isn't about a ban on the cloning of human beings. We have agreed on that principle. This vote is about preserving opportunities for major advances in biomedical research in this country. I hope the Senate will vote "no" on cloture.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri controls 20 seconds.

Mr. BOND. I yield that time to myself.

Mr. President, unfortunately, the misinformation about this bill has our opponents saying that human cloning bans will hurt research. Show me one mainstream scientist who is currently creating cloned human embryos to fight these ailments. It is not happening. It should never happen.

Science has given us partial-birth abortions and Dr. Kevorkian's assisted suicide. We should say no to these scientific advances and no to the cloning of human embryos. If you vote against cloture, you are saying yes to human cloning.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1601, regarding human cloning.

Trent Lott, Christopher S. Bond, Bill Frist, Spencer Abraham, Michael B. Enzi, James Inhofe, Slade Gorton, Sam Brownback, Don Nickles, Chuck Hagel, Rick Santorum, Judd Gregg, Rod Grams, Larry E. Craig, Jesse Helms, and Jon Kyl.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1601, the Human Cloning Prohibition Act, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

I further announce that the Senator from Nevada (Mr. BRYAN), is absent due to illness.

I also announce that the Senator from Nevada (Mr. REID), is absent attending a funeral.

I further announce that if present and voting, the Senator from Nevada (Mr. BRYAN), would vote "no."

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—42

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson

NAYS—54

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bumpers
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Thurmond
Torricelli
Wellstone
Wyden

NOT VOTING—4

Bryan
Levin
Reid
Warner

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate resume consideration in executive session to debate the nomination of Frederica Massiah-Jackson.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mr. LOTT. Now, Mr. President, we are working on an agreement with regard to this nomination—we still have to clear it with Senators on both sides of the aisle—that would allow us to announce some action in regard to this nomination within the next couple of hours, we hope certainly in the early afternoon, and then it would be our intent to go to the Morrow nomination. We have been working on a time agreement, and we will enter a request as to exactly when that would be debated and for how long. It is our intent to have a vote on that nomination at a reasonable hour this afternoon—not tonight.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. Yes, I yield.

Mrs. BOXER. Several Senators on both sides of the aisle have been trying to get a time certain for the Morrow nomination. I wonder if the distinguished majority leader would consider offering a unanimous consent request so we can at least know how to plan our day? We have already thought it was happening this morning.

Mr. LOTT. We would like to be able to do that. I think the best way to get a unanimous consent agreement is to continue to work with Senators on all sides. My intent would be that we enter into an agreement to begin as early as possible and to get a vote not later than 6 o'clock. If for some reason we could not get that agreement, then we would have to have that vote tomorrow morning, but I believe we can work with the interested Senators on both sides and get this agreement worked out. As soon as we do, hopefully even by noon, we will enter the request. I think it would be something everybody will be comfortable with.

Mr. SPECTER. If the distinguished majority leader would yield to me, there have been discussions about a time. There are 4 hours. I was just discussing with our distinguished colleague from Missouri—I see he has left the floor so I will say nothing further. I hoped we might set that vote for 2:30, but I will let it ride.

Mr. LOTT. I don't think we can do it that early, but we will work with everybody here in the next few minutes. If we could get it done right away, we will do it, but certainly we want to do it this morning if at all possible.

I will continue to consult with the Democratic leader, and we will make that request soon.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED BUDGET

Mr. FEINGOLD. Mr. President, I rise today to offer some initial comments on the President's proposed budget for fiscal year 1999. As with any budget, there will be occasion to discuss and debate the many individual provisions it contains. I have already heard some legitimate concerns voiced about some of the provisions from both sides of the aisle, and I very much look forward to working with my colleagues on the Budget Committee to fashion what I hope will be the second consecutive bipartisan budget agreement.

Despite the many issues surrounding individual provisions, though, we have to acknowledge what a historic moment this is. The President's budget is historic. For the first time in 30 years, a President has submitted a unified budget that actually balances. That is an achievement worth noting and noting again. While many of us believe we have a way to go before we can talk about having a genuine balance, it is fitting to pause for a moment to acknowledge the tremendous progress that has been made.

The President's proposal also marks the end of one budget era and, I think, really the beginning of a transition period that may require changing some of our budget rules, and I will have more to say on that subject in the coming weeks. It is also worth remembering how far we have come and how we reached this important benchmark. First and foremost was the 1993 deficit reduction package. That was one of the toughest votes I think many of us have ever taken in this legislative body. It wasn't pleasant and it wasn't supposed to be pleasant. As we have found, there just is no painless solution to the deficit, and we had to take a different kind of step. In fact, Mr. President, it was the very toughness of that 1993 package that told me it was worth supporting. Let me also say that last year's bipartisan budget agreement also contributed to the effort. I repeat my admiration for the work done by the chairman of the Budget Committee, the Senator from New Mexico, Mr. DOMENICI, and also the ranking member, the Senator from New Jersey, Mr. LAUTENBERG, who worked so hard to make that agreement possible.

Mr. President, I wish that agreement had gone further. As I have noted on other occasions, I really wish we had refrained from enacting that fiscally irresponsible tax package last year. If we had, the unified budget would have actually reach balance earlier. Nevertheless, both of those efforts helped bring us to where we are today and all concerned deserve praise.

Mr. President, in addition to the notable accomplishment of submitting a balanced unified budget, the President also cautioned Congress not to spend the unified budget surplus that is projected, but instead to use those funds to protect Social Security. I think this is one of the better statements we have had in a long time with regard to not only fiscal responsibility, but also our responsibility to future generations that hope to obtain the benefits of Social Security for which they have already been paying.

The President's admonition in this regard may have been just as important as his achievement in proposing a balanced unified budget. The President is absolutely right in urging that any unified budget surpluses not be spent. But while I strongly agree with his sentiment, I approach this issue from a little different perspective. Again, there are many of us who do not view the unified budget as the appropriate measure of our Nation's budget. In particular, I want to acknowledge two of my colleagues on the Budget Committee, the Senator from South Carolina, Mr. HOLLINGS and the Senator from North Dakota, Mr. CONRAD, for their consistent warnings on this issue of how we calculate and determine and speak about what is really a balanced budget.

Mr. President, the unified budget is not the budget which should guide our policy decisions. The projected surpluses in the unified budget are not real. In fact, far from surpluses, what we really have are continuing on-budget deficits masked, in part, by Social Security revenues. Now, this distinction is absolutely critical. The very word "surplus" connotes that there is some extra amount of money or bonus around. One definition of the word surplus is, "something more than, or in excess of, what is needed or required."

Mr. President, the projected unified budget is not more than or in excess of what is needed or required. Those funds are required. Those funds are spoken for. In this regard, I take just slight exception to the President's characterization that we should use the surplus to protect Social Security. Some could infer from his comments that the President has chosen, from various alternatives, the best or most prudent option for using surplus funds. I am afraid people will look at it that way and, certainly, from the perspective of the unified budget, it is arguably the best and most prudent option, if we really had surpluses. But, Mr. President, those of us who see the unified budget as merely an accounting convenience do not believe this is an alternative or an option. To repeat, Mr. President, those revenues are already spoken for. They were raised by Social Security for future use.

Mr. President, we have various trust funds in our budget, but Social Security is unlike most other trust funds, and it is unlike the others in this respect: It is by law "off budget."

It was taken off budget for this very reason; namely, the decision by Congress to forward fund Social Security by raising additional revenues in the near term to ensure the long-term solvency of the program.

Mr. President, I urge all of my colleagues to choose their use of the word "surplus" very carefully. The problem with the use of the word, or the overuse of the word, is that it encourages a way of thinking which may jeopardize not only the work that we have accomplished over the past 5 years but also the additional work that must be done to put our Nation on a firm financial footing.

The use of this term improperly encourages the kind of "business as usual" policies that promise immediate gratification while putting off tough budget-cutting decisions until later.

Mr. President, it is kind of like buying an expensive Valentine's Day gift for your sweetheart and then charging it to her credit card.

That is not the way to do business. That is hardly an honest approach to budgeting either.

Mr. President, the challenge before us now is to move quickly toward eliminating the on-budget deficit, balancing the budget without using Social Security trust funds, and in so doing to begin the very important process of bringing down and paying down our national debt.

Mr. President, we have to play it straight with the American people. We need to give them an honest balanced budget.

I very much hope this body will act to put us on that path this year, and I very much look forward to working with other members of the Budget Committee to ensure that we really do reach an honest balanced budget.

Mr. President, I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Thank you, Mr. President.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF MARGARET MORROW

Ms. SNOWE. Mr. President, as in executive session, I ask unanimous consent that at 1 p.m. today the Senate proceed to executive session to consider the nomination of Margaret Morrow and a vote occur at 6 p.m. this evening with the time equally divided between Senators HATCH and ASHCROFT or their designees.

This request has been cleared by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed as if in morning business, and I ask for up to 30 minutes to be equally divided between myself and the Senator from Maine, Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Thank you, Mr. President.

THE ICE STORM OF 1998

Ms. SNOWE. Mr. President, I am pleased to join my colleague, Senator COLLINS, to discuss the unprecedented and historic storm in the State of Maine several weeks ago.

Mr. President, every once in a while—maybe only once every 100 years or more—an event happens that truly tests the strength of a people and the depth of their spirit. It is an event that strips away comforts and security and pretense and reveals for all to see the true nature of those whose lives it has in its grip. In my home State—the State of Maine—that event began on January 5 and is now known as the Great Ice Storm of 1998.

As shown here in this photograph, you can see the ice that covers the streets with the trees over the car. It wasn't just one area of the State. This really replicated almost the entire State in terms of the devastation of this storm.

As you would imagine, we are no strangers to a little winter weather. But this storm was like nothing anyone had ever seen before. By the time five days of sleet and freezing rain had worked their misery on the State, Maine was under a sheet of ice more than two inches thick, and Mainers suddenly found themselves without power, without heat, and facing a life more closely resembling one from 1898 than 1998.

The State was devastated by this unprecedented storm and many areas were described as resembling a "war zone." At its peak, the storm knocked out electrical power to an estimated 80 percent of Maine's households—and a week later, about 137,000 people were still without power. Schools and local governments ground to a halt. Over the weekend as the storm finally abated, over 3,000 people sought refuge in 197 shelters and two days later there were still over 2,000 Mainers staying in 111 shelters across the State. And in the end, all of Maine's 16 counties were declared federal disaster areas.

As you can see here, another sign that shows the kind of pleas that were made by residents all across this State, saying, "Power, please. Our transformer was taken away on Thursday." People lost their power for up to 2 and 3 weeks.

The Chairman of the historical committee of the American Meteorological Association, who also happens to be an associate professor of science, technology and society at Colby College in Waterville, ME, summed it up best: "So far this century there has been nothing like it. . . . It will probably make the meteorological textbooks—as one of the biggest storms ever."

I traveled Maine extensively in the wake of the ice storm, and I was overwhelmed by the extent of the destruction, as we see here another photo of all the downed poles. That is exactly what happened all across the State. You can see the condition of the road. But it was a total destruction of the forests, the pole lines, as well as the telephone poles across the State. Three-quarters of the State, as I said, was affected by it.

Trees and branches felled, power lines snaked across ice-encrusted streets and major utility structures crumpled as if made of tin-foil. In fact about 50 such structures, an eight-mile stretch carrying the major electrical line into Washington County—the easternmost county in Maine and the United States—were destroyed.

The owner of that line, Bangor Hydro, needed 170 utility poles and 144,000 feet of 115,000 volt transmission line just to repair the eight miles of downed lines that left 10,000 Washington and Hancock County residents without power. Central Maine Power, the other major power company in the State, estimated that 2 to 3 million feet of power lines fell—2,000 utility poles had to be replaced as well as 5,250 transformers.

Between 1,200 and 2,000 National Guard soldiers were called to active duty, and 200 Army and Air National Guard personnel helped clear the roads. Central Maine Power had crews of more than 2,500 line and tree-trimming workers on the job. And Maine hosted line crews from Maryland, Massachusetts, North Carolina, Florida, Pennsylvania, New Jersey, Connecticut, Washington, D.C., New Hampshire, and New Brunswick, Canada.

Broken trees and broken power lines littered the Maine landscape as far as the eye could see. But I discovered one thing in my travels that was never broken—one thing that may have been stronger after the storm than before—and that is the spirit of Maine's people. That is why I am speaking here today, Mr. President. Mainers faced the tremendous challenges this storm presented with resolve and a caring spirit which is truly remarkable and which makes me very proud to call Maine home.

Everywhere I went I heard stories of neighbors helping neighbors: people inviting strangers into their homes so that they might be warm, lending a hand with fallen trees so that they might be cleared and sharing advice so that no one would feel alone. Rising from the devastation left in the storm's wake was a tide of generosity and giving emblematic of Maine people, and it was deeply heartening to know that such compassion is alive and well in America.

Paul Field Sr. and his son, both of Bridgton, worked tirelessly and virtually without sleep for 10 days cutting branches, clearing roads, fighting fires, draining pipes, helping neighbors and moving generators to where they were most critically needed.

And Paul was not alone. In the Town of Albion, farmer Peter Door trucked a portable generator from farm to farm and slept in his truck while dairy farmers milked their cows. In Fairfield, Town Manager Terry York was moved to tears when talking to the Bangor Daily News about the volunteers who helped residents through the crisis.

Out of State crews found Mainers' attitudes remarkable. One member of a Massachusetts crew that put in two weeks of 16-hour days restoring power to the towns of Otis and Mariaville said, "When I left there, I was proud to be a lineman. My hat goes off to the people of Maine. They're really a special breed." The same lineman said he never heard an angry word, even though many residents had gone over a week without power and heat. In fact, people offered the linemen food and even hosted a public spaghetti dinner for the crews.

Indeed, throughout the State, people took strangers into their homes, brought food to elderly residents unable to get out, looked after the homes of those who were away, and cooked meals at local shelters. Maine's potato growers gave away truckloads of potatoes to those in need of food, radio stations fielded calls from residents sharing vital information and advice, and television stations banded together to raise over $115,000 for Red Cross relief efforts.

My deepest gratitude goes to all those who made life a little easier for others during this most trying of times. In particular I want to recognize and extend my profound gratitude to the outstanding Red Cross officials and the over 1,800 volunteers who did an incredible job of organizing shelters and delivering vital emergency services, as well as the dedicated men and women of the National Guard who did not hesitate for a moment to provide assistance. Also the outstanding employees of the Maine Emergency Management Agency who deserve recognition for their timely and professional response to the disaster.

Again, you see what linemen crews did here in working on these downed power lines, as I said, and which was pervasive all over the State on miles and miles and miles of line.

I also want to extend my sincere appreciation to the men and women on utility crews from Maine and from throughout the country who toiled day and night to clear roads and rebuild a crippled power grid. These dedicated individuals worked incredible hours and in terrible weather conditions to bring the State back on line. They are truly unsung heroes and I thank them for their tireless work.

Indeed, to give you some idea of the magnitude of the effort, in one instance Air Force cargo planes made 13 trips between North Carolina and Maine to bring 50 fresh crews and 47 bucket trucks to lend a hand. It took 5,000 people to carry out the logistics at an estimated cost of this single operation of $1 million.

In Augusta, local Public Works employees logged, on average, an 80-hour week, with some as high as 102 hours. The Maine Department of Transportation spent $600,000 in overtime in one week and in that same time they used 54,000 cubic yards of sand and 5,000 tons of salt to the tune of another $600,000.

And the International Brotherhood of Electrical Workers worked with my office to coordinate their volunteer efforts to help reattach damaged entrance service cables on residences throughout the State so that the power company could re-energize the homes. (In one weekend, Local 567 helped put 75 houses back in shape so the power could come on and families who had done so long without heat could once again be warm.)

Those dedicated IBEW workers provided help where it was most needed, and I applaud these dedicated teams of electricians who donated their time, supplies, and skills to make vital repairs across the State. Indeed, it was an honor for me to spend time in the field with some of these unsung heroes to let them know how much I appreciate and admire their selfless efforts.

Finally, I want to thank all the volunteers who—in the face of their own difficulties—took the time to help others affected by this unprecedented storm. (We may never know their names or their faces, but we know what they have done and we are very, very grateful.)

It is a credit to Maine people that we coped as well as we did and made speedy progress in recovering and rebuilding. Everyone pulled together from Governor King to town officials to the Brotherhood of Electrical Workers. But it was clear that we still needed help. We are an independent people and proud to solve our own problems, but this time even we couldn't do it alone. That is why the federal government's response to this disaster was and is so important.

The Vice President's personal tour of Maine in the wake of the disaster spoke to the magnitude of the challenge we were facing. I appreciate the Vice President's visit and the President's prompt declaration of 16 Maine counties as federal disaster areas.

This declaration opened the door to a variety of assistance, and it is estimated by the Federal Emergency Management Agency that about 300 Maine towns and non-profit organizations will seek public assistance from the agency. I am pleased that FEMA has established field offices in Maine to assist Mainers who are still trying to put their lives back together and I expect they will remain in the State for some time.

Because the fact is, the repercussions of this storm will be felt long after the ice melts and the first blossoms of spring make their way north. Dairy farm losses continue to mount and State agricultural officials may not know for months the full impact of the storm on the industry. Utilities are estimating that their costs will top $70 to $80 million. The State of Maine estimates that they need the release of $12 million in LIHEAP funds to help those who normally don't use the funds but will sign up this year, and to defray the costs of buying generators for those eligible.

Small businesses across the State have been reeling from lost business—as of last week the Small Business Administration has taken 450 applications for low-interest loans from individuals and businesses, and awarded loans of $173,000. And overall, FEMA has considered 20,869 applications for individual and family grants, 10,085 applications for disaster housing, 9,849 applications for SBA home and property loans and 4,410 applications for SBA business loans.

This tremendous need for assistance must be met, and that is why I will continue my efforts in conjunction with my colleague from Maine, to ensure that Maine people have rapid and efficient access to the assistance that will become available over the days and weeks ahead.

Mr. President, we are working with the other States who were hit by the storm—Vermont, New Hampshire and New York—on a supplemental funding package to help our states recover from the devastation of the ice storm. The fact remains that we still must obtain an emergency release of LIHEAP funds, we still must acquire supplemental assistance to help prevent Maine's ratepayers from having to foot all of the utility bill, estimated to be $80 million; and the U.S. Forest Service estimates that it will cost $28 million to clean up the more than 7 million acres of working Maine forest which has suffered moderate to severe damage; for making our farmers and our small businesses whole again and for the additional costs our states have identified that they cannot cover.

My colleagues from the Northeast and I and my Maine congressional delegation have started working with the Appropriations Committee to assure that supplemental funding to meet the needs of our States can be included in the first supplemental funding bill which the committee will begin work on early next month.

As many of my colleagues know, we have faced the challenges posed by disasters in their own States. They recognize how important this additional assistance is to their States, and I hope that we can get this assistance as quickly as possible in order to ensure a quick and full recovery from the impact of this historic disaster.

I thank the Chair. I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Maine.

Mr. BYRD. Mr. President, will the distinguished Senator from Maine, Ms. COLLINS, yield just for a unanimous consent request?

Ms. COLLINS. I would be happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that on the completion of the remarks by Senator COLLINS, Senator CLELAND be recognized for 5 minutes, that I be recognized then for 20 minutes, and that my colleague, Senator ROCKEFELLER, be recognized for 10 minutes to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again thank the Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to join my colleague, the senior Senator from Maine, to describe just some of what the people of Maine have experienced in recent weeks, namely, the worst natural disaster in our State's history. The "Ice Storm of the Century," as we refer to it in Maine, began innocently enough with a light rain on Wednesday, January 7. By the time it let up 4 days later, however, the storm had encased the State in a layer of ice up to 10 inches thick and left well over $100 million in damages in its wake.

When all we need to do to restore power is to flip a switch in our fuse boxes, it is very easy to take for granted just how essential power is to every aspect of our lives. Electricity allows us to cook our meals, heat our homes, and communicate with our neighbors and our friends. From the second we wake up in the morning, usually from the buzz of an electric alarm clock, power plays an integral role in our daily lives. Think for a moment of everything that you are able to do today so far because of power. Then just imagine how you would cope without power for 10 days or even longer as many Maine residents had to do. This ice storm was the single most devastating natural disaster to hit Maine in recorded history. Over 800,000—that is approximately 7 out of 10—of our residents lost power for at least some part of the storm, some for as long as 2 weeks or even longer.

As you can see from these pictures, Mr. President, power lines, telephone poles and trees were snapped in two by the massive onslaught of ice. This is a picture that appeared in the Bangor Daily News of power lines and of poles, telephone poles, and as you can see the tops of them have been sheared off by the massive weight of the ice.

Mr. President, I grew up in northern Maine. I am very used to mighty winter storms but never, never in my life, have I experienced a storm like this one. As I looked out from the window of my home in Bangor, limbs from my favorite maple tree in the front yard came crashing down on my roof and against the picture window in my living room. Transformers lit up the night with blue sparks as ice brought them tumbling down as well. And I was much more fortunate than many Maine residents. Many businesses were forced to close due to the lack of power. People took to placing signs in the snow with arrows pointing to their homes reading "No Phone No Power." Even the National Weather Service located in Gray, ME, lost power for over a week and had to rely on a not-so-reliable generator to track the latest weather developments and to help keep Mainers safe and informed.

These pictures of a twig and a tiny blade of grass covered with 2 inches of ice were taken on the lawn adjacent to the National Weather Service office. As you can see, telephone poles were snapped in two, trees were coated by ice.

Mr. President, this is literally a blade of grass. We have a closeup that I am going to show you next on this.

This shows you just how amazing the ice was from this storm. A single blade of grass is photographed here encased with ice.

Adding insult to injury, on Saturday, January 25, just as Mainers had begun to return to life as usual, a second ice storm hit, knocking out power to 165,000 Mainers and crippling the electric grid in a region that had managed to come through the first storm relatively unscathed.

By all accounts, the worst of natural disasters brought out the best in Mainers. Volunteers flocked to shelters to lend a hand and to help serve meals. The State's television stations joined forces to raise money for the Red Cross, and our radio stations and newspapers provided practical tips and encouragement to help keep up the spirits of Mainers during our worst natural disaster. Heartwarming stories of people with little or nothing giving all that they could were commonplace during this tragedy. For 10 straight days, for example, one man opened his home to his neighbors every single night, housing the elderly and infants in his town and helping to remove the heavy branches from roads and from his neighbors' driveways.

On a personal note, when I ran out of wood after my fourth day without power, a neighbor quickly came to the rescue to help keep my pipes from freezing. Acts of kindness like this one exhibited by my neighbor were repeated over and over again in countless communities throughout the State. One in particular touched me deeply.

When I was visiting the Red Cross shelter in Bangor at the Air National Guard base, I talked with an elderly woman in a wheelchair who had been forced to leave her home because of the storm. She was obviously a victim of a stroke and was unable to move much of her right side. In addition, it was obvious that she was a person of very modest means. Nevertheless, she said to me, "Could you help me by reaching into my pocketbook. I have $2 there that I would like to donate to the Red Cross."

Mr. President, that is the kind of spirit, of generosity and kindness that characterizes Maine people. Even in her dire situation, this woman was able to think of people less fortunate than herself. That spirit of kindness and generosity helped us to survive the "Ice Storm of the Century."

Unfortunately, while kindness and good will and generosity and a sense of community helped us to get through the worst of the storm, they alone cannot complete the recovery.

Mainers experienced serious financial and property losses as a result of the storm. Early estimates put the damages to homes, businesses, utilities and public property at well over $100 million, and it is still growing. The estimated cost of repairs to Maine's power grid alone is a staggering $70 million, and that is money the ratepayers of Maine will have to bear unless there is assistance forthcoming from the Federal Government.

However, simply attaching a dollar amount to the damage fails to provide a true picture of the devastation experienced by virtually the entire State of Maine. To give you a more vivid idea of the destruction of the ice storm of 1998, I want to share some statistics with my colleagues.

During this ice storm, 7 out of 10 Mainers lost power, some for as long as 14 days; schools across the southern and central portion of the State closed for many days, some for over 2 weeks; all of Maine's 16 counties were declared Federal disaster areas; at just one hospital in central Maine, more than 80 people were treated for carbon monoxide poisoning, 4 people, unfortunately, died of carbon monoxide poisoning; thousands of families were forced into more than 100 emergency shelters across the State, hundreds of thousands of others spent the night with their families, with family members, neighbors or friends; more than 11 million acres of Maine's forest lands—that is more than half of the State's total—were damaged by the storm. Of this total more than 3 million acres are classified as severely damaged; 1,200 utility crews from as far away as Nova Scotia to North Carolina were sent to Maine to help restore power lines. We are very grateful for that assistance; our telephone company, Bell Atlantic, dispatched 625 fieldworkers, several of whom were on loan from other States; in a remarkable development, the Department of Defense actually airlifted bucket trucks and power crews to help us with the repairs; manufacturers of electric parts from as far away as Alabama worked overtime for 10 days to help meet our power company's needs; 3 million feet of electrical cable were irreparably damaged and nearly 3,000 utility poles had to be replaced. Think of how sturdy a utility pole is. We lost 3,000 of them during this storm.

Even after the debris has been removed and our electric infrastructure has been repaired, much of Maine's natural resources based economy will take years to recover. Dairy farmers, maple syrup producers, apple growers, and our forestry industry were particularly hard hit. In addition, because of the countless downed trees and limbs, some of the 11 million acres of damaged forest lands will remain vulnerable to fire and to insect attacks for years to come. Neighbors, Government agencies and nonprofit organizations rallied to the support of the hundreds of thousands of Mainers displaced by the ice storm, but it will take a strong commitment from the Federal Government for Mainers to truly complete the process of putting their homes, their bases and their communities back together.

Vice President GORE's tour of the hardest-hit areas and the prompt assistance of FEMA, HUD and SBA demonstrate the Federal Government's concern for Mainers and their commitment to recovery efforts. But additional help is needed. So as we enjoy the comfortable spring-like temperatures in Washington, DC, I urge my colleagues not to forget the Mainers buried in ice and snow. I hope that my colleagues will remember these statistics and the photographs that the senior Senator from Maine and I have shown you today in the coming weeks as we join with other members of the Maine delegation in asking for my colleagues' assistance through a supplemental appropriation for disaster relief.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. CLELAND. Mr. President, I would like to speak today in support of the reauthorization of the Intermodal Surface Transportation and Efficiency Act, better known as ISTEA. More importantly, I am here today to add my voice to that of the distinguished senior Senator from West Virginia, who has made an eloquent and persuasive case for bringing this legislation to the floor for consideration at the earliest possible opportunity.

That I believe was the commitment the Senate made to the American people prior to our early adjournment last year. In the last several days, I paid close attention to that said by my colleagues, many of whom in the Senate have commented on this matter. I would like to make just a few observations.

One of the most striking aspects of the debate which is apparently delaying the Senate's consideration of ISTEA is that it is taking place at all. It is not all that uncommon, I suppose, based on my limited time here, that we argue how to utilize supposedly dedicated trust fund moneys. I am here today to say that these trust fund dollars, whether for Social Security or transportation, are not ours to allocate as we see fit. They are collected from the American people based on specific usage, and we have been entrusted with the responsibility of ensuring that in the case of transportation the taxpayers' gas tax dollars are used for our great country's critical infrastructure needs.

Unlike the Senator from West Virginia, I am not an expert on the Roman Republic and the Roman Empire, but I am a student of history, and I believe that ancient Rome was one the world's earliest and most successful civilizations. Some scholars would say it was good government that allowed the empire to survive as long as it did.

Others believe that it was the strength of the Roman army. In my opinion, one of the most enduring legacies of the Empire, carried on in our American civilization today, is the practice of building roads to facilitate commerce and defense. America's transportation system is the envy of the world and so is the commerce it facilitates. I'll add that the Roman Empire was once the envy of the world too. Where is it now? With apologies to Gibbon, maybe their government failed to pass its transportation funding in a timely fashion.

By delaying the reauthorization of this multibillion-dollar ISTEA funding we put at jeopardy not only commerce and defense but the very lives and livelihoods of those who send us here. Recently I was contacted by a Georgia hospital on a different matter, but it did concern a road project in Georgia. They made the case for the need for a particular transportation corridor and stressed the difficulty their emergency service vehicles were having in this area. When we put off, day after day, action on this legislation, we impede, and sometimes, stop action on projects which may be critical to an area's economy, or vital for highway safety.

Many Senators, Democrat and Republican, North and South, East and West, have all made the case that we need to take up ISTEA legislation, and I respectfully join those colleagues in urging prompt action. We must take up this legislation now. That was the promise that was made to the American people.

When we make commitments, Mr. President, we must stick to them. We simply cannot be a body of continuing resolutions. That is not good government and it does not serve the people well. I know the leadership has heard about this a great deal the last 2 weeks, but I must respectfully request that we take up this legislation now; let's bring this matter to the floor now.

Mr. President, ISTEA legislation is important to our largest cities and our smallest communities alike. It's about jobs, safety, commerce, defense, and it's about the future. It's too important to put off until an uncertain future date. We have a responsibility to act now. Let us do the work required of us.

Mr. President, I yield the floor and I yield any remaining time to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for up to 20 minutes.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Senator MAX CLELAND, for his fine statement urging action on the ISTEA bill now.

Mr. President, bad roads are killers. In 1996, nearly 42,000 people lost their lives in traffic accidents on America's highways; in 1996, 355 of those fatalities occurred in West Virginia. The Federal Highway Administration (FHWA) maintains that poor road designs and conditions are a contributing factor in at least 30 percent of those fatal crashes. That works out to more than 12,000 Americans—over 100 West Virginians—whose lives could be saved each year by an investment in better, safer roads. These fatalities are not just numbers. They are lives, precious lives lost because we are not spending the money that is needed to make our highways safe.

And roadway fatalities are on the rise, having risen in each of the past 5 years. Highway crashes are now the fifth highest cause of all deaths and the leading cause of death for young people between the ages of 6 and 27.

This national problem can be blamed, at least in part, on the deplorable and deteriorating condition of our Nation's highways and bridges. Of the 950,215 road-miles eligible for Federal funds, the Federal Highway Administration, in its biennial Performance and Conditions Report, found that 28 percent of the pavement mileage is poor or mediocre in condition, meaning it needs immediate repair to remain passable. The FHWA also reports that the country has 181,748 bridges, in other words, 31 percent of all bridges over 20 feet in length, that are structurally deficient or functionally obsolete. The report estimates that nationwide investments must average $54.8 billion annually just to maintain current road and bridge conditions over the next 20 years, $74 billion annually to improve the highway network. Currently, all levels of government, Federal, State, and local combined, are investing only $34.8 billion annually. That means we are not even coming close to making the investments necessary to maintain our vital highway infrastructure.

Fortunately, this trend can be reversed. Well designed and maintained roads will increase our safety by reducing vehicle deaths and injuries. They also save Americans the anguish of losing a loved one.

The Federal Highway Administration has conducted extensive research on the lifesaving improvements that can be made to our highways and bridges. According to Federal Highway Administration research: Widening a road lane by 1 foot can lower crash rates by 12 percent. Widening a road lane by 2 feet can lower accident rates by 23 percent.

The construction of medians for traffic separation can reduce fatal crash rates by 73 percent. This is information from the Federal Highway Administration. The term "fatal crash rate" means the number of fatal crashes per 100 million vehicle miles traveled. Shoulder widening can lower fatal crash rates by 22 percent, and one of the lives that is saved may be yours, yours—and roadway alignment improvements can lower fatal crash rates by 66 percent. These are huge figures.

Widening or modifying a bridge reduces fatal crash rates by 49 percent, and constructing a new bridge when the current one is deficient can reduce fatal crash rates by 86 percent.

I well remember, and shall never forget, the fatal collapse of the Silver Bridge at Point Pleasant, WV, in 1967, in which 46 people plunged to their deaths in the cold waters of the Ohio, the Ohio River; 46 people plunged to their deaths in 1967, 31 years ago, when the Silver Bridge at Point Pleasant collapsed.

So, constructing new bridges when the current bridges are deficient can reduce fatal crash rates by 86 percent. Upgrading bridge ratings can cut fatal crash rates by 75 percent.

In addition, the number of lanes on a road has an impact on safety. National statistics show that four-lane divided highways are substantially safer than other roads. Four-lane divided highways are substantially safer than other roads.

May I say to my distinguished colleague from West Virginia, Senator ROCKEFELLER, that when I was in the legislature in West Virginia in 1947, 51 years ago, West Virginia had a total of 4 miles—West Virginia had a total of 4 miles of divided four-lane highway; 51 years ago. Four miles. That was it for the entire State. And today there are almost 900 miles of divided, four-lane highways.

National statistics show that four-lane divided highways are substantially safer than other roads. In 1995, 77 percent of all fatal crashes—get that, 3 out of 4—77 percent of all fatal crashes occurred on two-lane roads, while only 5 percent of those crashes took place on four-lane divided highways.

Of course, making the types of improvements I just outlined will cost money. But making that investment will reap human dividends. According to the Department of Transportation's 1996 Annual Report on Highway Safety Improvement Programs, every $100 million invested in roadway safety improvements will result in 144—12 dozen—144 fewer traffic fatalities.

And now, Mr. President, we arrive at the crux of the matter. The U.S. Senate is sitting idle. Not exactly sitting idle. There are other matters that are being considered and they are not unimportant. But insofar as doing something about the highway conditions of the country is concerned, the United States is sitting idle—the U.S. Senate and House are sitting idle when Congress should be working to finish the ISTEA bill, a bill which was brought up last October and debated, or at least it was before the Senate for about 21 days and then it was taken down and a short-term, stop-gap highway authorization measure was enacted, which will expire at midnight—midnight, when the clock strikes 12, midnight, on May 1, just 43—43—days away. Mr.

President, there is a time bomb ticking here. Congress has 43 session days. Let's talk about the Senate. The Senate has 43 session days remaining, and that includes today; 43 session days remaining until midnight May 1. So 43 days includes today and includes May 1. The clock is ticking, and the time bomb is ticking.

Roadway safety depends on the uninterrupted flow of Federal highway funds, and yet the Senate is literally inviting a shutdown of our State and Federal highway programs by delaying action on ISTEA II. Forty-three days, 43 session days when the Senate will be in session, not including Saturdays and Sundays and holidays.

Senators don't have to just take my word for that. Let's see what the law says. The short-term highway bill that the Senate passed and the House passed and was signed into law by President Clinton on December 1 of last year, let's see what that law says. That is the short-term highway authorization bill by which the time was extended 6 months, the authorization for highway programs, spending on highway programs.

Let's see what Public Law 105–130, the Surface Transportation Extension Act of 1997 says, in part. Hear it:

> A State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998.

There it is. That's the law, and further obligating by State road systems or transit systems after midnight on May 1 will be illegal. Further obligating funds for highway programs after midnight on May 1 will be against the law. Let's read it again. This is the law:

> A State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998.

Now, I hope that the Governors and the mayors and the highway agencies out there across the country will consider that language that I just read. You must know that after midnight May 1 of this year, you, the highway agencies of this country, will not be permitted to obligate further funding for Federal aid highway programs. And that is just 43 days away, including today. "Time Bomb Ticking." That's it.

So if we postpone debate on ISTEA II until after finishing the fiscal year 1999 budget resolution—that is what some of the budgeteers in the Senate are importuning the Senate majority leader to do—delay, delay, don't take up the 6-year full-term extension of the highway authorization legislation, don't do that until the budget resolution is taken up.

Well, if we postpone debate on ISTEA II until after finishing the fiscal year 1999 budget resolution, the earliest then that the Senate will take up the highway bill will be late April, after the spring recess, and that assumes that we meet the April 15 statutory deadline for the budget, which we are not accustomed to doing.

But let us assume that miraculously—I still believe in miracles, but not here on this floor—let us assume that miraculously we meet the deadline and turn to ISTEA II first thing on April 20, that would leave less than 2 weeks before the May 1 funding deadline, after which States will be prohibited by law from obligating any Federal highway funds. If we wait until after the budget to consider ISTEA II, we are virtually guaranteeing—guaranteeing—that Federal highway funds will be cut off—will be cut off.

That is why the highway bill cannot wait. That is why it should not wait. Given the needs that exist on our Nation's highways and the safety risk which current conditions pose, we cannot afford to delay lifesaving highway projects. The Senate must turn to the ISTEA bill now. The time bomb is ticking—tick, tick, tick, tick. Time for action is now.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 3 seconds remaining.

Mr. BYRD. I yield that to my distinguished colleague, and that will give him more than 11 minutes, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair. I yield the floor.

Mr. ROCKEFELLER. Mr. President, I thank my esteemed senior colleague from West Virginia. The junior Senator doesn't believe he will need 11 minutes, but I am grateful to have that opportunity. As needs to be said, Senator BYRD has been remarkable in his fight for roads and infrastructure, and not just for roads for West Virginia, but also as a fighter for roads for Arkansas and every other state in this country.

My senior colleague and I—I having been Governor for 8 years, my senior colleague having worked on this problem for many, many years—we are intimately acquainted with the nature of what four-lane highways and federally qualified roads, like route 33 and route 250, can mean. So this is not a minor issue to us.

I am here on the floor to ask therefore why it is that the Senate still isn't acting on the highway bill. Why is it? I pick up the RECORD of yesterday. It is not enormously thick. There is not a lot on our calendar. My senior colleague talked about the Senate sitting idly by. We have cast a handful of votes since reconvening. We had one vote today. It may be our last one for the day. We had a couple votes yesterday. They were not votes, Mr. President, that required enormous amounts of debate. We had time laid out for debate, but they were on individual judges about whom people already felt one way or another.

One has a sense that we are filling time. I don't say that in a partisan way, I say that in just a sort of generally frustrated way. In my 13 years in the U.S. Senate, this feels like the slowest start to a year in which we have so many things that we need to accomplish.

So the excuse of not moving on the reauthorization of the Intermodal Surface Transportation Efficiency Act—an incredible name, I agree, but incredibly important legislation it is—simply escapes me. Why wouldn't we be doing it?

I can remember when I was Governor working with my senior colleague, Senator BYRD, and Senator Randolph on an amendment in this area to help West Virginia and other states obtain the matching money they needed to apply for.

The people of my State, the people of all the States where roads are needed and construction needs to be finished, where bridges need to be completed, are facing a cut-off of funds that carries no logic to it, as far as I can understand. If there is a formula problem, and there always is because that is the way we classically operate in the Senate, we should set a deadline to resolve the problem. We need to face up to a real deadline—my senior colleague is making this point, Mr. President—because waiting longer doesn't just put off the day when we even start to try to deal with these and the other outstanding issues.

But we can resolve those issues. The Senate has resolved far more contentious issues than these. So I don't have any doubt about that. I do have a very strong sense of the damage that failure to act on the highway bill will do to the State that my senior colleague and I represent. It happens to be a State which has almost no flat land. I think about 4 percent of our land is flat.

I am very familiar with the Presiding Officer's State, because my uncle was Governor of Arkansas and my first cousin now is Lieutenant Governor, as the Presiding Officer and I have discussed. I know the Ozarks are a part of Arkansas. It is very difficult there. There are also lots of mountains. West Virginia is mostly mountains. It is the oldest mountain system in the world. The Appalachian Mountains are the oldest mountains in the world. They have been worn down over the centuries, but they are very formidable and still blanket the greatest part of our State.

So I would say to my senior colleague, I can remember the last year I was Governor, it cost, for about a mile of interstate or a mile of Appalachian corridor highway, about $17 million to build a mile. That was back in 1984. I have to assume that we are talking now $25 million to $30 million per mile—per mile.

Completing and upgrading our roads is a terribly urgent situation for West

Virginia. We have Corridor H which we have to finish. Some people complain that my senior colleague puts so much emphasis on Corridor H. I would say that we in West Virginia are very grateful that Senator BYRD is doing just that because it is the only way we are going to get this critical road finished.

If I can just explain the importance of roads like Corridor H and reflect on the urgent need for this ISTEA reauthorization, is to remind people listening that you still really can't get from the east coast into the central part of West Virginia or any part of West Virginia easily.

You know, trucks are not willing to drive on two-lane highways. We wish that they could, but they do not. And we have a very difficult aviation situation which some of us are also working on very hard. We have an ample amount of rivers and barges, but even there, Senator BYRD and some of my colleagues in the House have to work very, very hard to modernize the lock system, many of which were built, 50, 60, 70 years ago.

So transportation for us is not what it is, let us say, for some other States which are relatively flat or have very warm climates so that roads last far longer. We not only constantly have to repair our existing roads, but we also have not even completed our basic road system. And that is terribly disadvantageous.

You can track the economy of West Virginia, how well certain places are doing, and others are not doing, based upon how close they are to a four-lane highway. That is not unique to West Virginia, but it is West Virginia at this moment for which I speak and this Senator speaks. And, therefore, I feel very strongly about this situation.

Roads supply jobs. Why can't we look at it that way? I can remember when we were building what we call the turnpike in West Virginia, which was meant originally to be a four-lane highway and ended up to be a two-lane highway. How that happened is a mystery which has been shrouded in the history of West Virginia for many years of speculation. But the point is, building that highway involved going through some of the worst, steepest part of the beautiful, gorgeously beautiful southern mountains. And that was an enormous project. I mean, it is not like building roads in many other parts of the country—you have to build huge abutments of towering concrete walls as you cut into the side of mountains. The work involves phenomenal engineering feats. It is like building the Panama Canal to put an Appalachia corridor or interstate in most parts of West Virginia.

The construction jobs that stem from roads are tremendously important to us. The Nation's unemployment is low. But in West Virginia, our rate is approximately twice the Nation's unemployment. Every job is important to us. There is not a single job in West Virginia that anybody takes for granted. There is not a single job in West Virginia, the potential for a job, that people do not clamor for, try for.

Toyota recently moved some of their production to West Virginia. And they are going to make half of all of their engines in North America and Canada in West Virginia. They had a need for 300 workers, and they got applications from 25,000 people. What does that tell you? Obviously some were from Ohio, some from Kentucky, some perhaps from Virginia, but we want the work.

We want the work, we want the roads, and we want the roads so then we can further create the jobs. In fact, to make the point, Toyota would not be in West Virginia if it were not for Interstate 64. They openly declare themselves to locate their plants close to where Interstate 64 is whether it be Kentucky, West Virginia or wherever.

So the economic need for turning our attention to the ISTEA reauthorization bill is obvious and clear-cut to my constituency. Our States wait to know whether they can go ahead with their infrastructure plans. They watch us approve a couple of judges and work on a couple things. We had a vote on a cloning bill this morning. It wasn't cloning, it was what leads up to cloning. Maybe we will get around to another vote this afternoon; maybe we will not.

But, good grief, this highway bill has to be done, Mr. President. It has to be done. This is the people's will. We made them a promise with the 6-month extension. And we are not keeping that promise. And there is no reason not to. It is a bill which does good. And again, there may be argument about the formula, but however it comes out, it is going to do every single State an enormous benefit.

And I have to say one last time that our State will benefit enormously from this legislation and needs this legislation to pass. We have not finished our road system. We do not have the prosperity that we deserve in West Virginia for which our people have struggled for a hundred years or more. Coal is diminishing. Only 6 percent of our work force is involved in coal.

We need to have manufacturing and we need to expand our intellectual and technological activity. We need to have all kinds of things. We cannot rely on coal and steel as much as we used to.

So I make the point that Corridor H has to be finished. It is absolutely a requirement for the State. Corridor D needs to be finished. As my senior colleague knows better than anybody, that has been nearly finished except for a few miles, but those miles are enormously expensive miles, and they have been languishing now for 2 decades or more. And that is what connects the western part of our State with Ohio and the rest of the Nation.

West Virginia is enclosed by enormous States: Pennsylvania, Ohio, Kentucky, Virginia, and Maryland. People cannot get out or cannot get in unless they can drive out or in or fly out or in. And they cannot fly out or in easily, so they have to drive. You cannot canoe down the Ohio River and up the Little Kanawha. You have to be able to drive.

So I simply say, in lending my very, very strong support to Senator BYRD's efforts, and as somebody who was a Governor for 8 years and understands the economic significance of our infrastructure, that there is no reason to go on with this uncertainty. There is simply no excuse. I join my senior colleague, and praise him for all he has done in carrying the fight over the years and carrying it almost single-handedly. I urge my colleagues to join with Senator BYRD and join with Senator DORGAN, who was speaking earlier, and others, so that we can get immediate consideration of ISTEA. It is the right thing for the Nation. It will benefit our State and the Presiding Officer's State. And we have no reason at all not to be doing the people's business in this critical area.

I thank my senior colleague, and I thank the Presiding Officer.

Mr. BYRD. Mr. President, is any time remaining?

The PRESIDING OFFICER. Time has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes, after which I ask unanimous consent that the distinguished Senator from Texas, Mr. GRAMM, may proceed for not to exceed 15 minutes. I do not see any other Senator seeking recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Senator ROCKEFELLER, former Governor from West Virginia, who served 2 terms as Governor. I thank him for joining in urging that the ISTEA bill be called up at this time. And he made the point that partisanship isn't involved here. There is no partisanship in this.

Both sides of the aisle—there are Senators on both sides of the aisle who want ISTEA, the ISTEA bill to be called up. And there are Senators on both sides of the aisle who are supporting the amendment, the Byrd-Gramm-Baucus-Warner amendment, which would provide for the moneys that are in the trust fund, the moneys that the American people have paid at the gas pump, the 4.3-cent gas tax, for example. That is doing nothing now except building up surpluses in the trust fund.

There are Senators on both sides of the aisle, Republicans and Democrats, who want to see those moneys that are spent by the American people out there in the form of gas taxes, who want to see those spent for highways to improve highways and mass transit programs. As of now, they are just building surpluses; they are not being spent for anything.

There are those in this Senate who are importuning the distinguished majority leader not to call up this highway bill right now because they want to wait until after the budget resolution is adopted so that these moneys in the trust fund can be spent for social programs, and so on, that the administration and some Senators, of course, want to spend those moneys on. But the American people believe, because they have been told, that the moneys in the trust fund should be spent for highway improvements and transit improvements.

I have not said much on the West Virginia angle of this, but I intend to. But that is what the amendment which Senator GRAMM and Senator BAUCUS and Senator WARNER and I and 50 other Senators, making a total of 54 Senators, are urging, that that ISTEA bill be brought up, urging that the money in the highway trust fund be spent for highways to improve the highways and to improve transit programs.

So that money is there. And, as I say, there are some on the Budget Committee, not all, some on the Budget Committee who are importuning the leader, the majority leader, not to bring up ISTEA now—keep it, wait, wait until after the budget resolution is brought up. And those particular Senators, in my judgment, do not want to see those gas tax moneys spent on highways. They want to spend them on other programs.

So, Mr. President, I again urge that the leadership keep its commitment to the Senate and call up this highway bill. I can understand the pressures on the majority leader. I have been majority leader. And I can understand the pressures that are on the majority leader from other Senators. And, as I say, I have a feeling that the majority leader, if he did not have those pressures, would have the ISTEA bill brought up now. I have a feeling—I certainly have a hope—that he would support the amendment that 53 of my colleagues are supporting.

Mr. President, I again thank my distinguished colleague from West Virginia, especially for his reference to Corridor H and Corridor D and other corridors in West Virginia.

I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, there is a small vocal group in West Virginia that opposes Corridor H. But there was a poll taken in West Virginia within the last 2 weeks, I believe, that showed that 80 percent—79 percent of West Virginians support the completion of Corridor H inside West Virginia. Only about 6 percent—6 percent—of the people are very opposed, and that is the highly vocal group over there that has been opposing Corridor H. Of course, they have some people over in some of the adjoining States who add their voices to the small 6 percent in West Virginia who are opposed to completing Corridor H. About 8 or 9 percent, as I understand it, from the poll do not take any position one way or another. But 79 percent take a strong position for the completion of Corridor H inside West Virginia.

So my colleague mentioned Corridor H. And I hope that eventually in my lifetime we can see Corridor H completed inside West Virginia. It has been promised to the people of West Virginia for 33 years. And the Appalachian highway system has been promised to the 13 States in Appalachia for 33 years. It is 78 percent complete in the region, 74 percent in West Virginia.

The time bomb is ticking. I hope that we can get that bill up and let the Senate work its will on these amendments, my amendment included.

Mr. President, I again thank the distinguished Senator from West Virginia, Mr. ROCKEFELLER. I thank the Chair and thank my colleague from Texas for his patience.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from West Virginia. It has been a great honor for me to work with him on this. I believe we are going to win on this amendment. We have 54 cosponsors. We probably have 25 other Members of the Senate who are ready to vote for the bill. We gain strength every day.

There is only one thing that is stopping us from passing a new highway bill that can begin providing money to build highways all across America on May the 2nd. And that one thing is that we have been unable to bring the highway bill up so that we can offer the amendment, our amendment, by forcing the Government to live up to the commitment it has made to the American people when it puts on a gasoline pump that about a third of the cost of a gallon of gasoline is taxes. But the good news is, those taxes go to build roads. What we are trying to do is to force the Government to do what it tells people it is doing, and that is, spend the money on roads.

We now know that between 25 and 30 cents out of every dollar collected in gasoline taxes has been going to fund everything except highways. And so what our amendment is trying to do is to require truth in Government by saying that gasoline taxes have to, in an orderly, fiscally responsible manner, be spent on highways.

This is a big deal. This is a very big deal in every State in the Union. What it means in my State, what it means in West Virginia, what it means in every State in the Union is roughly a 25 percent increase in the amount of money that is available to build roads beginning on May the 2nd.

We are not talking about doing something that is going to be felt in your State in the sweet bye and bye. This is something that on May the 2nd we can begin to see States letting contracts, putting people to work, pouring concrete, pressing asphalt, improving the quality of our roads and highways, saving lives, creating jobs, reducing the amount of time that we all spend in traffic, improving the environment in the country. You could list 100 things that are positive for America that will occur, beginning on May 2, if we can pass this amendment and pass the highway bill.

Now, Senator BYRD and I have spoken virtually every day for the last 2 or 3 weeks, and we have made a series of points that no one who opposes the amendment has come down to try to argue against. Those points are basically the following: Gasoline taxes have historically been devoted to road construction; the American people are led to believe this by every sign on every gasoline pump in America. They are paying lots of taxes, but the good news is it is a user fee for roads. And yet that is not the case today nor has it been the case through the 1990s. Money has been collected in gasoline taxes and spent on other things.

Second, we have established very clearly that this amendment does not bust the budget. Nothing in this amendment raises the total level of spending. What this amendment does is it requires that the money collected for road construction be spent for road construction and nothing else.

In fact, one of our colleagues, in arguing against the amendment, posed the question to Senator BYRD and to me, "If you spend this money on highways, that means we are not going to be able to spend it on the other things we want to spend the money on."

I think it can be argued in two ways. The first argument is that we have a desperate need for highways in America—31,000 miles of roads in my State are substandard. We have thousands of bridges that have been certified as not being safe. We are basically now at a point in Texas that half of the money we have for roads goes to just maintain the roads we have. The expected life of a road is between 30 and 40 years, depending on where it is built. We built our great farm-to-market roads in Texas in the 1930s and 1940s. We have long since exceeded the life of those roads. Our busiest roads in Texas, our interstates, were built in the 1960s. They are heavily used, some beyond 100 percent capacity, and they are reaching the end of their economic life.

What do we spend on in Government that is more critical than national security and roads? But as strong as that argument is, that is not the strongest argument.

Our colleagues stand up and say, if the money you collect for highways is really spent on highways—we plan to spend this money on other things. I think, quite frankly, that there is an argument in terms of basic honesty in dealing with the electorate that we have on our side, and that is that we have a revenue source dedicated to the highway trust fund. So not only is there a great need for roads, but the money was collected for that purpose and for that purpose only. The idea that we are going to collect potentially $90 billion for highway construction and simply stand by and watch the Government spending it on everything except highways is, I believe, outrageous and unacceptable. Quite frankly, I believe that is going to end this year—end this year.

Some people have raised questions about the priorities of the bill. We have answered each and every one of those questions about the amount that goes to the States, the amount held by the Secretary. Questions have been raised about the Appalachian program, started in 1965, as a percentage of money spent on highways. We are actually in our amendment asking for less than the President requested, the same amount, for all practical purposes, requested by the House.

Questions are raised about border infrastructure and international trade corridors. We actually have less money in our amendment than the bill that came out of committee, but there is one big difference. We make it possible that Congress might actually fund it, whereas the committee bill, in a sleight of hand, appears to provide the money but really doesn't provide the money.

In short, we have answered each and every one of the criticisms that have been raised in this initiative. It is the right thing. It is what we tell people we are doing. It does not violate the Budget Act. It does not raise the total level of spending, and it doesn't create any new priorities. It simply sets out an orderly fashion of fulfilling obligations we have made in the past.

Now, we are getting down to the moment of truth. The highway bill is going to expire on May 1. So roadbuilding equipment that is currently in the process of building highways and roads and interstates all over America, come May 1, they will cut those machines off. Come May 1, people are going to be forced to walk off the job because we have not provided money for highways. It is not that we don't have the money, Senator BYRD. We have the money. It is being collected every time any American goes to the filling station and pumps gas. But they are going to stop building roads all over America on May 1 because we are not allowed to vote on a highway bill to allow the expenditure of money that is being collected specifically to build roads, even though we are collecting more money for road construction in the gasoline tax than ever in history. Despite the fact that the surplus grows every single second, we have the terrible prospect of highway construction stopping all over America on May 1.

There is only one solution to this problem—bring up the highway bill. We debated it last year. It got bogged down in other issues. I wish we could have broken the deadlock last year. It is bad public policy that it happened. But the point is this is not last year. This is this year. We have an opportunity right now to bring this bill up. I can assure you, we are not going to let any issue that has nothing to do with highways derail this bill this year. There are a lot of legitimate issues that need to be debated. We need to bring this bill up and we need to bring it up as soon as we get back from the recess next week.

I feel an obligation to people in my State. I feel an obligation to the State where we pay in gasoline taxes on a per capita basis as much as any State in the Union. It is not uncommon for people in my State to drive in their cars and trucks 50 miles one way to work, to drive 30 miles to take their children to school. People in my State need highways. They pay for them by paying the gasoline tax.

I want to urge our leadership to work with us to bring this bill up. This is not a budget issue. We are not talking about busting the budget. We are not talking about setting the total level of spending. We are talking about requiring money to be spent for the purpose that it was collected and not on other things. But if there are those who want to talk about this within the context of the budget, Senator BYRD and I are not so busy that we don't have time to sit down and talk. I believe that the day we come back, week after next, that the situation with highways is going to be getting so desperate that we will have to do something. I think we ought to bring up the highway bill. I think it would be bad for us to be forced to try to deal with this issue as an amendment on another bill. That is not the way I want to do it. I know the Senator from West Virginia doesn't want to do it that way. We need to act and we need to do it very quickly. We are running out of time.

I want to conclude by simply urging those who would like to commingle this issue with the budget, if they want to sit down with Senator BYRD, with me, with Senator WARNER, with Senator BAUCUS, to talk about how this might fit into a budget that would be written later, we are willing to sit down and talk about it. It is not a budget issue. Quite frankly, I believe those who oppose us want to make it a budget issue so that they can say to people, look, don't vote for these highways because if you do that, then you can't spend all this money on other things, money requested by the President, money sought by other interests, money expenditures that are supported by Members of Congress.

There is one fundamental difference. Nobody is saying that child care is not important or food stamps aren't important, or funds for the IMF aren't important, or paying dues at the United Nations are not important, or that foreign aid is not important. But there is one fundamental difference. None of those expenditures has a dedicated revenue source. None of those expenditures has a tax that working Americans pay for the purpose of funding them. Americans do pay a gasoline tax to build roads. So our claim is stronger. We have committed to people we are going to do this. I believe time is running out here. I think we have been very patient. I think we have tried to work with everybody. We have been willing to sit down and talk to anyone. You don't get 54 cosponsors by accident. You do it by answering a lot of questions, by convincing a lot of people. I don't think anyone has asked Senator BYRD or asked me to sit down with them to explain this amendment, what it does, how it will affect their State, how it will affect anything they are concerned about. But we are going to reach a point here when we come back after the recess where we have to quit explaining and start acting.

I urge those who would like to commingle this with the budget, while I really believe that is a ruse to beat our amendment—they are trying to convince people that our demand that we spend money for the purpose we tell people we are going to spend it when we collect it is somehow on a par with proposals made to spend money to just simply increase the level of expenditure. There is no comparison between the two. But if somebody wants to talk to us about the budget as it relates to our amendment, we are willing, any time, day or night, to sit down and talk to them. What we are not willing to do is to sit here and let May 1 come and let highway construction stop all over the country. We are not willing to do that, and we need to get on with the task of passing the highway bill and, I believe, passing this amendment.

I want to thank my colleague, Senator BYRD, for his leadership. We have done a lot of work on this. I would like to believe the number of cosponsors, the progress we have made, is somewhat due to our persuasiveness. But I think, really, it is not our persuasiveness; it is the strength of the case we are making. This is the right thing to do. It is clearly the right thing to do. I think if the American people really understood what this debate was about, if they really understood that the critics of what we are doing are saying, "Don't spend the money for the purpose you select it is because we want to spend it on other things," they would be outraged about it. I think that is one of the reasons that people don't come over and debate us on this subject.

I am glad to be on a side of an issue where we are right. I can assure you, it is much easier to argue something if the facts are on your side. Now, often here, great cases are made when the facts don't comport, but when they are on your side, it is easy. And they are on our side on this issue.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. BYRD. I want to thank the distinguished senior Senator from Texas. He worked inside the Finance Committee to offer an amendment which was adopted in the committee transferring the 4.3-cent gas tax to the trust fund, to the highway trust fund, where it would be spent on highways and mass transit programs. So he got it that far. So the money is in the trust fund, and I compliment him.

Now he has joined with me and 52 other Senators—in addition to the two of us, he has joined with me and 52 other Senators, Mr. BAUCUS and Mr. WARNER, in particular—who are initial cosponsors of this legislation. He has joined with us in attempting to authorize, to have the Congress authorize, the expenditure of the moneys in the trust fund, the 4.3-cent gas tax, to authorize the expenditure of those funds for highways and for mass transit programs.

That is what they were intended to be used for. He has stood like a stout Irish oak on his side of the aisle in urging that the ISTEA bill be brought up and in urging support of this amendment upon which we are both allied and working. I thank him for that. I thank him for his steadfastness; he has stood like a Rock of Gibraltar. We will continue to work in the effort to implore the bringing up of this highway bill. I thank him very much.

Mr. GRAMM. Mr. President, I thank the Senator from West Virginia. Let me just conclude by saying that the American people cry out for bipartisanship. This is the only real bipartisan effort of this Congress. We have 54 cosponsors on this bill; they are roughly divided, Democrats and Republicans. This is not a partisan issue. I hope we can move ahead and I believe we will. I want to thank the Senator from West Virginia. It has been a great honor for me to work with him. I believe we are going to be successful, in large part, because this is the right thing to do. But as Edmund Burke once said, "All that is necessary for evil to triumph in the world is for good men to do nothing."

We intend to do something to make this happen—however much work it takes. We have carried this ball all the way down to the goal line, and we are not about to fumble it or call time-out right now.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR CRIMES TRIBUNAL

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, this may be a good time for me to report briefly on the travels that I undertook from December 30 to January 13, when I visited the War Crimes Tribunal in The Hague and found that this agency is moving forward with prosecutions on war crimes against humanity, arising out of the activities in Bosnia.

It is my sense that after the first conviction, which has been obtained, the tribunal is on its way to establishing a very, very important international precedent. For the past decade-plus, many of us, including Senator DODD, Congressman JIM LEACH, myself, and others, have been working to try to bring an international criminal court into existence. It is my sense that if the War Crimes Tribunal is successful, we may have the most important institutional change in international relations in this century, if we can bring the rule of law into the international arena.

I think it is very important that the outstanding indictments be served. In talking to the military leaders and NATO in Bosnia, I have been informed that we have the capacity to do so if the instructions are given. Up until the present time, the rule has been to serve them with warrants of arrest if our military groups come into contact with those under indictment, but they are not to make an effort to search them out. It is a delicate matter and has to be handled with discretion and with regard to not losing lives in the process of making the arrests. But, I think that ultimately those warrants of arrest do have to be served.

We stopped in Bosnia and saw the activities there. Mindful of the President's recent request for an open-ended stay in Bosnia, we discussed with the military leaders and with some of the soldiers their sense as to what was going to happen there.

The Congress has legislated to bring an end to the funding as of June 30, 1998, with certain exceptions relating to a Presidential extension. But, it seems to me that it is necessary to have some idea as to how long we are going to be there. Those enmities and hatreds go back hundreds of years, and it is necessary, in my judgment, for us to have some idea as to how long we are going to stay there and how long it will take to accomplish that mission if we are, in fact, to remain there.

The U.S. contingents are still much larger than any others. We have some 8,000 personnel—substantially larger than the French, British, Russians, or others—and there ought to be more of a burden sharing than is present now if the United States is to stay there.

We traveled on to the Mideast where we had an opportunity to meet with Israeli Prime Minister Netanyahu, Syrian President Assad, Egyptian President Mubarak, King Hussein of Jordan, and other leaders. And, it is my sense that the Israeli-Syrian tract could be very close to resolution.

Before going, on December 17, I met with President Clinton, told him of my itinerary, and urged him to become personally involved in the Syrian negotiations as he had been in the past. The parties were very close to a resolution of the dispute between Israel and Syria before the assassination of Prime Minister Rabin. The President was personally involved in those negotiations. I believe that with an activist hand by the President, there could be a successful resolution there. It can't be said with certainty, but the parties were very close before Prime Minister Rabin was assassinated.

I had an opportunity to talk to Prime Minister Netanyahu and President Assad in August and November of 1996. At that time it seemed to me that the parties were far apart, with Prime Minister Netanyahu saying he wanted to negotiate for peace but would do so only if there was a clean slate and he had a new mandate. President Assad of Syria, on the other hand, said he, too, wanted to negotiate but would do so only if they would begin where the negotiations left off with Prime Minister Rabin.

While the words were very similar, when I had a chance to talk to Prime Minister Netanyahu and President Assad last month, the music, it seemed to me, was a little bit different. Syria had a new set of problems with their economy, and Netanyahu faces a new set of problems. I think activist intervention by the President could well bring the Israeli-Syrian tract to a conclusion. It is certainly worth a try.

As to the Palestinian-Israeli tract, it is much more complicated. But, here again I have urged the President to bring Mr. Netanyahu and Mr. Arafat into the same room, at the same time, to hear their complaints and to try to bring a resolution to those very serious problems.

Part of the mission on this trip was to explore persecution against Christians and other religious groups. Our travels took us to Egypt, Ethiopia, Eritrea, and Saudi Arabia. The details are spelled out in a written report, which I shall file as well. But, it seems to me that the United States ought to take a stand on the legislation which has been introduced by Congressman FRANK WOLF in the House and by myself in the Senate which would articulate the principles of religious freedom and impose sanctions on foreign governments which tolerate or encourage this kind of persecution.

In Saudi Arabia, in talking to Prince Turki, I heard again that the Koran calls for the death penalty if someone changes from Islam to Christianity. I heard the same in Egypt, and found, in fact, that those who have converted from Islam to Christianity had been imprisoned. We heard many complaints talking to people who had been victims of persecution in Saudi Arabia and in Egypt. It is my hope that this issue will come to the Senate floor. I know it is on the majority leader's list to be considered by the Senate sometime between now and the spring.

This is just a brief statement of some of the highlights.

I ask unanimous consent, Mr. President, that the full text of the report, which incorporates two op-ed pieces that have been published in the Pittsburgh Post-Gazette and the Harrisburg Patriot-News, be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON FOREIGN TRAVEL

In accordance with my practice of reporting on foreign travel, this floor statement summarizes a trip which I took from December 30, 1997 through January 13, 1998 to fourteen countries in Europe, Africa and the Middle East. My trip had several purposes: to evaluate the work of the International Criminal Tribunal for the former Yugoslavia and Rwanda in The Hague in prosecuting indicted war criminals and in laying down the precedent for the establishment of a permanent international criminal court, to evaluate the President's request for an open-ended extension of time for the U.S. military participation in United Nations Stabilization Force operations in Bosnia, to assess the progress of the Middle East peace process, and to gather information in support of my legislation to strengthen U.S. policy against countries that persecute religious minorities.

INTERNATIONAL CRIMINAL TRIBUNAL

The first phase of my trip involved a review of the progress of the International Criminal Tribunal for the former Yugoslavia and Rwanda in The Hague. This was my third trip to that body in as many years, and its good work reaffirmed my belief that the tribunal could well set the stage for the creation of a permanent International Criminal Court, which would do much to deter future crimes against humanity.

In The Hague, I met with the Tribunal's Chief Prosecutor, Louise Arbour, and several American members of her staff, to discuss pending prosecutions arising from war crimes in the former Yugoslavia and Rwanda. The prosecutors were much more optimistic than they had been on my two previous visits in 1996. One assistant prosecutor, Ms. Patricia Sellers, declared there had been more progress in international law in the last four years than in the intervening 520 years following the first conviction of a war criminal in 1474.

The most tangible of the tribunal's successes was the recent conviction, on eleven counts after a one-year trial, of Dusko Tadic, charged with crimes against humanity under the statutes of the International Tribunal and cruel treatment of civilians as defined by the Geneva Convention of 1949.

While the Tadic case is a start, it is important to note that only 19 of the 79 defendants under indictment are in custody. Most of the remaining defendants are at large in Serb-controlled portions of the former Yugoslavia.

On a later stop in Sarajevo, I saw that the multi-national force in Bosnia faces a complicated task in taking some of these major defendants, like Radovan Karadic and Ratko Mladic, into custody. The current instruction is to arrest indictees if observed, but not to hunt them down. Our military commanders told me in Sarajevo that they have the trained personnel to take them into custody if provided sufficient intelligence information on their whereabouts.

Some of the Congressional opposition to staying in Bosnia could be overcome with a strategy to hunt down war criminals as part of the SFOR mission, but this would present its own set of problems. Our experience in Somalia was bitter when we sustained extensive casualties in our unsuccessful effort to take Mohammad Aidid into custody. Consideration should be given to an arrest strategy if it could be accomplished with minimal difficulty.

A vastly preferable course to SFOR apprehension would be for Serbia to honor its commitments under the Dayton Agreement to cooperate in apprehending the Tribunal's indictees. After discussing this matter with the Supreme Allied Commander, Europe, General Wesley Clark in The Hague, I requested and obtained a meeting with Slobodan Milosevic, President of the Yugoslavian Federation, who had been labeled a war criminal by Secretary of State Larry Eagleburger in December 1992. Fifteen minutes out of Belgrade on a special flight, I was told Milosevic had suddenly caught the flu.

In my testy substitute meeting in Belgrade with Yugoslavian Foreign Minister Zivadin Jovanovich, I pressed Yugoslavia to turn over several defendants in his country and to help apprehend Karadic and Mladic. I was not surprised by his refusal. While in Belgrade I heard that many there are worried about the Tribunal's recently adopted procedure to obtain sealed indictments. Some ranking Serbian or Yugoslavian of officials may travel to a jurisdiction where an arrest warrant, based on a sealed indictment from the War Crimes Tribunal, could be served with a one-way ticket to custody at The Hague.

Later stops on my trip validated the importance of the International Tribunal's example to maintaining international stability. In Ethiopia, Yemen and Eritrea, I heard considerable interest in the tribunal's work on Rwanda war crimes. The U.S. Ambassador to Ethiopia expressed concern about the slow progress of the tribunal on the Rwanda indictments. Yemeni Foreign Minister Al-Iryani expressed satisfaction that 23 individuals are in custody on charges of war crimes in Rwanda.

Eritrean Foreign Minister Haile Weldensae told me that successful prosecutions against Rwanda defendants would help bring peace to that country which still suffers from massacres. Yemeni President Salih cautioned against the tribunal's handling of the Rwanda prosecutions without a better understanding of African problems. But the his Foreign Minister struck a positive chord, saying the Rwanda tribunal "will absolutely deter" future atrocities and that it would set a "very good precedent that no one should get away from war crimes."

From my review of the tribunal's progress, it is clear that it faces many hurdles: the body has only one courtroom (with a second under construction), and is frequently undercut by France and Yugoslavia in carrying out its work. The tribunal's budget has been increased, but still will have grossly insufficient resources to carry out its vital mandate. Only resources, perseverance and strong international backing will enable the War Crimes Tribunal to make a success of its unique opportunity to extend the rule of law against international criminals.

BOSNIA

The second phase of my trip involved evaluating the President's recent decision to stay to stay in Bosnia indefinitely in the face of the Defense Appropriations Act cutting off funding for our military operations there on June 30, 1998. Clearly, Congress and the President may be on a collision course on this matter. Evaluating our policy in Bosnia took me to Sarajevo, Belgrade and Italy to meet in the field with our troops and with military leaders from the U.S. and NATO Commands.

In Sarajevo, I asked our troops to estimate how long we would need to stay there to avoid the resumption of bloodshed which would happen if they left on Congress's schedule. A frequent answer was a generation, given the intensity and longevity of the religious and ethnic hatreds between the Muslims, Croats and Serbs. Command Sergeant Major Selmer Hyde, a Pittsburgh native, pointed out that Muslims in Sarajevo choose to walk up a high hill adjacent to the city over a winding dirt trail rather than using a new macadam road traveled by Serbs and Croats.

There was considerable Congressional opposition to President Clinton's deployment of U.S. troops for one year in early 1996 as part of a multi-national force, and even more skepticism when he extended their stay by 18 months shortly after the 1996 Presidential election. In articulating the three U.S. objectives for an indefinite stay in Bosnia, the President twice refers to European security and once to the rule of international law. While obviously important, those reasons do not measure up to "vital" U.S. national interests as defined by the historic Senate debate involving Senators Nunn, WARNER, MOYNIHAN, myself and others on the Congressional resolution to authorize the use of force in the Gulf War in January 1991.

There is no doubt about the potential dire consequences if the fighting resumes among the Muslims, Serbs and Croats. The battle may spill into Macedonia. Germany and other European countries would likely be flooded with refugees. The entire region would be de-stabilized.

But there is significant question as to how far can U.S. military resources be stretched on the current $268 billion defense budget. In the mid-1980s, those appropriations approximated $300 billion, which would exceed $400 billion in 1998 dollars. The top U.S. military brass in Bosnia and NATO had no response to my questions on priorities in deciding how to spend among Bosnia, Korea, Iran, Iraq and the world's other hot spots.

The other nations insist on U.S. leadership. The U.S. has about 8,000 soldiers in the Bosnia force, compared to approximately 2,500 Germans, 5,100 British, 3,200 French, and 1,400 Russians. Most of those nations are AWOL when it comes to supporting the U.S. on tough sanctions against Iraq or on our efforts to isolate Iran, and France has chosen not to let its officers testify in front of the International Criminal Tribunal in The Hague. This is particularly outrageous given that General Shinseki's multi-national staff told me that successful prosecution of tribunal inductees forms a lynchpin of future Bosnian stability.

In the field, our Bosnian troops express mixed sentiments on our continuing role there. While there is pride on preserving the peace and noting some improvements, most say we will have to be there for decades.

Doing our part does not mean doing more than other major European nations. This is not the Cold War where the U.S. squared off against the USSR and our dominant role in NATO protected our vital national interests. Obviously, Bosnian stability is of much greater concern to the European nations than it is to the U.S.

If we are to stay, we should (1) get greater commitments from the other major powers—Great Britain, France, Germany, Italy, etc; (2) secure agreement from those nations to share on stabilizing the other world hot spots; (3) obtain real cooperation from the Serbs, Muslims and Croats on taking into custody defendants under indictment by the War Crimes Tribunal; and (4) set a timetable on benchmarks for progress which would permit a reduction and, ultimately, a withdrawal of U.S. personnel in Bosnia.

Congress is prepared to be cooperative, but there are important issues and interests which must be addressed to our satisfaction. The Defense Appropriations Subcommittee, on which I serve, should not and will not issue a blank check on Bosnia.

MIDDLE EAST PEACE

The third phase of my trip involved assessing Middle East regional stability and the progress of the peace process. Toward this end, I met in Israel with Prime Minister Netanyahu and various members of the Knesset, in Syria with President Assad and Foreign Minister Shara, in Jordan with King Hussein and Crown Prince Hassan, on the West Bank with Palestinian Authority Chairman Arafat and Minister of Education Hanan Ashrawi, in Eritrea with Foreign Minister Weldensae, in Yemen with President Salih and Foreign Minister al-Iryani, in Saudi Arabia with Saudi Intelligence Director Prince Turki and U.S. Air Force Brigadier General Rayburn and in Egypt with President Mubarak.

Before I left I had a talk with President Clinton and urged him to become more involved in the Mideast peace process, particularly on the Israeli-Syrian track. After meeting with Prime Minister Netanyahu and President Assad, I am convinced that if the President of the United States became personally involved on that track, there could be some real movement.

In talking to President Assad and Prime Minister Netanyahu on trips to the area in August and November, 1996, President Assad's position was that he's not going to resume negotiations unless Israel agrees to start off where Prime Minister Rabin left off, and Prime Minister Netanyahu contended that he had a different mandate from the Israeli electorate. This time, I noticed the same words, but somewhat of a difference in tone. I firmly believe that progress could be made on this track with direct Presidential involvement.

On the question of the Golan, I raised with President Assad the issue of submitting the return of the Golan to an Israeli referendum as part of any agreement with Israel. While initially President Assad considered this a matter purely for Israeli domestic consumption, after we talked for a while, he acknowledged that it could form a part of a future arrangement. If the sticking point of the status of Golan were decided directly by the Israeli electorate referendum, this would allow Prime Minister Netanyahu to negotiate with Syria, notwithstanding his "mandate."

As I did in the past, I also raised with President Assad the issue of Israeli MIAs and I was told that the Syrians have made continuing efforts. I had raised that in the past, and they say they have not been able to find anything to this point. I raised a number of other MIA issues; I've been asked by the U.S. Embassy not to discuss those issues in detail, but I did raise them all. I was assured that work is being done on them.

By contrast with the Israeli-Syrian track, the Israeli-Palestinian peace talks are much more difficult. There are a lot of people in the region who contend that Prime Minister Netanyahu has not kept his promises on the Israeli-Palestinian process. Prime Minister Netanyahu insists that he has kept his promises. I believe that bringing both sides together in this atmosphere is going to take a lot of work. I was glad to see the President bring both Prime Minister Netanyahu and Chairman Arafat to meet with him in Washington last week, but I wish that more could have been attained by way of tangible progress during their visits. I feel that a similar Oval Office dialogue between Prime Minister Netanyahu and President Assad would prove more fruitful because the Israeli-Syrian track appears not as intractable.

As ever, Islamic fundamentalist terrorism represents the greatest threat to regional security in the Middle East, and, in light of this, my visit to Saudi Arabia was especially instructive. I visited thousands of U.S. airmen living in tents at the remote Prince Sultan Air Base, to which our forces were sent following the terrorist attack on Khobar Towers in Dhahran in June 1996. Their living quarters made the Allenwood Federal Prison in Pennsylvania look palatial.

I had met with FBI Director Louis Freeh before departing, and discussed, among other issues, the level of Saudi cooperation with our counter-terrorism effort. In Riyadh, I met with Saudi Intelligence Director Prince Turki, and strongly objected to the Saudis' refusal to honor their commitment to allow the FBI to question suspects in the Khobar Towers bombing. Prince Turki replied that Saudi national sovereignty entitled his government to handle the matter as it chose. This is particularly irksome, given the sacrifices that our troops are making in the region to provide the Saudi government protection from Iraq.

FOREIGN RELIGIOUS PERSECUTION

The fourth phase of my trip involved gathering information on foreign religious persecution. Worldwide persecution of religious minorities, focused particularly on Christians in Muslim countries China and Tibet, led last year to the introduction of the SPECTER-Wolf bill which would create a U.S. office to monitor such persecution and impose trade sanctions on countries which systematically persecute any religious group.

Toward the goal of fact-finding, I met with religious leaders and governmental officials in Egypt, Saudi Arabia, Ethiopia, and Eritrea and Yemen. I had wanted to visit Sudan to investigate persecution of Christians by the fundamentalist Islamic Sudanese government, but was told by the State Department that Sudan was unsafe for American delegations. I did meet with the Sudanese government-in-exile in neighboring Eritrea, and discussed reports of Sudanese persecution with His Holiness Abuna Paulos, the Patriarch of the Ethiopian Orthodox Church, and with the leadership of the Ethiopian Supreme Islamic Council in Addis Ababa.

My fact-finding corroborated the widespread reports of bias, mistreatment and even persecution of religious minorities in the Middle East and Africa.

Egyptian President Mubarak and Saudi Arabian Intelligence Director Prince Turki told me that public intolerance toward non-Muslim religions springs from the Koran. Conversion from Islam to Christianity or any other religion carries the death penalty under Muslim laws that are based on teachings of the Koran.

I heard conflicting statements in Saudi Arabia about whether the death penalty is actually imposed on conversion. One U.S. citizen living in Riyadh told me of a videotaped beheading by Saudi authorities of a Filipino Christian, but there was some question as to whether this individual was put to death solely because of his faith. There appeared to be more substance to a claim of religious motivation for the execution of a Christian charged only with robbery, since that punishment far exceeded the usual penalty for that crime.

Aside from the issue of capital punishment, there is no doubt that the religious police in Saudi Arabia are very repressive against Christians. A Mormon U.S. citizen reported a Saudi investigation seventeen years ago arising from prayer meetings in a private home. A dossier, he said, has been maintained by Saudi authorities on participants resulting in a recent deportation of a Mormon found in possession of a religious video.

Other U.S. citizens in Riyadh told of Christmas decorations being torn down in hospitals, seizures of personal bibles by Saudi customs officials and prohibition of displaying a Christmas tree in the window of a private home if it could be seen from outside. Another Christian from India told of a Sunday School being ransacked by Saudi religious police with the arrest and detention of a pastor, his wife and three children.

American soldiers of Jewish faith feel particularly at risk in Saudi Arabia. They change their "dog tags" to eliminate any reference to their religion during their tours there. When a rabbi from the Chaplain Corps recently visited U.S. military posts in Saudi Arabia, many Jewish soldiers declined to meet with him.

The Saudi answer on the religious questions was identical to their rationale on refusing to allow the FBI to interrogate the Khobar Towers suspects. The only difference was that source of their obstinacy was the Koran instead of national sovereignty. Nevertheless, I believe the Saudi attitude on religious bias can be changed at least to some extent in the face of sufficient U.S. and world persuasion and pressure.

On September 12, 1997, Prince Sultan reportedly made a commitment to the Pope that Christians would be permitted to pray together in the solitude of their homes. Even that remains to be seen. Prince Turki claimed that Saudi policy did not preclude people from bringing bibles for their own personal use through customs; but, he said, zealous customs bureaucrats often act on their own in confiscating these items.

From my discussions with foreign leaders and with religious minorities, it was clear that just the introduction of the Specter-Wolf bill has had an effect on foreign repressive practices. My friend, the Special Advisor to President Mubarak, Osama el-Baz, came to see me in my Senate office before my trip to ask that Egypt not be included among countries which persecuted Christians. Also, fifty-three Egyptian Christians recently publicized a letter saying, in effect, the U.S. should mind its own business even though they acknowledged that "there are certain annoyances that [Christians] in Egypt suffer from."

Egyptian evangelicals were not as restrained. They cited cases of eight and nine months in jail for Muslims who sought conversion to Christianity. One scholar produced statistics showing 1624 people were killed by religious violence in Egypt from 1990 through 1992 including the deaths of 133 Christians. Evangelicals in both Egypt and Ethiopia also complained about the long time it took to secure official permission to build churches, a snag that, in effect, stymied their religious activity.

Since the State Department advised against visiting Sudan, we sought information on that country's practices in the neighboring countries of Eritrea and Ethiopia. Eritrean Christians confirmed claims of Sudanese children being sold into slavery. They attributed it to profiteering by the militia as part of the booty of war. One Eritrean Christian commented on Sudanese governmental action in closing churches in 1997.

Our Christian, Jewish and Moslem interlocutors in Saudi Arabia, Egypt, Ethiopia and Eritrea were particularly pleased that the U.S. Congress was considering the issue. An Egyptian Muslim almost withdrew his objection to the Specter-Wolf bill when he heard it applied to other nations and had no sanctions against Egypt on U.S. foreign aid. Archbishop Silvano Tomasi, Vatican Ambassador to Ethiopia, complimented the proposed legislation for raising the level of dialogue, adding that, if it were enacted with a "little bite," then so much the better.

By raising the profile of the religious persecution issue in the current discourse of foreign policy, Congress has been able to make some progress on advancing the cause of religious freedom abroad. Still, many problems remain. For this reason, Congressman Wolf and I will continue to pursue our bill toward the goal of putting teeth in our country's longstanding policy against foreign religious persecution.

MAGNETIC LEVITATION TRAIN TECHNOLOGY

On my way back to Washington, I stopped in Lathen, Germany, to announce the completion of an agreement to bring German high-speed magnetic levitation ("maglev") train technology to Pennsylvania. I took a demonstration ride on the maglev train, which is capable of speeds as high as 310 miles per hour.

This is something I have been working on in the area of Transportation Appropriations for a long time. The maglev train ride would improve the quality of life of all Pennsylvanians who feel they spend too much time in traffic or at congested airports. This technology would also bring Pennsylvania's steel industry roaring into the 21st Century because the maglev train uses steel guideways over hundreds of miles.

The train went a little over 250 miles per hour and it was exhilarating to be in a kind of mass transit which goes so fast, a little like Buck Rogers. It would be tremendous for Pennsylvania and a tremendous boon to the economy of every stop along the line from Philadelphia to Pittsburgh, such as Lancaster, Harrisburg, Lewiston, State College, Altoona, Johnstown, and Greensburg. People could go from Philadelphia to Pittsburgh in one and a half hours non-stop, revolutionizing our transportation system. I look forward to continuing to support this economical, forward-looking technology in the future.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you, very much.

THE PRESIDENT'S BUDGET

Mr. GRAMS. Mr. President, I rise today to make a few, brief observations about the President's budget.

Let me say I welcome the fact that President Clinton has come up with a budget that may finally be balanced in the next fiscal year, although I do not agree with the outlines of his plan. The good news is that if the economy stays as strong as expected, we may soon enjoy a unified budget surplus for the first time since 1969.

However, Mr. President, again, after a thorough examination of President Clinton's budget, I must say this is not at all a responsible and honest proposal. Here is why:

First, President Clinton claims it is his fiscal policies that have reduced the federal deficit and brought the budget to the edge of balance. That would be stretching the truth. The productivity of the American people has brought us to this point, in spite of what Congress has done or the President's tax-and-spend habits. The truth is, the President has only been willing to balance the budget, if he is allowed to use all increases in revenues, plus even higher taxes, to match his appetite for spending on expanded programs, new programs, and new entitlements.

In 1992, candidate Bill Clinton promised he would balance the budget if he were elected. When President Clinton arrived at the White House in 1993, he abandoned that promise at the front door. The first budget he proposed called for the largest tax increase in history and increased federal spending of more than a trillion dollars in just five years, a jump of 20 percent.

In 1995, the President again promised America he could balance the budget, first in ten years, then nine, then eight, and finally, seven. He made a similar balanced-budget promise in 1996. Finally, after spending all of the $225 billion revenue windfall "miraculously" discovered by the CBO, President Clinton and the congressional leadership agreed last year to achieve a balanced budget in six years.

Mr. President, it is the American economy that produced this unprecedented revenue windfall for the federal government, and the unexpected dollars have come directly from working Americans—taxes paid by corporations, individuals, consumers, and investors. Washington did not do any heavy lifting: the people did. Yet, Washington takes all the credit.

Second, the Clinton Administration claims that this budget will produce surpluses "as far as the eye can see." Sure, as long as you are looking through rose-colored glasses. Such claims are explicitly intended to mislead the American people. Mr. President, this projected surplus is only a surplus under a unified budget. Without borrowing from the Social Security trust funds, the real federal deficit could reach $600 billion over five years. The total deficit will reach a trillion in the next decade. This means we will see deficits, not surpluses, as far as the eye can see.

In fact, the CBO estimates the possible budget surplus could easily turn into a $100 billion deficit. I asked Dr. O'Neill last week what the odds were we would achieve a budget surplus versus ending up with a deficit, and she said it was 50/50. This uncertainty requires us to exercise fiscal discipline, not to run off and approve another $123 billion in spending as the President has proposed—money from a surplus we have not seen yet and a tobacco settlement that is only a proposal.

I need to stress that a unified balanced budget is an unacceptable prospect if it is achieved at the expense of responsible governing. The truth is that the President's budget continues the tax-and-spend policies that have been the hallmark of this Administration. Again, after setting spending limits that in 1997 grew the government three times faster than inflation, or the incomes of working Americans, the President wants to blow those spending caps with another $123 billion increase in federal spending. The ink is barely dry on last year's budget agreement, which gave working Americans, or at least a few of them, $90 billion in tax relief, and now the President proposes wiping out that tax cut with $115 billion in new taxes—or increases in existing taxes, permits, or fees.

The most untruthful thing about this budget is President Clinton's rhetoric that the era of big government is over. OMB Director Raines testified in the Senate Budget Committee last week that by any standard, big government was indeed over. A $100 billion government 35 years ago is now 18 times larger, at $1.8 trillion. Who is kidding who?

If he does not get those new taxes through Congress, the President wants to borrow from the Social Security Trust Fund. Mr. President, the Congress must not permit the President to finance his spending programs, his big-government solutions, by borrowing from Social Security.

If you count what Senator GRAMM calls "hidden spending" of $42 billion, actual spending under the President's budget would reach $1.775 trillion, a 6.4 percent increase, and a Washington record. And it continues to grow from there. In 2003, the President is asking for $1.945 trillion in federal spending. Total federal spending for the next five years would reach $9.2 trillion. Annual government spending was $1.4 trillion when Mr. Clinton became president.

In five years, the President has already increased government spending by 27 percent. Is there any sign of leaner government? No. The truth is that the government is growing bigger and bigger and bigger.

Nor does this budget do anything to eliminate wasteful and unnecessary Federal programs. It does nothing to make the government more accountable and efficient. It actually increases civilian nondefense employment by 9,200. This is big, central government by any standard.

Mr. President, as I said on the floor the other day, if this is a race to prove who can be the most "compassionate" with the taxpayers' dollars, it is a race nobody is going to win, and one the taxpayers most certainly will lose. The truth is simple: you cannot buy compassion.

Third, the President claims that he will not bust the spending caps set up by last year's budget agreement. Again, this is not true. President Clinton has not only violated the spirit of the budget deal, he has also in effect broken the statutory spending caps established under the Balanced Budget Act of 1997.

Secretary Rubin assured us last week that the President would be bound by the budget agreement we reached last year. But by the President's own estimates, his budget does not meet the statutory caps on discretionary spending by actually reducing that spending.

The offsets proposed in the budget are highly questionable. To stay within the caps called for by last year's Balanced Budget Act, the President anticipates the use of $60 billion in tax increases to offset discretionary spending.

By doing so, without amending the law, the budget in effect violates the two separate enforcement measures set up by the 1990 Budget Enforcement Act, and it violates the spirit of last year's budget deal.

Mr. President, we broke the 1993 statutory spending caps last year, and we must never repeat that mistake. The current spending caps must stay in place.

Fourth, President Clinton claims that his budget will save Social Security. Again, the President is not being truthful to the American people. On the contrary, his budget does nothing to address our long-term financial imbalances.

And his call for increased spending would use all of any surplus, leaving nothing for Social Security. In fact, under the unified budget, the President will borrow another trillion dollars from the Social Security Trust Fund by the year 2012.

The President's Medicare proposal in this budget does more harm than good. Although the President has proposed putting the projected budget surplus into the Social Security trust funds, he has no specific plan of how to save Social Security.

Simply throwing money into the system without real reform will not preserve it. President Clinton's own Social Security Commissioner, Kenneth Apfel, recently said the President's proposal to bail out Social Security could not alone come close to solving the system's impending deficit. It may only extend the fund for two to five years.

Mr. President, I am deeply disappointed with this budget and troubled by its untruthfulness to the American people.

Although our short-term fiscal condition has improved in recent years, thanks to what Chairman Greenspan called an "exceptionally healthy" economy, our long-term fiscal imbalances still impose a threat to our future.

Washington's bills remain astronomic. We have a $5.5 trillion national debt, at least $14 trillion in unfunded liabilities for Social Security and Medicare, and more than $5 trillion worth of government contingencies. These risks will shatter our economy if we fail to take action now.

If the President will not step up and take the lead in ensuring fiscal responsibility, then Congress must. We must continue to cut government spending, shrink the size of the government, and reform Social Security and Medicare to save them.

Mr. President, in the next few months, I intend to work with my colleagues and the Administration to exercise the fiscal discipline necessary to ensure the federal budget will be balanced—and stay balanced—without new taxes, without new spending, and without borrowing from the Social Security Trust Fund.

That is the responsible thing to do. That is the honest thing to do. And, Mr. President, that is the right thing to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have two different items that I want to visit with my colleagues about. No. 1 is on international trade, and the second one will be on the Massiah-Jackson nomination that is before the Senate.

(The remarks of Mr. GRASSLEY pertaining to the submission of S. Con. Res. 74 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

EXECUTIVE SESSION

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate continued with the consideration of the nomination.

Mr. GRASSLEY. Mr. President, I want to make a few comments on the nomination of Judge Frederica Massiah-Jackson to the Federal District Court for the Eastern District of Pennsylvania.

Recent resistance to her nomination has moved beyond individual opponents to wide-spread, bipartisan opposition. We've heard about opposition from the Pennsylvania District Attorneys Association.

Additional opposition comes from a Philadelphia lodge of the Fraternal Order of Police, as well as the Fraternal Order of Police, National Legislative Program. The F.O.P. has written letters to the Senate and the President voicing their concerns over the safety and welfare of the Philadelphia police force if Judge Massiah-Jackson is confirmed. They fear her established record of being extremely lenient on criminals and her insensitivity to victims of crime will "pose a direct threat" against police. Also, the National Association of Police Organizations, which represents more than 4,000 police unions and associations and over 220,000 sworn law enforcement officers, opposes the confirmation of Judge Massiah-Jackson.

If this isn't a strong indication of the problems this nominee's confirmation would cause, I don't know what is.

The Northampton County District Attorney has also written a letter to the Senate detailing twelve separate instances illustrating the improper conduct of Judge Massiah-Jackson. The facts on which the letter is based were compiled from internal memorandums, court transcripts and other documents from the office of the Philadelphia District Attorney's Office. The most egregious example disclosed by the letter was a 1988 acquittal of a man charged with possession of two and a half pounds of cocaine. The acquittal was the second by Judge Massiah-Jackson of alleged drug dealers arrested by the same police officers. In open court she told these arresting officers, who were working undercover, to turn around and told the drug dealers and other spectators to "take a good look at the undercover officers and watch yourselves." The incident was reported in a Philadelphia newspaper and, as has been mentioned, the Judiciary Committee has also received the signed statements of Detective Sergeant Daniel Rodriguez and Detective Terrance Jones, the officers involved. This conduct not only significantly reduced the crime fighting effectiveness of the officers, but more importantly, they believed it put their lives in serious peril. This is not the type of conduct expected from a judge, nor can it be tolerated.

In addition to this letter, the members of the Judiciary Committee also received a letter from Philadelphia District Attorney Lynne Abraham, who stands in opposition to this nomination. The opinion of Mrs. Abraham, who by the way is a Democrat, is particularly relevant since she campaigned with and served on the bench at the same time as Judge Massiah-Jackson. Mrs. Abraham concludes that, "the nominee's record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute." She further notes that, "this nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar."

These are not the biased opinions of racist or sexist opponents, as some have irresponsibly charged. They are the informed opinions of respected district attorneys and law enforcement officers with personal knowledge of the nominee. In fact, District Attorney Abraham has publicly said she "firmly believes the next appointee to the U.S. District Court here should be an African-American woman. But that appointee should be one of the many eminently well-qualified African-American women lawyers in the area, and not Massiah-Jackson."

Despite these fact-based opinions, supporters of the nominee have repeatedly insisted that she should not be judged on a few cases, and that her overall record can be characterized as fair to law enforcement and crime victims. They also point out that sentencing statistics show she is right in line with other judges. I must say these arguments are misleading, as demonstrated by the statistics provided to the Senate Judiciary Committee.

In reality, Judge Massiah-Jackson deviated from state sentencing guidelines, in favor of criminals, more than twice as often as other judges according to statistics compiled by the Pennsylvania Commission on Sentencing. From 1985 till 1991, Judge Massiah-Jackson sentenced below the Pennsylvania guidelines 27.5 percent of the time. Other Pennsylvania judges sentenced below the guidelines in only 12.2 percent of the cases. This record cannot be characterized as fair to victims or law enforcement, and is not in line with other judges. We've also heard the argument that district attorneys regularly disagree with judges. Well, Mr. President, in the seventeen years I've been voting on judicial nominees, I don't ever recall such local, public opposition as we've seen in this case. This is truly unprecedented.

We in the Senate can no longer overlook and excuse a record that is clearly against the interests of law enforcement personnel and victims of crime, or professional conduct which is below the dignity of a judge. No person, of any race or any gender, should be able to serve on the federal bench if she or he demonstrates a bias against police and prosecutors, is soft on crime and shows a lack of proper judicial temperament. For these reasons, I will oppose the confirmation of this nominee and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. COATS). The Chair recognizes the Senator from North Dakota.

ISTEA

Mr. DORGAN. Mr. President, I want to visit for just a minute the issue about the highway bill and roads.

I would say to the Senator from Indiana, the Presiding Officer, that when I was in high school in a small town in North Dakota, I was agitating pretty hard to get a car. The way my dad warded me off from this desire to purchase a car was he said I'll let you buy a car because I have one spotted for you. But he insisted that I would have to restore it.

Sure enough, my father, who delivered gasoline to rural users, family farmers, with his rural delivery gasoline truck, had been out on a farm and he saw a 1924 Ford Model T in a granary. It had been sitting in that granary for many, many years. He said, you know the fellow who used to own that farm and put that Model T in there, he lives out of State. You should write him a note and see if he would want to sell you that Model T. So I did, and the fellow wrote back and said he would be glad to sell me his 1924 Model T Ford. He sold it to me for $25 and sent me the original key and original owner's manual.

I went out to look at this car I just bought and the rats had eaten out all the seat cushions and all the wiring and all there was was a metal shell with the engine, and no tires, of course. And so I was the proud owner of a 1924 Model T Ford. That's the car my dad got me for my social life. It wasn't much of a social life for long while, because it takes a long time to restore a Model T Ford. As a matter of fact, I didn't know much about it. I was told, by the way, the reason the owner drove it to the granary and put it in that granary for a long, long time was the Model T's are like the old red wagon you used to pull when you were a kid. If you turn the wheel in front too far, they would tip over. It's called jackknife. A lot of people don't remember that. But the Model T would jackknife if you turned the wheel too sharp. I was told, the fellow who owned it had been in town drinking and driving home from the bar he thought he saw some chickens in the road so he thought he'd take a sharp left turn and he jackknifed the Model T and it pinned him beneath the Model T and hurt him a little bit. He survived, but he parked the Model T in the granary and never drove it again. He was pretty upset, I guess.

Then I bought it. Then I had a 1924 Model T Ford to restore and drive on modern roads, which was really quite an interesting thing to do. It didn't improve my social life, but nonetheless I had a car, an old car on new roads.

One of the interesting things about automobiles in our society is that we have not only seen dramatic changes in our automobiles from the first Model T I purchased as a young kid, but the infrastructure that we use and that we need for those automobiles and for transportation has also changed dramatically.

I am told that a new automobile in this country, manufactured here today, has more computer power in the automobile than existed in the lunar lander that put the first American on the Moon. There were breathtaking changes in manufacturing techniques and the production of consumer products, especially in automobiles. But we also have to understand that, as a society, that no matter how much we change these consumer products in ways that are really wonderful, we also must invest in infrastructure. So we have, over the years, consistently, Republicans and Democrats, everyone, worked together, from county commissioners to U.S. Senators and mayors and Governors, to decide we need a first-class road system. We have, in part, become a world-class economy because we have a first-class infrastructure and a first-class transportation system.

We have before us in the U.S. Congress the need to pass a new highway bill. It is not a partisan issue. I don't come to the floor to blame anybody for anything. I come to the floor, as have some Republicans and some Democrats, and say it is time now to put the highway bill on the floor and let people who want to offer amendments offer the amendments and pass a highway bill so that those people out there who are running the highway programs in the State governments, and those people in the county commission offices and in the townships and the cities, will understand how much money is available to build and to repair roads and bridges. This plan must be passed by the Congress to allow all of those folks to understand what they can and cannot do; how much is available.

This morning I stopped to put some gas in my car on the way to work. I not only paid for the gasoline, I also paid a tax. That tax is going to go from that station that I stopped at to the Government coffers and will be put in a trust fund, and it is going to be used in one way or another, I expect, to build a road or repair a bridge. That's the purpose of the gas tax that we have imposed, in order to provide for this infrastructure investment.

We have a responsibility now to do last year's work. Some say, "Gee, we didn't get it done last year. That is somebody else's fault." Or they point a number of different ways. "But now we must wait for next year's budget in order to bring the highway bill to the floor."

We don't need to delay last year's work to deal with next year's budget. It doesn't make any sense to me. Those people who have come to the floor of the Senate on a bipartisan basis and said this Congress is moving at a Model T speed here—this is really glacial speed, at least as we have taken off from the blocks. Let us bring something to the floor that we must do and must do soon. Let all those who have amendments to it offer those amendments, have a debate on the amendments, and vote so we can do our business.

Some say if we do it the other body will not do it anyway. The other body has signaled that it does not intend to take up a highway bill until the budget is complete this spring.

I was on a television program with the chairman of the committee in the other body that deals with this issue. He said that the Speaker has indicated he doesn't want this to come up until after the budget process. I respectfully say to the Speaker, "That may be your desire, but I don't think that's what the American people desire." It's certainly not what I desire. I hope at least those of us in the Senate could pass the bill and send it over to the House and then say to them the American people want this done. Let's put some pressure on them. The best way to apply pressure to get something done is to do our work. Our job at this point is to bring the bill to the floor and begin to deal with this bill.

I have traveled in various parts of the world at various times. One of the interesting things that distinguishes a Third World country or a developing country from a developed country or an industrialized country is its infrastructure. I have been in hotels, the best hotel in a town, and turned on the tap and have gotten rust and water together because their infrastructure was terrible. And I have driven from that town in a Jeep, going only 25 or 30 miles an hour because the roads, the main roads, the best roads, are full of holes and ruts that will tear up a car's underside if you go faster than that. We all understand that many of those countries have not had the opportunity or the resources to develop their infrastructure.

In some ways, the inability to develop the infrastructure predicts that they will not become a developed country; that they will remain a country that is a Third World country. We distinguish ourselves and have become an enormously successful country over a couple of hundred years by our desire to build in this country, to build and create. Part of that building and creating is to invest in infrastructure. And part of that is to invest in the best road and highway system anywhere.

We face some daunting tasks now with respect to bridges and some of our roads in this country. They are in desperate need of repair. We have been putting money in a trust fund with which to do that. Yet, in many cases the trust fund hasn't been used because they want to build up that money to use it as an offset to make the deficit look different than it should have looked. Or others have other ideas on what to do with the money. The point is, we have a responsibility, all of us serving now, to deal with the infrastructure needs of our country now. I implore the majority leader and others to consider, as they develop the agenda for this Senate, that, beginning tomorrow or the day after tomorrow or next Monday, decide that high on the agenda, at the top of the list, will be for us to do what we must and should do: Pass a highway program that invests in this country's infrastructure.

Mr. President, I indicated that this is not an issue of partisanship. It is, interestingly enough, every time you get a highway bill to the floor, it is a debate between a group of States that think the formula by which we divide the highway moneys is a terrible formula and others who think the formula is a wonderful formula. It depends on who gets and who gives. My State, I just would say with respect to the formula, as you might think, gets more back than it sends in for the highway program. So some States would look at my State and say: "Well, your State is a receiving State or a recipient State or a beneficiary" and my State, somebody else's State, they would say, "is a donor State. We are upset about that."

Without getting into a debate about the formula, I would just say this. We are a State that is 10 times the size of Massachusetts, in North Dakota. You can put 10 States the size of Massachusetts inside the borders of North Dakota. Yet we have only 640,000 citizens. Those 640,000 citizens cannot by themselves pay sufficient gas taxes locally to maintain the roads and bridges necessary in our State, in order to make it a national road system. We cannot do it.

In fact, if you measure the burden another way, we in North Dakota rank among the highest in the country in per-person payments of Federal gas tax. Our burden ranks among the highest in the country. But others want to segregate it out and say, "Well, you are a recipient State and that is not right."

I say, but we in North Dakota pay for the Coast Guard.

We don't mind doing that. I am a taxpayer. My constituents are taxpayers. We pay for the Coast Guard. We don't really have any coast to guard. North Dakota is landlocked. We don't mind really doing that. That is the way these things should be done on a national basis.

When it comes to investing in highway programs, we feel also that there ought to be a national program to make sure that our country is a country that is not divided by those areas that have good roads and those that don't, because some can afford it and some can't.

Roads and infrastructure represent a national need and a national priority, and the satisfaction of that need and priority makes this a better and a stronger country. I hope that the discussions on the floor of the Senate by Senator BYRD, Senator GRAMM and Senator BAUCUS and so many others who are urging that we be allowed on this agenda to consider very, very soon the highway reauthorization bill, I hope those urgings will be heard and that we will very soon be on that particular business.

Mr. President, with that, I see a colleague is on the floor. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 1631 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HUTCHINSON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. THOMAS. Thank you very much.

JACKSON HOLE AIRPORT

Mr. THOMAS. Mr. President, I rise today to talk a little bit about a parochial issue that is peculiar to Wyoming, but it is one that is troublesome. It has to do with the Jackson Hole Airport. I am rising to express my frustration regarding the Federal Aviation Administration (FAA) and its lack of action with respect to an environmental assessment (EA) regarding safety issues at the Jackson Hole Airport.

Let me explain why the issue is so important to us in Wyoming. Jackson Hole is the busiest airport in Wyoming. It is the only commercial service airport in the country that is located within a national park, Grand Teton National Park. As a consequence, of course, the FAA and the Park Service are very careful about making safety or other improvements at this facility. And they should be. As chairman of the Senate subcommittee on national parks, I agree that all of the proposals for changes at the Jackson Hole Airport ought to be carefully examined. You won't find a bigger advocate for our national parks in the U.S. Senate than me. However, there are some significant safety issues that must be addressed quickly.

Between 1984 and 1992, the airport had more "runway excursions," which is a nice way of saying they ran off the end of the runway, than any other airport in the country. This includes a broad range of aircraft, from general aviation and small commuters, to large aircraft such as 757s.

Since 1992, there have been seven additional runway "incidents" that have occurred.

In response to these problems, the Jackson Hole Airport board began an environmental assessment in 1992. All the interested parties, including the Park Service and the FAA were at the table. In fact, in 1993, I wrote Transportation Secretary Pena asking for interagency cooperation on this important issue, including the National Park Service, the Interior Department, the FAA, and the Department of Transportation. I wrote that letter in order to avoid the kind of situation that we have now.

In April of 1997, the airport board finally completed the assessment, after 5 years, and submitted it to the FAA. The results of the environmental assessment appeared to be very reasonable.

It would bring the runways into compliance with current FAA runway standards. That makes sense.

It would improve safety without increasing the length of the runways, which is very important. There is opposition by some to making the runways longer because they are in the park. And there is some opposition to making them longer because that could accommodate bigger airplanes, and some people are not anxious to see that happen.

It would not result in any significant noise increase. In fact, I am told that the newer airplanes are less intrusive with noise perhaps than the older ones.

If, in fact, these statements are correct—and they appear to be—then why is the proposal being delayed? The FAA has been unresponsive and uncooperative with my office on this matter.

In December of 1997, 8 months after the completion of the study, the FAA still had not acted on the environment assessment. I wrote the agency asking it to expedite its consideration of this matter and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

DECEMBER 4, 1997.

JANE F. GARVEY,
Administrator, Federal Aviation Administration, Washington, DC.

DEAR ADMINISTRATOR GARVEY: We write to request that you expedite action on the Final Environmental Assessment (EA) submitted by the Jackson Hole Airport Board in April of this year. Prompt action by the Federal Aviation Administration (FAA) is vital to maintaining safe air travel to and from Jackson Hole Airport.

As you may know, the Jackson Hole Airport enplanes more passengers than any other in our State and provides an essential transportation link to the northwest area of Wyoming. In addition, between 1984 and 1992, the Jackson Hole Airport had more "runway excursions" than any other air carrier airport in the United States. Both you and Secretary of Transportation Slater have emphatically stated that safety is the top priority of this administration. We agree that the traveling public's safety is vital and consequently ask that you expedite the consideration of this plan.

In the fall of 1993, the Wyoming Congressional Delegation requested inter-agency cooperation in the preparation of an Environmental Assessment of Master Plan Alternatives to enhance the safety and efficiency of the Jackson Hole Airport. The Delegation was assured by then Secretary of Transportation Federico Peña that the FAA would work toward the development of a responsible and "timely" airport plan. We are asking you to keep that commitment, particularly because seven months have passed since the Final EA was sent to the FAA for review.

The EA describes a preferred alternative designed to contain these runway excursions on pavement without actually extending the runway or expanding Airport boundaries. Unless action is taken quickly, runway safety improvements in the preferred alternative will be delayed until 1999. In fact, since the environmental assessment process began in 1992, seven additional runway accidents have occurred.

The concern the delegation expressed over four years ago remains: that timely action to be taken so that runway safety improvements at the Jackson Hole Airport will not be unduly delayed. If the FAA's record of decision on the Final EA will not be issued by January 1, 1998, we request that you inform us as to the reasons for the delay and when a decision should be expected.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.

Mr. THOMAS. I still have not received an answer to my letter from the FAA. The letter was sent in early December of 1997. All the letter asked was for a date by which we could expect a decision. I didn't ask for a decision, I didn't urge a certain outcome, just the date.

I called the FAA Administrator several weeks ago and though she said she would check into it I have heard nothing from her or her staff. For an agency that claims safety as its No. 1 priority, these delays are hard to understand.

This assessment is not an effort to expand the airport. There won't be longer runways, bigger airplanes or more flights. It is about safety, safety for everyone flying in and out of this airport. Time is of the essence—there is a short construction period, as you might imagine, in Jackson Hole, WY. The FAA needs to come to a decision quickly or these safety improvements will be delayed for yet another year.

Mr. President, I guess I have to admit that I am simply expressing my frustration with this situation. The FAA's primary responsibility is safety. The Jackson Hole Airport presents an opportunity to deal with an important safety issue and we've received no response from the FAA. I, therefore, intend to be rather critical of the FAA until it decides to act and comes to a conclusion. This process has gone long enough. The FAA needs to move forward now.

I typically am not anxious to come to the floor of the Senate and grumble about a federal agency, but I think this is something that needs to be grumbled about, and therefore I am here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

INDEPENDENT COUNSEL

Mr. TORRICELLI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have written on this day to Attorney General Janet Reno.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 11, 1998.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: As a member of the Senate Judiciary Committee, which is charged with conducting oversight of the Department of Justice and the Office of the Independent Counsel ("OIC"), I believe public confidence in our system of justice must be maintained. I therefore respectfully request that you conduct a formal inquiry of Independent Counsel Kenneth Starr to determine whether he should be removed or disciplined for repeated failures to report and avoid conflicts of interest pursuant to the powers vested in the Attorney General by the Ethics in Government Act ("The Act"), 28 U.S.C. §591, et seq.

Recent events involving the Independent Counsel's probe are further evidence of Mr. Starr's entanglements that cast a cloud over his ability to conduct an investigation objectively. Over the course of his entire investigation, Mr. Starr, in his continuing work as a partner at the law firm of Kirkland & Ellis and as Independent Counsel, has embraced (and been embraced by) persons and interests that seek to undermine the President as part of their political agenda. He has continually turned a blind eye to his own conflicts of interest at his law firm, to the conflicts engendered by the actions of his clients, and to benefactors that seek to discredit the President for partisan political gain. A person of Mr. Starr's numerous conflicts of interest cannot carry out the even-handed and fair-minded, independent investigation contemplated by the Act. Moreover, the evidence that has surfaced thus far regarding the expansion of Mr. Starr's jurisdiction into these matters raises serious concerns about the OIC's collusion with the Paula Jones legal team in an effort to unfairly and illegally trap the President.

This possible misconduct demands an immediate investigation by the Department to determine if Mr. Starr remains sufficiently "independent" to continue to serve in his current position.

I. THE ETHICS IN GOVERNMENT ACT REQUIRES THE ATTORNEY GENERAL TO INVESTIGATE ALLEGED MISCONDUCT OF THE INDEPENDENT COUNSEL

The Independent Counsel statute provides the Attorney General with jurisdiction to investigate alleged misconduct, conflict of interest and other improprieties that would render an Independent Counsel unfit to remain in office. Specifically, under the statute, the Attorney General may remove an Independent Counsel "for good cause, physical disability, or other condition that substantially impairs the performance of such independent counsel's duties." 28 U.S.C. §596. The Supreme Court has suggested that a finding of "misconduct" would most assuredly constitute "good cause" under Section 596, and that "good cause" may impose no greater threshold than that required to remove officers of "independent agencies." *Morrison* v. *Olson*, 487 U.S. 654, 692, n. 32 (1988).

The Attorney General's removal authority and the concomitant authority to investigate the independent counsel to determine if there are grounds for removal are essential to the continuing constitutional vitality of the Act. Indeed, the Supreme Court's holding that the Act did not violate separation of powers principles rested largely on the power reserved to the Attorney General to remove the independent counsel for "good cause." Specifically, the court found that the Attorney General's removal power rendered the independent counsel an "inferior officer," as required by the Constitution, 487 U.S. at 671, and that such authority ensured that undue powers had not been transferred to the judicial branch under the Act. 487 U.S. at 656. Thus, Morrison teaches that not only is the Attorney General authorized to determine whether there are reasons to remove the independent counsel, but that the Attorney General is constitutionally obliged to do so.

In addition, the Act expressly obligates the Independent Counsel to follow, to the fullest extent possible, the standards of conduct prescribed by the Department of Justice. See 28 U.S.C. §594(f) (An Independent Counsel "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply with the written and other established policies of the Department of Justice respecting enforcement of the criminal laws"). Accordingly, independent of your removal authority, the Department's Office of Professional Responsibility ("OPR") has jurisdiction to investigate allegations of misconduct by the Independent Counsel and his staff or potential conflicts of interest that would disqualify him from serving as independent counsel. See Department of Justice Manual ("DOJ Manual"), Section 1-2112 (Supp. 1990) (Office of Professional Responsibility "oversees investigation of allegations of misconduct by Department employees"). Against the backdrop of this clear constitutional and statutory mandate, I request that you initiate a formal inquiry into the following matters.

II. CONFLICTS OF INTEREST: MR. STARR HAS CONSISTENTLY IGNORED THE CONFLICTS RELATED TO HIS WORK, HIS CLIENTS, AND HIS BENEFACTORS

Mr. Starr's decision not to devote his full attention to his obligations as Independent Counsel in a matter involving the President of the United States has made inevitable the ensuing appearances of impropriety and actual conflicts of interest. His own ethics consultant, Samuel Dash, formerly Chief Counsel to the Senate Watergate Committee, noted that Starr's decision to continue representing private clients while investigating the President has "an odor to it." "How Independent is the Counsel," The New Yorker, April 22, 1996. The seriousness of these conflicts (and the odor) is evident by the direct involvement that his clients and others to whom he is financially dependent have assumed in Mr. Starr's investigation.

The Act makes clear that during an Independent Counsel's Tenure, neither the counsel, nor any person in a law firm that the counsel is associated with "may represent in any matter any person involved in any investigation or prosecution under this chapter." 28 U.S.C. §594(j)(1)(i) and (ii). Mr. Starr, however, has violated both the spirit and letter of the statute through his own work and work of his law firm, as well as the actions of his clients and future benefactors.

A. The Expansion of the Investigation Into Matters In The Paula Jones Case Places Mr. Starr In Violation Of the Act's Conflict of Interest Provisions

Mr. Starr, as a partner at the law firm of Kirkland & Ellis and just prior to his appointment as Independent Counsel, actually provided legal advice in connection with the Paula Jones litigation. "Mr. Starr's Conflicts," New York Times, March 31, 1996. While the fact that he has been involved with that litigation prior to becoming Independent Counsel certainly gave his appointment the appearance of impropriety in violation of the spirit of the Act, now that his investigation has fully inserted itself into the Paula Jones matter, concerns about his former representation certainly are magnified and call into question his role as an "independent" counsel in Paula Jones-related matters.

Of far greater gravity are the press reports and other information suggesting past and present representation by Kirkland & Ellis of other individuals connected to the Paula Jones civil litigation. See "More Subpoenas and Angry Talk in Starr's Probe," Chicago Tribune, January 31, 1998; "Starr Furor Lands at Firm's Door," Legal Times, February 9, 1998. Mr. Starr's potential breach of his duty to inform you of any association between his firm and persons involved in the Paula Jones matter, as well as the possible breach of the Act's statutory conflict of interest standards, should be the subject of investigation. Evidence that is discovered as the result of the current subpoena directed to Kirkland & Ellis for Paula Jones-related documents will undoubtedly shed light on whether Mr. Starr is in violation of the conflict of interest standards under the Act. Chicago Tribune, January 31, 1998. Kirkland & Ellis's reported opposition to the subpoena is a significant indication of a violation of the Act. "Chicago lawyer's role in Jones suite examined," Chicago Tribune, February 11, 1998. The firm's internal investigation apparently uncovered work done by one of its partners on Jones-related matters. This discovery subsequently was confirmed by one of Ms. Jones' former lawyers. Id. If, in fact, Mr. Starr failed to report the association of his law firm and such a conflict exists, that would undoubtably be grounds for his removal.

Mr. Starr, unfortunately, has failed in the past to report such direct conflicts of interest. While he was investigating the Resolution Trust Corporation and its supervision of Madison Guaranty, Kirkland & Ellis was being sued by the RTC for misconduct. "Who Judges Prosecutor's Ethics? He does," Newsday, January 30, 1998. Despite his membership on the firm's management committee, Mr. Starr professed ignorance of the suit in which the RTC sued Kirkland & Ellis for one million dollars. The New Yorker, P. 63. Mr. Starr's lip-service to his ethical obligations without any apparent willingness to address the conflict of interest issues that have arisen demands that the Attorney General conduct an investigation to determine whether he should be removed.

B. Mr. Starr's Client, The Bradley Foundation, Has Been Active In Efforts To Discredit The President In Matters Directly Affecting The Investigation

The ties of Mr. Starr and his firm to persons and interest groups adverse to the President are not limited to the Paula Jones case. Indeed, in addition to his own personal involvement with the Paula Jones case, Mr. Starr represented the Lynde and Harry Bradley Foundation in an effort to uphold Wisconsin's experimental school-choice program after he was appointed Independent Counsel. The New Yorker, April 22, 1996, p. 59. Mr. Starr's position in that case was in direct opposition to the Administration. In addition to retaining Mr. Starr, the Bradley Foundation gives money to the President's "most virulent critics," including the American Spectator, a publication obsessed with impugning the character of the President and

First Lady, as well as the Landmark Legal Foundation and National Empowerment Television. Id.

The Bradley Foundation acknowledged freely that Mr. Starr's role was based in significant part on his long-standing ideological beliefs. Id. At 60. One noted ethics expert concluded that it was "unwise for Starr to take Bradley money, given Bradley's funding of beneficiaries who are ideological enemies of the president he is investigating." "Gov. Hires Ken Starr To Defend Plan," The National Law Journal, December 18, 1995, p. A5. In these instances where his private client is engaged in a highly politicized, personalized and acrimonious public policy debate with the President, Mr. Starr cannot possibly operate as an impartial investigator. This is particularly true when his private client is funding efforts devoted to publicizing Mr. Starr's investigation and related matters in an attempt to discredit the President and his political agenda.

C. Mr. Scaife, Mr. Starr's Benefactor At Pepperdine, Has Funded The "Arkansas Project"—A Clandestine Effort To Attack The President

The question whether Mr. Starr labors under a conflict of interest in light of his ongoing relationship with Pepperdine University and Richard Scaife, a well-documented political opponent of the President's, was prompted by reports that Mr. Scaife has underwritten the faculty position that waits for Mr. Starr at Pepperdine University upon the expiration of his tenure as Independent Counsel. Washington Post, "Starr Warriors," February 3, 1989. According to recent media reports, Mr. Scaife and his tax-exempt foundations are at the center of a secretive operation, coordinated with the American Spectator, called the "Arkansas Project." See New York Observer, "Richard Scaife Paid for Dirt on Clinton in Arkansas Project," February 4, 1998.

The "Arkansas Project" reportedly involved Mr. Scaife funneling more than $2.4 million from his tax-exempt 501(c)(3) foundations to the American Spectator over the last four years "to pay former F.B.I. agents and private detectives to unearth negative material on the Clintons and their associates." Id. Indeed, the project apparently paid former state trooper L.D. Brown--the source of a number of allegations against the President investigated by the Office of Independent Counsel—as a "researcher." Id. Mr. Starr's apparent failure to inquire into the financial motivations that may have prompted these allegations makes his investigation a "patsy" for the Arkansas Project, if not actually complicit in its goal to undermine the President.

Even more troubling, David Hale, Mr. Starr's alleged chief witness against the President, is linked to Mr. Scaife. The Arkansas Project was apparently run by Stephen Boynton, a Virginia lawyer and close friend of David Hale, the convicted felon that Mr. Starr considers his prize witness against the President. Recently, after his office argued to reduce Mr. Hale's 28 month sentence to time served, abated his $10,000 fine and asked the court to vacate the order that Mr. Hale provide restitution of $2 million for defrauding the Small Business Administration. Mr. Starr praised Mr. Hale saying "This [investigation] would be over if everyone had been as cooperative as David Hale, had told the truth." Federal News Service, February 6, 1998. Mr. Hale's previous record, however, involved lying to a federal judge at his sentencing. "The Real Blood Sport: the Whitewater Scandal Machine," Washington Monthly, May 1, 1996. Fortunately for Mr. Hale, his personal attorney is Theodore Olson, a board member of the American Spectator Education Foundation, Inc., and former law partner of Mr. Starr. Id.

The only conclusion is that Mr. Starr is inextricably intertwined with persons whose primary objective appears to be to discredit the President. While these allegations have previously been brought to the Department's attention, Mr. Starr's relationship with Mr. Scaife and others in the Arkansas Project combined with the information about the extent of Mr. Scaife's extraordinary expenditure of resources (in apparent violation of federal tax law) to discredit the President in parallel with Mr. Starr's investigation seriously undermine any contention that Mr. Starr is without a conflict of interest.

III. EVIDENCE OF OIC COLLUSION WITH PAULA JONES LEGAL TEAM WARRANTS FURTHER INQUIRY

The sequence of events leading up to the President's deposition and certain media accounts raises serious concerns that the OIC coordinated its investigation with the Paula Jones legal team and, in fact, may have played a role in the preparation of questions for the President's deposition. Such collusion, even if indirect, would constitute misconduct of the highest order and provides grounds for Mr. Starr's removal.

As you may be aware, press reports indicated that on January 12, 1998, Ms. Tripp contacted the OIC and provided them with tapes of conversations that she had unlawfully captured between herself and Ms. Lewinsky. Time, February 9, 1998. Then, the next day, January 13, the OIC equipped Ms. Tripp with a wire and taped a conversation between herself and Ms. Lewinsky. On January 16, Ms. Tripp again lured Ms. Lewinsky into a meeting with her. At that time, she was approached by FBI agents and OIC prosecutors. Id. According to press reports, she was held for several hours, threatened with prosecution and offered immunity if she agreed to a debriefing at that time. Id. According to her current attorney, the immunity offer was contingent upon her agreement not to contact her attorney in the Paula Jones matter, Frank Carter. Time, February 16, 1998. That same day, the Special Division (the court empowered to appoint an independent counsel) expanded Mr. Starr's jurisdictional mandate to cover the allegations related to Ms. Lewinsky.

Simply, the timing of events leading up to the President's deposition provides substantial reason to be concerned about possible coordination between the OIC and the Paula Jones team. But there is more. According to media reports, Ms. Tripp briefed the Jones legal team not only on the conversations that she recorded, but also on the OIC-directed monitoring of her conversation with Ms. Lewinsky. Wall Street Journal, February 9, 1998. This draws the OIC one step closer to the Jones civil litigation efforts. Moreover, the OIC's delay in seeking approval to expand its jurisdiction further heightens concerns over the OIC's coordination with the plaintiffs in the Paula Jones matter. Specifically, in seeking immediate approval of his expanded jurisdiction, Mr. Starr apparently expressed concern that impending press reports would scuttle his efforts to obtain evidence against Mr. Vernon Jordan and perhaps the President. See Washington Post, January 31, 1998. But it appears that Mr. Starr knew about the impending press coverage well before he brought the new allegations to your attention. His delay may be suggestive of an effort to maintain the secrecy of the new allegations until after the deposition of the President.

The alleged entanglement of the OIC with persons or organizations singularly devoted to the demise of the President implicate bedrock constitutional principles of due process and fair play. Indeed, "[f]undamental fairness is a core component of the Due Process Clause of the Fifth Amendment." *United States* v. *Barger*, 931 F.2nd 359 (6th Cir. 1991); *United States* v. *Brown*, 635 F.2d 1207, 1212 (6th Cir. 1980). Any collusion between the OIC and the Paula Jones legal team, for example, casts serious doubt on the propriety of any investigation into the President's alleged statements regarding Ms. Lewinsky during his civil deposition. Specifically, the government may not, consistent with due process, deliberately use a judicial proceeding for "the primary purpose of obtaining testimony from [a witness] in order to prosecute him late for perjury." *United States* v. *Chen*, 933 F.Supp 1264, 1268 (D.N.J. 1986).

There is little doubt that a primary purpose of the deposition questions regarding Ms. Lewinsky was to trick the President. In fact, press reports make clear that "the goal of the Jones' team was to catch Mr. Clinton in a lie . . . Their detailed questions went well beyond simply whether there was a sexual relationship with Ms. Lewinsky and into other matters that could be independently verified." Wall Street Journal, February 9, 1998. Given that, as noted above, Linda Tripp was feeding information to the Paula Jones' lawyers about her conversations with Ms. Lewinsky, including the conversation recorded by the FBI, see Wall Street Journal, February 9, 1998, there is reason to suspect that the OIC may have assisted or played a role in the formation of questions asked by Ms. Jones lawyers regarding Ms. Lewinsky. In addition, the evidence suggests that Mr. Starr deliberately delayed seeking your approval to expand his jurisdiction for improper purposes. Specifically, the delay appears to have been a calculated effort to conceal his expanded authority from the President prior to the deposition. Such conduct raises the specter that an unlawful "trap" may have been laid against the President.

In a similar vein, if the OIC was in fact assisting the Paula Jones legal team in any capacity, such conduct may also be inconsistent with the due process protections that preclude the government from using civil discovery to obtain information for a contemplated criminal action. See e.g. *United States* v. *Nebel*, 856 F. Supp. 392 (M.D. Tenn. 1993). In light of fundamental constitutional concerns implicated by the Independent Counsel's conduct, justice demands that you initiate an inquiry to ensure that the Independent Counsel's investigation has comported with basic rules of fairness and decency. The President, as do others in this investigation, deserves the same protections that shield all other Americans from arbitrary and unlawful government conduct. Indeed, particularly where, as here, a prosecutor has been given virtually unfettered authority to investigate almost every dimension of a person's life, we must be particularly vigilant in guarding against abuses of that authority. You thus have both a statutory and constitutional obligation to determine whether the Independent Counsel has acted properly in investigating the President.

Sincerely,

ROBERT G. TORRICELLI,
U.S. Senator.

Mr. TORRICELLI. Mr. President, I want to make myself clear at the outset. I rise today with no portfolio for

President Clinton. I do not pretend to know the details of either the Whitewater case or matters pertaining to Paula Jones, with a series of other legal issues now, involving the Office of Independent Counsel, the Justice Department and President Clinton's private attorneys. Those issues are not my purpose today.

Like most Americans, I have watched events of recent weeks with some curiosity and with a deep sense of regret. I rise today for a different purpose. I want to talk about justice—not the justice of the individual in these cases but the administration of justice by the Government itself. I do so from the perspective of a member of the Judiciary Committee, recognizing that under the Ethics in Government Act it is the responsibility of the Attorney General to investigate alleged misconduct, conflicts of interest and other improprieties of the Office of Independent Counsel. This institution, through the Judiciary Committee, has a responsibility of oversight, both of the Office of Independent Counsel and the Attorney General herself as she implements the act.

My purpose, then, in this capacity, is to review a series of legal and ethical issues that pose a challenge to the integrity of the Office of Independent Counsel and whether or not it is being administered and the responsibility of the Attorney General to oversee its activities.

Within recent days, we have learned details of a series of deliberate leaks of grand jury material—not on a few occasions, not on one or two items, but virtually volumes of material impugning the character of individuals—that may undermine aspects of the investigation. Some of these leaks have been characterized as unfortunate. Some, perhaps, inevitable, as part of the process. They may be these things. But they are also something else. They represent a Federal felony. It is against the law. In this case, a potential violation of the law by members of the Justice Department or in their employment themselves.

David Kendall, President Clinton's lawyer, has detailed some of these leaks in a 15-page correspondence, virtually identifying volumes of material where some of the most reputable publications in America—including the New York Times, the Washington Post —indicate that this material comes from "sources in Starr's office;" "Starr's investigators expect;" "sources familiar with the probe"—hardly masking the Government prosecutor's contravention of Federal statutes, punishable both by fines and jail terms, for leaking grand jury material.

I believe that the standard for such abuse was set by former Attorney General Thornburgh who, in the matter of Congressman Gray and the leaking of grand jury material, required that his associates, those familiar with grand jury material, were not simply investigated but polygraphed, with a clear or implied threat that any failure to comply or to pass the polygraph would mean their immediate dismissal.

Indeed, as much of America has heard about the grand jury leaks, it has tended to mask several other perhaps more serious ethical problems that must also be addressed by the Attorney General and are outlined in my correspondence being sent to the Attorney General on this date.

Just prior to his appointment as independent counsel, Mr. Starr was retained by the Independent Women's Forum to write an amicus brief in the matter of the civil complaint being brought by Paula Jones. The Independent Women's Forum is funded by a Richard Scaife of Pennsylvania. In the furtherance of these responsibilities it is not clear how much or whether, indeed, Mr. Starr was compensated, but it is clear that his firm and he were engaged in this activity, including researching a brief, contacting those attorneys, then representing Paula Jones. They were actively engaged.

Reports as recent as 3 months ago indicate that individuals at Mr. Starr's firm with whom Mr. Starr is still associated have continued to assist Paula Jones in her legal defense team. This morning in the Chicago Tribune it is further alleged by that publication that Mr. Starr's firm—where this financial relationship continues between Mr. Starr and his partners—has continued to provide assistance to Paula Jones' defense team, even while the investigation of President Clinton under the authority of the Attorney General was expanded to include matters relating to the civil complaint by Paula Jones.

Mr. President, the Office of Professional Responsibility, under the direction of Attorney General Reno, needs to review these serious lapses of ethical conduct and these transparent conflicts of interest. It is left with little or no choice. If there is to be any confidence in the administration of the Office of Independent Counsel, and if the American people are to believe the result of this investigation and whatever recommendations result, the Office of Professional Responsibility will need to definitively establish whether, indeed, there are conflicts of interest, as are being alleged.

Indeed, I know of no authority in the canons of ethics of the profession, the operating procedures and rules of ethics of the Justice Department, that would permit an attorney in any capacity, no less an Office of Independent Counsel, investigating any American, no less the President of the United States, to operate with ethical standards that allow he or his associates within a single case dealing with the same litigants to do work for such clearly conflicting interests.

Third, while serving as independent counsel for the Government, Mr. Starr's law firm has received and continues to receive retainers and legal payments from corporations, including Philip Morris and Brown & Williamson, potentially of millions of dollars, that not only have an interest but an extraordinary financial interest in the defeat of President Clinton's initiatives and whose interests are directly impacted by his political viability.

Mr. Starr's continuing to draw income, a year ago in excess of $1 million in personal compensation, while in the employment of the U.S. Government to investigate matters relating to President Clinton, is not only unsound judgment but as clear a conflict of interest between those of the private attorneys, the private parties that he has sworn to defend and the interests of the U.S. Government that he has similarly sworn to pursue. Both cannot be his master.

Attorney General Reno is left with the question of what other interests have continued to pay compensation to Mr. Starr, what other clients and what kind of judgment has been exercised.

Making this all the more urgent, indeed feeding suspicion, is a fourth point that in some ways may be the most troubling. Richard Scaife, who earlier in this affair was funding research into the Paula Jones case, appears again as a part of Mr. Starr's performance of his responsibilities. Mr. Scaife has provided $600,000 per year, approximately $2.5 million, to fund something that is known as the Arkansas project. The Arkansas project is a tax free 501(c)3 organization under the Tax Code of the United States. It indeed has funded this money through the American Spectator magazine.

The purpose, apparently as outlined in an article in the New York Observer, written by Joe Conason last week, has resulted in the establishment of a relationship with David Hale, the principal witness used by Mr. Starr against President Clinton, in the Whitewater case and a State trooper, former State Arkansas Trooper L.D. Brown. It appears that the American Spectator established a relationship of unknown financial or other reward to secure the cooperation of each individual in the writing of the articles.

The changing of the testimony of these witnesses, critical to Mr. Starr's work, and when those changes occurred and their relationship with the Arkansas project, becomes an important matter for the Justice Department. It would appear on its face that is at least reason to explore whether the improper use of tax-free foundation funding through this publication with the intention of influencing potential Federal witnesses did not constitute Federal witness tampering. It is, however, an issue that must immediately be established.

As a part of this aspect of the case requiring investigation, as Mr. Hale's legal representation by one Theodore Olson, who seemed to have guided Mr. Hale in his testimony in the Whitewater affair, who is also the counsel to the American Spectator funded by Mr. Scaife, who was also a former law partner of Mr. Starr.

Mr. President, sometimes facts that are coincidental can paint a picture of conspiracy where it does not exist. There are coincidences, sometimes, of extraordinary scale. But the Attorney General would need to admit that there are events in this case that are peculiar indeed—Mr. Scaife's funding of the American Spectator and its impact on Federal witnesses; Mr. Scaife's potential funding of Mr. Starr as a private attorney in the Paula Jones case; Mr. Scaife's funding of employment for Mr. Starr at Pepperdine University, where he was offered and initially accepted a teaching position in the law department.

Coincidence? Perhaps. But as our former colleague, Senator Cohen once observed on this floor, "The appearance of justice is as important as justice itself."

There are, in the coming weeks, important judgments to be made about the administration of justice with relation to the President of the United States. Those decisions will profoundly impact policy and the guidance of the U.S. Government. I have no knowledge and, therefore, no recommendation on the matters of how the case should be pursued. I am not here to distinguish falsehood from truth. I am here in the interest of justice.

It would appear on the facts that there is something terribly troubling about the administration of the Office of the Independent Counsel. So in my correspondence of this day, I have asked Attorney General Reno to have the Office of Professional Responsibility inquire as to whether indeed there are conflicts of interest in the Paula Jones case and, indeed, whether it is factual that Mr. Starr was once engaged as a private litigant in that matter. If so, the result is clear—he must recuse himself and professional prosecutors must pursue the matter. Similarly, to establish whether funds, through the American Spectator, were improperly used with a result of tampering of witnesses. Finally, to conclude whether or not the operation of a private law practice, including the solicitation of clients and their funding, has compromised the operations of Mr. Starr in his pursuit of the various cases before his office.

Mr. President, Members of this institution and of the respective parties have at various times praised or criticized the Attorney General in the performance of her responsibilities. Perhaps the fact that she has been criticized from all quarters for so many decisions is the best testament of her native integrity. Janet Reno is as capable an Attorney General as the United States has ever been fortunate enough to have in that office. I leave these judgments with her, knowing of her high integrity, her understanding of the importance of these cases, the profound impact on the administration of the U.S. Government and of justice itself, knowing that she will do with them what is right and proper.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate continued with the consideration of the nomination.

Mr. SANTORUM. Mr. President, I rise to continue the discussion on the judge of the Eastern District of Pennsylvania, Judge Massiah-Jackson. Within the past 24 hours, I and Senator SPECTER have been talking to the majority leader, to the chairman of the Judiciary Committee, to those who are in opposition to her nomination in an attempt to resolve a lot of issues. And what Senator SPECTER and I have referred to, to complete this process of consideration in what we believe is the only fair way to do so, is to have an additional hearing for her to be able to respond to the information that has been presented so publicly now to the Congress and the Senate with respect to her nomination.

The majority leader is intending to come down in the next 15, 20 minutes to make a statement, which I fully support, and I know Senator SPECTER supports, which will, in a sense, move this nomination aside for now and have this nominee be given the opportunity to appear before the Judiciary Committee and answer this new information, or respond to the questions of members of the Judiciary Committee.

That is all I have been asking for since the leader scheduled this nomination. I am hopeful that after we go out on recess next week, there will be scheduled a Judiciary Committee meeting for people who have provided the information to present that information formally to the committee, be questioned by committee members, and then for Judge Massiah-Jackson to have the opportunity to answer the charges that have been leveled against her.

That will complete, in my mind, the process of fair consideration.

Her nomination will remain here on the floor. It will remain on the Executive Calendar, and subsequent to the hearing, the majority leader will call the nomination up for a vote at that time.

That is, again, all I have been requesting from the leader—is to give this process time to play out, fairness dictating the order of the day, and then give the Senate the opportunity to pass judgment as to whether we believe that she should be a judge in the Eastern District of Pennsylvania.

So I see this as a very favorable resolution of what I have been asking for in the past 24 hours.

I thank the majority leader for his patience. This has been somewhat of a difficult ordeal having to juggle all the different sides on this issue.

I thank the chairman of the Judiciary Committee for his willingness to hold another hearing. He knows that he has not been formally requested to do so by the Senate but has volunteered to make the committee available to further give Judge Massiah-Jackson the opportunity to respond to this new information that has been provided.

Mr. President, I know the Senator from Missouri has more to say on this nomination. He is ready to go. So I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I rise to continue to explain the basis for my opposition to the nomination of Frederica Massiah-Jackson to be a U.S. district judge for the Eastern District of Pennsylvania.

Although I have already spent time on the floor detailing this nominee's record, I think it is important and valuable to spend the time necessary to demonstrate the serious flaws of this nominee and to also highlight the caliber of the nominees that we are receiving from the President of the United States.

There are a number of categories into which my objections to this nomination might fall.

One would be a disrespect for the court and its environment, perhaps most clearly typified by the willingness of this nominee to use profanity in the courtroom.

No. 2, a contempt for prosecutors and police officers that is evidenced in the way she has treated them and handled them as they have appeared in court and the way in which she has handled evidence assembled by those officers.

Those are two major problems that I have with this particular nominee.

No. 3, the concept of leniency in sentencing; the effort made by this nominee as a judge in the State of Pennsylvania to reduce the sentences which were given to those who had been convicted of crimes is notable. It has, as a matter of fact, even caught the attention of the appellate courts at which time those sentences have been reversed.

These are among the most important factors that lead me to the conclusion that Judge Massiah-Jackson should not be confirmed as a United States district court judge.

She should not be considered for a lifetime responsibility in administering justice in the United States of America; that in the event that the President refuses to withdraw this nomination, which he should do, that the Senate of the United States of America should reject this nomination.

Let me just go through some of these points in order to establish a factual basis for these conclusions supporting the categories which I have mentioned.

First is the contempt for prosecutors and police officers that Judge Massiah-Jackson has evidenced in the conduct of her responsibilities as a judge in Pennsylvania.

In the case of Commonwealth v. Ruiz, Judge Massiah-Jackson acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe the testimony of two undercover police officers, Detective-Sergeant Daniel Rodriguez and Detective Terrance Jones. It was the second time she had acquitted alleged drug dealers nabbed by the same officers. The first time, the two undercover officers testified that they found two bundles of heroin on a table right next to the defendant's hand. The judge not only refused to believe this testimony, she went one step further. As the officers were leaving the courtroom, the judge reportedly told spectators in the court: "Take a good look at these guys [the undercover officers] and be careful out there."

This identification by the judge was reported in the Philadelphia Inquirer.

Detective-Sergeant Daniel Rodriguez confirmed this outrageous courtroom incident in a signed letter to the U.S. Senate. The detective-sergeant had the following comments regarding the incident, and I quote:

> I thought, "I hope I don't ever have to make buys from anyone in this courtroom." They would know me, but I wouldn't know them. What the judge said jeopardized our ability to make buys. And it put us in physical danger.

I really believe that this officer sincerely wrote that letter and that he intended for the letter to say exactly what it said and that he felt the sense of physical danger that was occasioned by the special identification that the judge had made of him and another police officer.

Detective Terrance Jones, the other undercover officer that was identified by Judge Massiah-Jackson in open court, according to the Philadelphia Inquirer, also confirmed the facts in a signed statement to the committee staff. He stated that the comments "jeopardized our lives." Detective Jones also notes:

> As a law enforcement officer who happens to be African American I am appalled that self-interest groups and the media are trying to make the Massiah-Jackson controversy into a racial issue. This is not about race. This is about the best candidate for the position of Federal judge.

Let me go to another case, the case of Commonwealth v. Hicks. In this case, in an action that led to a reversal by the appellate court, Judge Massiah-Jackson dismissed charges against the defendant on her own motion.

Although the prosecution was prepared to proceed, the defense was not ready because it was missing a witness—a police officer who was scheduled to testify for the defense apparently had not received the subpoena. The defense requested a continuance to clear up the mixup concerning the subpoena. The commonwealth stated that it had issued the subpoena. The defense did not allege any wrongdoing or failure to act on the part of the commonwealth. Nonetheless, without any evidence or prompting from defense counsel, Judge Massiah-Jackson decided she simply did not believe that the commonwealth's attorney subpoenaed the necessary witness. Judge Massiah-Jackson held the commonwealth liable for the defense's lack of preparation for its own unpreparedness, and Judge Massiah-Jackson, on the motion of the court, dismissed the case without even the suggestion from the defense that the case should be dismissed. The facts ultimately revealed that the subpoena had been issued, but the officer was on vacation and had not received it. It was not the fault of the commonwealth. Judge Massiah-Jackson's decision was reversed on appeal as an abuse of discretion. The appellate court concluded that, "Having carefully reviewed the record, we are unable to determine the basis for the trial court's decision to discharge the defendant. Indeed the trial court was unable to justify its decision by citation to rule or law."

There is a lot of discussion about whether we need to send this nomination back for additional information and for hearings before the Senate Judiciary Committee.

This particular case, for instance, was discussed at the hearing. When asked by a Senator if she had any comment or explanation of the situation, Judge Massiah-Jackson just replied, "No, Senator, I don't."

It occurs to me that it is not necessary to reconvene the committee and to move this matter back from the floor of the Senate asking that there be opportunities for explanations for cases like that when those opportunities were available then.

Commonwealth v. Hannibal is a case that is demonstrative of this particular nominee's lack of judicial temperament.

In court, in response to prosecutor's attempt to be afforded an opportunity to be heard, the following exchange took place on the record:

> The COURT. Please keep quiet, Ms. McDermott.
>
> Ms. MCDERMOTT for the Commonwealth: Will I be afforded——
>
> The COURT. Ms. McDermott, will you shut your f***ing mouth.

That is from the transcript of June 25, 1985, at page 17.

Judge Massiah-Jackson was formally admonished by the Judicial Inquiry and Review Board for using intemperate language in the courtroom. This incident, incidentally, was also discussed by the committee with the judge, and the conduct was admitted.

In the case of Commonwealth v. Burgos and Commonwealth v. Rivera, during a sentencing proceeding, the prosecutor told Judge Massiah-Jackson that she had forgotten to inform one of the defendants of the consequences of failing to file a timely appeal. Of course, such a failure would prejudice the commonwealth on appeal. Judge Massiah-Jackson responded to this legal argument with profanity, stating, "I don't give a [expletive deleted]." This incident was discussed at the committee hearing, and the conduct was also admitted.

District Attorney Morganelli of Northampton County, PA, has suggested that the reason there are not more instances of foul language on the record is that Judge Massiah-Jackson's principal court reporter routinely "sanitized the record."

It does not appear to be a coincidence that both of these profane outbursts were directed at prosecutors. Instead, Judge Massiah-Jackson's foul language appears to be part and parcel of her hostility to law enforcement.

Let me move to the issue of the leniency in sentencing which has been characteristic, I believe, of this judge's record. In the case of Commonwealth v. Freeman, the defendant shot and wounded a Mr. Fuller in the chest because Mr. Fuller had laughed at him. Judge Massiah-Jackson convicted the defendant of misdemeanor instead of felony aggravated assault. She sentenced him to do 2 to 23 months and then immediately paroled him so that he did not have to serve jail time. The felony charge would have had a mandatory 5- to 10-year prison term. Judge Massiah-Jackson explained her decision stating, "The victim had been drinking before being shot," and the defendant "had not been involved in any other crime since the incident."

Here we have an individual who shoots another individual, and this judge not only makes it a misdemeanor so that the sentence can be reduced from a minimum of 5 to 10 years to 2 to 23 months, but then paroles immediately the individual so that no jail time is served after the conviction. The judge explains this behavior saying that the person who had been shot had been drinking as if somehow, I guess, if you are drinking you are eligible to be shot; and that the defendant "had not been involved in any other crime since the incident."

This case was not discussed at the hearing. No appeal was taken from this case.

In the case of Commonwealth v. Burgos, during a raid on the defendant's house, police seized more than 2 pounds of cocaine along with evidence that the house was a distribution center.

The defendant, Mouin Burgos, was convicted. Judge Massiah-Jackson sentenced the defendant to only 1 year's probation.

Then District Attorney Ronald Castille criticized Judge Massiah-Jackson's sentence as "defying logic" and being "totally bizarre." He commented, "This judge just sits in her ivory tower * * *. She ought to walk along the streets some night and get a dose of what is really going on out there. She should have sentenced these people to what they deserve."

This case was discussed at the hearing, and Senators and the judge had an opportunity to explain their positions. No appeal was taken from this case.

In the case of Commonwealth v. Williams, a first-degree robbery, unreported sentencing reversal case, I would like to provide just one more example of Judge Massiah-Jackson's leniency in sentencing, an example that I think is also relevant to whether we should have another hearing on this nominee.

In the case of Commonwealth v. Williams, the defendant robbed a 47-year old woman on the street at the point of a razor. The defendant used the razor to slash the woman's neck and arms and took her purse. The defendant had to undergo surgery to repair the slashed tendons in her hand and was forced to wear a splintering device that pulled her thumb back to her wrist. The defendant pled guilty to first-degree robbery. Under the Pennsylvania sentencing guidelines, that offense carries a range of 4 to 7 years, with a mitigated range of 3¼ to 5 years. Despite these sentencing ranges, Judge Massiah-Jackson sentenced the defendant to a mere 11½ to 23 months. In order to do so, Judge Massiah-Jackson not only had to deviate substantially below the guidelines range but also had to ignore a mandatory weapons enhancement that raises the minimum sentence 1 to 2 years. The Commonwealth did appeal this meager sentence, and Judge Massiah-Jackson was reversed for her sentencing errors.

Now, this decision is important not only because it demonstrates her leniency in sentencing but also because of what it says about the equity of giving Ms. Massiah-Jackson an additional hearing. We have heard a lot about Judge Massiah-Jackson's right to be heard and have been given the impression that she has been the victim of sandbagging by her opponents. It is true that there is information that was not available at the time of the committee's hearing. This sentencing case, for example, was not addressed at the hearing. But why wasn't it addressed at the hearing? That is no one's fault but Judge Massiah-Jackson.

The committee's standard questionnaire asks every candidate to list any judicial decisions which were reversed on appeal. Judge Massiah-Jackson failed to list this case. Indeed, she testified that she had never been reversed on a sentencing appeal. So if this case wasn't debated or discussed at the hearing, it wasn't debated or discussed because at the hearing she had failed to disclose this when the committee had requested that she disclose it, and when asked additionally if there were cases like this upon which she had been reversed she informed the committee that she had not been reversed on sentencing appeal when in fact this case represented such a reversal.

Now, it seems ironic to me that when we finally find out about the existence of those things which she said did not exist, she should be accorded a second hearing now to explain that which she failed to disclose. I think that is a serious problem. This is not only a failure-to-disclose problem but this is the disclosure of something which was specifically denied in the hearing.

I make this point to make clear that this is not just a simple matter of giving someone a right to confront new allegations. She had the opportunity to respond to the allegations in this setting by providing the evidence in the first instance, or the case or the notification that she had been reversed on appeal, and in the second instance by not denying that she had ever been reversed on appeal. It strikes me that we are creating a troubling precedent by affording nominees a second hearing at least in part to explain materials that were requested prior to the first hearing.

Let me move on to the case of Commonwealth v. Smith. This is leniency not just in sentencing but a predisposition on the part of this judge to suppress evidence and to do so improperly.

Judge Massiah-Jackson has also demonstrated leniency in improperly suppressing evidence. The case that perhaps most dramatically illustrates this point is Commonwealth v. Smith, a case discussed by the chairman of the Judiciary Committee in the Chamber yesterday. It is a case that I also mentioned.

In this tragic case, the victim, a 13-year-old boy, was raped at knifepoint in some bushes near a hospital. Eventually, the young boy managed to run away from his assailant nude and bleeding. Two nurses at the hospital saw him, and he told them what had happened, pointing out the bushes where he was attacked. The two nurses called the hospital security guards. They saw the defendant in the case emerge from the bushes with his clothing disheveled and then saw him walk quickly away. The women yelled out for the man to stop, and the police arrived on the scene and apprehended the defendant.

The defendant denied raping the boy, but the police searched him and found a knife matching the description of that used in the rape. At that point the police arrested the defendant. Shockingly, Judge Massiah-Jackson ruled that the police lacked probable cause to arrest the defendant and suppressed all evidence, including the identification of the defendant by the two nurses.

Now, not surprisingly, the appellate court, when confronted with this dubious judgment, reversed Judge Massiah-Jackson.

So the situation is this, that Massiah-Jackson, lenient in suppressing evidence, was reversed by the appellate court. It has been pointed out, and I would thank Senator SPECTER for having so pointed out, that after a remand to the trial court the defendant was acquitted in a new trial before a different judge. But what seems to have received less attention is that all this occurred after Judge Massiah-Jackson was reversed by the appellate court. Unlike the second judge who conducted a full trial, Judge Massiah-Jackson threw out the evidence on the ground that the police lacked even probable cause to arrest the defendant despite his proximity to the crime scene and the victim, and the other facts that are attendant thereto, including the identification by the individuals who were there at the time of his arrest. It is, of course, one thing to acquit someone after a trial but the notion that the police officers did not even have probable cause to arrest the defendant is just shocking, and the appellate court agreed.

And the litany, incidentally, of illustrations regarding leniency in sentencing could go on. Last year there were 50 separate cases that were singled out just as exemplary of this leniency, but that was just last year. And organizations, law enforcement organizations, organizations that serve the culture by providing the safety and security for persons and their property which defines a civilized culture, have come out saying this individual should not be confirmed as a U.S. district court judge.

The Philadelphia Lodge of the Fraternal Order of Police announced its opposition to the confirmation of Massiah-Jackson on January 13 of this year. And just yesterday I had the privilege of attending a press conference in which Philadelphia Fraternal Order of Police President Richard Costello made his opposition to this nominee unmistakably clear. The National Fraternal Order of Police announced its opposition on January 20. In coming out against this nominee, here is what the National President of the Fraternal Order of Police, Gilbert Gallegos, stated: "Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench."

After describing the incident in which Judge Massiah-Jackson pointed out undercover police officers in open court, Mr. Gallegos stated, "I cannot adequately express my outrage." The National Fraternal Order of Police President concluded, "To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the Nation, all of whom have a herculean task of fighting crime. We shouldn't have to have [both] the judges and the criminals against us."

I note the presence of the majority leader in the Chamber, Mr. President, and I would gladly yield to the majority leader with the understanding that at the conclusion of his remarks my right to speak in the Chamber be retained.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader.

Mr. LOTT. Mr. President, I have had the opportunity now to discuss this nomination with Senators on both sides of the aisle and those who did support her and certainly those who are opposed to this nomination. I think that we should not go forward to a vote at this time since there are very serious allegations out there. I am convinced they are true; I am convinced this nomination should not go forward; and I would urge at this point the President withdraw this nomination because clearly this nominee has very serious problems, conduct on the bench that is certainly inappropriate and a number of concerns about the nominee's attitude toward prosecutors and toward law enforcement. Clearly this is the type of nomination that should not be confirmed. But so that some of these articles, some of the cases, some of the suggestions that are now in the public arena can be properly looked into, I thought the best thing to do at this time would be to not go forward with a vote and allow time for the committee to have a hearing on the problems that have been identified. I don't think it can be disposed of in the near future.

Having said that, I understand the chairman of the Judiciary Committee will be conducting an additional hearing on the nominee sometime when we return from the recess we are about to go into at the close of business on Thursday or Friday. So we can see what that hearing turns up. But I think that no further action can be taken at this time. I thank all Senators for their consideration and will yield the floor to the Senator from Missouri. I appreciate him yielding me this time. And I know that the Senators from Pennsylvania will both seek recognition so that they can comment on the present status of this nominee.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. I believe the Senator from Missouri still has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak in response to the majority leader for up to 1 minute.

Mr. ASHCROFT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Missouri does have the floor.

Does the Senator from Missouri object to the unanimous consent request?

Mr. ASHCROFT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I had hoped to offer to the Senator from Pennsylvania an opportunity to make brief remarks, and that is the reason I placed the quorum call, for an opportunity to make that offer.

The nomination of Frederica Massiah-Jackson is a nomination which I think should call us each to a very serious consideration of our responsibilities here in the U.S. Senate. Judges who are appointed for life, who really do not answer to the voters, do not answer to the administration or the executive branch, have a very high degree of power in the culture and we should be very careful about the individuals that we endow with the authority of becoming Federal judges. The National Association of Police Organizations understands that and the National Association of Police Organizations announced its opposition on January 22, to this nominee.

Further, there is opposition from the local law enforcement community in Philadelphia, opposition from individuals that one would not expect to ordinarily oppose a nominee except in extraordinary situations: Lynne Abraham, who is the district attorney in the Philadelphia area—a Democrat, someone you would expect to be aligned with the President and his nominations—at great political cost, with substantial display of putting the benefit of the community in Philadelphia above party loyalty, came out against the nomination of Frederica Massiah-Jackson in a letter to Senator SPECTER, at least that is my information, on January 8. She wrote:

> My position on this nominee goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's record presents multiple instances of deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.
>
> This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

That is a very serious charge from the prosecutor, someone of the same party as the President who nominates this judge. I quote again:

> This nominee's judicial service is replete with [full of] instances of demonstrated leniency toward criminals, an adversarial attitude toward police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

The words "full of" were my amplification. Her text did not include that.

Other local law enforcement officials who feel that this is a nomination which should not go forward—the Northampton County District Attorney, John Morganelli, another Democrat, announced his all-out opposition to this nomination on January 6, 1998. Mr. Morganelli provided members of the committee with a letter detailing the numerous incidents of unprofessional conduct that have marked Judge Massiah-Jackson's tenure on the State trial bench. The concluding paragraphs of that letter are worth quoting at length:

> [The] record is one of an unusually adversarial attitude toward the prosecution and police. Much personal animosity towards prosecutors and police in general. Other portions of her record indicate a tendency to be lenient with respect to criminal defendants.

I continue with his letter:

> This judge sat as a fact finder in the vast majority of her cases because criminal defendants almost always felt it advantageous to waive their right to a jury trial in order to present their case directly to the judge. * * * In addition, she has shown a lack of judicial temperament with respect to vulgar language from the bench on the record and much of it off the record. Also, as indicated above, Judge Massiah-Jackson has

> attempted to meddle with the appellate process in Pennsylvania by contacting appellate courts and improperly attempting to influence appellate decisions. Her comments, conduct, record and lack of judicial temperament by itself should call into question her stature to serve as a Federal Judge.
>
> Numerous District Attorneys and police organizations in the Commonwealth of Pennsylvania oppose this nomination as a slap in the face to the law enforcement community.

That is the conclusion of District Attorney Morganelli's letter, opposing the confirmation of this judge.

In addition, the Executive Committee of the State of Pennsylvania's District Attorneys Association has unanimously voted to officially oppose the nomination. On January 8 the Executive Committee of the Pennsylvania District Attorneys Association, in a unanimous vote, officially opposed the nomination. The President of the association wrote a letter on January 26, expressing the association's opposition.

I would just comment it is not usual for prosecuting attorneys, or for district attorneys, or for police organizations to attack judges, especially judges who are sitting as judges in their jurisdictions, the same judges they have to go before on a regular basis in seeking to effect justice in the society, to make sure we have the right law enforcement, the right prosecution, the right conviction and the right detention of those who have been deemed guilty of a crime. It is not comfortable, it is not easy, it is not expected. It is, I think, fair to describe it as rare, that someone would, as a prosecutor, or that the association of prosecutors, or that the police, or the associations of police, would come forward and make statements that say not only is this the worst judge I have ever seen but this is the worst judge of which I have any awareness. These are individuals who have a substantial awareness of the judicial system as a result of their broad experience in the system.

If my recollection serves me correctly, the district attorney in Philadelphia, Lynne Abraham, is a former judge herself. She has an ability to know what the circumstances of the judge's responsibilities are. And when she comes forward to say that this judge is a judge that is so out of touch with the balance necessary to accord fairness in the system by being so predisposed to the defendant's position and antithetical to the prosecutor's position, and antagonistic to the position of the Commonwealth as opposed to that of the individual who is seeking to be declared innocent of the charges, she just indicates that we can do better. And I think that is really the case that we have here.

The pool of legal talent in Pennsylvania is not shallow. We have talked about Philadelphia lawyers all across the country for a long time, because Philadelphia is known as a center for individuals who know how to work with the law and to do it effectively, who know what their responsibilities are and to make sure that those responsibilities can be carried out in the best interests of their clients. And I believe that there are those in that community who could well serve this President as nominees and could well serve this country as nominees. And I believe it is the responsibility of the U.S. Senate, when you have a nominee who is not of the caliber and quality that is appropriate for membership on the Federal bench, for the Senate to stand up and say so. And I believe that is our responsibility here.

I don't believe that the Founding Fathers of this great country put the U.S. Senate in the stream that leads to the Federal judiciary so that it could act in a way which is a rubberstamp, so that it could say, well, in spite of the fact that this individual is an affront to the judicial system, disrespects it with profanity, disrespects its participants by profaning them and their conduct, is so lenient with criminals that it causes major questions, has to be reversed on criminal appeals and, when asked about it, denies ever being reversed until the appeals are found—I don't think we have to have that kind of person. I don't think we are here to pass that kind of person through to a lifetime tenure, to a system which will, really, give her great latitude in imposing upon the people of this country the authority of the United States in demanding or commanding adherence to the law. I really think that we can do better. And I think we ought to do better.

It is not hard for us to do that. Surely we have cooperated 90, 95 percent—I don't know—of the time, that these cases go through. Most of them never even get debated. This case was—they insisted that we debate. When I was last at a committee meeting I thought we should not move this case to the floor for debate. There was an outcry, a substantial, significant outcry, insisting that we move this case to the floor for debate. Now that we have moved it to the floor for debate there is a substantial outcry to move it back to the committee.

I think the real fact of the matter is we know, we know enough about this case to say this is not an individual that we want to welcome into the lifetime tenure of the Federal judge. It does not mean the individual cannot have merit, cannot do different things, is banished from any other responsibilities. It is simply someone who is not suited to be endowed with the authority of a Federal judge, a serious responsibility in this society and culture.

I suppose we can let this individual go back for additional committee hearings or additional deliberations. But in my view that is a mistake. And, in my view there are times when the Senate should simply act as the Constitution calls upon it to act, that is to either provide the advice and consent which is appropriate and constitute the nominee as a member of the judiciary or deny the advice and consent and move on because America can and should do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just want to thank the majority leader, again, for his willingness to cooperate with both Senator SPECTER and me in our request that Judge Massiah-Jackson's nomination not be voted on here in the next few days but that the process be able to be worked out and worked through, a hearing to be held. I know Senator SPECTER, who cannot be here right now, fully supports this process that we now have begun to get her a hearing in the Judiciary Committee. And then I hope very promptly to bring her back to the floor of the U.S. Senate for a vote.

I would not like to see this nomination hang out for a long period of time after the hearing. I don't think that would be fair, again, to her or to the process, or to the President who I know, in having conversations with the White House, they would like to see this matter be dealt with in an expeditious fashion after the hearing takes place. A hearing will not be able to take place until the week after next because we are not in session next week. So I am hopeful we can bring this judge up for a final vote here in the U.S. Senate within a 3-week period of time, maybe a 4-week period of time. I think that would be appropriate for her and I think appropriate for the Senate at some point to pass judgment on this nominee. I think it is important when the President puts a nominee up who has had, certainly, the amount of attention that this nominee has had, that the Senate, all Members, get an opportunity to express their opinion as to whether this nominee has the credentials and qualifications and qualities necessary to serve on the Federal judiciary.

With that, I again thank the majority leader and thank my colleagues for allowing this procedure. There are things that could have been done. I talked to several of my colleagues about those things that could be done. The Senator from Missouri and others would have liked to vote today. In fact they could force a vote today. It is within the right of any Senator on this nomination to offer a tabling motion, which would bring the debate to a stop and cause a vote. They have agreed to not do that and I appreciate that very much.

They could have derailed this effort. But their indulgence in allowing what two home State Senators believe is a fair process, their indulgence in allowing what we believe to be a fair process, in acquiescing to those desires, is noble indeed and very much appreciated. So I thank the Senators from Alabama, Missouri, and others who have expressed a willingness to expedite consideration of this nominee, for their willingness to withhold and allow the process to work out just a few more weeks. And then take the nominee back to the floor.

There will be no vote in committee. She will not be recommitted to committee. There will be no action necessary by the committee. Her nomination will remain on the floor of the U.S. Senate and will be eligible to be recalled by the leader at his discretion, which is our understanding, subsequent to the hearing in the Judiciary Committee.

So that is the state of play, if you will, of this nomination, and it is one I find wholly acceptable at this point. I know my colleague, Senator SPECTER, does also.

Mr. THURMOND. Mr. President, I rise today to express my opposition to the nomination of Frederica Massiah-Jackson for the United States District Court for the Eastern District of Pennsylvania. I opposed this nominee in Committee, and nothing has changed in the interim to make me any more likely to support her.

I believe that the President is entitled to some deference in his choice of judges for the Federal Bench, and I try to give his nominees the benefit of the doubt. However, because of Judge Massiah-Jackson's judicial temperament and record of leniency toward criminal defendants, I cannot support her nomination.

Judicial temperament is an essential quality for judges. They must be professional, civil, and fair. To earn esteem and honor, they must exhibit dignity and be respectful of those who appear before them.

Unfortunately, Judge Massiah-Jackson has shown a lack of judicial temperament while serving on the Pennsylvania trial court. She has used profane language from the Bench, which I will not repeat here. There is simply no excuse for a judge to use profanity in court.

Also, we have received numerous letters from bipartisan professionals to the effect that she is hostile and unfair toward prosecutors and police officers. The Pennsylvania District Attorneys Association, which unanimously voted to oppose her nomination, wrote that she has "an anti-police, anti-prosecution bias" and that her actions as a trial judge "at times * * * have bordered on the outrageous." The Attorney General of Pennsylvania, Michael Fisher, has weighed in against her. The National Fraternal Order of Police wrote that she "has made a career of dismissing out of hand testimony by police officers, treating them as second-class citizens." The Philadelphia FOP echoed this criticism, saying that her actions "make it appear she is on a crusade against public safety." The Philadelphia District Attorney, Lynne Abraham, whose office prosecutes criminal cases within Philadelphia where Judge Massiah-Jackson has served as a judge, was resolute. She wrote that the "nominee's record represents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers, and by extension, an insensitivity to victims of crime. The nominee's judicial demeanor and courtroom conduct * * * undermine respect for the rule of law and * * * tend to bring the law into disrepute." She then compared this judge to others stating, "This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar."

An example of the judge's hostility toward police that has created much attention is an incident where she pointed out two undercover narcotics agents and told those in her courtroom to take a good look at the officers and, quote, "watch yourselves." This story was published in a Pennsylvania newspaper, and I asked her about it in writing during the hearing process, which gave her plenty of time to reflect on the matter. She responded, "I have read the 1988 article and it is inaccurate. I would not and did not make any such statement to the spectators." However, the two undercover agents that the article referred to later signed statements saying she had singled them out and referred to them in this manner.

She has also made public comments about crime that warrant concern. Although she informed me in response to a written question that she is not opposed to imposing the death penalty, she was very critical of the death penalty in a 1994 speech. Quoting Justice Harry Blackman, she said, "the death penalty experiment has failed." She added, "It is not a deterrent to criminal behavior." Later in the speech she said, "Locking folks up is a belated and expensive response to a social crisis."

It is very unusual for us to receive opposition to a nominee for the Federal Court from prosecutors and professionals as we have here. I commend the prosecutors and police who have taken this bold stand. They have brought a great deal of attention to a nominee who is simply not fit to serve on the Federal court.

The public opposition to this nominee from prosecutors and police, in addition to the information we had at the time she was considered in Committee, should be more than enough for Senators to oppose her. It should not even be necessary to consider cases and statistics that have been brought to our attention in the past few weeks.

Let me close by referring again to the letter from the Fraternal Order of Police. I quote, "To confirm Judge Messiah-Jackson would be an affront to every law enforcement officer and prosecutor in the Nation. . . . We shouldn't have to have the judges and the criminals against us."

Mr. President, I agree. I will stand with prosecutors and police on this nomination.

At this time, I ask unanimous consent to have printed in the RECORD a copy of the letters that I quoted in my statement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PENNSYLVANIA DISTRICT
ATTORNEYS ASSOCIATION,
Harrisburg, PA, January 26, 1998.

Sen. ORIN HATCH,
Chairman, U.S. Senate Judiciary Committee, Dirksen Office Building, Washington, DC.

DEAR MEMBERS OF THE U.S. SENATE JUDICIARY COMMITTEE: As President of the Pennsylvania District Attorneys Association, I am writing to express the Association's opposition to the nomination of Judge Frederica Massiah-Jackson for a position as a Federal Judge in the Eastern District of Pennsylvania.

As you may know, recently the Executive Board of the Pennsylvania District Attorneys Association which speaks on behalf of all 67 elected District Attorneys in Pennsylvania voted unanimously to oppose the aforesaid nomination. We recently met with Senator Arlen Specter and Senator Rick Santorum of Pennsylvania in person to convey the sentiment of District Attorneys in Pennsylvania.

A review of Judge Massiah-Jackson's record during her tenure as a Criminal Court Judge clearly shows that she has exhibited an anti-police, anti-prosecution bias as a Criminal Court Judge. At times, her actions as a Common Pleas Judge in Philadelphia have bordered on the outrageous. She has used profanity in her courtroom, embarrassed and exposed police officers in her courtroom and has even interfered in the appellate process by attempting to "recommend" to an appellate court that a Commonwealth appeal of one of her decisions be quashed. Given the prevalence of federal habeas corpus appellate practice, especially as it related to capital convictions obtained from state courts, the prospect of seating a member to the Federal Judiciary with a record like Ms. Massiah-Jackson's should give those involved in the confirmation process pause and concern.

Therefore, I strongly urge all members of the Senate Judiciary Committee and all members of the United States Senate to oppose this particular nomination.

Very truly yours,
MICHAEL D. MARINO,
President.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF ATTORNEY GENERAL,
Harrisburg, Pa, January 29, 1998.

Hon. ARLEN SPECTER,
U.S. Senator, Washington, DC.
RE: Judge Frederica Massiah-Jackson.

DEAR SENATOR SPECTER: I wish to express my opposition to President Clinton's nomination of Judge Frederica Massiah-Jackson to serve on the United States District Court for the Eastern District of Pennsylvania.

I am writing on Judge Massiah-Jackson's nomination after spending considerable time reviewing her record on the Court of Common Pleas of Philadelphia County. Due to the importance of this nomination and because of the seriousness of the allegations raised with respect to Judge Massiah-Jackson's record, I have delayed taking a public position until I had the opportunity to review all available data. This review has also included discussions with members of my staff and other prosecutors who have personally appeared before Judge Massiah-Jackson. To a person, these prosecutors have expressed concern about the Judge's demeanor, her temperament and the manner in which she disposes of cases. I have also reviewed sentencing statistics and discussed Judge Massiah-Jackson's sentencing practices with these prosecutors. This review and these discussions have revealed a record of leniency in sentencing criminal defendants, a bias against police and prosecutors and an insensitivity to the plight of victims.

The major criticisms about Judge Massiah-Jackson come from the period of time she was assigned to the Court's Criminal Division. In recent years, she has been assigned to the Civil Division. U.S. District Court judges have a civil and criminal court caseload. The Office of Attorney General and I represent the Commonwealth in the U.S. District Court in civil and criminal cases.

As Attorney General, I supervise a large office which includes 180 lawyers and 266 criminal agents. My prosecutors and agents are often cross-designated in federal court and also work jointly with police officers, agents and prosecutors from other federal, state and local agencies. My Office's cases are sometimes prosecuted in federal court, notably when they are developed in conjunction with a federal task force. A federal judiciary that properly safeguards individual rights and liberties while respecting the dedication and commitment of the law enforcement community is essential to our efforts on behalf of the people of the Commonwealth.

Based on my review of Judge Massiah-Jackson's criminal court record and the antipathy she has displayed toward police, prosecutors and victims, I must respectfully ask you to oppose her nomination when it is voted on by the United States Senate and to ask your colleagues to do likewise.

My hope would be that the President will quickly nominate someone who will bring the needed diversity to the United States District Court for the Eastern District of Pennsylvania, but a person with a record that shows a more balanced perspective than this nominee.

Thank you for your consideration of my position.

Very truly yours,

D. MICHAEL FISHER,
Attorney General.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, 27 January 1998.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing on behalf of the more than 270,000 members of the Fraternal Order of Police to urge that you withdraw your support for the nomination of Judge Frederica Massiah-Jackson to the Federal judiciary.

Senator Specter, Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench. Frankly, I have difficulty reconciling why you would offer her nomination any of your support. She routinely demonstrates that she lacks any sense of judicial propriety and temperament. Her manners and language in the court room are ugly. Her record of sympathy and leniency toward criminals, even violent criminals, is extreme. Most objectionably, Judge Massiah-Jackson consistently parades her anti-police bias by using her power and authority as a judge to belittle, harass, and threaten the law enforcement officers who appear in her court. Her contempt for prosecutors appearing before her is so rancorous, that a broad grassroots effort has been led by members of her own political party to oppose her elevation to the Federal judiciary.

In 1994, a man appeared before Judge Massiah-Jackson charged with numerous offenses. He had struck a pedestrian with his car, left her lying in the gutter, and then pummeled into unconsciousness a relative of the victim who attempted to prevent his fleeing the scene. She described the behavior of this man, who had a prior record of 19 arrests and eight convictions, as "Not really criminal. He had merely been involved in a car accident." The man was sentenced to two years probation.

To add insult to injury, a few years earlier this same man, who then was out on bail for another offense, appeared before Judge Massiah-Jackson. His counsel asserted that a particular police officer was harassing him with "unnecessary" traffic stops. Despite the lack on any evidence, Judge Massiah-Jackson offered to have the court file a complaint against the officer on the defendant's behalf! She concluded, without any discernable reason other than her contempt for law enforcement officers, that this officer was masterminding a plot to threaten and harass the man and his family! Senator Specter, she threatened in open court to appear as a fact witness against this officer in the event the defendant, his family, or friends came to any harm. What kind of a judge is this?

On one occasion, Senator, Judge Massiah-Jackson acquitted a criminal of drug possession by simply refusing to believe the testimony of undercover narcotics investigators. After dismissing the charges, she urged spectators in her court to "take a good look at the undercover officers and watch yourselves." I cannot adequately express my outrage, sir. She deliberately jeopardized the lives of these officers. Is this the type of judge we want sitting on the Federal bench?

This is surely the most offensive and egregious example of her conduct, but hardly an uncommon one for Judge Massiah-Jackson, who has made a career of dismissing out of hand testimony by police officers, treating them as second-class citizens barely worthy of even her contempt. Frankly, I am amazed she has served on any bench at all.

I urge you to ensure that all judicial nominees are properly screened, so that the likes of Judge Massiah-Jackson do not find their way to the Senate floor again. And I strongly urge you to withdraw your support of her nomination and cast your vote against her confirmation on 28 January. To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the nation, all of whom have the herculean task of fighting crime. We shouldn't have to have the judges and the criminals against us.

Sincerely,

GILBERT G. GALLEGOS,
National President.

FRATERNAL ORDER OF POLICE,
PHILADELPHIA LODGE NO. 5,
Philadelphia, PA, January 13, 1998.

Hon. RICHARD (RICK) SANTORUM,
U.S. Senator, Philadelphia, PA.

DEAR SENATOR SANTORUM: The Fraternal Order of Police, in an effort to protect and properly serve its members, has a keen interest in all Jurists whose appointment could affect the safety and welfare of its Police.

To this end, the Fraternal Order of Police is opposed to the nomination of Judge Frederica Massiah Jackson to the United States District Court for the Eastern District of Pennsylvania.

The reasons for this determination by the F.O.P. is that Judge Jackson has an established record of being extremely lenient on criminals; insensitive to the victims of crime; and has posed a direct threat against Police.

Judge Jackson's bizarre rulings, coupled with her challenging and adversarial attitude toward Police and prosecutors, make it appear she is on a crusade against public safety.

The Police have a hard enough time dealing with the felons on the street. They don't need to be worrying about the people in positions of authority placing them in more danger. Yet, that is exactly what Judge Jackson did to several Narcotic Officers in open Court.

It is an insult to the entire Judicial System and the community it services when a Jurist of this caliber would even be considered for an appointment to a position that could negatively affect public safety.

Must one be reminded that—Crime is out of control. Innocent people are being attacked and slaughtered on our streets. Drugs are in every neighborhood. Our citizens are fleeing the City in great numbers. Our residents are living in fear everyday. Our City is in decay.

We must stop the violence; we must stop the insanity!

The appointment of Judge Massiah Jackson to the U.S. Court would be directly counter-productive to this effort. We need a Federal Judge who has proven to be tough on crime. One who is a highly regarded professional in the field of law. We must have a Judge who can help bring new hope to those in despair.

In closing, Philadelphia has many Judges who can fill the requirements needed for this position. Unfortunately, Judge Massiah Jackson is not one of them.

Respectfully submitted,

RICHARD B. COSTELLO,
President.
MICHAEL G. LUTZ,
Past President.

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, PA, January 8, 1998.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On December 9, 1997, you phoned my office seeking my position on the nomination of Judge Frederica Massiah-Jackson as a Judge for the United States District Court for the Eastern District of Pennsylvania. When we spoke, I told you that, in my thirty years of public service, including almost sixteen years as a Judge and over six years as Philadelphia's District Attorney, never before had my United States Senator solicited my position on any of the many prior Federal District or Circuit Court nominees who had sought confirmation. I further related that it had been my general policy to refrain from speaking out on Federal judicial nominations.

Immediately after our brief phone conversation, you wrote and faxed me a letter seeking my written concurrence in a quoted paragraph regarding my general policy. I have deliberately deferred responding because, instead of offering a perfunctory response, I thought it prudent, under the present circumstances, to re-evaluate my general policy, to see if there were compelling reasons to deviate from it. I have concluded that this nomination presents such reasons.

Between the time of our conversation and today, I have carefully reviewed sentencing statistics, verdicts, courtroom testimony, newspaper and other print media reports, together with a number of other pieces of anecdotal evidence, including office memoranda. After having done so, I have concluded that I must stand opposed to this nomination.

This decision is a difficult one because I campaigned with and served on the bench at the same time as Judge Massiah-Jackson. I firmly believe in the rule of law and the independence of the judiciary, and I would never oppose a nomination merely because of a personal disagreement with some decisions or remarks that a judge might make in the heat of courtroom arguments.

My position on this nomination goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.

This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar.

I must, however, make this point perfectly clear: I believe firmly that the next member of the Eastern District judiciary should be an African-American woman. The under-representation of minorities on our federal bench has been permitted to exist for far too long. Fortunately, the Philadelphia area is blessed with many eminently well-qualified African-American women lawyers, in academia, public service, private practice, and on the bench. Had any one of these been selected, she would already be presiding on our Federal District Court bench.

I trust that this letter satisfies your inquiry.

Sincerely,

LYNNE ABRAHAM,
District Attorney.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Is there time set aside for morning business now?

The PRESIDING OFFICER. There is not. However, the Senator may, by unanimous consent, request permission to proceed.

Mr. DOMENICI. Madam President, I ask unanimous consent for 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NUCLEAR ISSUES

Mr. DOMENICI. Madam President, over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our country and the world, issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began this statement, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners or only to attacks that wildly inflate their risks.

Based on strong encouragement that I have received from people like Senator Nunn, John Deutch, Allan Bromley, Edward Teller and others, I intend to continue to speak and to seek national dialog on a wide range of nuclear issues. In fact, I will invite each of my Senate colleagues to participate in a nuclear issues caucus focused on issues ranging from nuclear power and waste to nuclear stockpiles.

My goal is that out of this dialog and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the Nation and better utilize the power of nuclear technologies. Let me give you the flavor of some of these issues that I assert need careful reexamination.

First, in 1997, the United States decided to halt research into reprocessing mixed oxides, or commonly called MOX fuel, in the hope that it would curtail other countries' pursuit of these technologies. Other countries proceeded to follow their own best interests and technical judgments.

Today, many other countries are reprocessing and using MOX fuel, mixed oxide fuel. Now the United States is unable to use these technologies to meet nonproliferation needs and has largely been left out of the international nuclear fuels cycle.

I contend we made a mistake then. The reason we made the decision is false. We said it is so that no others will do this and create some risks. Others have assessed that there are no risks, or few, and they have proceeded.

Let me move on to another example.

Today, we regulate radiation to extremely low levels based on what we have chosen to call in this country the "linear-no-threshold" model of radiation effects. That model, basically, asserts that the least bit of radiation exposure increases the risk of cancer, but scientific evidence does not support that assumption. As a result, the United States spends billions of dollars each year cleaning up sites to levels within 5 percent of natural background radiation, even though natural background radiation varies by large amounts; in fact, by over three times just in the United States and much larger amounts if we look outside the Nation.

On another issue, today, nuclear energy provides 20 percent of the electricity of our Nation. In 1996, nuclear energy reduced U.S. greenhouse gas emissions from electric utilities by 25 percent. Does that sound interesting to anyone? Nuclear electrically generated power reduced U.S. greenhouse gas emissions 25 percent. That means that we produce that electricity clean in terms of global warming emissions, and we did this without imposing taxes or other costly limitations on the use of carbon-based energy forms, some of the suggestions that are being made now about taxing those energy sources that do create greenhouse gases to minimize their impact by using less.

On another issue, today, we focus on the creation of bilateral accords with Russia to size our nuclear stockpile, and we expend much energy debating the pros and cons of START II versus START III. Instead, I believe that the United States should move away from sizing its nuclear stockpile in accordance with bilateral accords with Russia. Instead, within the limitations of existing treaties, the United States should move to a "threat-based stockpile," driven by the minimal stockpile size that meets credible threat evaluations.

That is just another issue in the nuclear field that we ought to be addressing and debating and thinking about and listening to some experts on.

Today, many of the weapons in our stockpile and in the stockpile of Russia are on hair-trigger alert. I believe that both nations should consider de-alerting their nuclear stockpiles and even consider eliminating the ground-based leg of the nuclear triad. And I know this may not be doable, and the discussion may reveal that it is not prudent. But it should be talked about.

Today, both the United States and Russia are dismantling weapons, but both nations are storing the classified components, the so-called pits from the weapons, that would enable either nation to quickly rebuild its arsenals. We are in serious need of a fast-paced program to convert classified weapon components into unclassified shapes that are quickly placed under international verification. Then that material should be transformed into MOX—which I discussed earlier—MOX fuel for use in civilian reactors, again with due haste.

There are some who have prejudged this and will instantly say, no. I am suggesting the time is now to have a thorough discussion of these kinds of issues, because we made some mistakes 15, 20 and 25 years ago when we made some of the decisions that now guide our course in this very, very difficult area that I just spoke of with reference to nuclear arsenal components.

Today, high-level nuclear waste is stored in 41 States. Much of that is spent civilian reactor fuel that is saturating the storage capacity at many sites. The United States should move to interim storage of spent nuclear fuel while continuing to actively pursue permanent repository. In the years before that repository is sealed, there will be time to study alternatives to permanently burying the spent fuel with its large remaining energy potential. One of those alternatives for study should be a serious review of accelerator transmutation of waste technology.

Today, another issue, irradiation of food products is rarely used. Nevertheless, there is convincing evidence of its benefits in curtailing foodborne illnesses. I commend the recent acceptance of irradiation for beef products by the Food and Drug Administration. It was a long time in coming, but it is finally here.

Today, few low-level nuclear waste disposal facilities are operating in this country, jeopardizing many operations that rely on routine use of low-level radioactive materials. For example, the Federal Government continues its efforts to block the efforts of the State of California to build a low-level nuclear waste disposal facility at Ward Valley, CA.

Today, joint programs with Russia are underway to protect Russian fissile materials and shift the activities of former Soviet weapons and their scientists into commercial projects. These programs should be expanded, not reduced. The President suggests that some should be reduced. I believe they should be expanded.

These and other issues will all benefit from a careful reexamination of past policies relating to nuclear technologies. While some may continue to lament that the nuclear genie is out of the proverbial bottle, I am ready to focus on harnessing that genie as effectively and as fully as possible so that our citizens may gain the largest possible benefit from nuclear technologies.

I have a more detailed statement that analyzes these issues and others. I ask unanimous consent that it be printed in the RECORD, not as if read, but merely as an adjunct to the speech which I have just given.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT

(By Senator Pete V. Domenici)

Over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our nation—issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began these statements, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners, or only to attacks that wildly inflate their risks.

Based on the strong encouragement I've received from people like Senator Nunn, John Deutch, Allan Bromley, and Edward Teller, I intend to continue to seek national dialogue on a wide range of nuclear issues. In fact, I will invite each of my Senate Colleagues to participate in a Nuclear Issues Caucus, focused on issues ranging from nuclear power and waste to nuclear stockpile. My goal is that out of this Caucus, and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the nation and better utilize the power of nuclear technologies.

Strategic national issues are always hard to discuss. In no area has this been more evident during these last few decades than in development of public policy involving energy, growth, and the role of nuclear technologies.

But as we leave the 20th Century, arguably the American Century, and head for a new millennium, we truly need to confront these strategic issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world.

There are no secrets to our success, and there is no guarantee that, in the coming century, we will be the principal beneficiary of the seeds we have sown. There is competition in the world and serious strategic issues facing the United States cannot be overlooked.

The United States—like the rest of the industrialized world—is aging rapidly as our birth rates decline. Between 1995 and the year 2030, the number of people in the United States over age 65 will double from 34 million to 68 million. Just to maintain our standard of living, we need dramatic increases in productivity as a larger fraction of our population drops out of the workforce.

By 2030, 30 percent of the population of the industrialized nations will be over 60. The rest of the world—the countries that today are "under-industrialized"—will have only 16 percent of their population over age 60 and will be ready to boom.

As those nations build economies modeled after ours, there will be intense competition for the resources that underpin modern economies.

When it comes to energy, we have a serious, strategic problem. The United States currently consumer 25 percent of the world's energy production. However, developing countries are on track to increase their energy consumption by 48 percent between 1992 and 2010.

The United States currently produces and imports raw energy resources worth over $150 billion per year. Approximately $50 billion of that is imported oil or natural gas. We then process that material into energy feedstocks such as gasoline. Those feedstocks—the energy we consume in our cars, factories, and electric plants—are worth $505 billion per year.

We debate defense policy every year, as we should. But we don't debate energy policy, even though it costs twice as much as our defense, other countries' consumption is growing dramatically, and energy shortages are likely to be a prime driver of future military challenges.

Even when we've discussed energy independence in my quarter century of Senate service, we've largely ignored public debate on nuclear policies.

At the same time, the anti-nuclear movement has conducted their campaign in a way that has been tremendously appealing to mass media. Scientists, used to the peer-reviewed ways of scientific discourse, were unprepared to counter. They lost the debate.

Serious discussion about the role of nuclear energy in world stability, energy independence, and national security retreated into academia or classified sessions.

Today, it is extraordinarily difficult to conduct a debate on nuclear issues. Usually, the only thing produced is nasty political fallout.

My goal today is to share with you my perspective on several aspects of our nuclear policy. I am counting on you to join with me to encourage a careful, scientifically based, re-examination of nuclear issues in the United States.

I am going to tell you that we made some bad decisions in the past that we have to change. Then I will tell you about some decisions we need to make now.

First, we need to recognize that the premises underpinning some of our nuclear policy decisions are wrong. In 1977, President Carter halted all U.S. efforts to reprocess spent nuclear fuel and develop mixed-oxide fuel (MOX) for our civilian reactors on the grounds that the plutonium was separated during reprocessing. He feared that the separated plutonium could be diverted and eventually transformed into bombs. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

The premise of the decision was wrong. Other countries do not follow the example of the United States if we make a decision that other countries view as economically or technically unsound. France, Great Britain, Japan, and Russia all now have MOX fuel programs.

This failure to address an incorrect premise has harmed our efforts to deal with spent nuclear fuel and the disposition of excess weapons material, as well as our ability to influence international reactor issues.

I'll cite another example of a bad decision. We regulate exposure to low levels of radiation using a so-called "linear no-threshold" model, the premise of which is that there is no "safe" level of exposure.

Our model forces us to regulate radiation to levels approaching a few percent of natural background despite the fact that natural background can vary by a factor of three just within the United States.

On the other hand, many scientists think that living cells, after millions of years of exposure to naturally occurring radiation, have adapted such that low levels of radiation cause very little if any harm. In fact, there are some studies that suggest exactly the opposite is true—that low doses of radiation may even improve health.

The truth is important. We spend over $5 billion each year to clean contaminated DOE sites to levels below 5 percent of background.

In this year's Energy and Water Appropriations Act, we initiated a ten year program to understand how radiation affects genomes and cells so that we can really understand how radiation affects living organisms. For the first time, we will develop radiation protection standards that are based on actual risk.

Let me cite another bad decision. You may recall that earlier this year, Hudson Foods recalled 25 million pounds of beef, some of which was contaminated by E. Coli. The Administration proposed tougher penalties and mandatory recalls that cost millions.

But, E. Coli bacteria can be killed by irradiation and that irradiation has virtually no effect on most foods. Nevertheless, irradiation isn't used much in this country, largely because of opposition from some consumer groups that question its safety.

But there is no scientific evidence of danger. In fact, when the decision is left up to scientists, they opt for irradiation—the food that goes into space with our astronauts is irradiated. And if you're interested in this subject, a recent issue of the MIT Technology Review details the advantages of irradiated food.

I've talked about bad past decisions that haunt us today. Now I want to talk about decisions we need to make today.

The President has outlined a program to stabilize the U.S. production of carbon dioxide and other greenhouse gases at 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a $50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling of the current cost of coal or natural gas-generated electricity.

What the President should have said is that we need nuclear energy to meet his goal. After all, in 1996, nuclear power plants prevented the emission of 147 million metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide. Our electric utilities' emissions of those greenhouse gases were 25 percent lower than they would have been if fossil fuels had been used instead of nuclear energy.

Ironically, the technology we are relying on to achieve the benefits of nuclear energy is over twenty years old. No new reactors have been ordered in this country for almost a quarter of a century, due at least in part to extensive regulation and endless construction delays—plus our national failure to address high level waste.

We have created an environment for nuclear energy in the United States wherein it isn't viewed as a sound investment. We need absolute safety, that's a given. But could we have that safety through approaches that don't drive nuclear energy out of consideration for new plants?

The United States has developed the next generation of nuclear power plants—which have been certified by the NRC and are now being sold overseas. They are even safer than our current models. Better yet, we have technologies we have technologies under development like passively safe reactorors, and advanced liquid metal reactors that generate less waste and are proliferation resistant.

A recent report by Dr. John Holdren, done at the President's request, calls for a sharply enhanced national effort. It urges a "properly focused R&D effort to see if the problems plaguing fission energy can be overcome—economics, safety, waste, and proliferation." I have long urged the conclusion of this report—that we dramatically increase spending in these areas for reasons ranging from reactor safety to non-proliferation.

I have not overlooked that nuclear waste issues loom as a roadblock to increased nuclear utilization. I will return to that subject.

For now, let me turn from nuclear power to nuclear weapons issues.

Our current stockpile is set by bilateral agreements with Russia. Bilateral agreements make sense if we are certain who our future nuclear adversaries will be and they are useful to force a transparent build-down by Russia. But our next nuclear adversary may not be Russia—we do not want to find ourselves limited by a treaty with Russia in a conflict with another entity.

We need to decide what stockpile levels we really need for our own best interests to deal with any future adversary.

For that reason, I suggest that, within the limits imposed by START II, the United States move away from further treaty imposed limitations to what I call a "threat-based stockpile."

Based upon the threat I perceive right now, I think our stockpile could be reduced. We need to challenge our military planners to identify the minimum necessary stockpile size.

At the same time, as our stockpile is reduced and we are precluded from testing, we have to increase our confidence in the integrity of the remaining stockpile and our ability to reconstitute if the threat changes. Programs like science-based stockpile stewardship must be nurtured and supported carefully.

As we seriously review stockpile size, we should also consider stepping back from the nuclear cliff by de-alerting and carefully reexamining the necessity of the ground-based leg of the nuclear triad.

Costs certainly aren't the primary driver for our stockpile size, but if some of the actions I've discussed were taken, I'd bet that as a bonus we'd see some savings in the $30 billion we spend each year on the nuclear triad.

Earlier I discussed the need to revisit some incorrect premises that caused us to make bad decisions in the past. I said that one of them, regarding reprocessing and MOX fuel, may hamstring our efforts to permanently dismantle nuclear weapons.

The dismantlement of tens of thousands of nuclear weapons in Russia and the United States has left both countries with large inventories of perfectly machined classified components that could allow each country to rapidly rebuild nuclear arsenals.

Both countries should set a goal of converting those excess inventories into non-weapon shapes as quickly as possible. The more permanent those transformations and the more verification that can accompany the conversion of that material, the better.

Language in this year's Energy and Water Development Appropriations Legislation that I developed clearly sets out the importance of converting those shapes as part of an integrated plutonium disposition program.

Technical solutions exist. Pits can be transformed into non-weapons shapes and weapon material can be burned in reactors as MOX fuel—which, by the way, is what the National Academy of Sciences has recommended. However, the proposal to dispose of weapons plutonium as MOX runs into that old premise that MOX is bad despite its widespread use by our allies.

I believe that MOX is the best technical solution. The economics of the MOX solution, however, need further study. Ideally, incentives can be developed to speed Russian materials conversion while reducing the cost of the U.S. effort. We need an appropriate approach for MOX to address its economic challenges—perhaps something paralleling the U.S.-Russian agreement on Highly Enriched Uranium.

I said earlier that I would not advocate increased use of nuclear energy and ignore the nuclear waste problem. The path we've been following on Yucca Mountain sure isn't leading anywhere very fast. I'm about ready to reexamine the whole premise for Yucca Mountain.

We're on a course to bury all our spent nuclear fuel, despite the fact that a spent nuclear fuel rod still has 60–75% of its energy content—and despite the fact that Nevadans need to be convinced that the material will not create a hazard for over 100,000 years.

Reprocessing, even limited reprocessing, could help mitigate the potential hazards in a repository, and could help us recover the energy content of the spent fuel. Current economics may argue against reprocessing based on present-day fuel prices, but now we seem to be stuck with that old decision to never reprocess, quite independent of any economic arguments.

For Yucca Mountain, I propose we use interim storage now, while we continue to actively advance toward the permanent repository. In addition to collecting the nation's spent nuclear fuel in one well secured facility, far from population centers, interim storage also allows us to keep our options open.

Those options might lead to attractive alternatives to the current ideas for a permanent repository in the years before we seal the repository. Incidentally, 65 Senators and 307 Representatives agreed with the importance of interim storage, but the Administration has only threatened to veto any such progress and has shown no willingness to discuss alternatives.

Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use spent nuclear fuel for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly.

There is minimal processing, but carefully done so that weapons-grade materials are never separated or available for potential diversion. Further, this isn't reprocessing in the sense of repeatedly recirculating fissile materials back into new reactor fuel—this is a system that integrates some processing with the final disposition.

When they get done, only a little material goes into a repository—but now the half lives are changed so that it's a hazard for perhaps 300 years—a far cry from 100,000 years. The industrial group believes that the sale of electricity can go a long way toward offsetting the cost of the system, so this process might not add large costs to our present repository solution. Furthermore, it would dramatically reduce any real or perceived risks with our present path. This approach, Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.

I still haven't touched on all the issues embedded in maximizing our nation's benefit from nuclear technologies, and I can't do that without a much longer speech.

For example, I haven't discussed the increasingly desperate need in the country for low level waste facilities like Ward Valley in California. In California, important medical and research procedures are at risk because the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste.

And I haven't touched on the tremendous window of opportunity that we now have in the former Soviet Union to expand programs that protect nuclear material from moving onto the black market or to shift the activities of former Soviet weapons scientists onto commercial projects. Along with Senators Nunn and Lugar, I've led the charge for these programs. Those are programs directly in our national interest. I know that some national leaders still think of these programs as foreign aid, I believe they are sadly mistaken.

We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize:

Nuclear weapons, for all their horror, brought to an end 50 years of world-wide wars in which 60 million people died.

Nuclear power is providing about 20% of our electricity needs now and many of our citizens enjoy healthier longer lives through improved medical procedures that depend on nuclear processes.

But we aren't tapping the full potential of the nucleus for additional benefits. In the process, we are short-changing our citizens.

I hope in these remarks that I have demonstrated my concern for careful reevaluation of many ill-conceived fears, policies and decisions that have seriously constrained our use of nuclear technologies.

My intention is to lead a new dialogue with serious discussion about the full range of nuclear technologies. I intend to provide national leadership to overcome barriers.

While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefits for our citizens.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, first, I wish to thank my good friend from Indiana—I know he is about to speak—for allowing me to continue just for a very few minutes as though in morning business. And I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY KIDS ACT

Mr. LEAHY. Madam President, I am proud to join the Vice President, Vice President GORE, Senator CONRAD, and other colleagues, in support of comprehensive tobacco control legislation. I believe it is time for the Congress to join the President's call to curb teenage smoking.

But I believe that as a U.S. Senator, as a Vermonter, and as the ranking member of the Senate Judiciary Committee, that the HEALTHY Kids Act improves the proposed national tobacco settlement in two key areas—this is what I am looking at in tobacco settlements—that you have to have full document disclosure and that there can be no immunity for the tobacco industry.

The reason I say this, Madam President, is I have here a 1974 marketing plan by RJR Tobacco.

In 1974 they were saying how they have to target the 14-to-24 age group. In 1974 they were saying how they had to put their ads together so that people in the 14-to-24-year-old group could be targeted, could become cigarette smokers, could become addicted, and once addicted would remain their customers until they died. Of course, so many of them did die of lung cancer and other tobacco-related diseases.

These documents became public almost a quarter of a century later only because of the suits that are going on, only because of the forced disclosure. I say whatever we do in tobacco legislation, make sure all documents have to be disclosed and make sure that there is no immunity to the tobacco industry.

I want to thank Senator CONRAD for working with me to craft legislative language that calls for full disclosure of all tobacco industry documents relating to the health effects of tobacco products, the control of nicotine in tobacco products and the marketing of tobacco products. This disclosure to the FDA includes key documents that the industry may claim as privileged.

After internal review, the FDA has the authority to publish these documents to further the interests of public health. And these documents will be available on the Internet for every citizen to finally learn the full truth about the tobacco industry.

Contrary to its public relations ploys, the tobacco industry is still using stonewalling tactics to keep industry documents secret. Minnesota Attorney General Skip Humphrey has been prying loose documents that reveal much about the past practices of tobacco corporations. But the tobacco industry continues to abuse its attorney-client privilege by trying to block damaging documents from being publicly released. Again, yesterday, the court in Minnesota found the tobacco industry improperly used the attorney-client privilege to hide thousands of industry documents.

This stonewalling will stop and the American people will know all the facts about the tobacco industry under our bill. Second, our bill scraps the sweetheart deal of immunity for the tobacco industry from punitive damages and class action lawsuits that was in the proposed national settlement.

Every day we learn more and more about documents that reveal industry schemes to market their deadly product to children and hide smoking-related health research.

Marketing cigarettes to 14 year-old children is outrageous. Is that the kind of conduct that we should reward with unprecedented legal protections? In the words of today's 14 year-olds, "Get real."

Under our bill, a state may resolve its attorney general suit or take on the tobacco industry in court, as Minnesota is doing. It is up to the people of that state, not a Washington knows best approach. I am confident that Vermont Attorney General William Sorrell knows the facts in his lawsuit against big tobacco and will weigh the best interests of Vermonters in making the decision whether to opt-in to the bill's settlement provisions.

I strongly believe that this comprehensive tobacco control legislation puts the interests of our children ahead of the interests of the tobacco lobby.

I look forward to working with President Clinton, Vice President GORE, Senator CONRAD and my other colleagues on both sides of the aisle to enact it into law.

I thank again my good friend from Indiana. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT COUNSEL

Mr. COATS. Madam President, over the past 3 weeks or so, Independent Counsel Ken Starr has been the subject of a sustained attack by individuals speaking on behalf of the President. Judging by some of these statements, it seems there is little that the President's surrogates are unwilling to say about Judge Starr. The objective of these comments seems clear—to undermine public confidence in the very legal processes designed to assure public integrity in the White House.

In an extraordinary televised interview, the First Lady accused the independent counsel of being "politically motivated" by an investigation of the Monica Lewinsky matter and part of a "vast right-wing conspiracy" to bring down the President. Other Presidential advisors have also taken to the airwaves, attacking Kenneth Starr as a "scumbag," and "merchant of sleaze." One of these advisors went so far as to declare war on Judge Starr and the Office of the Independent Counsel.

Now these tactics bring to mind the old adage known to every trial lawyer in the country: When you have the facts, argue the facts; when you have the law, argue the law; and when you have neither the facts nor the law, go after the prosecutor, go after the witnesses, go after the accuser, attack their credibility.

Yesterday in the Wall Street Journal in an editorial entitled "Spinning Starr," the editors state:

> Events of recent days suggest that an analysis by Mr. Clinton's legal team has concluded that their strongest strategy is not to meet on the battlefield of facts and law, but to conduct a political offensive against the independent counsel and his staff.
>
> No matter what opposition they've encountered—Paula Jones, Linda Tripp, Kathleen Willey, Fred Thompson, Judge Royce Lamberth—the Clinton side has always chosen the same strategy of stonewalling, smash-mouth lawyering.

Madam President, for those of us who know Ken Starr and have watched and appreciated his distinguished career, the picture painted of this man by the President's people is virtually unrecognizable.

The President's people have asked us to forget Kenneth Starr's exemplary personal character, his service as the Nation's Solicitor General, and his tenure in the United States Court of Appeals for the District of Columbia.

The President's people have asked us to forget the reputation he has gained for fairness and balance and good judgment that he earned through working with the Justice Department.

The President's people have asked us to forget the unpopular chances he took in defending freedom of the press and freedom of religion during his tenure as a Federal judge.

And most of all, the President's people have asked us to forget that Kenneth Starr has brought to the independent counsel's office the cautious, deliberative mind of a judge and not the zeal of a prosecutor.

The President's attack machine has left us not with a caricature of Ken Starr but with a smudge: Kenneth Starr, right-wing conspirator, partisan prosecutor, Republican hack.

Madam President, there is too much hanging in the balance of this investigation to permit these attacks on Judge Starr's character and reputation to go unchallenged. The fact is that even some of Kenneth Starr's most committed ideological opponents have in earlier times painted a very different picture of the man who is now at the receiving end of so much of the Clinton fury.

Some of you may have heard of Walter Dellinger. He is a professor of law at Duke University, a liberal democrat and the former head of the Office of Legal Counsel under Attorney General Janet Reno. When Kenneth Starr was chosen as independent counsel, Professor Dellinger said, "I have known Ken Starr since he was one of my students at Duke Law School and I have always known him to be a fair-minded person."

An official with the American Civil Liberties Union said of Starr's appointment, "I'd rather have him investigate me than almost anyone I could think of."

Alan Morrison, the cofounder of Public Citizen Litigation Group told Time magazine last week that the idea of Kenneth Starr as a right-wing avenger is "not the Ken Starr I know."

When Democrats criticized Judge Starr's appointment as politically inspired, five former presidents of the American Bar Association refused to call for his resignation, citing their "Utmost confidence in his integrity and his objectivity."

Just last week, Robert Bork, one of the sternest critics of the independent counsel law, wrote that the Office of the Independent Counsel "requires but does not always get an independent counsel of moral strength and judicial temperament. Kenneth Starr is just such a prosecutor * * * He has conducted himself professionally and without a credible hint of partisanship."

The worlds of Kenneth Starr and the Clinton White House are completely different. The independent counsel has a reputation for integrity and fairness. He is temperate by nature and has been criticized by his own staff as being deliberative to a fault. Kenneth Starr regards justice not as a matter of winning or losing but as a search for the truth.

Madam President, if there is ever a time when we need an impartial independent search for the truth, this is that time. A great deal does hang in the balance. We have important decisions to make relative to foreign policy of this Nation and the domestic policy of this Nation. It is important that we be able to rest credibility and trust in the Office of the Presidency. It is important that we elicit the facts and the truth relative to the allegations swirling around the President and the White House at this particular time.

I can think of no fairer minded nor nonpartisan, capable individual than the current independent prosecutor, Kenneth Starr, and I think it would be appropriate if all of us let him do his job.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACKS ON KENNETH STARR

Mr. NICKLES. Madam President, I rise today to make a couple of observations. One is that it is very apparent that there is a concerted attack on Kenneth Starr, the court-appointed independent counsel investigating several serious allegations against the Clinton administration. Some of those attacks were made today on the floor of the Senate. I believe a previous attack was made earlier in the week in the Senate. And I think Mrs. Clinton joined in the attack on Judge Starr. So, there appears to be a concerted attempt by the President, his staff, his wife, and others to attack Kenneth Starr as the independent counsel. I just think that is inappropriate.

Just for the information of my colleagues, I have known Ken Starr. I understand that he clerked for the Supreme Court for Chief Justice Warren Burger when he got out of law school. I got to know him when he was assistant and chief of staff to Attorney General William French Smith during the Reagan administration. That is the first time I got to know him. And I remember him when he served as Solicitor General of the United States and argued cases on behalf of the United States before the Supreme Court. I happened to sit in on one or two. In one case that I remember in particular, he did a very fine job. He represented the United States very well. I don't remember anybody ever making any allegations that he was a right-wing conspirator at that time.

He served as a judge on the D.C. Circuit Court of Appeals with Justices Scalia and Ginsburg, and he served with distinction. I don't remember hearing one scintilla of negative comments of his service there.

He was chosen—and this is interesting—by the Senate to review Senator Packwood's diaries that dealt with a sex scandal in the Senate. That was a very sensitive issue and not an easy one. And probably not a job that he had any interest in doing either. But it shows that, yes, he handled that, and he handled it very professionally. I think everyone in the Senate would have to acknowledge that.

Judge Starr has taught constitutional law at New York University Law School, a very prestigious law school. He was chosen by the three-judge court to take over as independent counsel and replace Robert Fiske in his investigation of Whitewater and related matters. He was chosen for this job by the court. I don't believe he campaigned for it. He was selected by a three-judge panel.

So he worked for the Senate, he worked in the Attorney General's office, in the Solicitor General's office, he served as a judge, and he taught—all of which he did with distinction.

So I really regret that many people in the administration, and now some of our colleagues, are attacking Ken Starr—impugning his motives, raising charges of conflict of interest, and so on. I think that is really unfortunate.

I happen to also think it is intended as a diversion. I think it is a pattern that we have seen followed by this administration time and time again when they are feeling pressure from an investigation or emerging scandal.

It is unfortunate, but this administration has been plagued by scandals since prior to President Clinton's election in 1992. It seems like there is a repetitive pattern of attacking whoever that scandal happens to be involved with—whether it was Gennifer Flowers, when she was attacked; Paula Jones, when she was attacked; the FBI, when investigating the FBI files matter. A couple FBI people lost their jobs over that unfortunate incident. The travel office employees were attacked, when Billy Dale was investigated. The Justice Department was called in to investigate Billy Dale. So time and time again, it seems like there is a pattern that if there is a complaint, we all of a sudden start hearing negative stories.

When it became well known that FBI Director Louis Freeh's recommendation was that an independent counsel should be appointed to investigate possible campaign abuses by the Clinton administration, all of a sudden we start hearing negative stories about Director Freeh and the White House's lack of confidence in his work. There was even some speculation that he would be fired. Well, he could not be fired, he had a 10-year term. I think it is very unfortunate.

Mrs. Clinton was on television talking about a "right-wing conspiracy," and about all these groups spreading stories. I don't think Ken Starr has anything to do with any alleged right-wing conspiracy, nothing whatsoever. I don't think he has ever had that strong of a political philosophy or involvement with partisan issues. He has been a judge, he has been working at the Justice Department and teaching law school. I just don't think that's the case. I certainly don't think that the President's own personal secretary was part of a right-wing conspiracy. So I am just bothered by that.

I think that we see a concerted effort by the administration to have a diversion. Certainly this latest scandal is serious. There were allegations that were brought to Ken Starr's attention, and he took them to the Attorney General for authority to investigate. She gave a recommendation to the three-judge court to expand his authority to investigate. Janet Reno recommended to the three-judge panel that these latest allegations concerning the sex scandal be investigated. That is what Ken Starr is doing.

So I hope that my colleagues will tone down their rhetoric. I hope this administration will tone down the rhetoric and quit attacking Ken Starr and maybe cooperate with the investigation and let the facts be known.

I hope that nothing happened. I hope that there is nothing to this scandal. But I think the President should tell the truth. I think that the American people are entitled to the truth and, hopefully, it will come out very shortly. Then we can go on and do the Nation's business—as the President has called for. But when there are allegations of perjury, or obstruction of justice, coaching witnesses, or trying to get people to leave town so maybe they would not testify—these are serious charges. I might remind colleagues that President Nixon was on the road to impeachment not because he broke into the Watergate, but because of charges of perjury, tampering with a witness and obstruction of justice.

So these are serious charges, but they don't need to be investigated on the floor of the Senate. It is possible that at some point the Senate will have a role; I don't know. But I don't think it is proper or right to have this campaign of attack and smear on Ken Starr. I think it undermines the judicial process and really undermines those people who are making such charges. Madam President, I hope that our colleagues and others will allow the independent counsel to do his work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARGARET M. MORROW, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider Executive Calendar No. 135, which the clerk will report.

The legislative clerk read the nomination of Margaret M. Morrow, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Debate on the nomination is limited to 2 hours equally divided and controlled by the Senator from Utah and the Senator from Missouri.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to support the nomination of Margaret Morrow to the Federal District bench in California.

Ms. Morrow enjoys broad bipartisan support, and it is no wonder. She graduated magna cum laude from Bryn Mawr College, and cum laude from the Harvard Law School. She is presently a partner at Arnold and Porter in their Los Angeles office where she handles virtually all of that office's appellate litigation.

I plan to outline in greater detail why I intend to support Ms. Morrow's nomination. But first I would like to discuss the Judiciary Committee's record with respect to the confirmation of President Clinton's judicial nominees.

As chairman of the Senate Judiciary Committee, one of the most important duties I fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President advice concerning his nominees, and to consent to their ultimate confirmation. Although some have complained about the pace at which the committee has moved on judicial nominees, I note that it has undertaken its duty in a deliberate and serious fashion. Indeed, with respect to Ms. Morrow, there were concerns. Her answers to the committee were not entirely responsive. Rather than simply pushing the nomination forward, however, I believed it was important for the committee to ensure that its questions were properly answered. Thus, the committee submitted written questions for Ms. Morrow to clarify some of her additional responses. And, having reviewed Ms. Morrow's answers to the questions posed by the committee, I became satisfied that she would uphold the Constitution and abide by the rule of law.

In fact, we held two hearings in Margaret Morrow's case, as I recall, and the second hearing was, of course, to clarify some of these issues without which we might not have had Ms. Morrow's nomination up even to this day.

Thus, I think it fair to say that the committee has fairly and responsibly dealt with the President's nominees. Indeed, the Judiciary Committee has already held a judicial confirmation hearing, and has another planned for February 25. Thus, the committee will have held two nomination hearings in the first month of the session.

I note that Judiciary Committee processed 47 of the President's nominees last session, including Ms. Morrow. Today there are more sitting judges than there were throughout virtually all of the Reagan and Bush administrations. Currently, there are 756 active Federal judges. In addition, there are 432 senior Federal judges who must by law continue to hear cases. Even in the ninth circuit, which has 10 vacancies, only one judge has actually stopped hearing cases. The others have taken senior status, and are still actively participating in that court's work. I am saying that the other nine judges have taken senior status. Those who have retired, or those who have taken senior status, are still hearing cases. The total pool of Federal judges available to hear cases is 1,188, a near record number.

I have sought to steer the confirmation process in a way that kept it a fair and a principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial appointees.

I would like to personally express my gratitude and compliments to Senator LEAHY, the ranking Democrat on the Judiciary Committee, for his cooperative efforts this past year. In fact, I would like my colleagues to note that a portrait of Senator LEAHY will be unveiled this very evening in the Agriculture Committee hearing room. This is an honor that I believe my distinguished colleague justly deserves for his efforts on that great committee. I want Senator LEAHY to know that I plan on attending that portrait unveiling itself even though this debate is taking place on the floor between 4 and 6 today.

It is in this spirit of cooperation and fairness that I will vote to confirm Ms. Morrow. Conducting a fair confirmation process, however, does not mean granting the President carte blanche in filling judicial vacancies. It means assuring that those who are confirmed will uphold the Constitution and abide by the rule of law.

Based upon the committee's review of her record, I believe that the evidence demonstrates that Margaret Morrow will be such a person. Ms. Morrow likely would not be my choice if I were sitting in the Oval Office. But the President is sitting there, and he has seen fit to nominate her.

She has the support of the Senators from California. And the review conducted by the Judiciary Committee suggests that she understands the proper role of a judge in our Federal system and will abide by the rule of law. There is no doubt that Ms. Morrow is, in terms of her professional experience and abilities, qualified to serve as a Federal district court judge. I think the only question that may be plaguing some of my colleagues is whether she will abide by the rule of law. As I have stated elsewhere, nominees who are or who are likely to be judicial activists are not qualified to serve as Federal judges, and they should neither be nominated nor confirmed. And I want my colleagues to know that when such individuals come before the Judiciary Committee I will vociferously oppose them. In fact, many of the people that have been suggested by the administration have been stopped before they have been sent up. And that is where most of the battles occur, and that is where most of the work between the White House and myself really occurs. I have to compliment the White House in recognizing that some people that they wish they could have put on the bench were not appropriate persons to put on the bench because of their attitudes towards the rule of law primarily.

While I initially had some concerns that Ms. Morrow might be an activist, I have concluded, based on all the information before the committee, that a compelling case cannot be made against her. While it is often difficult to tell whether a nominee's words before confirmation will match that nominee's deeds after confirmation, I believe that this nominee in particular deserves the benefit of the doubt. And all nominees deserve the benefit of the doubt, unless the contrary is substantial—or, should I say, less evidence to the contrary is substantial. In my view, there is not sufficient evidence to demonstrate that Ms. Morrow will engage in judicial activism. In fact, Ms. Morrow has assured the committee that she will abide by the rule of law, and will not substitute her preferences for the dictates of the Constitution.

If Ms. Morrow is a woman of her word, and I believe she is, I am confident that she will serve the country with distinction.

I would like briefly to address some of the questions raised by those who oppose Ms. Morrow's nomination. Perhaps the most troubling evidence of potential activism that Ms. Morrow's critics advance comes from several speeches she has given while president of the Los Angeles, CA, Bar Association. At the fourth annual Conference on Women in the Law, for example, Ms. Morrow gave a speech in which she stated that "the law is almost by definition on the cutting edge of social thought. It is a vehicle through which we ease the transition from the rules which have always been to the rules which are to be."

Now, if Ms. Morrow was speaking here about "the law" and "rules" in a substantive sense, I would have no choice but to read these statements as professing a belief in judicial activism. On that basis alone, I would likely have opposed her nomination. However, Ms. Morrow repeatedly and somewhat animatedly testified before the committee that she was not speaking substantively of the law itself but, rather, was referring to the legal profession and the rules by which it governs itself.

When the committee went back and examined the context of Ms. Morrow's speech, it concluded that this explanation was in keeping with the theme of her speech.

In her inaugural address as president of the State Bar of California on October 9, 1993, Ms. Morrow quoted then Justice William Brennan, stating that "Justice can only endure and flourish if law and legal institutions are engines of change able to accommodate evolving patterns of life and social interaction."

Here again some were troubled that Ms. Morrow seemed to be advocating judicial activism. Ms. Morrow, however, assured the committee that she was not suggesting that courts themselves should be engines of change. In response to the committee she testified as follows:

> The theme of that speech was that the State Bar of California as an institution and the legal profession had to change some of the ways we did business. The quotation regarding engines of change had nothing to do with changes in the rule of law or changes in constitutional interpretation.

Once again, the committee went back and scrutinized Ms. Morrow's speech and found that its theme was in fact changes the bar should make and did not advance the theme that courts should be engines of social change. The committee found the nominee's explanation of the use of the quotation, given its context, very plausible. In addition, the nominee went to some lengths in her oral testimony and her written responses to the committee to espouse a clearly restrained approach to constitutional interpretation and the rule of the courts. Frankly, much of what she has said under oath goes a long way toward legitimized, very restrained jurisprudence that some of our colleagues on the other side of the aisle called out of the mainstream just a decade ago.

For example, she testified that she would attempt to interpret the Constitution "consistent with the intent of the drafters." She later explained in more detail that judges should use the constitutional text "as a starting point, and using that language and whatever information there is respecting the intent behind that language one ought to attempt then to decide the case consistent with that intent."

She later testified that judges should not "by incremental changes ease the law from one arena to another in a policy sense." And in written correspondence with the committee, Ms. Morrow further elaborated on her constitutional jurisprudence by highlighting the case which in her view adopted the proper methodology to constitutional interpretation.

As she explained, in that case the Court "looked first to the language of the Constitution," then "buttressed its reading" of the text by "looking to the language of other constitutional provisions." And finally to "the intent of those who drafted and ratified this language as reflected in the Federalist Papers, debates of the Constitutional Convention and other writings of the time."

Contrary to the claim that she condemns all voter initiatives, Ms. Morrow has actually sought to ensure that voters have meaningful ways of evaluating such initiatives.

In a widely circulated article, Ms. Morrow noted that the intensive advertising campaigns that surround citizen initiatives often focus unfairly on the measure's sponsor rather than the initiative's substance. This made it hard, she argued, for voters to make meaningful choices and "renders ephemeral any real hope of intelligent voting by a majority."

Read in its proper context, this statement seized upon by Ms. Morrow's critics was a statement concerning the quality of information disseminated to the voters, not a comment on the voters' ability to make intelligent policy choices. Thus Ms. Morrow's statement is not particularly controversial but in fact highly respectful of the role voters must play in our electoral system. In fact, Ms. Morrow argued that the courts should not be placed in a position of policing the initiative process. She explained that "having passed an initiative, the voters want to see it enacted. They view a court challenge to its validity as interference with the public will."

For this reason, Ms. Morrow advocated reforms to the California initiative process to take a final decision on ballot measures out of the hands of judges and to place it back into the hands of the people.

In supporting this nomination, I took into account a number of factors, including Ms. Morrow's testimony, her accomplishments and her evident ability as an attorney, as well as the fact that she has received strong support, bipartisan support from both Democrats and Republicans. Republicans included Ninth Circuit Judges Cynthia Hall, Steven Trott and Pamela Rymer, Reagan-Bush appointees, as well as Rob Bonner, a respected conservative, former Federal judge and head of the drug enforcement agency under President Bush.

I know all of these people personally. They are all strong conservatives. They are really decent people. They are as concerned as you or I or anybody else about who we place on the Federal bench, and they are strongly in favor of Margaret Morrow, as are many, many other Republicans. And they are not just people who live within the district where she will be a judge. They are some eminent judges themselves.

I have a rough time seeing why anybody basically under all these circumstances would oppose this nominee. Each of those individuals I mentioned and others, such as Richard Riordan, the Republican mayor of Los Angeles, have assured the committee that Ms. Morrow will not be a judicial activist. I hope they are correct. And at least on this point I have seen little evidence in the record that would suggest to me that she would fail to abide by the rule of law once she achieves the bench and practices on the bench and fulfills her responsibility as a judge on the bench.

In sum, I support this nominee and I urge my colleagues to do the same. I am also pleased, with regard to these judicial nominees, that no one on our side has threatened to ever filibuster any of these judges, to my knowledge. I think it is a travesty if we ever start getting into a game of filibustering judges. I have to admit my colleagues on the other side attempted to do that on a number of occasions the last number of years during the Reagan-Bush years. They always backed off, but maybe they did because they realized there were not the votes to invoke cloture. But I really think it is a travesty if we treat this third branch of Government with such disregard that we filibuster judges.

The only way I could ever see that happening is if a person is so absolutely unqualified to sit on the bench that the only way you could stop that person is to filibuster that nominee. Even then, I question whether that should be done. We are dealing with a coequal branch of Government. We are dealing with some of the most important nominations a President, whoever that President may be, will make. And we are also dealing with good faith on both sides of the floor.

I have to say, during some of the Reagan and Bush years, I thought our colleagues on the other side were reprehensible in some of the things they did with regard to Reagan and Bush judges, but by and large the vast majority of them were put through without any real fuss or bother even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me. And unless you have an overwhelming case, as may be the case in the nomination of Judge Massiah-Jackson, unless you have an overwhelming case, then certainly I don't see any reason for anybody filibustering judges. I hope that we never get into that. Let's make our case if we have disagreement, and I have to say that some of my colleagues disagree with this nomination, and they do it legitimately, sincerely, and I think with intelligence, but I think they are wrong. And that is after having been part of this process for 22 years now and always trying to be fair, whoever is the President of the United States and whoever the nominees are.

It is important because most of the fight has to occur behind the scenes. It has to occur between honest people in the White House and honest people up here. And that's where the battles are. When they get this far, generally most of them should be approved. There are some that we have problems with still in the Judiciary Committee, but that is our job to look at them. That is our job to look into their background. It is our job to screen these candidates. And, as you can see, in the case of Massiah-Jackson we had these accusations but nobody was willing to stand up and say them. I am not about to rely on unsubstantiated accusations by anybody. I will rely on the witness herself in that case. But we never quit investigating in the committee, and even though Massiah-Jackson was passed out of the committee, the investigation continued and ultimately we find a supernumber of people, very qualified people, people in that area who have a lot to do with law and justice are now opposed to that nomination. We cannot ignore that. But that is the way the system works. We have had judges withdraw after we have approved them in the Judiciary Committee because something has come up to disturb their nomination.

That is the way it should work. This is not a numbers game. These are among the most important nominations that any President can make and that the Senate can ever work on. In the case of Margaret Morrow, I personally have examined the whole record, and, like I say, maybe people on our side would not have appointed her if they were President, but they are not the President. And unless there is an overwhelming case to be made against a judge, I have a very difficult—and especially this one; there is not—I have to say that I think we do a great injustice if we do not support this nomination.

So with that, I will yield the floor.

How much time does the distinguished Senator need?

Mrs. BOXER. About 10 minutes.

Mr. HATCH. I yield 10 minutes to the distinguished Senator from California.

If my colleague would prefer to control the time on his side, I would be happy—should I yield to the Senator?

Mrs. BOXER. I would prefer we yield to Senator LEAHY given his schedule.

Mr. HATCH. Let's split the time. You control half the time, and I will control half. You can make the determination, or if you would like——

Mr. LEAHY. Mr. President, how much time is there remaining?

The PRESIDING OFFICER. There are 36 minutes 30 seconds.

Mr. LEAHY. I wonder if I might yield myself 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, this really has been a long time coming, and I appreciate the effort of my friend, the chairman, who is on the floor, to support this nomination. I commend my good friend, the Senator from California, Mrs. BOXER, who has been indefatigable in this effort. She has worked and worked and worked. I believe she has spoken to every single Senator, every single potential Senator, every single past Senator, certainly to all the judges, and she has been at us over and over again to make sure that this day would come. She has worked with the Republican leader, the Democratic leader, and Republican and Democratic Senators alike. I appreciate all that she has done. We have all been aided by our colleague, Senator FEINSTEIN. She has spoken out strongly for Margaret Morrow as a member of the Judiciary Committee and as a Senator.

I feel though, as Senator BOXER has said, that none of us would have predicted that it would take 21 months to get this nomination before the Senate. I know that we would not even be here now if the distinguished Senator from Utah and the distinguished majority leader had not made the commitment before we broke last fall to proceed to this nomination this week.

I have spoken about this nomination so many times I have almost lost track of the number. I will not speak as long as I would otherwise today because I want to yield to the Senator from California. But I think people should know that for some time there was an unexplained hold on this outstanding nominee. This is a nominee, incidentally, who was reported out of the Judiciary Committee twice. This is a nominee who is the first woman to be the president of the California State Bar Association and a president of the Los Angeles County bar.

This is a nominee who is a partner in a prestigious law firm. This is a nominee who has the highest rating that lawyers can be given when they come before our committee for approval as a judge. This is a woman about whom letters were sent to me and to other Senators from some of the leading Republicans and some of the leading Democrats in California and from others whose background I know only because of their reputations, extraordinary reputations. I have no idea what their politics are. But all of them, whether they describe themselves as conservatives, liberals, moderates or apolitical, all of them say what an extraordinary woman she is. And I agree.

I have read all of the reports about her. I have read all the things people said in her favor, and the things, ofttimes anonymous, said against her. I look at all those and I say of this woman: If I were a litigant, plaintiff or defendant, government or defendant, no matter what side I was on, I could look at this woman and say I am happy to come into her court. I am happy to have my case heard by her—whether I am rich, poor, white, black, no matter what might be my background. I know she would give a fair hearing.

Now, finally, after 12 months on the Senate calendar without action over the course of the last 3 years, I am glad that the debate is beginning. I am also glad we can now look forward to the end of the ordeal for Margaret Morrow, for her family, her friends and her supporters.

Her supporters include the chairman of the Judiciary Committee and half the Republican members on that committee. The Republican Mayor of Los Angeles, Richard Riordan, calls her "an excellent addition to the Federal bench." All of these people have praised her.

To reiterate, this day has been a long time coming. When this accomplished lawyer was first nominated by the President of the United States to fill a vacancy on the District Court for the Central District of California, none of us would have predicted that it would be more than 21 months before that nomination was considered by the United States Senate.

I thank the Majority Leader and the Chairman of the Judiciary Committee for fulfilling the commitment made late last year to turn to this nomination before the February recess. Fairness to the people and litigants in the Central District of California and to Margaret Morrow and her family demand no less.

I trust that those who credit local law enforcement and local prosecutors and local judges from time to time as it suits them will credit the views of the many California judges and local officials who have written to the Senate over the last several months in support of the confirmation of Margaret Morrow. I will cite just a few examples: Los Angeles County Sheriff Sherman Block; Orange County District Attorney Michael R. Capizzi; former U.S. Attorney and former head of the DEA under President Bush, Robert C. Bonner; former Reagan Assistant Attorney General of the Criminal Division and former Associate Attorney General and current Ninth Circuit Judge Stephen S. Trott; and California Court of Appeals Associate Justice H. Walter Croskey.

I deeply regret that confirmation as a Federal Judge is becoming more like a political campaign for these nominees. They are being required to gather letters of support and urge their friends, colleagues and clients to support their candidacy or risk being mischaracterized by those who do not know them.

Margaret Morrow's background, training, temperament, character and skills are beyond reproach. She is a partner in the law firm of Arnold & Porter. She has practiced law for 24 years. A distinguished graduate of Bryn Mawr College and Harvard Law School, Ms. Morrow was the first woman President of the California State Bar Association and a former president of the Los Angeles County Bar Association. She has had the strong and unwavering support of Senator BOXER and Senator FEINSTEIN of California.

In light of her qualifications, it was no surprise that in 1996 she was unanimously reported by the Senate Judiciary Committee. In 1997 her nomination was again reported favorably, this time by a vote of 13 to 5.

Yet hers has been an arduous journey to Senate consideration. She has been targeted—targeted by extremists outside the Senate whose $1.4 million fundraising and lobbying campaign against judges needed a victim. As our debate will show today, they chose the wrong woman.

Lest someone accuse us of gratuitously injecting gender into this debate, I note the following: Her critics have gone so far as to deny her the courtesy of referring to her as Ms. Morrow. Instead, they went out of their way repeatedly to refer to her as "Miss" in a Washington Times op ed. Margaret Morrow is married to a distinguished California State Court Judge and is the proud mother of a 10-year-old son. It is bad enough that her words are taken out of context, her views misrepresented and her nomination used as an ideological prop. She is entitled to be treated with respect.

Nor was this reference inadvertent. The first point of criticism in that piece was her membership in California Women Lawyers, which is criticized for supporting parental leave legislation.

Senator FEINSTEIN posed the question whether Margaret Morrow was held to a different standard than men nominees. That is a question that has troubled me throughout this process. I was likewise concerned to see that of the 14 nominees left pending at the end of last year whose nominations had been pending the longest, 12 were women and minority nominees. I did not know, until Senator KENNEDY's statement to the Senate earlier this year, that judicial nominees who are women are now four times as likely as men to take over a year to confirm.

At the same time, I note that Senator HATCH, who supports this nomination, included two women whose nominations have been pending for more than a year and one-half, at last week's Judiciary Committee hearing. I also note that the Senate did vote last month to confirm Judge Ann Aiken to the Oregon District Court. So one of the four article III judges confirmed so far this year was a woman nominee.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good work in this regard should not be punished but commended.

As part of those efforts Margaret Morrow gave a speech at a Women in the Law Conference in April 1994. That speech was later reprinted in a law review. Critics have seized upon a phrase or two from that speech, ripped them out of context and contended that they show Margaret Morrow would be an unprincipled judicial activist. They are wrong. Their argument was refuted by Ms. Morrow in her testimony before the Judiciary Committee.

This criticism merely demonstrates the critics own indifference to the setting and context of the speech and its meaning for women who have worked so hard to achieve success in the legal profession. Her speech was about how the bar is begrudgingly adjusting to women in the legal profession. How telling that critics would fasten on that particular speech on women in the law and see it as something to criticize.

Margaret Morrow spoke then about "the struggles and successes" of women practices law and "the challenges which continue to face us day to day in the 1990s." Margaret Morrow has met every challenge. In the course of this confirmation, she has been forced to run a gauntlet. She has endured false charges and unfounded criticism. Her demeanor and dignity have never wavered. She has, again, been called upon to be a role model.

The President of the Woman Lawyers Association of Los Angeles, the President of the Women's Legal Defense Fund, the President of the Los Angeles County Bar Association, the President of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They wrote that: "Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties." She "is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country." I could not agree more.

By letter dated February 4, 1998, a number of organizations including the Alliance for Justice, the Leadership Conference on Civil Rights and women's lawyer associations from California likewise wrote urging confirmation of Margaret Morrow without further delay. I ask that a copy of that letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 4, 1998.

Senator PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: We write to express our concern over a series of developments that continue to unfold in the Senate that are undermining the judicial confirmation process. These include calls for the impeachment of judges, a slowdown in the pace of confirmations, unjustified criticisms of certain nominees, and efforts to leave appellate vacancies unfilled. Some court observers have opined that collectively these are the most serious efforts to curtail judicial independence since President Roosevelt's plan to pack the Supreme Court in 1937.

In the past year nominees who failed to meet certain ultraconservative litmus tests have been labeled "judicial activists." While these charges are unfounded, they nonetheless delay confirmations and leave judicial seats unfilled. We note that of the 14 individuals whose nominations have been pending the longest, 12 are women or minorities. This disturbing pattern is in striking contrast to those 14 judges who were confirmed in 1997 in the shortest period of time, 11 of whom are white men. For example, Margaret Morrow, a judicial nominee to the United States District Court for the Central District of California, was nominated more than a year and a half ago. Not only is she an outstanding candidate, but her credentials have earned her enthusiastic and bipartisan endorsements from leaders of the bar, judges, politicians, and civic groups.

An honors graduate from Harvard Law School, a civil litigator for more than 20 years, winner of numerous legal awards, and the first female president of the California Bar Association, Morrow has the breadth of background and experience to make her an excellent judge, and in the words of one of her sponsors, she would be "an exceptionally distinguished addition to the federal bench." Morrow has also shown, through her numerous pro bono activities, a demonstrated commitment to equal justice. As president of the Los Angeles County Bar Association, she created the Pro Bono Council, the first of its kind in California. During her year as bar president, the Council coordinated the provision of 150,000 hours of previously untapped representation to indigent clients throughout the county. Not surprisingly, the American Bar Association's judicial evaluation committee gave her its highest rating.

Republicans and Democrats alike speak highly of her accomplishments and qualifications. Robert Bonner, a Reagan-appointed U.S. Attorney and U.S. District Judge for the Central District of California and head of the Drug Enforcement Administration during the Bush Administration, has said Morrow is a "brilliant person with a first-rate legal mind who was nominated upon merit, not political affiliation." Los Angeles County Sheriff Sherman Block wrote that, "Margaret Morrow is an extremely hard working individual of impeccable character and integrity. . . . I have no doubt that she would be a distinguished addition to the Court." Other supporters include local bar leaders; officials from both parties, including Los Angeles Mayor Richard Riordan; California judges appointed by the state's last three governors; and three Republican-appointed Ninth Circuit Court of Appeals judges, Pamela Rymer, Cynthia Holcomb Hall, and Stephen Trott.

Despite here outstanding record, Morrow has become the target of a coordinated effort by ultraconservative groups that seek to politicize the judiciary. They have subjected her to a campaign of misrepresentations, distortions and attacks on her record, branding her a "judicial activist." According to her opponents, she deserves to be targeted because "she is a member of California Women Lawyers," an absurd charge given that this bipartisan organization is among the most highly respected in the state. Another "strike" against her is her concern, expressed in a sentence from a 1988 article, about special interest domination of the ballot initiative process in California. Her opponents view the statement as disdainful of voter initiatives such as California's term limits law; however, they overlook the fact that the article outlines a series of recommended reforms to preserve the process. It is a stretch to construe suggested reforms as evidence of "judicial activism," but to search for this members of the Judiciary Committee unprecedentedly asked her to disclose her personal positions on all 160 past ballot propositions in California.

Morrow's confirmation has been delayed by the Senate beyond any reasonable bounds. Originally selected over nineteen months ago in May 1996, her nomination was unanimously approved by the Judiciary Committee that year, only to languish on the Senate floor. Morrow was again nominated at the beginning of 1997, subjected to an unusual second hearing, and recommended again by the Judiciary Committee, after which several Senators placed secret holds on her nomination, preventing a final vote on her confirmation. These holds, which prevented a final vote on her confirmation during the 1st Session of the 105th Congress, where recently lifted.

As Senator Orrin Hatch repeatedly said: "playing politics with judges is unfair, and I'm sick of it." We agree with his sentiment. Given Margaret Morrow's impressive qualifications, we urge you to bring the nomination to the Senate floor, ensure that it receives prompt, full and fair consideration, and that a final vote on her nomination is scheduled as soon as possible.

Sincerely,

Alliance for Justice: Nan Aron, President.

American Jewish Congress: Phil Baum, Executive Director.

Americans for Democratic Action: Amy Isaacs, National Director.

Bazelon Center for Mental Health Law: Robert Bernstein, Executive Law.

Brennan Center for Justice: E. Joshua Rosenkrantz, Executive Director.

Black Women Lawyers Association of Los Angeles: Eulanda Matthews, President.

California Women Lawyers: Grace E. Emery, President.

Center for Law and Social Policy: Alan W. Hausman, Director.

Chicago Committee for Civil Rights Under Law: Clyde E. Murphy, Executive Director.

Disability Rights Education and Defense Fund, Patricia Wright, Coordinator Disabled Fund.

Families USA: Judy Waxman, Director of Government Affairs.

Lawyers Club of San Diego: Kathleen Juniper, Director.

Leadership Conference on Civil Rights: Wade Henderson, Executive Director.

Marin County Women Lawyers: Eileen Barker, President.

Mexican American Legal Defense & Educational Fund: Antonia Hernandez, Executive Director.

Monterey County Women Lawyers: Karen Kardushin, Affiliate Governor.

NAACP: Hilary Shelton, Deputy Director, Washington Office.

National Bar Association: Randy K. Jones, President.

National Center for Youth Law: John F. O'Toole, Director.

National Conference of Women Bar Associations: Phillis C. Solomon, President.

National Council of Senior Citizens: Steve Protulis, Executive Director.

National Employment Lawyers Association: Terisa E. Chaw, Executive Director.

National Gay & Lesbian Task Force: Rebecca Issacs, Public Policy Director.

National Lawyers Guild: Karen Jo Koonan, President.

National Legal Aid & Defender Association: Julie Clark, Executive Director.

National Organization for Women: Patricia Ireland, President.

National Women's Law Center: Marcia Greenberger and Nancy Duff Campbell, Copresidents.

Orange County Women Lawyers: Jean Hobart, President.

People for the American Way Action Fund: Mike Lux, Senior Vice President.

San Francisco Women Lawyers Alliance: Geraldine Rosen-Park, President.

Santa Barbara Women Lawyers: Renee Nordstrand, President.

Union of Needletrades, Industrial and Textile Employees: Ann Hoffman, Legislative Director.

Women Lawyers Association of Los Angeles: Greer C. Bosworth, President.

Women Lawyers of Alameda County: Sandra Schweitzer, President.

Women Lawyers of Sacramento: Karen Leaf, President.

Women Lawyers of Santa Cruz: Lorie Klein, President.

Women's Legal Defense Fund: Judy Lichtman, President.

Youth Law Center: Mark Soler, Executive Director.

Mr. LEAHY. It is time. It is time to stop holding her hostage and help all Americans, and certainly those who are within the district that this court will cover in California. It is time to help the cause of justice. It is time to improve the bench of the United States. It is time to confirm this woman. And it is time for the U.S. Senate to say we made a mistake in holding it up this long. Let us go forward.

Mr. President, if the Senator from Utah has no objection, I would like now to yield, and yield control of whatever time I might have, to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I say to Senator LEAHY, before he leaves the floor, and because Senator HATCH in his absence explained the wonderful tribute he is going to have shortly with his portrait being hung in the Agriculture room, and he himself said that he is so respectful of you and wants to show his respect so much that he is going to join you, so that will leave me here on the floor to debate with the Senator from Missouri—before you leave the floor I wanted to say to you and to Senator HATCH together, and I say this from the bottom of my heart, without the two of you looking fairly at this nomination, this day would never have come.

To me it is, in a way, a moving moment. So often we stand on the floor and we talk about delays and so on and so forth. But when you put the human face on this issue and you have a woman and her husband and her son and a law firm that was so excited about this nominee, and you add to that 2 years of twisting in the wind and not knowing whether this day would ever come, you have to say that today is a wonderful day.

So, before my colleague leaves, I wanted to say to him: Thank you for being there for Margaret Morrow and, frankly, all of the people of America. Because she will make an excellent judge.

Mr. LEAHY. Mr. President, I say to my friend from California and to my friend from Utah, I do appreciate their help in this. I can assure you that, while my family and I will gather for the hanging of this portrait—I almost blushed when you mentioned that is my reason for being off the floor—I can assure you I will be back in plenty of time for the vote and I will have 210 pounds of Vermonter standing in the well of the Senate to encourage everybody to vote the appropriate way.

Mrs. BOXER. I thank my colleague very much, Senator LEAHY.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, how much time do I have remaining on this side?

The PRESIDING OFFICER. The Senator from California has 15 minutes. The Senator from Utah has 30 minutes.

Mrs. BOXER. My understanding is I would have 15 minutes, then?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I ask that the Presiding Officer let me know when 10 minutes has passed, and I will reserve 5 minutes in which to debate the Senator from Missouri, because I know he is a tough debater and I am going to need some time.

Mr. President, as I said, I am so very pleased that this day has come at long last, that we will have an up-or-down vote on Margaret Morrow. I really think, standing here, perhaps the only people happier than I am right now are Margaret and her husband and her son and her law partners and the various citizens of California, Republicans and Democrats, who worked together for this day.

Margaret Morrow is the epitome of mainstream values and mainstream America, and the depth and breadth of her support from prominent Republicans and Democrats illustrate that she is eminently qualified to sit as a Federal judge. I don't think I could be any more eloquent than Chairman HATCH and Ranking Member LEAHY, in putting forward her credentials.

What I am going to do later is just read from some of the many letters that we got about Margaret, and then I, also, at that time, will have some letters printed in the RECORD.

Again, I want to say to Senator HATCH how his leadership has been extraordinary on this, and also I personally thank Majority Leader LOTT and Democratic Leader DASCHLE for bringing this to the floor and arranging for an agreement that this nominee be brought to the floor. I thank my colleague from Missouri for allowing an up-or-down vote, for not launching a filibuster on this matter. I think Chairman HATCH spoke of that eloquently, and I am very pleased that we can have this fair vote.

I recommended Margaret Morrow to the President in September of 1995. She was nominated by the President on May 9, 1996. She received her first hearing before the Judiciary Committee on June 25, 1996, and was favorably reported out unanimously by the committee 2 days later. Because there was no action, she was renominated again on January 7, 1997, and had her second hearing on March 18, 1997. This time she was reported out favorably. This time the vote was 13 to 5.

I want to make the point that there is a personal side to this judicial nomination process. For nominees who are awaiting confirmation, their personal and professional lives truly hang in the balance. Margaret Morrow, a 47-year-old mother and law partner has put her life and her professional practice on hold while she waited for the Senate to vote on her nomination. Her whole family, particularly her husband and son, have waited patiently for this day. That is stress and that is strain, as you wait for this decision which will so affect your life and the life of your family and, of course, your career.

Former Majority Leader Bob Dole spoke of this process himself when he once said, "We should not be holding people up. If we need a vote, vote them down or vote them up, because the nominees probably have plans to make and there are families involved." I think Senator Dole said it straight ahead. So I am really glad that Margaret's day has come finally.

I do want to say to Margaret, thank you for hanging in there. Thank you for not giving up. I well understand that there were certain moments where you probably were tempted to do so. There were days when you probably thought this day would never come. But you did hang in there, and you had every reason to hang in there.

This is a woman who graduated magna cum laude from Bryn Mawr College and received her law degree from Harvard, graduating cum laude, 23 years in private practice in business and commercial litigation, a partner at the prestigious law firm of Arnold and Porter. She is married to Judge Paul Boland of the Los Angeles Superior Court and has a 10-year-old son, Patrick Morrow Boland, who actually came up here on one of the times that she was before the committee.

Over the years, Margaret has represented a diverse group of business and Government clients, including some of the Nation's largest and most prominent companies.

In the time I have remaining now, I want to quote from some very prestigious leaders from California, and from the Senate, who have spoken out in behalf of Margaret Morrow. First we have Senator ORRIN HATCH. He spoke for Margaret himself, so I won't go over that quote.

Robert Bonner, former U.S. attorney appointed by President Reagan, former U.S. district court judge in the Central District of California and former head of the Drug Enforcement Administration, appointed by President George

Bush, he sent a letter to Senators BOND, D'AMATO, DOMENICI, SESSIONS and SPECTER. In it he says:

> The issue—the only real issue—is this: Is Margaret Morrow likely to be an activist judge? My answer and the answer of other Californians who have unchallengeable Republican credentials and who are and have been leaders of the bar and bench in California, is an unqualified NO. . . . On a personal note, I have known Margaret Morrow for over twenty years. She was my former law partner. I can assure you that she will not be a person who will act precipitously or rashly in challenging the rule of law.

He continues:

> Based on her record, the collective knowledge of so many Republicans of good reputation, and her commitment to the rule of law and legal institutions, it is clear to me that Margaret will be a superb trial judge who will follow the law as articulated by the Constitution and legal precedent, and apply it to the facts before her.

I think that this statement is quite powerful. We have numbers of others as well. In a letter to Senators ABRAHAM and GORDON SMITH and PAT ROBERTS, Thomas Malcolm, who is chairman of Governor Wilson's Judicial Selection Committee for Orange County and served on the Judicial Selection Committees of Senators Hayakawa, Wilson, and Seymour, wrote the following:

> I have known Ms. Morrow for approximately 10 years. Over the years, she has constantly been the most outstanding leader our California Bar Association has ever had the privilege of her sitting as its President. . . . Of the literally hundreds of nominations for appointment to the federal bench during my tenure on Senators Hayakawa, Wilson and Seymour's Judicial Selection Committees, Ms. Morrow is by far one of the most impressive applicants I have ever seen.

Mr. President, how much time do I have remaining——

The PRESIDING OFFICER. You have 7½ minutes.

Mrs. BOXER. Remaining of my 10 minutes?

The PRESIDING OFFICER. You have 3 minutes of your 10 minutes remaining.

Mrs. BOXER. Thank you, Mr. President. In the 3 minutes remaining I am going to quote from some others.

Los Angeles Mayor, Richard Riordan, in a letter to Senator HATCH, said:

> Ms. Morrow would be an excellent addition to the Federal bench. She is dedicated to following the law and applying it in a rational and objective fashion.

Republican judges in the 9th Circuit, Pamela Rymer and Cynthia Hall—they are both President Bush and President Reagan's appointees respectively—in a letter to Senators HUTCHISON, COLLINS and SNOWE, write:

> [We] urge your favorable action on the Morrow nomination because [we] believe that she would be an exceptional federal judge.

Representative JAMES ROGAN, former Republican Assembly majority leader in the California State Assembly, the first Republican majority leader in almost 30 years—actually he testified in front of the Judiciary Committee and said:

> When an individual asks me to make a recommendation for a judgeship, that is perhaps the single most important thing I will study before making any recommendation . . . I am absolutely convinced that . . . she would be the type of judge who would follow the Constitution and laws of the United States as they were written. . . . [I]t is my belief . . . that should she win approval from this committee and from the full Senate, she would be a judge that we could all be proud of, both in California and throughout our land.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of people from all over California endorsing Margaret Morrow.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REPUBLICAN SUPPORT FOR MARGARET M. MORROW

Robert C. Bonner, former U.S. Attorney (appointed by President Reagan), former U.S. District Court Judge in the Central District of California and former Head of the Drug Enforcement Administration (appointed by President Bush), Partner at Gibson, Dunne and Crutcher in Los Angeles (2 letters).

Thomas R. Malcolm, Chairman of Governor Wilson's judicial selection committee for Orange County and previously served on the judicial selection committees of Senators Hayakawa, Wilson, and Seymour.

Rep. James Rogan (R-27-CA), former Assembly Majority Leader, California State Legislature, former gang murder prosecutor in the LA County District Attorney's Office, former Municipal Court Judge in California.

Pamela Rymer, Curcuit Court Judge, U.S. Court of Appeals for the Ninth Circuit (2 letters), appointed by President Bush.

Cynthia Holcomb Hall, Circuit Court Judge, U.S. Court of Appeals for the Ninth Circuit, appointed by President Reagan.

Lourdes Baird, District Court Judge, U.S. District Court, Central District of California, appointed by President Bush.

H. Walter Croskey, Associate Justice, State of California Court of Appeal, Second Appellate District (2 letters), appointed by Governor Deukmejian.

Richard J. Riordan, Major, City of Los Angeles.

Michael R. Capizzi, District Attorney, Orange County.

Lod Cook, Chairman Emeritus, ARCO, Los Angeles.

Clifford R. Anderson, Jr., supporter of the presidential campaigns for Presidents Nixon and Reagan, and former member of Governor Wilson's judicial selection committee (when he was Senator) member of Governor Wilson's State judicial evaluation committee.

Sherman Block, Sheriff, County of Los Angeles.

Roger W. Boren, Presiding Justice, State of California Court of Appeal, Second Appellate District (2 letters), appointed by Governor Wilson.

Sheldon H. Sloan, former President of Los Angeles County Bar Association.

Stephen Trott, Circuit Court Judge, U.S. Court of Appeals for the Ninth Circuit (2 letters), appointed by President Reagan.

Judith C. Chirlin, Judge, Superior Court of Los Angeles County, appointed by Governor Deukmejian.

Richard C. Neal, State of California Court of Appeal, Second Appellate District, appointed by Governors Deukmejian and Wilson.

Marvin R. Baxter, Associate Justice, Superme Court of California, appointed by Governor Deukmejian.

Charles S. Vogel, Presiding Justice, State of California Court of Appeal, Second Appellate District, appointed by Governors Reagan and Wilson.

Dale S. Fischer, Judge, Los Angeles Municipal Court, appointed by Governor Wilson.

Richard D. Aldrich, Associate Justice, State of California Court of Appeal, Second Appellate District, appointed by Governors Deukmejian and Wilson.

Edward B. Huntington, Judge, Superior Court of the State of California, San Diego, appointed by Governor Wilson.

Laurence H. Pretty, former President of the Association of Business Trial Lawyers.

Mrs. BOXER. Mr. President, I want to say to you again, I know you have been very fair as I presented the case to you, this is a woman that every single Senator should be proud to support today. It is not a matter of political party. This is a woman uniquely qualified. I almost want to say, if Margaret Morrow cannot make it through, then, my goodness, who could? I really think she brings those kinds of bipartisan credentials.

I reserve my 5 minutes and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you very much. I yield myself so much time as I may consume, and I ask that the Chair inform me when I have consumed 15 minutes.

I thank you very much for allowing me to participate in this debate. It is appropriate that we bring to the floor nominees who are well known to the committee for debate by the full Senate. I commend the chairman of the committee for bringing this nomination to the floor. I have no objection to these nominations coming to the floor and no objection to voting on these nominees. I only objected to this nominee coming to the floor to be approved by unanimous consent because I think we deserve the opportunity to debate these nominees, to discuss them and to have votes on them.

So many people who are not familiar with the process of the Senate may think that when a Senator says that he wants to have a debate that he is trying to delay. I believe the work of the Senate should be done in full view of the American people and that we should have the opportunity to discuss these issues, and then instead of having these things voted on by unanimous consent at the close of the business day with no record, I think it is important that we debate the nominee's qualifications on the record.

I think it is important because the judiciary is one-third of the Government of the United States. The individuals who populate the judiciary are lifetime appointments.

The United States Constitution imposes a responsibility on the Senate to be a quality screen, and it is the last screen before a person becomes a lifetime member of the judiciary. So we need to do our best to make sure that only high-quality individuals reach that level, individuals who have respect for the Constitution, who appropriately understand that the role of the courts is to decide disputes and not to expand the law or to somehow develop new constitutional rights. The legislature is the part of the body politic that is designed to make law. The courts are designed to settle disputes about the law.

It is against this background that I am pleased to have the opportunity to debate the nomination of Margaret Morrow.

Let me begin by saying that Ms. Morrow is an outstanding lawyer. No one wants to challenge her credentials. No one believes that she is not a person of great intellect or a person of tremendous experience. She is a person who has great capacity. It has been demonstrated in her private life, her educational record and in her life of service as an officer of the California Bar Association.

The only reservations to be expressed about Ms. Morrow, and they are substantial ones in my regard—they are not about her talent, not about her capacity, not about her integrity—they are about what her interpretation of the role of a judge is; whether she thinks that the law as developed in the court system belongs on the cutting edge, whether she thinks that the law, as developed in the court system, is an engine of social change and that the courts should drive the Nation in a direction of a different culture and a direction of recognizing new rights that weren't recognized or placed in the Constitution, and that needed to be invented or developed or brought into existence by individuals who populate the courts. That, I think, is the major question we have before us.

So let me just say again, this is an outstanding person of intellect, from everything I can understand a person of great integrity, a person whose record of service is laudable and commendable. The only question I have is, does she have the right view of the Constitution, the right view of what courts are supposed to do, or will she be someone who goes to the bench and, unfortunately, like so many other lawyers in the ninth circuit, decide that the court is the best place to amend the Constitution? Does she think the court is the best place to strike down the will of the people, to impose on the people from the courts what could not be generated by the representatives of the people in the legislature.

So, fundamentally, the question is whether or not this candidate will respect the separation of powers, whether this candidate will say the legislature is the place to make the law, and whether she will recognize that courts can only make decisions about the law. Will she acknowledge that the people have the right to make the law, too? After all, that is what our Constitution says, that all power and all authority is derived from the people, and they, with their elected representatives, should have the opportunity to make the law.

It is with these questions in mind that I look at some of the writings of this candidate for a Federal judgeship, and I come to the conclusion that she believes that the court system and the courts are the place where the law can be made, especially if the people are not smart enough or if the people aren't progressive enough or if the Constitution isn't flexible enough.

I can't say for sure this is what would happen. I have to be fair. I have to go by what she has written. I will be at odds with the interpretation of some of the things said by the committee chairman. I respect the chairman, but I think that his interpretation of her writings is flawed.

In 1995, in a law review comment, Ms. Morrow seemed to endorse the practice of judicial activism, that is judge-made law. She wrote:

> For the law is, almost by definition, on the cutting edge of social thought. It is a vehicle—

Or a way—

> through which we ease the transition from the rules which have always been to the rules which are to be.

She is saying that the law is the vehicle, the thing that takes you from what was to what will be. I was a little puzzled when the committee chairman said that the committee found that she didn't mean the substantive as expressed in the courts and the like. Let me just say I don't believe the committee made any such findings. I have checked with committee staff, and it is just not the case that the committee made findings.

It is true that a majority of the members of the committee voted this candidate to the floor, but the committee didn't make findings that this was not a statement of judicial activism. Frankly, I think it is a statement of judicial activism, despite the fact that Ms. Morrow told the committee that she was not speaking about the law in any substantive way, but rather was referring to the legal profession and the rules governing the profession.

The law, by definition, is on the cutting edge of social thought? Social thought doesn't govern the profession, social thought governs the society. The transition of the rules from the way they have always been to the rules which they are to be? I think it is a stretch to say that this really refers to the legal profession.

If she meant that the legal profession is a vehicle through which we ease the transition from the rules which always have been to the rules which are to be, that doesn't make sense. Clearly she is referring to something other than the legal profession or the rules of professional conduct.

Some have suggested that because Ms. Morrow initially made these remarks at a 1994 Conference on Women and the Law, that it is plausible that she was referring to the profession and not to the substantive law. But I think it is more likely that her statement reflects a belief that the law can and should be used by those who interpret it to change social norms, inside and outside of the legal profession.

Truly, that is a definition of activism, the ability of judges to impose on the culture those things which they prefer rather than have the culture initiate through their elected representatives those things which the culture prefers.

Frankly, if it is a question of a few in the judiciary defining what the values of the many are in the culture, I think that is antidemocratic. I really believe that the virtue of America is that the many impose their will on the Government, not that the few in Government impose their will on the many.

Reasonable people can disagree on the proper interpretation of Ms. Morrow's statement. Others can argue about whether or not hastening social change is a proper role for judges in the courts. But I think it is fair to conclude that Ms. Morrow's comments were an endorsement of judicial activism.

In 1993, Ms. Morrow gave another speech that suggested approval of judicial activism, quoting William Brennan, an evangelist of judicial activism. Morrow stated:

> Justice can only endure and flourish if law and legal institutions are "engines of social change" able to accommodate evolving patterns of life and social interaction in this decade.

She said these remarks were not an endorsement of activism. She told the Judiciary Committee the subject of the comments was, once again, not the law but the legal profession and the California State Bar Association.

To say that both law and legal institutions are engines of social change I think begs the question of whether you are just talking about the State bar association. In this statement, Ms. Morrow refers specifically to the law and legal institutions. Ms. Morrow's words were a call for activism to those who administer the law.

Again, the committee chairman indicated that the committee found that she was referring to those things she referenced in her testimony. That may have been the conclusion of some on the committee as a basis for how they voted, but I don't believe the committee made any findings about what her statements meant.

Ms. Morrow was the president of the California State bar in 1993 and 1994, one of the things for which she is to be applauded. She was first woman elected president of the bar. But according to press reports, her first bar convention as president was "marked by only one big issue: gun control." Even U.S. Attorney Janet Reno traveled all the way to the San Diego convention to exhort attendees to work against Americans' "love affair with guns."

And although a 1990 U.S. Supreme Court decision prohibited the California bar from using dues for political activities and specifically listed advocacy of gun control legislation as an example, Ms. Morrow said the bar should consider the Court's ruling, "assess the risks, and then do what is right."

So looking into the face of a Supreme Court decision of the United States, Ms. Morrow said, "Yeah, we should figure out what we think is right and assess the risks," I suppose of getting caught and what the consequences would be, "and then just basically do what we think is right."

I think if we are going to ask someone to undertake the responsibility of administering justice in the Federal judicial system, we have to expect them to accord the Constitution of the United States respect. We have to expect them to accord the rulings of the Supreme Court of the United States respect, and to assess the risks and do what is right is not a philosophy.

Frankly, one does not need to assess the risks if one is going to do what is right. If you are going to do what is right, there are no risks. Rather than imply that the Court's prohibition on using bar dues for political purposes may be somehow circumvented or disregarded, Ms. Morrow could have stated her clear intention to respect the Court's decision and to urge her membership to do the same.

Ms. Morrow not only has indicated her willingness to use the law "on the cutting edge" and to use the law, the legal profession and the courts to change the rules whereby people live and to make law and not just interpret law or decide disputes, she has argued that when the people get involved in making the law, the result is dubious and should be called into question and into doubt.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. ASHCROFT. I allocate myself such further time as I may consume in making this next point.

Mr. President, Ms. Morrow's supporters argue that her comments about judicial activism are taken out of context or misinterpreted, but I don't believe that they are. Her supporters will have a harder time explaining away Ms. Morrow's disparaging and elitist views about direct citizen involvement in decisionmaking processes.

If she is not clear about saying that she would displace the legislative function by being a judicial activist in one arena, that is, when it comes to interpreting the law and expanding the Constitution, she is very clear about her disrespect for legislation enacted by the people.

In 1988, she wrote an article and smugly criticized the ballot initiative as used by the citizens of California. Here is what she wrote in that article:

> The fact that initiatives are presented to a "legislature" of 20 million people renders ephemeral any real hope of intelligent voting by a majority.

What she is saying, in other words, is that whenever the people get involved, decisions will not be intelligent. She suggests that the courts are going to have to step in and do the right thing, what they know to be better than what the people have said, and take over. I think a lot of Americans would be concerned if the courts simply took over.

By the way, I noted there was a substantial list of letters that were sent to the desk on behalf of individuals that endorsed Ms. Morrow.

I ask unanimous consent that the list assembled by the Judicial Selection Monitoring Project be printed in the RECORD. It lists more than 180 different grassroots organizations, from the American Association for Small Property Ownership to the Independent Women's Forum to the Women for Responsible Legislation, that oppose this nomination.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

JUDICIAL SELECTION
MONITORING PROJECT,
Washington, DC, October 29, 1997.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: We strongly oppose the nomination of Margaret Morrow to the U.S. District Court for one or more of the following reasons.

First, her activities and writings reveal aggressive advocacy of liberal political causes and the view that courts and the law can be used to effect political and social change. This combination foretells liberals judicial activism on the bench. She wants bar associations to take "a strong active voice" on political issues and has written that the law is "on the cutting edge of social thought" and "the vehicle through which we ease the transition from the rules which have been to the rules which are to be." She opposes any restrictions on blatantly political litigation by the Legal Services Corporation.

Second, as Senator Charles Grassley has said, Morrow's "judgment and candor are under a great deal of question." Morrow twice withheld nearly 40 articles, reports, and speeches from the Senate Judiciary Committee, including those clearly reflecting her activist approach to the law. She refused to answer Senators' legitimate questions following her hearing, and eventually provided answers that Senator Grassley called "false and misleading."

Finally, and perhaps most important, Americans now know what Morrow's wholesale condemnation of direct democracy will mean if she becomes a federal judge. She has written that "any real hope of intelligent voting" by the people on ballot measures is only "ephemeral." On October 8, the U.S. Court of Appeals in California implemented that same view and swept aside an initiative enacted by Californians because two judges thought the voters did not understand what they were doing. It is clear that Morrow will be yet another judge more than willing to substitute her own elitist judgments for the will of the people.

A nominee who believes the courts can be used to enact liberal political an social policy, whose "judgment and candor are under a great deal of question," and who will undermine democracy has no place on the federal bench.

Sincerely,

Alabama Citizens for Truth
Alabama Family Alliance
Alliance Defense Fund
Alliance for American
American Association of Christian Schools
American Association for Small Property Ownership
American Center for Law and Justice—DC
American Center for Law and Justice—National
American Family Association
American Family Association of KY
American Family Association of MI
American Family Association of MO
American Family Association of NY
American Family Association of TX
American Foundation (OH)
American Land Rights Association
American Policy Center
American Pro-Constitutional Association
American Rights Coalition
Americans for Choice in Education
American for Decency
Americans for Tax Reform
California Coalition for Immigration Reform
Catholic League for Religious and Civil Rights
Center for Arizona Policy
Center for Individual Rights
Center for New Black Leadership
Christian Coalition
Christian Coalition of California
Christian Coalition of IA
Christian Coalition of KS, Inc.
Christian Exchange, Inc.
Christian Home Educators of Kentucky
Citizens Against Repressive Zoning
Citizens Against Violent Crime
Citizens for Better Government
Citizens for Community Values
Citizens for Constitutional Property Rights, Inc.
Citizens for Economically Responsible Government
Citizens for Excellence in Education (TX)
Citizens for Law & Order
Citizens for Reform
Citizens for Responsible Government
Citizens United
Coalition Against Pornography
Coalitions for America
Colorado Coalition for Fair Competition
Colorado for Family Values
Colorado Term Limits Coalition
Concerned Women for America
Concerned Women for America of Virginia
Legislative Action Committee
Conservative Campaign Fund
Conservative Opportunity Society PAC
Constitutional Coalition
Constituionalists Networking Center
Coral Ridge Ministries
Council of Conservative Citizens

Defenders of Property Rights
Delaware Family Foundation
Eagle Forum
Eagle Forum of Alabama
Eagle Forum, Inc. (FL)
Environmental Conservation Organization
Evergreen Freedom Foundation
Family Foundation (KY) (The)
Family Foundation (VA) (The)
Family Friendly Libraries
Family Institute of Connecticut
Family Life Radio—Micky Grace (KFLT, Phoenix)
Family Policy Center (MO)
Family Research Council
Family Research Institute of Wisconsin
Family Taxpayer's Network (IL)
Family Taxpayers Foundation
First Principles, Inc.
Focus on the Family
Freedom Foundation (The)
Frontiers of Freedom
Georgia Christian Coalition
Georgia Sports Shooting Association
Government Is Not God PAC
Gun Owners of America
Gun Owners of South Carolina
Heritage Caucus/Judicial Forum
Home School Legal Defense Association
Idaho Family Forum
Illinois Citizens for Life
Illinois Family Institute
Impeach Federal Judge John T. Nixon
Independence Institute
Independent Women's Forum
Indiana Family Institute
Individual Rights Foundation (Center for Pop Cult)
Institute for Media Education (The)
Iowa Family Policy Center
"Janet Parshall's America"—WAVA FM
Judicial Selection Monitoring Project
Judicial Watch, Inc.
Justice for Murder Victims
Kansas Conservative Union
Kansas Eagle Forum
Kansas Family Research Institute
Kansas Taxpayers Network
Landmark Legal Foundation
Law Enforcement Alliance of America
Lawyer's Second Amendment Society, Inc.
League of American Families
League of Catholic Voters (VA)
Legal Affairs Council
Liberty Counsel
Life Advocacy Alliance
Life Coalition International
Life Decisions International
Life Issues Institute, Inc.
Madison Project (The)
"Mark Larson Show (The)"—KPRZ San Diego
Maryland Assoc. of Christian Schools
Massachusetts Family Institute
Michigan Decency Action Council
Michigan Family Forum
"The Mike Farris Show"
Minnesota Family Council
Mississippi Family Council
Morality Action Committee
Nat'l Center for Constitutional Studies
Nat'l Center for Public Policy Research
Nat'l Citizens Legal Network
Nat'l Coalition for Protection of Children & Families
Nat'l Family Legal Foundation
Nat'l Institute of Family & Life Advocates
Nat'l Legal and Policy Center
Nat'l Legal Foundation (The)
Nat'l Parents' Commission
Nat'l Rifle Association
NET-Political News Talk Network
Nevada State Rifle & Pistol Association
New Hampshire Landowners Alliance
New Hampshire Right to Life
New Jersey Family Policy Council
Northwest Legal Foundation
Oklahoma Christian Coalition
Oklahoma Family Policy Center
Oklahomans for Children & Families
Organized Victims of Violent Crime
Parents Rights Coalition
Pennsylvania Landowners Association
Pennsylvanians For Human Life
"Perspectives Talk Radio"—Hosted by Brian Hyde (KDXU)
Philadelphia Family Policy Council
Pro-Life Action League
Public Interest Institute
Putting Liberty First
"Radio Liberty"
Religious Freedom Coalition
Resource Education Network
Resource Institute of Oklahoma
Right to Life of Greater Cincinnati, Inc.
Safe Streets Alliance
Save America's Youth
Seniors Coalition (The)
Sixty (60) Plus Association
Small Business Survival Committee
South Carolina Policy Education Foundation
South Dakota Family Policy Council
"Stan Solomon Show"
Strategic Policies Institute
Take Back Arkansas, Inc.
Talk USA Network
TEACH Michigan Education Fund
Texas Eagle Forum
Texas Public Policy Foundation
Toward Tradition
Traditional Values Coalition
U.S. Business and Industrial Council
Utah Coalition of Taxpayers
WallBuilders
West Virginia Family Foundation
"What Washington Doesn't Want You to Know" Hosted by Jane Chastain
Wisconsin Information Network
Wisconsin State Sovereignty Coalition
Women for Responsible Legislation

Mr. ASHCROFT. I think the fact that these grassroots organizations oppose this nomination reflects the fact that they distrust an individual who distrusts the people. Whenever you have someone moving into the Federal court system who expresses in advance the fact that when people get involved in government, it renders an intelligent result ephemeral or unlikely to take place, I think they have a right to be disconcerted and upset.

She continued in her article:

> Only a small minority of voters study their ballot pamphlet with any care, and only the minutest percentage takes time to read the proposed statutory language itself. Indeed, it seems too much to ask that they do, since propositions are . . . difficult for a layperson to understand.

Basically, this says that lawyers are smart enough to understand these things but ordinary people cannot and, as a result, cannot make intelligent decisions. I have noted before that it is not a requirement to be a lawyer to be a Member of the Senate. Ordinary people can run for the U.S. Senate. And they do. You need only be 35 years old.

I have also noticed that, very frequently, only a small minority of the Senators have read, in the totality, the legislation which is before the Senate. If you are going to say that laws are not effective and should not be respected because they were not read thoroughly or not everybody who voted on them was a lawyer, that would be a premise for disregarding any law passed in the United States. It would be a premise for saying that the laws of the United States are not to be accorded deference by the courts. And sometimes I think that is the way the courts look at them.

They look at the laws that are enacted by the Congress and they say, "Well, we're going to have to expand that. We're going to have to change that. They weren't smart enough. The representatives of the people weren't smart enough. They didn't know what they were doing."

Frankly, this distrust of democracy is the kind of thing that provides the predicate for judicial activism where individuals substitute their judgment for the law of the Constitution, where courts substitute their preferences for the people's will as expressed in the law.

This has been a particular problem with the Ninth Circuit Court of Appeals, which has been striking down propositions approved by the voters of Californians right and left.

Proposition 140. A three-judge panel affirmed a decision by Judge Wilkin, a Clinton appointee, to throw out term limits for State legislators. The ninth circuit en banc reversed and upheld the constitutionality of the initiative.

Here you have it. The people of California decide they want term limits, and you have a Federal judge who thinks, "Well, they don't know what they're doing. They're just people. They aren't lawyers. They didn't read this carefully enough," and it is set aside. That is the attitude we cannot afford to replicate there.

Proposition 209. Judge Henderson struck down this prohibition of race and gender preferences. People of America do not want quotas and preferences. They want to operate based on merit. So the people of California did what the people should do when they want something in the law, they enacted it through the constitutional method of passing an initiative.

But the judge, Federal judge, thinking himself to be superior in wisdom to the voters—maybe the judge had been reading the article by Ms. Morrow that said, "The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority"—struck down that initiative.

Proposition 187. This law denying certain public benefits to illegal aliens was declared unconstitutional by another judge.

Proposition 208 was recently blocked in its enforcement by Judge Karlton.

Over and over again in California we have had this problem caused by judges who basically think that the initiatives of the people are not due the respect to be accorded to enactments of the law. And when judges place themselves above the people, when judges elevate their own views to a point where they are saying that they have a legislative capacity to say what ought to be the law rather than to resolve disputes about the law, I think that is when we get into trouble.

Now, many confirmation decisions will require Senators to anticipate what will happen. We cannot really know for sure what is going to happen. Almost 4½ years ago the Senate confirmed, by unanimous consent, without a vote, Claudia Wilken to be a district court judge in the Northern District of California.

She was asked about things like this before the Judiciary Committee. And she stated, "A good judge applies the law, not her personal views, when she decides a case." She said judges should fashion broad, equitable relief "only where the Constitution or a statute" requires. But she's the judge who said that the term limits initiative passed in California in 1990 was unconstitutional. Now, when the Federal Constitution itself has term limits for the President, you have to wonder if she is not just trying to substitute her judgment and displace the judgment of the people of California.

Last April, Judge Wilken ruled that the term limits initiative, which was passed by the voters in the State, and approved by the California Supreme Court—violated the Constitution. The new law, Judge Wilken held, was unfair to those voters who wanted to support a candidate with legislative experience. I wonder if maybe she had been reading the material of the nominee in this case. I wonder if she really believed that "The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority."

The ninth circuit court of appeals, which covers California, is the circuit in which these questions arose. Unfortunately, it is the most active circuit judicially. I think we have to be very careful when we are appointing individuals to courts within that circuit, that we do not find ourselves reinforcing this judicially active mentality.

Let us just take a look at what kind of legal environment they are in out there.

In 1997, the Supreme Court reversed an astounding 27 out of 28 ninth circuit decisions.

In 1996, it was 10 out of 12 decisions that were reversed.

In 1995, it was 14 out of 17.

It is obvious that the ninth circuit is out of control, filled with individuals who believe that the people are to be disregarded, that the intelligence resides solely in the court system. Frankly, I think that is a troublesome problem.

Here is what one of the judges on the ninth circuit said, expressing pride in the fact that the court was frequently reversed. Chief Judge Procter Hug said in a recent interview:

> We're on the cutting edge of a lot of cases.

Does the phrase "cutting edge" remind you of anything? Another one of those quotes from Ms. Morrow.

> We're on the cutting edge of a lot of cases. If a ruling creates a lot of heat, that's why we have life tenure.

I really believe that life tenure is supported by the need for independence, but it is not to be a license to take over the legislative responsibility of Government. It is not to be a license to be out there on the cutting edge, to be writing new laws, instead of deciding controversies presented by application of old laws.

On the ninth circuit, no judge is reversed more than judge Stephen Reinhardt, the renegade judge who in recent years has argued that the Constitution protects an individual's right to commit physician-assisted suicide. Of course, he was reversed by the Supreme Court. He recently ruled that school-administered drug tests for high school athletes violated the Constitution. His creation there of a new constitutional right again was reversed by the U.S. Supreme Court. Finally, Reinhardt argued that farmers lack standing to challenge the Endangered Species Act because they have an economic interest in doing so. This decision also was reversed by the Supreme Court. And just last week, Reinhardt reversed a lower court decision and held employers are prevented by the Constitution from conducting genetic tests as part of their employees' routine physicals—another new constitutional right found by an activist judge.

Judge Reinhardt seems to share the arguments made by Ms. Morrow in her article about initiatives. To Reinhardt, the Constitution is not a charter to be interpreted strictly; rather, it is an outline for creative judges to fill in the blanks.

I think judges who believe that the Constitution is written in pencil and who think that the Bill of Rights is written in disappearing ink are judges that are out of control. We have to be careful we don't put more individuals on the bench who have a disregard for the separation of powers and who do not understand that what the people do under the authority of the Constitution is valid and must be respected.

I see my colleague from the State of Alabama has arrived and is prepared, I believe, to make remarks in this respect. I want to thank him for his outstanding work on the Judiciary Committee. He takes his work very seriously. He is a champion of the Constitution of the United States. He understands that the people are the source of power. He understands well that judges are very important. It is important that we have intelligent judges, capable judges; but also, judges that respect the fact that they have a limited function of resolving disputes. And in so doing they are not to amend the Constitution or extend the law but to rely upon the legislature or the people to do that whenever is necessary.

I yield to the Senator from Alabama 10 minutes in which to make his remarks in opposition to this nominee.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alabama is recognized.

Mr. SESSIONS. I spent 15 years in my professional career as a Federal prosecutor prosecuting full-time before Federal judges. I have had the pleasure of practicing before some of the finest judges in America. It is a thrill to have that opportunity, to have the opportunity to represent the United States of America in court and to utilize our Constitution, our laws and our statutes, and the logic that God gives us the ability to utilize, to analyze difficult problems.

Many of us can disagree, but I do rise today in opposition to the nomination of Margaret Morrow to the U.S. District Court bench for the Central District of California. This is not an easy decision. These are not pleasant tasks for those of us on the Judiciary Committee and in this Senate to decide to vote against a Presidential nomination. But if we believe in that and we are concerned about that, our responsibility as Members of this body calls on us to do so.

By all accounts, she is a fine lawyer and a good person. However, her writings and speeches which span over a decade indicate that she views the Federal judiciary as a means to achieve a social or political end.

This nomination is all the more important when one considers that Ms. Morrow's home State of California has repeatedly been victimized recently by liberal and undemocratic Federal judges. Moreover, judicial activism has plagued her judicial circuit, the ninth circuit, like no other circuit in the country.

Consider for a moment how big a problem judicial activism is on the ninth circuit. In 1997, last year, the Supreme Court reversed 27 out of 28 decisions rendered by the ninth circuit. In 1996, the Supreme Court reversed 10 out of 12 ninth circuit decisions. That pattern has been going on for decades. As a Federal prosecutor in Alabama, when criminal defense lawyers file briefs and cite law to argue their opinion or to suppress evidence or matters of that kind, they most frequently cited ninth circuit opinions because those were the most liberal in the country on criminal law. Frankly, they were not given much credit around the country. Most judges in the United States recognize that this circuit too often was out of step with the rest of the country.

There are a number of factors that cause me to oppose the confirmation of Ms. Morrow. Chief among the factors is her skepticism, if not outright hostility, toward voter initiatives. In a 1988 article, Morrow criticized California's initiative process. In this article, she stated, really condescendingly, these words, "The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority." I suggest that that indicates a lack of respect for that process and the jealously guarded privilege of California voters to enact legislation by direct action of the people.

She further criticized the initiative process with this statement: "The public, by contrast, cast its votes for initiatives on the basis of 30- and 60-second advertisements which ignore or obscure the substance of the measure."

At the time of her hearing, I found that Ms. Morrow's suspicion of initiatives particularly troubling because of two recent California initiatives, Proposition 187 and Proposition 209, the California civil rights initiative, both of which have been blocked by activist Federal judges in California. In fact, the judges in the ninth circuit have invalidated voter initiatives on tenuous grounds since the early 1980s. These decisions demonstrate the enormous power that a single sitting Federal district judge possesses to subvert the will of the people. Morrow's criticism of citizen initiatives reveals an elitist mindset characteristic of activist judges who use the judiciary to impose their personal values onto the law.

Unfortunately, recent events have left me even more concerned about her disdain for the people's will as expressed in voter initiatives. Late last year, the ninth circuit effectively enshrined Ms. Morrow's view of initiatives into ninth circuit law. In an opinion striking down yet another voter initiative, term limits for California State legislatures, the ninth circuit held that Federal courts must scrutinize voter initiatives more closely than "ordinary legislative lawmaking." This "extra scrutiny" is necessary, according to the ninth circuit Judge Stephen Reinhardt and Betty Fletcher, because initiatives are not the product of committee hearings and because "the public also generally lacks legal or legislative expertise." In the end, the ninth circuit invalidated the term limits initiative not because term limits are unconstitutional—because I submit to you they plainly are not unconstitutional—but because the two Federal judges did not think the voters fully understood what they were voting for.

The ninth circuit does not need any more reinforcements in its war on the initiative process. The people of California are rightly jealous of their initiative process. They are frustrated that judges go out of their way to strike down the decisions they reach by direct plebiscite. We don't need to send them another judge, another leader on that court who would support the anti-initiative effort.

Ms. Morrow's distaste for voter initiatives is not the only troubling aspect of her record. For example, in a 1995 law review comment, she wrote what can be interpreted clearly to me as a blatant approval of judicial activism:

> For the law is, almost by definition, on the cutting edge of social thought. It is a vehicle through which we ease the transition from the rules which have always been to the rules which are to be.

I know she has suggested a view of that language that would indicate that she meant something like the practice of law, rather than the rule of law. But that's not what she said and, in fact, maybe she meant it to apply to both circumstances. In fact, I think that's the most accurate interpretation of it. She may well have been talking about the practice of law, but at the same time her approach to law, because that is what her language includes. It would suggest to me that this is, in fact, the language of a judicial activist.

In a 1983 speech, she also made comments that suggest approval of judicial activism. In this speech, she quoted Justice William Brennan, the evangelist of judicial activism, stating:

> Justice can only endure and flourish if the law and legal institutions are "engines of change" able to accommodate evolving patterns of life and social interaction in this decade.

Obviously, using the law as an "engine of change" is the very definition of judicial activism and is fundamentally incompatible with democratic government.

Mr. President, it is a serious matter when the people, through their contract with the Government and their Constitution, set forth plain restraints on the power of the law, when the people, through their legislators in California, or through their Congress in Washington, pass statutes requiring things to be done one way or the other, and when a judge, if they do not respect that law, feels like he or she can reinterpret or redefine the meaning of words in those documents in such a way that would allow them to impose their view of the proper outcome under the circumstances. That makes them a judicial activist. I submit that these writings from her past indicate that tendency.

Also, in 1983, the nominee strongly criticized the Reagan administration's efforts to restrict the Legal Services Corporation from filing certain categories of lawsuits. As many of you know, the Legal Services Corporation grantees—they receive money from the Government—have repeatedly filed partisan suits in Federal courts to achieve political aims. For example, the Legal Services Corporation has repeatedly sued to block welfare reform efforts in the States. Issues of public policy simply are not properly decided by litigation. The use of public tax dollars to promote an ideological agenda through the Federal courts is not acceptable.

Of course, support for the historic mission of the Legal Services Corporation—helping the poor with real legal problems —is not the issue. What bothers me is Ms. Morrow's opposition to President Reagan's attempt to depoliticize the Legal Services Corporation and to direct it's attention fundamentally to its goal of helping the poor. But we had a very serious debate in America and I think, for the most part, it has been won; for the most part, Legal Services Corporation has been restrained. There are still problems ongoing, but I hope we have made progress, despite the very strong opposition of Ms. Morrow in her writings.

So Ms. Morrow's intelligence, academic record, and professional achievements are not in question. However, her writings, published over the last decade, provide a direct look at her view of the law. That view, I must conclude, indicates that Ms. Morrow would be yet another undemocratic, activist Federal judge.

One last point must be made. Unlike other judicial nominees, Ms. Morrow has not previously been a judge. Consequently, she does not have a lengthy judicial record for the Senate to review. In this situation, we must rely on her private writings and speeches to determine her judicial philosophy. This is not an easy or certain task. We must make judgments as to what is relevant and probative and what is not. In this situation, I have made such an inquiry and have decided to oppose the confirmation of this very able attorney. The Senate must fulfill its advise and consent responsibilities to ensure that federal judges respect their constitutional role to interpret the law. Consequently, I urge you to oppose this nomination.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in support of the confirmation of Margaret Morrow to the Federal District for the Central District of California.

Her consideration by the United States is long overdue:

Ms. Morrow's nomination has twice been reported out by the Senate Judiciary Committee, on which I have the honor to serve;

Both times she has enjoyed the public support of the Chairman of the Judiciary Committee, Senator ORRIN HATCH;

Both times the American Bar Association voted unanimously to give her its highest rating, "well qualified."

Yet for nearly two years, Ms. Morrow's nomination has languished in the Senate.

By way of background, Ms. Morrow graduated from Harvard Law School, cum laude, in 1974. Prior to that, she graduated from Bryn Mawr College, magna cum laude, in 1971.

Since 1996, she has been a partner in the Los Angeles office of Arnold & Porter, one of the nation's preeminent corporate law firms.

Prior to 1996, she helped form the Los Angeles law firm of Quinn, Kully & Morrow in 1987, where she chaired the firm's Appellate Department.

Prior to 1987, she practiced for 13 years at the Los Angeles firm of Kadison, Pfaelzer, Woodard, Quinn, & Rossi, where she attained the rank of partner and handled a wide range of commercial litigation in the federal and state courts.

The legal profession has recognized Ms. Morrow's quality of work, commitment to the profession, and dedication to the broader community with a host of awards.

Among the many legal awards Ms. Morrow has received are the following:

In 1997, she received the Shattuck-Price Memorial Award, the Los Angeles County Bar Association's highest award, awarded to a lawyer dedicated to improving the legal profession and the administration of justice.

In 1995, she received the Bernard E. Witkins Amicus Curiae Award, presented by the California Judicial Council to non-jurists who have nonetheless made significant contributions to the California court system.

In 1994, the Women Lawyers Association in Los Angeles recognized Ms. Morrow as most distinguished woman lawyer with the Ernestine Stalhut Award.

She received the 1994 President's Award from the California Association of Court-Appointed Special Advocates for her service on behalf of abused, neglected, and dependent children.

In 1990, the Legal Aid Foundation of Los Angeles presented her with the Maynard Toll Award for her significant contribution to legal services for the poor. She is the only woman to date who has received this award.

Margaret Morrow's excellent legal skills have been consistently recognized:

She was listed in the 1997–1998 edition of The Best Lawyers in America.

In 1995 and 1996, the Los Angeles Business Journal's "Law Who's Who," listed her among the one hundred outstanding Los Angeles business attorneys.

In 1994, she was listed as one of the top 20 lawyers in Los Angeles by California Law Business, a publication of the Los Angeles Daily Journal.

Margaret Morrow has held leadership positions in Federal, State and county bar associations and other legal organizations.

She served as the first woman President of the State Bar of California, a position she held from 1993 to 1994. Prior to that, she served as the State Bar's Vice-President.

From 1988–89, she served as President of the Los Angeles County Bar Association, creating the Pro Bono Council and the Committee on the Status of Minorities in the Profession during her term.

As President of the Barristers' Section of the Los Angeles County Bar, she established a nationally recognized Domestic Violence Counseling Project as well as an AIDS hospice program.

She directed the American Bar Association's Young Lawyers' Division and served on its Standing Committee for Legal Aid for Indigent Defendants.

She has served on the boards of a number of legal services programs, and has been a member of several Advisory Committees of the California Judicial Council.

The true test of Margaret Morrow's qualifications to serve on the federal bench is the long list of attorneys, judges, law enforcement personnel, and community leaders who actively support her nomination.

Indeed, the list of Margaret Morrow's supporters reads like a "Who's Who" of California Republicans and Bush, Reagan, Deukmejian, and Wilson appointees.

Just to highlight a few of Margaret Morrow's many supporters:

Los Angeles Mayor Richard Riordan, Republican;

Los Angeles County Sheriff Sherman Block, Republican;

Orange County District Attorney Michael Capizzi, Republican;

Former DEA Head, U.S. District Judge, and U.S. Attorney, Robert Bonner, who was appointed to those positions by Presidents Bush and Reagan; Cynthia Holcomb Hall and Stephen Trott, Reagan appointees to the Ninth Circuit Court of Appeals; and the list goes on and on.

Perhaps most telling is the recommendation of H. Walter Croskey. Judge Croskey is a Governor Deukmejian appointee to the appellate court of the State of California, and a self-described life-long conservative Republican.

Judge Croskey is well-acquainted with Margaret Morrow's reputation in the legal community, having observed her over a period of 15 years, when she appeared before him in both trial and appellate courts, and worked professionally on numerous State and local bar activities.

Based on his observations, this conservative Republican appellate jurist concluded:

> She is the most outstanding candidate for appointment to the Federal trial court who has been put forward in my memory.

Margaret Morrow is, by any measure, an unusually accomplished member in her profession, and I believe that her qualifications will serve her well as a member of the Federal judiciary.

I urge the Senate to swiftly confirm her nomination.

Mr. KENNEDY. Mr. President, I rise in strong support of Margaret Morrow to the U.S. District Court in Los Angeles. She is well-qualified to serve as a federal judge, and she has already been waiting far too long for the vote she deserves on her nomination.

Margaret Morrow was nominated in the last Congress in May 1996. Partisan politics prevented action on her nomination before the 1996 election, but even that excuse can't be used to justify the Senate's failure to act on her nomination in all of 1997.

Margaret Morrow is a partner in a prestigious California law firm, and the first woman to serve as the president of the California Bar Association. She is a well-respected attorney and a role model for women in the legal profession.

Her nomination has wide support. The National Association of Women Judges calls her "an extraordinary candidate for the federal bench, a true professional, without a personal or political agenda, who would be a trustworthy public servant of the highest caliber." The National Women's Law Center calls her "a leader and a path blazer among women lawyers."

She also has the support of many prominent Republicans, because of her impressive qualifications for the bench. Representative JAMES ROGAN says that "she would be the type of judge who would follow the Constitution and the laws of the United States as they were written." Richard Riordan, the Republican Mayor of Los Angeles has stated that the residents of Los Angeles "would be extraordinarily well-served by her appointment." Robert Bonner, who headed the Drug Enforcement Administration under President Bush, says that Morrow is "a brilliant person with a first-rate legal mind."

I hope we can move ahead today her nomination. But I also want to express my concern over a related issue—the excessive difficulty that women judicial nominees are having in obtaining Senate action or their confirmation. An unacceptable double standard is being applied, and it is long past time it stopped.

In this Republican Congress, women nominated to the federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year.

Women nominees may eventually be approved by the Judiciary Committee. But too often their nominations languish mysteriously, and no one will take responsibility for secretly holding up their nominations.

The distinguished majority leader has rightly noted that the process of confirming judges is time-consuming. The Senate should take care to ensure that only individuals acceptable to both the President and the Senate are confirmed. The President and the Senate do not always agree. But there is no reason the process should take longer for women than it does for men.

It is time to end the delays and double standards that have marred the Senate's role in the Advice and Consent process. I urge my colleagues to support the nomination of Margaret Morrow and to vote for her confirmation.

Mr. LEAHY. Mr. President, Senator ASHCROFT feels strongly about the validity of citizen initiatives. So do I. So does Margaret Morrow. As she explained to the Committee when she testified and reiterated in response to written questions, she fully respects and honors voters choice.

Ms. Morrow has explained to the Committee that she is not anti-initiative in spite of what some would have us believe. In response to written questions, she discussed an article she wrote in 1988 and explained, in pertinent part:

> My goal was not to eliminate the need for initiatives. Rather, I was proposing ways to strengthen the initiative process by making it more efficient and less costly, so that it could better serve the purpose for which it was originally intended. At the same time, I was suggesting measures to increase the Legislature's willingness to address issues of concern to ordinary citizens regardless of the views of special interests or campaign contributors. I do not believe these goals are inconsistent.
>
> . . . . The reasons that led Governor Johnson to create the initiative process in 1911 are still valid today, and it remains an important aspect of our democratic form of government.

Does this sound like someone who is anti-democratic? No objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her 1988 article even suggests that.

After the November 1988 elections in California, she was writing in the aftermath of five competing and conflicting ballot measures on the most recent California ballot. They had been placed there by competing industry groups, the insurance industry and lawyers each had their favorites, and each group spent large sums of money on political advertising campaigns to try to persuade voters to back their version of car insurance restructuring. It was chaotic and confusing for commentators and voters alike.

Rather than throw up her hands, Margaret Morrow wrote in a bar magazine as President of a local bar association that lawyers could contribute their skills to make the process more easily understood by those voters participation is limited to reading the ballot measures and descriptions and voting.

Her concerns were not unlike those of our colleague from Arizona, who proclaimed last year that when the voters of Arizona adopted a state ballot measure to allow medical use of marijuana, they had been duped and deceived. Indeed, Senator KYL criticized that ballot initiative passed by the voters of Arizona during the last election and said: "I believe most of them were deceived, and deliberately so, by the sponsors of this proposition."

Senator KYL proceeded at a December 2, 1996 Judiciary Committee hearing to focus on the official description of the proposition on the Arizona ballot as misleading. His approach was similar to what the majority did on the 9th Circuit panel that initially held the California term limits initiative unconstitutional, but that does not make Senator KYL a "liberal judicial activist."

I also recall complaints from conservative quarters when the people of Houston reaffirmed their commitment to affirmative action in a ballot measure last fall. They complained that the voters in Houston had been deceived by the wording of the ballot measure.

There have been problems with citizen initiatives and the campaigns that they engender. But that problem is not with Margaret Morrow or her commitment to honor the will of the voters. The problem is that they are being utilized in ever increasing number to circumvent the legislature and the people's will as expressed through their democratically-elected representatives. They are no longer the town meeting democracy that we enjoy in New England but the glitzy, Madison Avenue, poll-driven campaigns of big money and special interest politics.

Margaret Morrow was right when she pointed out that these measures, their ballot descriptions and their advertising campaigns ought to be better, more instructive, more clearly written. The thrust of that now-controversial article was that lawyers should contribute their skills better to draft the measures so that once adopted they are clear and controlling, so that they are not followed by court challenges during which courts are faced with difficult conflicts over how to interpret and implement the will of the people.

We know how hard it is to write laws in a way that they are binding and leave little room for misinterpretation. With all the staff and legislative counsels, and legal counsels and specially-trained legislative drafters and Congressional Research Service and hearings and vetting and comments from Executive Branch departments and highly-skilled and experienced and highly-paid lobbyists, Congress has a difficult time writing plain English and passing clear law. Were it not for the administrative agencies and supplemental regulatory processes even more of our work product would be the target of legal actions by those who lost the legislative battle over each contested point.

For those who preach unfettered allegiance to initiatives, I commend their rhetoric but note that it does not advance us. The questions in most of the subsequent legal challenges to voter-passed ballot measures are either what does it mean or was it passed fairly. Both those questions are premised on an acceptance of the will of the voters.

For example, the first challenge to the California term limits initiative was not that in Federal court that resulted in the split opinion by a panel of the Ninth Circuit that is later reversed. No, the earlier challenge was in the state courts and reached the California Supreme Court. The California Supreme Court was required to determine, what did the ballot measure say, was it written to be a lifetime ban or a limit on the number of consecutive terms that could be served.

That was not an easy question given the poor drafting of the measure and the official materials that described it to the voters. Indeed, the California Attorney General, a conservative Republican, argued that the measure meant only to be a limit on the number of consecutive terms. After three levels of state court proceedings and months and months and hundreds of thousands of dollars in legal fees the case was decided by a split decision of the California Supreme Court.

The Federal challenge to the statute followed on the alternative ground that the voters were not clearly informed what the measure meant. This is only important for those who cherish the will of the voter and want to protect against voter fraud.

On citizen initiatives, Margaret Morrow has told the Committee:

> I support citizen initiatives, and believe they are an important aspect of our democratic form of government. . . .
>
> I believe the citizen initiative process is clearly constitutional. I also recognize and support the doctrine established in case law that initiative measures are presumptively constitutional, and strongly agree with [the] statement that initiative measures that are constitutional and properly drafted should not be overturned or enjoined by the courts.

Contrary to the impression some are seeking to create about her views, she told the Committee:

> In passing on the legality of initiative measures, judges should apply the law, not substitute their personal opinion of matters of public policy for the opinion of the electorate.

I am disappointed to see that some have sought to make the nomination of Margaret Morrow into a vote about guns; it is not. During two years of consideration by the Judiciary Committee and through two sets of hearings and waves of written questions, no one even asked Ms. Morrow about guns.

Nonetheless, some who have sought to find a reason to oppose Ms. Morrow have fastened upon a few phrases taken out of context from a National Law Journal article from October 1993 that discussed the 67th California State Bar conference. This meeting followed the

July 1993 killings in the San Francisco offices of the law firm of Pettit & Martin.

The National Law Journal's report notes that the representatives of the local voluntary bars considered 100-plus resolutions for referral to the State Bar's Board of Governors. The fact missed by those who are seeking to criticize this nominee is that the State Bar took no anti-gun action.

The National Journal report noted that the widow of one of the victims pleaded at a reception that the convention "take action on gun control." What has gone unrecognized is that in spite of the emotional rhetoric at the conference, the California State Bar took no such action. Instead, mindful of the legal constraints on bar associations and the United States Supreme Court decision in *Keller* v. *State Bar*, the conference scaled back anti-gun resolutions. A resolution calling for a ban on semiautomatic handguns from the San Francisco delegation was reworded as a safety measure for judges, other court personnel and lawyers. A resolution from the Santa Clara delegation was turned into a mere call for a study.

The Chairwoman of the conference was not Margaret Morrow but Pauline Weaver of Oakland. Margaret Morrow was not installed as the new President of the California State Bar until the end.

Ms. Morrow told the National Law Journal that the bar should act like a client and do what is right by following the legal advice of its lawyers. That is what the California State Bar did under Margaret Morrow. In fact, and this is the key fact missed by those who seek to criticize Ms. Morrow, the California State Bar followed the law as declared by the United States Supreme Court and did not take action on gun control.

Mindful of the strictures of law, Margaret Morrow appointed a special committee of the Board of Governors to review the resolutions that had been recommended at the conference. Based on the recommendations of that committee, the Board of Governors of the California State Bar did not take a stand on gun control and did not even adopt the resolutions passed at the State conference.

This is hardly a basis on which to oppose this outstanding nominee. First, she was not involved in the efforts by some to push gun control resolutions through the State Bar, following the horrific killings in the San Francisco law offices a few months before. Second, she was not installed as the President of the State Bar until the end of the conference. Third, the actions she took as President were essentially to make sure the Board of Governors understood the law and the limits on what they could do.

So, in spite of the emotional plea by victims and the desires of certain activists, the California State Bar did not adopt gun control resolutions in 1994 and did not act to use mandatory dues for political activities. Far from demonstrating that she would be a judicial activist or is anti-gun, these facts show how constrained Margaret Morrow was in making sure the law was followed and everyone's rights were respected.

I grew up hunting and fishing in the Vermont outdoors and I enjoy using firearms on the range. I believe in the rights of all Americans to use and enjoy firearms if they so desire. I voted against the Brady bill and other unconstitutional anti-gun proposals. I have no reason to think that Margaret Morrow will judicially impose burdens on gun ownership.

I urge others to review the facts. I am confident that they will come to the same conclusion that I have with respect to the nomination of Margaret Morrow and the lack of any basis to conclude that she is anti-gun.

I ask unanimous consent that a January 15, 1998 letter to Senator BOXER signed by 11 members of the Board of Governors of the California State Bar that year be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1998.

Re Margaret M. Morrow: Judicial nominee for the Central District of California.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We write concerning the nomination of Margaret M. Morrow to the United States District Court for the Central District of California. It has recently come to our attention that various individuals and/or groups have charged that Ms. Morrow "vowed to push a gun control resolution" through the State Bar of California during the year she served as President of that association.

Each of us was a member of the State Bar Board of Governors during Ms. Morrow's year as President. We represent a broad spectrum of political views. We are Republicans and Democrats, liberals and conservatives. We write to inform you that Ms. Morrow did not advocate that the State Bar take a position on gun control, and that the association in fact did not take a position on the issue during the 1993–1994 Board year.

The assertion that Ms. Morrow vowed to push gun control appears to emanate from an article that appeared in the National Law Journal concerning the 1993 State Bar Annual Meeting. At that meeting, the Conference of Delegates, which is comprised of representatives of voluntary bar associations throughout California, passed two resolutions that called upon the State Bar to study the possible revision of laws relating to firearms, and propose and support measures to protect judges, court personnel, lawyers, lawyers' staffs and lawyers' clients from gun-related violence. These resolutions were passed in the wake of a shooting incident at a prominent San Francisco law firm that took the lives of several of the firm's lawyers and employees.

At the time the Conference resolutions were passed, Ms. Morrow had not yet assumed the office of President. When asked how the Board of Governors would respond to the resolutions, she told the National Law Journal that she would "discuss Keller strictures with the Board," and also that she believed the bar "should act more like a client, . . . that is, get legal advice, 'assess the risks and then do what is right.'" Ms. Morrow's reference to "Keller strictures" was a reference to the United States Supreme Court's decision in *Keller* v. *State Bar*. That case held that the bar could not use mandatory lawyers' dues to support political or ideological causes.

On its face, therefore, the National Law Journal article does not support the assertion that Ms. Morrow "vowed to push a gun control resolution" through the State Bar. Rather, it reports that she vowed to discuss legal restrictions on the bar's ability to act on such a resolution with other members of the Board.

Ms. Morrow's actions in the months that followed the Annual Meeting further demonstrate that she followed the law as it relates to this subject. Consistent with usual State Bar procedure, the resolutions passed by the conference of Delegates were considered by the Board of Governors. Because of the legal issues involved, Ms. Morrow appointed a special committee of the Board to review the resolutions and recommend a position to the full Board. Based on the committee's recommendation, the Board did not adopt the resolutions passed by the Conference. Rather, it adopted a neutral resolution that called on lawyers to "participate in the public dialogue on violence and its impact on the administration of justice," and suggested that the State Bar sponsor "neutral forums on violence and its impact on the administration of justice." The even-handed tone of the resolution was due, in large part, to the belief of Ms. Morrow and others that the Board should not violate Keller's spirit or holding. Stated differently, Ms. Morrow and the Board followed the law, and avoided taking a stand in favor of or against gun control.

We hope these comments help set the record straight with respect to Ms. Morrow's actions as President of the State Bar.

Very truly yours,
Michael W. Case,
Maurice L. Evans,
Donald R. Fischbach,
Edward B. Huntington,
Richard J. Mathias,
James E. Towery,
Glenda Veasey,
Hartley T. Hansen,
John H. McGuckin, Jr.,
Jay J. Plotkin, and
Susan J. Troy.

Mr. LEAHY. Mr. President, I note that Senators ASHCROFT and SESSIONS have not challenged Ms. Morrow's truthfulness before the Committee. At their press conference last fall announcing their opposition to her nomination, they were careful to avoid such personal attacks. Instead, they based their conclusions on her writings. I disagree with them and agree with those who read those writings in context. That is a disagreement, we draw different conclusions from the same words. That is understandable.

What I do not understand is how anyone can continue to repeat the claim that Ms. Morrow was not truthful with the Committee. She was required to answer more litmus test questions and was more forthcoming than any nominee I can remember.

Some have made the confirmation process into an adversary process. Ms. Morrow is not paranoid; someone has been out to get her.

In this difficult context, in which the Morrow nomination was targeted by forces opposing the filling of judicial vacancies, charges against Ms. Morrow's integrity and character remain out of line and unfounded. Unfortunately, I have heard repeated over the last day the charge that Ms. Morrow provided a false answer to a written question propounded at the Committee. That is incorrect.

While I will not take the Senate's time to refute all of the unfounded arguments that have been used in opposition to this nomination, I do want to clear up the record on this. This is a matter of honor and honesty. I do not want the record left unchallenged should her son, Patrick, come to read it someday.

The written questions propounded long after the Committee deadline following the March 18, 1997 hearing included the following: "Are there any initiatives in California in the last decade which you have supported? If so, why? Are there any initiatives in California in the last decade you have opposed? If so, why?"

On April 4, the nominee responded in writing noting:

> I have not publicly supported or opposed any initiative measure in the past decade, with one exception." The nominee proceeded in her answer to describe her participation as a member of the Los Angeles County Bar Association Board of Trustees in a unanimous vote authorizing the Association to oppose a measure sponsored by Lyndon LaRouche concerning AIDS, a measure that was also opposed by Governor Deukmejian and many others.

I raised objection to these questions at a meeting of the Committee on April 17 because I saw them as asking how Ms. Morrow voted on the more than 150 initiatives that Californians had considered over the last 10 years. Later, the Senator who submitted these questions indicated that he did not intend to ask how the nominee voted and he revised the questions. When he did, he resubmitted another set of supplemental written questions to the nominee on April 21, he acknowledged that 160 initiatives have been on the ballot in California in the last 10 years and he disavowed any interest whether or not the nominee voted on the initiatives but asked for "comment" on a list of initiatives.

Some have come to contend that the portion of the answer about public support or opposition to initiatives was "intentionally or unintentionally" not truthful information. Their supposed "smoking gun" is a November 1988 article in the Los Angeles Lawyer magazine. What this contention about dishonesty ignores is that the nominee had previously furnished the Committee with the November 1988 article and that article had been inquired about at the March 18 hearing and in the follow up written questions. In fact, the written questions that included the ones at issue contained quotes from the article and questions specifically about it. Thus, no one can seriously contend that this article was unknown to the Committee or that the nominee had failed to disclose it.

Equally important, and the reason I suspect that the nominee did not refer to the article in her written response to the questions in issue, was that the article was not relevant to these particular questions. Preceding questions had inquired about the meaning of the article. The questions in issue ask about support or opposition for initiatives and appear to inquire about such support or opposition for initiatives in the course of their being considered by voters in California.

By contrast, the article concerned measures that had already been acted upon by the voters of California, including one that had been considered two years previously. They were not support for or opposition to these initiatives, as the nominee, or, for that matter as I, understood those questions. They were commentary after the fact by way of comment upon the growing resort to initiatives in California and ways lawyers might help to improve the initiative process and the drafting and consideration of initiatives as well as a call for the State legislature to function more efficiently.

Indeed, when the author of those questions received the initial answer, he did not question that it was untruthful or feign ignorance of the November 1988 article. Instead, when he revised and resubmitted supplemental questions he prefaced his revised question by noting that he was aware of the nominee's "public comments regarding citizen initiatives."

Thus, no one can fairly believe that this nominee's answer was incomplete or deceptive for having failed to include express reference to an article that was not advocating in favor or in opposition to a pending initiative and about which the questioner had knowledge, had already specifically inquired and on which the questioner promptly professed knowledge.

Stripped of the rhetoric and hyperbole, there is simply no basis to contend that this nominee mislead the Committee by her answer. This is no basis to question her candor. Any purported "major misstatement of fact" is not that of this nominee but would be of those who accuse her of a lack of honesty or candor.

No fair and objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her statements suggests a basis for any such assertion.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. The Senator from Missouri said I could yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to make a few comments regarding the nomination of Margaret Morrow.

Some of my colleagues on the other side have attempted to argue that Ms. Morrow has been treated unfairly. This unsubstantiated argument is based partly on the questions she was asked in the Judiciary Committee. However, all that some of us were trying to achieve in asking those questions was to attempt to understand what Ms. Morrow's views were on a number of important issues to the American people. In particular, we've had a number of Federal judges overturn popular initiatives, in direct conflict with voters' decisions. The last thing we need is another Federal judge that will defy what the voters have decided. Ms. Morrow has spoken against citizen initiatives and has publicly opposed specific ballot initiatives. So, we believed it was important to understand better what kind of a judge she might be.

Now, we've heard Margaret Morrow was reported out of the Judiciary Committee in the last Congress without a problem. So, why is there a problem now? Well, I think to our credit, we on this side tried to give the President a great deal of deference regarding his nominees. But, as Senator HATCH and others have pointed out, the President has appointed a number of judges who have taken it upon themselves to try to make the law, and have angered the public in doing so. This record now demands the kind of scrutiny Senator LEAHY advocated, which has been absent until the last couple of years or so. I've received a great deal of letters from my State asking me to do a better job of scrutinizing nominees.

Of course, after getting used to us rubber-stamping nominees, I'm sure it's been quite a shock to see Republicans borrowing from the Democrats' playbook and turning the tables. Over the last year, I've heard irresponsible and overheated rhetoric directed at Republicans regarding judicial nominees.

To suggest, as some misguided Members have, that Ms. Morrow's gender is a factor in our decision to ask her questions, or even oppose her nomination, is both irresponsible and absurd. As others may have noted, we've processed around 50 women judicial nominees for President Clinton, including Justice Ginsberg, and I've supported almost all of them. As a matter of fact, the first nominee unanimously confirmed last year was a woman candidate, and we've already confirmed a couple this year. It's just absurd to think that any Senator makes his or her decision on a nominee based on gender or race.

Mr. President, I sent Ms. Morrow five pages of questions in total. As a contrast, I sent Merrick Garland 25 pages of questions. So, 5 pages versus 25 pages. And, we're supposedly unfair to Ms. Morrow. Figure that one out.

I must say though, it was easier getting Mr. Garland to respond to his 25 pages of 100 or so questions than it was to get Ms. Morrow to answer her 5 pages.

Mr. President, when a judicial nominee, whether a man or a woman, writes an article which is critical of democratic institutions like the citizen initiative process, it is our duty as Senators to learn the reasons for this. How can a Senator reasonably give advice and consent without understanding a potential judge's position on such fundamental issues? With the recent propensity of Federal judges, especially in California, to overturn Democratic initiatives on shaky grounds. It's important that we not confirm another activist judge who is willing to substitute his or her will for that of the voters.

I recall during the Democrat-run confirmation hearings of various Republican nominees the issue of "confirmation conversion" was a recurrent theme.

But, now the shoe is on the other foot. When Ms. Morrow answered written and oral questions contradicting her former beliefs on certain issues, I became somewhat concerned. Several of my followup questions related to such "conversations." Where there are discrepancies, we have a duty to uncover the reasons why.

But a more disturbing problem I have seen with Ms. Morrow's writing is that, on number of issues, she doesn't say her views have changed. She says we are misreading her writing. In other words, she doesn't really mean what she appears to say.

In the 1988 article on citizen initiatives, for example, Ms. Morrow writes in language that is highly critical of the voters. She has recently responded that she "had not meant to be critical of citizen initiatives." Yet, in her article she goes so far as to state that

> The fact that initiatives are presented to a "legislature" of 20 million people renders ephemeral any real hope of intelligent voting by a majority.

In her statement, Ms. Morrow was basically saying that initiatives are inherently flawed, although now she is translating it differently. So this raises serious questions about Ms. Morrow's ability to enunciate her views in a clear and concise manner, which we all hope judges will do. If such conflicting messages are reflected in her writing as a lawyer, her potential judicial opinions may be equally confusing. How can citizens rely on writings of someone who has a record of contradicting herself?

But, on top of these shortcomings, Mr. President, there is a matter of more importance. Whether intentionally or not, Ms. Morrow has, unfortunately, provided false and misleading information to the Judiciary Committee. And, I believe the integrity of the committee and the nomination process is at stake.

When asked her views on a number of initiatives, Ms. Morrow first responded by stating unequivocally, "I have not publicly supported or opposed any initiative measure in the past decade with one exception." And, then she mentioned a specific initiative from 1988 sponsored by the extremist Democrat, Lyndon Larouche, that she opposed.

But, despite Ms. Morrow's unequivocal denial, in 1988 it turns out she also publicly attacked three other initiatives that pitted the insurance industry against trial lawyers. Ms. Morrow wrote, "Propositions 101, 104 and 106 were, plain and simple, an attack on lawyers and the legal system." In 1988, she went on to attack a 1986 proposition that would have reduced the salaries of public officials. She argued it would have "driven many qualified people out of public service." Of course, we hear that worn out argument every time we debate our own pay raises.

Now, Ms. Morrow had stated, without question, that she had not taken any public position on these initiatives whatsoever. And, after creating this foundation of sand, she used it to refuse to answer questions on her views.

Well, the foundation crumbled after the chairman demanded responses, and perhaps the nominee realized her misinformation had been discovered. Only then did she finally provide more responsive answers to the questions.

But, the fact remains that regardless of whether there was an intention or motive, false and misleading information was provided to the Judiciary Committee by the nominee, an experienced lawyer, who one would presume either knew, or should have known, what she was doing. If she indeed didn't realize what she was doing, then one has to question her ability to be careful with the details, which would reflect on her ability to function as a Federal judge.

Now, I'm sure that many of you are unaware of this problem, so I'm bringing it to your attention. Unfortunately, some have tried to make the feeble argument that these were just mistakes that should be overlooked. Well, this isn't a mistake of failing to provide articles to the committee, which the nominee did. This isn't a mistake of quoting a controversial statement of Justice Brennan, and they saying she pulled the quote from some book, but hadn't read the context of the quote, and didn't know what it meant.

This is a major misstatement of fact, that was used as the basis for not responding to the committee. This is not what we expect from lifetime tenured judges. Mr. President, this is below the standard we all demand. This is below the standard afforded most Americans in their dealings with the government. For these reasons Mr. President, I will vote against the nominee.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask that I be able to speak for 5 minutes and retain the remainder of my time, and Senator HATCH would like to have his 5 minutes retained as well. My understanding is I have 10 minutes, he has 5 minutes, and I will now use 5 minutes of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I want to put in the RECORD an article from the Los Angeles Lawyer, November 1988, that directly refutes the remarks by the Senator from Iowa, Senator GRASSLEY, who said that Ms. Morrow misled the committee and publicly took a stand on initiatives when clearly in this article it is very obvious she wrote about these after those initiatives were voted on in all cases. I think it is very serious that the Senator from Iowa, who is my friend and we work on many issues together, would misstate what occurred.

So, Mr. President, at this time I would place this article in the RECORD. She says she is commenting on initiatives that had appeared on the November 8 ballot in one case. On the other she commented on an initiative that was voted on 2 years prior. So I ask unanimous consent that be printed in the RECORD for starters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFORMING THE INITIATIVE PROCESS—AN OPPORTUNITY TO RESTORE RESPONSIBLE GOVERNMENT TO CALIFORNIA

(By Margaret M. Morrow)

We in California have this month concluded the single most expensive and one of the most complicated initiative campaigns in history. I refer, of course, to the battle over Propositions 100, 101, 103, 104 and 106, the insurance and attorneys' fees initiatives, which appeared on the November 8 ballot. Much as we might like to dismiss these propositions and the campaigns they spawned as an aberration, we cannot do so. The cost and tone of the campaigns, and the complexity of the measures involved, are simply the latest examples of a disturbing trend toward overuse and abuse of the initiative process.

Much of the rhetoric in the recent campaign focused on lawyers, and much of the spending pro and con was done by lawyers. Insurance industry Propositions 101, 104 and 106 were, plain and simple, an attack on lawyers and the legal system. They were not the first such assault and they probably will not be the last. Self-interest alone, therefore, may dictate that lawyers examine the initiative process to see if it is serving the purpose intended by its creators. Our responsibility as citizens compels us to do so as well, since recent abuse of the initiative process is but one symptom of a general malaise in government in this state.

The right of initiative was placed in the California Constitution in 1911, as part of a series of reforms championed by populist Governor Hiram Johnson. Johnson believed that the initiative would serve as a check on the unaccountable, corrupt or unresponsive legislature, and would provide a grass roots vehicle for citizens who saw their desires thwarted by elected representatives.

The initiative was never intended to serve as a substitute for legislative lawmaking, nor as a weapon in the arsenal of wealthy special interest groups. In reality, however, it has become both of these things.

DRAMATIC INCREASE

The number of initiatives put before the public has risen dramatically in recent years. Only 17 initiatives were filed in the 1950s. This number rose to 44 in the 1960s, and leaped to 180 in the 1970s. Thus far in the 1980s, 204 initiatives have been filed. There were 12 on this month's ballot alone, covering such diverse topics as the homeless, AIDS, insurance rates, attorneys' fees, cigarette taxation and part-time teaching by judges at public universities and colleges.

This increased use of the initiative process is attributable to a number of factors. In recent years, California legislators have become so beholden to special interest groups for campaign financing and added personal income that they have been paralyzed to act on controversial measures negatively impacting their benefactors. One need look no further than tort reform and insurance reform, the meat of Propositions 100, 101, 103, 104 and 106, to see that this is true. Bills on these subjects have been consistently opposed by trial lawyers associations on the one hand, and the insurance industry on the other. Whether one favors reform in these areas or not, it is hard to argue with the fact that their movement in the legislature has been stymied not on the merits, but because of the perceived power of the interests involved. This lawmaking paralysis, coupled with tales of corruption in Sacramento, has led the public to lose confidence in and to mistrust state government. A natural side effect has been an increase in the popularity of the initiative.

Special interest groups, too, have begun to perceive the utility of the initiative in pushing their agendas. Measures sponsored by such groups often lend themselves to packaging for mass media consumption. Initiatives, moreover, get less scrutiny than legislative bills, and frequently this is just what their interest group sponsors want. In the legislature, many eyes review a bill before it is put to a final vote. Legislative counsel examines it for technical or legal shortcomings. Various committees look at it from different perspectives. Pros and cons are debated, and compromises are reached.

The public, by contrast, casts its vote for initiatives on the basis of 30- and 60-second advertisements which ignore or obscure the substance of the measure, and which focus instead on who sponsors the proposition. The process allows for no amendment or compromise. An initiative is an all-or-nothing proposition.

Reformers and special interest groups have been joined, ironically enough, by politicians and officeholders in frequent resort to the initiative. Lawmakers, frustrated with being the party out of power or seeking to increase their popularity through association with a successful proposition, have begun to sponsor and promote a variety of initiatives. They do so to circumvent a legislative process they cannot control or to create leverage they can use to manipulate that process more effectively. Personal popularity is enhanced, too, when one lends one's name to a successful ballot proposition.

SPIRALING COSTS

This increased use of the initiative has fundamentally changed the nature of the right. Spiraling costs have made a mockery of its grass roots origins. A good example of the runaway expense associated with most initiative campaigns is Proposition 61, a measure which appeared on the ballot two years ago. This proposal would have drastically reduced the salaries of all government officials, including judges, and driven many qualified people out of public service. The measure was opposed by virtually every recognized organization and by the state's most prominent political leaders. Yet opponents were told that they would have to raise millions of dollars to ensure the measure's defeat. This year's battle over insurance and attorney's fees raises the even more frightening specter of massive campaigns financed by wealth special interest groups. The insurance industry alone has spent something in the range of $50 million promoting its position on Propositions 100, 101, 103, 104, and 106. These kinds of numbers make any true grassroot effort by a group of citizens nothing more than a pipedream.

Misleading advertising and reliance on seconds-long television and radio spots, moreover, defeat any chance that citizens can obtain the information necessary to cast an informed vote. The fat that initiatives are presented to a "legislature" of 20 miilion people renders ephemeral any real hope of intelligent voting by a majority. Only a small minority of voters study their ballot pamphlet with any care and only the minutest percentage take time to read the proposed statutory language itself.

Indeed, it seems too much to ask that they do, since propositions are often lengthy and difficult for a layperson to understand. Proposition 104, for example, consumed almost 13 pages of small, single-spaced type in the most recent ballot pamphlet and concerned some of the most technical aspects of the Insurance Code. The problem is exacerbated by the fact that paid advertising and news reports tend to focus on the identity of the proponents and opponents and on how much money each campaign is spending, rather than on the substance of the measure and the arguments in favor of or against it. Some advertising, in fact, is affirmatively misleading concerning the content and effect of the initiative.

To add to the confusion, many initiatives are poorly drafted, internally inconsistent or hopelessly vague. Bills introduced in the legislature are subjected to many levels of review before final passage, and drafting or clarity problems usually surface and are resolved before a final vote is taken. Initiatives, by contrast, receive no prior review before being put to a vote of the people. The likelihood of any subsequent review is minimal too, since an initiative, once approved, can only be amended by another vote of the people.

The net result is that many of the more complicated measures passed by the voters end up in the courts for final review.

As David Magleby of Brigham Young University, a leading authority on the initiative process, has said, "Unlike other political processes, there are no checks and balances on the initiative process [other] than the courts." The courts are thus forced to become "the policeman of the initiative process."

Requiring that the courts assume this role is not good for the public image of the judiciary or of the legal profession. Having passed an initiative, voters want to see it enacted. They view a court challenge to its validity as interference with the public will, and blame the lawyers and judges who control the legal process for thwarting the public's directive.

* * * * *

numerous proposals for reform of the initiative process over the years. Some have urged that contributions to initiative campaigns be limited, and that disclosure of financial backers be required in all campaign advertising. Others have suggested that initiatives go directly to the legislature for a vote before being presented to the electorate. Still others have proposed that all initiatives be screened by the Secretary of State's office for legal and drafting problems before they qualify for the ballot. Several of these ideas are sound and would address some of the most glaring problems with the initiative process as it now operates. Given the campaign we have just endured, we must hope that these proposals are resurrected quickly and implemented swiftly.

Initiative reform, however, is not enough. There must be in addition an overhaul of the way business gets done in Sacramento, so that the legislature can function as it should and resort to the initiative is not necessary. Limits on campaign spending, higher salaries coupled with rules prohibiting the taking of honoraria and gifts, quarterly disclosure of contributions by legislators and serious self-policing through active ethics committees in the Assembly and Senate are just a few of the ideas which should be explored. Whatever the solution, legislators must become what they were intended to be—representatives of the people, not puppets of a panoply of interest groups who define public good in terms of their own pocketbooks.

Lawyers and lawyers' organizations should be at the forefront of these reform efforts. Lawyers are among those most uniquely concerned with the interpretation of laws and the enforcement of legal rights. We are among those most familiar with the delicate balance between executive, legislative, and judicial branches envisioned by the founders of our democratic form of government. Our traditions and our rules of professional responsibility, moreover, obligate us to work for the public good. There is no greater public good than strong, effective, good government.

We lawyers assert that we are among the leaders of society, and it is time we began to act the part. I intend to establish a committee to examine existing proposals for reform, explore other options and recommend a course of action. Our Association has a real opportunity, which we cannot ignore, to contribute to restoring responsible government of California. We welcome your ideas and support.

Mrs. BOXER. I also want my colleagues to understand that the Senator from Iowa asked Ms. Morrow in an unprecedented request which, frankly, had Senators on both sides in an uproar, to answer the question how she personally voted on 10 years' worth of California initiatives. It was astounding. I remember going over to my friend, whom I enjoy working with, and I have worked with him on so many procurement reform issues, and I said, "Senator, I can't imagine how you would expect someone to remember how they voted on 160 ballot measures," some of which had to do with parks, some of which had to do with building railroads, some of which had to do with school bond measures. And besides, I always thought—and correct me if I am wrong—we had a secret ballot in this country; it is one of the things we pride ourselves on.

Now, Margaret Morrow has been forthcoming. That is why she has the strong support of Senator ORRIN HATCH, and let's read what Senator HATCH has written about Margaret Morrow.

Mr. GRASSLEY. Mr. President, since my name was mentioned, I would like to respond, if the Senator would yield.

The PRESIDING OFFICER. Does the Senator from California yield?

Mrs. BOXER. Yes. I will be happy to allow a 30-second response.

Mr. GRASSLEY. I will only remind the Senator from California that the point I was making is not when—the question I was proposing is not when Ms. Morrow responded. The question is that she said she did not take a position on public policy issues except for that one, and she did take, we found out that she did take positions on public policy issues. So she was misleading.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. If I might make a point here. When one is asked if one took a stand on an initiative, one would assume the critical point is at what time you speak out about it. My goodness, if we are forbidden as human beings, let alone the head of a bar association, to comment on what voters have voted on and to talk about ways the initiative process can be improved—and I am going to put into the RECORD her remarks on that point because she has such respect for the initiative process. She has thought about ways to improve it—if we are gagged as human beings from commenting on what the voters have voted on, this is a sad state of affairs for this country.

So I want to talk about what Senator HATCH has said about Margaret Morrow. I think it is important. He said it himself quite eloquently at the beginning of this debate. But I want to reiterate because he sent a letter out to all of our colleagues, and he talked about the comment that Margaret Morrow made that has been so taken out of context by my colleagues.

He said that the committee, the Judiciary Committee, studied Margaret Morrow's response to make a decision as to whether she was an activist judge, and they concluded that her explanation was in keeping with the theme of her speech. And essentially, Senator HATCH goes on to say, "[T]he nominee went to some lengths in her oral testimony and her written responses to the Committee to espouse a clearly restrained approach to the constitutional interpretation and the role of the courts."

Then he goes on to say the following:

> In supporting the nomination, the Committee takes into account a number of factors including Ms. Morrow's testimony, her accomplishments and her evident ability as an attorney, as well as the fact that she has received strong support from a number of Republicans.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask I be allowed another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So my colleagues have every right to oppose Margaret Morrow. My goodness, it is a free country. They have every right to vote against her and speak against her. But I would like when we have arguments in the Chamber, particularly where someone is not present, that these arguments be true, that these arguments hold up, that these arguments are backed up by the facts.

I want to point out that in several of my colleagues' dissertations here today, they have talked about other lawyers, they have talked about other judges. It is extraordinary to me that they do not want Margaret Morrow, so they talk about three other judges. Margaret Morrow is Margaret Morrow. She is not judge X, judge Y or judge Z. She is Margaret Morrow. She is coming before us, the second woman ever elected to head the Los Angeles County Bar Association, the first woman ever elected to head the California State Bar Association. This is the largest State bar in any State. Republicans voted for her for that position. Democrats did as well. She has the most extraordinary support across the board.

So when we attack Margaret Morrow, my goodness, don't talk about other judges. Talk about Margaret Morrow. If my colleagues are running for the Senate, they want to be judged on who they are, what do they stand for, not to stand up and say, well, I can't vote for this candidate X because he or she reminds me of candidate Y, and if he gets in, he will act like candidate Y.

One great thing about the world today is we are all individuals. We are all human beings. God doesn't make us all the same. That is why I am going to vote against cloning. We are different than one another. So when you attack Margaret Morrow, I think you need to do it in a fair way, not by the fact that another judge ruled a certain way. And when I come back to my last 5 minutes, I will continue on this theme.

I yield back and retain my time.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT. Mr. President, I yield to myself the remainder of the time and ask you to inform me when there is 1 minute remaining.

I am concerned about this nominee who has indicated that when the people are involved in developing the law through a referendum, you don't get intelligent lawmaking. I am concerned about that because from her writings it appears that the Ninth Circuit Court of Appeals embraced that very view. When the Ninth Circuit Court of Appeals sought to set aside the California voters' commitment to term limits, they did so based on what they considered to be the lack of expertise of the people. Here is what Judge Reinhardt said when he set aside the term limits initiative in California:

> The public lacks legal or legislative expertise—or even a duty to support the Constitution. Our usual assumption that laws passed represent careful drafting and consideration does not obtain.

Where might he get an idea like that idea, to allege that the people are disregarded because they don't have legal training.

Here is what Ms. Morrow said:

> The fact that initiatives are presented to a legislature of 20 million people renders ephemeral any real hope of intelligent voting by the majority.

This is the judge who has been reversed over and over again when the California Ninth Circuit was reversed 27 out of 28 times by the Supreme Court. They are embracing this philosophy in those kinds of items.

Reinhardt said:

> The public . . . lacks the ability to collect and study information that is utilized routinely by legislative bodies.

Where could he have gotten that? Same philosophy as Ms. Morrow who said:

> . . . propositions are often lengthy and difficult for a layperson to understand. The public . . . casts its votes for initiatives on the basis of 30- and 60-second advertisements.

Both of these reflect a distrust of the people: One an activist judge, one of the most reversed judges in history; the other an offering of this administration for us to confirm.

I am calling into question the judgment and the respect that this nominee has for the people. And it is based on her statements. By contrasting her to Judge Reinhardt, I am trying to point out that the same kind of mistakes made by the most reversed judge on the ninth circuit are the kinds of mistakes that you find in Ms. Morrow's writings, and I think it reflects a confidence in lawyers and judges that permits them to do things that the law doesn't provide them a basis to do.

The law says the people of California have a right, if they want to have term limits, to have an initiative that embraces it. But what does Judge Reinhardt say? Judge Reinhardt says:

> Before an initiative becomes law, no committee meetings are held, no legal analysts study the law, no floor debates occur, no separate representative bodies vote on the bill. . . .

He does that as a means of setting aside the law, saying the people are simply too ignorant. They have not studied this carefully enough.

Where would Morrow be on that kind of issue? According to her writings:

> In the legislative, many eyes review a bill before it is put to a final vote. Legislative counsel [another lawyer] examine it for technical or legal shortcomings. Various committees look at it from different perspectives. Pros and cons are debated.

We have already in California and on the west coast in the Ninth Circuit Court of Appeals, a court of appeals that is reversed constantly. In their setting aside of initiatives, in their invasion of the province of the people, and in their invasion of the legislative function, they take a page out of the writings of this candidate. But I don't think we need more judicial activists. I think it is clear she believes the cutting edge of society should be the law and its profession. I think the cutting edge needs to be the legislature and the people expressing their will in initiatives. That is where the law should be changed. The engine of social change should not be the courts. The engine for social change should be the people and their elected representatives. When the people enact a law through the initiative process, it is imperative that the will of the people be respected.

Even if you graduate from the best of law schools and you have a great understanding of legal principles, our country says that the people who cast the votes are the people whose will is to be respected. Because she seems to believe otherwise, I do not think this nominee should be confirmed by the U.S. Senate.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, at this point, since Senator HATCH is not here, he has given me permission to use up his time and mine, and I assume I have about 7 minutes left.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mrs. BOXER. Mr. President, sometimes I think my colleagues have a very strange definition of activist judge. Listening to them, I think if you have a heartbeat and a pulse, they call you an activist. I mean, I—really, listen to them.

Are you supposed to nominate a person who has not had a thought in her head, who cannot say, 2 years after an initiative passed, that she thought it was good, bad, or indifferent, who cannot comment on a way to make the initiative process better?

They also have a way of selective arguing—selective arguing. In 1988, Margaret Morrow wrote the following. This is directly from an article in 1988, way before she even dreamt of coming before this Senate. Here is what she wrote:

> Having passed an initiative, voters want to see it enacted. They view a court challenge to its validity as interference with the public will.

So here is Margaret Morrow arguing that when the voters pass an initiative, they want it enacted. I see Senator HATCH is here, so when I finish my 2 minutes I am going to yield him his 5 minutes.

I want to say that this is a woman whose practice, if you look at it, is far from anyone's definition of being an activist. These are the areas of law that she has practiced.

Contract disputes, business torts, unfair competition, securities fraud, directors' and officers' liability, employment law, arbitration law, copyright and trademark infringement, libel, partnership dissolution, real estate development, government contracts, and insurance coverage.

So my colleagues paint the picture of someone who is entirely different from Margaret Morrow. Mr. President, I just ask my colleagues on both sides of the aisle to vote on Margaret Morrow. Do not vote on judge X, do not vote on judge Y, don't vote on some ideological basis because you think she is going to be a certain way. Follow the leadership of Chairman HATCH, follow the leadership of the many Republican conservatives who have gone on the line to fight for Margaret Morrow.

I have to say to my colleague from Missouri, thank you for bringing this debate almost to an end. I think I have enjoyed debating you. I wish we could have done it sooner rather than later. But I am pleased that we have reached this day, and to Margaret and to her family, I hope that tonight you will have a reason to celebrate. I can't be sure until the votes are in, but we will know soon.

Finally, Mr. President, I would just like to continue my response to some of the arguments offered by my colleagues, and set the record straight. On the issue of Ms. Morrow's position on ballot initiatives, there are some people who, having read an article she wrote in 1988, believe that Ms. Morrow holds disdain for citizen initiatives. This is completely false. I repeat—any concerns that Ms. Morrow holds a position other than being 100% supportive of citizen initiatives has no basis in fact. In fact, in that 1988 article, Ms. Morrow expressed her concern about misleading advertisements which provide misinformation for voters. This made it hard, she argued, for voters to make meaningful choices and "renders ephemeral any real hope of intelligent voting by a majority." Read in context, this statement concerned the quality of information disseminated to the voters, and was not a comment on the ability of voters to make intelligent choices with the necessary information in hand. Ms. Morrow holds the utmost respect for democratic institutions like the citizen initiative process in California.

In that same 1988 article, Ms. Morrow argued that courts should not be put in the position of policing the initiative process. "Having passed an initiative," she explains, "voters want to see it enacted. They view a court challenge to its validity as interference with the public will. . . ." Hopefully my colleagues here in the Senate understand that Ms. Morrow merely advocated reforms that would ameliorate problems in the California initiative process.

For those who may still not be convinced, I would like to read a portion of a letter that I referred to earlier from Robert Bonner, who, as I mentioned, was former U.S. Attorney under President Reagan, former U.S. District Court Judge in the Central District of California and former Head of the Drug Enforcement Administration under President Bush. Mr. Bonner writes:

> The concerns expressed about judicial activism appear to be based on a misunderstanding or misinterpretation of certain articles written by Margaret years ago in her capacity as President of the State Bar of California, the Los Angeles County Bar Association, and the Barristers (young lawyers) section of the Los Angeles County Bar Association. In particular, in 1988, while she was the President of the Los Angeles County Bar Association, Margaret wrote an article concerning the initiative process. The article was critical of the way certain recently concluded initiative campaigns had been run, and suggested ways in which the initiative process could be strengthened by communicating more information to the electorate about the substance of the measures. It also discussed procedural reforms that would assist in correcting the drafting errors that sometimes provide the basis for a legal challenge. Finally, it suggested measures to reduce the influence of special interests and increase the legislature's willingness to address issues of concern to the citizens of the state.
>
> The article does not suggest hostility to the initiative process; rather it seeks to strengthen the process. Margaret's responses to the Judiciary Committee demonstrate that she unequivocally supports the initiative process and believes that all legislative enactments, including initiatives, are presumptively constitutional, and that courts should be reluctant to overturn them. Margaret explained to the committee her desire to strengthen the process, not make it vulnerable to legal challenge. She also explained that the article proposed ways to make the process more efficient and less costly, so that the initiatives could serve the purpose for which they were intended.

To anyone still skeptical, I invite you to call Robert Bonner, who believes in Margaret Morrow. In his letter to Senators BOND, D'AMATO, DOMENICI, SESSIONS and SPECTER, Mr. Bonner urged them to give him a call with any questions.

Finally, the California Research Bureau, which is a branch of the state public library and supplies nonpartisan data to the executive and legislative branches of the California state government, has much the same role as the Congressional Research Service does for the U.S. Legislative Branch. The Bureau put out a study in May of 1997, entitled California's Statewide Initiative Process, which iterated many of the same concerns Ms. Morrow has about the initiative process in California, and which the senior senator from California, Senator FEINSTEIN, referred to during the markup of Ms. Morrow's nomination. For instance, this impartial, non-partisan research service notes that proponents and opponents of a ballot measure may not have the incentive to provide clear information to voters. Further, the Bureau notes that a number of scholars, elected officials, journalists and commissions have examined the initiative process over the last decade.

The Bureau cited to concerns about "serious flaws that require improvement," including limited voter information, deceptive media campaigns, the lack of legislative review, poor drafting, and the impact of money in the initiative process. In other words, Margaret Morrow believes in ballot initiatives, but has concerns similar to those of the California Research Bureau, a nonpartisan research service for the California State Legislature.

In summary, let there be no doubt that Ms. Morrow supports citizen initiatives as an important part of our democratic form of government. She also subscribes to the position that legislative enactments, including initiatives, are presumed to be constitutional, and that courts should be reluctant to overturn legislation. Margaret Morrow did suggest ways the initiative process could be strengthened by providing more information to the electorate and by correcting the drafting errors that sometimes form the basis for a legal challenge, but she does NOT oppose ballot initiatives.

On charges that she may be a judicial activist, let me make it very, very clear. Ms. Morrow believes in the respective roles of the legislative and judicial branches, and will look to the original intent of the drafters of the laws and our Constitution.

Some have questioned whether Margaret Morrow will be an activist judge. Her critics pulled a quote, out of context, from one of her many speeches, and those critics have decided that that single quote is evidence that Margaret Morrow will be an activist judge. The quote in controversy is from a 1- to 2-minute presentation to the State Bar Conference on Women in the Law. She says: "For the law is, almost by definition, on the cutting edge of social thought. It is the vehicle through which we ease the transition from the rules which have always been to the rules which are to be."

As Margaret said during her second hearing, the overall context of that speech concerned how lawyers were going to govern the legal profession. She wasn't speaking of the substance of the law. Rather, she was referring to the legal profession. Her point in that speech was if lawyers have to work 2,000 to 3,000 hours a year in order to have positions in private law firms, how will both men and women in the legal profession govern and balance their careers and their family lives? In her speech at the Women in the Law Conference, Margaret Morrow said: "[Women lawyers] should reject the norm of 2000-plus hours a year; the norm that places time in the office above time with family . . . We should work to infuse our perspective into the law—our experience as women, as wives, and as mothers."

I would also refer you to the letter from Robert Bonner which so clearly states that he, and so many other Republibans of good reputation, cañ assure you that Margaret Morrow will not be an activist judge.

Finally, some of her critics base their belief that Ms. Morrow will be an activist judge on a speech she made during her installation as the first woman president of the State Bar of California on October 9, 1993. In her speech, Ms. Morrow quoted Justice William Brennan: "Justice can only endure and flourish if law and legal institutions are engines of change, able to accommodate evolving patterns of life and social interaction." Taken out of context, her critics believe Ms. Morrow will use the courts as an engine of change. However, during her hearing, Ms. Morrow confessed she pulled Justice Brennan's statement from a book of quotes, and she testified that "The theme of that speech was that the State Bar of California as an institution and the legal profession had to change some of the ways we did business. The quotation regarding engines of change had nothing to do with changes in the rule of law or changes in constitutional interpretation." In fact, the speech was about the changes the bar should make so that it would be more responsive to the public. It did not advance a theme that the courts should be engines of change.

To respond to my colleagues' charge that Margaret Morrow advocated gun control while president of the state bar, let me just say that this is patently untrue, and is refuted by 11 of the 21 Members of the California State Bar Board of Governors who were on the board at the time in question. They were there, they know what happened and what didn't happen, and they have signed a letter confirming that Margaret Morrow did not advocate gun control as her critics accuse her of. These 11 members are Republicans and Democrats alike.

These Republicans and Democrats explain in their letter to me that in 1993, the State Bar Conference of Delegates—representatives of voluntary bar associations throughout California—adopted two resolutions calling upon the Bar to study a possible revision of firearms laws and to propose measures to protect judges, lawyers, and others from gun violence. These resolutions were prompted by a tragic shooting incident at a San Francisco law firm in which several people were killed. These resolutions were passed before Ms. Morrow assumed her position as the first woman President of the State Bar of California.

The resolutions were then considered by the State Bar Board of Governors, of which Margaret Morrow was president in 1993–94. She appointed a special committee to consider the firearms resolutions, saying that she wanted to ensure compliance with the Supreme Court decision, Keller v. State Bar, that forbids a state bar from using mandatory lawyers' dues to support political or ideological causes.

The Board of Governors, under Margaret Morrow's leadership, rejected the resolutions passed by the delegates and passed explicitly neutral language instead. Let me repeat this very important point. As President of the State Bar Board of Governors, Margaret Morrow led the Board in deciding to reject resolutions on gun laws passed by the California Bar Conference of Delegates and instead adopted a neutral resolution, which suggested that the State Bar sponsor "neutral forums on violence and its impact on the administration of justice." Therefore, she did the exact opposite of what her critics accuse her of. She followed the law as articulated by the United States Supreme Court, precisely what she will do if she is confirmed as a district judge.

I yield the remaining 5 minutes to the distinguished chairman of the Judiciary Committee, Chairman HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as we close this debate, I would like to take just a moment to reiterate my support for Margaret Morrow. As my friend from Missouri, Senator ASHCROFT, has conceded, Ms. Morrow certainly enjoys the professional qualifications to serve as a United States district court judge.

Unfortunately, those who have chosen to vote against Ms. Morrow have failed to identify a single instance in the nominee's legal practice in which she has engaged in what can be considered as activism. The best the opponents to Ms. Morrow can do is take quotes from several of her speeches and read into that an activist intent. I do not believe, however, that when closely analyzed, those claims stand up. Regarding the two brief statements being used to question Ms. Morrow's propensity to engage in judicial activism, when balanced against the 20-plus-year distinguished and dedicated career, the statements are simply insufficient to determine that Ms. Morrow would be a judicial activist.

The first statement attributed to Ms. Morrow that the "law is on the cutting edge of social thought," when placed within its proper context and read along with the entire speech is not troubling to me. I note that the opposition did not discuss the text of that speech or the theme of the speech, because the speech itself is not controversial in any manner. In fact, the theme of the speech advocates change in the legal profession itself. The speech does not advocate judicial activism. This is why no one has mentioned any other sentence or phrase from the speech. It simply does not advocate activism.

The second statement attributed to Ms. Morrow, that the law and legal institutions are engines of change, was taken from a quote by Mr. Justice Brennan. Whether you agree with Mr. Justice Brennan or not, he was one of the most substantial Justices in history. And she was quoting him. Again, the opposition has not mentioned the theme of the speech from which this quote was taken. The speech also advocated change in the legal profession, not activism in the courts.

I personally believe that the profession could stand some changes in certain areas. It is not fair to this nominee or any other that her entire career and judicial philosophy be judged on the basis of a few statements, arguably very ambiguous statements. I cannot ignore the overall theme of the speeches from which these statements were taken. The speeches in no way advocated activism. They only advocated change in the legal profession.

Ms. Morrow's legal career speaks for itself. She will be an asset to the Federal bench, in my opinion. Thus, when Ms. Morrow's statements are read in context, they do not paint a picture of a potential activist. Moreover, when asked by the members of the committee to explain her judicial philosophy and her approach to judging, she gave an answer with which any strict constructionist would agree. And when asked to explain whether her speeches were intended to suggest that judges should be litigating from the bench, she adamantly denied such a claim.

Given her plausible explanation of these statements criticized by my good friends from the Judiciary Committee and her sworn testimony that she would uphold the Constitution and abide by the rule of law, I have to give her the benefit of the doubt and will vote to confirm her. I think and I hope my colleagues will do the same.

Ordinarily, I believe that a nominee's testimony should be credited unless there is overwhelming evidence to the contrary. Here, those who oppose this nominee lack such evidence. What they are left with are snippets from some of her speeches, speeches that we are trying to divine the intent of, while lacking the evidence to think otherwise.

I will credit the testimony of the nominee and her stated commitment to the rule of law. I sincerely hope that she will not disappoint me, and I believe that she is a person of integrity and one who will judge, as she has promised, in accordance with the highest standards of the judgeship profession and with the highest standards of the Constitution and the rule of law.

On this basis, I support the nominee. I believe we all should support this nominee. She has had a thorough hearing and we have had many, many discussions of this. But I just don't think we should take things out of context and stop a nominee on that basis.

With that, I hope our colleagues will support the nominee. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Margaret M. Morrow, of California, to be United States District Judge for the Central District of California?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. BREAUX. I announce that the Senator from Kentucky (Mr. FORD) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 67, nays 28, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—67

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Frist
Glenn
Gorton
Graham
Gregg
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Stevens
Thompson
Torricelli
Wellstone
Wyden

NAYS—28

Allard
Ashcroft
Bond
Brownback
Burns
Coats
Coverdell
Craig
D'Amato
Enzi
Gramm
Grams
Grassley
Hagel
Helms
Hutchinson
Inhofe
Kempthorne
Kyl
McConnell
Murkowski
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Thomas
Thurmond

NOT VOTING—5

Ford
Levin
Reid
Specter
Warner

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay it on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 299TH ANNIVERSARY OF FRENCH COLONIZATION

Mr. LOTT. Madam President, I rise today to recognize an important day in the history of this nation—a day that may intrigue some of you who are not familiar with Southern history. Tomorrow is the 299th anniversary of the landing of D'Iberville on the shores of present-day Mississippi, and the beginning of the French colonization of the American South.

Madam President, my colleagues are familiar with the English landings in Jamestown and Plymouth, Maryland and Pennsylvania. Some may recall the Spanish settlements up the eastern seaboard or the missions in the far West. But I suspect few of you know of the French colonization of the deep South and the frontier of the future United States, and the deeds of men like Pierre Lemoyne Sieur D'Iberville, the French military officer who began that colonization.

However, down home, all along the Mississippi Gulf Coast, we know and we remember. We remember how D'Iberville's band of French soldiers, hunters, farmers and adventurers began the exploration and occupation of the lower Mississippi valley. We remember that this landing eventually gave birth to towns as far-flung as Biloxi, Natchez, Mobile, New Orleans, Baton Rouge, Memphis, St. Joseph, Detroit, and Galveston.

My native Mississippi Gulf Coast is a place of year-round beauty, romance, and charm. It is easy to understand why the French chose to found their first colony there.

We are throwing a party today, in Biloxi, Mississippi, where D'Iberville landed, 299 years ago tomorrow, and in Ocean Springs, where he built Fort

Maurepas. As I am sure you have heard, we know how to throw a party. But next year, on this very day, will be the 300th anniversary of D'Iberville's landing. And I especially want to invite every one of my colleagues and you, Madam President, to attend that celebration.

All along the Mississippi Gulf Coast, from my native Pascagoula west to Pass Christian and Bay St. Louis, hundreds of volunteers are already planning and preparing a vast array of festivals, parties, national sporting events, educational activities, and cultural exchanges with French cities, working to make our 1699 Tricentennial a truly wonderful celebration.

In conjunction with next year's festivities will be the Mardi Gras Celebration in all the coast towns, from Texas to Florida. I believe all of my colleagues are familiar with Mardi Gras.

But the Tricentennial celebrations are more than just festivities. They are celebrations of how really diverse we are in the deep South, how wonderfully varied and multi-cultural our Southern heritage, our American heritage really is, and how much we've accomplished over the past 300 years!

Come to the Gulf Coast next year with us, and help us celebrate that diverse culture, and our hard-won economic prosperity. You might be surprised. You'll find that whether we are of French, Scottish, Irish, Spanish, Yugoslavian, Vietnamese, English, African-American or Native American ancestry, or a little of everything, we are all fair, honest, hardworking, and friendly to a fault. And we can all cook!! And we all talk with this accent!!

So come down and join us, if not this year, certainly for the big Tricentennial celebration. A lot of faces and names will be familiar to you: Brett Favre, the great NFL quarterback, astronauts Fred Haise of Apollo XIII and Stuart Roosa, and the works of great American painter Walter Anderson and potter George E. Ohr. And the places to see!—the beautiful home of Jefferson Davis, the beaches, the southern way of life, the unique nightlife, the Mardi Gras, the 1699 celebrations and re-enactments.

Madam President, I invite all my colleagues to come down to the Gulf Coast next year and join us in the wonderful celebration of our Tricentennial.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, February 10, 1998, the Federal debt stood at $5,471,889,906,215.21 (Five trillion, four hundred seventy-one billion, eight hundred eighty-nine million, nine hundred six thousand, two hundred fifteen dollars and twenty-one cents).

One year ago, February 10, 1997, the Federal debt stood at $5,302,292,000,000 (Five trillion, three hundred two billion, two hundred ninety-two million).

Five years ago, February 10, 1993, the Federal debt stood at $4,172,770,000,000 (Four trillion, one hundred seventy-two billion, seven hundred seventy million).

Ten years ago, February 10, 1988, the Federal debt stood at $2,452,575,000,000 (Two trillion, four hundred fifty-two billion, five hundred seventy-five million).

Fifteen years ago, February 10, 1983, the Federal debt stood at $1,194,868,000,000 (One trillion, one hundred ninety-four billion, eight hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,277,021,906,215.21 (Four trillion, two hundred seventy-seven billion, twenty-one million, nine hundred six thousand, two hundred fifteen dollars and twenty-one cents) during the past 15 years.

HUMAN CLONING PROHIBITION ACT OF 1998

Ms. MOSELEY-BRAUN. Madam President, I would like to take a moment to commend my colleagues for voting "no" this morning on the effort to shut down debate and take up S. 1601, the Human Cloning Prohibition Act of 1998 without hearings or the benefit of a comprehensive Committee review of the bill.

At the outset, I want to make it clear that I stand with the vast majority of Americans who oppose efforts to clone human beings. S. 1601, however, does much more than that. The bill includes a permanent ban on the act of human somatic cell nuclear transfer, which means taking the nucleus—which contains DNA—from a mature cell and putting it into an egg cell from which the original nucleus has been removed. Although the bill defines the product of such a transfer as an embryo, it is not actually a fertilized egg, as that term is commonly understood. It is an unfertilized egg cell that contains DNA from another source. It is true that if this cell were implanted in a woman's womb, it could very well develop into a baby. However, the cell may also be grown in a laboratory to become skin, nerve, or muscle tissue.

Because of its ban on human somatic cell transfer, there is a strong likelihood that S. 1601 would extinguish biomedical research in several vital areas. Scientists are examining approaches to treating disease that won't depend on drugs, but on stem cells that can differentiate into brain, skin, blood, or heart cells. S. 1601 would put an end to such research whenever somatic cell nuclear transfer is involved. Thus, it would outlaw efforts to create cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for the treatment of spinal cord trauma and paralysis; neural cells to treat those suffering from Parkinson's disease, Huntington's disease, and Lou Gehrig's disease; blood cells to treat cancer anemia and immunodeficiencies; cells for use in genetic therapy to treat 5,000 genetic diseases, including cystic fibrosis, Tay-Sachs, schizophrenia, and depression; liver cells for the treatment of such diseases as hepatitis and cirrhosis; and myriad other cells for use in the diagnosis, treatment, and prevention of a multitude of serious and life-threatening medical conditions.

Consider the effect that S. 1601 would have on research related to the treatment of diabetes. A diabetes patient has a shortage of insulin-producing cells in her pancreas. Somatic cell nuclear transfer technology may allow for the transplantation of a large number of insulin-producing cells into the diabetic patient that would be genetically identical to her. As a result, rejection would not be an issue and the patient would be cured. S. 1601 would stifle research into this promising approach to the treatment of diabetes.

Moreover, S. 1601 would prevent doctors from utilizing certain treatments that already exist, such as an effective therapy for mitochondrial disease, which causes infertility in women.

In sum, too much is at stake to allow legitimate concerns over human cloning to quash the beneficial research and existing treatments associated with somatic cell nuclear transfer. Over 120 medical research, industry, and patient advocacy organizations have expressed the view that S. 1601 would do just that. That is why I am co-sponsor of Senator FEINSTEIN and Senator KENNEDY's substitute bill, S. 1602. This legislation, drafted with the assistance of the National Bioethics Advisory Commission (NBAC), the National Institutes of Health, the American Society for Reproductive Medicine, the Biotech Industry Association, the Department of Health and Human Services, and the Food and Drug Administration, imposes a 10-year ban on the implantation of the product of somatic cell nuclear transfer into a women's uterus. While it bans the cloning of human beings for 10 years, the bill does not prohibit the cloning of molecules, DNA, cells, tissues, or nonhuman animals. It therefore does not restrict important biomedical and agricultural research that will improve the quality of life for millions of Americans and save the lives of many more.

S. 1602 requires that in four-and-a-half years the NBAC prepare and submit a report on the state of the science of cloning; the ethical and social issues related to the potential use of this technology in human beings; and the wisdom of extending the prohibition. The bill also requires the President to seek cooperation with other countries to establish international restrictions similar to those it enumerates.

Madam President, S. 1601 was brought directly to the floor two days after it was introduced without a day of committee hearings or a markup. The Senate did the right thing today when it decided that such a far-reaching bill with so many implications for the future direction of scientific inquiry must be carefully considered in committee. I am confident that we will ultimately agree upon a bipartisan approach to dealing with the issues raised by cloning technology, one that ensures that life-saving medical research will not be threatened. Through its action today, the Senate has sent the message that it intends to give this complex matter the thoughtful and deliberative consideration it deserves.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. ROBERTS. Madam President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 23, 1998, immediately following the prayer and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place and that the Chair be authorized to appoint a Senator to perform this task.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Louisiana (Ms. LANDRIEU) to read Washington's Farewell Address on February 23, 1998.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-36

Mr. ROBERTS. Madam President, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 11, 1998, by the President of the United States:

Protocols to the North Atlantic Treaty of 1949 on accession of Poland, Hungary, and Czech Republic (Treaty Document No. 105-36.)

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These Protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and the other parties to the North Atlantic Treaty. I request the advice and consent of the Senate to the ratification of these documents, and transmit for the Senate's information the report made to me by the Secretary of State regarding this matter.

The accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO) will improve the ability of the United States to protect and advance our interests in the transatlantic area. The end of the Cold War changed the nature of the threats to this region, but not the fact that Europe's peace, stability, and well-being are vital to our own national security. The addition of these well-qualified democracies, which have demonstrated their commitment to the values of freedom and the security of the broader region, will help deter potential threats to Europe, deepen the continent's stability, bolster its democratic advances, erase its artificial division, and strengthen an Alliance that has proved its effectiveness during and since the Cold War.

NATO is not the only instrument in our efforts to help build a new and undivided Europe, but it is our most important contributor to peace and security for the region. NATO's steadfastness during the long years of the Cold War, its performance in the mission it has led in Bosnia, the strong interest of a dozen new European democracies in becoming members, and the success of the Alliance's Partnership for Peace program all underscore the continuing vitality of the Alliance and the Treaty that brought it into existence.

NATO's mission in Bosnia is of particular importance. No other multinational institution possessed the military capabilities and political cohesiveness necessary to bring an end to the fighting in the former Yugoslavia—Europe's worst conflict since World War II—and to give the people of that region a chance to build a lasting peace. Our work in Bosnia is not yet complete, but we should be thankful that NATO existed to unite Allies and partners in this determined common effort. Similarly, we should welcome steps such as the Alliance's enlargement that can strengthen its ability to meet future challenges, beginning with NATO's core mission of collective defense and other missions that we and our Allies may choose to pursue.

The three states that NATO now proposes to add as full members will make the Alliance stronger while helping to enlarge Europe's zone of democratic stability. Poland, Hungary, and the Czech Republic have been leaders in Central Europe's dramatic transformation over the past decade and already are a part of NATO's community of values. They each played pivotal roles in the overthrow of communist rule and repression, and they each proved equal to the challenge of comprehensive democratic and market reform. Together, they have helped to make Central Europe the continent's most robust zone of economic growth.

All three of these states will be security producers for the Alliance and not merely security consumers. They have demonstrated this through the accords they have reached with neighboring states, the contributions they have made to the mission in Bosnia, the forces they plan to commit to the Alliance, and the military modernization programs they have already begun and pledge to continue in the years to come at their own expense. These three states will strengthen NATO through the addition of military resources, strategic depth, and the prospect of greater stability in Europe's central region. American troops have worked alongside soldiers from each of these nations in earlier times, in the case of the Poles, dating back to our own Revolutionary War. Our cooperation with the Poles, Hungarians, and Czechs has contributed to our security in the past, and our Alliance with them will contribute to our security in the years to come.

The purpose of NATO's enlargement extends beyond the security of these three states, however, and entails a process encompassing more than their admission to the Alliance. Accordingly, these first new members should not and will not be the last. No qualified European democracy is ruled out as a future member. The Alliance has agreed to review the process of enlargement at its 1999 summit in Washington. As we prepare for that summit, I look forward to discussing this matter with my fellow NATO leaders. The process of enlargement, combined with the Partnership for Peace program, the Euro-Atlantic Partnership Council, the NATO-Russia Founding Act, and NATO's new charter with Ukraine, signify NATO's commitment to avoid any new division of Europe, and to contribute to its progressive integration.

A democratic Russia is and should be a part of that new Europe. With bipartisan congressional support, my Administration and my predecessor's have worked with our Allies to support political and economic reform in Russia and the other newly independent states and to increase the bonds between them and the rest of Europe. NATO's enlargement and other adaptations are consistent, not at odds, with that policy. NATO has repeatedly demonstrated that it does not threaten Russia and that it seeks closer and more cooperative relations. We and our Allies welcomed the participation of Russian forces in the mission in Bosnia.

NATO most clearly signaled its interest in a constructive relationship through the signing in May 1997 of the NATO-Russia Founding Act. That Act, and the Permanent Joint Council it created, help to ensure that if Russia seeks to build a positive and peaceful future within Europe, NATO will be a full partner in that enterprise. I understand it will require time for the Russian people to gain a new understanding of NATO. The Russian people, in turn, must understand that an open door policy with regard to the addition of new members is an element of a new NATO. In this way, we will build a new and more stable Europe of which Russia is an integral part.

I therefore propose the ratification of these Protocols with every expectation that we can continue to pursue productive cooperation with the Russian Federation. I am encouraged that President Yeltsin has pledged his government's commitment to additional progress on nuclear and conventional arms control measures. At our summit in Helsinki, for example, we agreed that once START II has entered into force we will begin negotiations on a START III accord that can achieve even deeper cuts in our strategic arsenals. Similarly, Russia's ratification of the Chemical Weapons Convention last year demonstrated that cooperation on a range of security matters will continue.

The Protocols of accession that I transmit to you constitute a decision of great consequence, and they involve solemn security commitments. The addition of new states also will entail financial costs. While those costs will be manageable and broadly shared with our current and new Allies, they nonetheless represent a sacrifice by the American people.

Successful ratification of these Protocols demands not only the Senate's advice and consent required by our Constitution, but also the broader, bipartisan support of the American people and their representatives. For that reason, it is encouraging that congressional leaders in both parties and both chambers have long advocated NATO's enlargement. I have endeavored to make the Congress an active partner in this process. I was pleased that a bipartisan group of Senators and Representatives accompanied the U.S. delegation at the NATO summit in Madrid last July. Officials at all levels of my Administration have consulted closely with the relevant committees and with the bipartisan Senate NATO Observer Group. It is my hope that this pattern of consultation and cooperation will ensure that NATO and our broader European policies continue to have the sustained bipartisan support that was so instrumental to their success throughout the decades of the Cold War.

The American people today are the direct beneficiaries of the extraordinary sacrifices made by our fellow citizens in the many theaters of that "long twilight struggle," and in the two world wars that preceded it. Those efforts aimed in large part to create across the breadth of Europe a lasting, democratic peace. The enlargement of NATO represents an indispensable part of today's program to finish building such a peace, and therefore to repay a portion of the debt we owe to those who went before us in the quest for freedom and security.

The rise of new challenges in other regions does not in any way diminish the necessity of consolidating the increased level of security that Europe has attained at such high cost. To the contrary, our policy in Europe, including the Protocols I transmit herewith, can help preserve today's more favorable security environment in the transatlantic area, thus making it possible to focus attention and resources elsewhere while providing us with additional Allies and partners to help share our security burdens.

The century we are now completing has been the bloodiest in all of human history. Its lessons should be clear to us: the wisdom of deterrence, the value of strong Alliances, the potential for overcoming past divisions, and the imperative of American engagement in Europe. The NATO Alliance is one of the most important embodiments of these truths, and it is in the interest of the United States to strengthen this proven institution and adapt it to a new era. The addition to this Alliance of Poland, Hungary, and the Czech Republic is an essential part of that program. It will help build a Europe that can be integrated, democratic, free, and at peace for the first time in its history. It can help ensure that we and our Allies and our partners will enjoy greater security and freedom in the century that is about to begin.

I therefore recommend that the Senate give prompt advice and consent to ratification of these historic Protocols.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 11, 1998.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-337. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 14

Whereas the United Nations has designated 67 sites in the United States as "World Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas many of the United Nations' designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress; and

Whereas these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a "World Heritage Site" as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas a recent designation of a portion of Kamchatka as a "World Heritage Site" was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve covering parts of western Alaska, eastern Russia, and the Bering Sea; and

Whereas, as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress; and

Whereas actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the "American Lands Sovereignty Protection Act of 1997" that required the explicit approval of the Congress prior to restricting any use of United States land under international agreements;

Be it resolved, That the Alaska State Legislature supports the "American Lands Sovereignty Protection Act" that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States.

Copies of this resolution shall be sent to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-338. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 3

Whereas, The United States is a signatory to the 1992 United Nations Framework Convention of Global Climate Change; and

Whereas, In December, 1997, the United States participated in negotiations in Kyoto, Japan, resulting in the agreement known as the Kyoto Protocol, which calls for the United States to reduce emissions of greenhouse gases by 7 percent from 1990 levels during the period A.D. 2008 to 2012, with potentially larger reductions thereafter; and

Whereas, The United States delegation signed the Protocol on December 10, 1997; and

Whereas, The Kyoto Protocol calls for reductions by other industrial nations from 1990 levels by 6 to 8 percent during the same period; and

Whereas, Developing nations are exempted from greenhouse gas emission limitation requirements of the Framework Convention and refused to accept any new commitments for such limitations during the negotiations of the Kyoto Protocol; and

Whereas, The United States relies on carbon-based fossil fuels for more than 90 percent of its total energy supply; and

Whereas, The requirements of the Protocol would bind the United States to more than a 35 percent reduction in carbon dioxide emissions between 2008 and 2012; and

Whereas, Research has not reached convincing proof that fossil fuel related emissions is in fact creating global climate changes; and

Whereas, Economic impact studies by the United States government estimate that the requirements of the treaty could result in the loss of 900,000 jobs, increased energy prices, losses of output in energy intensive industries such as aluminum, steel, rubber, chemical and utility production and especially the coal industry; and

Whereas, The State of West Virginia, being dependent upon these industries and especially upon the coal industry, would experience these effects severely, including the possible loss of thousands of jobs; and

Whereas, The President of the United States pledged on October 22, 1997, that the United States will not assume binding obligations unless key developing nations meaningfully participate in this effort; and

Whereas, The failure of key developing nations to participate will create unfair competitive imbalances between the United States and these developing nations, potentially leading to the transfer of jobs vital to the West Virginia economy to developing nations; and

Whereas, On July 25, 1997, the United States Senate adopted Senate Resolution No. 98, expressing the sense of the Senate that the United States should not be a signatory to any protocol or to any other agreement which would require the advice and consent of the Senate to ratify, and which would mandate new commitments to mitigate greenhouse gas emissions unless the protocol or agreement mandates commitments and compliance by developing nations; therefore, be it

Resolved by the Legislature of West Virginia, That the President of the United States is requested not to sign the Kyoto Protocol so long as the possibility of all above mentioned negative effects upon the American economy exists; and, be it

Further Resolved, That, in the event that the President signs the Kyoto Protocol, the Senate of the United States is requested to refuse ratification of the Protocol so long as the possibility of said effects exits; and, be it

Further Resolved, That the Clerk of the House of Delegates shall, immediately upon its adoption, transmit duly authenticated copies of this resolution to the President of the United States, to the President Pro Tempore and the Secretary of the United States Senate, and to the United States Senators representing West Virginia.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 104th Congress" (Rept. No. 105-160).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2003.

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr ROTH:

S. 1622. A bill to suspend temporarily the duty on deltamethrin; to the Committee on Finance.

S. 1623. A bill to suspend temporarily the duty on diclofop-methyl; to the Committee on Finance.

S. 1624. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Finance.

S. 1625. A bill to suspend temporarily the duty on resmethrin; to the Committee on Finance.

S. 1626. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

S. 1627. A bill to suspend temporarily the duty on tralomethrin; to the Committee on Finance.

S. 1628. A bill to suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 109; to the Committee on Finance.

S. 1629. A bill to suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 110; to the Committee on Finance.

S. 1630. A bill to suspend temporarily the duty on pigment red 177; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. DeWine, Mr. Smith of New Hamshire, Mr. Craig, Ms. Collins, Mr. Inhofe, Mr. Faircloth, and Mr. Helms):

S. 1631. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1632. A bill to reduce temporarily the duty on certain weaving machines; to the Committee on Finance.

By Mr. CHAFEE:

S. 1633. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1634. A bill to guarantee honesty in budgeting; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. Bond, Mr. Brownback, and Mr. Roberts):

S. Con. Res. 74. A bill expressing the sense of the Congress relating to the European Union's ban of United States beef and the World Trade Organization's ruling concerning that ban; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 75. A concurrent resolution honoring the sesquicentennial of Wisconsin statehood; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1622. A bill to suspend temporarily the duty on deltamethrin; to the Committee on Finance.

S. 1623. A bill to suspend temporarily the duty on diclofop-methyl; to the Committee on Finance.

S. 1624. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Finance.

S. 1625. A bill to suspend temporarily the duty on resmethrin; to the Committee on Finance.

S. 1626. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

S. 1627. A bill to suspend temporarily the duty on tralomethrin; to the Committee on Finance.

S. 1628. A bill to suspend temporarily the duty on synthetic organic coloring matter c.i. pigment yellow 109; to the Committee on Finance.

S. 1629. A bill to suspend temporarily the duty on synthetic organic coloring matter c.i. pigment yellow 110; to the Committee on Finance.

S. 1630. A bill to suspend temporarily the duty on pigment red 177; to the Committee on Finance.

LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON CERTAIN CHEMICALS

Mr. ROTH. Mr. President, I rise today to introduce nine bills to suspend temporarily the imposition of duties on the importation of certain products.

I am pleased to introduce six bills to suspend temporarily the imposition of duties on imports of certain chemicals used in the production of pesticides. These chemicals are deltamethrin, diclofop-methyl, piperonyl butoxide, resmethrin, thidiazuron and tralomethrin. By temporarily suspending the imposition of duties, these bills would help AgrEvo USA, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness.

I am also pleased to introduce three bills to suspend temporarily the imposition of duties on imports of Pigment Yellow 109, Yellow 110 and Pigment Red 177. These high quality coloring materials are imported for sale in the United States by Ciba Specialty Chemicals Corporation (Pigments Division), a company located in Newport, Delaware. By temporarily suspending the imposition of duties, these bills will reduce significantly the cost of coloring materials that are used in a wide variety of finished products, including automotive parts, vinyl flooring, carpet fibers and plastic utensils.

I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.18	I(1R,3R)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropane-carboxylic acid (S)-alpha-cyano-3-phenoxybenzyl ester (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25).	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subheading 9902.30.16 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/98" and inserting "12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[[2-(2-butoxyethoxy)ethoxy]m ethyl]-6-propyl-1,3-benzodioxole (piperonyl butoxide) (CAS No. 51–03–6) (provided for in subheading 2932.99.60)	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.19	[5-(phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subheading 9902.30.17 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/98" and inserting "12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.19	Cyclopropanecarboxylic acid, 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-, cyano(3-phenoxyphenyl)methyl ester (tralomethrin) in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON C.I. PIGMENT YELLOW 109.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.00	Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction product with 2-methyl-1,3-benzenediamine and sodium methoxide (CAS No. 106276-79-3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON C.I. PIGMENT YELLOW 110.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction products with p-phenylenediamine and sodium methoxide (CAS No. 106276-80-6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	Pigment red 177 (CAS No. 4051-63-2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself, Mr. DEWINE, Mr. SMITH of New Hampshire, Mr. CRAIG, Ms. COLLINS, Mr. INHOFE, Mr. FAIRCLOTH, and Mr. HELMS):

S. 1631. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Labor and Human Resources.

THE PARENTAL FREEDOM OF INFORMATION ACT

Mr. HUTCHINSON. Mr. President, imagine, if you will, that your daughter is given an assignment by her teacher which requires her to keep a journal, not just a journal of her own intimate and very private thoughts, but of answers to questions that have been posed to her by her teacher. Should you as a parent have a right to know what questions the teacher has posed, what questions the teacher has asked?

Now imagine that a research team from a local university is given permission by your child's school to perform psychological exams on your son or daughter. Should you as a parent in that situation have a right to approve of this exam before it takes place? Should you as a parent at least be informed about the impending exams?

Finally, Mr. President, imagine that your son is required to take a class in "decisionmaking" which you are concerned may include discussion of issues that might violate or be contrary to the teachings you have espoused and inculcated in your children in the home. Should you, in that circumstance, as a parent have a right to review the classroom material prior to enrolling your children in that particular class, in that decisionmaking class?

In each of these three examples, the clear and, I think, the obvious answer is yes, parents, as those to whom primary responsibility for the education of their children is entrusted, should be allowed to know what questions their children are being asked; parents should have the right to decide whether or not their children are examined psychologically; parents should have the right to review their children's curriculum.

Unfortunately, the above examples are not just random hypotheticals that I dreamed up or that I had my staff dream up. These are real-world examples of how public schools are currently usurping the rights of parents to be informed about the education of their children.

Mr. and Mrs. Robinson from Sheridan, AR, have yet to learn what questions were posed to their daughter by her teacher in an in-class journaling assignment. Parents in Monroeville, PA, have yet to obtain their children's records maintained as a part of a research project run in their children's school by the University of Pittsburgh. Parents in California have been forced to go to court to view the curriculum being used in their local school for a class that they fear may delve into deeply personal matters.

How can this be the case? How can we have this situation in a country founded on the principles of freedom, in a country that has always respected the parents' ultimate authority in the rearing and education of their children? How can parents be denied basic information relating to their children's education?

The answer may lie in a book recently published by Eric Buehrer entitled "The Public Orphanage." In this book, Mr. Buehrer points out that public schools have become "one-stop social service agencies" attempting to address the needs of children that were traditionally the responsibility of the children's parents.

Whether this trend is the errant result of a legitimate attempt to fill the void left in children's lives with the breakdown of the American family, or whether this trend is part of a more sinister philosophy based on belief that "Washington or Government knows best," it is a trend that is leading to lower educational achievement and to less clearly defined standards of right and wrong for our Nation's children. In short, I think it is a trend that we should not allow to continue.

The importance of parents in the education of their children was clearly emphasized in 1994 by Secretary of Education Richard Riley in testimony before the Committee on Labor and Human Resources. In this testimony, Secretary Riley, I think very powerfully and poignantly, emphasized that "Thirty years of research tells us that the starting point of American education is parental expectations and parental involvement with their children's education" and that schools must "establish a supportive environment for family involvement."

Despite this important parental role, Secretary Riley pointed out that "many parents feel that their right to be involved in school policy—to be full participants in the learning process—is being ignored, frustrated or even denied." In short, Secretary Riley noted that many parents simply do not feel "valued" by the schools that educate their children.

So today, I am introducing legislation that will value the role of parents in educating their children. It will help to establish a supportive environment for families by guaranteeing parents a place at the table in decisions central to the creation and implementation of education policies within their local schools.

This legislation builds on the already well-established principles outlined in the 1974 Family Education Rights and Privacy Act, which ensures that parents have access to all records which public schools maintain on their children. The Parental Freedom of Information Act, which I am introducing today, will strengthen the rights of parents by guaranteeing them access to the curriculum being used to teach their children. Current law, the 1974 law, ensures that parents will have access to the records and files that are maintained on their children. But we need to go a step further. We need to build on that successful 1974 legislation by ensuring that parents also have the right to access the curriculum being used to teach their children. I think it is a reasonable provision which allows parents to review their children's textbooks, audio-visual materials, manuals, journals, films and any other supplemental material used to educate their children.

On the surface, one would think this legislation shouldn't be necessary. I think most Americans assume that parents already have the right to go into the school and ask to see the books, ask to see the curriculum materials, ask to see the supplemental materials, ask permission to view a film that might be shown to their children, to look at the journals that are in the library, and to have basic access to all of the information and all of the curriculum materials being used in the education of their children. But unfortunately, the record is now replete with examples of where parents have run into a stone wall and have met stiff resistance when they have tried to obtain that kind of basic educational information. Information which is so essential to the education of their children.

So we say on one hand, we want parents to be supportive, we want parents to be involved, we want parents to attend PTA, we want them to attend parent-teacher conferences, we want them to show by their actions that they are actively involved in the education and upbringing of their children. We don't want our public schools to be social orphanages that take care of the children from breakfast until supper.

Then, on the other hand, we allow policies to be enacted in local schools across this country that resist that very desire by many parents, that make it difficult, if not impossible, to access critical materials being used in the education of their children.

The Parental Freedom of Information Act will provide parents access to curriculum and to the testing materials administered to their children, and it will require parental consent prior to any student being subjected to medical, psychological or psychiatric examinations, testing or treatment at the school.

This legislation is very basic and straightforward and, I think, is just plain common sense. This legislation will empower parents by providing them access to the information they need to oversee and direct the education of their children and will slow, and hopefully reverse, the establishment of schools as public orphanages.

I look forward to pursuing this legislation in committee and with my colleagues in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Freedom of Information Act".

SEC. 2. INFORMATION ACCESS AND CONSENT.

(a) IN GENERAL.—Section 444 of the General Education Provisions Act (20 U.S.C. 1232g) is amended by adding at the end the following:

"(i) INSTRUCTIONAL AND TESTING MATERIALS.—

"(1) IN GENERAL.—No funds shall be made available under any applicable program to any educational agency or institution that has a policy of denying, or that effectively prevents, the parent of an elementary school or secondary school student served by such agency or at such institution, as the case may be, the right to inspect and review any instructional material used with respect to the educational curriculum of, or testing material administered to, the student. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the instructional material or testing material within a reasonable period of time, but in no case more than 30 days after the request has been made.

"(2) DEFINITIONS.—In this subsection:

"(A) INSTRUCTIONAL MATERIAL.—The term 'instructional material' means a textbook, audio/visual material, manual, journal, film, tape, or any other material supplementary to the educational curriculum of a student.

"(B) TESTING MATERIAL.—The term 'testing material' means a copy of any test (without responses) that is administered to a student during the current or preceding school year, and if available, any statistical comparison data regarding the test results with respect to the student's age or grade level. The term does not include a nonclassroom diagnostic test, a standardized assessment or standardized achievement test, or a test subject to a copyright agreement.

"(j) RIGHT OF ACCESS.—

"(1) IN GENERAL.—A parent of an elementary school or secondary school student whose right to gain access to information or material made available to the parent under this section during the 30-day compliance period set forth in subsection (a)(1) or (i)(1) is knowingly or negligently violated may maintain an action for appropriate relief after the last day of such period. Appropriate relief includes equitable or declaratory relief and reasonably incurred litigation costs, including a reasonable attorney's fee.

"(2) LIMITATION.—A civil action under this subsection may not commence more than 2 years after the last day of the 30-day compliance period set forth in subsection (a)(1) or (i)(1).

"(k) PARENTAL CONSENT.—No funds shall be made available under any applicable program to an educational agency or institution that, as part of an applicable program and without the prior, written, informed consent of the parent of a student, requires the student—

"(1) to undergo medical, psychological, or psychiatric examination, testing, treatment, or immunization (except in the case of a medical emergency); or

"(2) to reveal any information about the student's personal or family life (except to the extent necessary to comply with the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)).".

(b) RIGHT OF ACCESS.—The third sentence of section 444(a)(1)(A) of the General Education Provisions Act (20 U.S.C. 1232g(a)(1)(A)) is amended by striking "forty-five" and inserting "30".

By Mr. CHAFEE:

S. 1633. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. CHAFEE. Mr. President, this afternoon I am introducing legislation to suspend the duty on the importation of certain textile printing machines that are used by textile manufacturers in the United States.

These particular machines are used for the printing of patterns, designs and motifs on fabrics—an important process in the making of textile goods. However, none of these machines are made in the United States. That means domestic manufacturers must import these machines at considerable cost, which does not help their ability to compete in what is an increasingly challenging market. Yet since there is no domestic industry producing these machines, the duties serve little purpose.

The bill I am introducing would lift the duty imposed on these machines. It is my hope that by doing so, we will be helping the textile industry in this country to improve its competitiveness and maintain its work force, both in Rhode Island and around the nation.

By introducing this legislation today, I believe there should be ample time for review and comment on the bill, and that it can be ready for inclusion when Senate begins work on comprehensive duty suspension legislation this year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that

(a) Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.81.20	Other textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/99"

(b) The amendment made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(c) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of goods described in subheading 8443.59.10 of the Harmonized Tariff Schedule of the United States—

(1) which was made after December 31, 1997, and before the date that is 15 days after the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 879

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 879, a bill to provide for home and community-based services for individuals with disabilities, and for other purposes.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mrs. BOXER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1308

At the request of Mr. BREAUX, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1308, a bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1321

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DURBIN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from California [Mrs. FEINSTEIN], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nebraska [Mr. KERREY], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. REED], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1396

At the request of Mr. JOHNSON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1396, a bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools.

S. 1406

At the request of Mr. SMITH, the names of the Senator from Oregon [Mr. WYDEN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Mississippi

[Mr. COCHRAN] was added as a cosponsor of S. 1563, A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1577

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1577, A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 1578

At the request of Mr. COATS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1578, A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1580, A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1593

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1593, A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses.

S. 1599

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1599, A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1599, supra.

S. 1601

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1601, A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1601, supra.

S. 1602

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1602, A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1604, A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1605

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1605, A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1611

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1611, A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1618, A bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1619

At the request of Mr. MCCAIN, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1619, A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of Senate Joint Resolution 30, A joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Joint Resolution 30, supra.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of Senate Resolution 171, A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENT NO. 1397

At the request of Mr. THURMOND his name was withdrawn as a cosponsor of Amendment No. 1397 intended to be proposed to S. 1173, A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 74—RELATIVE TO THE EUROPEAN UNION

Mr. GRASSLEY (for himself, Mr. BOND, Mr. BROWNBACK, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 74

Whereas the European Union has banned imports of United States beef treated with hormones since 1989;

Whereas 9 out of 10 United States cattle are treated with growth promoting hormones;

Whereas growth promoting hormones have been deemed safe by all countries that have reviewed the use of such hormones, including reviews by European Union scientists in 2 separate studies;

Whereas since the implementation of the European Union ban, United States cattle producers have lost hundreds of millions of dollars in exports;

Whereas the United States beef industry loses approximately $250,000,000 in annual sales due to the ban;

Whereas the United States beef industry, the United States Department of Agriculture, and the United States Trade Representative have invested substantial resources to comply with strict dispute settlement procedures of the World Trade Organization;

Whereas the Dispute Settlement panel and the Appellate Body of the World Trade Organization have ruled that the European Union's ban of United States beef is not based on sound science or supported by a risk assessment and is therefore in violation of the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures; and

Whereas noncompliance by the European Union regarding the ban on United States beef threatens the integrity of both the Agreement on the Application of Sanitary and Phytosanitary Measures and the World Trade Organization as a dispute settlement body: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States expects the European Union to immediately and completely comply with the World Trade Organization's ruling and grant United States beef producers access to the European market; and

(2) the United States Trade Representative should take immediate action to open European markets to United States beef producers in the event the European Union fails to comply with the World Trade Organization's ruling.

Mr. GRASSLEY. Mr. President, I rise today to submit a concurrent resolution to open the European market to U.S. beef exports. Last month, the Appellate Body of the World Trade Organization affirmed the earlier findings of the WTO that Europe's ban on U.S. beef violates commitments made under the Uruguay Round Agreement. The decision should clear the way for U.S. beef producers to sell their product to Europe.

This concurrent resolution requests the European Union to open its market immediately, in light of the WTO's decision, and directs the U.S. Trade Representative to take action if the EU fails to do so.

This dispute goes back to 1989 when the EU banned all imports of meat from animals treated with growth hormones. About 90% of U.S. cattle is treated with hormones. They have been found to be safe by every country that has studied them. In fact, twice the EU commissioned its own scientists to study the hormones and found them to be safe.

Mr. President, to put these growth hormones in perspective: A person would have to eat 169 pounds of beef from an animal treated with a growth hormone in order to consume the equal amount of that hormone present in one, single egg. They are completely safe for human consumption.

Yet, nine years ago, the EU decided to ban this meat from coming into its market. At that time, there was little we could do to counter the ban. We negotiated with the EU and even imposed sanctions, but nothing has worked.

Then came the Uruguay Round Agreement. For the first time, members of the GATT agreed to eliminate trade barriers not founded on a sound, scientific basis. In other words, trade decisions would be made on sound science, not political science. Clearly, the beef ban was not based on sound science.

In 1996, the U.S. requested a WTO panel to determine whether the EU had breached the Sanitary and Phytosanitary Agreement of the Uruguay Round. In August of last year, the panel found in favor of the U.S. position and the decision was affirmed in January. So the WTO has decided that the European's ban on U.S. beef violates the S/PS Agreement and must be removed immediately.

Mr. President, you would think that would be the final word on this issue. But the trade press is reporting that the Europeans are looking for ways around the decision. They want to study the issue a little longer. Even though the ban has already been in place for nine years.

It seems to me that they have had enough time. Our farmers have suffered the effects of this ban for too long. When the ban was put in place in 1989, we were sending $100 million of beef annually to Europe. If the ban was lifted, it is estimated that beef exports would total about $250 million per year. American beef producers literally have lost hundreds of millions of dollars due to this unjustified ban.

This concurrent resolution says to the Europeans, open your markets. You would had your day in court, now it is time to abide by the judge's decision.

If the WTO is to have long-standing legitimacy as an objective arbiter of international trade disputes, its decisions must be respected and complied with. We expect the Europeans to respect this decision, just as the United States has complied with the decision in the Kodak-Fuji case that went against us. We do not have to like the decision. But we have to respect the dispute resolution process.

The concurrent resolution also states if the Europeans do not immediately comply with the decision and open its markets, the U.S. Trade Representative should take action. I leave it up to the able USTR to decide what action is appropriate. But we cannot stand by and allow this decision to be ignored.

Mr. President, enough is enough. The private sector and several government agencies have spent significant time and money attempting to resolve this dispute. And they have been proven to be correct. The European beef ban is simply a trade barrier, disguised as a health concern. No scientific evidence exists to justify it. And the WTO has said so. Now is the time for the EU to end the ban and allow American farmers and ranchers a fair chance to compete in the European market.

SENATE CONCURRENT RESOLUTION 75—HONORING THE SESQUICENTENNIAL OF WISCONSIN STATEHOOD

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 75

Whereas the land that comprises the State of Wisconsin has been home to numerous Native American tribes for many years;

Whereas Jean Nicolet, who was the first known European to land in what was to become Wisconsin, arrived on the shores of Green Bay in 1634;

Whereas Father Jacques Marquette and Louis Joliet discovered the Mississippi River, one of the principal waterways of North America, at Prairie du Chien on June 17, 1673;

Whereas Charles de Langlade founded at Green Bay the first permanent European settlement in Wisconsin in 1764;

Whereas, before becoming a State, Wisconsin existed under 3 flags, becoming part of the British colonial territory under the Treaty of Paris in 1763, part of the Province of Quebec under the Quebec Act of 1774, and a territory of the United States under the Second Treaty of Paris in 1783;

Whereas on July 3, 1836, the Wisconsin Territory was created from part of the Northwest Territory with Henry Dodge as its first governor and Belmont as its first capital;

Whereas the city of Madison was chosen as the Wisconsin Territory's permanent capital in the fall of 1836 and construction on the Capitol Building began in 1837;

Whereas, pursuant to legislation signed by President James K. Polk, Wisconsin joined the United States as the 30th state on May 29, 1848;

Whereas members of Native American tribes have greatly contributed to the unique culture and identity of Wisconsin by lending words from their languages to the names of many places in the State and by sharing their customs and beliefs with others who chose to make Wisconsin their home;

Whereas the Wisconsin State Motto of "Forward" was adopted in 1851;

Whereas Chester Hazen built Wisconsin's first cheese factory in the town of Ladoga in 1864, laying the groundwork for one of the State's biggest industries;

Whereas Wisconsin established itself as a leader in recognizing the contributions of African Americans by being the only State in the union to openly defy the Fugitive Slave Law;

Whereas the first recognized Flag Day celebration in the United States took place at Stony Hill School in Waubeka, Wisconsin, on June 14, 1885;

Whereas Wisconsin has sent 859,489 of its sons and daughters to serve the United States in the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the Persian Gulf, and Somalia;

Whereas 26,653 Wisconsinites have lost their lives serving in the Armed Forces of the United States;

Whereas Wisconsin allowed African Americans the right to vote as early as 1866 and adopted a public accommodation law as early as 1895;

Whereas on June 20, 1920, Wisconsin became the first State to adopt the 19th Amendment, granting women the right to vote;

Whereas in 1921 Wisconsin adopted a law establishing equal rights for women;

Whereas Wisconsin celebrated the centennial of its statehood on May 29, 1948;

Whereas many Wisconsinites have served the people of Wisconsin and the people of the United States and have contributed to the common good in a variety of capacities, from inventor to architect, from furniture maker to Cabinet member, from brewer to Nobel Prize winner;

Whereas the State of Wisconsin enjoys a diverse cultural, racial, and ethnic heritage that mirrors that of the United States;

Whereas May 29, 1998, marks the 150th anniversary of Wisconsin statehood; and

Whereas a stamp commemorating Wisconsin's sesquicentennial will be issued by the United States Postal Service on May 29, 1998: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the proud history of Wisconsin statehood; and

(2) encourages all Wisconsinites to reflect on the State's distinguished past and look forward to the State's promising future.

SEC. 2. TRANSMITTAL OF CONCURRENT RESOLUTION.

Congress directs the Secretary of the Senate to transmit an enrolled copy of this concurrent resolution to each member of the Wisconsin Congressional Delegation, the Governor of Wisconsin, the National Archives, the State Historical Society of Wisconsin, and the members of the Wisconsin Sesquicentennial Commission.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing over the President's Day Holiday in Portland, Maine on Unauthorized Long Distance Switching ("Slamming").

This hearing will take place on Wednesday, February 18th, 1998, at 9:30 a.m., at the Portland City Hall Council Chambers, 389 Congress Street, Portland, Maine. For further information, please contact Timothy J. Shea of the Subcommittee staff at 202/224-3721.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 25, 1998 at 9:30 a.m. to conduct an oversight hearing on the strategic plan implementation including budget requests for the operations of the Office of the Secretary of the Senate, the Sergeant at Arms, and the Architect of the Capitol.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224-6678.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, February 26, 1998 at 9:30 a.m. to receive testimony from Senator McCain on S. 1578, to make certain information available through the CRS web site; and to conduct an oversight hearing on the budget requests and operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224-6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 11, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1069, a bill to designate the American Discovery Trail as a national trail, a newly established national trail category, and S. 1403, a bill to establish a historic lighthouse preservation program, within the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HUTCHINSON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, February 11, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 11, 1998 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a hearing on Agency for Health Care Policy and Research during the session of the Senate on Wednesday, February 11, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 11, 1998 at 10:00 a.m. to hold an open hearing and at 2:30 p.m. to hold a closed markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 11, 1998, to conduct a hearing on bankruptcy reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HERO OF THE HOLOCAUST

• Mr. LIEBERMAN. Mr. President, I rise to pay tribute to Mr. Hiram Bingham IV, a Connecticut native, who risked his life and sacrificed his career to rescue thousands of Jews from the Nazis while serving as a U.S. diplomat in Vichy France. Mr. Bingham performed these services despite the opposition of his superiors in France and in Washington, displaying a courage of conviction which demands both our recognition and greatest respect.

Hiram Bingham IV died in 1987 and it was only last year that his son, William S. Bingham, discovered the records which brought his father's exploits to light. Survivors whom Hiram Bingham helped rescue have now petitioned Yad Vashem, Israel's Holocaust Memorial, that he be honored as a "righteous gentile" for having put his life and career on the line to save Jewish refugees.

Hiram Bingham IV never sought glory for himself but as a man who put service to others before all other considerations he has earned our appreciation as a true American hero. In doing so he has extended the remarkable public service and honorable reputation of the Bingham family, one of Connecticut's great families.

Mr. President, I ask that an article by William Bingham in the New London Day be printed in the RECORD.

The article follows:

[From the New London Day, Oct. 5, 1997]

A MAN FROM SALEM EMERGES AS A HERO OF THE HOLOCAUST: HIRAM BINGHAM IV

(By William S. Bingham)

When we lose a loved one, we struggle desperately to recollect bits and pieces of a life lived and finished. We hang tightly onto the slightest memories that have meaning for us. Gradually, the memories fade and the vividness of those who were once alive grows dim. But parchment and celluloid, letters and photographs allow us to recapture our loved ones' lives. These images and words left behind in journals, books and correspondence allow us to revisit the life and times of our loved ones and the history they embrace.

Such was the journey I started when I began investigating my father's secret history as a covert operative in a mission to rescue Jews, artists and other political figures from the Nazis during World War II.

I cannot say I know everything about my father. Most of him is still a mystery to me. But almost 10 years after the death of my father, Hiram Bingham IV, I discovered a cache of diaries and documents tightly bound in manila folders by hay bale rope and masking tape, buried deep in the dust and cobwebs of an ancient linen closet tucked by colonial design into the wall behind the fireplace in my family's 230-year-old pre-Revolutionary homestead in Salem. In these bound folders and files marked simply "H.B.—Personal Notes—Marseilles—1940," which had lain untouched for more than a half-century, I discovered chilling evidence of my father's secret role in thwarting the spread of Nazism and in rescuing thousands of Jews from the Nazis.

After my father died in 1987, I discovered he was a silent hero of the Holocaust. As with almost all intelligence operatives, he maintained secrecy about most of his actions from everyone except those who had a need to know up to the time of his death. He kept his silence because he himself became a victim of pro-Nazi elements and Nazi sympathizers in the U.S. government and, in his role as a rescuer, he took actions which were condemned by his superiors and contravened U.S. laws and policy. My father's story contained in these hidden papers sheds a small ray of light on one of the darkest periods in human history.

Among his papers were secret memos, photographs and reports on the concentration camps, maps and notes on escape routes and meetings of the anti-Nazi conspirators. There were reports on Nazi propaganda, hidden Nazi gold and war criminals and the "Fifth Column" (Nazi civilian infiltrators worldwide). There were accounts and descriptions of Nazi agents and suspected agents within and without the U.S. consulate in Marseilles and embassies in Europe and Latin America and their methodology for world conquest. There were letters from Marc Chagall and Thomas Mann, which the top opponents of Adolf Hitler had written to my father pertaining to the rescues, the rescue operations and my father's participation. There were copies of passport photos and "official" documents and papers used by the escapees to gain freedom from the concentration camps and to escape the Holocaust.

As a vice consul in the U.S. Consulate in Marseilles, France, when the Nazis invaded and took Paris in the summer of 1940, my dad became a government expert on Nazis and Fascists, and a key agent in the secret rescue operation of thousands of Jewish and other political refugees from war-torn Europe. The whole rescue operation, encouraged and supported by Eleanor Roosevelt, was kept in large part secret even from his State Department superiors, because many of them at first supported Hitler. Some in the U.S. government believed Hitler would win the war and felt that the U.S. should maintain favorable political, social and economic relations with the Nazis.

In the face of strident and vocal opposition from his own bosses in France and Washington, my father helped establish a clandestine operation of international operatives smuggling Hitler's "most wanted" enemies—predominantly Jewish intellectuals, political activists and artists who opposed Nazism—through an underground railroad system across Europe to gain safe passage through Africa, the Caribbean and Latin America to the United States and other safe harbors. Some of my father's collaborators formed Maquis, guerrilla-resistance cadres, to fight the Nazis in the countryside.

But my father's role in the operation had to remain secret from his superiors, his family and all but his closest friends, because he followed a moral imperative to aid Jews and other political refugees in violation of official U.S. policy, regulations and laws. My father's superiors in the State Department and other branches of government who favored accommodation and cooperation with Hitler had forbidden official and unofficial support for the operation.

It was only because of Eleanor Roosevelt's quiet support, pressuring Franklin D. Roosevelt to permit the operation, and my father's Washington contacts through his own father (former Connecticut Gov. and U.S. Sen. Hiram Bingham III), that my father himself was not arrested and prosecuted for violating "official" U.S. law and policy. But my father suffered retaliatory treatment at the hands of his superiors and feared government prosecution if the extent of his role in the planning and execution of rescue missions was known.

Why were the Nazis chasing Chagall? In the pictures and letters it became clear that my father was instrumental in saving Chagall, but why did he need to? Why did the Nazis want to exterminate the surrealist artists like Max Ernst, Marcel Duchamp and Andre Masson, or the surrealist poet Andre Breton, or the novelists?

Because surrealism was a threat to Nazism—it was nonconformist and often contained political messages that were the antithesis of Nazism, totalitarianism and nationalism.

My father was an artist and philosopher till the end of his life. He would sit on an old beat-up chair by the bathtub, where he would place his large-framed canvases flat on the porcelain rim of the tub and paint his surreal visions while listening to Beethoven and Brahms. He liked the subdued light from the west through a small window there, and he could rotate his paintings to adapt to the swirls of his "music on canvas," as he called it. You could turn the painting upside down or sideways, he told me, any way, and new visions would be revealed.

My father had painted portraits of some of the rescued, and he had painted copies of several of Chagall's paintings because he admired Chagall and had become his friend during the crisis. My father's journal entries revealed that Chagall had gracefully admired my father's rather traditional portraits and landscapes during meetings at my father's villa in Marseilles while they were planning his escape, and Chagall told him always to paint large canvases and never conform to what others wanted him to paint.

I remembered the tale of Lion Feuchtwanger, who was smuggled out of a concentration camp at Nimes dressed up as a woman at the direction of my father and hidden at my father's villa for two months, passed off as his mother-in-law from Waycross, Ga., to fool the neighbors and the Gestapo and spies at the U.S. Consulate. Feuchtwanger, I learned, was Hitler's Public Enemy Number One, because of his historical novel, "The Oppermans," which exposed Hitler and the evils of Nazism in 1933.

Hitler stripped Feuchtwanger of his German citizenship, and the Nazis issued a death warrant for him before he fled to France, where the pro-Nazi Vichy government held him until he was rescued. When it was leaked to members of the U.S. Consulate that my father was hiding Feuchtwanger and his wife at my father's villa, my father soon realized that his own life was in danger—so he put a pseudonym "Lion Wetcheek" on Feuchtwanger's passport and arranged that the Feuchtwangers be smuggled on a footpath over the Pyrenees Mountains into Spain and on to Lisbon, Portugal, where they caught a steamship to New York City. The code words for them in this operation were "Harry's friends."

I vaguely remembered the names of Rudolf Breitscheid and Rudolf Hilferding, whom my parents would discuss in hushed and saddened voices. Although their names rang a bell in my recollections from youth, I never knew who they were or what happened to them. The two Rudolfs were Hitler's greatest political enemies in the Reichstag. Old political activists in Germany, they too were stripped of German citizenship by Hitler and fled to France.

MET IN BROTHELS

Some of the rescue team would meet in Marseilles brothels with their prospective escapees, because it was one of the few places where discretion and hushed conversation in English and other foreign languages could take place without arousing the suspicion of the proprietors. On occasion, some of the women in the team (Americans among them) would entice pro-Nazi guards and policemen in order to distract them, or get them drunk so that rescue operations could proceed with little or no interruption. Other meetings took place in jazz clubs, until the Nazis forbade jazz, or at my father's villa in the evening after his work in the visa section of the consulate was finished for the day.

Until I discovered these papers, only a few individuals knew my father's role: those who worked closely with him and a handful of those he helped rescue. Some, like the artists Marc Chagall, Max Ernst and Andre Masson—and writers Victor Serge, Lion Feuchtwanger and Franz Werfel and the family of Thomas Mann—were close to my father during their own escapes. But because my father had to keep his actions secret from his own government superiors and fellow employees, some of whom were supporters of and informants for the Nazis, he could not reveal his role in planning and executing the escapes of the refugees to any but a select few of the escapees who were staunch anti-Nazi activits and conspirators in the underground network.

At any moment, Nazi agents posing as refugees or enemies of Hitler and Mussolini might infiltrate and blow the whole operation.

Indeed, when the true nature of my father's role became more fully known by his superiors in the U.S. State Department, he was removed from his position in the visa section. Given meaningless bureaucratic paperwork, he was passed over time and again for promotions, and he was ultimately dispatched to Buenos Aires, Argentina, with my mother and their five children. Despite the threat from Nazi sympathizers and agents acting with the U.S. State Department, my father continued to investigate and report on the Nazi menace in Latin America and in the U.S. Embassy in Buenos Aires.

In an ultimatum to the State Department in 1945, he vowed to resign from the diplomatic corps if there were no efforts to put a stop to the spread of Nazism and fascism in Latin America. For this ultimatum, he was again passed over for promotion and his pleas for investigations of Nazi gold and war criminals being smuggled into Chile and Argentina on German U-boats (submarines) were ignored.

He then made good on his vow, resigned from his post, and returned to the family homestead in Salem to farm, paint, pursue various business ventures and study Buddhism and Eastern philosophy, which he embraced as a believer in mystical Christianity.

Only now, after 50 years of obscurity, is my father's story coming to light worldwide. After discovering the cache of documents, I began an effort to investigate all of his correspondence and official files, including those in the U.S. archives, which are now declassified, and to find those he rescued who may never have known his role in their escapes. All of these incredible stories of spies, refugees, counterspies, American heroes, surrealist artists and writers fighting and fleeing the conflagration which engulfed Europe, I am assembling into a personal and historical account of the events for publication based on my father's papers and supporting documents.

Prompted by contacts from a man whom he rescued and from the U.S. Holocaust Museum in Washington, D.C., which knew of his involvement in the effort, the key documents and photographs I discovered in that ancient linen closet behind the fireplace have been duplicated and are being preserved by the museum. More than 50 documents and photographs from my father's files were exhibited, along with several of my father's surrealist paintings and landscapes, at the Simon Weisenthal Center—House of Tolerance Museum, in Los Angeles, during July and August this past summer.

PETITION SEEKS MEDAL

A petition prepared by survivors my father helped rescue asks that Hiram Bingham IV be honored with a medal from the State of Israel and a tree planted in his honor at Yad Vashem, the Holocaust Memorial in Israel.

If he is awarded the Yad Vashem medal as one of the rescuers, he will be only the second U.S. Citizen and the only U.S. diplomat ever so honored for putting his life and career on the line to rescue Jewish refugees.

Perhaps most important, the documents related to Nazi gold and war criminals being spirited away to Latin America on submarines with the knowledge of the U.S. State Department now are being investigated by the Simon Weisenthal Center.●

BLACK HISTORY MONTH

● Mr. SMITH of Oregon. Mr. President, in recognition of Black History Month I come to the floor to honor a little-known member of the Lewis and Clark expedition that explored the Oregon territory. Expedition historians tell us that an African-American by the name of York accompanied Lewis, Clark and the Shoshoni woman, Sacagawea on the long journey ending in the area of what is now Fort Clatsop, OR.

Throughout the Lewis and Clark expedition, York served as a valuable translator, helped to strengthen Native-American relations, and guided several successful trading ventures. It has been said that on numerous occasions, York risked his life so that the expedition could continue. York's contributions were numerous, and according to the Lewis and Clark Heritage Foundation, when the party reached the Columbia River, a decision had to be made whether to head to the north shore of the Columbia—Washington State—or cross the river to the south side—Oregon—where Indians had said that game could be found. An actual vote of the members was recorded, representing the first American democratically held election west of the Rockies that included the vote of a woman, Sacagawea, and a black man, York.

Today, a mural in the southwest corner of the Rotunda of Oregon State Capital in Salem depicts the expedition that Merriwether Lewis and William Clark, Sacagawea and York made through the Louisiana and Oregon Territories. I want to join all Oregonians today in celebrating Black History Month and celebrate the contributions that African-Americans have made to American history.●

RECOGNITION OF DR. ROBERT REID, INCOMING PRESIDENT OF THE CALIFORNIA MEDICAL ASSOCIATION

● Mrs. FEINSTEIN. Mr. President, I would like to recognize Dr. Robert Reid, who on February 16, 1998, will become the 133rd President of the California Medical Association, the largest medical association in the nation. With a membership of 35,000 physicians, California Medical Association represents California physician from all regions, medical specialities and modes of practice—from solo practitioners, to academic physicians, to physicians working in large group practices. Reflecting the diversity that is California, the association's members advocate for quality of care and access to health care for all of the state's residents.

Dr. Reid is a practicing Obstetrician-Gynecologist and Director of Medical Affairs for the Cottage Health System in Santa Barbara, California. Prior to becoming the hospital's Medical Director, Dr. Reid served as the hospital's Chief of Staff and has been a member of its Board of Directors since 1991.

Dr. Reid is also a fellow of the American College of Obstetrics-Gynecology and Past President of the Tri-Counties Obstetrics-Gynecology Society.

He became active in organized medicine in 1972 when he joined the California Medical Association. Ten years later he was elected President of the Santa Barbara County Medical Society and has since gone on to serve the House of Medicine as alternate delegate to the AMA, Vice-Speaker of the CMA Committee on Scientific Assemblies, and chair of the CMA Finance, Membership Development and Communications committees.

Born in Milan, Italy, Dr. Reid is a graduate of the University of Colorado Medical Center. He lives in Santa Barbara, CA, with his wife Patricia, and is the father of four grown children. I am sure Dr. Robert Alfred Reid will continue to make many important contributions to medicine and to the nation's health policy debate.

BLACK HISTORY MONTH

● Mr. SARBANES. Mr. President, since 1926, we have designated February as the month during which we honor the contributions of African-Americans to our history, our culture, and our future.

Of course, no month should pass without our giving attention to the historical legacy of America's African-Americans. However, this month is the time when we devote special attention to this legacy, which, in the face of seemingly insurmountable odds, has survived and enriched American life in countless ways.

As it does each year, the Association for the Study of Afro-American Life and History (ASALH) has selected a theme for this month's celebration. This year's theme is "African Americans and Business: The Path Toward Empowerment."

Mr. President, maybe more than any other theme, the question of African-Americans and business demands our attention and interest. The degree to which African-Americans participate in and benefit from America's commercial and business life may be the single best indicator of whether they have obtained the equality of opportunity and freedom for which they have long strived and to which they are entitled under our Constitution. We move toward full equality when uniquely gifted individuals—athletes, artists, entertainers, etc.—capture the public's imagination and because of their unique gifts transcend the limits placed on their race. We move even closer to this goal when each and every African-American has the opportunity to get a loan, lease or purchase property, open a business, develop a product, hire other African-Americans, and contribute to the betterment of his community. The ability of African-Americans to have these most basic avenues of opportunity and advancement open to them may give us the best sense of just how far we have progressed on the road to equality.

Thus, any study of the history of African-Americans and business should highlight not only the many brilliant inventors and entrepreneurs who have made unique or major contributions to American history. It should also take note of the many average, hard-working people who have fulfilled, against great odds, the American dream of owning and operating their own businesses. Let me devote a few minutes to both these sets of heroes.

On one hand African-Americans, and Americans in general, can boast of such great minds as Jan Matzeliger (1852–1889), Joseph Lee (1849–1905), Elijah McCoy (1843–1929), and Andrew Beard (1850–1910)—19th century inventors who helped revolutionize American industry at a crucial period in its development. They can boast of groundbreaking success stories such as Madame C.J. Walker (1867–1919), America's first black millionaire businesswoman, whose hair products company employed 3,000 people, and Maggie Lena Walker (1867–1934), America's first female bank president. Mr. President, this list is merely a sample of the many African-Americans who have made unique contributions to American commerce, and who have helped lead us to the heights we occupy today as the strongest economic force in the world.

On the other hand, let us also take note of the more modest success stories of the many African-Americans who at this same time owned and ran businesses, surviving not only economic hardship but a social system that left them short of funding, public support, and legal protection. Here I speak of the members—now long forgotten—of the Colored Merchants Association of New York City, formed during the Great Depression to sustain the city's African-American businesses against the shocks of that economic disaster. I speak here also of the numerous African-American newspapers established in the late 19th century, the first of which, Baltimore's Afro-American, is still published to this day.

Mr. President, I submit that only when such stories of struggle and achievement are commonplace, and demand no particular attention, can we truly claim credit for eradicating completely the scourge of racial bias from our society.

I think we are moving in the right direction. Between 1987 and 1992, when the last set of complete figures were available from the Census Bureau, the number of American businesses owned by African-Americans increased by 46%. In my own State of Maryland, the numbers are even more impressive. In Maryland during the 1987–1992 period, the number of African-American businesses grew by 14,080 to 35,578, a 65% increase. These figures, I am proud to say, make Maryland the State with the most African-American-owned businesses in the Nation. Moreover, two of Maryland's counties are among the top ten in the nation in terms of the number of African-American businesses based there. Clearly, more and more African-Americans are taking the path to empowerment that Americans of all colors and creeds should view as their birthright.

Thus, during Black History Month, let us celebrate not only firms like Prince George's County's Pulsar Data Systems, a computer systems integration company that made $165 million in 1995, and was ranked by Black Enterprise Magazine as the fifth most profitable black-owned company in America that year. Let us also celebrate smaller enterprises like Grassroots II, an African-American bookstore in Salisbury, MD, which specializes in literature celebrating the African-American experience. Both these types of businesses—the smaller no less than the bigger—show us how far we have come as a nation and how far we still need to go.

In closing, Mr. President, let me pay tribute to a Maryland-based African-American run "business" that deserves special mention this month. This business sought to lead African-Americans down a different path of empowerment—not economic empowerment, but intellectual and cultural empowerment. I speak of the black history calendar business run by C. Cabell Carter during the 1970's and 1980's. Mr. Carter, a retired schoolteacher who died in 1987, traveled throughout Baltimore's African-American community selling calendars that featured African-American artwork and highlighted on each day of the year a significant achievement in African-American history. He charged a nominal fee for each calendar, and, by most estimates, sold few calendars per year. I ask that a February 5, 1998 article in the Baltimore Sun about Mr. Carter be printed in the Record at the end of my statement.

Mr. Carter did not create jobs, he was not known outside his immediate community, and he would hardly qualify as a prosperous businessman, much less a captain of industry. His achievement, however, was to make his fellow African-Americans aware of their rich history, and to instill in them the pride to be part of that history. It is my sincere hope that some of those with whom Mr. Carter spoke and to whom he sold calendars will be the ones that we in Congress will honor in future editions of Black History Month.

The article follows:

Taking Black History to the Streets

(By Elmer P. Martin and Joanne M. Martin)

Historian Carter G. Woodson began Negro History Week in 1926 (now Black History Month), but over the years many average citizens helped popularize the February observance.

One such local person was the late C. Cabell Carter, a Baltimore schoolteacher who spent much of his retirement years in the 1970s and '80s peddling black history calendars he created, and serving as a sort of street-corner historian, preaching to everyone from drug dealers to church leaders about the importance of knowing their history.

Mr. Carter charged a nominal fee for the calendars that featured black and white renderings of ancient African royalty and historical African-Americans of note. Virtually every day on the calendars was marked with a significant event in black history.

Mr. Carter probably sold 1,000 calendars a year. Any proceeds were used to finance the production of the next year's calendars and black history postcards. Once, he self-published a thin paperback of profiles of black historical figures.

WIDELY TRAVELED

With his tall, thin figure always immaculately dressed in a starched, white, buttoned-down shirt and tie, and frequently a jacket or suit, Mr. Carter was a well-known figure in Baltimore's black community who traveled all over the area selling his calendar. You were as likely to see him outside Lexington Terrace housing project as you were to find him traversing Morgan State University.

Amazingly, he did all his travels—in good weather and bad—using public transportation. When he was cautioned not to go into dangerous areas, he shrugged off such suggestions. After all, he was on a mission to educate his people, which meant he had to go wherever his people were.

Mr. Carter sought to "liberate" black history from academia and take it to the streets. He said it was important for black youth to know that their people had a rich history long before coming to this country. He wanted to fill the gaps left by many history books.

While Mr. Carter spread the word about black history, he didn't spend a lot of time talking about himself, so details of his background are sketchy.

He was born Dec. 5, 1912, and graduated from Hampton Institute (now Hampton University). He taught for years at Carver Vocational School, where he became a leading advocate for instituting black studies and black history in the public schools.

His wife apparently died years ago; his only child, a son, could not be located at the time of Mr. Carter's death, Aug. 8, 1987.

We came to know Mr. Carter when we established the Great Blacks in Wax Museum in 1983. He volunteered his services and became one of our founding board members. He loved taking our wax figures on the road for exhibits to such places as Mondawmin Mall.

Mr. Carter said he developed his love of history while serving in the Army's 92nd Infantry Division during World War II, where he received the Bronze Star for bravery in action.

Faced with extreme racial prejudice and segregation from fellow soldiers and others, Mr. Carter read black history to keep from succumbing to feelings of inferiority and bitterness. The therapeutic results persuaded him that all black people should become acquainted with their history.

Toward that end, he spent considerable time collecting newspaper clippings, visiting libraries and engaging in other activities in an effort to amass historical data for his files, which he would in turn share with others.

AN ECCENTRIC CHARACTER

Although some people regarded him as a bit crazy for approaching hardened youths on street corners, such youths were generally disarmed by Mr. Carter's easy smile, his sincerity, his low tolerance for foolishness and the great confidence he had in their promise and potential.

Mr. Carter often said, "It is a sad day when the elders are afraid of their own children. I refuse to ever get in that state."

Mr. Carter also started the Reading Improvement Association, a community-based literacy program. His work did not go unappreciated. At his funeral, some 300 people from all walks of life packed a small cemetery chapel to pay tribute to that wonderfully unusual man.

The West Baltimore resident died penniless at age 74. His landlord, not realizing the importance of Mr. Carter's collection, had it gathered up and thrown away. So there's little left of Mr. Carter's work except a few calendars and a few copies of his book, "Black History Makers."

But, during Black History Month, we recognize such little-known figures as Mr. Carter, as well as the celebrated.

Mr. Carter would have liked that.●

HONORING HOBBS, NM, HIGH SCHOOL BASKETBALL COACH RALPH TASKER

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a man who has accumulated a remarkable record as the head basketball coach at Hobbs High School in New Mexico. This year he ends more than a half century of teaching and coaching. During these decades of service, he has endeared himself to a community and earned acclaim as one of the most winning high school coaches in the United States.

To understand the significance of Ralph Tasker's impact, it is useful to know more about Hobbs, the community to which he had dedicated his life.

Hobbs is a city born of the hardscrabble oil and gas industry. Situated on the dusty mesquite-laden plains of southeast New Mexico, it is primarily dependent on farming, ranching, and the petroleum industry. It is a proud community that has touted itself as "Hobbs, America."

I believe I can safely say that a lot of the pride in this community has been fostered by its school system and, more specifically, the renowned success of its high school basketball team.

Mr. President, on February 20, Ralph Tasker will coach his last high school basketball game in Hobbs.

On that Friday evening in the Ralph Tasker Arena, the people of Hobbs—a town accustomed to the booms and busts of the oil and gas industry—will honor the man who since 1949 has lead the Hobbs Eagles to consistent basketball glory. Under Ralph Tasker's steady tutelage, it can be said a most constant sound in Hobbs, beyond the hum of oilfield pumps, has been the swish of basketballs ripping through the hoops, the squeak of rubber on hardwood, and decades of cheering fans. It has been through the efforts of Ralph Tasker, the hard knuckled basketball coach, that Hobbs has become known to America.

Understandably, Hobbs honors the end of Coach Tasker's remarkable career with a measure of trepidation.

Mr. President, I believe Ralph Tasker's career as a high school coach has been so outstanding that he deserves the recognition of the Senate.

Born, raised and educated in West Virginia, Ralph Tasker's life has virtually always involved basketball. His teaching and coaching career began in Ohio. During World Was II, he served with the U.S. Army Air Corps stationed at what is now Kirtland Air Force Base in Albuquerque. Tasker played basketball with the Flying Kellys during his service days.

Following the war, he earned a masters degree and returned to New Mexico, this time to Lovington where he taught and coached starting in 1946. It was in 1949 that Ralph Tasker began his illustrious tenure as the head basketball coach at Hobbs High School.

Over the decades, Coach Tasker has compiled the third most winning record of active high school coaches in the United States, with a record of at least 1,116 wins and only 289 losses.

Tasker's Hobbs Eagles have won a dozen state championships—one in Lovington in 1949 and 11 in Hobbs in 1956, 1957, 1958, 1966, 1968, 1969, 1970, 1980, 1981, 1987, and 1988. He is believed to have set a record of sorts by coaching state championship basketball teams in five different decades, from the 1940s to the 1980s. The varsity team has qualified for the state basketball tournaments 36 times, including 24 consecutive tourney appearances between 1961 and 1985.

In 52 seasons as head basketball coach, Ralph Tasker's teams have suffered only two losing seasons. In comparison, he has coached 36 teams to seasons with 20 or more victories. He led two teams through perfect seasons, 1966 (28–0) and 1981 (26–0). His 1970 squad averaged 114.6 points per game during a 27-game season, which is still a national record.

All this success has been rewarded with a trophy case of personal honors. Ralph Tasker has been named National High School Coach by the National High School Coaches Association and by the National Sports News Service. In 1991, he was named the National Athletic Coach of the Year by the prestigious Walt Disney National Teacher Awards Program.

He was a 1988 inductee into the National High School Sports Hall of Fame in Kansas City, Missouri. He has also been inducted into the New Mexico High School Coaches Association Hall of Honor, the Alderson-Broaddus College's Battler Hall of Fame, and the New Mexico State University Aggie Hall of Fame.

Recognition of Coach Tasker's abilities is underscored by the fact that more than 100 Eagle basketball players have gone to college on basketball scholarships, with 50 named to All-State squads, nine selected to prep All-American teams, and 13 drafted by professional basketball leagues.

But I know that the citizens of Hobbs are most proud and appreciative of Ralph Tasker for the hundreds of lives he has helped shape as a coach and mentor. Hundreds upon hundreds of youth people have benefited from the hard work, discipline, and sense of comradery they gained under Coach Tasker's direction. For more than 50 years he has given impressionable young men a sense of direction, a sense of being part of something bigger and greater than they could be by themselves. In teaching such lessons through sweat and toil on the varnished boards of a gymnasium floor, he has made Hobbs a better place to live.

For all his accomplishments, I salute Ralph Tasker, and join those who bring deserved attention to his lifetime of commitment to an honored sport and the youth who play the game.●

RETIREMENT OF RALPH TASKER

● Mr. BINGAMAN. Mr. President, I rise to give praise to a great man. Ralph Tasker has announced that after 52 seasons of coaching, he will retire as the head basketball coach at Hobbs High School in New Mexico. In his 52 seasons, Coach Tasker has amassed over 1,103 wins en route to 12 State championships, 4 State runner-up titles, and 1 National Coach of the Year title. Indeed, Coach Tasker's legacy is that of a man who not only won many basketball games, but also brought his positive influence into the lives of hundreds of high school students.

From 1965 to 1967, Coach Tasker's team won 53 consecutive games. In the 1969–70 season, his team averaged 114.6 points per game, earning him the prestigious National Coach of the Year title. In the 1980's, Coach Tasker continued his winning ways as he led his team to consecutive undefeated seasons from 1980–82, and he was elected to the National High School Sports Hall of Fame.

Mr. President, on the eve of the third-winningest active high school coach's retirement, I would like to take this opportunity to thank Ralph Tasker for his years of dedication to the youth of New Mexico. Certainly, we all have a lot to learn from this man, and his example stands as a marker that we should all strive to attain. Thank you, Coach Tasker, for teaching us the true meaning of winning gracefully.●

NOMINATION OF DR. DAVID SATCHER

● Mr. GRAMS. Mr. President, over the course of the debate on Dr. Satcher's nomination for Assistant Secretary of Health and Surgeon General, Senator ASHCROFT and others have expressed some issues of concern. First, Dr. Satcher's comments regarding abortion. Second, an AZT study in Africa to research alternative treatments for developing nations to the costly and inaccessible AZT regimen.

While I initially had concerns about Dr. Satcher's comments on abortion, I wanted to listen to the debate, examine additional written responses Dr. Satcher provided to the committee on this issue, and make my decision.

During the committee's consideration of Dr. Satcher, he stated that he supports President Clinton in his veto of the ban on partial-birth-abortions. After the hearings, he tried to backtrack.

In his October 28, 1997 written comments to Senator Frist, Dr. Satcher further explained his position on abortion and I'd like to quote those remarks.

> Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda and I want to use the power of these positions to focus on issues that unite Americans—not divide them.

I am not comforted by this clarification of his position.

Mr. President, I believe we as a nation require a Surgeon General who's position on this issue is one of furthering policies which, at a minimum, do not give tacit approval of a procedure that 75 to 80 percent of Americans agree is barbaric and unneeded.

With regard to the AZT trials to prevent the maternal-to-infant transfer of HIV in Africa, I also share some concerns about the protocol set up in this study. Specifically, the use of a placebo control group.

Mr. President, I have always been a strong supporter of medical research. I cannot, however, endorse or condone research done in developing countries in a manner which we would not conduct it here in our own Nation—with our own constituents as the subjects of that research.

Mr. President, I listened to both sides of the arguments and came to a conclusion. I have no reason to believe Dr. David Satcher is not qualified to serve as Assistant Secretary of Health and Surgeon General of the United States. However, I, for the reasons cited earlier, could not in good conscience support his nomination.•

MAKING CRS REPORTS AVAILABLE TO THE PUBLIC

• Mr. ABRAHAM. Mr. President, last week Senator McCain, the Chairman of the Commerce Committee, introduced legislation to make Congressional Research Service Reports, Issue Briefs and Authorization and Appropriations products available over the Internet to the public. I rise today to express my support for this timely legislation.

The Congressional Research Service has a well-deserved reputation for producing objective, high-quality reports and issue briefs. I have relied on these reports in the past and have only the highest regard for the material produced by CRS. This information is not readily available to the general public, however. Congressional offices must officially request information on a constituent's behalf.

Senator McCain's legislation, S. 1578, directs the Director of CRS to make reports, issue briefs and the more comprehensive CRS reports on federal authorizations and appropriations available on the Internet. Most of this information is already available on the CRS website but can only be accessed by Members of Congress and their staff. Obviously, since we use the Internet to make this information more accessible to Congress, we have the ability to make this information available to the general public. It is time we do so.

Increasingly, the public is demonstrating that it is not satisfied with the way Congress does business. Amid the furor over campaign finance reform, accusations abound of Members "selling" their votes to private interest groups. I believe that greater access to the documents used by Members of Congress when making decisions will increase public understanding of this institution. Since constituents will be able to see the materials which influence the way a Member votes, a more accurate view of the Congressional decision-making process should emerge.

Passage of this legislation will also permit the Congressional Research Service to serve an important role in informing the public. This nation's citizens will be able to read CRS products and receive a concise, accurate summary of the issues that concern them. The American taxpayer is paying for this information, almost $65 million for this year alone, and has a right to see it.

The technological advances of the last decade are truly astonishing. Every effort should be made to apply this new technology as widely as possible. The advent of the Internet provides an important avenue for the exploration of new applications. This new medium has made possible the low-cost, rapid dissemination of information to an growing audience, and, whereas legislation to make CRS information available to the public was not plausible ten years ago, today we can do it at a very low cost.

Mr. President, removing the barriers to public view of CRS documents is a great idea who's time has come. It will help Congress to better fulfill its duty to inform the public and allow constituents to see first hand the information that serves as the basis for many of the decisions made by its federally elected representatives.•

AN IDAHOAN MINES OLYMPIC GOLD

• Mr. KEMPTHORNE. Mr. President, I rise to congratulate an American athlete who has shown us all that adversity can be turned into inspiration and success.

Picabo Street, a young woman from the tiny mining town of Triumph in my home state of Idaho, has thrilled us all with her gold medal-winning performance in the women's super giant slalom at the Winter Olympics in Nagano, Japan.

Four years ago I stood in this chamber to offer my congratulations to Picabo, who won a silver medal in the Lillehammer Olympics in the downhill. While a lot has happened in this country and the world over those four years, one thing has remained the same: Picabo Street's desire to win an Olympic gold medal.

That dream looked like it might not be fulfilled after a horrible accident 14 months ago during a training run. Picabo blew out her knee, and missed almost the entire 1997 season. But thanks to her determination and tireless rehabilitation, the knee was strong enough to return to action late last year. And then, another setback marred her prospects for Nagano. Just 12 days ago, she was knocked unconscious in a spill during a race in Sweden.

But this remarkable third-generation Idahoan, who learned to ski on the slopes of Sun Valley, was determined not to let this latest setback keep her from fulfilling the promise she made to her parents when she was a little girl—the promise of Olympic gold.

Picabo says the long and difficult months of rehabilitation from her injury were the toughest times of her life. Yet her hard work and dedication pulled her through. Even while she could only sit and watch her teammates get ready for these games, she never lost hope.

Picabo's mother, Dee, taught her the words to the Star Spangled Banner. Four years ago, Picabo stood on the silver medal platform, listening to another country's anthem being played. She vowed the next time she'd hear her anthem. Those singing lessons came in handy today. With the gold medal around her neck, Picabo sang the words to our national anthem. I'm sure every American sang with her.

Idaho can be truly proud of a hometown hero, who overcame seemingly insurmountable odds to regain the form that made her a world champion. I ask every Idahoan and every American to join me in offering congratulations to this amazing athlete.

The little girl from the gold mining town of Triumph, Idaho has triumphed and won the gold medal.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROBERTS. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

No. 371, Sally Thompson, to be CFO of the Department of Agriculture.

No. 490, Robert Warshaw, to be Associate Director for National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF AGRICULTURE

Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, FEBRUARY 12, 1998

Mr. ROBERTS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, February 12, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately begin a period for the transaction for morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions:

Senator NICKLES, 20 minutes; Senator DOMENICI, 45 minutes; Senator BYRD, 1 hour; Senator THOMAS, 10 minutes; Senator ALLARD, 20 minutes; Senator DORGAN, 1 hour; Senator MURKOWSKI, 20 minutes; Senator JEFFORDS, 5 minutes; Senator GRAMM, 30 minutes; Senator JOHNSON, 10 minutes, and Senator BAUCUS for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Madam President, tomorrow morning, as previously ordered, the Senate will be in morning business until 2 o'clock. Following morning business, the Senate may proceed to any legislative or executive business cleared for action. Therefore, votes are possible during Thursday's session of the Senate.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask that the 30 minutes allotted to me be immediately following Senator DOMENICI?

Mr. ROBERTS. I inform the distinguished Senator from Montana that the order right now is Senator NICKLES for 20 minutes, Senator DOMENICI for 45 minutes, and Senator BYRD for 1 hour.

Mr. BAUCUS. I ask unanimous consent that I may follow Senator BYRD for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERTS. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks by my distinguished colleague from Delaware, Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

NATO ENLARGEMENT

Mr. BIDEN. Madam President, I am pleased to report a very historic event that occurred today at the State Department at about 12 noon. The President of the United States, the Secretary of State, the Vice President, and the Foreign Ministers of the Czech Republic, Poland, and Hungary, were in attendance. At this event, the President signed an amendment to the Washington treaty—the NATO treaty—that has been or will shortly be delivered to the Senate asking that the Czech Republic, Hungary and Poland become full members of NATO. This ceremony at the State Department completed the formal transmission from the President to this body for its advice and consent of the protocols of accession of those three countries into NATO.

It was pointed out to me by the Vice President, as we were leaving the State Department ceremony, that it was this very day upon which the Yalta Conference ended some 50 years ago. It seems to me incredible that it is happening, but also that it has taken this long for to us rectify a serious historical error. At the ceremony, there were a number of things stated about why this was so important.

We are moving very quickly this session to a momentous vote addressing America's security interests in Europe, which will not only affect us, but the next several generations of Americans. I refer to the addition of new allies to the North Atlantic Treaty Organization. Recognizing that the protocols would be referred to the Foreign Relations Committee for its review,

The committee, under Chairman HELMS' leadership, has been holding a series of comprehensive hearings since October on the pros and cons of enlarging NATO.

Beginning with Secretary of State Albright, we heard testimony from senior Clinton administration and former executive branch officers, retired ambassadors and generals, and distinguished academics and foreign policy experts—most in favor of, but some in opposition to expansion.

The Committee also invited public testimony from all citizens concerned with this issue, welcoming veterans groups, scholars, and representatives of the American Baltic, Central and East European, and Jewish communities. Opinion among all witnesses ran four to one in favor of embracing the Poles, Hungarians, and Czechs as NATO allies.

With the Protocols now in hand, the Committee will hold one more hearing with Secretary of State Albright, Secretary of Defense Cohen, and Chairman of the Joint Chiefs Shelton on February 24.

The following week, the Committee is expected to markup and vote on the Resolution of Ratification. I anticipate that the Committee will overwhelmingly recommend consideration of the Resolution by the full Senate. The Majority Leader has indicated that consideration should begin in March, after action on campaign finance reform.

Mr. President, rather than giving a detailed statement now on the many benefits to America of NATO enlargement, I wish only to enunciate a few central themes upon which I will expand as Senate consideration of these vital protocols approaches.

The first thesis is that, as NATO's leader, America must ensure the Alliance moves beyond its Cold War mission. The status quo is tantamount to declaring NATO a non-performing asset.

Internally, NATO is already adapting to address different threats to peace, now that a massive military strike from the East is highly unlikely. The Alliance is placing smaller, smarter, more mobile forces under a streamlined command system with a new strategic concept. This will allow rapid action, including beyond the borders of NATO, such as our current mission in Bosnia.

Enlargement is part of NATO's external transformation. This transformation is designed to widen the zone of stability, deter new threats of ethnic conflict, eliminate new divisions or "zones of influence," and promote common action against weapons proliferation and transfer, terrorism, and organized crime. NATO's open door to expansion helps provide the confidence and inspiration for continued democratization and economic development in the former Soviet States and in Eastern and Central Europe.

Admission of new allies is the most solemn in the spectrum of new security relationships NATO has undertaken throughout Europe and the former Soviet Union, since the admission of Spain, and prior to that, Germany, Greece and Turkey. In addition, NATO has developed unique partnerships with Russia and Ukraine, and has drawn former adversaries into a web of cooperation through what we refer to as the Partnership for Peace and the Euro-Atlantic Partnership Council.

The second thesis that I will be expounding on at a later time is that the costs of enlargement are real but manageable, and represent a bargain for the American people in terms of our security.

NATO's own study of the Polish, Hungarian, and Czech contributions to our common defense rates them well worth the ten-year, one-and-a half billion dollar price tag. The U.S. share in this price will be roughly four hundred million dollars over ten years, or about forty million dollars per year.

Most importantly, Secretary of State Albright noted in her testimony, that our Allies stated at the last NATO summit that the resources for enlargement will be found and that she will ensure that our allies pay their fair share—a very important requirement to be met in order to gain the support of our colleagues in the Senate.

In the long-run, America has always found that common defense is cheaper defense. This is true certainly in financial, but even more so in the far more precious human resources the sixty million people and two hundred thousand troops Poland, Hungary, and the Czech Republic bring to our common security. This is not a question of whether the U.S. will trade Warsaw for Washington, or Budapest for Buffalo, but rather that the Poles, Czechs, and Hungarians are willing to assume the front line in America's forward defense of its shores.

The third thesis is that our relations with Russia remain solid, productive, and cooperative, notwithstanding enlargement. Prophets of backlash have been disproven.

Although few Russians are fond of NATO enlargement, policymakers in Moscow have accepted it. Moreover, no Russian with whom I met in Moscow—from Communist leader Zyuganov, to liberal leader Yavlinsky, to the nationalist retired General Lebed—believed that NATO enlargement constitutes a security threat to Russia.

We have seem Russia ratify the Chemical Weapons Convention, renew efforts to ratify START II, send troops under overall U.S. command to implement peace in Bosnia, and work smoothly with NATO as an organization in the new Russia-NATO Permanent Joint Council.

But ultimately, Russia must understand that it has no veto over NATO actions, nor over the right of former Soviet satellites to freely choose their defense arrangements. I believe their actions demonstrate that they have come to terms—however grudgingly—with this fact.

My fourth thesis is a caution. The consequences of a failure to embrace the Poles, Hungarians, and Czechs as new allies would be a disaster.

This century has taught us that when Central Europeans are divorced from Western institutions of common defense, they are vulnerable to pressure and control by the great powers around them, and susceptible to insidious suspicions of their neighbors' intentions. This forces them to nationalize their defense policies, creating tension and instability

Here, I would like to quote from Dr. Henry Kissinger's testimony to the Foreign Relations Committee on this very point. Dr. Kissinger's testimony to the Foreign Relations Committee on this very point was very, very enlightening, I thought.

> Kissinger warned: Basing European and Atlantic security on a no man's land between Germany and Russia runs counter to all historical experience, especially that of the interwar period. It would bring about two categories of frontiers in Europe, those that are potentially threatened but not guaranteed, and those that are guaranteed but not threatened. If America were to act to the defend the Oder [between Germany and Poland] but not the Vistula [in Poland], 200 miles to the east, the credibility of all the existing NATO guarantees would be gravely weakened.

Madam President, I will close with a fifth and final thesis, and it is a moral one.

For 40 years, the United States loudly proclaimed its solidarity with the captive nations of Central and Eastern Europe who were under the heel of communist oppressors. Now that most of them have cast off their shackles, it is our responsibility, in my view, to live up to our pledges to readmit them into the West through NATO and the European Union as they qualify.

Just as NATO enlargements embraced Turkey, Greece, and West Germany several years before the European Union's precursors were yet in existence, so we should not hesitate to accept Poland, Hungary, and the Czech Republic now, even before their accession to the European Union.

The habits of cooperation created by NATO membership can only help these nations as they prepare for economic integration into Europe and the West.

I thank the Chair for listening and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:50 p.m., adjourned until Thursday, February 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 11, 1998:

DEPARTMENT OF COMMERCE

DEBORAH K. KILMER, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JANE BOBBITT, RESIGNED.

DEPARTMENT OF JUSTICE

RICHARD H. DEANE, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS VICE KENT BARRON ALEXANDER, RESIGNED.

RANDALL DEAN ANDERSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS, VICE DANIEL C. DOTSON, RETIRED.

DANIEL C. BYRNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS VICE MICHAEL A. PIZZI, RESIGNED.

BRIAN SCOTT ROY, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE CHARLES WILLIAM LOGSDON, RESIGNED.

THE JUDICIARY

CHESTER J. STRAUB, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOSEPH M. MCLAUGHLIN, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM JAMES IVEY, OF TENNESSEE, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE JANE ALEXANDER, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CRAIG H. ANDERSON, 8229
LARRY L. ANDERSON, 2289
NORMAN E. ARFLACK, 1964
JAMES F. ARMSTRONG, 7797
JIMMY D. ARMSTRONG, 1589
ROBERT W. ASKEY, 2671
MICHAEL A. BAILEY, 1121
DENNIS E. BANOWETZ, 2222
LONNIE L. BARHAM, 7012
WILLIAM B. BARKER, 9849
JOHN F. BARRY, 7720
JOHN P. BASILICA, 4126
WILLIAM E. BEASLEY, 2354
STEVEN L. BELL, 8468
SHELLEY L. BENNETT, 7827
ROBERT A. BEREITER, 7832
DAN A. BERKEBILE, 9866
JOSE BERRIOS, 3656
WILLIAM J. BERTSCH, 7437
CHARLES D. BETONEY, 3617
MITCHELL T. BISANAR, 5815
ABNER C. BLALOCK, JR., 0594
JIMMY L. BLAND, 5596
JACK P. BOBO, 9871
GEORGE F. BOWDOIN, 2413
LEON C. BOWLIN, 7502
ROBERT A. BRADFORD, 7984
JOHN J. BRAHAM, 3481
DOUGLAS M. BRANTLEY, 9608
ROBERT T. BRAY, 7857
MARTIN T. BREAKER, 2071
DONALD J. BREECE, 3108
GLENN C. BREITLING, 4539
MANUEL BRILLON-RODRIGUEZ, 4864
RITA M. BROADWAY, 0473
FREDERICK G. BROMM, 6354
CLARENCE D. BROWN, 1012
OTIS BROWN, JR., 6745
ELTON C. BRUCE, 0142
DAVID H. BRUNJES, 8811
JAMES A. BRUNSON, 2895
ELBERT T. BUCK, JR., 2038
CRAIG W. BULKLEY, 3983
PHILLIP R. BURCH, 6233
DAVID P. BURFORD, 3510
MICHAEL T. BURK, 5165
DONALD L. BURNETT, 0094
JAMES L. BURSON, 2926
JOHN L. CAIRER, JR., 4195
TERRY B. CALLAHAN, 5961
WAYNE T. CAMERON, 2161
JULIO CAPOCAPO, 9256
MICHAEL E. CARR, 9872
CASPER CATAUDELLA, 1741
DENNIS L. CELLETTI, 9486
THOMAS E. CHALIFOUX, 3952
STEPHEN G. CHAMBERS, 3411
JAMES E. CHAPMAN, 8969

RONALD L. CHUBB, 8230
RAY D. CLEVEN, 6784
ANTONIO R. COBIAN-MENDEZ, 7784
GILBERT P. COLLINS, 8669
STEPHEN D. COLLINS, 7407
WILLIAM D. COLVIN, 8212
WILLIAM G. CONFER, 5814
REX J. CONNERS, 1482
JOHN K. COOLEY, 5709
BILLIE M. COOPER, 5732
LARRY D. COPELIN, 9103
BILLY J. COSSON, 9244
PAUL D. COSTILOW, 2786
REBECCA A. COULTER, 7648
TERRY R. COUNCIL, 0396
ALLEN D. CRANFORD, 3408
MICHAEL S. CROCKER, 9170
MICHAEL J. CURTIN, 4074
DONNA L. DACIER, 9272
MICHAEL J. DACY, 5507
FRANCIS A. DANIELS, 9488
HAROLD F. DANIELS, 5299
CHARLES H. DAVIDSON, 6837
JOHN T. DAVIS, 8129
MYLES L. DEERING, 1556
PAUL J. DEGATEGNO, 0188
PHILIP M. DEHENNIS, 5071
ROBERT F. DELCAMPO, 3312
MILTON E. DEMORY, 4516
CRAIG W. DEUTSCHENDORF, 4011
GREGORY H. DEVOE, 0107
DAVID L. DICKSON, 0814
RENE DOLDER, 5809
MICHAEL R. DONAGHY, 0535
MARK C. DOW, 2704
ROY L. DRAKE, JR., 6349
MARK W. DUSHNYCK, 9227
WALTER K. DYER, 3216
DONALD E. EBERT, 3766
LESTER D. EISNER, 6110
MARK A. ELLIS, 1977
STEPHEN B. ENGLE, 5248
ROGER D. EVANS, 6968
MICHAEL R. EYRE, 9396
TERRY FOBBS, 3063
WILLIAM A. FOLEY, 3507
WILLIAM P. FOSTER, 8084
JULIUS A. FRALEY, 7187
ROBERT P. FRENCH, 1355
WILLIAM J. FULFORD, 3668
JOHN T. FURLOW, 1754
CHARLES L. GABLE, 2112
JOHN D. GAINES, 7977
DAVID D. GAPINSKI, 8531
JAMES P. GARDNER, 3936
JOSEPH E. GARLAND, 1218
STEPHEN F. GARRISON, 9381
ALAN C. GAYHART, SR., 1480
DENNIS GILPATRICK, 6354
HAROLD GLANVILLE, 7629
DAVID E. GOINS, 2369
RONNIE E. GORDON, 5728
MICHAEL A. GORMAN, 3651
PAUL R. GRAMS, 1150
DAVID L. GRAY, 3715
MICHAEL C. GRAY, 7932
MARK S. GRAZIER, 8957
DAVID E. GREER, 6131
RALPH R. GRIFFIN, 3888
DAVID J. GRIFFITH, 9258
RUSSELL D. GULLETT, 1497
DAVID F. GUNN, 0396
MICHAEL HACKENWERTH, 2312
GARY M. HARA, 0631
BILLY R. HARTBARGER, 8148
EARL W. HARTER, 4339
STEVEN J. HASHEM, 9921
DONALD J. HASSIN, 0972
PAUL HAVEY, 7296
JOHN R. HAWKINS, 7069
LEONARD T. HENDERSON, 9222
PATRICK R. HERON, 4039
JOHN B. HERSHMAN, 9658
WILLIAM A. HIPSLEY, 4648
JOHN C. HOLLAND, 4158
PAUL M. HOUSE, 0754
GREGORY A. HOWARD, 9826
DONNA L. HUBBERT, 2928
THOMAS C. HUNT, 2826
THOMAS W. HUNT, 3157
ROBERTA S. IMMERS, 4729
CHARLES L. INGRAM, 9899
CHRISTOPHER A. INGRAM, 5053
CLAUDE T. ISHIDA, 8032
STANLEY G. JACOBS, 4628
DENNIS E. JACOBSON, 9345
WALTER S. JANKOWSKI, 4589
CARL R. JESSOP, 9779
KENNETH C. JOHNSON, 8572
SHELDON L. JOHNSON, 4550
WILLIAM G. JOHNSON, 4700
FREDDIE L. JONES, 3212
FREDRICK D. JONES, 8625
WALTER M. JONES, 2477
WILLIE E. JONES, JR., 8898
JAMES JOSEPH, 0140
FRED A. KARNIK, JR., 6863
ROBERT F. KEANE, 4085
JAMES E. KELLY, 1864
HOLLIS G. KENT, 8397
BRIAN A. KILGARIFF, 0493
KIM KIMMEY, 6679
CRAIG S. KING, 6354
JAMES H. KING, 7011
ROBERT C. KING, 6949
WILLIAM C. KIRKLAND, 4541
MARK S. KOPSKY, 2146
RICHARD KUECHENMEISTER, 2589
THOMAS J. KUTZ, 9291
HENRY T. KUZEL, 5043
DIANNE S. LANGFORD, 0707
CHARLES B. LANIER, 7798
ANTONIO S. LAUGLAUG, 6473
THOMAS C. LAWING, 4302
JACK E. LEE, 4916
WILLIAM T. LEE, 5683
CLAY C. LEGRANDE, 6291
PHILLIP J. LENNERT, 0387
MYRON C. LEPP, 6120
GARY N. LINDBERG, 0053
DANIEL M. LINDSLEY, 0303
RICHARD K. LINTON, 9333
BETSY A. LITTLE, 0189
CASIMIR G. LORENC, 8472
THOMAS D. LUCKETT, 1244
JOHN B. LYDA, 8811
KENNETH L. MACK, 5091
ROBERT M. MACMECCAN, 8897
GLENN W. MACTAGGART, 0021
GREGG H. MALICKI, 8069
JAMES B. MALLORY, 5088
JOHN C. MALONEY, 8006
STEVEN L. MANNHARD, 0998
JANET V. MARK, 5555
DAVID L. MARLEY, 2663
PASCUAL MARRERO, 3016
MARION D. MARSH, 1307
EUGENE C. MARTIN, 9866
CHARLES E. MASON, 0166
MATTHEW C. MATIA, 3950
MICHAEL T. MCCABE, 3003
JEFFREY C. MCCANN, 9690
JAMES C. MCCASKILL, 4756
WILLIAM M. MCCORKLE, 8194
GARY L. MCCORMICK, 7757
BERNARD D. MCCRAW, 3411
KEVIN F. MCCROHAN, 0709
GEORGE W. MCCULLEY, 0018
JOE D. MCDOWELL, 4423
PATRICK F. MCGOVERN, 9475
DAVID F. MERRILL, 9891
STEPHEN F. MILLER, 2629
DENNIS MINER, 1593
FREDERICK E. MINER, 8683
JESUS M. MOLANOCARDENAS, 5523
MICHAEL B. MONTGOMERY, 8884
ROBERT L. MOODY, 9146
MARIA E. MOON, 1375
JEROME T. MORIARTY, 8673
ANTHONY MORRISON, 0526
RONALD H. MOSKOWITZ, 3659
JAMES A. MOYE, 3736
ROBERT L. MULLALY, 7306
WILLIAM R. MURPHY, 5076
WILLIAM P. MURRAY, 0968
JOHN L. NATTERSTAD, 3198
MURRAY A. NEEPER, 8845
CHARLES R. NESSMITH, 7784
CHARLES H. NEWELL, 6819
HERBERT L. NEWTON, 4019
SUZANNE M. NEWTON, 1656
ROBERT M. NICHOLAS, 7082
RICHARD L. NORMAN, 9596
MARTIN N. NOWAK, 6689
MADONNA M. NUCE, 1688
ARTHUR C. NUTTALL, 6098
DENNIS J. O'BRIEN, 0958
PATRICK M. O'HARA, 3188
EMMETT N. O'HARE, 0173
JAMES W. OXFORD, 2660
CHARLES C. PANGLE, 7881
GARY A. PAPPAS, 3580
LOUIS A. PAPPAS, 4782
THOMAS W. PARKINS, 5359
JAMES A. PATTON, 0824
PETER Q. PAUL, 9758
DAVID J. PAYNE, 6204
DENIS J. PETCOVIC, 4440
MURRAY T. PETERSEN, 1873
JAMES W. PETERSON, 7432
STEPHEN M. PETERSON, 3503
EMIL H. PHILIBOSIAN, 4067
PHILIP G. PICCINI, 3007
BILLY L. PIERCE, 1657
MICHAEL L. PIERCE, 6122
DAVID S. PIKE, 5203
ALBERT PORTO, 9213
DONALD E. POTTER, 5290
ALLYN R. PRATT, 4613
WAYNE A. PRATT, 8179
CHARLES C. PRICE, 5656
MICHAEL L. PRICE, 1357
RONALD G. PRICE, 7040
GARY M. PROFIT, 1548
ERNESTO QUINONESMARTIN, 5571
DAVID W. RAES, 0084
JAMES W. RAFFERTY, 9483
JOHN J. REECE, JR., 3863
ROBERT E. REED, 3979
STEVEN L. REED, 6360
JOHNNY H. REEDER, 0024
JEFFREY C. REYNOLDS, 9781
ANDREW RICHARDSON, 3728
GARY G. RICKMAN, 6588
ROBERT J. RIDILLA, 5476
GLENN K. RIETH, 2761
TIMOTHY D. RINGGOLD, 9946
JAIME O. RIVERA, 4808
CHARLES S. RODEHEAVER, 9932
ALEKSANDRA M. ROHDE, 4041
JOHN W. ROLLYSON, 6992
JAMES T. ROOT, 0867
JOSE M. ROSADO, 5331
GEORGE M. ROSS, 4438
KENNETH B. ROSS, 1462
LAWRENCE H. ROSS, 5226
JOEL S. ROSTBERG, 7929
CHARLES D. RYDELL, 8606
TERRY L. RYDELL, 9771
DAVID F. SARNOWSKI, 6039
STEPHEN D. SCHAER, 6610
ROBERT C. SCHARLING, 0855
LARRY D. SCHIED, 9717
JAMES A. SCHILLER, 5764
GEORGE A. SCHWENK, 6081
GARTH T. SCISM, 4547
MICHAEL SEBASTIAN, 6018
JACKIE L. SELF, 1085
VICTOR L. SHELDON, 1684
JAMES H. SHIREY, 1735
JAMES L. SIMPSON, 1607
WILLIAM A. SLOTTER, 3391
HERBERT D. SMILEY, 9647
PERRY G. SMITH, 2921
STEVEN A. SMITH, 5459
WILLIAM T. SMITH, 5465
KARL P. SMULLIGAN, 8980
STANLEY L. SNIFF, 8811
DEE J. SNOWBALL, 7752
JAMES L. SNYDER, 3847
FRANK T. SPEED, 2477
DANIEL S. SPRING, 7674
ROBERT J. STAIERT, 0219
BRUCE A. STARKEY, 7443
JOHN B. STAVOVY, JR., 9983
LARRY J. STUDER, 2654
ROBERT L. SWARTWOOD, 9325
BASIL O. SWEATT, 4227
RICHARD M. TABOR, 7175
ROBERT S. TEMPLETON, 7014
WYNIACO D. THOMAS, 5595
REX E. THOMPSON, 7954
WILLIAM F. TIEMANN, 3467
CHARLES K. TOBIN, 4947
ELROY K. TOMANEK, 1750
ALAN A. TOMSON, 5926
NELSON E. TORRES, 5108
JAMES R. TRIMBLE, 0371
HUGHES S. TURNER, 2487
PATRICK J. TUSTAIN, 0609
DAVID R. TUTHILL, 0384
RONALD W. URBAN, 7956
THOMAS E. VANDERPOOL, 3630
ROBERT W. VANMETER, 5537
JERRY A. VAUGHN, 0447
PHILIP E. VERMEER, 2529
DANIEL J. VONDRACHEK, 2131
WILLIAM L. WALLER, 7603
RONALD L. WEAVER, 6123
CHARLES R. WEBB, 2951
NANCY J. WETHERILL, 7974
GARY E. WHEELDON, 8121
BERT J. WHITTINGTON, 7749
MARK E. WIDMER, 1480
WILLIAM WILBOURNE, 2736
JOE D. WILLINGHAM, 9413
JOHN F. WILLIS, 8526
ROBERT C. WINES, 4447
MICHAEL L. WOOD, 8315
WILLIAM S. WOOD, 9873
JAMES A. WRIGHT, 7089
JEFFREY L. YEAW, 8249
JOHN L. YOUNG, 0786
JOHNNIE L. YOUNG, 3059
WALTER F. YOUNG, 6989
MICHAEL H. ZANG, 2998
KENNETH W. ZIESKA, 5619
BRUCE E. ZUKAUSKAS, 7754

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11, 1998:

DEPARTMENT OF AGRICULTURE

SALLY THOMPSON, OF KANSAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

MARGARET M. MORROW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT S. WARSHAW, OF NEW YORK, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY.

HOUSE OF REPRESENTATIVES—*Wednesday, February 11, 1998*

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 11, 1998.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With gratitude and humility, with praise and appreciation, we offer our words of thanksgiving, O God, and seek Your blessings upon us and what we do.

Most earnestly this day we pray for those in this assembly to whom great responsibility has been given and from whom the critical decisions must come. For wisdom in the right use of power, we pray; for insight into the serious judgments that must be made for the welfare of all people, we pray; for discernment and knowledge in the search for peace in our world, we offer our petitions and our hopes.

May Your abiding presence, O God, encourage us in all things, so that justice rolls down as water and righteousness like an ever-flowing stream. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. GUTIERREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS TO CENSUS MONITORING BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 210(c)(1) of Public Law 105–119, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Census Monitoring Board:

Mr. J. Kenneth Blackwell of Ohio and Mr. David W. Murray of Virginia.

There was no objection.

APPOINTMENT AS MEMBERS TO COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 3162(b) of Public Law 104–201, the Chair announces the Speaker's appointment of the following Members on the part of the House to the Commission on Maintaining United States Nuclear Weapons Expertise:

Mr. Robert B. Barker of California and Mr. Roland F. Herbst of California.

There was no objection.

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 955(b)(1)(B) of Public Law 105–83, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts.

Mr. DOOLITTLE of California and Mr. BALLENGER of North Carolina.

There was no objection

APPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99–498, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term.

Mr. Henry Givens of Missouri.

There was no objection.

TRIBUTE TO DONNA WEINBRECHT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise enthusiastically on behalf of the United States Congress and the people of New Jersey to congratulate the Olympic legend, Donna Weinbrecht of West Milford, New Jersey. Donna has been the foundation of the U.S. freestyle team for 11 years, and over her career she has won an Olympic gold medal, seven U.S. titles and 5 World Cup championships. These championship performances are what has earned her the international reputation as the Queen of the Moguls.

But Donna Weinbrecht is more than the winningest skier in U.S. history. She is a mentor and road model for our young people and a credit to our Nation for the excellence in all she does. This young woman from New Jersey is an inspiration to both athletes and non-athletes alike. Her sterling character, hard work, unending dedication and thorough mastery of her sport has made her a role model for young people across the Nation.

But her impact on her sport goes beyond trophies and honors. She has also served as a sports goodwill ambassador, and has brought the energetic promotion of freestyle skiing, or the "bumps," as they are known, to Olympians all around the world.

Carolyn and Jim Weinbrecht, her parents, had to stay home this time because of illness, but her brother and sister, Jim and Joy are there, and they are a family that has always been there for each other.

My colleagues and I now join Donna's family, the residents of West Milford, the citizens of New Jersey, and, indeed, of our whole Nation, in saluting our Olympic champion. Donna has always been a gold medal champion in our hearts, and always will be. She has carried our flag proudly.

ALLOW PUERTO RICO SELF-DETERMINATION

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in support of H.R. 856, a bill allowing the people of Puerto Rico to exercise their right to self-determination.

After 99 years of being disenfranchised citizens, the 3.8 million U.S. Citizens of Puerto Rico have earned their right to define their relationship

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with the rest of the Nation. Puerto Ricans have valiantly and honorably served in the U.S. Armed Forces and have been involved in every major armed conflict, starting with World War I. Many Puerto Ricans have sacrificed their lives to preserve the goals of the United States. Currently there are 146,000 war veterans residing in Puerto Rico. The number of Puerto Rican men and women serving in the Armed Forces has exceeded the number of soldiers serving from many larger States.

The Korean War in particular highlights the noteworthy sacrifices of the people of Puerto Rico. In per capita terms, Puerto Rico ranks second in the Nation with respect to the number of men and women who died in that war. Moreover, the 65th Infantry Regiment, composed entirely of Puerto Ricans, was the most highly decorated regiment in the world, receiving the Presidential Unit Citation, the Meritorious Unit Commendation, two Republic of Korea Presidential Citations, and the Bravery Gold Medal of Greece.

Clearly, Puerto Rico has made critical contributions with the blood and sweat of its own to defend democracy and freedom throughout the world.

The Puerto Ricans have been diligent in serving the Nation when called. Should not the U.S. Congress be diligent in granting their earned right to self-determination?

I urge Members to support H.R. 856.

PRESIDENT'S BUDGET AN AFFRONT TO AMERICAN TAXPAYERS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, there are many reasons that I oppose the President's recently submitted budget request, but none more important than the fact that it raises taxes. It raises taxes a lot.

Mr. Speaker, you would think that the White House would have learned its lesson from the last time it raised taxes on the American people in 1993. You would think that the White House would have learned its lesson from the recent race for Governor in Virginia. You would think that the White House would have learned its lesson from the outrageous level of taxation in Europe and all the economic misery that has caused. You would think the White House would have learned its lesson from its own economic report, which shows that the current level of taxation in this country is at the highest peacetime level ever.

But I guess not. The budget contains billions and billions of dollars in tax increases.

Mr. Speaker, this budget is an affront to the American taxpayer.

VERIFYING CITIZENSHIP BEFORE VOTING IN CONGRESS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, Republicans are proposing to disenfranchise, degrade and demonize millions of American citizens. Under their legislation, H.R. 1488, certain voters will be singled out, purged from the voting rolls, and forced to prove that they are truly citizens.

I believe Members of Congress should go through the same humiliating exercise. After all, using the Republicans' own logic, we must assume that any votes cast in this body could be tainted until we check the status of those who vote here.

Therefore, I am urging that any further congressional votes be suspended until we verify the citizenship of every single Member of the U.S. House. I ask that the Sergeant at Arms revoke the voting card of any Member of Congress who cannot immediately produce an Immigration Service or Social Security document proving that he or she is indeed a citizen of the United States.

If the Republicans want to protect the integrity of the voting process in precincts around the country, we should start with the voting process here in Congress. It does not seem to bother the GOP when the rights of millions of American voters are at stake. Maybe they will think differently if their rights are at stake, at risk, and their character under attack.

ACCURACY IN CAMPUS CRIME REPORTING ACT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, 2 days ago, USA Today, in its lead editorial, strongly endorsed the Accuracy in Campus Crime Reporting Act. This bill, H.R. 715, is one that I introduced, which now has 65 cosponsors, divided almost equally between Republicans and Democrats. As USA Today said, "As long as campus courts operate in secret, students committing crimes get a privacy right denied to the rest of adults."

That is what this bill is all about. It is about opening up the records of crimes being committed at campuses. A college or university that does not have a crime problem should have no objections to this bill. But parents and students should be allowed to know if certain colleges are lax about law enforcement.

Many colleges prefer to discipline student criminals in secret campus courts. They use a warped interpretation of Federal privacy laws to treat these crimes as private academic records that may not be released to the public.

No one has any business knowing about a student's grades or financial aid records, but it is wrong, however, when the definition of privacy is used to protect rapists and murderers.

USA Today summed it up best by concluding "It is a sad state of affairs when an act of Congress is necessary for the Education Department to protect students' safety."

I encourage my colleagues to cosponsor H.R. 715, a bipartisan bill that will change the definition of privacy to exclude campus criminal activity.

USE AMERICAN TROOPS TO GUARD AMERICAN BORDER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Immigration and Naturalization Service in some of their offices have error rates as high as 99 percent in reviewing applications, according to a recent study. In addition, 13,000 immigrants bought citizenship with illegal payoffs and bribes.

Now, if that is not enough to compromise your disgust, check this out: The INS says keep the military off the borders, Congress.

Unbelievable. These same bungling, incompetent nincompoops who have allowed heroin and cocaine to be easier to get than aspirin, who have our borders overrun with illegal immigrants, now want the border all to themselves.

Beam me up. The American people want Congress to secure our borders. Let me say this, Congress: If American troops can guard borders for the United Nations all over the world, American troops can guard the American border at home for the American people.

I think we should investigate those bungling nincompoops at the INS.

I yield back the 1 percent positive rate they have.

CAMPAIGN FINANCE REFORM

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, after more than a year of stalling, the Republican leadership has finally agreed to schedule a vote on campaign finance reform this spring. I am thrilled about that. The question, though, is a vote on what? Will it be a vote on real reform, which includes a ban on unregulated soft money and more disclosure, like the American people want? Or will it be a vacant or destructive bill that is soft pedaled as reform?

Mr. Speaker, I rise today to urge you to do the right thing by bringing a bill that includes real reform to the floor for a vote. The American people will not settle for anything less.

CALLING FOR A VOTE ON CAMPAIGN FINANCE REFORM

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I want to commend my colleague, the gentlewoman from Oregon, (Ms. HOOLEY) for her tenacity on an issue that I think is one of the most important issues that this body, this Congress, in this session should be working on, and that is campaign finance reform.

We have had numerous conversations with the Speaker, trying to get a promise from him to bring this measure up. TRENT LOTT in the Senate has agreed to allow the McCain-Feingold bill to come forward.

We have the perfect vehicle on the House side. A freshman task force has been working for the better part of a year, six Republicans, six freshman Democrats, in trying to get the poison pills out of a good finance reform bill, and believe we have done that.

We have numerous cosponsors from across the aisle, and I am asking today for the Speaker and the leaders in this House to at least allow us to bring this issue up for a full debate and for consideration and for a vote on this bill this spring.

I hear from my constituents in western Wisconsin that they do not expect me to take no for an answer, and figure out a way to get big money and the influence of money out of politics.

□ 1515

I think now is the day that we should act. The time has come, and I commend my freshman colleagues who have been working for the better part of a year to make that day a reality.

"1-800-CAR-FIND ACT"

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, this morning New Jersey's families woke up to a story in the Bergen Record newspaper that is becoming all too familiar. Car thefts are up once again. This time it is at Newark Airport, a growing international airport that we are counting on to spur North Jersey's economy well into the 21st century.

The 83 percent increase in stolen cars at Newark Airport means that 83 percent more New Jersey families traveling via Newark Airport are dealing with the possibility that their car will be stolen. Beyond the personal trauma and the hassles of getting their lives back in order, these families will have to bear significant costs. That is why I am urging my colleagues to take up the "1-800-CAR-FIND" bill that is currently awaiting action in the Subcommittee on Crime of the House Committee on the Judiciary.

As a member of that subcommittee, I can assure my colleagues that I will strongly support the "1-800-CAR-FIND" bill. It sets up a national system to track stolen cars more efficiently, and the bill will return the cars to their rightful owners more quickly. It will provide lower insurance premiums for our families.

The rise in car thefts at Newark Airport and the other of our Nation's airports is a serious matter, it is a national concern, and it requires a national solution. Congress must not delay any further action in taking up "1-800-CAR-FIND" any longer.

CAMPAIGN FINANCE REFORM

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, this morning on a local radio station a little girl called in with the joke of the day and the joke was, "What do you call a boomerang if it doesn't come back? A stick."

We are confronting here the issue of campaign finance reform, and the fear of many people in America and the fear of many people in this House, is that we will have a bill presented before this body that will be called campaign finance reform but will, in fact, be just an empty stick with none of the clout of a true campaign finance reform fill. I am one of the cosponsors of the freshman campaign finance reform bill, and, at a minimum, it must be one that bans soft money and severely restricts these huge, unlimited donations to the parties.

In addition to that, our campaign finance reform bill must have no poison pills, and by that I mean to have provisions in the bill that would mean large numbers of this body would have to vote against it. There are options out there with bipartisan support that this House and the American people would support without such poison pills and I encourage the Members of this body to support them.

DISTRICT OF COLUMBIA IS ON A ROLL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. NORTON. Mr. Speaker, expect to see me on the floor often reporting on the condition of our capital city. An extraordinary turnaround is in the making. At a hearing today, the District reported an almost $200 million surplus. My colleagues heard me right: surplus.

This signifies another breakthrough. The District has balanced its budget 2 years ahead of the congressionally mandated year. This progress comes before the historic revitalization package we passed last summer has been felt. I will be coming to the floor on a regular basis in what are sure to be similar improvements on the way. This progress sets in motion the day when the District will soon regain the home rule it has lost. Get ready for it. We are on a roll, Mr. Speaker.

NO BAILOUT FOR THE IMF

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, I rise in opposition to this Congress voting 1 penny of future funding for the IMF, let alone the $18 billion requested unless a number of conditions are met:

First, the taxpayers of this country should not be forced to bail out the large multibillion-dollar banks like Chase Manhattan, Citibank, and Bank America, who have made billions of dollars investing in Asia, but now that their loans have gone sour, they are running to the United States Congress and the taxpayers of this country to be bailed out. That is wrong.

Further, we should not be bailing out people like General Suharto, the dictator of Indonesia, whose family is worth $30 billion. The taxpayers of this country should not be bailing him out.

Further, I believe that we need a study to determine how effective the IMF has been in developing the global economy. My impression is that the middle class of this country is shrinking, unemployment is too high in Europe, poverty is increasing in Latin America, the economy remains dismal in Africa, and now we are seeing an economic collapse in Asia. I think we need to question the whole concept of the centralized global economy and the role that the IMF is playing.

BIPARTISAN CAMPAIGN FINANCE REFORM

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, we are back in session and some of the stories in the paper are the same old stories. There are stories about too much money in politics, about investigations that go on and on.

The Washington Post editorial this morning said it well. Many of the Senate Republicans who have criticized the Democratic fund-raising in 1996 will now vote against significant campaign finance reform. We cannot let that happen in the House. We need a campaign finance reform bill on the floor of this House in March. It should be a bipartisan bill.

The Republican majority has been questioned as to whether or not they are really serious about campaign finance reform, but there are some Republican freshmen who have stood with Democratic freshmen to put together a bill, H.R. 2183, the bipartisan Campaign Integrity Act of 1998. It bans soft money, it improves issue advocacy disclosure, it tightens candidate reporting requirements.

That is the bill we ought to bring to the floor of this House, a bipartisan campaign finance reform bill with no poison pills, no effort to get one side or the other, or the backers of one side or the other. We need real campaign finance reform; we need it now.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. UPTON) laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, February 10, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 15 U.S.C. 1022, attached is the Economic Report of the President together with the Annual Report of the Council of Economic Advisers.

Sincerely,
WILLIAM J. CLINTON.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-176)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Joint Economics and ordered to be printed:

To the Congress of the United States:

For the last 5 years this Administration has worked to strengthen our Nation for the 21st century, expanding opportunity for all Americans, demanding responsibility from all Americans, and bringing us together as a community of all Americans. Building a strong economy is the cornerstone of our efforts to meet these challenges.

When I first took office in 1993, the Federal budget deficit was out of control, unemployment was unacceptably high, and wages were stagnant. To reverse this course, we took a new approach, putting in place a bold economic strategy designed to bring down the deficit and give America's workers the tools and training they need to help them thrive in our changing economy.

Our strategy has succeeded: the economy has created more than 14 million new jobs, unemployment is at its lowest level in 24 years, and core inflation is at its lowest level in 30 years. Economic growth in 1997 was the strongest in almost a decade, and the benefits of that growth are being shared by all Americans: poverty is dropping and median family income has gone up nearly $2,200 since 1993. We also saw the biggest drop in welfare rolls in history. Many challenges remain, but Americans are enjoying the fruits of an economy that is steady and strong.

THE ADMINISTRATION'S ECONOMIC STRATEGY

From the beginning, this Administration's economic strategy has had three crucial elements: reducing the deficit, investing in people, and opening markets abroad.

Deficit reduction. In 1993 this Administration's deficit reduction plan set the Nation on a course of fiscal responsibility, while making critical investments in the skills and well-being of our people. When I took office, the deficit was $290 billion and projected to go much higher. This year the deficit will fall to just $10 billion and possibly lower still. That is a reduction of more than 95 percent, leaving the deficit today smaller in relation to the size of the economy than it has been since 1969. And this year I have proposed a budget that will eliminate the deficit entirely, achieving the first balanced budget in 30 years.

Beyond that, it is projected that the budget will show a sizable surplus in the years to come. I propose that we reserve 100 percent of the surplus until we have taken the necessary measures to strengthen the Social Security system for the 21st century. I am committed to addressing Social Security first, to ensure that all Americans are confident that it will be there when they need it.

Investing in our people. In the new economy, the most precious resource this Nation has is the skills and ingenuity of working Americans. Investing in the education and health of our people will help all Americans reap the rewards of a growing, changing economy. Those who are better educated, with the flexibility and the skills they need to move from one job to another and seize new opportunities, will succeed in the new economy; those who do not will fall behind.

That is why the historic balanced budget agreement I signed into law in 1997 included the largest increase in aid to education in 30 years, and the biggest increase to help people go to college since the G.I. Bill was passed 50 years ago. The agreement provided funds to ensure that we stay on track to help 1 million disadvantaged children prepare for success in school. It provided funding for the America Reads Challenge, with the goal of mobilizing a million volunteers to promote literacy, and it made new investments in our schools themselves, to help connect every classroom and library in this country to the Internet by the year 2000.

The balanced budget agreement created the HOPE scholarship program, to make completion of the 13th and 14th years of formal education as widespread as a high school diploma is today. It offered other tuition tax credits for college and skills training. It created a new Individual Retirement Account that allows tax-free withdrawals to pay for education. It provided the biggest increase in Pell grants in two decades. Finally, it provided more funds so that aid to dislocated workers is more than double what it was in 1993, to help these workers get the skills they need to remain productive in a changing economy.

But we must do more to guarantee all Americans the quality education they need to succeed. That is why I have proposed a new initiative to improve the quality of education in our public schools—through high national standards and national tests, more charter schools to stimulate competition, greater accountability, higher quality teaching, smaller class sizes, and more classrooms.

To strengthen our Nation we must also strengthen our families. The Family and Medical Leave Act, which I signed into law in 1993, ensures that millions of people no longer have to choose between being good parents and being good workers. The Health Care Portability and Accountability Act, enacted in 1996, ensures that workers can keep their health insurance if they change jobs or suffer a family emergency. We have also increased the minimum wage, expanded the earned income tax credit, and provided for a new $500-per-child tax credit for working families. To continue making progress toward strengthening families, the balanced budget agreement allocated $24 billion to provide health insurance to up to 5 million uninsured children—the largest Federal investment in children's health care since Medicaid was created in 1965.

Opening markets and expending exports. To create more good jobs and increase wages, we must open markets abroad and expand U.S. exports. Trade has been key to the strength of this economic expansion—about a third of our economic growth in recent years has come from selling American goods and services overseas. The Information Technology Agreement signed in 1997 lowers tariff and other barriers to 90 percent of world trade in information technology services.

To continue opening new markets, creating new jobs, and increasing our prosperity, it is critically important to renew fast-track negotiation authority. This authority, which every President of either party has had for the last 20 years, enables the President to negotiate trade agreements and submit them to the Congress for an up-or-down vote, without modification. Renewing this traditional trade authority is essential to America's ability to shape the global economy of the 21st century.

SEIZING THE BENEFIT OF A GROWING, CHANGING ECONOMY

As we approach the 21st century the American economy is sound and strong, but challenges remain. We know that information and technology and global commerce are rapidly transforming the economy, offering new opportunities but also posing new challenges. Our goal must be to ensure that all Americans are equipped with the skills to succeed in this growing, changing economy.

Our economic strategy—balancing the budget, investing in our people, opening markets—has set this Nation on the right course to meet the goal. This strategy will support and contribute to America's strength and providing our people with the skills, the flexibility, and the security to succeed. We must continue to maintain the fiscal discipline that is balancing the budget, to invest in our people and their skills, and to lead the world to greater prosperity in the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1998.*

RANDOM DRUG TESTING FOR MEMBERS AND STAFF

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I just returned from the Republican Members' retreat at Williamsburg, Virginia, and at that retreat the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH), unveiled goals for our generation, of which the No. 1 issue is a drug-free America.

To honor that goal, the gentleman from New York (Mr. SOLOMON) and I have been attempting for the last year to institute random drug testing for Members of Congress and their staffs, and the gentleman from New York (Mr. SOLOMON) and myself intend in the next month and a half to actually implement the rule that was established at the start of this Congress that there shall be such a random drug testing plan for Members of Congress and their staffs.

Mr. Speaker, if we are going to have a drug-free America, the House of Representatives must set the positive example and must take such measures as necessary to ensure that the Congress itself is drug free, and in my opinion, random drug testing must be a part of that plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4 p.m.

Accordingly (at 3 o'clock and 28 minutes p.m.), the House stood in recess until 4 p.m.

☐ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 4 o'clock and 4 minutes p.m.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2604

Mr. BERMAN. Mr. Speaker, pursuant to rule XXII, clause 4, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2604.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WELCOME BACK TO MS. HELEN SEWELL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as we welcome everybody back, I would like to make note that back in the kitchen, in the Republican cloakroom on this side, we have a wonderful woman who has been an employee of this House of Representatives for more than 65 years. Sixty-five years. She was sick over the break and she has returned in good health and we just want to welcome Mrs. Helen Sewell back. A wonderful, wonderful woman.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That it shall be in order at any time on Wednesday, February 11, 1998, or on Thursday, February 12, 1998, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from my State of New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us today makes in order at any time on Wednesday, that is today, February 11th, and Thursday, February 12th, for the Speaker to entertain motions that the House suspend the rules. The resolution further provides that the Speaker or his designee shall consult with the minority leader or his designee on any suspension considered under this rule.

This rule is necessary in order to provide for the expeditious consideration of some noncontroversial legislation which is before the House this week. It would be impractical to bring this legislation up under separate resolutions from the Committee on Rules.

Mr. Speaker, the majority attempted to work with the minority to reach a unanimous consent agreement to allow for suspensions, that means the expediting of noncontroversial measures today and tomorrow. However, the minority objected to that request, for whatever reason, and without the unanimous consent agreement, this rule is necessary to allow us to take up this legislation today and tomorrow.

Mr. Speaker, earlier this week many Members of both the majority and the minority participated in legislative planning sessions for this coming year. Members used this time to thoughtfully come up with solutions to many of the challenges our Nation faces this year.

Republicans are intent on achieving a drug-free America, which is very, very important to me, make a safer and healthier environment for all of our children and our grandchildren. We plan on providing the best education system for America's students by providing parental choice in education, education savings accounts, and opportunity scholarships for students in the District of Columbia. But above all, we intend to make sure that this Federal Government does not dictate educational curriculum to States and local school districts.

We will also take a careful look at America's retirement system by creating a national commission on retirement, thus providing greater security for the future of our retirement system.

Finally, Mr. Speaker, Republicans intend to modernize, we intend to privatize and to downsize government in order to reduce the total tax burden. For starters, this Congress will complete consideration of the Portman-Kerrey IRS bipartisan reform bill and send the legislation to the White House for the signature of the President.

In addition, we will address the difficult tax burden Americans face, particularly by providing marriage tax relief and death tax relief. There will also continue to be a debate on what type of tax system is the most fair for the American people. We may even consider a proposal to sunset the entire Tax Code. And won't that be exciting, Mr. Speaker?

The passage of this rule simply allows the House to move forward with a compelling agenda for this second session of the 105th Congress. I urge support for the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from my home State of New York (Mr. SOLOMON) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

House Resolution 352 would allow the House to consider bills on the suspension calendar on Wednesday and Thursday of this week instead of the normal Monday and Tuesday consideration. Because both the Democratic Caucus and the Republican Conference held their annual retreats on this week's normal suspension days, the resolution seems like a reasonable housekeeping rule.

However, the resolution itself does not include the usual protection for Members that is often included in such resolutions; the requirement that Members be notified at least one hour in advance that a bill would be called up on the suspension calendar. While the majority has given us a list of three bills to be considered, we have no assurance that we will not be surprised by additional legislation.

Two of the three bills on the calendar do not meet the usual criteria for suspension of the rules, which is noncontroversial bills with agreed-upon language, thereby obviating the need for floor amendments.

H. Con. Res. 202 was introduced less than a month ago. The committee of jurisdiction held no hearings and had no markup. The Children's Defense Fund has sent a memo to each House office outlining factual errors in the resolution's original language. We are now told that there may be a manager's amendment which may or may not correct these errors, but as of midday today, Members have not been given the final language on which they will be asked to vote this evening.

As important as the care of our children is to each of our families, why are we rushing to pass this sense of Congress resolution? Would not the usual process of hearings in a markup by the committee of jurisdiction help to ensure that we are not forced to vote on a resolution which may contain factual errors? Is the issue it attempts to address a new or time-sensitive issue? Is it so pressing that the committee could not have had the benefit of public testimony and perfecting amendments? I think not.

H.R. 1428, another bill to be considered under suspension, is a more egregious example of shoddy legislative work. Referred to three committees, none have marked up this bill. Only one of the three held hearings. Again, as of midday, the final text of the bill on which we will ask the House to vote tomorrow was not available to Members, yet this bill could make unprecedented changes in our electoral system and overturn citizens' privacy act protections.

This kind of far-reaching change should certainly be carefully scrutinized and subject to amendments both at the committee level and on the floor, yet we are told it will be brought up on the suspension calendar, which allows no amendments and only 40 minutes of debate. Why use this process on a bill that is so controversial? Why are we putting at risk a core right of our citizenship, the right to vote, without having a full and free debate?

The lack of due deliberation on this bill is shameful and not worthy of this House. The scheduling of these controversial, flawed bills on the suspension calendar is damaging both to the comity of the House of Representatives and its legislative procedures. Mr. Speaker, I ask Members to carefully consider the important process issues that I have outlined before voting on this rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to the inclusion in the rule of H.R. 1428 and to the process, or lack thereof, by which this bill was brought to the floor.

This is a very sad day in the history of the House. Although on even relatively simple bills we have generally taken time to carefully deliberate on issues and ensure that ample committee and subcommittee review has taken place in order to prevent excessively flawed bills from taking up our limited floor time, unfortunately, the process by which this bill has been considered has been markedly different.

There has only been one hearing in the Subcommittee on Immigration and Claims and this bill is now on the floor. There have been no hearings on the Subcommittee on the Constitution to determine what effects this bill may have on Voting Rights Act protections. There have been no hearings before the Ways and Means Subcommittee on Social Security to determine if citizenship verification proposed in the bill is a practical idea.

Because this bill has been not properly considered, we have no idea where the money will be found to create what some have estimated to be a multibillion-dollar bureaucracy.

□ 1615

Does this mean that we are so interested in solving a problem that may not even exist that we will have to make major cuts in Social Security programs for the elderly and disabled? None of these questions have been answered, and we are still proceeding head over heels into a land of uncertainty and frolic. This process has been extremely irresponsible with the tax dollars and Social Security benefits of the American people.

Considering our negligent lack of process, it is very difficult to dignify the substance of this bill. However, I will do my best to add my voice to the colleagues of mine who will be speaking against the bill tomorrow.

First of all, considering that turnout for elections is now at an all-time low in this country, I find it odd that we put so much fervor into creating new barriers to voting instead of strengthening motor voter and other voter encouragement initiatives which actually inspire people to take part in this great democracy.

Furthermore, this country's not-so-distant past of discriminatory enforcement, of facially neutral election laws should give pause to any knee-jerk efforts to strike important parts of the Voting Rights Act, the only shield we have from our despicable heritage of poll taxes, literacy tests, and a host of over facially neutral schemes that are designed for one reason, and one reason only, to intimidate and prevent minorities from voting.

Although we had anti-discrimination laws and the 15th Amendment in the Jim Crow south, it still took the 24th Amendment, which banned poll taxes, and the Voting Rights Act to finally arm citizens with an ample set of tools to fight against discrimination in the fundamental exercise of voting.

Today we stand poised to eradicate a delicate and important part of our hard-fought voting rights protections for an unworkable system supposedly intended to fix a nonexistent problem. Both the Social Security Administration and the INS have said that the information necessary for this proposed verification system does not exist. Moreover, who would want to empower some new, big government bureaucracy with the almighty ability to say who can vote and who cannot, based on records which do not exist or are inaccurate? We can do better than this.

And therefore, Mr. Speaker, we should not include H.R. 1428 in this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to perhaps respond a little bit.

I was surprised to hear both my good friend the gentlewoman from Rochester, New York (Ms. SLAUGHTER), and my good friend the gentleman from Virginia (Mr. SCOTT) stating that this rule brings certain bills to the floor. That just is not the case. This bill does not bring any bill to the floor. This rule does not. It simply creates two suspension days.

Suspension days means that bills can be brought to the floor without necessarily having gone through a committee or through our Committee on Rules. It can be brought to the floor for debate, they cannot be amended and have an up-or-down vote. There can be a manager's amendment, but that is subject to a vote of this House. So every Member has to approve that.

Secondly, I am just surprised to hear people complaining about a bill like day care fairness for stay-at-home parents. That is so terribly, terribly important today. As a matter of fact, I have 5 children and 6 grandchildren, and my wife was good enough to voluntarily stay home with those 5 children all through their life until they went away to college; and that was the best thing that ever happened to those children. Because I was away more than half the time during the week all that time. And I think if we had more spouses that could stay at home and take care of children like that, I think we would have a better America and a better world today.

This one bill simply states that day care fairness for stay-at-home parents will be brought to this floor. Even if these bills are voted on today, it is going to take a two-thirds vote. That is the difference when you go through the regular process, go through our Committee on Rules, and then bring it to the floor. Then a simple majority of 50 percent plus 1 vote can pass a bill. But these bills cannot pass with 50 percent plus 1; they require two-thirds. So it is fair.

So I point out again that this rule does not waive any other rules whatsoever. All it does is create a suspension day, and then the bills that my colleagues were just referring to come to the floor under regular order. Nothing is changed.

Now, having said that, let me just keep my friend, the gentleman from Pennsylvania (Mr. GOODLING), waiting here for just a minute to talk about the question of utilizing this day. All of this week, both the Republican and Democratic parties have been in private caucus among themselves talking about their priorities for their legislative agenda.

Next week we will be in recess, in work periods back in our districts, and that will take us through about two-thirds of the month of February. We will then return. And as my colleagues know, committees are meeting, but they have not had a chance to generate really important legislation on this floor yet.

So I want to point out to the membership just how short this legislative period is between now and the October 1st scheduled deadline for adjournment for the end of this Congress, the 105th Congress. We will actually be considering legislation on this floor from March 1st until October 1st. How many weeks is that? Twenty-eight weeks.

Now, 10 of those 28 weeks we are going to be back in the districts; we are going to be back for work periods just like the one coming up this week. We will be back for Easter. We will be back for Memorial Day. We will be back for the 4th of July. Ten of those 18 weeks we are going to be back home, where we should be, with our constituents. That leaves 18 weeks.

How many days are there, floor days, in 18 weeks? Seventy-eight. So now we are down to only 78 days on this floor when we can pass important legislation. But my colleagues have to remember that Tuesdays are suspension days, like this one that we are considering today. So noncontroversial matters will be coming up on those Tuesdays. There are 21 Tuesdays and other suspension days out of those 78. So subtracting 21 from 78 leaves 57, Mr. Speaker.

Now, that means that we are going to spend an awful lot of time back in our districts, where we should be finding out how our constituents feel about legislation, but we have only 57 days on this floor to pass a budget, to pass a supplemental, to pass a reconciliation bill, and to pass 13 appropriations bills.

Now, we all know these appropriators can use 57 days all by themselves just to pass 13 bills. So then comes all the other legislation that my colleagues and I are interested in. Whether it deals with education, whether it deals with a drug-free America, whether it deals with the very important issue of Iraq or Bosnia or these other issues, we have got to squeeze all that into 57 days on this floor. That is why we are here today, asking to create these 2 suspension days so that we can get by some of the noncontroversial issues.

So I hope I have given my colleague a little education lesson here, my good friend from Rochester (Ms. SLAUGHTER), just how important this is.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, let me thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding.

I came down to the well today to express my concern about this rule. I am concerned because this rule makes in order H.R. 1428, a bill that I think is probably one of the worst examples of legislation that I think I have seen since I have been here. I say that not as a matter of overstatement, but really just stating a fact.

The fact is, number one, the bill is unnecessary. We have current laws regarding voter eligibility. When a voter registers or when a prospective voter registers, he signs at the bottom that he is a U.S. citizen. That system of self-certification has worked for decades. We have a system to create criminal penalties if, in fact, someone is lying. It is called voter fraud. It is punishable today. We do not need a new law. This bill is unnecessary.

But second and probably most important, what I think repels me the most is that this bill is vindictive. It is an attempt by the Republicans to intimidate and discourage Hispanic, Asian, and other minority voters. Under this bill, it is not enough that we sign and say that we are American citizens. Now this bill would allow local boards of elections to, quote, "verify us."

How does this verification process work? Well, it works like this: The local board can decide who and whether they want to verify individuals. They do not have to verify everyone; that might make some sense. They can pick and choose who they want to verify. When do they verifat is That is not specified in the bill. Potentially, we could come up on election day seeking to vote and be told, "Well, we have got to verify you first."

That is why it intimidates, that is why it discourages voters. And it is mainly being done because they tried to oust one of our own Democrats, the gentlewoman from California (Ms. SÁNCHEZ), and they were unsuccessful in doing so. They tried to suggest that there was voter fraud and they were not able to prove it. So now they come back with this vindictive bill to say, "Well, what we need to be able to do is verify people's eligibility."

Well, they say what we could do is, we could get the INS and Department of Social Security to verify people. Well, I have had experience with these agencies, and I can tell you that, though they do good work, they are ill-equipped.

My experience with INS and Social Security is that they are both well-intentioned agencies, but that they are ill-equipped to perform this verification process. They already have a backload performing the duties associated with their legitimate tasks.

INS certainly has more work than it can handle, seeking to find illegal aliens. We do not need them to be voter patrols, and that is what they would become.

Under this system, Americans would be intimidated, just as African Americans were intimidated years ago by attempts to thwart their voting rights. We do not need a bill like this. It is totally unnecessary.

People can certify themselves as Americans under the threat of criminal penalties. That is sufficient. It has worked in the past. I believe it will continue to work.

The only reason the Republicans are addressing this bill and advancing this bill is because they want to try to get back at a group of people that they could not defeat at the polls, and I think that is shameful.

So I hope today that we will, if we accept this rule, certainly when this bill comes up, H.R. 142, send it back where it belongs, and that is back to the back room of politics.

Mr. SOLOMON. Mr. Speaker, one of the outstanding Members of this body is the chairman of our Education and Workforce Committee. He is the gentleman hailing from Pennsylvania (Mr. BILL GOODLING).

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

I wanted to point out that, as a matter of fact, the resolution that I am bringing here today has been around for at least 2 weeks, and the fine-tuning of the statistics were in the hands of the Democrats as of 6 o'clock last evening.

But the fine-tuning from statistics really does not amount to anything anyway because the resolution simply says, if this Congress is going to discuss child care, they will discuss it in relationship to all children. It does not tell how they should do it. It just says, since 70 percent of preschool children are not in a formal day care setting, we should also think about the parents of those 70 percent.

So even if we fine tuned the statistics, it does not matter because the resolution simply states that if the Congress is going to consider child care in this particular session, it should consider all children, it should consider all parents. The resolution is that simple.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has 20½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 19½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, that is what I have always admired about the gentlewoman from New York. She gets the job done in a hurry, and I appreciate that. And, therefore, I am not going to let her outdo me. I am going to get the job done, too.

So, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution are postponed until 5 p.m.

THE PRESIDENT'S PROPOSED NEW TAX INCREASES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. SOLOMON. Mr. Speaker, I will not bother taking the well, but I just wanted to say that last week President Clinton proposed a budget with $106 billion of new tax increases in it.

While all taxes punish personal thrift and freedom, the President's proposal to raise taxes on financial products which encourage long-term investment and savings are particularly ill-conceived.

It is incredible that the President, who is fully aware of the impending crisis in Social Security, would propose to hike taxes on the products that American families and businesses use to plan for their own retirements. Millions of American families use this very life insurance product to save for retirement, adding to the supplemental Social Security check that they might receive.

Mr. Speaker, surveys show that many moderate-income families use private sector retirement products such as annuities to plan for their future. In fact, many of the owners of annuities are women. They are women, 55 percent of whom are married, while 28 percent of them are widowed.

☐ 1630

They are the people that control most of these small annuities in America.

The President proposes to increase the tax burden on these same annuities—annuities that 85% of the owners intend to use as the fundamental source of their retirement savings. Why should government discourage these families from saving their money?

Mr. Speaker, this is an irresponsible and ill-advised proposal for the many Americans struggling to get by and yet still plan for the future.

I urge my colleagues to reject President Clinton's tax increases on America's families and their future. The future of the American family deserves better.

EDUCATING AMERICA ON COLORECTAL CANCER

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, today I filed a resolution with 20 of my cosponsors, a bipartisan resolution, connected with colorectal cancer. We have spent a lot of time in the House talking about breast cancer and other forms of cancer and how important it is to be screened, but we have neglected colorectal cancer.

Mr. Speaker, in my State of New York, we are ninth in the number of fatalities. We have 55,000 people that die each year from an absolutely curable or preventable disease.

We think it is terribly important. We have asked Secretary Shalala of HHS if they will help formulate an educational process for both medical professionals and their patients to make sure Americans are screened for this disease. It is terribly important for women, because women have a feeling that this is a man's disease, but it is an equal-opportunity killer. We have some Members of this House who are recovering from colorectal cancer who are sponsoring this bill, and I invite all my colleagues to join us in what I think is one of the most important health issues facing America. This disease is over 92 percent preventable. No one need die from colorectal cancer. It is up to us to educate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 32 minutes p.m.), the House stood in recess until approximately 5 p.m.

☐ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 5 o'clock and 1 minute p.m.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 352, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 191, not voting 22, as follows:

[Roll No. 12]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)

Deal
DeLay
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Callahan
Diaz-Balart
Doolittle
Eshoo
Gonzalez
Harman
Lantos
Linder
Miller (FL)
Mink
Myrick
Nadler
Poshard
Ros-Lehtinen
Sawyer
Schiff
Sensenbrenner
Smith (OR)
Smith, Linda
Stearns
Waters
White

□ 1723

Mr. MURTHA changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on the second motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

If a recorded vote is ordered on the first motion, relating to House Concurrent Resolution 202, that vote will be taken after debate has concluded on that motion.

If a recorded vote is ordered on the second motion, relating to Senate 927, that vote will be postponed until Thursday, February 12, 1998.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 202) expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children, as amended.

The Clerk read as follows:

H. CON. RES. 202

Whereas studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

Whereas most parents meet and exceed the aforementioned criteria, circumstances allowing, often parental care marks the best form of child care;

Whereas the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

Whereas a child's interaction with his or her parents has the most significant impact on their development, any Federal child care policy should enable and encourage parents to spend more time with their children;

Whereas nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

Whereas a large number of low- and middle-income families sacrifice a second full-time income so that the mother may be at home with her child;

Whereas the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with two incomes;

Whereas only 30 percent of preschool children are in paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

Whereas child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

Whereas any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for their young child: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes that—

(1) many American families make enormous sacrifices to forgo a second income in order to have a parent care for their child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many legitimate forms of child care to meet their individual needs -- an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) child care needs of at-home parents and working parents should be given careful consideration by the Congress;

(5) any quality child care proposal should reflect careful consideration of providing financial relief for those families where there is an at-home parent; and

(6) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support House Concurrent Resolution 202, the equitable child care resolution, which I introduced on January 27, 1998, to ensure that any child care proposal that this Congress may consider this year addresses the needs of parents who choose to stay at home to care for their child. Almost all of the child care proposals in Congress focus solely on expanding commercial child care, despite the fact that only 30 percent of preschool children are cared for by paid child care providers. And of that 30 percent, an even smaller percentage are in commercial child care. We know the majority of preschool children are cared for by their mother or father who stay at home for that purpose. Yet Federal child care proposals would indicate that we should not consider those who stay home as child care providers. It is inconceivable to me that the Federal Government would tell families that institutional care is the only way to rear their children.

If we want to help families with their child care needs, we should help give parents more time to spend with their children and give them back more of their own money so parents can afford the child care that best meets their needs.

This resolution, the Equitable Child Care resolution, sends a clear signal to the American people that we, the Congress, recognize there are a lot of families out there making huge sacrifices so that one of the parents can remain at home to care for their child.

□ 1730

Federal child care policy should no longer discriminate against at-home parents. We already have the problem with the marriage penalty in our income tax. Federal child care policy should not discriminate. Parents make big sacrifices if they stay at home in order to rear their children. It is time we recognize those sacrifices.

The resolution does not deny or discredit families where both parents are working hard to support their families, rather the purpose of the resolution is to simply recognize that at-home parents are child care providers also and should not be forgotten in any kind of child care discussion that may go on this year.

No child care proposal that discriminates against families based on their particular choice of child care should be actively considered. Families should be treated equally, and I would urge my colleagues to make sure all families with child care needs are treated fairly and to make sure that at-home parents are not forgotten in any child care debate.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a nice resolution but it is just a resolution, not a solution. I rise in protest not to the content of the resolution but to the manner it was brought to the floor.

The bill itself is innocuous. Mr. Speaker, we have a bill before us today which has never been marked up in a committee; has never been the subject of a hearing. Only 2 weeks ago the resolution was scheduled to be marked up by the Committee on Education and the Workforce. In fact, just prior to the consideration of the bill, the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, postponed the markup subject to the call of the chair.

Unfortunately, people on that side of the aisle are now disregarding the committee process by rushing this resolution to the floor. I think that is very wrong. It puts us in a position of this side and that side. Consideration of this bill should be bipartisan in nature. Our consideration of this bill under suspension of the rules denies the members of the committee and the House an opportunity to amend this legislation and include other child care priorities.

I am confident that all the Members in this body are deeply concerned about the quality of child care received by our Nation's children, and discussions about this topic are a worthwhile endeavor. However, the narrow theme of this legislation is certainly one of the many topics which should be discussed when we are talking about child care. This resolution's narrow focus highlights none of the vital issues which should be a part of a national debate on child care.

I, along with the gentleman from California (Mr. MILLER), had intended to offer amendments to the bill which would include those topics. We were not able to because it was not marked up in the committee.

The families that we consider for child care are not those who choose to have one parent at home, as the resolution deals with; these are families in which both parents must work in order to afford the expenses of daily life. There are families coping with the transition from welfare to work who need child care. These are the families truly in need of child care assistance; these are the families to which we should be directing our attention. Unfortunately, the procedures under which this legislation has been brought to the floor denies us an opportunity to discuss that.

Our committee has traditionally operated in a bipartisan fashion, but the consistent manner and movement in which the majority is now moving legislation to the floor, without proper committee consideration, is becoming a frequent practice. I can assure the chairman that I consider this a blatant override of the committee's process, and it is irresponsible and unjustifiable. I can only assume Election Year politics has once again gripped the majority and incited their need to create an agenda.

I urge all Members, whether the majority or minority, to protect the process which this House uses for thoughtful consideration of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), a gentleman I worked very closely with last year to make sure that Republicans provided far more money than the President asked to make sure that child care was available so that the transition from welfare to work would work.

Mr. SHAW. Mr. Speaker, I thank the gentleman for his very generous words.

President Clinton's $22 billion child care initiative creates the impression there is a national child care crisis and that the Federal Government needs to intervene even further than it has in local child care markets. The facts are that 73 percent of preschool children are cared for primarily by their parents or relatives and that the Federal Government already sponsors a host of child care programs. Five of these programs also provide direct payments or subsidies for child care totaling about $11 billion this year. At the same time only about 30 percent of American families with preschool children use paid child care while parents work. Consequently, around 70 percent of the families, many with low incomes, who are struggling to provide quality care for children at home, would receive no support from the Clinton child care initiative.

If there is money to spend, it should go to all families with children. We should acknowledge that all mothers work, whether they decide to work at home with their children or remain employed outside of the home.

As part of the 1996 welfare reform law, we made two major reforms to child care programs: First, block grants totaling several major programs so that the States and localities would have flexibility in using Federal child care money; second, giving States $20 billion over 6 years to help pay for child care for poor and low-income families.

CBO estimates that between 1997 and 2002 spending on child care will increase by 38 percent without any additional legislation. In response to the changes made by the welfare reform, States are now revamping and expanding their child care programs, especially to make them more effective in helping mothers who leave welfare. Let us give the States a chance to get their child care systems in place.

The child care credit in the Tax Code is open-ended spending available to all

Americans who pay Federal taxes. This source of Federal support for child care is also expected to grow substantially without the need for additional Federal legislation.

The child care market is working well. Most parents report that they are satisfied with their current child care arrangement. The bottom line is that if there is money to be spent by helping families raise their children, it should be available to all families with children and not mandated from Washington.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY), the ranking member of our committee.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Once again the Republican majority is running roughshod over House procedures. The resolution before us today was never considered by the Committee on Education and the Workforce. It was rushed to the floor to produce sound bites for the 6 o'clock news.

This resolution focuses on the child care needs of at-home parents, parents that, as the resolution states, have foregone a second income to stay at home with their children. Certainly the issue is worthy of discussion, however it ignores the great needs of working families where both parents work, it ignores the need to expand the Family and Medical Leave Act, and it ignores parents who are transitioning from welfare to work.

If this resolution were fair, it would reflect the priorities of working parents as well as the at-home parents. Unfortunately, Mr. Speaker, the majority's abuse of the legislative process bars us from having this discussion today.

Last Congress, Mr. Speaker, the Republican majority voted to cut Head Start, to cut child nutrition programs and to eliminate the school lunch program. The Republican majority on our committee last Congress actually voted to cut child care by $2.5 billion, despite the chairman's boasts of the Republican accomplishments in the field of child care.

Mr. Speaker, now the Republican majority offers only empty resolutions instead of real solutions to the Nation's child care needs. Instead of just passing resolutions, this Congress should be acting to ensure that all children, including those children whose parents must work, receive affordable, high quality day-care. Instead of passing empty resolutions, we should be taking up President Clinton's call for investing $21 billion in helping all Americans meet the challenge of raising a family.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds, just merely to say that the free lunch program continues primarily because of the present chairman of the Committee on Education and the Workforce who had to fight constantly to make sure that they did not do away with the amount of money that comes from, quote, the paying customer. Otherwise the school lunch program ends if providers do not get that money and then there are no free lunches. So I want to make sure of that.

And secondly, again I want to repeat, we Republicans gave $4 billion more than the President asked for in the whole child care effort last year.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RIGGS), a member of the committee.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to respectfully and politely take issue with the comments of the ranking member of the full committee who just a moment ago said Republicans are not concerned about helping working parents.

To the contrary; that is why we made the House's top priority House bill 1, the compensatory time bill, which would allow working parents to exchange overtime for time off in lieu of wages or income. It would give them more flexibility to meet the demands of their personal family situation and would give them the same rights that their public sector counterparts have had for years.

Secondly, the Republican-led Congress have provided tax relief for working families through a $500 per child tax credit that we would like to expand in this session of Congress, at the same time eliminating the marriage penalty in the Tax Code.

But the real reason for this resolution, Mr. Speaker, being on the floor tonight, is the Clinton administration's proposal shows a predisposition in favor of institutionalized day-care, a continuation of paternalistic government, nanny government, and a discrimination against families, working families where one spouse chooses to be at home.

We submit, Mr. Speaker, that as a matter of public policy we want to make it more simple, not more difficult, for families who choose to have one spouse remaining in the home for the benefit, for the welfare, for the nurturing, for the upbringing of their children, we want to make it a little easier for families to do that rather than to continue this dependency on big government; rather to continue to believe that paternalistic nanny government is the solution rather than policies that are truly family friendly.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, today we are being offered a resolution in support of parents who stay at home with their children who are young. There is no dispute about the benefits a parent staying at home with his or her children can bring to that family, and on that basis alone this resolution should, and will, pass with a bipartisan majority.

What is most notable and most troubling, however, are the issues not addressed in this resolution. First and foremost is the issue of wages. Too many Americans are not earning enough to support their families with just one income. Half of America's families with young children earn less than $35,000 per year. This includes families in which both parents work full time at the minimum wage and earn only $21,400.

These are the families who have been left behind in the boom economy, families whose salaries have been flat-lined and benefits have been cut back while the stock market and the CEOs' salaries have skyrocketed. These are the families who are forced to send both parents into the work force, the many single parents who are forced to work more than one job.

Temporary employment agencies report that most of our employees are second breadwinners in the family and that 75 percent of the people they employ are working because they have to.

□ 1745

Families are in a bind over child care because they simply cannot earn enough despite working so hard. It is true that where the second family income is marginally helpful to the family, then a small boost in a tax credit or some other form of assistance may help. But since the reality for most families is that a second income is essential, it is essential for buying basic needs like food, rent, and health care, than a small payment to stay-at-home parents will not resolve the problem of most working families, that both parents must work, and that child care is either too expensive, too far away, or too low quality, there are only two places that workers can go to get assistance and basic family needs, either from the wages their employers pay to them or from the government.

But with this resolution, the Republicans once again are opposing the requirement that wages be sufficient to provide for the essentials of a family.

This resolution is also further puzzling because in recent actions of the Congress to eliminate Federal welfare assistance, Congress voted last year to stop paying poor mothers to stay at home with their children, instead to go out and get a job, because we believe that the mothers of the children of our country would be better off. But now the Republican majority wants to use another tax-based subsidy to pay mothers or fathers to stay at home, and these are parents that are much better off than the working poor or those mothers that are on welfare. Somehow there is a consistency gap here.

Focusing on stay-at-home parents is part of an effort to deceive the public into thinking that providing a small taxpayer subsidy to parents to stay at home is the equivalent of providing a small taxpayer subsidy to working parents that need that money to provide for child care so they can stay in the work force.

In the first solution, the additional income is not enough to keep parents from having to work. But in the second instance, the additional support is crucial if these parents are going to be able to hold on to the jobs that provide the wherewithal for their families.

So while I welcome this opportunity to work together on child care, I wonder why it is that the majority cannot grasp the larger picture of the child-care needs of America's families.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. GEKAS), my neighbor.

Mr. GEKAS. Mr. Speaker, I thank my neighbor and colleague from Pennsylvania for yielding this time to me, and I congratulate him on bringing this issue to the floor.

It is an important issue. And if we accomplish nothing more during this debate than to notify the public and to spread the word that we are concerned about child care, and particularly about those families that sacrifice in order to have one parent remain home with the children, then we have succeeded. No matter what the opposition might say or what final vote may be cast against this resolution, the American people will know more following this about our concern about child care than would otherwise be the case.

In every issue that we have ever had concerning taxation or its subordinate tax credits, the cry of the American people is, is it fair, is there an element of fairness in what you are about to do? Well, when we start to consider tax credits for child care, the American people will immediately recognize that those individuals who choose to have their children at home who will not be benefiting from a child-care tax credit program immediately will cry foul, it is not fair play. After all, a family who sacrifices should not be put in a worse position than a family who chooses a professional, commercial child-care situation to care for their children.

In the name of fairness, in the name of avoiding foul play, we ought to support this resolution.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am sorry to see this resolution on the floor today because I think that it would have benefited from the Committee on Education and Workforce markup that was scheduled and then canceled.

Since other members of the committee and myself had amendments to offer to H.Con.Res. 202, I truly had assumed that the committee would mark up and have it rescheduled. Silly me. I should have known that the majority would not give members of the committee an opportunity to improve the resolution so that it would actually acknowledge the importance of all families.

Certainly we should honor families who can choose to have one parent at home with their young child. Certainly we should honor families where parents get up and go to work every day, but cannot afford child care. And we should also honor the people that were covered in my amendment, those who give up or would be forced to give up their sole source of income because of the lack of child care, keeping them from fulfilling their work requirements under the new welfare law.

Had there been a committee markup, I would have offered an amendment expressing the sense of Congress that we must increase from age 6 to age 11 when a single parent would be forced to leave a child home if they were unable to find an appropriate child care.

Mr. Speaker, our current law allows this exception only for single parents with children under 6 years of age. This means that some parents with children as young as age 6 are forced to leave their children home alone before and after school, during school vacations, and all summer long. Or if the parents choose to stay at home with their young children, they lose their temporary assistance for needy families.

As we take time today to applaud the lucky parents who can stay at home with their children, I wish we were also protecting working parents who risk the loss of their sole source of income because they do not have child care.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I rise in support of this resolution.

Let us review some facts about child-care options available to today's parents and what they are choosing. Fifty percent of parents choose to have one parent stay at home to raise their children, most often the mom. Twelve percent of parents tag-team by staggering their jobs so one parent is always at home. Thirteen percent of parents have grandparents, aunts, or uncles care for their children. Eleven percent pay neighbors, nannies, and informal day-care providers. Only 16 percent of parents choose formal day-care centers.

Washington must not discriminate against the 50 percent of parents who sacrifice a second income so one parent can stay home to raise their children. These parents are making financial sacrifices. Two-parent families, where one parent stays home to care for the children, have an income that is $20,000 per year below their two-earner counterparts. But those families choose to pay that price because they know it is important to their children. Clearly, most parents prefer informal day care or staying at home with their kids.

I am troubled by the President's proposal. It discriminates against stay-at-home parents.

A December 12th, 1997, New York Times article discusses new trends in the 1990s that we must take into account. The article states, "While the story of the 1960s, 1970s and 1980s was married women stampeding into the labor market, the demographic sea of change is now in the process of reversing." There are still twice as many two-income marriages as one-earner families, but the gap is narrowing and "it is a long-term trend." Richard F. Hokenson, chief economist at the brokerage firm Donaldson, Lufkin & Jenrette, believes that growth already has been substantial enough to explain some otherwise puzzling business developments. After the last fall in mortgage rates, in his view, families used the savings to allow one earner, usually the wife, to work part-time or leave the job market altogether.

Let us give parents what they want. Let us reduce the tax burden so parents can care for their children as they see fit.

If the child tax deduction had kept pace with inflation over the past 30 years, it would be worth more than $7,500 per child today instead of $2,400. Let us pass this resolution.

Mr. MARTINEZ. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this resolution draws our attention to an important need. Unfortunately, it could divide instead of uniting us. Our purpose should be to ensure that all children should have the best care, whatever the economic and family situations of these children are.

The administration has shown its commitment to quality care for children. In 1996, early versions of welfare reform bills were vetoed in part because of inadequate attention to child care. This year, the administration has proposed a series of child-care initiatives. It has signaled its willingness to work together on a bipartisan basis to address the issue of stay-at-home parents. Indeed, a number of us are working on ways to provide further assistance to families that would make it easier for a parent to stay at home with a young child.

Perhaps because the Democrats' report on the importance of family care for children is clear, the real purpose of this resolution may be to protect a weak political flank of the majority.

One example of this vulnerability occurred when we battled over the longstanding program of SSI for families with severely disabled children. All of us agreed that we needed to get rid of abuse in the program, but there were some in the majority who tried to end a modest cash payment to families with a truly handicapped child, even when the clear effect of that modest help allowed one parent to stay at home with the child.

Let us not create an artificial wedge that pits working parents against those who stay at home with their children. I urge Democrats to vote for this resolution, but I also urge Republicans to join us in trying to improve child care wherever it is needed.

I look forward to working with my colleagues on both sides of the aisle to enact meaningful, comprehensive child-care legislation that addresses the needs of both working and stay-at-home parents and their children. This is not an either/or proposition. In this respect, America should be one family.

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, just again to remind everyone in the Chamber and anyone listening that it was the Republicans last year who saw the need to increase funding for child care in order to make the transition from welfare to work. We provided $4 billion more than the President asked for. And you cannot rebut that no matter how many times you go down in the well.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of House Concurrent Resolution 202 introduced by my good friend and colleague, the gentleman from Pennsylvania, Chairman BILL GOODLING. And I commend him on this important initiative in behalf of America's families.

For millions of American families where both parents work or single parents work, finding quality day care is always a great challenge and often a great expense. When parents make the day-care choice, it is not done lightly or without serious financial planning. That fact is clear or should be clear to every Member of this body.

However, the fact that we are often not clear on this is when parents elected the other option. The other option is taking care of their children at home, the option that most American families choose. That decision is also not made lightly, nor is it made without serious financial planning, because in most cases, this is the most expensive option. Giving up a second income is a great financial burden to any family.

So I strongly agree with my colleague and friend from Pennsylvania that when we talk about providing financial relief to parents of young children, we must not discriminate against those who bear the greatest cost.

And House Concurrent Resolution 202 recognizes the importance of at-home parents and their financial sacrifices. And I urge my colleagues to vote in favor of this resolution.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 6 minutes remaining. The gentleman from California has 8 minutes remaining.

Mr. MARTINEZ. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, the legislation before us suggests that those who choose to stay at home with their children, do so, and I agree. But we should remember that some parents just cannot do that.

We have single heads of households that have to go to work and have to leave their child in day care. In fact, it was not that long ago that we all agreed and decided to have our people who were on welfare go to work and have to use day care.

We should also remember that an increasing number of couples both work because they want to carry out that American dream of owning their own home.

□ 1800

In short, what we are talking about, what we really need to do, is make sure we have child care safer, better, and more affordable. If you doubt this, consider the figure that I think is absolutely correct, and that is 60 percent of mothers who have children under the age of 6 do work outside the home. I am planning on introducing legislation for day-care to improve access to quality child care for parents in my home State and across the Nation. What we really should be talking about here is care for children, good care for children, safe care for children, whether they are at home or in day-care.

Mr. GOODLING. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania, (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, the intent of the Goodling resolution is to ensure that any future child care initiatives recognize that all parents have child care needs regardless of whether they choose to have an at-home parent, grandparent, neighbor, nanny or day-care center, care for their child.

The intent is to simply bring at-home parents into the child care dialog. There is no intent to favor at-home parents over child care centers.

Seventy percent of preschool children are in families that do not pay for child care. Many of these children are low- to middle-income families that struggle to provide home care for their children. Child care initiatives should focus on families that pay for child care as well as at-home parents who provide child care.

Parents should not be penalized for the type of child care they choose. Circumstances do not always permit many parents, especially low-income parents, to be at home with their children, and Republicans have supported and were successful in earmarking $4 billion more over the 6 years, $20 billion total, for States to provide for child care. This is a great first step.

The House, of course, will revisit this issue with regard to tax credits and, of course, the child development block grant, but the Goodling resolution is a great first step, and I hope Members will support H. Con. Res. 202.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, we were so fortunate in our family that my wife Libby could stay home with our two young daughters during their youth, pursuing her graduate degree and devoting most of her time to them. There is no doubt that that is the most important investment that our family has ever made. There is absolutely no complete substitute for the care of a loving parent to a child.

But, increasingly in this country, we find single parent families and we find two parent families where both parents face economic barriers, and the only way they can provide for their children is to both be out in the work force. And I know very few families in this country, certainly not mine, where a spouse is willing to stay home, and able economically to stay home for 18 years.

So it is that we come to this very strange resolution. You see, the President and our Democratic Caucus has had the courage to come forward and recognize that not all American families are like mine or any other individual family. There are many families with diverse needs, but there are few families in this country who do not at some time in their life need child care. And there is a vast void in America and shortage across America in quality child care to meet the needs and to support loving parents.

Mr. Speaker, this particular resolution has one thing in common for all parents, whether they are stay-at-home, single-parent, or two working-parent families: This resolution will do absolutely nothing for any of those families. It is a true do-nothing resolution. It seeks to create a false dichotomy between families in this country and to pit one group against another, which is your typical Republican approach. It does nothing in terms of assuring families, whatever their status, any additional support or assistance, direct or indirect.

We have nearly a child care crisis in parts of this country. It is a crisis for any working family that cannot find quality child care, as is true of millions of families across this country. Instead of dealing with this crisis in a bipartisan way, this Republican leadership is simply coming through with another phony resolution instead of a real solution.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Delaware, (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time. I have some prepared remarks, but I would just like to focus for my minute on what we are dealing with here, because I am becoming increasingly concerned about what the Federal Government's role in child care should be.

I support the intent of this resolution to make sure stay-at-home parents are part of the child care debate, but I am increasingly bothered by the fact that the President will come forward and say that we need to spend an additional $21.5 billion on child care, and we just spent some $22 billion over 5 years in the welfare reform bill. I am concerned that we are putting stay-at-home parents with child care needs up against those that have out-of-home child care needs, and we are going to get into some sort of battle which we are going to escalate higher and higher in terms of the cost of what we are doing.

I hope we as a Congress will sit down and not get divided on a political basis in this particular circumstance, but sit down and try to determine what the real child care needs of Americans are, both at home and those who are not in the home, with respect to helping the kids. Keep it within a cost basis that we can manage within our balanced budget and go forward from there. I urge all of us to think carefully about what we promised to deliver, lest we raise expectations unrealistically or throw our balanced budget out the window.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind Members that the welfare bill reported out of our committee in 1995, under the leadership of the chairman, would have left 800,000 children without child care and cut $2.5 billion in funding.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in honor of the mothers and fathers who have the financial means or who make the financial sacrifice necessary to stay at home with their children. I regret that this resolution has chosen to focus on one group of parents, while excluding the families who, in order to provide for their children, must have both parents in the work force. This resolution sets up a false conflict between working parents and stay-at-home parents.

More than 3 million children whose parents stay at home choose to send their young children to preschool. They want their children to benefit from the social and intellectual growth that preschool can provide. Talk to most any parents, whether working or at home. Their concern is about finding and affording safe, high-quality educational care for their children.

We need to support all parents in their child care choices. Helping parents who need to find good child care so they can work and helping parents who stay at home should be complementary and not competing efforts.

Last October, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and I introduced a resolution honoring the child care givers who provide safe, educational care for children of working and stay-at-home parents. Its companion was introduced in the Senate by, among others, Republican Senators ROBERTS and JEFFORDS. That bipartisan resolution, which has twice as many House cosponsors as the resolution we are discussing today, is designed to recognize and promote high-quality care used by stay-at-home and working moms and dads.

Why has the Republican majority refused to move that resolution forward? Why has it chosen to pit one group of parents against another?

Whether parents stay at home or go to work, quality child care is a crucial issue. Parents know their children need safe educational care. CEOs know that high educational care must be important for their work force and a strong economy. Police officers know that high-quality child care provided early in life and before and after school reduces juvenile delinquency and chronic crime. Across our Nation, churches and synagogues donate classrooms to make quality child care more affordable and more accessible to millions of families. Parents, business leaders, law enforcement officers and religious communities across this country recognize the importance of safe, educational child care. We in this Congress must do that as well.

Mr. Speaker, I urge Members on both sides of the aisle to stop the divisive practice of setting up parents against each other. Let us work together. Let us pass legislation this year that helps provide parents with the best possible educational care for all of the children in this country who need it.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut, Mrs. JOHNSON.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is an important resolution because in the process of making public policy in Washington, we have focused a lot of time, attention and resources on the cost of day-care, making day-care affordable for women coming off of welfare, helping families with the cost of day-care through, for example, the dependent care tax credit, but we have given entirely too little attention to the struggle of young families to try to stay home and take care of their own children.

For those of you interested in this resolution, I hope you will take a look at the tax bill I introduced that would provide to stay-at-home moms during the years when their kids are 0 to 3, 50 percent of that tax credit for staying at home, so they get some economic relief for staying at home and providing that very important educational quality of care that is necessary to the strong development of children in their early years.

Mr. Speaker, I support this resolution, and thank the gentleman from Pennsylvania (Mr. GOODLING) for bringing it to the floor.

Mr. MARTINEZ. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE.)

The SPEAKER pro tempore (Mr. UPTON). The gentlewoman from Texas is recognized for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is pain in this Chamber today. The reason being, there are gentlemen here, and women, who have come and advocated on behalf of families and children. We would want to be able to stand on the floor of the House and say that any resolution that comes before us dealing with the need of millions and millions of American families, those that work and those who have made the sacrifice to stay home, is the kind of resolution that we would like to support.

But, frankly, I am disturbed, because what this resolution does, albeit Members will decide for themselves, is it pitches one group against another. It pitches those single parents and working families who cannot do anything else but work hard, long hours and get up on the buses at 4 a.m., and they need child care.

Do you know who else it talks about? It talks about those welfare mothers that we debated 2 years ago when we said they do not need to stay home with their children, they simply need to get up and get out.

Now all of a sudden, Mr. Speaker, we are concerned about those parents who want to stay home with their children, and I am as well. As a member of the Congressional Children's Caucus, we join together to say we promote children as a national agenda. Therefore, I support the idea of making sure we have the right kind of child care.

This resolution, however, is a divisive one. I would much prefer that we came to the floor of the House and had the kind of structure and structures to make sure we have quality child care, so that anyone who works part-time, stays at home, who may ultimately need child care, cannot worry about their child having a loss of life or being injured.

Yet what we say in this one is we negate what the President has done with the billions of dollars for child care for working parents, and we put a resolution that falsely represents to those that this is something good for them if they stay home.

I want parents to be able to stay home. I applaud those who can stay home and sacrifice. But I find it divisive that we did not give the same care and tenderness to those welfare mothers who need to stay home as well.

I hope we can resolve this in a manner that promotes child care and families and children and mothers together in unity and not dividable.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time to close this discussion.

Mr. Speaker, first of all, I want to make sure that it was not the author of this resolution that pitted one group against another; it was the President of the United States. It was the President of the United States who proposed $22 billion additional dollars only for paid day care. He said nothing about the parent that stays home.

□ 1815

My resolution does not tell anybody we must do something about child care. Nor does it say we should not do anything about child care. It does not say, this is the way you do it. All this resolution says is that if someone is going to discuss child care, if there is going to be child care legislation, then let us think about all parents, let us think about all children. That is all the resolution says. Since the President only talked about those families who pay for child care, this resolution merely says think about the families also.

So I would hope everyone would support the resolution because it has nothing to do with much of what we have heard; it has only to do with the fact that all parents and all children should be considered in any debate, any discussion, any legislation that we may enact this year.

Mr. FRANKS of New Jersey. Mr. Speaker, this afternoon, Congress will vote on DayCare Fairness for Stay-at-Home Parents, a resolution recognizing the importance of stay-at-home parents and the care they give their kids.

I plan to support H. Con. Res. 202, because I believe that the Federal Government has for too long discriminated against parents who choose to stay at home to raise their children. We as lawmakers need to recognize the sacrifices these parents make to be at home with their kids, and encourage the kind of care that only they can give.

But a sense of Congress means nothing unless we back these words up with action. We should pass legislation that brings real tax relief to parents who stay at home.

The keystone of our child care effort should be to reverse current federal tax policy which effectively discriminates against parents who choose to stay at home to raise their children.

That is why I am introducing legislation today that will universalize the Dependent Care Tax Credit (DCTC) to give stay-at-home parents tax relief equal to that received by parents who choose to leave their children with an outside caregiver. Under my bill, parents who stay at home with their pre-school age children will receive credit on $2,400 of expenses for one child, and $4,800 for two or more children.

The Dependent Care Tax Credit (DCTC) is currently available only to working parents for expenses related to non-parental child care. In effect, the DCTC subsidizes parents to leave their children in the care of others. In my view, this is a fundamentally misguided and harmful policy.

While I support H. Con. Res. 202, parents who sacrifice a second income to stay at home with their kids deserve more than just a pat on the back. Let's show stay-at-home parents that we mean what we say. Support extending the Dependent Care Tax Credit. American's families and our children will be better off for it.

Mr. GILMAN. Mr. Speaker, I support H. Con. Res. 202, legislation designed to ensure that parents who choose to stay home and provide child care are not excluded from any future child care tax credits.

Our children are our most important resource for the future. Studies show that quality child care from a loving and interactive caregiver is imperative to the growth and emotional development of infants and young children. Parents are the most significant influence on their children. They are often the best caregivers, combining love and attention in the comfort of the child's home.

Parents who choose to stay at home and care for their children often sacrifice a much needed second full time income. The average income of two parent families with a single income is $20,000 less than the average income of two parent families with two incomes. At least 70 percent of preschool children are in families that do not pay for child care and many of these families are struggling to make ends meet. These families should not be discriminated against for their decision to put their children first. Any congressional proposal that increase child care funding should also provide financial relief to families that choose in order that a parent stay home and care for their young child.

Therefore I support H. Con. Res. 202, a resolution that will protect a families' choice to have one parent stay at home and care for a small child. I urge my colleagues to join in support of H. Con. Res. 202.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of the resolution offered by Chairman GOODLING.

Each and every day, Americans struggle to balance the competing demands of work and family. That's why this Congress has a responsibility to address the growing child care crisis in America in a common-sense, fiscally prudent, "real-world" way.

But as we move to craft legislation that addresses the needs those families who must have both parents work due to economic necessity, we also must be careful to recognize those families who have decided to pursue on another course.

This resolution makes sense for the American people. It is important that we acknowledge the importance of stay-at-home parents and we should not discriminate against families who make the economic sacrifice to stay at home with their children.

There can be no doubt. In this day and age such a decision carries and economic price. If a mother stays at home there has got to be some recognition in the tax code for her contribution.

For my way of thinking, we need to make it more attractive for a family to make the decision for one parent to stay at home. It is a struggle, but one that is worthwhile.

Stay-at-home parents are carrying on the traditions of our mothers and grandmothers. Those of us who were fortunate enough to have enjoyed the luxury of having our mothers stay-at-home realize what a great gift this was. This is our opportunity to show the value we place on the loving care that only a parent can provide.

I chose to stay-at-home full time with my children. We need to help make such a choice available. While there are many who are not able to afford allowing one parent to stay-at-home, we must help make it more equitable for those trying to be full time homemakers.

We need to remember both the parents who must place their child in care outside the home, and the parents who are struggling to afford keeping their child in care in the home.

This is only the beginning of what I believe will be a constructive debate on this subject of those who need affordable quality child care.

Support the Goodling resolution.

Lets not forget the stay at home moms.

Mr. GALLEGLY. Mr. Speaker, I am proud to be an original cosponsor of H. Con. Res. 202, the Equitable Child Care Resolution, which ensures that all families with children will be included in future discussions on child care proposals.

It is important to recognize that all parents have child care needs, whether they choose to stay home, depend on a family member or utilize a day care center for their child. The fact that more than seventy percent of children are cared for by an at-home parent or relative, while most of the proposals before Congress focus solely on commercial child care, reveals the need for such a resolution.

Furthermore, this resolution states that any financial relief considered for parents who work outside the home should also be contemplated for families with at-home care givers. There should not be a bias against at-home parents, who many times forego a second salary to be home with a child.

This resolution will start the child care debate off on the right path by emphasizing the fact that there are many forms of child care. In seeking a federal policy, we should not favor one form of child care over another.

Ms. DUNN. Mr. Speaker, as a working mother, I can identify with the millions of parents across this country who find themselves torn between the competing responsibilities of work and family. For many families, there is no choice harder to make than whether to work, and put your child in the care of others, or to forego a second income to care for your child yourself.

The majority of mothers I have talked with would prefer to work part time, or not work at all, in order to care for their children. Unfortunately, that choice is not financially feasible for most Americans. High taxes limit parents' freedom and ability to address the needs of their families. Mothers and fathers don't need experts and polls to tell them what they already know in their hearts to be true. What parents really need is more time to spend with their children, and more money to meet the financial needs of their family.

President Clinton has proposed a child care package that ignores these fundamental concerns of parents. His plan creates a bias against mothers who have sacrificed an income to raise their children at home. Instead, we should make it possible for as many children as possible to enjoy the benefit of full-time parental care during their early years. Non-parental care is second-best for young children and in some cases can even be harmful. This resolution is a first step toward making sure Congress passes laws that are good for children, not bureaucrats.

Families should not be penalized by Washington, DC for the personal choices they make, since parents—not bureaucrats—know what is best for their children.

As responsible legislators, we should not take away the choice of parents to stay home and take care of their children. We ought to enable an average family to survive in ordinary comfort on a single income. We can no longer guarantee this choice, however, because of the crushing tax burden on families raising children. To the extent that our tax policies are squeezing parents and forcing both into the work place, we are inflicting real harm on children.

I encourage this Congress to continue in our efforts to give all families the flexibility, choice, and freedom they need to provide for their families and raise their children in the manner they see fit, and we can only do so by promoting policies of equity that place value and trust in the ability of parents to do what is right for their children.

Mr. PAYNE. Mr. Speaker, I would like to raise some concerns I have regarding House Concurrent Resolution 202. This year President Clinton has brought to public debate the most pressing dilemma for American families. That dilemma is finding and affording appropriate child care. In the State of New Jersey, an estimated 56 percent of all women with children ages 6 and younger are employed and 75% of mothers with children between the ages of 6 and 11 work outside the home. Unfortunately, the cost of affordable care can be between $4,000 and $10,000 annually. We must also take into account the fact that if both parents work at full time minimum wage jobs they together will earn only $21,400 a year. The need for some type of guidance and relief could not be more apparent in New Jersey and nationwide.

Unfortunately, the resolution we will consider today does not address the issue of access to quality child care. Instead it requires that we focus our attention on parents that choose to stay at home rather than go to work. I am pleased that some parents have such an option and I salute their commitment to their families. However, this resolution does not address the real problem that most concerns parents which is affordable child care. I believe we must first address the need of those parents who do not have a choice to stay home and supply them with the best options to find appropriate child care. I am also concerned that this resolution includes a misrepresentation of facts that does not accurately reflect the reality of the child care dilemma in this country. It also largely ignores those who are committed to caring for children who are relatives but not immediate family members. These individuals are also important and deserve recognition by Congress in child care legislation. For example, a study conducted by the Department of Commerce found that grandparents and other non-parental relatives provide about 35% of the primary care for African American and Hispanic families. This resolution only focuses on stay at home parents and ignores other individuals that have a need to be compensated for their commitment to caring for children.

I must finally remind my colleagues that the U.S. House of Representatives voted to send millions of stay at home parents back into the workforce only three years ago by passing welfare reform legislation. This resolution sends the message that while we will encourage middle and upper class parents to stay at home we do not believe that the value of a stay at home parent is as important for low income children. This message is a disturbing one and not one that I will support.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. UPTON). The gentleman will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, before we take the vote, if this resolution passes, what would be the next step in this legislation?

The SPEAKER pro tempore. If the concurrent resolution is adopted in the House, it will go to the Senate.

Mr. HEFNER. It will go to the Senate?

The SPEAKER pro tempore. Yes, it will. This is a concurrent resolution.

The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 202, as amended.

The question was taken.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 0, answered "present" 3, not voting 18, as follows:

[Roll No. 13]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions

Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Frank (MA)
Martinez
Payne

NOT VOTING—18

Callahan
Conyers
Doolittle
Eshoo
Gonzalez
Harman
Lantos
Linder
Miller (FL)
Mink
Myrick
Nadler
Obey
Poshard
Schiff
Smith (OR)
Wise
Yates

□ 1836

Mr. BERMAN and Mr. DAVIS of Illinois changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forgo a second income in order for a mother or father to be at home with their children."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I was called away on a family matter and was unable to be here to vote on H. Con. Res. 202, the Daycare Fairness for Stay-At-Home Parents.

I ask that the RECORD reflect that had I been here I would have supported this measure and voted "aye."

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 927) to reauthorize the Sea Grant Program, as amended.

The Clerk read as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1998".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;".

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.".

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking "their university or" and inserting "his or her"; and

(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";

(2) by striking paragraph (4) and inserting the following:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.";

(3) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

"(5) The term 'Great Lakes' includes Lake Champlain.

"(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.";

(4) by striking "regional consortium, institution of higher education, institute, or laboratory" in paragraph (11) (as redesignated) and inserting "institute or other institution"; and

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

"(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

"(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

"(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

"(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.".

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(2) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

"(a) Program Maintenance.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

"(b) Program Elements.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this title by the national sea grant office, the Administration, and the panel;

"(3) the fellowship program under section 208; and

"(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

"(c) Responsibilities of the Secretary.—

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

"(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

"(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

"(4) To carry out the provisions of this title, the Secretary may—

"(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

"(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

"(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

"(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

"(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

"(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

"(G) promulgate such rules and regulations as may be necessary and appropriate.

"(d) Director of the National Sea Grant College Program.—

"(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

"(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

"(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

"(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

"(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

"(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

"(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

"(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

"(i) promote healthy competition among sea grant colleges and institutes;

"(ii) encourage successful implementation of sea grant programs; and

"(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

"(C) ensure compliance with the guidelines for merit review under subsection (c)(2).".

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

"(a) Designation.—

"(1) A sea grant college or sea grant institute shall meet the following qualifications—

"(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

"(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

"(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

"(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

"(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

"(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

"(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) Existing Designees.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

"(c) Suspension or Termination of Designation.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) Duties.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.".

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "(b) Duties.—The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (1); and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute"; and

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) Grants, Contracts, and Fellowships.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) Authorization.—

"(1) In general.—There is authorized to be appropriated to carry out this Act—

"(A) $56,000,000 for fiscal year 1999;

"(B) $57,000,000 for fiscal year 2000;

"(C) $58,000,000 for fiscal year 2001;

"(D) $59,000,000 for fiscal year 2002; and

"(E) $60,000,000 for fiscal year 2003.

"(2) Zebra mussel and oyster research.—In addition to the amount authorized for each fiscal year under paragraph (1)—

"(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

"(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

"(C) up to $3,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.".

(b) Limitation on Certain Funding.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—No more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

"(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 927, a bill to reauthorize the National Sea Grant College Program. This bill is very similar to the legislation that I introduced in January, 1997, and in fact, that bill passed the House with 422 votes on June 18.

Mr. Speaker, the bill that passed the House on June 18 by a vote of 422 to zero was virtually the same as this bill. The House bill had the bipartisan support of 107 cosponsors, including the gentleman from Alaska (Mr. YOUNG), Committee on Resources chairman, the gentleman from California (Mr. MILLER), ranking Democrat, and the gentleman from Hawaii (Mr. ABERCROMBIE), ranking Democrat on the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

The version of the bill adopted by the House was a compromise version adopted by the Committee on Resources and the Committee on Science.

The National Sea Grant College Program was established by Congress in 1966 to improve our Nation's marine resources and conservation efforts, to better manage those resources, and to enhance their proper utilization.

S. 927, the National Sea Grant College Program Reauthorization Act of 1997, authorizes funding for Sea Grant through fiscal year 2003; simplifies the definition of issues under the Sea Grant authority; clarifies the responsibilities of State and national programs; consolidates and clarifies the requirements for the designation of Sea Grant colleges and regional groups; and assures that the Sea Grant research will be adequately peer reviewed.

It also authorizes funding for timely research on oyster diseases and oyster-related human health risks, Pfiesteria and other harmful algae blooms and zebra mussels.

Mr. Speaker, I have carefully reviewed the language in this Senate-passed legislation and find it substantially the same as that passed here; and I support the changes approved by the other body with the minor changes we are making today. By enacting this legislation, we will be sending a clear message supporting the conservation and researched-based management of our marine and coastal resources.

The Sea Grant program has been a big success, and I am pleased that after 3 years of hard work we are now poised to extend this most important environmental program.

Mr. Speaker, I urge an "aye" vote on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in strong support of the bill. S. 927 provides a strong reauthorization of the National Sea Grant College Program which, for over 30 years, has addressed important local, regional and national marine resource problems through education, research and public outreach.

The legislation before the House is a compromise with the other body. It reauthorizes Sea Grant for 5 years. It clarifies the roles of the national office and the Sea Grant colleges. It strengthens competitive peer review for grants and contracts for research, education and outreach, and generally brings Sea Grant up to date as a modern education and research program.

The authorization levels in the bill will fully fund Sea Grant's ongoing base program, while providing additional funding for certain research priorities, which include nonindigenous species, oyster disease, and toxic microbe Pfiesteria.

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While I do not question the validity of research in these areas, I regret that some Members have felt it necessary to question whether all of these research options are necessary. One of the sea grant's great strengths over the years has been its ability to respond rapidly and effectively to local and regional needs, Mr. Speaker. I think that that is something that is now involved in the program in a way that both the gentleman from New Jersey (Mr. SAXTON) and myself can support. There is no reason to think that it will not continue to do so; that is to say, respond effectively to local needs under its usual effective peer review processes.

I would like to express my appreciation for the cooperation that we in the minority have received from the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Alaska (Mr. YOUNG) and the staffs on this bill.

I can assure my colleagues that on this bill any partisan considerations were put to rest with respect to the thrust of the legislative activity under consideration. This is not, therefore, a bipartisan bill, this is a nonpartisan bill. I think all of us who represent coastal areas have long appreciated the benefits of this practical and noncontroversial program. It is a good bill, reauthorizing a popular program. I am glad we are doing it at this time. I most certainly urge the House to support this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, to show the support of Texas for the sea grant reauthorization, I rise in support of the National Sea Grant College program. The National Sea Grant College program was established in 1966 to provide wide stewardship over our marine and coastal resources. It is a partnership between universities, States, communities and the National Oceanic and Atmospheric Administration.

The mission of the sea grant program is to promote and sponsor research and education and outreach aimed at the wise use of resources and the development and effective management and conservation programs that target our Nation's coastal and marine resources.

Texas A&M university has a Sea Grant College at Galveston, Texas which is actually in the district of the gentleman from Texas (Mr. LAMPSON). The program has spread throughout the Gulf Coast of Texas and throughout the whole State. I represent the port of Houston. So my home State of Texas allows individuals to learn about the ocean and the coastal environments and innovative marine technologies.

The 29th district that I represent has the port of Houston and the port plays a vital part in our economy and the livelihood of our surrounding communities. Texas A&M's Sea Grant College provides business owners, fishermen and the community groups that live and work along the port of Houston with information on how to achieve the most benefits economically while responsively conserving the environment. Without the sea grant program, the citizens of Texas and our Nation will not stay current and be innovative and competitive with the rest of the world.

By reauthorizing the Sea Grant College program through the year 2003, we have ensured that we will train our future citizens, future citizens who will not only look to protect our oceans and coastal areas but also be trained to properly manage our marine resources.

I urge my colleagues to support the bill. This bill makes significant improvements in the sea grant program by streamlining the proposal review process, reducing the administrative costs and clarifying the Federal and university roles in the program. This program, in its 30-year history, has proven its value and worth to our country. I rise in support of the bill and I thank my colleague from Hawaii for yielding me the time and also the chairman of committee for bringing this bill forward.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Hawaii for yielding me the time and special thanks to our chair of our great committee, the gentleman from New Jersey (Mr. SAXTON). I rise on this issue because I think oftentimes Members do not understand why a program like sea grant is so important to our Nation.

We are a Nation surrounded by water. This whole globe is covered by water. Essentially the future of the survival of this planet is going to be dependent upon how societies treat the ocean. When we think about the meeting of land and water, which is the coastal zones of this country, that is the most fragile ecosystem there is on the planet because most of the people on this planet live in the coastal zone. So what happens is, if we do not understand what the significance is of using the ocean, dumping in the ocean, relying on the ocean, we are going to be victims of something we do not understand.

We are already finding that as we find fisheries that are overfished, as we find global climate change, all of these factors are dependent upon a program that invests in collecting the best minds there are in the country to put some effort into studying the ocean. That is what the sea grant program is all about.

There are 26 colleges in the United States that receive grants from this. It benefits the coastal States, benefits the Great Lakes States. These programs encompass advisory services, public education for marine scientists and also for our kindergarten through the 12th grade. So it is a program that is essentially looking into private sector collaboration with the government, an aquaculture program, coastal and estuarine research, marine biotechnology, marine fisheries management, and seafood safety.

You add it all up and this is really a very important program. Frankly, the Federal Government puts very little money into it. We ought to put a lot more. This whole issue is so important that the world, other countries in the world are involved along with us with an International Year of the Oceans.

This issue about what are we doing with authorizing the sea grant program is essentially we have made the administration of it much cleaner, much more specific, much more, I think, to the interests of, broader interests of this country, but we are also realizing that this agenda of engaging the smartest minds in this country is essentially an issue about survival, not just survival of the United States but survival of the globe. This is money well spent. This program is well done.

Let me just tell you a little story. Last year I was able to get a fellow in my office, Jennifer Newton. She has been so good at being a sea grant fellow that I hired her when her fellowship ended up to be in my program. So it brings people into the Capitol who would not otherwise be here and allows us access to good scientific minds. This reauthorization is a step well taken. It has no partisan differences. It is what we do here in Congress best.

I am very proud to rise in support of it and to thank my learned colleagues for their support and particularly the leadership of our chair and ranking member the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

This legislation particularly impacts those of us in the coastal area of Texas and as a Member of Congress that has an adjoining district near the Houston port as well as the Galveston coastline, we advocate clearly the need for legislation that provides for such improvement. I would argue that this is very important legislation and also legislation that is long overdue. I would like to thank both the chairman and ranking member for promoting this legislation and I might say to have it on the suspension calendar so that we might easily have it passed. I join my colleague, the gentleman from Texas (Mr. GREEN), in advocating its importance for not only Texas but our local regional area.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON) for bringing this legislation before us. It truly has bipartisan support. It is a wonderful program. It is a great piece of legislation. As many of the previous speakers have mentioned, it does really affect so many different States, those of us that are on the ocean, those of us in the Great Lakes.

But as the ocean State, Rhode Island has a very proud and rich maritime heritage. Not so coincidental the State has also had a proud and rich heritage with the sea grant program. My State's history with the National Sea Grant program dates back to 1968 when the first funds were awarded to the graduate school of oceanography at the University of Rhode Island in Narragansett. In 1971, the university was established as a Sea Grant College, one of the first four in the country. The university was recertified as a sea grant institution most recently in 1985. Rhode Island also serves as the proud host of the National Sea Grant Depository. Housed in the Pell Marine Science Library at the university, it houses over 55,000 scientific, technical and advisory and education and public information reports on sea grant supported work throughout the world.

The sea grant program has allowed many valuable research and educational projects to be funded in my district, in my State and indeed throughout the country. Rhode Island alone has been the recipient of many programs that have been valuable in terms of providing new safety techniques for fish harvesting and environmentally sensitive beach erosion techniques, pollution mitigation for Narragansett Bay and other estuaries and streams and also valuable aquaculture that affects our State's economy.

Similar projects throughout the country have been wonderfully received, have been very valuable not only to the research in and the education that goes on at our universities but, importantly, to the economy and the economic well-being of our States.

These programs are aimed at not only saving our wonderful resources but also improving the businesses that use those resources. That is why it is so significant that we have been able to marry those two together in a very effective way to provide great preservation of our resources while at the same time recognizing its valuable input to our economy.

I join my colleagues in recommending and supporting passage of this legislation. I would like to thank the two managers of the legislation, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON), for their effort to bring this to the floor.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume. I would like to express once again my gratitude to the gentleman from New Jersey (Mr. SAXTON) and express my very fond aloha to him and to the committee staff. Mr. Speaker, I do not think anyone in the Congress is as devoted to the subject matter over which he has jurisdiction than the gentleman from New Jersey (Mr. SAXTON). The ocean resources over which this Nation has sovereignty and the concern that he expresses for this most valuable of all resources is something that sets the benchmark, I think, for all of us regardless of party.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman for his very kind remarks.

Mr. Speaker, this is good legislation and I am sure it is legislation that every Member of the House will want to support. But this legislation is just an example of what can be done when we work on a bipartisan basis. The gentleman from Hawaii (Mr. ABERCROMBIE), who has served for 3 years as the ranking member of the committee, has been a major, major contributor to the bipartisan spirit that has permitted us to move through issue after issue and, frankly, without rancor, and frankly I cannot think of a time that we have come to the floor with major legislation since the gentleman from Hawaii (Mr. ABERCROMBIE) has been the ranking member when we have had a disagreement. We work things out ahead of time. We do it in an amicable way. As a result of that, we have been able to pass legislation that deals with the marine environment, been able to pass a major legislation that deals with fisheries resources, major legislation that deals with the marine mammal, the Marine Mammal Protection Act. We passed legislation on protection of coral reefs. We reformed the national refuge system with new legislation last year.

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We were able to pass a bill to promote volunteerism in the refuge system. We were able to pass coastal estuary issues to protect wetlands and so on along many coastal areas of our country, all because of the bipartisan spirit that has been exhibited by the gentleman from Hawaii (Mr. ABERCROMBIE) and what he has brought to the committee.

Also, the gentleman is never at a loss for words when he is speaking up for the sea grant program, which also exists at the University of Hawaii, I would point out. He has been an outstanding advocate for his home, the humpback whale sanctuary and, of course, the National Undersea Research Laboratory, which is also in Hawaii.

So I would just like to say it is not aloha, probably. He will still be a member of the committee, even though it will not be the ranking member, and I will look forward to working with the gentleman on these issues as they come back to visit us and many others, I am sure, along the way.

It has been a pleasure over these past 3 years serving with the gentleman from Hawaii, and I will look forward to continuing our relationship.

Mr. PALLONE. Mr. Speaker, for over three decades, the National Sea Grant College Program has performed an extraordinary service not only to the State of New Jersey, but also to the nation. Sea Grant is a competitive, merit-based, aquatic science program that benefits marine and freshwater industries, environments, and communities of the United States by applying science and technology to problems of day-to-day concern.

Few federal programs have achieved the exceptional economic impact that the Sea Grant College Program has shown since its inception in 1996. Research conducted through the Sea Grant Program is crucial to meeting important objectives in the areas of aquatic resource conservation and management, sustainable development, technology innovation, and coastal and inland water quality. Furthermore, the program has proven to be very effective in transferring its scientific and technical results to industry as well as identifying and communicating local needs and problems to Sea Grant program managers and researchers.

Recent examples of Sea Grant supported research and outreach activities that have positively impacted the lives of New Jersey residents include:

Sponsoring a commercial fisherman's safety training program. Techniques learned in this course enabled a first mate on a Cape May fishing vessel to save the life of his captain's son during an accident at sea;

Supporting a "red tide" research effort to examine nitrogen inputs into estuaries. This project has already developed into a full-scale, water quality monitoring and management project with potential for national applications; and

Coordinating a partnership of the New Jersey, Delaware, and Maryland Sea Grant Programs with the Public Service Gas and Electric Company (PSE&G) for a massive marsh restoration effort on the Delaware Bay. This effort is the largest of its kind in the country and represents a unique collaboration of government, industry, academic and scientific interests.

To be competitive in the future, it is essential that the U.S. develop a skilled workforce that is scientifically literate and environmentally sensitive. The National Sea Grant College Program has been a leader in science education from "hands-on" science experiences at the K–12 level, to supporting thousands of graduate students in aquatic and environmental science. Informal education of the general public and technical advice for businesses are also important aspects of Sea Grant's education objectives.

The National Sea Grant College Program is truly a program worthy of our investment. I thank the Chairman and Ranking Member for bringing this bill to the floor today, and I look forward to continuing to work with my colleagues on this issue as the appropriations process moves forward.

Mr. FARR of California. Mr. Speaker, as many of you know, this year has been designated the International Year of the Oceans. I am pleased that so early on in our legislative agenda, we have the chance to vote for something which so positively affects our understanding, and wise management of our ocean, coastal and Great Lakes resources.

These resources are of great importance not only to our economy and the environment, but to our social and cultural vitality, and even our national security. But we put incredible pressures on these environments. Over half of our population lives in the 10% of land area defined as coastal. We have over-harvested many of the fish and other living resources. We alter the physical environment, filling in wetlands, dredging our harbors, and bulkheading our shorelines. We pollute. We introduce alien species into our ecosystems. We're adding substances to the atmosphere that increase ultraviolet radiation and alter the climate. We are inundated with news of disasters that affect our oceans and coasts, from harmful algal blooms such as the Pfisteria outbreaks this past summer, to medical wastes washing up on our shores.

I hope to be standing up in front of you soon to urge your support of the Oceans Act of 1997, H.R. 2547, legislation which I have put together with my colleagues to help ensure that our coasts and oceans are properly taken care of for generations to come.

I believe that Sea Grant is, and will be, an integral part of efforts to better understand, properly conserve, and sustainably use our marine resources. For over 30 years Sea Grant programs have supported high quality, competitive, peer reviewed science to better understand these dynamic resources, our effects on them, and to propose ways to minimize negative impacts while enhancing economic benefits. This information is then distributed to the public and user-groups through educational and advisory programs, so that they can manage and utilize these resources in a sustainable manner.

And these programs are fiscally responsible. Federal funding for Sea Grant must be matched by non-federal contributions, and over half of the funding for Sea Grant programs comes from non-federal sources.

Sea Grant provides virtually the only funding for the study of marine resource policy, and is a major contributor to efforts in aquaculture, coastal and estuarine research, marine biotechnology, marine fisheries management, and seafood safety.

Funded at about $50 million dollars annually, a Sea Grant funded industrial pollution model has already led to over $480 million dollars in savings for State pollution clean-up costs in the Great Lakes alone.

Sea Grant efforts have led to enhanced fisheries management and production, with direct economic benefits. In my own district, Sea Grant research is being conducted on how coastal upwelling affects larval survival in rockfish, a study important to properly managing the $10 million-a-year rockfish fishery.

There's another project also underway to try to isolate medicinal products from marine algae. Sea grant programs have led to the discovery of more than 1,000 new compounds from marine organisms, and 14 new product patents to date.

A third project in my district is dealing with the important topic of preserving marine biodiversity, comparing the current diversity of the rocky intertidal in Monterey Bay National Marine Sanctuary, one of the most biologically diverse regions known, to diversity levels recorded in the 1970's. This research will put into perspective issues of long-term ecological stability and community persistence in the face of natural and human impacts.

And in my office this past year we had a Sea Grant fellow, a graduate student who was learning how to apply her scientific background and research to effective policy making.

This is a tremendously valuable, fiscally responsible program, and I urge you to support its reauthorization, as well as increased appropriations to the authorized amount in FY99.

Mr. LoBIONDO. Mr. Speaker, I rise in strong support of S. 927, the National Sea Grant College Program Reauthorization Act. This is a long-awaited measure that reorganizes the nation's foremost aquatic educational grant program for the challenges of the Twenty-First Century.

We have only begun to understand the depth of knowledge that our oceans can yield to us. What little we have learned has done much to change humanity's perspective on its relationship with the sea. And I am proud to say that Sea Grant has had a major role in the progress made in aquatic research at the Haskin Shellfish Research Laboratory, located in Port Norris, New Jersey.

In noting the provisions contained in S. 927 that authorize grants for oyster disease research, I am excited by the prospect of one day seeing Southern New Jersey watermen shovel bushels of oysters from the Delaware Bay, as they did many years ago. Research undertaken in this area by Rutgers University, through the financial assistance of New Jersey Sea Grant, will hopefully resurrect an industry that has all but disappeared from the Second Congressional District.

Mr. Speaker, I urge all my colleagues to support S. 927.

Mr. UNDERWOOD. Mr. Speaker, reauthorizing the National Sea Grant College Program is not only an investment in the future of our nation's marine resources, it is also sound public policy. The various ingredients, such as scientific research, educational training, and community application, mixed into the complex operation of a sea grant college benefit not only regions close to marine resources, but the global population as a whole. For example, Sea Grant developed the first systematic attempt to locate and establish new drugs from marine components.

The development of our coastal regions means an increasing reliance on marine research to generate intelligence policies. Contributions in the area of aquatic resource management and sustainable economic development has made Sea Grant a vital link between scientific findings and local resource implementation. For Guam, this aspect is vitally important as we continue to attempt to fully utilize our Pacific resources.

I also emphasize the National Sea Grant College Program's contributions to science education. Through various activities, such as the John A. Knauss Marine Policy Fellowship Program, thousands of students are introduced to the wonders of marine science and research. Annually, Sea Grant supports 450 graduate students by employing them in research ventures. In addition, students from K–12 increase their marine knowledge through various Sea Grant sponsored activities.

The University of Guam collaborates in the Sea Grant Program through the University of Hawaii. However, the people of Guam look forward to a separate Sea Grant status. The Marine Laboratory in the University of Guam has evolved into an important marine research center serving not only Guam, but the Commonwealth of the Northern Marianas Islands, the Federated States of Micronesia, the Marshall Islands, and Palau. Guam has the support of the Office of Insular Affairs in the Department of Interior in this issue.

Clearly the National Sea Grant Program is essential not only to our understanding and utilization of our marine resources, but for our economy, our environment and our students. I urge my colleagues to support its reauthorization.

Mr. CASTLE. Mr. Speaker, I come before the House, today, to express my support for S. 927, a bill to reauthorize the National Sea Grant College Program through FY 2003.

Established by Congress in 1966, the National Sea Grant College Program has fostered the wise use, conservation, and management of marine and coastal resources through practical research, graduate student education, and public service.

I am proud that the University of Delaware has been a part of Sea Grant since 1976 when it became the 9th institution to join. In particular, the University of Delaware's program conducts research in environmental studies, fisheries, marine biotechnology, marine policy, seafood science, and coastal engineering.

Graduates from its program have gone on to make impressive contributions at the National Academy of Sciences, the National Marine Fisheries Service, Boston University School of Medicine, the U.S. State Department, the Delaware Department of Natural Resources and Environmental Control, and a host of cutting-edge corporations.

The National Sea Grant College Program is much more than a research institution. Its staff reaches out to business owners, schoolteachers, and government agencies to provide them with objective information and assistance in addressing coastal problems and developing technology that benefits all of us.

For example, the National Sea Grant College Program conducted important research on mosquito-eating fish that help curb disease-carrying mosquito populations naturally. They also developed technology both to recycle crab shells into bandages and animal feed and to harvest pollution-free energy from ocean waves.

One of the most important services the National Sea Grant College Program provides is assistance in protecting beaches, roads, buildings and wildlife along our fragile coastlines. The sea Grant Program's research is responsible for developing a novel sand bypass system that protects coastlines from beach erosion.

Unfortunately, the Clinton Administration has not followed through on the investment this country made in the National Sea Grant College Program. In Delaware, the Administration has commissioned study after study that shows the tremendous need to construct the coastal protection technologies developed by the National Sea Grant College Program, but it refuses to honor its commitment to pay its share of the construction costs. As a result, in the last two weeks, Delaware has suffered tremendous damage in the wake of violent nor'easters.

Mr. Speaker, every coastal state can boast the achievements of its Sea Grant College Program and every state benefits from its work. The Senate passed this legislation by unanimous consent and the House passed similar legislation, H.R. 437, last June, by a vote of 422–3. Therefore, please join me in reauthorizing this worthy program.

Mr. YOUNG of Alaska. Mr. Speaker, I strongly support S. 927, and I am very pleased to see that we are considering it today. We began the process of reauthorizing the National Sea Grant College Program more than three years ago, and I hope we can now conclude it quickly.

Sea Grant was established in 1966 in order to improve our Nation's marine resource conservation efforts, to manage those resources more effectively, and to enhance their proper use. The program is patterned after the highly successful Land Grant College Program, which is familiar to many of our non-coastal members.

For over 30 years, Sea Grant has successfully achieved its goals through a unique combination of research grants, marine advisory services, and education. This year, Mr. Ron Dearborn, who does an excellent job as Director of the Alaska Sea Grant College Program, is serving as President of the Sea Grant Association. Alaska's Sea Grant program has improved our understanding of commercial fish stocks, the factors affecting the size and health of those stocks, and the best economic uses for fishery resources. Using this information, we have developed effective management regimes, and we continue to create more jobs while minimizing long-term impacts to our fisheries.

Alaska Sea Grant also supports a comprehensive Marine Advisory Service, which has provided industry training programs on topics ranging from marine safety and seafood technology to business management for fishermen and shoreside support facilities. Through proper training, we ensure that our industries, businesses, and individuals who depend on productive fisheries can continue to do their jobs effectively.

Sea Grant is a perfect example of the type of program that we should support. The program produces tangible results that help solve local and regional problems and, most importantly, it maximizes immediate and long-range returns by matching Federal investments with State and private funds.

The Resources and Science Committees were unable to reach agreement on reauthorizing legislation in the last Congress. In this Congress, H.R. 437, which was introduced by my colleague, Jim Saxton, and a number of other Members last year, and upon which S. 927 is based, passed the House by a vote of 422 to 3.

S. 927 is similar to H.R. 437, it enjoys widespread support, and I am confident that by voting for it now we can finally reauthorize this important program. Mr. Speaker, I urge an aye vote on S. 927.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 927, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 927, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON THE JUDICIARY AND COMMITTEE ON NATIONAL SECURITY

Mr. SAXTON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 354) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. RES. 354

Resolved, That the following Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the Judiciary: Mr. Rogan of California.

Committee on National Security: Ms. Granger of Texas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS of Illinois) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, last week many Members took the floor to pay tribute to Representative Ron Dellums. My schedule was such that I did not get an opportunity to do so at that time but I decided that I would come on this day so as not to miss the opportunity.

Mr. Speaker, to every man there is a way, a ways and a way, the high souls take the highway, and the low souls take the low. While on the misty flats all the rest drift to and fro. To every man there is a way, a ways and a way, and each man decideth each way his soul shall go.

Such has been the life, career and work of the Representative Ron Dellums, who has served his family, community, country and, yes, the world with elegance and distinction. He has demonstrated courage and commitment and has been loyal to those causes which he deemed to be just. Ron has been an ambassador of democracy and a serious promoter of peace, recognizing and realizing the difficulty of its attainment.

One of my colleagues recently said of Ron Dellums that he has made a difference. I agree with that assessment and go a step further. I say not only has Ron made a difference but he is different. Ron marches to the beat of a different drummer. He is a thoroughbred, a long-distance runner, tough and tenacious. He is certainly one of the best. He is in a class by himself.

When describing Ron, some people like to refer to his stature. The young fellow on the block where I live says, "He is tall like pine, black like crow, talk more noise than WVON radio." Ron reminds me of the words of Sir Issac Watts when he said, "Were I so tall as to reach from poll to poll or grasp the ocean with my span; I must be measured by my soul, for the mind is the standard of the man."

Ron Dellums. What a mind, what a man. A creative, piercing, probing, incisive, thought-provoking, inspiring, charismatic, careful, considerate and deliberative mind. The mind to stand up when others sit down. The mind to act when others refuse to act. The mind to stand even when you stand alone, battered, bruised and scorned, but still standing. Standing on principle, standing tall and standing for the people.

And so, Ron, as you leave to look after the needs of your family and pursue other endeavors, take with you the words of this Irish proverb, "May the roads rise up to meet you, may the wind always be at your back, may the sun shine warmly upon your face, and until we meet again, may the good Lord hold you in the hollow of his hand."

A Luta Continua!

IN SUPPORT OF MEDICARE VENIPUNCTURE SENIORS PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, first let me say that I would like to commend my colleague, the gentleman from West Virginia (Mr. RAHALL), for his leadership on the issue of Medicare coverage for venipuncture.

Since Christmas, I have received hundreds of letters and numerous phone calls at both my home and office on home care and the health of our elderly. Most of these people calling and writing are scared. They are afraid for themselves and for their loved ones. Why are they afraid? Because the recently passed Balanced Budget Act will change their lives in a way that could be devastating.

This change in coverage under Medicare for a service known as venipuncture or, more simply, the drawing of blood, was made without even a score from the Congressional Budget Office. No hearings were held; no specific clinical examples were used. We are being told that this will not have a strong impact on the lives of those who receive this service because they can qualify in some other way for venipuncture services.

But what if they cannot? What if even a handful cannot get the services they need anymore? People could die. People could actually die if we are not sure about the impact of this change which became effective last week. In the court system in this country the jury must have evidence that can leave no reasonable doubt of guilt to make a decision. How can we sentence our seniors to this harsh change if we do not have assurance that they will be protected from harm?

For this reason I have introduced H.R. 3137, the Medicare Venipuncture Seniors Protection Act, which will delay the implementation of this legislation for 18 months, giving us more time to study the impact of this change in coverage on our elderly and frail. This bill will also request specific information from Health and Human Services on the hardships of those in rural areas and what they will endure due to the effect of this new law.

I fear that those who recommended this change were thinking more of places like New York City than rural parts of Alabama, West Virginia and Texas, where people may not be physically able to get to a doctor's office or to have their blood drawn. This small 29-word provision that was inserted into the Balanced Budget Act rather hastily did not take into account the situation of States like Tennessee, for instance, where under their State law lab technicians by law cannot leave the health care facility, leaving any homebound person truly in need of venipuncture with very limited options.

We are all in favor of cutting out waste, fraud and abuse, but let us not throw the baby out with the bathwater by punishing the elderly and the frail who have come to depend on these services. Waste, fraud and abuse in a Medicare system that has just been saved from the brink of bankruptcy cannot be tolerated, but a truly homebound elderly Medicare recipient should not be punished for the fraud their health care provider is engaged in.

I ask my colleagues to join with me in fighting to protect our seniors.

Mr. THOMPSON. Mr. Speaker, I rise today as the representative of Mississippi 2nd Congressional District in support of H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. This bill will delay the implementation of the Venipuncture provision in the Balanced Budget Act 1997, Section 4615. The service is greatly needed for elderly people who utilize home health services solely for venipuncture. Patients on Coumadin, a blood thinning agent, need repetitive blood sampling and monitoring to determine if their treatment is effective. The loss of this venipuncture service for patients on certain medications such as Coumadin could result in life threatening episodes.

The Mississippi Association for Home Care estimates that eliminating the venipuncture provision will affect Ten to Twelve thousand patients in Mississippi alone. Punishing the frail and elderly recipients who depend upon home health services is not the intent of this change, but will be the ultimate effect.

According to the Health Care Financing Agency (HCFA), the venipuncture provision was placed into law under the Balanced Budget Act of 1997 (BBA) in order to fight fraud and abuse of the Medicare system. Mr. Speaker, I am committed to ending fraud and abuse. However, I do not support fighting fraud and abuse to the detriment of the Nation's elderly. I am also greatly concerned about this provision due to the fact that: There were no hearings on the inclusion of this provision in the Balanced Budget Act, there was no Congressional Budget Office estimate given on the venipuncture provision, and the provision was based on anecdotal evidence and there were no specific clinical examples used as a justification for the provision.

Therefore, I am in full support of H.R. 2912, which calls for the Secretary of Health and Human Services to delay the implementation of Section 4615 of the Balanced Budget Act for 18 months from the date of the enactment. This delay will also allow further study on the impact of the provision on the homebound frail and elderly.

As I close, I would like to once again express my support for H.R. 2912 and thank Representative RAHALL and Representative ADERHOLT for their work in bringing this legislation forth to protect the interests of venipuncture patients. I urge my colleagues to support this bill.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

H.R. 2912 MEDICARE VENIPUNCTURE FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I feel like the old farmer who was being severely chastised by his fellow farmers for beating his mule over the head because he wouldn't respond to a simple "gitty-up." The farmer gave the stubborn old mule one final whap, and the beast of burden began moving swiftly ahead, pulling his load. The old farmer looked at his fellow farmers, as he tossed the two-by-four on the back of the wagon for future use and said:

First, you have to get their attention.

Last week I sent out a Dear Colleague about the termination of the Venipuncture home health benefit to get everyone's attention by asking: Have we No Shame?

While it may have felt like a two-by-four to many, hopefully it went to the heart of this body so that it can move toward doing something about the fact that the wildly applauded, history-making Balanced Budget Act contained language did, on February 5, 1998, terminate the 13-year old Venipuncture or blood drawing procedure as a skilled home health benefit under Medicare.

I hoped a two-by-four would alert them that this lost benefit is having a severe, life-threatening impact on seniors, and that we need to fix it.

We can and have spent hours on this floor renaming our National airport, but we have not spent any time on this floor talking about the gross and severe hardships caused by the loss of venipuncture as a home health benefit. I happen to think Venipuncture is more important.

My colleagues, we have a dire situation here.

We have HCFA promising that venipuncture can still be allowed, but we don't have HCFA explaining how difficult that could be.

We don't have HCFA spelling out that patients need to get to their doctors and ask for a reevaluation leading to a new authorization for them to receive a NEW skilled care so that venipuncture can continue.

And we don't have a lot of doctors out there willing to take a chance on being audited themselves if they actually do re-qualify a former venipuncture patient for a new skilled care.

We don't have HCFA spelling out that while most areas, and assuredly not rural areas, don't have laboratory technicians that make house calls—HCFA still insists that these elderly, frail disabled patients contact a lab technician and ask them to make house calls in order to draw blood—for which HCFA will pay the princely sum of $3.

And it is a little known fact—but some States have laws AGAINST lab technicians leaving their labs for any reason to perform blood work in a patient's home.

Now if venipuncture patients CAN'T requalify through their doctors for a NEW skilled care benefit, and if the patients CAN'T find a local lab technician willing to travel 50 to 100 miles in rural America to make a house call for a paltry $3, then venipuncture ISN'T available—is it?

So, while it is technically correct for HCFA to say that patients can still get venipuncture, they don't spell out the two big "IF's"—and so the REALITY is that for the most part, Venipuncture patients are out in the cold and without services and unlikely to obtain them ever again.

And my colleagues, if you think doctors are afraid of the wrath of HCFA's auditors, listen to what Medicare's Fiscal intermediaries are saying.

Fiscal intermediaries are saying: venipuncture better not show up on ANY new claims received after February 5, 1998, even in conjunction with another new SKILLED benefit, because they will be denied. Fiscal intermediaries are afraid of audits too.

But the most offensive thing I've heard yet is that one fiscal intermediary official stated that in fact he believed that without venipuncture services, some of the patients could end up in the MORTUARY—his word—not mine—end up in the mortuary.

And this same official also stated it was "too bad, so sad . . ." about patients ending up in mortuaries.

No wonder you need a two by four to get folks' attention—when those in charge of processing home health benefit claims for the homebound, elderly, sick and terminally ill can state publicly that it's "too bad, so sad . . ." about former patients ending up at the local morgue—AND NO ONE RAISES AN EYEBROW?

I wish we could get a hearing on this matter. I wish we could get a hearing and bring in this intermediary to the witness table and ask him to repeat his offensive statements for the public record. I wish we could get the intermediary to tell us why he thinks people might die without venipuncture.

I believe it is true that patients might die without this benefit—but I guess as long as they don't die in epidemic proportions—no one will care.

Well, I care.

I know of 71 Members of this House that care because they cosponsor H.R. 2912.

My colleagues who are speaking during this special order tonight—they care, and I thank them for caring.

There are alternatives to terminating the benefit. Congress could grandfather in those patients now receiving venipuncture, but not allow any new patients to be covered by the benefit except as described in the BBA.

Or, Venipuncture could be retained as a skilled care, but placed under the requirement, also in the BBA, that it be administered by HCFA using normative standards as is required for other home health benefits under Medicare.

I am listening and I am ready to work with the committees of jurisdiction, or with the Administration including the President, should he wish to use his executive order powers to remedy this gross injustice against the frail elderly, disabled and terminally ill Medicare enrolled patients throughout this entire country.

And while we are waiting to see how many patients end up in the mortuary for a lack of venipuncture benefits I ask you:

ARE WE ASHAMED YET?

FINANCIAL AND PHYSICAL ABUSE OF SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, the Los Angeles Times and the Orange County Register this weekend reported on one of the fastest growing crimes in our communities: financial and physical abuse of seniors. And according to Orange County's adult protective services, most elder abuse is money motivated. Seniors are the victims of various financial scams, many of which occur within the privacy of their own homes by entrusted caretakers.

Financial and physical abuse against seniors is on the rise. Last year, Orange County logged 3,419 elder abuse calls and predicted that about only one in six are reported.

□ 1915

And in most of these cases the abuse occurs within the privacy of their own homes. As many people grow older, remaining in their homes should increase the level of comfort and security and peace of mind, not threaten them. That is why I fear the potential for abuse in shared housing arrangements. Let us prevent this abuse before it happens.

Shared housing agencies provide living arrangements for seniors who wish to remain in their homes, but require some additional care. An example of a shared housing arrangement would be, for example, if my mother had a vacant room in her house and needed someone to help her pay the bills and do her shopping, she could seek out someone in a shared housing arrangement. The agency would refer a potential caretaker, who would live with her and care for her in lieu of rent. Unfortunately, we live in a society where violent crimes occur every day, and we can no longer guarantee safety within our own homes. But we can increase our level of safety through continued preventive efforts.

I believe that the problem of crime is, at least in part, a problem of resources. Until now, shared housing agencies have not had the resources necessary for proper safety for their clients. And without the ability to check the backgrounds of clients, they confront constraints that hinder them from increasing public safety.

Therefore, I have introduced H.R. 3181 to assist shared housing agencies in preventing crime. This bill authorizes shared housing agencies to run background checks on potential caretakers. And this bill is not just about background checks and fingerprinting, it is about making our communities safer for all of us to live, it is a tool that shared housing agencies can use to prevent violent crimes and to help protect our loved ones.

This bill provides the appropriate mechanism to be proactive in stopping abuse and fraud. But most importantly, it gives us all the peace of mind to know that our loved ones will be safely cared for within the privacy of their own homes. My bill establishes the necessary process to help combat the potential for abuse in shared housing.

It is important to recognize that the bill does not mandate, does not mandate, an agency to run FBI checks on their clients; it is merely a tool that they can use if they choose to. It is flexible and voluntary. It allows each agency to determine whether or not it is beneficial for them to use the FBI in order to guarantee protection for their clients. And by allowing the State and FBI to run background checks, service within housing arrangements will only improve. Administrators will receive comprehensive reports and will be able to better determine what is a most suitable and safe match for their clients.

I have been working very closely with the FBI and local police departments, who agree that this bill can significantly reduce fraud and physical abuse. Currently there is no national standard, no operating procedure to screen potential home-sharers. Many States have begun to run checks for child-care providers and for school teachers. Just as it is our responsibility to protect our youngest citizens, it is also our responsibility to ensure the safety of our seniors.

I encourage my colleagues to cosponsor H.R. 3181.

MEDICARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

Mr. GANSKE. Mr. Speaker, I think it is important that we inform the public in terms of a specific on the Medicare legislation that we passed last year. Many of our citizens are seeing articles in Newsweek Magazine and other magazines about the rampant fraud and abuse in Medicare, and so we have been working on ways to try fix that.

The Balanced Budget Act, which was enacted last year, incorporated a provision regarding eligibility for home health care benefits. Previously, a Medicare recipient who received venipuncture, drawing of blood, automatically qualified for a full range of other home health services, including skilled nursing care, physical therapy, medical social services, and home health aide services for assistance with bathing, cooking and cleaning just for having a blood draw.

Under the new law, a Medicare recipient requiring venipuncture services at home can still receive those services; however, the receipt of a venipuncture alone will not make that individual eligible for other home health services. Medicare will continue to provide home health services for those who are homebound if the physician has certified that home care is necessary and has established a plan of care.

The new law removes the "venipuncture loophole," unquote, which resulted in the provision of home care to seniors who were not homebound or who did not have a demonstrable medical need for home health services. Now, the reason for this is that once a very small part of Medicare spending for home health care has increased at a very rapid rate in the last decade. Even accounting for inflation, home health care spending jumped more than fivefold between 1985 and 1996. While some of that expansion has been the result of an increase in the number of seniors taking advantage of home health benefits, an alarming amount of the home health budget is lost to various forms of fraud and abuse.

In hearings last year, the Committee on Commerce, on which I serve, heard from investigators from the General Accounting Office and the Office of the Inspector General about the fraud rampant in the home health benefits. One review, which included more than 3,700 services in 4 States, found that 40 percent, that is 40 percent, did not meet Medicare reimbursement requirements.

Another review of high-dollar home health claims in one State found that 43 percent should have been partially or totally denied. Equally troubling was an antifraud initiative by the Department of Health and Human Services that found that taxpayers were footing the bill for the venipuncture loophole. Many physicians were found to use blood monitoring as the sole reason for ordering home health services, resulting in numerous health aide visits from Medicare beneficiaries with no medical need for skilled nursing or therapy. The average cost of drawing blood for these individuals was over $100 because the visit was billed as a skilled nursing visit.

If these same services were performed as a blood draw under Part B of Medicare and the individual did not receive additional home health services for which they were not qualified, Medicare would only pay $3 for that specimen collection. Medicare could separately pay for the cost of a technician to travel to the home of an individual needing a venipuncture service if the beneficiary is unable to travel to a doctor's office or travel to a lab for a blood draw. But that would still be significantly less costly than the $100 billed because of a skilled nursing visit.

Mr. Speaker, the reforms passed by Congress will help keep Medicare solvent until about the year 2010. The wave of baby-boomers will begin retiring that year and will place severe financial strain on the program. Today there are about 4 workers for every retiree. By 2030 there will be just a little over 2 for each retiree.

Congress has to make fundamental changes in the Medicare program to make sure it is there for recipients in the future, and one way to do that is to root out fraud and waste in the Medicare system, and one way to do that is to make sure that those who need a venipuncture, but only a venipuncture, can get those services through a draw but not necessarily get additional services that are very, very costly. People need to consider that when they look at this provision.

THE FEDERAL RESERVE'S PRICING PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, the events of recent years have taught us time and again that we should rely as much as possible on the private sector functioning in the competitive marketplace to provide commercial-type services, particularly services sold to business firms.

Where there is a Federal agency that provides those types of services, we must closely examine its activities to determine if it is competing fairly with its private-sector competitors. This becomes more important when the agency both competes directly with private-sector firms and regulates those competitors.

Mr. Speaker, the Federal Reserve is using its role as competitor and regulator in the check processing system to unfairly undercut the private sector. They are using an accounting device called the "pension cost credit" to subsidize the prices they charge banks, resulting in an unfair handicap to the private sector.

When people hear the phrase "Federal Reserve," they think about interest rates, inflation, and other aspects of monetary policy. However, the Fed is not just about monetary policy and banking supervision. Much of what the Fed does simply involves the processing of paper checks. The Fed charges its banks a fee for the service it provides.

In 1980, Congress passed the Monetary Control Act so that private sector companies could fairly compete with the Federal Reserve in providing banks with these and other services. Accordingly, the Fed must fully recover the cost of its services, which means it cannot use subsidized prices.

The Act specifically orders the Fed to establish the prices it charges based on the costs which it incurs in providing its services plus the costs a private company would also have to consider, such as the taxes it would have to pay.

But instead of following the intent of the Monetary Control Act, the Federal Reserve is using the "pension cost credit" to lower the prices it charges banks for these services. That is, it is effectively using a portion of the large surplus in its pension fund to reduce the operating costs of its priced service activities, which in turn enables it to charge lower prices than it otherwise would.

Let me explain specifically how it works. At the end of 1996, the pension fund for the employees of the Federal Reserve System had excess funding of $1.9 billion. This incredible excess, nearly double its pension liability, is due primarily to the so-called irrational exuberance of the stock market.

The Fed then uses an accounting device to effectively take a portion of this excess funding in the pension fund to create an expense offset. This is the pension cost credit.

Instead of sending the whole of this cost credit back to the Treasury, the Fed uses approximately one-third of it to reduce the expenses of its priced services. That reduction then allows the Fed to charge lower prices than it otherwise would.

Mr. Speaker, I submit for the RECORD a letter that Federal Reserve Vice-Chairwoman, Alice Rivlin, sent to me.

The letter referred to is as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, October 3, 1997.

Hon. CAROLYN B. MALONEY,
House of Representatives
Washington, DC.

DEAR CAROLYN: I am pleased to forward additional materials in response to your letter of September 5 regarding payments system issues. Please let me know if I can be of further assistance.

Sincerely,

ALICE M. RIVLIN,
Vice Chairman.

Enclosures.

FEDERAL RESERVE BOARD STAFF'S ADDITIONAL RESPONSES TO CONGRESSWOMAN MALONEY'S SEPTEMBER 5, 1997, QUESTIONS

1. Please send a monthly record of ITS cost-recovery matching before and after the application of the private sector adjustment factor for the years 1990 to date.

Internal reports from the Federal Reserve Bank of Boston that showed monthly cost recovery numbers for 1987 through early 1995 were enclosed with Chairman Greenspan's letter of April 28, 1995, to Congressman Gonzalez.

Attachment 1 shows monthly cost recovery for commercial check portion of the ITS network from 1995 through the first half of 1997. The Federal Reserve does not typically allocate imputed costs and revenues to input components of its services. As requested, the cost recovery data are shown with and without imputed expenses.

2. Please supply a breakdown of prices services income, by Federal Reserve Bank for 1996. The breakdown should include revenue by specific commercial check product, such as NCS, RCPC, fine sort, consolidated shipments, and direct sends.

The priced services income for 1996 and the first two quarters of 1997, which you requested in question 5, was provided in Vice Chair Rivlin's letter of September 16, 1997.

Attachment 2 shows the Reserve Banks' revenues for the Reserve Bank check products you requested. Revenue for consolidated shipments includes only transportation revenues based on ITS surcharges. Consolidated shippers, that is, banks that use ITS to ship checks to a nonlocal Reserve Bank office for processing, use a wide variety of checks products. We do not separately track and identify the products into which these shipments are deposited and, therefore, cannot provide the associated revenue data. Similarly, we do not separately track the check processing revenue associated with "direct send" deposits shipped to the Reserve Banks by banks that arrange for their own transportation.

3. How is the Federal Reserve's pension cost credit ($140.57 million for 1996) reflected in (a) measurement of priced services profitability and (b) in the pricing of specific priced services, such as check processing and transportation? What accounts for the $63 million difference in 1996 between operating expenses for priced services, as reported on page 271 of the 1996 Annual Report of the Board of Governors and the sum of the operating expenses reported in the 1996 PACS Expense report. Please supply financial reports for the Federal Reserve pension plan(s) for 1992 through 1996.

The System endeavors to capture all of its costs applicable to the provision of priced services into its pricing formula and measurements of its profitability through explicit recognition in the Reserve Banks' cost accounting systems or through implicit allocations where appropriate. For transactions relating to the provision of priced services, the Federal Reserve System applies generally accepted accounting practices (GAAP). Prior to changes in GAAP in 1987 and 1993 for employers accounting for pensions and retiree medical benefits, respectively, the System accounted for these costs on a cash, or "pay as you go" basis. The System, like other services providers, changed accounting practices to conform to GAAP. This change resulted in the recognition of a pension asset that generates net credits and a retiree medical liability that generates net expenses for the System.

As with any accounting change, the System compared the effect of the GAAP changes with the effect on the largest bank holding companies used in determining the PSAF. We believe that the System's pricing formula properly recognizes the effect of these changes to GAAP. My staff can provide you or your staff with additional detail on the technical issues involved with these GAAP changes at your convenience.

The table below shows a reconciliation, for 1996, of operating expenses as reported in PACS with the pro forma financial statement in the Federal Reserve's 1996 Annual Report.

PACS Expense to Pro Forma Expenses for 1996

PACS operating expenses	*(Millions)*
Cash (3020)	$5.1
Funds (3250)	71.6
ACH (3260)	83.9
Check (3360)	551.4
Book-Entry (3520)	43.3
Non-Cash (3810)	4.6
Total PACS expenses	760.0
Less non-priced costs	(51.5)
Priced PACS costs	708.5
Pro forma items not in PACS:	
*Proceed pension credit	(45.3)*
Imputed Board expenses	2.8
Total items not in PACS	(42.5)
Pro forma operating expenses	666.0

The letter shows that, in 1996, the pension cost credit was $45.3 million.

This is $45 million of taxpayer money which the Fed should have returned to the Treasury, but instead, it used this sum to artificially cut its prices. This is $45 million which, instead of going towards deficit reduction, went to help the Fed undercut its private sector competitors, many of whom they also regulate.

Any other agency of the government cannot justify using a pension cost credit to subsidize their own prices.

Mr. Speaker, as the only source of oversight for the Federal Reserve, Congress has a duty to police this activity in the Federal Reserve.

We must recognize that there is inherent conflict with the Fed being both the regulator and the largest competitor in check processing. This is why we need to pass legislation which clarifies the Fed's role and relationship with the private sector, such as my own bipartisan bill, H.R. 2119, "The Efficient Check Clearing Act."

□ 1930

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, as we celebrate African American History Month and those of us who are not African Americans recognize the importance of education, we further recognize the importance of facilities that are conducive to learning for those young people who are in the inner city. So, Mr. Speaker, today I rise to address the need for school construction and repair throughout the country, but, most importantly, in the inner cities, and especially in the 37th Congressional District, which I represent.

Mr. Speaker, today's youth cannot learn in an environment that is surrounded with decrepit walls, that are crumbling from neglect, roofs that are leaking into classrooms, broken windows that have not been repaired for months on end, buildings that are painted with toxic levels of lead paint, and the list goes on.

These young students face the hazards of asbestos, poor indoor air quality, nonexistent air conditioning systems and heating units which barely warm the buildings throughout the winter months. These schools are literally in decay.

Mr. Speaker, these are the schools that represent the inner city that our children are asked to be educated in.

Mr. Speaker, we all know the critical importance of placing our children and the Nation's children in an environment that is conducive to learning. The Los Angeles Unified School District, the second largest public school district in the country and where I served as an educator for several, is one of the many public schools in need of school repair.

In the entire State of California, 87 percent of schools report a need to upgrade or repair on-site buildings to just good condition, and the majority of these schools are in the inner city. Seventy-one percent of all California schools have at least one inadequate building feature, ranging from lead paint to lack of heating units.

So today I ask my colleagues to think about the larger issue when it comes to educating our children. I ask my colleagues to consider the more than 60 percent of the Nation's 110,000 public, elementary and secondary school facilities that need major repair in order to function as an effective education institution.

This Nation's youth not only deserve it, but they cry out for schools that represent a conducive learning environment. Mr. Speaker, this must be at the top of our priority as we begin the second session of the 105th Congress.

AFRICAN AMERICANS IN BUSINESS: THE PATH TOWARDS EMPOWERMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, as African-Americans, we have known for quite some time that our professional and personal achievements would come through business ownership and participation in the economy. 'The path towards empowerment' has been a struggle, but we are seeing the rewards.

The 'path toward empowerment' begins with a sound education and personal commitment. With these key ingredients, our young men and women can achieve their goals and make a difference in the areas of science, business, finance, and education.

I am pleased to recognize Bethune Cookman College as a school in my district that is building a state of the art hospitality center for minorities. I have testified for several years to get funding for the Mary McLeod Bethune Fine Arts/Hospitality Training Center, which will create an economic stimulus from Jacksonville to Orlando. The Center will train minorities for management and leadership positions in Florida's tourism industry.

Historically, African-Americans have been limited to non-management positions in the tourism industry. This complex once finished will provide hands-on hospitality management training for careers in the hotel, restaurant, tourism, business travel, conference and convention industries.

The center will not just be a complex of classrooms and training facilities—it will be a tribute to one of America's foremost champions of civil rights and public education for African-Americans.

In addition to mentioning Mary McLeod Bethune, I would also like to mention the literary contributions of Zora Neale Hurston an Eatonville, FL native who represents a dominate voice of the Harlem Renaissance period. Hurston was a prolific writer, and her writing style has inspired famous poets and novelists. Her contributions to the twenty-first century have inspired the Zora Neale Hurston Society at Morgan State University and the annual Zora Neale Hurston Festival of Arts and Humanities in Eatonville.

African-American, men and women, have carved a noticeable place in the fabric of our Nation. And, heroic pioneers like Mary McLeod Bethune and Zora Neale Hurston represent famous Americans who have shaped and enriched our lives. Their legacy lives on and generations to come will be educated and nurtured at Mary McLeod Bethune/Cookman College, and ambitious young writers will read Zora Neale Hurston's novel "Their Eyes Were Watching God" for inspiration and literary guidance.

Note that the heroines I have referenced are just a fraction of the great African-Americans who have shaped this country. Their contributions laid the foundation for myself and younger generations.

In closing, I would like to recognize Historically Black Colleges and Universities (HBCUs) like, Bethune Cookman College, Edward Waters College, and Florida Agricultural and Mechanical University—located in Florida—because they represent a light of hope for young African-American men and women. These colleges and universities represent approximately 3 percent of American institutions of higher learning, but they award one-third of all bachelor's degrees as well as a large share of graduate degrees earned by African-Americans every year.

Our HBCUs protect, support, educate, and nurture students and they give them the tools needed to compete in business and life.

As we approach the twenty-first century, I know HBCUs across America will continue to be a light of hope for young African-Americans traveling on their paths toward independence and financial empowerment.

In my opinion, this special order passes on the light of hope to young African-Americans and beckons them to continue their quest for knowledge and wisdom.

TRIBUTE TO GENERAL BENJAMIN O. DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, February has for some time now been recognized as Black History Month, during which time we recognize the contributions of African Americans throughout the United States and throughout the world.

As a member of the Committee on National Security, I want to call attention tonight to General Benjamin O. Davis, Jr., one of our American heroes, one of the true contributors to the end of World War II, and the contributions of the military in the world for 20 years after that.

General Davis was the first black graduate of West Point. As we now have become familiar with our military academies and the fine opportunities for education, the opportunities for men and women of all races in America to participate in the military and have long and distinguished careers, we also pay attention to the fine collegial atmosphere at the military academies.

When General Davis first went to West Point, that was not the situation. Many of us are familiar with the terrible time and hazing he was given there. He literally spent four years with no other member of West Point being allowed to speak to him, not one word. But he graduated from West Point and went on to have a long and distinguished career.

As a Member of Congress, we get to participate in helping to make nominations. We get to send in names of candidates to the different military academies. It is a tremendous opportunity for men and women in America to take on a very distinguished career in the military.

Frankly, in my district I do not think I got enough applicants for all the slots we have. I think that perhaps there are many students, black, white, Hispanic, other races, men and women, who perhaps do not consider the opportunities which General Davis paved the way for in the military academies.

So tonight, during Black History Month, I pay tribute to General Benjamin O. Davis, Jr., and I hope the youth of America will also consider the opportunities to lead such a distinguished career in the military.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes as the designee of the minority leader.

Mr. STOKES. Mr. Speaker, I thank you for the opportunity to reserve this special order this evening. I would also like to thank my colleagues who are gathered in the Chamber with me. We take special pride in coming together for the 1998 Congressional observance of Black History Month.

Since 1976 when Congress adopted the resolution designating February of each year as Black History Month, we have utilized this opportunity to highlight and pay tribute to the notable accomplishments of black men and women who helped to build our great Nation.

From Garrett Morgan's invention of the traffic signal, to Mary McLeod Bethune's founding of a university on $1.50, black men and women have made enormous contributions to the development of this country.

With this in mind, the members of the Congressional Black Caucus proudly take this time to share with our colleagues and with the world black history, our history.

As we move forward with our special order, I want to commend the chairperson of the Congressional Black Caucus, the gentlewoman from California (Ms. WATERS) for her unfailing leadership of this organization. Her strong leadership guarantees that the Congressional Black Caucus will continue to be a tireless advocate on behalf of minorities, the poor and the disadvantaged of this Nation.

Mr. Speaker, the theme for the 1998 observance of Black History Month is "African Americans in business: The path towards empowerment." The theme is particularly significant as we pause to review our history and highlight some of our accomplishments in the business arena.

In the field of business, it is important to note that some free black Americans managed and owned small businesses during the period of slavery. For example, Fraunces Tavern was a well-known dining place and tavern popular in New York City during the latter half of the 18th century. It was owned and operated by Samuel Fraunces, a migrant from the British West Indies. Both British and American troops patronized the tavern, and George Washington came there to draw up terms with the British regarding their evacuation of New York in the 1770's.

Paul Cuffe, a free black man, was a shipper and merchant in New England in the 1790's. James Wormley was a well-known hotel proprietor in Washington D.C. in the 1820's.

After gaining their freedom from slavery, many black Americans set up businesses that rendered personal services to blacks who were the victims of discrimination and segregation imposed by white businesses.

For example, barbering was a source of both black employment and business. Two of the earliest fortunes among black Americans were made by Annie T. Malone and Madame C.J. Walker in the manufacture and marketing of hair products for black Americans. Funeral services were another personal service business almost exclusively under black ownership and control.

As we celebrate the success of African American businesses, we mark the founding in 1888 of the True Reformers Bank of Richmond, Virginia, and the Capital Savings Bank of Washington, D.C., the first black-created and black-run banks in America. We also mark the historic achievements of Maggie Lena Walker, who, in 1903, became the first black woman to be a bank president. She founded the Saint Luck Penny Savings Bank in Richmond, Virginia.

Mr. Speaker, in another field of business, the African Insurance Company of Philadelphia was the first known black insurance company, founded in 1810. It was not incorporated, but had capital stock in the amount of $5,000. The North Carolina Mutual Insurance Company, founded in 1893 in Durham, North Carolina was the first black insurance company to attain $1 million in assets.

In celebration of Black History Month, we note the achievements of D. Watson Onley, a black businessman, who in 1885 built the first steam saw and planing mill owned and operated entirely by blacks. We also recognize the contributions of Ruth J. Bowen, the first black woman to establish a successful booking and talent agency. Bowen began her business in New York in 1959 with a $500 investment. Within 10 years, her firm became the largest black-owned agency in the world.

Mr. Speaker, I will at this time recognize a number of my colleagues gathered here in the Chamber.

Mr. Speaker, I yield to the gentleman from New York, Mr. Engel.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Ohio (Mr. STOKES) for having this special order.

Mr. Speaker, I rise to commemorate Black History Month. Although I have only a few minutes to honor hundreds of years of struggles and achievements of black Americans, I must share my feelings of how much the African American community has added to our country.

In 1782, Thomas Jefferson, a slave holder himself declared that "the whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on one part, and degrading submission on the other."

A Founding Father to whom our Nation looked for moral guidance, his hypocrisy only underscored the terror our Nation was inflicting on generations of African Americans at that time.

Yet, even with slavery placing in bondage hundreds of thousands of Africans, some black Americans had already begun to make their mark. For instance, 200 years ago, in 1798, James Forten, Sr., established the first major black-owned sail-making shop in Philadelphia, achieving a net worth of more than $100,000, a massive sum at the time. Forten went on to become a leader of the abolitionist movement and the organizer of the Antislavery Society in 1833.

The heights of Forten's achievements only remind us what our country lost due to the depths of slavery and subsequent years of oppression. This country at one time erected every conceivable legal, societal and cultural roadblock to prevent African Americans from getting an education, wealth and power from our society.

As we commemorate Black History Month, the people of the United States must recognize what injustices were perpetrated through the years. We must recognize that our society still suffers the results of the oppression of African Americans.

It has only been within the last half century that our country has made real progress to guaranteeing to black Americans the basic civil rights that other citizens have for so long taken for granted. Within that time, America has only begun to see the tip of the iceberg, the tremendous potential of this community. It is only during this period that we have come to realize the dream of the Reverend Dr. Martin Luther King, Jr., that "Children will one day live in a nation where they will not be judged by the color of their skin, but by the contents of their character."

As a Jewish American, Mr. Speaker, I believe I share a sense of understanding with African Americans. Not only do our two communities face a history filled with severe cruelty and discrimination, but we also fought together for decades to overcome bigotry in this country.

When I commemorate Black History Month, I am reminded of a civil rights movement where Jewish Americans and black Americans stood shoulder to shoulder to fight racial prejudice.

Today black Americans, more and more, are represented in leadership positions in our society, from black members of the President's Cabinet, to educators, athletes, scientists and members of the clergy, African Americans of today have begun to take their rightful positions in the United States, and our country as a whole has benefitted.

As we celebrate Black History Month, we must never forget the injustices inflicted upon African Americans through the years. We honor those who suffered by recalling the circumstances through which they lived. At the same time, we must recognize that our Nation has finally begun to unlock the great untapped potential of the black community.

□ 1945

It is my hope that when we celebrate Black History Month in the future, circumstances facing black Americans will continue to improve, and that someday we will achieve true freedom and equality for all citizens of this great Nation. If we recognize what happened in the past, it will help us to build a better future for all of our citizens.

I very much feel very close to Black History Month, having been born in the month of February, and I think it is very, very important that all of us in the Congress pause and reflect, because until, as we say, all of our citizens are free, all of us are not really totally free.

So I thank my colleague from Ohio (Mr. STOKES) for this commemoration, and I think it is very, very fitting that this Congress commemorate Black History Month.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from New York, (Mr. ENGEL), for his comments.

At this time I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank my friend for yielding.

I rise to join with my colleagues and to share with them and with America our appreciation for the contributions made to African Americans in the history and development of this Nation.

This year's theme, African Americans in Business: The Path Toward Empowerment, is the most appropriate one, and I am pleased to have in my own congressional district some of the most well-known and productive businesses in America.

I represent Harpo Studios, which is owned by Oprah Winfrey and is known all over the world. In my congressional district is the First Baptist Congregational Church, which was a stop on the underground railroad, and is now building houses and a community under the leadership of its pastor, Dr. Authur Griffin.

I have in my district the Johnson Publishing Company, which was put together and developed by Mr. John H. and Mrs. Eunice Johnson and is now operated by their daughter, Mrs. Linda Johnson Rice, and is home to many great writers like Lerone Bennett and Alex Poinsett. In my district I have the Parker House Sausage Company and its esteemed president, Mr. Daryl Grisham. It is also my pleasure to represent and to use Rabon's High-Tech Automotive Center at Kostner and Roosevelt Road in Chicago, which is known and owned by Mr. Lee Rabon, and is known for its precision automotive work.

I also represent Shine King, the best shoe shine shop in America, owned by Mr. James Cole who has parlayed his original shoe shine shop into two shops, part ownership of a bank, a construction company, King Construction, and vast real estate holdings. Mr. Cole's shine boys are known to earn between $400 and $500 a week, shining shoes. Many of them have gone on to become doctors, lawyers, policemen, school teachers and businesspersons in their own right. The most famous of this group is the renowned National Basketball Association star and businessperson, Isiah Thomas, or Zeke, as he was known around the shop and throughout the NBA. Mr. Cole was recently featured in the Chicago Sun Times and WGN Channel 9 television as a result of the work that he has done through his businesses with young boys growing up in his community.

I also pay tribute, Mr. Speaker, to the many members of the public housing community in my district, Ms. Martha Marshall, Shirley Hammonds, Cora Moore, Mattie McCoy, Mamie Bone, Mary Baldwin, and Mildred Dennis, for the outstanding leadership they are providing as they manage the recently developed businesses that public housing residents in the city of Chicago are putting together, managing, owning, and carrying out the duties and responsibilities of redeveloping their own communities. So they are a part of this great legacy that we know as African-American history.

I commend the gentleman from Ohio (Mr. STOKES) of this event for the leadership that he has displayed throughout the years, but in taking out this Special Order, and pay tribute to the leader of the Congressional Black Caucus, the erstwhile gentlewoman from California (Ms. WATERS). As a result of her leadership, the gentleman's leadership, the work of people all over America, the legacy and the history will continue.

I thank the gentleman.

Mr. STOKES. Mr. Speaker, I thank the gentleman for his kind remarks and his eloquent statement.

Mr. Speaker, I yield to the distinguished gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I thank the gentleman for taking out this hour. As the gentleman said in the beginning, this is an hour to honor the contribution of black leaders across the world. I would like to pay tribute to some great South African black leaders whose names I believe should be part of our history books, who the gentleman, through his work and the work of the gentlewoman from California (Ms. WATERS) and the gentleman from California, (Mr. DELLUMS) these people have brought the possibilities of the freedoms that occurred.

I would like to remind of us Chief Albert Lithuli. He received the Noble Peace Prize, but he was not allowed to travel to Sweden to collect that prize, because the apartheid government of South Africa refused to allow him to do that, but Chief Lithuli is remembered in South Africa as such a great leader.

Archbishop Desmond Tutu. Desmond Tutu shown the light of religion on the horrors of apartheid. He made those who said that they were Christian look clearly at what was happening in South Africa in the South African apartheid policy.

Deputy Premier Tabo MBeke. Taboo MBeke spent decades in exile from his homeland because he could not live in any kind of safety in South Africa. He is now the deputy premier of South Africa. His father, Mr. MBeke, Senior, Mr. MBeke was in the dreadful prison that Nelson Mandela spent so many years. Madam Speaker, Together they studied and they kept the faith of the South Africa to-be.

Oliver Jhambo, the ANC leader who traveled tirelessly around the world to light the fire in the world that we needed all of us to be involved in the struggle of South Africa.

Then of course the great premier of South Africa, President Nelson Mandela. President Mandela spent 29 years in a dreadful prison in South Africa and he never, ever lost sight of the goal, that goal which was realized in 1994 on a sunlit day in Pretoria, South Africa, where President Mandela became the first President of a truly multiracial government in South Africa, the first premier, without violence, who led his country to democracy.

I believe, Mr. Speaker, that this history, this history of those great African leaders should join the proud list of African-American leaders who together have so shaped our common history. We are all in this world so lucky indeed to have had such mentors in our lifetime. I thank the gentleman for this opportunity to speak about those great South African leaders.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman for her participation in this Special Order.

Mr. STOKES. Mr. Speaker, I yield to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to pay tribute to three Arkansans who have made a difference in their community: Arkansas State Representative Joe Harris, Jr., Mr. Terry Woodard, and Mr. Fredrick Freeman. They are three African Americans who have worked to make a difference in their communities and in our State and in my congressional district. They are people who have risen to the challenges handed them.

They grew up in the Arkansas Mississippi River delta, one of the poorest regions in the country. Not only did they withstand adversity, but they have decided to remain in the delta to make it a better place to live and work and raise a family.

State Representative Joe Harris is a lifelong resident of Mississippi County, Arkansas, which he now represents in the State legislature. He is also the founder and owner of a successful business, Joe Harris Jr. Trucking and Demolition Company. He has worked for the community by serving on boards and commissions, by chairing the Board of Deacons of the Tabernacle Missionary Baptist Church, and participating in Chamber of Commerce work.

Terry Woodard is another African-American leader in Arkansas' First Congressional District who is a successful businessman and makes significant contributions to his community. He is a tireless worker for the betterment of the community in which he lives. He is the president of Woodard Brothers Funeral Services in Wynne, Arkansas, and currently serves as chairman of the Arkansas Funeral Directors Association.

Fredrick Freeman is a native of Forrest City, Arkansas, where he still resides. Since graduating from North Carolina A&T State University with a degree in business and finance management in 1981 and returning to Arkansas, he has started and successfully managed two family owned businesses. He focuses much of his time on community and business development. He serves as a member of the State of Arkansas Aviation and Aerospace Commission, as chairman of the St. Francis County Workforce Alliance, president of the Arkansas Democratic Black Caucus, and is active in his local NAACP chapter.

These are the kinds of community leaders the First District of Arkansas and communities across the Nation should feel very fortunate to have. They are people who grew up economically deprived in economically deprived areas. They got the education they needed, and they have worked hard and played by the rules.

Mr. Speaker, the African-American businessmen I have mentioned deserve to be commended for the service they have given to their communities. It is important that as this Congress addresses the needs of public education and community assistance we make decisions to empower a new generation of leaders for all constituencies. It is a privilege for me today to pay honor to these leaders in the First Congressional District of Arkansas and say thanks to them for the great contribution they have made.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Arkansas for his participation in this Special Order.

Mr. Speaker, I now yield to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman, my esteemed colleague, the gentleman from Ohio (Mr. STOKES), for having the insight to organize today's Black History special.

Certainly, the history of the people of African descent is interwoven with the history of America. The theme of African Americans in Business: The Path Toward Empowerment, is particularly significant. Since African Americans have been on American soil since 1619, black Americans have played an important part in the development of this great Nation. We helped to build this Nation. We helped to fight for America, and we helped America to gain its independence. We helped to build this country's thriving cities and farmed its fields and settled the West.

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As we celebrate Black History Month, I am mindful of this month's theme again, "Black Americans in Business." And I can think of many that have been mentioned, like Madame C.J. Walker, Percy Sutton, John Johnson, Robert Johnson, and Cathy Hughes.

And then I cannot forget that blacks have owned and managed businesses since slavery. In the 1770's, Samuel Fraunces was a successful tavern owner in New York.

During this period, many blacks also owned well-to-do barber and beauty shops and dry goods stores. After slavery, blacks began to acquire more property and capital, and increasing numbers began to set up businesses. Two of the earliest of those were Annie Malone and Madam C.J. Walker.

Funeral services was one area where blacks had a significant number of businesses and other personal services. Blacks have ventured into other forays. Maggie Lena Walker became the first black woman in 1903 to become a bank president. She founded the Saint Luke Penny Savings Bank in Richmond, Virginia, and the bank became so very strong that it survived the Depression.

Mrs. Walker's bank was by no means the first black-owned bank. That distinction belongs to the True Reformers Bank of Richmond, Virginia.

Mr. Speaker, I cannot overlook the North Carolina Mutual Life Insurance Company founded in 1893 in Durham. In 1789, James Forten, Sr., established the first major black-owned sailmaking shop. We could go on and on talking about the good highlights of black

Americans who have distinguished themselves in the area of business.

There is a growing crowd of black men and women who have taken their seats at the tables of business power here in America. People like American Express President Kenneth Chenault; Maytag President Lloyd Ward; Richard Parsons, President of Time Warner; Toni Fay, Vice President at Time Warner; Elliott Hall, Vice President of Ford Motor Company; and Ben Ruffin, Vice President at Philip Morris.

They are well-educated, highly motivated and strong-willed business leaders who have raised the glass ceiling beyond any level that their parents dared imagine. They are sharp and unapologetic. They are influencing hiring and promotion at their companies. They are gaining access to capital and creating unprecedented partnerships with large companies. In short, they are obliterating the myth that blacks cannot prosper at the highest level of industry.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. STOKES), our wonderful chairperson of this event tonight, as more blacks experience corporate success, more and more are expanding and creating their own businesses as well. Between 1987 and 1992, the number of black-owned businesses rose 46 percent compared to the 26 percent increase in U.S. business overall.

As we honor the legacy of achievement of blacks in business today, I, for one, am comforted to know that history is still being made by a new generation of blacks in business for themselves and at the highest levels of some of our Nation's largest corporations.

Mr. Speaker, I thank the gentleman for giving this time to help America understand the significant contributions of African Americans.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from Florida for her statement and her participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank my colleague from Ohio for organizing tonight's special order to commemorate Black History Month. I have been privileged to serve with the gentleman from Ohio (Mr. STOKES) on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and I would like to say what an honor it has been to work with him and that he will be truly missed in this body. This country is a better place for his having served in this body.

Black History Month is a time for us to join together to salute the accomplishments of African-American men and women who have contributed so much to make our Nation strong. I would like to take this opportunity to remember some of the key events that took place in my home State of Connecticut.

I guess I must deviate just a bit from the specific topic of businesspeople, but I think that New Haven, Connecticut, has a specific historical fact that it is important, I think, for people to understand about the city. And I think there are so many young people in the City of New Haven who do not realize the history of African Americans in this city.

These young people do not realize that their city was an important station on the underground railroad. In fact, the Varick AME Episcopal Church and Dixwell Avenue Unitarian Church of Christ were both way-stations for escaped slaves traveling through New Haven toward freedom in the North.

New Haven found itself in the center of the dispute between the forces supporting slavery and those working for freedom when the Amistad ship arrived in Long Island Sound in the summer of 1839. The Amistad has become a household word, thanks to a blockbuster movie this year, and we are grateful to Steven Spielberg for making such a movie. But before the movie, very few people knew about this event, even people living in the City of New Haven, where much of the action occurred.

After the Amistad was captured in Long Island Sound, the Africans on the ship, led by Sengbe Pieh, were put in a New Haven jail while a court battle was waged to determine whether they would be slaves or free men and women. The dispute forced the country to confront the moral, social, political and religious questions that were surrounding slavery.

Many members of the New Haven community pulled together to work for the freedom of the Africans, including the congregation of the Center Church on Temple Street and students and faculty from the Yale University Divinity School. Finally, in February of 1841, the Africans, who were defended by former President John Quincy Adams, were declared free by the United States Supreme Court.

Today there are several memorials in New Haven commemorating the Amistad and the story of the brave Africans who fought for their liberty on its decks. A statue of Sengbe Pieh, who was also known as Joseph Cinque, sits in front of the city hall in New Haven, and I was there for the dedication, along with our sister city from Sierra Leone. Plans are under way for a lifesize working replica of the ship to be docked on Long Wharf with exhibitions and programs on African-American history and the long fight for true freedom.

This is a month that gives us the opportunity to remember these events and the people behind them. Unfortunately, in our lives, we compartmentalize and we have a month where we talk with these things. It ought to be the topic of conversation and discussion and just woven into our everyday lives. But we are grateful that we have a time to single out the opportunity for the conversations, where we remember people with the courage to stand up and fight against tyranny and oppression, and we also have the opportunity to talk about those who have been such a tremendous success in business and academics and the arts and all the parts of our society.

Mr. Speaker, America is strong because we have been successful at molding our different backgrounds into a strong Nation. We are a diverse, tolerant and constantly changing country that has been enriched by our differences. We celebrate our rich history, not just in Black History Month, but throughout the year.

Mr. Speaker, I thank the gentleman from Ohio for organizing this event tonight.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from Connecticut for both her eloquent statement and her participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I join my colleagues in commending the gentleman from Ohio (Mr. STOKES) for doing this annually and for his leadership. This hour gives us an opportunity to put in the RECORD some reflection and attributes of black history. This month as a whole gives the Nation an opportunity to reflect, but also gives an opportunity to assess what is going on.

Mr. Speaker, last night I attended an event at which Vice President AL GORE and the Administrator of the Small Business Administration, Aida Alvarez, announced a new major initiative aimed at increasing loan approvals to minority entrepreneurs.

The announcement of this initiative is most appropriate as we pause to celebrate Black History Month. I was particularly struck by the Vice President's remarks as he discussed the historical debate between the value of political power as compared to economic power. The Vice President recognized that this debate has spanned the years past and acknowledged that it would likely continue into the years ahead. We actually need both economic development and political power if we, as a community, are to sustain a quality of life.

Whatever the view one may hold on this issue, it cannot be denied that the initiative announced last night, once implemented, would benefit the black community and, in particular, the black businesses in ways that would be felt into the future.

This lending assistance and marketing campaign is designed to support blacks who are interested in starting or expanding their own small businesses. Under the campaign over the next 3 years, SBA plans to more than double its annual level of loan guarantees now provided to blacks.

In the fiscal year 1997, SBA provided 1,903 guaranteed loans valued at $286 million. Those funds were provided to black entrepreneurs from the 7(a) and the 504 lending program.

By fiscal year 2000, SBA expects the annual loan guarantees to black businesses to reach 3,900 with an estimated value of $588 million from these 2 programs. And for the next 3 years combined, SBA expects to provide some 9,300 loan guarantees with an estimated value of $1.4 billion.

Mr. Speaker, the impact of this kind of infusion of capital into black enterprise is inestimable. But the true brilliance of this initiative rests with the fact that the SBA has enlisted a number of prominent black American groups to assist in facilitating this process to make sure that these loan guarantees are known and indeed get out to those entrepreneurs who may need them.

Those groups include the National Urban League, the National Black Chamber of Commerce, the National Council of Negro Women, the Minority Business Enterprise, the National Legal Defense and Education Fund, the Organization for a New Equality and the Phelps Stokes Fund.

The initiative represents an important and significant step forward. We are indeed making progress. In recent years, the number of black-owned businesses grew by nearly 50 percent from 424,000 to almost 621,000 new businesses, according to the Census Bureau. But at the same time, the average black firm generates an annual income of less than $52,000 while the average small business annual income is $193,000, some $141,000 more each year.

We are progressing, however. But yet we have a long way to go. This is a journey we must make.

America's 200 million small businesses employ more than half of the private work force. But that is not all. America's small businesses generate more than half of the Nation's gross domestic product and are the principal source of the new jobs in the United States economy and the reason that we are enjoying prosperity today.

But in the end, Mr. Speaker, this new initiative will work best if entrepreneurs who take advantage of it have the same daring and pioneering spirit as the North Carolina Mutual Life Insurance Company, which is in my State, headquartered in Durham, North Carolina. North Carolina Mutual, with determination and hard work, has become one of the Nation's largest insurance companies and the largest black-managed insurance company in the world.

Since its founding in 1898, just a few years after the doctrine of "Separate but Equal" was pronounced, North Carolina Mutual has been the symbol of progress and a symbol of success and entrepreneurial achievement, of leadership and economic vitality and the strength of the black community.

North Carolina Mutual has achieved this triumph despite overwhelming and seemingly insurmountable odds. Today, with assets over $228 million and insurance in force of over $9 billion, it ranks among the top 10 percent of the Nation's life insurers. North Carolina Mutual has offices in 11 States and the District of Columbia and is licensed to operate in 21 States and the District of Columbia.

It is fitting, Mr. Speaker, that the company has its headquarters atop the highest hill in Durham, because indeed it is at the top of its industry. Poised for the 21st century and all the promise that it holds, North Carolina Mutual deserves our respect, our notice, our appreciation, our admiration and our thanks for their leadership.

With this new initiative SBA is doing, we can only be hopeful that there will be many, many more North Carolina Mutuals in the future being multimillion dollar firms being run and managed by African Americans.

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Mr. STOKES. Mr. Speaker, I thank the gentlewoman from North Carolina for her participation in this special order. It is a pleasure to have her participate.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for his leadership on this very special order and tribute to black history and appreciate very much my colleagues who have come to the floor of the House to acknowledge this very special month. By their presence, I glean from their words that although we have this month to commemorate black history, the contributions of black Americans are so very important as it relates to the history of this Nation. The Preamble to the Constitution of this great Nation aptly begins, "We the people."

As I take my place on the floor of the House of Representatives to pay tribute to African Americans, I am reminded of the fact that those who first took their place in this very spot did not include me nor my people and their vision of "We the people."

To "secure the blessing of liberty to ourselves and our posterity" is one of the basic reasons that the Constitution was "ordained" and "established." These are basic tenets of freedom. This portion of the Preamble to the Constitution reminds us of the economic empowerment that surrounded the push towards the establishment of this great country. That is why it is so apropos that we celebrate African Americans in business, the path towards empowerment. There is no doubt that African Americans and Black History Month are one and the same. They recognize the importance of providing the pathway for evidencing what we have done for this country. African Americans have made unique contributions to the significant scientific and technological advancement of this country and to the growth and popularity of American culture around the world. Many of the modern conveniences that we enjoy today were invented by African Americans. Where would we be without the stop light invented by Garrett Morgan; the incandescent light bulb invented by Lewis Latimer; Dr. Charles Drew, a pioneer in blood research who established the first blood bank; and George Washington Carver, who so often we found as youngsters enjoyment in studying, maybe one of the few African Americans that our teachers allowed us to know? He revolutionized the agricultural economy of the South with his novel ideas on crop rotation.

Today African American scientists and astronauts are expanding our knowledge of space. How many of us know the names of these African American astronauts who have led the way for our country to be the leader in space exploration and space-based science? Major Lawrence, the first African American astronaut, Ron McNair, Guion Bluford, first African American to actually fly in space and Ron McNair who lost his life in the tragic *Challenger* accident, General Fred Geory, Charles Bolan, Mai Jaimson, first African American woman in space, Robert Curbeam, Winston Scott, Evon Cagle, Joan Higginbotham, Stephanie Wilson, Bernard Harris and Mike Anderson, an African American astronaut who flew in January on the last mission of the space shuttle *Endeavor* to *Mir*.

The economic benefits gained from the work of these African Americans has proved monumental. Our path towards economic empowerment has forged its way even through the hard times. And yes, even our African American farmers, our small businesses and large businesses to pay tribute to. For it was after slavery when we were told that we would receive 40 acres and a mule. I am sad to say that to this day, we have not received the full measure of the 40 acres and a mule. But our African American farmers in the deep South, the Midwest and other parts have held steady and strong, keeping up the good fight, providing that enhancement of economic opportunity that has kept this country going.

I hope as we proceed to celebrate this day and as well as we celebrate African American history throughout the years to come, we will pay tribute to our African American farmers and the justice that they deserve.

Now let me simply say this, Mr. Speaker. I too wanted to acknowledge the gentlewoman from California (Ms. WATERS) for her leadership in the Congressional Black Caucus, and certainly since we are talking about minority businesses and in this instance African American businesses, let me acknowledge Mr. Minority Business or African American Business in the United States Congress, Parren Mitchell, and thank him for his leadership on these issues of opening the doors of opportunity. Kweisi Mfume followed him with his interests in small business, and now the gentleman from Maryland (Mr. WYNN).

None of these individuals gave particular interest for their own self-aggrandizement, but they knew that it was important for us to be strong economically. So they championed, along with other members of this Caucus, affirmative action.

I would simply say that now is the time, as we celebrate this month, that we recognize that the struggle is not over. Affirmative action is under siege and many of our African American businesses that are successful today are successful because of African American effort in promoting affirmative action that has helped so many in this Nation, the rule of two that has provided for opportunities for small businesses and, yes, the Community Reinvestment Act that forced many of our Nation's banks to recognize that they could not do business by taking in money from the African American community and not investing money in the African American community. The creation of BET, one of the most well watched national stations has also been a recipient and beneficiary of affirmative action.

Lastly I would say, Mr. Speaker, that the important thing is what our young people believe and how they will carry the torch into the 21st century. I hope and my challenge is that although they may not have lived through the time frame of Dr. Martin Luther King or Stokely Carmichael or any of the others who so aptly raised their voices for equal opportunity and freedom, I hope that they will never forget. I hope there is a sense of loyalty and understanding and guts that they would feel that the work that they do, wherever it might be, those who may work in the United States Congress, with many of the Members and particularly those of the Congressional Black Caucus, understand that they have a mission, that it is a challenge and an honor to be so associated, that many of the strides that have been made by African Americans have come from the Congressional Black Caucus.

I challenge our educators and teachers: Teach our children about their history, do not have them scratching to find out about African American history because school boards and schools refuse to include those very important subjects in our curriculum. We all have a challenge. And to our African American businesses across the Nation, not to the exclusion of small businesses or Hispanic businesses or women-owned businesses, you have a special responsibility to give back to your community. I know that you live there. I know that you are giving. Let that be your cause.

My final word is to simply say that black history must be lived and not spoken. That means that we are all challenged to live African American history and the contributions to this Nation every single day. God bless you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the theme for this year's special order to commemorate Black History Month is "African Americans in Business: The Path Towards Empowerment." There is no doubt that the path towards empowerment includes economic empowerment—the ownership of businesses, as well as the creation of and participation in business opportunities. However, this assumes the freedom and liberty to do so.

To "secure the blessing of liberty to ourselves and our posterity" is one of the basic reasons that the Constitution was "ordain[ed]" and established." These are basic tenets of freedom. This portion of the preamble of the Constitution reminds us of the economic empowerment that surrounded the push towards the establishment of this great country.

There is no doubt that African Americans have always believed in the principles set forth in both the Constitution and the Declaration of Independence. Our contributions to the preservation of American liberty even extends to the beginning of this country, when Crispus Attucks was the first to die for the cause of American freedom and liberty in the Revolutionary War.

From the activism of Frederick Douglas, Sojouner Truth, and Harriet Tubman during the abolitionists movement, to the heroic efforts of Rosa Parks, Martin Luther King, Thurgood Marshall and Fannie Lou Hamer during the civil rights movement, African Americans have never lost faith in this country to expand democracy and provide true economic freedom for all Americans.

African Americans have been entrepreneurs from the very beginning of this country. During Reconstruction, African American businesses flourished in black neighborhoods largely due to the fact that we were not welcomed in majority stores and business establishments.

When African Americans were barred from purchasing life and health insurance coverage, African American entrepreneurs established their own life insurance companies. Golden State Mutual Life Insurance Co., North Carolina Mutual Life Insurance Co., and Atlanta Life Insurance Co. are only a few of the companies that were started by African Americans. These companies exist even today.

In Houston, Unity Bank serves as a model of African American empowerment. It is the only African American owned bank in Houston and serves as a beacon for African American business and commerce.

In the present era, our African American elected officials, along with the presidents of the various civil rights, fraternal, religious and business organizations continue to encourage our Nation to keep its commitment to freedom, equality and economic well-being and empowerment for all Americans.

Black History Month celebrations provide excellent opportunities to inform young and old alike of African American contributions to America and the world. The origins of the celebrations of black history as Black History Month date back to 1926, when Dr. Carter G. Woodsen set aside a special period of time in February to recognize the heritage, achievements and contributions of African Americans. It has only been since 1976 that we officially designated February as Black History Month.

African Americans have made unique contributions to the scientific and technological advancement of this country and to the growth and popularity of American culture around the world. Many of the modern conveniences that we enjoy today were invented by African Americans.

Where would we without the stop light, invented by Garrett Morgan; the incandescent light bulb, invented by Lewis Latimer; Dr. Charles Drew, a pioneer in blood research who established the first blood bank; and George Washington Carver who revolutionized the Agricultural Economy of the South with his novel ideas on crop rotation.

Today, African American scientists and astronauts are expanding our knowledge of space. How many of us know of the names of these African American astronauts who have led the way for our country to be the leader in space exploration and space based science:

Major Lawrence—the first African American astronaut; Ron McNair; Guion Bluford—The first African American to actually fly in space; Gen. Fred Geory; Charles Bolan; Mai Jaimson; Robert Curbeam; Winston Scott; Evon Cagle; Joan Higgenbotham; Stephanie Wilson; Benard Harris; and Mike Anderson, an African American astronaut who flew in January on this last mission of the space shuttle Endeavor to Mir.

The economic benefits gained from the work of these African Americans has proven monumental. Our path towards economic empowerment has forged its way even through space.

After the enslavement of Africans in this country, we were promised 40 acres and a mule. This, for many, would have provided a means by which newly freed slaves could work the land in order to provide for themselves. It was to allow for economic empowerment. That dream did not come true. It was readily apparent that the path towards economic empowerment for African Americans was littered with lies, deceitfulness, and Jim Crow laws that were designed to stifle the ability of African Americans to own business and in turn "secure the blessing of [economic] liberty."

African Americans built this country with their sweat and blood. They served as the economic backbone of the southern economy and helped to develop the West. During the migration from the South to the North in the first half of this century, African Americans played critical roles in the factories that energized the Industrial Revolution.

It is widely understood that education improves one's quality of life. African Americans have always believed in the importance of education. During the Reconstruction period, African Americans pooled their resources to form schools and colleges that still exist and thrive. Today, historically black colleges and universities are producing the doctors, lawyers, business persons, dentists, pharmacists and professionals that help to construct a better path to economic empowerment.

The accomplishments of African Americans are too numerous to actually list. From the tumultuous birth of our great Nation to this present day, African Americans have contributed to all that is good about America.

Black History Month is an ongoing celebration of victory. It is a celebration of our very survival and rise from oppression to recognized accomplishments and achievements.

Our challenge today is to become economically empowered through the ownership of business and the aggressive participation in business opportunities.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from Texas for her eloquent statement on this occasion.

I yield to the distinguished gentlewoman from California (Ms. WATERS), chairperson of the Congressional Black Caucus. Over the number of years I have taken out this special order annually to celebrate Black History Month, I have always done so in conjunction with whomever was the chairperson of the Congressional Black Caucus. And I am delighted this year to have my name associated with that of our distinguished chairperson, the gentlewoman from California (Ms. WATERS), who is doing such an outstanding job in giving leadership not only to the Congressional Black Caucus but here in the House of Representatives. It is an honor to yield to her.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding to me.

I am delighted to be a part of this very special time that is taken out and directed by a very special man. The gentleman from Ohio (Mr. STOKES) has led this House in celebrating Black History Month and this will be the last year that the gentleman from Ohio (Mr. STOKES) will be here to do this for us. While we are all saddened by the fact that he will not be here to guide us on this and in many other efforts that we have to put forth, we are delighted that he is here once again this evening to make sure that we take time out from our very busy schedules to pay attention to the contributions of African Americans to this society.

This year we have as our theme African Americans in business, the path towards empowerment. Mr. Speaker, I rise today to join with all my colleagues in celebrating this Black History Month. Each year during the month of February we consciously take time to acknowledge and celebrate the history and accomplishments of African Americans in this country and worldwide. As we reflect on our history, I am more convinced now than ever that economic development through black entrepreneurship is a key to creating jobs, wealth and opportunities in our communities. Our history is rich with African Americans who created economic opportunities for others by owning, operating and building their own businesses. The early trailblazers include black entrepreneurs like Madam C. J. Walker, A. G. Gaston and John Johnson.

Madam C. J. Walker, the first woman self-made millionaire of any race built an economic empire starting with $1.50 in capital. In 1905, Madam Walker founded Madam C. J. Walker Manufacturing Company, the Nation's first successful black hair care products company. Madam Walker's company trained thousands of black women in her beauty schools and colleges. Her company sales force eventually exceeded more than 20,000 agents in the United States, the Caribbean and Central America.

Arthur G. Gaston founded the Booker T. Washington Burial Society in 1923. He parlayed his company, which guaranteed African Americans a decent burial, into a conglomerate of 10 companies that included two radio stations, a construction company, a bank, two funeral homes, a motel and a nursing home. When he died in 1996, he sold several of his businesses, valued at $34 million, to his employees.

John Johnson, chairman and chief executive officer of Johnson Publishing Company, pioneered one of the Nation's largest black-owned businesses and the world's largest black-owned publishing company. In 1942, with a $500 loan secured by his mother's furniture, Mr. Johnson started his company, which now includes Ebony, Jet, EM, that is Ebony Man, and other enterprises. Today Johnson Publishing Magazines employ over 2,700 people and reach more than 20,000 readers in 40 countries.

While C. J. Walker and A. G. Gaston and John Johnson paved the way, Reginald Lewis and Robert Johnson raised black entrepreneurship to another level. They used savvy deal-making and Wall Street financing techniques to create two of the largest publicly traded African American controlled companies in America. Reginald Lewis, a Wall Street lawyer, used his financial and legal savvy to buy Beatrice International Food Company, a global giant of 64 companies in 31 countries. With that acquisition, he parlayed TLC Beatrice into the largest African-American controlled business in the United States. In 1992, TLC Beatrice had revenues of $1.54 billion. When he died in 1993, he had a net worth of $400 million. His wife Loida N. Lewis currently runs the company.

Robert Johnson also recognized early on the power of Wall Street to create economic opportunities. In 1980, he created Entertainment Television, the largest black cable television and entertainment network. In 1991, BET became the first African-American owned and controlled company traded on the New York Stock Exchange. BET has revenues in excess of $132 million.

Several African-American entrepreneurs and entertainers have continued the legacy of ownership and empowerment for African-Americans. These include among others: Edward Lewis, J. Bruce Llewellyn, Earl Graves, Berry Gordy, Bill Cosby and Oprah Winfrey.

Edward Lewis, the publisher, chairman and CEO of Essence Communications, heads one the country's most successful and diverse African-American owned communications companies. In May 1970, Lewis and partner Clarence O. Smith published the first issue of Essence Magazine, a fashion magazine for black women. Today Essence Communications Incorporated is synonymous with black womanhood.

I cannot go into Mr. James Bruce Llewellyn, Mr. Earl Graves, Mr. Bill Cosby, Oprah Winfrey, and of course Berry Gordy. But I have mentioned them and we shall continue to make this information available to all.

I thank the gentleman very much for this opportunity to share the contributions of these wonderful African-Americans.

Mr. Speaker, today I rise to join my colleagues in celebrating Black History Month.

Each year during the month of February we consciously take time to acknowledge and celebrate the history and accomplishments of African Americans in this country and worldwide.

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James Bruce Llewellyn has built several multimillion dollar companies. He currently is the president of the Philadelphia Coca-Cola bottling companies of one of the largest Coca-Cola Bottling distributorships in this country. The Philadelphia Coca-Cola Bottling Company currently employs over 1,000 people.

Earl G. Graves, Sr. launched Black Enterprise magazine in 1970. His magazine set the standard for informing African-American entrepreneurs "how to" start and grow a successful business. Black Enterprise magazine now boasts more than 3.1 million readers and has a controlled subscriber base of 300,000.

Bill Cosby is one of the most highly-paid TV personalities in America. After cutting his first comedy album in 1964, Cosby went on to star in several television series, including "I Spy," "The Cosby Show"—NBC's top-rated program through most of the late 80s and the new sitcom "Cosby." Cosby also is known for his Jell-o commercials with children; as the narrator of the "Fat Albert" cartoons and as a producer and creator of other television shows. Cosby and his wife, Camille, have been active in education circles through their donations amounting to over $20 million to black women's colleges. Mr. Cosby's earnings exceeded $33 million last year.

Oprah Winfrey, queen of the afternoon talk shows, worked her way up from a local TV reporter to a morning talk show host. Her lively, aggressive, intelligence and streetwise common sense made her a popular television personality who earns top ratings and numerous television awards. Winfrey is also a savvy business woman. In 1988, Winfrey purchased a Chicago-based movie and television production facility that she renamed Harpo Studios. She has used Harpo Studios to produce her own television dramas and series. She made over $200 million last year.

We have made tremendous strides in creating black-owned businesses. Between 1987 and 1992, the number of black-owned businesses grew by 46 percent. Revenues also rose by 63 percent from $19.8 billion to $32.2 billion. Black Enterprise reports that the leading black industrial and service firms created more than 4,000 new jobs between 1995 and 1996.

However, in 1992, African-Americans and other minorities, collectively, owned only 11 percent of all businesses in America. Annual sales receipts for minority-owned businesses averaged only $202,000, compared with an average of $3.3 million for white-owned businesses.

To bridge those gaps and build economically sound communities, the development of more black businesses is essential. Economic power today will mean jobs, creation of wealth, and continuing political clout in the future.

As Madam C.J. Walker was fond of saying, "I am not merely satisfied in making money for myself, for I am endeavoring to provide employment for hundreds of women of my race." "I had to make my own living and my own opportunity! But I made it! That's why I want to say . . . don't sit down and wait for the opportunities to come . . . Get up and make them!"

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Mr. Speaker, I thank our distinguished chairperson of the Congressional Black Caucus for her statement and her participation in this special order.

Mr. Speaker, I am pleased now to yield to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Ohio (Mr. STOKES). It is an honor to be here tonight with him.

Today I honor the accomplishments and advancements of African-Americans, and I join the celebration of Black History Month. It is fitting that we honor African-American business pioneers this year, as we are in the midst of record economic growth. Many African-American businesses have indeed made strides in the business world.

The Reverend Martin Luther King saw the economic potential of the African-American community and called for the use of that power. He said:

> We are a poor people individually. Collectively, we are richer than all the nations in the world, with the exception of nine. We have an annual income of more than $30 billion a year. That is power right there if we know how to pool it.

In my home city of Milwaukee, and across the Nation, African-American businesses have made the sacrifices necessary to achieve success in the business world. These efforts have paved the way for today's African-American businesses and entrepreneurs and established a solid business environment in which minority-owned businesses now grow and prosper.

One of these businesses, the Columbia Building and Loan Association, was the first African-American financial institution in Milwaukee. The business has been located at Fond du Lac and 20th, in the heart of Milwaukee, since it was founded in 1915. The founders, Wilbur and Ardie Hayland, were committed to development in the African-American community and used their business to invest in and develop homes and businesses. They saw that African-Americans could not secure loans from white institutions and the housing situation in their community was bleak. They decided to do something. As a result, great strides were made in this community. The Columbia Building and Loan is still in business today as the Columbia Savings and Loan.

Another Wisconsin African-American pioneer, William Green, was the author of Wisconsin's first civil rights legislation, the Wisconsin Civil Rights Act of 1895, which outlawed discrimination in public places. Mr. Green came to Wisconsin in 1887 and graduated from the law school there in 1892.

Wisconsin's first African-American newspaper, the Wisconsin Enterprise-Blake, founded in 1916, paved the way for many of today's successful businesses.

Wisconsin now has a number of African-American radio stations and newspapers, including the Community Journal, the Milwaukee Time, and the Milwaukee Courier. These publications and outlet serve as a window on the community, highlighting the achievements of the community they cover.

But these businesses are just the tip of the iceberg when we talk about African-American businesses in Wisconsin. African-American entrepreneurs have established grocery stores, child care centers, health care centers, law firms, eye care centers, engineering firms, data centers, sales and marketing services, and many more. Some of these businesses have succeeded in securing contracts and investing millions of dollars in community development projects. Just last summer an African-American-owned contracting company secured the largest 8(a) contract awarded by the U.S. Small Business Administration in Wisconsin's history. Bowles Construction of Milwaukee received a $6.1 million contract for a flood control project over the Wisconsin River.

This month, during Black History Month, we can all take pride in the success of both past and present African-American businesses. These businesses have become a growing, integral part of the healthy economy America is enjoying today. They deserve this recognition, and we should all be proud of what has been accomplished.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Wisconsin for his participation tonight, and at this time I am pleased to yield to the distinguished former chairman of the Congressional Black Caucus, the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me congratulate the gentleman from Ohio (Mr. LOU STOKES) again for his effort of bringing forth our African-American history to the Nation. We will certainly miss him when he departs from this great body.

Mr. Speaker, I rise to join my colleagues this evening in commemorating Black History Month, which is celebrating the achievements of African Americans in the field of business. This year's theme, "African Americans in Business: The Path Towards Empowerment," is very fitting at a time in history when so many talented African-American men and women are playing leading roles in our Nation's business sector and taking their rightful place in national and international economic affairs.

According to the Census Bureau's survey of minority-owned business enterprises, the number of black-owned businesses has increased 46 percent in recent years. The 100 largest black-owned companies in the United States generated revenue of over $14 billion.

Last summer Fortune Magazine profiled a new generation of African Americans who are achieving phenomenal success on Wall Street. Among them are John Utendahl, a bond trader who founded Utendahl Capital Partners, the largest black-owned investment bank in the United States. His firm has been involved in over $250 billion worth of transactions.

Another success story, a friend of mine, young Ron Blaylock from New Jersey, a young man in his thirties, founded Blaylock and Partners, the first minority firm to manage a corporate bond underwriting. His firm supervised the $150 million issue on behalf of the Tennessee Valley Authority.

We all know Marianne Spraggins, the top achieving African American woman on Wall Street, who took on the challenging position of CEO for W.R. Lazard, a black-owned firm.

One African American caught in downsizing of Occidental Petroleum, William Davis, started his own company, Pulsar Data Systems. This $166 million business is now the largest owned black computer firm.

In addition to large-scale companies, successful small businesses are being started every week in communities throughout the Nation. I am very proud of the entrepreneurs in my congressional district in New Jersey, who have worked hard to build their businesses.

Our local communities are enhanced by the presence of successful businesses in the 10th district. Starting very quickly with the City National Bank, a minority-owned bank, chaired by Mr. Lewis Prezau; Dunn and Sons, a janitorial service owned by Malcolm Dunn; Bradford and Byrd, also a janitorial service, owned by Avery and Trina Byrd; Ke'Dar Books, a store that sells books on Bergen Street, owned by a former student of mine, Jack Martin; P.C. Pros, a computer company owned by an outstanding businesswoman, Avis Yates; Johnson Publication Company of New Jersey, which produces many publications, including the popular newspaper City News; and Evan Bow Construction, owned by the Bowser brothers; Justin's Mens Clothing in South Orange, NJ.

And so during this Black History Month, as we celebrate, I conclude by saying that even during the era of slavery, free blacks were successful business owners. Records show back in the 1700s, as we have heard, Paul Cuffe was a shipper and merchant in New England; James Wormley owned a hotel right here in Washington, DC; William Johnson owned a string of barber shops in Natchez, MS. And after the Civil War many African Americans were established in businesses.

So as I conclude, I do want to mention this is the 100 anniversary of the birth of Paul Robeson, a Jersian, a 12-letter man in every athletic event that they played at the time, an outstanding singer, but who had to fight to get on the chorus, on the glee club, and who was not allowed to play football initially when he first went out. He ended up with a broken rib and destroyed his hands, but he went back to say he was going to play. He became an all-American. And with that I yield back to the gentleman.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New Jersey and, Mr. Speaker, I express my appreciation to all the Members who have participated in this special order.

Mr. FILNER. Mr. Speaker, I rise today and join my friends and colleagues in celebrating and honoring Black History Month. As we observe and reflect on the achievements of African-Americans in our Nation, I enthusiastically support and salute this year's theme, "The Path Towards Empowerment."

The African-American business community has been the hallmark of empowerment efforts in my congressional district. This year marks the fifth consecutive year that I will host a Small Business Conference in my congressional district in San Diego. These conferences have already opened the doors of opportunity to many African-American businesses which lacked such access in the past.

These seminars have been concentrated in the African-American community and have produced significant achievements. Bryco Distributing Co., one of San Diego's largest paper goods distributing companies, has relocated into my congressional district. We are also developing both a business improvement district and a micro-business district in the heart of San Diego's African-American community.

Government contracting has also increased opportunities for the African-American business community. The Navy exchange system has enabled an African-American baking goods company to acquire a Navy vendor contract. Construction contracts for Navy housing and other facilities have given African-American contractors, subcontractors and vendors valuable opportunities of historic proportions.

My own efforts have also attempted to provide local empowerment through the business community. I am working with local African-American leaders to foster a strong working relationship with the African-American Chamber of Commerce in my district. I regularly review actions of the Small Business Administration [SBA] and that of local banks to monitor adherence to California's Community Reinvestment Act passed to guarantee investment in traditionally red-lined communities. I have also supported efforts of the Economic Community Magazine to create an entrepreneurial training center.

Our efforts here and at home on behalf of African-American businesses work to further strengthen this community and create additional opportunities. It is this community empowerment which will ultimately sustain ongoing efforts to ensure equality, guarantee justice and maintain hope in the future.

Mr. HOYER. Mr. Speaker, I rise today to join my colleague, LOUIS STOKES, in celebration of black history month. This special order is a time honored tradition in the House, and I always enjoy participating.

For the past 17 years, I have celebrated black history month with the families, community leaders and elected officials of the Fifth Congressional District in Maryland, together, we reflect the memory of African-American leaders past, honor the leaders and activists in the present, and encourage the development and education of future leaders: the children.

One of the reasons I celebrate Black History Month is because I believe that African-American history is the foundation of American history. They are indeed one in the same. African-American history is a celebration of the journey of a people from which all Americans are able to witness the meaning of strength, perseverance, resilience, talent, faith, leadership, economic empowerment, and vision.

Strength was what the African ancestors drew upon when they were stripped from their native land, chained in the bowels of a slave ship, and forced to make the traumatic transatlantic voyage into the unknown.

Strength was the African slaves' will to survive in a foreign land, under violent, torturous and deplorable conditions for over 260 years.

Perseverance was when Harriet Tubman, "the Moses of her people" led slaves to freedom countless times, dubbed "the underground railroad" in the face of danger and exhaustion. I am pleased to be a co-sponsor of Mr. STOKES' bill, H.R. 1635, the "National Underground Railroad Network to Freedom Act of 1998." This legislation would authorize the National Park Service to link together in a coordinated and cohesive fashion the many sites, structures, activities, museums and programs that commemorate and celebrate this African-American triumph.

Resilience is Booker T. Washington, who, after walking from West Virginia to Hampton Institute located in Hampton, VA, swept the floors of a classroom as his admissions test, and went on to become the principal of Tuskegee Institute in Tuskegee, AL. Washington played a defining leadership role in American politics in the early 1900's.

Talent is defined by the great storytellers of the Harlem renaissance era, like Langston Hughes, James Weldon Johnson, Nella Larsen, and Claude McKay—writers who drew upon their own experiences and societal African-American culture as the basis of their compelling text.

Talent is the musical genius of Count Basie, Duke Ellington, Ella Fitzgerald and Louis Armstrong, who developed the wonders of jazz music and laid the foundation of America's appreciation for many genres of contemporary music.

Faith is what the late Jackie Robinson had when he became the first black player in modern major league baseball in 1947, an act which helped break down racial barriers in professional sports. We just celebrated the fiftieth anniversary of his feat last year, marking this triumphant point in history and reminding our youth of how far we have come and how far we have yet to go in fighting discrimination.

Faith is what Rosa Parks had when she denied a white person a seat on a bus, which helped lead us into the greatest movement in American history—the civil rights movement.

Faith is what nine students in Little Rock, AR had when they integrated Little Rock Central High School in 1957, becoming symbols of educational equality.

The late Thurgood Marshall demonstrated leadership when he became the first black Associate Justice of the Supreme Court in 1967. The vital role he played as counsel in Brown v. Board of Education Topeka, Kansas left an indelible mark on the history of education in America, eliminating the cruel ruse of "Separate but equal"—overturning Plessy v. Ferguson.

The late Dr. Martin Luther King, Jr. was and will remain one of America's most revered and honored leaders as an advocate for racial harmony. Like many other leaders of the 1960's, Dr. King's assassination took him from us physically, but his spirit of leadership and his vision for racial equality still lives.

Economic empowerment is what all of us here are seeking to sustain and create. We all want to develop and strengthen our communities economically by creating jobs and other opportunities to make sure that our neighborhoods are prosperous and our children are provided for.

All of these attribute I have touched upon lead us to vision. African-Americans have always had a vision, whether it was of freedom, equality, voting rights civil rights, economic stability or justice. It must be noted historically that, when reviewing the visions of African-Americans from one point in history to another, one thing rings true: The vision is always realized.

As we approach the year 2000, we should all take a long, hard look at the journey that our ancestors have taken, that we have taken—and how, we need to look at the road we have left for our children to take on their journey.

We leave our children with a rich history full of leaders and innovators, of men and women who made a difference and ensured the survival of a race of people in the face of adversity.

Yet, as we prepare to pass the legacy of a people to the next generation, it is still incumbent upon us to tell the story, to celebrate the history. We must impress upon our children not to give up, but to always hope. They must hold onto the vision for their journey, and stick with it until it is realized—as our African-American forefathers and mothers did.

It is impossible for me to recognize all of the African-Americans throughout history who have influenced our lives. However, I am truly thankful that, with the leadership of Representative STOKES and others here today on the floor, we take the time to recognize Black History Month.

Today, we are celebrating the African-American journey and are passing the legacy onto the next generation. I am proud to have participated in this special order commemorating Black History Month in 1998.

Mr. CONYERS. Mr. Speaker, I rise on this the 11th day of Black History Month to salute African-Americans in business. In Martin Luther King's "I Have a Dream" speech, he spoke of a promise that America made to its people:

> A promise that all men, yes, black men as well as white men, should be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

Today as more and more young black women and men graduate from colleges and business schools, medical and law schools across this land, they are taking Dr. King's dream and turning it into a reality. In 1960, 141,000 African-Americans attended college, in 1988, 785,000 African-Americans attended. Two decades ago, only a handful of African-Americans graduated from MBA programs whereas in 1995, 4,000 African-Americans graduated. There is a strong correlation between higher education and African-American business success. By utilizing their hard-won knowledge and mixing it with their strength and perseverance, African-Americans are becoming more empowered through entrepreneurship each day.

According to "Banking on Black Enterprise" a new community of African-American businesses are emerging. From 1987 to 1992, African-American businesses grew by over 45 percent. Between the years of 1984 and 1994, African-American pilots and navigators increased 650%, dentists 311% and black engineers 173%. Other factors such as corporate procurement plans and municipal plans have led to empowerment for African-Americans. Programs of this nature such as the General Motors African-American empowerment forum for small minority-owned business and the Michigan Minority Business Development workshops and conferences have also opened doors for African-American businesses.

We must fight to maintain these gains and ensure the growth of the African-American middle class into the next century. Every time that a little black boy or black girl takes their first step into a school, Dr. King's dream takes one step closer to becoming reality and every time that a new African-American business opens, Dr. King's dream takes yet another step closer to reality. Our successes in entrepreneurship are numerous, our chances for further growth, limitless.

Mr. VISCLOSKY. Mr. Speaker, in honor of Black History Month and its 1998 theme, African-Americans in Business, I would like to draw your attention to seven distinguished residents of Indiana's First Congressional District. These business people have achieved stunning success while generously giving of themselves to the community.

Nathaniel Z. Cain is a native of Gary. With his wife, Jacqueline, they raised 3 children, Fred, Jeff and Natalie, and now have 3 grandchildren. Nate started his business career in the automobile industry after serving 4 years in the U.S. Marine Corps and 2 tours of duty in Vietnam. He began working at a Ford dealership in Gary in 1969, began buying stock ownership in dealerships in 1986, and, in 1996, bought the same Ford dealership in Gary in which he had begun his career in 1969. He currently serves as President and Dealer-principal of Tyson Ford and Tyson Lincoln-Mercury and Vice-President of Melrose Lincoln-Mercury.

Nate has been recognized and rewarded for his outstanding achievements throughout his career. He was awarded 4 medals for his service in Vietnam: the National Defense Service medal, two Vietnam service medals (1st & 2nd awards), and the Vietnam campaign medal. He received numerous awards at the Tyson Motor Corp. in Joliet, Illinois, and in 1996 received the "100 Champions Award" for the top 100 Lincoln-Mercury Dealers. He has also been listed on Black Enterprise magazine's Top 100 Black Auto Dealers List since 1990. Throughout his career, Nate has been involved in his community, serving on various boards and councils, including the Board of Directors of the Boys & Girls Clubs of Northwest Indiana, the Gary Mental Health Association, the Urban League of Northwest Indiana, the Board of Trustees of the Gary YWCA, the National Auto Dealers Association, the Ford-Lincoln-Mercury Minority Dealers Association, and the Chrysler-Plymouth Minority Dealers Association. His story is clearly a tribute to economic success and civic devotion.

Sharon L. Chambers is an insurance agent with State Farm in Gary, where she lives with her daughter, Sheena. Sharon received a degree from Indiana University and started her own insurance agency in 1984. Sharon has received the "Outstanding Young Women of America Award," and, last year, she was inducted into Gary's first Women's Museum of Cultural Development. Sharon started her own agency with no customers and, for years later, was the number one insurance agent in the

State of Indiana. She truly made it on her own. However, Sharon does not focus the story of her success on herself. She talks about the support of Gary citizens, and about the numerous young African-American women who have worked in her office as Marketing Representatives, five of whom have started their own businesses and four of whom have returned to college.

Imogene Harris is a Gary native, who earned her undergraduate degree from Indiana University and undertook graduate studies at Valparaiso and Purdue Universities. She was a teacher with the Gary School Corporation for 12 years and became President and Publisher of the family-owned Harris Printing Co. and INFO News in 1978. She and her husband, James T. Harris, have worked at their business for nearly 48 years. Imogene is actively involved in the community and works with the Gary Chamber of Commerce Board, the Urban League of Northwest Indiana Board, the Gary Accord Board, and the NAACP. Additionally, she holds membership in numerous organizations, including the National Newspaper Publishers Association, the Great Lakes Broadcasting Board, the Delta Sigma Theta Sorority, and the Delaney United Methodist Church. She has been honored by the Phi Beta Sigma Fraternity, the NAACP (nationally and locally), NCNW and many other organizations. In addition, Imogene has received the Gary Frontiers' "Drum Major Award" and the "Distinguished Hoosier Award." She has continually distinguished herself as an individual committed to equality, actively working to eradicate racism and prejudice through providing a forum in which issues can be addressed in a productive manner. She has been committed to the improvement of Gary for 50 years and much of the progress that has been made can clearly be attributed to her.

Roosevelt Haywood came to Indiana from Mississippi in 1948, and he attended Indiana University. He has a wife and seven children and is currently the owner of Haywood Insurance Agency in Gary. Before going into the insurance business, Roosevelt was a member of the United Steelworkers' Local #1014. Roosevelt built his successful business on his own, but he has been an active member of the community while doing so. He is currently Vice-President of the Gary branch of the NAACP, Vice-President of the Gary Black Insurance Agents and Brokers Association, a Deacon-Trustee at his Baptist Church, and a Board Member of the Brothers' Keeper. His record of civil service is extensive. Roosevelt worked as a State Chairman of the Fair Share Organization, a civil rights group that broke down the discrimination barrier over a decade ago in Gary, Michigan City, and East Chicago, Indiana. He founded and served as President of both the Gary United Council of Midtown Businessmen and the Gary Toastmasters International. He also served as Vice-President of the Minority Business Steering Committee and on the Advisory Board of the Urban League. He served as President of the Ambridge-Mann Community Board and the Indiana Association of Black Insurance Professionals. Finally, he served as a member of the Gary Library Board, the Gary Parks and Recreation Board, the Lake Country Economic Opportunity Council, Inc., and the Gary Common Council.

The Reverend F. Brannon Jackson and his wife, Doris, are another Northwest Indiana success story. Reverend Jackson came from Mobile, Alabama in 1946, and became pastor of his church on December 1, 1965. Doris graduated from East Chicago Washington and studied fine arts at the Chicago Art Institute. She opened her own boutique in downtown Gary, and has been in business for almost 17 years. While Reverend Jackson has served as President of the Ordinary General Missionary Baptist State Convention of Indiana, Chairman of the Office of Convention and Meetings for the National Baptist Convention, USA, and Treasurer of the City of Gary's Commission on Economic Development, Mrs. Jackson has supported his efforts in a tangible way by keeping her own shop in downtown Gary, while many of her neighbors moved their businesses elsewhere. Both Reverend and Mrs. Jackson have stood by and sustained downtown development and committed many hours to making Northwest Indiana safe for worship and shopping. They are two beacons in the Gary Community, providing both economic and spiritual leadership.

Dorothy Leavell is the Editor and Publisher of the Crusader Newspapers, which are published in Gary and Chicago. Dorothy attended public school in Arkansas and Roosevelt University in Chicago. In June of 1998, the Chicago Crusader will celebrate 58 years of continuous publishing, and the Gary Crusader will celebrate 37 years of operation. Dorothy took over the newspapers upon the untimely death of her first husband, Balm L. Leavell, Jr. She had been working there for 7 years as an Office Manager and Business Manager before taking over the helm of the Crusader Newspapers in 1968. Dorothy's newspapers have never missed a single issue.

Dorothy has been involved in numerous civic and humane organizations. She founded and sponsored the "Odyssey Club," a teen club at her church, dedicated to raising funds and items necessary for teens to further their educational and career goals. Her contribution to community service has earned her many awards over the years, and she has been recognized with distinction by: the YMCA of Metropolitan Chicago; Holy Name of Mary School Board; Prospair Ladies Social Club, and the National Association of Black Media Women. She has received the Operation PUSH "Family Affair Award"; "Fourth District Community Improvement Association Award" in Gary; "Dollars and Sense Award"; Mary McLeod Bethune Award"; the "Publishing Award" from the National Association of Negro Business and Profession Women's Club, and the "NNPA's Publisher of the Year Award" in 1989. Dorothy has been a member of the National Newspaper Publisher Association (NNPA), for more than 25 years, and she is currently serving her second term as president of NNPA, which represents more than 215 African-American newspapers in the United States. Dorothy has always had a keen interest in art, and she donated her personal art collection valued at over $50,000 to the DuSable Museum of African-American History in Chicago in the 1970's. Dorothy is currently married to John Smith, and she has two grown children, Antonio and Genice Leavell. She also raised a niece and nephew, Sharon and Leonard Gonder, and has four grandchildren.

Mamon Powers' college education at Campbell College in Mississippi was interrupted when he was drafted to serve in the European theater during World War II. He served for almost three and a half years, and was discharged as a Sergeant Major in April 1945. He then followed his sweetheart north, and settled in Gary to work in the steel mills. But Mamon did not end up working in the mill, instead deciding to try carpentry. Relying on the experience the had gleaned through this father's long association with the trade, he joined the Carpenters' Local #985, and was the first black carpenter's apprentice in the program. He worked at Means Brothers Construction Co. during the day and at night worked at getting his degree from Horace Mann, from which he graduated in 1949.

He was then noticed by his long-time mentor, Andrew Means, who offered him a Vice-Presidency at Means Developers. Mamon studied Mr. Means' building techniques and financial planning, and in 1955 formed his own partnership with drywall contractor, Hollis Winters. Winters Powers Construction Co. built homes for 9 years before Mamon decided he wanted a company that was truly his own. In 1967, Powers & Sons Construction Co. began. Amidst a city that was changing economically and politically, Mamon changed with the time, branching out into commercial construction, and bringing two of his sons into the business with him. In 1971, Powers & Sons won its first million-dollar contract, and, in 1987, it was named one of the top businesses in the Nation. Black Enterprise magazine has recognized this feat for eight years. Mamon has contributed to many civic and charitable organizations and continues to volunteer and donate his time by lecturing at the various Gary schools on careers in the construction industry. Powers & Sons continues his personal commitment on a professional level by providing scholarships to area youths.

These people are remarkable not just for their astounding business success. They are doubly remarkable for having achieved such success in arenas which were just beginning to open up for African-Americans. Marcus Garvey's prediction, that African-Americans could accomplish what they willed, has been borne truthful by people like these fine citizens of Northwest Indiana.

But the 'bootstraps' mentality is only one aspect of Garveyism, and these people's success can be measured in more than just professional terms. These Northwest Indiana leaders exemplify the true extent of success African-American business leaders have achieved; these men and women have not only made successes out of themselves, they have, and continue to, make successes of their communities, by devoting as much of their time and energy to others as they do to themselves. Sharon Chambers talks about the African-American women she has mentored, Mamon Powers talks about the man who mentored him. Roosevelt Haywood talks about participating in organizations which broke down the racial barriers facing African-Americans in the area, and Dorothy Leavell describes donating art in order to inspire other to achieve. The Reverend and Mrs. Jackson couple their work for economic growth with a devotion to community spiritualism. Nate Cain followed his career in the military with a long history of devoting his time to local youths. And Imogene Harris followed a career in teaching children with a career in teaching the community as a whole. George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these." These seven people have indeed been tender, compassionate, sympathetic and tolerant. And they have met with great success, both personal and professional, because of it.

In closing, Mr. Speaker, I would like to commend my esteemed colleagues, LOU STOKES and MAXINE WATERS, for arranging today's Special Order on Black History Month. LOU and MAXINE truly lead the House of Representatives in promoting racial consciousness, and their tireless work on behalf of African-Americans is unparalleled. With his recent retirement announcement, LOU promises to leave a significant void in the House of Representatives. We will miss him, but I look forward to others benefitting from the example he has provided, as well as continuing his legacy.

Mr. BENTSEN. Mr. Speaker, I thank the gentlemen for yielding.

Mr. Speaker, I rise to join our Nation in celebrating Black History Month. In keeping with this year's theme of "African Americans in Business: The Path Towards Empowerment," I want to take this opportunity to honor African-American publishers in Houston who are business leaders themselves and play a critical role in helping other businesses to succeed.

Part of this year's theme is empowerment, and certainly the African American press is invaluable in empowering businesses to succeed, both in providing them with important community information and linking them to customers through advertising. I have seen the value of the African American press firsthand in Houston, which benefits greatly from a healthy number of African American community newspapers.

Today, I want to take the opportunity to honor the publishers of these newspapers, including Sonceria "Sonny" Messiah Jiles of The Houston Defender; Dorris Ellis of The Houston Sun; Lenora "Doll" Carter of the Houston Forward Times; Francis Page, Sr., of The Houston NewsPages; and Pluria Marshall, Jr., of The Houston Informer. These newspapers and their publishers were honored when the National Newspaper Publishers Association held their annual convention in Houston in 1996, and it was rightly noted how remarkable it is that Houston has so many members of the Association. This is a testament to the strength of the African-American community in our city and to the diversity of voices heard in Houston's marketplace of ideas.

I want to take the opportunity to honor each of these newspapers and their publishers.

The Houston Defender was founded in 1930 by C.F. Richardson Sr., a journalist who used his newspaper to fight racism and was often the target of death threats and beatings by the Ku Klux Klan. Since becoming the publisher in 1981, Sonny Messiah Jiles has steered the paper back to its roots, focusing on economic and political issues while striving to promote positive images of African-Americans.

Sonny Messiah Jiles is a 20-year veteran of Houston media, having worked in public relations and radio, as well as hosting two long-running talk shows on minority issues. She bought the Houston Defender at the age of 27 with money she had saved and borrowed from family and friends and practically ran it by herself during her first year of ownership. Since then, the Houston Defender has won numerous awards, including an NAACP Carter G. Woodson Award in the early 1990s for the paper's focus on equity issues, and Sonny Messiah Jiles was selected as publisher of the year in 1991 by the National Newspaper Publishers Association.

The Houston Sun provides extensive coverage of community, local, and national news, with a goal, as stated by publisher Dorris Ellis, "to provide news and information the community could use and trust." Dorris Ellis began publishing The Sun out of an extra room in her home, and it has since grown into much larger offices and a respected role in Houston's African-American community.

Dorris Ellis has long been active in a wide range of community activities, dating back to her work as a poll-watcher at age 14 after elimination of the poll tax enabled more African-Americans to vote. Today, she is president of the Houston League of Business and Professional Women and of the Houston Association of Black Journalists, working successfully to double the membership of each organization. A former kindergarten teacher, Dorris Ellis has always made education and youth high priorities. She has led many efforts to improve literacy, volunteers often in public schools, and publishes articles by student journalists in The Houston Sun.

The Houston Forward Times has been a family affair since its founding in 1960 by Julius Carter. His wife, Lenora "Doll" Carter, joined the paper in 1961 as its advertising director and office manager. After the death of her husband in 1971, she became the publisher, and her children grew up working at the paper.

The Houston Forward Times has sought to serve as an effective watchdog and voice for African American concerns in Houston, providing tough reporting on critical government and community issues. Relying on a staff of 15 full-time employees, the Houston Forward Times plays a specific role in keeping the community informed on such issues.

The Houston NewsPages began publishing in 1986 as a newsletter in which retail tenants could advertise their businesses. Publisher Frances Page, Sr., remembers the painstaking and time-consuming process of taking each article individually to the typesetter after it was written by his wife Diana Fallis Page, who is co-publisher and editor-in-chief. Today, the paper is published utilizing state-of-the-art computer technology.

The Houston NewsPages seeks to highlight the achievements of African-Americans and is known for its uplifting stories and eye-catching covers. From its humble beginnings, the paper has grown tremendously and won numerous journalism awards, including the 1990 John H. Stengstacke National Merit Award for General Excellence, the most prestigious award given to African-American publications by the National Newspaper Publishers Association.

The Houston Informer & Texas Freeman is the oldest African-American newspaper in Texas and the third-oldest in the nation. While it has changed ownership several times in its 105–year history, this weekly paper has never missed an edition or lost its commitment to firebrand journalism.

Pluria W. Marshall, Jr., the current publisher of The Informer, has inherited a piece of Texas history. The first issues of the paper focused on eradication of Jim Crow laws, equal pay for black teachers, and other race related issues. In the 1920s and 1930s, the newspaper became a strong advocate for civil rights and grew into a chain—since disbanded—that reached all major Texas cities and New Orleans. For more than two decades, George A. McElroy, a former Texas Southern University journalism professor, has served as editor-in-chief, leading the paper to numerous honors from the Texas Publishers Association and other organizations.

These five newspapers and their publishers play vital roles in Houston's African-American community, creating jobs and business opportunities themselves, helping other businesses to succeed, and improving our community for all Houstonians. I am pleased to honor them as we celebrate Black History Month.

Mr. DIXON. Mr. Speaker, in commemoration of Black History Month, I rise to recognize the contributions of my fellow Los Angeleno William Kennard, the new Chairman of the Federal Communications Commission, to the expansion of minority entrepreneurship in the telecommunications industry. As we observe 1998 Black History Month's theme of "African Americans in Business: the Path to Empowerment," it is important to highlight the unique opportunity that Bill Kennard will now have as FCC Chairman to influence the path of minority entrepreneurship in the modern technological age. Bill is in a position to promote a prosperous business climate through his stewardship of FCC actions impacting the communications and broadcasting industries. As we near the end of the 20th Century, there will be few businesses unaffected by changes in telecommunications, internet and wireless services. As chairman of the FCC, this distinguished African American will play a significant role in ushering in these changes.

Bill Kennard became chairman of the FCC on November 7, 1997, after having served several years as General Counsel of the Commission. A native of Los Angeles, he graduated Phi Beta Kappa from Stanford and received his law degree from Yale Law School in 1981. Before joining the FCC as its first African American general counsel, a primary focus of his law practice was committed to assisting minority business entry into the communications marketplace. Bill served on the FCC's Advisory Committee on Minority Ownership in Broadcasting and was instrumental in expansion of the FCC's minority tax certificate program adopted by the FCC in 1982. When members of Congress targeted the tax certificate program for elimination, Bill Kennard became the only senior FCC official to publicly defend the program and advocate for its retention.

As general counsel of the FCC, he actively recruited minorities to serve in policy making positions, helping to place African Americans in charge of four of the Commission's 16 operating bureaus and offices. Bill Kennard's recruitment efforts resulted in significant increases in the number of minority lawyers throughout the commission. Prior to his arrival, few minority attorneys had ever served in the Office of General Counsel in its 60 year history; during his tenure, the office hired over 15 minority attorneys, including 12 African Americans. In addition, Bill created a Commission-wide mentoring program for new attorneys.

Outgoing FCC Chairman Reed Hundt said this about William Kennard: "Bill Kennard has been the best General Counsel in FCC history and has successfully run the most difficult cases this commission has ever encountered. Under his leadership, we have dramatically improved our win record in the Court of Appeals. We have also greatly expanded the depth and breadth of our recruiting and instilled in all our audiences an awareness of fairness and impartiality of our rulemaking."

As Chairman of the FCC, Bill continues to demonstrate his commitment to assisting minorities and small businesses through the Telecommunications Development Fund (TDF), authorized under the 1996 Telecommunications Act. The TDF promotes access to capital for small businesses to enhance competition in the telecommunications industry, stimulate new technological growth and development, and promotes universal service. TDF is an important tool for minority entrepreneurs to access the capital necessary to participate in the communications revolution. He is a strong advocate for universal service, an essential part of the 1996 Act that seeks to ensure that communities and consumers are not negatively impacted by telecommunications deregulation.

In talking of Bill's accomplishments, I want to knowledge the role that his parents, Robert and Helen played in raising this important member of our community. I was a friend of Robert Kennard, and greatly respected his accomplishment in creating the largest black-owned architectural firm in the western United States. He started his Los Angeles firm shortly after returning from service in World War II, at a time when it was particularly difficult for African Americans to break into this business. Clearly his dedication and commitment to excel has been passed on to his son. His mother, Helen, worked in the Los Angeles school district, teaching English to non-English speaking students. It is noteworthy that in his FCC biography, Bill credits his parents with teaching him the power of communication and the importance of building communities.

With our help and support, the potential impact that Bill Kennard can have on minority business development in the telecommunications industry cannot be underestimated. I ask my colleagues to join me in congratulating him on his accomplishments, and wishing him much success in a complex, often controversial, and powerful role as Chairman of the Federal Communications Commission.

Mr. BISHOP. Mr. Speaker, when Dr. Carter Woodson established the first black history observance in 1926, he had several goals in mind.

As a historian, he wanted to make American history as accurate and as complete as possible. As an African-American who worked his way up from poverty to become a renowned teacher, writer and scholar, he wanted to give black people, particularly young people, a better sense of their heritage and a more hopeful vision of their own future and the country's future.

These goals are being fulfilled. Americans everywhere recognize that African-Americans have made substantial contributions in the sciences, in exploration, in business, in education, in the arts, in politics and government, in entertainment and sports, in the military, in religion, in citizenship, in every endeavor that has made our country what it is.

As we observe Black History Month, I would like to recognize several African-Americans from the area of middle and south Georgia that I have the honor of representing who have achieved greatness—greatness not only because they have been extraordinarily successful in their own lives, but because they have reached out and uplifted many others.

One of these Georgians is Apostle Isaiah Revills, a man of great stature physically who is also a giant spiritually. He was born in Moultrie, Georgia, in humble circumstances, 66 years ago, and was called to the ministry at age 21. Since then, he has extended his ministry in tent crusades throughout the United States and has preached in Africa, Israel, Haiti and much of the world. He attracts thousands to his services at the First Albany Deliverance Cathedral in Albany, Georgia. He has been named one of Georgia's 10 most prominent black pastors and has been honored by governors, legislators, mayors and members of Congress. But most of all, his positive, visionary ministry has changed the lives of thousands and thousands of God's children.

Brady Keys, Jr., a native of Austin, Texas who attended Colorado State on a football scholarship and went on to become an all-pro defensive back for the Pittsburgh Steelers, is now a businessman in Albany, Georgia who oversees an empire that includes restaurant outlets, hair styling salons, a steel company, real estate, oil and coal interests, and a vending company. He was the first African American to own and operate a franchise company. His firm, The Keys Group Company, is ranked as one of the largest black-owned businesses in the country. He has served in many leadership positions, including membership on President Nixon's Advisory Council on Minority Business Enterprise. His greatest success story, however, is the opportunities he has given to young people. He has hired and trained more than 150,000 youth, giving many their first real job opportunity.

John R. Harris was an educator who stayed close to home, serving as a teacher and principal for 40 years in his native Early County Georgia—19 years as principal of Early County Middle School in Blakely. He has been an inspiration to thousands of young people and a leader in his community for many years. He has served with the Chamber of Commerce, worked on literacy projects, and served as a gubernatorial appointee on the Georgia Agrirama Development Authority, which has meant so much to his area of Georgia. In 1981, the Early County Board of Education named and dedicated the Middle School Media Center in his honor in recognition of the many contributions he has made to the community.

America has produced many heroes. They are not limited to any race, or creed, or national background. We find examples of greatness among all people in this patchwork of cultures that has become the strongest, freest, and most productive nation the world has ever known Black History Month gives us an opportunity to learn from their lives.

Mr. GILMAN. Mr. Speaker, I rise in honor of Black History Month for 1998. I would like to thank the gentleman from Ohio [Mr. STOKES] for arranging this special order.

It is appropriate at this time that we call to mind the outstanding black men and women who have contributed so much to our national prosperity. Many of these men and women are yet to be properly recognized in history texts, and as we approach the next millennium we must continually work towards correcting this great injustice, and towards acknowledging the role African Americans have played in making America the great nation that it is today.

For example, Crispus Attucks, a free black man of Boston, Mass., was the first American to die for the revolutionary cause. After we achieved our national independence, a black man by the name of Benjamin Banneker was an integral planner in the lay-out of the Capital city, working to assist and expand upon the ideas of Pierre L'Enfant.

In our nation's fight to achieve civil rights and equality black men and women always took a leadership role. In the late nineteenth century—when our nation stood divided, and many black slaves were being massacred as examples to their peers—heroes such as Harriet Tubman and Sojourner Truth organized the underground railroad, leading thousands of black men and women to freedom, and ensuring that the lives of those murdered were not spent in vain.

When the Civil War was brought to its end, and racial discrimination was de jure abolished, black leaders such as Frederick Douglass and W.E.B. DuBois fought to bring discrimination to its de facto conclusion, speaking out against the hypocritical, racist Jim Crow laws of the South.

These heroic pioneers of the civil rights movement brought about a new way of thinking in our nation. In the twenty-first century the movement reached epic proportions, and the goals of national equality and non-discrimination were further advanced through the heroic actions of black men and women.

As Jackie Robinson broke the color barrier in professional major league baseball, Marian Anderson became a symbol of equality in the world of music. Dr. Martin Luther King, Jr. opened the public's eyes to the horrors of racial discrimination through his policy of "peaceful demonstration," and inspired our hearts through his ideas of American unity and brotherhood. Mrs. Rosa Parks became a symbolic hero around which an entire nation rallied when she refused to move "to the back of the bus."

In modern-day America, the barriers which once separated black men and women from pursuing their dreams have virtually disappeared. The worlds of entertainment, politics, scholarship, sports, arts and literature have all been significantly improved by the contributions of African Americans. Men and women such as Dr. Mae C. Jemison, our first female astronaut; Akua Lezli Hope, a poet and Amnesty International leader; Zora Neale Hurston, anthropologist; and William Brown, the mayor of San Francisco, are the modern day pioneers who lead our nation towards the twenty-first century in the hopes of full racial equality.

Black History Month is also an appropriate time to look forward, and as we pause to recall and recite the actions of the innumerable black men and women who changed our Nation's policies and attitudes, we must also remind ourselves to look ahead, and vow to work harder towards resolving the struggle for equality which persists not only in the United States but also abroad.

Our society's strength is a direct result of its great diversity. It is this diversity which we rightfully honor today and all throughout this month. I urge my colleagues and all Americans to recognize the contributions African Americans have made to our nation.

Mr. MCINTYRE. Mr. Speaker, during the month of February our great Nation's schools, businesses, churches, and civic organizations are making a special effort to proclaim the importance of African-Americans to this Nation's progress and success.

We make this special effort for two fundamentally important reasons:

First, Black people of this Nation have suffered unfairly through generations of slavery and oppression. Today, I am grateful that we are working together to ensure that all people are treated equally, both in word and deed.

The second reason we mark this time with Black History Month is that African-Americans have made substantive and vitally important contributions to this Nation's progress and success. Quite simply, we would be much diminished as a nation if it were not for the hard work, insight, activism, leadership, and excellence found within the African-American community.

At the base of the Statue of Freedom on the Capitol Dome in Washington is the Latin phrase "E Pluribus Unum"—Out of many, one. This motto expresses very simply the key to success for our great Nation. Out of the many citizens of the United States, we must come together to form one America. Building a united America is vital to the success of our great democracy.

This phrase—"Out of many, one"—is also a great challenge. If we meet the challenge to build a better America, we must face three very important questions:

How should we unite as a people?

What is our purpose in seeking a united American people?

And what kind of partnership do we need to achieve our purpose?

PEOPLE: RECOGNIZING WHAT IS IMPORTANT FOR AMERICA

President Woodrow Wilson, who led our Nation during the first half of this century, has a message for us as we enter the 21st century:

> It was . . . an historical accident . . . that this great country was called the "United States;" yet, I am very thankful that it has the word 'United' in its title, and the man who seeks to divide man from man, group from group, interest from interest in this great Union is striking at its very heart!

His words remind us that people matter and that we are doomed as a nation if we allow one race to oppress the other.

However, unity has not always been the case in America. For too long, issues of unfair treatment have divided the citizens of the United States. If we are to ever be united in the good sense of the word, we must ensure that all individuals, regardless of race, share the same rights and are granted equal protection under the law.

The African American people—whose heritage we celebrate here and now—have fought long and hard for fair treatment and equal opportunity while working to make a better united America.

The great Black leader Frederick Douglas was right when he said, "Liberty given is never so precious as liberty sought for and fought for." The founders fought for their freedom from Britain during the American Revolution, but they left the American people less than totally free. It is up to us to work for liberty for all people in this Nation. To accept anything less diminishes the greatness of our Nation.

As your federal representative in Washington, I want to tell you about several important pieces of legislation that I am cosponsoring that will provide long overdue recognition to the African-American community. Recognition of the varied and numerous contributions of the African-American people to this country is crucial to achieving our goal of unity and understanding the complete—not partial—history of our Nation's African-American citizens.

H.R. 773, the National African-American Museum Act, seeks to remember the people who have shaped this country's history. This bill would authorize the establishment of the National African-American Museum within the Smithsonian Institution and thereby provide a center for scholarship and location for exhibits related to African-American art, history, and culture.

That museum will be a wonderful starting point for recognizing and respecting the African-American people and their history of suffering and accomplishment.

Consider the impact African-Americans have had in politics and civil rights. Of course, Blacks have always been politically active. Today, we should call special attention to Blacks who serve their Nation and communities in ways unimaginable one hundred years or even fifty years ago. Blacks now serve in unprecedented numbers in elected and appointed positions at all levels of government. In our Congressional district, several black leaders have served on the city council, school board, board of county commissioners, community college board members, state board of transportation, numerous other state boards and commissions, state legislature, and in government positions at all levels, including Congress, for many years with distinction. The civil rights advances in our nation could not have been made without these fine citizens. We must recognize the importance Blacks have in shaping our political lives.

We should also recognize Blacks for their contributions to advancing American science and technology. Blacks have been vitally important inventors and scientists from our nation's earliest days. Did you know that Onesimus, a black slave, was experimenting with smallpox vaccines in the 1720s? This pioneer of modern medicine was followed by others such as Dr. Charles Drew, who engineered blood transfusions; and Samuel Kountz, who made kidney transplants more successful. Elijah McCoy's perfection of the locomotive engine led to people saying they wanted his product—not some cheap imitation. They wanted "the real McCoy"—a saying which became popular in society for those who want the real thing, the best there is! In technology, Blacks have invented the incandescent light bulb, truck refrigeration, polymer fabrics, and automated manufacturing machines used in making shoes, telephones, and other items essential to our daily lives. In space, Lt. Colonel Guion Bluford was the first Black to fly in space. Hoping to advance human sciences, astronaut Ronald McNair tragically died in the Challenger shuttle explosion. These individuals and many many other African-Americans must be fully recognized for their contributions to American life.

Once we recognize African-Americans for their accomplishments, we must respect them as valuable contributors to American society. In North Carolina, the African-American community emerged from the shadows of slavery to quickly take positions in government, education, entertainment, and media.

Take, for example, two North Carolinians who should have our respect. First, in the early 1900s Dr. Charlotte Hawkins Brown founded a school for African-American children. Although she was attacked and oppressed with Jim Crow laws, her faith in God and her commitment to her community gave her the strength to ensure that her school, known as the Palmer Institute, educated Black children in the sciences, language, and culture. She received many honors, and was a friend of Eleanor Roosevelt, W.E.B. DuBouis, Booker T. Washington, and other leaders of the day. I have nothing but respect for people like Dr. Hawkins, who spend their lives committed to God and community.

There is one more person who exemplifies the sort of success that we should respect. Hiram Rhoades Revels is especially significant to me for three reasons. First, he committed his life to God and proclaiming the truth of the Christian Gospel. Second, he was born in Fayetteville, North Carolina, only 30 miles from where I was born. Third, he was the first Black member of the United States Congress. It is remarkable that his adult life spanned the Civil War, Reconstruction, and ended in 1901 during the Progressive Era. He was a true pioneer of American political life.

All the people I have mentioned today—the scientists, teachers, inventors, politicians, and every African-American—should be respected members of our Nation. And they would make wonderful additions to our nation's official African-American museum.

PURPOSE: LIVING UP TO AMERICA'S IDEALS

As we have seen, it is critically important that we work to make America a united country of diverse people. Yet it is also important that our work have a worthy purpose. We cannot satisfy ourselves with a united America that fails to live up to our guiding ideals.

As the great American President Abraham Lincoln told the nation at Gettysburg in 1863, "we are here highly resolved that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

In the 133 years since the end of slavery in America, all of the races in America have had to confront the struggles and successes of a nation working to better itself in difficult times. We joined together to defeat the racist rulers of Nazi Germany and Imperial Japan, and African Americans were emboldened to insist that America live up to our values.

On September 25, 1957, nine African-American children pioneered the civil rights movement by voluntarily integrating the all-white high school in Little Rock, Arkansas. I am pleased to be a cosponsor of H.R. 2560, which seeks to award the Congressional Gold Medal to each of those nine brave souls.

Later, Dr. Martin Luther King, Jr., led the mass civil rights movement that gave us a chance to redeem our nation's soul by embracing freedom and opportunity instead of hate and oppression. Our nation's ideals made Dr. King love America. He often spoke about the "great glory of America, with all its faults." On the night before his assassination, Dr. King prophetically said, "Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over, and I've seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land . . ." Today we remain committed to fulfilling Dr. King's dream of reaching the promised land—a land where all citizens regardless of their race—are treated equally. We have come a long way in reaching this land, but we still have a long way to go.

Today, we live in a country where African Americans are narrowing the gaps in salaries and education between themselves and the majority of Americans. Today, African-American employment is at its highest level in history, and African-American poverty is at its lowest in history. Yet black people still earn about 40% less than most whites, unemployment for blacks is still about twice the level for whites, and fewer blacks graduate from college than whites of similar backgrounds.

Clearly, we must stay true to America's purpose because we still have work to do.

PARTNERSHIP: BUILDING A BETTER AMERICA

Once we recognize the importance of the African-American people, we must continue to live up to America's purpose. But our great Nation's purpose will never be realized unless we enter into partnership with one another to build a better America.

A partnership can be a powerful and positive influence on our lives when it is between people who are able to bring their own unique gifts to our nation's progress. God has given the people of this nation a mission to prove to men and women throughout the world that people of different races and ethnic backgrounds can not only work and live together, but can enrich and ennoble both themselves and our common purpose.

In the 7th Congressional district, we have the great opportunity to bring into partnership all the different peoples who live here: African and Native Americans, new immigrants, and whites. Together—and there are over a half million citizens in this district—we can make a real difference in America's future.

With a strong people, a guiding purpose, and a powerful partnership, we can create better schools, better families, and better jobs for everyone.

My very first job while in college was a delivery boy for a black-owned business, Wesley's Florist, in Lumberton. Not only did I need that job, I found that being the only white employee required a special partnership between me and his family!

When I was a student at Lumberton Senior High School, I worked in partnership to help the first black female be elected as president of the student body.

I have had the honor to coach black boys and girls on local sports teams and to work with children of all races as a volunteer in the schools for the last 17 years.

The first person I hired on my congressional staff was a black woman. Why? Because she was the most experienced caseworker on Capitol Hill that I knew, and she deserved it!

Today, as your Congressman, I know full well how powerful partnerships can be. That is why I am fighting to recognize the importance of African-Americans, working to build better schools, and striving to bring fair treatment and economic security to every American in our district.

Education and the best public schools possible are at the foundation of our efforts to build a lasting and positive partnership for America. That is why I am committing my time and energy in Washington and at home in North Carolina to better schools, better teachers, and better opportunities for our students. I have cosponsored:

HR 1154, The Partnership to Rebuild America's Schools Act. This bill would provide $77.1 million for school construction in North Carolina. Our district would be eligible to receive nearly $21 million. The money would go toward paying up to 50% of the interest on school bonds.

I am also an original Cosponsor of the State Infrastructure Bank Act. This legislation would establish State Infrastructure Banks (SIBs) for school construction. The proposal is based on the SIBs for the transportation program established through the National Highway System Act during the 104th Congress and is also similar to the widely successful State Revolving Funds (SRFs) used for Clean Water Act and Safe Drinking Water Act infrastructure improvements.

The Computer Donation Incentive Act, HR 1278, will allow companies to donate computer equipment and software, as well as training related thereto, to elementary and secondary schools for use in their educational programs. It will also allow donations to organizations that work with the disabled. This bill is designed to provide an incentive for businesses to donate equipment to local public schools.

I also supported HR 2264, the bill that appropriates funds for Education programs. Impact Aid was funded at $796 million, $66 million more than FY 1997. $1.1 BILLION for education reform programs. $531 million in block grants for Safe and Drug-Free Schools Programs. Over $1.5 BILLION for higher education programs such-as work study and Pell Grants. $435 million for Education Technology programs and installing computers in our schools.

On November 3, 1997, I hosted parents, teachers, school administrators, and local leaders at a summit entitled "Successful Schools for the 21st Century." Three themes that focus our attention on critically important factors in education—commitment, construction, and computers—were highlighted.

I am excited about what the future holds for our district and our schools. But we should not lose sight of schools and colleges as places where we learn about character and values. Respect, responsibility, and hard work are all things that our schools can help us better understand and experience. In fact, the concern and commitment required for success, which begins in our families, should be nurtured in our schools.

With God's help, we can not only share His love, but also have His strength: to continue to recognize and respect our country's unique people, to re-commit ourselves to America's purpose, and to work together in partnership for a better future.

Will you join me in respecting America's people?

Will you join me in living up to America's purpose?

Will you join me in the partnership for a better America?

Together, we can take the steps toward a 21st century full of appreciation and hope. Much has already been done; however, I am sure you know that much more must be done.

And may we remember the words from Abraham Lincoln's last great speech—his second inaugural address—when he tells us even today:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish to work we are in, to bind up the nation's wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

I appreciate and commend each of you for your leadership within the African-American community, and I want to challenge you to never forget how great this democracy is. It is up to us to reach beyond our differences and pain and hold on to the strength to stand for what is right and what is good so that we are truly united. May God bless and strengthen us all. By his help, we will not fail!

Mr. FROST. Mr. Speaker, it is once again an honor for me to take part in this Special Order for African-American History Month. I know I join with every American in this continuing effort to educate both ourselves and our children about African-American culture and history.

One of the most underappreciated segments of American history are the scientific achievements by African-Americans. For the past one hundred years, African-Americans have made crucial inventions in engineering, performed great scientific feats, and have served as inspirations to all Americans through their perseverance and determination, yet such accomplishments go widely unnoticed.

One of those inventors was Granville Woods. Mr. Woods was a great electrician and inventive genius who developed and patented a system for overhead electric conducting lines for railroads, which aided in the development of the overhead railroad system found in contemporary metropolitan cities such as Chicago, St. Louis and New York City.

As well, in the late 1800's Woods patented the Synchronous Multiplex Railway Telegraph, which allowed train stations as well as moving trains to know each others whereabouts. Train accidents and collisions were causing great concern at the time because train stations had no way of tracking their moving trains. This invention made train movements quicker and prevented countless accidents and collisions.

Garrett Morgan, who was born in 1875, also deserves wide recognition for his outstanding contributions to public safety. Firefighters in many cities in the early 1900's wore the safety helmet and gas mask that he invented. The gas mask Morgan invented in 1912 was used during World War I to protect soldiers from chlorine gas fumes.

In 1923, Morgan received a patent for his new concept, a traffic signal to regulate vehicle movement in city areas. It is impossible to overestimate the importance of this event to our country's history. This single invention helped bring order out of the chaos of regulating pedestrian and vehicle traffic on city streets.

In more recent times, Dr. Mae Jemison was our nation's fifth African-American astronaut, and the first African-American female astronaut. In August 1992, she participated in a successful joint U.S. and Japanese science mission that made her the first African-American woman in space. Dr. Jemison's perseverance and success as an astronaut should serve as an inspiration to all Americans.

Mr. Speaker, when we honor great achievements in science by African-Americans, we inspire the next generation of Americans to achieve great things. I hope that all of our young people take a moment during African-American History month to reflect on what they can do in their communities and in their lives to make a difference.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Special Order regarding Black History Month.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON HOUSE RESOLUTION 355, DISMISSING THE ELECTION CONTEST AGAINST LORETTA SANCHEZ

Mr. THOMAS (during the special order of Mr. STOKES), from the Committee on House Oversight, submitted a privileged report (Rept. No. 105–416) on the resolution (H. Res. 355) dismissing the election contest against LORETTA SÁNCHEZ, which was referred to the House Calendar and ordered to be printed.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by saluting my colleague, the gentleman from Ohio (Mr. LOUIS STOKES). This is an annual Special Order that he has sponsored for many years, and we regret the fact that this is the last time that he will do it. We thank him very much for keeping the torch alive, and I assure him that in his memory the caucus will continue this tradition for years to come.

The gentleman from Ohio goes home to Cleveland, where there is the whole public library, a brand new pace setting state-of-the-art library, named after him. Cleveland also is a place where there is a new kind of macroeconomics reaching out to encourage and embrace all business, but certainly offering a great opportunity for black businesses, African-American businesses. Cleveland is setting an example with a progressive mayor, I suppose one of the protégée of the gentleman from Ohio (Mr. LOU STOKES), and the whole tradition of the Stokes family there in Cleveland.

So I salute the gentleman. I think the theme of this year's Black History Month is very fitting and proper for him and the leadership in Cleveland, Ohio.

I also would like to note, Mr. Speaker, that I will take only 30 minutes of the hour, since none of my colleagues are here, and I want to thank the other side of the aisle for agreeing to allow us to do this back to back to give us more time to finish the Special Order on Black History.

I would like to continue in the same vein as my colleagues have proceeded before, saluting black business as a continuation of empowerment. Not a new thrust of empowerment. It is a continuation toward empowerment and it is inseparable.

What is happening with the African-American business community cannot be separated from political leadership and the history of civil rights and political developments related to the struggle for freedom of the African-American people in America. We cannot separate the two. I would like to bring that perspective to my discussion of the importance of this Black History observance this year.

We ought to become more economic minded. We should focus more on economics. We should understand we cannot separate economics from politics. They cannot be separated. They are inextricably interwoven in the history of this country. A lot of people have made a great attempt to separate economics from government, but that is not the case. That cannot happen. It is not true history when we try to do that.

The impact of the transcontinental railroad on the economic development of America is one example of how government, assuming a very aggressive position, created a situation where the industrial and business development of a nation certainly jumped forward by leaps and bounds. If the government had not taken the initiative, if the people in Washington had not said that we will subsidize the building of a transcontinental railroad, a railroad that will link the East with the West, if they had not paid so much per mile and been willing to undertake that giant project, encouraging, of course, contracting with and encouraging private enterprise to do it, it would never have happened. We would not have had the linkage between the East and the West, which made this Nation one nation in terms of business and industry.

And government, of course, has taken the initiative in many other ways, and I want to talk a little bit tonight about one of the latest initiatives. It is very small compared to the transcontinental railroad, or the building of the Tennessee Valley Authority, or the great leap forward we took when we passed the Morrill Act, the act which created the land grant colleges in every State.

Those land grant colleges were very practical institutions. They had the theoretical instruction in the classroom. I say had, but they still exist. They have the agricultural experiment stations; they have county agents that take the knowledge and information right out to the farmers in the fields and practitioners. It is not by accident that America has the best fed population in the world. It is not by accident that we have the lowest cost food in the world. There was a lot of activity that took place, fostered by government.

The Morrill Act is at the heart of our great agricultural success in this country. We do not have anything like that on the drawing board now, but the empowerment zones that have been created are a small extension of that kind of activity by government.

Empowerment zones are designed to revitalize economically depressed areas. There are two categories of empowerment zones. One is the rural empowerment zone, and we have three of those now; and we have six urban empowerment zones, both designed to revitalize the area, but slightly different sets of guidelines for the two.

□ 2045

We have authorized already in legislation the creation of 15 additional urban empowerment zones and 5 additional rural empowerment zones, and they have a great role to play in the development of African-American business in our big cities. We have to think of business in the context of the environment created partially by the actions of government. Government must still deal with discrimination, the kind of discrimination that denies access to loans, access to capital.

Through the impetus of government, we have certain kinds of community development funds and certain kinds of pressures on banks to do more lending in African-American neighborhoods and to African-American businesses. There are a lot of activities of government that have created a situation where historic racial prejudice has played a role in depressing business activity in the African-American communities.

We have heard some glowing stories here, as is appropriate, of successful businesses and successful businessmen in the African-American community. We have also praised some existing enterprises that are quite large and on the stock market and doing very well. Black Entertainment Television, BET, is one of those examples. But behind the story of BET there is an interesting situation that demonstrates that when people say that money is color blind or the investment community is color blind, it is not true.

BET got a foothold, sort of, in the cable television industry because in the early days of cable, as cable came on line in our cities, there was a deliberate attempt by the entrepreneurs who were the owners of the early cable networks to avoid African-American communities in the big cities. There was this stereotyped notion that these people cannot pay for cable, they will not pay a subscription fee each month, they will not use cable the way the middle class will use it, or the white middle class and the suburban people. So they avoided and delayed wiring the inner city communities; they were some of the last communities wired.

But much to their shock, because they did not do accurate surveys and they violated some of their own premises in terms of the way we plan for market, the prejudice was so great that they never looked very, very closely. Much to their surprise, they found that some of their best customers and customers who were most loyal and continue and always pay their cable bills, and right now they are at the heart of the cable income in our big cities, are the African Americans, African-American communities. They use cable in great amounts despite the miscalculation, the delayed wiring of our communities.

There was another such miscalculation in the area of fast-food restaurants. For a long time the big restaurants, McDonald's and Burger King, were avoiding the opening of franchises within the inner city communities. They did not do objective market studies. It was not the fact that green is green and we can make money here and, therefore, we shall go where the money can be made; they had their own stereotypes and drawbacks that delayed the development of franchises in the inner-city communities. Now some of their highest-income-producing franchises are in inner-city communities, the fast-food restaurants.

Sometimes I think it is, perhaps, not so good that so many of our young people are existing on so much cholesterol. But that is for another discussion.

So we have an atmosphere that still is not free and objective. The marketplace is not without political interference and not without government intervention. The marketplace is not free and open.

We also need to understand some of the dynamics that have taken place historically and are still taking place which affect and impact African-American businesses. We need to understand that dynamic. We need to understand and not let it get lost, the fact that ownership is the result of inheritance mostly. You know, people who own things can start tracing back to the fact where they inherited something from their parents, and then their parents inherited something from their grandparents; and it goes back and back and back, and the line of people being able to pass things down is one of the predominant factors in the accumulation of wealth, of capital, of assets.

Now, there are some unusual situations. Bill Gates certainly is not the richest man maybe in the world because of that accumulation process. He is the beneficiary of something else, you know, the public development of electronics. The fact that the military and the Government of the United States put a great deal of investment into the development of radio, development of television, development of the Internet et cetera, laid the basis for people like Bill Gates to use their genius to capitalize on that. So those are the exceptions.

Most family studies that have been done show that in families who can trace back where they are now economically there is some indication that that was the result of money being passed down from one generation to another. Sometimes it might have been only furniture that a couple inherited or got from their parents, or maybe sometimes it is just a home, one home. Or sometimes, in fact, in this day and age, it is usually a contribution toward the down payment on a house that comes from the parents to a modern couple.

College graduates about to start out, large numbers get a little boost in terms of wedding presents or some other kind of gift from their parents which enables them to buy the house that becomes one of their major assets.

So the accumulation of wealth relies very heavily on family generations and things being passed down from one generation to the other. Given that fact, the fact that there were 232 years of slavery where people of African descent not only could not own anything, they were themselves property; for 232 years nothing could be passed down.

We cannot trace back an accumulation of assets from a present-day black family to the time that they, their parents or their ancestors were brought here in chains from Africa. We certainly cannot jump the ocean and go to some country where they had an opportunity to bring some of their wealth from their country, from their family, with them when they came. It might have just been no more than a suitcase.

Many immigrants came to America; all they had was a suitcase with clothing, meager belongings, and a few valuables maybe that were passed down. But that suitcase was far more than any slave arriving on a slave ship had, I assure my colleagues. Slaves were even deprived of association with each other. Deliberately, most slave ships and most slave traders mixed up the tribes and broke down the groups so that any inheritance of a code of honor, mores and traditions, all of that was also wiped out.

We could not have that because people spoke different languages, came from different groups. So we could not even inherit some sense of being and sense of order that came from the old country.

Africa had societies and organizations, and it is well documented, governments of various natures which could have been passed down. But all of that was deliberately wiped out. So certainly nothing concrete, nothing physical, no assets were passed on.

Imagine, 232 years, that is 7 generations, out of the loop. So when we look at people of African descent and where they are economically in the structure of America, stop and think about the fact that there is a gap there where nothing was passed down, nothing could accumulate, no assets could be transferred for 232 years, for almost 7 generations.

That has an impact of where we are in terms of capital for African-American businesses today, in terms of wealth that exists among families so those families may support businesses.

Of course, we are an integrated society. We are not depending on segregated communities where only African-American families will support African-American businesses. There is a bigger picture now, a global situation.

Let us take a look at the global macroeconomics of today and how that impacts on African-American communities.

Parren Mitchell was one of my great heroes. He sat here. Often, he sat right there. It was his favorite seat. He was the author of the set-asides which required the Federal contracts to set aside a small portion, 10 percent. It went down to 4 percent in some bills.

But the set-aside principle was established by Parren Mitchell. The set-aside principle was based upon the fact that we needed to do something to compensate for the fact that those 232 years were imposed on people. The government was a party to that imposition.

The history and tradition, whatever makes up a country and a nation, has to take responsibility for what happened. One way to try to work out of that situation is to deal with some special treatment, compensatory treatment. What a horrible word, a horrible concept for most Americans. They just do not want anybody to have special treatment. Well, we got special treatment for 232 years. For 232 years, we were treated like no other Americans.

Even the Native Americans, who certainly have much to complain about in terms of the way they were treated, even they were not deprived of their traditions and their whole sense of family structure, as well as the right to own. Their problems are great, and I certainly think that they, too, are owed some special treatment, but we got special treatment.

One way to get out of the situation that we are in now is to have some special treatment which is compensatory. Affirmative action is compensatory treatment. Nobody wants to hear that these days. They want to see everybody as being equal.

In the world of business, nobody wants to talk about giving anybody any special favors, but let us take a look at this world of business. In macroeconomic terms, we are faced with a situation now where the United States of America has bailed out Mexico with the $20 or $30 billion loan to help the economy of Mexico. At present, we have contemplated a bailout of Indonesia, $50 or $60 billion.

We are not going to be the sole participants in the bailout, but we are going to participate, and we will probably end up, the people of America, paying the lion's share of whatever is done to bail out Indonesia's economy, Malaysia, Thailand, South Korea. They are talking about $50 to $60 billion for South Korea.

We are engaged in global economics. We are showering special treatment on certain groups. There is what I call an international banking socialism where government does step in through its International Monetary Fund or a bank.

Government steps into the market when the market is in great trouble. Government stepped in in this country to save the savings and loans, the victims of the savings and loan swindles.

The government has stepped in in Mexico. Now it proposes to do that in South Korea, in Malaysia, and Indonesia. Billions, we are talking about billions. They have used it badly.

Obviously, when you have a crash of an economy and you need a $50 billion bailout, a lot of things went wrong. A lot of things have gone wrong. Mismanagement, corruption, all kinds of things have gone wrong.

How did they get the money in the first place? It is so difficult to get a thousand dollar loan if you are an African American walking into a bank in this country. How did they get billions, and they did not have competence to manage it well? How did they get billions when they had corruption? I mean, obviously corruption could not be hidden. How did all of this happen?

Government was very much involved in South Korea during the war, Korean War. North Korea attacked South Korea, and the city of Seoul was destroyed several times. When I visited there, I was amazed at the metropolis that was built up. It took lots and lots of money and lots and lots of help from the outside, which I do not want to disparage at all. Generosity should be encouraged.

But a lot of businesses existed. We visited steel mills and automobile manufacturing plants. What I am reading in the paper now is that those plants had nothing to do with reality.

The third largest steel producer in the world is in South Korea. It did not make sense. There was no market for that much steel from that place. But they were given lots of money. Billions and billions of dollars flowed into the building of the steel industry in Korea.

□ 2100

The cars that are manufactured, rolling off the line, they do things so beautifully in terms of the mechanics and the engineering, but evidently the financing, there was something radically wrong.

How did they get from the bankers, the hard-nosed investment community, how did they get all that community, and why can't African American communities get a few billion to develop Bedford-Stuyvesant in my district, or Brownsville, to develop New York, a few billion to develop Harlem, to develop Watts in Los Angeles? When they talk about development in the inner-city communities, they start talking about a few hundred thousand here and there.

Even the empowerment zone concept, which is the most generous attempt at economic development, they have limited it to six urban areas to begin with, and three rural areas. Now we are going to add 15 more urban areas and 5 rural areas. That is very much a piecemeal approach in terms of the number of communities that can participate.

But even in the structure that they have set up, where there is the greatest amount of generosity in terms of the Federal Government providing tax credits so that private industry will come in and large amounts of tax credits are available in this situation, at the same time they are going to supply millions of dollars for loans and for some social program investment, et cetera.

It is a great program, but it is not on the level of the kind of aid we have given to Mexico or to South Korea or to Indonesia, the kind of dollars that are flowing. Private industry is not running to get into our neighborhoods, which are very good investments, because we are operating within the context of the United States of America laws. The laws, the codes, the regulations, all the things that protect businesses anywhere else in America protect businesses in the African American community.

Mr. Speaker, what I am saying is that we come to praise the fact that African-American business is moving forward at a more rapid pace. We come to praise the new opportunities and the middle class that has made those opportunities into reality. There was a great program on public television last night, Henry Louis Gates was the host of a number of interviews dealing with the fact there are two societies in the black community. One is that booming middle-class black community, growing by leaps and bounds, incomes rising, and then the other is the great majority of the black community, the African-American community, where you have tremendous suffering and the prosperity of the 1990's has not caught on there at all. High unemployment in areas like one-half of my congressional district, where unemployment has steadily been up at 15 percent for adults, and for young people it is as high as 30 percent. It has been that way for the last 10 years. It has not impacted.

We must, while we salute the progress, understand that something more has to be made to happen. We have to look at economic development in new ways.

We certainly would like to have an empowerment zone in our community. We are applying for one, along with the gentleman from New York (Mr. TOWNS) and the gentlewoman from New York (Ms. VELÁZQUEZ), trying to get an empowerment zone in Brooklyn, to get the kind of stimulus we need to have to encourage and develop and enhance and sustain more African-American businesses, more businesses in the Hispanic community, too.

We have a situation there where hospitals are our largest employers, more than 5,000 people employed in one hospital complex in my district, and there is a danger that the politics of the situation may result in the closing down of the hospitals. The politics now are frightening us because the economic development we foresee if we get an empowerment zone, we see the hospitals being able to generate a whole set of additional businesses in our community, as they do now, they employ large numbers of people. There are cleaning services, food services, there are various other kinds of services, the people that do the repair, the x-ray machines, all kinds of services that are there that will be gone if we do not take care of the politics that are seeking to close down our hospitals and move them somewhere else.

So the politics are inseparable from the economics. We hope the encouragement, the possibilities of an economic empowerment zone, will lead to less of a drive to close down the hospitals and leave a big slum in the middle of our communities.

There are numerous other examples of how the politics have to be in place and have to work hand in hand. The government and political situation have to go hand in hand with the economic development. The whole area of tourism, which Cleveland understands very well, Lou Stokes from Cleveland, the Mayor there, understands the building of a Rock and Roll Museum in the heart of Cleveland is a great step forward economically. Just build the place that has a great attraction for people, and when they come, they bring their dollars and they support many other kinds of businesses.

The development of our big cities is one of the most outstanding museums of African-American history, is now in downtown Detroit, and they had written off downtown Detroit 10 years ago and said it would never come back. Downtown Detroit is coming back in many different ways, and one of the ways it is coming back is the political leadership has chosen to make an investment in the downtown in many ways. One of the ways they are making the investment, of course, is the building of facilities like an African-American museum that has the highest attendance of any such museum anywhere in the country.

As I close, I would like to bring to your attention the fact that I came here from a special showing by HBO of the film, Four Little Girls, a documentary film directed by Spike Lee. In that film, one of the things that I noticed right away as they depicted the Birmingham community out of which those four little girls who were murdered by the bombing in the church on a Sunday morning, they came out of very well-organized families. They came out of a community which was low- and middle-class probably, but you could see from the houses, from the neighborhood, very stable. They came out of the kind of environment that I grew up in, much poorer, we did not have brick houses, but wood houses, but there was an order and stability there, especially as the prosperity of World War II came to our communities and the prosperity right after the war. And when you have jobs and families had income, you did not have the drug problems, you did not have the disintegration, you did not have the need for large numbers of welfare.

When you take care of the economy and do what is right by the economy, and spread and share the wealth, then many other problems get solved. It is amazing how many of our communities have been torn asunder that once had so much organization, so many middle-class institutions, those kids belonged to the Girl Scouts and the Sunshine Club, and all the stuff that we now have to try to recreate in our urban communities that have been torn apart by the lack of jobs and disintegration of families, the coming of drugs, et cetera.

So the economics will blossom, the economics must blossom. They are key to revitalization of our communities and our people, but they cannot happen, it does not happen by itself. The market forces need to work hand in hand with government, and government needs to assert itself and understand that it should be there, more than just for multibillion dollar bailouts. That kind of socialism we do not need.

It should be there in terms of stimulating the economy, as it did with the Morrill Act, as it did with the Transcontinental Railroad, as it did with the GI Bill of Rights, which created a whole work force that could step forward, an intelligent, well-educated work force, created overnight, in large numbers, from the returning GI's because we provided an education, and on and on it goes.

Government and business need to work together to guarantee that there will be a continuing empowerment through business and economic development in the African-American community.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I have a few thoughts on black history that I thought that I would present tonight, and I thank the gentleman for yielding.

Mr. Speaker, I would just like to say I am here today to recognize a part of black history that sometimes people forget about, and that is that African Americans, as we all know, African Americans have played a tremendous role in ensuring American prosperity since the founding of our country. But all too long and for all too often, people are just focusing on the labor that was provided by African Americans who began as slaves and then became part of our labor force.

It is well-known that they have contributed much, and it is also well-known that in recent years African Americans have become increasingly owners of small businesses and mom and pop shops, all the way to Fortune 500 corporations.

But what is less well-known is a subject dear to my heart, and that is that black Americans have made and continue to make a vital contribution to the technological edge that America has and have made tremendous contributions to America's technological success, from the earliest days of our republic. Black Americans have, over the years, benefited from our country's strong patent system, and we have the strongest patent protection of any Nation in the world, but through the invention of black Americans, utilizing this right, by the way, at times their other rights were being totally trampled upon, but their rights for patent protection were being protected. Because of this, they have made tremendous contributions to our country, that sometimes are totally overlooked, and these contributions have added greatly to our way of life, to the quality of life of Americans.

I have a list here, quite a few African American inventors that have done things. How many people know that Elijah McCoy, a black American in 1872, had over 57 patents on engines and machinery that were part of the whole steam engine and the basis for the settling of the West and the basis for our whole industrialization of our country? Those steam engines and the parts he invented were so important that when people went back at the turn of the century to ask for parts to an engine, they would say, "Now, is this the real McCoy?"

That is where that came from. The real McCoy was a black American who was an inventor who played such an important part in the development of the steam engine.

Lewis Howard Latimer in 1881 took Thomas Edison's light bulb, and we all know Thomas Edison invented the light bulb, but it was not practical until Howard Latimer, a black American, took that and invented a long-lasting carbon filament that replaced this original bamboo filament that Edison had been working with.

How many of our fellow Americans understand that and appreciate these types of contributions?

BLACK HISTORY RECOGNITION

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, continuing on with regard to the contributions made to America by black inventors, Granville T. Woods developed over 20 patents for engineering the railroad industry, including batteries, I might add, electric brakes and telephone transmitters.

January Ernst Matzelinger in 1889 invented an automatic shoe machine. This was part of a process of putting together shoes. Before his invention, shoes cost three or four times as much. This is something Americans forget. Back before this Matzelinger, a black American, invented this process, shoes were so expensive that most Americans did not even own a pair of shoes, or, if they did, they owned one pair of shoes in their entire life.

We all know about George Washington Carver. He, of course, is well-known to school children throughout the United States for his great scientific integrity and the work he did, especially in the investigation of food processing and peanuts and the paint industry. We know he made enormous contributions. But there are many, many more black Americans besides George Washington Carver who deserve this credit.

For example, more closely to home, James West joined Bell Labs in the late 1950's and was responsible for over 100 patents on microphones and other electronic devices.

Dr. Patricia Bath in the 1990's, and here she is one of the big supporters, I might add now, and has been making the rounds in Congress supporting a strong patent system, she is an African-American female physician who earned a patent for a medical device she developed for a technique of removing cataracts from people's eyes.

So all of these inventors benefited from the wisdom of our Founding Fathers when they put in our government and in our Constitution laws protecting people's creativity and patent rights. But they also, these individuals, in return, using those rights that were guaranteed them, made enormous contributions to the well-being of the United States of America.

□ 2115

A great statesman and, of course, President of the United States, Abraham Lincoln, of course, was probably the most well-respected among the African-American community because he did do so much to free the slaves, brought that issue of the stain of our Nation to our people, and we find that after our Civil War were able to remove that stain.

Abraham Lincoln was one of the greatest supporters of America's patent system. He himself had a patent for floating boats that had gone up on sandbars, and he said, and I quote, "The patent system added the fuel of interest to the fire of genius," and not only did he give land away to people who wanted to settle the West and free the slaves, but he was a strong believer in patent rights.

Now recently, we have seen 26 Noble Laureates join us who are trying to protect the patent rights from changes they are trying to make now join us, and what is interesting, one of the people who played such an important part in the organization of those Noble Laureates and played such an important part in strengthening and keeping strong America's patent system is a black professor named James Chandler, who is the president of the National Intellectual Property Law Institute right here in Washington, D.C., and he has been a champion of this issue because he realizes that it is technological progress that does permit the quality of life of all people to rise, and that black Americans who have been left out in so many cases of the economic well-being of our country, need America to continue to be the leading world economic and technological power. When Professor Chandler speaks, I can tell my colleagues he is one of the great spokesmen for American technology today.

So as we honor the African-American community in talking about African-American history and black history and honor people such as Lincoln, let us not forget the black inventors who I think have made such an enormous contribution to our well-being and never been given the proper credit that they are due because often we are focusing on other elements and maybe more political elements of what caused this to change or that to change, but in this case the genius of black America has done so much for the American people that it deserves recognition when we talk about black history.

So I am very, very proud to be a part of this honoring black history, and I thank the gentleman for yielding to me.

Mr. OWENS. Mr. Speaker, I thank the gentleman for his observations.

THREE IMPORTANT ISSUES FOR AMERICA

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, I would like to discuss a few problems I think this country still faces. I want to mention three, but I will talk more about one in particular.

Overall, I believe this country faces a serious problem in that our government is too big. When government is big, it means that liberty is threatened. Today, our governments throughout the land consume more than half of what the American people produce. In order to do that, there has to be curtailment on individual liberty.

In the attempt to help people in a welfare-warfare state, unfortunately the poor never seem to be helped. A lot of money is spent, but due to the monetary system that we have, inevitably, the middle class tends to get wiped out and the poor get poorer, and very often in the early stages the wealthy get wealthier. In the meantime, the corporations seem to do quite well. So we live in an age where we have a fair amount of corporatism associated with the welfare-warfare state in which we live.

The three specific problems that I want to mention, and I mention these because I think this is what the American people are concerned about, and sometimes we here inside the Beltway do not listen carefully to the people around the country. The three issues are these: The first are the scandals that we hear so much about, the second is an IMF bailout, and the third has to do with Iraq.

Now, the scandals have been around a bit. We have heard about Travelgate and Filegate, and we also heard about interference in foreign policy dealing with foreign donations. Now, those I consider very serious and for this reason I join the gentleman from Georgia (Mr. BARR) in his resolution to initiate an inquiry into the seriousness of these charges. Some of these charges have been laid aside mainly because there is another scandal in the news, something that has been much more attractive to the media, and that essentially is all that we have been hearing of in the last several weeks. I think this is a distraction from some of the issues that we should deal with. But that is not the one issue that I want to dwell on this evening.

The IMF is another issue that I think is very important. This funding will be coming up soon. The Congress will be asked to appropriate $18 billion to bail out the Southeast Asian currencies and countries, and this is a cost; although we are told it does not cost anything, it does not add to the deficit, there is obviously a cost, and we cannot convince the American people that there is no cost just because of our method of budgeting and we do not add it into the deficit.

Once again, these funds, whether they go to Southeast Asia or whether they go to Mexico, they never seem to help the little people; they never help the poor people. The poor are poorer than ever in Mexico, and yet the politicians and the corporations and the bankers even in this country get the bailout. This $18 billion is nothing more than another bailout.

Now, the third issue is Iraq, and I want to talk more about that, because I am fearful we are about ready to do something very foolish, very foolish for our country, and very dangerous.

Of these three issues, there is a common thread. When we think about the scandals, we talk about international finance, a large amount of dollars flowing into this country to influence our elections and possibly play a role in our foreign policy.

Also, the IMF, which has to do with international finance, the IMF is under the United Nations and therefore it gets a lot of attention and we are asked to appropriate $18 billion.

Then, once again, we have this potential for going to war in Iraq, again, not because we follow the Constitution, not because we follow the rule of law, but because the United Nations has passed a resolution. Some have even argued that the U.N. resolution passed for the Persian Gulf War is enough for our President to initiate the bombings. Others claim that just the legislation, the resolution-type legislation passed in 1990 that endorsed this process is enough for us to go and pursue this war venture. But the truth is, if we followed the rules and if we followed the law, we would never commit an act of war, which bombing is, unless we have a declaration of war here in the Congress. Somebody told me just yesterday that yes, but that is so old fashioned.

Just look at what we have been able to do since World War II without a declaration of war. Precisely. Why are we doing this? And precisely because when we do it, what generally happens is that we are not fighting these wars, and they are not police actions, these are wars, and we are not fighting them because of national interests. We are not fighting them for national security, and therefore, we do not fight to win, and subsequently, what war can we really be proud of since World War II? We have not won them. We set the stage for more problems later on. The Persian Gulf War has led to the stalemate that we have here today, and it goes on and on. I think this is a very important subject.

War should only be declared for moral reasons. The only moral war is a defensive war and when our country is threatened. Then it is legitimate to come to the people and the people then, through their Members in the House and Senate, and the President then declare war, and then they fight that war to win. But today that is considered very old fashioned, and the consensus here in this Congress is that it will not take much for Congress to pass a resolution.

What worries me, though, somewhat is that this resolution will not be circulated among the Members for days and weeks and have real serious debate. There is always the possibility that a resolution like this will come up suddenly. There will be little debate, and then a vote, and an endorsement for this policy. The first resolution that has been discussed over in the Senate had language very, very similar to the same language used in the Gulf of Tonkin Resolution, which endorsed the expansion of the war in Vietnam, where 50,000 men were lost, and it was done not with a declaration of war, but by casual agreement by the Congress to go along.

Congress should have and take more responsibility for these actions. It is only the Congress that should pursue an act of war. Bombing is an act of war, especially if it is a country halfway around the world and a country that has not directly threatened our national security.

All of the stories about the monstrosities that occur and how terrible the leader might be, may have some truth to it, but that does not justify throwing out the rule of law and ignoring our Constitution.

This effort that is about to be launched, it has not been endorsed by our allies. It is getting very difficult to even get the slightest token endorsement by our allies to start this bombing. One would think if Saddam Hussein was a true threat to that region, his neighbors would be the first ones to be willing to march and to be willing to go to battle to defend themselves. But they are saying, do not even put your troops here, do not launch your effort from our soil, because it is not in our best interests to do so. Kuwait, the country that we went to war over not too long ago has given some token endorsement, but even their newspapers are carrying news stories that really challenge what the people might be saying about this effort.

There was a Kuwaiti professor who was quoted in a pro-government Kuwaiti newspaper as saying, the U.S. frightens us with ads to make us buy weapons and sign contracts with American companies, thus, ensuring a market for American arms manufacturers and United States continued military presence in the Middle East. That is not my opinion; that is a Kuwaiti professor writing in a government newspaper in Kuwait.

A Kuwaiti legislator who was not willing to reveal his name said the use of force has ended up strengthening the Iraqi regime rather than weakening it. Most people realize that. In the Middle East, Saddam Hussein has more credibility among his Arab neighbors than he did before the war.

Other Kuwaitis have suggested that the U.S. really wants Hussein in power to make sure his weak neighbors fear him and are forced to depend on the United States for survival.

Now, these are very important comments to be considered, especially when we are getting ready to do something so serious as to condone the bombing of another country. Just recently in The Washington Post, not exactly a conservative newspaper, talked about what Egypt's opinion was about this. This is interesting, because the interview was done in Switzerland at the World Economic Forum, and the interview was made by Lally Weymouth, and she talked to Egypt's Foreign Minister, Amre Moussa, the Foreign Minister of Egypt, our ally, a country that gets billions of dollars from us every year.

So one would expect with all this money flowing into that country that they should quickly do exactly what we want. But this Foreign Minister was rather blunt: Egypt, a key member of the Gulf War coalition, is opposed to U.S. military action in Iraq. He said, We believe that military action should be avoided and there is room for political efforts. He said, If such action is taken, there will be considerable fallout in the Arab world, he warned. He said, We are not afraid of Saddam. He added that his country believes the crisis is a result of allegations that have not been proven. Yet, we are willing to go and do such a thing as to initiate this massive bombing attack on this country, and there has been nothing proven.

Moussa also said that Iraq's possession of chemical and biological weapons must be pursued, of course. But this requires cooperation with Iraq, not confrontation. Even our President admits that more weapons have been removed from Iraq since the war ended than which occurred with the hundreds of thousands of troops in Iraq, as well as 88,000 bombs that were dropped in the whole of World War II, and it did not accomplish the mission.

□ 2130

So he is suggesting that it is just not worth the effort and it is not going to work. And he, of course, speaks for one of our allies.

He says, "The whole Middle East is not comfortable with this, and I do not think there is support for such an option. All of us will face the consequence of such a military attack." "All of us" means all of them, not the people here in the United States.

He said 7 years ago there was an occupation and an apparent aggression. Today it is a question over inspections, so therefore he is arguing strenuously that we not do this. The people in the Middle East, he says, see a double standard. He is talking for the Arabs.

The people in the Middle East see a double standard because the Israeli Government does not comply with U.N. Resolution 242, but we see no action. The U.S. is too strong on one and too soft on the other. The peace process is falling apart. We do know that the peace process with Israel and the Palestinians is not going smoothly, yet this is behind some of what is happening because they do not understand our policy.

He goes on to say, "There is room for a political solution. Bear in mind the repercussions in the area. If the United States bombs, there will be Iraqi victims." Then he asks, "What happens if the public sees a decisive move on the part of Iraq but not toward Israel? We have to take into consideration how the people who live near Iraq respond to something like this."

Now, Steven Rosenfeld, in the Washington Post, on February 6, also made comments about the Middle East and the failure of the Mideast policy. And I thought he had a very interesting comment, because he certainly would not be coming at this from the same viewpoint that I have.

In his statement, this again is Rosenfeld in the Washington Post, he said, "There is a fatal flaw at the heart of Netanyahu's policy. He is not prepared to address the Palestinians' basic grievance. To think that Israel can humiliate the Palestinians politically and then reap the benefits of their security cooperation is foolish. It can't happen."

Here we are being more involved in the Middle East process with Iraq in the hope that we are going to bring about peace.

What about another close ally, an ally that we have had since World War II: Turkey. Turkey is not anxious for doing this. They do not want us to take the bombers and the troops out of Turkey. As a matter of fact, they are hesitant about this. This is an article from the Washington Times by Philip Smucker. He said, "Turkey's growing fears of a clash in Iraq are based largely on what it sees as the ruinous aftermath of the Gulf War."

So Turkey is claiming that they are still suffering from the Gulf War.

"The people," and this is quoting from the Foreign Ministry Sermet Atacanli, "the people have started thinking that Turkey is somehow being punished," a senior foreign official said. "We supported the war, but we are losing now." So they are getting no benefits.

He said that since the war, Turkey has suffered economic losses of some $35 billion stemming from the invigorated Kurdish uprising on the Iraqi border and the shutting down of the border trade, including the Iraqi oil exports through Turkey. They used to have trade; now they do not.

We encouraged the Kurds to revolt and then stepped aside, so the Kurds are unhappy with the Americans because they were disillusioned as to what they thought they were supposed to be doing. "Turkey's clear preference is for Iraq to regain control of its own Kurdish regions on the Turkish border and resume normal relations with Ankara."

Further quoting the foreign ministry of Turkey, "Iraq cannot exercise sovereignty over these regions, so there has become a power vacuum that has created an atmosphere in which terrorists operate freely." It has taken quite some effort for Turkish forces to deal with this problem.

What will happen if the bombs are relatively successful? More vacuum. More confusion. And more turmoil in that region.

The military goals are questioned by even the best of our military people in this country, and sometimes it is very difficult to understand what our military goals are. We do not have the troops there to invade and to take over Baghdad or to get rid of Hussein, but we have a lot of bombs and we have a lot of firepower. Yet, we are supposed to be intimidated and fearful of this military strength of Saddam Hussein. Yet even by our own intelligence reports, his strength is about one-half what it was before the Persian Gulf War started. So there is a little bit more fear-mongering there than I think is justified.

But if we do not plan to send troops, we just agree to send bombs, then it will not get rid of Hussein. Why are we doing this? Because some people question this and some people respond and say, that may be correct, maybe we do not have the ability to inflict enough damage or to kill Hussein. And some here have even suggested that we assassinate him.

Well, I am not going to defend Iraq. I am not going to defend Hussein. But I do have a responsibility here for us in the Congress to obey the law, and under our law, under the Constitution, and with a sense of morality, we do not go around assassinating dictators. I think history shows that we were involved in that in South Vietnam and it did not help us one bit.

Syria is another close neighbor of Iraq. Syria was an ally in the Persian Gulf War. Syria would like us not to do anything. Iraqi foreign minister Mohammed Saeed Sahhaf went to Damascus to see Syrian President Hafez Assad, marking the first time in 18 years that the Syrian leader met with an Iraqi official. This is one of the consequences, this is one of the things that is happening. The further we push the Iraqi people and the Iraqi Government, the further we push them into close alliances with the more radical elements in that region.

It is conceivable to me that it would be to Hussein's benefit, and he probably is not worried that much, but I do not believe it is in our interest. I do not believe it is in the interest of the American people, the American taxpayers, the American fighter pilots, and certainly long-term interest in the Middle East. We will spend a lot of money doing it. That is one issue.

We could end up having lives lost. We still have not solved all the problems and taken care of all the victims of the Persian Gulf War syndrome which numbers in the tens of thousands. Maybe we should be talking about that more than looking for more problems and a greater chance for a serious confrontation where lives were lost.

The Iraqi and the Syrian views, according to this article, are very close and almost identical in rejecting a resort to force and American military threats. We do not get support there, and we should not ignore that.

Just recently Schwarzkopf was interviewed on NBC TV's "Meet the Press," and he had some interesting comments to make, very objective, very military-oriented comments. He would not agree with me on my policy or the policy that I would advocate of neutrality and nonintervention and the pro-American policy. But he did have some warnings about the military operation.

He said, "I do not think the bombing, I don't think it will change his behavior at all. Saddam's goal is to go down in history as the second coming of Nebuchadnezzar by uniting the Arab world against the west. He may not mind a big strike if, after it, the United Nations lifts economic sanctions against Iraq."

I am afraid that this policy is going in the wrong direction, that we are going to have ramifications of it for years to come, and that we will and could have the same type of result as we had in Vietnam that took a decade for us to overcome.

Mr. Speaker, there is no indication that this bombing will accomplish what we should do. Charles Duefler, deputy chief of the U.N. Special Commission in charge of Iraqi inspection said, "Put bluntly, we do not really know what Iraq has."

That is at the heart of the problem. Here is our U.N. inspector admitting that they have no idea. So how can we prove that somebody does not have something if we do not know what he is supposed to have? So the odds of this military operation accomplishing very much are essentially slim to none.

Charles Krauthammer, who would be probably in favor of doing a lot more than I would do, had some advice. He said, "Another short bombing campaign would simply send yet another message of American irresolution. It would arouse Arab complaints about American arrogance and aggression while doing nothing to decrease Saddam's grip on power. Better to do nothing," Charles Krauthammer in the Washington Post. These are not my views. They are warnings that we should not ignore.

Richard Cohen from the Washington Post had some advice. He said, "Still military action is a perilous course. It will produce what is called 'collateral damage,' a fancy term for the accidental killing of civilians and possibly the unintentional destruction of a school or mosque."

We have heard of that before. "That, in turn," he goes on to say, "will provoke protests in parts of the Arab world, Jordan probably and Egypt as well. In both countries the United States is already considered the protector of a recalcitrant Israeli Government. As for Israel itself, it can expect that Iraq will send missiles its way armed with chemical or biological weapons."

This is Richard Cohen warning us about some of the ramifications of what might happen.

But during these past 8 years since the war has ended, there has been no signs that that is likely to happen. It is more likely to happen that some missile or some accident will occur that will spread this war from a neat little war to something much bigger than we are interested in dealing with.

There are several other points that I would like to mention here. The one thing we cannot measure and we cannot anticipate are the accidents that happen. So often wars are caused by people being in the wrong place at wrong time, and then accidents happen and somebody gets killed, a ship is sunk, and we have to go to war.

Other times some of these events may be staged. One individual suggested the possibility of a person like Saddam Hussein actually acting irrationally and doing something radical to his own people and then turning around and blaming the United States or Israel or something like that. So we are dealing with an individual that may well do this and for his specific purposes.

But we would all be better off, not so much that we can anticipate exactly who we should help and who we should support; we have done too much of that. We help too often both sides of every war that has existed in the last 50 years, and we have pretended that we have known what is best for everybody. I think that is impossible.

I think the responsibility of the Members of Congress here is to protect the national interest, to provide national security, to take care of national defense, to follow the rules that say, we should not go to war unless the war is declared. If we go to war, we go to war to fight and win the war. But we do not go to war because we like one country over another country and we want to support them.

We literally support both sides in the Middle East, and it is a balancing act and, quite frankly, both sides right now seem to be a little bit unhappy with us. So the policy has not been working; we have not been able to achieve what we think we are able to do. But we must be very cautious on what we are doing here in the next few weeks.

People say, well, we have to do it because Hussein has so much of this firepower, he has all of these weapons of mass destruction. It was just recently reported by U.S. intelligence that there are 20 nations now who are working on and producing weapons of mass destruction, including Iran and Syria. So why do we not go in there and check them out too?

Why is it that we have no more concern about our national security concern about China? I think China can pose a national threat. I do not think we should be doing it to China. I do not think we should be looking to find out what kind of weapons they have. We know they sell weapons to Iraq. And we know they are a very capable nation when it comes to military. But what do we do with China? We give them foreign aid. They are one of the largest recipients of foreign aid in the whole world.

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So we do not apply the rules to all the countries the same, and we get narrowed in on one item and we get distracted from many of the facts that I think are so important. Some people believe that it is conceivable that the oil is even very important in this issue as well.

We obviously knew the oil was important in the Persian Gulf War because it was said that we were going over there to protect our oil. Of course, it was Iraqi oil but some people believe sincerely that keeping this Iraqi oil off the market helps keep the prices higher and they do not need that to happen.

As a matter of fact, it was in the Wall Street Journal today that that was further suggested. It said: Equally important the U.S. must terminate illegal oil exports from the Iraqi port of Basra.

There, submerged barges depart daily for Iran, which sells the oil and, after a hefty rake-off, returns the proceeds to fund Saddam. So there are sales and there might be people that are looking at this mainly as a financial thing dealing with oil.

The odds now of us being able to stop this bombing I think are pretty slim. I think that is rather sad because it looks like there will be a resolution that will come to the floor. There probably will not be a chance for a lot of debate. It will come up under suspension possibly and yet in the words may be toned down a little bit.

It might not be identical to the Gulf of Tonkin Resolution. But all I would like to do is point out to my colleagues that this is more important than it appears, and we should not be so glib as to give this authority, to give the cover for the President to say, well, the Congress said it was okay. I do not think the Congress should say it is okay, because I think it is the wrong thing to do. And I think it could lead to so many, so many more problems.

So we have a responsibility. If the responsibility is that Saddam Hussein is a threat to our national security, we should be more honest with the American people. We should tell them what the problem is. We should have a resolution, a declaration of war.

Obviously, that would not pass but it looks like it will not be difficult to pass a resolution that will condone and give sanction to whatever the President does regardless of all the military arguments against it.

So I see this as really a sad time for us and not one that we should be proud of. I do know that the two weakest arguments I can present here would be that of a moral argument, that wars ought to be fought only for defense and for national security. I have been told that is too old-fashioned and we must police the world, and we have the obligation. We are the only superpower.

Well, I do not think that is a legitimate argument. I do have a lot of reservation that we are so anxious to go along with getting authority elsewhere, and that is through the United Nations. When the Persian Gulf War was started, getting ready to start, it was said that we did not need the Congress to approve this because the authority came from the United Nations resolution.

Well, that to me is the wrong way to go. If we are involved in internationalism, where international financing now is influencing our presidential election, if international finances demand that we take more money from the American taxpayers and bail out southeast Asian countries through the IMF and that we are willing to have our young men and women be exposed to war conditions and to allow them to go to war mainly under a U.N. resolution and a token endorsement by the Congress, I think this is the wrong way to go.

I do realize that we have been doing it this way for 40 or 50 years. But quite frankly, Mr. Speaker, I do not believe the American people are all that happy about it. I have not yet had anybody in my district come up to me and start saying, RON, I want you to get up there and start voting. I want to see those bombs flying.

As a matter of fact, I have had a lot of them come and say, why are you guys up there thinking about going to war? I have had a lot of people talk about that. So we should not do this carelessly and casually.

There is no reason in the world why we cannot be willing to look at the rule of law. The rule of law is very clear. We do not have the moral authority to do this. This is, we must recognize, this is an act of war.

When the resolution comes up to the floor, no matter how watered down it is, I think everybody should think very seriously about it and not be careless about it, not wait until a decade goes by and 50,000 men are killed. I think that is the wrong way to do it.

There is nothing wrong with a pro-American foreign policy, one of nonintervention, one where we are neutral. That was our tradition for more than 100 years. It stood out in George Washington's farewell address, talk about nonentangling alliances. These entangling alliances and our willingness to get involved has not been kind to us in the 20th century. So we should really consider the option of a foreign policy that means that we should be friends with all.

People will immediately say that is isolationism. Even if you are not for the IMF bailout, this argument really bewilders me. If you are not for the $18 billion bailout of the IMF, you are an isolationist. You can be for free trade and get rid of all the tariffs and do everything else, but if you are not willing to give your competitors more money and bail them out and bail out the banks, you are an isolationist. You are not for free trade. It is complete nonsense. There is nothing wrong with isolating our military forces.

We do not have to be the policemen of the world. We have not done a good job and the world is not safer today because of our willingness to do this. One act leads to the next one. We are still fighting the Persian Gulf War, and it sounds to me like we are losing our allies. We must take this under serious advisement. We must not be too anxious to go and do something that we could be very sorry for.

I know that people do not like this statement I am going to be making to be made, but I think there should be a consideration for it. So often Members here are quite willing to vote to put ourselves and our men in harm's way that could lead to a serious confrontation with many deaths. But if those individuals who claim that it would be best to assassinate Saddam Hussein or put land troops on there, I wonder if they would be willing to be the first ones on the beachhead. That really is the question. That is a fair statement.

If you are willing to go yourself, if you are willing to send your child, then it is more legitimate to vote casually and carelessly to go marching off with acts of war. But if that individual who is getting ready to vote, if he himself or she herself is not willing to land on that beach and risk their lives, they should think a second time.

In a war for national defense, if this country is threatened, every one of us should participate in it. We should and we can. We could do it our way, to participate in the defense of this country. But once it is being involved in a casual and a careless manner with not knowing what the goals are, not knowing what victory means, not fighting to win, this can only lead to bigger problems.

This is the time to reassess it. I know time is running short. Everybody is afraid of losing face. Some people say, well, how do we back off and we cannot let Saddam Hussein lose face, and what about our own politicians who have been saying that we must do something. They will lose face. Would that not be the worst reason in the world to do this, because they are afraid of losing face because we threatened them? If it is the wrong thing to do, we should not do it. And there seems to me to be no direct benefit to the American people, certainly no benefit to the American taxpayer, certainly no benefit to peace in the Middle East. It is more likely to cause more turmoil. It is more likely to unify the Islamic fundamentalists like they have never been unified before.

So what we are doing here is very serious business. Unfortunately, it looks like it is going to happen and it looks like there will be one or two or three or four of us that will say, go slow, do not do this, let us question this. But unfortunately, the only significant criticism we have had of the policy has been, do more faster.

We do not need to do more faster. We need to do less quicker, much less quicker. Nothing has been happening in the last few years, the last few weeks. Does President Clinton need to bomb over the weekend or next week or two weeks from now? I say absolutely not. There is no need for this.

Saddam is weaker than he used to be. He could be stronger after this is finished. So we must be cautious. We must take our time and think about this before we go off and make this declaration. It sounds like a lot of fun. We have a lot of bombers. We have a lot of equipment that we have to test, and we can go over there and see if the B–1 and the stealth bombers will work a little bit better than they have in the past. But this is not a game. This is not a game. This is serious business.

One item like this, one event like this can lead to something else, and that is what we have to be cautious about. We cannot assume that, yes, we can bomb for a day or two or three or four and the stronger the rhetoric the more damage we are going to do. We need less rhetoric. We as a Nation have on occasion been the initiators of peace talks. We encourage the two groups in the Middle East, the Israelis and the Palestinians. We bring them to our country. We ask them to sit down and talk. Please talk before you kill each other. We go to the Protestants and we go to the Catholics and we say, please talk, do not kill each other. Why do we not talk more to Hussein? He is willing to.

I know, I mean you have to take his word with a grain of salt, but would it not be better to sit down across the table and at least talk rather than pursue a course that, a military course that may be more harmful?

If this would be a guarantee that it would get a lot better and that we would solve a lot of problems, maybe we could consider it. But even those who advocate this do not claim they know when the end stage is, what the ultimate goal is, and that they would expect success. They are not expecting this. They just want to bomb, bomb people. Innocent people will die. Those pictures will be on television.

And I, quite frankly, do not believe the polls that most Americans want us to do this. I go home; I talk to a lot of my constituents. I do not find them coming and saying, do this. They do not even understand, the people who come and talk to me, they ask me what is going on up there. Why are they getting ready to do this?

I mean, most people in this country cannot even find where Iraq is on the map. I mean, they are not that concerned about it. And yet all we would have to do is have one ship go down and have loss of life and then all of a sudden, then do we turn tail? Then is it that we do not lose face after we lose 1,000 men by some accident or some freakish thing happening?

Sure, we will lose more face then. But we can save face if we do what is right, explain what we are doing and be open to negotiations. There is nothing wrong with that. I mean, there has not been a border crossing.

The other thing is it would be nice if we had a policy in this country, a foreign policy that had a little bit of consistency. I have been made fun of at one time on the House floor for being consistent and wanting to be consistent.

I do not particularly think there is anything wrong with being consistent. I think there should be a challenge on my ideas or our ideas. We should challenge ideas. But if you want to be consistent, if they are the right ideas, you should be consistent. But we talk about this horrible country, I am not defending the country and I am not defending Hussein, but we criticize him as an individual who invaded another country. I wonder what they are talking about.

I wonder if they are talking about when he invaded Iran with our encouragement and our money and our support. Is that what they are talking about? Or are they talking about the other invasion that we did not like because it was a threat to western oil? I think that might be the case.

So they talk about poison gas. Yes, there is no doubt about it. I think the evidence is out that he has used poison gas against his own people. Horrible, killed a lot of people. But never against another country, which means the line could be drawn by if he had ever used these weapons. We cannot investigate 20 countries. We cannot investigate North Korea. We cannot investigate China. Why do we have this obsession with investigating this country? But poison gases, under international agreements, we are not supposed to use poison gases.

Poison gases, we used them, not against a foreign power but we used them against our own people. No, we did not have a mass killing but those families understood it. Over 100, more than 100, 150 people were gassed with gas that was illegal, according to our own agreements, and we used them at Waco.

So at one time we were an ally of a country, at the same time he is using poison gas and invading another country and then, when he invades the wrong country, then we give him trouble.

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For many, many years, Noriega was our ally, and he was no angel when he was our ally. He received money from the CIA, but all of a sudden he wanted to be his own drug lord. He did not want to be beholding to our CIA, so we had to do something about him.

There is nothing wrong with a foreign policy that is consistent based on a moral principle and on our Constitution. That means that the responsibility of the U.S. Congress is to provide for a strong national defense. There is nothing wrong with being friends with everybody who is willing to be friends with us. There is nothing wrong with trading with as many people that will trade with us, and there is nothing wrong with working for as low tariffs as possible.

There is no reason why we should not consider at least selling some food and medicine to Castro. We have had a confrontation with Castro now for 40 years, and it has served him well because his socialism and his communism was an absolute failure. But he always had a scapegoat. It was the Americans. It was the Americans because they boycotted and they would not trade and, therefore, that was the reason they suffered. So it served him well.

I would think that being willing to talk with people, if we believe in our system, if we believe that liberty is something to be proud of and that that works, I am convinced that it is better to have set an example to talk with people, trade with people, and go back and forth as freely as possible and we will spread our message much better than we ever will with bombs.

How many bombs did we drop in South Vietnam? How many men were lost on our side? How many people were lost on the other side? How many innocent people were lost? So the war ends, after a decade. After a decade of misery in this country where we literally had to turn on our own people to suppress the demonstrations. But today I have friends who are doing business in South Vietnam, making money over there, which means that trade and talk works. They are becoming more Westernized.

This whole approach of militancy, believing that we can force our way on other people, will not and cannot work. Matter of fact, the few quotes that I used here earlier are indicating that we are doing precisely the wrong thing; that we are further antagonizing not only our so-called enemies, but we are further antagonizing our allies. So if there is no uniformity of opinion of the neighbors, of Iraq, that we should be doing this, if we will not listen to the moral, if we will not listen to the constitutional issue, we should listen to the practical issue. His neighbors do not want us to do it.

And what are we going to prove? We should not do it. We should reassess this. We should decide quietly and calmly and deliberately in this body that quite possibly the move toward internationalism, abiding by the U.N. resolutions, paying through the nose to the IMF to bail out the special interests, never helping the poor but always helping the rich, encouraging a system that encourages foreign countries to come in and buy influence, should be challenged. We should change it.

And we do not have to be isolationists. We can be more open and more willing to trade and talk with people and we will have a greater chance of peace and prosperity. That is our purpose. Our purpose is to protect liberty. And we do not protect American liberty by jeopardizing their liberty and the wealth of this country by getting involved when we should not be involved.

The world is a rough enough place already, and there will continue to be the hot spots of the world, but I am totally convinced that a policy of American intervention overseas, subjecting other nations to our will, trying to be friends to both sides at all times, subsidizing both sides and then trying this balancing act that never works, this is not going to work either. It did not work in the 1980s when we were closely allied and subsidizing Hussein and it will not work now when we are trying to bomb him.

Neither will it work for us to not have somewhat of a consistent policy to ignore the other countries that are doing the very same thing at the same time the real threat possibly could be a country like China. And what do we do? We give them billions and billions of dollars of subsidies.

There is nothing wrong with a consistent defense of a pro-America foreign policy. People will say, well, the world is different and we have to be involved. That is exactly the reason that we ought to be less aggressive. That is exactly the reason why we ought to take our own counsel and not do these things. Because we live in an age where communications are much more rapid. The weapons are much worse. There is every reason in the world to do less of this, not more of it.

But none of this could happen. We could never move in this direction unless we asked a simple question: What really is the role of our government? Is the role of our government to perpetuate a welfare-warfare state to take care of the large special interests who benefit from this by building weapons and buying and selling oil? No, the purpose cannot be that.

The welfare-warfare state does not work. The welfare for poor is well-motivated; it is intended to help people, but it never helps them. They become an impoverished, dependent class. And we are on the verge of bankruptcy, no matter what we hear about the balanced budget. The national debt is going up by nearly $200 billion a year and it cannot be sustained. So this whole nonsense of a balanced budget and trying to figure out where to spend the excess is nonsense. It just encourages people to take over more of the responsibilities that should be with the American people.

We here in the Congress should be talking about defending this country, providing national security, providing for a strong currency, not deliberately distorting the currency. We should be protecting private property rights and making sure that there is no incentive for the special interests of this country to come and buy their influence up here.

We do not need any fancy campaign reform laws. There is no need for those. We need to eliminate the ability of the Congress to pass out favors. I do not get any PAC money because there is no attempt to come and ask me to do special favors for anybody. I get a lot of donations from people who want liberty. They want to be left alone, and they know, they know that they can take care of themselves.

Now, this point will not be proven until the welfare state crumbles, and it may well crumble in the next decade. The Soviet system crumbled rather suddenly. We cannot afford to continue to do this, but we must be cautious not to allow the corporate state and the militant attitude that we have with our policy to rule. We have to decide here in this country, as well as in this body, what we want from our government and what kind of a government we want.

We got off from the right track with the founders of this country. They wrote a good document and that document was designed for this purpose, for the protection of liberty. We have gone a long way from that, until now we have the nanny state that we cannot even plow our gardens without umpteen number of permits from the Federal Government. So our government is too big, it is too massive, and we have undermined the very concept of liberty.

Foreign policy is very important because it is under the conditions of war; it is under the condition of foreign confrontation that people are so willing to give up their liberties at home because of the fear. We should avoid unnecessary confrontations overseas and we should concentrate on bettering the people here in this country, and it can best be done by guaranteeing property rights, free markets, sound money, and a sensible approach to our foreign policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Florida (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and Thursday, February 12, on account of a death in the family.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and Thursday, February 12, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SÁNCHEZ) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois for 5 minutes, today.

Mr. RAHALL for 5 minutes, today.

Ms. SÁNCHEZ for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Mrs. MALONEY of New York for 5 minutes, today.

Ms. JACKSON-LEE for 5 minutes, today.

Mr. THOMPSON of Mississippi for 5 minutes, today.

Mr. KLINK for 5 minutes, today.

Ms. MILLENDER-MCDONALD for 5 minutes, today.

Mrs. MEEK for 5 minutes, today.

Ms. BROWN of Florida for 5 minutes, today.

Mr. SNYDER for 5 minutes, today.

Mr. STOKES for 60 minutes, today.

Mr. OWENS for 60 minutes, today.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS for 5 minutes, today.

Mr. SOUDER for 5 minutes, on February 12.

Mr. SHAYS for 5 minutes, today.

Mr. ADERHOLT for 5 minutes, today.

Mr. RILEY for 5 minutes, today.

Mr. JENKINS for 5 minutes, today.

Mr. SHIMKUS for 5 minutes, on February 12.

Mr. COX of California for 5 minutes, on February 12.

Mrs. LINDA SMITH of Washington for 5 minutes, on February 12.

Mr. PAPPAS for 5 minutes, on February 12.

Mr. JONES for 5 minutes, on February 24.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. SÁNCHEZ) to revise and extend their remarks and to include extraneous matter:)

Mr. TIERNEY.
Mr. SKELTON.
Mr. LIPINSKI.
Mr. HAMILTON.
Mr. VENTO.
Mr. MILLER of California.
Mr. SCHUMER.
Mr. UNDERWOOD.
Mr. TOWNS.
Mr. TRAFICANT.
Mrs. MALONEY of New York.
Ms. SÁNCHEZ.
Ms. SLAUGHTER.
Mr. WEYGAND of Rhode Island.
Mr. STARK.
Mr. PASCRELL.
Mr. KLECZKA.
Mr. BONIOR.
Mr. ACKERMAN.
Mr. STOKES.
Mr. BENTSEN of Texas.
Mr. CLYBURN.
Mr. WISE.
Mr. BOYD.
Ms. JACKSON-LEE.
Mr. KILDEE.
Mrs. MINK of Hawaii.
Mr. FARR of California.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous matter:)

Mr. RADANOVICH.
Mr. OXLEY.
Mr. GALLEGLY.
Mr. BILIRAKIS.
Mr. GILMAN.
Mr. CHRISTENSEN.
Mr. CRAPO.
Mr. SHIMKUS.
Mr. DAVIS of Virginia.
Mr. SOLOMON.
Ms. ROS-LEHTINEN.
Mrs. MORELLA.
Mrs. ROUKEMA.
Mr. WELLER.
Mr. FRANKS of New Jersey.
Mr. SMITH of New Jersey.
Mr. EWING.
Mr. FORBES

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. HUTCHINSON.
Mr. BROWN of California.
Mr. JENKINS.
Mr. LAFALCE.
Ms. STABENOW.
Ms. NORTON.
Mr. LANTOS.
Mr. DEUTSCH.
Mr. ORTIZ.
Mr. FRELINGHUYSEN.
Mr. ADERHOLT.
Mr. RIGGS.
Mr. WATTS of Oklahoma.
Mr. TAUZIN.
Mr. ROHRABACHER.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, February 12, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7033. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146; Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV97–998–3 FIR] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7034. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Decreased Assessment Rate [Docket No. FV98–979–1 IFR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7035. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV97–989–3 FIR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7036. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Fire Ant Quarantined Areas [Docket No. 97–101–1] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7037. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Intermediary Relending Program (RIN: 0570–AA15) received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7038. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Terbacil; Extension of Tolerance for Emergency Exemptions [OPP–300611; FRL–5768–1] (RIN: 2070–AB78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7039. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxyfluorfen; Extension of Tolerance for Emergency Exemptions [OPP–300610; FRL–5767–9] (RIN: 2070–AB78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7040. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Title IV Conservators, Receivers, and Voluntary Liquidation (RIN: 3052-AB09) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7041. A letter from the Administrator, Rural Housing Service, transmitting the Service's final rule—Electric System Operations and Maintenance (RIN: 0572–AA74) received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7042. A communication from the President of the United States, transmitting his requests for FY 1998 supplemental appropriations for the Department of State and the International Monetary Fund, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—213); to the Committee on Appropriations and ordered to be printed.

7043. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Air Force Space Command is initiating a cost comparison of libraries at F.E. Warren Air Force Base, Wyoming, Patrick AFB, Florida, Peterson AFB, Colorado, Malmstrom AFB, Montana, and Vandenberg AFB, California, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7044. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Wright-Patterson Air Force Base, Ohio, has conducted a cost comparison to reduce the cost of certain operating logistics functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7045. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7046. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the decision to convert to contractor performance the operation of Family Services Center at Naval Base San Diego, San Diego, CA, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7047. A letter from the Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1997, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on National Security.

7048. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the feasibility of using private-sector sources for air transportation of military personnel and cargo, pursuant to Public Law 104–106, section 365(a) (110 Stat. 275); to the Committee on National Security.

7049. A letter from the Secretary of Defense, transmitting the 1998 Department of Defense Annual Report to the President and the Congress, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on National Security.

7050. A letter from the Secretary of Defense, transmitting the Department's report on Payment of Restructuring Costs Under Defense Contracts for FY 1997, pursuant to 10 U.S.C. 2324 nt.; to the Committee on National Security.

7051. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers under License Exception CTP [Docket No. 980113010–8010–01] (RIN: 0694–AB65) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7052. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of Domestic Source Restrictions [DFARS Case 97–D321] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7053. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Warranties in Weapon System Acquisitions [DFARS Case 97–D326] received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7054. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter stating that the report on Reserve retirement initiatives will be submitted on or about April 30, 1998, pursuant to Public Law 104–201, section 531; to the Committee on National Security.

7055. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter stating that the report on Reserve retirement initiatives will be submitted on or about January 30, 1998, pursuant to Public Law 104-201, section 531; to the Committee on National Security.

7056. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting a letter stating that the report regarding funds expended for performance of depot-level maintenance and repair by the public and private sectors is being prepared and will be forwarded shortly, pursuant to 10 U.S.C. 2466(e); to the Committee on National Security.

7057. A letter from the Comptroller of the Currency, transmitting the biennial report on compliance by insured depository institutions with the National Flood Insurance Program for the period September 1, 1995 through August 31, 1997, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

7058. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to Real Estate Settlement Procedures Act Regulation (Regulation X)—-Escrow Accounting Procedures [Docket No. FR–4079–F–02] (RIN: 2502–AG75) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7059. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Property Disposition Officer Next Door Sales Program [Docket No. FR–4277–N–01] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7060. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Electronic Payment of Multifamily Insurance Premiums [Docket No. FR–4203–F–02] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7061. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grants: New York Small Cities Program [Docket No. FR–4155–F–02] (RIN: 2506–AB91) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7062. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Use of Materials Bulletins Used in the HUD Building Product Standards and Certification Program [Docket No. FR–4137–F–02] (RIN: 2502–AG84) received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7063. A letter from the Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping by Card Clubs (RIN: 1506–AA18) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7064. A letter from the Acting Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Conditional Exceptions to Bank Secrecy Act Regulations Relating to Orders for Transmittals of Funds by Financial Institutions [31 CFR Part 103] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7065. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Production of Nonpublic Records and Testimony of NCUA Employees in Legal Proceedings [12 CFR Part 792] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7066. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act 1985, as amended; to the Committee on the Budget.

7067. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1997, pursuant to Public Law 102–325, section 1203 (106 Stat. 794); to the Committee on Education and the Workforce.

7068. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Mine Shift Atmospheric Conditions; Respirable Dust Sample (RIN: 1219–AA82) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7069. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1997, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

7070. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7071. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 97–35: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961; to the Committee on Commerce.

7072. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's report entitled "Annual Energy Outlook 1998," pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Commerce.

7073. A letter from the Secretary of Energy, transmitting a copy of the annual report on the Coke Oven Emission Control Program for fiscal year 1997, pursuant to Public Law 101-549, section 301 (104 Stat. 2559); to the Committee on Commerce.

7074. A letter from the Secretary of Health and Human Services, transmitting the FY 1995 report describing the activities and accomplishments of programs for persons with developmental disabilities and their families, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

7075. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule—Telecommunications Act Accessibility Guidelines [Docket No. 97–1] (RIN: 3014–AA19) received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7076. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Securities Credit Transactions; Borrowing by Brokers and Dealers [Regulations G, T, U, and X; Docket Nos. R–0905, R–0923 and R–0944] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7077. A letter from the Chief Financial Officer, Department of Energy, transmitting the annual report of compliance activities undertaken by the Department for mixed waste streams during FY 1996, pursuant to 42 U.S.C. 6965; to the Committee on Commerce.

7078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA–98–3296] (RIN: 2127–AF41) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7079. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, Texas: 15% Rate-of-Progress Plan, 1990 Emission Inventory, Motor Vehicle Emission Budget, and Contingency Plan for the Beaumont/Port Arthur Ozone Nonattainment Area [TX82–1–7336b; FRL–5962–5] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7080. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Arizona—Maricopa County Ozone and PM10 Nonattainment Areas [AZ 071–009; FRL–5957–4] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7081. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Approval of Delegation of Authority to New Mexico [FRL–5962–4] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7082. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clarification to Technical Amendments to Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines [FRL–5957–2] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [IA 037–1037a; FRL–5955–4] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7084. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Washington [WA9–1–5540, WA28–1–6613, WA34–1–6937; FRL–5951–2] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7085. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Butanamide, 2,2'—[3'dichloro[1,1'-biph nyl]-4,4'-diyl)bisazobis N–2,3-dihydro-2-oxo-1H-benximdazol-5-yl -3-oxo-; Significant New Use Rule [OPPTS–50620D; FRL–5757–3] (RIN: 2070–AB27) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Auction Offerors to Set Minimum Prices in Increments of $0.01 [FRL–5961–4] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reimbursement to Local Governments for Emergency Responses to Hazardous Substance Releases [FRL–5958–1] (RIN: 2050–AE36) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Wisconsin [WI75–01–7304; FRL–5958–7] received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District; Monterey Bay Unified Air Pollution Control District; Ventura County Air Pollution Control District [CA 172–0040a; FRL–5956–9] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans; Texas; Disapproval of Revisions to the State Implementation Plan [TX35–1–6168; FRL–5962–3] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7091. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ 017–0007; FRL–5956–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7092. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ017–0008; FRL–5957–6] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Michigan [MI56–01–7264a; FRL–5961–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas; Revision to the Texas State Implementation Plan; Alternate Reasonably Available Control Technology Demonstration for Raytheon TI Systems, Inc. [TX–85–1–7344a; FRL–5955–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Particulate Matter and Revised Requirements for Designation of Reference and Equivalent Methods for PM2.5 and Ambient Air Quality Surveillance for Particulate Matter [AD-FRL–5963–3] (RIN: 2060–AE66) received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Emission Standards for Locomotives and Locomotive Engines [FRL–5939–7] (RIN: 2060–AD33) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7097. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mills, Wyoming) [MM Docket No. 97–44, RM–8974] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7098. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chewelah, Washington) [MM Docket No. 97–65, RM–9002] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7099. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Westport, Washington) [MM Docket No. 97–83, RM–8948] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7100. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Augusta, Mississippi) [MM Docket No. 97–184, RM–9120] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7101. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Soldiers Grove, Wisconsin) [MM Docket No. 97–210, RM–9166] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7102. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lindsborg, Kansas) [MM Docket No. 97–183, RM–9119] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7103. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tylertown, Mississippi) [MM Docket No. 97–45, RM–8961] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7104. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pueblo, Pueblo West, Canon City and Calhan, Colorado) [MM Docket No. 96–232; MM Docket No. 97–35] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7105. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Satellite Beach, Florida) [MM Docket No. 97–221, RM–9181] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7106. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kellnersville and Two Rivers, Wisconsin) [MM Docket No. 97–52, RM–8987, RM–9098] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7107. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carrizo Springs, Corpus Christi, George West, Pearsall, and Three Rivers, Texas) [MM Docket No. 91–283, RM–7807, RM–8772] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7108. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands; Implementation of Section 309(j) of the Communication's Act—Competitive Bidding, 37.0–38.6 GHz and 38.6–40.0 GHz [ET Docket No. 95–183, RM–8553; PP Docket No. 93–253] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7109. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revising the Announcement Procedures for Approvals and Denials of Premarket Approval Applications [Docket No. 97N–0133] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7110. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Financial Disclosure by Clinical Investigators [Docket No. 93N–0445] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7111. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1997," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

7112. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Nuclear Fuel Cycle Facility Accident Analysis Handbook [NUREG–1320] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7113. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

7114. A letter from the Secretary of Health and Human Services, transmitting the "Report on a Sentinel Disease Concept Study," pursuant to Public Law 103–43; to the Committee on Commerce.

7115. A letter from the Secretary of Health and Human Services, transmitting the report on evaluating the Ryan White CARE Act program accomplishments, pursuant to Public Law 101–381 and Public Law 104–146; to the Committee on Commerce.

7116. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Beneficial Ownership Reporting Requirements [Release No. 34–39538; File No. S7–16–96 International Series—1111] (RIN: 3235–AG81) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7117. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Plain English Disclosure [Release Nos. 33–7497; 34–39593; IC–23011 International Series No. 1113; File No. S7–3–97] (RIN: 3235–AG88) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7118. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of 1 October 1997, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7119. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7120. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 1997, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7121. A letter from the Acting Director, Defense Security Assistance Agency, transmitting reports containing the status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7122. A letter from the Acting Secretary, Department of State, transmitting a report which sets forth all sales and licensed commercial exports pursuant to section 25(a)(1) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7123. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's "Annual Report for Fiscal Year 1997" and the "1998 Foreign Policy Export Controls Report," pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

7124. A letter from the Under Secretary (Personnel and Readiness), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1997, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

7125. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1997, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

7126. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7127. A letter from the Director, Bureau of Economic Analysis, Economics and Statistics Administration, transmitting the Administration's final rule— Direct Investment Surveys: BE–12, Benchmark Survey of Foreign Direct Investment in the United States—1997 (RIN: 0691–AA08) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7128. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in December 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

7129. A letter from the Principal Deputy Assistant Secretary for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7130. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Adoption of Revised OMB Circular A-133; Administrative Requirements for Grantees to Reflect the Single Audit Act Amendments of 1996 [Docket No. FR–4258–I–01] (RIN: 2501-AC40) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7131. A letter from the Attorney General, Department of Justice, transmitting the FY 1999 Summary Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7132. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Government Contractors, Affirmative Action Requirements, Executive Order 11246; Approval of Information Collection Requirements and OMB Control Numbers; Correction (RIN: 1215–AA01) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7133. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Privacy Act; Implementation [Docket No. OST–96–1472] (RIN: 2105–AC68) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7134. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the report entitled "District of Columbia Public Schools Performance Audit: Fiscal Year 1997 Capital Improvement Program Procurement Process"; to the Committee on Government Reform and Oversight.

7135. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of the General Purpose Financial Statements and Independent Auditor's Report for the fiscal year ended September 30, 1997; to the Committee on Government Reform and Oversight.

7136. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7137. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7138. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1998 Annual Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7139. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors [5 CFR Part 1605] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7140. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

7141. A letter from the Acting Comptroller General, General Accounting Office, transmitting the Comptroller General's 1997 Annual Report, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Reform and Oversight.

7142. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; New Mexico Gross Receipts and Compensating Tax [FAC 97–03; FAR Case 97–018; Item VI] (RIN: 9000–AH79) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7143. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Part 30 Deviations [FAC 97–03; FAR Case 97–014; Item I] (RIN: 9000–AH77) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7144. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Information Technology Management Reform Act of 1996 [FAC 97–03; FAR Case 96–319; Item II] (RIN: 9000–AH75) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7145. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Final Overhead Settlement [FAC 97–03; FAR Case 95–017; Item III] (RIN: 9000–AG87) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7146. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reorganization of FAR Part 13, Simplified Acquisition Procedures [FAC 97–03; FAR Case 94–772; Item IV] (RIN: 9000–AH24) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7147. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reporting Trade Sanction Exemptions [FAC 97–03; FAR Case 97–021; Item V] (RIN: 9000–AH80) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7148. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Compensation of Certain Contractor Personnel [FAC 97–03; FAR Case 96–325; Item VIII] (RIN: 9000–AH50) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7149. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Independent Research and Development/Bid and Proposal Costs for Fiscal Year 1996 and Beyond [FAC 97–03; FAR Case 95–032; Item VIII] (RIN: 9000–AH37) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7150. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Travel Reimbursement [FAC 97–03; FAR Case 97–007; Item IX] (RIN: 9000–AH76) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7151. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Protests to GAO [FAC 97–03; FAR Case 97–009; Item X] (RIN: 9000–AH81) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7152. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Novation and Related Agreements [FAC 97–03; FAR Case 95–034; Item XI] (RIN: 9000–AH18) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7153. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Commercial Bills of Lading, Small Package Shipments [FAC 97–03; FAR Case 97–017; Item XII] (RIN: 9000–AH78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7154. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Standard Form 1406, Preaward Survey of Prospective Contractor—Quality Assurance [FAC 97–05; FAR Case 96–022; Item XIII] (RIN: 9000–AH74) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7155. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Technical Amendments [FAC 97–03; Item XIV] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7156. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide [48 CFR Chapter 1] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7157. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–03; Introduction [48 CFR Chapter 1] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7158. A letter from the Administrator, General Services Administration, transmitting a report on agency programs undertaken in support of Public Law 103–172, the Federal Employees Clean Air Incentives Act; to the Committee on Government Reform and Oversight.

7159. A letter from the Executive Officer, National Science Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7160. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Political Activity: Federal Employees Residing in Designated Localities (RIN: 3206–AF78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7161. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, and their survivors; to the Committee on Government Reform and Oversight.

7162. A letter from the Director, Office of Personnel Management, transmitting the Office's report on its health promotion and disease prevention activities for Federal civilian employees, pursuant to Public Law 104–208; to the Committee on Government Reform and Oversight.

7163. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Annual Performance Plan for fiscal year 1999, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7164. A letter from the Director, United States Information Agency, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7165. A letter from the Public Printer, Government Printing Office, transmitting a copy of the Biennial Report to Congress on the Status of GPO Access, an online information service of the Government Printing Office, pursuant to Public Law 103–40, section 3 (107 Stat. 113); to the Committee on House Oversight.

7166. A letter from the Secretary of the Interior, transmitting a detailed boundary map for the 76-mile segment of the Niobrara National Scenic River, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

7167. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

7168. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting the Department's findings and progress respecting the design, construction and operation of the demonstration projects in Phase II of the groundwater recharge of aquifers in the High Plains States, pursuant to 43 U.S.C. 390g—2(c)(1); to the Committee on Resources.

7169. A letter from the Co-Chairs, Franklin Delano Roosevelt Memorial Commission, transmitting a report on the completion of the mission to plan, design and construct a permanent memorial, pursuant to the Act of August 11, 1955, ch. 833, section 1 (69 Stat. 694); to the Committee on Resources.

7170. A letter from the Acting Director, Indian Arts and Crafts Board, transmitting the Board's final rule—Protection for Products of Indian Art and Craftsmanship (RIN: 1090–AA45) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7171. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 971208295–7295–01; I.D. 012398D] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7172. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; At-Sea Scales [Docket No. 960206024–8008–03; I.D. 043097A] (RIN: 0648–AG32) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7173. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA–111–FOR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7174. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 23, 1997, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

7175. A letter from the Assistant Secretary and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Changes to Continued Prosecution Application Practice [Docket No. 980108007–8007–01] (RIN: 0651–AA97) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7176. A letter from the Attorney General, Department of Justice, transmitting a report regarding grants awarded by the Department of Justice's Office of Community Oriented Policing Services under the COPS MORE program, pursuant to 42 U.S.C. 3796dd(b)(2)(B); to the Committee on the Judiciary.

7177. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Editorial Amendments [BOP–1074–F] (RIN: 1120–AA70) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7178. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Fines and Costs for "Old Law" Inmates [BOP–1033–F] (RIN: 1120–AA29) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7179. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Temporary Entry of Business Persons Under the North American Free Trade Agreement [INS No. 1611–93] (RIN: 1115–AB72) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7180. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Agency Relationships with Organizations Representing Federal Employees and Other Organizations (RIN: 3206–AH72) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7181. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled "Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols," pursuant to 42 U.S.C. 1975; to the Committee on the Judiciary.

7182. A letter from the Clerk, United States Court of Appeals for the D.C. Circuit, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

7183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Inland Navigation Rules; Lighting Provisions [CGD 94–011] (RIN: 2115–AE71) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advance Notice of Arrival: Vessels bound for ports and places in the United States [CGD 97–067] (RIN: 2115–AF54) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7185. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay, Tampa, Florida [CGD 0798–002] (RIN: 2115–AE46) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7186. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes (Federal Aviation Administration) [Docket No. 97–CE–151–AD; Amdt. 39–10292; AD 98–01–14] (RIN: 2120–AA64) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7187. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere Flacon 200 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–189–AD; Amdt. 39–10293; AD 98–03–01] (RIN: 2120–AA64) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7188. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Houston Class B Airspace Area; TX (Federal Aviation Administration) [Airspace Docket No. 95–AWA–1] (RIN: 2120–AA66) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7189. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Tracy, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–10] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7190. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Sheridan, WY (Federal Aviation Administration) [Airspace Docket No. 97–ANM–18] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Powell, WY (Federal Aviation Administration) [Airspace Docket No. 97-ANM-12] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7192. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA (Federal Aviation Administration) [Airspace Docket No. 97-ACE-34] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7193. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iola, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-37] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7194. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Salina, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-35] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7195. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Topeka, Philip Billard Municipal Airport, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-36] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7196. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Model HC-E4A-3(A,I) Propellers (Federal Aviation Administration) [Docket No. 97-ANE-35-AD; Amendment 39-10289; AD 98-02-07] (RIN: 2120-AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7197. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-2, -3, -3B, -3C, and -5 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 89-ANE-05; Amdt. 39-10290; AD 89-23-06 R1] (RIN: 2120-AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sommerset, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-43] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7199. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pineville, WV (Federal Aviation Administration) [Airspace Docket No. 97-AEA-27] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7200. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wellsboro, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-26] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7201. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Allentown, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-42] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7202. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; York, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-41] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7203. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lewisburg, WV (Federal Aviation Administration) [Airspace Docket No. 97-AEA-40] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7204. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Syracuse, NY (Federal Aviation Administration) [Airspace Docket No. 97-AEA-39] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Ticonderoga, NY (Federal Aviation Administration) [Airspace Docket No. 97-AEA-37] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Towanda, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-36] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Churchville, MD (Federal Aviation Administration) [Airspace Docket No. 97-AEA-35] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-293-AD; Amdt. 39-10295; AD 98-03-03] (RIN: 2120-AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Excess Flow Valve—Customer Notification [Docket PS-118A; Amdt. 192-82] (RIN: 2137-AC55) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7210. A letter from the Administrator, Environmental Protection Agency, transmitting the report entitled "Incidence and Severity of Sediment Contamination in Surface Waters of the United States," pursuant to Public Law 102-580, section 503(a)(2), (b)(2) (106 Stat. 4866); to the Committee on Transportation and Infrastructure.

7211. A letter from the Secretary of Transportation, transmitting the report on the potential for use of land options in federally funded airport projects, pursuant to Public Law 102-581, section 127; to the Committee on Transportation and Infrastructure.

7212. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Revisions to the NASA FAR Supplement Coverage on Contract Administration [CFR Part 1842] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7213. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510-AA37) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7214. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [Nos. 08-98 and 09-98] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7215. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on decision in *John D. and Karen Beatty* v. *Commissioner* [T.C. Dkt. No. 8273-94] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7216. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications of Bad Debts and Dealer Assignments of Notional Principal Contracts [TD 8763] (RIN: 1545-AU06) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7217. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 98-20] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1998 Calendar Year Resident Population Estimates [Notice 98-13] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7219. A letter from the Director, Congressional Budget Office, transmitting the CBO Sequestration Preview Report for Fiscal Year 1999, pursuant to 2 U.S.C. 904(b); jointly to the Committees on Appropriations and the Budget.

7220. A letter from the Secretary of Defense, transmitting a report on several initiatives for Gulf War veterans, pursuant to Public Law 103-337, section 721(h); jointly to the Committees on National Security and Veterans' Affairs.

7221. A letter from the Director, Congressional Budget Office, transmitting the report on "Unauthorized Appropriations and Expiring Authorizations" by the Congressional Budget Office as of January 15, 1998, pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

7222. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report entitled "Federal Sector Report on EEO Complaints and Appeals, FY 1996," pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Education and the Workforce and Government Reform and Oversight.

7223. A letter from the Attorney General and Secretary of Health and Human Services, transmitting the annual report on the deposits to the Medicare Trust Fund and the appropriations to the Health Care Fraud and Abuse Control Program for the Fiscal Year 1997, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Commerce and Ways and Means.

7224. A letter from the Secretary of Energy, transmitting the Department's tenth Annual Report to Congress summarizing the Department's progress during fiscal year 1996 in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); jointly to the Committees on Commerce and Transportation and Infrastructure.

7225. A letter from the Chairman, United States National Tourism Organization Board, transmitting the report of the National Tourism Organization Board, pursuant to 22 U.S.C. 2141b; jointly to the Committees on Commerce and International Relations.

7226. A letter from the Administrator, Agency for International Development, transmitting a report on development assistance program allocations for FY 1998, pursuant to 22 U.S.C. 2413(a); jointly to the Committees on International Relations and Appropriations.

7227. A letter from the Acting Comptroller General, General Accounting Office, transmitting the report on General Accounting Office employees detailed to congressional committees as of January 16, 1998, pursuant to Public Law 101-520; jointly to the Committees on Government Reform and Oversight and Appropriations.

7228. A letter from the Executive Director, Office of Compliance, transmitting the annual report on the use of the Office of Compliance by covered employees, pursuant to section 301(h) of the Congressional Accountability Act; jointly to the Committees on House Oversight and Education and the Workforce.

7229. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting a report entitled "Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii," pursuant to 48 U.S.C. 1681 nt.; jointly to the Committees on Resources and International Relations.

7230. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to make permanent the exemption of the Railroad Retirement Board trust funds from the payment to the General Services Administration of charges for rental of property occupied by the Board in excess of the actual cost of providing such property; jointly to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

7231. A letter from the Commissioner, Social Security Administration, transmitting the Social Security Administration's Accountability Report for Fiscal Year 1997, pursuant to 42 U.S.C. 904; jointly to the Committees on Ways and Means and the Judiciary.

7232. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Surety Bond and Capitalization Requirements for Home Health Agencies [HCFA-1152-FC] (RIN: 0938-AI31) received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7233. A letter from the Secretary of Health and Human Services, transmitting the report on Medicare reimbursement of telemedicine services, pursuant to Public Law 104-191, section 192 (110 Stat. 1988); jointly to the Committees on Ways and Means and Commerce.

7234. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Physicians' Referrals; Issuance of Advisory Opinions [HCFA-1902-IFC] (RIN: 0938-AI38) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7235. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Limit on the Valuation of a Depreciable Asset Recognized as an Allowance for Depreciation and Interest on Capital Indebtedness After a Change of Ownership [HCFA-1004-FC] (RIN: 0938-AI34) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7236. A letter from the Secretary of Health and Human Services, transmitting a report regarding Medicare SELECT supplemental policies, pursuant to Public Law 104-18; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on House Oversight. House Resolution 355. Resolution dismissing the election contest against Loretta Sánchez (Rept. 105-416). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THORNBERRY:

H.R. 3175. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by increasing the amount of taxable income which is taxed at the lowest income tax rate; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself and Mr. Ryun):

H.R. 3176. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3177. A bill to require the installation of a system for filtering or blocking matter on the Internet on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 3178. A bill to amend the Internal Revenue Code of 1986 to encourage the use of public transportation systems by allowing individuals a credit against income tax for expenses paid to commute to and from work or school using public transportation, and to reduce corporate welfare; to the Committee on Ways and Means, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANTON (for himself, Mr. Schumer, Mrs. Maloney of New York, Mrs. Lowey, Mr. Ackerman, and Ms. Velázquez):

H.R. 3179. A bill to require that an environmental impact statement be prepared evaluating the impact of slot exemptions for operation of new air service at LaGuardia Airport; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLEY of California (for himself, Mrs. Tauscher, Mr. Saxton, Mr. Boyd, Mrs. Thurman, Ms. Stabenow, Mr. Gilchrest, Mrs. Johnson of Connecticut, and Mr. Davis of Florida):

H.R. 3180. A bill to provide for innovative strategies for achieving superior environmental performance, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SANCHEZ (for herself, Mr. Martinez, Mr. Torres, Mr. Frost, Mr. Lipinski, Mr. Pallone, and Mrs. Maloney of New York):

H.R. 3181. A bill to provide for reviews of criminal records of applicants for participation in shared housing arrangements, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 3182. A bill to limit the authority of Federal courts to fashion remedies that require local jurisdictions to assess, levy, or collect taxes or to implement spending measures, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 3183. A bill to impose certain conditions with respect to the appointment of masters in Federal actions; to the Committee on the Judiciary.

By Mr. RIGGS:

H.R. 3184. A bill to clarify any doubts as to the application of Federal controlled substances laws in States where State law authorizes the medical use of marijuana or other drugs; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RILEY (for himself, Mr. Bachus, Mr. DeLay, Mr. Pickering, Mr. Redmond, Mr. Aderholt, Mr. Calvert, Mr. King of New York, Mr.

Smith of New Jersey, Mr. Franks of New Jersey, Mr. Watts of Oklahoma, Ms. Rivers, Mr. Largent, Mr. Cooksey, Mr. Graham, Mr. Oxley, Mrs. Roukema, Mr. Sandlin, Mr. Foley, Mrs. Kelly, Mr. Burr of North Carolina, and Mr. Solomon):

H.R. 3185. A bill to amend title 18, United States Code, to make illegal all private possession of child pornography; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 3186. A bill to provide for the transfer of administrative jurisdiction over certain public lands in the State of Oregon located within or adjacent to the Rogue River National Forest; to the Committee on Resources.

By Mr. SMITH of Oregon:

H.R. 3187. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt not-for-profit entities that hold rights-of-way on public lands from certain strict liability requirements imposed in connection with such rights-of-way; to the Committee on Resources.

By Mr. SOLOMON:

H.R. 3188. A bill to prohibit the construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes; to the Committee on Resources.

By Mr. TIAHRT (for himself, Mr. Largent, Mr. Solomon, Mr. Ryun, Mr. Wicker, Mr. Coburn, Mr. Graham, Mr. Souder, Mr. Hilleary, Mr. Talent, Mr. Barcia of Michigan, Mr. Lipinski, Mr. Hulshof, Mr. McIntosh, Mrs. Myrick, Mr. Peterson of Pennsylvania, Mr. Norwood, Mr. Gutknecht, Mr. Ensign, Mr. Calvert, Mr. Stearns, Mr. English of Pennsylvania, Mr. Watts of Oklahoma, Mr. Redmond, Mr. Pappas, Mr. Blunt, Mr. Sessions, Mr. Hutchinson, Mr. Forbes, Mrs. Emerson, Mrs. Chenoweth, Mr. Armey, Mr. Istook, Mr. Lewis of Kentucky, Mr. Hoekstra, Mr. Crapo, Mr. Hostettler, Mr. Burton of Indiana, Mr. Taylor of North Carolina, Mr. McInnis, Mr. Bartlett of Maryland, Mr. Goode, Mr. Pitts, Mr. Wamp, Mr. Shadegg, Mr. Aderholt, Mr. Dickey, Mr. DeLay, and Mr. Inglis of South Carolina):

H.R. 3189. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Education and the Workforce.

By Mr. WEYGAND:

H.R. 3190. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-[[1-[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl) amino]; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3191. A bill to suspend until December 31, 2002, the duty on 4-[[5-[[[4-(Aminocarbonyl) phenyl] amino] carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphen yl)-3-hydroxynaphthalene-2-carboxamide; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3192. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[[4-methoxyphenyl) amino]carbonyl]-1-naphtha-lenyl]azo]-4-methylbenzoyl]amino]- calcium salt (2:1); to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3193. A bill to suspend until December 31, 2002, the duty on N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-[(methylamino) sulphonyl]phenyl]azo]naphthalene-2-carboxaminde; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3194. A bill to suspend until December 31, 2002, the duty on N-[4-(aminocarbonyl)phenyl]-4-[[1-[[(2,3-dihydro-2-oxo-1H- benzimidazol-5-yl)amino] carbonyl]-2-oxopropyl]azo] benzamide; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3195. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2'-[3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[N- (2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3196. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N'-(3,3'dimethyl[1,1'-biphenyl]-4,4'-diyl)bis[2-[2,4-dichl orophenyl)azo]-3-oxo-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3197. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-[[3-[[(2,3-dihydro-2-oxo-1H–1H-benzimidazol-5-yl)amino]car onyl]-2-hydroxy-1-naphthalenyl]azo]-, butylester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3198. A bill to suspend until December 31, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-[[2-(trif luoro-methyl)phenyl]azo]-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3199. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 4-[[(2,5-dichlorophenyl)amino]carbonyl]-2-[[2-hydroxy-3-[[(2-methoxyphenyl)amino]carbonyl]-1-naphthalenyl]-, methyl ester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3200. A bill to suspend until December 31, 2002, the duty on 1,4–Benzenedicarboxylic acid, 2-[[1-[[(2,3-di-hydro-2-oxo-1H-benzimidazol-5-yl)amino carbonyl]-2-oxopropyl]azo]-, dimethyl ester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3201. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2'-[1–2,-ethanediylbis(oxy-2,1-phenyleneazo)]bis[N-(2,3-di hydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3202. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol -4-yl]azo]-5-methyl-calcium salt (1:1); to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. Blunt, Mr. Barton of Texas, Mr. Sessions, Mr. Stump, Mr. Dickey, Mr. Bonilla, and Mr. Solomon):

H.J. Res. 109. A joint resolution relating to the expenditure of funds by the Federal Government under National or State tobacco industry settlements; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H.J. Res. 110. A joint resolution proposing an amendment to the Constitution of the United States prohibiting courts from levying or increasing taxes; to the Committee on the Judiciary.

By Mr. PAUL:

H. Con. Res. 211. Concurrent resolution opposing increased Federal income taxes on variable annuities and other variable contracts; to the Committee on Ways and Means.

By Mr. CHRISTENSEN:

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress relating to the European Union's ban of United States beef and the World Trade Organization's ruling concerning that ban; to the Committee on Ways and Means.

By Mr. EWING:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union; to the Committee on Ways and Means.

By Mr. JENKINS (for himself and Mr. Boucher):

H. Con. Res. 214. Concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself and Mr. Bishop):

H. Con. Res. 215. Concurrent resolution congratulating the people of the Co-operative Republic of Guyana for holding muliparty elections; to the Committee on International Relations.

By Mr. SHAW (for himself, Mr. LaHood, and Mr. Bachus):

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress regarding the use of future budget surpluses; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. Boucher, Mr. Livingston, Mr. Stearns, Mr. Klug, Mr. Shimkus, Mr. Deal of Georgia, Mr. Paxon, Mrs. Cubin, Mr. Hastert, Mr. Oxley, Mr. Burr of North Carolina, and Mr. Rogan):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress with respect to the authority of the Federal Communications Commission; to the Committee on Commerce.

By Mr. SAXTON:

H. Res. 354. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GINGRICH (for himself, Mr. Armey, Mr. DeLay, Mr. King of New York, Mr. Doolittle, Mr. Burton of Indiana, Mr. Istook, Mr. Gilman, Mr. McIntosh, Mr. Spence, Mr. Solomon, and Mr. Stump):

H. Res. 356. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown; to the Committee on National Security.

By Mr. FORBES (for himself and Mr. Ackerman):

H. Res. 357. A resolution waiving clause 2(b) of rule XXII to permit introduction and consideration of a joint resolution to designate November of each year as National

Child Cancer Awareness Month; to the Committee on Rules.

By Mrs. LOWEY (for herself, Ms. PELOSI, Ms. BROWN of Florida, Ms. SÁNCHEZ, Mrs. MORELLA, Ms. DELAURO, Mr. BOUCHER, Ms. NORTON, Ms. DEGETTE, Mr. DEFAZIO, Mr. MENENDEZ, Mr. ADAM SMITH of Washington, Mr. HINCHEY, Mr. WAXMAN, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. NADLER, Mr. BROWN of California, Mr. HILLIARD, Mr. BALDACCI, Mr. GEJDENSON, Mr. FARR of California, Mr. BARRETT of Wisconsin, Mr. FORD, Mr. THOMPSON, Mr. DOGGETT, Ms. WOOLSEY, Mr. HOYER, Mr. ABERCROMBIE, Mr. SCHUMER, Mr. ACKERMAN, Mr. ALLEN, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. MEEHAN, Mr. DELAHUNT, Mr. PASTOR, Mr. DEUTSCH, Ms. KILPATRICK, Mr. RANGEL, Mr. GREEN, Mr. PRICE of North Carolina, Mr. CLAY, Ms. FURSE, Mr. STARK, Mr. SANDERS, Ms. LOFGREN, and Mrs. KELLY):

H. Res. 358. A resolution expressing the sense of the House of Representatives with respect to the protection of reproductive health services clinics; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. THOMAS, Mr. CARDIN, Mr. HASTINGS of Florida, Mr. SISISKY, Mr. BERRY, Mrs. CLAYTON, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FROST, Mr. HILLIARD, Ms. KILPATRICK, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. SANDLIN, Mr. SCHUMER, and Mr. SERRANO):

H. Res. 359. A resolution expressing the sense of the House of Representatives that the Secretary of Health and Human Services should carry out a national public awareness campaign to educate American men and women with respect to colorectal cancer; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

242. The SPEAKER presented a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 19 urging the 105th Congress of the United States to conduct thorough oversight hearings of the Office of the Inspector General audit process sufficient to ensure that the rights and protections inherent in the nation's legal code are maintained and upheld in the process; to the Committee on Commerce.

243. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 25 urging the 105th Congress of the United States to acknowledge the Federal Government's partnership with Oregon's counties and communities, especially where it owns significant tracts of land; to the Committee on Resources.

244. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 177 memorializing the Congress and President of the United States to enact the federal "Telemarketing Fraud Prevention Act of 1997"; to the Committee on the Judiciary.

245. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 6 urging the 105th Congress of the United States to promptly propose an amendment to the United States Constitution specifying that Congress and the several states shall have the power to prohibit the physical desecration of the flag of the United States of America; to the Committee on the Judiciary.

246. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 24 urging the 105th Congress of the United States to expeditiously pass an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for the fiscal year; to the Committee on the Judiciary.

247. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 169 memorializing the Congress of the United States to approve a project request, as part of the reauthorization of the federal Intermodal Surface Transportation Efficiency Act of 1991, to support the efforts to enhance trans-harbor rail-freight float-barging operations throughout the Port of New York and New Jersey; to the Committee on Transportation and Infrastructure.

248. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 1 urging the President and the 105th Congress of the United States to continue a federally administered, nationally uniform funding system for complete federal responsibility and funding for maintenance dredging on federally authorized navigation projects in Oregon; to the Committee on Transportation and Infrastructure.

249. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 26 urging the 105th Congress of the United States to continue to fund the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTLETT of Maryland:

H.R. 3203. A bill for the relief of Roma Salobrit; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3204. A bill for the relief of Walter Borys; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. SISISKY.

H.R. 65: Ms. HOOLEY of Oregon and Mr. SISISKY.

H.R. 74: Mr. PAYNE, Mr. GUTIERREZ, Ms. DEGETTE, Mr. MARTINEZ, Mrs. LOWEY, Mr. THOMPSON, Mr. WEXLER, Mr. YATES, Mr. ENGEL, and Mr. CLYBURN.

H.R. 107: Mr. MANTON, Mr. WALSH, Mr. GOODLING, and Ms. RIVERS.

H.R. 145: Mr. ACKERMAN

H.R. 165: Mr. SHERMAN.

H.R. 166: Mr. SHERMAN.

H.R. 167: Mr. SHERMAN.

H.R. 168: Mr. SHERMAN.

H.R. 230: Mr. PRICE of North Carolina.

H.R. 251: Mr. METCALF.

H.R. 303: Mr. SHERMAN.

H.R. 304: Mr. TOWNS

H.R. 306: Mr. HARMAN.

H.R. 339: Mr. MICA.

H.R. 350: Mr. HALL of Ohio, Mr. ENGEL, Mr. CLYBURN, and Mr. ENGLISH of Pennsylvania.

H.R. 352: Mr. BACHUS.

H.R. 371: Mr. SKAGGS, Mr. MCHALE, Mr. LUTHER, Mr. WEYGAND, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. BORSKI, and Mrs. LOWEY.

H.R. 445: Mr. PASCRELL.

H.R. 476: Mrs. MINK of Hawaii and Mr. COYNE.

H.R. 589: Mr. METCALF.

H.R. 777: Mr. DOOLEY of California and Mr. FORBES.

H.R. 820: Mr. WYNN.

H.R. 859: Mr. HOEKSTRA, Mr. MICA, Mr. BARTON of Texas, Mr. DOOLITTLE, and Mr. HEFNER.

H.R. 919: Ms. KILPATRICK and Mr. FALEOMAVAEGA.

H.R. 981: Mr. PALLONE, Mr. WEXLER, and Mr. RANGEL.

H.R. 1016: Ms. MCKINNEY, Mr. MANTON, and Mr. COOK.

H.R. 1018: Mr. ROTHMAN.

H.R. 1031: Mr. METCALF.

H.R. 1059: Mr. LAZIO of New York.

H.R. 1108: Mr. CHABOT.

H.R. 1114: Mr. JOHNSON of Wisconsin.

H.R. 1126: Mrs. KELLY.

H.R. 1176: Mr. SHERMAN and Mr. COYNE.

H.R. 1202: Mr. LEWIS of Georgia, Mr. FRANKS of Massachusetts, and Mr. SHERMAN.

H.R. 1320: Ms. KAPTUR.

H.R. 1355: Mr. KUCINICH.

H.R. 1356: Mr. UNDERWOOD, Mr. GILMAN, Ms. LOFGREN, and Mr. PALLONE.

H.R. 1376: Mr. WYNN, Mr. DIXON, and Mr. FORD.

H.R. 1450: Mr. INGLIS of South Carolina, Mr. YATES, and Mr. STRICKLAND.

H.R. 1455: Mr. STOKES.

H.R. 1456: Mr. PETERSON of Minnesota.

H.R. 1496: Mr. PAUL.

H.R. 1500: Mr. LEVIN, Mr. LUTHER, and Ms. STABENOW.

H.R. 1521: Ms. DANNER and Ms. Dunn of Washington.

H.R. 1531: Mrs. LOWEY and Mr. NADLER.

H.R. 1555: Mr. ENGEL.

H.R. 1670: Mr. NADLER.

H.R. 1842: Mr. NEY and Mr. REDMOND.

H.R. 1870: Mr. FATTAH, Mr. PAYNE, Mr. KUCINICH, and Mr. SHERMAN.

H.R. 1951: Mr. SNYDER.

H.R. 2004: Mr. PASCRELL.

H.R. 2009: Mr. VENTO, Mr. KIM, and Mr. SHAYS.

H.R. 2021: Mr. FORD,

H.R. 2077: Ms. LOFGREN.

H.R. 2173: Mr. MARTINEZ.

H.R. 2212: Ms. CHRISTIAN-GREEN.

H.R. 2253: Mr. STUPAK, Mr. SCOTT, and Mr. TIERNEY.

H.R. 2257: Mr. WATT of North Carolina, Mr. UNDERWOOD, Ms. KILPATRICK, and Mr. GUTIERREZ.

H.R. 2281: Mr. BERMAN.

H.R. 2290: Mr. BONIOR.

H.R. 2351: Mr. BROWN of Ohio and Mr. RUSH.

H.R. 2354: Mr. ENGEL and Mrs. LOWEY.

H.R. 2409: Mr. PASCRELL, Mr. GUTIERREZ, Ms. JACKSON-LEE, Mr. CLYBURN, and Mr. DELAHUNT.

H.R. 2454: Mr. LAMPSON.

H.R. 2457: Mr. LAMPSON.

H.R. 2467: Ms. LOFGREN.

H.R. 2500: Mr. SPRATT, Ms. HOOLEY of Oregon, and Mr. COLLINS.

H.R. 2509: Mr. RADANOVICH and Mr. SANFORD.

H.R. 2547: Ms. FURSE, Mrs. MINK of Hawaii, Mr. ROMERO-BARCELO, and Mr. ACKERMAN.

H.R. 2581: Mr. FILNER and Mr. CANADY of Florida.

H.R. 2593: Mr. GREEN, Ms. LOFGREN, Mr. KIM, Mr. COX of California, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. HUTCHINSON, Mr. RILEY, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. BONILLA, Mr. NORWOOD, and Mr. PETERSON of Pennsylvania.

H.R. 2627: Mr. CANADY of Florida, Mr. ISTOOK, Mr. ROMERO-BARCELO, Mr. BOYD, and Mr. SNOWBARGER.

H.R. 2671: Mr. FORD.

H.R. 2681: Mr. WATT of North Carolina.

H.R. 2692: Mr. NORWOOD.

H.R. 2695: Mr. MILLER of California, Mr. ANDREWS, and Mr. CONYERS.

H.R. 2710: Mr. KOLBE.

H.R. 2713: Mr. LEWIS of Georgia, Mr. FATTAH, Mr. JACKSON, and Mr. FALEOMAVAEGA.

H.R. 2733: Ms. DELAURO, Mr. HALL of Ohio, Mr. EVANS, and Mr. SANFORD.

H.R. 2752: Mr. KOLBE, Mr. CONDIT, Ms. ROYBAL-ALLARD, Mr. BENTSEN, and Mrs. MEEK of Florida.

H.R. 2755: Mr. GREEN, Mr. KLECZKA, Mr. LAFALCE, Ms. FURSE, Mr. BLUMENAUER, Mr. NEAL of Massachusetts, Mr. SANDLIN, and Mr. CRAMER.

H.R. 2807: Mr. MORAN of Virginia, Mr. TOWNS, Mr. SCHIFF, Mrs. LOWEY, Mr. GOODLATTE, Ms. HOOLEY of Oregon, Mr. BOEHLERT, Mr. MCGOVERN, Mr. CAMPBELL, Mr. PAPPAS, Mr. DELAHUNT, and Mr. LAMPSON.

H.R. 2826: Mr. FATTAH, Mr. KENNEDY of Massachusetts, Mr. OWENS, Mr. DAVIS of Illinois, Mr. COYNE, and Mr. PALLONE.

H.R. 2827: Mr. HAMILTON and Ms. LOFGREN.

H.R. 2828: Mr. HASTINGS of Florida and Mr. MARTINEZ.

H.R. 2829: Mr. CLYBURN, Mr. HALL of Texas, Mr. MENENDEZ, and Mr. SKAGGS.

H.R. 2868: Mr. PALLONE.

H.R. 2870: Mr. SHERMAN.

H.R. 2912: Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. LOBIONDO, Mr. WATKINS, AND MR. SANDERS.

H.R. 2914: Mr. CAMPBELL.

H.R. 2921: Mr. PETERSON of Pennsylvania, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. HASTERT, Mr. GUTKNECHT, Mr. BILBRAY, Mr. PICKERING, Mr. HILLEARY, Mr. LUCAS of Oklahoma, Ms. STABENOW, Mr. MINGE, Mr. MCGOVERN, Mr. STUPAK, Mr. SHAYS, Mr. MURTHA, Mr. KENNEDY of Massachusetts, Mr. GOODLING, Mrs. LINDA SMITH of Washington, Mr. CANNON, Mr. BOEHLERT, Mr. GILCHREST, Mr. WELDON of Pennsylvania, and Mr. HEFNER.

H.R. 2923: Ms. KILPATRICK, Mr. STRICKLAND, Mr. SANDLIN, and Mr. SKAGGS.

H.R. 2925: Mr. WEXLER, Mr. EVANS, Mr. FROST, Mr. FOLEY, Mr. POSHARD, Mr. ACKERMAN, Mr. MARTINEZ, Mr. DAVIS of Virginia, Mr. BALDACCI, Mrs. LOWEY, Ms. KILPATRICK, Mr. LIPINSKI, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. LAMPSON, Mr. MEEHAN, Mr. OLVER, Ms. RIVERS, Ms. PELOSI, Mr. LANTOS, Ms. FURSE, Mr. COSTELLO, Mr. FRANK of Massachusetts, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MANTON, Mr. THOMPSON, Mr. CLEMENT, Ms. DELAURO, Mrs. KELLY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. HASTINGS of Florida, Mr. SCHUMER, Mr. GRAHAM, Mr. WEYGAND, Mr. DEUTSCH, Mrs. CLAYTON, Ms. HOOLEY of Oregon, and Mr. NEAL of Massachusetts.

H.R. 2934: Ms. FURSE.

H.R. 2936: Mr. PAXON, Mr. FARR of California, and Mr. OXLEY.

H.R. 2938: Mr. GILLMOR, Mr. GOSS, Ms. BROWN of Florida, Mr. SHAW, and Mrs. FOWLER.

H.R. 2964: Ms. FURSE.

H.R. 2970: Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. ROMERO-BARCELO, Mr. UPTON, Mrs. MYRICK, and Mr. METCALF.

H.R. 2989: Mr. GIBBONS.

H.R. 3043: Mrs. MINK of Hawaii.

H.R. 3050: Ms. FURSE, Mrs. THURMAN, Mr. BONIOR, Mr. LIPINSKI, Mr. UNDERWOOD, Ms. KILPATRICK, Mr. PALLONE, Mr. LANTOS, Mr. MCGOVERN, Mr. LAMPSON, Mr. BARCIA of Michigan, Ms. RIVERS, and Mrs. MORELLA.

H.R. 3054: Mr. BERMAN and Mrs. MALONEY of New York.

H.R. 3070: Mr. FRANK of Massachusetts.

H.R. 3089: Mr. BURTON of Indiana.

H.R. 3090: Mr. BARR of Georgia.

H.R. 3097: Mr. POMBO, Mr. BLILEY, Mr. NEUMANN, Mr. MICA, Mr. SOLOMON, Mr. BARR of Georgia, Mr. DELAY, Mr. PAPPAS, Mr. COX of California, Mr. ROHRABACHER, Mr. KINGSTON, Mr. SMITH of New Jersey, Mr. PARKER, Mr. PACKARD, Mr. CRANE, Mr. COBLE, Mr. BILBRAY, Mr. TRAFICANT, and Mr. YOUNG of Alaska.

H.R. 3099: Mr. DAVIS of Illinois and Mr. MICA.

H.R. 3104: Mr. STUMP, Mr. PACKARD, Mr. REDMOND, Mr. LARGENT, Mrs. LINDA SMITH of Washington, Mr. SHIMKUS, Mr. HANSEN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. WELDON of Florida, Mr. COOKSEY, Mr. SMITH of Oregon, Mr. WATKINS, Mr. CALVERT, Mr. COOK, Mr. GOODLING, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. GINGRICH, Mr. CHABOT, Mr. MCCOLLUM, Mr. SOLOMON, Mr. HERGER, Mr. CHAMBLISS, Mr. PARKER, Mr. GALLEGLY, Mr. CRANE, and Mr. BRYANT.

H.R. 3108: Mrs. ROUKEMA and Mr. DUNCAN.

H.R. 3127: Mr. HASTERT, Mr. DEFAZIO, Mrs. EMERSON, Mr. HOEKSTRA, Mr. BACHUS, Mr. DREIER, Mrs. MYRICK, Mr. BLUNT, Mr. GOODLATTE, Mr. COOK, and Mrs. BROWN of California.

H.R. 3131: Mr. BERMAN.

H.R. 3133: Mr. PAPPAS.

H.R. 3134: Mr. UNDERWOOD, Mr. ROTHMAN, and Ms. KILPATRICK.

H.R. 3137: Mrs. MYRICK, Mr. MOLLOHAN, Mr. WAMP, Mr. PICKERING, Mr. HULSHOF, Mr. NETHERCUTT, Mr. CANNON, Mr. THOMPSON, Mr. CALLAHAN, Mr. CLEMENT, Mr. MCINTYRE, Mr. EVANS, and Mr. BISHOP.

H.R. 3143: Mr. HASTINGS of Florida, Mr. FORD, and Mr. FOX of Pennsylvania.

H.R. 3147: Mr. BARCIA of Michigan, Mr. RUSH, Mr. KUCINICH, Mr. HOUGHTON, Mr. ENGLISH of Pennsylvania, Ms. KILPATRICK, Mr. EHLERS, Mr. BLAGOJEVICH, Mr. STOKES, and Mr. KLECZKA.

H.R. 3152: Mr. GREENWOOD, Mr. HALL of Ohio, Mr. GALLEGLY, and Mr. FARR of California.

H.R. 3161: Mr. ROHRABACHER, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. VENTO, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. FURSE, Mr. BONIOR, and Mr. UNDERWOOD.

H.R. 3162: Mr. LUCAS of Oklahoma and Mr. DUNCAN.

H.R. 3172: Mr. ENGLISH of Pennsylvania.

H.J. Res. 83: Mr. PITTS, Mr. TRAFICANT, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. MANZULLO, and Mr. SESSIONS.

H.J. Res. 102: Mr. KOLBE, Ms. DELAURO, Mr. SISISKY, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. TIERNEY, Mr. LOBIONDO, Mr. DIXON, Mr. CLYBURN, Mr. LIPINSKI, Mr. JACKSON, Mr. ADAM SMITH of Washington, Mr. BEREUTER, Mr. MCNULTY, Mr. EVANS, Mr. STRICKLAND, and Mr. HOYER.

H. Con. Res. 55: Mr. COYNE.

H. Con. Res. 114: Mr. FRANK of Massachusetts, Mr. STRICKLAND, and Mrs. MORELLA.

H. Con. Res. 152: Mr. WEXLER and Mrs. MALONEY of New York.

H. Con. Res. 158: Mr. BURTON of Indiana.

H. Con. Res. 202: Mr. WELDON of Florida, Mr. REGULA, Mr. SENSENBRENNER, Mr. NORWOOD, Ms. DUNN of Washington, Mr. DELAY, Mr. RYUN, Mr. ARMEY, Mr. EHLERS, Mr. COMBEST, Mr. WICKER, Mr. SHAW, Mr. BOEHNER, Mr. THUNE, Mr. MANZULLO, Mr. HAYWORTH, Mr. RILEY, Mr. ENSIGN, Mr. LAZIO of New York, Mr. GILMAN, Ms. GRANGER, Mr. WELLER, Mr. GIBBONS, Mr. SHADEGG, Mrs. ROUKEMA, Mr. DOOLITTLE, Mrs. KELLY, Mr. PETRI, and Mr. HILLEARY.

H. Con. Res. 210: Mr. ALLEN and Mrs. KELLY.

H. Res. 37: Mr. ROMERO-BARCELO and Mr. KOLBE.

H. Res. 83: Mr. COYNE and Mr. SNYDER.

H. Res. 279: Mr. BROWN of California, Mr. FAZIO of California, Mr. CONYERS, Mr. MANTON, and Mr. DAVIS of Illinois.

H. Res. 350: Mr. PALLONE and Mr. FALEOMAVAEGA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2604: Mr. BERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

36. The SPEAKER presented a petition of the Rockland County Legislature, New City, New York, relative to Resolution No. 694 endorsing a peaceful settlement of the Northern Ireland Conflict; to the Committee on International Relations.

37. Also, a petition of the Rockland County Legislature, New City, New York, relative to Resolution No. 15 supporting the nomination of the Hudson River as an American Heritage River; to the Committee on Resources.

38. Also, a petition of John Rolczynski and Robert W. Gillies of Grand Forks, North Dakota, relative to a petition for redress of grievance regarding the statehood of North Dakota; to the Committee on the Judiciary.

39. Also, a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 315 supporting continuation of the ISTEA Program for Highway Infrastructure and the Bridge Program; to the Committee on Transportation and Infrastructure.

40. Also, a petition of the Metropolitan King County Council, Seattle, Washington, relative to Motion No. 10354 commending Microsoft Corporation for its superb leadership, encouraging Microsoft to continue in its present direction, and requesting local, state, and national leaders to be supportive of Microsoft and the principles of free enterprise that have allowed Microsoft to flourish; jointly to the Committees on Commerce and the Judiciary.

EXTENSIONS OF REMARKS

ANATOLY KORNUKOV

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SOLOMON. Mr. Speaker, something very outrageous has just happened in Russia that should be an affront to all Americans.

As we all remember, on September 1, 1983, the Soviet Union shot down a civilian jetliner, Korean Airlines flight 007.

Well Mr. Speaker, the very general who gave the order to murder those civilians, including our friend and colleague Congressman Larry McDonald, has just been appointed by President Yeltsin as the new Chief of Staff of the Russian Air Force.

And do you know what? This general, Anatoly Kornukov, still doesn't regret that he gave the order. He still maintains the Soviet fiction that KAL 007 was on a spy mission.

That's right, 6½ years after Boris Yeltsin stood on that tank, and led the dissolution of the Soviet empire, old Communist thinking not only persists in Russia, it is in fact prevalent and is being rewarded by Boris Yeltsin.

And 6 years after we put Russia on the foreign aid dole, to the tune of over $50 billion from American and Western taxpayers, this is the thanks we get.

It is time for this administration to put their foot down and demand the removal of this killer, otherwise there will be no more foreign aid to Russia.

CONGRATULATIONS TO ELAINE (DE LA TORRE) BERNARD AND CAROL DE LA TORRE OF GENESIS, INC.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Elaine (De La Torre) Bernard and Carol De La Torre of GENESIS, Inc. for being recognized Business Women of the Year by the Central California Hispanic Chamber of Commerce, and Top Female Owned Business by the California State Chamber of Commerce. As sisters and owners of Genesis, Elaine and Carol have made countless contributions to the community and are very deserving of recognition.

For the past 10 years, Elaine Bernard and Carol De La Torre have dedicated their lives to Genesis, Inc., a non-profit organization that provides residential treatment, foster care and supportive family services to children who have been sexually, physically and/or emotionally abused, neglected or abandoned. The Genesis goal is to serve in the Fresno county area and community by providing interventions and building blocks for area youth and families. From the moment Genesis group homes opened their doors, there have been tremendous changes in the lives of many children.

Originally, GENESIS, INC. opened one residential group home in Fresno to serve female adolescents who were predominately Hispanic and under-served. The number of group homes has grown to six with over forty-two clients in placement. GENESIS also established three community schools to assist with their educational needs and goals. GENESIS has been committed to providing job opportunities to Valley residents and has prided itself on the ability to provide quality employment for both men and women of diverse culture and backgrounds. Furthermore, GENESIS has provided a learning environment for university interns and volunteers who receive valuable on-the-job training and experience under the supervision of highly skilled professionals.

The California State Chamber of Commerce recognizes one top female owned business on an annual basis. On September 19, 1997 Genesis incorporated received this award under the criteria of success and contributions to the community. Genesis was chosen among 30 other nominations from around the state of California.

Mr. Speaker, it is with great honor that I pay tribute to Elaine (De La Torre) Bernard and Carol De La Torre of Genesis, Inc. for over 10 years of outstanding community service. It is the leadership and care exhibited by these two sisters that warrant this recognition. I ask my colleagues to join me in wishing Elaine (De La Torre) Bernard and Carol De La Torre many more years of success.

PHILADELPHIA INQUIRER EXPOSES LABOR ABUSES ON U.S. SOIL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. MILLER of California. Mr. Speaker, the following article appeared in the February 9, 1998 Philadelphia Inquirer and describes the living and working conditions in the U.S. Commonwealth of the Northern Mariana Islands (CNMI). This article, "Your Pricey Clothing is Their Low-Pay" offers additional examples of the alarming conditions under which many workers in this U.S. territory toil.

Every independent reporter who has traveled to the CNMI to investigate the working and living conditions of the tens of thousands of imported foreign workers there—whose population outnumbers that of the U.S. citizens—has reached the same alarming conclusion: U.S. laws designed to protect workers on U.S. soil are not being adequately applied or enforced. Instead, this part of America has become an outpost for foreign investors, the construction, tourism and garment industries being the major suppliers of foreign workers. In the CNMI, Chinese labor bosses are able to "run their factories just as they would in China—as virtual sweatshops." Because this is a U.S. territory, $810 million worth of garments manufactured under these conditions in 1997 entered the U.S. duty-and quota-free and allowed to bear the "Made in USA" label.

One Chinese woman describes restrictive labor practices that include being forbidden from attending church. Another tells of working seven days a week and only occasionally getting a half-day off on Sundays. Human rights advocates say "many guest workers endure unpaid work, forced overtime, withheld wages and unsafe workplaces."

Many foreign workers live in "squalid shacks without running water, sufficient toilets or proper ventilation" but "are too deep in debt back home to risk getting fired" by speaking out about unfair treatment, poor working conditions, or improper wages. Indeed, many of these workers have sold their family's land, their homes, and have borrowed the money from loan sharks to pay recruiters who have promised them good, high-paying jobs in America. The workers must repay these loans or risk harm to themselves and their families.

As the article attests, the CNMI is hardly a good example of a situation we in Congress would want to emulate in our own States. Rather, it is an example of what can go horribly wrong when a U.S. territory government develops an economy based heavily on the importation of cheap, alien, indentured workers, who are granted no stake in society, and who are denied adequate labor protections by the local government.

Congress can, and should, take action to correct this situation. I have introduced legislation, HR 1450—the "Insular Fair Wage and Human Rights Act" that would place the CNMI immigration system under federal law, bringing the CNMI into conformity with every other U.S. territory. Further, this legislation will incrementally increase the local minimum wage until it reaches the federal level, and provide that garments only be allowed to bear the "Made in USA" label if all federal laws were adhered to in the manufacture of the garment.

[From the Philadelphia Inquirer, Feb. 8, 1998]

YOUR PRICEY CLOTHING IS THEIR LOW-PAY WORK

(By Jennifer Lin)

SAIPAN, NORTHERN MARIANA ISLAND.—The rest of America may worry about losing jobs to Asia, but this lush island in the far western Pacific has created an outpost of Asia right on American soil.

Pacific Rim investors—primarily overseas Chinese and Koreans—have flocked to this U.S. territory, building a profitable world-class garment industry. They hire workers from China. They import fabric, buttons and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

zippers from China. And in many cases, they run their factories just as they would in China—as virtual sweatshops—ignoring U.S. laws designed to protect workers.

Even so, the factories can sew "Made in the U.S.A." onto clothing, skirt U.S. duties and quotas, and pay their workers far less than the U.S. minimum wage. Attempts to rescind those privileges have been opposed by several American lawmakers, some of whom have taken trips to Saipan paid for by the island government.

The coveted "Made in the U.S.A." label is like a seal of approval for clothing-makers, implying that products are untainted by labor abuses the American buying public associates with garments made in Asian sweatshops. But it has lost much of its meaning in Saipan.

Such companies as J.C. Penney, Ralph Lauren, Tommy Hilfiger and Jones New York have paid factories here to make their clothing under contract. The suppliers pay less than U.S. minimum wage and ship duty-free to the U.S.—giving them a decided advantage over competitors who make garments in the U.S.

Often it is impossible for American shoppers to know whether a "Made In U.S.A." shirt was sewn by workers in Philadelphia or by low-wage Chinese in Saipan. (Sensing problems, some U.S. companies have asked their Saipan suppliers to switch to labels that say "Made in the Northern Marianas" or "Made in Saipan.")

Last year, garmet factories on the islands shipped a projected $810 million in clothing to the U.S. mainland. Had the merchandise been treated like imports from Asia, the U.S. Treasury could have collected $150 million in duties.

Most workers in Saipan's garment industry are Chinese, and 21 of the 26 factories are owned by Asian investors. China's giant, government-controlled textile industry has set up shop here as a way of avoiding strict U.S. quotas. Marianas Garment Manufacturing Inc., indirectly owned by the Chinese textile industry, hires all 500 of its workers in China and flies them here to sew "Made in Saipan, U.S.A." onto its clothing.

There is no other place in the United States or its territories like the Commonwealth of the Northern Mariana Islands, a chain of 14 scenic islands, including the largest, Saipan, where more than 5,000 American troops died in a World War II battle.

It is the only place on U.S. soil where the local government can set its own rules on minimum wage, and one of two with its own immigration policy (along with American Samoa).

It is the only place where factories import entire workforces and can pay them $3.05 an hour, well below the minimum wage of $5.15 an hour in the United States and the $8 an hour earned by the typical American garment worker.

And it is the only place where foreign workers outnumber citizens—about 35,000 "guest workers" to 27,000 U.S. citizens.

The Northern Mariana Islands offer just one example of how intense global competition combines with an ample supply of desperately poor laborers to perpetuate sweatshop conditions. Garment manufacturers hopscotch the globe in search of cheap labor, cutting deals with local contractors who promise ever cheaper and more pliant workers. When wages rise or workers become restive, manufacturers spread some of their work to the next cheap site, from Taiwan and South Korea in the 1980s to Mexico and Honduras today.

Often, the result is substandard working conditions and subsistence wages, despite campaigns by labor and human-rights groups that have improved the lives of many garment workers. The persistence of sweatshops preserves the low prices and wide selection Americans enjoy for imported garments. But sweatshops also make American-made garments less competitive while swelling American's massive trade deficit with the rest of the world—led by China.

What makes the Northern Mariana Islands unique is that manufacturers here rely not on local workers (who are U.S. citizens) but on imported workforces of impoverished laborers eager to toil for low wages, often under sweatshop conditions.

The islands' garment wages are far higher than the 20 to 50 cents per hour paid in the world's lowest-paying countries. But the exemptions from U.S. standards—and the direct pipeline to the U.S. retail market—more than compensate. The transplanted Asian garment industry here is growing at a rate of 45 percent a year, according to the U.S. Commerce Department.

In an effort to promote economic growth, the exemptions were negotiated by island leaders and approved by Congress in 1976, a year after islanders voted for U.S. commonwealth status. (The United States seized control of the islands from Japan after World War II.)

Island leaders argued that the territory in 1976 was too underdeveloped to afford the federal minimum wage. Islanders also were intent on controlling immigration. With a population in 1976 of only 14,000, the islands feared being overrun by Asians trying to migrate to the United States but getting no farther than Saipan.

(American Samoa has a small number of Chinese workers, but most of its "guest workers" come from neighboring Western Samoa and Tonga.)

Island leaders say they need the exemptions to protect their economy. Employers contend that locals do not want the backbreaking, low-wage sewing or construction jobs that go to outsiders.

Foreign laborers are so hungry for work that they pay thousands of borrowed dollars to middlemen to get them jobs. Once here, many live like indentured servants.

Coming from China, the Philippines, Bangladesh and Sri Lanka, they sew clothing, build factories, clean houses, cook meals, wait on tourists, work as hostesses in karaoke bars, pave roads and guard hotels. Critics—including President Clinton—charge that the Northern Mariana Islands are flouting basic American values. Clinton has chastised the island government for importing destitute Asians despite an unemployment rate of 14 percent among natives on the islands, where 30 percent of all citizens live below the poverty line. In a letter last May, the President called labor practices on the islands 'inconsistent with our country's values."

On Jan. 14, a bipartisan U.S. congressional commission noted that "only a few countries, and no democratic society, have immigration policies" as open to abuse as Saipan's. The commission recommended extending U.S. labor and immigration laws to the islands—reforms also proposed by the Reagan and Bush administrations.

Pending in Congress are bills that would gradually raise the islands' minimum wage to the federal level, impose federal guidelines for immigration, and restrict the use of the "Made in the U.S.A." label.

The Marianas government has hosted a steady stream of congressional visitors, at an estimated cost of more than $500,000. The Roll Call newspaper reported that in the last year, seven lawmakers, 75 aides, five spouses and one child—House Majority Whip Tom DeLay (R., Texas) took his daughter)—have traveled to Saipan, at a cost of about $5,000 a person. Typically, the visitors stay in beachfront hotels, tour new factories, and visit golf courses and coral reefs.

"Everybody cries 'junket,'" said Tony Rudy, DeLay's press secretary. ". . . The fact is that our schedule was filled with meetings from top to bottom."

Rudy said DeLay toured factories and spoke with workers, who told him they earned more in Saipan than they could in their native countries.

"If you bump that up to $5 or whatever an hour," Rudy said, companies will "just take the next plane over to the Philippines, where they can pay $1 an hour."

In a letter to officials in Saipan in June, DeLay and House Majority Leader Dick Armey (R., Texas) said any legislation that would harm the islands' economy runs counter to the "principles of the Republican Party." Adam Turner, a spokesman for Juan N. Babauta, the Marianas' representative in Washington, said only "a handful" of Saipan's factories could be considered substandard.

"Hopefully," he said, "the local government will do a better job cleaning it up."

In fact, most of the islands' impoverished garment workers are grateful to earn $3 an hour. But they work on U.S. soil, and it is indisputable that conditions in many plants here would not pass muster in America.

Eric Gregoire, who until November was a human-rights monitor for the Catholic Church, said some workers are forbidden by their Asian bosses to come and go as they please or to live as freely as people in the United States.

"We're all for economic prosperity, but you have to look at the other side of the ledger," said Allen Staymen, head of the office dealing with U.S. territories for the U.S. Department of Interior. "Slavery also was a very prosperous economic system. Prosperity in itself doesn't justify behavior that is not acceptable in the United States."

In just 15 years, Saipan has built a flourishing garment industry from almost nothing. Its factories employ about as many people as does Philadelphia's beleaguered apparel-and-textile trade, which has lost thousands of jobs to overseas competitors.

"It's an absolute insult to American workers and American taxpayers that you would be able to make these products using harshly exploited individuals and foreign workers and then get all the benefits of using the 'Made in the U.S.A.' label," said Rep. George Miller (D., Calif.), who is pushing to take away most of the islands' privileges.

Spokesmen for several U.S. companies said their monitors have found no evidence of substandard conditions in island plants that sew their garments. "We do monitor those factories where we do sourcing in the Marianas, and to date have had very satisfactory results," said Wes Card, chief financial officer of Jones Apparel Group Inc. of Bristol, which retails the Jones New York label.

One of biggest island factories is Marianas Garment Manufacturing Inc.—indirectly owned by the China National Textiles Import & Export Corp. (Chinatex), a behemoth that handles $1.2 billion in Chinese textile exports to the world, much of it to the United States.

Robert O'Connor, a Saipan-based attorney for the company, denied that the factory, known locally as MGM, is tied to the Chinese state-run textile industry.

"The name Chinatex has never had anything to do with this corporation," O'Connor said.

In fact, all of the individuals listed as directors and officers of the Saipan factory are executives with the Osaka, Japan, branch office of Chinatex.

Wu Yong, president of the MGM factory, said in a telephone interview from Osaka that Chinatex opened the factory because shipments from Saipan are not controlled by U.S. quotas on textile imports. The United States sets comprehensive limits on shipments of clothing coming from other countries in order to protect U.S. textile jobs. The factory uses labels that say "Made in Saipan, U.S.A." and "Made in the U.S.A."

MGM is one of several garment factories charged in recent years with violations of federal labor laws. In 1992, the island government accused the Chinese factory of keeping two sets of books and paying sweatshop wages—half of the territory's minimum wage, which was $2.15 an hour at the time. In September, the company settled the charges by paying $1 million in back wages.

"That happened five years ago," Wu said through an interpreter. "It's not happening anymore."

Far from Saipan's luxury hotels are what the U.S. Interior Department calls "labor camps," home to 20,000 Asian workers. The fortunate ones get dormitories with bunk beds and communal bathrooms. Others find themselves consigned to squalid shacks without running water, sufficient toilets or proper ventilation.

Young Chinese women spend their days hunched over sewing machines under fluorescent lights. The hours are long and the conditions sometimes harsh, but few complain. They are too deep in debt back home to risk getting fired.

Some Chinese men said they paid $7,000 apiece for construction jobs, while Chinese seamstresses are charged from $3,000 to $4,000 each for passage here—often as much as they will earn in a year after paying taxes and fees for room and board. The money goes to Chinese government middlemen, who secure passports and arrange jobs.

Once here, guest workers are vulnerable to exploitation. Human-rights advocates say many guest workers endure unpaid work, forced overtime, withheld wages and unsafe workplaces.

A seamstress from southern China said she is forced to work seven days a week at Micronesian Garment Manufacturing Inc., one of the largest factories, with nearly 300 workers. Occasionally, she said, she can take a half-day off on Sunday to wash her clothes or write letters. Several workers said the garment factory, controlled by Hong Kong and mainland Chinese investors, would not grant overtime unless the women met their daily quotas. Typically, if a worker falls behind, she must reach her quota on her own time just to qualify for time-and-a-half overtime pay.

Steve Yim, a Hong Kong-based management consultant for Micronesian Garment Manufacturing Inc., confirmed that workers must meet their quotas before they can earn overtime but denied that women work for no pay in order to fill their daily quotas.

"I'm not aware of it," Yim said, adding that no one was forced to work overtime, "but if they are willing to work seven days, we don't prohibit them. We can't stop them."

Guest workers are reluctant to speak out, because they know their employers can send them packing with one day's notice.

"It's not a job market where if they don't like it, they can leave," said Gregoire, the human rights worker. "You're going to sit there and endure whatever you have to endure." Most workers from China are required to sign contracts with the Chinese government, vowing to obey the laws of the United States, Northern Mariana Islands—and China.

A two-year contract for one Chinese carpenter forbids him from engaging in "any political or religious activity." He cannot take drugs, watch "sex movies," fight, get drunk or "fall in love or get married." Some garment-industry executives say conditions are improving as manufacturers become more attuned to American labor practices.

Eloy Inos, an executive with Tan Holdings Corp., the largest garment-maker on Saipan, said the garment factories help create ancillary work in shipping, insurance and other support services. He said some problems had been caused by Asian manufacturers' unfamiliarity with U.S. labor standards.

"They've since learned and have changed a lot, although at times the changes were painful," Inos said.

But restrictive labor practices persist in many garment factories here, despite limited reforms and continued pressure by human-rights groups. Recently, Chinese women were forbidden by their employer from attending a Christian church. The church's Korean pastor had to remind the South Korean factory manager that people in the United States are free to practice religion.

At another South Korean garment company—formerly S.R. Corp., now Coral Fashion Inc.—workers were told that they could leave their barracks only twice a week for one hour. Violators "will be barred from going out the barracks indefinitely," the company wrote in a notice posted on Feb. 6, 1997. The factory has since been warned by local officials that it is against the law in the United States to lock up one's workers.

FOOD CHECK-OUT DAY

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CHRISTENSEN. Mr. Speaker, Monday, February 9th, was "Food Check-Out Day." "Food Check-Out Day" marks the day when most Americans have earned enough money to pay for all the food they will consume for the year. American families spend just 10.9 percent of their disposable income for food compared to 15 percent in France, 18 percent in Germany, and 33 percent in Mexico.

Besides supplying the country with an affordable food supply, the American farmer provides jobs to workers off the farm. For each dollar spent on food in this country, only 23 cents goes to the farmer; 77 cents goes to food marketing, processing, retailing, generating thousands of jobs for American workers. In my State of Nebraska, 1 out of 4 jobs are tied to agriculture.

Mr. Speaker, I want to thank the farmers and ranchers from my State. Without their hard work and dedication to agriculture, the United States would not have the safest, let me reiterate the safest, and most affordable food supply in the world.

CHRISTA CARPENTER'S AWARD WINNING ESSAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BILIRAKIS. Mr. Speaker, I would like to share the following essay with our colleagues. It was written by one of my constituents, Ms. Christa Carpenter, and won first place in the March for Life national essay contest commemorating the twenty-fifth anniversary of legalized abortion in the United States. I believe she presents a compelling argument in support of the sanctity of all human life.

WE MARCH ON FOR LIFE AND TRUTH

God's truth is eternal, absolute, universal, and impartial. It is our most powerful weapon in the battle to end abortion. During the past twenty-five years of the murdering of our brothers and sisters, His truth has been marching on in the pro-life movement.

Our Faith tells us that a pre-born baby, from the moment of fertilization, possesses a soul, and is created in the image and likeness of God. Despite the physical condition of the baby, or the circumstances of conception, all are equal in the sight of God. Whether deformed, retarded, black or white, protectors of life must keep in mind that Christ's truth is without exception, and all pre-born babies possess the right to life. There are no exceptions, no compromises, when it comes to the life of ANY baby.

The Catholic Church proclaims that all men are "obliged to honor and bear witness to the truth". In fact, it is our duty to defend the pre-born. St. Thomas Aquinas states, "As a matter of honor, one man owes it to another to manifest the truth."

Abortion is a direct violation of the truth. The entire platform of the pro-abortion movement is based on lies. Their many statements such as "It's a woman's body"; "It's a blob of tissue"; "The mother's life is at stake" are attempts to justify the murder of a pre-born human being. Abortion can never be justified, for everyone knows in his conscience that it is wrong.

These remarks have been proven wrong by people who have LIVED Christ's truth. The most vivid example in my mind happened two years ago during my Mother's crisis pregnancy, when her water broke and she went into labor prematurely. The doctors refused to give her medical treatment to help save my twenty-week-old pre-born brother, John Paul. They said my Mother would die if the pregnancy continued, and declared she should have the abortion for the "sake of the mother".

With the help of many friends, Mom was able to stay at home, never leaving her bed for ninety-three days. Our family endured many trials to keep my brother alive. We were rewarded when he was delivered at thirty-three weeks, for this was long after the time the doctors said he would be dead. He lived twenty-three hours, and received Baptism and Confirmation before he went "straight to Heaven". Many in the world took our experience for a failure, but we take comfort in the fact that John Paul is a saint, and sees God "face to Face". Thanks to the truth we learned from those in the pro-life movement, we know Christ's truth. It conquered the lies of the pro-death world in the case of my Mother. She is living proof that the "life of the mother" exception is just an excuse to kill a baby.

Defenders of life, world-wide, have shown their commitment to the truth by sacrificing their time and comfort for the abolition of the Massacre of the Innocents. Actively they protest at abortion clinics, and present the pro-life message at every opportunity: on television, in newspapers, on radio, and in schools.

More often than not, we never see the "fruits" of our endeavors. Some say our efforts in the pro-life movement will never be able to stop the mass murder of children throughout the world. Yet, whether representatives of His truth are the majority or the minority; whether abortion increases or stops entirely; whether we have no political support or have the help of the entire government; His TRUTH will perpetually reign supreme. When it comes to the life of a baby, all know that a baby is a child created in the image and likeness of God, and abortion is the murder of that precious infant.

This battle may ensue for our lifetime or for the next generation to come, but His truth will ultimately "set us free" from the evil of abortion. Advocates of life, take heart: for as His truth is marching on, our God is marching with us.

CONGRATULATING DONNA WEINBRECHT—OUR GOOD WILL AMBASSADOR OF THE SLOPES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise on behalf of the United States Congress and the people of New Jersey to congratulate Olympic legend Donna Weinbrecht of West Milford, New Jersey, on an outstanding career. She is a mentor and role model for our young people and a credit to our nation for her excellence in all she does. This young women from New Jersey is an inspiration to both athletes and non-athletes alike. Her sterling character, hard work. unending dedication and thorough mastery of her sport make her a role model for young people across our nation.

Donna—the world-renowned "Queen of the Moguls"—competed in her final Olympic freestyle race today. Despite a rash of injuries, including a very sore knee, Donna skied her way into the finals on Sunday and today came extremely close to a second career Olympic medal, with a fast and clean run to the finish line.

Mr. Speaker, Donna has been the "foundation" of the U.S. freestyle team for 11 years. Over her career she won an Olympic Gold Medal, seven U.S. titles and five World Cup Championships. These championship performances are what has earned her the international reputation as the "Queen of the Moguls."

But her impact on her sport goes beyond trophies and honors. She has also served as the sport's "goodwill ambassador." Due in large part to Donna's energetic promotion of freestyle skiing—or "the bumps"—we have the opportunity to watch this exciting form of skiing at the Olympics and around the world.

While Donna is the "Queen of the Moguls," her mother, Caroline Weinbrecht, calls herself the "Queen of the Screams" for her style in cheering on her daughter.

Caroline and Jim Weinbrecht stayed home from their daughter's trip to Japan this year because both have health problems that would have made the 14-hour trip difficult. They were with Donna when she won the gold in Albertville in 1992, however, and her brother and sister, Jim and Joy, are in Nagano. They are a family that is always there for each other.

Donna was born April 23, 1965, in Hoboken and now resides in West Milford. Donna won the first-ever Olympic gold medal for women's freestyle mogul skiing at the 1992 Olympic Games. Nine months later, she suffered a severe knee injury while training for the next ski season. Many experts didn't expect her to ski competitively again, but with disciplined training and extra effort she came back to win the World Cup in 1994 and 1996. Those are the traits of character and dedication that will bring her continued success in whatever future life endeavor course she chooses.

The 5-foot-4 skier has known a lifetime of achievements. The highlight, or course, was taking the Gold Medal in Freestyle Mogul Skiing at the 1992 Olympic Games in Albertville. In 1990, 1991, 1992, 1994 and 1996, she was both the World Cup and U.S. National Champion in the same event. She took the U.S. title in 1988 and 1989.

She has won 46 Gold, 12 Silver, 12 Bronze World Cup Medals. She was named "International and U.S. Female Freestyle Skier of the Year" by Ski Racing Magazine in 1996; "International Sportswoman of the Year" finalist in 1993; Women Sports Foundation's 1996 "Ski Athlete of the Year"; the United States Olympic Committee's "Amateur Athlete of the Year" for 1990–1992; and one of the Women Sports Foundation's "Outstanding Amateur Athletes in America" for 1990–1992. She was a member of the Amateur Athletic Union in 1990–1992.

Donna's hometown of West Milford has been enthusiastically cheering on their favorite skier. Students at Apshawa Elementary School e-mailed messages to Donna earlier this week and Olympic flags hang outside several neighbors' homes. Local schools have shown students videos of her past performances. At West Milford High School, where she was a high school skier, a mural on the gymnasium wall commemorates her 1992 Olympic victory.

My Congressional colleagues and I join Donna's family, the residents of High Crest Lake in West Milford, the citizens of New Jersey and, indeed, all of our nation in saluting our Olympic champion. Donna will always be a "gold medal champion" in our hearts. She has carrier our flag proudly.

TRIBUTE TO TALLER SAN JOSE (ST. JOSEPH'S WORKSHOP)

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. SANCHEZ. Mr. Speaker, I rise today to congratulate the Taller San Jose (St. Joseph's Workshop) for offering hope to the Latino youth who seek a productive, self-reliant future. The young people who come to Taller San Jose are looking for a second chance to "work on their lives". The students are male and female, 18 and over, and bilingual. They have usually dropped out of school, often more than once; have one or more children; want to finish school; and seek job training in order to become productive adults.

The program includes life skills and mentoring, GED preparation, computer literacy, clerical skills, nursing assistant training, and woodworking. All classes are designed for participants to develop job ready skills and behaviors which translate into accountability and responsibility. The program also offers classes to the larger community such as English as a Second Language at the basic and intermediate levels.

Taller San Jose, which has been open for 2½ years, was a recent recipient of the Audrey Nelson Community Development Achievement Award. This award recognizes exemplary uses of Community Development Block Grant funds which address the needs of families, homes and neighborhoods. TSJ was recognized as one of six in the nation to receive this national award in 1998.

IN HONOR OF PHILIP J. GARONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Philip J. Garone, a beloved member of the Greenpoint, Brooklyn community who recently passed away.

Mr. Garone, a lifelong resident of Brooklyn, was one of six sons born to Angelina and Angelo-Charles Garone in 1911. When Philip's father passed away, Philip began working after school to help support his family. This dedication to his family continued throughout his life.

Philip Garone also had a passion for music. He began playing the saxophone at an early age and was soon sought after by music great Tommy Dorsey. After working as a lithographer in the printing industry, Philip would play the sax at Greenwich Village clubs with famous musicians such as Gene Crooper and Sam "the man" Taylor.

In 1936, Philip married Virginia Torre at St. Francis De Paola Church. Together they had three daughters, Angela, RoseAnn and Phyllis, and lived on Lombardy Street in Greenpoint. Throughout their 23 years marriage, Philip was urged by many musicians to go on the road with his music. Again, his dedication to his family kept him close to home.

Philip and Virginia were married for 23 years until Virginia's tragic death from cancer in 1959 at the age of 42. Five years later, Philip met and married Angie DeLuca.

In Philip's 60 year musical career he played for community events, politicians, feasts, dances, block parties, and neighborhood weddings. In recent years he began playing for senior citizen groups at the Garity Post and the Swinging Sixties.

On April 13, 1997, Philip Garone died of a massive stroke at the age of 86. The silence of his saxophone is felt throughout the Greenpoint community.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. Philip Garone, a very talented and devoted man who contributed to his community with the beauty of his music and his devotion to his family and neighbors. He is greatly missed.

LISTEN CAREFULLY, PRESIDENT MENEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SCHUMER. Mr. Speaker, on Saturday, Argentine President Carlos Menem will attend a special showing of "The Elixir of Love" at the Metropolitan Opera House at Lincoln Center. With all due respect to tenor Ramone Vargas, there are far more important voices for President Menem to hear in New York.

He should hear the voice of Americans angry about the failure of his government to bring anti-semitic terrorists to justice. In 1992, the Israeli embassy in Buenos Aires was bombed. Two years later, the Argentine Jewish Mutual Association (AMIA) was car-bombed. Not a single person has been convicted of these crimes.

He should hear the outrage of the American Jewish community, angry that 115 people were murdered by these bombings, the worst act committed against Diaspora Jews since the Holocaust.

Most important, however, President Menem should see how Americans deal with terrorists who kill in our country. We use all available resources to track down these cowardly murderers. Americans would never stand for such incessant delays in bringing them to trial.

I understand that by mentioning these tragedies, I am bringing to his attention some of the unpleasant realities that exist in Argentina. It would be much easier for President Menem to turn a blind eye to the problems of terrorists and Neo-Nazism in his country.

But, President, Menem, you need to hear that the world will continue to look at Argentina with a jaundiced eye until there is action in this case.

You need to hear that anti-semitism is unacceptable in a democracy.

And you need to hear that we will not rest until justice is served.

Listen, carefully, President Menem. We hope we are heard.

REMEMBERING THE JAPANESE-AMERICAN INTERNMENT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. UNDERWOOD. Mr. Speaker, we have always prided ourselves in being one Nation, one people. The United States is truly a country composed of immigrants, and the great attraction continues to be the hope of a better life in this dynamic land. However, February 19 represents the tragic betrayal of that American dream to a group of Americans singled out for their race. On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066 which authorized the relocation and incarceration of thousands of Americans of Japanese descent in camps all over the United States.

After the American declaration of war against Japan, Executive Order 9066 went into effect. Japanese-American families endured terrible living conditions under these camps administered by an organization called the War Relocation Authority. Food shortages, cramped, communal living quarters and lack of sanitation facilities were only a few of the hardships. Although Japanese-Americans were later allowed, and sometimes forced, to enlist in the American military service, they were paid sub-level wages and fought for a country which imprisoned their families. Some courageous Japanese-Americans legally challenged the executive order; however, the Supreme Court upheld its validity.

On December 17, 1944, President Roosevelt revoked Executive Order 9066 and Japanese-Americans were allowed to return home. Many families were forced to start their lives from scratch. Although the American Evacuation Claims Act of 1948 was supposed to compensate Japanese-Americans, less than 10% were paid in property losses of over 26,500 claims. On August 10, 1988, President Reagan issued an apology and offered restitution for those who survived the camps. However, half of the 120,000 incarcerated Japanese-Americans died even before the bill was signed into law.

Japanese-American imprisonment in the 1940's is a tragic episode in American history which cannot be repeated. February 19, is a fateful day and should remind us of the lessons learned from Executive Order 9066. The racial connotations attributed to that order resulted in the mass betrayal of thousands of Americans who were constantly moved to exhibit their loyalties to the United States.

In 1998, there are those who have not even heard of the Japanese-American internment. We must educate our constituents on the importance of this day. I am happy to note that the Museum of American History has provided an extensive exhibit on this subject. I encourage my colleagues to view this exhibit. As Americans, we owe it to our constituents to educate ourselves about this terrible and unfortunate experience in our history.

IN HONOR OF REP. RONALD V. DELLUMS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TRAFICANT. Mr. Speaker, Rep. Ronald V. Dellums leaves the House of Representatives after twenty-six years of dedicated service to the people of California's ninth district and to all Americans. His unyielding determination and leadership curbed military spending and aided the reserve of the nuclear arms race. His resolution for change led him to develop alternative agendas and budgets to take the burden of the Cold War off the next generation. Investment in education, economic development and the reinstatement of a progressive tax base were his weapons. Dellums' desire for justice for all, shadowed his support of the 1991 Civil Rights Restoration Act, the reauthorization of the 1967 Voting Rights Act and for reparations for Japanese-Americans interned in concentration camps during World War II. His intensity for justice did not stop on the shores of America. In 1971, Rep. Dellums was the first to introduce legislation for economic sanctions against the racist apartheid regime of South Africa. Fifteen years later his bill passed the House, leading to the imposition of sanctions. South Africa is now free.

What do you say to a man who has devoted his career to justice and peace? You say . . . Thank you, Mr. Dellums. Thank you for standing tall against the forces that be. Thank you for being independent and outspoken. Thank you for supporting what was always the greater good.

The retirement of Rep. Ronald V. Dellums will be a great loss in the halls of Congress, but his legacy of peace will live on.

A TRIBUTE TO A BASEBALL GIANT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to express my admiration and deep gratitude for an outstanding athlete and a magnificent human being. Andre (The Hawk) Dawson. On February 21, 1998, Andre will be honored with a tribute for his many accomplishments in the field of baseball and for his achievements as a father and a mentor to thousands of young people who have reaped the benefits of his dedicated work in our community and throughout our nation.

For his outstanding accomplishments, Southwest Miami Senior High School Alumni Association, will proudly induct Andre into the Southwest Miami Senior High School Hall of Fame. Our high school athletes will be performing on the playing field of "Andre Dawson Field", and SW 50 Terrace (between 88 and 89 Avenue) will become "Andre Dawson Drive".

Andre has dedicated his ability and love of baseball to the game, thus achieving a multitude of awards since 1977. He began as Rookie of the Year in 1977, winning the Silver Slugger Award from 1980–'87, Gold Glove Award, 1980–'88, Allstar Team Selection from 1980–'89, Sporting News Player of the year in 1987 and the National League Most Valuable Player Award in 1987. He played for professional baseball teams, including the Boston Red Sox, Chicago Cubs, and the Florida Marlins.

Andre's stellar achievements go above baseball. He is a wonderful role model for our young people because of his deep religious faith and his commitment to family and community. He has worked tirelessly through fundraising events to raise money for childrens' benefits and making appearances on behalf of childrens' causes. He devotes much of his time to the Jimmy Ryce Foundation, a foundation formed to find missing children, and he has raised money for Alzheimer's disease research. He also has a private Andre Dawson Foundation, which is dedicated to helping the needy.

Andre is truly deserving of his upcoming honor. He has been blessed with a great talent, a compassionate heart, and a passion for helping his fellow man. We have been blessed to have Andre Dawson as our hero on and off the field.

CONGRATULATIONS TO THE TOWN OF GARRETT PARK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to congratulate the Town of Garrett Park, Maryland which is celebrating 100 years of incorporation this year. Throughout the year the town will be celebrating numerous centennial events, including a New Year's Eve party and a New Year's Day Open House.

The Town of Garrett Park is named for Robert W. Garrett, who was president of the Baltimore and Ohio Railroad in the late 1800's. The railroad, which first opened in the Washington, D.C. area in 1873, helped jump-start development in Montgomery County and ultimately, helped lay the groundwork for the incorporation of Garrett Park.

The one hundredth anniversary of Garrett Park's incorporation is a great achievement. This lovely town, which is located on the banks of Rock Creek, has grown from its simple beginnings into a model for other municipalities to emulate. Garrett Park is a town which has embraced modern technology and yet still maintained a strong association with its rich history.

When you ask the people of Garrett Park to describe themselves and their town, they usually speak of their "independence" and "civic duty". They have a great respect for their local government and strive to look after one another. Garrett Park's greatest attribute may be the sense of close-knit community, from which stems its national recognition.

Again, I congratulate Garrett Park on this milestone. It is an achievement that all America should look up to and honor.

TRIBUTE TO MR. WALTER HAMEL, LAST SURVIVING WORLD WAR I VETERAN OF HAVERILL, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TIERNEY. Mr. Speaker, I rise to salute Mr. Walter Hamel, the last surviving World War I veteran in the City of Haverill, Massachusetts.

Mr. Walter Hamel is a true American patriot and war historian. Born 97 years ago, one of seven children, he enlisted in the war. Still underage at only 17 years old, Walter entered the service with the permission and blessing of his mother. During World War I, Walter was assigned to the U.S. Army Signal Corps in Hawaii. Not only did he gallantly serve in this post during World War I, his patriotism for the United States never weaned. Upon his return, Mr. Hamel participated in many parades and walked from nursing home to nursing home to distribute flags on Veterans' Day. Last November, the Haverill Gazette, located in my district, profiled Mr. Hamel as "An Enduring Patriot" for his actions.

Indeed, Mr. Hamel is not only a source of inspiration to his friends and family, but also to us all. Mr. Speaker, I am proud of the accomplishments of Mr. Walter Hamel; his military service and civil pride are to be commended. I hope my colleagues will join with me today in wishing Mr. Walter Hamel the very best as he continues to inspire us all.

TRIBUTE TO EDWARD C. VALDEZ

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Edward C. Valdez for his commitment and dedication to the Hispanic community. Edward Valdez is a prominent attorney and was awarded the 1997 Latin American Businessman of the Year. His accomplishments with the Hispanic community are noteworthy and warrant recognition.

Born in Castroville, California, Valdez spent much of his childhood in the fields picking fruit and vegetables. Valdez did very well in school, but had the notion that college and higher education was for non-Hispanics. He grew up in a community where people worked in the fields all of their lives and no one ever went to college. This discouragement caused him to join the Army instead of continuing on with school.

In the service, Valdez began to meet college graduates and realize that he could also go to college. In 1964, Valdez finished his military obligation and enrolled in junior college. His college studies and determination paid off in the late 1960s when AAA Insurance hired him as a claims adjuster. The company soon promoted Valdez to a job in Fresno, where he continued his education at California State University, Fresno. In 1969, he began law school and worked as a paralegal by day and studied by night.

After graduation, Valdez and several other lawyers formed a partnership that became well known for work with the under-served Valley populations and Hispanic leaders. When his partners left the firm to become judges, Valdez built his firm into a solo practice. He continued his motivation by providing help with several community service projects. Valdez supports the Central California Hispanic Chamber of Commerce and the positive effects it has on business in the Valley.

Valdez credits much of his success as a result of his education. I praise his emphasis in the importance of higher education. He encourages lifting Valley farm-labor populations into enterprises that bring jobs and money through higher education.

Mr. Speaker, it is with great honor that I pay tribute to Edward C. Valdez for his accomplishments and dedication to the Hispanic community. His passion for the legal profession and his encouragement for Hispanic youth is both refreshing and inspirational. I ask my colleagues to join me in wishing Edward Valdez many more years of success.

PHILADELPHIA INQUIRER REPORTS RAMPANT LABOR ABUSES IN U.S. COMMONWEALTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. MILLER of California. Mr. Speaker, the following article is the second of two that appeared in the February 9, 1998 Philadelphia Inquirer and describes the plights of tens of thousands of foreign workers who live and labor in one of our U.S. territories, the Commonwealth of the Northern Mariana Islands (CNMI). This article, "For Workers, Island Jobs can be a Losing Proposition," describes the desperate situations of these workers once they arrive in the CNMI deeply in debt and prone to exploitation.

Every independent reporter who has traveled to the CNMI to investigate the working and living conditions of the tens of thousands of imported foreign workers there has found that the principles behind the labor and immigration situation in the CNMI are contrary to those defined by established ideals of American democracy. The CNMI economy is based on the exploitation of a large, disenfranchised, foreign population, and laws to protect these workers on U.S. soil are neither being adequately applied, nor enforced, and perpetrators of justice are not being punished.

The article describes fifty-five men from China who each paid $7,000 to a Chinese recruiter for "transportation, passports, and the promise of construction jobs. Most had to borrow money from friends, family members or loan sharks." Once they arrived in the CNMI, these men found no jobs waiting. Although the men marched in protest to the offices of the U.S. Department of Labor, the federal government could not help them because the CNMI has sole authority over immigration policy and controlling recruiters.

A similar story is repeated for 134 men from Bangladesh who paid $5,000 to recruiters for jobs that did not exist. In both cases, the recruiters responsible for bringing these men from China and Bangladesh to the CNMI have fled, while the men remain disenchanted, hungry and desperate for employment.

The article also details the story of one 22 year old Chinese worker who tells of being summoned four times by her garment factory supervisor in his attempts to pressure her into returning to China to have an abortion after she became pregnant. The worker refused to have an abortion and, after losing several days of work because of a pregnancy related illness, was fired. She is now jobless and fears deportation back to China, where she would likely be subjected to a late-term abortion because she is unmarried.

Nowhere else in America would these practices be allowed to continue. Congress must act to change this situation. I have introduced legislation, HR 1450—the "Insular Fair Wage and Human Rights Act" that would place the CNMI immigration system under federal law, bringing the CNMI into conformity with every other U.S. territory. Further, this legislation will incrementally increase the local minimum wage until it reaches the federal level, and provide that garments only be allowed to bear the "Made in USA" label if all federal laws were adhered to in the manufacture of the garment. Passage of this legislation would bring additional federal oversight to the policies practiced in this remote corner of America.

[From the Philadelphia Inquirer, Feb. 8, 1998]

FOR WORKERS, ISLAND JOBS CAN BE A LOSING PROPOSITION

(By Jennifer Lin)

SAIPAN, NORTHERN MARIANA ISLANDS.—They arrive on the red-eye flight from Hong Kong pulling little suitcases on wheels into the humid, predawn blackness. Poor, tired and hungry for work, these young men and women from China are hoping for a slice of the American Dream.

They have paid thousands of dollars to agents at home for jobs in clothing factories on this faraway island that few can find on a map. At the airport, they stand out from the Japanese tourists heading off to luxury hotels on blossom-scented beaches. They are whisked away by waiting van's to spartan barracks.

For many desperate Asians, dreams of working in America have turned into living nightmares in Saipan. Men from Bangladesh and China have turned over their life savings to middlemen for jobs that never materialize. Young women from the Philippines have come to work in bars and been forced into prostitution. Garment workers from China have found themselves toiling in sweatshops for employers who cheat them out of their wages or limit their freedom.

Chinese garment worker Tu Xiaomei, 22 and pregnant, is one of the many unlucky ones. She is broke, jobless, and fearful of being deported.

Tu arrived in Saipan in the summer of 1996 and planned to work in a garment factory for two years. At a $3.05-an-hour sewing job here, she could earn more in one year than in four back home.

She fell in love with a Chinese laborer and became pregnant. When her factory found out, Tu said, it pressured her to return to China to have an abortion. She said a supervisor summoned her four times to deliver the same message.

"She didn't say, 'You must go back to China for an abortion.'" Tu said, "but she always said, 'Think about it.'"

It is difficult to get an abortion on this predominantly Catholic island. But in China, abortion is widely used as a form of birth control for women limited by the government to one child. In Tu's home province of Jiangxi, women, by law, are not allowed to marry until they are 23 and may not legally bear a child until they are 24.

Tu refused to have the abortion. She wanted to work until the baby was born (she is due in May) and return to China only after her two-year contract with the factory had expired in July.

But in December, she missed several days of work because of a pregnancy-related illness. Her boss at the factory, owned by mainland Chinese and Hong Kong investors, told her not to come back, she said.

Steve Yim, a Hong Kong-based management adviser for the factory, Micronesian Garment Manufacturing Inc., denied that anyone pressured Tu to return to China for an abortion and said she "deliberately" stopped going to work.

Six months pregnant, Tu now rents a room near a busy road. Her bed consists of two wood planks on blocks. She has little food on her shelves and no money to see a doctor. Her biggest fear, she said, is being forced to return to China, where she would risk being pressured to undergo a late-term abortion.

"I don't want to have an abortion," Tu said. "It's a small life; it's six months old. I'm afraid."

The tens of thousands of foreigners brought to Saipan as "guest workers" are recruited by middlemen who operate in a murky business that is loosely regulated and open to abuse. Local recruiters who promise to find jobs for foreigners work in tandem with agents in such places as China, Bangladesh, Sri Lanka and the Philippines.

Fifty-five Chinese men from northeast China said they arrived here in September, only to find there were no jobs waiting. The men, recruited from a down-and-out industrial region of China with high unemployment, each paid $7,000 to a Chinese agent for transportation, passports, and the promise of construction jobs. Most had to borrow money from friends, family members or loan sharks, they said.

For weeks, the men were holed up in a dirty, hot, crowded, metal barracks near a golf course with an ocean view. They had little to eat and limited fresh water, they said. J&J International, the employer who had promised them work, had only been able to place a few of them.

On Oct. 21, the rest of the men marched in protest to the offices of the U.S. Department of Labor, carrying a banner that read, in English and Chinese: "We need live. We need work."

The U.S. federal government could not help them. One of the unique things about the Northern Mariana Islands is that the local government has full authority over immigration. It also is responsible for policing recruiters.

Kim Long, an employee for J&J International, said in December that the company had found work for 10 men and that the others were seeking too much money, demanding wages of $5 an hour instead of the island's minimum wage of $3.05 an hour.

The men told a different story. They said they would work for any wage at all.

In a letter to U.S. labor officials in October, they wrote, in Chinese: "Many Chinese regard the United States as heaven on earth. But there are swindlers out there who dare to bring shame to the American government."

The jobless laborers protested again in December. This time, having been kicked out of their barracks, they carried bedrolls under their arms. Embarrassed local officials went on television to seek jobs for the men and leaned on garment factories to find them work.

Some of the men got work building a casino on a neighboring island. About a dozen became so frustrated that they returned to China.

Another batch of workers from Bangladesh, meanwhile, has not been as fortunate.

In early 1997, 134 men from Bangladesh paid $5,000 apiece to recruiters for jobs that, as it turned out, did not exist. The local go-between, responsible for arranging the work in Saipan, fled to the Philippines.

Today, many of the men are still without work, left to scrounge for food and shelter, fearful of being deported and knowing that angry loan sharks would be on their tails back home.

Naive and unschooled, many of these workers believed the tall tales they heard from unscrupulous recruiters. One was promised a U.S. passport as soon as he got here. Another said he was told he could take a bus from Saipan to California. He is still looking for work.

CONGRATULATIONS TO HOLLIS DYER, OAK GROVE, MO'S, BUSINESSPERSON OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SKELTON. Mr. Speaker, it has come to my attention that the Oak Grove, Missouri, Chamber of Commerce has named Hollis Dyer as Business Person of the Year.

Born in Independence, Missouri, Hollis Dyer's family moved early in his life to Odessa, Missouri, where he graduated from Odessa High School at the age of 16. In 1945, Dyer began a short career in the Army, and then went on to attend Southwest Baptist Junior College in Bolivar, MO. He received an Associate of Arts degree from that school, and then attended Central Missouri State University. Before graduating from CMSU, Dyer became a teacher, and he continued to teach from 1947 through May 1955. In 1955, Dyer began a new career in banking, and became president of the Commercial Bank of Oak Grove in 1962. Dyer has served as president of the bank ever since, and he has established himself as an outstanding community leader.

Over the years, Dyer has attempted to make his hometown a better place to live and work. He, along with the community, brought one of the earliest senior citizen apartment complexes to the region, and this facility became a model prototype. Dyer was also involved with naming the streets in Oak Grove in order to create better insurance rates for the residents of the small community. In addition, Dyer supported the schools and churches of the area, as well as their many worthwhile projects.

Hollis Dyer's endless interest in the growth of the community and the well-being of its residents makes his name a household word to many who live in the city and the surrounding area. I am certain that the Members of the House will join me in congratulating Oak Grove, Missouri's Businessperson of the Year.

IN HONOR OF PICABO STREET

HON. MIKE CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CRAPO. Mr. Speaker, I rise today to bring to your attention the exciting news from the Winter Olympics in Nagano, Japan.

Picabo Street, an outstanding ski racer and pride of Sun Valley, Idaho, which I have the honor of representing, has captured the gold medal in the Women's Super-G event. This announcement is particularly exciting for the whole country because this medal represents one of the first two medals won by any U.S. competitors in Nagano. My colleagues will also be interested to know that, in addition to being from the world-renowned ski resort of Sun Valley, she is also named for the town of Picabo in Idaho's Second Congressional District.

As you may recall, Mr. Speaker, Picabo Street has already become a well-known sports star from her silver medal triumph in Lillehammer, Norway, four years ago. But yesterday's accomplishment is much more heroic when you consider that she has only just returned from a knee operation that would have ended most careers and a frightening fall twelve days ago that resulted in her becoming unconscious. I'm pleased to join my colleagues in saluting her today.

And the news only gets better. The Super-G is not Picabo Street's preferred event. As a downhill specialist, her triumph in the yesterday's event firmly establishes Picabo Street as the favorite for Saturday's Women's Downhill event. Mr. Speaker, our heartfelt thanks go out to Picabo Street for ending America's medal drought in Nagano. I'm sure you will be watching eagerly the contest on Saturday.

HONORING THE 1998 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1998 Fairfax County Chamber of Commerce Valor Award Winners. On Thursday, February 12, 1998, the Fairfax County Chamber of Commerce will present the Annual Valor Awards at the McLean Hilton.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor, The Silver Medal of Valor, The Bronze Medal of Valor, The Certificate of Valor, and The Life Saving Award.

The Valor Award is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the twentieth year that these awards have been presented.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk.

The Silver Medal of Valor Award Winners for 1998 are: Police Officer John Alford, Police Officer First Class Randyll E. Newman, Police Officer First Class Dennis E. Voebeau, Police Officer First Class Michelle A. Wicker, Police Officer First Class Jeffrey K. Rockenbaugh, and Second Lieutenant Jesse F. Bowman.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award Winners for 1998 are Police Officer First Class Daniel C. Gohn, Police Officer First Class Scott F. Moskowitz, Master Police Officer Anthony J. Ruffel, Police Officer First Class Steven W. Faett, Police Officer First Class Michael J. Weaver, Master Technician Kerry R. Jackson, Technician Samuel L. Gray, Technician Robert J. Alvarado, Master Police Officer Michael W. Bishop, Police Officer First Class T. Brad Carruthers, and Police Officer First Class David R. Moyer.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award Winners for 1998 are Firefighter Gregory G. Foley, Lieutenant Wesley L. Marshall, Technician Anthony E. Doran, Technician Michael D. Hendershot, Lieutenant Charles D. Mills, Sergeant Diann L. Makariak, Police Officer First Class John J. Kiernan, Jr., Police Officer Chad E. Mahoney, and Police Officer First Class Scott F. Moskowitz.

The Lifesaving Award Winners is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award Winners for 1998 are Technician Joseph P. Gorman, Lieutenant Michael A. Seabright, Public Safety Communications Center Assistant Supervisor Mary Ann Gerald, Police Officer First Class Paul J. O'Neill, Police Officer First Class Abraham Gelabert, Police Officer First Class Randolph A. Conley, Public Safety Communications Assistant Arlene Foote, Public Safety Communications Assistant Ronald D. Brooks, Police Officer Timothy C. Benedict, Police Officer First Class John W. Jackson, Police Officer Pierre J. Geis, Firefighter Brian K. Morton, Captain Randall J. Kennedy, and Lieutenant David L. Prohaska.

Mr. Speaker, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants who are truly deserving of the title "hero."

PUNJAB REPORTER'S MAIL BEING SEIZED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TOWNS. Mr. Speaker, once again the truth has leaked out from behind the facade of Indian democracy. The Punjab government of Chief Minister Parkash Singh Badal has issued an order intercepting the mail of Sukhbir Singh Osan, a reporter based in Chandigarh who writes for numerous publications including *Aj Di Awaaz*.

In addition to Mr. Osan, the superintendent of police, Mr. R.P. Singh, issued a written order to intercept the mail of "five senior ex-Army officers and some politicians residing in Chandigarh," according to *Burning Punjab News*. Postal authorities verbally confirmed the existence of the order, but refused to put the confirmation in writing.

This is not a new practice. In 1993, the Movement Against State Repression—and why does a democratic country need a "Movement Against State Repression" anyway?—went to court to get an injunction against the Home Secretary of the Union Territory, who was intercepting the mail of politicians and journalists. The High Court ruled the interceptions illegal, yet a mere five years later the Punjab government is doing the same thing. This is the reality of Indian "democracy."

Mr. Osan has been one of the few journalists with the courage to expose the repression, corruption, and police-state tactics of the Punjab government. For this, his civil rights are being violated, yet India and its friends here insist more loudly than ever that India is a "democracy." Clearly, it is not a democracy for Sukhbir Singh Osan and other political opponents of the Punjab government or for the minorities living under the repression of the state and central government. Couple this with the political detentions of several followers of Jasbir Singh Rode last August and the ongoing complaints against Sikh youth under the supposedly-expired "Terrorist and Disruptive Activities Act" (TADA), and you discover the real face of Indian democracy. Underneath that democratic veneer is a brutal police state unworthy of American aid or trade.

I ask the American ambassador to India to raise this matter with the Government of India and to report back to the Congress on when this ban is going to be lifted. Journalists and all citizens must be free to receive information freely. Until India learns to respect freedom of the press, it has no right to call itself a democracy.

I am inserting the article from *Burning Punjab* on the interception of Mr. Osan's mail into the RECORD. I hope my colleagues will take the time to read it.

CITY SCRIBE'S MAIL INTERCEPTED

CHANDIGARH, January 22—The Punjab Government headed by Parkash Singh Badal has ordered to intercept the mail of a city scribe working for *Aj Di Awaaz*, five other ex-army officers and a few politicians.

According to the information, Punjab Intelligence SSP Mr. R.P. Singh has directed his men in writing to collect the mail of Sukhbir Singh Osan, five senior ex-army officers and some politicians residing in Chandigarh.

When contacted the postal authorities confirmed the interception of mail by Punjab CID men. However, Postal authorities refused to give anything in writing.

It may be recalled that during 1993 President of Movement Against State Repression, Mr. Inderjit Singh Jaijee, had challenged in the Punjab & Haryana High Court the orders issued by the U.T. Home Secretary to intercept the mail of certain politicians and ten journalists. The High Court described the said order not only unconstitutional but illegal also. Sukhbir Singh Osan has invited the wrath of Parkash Singh Badal and his police for daring to expose corrupt practices of the Government in his dispatches from time to time.

A TRIBUTE TO LEON H. FIELDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. Leon H. Fields, an outstanding public servant. Mr. Fields has spent nearly 28 years helping Chicagoans get here to there and back again.

Mr. Leon Fields of Glenwood, Illinois is retiring from the Chicago Transit Authority, which operates the bus and rail system in the city.

The service Mr. Fields has offered to the CTA is a real "up-by-the-bootstraps" story. He began his career with the authority in 1969 as a rail car service and repairman. He steadily rose through the ranks at the CTA. Mr. Fields worked as a Maintenance Instructor, a Repair Shop Foreman, a Liaison to the Executive Director, Manager of Field Operations, Director of Rail Vehicle Light Maintenance and finally, General Manager of the CTA's orange line, which runs through the heart of my congressional district.

I have had the pleasure of working with Mr. Fields for more than five years, and I can tell you that his family's gain will be a loss for the people of Chicago who rely on the CTA. His knowledge, experience and dedication are second to none.

I would like to extend to Mr. Fields and his wife Denosia, and their children, Leon Jr., Angela, Tarsha and Latryce my best wishes on his retirement and my hope that they have many, many years together to enjoy the important things in life.

COLORECTAL CANCER LEGISLATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to announce that I am introducing a resolution to bring new public attention and federal resources to the issue of colorectal cancer.

Every year I lose an average of 172 of my constituents in Monroe County, New York to colorectal cancer. This is a tragic failure of our health care system because colorectal cancer is preventable, detectable, treatable, and often curable. Nevertheless, 55,000 Americans died in 1997 from this terrible disease.

Today I am introducing legislation that I hope will begin to dispel this deadly lack of knowledge. Along with 20 of my colleagues, I will introduce a resolution drawing attention to colorectal cancer and urging the Secretary of Health and Human Services to establish a national public education and awareness campaign.

Too many Americans are simply unaware of their risk for colorectal cancer and the need for regular screening. Many cases of colorectal cancer can be prevented by eating a healthy, well-balanced diet, exercising regularly, and avoiding the abuse of alcohol and tobacco. Other cases can be prevented by removing precancerous polyps. And when colorectal cancer is detected before it has spread, it is 92 percent curable.

Tragically, too many cases of this cancer are not detected at that early stage. Respected authorities such as the American Cancer Society recommend that people over 50 have annual colorectal cancer screenings. Yet fewer than 20 percent of Americans at risk do so. According to one survey, one-third of men and women over 50 had never even heard of a sigmoidoscopy, one of the main tests to detect this disease.

We need to mount a war against this terrible disease. Education is the first vital step enabling us to reach all Americans with factual, scientific information about reducing their risk for colorectal cancer. We need to talk about this disease, and we need the media to take an active role in writing about it. Ten years ago it was not considered polite to talk about a mammogram in public; I want to bring colorectal cancer screening out of the closet the same way. Yesterday's Washington Post Health section set a shining example by devoting an entire special issue to colorectal cancer. We need more efforts like this to teach everyone about the steps they can take to avoid this disease.

As an activist on women's health issues, I would like to note that this issue is especially important for women. For too long, women have viewed colorectal cancer as a man's disease. This is utterly false. Colorectal cancer is an equal opportunity killer, striking men and women at equal rates. I want to be sure both our brothers and our sisters are all getting regular colorectal cancer screenings and taking measures to reduce their risk.

Education is the first step in the battle we are waging. Today I sent a letter to HHS Secretary Donna Shalala embarking upon the second step of this war as well. This letter requests that the department examine some of the causes underlying the low rates of colorectal cancer screening in our nation, including levels of screening around the nation, the importance of factors such as insurance coverage, and the role physicians play in ensuring that patients are screened regularly. This report will yield some new insights into additional steps we can take in Congress to fight colorectal cancer.

I am pleased to note that several Members of Congress with outstanding records on the issue of colorectal cancer are serving as lead original cosponsors of this resolution: Representatives CHARLIE RANGEL, BILL THOMAS, NORMAN SISISKY, BEN CARDIN, and ALCEE HASTINGS. Fifteen other Members of Congress have signed on as original cosponsors as well. I am also proud to announce that this resolution already has been endorsed by the American Cancer Society and Partnership for Prevention.

I hope all my colleagues will join me in working to defeat colorectal cancer, a disease that needlessly claims the lives of far too many Americans every year.

TRIBUTE TO BISHOP JOHN HURST ADAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today during Black History Month to pay tribute to one of the most effectual persons I have ever known, Bishop John Hurst Adams, the Senior Bishop of the African Methodist Episcopal Church. Bishop Adams was born in Columbia, South Carolina, where he now lives and presides.

Bishop Adams grew up in the Waverly neighborhood of Columbia, which is located in the Sixth Congressional District which I proudly serve. He attended Waverly Elementary School, Booker T. Washington High School, and later Johnson C. Smith University in Charlotte, North Carolina, where he lettered in four sports. Bishop Adams continued his education at the Boston University School of Theology, Harvard University School of Divinity, and Union Theological Seminary.

Bishop Adams has spread the gospel across the breadth of our country during his lifetime of service. He began his ministry with a small congregation in Lynn, Massachusetts. He taught at Payne Theological Seminary in Ohio, and later served as President of Paul Quinn College in Texas for six years and as Chairman of the Board for eight. During his years at Paul Quinn College, the school received accreditation from the Southern Association of Colleges and Schools (SACS) and saw many new buildings, renovations and improvements.

Bishop Adams next pastored the First AME Church in Seattle. His impact on the community was so great that both daily newspapers published editorials lamenting his departure. From Seattle, Bishop Adams went to Los Angeles where he pastored Grant AME in the Watts section of Los Angeles, known for the Watts riot. It was here that he created a Saturday morning Ethnic School to teach reading, writing and black pride without white hate. That Saturday morning school continues to function today. It was while in Los Angeles that Bishop Adams was elected the 87th Bishop of the African Methodism.

Upon his election, Bishop Adams served the Tenth Episcopal District in Texas and later left his mark on the Second Episcopal District here in the Mid-Atlantic States. Under his leadership, 40 new congregations sprouted throughout the district. From here, he went to serve the Sixth Episcopal District in Georgia, and while there served as Chairman of the Board of Trustees for Morris Brown College, Turner Theological Seminary, Interdenominational Theological Center and the Atlanta University Center. He also served on the Centennial Olympic Committee.

I am very proud that Bishop Adam's service has now called him to the Seventh Episcopal District in South Carolina to preside over the State's 609 AME churches. Although his work is far from over, he has made numerous improvements in the community in which we live. Under his Chairmanship, Allen University, one of seven historically Black Colleges and Universities in my district, has received its ten year accreditation from the Southern Association of Colleges and Schools. Enrollment at Allen continues to climb, and the campus is in perpetual renovation as an exciting building program has been launched. And if I might add Mr. Chairman, this body has played a significant role in that renaissance, having recently appropriated funds to begin the restoration of historic buildings on that campus. Under Bishop Adam's leadership, the Reid House of Christian Service in Charleston, has flourished and now includes the Adams Building which houses the only African American Adoption Center in South Carolina.

Bishop Adams is a strong believer that people must join together to do what they cannot do alone. To that end, he has founded the Congress of National Black Churches, the Institute on Church Administration and Management in Atlanta, Georgia; the Richard Allen Service and Development Agency in Washington, D.C.; and the Educational Growth Organization in Los Angeles, California. He continues to serve on many boards and directorates, including the Interdenominational Theological Center, Institute on Church Administration and Management, Joint Center for Political Studies, Children's Defense Fund Black Community Crusade for Children, National Black United Fund, Industrial Area Foundation, National Urban League, and South Carolina's Palmetto Project.

Bishop Adams has received many fitting honors and awards throughout his 25 years as Bishop. In 1996, he was awarded South Carolina's highest citizen honor, the Order of the Palmetto, in recognition of his contributions to the State. And last Saturday I joined with thousands of South Carolinians who met in Charleston to help celebrate his Golden Anniversary in the ministry and Silver Anniversary in the bishopric. That celebration, Mr. Speaker, defied the notion that a prophet is without honor in his own homeland.

Although he has been called one of the "most progressive black church leaders in history," Bishop Adams most important calling is that of his family. Bishop Adams and his wife, Dr. Dolly Desselle Adams, have been partners in the ministry for 41 years. They have three daughters and six grandchildren. Bishop Adams is referred to by many as the 3.5 million member AME denomination's "most influential cleric." I am very proud to call him my friend.

Mr. Speaker, I ask you to join me today in honoring Bishop John Hurst Adams whose spirit, belief, and kindness have moved communities to action across the nation. He is an excellent role model, a valued friend, an outstanding leader and a great American.

AARP REFUTES MAILINGS ON KYL-ARCHER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, for offices receiving mail on the Kyl-Archer bill to let any doctor at any time bill any Medicare patients as much as the doctor wants, the following article from the February, 1998 AARP Bulletin will provide a useful insert-answer.

The AARP article shows that a number of groups have been trying to scare seniors into contributing to a phony cause.

[From the AARP Bulletin, Feb. 1998]

AARP ANSWERS 'SCARE CAMPAIGN' ON MEDICARE PRIVATE CONTRACTING

(By Elliot Carlson and Don McLeod)

Medicare beneficiaries are being flooded with misinformation about their right to enter into private contracts with their doctors.

As examples, observers cite reports in some newspapers and magazines stating that, because of the 1997 Balanced Budget Act (BBA), doctors will be barred from treating older patients on a private basis.

"What we have here," says AARP legislative director John Rother, 'is a concerted scare campaign aimed at misleading Medicare beneficiaries into believing that they have lost the freedom to choose their own doctors and seek the care they need."

That's false, Rother says. Rather than weakening an enrollee's right to contract privately with doctors, he adds, the recently enacted BBA actually expands that right. Prior to passage of that law last fall, Medicare beneficiaries and doctors were not permitted to contract privately for services Medicare covered, such as office visits.

Any doctor treating a Medicare patient had to file a claim with Medicare and was limited in how much he or she could charge a beneficiary.

The BBA liberalizes these provisions. For the first time, effective Jan. 1, 1998, the law allows doctors to contract privately with Medicare enrollees for services that are already covered by Medicare.

But no sooner was the BBA enacted, Rother points out, than some groups started misinterpreting it—telling people incorrectly that the new law, rather than expanding enrollee rights, had taken them away.

One group, he notes, has been writing beneficiaries, quite erroneously, that if they pay a doctor out of their own pocket for a treatment not covered by Medicare, then their doctor will be barred from treating Medicare patients for two years.

Not so. Patients always could—and still can—privately buy services not covered by Medicare, such as prescription drugs, eyeglasses and hearing aids. "Beneficiaries have always been able to pay out of their own pocket for services not covered by Medicare without penalty to themselves or their physicians," says Nancy-Ann DeParle, administrator of the Health Care Financing Administration, which runs Medicare. "The new Balanced Budget Act doesn't change that."

And you always could—and still can—pay for extra medical tests you want without you or your doctor being penalized, even if your doctor disagrees about the need.

A case in point is mammograms. Under the law Medicare pays for one mammogram per year. If you have a history of breast cancer in your family and your doctor deems it advisable, Medicare will pay for a second test.

Even if you aren't a high-risk case for breast cancer but you simply want a second test, you can go ahead and pay for it on your own without penalty to you or your doctor.

But the 1997 BBA does change some things. As noted above, it allows doctors for the first time to contract privately with Medicare enrollees for services that are already covered by Medicare.

This change stems from a bill advanced last June by Sen. Jon Kyl, R-Ariz., who said the change was needed to allow "those 9 percent of the physicians who do not treat Medicare patients to continue to treat their patients [after patients turn 65] as they always have." In the waning hours of the debate on this proposal, House-Senate conferees modified the Kyl provision and incorporated a number of enrollee protections.

A key protection requires doctors to disclose contract terms. Thus, the doctor and Medicare patient must both sign a contract in which the patient agrees not to file a claim with Medicare. The patient also agrees to pay 100 percent of whatever amount the doctor charges. The contract must disclose that Medicare will pay no portion of the cost of the service. Nor will the enrollee's medigap policy.

Also, the new provision is limited to doctors who agree, in an affidavit, to forgo all payment from Medicare for two years—a clause that has turned out to be controversial. Critics argue that the "two-year ban" makes it very hard for doctors to take advantage of the Kyl provision. And, they add, it could discourage doctors from taking new Medicare patients.

Such concerns don't stand up to close examination, says Tricia Smith, coordinator of AARP's legislative health team. "There is good reason for the two-year exclusion." For starters, "the provision is a real protection for Medicare patients," she says. "It's intended to prevent doctors from picking and choosing patients based on income and severity of illness.

"Also," Smith adds, "it seeks to protect Medicare against fraud."

In the wake of the controversy over private contracting, Senator Kyl is advocating a new bill that would go well beyond the intent of his original proposal. Not only is he seeking to eliminate the two-year ban, but he also wants to allow doctors to contract privately with low-income patients and those in managed care. And he wants to let doctors pick and choose what services they will contract for.

The legislation is supported by the American Medical Association (AMA), which has opposed Medicare's limits on balance billing—the extra amount doctors can charge beneficiaries over and above Medicare's payment.

But AARP, along with the New York-based Medicare Rights Center and some other consumer groups, strongly opposes the Kyl legislation. The American College of Physicians has raised serious questions about it.

"These proposed changes could open up Medicare to even more fraud and abuse than we see now," says AARP's Smith. "Medicare would have a very hard time identifying which services were paid for privately. Thus, doctors could double-bill and collect from both beneficiaries and Medicare."

Critics, AARP among them, also worry about the danger that private contracting could create a "two-tiered system"—one for better-off enrollees who could afford high-priced doctors and another for all other enrollees.

Finally, AARP and other critics worry about the ability of doctors to charge any price for services rendered and the Medicare enrollee being held responsible to pay 100 percent of the bill.

"When a beneficiary agrees to a private contract, he or she is liable for 100 percent of what the doctor chooses to charge for the service," Smith observes. "When beneficiaries discover that and recognize that their medigap policy won't cover the costs, they may find that the out-of-pocket costs will be unmanageable."

INTRODUCTION OF THE SAFE SCHOOLS INTERNET ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce the Safe Schools Internet Act. Later this year, our schools and libraries will be receiving funds from the Congressionally created Universal Service Fund to defray costs of Internet access. While it is undeniably important for our children to have access to this important tool in their classrooms, the "hooking up" of America's schools also comes with problems.

As most people know, in addition to the priceless information available on the Internet, the Internet also contains a limitless supply of material not appropriate for children. When we hook our schools to the Internet, we are also hooking them up to this material. While we would never let our school libraries carry material such as Penthouse or depictions of violent torture, we may soon be doing so through the Internet.

However, technology currently available on the market makes it possible to block out many offensive Internet web sites. The Safe Schools Internet Act would require that any school system accepting federal money from the Universal Service Fund to facilitate Internet access install Internet blocking software. Under the bill, libraries would be held to the same requirement for at least one computer in the library. The method of blocking would be left to local school and library officials, ensuring continued local control of these important institutions. This Safe Schools Internet Act will ensure that children in our schools and libraries are not confronted with age-inappropriate material, and that the federal government does not find itself financing offensive material in our schools.

I hope my colleagues will join me and cosponsor this important legislation.

COMMENDING JAMES CASALE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to commend James Casale, age 7, who has already proven himself to be an outstanding member of our society, James attends second grade at Gladstone Street School in Cranston, Rhode Island. When told that his school was having a canned food drive for the poor, James raided his family's pantry for items to contribute. After a few days, his parents told him the best way to contribute was to use his own money to buy food.

James used $100 saved from allowances and tooth fairy money to buy 17 cases of food. On November 20th his father dropped James and his four hundred cans off at the schoolyard. Those four hundred cans inspired other students in his school to donate even more than they already had. In previous years, the Thanksgiving food drive had accumulated only a few hundred cans. Last year's food drive set a record at 1,600 cans. However, because of the example set by James Casale, this year's canned food drive more than doubled that amount, raising 3,445 cans.

James had seen people in the newspaper and on television who needed help, so he simply did what he could to help them. When asked why he made such a generous donation, James said that he did for poor people. Wouldn't it be wonderful if everyone who saw a need did what they could and stepped in to fill the void? Too many of us say "I don't have the time," or "I can't afford it", yet James gave freely of both his time and money.

I had the opportunity to meet with James on November 21 and present him with a Public Service Certificate in recognition of his outstanding and invaluable service to the community. I was impressed by both the compassion and drive of this young man.

Mr. Speaker, I encourage my colleagues to join me in commending seven year old James Casalé for setting an example for his classmates and his community.

CHICAGO DEALER HONORED BY TIME MAGAZINE—STANLEY BALZEKAS, JR.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to honor a fine businessman of the automobile industry, Mr. Stanley Balzekas, Jr. Mr. Balzekas Jr., a businessman in the Chicagoland area, delivers great service to families and individuals in the Chicagoland community.

Stanley Balzekas Jr., president of Balzekas Motor Sales, was honored by TIME Magazine with the 29th annual TIME Magazine Quality Dealer Award (TMQDA). Mr. Balzekas received this award on January 31, 1998 for his outstanding business achievements in the automobile industry. As part of the award, TIME Magazine makes an annual grant of scholarship funds to the University of Michigan Business School in the names of TIME, Goodyear, the National Automobiles Dealers Association, and the TMQDA recipients.

Stanley Balzekas Jr., a native of Chicago, Illinois, began his career in the automobile industry working part time for his father during high school and college. Upon graduation from DePaul University in Chicago, Illinois, and his completion of a masters degree of business and marketing, Mr. Balzekas climbed his way through the ranks to become president of Balzekas Motor Sales. Currently, Stanley Balzekas resides in Chicago with his wife, three children and three wonderful grandchildren.

I would like to extend my congratulations to Mr. Stanley Balzekas Jr. on his great accomplishments as a businessman and friend to the community bringing families and individuals "the American dream" of purchasing a new automobile.

TRIBUTE TO LEONARD W. ZIOLKOWSKI, SOUTHSIDE ADVANCEMENT ASSOCIATIONS' MAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to recognize a remarkable member of my district, as well as a friend of many years, Mr. Leonard W. Ziolkowski, for being named Man of the Year by the Council of South Side Advancement Association of Milwaukee, Wisconsin.

The Council of South Side Advancement is a civic network that draws from organizations throughout the area to unite the community and encourages involvement from its citizens. One way in which the Council encourages this is through recognition of outstanding members of the community at the Lincoln Day Banquet. As an honoree at this year's banquet, Mr. Ziolkowski personifies the leadership and involvement for which the organization strives.

Len's professional career exhibits remarkable examples of dedication and leadership. Appointed a patrolman in 1950, he was consistently promoted throughout his longstanding career with the Milwaukee Police Department until his retirement in 1986 as inspector of police. He then shared his experience and knowledge as supervisor of the police science program at the Milwaukee Area Technical College. He also has served as a member of the Fire and Police Commission for the City of Milwaukee and director of the Milwaukee Police Academy, which gained national recognition while under his direction.

Currently president of the South Side Business Club and vice-president of St. Joseph's Foundation, Len's leadership transcends his professional career and carries into his community involvement. As a fellow American of Polish descent, Len promotes his heritage by his participation in the Milwaukee Society and the Polish National Alliance. He is also active in the American Society of Law Enforcement Trainers, Law Enforcement Training Officers Assoc., International Narcotics Enforcement Officers Association, and the American Legion post 415.

I ask that you join me in congratulating Len Ziolkowski as he is honored at the Lincoln Day Banquet on February 22nd, 1998.

TRIBUTE TO MRS. CORRIE BELL MISSOURI

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a pillar in our community, Mrs. Corrie Bell Missouri of Columbia, South Carolina, on the occasion of her 100th birthday.

Mrs. Missouri has offered tireless assistance to her community for many years. She visits Pontiac Elementary School annually, where she entertains the students with facts from her "Wonder Years." One of the skills Mrs. Missouri likes to share is her ability to recite the alphabet backwards. She is very active with the Francis Burns Senior Citizens, as well as with the Zion Canaan Senior Citizens Bible Study.

Mrs. Missouri was born in Richland County, South Carolina, on March 24, 1898, to Wilson and Estelle Bell. Mrs. Missouri is one of six children. Her siblings include William Harry Bell of New York (89 years old), Marion Bell Foster (deceased), Desport Bell (deceased), Essie Dixon (deceased), and James S. Bell (deceased). Family and good values are Mrs. Missouri's most cherished possessions. At an early age she married Bogan C. Missouri (deceased). They had one son, the Reverend Rufus Levi Mosby. She proudly carries the title of great-grandmother and has two granddaughters, Carrie Boyce and Beverly J. Mosby; and one great-grandson, D. "Ray" Boyce.

In her youth, Mrs. Missouri attended school at Zion Canaan Church. In those days, children only went to school for three months so they could help in the fields the remainder of the year. Mrs. Missouri is a member of Zion Canaan Baptist Church, and she enjoys reading the Holy Bible and listening to all types of Christian music. Her favorite Bible scripture is Psalms 100, which calls for Christians to worship and give thanks to the Lord. She encourages the young to "obey your parents. Parents, love and respect your children, and teach your children about the Lord."

On Tuesday, March 24, 1998, family and friends will gather in celebration of Mrs. Missouri's 100th birthday. Please join me in wishing Mrs. Corrie Bell Missouri a prosperous and happy birthday. Mrs. Missouri is truly a living example of the American spirit that our country's flag represents.

PRESERVING THE DISTRICT OF COLUMBIA'S CHARITABLE ASSETS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, all across the United States, Blue Cross and Blue Shield health insurance plans are changing their stripes through mergers, conversions, other changes in corporate status, or buy-outs. As many of my colleagues know, these changes have triggered debate in many states over the fate of charitable assets of these plans. As one observer put it, "The Blues see green. Consumers see red."

In California, for example, two new foundations have over $3 billion for health care, courtesy of the Blue Cross conversion. In New Jersey, an appeals court ruled last year that the Blues there are, in fact, "charitable and benevolent." In Texas, the attorney general is in court to block the merger between the Texas and Illinois Blues. In North Carolina, the state legislature set up a study commission to examine the fate of the Blues plan there. In Kansas, the attorney general has filed a claim against the officers and directors of the Blues for breach of their fiduciary duty in connection with their campaign to deny the charitable status of the assets.

Each of these cases demonstrates that the tug-of-war over charitable assets is a state matter. Rarely, if ever, does Congress become involved, though perhaps the time is drawing near for a national examination of these trends.

Right in our own backyard here in the nation's capital, the Washington Blue Cross plan recently merged with the Maryland plan headquartered in Baltimore. This followed passage of HR 3025 at the end of the last session of Congress, facilitating the merger by amending the Federal charter of the DC Blues, which is the only Blue Cross plan nationwide to have been chartered by Congress rather than by a state. The merger is being challenged in two court actions brought by the Blue Cross policyholders and by a national patient advocacy foundation, who claim that the merger involves an illegal shift in control of charitable assets away from the intended beneficiaries. Lawyers for Blue Cross are citing congressional action on HR 3025 as a defense in the lawsuits.

While HR 3025 modified the DC Blues' charter to change its provisions for membership, the legislation was silent on all issues involving the plan's charitable and benevolent status and the charitable nature of assets. A review of the last minute consideration of this legislation in November 1997 that Congress took no action to diminish the charitable status of the Blues plan, nor did Congress contemplate the effect of HR 3025 on the DC Blues' obligations arising from its charitable status.

HONORING LAURA BERMAN

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to congratulate and honor a young Rhode Island student from my district who has achieved national recognition for exemplary volunteer service in her community. Laura Berman of North Kingstown has just been named one of my state's top honorees in the 1998 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state.

Ms. Berman is being recognized for creating a library awareness program for third graders in her community of North Kingstown. Laura had read about a project in the New York City school system and decided to base her program on that. Working with a fellow volunteer, the local library system, and the elementary school teachers, Laura designed a classroom presentation that would impress upon children the joys of reading and the activities offered by the public library. Laura also distributed personal library cards to every child, along with a t-shirt purchased with donations that read, 'Your library card . . . don't leave home without it!" The program was so successful that Laura has recruited additional volunteer help and plans to offer it at two more elementary schools this year.

In addition to Ms. Berman, I am pleased to tell you that there were four Distinguished Finalists. Ryan Arruda of Wickford Middle School in North Kingstown initiated a program to collect recyclable aluminum cans to benefit the local food pantry. Mariah Northrop also of Wickford Middle School participates in 'Make a Difference Day" to clean up her community. Janaina Stanley of North Kingstown High School started a program called Breaking Down Barriers to prevent racism, prejudice and hostility in her community. Finally, Erin Conti or Warwick Veterans Memorial High School volunteers as a 'buddy" on a baseball team for physical and mentally challenged children.

All of these students should be very proud of themselves for having been singled out from such a large group of dedicated volunteers. I heartily applaud each and every one of them for his or her initiative in seeking to make Rhode Island a better place to live, and for the positive impact they have made on the lives of others. Each one has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Their actions show that young people can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN TRIBUTE TO DR. WILLYS FRANCIS MUELLER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize a most distinguished member of our community, Dr. Willys Francis Mueller, Jr., of Flint, Michigan. After devoting 33 years of his life to the medical profession, Dr. Mueller has decided to retire from his position as Chairman of the Department of Pathology at Hurley Medical Center in Flint. Throughout his many years of dedicated service, Dr. Mueller has worked as an honorable physician, a selfless civic volunteer and a devoted family man.

Dr. Mueller attended the University of Michigan, Ann Arbor, and graduated with a degree in pre-med. He continued his education at U of M, and received his Medical Degree in June of 1959. To complete his education, Dr. Mueller did his internship and residency, and later became certified in pathologic anatomy, and clinical and forensic pathology. In September 1966, Dr. Mueller joined the United States Army and became Captain of Medical Corps Assignments. He served as a Staff Pathologist and as a Chief of the Accident Pathology Branch in the Military Environmental Division at the Armed Forces Institute of Pathology.

As a member of various medical organizations, Dr. Mueller has made immeasurable contributions to the lives of people throughout the State. He is a member of the Michigan Association of Blood Banks, the Michigan State Medical Society and the Michigan Association of Medical Examiners, to name just a few. He has served as a Clinical and Adjunct Professor at Michigan State University, Northern

Michigan University and Michigan Technical University.

Dr. Mueller's work as a physician is only to be outdone by his involvement in several civic organizations. These include the American Red Cross, The Hurley Clinic, St. John Catholic Church and Delta College. Also, he has been involved in numerous speaking engagements at local high school career days and service clubs.

Mr. Speaker, Willys Mueller's spirit of volunteerism combined with his lifetime commitment to healing makes him truly worthy of praise and recognition. It is indeed a pleasure to stand in front of this House and speak of Dr. Willy's Francis Mueller, who through his thoughts, deeds, an actions has provided the community with an invaluable resource and an indomitable spirit. The City of Flint is a better place because of Dr. Mueller's selfless service to humanity. Our community owes him a tremendous debt of gratitude. We wish him well in all his future endeavors.

MARY ANN KIRK, "MARYLAND AMERICAN MOTHER"

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to salute Maryland's 1997 "Maryland American Mother," Mary Ann Kirk. A resident of Rockville, Md., and my constituent, Mrs. Kirk was honored last year for her devotion to her wonderful family and for her tireless efforts as a community volunteer. Mrs. Kirk has been active in promoting character and citizenship education in Maryland's schools. She has long been an active volunteer with the American Heart Association and with area school tutoring programs. In all her activities, she underscores the important roles of mothers in shaping our society.

The "Maryland American Mother of the Year" is sponsored by American Mothers, Inc., an organization founded in 1933 to strengthen the home and family and to provide support to mothers in a sometimes troubling, always challenging, world. AMI, the official sponsor of Mothers' Day, provides outreach programs that include parenting workshops, tutoring and literacy programs, providing clothing and shelter for needy families.

Mr. Speaker, please join with me in saluting Mary Anne Kirk, who by her contributions to her own family and to her state and community, richly deserves the title "Maryland American Mother of the Year." She truly makes a difference.

TRIBUTE TO DOROTHY SEELEY, SOUTHSIDE ADVANCEMENT ASSOCIATIONS' WOMAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Mrs. Dorothy Seeley, who will be honored Sunday, February 22, 1998, as the Woman of the Year by the Council of South Side Advancement Associations, Incorporated, of Milwaukee.

The Council of South Side Advancement Associations is a network comprised of delegates from south side Milwaukee veterans, scholarship, business, civic and senior citizen organizations. Its members, from many diverse ethnic and cultural backgrounds, come together in a coalition to educate themselves on local matters, to provide support to each other and address issues involving the South Side community.

In this spirit, the Council will celebrate its 51st annual Lincoln Day Banquet on February 22nd and will honor my long time friend and supporter, and senior citizen advocate extraordinaire, Mrs. Dorothy Seeley.

Dorothy has a well-earned reputation around the Milwaukee area and our entire state as a real go-getter and fighter for the rights of our senior citizens. From her years at Nordberg Manufacturing Company as a crane operator, to her union steward days, right on through her appointments by Wisconsin Governor John Reynolds and Milwaukee County Executive John Doyne, Dorothy has been a friend of working men and women and retirees. To this day, as President of United Seniors of Wisconsin, Dorothy pursues the never-ending battle to protect the rights of seniors, so that their voices can be heard here at home in Milwaukee, in Madison at the State Capitol and in Washington, D.C.

In 1990, Dorothy was given the prestigious honor of being named one of Wisconsin's Ten Most Admired Senior Citizens by Security Savings at an awards ceremony during the Wisconsin State Fair.

Mr. Speaker and colleagues, I ask that you join me in congratulating Mrs. Dorothy Seeley on a job well done. Keep up the great work, Dorothy, for many years to come. May God Bless.

INTRODUCTION OF H.R. 3161—TORTURE VICTIMS RELIEF ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LANTOS. Mr. Speaker, on February 4th, I joined my distinguished colleague from New Jersey, Congressman CHRISTOPHER SMITH, in introducing H.R. 3161, the Torture Victims Relief Act. Together, the two of us introduced similar legislation during the 104th Congress.

Our important legislation attempts to deal with the detrimental consequences of the most egregious form of violation of international human rights—the widespread use of torture. Human rights experts estimate that there are over 79 countries around the world where torture is practiced on a systematic basis. As a consequence, there are currently an estimated 200,000 to 400,000 victims of foreign governmental torture in the United States, who are in dire need of qualified psychological and medical treatment in adequate facilities. The traumatic experiences of torture—which according to experts in most cases does not ultimately aim to obtain information, but simply to break and destroy the victim's personality and human identity—result in continuous nightmares, flashbacks, anxiety attacks, and deep depressions.

In 1973, Amnesty International appealed to the world medical profession to respond to the international use of torture and to develop a multi-pronged treatment program to counter the severe effects of torture. These efforts—in particular under the outstanding leadership of Dr. Inge Genefke, MD, DMSc.h.c.—resulted in the establishment of the first Rehabilitation and Research Centre for Torture Victims in Copenhagen, Denmark, in 1982. This international movement has now grown to encompass 173 centers in 76 countries. The successful work of these centers—based on four parallel pillars consisting of psychotherapy, physiotherapy, social counseling and nursing—have shown that with adequate treatment, torture victims can resume productive and fulfilling lives.

Mr. Speaker, since torture is used by the most despicable of totalitarian oppressors around the world as one of their most common techniques for suppressing freedom of speech and democratic rights, it typically targets the strongest and most outstanding defenders of these democratic values in foreign countries. The United States has courageously defended and promoted the values of freedom and democracy around the world, the very principles on which this country was founded. The victims of torture are these courageous people who, knowing full well the risk of physical and psychological harm which will inevitably come to them if they are arrested, uphold our common values in the face of their brutal oppressors.

Mr. Speaker, these heroic defenders of human rights and human liberty deserve our strongest support. The Torture Victims Relief Act (H.R. 3161) will fully implement the provisions of the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which prohibits the involuntary return of any person to a country if there is substantial evidence that a reasonable person in those circumstances would fear subjection to torture.

President Ronald Reagan signed the U.N. Convention on April 18, 1988, and the United States Senate ratified it on 21 October, 1994. With the ratification of this convention, these international norms became binding law in the United States. There is no domestic legislation, however, to implement these international legal provisions. Our legislation will rectify this oversight by providing the legal provisions necessary to implement the Convention on Torture.

Furthermore, our important bill will make important changes in the immigration procedures under which torture victims will be handled. The provisions of this bill expedite the processing for asylum applicants who make credible claims that they have been victims of torture. The legislation establishes the presumption that such applicants should not be detained while their asylum case is pending, and it designates refugees who are torture victims as refugees of special humanitarian concern with priority for resettlement at least as high as that given to any other refugee group.

In addition, the Torture Victims Relief Act provides for special training for officials who are involved in implementing immigration procedures. This training will provide information about torture and its long-term effects, and this will help these officials tc consider the special physical and psychological circumstances a torture victim has to endure when they have to provide evidence in support of their asylum claim.

In order to ensure an adequate rehabilitation treatment for victims of torture, this bill authorizes $5 million for FY 1999 and $7.5 million for FY 2000 from funds authorized for the Department of Health and Human Services to support domestic torture treatment programs. In addition, the bill fully supports the international efforts I have outlined above. It authorizes $5 million for FY 1999 and $7.5 million for FY 2000 of funds authorized under the Foreign Assistance Act for international rehabilitation services, and it authorizes $3 million for FY 1999 and $3 million for FY 2000 of funds authorized under the Foreign Assistance Act to contribute to the United Nations Voluntary Fund for Torture Victims.

In a further effort to strengthen the international effort to address the scourge of torture, our legislation commits the United States to use its voice and vote in the United Nations to support the investigation and elimination of practices outlawed under the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Mr. Speaker, I urge all my colleagues to join me in support of this important legislation.

COMMENDING THE HEROISM OF CUB SCOUT WILLEM REYNAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize a brave and outstanding young American, Cub Scout Willem Reynar of Cub Scout Pack 440.

Willem Reynar is the epitome of a good Cub Scout, possessing courage and bravery beyond his years. In September 1997, Willem was able to think clearly and act quickly when he found his younger sister in a drowning situation. Willem didn't panic and in turn saved his sister's life.

I commend Willem Reynar for his courage and heroism. According to the great American author Mark Twain, "Courage is resistance to fear, mastery of fear—not absence of fear." Willem Reynar was able to conquer his fear and save the life of another human being.

Willem Reynar's bravery is an example to his Pack and to us all. Accordingly, I urge my colleagues to join me in commending Cub Scout Willem Reynar, a hero who truly deserves the Boy Scout Lifesaving Award.

BOB ADAMS: AN AMERICAN HERO

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise to pay tribute to a friend, a role model and a hero in the black community. This man believes in the four values which have made America great. Those values are hard work, integrity, faith in God and persistence. In particular, Mr. Speaker, I would like to recognize a successful black businessmen who overcame dire circumstances to realize the American Dream.

Indeed, my good friend Bob Adams is the personification of the American Dream. Here is a man who was born into poverty and who understands what it feels like to go to bed with an empty belly, wake up with an empty belly, and then go to school and try to learn on an empty belly. There are millions of children in this country, Mr. Speaker, who have to endure the same horrible circumstances, but I am hopeful we can work in a bipartisan fashion in Congress to help end this suffering.

Though the odds were against him succeeding, Bob Adams never gave up. He never chose a life of stealing and drug dealing. That would have been the easy way out. Instead of saying, "I can't make it. It's too hard to succeed," Bob Adams instead decided to work hard in school, keep his faith in Jesus and maintain a positive attitude. Just like that song you hear over the radio, Bob Adams told himself, "I might get knocked down, but I'll get up again. You're never going to keep me down."

Today, Mr. Speaker, I am proud to say that my friend Bob Adams is a successful businessman who owns a printing company and today does his part to give back to his community. He is one of the greatest examples I can think of when it comes to excellent role models in the black community.

Mr. Speaker, my fellow colleagues, when the going got tough, Bob Adams didn't say, "I have gone this far, I can go no farther." Instead he told himself, "I'll never quit and I'll never give up." Friends, that is the essence of the American Spirit. That is the bulldog mentality that built America into the greatest country in the world.

My friends, whenever we despair and feel like quitting, it is time for us to get up, dust ourselves off and remember that great Bible verse—"I can do all things through him who gives me strength." And then we should remember the example of such fine role models as Bob Adams for inspiration. Bob Adams is proof that anyone can succeed in America if they put their mind to it, and their faith in God.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BURTON of Indiana. Mr. Speaker, on February 5, 1998, I was unavoidably detained, therefore, missing roll call votes 8–10. Had I been here I would have voted Yea on roll call vote 8 (H. Res. 348) providing for the consideration of H.R. 2846; Yea on roll call vote 9 (H.R. 2846) prohibiting spending Federal education funds on national testing without explicit and specific legislation; and Yea on roll call 10 (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

TRIBUTE TO LARRY ROSENTHAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a member of my staff who has recently left my office to become the Chief of Staff at the National Indian Gaming Commission. Larry Rosenthal, who hails from my hometown of Flint, MI, began working as a legislative assistant in my office in 1987. I recognized immediately that Larry shared my belied that the role of government is to preserve, protect, defend and enhance human dignity.

As Members of Congress, we know how crucial it is to have a good staff. I have always sought to hire people who have good heads and good hearts. Larry has both attributes in great abundance. Indeed, over the years, Larry has not only become one of my closest advisors, he has also been one of my dearest friends.

During his tenure on my staff, Larry handled a variety of my most important legislative priorities. He was instrumental in the passage of the Michigan Wilderness Heritage Act, the Grand Island National Recreation Area Act, and the Michigan Wild and Scenic Rivers Act. Larry's work as the staff coordinator for the Congressional Automotive Caucus was crucial to my efforts to reinvigorate the Caucus and provide effective leadership in Congress on issues affecting the American automotive industry.

Most recently, Larry dedicated his time and efforts to the First Americans, Native Americans. He worked tirelessly to ensure recognition and federal support for tribes across the United States. Larry was committed to the fundamentals of sovereignty and respect that play such a critical role in Native American culture. His work as staff coordinator of the Congressional Native American Caucus has earned him a reputation in Washington, D.C. as one the most knowledgeable congressional staffers on these issues. He has also earned the respect and gratitude of Native Americans in Indian Country.

There is no doubt that Larry has left an indelible mark on all of those who have come in contact with my congressional office. Whether planning a softball game, a reception for Ernie Harwell, or a conference on Indian Issues, Larry brought excitement and interest to each event. It is this dedication and devotion coupled with an indomitable spirit that makes Larry Rosenthal such a unique person. I am proud to call him my friend.

Larry's departure from my office is very bittersweet. Although I know that Larry will serve the government well at the NIGC, I will certainly miss his expertise. His service to the Ninth Congressional District should serve as an example to us all. Please join me in expressing my gratitude to Larry for his many years of service on Capitol Hill. I wish him the best in all his future endeavors.

1,160-PERCENT INCREASE IN DRUG PRICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, enclosed is a copy of a letter I've received from a Midwestern doctor.

> DEAR REPRESENTATIVE STARK: I am not from your district or even from California but I know your interest in problems with the pharmaceutical industry so I wanted to share this outrage I just found out to my dismay.
>
> I called the Darby Drug Company to order a thousand tablets of the generic for Lomotil and found that what had been $27.95 in 1997 is now $325.00—honestly—more than a 10% increase. I could not believe it but was told it is true. They don't have the 1998 catalogue yet but they say that is the new price.
>
> Help!
>
> I have seen increases in the prices of drugs that seemed too high, but this is absurd. How can they get away with it? Certainly the cost of making it did not go up more than 10 times in less than a year. The reason given me was that now there is only one company making it—a lame excuse for taking such advantage of patients in need.
>
> Thanks for your efforts to protect the poor consumer.

WESTINGHOUSE SCIENCE TALENT SEARCH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FORBES. Mr. Speaker, I rise today in the People's House to pay tribute to four young scholars from Ward Melville High School, in Setauket, Long Island whose talents and hard work have earned them the coveted distinction as finalists in the 1998 Westinghouse Science Talent Search contest. Continuing a remarkable legacy of scientific achievement at Ward Melville, Christopher Michael Gerson, Grace Ann Lau, Clyde Law and Thomas Peterson have been invited to Washington, DC to compete for the top honor in America's oldest and most prestigious high school scholarship competition.

Inspired by their own ingenuity and thirst for knowledge, and supported by the dedicated teaching staff at Ward Melville, Christopher, Grace, Clyde and Thomas have all created impressive research projects that met the competition's rigorous standards and earned them the recognition of the Westinghouse judges. These hard-working scholars have produced brilliant experiments in scientific research.

Christopher Gerson studied the effects of colliding continental plates by producing a laboratory model that accurately simulates geological movements. Using a sandbox with a movable wall to simulate plate motion, and precise marking and photography techniques, Chris devised a method for studying plate science using innovative quantitative studies. A sports columnist for the school magazine and a member of the school marching band, Chris hopes to study computer science and mathematics at Princeton University.

For her project, Grace An Lau researched the effects that extracts from green tea have on an enzyme involved in inflammatory tissue injuries. Her study demonstrated that green tea can significantly inhibit the enzyme Neutrophil, which is implicated in a variety of diseases, including arthritis and cystic fibrosis. A violinist in the school orchestra and a Science Olympiad participant, Grace will study biology in college and hopes to become a veterinarian or a field scientist.

Clyde Law's physics experiment examined the compressibility of nuclear matter substances by studying the flow of protons, providing important insight into nuclear and astrophysics. Clyde is a participant in Science Olympiad and was a finalist in the ThinkQuest Internet Contest. He is also active in the Asian Culture Club and tutors Chinese. He hopes to attend MIT to study engineering and computer science and plans to become a computer systems analyst.

Thomas Petersen's breakthrough project produced what is believed to be the first experimental verification that thermally induced capillary waves will cause spontaneous holes in certain polymer thin films. Thomas has been playing the cello since he was four and was a soloist and principal cellist in the Long Island Youth Orchestra. Tom also participates in various math and science clubs, won the gold medal in Science Olympiad and plans on pursuing a career in engineering.

The achievements of Chris, Grace, Clyde and Thomas are due in no small part to the outstanding high school science program at Ward Melville High School that, for the second year in a row, produced the most Westinghouse Science Talent Search finalists in the Nation. In fact, the four were among the 11 contest finalists chosen from Long Island high schools, comprising more than one-quarter of the finalists chosen from all 50 states. The schools in my home area of Eastern Long Island produced fourteen semi-finalists in the Westinghouse Contest, including the four finalists and: Meredith Suzanne Croke of Miller Place, Jonathan Aaron Arbreit, James Joseph Cascione, Adam Brett Gottlieb, Joleen Okun, Alice Takhatajan, and Shellen Wu who are all from Setauket, Christine Anne Champey and Michael Teitelbaum of Smithtown and Robert Nalewajk from Stony Brook. All of these students deserve congratulations for their hard work and achievements.

Mr. Speaker, as America focuses on improving student achievement and preparing them for the high-tech, computer driven future of the 21st Century, the accomplishments of Christopher Michael Gerson, Grace Ann Lau, Clyde Law and Thomas Peterson show us that America's future is in trusted hands. Their classmates can take inspiration from their success and adults have seen what great things our children will achieve when we provide them the skills and support. And so, Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting Chris, Grace, Clyde and Thomas and all of the other talented students across the United States who have been named finalists in the 1998 Westinghouse Science Talent Search Contest.

TELECOMMUNICATIONS COMPETITION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BOYD. Mr. Speaker, while I was not a Member of Congress when the 1996 Telecommunications Law was passed, it's easy to see that competitive business strategies from long distance companies and FCC's ever-changing interpretation of this legislation are responsible for telephone competition being stymied.

I don't believe Congress anticipated major long distance companies concentrating on the more lucrative business customers while totally ignoring the local residential market. Congress also didn't foresee the FCC taking this law and changing it to the point where no Regional Bell Company has a chance of offering long distance service to their customers in the near future.

On multiple occasions state utility commissions have submitted favorable recommendations to the FCC, stating the 14 point checklist has been met and that Regional Bell Holding Companies should be allowed into the long distance market. Each time the FCC has rejected the recommendation.

It's time for the issue to get off the regulatory treadmill. We're long overdue for full scale telecommunications competition to begin.

IN MEMORIAM OF DOMESTIC VIOLENCE VICTIMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, on February 23, in Annapolis, Maryland, men, women, and children will come together to remember and mourn family, friends, and neighbors who died because of domestic violence during the past year. The memorial service reminds all in attendance of the terrible price Maryland pays when homes become places of fear and terror instead of havens of love and safety.

The Maryland Network Against Domestic Violence, which organizes the service each year, has worked diligently for more than 15 years for better and tougher laws against domestic violence, for increased funding for shelters for battered women and their children, for training judges and law enforcement personnel, and for educating the public about domestic violence and its consequences on our society.

In the last decade, we have made enormous strides on the state, local, and federal levels against domestic violence. Our state and local laws have been improved and strengthened. The Violence Against Women Act, which I sponsored, has not only changed the way we enforce domestic violence laws but also has provided needed funding to help states and local communities make a real difference in the struggle against domestic violence.

Early next month, I will introduce the second Violence Against Women Act. VAWA II, as it has been called, will continue the federal commitment to fund the National Domestic Violence Hotline, shelters and counseling programs, judicial training programs, and other services so important to our local communities. VAWA II will also address child custody, housing, legal assistance, medical training, insurance discrimination, protection for disabled women, and issues critically important to the health and well being of our families.

Mr. Speaker, let us join with the Maryland Network Against Domestic Violence to recommit ourselves to ending domestic violence in our homes and in our communities in whatever way we can: as legislators, as advocates, as volunteers, as parents, and as friends. And let us remember that as legislators, the bills we write and the votes we cast will determine to a great extent whether our children and their children will live in a world where domestic violence is no more.

TRIBUTE TO JACK BIRNBERG

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. PASCRELL. Mr. Speaker, I would like to introduce you to Mr. Jack Birnberg. Jack is a remarkable individual who has done much to improve the quality of life for the people of the Eighth Congressional District of New Jersey.

Deeply concerned with the well-being of our senior citizens, Mr. Birnberg has been actively involved with the Daughters of Miriam Center for a number of years. Most recently, he served two terms as President of the Board of Trustees of that organization. Prior to that he was the Vice-President and a member of the finance committee for six years.

Jack is also an active member of the community at large. He is a former trustee of the Barnert Hospital and serves as a trustee at the Barnert Temple. Jack has also served as the Commissioner and President of the Board of the Children's Shelter of Passaic County and as a President of the Northeast Regional Association of Small Business Investment Corporation. He is also a former member of the Executive Council and the Board of Governors of the National Association of Small Businesses Investment Corporation.

Currently, Jack is a corporate banker. He is the Chairman of the Waldorf Group, Incorporated, of Little Falls and the Tappan Zee Capital Corporation. In addition, Jack is the Chairman of the Board of Olo Deerfield Fabrics, Inc. of Cedar Grove.

Although active in the community and the corporate world, Jack is also a dedicated family man. A resident of Wyckoff, Jack is married to the former Louise Rothstein. They are the proud parents of four sons, Michael, Steven, Jeffrey, and John. They have two grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Jack Birnberg's family and friends, and the grateful residents of New Jersey as we commend Jack for his years of service to the community.

AUGLAIZE COUNTY SESQUICENTENNIAL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. OXLEY. Mr. Speaker, I rise today to offer my most sincere congratulations to the people of Auglaize County as they celebrate their county's Sesquicentennial Anniversary.

In reviewing the history of the county, it came to my attention that Dr. George Washington Holbrook was principally responsible for the county's existence. Indeed, when Dr. Holbrook arrived in Wapakoneta, Ohio, from New York in 1834, what we now know as Auglaize County was then located in Allen and Mercer counties. With the belief that the people of Wapakoneta and its neighboring communities deserved further recognition and representation, Dr. Holbrook convinced both local and state leaders of the need for a new county. Dr. Holbrook's efforts and dreams were realized on February 14, 1848, when the Ohio General Assembly passed legislation creating Ohio's 84th county, Auglaize. For his contributions, Dr. Holbrook is known as "the father of Auglaize County."

To commemorate the tremendous achievements of the people of Auglaize County over the last 150 years, a variety of celebrations are scheduled throughout the year. I am especially looking forward to the Air Show at the Neil Armstrong Airport in New Knoxville and the County Fair.

I congratulate the great people of Auglaize County on this historic achievement and wish them the best of luck over the next 150 years!

TELECOMMUNICATIONS ACT OF 1996

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WELLER. Mr. Speaker, two years ago this week the President signed into law the Telecommunications Act of 1996 aimed at removing monopoly protections and creating fair, full and open competition in the communications marketplace. One of the primary goals in passing this law was to give consumers the benefits of more choices, lower prices and greater quality in their telephone and cable services.

Unfortunately, Mr. Speaker, it hasn't happened. In lieu of competition, consumers in many areas of the country are seeing mergers of massive proportions, higher cable rates and lawsuits filed by frustrated competitors seeking to enter the long distance market. Having said that, I would point out that Ameritech, the regional communications company that serves my home state and four other Midwestern states, has done a commendable job of fostering competition in our part of the country.

Today there are more than 130 companies certified to compete in the Ameritech region, and the Company has interconnection agreements with 60 of them. Additionally, the Company's competitors are serving more than 500,000 local lines by reselling service under their brand names. Ameritech is also bringing true cable competition to the Midwest. Its cable subsidiary, Ameritech New Media, has 65 franchises with communities in Ohio, Illinois and Michigan, and is now actively competing against incumbent providers in 40 of those communities offering enhanced cable TV service to more than 100,000 homes. In those communities where Ameritech New Media competes, incumbent providers have slashed their prices, offered customers free premium and pay per view channels, added more channels to existing service and guaranteed customers better service. This is precisely what we intended when we passed the Telecommunications Act.

However, Mr. Speaker, in spite of their efforts, neither Ameritech nor any of the former Bell companies has managed to cross the regulatory threshold to enter the long distance market. I think I speak for many of my colleagues when I say that I am extremely disappointed that consumers across the country have yet to enjoy the full benefits of the Telecommunications Act. I continue to believe this is a good law, and I would urge the Federal Communications Commission to make it work. We now have a new chairman and three new commissioners at the FCC and I am impressed by their recent comments stressing the need to implement the Act. I encourage them in the strongest possible terms to implement the law and give consumers the choices they deserve.

IN RECOGNITION OF THE AMERICAN ASSOCIATION OF VARIABLE STAR OBSERVERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the outstanding contributions that amateur astronomers from around the world have made to our understanding of some of the most profound questions that have confronted mankind—the evolution of the universe. In the very brief period in which humans have had the ability to look up and ponder our place in the universe, we have transcended a time in which religious dictate required a belief that the heavens were unchanging, to one in which we accept change as the status quo.

We now know that stars change. Sometimes the change is dramatic and visible to all such as the supernova explosion in 1987.

More often, the changes are subtle to the casual observer. Yet these subtle changes in star brightness due to pulsations and eruptions and eclipses behind intervening objects are crucial in understanding the nature of the universe and its ultimate fate.

Mr. Speaker, in 1911 the American Association of Variable Star Observers (AAVSO) was founded at the Harvard College Observatory. This independent research organization is dedicated to coordinating the observations of variable stars by amateur astronomers in 46 participating countries.

AAVSO receives, digitizes, and archives over 300,000 observations yearly from 300 to 350 observers. Since its founding, AAVSO has catalogued over 8.5 million observations from 4000 observers. AAVSO boasts the largest and longest running computer readable accessible variable star catalogue in existence.

This valuable data base is used to help schedule precious observing time by the large public and privately operated observatories, to carry out collaborative research in analyzing the long term behavior of variable stars, and finally by educators and students.

In 1995, NASA conducted a major study of cataclysmic variable stars by the ASTRO–2 telescope during the Space Shuttle mission STS–67. During the course of this mission, NASA depended on AAVSO for critical guidance in identifying the best variable star targets. This coordinated research program resulted in a superb data base on ten cataclysmic variable stars that has provided a wealth of scientific understanding. Since then, AAVSO has worked with NASA to coordinate observations on the Hubble Space Telescope, the Extreme Ultraviolet Explorer, the X-Ray Timing Explorer, the International Ultraviolet Explorer, and many other international space borne telescopes.

Mr. Speaker, the astronomy community has had a long tradition of active participation by amateurs since the time of Galileo. The vitality of this discipline is evident in magazine shelves worldwide that carry astronomy related publications. AAVSO itself publishes its own highly respected journal to disseminate latest results and scientific concepts.

Mr. Speaker, I want to commend AAVSO for its outstanding work and over eighty years of productive contributions to the field of astronomy.

TRIBUTE TO THE EPICUREAN CLUB OF WASHINGTON, DC, INC. AND CHEF RICHARD FISHER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. NORTON. Mr. Speaker, I am pleased to honor The Epicurean Club, which was originally an all-male group of Executive Chefs who had apprenticed in Europe or Stewards. The club's membership today is composed of men and women who are chefs, bakers and restaurant owners. I am delighted that The Epicurean Club will celebrate its 60th anniversary with a Dinner Dance on February 22, 1998. During that event Chef Richard Fisher, CEC will be honored for his skillful and untiring service as Chairman of the club's annual Christmas Party.

Twenty-five years ago, when chefs were not very well-paid or recognized, this party was an important social event. The club borrowed a ballroom and solicited donations of food and wine. Spouses who rarely went out because their husbands were always at work put on their finest and the party was always a tremendous success. The party was evolved and today serves over 500 people and has become the only Christmas party for some of the area's neediest children. Last year, the club served 200 children from the DC Department of Human Services and The Orphan Foundation of America. Each child received a gift, a gingerbread house, extra food and a visit with Santa Claus.

For over twenty-five years, Chef Fisher has worked in hotels and restaurants and was a representative for Knorr-Swiss in the Metropolitan area. He has been an active member of the club for over twenty years and is also a member of the National Capital Chefs Association. He has served as a judge at Culinary Salons and is regarded as a true food professional. He lives in Virginia with his wife Trudy and has been Chairman of the club's annual Christmas Party for twenty-five years.

Chef Fisher's work on behalf of children of the District of Columbia reflects the caring spirit of many persons who reside outside our city. His efforts serve as a model and motivation for men and women in the metropolitan region who sincerely want to lessen the impact of poverty and hunger.

Mr. Speaker, I ask that this body join me in congratulating The Epicurean Club of Washington, DC, Inc. on the occasion of their 60th Anniversary and in applauding Chef Fisher for his selfless service.

SUPPORTING H.R. 3137

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. JENKINS. Mr. Speaker, I rise today to support H.R. 3137, the Medicare Venipuncture Seniors Protection Act of 1998. This legislation sponsored by Representative BOB ADERHOLT (4th-AL) would delay implementation of the elimination of the venipuncture home health benefit included in the Balanced Budget Act of 1997. In order to determine whether or not the benefit should be restored after the delay, the bill commissions a study of venipuncture benefits. I also want to take the time to applaud the efforts of other Members of Congress who have taken a lead on this important issue. Representative NICK RAHALL (3rd-WV) took the first step to correct this error in the Balanced Budget Act when he introduced H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. I cosponsored the legislation which restores the venipuncture benefit completely.

Everyone is opposed to fraud, waste, and abuse in the Medicare Program. I want to do everything we can to eliminate these items from the program so that we can offer additional medical services and prolong the life of the Medicare trust funds. However, complete elimination of the venipuncture benefit is not a solution to this problem. Unfortunately, eliminating home health visits for the sole purpose of obtaining a venipuncture was included in the Balanced Budget Act passed by this Congress and signed into law by the President last year.

This change in Medicare has affected individual States in different ways. Some of the most negatively affected are rural Southern States like Tennessee, Alabama, Georgia, North Carolina, Mississippi, Kentucky, and West Virginia. In Tennessee, State regulations prevent lab technicians from entering homes and drawing blood under Medicare part B. Further, there is no safety net on the State level which will care for these patients. If our intent is to save money in health care, it does not make sense to discontinue this benefit. Many of these individuals could be placed into nursing homes and onto the Medicaid Program. In Tennessee, one recent study has indicated that an additional 3,000 nursing beds will be needed by the year 2000. More beds will be needed if this inequity is not corrected.

Like many other Members of Congress, I supported balancing the budget and getting our financial house in order. When I ran for Congress in 1996, one of my primary goals was working to get the budget balanced. However, I believe that we have gone too far with the elimination of this benefit, and I have no intention of balancing the budget on the backs of our frail and elderly.

ALEXANDER OGORODNIKOV AND CHARITY IN MOSCOW

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SMITH of New Jersey. Mr. Speaker, recently I visited Moscow with my colleagues Mr. HALL of Ohio and Mr. WOLF of Virginia, along with the distinguished Librarian of Congress and specialist on Russia, Dr. James Billington. We were there as part of an international delegation invited to discuss with Russian officials the new Russian law on freedom of conscience and religious organizations. This trip was very fruitful and I believe will have played a role in having some of the most pernicious elements of that regrettable legislation removed or alleviated.

During our stay in Moscow, the U.S. Embassy kindly arranged a meeting for us with Alexander Ogorodnikov, a former Soviet political prisoner whom I first met in 1988. Until recently, he had operated a soup kitchen and shelter for endangered young women in Moscow. I say "recently" because just before our arrival, the soup kitchen was closed down by order of city officials. The shelter is still open, although it has been subjected to periodic police raids since its opening.

Mr. Ogorodnikov opened his soup kitchen on Khoroshevskoe Shosse in February 1991, the first such privately funded charitable institution in the former Soviet Union. Among the financial contributors were religious organizations in the United States, Germany, France, and the Netherlands. The soup kitchen fed pensioners, homeless persons, former incarcerees, refugees, people from other neighborhoods, basically most anyone who needed a meal. According to Mr. Ogorodnikov, an average of 450 to 550 persons visited the soup kitchen every day as of 1997.

Unfortunately, as the saying goes, no good deed goes unpunished—especially in today's Russia. Neighborhood officials and the Moscow city property authorities have been leveling (in Mr. Ogorodnikov's words) "unjustified financial claims" against the soup kitchen. The case has gone to court and has still not been resolved.

Nevertheless, on the night of November 13, 1997, a group of unknown persons showed up when none of the soup kitchen personnel were present and seized the premises. On the next day, when soup kitchen personnel arrived for work, they were not permitted to enter. The new occupants announced that "repairs had been initiated." Mr. Ogorodnikov was not even allowed to retrieve his equipment or the foodstuffs that had been stored at the soup kitchen.

On January 15, I visited the soup kitchen, or rather what was left of it, with Mr. Ogorodnikov. Repair work on the building was being done, but it appeared as if the soup kitchen had never existed. All Mr. Ogorodnikov's kitchen equipment and his foodstuffs had disappeared. We asked for the foreman of the operation and, after a while, he showed up. I don't think he was glad to see us. The foreman informed Mr. Ogorodnikov that his equipment had been removed and stored elsewhere in the city, but he refused to say where.

Mr. Ogorodnikov was shown a back room where someone had stashed two of the icons that had been on the soup kitchen wall, and Mr. Ogorodnikov was required to sign for the icons before he could remove them for safe keeping, "so there won't be any claims." Of course, no one worried about claims when the food, refrigerators, freezers, tables, and other equipment were hauled away.

The foreman did indicate that he would arrange to have the equipment delivered wherever Mr. Ogorodnikov instructed, a rather difficult condition, since Mr. Ogorodnikov has no other place to store his equipment. In the meantime, Mr. Ogorodnikov could win his case against his tormentors, and the court might order his foodstuffs and equipment returned to him. By that time, who knows what will remain?

Mr. Speaker, ironically, the United States Government has spent significant amounts of taxpayers' money to assist Russia with macroeconomic programs, small business assistance, and humanitarian aid. Yet here is a Russian man who, like many of his contemporaries, could have gone into business for his own financial gain. Instead, he has devoted himself to helping the many poor and destitute among his countrymen. In return, local officials harass him, shut down his operation, and deprive many others of the chance to have a decent meal.

It is a sad commentary on human nature, and bespeaks badly on the political leadership of a city with such great potential.

HONORING JACK B. LEVY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the friends and family of Jack B. Levy as they gather in Long Beach, New York to celebrate his 100th birthday. Jack is the quintessential example of the American success story and exudes those characteristics and traits that are part of the great American heritage. Born on February 25, 1898 in Levov, Russia as Yankel Levov, he immigrated to America at age 15. Passing through Ellis Island and by the whim of an immigrant inspector, he emerged into his new country as Jack B. Levy.

Having been taken in by his aunt and uncle, Jack took advantage of the many opportunities being offered him and on his second day in America began his first job. Jack was not one to sit idly by and undertook a series of jobs that would include cab driver, train engineer and anything else at which he could earn a living working 12 hours a day seven days a week. With a voracious appetite for reading the daily papers, a habit which he still maintains, Jack quickly learned to read and write English. He soon became a citizen and established the practice of having voted in every local and national election.

In 1924, he married Mollie Steinman and began a family that was to include his children, Lawrence, Aaron and Irene, eight grandchildren and twelve great-grandchildren. Much to the perseverance and dedication of their parents, the work ethic, the concept of community service and giving of one's self to help others became ingrained in their daily lives.

Retirement has not changed Jack as is evidenced by the County of Nassau recognizing him for his outstanding work among senior citizens. Not only has he continued to be a source of joy and enlightenment to his entire family, he has also taken his many talents and effectively applied them to the members of the Senior Center of Long Beach, New York.

Mr. Speaker, I ask my colleagues to rise and join with me in honoring Mr. Jack B. Levy. At a time when we search for heroes and outstanding leaders to provide us with that leadership imbued with warmth, compassion and understanding, we are well-served by the extraordinary efforts of Jack Levy.

REMEMBER THE MAINE!

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the 100th anniversary of a tragic and intriguing chapter in American History. This Sunday, February 15th, marks the Centennial Anniversary of the sinking of the *U.S.S. Battleship Maine* in Havana harbor, Cuba. This still unsolved mystery surrounding the sinking of the *Maine* and the role her explosion played in the start of the Spanish-American War have given her a most prominent position in American history.

On January 24, 1898, the *U.S.S. Battleship Maine* was dispatched from Key West to Havana to protect American lives and property during the conflict between Cuban revolutionaries and the Spanish Colonial Government. A letter home from Captain Charles Sigsbee recalls that fateful night of February 15, 1898, when the evening's calm was shattered by a "bursting, rending, crashing sound or roar of immense volume." At 9:40 p.m. the explosion lifted the forward section of the *Maine* followed immediately by a second, larger and more violent explosion near the center of the superstructure. The entire interior of the vessel went dark as men struggled throughout the wounded ship to find a way out of the sinking and burning hull. The explosions emanated primarily from the forward section of the *Maine* where the crew was bunking and housed. 265 sailors were dead or missing following the disaster.

After an investigation by the U.S. Navy Court of Inquiry, it was determined that a mine had set off the explosions. While the court did not speculate on who had set the mine, a majority of Americans blamed it on the Spanish. The cry, "Remember the Maine!" echoed in the streets of the nation and the halls of Congress. Two days after the report of the court of inquiry, Navy Secretary John Davis Long ordered the peacetime white hulls of U.S. ships overpainted in dull battle gray.

The U.S. flag still flies from the salvaged mast of the *Maine* at Arlington National Cemetery over the graves of the sailors and Marines whose bodies were recovered in 1911. The remains of the first 27 members of the crew returned to the U.S. also rest at the *Maine* Memorial Plot in Key West, Florida.

The *U.S.S. Battleship Maine* and the people of Key West share an inexorable history. During her brief period of service the *Maine* would visit Key West on two memorable occasions. The destruction of the *Maine* and the tremendous loss of life shocked and deeply saddened the people of Key West. The entire community would mourn the dead sailors and offer aide and comfort to survivors of the explosion. Shortly thereafter, the city would offer a portion of its cemetery as a final resting place for the 27 dead sailors that arrived from Havana.

This weekend America will join the U.S. Battleship Maine Centennial Commission in Key West to once again remember the *Maine* on the 100th anniversary of its destruction. As it was a century ago, the history of our nation, the island of Key West and the battleship *Maine* are bound together for all time.

CELEBRATING THE 80TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 80th anniversary of the declaration of Lithuanian Independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past five years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

With free and fair elections recently completed, Lithuania has established a commitment to democracy and pluralism. I believe we can say with great confidence that Lithuania is becoming a full partner in the effort to build democracy and promote freedom around the world.

I commend the Lithuanian-American community for their persistence and hope through the many challenging decades. The 80th anniversary of Lithuanian independence was celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 8, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuania's independence.

HONORING ALBERT NEDOFF, JR., A NATIONAL LEADER IN DRUG ENFORCEMENT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. STABENOW. Mr. Speaker, "It is my honor to congratulate Albert Nedoff, Jr., who after nearly twenty-four years of service at the Drug Enforcement Administration has been appointed the Associate Director of the Chicago High Intensity Drug Trafficking Area Task Force.

"With this new position, Albert will work under the leadership of the U.S. Drug Czar, Gen. Barry McCaffrey.

"Albert is a national leader in the area of drug enforcement, who has spent more than eight years in Detroit's DEA office. During his tenure, he was instrumental in several high-profile cases, including the dismantling of the Chambers Family's control of Detroit's crack cocaine market and the case that resulted in the arrest and conviction of Toni Cato Riggs, the widow of Gulf War Veteran Anthony Riggs.

"The 1990 murder of Anthony Riggs drew national attention when he was gunned down in the streets of Detroit, just one day after returning home from the war. Four years after Anthony Riggs' murder, a task force of undercover drug agents and police officers, under the supervision of Albert Nedoff, videotaped a confession by Toni Cato Riggs regarding her involvement in her husband's murder, resulting in a first-degree murder conviction.

"I am pleased that after nearly forty years of city and Federal Government service, Albert Nedoff has chosen to continue serving our country in the area of law enforcement. Though he will be missed in the Michigan area, it is reassuring to know that he will still be fighting to rid our nation's streets of drugs. I wish him well in his new position and wish his family the very best in the future."

TRIBUTE TO ALBERTO VAZQUEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Alberto Vazquez, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, Texas, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a four day international event which invites the United States and Mexico to celebrate the cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a major function which is eagerly anticipated by many South Texans as well as our winter visitors.

We are honored to recognize Mr. Alberto Vazquez as the 34th Mexican citizen chosen by the Mr. Amigo Association. Mr. Vazquez was born in Guaymas, Sonora. He filmed 34 movies with outstanding Mexican Stars such as Soler, Marga Lopez, and last year's recipient of Mr. Amigo, Angelica Maria. Mr. Vazquez has recorded 108 records, many of them receiving gold and silver status, and listings on the top spots of the international record charts. He has received numerous awards and recognitions throughout Mexico, the United States and Latin America.

Alberto Vazquez recently released his latest record "Cosas de Alberto Vazquez," which includes such hits as "Te he Prometido," "Tus Ojos," "Anoche me Enamore," and "El Ultimo Beso."

Mr. Alberto Vazquez is a perfect recipient of the Mr. Amigo award. For he has, over the long period of his career, taken his unique screen, television, and stage performances to numerous countries, including the United States. A true ambassador of his country and of his culture, he has been praised by numerous organizations for his unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Mr. Alberto Vazquez should be recognized for both his artistic ability and his contribution to his commitment to bicultural relations between the two nations.

Mr. Amigo, Mr. Alberto Vazquez, will receive the red-carpet treatment when he visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During his stay on the border, he will make personal appearances in parades and other festival events. Official "welcome" receptions will be staged by organizations in Cameron County, Texas, and the cities of Brownsville, Texas, and Matamoros, Tamaulipas, Mexico.

I ask my colleagues to join me in extending congratulations to Mr. Alberto Vazquez for being honored with this special award.

THE WASHINGTON ASSOCIATION OF NEW JERSEY: 125 YEARS OF HONORING THE MEMORY OF GENERAL GEORGE WASHINGTON AND THE REVOLUTIONARY WAR IN NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to recognize and pay tribute to the Washington Association of New Jersey. As the keepers of the Ford Mansion, also known as Washington's Headquarters, and the guardians of Morristown National Historical Park, the support of the Washington Association and its members has been extraordinary. This year, the Association celebrates its 125th year of service to honoring the memory of George Washington and preserving Washington's Headquarters and the park's historical sites for future generations.

The Ford Mansion, built in Morristown between 1772–74, was the home of Colonel Jacob Ford, Jr., a landowner, iron manufacturer and ardent patriot of Morris County. As Colonel of the Eastern Battalion of New Jersey's militia forces, Jacob Ford participated in the first Battle of Springfield. However, shortly thereafter, he fell ill with pneumonia and died on January 10, 1777. Even so, Colonel Ford's widow, Theodosia, who was left with five children, offered the mansion to General George Washington to use as his headquarters during the very harsh winters of 1777 and 1779–80 in New Jersey. Unlike the areas of New Jersey nearer to New York City, Morristown had fewer loyalists and its surrounding hills provided natural defenses for a winter refuge where the next summer campaign could be planned. In addition, the Continental Army and various militias could be maneuvered quickly to either Manhattan or Philadelphia from their primitive and difficult encampment at Jockey Hollow.

In this grand home, Washington, along with his aide-de-camp Alexander Hamilton, would lay out the strategy for much of the Revolution's greatest campaigns. At a tall secretary desk, which still graces the mansion, Washington penned some of the most important letters of the Revolution. Some of the greatest heroes of the war, including the Marquis de Lafayette, General Schuyler, General Greene, General Knox, and even the infamous traitor General Benedict Arnold, walked through the Ford Mansion's front door and graced Martha Washington's wartime dining room with their conversations about victory, defeat and the battles yet to come. It has been said that under the Ford Mansion's roof have been gathered more figures known to the military history of our Revolution than any other house in America. It is no wonder that Morristown is considered the Military Capital of the Revolution.

Nearly a century later, the Washington Association of New Jersey was founded in Morristown in June of 1873, in order to save the Ford Mansion as it was offered for sale by the heirs of Colonel Ford's grandson, the Honorable Henry Ford. Four New Jersey gentlemen, former Governor Theodore F. Randolph, William Van Vleck Lidgerwood of Morristown, and George A. Halsey and General Norris Halsted of Newark, were responsible for leading this great effort. The Association was chartered by an act of the New Jersey State Legislature on March 20, 1874 as a stock-granting corporation in New Jersey.

The Association maintained the Ford Mansion in Morristown until 1933, and in the process accumulated a remarkable collection of Revolutionary War memorabilia. Through the influence of the Washington Association, Mayor Clyde Potts of Morristown and Mr. Lloyd Waddell Smith, member and sometime president of the Association, the Ford Mansion was donated to the Federal government on March 2, 1933, creating Morristown National Historic Park, the nation's first historic park. Also included in the park were Fort Nonsense in Morristown and certain parcels of land in Jockey Hollow where the troops were encamped during the horrible winter of 1779–80.

Today, the Washington Association of New Jersey supports Morristown National Historic Park by acquiring rare books and manuscripts pertaining to the Revolution or George Washington, contributing financially to the park and, by Federal statute, is the official consultant to the National Park Service in Morristown. The Association also acts as an advocate for the park when the property is threatened by any inappropriate development.

In 1998–99, the Washington Association of New Jersey will be celebrating the 125th anniversary of its foundation and incorporation. Planned activities include updating and reprinting "A Certain Splendid House" (the history of the Ford Mansion), publication of a scholarly catalog on "War Comes to Morristown", the new, permanent exhibit at Washington's Headquarters Museum, a lecture series which will bring distinguished scholars into Morristown, and the eventual expansion of Washington's Headquarters Museum so that more of the 400,000 items in the collections at Morristown can be properly exhibited.

Although the mansion is now part of a National Historic Park, the Association's work is appreciated most by the residents of Morris County. Washington's Headquarters, as it is called by most, is the Town of Morristown's common denominator. It is what the people of Morristown identify themselves with, what they remember most when they leave and the first thing they want to see when they return. It is our public treasure and the Washington Association of New Jersey is its entrusted guardian.

So, Mr. Speaker, I ask my colleagues to join me as I salute the Washington Association of New Jersey on the occasion of their 125th anniversary and for their great work in preserving our nation's first National Historic Park, the memory of our nation's greatest citizen and Morristown's most famous and dearest house.

AGRICULTURE EXPORTS AND TRADE AGREEMENT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. EWING. Mr. Speaker, I rise today to introduce a concurrent resolution regarding trade between the U.S. and the European Union. Recent news reports indicate that the Administration may be considering concluding a trade agreement with the EU that would not include agriculture. Given the difficulties that American agricultural exports face in gaining access to the EU market, it is unthinkable that any cross-sector agreement with the EU would exclude agriculture. This resolution calls on the Administration to actively pursue eliminating tariff and non-tariff barriers imposed by the EU on U.S. agricultural exports. This resolution also cautions the Administration against engaging in trade negotiations that might undermine the ability of the United States to have a level playing field for American producers.

American agriculture is more than twice as reliant on exports as the overall economy, and thus the American farmer is hurt the most by unfair barriers to market access. This is especially true with the European Union, where barriers to U.S. agriculture products remains the most vexing problem in our commercial relationship. The EU has shown relatively little progress in liberalizing trade in agriculture between our two markets. The EU has failed to comply with a WTO ruling which overturned an EU ban on hormone-treated beef from the U.S. The EU has failed to implement the bilateral agreement on veterinary equivalence standards and EU subsidies continue to distort market prices. U.S. farmers are the most efficient and productive in the world and they deserve our every effort to pry open foreign markets and tear down unfair barriers to market access.

Mr. Speaker, if U.S. agriculture exports are to continue growing at the present rate, the U.S. government needs to be more aggressive in eliminating barriers to trade around the world. I urge my colleagues to cosponsor this resolution.

PERSONAL EXPLANATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ADERHOLT. Mr. Speaker, last week on February 4th during Roll Call Vote No. 7, on H.J. Res. 107, I was unavoidably detained. Had I been present, I would have voted Yes.

I ask unanimous consent that the record reflect this.

MEL McLEAN: EXAMPLE OF THE AMERICAN DREAM

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RIGGS. Mr. Speaker, I call the attention of my colleagues to Mel McLean of Humboldt County, California. Described as a moral, caring and generous man by residents in the community of Fortuna and the Northern California County of Humboldt, Mr. McLean is an example of the American Dream.

Mel McLean still greets visitors with a twinkle in his eye and a firm handshake, despite a stroke that limited his speech 11 years ago. That's appropriate for a man who, for many years, sealed important deals with little more than a handshake.

Though he is known locally as a philanthropist, Mel got where he is today by hard work, despite setbacks along the way. He started his career in logging more than 50 years ago with various jobs in the woods. In 1938, he and a partner contracted to run a tie mill just following his marriage in 1937 to Grace, his close friend and companion for over 50 years before her death in 1989.

The young couple struggled through the Depression, even hauling away logs discarded by the loggers. They peeled the bark off by hand and sold it for 35 cents a truckload. Beans and potatoes were their supper most nights.

In 1946, Mel and another partner became involved in the grocery business, a venture that grew to include four stores. Two years later he moved his timber business to Humboldt County and formed a partnership named Lindsey Lumber Company. They bought the East family sawmill and the logging operation at the Bar W Ranch near Bridgeville, hiring 15 men.

In 1950, a fire destroyed the mill, so they moved to McCann. The company grew to own 10 tie and stud mills, and built a planing mill at McCann. The planing mill was destroyed in the 1955 flood, but they rebuilt it and continued operations. In 1958, he and his partner bought another sawmill just north of Rio Dell. This was the beginning of Eel River Sawmills.

To keep an eye on his diverse interests, Mel became a pilot. His wife, Grace, usually accompanied him on these trips. The couple enjoyed visiting other countries, but their hearts were with the people of the Eel River Valley.

Mel McLean believes strongly in seeing that residents of the Eel River Valley have jobs. He has proved that several times by rebuilding instead of just walking away from the disaster. When fire destroyed two-thirds of the mill in 1961, he rebuilt immediately, using the sawmill employees in the reconstruction so that not one man lost his job.

The company incorporated in 1963 and built a new planing mill. It had about 90 employees, up from 33 in 1961. The following year was a good one and saw the addition of a new debarker and a new chipper plant. Then came the Christmas flood of 1964. More than 8 million board feet of logs and 5 million feet of lumber went down the river, along with most of the mill.

This gave them a choice, according to Grace McLean in a 1989 interview. "It was either go down the road with a sack on our back, or hard work and start it over again."

For Mel, the answer was clear. The men of the Eel River Valley deserved jobs, and he would provide them. The company reopened and had men back on the payroll in 3 to 5 months.

By 1979, the company had added mills in Redcrest and Alton. And in early 1987, the company added the Fairhaven power plant on the Samoa peninsula, utilizing waste products from the mills to produce clean energy. In 1989, the McLeans took another step in looking out for their employees when they set up an Employee Stock Ownership Plan. Under the plan, the employees will eventually own the company.

Mel McLean wants to improve the quality of life for all residents of the Eel River Valley. He has made, and continues to make, generous donations to local groups, schools and organizations. He always treats his employees fairly and the respect between him and the workers is evident whenever McLean tours the plant. He always lets each man know he is important and leaves the impression that the entire staff is his extended family.

On February the 12th, 1998, Mel McLean will be honored and named to the Republican Hall of Fame in Humboldt as a devoted advocate of Conservative causes. The honor is well deserved for his generous and fair spirit. We wish him many years of continued and rewarding accomplishments.

HOMAGE TO VARIAN FRY, A REAL AND UNLIKELY HERO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LANTOS. Mr. Speaker, Varian Fry was one of the greatest, albeit one of the most unrecognized, American heroes of the twentieth century. As a young relief worker in Vichy France during the early years of World War II, he responded to the onslaught of Nazi persecution with a degree of bravery which stands out even when compared to the courage of other noble men and women who resisted German oppression. Fry led a small group of American liberals in creating the Emergency Rescue Committee (ERC), an organization dedicated to using every means at its disposal to help political and intellectual refugees escape from Nazi-dominated France. The ERC operated for two years, from the fall of France in 1940 until its offices were forcibly shut down in 1942, and its work saved the lives of at least 2,000 talented scholars, artists and leaders, including such cultural luminaries as Marc Chagall, Hannah Arendt and Max Ernst. Fry's actions led to the founding of the International Rescue Committee after the war.

Varian Fry's lifesaving efforts are all the more remarkable in light of fierce opposition not only from the pro-Fascist Vichy government, but also from resentful American consular officials. As a result of this antagonism, Fry's heroism went unrecognized in his lifetime. He died in obscurity over thirty years ago.

Varian Fry's contributions have been recognized by Yad Vashem, Israel's memorial to the Holocaust, where he stands as the only American honored as a "Righteous Gentile." Mr. Speaker, it is long past due for the American government and the American people to pay tribute to this heroic champion of human rights. I would like to enter into the record a touching and inspiring review of Fry's autobiography, *Surrender on Demand*, written for "The New Republic" by Alfred Kazin. I would also like to invite my colleagues to attend *Assignment: Rescue, The Story of Varian Fry and the Emergency Rescue Committee*; a moving exhibit which will be featured at The Jewish Museum in New York through March 29, as well as *The Varian Fry Celebration*, which will be on display at the San Francisco Main Library after March 8.

[From the New Republic, Feb. 9, 1998]

A REAL AND UNLIKELY HERO—HOMAGE TO VARIAN FRY

(By Alfred Kazin)

The Armistice with Nazi Germany that France had to sign in June 1940 contained a clause, Article XIX, obliging the French Government to "surrender upon demand all Germans named by the German government in France, as well as in French possessions, colonies, Protectorate Territories, and Mandates." "Germans" originally meant all inhabitants of the greater German Reich—Germans, Austrians, Czechs, and many Poles—but by 1940 it meant every political opponent whom the Nazis wanted to get their hands on. There were American relief organizations in France sponsored by the YMCA, the Unitarians, and the Quakers. But a group of American liberals, outraged by the Nazis' open violation of the right of asylum, formed the Emergency Rescue Committee to bring political and intellectual refugees out of France before the Gestapo and the Italian and Spanish Fascist police caught them in what their rescuer Varian Fry was to call "the most gigantic man-trap in history."

The volunteer (there were not many) whom the Committee chose to direct this effort from Marseille was Varian Fry, a 32-year-old Harvard-trained classicist perfectly at home in Europe. Indeed, on the surface, with his elegant name and his precise manner, he may have seemed just a little too refined. With his classmate Lincoln Kirstein, he had founded the pioneer journal of modernism *The Hound and Horn*. When I met him at *The New Republic* after the war, he liked, on our many walks, a little affectedly, to show off the little dogtricks that he had taught his French poodle Clovis, whom he had named after the ancient king of the Franks. But Varian was at heart so pure and intense a democratic conscience that he could not bear the lingering Popular Front sentimentality about Stalin on *The New Republic*; and he resigned from the magazine in 1945, just before Henry Wallace took it over.

In fact, for thirteen months in France, Varian was our own Scarlet Pimpernel. He was endlessly bold and resourceful in the always correct manner that was natural to him. And he was forced to leave France because his labors on behalf of Jews and political refugees had enraged both Vichy's pro-Fascist bureaucrats and reactionary American consular officials. Varian was one of the great civilian heroes of the war. In the face of the most maddening bureaucratic slights, delays, and hostilities presented by Vichy France, Franco's Spain, and the American consul in Marseille (he finally got the French to expel Varian), my friend organized from a room in the Hotel Splendide the ramshackle yet somehow effective organization that helped to get virtually 2,000 people to safety. Varian is the only American honored as a "Righteous Gentile" at Yad Vashem, Israel's memorial to the Holocaust.

Surrender on Demand, Varian's wonderful account of his noble adventure in France, his "story of an experiment in democratic solidarity . . . of illegal work under the nose of the Gestapo," was first published without much effect in 1945, and it has now been brought back into print in conjunction with the splendid exhibition "Assignment: Rescue, The Story of Varian Fry and the Emergency Rescue Committee" at the Jewish Museum in New York. The museum has also enclosed in its press kit Varian's essay "The Massacre of the Jews," which appeared in *The New Republic*'s issue of December 21, 1942. Unlikely as this seems now, the anguish that Varian brought to the subject did not altogether interest people at the magazine (I had just joined the staff), who were languishing for the New Deal that Roosevelt had discarded in wartime. "That such things could be done by contemporary western Europeans, heirs of the humanist tradition, seems hardly possible": only Varian, hardly innocent but obstinately virtuous, would have written that sentence. He ended his article by demanding "a little thing, but at the same time a big thing"—that the United States "offer asylum now, without delay or red tape, to those few fortunate enough to escape from the Aryan paradise."

In Berlin on July 15, 1935, Varian had seen Hitler's troopers attack Jews in "the first pogoam." On November 9, 1938, Nazi leaders had openly encouraged the burning of synagogues, the pillage of Jewish homes, and the murder of their inhabitants. "Injecting air-bubbles into the bloodstream," Varian observed in his NEW REPUBLIC article in 1942, "is cheap, clean, and efficient, producing clots, embolisms, and death within a few hours . . ."

"Even though Hitler may lose this war, he may win it anyway, at least, as far as Europe is concerned. . . . The Christian churches might also help . . . the Pope by threatening with excommunication all Catholics who in any way participate in these frightful crimes. . . . There is a report, which I have not been able to verify, that the Office of War Information has banned mention of the massacres in its shortwave broadcasts. . . . The fact that the Nazis do not commit their massacres in Western Europe, but transport their victims to the East before destroying them, is certain proof that they fear the effect on the local populations of the news of their crimes.

Despite the fact that the urgency of the situation has never been greater, immigration into the United States in the year 1942 will have been less than ten percent of what it has been in 'normal' years before Hitler, when some of the largest quotas were not filled. There have been bureaucratic delays in visa procedure which have literally condemned to death many stalwart democrats."

This was the man who had gone to Marseille two years before with just $3,000 from patrons of the Emergency Rescue Committee, only to find himself initially frustrated by the delusions of some VIPs whom he had come to rescue. Rudolph Breitscheid, the leader of the Social Democratic bloc in the Reichstag, openly frequented a sidewalk cafe with Rudolph Hilferding, formerly German Minister to France. He boasted that

Hitler would "never dare" to arrest him. He was wrong. He was nabbed and never heard from again. Giuseppe Modigliani, the head of the Italian Socialist Party and a Jew (and the brother of the painter), was easy to spot. He insisted on wearing in all weather a fur coat, a gift from the Garment Workers Union in New York, and he adamantly refused to shave his beard, "I've always worn it."

Franz Werfel and his wife Alma were at the Hotel du Louvre et de la Paix, in hiding under the name of Mrs. Werfel's former husband Gustav Mahler, who had died in 1911. Werfel looked "exactly like his photographs: large, dumpy, and pallid, like a half-filled sack of flour. His hair was thin on top and too long on the sides. He was wearing a silk dressing gown and soft slippers and was sitting all over a small gilt chair." The Werfels had fled from Paris to Lourdes, where they had sought the protection of the Church. Werfel, a jew, had begun *The Song of Bernadette*. When they realized that they would never be able to leave France from Lourdes, they came to Marseille to get the American visas waiting for them at the Consulate. But there was now a general ban on exit visas.

The Werfels insisted on ordering up champagne as they went over their problem with Varian. He had just arrived and he hadn't yet found out what the possibilities were. The Werfels had heard of refugees going down to the Spanish frontier and getting over safely, but they didn't know if those lucky souls had reached Lisbon for passage to America. Most of them had probably been arrested in Spain and handed over to the Gestapo. There was also the risk of being arrested for travelling without permission. It was all very confusing. What were they to do? They finally got away, at first encumbering their saviors with twelve suitcases. But Alma made it into Spain on foot, Mahler, manuscripts in her pack.

The American Federation of Labor had succeeded in persuading the State Department to grant emergency visas to a long list of European labor leaders, and it had dispatched Frank Bohn to help them with the escape. Bohn, a hearty extrovert who talked like "an itinerant revivalist," was one of the two or three Americans in France prepared to help Varian. Through Bohn he met a young German social democrat named Albert Hirschman, a political refugee who was "very intelligent and eternally good-natured and cheerful," who joined his staff. "I began to call him Beamish," Varian wrote, "because of his impish eyes and perennial pout, which would turn into a broad grin in an instant." Staff conferences were held in the bathroom, where Varian turned on the faucets to create a deafening rush of water.

Another invaluable aide was "vivacious and ebullient" Lena Fishman, who had worked in the Paris office of the joint Distribution Committee, was competent in English, French, German, Russian, Polish, and Spanish, and was especially useful in calming the excited. "Il ne faut pas exagérer," she used to say. (Lena had her own way of talking. When I first met her, she asked me who my publisher was. I told her, but the name obviously meant nothing to her. "Je n'ai jamais couché avec," she said.)

Most of the refugees whose names had been given to Varian in New York were still missing. Nobody knew where they were or what had become of them. But refugees started coming to Varian's room at the Splendide as soon as word went out.

"Many of them had been through hell; their nerves were shattered and their courage was gone. Many had been herded into concentration camps at the outbreak of the war, then released, then interned again when the Germans began their great offensive in May. In the concentration camps they had waited fearfully while the Wehrmacht drew nearer and nearer. It was often literally at the last moment that they had had a chance to save themselves. Then they had joined the great exodus to the south, sometimes walking hundreds of miles to get away from the Nazis. . . .

Nor was it only the refugees from Germany and Austria who were worried. Luis Companys, the Catalan trade-union leader, had been picked up by the Nazis in Belgium or the occupied part of France and sent down to Spain, where he was promptly garroted. And the French police were treating foreigners with a combination of muddle and brutality which left very few of them with any desire to stay in France longer than they had to."

In big cities such as Marseille, the large and constantly changing refugee population kept the police nervous, and occasionally stirred them to mass arrests called rafles. Fortunately for Varian, the first to come to the Splendide were young and vigorous German and Austrian Socialists who were not afraid, once Varian gave them American money, to go down to the Spanish frontier and cross over on foot. One of them gave Varian a map of the frontier, showing that they planned to cross along a cemetery wall at Cerbère. They knew where to avoid the French border control. You were not to go farther into Spain until you got the Spanish entrada stamp on your passport. The Spaniards were interested only in Spanish transit visas and, above all, in money.

Refugees who hadn't yet received American visas were taking Chinese or Siamese visas and getting Portuguese transit visas on almost any identification they possessed which seemed to promise that the holder would go on from Portugal. The first difficulty was getting into Marseille, that is, past the police control for passengers arriving by train. You could avoid the police only by going into the station restaurant through a service corridor to the Hotel Terminus. There were risks. Foreigners weren't supposed to travel in France without safe conducts issued by the military authorities. Any foreigner caught traveling without such a safe conduct was likely to be sent to a concentration camp, where his future was uncertain, and where the Gestapo could get him if he was wanted.

The Nazis were dreaded, the French were corrupt and brutal, the American consular officials were difficult and nasty. So difficult and nasty, indeed, that they became Varian's particular antagonists. In a short preface to Surrender on Demand, ex-Secretary of State Warren Christopher writes of Varian that "regretfully, during his lifetime, his heroic actions never received the support they deserved from the United States government, particularly the State Department." That is putting it mildly. Varian's book is too taken up with the many people he saved (and the many more he couldn't save) to relate how Assistant Secretary of State Breckenridge Long managed to keep immigration quotas unfilled when thousands of refugees were desperate to get into America.

When a member of Varian's staff named Danny was arrested, and Vichy's Ministry of Finance intimated that Danny would be let off with a fine if the American Embassy intervened, Varian had no hope that this would happen. He was aware of the Embassy's hostility to "aliens." To his surprise, he was able "to touch something very deep in the American consul at Marseille, who helped get Danny off." This was astounding. Harry Bingham, son of Hiram Bingham, the former governor of Connecticut and United States senator, had been a humane, helpful figure as head of the visa section at the Marseille Consulate. But he was recalled, and his successor, Varian wrote, "seemed to delight in making autocratic decisions and refusing as many visas as he could."

Varian sought a visa for Largo Caballero, the Socialist prime minister of Republican Spain when Franco launched the Civil War. The Consul had never heard of him, and when he was finally informed who Caballero was, he said: "Oh, one of those Reds." Varian explained that Caballero had resigned the premiership rather than continue to cooperate with the Communists. "Well," the Vice-Consul said, "it doesn't make any difference to me what his politics are. If he has any political views at all, we don't want him. We don't want any agitators in the United States. We've got too many already." The court at Aix had refused to grant Caballero's extradition to Spain. If he could get him an American visa, Varian thought, he might be able to smuggle him to Casablanca and there put him on a boat for America. Caballero remained a prisoner of the Nazis until the end of the war.

Both the Vichy French and the American Embassy now sought to get Varian out of France. The Gestapo was bringing pressure on the French police to arrest him immediately. A high police official informed him that "you have caused my good friend the Consul-General of the United States much annoyance. . . . Unless you leave France of your own free will, I shall be obliged to arrest you and place you in résidence forcée in some small town far from Marseille, where you can do no harm." As Varian got up to go, he asked the official, "Tell me frankly, why are you so much opposed to me?" "Because you have protected Jews and anti-Nazis."

Varian played for time. He had no assurance of a replacement, and his staff was afraid that their "relief" organization would collapse if he was forced out of France. And finally he was. The Embassy had refused to reissue his passport unless he agreed to leave at once. The organization sent out nearly 300 people between the time he left in August 1941 and the time it was raided and closed by the police, on June 2, 1942.

Varian returned to the States, wrote his book, and quit *The New Republic* in protest against the pro-Soviet sentiments of its editors. His last years were unhappy. His first wife died, and he was separated from his second. He moved to Connecticut, taught Latin at a local school, and died in 1967. During his thirteen months in France, Varian's organization offered assistance to 4,000 people, and between 1,200 to 1,800 of those people made it to safety. Varian's organization saved British soldiers and pilots, Marc Chagall, Jacques Lipchitz, André Breton, Max Ernst, André Masson, Hans Namuth, Hannah Arendt, Wanda Landowska, Marcel Duchamp, Randolfo Pacciardi (leader of Italian exiles fighting in the Spanish Civil War), the German poet Hans Sahl, Victor Serge, Max Ascoli, the pianist Heinz Jolles, the Catholic writer Edgar Alexander-Emmerich, the psychiatrist Dr. Bruno Strauss, the German art critic Paul Westheim, the Sicilian novelist Giuseppe Garetto, the Surrealist poet Benjamin Péret, the former liberal Prime Minister of Prussia Otto Klepper, the museum director Charles Stirling, the novelist Jean Malaquais. There were many, many more. Chagall would not leave until he was assured there were cows in America.

Varian rescued also many people who were not famous, not distinguished, not artistic. And how it burned him that there were many, many more he was unable to rescue. This man really cared.

TRIBUTE TO A GREAT LEADER, CHITIMACHA CHAIRMAN RALPH DARDEN

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TAUZIN. Mr. Speaker, we have recently lost an important leader who made a significant difference in the lives of many people in southern Louisiana. The Chitimacha Indian tribe Chairman Ralph Darden had his life cut short on January 8th by a car accident.

Chairman Darden took the small and impoverished Chitimacha Indian tribe virtually from rags to riches in the decade he led the tribe. He believed in hard work and in the tribal members gaining self-reliance and not dependency on the Federal Government. He helped bring about a dramatic economic development for both the Chitimacha tribe and the surrounding communities to the point that Chitimacha is the biggest employer in the parish—aside from government.

But is was not only jobs and economic growth that Chairman Darden accomplished for the Chitimacha and southern Louisiana. He was committed to seeing that every Chitimacha child got a college education if they so desired and thus he helped underwrite their college scholarship program. He had served as President of the Chitimacha tribal school board and as a board member of the United South and Eastern Tribes. And he realized that the tribe had to diversify its economic interests and invest in land purchases and other industries for long term security. Already the tribe had one of the finest restaurants in south Louisiana named for the tribe's oldest living member, Mr. Lester. Chairman Darden looked out for the long term interests of his people. And he made his tribe one of the most respected "model" tribes in the country.

Chitimacha Chairman Darden had earlier worked for the current Governor Mike Foster and they remained good friends.

That he was widely respected and appreciated by the tribal members and by the surrounding community members was evidenced at his funeral attended by about 1,000 people. His sons gave moving tributes to their father and a young girl sang the "Colors of the Wind" song from the movie Pocahontas.

I cannot improve on the tribute poem written by another notable Indian Howard Rainer "To A Dear Friend":

"Who was this leader among Chitimachas?
Whose visions for his people went beyond the eyes of many?
A man who shared his example that others might succeed.
A Chitimacha who gave of his time for the cause of his tribe.
A man who prayed for goodness to prevail to the prevail to the next generation.
A leader whose heart heard the woes of many, and extended his hand to go on.
Who was Ralph Darden?
A mortal who gave that others might receive,
A husband cherished by his wife,
A father admired,
A light to those who now shed their tears,
May the Great Creator God Hear my prayer,
I thank Him for my brother,
Who shared his love and friendship, a gift I shall cherish, until we meet again!"

Mr. Speaker, I knew Chairman Darden.

I want to extend my personal condolences to Chairman Darden's family and to the Chitimacha and surrounding communities, and pay my personal tribute for his many achievements. His death is a big loss for all of us.

NOTING THE PASSING OF BERNARD 'BEN' KAUFMAN AN OUTSTANDING BUSINESSMAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STOKES. Mr. Speaker, it is with great sadness that I announce the passing of Bernard "Ben" Kaufman, an outstanding member of the Cleveland business community. Mr. Kaufman passed away on February 4, 1998. He was a good friend and an outstanding gentleman whom I respected and admired. In his honor, I want to share with my colleagues and others throughout the nation some important information concerning the late Mr. Kaufman.

Ben Kaufman was one of the finest printers throughout the Greater Cleveland area. It was a trade that he learned at an early age and devoted his life to perfecting. He was born and reared in Cleveland. Upon his graduation with honors from South High School, and armed with his printer's union card, he began working in various print shops. His employers included the Plain Dealer, the Cleveland News, and the Cleveland Shopping News.

In 1951, Ben Kaufman became a partner in Brothers Printing. Eight years later, he became the sole owner of the business. Those of us who came to know Ben Kaufman learned that although he owned the print shop, he was one of its best workers. He often worked long hours, arriving before sunrise each morning and working late in the evening.

Throughout his career, Mr. Kaufman took pride in the fact that he retained his union membership. Individuals who ran for public office, regardless of party affiliation, utilized his print shop. In fact, I recall that it was not unusual to encounter your political opponent while visiting Brothers Printing. My brother, the late Ambassador Carl B. Stokes, and I could always depend upon Ben Kaufman for printing advice and political advice as well.

Mr. Speaker, Ben Kaufman was also an individual who cared about the community. He was affectionately known as the "Mayor of Euclid Avenue" for his commitment to maintaining the neighborhood. Other merchants and residents of Euclid Avenue looked forward to the American flags which would line the streets on various holidays. We also recall that he would plant trees along Euclid Avenue in order to beautify the neighborhood.

Ben Kaufman was proud of the fact that his sons, Jay and David, followed in his footsteps and continue to operate Brothers Printing. I have enjoyed a close friendship with the Kaufman family and I extend my deepest sympathy to Jay and David upon the loss of a devoted father. I also want to express my sympathy to Ben's wife of 48 years, Dotty; his daughters, Rosean and Laura; his grandchildren and other members of the family. Ben Kaufman will be remembered as an outstanding businessman, a loving husband and father, and a very special friend to all who knew him. He will never be forgotten.

TRIBUTE TO HOSPICE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BOYD. Mr. Speaker, while November was National Hospice Month, I would like to take a moment now that the busy holiday season is over to recognize and thank several of the hospices which serve the communities in my district. Hospice of North Central Florida, Bay Medical Center Home Care and Florida Hospices, Inc., which is based in Tallahassee and serves all of Florida's hospices, make invaluable contributions to North Florida's families, all year round.

Hospice care involves a team of professionals, including physicians, nurses, therapists, home care aides, counselors and volunteers who help terminally ill patients and their families share their final days at home in peace, comfort and dignity. These hospice caregivers help patients, as well as their family members, with one of the toughest transitions in life. The hospice program, primarily based in the home, treats the person, not the disease; focuses on the family, not the individual; and emphasizes the qualify of life. Hospice care ensures that the patient's life is as fulfilling and satisfying as possible, right up to the last moment.

Last November, I was pleased to be personally invited by my friend Ron Wolf, to visit Bay Medical Center and participate in a breakfast honoring the many volunteers who give of their time to help North Florida's terminally ill patients and their families. Volunteers are the backbone of hospice care, and the multitude of volunteer positions available in hospice care serve as an opportunity for community members, old and young, to get involved in a service organization that provides critical care to those in need.

Hospice care has played an important role in my life. Two years ago, I lost my father to cancer. I do not know what my mother and my family would have done without the care that our area hospice provided. The hospice allowed my father to die at home, in dignity, surrounded by the people who loved him. I want to thank the caregivers who helped my family through a very difficult time. My family and I will never forget their commitment and compassion.

HONORING DR. KENNETH GERHART MATHIS, M.D.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary man, Dr. Kenneth Gerhart Mathis of Pasadena, TX, who passed away on Sunday, February 1, 1998. His passing is a tremendous loss for his family and all the citizens of Pasadena who knew this fine physician and civic leader.

"Dr. Ken," as he was known, graduated summa cum laude from Texas Christian University in 1952, the University of Texas Southwestern Medical School in 1955, and Bates School of Law, where he won the Fred Parks Award in 1977.

Dr. Mathis is best known for his radio show, KTRH's "Ask the Doctor," which aired from the mid-80's to October of 1990. His kind and gentle manner was evident on and off the air in his counsel to his many patients. He was well-read and well-rounded and his colleagues noted his phenomenal ability to communicate with his patients. He was a popular guest speaker and often lectured nationwide on many medical and legal topics.

It was always clear that what mattered most to Dr. Ken Mathis was the well-being of his patients. In an era when the practice of medicine is rapidly changing, he reminded many of an old-fashioned country doctor. He was always available to patients who needed him and often opened his clinic on weekends. Patients could go to his clinic rather than endure the uncertainty of waiting or the trauma of the emergency room. His patients respected him for his compassion and capability and trusted him for his knowledge and expertise.

Dr. Mathis was deeply committed to his country and the City of Pasadena. He served as a qualified flight surgeon for the U.S. Air Force in France from 1957–1959 with the 50th TAC Wing F–100 Jet Fighter Bombers. His civic activities included service as a board member of the Southwest Diabetic Foundation and the American Heart Association, and he received the Paul Harris Award form the Pasadena Rotary Club. He traveled widely and spread the word about Pasadena wherever he went. His many interests included the Shriners, trains, classic cars, boats, and of course Dutch Masters cigars.

Whatever he did, Dr. Mathis' intelligence, compassion, and integrity served him and all those he encountered well. He brought a tireless energy, an unflagging drive, and a passionate caring to each of his endeavors.

Dr. Mathis was more than just a great physician; he was also a great Texan, a dedicated citizen, devoted husband, father and grandfather. We offer our sincere condolences to his wife Gay, his children and grandchildren, and his entire family. We feel their loss as our entire community mourns the passing of Dr. Kenneth Mathis.

SISTER RITA STEINHAGEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. VENTO. Mr. Speaker, I rise today to bring the plight of Sister Rita Steinhagen to the attention of my Colleagues. Sister Rita, who has been serving the poor and the impoverished in Minnesota for decades, was among 22 people found guilty January 21, 1998 in a Federal court in Georgia of trespassing at the U.S. Army's School of the Americas (SOA) at Fort Benning, Georgia. The court sentenced her to six months in prison, and fined her $3,000. (A substantial amount for someone living effectively with a vow of poverty for 47 years.)

The horrific history of the SOA today is in focus. The SOA was established in 1946 to train military officers from Latin American countries. To date, nearly 60,000 military personnel from various Latin American countries have attended the SOA. Unfortunately, upon returning to their home countries, many graduates have instigated challenges to self-determination and participated in the overthrow of democratically elected governments and have been implicated in the broad abuses of human rights. It is apparent that the SOA did not teach its students proper and ethical conduct, rather perverse lessons were learned, and historically have been used to abuse the people of Central and South America.

Recently declassified documents have revealed the profoundly anti-democratic methods used to train Latin American militaries at the SOA. The Pentagon has released seven training manuals demonstrating that as recently as 1992, the SOA was distributing materials which instructed the student trainees in execution, extortion, and torture.

Sister Rita Steinhagen recalled the murders and rape by soldiers initiated and led by the graduates of the SOA that have never been punished. It is indeed ironic that people such as Sister Rita can be sent to prison for having the audacity to repeatedly and peacefully protest the SOA while the SOA's graduates outrageous conduct remains unpunished.

Sister Rita Steinhagen is a non-threatening woman. A dedicated Sister who is respected and admired by her colleagues and friends. Upon returning from her startling court sentence in Georgia, she was greeted by friends and supporters at Minneapolis-St. Paul International Airport clapping and singing, "When the Saints Go Marching In."

Sister Rita's life has been illuminated by a commitment to social justice. Her experiences express no threat to society or harm to any person. Rita Steinhagen grew up in Walker, Minnesota, where like many heartland Minnesotans, she enjoyed outdoor recreation and is a passionate fishing activist to this day. At the age of 23, she became a Sister of St. Joseph of Carondelet. She quickly acquired recognition as a Sister of St. Joseph, because of her outstanding service in health and social work.

Over these 47 years, Sister Rita has worked as a medical technologist. Her career is highlighted by founding the Bridge, a shelter for runaway youth, and The Free Store. More recently, she has been working with torture victims at the Center for Victims of Torture in Minneapolis, and of course her social conscience and active protests of such institutions as the SOA.

All of her devoted life, she has stood as an advocate for peace and human rights. She has frequently toured several Latin American countries and has personally experienced the graphic vista of horror. It was during these journeys that first led her to her involvement and protests with the School of the Americas.

Over 600 arrests occurred on Sunday, November 16, 1997. Over 2,000 people gathered at the main gate of Fort Benning, Georgia for a prayer vigil and memorial service marking the eighth anniversary of the massacre of six Jesuit priests and two women in El Salvador in 1989 by graduates of the U.S. Army School of Americas. Over 60 people from Minnesota were among those arrested. These arrests at the SOA are the largest number of nonviolent civil disobedience arrests at one time in the U.S. in over a decade.

Mr. Speaker, this peaceful Minnesota woman who has devoted her life to alleviating social injustice, stated to the federal court judge on the day of her sentence:

"Your Honor, I'm 70 years old today, and I've never been in prison, and I'm scared. I tell you, when decent people get put in jail for peaceful demonstration, I'm more scared of what's going on in our country than I am of going to prison."

Mr. Speaker, Sister Rita's words clearly demonstrate the irony of this case. We as Members of Congress, have a responsibility to uphold the law and ideals of social justice. We must honor and respect the men and woman who have sacrificed their lives for the well being of others and those willing to raise their voices to the contradiction within our system. Justice will not be served by the imprisonment of Sister Rita Steinhagen. The core values of our society have been ill served by the tragic consequence of the SOA operation.

Enclosed for Member's review is a recent Minnesota newspaper article concerning Sister Rita and the incident.

SISTER RITA GETS 6-MONTH SENTENCE—DO-GOODER NUN AWAITS JAIL FOR PROTEST AT FORT BENNING

Doug Grow

Sometime in the next few weeks, we are supposed to believe the country will become a safer place because a 70-year-old woman, Sister Rita Steinhagen, will be whisked off our streets and hauled to a federal penitentiary to serve a six-month sentence.

Sister Rita, who has been serving the poor and downtrodden in Minneapolis for only a few decades, was among 22 people found guilty Wednesday in a federal court in Georgia of trespassing at the U.S. Army's School of the Americas at Fort Benning in Georgia. She not only was hit with the hard time, but with a $3,000 fine as well—a hefty sum when you've been living with a vow of poverty for 47 years.

Sister Rita was surprised by the sentence.

"What did you expect?" I asked.

"I didn't expect six months," she said.

"When you do the crime, you're going to get the time," I said.

But Sister Rita says that's not true. She talked of how people, allegedly taught at the

School of the Americas, have murdered and raped in Latin American countries and never served any time at all. Sister Rita and others of her ilk keep thinking that if U.S. citizens ever understand that their tax money is being spent to train despots, rapists and murderers, they will be outraged and demand policy changes.

To date, it's not working out that way. So far, what's happening is that people such as Sister Rita are being sent to prison for having the audacity to peacefully protest and the rest of us are yawning. Anyway, the reason Sister Rita and the others got hit with the prison sentences for their misdemeanor offenses in November is that they were repeat offenders at Fort Benning.

So, who is Rita the Repeater?

For starters, she really doesn't look like a threat. She has white hair, a quick smile and a delightful sense of humor. For example, when she got off the plane at Minneapolis-St. Paul International Airport Thursday night after being sentenced in Georgia, she was greeted by friends and supporters clapping and singing, "When the Saints Go Marching In."

Sister Rita's response to the greeting?

"I said: 'This is peculiar. I got six months in jail, and everybody's clapping.' "

There's little in her biography to suggest that she's a threat. She grew up in Walker, Minn., learning to fish. (Her single most prized possession is her fishing rod, which she uses whenever she can.) She didn't even plan to become a nun. At 23, she went to visit a friend who was becoming a nun and discovered she felt comfortable.

"Do you think I belong here?" she asked one of the sisters.

"I certainly do," was the response.

And so it was done. Rita Steinhagen was on her way to becoming a Sister of St. Joseph of Carondelet. Sister Ann Walton, who is among the order's leadership team, said Sister Rita has represented the soul of the Sisters of St. Joseph.

"She is one of our finest," Sister Ann said. "She's in the pattern of the women [sisters] in the French Revolution who were imprisoned for their beliefs. She's in a very long line of people who have given of themselves."

Over the years, Sister Rita has worked as a medical technologist. In her career, she has founded a place called The Bridge, a shelter for runaway youth, and The Free Store. (The Free Store, founded by Sister Rita in 1968, still exists, though it no longer is affiliated with the Sisters of St. Joseph.) Of late, she has been working with torture victims at the Center for Victims of Torture in Minneapolis.

Through the years, she has been arrested at several Twin Cities protests but never served jail time. She also has made frequent work-related trips to Latin American countries and has been horrified at what she has seen and heard. It was the Latin American journeys that led her to the protest at the School of the Americas.

This Minnesota woman who has devoted her life to quietly doing good, didn't accept her sentence in silence.

"I told the judge: 'Your honor, I'm 70 years old today, and I've never been in prison, and I'm scared. I tell you, when decent people get put in jail for six months for peaceful demonstration, I'm more scared of what's going on in our country than I am of going to prison.' "

The response of Judge Robert Elliot?

"He didn't say anything," she said. "He couldn't care less."

Now, she's back in Minnesota waiting for the letter that will inform her where she's supposed to go to serve her sentence.

"There's no room," she said of the delayed sentence. "Isn't that something. You have to wait in line to go to prison."

This weekend, she planned to do her waiting by going ice-fishing in northern Minnesota. Rita the Repeater is going fishing because she needs the solitude—but beyond that, she'll be in prison when the spring opener rolls around.

PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation:

Mrs. MINK of Hawaii. Mr. Chairman, today I will vote against H.R. 2846, which seeks to prohibit the implementation of the national tests proposed by President Clinton.

The debate on national testing is not a new one. I remember these debates from the 60's and 70's and even more recently in the early 1990's. I opposed national testing then and I oppose it now.

My vote today does not reflect a change in my position on this issue, it is simply a statement that this bill is not needed at this time. We know there is a wide difference of opinion on national testing and it does always fall along party lines. In fact, the last major debate on national testing in the Congress was in 1991 and 1992 over a Bush Administration initiative to implement a much broader national testing system than what is being proposed by President Clinton.

When President Clinton offered his proposal for a national Reading test for the 4th grade and a national Math test in the 8th grade, we again embarked on this familiar debate.

With very passionate arguments on each side of this issue, the Congress—Members of the House and Senate—worked very hard last year to craft a compromise in the Labor-HHS-Education Appropriations bill. While not perfect, as most compromises are not, it was something that Members with very different views could agree on.

The compromise allows only the development of test, not the implementation or the distribution. It transfers the responsibility of overseeing the tests to the National Assessment Governing Board (NAGB), the same organization that conducts the well-respected NAEP (National Assessment of Education Progress) test.

The bill before us today flies in the face of that compromise. It adds no constructive element to the debate that continues on whether we should move forward on a national test and whether the Congress is ready to authorize such a measure. It seems more a political maneuver to focus on areas of disagreement, rather than to move forward on the many items of mutual agreement in an education agenda for this country.

This year the Congress must consider the reauthorization of NAGB and NAEP. It seems to me a more constructive approach would be to consider in the context of this reauthorization whether to authorize a national testing system. The compromise forged in the Labor-HHS-Education Appropriations bill will stand while the Congress works on the NAGB and NAEP legislation. Why we need to take up this legislation at this time, only a few legislative days since the passage of the Labor-HHS-Education compromise is puzzling.

Therefore, I will vote against this bill today. It is not constructive and it does nothing to further the debate on national testing in this country.

CONCERNING ATTORNEYS' FEES, COSTS, AND SANCTIONS PAYABLE BY THE WHITE HOUSE HEALTH CARE TASK FORCE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds:

Mr. STARK. Mr. Chairman, February 4, the House wasted an afternoon debating a totally meaningless "sense of the Congress" that the taxpayer "should" not have to pay about $300,000 in lawyers' fees for a group which had sued the White House over the make-up and secrecy of the long-defunct Health Care Task Force.

It was pure partisan bashing of the Clinton's health reform efforts. I repeatedly offered a unanimous consent amendment (the parliamentary rules of germaneness prevented a regular amendment) to make the Resolution real: to save the taxpayers from paying this fine. Repeatedly the Republicans rejected the offer to do what they claimed their Resolution was "trying" to do.

All in all, their position on this Resolution was the most transparent political nonsense that the Congress has seen in years.

The following memo from the American Law Division of the Library of Congress makes the silliness of their Resolution clear:

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 4, 1998.

To: House Committee on the Judiciary.
From: American Law Division.
Subject: Draft Joint Resolution Expressing the Sense of Congress that the Award of Attorneys' Fees in the Magaziner Case Not be Paid With Taxpayer Funds.

This memorandum is furnished in response to your request for an analysis of the above draft joint resolution, which was prompted by a recent federal district court decision. In

Association of American Physicians and Surgeons, Inc. v. Clinton, 1997 U.S. Dist. LEXIS 20604 (D.D.C. Dec. 18, 1997), the plaintiffs sued for an injunction declaring that the President's Task Force on National Health Care Reform did "not qualify for an exemption from the Federal Advisory Committee Act [FACA, 5 U.S.C. App. 2 §§1–15] as an advisory group composed solely of 'full-time officers or employees' of the government." During the litigation, Ira C. Magaziner, Senior Advisor to President Clinton, submitted a sworn declaration that all working group members were federal employees. The court found that this declaration was false, and that "the most outrageous conduct by the government in this case is what happened when it never corrected or up-dated the Magaziner declaration." Eventually, however, the government took action that amounted to what the court called a "total capitulation."

The plaintiff then filed an application with the court for an award of attorneys' fees; i.e., it asked the court to order the government to pay its attorneys' fees. A federal court may not order the United States to pay the attorneys' fees of another party, unless a statute authorizes it to do so. FACA contains no such authorization. However, the Equal Access to Justice Act (EAJA) authorizes awards of attorneys fees against the United States in two instances. First, under 28 U.S.C. §2412(b), it authorizes federal courts to order the United States, when it acts in bad faith, to pay the attorneys' fees of the prevailing party. Second, under 28 U.S.C. §2412(d), it provides that, in any civil action (other than tort cases) brought by or against the United States, "a court shall award to a prevailing party other than the United States fees and other expenses . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." Under §2412(d), but not under §2412(b), fees are capped at $125 per hour, and only individuals whose net worth did not exceed $2 million at the time the civil action was filed, and organizations whose net worth did not exceed $7 million and that had not more than 500 employees, may recover fees.

In response to the plaintiff's motion for an award of attorneys' fees, the court found that, prior to August 1994, the United States had acted in bad faith, and therefore was liable for the plaintiff's attorney's fees for that period without regard to the $125 per hour cap. As to the subsequent period, the court found that the plaintiff had prevailed, that it was an organization with a new worth below $7 million and fewer than 500 employees, and that the position of the United States, though taken in good faith, was not substantially justified. It therefore awarded fees for the subsequent period, subject to the cap. The total award, for both periods, came to $285,864.78.

The draft joint resolution expresses "the sense of the Congress that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds." As a sense of Congress expressed in a joint resolution, this proposal will have no legal effect if it is enacted. If its language were introduced as a bill and enacted as a public law, then its effect, provided it were upheld as constitutional, would be to preclude the United States from complying with the district court's order to pay the plaintiff its attorney's fees. This hypothetical statute, by itself, would not require anyone to pay the attorney's fees, because, as EAJA permits fee awards only against the United States, there would be no legal basis to assess the fees against anyone else.

An argument might be made, however, that this hypothetical statute would violate the Takings Clause of the Fifth Amendment, which provides: "nor shall private property be taken for public use, without just compensation." The hypothetical statute arguably would deprive the plaintiff of its private property, in the form of a fee award that a court had ordered paid to it. However, *Association of American Physicians and Surgeons, Inc. v. Clinton* remains subject to appeal, and, if it were reversed on appeal, the plaintiff would lose its entitlement to a fee award. *See, Poelker v. Doe*, 432 U.S. 519, 521 n.2 (1977). Consequently this property may not be "vested," and, if the hypothetical statute were to take effect prior to its vesting, then, arguably, no unconstitutional taking would occur. In *Hammon v. United States*, 786 F.2d 8, 12 (1st Cir. 1986), the court of appeals wrote: "No person has a vested interest in any rule of law entitling him to insist that it remain unchanged for his benefit." [Citations omitted]. This is true after suit has been filed and continues to be true until a final, unreviewable judgment is obtained. Chief Justice Marshall first announced that principle in *The Schooner Peggy*, 5 U.S. (1 Cranch) 103, 110, 2 L. Ed. 49 (1801). The Supreme Court held in that case that a court must apply the law in force at the time of its decision, even if it is hearing the case on appeal from a judgment entered pursuant to prior law.

A caveat, however: the preceding quotation states only the majority view as to when "property" status attaches to a cause of action. There is also case law supporting the "contention that one has a vested property right in a cause of action once it has somehow accrued. [Citations omitted] Those cases are conceptually difficult to reconcile with cases that hold that a plaintiff does not have a vested property right in a claim unless there is a final nonreviewable judgment." *Jefferson Disposal Co. v. Parish of Jefferson, LA*, 603 F. Supp. 1125, 1137 n.31 (E.D. La. 1985).

A cause of action accrues once the injury that gives rise to the cause of action has occurred. Therefore, those cases that find accrual sufficient for vesting would ipso facto find a final lower court judgment sufficient for vesting. Other cases do not make clear whether final judgments trigger property status only once they are no longer reviewable. For example, in *O'Brien v. J.I. Kislak Mortgage Corp.*, 934 F. Supp. 1348, 1362 (S.D. Fla. 1996), the district court wrote: "Reviewing the relevant Eleventh Circuit case law, it appears clear that a mere legal claim affords no enforceable property right until a final judgment has been obtained." One might argue that, even if mere accrual is not sufficient to trigger property status, and a final judgment is necessary, a *nonreviewable* judgment may not be necessary. Again, however, the majority view appears to be that a nonreviewable judgment is necessary. Consequently, it appears that the stronger argument would be that a statute that overturned the award of attorneys' fees in *Association of American Physicians and Surgeons, Inc. v. Clinton*, before a final appeal had been decided or the time in which to appeal had run, would be constitutional.

The draft joint resolution, we reiterate, does not purport to overturn the award of attorneys' fees; it would merely express the sense of Congress that the government not pay the fee award, and does not express the sense of Congress that anyone else pay it.

TAXPAYER REPAYMENT ACT OF 1998

HON. ASA HUTCHINSON

OF ARKANSAS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. HUTCHINSON. Mr. Speaker, my colleague, Mr. BLUNT, and I, would like to point out that over a year and a half ago, an historic agreement was reached under which lawsuits brought by forty states against the tobacco industry would be settled, the tobacco industry and regulation thereon would be restructured, and underage smoking would be targeted for reduction and eventual elimination. Today we are introducing legislation that guarantees that the estimated $386.5 billion to be paid by the tobacco industry under this settlement will, indeed, compensate states and individuals for smoking-related health costs and reduce rates of teen smoking, rather then perpetuate the cancerous growth of big government.

The Taxpayer Repayment Act of 1998 mandates that money collected by the federal government from any tobacco settlement be used to fund only those programs specifically authorized in federal legislation implementing provisions of the national settlement. Any revenue collected beyond what is spent on those specifically-authorized programs—programs that include, but are not limited to youth anti-smoking campaigns, Medicaid reimbursement, FDA regulatory reform, public health programs, compensation to growers, and litigant reimbursement—will be used to pay down the national debt and provide tax relief to all Americans.

Mr. Speaker, the American people have been footing the bill for tobacco-related health costs for far too long. It is only fair that we ensure that this settlement will provide a guarantee that they will be reimbursed for their troubles and not burdened with bigger government. The Taxpayer Repayment Act will do this. It will help protect our nation's children from the ravages of smoking, but it will also protect American citizens against the equally insidious cancer of bigger government and heavier taxation. Mr. Speaker, this is a reasonable and equitable bill, and we would urge our colleagues to support it.

HUTCHINSON-BLUNT TAXPAYER REPAYMENT ACT—SUMMARY

The Taxpayer Repayment Act guarantees that if a global tobacco settlement is enacted into law, health care, youth smoking cessation, and other programs authorized by the implementing legislation may be fully funded. At the same time, it ensures that extra revenue is used to reimburse Americans for their expenditures on tobacco-related health care costs and not burden them with bigger government and higher taxes.

SECTION 1—RESTRICTION OF NEW PROGRAMS

Prohibits money received by the federal government from a global tobacco settlement or from any state settlement from being used to create or maintain any new federal programs unless they are specifically authorized by federal legislation implementing the settlement.

Prohibits tobacco settlement money from being used to expand currently-existing programs unless such expansion is specifically authorized in the terms of the federal legislation implementing the settlement.

SECTION 2—USE OF EXCESS REVENUES

Directs revenues in excess of those used for programs specifically authorized in the terms of legislation implementing any portion of a global tobacco settlement toward tax relief (1/3) and debt repayment (2/3).

Creates a "Tax Cut Offset Trust Fund" into which the 1/3 slated for tax relief will be placed for use as Congress, by law, directs.

SECTION 3—SPECIFICS OF DEBT REDUCTION

Exchanges marketable government securities for unmarketable securities currently in the Social Security and other Trust Funds, thereby repaying these trust funds and reducing the national debt.

Requires that after all Trust Fund accounts are replenished, excess revenues be used for direct payments on the national debt.

SECTION 4—PROHIBITION ON USE OF EXCESS FUNDS

Prohibits excess revenues from being counted as new budget authority, outlays, receipts, deficit or surplus, for budget estimates.

Requires that when funds are expended from any trust fund into which tobacco settlement money is placed, a corresponding amount of marketable securities in those funds be sold, and the trust fund balance reduced accordingly.

SWEENEY AND BECKER ON THE RIGHTS AND ROLE OF LABOR IN THE GLOBAL ECONOMY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LAFALCE. Mr. Speaker, as world attention has focused on the financial crisis in East Asia, we have failed to consider the role of labor in resolving the Asian economic turmoil. The plight of Asian workers—and by extension, U.S. workers has been addressed only secondarily. Government and institutional officials lament the impact of reduced budgets, higher interest rates, and other deflationary actions on nations' workers, but opine that there is no other choice. In the long run, they argue, all workers will be better off by having a sound economy.

Mr. Speaker, this is old-fashioned thinking for a new age of globalization. Globalization means that we are all tied together. Governments, capitalists, financiers, and labor share economic problems and an economic future. We must either resolve our problems together or the problems will not be resolved. As the President of the AFL–CIO, John Sweeney, recently told participants at the World Economic Forum in Davos, Switzerland, "If labor has no role, democracy has no future." Labor must be part of the solution.

If we do not craft a global economy that allows all participants to benefit from growth, that ensures workers a voice in the economic architecture of the global economy, and that gives as much importance to the rights of labor as to the rights of capital, then globalization will not work. We will continue to fight economic crisis after economic crisis. And in the end, it will not be the financial fires that burn us—it will be the social and political flames that engulf us.

There are steps to be taken. First, the United States must speak out forcefully and at every opportunity for the rights of workers. Internationally recognized labor rights are not onerous to observe. They are the core, basic human rights that the United States should promote and defend as the world's leading democracy.

Second, the United States must actively commit to the Conventions of the International Labor Organization (ILO) by ratifying its core Conventions. There are now 181 Conventions. The United States has ratified 12, and only one—Convention 105 on forced labor—is considered a core Convention. Other core Conventions relate to rights of association, the right to organize and bargain collectively, minimum wage, and child labor. The U.S. should make ratification of all the core Conventions a top priority. The White House now has Convention 111 under consideration that would prohibit discrimination in employment based on race, gender, religion, or national origin. The White House should send this Convention to the Senate for ratification as quickly as possible.

Third, the United States should urge the International Monetary Fund to incorporate labor considerations and standards into its discussions and stabilization programs with member countries. A thriving, prosperous community of workers will translate to a thriving prosperous economy. If workers are left to bear the burdens of economic stabilization inequitably, then countries, companies, and investors will not achieve their stabilization objectives. Mr. Speaker, President John J. Sweeney of the AFL–CIO and President George Becker of the United Steelworkers of America made this case with eloquence and have advanced specific proposals. I wish to submit to the RECORD Mr. Sweeney's speech in Davos, Switzerland on January 31, 1998 and Mr. Becker's testimony before the Committee on Banking and Financial Services on February 3, 1998.

COMMENTS BY JOHN J. SWEENEY

It is a privilege and a pleasure to address the World Economic Forum, and to join the distinguished members of this panel.

Does labor have a role in defining the future? In the United States, ask the opponents of the minimum wage. Or the management of United Parcel Service. Or the proponents of fast track trade accords that ignore labor rights and environmental protections.

Let us be very clear. If labor has no role, democracy has no future. Social Justice does not "compromise the efficiency of the model." It is essential to its survival. If this global economy cannot be made to work for working people, it will rap a reaction that may make the Twentieth Century seem tranquil by comparison.

We meet at an historic turning—one that everyone in these meetings must see. The long effort to build the global market has succeeded. Capital and currencies have been de-regulated. Great corporations have built global systems of production, distribution, marketing. Barriers have been dismantled. Technology's miracles are turning our world into one neighborhood.

But the turnoil affliction the Asian economics sounds a dramatic alarm. The question now is not how to create the global market, but how to put sensible boundaries on the market that already exists. How to make the market work for the majority and not simply for the few. In this new effort, labor and other democratic citizen movements will and must play a central role.

Look around the world. Japan mired in recession, Asia in crisis that China still faces. Russia plagued by a kind of primitive, gangster capitalism. Europe stagnant. Africa largely written off by global investors, Latin America adrift.

The US is hailed as the great "model." Our prosperity is unmatched; the dollar is strong; our budget balanced. Unemployment and inflation are down and profits are up. But, most working people in the United States today labor longer and harder simply to hold their own. One in four children is born to poverty. One in five workers goes without health insurance. The blessings of prosperity have been largely captured by the few. Inequality is at level so obscene that New York investment houses this year warned executives not to talk about the size of their bonuses.

And now, the Asian nations are forced to export their deflation to the U.S. Our annual trade deficit will soar towards $300 billion. Over one million U.S. workers are projected to lose their jobs. Wages, only now beginning to recover, will once again be depressed. And this is the "model" in the best of times.

The current collapse calls into question not simply Asian practices but the global system itself. As Korean President Kim Dae Jung has said, authoritarian systems in Asian lived a lie. But their crony capitalism was bankrolled by the reckless high rollers of the global casino, including Japanese, European and American banks and investment houses.

The response to the crisis reveals the limit of the current arrangement. Conservatives say let the market solve the problem. But since the Great Depression no sensible leadership would take that gamble. The IMF is called in to stop the hemorrhaging. It bails out the speculators and enforces austerity on the people. Its prescription reinforces the very affliction it seeks to cure.

Treasury Secretary Robert Rubin has wisely warned about the "moral hazard" of bailing out profligate speculators and banks.

But too little has been said about the "immoral hazard" of forcing working people across the world to pay the price—in layoffs, declining wages and increasing insecurity.

I have just returned from Mexico, which has been presented as a "successes" for Asians to follow. There, speculators and bond holders had their losses covered. But some two million workers lost their jobs. The middle class has been crushed. Wages lost over half their value. Environmental poisoning is worse than ever. Political violence is spreading. Crime is spiraling out of control. Few nations can weather this form of success.

This global system broadcasts its stark contrasts—of untold wealth for the few and growing insecurity for the many, of laws that protect property and expose people, of liberated capital and repressed workers. The inequities are indefensible ethically, but they are also unsustainable economically—as U.S. Federal Reserve Chair Alan Greenspan suggests with his warnings about deflation.

I suggest to you that we must usher in a new era of reform. One that seeks not more de-regulation, but greater accountability. Not further unleashing of speculative capital, but channeling of real investment. Not greater license for corporations, but empowerment of workers and citizens.

Labor, environmental, and democratic citizen movements are already struggling to define this new internationalism in practice and in policy. At the AFO–CIO, we are building stronger working relations with unions across the world. We fight to defend labor rights at home and abroad. We are uniting with other citizen movements to struggle for basic environmental, consumer and civil rights. We will demand coordinated efforts to stimulate growth, to regulate currency and capital speculation, to extend labor and democratic rights as part of the response to the Asian collapse.

At the beginning of this century, the industrial revolution created new promise and glaring inequities. It took many decades—and revolutions, wars and a Great Depression—to elaborate the protections that saved that system from itself. Now at the beginning of the 21st century, the global economy poses the same challenge. Let us hope we need not relive the horrors of the past to reach its promise for the future.

TESTIMONY OF GEORGE BECKER

Mr. Chairman and Members of the Committee: My name is George Becker, and I am president of the United Steelworkers of America and chairman of the Economic Policy Committee of the Executive council of the AFL–CIO. I appreciate the opportunity to be here today on behalf of the thirteen million working men and women of the AFL–CIO. We in the labor movement are well aware that the financial crisis now roaring through east Asia will have profound consequences for working people all over the world. We stand in solidarity with the working people of Asia to urge the International Monetary Fund (IMF) and the U.S. Congress to put the interests of workers and communities at the top of their priority list as they take steps to address this crisis—not at the bottom, after the bankers, financiers, and multinational businesses have been taken care of.

Deep currency devaluations, in conjunction with austerity programs, will cut wages and purchasing power in South Korea, Indonesia, and Thailand. The United States will be pressured to act as importer-of-last-resort, absorbing cheap Asian goods while at the same time Asian markets for our exports dwindle.

In the aftermath of the crisis, the U.S. trade deficit is projected to grow by about $100 billion in 1998, resulting in a loss of approximately 1 million jobs (or potential jobs), most of them in the better-paying manufacturing sector. Job losses will be heavily concentrated in industries such as steel, electronics, apparel, and automobiles, in which east Asia is a large producer. Buyers in these key industries are enormously price sensitive. Export-intensive industries such as aircraft and capital goods will also suffer. Boeing is already reporting that Garuda Airlines of Indonesia has delayed taking delivery of six jets. If the crisis worsens, China will certainly reduce others.

Without fundamental changes in the structure of international financial markets and the institutions that regulate these markets, we can expect continued volatility and future crises of growing severity. The present moment of crisis is the time to press for necessary changes in the international financial system, particularly in the conditions imposed by the IMF in exchange for the "bailouts" it gives to countries that have exhausted all other sources of credit. The United States should condition further contributions to the IMF on fundamental changes in the IMF's program.

The clout and leverage exercised by the IMF must serve a broad set of social and economic goals. Currently, the IMF defines its mission narrowly, as protecting the interests of international capital. The IMF requires debtor governments to raise interest rates, cut public spending, deregulate financial markets, and weaken labor laws to facilitate massive layoffs and deep wage cuts. These terms may solve some short-term credibility problems with foreign investors, but will necessarily exacerbate the tensions, inequality, and instability of the global economy. Such policies are short-sighted and must be fundamentally altered.

The United States, which is the single largest contributor to the IMF, must use every means at its disposal, both formal and informal, to change the way the IMF operates. The AFL–CIO will support members of congress in efforts to assure that IMF programs reflect the following principles:

1. Commitment to and vigorous enforcement of international labor and human rights. Countries that receive IMF funds must commit themselves, in an enforceable way, to respect for internationally recognized worker rights. If necessary, this would involve modification of laws and practice to comply with ILO standards and human rights. These commitments must ensure that governments will protect workers' rights, even during times of crisis. Strong and independent labor unions play a crucial and irreplaceable role in assuring that the benefits of economic expansion are equitably distributed.

Some Administration spokespeople have argued that it is impossible to introduce worker rights conditionality in the context of emergency bailouts, given the short timeframe and the many other demands being put forth. We disagree. In any case, however, time pressures do not prevent the IMF from taking such action with respect to the seventy or so countries not in immediate crisis that are also receiving IMF funding. We realize that implementing such provisions cannot be accomplished unilaterally by the United States, but representatives of the U.S. government need to declare publicly that this is a policy we are seeking to achieve. This need to be consistently reinforced by all relevant U.S. government agencies.

The Sanders-Frank Amendment, enacted by Congress in 1994, requires that the U.S. Executive Directors to the international financial institutions (including the IMF and World Bank, among others) use the "voice and vote of the United States" to urge these institutions to encourage borrowing countries to guarantee internationally recognized worker rights. Our experience to date with this law has been disappointing. Nowhere in the IMF program for Indonesia, for example, are worker rights given even a cursory mention. Yet, in principle, with a contribution of 18 percent of the IMF's quotas, the United States could, if it so chose, effectively veto any loan package (IMF rules require 85 percent agreement on most decisions).

In addition to using our voice and vote at the IMF to this end, the U.S. government can and should act to garner support for such a move from our trading partners, especially in Europe. It would be useful to consult with the new governments of France and Britain, in particular, to develop a joint strategy, that would be more effective than independent action on the part of the United States.

We encourage the U.S. government to continue its efforts to bring the ILO into a more central role in the development of structural adjustment packages. Incorporating labor standards and social safety nets in the IMF program will produce an adjustment program that is more equitable, more successful and more sustainable, as has been shown in the case of the Czech Republic. A more balanced program will ensure that IMF demands for labor market flexibility (often functionally equivalent to weakening labor unions) are consistent with core labor rights.

Finally, the imprisonment of Muchtar Pakpahan in Indonesia continues to serve as an egregious and glaring example of the IMF's and the U.S. government's indifference toward worker rights. If it is possible for the IMF to recommend dismantling Korean labor law as a condition of emergency loans, then surely it is possible for the IMF to use its extraordinary leverage to force the Indonesian government to free this courageous and suffering man. Mr. Pakpahan's only crime is to have worked toward building independent labor unions. His health continues to be precarious, and his medical care continues to be extremely inadequate. U.S. government officials who have visited Indonesia recently have failed to make any public statements advocating the release of Mr. Pakpahan. Whatever private communications that may have taken place, if any, have failed to yield results. The release of Muchtar Pakpahan would be a symbolic, but important, step toward recognition of how integral the improvement of labor rights is to the current situation. It would also be a positive statement to Indonesian workers that welcome changes are occurring.

2. Domestic economic growth and development, not austerity and export-led growth. The model that led to this crisis glorifies export expansion as the preferred development path. This model leads to destructive, low-road international competition and worker impoverishment and is ultimately unsustainable, as the current crisis demonstrates. The United States has neither the capacity nor the will to absorb unlimited exports; thus, the rescue plan for east Asia must not rely exclusively on this premise. The U.S., Europe, and Japan must work together to stimulate domestic demand in the developing economies and avert a dangerous tendency toward global deflation.

3. Reduction in the volume of destabilizing capital flows. Over the long run, it is essential that policies to regulate short-term borrowing and to dampen speculative flows of capital be implemented. There are three structural dimensions to the crisis. They concern the interaction of exchange rates, foreign portfolio investment, and foreign currency denominated lending. All three dimensions need to be addressed.

First, the existing system is unstable and vulnerable to speculative exchange rate movements. A small "Tobin" transactions tax on foreign exchange dealings would discourage speculatively induced collapses. It would be sufficiently large to penalize speculative trading, but not so large as to deter long-term investors.

Second, foreign portfolio investment is extremely sensitive to exchange rate movements. The natural mechanism to slow such flows are "speed bumps," whereby investors commit to a minimum stay when they bring money in. Speed bumps stop sudden outflows because investors cannot withdraw their money at will. This has the beneficial effect of forcing investors to consider risk carefully before committing money.

The third element of the crisis concerns foreign currency denominated loans. Many countries cannot borrow in their own currency, and are therefore exposed to increases in debt burdens resulting from foreign exchange fluctuations. Since it is costly to "hedge," or pay a small fee to ensure against currency loss, borrowers often choose not to do so. Monetary authorities should require lenders to hedge their foreign country loans. This is equivalent, in a rough sense, to requiring international deposit insurance. This will cause the cost of credit to rise. However, the risk is there, and it needs to be priced in. Credit should not be subsidized through the provision of bail-outs paid for by taxpayers.

4. Transparency and broader participation in determining IMF policy. The IMF must consult regularly with labor unions and other broad-based organizations, not just with business and financial institutions, in the development of structural adjustment programs and emergency loan packages. Program documents should be made publicly available. By recognizing that workers must be included in developing a response to economic crisis, the tripartite commission (including representatives of labor, business, and government) established in South Korea is a promising step.

5. Ensure that speculators pay their fair share. The banks, corporations, and individuals who profited from risky investments during good times must not be shielded from losses during downturns. Banks must reschedule their debts with longer maturities and at appropriate terms, ensuring that financial losses fall on those who made poor decisions. This must be an explicit and widely understood condition for future IMF funding, as well. Asian and American workers and taxpayers must not be asked to foot the bill for a party to which they were not invited.

In his testimony before this committee on January 30, Secretary of the Treasury Robert Rubin argued that forcing investors and creditors to take losses involuntarily would "risk serious adverse consequences." He cited three reasons, none of which is entirely convincing. He argued that forcing losses could cause banks to pull money out of the country involved. Yet, banks are already pulling what money they can out of these countries. He raised the concern that such actions would reduce the nation's ability to access new sources of private capital. This was not, however, the experience of the 1980s, when banks did return to markets (such as Brazil) where they had been forced to accept reduced payments on their loans—after stability had returned. Third, Secretary Rubin argued, the "most troubling" issue was that this could cause banks to "pull back" from other emerging markets. But is not a central cause of this problem that banks have loaned excessively and imprudently in these emerging markets? It should be considered an advantage if a policy change causes banks to act more cautiously in the future.

Even if we move toward reform of the international financial system, concrete steps must be taken to stop the destabilizing flood of cheapened imports which have already been unleashed by this crisis. Strategic intervention by the United States and Japan could help the embattled currencies of Indonesia, Thailand, and South Korea stablize and regain some of their lost value. In the United States, steel, autos, electronics, apparel, and other threatened industries face an immediate threat which requires specific trade actions to maintain import shares consistent with 1997 levels in order to protect the jobs of these workers.

ASIAN FINANCIAL CRISIS

The financial crisis now roaring through east Asia will have profound consequences for working people all over the world. Deep currency devaluations, in conjunction with austerity programs, will cut wages and purchasing power in South Korea, Indonesia, and Thailand. The United States will be pressured to act as importer-of-last-resort, absorbing cheap Asian goods while at the same time Asian markets for our exports dwindle.

In the aftermath of the crisis, the U.S. trade deficit is projected to grow by about $100 billion in 1998, resulting in a loss of approximately 1 million jobs (or potential jobs), most of them in the better-paying manufacturing sector.

Without fundamental changes in the structure of international financial markets and the institutions that regulate these markets, we can expect continued volatility and future crises of growing severity. The present moment of crisis is the time to press for necessary changes in the international financial system, particularly in the conditions imposed by the International Monetary Fund (IMF) in exchange for the "bailouts" it gives to countries that have exhausted all other sources of credit. The United States should condition further contributions to the IMF on fundamental changes in the IMF's program.

The clout and leverage exercised by the IMF must serve a broader set of social and economic goals. Currently, the IMF defines its mission narrowly, as protecting the interests of international capital. The IMF requires debtor governments to raise interest rates, cut public spending, deregulate financial markets, and weaken labor laws to facilitate massive layoffs and deep wage cuts. These terms may solve some short-term credibility problems with foreign investors, but will necessarily exacerbate the tensions, inequality, and instability of the global economy. Such policies are short-sighted and must be fundamentally altered.

The United States, which is the single largest contributor to the IMF, must use every means at its disposal, both formal and informal, to change the way the IMF operates. The AFL–CIO will support members of Congress in efforts to assure that IMF programs reflect the following principles:

1. Commitment to and vigorous enforcement of international labor and human rights. Countries that receive IMF funds must commit themselves, in an enforceable way, to respect for internationally recognized worker rights. If necessary, this would involve modification of laws and practice to comply with ILO standards and human rights. These commitments must ensure that governments will protect workers' rights, even during times of crisis. Strong and independent labor unions play a crucial and irreplaceable role in assuring that the benefits of economic expansion are equitably distributed.

2. Domestic economic growth and development, not austerity and export-led growth. The model that led to this crisis glorifies export expansion as the preferred development path. This model leads to destructive, low-road international competition and worker impoverishment and must be reversed. The United States, Europe, and Japan must work together to stimulate domestic demand in the developing economies and avert a dangerous tendency toward global deflation.

3. Political and economic democracy. Without a strong and vibrant civil society, there is no counterweight to crony capitalism and no accountability for governments.

4. Reduction in the volume of destabilizing capital flows. Policies to regulate short-term borrowing and to dampen speculative flows of capital must be implemented.

5. Stabilization of exchange rates at levels closer to their pre-crisis values. The excessive devaluations caused by the loss of confidence in the East Asian currencies should be reversed. This is essential to blunt the negative impact of the crisis on American workers.

6. Transparency and broader participation in determining IMF policy. The IMF must consult regularly with labor unions and other broad-based organizations, not just with business and financial institutions, in the development of structural adjustment programs and emergency loan packages. Program documents should be made publicly available. By recognizing that workers must be included in developing a response to economic crisis, the tripartite commission (including representatives of labor, business, and government) established in South Korea is a promising step.

7. Ensure that speculators pay their fair share. The banks, corporations, and individuals who profited from risky investments during good times must not be shielded from losses during downturns. As banks reschedule their debts, financial losses must fall on those who made poor decisions. Asian and American workers and taxpayers must not be asked to foot the bill for a party to which they were not even invited.

Even if we move toward reform of the international financial system, concrete steps must be taken to stop the destabilizing flood of cheapened imports which have already been unleashed by this crisis. Steel, autos, electronics, apparel, and other threatened industries face an immediate threat which requires specific actions to maintain import shares consistent with 1997 levels in order to protect the jobs of these workers.

IN HONOR OF THE NEW YORK STATE BLACK AND PUERTO RICAN LEGISLATIVE CAUCUS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SCHUMER. Mr. Speaker, I stand with you today to pay homage to The New York State Black and Puerto Rican Legislative Caucus and the New York State Association of Black and Puerto Rican Legislators, Inc. as it hosts its 27th Annual Legislative Conference.

The Association, established in 1989, has been the successful non-profit arm of the Caucus. Charged with a philanthropic mission, it functions as an important partner in serving African-American and Latino constituents through scholarship programs and other community projects. I wish to commend them especially for their work in organizing this 1998 Conference.

The Caucus, since its inception in 1966, has successfully led the charge to ensure equal access, protection and representation of the interests of Black and Hispanic constituencies in New York State. To use its own words: "The Caucus has made it a policy never to wait on others to confront controversial matters but has willingly placed itself forward to be the first to rise to the occasion." And they have been true to their word. In Albany they have become formidable advocates for justice, tolerance and fairness in state government.

My years in the New York State Assembly allowed me the opportunity to work with this great body. For me it was an honor to have served beside such fine Caucus members as Al Vann, Denny Farrell and Arthur Eve to name a few. Today, it continues to be an honor to work with such impressive former Caucus members as Representatives RANGEL, OWENS, SERRANO and the newly elected Congressman from Queens, GREGORY MEEKS—all now serving in Washington. I admire the leadership and intensity current and former Caucus members continue to bring to the debate of social and economic justice in America. I thank you all for keeping the focus where it should be, on the hardworking communities of New York.

I salute the Caucus today upon the opening of its Annual Conference with the presentation of this CONGRESSIONAL RECORD statement for all that this fine body has attempted to do and all that it has done on behalf of New Yorkers. To the Caucus members, I with you many more years of success and I thank you for your fine service and dedication to the state of New York.

CHINA IS AWARE OF THE NEED TO CONSERVE WILDLIFE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ROHRABACHER. Mr. Speaker, I am pleased to report that since the introduction of the American Champion "Super Scout" spotter aircraft in antipoaching operations in Kruger National Park, South Africa, in September, 1996 by the non-profit United States-based Wilderness Conservancy, not one rhinoceros or elephant has been killed by poachers there. That is a success story that was made possible by a grant to the Wilderness Conservancy from the Forestry Department of the government of the Republic of China on Taiwan.

In the past, some conservation groups have criticized the Republic of China's government for what they believed was an insufficient effort to stop the illicit importation of ivory, rhino horn and other wild animal parts into Taiwan. In recent years, however, the ROC government has adopted ever-stronger laws to curb that illicit traffic, has strictly enforced them and has imposed stiff penalties on violators.

Beliefs in folk medicine techniques that employed wild animal parts took root over many centuries, and it has not been an easy task for the ROC government to change those beliefs (held especially by older persons). Nevertheless, the ROC has undertaken a concerted effort to end the illicit trade in animal parts in light of both human population growth and the drastic reduction of the wildlife populations upon which the traditional remedies were based. Today, the government of the Republic of China is engaged in a comprehensive environmental education program in its schools to make all of its young people aware of the need to conserve wildlife.

The ROC has done more. They have made an additional grant to the Wilderness Conservancy for the purchase of another aircraft, a refurbished Cessna 206. It will undertake a multi-purpose role in southern Africa this year. It will support the spotter aircraft by flying anti-poaching teams to airstrips ahead of fleeing poachers, in order to intercept them before they can reach safe havens. The new aircraft also will resupply game-scout teams deep in the bush, thus permitting longer patrols over larger areas. It will carry scientists of the Wildlife Breeding Research Center and their portable cryogenic laboratory into the field to facilitate Assisted Reproduction Technology (embryo transfer and in-vitro fertilization) and the creation of a Genome Resource Bank (the collection, processing, storage and use of gametes and other biological material from rare and endangered wildlife species). Finally, the aircraft will fill a humanitarian role by transporting volunteer doctors, dentists and nurses to remote villages to administer to those in need.

In addition to the Republic of China's grant to purchase the aircraft, the Wilderness Conservancy has received a grant from the U.S. Fish and Wildlife Service, under the African Elephant Conservation Act of 1988, to provide hand-held aircraft radios, hand-held Garmin GPS units and portable repeater stations to assist the anti-poaching effort. These will be in place this year and will make radio communication between pilots and ground teams possible, greatly enhancing the poacher-interception effort.

Saving the rhinoceros and elephant from extinction is dangerous work and requires great dedication by those who do it. These generous grants from the U.S. Fish and Wildlife Service and the Republic of China will help greatly toward the goal of ending the poaching of large wild animals. In the process, there is a unique four-way cooperative effort between the people of Taiwan, a conservation-minded American organization (with expert knowledge of aviation and anti-poaching), the U.S. Fish and Wildlife Service and the men and women on the anti-poaching front lines in South Africa.

IN OPPOSITION TO H.R. 1428, THE VOTER ELIGIBILITY VERIFICATION ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 1428, the voter eligibility verification act. This bill is unnecessary. This measure is based on the unsubstantiated premise that registration and voting by noncitizens in this country is a major problem that cannot be successfully addressed under current federal and state laws.

Under current law, the INS is already required to cooperate with election officials in investigations of voter registration and vote fraud.

This bill undermines the voting rights act of 1965 by placing the final determination of voter eligibility back into the hands of state and local election officials bypassing the protection of the voting rights act.

This bill also weakens the protections of the privacy act by exposing citizens' social security numbers.

This bill will not work. There are no federal lists of citizens, particularly of citizens who are born in this country. Two federal agencies, the Social Security Administration and the Justice Department argued against this proposal last year before the Judiciary Subcommittee on immigration and claims. The Social Security Administration stated that "it is unable to confirm citizenship." The Justice Department stated that the INS "cannot systematically use its automated databases to confirm whether an individual is a citizen."

This bill will discourage, not encourage voter participation. Very few citizens can produce their birth certificates in a few hours or days and replacement takes weeks and costs a fee. H.R. 1428 would subject citizens, especially first-time voters, or established voters who move, to inconvenience which will easily deter participation.

We need to encourage, foster increased voter participation. Members of this distinguished House know the importance of each vote. We have, since the civil rights struggles began, worked to eliminate barriers to voting, not to erect new ones to meet phantom problems. I urge my colleagues to join me and defeat this bill.

INDIAN GENOCIDE BETRAYS GANDHI'S PRINCIPLE OF NON-VIOLENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TOWNS. Mr. Speaker, will you please insert the following remarks as part of the CONGRESSIONAL RECORD'S extension of remarks section.

INDIAN GENOCIDE BETRAYS GANDHI'S PRINCIPLE OF NONVIOLENCE

Mr. TOWNS. Mr. Speaker, recently 22 of my colleagues and I wrote a letter to the Chief Minister of Punjab, Parkash Singh Badal, urging him to deliver on his campaign promise that he would appoint an independent judicial commission of inquiry to investigate the atrocities and genocide in Punjab. If South Africa can have its Truth Commission, why can't the truth about Indian genocide be brought to light?

This letter is not the product of a small ideological coterie. the signers come from both parties and they range across the political spectrum. What we have in common is a love of freedom and a belief that basic human rights must be respected, especially in countries that call themselves democratic.

The Indian government wraps itself in the mantle of Mohandas Gandhi, the spiritual leader of its independence movement. It has spent a lot of money to erect statues of Gandhi throughout the United States and around the world. Yet the genocide against the Sikhs of Khalistan, the Christians of Nagaland, the Dalits, the Muslims of Kashmir, the tribal people of Manipur, and others continues. Since Mr. Badal's government took power last year, at least 75 atrocities have been reported in the newspapers or otherwise documented.

In a democracy, especially one so overt in its dedication to the nonviolent principles of Gandhi, such genocide and ethnic cleansing should not be occurring. At the very least, the government should be investigating the genocide and bringing those responsible to justice. Instead, the Badal government in Punjab boasts that it has not taken action to punish any police officer. The central government in New Delhi is no better. Apparently, building statues to nonviolence is much easier than practicing it. No statue ever saved the life of a victim of state terrorism or police tyranny. What good did those Gandhi statutes do Jaswant Singh Khalra, the human-rights activists the police kidnapped over two years ago?

It is time to make India start living up to the principles it espouses. A judicial commission to investigate the genocide is the first step that must be taken. This would show the world that India is finally beginning to get serious about respecting the human rights of all people, not just upper-caste Brahmin aristocrats. Letting Amnesty International and other human-rights monitors into the country would also signal India's commitment to finding and punishing those who violate human rights. If India will not take even these minimal steps, then we must take strong action. It is time to impose tough economic sanctions on the Indian regime, cut off aid to that theocratic satrapy, and publicly support the freedom movements in the many captive nations of South Asia. By these steps we can help give the gift of freedom to all the people of the subcontinent. That is much more valuable than any statue.

On behalf of my colleagues, I would like to enter our letter to Chief Minister Badal into the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1998.

The Honorable PARKASH SINGH BADAL,
Chief Minister of Punjab, Chandigarh, Punjab, India.

DEAR CHIEF MINISTER BADAL: On January 5, four human-rights activists led by Colonel Partap Singh, President of the Khalsa Raj Party, and co-signed by Justice Ajit Singh Bains (Punjab Human Rights Organization), Inderjeet Singh Jaijee and Major General Narinder Singh (Movement Against State Repression) wrote a joint letter requesting that you fulfill your campaign promise to appoint an independent commission to investigate atrocities which have occurred in Punjab over the last 14 years.

The Central Bureau of Investigation, the Supreme Court of India and the United Nations Commission on Human Rights have found that the Punjab police have engaged in a deliberate policy of abduction, torture and illegal cremation of Sikh youth on a massive scale. All have urged your Government and the Government of India to facilitate a fully empowered and impartial inquiry into these and other custodial deaths.

We are also concerned that the police continue to engage in acts of murder, rape and torture of Sikh youth. Over 75 cases have been documented thus far. It is imperative that your Government fulfills its pledge to appoint an independent judicial inquiry to determine just who was killed and who was responsible. It will send a signal to those elements in the security forces that your Government will no longer tolerate security elements that engage in lawless and brutal conduct.

Just as we are witnessing in South Africa's Truth Commission, it is time for the truth to come out in Punjab, for better or for worse.

Sincerely,

Edolphus Towns, Dan Burton, Cynthia A. McKinney, Dana Rohrabacher, Richard Pombo, Donald M. Payne, Collin C. Peterson, William J. Jefferson, Jerry Solomon, Phil Crane, George Miller, Gary Condit, Roscoe Bartlett, Tom Coburn, John N. Hostettler, Sheila Jackson-Lee, J.C. Watts, John T. Doolittle, Sam Farr, Esteban E. Torres, Bernard Sanders, Wally Herger, Randy "Duke" Cunningham.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 12, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:30 a.m.

Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

Veterans' Affairs
To hold hearings on the nomination of Togo D. West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.
SH–216

Joint Economic
To hold hearings to examine the budget request for fiscal year 1999 for the International Monetary Fund (IMF).
311 Cannon Building

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Agricultural Research Service, Cooperative State Research, Education and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice.
SD–192

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

2:00 p.m.

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD–226

FEBRUARY 25

9:30 a.m.

Rules and Administration
To hold oversight hearings on the strategic plan implementation including budget requests for the operations of the Office of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Capitol.
SR–301

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1999 for Indian programs.
SR–485

9:45 a.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the use of speciality forest products from the National Forests.
SD–366

10:00 a.m.

Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1999 for the intelligence community.
S–407, Capitol

Judiciary

To hold hearings to examine incidences of high tech worker shortage and immigration policy.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending judicial nominations.

SD–226

FEBRUARY 26

9:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Secretary of the Senate, the Capitol Police Board, and the Congressional Budget Office.

S–128, Capitol

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department, focusing on law enforcement programs.

SD–192

Rules and Administration

To hold hearings on S. 1578, to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site, and to hold oversight hearings on the budget requests for the operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.

345 Cannon Building

Indian Affairs

To hold oversight hearings on the Bureau of Indian Affairs' tribal priority allocations.

SR–485

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of State.

S–146, Capitol

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To resume hearings to examine the confidentiality of medical information.

SD–430

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on oversight of the Antitrust Division of the Department of Justice, focusing on international and criminal enforcement.

SD–226

2:30 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MARCH 3

9:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Army and Defense programs.

SD–124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on defense programs.

SD–116

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Rural Utilities Service, Rural Housing Service, Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Federal Bureau of Investigations, the Drug Enforcement Administration, and the Immigration and Naturalization Service, all of the Department of Justice.

S–146, Capitol

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed legislation making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

SD–192

MARCH 4

9:30 a.m.

Indian Affairs

Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget, and to mark up the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use; to be followed by a hearing on s. 1280, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996.

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Air Force programs.

SD–192

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Commerce.

S–146, Capitol

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on the implementation of the Telecommunications Act of 1996, focusing on section 271.

SD–226

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Corporation for National and Community Service, and the Federal Emergency Management Agency.

SD–138

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Education.

SD–562

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Internal Revenue Service, Treasury Department.

SD–192

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Small Business Administration.

S–146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings to examine barriers to airline competition.

SD–124

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 10

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD–192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on sovereign immunity issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

MARCH 12

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

MARCH 17

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

Indian Affairs

To hold hearings to examine Indian gaming issues.

Room to be announced

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.

SD–192

MARCH 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.

SD–138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.

SD–192

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.

SD–192

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.

SD–124

APRIL 1

9:30 a.m.

Indian Affairs

To hold oversight hearings on barriers to credit and lending in Indian country.

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.

SD–192

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine competition and concentration in the cable/video markets.

SD–226

APRIL 2

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.

SD–138

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine airline ticketing practices.

SD–124

APRIL 21

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.

Room to be announced

APRIL 22

9:30 a.m.

Indian Affairs

To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.

SD–192

APRIL 23

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.

SD–138

APRIL 28

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.

Room to be announced

APRIL 29

9:30 a.m.

Indian Affairs

To resume hearings to examine Indian gaming issues.

Room to be announced

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.

SD–192

APRIL 30

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.

SD–138

MAY 5

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.

Room to be announced

MAY 6

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.

SD–192

MAY 7

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.

SD–138

MAY 11

2:00 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MAY 13

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD-192

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

POSTPONEMENTS

FEBRUARY 13

10:00 a.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine the ramifications of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime.

SD-22

HOUSE OF REPRESENTATIVES—*Thursday, February 12, 1998*

The House met at 10 a.m.

The Reverend Ronald F. Christian, Director, Lutheran Social Services of Fairfax, VA, offered the following prayer:

Almighty God, Your glory is made known in the heavens, and the firmament declares Your handiwork.

With the signs of Your creative goodness all about us, we must acknowledge Your presence in our world, through Your people, and within us all.

So, therefore, we pray for Your mercy when our ways are stubborn or uncompromising and not at all akin to Your desires.

We pray for Your guidance in the choices and chances of life, so that Your wisdom will inform our decisions.

And, we pray for Your grace so that we can place the consideration of others before the promotion of self.

For Herculean efforts given by common folk who serve their brothers and sisters every day in quiet love without the herald of trumpet or headline, we give You thanks, O God.

And, for the Olympian challenges faced every day by courageous people who are struck down by disease or destruction, we ask O God, for Your intercession.

Bless our days and our deeds in Your peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 43, answered "present" 1, not voting 33, as follows:

[Roll No. 14]

YEAS—353

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—43

Abercrombie
Baldacci
Becerra
Borski
Clay
Clyburn
Costello
DeFazio
Deutsch
English
Filner
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Kucinich
LoBiondo
McDermott
McNulty
Menendez
Moran (KS)
Obey
Olver
Pascrell
Pickett
Poshard
Ramstad
Schaffer, Bob
Scott
Sessions
Stupak
Taylor (MS)
Thompson
Velázquez
Visclosky
Weller

ANSWERED "PRESENT"—1

Spratt

NOT VOTING—33

Berry
Callahan
Clement
Crane
Crapo
Davis (IL)
Edwards
Ensign
Eshoo
Furse
Gonzalez
Harman
Hunter
Hyde
John
Johnson (WI)
Lantos
McDade
Miller (FL)
Mink
Nadler
Norwood
Oberstar
Riggs
Rush
Schiff
Smith (OR)
Snowbarger
Talent
Torres
Vento
Weldon (PA)
Young (AK)

□ 1023

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay."

Mr. EVERETT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. CAMP). Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN. The Chair will entertain ten 1-minute speeches on each side.

HONORING PRISONERS OF WAR ON THE 25TH ANNIVERSARY OF THE END OF THE VIETNAM WAR

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise today to draw my colleagues' attention, and the country's attention, to the 25th anniversary of the end of the Vietnam War, and in particular to the sacrifice and the service to America of prisoners of war and their families.

I think it is all too easy in peacetime to forget exactly how much was sacrificed. I think it is all too easy to forget that the young men and women we have in Bosnia, the situation developing in Iraq, the 38,000 young Americans in Korea, all of them are risking their lives, separated from their families, doing what it takes so that America can be free and safe.

We in this House have the great honor to serve with a man who was courageous in fighting for his country, a man who was courageous in serving as a prisoner of war, a man who came back to continue serving his country as a State legislator and a Member of Congress.

We all today have a chance, not just here in the Congress to vote on a resolution honoring prisoners of war, but to call on every county, every city, and every State some time during this 25th anniversary year to hold an event honoring those who have been prisoners of war, honoring their families and their children, recognizing what they do for all of us, and recognizing how much our freedom depends on their sacrifice.

I urge all of my colleagues to join me in recognizing a great American who we are privileged to have serve with us, the gentleman from Texas (Mr. SAM JOHNSON).

PROTECT EFFICIENT, GOOD QUALITY HOME HEALTH CARE

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. McGOVERN. Mr. Speaker, because of an ill-advised provision in last year's budget agreement, providers of home health care all across America are in danger of being forced out of business. Many of these home health agencies have been crucial in our efforts to control health care costs.

Unfortunately, because of the way the budget agreement was drafted, Medicare reimbursement rates for some agencies will be higher than others simply because of how those agencies structure their fiscal years. Further, the agreement requires that home health care agencies be in compliance with Federal spending caps before the government tells agencies what those caps are. Mr. Speaker, where is the logic in that?

Today I am proud to introduce a bipartisan bill with the gentleman from Utah (Mr. COOK), and 18 other cosponsors, that will help these providers to continue their important work.

Mr. Speaker, our bill allows home health care agencies, if they wish, to calculate their caps based on 1995 levels rather than the 1994 levels mandated by the budget agreement. The bill also takes into account the wide variety of agency fiscal years and allows for more home health care visits to our seniors under the caps. Finally, we push back the date of compliance, giving providers time to meet the requirements.

This problem is big and getting bigger. I urge my colleagues to join me in protecting efficient, good quality home health care. Our senior citizens deserve no less.

Mr. Speaker, I submit the following for the RECORD:

NATIONAL ASSOCIATION FOR
HOME CARE,
Washington, DC, February 10, 1998.

Hon. JAMES P. MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: On behalf of the National Association for Home Care (NAHC), the nation's largest home health organization representing home care providers, caregivers and the patients they serve, I would like to commend you for introducing legislation that would address some of the devastating inequities in the interim payment system (IPS). We wholeheartedly support your legislation, which will delay its implementation and change the base year for calculation of per-beneficiary caps.

As you know, IPS became effective with cost reporting periods starting October 1, 1997. The new per-beneficiary limits, however, will not be published until April. This means that approximately 2/3 of home health providers will be on the new IPS without knowing what their per-beneficiary limits will be. Your legislation, by delaying the implementation date, would ensure that providers would not have to be "flying blind" under a wholly new system.

Equally important is your provision which would change the base year for calculation of the per-beneficiary caps from fiscal year 1994 to "fiscal year 1995 or, at the election of the agency, calendar year 1995." This change will level the playing field among agencies and cap reimbursement rates at more reasonable amounts.

Once again, thank you for your leadership on this most important issue. We look forward to working with you to assure passage of the legislation. Please contact Eric Sokol or Lucia DiVenere of my staff if we can be of any assistance to you.

Sincerely,

VAL J. HALAMANDARIS,
President.

HOME HEALTH CARE ASSOCIATION
OF MASSACHUSETTS, INC.,
Boston, MA, February 11, 1998.

Hon. JAMES P. MCGOVERN,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the 155 members of the Home & Health Care Association of Massachusetts, I am delighted to offer our full endorsement of the McGovern/Cook bill that amends the Interim Payment System for Home Health Care under the Balanced Budget Act of 1997. We understand that Senator Kennedy will be filing a companion bill in the Senate.

It is our belief that the McGovern bill is a sensible attempt to retain Congress' intent to slow the growth in the home health industry while correcting the provisions of the law we believe are unreasonable and unworkable.

Your unwavering advocacy on our behalf has given our members hope that the inequities of the Interim Payment System may be corrected. The patients who depend on the services are grateful.

Once again, many, many thanks for your support of the home health industry.

Sincerely,

KEN MCNULTY,
President.
PATRICIA KELLEHER,
Executive Director.

INDEPENDENT COUNSEL TO INVESTIGATE INTERIOR SECRETARY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the announcement was made that an independent counsel will be appointed to investigate Interior Secretary, Bruce Babbitt. To this I say: It is about time.

Mr. Speaker, let us review what has happened here. When asked to explain why he denied a particular Indian gaming license, Secretary Babbitt responded that the administration instructed him to do so. Next, he denied ever having said that. Then he denied ever having made that denial. Finally, he has admitted that his original lie is the truth and that we just all have a big misunderstanding.

Well, Mr. Speaker, perhaps it is a misunderstanding, but somewhere between all the lies, all the denials, and all the misunderstandings, a $300,000 campaign donation was made to the

Democratic Party in exchange for governmental action against the noncontributing Indian tribe.

Hopefully, the independent counsel will be able to sift through the lies and find the truth. Clearly, the American people deserve no less.

□ 1030

CASEY MARTIN

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, Casey Martin is a 25-year-old young man who lives in America, the land of opportunity. He suffers from K-T-W syndrome which is a circulatory disorder in his right leg which causes great pain when he walks significant distances. Notwithstanding that, he had the courage to become a second team all-American on the Stanford golf team. The Professional Golfers Association said that the ADA did not apply to Casey Martin and it was not designed or intended to apply to competitors in professional sporting events.

The judge felt differently and sustained what I think we in this body felt, that somebody with a disability ought to be given a reasonable accommodation to participate as fully as their courage and commitment would allow.

Gary Phelan, a disability expert, was quoted as saying that the ADA was about opportunity, not pity. Casey Martin was the victim of fate, but he was not defeated by that disability. He has competed and prevailed. It was a great day for America yesterday when he was allowed to compete fully to the extent of his ability.

PARENTAL FREEDOM OF INFORMATION ACT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, yesterday I introduced the Parental Freedom of Information Act along with 48 other cosponsors. It is an act which will empower parents to guide and participate in the education of their children.

Teachers have told me that involved parents are the most important thing public schools need to help students learn. I believe involved parents must be informed parents.

The Parental Freedom of Information Act will ensure that parents have access to curriculum and testing materials to which their children are exposed and will require parental consent prior to any student being required to undergo medical or psychological testing or treatment while at school. Again, that is, before any mandatory medical exams or treatment or mandatory psychological testing, parents must be notified for their consent.

This legislation in no way seeks to influence the content or curriculum of tests. It simply allows parents to access the basic information which involved parents need to guide the education of their children.

Most of us agree that when parents get involved in their child's education, their children do better in school and their schools become stronger. This legislation will help remove the obstacles that prevent parents from being involved. So let us get behind the Parental Freedom of Information Act.

ON MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a CIA report says Mexico's powerful Interior Minister is dirty. He is tied to drug cartels and he turned a blind eye to drug trafficking. A blind eye to 7 tons of narcotics crossing the border every single day, 14,000 pounds?

After all this, the White House is officially certifying Mexico as a cooperating partner in our war on drugs. Unbelievable. Some war on drugs. The Interior Minister is dirty.

Their last drug czar was on the cartel's payroll, and 14,000 pounds a day are poisoning America. Beam me up. Evidently there is not as much testosterone at the White House as there is rumored to be. I say, let us secure our borders with the military who are falling out of chairs without armrests overseas.

Let us straighten out our country, Congress. And let us declare war on narcotics.

LOCAL RADIO

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, many of us take our local radio and TV stations for granted. Whenever we want to see the news, the weather, our favorite show, we can simply turn on our televisions 24 hours a day, 7 days a week. But there is another commitment our local broadcasters make, a commitment to our communities.

I am pleased today to commend the good work being done by stations in eastern North Carolina. Radio and television stations alike in the area run thousands of public service announcements each year covering every topic from alcohol abuse to senior issues. In addition, many eastern North Carolina stations play an active role in worthy causes such as raising funds for children's hospitals, collecting contributions to the Toys for Tots program and gathering pledges for local food banks. Whether it is helping the needy, protecting us with storm information or covering the local news, local broadcasters have built a great legacy of public service.

I come to the floor today to salute the fine work of broadcasters in eastern North Carolina and throughout the Nation, and to let them know that their efforts are appreciated.

PUERTO RICO

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, three days from today, 100 years ago, the USS Maine exploded in Havana, an incident that started the Spanish American War, a war that Americans proudly entered to free Cuba from Spanish rule, a war that also liberated Puerto Rico from Spanish rule, but turned Puerto Rico into a U.S. territory.

We have now been a territory of the United States for 100 years and we have been disenfranchised U.S. citizens for 81 years. Can any Member of Congress give us one good reason why 3,800,000 American citizens should be denied the right to vote and the right to representation? Puerto Ricans are part of the great American family, but a century has passed us by and we remain disenfranchised as a colony at a time when colonies are not only unfashionable but embarrassing to a Nation that preaches democracy throughout the world and calls for a plebiscite in Cuba. Congress has procrastinated on the solution to our political dilemma for too long.

Congress has the authority and the moral responsibility to approve H.R. 856, the U.S.-Puerto Rico Political Status Act, a bill for self-determination, a bill to pave the road to enfranchisement and equality.

IN TRIBUTE TO AMERICA'S PATRIOTS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, 200 years ago George Washington, in his farewell address, said that the love of liberty was interwoven into the ligament of every American heart.

Our country has changed much over the last two centuries. But one thing that has not changed is the sentiment Washington expressed: The love of liberty still burns in every American heart. On countless battlefields around the world, American patriots for over two centuries have repeatedly taught us the eternal truth: freedom is never free.

We are reminded of their ready sacrifice today, as the Speaker of the House so eloquently noted, as we reflect upon those now who serve overseas in harm's way, and also as we reflect upon the fact that 25 years ago, our first American prisoners of war returned from Vietnam. One of those brave patriots who answered the call of freedom and paid an immeasurable price serves in this body with us today: The distinguished gentleman from Texas Mr. JOHNSON.

I am honored to join the Speaker and my colleagues in paying tribute to SAM JOHNSON, and all those patriots like him, for their heroism, for their sacrifice, and most of all for their love of liberty.

DEMOCRATS' AGENDA

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, as we speak, Democrats in the House and Senate are joining the President and the Vice President to talk about our agenda for America. That American agenda includes education, reducing class size, hiring 100,000 new teachers, health care, making sure that people in America can choose their doctor, can receive the quality care that they deserve; also securing Social Security, making sure that it is secure into the new millennium, making sure that we modernize it and to expand it so that 55- and 56-year-olds who have been excluded from their jobs, who have been laid off, can buy into a medical program for themselves and their families.

Mr. Speaker, we stand ready to serve the American citizenry. We are happy today that the Senate and House Democrats are joining the President and Vice President in announcing to America that we will work for them, but we will work in securing and making quality education for all our children.

Mr. Speaker, this is a great day for the American citizenry.

IRAQ

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, the morning papers today recorded that Russia was providing weapons technology to Iraq. We have known for years that China has done the same thing. Does this mean that we must attack them as well as Iraq?

Instead, though, we give foreign aid to both China and to Russia, so indirectly we are subsidizing the very weapons that we are trying to eliminate.

I would like to remind my colleagues that bombing a country, especially one halfway around the world that is not a direct threat to our security, is not a moral act. A moral war is one that is defensive and a legal war is one that is declared by Congress. We should only pursue an act of war when our national security is threatened.

Bombing will solve nothing. It will open up a can of worms. We should not condone it. We should not endorse it. We should not encourage it.

Please think carefully before we permit our President to pursue this war adventure.

REFORM THE IRS NOW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, just when we thought things could not get worse at the IRS, they have.

I picked up this Washington Post article last week. The title is "IRS Goof Creates Returns That Keep Returning." At first I thought it was a joke, but then I learned that the IRS did make, in fact, a huge goof, about a million packets of 1040 forms sent out to the taxpayers had preprinted address labels. That is not going to do anyone any favors.

The famous world class computer system over at the IRS will read the bar code on the preprinted label and, one might ask, will it then send it to the proper location for processing? No, sir. It will not. It will send the form right back to you. In fact, we can even imagine the making of an infinite loop, with our 1040s just making around-the-world tours, back and forth between our houses and the IRS.

Mr. Speaker, the IRS is still out of control. It is enough. It is time for some radical reform at the IRS.

THE RUSH TO WAR

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, President Bush sent the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and others to brief House Members prior to and during the previous Gulf War. This has not been done this time.

Most Members of this body know only what they have read or heard in news reports. Why this rush to war? Why all this eagerness to send young American men and women into harm's way? The case has not been made.

I am certainly not defending Saddam Hussein. I voted for the last Gulf War and many have forgotten how close that vote was. But last time Hussein had moved on another country and was threatening others. Many nations, including our own, have weapons of mass destruction, nuclear and otherwise. Has there been any overt action or indication that Hussein is getting ready to use his? We have not been told.

The American people are not clamoring for war, Mr. Speaker. War should be the most reluctant decision we make, and then only when there is no other reasonable choice. As ABC's Forrest Sawyer asked on Nightline last night, Are we about to do more harm than good?

RECOGNIZING SAM JOHNSON

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, I rise today to honor my colleague and friend, the Honorable SAM JOHNSON. Twenty-five years ago tomorrow, the gentleman from Texas (Mr. JOHNSON) left Vietnam after nearly 7 years as a prisoner of war. He was shot down April 16, 1966, while flying his 25th mission over Vietnam. SAM JOHNSON can teach us all a thing or two about valuing and never taking for granted our freedom because SAM JOHNSON lost his for 7 years.

I would like, Mr. Speaker, if I could, to read one paragraph, an excerpt from his book "Captive Warriors." Its says a lot about the gentleman from Texas (Mr. JOHNSON), my friend.

"I turned my attention toward God. When the guards increased their patrols and their vigilance and my talks with Howie had to be stopped, I could still talk freely to God. I knew with certainty that He was present in that dark, cramped closet of a cell. He listened when I prayed. This I knew without doubt. He answered me. When Bible stories and verses of comfort came into my thoughts, I knew He placed them there. I was comforted and encouraged. And I began to know my creator in a way I had never known Him before.

"I know now in retrospect that God's intimate interaction with me in the Mint strengthened me and built my faith so that I would be able to trust him in the darkness of the terrible days that still lay ahead for me."

SAM JOHNSON, a great American and defender of faith and freedom, we salute him today.

ATTACKING JUDGE STARR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Former Arkansas Governor Jim Guy Tucker; Clinton business partners Jim and Susan McDougal; former Arkansas Judge David Hale; former Associate Attorney General and Rose Law firm partner of Hillary Clinton and golfing partner, Webb Hubbell; Arkansas businessman Eugene Fitzhugh; Arkansas businessman Charles Matthews; Arkansas appraiser Robert Palmer; Whitewater real estate agent Chris Wade; Arkansas banker Neal Ainley; former top Clinton aide Stephen Smith; Arkansas Little Rock developer Larry Kuca; and Arkansas businessman William J. Marks, Sr., 13 people either convicted or pleaded guilty.

□ 1045

I wonder how these people feel when they hear over and over again from James Carville and the Clinton attack machine, who defend ethical outrages that Judge Starr's investigations have "turned up nothing."

White House tactics bring to mind a tactic known to every trial lawyer: When you have the facts, argue the facts; when you have the law, argue the law; when you have neither the facts nor the law, attack the prosecutor.

Nothing to show? Maybe Judge Starr's attackers might want to ask those 13 people what they think.

DISMISSING THE ELECTION CONTEST AGAINST LORETTA SANCHEZ

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Oversight, I call up a privileged resolution (H. Res. 355) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Whereas credible allegations by contestant Robert Dornan of election fraud in the 46th Congressional District of California were received by the House of Representatives and an investigation has been conducted under the authority of the Federal Contested Election Act;

Whereas that investigation was repeatedly hindered and delayed by the lack of cooperation by the Department of Justice, the Immigration and Naturalization Service, and key witnesses;

Whereas the delay and lack of cooperation included the following:

(1) The refusal of the Immigration and Naturalization Service to provide any information to the Committee on House Oversight until the Service was subpoenaed and the failure 8 months after the subpoenas to provide the accurate information needed by the Committee.

(2) The refusal of key witnesses to provide evidence under the provisions of the Federal Contested Election Act.

(3) The refusal of the Department of Justice, in complete disregard of a resolution passed by the House of Representatives, to enforce the Federal Contested Election Act by prosecuting any of the 11 witnesses who refused to comply with the provisions of such Act which require production of evidence on a timely basis;

Whereas despite the lack of full cooperation from witnesses and government agencies, the investigation of the election contest in the 46th Congressional District of California has resulted in evidence that over 700 illegal votes were cast in that election, including votes cast by persons who were not citizens of the United States;

Whereas the evidence of illegal voting comes from the following sources:

(1) The Registrar of Voters of Orange County has indicated that 124 absentee ballots were cast illegally in the November 1996 General Election.

(2) The Committee on House Oversight's comparison of Immigration and Naturalization Service records and Orange County voter registration records provide evidence that more than 600 additional votes were illegally cast in that election;

Whereas the number of votes shown to be illegal by clear and convincing evidence is less than the post-recount 979 vote margin by which the election was decided;

Whereas it is critical that the incidence of illegal voting be reduced and eliminated in future elections and that the ability of investigators in future election contests to detect and punish voter fraud be enhanced;

Whereas the Committee on House Oversight should continue its investigation of illegal voting practices and recommend to the House of Representatives legislative measures to reduce voter fraud and improve the integrity of the voting process; and

Whereas the Committee on the Judiciary and the Committee on Appropriations should closely examine the operations of the Department of Justice and the Immigration and Naturalization Service to ensure that proper steps are being taken to enforce the laws of the United States and accurately provide information on the citizenship status of individuals, as required by Federal law: Now, therefore, be it

Resolved, That the election contest of Robert Dornan, contestant, against Loretta Sánchez, contestee, relating to the office of Representative from the 46th Congressional District of California, is dismissed.

The SPEAKER pro tempore (Mr. CAMP). The reported resolution constitutes a question of the privileges of the House and may be called up at any time.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us dismisses the contested election in California's 46th District. That is clearly the substance. The real story is that in the process of examining this particular contested election, it is clear that voter rolls across the country are suspect.

We all know that elections are fundamental to our democracy. Free and fair elections are essential in selecting our Representatives in this Republic. The belief on the part of people who cast their ballot that their ballot may be negated by someone who should not have been able to vote in an election erodes the fundamental basis of our democracy and our Republic.

There have been attempts in this process to argue that our concern about making sure that only those people who are eligible to be registered and, therefore, eligible to vote, was not the focus of our concern. Their arguments have been that, quite frankly, what we are doing is "racist;" that we are on a "witch hunt."

It is extremely difficult to understand why someone would not want to make sure that voter rolls are accurate. It is without contention, Mr. Speaker, that in those areas involving people who wish to become naturalized citizens that there are enormous problems today. We discovered just this week that the Immigration and Naturalization Service has hired one of the big five accounting firms to examine the way in which their process operates.

We have been accused of racism because we thought we needed some firmer identification than is currently available from the INS. The INS now admits that they are going to look at a proposal which requires digitized photographs and fingerprints at the beginning of the process, in the middle of the process, and at the end of the process.

It just seems to me that if that system is admittedly flawed, and that people have become citizens who should not have become citizens, or, even more regrettably, those private organizations who participated, ostensibly, in bringing this citizenship about, utilized the opportunity to interact with these nascent citizens in a way that put them on voter rolls illegally, has got to be investigated until it is resolved.

Included in the Coopers & Lybrand report is the suggestion that these private operations should be shut down. In the particular contested election in front of us, one of those private organizations, Hermandad Nacional, had 60 percent of the people it registered flawed. That kind of a ratio either indicates sloppiness or an unwillingness to follow the rules. Which clearly indicates we should not use these private organizations. Now, whichever instance it is, it simply means voter rolls are flawed.

Mr. Speaker, I yield 8 minutes to the gentleman from Michigan, (Mr. VERN EHLERS), the chairman of the task force, to give my colleagues an understanding of the details of this particular examination of an election beyond the normal examination of contested elections historically. And thank goodness we are finally looking at the problems behind the surface.

Mr. EHLERS. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I am pleased to come to the House and report on the results of a very thorough investigation of the Dornan-Sánchez contested election race.

I was given the following charge by the chairman of the committee, when I took this task: I was asked to chair this task force because of my reputation for integrity and honesty, and he emphasized in the initial assignment that he wanted me to be fair, honest, factual and thorough. This charge was reinforced by the Republican leadership of the House several times during the course of this investigation when certain issues came up, and once again I was always encouraged to be fair, honest, factual and thorough in the investigation. And I have certainly attempted to do that because that is the way I want it to be.

It is regrettable that many false charges were made by the minority party, even on the floor of the House, during the course of this investigation. Because I felt it improper for anyone involved in the investigation to comment, I restrained my comments at that time.

Initially, there were several charges made in the contest documents filed by former Representative Dornan. As we examined these, we found that many of them simply could not be substantiated. But what we did find was that charges of illegal voting, specifically of fraudulent voting by noncitizens, could be substantiated and, in fact, were true.

The initial examination by the registrar of voters of Orange County discovered 124 absentee ballots which were invalid, and so that reduced the 979 vote margin by 124. The California Secretary of State did an independent investigation of the election, along with the Los Angeles office of the Immigration and Naturalization Service, and identified in their first pass 305 noncitizens who had registered to vote and had voted.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I do not want to interrupt the gentleman's statement, but I want to ask him a question to clarify what he just said.

When the gentleman indicated that reduced the margin by 124, am I correct that in order to do that, we would have to assume that all of those votes were cast for the gentlewoman from California (Ms. SÁNCHEZ)?

Mr. EHLERS. Mr. Speaker, I thank the gentleman for calling that to my attention. I did not mean to imply that. Reducing the margin gets into another issue, but my point is that the reports from the Registrar of Voters and the Secretary of State certainly indicated substantial problems with the election.

Unfortunately, the national headquarters of the INS stopped the process by telling the Los Angeles office they were no longer allowed to cooperate with the California Secretary of State. At that point, the House Oversight Committee asked the INS to cooperate, and again we were told no. All this resulted in approximately a 3-month delay, until the committee issued subpoenas and the INS then responded to the subpoenas. The delay was most unfortunate because we wanted to wrap up the investigation quickly.

Another delay occurred with the subpoenas issued by former Congressman Dornan in an attempt to engage in the discovery process and get more information. All of those subpoenas were ignored by the recipients and no progress was made on that point.

Furthermore, the request by the House to the Department of Justice to enforce the subpoenas resulted in no action and, again, we incurred approximately a 3-month delay.

Finally, the Congress itself issued subpoenas to a few crucial witnesses and organizations, and after considerable work on our part and their part, they responded and we did get some information, although it is still in question as to how thorough that was.

I give this only by background to illustrate some of the difficulties encountered by the task force in attempting to ascertain the truth and, as I said, to be fair, honest, factual, and thorough.

Let me give a very brief report of the process and of the discoveries we made. This chart looks very complex because it is, and it is very hard to read because there is a lot of information on one sheet. I will not go through it in detail; I simply want to illustrate that the process started by getting a computer tape of the Orange County voter registration list, computer tapes of the INS database, and running comparisons. And that is what we started from.

The rest of the work primarily was going through the results of the computer match because we wanted to determine to the maximum extent possible what names had to be eliminated because they had proof of citizenship at time of registration to vote. So most of the work, contrary to what one might expect from a Republican majority task force, was not devoted to finding additional noncitizen voters but rather to prove that we could verify and document the results presented here.

□ 1100

Let me report now on what we discovered in terms of number of votes. After doing the computer check, eliminating obvious mismatches, we had an original number of 7,841 suspect votes. Upon further examination, going through not just the INS computer tapes but also through the INS written records and trying to clear up the many discrepancies we encountered, we discovered that 5,303 of the 7,841 actually were citizens and were legitimate registrants. So we subtracted that from the 7,841 and that indicated we still had 2,538 suspect registrants. Then, checking the voter records carefully, we determined that 1,718 of them, even though they had registered illegally, did not vote and so, therefore, had no impact on the election.

But it does illustrate the point that the chairman of the committee made a moment ago, this is definitely a matter of concern. Altogether, we have approximately 2,500 illegal registrants discovered in our process; and that has to be taken care of as a separate issue, through further legislation. That indicated that there were still 820 suspect registrants who did vote in the November 1996 election.

At that point we went into extensive examination of the data to try to document in the best possible way those that we could be certain were illegal noncitizens who voted, and the number that emerged was 624. We had circumstantial evidence that an additional 196 had voted but were unable to document it to my and our satisfaction; and, therefore, we decided not to include those in the total of questionable votes.

If we add to the 624 illegal noncitizen voters that we have identified the 124 absentee ballots that had previously been disallowed by the Orange County Registrar of Voters, then we discover 748 illegal votes. And that is the total that we had emerge as the number of illegal votes cast in that election. If one were to include those votes with circumstantial evidence of illegality, there would be 944.

Let me remind my colleagues again, the margin of victory was 979. Let me also remind my colleagues, the three options open to the committee and the task force were, number one, to dismiss the election, simply saying there is not sufficient proof to change the result of the election; number two, to say the evidence was so overwhelming in favor of the contestant that we had to overthrow the election and seat Mr. Dornan; and number three, to simply say, we cannot tell the result of the election, no one can tell the result of the election, and we vacate the seat and the State must call a new election.

It is our recommendation to the committee, and its recommended to the Congress, that we dismiss the election in view of the fact that the number of illegal votes we identified is less than the margin of victory that was previously determined.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding the time, and I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I thank my distinguished leader of the task force as we did our work. We appreciate his standing in and for all the work that he put into this committee and into the final report.

Mr. Speaker, we discussed this issue now for 13 months and $2 million of the taxpayers' money. I am happy that we finally came to a concluding approval that the case should be dismissed. We said that over and over again on this side of the aisle for the last 13 months. And we believe then, as we believe now, that there was no case against the gentlewoman from California (Ms.

SÁNCHEZ), as has been documented by the Orange County grand jury, citizens in that district, as has been documented now by the Republican secretary of state.

Mr. Speaker, there has been much time spent on this issue. Ms. SÁNCHEZ and some of our Members have been threatened. I myself received a threat on last Monday that my brains would be blown out because of my stance on this very important issue. What is at stake here is, Mr. Speaker, the Voting Rights Act: Should American citizens, and we mean citizens of America, be allowed to participate in the voting process that this country has. I believe that we should.

The 1965 civil rights law and the 1964 Voting Rights Act said that we ought to allow American citizens to participate. Was there fraud in this election? The Orange County grand jury said no. The Republican secretary of state said no. And more than that, the gentlewoman from California (Ms. SÁNCHEZ) won with over 900 votes, a solid victory.

It is unfortunate that we had to spend this time. I want to remind my colleagues that in 1964, when Rosa Parks, who was my constituent, by the way, refused to give up her seat, she did so because she believed that America was the land of the free and the home of the brave, she believed that civil rights ought to be afforded all American citizens and that those same citizens ought to be allowed the privilege to vote.

I fully support the registration of all citizens. I think that any impairment or any attack on the Voting Rights Act is despicable and we must fight against it. I believe that as we move to the new millennium in this country that we take all American citizens with us. Those that are disenfranchised, we ought to bring them also into the American dream.

Mr. Speaker, as a Member of this Congress for the first year and now in my second year, I am delighted to have served on the House Oversight in this hearing process. It certainly has grown me up and taught me that as we work for the American citizens we can speak out and speak up, that when we do right by the people who elected us, we have a better America for all of its citizens.

I am convinced that the Voting Rights Act is a very real part of that. I will fight vehemently any proposals that would weaken that Voting Rights Act for all American citizens.

I rise in support of the wisdom of Congress in dismissing the challenge by former Congressman Robert K. Dornan and ending, once and for all, the election that was certified by the people of the 46th Congressional District of California and by California's Republican Secretary of State. Although I voted for the legislation as a member of the House Oversight Committee, I voted for it with some trepidation and concern. I would also like to take this opportunity to thank the members of the Task Force for their hard work and diligence, especially the gentleman from the State of Maryland, STENY HOYER. Congressman HOYER's tireless efforts toward justice for the people of the 46th Congressional District, none of whom, I might add, will be able to vote for him in the fall, speaks to the highest aspirations and goals of public service. I am proud and privileged to serve with Congressman HOYER and Congressman SAM GEJDENSEN, my Democratic colleagues on the House Oversight Committee.

The legacy of the protection of voting rights for minorities in the United States was a hard-fought battle that saw its culmination in the adoption of the Voting Rights Act of 1965. Despite entreaties to the contrary, there has been no demonstration from the Majority that any changes to our current registration laws—proof or documentation of citizenship to register to vote, or to allow states to require Social Security numbers on voting registration applications—are needed or necessary to ensure the accuracy and validity of our nation's elections. A grand jury in California, and the Republican Secretary of State, concluded that no fraud occurred in this election of a Democratic member of Congress. After 13 months and $2 million in taxpayer's dollars in wasted funds, we have concluded 748 people may have—I emphasize, may have—voted improperly. Of this total, 124 of these "suspect" voters were elderly and disabled people who submitted absentee ballots. In California, ten million people voted. This resulted in one contested election, and of that, 748 votes may have been improperly cast. While this is not perfect, a 99.99 percentage for voting accuracy is certainly a pretty good electoral record.

We all want open, honest and fair elections and registration processes. What should not happen, as a result of this decision by the House Oversight Committee, is the further disenfranchisement of voters by even more restrictive registration requirements. As we all know, this would only be the beginning of the recurrence of poll watchers, literacy tests, and poll taxes—other relics of a bygone era that died with the adoption of the Voting Rights Act of 1965. These, and other further and unwarranted voting rights restrictions, hinder the progress and freedom of not just minorities, but of all Americans. Tomorrow will mark the anniversary of the founding of the Southern Christian Leadership Conference (SCLC), an organization founded by the late Martin Luther King, Jr. As we all know, it was the courage, bravery and dedication of a current resident of my Congressional District, Rosa Parks, whose single-minded refusal to negotiate her principles, led in no short measure to the adoption of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Thirty-three years later, I am afraid that we are witnessing the beginning of the end of that hard fought battle.

I am also concerned about this legislation's precedence for tort law. While I am not an attorney, it was my belief that one of the principles in law is that the loser pays. It befuddles and confuses me as to why the legal bills of the loser, former Representative Robert K. Dornan, are being reimbursed along with those of the winner, Representative LORETTA SÁNCHEZ. It is unfortunate that Congressman HOYER's attempt to eliminate this patently unfair provision was not approved by the Committee.

I fully support the full and unfettered access to registration and voting for all U.S. citizens. I will continue to fight against any further erosion of the Voting Rights Act, and encourage my colleagues in Congress to do the same. Access to voting denied to a single senior citizen casting an absentee ballot, to a newly-naturalized citizen, or someone who has voted in the last several elections, based on a peremptory analysis of one's race, creed or ethnicity, is access to voting denied to us all.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. NEY), a member of the contested election task force.

Mr. NEY. I thank the chairman for yielding me the time.

Mr. Speaker, let me go over a few, I think, important points of what occurred through the task force. I want to commend the gentleman from Michigan (Mr. EHLERS) for his integrity and thoroughness on the issue, and also the gentleman from California (Mr. THOMAS), the chairman, and all members of the task force for going through the entire process.

But the task force found evidence of over 700 illegal voters. Now 124 of those were illegal absentees, according to the Orange County Registrar, because of the procedure. But also in the area of noncitizens, 600 noncitizens, based on matching of INS and voter lists, in fact voted in this election. Now that is two-thirds of the entire total margin of victory.

I know we cannot say who they would have voted for. I fully realize that. I do not know who those people would have voted for. But I think it has got to be pointed out that in fact these 600 voters existed in this election.

Now as far as the evidence of over 1,700 more illegal registrations, there is evidence that there were 1,700 more. They did not vote but they could have in any election throughout California or anywhere else; if in fact illegal voters exist, they can vote.

Now the task force, I think this is important, confirmed that 60 percent of Hermandad's registration was illegal. That bothers me because Hermandad Nacional Mexicana registered 1,160 persons. Sixty percent were not properly registered, they were illegal. And that means that taxpayers across this country also, because there were taxpayers' dollars involved with this group, paid for that. Now I do not think that is a good use of any taxpayers' dollars across this country. I think the conclusion is the system for detouring voter fraud is flawed.

I just want to say something about the attack on voters' rights. This is not an attack on voters' rights. This is standing up as the United States House of Representatives, in a United States congressional election, and supporting voters rights. All we ask is that those voters be citizens. And under the California law, they were not citizens.

So the final conclusion of this task force, I think, points out that it is not about who won or lost, but it is about the American people, who become very, very apathetic in voting across the country. And American people know that the United States House looked into illegal voters and that after this we follow up together on a bipartisan basis to ensure that the best elections are held in any State and in any district across the country.

The bottom line of this is that there has been a lot of things said and people's emotions. If we listen to our voice mail, threats run both sides I guess. But I think that the significant point to this is that at the end of the day, when Bob Dornan came to us and said that there were illegal voters, Bob Dornan was right, there were illegal voters, 600 noncitizens in that election.

But the other thing that Bob Dornan did with his tenacity, and I know nobody likes these types of hearings, it is not pleasant for anybody, but it does point out that in fact we have flawed elections in the country, elections, the election process, that we have to correct if we expect voters to have confidence in the United States congressional elections or in elections all the way down through the courthouse level across this country.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

I want to say just to clarify as this debate proceeds, our side believes, based upon what we have been able to count, we categorically deny that there is substantial proof that there is anywhere near the number of 600, 500, 400, 300, 200 confirmed noncitizen voters in this election.

Now, the majority has not shown us their analysis yet, so we cannot analyze their figures. But ours show that their figures are wildly inflated.

Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Mr. Speaker, this has got to be a bittersweet moment for the gentlewoman from California (Ms. SÁNCHEZ). The women Members of Congress rejoiced when a new woman joined us in 1996, bringing the number of Hispanic women finally to four. But my colleague was forced to win her seat twice: first at the polls, and then from a baseless challenge in the Congress itself.

Her ordeal has been unworthy of a body that promises democracy and fair representation. But she has shown herself to be a fighter extraordinaire. The attempt to steal her seat has raised her status from simply one more excellent new Member to one of heroic proportions throughout this country.

The best way to make this one right is for every Member of this House to congratulate her and wish her well. LORETTA, you won, not once but twice.

Mr. THOMAS. Mr. Speaker, might I inquire of the time on both sides?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 14¼ minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 24½ minutes remaining.

The gentleman from Maryland has 25½ minutes remaining.

Mr. HOYER. Mr. Speaker, we have two or three people coming. We moved pretty quickly here, and we are waiting for somebody to yield to.

Would the gentleman like to take one speaker, then we will take one?

Mr. THOMAS. My understanding from the Speaker is that you have 10 minutes more than we do. And it is usually customary in debate to try to even the time up. You have 25 minutes. We have 14.

Mr. HOYER. If you have one more short speaker, if you will take that, then we will take a long stretch of time to do exactly that.

Mr. THOMAS. I tell the gentleman that I have a number of speakers that want to speak a long time. The outrage of what went on requires a lot of time consumption.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON), distinguished ranking member.

Mr. GEJDENSON. Mr. Speaker, it is with great pleasure that I come to the floor today. This last 14 months need not have occurred. What was clear from the very beginning was that the gentlewoman from California (Ms. SÁNCHEZ) had won her seat in Congress, she had won it by a substantial majority, a majority that exceeded the majority of the Speaker of the House in a previous election. The process we went over which lasted these months was completely irregular.

□ 1115

It was partisan, it was an attempt to create a crisis where none existed, and frankly, it is the wrong message to send to the American people. In a country that has virtually half its citizens not registered and only half of them showing up to the polls, with the percentage of people voting and registering on a continuous decrease, this is a wrong message to send to America.

It is clear from the very beginning, from the court action taken in this case, that this was a legitimate victory; and the only reason we may be here today is over a battle of several elections ago in a case in Indiana, nothing to do with the gentlewoman from California. Had the majority adhered to the law, we would have dismissed this motion in its first days.

Our previous colleague, Mr. Dornan, maybe properly thought, but when he looked at several homes in the district and found 18 people with different names in one house, that there was something irregular. One house turned out to be an establishment for a religious order; the other was a military facility or house where military individuals lived together quite legally, all registered legally. And if polling information tells us anything, the Marines probably voted for Mr. Dornan, and he might have even gotten a small portion of the religious order as well.

We need to end this process today, and I will vote for this resolution, although there is much in this resolution that is inaccurate, and it seems to be a rationalization in the last 14 months.

My daughter happens to be here today, and I was waiting until she got here with a class from this community of new immigrants to America. My parents came to this country in 1949, and by 1950–1951 we were living in the State of Connecticut. My parents broke no laws. When my mother saw a uniformed officer, she would tremble because of her experiences under the Nazis and Stalin.

To have a major political party in this country have a record where it put ballot security police only in areas of immigrants is an outrage to what this country stands for. We ought to be encouraging new immigrants to participate in this system, not trying to intimidate them from that participation.

The laws we have in this country need to focus on fraud. The grand jury found none. Where there are humans, there are mistakes, but this was a clean and fair election, and what we do here today is right, but it is late. Let us move forward and free this district and give the honor and respect to our colleague she deserves.

I would like to particularly mention the great work the gentleman from Maryland (Mr. HOYER) has done in this case, and appreciate his efforts in this one and a previous election.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not pleased that the primary argument being made is once again name calling and guilt by association. In the minority's own views that were filed today, they say there may have been mistakes, problems or even illegalities in the election in the 46th district. Our job was to get to the bottom of that. I am just sorry that there was an attempt to argue something entirely different than what this was about, and apparently it continues on the floor even today. It simply will not wash.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, first and foremost, when the integrity of our election process is in question, it is certainly something that should be investigated when we have made it more easy for illegal aliens to register to vote with this motor voter program that was put in place several years ago. Of course, we want to make sure that the people who are voting in elections are legally entitled to vote; otherwise we are diminishing the rights of our own people.

This is a case that should have been investigated. Something smelled about that election from day one. Hermandad has received a great number, a great amount of Federal funding. Hermandad, an organization that was deeply involved in LORETTA SÁNCHEZ's campaign, received Federal funds, and they ended up registering to vote people who are not entitled to vote. Sixty percent of the people in that, who are registered by that organization, were not legal voters.

This is something that deserved to be looked into, and I think that we have not proven or disproven exactly who won or did not win that election in the 46th.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 2 minutes to the distinguished chairperson of the Hispanic Caucus, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, the voters of the 46th Congressional District have reason to celebrate. After a year of investigation and political posturing with a taxpayer price tag of $1 million, the Republican leadership has been forced to give up its investigation because it has found nothing to substantiate its claims that the gentlewoman from California (Ms. SÁNCHEZ) was not duly elected by the voters in her district.

The 46th District can celebrate with pride because, in spite of Republican attacks and efforts to discredit their vote and their Congresswoman, the gentlewoman from California (Ms. SÁNCHEZ), fought back with dignity and honor to protect their right to elect their representative while at the same time working diligently and effectively on their behalf in the halls of Congress.

It is unfortunate that the Republican leadership refuses to accept the facts and gracefully allow the gentlewoman from California (Ms. SÁNCHEZ) to serve her district. Instead they have chosen to resort to tactics unworthy of their leadership position by introducing this unfairly worded resolution.

Nonetheless, this issue must be dismissed, and I ask my colleagues to vote aye.

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from the 46th district of the State of California (Ms. SÁNCHEZ), making it clear that at no time was there any evidence or allegation that she did anything other than act properly during the election in the 46th District.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for this time and for his diligent and effective representation for the citizens of Orange County. I thank also the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from Michigan (Ms. KILPATRICK), and the gentleman from New Jersey (Mr. MENENDEZ), who have each carried a special burden in this cause. And to all of my colleagues on this side of the aisle and to a handful on the other, congratulations.

They were right. When others were spreading false and dark and shameful allegations of criminality and conspiracy, they stood tall for justice, and their judgment was confirmed by 19 honest citizens on a grand jury of Orange County.

It was unfortunate to call this process an election contest. It causes some to think that this is a game. It is serious business whenever we contemplate throwing out a single ballot in any race, especially when a voter has never been confronted with the evidence against them.

It is not over. In the coming days the committee intends to have these suspects purged from the voting rolls despite overwhelming evidence that the vast majority were legal voters last November.

I hold here in my hand an official document of the committee. However, the committee is so ashamed of this political hit piece it would not even put its own name on it. I say to the gentleman from California (Mr. THOMAS), his document contradicts his own task force chair, the gentleman from Michigan (Mr. EHLERS).

It is rebutted by 4 sworn statements. It is refuted by the indisputable fact that the accuser claims he was in possession of an absentee ballot even before they were distributed by the Republican registrar of Orange County. And finally, he leaves out the fact that he was a disgruntled fired employee of a school district and that he made his accusation against a school board member who refused to order his reinstatement and who was not an employee of my committee.

A word about racism: We searched the CONGRESSIONAL RECORD for the last Congress and found 50 occasions when this House and the other body debated race-based outcomes. Of course, those references to racial preferences and reverse discrimination and race-based set-asides were about affirmative action. Whenever this Congress subpoenas government records of Americans at the INS, for a narrow slice of time in a small geographic region the outcome will be race-based.

In Grand Rapids, Michigan, the outcome would unfairly target Dutch immigrants; in San Francisco, the Chinese immigrants; in Miami, the Cubans would be unfairly labeled; and in Providence, Rhode Island, it would be Italians. Racism is persistent and as real today as it was 100 years ago.

As we honor the birth of a great leader, President Lincoln, let us resolve to understand these issues and to open our minds to do more to end this bias against any ethnic or racial subgroup.

I say to the gentleman from Ohio (Mr. NEY) I heard and understood him on this issue, and therefore I extend an invitation. If he will permit me to join him in a school in his district to discuss voter fraud or anything else, I will host him in my district to do the same.

And to the gentleman from Michigan (Mr. EHLERS), he says the Contested Election Act needs changes. I invite him to sit down with my staff and to do bipartisan reform.

And to the gentleman from California (Mr. THOMAS), his district and mine have serious problems with water reclamation projects. Half of our State today is declared an emergency. Could we not begin tomorrow by working together on this important issue?

And to the Speaker, the gentleman from Georgia (Mr. GINGRICH), I know of his proposal to launch a new effort in America's schools to teach civics. I challenge him to expand his ideals and ensure that every 17-year-old spends time learning about registration, the electoral system. Give them hands-on experience. Let them see what voting is about. We must do more to reverse the decline in voter participation in this country of ours.

And finally, I am reminded of 2 Sundays ago when I was the guest of honor at a Catholic mass in my district. The priest gave a sermon about rejection, the rejection Jesus felt when he was turned against and the rejection his Orange County parishioners felt when their votes were cast in doubt.

Today, Orange County is celebrating the dismissal of this case. I am going home to tell those parishioners that the faith they placed in this democracy has been honored, that they have not been rejected by those who stood tall in their defense, that here, uniquely in this world, justice will ultimately prevail on behalf of the voters of Orange County.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, included in that list, I hope, is working together to make sure that the modernizations in the INS that have been requested, including digitized photographs and fingerprints, are part of that order so that we can once and for all guarantee that the voting rolls are clean.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise to speak against the resolution before the House to dismiss the election challenge by Congressman Robert Dornan.

I believe the House is setting a terrible precedent on how to handle a contested election. Each Member is being asked to vote one way or the other on this highly important matter, but the vast majority of the Members have been unable to read, let alone see, the report from the House Oversight Committee regarding the contested election.

My staff has been trying since last Friday to obtain a copy of the committee report to review the details of this case. As of this morning, my staff still has not been able to get a copy.

This is no way to dismiss a contested election. How can I, as a Member of this body, fairly determine the accuracy of the House Oversight investigation without having the ability to review its report.

The Committee has discounted 624 votes. Beyond these votes, the Committee has listed an additional 196 votes as indicating circumstantial illegal noncitizen voting.

But the Committee is not adding the 196 additional possible illegal votes to the total. Why?

We have not been shown adequately why the 196 votes have not been added to the total. If we add the 124 absentee ballots that have been disallowed by Orange County and the recent subtraction of another 26 votes by the County due to voting in a non-residence and double registering, the total illegal votes documented and alleged is now 970.

Ms. SÁNCHEZ had been originally designated the winner by 979 votes, but now we have indication that a possible 970 votes were cast illegally—providing Ms. SÁNCHEZ with a victory by just nine votes.

Are we ready to dismiss an election challenge that has been deemed to have been won by 9 votes with over 900 potential illegal votes.

I do not believe we have given this election challenge its absolute fair review and the Committee has not done its job of informing the Members of the details of its investigation.

COUNTY OF ORANGE,
GENERAL SERVICES AGENCY,
Santa Ana, CA, January 17, 1997.

WILLIAM R. HART,
Hart, King & Coldren,
Santa Ana, CA.

DEAR MR. HART: Our office has concluded its review of the various lists submitted by you on December 17, 1996. Though it would be inappropriate to discuss individual voter records, I have provided below summary data which should clarify and offer perspective on the issues you have raised.

BUSINESS ADDRESSES

Of the 50 addresses submitted representing 122 voters, 8 of the addresses representing 29 voters were duplicated on your list. The resulting 42 addresses representing 93 voters were reviewed by staff. From the review the following was determined:

39 addresses representing 88 voters were locations which served as the voters' residence and, therefore, met criteria for registering to vote.

2 addresses representing 4 voters were locations which were not the voters' residence. Those records are being forwarded to the District Attorney for review and appropriate action.

1 address representing 1 voter was improperly entered in the computer system. The address information has been corrected. Both addresses were within the same ballot type for the general election.

REGISTRATIONS INDICATING THE VOTER WAS UNDER AGE

Two records were submitted which appeared to indicate the voters were not 18 years of age at the time of election. After reviewing the original and prior affidavits of registration, staff has determined both individuals are over 18 years of age and the discrepancies were caused by data entry errors.

ABSENTEE VOTER RECORDS

Of the 128 records submitted, 5 records were duplicated on your list. The resulting 123 records were reviewed by staff. From that review the following was determined:

59 records appear to have met the basic criteria of absentee return in person, by certain authorized relatives, or in emergency by a designated representative.

60 records do not appear to have strictly conformed to the criteria of EC 3017 but were executed by the voter.

4 records that the absent voter had not properly executed.

DUPLICATE REGISTRATIONS INDICATING POSSIBLE DOUBLE VOTING

Of the 114 registration groupings submitted, 17 registration groupings were duplicated on your list. The resulting 97 registration groupings were reviewed by staff. From that review the following was determined:

67 registration groups, though appearing to indicate duplicated records on your list, were actually separate individuals with similar registration data.

19 registration groupings had duplicate records. However, after reviewing original documents, information does not support the conclusion that any of these voters actually voted twice. The duplicate registrations have been canceled.

11 registration groupings, representing 11 voters, have been referred to the District Attorney for review for possible Elections Code violations.

ADDRESSES WITH 6 OR MORE REGISTERED VOTERS

Of the 145 addresses submitted with 6 or more registered voters, two addresses were also submitted and reviewed as part of the business address list. Staff reviewed the remaining 143 addresses with the following result.

127 addresses appear to be residences with multiple families or large family groups.

11 addresses are apartment complexes.

5 addresses are large residential facilities.

AFFIDAVITS POTENTIALLY HELD MORE THAN 3 DAYS BEFORE SUBMITTAL TO THE REGISTRAR OF VOTERS

Holding records for more than three days not affect the voter's eligibility to vote.

"VOTED TAPE" AND "STATEMENT OF VOTES" DO NOT MATCH

The "voted tape" is a tape of voter history and is not utilized in the official canvass. The "voted tape" is a computer product which is created from a static file of active voter registrations as of 29 days prior to the election and which are still active when the tape is created after the election and who have voted in the election. As a result the "white provisional" (NVRA Fail Safe) voters and "new citizen" voters are not included on the "voted tape". In addition, records canceled between election day and the creation of the tape will not appear on the "voted tape". Some voted records will not accurately reflect the method of voting.

The data you submitted was compiled by "regular" precinct and not "consolidated voting" precinct. This accounts for many of the discrepancies in the detail portion of your list. Due to the nature of the "voted tape" and the fact that the Statement of Votes is compiled by "consolidated voting" precinct, this office will address only the summary totals on your report.

The report submitted indicated 106,255 ballots cast on the Statement of Votes and 104,270 voters on the "voted tape". Staff has reviewed our "voted tape" and has determined there are 104,447 individual voter records on the "voted tape". Therefore, that shall be the base number used.

"Voted tape" total	104,447
"White provisional" voters not included on "voted tape"	666
"New citizen" voters not included on "voted tape"	218
Canceled records not included on "voted tape"	464
Total	105,795

This leaves a difference between the "voted tape" and the Statement of Votes of 460 records. The 460 records indicate an average of two data entry errors per "consolidated voting" precinct.

The information you have submitted has been valuable in providing an additional opportunity for this office to review various aspects of our operation. Thank you for bringing your concerns to my attention.

Very truly yours,
ROSALYN LEVER,
Registrar of Voters.

□ 1130

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), one of our deputy whips.

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman from Maryland (Mr. HOYER) not only for yielding, but for all of his work on behalf of not only the gentlewoman from California (Ms. SÁNCHEZ), but our community, which looks at this case with great, great interest.

Mr. Speaker, the dismissal of this witch hunt is a victory for justice and integrity and respect for the electoral process. It is a victory for the gentlewoman from California (Ms. SÁNCHEZ) and the people of California's 46th District who elected her. It is also a victory for the Hispanic American community who stuck together and fought this battle, despite attacks on our privacy, on our honor, and on our very citizenship, our citizenship.

They underestimated how much that meant to us, those of us from families who came here fleeing political persecution, or from nations without basic rights know and honor the value of our vote. That truth was on our side, and that truth won out.

Mr. Speaker, 15 months ago, Bob Dornan claimed a vast conspiracy of voter fraud stole that election from him, but the California Secretary of State did not find any evidence to proof his charges, a grand jury in Orange County did not find enough proof to issue a single indictment in the case. The exhaustive taxpayer-funded $1 million, 14-month investigation produced no ultimate proof to overturn the election, and the Republican-dominated oversight committee itself was forced to recommend dismissing the charges because there was not enough evidence to back up Mr. Dornan's outrageous charges.

One would think that all of these facts would be enough for Republicans to admit that Mr. Dornan's claims were simply false. Instead, in this resolution, Republicans blame various government agencies and officials, from the INS to the U.S. Justice Department, as well as various witnesses in the case, for preventing them from getting the proof they needed.

I have another, more rational explanation for the lack of evidence. It does not exist. That is the reality, and that is why Hispanic Americans across the country are today rejoicing in this decision but not forgetting in November about what some in this House tried to do to our basic rights.

Mr. THOMAS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 13 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 14 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield to the gentlewoman from Washington (Ms. DUNN), a former member of the committee.

The SPEAKER pro tempore. The gentlewoman from Washington (Ms. DUNN) is recognized for how long?

Mr. THOMAS. One minute, Mr. Speaker, plus the time that people have been getting after each speaks.

Ms. DUNN. Mr. Speaker, I rise to thank the Committee on House Oversight because I think that the committee has shown great courage in considering this challenge to an election.

For decades, we never took a second look at challenges and there was a deal made between both sides of the House of Representatives, and nothing was ever done. I think there were among those four decades of challenges probably some very good and useful basis. However, why I am particularly thankful to Chairman THOMAS and the committee for looking at this challenge is that it has brought to public view some very serious problems that exist for people who run elections and for citizens who should have the right to elect their own representatives themselves.

Specifically, I am talking about the whole area of motor voter and the whole area of the requirement that one must be a citizen before he or she votes. I did work as a party chairman in Washington State for 11 years, and I must say we had the cleanest elections of all of the States in the Nation during that time. Most of it is due to the success of our Secretary of State, Ralph Munro, who himself was an early supporter and initiator of motor voter.

But the problem exists in this sort of scenario, Mr. Speaker. Last year when I renewed my driver's license, the man behind the counter asked me to come back there and look at some documents. He showed me a stack of documents this high that he told me were illegal documents used by people to get their driver's licenses, upon which they would get the guaranteed right to vote. Those were people who were not citizens, then using the national ability of a citizen to vote.

This is a big problem, and to the degree to which this investigation leads us to analyze and do oversight over the whole motor voter issue so that citizens will be required to vote, and that people who are not citizens of our great Nation will not have the authority to put into positions representatives of our Nation I think is a great achievement of this investigation, and I look forward to those oversight hearings that the Committee on House Oversight will have and to our Secretary of State, Ralph Munro, for providing testimony, as he has agreed to do and looks forward to doing.

Mr. HOYER. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we consider today an issue that is perhaps the most fundamental issue that can come before the House: Who shall be elected representative of a congressional district. It is a decision that the Constitution of the United States places in the hands of two entities. First instance, the voters of our districts, the people, and then secondly, the Members of this House to judge whether that election was conducted properly.

It is, therefore, a matter of great importance that should be approached with caution, serious consideration, thorough and fair analysis, and nonpartisanship. It is with regret, frankly, that I stand before my colleagues today to say that while I believe the decision the majority is recommending is correct and appropriate, the process that preceded that decision is not one I hope that future Congresses will replicate.

The procedures set forth in the Federal Contested Election Act, under which this contested election was supposed to be considered, are quite clear and have been used under Democratic and Republican majorities. The procedures that the task force and the committee undertook in this election contest were not consistent with the act, in my opinion, and were not fair, and were certainly not bipartisan.

From the beginning of this contest, I repeatedly sought a bipartisan process whereby we could agree on the procedures and the issues before us. I was disappointed that throughout the last 14 months, those efforts were continually and consistently rebuffed. So closed has this process been that as I stand before my colleagues today, I have only just received a copy of the majority's report. In fact, contrary to assertions and commitments that were made to me, I have never been given the majority's analysis of the votes in question to this very day. I, nor any other Member on this floor, with the possible exception of the two Republican task force members and the gentleman from California (Mr. THOMAS), have seen the analysis on which the numbers that we have heard earlier today are based.

It is incomprehensible to me that I come to the well of this House with absolutely no idea how the majority reached its findings. Although I am a full member of the task force, I have yet to see the list of names behind the numbers on the majority's report. I have agreed to keep that confidential, and I appreciate the chairman's observation that in fact every name has been kept confidential.

However, because the minority, after a fight, had access to the data received from the Immigration and Naturalization Service, I can make some judgments about the majority's numbers.

My colleagues cannot read this chart, I understand, any better than we could read the majority's chart. Why? Because as the gentleman from Michigan (Mr. EHLERS) said, it has been a complicated process. But I point out to my colleagues only that the minority staff, smaller and with less information, did, in fact, analyze and go through all of the votes and all of the names that were generated during the course of this investigation.

The minority staff on the Committee on House Oversight undertook an extensive and exhaustive analysis of the data from the INS and other sources. The minority undertook a diligent and exhaustive review of the records before us.

An enormous database was developed which included information on Orange County registrants who potentially matched an INS individual, all naturalization data about the individual that was available, including electronic and hand written notations, and all relevant information about the individuals registration date and voting status. First, the minority had to reduce the massive list to those who actually voted in the 46th Congressional District, from this database we were able to discern individuals who had gender conflicts, obvious first name mismatches, obvious middle name mismatches, and individuals who were clearly American citizens by virtue of birth, parentage or naturalization date.

The INS repeatedly warned that their data could not be relied on for the purpose it was being used. Short of face-to-face interviews, we will never know for sure that the individual from the INS is indeed the same individual as the Orange County voter. Yet, given that caveat, some conclusions about the majority's number can be stated.

I can tell my colleagues that the number of voters who are described as illegal, noncitizen voters is greatly exaggerated, and that the majority's own evidence shows this. I want to show my colleagues a chart where we have analyzed some, not all, about 150, of the 346 or so that may be voters who are not identified by naturalization date. The fact of the matter is that we have found that 93 percent of the signature matches on suspect lists referenced by the, 93 percent, were in fact U.S. citizens on November 5, 1996.

I can tell my colleagues that rather than stonewalling and being uncooperative, the INS responded to more than 20 separate committee requests for either electronic data matches or paper file reviews. The INS has provided approximately 8,000 worksheets and nearly 3,700 signatures for the committee. I would tangentially inform everybody in this House, as I have before: This process has never been pursued before in the history of this Republic; not when the Irish immigrants moved into Boston, not when the Italian immigrants moved into Providence; not when the Polish immigrants moved into Chicago; not when the Jewish population moved into New York; never before in the history of America. Not once has this process been pursued.

Mr. Speaker, 72 different INS field offices, including five INS foreign offices, as well as district offices, sub-offices, service centers, asylum offices and headquarters assisted the committee in this investigation. I can tell my colleagues that within 7 days of being subpoenaed by the Committee on House oversight, the INS provided the committee with its first list of names, over 500,000 from around the country. There were less than 110,000 people who voted in the congressional race in the 46th District, yet 500,000 names were generated by the INS in response to the majority's request.

I can also tell my colleagues that of the 748 votes that the majority contends are illegal votes by noncitizens, 124 of them concern absentee ballots. The registrar of elections who did an outstanding job during the course of the election and during the course of this investigation, Roz Lever, said that in a less contested election, she would count. Why? Because the only thing wrong with that citizens' vote was that it was delivered by the wrong person under the statute. It was an absentee ballot. It may have been a neighbor rather than a husband that was able to deliver that ballot, but they were citizens of the United States of America. Their citizenship was never in doubt. Although the majority talks about 748 noncitizens voting, they know that number is exaggerated.

Furthermore, I can tell my colleagues that beyond these absentee ballots, hundreds, hear me now, hundreds of the so-called illegal, noncitizen voters are indeed citizens, and have been for a very long time. While some may not have been citizens when they registered, a bone of legal contention, and I understand that, they were citizens when they voted. The massive net that the majority cast over the past 14 months included individuals that had been citizens prior to 1996, and hear me now, have been citizens of this country for over 20 years that are in the list that the majority has projected.

Let me make clear, at no time was there any credible evidence to show anything other than the election of LORETTA SÁNCHEZ. When Robert Dornan's initial allegations proved groundless, that should have been the end of this matter. But the majority wanted to prove a point. They wanted, for the first time ever to move the Federal contested elections act beyond a motion to dismiss. When even that effort proved fruitless, they turned to the INS.

This matter has taken longer than it should have, Mr. Speaker. The committee has had in its possession the evidence that it needed to reach today's conclusion for at least 5 months.

If the committee's initial request to the INS had been more focused, rather than the 500,000 person fishing expedition it was, we could have finished sooner. If the majority had managed the procedures of this case in a thoughtful and expeditious manner, rather than letting motions objecting to Mr. Dornan's overly broad and intrusive sit for months, we could have finished earlier. If we could have come together and reviewed the evidence together, rather than duplicating staff and committee resources, we could have come to this House sooner.

Some people on this floor continue to talk about fraud. The district attorney had an extensive investigation. Allegations were made on this floor about individuals and about organizations.

□ 1145

The grand jury of California refused to indict a single person or single organization after hearing the evidence. As I said earlier, at no time was the gentlewoman from California (Ms. SÁNCHEZ) ever, ever implicated in any wrongdoing. It is right and proper that we sustain her election today.

The facts have told a different story than were originally projected. After a yearlong investigation by the DA no crimes have been found. The DA of Orange County could not convince a grand jury of 19 citizens to indict anyone. The gentlewoman from California has been found, as we knew it to be the case, to have won this election. Mr. Speaker, I am glad this has finally come to an end.

Mr. Speaker, I would simply say that I will offer a motion to recommit so that the only thing in the resolutions is to do what we should have done in February of last year: Dismiss this complaint that did not provide credible evidence, as required by precedents for the last 30 years, to show anything other than the gentlewoman from California won cleanly, fairly, and obviously the election in the 46th Congressional District in 1996.

Mr. THOMAS. Mr. Speaker, would you please indicate to me how much time is remaining on each side.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 11 minutes remaining. The gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight.

Mr. MICA. Mr. Speaker, what we are talking about here today is one of the most important responsibilities given to the Congress, and that is to be a judge of its own Members in contested elections.

Mr. Speaker, this resolution is about fraud in a contested Federal election. This important responsibility is not a game of horseshoes where if we get close, we win. This is about one of the most sacred responsibilities and opportunity every American has, and that is to cast an honest and fair and open ballot.

The question today is, did fraud occur? And the answer is yes, fraud did occur in this. We have information from the county, we have information from the State, we have information from Federal agencies. But we just heard the gentleman from Maryland speak at the well who said that we do not have all the information necessary.

Mr. Speaker, I today protest the closing down of this investigation of fraud, and I am dismayed by what has taken place by some on the other side, what they have done. The tactics are, first of all, smear the investigation. Try to discredit it. Call it partisan. Call it a witch-hunt. Fail to cooperate. And not just that side of the aisle, but Federal agencies, INS, the Department of Justice. And then some who have been involved in this fraud have fled the country so we cannot talk to them. Does all of this sound familiar?

Finally, the most repugnant part of the tactics of the other side is to come and disrupt the proceedings of the floor. My concerns is that we cannot act through intimidation in this process. We cannot act through obstruction. We cannot act through delay. If we pervert the electoral process, we destroy faith and confidence in the entire system.

Mr. Speaker, this election is one of the worst cases of voter fraud in the history of Federal elections. Again, this is not a game of horseshoes. This is a fact that we have got to 700 and we have stopped counting.

Mr. Speaker, this Congress has spent millions and millions of dollars to ensure fair elections in Haiti, in Bosnia, in countless developing nations and developing democracies across the world. Yet, we cannot ensure an honest election and fair election in the 46th District and there are still on the rolls

1,700 illegal voters, according to our information.

Let me say that history will record the closing down of this investigation of fraud and this election with disdain. My grandparents were all immigrants. The greatest day in their life was when they became an American citizen. The second greatest day was when they were able to cast a vote, because they often did not have that opportunity from where they came.

The integrity of that vote has been disparaged here today. What have we done to the vote that I and they cherish? If those who close down this investigation were taking a wrecking ball to the side of this House of Representatives' chambers, I do not believe they could do more damage to this institution than what they are doing today.

Mr. HOYER. Mr. Speaker, I do not know how many speakers that the majority has left. I may be the only remaining speaker. Right now, we do not have the other speakers here and we know where they are and they are aware and they obviously cannot get back.

Mr. THOMAS. Mr. Speaker, we have the right to close and we have two speakers. Is the gentleman from Maryland saying that he is the only one remaining or there will be additional ones arriving?

Mr. HOYER. Mr. Speaker, at this time I am the only remaining speaker that we can find, because we note two of our speakers who want to speak, the gentleman from Michigan (Mr. BONIOR), the minority whip, and the gentleman from California (Mr. BECERRA), the chairman of the Hispanic Caucus, both wanted to speak. Both of them are at another event right now. We are trying to get them here. I am the only speaker remaining.

Mr. THOMAS. Mr. Speaker, the gentleman from Maryland indicates he is the only speaker remaining, thus I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, the forest almost gets lost for the trees. Seven hundred forty-eight illegal votes were found by clear and convincing evidence. Now I, like a number of other Members, sat down and got debriefed by the committee and that was my question: When the smoke cleared, were there illegal votes cast? Were there illegal voters involved? The answer on both counts was yes.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS), chairman of the committee, to ask: Does this accurately represent the finding of the committee?

Mr. THOMAS. Mr. Speaker, that is correct.

Mr. HUNTER. Mr. Speaker, reclaiming my time, 748 illegal votes were found by clear and convincing evidence.

Mr. Speaker, I say to my colleagues that this investigation was not driven by revelations that Bob Dornan produced. It was driven by the Los Angeles Times' report by a Hispanic reporter who reported that the Hermandad office had been raided and that 227 illegal voters, nonlegal voters, had been identified by authorities. That is what started driving this investigation, a Hispanic reporter.

Mr. Speaker, let me go to my second point. The Hispanic community is not against this investigation. At least the Hispanic community that I know. The Hispanic community that I served with in Vietnam. The Hispanic community in Southern California that believes in having free and fair elections.

Mr. Dornan, is a colleague and a friend who I traveled with to Central America when the democracy of Salvador was in question, the democracy of Honduras, the proposed democracy in Nicaragua was in question. I met with him in one of the last meetings with Jose Duarte, that great democrat of Salvador who brought them to freedom and democracy, and Bob Dornan said, "This is one of the great people in our hemisphere. He is going to bring free elections to this country."

Bob Dornan did exactly what every one of us would have done. If we had had a narrow election in which we thought we had won on Election Day, we were ahead in the votes, the absentee ballots came in when we were behind. And then we had a story come out and tell us that raids were being made and over 227 illegal voters had been found, which Member in this Chamber would not have rightly contested that election?

The gentleman from Connecticut (Mr. GEJDENSON) spoke and said there should have been no contest. The gentleman from Connecticut won one of his elections by 23 votes. Now, what if he had been told by the major newspaper in his town that 227 Republicans had been illegally registered? Would he have pursued that? Let us clear away the political baloney. Of course he would have pursued it. Of course we had a right to do this. Of course Mr. Dornan did what every single other Member would have done.

Now, he did not get the 900-plus votes that was the margin in the election, according to the committee's report and its analysis. But that was an incomplete report, in my view, for this reason: It did not review any of the illegal aliens who voted. It only reviewed people, the 10,000 or so people who had signed up with the system.

So if they never signed up with the system and if they were registered by one of these bounty hunters who got 10 bucks for registering and voting them for the party, like the bounty hunters who registered and voted the guy who assassinated the Presidential contender, Mr. Colosio in Tijuana, he was assassinated by a guy who had been registered twice by the Democrat Party in Los Angeles, of all places.

So those people who were registered, who were illegal aliens and who were not citizens, who had not signed up to be naturalized, were not identified. There is only one way to identify them. And the way to identify them is very difficult, very hard, very expensive. It costs about $5 million. We must go door to door and qualify every voter, once a prima facie proof of fraud has been found of illegal voters. We go door to door and we start with Adams and go to Ziegler and see if a person is a legal voter. It costs a lot of money and takes a lot of time. That is the other 90 percent of voters in this district. We did not do it.

Mr. Speaker, Bill Jones, secretary of state of California said, I want to do it. He announced he was going to do it in March of 1997, and he did not do it. He said, and I quote,

> Given the current state of the law, my hands are for all legal purposes tied. I am prevented from undertaking a large-scale citizenship qualification check of the Orange County voter file as I initially requested in March of 1997.

So, Mr. Speaker, put me down as feeling that this investigation is incomplete. I am going to vote "no" because I think it is incomplete, because once we made the prima facia showing of illegal voters we should have taken the time and taken the expense of $5 million to check the qualifications of every voter in the district.

Mr. HOYER. Mr. Speaker, I apologize, but we have had another event with the President going on. That is why we are having a little trouble.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, I do this just to explain to all the Members that I do not want them to think that I am getting special advantage from the chairman. Mr. Speaker, am I correct if I called a quorum call at this time, I would be in order?

The SPEAKER pro tempore. That is in the discretion of the Chair, and the Chair does not have to entertain a call of the House at this time.

Mr. HOYER. But I could do that?

Mr. THOMAS. Mr. Speaker, my assumption was that the time was ordered, the time was allotted, and the time should be consumed.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL), someone who has been extremely helpful in getting us to understand the mathematical theories and the false assumptions that have underlain previous attempts to examine elections.

Mr. CAMPBELL. Mr. Speaker, it is my prayer that today we can put our animosities behind us and that is the reason why I asked to speak.

Mr. Speaker, I wish to say that it is my view that the gentlewoman from

California ought to have her attorneys' fees paid, because she is the prevailing party. I believe that in civil litigation, and that should apply here.

□ 1200

I also believe that my good friend and colleague, the gentleman from Michigan (Mr. EHLERS) has done a very fine job and that it was unfair to criticize him as much as he has been criticized. He is an honest man and he did his very best.

The same goes for my good friend and colleague, the gentleman from California (Mr. THOMAS). What lasts from this, what comes out of this that might be of permanent value is that we should in the future have a standard for those cases where we cannot prove ballot-box stuffing, but where the number of persons who voted, who should not have, exceeds the margin of the outcome.

That is a case that is ambiguous in existing law. I think it is a good rule, going forward, that when the number of cases of illegal voters exceeds the margin, we have to hold a new election. That seems to me safe.

Lastly I would say that the more important thing even than that lesson is that we not let the rancor continue. I welcome my colleague from California as a fellow Californian. I trust that all of us can put this behind us for the good of our Congress and the good of our Nation.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. HOYER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I agree with the gentleman from California. The rancor ought to pass from us. I will tell my friend from California that there would have been far less rancor if this had been a more open process, and we had felt included in this process.

I think I have the reputation of being a fair Member who can work with both sides of the aisle. I value that reputation and I value that mode of operating. But I will tell my friend that there are clearly some erroneous things that are being said on this floor: 748 illegal votes. Nobody on this floor knows that there are 748 illegal votes that were cast in this election. I guarantee it. I guarantee it as someone who has worked pretty hard on this case, who has read all the precedents, who has read not the majority report, because I just received it at 10 minutes of 10:00, but read all of our report, all our lawyers' reports, and investigated as much as I could with the time I had available on matches of signatures.

We believe that there is a general issue here, but that, very frankly, the House has been hurt in the attempt to establish a new precedent with respect to the level of credible evidence necessary to get a Member to the time when they have to respond to as prolonged and expensive contest as this has been.

The distinguished gentleman from California (Mr. HUNTER) said that we were not proceeding on Mr. Dornan's allegations. He was absolutely correct. It was the gentleman from California (Mr. HUNTER) that said that. We believe that is the case. What we were proceeding on was information garnered by the committee, not on the contestant's case. Indeed, the contestant does not have all the information, in my opinion, that he should have right now. But neither does the contestee. But it is time for us to dismiss this case. It is time for us to go beyond this and indeed it is time to free the gentlewoman from California (Ms. SÁNCHEZ) from the bondage which has been this case, and allow her to fully represent the people of the 46th District. She has been doing so well and I know she will continue.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), minority whip.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 3 minutes remaining.

Mr. THOMAS. Is the gentleman's intention to yield the additional minute, if necessary, or is he going to reserve it?

Mr. HOYER. Mr. Speaker, I will finish our time before yielding back.

Mr. BONIOR. Mr. Speaker, I thank my colleague from Maryland (Mr. HOYER) for his work on this, my colleague from New York and my colleague from New Jersey (Mr. MENENDEZ), my colleagues who worked on this issue.

In 1996, the voters of Orange County elected LORETTA SÁNCHEZ and they defeated Bob Dornan. That is the way American democracy is supposed to work. Voters get to choose who they want to represent them in the Congress.

For the past 15 months Bob Dornan and the Republicans have forgotten that. They questioned the integrity of thousands of Hispanic voters. They wasted more than a million dollars of taxpayer money. They ran after so many false leads, stumbled into so many dead ends, jumped to so many conclusions, I am surprised they can still stand up today.

In the end, they came up empty. In the 15 months the Republicans could find no evidence, no evidence that LORETTA SÁNCHEZ did anything but win her election fair and square. So the Republicans finally are giving up. They are giving up because they have no case.

I do not really expect the Republicans will apologize to the gentlewoman from California (Ms. SÁNCHEZ), but they ought to. I do not expect the Republicans will apologize to the thousands of Hispanic Americans for questioning their right to vote merely on the basis of their ethnic heritage, but they ought to. And I do not really expect the Republicans will apologize to the voters of Orange County for trying to undermine their constitutional rights, but they ought to.

LORETTA SÁNCHEZ won the 1996 election fair and square. Grudgingly, the Republicans have to acknowledge that. But now they are trying to cover up their retreat with an ugly cloud of innuendo and a bill that will be before us in just a few minutes to discourage minority voters from casting their ballots at election time.

This campaign of intimidation has got to stop. Republicans must accept that voters get to choose who they want represented in this Congress.

LORETTA, congratulations on your victory. Your courage is an inspiration to us all.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

We come to the end of a long and somewhat torturous time in this House. I congratulate the majority for coming to its conclusion. I think it is an appropriate and correct conclusion.

I regret the rhetoric that is included in the preamble to that conclusion. I think it is erroneous. I disagree with it. For that reason, Mr. Speaker, at the appropriate time I will make, as I said earlier, a motion to recommit with instructions. That motion to recommit will simply provide for the passage of the dismissal of the complainant's contest. That is what we ought to do. That is what facts show. It is time that we do so.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with humility, and I rise with a sense of freedom that today we will be able to free LORETTA SÁNCHEZ, finally free LORETTA SÁNCHEZ.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I find it ironic the picture that is painted by the now minority in terms of this process. Would that someone who held a valid election certificate signed by the chief election officer of their State been allowed to be seated, the Democrats did not seat him. The Republicans honored the certificate of election.

We do things differently than you do. You name-call. You argue that there is no fraud in this election and yet, based upon your minority report, you indicate that there were flaws in the election. You argue that the INS data is not sufficient for us to prove our point, but you use the same INS data to say that our point is invalid. You cannot have it both ways.

I understand you are disappointed that you are no longer the majority and you can not continue to shut down questionable elections as you did for 40 years. But what this majority now will do on this case and in the future is to get to the bottom of problems in elections.

One thing this House can do is thank Mr. Dornan because he looked at the Contested Election Act and said, it is a catch-22 if people can stonewall while trying to get to the bottom of it.

It has been said on your side that you need to know the truth. The truth will set you free. What is wrong with trying to get to the bottom of what happened in an election? If you try to find out who the honest voters were, you are automatically a racist. If you try to determine an accurate count, it is a "witch-hunt."

What in the world do you folks do with a recent headline that says "INS Proposing Citizenship Test Overhaul"? There is a new screening process to cut fraud and delays.

It was the political people, the political appointees of the Department of Justice who stonewalled. We are familiar with that tactic from this administration.

The professionals at INS cooperated initially in California. Had we gotten that kind of cooperation, we would have brought this to a conclusion much faster. We did not have a preordained result. We wanted to get to the bottom of it. We have gotten to the bottom of it as best we are able. We need to change the laws to fully understand who is on the rolls, responsibly and properly, and who is not.

Ms. CHRISTIAN-GREEN. Mr. Speaker and my colleagues, I rise to thank my colleagues on the other side of the isle for finally having the courage, after 15 months and over one million of wasted taxpayer dollars spent, to dismiss the completely unfounded challenge of former Congressman Dornan to the election of LORETTA SÁNCHEZ.

This totally partisan investigation singled out Representative SÁNCHEZ and the voters of the 46th District of California for unparalleled scrutiny and harassment, the likes this body never saw before.

After hounding Ms. SÁNCHEZ and the Hispanic-Americans in her District for more than a year, with unfounded allegation after allegation, the majority has finally come to accept what many of us have known from the very beginning, which was: That Ms. SÁNCHEZ was duly elected by the lawful voters of her district; and that officials in the State of California including, the Orange County District Attorney and the California Secretary of State, certified her election.

So I applaud my Republican colleagues for taking this action today. While I believe that this resolution is 10 months too late in coming to the floor, I am grateful that we can finally put this matter to rest and Ms. SÁNCHEZ can get on with doing the job she was elected to do. Thank you.

Mrs. KENNELLY of Connecticut, Mr. Speaker, I am very pleased that the House Oversight Committee has decided to dismiss the election contest against our colleague, LORETTA SÁNCHEZ.

Of course, this action took an unconscionable amount of time—more than a year has passed since Congresswoman SÁNCHEZ was seated in this House. Of course, this action involved charges that on their face had no merit but were nonetheless pursued. Of course, it is difficult to understand the action—except as an attempt to intimidate and distract a vulnerable new member of this House.

Nonetheless, I am pleased. And I would be glad to put this difficult chapter behind us—except that the majority is intent on writing a new chapter today.

The Oversight investigation turned up no evidence of large-scale non-citizen voting—not in Orange County, and certainly not nationwide. Why then are we being asked to consider this next piece of legislation? At best, it is unnecessary—a solution in search of a problem. At worst, it is an effort to intimidate naturalized American citizens from exercising our most precious right—the right to vote.

Mr. Speaker, I urge my colleagues to join me in congratulating LORETTA SÁNCHEZ—once again—in her election victory in November 1996. And I urge them also to join me in opposing the unfair and unworkable Horn bill.

Mr. THOMAS. Mr. Speaker, I would urge all colleagues to vote aye and I move the previous question on the resolution and on the preamble.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am opposed to the preamble.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 355 to the Committee on House Oversight with instructions to report the same back to the House forthwith with the following amendment:

Strike the preamble.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. As the motion was presented, it is its entirety. Can the gentleman then be partially for and partially against a motion to recommit? The gentleman is not opposed to the motion in its present form?

The SPEAKER pro tempore. The gentleman qualifies as being opposed to the resolution because he is opposed to the preamble which is not to be separately voted on under these circumstances. So therefore he is opposed to the resolution in its present form and he qualifies at this point.

The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 215, not voting 21, as follows:

[Roll No. 15]

YEAS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger

Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Buyer
Callahan
Clement
Conyers
Crane
Ensign
Eshoo
Furse
Gonzalez
Harman
Johnson (WI)
Lantos
Miller (FL)
Mink
Peterson (PA)
Riggs
Rodriguez
Scarborough
Schiff
Smith (OR)
Solomon

☐ 1232

Mr. NEUMANN, Mr. NETHERCUTT and Mrs. CHENOWETH changed their vote from "yea" to "nay."

Messrs. SKAGGS, TAYLOR of Mississippi, KENNEDY of Massachusetts, and MURTHA changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 33, not voting 19, as follows:

[Roll No. 16]

YEAS—378

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—33

Ballenger
Barr
Bartlett
Burton
Calvert
Chabot
Chenoweth
Crane
Cubin
Doolittle
Gekas
Gutknecht
Herger
Hostettler
Hunter
Jones
Kingston
Lewis (KY)
McIntosh
Mica
Norwood
Paul
Pombo
Rogan
Rohrabacher
Royce
Schaffer, Bob
Sensenbrenner
Spence
Stearns
Stump
Taylor (NC)
Tiahrt

NOT VOTING—19

Buyer
Callahan
Clement
Edwards
Eshoo
Furse
Gonzalez
Harman
Johnson (WI)
Lantos
Livingston
Miller (FL)
Mink
Riggs
Schiff
Smith (OR)
Smith, Linda
Solomon
Wise

☐ 1252

Mr. WATTS of Oklahoma changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 355, the resolution just agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

VOTER ELIGIBILITY VERIFICATION PILOT PROGRAM ACT OF 1998

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number, as amended.

The Clerk read as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voter Eligibility Verification Pilot Program Act of 1998".

SEC. 2. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove

the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot-program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no more precious right of citizenship than the right to vote. When noncitizens falsely claim to be citizens in order to vote, this right is cheapened for everyone else.

Congress recognized the significance of vote fraud by aliens in passing the Illegal Immigration Reform and Immigration Responsibility Act of 1996. The act makes falsely claiming to be a citizen in order to register to vote or to vote a Federal criminal offense.

There is currently no satisfactory way for local registrars to ensure that there are no noncitizens on their voting rolls or for the Justice Department to enforce the criminal penalties. Attempts have been made to check voting rolls against Immigration and Naturalization Service records in order to ferret out noncitizens; however, INS data at best can only tell us that a voter is a legal alien or a naturalized citizen. INS data cannot tell us whether a voter is a native born U.S. citizen or an illegal alien.

Our colleague, the gentleman from California (Mr. HORN), introduced a bill to resolve this dilemma. H.R. 1428, the Voter Eligibility Verification Pilot Program Act of 1998, will provide us with the means to identify noncitizens who are either trying to register to vote or are already registered. The bill will set up a 3-year pilot program in which registrars on their own initiative can send their voting rolls to the Federal Government to be checked against both Social Security Administration and INS records.

Checking the rolls with both agencies is the key to a successful verification program. Just about everyone has a Social Security number. Therefore, checks against Social Security Administration records can tell us whether someone is fabricating an identity and whether someone is a native-born citizen.

As I mentioned, the INS maintains naturalization records. Comparing information on voters against both agencies' records will let us know conclusively whether individuals are U.S. citizens or not. Illegal aliens will not be able to escape notice simply because the INS has no record of them.

I know there is opposition to this bill. Opponents will argue today that the Social Security Administration's records do not always indicate whether a person is a citizen. True. But the records do indicate the place of birth, and anyone born in the United States is a citizen.

The opponents may argue that operation of the pilot program will result in discrimination. Not true. The bill specifically states that a registrar's inquiry must be part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965.

Mr. Speaker, I urge my colleagues to support H.R. 1428 and let the American people know that we will not sit back and see their rights demeaned.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there are 5 important reasons why this bill is a bad idea. The bill's proposed verification system just simply will not work. The bill would expose individuals' Social Security numbers to public inspection, an idea that we have long opposed.

This bill is politically motivated. The bill undermines the Voting Rights Act and the National Voter Registration Act, the so-called motor voter act, and this bill has never ever been considered and voted upon by any committee of this House or any subcommittee of this House.

Those are 5 good reasons that this bill should be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN), the author of the bill.

Mr. HORN. Mr. Speaker, when my Irish great-grandfather came here, the first time he had a chance to vote, he dressed up in top hat and tails to go to the polls. When my German immigrant father came here, he could not afford the top hat or the tails, but the proudest moment of his life was when he cast his first vote in the United States of America.

The vote is precious. American citizens expect the voting rolls to consist of American citizens. But right now there is no way to make that assurance. What this bill does is provide an opportunity in five pilot States over the next three years to test the federal information that a local registrar of voters may seek. It is not compulsory; it is not the Federal Government telling the States how to deal with their voting rolls, but it is the Federal Government providing two tools for the local registrar to use to answer one question: Is the person a citizen or is the person not?

American voters expect citizens to be on that roll, not noncitizens.

□ 1300

The pilot program would be in California, New York, Texas, Florida and Illinois. It would terminate on September 30, 2001, and it would make very clear that State and local governments may require the Social Security number simply as part of the voter registration process. Again, it is a "may." If they do not want to do it, they do not have to do it. But 23 States now request or require at least part of the Social Security number for voter registration purposes. Again, that has been up to the States.

Now, the election official, if he or she found that by accessing the Social Security base that there were noncitizens on the voter roll, then they could go into the INS base to find out if they are naturalized, which is the equivalent of citizenship and is citizenship. If there is no evidence of naturalization, then the official would have to notify the individual in writing and permit them the opportunity to establish their eligibility to vote. There would be 30 days to provide proof of citizenship.

So it is not a mandate; it is a process that will work, and the data are there, and we should not be hiding it in the hills, we should be letting those data be used to assure the purity of elections in the United States of America.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I oppose this bill.

I oppose this bill because we have no evidence that it will effectively fight voter fraud.

This nation has had voter fraud for hundreds of years. But the Republican leadership has apparently just noticed it. They are bringing to the floor today a bill that was introduced almost a year ago and is so complicated that it was referred to three committees on April 24, 1997.

But only one Committee has even held a hearing on the bill—on June 25. None of the three Committees has voted on it.

Why is the leadership afraid to let the normal Committee process work? Why are they rushing to the floor today a bill that was introduced almost a year ago?

One of my constituents has an explanation. He says this bill would undermine the Motor Voter Law, erect new barriers to voting, and suppress voting by members of ethnic and racial minorities.

Why are we focusing on only one kind of voter fraud? What about dead people who vote? What about U.S. citizens who vote more than once? What about U.S. citizens who are prevented from voting?

Vote against this bill and send it back to the three committees so that we can develop a thoughtful bipartisan response to the serious problem of voter fraud.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I rise in opposition to H.R. 1428.

I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act. This bill is designed to undermine the voter turnout of our country's naturalized citizens.

How does this bill achieve this goal? H.R. 1428 allows local and state election officials to pull anyone's name and submit it to either INS or to the Social Security Administration for verification of citizenship. If the name can not be confirmed by either agency, this bill will force the voter to provide citizenship verification to the local voter registrar. Therefore if my name could not be confirmed, I would need to present my birth certificate or passport to vote. Who are the targets of H.R. 1428?

The targets are citizens whose names may seem questionable to election officials. Where will they start this search? Are they going to start with Green, Smith, or Jones? Or are they going to start the search with Gonzales, Torres, or Jiminez?

Conceivably, this bill would allow election officials to send the names of whole neighborhoods for verification. In Texas we have this ability now to challenge voters.

I support all efforts to stop voter fraud. However, this bill does seem to target our immigrant population.

I urge my colleagues to oppose this anti-immigrant bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise in strong opposition against this measure to intimidate voters in my State of California.

Mr. Speaker, the right to vote is too sacred to be dependent on incomplete, unreliable data bases. To top it off, H.R. 1428 would allow states and local officials to reject voter registration applications and to force the person registering into the intimidating position of trying to prove that two huge bureaucracies' data bases are flawed.

The Social Security Administration and the Immigration and Naturalization Service, which are both charged with verifying names of registered voters in this misguided act, say they *cannot do it.* The Social Security Administration did not begin recording citizenship status until 1980. The agency clearly states, "The use of our system for confirmation of citizenship is *not feasible.*" The INS has no records of native born American citizens and can only verify the status of those who were naturalized in *recent years.*

How many people will take the time to obtain a copy of their birth or naturalization certificate that they have not had to produce *for years?*

How many people who are native born Americans will feel that they are being given "the third degree" by local elected officials just because the officials perceive that they appear to be Hispanic or Asian or any other racial or ethnic minority?

It is unfair, illegal and unconstitutional to make voting easy for one group of citizens and difficult and intimidating for another group. That is what H.R. 1428 does.

To take information trickling out of an incomplete, inaccurate and highly bureaucratic system of flawed data bases and turn it over to local officials with discretion in interpreting this data will have only one effect—illegally preventing people from exercising their constitutional right to vote. This democracy depends on its citizens' faith in the voting system—those citizens will have no faith in a system which intimidates them and prevents them from participating in it. Vote no on H.R. 1428!

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I rise in opposition to the Voter Suppression Act.

A better title for this bill is the "Voter Suppression Act." Not only will it discourage new citizens from exercising their rights, but it could easily prohibit natural-born and naturalized citizens from voting.

This bill hands control over voter lists to state and local officials with no requirements that they act in ways that are uniform and do not discriminate. Citizens could be purged from the voter rolls—denied their constitutional right—simply because they had an "ethnic-sounding" surname or because they live in a predominantly minority neighborhood.

And what would be their recourse? Well, under this bill, they would have to depend on the INS and the Social Security Administration to "confirm" their citizenship, even though neither agency is equipped for that purpose.

Citizenship cannot be confirmed by checking a person's Social Security number. The Social Security Administration does not require information about citizenship and only started requesting it 20 years ago. And the INS only keeps records of immigrants—not natural-born citizens.

Our nation decided long ago that tests for voter eligibility—like the poll taxes and literacy tests used in the South—were wrong and abhorrent. We enacted the Voting Rights Act to cast aside—once and for all—the barriers concocted to keep minorities from exercising their constitutional right to vote.

I remember the days before the Voting Rights Act. I remember when some citizens could exercise their right to vote while others had arbitrary and ridiculous hurdles placed in their way.

This bill is a return to those days. I find nothing to be proud of in that history. And I do not—and cannot—support repeating it.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise in strong opposition to this bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this misguided legislation. This bill is a dagger in the heart of the Voting Rights Act of 1965. It destroys not only the spirit, but the very soul of the Voting Rights Act. Too many people have died so that every American can exercise their right to vote. Jimmy Lee Jackson, Mickey Schwerner, James Cheney, Andy Goodman. These are not just names. I knew these young men. We have come a long way in this country toward protecting every American's right to vote. This bill erases the gains we have made. It forgets those sacrifices.

Many of my colleagues over the last 12 years since I have been in the Congress have come to me and said, "I wish I had been there with you. I wish I had fought those battles with you."

Let me say: If you wanted an opportunity to stand up, if you say you wanted to go on the freedom rides, if you say you wished you had marched across the bridge in Selma, if you wanted to stand up for the right of all Americans to participate in our democracy, now is your chance. Now is your turn, now is your time.

Like the poll tax, like the literacy test, this bill is intended to keep people from participating in our political process. That is a shame; it is a disgrace. It harks back to another period, a dark period in our history.

We have come too far to go back to the days of Bull Connor, Sheriff Jim Clark, and George Wallace. We cannot go back, we must not go back, and we will not go back.

I urge all of my colleagues to do what they know is right in their hearts. Support one man, one vote. Let us not erase the progress we have made in our Nation. Defeat the Horn bill, defeat this bill, and defeat it now.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I would like to respond to my good friend from Georgia (Mr. LEWIS).

I happen to have been on the drafting team in the Senate where we wrote that bill in the Republican leader's back office. There were four of us on the staff from the Republican leadership side, and there were five on the Democratic side, including the Department of Justice. If we had thought in the Voting Rights Act of 1965 that this was a law so that noncitizens could vote, we would have been laughed out of Congress. The fact is, the Voting Rights Act of 1965 has nothing to do with this issue.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I was on the bridge from Selma to Montgomery. I almost lost my life on March 7, 1965, because I was fighting for the right to vote, to open up the political process. I do not know, maybe the gentleman has changed his ways or maybe he has seen a different light, but that is the effect of this legislation. It will destroy the heart and the very soul of the Voting Rights Act of 1965.

Mr. HORN. Mr. Speaker, reclaiming my time, I would say to the gentleman, the fact is, every single African American born in this country is automatically a citizen of the United States.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank and commend the ranking member of the subcommittee, the gentleman from North Carolina (Mr. WATT). I rise to express how sorry I am that the name of the gentleman from California (Mr. HORN) would be on the document that we are opposing today.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, today is the birthday of Abraham Lincoln, the father of the Republican Party. I think that President Lincoln is turning over in his grave today, because this proposal flies in the face of the legacy of President Lincoln, the legacy he left his party and the legacy that he left his country. He would be appalled.

This proposal clearly is aimed at denying minority voters their legal right to vote. This bill not only threatens the rights of minority voters, it violates the values of privacy that are at the very foundation of a free society. This is a value that everyone in this Chamber holds very dear, or should hold dear.

This proposal would amend the Social Security Act, overturn the Privacy Act protections, by allowing States to require Social Security numbers for voter registration. But the proposal does nothing to protect or ensure the privacy of those Social Security numbers submitted on voter registration applications. This is one more attempt at intimidation. All Americans should be aware.

Mr. Speaker, I urge my colleagues to remember the legacy of Abraham Lincoln today. Vote "no" on this proposal.

Mr. PEASE. Mr. Speaker, I yield 3½ minutes to the gentleman from Kentucky (Mr. BUNNING).

Mr. BUNNING. Mr. Speaker, first of all, I would like to include in the RECORD a letter from the gentleman from Texas (Mr. ARCHER) to the Speaker of the House of Representatives the gentleman from Georgia (Mr. GINGRICH).

The letter referred to follows:

FEBRUARY 11, 1998.

Hon. NEWT GINGRICH,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing regarding consideration of H.R. 1428, the "Voter Eligibility Verification Act of 1998," which was introduced on April 24, 1997, by Representative Horn, et al. the bill, as introduced, was referred to Committee on Judiciary, and in addition, to the Committees on Ways and Means and House Oversight.

As introduced, the bill would amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants, and amends the Social Security Act to require individuals registering to vote in elections to provide their Social Security number.

As you know, provisions dealing with national social security are within the jurisdiction of the Committee on Ways and Means, and under normal circumstances the Committee would meet to consider this bill. However, it is my understanding that Chairman Hyde or his designee will be offering an amendment on the floor to address the concerns of the Committee on Ways and Means and its Subcommittee on Social Security.

Among other things, the bill, as amended, would provide for the Attorney General, in consultation with the Commissioner of Social Security, to establish a pilot program to test a confirmation system through which they will respond to inquiries made by election officials concerning the citizenship of individuals who have submitted voter registration applications. Department of Justice funds would be authorized to carry out the pilot program.

Based on this understanding, and in order to expedite consideration of this legislation by the full House, I do not believe a markup by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogative in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Thank you for your consideration of this matter. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

Mr. Speaker, the Voter Eligibility Verification Act was originally introduced by the gentleman from California (Mr. HORN) on April 24, 1997. H.R. 1428 was referred to the Subcommittee on Social Security of the Committee on Ways and Means on May 1, 1997. The subcommittee has not taken any action on the bill due to the concerns regarding the impact of certain provisions on the Social Security program and its administration.

Social Security was created to provide a comprehensive package of protection against the loss of earnings due to retirement disability and death. Voter registration does not relate to Social Security programs' purposes. Therefore, Social Security trust funds may not be used to pay for the activities assigned to the Social Security Administration and the agency would need to be reimbursed.

Secondly, this new and potentially significant workload would interfere with SSA's ability to fulfill its basic responsibilities to the American public. In addition, the Social Security Administration is not in a position to definitely confirm citizenship as they are not the official custodian of records which construct evidence of citizenship. The agency's records on citizenship are not necessarily current. Accuracy of the SSA's records is dependent on the validity of the documents presented as evidence.

Last year the Federal Illegal Immigration Reform and Immigrant Responsibility Act made it explicitly illegal for noncitizens to vote. State and local officials, however, can do little to enforce the law without having a way to verify registrants' eligibility. In a spirit of cooperation, the Committee on Ways and Means' Subcommittee on Social Security has worked with the Committee on the Judiciary and the Committee on House Oversight to reach an agreement on needed legislation. The revisions and provisions of the Voter Eligibility Verification Pilot Program Act of 1998 responds to the concerns of the Ways and Means Subcommittee on Social Security.

This bill provides for the Attorney General, in consultation with the commissioner of Social Security, to establish a pilot program to test and confirm a system. SSA and INS will respond to inquiries made by election officials concerning the citizenship of individuals who have submitted voter registration application. Department of Justice funds, not Social Security trust funds, are authorized to carry out the pilot program.

The pilot program lasts only 3 years, operated in a minimum of 5 States, and is used on a voluntary basis by election officials and will include safeguards to protect the privacy and avoid discriminatory practices.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN), the gentleman from Texas (Mr. SMITH), chairman of the Committee on the Judiciary Subcommittee on Immigration and Claims, the gentleman from California (Mr. THOMAS), chairman of the Committee on House Oversight, and their staffs for their willingness to work to achieve an agreeable solution.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Perhaps without knowing it, I believe that my colleague from California (Mr. HORN) made a very prophetic comment in response to the gentleman from Georgia (Mr. LEWIS) just a few minutes ago when the gentleman from Georgia (Mr. LEWIS) raised some concerns that African Americans here in this country fear so much by this legislation when he said, "but blacks are born in this country, they get automatic citizenship."

I say to the gentleman, he forgets that there are a lot of black Americans in this country who came to this country from Haiti, African countries, and are now American citizens but came as immigrants. And there are many, many, many Latino Americans who came from Latin American countries and Asian Americans who came from Asian countries who, when they first were here, could have been questioned about their citizenship, and still may be questioned about their citizenship because of their looks and because of the way they may speak.

But let us not forget that there are Irish in this country, there are Italians in this country, there are Bulgarians in this country whom, on appearance, one may believe were born here and are entitled to automatic citizenship and automatic right to vote, but that may not be citizens. And by empowering these local officials, without any kind of guidance to decide they are going to check people, what we are doing is returning us to the days when we had poll taxes and the like.

We are suppressing the vote; we are going to raise hurdles to participation, and we are trying to do it with a system that cannot work, because Social Security, the administration has said, a Social Security number has never been more than a way to tell people if they qualify for Social Security, not for anything else.

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The INS will say that their records cannot tell if someone is eligible to vote; only if someone has naturalized. So we are getting ready to embark on something which will deny American citizens who have the right to vote that opportunity. Mr. Speaker, that is the worst signal we can give on the birthday of a man who made most possible the right for all Americans to vote.

Mr. PEASE. Mr. Speaker, may I inquire as to the balance of time on both sides.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Indiana (Mr. PEASE) has 10½ minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 14 minutes remaining.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY), the next Governor of Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am speaking as the ranking member of the Subcommittee on Social Security, and I want to emphasize the negative impact this bill would have on the Social Security Administration.

Mr. Speaker, the bill would impose an enormous work load on the same agency that is responsible for sending every Social Security check out every month. These are so important. As we know, tens of thousands of older women have only the Social Security check to rely on. And even if additional funds are provided, urgent needs such as the revision of the Social Security computer system for the year 2000 approaches and needs attention. Even though voter registration is so legitimately important, it is not what the Social Security Administration should be doing.

More importantly, the Social Security Administration does not keep the kinds of records necessary for this requirement. Prior to 1971, Social Security Administration data was based on only what a citizen told the agency. No documentation was required until 1981.

Furthermore, the legislation would undermine the motor voter law discouraging voter participation undermining voter rights. We have worked so hard to encourage citizens to get to the polls on Election Day. This bill would force us to take a step backwards in our efforts to promote voter registration by establishing an unnecessary obstacle to voter registration and taking away from the participation of many citizens.

This legislation would discourage voter participation, divert important resources away from the Social Security Administration, and also the central purpose of that administration, as we know, is to send those checks out on time, to be effective when the people call the agency, to serve the people of these United States.

Mr. Speaker, I urge my colleagues to vote against this bill. This bill does not provide the adequate support system necessary to carry out what its intentions might be. But what it will do, and I think necessarily will do and should not do, is take away from our very important Social Security agency which is so important to the citizens of this country.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, the road to the ballot box for women and minorities has never been easy. Now, Republicans want to begin a new and tragic chapter in our country's voting rights history.

Mr. Speaker, I was born in this country. As a Puerto Rican, I am just as American as anyone from Massachusetts or Virginia. Yet, the Horn bill could easily deny me the right to vote. The simple fact is that H.R. 1428 gives election officials too much power to rely on INS data to bar people from voting.

As natural born citizens, millions of Puerto Ricans with no record at INS could unfairly be stopped at the ballot box. This is wrong, pure and simple.

Mr. Speaker, I say to my colleagues that the only purpose for this hostile legislation is to torment citizens. If we silent the voices of any Americans, we destroy our democracy. I urge my colleagues to defeat this voter suppression bill.

Mr. PEASE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Indiana for yielding.

Mr. Speaker, I think it is appropriate at this time to rise and provide some facts for the record since there has been a series of statements that are just factually inaccurate.

First of all, this is not a new or innovative idea, that is using Social Security numbers for voter identification. There are currently more than half a dozen States that do it. So my assumption is that those who have gone to the well on the other side of the aisle to argue that this is somehow un-American believe that the States of Georgia, Hawaii, Kentucky, New Mexico, South Carolina, Tennessee, and Virginia are all un-American because they utilize Social Security numbers for verification.

In addition to that, I found it interesting that the gentlewoman from Connecticut (Mrs. KENNELLY) is concerned about the burdens on the Social Security Administration, after we heard from the gentleman from Kentucky (Mr. BUNNING) with his praise of the amendments that made sure none of the trust fund money would be spent. There are no dollars from the Social Security trust fund that are going to be utilized for this purpose. What the chairman did say, if we listened to him, was that the program was going to be modeled after an employer's program that is already on the books. We are allowing elected local officials to function as employers currently do in a pilot program.

Returning to the question of the INS and its records, obviously after our inquiries and our attempt to work with the professionals at INS, although we were stonewalled by the political appointments at the Department of Justice, the INS professionals have come to realize that they have to do better; do better for all Americans.

The Coopers & Lybrand report said that they are going to have to have digitized photographs and electronic fingerprints at several stages of the citizenship process. My assumption is that the INS and the Clinton administration will now be called racist because they want verification. What is wrong with verification?

Frankly, if we have voter rolls that people know are honest, that would strengthen motor voter, not weaken it. To the degree we have people going on the rolls and we continue to have fraud in voting, there is going to be a massive effort to fundamentally reform the motor voter bill. This effort will be led by the local election officials who have to enforce motor voter.

If my colleagues were truly interested in trying to make sure that a person's right to vote is protected, they would be supporting this kind of legislation. Then we can ensure that the rolls are accurate and that the motor voter law is not undermined.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 30 seconds remaining.

Mr. THOMAS. Mr. Speaker, if the gentleman from Rhode Island would like to ask me a question on his time, I would appreciate it because I have a very short time. Does the gentleman have time?

Mr. KENNEDY of Rhode Island. Mr. Speaker, I have time, but it is coming up in 3 minutes.

Mr. THOMAS. Mr. Speaker, okay, then I will be with the gentleman in 3 minutes.

Mr. Speaker, this is a very modest attempt, based on what we now know from the contested election in California's 46th District that there will be people who go to the polls and who will not be voting legally.

Any Member who does not want to support this very reasonable check to provide election officials with tools to make sure their voting rolls are accurate are, in fact, damaging the very argument they argue that they are trying to support, and that is the advances that we have made in allowing more people to come on the rolls would be sustained.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman from California is talking about something that may exist in the future. Unfortunately, this process has to verify voters now. As soon as it is put in place. And the INS and Social Security have both said unequivocally they do not have the capacity to do this.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Speaker, I rise in opposition to what I think is an ill-conceived measure that would, frankly, do more to create a big government bureaucracy centralized here in Washington, D.C., and do little, if anything, to get at the question of voter fraud.

This is an ill-conceived measure. I think that we are turning back the clock and creating a mechanism that will only enhance discrimination. It will further divide this Nation. And, frankly, if we truly care about voter fraud, we would do some other kinds of things working with local governments in the States, rather than this Republican majority creating a big government bureaucracy that is composed of, again, the watchful eye of Big Brother.

Mr. WATT of North Carolina. Mr. Speaker, did the gentleman from New York use his entire minute?

The SPEAKER pro tempore. The gentleman has 15 seconds remaining.

Mr. WATT of North Carolina. Mr. Speaker, I just wanted to make sure that we were reserving the time for our side. We have many speakers.

The SPEAKER pro tempore. Does the gentleman, then, reserve the balance of his time?

Mr. WATT of North Carolina. Yes, Mr. Speaker.

Mr. PEASE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I have the highest regard for my colleagues who have stood in opposition to this measure. But the fact of the matter is they are using little more than rhetoric. The gentleman from California (Mr. THOMAS) got right to the facts.

We have a responsibility in this Congress. It is the responsibility to protect that very precious franchise: the right to vote. Everyone acknowledges that we have witnessed fraud in elections that have taken place. And as an institution, we have been over the past several Congresses encouraging greater participation. And yet what has happened? We have seen a lowering in participation and an increase in fraud. This is, as my friend said, a very cautious step.

The gentleman from California (Mr. HORN) is one of the key authors of the Voting Rights Act, and I know that he would do nothing whatsoever, nothing whatsoever to overturn that very important legislation which he worked on.

Mr. Speaker, we should support this very modest measure to ensure that that franchise is in no way jeopardized.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN), the former secretary of state of the State of Ohio.

Mr. BROWN of Ohio. Mr. Speaker, what is this bill really all about? Last month the Los Angeles Times ran a story: "National GOP Officials Outline Poll Watcher Plan."

Behind closed doors at last month's Republican National Committee meeting, Republicans cooked up a plan to put "poll watchers" and "challengers" at key precincts on Election Day.

Mr. Speaker, are they putting them in Beverly Hills? No, they are targeting, quote, "districts with substantial racial or ethnic populations."

The L.A. Times reported: "For many in Orange County, the proposed poll watchers would be reminiscent of the uniformed security guards that the GOP placed outside voting sites in Assemblyman Curt Pringle's district in 1988. Republicans ended up paying $400,000 to settle a civil lawsuit brought by several Latinos outraged by the incident."

Mr. Speaker, every American should be outraged. Whether they are white, black, brown, Hispanic, Asian Americans, African Americans, this bill is an outrage. The Republicans should be ashamed of themselves.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, no one in this body is for fraud, but unfortunately this bill has nothing to do with fraud. As the gentleman from Indiana, my friend and colleague, has mentioned, unfortunately, the immigration records cannot prove U.S. citizenship.

Mr. Speaker, as the letter from OMB received yesterday points out, the Social Security Administration records also will not definitively reveal the status of citizenship. When we put the two together, we do not get anything more than what is there to begin with. We cannot prove citizenship with these records.

So why are we here today? We are here today to consider a bill that would deter and discourage Americans who are not Anglo from voting. Whether intended or not, that will be the effect.

Mr. Speaker, I listened to the gentleman from Georgia (Mr. LEWIS). I was a school girl 34 years ago when the gentleman from Georgia stood on that bridge for voting rights. Today I think that all Americans need to stand together once again to overcome the forces that would take us back to the days of Jim Crow, that would take us back to the days when poll taxes were in place.

Mr. Speaker, I urge my colleagues to stand together for America.

Mr. PEASE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, until 3 years ago, I was a county supervisor supervising the registration system for voters in a county of over 2.5 million people, and I know now what I knew then. There are two ways of violating a voter's rights. One is not to allow qualified voters to vote, and the other is to allow unqualified voters to vote and negate those qualified voters from voting.

Now there is a lot of talk on this floor year after year about democracy and how important it is. This vote is about the integrity of our electoral process that sends every one of us here. And if what we are trying to say now is that the integrity of that vote, that qualified voters are being given the right to make their vote count, then vote for the bill offered by the gentleman from California (Mr. HORN). It is a very moderate approach.

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If my colleagues want to find excuses to walk away from this issue, I ask them to consider the fact that in the 1960s there were those who found excuses not to stand up for the right of voters to be able to have their vote count. Today, in the 1990s, sadly there are those who are finding excuses to allow unqualified people to have access to the voting polls to disqualify good, qualified voters.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from North Carolina for yielding me the time.

I rise today in opposition to this resolution which will add barriers to the free exercise of voting for many Americans. The fundamental right to vote is the foundation on which our democracy is based. The right to vote was directly attributable to the American Revolution, enactment of the 15th amendment, women's suffrage and the Voting Rights Act of 1965.

In the segregated South, poll taxes and literacy tests were used as weapons against the right to vote. Now, more than 120 years later, 28 years after enactment of the 15th amendment and 3 years after enactment of the Voting Rights Act of 1965, we are considering legislation that could once again inhibit the right to vote. H.R. 1428 would give wide discretion to State and local officials to deny legalized citizens, presumed to be illegal immigrants, the right to register to vote.

This is a bad piece of legislation.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, with H.R. 1428, which I call "the voter suppression and antivoter privacy act," Republicans are proving that they are the party of big, prying and intrusive government. Republicans want the Social Security Administration, the INS, the Justice Department to run background checks and share private information on American citizens who simply want to register to vote. Unless things have changed since I was in law school, Americans have the right to vote without going through a security check by "big brother" government.

Why would Republicans do this? Maybe it is that they just finished blowing a million taxpayers' dollars in a 14-month investigation in the LORETTA SÁNCHEZ case that they could not prove.

What is next in the Republican plan? Will the FBI run checks on everyone who gets a driver's license? Will Social Security recipients be fingerprinted by the INS? And who will be targeted by the Republican efforts? Americans of Hispanic descent and other minorities who have common last names often found on immigration lists and who simply do not look like our typical mode.

We have to make it more convenient for our citizens to vote, not more difficult and intimidating. If that scares Republicans, more working families mean fewer Republican votes.

Mr. WATT of North Carolina. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from North Carolina (Mr. WATT) has 6 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 5½ minutes remaining.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, it is obvious why the Republicans drafted this bill. Republicans learned in 1996 that there is a price to pay for practicing the politics of prejudice. Latino voters grew tired of hearing Republicans' red-hot rhetoric and cold-hearted legislation targeting our communities, so in response Latinos voted for tolerance, opportunity and equality. In other words, Latinos voted for Democrats.

What is the Republican reaction? To change course to end their anti-Latino anti-immigrant behavior? No. Now they want to create unnecessary fear within the Hispanic community and create unwarranted fear of the Hispanic community in the eyes of our fellow Americans.

I am not in the business of giving advice to NEWT GINGRICH, but let me say this: Latino voters are American voters. When we vote, we remember who stood with us and who stood against us. And we are not alone; Americans of diverse backgrounds are united. They detest discrimination, are sick of scapegoating and are fed up with finger-pointing. The Republicans will go on record today not simply as opponents of Latinos but as opponents of the principles that should make each of us proud to be an American.

Well, I'll tell you what kind of name Gingrich is—it's an American name.

Every bit as American—in fact—as Garcia. Or Morales. Or Jimenez.

Each one an American. Each deserving the right to vote. Each deserving of respect.

And none deserving of the scapegoating, suspicion, and cynicism that the Republicans have aimed at them with this legislation.

It's obvious why the Republicans drafted this bill:

Republicans learned in 1996 that there is a price to pay for practicing the politics of prejudice.

Latino voters grew tired of hearing Republicans' red-hot rhetoric and cold-hearted legislation targeting our community.

So, in response, Latinos voted for tolerance, opportunity, and equality.

In other words, Latinos voted for Democrats.

And what is the Republicans reaction?

To change course? To end their anti-Latino, anti-immigrant behavior?

No. Now they want to create unnecessary fear within the Hispanic community, and create unwarranted fear of the Hispanic community in the eyes of our fellow Americans.

I am not in the business of giving advice to NEWT GINGRICH. But let me say this:

Latino voters are American voters.

When we vote, we remember who stood with us who stood against us.

And we are not alone.

The Republicans will go on record today not simply as opponents of Latinos . . . but as opponents of the principles that should make each of us proud to be an American.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act.

Mr. Speaker, I rise today in strong opposition to H.R. 1428, the Voter Eligibility Verification Act. A great man once said give me liberty or give me death. I say give me the ballot box free and unencumbered or give me death.

I find it ironic that we stand here today in February—the month set aside for the celebration of Black History and we are debating a bill that threatens to undermine with the franchise rights of millions of Americans.

Fannie Lou Hamer, Dr. King, Goodman, Chaney, Schewerner, and countless others gave up their lives to ensure that every American would have the right to vote. The days of requiring Americans to count how many bubbles are in a bar of soap, before giving them the right to vote must never return. This legislation disguised as a bill to prevent voter fraud could take us back to the days when a series of tests dictated whether one had the right to vote.

At a time when voter registration and participation should be encouraged—this bill seeks to discourage potential voters and especially minorities. This bill must be rejected for four reasons. First, there has been no evidence of widespread voter fraud. Secondly, this bill infringes on privacy rights of individuals by requiring that voters Social Security numbers be listed. Thirdly, the Department of Justice and Social Security Administration have stated that this bill is untenable and unsafe.

Finally, this bill should be rejected because it is an assault on the Motor Voter bill.

Therefore, I urge my colleagues to resist the temptation of interfering with the franchise in this manner—reject this bill and protect the rights of millions of Americans to participate in the democratic process.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his leadership.

I rise with strong opposition to the recognition that every single one of us was one day an immigrant coming to this Nation, believing in freedom and liberty and seeking an opportunity to serve this Nation as a citizen. Whether it be at war or at peace, immigrants from all over the world came for justice and freedom.

Now, today, in this House this Republican leadership and majority want to take away and clothe the Voter Rights Act with the cover of the Ku Klux Klan and deny those new immigrants who become citizens the right to vote. How tragic that we have come to this. Hispanic voters, Asian voters, new voters from the continent of Africa, yes, this is what this bill will do. It cannot be implemented, Mr. Speaker.

The reason is, the Social Security Administration does not know how to implement it. They do not have any kind of data beyond 7 years ago. I ask any one of you who is an American today, would you want this to have happened to your grandmother and your grandfather? Then stand up for those who have come for freedom and are legal citizens. Vote down this horrible stab in the Voter Rights Act.

Mr. Speaker, I rise today in opposition to H.R. 1428, the Voter Eligibility Verification Act. H.R. 1428 purports to eliminate voter fraud by requiring proof of citizenship for registered voters and applicants for voter registration. In fact, this bill is nothing more then a thinly veiled tool for suppressing the minority vote.

At a time when voter turnout is at record lows, Republicans are proposing a bill that would make sure that fewer voters participate in future elections. H.R. 1428 effectively undermines the Voting Rights Act and the National Voter Registration Act.

H.R. 1428 will empower local election officials to drop citizens from voter rolls if the Social Security Administration and the Immigration and Naturalization Service are unable to confirm a person's citizenship status. However, according to testimony from both the INS and SSA, H.R. 1428 is utterly unworkable because neither agency can conform the citizenship of a majority of Americans.

When names which have been submitted for verification to the INS and SSA come back "unverifiable," state and local election officials are left with the sole discretion to decide who will be allowed to vote. The legislation provides no means by which to ensure that these officials act in ways that are uniform and nondiscriminatory. Since there is no criteria for challenging whether a voter on the rolls is a citizen or not, election officials may choose to block access to the ballot box based on a person's appearance, accent, or "foreign-sounding" name.

Ensuring fair participation in the political process is fundamental to our democracy. Increasing voter participation, rather then stifling it, is the only way to guarantee that more American voices are heard in the ongoing national debate over the future of this country. We do not want this experiment in Texas. We do not want this attack on Hispanic, Asian, or other new immigrants who are legal citizens.

I urge my colleagues to join me in opposing this dangerous and discriminatory piece of legislation.

Mr. PEASE. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I have listened with great interest to my colleagues on the other side. Usually in the debate on a bill we have a few facts that are facts on both sides. This morning I have heard hardly any facts.

It is very simple. A vote against this bill says "We do not want to check citizenship. We want illegals and noncitizens to vote in American elections."

Now, if Members think this is wrong, may I say, we all stand up and take the oath in this Chamber to abide by the Constitution. The Fourteenth Amendment says: All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. And we look at the Fifteenth Amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

You will notice the Civil War—Reconstruction legislators put this language together to differentiate between "person" and "citizen." It is very clear. They are saying only citizens in the United States should vote. They are not saying persons. They are saying citizens. That is the basic choice.

The framers of the Constitution and the framers of these amendments—the great post-Civil War amendments—knew what they were doing, and they differentiated. They knew the difference between "person" and "citizen." The last I knew, we wanted citizens of the United States to vote. The millions who have come here—including my father, who left tyranny for freedom, and my great-grandfather—could hardly wait to be naturalized and become an American citizen.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, in Henry Wadsworth Longfellow's poem, "The Landlord's Tale, Paul Revere's Ride," he describes the will and resistance of those who came from Britain who had fled their mother country and created the 13 colonies seeking freedom and democracy. He described, "One if by land, two if by sea, on the opposite shore I will be, ready to ride and sound the alarm through every Middlesex village and farm."

Today we are here sounding the alarm. H.R. 1428 is unAmerican. It is unfair. It is an outrageous attempt to deny immigrants democracy. H.R. 1428 is quite simply a frontal assault on our Nation's essential voting rights.

The bill would seriously undermine the Federal laws governing the uniform and nondiscriminatory registration of voters. It is reminiscent of the poll tax and literacy tests, of Jim Crow.

This bill would allow local political officials to make arbitrary and potentially discriminatory decisions by selectively targeting groups of voters and forcing them to prove their citizenship, using an incomplete and inaccurate database.

Vote down this bill. It is unAmerican. It is unfair. America deserves better than this kind of misguided public policy.

Mr. WATT of North Carolina. Mr. Speaker, would the Chair advise us of the time remaining?

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) has 3 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 4 minutes remaining.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TORRES).

Mr. TORRES. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to express my strong opposition to this legislation, which is yet another attempt to undermine the voting rights and discourage voter participation of certain ethnic groups. Rather than encouraging every willing American citizen to exercise his or her right to vote, I must say, this restricts that very right.

This bill is based on the misguided perception that voting by noncitizens is a major problem in this country. Yet the most inflated studies estimate that illegal voting constitutes but a mere fraction of all voters. Neither the Social Security Administration nor the INS is capable of providing this information accurately, and both agencies are already on record opposing this.

Mr. Speaker, it seems that the colleagues who want to return to this antialien ideology of the Know-Nothing Party of the 1850s, that is what is in question here. Within the current political climate this could only be construed as a means to prevent the participation of ethnic minorities in the electoral process.

This is discrimination of its worst kind. It is indeed, as the gentlewoman said, un-American.

Mr. Speaker, I rise to express my strong opposition to H.R. 1428. This is yet another attempt to undermine the voting rights and discourage voter participation of certain ethnic groups. Rather than encouraging every willing American citizen to exercise his or her right to vote, my colleagues want to restrict this right. Over the past few years, the ills of our nation have been blamed on immigrants or the descendants of immigrants. This is discrimination of the worst kind. My heritage within the borders of this great nation goes back five generations. But it is people like me who this bill attempts to repress and rob of an active political life.

This bill is based on the misguided perception that voting by noncitizens is a major problem in this country. Yet, even the most inflated studies estimate that illegal voting in this country constitutes but a mere fraction of all voters. The INS is required to and has fully cooperated with election officials during investigations of voter fraud. Not only is this bill unnecessary, it is impractical.

Neither the Social Security Administration nor the INS have accurate databases to confirm citizenship status. These agencies are incapable of providing this information accurately and both the Social Security Administration and the Justice Department have already voiced their opposition to this legislation. The INS is already working to become more efficient, reforming its system to reduce backlogs and prevent criminals from becoming citizens. Forcing it to take on further unnecessary, time-consuming duties would be a waste of taxpayer dollars that are intended to naturalize, not penalize.

Many U.S. citizens were naturalized before the INS began keeping computer records at all. These Americans, who have been voting for years, are among the most likely to have their voting rights revoked and their participation suppressed. If election officials are allowed to "confirm" citizenship status of registered voters and applicants, we grant them the prerogative to reject applicants and drop voters from the rolls. A name returned "unconfirmed" would be deemed ineligible to vote. Millions of native-born and naturalized citizens would be turned away and have to prove they are citizens.

The bill we have before us today would overturn the Voting Rights Act and invalidate the National Voter Registration Act or "Motor Voter Law." This landmark legislation successfully established procedures that encourage voter participation nationwide. Since its enactment in 1993, 13 million new voters have registered, including senior citizens, disabled citizens, military personnel, and many others. This is the intention and design of a democracy. Reinstating obstacles to this achievement would be counter-productive. Within the current political climate, this can only be construed as a means to prevent the participation of ethnic minorities in the electoral process.

Millions of Americans take for granted the rights they have in this country. For a recently naturalized citizen, voting is an opportunity to fully experience a newly earned freedom. It is something to be practiced with pride and self-respect. But many of these new citizens do not carry, on their person, documents to prove their citizenship. How many of us in Congress carry such documents? Some of these new citizens have yet to receive these papers due to tremendous backlogs at INS. Even those who are already registered would be subject to new requirements.

This bill is nothing but a spiteful attempt to retaliate against the Latino community for sending Bob Dornan to the unemployment line. It is more of the same failed tactics used by the Republican leadership in a continued effort to cast a cloud of suspicion on a large percentage of Americans and reduce minority participation in the 1998 and 2000 election cycles. This is an unjustified assault on Americans of color, those with foreign surnames or particular accents. Such subjective scrutiny will have a chilling effect on the voting power of Latinos and Asian Americans.

Mr. Speaker, I call upon all of those who believe in democracy and those who continue to believe in the "American Dream" to vote against this misguided bill.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentleman from North Carolina for yielding me this time.

As I was growing up in my family and I read about my uncles, President Kennedy and Robert Kennedy, and I read about their leadership in the 1960s and read about the 1964 Civil Rights Act and the 1965 Voting Rights Act, I thought my uncles had done it all. Growing up in my family, I thought, how could I ever fight the same fights they fought for, because I wanted so much to be a part of their fight.

I am telling my colleagues today, I never thought I would see the day when their fight was not over. But it is not over; it is carrying on with this bill, 1428, as we speak on the floor.

Last year, the Republicans put before this House a bill that said for teachers and principals to choose the students out of their classes that they thought were illegal aliens. In New England, where I represent Rhode Island, the highest illegal immigration problem is Irish overstays, Mr. Speaker, Irish overstays.

Do my colleagues want to know how many teachers and how many principals and how many voting people are going to question Irish people who look like me when they go into the voting booth versus how many are they going to question that look like the gentleman from North Carolina (Mr. WATT) or the gentlewoman from New York (Ms. VELÁZQUEZ). That is what this bill is all about. It is wrong. It is un-American. We should turn it around.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself the balance of my time.

The question is what problem are we trying to solve by this bill? I submit to Members that the problem we are trying to solve by this bill is one that the Republicans are trying to create.

□ 1345

They are seeing an unregistered voter behind every tree and they are seeing them vote for Democrats. That is what this bill is all about. They have spent over a million dollars on a wild goose chase and now they bring a bill to the American people which they know will fail to cover their tracks and make it look good.

This bill will not work. The Social Security Administration and the INS have already told us that they do not have the records. Who will be sent there to check their citizenship? People who look like they are not American citizens: Hispanics, blacks, people who are minorities. This bill is un-American. They will then be given 30 days to take an appeal, but that 30 days will expire after the next election.

So what happens when I walk into the polling place and try to cast my vote? I will be told, oh no, you cannot vote because you do not look American. The Republicans are seeing diversity behind every tree. Stand up and understand that this country is about diversity and honoring diversity, not destroying it. That is what this bill will do. That is what it is intended to do.

No committee has marked up this bill. It comes to the floor today in the wake of the Sánchez dismissal as cover for my Republican colleagues. That is the sole reason it is here.

This bill is un-American. It should be voted down and we should be ashamed for bringing it to the floor.

Mr. Speaker, I include for the RECORD a letter dated February 11, 1998, from the Congressional Budget Office regarding this bill:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 11, 1998.

Hon. MELVIN L. WATT,
Ranking Member, Subcommittee on Immigration and Claims, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: On February 10, you requested CBO's analysis of H.R. 1428, the Voter Eligibility Verification Act. H.R. 1428 was introduced last June, but it has not been reported by a Committee, and CBO has not completed a formal estimate of its budgetary implications.

The bill, as introduced, would direct the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS) to respond to inquiries from state and local election officials about the citizenship of prospective voters. It is difficult to estimate the likely costs of the bill, because neither SSA nor INS now maintains the information that would be necessary to provide definitive confirmation of citizenship for the vast majority of the voting-age population. SSA issues Social Security numbers (SSNs) to native-born citizens, naturalized citizens, and aliens legally admitted for permanent residence; the citizenship information in SSA's files may not be up-to-date or (if the SSN was issued before 1981) based on documentary evidence. The INS has information about naturalized citizens but not about native-born citizens; even those data contain gaps, are not entirely automated, and rely on the alien registration number rather than the SSN.

Because the limitations of these data would soon become apparent to state and local officials, the number of inquiries is likely to be small, as would the cost of responding to them. Filling the gaps in the agencies' data would require the creation of new data bases, clearly an expensive undertaking, but one that would be barred by the bill.

I hope that this information is helpful to you. If you have further questions, please do not hesitate to contact me, or have your staff contact Kathy Ruffing of my staff at 226–2820.

Sincerely,
JUNE E. O'NEILL,
Director.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the H.R. 1428, the so-called Voter Eligibility Act. Despite its name it will do nothing to verify eligible voters. Instead this bill will undermine the Voting Rights Act of 1965, the Motor Voter Act, create a national database system and unnecessarily invade the privacy of millions of Americans. That the Republican leadership would bring such a bill that diminishes a citizen's constitutional right to vote, to the full House under suspension, circumventing three House committees that have jurisdiction, and making seven substantive changes to the bill the night before, is a disgrace.

This verification scheme in this bill is simply unworkable. The Social Security Administration (SSA) and the Immigration and Naturalization Service (INS) do not have the records to verify citizenship. The SSA is unable to confirm citizenship because SSA is not the official custodian of birth, naturalization, or other records that constitute evidence of citizenship. The INS database is severely flawed because is does not include any information on any native born citizens. And the INS database does not include citizens naturalized before computer records were kept of citizens who were recently naturalized. We are all against voter fraud, but H.R. 1428 is requiring a confirmation process for citizenship which is just not possible with any existing federal database.

The bill would also be very costly. Since the bill was not reported from any committee the CBO did not complete a formal estimate. But, in a letter dated today the CBO states ". . . filling the gaps in the agencies' data would require the creation of new databases, clearly an expensive undertaking, but one that would be barred by the bill." So the proponents of the bill can't have it both ways. But it is impossible to confirm citizenship without creating a new expensive national database. Watch out! Big brother is watching and checking your citizenship!

H.R. 1428 is also a threat to privacy because voting registration records are public records. Nothing in the bill would protect or ensure the privacy of Social Security numbers. But the darkest provisions of this bill is its impact on the Voting Rights Act and the Motor Voter Act. At a time when voter turnout is dangerously low, this legislation seeks to discourage voter registration. Why should citizens have to bear the burden of proving their citizenship? How do you prove this? Should we now require everyone to carry a birth certificate or other document at all times? This is an unacceptable burden would have a disproportionate impact on low-income, language minorities and elderly who may not have access to the resources to pursue a complicated, confusing procedure for confirmation of citizenship. This effort is the equivalent of a modern day poll tax that was designed a century ago to keep African Americans from the voting booths.

Motor voter has been a great success. In a Subcommittee hearing last year, the League of Women Voters testified that the Federal Election Commission reports that 1996 saw the highest percentage of the voting age population registered to vote since reliable records were available in 1960. Nearly 73 percent of eligible Americans are registered to vote. Why do we under the unsubstantiated guise of voter fraud do we need to reverse this trend?

Many Americans, including many members in this House on both sides of the aisle have worked hard to eliminate barriers, test and devices which would hinder people from registering to vote. Why are we bringing legislation to floor which will turn back the clock on the efforts to preserve the constitutional right to vote for all Americans? Bringing this legislation to floor, under suspension, represents yet another sad day for this Congress. I urge the members to oppose this extreme short-sighted measure.

Ms. PELOSI. Mr. Speaker, I rise to express my opposition to the Republican majority's attempt to control the electoral process. H.R. 1428 could keep millions of Americans from voting. American citizens, could be selectively removed from the voter lists. This kind of federal interference in the local electoral process would have a chilling effect on millions of new citizens who would be frightened away from this most sacred expression of the people's will.

This Republican bill will lead to discrimination against racial and ethnic minorities. Citizens could be purged from the voter rolls soley on the basis of an ethnic-sounding surname or the fact that they live in a predominantly minority neighborhood.

Sadly, it appears this legislation is part of a larger Republican effort to suppress Hispanic voter turnout. This campaign began with the year-long, million-dollar investigation into Congresswoman LORETTA SÁNCHEZ'S defeat of Republican Bob Dornan in California's 46th district.

This bill will not work. Both the INS and Social Security have already said they cannot confirm the citizenship of most Americans.

We need to remove obstacles to participation not build fear into the electoral process.

Ms. ROYBAL-ALLARD. Mr. Speaker, earlier today this chamber voted to end the probe into the election of Congresswoman LORETTA SÁNCHEZ.

Congresswoman SÁNCHEZ was vindicated, and the voice of her constituents was reaffirmed.

It should have never been questioned!

And now Republicans want to set our nation back. They want to create new barriers to voting for every American.

Mr. Speaker, our right to vote is among our most sacred duties as Americans.

As our nation has evolved, so has our electoral process.

The days of the infamous poll tax are gone, and the 19th Amendment ensures that all of our nation's citizens are granted representation through their vote.

H.R. 1428, the so-called "Voter Eligibility Verification Act" is a misguided Republican attempt at curtailing the Voting Rights Act as well as key provisions of the Privacy Act.

The bill allows federal, state, and local officials to randomly challenge the right to vote of any person they choose, and it directs the Social Security Administration and the Immigration and Naturalization Service to investigate the citizenship of any individual at the request of election officials.

The INS and the Social Security Administration both oppose this bill. They know that many of their files are outdated and that they cannot accurately verify the citizenship of Americans.

Furthermore, by allowing states to require Social Security numbers on voter registration forms—a practice which is prohibited under the Privacy Act—this bill would overturn key provisions of current law, and make the Social Security numbers of Americans public information.

Mr. Speaker, let's keep this Congress from violating the fundamental rights of Americans.

I strongly urge my colleagues to vote against H.R. 1428.

Mr. HOYER. Mr. Speaker, I rise in strong opposition to H.R. 1428, the Voter Eligibility Verification Act.

The only purpose this bill serves is to undermine the Voting Rights Act of 1965 and the National Voter Registration Act, more commonly referred to as the Motor Voter law. H.R. 1428 is exclusionary in nature, and it's motives are questionable.

Mr. Speaker, if ever we as legislators wanted to discourage American citizens from voting, this bill would get the job done. There is no argument that persons who are not citizens of this country should not be permitted to vote. However, this bill is not the answer.

When immigrants become citizens of the United States, they are very proud and have an earnest desire to contribute to and participate in the greatest democratic nation in the world. Whether it is to join the workforce and contribute to the economy, or to cast a vote and participate in the democratic electoral process, we ought to embrace our new countrymen and women with respect.

H.R. 1428 would take away that respect. We would be saying to everybody—even those born in this country—"Prove to us that you are a true American. Prove to us that you are entitled to vote in our Democratic electoral process."

What's next, Mr. Speaker? Will we have to start carrying our personal papers on our person at all times in the event that we will suddenly prove our nationality when we cross state lines as they did in World War II Europe?

This bill is also an affront to the 35 million plus voting aged Americans with disabilities who have benefitted greatly from mail-in registration since, in many instances, these individuals are physically unable to go to a registration site. Americans with disabilities already register to vote at a rate 20% below the rest of the population. If H.R. 1428 were enacted, that number would drop even lower.

This bill is flawed in many ways. First, H.R. 1428 says that for persons born prior to 1978, the Social Security Administration would be required to report where that person was born. If a person was born 70 years ago in another country, but has since become a naturalized U.S. citizen, his or her INS records are archived in a federal vault. There would be no way to verify the citizenship of long term, naturalized Americans through this scheme.

Second, the bill would provide a 30-day "appeal" period, which would allow a person whose citizenship is unverifiable to submit "supplemental" materials. At the end of those 30 days, the local or state registrar of that voter will then decide whether to permit the person to vote. This is an incredible affront to the Voting Rights Act. To give a registrar the ability to deny an American citizen their right to vote is a disgrace and an injustice.

This is America, Mr. Speaker. This bill was conceived out of paranoia and xenophobia and it would severely threaten the voting rights of all Americans. Mr. Speaker, rather than discourage, we should encourage Americans to participate in the Democratic electoral process and to become fully engaged in the affairs of the country, which is their fundamental right.

I urge my colleagues to vote no on H.R. 1428.

Mr. UNDERWOOD. Mr. Speaker, today, we examine a flawed bill targeted against minority voters in this country, H.R. 1428 is crafted not only to intimidate voters and fail to preserve citizens' privacy, it also places an undue burden on the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS).

H.R. 1428's mechanism to ensure voter authenticity is through confirmation from the SSA and INS. However, these organizations themselves stated that they cannot guarantee U.S. citizenship for all Americans for the following reasons: The SSA's citizenship data is self-reported (before 1978, the SSA did not require citizenship information); INS has accuracy problems with current computer-recorded information (before the INS began keeping computer records, thousands of individuals were already naturalized; these are Americans who will be "missed" if this system is in place).

H.R. 1428's attempts to ensure a voter's American citizenship is shadowed by a greater offense to our constituents. It sends a clear signal for minorities not to come to the ballot box because they will be harassed and unduly questioned about their loyalties. According to H.R. 1428, if the SSA and INS cannot confirm an individual's citizenship, local and state officials can deny a person the vote. Now, if your last name is Nguyen or Santos, I can assure you that you should expect more questions and obstacles than if your name was Newton or Smith.

Let us not forget that American ethnic minorities are valuable members of our society. Introducing legislation which is flawed in conception and implementation and targeted to this segment of society is counter to our American ideals of fairness and democracy. I urge my colleagues to vote no on H.R. 1428. We cannot afford to decrease the number of Americans voting in this nation. We are a democracy after all, not an oligarchy.

Mr. VENTO. Mr. Speaker, it is ironic that on the birthday of Abraham Lincoln, the Republican Leadership in the House of Representatives is bringing to the floor a proposal that says if you are African American, if you are Hispanic American, if you are Asian American, the Republican Party does not trust you to vote. The measure before us builds barriers and creates a coercive environment with the election and voting process.

In its worse manifestation, H.R. 1428, the "Voter Suppression Act," could return us to the "good old boys" days of Jim Crow laws. It is a proposal that has the effect of intimidating minority voters and creating a double standard that makes it more difficult for American citizens, who do not meet these new Republican superimposed criteria, to vote. For the Party of Lincoln, the Party of "states' rights" to interject this unprecedented level of big brother, big government is a shame.

Minnesota has led the nation in voting participation for the past few decades by providing election day registration and extended absentee ballot procedures. To date, there have been no examples of widespread scandal or voter fraud. At a time that we should be doing more to empower new voters and facilitate the voting process, this measure moves backwards to a process which is a proven failure.

Mr. Speaker, none of us condone illegal voting. But this is an issue that has been and should continue to be addressed at the state and local level. If the Republican members are truly concerned about how minority voters vote, maybe they should end their policies designed to divide our nation and penalize minorities instead of trying to frustrate the legitimate exercise of their franchise, the right to vote. I urge a "No" vote on H.R. 1428.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong opposition to H.R. 1428 which seeks to limit eligibility for voter registration by the creation of a new federal voter eligibility system to confirm the citizenship of registered voters.

This apparently politically-motivated bill would amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General must respond to local voting officials who question, for one reason or another, the citizenship of voter registration applicants.

My colleagues, I ask you is this bill necessary? What evidence is there of widespread voter registration fraud by noncitizens?

Instead of combating voter registration fraud H.R. 1428 would likely foster discrimination instead, because it would allow state and local officials to drop American citizens from the voter rolls solely on the basis of their "ethnic sounding" last name or because of the fact that they live in a predominantly minority neighborhood.

Additionally, it is an unworkable bill since neither the Social Security Administration nor the INS can confirm the vast majority of citizens born in the U.S.

I urge my colleagues to oppose this potentially discriminatory and mischievous bill. At a time when voter turnout is already at record lows, this bill would make sure even fewer citizens vote.

Mr. PAUL. Mr. Speaker, I rise in opposition to the Voter Eligibility Verification Act (H.R. 1428). My opposition to this bill is not because I oppose taking steps to protect the integrity of the voting process, but because the means employed in this bill represent yet another step toward the transmutation of the Social Security number into a national identification number by which the federal government can more easily monitor private information regarding American citizens.

The Social Security number was created solely for use in administering the Social Security system. Today, thanks to Congress, parents must get a Social Security number for their newborn babies. In addition, because of Congress, abuse of the Social Security system also occurs at the state level such in many states, one cannot get a driver's license, apply for a job, or even receive a birth certificate for one's child, without presenting their Social Security number to a government official.

Now Congress is preparing to authorize the use of the Social Security number to verify citizenship for purposes of voting. Opponents of this bill are right to point out that, whatever protections are written in this bill, allowing states to force citizens to present a Social Security number before they can vote will require the augmentation of a national data base—similar to those created in the Welfare Reform and the Immigration Bills of 1996.

Mr. Speaker, clearly we are heading for the day when American citizens cannot work, go to school, have a child, or even exercise their right to vote without presenting what, in effect, is quickly becoming a national I.D. card.

National I.D. cards are trademarks of totalitarian governments, not constitutional republics. I'm sure all of us have seen a movie depicting life in a fascist or communist country where an official of the central state demands to see a citizen's papers. Well the Founders of the Republic would be horrified if they knew that the Republic they created had turned into an overbearing leviathan where citizens had to present their "papers" containing a valid government identification number before getting a job or voting.

In order to protect the privacy rights of America's citizens, I plan to soon introduce the Privacy Protection Act, which will forbid the use of the Social Security number for any purpose other than for the administration of the Social Security system. I would urge my colleagues to support this bill when introduced and vote against the Voter Eligibility Act. It is time for Congress to protect the Constitutional rights of all Americans and stop using the Social Security number as a de facto national identification card.

Mrs. MORELLA. Mr. Speaker, all Americans are concerned with maintaining and improving the integrity of our nation's elections. We know that, in some recent cases, illegal immigrants and others not legally qualified to vote have registered and cast ballots. A number of bills have been introduced in this Congress to deal with this problem.

Regrettably, H.R. 1428, while attempting to restore electoral integrity, actually threatens to return us to a darker era in our nation's history, when people's voting rights were frequently challenged or harassed and their right to cast ballots was denied.

H.R. 1428 would allow local officials to check the eligibility of registered voters by submitted names from the voting rolls to the Immigration and Naturalization Service or the Social Security Administration. But how will the names be chosen? Will the Smiths, the Johnsons, and the Andersons be scrutinized, or will the efforts of local officials be more focussed on the Singhs, the Martinezes, and the Nguyens? Unfortunately, the historical record would indicate the latter.

In addition, the bill presumes that the INS and the SSA will have their records available and updated for use by local officials, which we know is not likely to be the case. And should local election officials not be able to confirm citizenship, they can drop voters from the rolls without having proven that they are not qualified to vote.

Mr. Speaker, rightly or wrongly, Hispanic-Americans and other immigrants to our country feel a growing bias against them. U.S. citizens living in my district who were born in Latin America have expressed their growing frustration and fear with harassing INS raids which treat all immigrants as suspects; they are being denied the presumption of innocence. A Salvadoran-American woman living in my district, who has been a resident and a citizen for more than 20 years, never leaves her house without her U.S. passport, for fear that she may be harassed or detained by immigration or other law enforcement authorities.

H.R. 1428 threatens to intensify the growing feeling of alienation among immigrant U.S. citizens, without assuring that it can easily, reasonably, or fairly accomplish its objective of ballot integrity. For these reasons, I must oppose H.R. 1428.

Mr. POSHARD. Mr. Speaker, I rise today in strong opposition to H.R. 1428, the Voter Eligibility Protection Act. This legislation would permit state and local voting officials to verify the citizenship of registered voters through the Social Security Administration or the Immigration and Naturalization Service. I would urge my colleagues to vote against this misguided attempt to undermine one of our most precious, fundamental and hard-fought rights, the right to vote.

It is clear to me that this bill would intimidate voters by subjecting them to a burdensome process of citizenship verification. Most upsetting is that it would disproportionately impact Americans of color, who will be suspect for no other reason than the way they look. At a time when we should be continuing our efforts to open the electoral process to more Americans, particularly more minorities, to ensure that all groups are adequately represented, I am astonished that my colleagues would even consider a measure that will undoubtedly have the opposite effect. H.R. 1428 threatens to keep millions of voters from exercising their rights, and that is the very last thing this Congress should be doing.

In addition to the shamefully discriminatory impact that will result from this legislation, there is the simple fact that the measure will not work. Both INS and SSA have themselves admitted that they lack the capacity to accurately verify the citizenship status of voters. H.R. 1428 would violate the privacy rights of voters, undermine the Voting Rights Act and the National Voter Registration Act, discourage eligible Americans from voting, and foster discrimination when we should be working to eradicate it and instead celebrate the diversity that is such a critical component of this great nation. All this, and the legislation would not even accomplish its purported goals.

I will oppose this measure, and I urge my colleagues to do the same.

Ms. BROWN of Florida. Mr. Speaker, I rise today with grave concern regarding legislative initiatives to restrict voter registration and turnout. The so-called "Voter Eligibility Confirmation System" in effect threatens voting rights of the American constituency.

As introduced, this legislation would establish a federal program for state and local elected officials to "confirm" the citizenship of registered voters and voter registration applicants. The proposal would allow elected officials to submit the names of voter registration applicants and registered voters to the Immigration and Naturalization Service and the Social Security Administration for citizenship confirmation through a computerized system.

With all due respect to my Colleague, this is bad policy! The data on which this system is based is inaccurate. The fact is that an American citizen can have a social security number and stand the possibility of not being confirmed as a citizen by the Social Security Administration. Thousands of U.S. citizens were naturalized before the agency began keeping computer records at all. As a result, our fellow Americans will be targeted to have their voting rights undermined by the use of such a system.

Historically, women and minorities in our Nation have been singled out and questioned based on their surnames or appearance. Although this American struggle has made many progressions, this act of discrimination should not and must not be tolerated by our distinguished House.

Under current federal and state laws, both voter registration fraud and voter fraud are crimes. The notion that massive citizenship verification procedures are needed does not align with the facts. The data received from the House Oversight Committee hearing in 1995 revealed that the real problem of voter fraud had to do with the abuses of State absentee ballot laws, NOT by Latinos or Asian Americans.

Let's get real. This bill attempts to set measures that not only overturns the Privacy Act projections, but recreates a system that affects the minorities in our America.

As the Honorable Jimmy Carter so eloquently stated in his 1981 farewell address, "America did not invent human rights. In a very real sense . . . human righters invented America."

As we move into the new millennium, let us continue to build bridges in our Nation. We need to address the facts of this proposed legislation and not be distracted by the rhetoric.

All Americans should have the inalienable right to vote and that right must not be determined based on whether an elected official decides that one of our fellow Americans is "ethnic-looking" verses "American-looking."

In closing, I will leave with the powerful statement of the Reverend Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere."

Ms. KILPATRICK. Mr. Speaker, I rise today in staunch and vehement opposition to H.R. 1428, the Voter Eligibility Verification Act. This bill would repress the participation of legal, U.S. citizens in the process of both registering to vote and participation in elections. Furthermore, it would erode the hard-earned gains of the Voting Rights Act of 1965, and I encourage my colleagues to oppose this legislation on final passage. This bill, which was not considered in either the House Judiciary Committee nor the House Oversight Committee for a markup, is being pushed onto the floor under the "suspension of the rules" calendar. This method does not allow Members of Congress, in support or opposition to this bill, to offer amendments or engage in more than 40 minutes of debate.

H.R. 1428 would require American citizens, whom the Immigration and Naturalization Service (INS) and the Social Security Administration could not confirm to be citizens, to be selectively removed from registration lists. As a Member of the House Oversight Committee, I have first-hand knowledge of how flawed, by the INS's own admission, the INS database is.

According to researchers of the INS database during the contested election of California's 46th Congressional District, William Thomas was listed as a possible person who might not be eligible to vote in the 46th Congressional District in California. The INS database does not contain data on any native-born citizens. Even naturalized citizens—citizens who pay taxes, work legally, and are probably going to fight and possibly die, in another war against Iraq—are not included in this INS database.

What is worse is that the database for the Social Security Administration is equally flawed. Before 1978, the Social Security Administration did not collect information on citizenship or country of origin. Therefore, citizens—including the vast majority of the membership of Congress—who received a Social Security card before 1978 probably would not be able to register or vote under H.R. 1428. This bill would also make Social Security numbers part of the public record. As many Members of Congress know, two employees of the Legislative Resource Center were fired by Chairman WILLIAM THOMAS because of their alleged mis-handling of the Social Security numbers of employees of the House of Representatives. If it is wrong for Congress to make the Social Security numbers of its employees public, it is wrong for states and municipalities to do the same.

This legislation does nothing to ensure that naturalized citizens or U.S. born citizens will not be discriminated against. As an African American, I cannot recount the number of times that I felt the sting of discrimination or prejudice because I did not fit someone's mind-set of what an "American" looked like. It is one thing if a blue-eyed, white male is trying to register or vote. It is another thing for a dark-skinned, Latina female with an accent to try to register or vote. This bill hearkens back to the days before the adoption of the 1965 Voting Rights Act in which there were grandfather clauses, poll taxes, literacy tests and outright intimidation by "poll watchers" to determine just who could or could not either register or vote.

It saddens me to know that, after a generation, some of the same issues of equality and fairness that one of my constituents, civil rights titan Rosa Parks, stood for are being eroded today. It saddens me to know that, after a generation, some of the same issues of freedom and enfranchisement, a citizen of the City of Detroit, civil rights martyr Viola Liuzzo, died for are being threatened today. It saddens me to know that, as a current Member of Congress, I receive the notice of threats against my life to fight for justice. Let the record reflect that I am not placing my meager work on the same standard as these two courageous and brave persons. What I am saying is that it is regrettable that we, as a nation, have obviously learned so little from the struggle fought, lives lost, and freedom gained from 33 years worth of challenge and controversy.

It is my hope that the wisdom of truth, justice and fairness will prevail today on the floor of the House of Representatives. This bill must be stopped. In the spirit of Rosa Parks, in the memory of Viola Liuzzo, let us stop the erosion of access of freedom and justice. Let us maintain the integrity and validity of our elections. Let us encourage all citizens to register and vote. Vote against H.R. 1428 on final passage.

Mr. WATT of North Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Mr. Speaker, I could tell from the emotionalism of the attacks that those who are opposed to this bill did not have very many facts to work on so they decided to use rhetoric and symbolism.

This bill is actually quite simple. It has a very simple premise: One should be an American citizen to participate in an American election. This is not a complicated idea. A person can be a black American as a citizen, I would say to my friend; they can be a yellow American citizen, a red American citizen, a white American citizen, a brown American citizen, they can be a tall American citizen, a short American citizen, but they should be an American citizen.

We can have the full range of diversity. Persons may have emigrated from Fiji or emigrated from Ireland. I would say to my friend from Rhode Island, since I was a Doherty on my grandmother's side, certainly we want those Irish who are here legally to vote if they are citizens. But we do not want Irish who are here illegally, nor do we want anyone else who is here illegally to vote.

I listened for a long time to rhetoric, now I think it is time to talk about what this bill is about. This is a narrowly drawn bill. The essence of this bill is simple and it is based, frankly, on the recommendations of the Secretary of State of California. The Secretary of State of California says there are people voting in California who are not citizens and he does not have the means to check them.

Now, somebody said the Immigration and Naturalization cannot support this bill. Frankly, I am shocked that anyone on the other side of the aisle would raise the issue of the Immigration and Naturalization Service. We had a report released Monday that in creating new citizens, according to an outside accounting firm, 90.2 percent of the files were handled wrong. In three offices, 99 percent of the files were handled wrong.

If anything, there ought to be a scandal about the fact that the Immigration and Naturalization Service itself, according to this estimate, last year had 38,000 citizens, had 38,000 citizens made citizens who should not have been made citizens, 11,000 of whom, 11,000 of whom were criminals.

Now, I would say to my colleagues that, first of all, the real answer ought to be let us overhaul the Immigration and Naturalization Service so it does its job effectively, let us make sure the Social Security system has a computer that works, and then let us allow a State—what are we asking a State to do? It is not complicated. We are saying to a State to make sure that the only people participating in their elections are legal American citizens. That is the only criteria here.

People get up and make all these comments as though somehow, if they yell racist long enough, if they scream diversity long enough, if they somehow come in here and pretend this is about something else—this is a very narrow bill. Members who vote against this bill are saying they do not want to know if illegal immigrants are voting. They do not want to know if noncitizens are voting, many of whom, by the way, may be here legally, may have been told they could register even though they were not citizens and may be innocent.

All we are saying is an American citizen's right to vote is one of their most precious rights. How can we cancel out an American citizen with a noncitizen and not feel that we are somehow cheating the essence of freedom in America? This bill is about citizenship, it is about citizens being allowed to vote.

I want to repeat: If a person is an African American and a citizen, they can vote; if they are Asian American and a citizen, they can vote; if they are an Hispanic American and a citizen, they can vote; if they are a European American and a citizen, they can vote; if they are Native Americans and a citizen, they can vote. And, frankly, if their ancestors come from all five categories and they are a citizen, they can vote.

This is not about diversity, it is about enforcing the law. And I think to try to vote this down with the sham argument of racism is, in effect, a way of covering up the fact that some Members, in fact, favor allowing noncitizens to vote, allowing people who have no right to vote, and that means canceling out the legal vote of a legal citizen who should have that vote protected as one of the hallmarks of democracy.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 1428, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 200, not voting 21, as follows:

[Roll No. 17]

YEAS—210

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sànchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Buyer
Callahan
Clement
Eshoo
Everett
Furse
Gonzalez
Harman
Jefferson
Johnson (WI)
Lantos
Largent
Miller (FL)
Mink
Oxley
Riggs
Schiff
Shadegg
Smith (OR)
Towns
Young (AK)

□ 1412

Ms. BROWN of Florida, Ms. ROYBAL-ALLARD and Mr. BECERRA changed their vote from "yea" to "nay."

Mr. GILMAN and Mr. LEACH changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, on Roll Call Vote No. 14, I was unavoidably detained on official business. Had I been present, I would have voted aye.

Mr. Speaker, on Roll Call Vote No. 15, I was unavoidably detained on official business. Had I been present, I would have voted aye.

Mr. Speaker, on Roll Call Vote No. 16, I was unavoidably detained on official business. Had I been present, I would have voted aye.

Mr. Speaker, on Roll Call Vote No. 17, I was unavoidably detained on official business. Had I been present, I would have voted nay.

□ 1415

RECOGNIZING AND CALLING ON ALL AMERICANS TO RECOGNIZE THE COURAGE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the resolution (H. Res. 360), recognizing and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 360

Whereas participation by United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in as many as 8,000 United States servicemen being taken prisoner by enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many United States servicemen who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the "Hanoi Hilton" by the prisoners held there;

Whereas the hundreds of American prisoners held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas among the prisoners held in the Hanoi Hilton was then-Major Sam Johnson, United States Air Force, now a Representative in Congress from Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam and while a prisoner conducted himself with such valor as to be labeled by the enemy as a die-hard resister and, notwithstanding the tremendous suffering inflicted upon him, continually demonstrated an unfailing devotion to duty, honor, and country, and who during his military career was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards, who retired from active duty in 1979 in the grade of colonel, and who personifies the verse in Isaiah 40:31, "They shall mount with wings as eagles";

Whereas among the prisoners held in the Hanoi Hilton was then-Captain Pete Peterson, United States Air Force, a former Representative in Congress from Florida who is now serving, in a distinguished manner, as the United States Ambassador to Vietnam, who was shot down on September 10, 1966, and while a prisoner conducted himself with valor and, notwithstanding the tremendous suffering inflicted upon him, continually demonstrated an unfailing devotion to duty, honor, and country, and who during his military career was awarded two Silver Stars, one Legion of Merit, the Distinguished Flying Cross, three Bronze Stars with V Devices, two Purple Hearts, six Air Medals, one Air Force Commendation Medal, the Vietnam Service Medal with eight devices, and one Meritorious Service Medal, and who retired from active duty in 1981 in the grade of colonel;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas the 25th anniversary of Operation Homecoming begins on February 12, 1998; and

Whereas the Nation owes a debt of gratitude to these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men, including particularly Sam Johnson of Texas and Pete Peterson of Florida, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those brave men with appropriate ceremonies and activities; and

(3) acting on behalf of all Americans, will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. WATTS) is recognized for 1 hour.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Oklahoma for yielding this time to me.

Let me just say that anybody who serves this country in the armed services and fights and lays their life on the line for all of us deserves everything that we can give them. Honor. Respect. Everything.

But those who spend time in prison camps, prisoner-of-war camps, and have had to endure the hardships and the torture and pain of that are special to me and should be to every American because they pay a price even above those that give their lives because they have to go through daily torture for long periods of time. And so my heart goes out to them and their families who have had to pay that sacrifice over the years and during the Vietnam war.

Today I want to specifically talk about my good friend, the gentleman from Texas (Mr. SAM JOHNSON), who is a Member of this body, who spent 7 years, 7 years in a POW camp in Vietnam during the Vietnam war.

Mr. Speaker, our good friend, the gentleman from Texas (Mr. SAM JOHNSON) was shot down on April 16, 1966, while flying on his 25th mission over North Vietnam, and as I said, he spent 7 years in POW camps and 2 years in the infamous Hanoi Hilton. And during the time he was in the Hanoi Hilton along with his colleagues, I think there were 11 or 12 of them, he lived in leg irons, suffered malnutrition and lived in appallingly primitive conditions. And they were mistreated, they were tortured, and yet the gentleman from Texas never, never gave in. He was a real patriot under very difficult conditions.

And here he is 25 years later, now a Member of the Congress of the United States, and the resoluteness he showed during his incarceration in Hanoi and the Hanoi Hilton is just as strong today as it was back then. He is a patriot whose spirit was never broken, and I am very proud he is a Member of the Congress of the United States, and I am very, very proud that he is my friend.

Mr. WATTS of Oklahoma. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume, and, Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding this time to me.

Mr. Speaker, I am honored today to rise in support of this important resolution which honors the U.S. military personnel who were held as prisoners of war during the Vietnam conflict. I am equally honored to serve in this House with my good friend, the gentleman from Texas (Mr. SAM JOHNSON) and another colleague, Mr. PETERSON, who is also being honored in this resolution.

Acknowledging the courage and sacrifice of this Nation's POWs and reinforcing the commitment to continuing to press for a final accounting of those servicemen who remain missing in action is very appropriate, and I am pleased that we are considering this resolution on this 25th anniversary of the release of many of Vietnam's POWs.

As a Vietnam veteran myself, I understand the horror of that war and the great sacrifices that were made by my comrades in arms from throughout this Nation, but I, like most in this body and in this country, can never understand the nightmare experienced by our POWs. While we are all subject to terrible living conditions, missing loved ones, fear of losing our lives to the Vietcong hostile fire, we were, however, the fortunate ones.

The POWs and the MIAs had so much more to deal with. They were routinely subjected to brutal mistreatment, including beatings, torture, starvation, the denial of medical attention. That they were also kept apart for many, many years from seeing another American was an added hardship.

Let us not forget their families. Their families suffered equally, and families today suffer not knowing the final outcome of those men and women missing in action. Many loved ones do not know the fate of their soldiers still living today. I think that we should reflect today on the sacrifice of these families.

We also should acknowledge the continued suffering of the families of those, as I mentioned, who are missing in action. We must continue to seek information about these missing men for the families and because the United States military is loathe to leave behind any of its soldiers, sailors, airmen or Marines. We in the House of Representatives must help the families in the military continue seeking information about these 2,000 service members who remain unaccounted for.

It has been said many times, all gave some and some gave all, as well as blessed are the peacekeepers. Blessed truly are our POWs and MIAs.

I stand here in the people's House saying, God bless our POWs, our MIAs and everyone whose lives they have touched.

Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I too rise to salute the gentleman from Texas (Mr. SAM JOHNSON). I had a couple of tours in Vietnam, and I can say very openly that one of the things I did not want to happen to me is what happened to him. I did not want to burn in one of those helicopters, and I did not want to be a prisoner, and I thought about it many, many days.

I was privileged that an associate of mine that I went through flight school with, name was JOHNSON, he and I had the mission to go after James Roe in the Delta. Remember Roe? And 5 years that he had been subjected to the conditions of a prisoner and the Delta and so on, and we alternated days. We had other missions to run, so we alternated days; and I cannot tell my colleagues our thrill the day that we got him. We almost shot him, but we got him, and I wish I could share some of the things he had to say.

Anyway, I am very appreciative that we take the time. I occasionally will go down to The Wall and recognize some names there, and I have to thank my good fellow upstairs that mine's not there too, and I am sure the gentleman from Texas thought that more than a few times. And I also have go through my mind different times about those that are missing in action, and I cannot think of a worse thing than to be an American citizen, have carried the flag and gone into conflict at the behest of this country and then circumstances would come that because of a prisoner and time and so on, to have it in mind, to have it in one's mind, is everything being done, is everything being done to get that person out? And that would be tough.

I just cannot think of a worse thought to go through somebody's mind in that condition than to think, I wonder if they are really trying to get me; and so I hope that we do remember those folks and those families.

Too often we go off to war, different ones, and left the little children behind, and I left little children behind when I went for my second tour. I will never forget the look in the eyes of my middle daughter, and she said, "Daddy, do you really have to go?" Television, battlefields all the time, every day, and I said, "Cindy, yes, I have to go." And it was pretty tough.

So I appreciate the gentleman from Texas (Mr. REYES) making the comment that he has about the families, and we cannot do enough to remember those not only in that conflict but others that made that sacrifice. And families should be included. So to the gentleman from Texas (Mr. SAM JOHNSON), again I thank him, welcome him home and God bless him and all those that have served as he did.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding this time to me, and let me say from the outset, I will not use the entire 5 minutes because we have so many people who want to speak on this.

I was reading about the stay of the gentleman from Texas (Mr. SAM JOHNSON) in North Vietnam and thinking about it as he and I have talked about it and thinking about others that stayed there, and we are going to hear all the details so many times about how he was shot down on April 16, 1966, and how he was released on February 13, 1973. But there is one detail I think that tells me that the SAM JOHNSON held captive with the Vietnamese all those years ago is the same SAM JOHNSON I know today in the House of Representatives.

See, the Vietnamese concluded, as I have concluded, that he is a stubborn man. They called him a diehard. They thought, even as a prisoner of war, this stubborn man was a threat to their victory, and they took him and nine others that were particularly stubborn and put them in isolation in a prison that was particularly vicious called by the Americans "Alcatraz." For 2½ years SAM JOHNSON remained in that prison in isolation from all the others, and he remained a stubborn man.

Then, as now, the gentleman from Texas (Mr. SAM JOHNSON) was stubborn about his love for this country and his faith in God, and it brought him home. I thank him.

Mr. REYES. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, it is with great honor and pride that I am here today with my colleagues to honor the gentleman from Texas (Mr. SAM JOHNSON) and the other prisoners of war from the Vietnam war. As a former Marine and a Vietnam veteran, I think our hearts go out to everyone who served in that war and particularly to the 591 folks that came home as former POWs.

□ 1430

I particularly like the way the wording of this resolution read. We could talk about the thousands of prisoners of war, we could talk about the 591 that came home, but when we read one man's story, it means a whole lot more to the American public and to those folks that really did not follow the events of that period, or perhaps are too young to remember the events of that period. The old story about one person is a story and 1,000 is a statistic, and we know that SAM JOHNSON is not a statistic, but is a very honored man in his home country and in his State.

So we are proud of the gentleman from Texas (Mr. SAM JOHNSON), we are proud of all of the men and women that have served in Vietnam, and I am proud to add my name to this resolution today.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I too rise to pay tribute to a great American, SAM JOHNSON. He is a dear friend, and certainly a true profile in courage. Tomorrow marks, as has already been said, the 25th anniversary of Operation Homecoming, when the gentleman from Texas (Mr. SAM JOHNSON) and 738 other American prisoners of war returned to the United States from imprisonment by the North Vietnamese.

On this day in 1973, SAM JOHNSON boarded a plane in Hanoi's airport and returned home after having spent 7 years as a prisoner of war at the hands of the North Vietnamese. He endured unspeakable torture, lived in primitive conditions and suffered from malnutrition, and when one shakes SAM's hands, one can feel the torture in his hands. Two things helped him survive those awful years in North Vietnam: a very, very strong faith in God, and a deep, deep love of his wife, Shirley.

For 2 of those 7 years SAM JOHNSON was imprisoned in that infamous Hanoi Hilton. It was there that he endured the worst of his torture. Communications between the prisoners as a well-known story was forbidden, but that did not stop the Americans from developing an intricate tap code that helped the prisoners maintain their sanity. Once, when JOHNSON and Commander James Stockdale were caught using this tap code, the Vietnamese retaliated with the worst kind of punishment. They put SAM in a cell about 2½ feet wide by 8 feet long. The Americans derisively called that cell "The Mint" after a Las Vegas hotel. It was in The Mint where SAM JOHNSON was set in stocks so tight he could not even move.

The Vietnamese kept SAM in that cell in those stocks for 72 days, and on the 72nd day, a typhoon struck Hanoi Hilton. Water flooded SAM's cell. He thought he was going to drown. So he prayed, and he prayed that night like he had never prayed before, and when he awoke the next morning, he discovered that he had actually survived, thanks to God. Not only had he survived, but the typhoon had blown the boards off his cell and he saw the sun for the first time in 72 days.

SAM JOHNSON serves as an inspiration of every Member of this House. He endured that pain of imprisonment fighting for his country. Nobody knows the value of freedom more than the gentleman from Texas (Mr. SAM JOHNSON).

We are all honored by his presence in this House, and I am honored and very proud to call SAM JOHNSON a friend of mine.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), my friend and colleague.

Mr. BONIOR. Mr. Speaker, I thank my friend from Texas (Mr. REYES) for yielding me this time.

I want to rise in support of this resolution. I want to thank those, including the Speaker and the leadership on the other side of the aisle, for offering it, and I want to commend, as my colleagues have, the distinguished gentleman from Texas (Mr. SAM JOHNSON), for his service to this country.

I came here almost 22 years ago and one of the first things that I involved myself in in this body was putting together a group of Members, Vietnam era veterans. There were 11 of us at that time. The gentleman from Pennsylvania (Mr. MURTHA), to my right, was one of them; the gentleman from Vermont, Mr. JEFFORDS was another one, Vice President GORE, and there were others as well. And at that time it was very clear that Vietnam veterans were receiving a very short end of the legislative pie in this Congress. Their education benefits were not adequate, their health care benefits were not adequate, their readjustment counseling benefits were almost nonexistent; and so together, Republicans and Democrats, we put together a program, and little by little, it got enacted over a period of 2 or 3 years. We even had difficulty getting recognition for Vietnam veterans back then.

I remember a bunch of us had a tree planted over near Constitution Gardens about 22 years ago to commemorate Vietnam veterans before the wall was even conceived, and then of course Jay Scruggs and a few others came along and we put together a group and we worked very hard to get the Vietnam Veterans Memorial that has meant so much to so many in this country.

It has been a long road, but I think on this issue we have seen Republicans and Democrats come together, and they have come together because of the courage of Mr. JOHNSON from Texas, and the courage of people like Pete Peterson from Florida, our Ambassador to Vietnam today. These people gave an enormous amount for their country. We owe them the deepest sense of gratitude, as we owe all people who serve in our Armed Forces.

So it is with that that I want to commend the gentlemen who have introduced this legislation, to thank those who have served in our Armed Forces, especially our Vietnam veterans whom we specifically honor today, and of course those who are missing and who have been prisoners of war. We deeply feel and understand their pain, and we particularly appreciate their sacrifices.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, as a member of the House Committee on National Security, I rise to pay tribute to the many thousands of Americans who have been held as prisoners of war and the many thousands of Americans who are still missing in action. Today marks the 25th anniversary of the release of the first American POWs from North Vietnam, and accordingly, I urge my colleagues here today to support this resolution which honors those 591 American POWs who were reunited with their families 25 years ago today in a mission known as Operation Homecoming.

Today, Mr. Speaker, there are still 8,100 American soldiers who fought valiantly in the Korean War and still have yet to return home. We have yet to locate their whereabouts. Today, there are still some 2,500 American men and women who battled in the streets and jungles of Southeast Asia during the Vietnam War and still have yet to return home. We have yet to determine their whereabouts.

Let me tell my colleagues a story to illustrate the sacrifices that America's soldiers have made to secure freedom in our land. I want to tell my colleagues about Captain Bruce Johnson, a soldier from Michigan. On May 25, 1965, Captain Johnson was being airlifted with 6 other soldiers to a location in South Vietnam where they were needed to offer assistance to a Special Forces unit in trouble.

While the relief helicopter carrying Captain Johnson was landing, it came under heavy mortar and small arms fire. In an attempt to avoid furious assault, the aircraft took off and tried to gain altitude, only to lose control and crash into some nearby parked vehicles.

An American pilot circling the area soon established contact with Captain Johnson and Captain Johnson reported sadly that he was the lone survivor. Captain Johnson also reported that the situation around him was grim and that he was under heavy fire and that no more American personnel should be sent to this location. It was just too dangerous. Shortly thereafter, contact was lost with Captain Johnson.

One week later, when our military finally secured the area, a search was conducted of the crash site, but Captain Johnson was nowhere to be found. Residents of the nearby town said that an American soldier had been taken prisoner and had been seen recently in this particular town. However, these residents were either unable or unwilling to provide further information. To this day, no further information regarding Captain Johnson has surfaced. No one has stepped forward to account for his whereabouts.

Captain Johnson is an American hero. He risked his life to safeguard his fellow soldiers and he risked his life to protect our freedom. It is unacceptable, Mr. Speaker, that the whereabouts of Captain Johnson and other valiant Americans are yet to be determined. We must resolve in Congress to do whatever we can to get a full accounting of what happened to Captain Johnson and every one of the other men and women who have been taken prisoner or are still missing in action.

I would also like to recognize two POWs who, thank God, returned from their pain and suffering and are even today still making contributions to our great Nation. The honorable Pete Peterson, one of our former members and a distinguished member of the House Committee on National Security, was also a prisoner of war. He now serves admirably as the United States Ambassador to Vietnam, and he is working hard to find out what has happened to our men and women who are still missing in Southeast Asia. Today, Mr. Speaker, I wish to recognize Pete Peterson for his valor and dedication to protecting America's freedom.

I would also like to recognize a gentleman who is currently serving in the United States House of Representatives, and again, still making contributions to our great Nation and the great State of Texas. Our colleague, SAM JOHNSON of Texas was a POW in Vietnam for almost 7 years. He refused to cooperate when the enemy demanded that he give them important information.

Mr. Speaker, SAM JOHNSON is an American hero and all of us today salute his patriotism and his dedication to protecting his country's freedom. Mr. Speaker, in Oklahoma there is an old saying that we have: "You don't call them cowboy until you see them ride." And for the last 3 years I have worked with SAM JOHNSON and I have seen him operate and I have seen him work, and I say to my friend from Texas, SAM, we call you cowboy in Oklahoma.

I will say it again. Over 8,100 American men and women who fought in Korea are unaccounted for. Over 2,500 American men and women who fought in Vietnam are still unaccounted for. Mr. Speaker, we must not rest until we account for every single one of these brave men and women. They deserve no less, and their families deserve no less.

Mr. Speaker, I call for all of my colleagues to recognize the sacrifices of America's POWs and MIAs by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the gentleman from Missouri (Mr. SKELTON) will manage the time on his side of the aisle.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time. I also want to thank the sponsors of this resolution and the gentleman from Missouri (Mr. SKELTON) for including the honorable Pete Peterson as a part of this resolution.

It is with a certain great amount of pride and humility that I am here today, not just as a Member of this distinguished body, but also as a fellow Vietnam veteran who has served alongside many brave men who did not have the fortune to return home to their family and friends, as I did.

Today, on this 25th anniversary of Operation Homecoming, I would especially like to pay my respects to two men. One, a brave fallen soldier who served by my side as my radio telephone operator, the second of the 506 101st Airborne Division in the Republic of Vietnam, Gilbert Ruff, Jr., from St. Louis, Missouri; and the other, the honorable gentleman who served as a Member of this Chamber, a war hero and former POW, a man whose seat I now hold, a man who now, after so many years, returned to Vietnam to serve as our Ambassador to that country, the Honorable Pete Peterson.

There is no doubt that this Nation owes a great debt of gratitude to those who sacrificed their lives, who fought and persevered, whose courage and service prevailed during this difficult conflict in Vietnam.

□ 1445

It is men like Gilbert and Pete that truly represent all that is good and honorable and is the best in America.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, today I rise to pay tribute to an authentic American hero, Congressman SAM JOHNSON.

Mr. Speaker, on April 16, 1966, U.S. Air Force Colonel SAM JOHNSON was shot down while flying his 25th mission over North Vietnam. And as we heard today, for the next 7 years he experienced unimaginable amounts of threats and torment and, yes, torture.

He was kept in solitary confinement. He withstood malnutrition and endured leg irons and suffered unconscionable humiliation. But though he was beaten, he was never broken. While others might have given in, he stood firm. His faith in his God was never surrendered, it was fortified.

So what do we say to a soldier who gave so much of himself to his country? And what do we say to a man who endured unthinkable torture and refused to think of giving in? What do we say to an American hero who kept the faith, stood his ground, and defended his country?

What do we say to this very special person? There is only one thing I can think of to say and that is "Thank you." SAM, we thank you for your commitment to freedom and your courage to fight. To most Americans you are more than a soldier, you are a peacemaker. To me and to the rest of us who know you, you are a respected colleague and a very cherished friend.

So, Mr. Speaker, to all of those who keep the peace and who preserve freedom, but especially to our friend, SAM JOHNSON, I want to say God bless you and thank you very much.

Today I rise to pay tribute to an authentic American hero, Congressman SAM JOHNSON.

On April 6, 1966, U.S. Air Force Colonel JOHNSON was shot down while flying his 25th mission over North Vietnam. For the next seven years, Colonel JOHNSON experienced an unimaginable amount of threats, torment—and yes—torture.

He was kept in solitary confinement. He withstood malnutrition. He endured leg irons. And he suffered unconscionable humiliation.

But though he was beaten, he was never broken. Where others might have given in, SAM simply stood firm.

Through it all, his love for his country never wavered, it strengthened. His faith in his God was never surrendered, it was fortified.

What do you say to a soldier who gave so much of himself for his country?

What do you say to a man who endured unthinkable torture and refused to think of giving in?

And what do you say to an American hero who kept the faith, stood his ground, and defended his country?

What do you say to this very special person? There's only one thing you can say—thank you.

SAM, we thank you for your commitment to freedom and your courage to fight.

To most Americans you are more than a soldier, you are a peacemaker. And to me, you are more than a respected colleague, you are a cherished friend.

God bless SAM JOHNSON. And God bless all of America's warriors who keep the peace and preserve our freedom.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate the sponsors of this resolution which calls for all Americans to recognize the courage and sacrifice of members of the Armed Forces held as prisons of war during the Vietnam conflict. Especially singled out is our friend from Texas (Mr. SAM JOHNSON).

Mr. Speaker, the gentleman is an example of courage and is one for the history books, and SAM JOHNSON, we all salute you and there is no way for us to adequately empathize with what you went through. But we can say a sincere word of gratitude to you as an American and as you continue to serve our country in these halls.

Mr. Speaker, also being honored in this resolution is a gentleman who served ably and well as well as on the committee on which I now serve, Pete Peterson from Florida, who not only endured the hardships of being a prisoner of war during the Vietnam conflict, but returned and completed a successful Air Force career, was elected to Congress, and now presently serves as the United States Ambassador to that sad country. To his credit, he went back in another capacity to help heal those wounds that were so open and so sore from those many years ago.

This resolution also makes reference, excellent reference to Admiral James B. Stockdale, who I know and have great admiration for. All three of these gentlemen should be remembered and properly doing so in this resolution.

Mr. Speaker, it was 1978. I was a freshman in this body. Mississippi Congressman Sonny Montgomery asked me as the only freshman to go to Vietnam to help bring back remains of those who had died in that conflict. It was a very difficult trip. A very difficult trip.

The gentleman from Pennsylvania (Mr. MURTHA) was a member of that delegation, and we did. We met with various Vietnamese officials and we were given the remains and returned them honorably and correctly to a ceremony at the air base in Honolulu, Hawaii, a memory that I shall long remember.

This resolution calls for remembering those who sacrificed, like SAM JOHNSON, like Pete Peterson, like Admiral Stockdale. But we should also pay tribute to those who fought in that war, who wore the American uniform, who did well and returned home to work and live and experience the freedoms of our country. To them, too, we say a heartfelt thanks.

We should also, Mr. Speaker, well remember those in previous conflicts. Now, this is the 25th anniversary of the release of the prisoners, Operation Homecoming, 1973 from the Vietnam conflict. But there were previous conflicts in which Americans were held captive, were mistreated, and were able to come home to an American welcome.

I have a neighbor down the street in Lexington, Missouri, on Franklin Street, a longtime friend, George Stier, who was shot down as a pilot, a lieutenant in the United States Army Air Corps at the time, and spent many, many, many months in a stalag in Germany.

I went to a wake just a few weeks ago for another friend who more recently was mayor of Higginsville, Missouri, in Lafayette County, who was captured on Corregidor in May of 1942. He served as a marine, and he endured the hardships of the Japanese prisoner experience. Buford Thurmon, as his remains lay in the casket at that funeral home, Buford Thurmon was wearing his beloved United States Marine uniform.

So it is to all of those today in the Vietnam conflict, and in my mind, in the other conflicts in which Americans have suffered because they were Americans, because they had courage, because they believed in this country, to them I say a heartfelt thanks and words of gratitude.

And SAM, a special thanks to you not only for what you have done, but for your work here in the Congress of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding.

Mr. Speaker, I rise today in strong support of this resolution. Today we honor a man who withstood the agony of war and the horrors of imprisonment. SAM JOHNSON's courage is an inspiration to all Americans as we salute him on the 25th anniversary of his release from Vietnam captivity.

One of the requirements I have in my office for summer interns is to write two reports on a select number of books. One of those books was written by our colleague, SAM JOHNSON. It is called "Captive Warriors" and it is required reading in my office.

For many of my interns, the Vietnam War is as distant as the Civil War. After reading the book, though, they come away with a new sense of patriotism and humility because of the sacrifices that SAM JOHNSON and thousands of others made for our country.

But what makes the greatest impression on many of us is that SAM JOHNSON was held captive for nearly 7 years. Half of those years were spent in solitary confinement, yet during his years in captivity, his faith in God and country was unwavering.

Mr. Speaker, to paraphrase President John F. Kennedy, I think that a gathering of prisoners of war from Vietnam would be a most extraordinary collection of courage ever assembled since George Washington faced the British since the Revolutionary War.

Mr. Speaker, it is with great pleasure that I urge my colleagues to support this resolution in honor of my friend and colleague, SAM JOHNSON.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARCHER), the dean of the Texas delegation and the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding me this time and for managing what I believe is a very, very important moment for the House of Representatives and for the people of this country.

Mr. Speaker, the individual that we honor today is a man who walks amongst us day by day here in the House of Representatives, and many do not know about what he has been through in his life because he is so down to earth. He has got it so put together. He has such resolve and commitment for the benefit of all the people in this country. His word is his bond. He will never vary from it.

Mr. Speaker, he is an individual, as we heard from the gentleman from Texas (Mr. SMITH) who went to Vietnam because it was the right thing to do. And it was an honorable cause. Politicians let him down and let down the rest of our military personnel who made the great sacrifice in Vietnam.

But we owe him a great debt of gratitude. He knew the risk. He knew the danger. And unfortunately it befell him and his body was shattered. He endured pain and deprivation beyond anything that Americans can have any idea of.

Mr. Speaker, I hope every American can read his book. I read it and I could not put it down. I lived for 2 weeks with him and his experiences in Vietnam. But he emerged from that a man that can be an idol for all of us. Young people today can aspire to be the individual, to have the character and the attributes of this man, SAM JOHNSON.

Mr. Speaker, I am proud to call him my friend. I would follow him anywhere and know that trust, faith, hope, resolve, patriotism would be leading me.

SAM, I am honored to be your friend. I am honored to serve with you and I love you.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATTS) for yielding me this time.

Mr. Speaker, SAM JOHNSON is my hero and today politicians give out that honor much too easily. But SAM JOHNSON is a real hero in every sense of the word.

There are few Members of this House who have given so much of themselves to this country and we have heard about that today. Few have earned the right to be called a patriot. He has answered every call to serve this country, in wartime and in peace. He has been a warrior and a public servant, and on both occasions he has fought for the same cause: freedom at home and abroad.

Mr. Speaker, when the United States asked SAM to serve to battle communism in Asia, he did not hesitate. He was in the Air Force for 29 years. He was a hero in Korea and then served again in Vietnam, as we have heard about.

☐ 1500

On that day in 1966 when his F-4 was shot down over North Vietnam, an event occurred that would change his life forever, serving 7 years as a prisoner of war, three of them in solitary confinement because he would never allow the torture to break his will, his love of America and his faith in God.

In recognition of his service, the military has given him two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals and three Outstanding Unit Awards.

Everyone in this House talks about patriotism and sacrifice. SAM JOHNSON embodies patriotism and sacrifice.

Today he continues to fight for freedom. He has been fighting for individual liberty since he came here to Congress in 1991. It has been my high honor to be able to join him in that struggle since I arrived here in 1995. He has done it effectively and without rancor.

SAM's selfless devotion to America and freedom is evident every day. He never mentions the awards or his bravery in action. He never mentions the exploits of or the horrors of his captivity. That is just not SAM's way. He is humble. He is kind. He bears no ill will. Every time I see his smile or shake his hand, I am reminded, here stands a man who sacrificed more for this country than I can ever imagine.

It is fitting that we honor him today.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the time.

I rise today to give thanks also to my good friend, SAM JOHNSON, my friend and colleague, a man who has been a mentor for me politically for many years. But I want to admit that as we give great admiration to SAM JOHNSON, I want you to know that he has a family. He has a lovely wife, Shirley, who is with us today, who is here in the gallery, who has stood by her husband for years and years, a woman who has faith in God and faith in our country, to SAM's 3 children and 10 grandchildren.

We give thanks to SAM JOHNSON because he is a hero, a captive warrior who came home, who gave his very best for America, but who gives it every single day today.

SAM, we love you. We respect you. We appreciate you. Let the day never, never get too far away from us here. We can say not only thank you but thank you also to the men and women who did not come home who I know you live with in your heart every day. We are proud of you. And to you and Shirley we say, God bless you.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, America needs heroes. We have one of them within our midst. Prior to my coming to Congress, I would tune in to C-SPAN every once in a while, and SAM JOHNSON is one of the Members that I would see and listen to and admire. Since I have had the good fortune to work with him, that admiration has only increased incredibly.

My father served in World War II. Fortunately, he never had to be a prisoner of war. For you, SAM, and for so many other Americans that had that indignity thrust upon them, words can never be used, we could never find the words to express how humbling that must be for all of us to see the sacrifices that people like you have made for each of us here. And for so many Americans that means so much.

SAM, you are to be commended for your willingness to continue to serve your country and it is my great honor to serve with you. God bless you and your family.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I have a very special place in my heart for all Vietnam veterans. SAM JOHNSON only makes that a greater and bigger place in my heart. We came into this body a few days apart. He was just ahead of me, so he always gets the office I want and I am right behind him. But we are kind of a class of our own.

Just two little stories that make me know what SAM JOHNSON and Shirley Johnson are all about. When I talk to SAM, and he does not talk much about it, he says when they stand you up and blindfold you and they are going to shoot you and then they do not, he says, you never fear again.

And then when I talk with Shirley, and she is a great friend of Connie's and mine, she takes it so lightly. Well, he ran off while I was raising the children.

I think they are a great couple.

You certainly do love your country, your family and your God. It shows every day in that great big smile. God bless you, SAM.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me the time.

After I was drafted into the Army and served 2 years during the Korean conflict, I could not wait to get out and tell my friends and family how much I had suffered when I was in the Army, the great contributions and sacrifices that I made. The truth was that I never saw combat. I was in a tank once at Fort Knox, and I did go through basic training, was trained to be a tank commander; but I was lucky and never did really have to do anything that would put me in harm's way.

But then I met JOHN MCCAIN and SAM JOHNSON and others in similar circumstances, and all of a sudden, I made a plea to myself and promise to myself that I would never say that I suffered while I was in the Army. I was glad I served, and I am happy that I did my duty. But it paled in comparison to those sacrifices made by the likes of SAM JOHNSON and JOHN MCCAIN.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself 30 seconds.

It is interesting that we have used the word "hero" here in this Chamber today. I think in 1998 America we ought not to confuse heroes with celebrities, and there is a real difference. Celebrities are known for being known. But heroes are known for the values, the principles, their character, their integrity, and the love for this great country and the love for their wonderful God.

SAM JOHNSON is a real hero. His book has been mentioned today. SAM, I can say for all of our colleagues that you have been a wonderful book, your life has been a wonderful book for us to read on a daily basis here in the Chamber. We appreciate your heart and your patriotism.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON).

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM JOHNSON) is recognized for 6½ minutes.

Mr. SAM JOHNSON of Texas. J.C., you are terrible. You are great. You are perfect. I thank you for bringing this to the floor. And IKE, you, and all the other Democrats I know, respect and admire our veterans and those who are in the service today. This Nation would not be the great Nation it is were it not for the veterans from the Revolutionary days right on up until today.

I hope we will remember those who are in the service in places of harm's way today and who might be put in harm's way and hope that we will not have to put them there. Those are the guys that down through the years have made this country great, have made it free. I can assure you, until you have had freedom taken away from you, you never can understand exactly what the beauty of it is.

This Nation represents that. America is and will be the greatest nation in the world. All you have to do is step across the border in any direction and you know you want to come back.

I salute the veterans of this Nation who have made it great. I think, with you, we should honor those who are in the service of our Nation today, respct and honor them. Let me just tell you, there was a quote left on the wall in Vietnam, in one of those prisons when we left, which I think says it all: Freedom has a taste to those who fight and almost die that the protected will never know.

God bless you all. It is pleasure to be in this body with each and every one of you.

Mr. BUYER. Mr. Speaker, I rise today with my colleagues to honor a decorated fighter pilot, a former POW, a distinguished Congressman and a good friend, SAM JOHNSON.

The Hallmark of SAM's life has been service—service to the Air Force, to this House, to the citizens of the Third Congressional District of Texas, and to the country. His record of sacrifice and dedication to duty is unmatched in this House. I know he would be uncomfortable with the term "hero"—but in a time when American youth are looking for true heroes, they would do well to look to SAM JOHNSON for their inspiration.

I join with my colleagues today in honoring SAM JOHNSON. I want to add my personal thanks for selfless devotion to duty, his hard work, his sacrifice, and his friendship.

Mr. MANZULLO. Mr. Speaker, I rise today to pay tribute to a real American hero, Congressman SAM JOHNSON, and to all his fellow POWs who so bravely and valiantly served this country. As you well know, SAM was shot down over North Vietnam and imprisoned for almost seven years under horrifying conditions.

What strikes me most about SAM's story is his unshakeable faith in the Lord. On the evening of his 72nd day in leg stocks, SAM was ready to give up. For months he had not been able to move from his shackles. For months he had not seen the sun or sky through the boarded-up windows of his tiny cell. As he fell asleep that evening, SAM thought to himself: "It would be okay if I never woke up again." That night, a powerful typhoon struck Hanoi. As SAM's cell filled with water, be began to pray as never before. He knew then more than ever that the Lord was his hope and his salvation. As SAM later recounted, "When I woke up the next morning, I realized the storm has blown the covers off the window, and that morning I saw the sun rise for the first time in 72 days. That was God in all His glory coming up out there. And it's good to know He's there; it certainly helps to put your mind at rest. It helps you to get through those tough times."

God bless you SAM JOHNSON. God bless our POWs. And God bless America.

CONGRESSMAN SAM JOHNSON

(Testimonial as told to Northwest Bible Church)

Listen, I want you to know that we've been doing a little bible study up there in Washington, DC, believe it or not. . . . My goodness, the Lord is directing you and, you know, it goes to show you the faith and the grace and the failures that make our lives worth living. Let me tell you a little bit about what happened to me in Vietnam. I was shot down in an F-4 and ejected to get out. Our air speed was about 650 knots, which is kind of slow I guess. I broke my left arm in two places and dislocated my left shoulder and broke my back. When I landed the bad guys were on me in about 30 seconds. We were right in the middle of a division of the enemy troops, and I was caught pretty quickly.

They threw me around and they took over a house and just kicked the people out. The guards and I were thrown in there. My backseater also got out, fortunately, and was put in another house where they threw people out. We stayed there for just one night and then went to a place called "Dong Hui" which was in North Vietnam. There they accused us of being air pirates and took me out and put me in front of a firing squad. Even though you've been trained in the Air Force Survival School and you know or think they are not really going to hurt you, when you're standing there with six guys facing you with rifles, and you see them pull a clip out of their pockets, jam it in the gun, and charge the weapon, you know you can't really tell whether there's a bullet going in or not. And they pull them up and the officer gives the signal to fire and they all go click, click. . . . You're facing them and you wonder about that. They tried again later, and the second time I laughed at them. They threw me in a pit. You know, in retrospect, that was the Lord being with me. I followed him by praying as hard as I could at that time, but the real faith you know, the Lord really being with you, doesn't come home until you stop and think how he provided.

Later they put a cast on my arm. They dressed up some guards like doctors (which is how you become a doctor in Vietnam). They pulled it down to the extreme (that it broke it in two places) and then they folded it up and put a cast on it. That was their medical deal. They broke it again in route to Hanoi during the travel which took us about 25 days. And when we got to Hanoi nearly everybody was treated the same, it was a week of torture, while they were trying to get military information. And you know, they never found out that I ran the Fighter Weapons School of the Air Force.

My back seat pilot Larry Chesley and I made up a couple of stories. Like, "I had just gotten there, I didn't know anything about the airplane, they just put me in it and told me to fly over, and they put bombs and napalm on it, but I didn't know what was on the airplane. And the back-seater got in the plane there, so I didn't know him. He was new to Vietnam and he didn't know a thing about radar." They told me when I got up over N. Vietnam push that button. We told them that story and they gave up after awhile.

I was put into an empty dirty room. When they came in to interrogate you they brought a table in so the interrogators can sit behind it and start asking questions. You were without food and water for about a week. But, it was one of those trials that you go through. They took this broken arm of mine and broke it again and twisted it right on around and tore it out the other side, trying to make me talk to them. And really, the Lord was protecting me as I look back on it. It was very painful. So we didn't change our story and apparently my backseater told the same thing. Later (five years later) the commander, who was the colonel, walked in and said "You lied to us." I said no, what are you talking about. He said when you first got shot down you didn't tell us the truth. I said, "No, you must be mistaken, Americans never lie."

I later was put with a guy named Jim Stockdale who is now in California. We were in a place where they kept bringing men who had just been shot down. I tried to talk to them and tell them how they could guard themselves and how to react and respond to the Vietnamese so they wouldn't get into too much trouble. They knew we were doing it but they couldn't catch us. If they had caught us they would have really punished us. I don't understand that mentality, but they would punish us and it would be in communist ways.

One of the most serious incidents involved Stockdale and I. We were caught communicating with other prisoners and the guard busted in the door of our cell. Stockdale tried to fight him and he knocked him to the floor. Our punishment for this was the worst of my entire time in prison.

They put me in a little cell that was about two and a half foot wide by eight foot long that we called the Mint, we named everything after a Las Vegas hotel. So, there's one other guy in an adjoining cell with me, and at the same time they put me in leg stocks. I don't know if you know what that is but it's kind of like the pilgrims when they used to punish people they put them in the middle of the town square. They set me in those stocks and locked my legs down so I couldn't move for 72 days. I didn't get up for anything.

But, on the 72nd day an amazing thing happened. My cell was on the corner, so I had windows, but they were all boarded up. I hadn't seen the sun or anything for 72 days. That night a typhoon came through Hanoi. It was a terrible storm and my cell started to flood. The water was rising fast and since I couldn't move because of stocks I had no way to escape the water. I had nothing else to turn to but my faith. I began to pray. I prayed like I had never prayed before, because I knew that the Lord was my only salvation at this point. It ends up that the Lord was with me that night. When I woke up the next morning I realized the storm had blown the covers off the window and that morning I saw the sun rise for the first time in 72 days. That was God in all his glory coming up out there. And it's good to know He's there, it certainly helps to put your mind at rest. It helps you to get through those tough times.

That very day they came and took me out of the stocks. I could not walk, obviously. Two guards carried me over to an interrogation office and set me down on a three-legged stool, and this guy says "We're going to kill you." They threatened to do that fairly often. But, they said they had this confession from Stockdale and obviously you're involved. I said, let me see it because I don't think he'd write one. And he, of course, wouldn't let me look at it. So I told him that he was lying, I knew Stockdale didn't write anything. He got mad and said just go back.

Well, that month they took 11 of us to a place we called Alcatraz. Jim Stockdale was one of them with us, and Jeremiah Denton from Alabama, ex-senator. He was in the same camps with me practically the whole time, he taught me the tap code. This was a code where we took the letters of the alphabet and put them into five rows of five letters each and eliminated the "k" and used the "c" for "k" for a while, but later tucked it back in where it belongs. And a "b" would be tap—tap, tap (1st row second letter) and we became pretty adept at doing that. In Alcatraz we were all in 11 different cells, side by side, and kind of in an "L" shape, and we could talk to each other pretty rapidly with that code. We then decided we weren't talking fast enough, so we developed a "cough, hack, spit code." And I said, "you know Jerry, we're going to get caught for this and the Vietnamese are going to really clamp down on us and we're going to be in trouble." But, he said, "no, we're going to try it."

It was around 1968, I guess, when they started letting us out for exercise, first time ever. And about 15 minutes a day. So Jerry got out of his cell and he was walking around and he was talking and having the prisoners communicate with him. We used a clearing of the throat for one, two clears for two, a cough for three, a hack for four, and a spit for five. We talked for three years with that code and the Vietnamese never caught on. Their population over there must think Americans have a respiratory problem. We always signed off in the evening with "God bless you."

Every Sunday, we would pray together, somebody would know it was Sunday, and the Vietnamese took about half a day off. Some guy would stomp on the floor and we'd all get on our knees and pray together. We could feel the power of prayer when we were together, everybody praying, even though we weren't side by side, separated by walls. We did that for as long as I can remember.

And then one day they had the Son Tay raid and I don't know if ya'll remember that or not, but it was an effort to try to rescue the guys out of the camp at Vietnam. They failed in that effort because they had moved about 30 days earlier. And it was unfortunate because they were going to move them back, but it scared them enough that they moved us all together for the first time. And when we moved together we decided to have a church service and I'll never forget because Jerry said "Sam you sing for us and lead," and I said "I can't sing," but I did.

Well, it happened to be New Year's Eve when we moved together so we sang Christmas carols and that was just a great time. But when you're in a communist world like that, the Vietnamese think that it's a demonstration so they came charging in and said "Stop, you are not authorized to do that." We didn't care, we were going to have a church service every Sunday regardless. And we did, they took 3 senior officers out and put them in solitary and in irons, and we kept doing it and they came in one night and they took about 40 more of the seniors out and put them in solitary and in fact doubled them up in bunks and really made them uncomfortable. We got in the windows and started signing "Battle Hymn of the Republic," "God Bless America," all the good songs that you know, in our room. There were about 370 of us in that camp and every room got up in the window and started joining in with us.

The North Vietnamese came running in with their guards in full battle dress with gas masks on, and we thought they were going to try to throw tear gas in, but they didn't. We could peek through the walls where we had put holes and we noticed that the whole town of Hanoi had come out to see what the commotion was. Well that died out that night and the next day the camp commander came on the loud speaker and said "the camp authorizes you to have church services." You know that only God could make that happen, and I'll tell you what, the Lord was with us. I think each and every one of us is stronger from that experience.

I never really thought about being involved in the Congress, which has brought me here to talk to you today. Jerry Denton and Jim Stockdale and all of us talked about how badly managed our government was and decided that when would we get involved when we got back to the U.S. and do something about it, instead of just complaining. So, I got involved in the State Legislature and when Steve Bartlett resigned to run for mayor of Dallas, I decided to try for the House. And I think the Lord led the way and prompted me to do that and hopefully, I can be there for you and represent you and our beliefs up there.

I do know that this is one nation under God, our founding fathers wrote this Constitution under the precepts of the Bible. The Supreme Court needs to use the Bible as a guide, as a Law book. We have been drifting, as a country, far from these founding principles. And I'm hoping that we can get more people up in D.C. to turn that around. Thank you so much for letting me share my story with you today, and I hope you will share with me. My office is always open. God bless you and God bless America.

Mr. SKELTON. Mr. Speaker, with great respect and tribute to our friend, the gentleman from Texas (Mr. SAM JOHNSON), we sincerely hope that this resolution passes unanimously. I thank the gentleman from Oklahoma for his efforts in this regard, as well as the other cosponsors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order in debate to refer to any occupant in the gallery.

AUTHORIZING THE SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 23, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 25, 1998

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 25, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 24, 1998, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE 189TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I am delighted to rise in honor of our country's greatest president whose birthday we celebrate today.

We Republicans honor Lincoln as a founder of our great political party and the first Republican president. We are right to this. But this is not the source of Lincoln's greatness.

Lincoln used the Republican party and the presidency as vehicles to achieve three magnificent things. He preserved this great union of ours. He ended slavery on this continent. He extended to the American entrepreneurial spirit to millions of people of all walks of life. We have a word for that on a subcommittee I chair. We call it "empowerment."

Without a strong union, the United States would not have become the economic power it is today. Because of Lincoln's work, this nation produced the highest standard of living of any in the history of the world. And because the United States remained one nation, it was able to assemble the moral military might that liberated millions this century from three of the worst tyrannies in all of history: nazi Germany, imperial Japan, and the Stalinist "evil empire."

Throughout the world, the name "Lincoln" connotes compassion—and for good reason. Slavery sickened him. "If slavery is not wrong, nothing is wrong" he said. He worked to restrict its expansion before the civil war; used that military emergency to end it; and forced through the thirteenth amendment to the constitution to prevent its re-instatement.

As Commander in Chief, he made merciful use of his pardoning powers. He was particularly sympathetic to young offenders. "Must I shoot a simple-minded soldier boy, who deserts, while I must not touch a hair of a wily agitator who induces him to desert?" he said, "* * * to silence the agitator and save the boy is not only constitutional, but withal a great mercy."

There was one group of lawbreakers, however, to whom he showed no mercy, slave traders. In one celebrated instance, he refused to commute to life in prison the sentence of a person who had committed that hideous crime. Before Lincoln's presidency, that law had gone unenforced. After it, there was no need to have it at all.

It was also during Lincoln's administration that homestead legislation became federal policy and land grants to states for the establishment of colleges became law. These measures, along with the example of Lincoln's life story, came to characterize the American entrepreneurial spirit.

As the "empowerment subcommittee" continues to explore ways to assist individuals and communities achieve their full potential, we will carry Lincoln's spirit with us. Lincoln was the personification of "empowerment" in America. Here is how he described it:

"The prudent penniless beginner in the world labors for wages for a while, saves a surplus with which to buy tools or land for himself, then labors on his own account for another while, and at length hires another new beginner to help him."

I urge all Americans to pause on this day and all through the year to reflect upon the words and deeds of this extraordinary human being. They do this by visiting the Lincoln Memorial and Ford's Theater, here in Washington, and the Lincoln Museum in Fort Wayne, Indiana. The March issue of Civil War Times contains an article about that museum's fascinating exhibits. It is my pleasure to submit it for publication in the CONGRESSIONAL RECORD.

[From the Civil War Times, March 1998]

A NEW LINCOLN MEMORIAL

(By Al Sandner)

In Fort Wayne, Indiana, one man's admiration gave birth to the largest private collection of Lincoln-related materials in the world. The two-year-old museum that houses the collection combines modern technology with 19th-century artifacts to create a hands-on, in-depth examination of "Lincoln and the American Experiment."

For generations the people of Fort Wayne, Indiana, have cherished the legend that Abraham Lincoln stopped here on the fateful trip that catapulted him into the race for the presidency. They've cherished it and hoped it was true, but couldn't be sure.

Legend had it that Lincoln changed trains here on his way to deliver a speech at the Cooper Institute in New York, where his son, Robert, was a student. The speech made a deep impression on the audience and caught the attention of Northeastern power brokers, vaulting him into the elite company of men regarded as potential presidential candidates. On his journey eastward, he was a regionally known lawyer, soldier, surveyor, and politician. On the return trip his name was being whispered in the halls of power as a contender for the highest office in the land. The Fort Wayne train switch—if it really happened—was related closely enough to a pivotal moment in American history to make any city proud.

Recent research has laid the legend to rest and replaced it with historical fact. "We have determined that on February 23, 1860, Abraham Lincoln did change trains in Fort Wayne while on his way to the Cooper Institute speech," said Gerald Prokopowicz, Lincoln scholar and director of programs for the Lincoln Museum in Fort Wayne.

In the years since 1860, working on faith and dedication alone, one local businessman and Lincoln admirer created in this mid-sized northeastern Indiana town (closer to Knute Rockne country than to what is usually thought of as the land of Lincoln) what was to become the largest private collection of Lincoln materials in the world, housed in a $6 million, 30,000-square-foot museum that is both a tribute to Lincoln and an interactive multimedia essay on his impact on America as we know it.

Fort Wayne, a 203-year-old city also known as the final resting place of Johnny Appleseed, doesn't really need an excuse for housing the Lincoln Museum. The institution stands on its own merits, combining relics and reconstructions, videos and period documents, the deadly serious (for example, a slave's manacle) and the whimsical (the tail end of a 1970s Lincoln Versailles with its trademark wheel on the trunk lid and a collection of bands from "Lincoln" brand cigars).

The museum's 11 exhibit galleries ingeniously incorporate hundreds of Lincoln-era artifacts and art works—including the inkwell Lincoln used in signing the Emancipation Proclamation, Lincoln family photos and handwritten documents, the president's legal wallet, and his pocket knife. Its research library, with 18,000 volumes and 5,000 photographs, draws Lincoln scholars from across the country.

Traveling exhibits have included one of the few surviving signed copies of the Emancipation Proclamation (the Leland-Boker Edition, which was sold during the Civil War to benefit war relief work) and one of 13 copies of the resolution for the 13th Amendment, which banned slavery. More recently, an exhibit called "White House Style" displayed 9 original and 24 replica formal gowns worn by first ladies from Martha Washington and Mary Todd Lincoln to Nancy Reagan and Hillary Rodham Clinton.

You enter under a painting of the U.S. Capitol dome whose construction held such symbolic importance in Lincoln's mind that he insisted the work continue unabated throughout the Civil War. Lincoln's words—prophetic at the time, cautionary and virtually mythic today—are written, painted, and engraved on walls and other surfaces.

Lincoln's words also ring in your ears as you absorb the man and the times he shaped. Throughout, the voices of narrator Ossie Davis and Sam Waterston as Lincoln guide the visitor through Lincoln's life, and the fit seems totally comfortable, perfectly natural. Davis is an actor, writer, producer, and director. Waterston played Lincoln in a television miniseries and gave Lincoln a voice in Ken Burns's landmark Public Broadcasting Service special on the Civil War.

Davis narrates the video that introduces the visitor to the permanent exhibit "Abraham Lincoln and the American Experiment." The five-minute film sets the stage, tracing the times and events that shaped the man who soon shaped the times and events around him. America in Lincoln's day was the world's only large-scale experiment in democracy, and many doubted it could long survive. As the film ends, Lincoln addresses the press corps just after his election to the presidency: "Your troubles are over. Mine are just beginning."

So begins your journey to explore the tensions over slavery that threatened the experiment in democracy, the war that was ignited by the tensions, Lincoln's role in guiding the democratic nation through its greatest trial, and the way people have since remembered Lincoln.

Leaving the theater, you step into "Lincoln's America," divided like Caesar's Gaul into three parts: "The Dynamic North," where a single state, New York, runs more factories than the entire South; "The Expanding West"; and "The Prosperous South." Now, as then, the South seems to dominate, to attract more attention than its size and economic power should warrant.

The focal point of the room is a full-scale, rough-hewn Mississippi River flatboat. You walk under the vast tiller, manned by a life-size, six-foot-four-inch Lincoln mannequin standing on the deckhouse's flat roof. A pass under the boat's keel places you in the South; cotton bales and barrels stand around the dock. Touch the rough wood, finger the cold steel of a slave manacle. Read a list of slaves for sale. Read Lincoln's words: "If slavery isn't wrong, nothing is wrong."

Just as the debate over slavery led the nation to war, so are you led into the next galleries. "Prairie Politician to President" and "Speaking Out." In this general area is a reproduction of the sort of room where Lincoln grew up, read, and worked out his sums. His copy of Parson Weems's *Life of Franklin* is on display here. Somewhere in this area, you learn (if you didn't already know) that Lincoln was fascinated by technology and held the only patent ever granted to a president of the United States—for a system he invented to refloat boats. Artifacts here include an invitation to the dance where he met his future wife, Mary Todd.

The "Speaking Out" gallery reproduces the Chicago meeting hall where the Republicans nominated Lincoln for president. A life-size statue of Lincoln stands at a podium on the bunting-draped stage, while a dramatic re-creation of the Lincoln-Douglas debates play on a large video screen behind him and his words fill the air.

It is here, too, that you can sit at an ingeniously arranged desk between like masks of Lincoln and Douglas, and—thanks to cleverly arranged mirrors—see yourself sitting at eye-level with these two great orators. You may suffer by comparison, but it is a fascinating experience.

Nearby is another interesting comparison—the earliest known photographic portraits of Lincoln, take in April and May of 1846, followed by photographs of him during the war years. He grew haggard under the strain of his wartime presidency, but not as drained and devastated as you might expect.

Next, the visitor is thrown into the cauldron of war. The events and battles of the most critical years of U.S. history are described in a time line that circles the walls of the "Civil War" gallery. A bank of six touch-screen computer monitors allows the visitor to read Lincoln's mail, redecorate the White House as Mary Todd Lincoln did, take a trivia quiz, or refight major Civil War battles. In the game "You Be the General," Union and Confederate positions are mapped out on the computer monitor, and you are allowed to make the moves: sort of a computer-generated chess game based on actual events. One player reported reversing history and winning the First Battle of Bull Run for the North. Another refought Gettysburg, but was never quite sure what he was doing—or whether he won or lost. (Fortunately for the Union, this would-be general was born a century too late.)

"The Fiery Trial" is the name given to the next mini-theater presentation. In a small, comfortable auditorium, three seven-minute multimedia programs explore different facets of Lincoln and the Civil War. In "Lincoln's Soldiers," the letters of Corporal George Squire of Fort Wayne are used to describe life in the Union army. "Lincoln: Commander-in-Chief" explains the problems the president had in finding a general to bring victory to the North. And "Lincoln and Emancipation" tells about his role in ending slavery. Again, the voices of Davis and Waterston create an aura of warmth and familiarity—in deadly contrast to the stereo booms and strobe flashes of cannon fire. Outside the door of the theater are a cavalry officer's sword, which you can draw partly our of its scabbard; an infantryman's heavy, black leather backpack, which you can heft onto your shoulders; and—as a symbol of this first modern war—a half-scale model of an early Gatling gun, precursor of the machine gun. The Gatling gun was introduced during the war but was rarely used.

Like Billy Pilgrim, visitor from another time and another war in Kurt Vonnegut's anti-World War II novel Slaughterhouse Five, it's easy to get "unstuck in time" here. In the free-flowing layout, you could wander into, say, "Ford's Theater and Beyond" and then into "A Lincoln Family Album." The former displays a replica of the theater box the president occupied that ill-fated Good Friday night while describing the conspiracy that led to his death and transformed him from controversial politician to American legend. The latter displays Lincoln's own photographs of his children while an upright piano plays recordings of Mary Lincoln's favorite songs, including "Skip-to-Mi-Lu." Children's attractions in this area include games, clothes for dress-up, and an interactive Lincoln family portrait.

Stepping back just a bit in time, you can revisit the fringes of the Civil War gallery, sit at a desk much like Lincoln's, and face some of the same problems he did during his regular public sessions (which he called his "Public Opinion Bath"). You sit in a chair looking into a faithful reproduction of Lincoln's office, are presented with pleas the president heard during these sessions, decide how to handle the request, and then push a button to learn what Lincoln did. Letters of discharge from the army, original notes, and other documents are used to illustrate how he handled callers and their pleas. After making all these decisions, you may have the leisure to sit back and notice how meticulously Lincoln's office has been re-created—right down to the wallpaper and the width of the carpet stripes.

Now things lighten up. Blinking lights outline a movie theater marquee that announces today's attraction: "Lincoln at the Movies." On screen, television movie critic Gene Siskel teams up with Pulitzer Prize-winning author and historian David Herbert Donald to critique movies that depict the life of Lincoln—using the format Siskel and fellow Chicago critic Roger Ebert use on their television series, At the Movies. They discuss actors and interpretations over the years—from Henry Fonda's Young Mister Lincoln to Waterston's interpretation in the television miniseries Gore Vidal's Lincoln. Walter Houston, Raymond Massey, and Mary Tyler Moore (as Mary Todd Lincoln in Gore Vidal's Lincoln) are also discussed from historic, theatrical, cinematic, and purely personal points of view.

The fun continues. In "Remembering Lincoln" a trail of red lights crosses an oversize map of the United States from coast to coast. This, the "Lincoln Highway," was America's first transcontinental thoroughfare. It serves as the backdrop for a collection of things named for Lincoln over the past 160 years—from an automobile to cities and towns, schools, manufacturing companies, fruit growers, and a surprising number of cigars. Sticking out of the wall below the map, as though the brakes had failed while someone was backing up, juts the tail end of a Lincoln Versailles.

Across the aisle is "Dear Mr. Lincoln," a station where children are given pencil and paper and encouraged to add to the exhibit by writing a letter or postcard to the 16th president. The good ones can become part of the exhibit. "I regret to inform you they are still assassinating people," one young person reportedly wrote early on. Even parents join in. "My son was a reluctant reader until he read a story about you in the 2nd grade," wrote one mother. "Thank you. I live in a better place because of you."

Wall-sized photographs of history as it was made at the Lincoln Memorial in Washington, D.C., illustrate the theme of the next-to-last gallery, "The Experiment Continues." It seems to show Lincoln's moral beliefs still have an impact on American society today. Here is Marion Anderson, barred by the Daughters of the American Revolution from other Washington venues, performing outdoors for hundreds of thousands of enthralled Americans in 1939. Here is Martin Luther King, Jr., telling America "I have a dream" in 1963. And there are Vietnam veterans opposed to the war struggling unsuccessfully to seize the memorial in 1971.

Now the museum visitor is truly drawn into the American Experiment—by voting on four key questions: (1) Is the American Experiment a success? (2) Is it still alive today? (3) Does it work for most Americans? (4) Are you confident of its future success?

The tally? In the two years since the museum opened, some 27,000 visitors have said "yes" to each question. However, the "no" votes have varted notcieably Questions 1, 2, and 4 have received about 19,000 "no" votes. Meanwhile, number 3 has drawn about 16,000 "no" votes—indicating a large number of absentions.

The museum tour ends on a colorful note as the visitor passes through "A Lincoln Gallery," which displays art inspired by Lincoln. The art works are taken from the museum's own extensive collection.

In the lobby, opposite the 23-foot-long "A. Lincoln" signature and his 12-foot-high portrait is a well-stocked gift shop with books, video tapes, CD-ROMs, games, statues, and replicas of White House china. Under the signature, on the lower level, is the library, with more than 200,000 newspaper and magazine clippings regarding Lincoln; more than 5,000 original photographs (including those from Lincoln's own family album); 200 documents signed by Lincoln; 7,000 19th-century prints, engravings, newspapers, and music sheets; 18,000 books; scores of period artifacts and Lincoln family belongings, and hundreds of paintings and sculptures. Here, too, is the traveling exhibit area—most recently the site of the "White House Style" show.

So how did this $6 million, 30,000-square-foot tribute to Lincoln and interactive multimedia essay on his impact on American life come to be created in a mid-sized northeastern Indian a city? In 1905, Arthur Hall was forming an insurance company in Fort Wayne. A great admirer of Lincoln, he wrote to Robert Todd Lincoln, the son whose attendance at the Cooper Institute had provided Abraham Lincoln with a platform for his watershed 1860 speech, for permission to use his father's name. Along with his approval, Todd sent a photograph of his father—the same one that is the basis for the engraving on the $5 bill today.

The company grew into what is today one of the nation's largest financial services organizations. The Lincoln National Corporation opened its first museum on Lincoln's birthday in 1928. The new museum, now owned by the nonprofit Lincoln National Foundation, opened October 1, 1995, in Lincoln National headquarters—less than a mile from the site of the railroad station where Lincoln, we now know, changed trains on February 23, 1860.

□ 1515

CELEBRATING LITHUANIA'S INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. PITTS). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the people of Lithuania who will be celebrating their Independence day next Monday. With the passage of each year, Lithuania grows into a more stable, prosperous and Democratic country. To ensure this growth continues in Lithuania and the rest of the Baltic States, the United States must remain committed to supporting the region.

Lithuania is rich in history and has proven its resilience. This country has continually been occupied by rogue regimes which exploited its resources and people. However, the desire for democracy continued to grow within the Lithuanian people. After four decades of suppression, Lithuania finally achieved freedom in 1990 and reestablished the independent Lithuanian state.

I do not think that many Americans paid attention to the recent presidential elections in Lithuania. I wish they would have. They should be proud of the fact that an American citizen was elected the new President. Valdas Adamkus, from my home State of Illinois, is a shining example of the Democratic reforms which have come to this former Soviet state. His election testifies to the desire of the Lithuanian people to do away with ex-Communists and to embrace western ideas.

President Adamkus and his family fled the country as the Communists took over during World War II. After spending part of his teens in a Nazi camp, President Adamkus emigrated to the United States. Here he forged a truly distinguished career as a regional administrator for the Environmental Protection Agency. With the many years spent in America, president Adamkus will be able to bring fresh non-Soviet ideas to government.

Now is the time for the United States to recognize the struggle the Lithuanians have endured for democracy and freedom. On January 16 President Clinton took the first step in realizing the importance of this region of the world. On that day he signed the U.S.-Baltic Charter. While the charter does not contain any security guarantees, it does prove to the Baltics the continuing commitment of the United States to their country. Additionally, the charter commits the Baltic States to democracy, rule of law, free markets and human rights.

However, what the charter should not do is close the door on the expansion of NATO to include the Baltic region. Recently, we have begun to hear that NATO does not need to be expanded. Some fear the expansion will dilute the military alliance which is the essence of NATO. They would rather have the European Union do much of the work for the emerging democracies while leaving NATO to deal with Russia. This is very shortsighted.

What we need to do is focus on the region, providing guidance and support while these countries are developing. The United States should not pull back and leave these countries stranded in a strategic uncertainty. Enlargement, with the need to meet the rigorous military and political standards will continue to promote calm in the region. We need to leave the door open for expansion so that Lithuania, Latvia and Estonia have a goal to strive towards as they continue to develop.

Mr. Speaker, again I would like to congratulate the Lithuanian people on another year of independence. After all their hard work and struggle, they are beginning to reap the rewards. The United States should wholeheartedly embrace Lithuania and the entire Baltic region through the expansion of NATO so these emerging democracies can continue to prosper.

COMMEMORATING 100 YEARS OF PHILIPPINE INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to commemorate the centennial of Philippine independence, and to recognize some true heroes of World War II, the Filipino World War II veterans.

Filipino soldiers were drafted into the Armed Forces by President Franklin D. Roosevelt and promised full benefits as American veterans. But those benefits were rescinded by the 79th Congress in 1946. The gentleman from New York (Mr. BEN GILMAN) and I have now introduced a Filipino Veterans Equity Act, H.R. 836, which would restore the benefits promised when these soldiers were drafted into service by the President of the United States and fought side by side with soldiers from the American mainland against a common enemy.

Over 175 of our colleagues have cosponsored H.R. 836, in support of these brave veterans. A most appropriate way to commemorate the centennial year of Philippine independence is to pass H.R. 836 and restore honor and equity to the Filipino veterans of World War II.

As Congressman of the congressional district which includes more Filipino American residents than any other except for Hawaii, I am very honored to have been chosen as their Representative in Congress. I look forward to participating in the 1998 celebrations commemorating Independence Day and the spirit, resourcefulness, warmth and compassion of the people of the Philippines and of Filipino Americans.

June 12, 1898 is the day the Philippines gained its independence from Spain and June 12 is celebrated in the Philippines as Independence Day by order of President Diosdado Macapagal.

This year, in the Philippines and in the numerous Filipino-American communities in the United States, lengthy celebrations are being prepared that will occur throughout the entire year. In my hometown of San Diego, a civic parade showcasing Filipino culture is among the many events planned to commemorate this milestone.

Historians tell us that the Philippines was "discovered" in 1521 by Portuguese sailor Ferdinand Magellan. In spite of a bloody battle between Filipino freedom fighters and the invaders, in which Magellan was killed, Spain, for whom Magellan worked, colonized the Philippines and held power for nearly 400 years.

In 1896, Filipinos mustered the courage to bond together to overthrow the Spanish colonialists. Filipino revolutionaries, led by General Emilio Aguinaldo, took to the streets of his hometown of Kawit, Cavite, about 15 miles southwest of Manila and proclaimed an end to Spanish rule. The open resistance of the imperial power of Spain led to the Declaration of Independence 2 years later on June 12, 1898, and with it the birth of Asia's first independent nation.

But in real terms, just as Spain slipped out, came the colonizing power of the United States. Spain ceded the Philippines to the U.S., blatantly ignoring the Filipinos' own proclamation of freedom. So, practically, the century of independence is somewhat of an illusion, for the Philippines was a territory and then a Commonwealth of the United States until July 4, 1946. However, Independence Day is celebrated for good reason on June 12 because the victory in 1898 symbolizes to the Filipino people the triumph of political will and physical endurance by Filipinos against foreign control. Today, Filipinos are free and they have proven their quest for freedom in countless battles, most recently as part of the American army in World War II.

Mr. Speaker, it is time we award these brave heroes with the recognition they deserve. Let us pass the Filipino Veterans Equity Act this centennial year.

RECOGNIZING THE 150TH ANNIVERSARY OF MARLBORO TOWNSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAPPAS) is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, it is my privilege to congratulate the citizens of Marlboro Township as they commemorate the 105th anniversary of the incorporation of their community. This is a time of celebration and remembrance, a time to celebrate the growth and achievements of Marlboro Township, while remembering the efforts and sacrifices of the good men and women, past and present, who helped make Marlboro Township what it is today.

Beginning as a small group of small rural settlements in the 1600s, Marlboro has grown to be a center of activity and a place to call home for a community of over 30,000 people. Throughout this time of growth, Marlboro has retained and contributed its own piece to our Nation's history, from being a Dutch and Scottish farming settlement to a battle site for revolutionary war skirmishes; from supporting New Jersey as a rural community to transforming it into a suburban center. In the wake of World War II, Marlboro has made its mark. Now, 150 years later, the township will celebrate its anniversary with rich new traditions, including a time capsule burial and ceremony to offer history to future generations, annual recreation events, concerts and festivities, as well as having speakers on Marlboro's history and other events.

It is fitting that, while remembering the past, they are looking to the future by having children participate in the celebration. A time capsule, as I mentioned earlier, will create a picture for later generations of what the township was like in 1998.

In the years to come, I sincerely hope that Marlboro Township will continue to build on the foundations of the past to ensure a happy and prosperous future for all its residents. I offer my congratulations and best wishes to Mayor Matthew Scanepiecco and the Township Council. It is my honor to have this municipality within the boundaries of my district and it is my good fortune to be able to participate in its very special anniversary.

THE MEDICARE VENIPUNCTURE FAIRNESS ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I begin, I yield to my friend and colleague, the gentleman from Texas (Mr. BENTSEN).

SUPPORTING THE INCLUSION OF THE DR. MARTIN LUTHER KING, JR. BIRTHDAY IN THE U.S. FLAG CODE

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation correcting an oversight that occurred in the 98th Congress during the establishment of the Federal holiday celebrating the birthday of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr.

It is customary during the establishment of official Federal holidays to signify the importance of the date through recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each Federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his achievements through the display of our flag on the day we honor him. Of the ten permanent Federal holidays, only the King birthday lacks this honor, and I believe that as we celebrate Black History Month, it is appropriate to correct this emission.

I would like to offer my appreciation to Mr. Charles Spain, a resident of Houston, which the gentlewoman and I come from. Mr. Spain brought this very important matter to my attention and I am grateful for his diligence and assistance in helping my office to introduce this legislation to correct this error.

Mr. Speaker, I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and continue to move forward with his dream.

Mr. Speaker, I thank the gentlewoman for yielding me this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the gentleman for his leadership on this issue, and I would join the gentleman in cosponsoring this legislation, which I think is an important correction for an honorable gentleman, Dr. Martin Luther King.

I would like to as well, Mr. Speaker, to raise several issues that really are in keeping with Black History Month, in recognition of many of our tried-and-true men and women who served in the Vietnam war. I am certainly a product of that era and I could not find a better time to take a moment to salute those who lost their lives and sacrificed in order that we might be free.

Many people had many things to say about the Vietnam war, but I have nothing to say other than for those who fought and those who lost limbs and were injured and those who lost lives and to their families and loved ones, I salute you, I applaud you, I honor you.

In my district I work extensively with homeless veterans, many of whom are from the Vietnam era. They are no less diminished because of the tragedy of their life, because of some misstep that might have brought them to this point, but they are certainly a part of the honor of those who have served, and my hat is off to them.

I salute those veterans of the 18th Congressional District who served in Vietnam. I certainly am grateful for the ending of that war, and I salute all of the veterans and all of the men and women all over this country who served in this Vietnam war.

It is for this reason, Mr. Speaker, that I applaud the President today highlighting for America the Patient's Bill of Rights. And I will be supporting that legislation, along with the Venipuncture Fairness Act of 1997. In fact, many of my constituents, many veterans, are in home care, and the home care agencies are now being precluded from going to the homes of homebound individuals and taking vital signs that are necessary for prescription drugs and other various medications and physical needs. This H.R. 2912 will correct an injustice by Medicare to prevent coverage for the venipuncture service that is needed.

□ 1530

So, Mr. Speaker, let me again thank the veterans of the Vietnam War and thank the families who gave through their loved ones the ultimate sacrifice. Let us never forget.

And then as we proceed into this legislative agenda year, let us not forget those who need the patient bill of rights who now live with us today in America. Let us assure them of good health care and the rights of physicians and patients to make the decisions about life and death, not about good health care.

And, as well, I ask my colleagues to support H.R. 2912 to correct the injustice of eliminating the venipuncture visitation by home care agencies. Let us support the Venipuncture Fairness Act of 1997.

Mr. Speaker, I submit the following for the RECORD:

Mr. Speaker, I rise this afternoon to urge this Congress to remedy a wrong we perpetrated upon America's home-bound seniors and disabled people when we passed one of the Medicare provisions in the Balanced Budget Act of 1997. As of February 5, 1998—last Thursday—home venipuncture services for individuals who do not receive any other skilled home health services are no longer covered by Medicare. H.R. 2912, the Medicare Venipuncture Fairness Act of 1997, would reinstate Medicare coverage for this vital medical service.

Venipuncture is simply the drawing of blood. Thousands of home-bound individuals rely on this service to ensure that their doctors are able to monitor their medication levels, particularly with the most complicated drugs such as heart medications, blood thinners, and insulin. Section 4615 of the Balanced Budget Act removed venipuncture from the list of prescribed services that qualify a Medicare beneficiary for other home health services. Therefore, unless a patient has been prescribed another skilled service, he or she will no longer be reimbursed for the cost of having blood drawn at home.

There are several problems with this new approach. The reason most of these patients require their blood to be drawn at home is that they are unable to travel to their doctors' offices, either because they are located in a rural area, or because their health is such that leaving home is not feasible or safe. For those patients that are able to leave home, public transportation is often unavailable, and ambulance services to and from the doctor's office may cost up to $250 a trip. For those patients who cannot leave home, their only option may be placement in a nursing home. We are all acutely and unfortunately aware of the exorbitant cost of those facilities.

In addition, this policy change may in fact be unnecessarily increasing the amount spent on skilled home health services. Essentially, we are forcing doctors to prescribe additional, costly services in order to ensure that their patients' medication levels are appropriately adjusted and safe.

I voted for the Balanced Budget Act of 1997. I believe it is important to combat waste and fraud in the Medicare system. However, I have been presented with absolutely no evidence to support the contention that home venipuncture services were a source of either waste or fraud. There are no estimates as to either how much venipuncture services were costing the system before the Balanced Budget Act, or how much this dangerous change will save the Medicare system. In fact, the removal of coverage for home venipuncture may in fact end up increasing overall health costs by forcing seniors and disabled citizens into nursing homes when they otherwise could have stayed at home.

I have, therefore, not heard anything to convince me that there was abuse of home venipuncture services, such that the change made by section 4615 was warranted. I have, however, heard much to convince me that this change is endangering the health and well-being of senior citizens and disabled people throughout this country. I have heard from people in my district who do not know how they are going to provide their elderly relatives' doctors with blood samples now that this policy change has been instituted. I have heard from one family that, faced with the discontinuation of Medicare reimbursement for venipuncture, sought to have someone continue to come to their home to draw their elderly mother's blood. However, they were unable to find any agency or organization that could provide this vital service, even if they scraped together the funds to pay for the service privately.

What am I to tell these families, who are making personal sacrifices by caring for their loved ones at home? How can I tell them that we appreciate their devotion but that somebody had a suspicion, not apparently supported by any statistics, that this was a good service to discontinue so we did? I will not tell them that, without also telling them that we are trying to remedy this terrible error.

I urge this Congress to support those Americans who need our help the most, our home-bound senior and disabled citizens, by supporting H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. We must, as representatives of the American people, be willing to admit when we have made a mistake and remedy it as soon as we possibly can.

SECOND ANNIVERSARY OF TELECOMMUNICATIONS ACT

The SPEAKER pro tempore (Mr. PITTS). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, it has been 2 years since we passed the Telecommunications Act of 1996. When we passed that act, we were all very encouraged that our communities would enjoy local telephone service that had not been available in the past at a competitive rate. Those of us from rural communities were particularly hopeful about the prospect of such service.

Unfortunately, I have yet to see one of those companies that lobbied us in any of the counties I represent in rural North Carolina. Instead, they have set up shops in Charlotte and in the Research Triangle serving big business and large corporations. That is not what Congress intended. So it may be time to encourage regulators to help bring down the barriers to competition and all markets, including rural communities. At the same time, I want to invite companies interested in offering local services at affordable rates to come on down to eastern North Carolina and offer my constituents a choice. We are waiting for them.

Mr. Speaker, another issue I just want to raise is the issue indeed of the Afro-American farmer. We are now talking about Afro-American History Month, and this is the time not only to cite progress and to cite renewed hope for the future, but also to cite some of the opportunities we have to make corrections.

The black farmers known in North Carolina and known throughout the South have been suffering for many reasons. But one of the reasons they have been suffering is not to have access to capital, not to have opportunities to the resources of USDA in an nondiscriminatory manner. This issue has been highlighted recently because a number of farmers had really had foreclosures on their homes and a number of them have been in a struggle with their government to make sure they treat them fairly for the last 20 or 25 years. And yet, our government has not found an opportunity not only to address the agreed and admitted discrimination but not to make them whole, not to make sure that they get their land back, which was taken indiscriminately and they should make sure that the remedy they fashion and offer to black farmers are not empty gestures where there is no opportunity to make them whole where they can farm again and have a quality of life, which indeed all Americans want.

So I want to urge my colleagues, as they reflect with me on Black History Month, they also reflect on the small black farmer, which has been an intimate part of our struggle and our development in feeding our country. They simply want to farm. They simply want to have the opportunity as any other farmer to have the resources, have the technical assistance, to have the programs offered to other farmers offered to them.

There may come a time when this Congress has to step in and make those corrections to make sure our country lives up to the code and make sure that all farmers, all Americans, have the same equal right access to capital, access to American programs, and to make sure that our country honors, honors, their commitment, when they make a commitment they will not discriminate, and if they are found to be discriminatory, there will be a remedy that will be a remedy fashioned according to the damage done to them.

Mr. Speaker, I urge my colleagues to consider that as they reflect.

SALUTE TO LITHUANIAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Fawell) is recognized for 5 minutes.

Mr. FAWELL. Mr. Speaker, I simply want to take this occasion, along with my colleague from Illinois (Mr. SHIMKUS), to extend my best wishes to Lithuanian Americans all across this land. And most especially, I would extend those warm regards to the Lithuanian Americans who are in the 13th Congressional District back in Illinois, a district that I have had the honor of representing here in Congress for 13, going on 14 years. I would also especially like to mention the fact that a constituent of mine by the name of Valdas Adamkus, Val Adamkus as we have known him, from Hinsdale, Illinois, and, believe it or not, has been elected the President of Lithuania.

Val Adamkus is quite a tremendous person. He came from Lithuania. He is still a Lithuanian citizen, obviously holding dual citizenship between this country and also in Lithuania. He was a part of the fighting force that resisted the Soviet invasion.

Actually, before the Nazis came in World War II, the Soviet Union had taken over and taken away the liberty of the Lithuanian people which they had gained in 1920. But after the Soviet Union came in after World War II, Val Adamkus came to this country, got a degree at the Illinois Institute of Technology in Chicago, went on to quite an able career. And just recently, after retiring from a distinguished career with the Federal EPA, at the age of 71, he decided that he might want to go into politics and traveled back to his homeland in Lithuania, gradually became involved in politics, and now will be sworn in as President of Lithuania on February 26.

But over the years of my tenure in Congress, I have often attended Lithuanian Independence Days at the World Lithuanian Center in Lemont, Illinois. I have learned to have a deep and abiding respect for the Lithuanian Americans and their deep, deep desire, especially when I first was in Congress, for freedom and democracy to come back to Lithuania. I felt then that it was perhaps decades away.

And every year I was invited to the Lithuanian World Center, where I came to have so many dear friends in the Lithuanian community. As a result I grew to recognize what their culture was, danced a few of their polkas, got to know these people and their deep desire to finally once again see the birth of freedom in Lithuania. And lo and behold, perestroika finally came and ultimately, in February of 1991, I recall there was a declaration of independence by the Lithuanian people. And at that particular February gathering, in regard to Lithuanian Independence Day, we had an awful lot of people in my district who shed in tears of joy because freedom had finally come to their native land. There have been ups and downs since then. And truly a remarkable thing has occurred, when an American who has dual citizenship, as I have indicated, has been elected the President of Lithuania.

So my very, very best regards to Val Adamkus and his wife Alma and to the Lithuanian people in my district. They have a great heritage. And we look forward to a rebirth of freedom and all the knowledge of the American democratic ways which Val Adamkus has, being brought to the Presidency of Lithuania.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PITTS) at 5 o'clock and 5 minutes p.m.

SUPPORTING THE PRESIDENT ON IRAQI POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I rise and I note the presence of my colleague, the distinguished minority leader, who also will speak this afternoon, because both of us I think want to make the point that the leadership of this Congress is very committed to supporting the President of the United States and in supporting, frankly, all of the people around the planet who are concerned about Saddam Hussein and the danger of bacteriological and chemical weapons of terror.

The fact is that the United States has no argument with the people of Iraq. The United States has no wish to harm the people of Iraq; the United States wishes that we could reach an agreement which would allow the sanctions to be limited, the people to have prosperity, and Iraq to live in peace with its neighbors.

But the current dictator, Saddam Hussein, has a track record unlike any other leader in the world. He has used chemical weapons against his neighbors. He has used chemical weapons against his own people. He shot his own son-in-law when he returned from defecting. He is clearly a brutal and dangerous dictator who, despite having lost a war against the coalition, despite having subjected his own people to 7 years of economic sanctions, despite the United Nations inspectors in this country, despite the world media watching him, despite pressure diplomatically from virtually every country in the world, has persisted in trying to build and retain chemical and bacteriological weapons of mass destruction. These are particularly frightening because they are potentially usable by terrorists and have for their size and weight a remarkable capacity to kill human beings.

A future terrorist act in which bacteriological or chemical weapons could be used as in the World Trade Center, in a subway, or any other site where there are a lot of people could produce a horrifying casualty rate. The United States has made it clear that we will not accept biological and chemical weapons of mass destruction in the hands of someone with a proven record of using them.

We are working with the United Nations. We are working with our allies. It is our hope that our allies will help us bring Saddam Hussein to recognize that he should not proceed, that he should allow unlimited United Nations inspections so the world can rest assured that he is not building biological and chemical weapons.

If he refuses, at some point, the President has made clear the United States will use whatever level of force is necessary in order to eliminate the sites that we believe currently are being used to build biological and chemical weapons. If after that there is still a problem, I think the United States will have to continue to explore the options of making sure that Saddam Hussein, under no circumstance, is able to build and distribute biological and chemical weapons.

But no one in Iraq should be confused. Just as we were in 1991, the United States is committed. The United States will, in fact, follow through on its commitments. I urge Saddam Hussein to save the people of Iraq from violence. I urge him to take a step towards ultimately some day lifting the sanctions. I urge him to comply with United Nations resolutions. And I want him to know that, on behalf of the overwhelming majority of Republicans who are deeply committed to a safer world for our children and grandchildren, that we are resolutely determined not to allow Iraq, under this leader, to have biological and chemical weapons, and we support the President in taking steps to defend the United States and that our prayers and our support in the strongest way will be with our young men and women in the Middle East if they should have to undertake missions in order to save the world from chemical and biological weapons.

CALLING FOR THE RESOLUTION SUPPORTING THE PRESIDENT ON IRAQI POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

Mr. GEPHARDT. I thank the Speaker. I thank the Speaker for his statement. And I certainly agree that the President's policy should be supported by the Congress of the United States and the people of the United States to bring an end to this activity by Saddam Hussein.

Seven years ago, Congress authorized the President to use military force to repel the aggression of Saddam Hussein against Kuwait. Seven years ago, U.S. forces, with the full support of the American people, freed the people of Kuwait from Iraqi domination. Seven years ago, the international community began an inspection and monitoring regime to assure that Saddam Hussein could no longer pose a threat to the Gulf region and the world community.

Despite these efforts, Saddam Hussein has defied the clear requirements set forth by the United Nations. His repeated refusal to allow full inspection and compliance by the United Nations inspectors have prevented the readmittance of Iraq into the community of peaceful nations. Both the Iraqi people and the entire Gulf region remain imperiled by Saddam Hussein's deadly policies.

Over the past several months, the Iraqi government has increased its defiance of the world community. At the same time, it continues to pursue unabated development of weapons of mass destruction and concealment of those efforts. After months of discussions with the Iraqi government by both international organizations and individual governments, diplomatic efforts to resolve this matter appear to have had little, if any, impact on the regime's behavior. It is therefore reasonable to consider the use of military force to ensure that Iraq can no longer threaten its neighbors or United States interests in the region.

If we cannot assure this through diplomatic means, we must be prepared to ensure this by the other means at our disposal, including the use of military force. As this administration contemplates the use of military force, I believe that it is necessary for the American people, through their Representatives in Congress, to speak on this serious matter. The President should have the support of the Congress and the public when sending our servicemen and women into harm's way.

I am very concerned that we have not acted on a resolution of support already. Two weeks ago, on the eve of the President's State of the Union address, Speaker GINGRICH and Majority Leader LOTT both pledged their support of the President's policy, as the Speaker so eloquently said again today. Two weeks later, we are still not having action in the Congress on a resolution.

I urged the Speaker yesterday to bring before the House prior to the President's Day recess a resolution supporting all necessary and appropriate actions to respond to the threat posed by Iraq's weapons of mass destruction program.

It is now clear that because of time we will not have such a resolution before the recess. I, therefore, respectfully call on the Republican leadership to bring up bipartisan legislation for consideration by the House as soon as possible after the recess. It is our responsibility and duty to ensure that Members have an opportunity to express support for our men and women in uniform prior to military action in the Persian Gulf.

One hundred and eighty years ago, Thomas Jefferson said, and I quote, that "in a free government, there should be differences of opinion as to public measures and the conduct of those who direct them is to be expected. It is much, however," he said, "to be lamented that these differences should be indulged at a crisis which calls for the undivided councils and energies of our country and in a form calculated to encourage our enemies."

I urge this House to take up this resolution as soon as we come back. I believe it is the right thing to do for our country, for our people and, most importantly, for the young men and women which we may have in harm's way in the days ahead.

URGING CAUTION ON ACTION TAKEN IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, obviously, I am not in the leadership; I do not speak for the leadership. But I do hope that I speak for a lot of people in America and other Members of Congress who may feel differently. I equally condemn the horrors going on in the country of Iraq. I have no desire at all to defend Hussein. I rise, though, to just urge some caution on what we do.

□ 1715

I have a problem with the procedure, which we are pursuing, that we are condoning, encouraging and literally paying for a program which permits the President to go and bomb another nation. There was a time in our history when bombing another country, when that country had not attacked us, was an act of war. But today we do this rather casually.

Morally, the only justifiable war is a war of defense, a war when our national security is threatened. A legal war in this country is one that is declared by the Congress acting for the people.

We have not declared a war. If we had a declared war even once since World War II, possibly we would have fought for victory. Instead, we get involved too carelessly and we do not fight to victory, and maybe that is why we are standing here today debating the consequence of the Persian Gulf war because we really did not achieve victory and the war continues.

It is argued that the legislation passed in 1990 gives legitimacy for the President to pursue this adventure, but this really contradicts everything intended by the founders of this country that we could literally pass legislation which was not a declaration of war and to allow it to exist in perpetuity. And here it is 7 or 8 years later, and we are going to use legislation passed by Congress. Very few of us were even in that Congress at that time that are in the current Congress, but they want to use that.

Also a contradiction to our established form of government is the fact that that legislation was passed more or less to rubber-stamp a U.N. resolution. So I think those are terms that are not justifiable under our system of law, and I call my colleagues' attention to this because this is very serious.

I do not care more about military than those who would bomb; they have just as much concern as I have. But I am concerned about the rule of law, and obviously, I am concerned about consequences that are unforeseen, and there could be many.

I am worried that we do not have allied support, and everybody recognizes that now. There are very few neighbors of Saddam Hussein who are very anxious for us to do this. So that should cause some reservation.

Also the military strategy here is questionable. It is actually what are we going to try to achieve? Are we going to try to literally destroy all the weapons, or are we going to try to destroy him? Are we just going to bomb people where maybe innocent people will be killed? The long-term military strategy has not been spelled out, and I have a concern for that.

Also we are not doing real well on the P.R. front because just today on the Reuters wire line there was a report that came out of a television program in Britain, which is rather frightening. Although I have criticized our policy of the 1980s, because during the 1980s we were obviously allies of Saddam Hussein, but the reports on British television now say that both the American Government, both the U.S. Government and the British Government participated and they have the documents, U.S. documents, that document, that say that we did participate in sales of biological weapons to Saddam Hussein, which points out an inconsistency. And I guess all governments have the right to change their minds, but I still think that should caution us in what we do.

Nothing is going to happen to the world. Saddam Hussein has not threatened his neighbors since the Persian Gulf war, and surely before we get back in 10 days this is unnecessary.

The other side of the aisle suggests that we have a full debate and a resolution in 10 days after we come back. That certainly makes a lot of sense to me. I think at this point to condone and endorse and encourage the President to do something at this late hour when there is essentially no one here in the Chamber, I do not think this is a good way to casually step into something that could be rather dangerous. The resolutions that have been talked about ironically are quite similar to the resolution passed in the 1960s that got us further involved in Vietnam.

So, in all sincerity, I come here asking all Members to be cautious and for the President not to move too hastily.

ACHIEVING OUR GOAL IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we are being warned of possible military action against the Government of Iraq, and I remember well the last time, or should I say the first time, because there have probably been some other military actions against Iraq in the meantime, but back in 1990 when Saddam Hussein invaded Kuwait, and so began our special relationship with the people of Kuwait, let us note that after hundreds of thousands of Americans have spent time in the Persian Gulf and after our Nation has put its entire prestige on the line that we cannot permit Saddam Hussein now to reverse what we won back in 1990 and 1991.

If we do that, if we permit Saddam Hussein to, for example, conduct a successful lightening strike against Kuwait, against the people of Kuwait, or if we permit Saddam Hussein to blatantly stockpile weapons of mass destruction, the United States will lose any ability to influence events anywhere in the world. No petty tyrant or no people seeking freedom or no opponent or adversary or friend will trust our word again, because even Saddam Hussein has made a laughing stock of the United States of America.

So, first and foremost, let us recognize there is a special relationship with the people of Kuwait that for the rest of our lives we will have, because if that war is reversed, America will lose its ability to determine events around the world, and Americans, when we lose this power as the leading power of the world, we will pay a dear price.

But I hope, if military action does take place, that we do not make the mistake that we made last time. Hundreds of thousands of people, or upwards to 200,000 Kuwaitis were killed during the last war. Saddam Hussein managed to escape. And I remember during the planning phases of the last war I said to Dick Cheney and Colin Powell personally that they would have my support because American troops were in harm's way, and I would support them in that effort to protect the lives of Americans and to make sure it was a successful mission. But as I told them at that time, when this is over, make sure Saddam Hussein is dead.

And I hope that if have to take further military actions against the people of Iraq that we do not waste our weaponry on ordinary citizens, on people who probably like the United States of America; and I hope that our goal is not simply containing Saddam Hussein or punishing him. Our goal should be the overthrow and elimination, one way or the other, of Saddam Hussein.

First and foremost, if we are willing to commit our military to that part of the world, we should at least be able to declare this man a war criminal. After all, he was an environmental criminal, an eco-criminal, for what he did to the environment, the destruction of the oil wells and the seas and the other pollution that he caused back then, not to mention the hundreds of thousands of lives that he caused to die, the people he caused to die because of his aggression. And if he commits other acts of aggression and does not go along with the agreement, we should make sure that we declare him a war criminal and that the goal of our action is not punishing the Iraqi people, but working with the Iraqi people in order to help them establish a government that is responsive to their will.

Who knows if it would be an absolute democracy or not, but if the people of Iraq who live under the oppression of Saddam Hussein had the ability to direct their own government, there would be no problem because they would not risk the lives of hundreds of thousands of their family in order to make a point of the way a dictator, the way a brutal egotistical dictator like Saddam Hussein does.

As I say, we are tied to the people of Kuwait because the people of Kuwait now, having saved them once, if we permit them again to be taken over by this tyrant, not only will we lose those people, but we will lose our ability to maintain peace throughout the world, a dreadful price that we cannot afford to pay.

So I wish the President of the United States guidance from God and support from the United States Congress, as much as this Congressman can do to make sure that we are doing the right thing, only this time I would hope the President of the United States, unlike George Bush, does the job right and completes the job before bringing our troops home. And I would hope that hundreds of thousands of troops do not need to be sent there, but instead, this could be handled in a better way than that perhaps.

The SPEAKER pro tempore (Mr. PITTS). The time of the gentleman from California (Mr. ROHRABACHER) has expired.

Mr. ROHRABACHER. Mr. Speaker, I would ask unanimous consent for 2 more minutes.

The SPEAKER pro tempore. The Chair cannot entertain an extension of time during a 5-minute special order period.

Mr. ROHRABACHER. Appealing the ruling of the Chair, Mr. Speaker, the Chair on many occasions has extended unanimous consent for an extension of 2 minutes.

The SPEAKER pro tempore. It is a question of recognition. A 5-minute special order may not be extended.

Mr. ROHRABACHER. Yes, that is correct. But last night I was given a 5-minute unanimous-consent request.

POWERS WHICH BELONG TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. I would just like to say, Mr. Speaker, I listened with great care to the remarks of my colleague from Texas. [Mr. PAUL] I think he raises legitimate questions, and I recall back to my first years in the Congress in 1993–1994 when we had numerous meetings with the then-Chairman of the Joint Chiefs of Staff, General Colin Powell.

He was always a very honest, gutsy Chairman. He put to us the tough questions such as: When do we know we have won? What do we have to do if we engage our forces? When do we know we will get out of the mire? There were a number of us on this floor who fought the use of troops in Bosnia.

We have been very lucky in Bosnia, but when we were told that it would be only one year, we all knew that was utter nonsense; we could be there for 15 years for that matter.

What the gentleman from Texas stressed is that perhaps it is time for this House to follow the Constitution of the United States and not act because a United Nations resolution is standing and we will defer to that.

We should never defer to anybody when it comes to a war where American lives might be spent. What we should do is follow the constitutional procedures. The President should consult extensively with this Chamber, and I realize that Presidents sometimes do not have the time to do it, but we should have the series of meetings we had when the Croatians, the Serbians and the Bosnians were fighting what some called a civil war, and we did not at that time get ourselves involved in that matter.

Some might say that we were wrong and we were too late and we should have acted earlier. What we should have done, I think most of us would agree, is to permit the arming of the Bosnians so they could defend themselves from the Croatians and primarily the Serbians.

Now we do not have that situation where there is a democratic opposition to Saddam that is knowable. He is a brutal murderer, he would kill all opponents, he kills his generals on a regular basis. And we know what he did to the Shiites, and that was partly our fault when we did not reverse a stupid order which permitted him to use helicopters, and we know he killed the Kurds in northern Iraq.

So we do have people in Iraq that have suffered under his brutal regime.

But more of us should be involved in this decision than just a few. And that is the way the Constitution is written, and we ought to follow the Constitution.

I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. We, of course, worked together in opposing the American military commitment in Bosnia. But you do believe that America cannot just stand aside and let Saddam Hussein develop stockpiles of weapons, and we need to act in some way because it might then precipitate some type of military action that he might take on Kuwait.

Mr. HORN. Let me just say, for my own answer, I think that our problem here is that we have given too many Presidents powers that belong to Congress.

□ 1730

I was on the floor as a young Senate assistant when the Tonkin Gulf Resolution came in. Only two United States Senators had the guts to stand up and oppose it, Mr. Gruening of Alaska, and I believe Mr. Morse of Oregon, and now we know that they were right. The Tonkin Gulf Resolution was a lot of baloney. This situation is not baloney.

The gentleman from California (Mr. ROHRABACHER) correctly notes that it is a very serious situation, and we need to deal with these things, either on a collective security basis with the United Nations forces, but we should not be the sole police force that has to remedy all problems in the world. That is what bothers me. If we are going to do it, let the members of the executive branch come up here, discuss this serious matter with a lot of us, and see where we are on the subject.

Now, President Bush did that in terms of the Gulf War. There was a debate, probably one of the better debates conducted in the House in the last twenty years, and then a vote was cast.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding. I would like to make two points. The other gentleman from California makes a good point about the character of Saddam Hussein, but my colleagues have to remember and have to realize that he was a close ally that we encouraged for 8 years during the 1980s, so we helped build him up, which contradicts this whole policy. I would like to see a more consistent policy.

Then the gentleman brings up the subject: Yes, he may be in the business of developing weapons, but he has gotten help from China and Russia, and possibly from Britain and the United States, and 20 other nations are doing the same thing. So if we are interested in stopping these weapons, we better attack 20 countries. So we have a job on our hands.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, first of all, I do not know where the gentleman got his information that Saddam Hussein was an ally; a close ally, the gentleman says, of the United States. I am sorry that I was in the White House at the time. Saddam Hussein was never a close ally. He was not an enemy, but to label him a close ally is not only misreading history, it is naivete beyond anything.

We supplied some support for the Iraqis and sometimes we gave support for the Iranians during that war because during that time there was a strategy of keeping that war going in order to prevent those two powers from themselves individually dominating the region. Having them attack each other was a good strategy at that time, but far from being an Iraqi ally.

Saddam Hussein is obviously someone that right now, after we have already gone through this, our futures are linked. If Saddam Hussein ends up negating the results of the last war, who will then listen to us anywhere in the world? I pose that question to both of my colleagues. If he is able to have a lightning strike against Kuwait or stockpile these nuclear weapons, who will believe the United States again after we have made this commitment?

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, the question is not so much, let us say, that we could concede some of the gentleman's argument, but why do you have such hostility to the Constitution and to the process as what we are talking about? Why do we not have a declaration of war and win it? Why should we go with a U.N. resolution and legislation that is 8 years old? That is one of our greatest concerns.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I am certainly not here to oppose any particular plan of legislation; I am here specifically to make sure that people understand that this is a serious issue and that it cannot be negated simply by a misreading of history that Saddam was our friend back in the 1980s or some other type of wishful thinking about the nature of the strategic politics in the world that we have to play.

Mr. HORN. Mr. Speaker, reclaiming my time, I would just say to the gentleman from California (Mr. ROHRABACHER), I am certainly not saying that Saddam was our friend, but I think our administration was naive in its support of Iraq against Iran, and that is what concerns me. The balance of power system, while academics can write about it, and the British did that for 500 years, is frankly not the way in modern times that we should conduct ourselves.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Wisconsin (at the request Mr. GEPHARDT) for today, Thursday, February 12, 1998, on account of illness in the family.

Mr. RIGGS (at the request of Mr. ARMEY) for today, Thursday, February 12, 1998, on account of viewing flooded disaster areas in California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Ms. SÁNCHEZ for 5 minutes today.

Mr. VISCLOSKY for 5 minutes today.

Mr. FILNER for 5 minutes today.

Mr. BENTSEN for 5 minutes today.

Ms. JACKSON-LEE of Texas for 5 minutes today.

Mrs. CLAYTON for 5 minutes today.

Ms. MILLENDER-MCDONALD for 60 minutes today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT for 5 minutes today.

Mr. FAWELL for 5 minutes today.

Mr. METCALF for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAPPAS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAUL for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ROHRABACHER for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. CLYBURN.
Mr. SHIMKUS.

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mrs. LOWEY.
Mr. LEVIN.
Mr. KIND.
Mr. GONZALEZ.
Mr. HAMILTON.
Mr. MCGOVERN.
Mr. LAMPSON.
Mr. MILLER of California.
Mr. ROTHMAN.
Mr. BAESLER.
Mr. LANTOS.
Mr. YATES.

(The following Members (at the request of Mr. SHIMKUS) and to include extraneous matter:)

Mr. PORTMAN.
Mr. FAWELL.
Mr. THOMAS.
Mr. TAYLOR of North Carolina.
Ms. ROS-LEHTINEN.
Mrs. MYRICK.
Mr. WELDON of Pennsylvania.
Mr. CHAMBLISS.
Mr. KLUG.
Mr. MCKEON.
Mr. SHAW.
Mr. HASTERT.
Mr. ROGERS.
Mr. SAXTON.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. SOLOMON.
Mr. BOB SCHAFFER of Colorado.
Mr. MANZULLO.
Mr. MCHALE.
Mr. GOODLING.
Mr. LEWIS of California.
Mr. STOKES.
Mr. MCINTOSH.
Mr. COSTELLO.
Mr. TORRES.

ADJOURNMENT TO TUESDAY, FEBRUARY 24, 1998

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PITTS). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 24, 1998.

Thereupon (at 5 o'clock and 35 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Tuesday, February 24, 1998, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7237. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph; Pesticide Tolerances for Emergency Exemptions [OPP-300609; FRL-5767-8] (RIN: 2070-AB78) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag On-Off Switches [Docket No. NHTSA-97-3111] (RIN: 2127-AG61) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Parts and Accessories Necessary for Safe Operation; Glazing in Specified Openings [FHWA Docket No. MC-97-5; FHWA-97-2364] (RIN: 2125-AD40) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Volatile Organic Compounds at Siskorsky Aircraft Corporation in Stratford [CT7-1-5298a; A-1-FRL-5949-6] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7241. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals [PP 4F4398/R2209A; FRL-5570-1] (RIN: 2070-AB78) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7242. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Correction of Effective Date Under Congressional Review Act [FRL-5963-8] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7243. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Correction of Effective Date [FRL-5963-9] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7244. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of State Implementation Plans for Louisiana: Motor Vehicle Inspection and Maintenance Program; Correction of Effective Date [FRL-5964-1] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7245. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone [AZ-001-BU; FRL-5917-4] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7246. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emissions Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL-5508-6] (RIN: 2060-AE37) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7247. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans for Louisiana: Motor Vehicle Inspection and Maintenance Program [LA-33-1-7357; FRL-5924-6] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7248. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Dried Fermentation Solids and Solubles of Myrothecium Verrucarria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals;

Correction of Effective Date [FRL–5965–3] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7249. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-Board Diagnostic Regulations for Light-Duty Vehicles and Light-Duty Trucks; Extension of Deficiency Policy [FRL–5966–6] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7250. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules [FRL–5966–4] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7251. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Pakistan (Transmittal No. 01–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

7252. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services (Transmittal No. 98–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7253. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Denmark (Transmittal No. DTC–6–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7254. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (Transmittal No. DTC–19–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7255. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7256. A letter from the Executive Secretary, National Labor Relations Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7257. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Technical Amendments [Docket No. 980202026–8026–01; I.D. 011598C] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7258. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 [Docket No. 971208295–7295–01; I.D. 020598D] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7259. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Procedures for Filing a Derivative Petition (Form I–730) for a Spouse and Unmarried Children of a Refugee/Asylee [INS No. 1639–93] (RIN: 1115–AD59) received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driyer Pointer System [Docket No. NHTSA–97–3280] (RIN: 2127–AG21) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Point System [Docket No. NHTSA–97–3155] (RIN: 2127–AG21) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–271–AD; Amdt. 39–10230; AD 97–25–06] (RIN: 2120–AA64) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29107; Amdt. No. 406/1–7] (RIN: 2120–AA65) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–333–AD; Amdt. 39–10272; AD 98–01–09] (RIN: 2120–AA64) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Compliance with Parts 119, 121, and 135 by Alaskan Hunt and Fish Guides Who Transport Persons by Air for Compensation or Hire (Federal Aviation Administration) (RIN: 2120–ZZ06) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Robinson R–22/R–44 Special Training and Experience Requirements (Federal Aviation Administration) [Docket No. 28095; SFAR No. 73–1] (RIN: 2120–AG47) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7267. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Order of Applying Federal Tax Deposits [Notice 98–14] received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mr. Cook, Mr. Weygand, Mr. Neal of Massachusetts, Ms. Stabenow, Mr. Frank of Massachusetts, Mr. Delahunt, Mr. Meehan, Mr. Hilliard, Ms. Rivers, Mr. Olver, Mr. Traficant, Mr. Moakley, Mr. Frost, Mr. Kennedy of Massachusetts, Mr. Pallone, Mr. Tierney, Mr. Markey, Mrs. McCarthy of New York, and Mr. Ackerman):

H.R. 3205. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. Canady of Florida, and Ms. Harman):

H.R. 3206. A bill to amend the Fair Housing Act; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mrs. Kennelly of Connecticut, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, and Mrs. Thurman):

H.R. 3207. A bill to amend the Social Security Act to establish the Save Social Security First Reserve Fund into which the Secretary of the Treasury shall deposit budget surpluses pending Social Security reform; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3208. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the conduct of offensive operations by United States Armed Forces against the Republic of Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council resolutions relating to inspection and destruction of weapons of mass destruction in Iraq by the United Nations, unless such operations are specifically authorized by law; to the Committee on National Security.

By Mr. COBLE (for himself and Mr. Goodlatte):

H.R. 3209. A bill to amend title 17, United States Code, to limit liability for copyright infringement for on-line material; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 3210. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Evans, Mr. Everett, Mr. Clyburn, Mr. Quinn, Mr. Filner, Mr. Bilirakis, Mr. Gutierrez, Mr. Cooksey, Ms. Brown of Florida, Mr. Hutchinson, Mr. Doyle, Mr. Hayworth, Mr. Mascara, Mr. LaHood, Mr. Peterson of Minnesota, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Mr. Solomon, Mr. Baker, and Mrs. Chenoweth):

H.R. 3211. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself and Mr. Evans) (both by request):

H.R. 3212. A bill to amend title 38, United States Code, to revise the provisions of law relating to retirement of judges of the United States Court of Veterans Appeals, to provide for a staggered judicial retirement option, to rename the Court as the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. QUINN (for himself, Mr. Filner, Mr. Stump, Mr. Evans, Mr. Buyer, Mr. Kennedy of Massachusetts, Mr. Bachus, Mr. Mascara, Mr. Cooksey, Mr. Rodriguez, Mr. Olver, Mr. Pascrell, Ms. Waters, and Mr. Manton):

H.R. 3213. A bill to amend title 38, United States Code, to clarify enforcement of veterans' employment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCKEON:

H.R. 3214. A bill to amend the Internal Revenue Code of 1986 to provide that property may be seized for the collection of taxes only with the approval of a private, volunteer panel of attorneys, certified public accountants, and enrolled agents; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself, Mr. Kucinich, Mr. McCrery, Mr. Weller, Mr. English of Pennsylvania, Mr. Weldon of Florida, Mr. Torres, Mr. Christensen, Mr. Hayworth, and Mr. Herger):

H.R. 3215. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3216. A bill to amend the Act commonly called the "Flag Code" to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky (for himself, Mr. DeLay, Ms. Dunn of Washington, Mr. Houghton, Mr. McCrery, Mr. Camp, Mr. Collins, Mr. English of Pennsylvania, Mr. Watkins, Mr. Weller, Mr. Crapo, Mr. McHugh, Mr. Nethercutt, Mr. Pappas, and Mr. Paul):

H.R. 3217. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. Souder, Mr. Snowbarger, Mr. Barr of Georgia, Mr. Horn, Mr. Sessions, Mr. Shadegg, Mr. Pappas, Mr. Davis of Virginia, and Mr. Mica):

H.R. 3218. A bill to repeal a provision of the Indian Self-Determination Act which exempts certain former officers and employees of the United States from restrictions related to aiding and advising Indian tribes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself and Mr. Cox of California):

H.R. 3219. A bill to repeal a provision of the Indian Self-Determination Act which exempts certain former officers and employees of the United States from restrictions related to aiding and advising Indian tribes; to the Committee on Resources.

By Mr. CONDIT:

H.R. 3220. A bill to authorize the use of certain land in Merced County, California, for an elementary school; to the Committee on Resources.

By Mr. CUMMINGS:

H.R. 3221. A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; to the Committee on Government Reform and Oversight.

By Mr. DICKS:

H.R. 3222. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction; to the Committee on Ways and Means.

By Mr. DOGGETT:

H.R. 3223. A bill to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY (for himself, Mr. Coble, Mr. Berman, and Mr. Smith of Texas):

H.R. 3224. A bill to amend title 18, United States Code, to provide protection from personal intrusion for commercial purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 3225. A bill to amend the Internal Revenue Code of 1986 to increase the limits on the amount of nondeductible contributions to individual retirement plans; to the Committee on Ways and Means.

By Mr. GOODLATTE:

H.R. 3226. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes; to the Committee on Agriculture.

By Ms. HOOLEY of Oregon (for herself and Mr. Cooksey):

H.R. 3227. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the amount of family-owned businesses excluded from the gross estate of a decedent; to the Committee on Ways and Means.

By Mr. JOHN (for himself, Ms. Stabenow, Mr. Sessions, Mr. Stenholm, Mr. Berry, Mr. Boyd, Mr. Holden, Mr. Goode, Mrs. Tauscher, Mr. Peterson of Minnesota, Mr. Sisisky, Mr. Condit, Mr. Baesler, Mr. Minge, Mr. Hall of Texas, Mr. Bishop, and Mr. Cramer):

H.R. 3228. A bill to amend the Line Item Veto Act of 1996 to add the requirement that if Federal budget is in surplus then the vetoed item shall be used to reduce the public debt; to the Committee on the Budget.

By Mr. MANZULLO (for himself, Mr. Hyde, Mr. Istook, Mr. Cannon, Mr. Hoekstra, Mrs. Emerson, and Mr. Bachus):

H.R. 3229. A bill to provide for the applicability, to providers of services under title X of the Public Health Service Act, of State reporting requirements for minors who are victims of abuse, rape, molestation, or incest; to the Committee on Commerce.

By Mr. MANZULLO (for himself, Mr. Hyde, Mr. Istook, Mr. Cannon, Mr. Hoekstra, Mrs. Emerson, and Mr. Bachus):

H.R. 3230. A bill to provide for parental notification of family planning services, and reporting under State law for minors who are victims of abuse, rape, molestation, or incest, under title X of the Public Health Service Act; to the Committee on Commerce.

By Mrs. MEEK of Florida (for herself, Mr. Diaz-Balart, and Ms. Ros-Lehtinen):

H.R. 3231. A bill to adjust the immigration status of certain Honduran nationals who are in the United States; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. Markey, Mr. Pallone, Mr. Stark, Mr. Filner, Mr. Hinchey, Mr. Faleomavaega, Ms. Furse, Mr. Gutierrez, and Mr. Delahunt):

H.R. 3232. A bill to amend the Federal Water Pollution Control Act to control water pollution from concentrated animal feeding operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAPPAS (for himself, Mr. Saxton, Mr. Menendez, Mr. Andrews, Mr. Smith of New Jersey, Mrs. Roukema, Mr. Pallone, Mr. Franks of New Jersey, Mr. Pascrell, Mr. Rothman, Mr. Frelinghuysen, Mr. Payne, and Mr. LoBiondo):

H.R. 3233. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining Iowa-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on National Security.

By Mr. POMBO (for himself, Mr. Lewis of California, Mr. McKeon, Mr. Sessions, Mr. Stump, Mr. Doolittle, and Mr. Coburn):

H.R. 3234. A bill to require peer review of scientific data used in support of Federal regulations, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 3235. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Ms. Ros-Lehtinen, Mr. Gilman, Mr. Hamilton, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Barr of Georgia, Mr. Bentsen, Mr. Berman, Mr. Brady, Mr. Brown of Ohio, Mr. Burton of Indiana, Mr. Calvert, Ms. Carson, Mr. Cunningham, Mr. Deutsch, Mr. Doyle, Mr. Engel, Mr. Filner, Mr. Foley, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Horn, Ms. Jackson-Lee, Mr. Kennedy of Rhode Island, Mr. Lantos, Mr. LoBiondo, Mr. Manzullo, Mr. Markey, Mrs. McCarthy of New York, Mr. McNulty, Mr. Menendez, Mr. Nadler, Mr. Norwood, Mr.

Owens, Mr. Pallone, Mr. Pappas, Mr. Pascrell, Mr. Porter, Mr. Roemer, Mrs. Roukema, Ms. Sánchez, Mr. Saxton, Mr. Shays, Mr. Sherman, Mr. Snowbarger, Mr. Spratt, Mrs. Thurman, Mr. Towns, Mr. Turner, Mr. Watts of Oklahoma, Mr. Wexler, Mr. Yates, Mr. Gordon, Mr. Evans, Mr. Diaz-Balart, Mr. Maloney of Connecticut, Mr. Hoyer, Mr. King of New York, Mr. Frelinghuysen, Mr. Forbes, and Mr. Fox of Pennsylvania):

H.R. 3236. A bill to promote full equality at the United Nations for Israel; to the Committee on International Relations.

By Mr. SCHUMER:

H.R. 3237. A bill to establish a national registry from which adopted children may obtain medical information voluntarily provided by their birth parents; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. Archer, Mr. Barton of Texas, Mr. Brady, Mr. Bonilla, Mrs. Chenoweth, Mr. Combest, Mr. Crapo, Mr. DeLay, Mr. Edwards, Ms. Granger, Mr. Hall of Texas, Mr. Sam Johnson, Mr. Redmond, Mr. Sandlin, Mr. Shadegg, Mr. Smith of Texas, Mr. Thornberry, Mr. Turner, and Mr. Young of Alaska):

H.R. 3238. A bill to amend the Federal Water Pollution Control Act to prevent lapses in National Pollutant Discharge Elimination System permits; to the Committee on Transportation and Infrastructure.

By Mr. SHAW:

H.R. 3239. A bill to amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. Ackerman, Mr. Boehlert, Mr. Engel, Mr. Gilman, Mr. Hinchey, Mr. Houghton, Mrs. Kelly, Mrs. Lowey, Mrs. Maloney of New York, Mr. Manton, Mrs. McCarthy of New York, Mr. McHugh, Mr. McNulty, Mr. Nadler, Mr. Quinn, Mr. Rangel, Mr. Schumer, Mr. Serrano, Mr. Towns, Ms. Velázquez, and Mr. Walsh):

H.R. 3240. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Resources.

By Mr. SOUDER (for himself, Mrs. Myrick, and Mr. Watts of Oklahoma):

H.R. 3241. A bill to amend the Housing and Community Development Act of 1974 to authorize States to use community development block grant amounts provided for nonentitlement areas to offset the costs of State charity tax credits; to the Committee on Banking and Financial Services.

By Mr. SOUDER (for himself, Mr. Burton of Indiana, and Mr. Solomon):

H.R. 3242. A bill to ban the provision of Federal funds to the International Monetary Fund unless a joint resolution is enacted that approves a certification by the Attorney General and the Secretary of State that all countries eligible to receive IMF funds are cooperating fully with the congressional and Justice Department investigations into the financing of the 1996 presidential election campaign and have disclosed the identity of all commercial entities in the country that would benefit from the provision of the funds; to the Committee on Banking and Financial Services.

By Mrs. THURMAN (for herself, Mrs. Fowler, Ms. Brown of Florida, Mr. Boyd, Mr. Davis of Florida, Mr. Deutsch, Mr. Foley, Mr. Hastings of Florida, Mrs. Meek of Florida, and Mr. Wexler):

H.R. 3243. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water resource development for the purpose of maximizing available water supply and protecting the environment through the development of alternative watersources; to the Committee on Transpportation and Infrastructure.

By Mr. WISE:

H.R. 3244. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Ways and Means.

By Mr. BEREUTER:

H. Con. Res. 218. Concurrent resolution concerning the urgent need to establish a cease fire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior; to the Committee on International Relations.

By Mr. BROWN of Ohio (for himself, Mr. Solomon, Mr. Stupak, Mr. Bilirakis, Ms. DeGette, Mr. Strickland, Mr. Chabot, Mr. Wynn, and Mr. Rohrabacher):

H. Con. Res. 219. Concurrent resolution relating to Taiwan's participation in the World Health Organization; to the Committee on International Relations.

By Mr. FOX of Pennsylvania (for himself, Mr. Weller, Mr. Rothman, Mr. Engel, Mr. Gilman, Mr. Pascrell, Mr. Sherman, Mr. Schumer, Mr. Salmon, Mr. Forbes, Mr. Miller of Florida, Mr. Wexler, Mr. Campbell, Mr. Chabot, and Mr. Poshard):

H. Con. Res. 220. Concurrent resolution regarding American victims of terrorism; to the Committee on International Relations.

By Mr. GALLEGLY (for himself and Mr. Ackerman):

H. Con. Res. 221. Concurrent resolution expressing the sense of the House of Representatives that a renewed effort be made by all sides to end the violent guerrilla war in Colombia, which poses a serious threat to democracy as well as economic and social stability as evidenced by the recent increase in guerrilla and paramilitary violence which victimizes public officials and Colombian and foreign nationals; to the Committee on International Relations.

By Mr. GALLEGLY (for himself and Mr. Ackerman):

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress, congratulating the former International Support and Verification Commission of the Organization of American States (OAS-CIAV) for successfully aiding in the transition of Nicaragua from a war-ridden state into a newly formed democracy and providing continued support through the recently created Technical Cooperation Mission (OAS-TCM) which is responsible for helping to stabilize Nicaraguan democracy by supplementing institution building; to the Committee on International Relations.

By Mr. GINGRICH (for himself, Mr. Armey, Mr. DeLay, Mr. King of New York, Mr. Spence, Mr. Solomon, Mr. Stump, Mr. Doolittle, Mr. Burton of Indiana, Mr. Istook, Mr. McIntosh, Mr. Buyer, Mr. Skelton, and Mr. Snyder):

H. Res. 360. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown; to the Committee on National Security.

By Mr. BEREUTER:

H. Res. 361. A resolution calling for free and impartial elections in Cambodia; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. Hamilton, Mr. Ackerman, Mr. Houghton, Mr. Ballenger, and Mr. Campbell):

H. Res. 362. A resolution commending the visit of His Holiness Pope John Paul II to Cuba; to the Committee on International Relations.

By Mr. GEKAS (for himself and Mr. Porter):

H. Res. 363. A resolution expressing the sense of the House of Representatives that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999; to the Committee on Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. Gilman, Mr. Gephardt, Mr. Wolf, Ms. Pelosi, Mr. Rohrabacher, Mr. Lantos, Mr. Frank of Massachusetts, Ms. Norton, Mr. Underwood, Mr. Burton of Indiana, Mr. Tierney, and Mr. Clay):

H. Res. 364. A resolution urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SMITH of Michigan introduced a bill (H.R. 3245) to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Chester G. Theissen, of East Leroy, Michigan, for acts of valor during the Korean conflict; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. Nethercutt, Mr. Lucas of Oklahoma, Mr. Ramstad, Mr. Kim, Mr. Gilchrest, and Mr. Oxley.

H.R. 123: Mr. Aderholt and Mr. Lucas of Oklahoma.

H.R. 218: Mr. Paul and Mr. Strickland.

H.R. 234: Mr. Miller of California, Mr. Faleomavaega, and Mr. Brown of Ohio.

H.R. 284: Mr. LAFALCE, Mr. RODRIGUEZ, Mr. TORRES, and Ms. FURSE.

H.R. 306: Mr. WALSH.

H.R. 350: Mr. BISHOP, Mr. PALLONE, and Ms. PRYCE of Ohio.

H.R. 508: Mr. PAUL.

H.R. 519: Mr. PORTMAN, Mr. RAMSTAD, Mr. BONIOR, Mr. CUMMINGS, and Ms. KILPATRICK.

H.R. 612: Mr. JOHN, Ms. KILPATRICK, Mr. STUMP, Mr. FATTAH, Mr. BLUMENAUER, Mr. GILMAN, Mr. SCHUMER, and Mr. UPTON.

H.R. 630: Mr. BROWN of California.

H.R. 699: Mr. LEWIS of California and Mr. STUPAK.

H.R. 758: Mrs. EMERSON, Mrs. ROUKEMA, and Mr. DREIER.

H.R. 774: Mr. BROWN of California.

H.R. 791: Mr. PAUL.

H.R. 859: Mr. PICKERING, Mr. TIAHRT, Mr. HALL of Texas, Mr. BARCIA of Michigan, Mr. EDWARDS, and Mr. HUTCHINSON.

H.R. 863: Mr. ROTHMAN.

H.R. 900: Mr. DAVIS of Florida.

H.R. 979: Mr. KNOLLENBERG, Mr. ROMERO-BARCELO, Ms. HARMAN, Mr. DICKS, Mr. CHRISTENSEN, and Mr. TRAFICANT.

H.R. 1071: Ms. CHRISTIAN-GREEN.

H.R. 1114: Mr. DUNCAN and Mr. CALLAHAN.

H.R. 1161: Mr. SHERMAN.

H.R. 1362: Mr. WYNN.

H.R. 1371: Mr. DOOLITTLE.

H.R. 1425: Mr. CLYBURN and Mr. BERMAN.

H.R. 1595: Mr. SUNUNU, Mr. MILLER of Florida, and Mr. CRAMER.

H.R. 1605: Mr. WEXLER.

H.R. 1689: Mr. MEEHAN, Mr. KINGSTON, Mr. SHAYS, Mr. MCINTOSH, Mr. CLEMENT, Mr. HILL, Mr. BARTLETT of Maryland, Mr. STUMP, Mr. SNYDER, Mr. EHRLICH, and Mr. FOSSELLA.

H.R. 1712: Mr. CALVERT.

H.R. 1715: Mr. GUTIERREZ, Mr. PASTOR, Mr. HORN, Mr. DAVIS of Illinois, Mr. TRAFICANT, Mr. BALDACCI, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, and Mr. SANDERS.

H.R. 2020: Mr. STOKES, Mr. BLAGOJEVICH, Mr. FAWELL, and Mr. FORD.

H.R. 2094: Mr. MARKEY.

H.R. 2109: Ms. RIVERS.

H.R. 2228: Mr. TORRES.

H.R. 2290: Mr. HASTINGS of Florida.

H.R. 2345: Mr. POSHARD, Ms. LOFGREN, and Mr. JACKSON.

H.R. 2400: Mr. BROWN of California, Mr. EVANS, and Mr. TAUZIN.

H.R. 2431: Mr. CUMMINGS, Ms. KAPTUR, Mr. SESSIONS, Mr. STUPAK, and Mr. NEUMANN.

H.R. 2450: Mr. PAUL.

H.R. 2467: Mr. FARR of California.

H.R. 2485: Mr. GEKAS and Mr. LUTHER.

H.R. 2497: Mrs. LINDA SMITH of Washington, Mr. TAUZIN, and Mr. METCALF.

H.R. 2501: Mr. PAUL.

H.R. 2504: Ms. WOOLSEY.

H.R. 2524: Mr. HINCHEY and Mr. BARRETT of Wisconsin.

H.R. 2537: Mr. GOODLING.

H.R. 2549: Mr. DAVIS of Virginia, Mr. ADAM SMITH of Washington, and Mr. STOKES.

H.R. 2579: Mr. HUNTER, Mr. RYUN, and Mr. HILL.

H.R. 2602: Ms. NORTON.

H.R. 2613: Mr. CRAMER and Mr. BALDACCI.

H.R. 2691: Mr. FORBES.

H.R. 2697: Mr. ROTHMAN.

H.R. 2718: Mr. GOODLING.

H.R. 2723: Mr. TALENT.

H.R. 2734: Mr. YOUNG of Alaska.

H.R. 2736: Mr. SOLOMON.

H.R. 2752: Mr. TORRES and Mr. SHUSTER.

H.R. 2754: Mr. TIERNEY.

H.R. 2755: Mr. ENGLISH of Pennsylvania and Mr. SCHUMER.

H.R. 2760: Mr. BARCIA of Michigan and Mr. SHAW.

H.R. 2774: Ms. STABENOW and Ms. MCKINNEY.

H.R. 2778: Mr. MALONEY of Connecticut and Mr. DAVIS of Illinois.

H.R. 2788: Mr. FOLEY, Ms. WOOLSEY, and Mr. KOLBE.

H.R. 2797: Mr. FORD.

H.R. 2819: Mr. KUCINICH, Mr. ADAM SMITH of Washington, Ms. LOFGREN, and Mr. MCGOVERN.

H.R. 2821: Mr. FROST, Mr. HOEKSTRA, Mr. COYNE, Mr. CAMP, Mr. GUTIERREZ, Mr. KILDEE, Ms. KILPATRICK, Mr. ROHRABACHER, and Mr. UPTON.

H.R. 2829: Mr. BOUCHER, Ms. DEGETTE, Mr. TIERNEY, and Mr. WALSH.

H.R. 2867: Mr. BEREUTER and Mr. SOLOMON.

H.R. 2870: Mr. GALLEGLY, Mr. ACKERMAN, Mr. LUTHER, Mr. BILBRAY, Mrs. KELLY, and Mr. HOBSON.

H.R. 2912: Mr. GOODE.

H.R. 2921: Mr. DAVIS of Florida.

H.R. 2982: Mr. SHAYS, Mrs. MALONEY of New York, and Mr. HORN.

H.R. 2994: Mr. FROST, Mr. BROWN of California, Ms. KILPATRICK, Mr. HORN, Mr. KUCINICH, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Mr. BENTSEN, Ms. LOFGREN, and Mr. SHERMAN.

H.R. 3026: Mr. ROTHMAN.

H.R. 3032: Mr. FALEOMAVAEGA.

H.R. 3050: Mr. LEVIN.

H.R. 3065: Mrs. TAUSCHER.

H.R. 3072: Mr. HORN, Mr. SCHUMER, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. TIERNEY, Mr. FORD, and Mr. DAVIS of Illinois.

H.R. 3081: Mrs. TAUSCHER, Mr. SABO, Mr. WEXLER, Ms. DEGETTE, Mr. ROTHMAN, Mr. BLAGOJEVICH, Ms. JACKSON-LEE, Mr. LAMPSON, and Ms. VELÁZQUEZ.

H.R. 3084: Ms. FURSE, Ms. LOFGREN, and Mr. STRICKLAND.

H.R. 3086: Mr. JOHN, Mr. BALDACCI, Mr. FORD, Ms. KILPATRICK, Mr. OLVER, Mr. HASTINGS of Florida, Mr. BONIOR, Mr. MCDERMOTT, Mr. SANDERS, Mr. CLYBURN, Mr. BROWN of California, and Mr. TORRES.

H.R. 3100: Mr. BECERRA, Ms. CARSON, Mrs. CLAYTON, Mr. DICKS, Mr. DIXON, Mr. FORD, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. KLECZKA, Mr. MCNULTY, Mr. RANGEL, Ms. SÁNCHEZ, Mr. STRICKLAND, Mr. WEXLER, Mr. WEYGAND, and Ms. WOOLSEY.

H.R. 3125: Mr. MANTON, Mr. PAUL, and Mr. GREENWOOD.

H.R. 3126: Mr. FORD, Mr. SANDLIN, Mr. YATES, and Ms. KILPATRICK.

H.R. 3131: Mr. CLYBURN.

H.R. 3140: Mr. PETERSON of Minnesota and Mr. HEFLEY.

H.R. 3172: Mr. HILL.

H.R. 3174: Mrs. EMERSON, Mr. JONES, and, Mrs. LINDA SMITH of Washington.

H. Con. Res. 52: Mr. GREENWOOD, Mr. PICKETT, Mr. NEAL of Massachusetts, Mr. HORN, Mr. METCALF, and, Mr. ENGLISH of Pennsylvania.

H. Con. Res. 114: Mr. WEXLER and Mr. TIERNEY.

H. Con. Res. 154: Mr. LEWIS of Georgia, Mrs. LOWEY, and Mr. LUTHER.

H. Con. Res. 184: Mr. HANSEN, Mr. KENNEDY of Massachusetts, Mr. HOLDEN, Mr. LEWIS of Georgia, and Mr. LAMPSON.

H. Con. Res. 187: Mr. BENTSEN, Mr. REYES, and Mr. HALL of Texas.

H. Con. Res. 195: Ms. LOFGREN, Ms. FURSE, and Mr. FROST.

H. Con. Res. 203: Mrs. LOWEY, Ms. KILPATRICK, Mr. DAVIS of Virginia, Mr. SOLOMON, Mr. GUTIERREZ, and Mr. MCNULTY.

H. Con. Res. 216: Mr. GOODLING.

H. Con. Res. 217: Mr. NORWOOD, Mr. GILLMOR, Mr. WHITFIELD, and Mr. WHITE.

H. Res. 279: Mr. MARKEY, Mr. VENTO, and Mr. COSTELLO.

H. Res. 340: Ms. SÁNCHEZ, Mr. ETHERIDGE, Ms. RIVERS, and Mr. DELAHUNT.

SENATE—*Thursday, February 12, 1998*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, on Abraham Lincoln's birthday, we remember some of the most powerful things he said about prayer. "I have been driven many times to my knees," he said, "by the overwhelming conviction that I had nowhere to go but to prayer. My own wisdom and that of all about me seemed insufficient for the day." When asked whether the Lord was on his side, he responded, "I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this nation—should be on the Lord's side."

Let us pray. Holy, righteous God, so often we sense that same longing to be in profound communion with You because we need vision, wisdom, and courage no one else can provide. We long for our prayers to be an affirmation that we want to be on Your side rather than an appeal for You to join our cause. Forgive us when we act like we have a corner on truth and our prayers reach no further than the ceiling. In humility, we spread our concerns before You and ask for Your marching orders and the courage to follow the cadence of Your drumbeat. Through Him who taught us to pray, "Your will be done on Earth as it is in heaven." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator NICKLES, is recognized.

Mr. NICKLES. Mr. President, the Senate pro tempore, thank you very much.

THANKING THE CHAPLAIN

Mr. NICKLES. Mr. President, I want to thank our Chaplain again for a beautiful opening prayer and excellent way to start a day which I believe is going to be a beautiful day.

SCHEDULE

Mr. NICKLES. Mr. President, this morning the Senate will be in a lengthy period of morning business through the hour of 2 p.m. for a number of Senators to speak. Following morning business, the Senate may proceed to any legislative or executive business cleared for action. Therefore, votes are possible during today's session of the Senate. As always, announcement will be made as soon as any rollcall votes are scheduled. As previously stated by the majority leader, there will be no rollcall votes during Friday's session of the Senate. I thank all Senators for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak for not to exceed 10 minutes each.

Under the previous order, the Senator from Oklahoma is recognized to speak for up to 20 minutes.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, thank you very much.

HEALTH CARE QUALITY

Mr. NICKLES. Mr. President, I want to make some statements dealing with health care. There has been a lot of discussion on health care and improving the quality of health care. Some of our colleagues have introduced legislation dealing with the quality of health care. I think that is important. But I think it is also very important that we actually improve quality, not improve the number of regulations.

Today, Mr. President, Americans enjoy the highest quality of health care in the world.

In 1993, President Clinton proposed a plan that would have devastated health care quality. It would have limited the amount of health care that Americans could receive by limiting the amount of money, whether private or public, that could be spent on health care services. It would require that everyone have the same one-size-fits-all package of health insurance benefits. And it would have enrolled everyone in managed care plans.

Had President Clinton had his way, Americans would now be trapped in a health care system with the efficiency of the post office and the compassion of the IRS at Pentagon prices. The Republicans led the fight against President Clinton's health care plan because we believe Americans deserve the best. We believed it then and we believe it today.

Now President Clinton wants to lead an assault on private managed care plans. The man who wanted to put everyone in an HMO now wants the Government to wage war on HMOs. That is a pretty dramatic change. But one thing has not changed: President Clinton still wants Government-run health care. As he said to the Service Employees International Union less than 5 months ago regarding his rejected universal health care program:

> If what I tried before won't work, maybe we can do it another way. That's what we've tried to do, a step at a time, until we eventually finish this.

President Clinton is now attempting to impose on you his newest attempt at Government-run health care and masking his efforts with the name "quality."

Mr. President, Republicans want only the highest quality health care. But I have not seen anything to convince me that bigger Government, more regulations, and expanded bureaucratic control is the means to higher quality.

Look at just one example of Government-controlled health care: The Medicare system. I am a member of the Finance Committee, the tax-writing committee of the Senate. We have been looking at the IRS and its treatment of taxpayers. There are 12,000 pages that deal with tax policy. I might mention, that is about 10 times the size of the Bible and, unlike the Bible, has no good news.

Well, there are 12,000 pages dealing with tax policies. That is a lot. But, Mr. President, do you know how many pages govern Medicare? Forty-five thousand, about four times as much as we have on tax policy. That comes from Dr. Robert Waller, the Mayo Clinic, Health Care Leadership Council. Forty-five thousand pages, yet the system is archaic, inefficient, and on the path of bankruptcy despite astronomical tax increases.

We know many people have believed they were denied coverage that their plans were supposed to cover. We recognize that some individuals fear that their health care plans will not give them access to specialists when they need them. We know that some Americans think their health care plans care more about cost than they do about quality. These are real fears of unacceptable conditions. We must do better. I think we can do better.

But the way to do better is not by politicizing health care quality or entrusting Government bureaucrats with policing health insurers. The way to do better is to emphasize what makes our system the best in the world—employers who insist their employees have access to the best plans, doctors and hospitals who aspire to excellence, and informed consumers who will not settle

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for anything less than the best. Quality health care cannot be managed and directed from Washington, DC.

Unfortunately, Mr. President, in the rush to respond to both real and perceived problems in managed care, members of both parties have introduced comprehensive proposals which potentially threaten—not enhance—the quality of health in our health care system.

Some of my colleagues may ask how I can make such a statement. You only have to look back to the end of the 104th Congress to illustrate my point. A majority of Congress supported an effort last year to mandate that all insurance plans cover 48-hour maternity stays in hospitals. Many of my colleagues on both sides of the aisle felt that it was socially unacceptable to discharge newborns and mothers from the hospital after only 24 hours and crafted legislation largely around social opinion.

Many Members felt great about voting for something positive for women and children. However, several months following the passage of that legislation an article appeared in the Journal of the American Medical Association. And here is what the clinical researchers and physicians had to say about what Congress accomplished.

> While the spirit of the current legislation may be laudable, its content does not solve the most important problems regarding the need for early postpartum/postnatal services.
>
> The legislation may give the public a false sense of security. It may call into question the reasonableness of relying on legislative mechanisms to micromanage clinical practice.
>
> Good clinical judgment, based on careful consideration of available evidence, suggests that the difference between a postpartum stay of 24 hours and a stay of 48 hours is unlikely to be a critical determinant of newborn or maternal health outcomes.

In other words, Congress made a nice, laudable attempt. We said we are going to mandate 48 hours, but it has had no appreciable improvement on the quality of health care.

It appears that our so-called victory in passing 48 hours may have in fact done more harm than good in helping women and newborns. This experience, and others like it, should have taught us what not to do. So what should our guiding principles be? I believe that there are three.

Whatever the proper role for Government in the health care debate, we must assure that it does not increase health insurance premiums, reduce the number of people who have health insurance coverage, or create massive new bureaucracies that will harm health care quality.

Why are these things important? Well, let us take a look at cost. We have a bill pending in Congress—the Patients Access to Responsible Care Act—and that is a pretty nice title. It is one of many that attempts to address health care by expanding Government control. But a recent study concluded that provisions in that bill alone would raise premiums by an average of 23 percent. That was done last year, 1997, by Milliman and Roberts.

Let us take a look at what that means. To the average family, that is an increase of about $1,220 per year. That is over $100 per month. That is real money. And I think a lot of families cannot afford that.

Cost is a very real issue. We do not want health care costs and prices to rise. We already know from the Congressional Budget Office that without any additional regulations at all, the growth in private health care premiums will be about 5.5 percent in 1998. That is up from 3.8 percent in 1997. So why in the world would we want to do anything that would accelerate the increase? I do not think we should.

No. 2, we do not want to do anything that will drive people from health insurance.

For a long time we have heard people beat up employers for not offering health care to their employees. But what are the facts? Well, someone looked into it and now we know that more employers than ever are offering health insurance. The problem is that employees are choosing not to take advantage of it because of cost. That came out from a study in 1997 by Cooper and Schone.

A separate study concludes that every 1 percent increase in private health insurance premiums results in 400,000 additional uninsured Americans. That was from a 1997 Lewin study. So, 400,000 additional uninsured Americans every time health insurance premiums increase 1 percent in real terms.

Now, wait a minute. If the PARCA bill—the Patient Access to Responsible Care Act—is estimated to increase costs by 23 percent, and every one of those percentage points equals 400,000 additional uninsured Americans, my calculations work that out to over 9 million Americans would lose their health insurance.

Mr. President, we do not want to do that. That may not be sound science, but the potential for such an outcome would be a disaster. It is too big of a gamble, in my opinion. Higher prices and more uninsured Americans does not sound like better health care quality to me. So let us not do that.

Thirdly, and finally, we want to make sure that the very best entity is monitoring the health care industry. And what are the options?

Many in Congress seem to think the answer is Government, so let us talk about Government overseeing health care. I can think of a few examples of the government's bad track record. We have the Indian health care in New Mexico and Oklahoma. There is an Indian hospital in Oklahoma right now that provides, I am going to say, pathetic service. And it happens to be bankrupt. We have had this problem, in addition to Medicaid and veterans hospitals and on and on and on. I mention that Government facilities, 100 percent Government-run facilities, are not the solution. It is probably some of the poorest quality of health care, not the best quality of health care. We want to improve quality, not reduce quality.

Some of the Nation's leading health care facilities today are expressing their concerns about Government oversight. I am thinking of the Mayo Clinic, Baylor Health Care System, and the Cleveland Clinic. They are all raising their voices in opposition to more Federal regulation of health care quality. I would like to share with my colleagues a few of their comments. I will ask unanimous consent that their letters be printed in the RECORD following my statement.

Baylor Health Care System—I will just read a couple of the paragraphs. It says:

> There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place the processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well-being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.

* * * * *

> We strongly believe that the private sector is heavily committed and working very diligently on continuous quality improvement and that this will bring about the best outcome for the patients and communities we serve.

The Cleveland Clinic—one paragraph says:

> Second, we are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

Dr. Bob Waller of the Mayo Clinic has stated:

> Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that may become obsolete very quickly. The Government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard.

On January 28, several organizations—including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Insurance and the American Medical Association—sent a letter to the President and Republican leadership stating their concern and opposition to the Federal Government preempting the private sector and creating new Federal agencies and entities. Specifically, they said quality would:

> * * * become hamstrung by political considerations, with the practical effect of retarding innovation and advance in the field of accreditation and performance measurement. In our experience, the private sector is more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations. Therefore, we cannot support proposals that might have the unintended effect of undermining marketplace incentives for rigorous accreditation programs and robust performance measures.

Mr. President, I don't think the Government is the best caretaker of health care quality. I'm much more inclined to trust the independent organizations like the Joint Commission on Accreditation of Health Care Organizations and the National Committee for Quality Insurance. Because the Government alternatively leaves oversight to the folks at the Department of Labor and the Health Care Finance Administration—who, I might mention, took 10 years to implement a 1987 law establishing new nursing home standards; who have not bothered to change the fire safety standards for hospitals since 1985; and—in a most egregious instance—who are running end-stage renal disease facilities under Medicare using 1976 health and safety standards.

I think the answer is plain. We will not and we must not create massive new bureaucracies that will harm health care quality.

We have a real challenge ahead. We have to figure out how we can best address the very real complaints and concerns of the American people while not rushing to pass legislation that will exacerbate the problems or create new problems altogether.

To that end, our majority leader has instructed me to take a hard, honest look at issues that affect health care quality. At his instruction, I have put together a health care quality task force to examine the problems in our current system. Senators ROTH, CHAFEE, COATS, COLLINS, FRIST, SANTORUM, HAGEL and myself will be working together to find real answers to hard questions.

I know some of my colleagues have introduced legislation and they have very good intentions. We want to work with those colleagues, but again we want to make sure that we don't pass legislation that increases health care costs, we want to make sure we don't pass legislation that will put millions of people into the uninsured category for the first time. That would be a real mistake, and we don't want to pass legislation that will increase bureaucracy and reduce quality health care.

Mr. President, we have a big challenge: We will ask what the real-life impact of proposals like PARCA and President Clinton's Consumer Bill of Rights has on cost and on coverage. What will it mean to quality? We will ask whether Americans, given the choice, would rather have cutting edge institutions like Johns Hopkins setting trends in health care quality or the folks at the Department of Labor, or the Health Care Finance Administration. We will ask whom Americans should trust to monitor health care quality. Should the Federal Government do it or independent organizations who have been studying the issue and setting the pace for many years?

It is incumbent upon us as elected leaders to address these questions fairly, honestly, openly, and with an eye toward what is best for the health of a nation and not what is politically expedient.

Our objective at the very minimum is to do this: Ensure that Congress in its haste to do good does not cause an increase in the cost of health insurance, that we do not pass legislation that will unintentionally force individuals to give up their coverage, and we want to protect consumer quality by ensuring that the best possible caretakers are monitoring the quality of your health care, and not bureaucrats at the Department of Labor or at HCFA.

Mr. President, I want to make something very clear. This Republican Congress will not hijack the quality of our Nation's health care for political gain. We will, however, thoroughly and thoughtfully debate this issue and ensure that Americans continue to enjoy the highest quality health care in the world.

I ask unanimous consent the letters previously mentioned be printed in the RECORD, in addition to a letter that is signed by the American Medical Accreditation Program, the Joint Commission on Accreditation of Health Care Organizations, and the National Committee for Quality Insurance.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ACCREDITATION PROGRAM,
January 28, 1998.

Hon. DON NICKLES,
Senate Majority Whip and Assistant Majority Leader,
Washington, DC.

DEAR MAJORITY WHIP NICKLES: As the nation's leading independent health care accrediting organizations, we are writing to recommend an alternative approach to certain quality oversight provisions contained both in proposals now before Congress and in the preliminary recommendations of the Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

First, we would like to commend both this Congress and the Commission for taking up the issue of health care quality and consumer protections. Our health care system continues to undergo dramatic change, and there is a pressing need to answer the public's concerns with better information, improved oversight, and increased choice. Critical to these efforts will be enhanced consumer protections, and all three of our organizations stand ready to work with this Congress and the Administration to see that this happens.

Separate from the issue of consumer rights and protections, however, is the attempt by some to preempt private sector accreditation and performance measurement activities with proposals that favor the creation of new federal agencies and entities. Because these proposed federal agencies and entities would be charged with establishing minimum criteria for accreditation and core sets of performance measures, we have a keen interest in their potential outputs. Our basic concern is that this output will become hamstrung by political considerations, with the practical effect of retarding innovation and advances in the field of accreditation and performance measurement. In our experience, the private sector is more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations. Therefore, we cannot support proposals that might have the unintended effect of undermining marketplace incentives for rigorous accreditation programs and robust performance measures. We believe that the work of accreditors should be highlighted and encouraged.

As an alternative to these new federal bureaucracies, we are intent on together developing a comprehensive quality measurement and reporting strategy that engages consumers and private and public sector purchases; minimizes duplication; and maximizes the incentives for organizations and individuals to undergo accreditation and report standardized performance information. Our organizations have recently engaged in some noteworthy collaborative efforts such as the National Patient Safety Foundation; the Joint NCQA–JCAHO Work Session on Protecting Patient Confidentiality in a Managed Care Environment; cross-representation on the AMAP governing body; and coordination among our respective performance measurement councils. We intend to build on these ventures and ones already ongoing with others to keep excellence in patient care our number one priority.

We believe the federal government should reward high quality health plans and providers. As the largest purchaser of health care services, the federal government must take a leadership role in value-based purchasing. The federal government is already benefiting from closer coordination with private sector accreditation bodies, and the Balanced Budget Act of 1997 contains provisions for even greater collaboration. However, in addition to using those private sector accreditation and performance measurement tools developed by organizations such as ours, the federal government must progressively adopt the posture of leading private-sector purchasers and insist on high quality care for the 67 million Medicare and Medicaid beneficiaries and the 9 million federal employees, retirees, and their dependents.

We appreciate your consideration, and stand ready to work with this Congress and the Commission to build upon the successes of private sector accreditation without interfering in the operation of a marketplace that has produced programs as rigorous as ours. Please do not hesitate to contact any of our offices.

Sincerely,
DENNIS S. O'LEARY, MD,

President, Joint Commission on the Accreditation of Healthcare Organizations.
MARGARET E. O'KANE,
President, National Committee for Quality Assurance.
RANDOLPH D. SMOAK, JR., MD,
Chair, American Medical Accreditation Program.

BAYLOR HEALTH CARE SYSTEM,
Dallas, TX, February 11, 1998.
Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: First, let me thank you very much for your leadership and for your commitment to health related issues, specifically the matter of quality health care.

There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.

Quality improvement is the key strategic objective for Baylor Health Care System. An example is the creation of our Institute for Quality which is driven by the board of trustees, physicians and senior management and extends throughout our organization. On a community level, we are involved with the Dallas-Ft. Worth Business Group on Health in building quality initiatives.

We strongly believe that the private sector is heavily committed and working very diligently on continuous quality improvement and that this will bring about the best outcome for the patients and communities we serve.

Again, we appreciate your support and look forward to working with you on this important issue.

Sincerely yours,
BOONE POWELL, Jr.,
President.

CLEVELAND CLINIC FOUNDATION,
Cleveland, OH, February 11, 1998.
Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The Cleveland Clinic Foundation, a not-for-profit health care organization devoted to patient care, education and research in care for the ill, has serious reservations about many of the bills now pending in Congress to regulate quality in health care delivery. Our reservations are twofold.

First, quality is an elusive matter to quantify. Individual's versions of quality may vary considerably from their perspective of the health care system. A physician's emphasis, for example, is on the content of the care provided; a patient may judge quality more by the process of care delivered. In both instances, the standards are in flux as both the quality and process are constantly changing in response to new learning and new ways of better relating to patients and their families.

Second, we are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

We would urge that Congress proceed cautiously as it begins its debate about whether federal authority should be expanded in this important but necessary complex area of patient care.

Sincerely,
FLOYD D. LOOP, M.D.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak up to 45 minutes.

Mr. DOMENICI. Mr. President, I may not use that 45 minutes. I expect five or six Senators to join me and they have given me their statements. If they do not come I will place their statements in the RECORD.

(The remarks of Mr. DOMENICI, Mr. CLELAND, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, AND Mr. KEMPTHORNE pertaining to the introduction of S. Res. 176 are located in today's RECORD under "Submission on Concurrent and Senate Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has one hour.

Mr. BYRD. Mr. President, I ask unanimous consent that any time that I do not use of my hour be reserved for later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I rise to commend the members of the Committee on Environment and Public Works, and especially the distinguished chairman of the committee, my lovable colleague from Rhode Island, Senator JOHN CHAFEE, that old crusty New Englander, whom I greatly admire, for including some very important provisions in S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, or ISTEA II. In my statement today, I will focus on the important provisions in the committee-reported bill that will expedite the delivery of desperately needed transportation projects to the American people—that is, if we ever get the opportunity to debate and amend and adopt this important bill.

I think most members would agree that addressing environmental issues in this body in a strong bipartisan way is—to say the least—difficult. Yet, Senator CHAFEE has managed to accomplish what few Senators have been able to do—craft legislation that enjoys strong support from Senators on both sides of the aisle that would help put order and efficiency in the way transportation projects are reviewed by both state and federal agencies, and as a result, reduce the time it takes to plan a project by as much as three years.

The ISTEA bill as reported by the Environment and Public Works Committee, recognizes that every day counts when planning and constructing a highway or bridge in this country are undertaken. The problem that was addressed in S. 1173 is a serious one. It now takes ten years to plan, design, and construct a typical transportation project in this country. I am sure that if Senators contacted their own state transportation departments, they would be disturbed to find the number of transportation projects that are being delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety improvements that would save lives. One of the lives it saves may be yours. Think about it. I can tell my colleagues that, in my state of West Virginia, these numerous regulatory reviews have delayed critical improvements to the two most dangerous segments of roadway in the state.

Why does it take so long to plan a project? These delays are occurring because the development of a transportation project involves multiple federal and state agencies evaluating the impacts of the project and possible alternatives, as required by the National Environmental Policy Act (NEPA). While it would seem that the NEPA process would establish a uniform set of regulations and procedures for the submission of documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews guided by separate regulations and requiring planners to answer separate requests for information. Moreover, each of these agencies issues approvals according to separate schedules. The result: the time period from project beginning to completion has grown to at least 10 years in many instances, and that assumes that the project is not controversial and that adequate funding is available. If either of these assumptions is not the case, the time period may be even longer.

The highway bill reported by the Environment & Public Works Committee effectively improves the project planning process by establishing a coordinated environmental review procedure within the U.S. Department of Transportation. This change would allow all reviews, all analyses, and all permits to be performed concurrently and cooperatively within a mutually-agreed-upon schedule, by both the federal and state agencies with jurisdiction over the project. Effective environmental coordination, as envisioned under the ISTEA bill, would result in less staff time and less expense for all the agencies and stakeholders in the NEPA process and reduce the time it now takes in reaching a final decision with respect to receiving project approvals and permits.

The committee studied a problem, the committee sought a solution, and the committee put that solution in their bill. I understand that further improvements to those provisions may be offered on the Senate floor, if and when we finally take up and debate S. 1173, the 6-year highway authorization bill. But here is the problem: we are not considering S. 1173. We are not considering the 6-year highway authorization bill. When will the bill be brought up? How long, Mr. President, must we wait? Every day counts when planning and constructing a transportation project. But soon, there will be no more days to count because the program—the short-term, 6-month highway authorization measure—will have expired and the funds will have dried up. Counting today—counting today—there are only 42 session days remaining through May 1.

So, we count today, and we count the day of May 1. And counting these 2 days, there are only 42 session days remaining. The time bomb is ticking. You can hear it tick. And with every tick a minute, an hour, a day will be gone. The time bomb is ticking—tick, tick, tick, tick. No projects will be delivered under any review process after May 1, because that is the drop-dead date in the short-term extension legislation presently in place, beyond which no State may obligate any Federal dollars.

Let's pause to read the language that is in the law—the law which Congress passed last November and which was signed by President Clinton on December 1 of last year. Read the language in the law. Read the language, I say to the Governors and the mayors and the highway agencies and to Senate and House Members. Read it. Here it is. I now read from Public Law 105-130: The Surface Transportation Extension Act of 1997. Here it is. Read it. Hear me as it is:

". . . a State shall not—

It doesn't say "may not."

". . . a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998. . . ."

Let me read it again. This is the language in the law which the Senate and House passed and which the President signed. Here is the language:

". . . a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998. . . ."

As I say, counting today, and May 1, also, we have only 42 days in which the Senate will be in session, not counting Sundays, not counting Saturdays, not counting holidays. We have 42 session days. The time bomb is ticking.

The clock is ticking. The days are counting down now before this deadline. If an ISTEA reauthorization bill is not enacted by midnight on May 1, highway program obligations will cease and projects will not move forward.

Any delay in the planning and construction phases of a project may cause the price of the project to rise considerably. In addition, a delay in federal funding can cause a logjam of projects to be let for bidding, resulting in a "crowding" of a large number of proposed projects into the latter part of a construction season.

The construction seasons are soon going to be upon us, when

The lark's on the wing;
The snail's on the thorn;
God's in his heaven—
All's right with the world.

Spring will be here. But will a 6-year highway authorization bill have been passed?

This increased workload may strain the capacity of the construction industry and subsequently increase the cost of projects.

Stopping the Federal-aid highway program, even for a brief period, will also impact project delivery schedules in the long run. If preliminary engineering and design work is not allowed to proceed, then construction will not occur and, in fact, will be deferred into a second construction season, thus crowding out and delaying projects that were planned for the second year. Such a delay would have a ripple effect—a ripple effect—from which it may take years for states to fully recover. Remember, we are talking about critical transportation projects designed to improve highway safety, reduce traffic congestion, and clean our air.

We hear much about global warming—much about global warming. This is the place to start. Pass a highway bill. Cut down on the traffic congestion, the traffic jams, and the long lines of cars. Cut down on the pollution that is filling the air while those cars sit and idle and the time bomb ticks away.

The programmatic reforms in the committee-reported bill that I have discussed here are very important. They will save time, they will save money, and they will save lives. Yet, because we have not begun consideration of the bill in this session, not one of these gains has become a reality. The single most important factor that will determine the timeliness of project delivery in 1998 will be the timely reauthorization of ISTEA —the 6-year highway reauthorization bill.

So the time bomb is out there. It is in that language that I read a moment ago from the law. The American people cannot afford to wait even 1 day past May 1 for the United States Congress to reauthorize ISTEA. The U.S. Senate has the time now to consider ISTEA, and that is what we should do.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. BYRD. I thank the Chair.

Let me close for now with a passage from the Book of Isaiah, 58th chapter and the 12th verse. And I read only from the King James version of the Bible. In all probability, that is the version that our forefathers brought over on the *Mayflower*—the King James version. Read these other versions, and they will say, "In my father's House are many dwelling places." But the King James version says "In my father's House are many mansions." Ah, how much more beautiful is that elegant language!

I read now from the King James version of the Bible, 58th chapter and the 12th verse.

And they that shall be of thee shall build the old waste places:
thou shalt raise up the foundations of many generations;
and thou shalt be called, The repairer of the breach,
The restorer of paths to dwell in.

Mr. President, I urge the majority leader to be the "Repairer of the Breach" by calling up ISTEA now, so that we may be one step closer towards enacting the provisions called for in S. 1173 that would help accelerate the delivery of vitally-important transportation projects to the American people.

Let me say again as I have said here before, I have been majority leader. I was majority leader during the years 1977, 1978, 1979, and 1980, and I was again the majority leader during the 100th Congress in 1987-1988. I know the pressures that are on any majority leader. I have felt them. I have walked in those same footprints that other majority leaders have tread on the sands of time. I know that it is very difficult, and many times impossible, to adhere to the wishes, to the pleas of those who implore, those who beseech, those who importune the majority leader to do this, to do that, to do something else. The majority leader cannot please everybody.

This is not a partisan bill. This is a nonpartisan bill. There is no partisanship in this bill. There is no partisanship in the amendment that I have offered with Senator Gramm, Senator Baucus, and Senator Warner as the chief cosponsors. There are 54 Members of the Senate who are cosponsoring the Byrd-Gramm-Baucus-Warner amendment, and they are from both sides of the aisle. They are Republicans and Democrats, about evenly divided, I would say, among those names that are on that amendment.

There is no partisanship here. There is no partisanship in my urging the majority leader to call up ISTEA—no partisanship. I know he is under great pressure from some of the Senators on the Budget Committee, including, I am sure, the distinguished chairman, Mr. DOMENICI, a man who has one of the finest brains in this Senate. He does not want the ISTEA bill brought up, he and Mr. CHAFEE. Mr. CHAFEE has said so. So I am not saying anything behind their backs that I would not say anywhere. They prefer to wait until the budget resolution is called up.

Mr. President, the country needs a 6-year highway authorization bill, and the time is ticking. Failure to call it up will only undermine the very necessary progress that this bill is designed to make.

I believe that if the majority leader were left to his own pursuits—he has not told me this—he would call this bill up. But my good friend, Senator DOMENICI, is a very powerful Senator. He was here a moment ago. He will be back later today. And I am not saying anything to make him feel that I am taking any advantage of him. But if he would just leave it to the majority leader, I think we would get this bill up. That is my own opinion.

Mr. President, failure to take up the bill, as I say, will undermine the very necessary progress that that bill is trying to make, and it deprives me and other Senators from calling up amendments to that bill. Our transportation system, our people's safety, and the country's economy all await action by the Congress on the 6-year highway authorization bill. What are we waiting for? How long, Mr. President, how long will we have to wait? How long?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. BYRD. I thank the Chair. I reserve that time until later in the day.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I also ask unanimous consent to be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

THE LINCOLN LEGACY

Mr. GRAMS. Mr. President, I rise today, on the 189th anniversary of his birth, to pay tribute to an American of commonsense ways and uncommon character.

Let me read to you from the autobiography of Abraham Lincoln, which he penned in December of 1859.

> I was born February 12, 1809, in Hardin County, Kentucky. My parents were both born in Virginia, of undistinguished families. . .
>
> There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still somehow, I could read, write, and cipher to the Rule of Three; but that was all. I have not been to school since.
>
> The little advance I now have upon this store of education, I have picked up from time to time under the pressure of necessity.

Lincoln concluded his autobiography just four paragraphs later with these words: "There is not much of it, for the reason, I suppose, that there is not much of me."

That was in 1859, one year before the election that thrust Abraham Lincoln into the Presidency—before the Civil War broke out and helped crystallize all that he believed about his nation—before everything he believed about himself was tested.

Never again could Abraham Lincoln truthfully make the claim that "there is not much of me."

Mr. President, on the 150th anniversary of Lincoln's birth, poet and biographer Carl Sandburg traveled here to the Capitol in 1959 to address a joint session of both Houses of Congress.

The description he painted that day of the man born in Hardin County, Kentucky, was delivered in words far more eloquent than any I could offer up:

He said,

> Not often does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect. . .
>
> The people of many other countries take Lincoln now for their own. He belongs to them. He stands for decency, honest dealing, plain talk, and funny stories. . . Millions there are who take him as a personal treasure. He had something they would like to see spread everywhere over the world.
>
> Democracy? We cannot say exactly what it is, but he had it. In his blood and bones, he carried it. In the breath of his speeches and writings, it is there. Popular government? Republican institutions?
>
> Government where the people have the say-so, one way or another telling their elected leaders what they want? He had the idea. It is there in the lights and shadows of his personality, a mystery that can be lived but never fully spoken in words.

Mr. President, there are many American leaders I admire—for their convictions, their passion, and their pursuit of truth—but Abraham Lincoln towers above most all of them.

At a troubled moment in our nation's history, he gave a voice to the growing number of Americans who felt out of place with the politics of the time. America is a place of inclusion, they argued, not exclusion. A place of freedom, not of slavery. The United States must stay united, they said, not severed into disparate parts. Abraham Lincoln spoke for what America was meant to be when he spoke of inclusion, unity, and equality, and by the sheer force of his single-minded dedication, his voice kept the Union from splintering forever apart.

If any one man is responsible for preserving the nation during the Civil War, that man is Abraham Lincoln.

"Important principles may and must be inflexible," said President Lincoln in his last public address, delivered in Washington, and for that unflinching commitment, his detractors hated him.

Lincoln was unfit, they said, "shattered, dazed, utterly foolish" . . . "a political coward" . . . "timid and arrogant." And those were the words of his fellow Republicans. Outside his party, they labeled him "a mole-eyed monster with a soul of leather" and "the present turtle at the head of the government."

But his simple words and powerful resolve endeared him to the people, who looked on him as "Honest Abe," a straightforward and sympathetic leader. He was their president, but he was also one of them. So, it was a brutal shock to the country when he was shot to death just ten blocks from here, during an evening performance at Ford's Theater.

Mr. President, poised on the edge of the Reflecting Pool on the National Mall, overlooking Washington from its place of honor, rests a graceful tribute to our sixteenth president. Outside, the Lincoln Memorial possesses the lines of a classic Greek temple—inside, you will find the soul of an American patriot. Lincoln himself rises 19 feet toward the sky, sculpted in Georgia White marble, larger than life, his eyes forever focused forward. He cannot speak, but the walls speak for him. Etched into the stone around him are his words, and each time I visit I am struck by the visual marriage of man and message. One phrase in particular always makes me pause, a quotation from Abraham Lincoln's Second Inaugural Address, spoken just 28 days before his assassination:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.

We have come so far as a nation since those words were first spoken. More than one hundred years have passed since brother last took up arms against brother, and we are no longer divided by allegiance to a Confederate or Union flag. By heritage, we are black Americans, white Americans, Italian Americans, Polish Americans, Norwegian Americans—and united under the Constitution, we are simply Americans.

Abraham Lincoln did not live to finish the work he began, but the pursuit of liberty and inclusion he inspired in a nation has endured.

More than once in the million recorded words he left behind, Abraham Lincoln considered his death and the reputation that history would accord him. In keeping with everything else we know about the man, however, he sought not a legacy, but his place in humanity. "Die when I may, I want it said of me that I plucked a weed and planted a flower wherever I thought a flower would grow." Mr. President, Abraham Lincoln plucked many weeds during his too-brief life, and sowed a great garden of humanity in their place. On the anniversary of his birth, we celebrate the towering truths we have reaped from his planting.

I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, I understand we are in morning business. I seek recognition.

The PRESIDING OFFICER. The Senator is correct. The Senator may speak up to 10 minutes.

ADDRESSING IRAQ IN CONTEXT

Mr. GREGG. Mr. President, we as a nation are obviously wrestling with the issue of how to address the events presently occurring in the Middle East, specifically as they relate to Iraq. The Congress has considered taking up a resolution, which has been passed around and reviewed by many of us, but for a variety of reasons it does not appear that we are going to take such a resolution up during this week, and since we are adjourning, we will not be taking it up next week either. So I did want to make a few comments on this issue, because it is clearly the question of most significance that faces our country at this time.

I do not believe that we can address the question of how we deal with a dictator such as Saddam Hussein in isolation. We have to look at the question in the context of the other nations which surround Iraq and in the context of the history which has led us to this point. This is especially true when we deal with Iraq—or any nation in that region of the world—because the history of that region is so convoluted and involves so many crosscurrents, it being, quite literally, the crossing point of thousands of years, of generations of individuals, of numerous cultures both East and West, Bagdad specifically being the center, for literally centuries, of commerce from the east to the west and from the north to the south. As a result, it was a place where many cultures merged.

Therefore, when we as a nation, a new nation in the context of dealing with the Middle East, set ourselves down in the center of that part of the world, I think we have to be aware of the variety of forces which come to bear as a result of the historical events and prejudices and attitudes and cultures and religions that confront us there. I am not sure that we have been, really, in dealing with this issue.

For example, let's begin at the outer reaches of the question from a territorial or geographic perception. Let's look at Russia. Clearly our capacity to deal with Iraq requires our capacity to encourage support amongst other nations for our position. We have had fairly limited success in that. In fact, you might almost call this administration's approach to alliance relative to Iraq as the English-speaking approach, because, as far as I can tell, it appears to be only English-speaking countries who are supporting this administration's present policies in an open manner.

There are a few of the gulf states that have supported us, which is something we should not underestimate. But as a practical matter, I have noted with a great deal of sadness, actually, that the White House was taking great pride in the fact that yesterday it had been joined by Australia in support of its position. That's what they were heralding. We greatly appreciate Australia's support and admire them as a nation. But I think we also recognize that in the issue of the Middle East, it is not Australia that is important; it is nations such as Russia and our former Arab allies. I say former Arab allies because it appears that that is no longer the case—such as Saudi Arabia and Egypt, who are critical, and Turkey.

But in the area of Russia, for example, this administration appears to think that they can go to the Soviets—to Russia, my mistake—and demand that Russia follow our policies in Iraq and insist on their support on Iraq, but at the same time this administration proposes an expansion of NATO. You have to recognize, if you were a Russian leader, you would find a certain irony in a request that was coupled in that terminology. Because, of course, an expansion of NATO, especially to Poland, is an expression that can only be viewed in Russia with some concern and possibly viewed by some as an outright threat.

NATO expansion is represented to us here in the United States as simply: Well, let's ask these three nice nations in Eastern Europe to join us in our alliance. But, of course, NATO is a security issue. It is an alliance made for the purposes of defending nations from threat, military threat. It is not an economic group, as everybody has noted for many years. As a practical matter, the capacity to expand NATO means that you are essentially saying to these nations that they are joining, for the purposes of their own national security, against some threat. What is the threat in Eastern Europe? Of course, the threat in Eastern Europe has always been either Russia or Germany. Since Germany is a member of NATO and is not a threat, clearly an expansion of NATO is addressing the threat from Russia. Therefore, when we ask Poland especially to join us in NATO, we are saying to Poland that we are giving you security against Russia, and clearly we are implying, certainly indirectly if not directly, that Russia may be the threat.

So you can understand that Russia might view a push to expand NATO at the same time as we are asking them to support us in Iraq as being inconsistent and a bit ironic. And it reflects, unfortunately, I think, this administration's failure to understand the linkage—and linkage is the right term—between working with a nation like Russia and our capacity to do things in the Middle East and moving forward with the NATO expansion at the exact same time. Yet, if you were to listen to the leadership of this administration, they will tell you that there is no relationship, they have no overlap on those two issues. Of course that is not true, and that is one of the reasons we are having problems with Russia.

It is equally a reason that we are having problems with our former Arab allies. Just yesterday or the day before yesterday—I lose track of the calendar here when we go to Egypt—but the Arab League met in Cairo, and they endorsed the French and Russian proposal, which was essentially a restatement, to a marginal degree, of the Iraqi proposal, as a league. The Arab League endorsed that as a league. Why would they do that? Because the Arab League essentially is dominated by Egypt, which has been our ally and which certainly, in many ways, is a friend of our Nation. I am a great admirer of the Egyptian people. They have certainly worked hard as a nation to try to bring about a constructive result, or progress in the Middle East in their relationship to Israel ever since President Sadat and through the present leadership in Egypt.

You wonder why the Arab League would openly endorse the French and Russian program? Essentially, they do it because of the situation that presently exists in Israel and Palestine, the fact that the peace process is, for all intents and purposes, dead. Yet, if you were again to listen to this administration, as the Senator in the chair has pointed out in a number of conferences that we have had, this administration's attitude is that there is no relationship between the peace process in Israel and Palestine and the question of Iraq. Of course, there is. They are intimately related. In fact, if we were able to make progress or to get back on line the process of peace between Israel and Palestine, we would probably relieve dramatically the tension in that part of the world and it would inevitably lead to having support from Egypt and

Saudi Arabia, the key allies, on the issue of how we address Iraq.

So the failure of this administration to understand, again, the linkage between those two issues is a failure of fundamental proportions in their capacity to address the Iraq issue.

The third area that this also reflects is the issue of Turkey. Turkey is not discussed a great deal in our Nation and it should be discussed more because Turkey is a unique and special nation in relationship to ourselves. Throughout the cold war, Turkey was essentially the front line. It was a nation which did not really ask for much, yet gave us its alliance and its assistance. We have truly, as a nation, and this administration, as an administration, has truly treated Turkey poorly. This goes to the issue of Cyprus and it goes to the issue of Greece. Yet if you were to ask this administration, what is the relationship between the Turkish-Greek issue and the Cyprus issue and the capacity to deal with Saddam Hussein, they would say that there is none, that there is no relationship there. That is maybe why they have abandoned the effort to bring to resolution that very critical issue of international importance. Yet we find today that Turkey, again, is hesitant to allow us to use its bases in order to address the Iraq issue.

So, three major elements of the capacity to address the Iraq issue in a coordinated and effective way are tied to a variety of different historical and geographic and national and international confrontations, which this administration either, No. 1, doesn't appreciate or, No. 2, is actively ignoring. As a result, our capacity as a country to unite a coalition which can effectively address Saddam Hussein has been undermined.

Mr. President, I ask unanimous consent for an additional 10 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Most critical, of course, to this is the issue of how we deal with Iran and the fact that, once again, this administration has failed to reflect effectively on the policy dealing with that nation. Iran, as we recognize, has been dominated by a fundamentalist leadership which has viewed its purpose as promoting an aggressive religious philosophy internationally. It has viewed the United States as its enemy in this undertaking. But this fundamentalism cannot survive forever. It is much like when we confronted the Communist leadership after World War II and President Truman and President Eisenhower recognized that, through the process of constructive containment, we would be able to bring down that system of government because it would fall of its own weight because at some point, after a certain period of years, the fundamental flaws of that system and that philosophy would simply undermine it and decay it from within. And that is true also of the fundamentalist movement in Iran.

The Muslim religion is an extremely powerful and great religion, and it is a religion that is based on some very wonderful precepts. But the fundamentalism that captured a certain element of the Muslim believers is, as it is practiced in Iran, inherently self-destructive. If we are able to contain Iran but at the same time encourage within Iran the more moderate elements, we will, over a period of time, see, I believe, a collapse of the fundamentalist energy from within and a rising of a state which will be responsible. But this administration has passed over a series of opportunities to promote that option, which has been unfortunate.

If you are going to contain Iraq, then you must understand that in the process of containing Iraq, you must neutralize Iran as a threat to the region. Because if you were to eliminate Iraq as a force within their region, you would create a vacuum into which a fundamentalist Iran would step and be a threat to its neighbors of even greater proportions—greater proportions—than Iraq is. So, reflecting adequately on how we deal with Iran, and approaching Iran as part of the solution to how we deal with Iraq, is critical, critical to the capacity to take on the Iraqi issue. Yet this administration, in my opinion, has once again left the ball on the side of the field when it comes to understanding or pursuing that course of action.

So, where does that leave us? Unfortunately, where it leaves us is with a 19th century dictator who has 20th century weapons of mass destruction, in Saddam Hussein, an individual who lives by a code which is horrific to the sensibilities of a civilized world. It is a code that follows in the course of people like Adolph Hitler and Mussolini and others, who sought to promote themselves in the name of some cause which was really just superficial to their own megalomania.

But our capacity to address Hussein and to be able to deal with the situation in Iraq is fundamentally undermined by our inability, one, to focus on the situation with an international alliance and, two, to have the capacity, because we do not have an international alliance, to take action which will end up being definitive.

So we find ourselves with this administration stating that we are building up an arms capability to make an attack on Iraq without an alliance supporting it with a stated objective that nobody understands, because Secretary Cohen has said that a military attack will not replace Saddam Hussein, and the President said it is not our goal to replace Saddam Hussein. Secretary Cohen has stated that a military attack will not eliminate the weapons of mass destruction, and we know that to be the case. So what is the result of the military attack?

There is no clear understanding as to what it is. It will not be that Saddam Hussein is replaced. It will not be that the weapons of mass destruction are eliminated. It will not be that the alliance we had in the gulf war of 1991 are being reinstated. I have no idea what the conclusion of a military attack would be.

I think the unintended consequences of it will be dramatic. Some may be positive. We may successfully eliminate some weaponry that might otherwise be used against our neighbors. Some may be horrific. We may find that Saddam Hussein uses his weaponry in some other theater or some other place. It may even be here in the United States. But those are unintended consequences, because there appears to be no intended consequences.

Literally, there are no intended consequences. If the intended consequence is not to replace him and the intended consequence is not to destroy the weapons, what is the intended consequence of military action? I don't know what it is. Therefore, before we go forward with a resolution in this body—and I understand that we are not going to do that this week—before we go forward with a resolution in this body, I believe we have to bring some definition to the purpose of the process.

I believe, first, we have to recognize and we have to retouch our allies and our friends and people who should be our allies and our friends. We have to go back to Russia and understand their concerns. We have to go back to Turkey and understand their concerns. We have to go back to Egypt and understand their concerns. We have to go to Israel and talk about the need to get the peace process started again and to return to the concepts of Rabin as versus the concepts of Netanyahu.

More important, we, as a nation, have to know what is our purpose and what is our goal.

I believe our purpose and goal should be, first, to create a united approach on this to bring into the effort an alliance which is broader and more substantive than what we presently have, something more than an English-speaking alliance.

Second, it must be to remove Saddam Hussein and his government. We should have as our stated goal and purpose of any military action that we intend to have a democratic government in Iraq.

And, third, it should be that the weapons of mass destruction are destroyed; not that they will survive, but that they are destroyed.

These should be our goals, and I hope as we move down the road to considering the issue of what we do in Iraq and before we move forward with military action that we at least get some clarity of the process, hopefully along the lines I stated.

I appreciate the patience of the Chair, and I especially appreciate the patience of the Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEN STEPS TO FIGHTING DRUGS

Mr. GRASSLEY. Mr. President, as I have noted on earlier occasions, this country continues to face a major drug problem. It is a problem that affects us all. No community escapes the consequences of drug use. Our streets and neighborhoods are made dangerous and unwelcoming by those who peddle illegal drugs. Our places of work are not drug free. Today, we live in a country where even our schools are not safe havens from the ravages of drugs.

In just a few days, the Administration will release its newest drug strategy. It will be welcome, even though it is two weeks late. I look forward to it, even as the Administration undertakes efforts to do away with an annual drug strategy. The budget for drugs will be increased. That, too, is welcome. But we need to remind ourselves that despite steady increases in our counter-drug spending, we have seen increases in drug use by kids.

This is a fact that the Administration has tried to sugar coat. It has tried to disguise the fact that drug use among kids has steadily increased throughout its tenure. Despite recent efforts by the Administration to paint over this fact with rhetoric, the facts remain.

We cannot fight drug use among our kids by being less than honest. We should not even try. But there is another lesson in our current and growing problem. I believe that the Administration has not done as much as it ought to do. I believe it has left undone much that it should do. But, our drug problem is a national concern that must go beyond what government can do. We must remind ourselves that this is a problem that we must all confront. Parents, community and religious leaders, the business community, local politicians, the media, Hollywood, and our opinion leaders must come together. We need more than just money. We need commitment. We need more than rhetoric.

Every day more of our kids start using illegal drugs. We need to roll up our sleeves and get to work.

For these reasons, I am today presenting a ten-point program to fight back. This is my agenda to try to get our counter-drug efforts back on the front burner. We need to better define the problem, and we need to be doing more. As Chairman of the International Narcotics Control Caucus, I will work to push a more visible and effective national counter-drug effort.

The first item on my agenda is to continue work to strengthen local community counter-drug problems. Last year, I sponsored legislation in the Senate, later signed into law, that provides funding to local community counter-drug coalitions. I will continue my efforts to ensure that this legislation is fully, speedily, and responsibly implemented.

Second, I will continue to work on implementing a statewide coalition effort in Iowa that I began last year. The aim of this effort is to help create a framework to complement state and local efforts to combat illegal drugs in communities across Iowa. Working with such national organizations as Community Anti-Drug Coalitions of America, we are engaged in a project that can become a template for other states. The coalition will foster input and guidance from a non-political steering committee and six task forces. These include members from Iowa business and union leaders, the education community, religious leaders, and representatives from law enforcement. They also involve contributions from the media, doctors, and community anti-drug groups.

Third, I will be calling upon our national business leaders and advertisers to renew their commitment to drug-free advertising. We have seen in recent years a decline in this commitment. That decline lead to the use of public money to pay for advertizing.

But more to the point, I am concerned about what it says about the declining commitment of our business community to support a national effort to fight drug use. This is especially true given the problems that drug use creates in the workplace.

Fourth, I will be seeking more resources for communities across the country to deal with an emerging drug problem. This is the double whammy of methamphetamine. Communities in the West and Middle West face not only growing meth use problems. They also face a new trend: Mexican criminal organizations are increasingly building meth labs in our communities and rural areas. Meth is being funneled into Iowa by these organizations. Labs are also increasingly being discovered. These create an environmental hazard that is often beyond the resources of local police or fire organizations to deal with. Last year, I co-sponsored an effort to increase funding to these communities for meth lab clean up. I will expand that effort to ensure sustainable funding to help local communities.

Fifth, I will continue to press the Administration for a comprehensive drug strategy. One of the major deficits in our current effort is not a lack of funding but a lack of focus. I propose to deal with that through greater oversight of our national efforts. In particular, I will push for a more comprehensive southern tier approach. Too often, our efforts to control access to our southern border have been piecemeal and fragmented. The forthcoming national drug strategy will perpetuate that imbalance.

While we build a dyke in one area, the traffickers open a hole someplace else. We need a more focused effort that brings resources to bear consistently. We also need to ensure that our major drug control agencies receive adequate resources that implement consistent, well-conceived and integrated plans.

As part of this effort, I will pursue more vigorous oversight of our counter-drug programs.

I will do this through insisting that we maintain a strong commitment to the annual certification process on international drug control. I will continue efforts to investigate specific programs and activities to ensure that our efforts are on track and producing results. I will also seek to ensure that our efforts to protect the integrity of our law enforcement activities is a priority.

I will also pursue legislation that will provide greater authority to our law enforcement community to break the link between drug trafficking and alien smuggling. Many of our local communities find that drugs are introduced or produced by illegal aliens. I have supported increased resources to both U.S. Customs and the INS. I will continue my personal efforts to ensure adequate resources and focus at our borders and in our local communities.

As the eighth point in my agenda, I will pursue tougher penalties for those who traffic and sell drugs. In particular, I will seek enhanced penalties for trafficking or selling near our schools and for peddling drugs to minors.

As an integral part of this effort, I will also seek to toughen, not weaken, cocaine sentencing guidelines. I believe it sends an entirely wrong signal to lessen mandatory minimum sentences for those who traffick in crack cocaine. The Administration is proposing to weaken sentencing at a time when drug use is increasing. It is typical of the disconnect between the rhetoric we hear and the reality we see. Like the Administration, I will support efforts to bring powder cocaine sentencing into line with crack cocaine. But I will seek to do this by supporting Senator Abraham's efforts to enhance the sentences for trafficking powder cocaine, not by weakening our efforts.

Finally, as part of my action plan, I will continue to work to strengthen our ability to deal with money laundering and organized criminal activities. The drugs that reach our streets and target our kids do not get there by accident. They are directed there by well-organized, international criminal gangs. Their purpose is to make money at the expense of our kids. I will work to pass legislation that I introduced last year to go after the profits of these drug thugs. I will also continue to press the Administration to develop comprehensive legislation to go after international criminals wherever they may hide.

This agenda is my personal commitment to do what one Senator can do to deal with this nation's drug problem. I will pursue this agenda as Chairman of the Drug Caucus. In the coming days and weeks, I will be introducing specific legislation to deal with many of the things I have talked about today. I will be coming to my colleagues for support. I will be expecting the Administration to live up to its obligations.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there an order?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes in morning business.

Mrs. HUTCHISON. Thank you, Mr. President.

25TH ANNIVERSARY OF THE RETURN OF AMERICAN POWS FROM VIETNAM

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to my Congressman. The House of Representatives is paying tribute today to our Vietnam prisoners of war. It was 25 years ago this month that those brave men began returning home to America.

Among those heroes was SAM JOHNSON. SAM was a prisoner 6 years 10 months 18 days and 23 hours, which he can tell you to this day.

All of us who know SAM know he is a fighter. He was called "diehard" by his North Vietnamese captors.

SAM was one of 11 prisoners whose total defiance to prison authority resulted in banishment to a high security prison that was dubbed "Alcatraz." The prisoners were placed in tiny cubicles in an earthen-walled facility that was dug out of the center courtyard of the North Vietnam Ministry of Defense in downtown Hanoi. SAM and the other 10 wore leg irons and suffered from severe malnutrition.

SAM's defiance continued to the end, until February 13, 1973, when SAM boarded a plane at Gia Lam Airport to return home.

Our Nation recognized SAM JOHNSON's contributions by making him one of the most highly decorated aviators of his era. During SAM's military career, he was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards.

Mr. President, I would like to note also that here in the Senate there are many heroes from among us from World War II, the Korean war and the war in Vietnam.

Today, 25 years after the POWs in Vietnam began to come home, it is also appropriate to recall the sacrifice made by our own colleague, my good friend, JOHN MCCAIN. JOHN returned from Vietnam after his own capture and imprisonment 25 years ago next month.

Patriots like Senator JOHN MCCAIN and Congressman SAM JOHNSON remind us of what makes America great—honor, courage, and duty. They enrich the Congress and remind us every day of the important responsibility we have as stewards of the young men and women in our armed forces. As we prepare for a possible conflict in Iraq, I have no higher priority than that those troops will get everything they need to do the job if they are sent.

As Americans we have many things for which to be thankful. But perhaps we should be most thankful for the brave Americans throughout our history who have fought the wars to keep America free. It is their sacrifice that has preserved democracy. It is their sense of patriotism and duty that Americans must always embrace if we are to remain free. Commemorating this 25th anniversary is one way that we will make sure that Americans do not forget the sacrifices that have been made for us to be able to stand here in this Senate Chamber and speak on an unfettered basis and openly and freely.

I want to say that I am proud that SAM JOHNSON is my Congressman. I also want to pay tribute to his wife, Shirley. Shirley and SAM are friends of Ray's and mine, and have been for years.

But Shirley is a hero, too. Sometimes we do not talk about those who were left home for 6 years to raise the children, to give them the hope and strength and love that both parents would normally give. It is to the Shirley Johnsons, also, that we owe a great debt of gratitude, because she was there never giving up, making sure that America never forgot that some were missing and some were imprisoned. She, too, should be commended today on this 25th anniversary.

I am honored to serve with SAM JOHNSON and Senator JOHN MCCAIN. As we honor them, we make sure that those who came home know how much we appreciate them. And, most of all, we remember those who did not come home.

Thank you, Mr. President.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Under the previous order, the Senator from Alaska is recognized to speak for up to 20 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the President a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the submission of S. Con. Res. 76 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mr. GRAMM. I believe I reserved a block of time.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. GRAMM. Let me say to my dear colleague I will not take all of that time.

HAPPY ANNIVERSARY, SAM JOHNSON

Mr. GRAMM. Mr. President, I come to the floor today to speak on two topics. The first is that our dear friend and colleague, Congressman SAM JOHNSON, one of America's great warriors and one of America's great individuals, came home from Hanoi 25 years ago today, having been held as a prisoner of war for almost 7 years.

SAM grew up in Dallas. He graduated from Southern Methodist University. He went into the Air Force. He became one of the great pilots in the postwar period. He commanded the Top Gun school. He was a Thunderbird.

In fact, Senator MCCAIN loves to tell the story about the time when he and SAM were campaigning together in Texas—as all of you know, Senator MCCAIN was a great aviator in his own right and a great warrior and a real American hero—and he loves to tell the story when he and SAM were on a plane riding in the back and they came in pretty fast, and SAM calmly turned to Senator MCCAIN and said, "We're going to run off the runway." Senator MCCAIN said, "What makes you think so?" just as they hit the railing and went off the runway.

The point being that SAM JOHNSON was a great aviator. He was flying a mission over North Vietnam. He was shot down. He was taken to prison in Hanoi. The North Vietnamese correctly concluded that he was a diehard and a recalcitrant, so they put him in solitary confinement year after year, basically a dugout, a little dungeon.

After 7 years in prison, enduring almost unbelievable hardship, he came home 25 years ago.

Now, the remarkable thing about all this is not all the medals that SAM JOHNSON won. We honor those and we should. It is not really the hardship that he endured, though I doubt many of us would be capable of doing it. But what is remarkable to me is that after 7 years in a dungeon in Hanoi, SAM JOHNSON came home and started his life again. He never complained about the 7 years he lost. You never see him that he doesn't have a smile on his face. He is a sweet, gentle, loving man. It is remarkable to me that somebody could go through 7 years of that kind of hardship—hunger, exhaustion, fear, physical and mental abuse—and yet come back home and be all the things that SAM JOHNSON is.

I wanted, on this 25th anniversary of the day that he came home to America, to stand on the floor of the Senate today and say to our colleague, Congressman SAM JOHNSON, that we are proud of him and that we are proud to associate with him. For most of us, the highest credential we are ever going to have other than being members of our family and being associated with our kinfolks is that we served in Congress. Many of us get whatever stature we might have from the position we hold, a position that was given to us in trust by the voter. But SAM JOHNSON is one of those rare people who brought stature to Congress with him when he came. He is a wonderful man. I love SAM JOHNSON.

I think in an era where there are a lot of people who kind of think politicians don't represent the best that America has to offer, that somehow politicians aren't exactly the kind of people you want your children to grow up to be, I ask them to look at Congressman SAM JOHNSON. He is the kind of person I want my sons to grow up to be.

On this very special day for him, 25 years ago coming home to America, being set free in Hanoi, I wanted to congratulate SAM and thank him not just for the service he provided during 29 years in the Air Force, not just for 7 years in a dungeon in North Vietnam, but I want to thank him for the service he is providing for America today. We appreciate that. I am very proud to have him as one of my Congressmen representing me and my State. I am also proud to have him as a friend.

Mr. ALLARD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. ALLARD. My wife, Joan, and I are pleased to recognize that both Shirley and SAM are very close friends of ours. I had come to the floor to speak on another matter but I feel so fortunate to have been here at the time you are making these comments.

You are right on the mark. He is a tremendous individual. He suffered in a way that many of us cannot imagine. Both Joan and I are so enthralled with his positive attitude—both Shirley and SAM—that it makes him stand out as a remarkable individual, remarkable Americans.

I second your comments.

Mr. GRAMM. I thank my dear colleague from Colorado for adding to my comments.

THE HIGHWAY BILL

Mr. GRAMM. Mr. President, let me turn to my final subject today. As all Members of the Senate know, Senator BYRD and I have embarked on what for us is a crusade. It is a crusade to try to force the Federal Government to live up to the commitment that it makes to Americans when they go to the gas pump and fill up their car or truck and pay about a third of the cost of a gallon of gasoline in taxes, and they are told the taxes are being used to build roads, that this is a user fee tax where the money is dedicated to road construction.

As those of us who serve in Congress, as those who follow these matters very closely know, that commitment is not being fulfilled. Between 25 and 30 cents out of every dollar of gasoline tax that is paid by American motorists goes not for transportation needs, not to new roads, but instead is spent on everything but highway construction. This is a diversion of funds that violates the commitment that we have made to American taxpayers. At a time when many Americans this morning got up and drove to work and waited in what seemed to be endless lines of congestion, when people drove over potholes that were dangerous and, in some cases, caused damage to their car, and when people endured unsafe conditions. There are 31,000 miles of road in my State that are substandard. We have thousands of bridges that are structurally unsound. I think people are rightly outraged when they discover that over 25 cents out of every dollar they paid in gasoline taxes, which they thought was going to highway construction, is in fact being spent on other things in Government.

Senator BYRD and I now have 54 cosponsors on our bill, with the objective of trying to force the Government to live up to the commitment it makes to the American people and require that when money is collected in gasoline taxes for the purpose of building roads, that that money actually be spent for that purpose.

Now, many of the things that we work on here have an effect, but after a long period of time, from the time that the actual work is done, and often especially when you are working on big issues that affect economic growth and inflation, it's hard to sort of pinpoint the positive impact on it. But if we can bring up the new highway bill and pass the Byrd-Gramm amendment, on May 2 States across America will get roughly a 25 percent increase in the amount of money that is available to fill up these potholes, to build new roads, to modernize the existing system, to reduce the delays and traffic jams and hazards that we all face on the road every day, and do it by taking the money away from all the programs that never should have gotten the highway money to begin with and spending the money for the purpose that it is being collected.

Senator BYRD and I, all week, have reminded our colleagues that we are running out of time. The highway bill expires on May 1. And all over America today, States are beginning to cancel contracts. Michigan canceled a major contract yesterday. We are having employees notified by highway builders that they are going to be laid off as of the 1st of May when this highway bill expires. Senator BYRD and I want to move on with this issue, bring it up. If people want to vote no, if they want to continue to take highway trust fund money collected in gasoline taxes, where we tell people the money is being spent for roads but where we spend it on something else, if people want to vote to continue that diversion, they have the right to vote for that. But 54 Members of the Senate have already said that they want to change it.

So I urge our leadership to bring up this bill and give us an opportunity to let the Senate work its will. It is very important that we not let the highway bill expire. It is very important that we get on with highway construction, which the country desperately needs. I also believe it is important, especially in this era of cynicism about Government that when we tell people that money is being collected in gasoline taxes, to go into a highway trust fund to be spent on roads, that that money be spent on roads, that it not be spent on other things. Fundamentally, that is what this issue is about.

So I am hopeful that in the week when we come back—we are going on recess, perhaps tonight, and we will be back a week from this coming Monday—that we are going to be able to bring up the highway bill and let people decide where they stand on this issue.

And let me, as a final point, say that the Byrd-Gramm amendment does not bust the budget. The Byrd-Gramm amendment does not raise the spending caps. But what it does do is say that all these other programs that have been beneficiaries from the piracy that has occurred in the highway trust fund are going to have to give up that money so that it can be spent on roads.

Now, I know some of our colleagues have said: Great, if you spend this money on roads, we were planning to spend it otherwise. I have likened their attitude to a cattle rustler who steals your cattle and you come out and you arrest him and you catch him red-handed stealing your cattle, and his only response is, "OK, so you make me stop stealing your cattle, but where am I going to get my beef?" Well, that's not my problem. What we are talking about is doing what we tell people we are doing. So I'm not saying the programs that have pirated the trust fund aren't, in some cases, worthy. In some cases they are not worthy, but in other cases they are very worthy.

The point is that we collected the money to build roads, not to pay dues to the U.N.; we didn't collect money to pay for Legal Services Corporation; we didn't collect the money to use in welfare; we collected the money for the purpose of building roads. That's the purpose to which the money should be put and only that purpose.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, it is my understanding that I have 20 minutes of time set aside.

The PRESIDING OFFICER. That is correct.

The Senator from Colorado is recognized.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 1636 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, at 12:30 p.m. today Senator MOYNIHAN and I wish to make some remarks on the floor. I ask unanimous consent that at 12:30 I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABRAHAM LINCOLN

Mr. DURBIN. Mr. President, no Senator from the State of Illinois could rise on February 12 without noting the birth date of Abraham Lincoln. Abraham Lincoln never served in the Senate, although he did serve in the U.S. House of Representatives. One of his most famous political experiences was in 1858 when he ran against Stephen Douglas for the Senate seat which I am honored to occupy. Lincoln lost that election. Of course, following the course of the lengthy debates with Douglas, which became part of the legend of American politics and an important part of our history, by 1860 Lincoln was elected President. And we all know his leadership was so critical in one of our Nation's greatest hours.

We in Illinois dote on Abraham Lincoln. We have his name on license plates. In my hometown, we are consumed with the Lincoln legend and with all that he has given to the State and to the Nation. I hope that those who are witnessing the events in this Chamber today will reflect for a moment on this great man and the great legacy he left to the United States. Lincoln was known very well for his leadership at the time the Nation was in great peril with the Civil War. He did so many things with vision, and I think it is a perfect lead in to my reason for standing before the Senate today. I hope those of us who are in successor generations to Abraham Lincoln can rise to the challenges and can show the same type of vision and leadership on the challenges now facing Americans across the country.

QUALITY CHILD CARE IN AMERICA

Mr. DURBIN. Mr. President, I just left a meeting, partisan meeting, Democrats, Senators and Congressmen, with the President and Vice President where we discussed our agenda for this year. At the end of the meeting, President Clinton said that he hoped we could reach across the aisle to the Republican side and find common ground, concede honest differences of opinion but move forward on an agenda which is critically important to all of America's population and families.

I know it is ambitious to think that in a year with an abbreviated schedule we will achieve even a majority of the ideas that were propounded at this meeting or that the Democrats stand for—for that matter, that the Republicans stand for—but we would be remiss if we didn't try. I think we were all sent here to use our best efforts to find common ground and to resolve those difficulties that ordinary Americans face.

One of them I have taken a special interest in and over the last month or so have really focused on in the State of Illinois is the issue of child care. I have visited 16 or 18 child care centers in my State from far south in Cairo, as we pronounce it, to Chicago and across the length and breadth of a very diverse State, my home State of Illinois.

What I find in child care for working families in Illinois is extraordinary diversity. Just about every community in which you stop has a little different approach. It seems that some are blessed with the support of larger institutions. Maybe the most modern, up-to-date and impressive facility was at a U.S. Air Force base, Scott Air Force Base near Belleville, IL. But, of course, the Federal Government has made a rather substantial investment so that the children of the men and women who are working on that base have the very best in child care. I then went as well to the Belleville Community College and saw where the community college made the same type of commitment. It makes a difference. You can just feel it in terms of what is being offered.

That is not to diminish the efforts being made in a lot of different settings. When I would go down to Marion, IL, into the back of a church and find a very small and crowded room with the happiest kids I have ever run into, being supervised by a lady who is probably close to 60 years of age but who truly is devoted to these children, it tells you that what is part of the success of child care in America has to do more with the people involved in it than any Government program or any structure or building or any bricks or mortar.

But having said that, I came away from this tour sensitized to the fact that this is a real issue. So many people in America look at the Senate and the House of Representatives and wonder what newspapers we are reading, what people we are talking to, as we are consumed with issues that seem totally irrelevant.

Now, some of those issues are truly important, but for the average working family their concerns are much more down to earth. I have yet to meet a working mother or a working family with small children where I don't find a genuine concern about day care. My wife and I raised three kids, and we were fortunate; my wife was able to stay home until the kids were all off to kindergarten at least. And I think that was the very best that we could give to them. I look back on it as something that really made a positive impression, a positive difference in their life, and yet we know today that so many parents cannot make that choice, that both parents have to work or if it is a single parent that there is just no alternative but to turn the children over to a care giver during the day. And we also know that care giving in day care is occurring at a critical moment in that child's development. Seventy-five percent of the human brain is developed in the first 18 months on Earth. Most of the day care centers I visited would not accept a child until they had reached the age of 2 or until they were out of diapers. And so for the first 2 years of critical brain development in these children it was a gamble. Was there someone nearby that could be counted on, a neighbor or relative, perhaps some other setting where the child would get honest, good, safe care?

What the President has proposed in his State of the Union Address and I hope that Democrats and Republicans can debate is what we can do to help working families provide for quality child care. I honestly believe that the investment in early childhood development is the best investment this Nation can make. You often wonder how a child born in ordinary or even poor circumstances has much of a chance. They usually have a chance if they have loving parents with the skills and the time and the resources to make their living meaningful. I came from a family of modest means but, thank goodness, had a mother and father who cared, and I think that is why I am standing here today.

But for a lot of kids that option is strained because a lot of parents do not have resources, and as a consequence they look around in the system and find precious few alternatives. First, most child care is expensive. It is expensive for families that are trying to get by and trying to pay the bills.

What the President has suggested is that we, through money raised in the tobacco bill, send those revenues back to States to make available to working families. So that those families that are out struggling, trying to get by will have a helping hand from the Government to pay for child care. I think that is money well spent, and there is no two ways about it.

Secondly, we have to ask who will work in these child care centers. It is a fact of life that most of the people working there receive precious more than the minimum wage, and they look for alternatives. The turnover rate nationally is 40 percent and in some communities even higher each year as child care workers move on to another job.

In Illinois, we demand of these workers 2 years of college education and then give them a minimum wage. High school dropouts are paid a minimum wage. These students who stayed in school and worked hard to pass the courses are basically being asked to work for the same. Then, of course, we know that businesses that invest in child care really do bond with their employees. Employees value this as one of the most important benefits of work.

So the President has said not only money to help families pay for child care, also some resources to make certain we can help the students who want to get the education, qualify to be child care assistants but encouragement as well in the Tax Code to businesses to set up child care centers.

Each day, three out of five children under the age of 6 in America including almost half of the babies and toddlers spend some or all of their day being cared for by someone other than their parents. In my home State, we estimate about 600,000 children each day under the age of 6 are in child care. The cost—$4,000 to $10,000 a year. Think about a person struggling by on a low-wage job and facing $4,000—$80 a week—that has to be out of pocket and paid for child care.

In our agenda, the Democratic agenda, we set out to change this, to try to make certain that working families are given a helping hand.

I have tried to reflect about the course of history when it comes to caring for children in America. We all remember child labor laws and things that have been done to help kids, but in the 19th century we made the most significant decision when we said in America that we would embark on creating a system of public education so that if you happened to be a child from a family of modest means you still had a fighting chance. America cared and America made a commitment through the State and local units of Government to make certain that public education would be there starting at the age of 6 and it was a sensible commitment, not only for the good of the child but the good of the Nation.

Here today as we embark on the 21st century we know so much more. We know that by the age of 6 many children have gone through important formative years, many children have been trained, for good or bad, and that that training is going to be part of that child for years to come.

So what more can we do? What more should we do? We have created a Head Start program which is designed to give these kids, at least those from 3 to 5, a chance to have a structured, positive learning environment. It is a very good program and one that needs to be funded at higher levels. But now we know even more is needed. Are we ready in this Chamber, Democrats and Republicans alike, to really engage in a national debate about whether the model for the 19th century of public education is adequate for the 21st century for America?

Most educators, if they give you an honest appraisal, will say, if they were given the option of one additional year of mandatory education, they would not put it after high school, they would put it before kindergarten. Bring the children in earlier.

Talk to teachers, if you will, who are in classrooms every day. They can identify kids who come from a good family and home, where one parent stayed home to help raise the child or they went through some good child care and received the right training, and they can identify those kids who did not. Some of them fall behind, never to catch up. So one of the things we are striving for this year is to follow the President's lead and make sure we make a commitment here in the Senate and the House of Representatives to help these families.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is now recognized.

Mr. DURBIN. Mr. President, if I might ask unanimous consent to have 5 additional minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from West Virginia for yielding this time.

Crucial to this question of providing help for child care is providing the revenue. I find it curious that a year ago, in my first year in the Senate, if you would have come to this Chamber about this time, you would have seen Senator ORRIN HATCH, our colleague from Utah, standing at that desk with a stack of budget books almost up over his head, saying this is the legacy of deficits, these are the unbalanced budgets that we cannot come to grips with, and arguing for the passage of a new constitutional amendment to force us to come to balance in our budget. That was a year ago. That amendment did not pass.

A year later, where are we? We are at a point where the Congressional Budget Office gave us their forecast yesterday that, indeed, we would balance the budget. We have reached the point where the budget is in balance. Ironically, instead of talking about a constitutional amendment to force a balanced budget, we are now engaged in a debate about spending a surplus. Imagine, 12 months later we have gone from deficit talk to surplus talk. The President counsels us to be patient, to make sure the surplus is true and honest and to first dedicate it to Social Security.

So, of course, you are going to say, "Senator DURBIN, having said that, how are you going to pay for child care? How will the President pay for it? These are good ideas, but they have to be paid for."

The money is to come from the tobacco bill. This is a bill I have supported both as introduced by Senator KENNEDY and yesterday by Senator CONRAD, because it is a bill which addresses the reality of what we face today with tobacco. This bill imposes a $1.50 health fee on each package of cigarettes. We know that discourages kids from buying them. They are too expensive. It takes the revenues from that to not only educate young people about the dangers of smoking but also to use it for other good purposes: for example, to increase the number of public school teachers across America to 100,000 so that no child in the first, second or third grade will have a classroom with more than 18 students, or to put money into medical research.

Let me tell you that has to be the most widely popular Federal expenditure there is. Not a family touched by cancer, heart disease, diabetes, HIV, would ever suggest that that is not a good investment, to put the money into medical research. But, also, a portion of it for child care.

So, in order to make this work, it is not enough for us, as Democrats and Republicans, to make speeches about child care. We have to roll up our sleeves and pass this tobacco legislation, and we have to do it on a bipartisan basis. The tobacco companies will resist us every step of the way. They have. They will continue to. But I think the American people have decided they have had enough of the tobacco companies and the fact that they have had unreasonable sway over Washington for too long a period of time.

This year, 1998, is a year of political testing for Senators and Congressmen as to whether they will rise to the challenge and join in passing tobacco legislation, reducing the scourge of children who are taking up smoking, and raising revenues for things that are critically important for America's future—like child care.

I am happy to support the legislation that has been introduced, and I hope that we come up with bipartisan approval to make sure that it is passed. It is not just a question of raising this revenue, but the core reason for the tobacco legislation is to discourage the young Americans each day who take up smoking. Today in the United States of America, and every single day this year, 3,000 children will start smoking cigarettes for the first time. I have never, repeat never, met a parent who has said to me, "I got the best news last night. My son came home and announced he started smoking." I have never heard that. In fact, just the opposite. Parents are concerned because they know this is a health concern.

Tobacco companies have deceived the public. They have deceived Congress. They have gone after kids for decades. Now we have a chance to call an end to that and to hold these companies accountable to reduce sales to minors and to make certain that our kids have a fighting chance for a bright future.

So, I will conclude by saying our agenda is filled this year. We may have more items on the agenda than they have days in session. But we need to pick and choose those that are critically important. I hope my colleagues, Democrats and Republicans alike, will agree that passing the tobacco bill is the first important step, then taking the revenues from that to help working families bring their children up under the best circumstances and to give these children a fighting chance to enter school ready to learn and to have a bright future.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. MOYNIHAN and I may speak for not to exceed 30 minutes. I do not think we will use all that time, but I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINE ITEM VETO ACT FOUND UNCONSTITUTIONAL

Mr. BYRD. Mr. President, as many of my colleagues may already be aware, in a decision announced today by Judge Thomas F. Hogan of the United States District Court for the District of Columbia, the Line Item Veto Act has been found to be unconstitutional, an unconstitutional delegation of the Congress' power over the purse. While I congratulate each of the plaintiffs and their attorneys, this victory does not belong to them alone. This is a victory for the American people. It is their Constitution, it is their Republic, and their liberties that have been made more secure.

Judge Hogan's opinion parallels a previous decision by Judge Thomas Penfield Jackson, also for the U.S. District Court for the District of Columbia, in Byrd v. Raines, as well as the opinions expressed by Supreme Court Justice John Paul Stevens in that same earlier case. While I fully expect this decision today to be appealed and I, therefore, recognize this as a first step, I nevertheless regard it as an important step.

For the benefit of my colleagues, I would like to take just a few moments to read pertinent excerpts from Judge Hogan's decision. I read now, beginning with that section titled "Procedural Requirements of Article I."

I continue to read from Judge Hogan's opinion:

> The Constitution carefully prescribes certain formal procedures that must be observed in the enactment of laws. The Line Item Veto Act impermissibly attempts to alter these constitutional requirements through mere legislative action. Because the act violates Article I's "single, finely wrought and exhaustively considered, procedure," . . . it is unconstitutional.
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> Both Houses of Congress, through a process of discussion and compromise, had agreed upon the exact content of the Balanced Budget Act and the Taxpayer Relief Act. These laws reflected the best judgment of both Houses. The laws that resulted after the President's line item veto were different from those consented to by both Houses of Congress. There is no way of knowing whether these laws, in their truncated form, would have received the requisite support from both the House and the Senate. Because the laws that emerged after the Line Item Veto are not the same laws that proceeded through the legislative process, as required, the resulting laws are not valid.
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> Furthermore, the President violated the requirements of Article I when he unilaterally canceled provisions of duly enacted statutes. Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment Clauses were designed to prevent. Once a bill becomes law, it can only be repealed or amended through another, independent legislative enactment, which itself must conform with the requirements of Article I. Any rescissions must be agreed upon by a majority of both Houses of Congress. The President cannot single-handedly revise the work of the other two participants in the lawmaking process, as he did here when he vetoed certain provisions of these statutes.
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> Whatever defendants wish to call the President's action, it has every mark of a veto.
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> Finally, Congress' "indirect attempt[] to accomplish what the Constitution prohibits . . . accomplishing directly" cannot stand. . . . "To argue otherwise is to suggest that the Framers spent significant time and energy in debating and crafting Clauses that could be easily evaded." Congress knew that a single Line Item Veto, performed prior to the President's signature, would violate Article I's requirement that the president sign or return the bills *in toto*. This limitation on the President has been clear since George Washington's tenure.

Let me quote the words of George Washington as they are quoted in Judge Hogan's opinion:

> ("From the nature of the Constitution, I must approve all the parts of a Bill, or reject it in toto.") Congress cannot evade this long-accepted requirement by merely changing the timing of the President's cancellation.
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> Because the Line Item Veto Act produced laws in violation of the requirement of bicameral passage, because it permitted the President unilaterally to repeal or amend duly enacted laws, and because it impermissibly attempts to evade the requirement that the President sign or reject a bill *in toto*, the Act violates the requirements of Article I. For that reason alone, the Line Item Veto Act is unconstitutional.

Now, under the heading "Separation of Powers," in Judge Hogan's opinion, I find these words, and I quote from his opinion:

> Furthermore, the Line Item Veto Act is unconstitutional because it impermissibly disrupts the balance of powers among the three branches of government. The separation of powers into three coordinate branches is central to the principles on which this country was founded. . . . The declared purpose of separating and dividing the powers of government was to "diffuse power the better to secure liberty."
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> Pursuant to the doctrine of separated powers, certain functions are divided between the legislative and executive branches. Article I, section I vests all legislative authority in Congress. Legislative power is the authority to make laws[,]

Says Judge Hogan.

> Executive power, on the other hand, is to "take Care that the Laws be faithfully executed."
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> With regard to lawmaking, the President's function is strictly a negative one: to veto a bill in its entirety.
>
> While it is Congress' duty to make laws, Congress can delegate certain rulemaking authority to other branches, as long as that delegation is appropriate to the duties of that branch. ("[T]he lawmaking function belongs to Congress . . . and may not be conveyed to another branch or entity.");
>
> * * * * *
>
> The Line Item Veto Act impermissibly crosses the line between acceptable delegations of rulemaking authority and unauthorized surrender to the President of an inherently legislative function, namely, the authority to permanently shape laws and package legislation. The Act——

Writes Judge Hogan,

> enables the President, in his discretion, to pick and choose among portions of an enacted law to determine which ones will remain valid. The Constitution, however, dictates that once a bill becomes law, the President's sole duty is to "take care that the laws be faithfully executed." His power

Writes Judge Hogan,

> cannot expand to that of "co-designer" of the law—that is Congress' domain. Any subsequent amendment of a statute falls under Congress' responsibility to legislate. The President cannot take this duty upon himself; nor can Congress relinquish that power to the Executive Branch.

I shall not quote further excerpts from the opinion of Judge Hogan, but I ask unanimous consent to have printed in the RECORD the entire opinion, following the remarks of Mr. MOYNIHAN and my remarks. I understand the Government Printing Office estimates it will cost $1,532 to print this opinion in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, next Monday is the official observance of the birthday of our first President, George Washington, who so wisely observed, as did Judge Hogan, "From the nature of the Constitution, I must approve all the parts of a bill or reject it in toto." How right George Washington was! I can think of no greater tribute to his wisdom than this decision today.

Mr. President, I yield to my distinguished colleague who joined in preparing the amicus and who has, all the way from the beginning of these debates, which have gone on for years now, stood like the Irish oak in opposition to giving the President of the United States—any President, Republican or Democrat—a line-item veto.

I salute my friend, and I am very grateful to him for the work that he has done and for his constant support and leadership as we have stood together with Senator CARL LEVIN, who cannot be here today because he is in Europe. If Senator MOYNIHAN had been at the Constitutional Convention, even though Judge Yates and Mr. Lansing left the Convention early, leaving only Alexander Hamilton to sign that great document, Senator MOYNIHAN would have been there to attach his signature. And not only that, he would have joined with Hamilton and Madison and Jay in writing one of the greatest documents of all time, the Federalist Papers. I yield to my friend.

Mr. MOYNIHAN. Mr. President, it is an honor to speak following the statement by our revered, sometime President pro tempore, ROBERT C. BYRD of West Virginia, a man who has brought to our Chamber a sensibility concerning the Constitution that, I would argue, is unequaled since those awful days that led to the Civil War, days in which his lucidity and courage could have produced a very different outcome.

We have a matter before us of equal consequence. I would offer the personal judgment that in the history of the Constitution, there has never come before us an issue considering the relations between the executive and the legislative branches as important as this one. It is a course of a peculiar inexplicability that this Chamber is empty—the distinguished Presiding Officer from Utah, our President pro tempore sometime from West Virginia and myself—empty because of a particular politics that for a long time said this was a desirable measure and enacted it and now faces the court saying, "But it's unconstitutional."

The courts, I dare to say, at the level of those asides that are well known in our judicial history, the court is also saying, "Don't you know your Constitution? Don't you understand what is at stake for you?" The courts are not themselves directly involved here, but they are trying to tell us, in brilliant decisions by Judge Jackson, now by Judge Hogan, singularly literate decisions.

Judge Hogan begins his historical analysis, if you will, with a citation from Gibbon's "Decline and Fall of the Roman Empire":

> The principles of a free constitution are irrecoverably lost when the legislative power is nominated by the executive.

That is how he saw the decline of the Roman Senate, inexorably followed by the decline of Roman civilization. That is what we are dealing with here today.

As Senator BYRD has so forcefully stated, George Washington, whose birthday we observe on Monday, who presided over the Constitutional Convention, in his later writings put it as explicitly as only he could do with that clarity and simplicity he had. Washington said:

> From the nature of the Constitution, I must approve all the parts of a Bill or reject it in toto.

That could not be more plain. And we find the courts saying to us—I don't presume to say this is obiter dicta, but I can see the courts pleading: "Senators, do you not know what is at stake?"

As for the claims of efficiency and economy and this and that—legitimate claims—but the court refers in this particular decision, Judge Hogan refers to a wonderful passage from Chadha, which was so true about the original understandings of the political and Government process of the founders. He said in the Immigration and Naturalization Service v. Chadha, a decision in 1983—as I recall, it is on the one-House veto—the court said:

> The fact that a given law or procedure is efficient, convenient and useful in facilitating functions of government standing alone will not save it if it is contrary to the Constitution. Convenience and efficiency are not the primary objectives or the hallmarks of democratic government.

That was the great perception of our founders. In the Federalist Papers, which Senator BYRD has so generously mentioned, they ask openly, given the fugitive and turbulent existence of earlier republics, the Roman Republic, what makes you think this Republic will work?

They said, fair question, but we have a new science of politics. It is a science that does not assume virtue in men, it assumes conflict, and it provides for the resolution of conflict by equal and opposing forces. It does not fear debate. It welcomes it, it assumes self-interest on the part of regions, of sectors in the economy, of groups in the population. No fear.

And here is a central idea which was part of our amicus brief and which we find, I think, echoed in Judge Hogan's remarks, which I don't assert but I offer the thought. When we put together on the Senate floor a bill—I will say a Finance Committee bill, as I am now ranking member, was one time chairman of Finance—we think of balancing interests, conflicting or often unrelated, but there are 100 Members of this Chamber. They represent 50 States and 550 different points of view. We accommodate them. We provide for this interest and for that interest and hope and, I think, in the main see that the public interest is served by the opportunities of governing.

If you were to take one of those provisions out or two or three, it would be quite possible you would not have the votes to pass the bill. There could be a filibuster, or there simply could not be the 51 votes.

However, with the line-item veto, the President can subsequently take out such provisions such that the statute books will contain a law which never could have passed the U.S. Congress.

How say we, the statute books will have a law that could not have passed the Congress? Here it is, this is the arrangement. The courts are so clear on this, and I so look forward to a final decision by the Supreme Court.

It is interesting, if I may say, just to give an illustration of the compound interests of people involved, on the one hand we have two plaintiffs here, the City of New York, et al. The City of New York being the Greater New York Hospital Association, those great hospitals and the union of hospital employees which work there. The city, great science centers, ordinary persons who clean floors and care for patients. They are one group.

Across the continent, another group, the Snake River Potato Growers, Incorporated—about 30 farmers. They grow potatoes. They have an interest. It was in a bill, and it was taken out. That interest, I think, would have had real effect on the decision how to vote of the two Senators in this Chamber who represent those potato growers.

So you have radiologists and potato growers and people who scrub floors and people who go beyond the limits of conceivable knowledge in the biological and medical sciences. All these interests are always represented here, and only here.

Congress makes the laws. The President is required to see that they are faithfully executed. But, sir, and in closing, if nothing else will bring this Chamber to its wits, perhaps this will. The President's power under this line-item veto is likely rarely to be directly exercised. It will be threatened.

A President will say to a Senator, "You know, I would so very much like to be of assistance to Utah as regards irrigation and other matters which are so important to me, but there's a foreign policy matter which also is important to me. And cannot I expect, in the spirit of exchange and understanding, that I will have your support here in return for my choice not to veto a measure now enacted by Congress?" It will go on over and over again. It is the formula for executive tyranny.

Sir, within this day, one of the most learned, experienced men I know in Washington said, "If LBJ," meaning Lyndon B. Johnson, "had had this power, we would have had Nero." I mean no disrespect; I was a member of President Johnson's subcabinet, and served him as well as I could do. But you have to have experienced Lyndon Johnson close up, without this power, to know what the powers of persuasion of a President can be.

But given this power, you produce an imbalance in your constitutional system which the founders pleaded with us not to do. They produced a system that has worked well. We are the oldest continuous constitutional government on Earth. If we wish to change the Constitution there is a way to do that, too, but not through statute. And that is what the court has now for the second time ruled, and I hope that the Supreme Court will agree.

I would particularly like to thank Mayor Rudolph W. Giuliani of New York, who stepped right up to this issue when many people suggested he not do. And most particularly, to the counsel who have served us pro bono so well: Michael Davidson; Charles J. Cooper; Paul A. Crotty, former Corporation Counsel of the City of New York; Louis R. Cohen, Lloyd N. Cutler, Alan Morrison. And finally, sir, any number of professors of law have offered their counsel. Most particularly Laurence H. Tribe, of the Harvard Law School, and Michael J. Gerhardt, the dean of Case Western Reserve Law, have been unstinting in their willingness to advise us in a matter they consider just as important as we do.

Mr. President, I thank the Chair for its courtesy. I thank my leader, my beloved and revered leader, Senator BYRD.

I yield the floor.

EXHIBIT NO. 1

[United States District Court for the District of Columbia, Civ. No. 97–2393 (TFH)]

CITY OF NEW YORK, *ET AL.*, PLAINTIFF, *v.* WILLIAM J. CLINTON, *ET AL.*, DEFENDANT

[United States District Court for the District of Columbia, Civ. No. 97–2463 (TFH)]

SNAKE RIVER POTATO GROWERS, INC., *ET AL.*, PLAINTIFF, *v.* ROBERT E. RUBIN, *ET AL.*, DEFENDANT

MEMORANDUM OPINION

This case requires the Court to adjudge the constitutionality of the Line Item Veto Act. Before reaching the constitutional challenge, however, the Court must first conclude that it has jurisdiction to hear the case, by determining that Plaintiffs in this action have Article III standing. Based on the briefs and exhibits submitted by the parties and *amici curiae*,[1] and argument at a hearing conducted on January 14, 1998, the Court finds that these Plaintiffs have demonstrated the requisite injury to have standing; furthermore, it finds that the Line Item Veto Act violates the procedural requirements ordained in Article I of the United States Constitution and impermissibly upsets the balance of powers so carefully prescribed by its Framers. The Line Item Veto Act therefore is unconstitutional.

I. Background

A. The Line Item Veto Act[2]

Unable to control its voracious appetite for "pork," Congress passed, and the President signed into law, the Line Item Veto Act. Pub. L. No. 104-130, 110 Stat. 1200 (1996).[3] The Act is designed as an amendment to, and an enhancement of, Title X of the Congressional Budget and Impoundment Control Act of 1974 ("ICA"). 2 U.S.C. §§681 *et seq.* The ICA authorized the President to defer spending of Congressional appropriations during the course of a fiscal year or other period of availability, as long as Congress intended for those appropriations to be permissive rather than mandatory. *Id.* The President also could propose the total rescission of an appropriation to Congress, but unless Congress approved the rescission, the President was obligated to release the funds. *Id.* §§683(b), 688. Because it generally failed to make the rescissions recommended by the President, Congress found this arrangement to be an unsatisfactory mechanism for controlling deficit spending.[4]

As large deficits persisted, Congress considered various amendments to the ICA to alleviate its perceived defects. One proposal, called "expedited rescission," would amend the ICA to streamline the process for Congressional approval of rescissions proposed by the President. *See e.g.*, H.R. 2164, 102d Cong. (1991). Other proposals included amending the Constitution to give the President a line item veto, *see e.g.*, H.R.J. Res. 6, 104th Cong. (1995); H.R.J. Res. 4, 103d Cong. (1993), or adopting a congressional procedure for presenting each spending provision to the President as a separate bill, for approval or veto. *See, e.g.*, S. 137, 104th Cong. (1995); S. 238, 104th Cong. (1995). Congress settled on an "enhanced rescission" proposal, codified in the Line Item Veto Act, that makes Executive rescissions automatic in defined circumstances, subject to congressional disapproval. By making appropriations "conditional" during the period in which the President has authority to veto provisions, and "by placing the onus on Congress to overturn the President's cancellation of spending and limited tax benefits," H.R. Conf. Rep. No. 104–491, at 16 (1996), the Line Item Veto Act reverses the appropriation presumptions under the ICA.

The Line Item Veto Act gives the President the authority to "cancel in whole," at any time within five days (excluding Sundays) after signing a bill into law, (1) "any dollar amount of discretionary budget authority;" (2) "any item of new direct spending;" and (3) "any limited tax benefit." 2 U.S.C. §691a (1997).

A "dollar amount of discretionary budget authority" is defined as "the entire dollar amount of budget authority" that is specified in the text of an appropriations law or found in the tables, charts, or explanatory text of statements or committee reports accompanying a bill. *Id.* at §691e(7). An "item of new direct spending" is a specific provision that will result in "an increase in budget authority or outlays" for entitlements, food stamps, or other specified programs. *Id.* at §§691e(8), 691e(5). A "limited tax benefit" is a revenue-losing provision that gives tax relief to 100 or fewer beneficiaries in any fiscal year, or a tax provision that "provides temporary or permanent transitional relief for ten or fewer beneficiaries in any fiscal year"[5] *Id.* at §691e(9).

With respect to any dollar amount of discretionary budget authority, the Act defines "cancel" as "to rescind." *Id.* §691e(4)(A). Cancellation of an item of new direct spending or a limited tax benefit prevents it from having "legal force or effect." *Id.* at §691e(4)(B). Canceled funds may not be used for any purpose other than deficit reduction. *Id.* at §§691c(a)-(b).

To exercise cancellation authority, the President must submit a "special message" to Congress within five calendar days of signing a bill containing the item being canceled. *Id.* at §691a(c)(1). The President's special message must set forth the reasons for the cancellation; the President's estimate of the "fiscal, economic, and budgetary effect" of the cancellation; an estimate of "the . . . effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided;" and the geographic distribution of the canceled spending. *Id.* at §691a(b). The President may exercise this authority only after determining that doing so will "(i) reduce the Federal budget deficit; (ii) not impair any essential Government functions; and (iii) not harm the national interest." *Id.* at §691(a)(A).

A cancellation takes effect upon Congress' receipt of the President's special message. *Id.* at §691b(a). Congress can restore a canceled item by passing a "disapproval bill," which is not subject to the President's Line Item Veto authority, but is subject to the veto provisions detailed in Article I. *Id.* Disapproval bills must comport with the requirements prescribed in Article I, section 7, although the Line Item Veto Act provides for expedited consideration of these bills. *Id.* at §§691e(6), 692(c). If a disapproval bill is enacted into law, the President's cancellation is nullified and the canceled items become effective. *Id.* at §691b(a).

In terms of judicial review, the Line Item Veto Act provides that "[a]ny member of Congress or any individual adversely affected . . . may bring an action in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of [the Act] violates the Constitution." *Id.* at §692(a)(1). The Act provides for direct appeal to the Supreme Court and directs

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Footnotes at end of exhibit.

both Courts "to expedite to the greatest possible extent the disposition of any matter brought under [this provision.]" *Id.* at 692(b)-(c).

B. Factual Background in New York City v. Clinton

The City of New York plaintiffs consist of the City itself, two hospital associations (Greater New York Hospital Association, or GNYHA, and New York City Health and Hospitals Corporation, or NYCHHC), one hospital (the Jamaica Hospital Medical Center), and two unions that represent health care employees (District Council 37, American Federation of State, County and Municipal Employees and Local 1199, National Health and Human Service Employees).

The City of New York Plaintiffs' claims arise out of a dispute over Federal Medicaid payments to the State of New York. The Health Care Financing Administration of the Department of Health and Human Services ("HCFA") provides federal financial participation ("FFP") to match certain state Medicaid expenditures. (*See* Brown Decl., Defs.' Ex. 1 at ¶3.) The FFP provided by the Federal Medicaid program to match state expenditures is reduced by the revenue that the state receives from health care related taxes. *Id.* at ¶4. The FFP is not reduced, however, by tax revenue that meets specific criteria, including that the taxes are "broad-based" (*i.e.*, applied to all health care providers within the same class) and "uniform" (*i.e.*, applied equally to all taxed providers). *Id.*

New York State taxes its health care providers and uses this tax revenue to pay for health care for the poor. (*See* Wang Decl., Pls.' Ex. 2 at ¶4.) The State exempts certain revenues (*e.g.*, those derived from particular charities) of some health care providers (*e.g.*, the plaintiff health care providers) from the health care provider tax. (*See* van Leer Decl., Pls.' Ex. 3 at ¶3.) That is, New York exempts plaintiff health care providers from taxes that other health care providers must pay.

On December 19, 1994, HCFA notified New York State that 19 of its tax programs violated HCFA's requirements. (*See* Dear State Medicaid Director Letter, Pls.' Ex. 2D.) Since then, New York has submitted over 60 waiver applications to HCFA, which to date have neither been approved nor denied. (*See* Wang Decl., at ¶7.) A finding by HCFA that a State's taxes are impermissible effects a disallowance of the State's Medicaid expenditures and allows HCFA to recoup the matching funds that it has already paid to the State. *Id.* at ¶6. If HCFA denies a waiver request, the State may appeal the denial to the Departmental Appeals Board. (*See* Brown Decl. at ¶6.)

If HCFA ultimately deems New York's taxes impermissible, New York State law provides that those health care providers that were previously excluded from the taxes must pay them retroactively. (*See* Wang Decl. at ¶8.) For example, NYCHHC's tax liability is estimated to be more than $4 million for each year at issue. In total, $2.6 billion may be subject to recoupment from New York State. *Id.* at ¶¶7–8.

The Balanced Budget Act of 1997, Pub. L. No. 105–33, included a provision, section 4722(c), that would have alleviated this exposure to liability. It established that New York State expenditures derived from certain health care provider taxes qualified for FFP under the Medicaid program. *Id.* at ¶9. This section signified that New York State would not have to return the funds in question to HCFA; for Plaintiffs, it meant that they were relieved of their liability to New York State should HCFA deny New York's waiver requests.

The President signed the Balanced Budget Act into law on August 5, 1997. Six days later, he identified section 4722(c) as an item of new direct spending and canceled it, thus reinstating Plaintiffs' exposure to liability. Cancellation No. 97–3, 62 Fed. Reg. 43,263 (1997). The President adopted the Congressional Budget Office's estimate that the cancellation of section 4722(c) would reduce the federal deficit by $200 million in FY 1998. *Id.*

C. Factual Background in Snake River Potato Growers, Inc. v. Rubin

Snake River Potato Growers, Inc. is, according to Plaintiffs, an "eligible farmers' cooperative" within the meaning of section 968 of the Taxpayer Relief Act. (*See* Cranney Decl., Pls.' Ex. 2 at ¶9.) Its membership consists of approximately 30 potato growers located throughout Idaho, who each owns shares of the cooperative. Plaintiff Mike Cranney, a potato grower with farms located in Idaho, is a member, Director and Vice Chairman of the cooperative. *Id.* at ¶2. Snake River was formed in May 1997 to assist Idaho potato growers in marketing their crops and stabilizing prices, in part though a strategy of acquiring potato processing facilities. *Id.* at ¶9. These facilities allow individual growers to aggregate their crops and process and deliver them to market jointly. Furthermore, they allow members to retain revenues formerly paid out to third-party processors. *Id.* at ¶13.

On August 5, 1997, the President signed into law the Taxpayer Relief Act, Pub. L. No. 105-34, 111 Stat. 788 ("TRA"). Section 968 of the TRA amended the Internal Revenue Code to allow the owner of the stock of a qualified agricultural refiner or processor to defer recognition of capital gains on the sale of such stock to an eligible farmers' cooperative. That is, it would have allowed a processor to sell its facilities to an eligible cooperative without paying tax currently on any capital gain. The stated purpose of section 968 was to aid farmers' cooperatives in the purchase of processing and refining facilities.[6] (*See* Dear Colleague Letter by Reps. Roberts and Stenholm of 12/1/95, Pls.' Ex. 5.) On August 11, 1997, the President identified this provision as a "limited tax benefit," within the meaning of the Line Item Veto Act, and canceled it. Cancellation No. 97–2, 62 Fed. Reg. 43,267 (1997). In his cancellation message, the President estimated that sellers could have used section 968 to defer paying $98 million in taxes over the next five years, and $155 million over the next ten. *Id.*

Snake River had actively pursued at least one transaction that could have taken advantage of section 968. In May 1997, when Congress initially was considering the proposals in section 968, Mike Cranney and another officer of Snake River discussed with Howard Phillips, a principal owner of Idaho Potato Packers ("IPP"), the purchase by Snake River of the stock of a company that owned an IPP potato processing facility in Blackfoot, Idaho. (*See* Cranney Decl. at ¶19.) Plaintiffs contend that this company would have been a "qualified processor" under section 968 and that a deal with Phillips could have been structured so as to comply with all requirements of section 968. *Id.* at ¶¶21–23. Plaintiffs maintain that Phillips was interested in pursuing the sale because he could defer taxes on his gain if section 968 passed. *Id.* at ¶23. The negotiations did not continue after the President canceled section 968. *Id.* at ¶24.

II. Justiciability

Before tackling the merits of this case, the Court must first determine whether it has jurisdiction to hear it. Under Article III, section 2 of the Constitution, the federal courts have jurisdiction over a dispute only if it is a "case" or "controversy." *See Raines v. Byrd*, 117 S.Ct. 2312 (1997). The Supreme Court has regarded the case or controversy prerequisite as a "bedrock requirement" and has observed that "[n]o principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies." *Id. citing Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982).

The central jurisdictional requirement that controls the analysis of these consolidated cases is the doctrine of standing. The Supreme Court has emphasized that the standing inquiry is "especially rigorous when reaching the merits of the dispute would force us to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional." *Raines*, 117 S.Ct. at 2317–18. It has cautioned,

> "the law of Art. III standing is built on a single basic idea—the idea of separation of powers." In the light of this overriding and time-honored concern about keeping the Judiciary's power within its proper constitutional sphere, we must put aside the natural urge to proceed directly to the merits of this important dispute and to 'settle' it for the sake of convenience and efficiency.

It is with these admonitions soundly in mind that this Court proceeds with its standing analysis regarding the plaintiffs now before it.

A. Standing

While the Supreme Court has candidly acknowledged that "the concept of 'Article III Standing' has not been defined with complete consistency in all of the various cases decided by this Court which have discussed it."[7] *Valley Forge Christian College*, 454 U.S. at 475, certain basic principles have been distilled from the Court's decisions:

> To establish an Art. III case or controversy, a litigant first must clearly demonstrate that he has suffered an "injury in fact." That injury, we have emphasized repeatedly, must be concrete in both a qualitative and temporal sense. The complainant must allege an injury to himself that is "distinct and palpable," as opposed to merely "abstract," and the alleged harm must be actual or imminent, not "conjectural" or "hypothetical." Further, the litigant must satisfy the "causation" and "redressability" prongs of the Art. III minima by showing that the injury "fairly can be traced to the challenged action" and "is likely to be redressed by a favorable decision." The litigant must clearly and specifically set forth facts sufficient to satisfy these Art. III standing requirements. A federal court is powerless to create its own jurisdiction by embellishing otherwise deficient allegations of standing.

Whitmore v. Arkansas, 495 U.S. 149 (1990) (internal citations omitted). Here, the principal standing inquiry is whether Plaintiffs can demonstrate sufficient injury, "actual or threatened." *See Valley Forge Christian College*, 454 U.S. at 472.

Although these plaintiffs do not neatly fit into any category of plaintiffs that the Supreme Court has already found to have standing, this Court finds that they meet the Article III requirements. The President directly injured both the City of New York plaintiffs and the Snake River plaintiffs when he canceled legislation that provided a benefit to them.

1. City of New York Plaintiffs[8]

Plaintiffs suffered an immediate, concrete injury the moment that the President used the Line Item Veto to cancel section 4722(c) and deprived them of the benefits of that law. The Court thus finds that Plaintiffs have suffered sufficient injury to have Article III standing.

When the President signed the Balanced Budget Act of 1997, section 4722(c) became law. *See La Abra Silver Mining Co. v. United States*, 175 U.S. 423, 454 (1899). Consequently, every New York State tax program held not to meet HCFA's requirements was deemed permissible by federal legislation. The State's liability was eliminated and the hospitals upon which that liability would fall were exonerated of their burden. Plaintiffs possessed a valuable protection against any liability that otherwise might befall them. This protection constituted a benefit to Plaintiffs. When the President canceled section 4722(c), Plaintiffs were divested of the benefit conferred upon them by the legislation. In the simplest terms, Plaintiffs had a benefit, and the President took that benefit away. That is injury.

Defendants argue that, because there are still administrative options available to Plaintiffs, Plaintiffs were not injured by the President's cancellation of this legislative solution. The Court disagrees. Plaintiffs had two independent avenues that they could have pursued to avoid potential liability: one legislative and one administrative. The legislative approach yielded complete success. The fact that there are two mechanisms that could produce a result does not mean that a party is not injured when one of those mechanisms produces the desired result, and then that result is obliterated. Analogously, if Plaintiffs were pursuing a challenge to a final agency action, the fact that there might also be pending legislation would not deprive them of standing to challenge the final agency action. *See INS v. Chadha*, 462 U.S. 919, 936–37 (1983) (Burger, C.J.) (finding that the existence of other speculative avenues of relief does not constitute a prudential bar to the Court's consideration of a case). The Court finds that the availability of administrative relief does not eliminate Plaintiff's injury in the legislative arena.

Plaintiffs also have shown with reasonable certainty that they will be liable for millions of dollars now that Section 4722(c) has been canceled. Under the current law, it is highly likely that the State of New York will be required to return to HCFA at least some of the funds that HCFA paid to the State. First of all, HCFA has already deemed the taxes impermissible. HHS has stated that in the absence of legislation (like Section 4277(c)), by August 1998, "the Secretary will move forward to complete the process already begun to apply with full force the current law." (Dear State Medicaid Directors Letter, Pls.' Ex. 2D.) Next, to exercise Line Item Veto authority, the President was required to certify that the veto *would* reduce the federal deficit; he complied with that requirement by certifying that cancellation of Section 4277(c) *would* result in a reduction in federal outlays in FY 1998 of $200 million. Cancellation No. 97–3, 62 Fed. Reg. 43,263 (1997). Finally, at a press briefing on the cancellation, Office of Management and Budget Director Franklin Raines described Section 4722(c) as "a provision that provided special relief to the State of New York for provider taxes that *had been determined by HCFA to be illegal* under a 1991 statute." (Pls.' Ex 2C (emphasis added).) Raines added that "New York will not be able" to use the taxes to increase its FFP. *Id.* Thus, this Court concludes that it is more likely than not that the State of New York will be required to refund at least some of the payments it has received from HCFA.

Likewise, the Court finds that Plaintiffs are highly likely to be required to indemnify the State for its HCFA recoupments. Defendants do not dispute that New York State law imposes automatic liabilities upon hospitals and nursing homes upon a finding that New York's provider taxes are not permissible. (*See* Wang Decl., Pls.' Ex. 2 at ¶8). Plaintiffs would avoid liability only in the unlikely event that the State of New York would rescind these laws or decline to enforce them. Again, the Court finds that this scenario is less likely than one in which Plaintiffs are required to indemnify the State.

Therefore, by finding that the City of New York plaintiffs have demonstrated sufficient injury, the Court concludes that they have standing to challenge the constitutionality of the Line Item Veto Act.

2. Snake River Plaintiffs

Like the City of New York plaintiffs, the Snake River plaintiffs suffered an immediate, concrete injury when the President canceled section 968. Section 968 conferred a benefit on Plaintiffs by putting them on equal footing with investor-owned businesses. Before section 968 was passed, investor-owned businesses could structure acquisitions of processing facilities as tax-deferred stock-for-stock exchanges. Farmers' cooperatives could not exchange their stock because a cooperative's stock can be held only by its members. Section 968 would have allowed sellers to defer capital gains taxes on sales to farmers' co-ops, thus putting co-ops in the same competitive position as investor-owned businesses.[9]

The Supreme Court has held that the inability to compete on an equal basis in the bidding process is injury in fact. *See Northeastern Florida Chapter of the Associated Gen. Contractors of America v. City of Jacksonville*, 508 U.S. 656 (1993). In that case, the Court found that contractors that regularly bid on, and performed, construction work for the City of Jacksonville, and would have bid on designated set-aside contracts but for the restrictions imposed, had standing, even though they failed to allege that they would have been awarded a contract but for the challenged ordinance. Here, regardless of whether Plaintiffs can prove that they would have actually consummated purchases under section 968, they are injured by the fact that section 968 put them on equal footing with their competitors and its cancellation disabled them from competing on an equal basis. When the President canceled section 968, Plaintiffs were divested of the benefit conferred upon them by the legislation and therefore were concretely injured.

In addition, it is highly likely that the Snake River plaintiffs would have been able to take advantage of the benefits conferred by section 968 and that they therefore will be injured by the President's cancellation of it. Snake River Potato Growers, Inc. was formed for the purpose of acquiring potato processing facilities. Although the sellers of processing and refining facilities would be the direct beneficiaries of the capital gains tax deferral, it is likely that the fact that the processors would be able to defer these taxes would benefit Plaintiffs in a concrete way.[10] For example, in a deal in which there are not other prospective purchasers, even if a seller chose to completely absorb the monetary benefits of the capital gains tax deferral, the fact that the seller would be able to defer the taxes would, at the very least, likely give Plaintiffs some room to negotiate in terms of price; in a competitive situation, it would allow Plaintiffs to pay a lower purchase price than they would have in a scenario in which they were not on equal footing with the other would-be purchasers.[11]

While Plaintiffs cannot demonstrate with certainty that they would be able to take advantage of the benefits provided by section 968, such certainty is not required. In *Bryant v. Yellen*, 447 U.S. 352 (1980), for example, farm workers wishing to purchase land had standing even though they could not with certainty establish that they would be able to purchase it. In that case, a reclamation law forbid delivery of reclamation project water to any irrigable land held in private ownership by one owner in excess of 160 acres. If this law were enforced, owners of land in excess of 160 acres would probably sell their excess acreage and would probably be forced to sell at below current market prices. The Court reasoned that farm workers who desired to purchase farmlands in the area had standing, because it was "unlikely" that the owners of excess lands would sell at below-market prices without the law, and it was "likely" that excess lands would become available at less than market prices if the law were applied.

Likewise, the Snake River plaintiffs need only show that the existence of section 968 would have made it more likely that they could acquire processing and refining facilities. As illustrated above, by putting Plaintiffs on equal footing with other bidders, it is likely that Plaintiffs would be able to make a purchase by offering less than they would have without the benefit of section 968. Also, the tax deferral would, at the very least, give Plaintiffs more room to negotiate in terms of price. Thus, section 968 would have helped the Snake River plaintiffs in their efforts to purchase processing and refining facilities.

Defendants argue that Plaintiffs cannot meet the redressability requirement of the standing doctrine. They cite *Simon v. Eastern Ky. Welfare Rights Org.*, 426 U.S. 26 (1976), and *Allen v. Wright*, 468 U.S. 737 (1984), to support their contention that there is no way for the Court to know whether any sellers would be motivated by the benefits of section 968 to sell to Plaintiffs. This case is distinguishable from *Simon* and *Allen*, however, because here, Plaintiffs have sufficiently demonstrated that if this Court struck the Line Item Veto Act and reinstated section 968, they would be more likely to be able to competitively bid on, and prevail in purchasing, processing and refining facilities.

In *Simon*, the Supreme Court determined that low-income plaintiffs lacked standing to challenge a tax regulation establishing the amount of free medical care that a charitable hospital must provide to maintain its tax-exempt status. The Supreme Court explained that it was "purely speculative" to assume that the challenged regulation caused charitable hospitals to provide less service that they would otherwise provide free of charge, and it was "equally speculative" to assume that increasing the amount of free service required for tax exemption would in fact increase the amount of free service provided. *Simon*, 426 U.S. at 42–43. The Court commented that the hospitals might elect to forgo favorable tax treatment to avoid the financial drain of providing more free treatment.

In *Allen*, the Supreme Court concluded that parents of public school children lacked standing to challenge the legality of a tax exemption that benefitted racially discriminatory private schools. The plaintiffs claimed that the tax exemption made it easier for white children to enroll in private schools, the result being that the public schools were less diverse, to the plaintiffs' detriment. The Supreme Court indicated that it would be "entirely speculative" to conclude that withdrawal of the tax exemption would lead any private school to change it exclusionary policies. *Allen*, 468 U.S. at 758.

In both of these cases, there was arguably some disincentive to the institutions' taking advantage of the tax benefit. The hospitals in *Simon* would have to admit more non-paying patients; the schools in *Allen* would have to admit a more diverse student body, against their wishes. In these cases, it may indeed have been speculative to attempt to determine whether the hospitals and schools would be willing to make these changes in order to take advantage of the tax incentive. Here, Defendants do not allege that there is any "cost" to the selling processors and refiners in taking advantage of the tax benefits that section 968 would offer. Unlike the schools and hospitals in *Allen* and *Simon*, the sellers' decision likely would be a purely financial one.

Defendants also contend that Plaintiffs' submissions regarding Mike Cranney's planned purchase of the IPP processing facility are barren of facts that would demonstrate whether section 968 would have had any impact on that transaction, because of the specific requirements of section 968.[12] While the Court will not speculate as to whether Cranney's deal with Phillips would have been brought to fruition but for the President's cancellation of section 968, or even if that particular deal would have satisfied the requirements of section 968, the negotiations at the very least make it clear to the Court that Plaintiffs were actively spending their time and money pursuing purchases and that the President's cancellation of section 968 interfered with those plans. *Compare, Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1991) (holding that plaintiffs lacked standing to challenge an environmental regulation because, although plaintiffs had a desire to return to the habitat of certain endangered species, they failed to present any concrete plans of an actual visit).

The Court finds that the Snake River plaintiffs suffered an injury when the President canceled Section 968. Plaintiffs lost the benefit of being on equal footing with their competitors and will likely have to pay more to purchase processing facilities now that the sellers will not be able to take advantage of section 968's tax breaks. The Court therefore concludes that the Snake River plaintiffs have demonstrated sufficient injury to have Article III standing.

III. Constitutional Analysis of the Line Item Veto Act

Having determined that it has jurisdiction to hear this case, the Court now turns to the merits of Plaintiffs' constitutional challenges. The Court begins with the presumption that the Line Item Veto Act is valid. *See e.g., INS v. Chadha*, 462 U.S. 919, 944 (1983). The *Chadha* Court cautioned, however,

> The fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Constitution. Convenience and efficiency are not the primary objectives—or the hallmarks—of democratic government . . .

Id.

The Court's constitutional analysis is twofold. First, the Court examines the Line Item Veto Act in terms of the procedural requirements set forth in Article I, section 7; next, the Court discusses the doctrine of separation of powers. The Court concludes that the Line Item Veto Act fails both of these examinations.

A. Procedural Requirements of Article I

The Constitution carefully prescribes certain formal procedures that must be observed in the enactment of laws. The Line Item Veto Act impermissibly attempts to alter these constitutional requirements through mere legislative actions.[13] Because the Act violates Article I's "single, finely wrought and exhaustively considered, procedure," *Chadha*, 462 U.S. at 951, it is unconstitutional.

Article I, section 7 of the Constitution sets forth dual requirements for the enactment of statutes: bicameral passage and presentment to the President. *See* U.S. Const. art. I, §7, cl. 2 ("Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return in . . .") (the Bicameralism and Presentment Clauses). The considerations behind the Great Compromise, under which one House was viewed as representing the People and the other, the States, dictated that the Bicameralism and Presentment Clauses would serve essential constitutional functions. "By providing that no law could take effect without the concurrence of the prescribed majority of the Members of both Houses, the Framers reemphasized their belief . . . that legislation should not be enacted unless it has been carefully and fully considered by the Nation's elected officials." *Chadha*, 462 U.S. at 948–49. At the heart of the notion of bicameralism is the requirement that any bill must be passed by both Houses of Congress in exactly the same form.

The Constitution requires that both the amendment and repeal of statutes also conform with these Article I requirements. *Chadha*, 462 U.S. at 954. It makes only four narrow exceptions to this single mechanism by which the provisions of a law may be canceled. *See* U.S. Const. art. I, §2, cl. 6; art. 1, §3, cl. 5; art. II, §2, cl. 2; art. II, §2, cl. 2. Congress may not add to this exclusive list without amending the Constitution. In the words of the *Chadha* court,

> The bicameral requirement, the Presentment Clauses, the President's veto, and Congress' power to override a veto were intended to erect enduring checks on each Branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks, and maintain the separation of powers, the carefully defined limits on the power of each Branch must not be eroded. To accomplish what has been attempted [here] requires action in conformity with the express procedures of the Constitution's prescription for legislative action: passage by a majority of both Houses and presentment to the President.

Chadha, 462 U.S. at 957–58.

Here, while the initial passage of the Balanced Budget Act and the Taxpayer Relief Act complied with the Article I requirements, the Line Item Veto Act then authorized the President to violate those requirements by producing laws that had not adhered to those requirements. Both Houses of Congress, through a process of discussion and compromise, had agreed upon the exact content of the Balanced Budget Act and the Taxpayer Relief Act. These laws reflected the best judgment of both Houses. The laws that resulted after the President's line item veto were different from those consented to by both Houses of Congress. There is no way of knowing whether these laws, in their truncated form, would have received the requisite support from both the House and the Senate. Because the laws that emerged after the Line Item Veto are not the same laws that proceeded through the legislative process, as required, the resulting laws are not valid.

Furthermore, the President violated the requirements of Article I when he unilaterally canceled provisions of duly enacted statutes. Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment Clauses were designed to prevent. Once a bill becomes law, it can only be repealed or amended through another, independent legislative enactment, which itself must conform with the requirements of Article I. Any rescissions must be agreed upon by a majority of both Houses of Congress. The President cannot single-handedly revise the work of the other two participants in the lawmaking process, as he did here when he vetoed certain provisions of these statutes.

Defendants, curiously, contend that, despite its title, the Line Item Veto Act does not authorize the President to "veto" anything. They maintain that under the Act, "[t]he Bill stays as law, unless the President were to exercise his constitutional power to veto. Nothing changes about the bill. The law remains law. . . . The law remains on the books and the law remains valid." (Tr. of Mot. Hr'g, Jan. 14, 1998 at 71, 78.) The Court does not follow Defendants' logic. In the words of Richard Cardinal Cushing, "When I see a bird that walks like a duck and swims like a duck and quacks like a duck, I call that bird a duck." Whatever defendants wish to call the President's action, it has every mark of a veto. The Line Item Veto Act states explicitly that "cancel" means "to rescind" or to render the provision as having no "legal force or effect." How a "canceled" provision "remains on the books" and "remains valid" defies logic. The only way to restore these canceled provisions is for Congress to pass and present new bills according to the procedure prescribed in Article I. Clearly, this is an indication that the canceled law no longer exists. Therefore, despite Defendants' contentions, the Court finds that when the President canceled these provisions pursuant to his Line Item Veto authority, he unilaterally repealed duly enacted provisions and amended duly enacted laws, which Article I does not permit him to do.

Finally, Congress' "indirect attempt[] to accomplish the Constitution prohibits . . . accomplishing directly" cannot stand. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 829 (1995). "To argue otherwise is to suggest that the Framers spent significant time and energy in debating and crafting Clauses that could be easily evaded." *Id.* at 831. Congress knew that a simple Line Item Veto, performed prior to the President's signature, would violate Article I's requirement that the president sign or return the bills *in toto*. *See Line Item Veto: The President's Constitutional Authority, Hearing on S. Res. 195 Before the Subcomm. on the Constitution of the Comm. on the Judiciary*, 103d Cong. (1994). This limitation on the President has been clear since George Washington's tenure. *See* 33 *Writings of George Washington* 96 (John C. Fitzpatrick ed. 1940) ("From the nature of the Constitution, I must approve all the parts of a Bill, or reject it in toto.") Congress cannot evade this long-accepted requirement by merely changing the timing of the President's cancellation.

Because the Line Item Veto produced laws in violation of the requirement of bicameral passage, because it permitted the President unilaterally to repeal or amend duly enacted laws, and because it impermissibly attempts to evade the requirement that the President sign or reject a bill *in toto*, the Act violates the requirements of Article I. For that reason alone, the Line Item Veto Act is unconstitutional.

B. Separation of Powers

Furthermore, the Line Item Veto Act is unconstitutional because it impermissibly disrupts the balance of powers among the three branches of government.[14] The separation of powers into three coordinate branches is central to the principles on which this country was founded. *See, e.g., Mistretta v. United States*, 488 U.S. 361, 380 (1989). The declared purpose of separating and dividing the powers of government was to "diffuse power the better to secure liberty." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952). In writing about the principle of separated powers, Madison stated, "No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty." *The Federalist No. 47*, at 324 (J. Cooke ed. 1961). Madison later wrote, "But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others." *The Federalist No. 51*, at 349 (J. Cooke ed. 1961). The Framers "regarded the checks and balances that they built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other." *Buckley v. Valeo*, 424 U.S. at 122.

Pursuant to the doctrine of separated powers, certain functions are divided between the legislative and executive branches. Article I, section 1 vests all legislative authority in Congress. Legislative power is the authority to make laws. *Myers v. United States*, 272 U.S. 52 (1926). Executive power, on the other hand, is to "take Care that the Laws be faithfully executed." U.S. Const., art. II, §3. With regard to lawmaking, the President's function is strictly a negative one: to veto a bill in its entirety.

While it is Congress' duty to make laws, Congress can delegate certain rulemaking authority to other branches, as long as that delegation is appropriate to the duties of that branch. *See Mistretta*, 488 U.S. at 388. Congress may not, however, delegate its inherent lawmaking authority. *See, e.g., Loving v. United States*, 116 S.Ct. 1737, 1744 (1996) ("[T]he lawmaking function belongs to Congress . . . and may not be conveyed to another branch or entity."); *Field v. Clark*, 143 U.S. 649, 692 (1892) ("That Congress cannot delegate legislative power to the president is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution."); Edward Gibbon, *History of the Decline and Fall of the Roman Empire* 33 (1838) ("The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive."); Sir William Blackstone, 1 *Commentaries on the Laws of England*, 146 (9th ed., reprinted 1978) (1783) ("In all tyrannical governments the supreme magistracy, or the right of both *making* and of *enforcing* the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty.").

The line between permissible delegations of rulemaking authority and impermissible abandonments of lawmaking power is a thin one. As one court described the distinction, "The legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend." *Field*, 143 U.S. at 694. Stated another way, "The true distinction . . . is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made." *Hampton v. United States*, 276 U.S. 394 (1928).

The Line Item Veto Act impermissibly crosses the line between acceptable delegations of rulemaking authority and unauthorized surrender to the President of an inherently legislative function, namely, the authority to permanently shape laws and package legislation. The Act enables the President, in his discretion, to pick and choose among portions of an enacted law to determine which ones will remain valid. The Constitution, however, dictates that once a bill becomes law, the President's sole duty is to "take care that the laws be faithfully executed." His power cannot expand to that of "co-designer" of the law—that is Congress' domain. Any subsequent amendment of a statute falls under Congress' responsibility to legislate. The President cannot take this duty upon himself; nor can Congress relinquish that power to the Executive Branch.

The Defendants contend that the Line Item Veto is no different than the many delegations of legislative authority that Congress has made in the past. *See, e.g., Field v. Clark*, 143 U.S. 649. Unlike other delegations of Congressional authority, however, the Line Item Veto Act authorizes the President to permanently extinguish laws. These laws cannot be revived even if the President (or his successor) feels that they are needed. Further, the Line Item Veto Act empowers the President to make permanent changes to the text of the Internal Revenue Code, as he did in the Snake River case. Such delegations are unprecedented.

Defendants further urge the Court to find that the Line Item Veto provides the President with "intelligible standards" as required by the delegation doctrine. *See Mistretta*, 488 U.S. at 372. While it is true that the delegation doctrine has enjoyed a liberal reading in the last 60 years or so, *see, e.g., Federal Radio Comm'n v. Nelson Bros.*, 289 U.S. 266 (1933) (upholding a delegation based on "public convenience, interest or necessity"), by trying to bypass the maxim that Congress can delegate authority only if that authority is, in fact, delegable, the Government attempts to "leap a chasm in two bounds." (Benjamin Disraeli, Earl of Beaconsfield.) It is irrelevant whether the Line Item Veto Act provides intelligible principles in its delegation of authority to the President because, as discussed above, the Act impermissibly attempts to transfer non-delegable legislative authority to the Executive Branch.

The separation of powers between the President and Congress is clear:

> In the framework of our Constitution, the President's power to see that laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

Youngstown, 343 U.S. at 587–88. By ceding inherently legislative authority to the President, the Line Item Veto Act violates this constitutional framework. For that reason, and for the reason that it violates the letter and spirit of the procedural requirements of Article I, the Line Item Veto Act is unconstitutional.

IV. Conclusion

Although the Line Item Veto Act may have presented an innovative and effective manner in which to control runaway spending by Congress, the Framers held loftier values. The *Chadha* Court recognized this tension between uncomplicated administration of government and the values honored in the Constitution:

> The choices we discern as having been made in the Constitutional convention impose burdens on governmental processes that often seem clumsy, inefficient, even unworkable, but those hard choices were consciously made by men who had lived under a form of government that permitted arbitrary governmental acts to go unchecked. There is no support in the Constitution or decisions of this court for the proposition that the cumbersomeness and delays often encountered in complying with explicit Constitutional standards may be avoided, either by the Congress or by the President. With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Chadha, 462 U.S. at 959. Because the Line Item Veto impermissibly violates the central tenets of our system of government, it cannot stand.

Therefore, because the Court finds that Plaintiffs have demonstrated the requisite injury to have standing and, furthermore, that the Line Item Veto Act violates the provisions of Article I, section 7 of the United States Constitution and the separation of powers doctrine, this Court declares that the Line Item Veto Act is unconstitutional. Accordingly, the Court will grant Plaintiffs' Motions for Summary Judgment and deny Defendants' Motion to Dismiss and Motion for Summary Judgment. An Order will accompany this Opinion.

FOOTNOTES

[1] *Amici curiae* briefs were submitted by Senators Robert C. Byrd, Daniel Patrick Moynihan, and Carl Levin, in support of Plaintiffs' motions to declare the Line Item Veto Act unconstitutional; the United States Senate, in support of the constitutionality of the Act; and Congressman Dan Burton, in support of the constitutionality of the Act.

[2] The Constitutionality of the Line Item Veto Act was litigated in this court a mere six months before the complaints in this case were filed. *See Byrd v. Raines*, 956 F.Supp. 25 (D.D.C. 1997). In *Byrd*, Judge Jackson declared the Act unconstitutional. *Id.* On a direct appeal of that District Court decision, the Supreme Court held that appellees, six members of Congress, lacked standing to bring the suit, and therefore vacated the District Court opinion and directed that the complaint be dismissed. *See Raines v. Byrd*, 117 S.Ct. 2312, 2323 (1997).

[3] President Clinton signed the Line Item Veto Act into law on April 9, 1996, it became effective January 1, 1997, and it remains effective until January 1, 2005.

[4] Since 1974, Presidents have recommended $72.8 billion in rescissions, but Congress has passed legislation rescinding only $22.9 billion. S. Rep. No. 104–13, at 2 (1995).

[5] The Joint Congressional Committee on Taxation is responsible for identifying cancelable items in tax bills. *Id.* at §691f.

[6] Before the passage of section 968, farmers' cooperatives were at a competitive disadvantage vis à vis investor-owned businesses. Co-ops could not exchange their stock for the stock of processing companies, because a cooperative's stock can be held only by its members. (*See* Cranney Decl. at ¶15.)

[7] *But see* Ralph Waldo Emerson, *Essays: Self-Reliance* (1841), "A foolish consistency is the hobgoblin of little minds."

[8] The Court's standing analysis focuses on the plaintiff health care providers. As long as the Court determines that at least one of the New York plaintiffs has standing, it does not need to consider the standing issue as to the other plaintiffs in that action. *See Bowsher v. Synar*, 478 U.S. 714, 721 (1986).

[9] As a simplified example, if an investor-owned business and a farmers' co-op each offered $1 million for a processing plant, the investor-owned business would always prevail because the processor would actually net $1 million from that sale, whereas it would net less than $1 million from the sale to the farmers' co-op, because it would have to pay capital gains tax on that sale. Therefore, to compete for a piece of property with an investor-owned business, the farmers' co-op would have to offer more than the investor-owned business to make up for the capital gains tax that the purchaser would have to pay.

[10] Defendants argue that because Plaintiffs themselves would not have received the capital gains tax deferral, they are not the beneficiaries of section 968. The Court disagrees. The express purpose of section 968 was to help farmers to buy refining and processing facilities by eliminating a tax obstacle facing sellers who sell to them. Thus, although the direct recipient of the tax deferral was the sellers, it was plainly understood that the intention was to benefit the farmers; a cancellation of the tax deferral would really injure the farmers, not the owners of the processing plants, because the owners could already get the tax deferral simply by selling to investor-owned businesses.

[11] For example, in the illustration provided in footnote 9, *supra*, instead of having to offer, say, $1.3 million to compete with the investor-owned business, the co-op could offer an amount in the $1 million range.

[12] To qualify for a deferral of capital gains taxes under section 968(g), the seller must transfer 100% of the stock of the qualified processor to the farmers' cooperative. Section 968(a) requires that, during the one-year period preceding the date of sale, the qualified refiner or processor purchase at least 50% of the products to be refined or processed from the farmers who make up the eligible farmers' cooperative that is purchasing the corporations' stock or from the cooperative itself.

[13] This approach has been cautioned against since the founding of our democracy. "If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed." George Washington, Farewell Address, September 19, 1796 *in* 35 *The Writings of George Washington* 229 (John C. Fitzpatrick ed., 1940).

[14] While this analysis focuses on the balance of powers between the legislative and executive branches, the Line Item Veto could also affect judicial independence. It is possible that the President might use the Line Item Veto to manipulate the judiciary's budget, thus exerting pressure on its members. *See* Robert Destro, *Whom Do You Trust? Judicial Independence, the Power of the Purse & the Line Item Veto*, 44-Jan. Fed. Law. 26, 29 (1997).

February 12, 1998.

THOMAS F. HOGAN,
U.S. District Judge.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I hesitate to intrude on this debate, but confession is good for the soul.

I campaigned on behalf of a line-item veto. I worked on this floor for the passage of the line-item veto. I enthusiastically voted for the line-item veto. I learned one thing in basic training when I was in the military service of this country that has remained with me. One of the things they taught us was that the best time to escape is immediately after you are captured. Don't wait until you have been taken to the back lines. Don't wait until you have been put in a prison camp to try to plot your escape. Escape immediately after you are captured, when you are within 100 yards of your own lines. You are in the confusion of the battlefield, you are under the control of troops who are not trained to hold on to prisoners.

I have applied that principle in my life. When I make a mistake I want to escape from it as quickly as possible instead of waiting until I have been put into prison later on behind the enemy lines.

I reasoned that the experience of State Governors, 47 of whom have line-item vetoes, bade well for the line-item veto. My own Governor in the State of Utah has it. And it has not been the source of mischief in the process of legislation in the State.

I have seen that it has become the source of mischief here in this body. And, as I said to my revered colleague on the Appropriations Committee when this came up—and our chairman was expressing his usual enthusiasm; in this case in anger for his position—it may be that I will have to eat a little crow.

So as I receive the news of the action having been taken by the court in this case, I stand now to say that I would not support an effort to try to overturn that decision. The time to escape is immediately after you are captured. And we have been captured. And I will escape from my previous posture.

I apologize, albeit much too late, to my primary opponent who stood in opposition to the line-item veto. And this was a matter of difference between the two of us in the primary. I think I made some progress because as we got near the vote he recanted and came to my side so as to try to get the people who were in favor of a line-item veto to vote for him instead of me.

But I believe the arguments that have been repeated here, the information given here from the decision of the judge, are sufficiently persuasive that I need to make this apology and this recanting of a previous position. While I may not be with my two colleagues on many other matters, I try to be with them on constitutional matters.

It is on this basis that I opposed a constitutional amendment regarding flag burning. That puts me at odds with my senior colleague from Utah, which always distresses me. It is for this purpose that I oppose McCain-Feingold campaign finance reform because I think it is unconstitutional. I believe the courts have ruled in similar cases that the guts of the McCain-Feingold bill is in fact an intrusion on the first amendment.

But I think there is no more important function that we have in this Chamber, whatever our disagreements on the specifics, than the function of protecting the Constitution against the whims of the hour.

And so I thank Senator BYRD and Senator MOYNIHAN for their scholarship and for their leadership on this issue, and I, as one Senator at least on the other side of the issue, throw in the towel, eat a little crow, and declare my willingness to escape from a previous position.

Mr. BYRD. Mr. President, will the Senator yield very briefly?

Mr. BENNETT. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks.

Diogenes walked the streets of Athens in broad daylight with his lighted lantern. He was asked why. He answered, "I am looking for a man." Plato, when visiting Sicily, was asked by Hiero, the tyrannical head of the Government, why he came to Sicily. He said, "I am seeking an honest man."

May I say, Mr. President, today I have found an honest man—the distinguished Senator from Utah.

Mr. BENNETT. I thank the Senator from West Virginia. There could be no higher tribute. I am grateful to him.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I add, not only honest but a courageous man. In some 21 years on the Senate floor I have not heard a more refreshing and inspiriting statement. It is not surprising coming from the Senator from Utah, but it is all the more amazing. There are few places in this world today where such a statement could be made and praised.

It is a tribute to you, sir; also a tribute to the U.S. Army, I believe. But we will not get into that. I thank you for your remarks, sir.

Mr. BENNETT. I thank the senior Senator from New York. Both of my senior friends are far too lavish in their praise, but I will accept it anyway in the spirit of the moment.

I yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 5 minutes, and further that Senator DORGAN have the 1 hour that has been allotted to him following at the end of my 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. BROWNBACK. Thank you, Mr. President.

RUSSIAN TRANSFER OF SENSITIVE TECHNOLOGY TO ROGUE NATIONS

Mr. BROWNBACK. Mr. President, today's article from today's Washington

Post is yet more indication, unfortunately, of the bad faith with which Russia has been dealing with us on the transfer of sensitive technology to rogue nations, particularly, dual use and missile technology.

I am on the Foreign Affairs Committee and chair the Middle East Subcommittee. And something that has been very troubling to me is the introduction into the Middle East, particularly into Iran and into Iraq, of technology that can be used for missile development, for use of the delivery of weapons of mass destruction, even the development of weapons of mass destruction like biological warfare, biological and chemical warfare weapons.

Evidence was in the Washington Post, again, today, that once again—not just the first time—but once again Russian companies, with links to the Government, were involved in violating the U.N. authorized embargo on sales to Iraq of dual-use equipment. And this is outrageous. And it is preposterous that they would be doing it.

The transfer to Iraq—which is a rogue nation, with a leader who does not operate under internationally recognized civilized codes—of any dual-use technology is unacceptable. And yet once again today we have another example.

The transfer of equipment, such as the fermentation equipment, which was alluded to today, which can be used to develop biological weapons, and the possible collusion with the Iraqis against UNSCOM to hide technology and weapons, is proof of a cynical bad faith which is untenable. If this information is true—and I am told it is well grounded—the Russians are making a mockery of a very serious issue, and, more importantly, they are putting U.S. forces at increased risk.

This type of behavior has immense implications for a policy towards Iran as well and the administration's efforts to curb these sales of equipment that can be used to deliver or to develop weapons of mass destruction. This cynicism should not be rewarded.

I understand that we have been holding up Senate bill 1311, the Iran Missile Proliferation Sanctions Act, in deference to the Russians to give them time to prove their good faith and in deference to the Vice President's meeting with them in March. In view of the latest developments and this information, I believe such deference is misplaced. I request that Senate bill 1311 be moved up on the Senate calendar. I will make that request known to the leadership and ask that they proceed forward because this "good faith" that we are offering has obviously been received in a way of making bad-faith steps by the Russians and is further proof today this cannot be allowed to continue. Every day it is allowed to continue, more and more U.S. lives are at risk. It cannot be allowed to continue.

I yield the floor.

Mr. McCAIN. I ask unanimous consent to address the Senate for 10 minutes as in morning business. I do that with the agreement of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

SITUATION IN IRAQ

Mr. McCAIN. Mr. President, the Secretaries of Defense and State have been pursuing political support, both in the Congress and among our allies, for the use of military force against Iraq.

I come to the floor today to express my support for a military strike against Iraq and to urge our colleagues and our allies to join us in supporting our troops and our Commander-in-Chief. The unfortunate impasse which has precluded a full and conclusive Senate debate on a formal resolution of support should not be misconstrued. Clearly, when and if the time comes, an overwhelming majority in this body will support decisive action to end the threat to our security that Iraq continues to pose. Saddam Hussein should have no doubt about that.

We in government are frequently accused of demonizing our enemies in order to garner popular support here at home for the kind of actions we are currently contemplating with regard to Iraq. President Bush was accused of doing precisely that during Operation Desert Shield. There is a considerable wealth of information pertaining to Saddam Hussein's years in power, though, that clearly indicates that we are dealing with as ruthless and brutal a dictator as exists anywhere in the world today. That is not demonizing an individual; it is accurately describing a man with the moral and ethical foundation required to employ chemical weapons against his own population; to assassinate any and all political rivals; to have his own sons-in-law executed; to massacre Kurdish populations in the north and Shiite communities in the south; to invade Kuwait and impose a barbaric occupation of that nation; and to continue to threaten neighboring countries despite the open revulsion with which much of the world has reacted to his years of rule.

This is a regime that recognizes no restraint upon its conduct save that which is imposed by force of arms. As I have repeatedly stated here on the floor of the Senate, the actions for which Saddam Hussein must be held accountable represent nothing more than what is expected of any country that seeks to exist within a community of civilized nations. The Government of Iraq has imposed untold hardships on its people solely so that it can continue to develop and stockpile weapons of mass destruction—weapons that it has no moral compunction about using at the earliest opportunity and against any nation or segment of society.

Linkages are repeatedly made between the U.S. posture toward Iraq and our role in the Middle East peace process. Mr. President, that argument cries out for denunciation at the highest levels of every government. We may not like the way every policy of or tactic by the democratically elected government in Israel, but the physical pain and psychological trauma that afflicted Israel as a result of completely unprovoked missile attacks by an Iraqi regime seeking to tear asunder the multinational coalition arrayed against it and Tel Aviv's refusal to retaliate despite ample justification for doing so stands in strong contrast to the Government of Iraq. There is no basis for comparison, and U.S. policy toward Iraq should not legitimize the perception of linkage by deferring to it.

The United Nations must enforce its resolutions and do so with conviction. And this body must acknowledge that only the United States possesses the capability to conduct the kind of military operations most of us agree are warranted and essential. That means conveying to the President, to the American people, and to the world, the message that Congress stands firmly behind the Commander-in-Chief in carrying out his responsibility to ensure that the threat to regional stability posed by Iraq is not permitted to endure in perpetuity.

Mr. President, we should make clear to the American people and to the world that the Congress agrees with the proposition that evil should not be permitted to triumph. The United States must respond forcefully, far more so than it has in the past, to Iraq's unceasing provocations and it must adopt whatever measures will ensure the removal from power of the ruling regime in Baghdad.

We must prepare the groundwork for a process that may take years to bear fruit and that will certainly entail loss of life. Opposition forces friendly to and supported by the United States were badly decimated by Iraq's 1996 incursion into supposedly protected territory in northern Iraq. Survivors are understandably bitter and reluctant to cast their lot with us again. That is why the air and missile strikes we launch against Iraq must be decisive and not the kind of exceedingly limited response characterized by the 27 cruise missiles launched against targets unrelated to that violation of the northern exclusion zone.

We must support a long-term operation involving opposition forces trained and equipped to conduct a successful revolution. This is not an easy course that I and others are recommending. But it is the only viable approach to removing a threat to the most volatile region in the world—a threat that could include the brandishing of chemical, biological, and some day, nuclear weapons. That is not a situation any of us want to see develop. But develop it will, if we do not act to prevent it.

Mr. President, I am confident the Congress will soon have the opportunity to express formally its support for the use of force to respond to that threat. Were there another way, I would gladly accept it, but experience teaches that there is not. I would never want to see myself viewed as beating the drums of war, but I would rather live with that image than look into the mirror and see a Member of Congress who failed to do his duty of supporting our troops in harm's way and our Commander-in-Chief in taking the kind of measures I sincerely believe are necessary to resolve the Iraqi problem once and for all.

Mr. President, I again express my appreciation for the courtesy of the Senator from North Dakota in allowing me to make this statement.

I yield the floor.

Mr. DASCHLE. Mr. President, I want to thank the distinguished floor leader of the Democratic caucus, the Senator from North Dakota, for allocating this time to talk about something that is very important.

I also want to commend as well the Senator from Arizona for his comments about Iraq. Certainly his experience and his leadership for these many years carries special weight with people on both sides of the aisle. I hope that we can continue to demonstrate the spirit that he has articulated today as we deal with this grave situation in that faraway place.

NEW SOLUTIONS FOR A NEW CENTURY: 1998 DEMOCRATIC AGENDA

Mr. DASCHLE. Mr. President, 10 days ago, the President delivered to Congress the first balanced budget in 30 years.

Yesterday we learned that the Federal deficit actually will be gone by the end of this year, four years ahead of schedule.

That remarkable accomplishment was set in motion five years ago, when congressional Democrats joined the administration to return fiscal discipline to Washington.

Because we did the right thing five years ago, our economy is stronger today than it's been in a generation.

Our foundation is solid.

Now we need to build on that foundation.

For the last six months, congressional Democrats have worked with the administration to develop a unified agenda for the American people. We talked a lot about what the options were, and what our priorities should be. After a great deal of deliberation, we agreed on a series of proposals that merit—that really demand—our action this year.

This morning, House and Senate Democrats met with the President and the Vice President and senior White House officials to ratify those proposals and begin the process of translating them into action, to confront real problems facing the American people with real solutions.

We call our agenda "New solutions for a New Century." These proposals address the most urgent concerns facing the American people today. We want to reach across the aisle and work with our Republican colleagues to adopt them this year.

We need to increase the take-home pay of America's families. By breaking the wage cycle that continues to pay working women 71 cents on every $1 that a man earns. By making child care safer and more affordable. And by raising the minimum wage by $1 an hour over the next 2 years.

We need to make America's public schools the best in the world. By hiring 100,000 new teachers so we can reduce the average class size to 18 students per classroom in the first three grades. By making sure that every school in America is connected to the Internet so that computer screens are as common in classrooms as blackboards. And, by helping communities repair or replace school buildings that are overcrowded or obsolete or downright dangerous.

We also need to protect our children this year from the deadly epidemic of smoking. We need to say that the days when tobacco companies can spend millions of dollars to get kids hooked on cigarettes are over. From now on, they will pay to keep kids away from cigarettes.

America's families need to know their health insurance will be there when they need it, that they can go to a hospital emergency room when and where they need to. They need to know they can see a medical specialist if they need one. And they need to know that the things they tell their doctor in confidence will be kept confidential. We can give them that peace of mind this year by passing our Patient's Bill of Rights.

America's families need to be able to plan for their retirement. They need stronger private pension plans that are portable and protected. They deserve assurances that Medicare and Social Security will be there when they need them. And early retirees and older displaced workers who have no way to buy private health insurance on their own deserve the opportunity to purchase health insurance through Medicare.

Finally, we need to make our neighborhoods safer this year. And we will. By helping communities create after-school safe havens to keep kids out of trouble. And by creating special juvenile courts and toughening the Federal penalties for gang violence so that the kids we can't reach, the hard-core few who are violent repeat offenders, will be locked up for a long time.

A sound economy, stronger schools, a secure retirement, safe neighborhoods. That is the Democratic agenda for America's families. They are not sound bites; they are sound policies. They are new ideas for a new century.

Today, we pledge to do all that we can to enact these new ideas into law and make a real difference in people's lives.

We have little time left in this Congress, Mr. President, to deal with this and all of the leftover elements of the agenda from last year. But let us be clear, we need to finish our unfinished business—the highway bill, IRS reform, strengthening family farms, and reforming our campaign finance system. We need to finish that business and pass this agenda this year.

Our economy is strong. Our foundation is solid. Now, brick by brick, we need to keep building to take this prosperity to the next level and give people the tools and the opportunities to make their lives better in a new century.

Mr. President, I want to reiterate my gratitude to the Senator from North Dakota for assuring that we could allocate the time for this very important discussion.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Democratic leader. He has provided extraordinary leadership to this caucus and this Congress. The document that we developed over time and announced today with the President, the Vice President, Senator DASCHLE, Congressman GEPHARDT, and the joint Democratic caucuses of the House and Senate is one that I am enormously proud of and one that, if enacted, would substantially improve this country.

We come here, almost all of us, Democrats and Republicans alike, because we have a passion for public policy and feel very strongly about a range of issues and how those issues might affect our country's future. While we might have substantial differences in how we go about achieving certain goals, I think all of us understand that we sit in this Chamber as American citizens in a democracy wanting the best for our country. The question is, how do we achieve that? How do we achieve the goals that we establish for our country's future?

Senator DASCHLE mentioned the things that we have accomplished, the things that we have yet to do, the fiscal policy. I can recall, going back 5 years to 1993, when we had a very, very significant debate on the floor of the Senate about fiscal policy, what kind of policies would put this country back on track, heading in the right direction; what kind of policies would continue us in the direction that we had been moving in with higher debt, higher deficits, higher unemployment, higher inflation. So we had a significant debate about it. Those of us who felt very strongly that there was a better way and a better direction won by one vote—one vote here and one vote in the other body. A margin of one vote determined the new fiscal policy for this country. It was a tougher fiscal policy. It wasn't words; it was action. So it was controversial. For some, it was difficult. Some of my colleagues who voted for it are not here any longer; they lost their seats in Congress because of it. But it was medicine to cure what was wrong in this country's fiscal policy and to put this country on the right course. And it worked.

It substantially reduced the Federal budget deficit. It told all the American people that there was a new group of Members of Congress, a new President who said there is a better way and a different way, and we are going to tackle this fiscal policy and tackle the Federal budget deficit and change things. It's very interesting that, because this economy rides on a cushion of confidence, when we made that decision, the American people were confident about the future once again, and when they are confident, they make decisions like buying a home, buying a car, taking a vacation, buying a new refrigerator. When they are not confident about the future, they don't make those purchases and they don't make those decisions. When they feel like that, the economy contracts. When they feel confident about the future, the economy expands. Because the economy has expanded and because people have had more confidence, this budget deficit has shrunk. It is down, down, down, way down. We will balance the budget.

Crime is down, unemployment is down, inflation is down, welfare is down. All of the things that are important in our lives about how we are doing in this country show signs of substantial improvement and show signs that this country is moving in the right direction.

I want to make one other point about fiscal policy and some of the other problems we face. In our agenda, we talk about Social Security—"save Social Security first," the President proposes. And "save Social Security first," we propose as a caucus. Some wring their hands every day of the week about Social Security. Some never liked it in the first place. Some think it doesn't work and they wring their hands and say, "Woe, what are we to do with Social Security?"

I want them to understand, as many Americans do, that the Social Security problem that exists is born of enormous success. We would not have a problem financing Social Security for 150 years if we went back to the old mortality rates. In the 1930s, you were expected to live to age 63 in this country. Now you are expected to live, on average, to about 77 years in America. Why? Because we have done a lot of good things in this country. We have invested in health care, technology, and breathtaking medical research. Now people, when they reach a certain age and their knees wear out, they get new knees, or they get new hips, or have cataract surgery, or their heart muscle is unplugged on an operating table. Some people may be worth a million dollars after all that medical help. But the point is that people are living longer and better lives, and all of these problems are born of the success of greater longevity. Does that cause some pinching in Social Security and Medicare in the long term? Yes, but it is not catastrophic. Adjustments can be made that are not significant, which will provide solid, assured financing for Social Security and Medicare for the long term.

That is what this President says. As we tame the fiscal policy deficits, and as we begin to accumulate surpluses, let us use those surpluses to save Social Security first. Those who believe that is not a wise course, those who believe that is not appropriate fiscal policy, come to the floor of the Senate, because we are going to have a healthy and aggressive debate about that. Many of us feel very strongly that it is precisely what this country ought to do. We have tamed the Federal deficit. Now let's make the right investment. And the first commitment ought to be to save Social Security first.

Now, within the context of other spending we do in the budgets and other investments, there are other things we can do. I know we will have Members who don't want to do anything. They have never wanted to do anything. I mean, there are people who have said there is no role for Government. There are people who put seatbelts on when they drive through a car wash. They're so conservative they don't want to do anything ever. Much of what we have accomplished in this country has been because we have made the right kind of investments.

This proposal that we have developed jointly says that one of those investments that is very important is in the area of health care research down at the National Institutes of Health, where breathtaking, new medical research occurs. We are saying we can invest substantially more money and you can, as a result of that, save an enormous amount of money and save lives and improve the lives of the American people. I am very excited about that. What better investment is there in this country than to invest in the kind of medical and health care research at the National Institutes of Health which has provided breakthroughs in medicine that have allowed people to live much longer and more productive lives?

Another investment that the President and we call for in our joint policy message is an investment in education. Education is our future. Our children are our future. Investment in our children represents our tomorrow. We talk about investing in schools, investing in good teachers, and deciding that we can do this country a significant amount of good by understanding that the priority is educating our children. Thomas Jefferson once said, "Anyone who believes a country can be both ignorant and free believes in something that never was and never can be." He was right about that 200 years ago. The reason this country has done so well is because we have always established that education is a priority. It must remain a priority, and that is what our caucus and our policy choices are committed to doing.

A couple of other items—and I don't want to cover them all because some of my colleagues will cover some. Teen smoking is part of our agenda. We need to end that, to combat teen smoking. You have all heard the message that you don't find people deciding at age 25, as they sit around in a recliner thinking about life, or wondering what on Earth can I do to further enrich my life, or what is missing from my life, and they come up with the answer: Smoking; I would like to start smoking. Nobody does that at age 25 or 30. If you are not smoking by the time you are a kid, you are not going to be a future user of tobacco.

The tobacco companies have always known that, and that is why they have always targeted their future customers, who are the children. Does anybody know anybody who is 25 or 30 years of age who says, how can I enrich my life further? and then comes up with the answer that I would like to start smoking? Nobody does that. We also understand that we can save lives by combating teen smoking, and there are plenty of ways to do that. A thousand kids a day will die—3,000 kids a day will start smoking, and a thousand will die of that cause. We can save lives with a national campaign to combat teen smoking.

Drunk driving. This agenda of ours also deals with the question of drunk driving. That is not some mysterious illness or disease. We know what causes fatalities on the roads—drunk driving. Everyone in this Chamber and every family represented here knows that—friend, neighbor, relative, acquaintance. I am not even very logical about this question. The night that I got the call that my mother had been killed by a drunk driver, I'll never forget the moment, and I'll never forget how I have felt from that day forward. People who drink and drive turn automobiles into instruments of murder. The fact is, it's not just the .08 we are going to debate, the question of when are you drunk. There are six States in this country where you can get behind the wheel of a car and take a fifth of whiskey in one hand and the steering wheel in the other and drive off, and you are perfectly legal. That ought not happen anywhere in America. We can change that. There are some 20 States in which, if the driver can't drink, everybody else in the car can be drinking. Vehicles on roads in this country ought not to have open containers of alcohol in them, period. That is something we can address in this Congress.

Finally, campaign finance reform is also part of what our caucus is committed to doing. There are a lot of discussions about what pieces will work and what pieces will not work with respect to campaign finance reform. I want to describe one little piece that I think is important. The most significant kind of air pollution in America today is the 30-second political ad that does nothing but tear down someone's opponent. It is a 30-second slash and burn, cut and run ad that contributes nothing to our country. The first amendment gives everybody the right to do that. We won't change that. But there is a little thing we can change. We can, by Federal law, say that every television station is required to offer the lowest rates on the rate card during political advertising during a certain period. I propose that we change that law to say that low rate is only available to candidates who run advertisements that are at least 1 minute in length. Let's require people to say something significant in one in which the candidate himself or herself is in the advertisement 75 percent of that 1 minute.

Some people may not like that. I do. Can you think of any other business, other than American politics, where the competitor says—for example, can you conceive of a car company who does all of its advertising saying: By the way, if you buy a Chevrolet, you are going to kill yourself because they are not safe; or fly American, or United, or Northwest and, by the way, their mechanics are a bunch of drunks. Do we see that in any other part of our lives? No. That is not the way commercial enterprises compete against each other. But it is the way we compete in politics. Shame on us. We can change that. It ought to be a competition of ideas and about what we want for the future of this country. I hope one of these days we can have campaign finance reform that gets to that point. But at least a little proposal I am suggesting, on top of all of the other things that we are talking about in campaign finance reform as a caucus, might finally stop some of this air pollution or at least lessen the pollution that permeates every campaign in this country.

Then there is food safety, clean air, and clean water. Our caucus stands for things that are positive in the lives of the American people. Some say they want to debate politics with the same old stereotypes. Unfortunately, it won't work anymore. To those who say, "There are the good guys, and there are the tax-and-spend people," I say that doesn't work. Our caucus, in this Congress, with this President, made a decision that we were going to do some awfully important things to put this country back on course, and we did it—at great cost and expense to our caucus. But the American people, 5 years later, see the results for this country of what we have done. We say that the job isn't finished. There is much to do to make this a better country. That is the purpose of the message and the purpose of the set of public policies that tell the American people: Here is why we are here and what we want to fight for to improve America's future.

I yield the floor to the Senator from Connecticut, Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President. Let me commend our colleague from North Dakota for a very eloquent statement and the Democratic leader, Senator DASCHLE of South Dakota, for laying out one of the primary objectives of a Democratic agenda for this session of the 105th Congress.

I think there are issues that ought to enjoy and attract strong bipartisan support—sustained growth in our economy, a balanced budget, a growing surplus, and investments in the educational and health needs of young people. I certainly hope that on managed care issues, in particular, we can find consensus—making sure that people across this country have the right to choose their own doctors and are not going to be forced out of the hospital prematurely. A bill of rights for patients is something that is long overdue. I know that the people of American are hoping that this Congress will address these issues before we adjourn.

I want to commend those who are responsible for putting this agenda together and to address a few aspects of it more fully.

Shortly we will be hearing from our colleague from North Dakota, Senator CONRAD, who has led a task force over the past several months to fashion a bill to deal with the difficult issue of tobacco use by young people—a bill which I was pleased to cosponsor. As Senator DORGAN just discussed, the facts on youth smoking are not in controversy—3,000 young people start smoking every day, and 1,000 of those will die prematurely.

This is an issue that ought to unite Americans regardless of political persuasion or ideology. We all pay when children become addicted to tobacco. It is not just the children who pay with abbreviated lives that might have produced far more for themselves, for their families, and for their Nation. But all of us in a sense suffer when we, by our silence, by our inaction promote or at least don't try to retard the growth of a problem that so negatively affects young people. So, I am hopeful in these few legislative days we have remaining, we will do something meaningful to reduce the harmful impact of tobacco on the children in this country.

We all know that a tax increase, which makes tobacco less affordable, is one of the ways to do that. I'd like to cite some facts from a recent survey done in my State—in Fairfield County, CT. This county is a one of great affluence—it contains the towns of Greenwich and Westport some of the more affluent communities in the Nation. It is also a county that is the home of Bridgeport, CT, one of the poorest cities in the Nation. In a relatively small area of geography, you have great diversity in income.

This survey looked at young people's smoking habits. Interestingly, about 30 to 35 percent of the young people in the more affluent suburbs in the communities of Fairfield have already begun to smoke or abuse alcohol. In Bridgeport, however, the percentage of teenagers was much lower—10 to 13 percent. Why? There are many factors, but, clearly economics play a major role. The people who conducted this survey concluded that money does make a difference—that the ability of a teenager to buy a pack of cigarettes actually does affect the likelihood that he or she will smoke.

Senator CONRAD has included in his bill a tobacco tax of $1.50—the amount that public health experts tell us is necessary to effect a decrease in youth smoking. Senator CONRAD has also laid out a plan for making use of the revenue raised by this increased tax on tobacco. I suspect that I was somewhat of a pest over the last 72 hours as he was getting ready to introduce this bill—in making repeated suggestions about how he could best make use of those funds. I am very pleased that Senator CONRAD will be directing $14 billion of the revenues—of the $80 billion that will be generated in the next 5 years or so—toward improving the affordability, availability and quality of child care.

My colleagues know, going back during the years of my tenure in the Senate, that I have spent a lot of time advocating for children's issues, particularly child care. So, I am deeply, deeply grateful to my colleague from North Dakota for agreeing to allocate such a substantial part of these dollars to the needs of children. I know my colleague from Rhode Island, JACK REED, who was one of the first cosponsors on our comprehensive child care bill introduced last week and an active member of the Democratic Strike Force—Right Start 2000 that we formed in the Senate here to focus on children's issues, joins me in expressing our appreciation.

While we are on the topic of child care, Mr. President, I'd like to share with my colleagues some new findings in the child care debate that relate to the issues of the cost and quality of child care.

Mr. President, after we passed the welfare reform package in 1996 I asked the General Accounting Office if they would do a survey of States and give us some idea of how this law would affect the child care needs of families in this country. The GAO, just in the last few days, completed its survey and issued a report to the Subcommittee on Children and Families, of which I serve as ranking member.

Let me just briefly share some of the conclusions of this GAO study about how welfare reform is affecting not only welfare recipients, but also working families. I think these findings highlight why the allocation that the Senator from North Dakota has directed to children's needs in his tobacco bill is so critically important.

This report's findings are based on a survey of several States—California, Louisiana, Oregon, Texas, Washington, and Connecticut. First, let me offer the good news. According to the GAO States have done a very good job in meeting the needs of welfare recipients. Most families who need child care assistance in order to begin to enter the workplace are receiving it. Now, for some of the bad news. In order to help all of the welfare recipients, States had to severely limit the access of working families to child care subsidies. People who are right on that margin—not on welfare, but just over the line—are not getting the assistance they need.

The survey indicates that access of working families to subsidies has been severely curtailed. Even if States draw down all of the Federal funds available, more than half—52 percent of working families in this country who need affordable child care—will be denied it.

In Texas, one of the seven States surveyed, this means that over 37,000 working families remain on waiting lists for child care assistance. In California, even more dramatically, 200,000 working families are on waiting lists for child care assistance—some for over 2 years. Tragically, in my State of Connecticut, we just stopped pretending. We don't even keep waiting lists for new families.

In this survey, the States also told the GAO about severe problems with the availability of child care. As we have known for years, certain types of care are not available at any cost—infant care, care for children with disabilities and care during nonstandard work hours.

The GAO found that States are particularly concerned that the work participation requirements of welfare could exacerbate the shortage of infant care. Under welfare reform, mothers with children over the age of 1 are told they must work. Some States have chosen even tougher standards. In Wisconsin and Oregon, mothers with children older than 3 months must work. I find it somehow ironic that we now have Republican legislation pending that would offer incentives for parents to stay home with children under the age of 3 years—a wonderful idea—but yet we have in place a work requirement for welfare recipients with children over 3 months in some States.

In many communities, child care for very young children is so limited that parents must sign up while they are still pregnant to have any chance of finding that care at all.

Welfare reform is also exacerbating, according to GAO, the lack of child care during nonstandard work hours. Many welfare parents are finding jobs in service industries where shift work is required. Yet in most communities child care on weekends or after 6 p.m. is nonexistent.

When it comes to improving the quality, it is clear that States are making an effort. States are trying to improve provider training, to incresae provider compensation and to help facilities meet licensing standards, but they are still concerned that they are falling short. They are concerned, and rightly so, that as work participation requirements rise, quality may be compromised.

This report is not about blaming the States. They are doing the best they can with a very big job. This is not about pitting welfare recipients against working families in the battle for limited child care dollars. It should be about making sure that the Federal Government provides sufficient resources so that parents who need safe and affordable child care in order to work can find it in this country.

Senator CONRAD's bill and the $14 billion in funding that it will provide will go a long way towards meeting those needs. I am pleased that the Senator from North Dakota has included in his tobacco legislation language directing these funds to the programs outlined in the Child Care A.C.C.E.S.S. bill which I introduced last week. I think it will go a long way toward ensuring that working families are going to get the kind of child care assistance and support they need.

Again, I want to say to my colleague from North Dakota that I commend him immensely for the tremendous job he did, and I apologize to him publicly for being the source of some annoyance to him as I tried to get more money out of him for child care over the last several days. He very generously doubled the investment in child care from $7 billion to $14 billion. I thank him for that. Hope springs eternal. There may even be some additional resources made available for child care as we go through this debate. I am grateful to him and members of the tobacco task force for their attention to the needs of children and child care in their legislation.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank my colleague from Connecticut for his gracious assistance, as we move to introduce the tobacco legislation. I also want to thank him for his forceful advocacy. That is what this place is all about. And there is no more forceful advocate for children in this Chamber than the Senator from Connecticut, Senator DODD. He cares deeply about this subject. He fights for what he thinks is an appropriate allocation of resources to make the changes that are desirable.

So it is not a matter of irritation. It was a matter of tough negotiation, and he is a darned good negotiator. Anybody who is able to increase an allocation they care about by 100 percent—there is only one person in that category: The Senator from Connecticut. But it was for a good cause, and we very much appreciate his support for the legislation.

(The remarks of Mr. CONRAD, Mr. REED, Mr. KENNEDY, and Mr. BAUCUS pertaining to the introduction of S. 1638 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to my very, very good friend, the distinguished senior Senator from West Virginia who is the ranking member of the Appropriations Committee and has held more titles around here than I can think of. It is an honor to yield to him.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Senator. Mr. President, how much time do I have remaining under my reservation?

The PRESIDING OFFICER. The Senator from West Virginia has 35 minutes remaining of his reservation.

Mr. BYRD. I thank the Chair. I may or may not use all of that today. Whatever I use at this point, I ask that it be taken off my time that has been reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my friend, and I will be about 5 minutes.

SENATOR SPECTER'S 68TH BIRTHDAY

Mr. BYRD. Mr. President, it is an unfortunate fact of life in today's Senate that, as Members go about the business of fulfilling their duties, it is increasingly difficult to find time in our hectic schedules to acknowledge the personal milestones of our colleagues. I intend to rectify this situation in part today by taking just a few minutes to congratulate my friend from Pennsylvania, Senator ARLEN SPECTER, on the occasion of his 68th birthday.

Oh, Mr. President, only to be 68 again. Oliver Wendell Holmes said, "Oh, just to be 70 again." Well, I feel very much in that same mode.

Born in the prairie town of Wichita, Kansas, at the start of the Great Depression, ARLEN SPECTER, through the diligent application of his intellect and his tenacity, has become the 1,750th individual to serve this great nation as a United States Senator.

Mr. President, Senators serve with Presidents. I hope Senators will remember that. Senators don't serve under Presidents. Senators serve with Presidents. President is another office, a high office, indeed, in the executive branch. But Senator SPECTER is the 1,750th individual to serve this great Nation as United States Senator, and he has served with Presidents in both parties.

Woodrow Wilson reportedly said, "The profession I chose was politics; the profession I entered was law. I entered the one because I thought it would lead to the other." Mr. President, I do not know if, in Senator SPECTER's case, he came to the same conclusion or if politics was for him a natural calling, but whatever the case, the melding of politics and law in the person of this thoughtful, soft-spoken Pennsylvanian has resulted in an inspired result for the people of the Keystone State.

A graduate of the University of Pennsylvania and Yale University Law School, ARLEN SPECTER began his remarkable public career as an assistant district attorney in Philadelphia, where he won the first conviction in the Nation of labor racketeers, fought consumer fraud, and relentlessly prosecuted corrupt public officials. That willingness to take on the tough fights, no matter where they might lead, has become the hallmark of the senior Senator from Pennsylvania, Mr. SPECTER.

But dogged pursuit of righting criminal wrongs is only one facet of ARLEN SPECTER's many-faceted character. As a Member of the Appropriations Committee in the Senate, Senator ARLEN SPECTER has worked long hours, and with great determination, in an effort to see that Federal dollars are wisely used to combat breast cancer, prostate cancer, heart disease, and Alzheimer's disease. Indeed, I believe it is fair to say that my friend from Pennsylvania takes a second seat to no one when it comes to his commitment to doing all that he can to provide a better, healthier life not only for those whom he represents in Pennsylvania, but also for all Americans.

Mr. President, it is this fortuitous combination of legal acumen, tenacity, and compassion for the difficulties of others that has made ARLEN SPECTER a highly-respected Member of this body, one whose counsel is so valuable to all who know him and work with him. As Henri Frederic Amiel noted in his Journal on April 7, 1851, "man becomes man only by the intelligence, but he is man only by the heart." Senator SPECTER is a superior example of what Henri Frederic Amiel meant by that pronouncement. So I offer my friend and colleague my heartfelt congratulations, and also my thanks to him for his wisdom, his character, and his decency on this day which marks the beginning of his 68th—almost the beginning—I suppose it is the beginning of his 68th year. Oh, but to be 68 again.

So I say to my friend from Pennsylvania:

> The hours are like a string of pearls,
> The days like diamonds rare,
> The moments are the threads of gold,
> That bind them for our wear.
> So may the years that come to you
> Such wealth and good contain
> That every moment, hour and day
> Be like a golden chain.

Mr. President, I thank my friend from Montana for his kindness in yielding to me. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I join my colleague in congratulating our friend, Senator SPECTER from Pennsylvania, on his 68th birthday. I have watched Senator SPECTER over the years, and I can say I do not think there is a Senator with a finer legal mind than the Senator from Pennsylvania, particularly from a criminal law perspective, constitutional law perspective, and a prosecutorial perspective as a former prosecutor in Pennsylvania.

He brings to this body tremendous experience and tremendous judgment. And I join my colleague in wishing our colleague from Pennsylvania the very best returns on his 68th birthday.

THE NEED FOR ISTEA

Mr. BAUCUS. Mr. President, I rise today, along with my colleagues, to urge the Senate to begin the debate on the ISTEA reauthorization bill.

That is important for a number of reasons, that I will get to in a moment. But first let me comment on why we find ourselves in this position.

As my colleagues know, the current ISTEA legislation expired on September 30th of last year.

The Environment and Public Works Committee, under the leadership of our chairman Senator CHAFEE and our subcommittee chairman Senator WARNER, reported the 6-year reauthorization bill on October 1.

About that same time, the House Transportation and Infrastructure Committee reported a stop gap 6-month extension. Unfortunately, as we all recall, the Senate bill got caught up in an unrelated debate over campaign finance reform.

So, regrettably, last session ended with the Congress—both House and Senate—unable to complete action on a long-term bill to reauthorize this important legislation. The best we could do was to extend the funding until May 1 of this year.

Now, there is plenty of blame to go around for this unfortunate situation. Whether it was the failure to invoke cloture, or the filling of the amendment tree, which prevented Senators from offering amendments, there were lots of reasons for our failure last year.

But that was then, and this is now. And the plain fact is that pointing fingers at one another about what did, or did not, happen last year will not help us move a reauthorization bill this year.

So let us stop blaming one another for last year and let us start figuring out how to get the ISTEA legislation reauthorized quickly this year.

Now, Mr. President, let me talk about why we need to move quickly with ISTEA. The simple fact is that without quick action, highway projects, safety programs, and transit projects will begin to lose the ability to meet our country's transportation needs.

Already State highway officials tell us that they are beginning to delay projects. Why should this be so?

Why are States slowing down, or stopping, some projects—even though there are still 42 days of funding left until the May 1st deadline?

The reason is that most highway projects take a long time to complete. It is not unusual for even relatively simple projects to take three, four or five years to finish. Sometimes even more. And complicated or controversial projects, such as the Central Artery in Boston, can take a decade or two to go from conception to completion.

In the highway business, you don't start a project unless you know you will have the funds to complete it.

After all, these projects cannot be turned on and turned off like a faucet. Doing so wreaks havoc on the construction itself, on the neighborhood, on traffic congestion, and so on.

Because these projects extend over many years, they require a certainty in funding that extends over a comparable period. That is why highway bills need to last for several years. ISTEA ran for 6 years. The Senate-reported bill also lasts for 6 years. This time provides a good sense of stability to the financing of projects and allows states and communities to plan their transportation programs efficiently.

But a short-term extension gives you uncertainty, not stability. Especially for large projects, if states cannot assure that Federal matching funds will be available to finish it, they won't even start it. So they delay projects, even if there may be a few weeks of funding left.

At the end of my remarks, I will list a few of the States that are beginning to delay projects. I hope my colleagues will pay close attention to it. Because the longer we delay a reauthorization bill, the longer this list will grow.

Now, let me talk for a few minutes about how the highway program works on the ground. And the process I will describe is essentially the same in every State.

Each project normally has three distinct stages—planning, development, and construction. Each stage can last from weeks to years, depending on the specific project. The charts I have here today focus on the project development stage, that is, the process of taking a project proposed by local government and getting it ready for construction.

As my colleagues can see, it is not simple. A highway project goes through a very complicated process.

The chart on my right shows the first phase—the "survey phase".

This is the part of a project where State Departments of Transportation do such things as prepare for public hearings; begin to draft environmental documents; collect soil samples; begin preliminary engineering; assess traffic noise impacts; begin subsurface utility relocation; and assess wetlands and water quality impacts.

The second chart, on my left, shows the "design phase". Here, States must prepare the design documents for a project. These documents include traffic access plans; wetland mitigation plans; review of soil samples for hazardous materials; and applications for water quality permits.

Of course, it also includes preparation of final construction drawings, route alignments, schedules of materials, and the like.

The third chart covers the'"right-of-way" phase. In this phase, States prepare the final environmental documents; determine where rights-of-way must be acquired; determine utility relocations; determine final traffic access controls; obtain wetlands permits; and review all of the documents from the previous design phase.

And as I said before, all this must be done before one shovelfull of dirt is turned.

Now, Mr. President, I explain this process to my colleagues so that they can begin to understand the complicated nature of the highway program. Every project in every State must go through this type of process. In Montana, we have over 450 projects going through it. In States with larger transportation budgets, there can be as many as 1,500 projects in the pipeline.

No project can be ready to go to construction if it has been held up at any point in the development process. And States will not obligate funds to prepare a project for construction if they are uncertain they will actually be able to construct it at some point.

For some projects that are large and complicated, the project development process can be longer than others. But the typical development time for a major construction project can range from five to seven years. That is, it can take five to seven years for a project to reach the point that it is ready for construction.

Once a project is ready for construction, States must still advertise the project—which can take 3 to 4 weeks. Then States must receive bids, open the bids and award the contracts. That can take an additional 4 weeks. And workers, equipment and materials must be mobilized and brought to the construction site. More time.

Finally, there is the time spent on actual construction.

With such a complicated, time consuming process, it is important that Members of the Senate understand that even brief interruptions during project development can cascade into lengthy delays in construction.

That is why the ISTEA bill runs for six years, to give the States some assurance they will not face wasteful delays and disruptions caused by funding uncertainties. That is also why a short-term extension, or worse, a series of short term extensions, is so disruptive.

I have heard many Members ask "what does it matter if we wait until late March or April to do this bill?". I hope that once Members and staff become more familiar with this program, that will be a simple answer.

If we wait to begin the debate until "later", this bill will not be done by the May 1st deadline. That means more projects will be delayed. It means thousands of workers will lose jobs. And I am afraid that such job losses will begin to happen soon.

I have heard of one contractor who plans to lay off his construction workers on May 1st and will not rehire them until at least 30 days after the final conference report is agreed to.

That same contractor will not be placing any orders with his suppliers until 45 to 60 days after a new bill is in place because he is uncertain he will have construction contracts to work on. And I am confident there are more contractors throughout the country making the same business decision.

Mr. President, the hardworking Americans who lose their jobs because of these delays will do so through no fault of their own. These folks will be ready to show up for work every day and do a good job. And yet they will be told they must find other work because Congress couldn't resolve its differences and get the ISTEA bill reauthorized in time.

Every State will feel this pain. Yes, some will hurt more than others. But every State will have to delay projects.

As I mentioned earlier in my remarks, some States have already listed the projects that will most likely be delayed if a reauthorization bill is not signed into law by May 1st. These are real projects.

These are projects that communities were counting on. These are projects that are important for the safety and mobility of drivers and pedestrians and to relieve congestion in these States.

The States that have already made plans to delay projects include: Kentucky, South Dakota, Maine, Wyoming, Georgia, Nevada, Texas, Missouri, Oklahoma, Indiana, New Hampshire, Indiana, North Dakota and Utah.

More States are expected to announce their plans soon.

Mr. President, let's not treat the reauthorization of ISTEA as a political football. The consequences for all of our States are very real. For those Senators who doubt the impacts, I simply ask that they call their State Department of Transportation. Ask them what they plan to do in the coming weeks. I can assure you that it will not be good news.

So we have a very important job to do—to reauthorize ISTEA. Let's get to it.

I stand ready to work with the Majority Leader, with Senator DASCHLE, with my committee leadership, with Senators BYRD and GRAMM, with the Budget Committee and all my colleagues to find a way to bring this bill up as soon as possible.

Mr. BYRD. Will the Senator yield?

Mr. BAUCUS. I am happy to yield to the Senator.

Mr. BYRD. I thank the distinguished Senator for his remarks on this very important subject. I sat and listened to them. I found them to be very illuminating, very interesting, very informative and refreshing.

I have been around a good many years. I didn't realize all of the steps, the lengthy process, the consumption of time that is required from the alpha to the omega of planning and completing the highway. This has been most edifying to me as I have listened. I thank the Senator.

I recommend to all Senators that they read in the CONGRESSIONAL RECORD the statement that has been made today by Senator BAUCUS. He sits on the authorizing committee, and he has had an opportunity because of the jurisdiction of that committee over highways, he has invested many years in the study of this subject matter, and it is a real privilege to have him part of the Senate. I thank him for imparting to me, and I am glad I took the time and sat here and listened to him.

This vast knowledge—I am sure he could speak all afternoon on this subject without notes. I thank him. His comments have been very helpful. I hope all Senators will read these remarks in the RECORD and that Senators will join in cosponsoring the Byrd-Gramm-Baucus-Warner amendment.

If the Senator will allow me 10 more seconds, I ask unanimous consent that the following three Senators be added as cosponsors to the Byrd-Gramm-Baucus-Warner amendment numbered 1397 to the bill S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997: Senator DODD, Senator BINGAMAN, Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

Mr. BAUCUS. I thank my good friend from West Virginia. Nobody has worked harder on this issue than he. We all owe him a tremendous debt of gratitude for his very fine work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SEARCH FOR TRUTH WITH AN INDEPENDENT COUNSEL

Mr. McCONNELL. Mr. President, I rise today to call attention to a serious and deeply troubling crisis in our country. This is a crisis of confidence, of credibility, and of integrity. Our Nation is indeed at a crossroads. Will we pursue the search for truth, or will we dodge, weave, and evade the truth?

I am, of course, referring to the investigation into serious allegations of illegal conduct by the President of the United States—that the President has engaged in a persistent pattern and practice of obstruction of justice. The allegations are grave, the investigation is legitimate, and ascertaining the truth—the whole truth, and nothing but the unqualified, unevasive truth—is absolutely critical. The search for truth is being led by a highly capable former Solicitor General of the United States and a former judge of the U.S. Court of Appeals for the D.C. Circuit, Kenneth Starr.

Mr. President, I am deeply troubled today because Judge Starr's pursuit of the truth is being undermined every step of the way, every single day, in the press by those whose sole mission is to attack and impugn the court-appointed independent prosecutor and the congressionally created process. These attackers are not the journalists or the broadcasters.

Mr. President, what troubles me the most here is that these reckless attacks and ruthless onslaughts are being carried out by the closest advisers to the President of the United States.

Just this past Sunday on Meet the Press, Paul Begala, Assistant to the President, accused Judge Starr of leaks and lies and called him "corrupt." That is not a paraphrase, that is a direct quote. He actually used the word "corrupt." The smear campaign is being orchestrated by the White House.

Obviously, I can't vouch for the truth or falsity of the obstruction-of-justice charges against the President. But what I can tell you is that the assaults on Judge Starr, the character assassination against the court-appointed independent prosecutor, is authorized and approved by the President of the United States. And it should stop.

The White House and the First Lady have announced that the President's problems are nothing more than a "vast right-wing conspiracy." As many commentators have pointed out, this so-called conspiracy is so vast and so broad that it encompasses both the media and a White House intern.

But I would like to point out today that the vast and broad conspiracy just got bigger. Apparently, this vast right-wing conspiracy is so sweeping and so pernicious that, in 1993, it compelled a Democrat-chaired Ethics Committee in a Democratic-controlled Congress to appoint Judge Kenneth Starr to help investigate whether Republican Senator Bob Packwood should be expelled from the U.S. Senate.

Mr. President, let me refresh the recollection of the Senate regarding the 3-year Packwood investigation, which began in late 1992 and ended with Senator Packwood's resignation in 1995.

I was the vice chairman, and later the chairman, of the Ethics Committee during that investigation. As everyone will recall, that investigation was a very sensitive, personal and serious matter. It involved the allegation that Senator Packwood had "engaged in sexual misconduct" and "attempted to intimidate and discredit the alleged victims, and misuse[d] official staff in attempts to intimidate and to discredit."

During this lengthy investigation, Senator Packwood objected to the Ethics Committee's review of his personal diary entries in the fall of 1993. The committee proposed a process where the diaries would be reviewed by an independent hearing examiner who would serve two functions: First, the examiner would review the diaries to ensure that the committee would see all relevant and probative information. Second, the examiner was asked to protect the privacy interests of Senator Packwood, his family and friends.

The Ethics Committee had to choose a person who was fair, impartial, prudent, and trustworthy. Someone who wouldn't be on a vendetta against Democrats or Republicans; someone who had earned the clear respect of both parties; someone with the highest integrity; someone with a clean track record; a man with sound credentials, who was above reproach. And the Ethics Committee chose such a man.

They chose a man who was the son of a Baptist minister, a graduate of Duke University Law School, a former clerk for Chief Justice Warren Burger. The Ethics Committee—chaired at the time by a Democrat in a Democrat-controlled Congress—chose a man who was the former Solicitor General of the United States, a former judge of the U.S. Court of Appeals.

That man was Kenneth Starr.

Let me tell you who was on the committee at that time. The committee was chaired by my colleague from Nevada, DICK BRYAN. The Republicans on the committee included myself, Senator CRAIG and Senator BOB SMITH of New Hampshire. The other Democrats were my dear colleagues, Senator MIKULSKI of Maryland and the current minority leader, Senator TOM DASCHLE.

The matter was not quiet and secretive. The entire U.S. Senate knew who would be called upon to exercise impartiality, discretion, and judgment in a highly important and highly sensitive matter. We actually discussed this matter on the floor of the Senate because there was a needed Senate action to enforce the subpoenas. Senator Alan Simpson referred to Judge Starr as "a splendid man," and "a man of judgment, honesty, integrity, and common sense."

Senator ARLEN SPECTER stated, "Many people have spoken about [Judge Starr's] integrity, and the committee has already endorsed his standing. . . . If Judge Starr makes a judgment, that is the judgment. That is it."

My colleagues on the other side didn't object or dispute that notion. For example, Senator JOHN KERRY, of Massachusetts, voiced the consensus opinion when he declared on the Senate floor that "Judge Starr is certainly a neutral party."

And, it didn't stop with the Democratic-chaired Ethics Committee and the Democrat-controlled Congress. In 1994, the U.S. District Court in the District of Columbia had to choose someone to serve as a special master to help enforce the Ethics Committee's subpoena for the Packwood diaries.

The court had to choose a man who was fair, impartial, prudent, and trustworthy; again, someone who wouldn't be on a vendetta against Democrats or Republicans; again, someone who had earned the clear respect of both parties, and someone with the highest integrity, who was above reproach.

The court chose such a man, Mr. President. It chose the former Solicitor General of the United States and a former judge of the U.S. Court of Appeals, Kenneth Starr.

So, today, we examine the White House's ludicrous, self-serving claim of a "vast right-wing conspiracy" and find that the conspiracy has ensnared even more than we would have ever imagined. The "vast right-wing conspiracy" can now count as members the Democrat-chaired Ethics Committee in 1993 and the then Democrat-controlled Senate. And, lest we forget, the conspiracy can also count the Federal District Court for the District of Columbia as one of its members.

My point here, Mr. President, is simple: The attacks on Kenneth Starr are unfounded and unproductive. The attacks are, in fact, unconscionable.

Let me point out, as far as this crazy conspiracy theory is concerned, most people would agree that the Senator from Kentucky has fairly solid conservative Republican credentials. If somebody were engineering a "vast right-wing conspiracy," I think I might have gotten wind of it. Furthermore, let me point out that I don't know Ken Starr. I do not recall ever meeting him in my 14 years in Washington. If he were a fire-breathing Republican ideologue, one would think that, as active in Republican politics as I have been over the last 15 years, I might have run into him someplace along the line.

The crisis in the White House is a crisis for our entire country. The crisis will only be resolved by a fair and sober search for the truth. It is clear from the record that Judge Starr is the right man for this job. I think that it is important for the President and his people to stop this smear campaign. Let Ken Starr do his court-appointed job and let the American people learn the truth, the whole truth, and nothing but the truth.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE DEMOCRATIC AGENDA

Mr. KENNEDY. Mr. President, I strongly support the legislative priorities announced today by President Clinton, Vice President GORE, Senator DASCHLE, and Congressman GEPHARDT.

These priorities contain a number of major Democratic initiatives to protect Social Security and to help working families across the country on key issues such as jobs, education, health care, and the environment. And I look forward to their enactment this year.

One of the pillars of our Democratic agenda is a commitment to raise the minimum wage by 50 cents in each of the next 2 years. Our proposal will increase the minimum wage from its current level of $5.15 an hour to $5.65 an hour on January 1, 1999, to $6.15 an hour on January 1 in the year 2000. In 1996, after a hard-fought battle in the last Congress, we raised the minimum wage by comparable amounts with no adverse effects whatever on the economy. The scare tactics about lost jobs proved to be as false as they are self-serving.

A recent study by the Economic Policy Institute contains documents that the sky hasn't fallen as a result of the last increase. Raising the minimum wage does not cause job loss for teenagers, adults, men, women, African Americans, Latinos, or anyone else. Twelve million Americans benefited from raising the minimum wage, and they deserve the increase that we are proposing.

To have the purchasing power it had in 1989, the minimum wage today would have to be $7.33 an hour. That figure is still well above the level that we are proposing. That fact is a measure of how far we have not just fallen short but actually fallen back in giving low-income workers their fair share of our extraordinary economic growth.

In the past 30 years, the stock market, adjusted for inflation, has gone up by over 100 percent while the purchasing power of the minimum wage has gone down by 30 percent. We know who these minimum wage workers are. Sixty-percent are women. Nearly three-quarters are adults. Half of those who would benefit work full time. Over 80 percent work at least 20 hours a week. They are teacher's aides, child care providers. They are single heads of households with children. They are people who clean office buildings in countless communities across the country working 40 hours a week, 52 weeks a year.

Minimum wage workers earn $10,712 a year, $2,600 below the poverty level for a family of three. Low-income workers don't just deserve a wage; they urgently need a raise. Nationwide, soup kitchens, food pantries, and homeless shelters are increasingly serving the working poor—not just the unemployed.

In 1996, according to a recent U.S. Conference of Mayors study, 38 percent of those seeking emergency food aid held jobs, up from 23 percent in 1994. Low-paying jobs are now almost the most frequently cited cause of hunger. Officials in 77 percent of cities cited this factor.

The American people understand the unfairness of requiring working families to subsist on a subpoverty minimum wage.

I look forward to the early enactment of the increase we are proposing. Twelve million working Americans deserve a helping hand.

In good conscience we cannot continue to proclaim and celebrate the Nation's current prosperity while consigning millions who have jobs to live in continuing poverty. No one who works for a living should have to live in poverty in the United States of America.

The second pillar of the Democratic agenda is the Patient's Bill of Rights on health insurance.

Few issues are more important to all working families than quality, affordable health care. Every family needs and deserves good medical care when a loved one is ill. Every family that has faithfully paid its premiums to its insurance plan deserves to receive the benefits the plan has promised. The American family knows that this promise is broken too often because unscrupulous insurance companies put profit ahead of patients.

In movie theaters across the country today audiences erupt in spontaneous cheers when the character portrayed by actress Helen Hunt explodes in frustration over the callous treatment that she and her son received from her managed care plan. The movie "As Good As It Gets" has been nominated for major academy awards.

But managed care today isn't receiving any awards, and neither is Congress for our lack of needed action to end these flagrant abuses.

The problems are obvious. Insurance company accountants should not be allowed to practice medicine. It is time to guarantee women the right to see a gynecologist. No breast cancer patient should be forced by health insurance plans to have a drop-by mastectomy when hospital care is needed. No patients with a rare or dangerous disease should be denied the right to be treated by a specialist. No child's health or very life should be at risk because a parent feels forced to drive past the nearest emergency room to a more distant hospital that is the only hospital covered by the group plan. No doctor should be subjected to gag rules, financial incentives, or financial penalties to prohibit or discourage them from giving patients the best medical advice. Reasonable review procedures should be available to anyone denied coverage or treatment by their insurance plan. Patients with an incurable illness should be allowed to participate in clinical trials of new therapies that offer the hope of improvement and cure.

The Republican leadership has told the special interests to "get off their butts and get out their wallets" to fight any legislation that puts the interests of working families ahead of the interests of unscrupulous insurers. But with the President and the congressional Democrats unified for reform, I am confident that we will prevail and that our Patient's Bill of Rights will be signed into law this year.

A second health issue that is critical to millions of families is access to health insurance for those too young for Medicare but too old for affordable private coverage.

Our Democratic agenda offers these families immediate health and hope. We propose to allow them to buy into

Medicare at a price that is far more affordable than the private market offers, if it offers them any insurance at all.

Three million Americans between the ages of 55 and 65 have no health insurance. The consequences are often tragic. As a group they are in relatively poor health, and their health continues to deteriorate the longer they are uninsured. They have no protection against the cost of serious illness. They are often unable to afford the routine care that can prevent minor illnesses from turning into serious disabilities, or even becoming life threatening. The number of uninsured in this group is growing every day.

Between 1991 and 1995, the proportion of today's workers whose employers promise them benefits if they retire early dropped 12 percent. Barely a third now have such a promise. In recent years too many who have counted on employer commitment have found themselves with only a broken promise and their coverage canceled after they have already retired.

The plight of older workers who lose their jobs through layoffs or downsizing is equally grim. It is difficult to find a new job at 55 or 60, and it is even harder to a find job that comes with health insurance.

For these older Americans who are left out and left behind for no fault of their own after decades of hard work, Democrats are offering a helping hand. By allowing these workers to buy affordable coverage through Medicare, our Democratic proposal is a lifeline for millions of these Americans. It provides a bridge to help them through the years before full Medicare eligibility. It is a constructive step towards the day when every American of any age will finally be guaranteed the fundamental right to health care.

Our proposal places no additional burden on Medicare. It is fully paid for by premiums from the beneficiaries themselves and by savings from fraud and abuse.

Democrats will fight hard for this commonsense approach to helping older workers and their families. And Congress should respond.

In addition, on education, President Clinton and the Democrats in Congress have also made it a top priority to see that America has the best public schools in the world. We intend to do all we can to see that we have reached that goal.

Successful schools need a qualified teacher in every classroom making sure that children get the individual attention they need. That is why another main pillar of the Democratic agenda is to provide 100,000 new teachers for America's public schools. The shortage has forced school districts to hire more than 50,000 uncertified teachers a year, or ask certified teachers to teach outside their area of expertise. One in four new teachers do not fully meet State certification requirements, and 12 percent of new hires have no teacher training at all.

In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

Our Democratic proposal will also encourage State efforts to reduce class size by providing additional teachers needed to fill the smaller classrooms.

Our proposal will also help schools meet their urgent needs for repair, renovation, modernization, and new construction.

Investing in schools is one of the best investments America could possibly make. For schools across America, help can't come a minute too soon, and our Democratic proposal provides it.

On key issues, such as the minimum wage, health care, and education, the Democratic priorities put working families first.

Our proposals are investments in a better life for all of our families and a better future for the country. Special interests will fight hard to keep these proposals from becoming law. But Democrats in Congress and the President will fight harder because we know that the American people are with us.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IRAQ

Mr. LOTT. Mr. President, I believe that Senator DASCHLE will join me on the floor shortly because he and I would like to, in effect, have a joint statement with regard to Iraq because we want the message to be unambiguous, very clear to America and to our allies around the world, and to Iraq about our attitude and what our intentions are with regard to this very important matter.

I just had a call from Senator JOHN WARNER, who is in Russia today along with Senator CARL LEVIN. They are escorting Secretary of Defense Bill Cohen. They have already been to six countries since they were in Germany. I believe perhaps even the Senator from Arizona, the Presiding Officer, was there. They have gone throughout the Arab world, and now they are in Russia.

He tells me that he believes that when they return, Secretary Cohen and the two Senators will bring a great deal of helpful information to the Senate and to the American people about what they have heard in the Arab world and what they have heard from our allies in those areas' meetings. They believe that they will be able to answer some of the very important questions that Senators have been asking.

So we will look forward to their return.

I had hoped that we could get to the point where we could pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. Senator WARNER and Senator LEVIN would like very much to be a part of the discussion about what the situation will be and how we should proceed on Iraq. They would like to be here. And other Senators are necessarily not going to be able to be here beyond this afternoon.

So we have decided that the most important thing is not to move so quickly but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is expected or what is going to be happening with our allies in the world.

I was noting, I say to Senator DASCHLE, that I just talked to Senator WARNER in Russia, and he was telling me that Secretary Cohen and Senator WARNER and Senator LEVIN are looking forward to coming back and giving us a full report on their trip to the Arab world. Now they are in Russia today.

Mr. President, I have no doubt that the entire world is watching the current crisis between Iraq and the international community unfold. This is another showdown caused by Saddam Hussein.

The Iraqi dictator has decided that his weapons-of-mass-destruction program is more important than the welfare of his own people. At a time when we have been getting reports—in fact, we have seen children suffering from malnutrition—this dictator has been building $1.5 billion in additional palaces. He has already endured 7 years of sanctions so that he can develop biological, chemical, and nuclear weapons—and the means to deliver them.

This is a very serious matter. For some time we—and I mean America and our allies—have been working to develop a resolution on Iraq that has broad bipartisan support and also one that would bring the situation under control there by diplomatic efforts hoping to avoid military action. But that has not happened yet.

I believe we are moving toward a consensus in the Senate on a number of the key issues that must be addressed as we look to the future. And here they are.

First of all, Saddam Hussein does pose a real threat to the region and to the entire world. I believe the Senate recognizes that. I hope that the American people recognize that. This is not a hypothetical danger that has been dreamed up by some armchair strategists. There is a long track record in this area of actions by Saddam Hussein. He poses a clear and present danger without equal in the post-cold-war world. He is dangerous. He is a threat to his neighbors. He is a destabilizing force in the whole region. And, yes, he is actually a threat all over the world including the United States. This is a man who has already invaded two of his neighbors. Iraq has used chemical weapons inside and outside its borders. It has launched missiles against Saudi Arabia and against Israel. Hussein tried to murder former President George Bush in 1993.

Now, we should not make any mistake and think that a military action, if it comes to that, is going to rehabilitate Saddam Hussein or even eliminate him. He does not have any desire to join the civilized world, apparently, and he has shown that he can survive even when the whole world has concerns with his conduct and has taken unified action to stop his aggression.

Second, I think there is a consensus in the Senate that military force is justified if diplomatic actions fail in responding to the threat that Saddam Hussein poses. The threat is serious and our response must be serious.

Now, any military force that is used does entail risks, to our military, to our allies and even to our country if there is an attempt at retaliation. The American people need to understand that, and we need to think about it carefully. And we need to talk about the risks that are involved. That is one reason why, when we bring up a resolution, if it is necessary—and I assume it will be—we must make sure that every Senator who wants to be heard can be heard.

I remember when we had a similar debate back in the early nineties. I think some 80 Senators spoke. Now, this time we won't have 500,000 troops amassed on the ground ready to go in, but it is still a very serious matter, and I want to make sure that we don't try to restrict Senators. In fact, we could not. Senator DASCHLE knows if we asked unanimous consent to bring this resolution up today and vote on it in 4 hours, we would not get it; the Senate is known for its deliberate actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and the ramifications and to, frankly, press the administration. I feel better this week than I did last week because of the responses we are getting about how this is being thought out and what would be the military action and what will be the long-term plans to deal with Saddam Hussein. We are beginning to get some answers now. I believe the administration is thinking harder about what those answers should be because the Senate, Republicans and Democrats, has raised these questions, not in a critical way, not in a threatening way, but in an honest way of saying, have you thought about this? What about this approach? Can we do more? I think that has served a very positive purpose.

Some people have said to me, even back in my own State, "This is not a threat to us. Let them deal with that over there." Who? Who is going to deal with it? If America does not lead, who is going to lead? Nobody else.

Now, our allies can, should, and, I believe, will join us if action is necessary. But we are going to have to lead the way. We are going to have to make the tough decisions. And people need to understand that this threat could even apply to us. While it may be a direct threat of a Scud missile in the region with a chemical warhead even, it could very easily be a threat to Paris or some city in the U.S. involving anthrax that's been produced by Saddam Hussein.

These are terrible things to even think about, but you are dealing with a person who has already used terrible actions against his own people. And so he is not so far removed. We are the ones who have to provide the direction. And we have to make sure people understand it is a threat to the whole world.

In my view, the decisive use of force against Iraq coupled with the long-term strategy to eliminate the threat entails less risks in the long run than allowing Saddam Hussein's actions and ambitions to go unchecked. You cannot do it when you are dealing with a situation like this. In the words of former Secretary of State Jim Baker, "The only thing we shouldn't do is do nothing." We cannot allow that to be the result or what we do is nothing.

The administration has agreed with us that funding for the operations in and around Iraq require supplemental appropriations. We had very grave concerns by the Senator from Alaska, Mr. STEVENS, and Senator DOMENICI about how much will this cost? How is it going to be paid for? We cannot continue to say "just take it out of your hide" to the Pentagon; it is having an effect on morale, quality of life, on readiness and modernization. We already have a very high tempo for our military men and women in the Navy and Air Force. We are satisfied that they now have made a commitment that they are going to come up and ask for funding for both these purposes, in Bosnia and, if necessary, in Iraq. And these will be emergency requests so it will not come out of necessary improvements in barracks or spare parts for aircraft, which are very important.

There is a consensus on seriously examining now I believe long-term policy options to increase the pressure on Saddam Hussein. The administration and Congress and our allies all look forward to dealing with a post-Saddam regime. But the question is how to get there.

That is intended not to be a threat or say we should violate the law; it is intended to start the discussion, start the thinking about how can we increase these pressures. And we have to have a strategy to deal with whatever comes after the military option. Many things have been suggested. Toughen sanctions—not loosen sanctions, toughen sanctions. What about an embargo, what about expanding no-fly, no-drive zones? What about the support of opposition forces?

There is a long list of suggestions, some that I will not even put in the record here, but they are worth thinking about. Our model should be the Reagan doctrine of rollback, not the Truman doctrine of containment in this instance. And I don't mean that as critically as it sounds. It is just that there are two different doctrines, and the doctrine here should be rollback, not containment.

Despite our areas of agreement that we have clearly reached—Senator DASCHLE and I have been working together making sure every word is sanitized in the potential resolution—it is obvious we cannot get it done this week for physical reasons as much as anything else. And I remind my colleagues and the American people it was 5 months after Saddam Hussein invaded Kuwait, 5 months before Congress passed a resolution authorizing the use of force to expel him. In this case, we have a bipartisan effort, trying to make sure that the right thing is going to be done and that the right language is developed. Unlike what we had in the early 1990's when the Speaker and majority leader were working to defeat the administration's policy, you now have a Speaker and a majority leader and the Democratic leader and the minority leader in the House all working together with the administration to make sure that the language is right and that the actions are right.

Yes, more time may be needed for diplomacy and more time to think about the long-term plans, but a point will come when time will run out and action must go forward. When that comes, when U.S. Armed Forces are sent into harm's way, by the President of the United States, they will have the backing of the Senate and the American people. If the President makes the decision to deploy military force against the threat posed by Iraq, America will be united, united and praying for the safety of our men and women in uniform, united in hoping casualties are kept to a minimum, and united in hoping for and supporting a successful effort.

I just want to make that point clear today. Nobody should interpret the fact that we don't vote on a resolution today as meaning that we are not united in the fundamental principles. We are. But we want to make sure that when we do take military action, we have thought about all the ramifications and the resolution that we come up with will have the involvement of 100 Senators, with 100 Senators being present and voting, and that every word is the appropriate word that reflects the best interests of the American people.

So I am pleased to stand here this afternoon and make this statement and to assure my colleagues that I will continue to work with every Senator on both sides of the aisle to make sure we take the appropriate action, if it is necessary, when we return week after next.

Mr. President, I yield the floor and I am looking forward to hearing Senator DASCHLE's comments on this subject.

Mr. President, I observe the absence of a quorum momentarily.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader is recognized.

Mr. DASCHLE. I begin by complimenting the majority leader on his remarks and on the manner in which he has conducted himself and his leadership with regard to this issue. He has noted the strong desire on the part of all four leaders in Congress to demonstrate with absolute clarity the need for bipartisanship when it comes to sending as clear a message as we can. His remarks and his actions have demonstrated that, and I support fully his decision not to bring the resolution to the floor today.

Obviously, there are times when matters of this import need to be fully discussed and must by their nature involve every Senator. Two of the most important Senators to provide contributions to this debate are traveling on one of the most important missions related to this whole exercise and cannot be with us today.

In addition to that, we continue to consult with colleagues on both sides of the aisle in an effort to come up with the clearest and most accurate statement with regard to the position to be expressed by the Senate. So for all of those reasons and many others, Senator LOTT and I will continue to work with our colleagues and schedule a time that will provide for the opportunity for all Senators to be heard and for debate to take place on this very important matter.

But, so that there will be no misunderstanding, we come to the floor today jointly—and we will be joined by several others—to speak with one voice to condemn in the strongest possible terms Iraq's refusal to comply with international law. To condemn Iraq's refusal to fulfill its commitments to the international community. To send a clear message to Saddam Hussein that American resolve to force Iraqi compliance with international law and their own commitments is unwavering; to make clear that U.S. national interests are threatened if Saddam Hussein is allowed to thwart the international community's efforts to shut down his development of weapons of mass destruction programs.

Although Senator LOTT and I come from different political parties and may differ on issues from time to time, there ought to be no mistake about our position today. We stand united in sending the message to Iraq that it has no option other than to comply with the terms of the U.N. Security Council resolutions.

We have chosen to speak together today to send this important message as the President and members of his Administration work diligently to demonstrate to Iraq and the world the strength of our commitment to international security. It is a demonstration of our resolve—which is shared by the American people—that Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

U.N. Security Council Resolution 687 requires Iraq to disclose and destroy its weapons of mass destruction capabilities and to commit unconditionally to never reviving those programs. Resolution 687 established the United Nations Special Commission (UNSCOM) to verify Iraqi compliance with these provisions and required that international economic sanctions against Iraq remain in place until those conditions are met.

The Iraqi government has repeatedly and deliberately impeded UNSCOM's attempts to ensure that Iraq's weapons of mass destruction programs are destroyed. The Iraqis have consistently thwarted UNSCOM's efforts to conduct their inspections unhindered—despite clear concerns about Iraq's remaining chemical and biological weapons capabilities. UNSCOM personnel have served admirably under extremely difficult, and often dangerous, conditions. In the face of concerted Iraqi intimidation and deception, UNSCOM has discovered numerous violations of U.N. Security Council resolutions requiring an end to Iraq's weapons of mass destruction programs. In fact, more Iraqi chemical and biological weapons have been destroyed as a result of UNSCOM's inspections than during all of Operation Desert Storm.

Iraq's actions pose a serious and continued threat to international peace and security. It is a threat we must address. Saddam is a proven aggressor who has time and again turned his wrath on his neighbors and on his own people. Iraq is not the only nation in the world to possess weapons of mass destruction, but it is the only nation with a leader who has used them against his own people.

It is essential that a dictator like Saddam not be allowed to evade international strictures and wield frightening weapons of mass destruction. As long as UNSCOM is prevented from carrying out its mission, the effort to monitor Iraqi compliance with Resolution 687 becomes a dangerous shell game. Neither the United States nor the global community can afford to allow Saddam Hussein to continue on this path.

Secretaries Albright and Cohen, in their trips to the Persian Gulf and elsewhere, are sending the important message that, while the United States certainly prefers a diplomatic course, we are willing to use force to block Iraq's ability to develop and use an arsenal of chemical and biological weapons if diplomatic efforts do not achieve this result. While there are clear differences among the leaders they have talked with, they have found unanimity on at least 2 issues.

First, U.N. weapons inspectors must have unfettered access to suspect Iraqi sites. Second, Saddam Hussein is solely responsible for creating this crisis by not adhering to the Security Council resolutions in the first place.

The foreign ministers of the 6-member Gulf Cooperation Council—Saudi Arabia, Kuwait, Bahrain, Oman, United Arab Emirates, and Qatar—stated this most clearly just yesterday:

> The current crisis is a direct result of Baghdad's reluctance to cooperate with United Nations weapons inspectors and its determination to defy the will of the international community with respect to the elimination of its arsenal of weapons of mass destruction . . . The only solution to spare the people of Iraq additional hardship and dangers is the Iraqi regime's implementation of the U.N. resolutions which it had previously accepted.

The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand that the United States has the resolve to reverse that threat by force, if force is required And, I must say, it has the will.

Secretary Albright sent the message in its purest form: "Saddam does not have a menu of choices, he has one: Iraq must comply with the U.N. Security Council resolutions and provide U.N. inspectors with the unfettered access they need to do their job."

We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital national and international security interests.

The Senate has been working on a concurrent resolution expressing Congress's concern about Iraq's refusal to cooperate with U.N. weapons inspectors and urging the President to respond to this threat. In doing so, the Senate has grappled with some of the very difficult issues surrounding Congress's role in the decision to use military force. Perhaps too much had been made of the differences among Members of Congress about exactly how to approach this problem. That is understandable. There are always ways in which to change the wording. But there is no way in which to change the message. The message is fundamentally and unequivocally clear, the most important message of all. Iraq must comply. There is no choice. We stand united in our determination to do whatever is necessary to achieve our goal. Iraq must comply. The United States has the resolve to ensure that compliance and we stand united today in an effort to articulate that very clear message as loudly, as unequivocally, and in as much of a bipartisan way as we can.

Mr. BIDEN. Mr. President, no one should doubt for a moment the resolve of the United States to respond with force, if necessary, to Iraq's continued flagrant violation of United Nations Security Council resolutions.

Vigorous diplomacy has been pursued over the past three months, but, thus far, Saddam Hussein has shown that he has no interest in a peaceful solution on anything other than his own terms. We cannot allow this tyrant to prevail over the will of the international community. Our national security would be seriously compromised by a failure to stand up to the challenge he has confronted us with.

Our strategic objective is to contain Saddam Hussein and curtail his ability to produce the most deadly weapons known to mankind—weapons that he has unleashed with chilling alacrity against his own people. Left unchecked, Saddam Hussein would in short order be in a position to threaten and blackmail our regional allies, our troops, and, indeed, our nation.

Let me take just a moment to recount how we have come to the point where military force may be employed in the near future.

For nearly seven years, Iraq has engaged in a cat and mouse game with the international inspectors that comprise the United Nations Special Commission. It has obstructed UNSCOM from fulfilling its mandate to monitor, investigate, and destroy Iraq's capacity to produce weapons of mass destruction.

In spite of Iraq's tenacious efforts at concealment and obstruction, UNSCOM has uncovered and destroyed more weapons of mass destruction than were destroyed during the entire gulf war. UNSCOM has revealed Iraqi lie after Iraqi lie.

Last October, Iraq threatened to expel all American members of the special commission. Ambassador Richard Butler, the chairman of UNSCOM, responded appropriately by withdrawing all inspectors rather than having his staff of professionals segregated on the basis of their nationality.

The ensuing stand-off led to diplomatic intervention by Russia. Eventually, Iraq relented by allowing UNSCOM back into the country.

But the central issue of unconditional and unfettered access by UNSCOM was left unresolved. Ambassador Butler visited Baghdad in December to try to resolve this issue, but to no avail.

Then, last month, Iraq refused to cooperate with a team of inspectors investigating Iraq's efforts at concealment. It made preposterous charges that the American head of the team, Scott Ritter, was a spy.

During a subsequent visit by Ambassador Butler, Iraq struck a defiant note. It vowed never to open so-called "presidential and sovereign sites" to inspection. In a recent speech, Saddam Hussein stated his decision to expel UNSCOM by May 20 if sanctions remain in place.

The United Nations Security Council has repeatedly condemned Iraq's noncompliance. Since October of last year, on seven separate occasions, the Security Council has demanded that Iraq fulfill its obligations.

But Saddam Hussein has made it clear that it is more important to him to retain the capacity to produce weapons of mass destruction than it is to comply with the resolutions that would allow sanctions to be lifted. Once again he has proven what little regard he has for the suffering of his people.

The international community has exhibited enormous patience with Iraq. But that patience has reached its limit.

Time has run out. If Iraq does not comply immediately and unconditionally with United Nations Security Council resolutions demanding unfettered access for U.N. weapons inspectors, I believe that President Clinton will have no choice but to order the use of air power.

Unfortunately, we have learned over the past several years that the Iraqi Government, and more specifically its leader, only seem to understand the blunt language of force.

In recent weeks, several questions and criticisms have been raised with respect to President Clinton's policy. I would like to take a moment to respond to some of these comments.

Questions have been asked about our objectives. The objectives have been defined precisely. They are to curtail and delay Saddam Hussein's capacity to produce and deliver weapons of mass destruction and his ability to threaten his neighbors. We have been told by the Joint Chiefs of Staff that a military plan has been developed that would fulfill these objectives.

In a sense, the international coalition now assembling forces in the Persian Gulf will accomplish through the use of force what UNSCOM would be doing were it allowed to do its job. Secretary Cohen has told us that there is no substitute for having UNSCOM on the ground, but we are left with little choice if UNSCOM is prevented from carrying out its duties.

When the objectives have been explained, the next question that arises is what are the next steps. But this question is based upon the flawed premise that the use of force reflects a new policy. In fact, the use of force for the purposes outlined by the President is an integral part of the long-standing policy of containing Iraq.

Containment is a very unsatisfying policy at an emotional level. It lacks finality and it requires patience and staying power. But it meets our strategic objective of preventing Iraq from threatening our national security interests.

Containment is the best of three bad options available to us. The other two options would be to do nothing, or to send in several hundred thousand ground troops to occupy Iraq. Neither of these policies is viable.

Doing nothing would encourage Iraqi defiance and lead to a complete collapse of the constraints that have been placed upon Iraqi behavior since the end of the gulf war. It would be the surest way to rehabilitate Saddam Hussein.

Just as unpalatable is the prospect of sending in several hundred thousand ground troops to change the Iraqi regime. I believe that there is little support for such an operation in the Congress or the public. It would also raise a series of questions:

Would we be prepared to occupy and rebuild Iraq over a period of several years?

Would we be prepared for the real possibility that a march on Baghdad might lead Saddam Hussein to unleash his weapons of mass destruction?

Would any other nation support us for an action that is clearly outside the bounds of security council resolutions? To this point those resolutions have provided the basis for all U.S. military action against Iraq since the gulf war.

In the end, the only policy that stands up to scrutiny is that of containment, which the Clinton administration has followed and the Bush administration before it followed.

Finally, another question that has arisen is whether the President should obtain specific authorization to use force. I believe that the President would be wise to obtain such authorization.

The executive branch contends that it already has sufficient legal authority, under Public Law 102–1—the use of force resolution passed by Congress before the gulf war. The argument, as I understand it, may be summarized as follows:

In Public Law 102–1, Congress authorized the President to use United States Armed Forces:

"Pursuant to United Nations Security Council Resolution 678. Security Council Resolution 678, passed by the Council in November, 1990, authorized members of the United Nations to "use all necessary means to uphold and implement Resolution 660 (1990) (The resolution which called for Iraqi forces to leave Kuwait) and all subsequent relevant resolutions and to restore international peace and security in the [Persian Gulf] area."

Following the gulf war, in April, 1991, the Security Council passed Resolution 687, which set the terms of the cease-fire and required Iraq to accept the destruction or removal, under international supervision, of its weapons of mass destruction. By its terms, it reaffirmed Resolution 678, and all prior council resolutions regarding Iraq.

Because Security Council Resolution 678 provided broad authority for nations to enforce "all subsequent relevant resolutions" and "to restore peace and security in the area," and, because peace and security has not been restored to the Persian Gulf—indeed, Iraq is currently in violation of the cease-fire resolution—then the resolutions from 1990 and 1991, both by the Security Council and Congress, the administration contends, would still have legal force.

Moreover, Congress has never modified or repealed Public Law 102-1, so absent further congressional action, and absent the restoration of peace and security to the gulf, the President still has the legal authority to use military action against Iraq. Or so the administration's argument goes.

As a strong advocate of Congress exercising its powers under the Constitution in authorizing the use of force, I must admit to some skepticism about this theory. In my own research of the question, I have consulted several eminent constitutional scholars. My conclusion is that the administration's argument may be legally tenable—if barely so—and would probably be sustained in a court of law.

But merely because the position may be legally sufficient—and the courts are notoriously deferential to the executive in matters of war and peace (if they agree to consider the case at all)—I do not believe it would be wise precedent, or wise policy, of the President to proceed with renewed military action against Iraq without a clear authorization, newly enacted by this Congress. Indeed, because the question is a close one—and because we have a different President than we did in 1991, and a significant change in the membership of Congress since that time—it would be prudent for President Clinton to seek a new expression of legal authorization from Congress.

Mr. President, we should all hope for a genuine diplomatic solution to this stand-off, but no one should doubt our resolve to use force if it becomes necessary.

We have little choice in this matter. Important principles and vital national interests are at stake.

First and foremost, an Iraq left free to develop weapons of mass destruction would pose a grave threat to our national security. The current regime in Iraq has repeatedly demonstrated its aggressive tendencies toward its neighbors. It has also displayed a callous willingness to use chemical weapons to achieve its aims.

Recently, we have heard chilling reports of possible biological weapons experiments on humans. An UNSCOM Inspector has spoken of information that points to a secret biological weapons production facility. And Ambassador Richard Butler has told us that Iraq could well have missile warheads filled with anthrax capable of striking Tel Aviv.

An asymmetric capability of nuclear, chemical, and biological weapons gives an otherwise weak country the power to intimidate and blackmail. We risk sending a dangerous signal to other would-be proliferators if we do not respond decisively to Iraq's transgressions. Conversely, a firm response would enhance deterrence and go a long way toward protecting our citizens from the pernicious threat of proliferation.

Second, a failure to uphold United Nations resolutions would diminish the credibility of the Security Council. As much as we might like to deal with every threat we face on our own, in reality it is impractical and unrealistic. Instinctively, we all know that we are much better off when we have the support of the international community when facing common threats.

But in order for the Security Council to respond effectively to threats to international peace and security that might arise in the future, it is important that those who would violate the will of the international community pay a steep price for their actions. Iraq offers an important test case for the Security Council. Capitulating to Iraqi defiance could spell a dismal future for the Security Council in handling the central matters of international peace and security for which it was created.

I hope that the Russians, French, and Chinese keep in mind that it is not in their interest to see the authority of the Security Council diminished.

It is difficult to overstate the stakes involved.

Fateful decisions will be made in the days and weeks ahead. At issue is nothing less than the fundamental question of whether or not we can keep the most lethal weapons known to mankind out of the hands of an unreconstructed tyrant and aggressor who is in the same league as the most brutal dictators of this century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, want to commend our two leaders for working together on this very important issue. I think all of us believe that it is our responsibility, as the U.S. Senate, to work in a bipartisan way with the President of the United States on an issue as grave as attacking another country and sending our troops into harm's way. I believe the administration will work with this Congress and I believe we will have a comfort level that there is a plan and that our troops will be sent on a mission that is very clear. That is what this is all about.

The message we are sending to Saddam Hussein today is clear: You may either join the community of nations, abide by the resolutions of the United Nations, or there will be serious consequences. I don't know anyone who disagrees with that proposition.

We have often debated the importance of international arms control agreements, such as the Chemical Weapons Convention, the Comprehensive Test Ban Treaty among others. What is clear is that without the resolve of the international community to enforce these standards, they are meaningless. Saddam Hussein has threatened the peace in the Middle East before. His people have suffered mightily for it. But even at that time he did not deploy weapons of mass destruction. We cannot provide him a second chance.

International inspectors have concluded that he is continuing to develop an arsenal of these horrible weapons. He has used them in the past, so why wouldn't we believe that he would use them again, unless he is stopped? Just to put this in perspective, when you talk about chemical weapons or biological weapons, someone may say, "So, what is that? Does that make that much difference? Is that really something that could harm the neighbors of Iraq, or harm the people of any other country?"

Anthrax is one of these weapons. A few pounds—think of what that is. It's something that is about this big. A few pounds of anthrax could wipe out a city the size of Washington, DC. We know that Saddam Hussein has the capability to produce this type of weapon. We know he has Scud missiles, we have seen them. Put that on top of a Scud missile and what does that do to the security of the neighbors of Iraq?

Chemical or biological agents could be introduced into the water supply of any city and kill thousands of people. That is the kind of weapon we are talking about. So, if you are talking about, is this really an issue? Is this something that we need to stop? I just ask you, if a few pounds of this kind of agent can kill the inhabitants of a city the size of Washington, DC, who in the world is safe, if someone is manufacturing these and has used them on innocent people before?

The United States led in the gulf war. We will lead again. And we will do so with the support of the American people. We are going to stand against nuclear, chemical or biological weapons in the hands of someone so irresponsible as Saddam Hussein, who has a record that is known of killing innocent people. We look for support from the international community as we had it in Desert Storm, and as I hope we can count on for the future.

We must not let there be a doubt of the resolve of the American people. Saddam Hussein must know that we speak with one voice. We need the resumption of inspections, for Saddam Hussein to show that he wants to be a part of the international community. Military force is justified as part of an overall strategy. Our leader has said that. What Congress will be looking for, what the American people will be looking for from the President and his advisers, is an overall strategy so we know what we are looking at, what our troops are going to be asked to do; so that we can provide our troops with all the means they need to do the job and the protection they need when they are in the field.

I hope that part of an overall strategy will be the beginning of the communication directly with the people of Iraq, with the good and decent people who have fled the country, to say we want to support you and we want you to know that the weapons that are being held could be totally deadly to you, to your children, and to the people that live throughout the country of Iraq. What we want to do is make that a safe area so the people will be free and so they can join the community of nations for a lasting peace in the Middle East. Our forces are prepared. They will be capable of dealing a harsh lesson once again. I hope it will not be necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to express my personal gratitude to the Senate majority leader, to the Senate Democratic leader, to my colleague from Texas who has just spoken for their eloquent statements, but really more for the unmistakable message that they send, which is that there are ultimately times of conflict abroad that involve the vital interests of the United States, as the current situation in Iraq does, no Democrats, no Republicans, only Americans standing side by side in support of the Commander in Chief and all those Americans in uniform who serve under him.

That, I hope, is the message that will be heard in Baghdad, most importantly. If the Commander in Chief of the United States decides that military force is necessary to be employed against Iraq, the overwhelming majority of Members of the U.S. Senate will stand strongly behind him and behind those American personnel in uniform who will carry out that policy.

Mr. President, the statements of the majority leader and the Democratic leader are the finest examples of bipartisanship and statesmanship. They remind us, though there may be disagreements in this Chamber on partisan lines, that, again, when challenged, when it comes to America's vital interests abroad, we will stand together above party lines.

The administration has been very accessible, very forthcoming in consulting with both Houses of Congress about the challenge that Saddam Hussein and Iraq represent to us and to the security of our allies in the region and our soldiers in the region and of the world in general. I think we have to express our appreciation to the administration for that dialog that continues.

What is at stake in Iraq today? For one, something that might be considered quaint in some quarters, meaningless in other quarters, international agreements are at stake, agreements to end the gulf war, promises made by Saddam Hussein about allowing inspections which would enable us—the world—to guarantee that he was keeping his promises to disarm, a request justifiably made by the victorious forces in Operation Desert Storm and required of those who were vanquished in that conflict. So it is the integrity of these agreements, in the first instance, that is at stake.

Secondly, there are consequences, which is the threat that Saddam Hussein will use those weapons of mass destruction that we know he has; that he will use the ballistic missile, the delivery system capacity to deliver those weapons of mass destruction that we know he has in rudiment and is developing even further.

We know, as one of my colleagues said a moment ago—I believe it was Senator DASCHLE—unlike other leaders in the world, including dictatorial leaders of rogue nations who possess weapons of mass destruction, this particular leader, Saddam Hussein, has used those weapons against his neighbor, Iran, in the Iran-Iraq war in the eighties, and against the Kurdish population of his own country.

So our anger, our anxiety, our unease, our judgment that we have vital interests at stake is not theoretical. It is based on a course of behavior by this particular leader of this particular nation. We went through the entire cold war with enormous amounts of nuclear power in our hands and in the hands of the Soviet leaders, but there was, in the end, a kind of understanding based on a strange form of civilized premise, which is that those weapons would not ultimately be used, and they were not ultimately used. I don't think we can reach that same conclusion about this leader based on his own course of behavior.

There is a way in which there is a line to be drawn in this case, just as we drew a line in the post-cold-war-world, when Saddam invaded Kuwait and threatened our neighbors and vital economic interests and energy supplies in that region and we acted, reacted and reacted forcefully and rolled him back. Just as in Bosnia, we saw ethnic conflict could divide Europe and create broader conflict there, and we acted and stopped it. So, too, in this case, we are called upon to show that we are willing to draw a line, a preventive line, against those who possess weapons of mass destruction—chemical and biological; some have called them the poor nations' nuclear weapons—that we will draw a line and say we won't tolerate it. We are going to act to impose a regime of promises to disarm and if those promises are not kept, the international community will act to enforce them.

We have vital interests at stake in the region. We have thousands of soldiers there within range of these weapons of Saddam Hussein. We have allies in the region in the moderate Arab nations and in Israel, and we have vital economic interests in the oil supply in that region.

Mr. President, the fact is that all of those interests, all that we have at stake there—international promises made by Saddam as a condition to the end of the cold war, the threat of weapons of mass destruction and delivery systems, the vital interests in the region, the necessity to draw a line against the use of chemical and biological poisons, which all of the military experts tell us will characterize and intensify the security threats to our region and most of the rest of the world in the next century—all of those threats are not just to the United States, they are surely to our allies in the region and are to most of the rest of the world.

That is perhaps why so many nations have come to our side as we face the reality that the United Nations, not the United States, tell us of the refusal of Saddam Hussein to allow the inspections that he promised and, therefore, the fact that we have gone now more than 5 months with those sites uninspected and day by day the threat rises.

That is why our closest and most steadfast ally, Britain, have joined us, are ready to stand and fly side by side with us. But they are not alone. Canada, Australia, the Netherlands, Bahrain, Kuwait, Israel and a growing number of others are prepared to join us.

As much as we are heartened by this support, we don't see the same range of the coalition that we had leading up to the gulf war. Maybe that is understandable because the threat that the current crisis poses is not as immediate and accomplished, it is mostly imminent. In 1990, Saddam Hussein invaded his neighbor Kuwait and threatened Saudi Arabia and the rest of the Persian Gulf states, oil-producing states. In that circumstance, with a danger that was real and experienced, it was easier to assemble the broad-based coalition that we did.

Today, the threat may not be as clear to other nations of the world, but its consequences are even more devastating potentially than the real threat, than the realized pain of the invasion of Kuwait in 1990, because the damage that can be inflicted by Saddam Hussein and Iraq, under his leadership, with weapons of mass destruction is incalculable; it is enormous.

Therefore, I hope, though the circumstance may not be as clear, that other nations that have not yet forcefully expressed their willingness to stand with us and Britain and the other allies I mentioned will come to an understanding of that. It has been my hope all along that if the United States continued to lead, as we have, that the full range of coalition allies would, once again, stand by our side.

I always remember the Biblical evocation which is, if the sound of the trumpet is not clear, then who will follow in battle? If the sound of the trumpet is clear, then I hope that the widest range of other nations in the world will follow into battle, if that is necessary, not simply to follow our leadership, but because their vital interests are at stake, in the resolution of this problem.

Mr. President, I think the administration has made it clear, and that is why I believe there is broad support for the possible attacks that may occur on Iraq, that its goals here are limited. If air attacks occur, these are not acts of revenge, these are not punitive acts which have no meaning. These would be acts and attacks that are aimed at accomplishing what the inspections were supposed to accomplish, that are aimed at accomplishing what the gulf war cease-fire agreement was supposed to accomplish, which is the diminution and ultimately the elimination of Iraq's capacity to wage chemical, biological or nuclear war against its neighbors or ultimately anyone in the world. That limited goal may not satisfy some people, but it is a reasonable goal at this time, and it is a goal that I think ultimately and effectively will enjoy the broadest support in the U.S. Senate.

Mr. President, there are those who say, "Well, what next? What if this doesn't work?" I am confident it will work. When I say it will work, I mean I have the confidence the United States military has the capacity to strike at Iraq in a way that will, in fact, incapacitate, debilitate, postpone the ability of that country under Saddam Hussein to inflict damage on its neighbors with weapons of mass destruction. So that goal will be accomplished.

I think the question of what is next is an appropriate topic of discussion. Some people say we should pull back and wait and see what, in that initial time of that military strike, if it occurs, it will gain us, to see whether diplomacy can work again, to see if we can build the fullness of the coalition and again confront Saddam with the opportunity to comply with the promises he previously made.

Others, and I number myself among this group, are very skeptical of that policy. Diplomacy is always preferable to the use of force, and yet, I myself remain profoundly skeptical that an acceptable diplomatic resolution to this conflict is possible.

It is a painful and sad conclusion, but it is based not on animus toward that country, certainly not animus toward the people of Iraq, but it is based on the record. The record I need not cite in detail, but we know about the violent way in which Saddam Hussein seized power in Iraq, eliminating those of his fellow Iraqis who were in his way, about the violent and dictatorial way in which he has ruled. Life doesn't matter when you stand in the way of him; of the means that he used to conduct the war against Iran, including weapons of mass destruction; of his invasion of Kuwait; of his flaunting of the very agreements he made to end the gulf war; of the taunting of the international community that he represents today.

Mr. President, if this were a domestic situation, a political situation, and we were talking about criminal law in this country, we have something in our law called "three strikes and you are out," three crimes and you get locked up for good because we have given up on you. I think Saddam Hussein has had more than three strikes in the international, diplomatic, strategic and military community. So I have grave doubts that a diplomatic solution is possible here.

What I and some of the Members of the Senate hope for is a longer-term policy based on the probability that an acceptable diplomatic solution is not possible, which acknowledges as the central goal the changing of the regime in Iraq to bring to power a regime with which we and the rest of the world can have trustworthy relationships. That is not going to be simple. It is not going to come overnight. It involves an effort to work with Iraqi opposition to Saddam Hussein, to use some of the same methods that were used in the cold war, something as simple and yet as effective as Radio Free Europe which spoke so powerfully to the hopes and dreams of people who lived so long under the tyranny of the Soviets, the Communists, and do the same for the people who live under the tyranny of Saddam Hussein, to work with our allies to build the kind of alternative that will raise our hopes for peace in that region of the world.

Those discussions about what may follow an air attack on Iraq are important. They are not easy. They deserve to be debated.

For now I think what is most important is that people of both parties have come together on the floor of the Senate to speak to this challenge to international law, to America's vital interests, and to say, directly or indirectly, "Mr. President, if you, as Commander in Chief, act in this circumstance, in this crisis, you and the troops who serve under you will have broad bipartisan support in the U.S. Senate."

I thank the Chair, and I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

• Mr. LEVIN. Mr. President, I want to express my support for President Clinton, in consultation with Congress and consistent with the United States Constitution and laws, taking necessary and appropriate actions to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

I am presently in Moscow accompanying Secretary of Defense William Cohen on a trip that has taken us to Saudi Arabia, Kuwait, Oman, the United Arab Emirates, Qatar and Bahrain.

I believe that it would be useful to briefly review some of the historical record relating to Iraq's compliance with United Nations Security Council resolutions leading up to the present crisis.

United Nations Security Council Resolution 660 of August 2, 1990, condemned the Iraqi invasion of Kuwait and demanded that it withdraw its forces from Kuwait. The Security Council's Resolution 678 of November 29, 1990, affirmed by Resolution 687 of April 3, 1991, authorized the use of all necessary means to restore international peace and security. During this period and up to the actual use of force by the United States-led coalition, there were a series of diplomatic efforts to convince the government of Saddam Hussein to withdraw from Kuwait. But Saddam Hussein didn't get it.

Following the Gulf War, the Security Council continued the economic and weapons sanctions on Iraq that were imposed after it invaded Kuwait. The Security Council conditioned the lifting of the sanctions on Iraq's accepting the destruction, removal or rendering harmless, under international supervision, of its nuclear, chemical, and biological weapons programs and all ballistic missiles with a range greater than 150 kilometers. Despite the crippling international economic sanctions that have been imposed on his country by the international community, Saddam Hussein still didn't get it.

In recognition of the need to reduce the harm to the Iraqi people that were caused by Saddam Hussein's misadventures, the Security Council on August 15, 1991, in Resolution 706, authorized the sale of Iraqi oil for the dual purpose of the payment of claims against Iraq and for the purchase of foodstuffs, medicines, materials and supplies for essential civilian humanitarian needs. That authorization was made subject to the Security Council's approval of a plan for such sales and for international monitoring and supervision to assure their equitable distribution in all regions of Iraq and to all categories of the Iraqi civilian population. But Saddam Hussein rejected the plan. It wasn't until a Memorandum of Understanding on the plan was signed by Iraq and the United Nations on May 20, 1996, and after several additional months of contentious negotiations on implementation details, that Iraq finally began pumping oil on December 10, 1996. That was more than 5 years after the Security Council authorized such action. Saddam Hussein still didn't get it.

There were several major confrontations between Iraq and the international community over access for United Nations Special Commission on Iraq or UNSCOM inspectors between May 1991 and June 1993. That pattern of confrontation was repeated on numerous occasions from March 1996 to October 1997. Since that time, the situation worsened until Iraq agreed that UNSCOM could return to Iraq unconditionally. Although UNSCOM inspections resumed on November 21, 1997, access was denied to presidential palaces and many other sites, and in mid-January 1998, an inspection team headed by an American was blocked. By the way, there are many dozens of these palaces. Some have grounds as large as Washington D.C. They are suspect weapons of mass destruction sites as long as access is denied.

And so we have reached the present moment in time in which Iraq is blocking the UNSCOM inspectors from performing their mission on behalf of the international community. Saddam Hussein still doesn't get it.

Mr. President, United Nations Secretary General Kofi Annan stated it well at a press conference on February 2 when he said:

> I think no one in the Council is pushing for the use of force in the first instance. All those who are talking about it are looking at it as a last resort. We hope that President Saddam Hussein, for the sake of the Iraqi people, who have suffered so much, will listen to the messages that are being taken to him by these senior envoys from Russia, from France, from people in the region, leaders in the region and elsewhere, and really avoid taking his people through another confrontation. They don't need it; the region doesn't need it; and the world certainly can do without it. And so, hopefully, the leadership will have the courage, the wisdom and the concern for its own people to take us back from the brink.

Mr. President, this crisis is due entirely to the actions of Saddam Hussein. He alone is responsible. We all wish that diplomacy will cause him to back down but history does not give me cause for optimism that Saddam Hussein will finally get it.

Mr. President, Saddam Hussein's weapons of mass destruction programs and the means to deliver them are a menace to international peace and security. They pose a threat to Iraq's neighbors, to U.S. forces in the Gulf region, to the world's energy supplies, and to the integrity and credibility of the United Nations Security Council.

Mr. President, as I noted earlier, I have visited a number of countries in the Middle East with Secretary Cohen. In each country, we have met with the head of state. We've had a series of very positive meetings in every country. We're very confident that the support that is needed and has been requested from these countries would be forthcoming if diplomatic efforts fail to get Saddam Hussein to comply and if there is a military strike. They all say, in various ways, basically the same thing—he must comply with U.N. Security Council resolutions and, if he fails to comply and if there is military action, the responsibility is his and his alone since he has the key to a peaceful solution, which is compliance with the U.N. resolutions. And we are assured privately that we will have their support if diplomatic efforts fail and if military action is necessary.

Mr. President, yesterday the Gulf Cooperation Council at the Ministerial level issued a statement concerning the Iraqi crisis. I ask that the text of the statement by printed in the RECORD at the conclusion of my remarks. That statement included the following and I quote:

> The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with severe dangers. The Council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself.

Further, General Zinni, the Commander in Chief of the Central Command (CINCENT), has personally advised us that, in his professional opinion, the United States has the support from Saudi Arabia and other Gulf nations needed to meet the requirements of the CINCCENT plan to execute a successful military operation, should it be necessary.

Mr. President, the use of military force is a measure of last resort. The best choice of avoiding it will be if Saddam Hussein understands he has no choice except to open up to UNSCOM inspections and destroy his weapons of mass destruction. The use of military force may not result in that desired result but it will serve to degrade Saddam Hussein's ability to develop weapons of mass destruction and to threaten international peace and security. Although not as useful as inspection and destruction, it is still a worthy goal.

The statement follows:

GULF COOPERATION COUNCIL

The dangerous circumstances and the critical situation the region is witnessing, which has resulted from the crisis which the Iraqi regime has created with the international inspectors belonging to the special committee assigned the task of destroying Iraqi WMD, and by refusing to cooperate with the international inspectors while not allowing them to carry out their duties by imposing conditions and creating obstacles represents a clear violation of the Security Council resolutions related to Iraq's aggression on the state of Kuwait.

The Ministerial Council has discussed these developments and what they involve in terms of actual dangers which threaten the security and stability of the region.

The Ministerial Council notes the international community's consensus and its insistence on Iraq implementing the Security Council resolutions in full; it places the responsibility for the delays in implementing those resolutions on Iraq. These delays will lead to continuation of the sanctions imposed on Iraq under which the Iraqi people suffer. The GCC people are concerned by this suffering and place the responsibility for it on the Iraqi regime alone.

The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with sever dangers. The council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself. The council also stresses that it is not reasonable or acceptable anymore that the Iraqi regime takes unilateral measures to complicate conditions which threaten it with more severe and dangerous consequences while at the same time placing the responsibility for such measures on the Arab nation and the international community.

Bearing in mind that the council has not abandoned and continues to support any peaceful approach, the severe results from what might happen are to be borne by the Iraqi regime alone. In spite of the numerous efforts which a number of Arab and international parties have exerted to convince Iraq to retreat from its position by allowing the international inspectors to carry out their duties without any hindrance or condition, the Iraqi regime has continued with its intransigence. Not caring about the dangerous consequences which could result from this stance.

And in this tense environment, which presages dangers, the council expresses its belief that the only way to save the Iraqi people from the dangers and suffering to which they have been subjected is by the Iraqi regime implementing the resolutions which the international community has reached by consensus and which Iraq has accepted, in accordance with the program of this special commission the implementation of which no one has disputed.

In order to avoid the Iraqi brotherly people being subjected to the dangerous consequences of this crisis, the council asks the Iraqi regime to yield to the efforts made to implement all the commitments asked of it by removing the barriers/obstacles which it has imposed on the tasks of the international inspectors in preparation for reducing the sanctions and lifting the suffering of the Iraqi brotherly people.

The council stresses again its firm stance on the need to preserve the independence and sovereignty of Iraq, its territorial integrity and its regional security. The council has decided to continue communications between the member countries to follow the developments and this session will remain open.●

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, under the previous order, has 30 minutes. The Senator from Maine was here before he was. Will he let her——

Mr. BYRD. I am seeking recognition first.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Now, if the distinguished Senator from Maine would prefer to go ahead, I would be happy to await her.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Does the Senator from West Virginia yield?

Mr. BYRD. I just wanted to establish my right under the rules—which I sought recognition. The fact that another Senator has been here does not mean anything under the rules, but I am happy to yield and have the Senator proceed.

The PRESIDING OFFICER. The Senator from Maine is recognized for not to exceed 10 minutes.

Ms. COLLINS. Thank you, Mr. President. And I thank the Senator from West Virginia for his courtesy.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1648 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until the Senator from West Virginia comes to the floor to give his statement. I ask unanimous consent for only 5 minutes or until such time as the Senator arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING FRAUD AND ABUSE WITHIN THE MEDICARE PROGRAM

Ms. COLLINS. Mr. President, as the Congress grapples with the problem of maintaining the solvency of the Medicare program and with proposals to expand Medicare coverage, we must not overlook a critical problem that threatens the financial integrity of this vital social program, which provides health care services to 38 million older and disabled Americans. I am talking, Mr. President, about the problem of waste, fraud and abuse in this program.

The Permanent Subcommittee on Investigations, which I chair, has undertaken an extensive investigation into Medicare fraud.

At our first hearing last summer, we learned from the inspector general of the Department of Health and Human Services that an astounding $23 billion a year is lost to waste, fraud, abuse and other improper payments.

In more recent hearings, Mr. President, we discovered that career criminals, with absolutely no background in health care, were able to be certified as Medicare providers and enter the system for the sole purpose of ripping it off.

For example, one case that the subcommittee investigated involved a totally fictitious durable medical equipment company that was located in the middle of the runway of the Miami International Airport, if it had in fact existed.

I am not talking here, Mr. President, about legitimate providers or innocent mistakes or honest billing errors. I am talking about outright fraud. We need to do a better job of screening providers and controlling their entry into the Medicare system.

Mr. President, the vast majority of health care professionals are dedicated and caring individuals who deliver vital services to millions of Americans across the country. They are as appalled by this kind of fraud as any of us.

Recently, I met with the members of the Home Care Alliance of Maine concerning the issue of fraud in the health care industry. The Home Care Alliance of Maine has a longstanding commitment to ensuring the highest quality home health care in the State of Maine. It has adopted a policy of zero tolerance on fraud and abuse in the home health industry. Its members recognize that unscrupulous home health providers not only tarnish the reputation of legitimate health care professionals, but that these unscrupulous individuals jeopardize the very availability of Medicare.

I ask unanimous consent the position statement of the Home Care Alliance of Maine be printed in the RECORD so my colleagues and organizations representing home health care agencies across the United States can have the benefit of the very fine work this organization has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE FRAUD AND ABUSE

POSITION STATEMENT

The Home Care Alliance of Maine membership has a long-standing commitment to provide the highest quality of care to the elderly and infirm of our state. Even one unscrupulous home health provider that fails to maintain the values and ethics that are at the core of home care jeopardizes the viability of ongoing access to appropriate home health services.

We recognize that the responsibility for resolving concerns of fraud and abuse lies with the government, the home health industry, and individual providers. We further believe that different strategies are needed to clearly distinguish deliberately fraudulent practice from unintentional errors that can occur in the interpretation of the complex and often vague rules and regulations in the Medicare home health care benefit.

The Home Care Alliance of Maine firmly believes that fraud and abuse can be eliminated and errors corrected when addressed by comprehensive and concerted efforts among the industry, government, individual providers, and consumers. This partnership is critical to achieve the mutually beneficial goal of assuring integrity in administration of the Medicare home health care benefit.

We further believe that education of consumers and advocacy groups is central to ensuring trust in legitimate providers of home health services. It is only through open and public discussion about the basic structure of changes in the Medicare home health care benefit that consumers and others can confidently distinguish blatant fraud and abuse from innocent errors in interpretation and provision of services. Informed consumers and their advocates can then be reassured by their choice of licensed and certified home health agencies.

The Home Care Alliance of Maine supports:

1. Zero tolerance for fraud and abuse of the Medicare home health care benefit.
2. Total cooperation with prompt and responsible investigation and resolution of any errors in interpretation and application of the Medicare home health care benefit.
3. Medicare coverage and reimbursement standards in language that is understandable and readily accessible to providers and consumers through various means, e.g. federal depository libraries, state regulatory agencies, trade associations, fiscal intermediaries, and the Internet.
4. Enhancement of education and training of home health agencies through joint efforts with regulators.
5. Credentialing and competency testing standards for government contractors and federal regulators responsible for issuing Medicare determinations.
6. Mandatory screening and background checks on all applicants for Medicare certification as a home health agency.
7. Development and provision of a summary of program coverage requirements for consumers and prospective consumers of Medicare home health care benefits.
8. Enhancement and increased accessibility of the consumer reporting hotline for suspected fraud and abuse.

The Home Care Alliance of Maine is committed to working with its membership, state and federal regulatory bodies, and consumer advocacy groups to ensure the integrity of the Medicare home health care benefit in Maine.

Ms. COLLINS. I appreciate the opportunity to comment on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF MEMBERS OF ARMED FORCES HELD AS PRISONERS OF WAR DURING VIETNAM CONFLICT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177, submitted earlier today by Senators COVERDELL, CLELAND and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 177) recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, colleagues, I rise on this 25th anniversary of the return of the first American POWs from Vietnam to recognize the National League of Families of American Prisoners and Missing in Southeast Asia and the many years and tireless hours Ann Mills Griffiths, the National League of Families' Executive Director, and JoAnne Shirley, Chairwoman of the League's Board and a fellow Georgian, have spent fighting for the return of American POW's and MIA's.

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated in the District of Columbia on May 28, 1970. Voting membership is comprised solely of the wives, children, parents and other close relatives of Americans who were or are listed as prisoners of war, missing in action, killed in action/body not recovered and returned Vietnam War U.S. POWs. Associate membership is comprised of extended relation of POW/MIAs who do not meet voting membership requirements and concerned citizens. The League is a non-profit, non-partisan organization financed by contributions from the families, veterans and concerned citizens. The League's sole purpose is to obtain the release of all prisoners, the fullest possible accounting for the missing and repatriation of all recoverable remains of those who died serving our nation during the Vietnam War.

The League originated on the west coast in the late 1960's. The wife of a ranking POW who believed that the U.S. Government's policy of keeping a low profile on the POW/MIA issue and encouraging the families to refrain from publicly discussing the problem was unjustified, initiated a loosely organized movement which evolved into the National League of Families.

In October 1968, the first POW/MIA story was published. As a result of that publicity, the families began communicating with each other, and the group grew in strength from 50 to 100 to 300 and upward. Small POW/MIA family groups flooded the North Vietnamese delegation in Paris with inquiries regarding the prisoners and missing; the first major activity in which hundreds of families participated.

Eventually, the necessity for formal incorporation was recognized. In May 1970, a special AD HOC meeting of the families met at Constitution Hall in Washington, D.C. During this meeting the League's charter and by-laws were adopted.

A seven-member board of directors meets regularly to determine League policy and direction. The board is elected by the voting membership which now stands at approximately 1,000. Regional coordinators, responsible for activities in multi-state areas, and state coordinators also represent the League in most of the fifty states.

The League's national office is now staffed by only one full-time employee, augmented by concerned citizen and family member volunteers. The executive director, the sister of a soldier MIA and the organization's chief executive officer, is responsible for management of the League and Implementation of policies established by the membership and board of directors.

In 1971, Mrs. Michael Hoff, an MIA wife and member of the National League, recognized the need for a symbol representing our POW/MIAs. Prompted by an article in the Jacksonville, FL Times-Union, Mrs. Hoff contacted Norman Rivkees, VP of Annin & Company, which had made a banner for the newest member of the UN, the People's Republic of China, as a part of their policy to provide flags to all UN member states. Mrs. Hoff found Mr. Rivkees very sympathetic to the POW/MIA issue, and he along with Annin's advertising agency, designed a flag to represent our missing men. Following the National League's approval, the flags were manufactured for distribution. On March 9, 1989, a flag which flew over the White House on the 1988 National POW/MIA Recognition Day, was installed in the U.S. Capitol Rotunda, as a result of legislation passed overwhelmingly during the 100th Congress. On August 10, 1990, the 101st Congress passed U.S. Public Law 101-355, which recognized the National League's POW/MIA flag and designated it "as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation." This POW/MIA flag is now recognized world wide, by all concerned, as the universal symbol of the "UNACCOUNTED FOR".

Mrs. Ann Mills Griffiths serves as Executive Director of the National League of POW/MIA Families, a position held since August, 1978. Mrs. Griffiths' brother, Lt. Commander James B. Mills, USNR, has been missing since September 21, 1966, when the Navy F4C on which he served as a Radar Intercept Officer was lost on a night mission over North Vietnam.

Prior to assuming her position as executive director, Mrs. Griffiths was an elected member of the League's board of directors for four years, serving as legislative chairman. During its existence from 1980 through 1992, she played an active role in the U.S. Government's POW/MIA Interagency Group, representing the families' views in development of official policy to resolve this humanitarian issue.

Mrs. Griffiths has traveled extensively for discussion with senior officials of Laos, Cambodia, and Vietnam, as well as the countries of ASEAN. She was instrumental in facilitating high level negotiations between Vietnam and the United States in 1983 and participated in fourteen U.S. Government policy-level POW/MIA delegations to Hanoi since 1982, plus two League delegations in 1982 and 1994.

Acknowledged as an expert on the POW/MIA issue, Mrs. Griffiths regularly meets with senior administration officials and members of congress, appears before congressional committees, addresses national and international audiences, participates in appropriate policy seminars, publishes articles and newsletters, and is a frequent spokeswoman on network and cable television programs.

Within policy established by the membership and elected board of directors, Mrs. Griffiths has been instrumental in building the League from a small POW/MIA family group into a nationally recognized, non-profit organization that influences U.S. policy to resolve the humanitarian POW/MIA issue. In administering the Leagues' affairs, Mrs. Griffiths supervises League operations, manages a successful direct-mail program and plans the League's yearly convention that includes the highest levels of the U.S. Government. With the assistance of their staff and volunteer state and regional officials, Mrs. Griffiths also coordinates a nation-wide awareness program on the issue.

Mrs. JoAnne Shirley has been serving as Chairman of the Board of Directors since June 1995. Her brother, Maj. Bobby Marvin Jones, M.D., USAF Flight Surgeon, was shot down November 28, 1972, near DaNang, South Vietnam.

Mrs. Shirley is married to Dr. Rudy Shirley, MS., and ENT doctor, and they reside in Dalton, Georgia, with their three children Bobby, Rhett and Chrissie. She served on the School Board for 10 years, and has been a volunteer in many community, county and state sponsored projects.

Mrs. Shirley co-founded the Georgia Committee for POW/MIA, Inc in the 1980s and served as Georgia State Coordinator for the National League of Families from 1983–1993. She served as Secretary of the National League of 1993–94, and then as Vice-Chairman from 1994–95. In 1997, Mrs. Shirley, by herself, raised $15,000 to fund her and Mrs. Griffiths' trip to Southeast Asia.

Mr. President, these two women who are wives, mothers, and involved citizens have spent countless hours, money and resources keeping accountability alive. Nothing strikes a louder chord with Americans than the thought of our soldiers in the hands of our country's enemies. It is important that we recognize the work of organizations such as the National League of Families and of people such as Ann Mills Griffiths and JoAnne Shirley who have worked hard to ensure we do not forget those soldiers who were left behind.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to be an original cosponsor of the Senate Resolution which recognizes the 25th anniversary of the return of 591 American POWs from communist Vietnam in February and March, 1973, and reaffirms our national commitment to seek answers about missing Americans from the Vietnam War.

I have been privileged through the years to come to know many of the Americans POWs held for so many years by the Communist side and finally released in 1973. This includes heroes in the Congress like Representative SAM JOHNSON of Texas, and Senator JOHN MCCAIN of Arizona, and other heroes like Admiral James Stockdale, Ambassador Pete Peterson, Red McDaniel, Orson Swindle, Ted Guy, Giles Norrington, and Mike Benge, to name a few.

Today marks the 25th anniversary of the return of the first group of American POWs from Hanoi during what was known as Operation Homecoming. This first group included Congressman SAM JOHNSON, someone who I have been honored to work closely with through the years to obtain answers about those still missing from the war. Several other groups of POWs were released later in February, 1973, and throughout March, 1973, with the last American acknowledged by Hanoi to be a POW being returned on April 1st.

A few years ago, one of these returned POWs I mentioned earlier, Captain McDaniel, wrote a book about his experience as a POW entitled "Scars and Stripes."

I want to quote just a small passage from that book which describes the feelings of the POWs as they were being led from their prisons to the airport in Hanoi for repatriation.

"I saw a familiar C–141 aircraft waiting for us on the field. At that moment, something broke inside me and the tears came easily. Somehow I had managed to restrict my tears to those rare times, in the nights under my mosquito net, when Hanoi Radio had gotten to me and I was down. But here, seeing that airplane waiting, I just let go, because I suddenly realized that my country had not let me down. And that great Scripture came to me, the Lord's words: I will never leave thee, nor forsake thee.

> Even as God had stayed at my side through all that time and taught me the things that were to change my life completely about His reality and His presence in suffering, somehow that American plane socked home some of the things that made America and God great.
>
> Then I was on that airplane, and pandemonium broke lose. As those wheels lifted off, the cheers shook the plane. And when the plane crossed over water on the way south, we all shouted, "Feet wet!"—we were no longer over North Vietnam. Those mouths opened in a wild cheer—some with teeth missing, some with faces showing physical and emotional scars, some who cried while they cheered. No matter what anyone would say in the future about Vietnam, somehow we had won a little piece of something that no man would take away from us.

Mr. President, what true patriots these men were. How fitting that we honor them today with this Senate resolution commemorating the 25th anniversary of their release.

With this resolution, we also call attention to the important last mission of the war which is still unresolved—the mission to obtain the fullest possible accounting for those whose whereabouts and fate are still unknown. Our thoughts go out to the families of those missing men, and we reaffirm our national commitment to learning the truth so we can remove the uncertainty these families face.

I have been personally involved with searching for answers on the POW/MIA issue, as my colleagues know, for several years now. I want to take this opportunity today to again call on the Governments in Southeast Asia, North Korea, China, Russia, and the former Eastern bloc to do more to open up their archives and make key witnesses available so we may advance the accounting effort. There is much work still to do, and I appreciate that this resolution before us today recognizes that fact.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to take a special moment here to thank my colleague from Georgia, a cosponsor of this resolution and himself a veteran of the Vietnam war; Senator SMITH of New Hampshire; Senator LOTT, the majority leader; and Senator HAGEL, a Vietnam veteran from Nebraska. I am especially delighted to be joined by Senator CLELAND who, as I said, is himself a testament to the courage and sacrifice made by so many men and women in American uniform during the Vietnam conflict.

The resolution also directs itself to two of our colleagues who were themselves long-held prisoners of war, Congressman SAM JOHNSON, who is specifically noted in the resolution, and our own Senator JOHN MCCAIN of Arizona.

Senator MCCAIN and I have known each other for some extended period of time and I have always marveled at what he endured and, I might add, that it was almost a double endurance. What I mean is that the North Vietnamese, recognizing that he was the son of a U.S. Navy admiral, tried to break him away from his colleagues and send him home. He made the choice not to accept, not to accept this unique tension in deference to his colleagues, his father and the Navy.

I was reminded earlier today that when these veterans were returned and disembarked from the aircraft—of course we all remember the scenes of them kneeling down and kissing the ground—but then to stand up and thank America for the privilege to have served her. It was an incredible act of courage, an act of care and love, of the country whose uniforms they had worn.

Interestingly enough, unbeknownst to me just earlier, I was with a young man who said but for the brief chance of fate he would have been a pilot in Vietnam. This was just moments ago and he was here when these POW's returned, and he had a chance to be among them. At that time he was about 33, which was the age of many of these POW's, the difference being, of course, that he still looked 33 and they looked 50 or older because of what they had endured. He was reminded about how moving the moment was to see these Americans who had returned, who had endured so much, who had become the epitome of courage and perseverance. He says whenever he is reminded of it, it still sends chills down his back. How much we owe these men and women. It is important that we remember.

Whenever a nation embarks on something like this—and perhaps it is uniquely important that we are remembering, considering the discussions that are underway here this very week, discussing the eve of a major conflict—we remember what these men and women did for America.

Of course, today marks the 25th anniversary of the return of the first POWs from North Vietnam. Following the signing of the peace accords, 591 United States prisoners of war were released.

The operation was dubbed "Operation Homecoming." Today, as was noted in the resolution, there are still 2,000 members of our Armed Forces who remain unaccounted for from the Vietnam conflict.

This resolution recognizes that despite the brutal mistreatment these prisoners received, they nevertheless devised a means to communicate with one another, to support one another by a code transmitted by tapping on the wall. The resolution refers to Commander James B. Stockdale, U.S. Navy, who upon his capture on September 9, 1965, became the senior prisoner of war officer in what became dubbed the "Hanoi Hilton." He delivered the following message to his men to sustain their morale: "Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome, you will triumph."

This resolution resolves that the Senate expresses its gratitude for and calls upon all Americans to reflect upon and show their gratitude for the courage and sacrifice of the brave men who were held prisoners of war during the Vietnam conflict, particularly on the occasion of this, the 25th anniversary of Operation Homecoming, their return from captivity. It also resolves that the Senate, indeed America, will not, must not, forget the more than 2,000 members of the United States Armed Forces that remain unaccounted for in the Vietnam conflict, and that the Senate will continue to press for the fullest possible accounting for such members.

Mr. President, again, I thank my colleague from Georgia, Senator CLELAND, for his cosponsorship, more importantly for his service, his long service, Senator SMITH, Senator LOTT and Senator HAGEL of Nebraska.

In closing I simply say on behalf of all Americans, this American says to all who served under such difficult circumstances, a grateful Nation says thank you.

Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 177

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the "Hanoi Hilton" by the prisoners held there;

Whereas the hundreds of United States prisoners or war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas two of these patriots, Congressman Sam Johnson, of Texas, and Senator John McCain, of Arizona, have continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, their return from captivity; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

THE FEDERAL WETLANDS PERMIT PROGRAM

Mr. LOTT. Mr. President, I want to call attention to a Federal permit program that is causing problems in Mississippi, in the Southeastern United States and, indeed, in the entire United States: the Federal Section 404 "wetlands" permit program. This program has its roots in Section 404 of the Clean Water Act, but has been designed primarily by the Federal courts and the Federal agencies, the Environmental Protection Agency and the U.S. Army Corps of Engineers, and not by the elected officials of this Nation.

Twenty years have passed since the Congress of the United States has addressed this program legislatively. Currently, a Federal appellate court decision, two pending appellate court cases and a new proposed rulemaking by the Corps of Engineers are stirring up controversy about this program. No one should be surprised. This program is held together by baling wire and string and pieces are beginning to fall off all over the place.

I encourage the Senate Environment and Public Works Committee to bring to the full Senate legislation that makes meaningful, common sense changes to the Section 404 permit program. Review of this program is long overdue. Mr. President, I hope that this Congress can take meaningful action on the Section 404 program in 1998.

One basic controversy about this program is the issue of the areas that are regulated as wetlands. The Federal agencies have interpreted their jurisdiction to extend to the farthest reaches of the Commerce Clause, and, I think, even beyond, including those isolated areas that merely "could affect" interstate commerce. Specifically, to some agencies this means those areas where a migratory bird "could" land. To make this grab for jurisdiction worse, according to the U.S. Fish and Wildlife Service, 75 percent of all Section 404 regulated areas are on privately owned property!

On December 23, in Wilson v. United States Corps of Engineers, the United States Court of Appeals for the Fourth Circuit overturned the criminal convictions of an individual, a corporation and a partnership for violating the Section 404 program in Charles County, Maryland. The individual had been sentenced to 21 months in jail and the three defendants had been fined a total of $4 million. The Fourth Circuit overturned the convictions and remanded the case to the district court, finding that only those areas that are either connected on the surface to navigable waters or are proven to be in interstate commerce could be regulated under the Section 404 program. Specifically, the court held that:

> Absent a clear indication to the contrary, we should not lightly presume that merely by defining 'navigable waters' as 'the waters of the United States', Congress authorized the Army Corps of Engineers to assert its jurisdiction in such a sweeping and constitutionally troubling manner. Even as a matter of statutory construction, one would expect that the phrase 'waters of the United States', when used to define the phrase 'navigable

> waters' refers to waters which, if not navigable in fact, are at least interstate or closely related to navigable or interstate waters. When viewed in light of its statutory authority, (the regulation), which defines 'waters of the United States' to include intrastate waters that need have nothing to do with navigable or interstate waters, expands the statutory phrase 'waters of the United States' beyond its definable limit.
>
> Accordingly, we believe that in promulgating (the regulation), the Army Corps of Engineers exceeded its congressional authorization under the Clean Water Act, and that, for this reason, (the regulation) is invalid.

At long last, this case begins to limit the reach of the bureaucracy onto privately owned property under this program.

A second area of controversy is a regulation issued by the Clinton Administration in September, 1993, that broadly expanded the definition of activities that are regulated under the Section 404 program. As many of you know, this permit problem was never designed to be a wetlands permit program, but rather evolved in that direction through judicial rulings and agency interpretations. The activities in "wetlands" that are regulated under Section 404 of the Clean Water Act are the "discharge of dredged and fill material" into the "navigable waters". On the face of it, the statute does not cover other activities that could degrade wetlands, such as "draining" or "excavating" wetlands. Obviously, if we are going to have a wetlands regulatory program and protect valuable wetlands, the program needs to cover "drainage" and "excavation."

In September 1993, the Clinton Administration issued a rulemaking that expanded coverage of the Section 404 program to include activities like drainage and excavation. Many of us noted that this might be good public policy, but this expansion exceeded the statute, and legislation would be necessary to expand the program to cover these activities.

On January 23, 1997, a Federal district court in the District of Columbia struck down this regulation, called the Tulloch rule, as exceeding the statutory authority of the Clean Water Act. On January 9, 1998, the United States Court of Appeals for the District of Columbia Circuit heard oral arguments in this case. The Federal government had a rough day in court. I am told that the judges suggested that the agency interpretation of the jurisdictional reach of the Section 404 program went as far as "land that might be wet someday". One of the appellate judges asked the government attorney whether riding a bike through a wetland, where dirt accumulated on the tires and then fell off into the wetland during riding, would be an activity regulated under the Section 404 program. The government attorney answered yes, but the regulation was not aimed at this activity. The judge answered correctly, "Not yet!"

This brings me to a recent Corps judgment on Nationwide Permit 26 that was attacked on the front page of the Washington Post on Saturday, January 31st.

With the Corps and the EPA interpreting almost every activity as one covered by the Section 404 program, the Corps has adopted a series of Nationwide Permits that cover routine activities and prevent the necessity of proceeding through the costly and time-consuming normal permitting process. One of these permits, Nationwide Permit 26, which covers certain areas up to 3 acres in size, is scheduled to expire in December 1998. The Corps is developing a series of "replacement permits". These "carve outs" are essential if the Corps is to be able to manage this program without enormous delays in permit processing times. This is particularly true as the bureaucracy continually expands the types of activities that are regulated under the Section 404 program. Yet, some interest groups are attempting to pressure the Administration to reject these replacement permits. If they are successful, I am convinced that the program will fall into disarray, prompting calls not only for the reform of the current program, but the repeal of the whole thing. We will all have to keep an eye on this development.

Finally, a case is pending in the United States Court of Appeals for the Ninth Circuit styled Resource Investments, Inc. v. U.S. Army Corps of Engineers. In this case, the Corps used its Section 404 regulations to overturn the judgment of a county government in a public bid process regarding the location of a new solid waste disposal facility. I can assure you that it is not this Senator's view that the mission of the Army Corps of Engineers is to make judgments that historically have been within the purview of local elected officials.

Mr. President, this is just a quick survey of some of the judgments that are being made by Federal agencies and Federal courts regarding the Section 404 program. These judgments sometimes expand and sometimes narrow this program. What is missing—and has been missing for 20 years—is the judgment of elected officials about fundamental aspects of this regulatory program that defy common sense and so often intrude on privately owned property, local economic activities and governmental infrastructure decisions. It is long-past time for the committee of jurisdiction over this program to bring forth legislation that proposes meaningful and responsible adjustments to this awful program.

By the way, Mr. President, I should add one more thing. The current President of the United States, when he was the Governor of Arkansas, chaired the Lower Mississippi River Delta Development Commission. The statutory charge of this Commission was to study the seven-state Lower Mississippi River Delta region and to develop a ten-year regional economic development plan. This is a particularly troubled region economically. Both my state of Mississippi and the President's state of Arkansas contain portions of the Lower Mississippi River Delta.

In May, 1990, the Commission filed its report, which was submitted to Congress over the signature of the current President. That report specifically addressed the problems of Federal wetlands regulation, stating:

> The national wetlands policy has caused significant problems for agriculture, aquaculture and commercial and industrial development.
>
> * * * * *
>
> Current definitions do not adequately differentiate the quality of wetlands.
>
> * * * * *
>
> Current interpretations of the national wetlands policy have placed major limitations on the Delta's economy because commercial and industrial development is being impaired. (all quotes from page 80 of the report)

The report then made a number of recommendations, including these two from page 81 of the report:

> Congress should direct appropriate federal agencies to establish minimum-sized wetlands for regulation.
>
> * * * * *
>
> Congress should assign the responsibility for identification and maintenance of a wetlands inventory to one agency, and require consultation with other affected agencies.

Mr. President, the President of the United States seems to have forgotten what he learned as chair of the Lower Mississippi River Delta Development Commission. The current Federal Section 404 permitting program regulates all wetlands regardless of size and is administered by two Federal agencies: the Corps of Engineers and the EPA. The President was correct with respect to these recommendations in 1990, but now that he is in a position to act, nothing has happened. I would hope that the President of the United States would submit at least these meaningful changes to Congress for our consideration in 1998.

Mr. BOND. Mr. President, I share the concerns of the Majority Leader regarding the shortcomings of the Section 404 program. In light of the recent and pending court cases, as well as the ongoing controversy over the scheduled demise in December of Nation Wide Permit 26, I agree strongly that Congress must address the Section 404 program legislatively. We should not continue to let the program bob and weave and stray in response to interpretations or policy preferences of each successive court decision or agency action. The law is unpredictable and it is not fair to the agencies administering the law or the landowners impacted by the law.

Based on accounts of the oral arguments in the United States Court of Appeals for the District of Columbia Circuit, and subsequent conversations my staff has had with various officials, it appears very possible that the lower court decision on the "Tulloch" rule will be upheld. The "Tulloch" rule extends regulation under the Section 404 program to activities like "drainage" and "excavation" that harm wetlands. The lower court held that expanding the Section 404 program to cover these activities might be very good public policy, but the current statute does not cover these activities. Legislation expanding the program will be needed. In its successful attempt to obtain a stay of the lower court decision, the Federal government filed documents suggesting that the failure to regulate "drainage" and "excavation" would be an environmental catastrophe. Thus, if the Court of Appeals upholds the lower court decision, legislation will be necessary to cover these activities.

My colleague from Louisiana and I have released a series of proposals in a "discussion draft" to encourage discussion of these difficult issues. One proposal in the draft would expand the activity regulated under Section 404 to include "drainage" and "execution." This draft signals our commitment to engage in a constructive process with all parties to develop legislation that will stabilize the Section 404 program, expand the program to cover activities that are destructive to wetlands and make a number of common sense changes to the program that will make it more acceptable to private landowners on whose property 75% of these regulated areas are located.

Senator BREAUX and I released our discussion draft last summer. Time is growing short in this session of Congress, yet there is still time to act if there is a willingness of the various stakeholders to negotiate constructively and the will for us to legislate. I believe that I speak for my colleague from Louisiana when I pledge our cooperation in any reasonable process to develop Section 404 improvement legislation that will earn the support of a majority of our colleagues and will be good both for the environment and the regulated community.

Mr. President, I agree with the Majority Leader. Twenty years without legislative attention is long enough for the Section 404 program. The time has arrived to tackle this difficult issue.

NOTICE OF ADOPTION OF AMENDMENTS

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a Notice of Adoption of Amendments was submitted by the Office of Compliance, U.S. Congress. This notice contains amendments to Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress under various sections of the Congressional Accountability Act.

Section 304 requires this notice and the amendments to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the Notice and Amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

NOTICE OF ADOPTION OF AMENDMENTS

Summary: The Executive Director of the Office of Compliance ("Office"), with the approval of the Board of Directors ("Board"), having considered comments received in response to the Notice of Proposed Rulemaking ("NPRM") published on October 1, 1997, 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997), has amended the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees under the rules governing: (1) proceedings involving Occupational Safety and Health inspections, citations, and variances under section 215 of the Congressional Accountability Act of 1995 ("CAA"), and (2) ex parte communications.

The NPRM also proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of processing allegations of violation of sections 204–206 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), and the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), and of section 207 of the CAA, which prohibits employing offices from intimidating or taking reprisal against covered employees for exercising rights under the CAA. However, by a recently published Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), the Office is requesting further comment on whether the Procedural Rules should be extended to cover GAO and the Library with respect to alleged violations of sections 204–207, and no final action will be taken on this question until the comments have been received and considered.

Availability of comments for public review: Copies of comments received by the Office in response to the NPRM are available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly includes GAO and the Library and their employees within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act: (a) section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"); (b) section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"); (c) section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"); and (d) section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These four sections go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The study was transmitted to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The purpose of the NPRM was to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved. To accomplish this, the NPRM proposed to cover GAO and the Library and their employees in four respects: (1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of sections 204–206. (2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207. (3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of proceedings involving section 215. (4) Section 9.04 of the Procedural Rules governs ex parte communications, and the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

In the only comment received in response to the NPRM, the Library argued that "Congress expressly excluded the Library and other instrumentalities of Congress from the application of Titles I, III, IV and V of the CAA," which include the administrative and judicial procedures established in sections 401–408. (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) As to whether GAO and the Library and their employees are covered by the procedures mandated by sections 401–408 when a violation of sections 204–207 is alleged, the Library's comments raise issues of statutory construction upon which the Office seeks further comment. To solicit such comments, the Office recently published a Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), and will make no decision as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of resolving allegations of violations of sections 204–207 until after the comments are received and considered.

The issues of statutory construction raised by the Library's comments are not pertinent, however, to proceedings under section 215 and to rules regarding ex parte communications. The procedures under section 215 expressly cover GAO and the Library and their employees because section 215(a)(2)(C)–(D) explicitly includes these instrumentalities and employees within the definitions of "employing office" and "covered employee" for purposes of applying the OSHAct "under this section [215]." As to ex parte communications, section 9.04 of the Procedural Rules includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a proceeding or rulemaking." The CAA explicitly authorizes GAO and the Library and their employees to be involved in proceedings under section 215(c), as described above, and the Library itself has exercised its right to be involved in the Office's rulemaking proceedings.

The Library further notes that the substantive regulations adopted by the Board to implement section 215 have not yet been approved by the House and Senate pursuant to section 304 of the CAA and argues: "Since all OSHA regulations must follow the procedures for adopting substantive rules under section 304 of the Act, including approval by Congress, it would seem more appropriate to delete the reference to the coverage of the Library for purposes of section 215 of the CAA, in order to avoid confusion over the effect of possible Congressional approval of these proposed rules but not the underlying provisions applying to OSHA procedures." However, the Library's assumption that "all OSHA regulations," including provisions of the Procedural Rules describing the Office's procedures under section 215, are subject to Congressional approval is incorrect. Congressional approval under section 304 is required only for the regulations adopted by the Board under section 215(d) of the CAA, which must generally be the same as the substantive regulations promulgated by the Secretary of Labor to implement section 5 of the OSHAct. The Board adopted such regulations for employing offices other than GAO and the Library and submitted the regulations to Congress for approval under section 304, see 143 CONG. REC. S61 (daily ed. Jan. 7, 1997), and recently amended those regulations to cover GAO and the Library and submitted the amendments to Congress for approval, see 143 CONG. REC. S11663 (daily ed. Nov. 4, 1997). However, the Procedural Rules, including provisions describing the Office's procedures under section 215 of the CAA, were adopted under section 303 of the CAA, which authorizes the Executive Director, subject to the approval of the Board, to adopt rules governing the procedures of the Office. See 143 CONG. REC. H1879, H1879–80 (daily ed. Apr. 24, 1997). The amendments in this Notice are likewise adopted under section 303, so the Library's expressed concern is unfounded.

Finally, although no comments were received regarding the specific language of the proposed amendments to the rules, the final adopted rules differ slightly from the text of the proposed amendments. The preamble to the NPRM explained that the purpose of the rulemaking was to cover GAO and the Library and their employees "for purposes of any proceedings in which GAO and the Library or their employees may be involved as employing offices or covered employees," and, with respect to section 215, the preamble stated that GAO and the Library would be covered "for the purposes of proceedings involving section[] . . . 215 of the CAA . . . ." 143 CONG. REC. S10291, S10292 col. 1 (daily ed. Oct. 1, 1997). However, the proposed rules in the NPRM described specific kinds of proceedings under section 215, i.e., enforcement of inspection and citation provisions of the CAA and the granting of variances, and stated that GAO and the Library would be covered for purposes of those specific proceedings. Id. at S10292 col. 2. To avoid any confusion, the final rules have been simplified and revised to make clear that they cover GAO and the Library for purposes of "[a]ny proceeding under section 215." Section 1.02(q)(1) of the Procedural Rules, as amended by this Notice.

Signed at Washington, D.C., on this 9th day of February, 1998.

RICKY SILBERMAN,
Executive Director, Office of Compliance.

The Executive Director of the Office of Compliance hereby amends section 1.02 of the Procedural Rules of the Office of Compliance by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

"§ 1.02 Definitions.

"Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * *

"(b) *Covered employee.* The term 'covered employee' means any employee of:

"(1) the House of Representatives;

"(2) the Senate;

"(3) the Capitol Guide Service;

"(4) the Capitol Police;

"(5) the Congressional Budget Office;

"(6) the Office of the Architect of the Capitol;

"(7) the Office of the Attending Physician;

"(8) the Office of Compliance; or

"(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

"(h) *Employing Office.* The term 'employing office' means:

"(1) the personal office of a Member of the House of Representatives or a Senator;

"(2) a committee of the House of Representatives or the Senate or a joint committee;

"(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

"(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

"(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term 'employing office' shall include the General Accounting Office and the Library of Congress, and the term 'covered employee' shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

"(1) Any proceeding under section 215 of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

"(2) Any proceeding or rulemaking, for purposes of section 9.04 of these rules."

PROGRESS IN BOSNIA

Mr. BIDEN. Mr. President, one of the most important foreign policy issues with which the Congress must deal in the coming months is continued American involvement in Bosnia and Herzegovina.

Last December, President Clinton announced his decision that the United States should maintain ground troops in an international force that will replace SFOR, whose mandate expires in June. Soon, he will ask the Congress for the funding to support this operation.

I support the President's decision as being squarely in the national self-interest of the United States. As I have said on many other occasions, the stability of southeastern Europe depends on the ability of the Bosnians, working with the international community, to create a self-sustaining, peaceful, democratic system in their country.

Failure to achieve this goal would inevitably restart the violence that produced the worst bloodletting in Europe since World War II, and would almost certainly ignite the ethnic tinderbox that is smoldering in neighboring countries. Other potential Radovan Karadzics cannot be encouraged to believe that they can get away with similar crimes. The devil's work of the mass murderers, ethnic cleansers, and rapists in Bosnia must not be allowed to stand in that country or, worse still, to be repeated there and elsewhere.

Moreover, as President Clinton said in his State of the Union address, staying the course in Bosnia is a test of American leadership in Europe in general, and in NATO in particular. It was American military involvement in the fall of 1995 and our diplomatic leadership in crafting the Dayton Accords that ended the carnage in Bosnia.

Make no mistake about it: we are the indispensable country in the European security equation, as Bosnia demonstrates. Although our alliance partners are shouldering the lion's share of the economic and military burden in Bosnia, without our participation on the ground and in the air, SFOR and any post-SFOR force would be impossible.

The task in Bosnia is complex and will take several more years to complete. President Clinton himself admitted his error in thinking that nearly four years of horrific violence could be remedied in one year, or even two-and-a-half years.

But our commitment to assisting the Bosnians, of course, is not open-ended. Rather than tieing our exit to an artificial date, we should—and will—link it to the completion of clearly defined criteria, such as the establishment of a functioning national government and other national institutions, seated elected local governments, free media, and a free-market economy. I have every confidence that the Administration will spell out these benchmark criteria in detail in its request for U.S. participation in the international force after this June.

I had the opportunity to accompany the President to Bosnia before Christmas—my fourth journey in recent years to that troubled land. The trip confirmed the impressions that I gained in a longer trip last summer: we have made significant progress in implementing the military and civilian provisions of the Dayton Accords.

I scarcely need to add the caveat that much still remains to be done to put Bosnia back on firm footing. Today I have several concrete policy proposals to further that end.

To put them into context, I would like to review in some detail the significant progress that has been made in the last nine months in implementing both the military and civilian provisions of the Dayton Accords.

Mr. President, I believe that even the most skeptical observer has to admit that the situation in Bosnia has improved greatly since Dayton, and with an increased tempo in the last nine months.

Thanks to our magnificent troops in IFOR and SFOR and those of allied and partner countries, a stable military environment has been created and the warring parties separated. No fewer than three hundred thousand troops from all sides have returned to civilian life.

Nearly seven thousand heavy weapons have been destroyed, and an additional two thousand six hundred put into supervised cantonments.

A joint Muslim-Croat Federation Defense Force has been created, although below the top command much more integration remains to be accomplished. The American Train and Equip Program to create a defensive Federation capability is in full swing. I visited its headquarters last summer, and was impressed with its trainers and its Muslim and Croat students.

Progress has also been made in creating non-political local police forces, both in the Federation and in the Republika Srpska. Integrated police forces are operating in eight major locations around the country, including the pivotal northern town of Brcko, whose future will be determined in March by an international arbitrator.

The International Police Task Force or IPTF has had its share of problems, perhaps unavoidable given the fact that no fewer than forty countries are contributing officers to it. Recent reforms, however, in which Americans have played a prominent role, have strengthened its professionalism. A new Federation Police Academy has been opened near Sarajevo to train new recruits from all religious groups.

Last fall, I called for our European allies to contribute forces from their paramilitary formations to create a gendarmerie in Bosnia as a vital middle layer—under SFOR control—between the local police and SFOR. Although there was an initial, predictable negative public reaction from Europe, I am told that several of our partners are now actively considering the idea. These European gendarmes could provide the security for newly elected municipal governments, guarantee safety for minority refugee returns, and take over the lead-role in capturing indicted war criminals.

In fact, slowly but surely the indicted war criminals are already being rounded up. Nearly one-third of the seventy-nine individuals under open indictment have been taken into custody in the War Crimes Tribunal in the Hague.

Last month, for the first time American SFOR troops carried out a capture operation, seizing a notorious Bosnian Serb who as the sadistic commander of a prison camp called himself the "Serb Adolf" and reveled in his grisly murder of Muslims. He is one of only a handful of individuals in Bosnia indicted for genocide.

NATO Secretary-General Solana has publicly pledged to arrest such war criminals when NATO troops find them, but proceeding with careful preparation so as to avoid undue risk. I welcome his statement and urge an acceleration of the process, to be taken over as soon as possible—as I just mentioned—by a European gendarmerie.

Contrary to popular belief, Mr. President, many refugees and displaced persons have returned home—more than 400,000 in fact. The number of minority returnees represents only a small fraction of the total, but even here there has been notable progress in several cities in the past few months.

Mr. President, there are other positive signs emanating from Bosnia. Thanks to pressure from SFOR, the Bosnian media have been restructured. The hate-filled television broadcasts of the Karadzic forces have been put under the oversight of the High Representative, and the Organization for Security and Cooperation in Europe (OSCE). Equally important, the internationally funded Open Broadcast Network now reaches eighty percent of Bosnia and Herzegovina.

The economic life of the Federation is rapidly improving, although a huge amount remains to be rebuilt. GDP grew by 53% in 1996 and 35% last year, and unemployment has been cut in half, from 90% to 44%.

A central factor in the economic resuscitation of the Federation has been international assistance, and our USAID is generally acknowledged to have been the most efficient national agency in delivering emergency assistance in a variety of ways. I have personally seen the targeted programs of USAID contractors helping minority refugees to return and rebuild their own houses. Moreover, USAID assistance has created over 11,000 jobs and provided sixty-eight million dollars in loans to one hundred forty medium-sized Bosnian enterprises.

From all international sources more than 230 miles of roads have been rebuilt throughout Bosnia and twenty-one key bridges repaired and made functional again.

Economic progress in the Republika Srpska has lagged far behind that of the Federation, primarily because the Karadzic-dominated government in Pale obstructed implementation of the civilian parts of the Dayton Accords. I will return shortly to the issue of how best to assist the Republika Srpska to get back onto its feet.

Progress has been uneven in fleshing out the institutions of government mandated by Dayton. While all national and entity-level institutions have been created, the joint presidency is a fractious and hamstrung organization, and tax, customs, and banking bodies are still not fully functioning.

We clearly must put more pressure on the various parties to make the system work, and recent events give me some confidence that this is beginning to happen. The High Representative for Bosnia, the impressive Spanish diplomat Carlos Westendorp, has been given additional powers by the international community, and he is using them. Last month, fed up with stalemate among the representatives of the three major religious groups, Mr. Westendorp imposed a common currency on the country. When the three groups seemed deadlocked on a common national license plate, he forced the issue, and an agreement was reached. Most recently, when they failed to agree on the design of a national flag, Mr. Westendorp made the choice and imposed it on them.

In contrast to the grudging pace of reform at the national level, there has been quite remarkable progress at the entity and local levels of government.

Democratic elections have been held with turn-outs averaging more than seventy percent. The trend has been toward marginalizing the ethnic extremists, who have either been voted out of office or removed by the High Representative from positions in towns in both the Federation and the Republika Srpska.

Then last month, Mr. President, a stunning and heartening development took place in Bosnia. A non-nationalist Bosnian Serb named Milorad Dodik was elected Prime Minister of the Republika Srpska.

I met Mr. Dodik last August in Banja Luka. He seems genuinely to believe in a unified, multi-ethnic Bosnia, and his behavior during the four years of violence was exemplary. In fact, his razor-thin victory in the Republika Srpska parliament was made possible by the support of sixteen Muslim and several Croat deputies.

Nominated for his position by Republika Srpska President Plavsic, Prime Minister Dodik has crafted a program that goes beyond that of his patron:

He has pledged to implement Dayton fully, including completing the unification of the police forces of the Republika Srpska and of the Federation.

He has said he will seek an equitable solution to the refugee problem.

He has said that when he is firmly in power he will turn over all Serbs suspected of war crimes to the international tribunal in the Hague. In fact, the tribunal may soon open an office in Banja Luka.

He has guaranteed equal rights for all citizens.

He has called for the separation of religion and politics.

He has come out for independent media, pledging publicly to reorganize Bosnian Serb Radio and Television "in accordance with the requirements of the Office of the High Representative . . . to develop into a professional, independent, and responsible network, open to everybody."

Moreover, Prime Minister Dodik—himself a successful businessman—has set as a top priority the privatization and restructuring of the economy of the Republika Srpska. Central to this is his determination to eliminate the widespread corruption that has kept the Karadzic gang in power by eliminating their ability to tax, to impose customs duties—and then to siphon off the money for their personal use. He has already replaced the corrupt Karadzic appointees who ran the state-owned industries.

In an immediate measure to exert his control, Dodik is moving the Republika Srpska capital from Pale to Banja Luka, a measure that was officially approved by the Republika Srpska Parliament on January 31st by a wide margin.

Moreover, the Republika Sprska Parliament has voted to annul thirty-three laws passed by the Karadzic-dominated parliament after President Plavsic dissolved that body last summer.

My colleagues should understand that we must keep a sharp eye on Dodik—if for no other reason the fact that he is also being supported by Yugoslav President Milosevic—but there is no doubt whatsoever that Dodik is a vast improvement over the Pale gang that is actively resisting him.

The jury is still out as to who will emerge victorious, but, Mr. President, the very facts of Dodik's record, his parliamentary victory, and his reform program are an eloquent rebuttal to the many superficial and utterly erroneous statements about Bosnian history that we have often heard in this country, even on the floor of this chamber.

We have repeatedly heard the refrain of how "those people in Bosnia have never gotten along," how "they have fought each other for five hundred years," and how "they are incapable of living together."

I hope that as we go forward in Bosnia, we can finally dispense with these tired cliches, which, in essence, have been an excuse not to deal with the real world.

Mr. President, in my twenty-five years in the Senate my colleagues have called me many things, but "starry-eyed" is not one of them. In taking note of the progress that has been achieved in Bosnia, I do not for one minute believe that we are on the edge of victory, or even that the final goal of a multi-ethnic, democratic, free-market Bosnia is certain to be achieved.

But I do think that a sober, objective reading of the current situation gives cause for some optimism that we have turned the corner.

In conclusion, I would like to offer a six-point plan to correct some missteps-steps and to keep up the positive momentum in Bosnia.

First, in the very near future we must secure the commitment of several of our allies to contribute troops to create the European paramilitary gendarme force for Bosnia, which I described earlier, to handle a variety of civilian security tasks. This is eminently do-able and would provide a tremendous boost to Dayton implementation.

Second, although we will almost certainly reduce the size of the American troop commitment in the post-SFOR force from the current eight thousand five hundred, the President must make clear to the American public that he is prepared to raise that number again if our commander on the ground in Bosnia certifies that the security situation warrants it.

Third—and this may not sit well with some of my colleagues—I believe that if a continued American troop presence in Bosnia is an important national interest, as it manifestly is—then I think this priority should be reflected in a supplemental appropriation that does not reprogram other military funding. In other words, we should not sacrifice readiness elsewhere to pay for Bosnia. Both are essential, and we can afford both.

Fourth, we should support Republika Srpska Prime Minister Dodik by speedily providing assistance to his central government and to localities that implement Dayton, but not provide it in an indiscriminate way. What do I mean by that?

I mean that henceforth in order to receive American USAID assistance, all Bosnian municipalities, both in the Republika Srpska and in the Federation, by a reasonable date-certain would have to join the Open Cities Program to welcome returning minority refugees, seat their municipal councils that were legally elected last September, and deny sanctuary to indicted war criminals.

I would also design USAID reconstruction projects that designate for returning minority refugees housing units or jobs in rebuilt factories.

Let me underscore, Mr. President—and this is key—my plan means not providing assistance to localities until they comply. The date-certain must be reasonable, but firm.

The restrictions I propose are not intended to undercut Prime Minister Dodik, whom I support. But we must be clear: the American policy goal is not just to have a rhetorically friendlier Republika Srpska government, but is rather to help build a multi-ethnic, democratic Bosnia.

Fifth, as a specific corollary of this last point, we should force the Bosnian Muslim SDA Party, the senior partner in the Federation government, to welcome returning Bosnian Serb and Bosnian Croat refugees back to Sarajevo and to enact legislation to enable non-Muslims to reclaim their former apartments in "socially owned," that is, public housing.

I have advocated these steps for months. Last week, under pressure from our talented Special Envoy Ambassador Bob Gelbard, Bosnian President Izetbegovic finally agreed to admit twenty thousand Serbs and Croats and to introduce the property legislation. We must now hold him to his word, using assistance as a lever.

The Bosnian Muslims, the principal victims of the carnage of the last four years, know that they have no stronger defender in Congress than me. But they must also realize that all groups in Bosnia—Muslims, Croats, Serbs, and others—deserve equal treatment as the country is rebuilt and made healthy again. I cannot stress this point enough.

Sixth, in the preparations for the pivotal Bosnian national elections next September we should greatly increase our support for the non-nationalist, multi-ethnic parties in the Federation and the Republika Srpska.

Until now, this task in the field has been handled principally by the U.S. National Democratic Institute, which has done superb work.

We should now pressure the OSCE to involve the multi-ethnic parties in the work of the Provisional Election Commission, which sets the ground rules.

For example, until now, incredible as it may sound, only the nationalist parties have had access to voters' lists!

Mr. President, Bosnia has come a long way since the horrifying days only two-and-a-half years ago when daily mortar attacks and snipers terrorized Sarajevo and Mostar, when thousands were brutally murdered in Srebrenica and elsewhere, and when women were degraded in bestial rape camps.

Much work remains to be done, but there is light at the end of the tunnel. A peaceful, democratic Bosnia is central to the peace of Europe, and therefore to America's national interest. And American leadership is absolutely essential to the rebuilding of the country.

For all these reasons, I am confident that in the coming weeks when the Congress is called upon to support an extension of the American commitment to Bosnia, it will respond affirmatively.

I thank the Chair and yield the floor.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

Mr. HATCH. Mr. President, my good friend and colleague Mr. COBLE, the Chairman of the House Judiciary Intellectual Property Subcommittee introduced in the House today the Copyright Compulsory License Improvement Act. I had intended to introduce similar legislation in the Senate today, but have decided to allow some of my colleagues on the Judiciary Committee time to review this important legislation and join me in presenting legislation to the Senate.

Let me first thank Mr. COBLE for his leadership in this area. He and his staff have worked tirelessly to develop the bill he introduced today. It is legislation that will set the stage for increased competition in the multi-channel video delivery market, and that means greater viewer choice in getting television. It is always a pleasure to work with Chairman COBLE, and I look forward to working with him as we perfect this legislation and move it to enactment. I have also worked with the ranking member of the Senate Judiciary Committee, Senator LEAHY, who has provided valuable input into the Senate legislation.

I must also acknowledge the input of the Register of Copyrights and Copyright Office staff. They worked along with congressional staff in creating this legislation.

Let me say that I believe the legislation that Chairman COBLE and I have worked on effectively balances the various interests affected by the legislation. While I look forward to perfecting the legislation, I expect it to undergo revision as it moves through the process, I believe that the essential balance must be maintained for this legislation to move this year. And it is important that we enact legislation this year allowing satellite carriers to provide local carriage of broadcast signals within a broadcaster's local market. No reform is more important to making satellite competitive with cable for the long term. I believe the other reforms also set the stage for vigorous competition between satellite and cable, with adequate protections for the other interested parties whose works are delivered by them to viewers, which should result in lower prices and increased choices for viewers. This is important legislation for all of our constituents, but particularly for those in states with rural or mountainous areas such as my home state of Utah. I hope my colleagues will help work to enact these reforms this year so that the next generation of satellite television delivery can become a reality in the very near future.

I welcome input from all interested parties and my colleagues. And I look forward to introducing a companion to Mr. COBLE's bill when we return from our President's Day recess.

INNOCENT SPOUSES NEED RELIEF

Mr. KYL. Mr. President, I want to commend the chairman of the Senate Finance Committee, Senator BILL ROTH, for the very thoughtful and determined way that he has handled the Internal Revenue Service (IRS) reform effort.

Had he simply bowed to calls from some on the other side of the aisle to sweep problems with the IRS under the rug and rush the IRS reform bill to a vote, we probably would not have had the chance to shed light on the serious abuses that innocent spouses have experienced at the hands of the IRS. And we certainly would not have the chance to ensure that an effective fix for innocent spouses is included in the IRS reform legislation.

I think it is important to say at the outset that most IRS employees are law-abiding and professional, and most of them deal fairly with taxpayers. It is important to remember, too, that the IRS has been given the difficult and thankless task of administering a Tax Code that is exceedingly complex, filled with contradictory provisions, and open to differing interpretations. But since the IRS has been given such tremendous power—power that can bankrupt families, put people out of their homes, and ruin lives—any abuse of that power cannot be tolerated.

Mr. President, last December, I hosted a Town Hall meeting and a series of other events in Arizona to solicit public comment about how best to reform the IRS. One of the people I heard from was a woman who divorced in late 1995. While she paid her taxes in full and on time during the last two years of her marriage, her husband did not. The IRS ultimately came after her for the taxes that her former spouse did not pay.

About two weeks after hearing from her—on December 19—I sent Chairman ROTH a letter identifying ways of improving the IRS reform bill, and on that short list was a recommendation to make innocent-spouse relief easier to obtain, and to make it available retroactively, or at least to all cases pending on the date of enactment of the bill.

So obviously, I am delighted that the Finance Committee has focused on the issue of innocent-spouse protection. The hearing held by the Committee just yesterday revealed just how seriously people can be abused. The Committee heard from several separated or divorced women who, like my constituent, had been pursued by the IRS for tax debts run up by their former husbands.

Mr. President, husband and wife are equal partners in a marriage. Financial obligations are a shared responsibility, and appropriately so. We need to be careful not to undermine the commitment that people have made to each other, or we may unintentionally create new incentives for couples to divorce merely to limit their tax obligations. That is how the marriage penalty was born—something we will need to fix later this year.

But there are unique circumstances that arise from time to time that make it inappropriate to hold one spouse liable for taxes that are primarily attributable to the other spouse. Those circumstances seem to arise far more frequently than one might think. One estimate by the General Accounting Office suggests that the IRS tries to collect taxes from the wrong spouse after a separation or divorce in at least 50,000 cases a year.

One of the women who testified before the Finance Committee yesterday was a fourth-grade teacher from Florida who divorced back in 1995. Her husband—himself a former field auditor for the IRS—has reportedly failed to file the couple's tax returns for 1993 and 1994. When he did later file joint returns, he allegedly forged her signature. The IRS has now put a lien on her home, while he is apparently paying just $200 to $300 per month toward the debt.

A widowed mother of five who has been on and off food stamps testified before the Committee. The IRS said she owes more than $527,000.

A disabled nurse has a lien put on her home for taxes dating back to the 1960s, even though her divorce decree explicitly stated that she was not responsible for her former husband's debts.

The problem is that, while the IRS is targeting these women, it is apparently failing to pursue their former husbands with equal vigor. There are cases where men, too, are the primary focus of the IRS's collection efforts, but this is predominately a problem that affects women. Nine out of 10 innocent spouses are women. Maybe that is because they are more likely to pay up when confronted by the IRS. Maybe it is because women sometimes have fewer resources available to defend themselves. In either case, singling out women for abusive collection efforts is just plain wrong.

One solution might be simply to repeal the joint liability rules. Maybe liability ought to be proportionate to each spouse's earnings during the marriage. I understand the Committee is looking at a range of options. One way or the other, though, we have got to solve this problem and get the IRS off the backs of women whose only offense is that they took their husband's word that their finances were in order. And we ought to be sure that whatever we do extends back retroactively.

Mr. President, I am obviously very appreciative of the fact that Chairman ROTH and the Finance Committee have focused on this very important issue. And again, I want to thank Chairman ROTH for resisting calls from the other side to merely rush ahead with an IRS reform measure before the Committee could deal with the innocent-spouse issue. I look forward to working with the Committee to ensure that an effective solution to this problem is included in the IRS reform bill before final passage.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 11, 1998, the Federal debt stood at $5,473,648,289,477.06 (Five trillion, four hundred seventy-three billion, six hundred forty-eight million, two hundred eighty-nine thousand, four hundred seventy-seven dollars and six cents).

One year ago, February 11, 1997, the Federal debt stood at $5,305,464,000,000 (Five trillion, three hundred five billion, four hundred sixty-four million).

Five years ago, February 11, 1993, the Federal debt stood at $4,175,669,000,000 (Four trillion, one hundred seventy-five billion, six hundred sixty-nine million).

Ten years ago, February 11, 1988, the Federal debt stood at $2,452,989,000,000 (Two trillion, four hundred fifty-two billion, nine hundred eighty-nine million).

Fifteen years ago, February 11, 1983, the Federal debt stood at $1,194,636,000,000 (One trillion, one hundred ninety-four billion, six hundred thirty-six million) which reflects a debt increase of more than $4 trillion—$4,279,012,289,477.06 (Four trillion, two hundred seventy-nine billion, twelve million, two hundred eighty-nine thousand, four hundred seventy-seven dollars and six cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING FEBRUARY 6TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 6, the U.S. imported 8,371,000 barrels of oil each day, 447,000 barrels more than the 7,894,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,371,000 barrels a day.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: No. 497, No. 498, No. 499 and No. 500.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed en bloc, are as follows:

THE JUDICIARY

Michael B. Thornton, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

DEPARTMENT OF THE TREASURY

Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury.

THE JUDICIARY

L. Paige Marvel, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

EXECUTIVE OFFICE OF THE PRESIDENT

Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador, vice Charlene Barshefsky, to which position he was appointed during the last recess of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

Mr. COVERDELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 927) entitled "An Act to reauthorize the Sea Grant Program", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1998".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;".

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.".

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking "their university or" and inserting "his or her"; and

(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";

(2) by striking paragraph (4) and inserting the following:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.";

(3) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

"(5) The term 'Great Lakes' includes Lake Champlain.

"(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.";

(4) by striking "regional consortium, institution of higher education, institute, or laboratory" in paragraph (11) (as redesignated) and inserting "institute or other institution"; and

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

"(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

"(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

"(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

"(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.".

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(2) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

"(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

"(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this title by the national sea grant office, the Administration, and the panel;

"(3) the fellowship program under section 208; and

"(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

"(c) RESPONSIBILITIES OF THE SECRETARY.—

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

"(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

"(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

"(4) To carry out the provisions of this title, the Secretary may—

"(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

"(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

"(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

"(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

"(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

"(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

"(G) promulgate such rules and regulations as may be necessary and appropriate.

"(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

"(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

"(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

"(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

"(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

"(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

"(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

"(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

"(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

"(i) promote healthy competition among sea grant colleges and institutes;

"(ii) encourage successful implementation of sea grant programs; and

"(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

"(C) ensure compliance with the guidelines for merit review under subsection (c)(2).".

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

"(a) DESIGNATION.—

"(1) A sea grant college or sea grant institute shall meet the following qualifications—

"(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

"(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

"(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

"(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

"(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

"(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

"(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for *designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).*

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.".

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "(b) DUTIES.—The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (1); and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute"; and

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $56,000,000 for fiscal year 1999;

"(B) $57,000,000 for fiscal year 2000;

"(C) $58,000,000 for fiscal year 2001;

"(D) $59,000,000 for fiscal year 2002; and

"(E) $60,000,000 for fiscal year 2003.

"(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

"(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

"(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

"(C) up to $3,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.".

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—No more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

"(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

Mr. COVERDELL. Mr. President, I move the Senate concur in the amendment of the House.

The motion was agreed to.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE TO ACCOMPANY H.R. 2631

Mr. COVERDELL. Mr. President, I ask unanimous consent that at 11:30 a.m. on Wednesday, February 25, the Senate proceed to the consideration of the veto message to accompany H.R. 2631, the Military Construction Appropriations bill. I further ask unanimous consent that there be one hour for debate on the message, equally divided between the chairman and the ranking Member, with an additional hour under the control of Senator MCCAIN. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the veto message with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS ON THURSDAY, FEBRUARY 19

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Thursday, February 19, committees have from the hours of 10 a.m. to 3 p.m. in order to file legislative or executive reported items with the exception of governmental affairs regarding the special investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. COVERDELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2472) entitled "An Act to extend certain programs under the Energy Policy and Conservation Act.", with the following amendment:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998".

AMENDMENT NO. 1645

(Purpose: To extend certain programs under the Energy Policy and Conservation Act, and for other purposes)

Mr. COVERDELL. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. MURKOWSKI, proposes an amendment numbered 1645.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

"The Energy Policy and Conservation Act is amended—

"(1) in section 166 (42 U.S.C. 6246) by striking '1997' and inserting in lieu thereof '1999';

"(2) in section 181 (42 U.S.C. 6251) by striking '1997' both places it appears and inserting in lieu thereof '1999';

"(3) by striking 'section 252(l)(1)' in section 251(e)(1) (42 U.S.C. 627(e)(1)) and inserting 'section 252(k)(1)';

"(4) in section 42 U.S.C. 6272)—

"(A) in subsection (a)(1) and (b), by striking 'allocation and information provisions of the international energy program' and inserting 'international emergency response provisions';

“(B) in subsection (d)(3), by striking 'known' and inserting after 'circumstances' 'known at the time of approval';

“(C) in subsection (e)(2) by striking 'shall' and inserting 'may';

“(D) in subsection (f)(2) by inserting 'voluntary agreement or' after 'approved';

“(E) by amending subsection (h) to read as follows—

“‘(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

“‘(1) the international energy program, or

“‘(2) any allocation, price control, or similar program with respect to petroleum products under this Act.';

“‘(F) in subsection (k) by amending paragraph (2) to read as follows—

“‘(2) The term 'international emergency response provisions' means—

“‘(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

“‘(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

“‘(i) the coordination drawdown of stocks of petroleum products held or controlled by governments; and

“‘(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.'; and

“‘(G) by amending subsection (l) to read as follows—

“‘(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'; and

“(5) in section 281 (42 U.S.C. 6285) by striking '1997' both places it appears and inserting in lieu thereof '1999'.

“(6) at the end of section 154 by adding the following new subsection:

“‘(f)(1) The drawdown and distribution of petroleum products from Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawdown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

“‘(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefore.'.”

Mr. MURKOWSKI. Mr. President, this bill should have been the easiest thing we did this Congress. The Senate passed legislation on this issue by unanimous consent twice last year. This bill contains nothing less than our Nation's energy security insurance policy. This bill authorizes two vital energy security measures: the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency.

Both of these authorities have expired. At this moment, sabers are rattling in the Gulf. Very soon, there may be more than sabers rattling. As I speak, more American troops are headed to the Middle East. We owe it to our soldiers, and the Nation's civilian consumers, to do everything we can to ensure that our energy insurance policy is in effect.

The House bill before us, H.R. 2472, would provide a simple extension of these authorities through September of this year. However, this is not enough to ensure our Nation's energy security. We must change the antitrust exemption in EPCA to comply with current IEA policy. The IEA changed its emergency response policy at our request, switching from command-and-control measures to more market-oriented coordinated stockdraw procedures. However, our laws haven't kept up.

Right now, our U.S. oil companies don't have any assurance that their attempts to cooperate with the IEA and our government in a crises won't be a violation of antitrust laws. The IEA's efforts to respond to a crisis will be critically impaired if it can't coordinate with U.S. oil companies. Our oil companies want to cooperate with our government and the IEA and strongly support this amendment.

We also need to amend H.R. 2472 to extend the authorization beyond September. For every year in recent memory, we have authorized this Act on a year-to-year basis. Every year, we face a potential crises when these authorities go unrenewed until the very end of the Congress. The provisions of this bill are not controversial. However, there are those who see any important bill as leverage.

This year, we are on the edge of a real crises. We have ongoing military action in the Gulf, and no clear authority to respond to oil supply shortages. Playing political games with this bill has always been irresponsible; now it is downright dangerous. In the future, the only way to avoid the annual crisis is to renew EPCA for more than one year. I am disappointed that we can't do that now. But for now, we must avert the immediate crisis.

I have tried to address concerns about the future of the SPR. Like many of you, I am dismayed by the recent use of the SPR as a “piggy bank”. In 1995, DOE proposed the sale of oil to pay for repairs and upkeep, opening the floodgates to continued sales of oil for budget-balancing purposes. So far, we've lost the American taxpayer over half a billion dollars. Buying high and selling low never makes sense. We're like the man in the old joke who was buying high and selling low who claimed that “he would make it up on volume.” I am pleased that President's budget does not propose oil sales. I hope we have broken the habit of selling SPR oil forever.

We have already invested a great deal of taxpayer dollars in the SPR. We proved during the Persian Gulf War that the stabilizing effect of an SPR drawdown far outstrips the volume of oil sold. The simple fact that the SPR is available can have a calming influence on oil markets. The oil is there, waiting to dampen the effects of an energy emergency on our economy. However, if we don't ensure that there is authority to use the oil when we need it, we will have thrown those tax dollars away. So, the first step is to ensure that our emergency oil reserves are fully authorized and available.

We are talking about people's lives and jobs. The least we can do is stop holding this measure hostage to political ambition. I urge my colleagues to support the adoption of this amendment and immediate passage of H.R. 2472. I also urge our colleagues in the other body to adopt this measure before we go home for recess during this dangerous and uncertain time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1645) was agreed to.

Mr. BINGAMAN. Mr. President, before we engage in a significant military confrontation in the Persian Gulf, the Senate should thoroughly examine the reasons for, and the likely outcomes of, such action. Many of our colleagues have begun to do so in speeches on this floor over the past several days. I look forward to a continuation of this vigorous debate when the Majority Leader brings forward his resolution on this topic.

I believe that we must also take concrete action today, by amending and passing the bill that is now before us, to ensure that our nation and our economy are fully prepared to deal with any adverse effect that military action in the Gulf might have on the world's supply of oil from that region.

About 65 percent of the world's known oil reserves lie in the Persian Gulf region. That region supplies one-quarter of the oil that the world now consumes. Although Persian Gulf oil is responsible for a smaller fraction of U.S. oil consumption, world oil markets are highly interconnected. Any threat to the continued supply of Persian Gulf oil at current rates of production will quickly translate into volatile, higher prices here in the United States.

One can see this in the historical record. After the Iraqi invasion of Kuwait, world oil prices rose sharply, and American consumers paid accordingly. Between August 1, 1990 and December 1, 1990, U.S. consumers spent $21 billion more for crude oil and petroleum products than would have been spent absent that Middle East crisis. Events in Iraq continue to drive world oil markets. On November 13, 1997, the day that Saddam Hussein intensified the current crisis by ejecting U.S. inspectors from Iraq, the world price of oil rose by 20 cents per barrel. The last time we waged war on Saddam Hussein, our strategy included not only amassing multilateral military might in the Persian Gulf, but also minimizing the conflict's economic impact at home. We appear headed for another major military confrontation in the Gulf, but thanks to inaction by the other body, the second part of our 1991 strategy is currently not even an option.

President Bush had two tools at his disposal to reduce the economic effects of a military conflict in the Persian Gulf. The first was an economic alliance among the world's major oil-consuming countries, the independent International Energy Agency (or IEA). The United States formed the IEA after the Arab oil embargo of 1973, so that we would never again experience the market chaos, including gas station lines, that occurred back then. The initial IEA approach for dealing with oil supply disruptions was through mandatory allocations—having an international committee decide which nation would get how much oil.

The world has changed since then. 1970s-style command-and-control supply allocations won't work today. Instead, the United States has taken the lead in designing a flexible, market-friendly response to oil supply disruptions. The new approach relies on a coordinated drawdown of worldwide oil supplies. President Bush pioneered such a system during the 1991 Gulf War, although the oil companies that cooperated at that time placed themselves in legal jeopardy for having done so. The United States, with the full backing of our domestic oil industry, has refined this concept and convinced all of the other countries in the IEA to adopt it. But without passage of a law to facilitate the sharing of information about oil supplies in an emergency, the mechanism cannot be used.

If the world encounters oil market instability, the IEA will need to know about the location and movement of oil supplies in order to coordinate a response. Most of these oil supplies are privately held, so only oil companies have the needed information. Sharing such information is normally forbidden under U.S. antitrust laws, which apply to the world's major oil companies by virtue of their operation in this country. But in a genuine emergency, the national interest in the free flow of oil is far greater than the interest in keeping oil companies from sharing inventory information. Accordingly, there is already an emergency antitrust exemption in law that allows oil companies to share information with the IEA, but only to implement the outdated command-and-control response to an oil crisis, and only if the oil supply disruption is of mammoth proportions. Both the Bush and Clinton Administrations have sought to make this antitrust exemption apply to the types of oil crises we are actually likely to see, and to coordinated emergency responses other than mandatory worldwide oil supply allocations. This revised antitrust exemption would apply only when information sharing was expressly requested by the U.S. government. This is what we need to enact into law, now. Without these changes, the United States could find itself in the absurd position of being unable to use the international oil emergency response system that we ourselves designed.

The second tool that President Bush had at his disposal in 1991 was the nation's Strategic Petroleum Reserve (SPR)—586 million barrels of crude oil, stored in underground salt caverns at five sites along the coast of Texas and Louisiana. At the beginning of Operation Desert Storm, President Bush ordered the drawdown and sale of oil from the SPR. This had a powerful calming influence on world oil markets. Incredible as it may seem, such a use of the SPR by President Clinton would be illegal today. The United States still owns 563 million barrels of crude oil in underground salt caverns, but the President's authority to sell it in response to an emergency has lapsed.

How could we be so vulnerable to such clear and present dangers? I regret that once again, in the immortal words of Pogo, we have met the enemy, and he is us. The Administration has beseeched the Congress, for years now, to update the legal framework governing the IEA and to renew its authority to operate the SPR. The Senate has repeatedly and unanimously passed such legislation. The other body has refused to act, for reasons that are very difficult to understand.

With a major military confrontation in the Persian Gulf imminent, further delay is inexcuseable. We cannot allow our economy to be needlessly vulnerable to, say, a terrorist attack on Middle East oil infrastructure. I applaud the Chairman of the Senate Committee on Energy and Natural Resources for his persistence in trying to resolve this problem. I fully support his amendment to H.R. 2472, which provides the President with all the tools he needs to respond to an oil supply disruption. In the current situation, to do any less would be irresponsible. I hope that the other body now acts quickly on this matter. If the House has concerns, let us quickly convene a joint House-Senate conference to resolve them. If not, then let this bill become law.

The PRESIDING OFFICER. Mr. President, I move that the Senate insist on its amendment to the House, the Senate request a conference with the House, and finally, that any statements relating to the measure appear at this point in the RECORD.

The motion was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two withdrawals and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:15 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 927. An act to reauthorize the Sea Grant Program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 202. Concurrent resolution expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forgo a second income in order for a mother or father to be at home with their children.

The message further announced that pursuant to the provisions of section 210(c)(1) of Public Law 105-119, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Census Monitoring Board: Mr. J. Kenneth Blackwell of Ohio and Mr. David W. Murray of Virginia.

The message also announced that pursuant to the provisions of section 3162(b) of Public Law 104-201, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Maintaining United States Nuclear Weapons Expertise: Mr. Robert B. Barker of California and Mr. Roland F. Herbst of California.

The message further announced that pursuant to the provisions of section 955(b)(1)(B) of Public Law 105-83, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts: Mr. DOOLITTLE of California and Mr. BALLENGER of North Carolina.

The message also announced that pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Chair announces the Speaker's appointment of the following member of the part of the House to the Advisory Committee on Student Financial Assistance for a three-year term: Mr. Henry Givens of Missouri.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCain, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1248. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel SUMMER BREEZE (Rept. No. 105–161).

S. 1272. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ARCELLA (Rept. No. 105–162).

S. 1235. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE (Rept. No. 105–163).

By Mr. Hatch, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. Res. 148. A resolution designating 1998 as the "Onate Cuartocentenario", the 400th anniversay commemoration of the first permanent Spanish settlement in New Mexico.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

Edward F. Shea, of Washington, to be United States District Judge for the Eastern District of Washington.

Jeremy D. Fogel, of California, to be United States District Judge for the Northern District of California.

Beverly Baldwin Martin, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Hiram Arthur Contreras, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 1635. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates, to index capital assets for inflation, and to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1636. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. Kohl):

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. Daschle, Mr. Kennedy, Mr. Lautenberg, Mr. Reed, Mr. Leahy, Mr. Dodd, Mr. Bingaman, Mr. Durbin, Mr. Baucus, Mr. Dorgan, Mr. Rockefeller, Mr. Kerrey, Mr. Wyden, Mr. Wellstone, Mr. Torricelli, Mrs. Boxer, Mr. Kerry, Mr. Bumpers, Mr. Moynihan, Mr. Johnson, Mr. Breaux, Mr. Kohl, Ms. Landrieu, Ms. Moseley-Braun, Mr. Bryan, Mr. Akaka, and Mr. Lieberman):

S. 1638. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL:

S. 1639. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself and Mr. Grams):

S. 1640. A bill to designate the building of the United States Postal Service located at East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building"; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. D'Amato):

S. 1641. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. Thompson, Mr. Levin, Mr. Lieberman, and Mr. Akaka):

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. Jeffords, Mr. Kerry, and Mr. Leahy):

S. 1643. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system; to the Committee on Finance.

By Mr. REED (for himself, Ms. Collins, Mr. Kennedy, Mrs. Murray, Mr. Dodd, Ms. Mikulski, Mr. Conrad, Mr. Akaka, Mr. Levin, Mr. Kerry, Mr. Johnson, Mr. Torricelli, Mr. Kerrey, and Mr. Hollings):

S. 1644. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. Lott, Mr. DeWine, Mr. Inhofe, Mr. Nickles, Mr. Coverdell, Mr. Helms, Mr. Coats, Mr. Sessions, Mr. Enzi, Mr. Craig, Mr. Kyl, Mr. Hatch, Mr. Faircloth, Mr. Brownback, Mr. Santorum, Mr. McConnell, Mr. Hutchinson, Mr. Bond, and Mr. Grassley):

S. 1645. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. Torricelli, and Mr. Bumpers):

S. 1646. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining Iowa-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Ms. Snowe, Mr. Lieberman, Mr. Kempthorne, Mr. Daschle, Mr. Dodd, Mr. Durbin, Mr. Lautenberg, Ms. Collins, Mr. Johnson, and Mr. Kennedy) (by request):

S. 1647. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Ms. Collins, and Mr. Enzi):

S. 1648. A bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 1649. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1650. A bill to suspend temporarily the duty on synthetic quartz substrates; to the Committee on Finance.

S. 1651. A bill to suspend temporarily the duty on 2,4-bis((octylthio)methyl)-o-cresol; to the Committee on Finance.

S. 1652. A bill to suspend temporarily the duty on 2,4-bis((octylthio)methyl)-o-cresol; epoxidized triglyceride; to the Committee on Finance.

S. 1653. A bill to suspend temporarily the duty on 4-((4,6-bis(octylthio)-1,3,4-triazine-2-yl)amino)-2,6-bis(1,1-dimethylethyl)phenol; to the Committee on Finance.

S. 1654. A bill to suspend temporarily the duty on 1-Hydroxy cyclohexyl phenyl ketone; to the Committee on Finance.

S. 1655. A bill to suspend temporarily the duty on 2-hydroxy-2-methyl-1-phenyl-1-propane; to the Committee on Finance.

S. 1656. A bill to suspend temporarily the duty on bis(2,4,6-trimethyl benzoyl) phenyl phosphine oxide; to the Committee on Finance.

S. 1657. A bill to suspend temporarily the duty on bis(2,6-dimethoxy-benzoyl)-2,4-trimethyl pentyl phosphinenoxide and 2-hydroxy-2-methyl-1-phenyl-1-propanone; to the Committee on Finance.

S. 1658. A bill to suspend temporarily the duty on (2-Benzothiazolylthio)-butane-dioic acid; to the Committee on Finance.

S. 1659. A bill to suspend temporarily the duty on calcium bis{monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate}; to the Committee on Finance.

S. 1660. A bill to suspend temporarily the duty on 2-(dimethylamino)-1- {4-(4-morpholinyl)}-2-(phenylmethyl)-1-butanone; to the Committee on Finance.

S. 1661. A bill to suspend temporarily the duty on N-Ethylmorpholine, cmpd. with 3-(4-methylbenzoyl) propanoic acid (1:2); to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 1662. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. Dodd, Mr. Cochran, Ms. Mikulski, Mr. Bennett, Mr. Lieberman, Mr. Kempthorne, Mr. Dorgan, Mr. Frist, and Mr. Cleland):

S. Res. 176. A resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week"; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. Cleland, Mr. Smith of New Hampshire, Mr. Lott, Mr. Hagel, and Ms. Moseley-Braun):

S. Res. 177. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more that 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown; considered and agreed to.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 178. A resolution to authorize production of Senate documents and representation by Senate Legal Counsel in United States f.u.b.o. Kimberly Industries, Inc., et al. v. Trafalgar House Construction, Inc., et al.; considered and agreed to.

By Mr. MURKOWSKI:

S. Con. Res. 76. A concurrent resolution enforcing the embargo on the export of oil from Iraq; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. Con. Res. 77. A concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 1635. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates, to index capital assets for inflation, and to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

CAPITAL GAINS AND ESTATE TAX REFORM LEGISLATION

Mr. ALLARD. Mr. President, I spent the month of January attending town meetings throughout the State of Colorado. That is one of the things, when I go back to my State, that I spend a lot of time doing—visiting the counties and visiting with the people of Colorado. Over the years, we continue to have the issue of taxes brought up in the town meetings—probably more so now than at any time that I can recall since having town meetings.

The American people simply want to have their tax system reformed, particularly those in Colorado. They want lower taxes, they want a simpler tax system, and they want less intrusive means of collecting those taxes.

Last year, Congress enacted modest tax relief, but it was only a first step. It's time to move forward with more aggressive tax reform.

Today, I am introducing legislation that will do four things:

It will continue to reduce the capital gains tax to a top rate of 14 percent.

It will restore the one-year holding period for capital gains treatment.

It will index capital gains and, thereby, eliminate the taxation of gains that are due solely to inflation.

And then, finally, it will eliminate the estate tax.

These changes will provide important tax relief for families and businesses, and continue to ensure that our economy remains the most competitive in the world.

Mr. President, the new year has certainly brought good news concerning the Federal budget. But let's be honest. The budget is balancing because of the hard work of the American people, not because of any bold action by the Federal Government. Economic performance in recent years has exceeded all expectations. The result is that the American people have been sending greater and greater amounts of their earnings to Washington. The budget is balancing because of an explosion in tax receipts, not because of any restraint in spending. In fact, the budget continues to grow at a healthy pace. Federal spending in 1998 is estimated to be 4.3 percent above the 1997 level—well in excess of inflation. Many would like this to continue.

The President assured us in a previous State of the Union Address that, "the era of big Government is over." But it is clear that he is now proposing a new era of big Government.

I favor a different course. We should not squander the people's surplus on more Government. Instead, we should begin to pay down the debt and reform the tax system. We should put American families ahead of the insatiable appetite of Washington, DC, for more Government spending.

Despite last year's budget bill, taxes remain higher than they have ever been. Tax freedom day—the day to which the average American works to pay the combined Federal, State, and local tax burden—is May 9, which is the latest it has ever been. A reduction in the Federal debt and a reasonable level of taxation should be the twin objectives of Congress as we enter the next century. Our job is to ensure that the bridge to the 21st century does not become a toll bridge.

Mr. President, let me begin with a discussion of capital gains taxes. I call the capital gains tax the "growth tax." Nearly all Americans own capital, and they experience a tax on that capital when they sell the stocks, or a small business, or a farm.

Mr. President, let's look at how this capital gains, or growth tax, hits ordinary working Americans. Stock ownership has doubled in the last 7 years, to the point where 43 percent of all adult Americans own stock. Obviously, with those numbers, stock ownership is not just confined to the wealthy; it is spread throughout society. Today, half of the investors are women, and half are noncollege graduates. Stocks are typically held for retirement, education expenses, and other long-term goals. This is precisely the type of saving and investing that we need in our economy.

Mr. President, I can't leave this topic without talking about small business owners and farmers. There is no clearer area where the "growth tax" makes no sense. Millions of American families put their lives into building small businesses and farms. Often, those businesses or farms are sold to finance a decent retirement. But this can only occur after Uncle Sam gets his cut of one-third or more of all the gains.

Simply put, low taxation makes it less costly to take the risks that are critical in a capitalist economy. I am proposing that we enact a maximum capital gains tax of 14 percent, with those in the lowest tax bracket paying only 7 percent. Last year's reduction of the capital gains rate was a big plus, but it came with a price—the holding period required to qualify for the lower tax was extended from 12 months to 18 months.

The holding period change is a poor attempt by the Government to micromanage the economy. This is the type of Government management that has so clearly failed in Asia. A market economy functions best when capital flows freely, unencumbered by Government distortions. The holding period for long-term capital gains treatment has been 12 months for years, and it should stay that way.

Mr. President, an additional mistake that Congress made in last year's bill was a failure to include indexing. The real "growth tax" is often much higher than 20 percent. This is because our Tax Code does not protect Americans from taxation on capital gains that result from inflation. This is one of the most unfair aspects of the growth tax. Government policies contribute to inflation, and Government turns around and taxes its citizens on that inflation.

For this reason, I fought hard to see that indexing was included last year. I offered an amendment to the tax bill that would have added indexing. The amendment was carefully structured to avoid any revenue loss. Obviously, I was disappointed with the defeat of this amendment. I presume that this was due largely to the President's opposition to indexing and his veto threat. Despite this, we got a strong vote, and I promised that I would be back.

I have included indexing in this bill, and I fully intend to offer this at each opportunity. Some have dismissed indexing as "too costly," but for me this is an issue of fundamental fairness. It is wrong for the Federal Government to tax citizens on inflation.

Since I mentioned the issue of cost, let me make a few points on this. I have long maintained that a capital gains tax cut will increase revenue. In the short run, it encourages the sale of assets that would not otherwise occur. This obviously increases revenue.

In the long run, a rate cut facilitates a higher level of economic growth. This also results in greater tax revenue.

Unfortunately, during last year's tax debate, we continued to operate under revenue models that forecast a loss to the government from the capital gains rate cut.

I hope we can soon put this notion to rest for good.

It is already apparent that capital gains revenues will be coming into the Treasury at a considerably higher level than forecast last year when we were talking about capital gains. 1998 capital gains revenues could be as much as 50% higher than previously forecast.

Even state governments will benefit from the rate cut. Earlier this month, analysts for the Colorado Legislature forecast that the capital gains tax changes would result in an additional $38 million this year for the Colorado state budget.

Obviously, the impact at the federal level will be many times greater.

ESTATE TAX ELIMINATION

The final provision in this tax bill is the elimination of the estate tax.

Frankly, the estate tax makes no sense.

While the tax raises only 1 percent of federal revenues, it destroys family businesses and farms.

The estate tax is double taxation.

At the time of a person's death, much of their farm, business, and life savings has already been subjected to federal, state, and local tax. These same assets are taxed again under the estate tax.

The estate tax fails to distinguish between cash and non-liquid assets.

Family businesses are often asset-rich, and cash poor. But the value of all assets must be included in the taxable estate.

This can force liquidations, and family businesses can see their livelihood eliminated in order to pay a tax of up to 55 percent. Yes. That is right—up to 55 percent.

This practice threatens the stability of our families and communities while inhibiting growth and economic development.

The National Center for Policy Analysis reports that a 1995 survey by Travis Research Associates found that 51 percent of family businesses would have difficulty surviving the estate tax, 14 percent of business owners said it would be impossible to survive, 30 percent said they would have to sell part or all of their business.

This is supported by a 1995 Family Business Survey conducted by Matthew Greenwald and Associates which found that 33% of family businesses anticipate having to liquidate or sell part of their business to pay the estate tax.

Recently, the accounting firm Price Waterhouse calculated the taxable components of 1995 estates. While 21% of assets were corporate stock and bonds, and another 21% were mutual fund assets, fully 32% of gross estates consisted of "business assets" such as stock in closely held businesses, interests in non-corporate businesses and farms, and interests in limited partnerships. In larger estates this portion rose to 55%.

Clearly, a substantial portion of taxable estates consists of family businesses.

The recent tax bill increased the estate tax exemption from $600,000 to $1 million. However, this is done very gradually and does not reach the $1 million level until 2006. The bill also increased the exemption amount for a qualified family owned business to $1.3 million. While both actions are a good first step, they barely compensate for the effects of inflation. The $600,000 exemption level was last set in 1987, just to keep pace with inflation the exemption should have risen to $850,000 by 1997.

Incremental improvements help, but we need more substantial reform. It is time to eliminate this tax entirely. This action has been taken in countries such as Australia and Canada. Unfortunately, the United States retains what are arguably the highest estate taxes in the world.

Among industrial nations, only Japan has a higher rate than the U.S. But Japan's 70% top rate applies only to inheritance of $16 million or more. The U.S. top rate of 55% kicks in on estates of $3 million or more. France, the United Kingdom, and Ireland all have top rates of 40%, and the average top rate of OECD countries is only 29%.

Repeal of the estate tax would benefit the economy. George Mason University Professor Richard Wagner estimates that within seven years of elimination of the estate tax the output of the country would be increased by $79 billion per year, resulting in up to 228,000 new jobs. Under the current system, the energy that could go into greater productivity is expended by selling off businesses, dividing resources and preparing for the absorption of an estate by the government. Those businesses that survive the estate tax often do so by purchasing expensive insurance. A 1995 Gallup survey of family firms found that 23% of the owners of companies valued at over $10 million pay $50,000 or more per year in insurance premiums on policies designed to help them pay the eventual tax bill.

The same survey found that family firms estimated they had spent on average over $33,000 on lawyers, accountants and financial planners in order to prepare for the estate tax.

Ironically, the estate tax is often justified on the grounds that it helps to equalize wealth. But this effect is greatly exaggerated. A 1995 study published by the Rand Corporation found that for the very wealthiest Americans, only 7.5% of their wealth is attributable to inheritance—the other 92.5% is from earnings.

Mr. President, it is time to repeal this outdated tax. We must insist that no more American families lose their business because of the estate tax. We must ensure that when a family is coping with all the inevitable costs of passing a business from one generation to the next, the Federal Government is not there as an added burden.

Mr. President, it is my hope that by introducing this tax legislation and placing these proposals on the table we can begin to debate significant tax relief for 1998.

Each of these changes: a lower capital gains rate, indexing, and repeal of the estate tax, are consistent with long-term tax reform. And each of them can be enacted this year.

By Mr. WELLSTONE:

S. 1636. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Finance.

THE DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 1998

Mr. WELLSTONE. Mr. President, last October, Congressman BARNEY FRANK broke new ground when he introduced H.R. 2761, the Domestic Partnership Benefits and Obligations Act of 1997. I am here today to break ground in the Senate by introducing the Domestic Partnership Benefits and Obligations Act of 1998. This bill does not introduce new benefits; it simply extends existing benefits to a previously uncovered group of employees for very little cost.

Mr. President, let me take a moment to outline my bill. This bill provides benefits for same-sex domestic partners of civilian, federal employees. Partners must be living together, in a committed, intimate relationship, and responsible for each other's welfare and financial obligations. It provides access to five categories of benefits in the same way that married spouses have access: participation in retirement programs, life insurance, health insurance, compensation for work injuries, and upon the death of a government employee, the domestic partner would be deemed a spouse for the purpose of receiving benefits.

This is a bill about justice, about fairness, about equity in the workplace. This bill is about saying to our gay and lesbian employees, "We value your contribution to the workplace, and to show you we value you, we're going to protect your families, like we protect the families of married employees, by providing them with benefits." It is about providing the opportunity for same-sex domestic partners to provide their partners—who previously have been denied—access to such benefits as health insurance.

For many people in this country, insurance benefits for their loved ones are automatic, they are expected, they are the norm. But benefits didn't start out that way. In fact, they are a relatively modern invention. Benefits in the form of compensation were created in the 1940's, essentially to increase compensation for some employees who were prohibited by law from getting pay increases. So instead of more pay, employers paid for certain products and services such as health insurance to take care of their employees and to make their businesses more attractive to potential employees. For gay men and lesbians, most of these benefits are completely inaccessible.

But where is it written in stone that only married spouses and their children deserve benefits? Yes, many employers have chosen to limit benefits to married spouses and their children, but more and more, governments, universities, and private businesses have been making a different choice. Business and organizations like the San Francisco 49ers, Reader's Digest, Starbucks, Coors, Ben and Jerry's, Kodak, Disney, the Union Theological Seminary, the Episcopal Diocese of Newark, the International Brotherhood of Electrical Workers #18, Mattel, the Vermont Girl Scout Council, and more than 50 Fortune 500 companies have made the right choice to offer domestic partnership benefits. A more fair and equitable choice. A more humane choice.

I am disappointed that domestic partnership benefits have already been offered in some cities and by some businesses since 1982 but here we are in 1998 and we're just now talking about them here in the Senate. Today there are at least 42 cities and municipalities, 12 counties, 1 state, and 342 private sector for-profit and not-for profit businesses and unions which offer domestic partner benefits. The good news, though, is that we have more than 15 years worth of employers' experiences with providing these benefits.

By virtue of our vote on DOMA, we have said that same-sex couples cannot marry. But that doesn't mean that people in long-term, loving, and committed relationships don't deserve to have the opportunity to provide their loved ones with health insurance, survivor benefits, and other benefits. Domestic partnership legislation levels the playing field for same-sex partners who are not allowed to marry. This bill is aimed at correcting that inequity. Here is the story of how not having domestic partnership benefits effected one couple's lives:

> Anonymous: My partner and I have been together for almost six. About a year ago, he had to leave work due to a serious heart condition. Since my employer doesn't include domestic partnership benefits, we had to pay all of his expenses out of pocket. For quite some time I had to support him from my salary, or else he would have ended up on welfare. We are still scrimping and saving to try and pay off the health care expenses that should have been covered by my insurance (if we had dp benefits). Almost all of my heterosexual friends have been "married" less time than my partner and I and received benefits immediately after the marriage. Their relationships seem no more permanent than my own. When my partner and I have been together for fifty years, we will still not have insurance for him through my employer.

Not only are domestic partnership benefits fair and just, they cost very little. Employers have found that upon implementing domestic partnership benefits, one percent of all employees—at most—actually sign up their same-sex partners for benefits. And more often, it is less than one percent. Even taking the most liberal figures, there is no legitimate reason to argue that more than 1% of our almost 300,000 federal civilian employees will enroll. And even though this is a relatively small number of employees—at most 30,000—let me tell you, these benefits are of critical importance to those who do.

For example, Marieta Louise Luna is a graduate student studying in the Divinity School at Duke University. She says,

> I just returned home from the hospital on Thursday night from having a knee replacement made possible largely because of the fact that Kathryn is a Duke employee and I have domestic partner benefits.
>
> Guaranteed, I could not have had the surgery if I had not had domestic partner benefits. For me, it was the literal difference between walking and being handicapped for the next several years.

And at a cost of less than 1% of the total benefits budget—or less—it is truly worth making this investment.

Some might be afraid that domestic partnership policies could open the door to fraud with people signing up their friends in order to get health insurance.

Most employers never ask for verification of a heterosexual marriage. I have never been asked to provide a marriage certificate to prove I'm married, and I doubt that many of you have either.

But my bill has stringent requirements for qualifying as domestic partners. Among other requirements, partners must sign an affidavit certifying that they share responsibility for a significant measure of each other's common welfare and financial obligations. And they must show documentation to prove it—such as copies of a mortgage or lease with both names on it, copies of bank statements showing joint checking or savings accounts, copies of durable powers of attorney for property and health, or copies of wills specifying each other as the major recipients of each other's financial assets.

In addition, my bill specifies serious consequences for fraud, including the possibility of disciplinary action, termination of employment, and repayment of any insurance benefits received.

Finally, there are criminal statutes that provide that making false statements and defrauding the government are crimes which can result in a fine and/or imprisonment up to 5 years.

The bottom line is that this bill creates serious consequences for fraud, establishes that every effort will be made to minimize fraud by those falsely claiming to be domestic and specifies that those caught will be seriously punished.

Let me tell you one more story:

> Anonymous from Minnesota: I have had the same health care benefits package for nearly 16 years. I began family coverage when I married in 1978. Our two children were added when they were born. My ex-husband remained on my insurance policy after we divorced—at no additional cost—even though we were not legally married.
>
> I am now in a committed lesbian relationship. My partner had been teaching part-time in a private school for two years before she became eligible for health insurance through her employer. Two weeks before her insurance was to take effect she was stricken with severe abdominal pain. Though we considered "toughing it out" until her insurance kicked in, it became increasingly clear that she needed to be treated immediately. She had a large, twisted ovarian tumor removed. By the time of the surgery, her insurance was in place. We breathed a sigh of relief.
>
> Months later we learned that because her pain started (and was briefly treated) before her insurance began, the claim for coverage for the surgery and hospital stay were disallowed because there was a pre-existing condition exclusion in her insurance policy. We are now faced with over $5,500 (plus 12% interest per year) in medical bills. This may not seem like a lot of money to some people, but it certainly is to us. And it's money that wouldn't have had to be spent at all if she had been on my family coverage all along.
>
> So why is it that my ex-husband (no legal relation) was entitled to continue receiving benefits until he married, but my life partner has had to go without medical insurance? The answer is simple—discrimination.

This is a bill about fairness. This is about equity in the workplace. This is about protecting employees' loved ones. It's the right thing to do.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL STORIES REGARDING DOMESTIC PARTNERSHIP BENEFITS

Wendy I. Horowitz: My partner was ill for almost a year. I worked for a large conservative company that never considered implementing domestic partner benefits. After seeing one of my co-workers get married and have instant coverage for her husband (after they had been married for a day), I decided to apply for benefits for my partner. They were denied. Her illnesses were related to her tonsils, and the doctors suggested that she have them removed. I had to come up with the money to pay for this surgery (over $4,000 by the end of it all), which put a great financial burden on us and on our relationship.

Jim and Hal: As an employee of the State of Maryland (through my graduate assistantship), I receive comprehensive health benefits. Although I could share my benefits with a married spouse, I am not able to do a thing for my partner Hal. Hal is another "starving student"; he is in a doctoral program at American University. Unfortunately, American does not offer full health coverage to its graduate assistants, so Hal is having to make do with emergency health coverage. This has adversely affected us in two ways. First, we have to cover Hals' regular health maintenance (e.g., dental checkups) which is a strain on our already stretched budget. Second and more importantly, Hal has a heart problem for which regular appointments with a cardiologist are recommended. We are not in a position to pay specialist fees out-of-pocket; thus, we are unhappily have to settle for doctors at American University's health center.

U Minnesota: R and S are their late 30's, and they have been in a committed relationship for 20 years. S is self-employed as a psychotherapist and is registered with the University as R's domestic partner.

Four years ago, R gave birth to the couple's first child L. R was able to put L on her health insurance policy as a dependent. The couple incurred no additional cost or additional deductibles for L's birth or subsequent medical treatment.

Three years later, S gave birth to the couple's second child M. Because the University only recognizes formal adoption (not guardianship) for direct dependent coverage, M is only listed as S's child and not R's child. Since the University's domestic partnership plan only provides medical premium reimbursement for partners and their dependents, R and S incurred significantly higher costs for M's birth than for L's birth.

Specifically, the couple pays out $526 every 3 months for S and M's insurance policies which each have a $500 deductible (the University plan has no deductible and low copays for dependent care). Reimbursement from the University for this cost takes additional 3 months after the couple pays. Due to IRS regulations, which do not recognize the partners as a couple, the University's reimbursement to the employee is taxed. The end result of all the complications of this system for the couple is that they have $1,500 in outstanding debt for unreimbursed health premiums. In addition, they were charged $1,000 in deductibles plus higher copays for M's birth. They have had to take out a loan to cover these health care related expenses.

Becky Liddle: I am a tenured associate professor. My domestic partner quit her job and moved here to Alabama in June of '97, as the "trailing spouse" in a dual career couple. We thought she would find work very quickly. But due in part to sexual orientation discrimination in hiring, she has been unable to find professional work and health benefits. She is working full-time for Kelly Services, which does not include health benefits. We brought her a 4-month hospitalization policy before she quit her job, assuming that would be more than enough time—it wasn't. She has no health insurance. We have looked at policies she could buy herself, but they are extremely expensive, and cover very little. My university will not allow me to put my domestic partner on our insurance (in fact, Blue Cross of Alabama explicitly states in its policy that "spouse" is limited to someone of the opposite sex). Consequently, every time she gets sick it is a crisis, and we make potentially life-threatening choices about whether she should go to the doctor. For example, she got pneumonia a few weeks ago. This is, she had all the symptoms of pneumonia, according to our Time/Life "medical advisor—complete guide to alternative & conventional treatments" book, which has become her primary care "physician". The book said if it was viral she should just go to bed, but if it was bacterial it could be life threatening. It appeared from her symptoms to be viral, so we did not spend the money to go to a doctor. This time we were right. She recovered fine in about a week. Of course, if we'd been wrong, she could be dead. I think we make good decisions about how to spend our limited health-care dollars. But I ought to be able to put her on my insurance.

Eva Young: I live with my partner of 10 years in Minneapolis. I have benefits through my work place. Even though the University of Minnesota offers "domestic partnership" benefits, these don't work for us. To be able to get pretax benefits (analogous to what a married couple get), we would have to declare my partner a dependant. This is degrading to my partner. Although I currently have a better job than she does (it pays better and is permanent), it doesn't mean we should have to declare her a dependant (with all the negative connotations that has) in order to get the benefits we are both entitled to. To add insult to injury, I am taxed at the single rate, even though I am primary breadwinner for a family of 4. I consider this an equal pay for equal work issue. Why should I get paid less than my married coworker, just because I am not legally married?

Not having the same benefits that a heterosexual married couple keeps my family in poverty. My family would not be in poverty if we had the same rights as married couples do. It's that simple. This isn't something that is just for the gay couple—it also will affect a lot of children. Actually, domestic partnership will do little for the dual career gay couple, where both individual are in good jobs—it's going to make a difference for gay couples who have families, or have one partner who is uninsured. Allowing gay couples to insure their partner and partner's children through their workplace insurance could also help some individuals get off government assistance.

Kirk A. Nass: My domestic partner and I have been together nearly 14 years. My partner, Michael E. Gillespie, was an attorney in Seattle when we met, now he is self-employed and runs a business in Oakland which provides physicians as expert witnesses to lawyers and insurance companies for plaintiff work. Michael's past employers never provided good medical coverage, if they provided it at all. In 1989 I finished graduate school and started a job with Chevron. Michael quit his job to move with me to the San Francisco Bay Area. Chevron provides excellent health coverage to its employees, but I was unable to cover him because domestic partners were not eligible for coverage at the time. The prospect of him having a major medical event and us not being able to pay for it bothered me for years.

After starting his own business five years ago, he joined an HMO (Kaiser Permanente, No. Calif.) under an individual plan. In 1995 he was diagnosed with Type II diabetes; in 1996 he suffered a heart attack and underwent an angioplasty to open the blocked artery. Because of his HMO coverage, all of his diabetes care, his stay in intensive care, and the angioplasty were covered. He's now in excellent health. If his business failed—even if he still worked for some of his past employers—we would not have had the financial resources to pay for his cardiac care.

On Jan. 1, 1998, Chevron began extending medical and dental coverage (and some other benefits) to the same and opposite sex domestic partners of employees and the partners' eligible children. The coverage Chevron provides for Michael through Kaiser is even better than what he was paying for himself at Kaiser. It's the first time since we've been together he's had full coverage and the first time I haven't had to worry.

Having domestic partners benefits such as medical coverage is important to us because it makes me sure that the most important person in my life can be taken care of when he needs to be. The experiences we've gone through together, although they've led to successful conclusions, have shown too often that "what-if" scenarios can be all too real.

Dan Ross: My partner of 5 years has cerebral palsy (a congenital condition; in his case, it creates overly-tight muscle tone). After orthopedic surgery to correct some aspects of his gait, he had to make significant changes to his walk, and work on daily stretches, most of which require assistance. He is (and was) able to walk on his own, although now does so with a cane. He travels quite a bit for his job and works long hours, so it is difficult for us to work on this on a regular schedule. He can't take a leave of absence form his job, or even temporarily resign, to work on physical therapy full-time, because he absolutely needs his health insurance and he is afraid of jeopardizing that. (Some insurance plans even make cerebral palsy a "pre-existing condition".) My health insurance won't cover him, of course, and until recently, I wouldn't have been able to take sick leave to stay with him in the hospital and at home. He was bedridden for a total of two weeks after the surgery. As it was, I hurried back and forth between work and home, because I had just begun a new job, and didn't want to make a bad impression there; but he had scheduled the surgery for around Christmas, so there were many people off on vacation time during that period. The issue of domestic partnership benefits—whether equity in providing health insurance, or even just uniform treatment in granting sick/caregiving and bereavement leave—is important to us as a result.

Pam Herman-Milmoe: I am a federal employee and Sara has just finished her Masters Degree in Clinical Psychology. While she was in school she had access to limited benefits, but now that she is job hunting she is completely uninsured. She is working in a paid internship position that is providing great experience and a real service to the community, but no benefits. As she moves on in her career she would like to establish her own practice, but if she does she'll have to pay for her own benefits without any support. The practice of denying benefits to domestic partners puts us at a severe economic disadvantage compared with my coworkers. They can use the money their spouses save on benefits for investments and other purposes. Sara and I plan on having children, who will be covered by my benefits, but money that would support their education and upbringing will have to go to pay for benefits for Sara.

Steve Crutchfield: A year ago, my partner of 22 years was fired from his job. When he lost his job, he lost his health insurance benefits. He was able to maintain benefit through a COBRA plan, but it cost us an additional $150 per month to maintain his health benefits. Now that his COBRA benefits are expiring, he has to buy individual medical insurance at a cost of over $300 month.

If we had a domestic partner benefits law in place, I could have put him under my insurance benefits as the spouse of a Federal Government Worker. However, since our relationship is not recognized as a marriage, I am unable to enjoy the medical insurance benefits accorded to my colleagues who are in traditional marriages.

David Perkins: My partner of fifteen years came with me to Champaign-Urbana, Illinois in order that I might take a job. We have been here over three years and he has not been able to find anything other than part-time work that offers no benefits. Because the state or the University does not extend benefits to same-sex partners, he is without any health benefits whatsoever—and as he will soon turn forty-five years old, health insurance is too expensive for us to pay out-of-pocket. If anything, should happen to him—it will either completely wipe me out financially, or he will be thrown on the mercy of the taxpayers as an indigent case. Not a dramatic story, true—but a fear we live with daily.

Anonymous: My partner and I have 3 children ages 15, 13 and 3. I gave birth to the first 2 before getting together with her. The youngest one we had together. Shortly after the arrival of our youngest, the opportunity arrived that I could stay home and care for her instead of putting her in day care. But in quitting my job I also had to give up my health care benefits. My partner's company does not offer domestic benefits so I am not covered for my asthma medication that I need to breath. I also am a high risk for breast cancer due to family history (mother, grandmother and 3 sisters) but I agreed to stay home for the benefit of all our children.

Anon: My (same-sex) partner moved in with me in Pennsylvania two years ago. She had been self-employed (a clinical psychologist with a private practice) in CO. We are/have been in a long-term committed relationship for three years. She had been paying her own health insurance, but since she gave up her income to move here, she had no way of continuing to pay it. My employer (a college) has a subsidized health insurance benefit for married couples only; if we had been married, the additional coverage would have cost $60. Instead, I had to pay $175 monthly so that she would have less adequate health insurance than I have. Since she needed surgery within months of moving here, with a long recovery period, she also could not earn money to help with expenses. We had to spend money on a lawyer to get documents assuring the hospital that I (an "unrelated" person) could make decisions for her were she to be incapacitated, etc. Furthermore, she could not avail herself of the physical recreational facilities at the college since she was not a bona fide spouse. I had to pay a membership fee for her to join a "Y" so she could use the physical exercise equipment she needed to recover from her surgery. All in all, not having our partnership recognized has cost me a bundle.

Mindy Kurzer: My partner Linda and I have been in a committed relationship for 7 years and have a 2 year old daughter named Della. I was very pleased when the University of Minnesota instituted a domestic partner policy about 3 years ago. This policy has helped our family, because Linda is self-employed and previously carried only catastrophic coverage with lots of exclusions for pre-existing conditions. Since the U of M started this policy, we have been able to purchase a very comprehensive medical policy for her. This has turned out to be extremely important, because she was in a car accident 2 years ago, and sustained serious injuries for which she underwent two surgeries and still requires medical treatment. With her current health insurance, we have been able to get her excellent care—without it, I doubt we would have been able to do so.

Domestic partner benefits are important to our community, but I think they are also important to the broader society. I have had numerous opportunities to leave the University of Minnesota and have chosen to stay here in part because the University has shown a commitment to reducing discrimination. As more and more businesses and Universities institute domestic partner benefits, institutions that do not (including the government) may be disadvantaged when it comes to getting and retaining top-notch employees.

Sibley Bacon: I work for Peoplesoft, Inc. who provides domestic partner benefits to same sex couples. My partner, and I have been together for 4 years * * * she is self-employed, so we opted to have her covered through Peoplesoft. This year she developed a 5.5 cm dermoid tumor on one of her ovaries which was causing her a great deal of pain on a daily basis. Our health insurance paid for the surgery and follow up visits. This would have cost us thousands of dollars had we not had the coverage through Peoplesoft. Additionally she's been able to see a physical therapist to address some old gymnastics injuries. Needless to say, I am eternally grateful that my company provides these benefits to its gay and lesbian employees. Domestic partner coverage will certainly be a deciding factor in the future if I ever end up looking for a job outside of Peoplesoft.

Toni A.H. McNaron: My partner, and I have been in a committed relationship for almost 20 years (our anniversary is in June). We own a large home in south Mpls., pay lots of property taxes, earn well over $100,000 a year, and are the first people in our neighborhood to shovel our walks in winter.

One of our very nice heterosexual neighbors just married his girlfriend and sometimes doesn't shovel until the next day.

The moment he and she signed the marriage license, she had his full health coverage and retirement plan benefits from his quite successful legal coverage and retirement plan benefits from his quite successful legal practice. My partner has never had a PENNY of coverage during the 34 years I've worked as a professor at the University of Minnesota. And, even more unfair, if I were killed by a drunk on the freeway on the way home tonight, she would not even get a condolence letter from the University. Instead she would get a check for the ENTIRE amount of my retirement—considerable after 34 years. Furthermore, she would have to pay the federal government approximately $90,000 at tax time because of her "windfall." (How amazing to consider it a windfall to have your beloved partner of 20 years killed.)

My neighbor's wife would get a condolence letter from his firm explaining to her her options for collecting his retirement funds. She is smart and would choose to have them delayed until she is older and then to have them parceled out over time so that she would pay next to no taxes on them.

Nancy: I am in Texas on internship. Rose, my partner, is back home in Minnesota. Rose has fibromyalgia/chronic fatigue syndrome and a number of other health problems. She is in the process of leaving her job and applying for disability. Partly because of her health problems, we would like to relocate permanently to Texas. However, it will take several months for her disability claim to be processed so she can get on Medicare. She can continue her insurance coverage under COBRA, but that would only be good in Minnesota, since her coverage is with a local HMO. I can't put her on my insurance due to lack of domestic partner benefits. So we're faced with a number of unattractive options: (1) I could look for a job in Minnesota, even though both of us would rather move south and that move would be good for Rose's health. (2) She could move here and be without insurance coverage for her multiple health problems until she is approved for disability. (3) We could prolong our geographic separation and have the expense of maintaining separate households until she gets on disability, which can be a very long process. I think this is typical of the difficult choices gay and lesbian couples are forced to make without domestic partner benefits.

Julie Ford: My name is Julie Ford, I am the Director of News and Public Affairs for a television station in Sarasota, Florida. My partner is Vicky Oslance, who is a surgical technician by trade but who has chosen to work per diem instead of full time in order to maintain our household since my full time job is very demanding and time consuming. Working per diem, she of course has given up health benefits. This is an added expense for us, one that the other married department heads at my workplace do not have to deal with. I an my partner have been together nearly 9 years . . . longer than most of the married people I work with. We maintain a joint checking account, stock portfolio, and own property together. It is totally unfair for me to have to pay an outrageous amount to insure Vicky's health when other married people at my workplace can get inexpensive company health insurance for their spouses.

Susan Hagstrom. When I was hired by UC Berkeley five year ago, I was struck by the lack of equal compensation for equal work. What I did not know then was how close to home this inequality would hit.

I recall vividly the day Debra, my partner of seven years, suffered an excruciating ruptured disk. I cried as I watched her in so much pain that she could not stand, sit, or work and had to literally crawl to the bathroom. I cried when she refused to get an MRI because we couldn't afford the $1000 procedure or the expensive doctor visits. I cannot fully describe to you how difficult this lack of benefits has been for me and for Debra.

Lori Stone: Until recently, my partner had a job that provided a much inferior benefit plan to my own. Because the deductible on her plan was so high, she would often elect not to get treated for illness, preferring just to "ride it out." Of course this was a risky way to go, and it back-fired on us, when she came down with kidney stones, and was eventually hospitalized. The physical trauma plus the debts we have incurred, because I was unable to cover my partner's expenses, have been difficult to surmount.

I currently work for an organization that has excellent medical benefits but no provision for me to be able to cover my partner's medical expenses. If I had been able to cover my partner under my plan, I believe we wouldn't be in the unfortunate financial situation that we are today.

Thanks so much for taking this bold move. I pray for the day when I won't feel so disenfranchised in my own country.

DOMESTIC PARTNER BENEFITS—VIGNETTES—CLV/GLCAC

[First case]

Bill and his partner Joseph have been living together in a committed relationship for 8 years. Bill worked as an attorney for a large Minneapolis firm for 12 years before he was diagnosed with MS and had to leave his job within a year from diagnosis. Joseph works as a maintenance engineer for the State of Minnesota. Bill's income was two times Joseph's current income when he was able to work. The benefits Bill received on the firm's short term disability plan have expired, and no long term disability plan was in place. Bill requires 24 hour care, but is not yet eligible for inpatient nursing care.

Bill's doctor visits and medications are covered by Medical Assistance. Medical Assistance will not, however, pay for the cost of Bill's in-home care attendants. Bill's doctors have recommended 24 hour care. Joseph must continue to work to pay household expenses. The loss of Bill's income and medical and care expenses have forced the men to sell their home and trim many other expenses. The insurance plan offered by Joseph's employer would cover the cost of in-home care for the spouse or dependent of the employee. The State of Minnesota does not, however, offer health care benefits for unmarried partners of its employees. At the rate Joseph is spending money to pay for Bill's care, it is likely that he will have to leave his job at the State, collect public assistance and care for Bill himself.

[Second case]

Debra and Sara have been living together in a committed relationship for five years. They own a home together and have made other major purchases together. Debra and Sara had a child (Michael) 2 years ago. Sara gave birth to the child. Debra's employer offers health and life insurance benefits to domestic partners, and children of domestic partners are considered dependents of the employee for purposes of insurance coverage. Sara is self employed. Michael, Sara and Debra are all covered by insurance as a family through Debra's employer's plan. Six months ago Debra was recruited by a competing business because of her unique skill and experience, and was offered a job. The job would be a step up for Debra in the advancement of her career. The pay is about the same, but the prospective employer does not offer health and life benefits to unmarried partners and would not cover Michael as a dependent of Debra's. For these reasons, Debra decides to decline the offer of employment and delays career advancement as a result. The competing business misses out on Debra's unique skill and experience.

[Third case]

Joe is a student at a private college. His partner Jim works for a mid-size accounting firm. Jim's employer does not offer benefits to unmarried partners/dependents of its employees. Jim and Joe can't afford to pay the $160.00 per month for Joe's health insurance, and since Joe is only 38 years old, they hope the risk of health problems is low, and decide that he will have to go without coverage. Within a year, Joe is diagnosed with Crohn's disease and requires surgery, treatment and ongoing medications that are very expensive. Joe quits school under the financial pressure to look for a job that offers health benefits. Joe gets a job quickly and applies for health coverage, but the insurer will not cover any costs associated with Joe's pre-existing condition of Crohn's disease.

PERSONAL STATEMENTS—UNIVERSITY OF MINNESOTA

Selected personal statements of gay and lesbian University employees on the impact of not having equal benefits.

1. The University should honor its nondiscrimination policy statement by eliminating all polices that discriminate on the basis of sexual orientation. The University should recognize domestic partnership couples as they do married couples. I simply want for my family what a married employee can count on for his/her family. If, as an employee they receive a benefit, so should I. The solution is to provide similar benefits to domestic partnership couples or remove the benefits from married couples. As employees of the University we should have the same treatment. Gays and lesbians employed by the University have been systematically excluded from benefits that have been provided to their heterosexual colleagues with whom they work side by side, sometimes performing exactly the same work. That is very wrong and needs to be corrected!

On a personal level, for the 25 years I have been employed at the University I have been denied the full employment status and benefits provided to my heterosexual colleagues. This has cost me dearly financially, and has sent me the message that who I love is not valued. This treatment tells me that my family concerns are not important to the University. Although I am also an employee of the University I am not provided with the same health care security for my family as are my married colleagues.

Finally, as I approach retirement, I am outraged to find out that my partner can not defer taxes upon receiving my retirement money in the case of my death as a married spouse is able to do. This amounts to a huge financial loss for my partner and other gay and lesbian employees and their partners. Imagine your spouse having to pay 28% of $250,000 ($70,000) or 31% of $300,000 ($93,000) right off the top, thus diminishing the amount received by our partners to $180,000 and $207,000 respectfully. This is a concrete example for two of us currently long time employees of the University and who are also in long term domestic partnership relationships. In addition, both couples have registered under the city of Minneapolis domestic partner ordinance.

I am angry, disappointed and frustrated that the Board of Regents, President Hasselmo and the administrative leadership of the University have not taken action to enforce the University's nondiscrimination policy. The University should be playing a leadership role in righting this wrong, first, for its employees and then in initiating changes for the state of Minnesota and in urging Federal tax law changes.

2. When my partner's mother unexpectedly committed suicide five years ago, I was scheduled to leave that morning for an out-of-state business trip. I'll never forget my struggle over how I would approach my supervisor to request permission to either cancel the trip or to send someone in my place. I was up for a promotion and I was afraid that to acknowledge my sexual preference to this person, who I knew held fundamental religious values, would compromise my work and my livelihood.

I ultimately equivocated and asked if I could send someone else on the trip, because my "housemate—slash(/)—best friend needed my support. As you might guess, this didn't sound sufficiently persuasive and I left on the trip (shortened by two days) with the "blessing" of my partner, who, of course, was in shock. I succumbed to fear and in doing so compromised my own humanity and my bond with my partner. It is still deeply painful for me to remember the coerciveness of the situation, the fear and intimidation that I experienced, and my own personal failing.

It was one of the most demeaning and dehumanizing experiences of my life. I ask those of you who are married to imagine having to make such a choice: imagine having to ask permission to be with your grieving partner. There are no reparations the University can offer me to recast the past. I would, however, like to think that the Board of Regents and central administrators have the compassion and courage to act now so that others will not be confronted with such a choice.

3. The University is discriminating on the basis of sexual orientation. My family doesn't receive the same benefits as families of heterosexuals.

I have had the Group Health Plan benefits package for nearly sixteen years. I began family coverage when I married (1978), adding my spouse at a nominal monthly fee to the single coverage I already carried (which was paid in full by the University). When my children were born (1983, 1986) the cost of family coverage didn't change. In fact, the cost of family coverage is constant no matter how many dependents you have on the policy. I was amazed to learn that the cost of family coverage (including coverage for my ex-husband) remained the same even after getting a divorce. My ex-husband remained on my insurance policy—at no additional cost—even though we were not legally married.

I am now in a committed lesbian relationship. My partner and I have a relationship every bit as stable and committed as a marriage, but we are not entitled to the same benefits I enjoyed when I was married.

My partner had been teaching part-time in a private school for two years before she became eligible for health insurance through her employer. Two weeks before her insurance was to take effect she was stricken with severe abdominal pain. Though we considered "toughing it out until her insurance kicked in, it became increasingly clear that she needed to be treated immediately. She had a large, twisted ovarian tumor removed in October, 1990. By the time of the surgery, her insurance was in place. We breathed a sigh of relief.

Months later we learned that because her pain started (and was briefly treated) before her insurance began, the claim for coverage for the surgery and hospital stay were disallowed because there was a pre-existing condition exclusion in her insurance policy. We are now faced with over $5,000 (plus 12% interest per year) in medical bills. That may not seem like a lot of money to some people, but it certainly is to us. And it's money that wouldn't have had to be spent at all if she had been on my family coverage all along.

So why is it that my ex-husband (no legal relation) was entitled to continue receiving benefits until he married, but my life partner has had to go without medical insurance? The answer is simple—discrimination.

4. One of my colleagues, a male who is heterosexual, received his Ph.D. the same year I did. We have taught the same number of years and were tenured here the same year. However, he has received health benefits for his wife and two children during this time. I believe that would add up to several thousand dollars more that he has received from this University than I have. My partner is self employed part time and works at the University only to receive benefits. I feel that I am discriminated against based on my sexual preference and have suffered significant financial loss by having to pay for health benefits for my partner and our child.

5. I feel discredited in all but the most professional senses since my University will not acknowledge the centrality of my relationship with my partner of 14 plus years. This level of constant and costly discrimination makes any positive responses to me from the institution bittersweet at best and hypocritical at worst. My family life is erased and made invisible by an institution of learning which tauts acceptance of diversity and pursuit of truth. When I'm not furious, I'm terribly sad.

6. It is very demoralizing to see the incredible benefits that my married colleagues (heterosexual) get and know that it will be a fight to get the same. My partner is self-employed and health coverage is astronomical for self-employed people. In order to buy a plan similar to that at the U, it would cost us $5–$7000 a year. Since it's so costly, my partner does not have very good health coverage and as a result I am very concerned about what would happen if a serious health crisis occurs.

So I am not just losing the $1500 or so the U would pay out to cover her because of the lack of recognition, I will have to pay $5–$7000 per year more than most of my colleagues. I view this as if I received that much less salary per year. How can the U have sexual orientation, gender and marital status in the equal opportunity statement and not consider this discrimination?

I wrote a letter to Gus Donhower when I heard of the proposed changes in health coverage. One option proposed was that those people covered by their spouses' employment could get the cash equivalent of coverage instead of being covered by the U. I suggested that if that were done, then those of us without spouses or dependents should certainly get the cash equivalent of spousal/dependent coverage. It seems an obvious parallel to me. He responded by saying it was an interesting idea but there's no money for this added benefit. Well, I think that's like saying it would be nice to pay blacks or women what we pay men, but we just don't have the money. One has no choice but to find the money. If there really isn't enough then some benefits may need to be removed from those who have them, in order to provide for those who don't. Maybe people with more than two children need to pay for their health insurance, or perhaps the cost for an employee for spousal coverage needs to increase. The current discrimination is so clear to me (of course I'm not a lawyer) that I wonder if a lawsuit could successfully challenge the University's non-compliance with its equal opportunity statement.

At this point, my commitment, dedication, willingness to work hard under increasingly difficult pressure, is affected by my feeling of not being seen, recognized, and treated equally to my heterosexual colleagues. Right now, it's hard not to feel taken advantage of . . . .

7. My partner returned to school to pursue a second advanced degree. She attends the University of Minnesota. At the same time, one of my married colleagues' spouse returned to school. Their health insurance profile did not change at all. Ours changed dramatically. Because I cannot get health insurance for my partner of 10 years (longer than my married colleague), we have paid 2,500 per year in health insurance and routine health care out of pocket. Over three years, the tax on being a lesbian has been $7,500. I realize of course, that the cost of my health insurance would have increased during this period, so the net cost to us would have been above my current health insurance but below $7,500. This economic burden is a clear example of otherwise similarly situated people being treated differently solely on the basis of sexual orientation.

Let me add that I do not think that the University should require public registration of partnerships to receive partnership benefits unless the state revokes the so-called "sodomy" law. To ask for such registration imposes the acknowledgement of legal risk as a cost for benefits. In addition, if reduced tuition is available for other family members, this benefit should be extended to gay and lesbian families as well.

8. The University considers me "single". As a "single" person, I subsidize both married couples and individuals with children. But as a domestic partner I should be able to enjoy the same benefits as other "married" couples.

Last summer my partner required minor surgery for skin cancer. Because she was a substitute teacher, she had no coverage. As a result we became responsible for the bills. This created more financial and emotional distress for us which I am certain impacted my own productivity.

Another issue I have is that it seems the administration wants us to provide documentation (e.g. registration, affidavits, etc.) to prove we are indeed a couple. Does the University require married couples to provide an affidavit or their marriage license when applying for benefits?

Furthermore, the domestic partnership applications become public records. Given the history of the discriminatory treatment meted out on gays and lesbians in ours and other cultures, I would not want to be that public in my sexual orientation, especially in a state without a human rights amendment protecting us.

9. How do I feel about the University's treatment of domestic partners? Not positive! My partner and I each have one dependent. We must each pay for family benefits which is a huge commitment, especially since my partner is self-employed and self-insured. Many of us are on federal benefits. If the University changes its policy we'll need help so that we can move to University benefits.

10. I feel that if the University is unable to provide health benefits to unmarried partners they should also refuse benefits to married partners and only cover under age dependents. I consider the lack of these benefits to be an unequal and discriminatory pay scale, with married employees receiving higher compensation levels just because they are married.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

THE BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSURANCE ACT OF 1998

Mr. TORRICELLI. Mr. President, today I am joined by my distinguished colleague from Wisconsin, Senator KOHL, in introducing the "Bounty Hunter Accountability and Quality Assurance Act of 1998." Our bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. But while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply "posing" as bounty hunters, but there are other reported incidents in which "legitimate" bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

Our legislation would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters. Our legislation contains only three simple provisions, each of which will make it easier to better regulate bounty hunters, but none of which will overburden states.

The first provision of the "Bounty Hunter Accountability and Quality Assurance Act" would simply allow a national bail enforcement organization to run background checks through the FBI, ensuring that there will be a relatively easy way to keep convicted felons out of the bail enforcement business. A nearly identical provision related to private security guards recently passed the House by a nearly unanimous vote.

The second provision of the bill directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specifically directed to look into three areas identified by the bill—whether bounty hunters should be required to "knock and announce" before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters. While states are not required to follow the model guidelines, those states who choose to adopt the guidelines within two years will receive priority for Byrne grant funding.

Finally, this bill makes bail bond companies liable for the acts of the bounty hunters they hire. The clarification of liability in our bill will encourage these companies to carefully select and perhaps even train the bounty hunters in their employ. Perhaps we can cut down on the worst abuses if we force employers to take a closer look at who they hire.

Mr. President, it is time to start the process of making rogue bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join us in taking this first step towards this process, and I thank my distinguished colleague from Wisconsin, Senator KOHL, for joining me in introducing this bill today.

I ask unanimous consent that the full text of this bill be published in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bounty Hunter Accountability and Quality Assistance Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "bail enforcement employer" means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term "bail enforcement officer"—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term "law enforcement officer" means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading "Federal Bureau of Investigation" and the subheading "Salaries and Expenses" in title II of Public Law 92-544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

"(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1998.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. REED, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, Mr. DURBIN, Mr. BAUCUS, Mr. DORGAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. WYDEN, Mr. WELLSTONE, Mr. TORRICELLI, Mrs. BOXER, Mr. KERRY, Mr. BUMPERS, Mr. MOYNIHAN, Mr. JOHNSON, Mr. BREAUX, Mr. KOHL, Ms. LANDRIEU, Ms. MOSELEY-BRAUN, and Mr. LIEBERMAN):

S. 1638. A bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes; to the Committee on Finance.

THE HEALTHY KIDS ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation that we call the HEALTHY Kids Act. It addresses the question of how we form a national policy on tobacco.

I am joined in cosponsorship by Senators AKAKA, BAUCUS, BINGAMAN, BOXER, BREAUX, BRYAN, BUMPERS, DASCHLE, DODD, DORGAN, DURBIN, JOHNSON, KENNEDY, BOB KERREY, JOHN KERRY, KOHL, LANDRIEU, LAUTENBERG, LEAHY, MOSELEY-BRAUN, MOYNIHAN, REED, ROCKEFELLER, TORRICELLI, WELLSTONE, and WYDEN. And we have additional Senators who are considering cosponsorship of this legislation as we speak.

First of all, I thank the Democratic leader, Senator DASCHLE, for his strong leadership and support of the work of the task force. Months ago he called me and asked me to head up an effort within the Democratic Caucus to draft tobacco legislation. We have engaged 21 members of this task force in a lengthy effort to listen to those affected and to try to craft a responsible national tobacco policy.

We held 18 hearings. We heard over 100 witnesses. We held hearings across the country. We engaged in this level of effort because the subject is so important.

Tobacco is the only product that when used legally—and as the manufacturer intended—addicts and kills its customers.

For too long tobacco companies have waged war on our kids. It is time to counterattack.

For too long big tobacco has hooked our kids on a lifelong addiction. It is time to stop it.

For too long the tobacco industry has deliberately targeted kids as "replacement smokers" to fill the shoes of over 425,000 Americans killed by tobacco each year.

Let me repeat that. Over 400,000 deaths a year in this country are caused by the use of tobacco products. Many more, as we have heard in our hearings, have suffered terribly. As we heard Monday at a hearing in Newark, NJ, when we heard from Pierce Frauenheim, a coach and assistant principal who had a laryngectomy because of throat cancer caused by the use of tobacco products. He told us of the terror and trauma of that illness. And we heard from a young woman named Gina Seagrave, a young woman who lost her mother to a massive heart attack when she was only 45 years of age because of using tobacco products. Her tears told the story of her family's pain and suffering.

Mr. President, those stories are rewritten day in and day out because of the awful effects of tobacco. There is something we can do about it if only we have the political will and the courage to act. Witnesses told us repeatedly that we need a comprehensive plan to dramatically reduce the use of tobacco products in our country. That is what we present today—the HEALTHY Kids Act.

Mr. President, the HEALTHY Kids Act is the work of the Senate Democratic task force on tobacco legislation. The HEALTHY Kids Act provides responsible tobacco policy. It protects children, promotes the public health, helps tobacco farmers, and resolves Federal, State and local legal claims, without providing immunity to the industry; it invests in children and health care; it provides savings for Social Security and Medicare; and it reimburses taxpayers for costs that have been imposed on them by the use of these products.

The HEALTHY Kids Act protects children. It does that with a healthy price increase—a $1.50 a pack health fee phased in over 3 years. It protects children by providing the Food and Drug Administration with full authority to regulate these products. It provides strong penalties for those companies that fail to reach the targeted projection for the reduction of teen smoking—a 67 percent reduction in teen smoking over the next 10 years. Those penalties are a 10-cent a pack penalty industry wide if the goals are not met and a 40-cent a pack penalty for the individual companies for their failure to reach the objective. We also protect children by providing comprehensive antitobacco programs. Included in that are counteradvertising, prevention programs, smoking cessation programs and research. Finally, in protecting children, we provide for retailer compliance—State licensure of retailers and no sales to minors.

The HEALTHY Kids Act also promotes the public health. It does so by addressing the question of secondhand smoke. Most public facilities in the country would be smoke free under our proposal. We would provide exemptions for bars, casinos, bingo parlors, hotel guest rooms—that is, hotels could have smoking and nonsmoking rooms as they do now—nonfast-food small restaurants, that is, those restaurants with less than 50 seats would be exempt; prisons, tobacco shops, and private clubs. At the same time we provide those exemptions, we also provide for no State preemption. If a State or local unit of government wants to have more stringent provisions, it is free to do so.

We also promote the public health by protecting the public's right to know. We provide for full document disclosure; all relevant documents go to the FDA. The FDA is able to make those documents public; and the public health interest overrides trade secret or attorney-client privileges when the FDA makes a determination that the public health is the overriding interest.

We also provide for international tobacco marketing controls: no promotion of U.S. tobacco exports. I am proud to say that in this administration we are not doing that, but in previous administrations they have. This would codify the conduct of this administration and provide for no promotion of U.S. tobacco exports. It also provides a code of conduct. No marketing to foreign children. Any activities carried out in this country to market to children in another country would be illegal. It also has modest funding for international tobacco control efforts. And we require warning labels, warning labels of the country that is the recipient of products sent from this country. And if they do not have a system of warning labels, then our own warning labels would apply.

The HEALTHY Kids Act also helps tobacco farmers. They were left out of the proposed settlement completely. Their interest was not addressed. We do not think that is fair. We provide $10 billion in just the first 5 years for assistance to farmers and their communities. We authorize funding for transition payments to farmers and quota holders. We provide for rural and community economic development retraining for tobacco factory workers and tobacco farmers and even college scholarships for farm families if the committees of Congress deem that appropriate.

The HEALTHY Kids Act makes very clear that we will not provide immunity to this industry, no special protection for future misconduct, no special protection against individual lawsuits for past misconduct. We do resolve the outstanding Federal, State, and local government legal claims. States, however, can opt out of this national settlement if they so choose, and cities and counties are assured of getting a fair share of reimbursements that go to States.

On the question of attorney's fees, we concluded that no monies from the HEALTHY Kids Act should be used for attorney's fees. With respect to the size of the fees, we deliberated long and hard, listened to all of the affected interests and concluded that the attorney's fees in these cases ought to be resolved by arbitration panels using ABA ethical guidelines. Those guidelines are set out with specificity in the legislation that I will introduce today.

And so if we are in a circumstance like the controversy in Florida, if the parties cannot agree, an arbitration panel would resolve the matter and determine what the attorney's fees were in the case that has been settled. That is also the case in other States. If the parties at interest reach agreement among themselves, there would not be an arbitration panel. But where there is disagreement as to what the appropriate attorney fees should be, an arbitration panel would be empowered to make the determination.

I do not think any of us want to see unjust enrichment of anybody based on a resolution of these tobacco issues and tobacco lawsuits around the country.

Mr. President, the HEALTHY Kids Act invests in children, in health, in savings for Social Security and Medicare, and reimburses taxpayers who have had costs imposed on them.

The distribution of the funds raised by the act is as follows: Payments to States are 41.5 percent of the revenues. The States would get 14½ percent of the money unrestricted; 27 percent would go to the States for children's health care, child care and improved education.

We would also provide 15.5 percent for antitobacco programs. That includes counteradvertising campaigns as well as smoking cessation and smoking prevention programs. NIH health research would be increased. They would receive 21 percent of the funds provided. Medicare would get 4 percent of the money initially but over time that would grow to 10 percent. Similarly, Social Security would get 6 percent of the money initially and that would grow to 12 percent over time.

We believe it is appropriate when you receive a windfall not to spend it all, and so we are providing that when the program is fully phased in, over 20 percent of the money, instead of being spent, will be used to strengthen Medicare and Social Security for the future.

That is what the American people want to see happen, and we have provided for it in this legislation. Farmers initially get 12 percent of the revenues to ease their transition. Obviously, they are going to take an economic hit here, and it seemed fair to us that they be included in any package to resolve these controversies. Over time their part of this package would be phased out and then the Medicare and Social Security parts of the legislation would see their share increased.

Mr. President, we have provided here a comparison of the tobacco revenue and spending, a comparison between what the President's budget called for and what The HEALTHY Kids Act calls for. First of all, in terms of total revenue, our plan would raise $82 billion over the next 5 years, some $500 billion over the next 25 years. In the first 5 years, the States would get in an unrestricted way $12 billion. They would get $22 billion for children—$14 billion for child care, $3 billion for health care for children and $5 billion for education. The research component of the plan would provide $17 billion to the National Institutes of Health for increased health research. Medicare initially would get $3 billion in the first 5 years. The farmers would get $10 billion. That is a 5-year figure. The antitobacco efforts would receive $13 billion, and savings for Social Security would be $5 billion.

Mr. President, The HEALTHY Kids Act is supported by the American public. We did extensive national polling to make certain that what we are proposing is in line with what the American people want and the polling data shows a high level of support for a significant per pack price increase which we have termed a health fee, significant public support for strong lookback penalties for failure to meet the goals of reducing teen smoking and no special protections for this industry.

That is what the American people want. That is what The HEALTHY Kids Act provides. With respect to the question of a $1.50 per pack health fee for youth smoking deterrence and health programs, the American people support that by more than a 2-to-1 margin—65 percent in favor, 30 percent opposed. By the way, this is across party lines, across regional lines. The American people support a $1.50 a pack health fee. The price increase support for youth smoking deterrence and health programs cuts across party lines. The poll shows if it is termed tax support it is very strong all across the country, even stronger if it is for a health fee. In fact, 69 percent of Democrats support the $1.50 health fee, 67 percent of Republicans.

There is also strong public support for a lookback penalty of 50 cents a pack if the industry fails to meet the goals for the reduction of teen smoking. By 54 percent to 34 percent the American public supports lookback penalties of 50 cents a pack or more. In fact, a significant majority of the 54 percent support a dollar a pack lookback penalty.

Voters are also strongly opposed to providing special protections to the tobacco industry. When we asked the American people: Do you want to give immunity to this industry? Do you want to give them special protection going forward? By 55 percent to 32 percent, they oppose any special protections being given to this industry. They say no to immunity. The HEALTHY Kids Act says no to immunity.

The HEALTHY Kids Act accomplishes the objectives laid out by President Clinton. He laid out five. He said you have to reduce teen smoking by providing tough penalties and a health fee or price increase that will deter youth smoking. We have full FDA authority. We are changing the industry culture. We meet the additional health goals laid out by the President, and protect tobacco farmers and their communities.

As the Vice President said yesterday when we unveiled this proposal in a press conference here on Capitol Hill: The administration strongly supports this bill.

The Vice President reported that if this bill comes to the President's desk, he will sign it and sign it without hesitation.

I expect that big tobacco will fight these initiatives. Indeed, we saw yesterday they came out swinging against the proposal that I am offering here today. We will hear from the tobacco industry, its lobbyists and its supporters in Congress, that we cannot have a health fee of $1.50 a pack, we can't fund public health programs or hold the industry and tobacco companies accountable if they sell to kids. We will hear from them that we cannot give FDA the same authority it has over prescription drugs and our food supply.

I submit, if we care about our kids' futures, we must do all of these things. This legislation lays down a marker for good, responsible, national tobacco policy to protect our kids and promote the public health. It sets a clear, unambiguous test against which other legislation can be measured. And it sets a challenge for those who say they want to protect our kids but have so far not produced effective tobacco control legislation. The HEALTHY Kids Act recognizes that tobacco is causing addiction, disease and death. It also recognizes that there is something we can do about it. HEALTHY Kids affirms life and health and our commitment to our children. It tells you we can make a difference.

I invite my colleagues to join in a bipartisan effort to pass legislation like we are offering here today. We can do it and we can make a difference. We can reduce the addiction, the disease and the death that is being caused by the use of tobacco products. Now is the time to act. The public supports it. Again, I ask my colleagues on both sides of the aisle to join us in this effort. There is no reason for this to be a partisan issue. There is every reason for us to work together to resolve the challenges posed to our society by the use of these products.

Mr. President, I note a colleague of mine, Senator REED of Rhode Island, is on the floor. Senator REED played a critical role in the development of this legislation. He was one of the most active participants on the task force who has worked for months to fashion these legislative proposals. I commend Senator REED publicly for his contributions to this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to join my colleague, Senator CONRAD from North Dakota, in supporting and introducing the HEALTHY

Kids Act and thank him for his kind words. I must say, if there is anyone who has been a true leader and true hero in this struggle to date, it has been KENT CONRAD, whose leadership helped pull together not only an impressive array of cosponsors but, with over hundreds of witnesses and many, many sessions, he was able to get to the substance of a very complicated and difficult issue: How are we going to respond to the crisis of teenage smoking in the United States? How are we going to protect the public health of America, particularly America's children?

Today we are introducing the HEALTHY Kids Act, which will, I believe, do that. Again, I commend Senator CONRAD for his great leadership and effort, and I look forward to working with him and all my colleagues to develop legislation that will once and for all prevent the illegal sale of cigarettes to children in this country.

We are all aware of the depressing statistics with respect to smoking and children in the United States. Today, some 50 million Americans are addicted to tobacco smoke. Every year, 1 million children become regular users of cigarettes, tobacco. One-third of them will die prematurely of lung cancer, emphysema, or other horrible smoking related illnesses.

This is an addiction. Fully three-quarters of smokers want to quit but they cannot because they are addicted. The most disturbing aspect of this addiction is it begins with young people. Mr. President, 90 percent of adult smokers today began to smoke while they were 18 years old or less. In fact, this goes down to children who are 10, 11, 12 years old. It is a shocking, disturbing, and all-too-real aspect of American life and culture. We have an opportunity, indeed an obligation, to do something about it. That is why I am here, along with Senator CONRAD, to join in the introduction of this HEALTHY Kids Act.

In my home State of Rhode Island, we have a situation in which adult smoking is beginning to stabilize. Unfortunately, teen smoking continues to rise, with a more than 25 percent increase among high school students. That is a bad omen for the future, a bad omen for the country. It is too easy for children to buy cigarettes. It is too easy, in a climate in which the tobacco industry spends upward of $5 billion a year making cigarette smoking appear to be alluring, sophisticated, adult-oriented—all those things which are attractive to children.

We know from the record that has emerged over the last several months in court proceedings that this is not a coincidence, we know that children have been deliberately targeted by cigarette companies. They are the replacement customers for the 400,000 Americans who die each year of smoking-related diseases. We have to stop that insidious replacement, that insidious attack on the youth of America.

We begin this legislative process in a situation in which the tobacco industry has worked hard to earn the distrust—let me say it again—the distrust of the American people. Over the years they have not been candid. They have deliberately confused, fought against, and frustrated attempts to regulate their product in the marketplace.

I recently came across an interesting story about youthful smoking among boys. One of the research scientists said, "The cigarette smoker is slowly and surely poisoning himself and is largely unconscious of it." That report was in Education Magazine in 1909. The tobacco industry has long known that cigarette smoking is harmful to children, and harmful to public health.

In 1963, Battelle Laboratories in Switzerland did a series of studies for the British American Tobacco Company, that's the parent of Brown & Williamson Tobacco Company. The conclusion, after review of these studies by the general counsel of Brown & Williamson, was shown as follows: "We are then in the business of selling nicotine, an addictive drug, effective in the release of stress mechanisms." Since 1960, the industry has known they were selling an addictive product, and has known they were selling a product that killed people.

It has all, though, been obscured and dressed up by advertising that would suggest to everyone that smoking is not harmful; indeed, claiming it is healthful. That is absolutely wrong. Back in the 1920s, the companies that were selling cigarettes were advertising themes like, "20,679 physicians say Luckies are less irritating." Promoting cigarettes, in effect, as a healthful practice and not a harmful practice. Another theme of those days was, "For digestion's sake, smoke Camels." Again emphasizing an illusory therapeutic value that never existed in cigarettes.

In 1953, an advertisement read, "This is it. L&M filters are just what the doctor ordered." As if the medical profession was endorsing a product which they knew was harmful and which they suspected, but perhaps did not yet know, was highly addictive.

In this Congress, we have tried to rein in the use of tobacco by children, tried to control the access of young people and tried to warn the American public about the dangers of tobacco. In the 1960s, we brought the industry, we thought, kicking and screaming to accept legislatively mandated warning label. Only after the fact did we learn that the industry privately accepted this label as a good fortune because it allowed them to defend themselves in court with the notion that smokers assumed the risk because they read these labels. Only recently, with the evidence that is more and more conclusive each day of the addictive quality of cigarettes, has the industry begun to respond.

Today we are here to ensure that the past is not repeated, the past of addiction of young people to cigarettes and the past of a very pliant Congress, not effectively regulating the tobacco industry. That is why the HEALTHY Kids Act is so important. It represents a comprehensive effort to ensure that our children are safe and the public health is protected.

One of the important elements of this bill is a price increase of $1.50 a pack. This is not in any way an attempt of retribution on the industry. Rather, it recognizes the fact that a price increase is probably the strongest deterrent there is to teenage smoking. Unlike adult smokers who may already very well addicted, teenagers will respond to price increases. A price increase is one sure way, perhaps the best way, we can ensure that teenagers do not smoke.

The second aspect of the act is giving the FDA full authority over tobacco products, all tobacco products. This proposal would not condition their authority; it would give the FDA the authority, the responsibility, the obligation to regulate tobacco as it regulates so many other drugs and so many other products in our society.

This legislation also includes strong look-back penalties. The HEALTHY Kids Act would set a goal of reducing teenage smoking rates by 67 percent in 10 years and would hold manufacturers accountable for these tough goals by imposing 10-cent-a-pack penalties on the industry across the board and 40-cent penalties on brand-specific products that do not meet the targeted reductions. There would be no rebate. In the proposal the industry negotiated with the Attorneys General, there would be the possibility of a company receiving a rebate by just trying hard. This legislation would require the goal be met, not simply the effort be made. This would also include comprehensive anti-smoking programs, through advertising, prevention programs, and other means that would help ensure that children do not smoke. These program would also give adults, if they wish to change, access to programs to make sure they can make that transition from smoking to nonsmoking.

Because of the money that is generated, we will be able to commit significant resources to programs that are extremely important, programs that have been outlined so well by Senator CONRAD: education, child care, health resources.

Also, this legislation, importantly, does not curtail prospective liability for the tobacco industry. It would settle the suits that have been lodged by the State attorneys general. Also, it would settle claims with respect to governmental entities, but it would allow individual citizens who have been harmed and who will be harmed by tobacco smoke to bring their case to court.

I believe this is a crucial part of the legislation, because without this, the other mechanisms that we develop may well be undermined by sophisticated corporate reorganizations by the industry, by challenges to aspects of the law, and by many things which the tobacco companies have done in the past to remake themselves to comply with Federal statutes. Statutes which Congress thought would control their behavior but which in many cases not only did not control their behavior but gave the tobacco companies additional ammunition to defend themselves against civil suits in the courts.

I believe that this liability issue is an important one and one that distinguishes this legislation from others that have been introduced in this Congress.

We here today have the opportunity to do what all Americans want us to do, ensure that children do not have ready access to cigarettes, ensure that the next generation of Americans is not addicted before they become adults, ensure that the public health in this country is protected, ensure that we are able to create an environment in which a parent does not have to confront what must be one of the most harrowing moments, the realization that a young son or a young daughter is beginning to smoke and realizing also, as we do today, that that means that this child will die prematurely.

No parent should have to endure that moment. No child should have to be subject to the barrage of advertising, the barrage of influences which have forced that child to smoke cigarettes. I look forward to working with my colleagues to enact this bill and to meet these goals. I look forward, as we all do, to the day in which cigarette smoking is not something that we associate with the youth of this country.

I yield my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to just take a few moments this afternoon to express my very warm appreciation to Senator CONRAD for the leadership that he has provided in bringing together a variety of different views and offering on behalf of the families of this country an absolutely superb proposal that is focused on how we are going to reduce smoking for the young people of this country.

This bill isn't the perfect solution, but I daresay that if this particular legislative proposal was enacted into law it would save the lives of millions of Americans.

This has been a long process, Mr. President, since the first Surgeon General pointed out the dangers of smoking. This has been a constant effort over many, many years to try and address this issue in a comprehensive and responsible way.

All of us take our hats off to the work that was done by the attorneys general that resulted in the June 20 settlement. But the legislation Senator CONRAD has introduced today is really a very, very comprehensive proposal that, in many respects, may be the most important legislative undertaking that we will have in this Congress.

Senator CONRAD and the other members of the task force should be commended in putting this proposal forward so early in the Congress. We know we have maybe 90 days left in this session, but I daresay that our time could not be more beneficially spent than in the debate and the discussion of this legislation.

I join with those in hoping that we can get thoughtful consideration of this legislation in the committee on the floor of the Senate. It incorporates the principles that have been identified by the public health community and those who have studied this issue over a long period of time which are most important in reducing smoking:

No. 1, raising the cost of cigarettes in a substantial way over a short period of time. In addition, the counteradvertising measures are very, very important. Those two measures in tandem can make a dramatic difference in the number of young people who will smoke in the future.

The strong FDA measures will also make sure the Agency will have the power and the authority to regulate nicotine and the other additives in cigarettes.

I think the attention that was given in the secondhand smoking proposals and also in recognizing our responsibilities of promoting cigarettes overseas are very thoughtful suggestions in these areas.

I want to add that I believe it is so important that the revenues that are raised from this proposal will give a substantial boost to programs that affect the children of this country. A very substantial part of the financial resources that are gained when this legislation is enacted will be focused on the children who have been the focus of the tobacco industry for over a long, long period of time. I commend the Senator and the task force for that commitment to the nation's children.

Secondly, there is an equally strong commitment towards supporting the biomedical research which offers such extraordinary opportunities for breakthroughs, not only in children's diseases but in other medical conditions such as cancer, AIDS, heart disease, diabetes, Alzheimer's Disease, and mental illness.

This legislation can make a major difference in the public health of the nation by reducing youth smoking. It can also make a major difference to the children of this nation in focusing resources to make their lives more hopeful in the future. And it can make a major difference in terms of the biomedical research opportunities at NIH which offer extraordinary hope in finding treatments for some of the nation's most severe medical conditions.

For all these reasons, this legislation should go forward. As Senator CONRAD has pointed out, he welcomes the chance for others to join in strong support of this legislation, but certainly it is the challenge that is laid out here. Others will have views. We hope they will come forward.

What we have heard so far is a deafening silence. I don't think the American people are going to tolerate a silence in blind opposition to what has been a very thoughtful, a very comprehensive, and a very detailed response to something that is of central importance to every family in this country.

I commend the Senator from North Dakota for all of his work and indicate a great desire to work closely with him and the others to make sure this legislation becomes law.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator KENNEDY. He has been an outstanding member of this task force team. No member of the task force contributed more to the work of this group than Senator KENNEDY. He has played an absolutely key role in the development of this legislation, through his own efforts and the efforts of his outstanding staff. He has been a leader for a lifetime on these issues, and I extend my deepest personal appreciation to him for his assistance and support.

I would also like to recognize Senator BAUCUS, who is on the floor. Senator BAUCUS who is an original cosponsor of this bill has been enormously helpful as well. He is a member of the Senate Finance Committee and has a special understanding of the financial aspects of this legislation. I thank Senator BAUCUS for his commitment and his leadership as well.

Let me conclude by thanking my staff who have worked very long hours to produce this legislation: Bob Van Heuvelen, my policy director and chief counsel; Tom Mahr who is the person on my staff who heads up all of the health issues who has worked incredibly hard and with great skill to craft this legislation; Monica Boudjouk who has spent many a long evening helping us to put together the many details of the proposal before us; and Mark Harsch, a fellow on my staff who has been enormously helpful as well.

I thank them all for their contributions, as well as the staff of the other task force members who put a great deal of time and effort into working to produce this bill. I thank them all.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota is much too kind in his compliments of this Senator. The real credit goes to the Senator from North Dakota. We have seen many task forces appointed by various leaders on both sides of the aisle. I think we know that most task forces basically do their work. They meet, they have several meetings, and are earnest in trying to come up with a good solution assigned to them by the leader.

In this case, the Senator from North Dakota added new meaning to the definition of task force. First of all, they tasked; they worked very hard. I have not seen any effort since the days I have been in the Senate where a task force, a group worked so hard at so many meetings, called in so many outside experts in such a wide variety of fields to make sure they came up with a very solid, comprehensive, near bullet-proof proposal in an area that is as complicated as this, whether it is taxation issues, whether it is health issues, whether it is judicial issues, whatever they may be.

All of us who have any knowledge of the degree to which the Senator from North Dakota put this group together salute him. I have never seen anybody work as hard, as diligently and come up with such a fine product as the Senator from North Dakota. I hope that future task forces use his as a model, because if they do, the people of our country will be very, very well served, just as the Senator from North Dakota's task force has served America with his efforts and his work. He has done the best job of any Senator I have ever seen on any kind of task force or group effort trying to come up with a solution to a very complicated problem. Again, I salute him.

Mr. President, I ask unanimous consent that the following letters of support for the Healthy Kids Act be submitted into the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF DRS. KOOP AND KESSLER ON THE CONRAD TASK FORCE BILL

"We have been working steadfastly with Republican and Democratic legislators to help fashion comprehensive tobacco legislation that will have the net effect of reducing the number of people who smoke and fundamentally changing the way the tobacco industry does business without granting them immunity or special concessions.

"The principles in the Conrad task force legislation track closely with the public health principles and goals outlined in the report of the Advisory Committee on Tobacco Policy and Public Health. It is a good step in a legislative process that we hope results in concrete, comprehensive public health measures to reduce the harm from smoking.

"We look forward to working with Sen. Conrad and all other members of the Congress to achieve these important public health goals."

STATEMENT OF HUBERT H. HUMPHREY III, ATTORNEY GENERAL, STATE OF MINNESOTA

Re: Senator Kent Conrad's Healthy Kids Act, Wednesday, February 11, 1998

I commend Senator Conrad for his leadership of the Senate Democratic Tobacco Task Force in its efforts to address the number one public health issue of our day. The Healthy Kids Act, proposed by Senator Conrad today, is a monumental step forward in our efforts to advance public health and protest future generations of kids.

Senator Conrad's bill offers the best hope yet for saving our children from tobacco addiction, disease and death. It's a common sense approach that will reduce youth smoking rates dramatically and hold the tobacco industry accountable for results.

The bill's strong financial penalties against the industry for continuing to sell to kids creates a powerful economic incentive to reform this industry's conduct. And by giving the FDA full authority and oversight over the health hazards of tobacco, the tobacco industry's manipulation of nicotine to keep smokers addicted will finally come to an end.

This bill stands in stark contrast to the sweetheart deal proposed by the tobacco industry last summer, and it's because Senator Conrad and the Task Force asked the right question. Instead of asking "what will the industry accept," Senator Conrad asked "what is the right policy for the nation." And the result is a bill that gets it right for our children without giving this outlaw industry any special immunity that no other business in America enjoys.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The National Association of Counties (NACo) is pleased to support your bill, the Healthy Kids Act. Not only does the legislation recognize the important health responsibilities counties assume in the nation's intergovernmental system, it also acknowledges the responsibilities they have for enforcing tobacco control ordinances. The bill is a very strong step forward for public health.

As we understand it, the Healthy Kids Act recognizes the unique and substantial tobacco-related health care costs counties incur separate from the states' costs. As you know, counties provide health care to individuals who have no private or federally subsidized insurance, such as Medicaid. Counties provide uncompensated care under general medical assistance programs; through their health facilities; and/or make payments to other facilities. Many also contribute directly to the non-federal share of Medicaid. A number of local governments filed suit against the tobacco industry prior to the June 1997 proposed settlement using these facts as a basis for part of their arguments.

We are also pleased to understand that county tobacco laws and enforcement activities would not be preempted by federal law under the bill. Counties must continue to be able to enact and enforce, with locally-determined remedies, local tobacco ordinances and penalties which are stronger than state or federal law.

Thank you again for your leadership on this issue. NACo looks forward to working with you to advance and refine the Healthy Kids Act.

Very Truly Yours,
RANDY JOHNSON,
President, NACo,
Hennepin County Commissioner.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, commends you for developing a comprehensive tobacco bill that is a significant step forward toward protecting public health, especially our nation's children and adolescents.

Your legislation addresses many priority issues for APHA and the public health community and we recognize that in these areas your bill provides stronger than the proposed settlement and many other current tobacco proposals in the Senate. APHA is particularly pleased with the following aspects of your tobacco bill:

Reaffirmation of FDA jurisdiction over tobacco products, especially the codification of the tobacco-related regulations promulgated this summer by the Secretary of Health and Human Services;

Preservation of state and local authority to impose stronger requirements, prohibitions, and other measures to control tobacco;

Creation of a national tobacco surveillance and evaluation program at the US Centers for Disease Control and Prevention to monitor patterns of tobacco use and assess the effectiveness of tobacco control efforts.

Requirement that tobacco control initiatives and programs funded under this bill utilize proven and effective methodologies;

Recognition that certain subpopulations, such as women and minorities, are disproportionately affected by tobacco products and calling for research to be conducted to study different effects of tobacco use on these groups;

Assistance to tobacco growers, their families, and communities;

Creation of an international code-of-conduct for tobacco companies to help protect children and adults in other countries from the dangers of tobacco products;

Support for international tobacco control efforts, including the funding of bilateral and multilateral assistance and the creation of a non-governmental organization to work with other NGOs abroad on tobacco control;

Ban on the use of taxpayer money to help promote U.S. tobacco products overseas;

Health care assistance to uninsured and underinsured individuals with financial hardship who suffer from tobacco-related illnesses and conditions;

Strengthen look-back provisions to ensure that tobacco companies are held accountable if adolescent smoking rates do not decrease;

No special legal protections for tobacco companies.

As you work with your Senate colleagues on moving tobacco legislation, we urge you to consider strengthening the public health title of the bill. Specifically, APHA advocates stronger involvement of the Centers for Disease Control and Prevention and state and local health departments in the myriad public health activities funded under this title, increased funding for the public health initiatives under this title, inclusion of additional public health tobacco use prevention and reduction initiatives such as environmental tobacco smoke education programs and research, and other public health and prevention focused efforts.

We are committed to working with you and your Senate colleagues from both sides of the aisle to ensure that the final tobacco control legislative vehicle is the strongest possible national tobacco policy. We appreciate your efforts to ensure the protection and promotion of public health and offer our assistance as you continue to work on this issue of critical global public health significance.

Sincerely,

RICHARD A. LEVINSON, MD, DPA,
Associate Executive Director,
Programs and Policy.

AMERICAN LUNG ASSOCIATION,
Washington, DC, February 11, 1998.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The American Lung Association is pleased to endorse your tough tobacco legislation—The Healthy Kids Act. This is the legislation the American people have been demanding. It is not a deal for the tobacco industry. It is a promise to our children. We are grateful that you have made your legislative priority public health, not saving the tobacco industry.

Americans oppose special deals for Big Tobacco. This legislation reflects that sentiment and does not create unprecedented special protections for the tobacco industry.

Americans know that in their own communities they can pass even stronger public health laws than those passed at the federal level. This bill respects the rights of state and local governments to continue to pass strong measures.

This bill promises to create a solid national tobacco policy that will improve health. The American Lung Association believes that your approach will succeed.

Public opinion polling conducted recently for the American Lung Association and its medical section, the American Thoracic Society, found that voters overwhelmingly support (65% to 30%) the $1.50 per pack fee on cigarettes. Voters also support stiff penalties on tobacco companies if they continue to sell to our children (54% support a per pack penalty of $0.50 or more compared to 28% who want no penalty). The electorate opposes special protections for the tobacco industry (55% to 32%). Nearly seven out of ten voters (69% to 33%) want the tobacco companies to follow the same rules on marketing to children overseas as they do in the U.S. It is clear that your bill is in sync with the will of the American people.

The American Lung Association hopes that Congress will follow your lead—keep this promise to our children—and enact the Healthy Kids Act into law.

Sincerely,

JOHN R. GARRISON,
CEO and Managing Director.

STATEMENT OF THE ENACT COALITION REGARDING THE INTRODUCTION OF THE HEALTHY KIDS ACT

(February 11, 1998) The ENACT coalition of major public health organizations applauds today's introduction of the Healthy Kids Act by Senator Conrad and his co-sponsors. We support a strong comprehensive approach and welcome this bill.

The Healthy Kids Act encompasses the key policies that ENACT has stated must be included in any effective tobacco control legislation. The bill contains strong and effective provisions regarding FDA authority over tobacco sales, manufacturing and advertising; significant price increases to deter use by kids; effective "look-back" penalties if sales to youth don't decrease; a vigorous crackdown on the illegal sale of tobacco to minors; protections from secondhand smoke; disclosure of tobacco industry documents; assistance to tobacco farmers; and support for efforts to reduce tobacco use internationally.

ENACT believes that only a comprehensive bill that meets our minimum criteria can adequately address the complex problem of tobacco use and reduce the number of kids who start using tobacco, and the number of adults who die each year.

We expect a number of additional proposals to be introduced in the House and Senate in the coming weeks. We will evaluate each of them, and those already introduced, for their adherence to the public health principles we have set forth. ENACT is committed to working with Senator Conrad and with Members of Congress from both parties to enact a comprehensive, bi-partisan, well-funded and sustainable tobacco control policy.

ENACT COALITION MEMBERS (FEBRUARY 11, 1998)

Allergy and Asthma Network—Mothers of Asthmatics, Inc.

American Academy of Child & Adolescent Psychiatry.

American Academy of Family Physicians.

American Academy of Pediatrics.

American Association for Respiratory Care.

American Association of Physicians of Indian Origin.

American Cancer Society.

American College of Cardiology.

American College of Chest Physicians.

American College of Occupational and Environmental Medicine.

American College of Physicians.

American College of Preventive Medicine.

American Heart Association.

American Medical Association.

American Psychiatric Association.

American Psychological Association.

American Society of Anesthesiologists.

American Society of Clinical Oncology.

American Society of Internal Medicine.

Association of American Medical Colleges.

Association of Black Cardiologists, Inc.

Association of Maternal and Child Health Programs.

Association of Schools of Public Health.

Campaign for Tobacco-Free Kids.

College on Problems of Drug Dependence.

Council of State & Territorial Epidemiologists.

Family Voices.

The HMO Group.

Interreligious Coalition on Smoking OR Health.

Latino Council on Alcohol & Tobacco.

National Association of Children's Hospitals.

National Association of County and City Health Officials.

National Association of Local Boards of Health.

National Hispanic Medical Association.

Oncology Nursing Society.

Partnership for Prevention.

Society for Public Health Education.

The Society for Research on Nicotine and Tobacco.

The Society of Behavioral Medicine.

Summit Health Coalition.

A number of the nation's major public health organizations have formed ENACT (Effective National Action to Control Tobacco). This growing coalition has pledged to work with the Congress, the Administration, the public health community and the American people to pass comprehensive, sustainable, effective, well-funded national tobacco control legislation.

STATEMENT BY THE COALITION FOR WORKERS' HEALTH CARE FUNDS SUPPORTING THE SENATE DEMOCRATIC TASK FORCE "HEALTHY KIDS" BILL

The Coalition for Workers' Health Care Funds represents some 2,500 union sponsored, multiemployer health and welfare funds which have brought class action law suits against the tobacco companies seeking reimbursement for their health care costs of tobacco-related diseases.

The Coalition believes that the legislation introduced by Senator Kent Conrad and Senator Tom Daschle on behalf of the Senate Democratic Tobacco Task Force is both sound and reasonable. It represents good public health policy, while at the same time protecting the civil justice rights of the multi-employer health & welfare community and others with claims against the tobacco companies.

We are particularly pleased that the legislation includes an adjustment assistance program for those tobacco workers who might be adversely effected by the legislation, and we encourage the sponsors to further develop this important program. Such assistance for workers is essential in light of the fact that for the past 18 years, the tobacco companies have engaged in a systematic corporate policy to downsize the workforce without assistance for its workers.

According to the "Statistical Abstract of the Unite States 1997" the tobacco industry has reduced its total employment by over 40% since 1980; from 69,000 in 1980 to 41,000 in 1996. Moreover, the "Abstract" projects that by 2005 the industry will have further reduced its U.S. employment to 26,000, for an overall reduction since 1980 of 62.4%. Absolutely none of this workforce reduction has been due to a profit decline for the industry since, again according to the "Abstract" the annual value of the domestic product has remained constant at about $35 billion. It is also no secret that the U.S. tobacco manufactures have been moving production facilities overseas. All of this occurred long before any "Tobacco settlement" was ever negotiated or anticipated. It is the direct result of the same corporate strategy that we have witnessed in industry after industry; from machine tools and electrical equipment to textiles and semi-conductors. In their effort to maximize profits American corporations have closed manufacturing facilities in the U.S. and moved to countries with the lowest wages and least labor protections.

Employment in the Tobacco Industry

In its effort to enact federal legislation to immunize itself from effective legal action, the tobacco industry has engaged in an attempt to economically "blackmail" the workers employed in the tobacco industry. The industry has argued that unless the tobacco deal, with immunity, is enacted that it will be forced to shut-down its operations in the United States and move production overseas.

The fact of the matter is that over the last 18 years, the industry has dramatically reduced employment by 40% and intends to continue this trend in the future.

The tobacco industry employment figures reproduced below are from the "Statistical Abstract of the United States 1997", the ultimate source of which is the industry itself.

All Employees—all products:	
1980	69,000
1990	49,000
1996	41,000
2005-(proj.)	26,000
Production Employees—all products:	
1980	54,000
1990	36,000
1996	31,000
All Employees—cigarettes:	
1980	46,000
1990	35,000
1996	28,000
Production Employees—cigarettes:	
1980	35,000
1990	26,000
1996	21,000

Notes:

1. These figures were prepared long before the announced "Tobacco Settlement".

2. Less than half of all tobacco production workers are represented by labor unions.

3. The Union sponsored labor-management health & welfare funds which have brought suit against the tobacco companies represent 30 million union workers, retirees and their families.

Source: Statistical Abstract of the United States, 1997, p. 416 & p. 425.

Mr. LAUTENBERG. Mr. President, I want to speak in strong support of the HEALTHY Kids Act, which was introduced by Senator CONRAD. Senator CONRAD chaired our tobacco task force, on which I served as vice chairman, and I thought, as did most on our side, that he did an incredibly thorough job in researching the issues and hearing from the various affected parties.

Mr. President, this bill today reflects the consensus of our task force. It is the vision of the Senate Democrats and has cosponsors from all sectors of the Democratic Party. Although some of us differ on certain specific points, all of us who are cosponsoring this legislation agree that this bill contains the right approach to tackling the devastating health problems that come from smoking cigarettes.

At the heart of this proposal is a per pack price increase of $1.50. This price increase will be phased in over three years and then indexed to inflation to maintain a deterrent effect on youth smoking.

I am particularly pleased, Mr. President, with this aspect of the HEALTHY Kids Act because it was adopted from a bill I introduced last year, the Public Health and Education Resource Act, which is S. 1343.

I believe now—as I did then—that if we are serious about reducing teen smoking, we have to increase the price swiftly and dramatically. It seems to have the most deterrent effect of all measures on youth because when the price goes up that far they cannot afford to pick up the habit, for which we are grateful.

This bill also includes much of the bill that Senator KENNEDY sponsored, and that I had the opportunity to support as a cosponsor, again representing the views of several of our Members to be included in this consensus package.

The focus of any tobacco legislation must be on improving the health of future generations of Americans, and this bill accomplishes that very clearly. In addition to funding various programs that will reduce teen smoking and benefit the well-being of children, it provides unfettered FDA jurisdiction. As the President has stated many times, full FDA power over these deadly products is essential.

Mr. President, as Ranking Member of the Budget Committee I am also pleased that this bill is consistent with the President's budget proposal. Both approaches recognize that comprehensive tobacco legislation requires a strong investment in America's children. Our approach keeps children away from this addictive product, improves their health, provides adequate child care and gives them a learning environment that fosters health and knowledge and progress.

That is a real investment in our children, and that is the focus of the Healthy Kids Act.

Mr. President, I often hear that we in Congress cannot pass any legislation that the tobacco industry does not first agree to support. They speak as if Big Tobacco has some sort of veto right over legislation affecting their industry.

I must tell you. I fail to find in the Constitution of the United States—or in any of the Senate rules—any provision that gives them the right to veto legislation. The Congress not only has a right—but a duty—to rein in on an industry that has been out of control targeting our children for addiction and lying about the dangerous nature of their products.

Mr. President, there has also been a great deal of talk about providing special protection against liability to this industry. First of all, one must question why in the world this industry, which has engaged in more corporate misconduct than any other, deserves unprecedented special protection from civil liability.

Secondly, this industry continues to this day to hide from the public critical information about tobacco's effect on our health. Congress shouldn't even consider limited civil liability protections until we have full and absolute disclosure from the companies. It is time for them to stop hiding behind false claims of privilege and come clean with the American people.

Mr. President, this bill, the Healthy Kids Act, presents Congress with a historic opportunity. I welcome, very sincerely, my friends from the other side of the aisle to cosponsor this bill, to work with us, as I know that they want to, to question perhaps the methodology or process. But I hope that won't stand in the way. We both want to save children's lives. We want to invest in their future. It has to be a bipartisan goal. I expect that many of our friends on the Republican side will join us at some point.

Mr. President, as can be expected in any omnibus legislation, some Senators will disagree on specific provisions of the bill. In fact, I have some reservations about certain provisions of this act, such as the secondhand smoke restrictions, which I believe could be tougher. But I ask all of my colleagues to keep their eye on the big picture—reducing tobacco's seductive grip on our kids.

Their target—it is very clearly understood—is to get 3,000 kids a day to start smoking because they know once you start it is hell to try and stop. And we don't want to permit them to get a grip on our children, on their lives, on their health, or on their habits.

So, Mr. President, I hope that we will be working together in a bipartisan way. We will make this happen if we can possibly do so. And I invite all of our colleagues to join us.

I yield the floor.

Mr. BINGAMAN. Mr. President, it is with great pleasure that I rise today to join Senator CONRAD and my other colleagues in introducing the HEALTHY Kids Act. I want to commend Senator CONRAD, and his staff, for their excellent work in formulating this legislation. I firmly believe that this legislation represents the opportunity to prevent nicotine addiction in children and youth.

The Congress has the truly historic opportunity this year to enact comprehensive legislation that will reduce access to and consumption of tobacco by our youth. Over the past few months, I have been part of the task force that helped consider the numerous issues involved in developing a comprehensive approach to address the public health issues that surround youth and tobacco. The HEALTHY Kids Act gives us a blueprint for reducing the terrible destruction that tobacco products have caused.

The Senate has a compelling interest to address the various issues raised by the tobacco settlement. The Office on Smoking and Health at the Centers for Disease Control and Prevention has determined that cigarettes kill more Americans that AIDS, alcohol, car accidents, murders, suicides, drugs, and fires combined.

Additionally, As the smoke screen erected by the tobacco companies begins to clear through numerous court proceedings, we now know what we have suspected all along: The targeting of our children has been a well planned, well orchestrated, and well financed conspiracy by these companies.

We have all seen the statistics. The Institute of Medicine finds that despite the market decline in adult smoking and the social disapproval of smoking, an estimated 3,000 young people become regular smokers every day. In my home state of New Mexico, roughly 33% of our youth in grades 9 through 12, smoke. Indeed, Mr. President, nationally, the prevalence of smoking by youth, has remained basically unchanged since 1980. If current tobacco use patterns in this nation persist, five million children currently alive today will die prematurely from a smoking related disease.

It is worth noting that lung cancer remains the leading cause of cancer death in the United States. All cancers caused by cigarette smoking can be prevented. Instead, according to CDC and Robert Wood Johnson, 170,000 Americans will lose their lives to tobacco related cancer this year. Preventing and reducing cigarette smoking are key to reducing illness and death. We must act now.

There will be myriad reasons put forth as to why we cannot or should not enact this legislation. There will be some who will say that Congress should not act at all. We have the opportunity and the obligation to enact legislation that will address the public health problems caused by tobacco products. The HEALTHY Kids Act gives us the chance to begin reversing the damage that has been done. It provides the vehicle for leadership that will be necessary to save our children. I hope that we will move, and move quickly without any more excuses, to enact this legislation.

Mr. KERREY. Mr. President, I am proud today to join with several of my colleagues in support of S. 1638, "The Healthy Kids Act", the tobacco bill crafted by Senator CONRAD and the Democratic Tobacco Task Force.

As you have heard many of our colleagues say, 3000 kids start smoking every day. One third of those will prematurely die from a tobacco-related disease. In Nebraska alone, 38 out of 100 high school kids currently smoke cigarettes and over 35,000 kids currently under the age of 18 will die prematurely from tobacco-related diseases.

This is simply unacceptable. And the job has fallen upon Congress to do something about it. Last summer, my colleagues and I were faced with the daunting task of putting together comprehensive tobacco legislation. Led by my very dedicated colleague Senator CONRAD from North Dakota, the Democratic Tobacco Task Force worked hard for nearly eight months to draft a bill that put our children's health first. This is exactly what The HEALTHY Kids Act does.

This bill puts the law on the side of our kids. Sometimes we pass laws and are unsure of their impact. This time we can be certain: If we pass this law it will save children's lives. Period.

Experts say that the way to get kids to quit smoking is to raise prices on cigarettes. The HEALTHY Kids Act does this.

This bill is projected to collect $78 billion in total revenue over the next five years. Among other things, this money will help improve our children's health care, child care, and education; fund important medical research; take care of the farmers that were left out of the settlement negotiations; and some money will even go towards reducing the deficit and saving social security—which could perhaps be the greatest gift we could ever think about giving our children.

Mr. President, I close by saying that I look forward to working with Mr. CONRAD and others on passing this important legislation that correctly puts our children first.

By Mr. COVERDELL:

S. 1639. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

THE FEDERAL FACILITIES COMMUNITY RIGHT-TO-KNOW ACT OF 1998

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—The Federal Facilities Community Right-To-Know Act of 1998—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufacturers have been required to keep extensive records on how they use and store hazardous chemicals and report releases of hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that "Congress should ensure that federal and state "right to know" requirements apply to federal facilities." My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to moves us closer towards that goal.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. 1640. A bill to designate the building of the United States Postal Service located at East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building"; to the Committee on Governmental Affairs.

THE EUGENE J. MCCARTHY POST OFFICE BUILDING DESIGNATION ACT OF 1998

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and my colleague from Minnesota, Senator GRAMS, to introduce legislation which would designate the U.S. Post Office Building in downtown St. Paul, MN, as the "Eugene J. McCarthy Post Office Building." In doing so, we join the entire Minnesota delegation in the U.S. House of Representatives in honoring a man who is of great importance to our state and our nation.

This building, which will bear the name of one of Minnesota's great statesmen, stands in Minnesota's capitol, a city represented by Senator McCarthy in the House and Senate for nearly a quarter of a century. When the 4th district, and later all of Minnesota, sent Senator McCarthy to Washington they sent a scholar as well as a legislator, and his service to our state and this nation has not been restricted to his tenure in Congress. He has touched lives as a teacher and author as well.

Mr. President, I am proud to know Eugene McCarthy and to follow in his footsteps as a Senator from Minnesota, as a progressive, and as a great believer in grassroots democracy. He is a person who not only articulated, but exercised, a politics of inclusion and who knows that a candidate's success is best built upon a foundation of individuals. While America has had many important leaders, very few have fought the battles Senator McCarthy has fought, very few have shown the commitment he has shown to effecting positive change for ordinary people, and very few can match his record as a man of peace.

Mr. President, it is an honor to extend my state's, and my country's, gratitude to Senator McCarthy with this designation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1641. A bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; to the Committee on Energy and Natural Resources.

THE WOMEN'S RIGHTS NATIONAL HISTORIC TRAIL ACT

Mr. MOYNIHAN. Mr. President, 1848 was one of the busiest years of the 19th Century in Europe. Everywhere kings were abdicating, ministers fleeing, mobs roving. In London, Karl Marx and Frederich Engels composed a pamphlet entitled Manifesto of the Communist Party. Revolution was all the rage. But the real revolution was taking place in a small brick chapel in a village in upstate New York where people had begun to think of a revolution unlike anything known—equal rights for women.

The American movement for women's rights began in Waterloo, New York nearly 150 years ago when five women met at the home of Jane and Richard Hunt. There, Elizabeth Cady Stanton of Seneca Falls, Mary Ann McClintock of Waterloo, Marta Coffin Wright of nearby Auburn, Lucretia Coffin Mott of Philadelphia and Mrs. Hunt planned the first women's rights convention held at the Wesleyan Chapel in Seneca Falls. It was also there that they wrote the "Declaration of Sentiments," a document which can certainly be regarded as the Magna Carta of the women's movement. Modeled on our Declaration of Independence, the "Declaration of Sentiments" proclaimed that:

> All men and women are created equal: That they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

This unprecedented declaration called for broad societal changes aimed at eliminating discriminatory restrictions on women in all their spheres of life. A woman's right to a higher education, the right to own property and the right to retain her own wages—all these and more were proclaimed in this landmark document endorsed at the Seneca Falls Convention on July 19 and 20, 1848.

Perhaps most importantly, the convention was the catalyst for the 19th Amendment. There, Elizabeth Cady Stanton made what was at the time a most radical proposal. She called for extending the franchise to women.

Ameila Bloomer, publisher of Lily, the first prominent women's rights newsletter, eloquently defended Stanton's call and articulated the importance of the vote:

> In this country there is one great tribunal by which all theories must be tried, all principles tested, all measures settled: and that tribunal is the ballot box. It is the medium through which public opinion finally makes itself heard. Deny to any class in the community the right to be heard at the ballot-box and that class sinks at once into a state of slavish dependence, of civil insignificance, which nothing can save from becoming subjugation, oppression and wrong.

It was fully 72 years before the Nation heeded their call for the vote for women.

It took but 10 months in 1980, however, to establish a Women's Rights Historic Park at Seneca Falls and Waterloo, commemorating this call. Then-Senator Javits and I proposed a bill that created an historic park within Seneca Falls to commemorate the early beginnings of the women's movement and to recognize the important role Seneca Falls has played in the movement. The park consists of five sites: the 1840's Greek Revival home of Elizabeth Cady Stanton, organizer and leader of the women's rights movement; the Wesleyan Chapel, where the First Women's Rights Convention was held; Declaration Park with a 100 foot waterwall engraved with the Declaration of Sentiments and the names of the signers of Declaration; and the M'Clintock house, home of MaryAnn and Thomas M'Clintock, where the Declaration was drafted.

On June 27 last, my friend and colleague, Senator D'AMATO and I introduced S. Con. Res. 35, a resolution that urges the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the Women's Rights Convention. It is only fitting that a stamp be issued commemorating this historic anniversary and highlighting the importance of continuing this struggle for equal rights and opportunity for women in areas such as health care, education, employment, and pay equity.

Today Senator D'AMATO and I, in concert with Representative LOUISE M. SLAUGHTER of Rochester, introduce legislation which would direct the Secretary of the Interior to study the development of a Women's Rights Historic Trail stretching from Boston, Massachusetts to Buffalo, New York.

Mr. President, the contributions made by women in that region are many. This is hallowed ground that needs to be celebrated. It would include such sites as the Susan B. Anthony House and voting place in Rochester; the Women's Rights National Historical Park; the National Women's Hall of Fame and the Elizabeth Cady Stanton House in Seneca Falls; the Harriet Tubman House and memorial in Auburn; and the Eleanor Roosevelt home in Hyde Park.

The women of Seneca Falls challenged America to social revolution with a list of demands that touched upon every aspect of life. Testing different approaches, the early women's rights leaders came to view the ballot as the best way to challenge the system, but they did not limit their efforts to this one issue. Fifty years after the convention, women could claim property rights, employment and educational opportunities, divorce and child custody laws, and increased social freedoms. By the early 20th century, a coalition of suffragists, temperance groups, reform-minded politicians, and women's social welfare organizations mustered a successful push for the vote.

Today Congress honors Lucretia Mott and Elizabeth Cady Stanton, along with Susan B. Anthony, as revolutionary leaders of the women's movement by placing a statue of them in the Capitol Rotunda next to statues of other leaders in our Nation's history such as George Washington, Abraham Lincoln, and Martin Luther King, Jr.

An historic trail would be a living monument to women's history, bringing to life the numerous pioneers so often left out of our textbooks. In "The Ladies of Seneca Falls: The Birth of the Women's Rights Movement", Miriam Gurko writes:

> Most histories contain, if anything, only the briefest allusion to the woman's rights movement in the nineteenth century—perhaps no more than a sentence to include it in the general upsurge of reform. Here and there the name of a woman's rights leader might be mentioned, generally that of Susan B. Anthony, sometimes Elizabeth Cady Stanton. The rest might never have existed so far as the general run of historical sources is concerned.

One of the most important social forces of our time is women's struggle to achieve equality, and, as such, it is incumbent upon us to pay tribute to its many heroes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Rights National Historic Trail Act of 1998".

SEC. 2. STUDY OF ALTERNATIVES FOR NATIONAL HISTORIC TRAIL TO COMMEMORATE AND INTERPRET HISTORY OF WOMEN'S RIGHTS IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the "Secretary"), shall conduct a study of alternatives for establishing a national historic trail commemorating and interpreting the history of women's rights in the United States.

(b) MATTERS TO BE CONSIDERED.—The study under subsection (a) shall include—

(1) consideration of the establishment of a new unit of the National Park System;

(2) consideration of the establishment of various appropriate designations for routes and sites relating to the history of women's rights in the United States, and alternative means to link those sites, including a corridor between Buffalo, New York, and Boston, Massachusetts;

(3) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(4) cost estimates for the alternatives.

(c) STUDY PROCESS.—The Secretary shall—

(1) conduct the study with public involvement and in consultation with State and local officials, scholarly and other interested organizations, and individuals;

(2) complete the study as expeditiously as practicable after the date on which funds are made available for the study; and

(3) on completion of the study, submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and recommendations of the study.

By Mr. GLENN (for himself, Mr. THOMPSON, Mr. LEVIN, Mr. LIEBERMAN, and Mr. AKAKA):

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

THE FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT

Mr. GLENN. Mr. President, I rise today to introduce the Federal Financial Assistance Management Improvement Act of 1998—legislation designed to improve the efficiency and effectiveness of Federal financial assistance and grant-in-aid programs.

According to the Advisory Commission on Intergovernmental Relations, there are over 600 different Federal grant programs to state and local governments and other service providers. Not only is that a large number of programs in the aggregate, we also have an abundance of separate grant programs even in areas where only one general purpose is being served. For example, in the budget subfunction of social services alone, there are over 80 different Federal grant programs. In elementary and secondary education, there are a similar number of Federal programs.

Almost all of these different grant programs serve worthy goals and purposes. However, they inevitably carry with them separate redtape, regulations, and procedures that frustrate those at the state, local and nonprofit level who must coordinate the services and carry out the responsibilities in all these separate programs. Furthermore, in many of these grant programs, "getting out the money" is the primary emphasis. Administrative performance and efficiency are a secondary emphasis, or in some cases not emphasized at all, so we have little understanding at any level of government how well the programs are actually working. Part of this problem stems from the fact that the money passes through 3 sometimes 4 different sets of hands before it reaches its intended beneficiaries. So it's hard to know where responsibility lies when it comes to making sure that the money is spent efficiently, properly and in a way to maximize the goals and objectives of the underlying program.

We've been working for several years in the Governmental Affairs Committee on ways to cut Federal redtape while improving performance. We tried to reduce Federal burdens with enactment of the Paperwork Reduction Act and Unfunded Mandates Reform Act, while strengthening the effectiveness of Federal programs with the Government Performance Results Act.

This bill builds on those initiatives. It requires that Federal agencies develop plans that, among other things: establish uniform applications for related grant programs; develop common rules for Federal requirements that cut across multiple grant programs; and, emphasize use of electronic reporting via the Internet. Agencies would have 18 months to develop their plans, with OMB overseeing their development. They would work closely with state and local governments and the nonprofit community in the setting of performance measures to achieve the bill's goals. The bill sunsets in 5 years following a review by the National Academy of Public Administration.

Americans want government services to work better. But they also want government to live within its means, to balance its books. In other words, they want more cost-effective government, and that's at all levels. I believe this bill helps lead us in that direction. I'm pleased that Chairman THOMPSON, along with Senators LEVIN, LIEBERMAN, and AKAKA, have joined me cosponsoring the bill and I look forward to considering it in the Governmental Affairs Committee.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems that require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMON RULE.—The term "common rule" means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) FEDERAL AGENCY.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(4) FEDERAL FINANCIAL ASSISTANCE PROGRAM.—The term "Federal financial assistance program" means a domestic assistance program (as defined under section 6101(4) of title 31, United States Code) under which financial assistance is available, directly or indirectly, to a State, local, or tribal government or a qualified organization to carry out activities consistent with national policy goals.

(5) LOCAL GOVERNMENT.—The term "local government" means—

(A) a political subdivision of a State that is a unit of general local government (as defined under section 6501(10) of title 31, United States Code);

(B) any combination of political subdivisions described in subparagraph (A); or

(C) a local educational agency as defined under section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(6) QUALIFIED ORGANIZATION.—The term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(7) STATE.—The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(8) TRIBAL GOVERNMENT.—The term "tribal government" means the governing entity of an Indian tribe, as that term is defined in the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 5. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, shall direct, coordinate, and assist Federal agencies in establishing—

(1) a uniform application, or set of uniform applications, to be used by an applicant to apply for assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(2) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for grantees;

(3) a uniform system wherein an applicant may apply for, manage, and report on the use of, funding from multiple Federal financial assistance programs across different Federal agencies;

(4) a process for applicants to electronically apply for, and report on the use of, funds from Federal financial assistance programs;

(5) use of common rules for multiple Federal financial assistance programs across different Federal agencies;

(6) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including the development of a release form to be used by grantees to facilitate the sharing of information across multiple Federal financial assistance programs;

(7) a process to strengthen the information resources management capacity of State, local, and tribal governments and qualified organizations pertaining to the administration of Federal financial assistance programs; and

(8) specific annual goals and objectives to further the purposes of this Act.

(b) ACTIONS CONSISTENT WITH STATUTORY REQUIREMENTS.—The actions taken by the Director under subsection (a) shall be consistent with statutory requirements relating to any applicable Federal financial assistance program.

(c) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(d) REVIEW OF PLANS AND REPORTS.—

(1) IN GENERAL.—The Director shall—

(A) review agency plans and reports developed under section 6 for adequacy;

(B) monitor the annual performance of each agency toward achieving the goals and objectives stated in the agency plan; and

(C) ensure that each agency plan does not diminish standards to measure performance and accountability of financial assistance programs.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director shall report to Congress on implementation of this section. Such a report may be included as part of any of the general management reports required under law.

(e) EXEMPTIONS.—

(1) IN GENERAL.—The Director may exempt any Federal agency from the requirements of this Act if the Director determines that the agency does not have a significant number of Federal financial assistance programs.

(2) AGENCIES EXEMPTED.—Not later than November 1 of each fiscal year, the Director shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives—

(A) a list of each agency exempted under this subsection in the preceding fiscal year; and

(B) an explanation for each such exemption.

(f) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Director shall issue guidance to Federal agencies on implementation of the requirements of this Act. Such guidance shall include a statement on the common rules that the Director intends to review and standardize under this Act.

SEC. 6. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for each financial assistance program administered by the agency;

(2) demonstrates active participation in the interagency process required the applicable provisions of section 5(a);

(3) demonstrates agency use, or plans for use, of the uniform application (or set of applications) and system developed under section 5(a) (1) and (3);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) strengthens the information resources management capacity of State, local and tribal governments and qualified organizations pertaining to the administration of the financial assistance program administered by the agency; and

(7) in cooperation with State, local, and tribal governments and qualified organizations, establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives.

(b) PLAN CONSISTENT WITH STATUTORY REQUIREMENTS.—Each plan developed and implemented under this section shall be consistent with statutory requirements relating to any applicable Federal financial assistance program.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each Federal agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment on the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public hearings or related public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult regularly with representatives of State, local and tribal governments and qualified organizations during development of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such a report may be included as part of any of the general management reports required under law.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 5(c)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

(3) assess the level of coordination and cooperation among the Director, Federal agencies, State, local, and tribal governments, and qualified organizations in implementing this Act.

SEC. 8. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective on and after 5 years after such date of enactment.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. LEAHY):

S. 1643. A bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system; to the Committee on Finance.

MEDICARE AND HOME HEALTH CARE LEGISLATION

Mr. KENNEDY. Mr. President, the home health benefit available under Medicare plays a significant role in allowing elderly beneficiaries to remain in their homes and in their community. Those who use the home health benefit are among the most vulnerable Medicare beneficiaries. More than 40 percent have incomes below $10,000. One in three live alone, and two-thirds are over age 75.

In recent years, the cost of the home health benefit has been one of the fastest growing parts of Medicare. While the vast majority of this growth is attributable to a legitimate increase in home health care as patients are moved out of the hospital more quickly, some portion is known to be due to fraud. As a result, Congress enacted provisions on this spending as a part of the Balanced Budget Act of 1997. Unfortunately, it now appears that some of the restrictions will operate in a way that penalizes providers unfairly and jeopardizes their ability to continue to offer these vital services for the elderly.

In order to address these issues, I am introducing legislation to delay the effective date of one provision, and to change the base year that will be used to calculate future home health payments. Congressman McGovern is introducing similar legislation in the House of Representatives.

The problem with the current law is especially serious in New England. Home health agencies throughout the region generally provide care for less cost than the national average. For example, the average Medicare payment per home health visit in Massachusetts in 1995 was 19 percent below the national average. These programs are effective. They provide high quality home health care and help people to remain in the community and out of hospitals and nursing homes. And they do so in a cost-efficient manner. Nevertheless, the Home & Health Care Association of Massachusetts estimates that the provisions of the Balanced Budget Act of 1997 could result in a loss of 1.5 million home health visits—a 20 percent reduction—this year. Under the Act, Massachusetts and other states that provide high quality care efficiently and at lower rates are at a disadvantage, whereas inefficient providers are permitted to lock in higher rates.

One of the most questionable effects of the Act requires home health agencies to comply with "per beneficiary caps" before the federal government tells them what the caps are. The bill I am introducing delays the effective date of the caps until October 1, 1998, to allow time for agencies to adjust to forthcoming, essential guidance from the Health Care Financing Administration.

In addition, this bill moves up the year—from 1994 to 1995—that will be used to calculate payments for 1998 and beyond. This change means that payments will more accurately reflect the type of home care that is currently delivered.

The problem facing home health patients and agencies is substantial. Congress should address this issue now, before home health agencies that provide needed services are unfairly forced out of business, and before senior citizens are forced to go without necessary care or leave their homes for more expensive hospital care or nursing home care. The provisions of the Balanced Budget Act should be modified to avoid these unfortunate and unnecessary problems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY OF PER BENEFICIARY LIMITS UNDER INTERIM PAYMENT SYSTEM AND CHANGE OF BASE YEAR.

(a) DELAY IN PER BENEFICIARY LIMITS UNDER INTERIM PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by section 4602 of the Balanced Budget Act of 1997, is amended in clauses (v) and (vi) by striking "October 1, 1997," each place it appears and inserting "October 1, 1998,".

(2) CONFORMING AMENDMENTS.—Section 1861(v)(1)(L)(vii) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vii)), as added by section 4602(c) of the Balanced Budget Act of 1997, is amended—

(A) by striking "April 1, 1998," and inserting "August 1, 1998,"; and

(B) by striking "fiscal year 1998" and inserting "fiscal year 1999".

(b) CHANGE IN BASE YEAR.—Section 1861(v)(1)(L)(v)(I) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(v)(I)) is amended by striking "ending during fiscal year 1994" each place it appears and inserting "ending during fiscal year 1995 or, at the election of the agency, calendar year 1995".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

Mr. JEFFORDS. Mr. President, today, I am introducing legislation with my colleague Senator KENNEDY that will improve the implementation of the interim payment system to home health agencies established under the Balanced Budget Act of 1997. It is imperative that we protect access to care for our most vulnerable populations—the elderly and the disabled. While I support the move to a prospective payment system for home care under the Balanced Budget Act, the payment system designed for the interim period is proving to be an intolerable burden for the home health agencies that serve Vermont's Medicare beneficiaries.

This bill would do two things to remove the current threat to quality home care. First, the bill delays the implementation of the interim payment system for one year. This will minimize its impact on agencies as a prospective payment system is put in place. Second, the base year for establishing per patient limits will shift from the current designation of fiscal year 1994, to either fiscal or calendar year 1995. Care rendered in 1995 is a better reflection of the current mix of patients—and it captures the deterrent effect of Operation Restore Trust on fraud and abuse in areas where cost was inflated.

My own State of Vermont is a good example of how the health care system can work to provide for high quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice permit hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet time and again, federal policy seems to ensure that their good deeds should go punished.

Furthermore, Vermont home health agencies have been able to provide quality service while consistently maintaining the lowest per capital reimbursement rates for home care in the country. The average Medicare payment per patient in Vermont is approximately $3,000 per year, one third lower than the national average, and far less than in high costs states where payments rise as high as $7,900 per patient per year. Now, Vermont agencies face a interim payment system established under the Balanced Budget Act of 1997 that is based on historical cost. Instead of being rewarded for their good work, Vermont agencies will have a much lower per patient limit under Medicare than agencies in high cost areas. According to a January 7 article in the Wall Street Journal, Vermont's 13 agencies could lose over $2 million next year by continuing to do what they always have done—providing efficient and essential services.

Since the impact of the interim payment system became apparent, I have been in continuous contact with the Vermont Assembly of Home Health Agencies; the Vermont Agency of Human Services; and directors, trustees, employees, and patients of nearly every home health agency in the state. I firmly believe we must act to guard the health and welfare of a particularly vulnerable segment of the population. This legislation will help ensure that our home health care infrastructure is able to continue serving the patients that rely upon them.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Ms. MIKULSKI, Mr. CONRAD, Mr. AKAKA, Mr. LEVIN, Mr. KERRY, Mr. JOHNSON, Mr. TORRICELLI, Mr. KERREY, and Mr. HOLLINGS):

S. 1644. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives; to the Committee on Labor and Human Resources.

THE LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP ACT

Mr. REED. Mr. President, I rise to introduce legislation with my Republican colleague on the Labor and Human Resources Committee, Senator SUSAN COLLINS, as well as Senators KENNEDY, MURRAY, DODD, MIKULSKI, CONRAD, LEVIN, AKAKA, KERRY, JOHNSON, TORRICELLI, KERREY, and HOLLINGS to reform and reauthorize an important student aid program, the State Student Incentive Grant program or SSIG.

Last fall, I was pleased to join forces with Senator Collins to lead the fight to restore funding for SSIG on an 84 to 4 vote.

This program provides funding on the basis of a dollar for dollar match to help states provide need-based financial aid in the form of grants and community service work study awards to 700,000 students nationwide, and 13,000 students from my home state of Rhode Island. Grants are targeted to the neediest undergraduate and graduate students.

As I noted last fall during the debate on the Labor, Health and Human Services, and Education Appropriations bill, many states would not have established or maintained their need-based financial aid programs without this important federal incentive. Moreover, students, searching for sources of need-based grants to make their higher education dreams a reality, have come to rely on SSIG.

Indeed, the importance of SSIG has increased over the years as skyrocketing college costs have eroded the purchasing power of the Pell Grant, and as the grant-loan imbalance widens. Twenty-three years ago, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Today the opposite is true, and students face significant debt upon graduation.

In addition, low-income students are still finding it particularly hard to afford higher education. Less than 50% of high school graduates with incomes under $22,000 go to college, while more than 80% of their higher income counterparts pursue education beyond high school.

To address these trends and ensure that needy students have alternatives to borrowing, SSIG must be strengthened during the upcoming reauthorization of the Higher Education Act. The legislation we introduce today, the Leveraging Educational Assistance Partnership (LEAP) Act, does this by reauthorizing and making significant reforms to the SSIG program.

The LEAP Act provides states greater incentives and flexibility to help needy students attend college. Our legislation creates a two-tier grant program. Any funds appropriated over a trigger level of funding—$35 million—would require an increased state match of two new dollars for every federal dollar. However, states would gain new flexibility to use these funds for activities such as increasing grant amounts or carrying out academic or merit scholarship programs, community service programs, early intervention, mentorship, and career education programs, secondary to postsecondary education transition programs, or scholarship programs for students wishing to enter the teaching profession.

These improvements restore the incentive nature of the program by attracting more state funds for student aid and providing greater flexibility for the use of these funds, while not disenfranchising states that can only match according to the current 1-to-1 requirement.

The LEAP Act is supported by students, educators, and student aid officials, including the National Association of State Student Grant and Aid Programs (NASSGAP), the National Association of Independent Colleges and Universities (NAICU), the American Council on Education (ACE), the American Association of State Colleges and Universities (AASCU), the United States Public Interest Research Group (USPIRG), the United States Student Association (USSA), and the National Association of Graduate-Professional Students.

Mr. President, I believe we should help all our citizens achieve the American Dream and ensure access to higher education, especially for hard working families whose wages have not kept up with inflation. I urge my colleagues to join us in this critical effort to strengthen federal-state student aid partnerships and our commitment to America's students.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leveraging Educational Assistance Partnership Act".

SEC. 2. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) Authorization of Appropriations.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended—

(1) in paragraph (1), by striking "1993" and inserting "1999";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Reservation.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $35,000,000, the excess shall be available to carry out section 415E.".

(b) Special Leveraging Educational Assistance Partnership Program.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415E as 415F; and

(2) by inserting after section 415D the following:

"SEC. 415E. SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

"(a) In General.—From amounts reserved under section 415A(b)(2) for each fiscal year, the Secretary shall—

"(1) make allotments among States in the same manner as the Secretary makes allotments among States under section 415B; and

"(2) award grants to States, from allotments under paragraph (1), to enable the States to pay the Federal share of the cost of the authorized activities described in subsection (c).

"(b) Applicability Rule.—Except as otherwise provided in this section, the provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(c) Authorized Activities.—Each State receiving a grant under this section may use the grant funds for—

"(1) increasing the dollar amount of grants awarded under section 415B to eligible students who demonstrate financial need;

"(2) carrying out transition programs from secondary school to postsecondary education for eligible students who demonstrate financial need;

"(3) carrying out community service programs for eligible students who demonstrate financial need;

"(4) creating a scholarship program for eligible students who demonstrate financial need and wish to enter teaching;

"(5) carrying out early intervention programs, mentoring programs, and career education programs for eligible students who demonstrate financial need; and

"(6) awarding merit or academic scholarships to eligible students who demonstrate financial need.

"(d) Maintenance of Effort Requirement.—Each State receiving a grant under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (c) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditures by the State for the activities for the second preceding fiscal year. The Secretary may waive this subsection for good cause, as determined by the Secretary.

"(e) Federal Share.—The Federal share of the cost of the authorized activities described in subsection (c) for any fiscal year shall be 33⅓ percent.".

(c) Technical and Conforming Amendments.—

(1) Purpose.—Subsection (a) of section 415A of the Higher Education Act of 1965 (20 U.S.C. 1070c(a)) is amended to read as follows:

"(a) Purpose of Subpart.—It is the purpose of this subpart to make incentive grants available to States to assist States in—

"(1) providing grants to—

"(A) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled;

"(B) eligible students for campus-based community service work-study; and

"(2) carrying out the activities described in section 415F.".

(2) Allotment.—Section 415B(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070c-1(a)(1)) is amended by inserting "and not reserved under section 415A(b)(2)" after "415A(b)(1)".

Mr. KERREY. Mr. President, it is with great pleasure that I cosponsor this important piece of legislation to help the very neediest of individuals obtain a college degree.

One of the most important goals that we can accomplish as legislators is to ensure that every American who is willing to work hard can go to college and have a shot at the American Dream. Yet we know that the cost of a college education is rising rapidly, and that can be an inhibitor for potential students.

By reauthorizing and reforming State Student Incentive Grants, the LEAP Act ensures that this important program continues to assist those students who otherwise may not be able to pursue higher education. Together with Pell grants they make it possible for low-income students to reach their potential and in turn become productive contributors in our increasingly knowledge-based economy.

This legislation restores to the SSIG program its incentive nature by giving states a reason to increase their investment in it. Any funds appropriated over $35 million would require an increased state match of two new dollars for every federal dollar. In return greater flexibility will be provided for the use of these extra funds. They can be used to increase grant awards or for other worthy activities such as carrying out academic or merit scholarship programs or career education programs.

Nebraska has been supportive of the SSIG program and has shown that support in its willingness to overmatch the federal contribution. However, with the decrease in appropriations from $50 million for fiscal year 1997 to $25 million for fiscal year 1998, the state will be able to assist approximately 500 fewer students. Seventy-one percent of Nebraska students who received an SSIG had a family income of $20,000 or less.

By lending further support to the SSIG program we can ensure that these 500 students and thousands of students across the nation do not fall between the cracks.

Mr. President, I am cosponsoring this bill today because it represents a good bipartisan effort to increase educational opportunities for those in greatest need of financial assistance. I look forward to moving it through Congress.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. DEWINE, Mr. INHOFE, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. COATS, Mr. SESSIONS, Mr. ENZI, Mr. CRAIG, Mr. KYL, Mr. HATCH, Mr. FAIRCLOTH, Mr. BROWNBACK, Mr. SANTORUM, Mr. MCCONNELL, Mr. HUTCHINSON, Mr. BOND, and Mr. GRASSLEY):

S. 1645. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

THE CHILD CUSTODY PROTECTION ACT OF 1998

Mr. ABRAHAM, Mr. President. I rise today to introduce legislation protecting the most important relationship of all: that of parents and their children. All of us know that the family is the fundamental, crucial and indispensable basis of our civilization. Without strong families our children will grow up without role models, without a sound knowledge of how they ought to behave and for what they ought to strive. As a consequence, the data shows quite clearly that children deprived of strong family lives are more likely to suffer from depression, substance abuse, crime, violence, poverty and even suicide.

Yet, when it comes to one of the most important decisions in life, Mr. President, children are being kept from the guidance of their parents. I am talking, of course, about the decision whether or not to have an abortion. The American people recognize how crucial it is for minor children to involve their parents in this life-changing decision. 74 percent of Americans in a 1996 Gallup poll favored requiring minors to get parental consent for an abortion. People quite reasonably believe that parents should be involved in deciding whether their daughter should undergo an abortion. As the Supreme Court noted in *H.L.* v. *Matheson*, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature."

Convinced of the soundness of this reasoning, at least 22 states have enacted laws requiring consent of or notification to at least one parent, or authorization by a judge, before a minor can obtain an abortion. Unfortunately, this wise policy is being undermined.

Thousands of children every year are taken across state lines by people other than their parents to secure secret abortions. As we speak, Mr. President, abortion providers are taking out large advertisements in the Yellow Pages in cities like Harrisburg and Scranton, Pennsylvania, trumpeting the fact that their clinics, across the Pennsylvania state line, do not require parental notification as Pennsylvania does. In essence, these abortion providers are encouraging people to circumvent Pennsylvania's parental notification law by crossing the border into New Jersey, New York or Maryland for a secret abortion.

And thousands of times every year this suggestion is taken up by non-related adults who want to circumvent the law. One example of this conduct made headlines recently. The case involved an 18 year old Pennsylvania man who got his 12 year old neighbor pregnant. Pennsylvania law requires parental consent prior to an abortion on a minor. To circumvent this law, Rosa Hartford, mother of the 18 year old, secretly took the girl to an abortion clinic in New York, a state with no parental notification requirement. Her actions discovered, Mrs. Hartford, whose son pled guilty to two counts of statutory rape, was convicted of interfering with the custody of a child.

The Center for Reproductive Law and Policy (CLRP), a prominent proabortion legal defense organization, appealed Mrs. Hartford's conviction on the grounds that she merely "assisted a woman to exercise her constitutional rights" and as such was herself protected from prosecution by the Constitution.

Mr. President, this reasoning cannot stand. To say that, because the court in *Roe* v. *Wade* declared most abortions constitutionally protected during the first trimester, that therefore minors have an absolute right to abortion without so much as notifying their parents, and that third parties—whatever their motives—have the right to secretly transport them across state lines for a secret abortion, is to stand constitutional protections on their head. It is to strip children to the natural protection of their parents.

For the sake of our children and our families, this must stop. We must uphold the law and uphold the family tie. That is why I am introducing the Child Custody Protection Act. This legislation is simple and straightforward. It will make it a federal offense to transport a minor across state lines with intent to avoid the application of a state law requiring parental involvement in a minor's abortion, or judicial waiver of such a requirement.

Children must receive parental consent for even minor surgical procedures, Mr. President. The profound, lasting physical and psychological effects of abortion demand that we help states guarantee parental involvement in the abortion decision. That means, at a minimum, seeing to it that outside parties cannot circumvent state parental notification and consent laws with impunity.

America is in the midst of a profound debate over the nature and status of abortion. But, even as many of us disagree over a number of crucial issues, we all should be able to agree that duly enacted laws must be upheld. Those who would undermine these laws in the name of unfettered abortion on demand damage the rule of law by subverting legitimate statutes. They also undercut our Constitutional liberties by stretching them beyond all rational bounds and using them to sap parental rights and family ties.

We can no more afford to allow state laws to be flouted than we can afford to allow family ties to be further undermined. For the sake of our families and our rule of law, I urge my colleagues to defend both by supporting the Child Custody Protection Act.

Mr. DEWINE. Mr. President, today I rise as a cosponsor of the Child Custody Protection Act sponsored by my colleague, Senator SPENCER ABRAHAM, to whom I am grateful for introducing this important legislation. The purpose of this legislation is to make it a crime to transport a child across state lines if this circumvents state law requiring parental involvement or a judicial waiver for a minor to obtain an abortion.

In a well-publicized case in Pennsylvania, a 12-year-old girl became pregnant after a sexual relationship with an 18-year-old man. As parental consent is required under Pennsylvania law before a minor can receive an abortion, the man's mother took the pregnant girl to New York for an abortion, where there is no such parental involvement law. The baby was aborted. The girl's mother did not consent to her daughter having an abortion; in fact, she did not even know her daughter was pregnant. Unfortunately, parents and guardians have no clear recourse when another adult circumvents the law of the state where the parent and child live by transporting a child to another state.

Twenty-two states have laws that require either notification or consent of a parent before a minor child receives an abortion. Currently, in my State of Ohio, a parent or guardian must be notified before a child receives an abortion. However, the State Legislature has recently passed a law requiring both parental consent and a face-to-face meeting with the doctor performing the abortion at least twenty-four hours before the procedure. Clearly, the citizens of Ohio have a compelling interest in making sure that parents are involved in a minor's decision to have an abortion, and that women have a full opportunity to consider the medical implications of their decision to abort an unborn child.

The right of citizens to pass and enforce laws regarding the rights of parents is completely abrogated by the ability of strangers to surreptitiously transport children to another state to obtain a surgical or drug-induced abortion. By introducing this bill, we are sending a clear message that *Roe* v. *Wade* does not confer a "right" on strangers to take one's minor daughter across state lines to obtain an abortion when the involvement of a parent or a court is required. In *H.L.* v. *Matheson*, the Supreme Court correctly stated, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature."

In my view that strangers should be barred from circumventing the rights of parents to be involved in life and death decisions faced by their children. I believe the vast majority of Americans will never want to relegate the well-being of our children to a situation where life-altering decisions are made without the guidance and support of caring parents.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. BUMPERS):

S. 1646. A bill to repeal a provision of law preventing donation by the Secretary of the Navy of the two remaining *Iowa*-class battleships listed on the Naval Vessel Register and related requirements; to the Committee on Armed Services.

THE HISTORIC BATTLESHIP PRESERVATION ACT

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to repeal a 1996 law that requires the Navy to maintain two antiquated battleships in its reserves, even though they will never again see even one more day of battle. This provision requires the Navy to maintain two *Iowa*-class battleships as mobilization assets, even though the Navy will never again rely on them to protect American interests.

The *Iowa*-class battleships were commissioned during World War II. They were built at the request of President Franklin Roosevelt to be the American Navy's fastest battleship, and their 16-inch guns were designed to pummel our adversaries' shores. There is no doubt that these battleships are of significant historical importance to the American military heritage. They represent America's pride in its Navy. They symbolize our admiration for those who worked so hard to build and serve aboard our battleships.

In 1995, the Navy determined that all four of the World War II era *Iowa*-class battleships in its arsenal—the USS *Iowa*, USS *New Jersey*, USS *Missouri*, and USS *Wisconsin*—were no longer essential to our national defense. Subsequently, the Navy struck these four ships from the Naval Vessel Register. The laws governing the disposal of ships stricken from the Register allow the Navy to donate these ships to states, local communities, and nonprofits for display as memorials and museums. Thus, in 1995, the Navy was set to begin the process of donating all four ships.

But the Senate Armed Services Committee disagreed with the Navy's decision to release these ships, the Committee included a provision in the fiscal year 1996 Defense Authorization Act mandating that the Navy maintain at least two of the *Iowa*-class battleships on the Naval Vessel Register. The Navy subsequently chose the USS *New Jersey* and the USS *Wisconsin* to comply with this provision. The bill I am introducing today would repeal this requirement, enabling the Navy to once again strike these ships from the Register and make them available for donation to interested communities.

Mr. President, I hope the members of this distinguished body will approve my proposal to repeal this law. It makes sense from a national defense perspective. Navy Secretary Dalton has said that the Navy has no plans to reactivate these ships. In a recent letter to the Appropriations Committee, he wrote, "the Navy does not intend to return the ships to service. . ." They will never again fire their 16-inch guns to support an amphibious landing or operation ashore. They will never again serve as a platform for surface fire-support. Instead, they will only continue to sit, mothballed at Naval ports, awaiting a call to duty that they will never hear.

This bill also makes sense from a fiscal perspective. According to Navy estimates, the cost of maintaining these ships is approximately $200,000 per ship per year. To date, the Navy has already spent close to $1 million to mothball ships that will never again be reactivated for purposes of national defense. I see no sense in the federal government's paying for the Navy to keep ships ready for a war in which it will never call them to serve. The American taxpayer deserves a better deal.

Although these ships have been deactivated for good, they can still continue to be of immense public benefit. On the eve of the twenty-first century, many of our nation's waterfront cities are struggling to resurrect their economies. The federal government spends millions each year on projects to help revitalize blighted waterfront communities. Since the laws governing the disposal of former Navy assets allow their donation, we are presented with a unique opportunity to contribute to the economic development of our cities—at no further cost to the federal government. Many of our communities want to compete to berth a ship on their shores, as a museum and memorial, to anchor a waterfront development project. But the 1996 law is depriving these communities of a chance to undergo major revitalization efforts.

The citizens of New Jersey recognized the economic development potential of these battleships many years ago. My constituents have been preparing for the return of the U.S.S. *New Jersey* as the only *Iowa*-class battleship which may be berthed as an educational museum and memorial in her namesake state. Tens of thousands of volunteers have devoted countless hours to this long-standing, state-wide project. The New Jersey legislature created the Battleship New Jersey Commission, which has undertaken an ambitious fundraising effort to obtain the U.S.S. *New Jersey*. To date, the Commission has secured approximately $3 million for this effort through sales of a "Battleship New Jersey" license plate, a state income tax check-off, and private donations. But New Jersey's efforts are hamstrung by the 1996 law requiring the Navy to maintain the *Iowa*-class battleships on the Naval Vessel Register.

Repealing this law will have a three-fold public benefit. First and most obvious, we will no longer need to provide funding in our defense budget for ships that will never be reactivated. This alone warrants the support of my proposal. Second, we will contribute to the economic development of our cities at no further cost to the federal government. And third, we will enable generations of Americans to honor the history of our battleships by facilitating their display as memorials and museums.

Forcing the Navy to keep the *Iowa*-class battleships ready for war is the equivalent of forcing NASA to keep the *Apollo* rockets ready to blast off into space. As we all know, the *Apollo* project was undertaken to send Americans to the moon. Will we ever want to send an American to the moon again? Probably—but not in an *Apollo* rocket. Even though advances in technology have rendered the *Apollos* relics of the American determination to succeed, their preservation at locations throughout the country allows the public to admire and appreciate their legacy. And NASA doesn't have to keep paying for them.

Mr. President, I look forward to working with the members of the Armed Services Committee to pass this bill. It is good for the American taxpayers and our national defense, and I hope my colleagues will join me in this effort.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Historic Battleship Preservation Act".

SEC. 2. REPEAL OF REQUIREMENT FOR CONTINUED LISTING OF TWO IOWA-CLASS BATTLESHIPS ON THE NAVAL VESSEL REGISTER.

Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

Mr. TORRICELLI. Mr. President, I rise today with Senator LAUTENBERG in introducing legislation that will make the dream of bringing the battleship U.S.S. *New Jersey* home to New Jersey a reality. I want to thank Senator LAUTENBERG for his hard work and commitment to this issue, and look forward to working with him to ensure that this symbol of freedom returns to her namesake-state in the near future.

The U.S.S. *New Jersey* is one of the most notable battleships in the Navy's history. She has been protecting and defending democracy since World War II in almost every region of the world. Launched on December 7, 1942, one year after the infamous attack on Pearl Harbor, the ship proceeded to the Pacific where she was involved in many historic campaigns, including the battles for the Marshalls, Marianas, Philippines, Iwo Jimo and Okinawa. A particular highlight of the *New Jersey*'s career was service as flagship for Commander Third Fleet, Admiral "Bull" Halsey, during the Battle of Leyte Gulf in October 1944.

Once the Japanese surrendered in 1945, the *New Jersey* settled into a peacetime routine, and was decommissioned in 1948. The ship was recommissioned in 1950 for the Korean war, in 1968 for Vietnam, and again in 1982 when former President Reagan ordered the re-activation of all four *Iowa*-class battleships as part of a massive naval buildup. In February 1991, because of end to the Cold War, another victory which she helped to secure, the *New Jersey* was decommissioned for a final time and is now in Bremerton, Washington.

Following the removal of the U.S.S. *New Jersey* from the Naval Vessel Register, the New Jersey legislature created the Battleship New Jersey Commission, which applied for donation of the ship to the State of New Jersey. The Commission, and tens of thousands of volunteers, have undertaken a massive fundraising effort to pay for the costs of transporting the U.S.S. *New Jersey* home, and have already secured approximately $3 million for this effort. Together with the people of our state, the Commission has been actively preparing for the return of the U.S.S. *New Jersey* as the only *Iowa*-class battleship which may be berthed as an educational museum and memorial in her namesake state.

None of this hard work and sacrifice will make a difference though, without the repeal of Section 1011 of the fiscal year 1996 Defense Authorization Act, which requires the Navy to maintain at least two of the *Iowa*-class battleships that have been stricken from the Naval Vessel Register. This provision was included to ensure that the Navy would have the necessary firepower to support Marine Corps' amphibious assaults and operations ashore. In accordance with this requirement, the Navy is currently maintaining the U.S.S. *New Jersey* and the U.S.S. *Wisconsin* and neither ship is available for distribution to the states.

However, the Navy does not want nor do they need these ships. It is my understanding that the Navy can effectively support the Marines through the use of other platforms, and does not require the U.S.S. *New Jersey* for this important task. Secretary Dalton has said that the Navy has no plans to reactivate these proud ships, and is forced to spend $200,000 per ship, per year to mothball ships that will never again be reactivated for the purposes of national defense.

Senator LAUTENBERG and I have also sent letters to Secretary Dalton and the Senate Armed Services Committee regarding this matter, but have decided that the most effective way to proceed is with a legislative remedy. Our bill would eliminate Section 1011, and remove one of the last obstacles preventing the U.S.S. *New Jersey* from making the long journey home to our state.

During *New Jersey's* final decommissioning ceremony, her last commanding officer, Captain Robert C. Peniston remarked, "Rest well, yet sleep lightly; and hear the call if again sounded, to provide firepower for freedom." It is only just that the U.S.S. *New Jersey* rest well in the welcome waters off the coast of her namesake state, and enjoy the company of the people that she fought so hard to protect throughout her time in the active duty fleet.

America is profoundly thankful for the service of the U.S.S. *New Jersey* and the patriotism of the courageous men and women who served aboard her. For the reasons I stand today to recognize the Battleship New Jersey Commission, and the generations of Americans who went to war with the U.S.S. *New Jersey*. I am proud to offer this legislation with Senator LAUTENBERG.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mr. LAUTENBERG, Ms. COLLINS, Mr. JOHNSON, and Mr. KENNEDY) (by request):

S. 1647. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

THE ECONOMIC DEVELOPMENT PARTNERSHIP ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce a bill to reauthorize programs within the Economic Development Administration. It is with great pleasure that I am joined by my colleagues, Senators SNOWE, LIEBERMAN, KEMPTHORNE, DASCHLE, DODD, DURBIN, LAUTENBERG, COLLINS, JOHNSON, and KENNEDY.

Mr. President, programs under the jurisdiction of the Economic Development Administration have not been reauthorized for almost two decades. Despite the uncertainty and instability this has created, EDA has become the cornerstone for efforts to strengthen and diversify the economies of our nation's communities.

Since its inception in 1965, the EDA has established an impressive track record of helping communities help themselves. These "bootstrap" efforts have allowed communities to meet economic challenges in a variety of ways—making public works improvements to attract new businesses and providing technical assistance and planning grants that allow a community to plan for their future for example.

In my home state of Montana, EDA has been a powerful force in responding to the changing economic conditions in communities that have relied on one industry—only to see that industry shut down and move away. EDA's planning and public works assistance has allowed these communities to attract new companies, retain companies already in place and diversify their economies.

EDA has also been instrumental in responding to and assisting areas affected by natural disasters. In Florida and Louisiana, EDA was there to help businesses affected by the devastation of Hurricane Andrew. And EDA is still working with those areas of the Midwest devastated by the disastrous floods of 1993 and those areas recently impacted by floods in the Pacific Northwest.

The programs within the EDA have become even more critical to Congress' efforts to alleviate and address job losses due to the closure and realignment of military bases around the country.

The EDA's programs are effective tools that are used on the local level—working hand-in-hand with local governments and businesses to develop future economic investment strategies. By acting as a catalyst, economic development funds are used to attract significant private contributions and support.

Despite efforts to dismantle the EDA, the agency has matured in its approach to local economic development efforts. But the lack of authorization has not allowed Congress to make necessary changes to the statute and mission of the EDA. As with any program, there are some areas that are working well and other areas that need to be refined. The lack of authorization has left some aspects of EDA's programs outdated or unnecessary. That is why I am introducing this bill today—a bill to streamline and advance EDA's successful programs.

Mr. President, our country is faced with many challenges. Many of our communities are in economic transition and need to strengthen the diversity of their economies. We need to reauthorize EDA. It is high time we recognize the important role that EDA plays in the future of this country.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD, along with a brief section-by-section.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Partnership Act of 1998".

(b) EFFECTIVE DATE.—Except as otherwise expressly provided, the provisions of this Act and the amendments made by this Act shall take effect as determined by the Secretary of Commerce (hereinafter referred to as the Secretary), but not later than three months after the date of the enactment of this Act.

SEC. 2. REAUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

The Public Works and Economic Development Act of 1965 (42 U.S.C. 3131 *et seq.*) is amended by striking all after the first section and inserting the following:

"SEC. 2. FINDINGS AND DECLARATION.

"(a) FINDINGS.—Congress finds that—

"(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

"(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

"(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies, sustainable development, and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

"(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another, and by supporting firms and industries which add to the growth of the nation's economy through improved technology, increased exports, and the supply of goods and services to satisfy unmet demand.

"(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

"(1) the assistance authorized by this Act should be made available to both rural and urban areas;

"(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

"(3) Such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

"TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

"SEC. 101. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

"(a) IN GENERAL.—In providing assistance under this Act, the Secretary shall cooperate with States and other entities to assure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional and local economic development plans and comprehensive economic development strategies.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance to States, local governmental subdivisions of States, sub-State regional organizations (including organizations which cross State boundaries, and multi-State regional organizations as the Secretary determines may be necessary or desirable to alleviate economic distress, encourage and support public-private partnerships for the formation and improvement of economic development strategies which promote the growth of the national economy, stimulate modernization and technological advances in the generation and commercialization of goods and services, and enhance the effectiveness of American firms in the global economy.

"(c) INTERGOVERNMENTAL REVIEW.—The Secretary shall prescribe regulations which will assure that appropriate State and local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects which the Secretary determines may have a significant direct impact on the economy of the area.

"(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with any two or more adjoining States, or an organization thereof, in support of effective economic development. Each such agreement shall provide for suitable participation by other governmental and nongovernmental parties representative of significant interests in and perspectives on economic development in the area.

"SEC. 102. COOPERATION OF FEDERAL AGENCIES.

"Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall exercise its powers, duties and functions, and shall cooperate with the Secretary in such manner as will assist the Secretary in carrying out the objectives of this Act.

"SEC. 103. COORDINATION.

"The Secretary shall actively coordinate with other Federal programs, States, economic development districts, and other appropriate planning and development organizations the activities relating to the requirements for comprehensive economic development strategies and making grants under this Act.

"SEC. 104. NATIONAL ADVISORY COMMITTEE.

"The Secretary may appoint a National Public Advisory Committee on Regional Economic Development which shall consist of twenty-five members and shall be composed of representatives of labor, management, agriculture, State and local governments, Federal agencies, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of the Secretary's duties under this Act, including the coordination of activities as provided in section 103. Such Committee shall hold not less than two meetings during each calendar year, and shall be governed by the provisions of the Federal Advisory Committee Act.

"TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

"SEC. 201. PUBLIC WORKS GRANTS.

"(a) Upon the application of any eligible recipient the Secretary may make direct grants for acquisition or development of land improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment.

"(b) The Secretary may provide assistance under this section only if the Secretary finds that—

“(1) the project for which financial assistance is sought will directly or indirectly—

“(A) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

“(B) otherwise assist in the creation of additional long-term employment opportunities of such area;

“(C) primarily benefit the long-term unemployed and members of low-income families; or

“(D) in the case of projects within areas described in section 302(a)(8), the project will enhance the economic growth potential of the area or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested;

“(2) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

“(3) the area for which a project is to be undertaken has a satisfactory comprehensive economic development strategy as provided by section 303 and such project is consistent with such strategy.

“(c) In the case of an area described in section 302(a)(4), the Secretary may provide assistance only if the Secretary finds that the project to be undertaken will provide immediate useful work to unemployed and underemployed persons in that area.

“(d) Not more than 15 per centum of the appropriations made pursuant to this section may be expended in any one State.

“SEC. 202. CONSTRUCTION COST INCREASES.

“In any case where a grant (including a supplemental grant) has been made by the Secretary under this title or made, before the effective date of the Economic Development Partnership Act of 1998, under title I of this act, as in effect before such effective date, for a construction project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Secretary, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

“SEC. 203. PLANNING AND ADMINISTRATIVE EXPENSES.

“(a) Upon the application of any eligible recipient the Secretary may make direct grants for economic development planning and the administrative expenses of organizations undertaking such planning.

“(b) The planning for cities, other political subdivisions, Indian tribes, and sub-State planning and development organizations (including areas described in section 302(a) and economic development districts) assisted under this title shall include systematic efforts to reduce unemployment and increase incomes.

“(c) The planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities and formulating and implementing a development program.

“(d) The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

“(e) Any State plan prepared with assistance under this section shall be prepared cooperatively by the State, its political subdivisions, and the economic development districts located in whole or in part within such State, as a comprehensive economic development strategy. Upon completion of any such plan, the State shall (1) certify to the Secretary that in the preparation of the State plan, the local and economic development district plans were considered and, to the fullest extent possible, the State plan is consistent with the local and economic development district plans, and (2) identify any inconsistencies between the State plan and the local and economic development district plans, with the justification for each inconsistency. Any overall State economic development planning shall be a part of a comprehensive planning process that shall consider the provisions of public works to stimulate and channel development, economic opportunities and choices for individuals, to support sound land use, to foster effective transportation access, to promote sustainable development, to enhance and protect the environment including the conservation and preservation of open spaces and environmental quality, to provide public services, and to balance physical and human resources through the management and control of physical development. Each State receiving assistance for the preparation of a plan according to the provisions of this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

“SEC. 204. COST SHARING.

“Subject to section 205, the amount of any direct grant under this title for any project shall not exceed 50 percent of the cost of such project. In determining the amount of the non-Federal share of costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

“SEC. 205. SUPPLEMENTARY GRANTS.

“(a) IN GENERAL.—Upon the application of any eligible recipient, the Secretary may make a supplementary grant for a project for which the applicant is eligible but, because of its economic situation, for which it cannot supply the required matching share. Included therein may be supplementary grants made to enable the States and other entities within areas described in section 302(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (b)(4) of this section), direct grants-in-aid authorized under this title, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887).

“(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

“(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The amount of any supplementary grant under this title for any project shall not exceed the applicable percentage established by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost, except as provided in subsection (b)(6).

“(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Secretary, in accordance with such regulations as the Secretary may prescribe, by increasing the amounts of direct grants authorized under this title or by the payment of funds appropriated under this act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

“(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection may be used for the purpose of increasing the Federal contribution to specific projects in areas described in section 302(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

“(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this section, the term ‘designated Federal grant-in-aid programs’ means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Secretary may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

“(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this title, the Secretary shall take into consideration the relative needs of the area and the nature of the project to be assisted.

“(6) EXCEPTIONS.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in subsection (b)(1) or may waive the non-Federal share. In the case of a grant to a State or a political subdivision of a State which the Secretary determines has exhausted its effective taxing and borrowing capacity, or of a grant to a nonprofit organization which the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in subsection (b)(1) or may waive the non-Federal share for (i) a project in an area described in section 302(a)(4), or (ii) a project the nature of which the Secretary determines warrants the reduction or waiver of the non-Federal share.

“SEC. 206. REGULATIONS TO ASSURE RELATIVE NEEDS ARE MET.

“The Secretary shall prescribe rules, regulations, and procedures to carry out this title which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures for assistance under section 201 the Secretary shall consider among other relevant factors—

“(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment;

“(2) the income levels of families and the extent of underemployment in eligible areas; and

“(3) the out-migration of population for eligible areas.

“SEC. 207. TRAINING, RESEARCH, & TECHNICAL ASSISTANCE.

“(a) Upon the application of any eligible recipient the Secretary may make direct grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment. Such assistance may include project planning and feasibility studies, demonstrations of innovative activities or strategic economic development investments, management and operational assistance, establishment of university centers, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of areas which the Secretary finds have substantial need for such assistance. The Secretary may waive the non-Federal share in the case of a project under this section, without regard to the provisions of section 204 or 205.

"(b) In carrying out the Secretary's duties under this Act, the Secretary may provide research and technical assistance through members of the Secretary's staff; the payment of funds authorized for this section to departments or agencies of the Federal Government; the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or the award of grants under this title.

"SEC. 208. RELOCATION OF INDIVIDUALS AND BUSINESSES.

"Grants to eligible recipients shall include such amounts as may be required to provide relocation assistance to affected persons, as required by the Uniform Relocation Assistance and Real Property Acquisition Act 1970, as amended.

"SEC. 209. ECONOMIC ADJUSTMENT.

"(a) Upon the application of any eligible recipient the Secretary may make direct grants for public facilities, public services, business development (including a revolving loan fund), planning, technical assistance, training, and other assistance which demonstrably furthers the economic adjustment objectives of this Act, including activities to alleviate long-term economic deterioration, and sudden and severe economic dislocations.

"(b) The Secretary may provide assistance under this section only if the Secretary finds that—

"(1) the project will help the area meet a special need arising from—

"(A) actual or threatened severe unemployment arising from economic dislocation, including unemployment arising from actions of the Federal Government or from compliance with environmental requirements which remove economic activities from a locality; or

"(B) economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration); and

"(2) the area for which a project is to be undertaken has a satisfactory comprehensive economic development strategy as provided by section 303 and such project is consistent with such strategy. This subsection (b)(2) shall not apply to planning projects.

"(c) Assistance under this section shall extend to activities identified by communities impacted by military base closures, defense contractor cutbacks, and Department of Energy reductions, to help the communities diversify their economies. Nothing in this section is intended to replace the efforts of the economic adjustment program of the Department of Defense.

"(d) Assistance under this section shall extend to post-disaster activities in areas affected by natural and other disasters.

"SEC. 210. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

"Amounts from grants under section 209 of this title may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

"SEC. 211. CHANGED PROJECT CIRCUMSTANCES.

"In any case where a grant (including a supplemental grant) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998) for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project which were the basis of the grant has changed, the Secretary may approve the use of grant funds on such changed project if the Secretary determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

"SEC. 212. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"In any case where a grant (including a supplemental grant) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998) for a construction project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which was the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Secretary.

"SEC. 213. BASE CLOSINGS AND REALIGNMENTS.

"(a) LOCATION OF PROJECTS.—In any case in which the Secretary determines a need for assistance under this title due to the closure or realignment of a military or Department of Energy installation, the Secretary may make such assistance available for projects to be carried out on the installation and for projects to be carried out in communities adversely affected by the closure or realignment.

"(b) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

"SEC. 214. PREVENTION OF UNFAIR COMPETITION.

"No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

"SEC. 215. REPORTS BY RECIPIENT.

"Reports to the Secretary shall be required of recipients of assistance under this Act. Such reports shall be at such intervals and in such manner as the Secretary shall prescribe by regulation, not to exceed ten years from the time of closeout of the assistance award, and shall contain an evaluation of the effectiveness of the economic assistance provided under this Act in meeting the need it was designed to alleviate and the purposes of this Act.

"TITLE III—DEFINITIONS, ELIGIBILITY AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

"SEC. 301. DEFINITIONS.

"In this Act, unless the context otherwise requires, the following definitions apply:

"(a) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 302(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Secretary as an economic development district. Such term includes any economic development district designated by the Secretary under section 403 of this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998.

"(b) ECONOMIC DEVELOPMENT CENTER.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved comprehensive economic development strategy and which has been designated by the Secretary as eligible for financial assistance under this Act in accordance with the provisions of this section.

"(c) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an area described in section 302(a), an economic development district designated under section 401, an Indian tribe, a State, a city or other political subdivision of a State or a consortium of such political subdivisions, an institution of higher education or a consortium of such institutions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions. For grants made under section 207, 'eligible recipient' also includes private individuals and for-profit organizations.

"(d) GRANT.—The term 'grant' includes cooperative agreement, as that term is used in the Federal Grant and Cooperative Agreement Act of 1977.

"(e) INDIAN TRIBE.—The term 'Indian tribe' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to 25 U.S.C. section 479a-1.

"(f) STATE.—The terms 'State', 'States', and 'United States' include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"SEC. 302. AREA ELIGIBILITY.

"(a) CERTIFICATION.—In order to be eligible for assistance for activities described under section 201 or 209, an applicant shall certify, as part of an application for such assistance, that the project is located in an area which on the date of submission of such application meets one or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate one percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

“(4) The area is one in which the Secretary determines that any activities authorized to be undertaken under section 201 or 209 will provide immediate useful work to unemployed and underemployed persons in that area, and the area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Secretary determines has one or more of the following conditions:

“(A) A large concentration of low-income persons;

“(B) Areas having substantial out-migration; or

“(C) Substantial unemployment.

“(5) The area has demonstrated long-term economic deterioration.

“(6) The area has an unemployment rate, for the most recent 12 month period for which statistics are available, above a rate established by regulation as an indicator of substantial unemployment during conditions of significantly high national unemployment.

“(7) The area is one which the Secretary has determined has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government).

“(8) The area contains a population of 250,000 or less and is identified in a comprehensive economic development strategy as having growth potential and the ability to alleviate distress within an economic development district.

“(9) The area is experiencing severe out-migration.

“(b) Documentation.—A certification made under subsection (a) shall be supported by Federal data, when available or, in the absence of recent Federal data, by data available through the State government. Such documentation shall be accepted by the Secretary unless the Secretary determines the documentation to be inaccurate. The most recent statistics available shall be used.

“(c) Special Rule.—An area which the Secretary determines is eligible for assistance because it meets 1 or more of the criteria of subsection (a)(4)—

“(1) shall not be subject to the requirements of sections 201(b) or 303; and

“(2) shall not be eligible to meet the requirement of section 401(a)(1)(B).

“(d) Prior Designations.—Any designation of a redevelopment area made before the effective date of the Economic Development Partnership Act of 1998 shall not be effective after such effective date.

“SEC. 303. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.

“(a) In General.—The Secretary may provide assistance under section 201 or 209 (except for section 209 planning) to an applicant for a project only if the applicant submits to the Secretary, as part of an application for such assistance, evidence satisfactory to the Secretary of a comprehensive economic development strategy which—

“(1) identifies the economic development problems to be addressed using such assistance;

“(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments; and

“(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (a) and describes how the strategy will solve such problems.

“(b) Other Plan.—The Secretary may accept as a comprehensive economic development strategy a satisfactory plan prepared under another Federally supported program.

“TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

“SEC. 401. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

“(a) In General.—In order that economic development projects of broader geographic significance may be planned and carried out, the Secretary may—

“(1) designate appropriate ‘economic development districts’ within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

“(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 302(a);

“(B) the proposed district contains at least 1 area described in section 302(a);

“(C) the proposed district contains 1 or more areas described in section 302(a) or economic development centers identified in an approved district comprehensive economic development strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 302(a) within the district; and

“(D) the proposed district has a district comprehensive economic development strategy which includes sustainable development, adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Secretary;

“(2) designate as ‘economic development centers’, in accordance with such regulations as the Secretary shall prescribe, such areas as the Secretary may deem appropriate, if—

“(A) the proposed center has been identified and included in an approved district comprehensive economic development strategy and recommended by the State or States affected for such special designation;

“(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 302(a) of the district; and

“(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census; and

“(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

“(A) the project will further the objectives of the comprehensive economic development strategy of the district in which it is to be located;

“(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

“(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district.

“(b) Authorities.—The Secretary may, under regulations prescribed by the Secretary—

“(1) invite the several States to draw up proposed economic development district boundaries and to identify potential economic development centers;

“(2) cooperate with the several States—

“(A) in sponsoring and assisting district economic planning and development groups; and

“(B) in assisting such district groups to formulate district comprehensive economic development strategies; and

“(3) encourage participation by appropriate local governmental authorities in such economic development districts.

“SEC. 402. TERMINATION OR MODIFICATION.

“The Secretary shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of section 401.

“SEC. 403. BONUS.

“Subject to the 20 per centum non-Federal share required for any project by subsection 205(b)(1) of this Act, the Secretary is authorized to increase the amount of grant assistance authorized by sections 204 and 205 for projects within designated economic development districts by an amount not to exceed 10 per centum of the aggregate cost of such project, in accordance with such regulations as the Secretary shall prescribe if—

(1) the project applicant is actively participating in the economic development activities of the district; and

(2) the project is consistent with an approved district comprehensive economic development strategy.

“SEC 404. STRATEGY PROVIDED TO APPALACHIAN REGIONAL COMMISSION.

“Each economic development district designated by the Secretary under this title shall provide that a copy of the district comprehensive economic development strategy be furnished to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965, if any part of such district is within the Appalachian region.

“SEC. 405. PARTS NOT WITHIN AREAS DESCRIBED IN SECTION 302(a).

“The Secretary is authorized to provide the financial assistance which is available to an area described in section 302(a) under this Act to those parts of an economic development district which are not within an area described in section 302(a), when such assistance will be of a substantial direct benefit to an area described in section 302(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 302(a).

“TITLE V—ADMINISTRATION

“SEC. 501. ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

“The Secretary will administer this Act with the assistance of an Assistant Secretary of Commerce for Economic Development to be appointed by the President by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Economic Development will perform such functions as the Secretary may prescribe and will serve as the administrator of the Economic Development Administration within the Department of Commerce.

“SEC. 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

“It shall be a duty of the Secretary in administering this Act—

“(a) to serve as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States;

"(b) to help potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance; and

"(c) to aid areas described in section 302(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas.

"SEC. 503. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Secretary may make provisions for such consultation with interested departments and agencies as the Secretary may deem appropriate in the performance of the functions vested in the Secretary by this Act.

"SEC. 504. ADMINISTRATION, OPERATION, AND MAINTENANCE.

"No Federal assistance shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"SEC. 505. FIRMS DESIRING FEDERAL CONTRACTS.

"The Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas of high economic distress and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

"SEC. 506. AMENDMENT TO TITLE 5, U.S.C.

"Section 5316 of title 5, United States Code, is amended by striking 'Administrator for Economic Development.'

"TITLE VI—MISCELLANEOUS

"SEC. 601. POWERS OF SECRETARY.

"(a) IN GENERAL.—In performing the Secretary's duties under this Act, the Secretary is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary may deem advisable;

"(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

"(5) consistent with the Debt Collection Improvement Act of 1996, under regulations prescribed by the Secretary, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and upon such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance extended under the Act, and collect or compromise all obligations assigned to or held by the Secretary in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

"(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance extended under this Act;

"(7) consistent with the Debt Collection Improvement Act of 1996, pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance extended under this Act;

"(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate in connection with assistance extended under this Act;

"(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

"(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(11) establish performance measures for grants and other assistance provided under this Act, and use such performance measures to evaluate the economic impact of economic development assistance programs; the establishment and use of such performance measures to be provided by the Secretary through members of his staff, through the employment of appropriate parties under contracts entered into for such purposes, or through grants to such parties for such purposes, using any funds made available by appropriations to carry out this Act;

"(12) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the Secretary's property; and

"(13) establish such rules, regulations, and procedures as the Secretary considers appropriate in carrying out the provisions of this Act.

"(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary.

"(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

"(d) PROPERTY INTERESTS.—The powers of the Secretary, pursuant to this section, in relation to property acquired by the Secretary in connection with assistance extended under this Act, shall extend to property interests of the Secretary in relation to projects approved under the Public Works and Economic Development Act of 1965, title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977. Property interests in connection with grants may be released, in whole or in part, in the Secretary's discretion, after 20 years from the date of grant disbursement.

"(e) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this Act may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for such purpose, without the execution of any express delegation of power or power of attorney.

"SEC. 602. MAINTENANCE OF STANDARDS.

"The Secretary shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date of the Economic Development Partnership Act of 1998.

"SEC. 603. ANNUAL REPORT TO CONGRESS.

"The Secretary shall transmit a comprehensive and detailed annual report to Congress of the Secretary's activities under this Act for each fiscal year beginning with the fiscal year ending September 30, 1999. Such report shall be printed and shall be transmitted to Congress not later than July 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 604. USE OF OTHER FACILITIES.

"(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary may delegate to the heads of other departments and agencies of the Federal Government any of the Secretary's functions, powers, and duties under this Act as the Secretary may deem appropriate, and authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) TRANSFER BETWEEN DEPARTMENTS.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(c) FUNDS TRANSFERRED FROM OTHER DEPARTMENTS AND AGENCIES.—In order to carry out the objectives of this Act, the Secretary may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Secretary to the extent necessary to administer the program.

"SEC. 605. PENALTIES.

"(a) FALSE STATEMENTS; SECURITY OVERVALUATION.—Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for such person or for any applicant any financial assistance under this Act or any extension of such assistance by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security for such assistance, or for the purpose of influencing in any way the action of the Secretary or for the purpose of obtaining money, property, or anything of value, under this Act, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(b) EMBEZZLEMENT AND FRAUD-RELATED CRIMES.—Whoever, being connected in any capacity with the Secretary in the administration of this Act—

"(1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to such person or pledged or otherwise entrusted to such person;

"(2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to the Secretary or without being duly authorized draws any orders or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

"(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

"(4) gives any unauthorized information concerning any future action or plan of the Secretary which might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"SEC. 606. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

"No financial assistance shall be extended by the Secretary under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

"(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Secretary for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

"(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Secretary to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Secretary determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 607. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

"(a) MAINTENANCE OF RECORD REQUIRED.—The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce.

"(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

"(2) The amount and duration of the financial assistance for which application is made.

"(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 608. RECORDS AND AUDIT.

"(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 609. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

"All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance which any State or other entity eligible under this Act would otherwise be entitled to receive under the provisions of any other Act.

"SEC. 610. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Secretary may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VII—FUNDING

"SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $397,969,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2002, such sums to remain available until expended.

"SEC. 702. DEFENSE CONVERSION ACTIVITIES.

"In addition to the appropriations authorized by section 701, there are authorized to be appropriated to carry out this Act such sums as may be necessary to provide assistance for defense conversion activities. Such funding may include pilot projects for privatization and economic development activities for closed or realigned military or Department of Energy installations. Such sums shall remain available until expended.

"SEC. 703. DISASTER ECONOMIC RECOVERY ACTIVITIES.

In addition to the appropriations authorized by section 701, there are authorized to be appropriated to carry out this Act such sums as may be necessary to provide assistance for disaster economic recovery activities. Such sums shall remain available until expended."

SEC. 3. SAVINGS PROVISIONS.

(a) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—This Act shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the effective date of this Act.

(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this Act.

(c) LIQUIDATING ACCOUNT.—The Economic Development Revolving Fund hitherto established under section 203 of the Public Works and Economic Development Act of 1965 shall continue to be available to the Secretary as a liquidating account as defined under section 502 of the Federal Credit Reform Act of 1990 for payment of obligations and expenses in connection with financial assistance extended under this Act, said Act of 1965, the Area Redevelopment Act, and the Trade Act of 1974.

(d) ADMINISTRATION.—The Secretary shall take such actions as authorized before the effective date of this Act as necessary or appropriate to administer and liquidate existing grants, contracts, agreements, loans, obligations, debentures, or guarantees heretofore made by the Secretary or the Secretary's delegatee pursuant to provisions in effect immediately prior to the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; effective date

Act may be cited as the "Economic Development Partnership Act of 1997", with an effective date not later than three months after enactment.

Section 2. Reauthorization of Public Works and Economic Development Act of 1965

Reenacts the Public Works and Economic Development Act of 1965 (PWEDA), replacing everything after section 1 of that act with Findings and the following seven titles:

Sec. 2. Findings and declaration

Includes Congressional findings and declaration of the need for Federal assistance to distressed areas, as in PWEDA.

TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

Sec. 101. Establishment of economic development partnerships

Directs cooperation with States and other entities, including cooperative agreements with adjoining states; technical assistance as appropriate; and intergovernmental review of project proposals.

Sec. 102. Cooperation of Federal agencies

Directs other Federal department and agency to cooperate with the Secretary in carrying out the objectives of this Act, as in PWEDA.

Sec. 103. Coordination

Directs the Secretary to coordinate the activities under this Act with other Federal programs, States, economic development districts, and others, as in PWEDA.

Sec. 104. National Advisory Committee

The Secretary may appoint a broad-based 25-member National Public Advisory Committee on Regional Economic Development to make recommendations to the Secretary relative to carrying out the Secretary's duties under this Act, as in PWEDA.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Public works grants

Provides authority to make grants for regular infrastructure projects similar to those under PWEDA, and adds authority to make grants for design and engineering projects.

Sec. 202. Construction cost increases

Provides for increases in grant funding due to construction cost increases, using essentially the same language as in Title I of PWEDA.

Sec. 203. Planning and administrative expenses

Provides for grant assistance to political entities and planning organizations using essentially the same language as in Title III of PWEDA.

Sec. 204. Cost sharing

Establishes a 50 percent direct grant rate for projects under this title and requirements for the non-Federal share, as in PWEDA.

Sec. 205. Supplementary grants

Provides authority to supplement grants from designated Federal grant-in-aid programs as well as authority to supplement the 50 percent direct grant rate for eligible projects under this Act of 1997. Similarly to PWEDA, grant rate may be increased to 80 percent according to distress criteria, and 100 percent in extraordinary situations.

Sec. 206. Regulations to assure relative needs are met

Directs the Secretary to prescribe rules, regulations, and procedures to carry out this title which will assure that for assistance under section 201 adequate consideration is given to the relative needs of eligible areas, as in PWEDA. Relevant factors are to include severity of unemployment and underemployment, income levels, and outmigration of population.

Sec. 207. Training, research and technical assistance

Provides authority to make direct grants for training, research and technical assistance, including program evaluation and economic impact analyses, as well as authority to conduct research and technical assistance through staff, through other Federal departments or agencies, or through contracts or grants. Authority is similar to PWEDA's.

Sec. 208. Relocation of individuals and businesses

States that grants to eligible recipients must include relocation assistance to affected persons, as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

Sec. 209. Economic adjustment

Provides authority, as in PWEDA, to make direct grants for public facilities, public services, business development (including a revolving loan fund), planning, technical assistance, and training, including activities to alleviate long-term economic deterioration, and sudden and severe economic dislocations.

Sec. 210. Direct expenditure or redistribution by recipient

Provides, as in PWEDA, that amounts from grants under section 209 of this title may be used in direct expenditures or through redistribution to public and private entities in grants, loans, loan guarantees, to reduce loan guarantee interest, or other appropriate assistance, but no grant shall be made by a recipient to a private profit-making entity.

Sec. 211. Changed project circumstances

Provides authority to approve changes in project scope.

Sec. 212. Use of funds in projects constructed under projected cost

Provides that funds available because of construction projects completed under cost may be used to further improve the project, as determined by the Secretary.

Sec. 213. Base closings and realignments

Provides authority for assistance under this title due to the closure or realignment of a military or Department of Energy installation for projects to be carried out on such installation or in communities adversely affected by the closure or realignment.

Sec. 214. Prevention of unfair competition

Prohibits use of funds under this Act for any project resulting in excess capacity using the same language in section 702 of PWEDA.

Sec. 215. Reports by recipient

Requires reports from recipients of assistance containing an evaluation of the effectiveness of the economic assistance provided under this Act.

TITLE III—DEFINITIONS, ELIGIBILITY AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Definitions

Defines eligible recipient as an area described in Section 302(a), an economic development district designated under section 401, an Indian tribe, a State, a city or other political subdivision (subdivision) of a State or a consortium of such subdivisions, an institution of higher education or a consortium of such institutions, or a public or private nonprofit organization or association acting in cooperation with officials of such subdivisions, and includes private individuals and for-profit organizations for grants under section 207. The terms economic development district, economic development center, grant, Indian tribe, Secretary and State are also defined.

Sec. 302. Area eligibility

Allows for self-certification by applicants seeking assistance under section 201 or 209, that they meet one or more of the nine distress criteria established; such certification to be supported by Federal data, when available or, in the absence of recent Federal data, by data available through the State government. Such documentation shall be accepted by the Secretary unless the Secretary determines the documentation to be inaccurate. The most recent statistics available shall be used. Area eligibility is similar to that in PWEDA (however, determined at time of application, rather than "grandfathered"), but provides consistency across programs, and simplifies process of determining eligibility.

Sec. 303. Comprehensive economic development strategy

Requires applicants for assistance under section 201 or 209 (except for planning) to prepare a comprehensive economic development strategy, acceptable to the Secretary, identifying problems to be addressed and the strategy for addressing them. This is similar to overall economic development program required for PWEDA public works grants, or adjustment strategies required for PWEDA economic adjustment grants. Provides that plan prepared under another Federally supported program may be acceptable.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Designation of economic development districts and economic development centers

Establishes criteria for the designation of economic development districts and economic development centers, with essentially the same language as in PWEDA.

Sec. 402. Termination or modification

Authorizes the Secretary to issue regulations describing standards for terminating or modifying designated economic development districts and economic development centers, as in PWEDA.

Sec. 403. Bonus

Provides authority to increase the amount of grant assistance authorized by sections 204 and 205 for projects within designated economic development districts by an amount not to exceed 10 per centum of the aggregate cost of any such project, subject to minimum non-Federal share, if certain requirements are met, as in PWEDA.

Sec. 404. Strategy provided to Appalachian Regional Commission

As in PWEDA, requires that each economic development district provide a copy of its comprehensive economic development strategy to the Appalachian Regional Commission, if any part of such proposed district is within the Appalachian region.

Sec. 405. Parts not within areas described in section 302(a)

Establishes the authority to provide the financial assistance to those parts of an economic development district which are not within an area described in section 302(a), when such assistance will be of a substantial direct benefit to an area described in section 302(a) within such district, as in PWEDA.

TITLE V—ADMINISTRATION

Sec. 501. Assistant Secretary for Economic Development

Provides that the Secretary will administer the Act with the assistance of an Assistant Secretary of Commerce for Economic Development to be appointed by the President by and with the advice and consent of the Senate; such Assistant Secretary of Commerce for Economic Development will serve as the administrator of the Economic Development Administration.

Sec. 502. Economic development information clearinghouse

Establishes a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States.

Sec. 503. Consultation with other persons and agencies

Authorizes the Secretary to confer with any persons, including representatives of labor, management, agriculture, and government, who can assist with the problems of area and regional unemployment and underemployment, and to consult with interested departments and agencies as deemed appropriate in the performance of the functions vested in the Secretary by this Act, as in PWEDA.

Sec. 504. Administration, operation, and maintenance

Requires finding that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained, using the same language as in section 604 of PWEDA.

Sec. 505. Firms desiring Federal contracts

Provides, as in PWEDA, that the Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas of high economic distress and which are desirous of obtaining Government contracts for the furnishing of supplies or services.

Sec. 506. Amendment to title 5, U.S.C.

Amends Section 5316 of title 5, United States Code, by striking "Administrator for Economic Development".

TITLE VI—MISCELLANEOUS

Sec. 601. Powers of Secretary

Provides numerous powers to the Secretary, substantially similar to the authority under PWEDA, to carry out the Secretary's duties under this Act, including but not limited to those involving a seal, personnel, hearings, the taking of appropriate actions concerning personal property, real property, or evidence thereof, third party claims, the establishment of performance measures for grants and other assistance provided under this Act, and the establishment of such rules, regulations, and procedures as the Secretary considers appropriate in carrying out the provisions of this Act. It includes authority for the Secretary to protect Governmental interest in grant property and to release that interest 20 years after disbursement.

Sec. 602. Maintenance of standards

Directs the Secretary to continue to implement and enforce the provisions of section 712 of PWEDA.

Sec. 603. Annual report to Congress

Provides for one annual consolidated report to Congress on the Secretary's activities under this Act, as required under PWEDA.

Sec. 604. Use of other facilities

Substantially as in PWEDA, provides authority for the Secretary to: delegate to the heads of other departments and agencies of the Federal Government any of the Secretary's functions, powers, and duties under this Act as deemed appropriate and to authorize redelegation by such heads; transfer funds between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated; accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which such funds are specifically authorized and appropriated.

Sec. 605. Penalties

Provides legal penalties using essentially the same language as in section 710 of PWEDA.

Sec. 606. Employment of expediters and administrative employees

Provides requirements concerning the employment of expediters and administrative employees, as in section 711 of PWEDA.

Sec. 607. Maintenance of records of approved applications for financial assistance; public inspection

Directs the Secretary, as in PWEDA, to maintain as a permanent part of the records of the Department of Commerce a list of applications approved for financial assistance under this Act and to make such records available for public inspection during the regular business hours of the Department of Commerce.

Sec. 608. Records and audit

Requires that recipients keep records and provide access for audits using language similar to that in section 714 of PWEDA.

Sec. 609. Prohibition against a statutory construction which might cause diminution in other Federal assistance

As in PWEDA, provides that financial and technical assistance authorized under this Act be in addition to any Federal assistance previously authorized, and no provision of this Act be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance which an entity would otherwise receive.

Sec. 610. Acceptance of applicants' certifications

Provides authority for the Secretary to accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations

Authorizes $343,028,000 for fiscal year 1998 and such sums as may be necessary for each of fiscal years 1999 through 2002, such sums to remain available until expended.

Sec. 702. Defense conversion activities

In addition to the appropriations authorized by section 701, authorizes to be appropriated to carry out this Act such sums as may be necessary to provide assistance for defense conversion activities.

Sec. 703. Disaster economic recovery activities

In addition to the appropriations authorized by section 701, authorizes to be appropriated to carry out this Act such sums as may be necessary to provide assistance for disaster economic recovery activities.

Section 3. Savings provisions

Provides that existing rights, duties and obligations, and pending suits, are not to be affected by this Act, and that revolving fund established under section 203 of PWEDA is to continue to be available as a liquidating account.

Ms. SNOWE. Mr. President, I rise today with my distinguished colleague from Montana, Senator MAX BAUCUS, to introduce the "Economic Development Partnership Act of 1998"—a bill to reauthorize the Economic Development Administration in the Department of Commerce. I would first like to thank the ranking member of the Senate Committee on Environment and Public Works, Senator BAUCUS, for his ongoing commitment to this vital agency, and would also like to thank the bipartisan group of Senators who have joined us in sponsoring this legislation.

Mr. President, I have long been a supporter of the EDA because—although it is a small agency—its programs contribute significantly to economic growth and job expansion. With only a modest annual appropriation and a national staff of 258 dedicated public servants, the EDA successfully assists communities across the nation who have experienced economic distress. Economic distress that is not only generated by economic downturns, but also by natural disasters—such as storms and earthquakes—and un-natural disasters, such as military base closings.

I am also pleased that, at a time when Congress is exercising much needed fiscal discipline and performance-based budgeting is being demanded from all agencies, the EDA has maintained its commitment to providing a good return on the public dollar. Specifically, recent studies of EDA's programs were performed by a consortia of organizations including Rutgers University, the New Jersey Institute of Technology, Columbia University, Princeton University, the National Association of Regional Councils, and the University of Cincinnati. The results of these studies were impressive, and clearly showed the value and results of EDA investments in public works and defense conversion activities. Specifically, for every every $1 million that EDA invests in public works projects, 327 jobs are created or retained at a cost of $3,058 per job; 15 construction jobs are created; $10 million in private sector dollars are leveraged; and $10.13 million is added to the local tax base. Based on these statistics, I believe it's safe to say that EDA delivers a substantial "bang for the buck"!

Even as these statistics speak to the value of EDA programs nationally, I am pleased that the people of Maine don't need to hear what is happening in other states to be convinced of the value of EDA—they already know what this agency has meant to their towns and communities. Over the past 32 years, the EDA has invested more than $198 million in 606 projects across the state. Through public works, technical assistance, planning, community investments, and revolving loan fund programs, the EDA has established local partnerships in Maine that have provided critical infrastructure development and other economic incentives that have stimulated local growth, created jobs, and generated revenue.

Not only has the EDA invested in many economic development projects in Maine, but I can also personally attest to the value and importance of these projects because I have seen the results that they deliver. For example, as a result of EDA assistance in 1996, dormitories at the Maine School of Science and Mathematics—a magnet school built at former Loring Air Force Base—were built to house the school's students. And in 1995, EDA assistance in Freeport, Maine prevented a major health maintenance organization from relocating to another state. That project alone not only saved 99 jobs, but also created an additional 127 in the community.

Mr. President, I cite these success stories not only to credit the agency for a job well done in my state, but to demonstrate to my colleagues the types of assistance that have likely been provided to their states as well. If my colleagues would review the cases of economic distress that have occurred in their own states, I believe they will find their own success stories that speak to the value of EDA to their constituents.

Therefore, I would urge that my colleagues support the bill that Senator BAUCUS and I are introducing today because it would reauthorize the beneficial and critically-needed programs that have led to these success stories for an additional five years. Perhaps most importantly, it will keep the agency's successful programs intact, while incorporating ideas and concepts for improvement that have received increased attention and support in the Congress. For instance, many of my colleagues would agree that to be truly successful, government programs should proceed in partnership with local governments—and this legislation will do just that by preserving the integrity of the agency's traditional programs, while expanding and modifying them to encompass the partnership concept.

The bill also contains new language that reflects some of the activities that the agency has become more involved in over the past few years, such as defense conversion and disaster assistance. From Maine's perspective, these programs could not be buttressed soon enough following the closing of Loring Air Force base in 1994, and the ice storms that ravaged the state just weeks ago.

In addition, there are other provisions in this legislation that will bring meaningful, positive changes to EDA's programs by increasing program flexibility and heightening accountability. Ultimately, it is these types of changes that will not only update an Act that has been in need of reauthorization, but will also prepare this agency for the economic needs and demands of our nation as we approach a new century.

Mr. President, the Economic Development Administration is a key federal agency that promotes economic growth and development, and the legislation we are offering today will ensure that these improved programs will be available for the next five years. I urge my colleagues to support this critically needed legislation.

Mr. KENNEDY. Mr. President, it is an honor to join as a sponsor of the Economic Development Partnership Act of 1998, which will reauthorize and extend the important work of the Economic Development Administration in the Department of Commerce.

The Economic Development Administration was established in 1965 to provide grants to help hard-pressed communities in all parts of the country to deal more effectively with conditions of persistent unemployment in economically distressed areas.

Over the past thirty years, EDA has helped generate new jobs, retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas across the country. By making assistance available to areas suffering high unemployment, low-income levels, or sudden and severe economic emergencies, EDA provides local governments with the resources to revitalize their communities, create jobs, and plan for long-term growth.

In fulfilling its mission, EDA is guided by the basic principle that distressed communities must be encouraged to plan and implement their own economic development and revitalization strategies.

I commend Senator BAUCUS and the Clinton Administration for their leadership on this important legislation, and I look forward to its enactment.

By Mr. JEFFORDS (for himself, Ms. COLLINS, and Mr. ENZI):

S. 1648. A bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes; to the Committee on Labor and Human Resources.

PREVENTING ADDICTION OF SMOKING TEENS ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce legislation with one principal aim: to put an end to teenage smoking. I am honored to be joined by two other distinguished members of the Committee on Labor and Human Resources, Senator COLLINS, and Senator ENZI.

By now, we are all familiar with the grim statistics that tell the story of youth smoking in our country—the thousands of children that experiment with tobacco, the thousands that become addicted, and the thousands who will die prematurely as a result.

For too long, the federal government has been of little assistance in combating the number one preventable disease in this country. Apart from the efforts of Surgeons General from Luther Terry to C. Everett Koop, and sporadic efforts by Congress, the federal government has barely acknowledged there's a problem.

The states, especially my home state of Vermont, have been leaders in the effort to end teenage smoking. And last summer, the proposed settlement by the Attorneys General ignited a whole new debate on this issue by providing us with a template for action.

Eight months later, it is easy for us to minimize that accomplishment, but by any fair appraisal the settlement was a tremendously important step.

When the tobacco settlement was announced, some people thought it might be only a few months before it would be ratified by Congress. Today, people wonder whether it can be revived by Congress.

I am confident that we can and will reach agreement on a national tobacco policy. But I am just as certain that we'll never do so if we pursue a partisan approach.

Since the settlement, the Committee on Labor and Human Resources has held four hearings on this subject, and across Capitol Hill dozens of hearings have been held by other committees of jurisdiction.

Today we take the next important step in this process, by introducing legislation that I hope will serve as the basis for a broad, bipartisan approach to the three basic public health issues of a national tobacco policy: prevention, safer products, and cessation.

If we can achieve a national tobacco policy, it could be the biggest public health breakthrough ever achieved outside a lab.

The settlement has been criticized as being too weak by some, too ambitious by others. I agree the settlement has flaws.

But I think we must never lose sight of the ultimate goal—what is the best public health approach that we can enact to reduce teen smoking?

I am less concerned about exacting the last measure of revenge for the past actions of the tobacco companies than I am about ensuring the future of the children who become addicted every day. We need to keep our priorities straight.

It will take a broad, bipartisan consensus to pass tobacco legislation. Right now, that consensus seems entirely absent and is in danger of slipping into partisan grand standing over who loves kids and hates tobacco.

That consensus can only come through compromise. There will be many opportunities to derail legislation of this magnitude if it is only supported by a slim majority. If we expect enactment, we must forge broad agreement in the Congress.

The legislation we introduce today, called the Preventing Addiction to Smoking Among Teens, or PAST Act, will enact and improve upon the public health provisions of the tobacco settlement. It is not designed to solve every question before us, rather, it addresses the public health issues that are before the Labor Committee.

It is no longer feasible for tobacco to escape the same type of regulation we require for foods and medicines. Our bill will give the Food and Drug Administration every bit of authority it needs to regulate tobacco products and their components. The tobacco industry will have to turn over all of its health documents to the FDA. FDA will be able to reduce or eliminate harmful ingredients or require safer technological improvements through informal rulemaking to achieve overall public health benefits.

Of course, we will not achieve the public health benefits we seek from mandating safer products if the resulting products are unacceptable to consumers who can't quit smoking. Part of the process for setting these standards will be consideration of just this question.

We encourage the development of safer products subject to the same type of scientific review for other FDA regulated products. And FDA can propose, after ten years, the outright prohibition of cigarettes or smokeless tobacco products.

But our bill will not permit FDA to ban cigarettes or smokeless tobacco for adult usage on its own. That decision, in my opinion, is one that should be made by Congress, not a single government agency.

Our bill adopts a comprehensive approach to preventing teens from smoking, and helping people to quit who are already hooked. And finally, our bill will provide for a coordinated regime to research the many unanswered questions about tobacco, its effects on us, and how to mitigate those effects.

I ask unanimous consent that a summary of our bill be included at the end of my remarks.

Next week, Senator GREGG and I will hold a hearing in New Hampshire to listen to state and local concerns on tobacco issues within the jurisdiction of the Senate Committee on Labor and Human Resources. And in a month, I hope to have found bipartisan support for my bill and to have moved it through the committee.

Finally, I want to note that many of my colleagues are also working on legislation to help move the discussion forward, and there are many good ideas that deserve consideration. In particular, I look forward to working with Senator ENZI on his proposal to establish a fund supported by tobacco industry resources. This fund would be a sustainable way to provide compensation for treating tobacco-related diseases, and could also be used to pay for some of the prevention proposals I have outlined in my bill

Even though we have much work to do before we decide the overall architecture of tobacco policy, it is not at all too soon to begin pouring the foundation. As in New England, we have a short building season. If we are to clear the committees, combine our approaches, clear the floor and conference, we must act now. I urge my colleagues to give me their support, and greatly appreciate those who have already done so.

We need to make teen smoking a thing of the past.

Mr. President, I ask unanimous consent that bill summary be printed in the RECORD.

There being no objection, the bill summary was ordered to be printed in the RECORD, as follows:

The Preventing Addiction to Smoking Among Teens (PAST) Act—Overview

PROBLEM

Smoking is the single most preventable cause of death in the United States.

Smoking-related diseases kill 400,000 Americans each year.

82% of adult smokers began smoking when they were teenager—people generally do not *start* smoking past the teen years, making it *imperative* to prevent smoking among teens.

But the trend is going in the wrong direction: more kids are smoking; 6,000 kids a day try a cigarette, and 3,000 of those will become addicted; every day, 1,000 kids who start smoking will eventually die prematurely due to smoking.

THE PAST ACT

Across the board, the provisions of the PAST Act are tougher than those approved by the Attorneys General and plaintiffs' attorneys in the June 20, 1997 proposed tobacco settlement. The PAST Act:

Is a comprehensive public health approach to reduce youth smoking, help people who want to quit, bring safer products to the market, and provide for the research we need to improve our understanding of addiction and how to prevent it.

Requires that tobacco settlement funds be used for tobacco-related initiatives.

Provides for: Straightforward and effective authority for FDA to regulate tobacco products; tough and enforceable restrictions on youth access to tobacco products; evidence-based prevention and cessation programs; research that will help us understand why certain people become addicted to tobacco products and provide science-based methods to prevent addiction.

SUMMARY OF THE ACT

I. Regulation of Tobacco Products and Tobacco Product Development

Purpose: To provide strong and effective Food and Drug Administration (FDA) regulatory authority over cigarettes, smokeless tobacco products, and safer tobacco products.

Summary: No longer will the tobacco companies be exempt from the type of regulation which ensures that our foods and medicines are safe and properly labeled.

The PAST Act gives FDA regulatory authority to:

Oversee the manufacturing processes of tobacco products;

require elimination of tobacco product additives and reductions in nicotine;

quickly and easily promulgate performance standards to ensure that new and safer technology reaches consumers with truthful information on health issues related to products;

regulate the content of product labels and advertising;

require tobacco companies to divulge all health-related research on tobacco products and ingredients;

set national rules for product regulation while preserving important state and local authorities to require tougher requirements for youth access rules and point-of-sale advertising;

periodically assess and improve the effectiveness of tobacco product warning labels.

The PAST Act bans billboard advertising of tobacco products, cartoon figure and human figures (like Joe Camel and the Marlboro Man) and restricts in-store marketing.

The PAST Act does not preempt the ability of state or localities to pass stricter laws on sale to minors or point-of-sale advertising.

1. FDA Authority to Approve Reduced Risk Tobacco Products and Require Reductions in Nicotine and Elimination of Tobacco Product Hazards.

50 million Americans smoke. For those who can't quit as soon as they'd like, we must both provide them with less harmful alternatives to today's tobacco products and take steps immediately to reduce the danger in existing tobacco products. The PAST Act establishes science and public health-based decision making at FDA to achieve these goals.

The PAST Act includes a program designed to encourage tobacco companies to develop and market reduced risk tobacco products. FDA authority over reduced risk tobacco products requires that FDA approve specific "reduced risk" claims manufacturers make. In addition, manufacturers must notify FDA of any reduced risk technology they develop or acquire.

FDA is to require tobacco companies to conduct the same type of high quality scientific studies expected of drug and device companies to demonstrate that a new tobacco product carries a "reduced risk." FDA will take into account the effect of the product on overall public health concerns including whether fewer people will quit smoking as a result of its availability. FDA will require both short-term and long-term studies to ensure that the products have a positive public health effect. FDA can revoke the approval to market the product if the studies do not support the health claims or if the studies are not completed in a timely manner.

In addition, if FDA determines that a particular reduced risk technology is less hazardous it may: require disclosure of the safer technology; prohibit the use of technology that is superseded by the new technology, or; require that manufacturers stop selling tobacco products that do not incorporate such technology.

In addition to reviewing reduced risk products, FDA has authority to mandate the elimination of hazardous components of tobacco products and reduce nicotine levels to achieve overall public health benefits. Before requiring changes to tobacco products, FDA will employ a notice and comment rulemaking proces—the same as that used for drugs and devices. FDA is not! required to prove that a black market will not result.

2. FDA Authority to Regulate Product Labels, Warnings, Advertising, and Marketing.

The PAST Act will enact: new warning labels, and the flexibility for the Secretary to change the labels; restrictions on labeling and advertising of tobacco products; restrictions on advertising in non-adult media and glamorization of tobacco; bans on non-tobacco items and event sponsorship.

The PAST Act does not prevent states and localities from enacting tougher laws on youth access and point-of-sale cigarette advertising and marketing.

II. National Efforts to Reduce Youth Smoking

Purpose: To provide all the essential ingredients for comprehensive and effective programs to reduce youth smoking.

Summary: The PAST Act sets high but achievable goals to reduce youth smoking.

To ensure that the tobacco manufacturers partner with communities to achieve these goals, the PAST Act exacts tough penalties on the industry if goals are not met. Further, unlike the June 20 proposed tobacco settlement, and some other bills that have been introduced, the PAST Act does not permit the penalties to be capped, and it ensures that the penalties are calculated accurately.

The PAST Act entrusts the states with the necessary resources from the Tobacco Settlement Trust Fund for local anti-tobacco programs that will effectively: restrict the sale of tobacco products to minors; prevent youth smoking; assure that people who want to quit smoking can get proven cessation treatment.

The PAST Act gives the Office on Smoking and Health of Centers for Disease Control the resources to provide oversight and technical help to state and local authorities, thus guaranteeing that the latest and most effective strategies to prevent and stop smoking can be employed.

The PAST Act provides funds for research to help us understand addiction to tobacco products, and to ensure that the results of this research are swiftly incorporated into community-based programs.

The PAST Act establishes an innovative and far-reaching national public health promotion and health education campaign on the dangers of smoking.

1. Required Reduction in Underage Use of Tobacco Products.

Purpose: To promote an immediate reduction in the number of underage consumers of tobacco products by imposing financial surcharges dramatically stiffer than the June 20 proposed tobacco settlement on participating manufacturers if underage tobacco-use reduction targets are not met.

If the targets are not met, surcharges will be imposed on manufacturers, and for each 5 percentage points short of the target, the surcharge on manufacturers increases substantially.

Cigarettes: for the first 5 percentage points for which the rate of youth smoking falls short of the target: the product of $80,000,000 and the number of applicable percentage points; for 6 to 10 percentage points short of the goal: the product of $400,000,000 and the number of applicable percentage points; for 11 or more percentage points short of the goal: the product of $500,000,000 and the number of applicable percentage points.

Smokeless Tobacco Products: for the first 5 percentage points for which the rate of youth smokeless tobacco use falls short of the target: the product of $15,000,000 and the number of applicable percentage points; for 6 to 10 percentage points short of the goal: the product of $30,000,000 and the number of applicable percentage points; for 11 or more percentage points short of the goal: the product of $45,000,000 and the number of applicable percentage points.

Targets for reduction of tobacco product use in individuals under 18:

Cigarettes: 30 percent in the fifth and sixth years; 50 percent in the seventh, eighth and ninth years; 60 percent in the tenth and subsequent years.

Smokeless tobacco: 25 percent in the fifth and sixth years; 35 percent in the seventh, eighth and ninth years; 45 percent in the tenth and subsequent years.

2. Restrictions on Access to Tobacco Products.

Purpose: To ensure that strict state laws are passed and enforced that will prohibit the sale and distribution of tobacco products to minors, and to provide civil penalties to minors who purchase or smoke tobacco products.

State laws must include the following provisions, and may include stricter provisions:

At least 90% of minors attempts to purchase must be unsuccessful; requirement of a state or local license to sell tobacco products; a prohibition on sale of cigarettes and smokeless tobacco to individuals under 18 years of age; the following requirements for distribution:

The licensee must verify age through a government issued photo identification; no verification is required for any individual who is at least 27 years of age; no direct access to tobacco products; face-to-face exchange for purchase; no out-of-package sale of tobacco products; no special marketing rules for adult only stores; minors may not purchase or consume tobacco products. States may enforce this provision through civil penalties, including a written warning, a possible fine of up to $150 for repeated offenses, or other civil penalties determined appropriate by the state.

3. State and Community Action Programs.

Purpose: To promote the development of state and community action programs designed to educate the public on addiction and the hazards of tobacco use, and to promote prevention and cessation of the use of tobacco products.

Funds will be available to each state from the Tobacco Settlement Trust Fund after approval of a state plan. Funding increases from $145,000,000 for each of the fiscal years 1999 and 2000 to $440,000,000 for fiscal year 2008.

State and local initiatives may include: evidence-based programs to prevent tobacco use and promote cessation; health education and promotion efforts relating to tobacco use; public policy initiatives to prevent tobacco use and promote cessation; evidence-based programs in schools to prevent and reduce tobacco use and addiction.

4. Tobacco Use Cessation Programs.

Purpose: to help addicted individuals who want to quit.

Funding allocated to the states from the Tobacco Settlement Trust Fund: $1,000,000,000 for each of the fiscal years 1999 through 2002; $1,500,000,000 for each of the fiscal years 2003 through 2008.

Programs to be funded may include: evidence-based programs designed to assist individuals to stop their use of tobacco products; training for health care providers in cessation intervention methods; efforts to encourage health plans and insurers to provide coverage for evidence-based tobacco use cessation treatment.

5. Research Initiatives to Prevent Tobacco Addiction.

Purpose: To promote tobacco-related research strategies.

The Institute of Medicine will perform an independent study to provide recommendations for tobacco-related research. Tobacco-related research at CDC, NIH, and AHCPR will include investigation of: surveillance and epidemiology of tobacco use; prevention of tobacco use; the science of addiction; cessation strategies.

An interagency council will ensure that: the research strategy is implemented, and that it is modified to take into account new findings; new developments are disseminated to states and communities.

6. National Public Health Education Campaign.

Purpose: To provide for a national public health promotion and health education campaign designed to reduce the use of tobacco products.

III. Standards to Reduce Involuntary Exposure to Tobacco Smoke

The PAST Act will require OSHA to promulgate within 12 months a final rule relating to indoor air quality in industrial and nonindustrial indoor and enclosed work environments.

Ms. COLLINS. Mr. President, I am pleased to join with my colleagues, Senators JEFFORDS and ENZI in introducing the Preventing Addiction to Smoking Among Teens Act.

Tobacco is the No. 1 preventable cause of death in the United States, accounting for more than 400,000 deaths a year and more than $50 billion in health care costs. Clearly the single most effective thing we can do to improve our Nation's health and control health care costs is to stop smoking.

While recent headlines detailing the settlement of multimillion dollar lawsuits against the tobacco industry might delude us into thinking that we are winning the war against tobacco, the facts tell a far different story. Despite extensive public health campaigns linking smoking to heart disease and cancer, smoking rates are actually going up, particularly among our young people. Tragically, addiction is increasingly a "teen-onset" disease: in fact, Mr. President, 90 percent of all smokers began smoking before age 21.

What is particularly alarming is that children, especially girls, are smoking at younger and younger ages. Smoking is at a 19-year high among high school seniors and has increased over 35 percent among eighth graders and 43 percent among tenth graders over the last 7 years.

Moreover, of the 3,000 teens who enter the ranks of "regular smokers" every day, one-third will die tobacco-related deaths. Mr. President, I am very proud of many of the accomplishments and achievements of my great State of Maine, but there is one area where we do need to do much, much better. The sad fact is that my State of Maine has the dubious distinction of having the highest smoking rate among people age 18 to 34 in the entire United States. In Maine, almost 40 percent of high school students smoke. They purchase 1.4 million packs of cigarettes illegally each year. If this trend continues, more than 31,000 young people in Maine currently under the age of 18 will die prematurely from tobacco-related diseases. If we are to put an end to this tragic yet preventable epidemic, we must accelerate our efforts not only to help more smokers to quit, but also to discourage young people from ever lighting up in the first place.

The Preventing Addiction to Smoking Among Teens Act, which we are introducing today, adopts a comprehensive approach to prevent teens from smoking and builds upon and improves the public health components of the tobacco settlement announced last summer. It is not designed to deal with every question and every issue raised by the settlement. Rather, it focuses on what I believe should be the prime goal of any tobacco settlement, and that is to reduce teen smoking.

Among its provisions, this legislation gives clear and comprehensive authority to the FDA to regulate tobacco products and their components. The tobacco industry will have to turn over all—all—of its documents to the FDA related to cigarette research and health, and the FDA will be able to require the companies to reduce or to eliminate harmful ingredients or to require safer technological improvements through informal rulemaking. Moreover, after 10 years, the FDA could can propose an outright ban on cigarettes or smokeless tobacco products. However, should such a prohibition be required or undertaken, it would require congressional approval. I think that is appropriate. I think that a decision of that magnitude should come back to Congress.

In my judgment, these provisions represent a marked improvement over last summer's proposed tobacco settlement. The settlement has been criticized for requiring the Food and Drug Administration to go through an arduous formal rulemaking process. Moreoever, unlike the tobacco settlement, our bill does not require the FDA to prove the absence of a black market—which critics have rightly pointed out would be impossible—in order to regulate a product. Finally, to provide the resources necessary for their expanded regulatory powers, the bill requires the FDA to assess a "user fee" of $100 million annually on all manufacturers selling FDA-regulated tobacco products in the United States.

The bill also incorporates very important recommendations on combating teenage smoking. It calls for strong warning labels. It calls for a ban on vending machine sales that make tobacco products so available to teenagers, it would ban outdoor advertising and the brand-name sponsorship of sporting events, and it would prohibit the use of images like Joe Camel and the Marlboro Man.

It also, Mr. President, holds the tobacco companies accountable by imposing stiff financial penalties if the smoking rate among children does not decline by 30 percent in 5 years, 50 percent in 7 years, and 60 percent in 10 years. Moreover, under our bill, there is no cap on penalties, and the price goes up the more the companies miss the targets. These are very important, tough new improvements over the proposed settlement.

Our bill incorporates strong measures to ensure that restrictions on youth access to tobacco products are tough and enforceable. It promotes the development of State and community action programs designed to educate the public on addiction and the hazards of tobacco use and to promote the prevention and the cessation of cigarette smoking.

It calls for a national public education campaign to deglamorize the use of tobacco products and to discourage young kids from smoking. And finally, it calls for a comprehensive tobacco related research program to study the nature of addiction, the effects of nicotine on the body, and how to change behavior, particularly that of children and teens.

Mr. President, I believe that the legislation we are introducing today can serve as a basis for broad, bipartisan support to deal with the public health issues that should serve as the foundation for any national health policy in this area.

I look forward to working with Chairman JEFFORDS, Senator ENZI, and my other colleagues on the Labor Committee as Congress deals with this important issue.

Mr. ENZI. Mr. President, I rise today as an original cosponsor of legislation offered by my esteemed colleague from Vermont, Senator JEFFORDS. I appreciate his steady commitment to improving our nation's public health—especially as it relates to the pending global tobacco settlement. I, too, believe that we have an opportunity to dramatically affect the number of current and future smokers through education, research and regulation of tobacco products. It is my belief that the Prevention Addiction to Smoking Among Teens, or PAST Act, is a significant component that accomplishes just that.

The PAST Act is the first piece of legislation fashioned after the global tobacco settlement—reflecting the resolution's public health aspects. I commend the Senator and his staff for working with me on remedying a number of outstanding issues in this bill. I look forward to working closely with my colleague on tightening this legislation as it works its way through the mix.

I do wish to share my thoughts on a number of issues in the global settlement that must not be overlooked. In addition, I would point out that a handful of these issues relating to public health are already addressed in the PAST Act. First, I believe the settlement fails to complement FDA's regulatory role by tapping the expertise of other federal agencies with relative jurisdiction. Second, the look-back provisions prescribed by the global settlement are only geared toward our nation's youth and don't apply to smokers above the age of 18. Third, the settlement focuses largely on reimbursing Medicaid expenditures and ignores enormous Medicare expenditures for smoking related illnesses. Finally, the settlement's overall compensation mechanism fails to address long-term smoking attributed illnesses. In light of these and other inherent difficulties, I am reluctant to embrace the entire global settlement with open arms. We are accepting revenues for past problems and insuring the future without compensation.

Let me first share my concerns regarding the FDA's role. The global settlement would delegate all regulatory authority of tobacco products to the Food and Drug Administration (FDA), including advertising and education. Although I favor FDA being the key regulatory agency of tobacco products, I do not believe the agency needs an annual allocation of $300 million to carry out its obligations—that's nearly 10 times what the FDA requested to enforce its original tobacco rule and one-third the agency's total annual budget. Such funding for one agency could not only foster regulatory abuses, but also stretch FDA's internal resources while simultaneously compounding Congress' oversight responsibilities. Such an approach is nothing more than a blueprint for yet another big government bureaucracy incapable of meeting its alleged purpose. I believe Senator JEFFORDS has acknowledged this predicament in the PAST Act. Rather than allotting $300 million each year for the FDA, the agency would receive $100 million, while other federal agencies with jurisdiction would receive $135 million, with the remaining $65 million going to the states for enforcement. This is a very fairminded approach and we largely avoid an unfunded federal mandate.

Second, the look-back provisions included in the global settlement were written to be applicable to our nation's youth—ages 18 and under. As a result, Senator JEFFORDS' bill only addresses the admirable objective of reducing underage smoking. While I have no problem with setting strict goals for reducing underage tobacco use, I firmly believe that the global settlement and any subsequent legislation should not overlook the need to reduce the overall impact of smoking related illnesses. We must be careful not to lend pride of being an adult to smoking. I appreciate Senator JEFFORDS' commitment to strengthening this section of the PAST Act.

Third, the global settlement fails to address Medicare smoking-attributable expenditures by focusing all of its attention on reimbursing states for Medicaid expenditures. This is a substantial financial oversight in my opinion. In 1995, the Health Care Financing Administration spent $176.9 billion in Medicare payments. Medicare outlays for fiscal 1996 are estimated to be $193.9 billion. Conservatively assuming that only 5 percent of those expenditures were smoking related, the average Medicare expenditures attributable to smoking during 1995–1996 would still amount to $9.3 billion per year, thereby bringing the twenty-five year total to $192.3 billion. This is an astronomical sum that deserves consideration.

Finally, the global settlement's reimbursement structure is dubious at best. It is my belief that Senator JEFFORDS' legislation must receive a sound, long-term financial commitment from the tobacco industry. Under the current settlement, tobacco companies would pay an initial $10 billion, and make annual payments starting at $8.5 billion in the first year and increases to $15 billion in the fifth year of the settlement. While the total estimated payments over 25 years would be $368.5 billion, there is no guarantee under the settlement's structure that the total amount would be collected. Economic conditions could change or tobacco companies could be driven out of business leaving the federal government holding an enormous tab for a very expensive regulatory scheme. Moreover, a large portion of the global settlement total may not even go to reimburse government for the costs of cigarette smoking. The money is designed to fund everything from underage smoking cessation campaigns to potentially large civil damage awards. The scope of expenditures under the global settlement is too broad and the reimbursement mechanism is too incomplete to warrant Congressional approval.

In the coming weeks, I will continue to advocate an alternative reimbursement mechanism that not only caters to the PAST Act, but compensates for smoking attributed illnesses under the Medicare program as well. Two principles lie at the heart of this alternative approach. First, nonsmoking taxpayers should not be expected to continue footing the bill for what are largely self-induced illnesses. Second, Congress must ensure that the actual compensation fund is solvent for years to come. To these ends, I believe we should give serious thought to a new industry-based approach in which the government determines the costs caused by the manufacturer's product, and then requires the manufacturer and smoker to pay for these costs. Such a program would entirely eliminate smoking-attributed reimbursements from Medicaid and Medicare.

A "Smoker's Compensation Fund" of this type could be modeled on the Worker's Compensation Funds already in existence in the states. The proceeds for this fund would come from the tobacco industry, and ultimately from smokers themselves in the form of higher cigarette prices. The tobacco industry's annual contributions to the fund could be tied to the number of occurrences of smoking illnesses—the greater the occurrences, the larger the contribution. Using Worker's Compensation as a model, a rolling multiyear average could form the basis of annual premiums to individuals suffering from smoking-attributed illnesses. This would create an economic incentive for the tobacco companies to take actions to reduce tobacco-related illnesses, thereby driving down the number of smokers over the long-term—a true look-back policy.

Moreover, an industry-based approach would not allow tobacco companies to walk away from long-term smoking attributed illnesses through a total $368.5 billion payment over a 25 year period. Instead, it would administratively make the tobacco companies and the smokers themselves responsible for paying for the medical care of individuals with smoking-related illnesses indefinitely. I believe that the Smoker's Compensation Fund concept would be the best vehicle to provide long-term financial coverage not only for the Medicaid and Medicare programs and smokers of all ages, but for the public health provisions outlined in Senator JEFFORDS' bill being introduced today.

Thank you, Mr. President.

By Mr. FORD:

S. 1649. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program; to the Committee on Finance.

MEDICAID MANAGED CARE EXEMPTION FOR DISABLED INDIVIDUALS

Mr. FORD. Mr. President, today I am introducing legislation to exempt certain disabled individuals from mandated managed care coverage under Medicaid. During consideration of last year's budget legislation, this issue arose but was not addressed in a satisfactory manner. That legislation provided a broad grant of authority to states to require individuals eligible for Medicaid to enroll in managed care plans. Prior to this change, states were required to obtain waivers from the federal government in order to initiate such cost savings measures which would shift large portions of their Medicaid populations into managed care.

However, states have generally not been interested in shifting certain categories of individuals into managed care, such as individuals in nursing homes or special needs children. In fact, last year's legislation specifically exempted certain categories of special needs children under age nineteen.

Mr. President, I believe for certain categories of individuals it does not make sense to limit this exemption to individuals under age nineteen. For example, mentally retarded individuals receiving Medicaid benefits do not enter into a new health care category once they reach their nineteenth birthday. I believe limiting the exemption for such individuals is arbitrary and unwise policy. My legislation would simply remove the age limitation for severely disabled individuals.

I want to express my thanks to the Voice of the Retarded for their leadership on this issue and their willingness to bring it to my attention. I ask unanimous consent that a letter in support of this legislation from that organization be inserted into the RECORD. I also want to thank Louise Underwood, a constituent of mine who has been a tireless advocate over the years for the rights of mentally retarded and other disabled individuals. It is my hope that this straightforward correction to last year's legislation will be viewed as noncontroversial, and can be enacted into law in the months ahead.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VOICE OF THE RETARDED,
February 3, 1998.

Hon. WENDELL H. FORD,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR FORD: On behalf of all members of Voice of the Retarded (VOR) nationwide, I wish to thank you for your longstanding attention to the many intense needs of society's most-impaired people. More than any other public figure, you have consistently championed the causes of those who cannot speak for themselves. We, their family members and only spokespersons, are eternally grateful to you.

We come once again to seek your assistance in correcting what seems to have been an unintentional oversight in the language of the Balanced Budget Act of 1997.

As you know, the ability of traditional managed care models to meet the unique health care requirements of people with disabilities is uncertain. Congress recognized this when it exempted SSI-eligible special needs children from mandatory managed care provisions of the Balanced Budget Act of 1997. This exemption reconciled the states' interest in maintaining cost control and flexibility in program management with the disability community's concern that managed care would negatively impact access to appropriate specialized health care.

It is our belief that age is an arbitrary, artificial barrier to the provision of health care services. Mental retardation is a lifelong impairment that does not disappear at age 19. We, therefore, respectfully request that you support corrective legislation to ensure that adults with mental retardation can receive the specialized health care that they need throughout their lives unimpaired by managed care.

Thank you for your consideration.

Sincerely,

POLLY SPARE,
President.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1662. A bill to authorize the Navajo Indian irrigation project to use power allocated to it from the Colorado River storage project for on-farm uses; to the Committee on Indian Affairs.

NAVAJO INDIAN IRRIGATION PROJECT LEGISLATION

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will mean a great deal to the future economic development of the Navajo Nation and to the people in the Four Corners Region of New Mexico, Arizona, Utah, and Colorado.

Mr. President, we are truly fortunate today to have one of the lowest national unemployment rates in recent memory. Unfortunately, the administration's economic juggernaut has not been felt everywhere. While national unemployment rates are below five percent, in my state of New Mexico, unemployment remains stuck at 8%. According to the Bureau of Labor Statistics, New Mexico has the second highest unemployment rate in the country, right behind the District of Columbia.

Regrettably, one of the nation's highest unemployment rates is on the Navajo Indian Reservation, where unemployment is a staggering 50%. The unemployment rate in neighboring San Juan County is 12%, which is more than twice the national average. These statistics should be deeply troubling to all senators. Clearly, there is no region in this country in greater need of targeted economic development. Creating jobs is precisely the purpose of the legislation I am introducing today.

In a nutshell, this bill allows the Navajo Nation's Indian Irrigation Project to use a portion of its existing allocation of federal electric power to help spur economic development and to create good jobs in the region.

Mr. President, in 1962 Congress authorized the construction and operation of the Navajo Indian Irrigation Project. The project has blossomed into a 60,000 acre agricultural enterprise growing potatoes, beans, alfalfa, wheat, corn and livestock with annual revenues of $36 million. Today, the "Navajo Pride" brand name is a hallmark of agricultural quality nationwide. The Tribe's own Navajo Agricultural Products Industry (NAPI) operates this successful all-Indian project. NAPI has a full-time staff of 300. The workforce swells to 1,200 during the summer growing season.

In the 1962 legislation, Congress authorized the Bureau of Reclamation to reserve eighty-seven megawatts of electric power for use by the project. It is clear from the original authorization that the primary purpose of the project was to deliver water for the development of farming and allied industries. The reserved electric power is currently used to provide the water pressure needed for irrigation. The original plans called for the use of gravity-fed irrigation; however, the irrigation method was later changed to a more efficient electric-powered center-pivot system. Unfortunately, Congress had not foreseen these improvements and did not specifically authorize the use of federal power to run irrigation sprinklers. In a letter to me dated November 5, 1997, Commissioner Martinez of the Bureau of Reclamation stated that Congress had not provided the bureau with sufficient authority to allow NAPI to use its existing allocation of electric power for anything other than water pumping. Congress simply failed to authorize the use of federal power to run the sprinklers or for processing of the products grown there.

The legislation I am introducing would allow NAPI to use its existing power allocation to run the project's irrigation sprinklers or factories on the reservation that process the agricultural products. This legislation does not increase the amount of power allocated to NAPI—nobody's allocation of electric power is reduced or affected in any way. Moreover, the change would have no cost or other impact on taxpayers.

This legislation is a simple technical change. It clarifies existing congressional language. Moreover, because this is an all-Indian project established by Congress to benefit the Navajo Nation, this legislation does not create a precedent that would apply to any other irrigation project.

This bill has the support of the Bureau of Reclamation. In addition, the Republican Governor of the state of New Mexico and the nearby cities, counties, and electric utility companies support this change because they recognize the economic benefits for the entire Four Corners Region. I would particularly like to acknowledge the City of Farmington and Republican Mayor Thomas C. Taylor for support of the project as reflected in a Memorandum of Understanding between the City and NAPI. In addition, the State of New Mexico has supported this effort with a grant to study water issues and by permitting the Navajo Nation to use state bonding capacity.

Mr. President, Congress must not delay action to help reduce the unacceptable unemployment rates on the Navajo Reservation. This bill is an important step toward creating hundreds of year-round jobs and spurring economic development in San Juan County and the rest of the Four Corners Region. I urge the Chairman of the Energy and Natural Resources Committee to schedule a hearing on this worthy legislation at the earliest possible date.

I ask unanimous consent to have a copy of the bill included in the RECORD along with a copy of the Memorandum of Understanding between the City of Farmington and the Navajo Agricultural Products Industry. I also ask unanimous consent to include in the RECORD letters supporting this legislation from the Bureau of Reclamation; Governor Johnson, the Cities of Farmington and Bloomfield, New Mexico; San Juan County, New Mexico; and the Navajo Tribal Utility Authority.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Navajo Indian irrigation project (in this section referred to as the "irrigation project") was authorized for construction and operation as a participating project of the Colorado River storage project by the Act of June 13, 1962, Public Law 87–483, pursuant to plans approved by the Secretary of the Interior on October 16, 1957;

(2) the irrigation project is an all-Indian irrigation project authorized for the primary purpose of delivering water to develop farming and allied industries that benefit the Navajo Nation;

(3) the Bureau of Reclamation has reserved 87 megawatts of power and associated energy from the Colorado River storage project for current and future use on the irrigation project, but currently not more than 25 megawatts of power is being used because the project is only partially completed; while the initial and subsequent plans and authorizing legislation for the irrigation project allow power to be used to deliver water to the irrigation project by canals and to lift water to heights sufficient to pressurize the sprinkler delivery system, clarification is necessary to approve the use of power for on-farm uses such as for powering center-pivot irrigation systems or for related agricultural industry purposes; and

(4) the irrigation project is of vital economic importance to the Navajo Nation, and substantial economic development for the Four Corners Region and the Navajo Nation could be realized if a portion of the 87 megawatt power allocation were made available by the Bureau of Reclamation for powering center-pivot irrigation systems and for related agricultural industry purposes.

SEC. 2. USE OF POWER.

The first section of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 96) is amended by adding at the end the following: "The Navajo Indian irrigation project may use its allocation of 87 megawatts of power from the Colorado River storage project for water delivery, on-farm production, and related agricultural industry purposes.".

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY AND CITY OF FARMINGTON—MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (Agreement), between the Navajo Agricultural Products Industry (NAPI) and the City of Farmington (City), New Mexico, sometimes referred to as the Parties, sets forth the terms and conditions to clarify conflicting interests in delivery of electrical service to the Navajo Agricultural Products Industry.

Whereas, NAPI seeks the support of the City for the use of Other Priority Use Power for the development of the proposed french fry factory which will require a legislated Change in Purpose; and

Whereas, the City of Farmington recognizes and agrees with NAPI that the development of the french fry factory will have positive economic impact for the Navajo Nation, the City and San Juan County; that the french fry factory will create over 600 jobs; and, that it will require the development of three additional agricultural blocks which will have an important and positive long range influence on the economic development of the region; and

Whereas, NAPI's General Manager Lorenzo Bates and the City's Mayor Thomas C. Taylor met on November 21, 1997, to resolve outstanding issues which have arisen regarding NAPI's legislative request for a Change in Purpose of NAPI's Colorado River Storage Project (CRSP) Project Use Power allocation.

Therefore, as a result of the meeting the Parties agree as follows:

1. NAPI agrees to continue to utilize electric power provided by the City for its center pivots located in the City's service area;

2. The use and amount of such service to the center pivots shall remain similar to the amount used by NAPI at the signing of this Agreement and shall continue until the City implements customer choice in its service area;

3. This Agreement will be applicable and bind any person, corporation, or entity which may purchase or acquire through any means the Farmington Electric Utility System (FEUS).

In consideration of NAPI's promises and covenants, the City agrees as follows:

1. To support NAPI's request for a legislative Change in Purpose of a remaining portion of their eighty-seven megawatts (87 mW) of CRSP allocation of federal power to be used to supply electricity to the proposed french fry plant;

2. To provide additional support through letters, communications and action which will facilitate the development of the french fry factory and is not contradictory to policy decisions the City has made; and

3. To review the FEUS rates for electric service within the next two years and make an effort to offer competitive rates for center pivot operations.

By this acknowledgment, the Parties agree to abide by the terms of this Agreement.

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY.
City of Farmington.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, November 5, 1997.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your May 8, 1997, letter co-signed by the New Mexico and Arizona Congressional delegation, regarding the use of Federal power for the Navajo Agricultural Products Industry's (NAPI) center pivot irrigation system and industrial uses. The Bureau of Reclamation (Reclamation) has no express authority to allow the use of project power for these proposed on-farm uses. Although Reclamation might have implicit authority which would allow for the use of project power in the manner requested, such an interpretation would not be consistent with the past instances of Reclamation practice. While we will continue to review the matter, given the lack of express authority, legislation to resolve the matter conclusively and expeditiously may be appropriate.

The sale of Federal power from a Reclamation project is governed by general Federal Reclamation law and authorizing acts for specific projects. Reclamation may provide power only for the uses authorized by Congress. Power is sold either as project power at the project,[1] or for other uses, on or off the project (non-project power). The Navajo Indian Irrigation Project (NIIP) was authorized for construction and operation as a participating project of CRSP by Public Law 87-483 passed on June 13, 1962, pursuant to plans approved by the Secretary of the Interior on October 16, 1957. Although NIIP is an Indian irrigation project, it is subject to Federal Reclamation law as provided by Section 4 of the Colorado River Storage Project Act of April 11, 1956. The planning and authorization documents, along with subsequent planning reports, indicate that project power was intended to accommodate delivery of water to the farm by canals and by lifting water to heights sufficient to pressurize the sprinkler irrigation delivery system. No specific indication is made that project power would be available to run center pivot irrigation systems or for on-farm municipal and industrial uses, however, it is clear that the primary purpose of the project is to deliver water for the development of farming and allied industries.

Reclamation has reserved 87 Megawatts (MW) of project power from the CRSP for current and future use on the NIIP for authorized purposes. Although as you point out in your May 8, 1997, letter, the terms of the 1990 interagency agreement and revisions agreed to by the Western Area Power Administration, Reclamation, and NAPI provide that NAPI can use other Priority Use Power for sprinkler irrigation and industrial uses, specific Congressional authority for such uses does not exist and therefore legislation making such authority clear would be appropriate. As development of NIIP continues, there are increasing opportunities for application of various conservation measures with attendant energy saving. With specific Congressional authorization, we believe that overall power usage, including the proposed on-farm uses can be accommodated within the present 87 MW allocation.

If you desire to discuss these matters further, please contact Arlo Allen at (801) 524-3612.

Sincerely,

ELUID L. MARTINEZ,
Commissioner.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, February 11, 1998.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. PETE V DOMENICI,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR BINGAMAN AND SENATOR DOMENICI: It is with pleasure that I give my support to the Navajo Agricultural Products Industry French Fry Plant. This project offers great opportunities for self-sufficiency and economic development for the Navajo Nation, City of Farmington, San Juan County and the State of New Mexico, as well as the Navajo Agricultural Product Industry. The creation of up to 500 plant jobs and another 100 farming jobs will benefit the community and the state. We commend everyone involved for the collaboration between state, federal, local and tribal agencies to make the french fry project a reality.

The Department of Economic Development has been heavily involved in this project for several years and spearheaded the effort to pass a new law to allow Nations, Tribes and Pueblos access to the New Mexico Finance Authority bonding capacity. I supported and signed into law this piece of legislation. The New Mexico Department of Environment also gave a grant to the Navajo Nation of $200,000 to study water issues for the french fry factory. The funding for the study came through the State Legislature with my full support In 1997, the New Mexico Legislature and my administration worked to pass legislation to further assist the Navajo Nation recruit the french fry factory to NAPI.

Sincerely,

GARY E. JOHNSON,
Governor.

CITY OF FARMINGTON,
OFFICE OF THE MAYOR,
Farmington, NM, February 10, 1998.

Mr. LoRENZO BATES,
General Manager, Navajo Agricultural Products Industry, Farmington, NM.

DEAR MR. BATES: Based upon information received from the Navajo Agricultural Products Industry (NAPI), the Navajo Tribal Utility Authority (NTUA) and Senator Bingaman's office, the City of Farmington (City) understands that the location of the proposed french fry plant will straddle the area served by NTUA and the City of Farmington's electric utility. Furthermore, our understanding is that the electricity required for the french fry plant will be provided from resources available to NAPI under the Interagency Agreement among NAPI and the US Department of Interior—Bureau of Indian Affairs and the US Department of Interior—Bureau of Reclamation and the US Department of Energy—Western Area Power Administration, Colorado River Storage Project and that NTUA proposes to build the transmission/distribution system necessary to deliver such resources to NAPI.

In order for NAPI to have access to the resources under the Agreement referred to above, it is necessary to have legislation introduced which will provide for a change in purpose for the use of the project power. Senator Bingaman's office is intending to introduce that legislation in the Senate during the latter part of February, 1998. The City of Farmington, in accordance with the Memorandum of Understanding between NAPI and the City dated December 10, 1997, supports NAPI's request for a legislative Change in Purpose of a remaining portion of the eighty-seven megawatts (87mW) of CRSP allocation of federal power to be used to supply electricity to the proposed french fry plant.

Sincerely,

THOMAS C. TAYLOR,
Mayor.

CITY OF FARMINGTON,
OFFICE OF THE MAYOR,
Farmington, NM, January 8, 1998.

LoRENZO BATES,
General Manager, NAPI, Farmington, NM.

DEAR LoRENZO: The City of Farmington supports and encourages the development of the potato processing facility at NAPI. This project has the potential of creating numerous job opportunities for a large, unemployed segment of the population. In the City's application to the Empowerment Zone/Enterprise Community program we attempted to focus on job creation in areas south of our city where residents live far below the poverty standards. This project is the best opportunity for Navajo employment in that area.

Sincerely,

THOMAS C. TAYLOR,
Mayor.

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[1] There are two types of project power, "project use power" and "priority use power."

CITY OF BLOOMFIELD,
Bloomfield, NM, February 6, 1998.
Senator JEFF BINGAMAN,
Hart Office Building, Washington, DC.

RE: Navajo Agricultural Products Industry (NAPI)—Potato Processing Plant

DEAR SENATOR BINGAMAN: The City of Bloomfield has been supportive of NAPI since its inception and in particularly supportive of its efforts to develop a "potato processing plant". We understand that Legislation is being prepared to allow NAPI to utilize WAPA Power for the plant and other purposes. We therefore, request your support of this Legislation.

As you are well aware, the Navajo Nation has a 49% unemployment rate on the reservation, therefore we feel that the development of the potato processing plant is of utmost importance to the Navajo Nation, San Juan County and the City of Bloomfield.

On behalf of myself and the City Council I would like to reaffirm the City's support for what can only be an economic benefit to all the citizens in Northwest New Mexico.

Sincerely,

SAM MOHLER,
Mayor.

SAN JUAN COUNTY,
Aztec, NM, February 6, 1998.
Hon. JEFF BINGAMAN,
Hart Senate Office Building, Washington, DC.

Re: Navajo Agriculture Products Industry (NAPI)—Potato Processing Plant

DEAR SENATOR BINGAMAN: San Juan County has been supportive of the NAPI's "Potato Processing Plant" since its inception. On numerous occasions we have met with Mr. Lorenzo Bates of NAPI and our legislative delegation to attempt to bring this project to fruition.

The Navajo Nation has a 49% unemployment rate on the Reservation and because of this, we feel that the Potato Processing Plant is of upmost importance to the County.

On behalf of myself and the San Juan County Commission, I would like to reaffirm the County's support for what I feel will be an economic benefit to all the citizens in San Juan County.

Please let us know if we can be of further assistance.

Sincerely,

TONY ATKINSON,
County Manager.

NAVAJO TRIBAL UTILITY AUTHORITY,
Fort Defiance, AZ, February 10, 1998.
Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Re: Navajo Indian Irrigation Project On Farm Use of Colorado River Storage Project Power

DEAR SENATOR BINGAMAN: The Navajo Tribal Utility Authority, the public agency and enterprise of the Navajo Nation which provides power and energy to consumers within the Navajo Indian Reservation, has been advised of the possibility of legislation which would authorize the use of an existing allocation of 87 megawatts of Colorado River Storage Project Power for certain on farm uses, including center pivot sprinkler irrigation and for processing agricultural products for consumer use.

The Utility Authority supports the proposed legislation which clarifies the availability of this power for on farm uses. The Navajo Indian Irrigation Project has for many years been delayed in its completion and the allocation of power, originally made on the basis of a flood irrigation arrangement, may not be totally used for many, many years.

Since the promised benefits for agreement to share water shortages have not materialized as expected, it seems appropriate to suggest that, in some small measure, passage of this legislation would attempt to address the many delays which have consistently plagued the Navajo Indian Irrigation Project.

The Authority recognizes that the initial allocations of "project use" power to the Irrigation Project did not specifically mention sprinkler irrigation by center pivot methods nor the development of municipal or industrial uses on the farm. However, these activities must have been contemplated within the plan for the development of a 110,000 acre irrigation farm for the Navajo Nation.

As the current serving utility for a substantial portion of the Irrigation Project, the Authority supports enactment of the legislation by the Congress.

Very truly yours,

MALCOLM P. DALTON,
General Manager.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 850

At the request of Mr. AKAKA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 850, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from California [Mrs. BOXER] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1147

At the request of Mr. WELLSTONE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1147, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1252

At the request of Mr. REED, his name was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1286

At the request of Mr. JEFFORDS, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1286, a bill to amend the

Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. COLLINS] was withdrawn as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1311

At the request of Mr. LOTT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1365

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 148

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Illinois [Mr. DURBIN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Resolution 148, a resolution designating 1998 as the "Onate Cuartocentenario", the 400th anniversay commemoration of the first permanent Spanish settlement in New Mexico.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 168, a resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. REED], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mrs. MURRAY], the Senator from California [Mrs. FEINSTEIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Resolution 171, a resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 174

At the request of Mr. ROTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 174, a resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilites under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

AMENDMENT NO. 1397

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 76—ENFORCING THE EMBARGO ON THE EXPORT OF OIL FROM IRAQ

Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the cease fire was codified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 further established the United Nations Special Commission (UNSCOM) on Iraq to uncover all aspects of Iraq's weapons of mass destruction program;

Whereas, despite the sustained opposition of the Government of Iraq, UNSCOM has discovered many instances of inaccurate actions by Iraq concerning Iraqi ballistic missile capabilities and chemical and biological programs;

Whereas Security Council Resolution 986 (April 14, 1995) partially lifted international economic sanctions by allowing Iraq to sell

$1 billion in oil every 90 days, the proceeds of which are designed, in part, for humanitarian assistance to the people of Iraq;

Whereas a report by the Secretary General of the United Nations submitted on February 2, 1998 recommends further easing of economic sanctions by allowing Iraq to sell $5.2 billion in oil every six months;

Whereas the United States has indicated it will support the easing of further economic sanctions proposed by the UN Secretary General;

Whereas revenues from oil exports have historically represented nearly all (95 percent) of Iraq's foreign exchange earnings;

Whereas in the year preceding hostilities in Operation Desert Storm, Iraq's export earnings totaled $10.4 billion;

Whereas Iraq, since the end of Operation Desert Storm, has been steadily increasing exports of oil to Jordan from 60,000 to 80,000 barrels per day and in December 1997, agreed to increase such shipments to approximately 96,000 barrels per day;

Whereas Iraq has been able to circumvent international economic sanctions by exporting oil to Turkey;

Whereas the Multinational Interdiction Force that conducts maritime searches in the Persian Gulf has reported that exports of contraband Iraqi oil through the Gulf have increased seven-fold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997;

Whereas Iraq's military capabilities, including its capacity to produce weapons of mass destruction, are significantly enhanced by its ability to earn foreign exchange primarily from oil exports;

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns in the strongest possible terms the continued threat to international peace and security posed by Iraq's refusal to meet its international obligations and end its weapons of mass destruction programs;

(2) urges the Administration to oppose any further weakening of economic sanctions including extension of, or expansion of, United Nations Security Council Resolution 986;

(3) urges the President to propose to the United Nations Security Council measures to significantly tighten the international embargo on the sale of oil from Iraq, including efforts to strengthen the Multi-lateral Interdiction Force and inspection operations near the Port of Basra;

(4) urges the President to enter into negotiations with oil producing nations in the Gulf to encourage them to make subsidized sales of oil to Jordan;

(5) urges the President to submit a report to Congress 30 days before the UN is authorized to consider renewing Iraq's authority to export oil setting forth a detailed accounting for the disposition of the proceeds of UN authorized sales of oil from Iraq.

Mr. MURKOWSKI. Mr. President, I rise to submit a concurrent resolution addressing the international sanctions regime that has been in place against Iraq since the end of the Persian Gulf war. As we all know, there has been a great deal of deliberation in this Chamber relative to potential action that might be initiated by our Government against Iraq. And there is a feeling of, I think, growing concern as to just what type action we might take and what it will accomplish.

But, Mr. President, I think I bring a different approach to this dilemma. As we acknowledge the risk of the approach to this dilemma. As we acknowledge the risk of the approaching confrontation with Iraq that has been brought about by Saddam Hussein's continuing unwillingness to allow the U.N. inspectors the right to inspect the facilities in Iraq, what we also know is that Saddam Hussein is very likely continuing to manufacture and develop weapons of mass destruction, probably of a biological nature.

I was in Iraq in the early 1980s with a number of Senators and had an opportunity to visit with Saddam Hussein before the Persian Gulf war. It was clear from that meeting that we had a very unusual personality, one who is dangerous and clearly unpredictable.

As a consequence, we find ourselves in the position that until the U.N. inspectors are allowed unfettered access to the facilities in Iraq, the world will continue to be held hostage to the destructive and threatening tendencies of Saddam Hussein.

With the world's economy so heavily dependent on the free flow of oil from the Mideast, so long as these weapons of mass destruction exist, the economic stability of every nation in the world is somewhat at risk. Make no mistake about it, Mr. President, the Persian Gulf war was a war to ensure that Saddam did not take over the oil fields of Kuwait. That was Saddam's objective. It was a war about oil and the necessity of keeping oil flowing to the free markets of the world.

So, Mr. President, one question that seems to be lost in the debate is, how—how—has Saddam been able to obtain the technology and the resources to construct facilities capable of producing poison gas and biological weapons? The U.N. economic embargo has been in place for 7 years, but somehow—somehow—he appears to have been able to maintain a cash flow to purchase the necessary technology for building these laboratories of death.

Just this morning, the Washington Post is reporting that U.N. inspectors have uncovered evidence that in 1995 the Russian Government may have entered into a multimillion dollar deal to sell Iraq specialized fermentation equipment that could be used to develop biological weapons. If this story turns out to be true, Russia's credibility in its alleged efforts to broker a diplomatic solution to the current crisis could be seriously called into question.

More importantly, the question remains, how could Iraq have financed this deal? Well, surely the Russians were not going to sell such equipment in exchange for worthless Iraqi dinars. The deal had to be financed with dollars, had to be financed with hard currency. But how could Iraq amass millions in hard currency in the face of 7 years of U.N. sanctions?

Well, Mr. President, there is only one answer. It is an obvious one. The only mechanism that Iraq has to enable it to gain hard currency is to export its oil. There is virtually nothing else, besides dates and some agriculture products, that Iraq has to export.

Prior to the U.N. sanctions in 1990, Iraq had exports of $10.4 billion. Of that amount, more than 95 percent—or almost $10 billion—was derived from oil exports. Clearly, Iraq's capacity to purchase equipment in the world market to develop weapons of mass destruction is directly linked to its ability to sell oil, and only oil.

Ever since the gulf war ended, Iraq has been shipping oil into Jordan. Initially, Jordan received about 60,000 barrels of Iraqi oil a day. That figure has recently climbed to over 80,000 barrels a day, and in an agreement reached in December, the oil trade between Iraq and Jordan is scheduled to climb to 96,000 barrels a day.

Although the Jordanians claim that the oil is traded for food and medicine, I personally find it hard to believe that, with millions of dollars worth of oil and products daily crossing the Iraq/Jordanian border, that some of that oil is not leaking into the world market or that hard currency and sophisticated machinery are not flowing back into Iraq. As a matter of fact, we know that oil is leaking out.

Moreover, there is a great deal of evidence that Iraqi oil is being shipped across the border into Turkey. Dollars are surely being traded in exchange for the oil, and those dollars are likely to be used to finance Saddam's factories of death.

In addition, Mr. President, the Multinational Interdiction Force, the MIF, that conducts maritime searches in the Persian Gulf reported factually last fall that exports of contraband Iraqi oil through the gulf and jumped sevenfold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Much of that oil is believed to be transshipped through Iran and the United Arab Emirates and on to the world market.

What does Saddam do with the revenues from those contraband sales? Well, he keeps his weapons factories running, keeps the Republican Guards well armed and fed.

Mr. President, the United States has been concerned about the hardships, of course, that the economic sanctions have imposed on the people of Iraq. Our conflict is not with the Iraqi people; it is with the dictator who has run that country for some 19 years while depriving the people of the basic dignities of life and slaughtering some tens of thousands of minority citizens of Iraq.

In 1995, the United States supported a fundamental weakening of the economic sanctions against Iraq. We supported a resolution permitting Iraq to sell $1 billion worth of oil every 90 days under the oil-for-food program. I believe this was a weakening of the sanctions, and as a consequence was a mistake.

What this has done is it has allowed Saddam to import food and medicine for the Iraqi people, which is true and certainly worthy, but it has also made it far easier for Saddam to divert some of the investment billions that he has hidden in accounts around the world. Prior to the oil-for-food program, Saddam had to use these investment profits to import food and medicine. The oil-for-food program frees up his investment profits to purchase equipment that can enhance all of his weapons capabilities, including his capacity to manufacture weapons of mass destruction.

Mr. President, I believe that the United States must make every effort now to ensure that Saddam cannot use his oil assets to obtain more hard currency for weapons programs. That is why I am introducing the resolution today. The resolution specifically urges the President to oppose any measure that weakens the international sanctions that permit Iraq to export oil.

Recently, the Secretary-General of the United Nations recommended a significant easing of the Iraq sanctions and proposed that Iraq be permitted to sell more than twice as much oil as is currently permitted. Under this proposal, Iraq could conceivably sell $10.4 billion worth of oil in a single year. I was shocked to learn that this administration has indicated it would support this unwarranted expansion of Iraqi oil exports. Mr. President, if this U.N. proposal is adopted we might just as well end all sanctions on Iraq. Mr. President, $10.4 billion dollars was the amount of oil that Iraq exported before her invasion of Kuwait. Are we going to allow Iraq to to return to that level of exports and still retain a public stance in support of sanctions? That proposal makes a mockery of the sanctions.

My concurrent resolution would also urge the President to develop measures that will tighten the oil embargo on Iraq and prevent the leakage into the would marketplace that we have seen over the past few years. It also urges the President to try and convince both the Governments of Kuwait and Saudi Arabia to end their boycott of Jordan and begin making subsidized oil sales to Jordan to replace the Iraqi oil. The Jordanian border is one of the most porous in the Middle East and the Jordanians are forced to trade with Iraq primarily because the Saudis and Kuwaitis will not sell Jordan oil. That policy may have made sense immediately after the gulf war but today it must be reconsidered. If we can replace 96,000 barrels of oil that Jordan imports from Iraq, we will have made a significant step toward tightening the flow of dollars to Iraq.

Mr. President, oil is the key to controlling the future military capacity and capabilities of Iraq, and we must move more vigilantly in our efforts to stop the leakage of Iraqi oil onto the would market if we are going to contain Saddam Hussein.

Mr. President, let me again highlight the specifics of the resolution I just introduced. The resolution urges the administration to oppose any further weakening of economic sanctions against Iraq. The resolution urges the President to propose to the United Nations measures to significantly tighten the international embargo on the sale of oil from Iraq, including efforts to strengthen the multilateral interdiction force so that these illegal shipments can be stopped. And finally, the resolution urges the President to enter into negotiations with oil producing nations in the gulf to encourage these nations to make subsidized sales of oil to Jordan.

Mr. President, recognizing the concern that we all share over developments in Iraq since the Persian Gulf war, we are faced with the necessity to take a hard look at our options. One option is the strategic bombing of the sites where we believe we have enough information to satisfy ourselves that a strike will have a meaningful impact. On the other hand, strategic bombing is likely to result in television shots of injured children and women that undoubtedly will be placed as human shields around strategic sites in Iraq.

Another option is the use of ground forces to back up an air campaign to try and take out Saddam Hussein himself. Although the United States has significant resources, there is a recognition that a ground strike under current circumstances is unlikely given the increasing likelihood that American solders would lose their lives. Of course there is also the unanswered question of what we would do if Saddam survived such an attack?

With either of these options we must address the reality that we do not have the multilateral coalition which included our Arab neighbors that we had when the Bush administration initiated Desert Storm. I think it is unfortunate that this administration has not maintained that coalition. So now we are pretty much alone. Great Britain, Canada and Australia are with us, and for that we are grateful, but from there on it gets pretty lonesome.

Going it alone or going it with others, we still must talk about the end game. If Saddam Hussein survives, do we continue these same efforts in another few years? Are we going to give Saddam Hussein carte blanche in his ability to recover? Because he will recover by selling oil. That is what he has.

Saddam Hussein has been able to generate roughly $1 billion per quarter from the sale of oil. There is information—and unfortunately I can't reveal some of the information because it is classified—concerning the large amount of illegal oil that is flowing out of Iraq. And we are not able to stop this flow both because there are not enough multilateral intervention force (MIF) vessels in the area and because the rules of engagement under which the MIF forces operate don't allow them to stop such illegal movement.

It is these illegal sales that are primarily fueling Iraq's economy. Mr. President, it simply makes sense to this Senator to recognize that oil is the lifeblood of Iraq. We need to shut off this lifeblood, maybe through a combination of increased enforcement of the embargo and jawboning some of our allies who are purchasing Iraq's oil. Perhaps we need to go further, and consider the merits of a maritime blockade of some sort. A blockade certainly is not an unreasonable alternative when you consider that we might initiate a military action against Saddam. Stop Saddam Hussein's oil and you shut down his ability to funnel resources into his war machine and the economy, and ultimately, I think his regime will collapse.

As a Congress, we must address the issue of oil sales and we must do it in a prompt manner. I believe we must terminate these illegal sales of oil and we must be more vigilant in our oversight to ensure that the oil that is allowed to be sold under the sanctions and the dollars generated are really going for the benefit of the people and their social needs. That is the basis of my resolution. We must stop Saddam Hussein's ability to fund his war machine by cutting off his ability to supply the markets with Iraqi oil. That is an action that we should have taken some time ago.

I urge my colleagues to consider the merits of my concurrent resolution. It is certainly appropriate to consider this action as we address the merits of any further military action that might be contemplated to stop Saddam from whatever his ultimate objective is. Cut off his oil and you are going to get his attention.

SENATE CONCURRENT RESOLUTION 77—RELATIVE TO THE FEDERAL GOVERNMENT

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 77

Whereas studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

Whereas most parents meet and exceed the aforementioned criteria, circumstances allowing, parental care marks the best form of child care;

Whereas the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

Whereas a child's interaction with his or her parents has the most significant impact on their development, any Federal child care policy should enable and encourage parents to spend more time with their children;

Whereas 48 percent of mothers with preschool children under the age of 5 are full-time at-home parents and another 34 percent of mothers work part-time in order to spend more time with their preschool children;

Whereas a large number of low- and middle-income families sacrifice a second full-time income so that the mother may be at home with her child;

Whereas the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with two incomes;

Whereas only 30 percent of preschool children are in paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

Whereas child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

Whereas any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for their young child: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes that—

(1) many American families make enormous sacrifices to forgo a second income in order to have a parent care for their child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many legitimate forms of child care to meet their individual needs—an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) child care needs of at-home parents and working parents should be given careful consideration by the Congress;

(5) any quality child care proposal should reflect careful consideration of providing financial relief for those families where there is an at-home parent; and

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SENATE RESOLUTION 176—PROCLAIMING "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 176

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 18 through October 24, 1998, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, fellow Senators, today, for the fifth consecutive year I am going to submit a resolution on behalf of myself, Senators DODD, COCHRAN, BENNETT, LIEBERMAN, MIKULSKI, KEMPTHORNE, DORGAN, FRIST, and CLELAND. This resolution that we have introduced 5 consecutive years sets aside the week of October 18–24 of this year for what we call National Character Counts Week.

About 6½ years ago, a very distinguished group of Americans from all walks of life met for 3 or 4 days to talk about the character of America and the character of American people and decided after 3 days of debate that there were, in fact, six pillars of character. If these pillars could permeate our society and our children, we would all be better for it, America would be better for it and, most of all, our lives would be better for it.

These six pillars were determined at that point in time and they have remained ever since as trustworthiness, respect, responsibility, fairness, caring, and citizenship. They are referred to as the six pillars of character.

Mr. President and fellow Senators, when one looks at what has developed in these years, to help our teachers—be they in private or public schools—talk to students and teach them about these six pillars, it is obvious that these are basic concepts, basic ideas that hardly anyone in America would disagree with. That is not to say that anybody is preaching, but would we not like our children to learn the value of honesty? That is what trustworthiness is. Would we not like our young children and even our business community to be cognizant of and practice respect? And would we not want, as our children grow and as people begin to understand what holds a country together, would we not want responsibility to become part of the vocabulary of every child, every young person?

I can go through all six, and I can find different words to express each of the six. It is obvious, however, if you move throughout the State of New Mexico or the State of Georgia—I note my good friend, Senator CLELAND is here—if you ask a group of people from all walks of life, various religions, various degrees of faith, even agnostics: "Do you object to our young people learning trustworthiness, respect, responsibility, fairness, caring, citizenship?", you rarely get a negative response.

Now, this six pillars-character approach is spreading throughout our country, and those who came up with the idea and the foundation which has the right to use these pillars of character do not intend to impose from on high; rather they ask that individuals, schools, leaders, organizations such as the Boy Scouts, NFL player groups, adopt these six pillars and then do something about them.

I would be less than honest if I did not tell you the place these six pillars are spreading most rapidly is the right place—in the schools. Teachers are excited, believe it or not. Some have expressed to me they are now permitted to do what they always thought they should do but because we got all mixed up in terms of what you couldn't do in a classroom, these kind of lessons were left out. It now seems that without much objection, many school boards have said let's do it. Teachers are trying to permeate the halls, the classrooms, the meeting rooms and the minds of young people with these six pillars.

I will in my prepared remarks talk just a little bit about my State, the State of New Mexico. We organized partnerships with a number of mayors, the Governor joined, and we have now about 90 percent of all the schoolchildren in the State of New Mexico, parochial and private, that are exposed and taught and work with these six pillars—not some other words that describe it—these six words.

So there is a commonality now of usage of words. A commonality of examples that are used. Mr. President, you might have been thrilled to go to a grade school in New Mexico with me on a given day when the pillar called "responsibility" had been the subject matter in that school for one month. The way a significant number of schools do it is take one pillar a month. Teach everything else you teach, but also include the word of the month in these classes. You would have walked into that grade school and seen the walls plastered with signs and pictures the students had drawn about the word of the month, such as the word responsibility. You could then go to an assembly where all the little children with their teachers talked about responsibility for about an hour and gave awards where young people said that is the most responsible student in the class and this is what he or she did. It is rather exciting.

Now, frankly, it is not the business of any State Department of Education. If character education is going to be done, each school has to desire to do it along with the principal, teachers, and parents.

Needless to say, people ask, is it working? Frankly, I can't stand here and tell you I am absolutely certain of all the positive aspects, but I can tell you that we are beginning to get more than anecdotal information from schools that have been doing it for 2 or 3 years. They note that there is a noticeable change in behavior and relationship of children to children and, indeed, of teachers to children. Many would claim, indeed, that this does more for changing the character of our country in the right direction than almost anything that is going on out there except the organized activity of the faith people of the country as they proceed with their faith-filled lessons.

In our State we are now experimenting with the very first group of businessmen who are trying to inculcate the six pillars of character, in an institutional way, into their businesses. They are going to try to see if they can incorporate these values as a part of the life of a business, the life of the employees, and all of their relationships to the public. They hope that these values will then be passed on to others, if indeed, it has a measure of success.

Now, we are not unique. I happened to put the resolution in the Senate 5 years ago and asked ten Senators to join me. Former Senator Sam Nunn was one of the original ten. His successor, Senator MAX CLELAND, has joined us now as an original sponsor. He is here now in the chamber, and I will yield to him in a few minutes.

I in no way stand here suggesting that there are not many better examples than my State of New Mexico. There probably are. I just feel very good every now and then, once a year, to tell the Senate a few exciting stories about what is going on in our State in this regard. In the prepared remarks I cite many other examples of how the six pillars are working and how the public is responding and how televisions and radio stations help promote these pillars. They are now kind of common, ordinary language among the people in the State of New Mexico. I think that is all a very good start.

This resolution will designate the week of October 18–24, 1998, as National Character Counts Week, when individuals and organizations may observe specifically their programs and activities supporting character development.

All of us who have been involved with character education programs know about the extraordinary growth of these efforts across the country. Regardless of our support here in Washington, the development of character programs the grassroots level has been the most exciting. Good character can be endorsed and supported by Government, but it is families, schools, and communities that make the real difference.

Over the past 4 years since we initiated community-based Character Counts programs in New Mexico, the public and private schools in the State have incorporated the Character Counts message in most of the State's schools. Almost 200,000 students are receiving instruction and are involved in activities that promote the Six Pillars of Character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship. Whether the Six Pillars appear on billboards, on town waterbills, or are incorporated into a school's curriculum, the message of good character permeates the community.

The six simple words are not just words in a vocabulary. They are concepts that have meaning to children and adults alike, resulting in tangible actions that change for the better how they relate to and interact with one another. Today, I would like mention just a couple of examples of how the Character Counts efforts in New Mexico are changing the daily lives of its citizens for the better.

I would like to recount one of the most inspiring Character Counts initiatives I have seen in New Mexico. It is about Emerson Elementary School in Albuquerque. The school has 800 students speaking more than 11 languages. The school is located in a densely populated, culturally diverse and highly mobile area, with a 98.5 percent poverty rating. Many refer to this area of the city as a "war zone" because of its high crime rate. The challenges facing the school administration, teachers, and its Principal Linda Torres far exceed those of most schools; its academic challenges are as great as the community's social challenges.

The Character Counts program at Emerson Elementary was initiated as a total Social Skills Curriculum, with the Six Pillars integrated into all its daily classes and reinforced with various activities to reward the students for good behavior. At the same time, the school utilizes a human services collaborative support program for the 500 families associated with the school. It works with social service organizations to ensure the entire family is assisted, whether it is providing nutritional advice or clothing to needy families. In an effort to maximize community involvement of adults and children, the school children adopted the Veterans Memorial Park across the street from the school as one of their civic projects. They help maintain and patrol the park, and since the project began there have been no problems with graffiti.

Emerson Elementary has become a virtual community center in this area of the city and a true haven for the children and their parents. Principal Linda Torres believes that among all the conflicts that need addressing or resolving within the school and in the community, it is clear that the values that reside "inside a person" are as critical as anything the school attempts to provide. In summarizing the success of Character Counts, Principal Torres says, "the community gives back to the school and the school gives back to the community—it's not just a situation of taking, it's the concept of giving that makes a difference."

In another New Mexico community far to the south of Albuquerque near the Texas border is a medium-sized town, Las Cruces, that has embraced Character Counts in both its private and public schools, and within the community itself.

As an example, the Las Cruces University Hills Elementary School sends parents regularly scheduled communications and newsletters explaining new Character Counts initiatives. Each month the school focuses on one of the six pillars with a school-wide assembly to kick off each new pillar. Teachers include the words in lessons throughout the school day, each day of the month. The students are urged to discuss their experiences and how the concepts relate to their daily lives. The school's monthly newsletters report how students identify with the various pillars.

I believe the children's own words best express how they apply the Character Counts concepts to their daily lives:

"Citizenship is caring about our country and other people * * * Make the community a better place by cleaning the environment and taking care of it. Take care of nature, animals, plants, and land. Be a nice neighbor."

Jammal: "In our group respect means treating one another equally, even if they are not good looking, handicapped, or if they're slow. Showing respect means not being bossy and treating people fairly. I respect people for what they are, and all their different abilities. When I show respect, I am kind and polite to people. My way of showing respect is by manners and helping others."

Brenna, Karina, Christopher, Spencer and Shoji: "If you want to be a respectful person, then it's a good time to start knowing about respect and be one to the end. Be polite and the world will be safe once again. If you respect others, respect is what you will get back."

Tyrel: Sometimes we forget that each and every day there are ways of practicing good character traits. Parents, teachers, civic and business organizations, and community leaders are responding with enthusiasm to this fairly simple program of teaching and practicing the tenets of good character.

Creative community programs are developed so the messages are not confined to the classrooms but are shared by all citizens. In Albuquerque, a new program Character Counts in the Workplace is designed to apply the Six Pillars to workplace ethics. In Lea County, the Character Counts Board of Directors meets monthly to coordinate activities, with each community independently expanding its Character Counts message through its local festivities, service clubs, and schools. In Roswell, the Future Homemakers of America of Sierra Middle School, using the lessons learned about caring, assisted students at Valley View Elementary School with holiday crafts projects.

In April, the State of New Mexico will host the National Character Counts Conference, followed by 2 days of its own State Conference. Just a quick review of a few of the planned meetings at the New Mexico Conference tells us of the variety of programs being developed throughout the State: the Police Role in Community Character Counts Programs; Join-A-School Projects—What to Do; Character Counts in the Workplace; At-Risk Youth and Character Counts; School and Community Youth Athletics; and Parenting for Character Development. These sessions clearly show how broadly-based the Character Counts activities have become throughout the State.

When we first introduced the National Character Counts Week resolution in 1994, I doubt we could have envisioned how quickly parents, teachers, schools, towns, cities, and civic organizations would develop programs to address the issue of character building. It has universal appeal, and it has touched the lives of millions of our citizens. The "crisis in character" is being addressed by America's citizens, at the local level, where it matters most. I am very proud to be a part of this effort. Practicing the principles of good character pays enormous dividends not only to each of us personally but to countless generations in the future.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from New Mexico, Senator DOMENICI, my personal friend and dear colleague, for his character and especially his courage in putting forward this resolution and in taking the leadership in making sure that this resolution is enacted. I am honored to be a cosponsor of the National Character Council Week resolution.

Mr. President, the stories and statistics are painfully familiar; we have all heard them—children having children, young boys joining gangs out of a need to belong, children as young as 9 years old smoking marijuana or shooting up heroin or inhaling freon from the living room air conditioner just to find a high.

Now the latest figures are in from the Department of Justice: 25,000 juveniles murdered between 1985 and 1995. Half of all high school students who carry a weapon take that weapon to school. Juvenile arrestees are now more likely, according to the Department of Justice, than adult arrestees to have used a gun in committing a crime.

James Agee once said, "In every child who is born, under no matter what circumstances * * * the potentiality of the human race is born again."

Mr. President, how many times have we heard that our children are the future of our country? I believe that our highest obligation is, and our biggest challenge is, with the children of America. We can work together to help ensure that all children will start school ready to learn. We can pool our efforts—parents, teachers, community leaders, and elected officials—to enable our students to be first in the world of scientific and academic achievement. But I believe the greatest gift and most effective tool we can give to our children is to instill in them, from the beginning, the values and beliefs which mold their character. Character is the essential building block in each youngster's journey to become a responsible, moral adult.

George Matthew Adams once said:

> There is no such thing as a "self-made" man. We are made up of thousands of others. Everyone who has ever done a kind deed for us, or spoken one word of encouragement to us, has entered into the makeup of our character, and of our thoughts, as well as our success.

Robert Kennedy credited his father with shaping his beliefs about what the definition of true character is. He said:

> He has called on the best that was in us. There was no such thing as half-trying. Whether it was running a race or catching a football, or competing in school, we were to try. We might not be the best, and none of us were, but we were to make the best effort to be the best.

For Ronald Reagan, it was his mother, Nelle, who was his source of inspiration. He said about his mother:

> My mother, God rest her soul, had an unshakable faith in God's goodness. And while I may not have realized it in my youth, I know now that she planted that faith very deeply in me.

Mr. President, I urge my colleagues to support this resolution. It calls on our citizens and communities to teach and promote the core elements of character: trustworthiness, respect, responsibility, fairness, caring and citizenship.

Decades ago, during the war in Korea, one of our generals was captured by the Communists. He was taken to an isolated prison camp and told that he had but a few minutes to write a letter to his family. The implication was that he was to be executed shortly. The general's letter was brief and to the point: "Tell Bill," he wrote, "the word is integrity."

The word is indeed integrity, Mr. President. As our resolution states, "the character of a nation is only as strong as the character of its individuals citizens." If this is so, Mr. President—and I hope it is and I think it will be—the future of this country will be in very good hands.

Mr. DODD. Mr. President, I am pleased this morning to join with the distinguished Senator from New Mexico and a group of my colleagues in cosponsoring this Senate Resolution designating October 18th through 24th as National Character Counts Week.

Nothing that we do in this country will have a more direct impact on our collective future than how we educate our children. And as the face of our society changes, and children are faced with modern problems like illegal drug use and violence, we should look at ways to expand our traditional definition of education. We must recognize that education should be more than the transmission of acts. It ought to be more than the relaying of concepts. Education should also seek to develop the moral character of our children. Schools need to reinforce the lessons that children are taught at home. Education must help teach young people what they need to know to be good citizens in our society. Strengthening the mind is not enough. We must also nurture the character.

That is why so many of us in the Senate come to the Floor each year to speak in support of character education in our schools. We believe that it is entirely appropriate for schools to instruct students on the importance of qualities like trustworthiness, respect, responsibility, fairness, caring, and citizenship. This is not a substitute for disciplined instruction in reading, math, composition, and other subjects. This is simply an effort to instill in our young people the values that we cherish in a civil society.

I have been working on character education issues for about 5 years now, and all of my experiences with this initiative have reinforced my belief that this is a good idea that can have a positive impact in the lives of our children. In 1994, I Introduced a character education amendment to the elementary and secondary education bill when it was being considered by the Labor Committee. This amendment was adopted, and it provided funding for schools to start character education curriculums.

Over the past few years, I have had the pleasure of visiting schools in Connecticut that have received some of these funds and begun teaching character education. In each and every classroom, I have seen the positive impact that these programs are having in our children's lives. Children, as well as teachers and parents, are responding enthusiastically to these lessons, and the result has been better attendance, higher academic performance, and improved behavior among our students. Character education may be a relatively new initiative, but these programs are already reaching 100,000 students in the State of Connecticut alone. And character education is not only making a difference in my home State, but all over the country as many of my colleagues can confirm.

Theodore Roosevelt once said, "To educate a person's mind and not his character is to educate a menace." It is imperative that we build a society whose institutions will help support a strong ethical upbringing for our children, and character education should be a critical component of our efforts to reach that goal.

Again, I commend my friend and colleague from New Mexico for all of his work in this area. And I invite all my colleagues from both sides of the aisle to join us in supporting National Character Counts week and embracing character education as a vital means of molding better individuals, strengthening families and creating a responsible American citizenry.

Mr. COCHRAN. Mr. President, I am proud to join Senator DOMENICI in sponsoring the 1998 Character Counts Week resolution. As an original member of the Character Counts Coalition here in the United States Senate, it has been my honor to cosponsor Character Counts Week every year since 1994.

In the past we learned the Golden Rule and were taught how to act by our parents and teachers or at Sunday School, and the community helped reinforce acceptable conduct. Today, because there are so many who don't have a chance to grow up in that kind of environment, we must develop alternative ways of teaching and learning how to behave in a free society.

Former United States Deputy Under Secretary of Education, Dr. Peter R. Greer, wrote an article, called "Teaching Virtue," published in Education Week, February 4, 1998. In his article, he describes his experiences in developing effective curriculum for teaching ethics and character in kindergarten through grade twelve. He found that one of the most troublesome aspects for teachers to overcome was their reluctance to identify right and wrong. He also found that teaching virtues had to be a school-wide and a community-wide commitment.

The Character Counts Coalition began as an effort to put values education at the top of the national agenda. The values are called "Pillars of Character," and they are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The core elements of good character reflect a consensus that was reached by eminent and diverse educators and youth leaders who thought the pillars would be widely understood, accepted and effective.

The Coalition is made up of over 180-member organizations who collectively pursue the goal of teaching that character does count and is essential for our nation's survival and success. Included in this group are the American Association of School Administrators, American Red Cross, Boys and Girls Clubs of America, Little League Baseball, 4-H, National Honor Society and many regional and community-based organizations. They are all working to build awareness of the pillars of character and to encourage their teaching "from the family room to the school room to the locker room."

In my state of Mississippi, Ocean Springs is a Character Counts Community. The Chamber of Commerce sponsors programs that stress the importance of making good character traits an intrinsic part of the lives of students, teachers, administrators, and citizens.

The Ocean Springs Character Counts Business Club members display Character Counts stickers in their windows and help raise funds for the Chamber of Commerce. Each year, those funds are used for programs and materials to train teachers in the Ocean Springs public schools on better ways to incorporate character education into their regular curriculum.

The programs are designed for repetition and emphasize action and behavior. Youngsters are encouraged to express their thoughts about character through essays, poems, songs, artwork, posters or videos.

I am very proud of the people of Ocean Springs, Mississippi. They understand that teaching good character begins at home, but it must be reinforced at school and by the entire community.

Character Counts! Week is October 18-24 this year. I hope that communities will use this as a time for new and renewed commitments to character education.

If we all practiced what Character Counts teaches, America would be better indeed.

Ms. MIKULSKY. Mr. President, I rise today in support of the resolution submitted by my colleague Senator DOMENICI to designate October 18 through October 24, 1998 as "National Character Counts Week."

I have cosponsored this resolution for the past four years and I am honored to do so again this year.

Character is an increasingly important issue in our society. I believe character counts. It counts in our homes, our schools, and our neighborhoods.

I believe character is the foundation of our society and will continue to be into the next century. I have been concerned that we have gone from being a progressive society to being a permissive society.

Character shapes how we behave in our families, in our own communities, and in our own workplaces.

Character education helps our children grow into responsible and caring adults. But character must be taught. It is our responsibility to teach character to children.

In this day and age of juvenile crime, particularly crime in schools, a renewed commitment to character education is even more important for our society.

Character development should be taught along with other core academic subjects. The state of Maryland has encourage the inclusion of character education in schools. I support this approach.

There are six pillars of character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. These are values that last a lifetime.

Our country was built on the foundation of virtue and value. These are the ties that bind and the habits of the heart. Character encourages self-respect and the respect of others.

I believe in supporting character education as much as possible. In making sure that character counts, we will create the habits of the mind and the habits of the heart that will be the social glue that will hold our society together.

I urge my colleagues to support this bipartisan resolution. I believe in support for character education. It is even more crucial as we enter the next century.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the National Character Counts week resolutions submitted by my esteemed colleague, Senator DOMENICI. I have cosponsored similar resolutions for the past 4 years and am honored to have the opportunity to do so again this year.

I stand before you today, because children and adults alike are constantly being bombarded by violence, profanity, and immorality, both through the media and in every day life. This onslaught of negative images and expressions has expanded the issue of character from a casual concern to a matter of considerable social importance. During my tenure in the Senate it has been my goal, and the goal of many of my colleagues, to raise awareness of the importance of raising our younger generations in an atmosphere of strong principles. I can think of few things we could do to better achieve this goal than to bring the attributes of good character to a level that will be admired by our children. If, through our own actions, we demonstrate the value, and indeed the necessity, of good character, we may help turn future generations away from the all too often glamorized visions of unscrupulous activities.

As a father, I am concerned that the role models our nation's children seek for leadership and guidance do not exemplify the integrity and character that most parents would condone. As an elected leader, I believe it is my job, and the obligation of my colleagues, to take an initial step to reinvigorate the attributes of character—trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue, and citizenship—which National Character Counts Week highlights. We need to regain these qualities in our communities, in our families, and in the development of our own lives.

Mr. President, as we watch our children blossom into the leaders of the future it is my hope that each and every one of them will be able to look up to individuals who epitomize the values and attributes that are represented by National Character Counts Week. I am proud to stand with my fellow colleagues today, to discuss the importance of having genuine character. The simple step of raising awareness of the value of good character can have a powerful and long lasting impact. In the words of President Ronald Reagan, "They say the world has become far too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right."

Mr. President, I believe by standing before you today, the supporters of National Character Counts Week are taking the initial step in accomplishing what is morally right. We are, however, only a single piece in the puzzle. My colleagues and I, along with civic organizations around the Nation, are only emissaries of a message. The true fundamental values that will instill character in our children must begin at home. No amount of moral instruction from outside the home can replace the guidance of a loving and supportive family.

Recognizing a national week to stress the importance of character is but a small step in addressing the crisis of ethics the Nation faces. At the same time, it is an important step which I believe all of us should support. I would like to thank Senator DOMENICI for his continued leadership on National Character Counts Week, and urge my colleagues to cosponsor the resolution.

SENATE RESOLUTION 177—RELATIVE TO PRISONERS OF WAR

Mr. COVERDELL (for himself, Mr. CLELAND, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. HAGEL, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the period from 1964 through 1972 resulted in several hundreds of members of the United States Armed Forces being taken prisoner by North Vietnamese, Pathet Lao, and Viet Cong enemy forces;

Whereas the first such United States serviceman taken as a prisoner of war, Navy Lt. Commander Everett Alvarez, was captured on August 5, 1964;

Whereas following the Paris Peace Accords of January 1973, 591 United States prisoners of war were released from captivity by North Vietnam;

Whereas the return of these prisoners of war to United States control and to their families and comrades was designated Operation Homecoming;

Whereas many members of the United States Armed Forces who were taken prisoner as a result of ground or aerial combat in Southeast Asia have not returned to their loved ones and their whereabouts remain unknown;

Whereas United States prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention;

Whereas United States prisoners of war in Southeast Asia were held in a number of facilities, the most notorious of which was Hoa Loa Prison in downtown Hanoi, dubbed the "Hanoi Hilton" by the prisoners held there;

Whereas the hundreds of United States prisoners or war held in the Hanoi Hilton and other facilities persevered under terrible conditions;

Whereas the prisoners were frequently isolated from each other and prohibited from speaking to each other;

Whereas the prisoners nevertheless, at great personal risk, devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas then-Commander James B. Stockdale, United States Navy, who upon his capture on September 9, 1965, became the senior POW officer present in the Hanoi Hilton, delivered to his men a message that was to sustain them during their ordeal, as follows: Remember, you are Americans. With faith in God, trust in one another, and devotion to your country, you will overcome. You will triumph.;

Whereas the men held as prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas two of these patriots, Congressman Sam Johnson, of Texas, and Senator John McCain, of Arizona, have continued to honor the Nation with devoted service; and

Whereas the Nation owes a debt of gratitude to all of these patriots for their courage and exemplary service: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for, and calls upon all Americans to reflect upon and show their gratitude for, the courage and sacrifice of the brave men who were held as prisoners of war during the Vietnam conflict, particularly on the occasion of the 25th anniversary of Operation Homecoming, their return from captivity; and

(2) acting on behalf of all Americans—

(A) will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict; and

(B) will continue to press for the fullest possible accounting for such members.

SENATE RESOLUTION 178—TO AUTHORIZE THE PRODUCTION OF SENATE DOCUMENTS AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas, in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*, Civil Case No. 97-0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the offices of Senator Byrd and Senator Rockefeller are authorized to produce documents in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*, except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent employees of Senator Byrd and Senator Rockefeller in connection with any subpoena or request for documents or testimony in *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*.

AMENDMENTS SUBMITTED

THE ENERGY POLICY AND CONSERVATION ACT PROVISIONS EXTENSION ACT

MURKOWSKI AMENDMENT NO. 1645

Mr. COVERDELL (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act; as follows:

In lieu of the matter proposed to be inserted insert the following:

"SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

"The Energy Policy and Conservation Act is amended—

"(1) in section 166 (42 U.S.C. 6246) by striking '1997' and inserting in lieu thereof '1999';

"(2) in section 181 (42 U.S.C. 6251) by striking '1997' both places it appears and inserting in lieu thereof '1999';

"(3) by striking 'section 252(l)(1)' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting 'section 252(k)(1)';

"(4) in section 252 (42 U.S.C. 6272)—

"(A) in subsections (a)(1) and (b), by striking 'allocation and information provisions of the international energy program' and inserting 'international emergency response provisions';

"(B) in subsection (d)(3), by striking 'known' and inserting after 'circumstances' 'known at the time of approval';

"(C) in subsection (e)(2) by striking 'shall' and inserting 'may';

"(D) in subsection (f)(2) by inserting 'voluntary agreement or' after 'approved';

"(E) by amending subsection (h) to read as follows—

"'(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

"'(1) the international energy program, or

"'(2) any allocation, price control, or similar program with respect to petroleum products under this Act.';

"(F) in subsection (k) by amending paragraph (2) to read as follows—

"'(2) The term 'international emergency response provisions' means—

"'(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

"'(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

"'(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

"'(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.'; and

"(G) by amending subsection (l) to read as follows—

"'(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'; and

"'(5) in section 281 (42 U.S.C. 6285) by striking '1997' both places it appears and inserting in lieu thereof '1999'.

"(6) at the end of section 154 by adding the following new subsection:

"'(f)(1) The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawndown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

"'(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefor.'."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that several hearings have been scheduled before the Full energy and Natural Resources Committee to consider the President's proposed FY 1999 budget.

The Committee will hear testimony from the following:

1. The Forest Service on Tuesday, March 3, 1998, beginning at 9:30 A.M. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.
2. The Department of Energy on Wednesday, March 4, 1998, beginning at 10:00 A.M., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.
3. The Department of the Interior on Thursday, March 5, 1998, beginning at 9:30 A.M. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Betty Nevitt, Staff Assistant at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 12, 1998, at 10:00 A.M. in open session, to receive testimony on the Defense Authorization request for fiscal year 1999 and the future years defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, February 12, 1998, at 9:30 AM on the nomination of Winter Horton to be a member of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, February 12, 1998, at 10:00 AM (or immediately following) the 9:30 AM hearing) on S. 1422—FCC Satellite Carrier Oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 12, 1998 at 2:00 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, to meet on Thursday, February 12, 1998, at 9:00 a.m. for a hearing on "Adoption and Foster Care Reforms in D.C."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 1998 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on the Indian provisions contained in the following Tobacco settlement legislation: S. 1414, S. 1415, and S. 1530.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session on the Senate on Thursday, February 12, 1998, at 10:00 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Education of the Deaf Act during the session of the Senate on Thursday, February 12, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "IRS Reform: What Taxpayers Need Now." The hearing will be held on Thursday, February 12, 1998, and will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, February 12, 1998, at 2:00 p.m. on the Airport Improvement Program

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 12, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 62, a bill to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express Act of Congress, and for other purposes; S. 477, a bill to amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres; S. 691, a bill to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States H.R. 901, an act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; and H.R. 1127, an act to amend the Antiquities Act regarding the establishment by the President of certain national monuments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL DONOR DAY: FEBRUARY 14, 1998

• Mr. FRIST. Mr. President, Saturday, February 14, has a special significance: it is the first National Donor Day to promote the Five Points of Life, gifts that we can give others to help save lives. The Five Points of Life are whole blood, platelets, bone marrow, umbilical cord blood, and organ/tissue transplants; gifts of these valuable resources have been responsible for saving numerous lives.

The National Donor Day was developed by a partnership of the Saturn Motor Company, one of the leading corporations in my home state of Tennessee, and the United Auto Workers. The National Donor Day has the strong support of the Department of Health and Human Services and the enthusiastic cooperation of other volunteer associations, such as the American Red Cross, America's Blood Centers, National Marrow Donor Program, National Minority Organ/Tissue Transplant Education Program, the Transplant Recipients International Organization, Coalition on Donation, and Rotary International.

On National Donor Day, February 14, all Saturn automobile dealerships will be participating in a program to promote donation of the Five Points of Life. Blood donor drives will be conducted, and registration forms will be available to sign up as an organ donor or bone marrow donor.

This type of public/private partnership is the key to solving the shortage of donors. The stocks of whole blood and platelets have to be constantly replaced so their life-saving components will be available to the millions who use them. There are over 56,000 people on the waiting list for organ transplants, and ten die each day because organs are not available to save their lives. The National Marrow Donor Program has over 2.6 million people registered, but still there are many people who need bone marrow donation who are unable to find a suitable match among these individuals. Medical science has developed ways to save peoples' lives by using these resources, but unless everyone helps by offering the gift of Five Points of Life, all the skills of our doctors and physicians are for nought.

In response to this need for the Five Points of Life, people from all over the country are stepping up to meet the call. Tom Meredith from Nashville is a donor dad whose tragedy at the loss of two children was somewhat alleviated by the thought that their donated organs benefitted 97 people. Dr. Kenneth Moritsugu, an Assistant Surgeon General of the United States, is a donor husband and donor dad who tells movingly how organs donated by his wife and daughter, who were killed in separate traffic accidents, brought life to many others.

Mr. President, this altruism in the face of despair is a challenge to us all to become donors and give a gift of the Five Points of Life. I only wish all of you had the chance to see first-hand, as I have, the look of joy on the face of a child who, after receiving a transplant, no longer has to gasp for breath. As we give gifts of love to our spouses and sweethearts this Saturday, Valentine's Day, let us promise to give another gift of love to others we may not even know, the greatest gift of all, the gift of life.•

SOUTH DAKOTANS DEPLOYED TO THE PERSIAN GULF

• Mr. JOHNSON. Mr. President, I want to take this opportunity to thank the brave South Dakotans who are part of the latest deployment of American troops to the Persian Gulf. The men and women from Ellsworth Air Force Base and the South Dakota Air National Guard embody the spirit of all Americans by assisting the international effort to rid Iraq of nuclear and biological weapons.

Saddam Hussein's deportation of United Nations weapons inspectors and his continued obstruction of international monitoring efforts clearly show that Iraq does not desire to live by international rules of peace and commerce.

We now face the possibility of using force against Saddam Hussein to ensure that Iraq does not develop the capability to make and use weapons of mass destruction, and our thoughts and prayers are with our American troops stationed overseas and their families back home. We have faith in the readiness of our troops and know that, if called upon, they will succeed in their mission. The 114th Fighter Wing of the South Dakota Air National Guard will be enforcing the no-fly zone over southern Iraq, a task they have performed since 1992. The recent deployment is also a historic occasion for Ellsworth Air Force Base because it marks the first time B-1 bombers have been deployed in a potential military conflict.

I am a strong supporter of the National Guard working alongside active duty personnel in response to future emergencies, both at home and abroad. The Persian Gulf War was the truest test of this strategy and illustrated the Guard's ability to be trained, mobilized, deployed, fight alongside active duty personnel, and demobilized in response to a national emergency. As you know, Mr. President, South Dakota

National Guard participated in that impressive effort.

The National Guard's effectiveness further proved itself in the natural disasters of the past few years. Our state is indebted to the National Guard for its stellar performance in the recent past in helping communities deal with crises ranging from flood waters to snow drifts.

I join all South Dakotans in wishing our troops from Ellsworth Air Force Base and the South Dakota Air National Guard a safe and successful completion of their mission as they protect our interests overseas.●

WOMEN'S RIGHTS NATIONAL HISTORIC TRAIL ACT

● Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, the senior Senator from New York, Senator MOYNIHAN to introduce the "Women's Rights National Historic Trail Act" which authorizes that the Secretary of the Interior study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights. New York has that history.

In 1848, despite social, legal and economic constraints, the action of several women from New York led to a movement that would eventually provide freedom to women across this country and for generations to come.

In Seneca Falls, 1848, the first Women's Rights Convention was held leading the way for the 19th Amendment which granted women the right to vote. On July 19th, the first day of the two day convention, the Declaration of Sentiments was read at the convention promoting the right to vote, the right for a woman to attain a higher education, the right to own property and the right to retain one's own wages—some of the most fundamental principles of our democracy. As stated by Elizabeth Cady Stanton, one of the leaders of the convention, "We hold these truths to be self-evident: that all men and women are created equal."

The other leaders of the Convention including Lucretia Mott, Jane Hunt, Ann M'Clintock and Martha Wright began the movement to fulfill the freedom of Americans by changing the treatment of women in American society.

I support the designation of a corridor commemorating the triumphs of these and other women, and believe that the Buffalo-Boston trail deserves serious consideration. Areas like Seneca Falls, where we can find the Elizabeth Cady Stanton House, and her church, the Old Trinity Church, I believe, should be part of the historical trail for women's history. Other areas in New York have a tremendous historical significance for women's rights including: the Susan B. Anthony House, voting site and gravesite in Rochester and the M'Clintock House where the idea of a convention was conceived and the Declaration of Sentiments was written.

This bill only requires the Secretary to study the alternatives available to him and does not dictate where that commemoration occurs. But the events that occurred the summer of 1848 should be remembered and treated as part of a historical connection. The importance of Seneca Falls is key in the advancement of the rights of women in our nation and that is why I have also joined with Senator MOYNIHAN in June 1997 to introduce a S. Con. Res. 35, urging the U.S. Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the first Women's Right Convention.

I am pleased to join Senator MOYNIHAN in this effort to preserve the historical significance of women's rights in New York and I urge my colleagues to join us in co-sponsoring this legislation.●

HARRY S. ASHMORE: COURAGEOUS JOURNALIST

● Mr. MOYNIHAN. Mr. President, the revered journalist Harry Ashmore died last month at the age of 81. He died one day after the day set aside to observe Dr. Martin Luther King Jr.'s birthday and our nation's bitter struggle for civil rights. Mr. Ashmore was a leader in the struggle to integrate schools in Little Rock, Arkansas. His writings helped deliver Americans peacefully from unjust and oppressive laws.

A native of Greenville, South Carolina, Mr. Ashmore was raised to revere Southern traditions. His grandfathers fought for the Confederacy. As a young man, he was graduated from Clemson Agricultural College and then worked as a reporter in Greenville and in Charlotte, North Carolina. He served during the Second World War as an infantry battalion commander in the European theater and completed his military service a Lieutenant Colonel. After the war, he returned to North Carolina and to The Charlotte News, where he rose to the position of editor. In 1948, he moved to Little Rock and began his eleven years at The Arkansas Gazette. There, he would become The Gazette's executive editor.

Harry Ashmore loved the South. He embodied the dignity of a southern gentlemen throughout his years. But he was never provincial—either in his writing or his thinking. He studied at Harvard University as a Nieman fellow; from 1960 to 1963, he was editor-in-chief of the Encyclopedia Britannica and from 1969 to 1974, he was president of the Center for the Study of Democracy in Santa Barbara, California. In addition, he found time to author, co-author and/or edit a dozen books. In 1996, he was honored with the Robert F. Kennedy Memorial Lifetime Achievement Award.

But it was in newspapers where he would have his greatest influence on American life. In 1957, three years after the Supreme Court's decision in Brown, Arkansas' Governor Orval E. Faubus called out the National Guard because of "evidence of disorder and threats of disorder." As ever, Harry Ashmore called it like he saw it. He described the eerie scene as, "the incredible spectacle of an empty high school surrounded by the National Guard, troops called out by Governor Faubus to protect life and property against a mob that never materialized."

Ashmore knew Governor Faubus wanted to prevent nine students from entering Little Rock High School. He warned against delay, realizing that resisting the Supreme Court would bring bloodshed. In The Gazette, he argued dispassionately for the people of Arkansas to uphold the law. He wrote: "There is no valid reason to assume that delay will resolve the impasse which Mr. Faubus has made. We doubt that Mr. Faubus can simply wear the Federals out—although he is doing a pretty good job of wearing out his own people." Harry Ashmore understood before so many others the power and the moral force of civil liberty. And yet, he also knew the rooted strength of the opposition.

Above all he was honest, to himself and to his readers. Through his calm and reasoned editorials he stood for justice despite daily threats on his life and on his family. The Gazette suffered financially for his courage. It lost advertising revenue and circulation. Harry Ashmore, however, fought for his beliefs, and he helped lead Arkansas and the Nation toward equality for all its citizens. In 1958, the Pulitzer committee recognized Harry's excellence in editorial writing by awarding him the Pulitzer Prize for "clearness of style, moral purpose, sound reasoning, and power to influence public opinion." In addition to his own Pulitzer, in 1958, The Gazette was awarded the Pulitzer for public service.

Harry Ashmore was on the front lines of the struggle for civil rights in this country. His leadership, courage, and wise words must not be forgotten.

I ask that the New York Times' article on Harry Ashmore from January 22, 1998, be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 22, 1998]

HARRY S. ASHMORE, 81, WHOSE EDITORIALS SUPPORTED INTEGRATION IN ARKANSAS, DIES

(By Eric Pace)

Harry S. Ashmore, who was executive editor of The Arkansas Gazette when he won a Pulitzer Prize for antisegregation editorials he wrote during the crisis and confrontation over admission of black students to a Little Rock high school in 1957, died on Tuesday night in the infirmary of the Valle Verde retirement home in Santa Barbara, Calif., where he and his wife moved several years ago. He was 81.

He evidently died as the result of a stroke he suffered early this month, his wife, Barbara, said.

Mr. Ashmore, a native of South Carolina, was a prominent figure in Southern journalism while he was executive editor of The Gazette—published in Little Rock—from 1948 to 1959. He went on to be the editor in chief of the Encyclopedia Britannica from 1960 to 1963 and president of the Center for the Study of Democratic Institutions, a liberal think tank headquartered in Santa Barbara, from 1969 to 1974.

On The Gazette's editorial pages in the eventful days of 1957, he argued with controlled but eloquent passion that the law of the land—following the Supreme Court's 1954 ruling that all segregation in public schools was "inherently unequal"—should be honored and that Arkansans should permit the admission of nine black students who wanted to enter the school under an integration plan drawn up by the Little Rock school board. He contended that resistance was useless.

Confrontation loomed when Arkansas' populist Governor, Orval E. Faubus—formerly a boon companion of Mr. Ashmore's—ordered the National Guard to bar the nine from the school. But President Dwight D. Eisenhower gained control of the Guard and ordered Federal troops to be sent to Little Rock to restore order and accompany the nine. And the school became integrated.

Well before the crisis, a plan was adopted by the Little Rock school board that restricted integration of the city's schools initially to only one of them, Central High School, and scheduled that for 1957.

Tension rose as the integration date approached. Resistance to the plan, called the Phase Program, swelled among white people. Robert Ewing Brown, leader of a segregationist group in Little Rock, said, "The Negroes have ample and fine schools here, and there is no need for this problem except to satisfy the aims of a few white and Negro revolutionaries." And early in 1956, Mr. Faubus declared he could not cooperate in "any attempt to force acceptance of change to which the people are so overwhelmingly opposed."

In August 1957, someone hurled a stone through the window of an Arkansas N.A.A.C.P. leader, Daisy Bates. An attached note said: "Stone this time, dynamite next."

In September 1957, the night before Little Rock's schools were to open, Governor Faubus proclaimed that he was going to deploy National Guard troops around Central High School because of "evidence of disorder and threats of disorder."

And when Central High opened, more than 200 National Guard troops were on guard. As Mr. Ashmore put it in an editorial, there was "the incredible spectacle of an empty high school surrounded by the National Guard, troops called out by Governor Faubus to protect life and property against a mob that never materialized."

But a 15-year-old black girl, Elizabeth Eckford, who tried to enter the school, recounted later that "somebody started yelling, 'Lynch her! Lynch her!'" A white woman accompanied her away from the scene.

After the nine black teenagers were eventually permitted to begin attending the school and, as Mr. Ashmore wrote in one editorial, "peacefully attending Central High School under Federal court order and Federal military protection," Governor Faubus contended that resolving the crisis required that the nine withdraw from the school. He said that all he wanted was delay in integrating the high school until some unspecified future time.

But Mr. Ashmore said in that editorial: "There is no valid reason to assume that delay will resolve the impasse which Mr. Faubus has made. We doubt that Mr. Faubus can simply wear the Federals out—although he is doing a pretty good job of wearing out his own people."

Yet Mr. Ashmore's approval of integration was limited then, though it became complete later. One of his editorials during the crisis advocated acceptance of the phased desegregation plan worked out by the school board as the handiwork of individuals who felt "(as we do) they were working to preserve the existing pattern of social segregation" by coming up with a program which would lead to "the admission of only a few, carefully screened Negro students to a single white high school."

Recalling those days, Henry Woods, a Federal district judge in Little Rock who was a leading Little Rock lawyer in 1957, said: "Harry was the central figure in the crisis. He was the leader of the opposition to mob rule, and all of us who opposed Faubus rallied around him. The thing I admire most was the great courage Harry displayed. He received daily threats against his life and his family, but he stood in the breech and held the walls against the barbarians."

During the crisis, Mr. Ashmore's editorials caused declines in advertising revenue and circulation. An unsigned letter was sent to some business people in Little Rock saying that The Gazette, in taking its antisegregation stand, was "playing a leading role in destroying time-honored traditions that have made up our Southern way of life."

In 1990, Mr. Ashmore, speaking of himself and two other Southern editors of that era, Ralph McGill of The Atlanta Constitution and Hodding Carter of The Delta Democrat-Times of Greenville, Miss., said, "As refugees of the Old South, we were never comfortable being called liberals or integrationists. Philosophically, we all knew segregation was wrong, but we weren't doctrinaire liberals. I had a temperamental difference with the two of them, though. They were more glandular, more angry about the segregationist abuses, whereas I tended to laugh more at the absurdity of it all."

He also did not take himself too seriously. A former colleague at The Gazette recalled not long ago that after attending a daily afternoon meeting about the paper's news coverage, Mr. Ashmore would go off to write editorials and, as he departed, he would often observe wryly, "I'm off to think great thoughts."

When Mr. Ashmore won his Pulitzer Prize, The Gazette was given another Pulitzer award, for public service, for its news reporting about the events of 1957. Mr. Ashmore was cited for "the forcefulness, dispassionate analysis and clarity" of his editorials during the crisis, and The Gazette was cited for "demonstrating the highest qualities of civic leadership, journalistic responsibility and moral courage in the face of mounting public tension."

In 1991 the newspaper ceased publication, and its competitor, The Arkansas Democrat, acquired its assets and became The Arkansas Democrat-Gazette. The paper's editorial page editor, Paul Greenberg, said yesterday that Mr. Ashmore "was a part of the great epic of The Gazette's courageous stand in coverage of the Central High crisis of 1957." Mr. Greenberg, who won a 1969 Pulitzer Prize for editorials on race that he wrote for The Pine Bluff Commercial of Arkansas, said: "He will always be a much admired figure in Arkansas journalism. No account of Arkansas history will ever be complete without mentioning Harry Ashmore."

Mr. Ashmore wrote, was co-author or editor of a dozen books. Over the years, he was also in the active leadership of the American Society of Newspaper Editors, the Fund for the Republic, the Committee for an Effective Congress, the American Civil Liberties Union and other national organizations.

He received the Robert F. Kennedy Memorial Lifetime Achievement Award in 1996.

Harry Scott Ashmore was born in Greenville, S.C. He became aware of black people's problems partly when he became a summer laborer on a cotton farm. He went on to graduate in 1937 from Clemson Agricultural College in Clemson, S.C., worked for some southern newspapers and studied as a Nieman Fellow in Journalism at Harvard.

During World War II he served with the Army in France and elsewhere and rose to the rank of lieutenant colonel. After the war he rose to become editor of The Charlotte News in North Carolina. He went to The Arkansas Gazette as editor of its editorial page in 1947 and was promoted to executive editor.

In addition to his wife, the former Barbara Edith Laier, whom he married in 1940, Mr. Ashmore is survived by a daughter, Anne Ashmore of Washington.•

PRAISING CRAIG A. HIGGINS FOR HIS SENATE SERVICE

• Mr. SPECTER. Mr. President, Mr. Craig A. Higgins, Clerk of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, recently announced that he will soon be joining the National Human Genome Research Institute at the National Institutes of Health as its Senior Advisor for Legislative Affairs. I offer him, on behalf of all my Senate colleagues, our goodwill and best wishes as he assumes his new duties and responsibilities at NIH.

Mr. Higgins has served with loyalty and with distinction in the United States Senate for nearly 18 years. .He has worked for Senator Mark O. Hatfield as a legislative assistant from 1980 to 1987. He then joined the subcommittee staff, becoming Clerk of the subcommittee in 1995. He is well known to be a dedicated and conscientious staff member who, like many staff members, has spent countless hours of energy, time, and effort in producing bills, reports, and hearings. During his stewardship of our subcommittee, Craig has continued the tradition of bipartisanship in the formulation of this very important bill. He understands the many needs of the American people and sought constructive solutions to better enable our government to address those needs. He devoted considerable time helping individual constituents and informing the public about the work of the subcommittee.

Craig has earned the respect of the leadership of these agencies and of the Members and staff of the Senate by being fair, responsive, and helpful. Both Democrats and Republicans have trusted his advice and counsel as our subcommittee confronted the many issues.

In his new position at NIH, Craig will no doubt continue his outstanding work in advancing the promise of genome research. With his professionalism and legislative experience, he brings to the task exceptional talent and energy, and I have the highest degree of confidence that his ability and dedication will continue his remarkable record of excellence.

I would take this opportunity again to thank Craig for his service to our subcommittee. As a devoted father to his children, Keith and Kristin, and husband to his wife, Wendy, Craig, like the many other parents in our workforce, has balanced home life with career. In many ways, his work in the Senate is motivated in large part in securing a stronger future for all families, including his own. I join my Senate colleagues in wishing Craig well and we expect for him to continue the highest traditions of excellence at his new post at the National Human Genome Research Institute.•

CRS PRODUCTS OVER THE INTERNET

• Mr. LEAHY. Mr. President, I rise to offer my support to legislation introduced by Senator McCAIN, S. 1578, to make Congressional Research Service Reports, Issue Briefs, and Authorization and Appropriations products available over the Internet to the general public.

I applaud the goal of this legislation to allow every citizen the same access to the wealth of information at the Congressional Research Service (CRS) as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. The taxpayers of this country, who pay CRS's annual budget of $60 million, deserve speedy access to these wonderful resources.

I understand that the staff at CRS has raised some questions about how this bill may affect their charter mandate to provide "confidential analysis and information exclusively for Congressional clients." I want to work with Senator McCAIN, the other cosponsors of this bill and the Senate Rules Committee to ensure that Members who request confidential research have control over the release of that research. But we can do both—protect truly confidential research and give our citizens electronic access to nonconfidential CRS products.

I want to commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to come on harnessing the power of the information age to open up the halls of Congress to all our citizens.•

REGULATING DUNGENESS CRAB HARVEST ON THE WEST COAST

• Mr. GORTON. Mr. President, I rise today to state that I intend, with my colleague from Washington state, Senator MURRAY, to introduce legislation shortly after this recess to ensure fair management of Dungeness crab on the West Coast. The legislation is supported by the Pacific Fishery Management Council, and represents an agreement reached by industry representatives, tribal representatives, and state fishery management agencies in Washington, Oregon, and California. The legislation will extend and expand the current interim authority for these states to manage Dungeness crab beyond three miles from their shores.

Historically, the crab fisheries off the coasts of California, Oregon, and Washington have been managed by the three states, and through cooperative agreements between them. The state jurisdiction, however, extends only to three miles. This limitation is particularly significant in Washington state, where approximately 60–80 percent of the crab is caught beyond three miles. While states can regulate their own fishermen beyond three miles, they have not historically been able to regulate fishermen from other states.

Although Washington, Oregon, and California have all adopted limited entry programs to conserve and manage crab, Oregon vessels can and do fish for Dungeness crab in waters more than three miles off Washington, and, until interim authority was granted in 1996 in the Sustainable Fisheries Act, Washington could not regulate these vessels. The same, of course, was true of Washington vessels fishing off the coast of Oregon.

The problem with the inability to manage out-of-state vessels beyond three miles became critical in 1995, when a Federal district court allocated a large portion of the crab to Indian tribes, and threatened in this way to deprive non-tribal fishermen, who have been fishing for generations, of their livelihoods. Without the ability to regulate vessels from Oregon, all of the allocation to the tribes would come from Washington non-tribal fishermen. This simply is not fair. The bill I will introduce will continue to give the fishery managers in Oregon, California, and Washington, the authority to regulate all crabbers equally in the exclusive economic zone adjacent to the state. This regulatory authority will help to ensure that the cost of the tribal allocation will be borne more fairly by all commercial crabbers who fish in the EEZ adjacent to Washington, not just crabbers whose vessels are registered in the state.

As I mentioned, in 1996, I succeeded in obtaining a provision in the Sustainable Fisheries Act, which gave limited interim authority to the West Coast states to manage the Dungeness crab fishery beyond three miles. This interim authority expires in 1999. It was anticipated that the Pacific Council would, by that time, prepare a Fishery Management Plan that could be delegated to the states. The Council has determined, however, through a careful, public, and inclusive process, that, given the unique nature of the West Coast fisheries in which you have effective state management, cooperation among the states, and agreement on the legislation I will introduce, there is no need for Federal management of this fishery.

I look forward to working with my colleagues to secure quick passage of the bill.•

PHILIP HITCH

• Mr. STEVENS. Mr. President, the Defense Department and Congress recently lost an able and dedicated adviser. Mr. Philip Hitch, Department of Defense Deputy General Counsel for Fiscal Matters died recently at the age of 52. Phil had served the Department of Defense for 27 years in a number of positions.

Mr. Hitch began his career in the Army, serving from 1971 to 1975 as an Assistant Staff Judge Advocate for the Military Traffic Management Command. Upon leaving the Army in 1975, he represented the Office of the Counsel for the Navy Comptroller. He became the Counsel for the Navy Comptroller in 1981.

In 1992, Philip Hitch became the Deputy General Counsel for Fiscal Matters for the Department of Defense. In this role, Phil served the Defense Department capably by supporting DOD's legislative proposals regarding financial matters. Equally important, at a time of significant Congressional activity in the areas of Defense navigate its way through the process of change.

However, few know that the Congress, particularly the Senate Appropriations Committee's Subcommittee on Defense, relied heavily on Phil for advice on general provisions and other financial legislation under consideration. In this sensitive and occasionally conflicting role, Phil was able to provide thoughtful and precise legal counsel while maintaining the trust the Committee needed in the delicate task of seeking Defense Department views on legislative proposals. In this role, Phil was able to make a significant contribution to the nation's defense acquisition process, serving both the Defense Department and committee on Appropriations as confidant and counsel.

In a busy town dominated by people seeking to be heard and recognized, Phil Hitch generally sought neither. Indeed, one of Phil's strong qualities as his willingness to take time and listen to all aspects of the issue at hand. When asked for his advice, it was clear and concise—formulated to make the process of managing fiscal legal matters more productive for the nation as a whole.

Fortunately, I can tell you that the quality of Phil's work was recognized through his receipt of the Presidential Rank Award for Meritorious Service and the Navy Distinguished Service Award. The Navy Distinguished Service Award notes that "Mr. Hitch has left indelible contributions to the management and operations on the Department of the Navy."

Mr. President, the Defense Department and the Senate will miss his wise counsel.•

100TH ANNIVERSARY OF SINKING OF U.S.S. "MAINE"

• Ms. SNOWE. Mr. President, one hundred years ago this Sunday, February 15, a tragic event took place in Havana harbor which claimed the lives of 260 officers and crew and hurtled our nation into war. I rise today to remember the U.S.S. *Maine* on the 100th anniversary of her destruction, and to honor the memories of those brave men who died in service aboard that mighty ship.

True to her namesake's motto, "Dirigo", or "I Lead", the *Maine* was one of the first surface combatants to be designated as a battleship. When she was commissioned in 1895 she was, at 319 feet in length, the largest ship ever built in a U.S. Navy shipyard. A state-of-the-art vessel, the *Maine* was showcased in many ceremonial events and was the pride of the U.S. Navy.

Then, on February 15, 1898, destiny called upon the U.S.S. *Maine*, her officers and her crew. On that night—a quiet and still evening by accounts from survivors—an explosion shattered the tranquility of Havana Harbor and tore through the *Maine*, blowing apart her berthing deck and hurling much of her starboard side into the water. After several smaller explosions in the ship's magazines, only 88 men remained among the living, and the United States and Spain were one giant step closer to war.

Soon after the tragedy, eight more men died and in the weeks following six more deaths would be attributed to injuries suffered aboard the *Maine*. Initial Navy reports suspected a mine sank the *Maine*, but urged caution until further investigations could be conducted. The outrage surrounding the incident was taking on a life of its own, however, as papers throughout America reported to a stunned and outraged nation that the pride of our Navy had been destroyed by an enemy mine set in Havana Harbor with the sole and deadly purpose of sinking the *Maine*.

On March 23, 1898, a Navy board officially concluded that it was, in fact, a mine that put the *Maine* on the bottom of Havana Harbor. By April, the infamous expression "Remember the *Maine*" became a rallying cry for a nation and by the end of that month, President McKinley had ordered a naval blockade which precipitated a formal declaration of war by the U.S. Congress against Spain.

The Captain of the U.S.S. *Maine*, Captain Charles Sigsbee, who survived the tragedy, put the scope of the U.S.S. *Maine* disaster in perspective after the Spanish-American War ended. He said: "During the recent war with Spain, about 75 men were killed and wounded in the United States Navy. Only 17 were killed. On board the *Maine*, 252 men were killed outright and eight died later—nearly fifteen times as many as were killed in the United States Navy by the Spanish land and naval forces during the entire war."

We may never know precisely why the *Maine* met her end that night one hundred years ago. Today, controversy still surrounds the original theory that it was a mine that sank her. Indeed, a 1976 report compiled by the order of Admiral Hyman Rickover concluded that it was an internal fire in a coal bunker next to the *Maine*'s powder magazines that led to the fatal explosion. More recently, tests results reported in National Geographic magazine, based on a careful computer analysis of photographs of the twisted hull, proved inconclusive.

While the means by which she met her end may always be a mystery, one thing is for certain: there will never be a debate about her place in history. And there will never be a debate about the bravery of those souls lost aboard the *Maine* in a flash of fire and chaos.

That is why we remember the *Maine*. Captain Sigsbee, knowing of the controversy surrounding the cause of the explosion and its consequences, admonished us to recall the most honorable reason to remember her: "In the way that the men of the *Maine* suffered there was enough of the heroic to provide a sound foundation for the motto, "Remember the *Maine*".

And so we do so today, and always. Remembrance events are scheduled to take place across the country: at Arlington Cemetery, in Bangor, Maine—where the shield and scroll of the ship rest today, in Central Park in New York City, in Key West, Florida, and at the Naval Academy in Annapolis, Maryland. Liz Henning, Midshipman at the Naval Academy, will likely be there: in the recent National Geographic story on the *Maine*, she was quoted as saying, "We still think about those guys on the *Maine* * * * Navy people never forget".

Nor will Mainers ever forget. In Bangor, an appropriate memorial to the *Maine* reminds us of that fateful day one hundred years ago. In the Blaine House in Augusta—the Governor's residence—the silver soup tureen and vegetable dish from the original U.S.S. *Maine*, along with the loving cup, have been displayed for the past 70 years and have become one of our state's most unique treasures. The story of the recovery of these pieces from the bottom of the ocean in Havana Harbor has always brought a look of awe and amazement to the eyes of Maine's children, and it was always clear to me that these pieces are our living link to Maine's maritime heritage.

And now, I am proud to say that the U.S. Postal Service will help keep the spirit of those lost on the *Maine* alive. Key West, Florida, one of the last ports of call for the U.S.S. *Maine*, and the place where many of the brave Americans who died aboard the *Maine* are buried, is the location for the First Day and City of Issue for the stamp. Key West will host a first-day ceremony and will use a distinctive First Day of Issue cancellation.

I would like to thank Postmaster General Marvin Runyon for agreeing to my request for a special, limited advance release this weekend of the Postal Service stamp commemorating the centennial of the sinking of the *Maine*. The stamp will be distributed during the U.S.S. *Maine* Centennial observance in Bangor. Rather than the First Day of Issue cancellation, the stamps will be canceled with a special pictorial of the U.S.S. *Maine* designed in Bangor.

This and other centennial celebrations will ensure that the *Maine* will indeed not be forgotten—nor will those aboard who made the ultimate sacrifice. They answered the call when their country needed them, and we must honor their memories with our respect and remembrance. As a Mainer and a member of the Senate Armed Services Committee, I have nothing but the utmost respect for the men and women who throughout history have risked their lives and invested their careers in our armed forces.

In that light, let us keep their memory alive, and let us ensure that future generations will understand and appreciate the legacy of the U.S.S. *Maine*, and the tragic sacrifice of her gallant crew. Let us remember the *Maine*.•

OLYMPIAN ERIC BERGOUST

• Mr. BURNS. Mr. President, I stand today to recognize an Olympian from the great state of Montana. Eric Bergoust, a Western Montana native from Missoula, will represent our nation next week in the 1998 Winter Olympics in Nagano, Japan.

Eric, 28, is a freestyle aerialist skier—a sport that requires athletes to launch themselves off a snow ski ramp, twist and turn their body in mid-air and land on the slope below. You certainly cannot appreciate the physical requirements of this sport until you are able to see it. And the landings don't always end up feet down. Watch the sport long enough and you are bound to see an unplanned landing.

But Eric is not new to the challenges of freestyle aerial skiing. Eric was profiled on network television earlier this week during a look at the 1998 Winter Olympics. The profile included photos of Eric diving off the roof of his parents' Missoula home into mattresses on the ground below. Mr. President, I am happy to see that Eric's adventurous spirit is now compensated and insured.

When I was a kid, we also had to be creative to fill our time, but my feet stayed on the ground and rarely reached a height higher than the stirrups of a tall horse.

Although he has claimed his share of injuries from the physically demanding sport, I am proud to claim Eric as a native Montanan. He has represented our state well in world class events.

Eric is participating in his second Olympic games and has matured into one of the sport's premiere athletes. Last month, Eric won a World Cup event in British Columbia and is at the top of the World Cup standing entering the Olympics.

I've sent Eric a telegram wishing him well next week in the freestyle aerial events. I wanted to make sure my colleagues and the American people are aware of Eric's roots and the Montana spirit that drives him to be the world's best in his sport.●

TRIBUTE TO JANE JOHNSON

● Mr. DODD. Mr. President, throughout the years, I have had the opportunity to criss-cross the State of Connecticut countless times, and along the way I have met a number of remarkable individuals. Their occupations and backgrounds may vary, but they are all linked by a common commitment to helping others and making a positive difference in their communities. These are the unsung heroes in our society, and they are the foundation on which our communities are built. Sadly, Connecticut lost one its heroes earlier this month, when Jane Johnson of New Britain died at the age of 59.

Jane Johnson's entire career was dedicated to working with poor and underprivileged children so that they may have a brighter future. A native of New Britain, she spent more than 30 years working in her home town's Head Start program, and for the past 17 years she served as its Director.

I was fortunate to work with Jane over the years, and I, along with everyone else who knew her, had the highest regard for Jane and for her opinions on issues concerning children. Not only was she well-respected throughout the State but her efforts on behalf of young people earned her national recognition. That is why she was invited to several White House Conferences on Head Start.

As if her efforts with Head Start were not enough, Jane also volunteered her free time to serve her community. She was involved with many service organizations, including as a member of the board of directors for the Sheldon Community Guidance Clinic and the United Way of New Britain. She was also active in her church, singing in the choir and actively working with the young people in the congregation.

No one really knows exactly how many children showed up to their first day of school ready to learn and came closer to reaching their full potential because of Jane Johnson's efforts. But everyone in New Britain and throughout the State of Connecticut knows that she was a remarkable woman who touched many young lives and will be dearly missed.

I offer my heartfelt condolences to her friends and family, and I ask that her obituary be printed in the RECORD.

The obituary follows:

[From the New Britain Herald, Feb. 6, 1998]

JANE JOHNSON

NEW BRITAIN.—Jane Johnson, 59, of New Britain, Director of the New Britain Head Start Program, died Tuesday, Feb. 3, 1998, at New Britain General Hospital.

Born in New Britain, she was the daughter of Josephine (Gray) Hines of New Britain and the late James Johnson. She was a lifelong New Britain resident. Jane Johnson worked for the New Britain Head Start Program at the Human Resources Agency for 30 years. She began her career in public service as a teacher's assistant in 1965, the first year of the national Head Start Program which was begun by President Lyndon Johnson as a central part of his Great Society Program. In order to fight the "War on Poverty," programs like Head Start were developed on the national level.

Ms. Johnson was an exemplary model of the program. She began participating as a client through the Parent Involvement Component of the Head Start Program. From 1965-67, she worked directly with the children as a teacher's assistant. The first director of the program, John E. Francisco, recognized Ms. Johnson's talent and promoted her. For the next five years, she worked first as an assistant, and then as the coordinator in the Social Service component of the Head Start Program. During the mid-1970's, she returned to school and earned an Associate Degree from Tunxis Community College in 1976.

Mr. Francisco promoted Ms. Johnson again in 1977, when she became his Administrative Assistant. She continued her education, earning a Bachelor of the Arts Degree from Central Connecticut State University in 1979. She graduated with honors and was named to Alpha Kappa Delta National Honor Society.

From 1980-98, Ms. Johnson was the Director of the Head Start Program. During this period, her innovative public policy initiatives earned National recognition. She was selected as a Johnson and Johnson Management Fellow and attended an honorary program at the University of Southern California in 1995.

In addition to her brilliant work as a leader in the National Head Start Program, Ms. Johnson served her community as a volunteer. She served as a member of the Board of Directors at the Sheldon Community Guidance Clinic and at the United Way of New Britain. She was a member of the Connecticut and National Association of Head Start Directors. Ms. Johnson also volunteered as a coordinator for the Conference on Coordinated Child Care For The State of Massachusetts.

Ms. Johnson was a member of the McCullough Temple C.M.E. and during the 1960's, was active as a choir member and served as a Junior District and Secretary Delegate to their young people's conference.

Throughout her life, she made countless contributions to the children and their families who came to the New Britain Head Start Program. The staff, the children, and the families who were involved with the program for the past 30 years will miss her loving guidance, her wonderful sense of humor and, most of all, her kind heart. She will continue to inspire them to serve their community with hard work and commitment.

In addition to her mother, she is survived by three children, Carnell Small of New Britain, Cheryl Small-Parris and her husband, Colin Parris of New Britain, and Wayne Small of Calif.; two sisters, Beatrice Walker of New Britain, and Margaret Johnson of Hartford; two grandchildren, Torey Small and Tia Parris; a great granddaughter, Taryn Fudge; and several nieces and nephews. She was predeceased by an infant son, Todd Anthony Small.

Funeral services will be held on Monday, 11 a.m. at the Spottswood AME Zion Church. Burial will take place at Fairview Cemetery, New Britain. Calling hours are Sunday evening from 6 to 8 p.m. at the church. Memorial donations may be made to the HRA Head Start Program, 180 Clinton St., New Britain, CT 06053. Erickson-Hansen Funeral Home is in charge of arrangements.●

JOHN HAMRE'S SPEECH ON NATO ENLARGEMENT

● Mr. ROTH. Mr. President, few have had as distinguished a career in the Senate as Howell Heflin, our former colleague from the great state of Alabama. One of the ways through which I came to know and appreciate the indomitable optimism and warmth of Senator Heflin was through our work together as chairmen of the Senate Delegation to the North Atlantic Assembly.

The NAA brings together on a regular basis parliamentary and legislative leaders of NATO's 16 nations to discuss matters of transatlantic concern, generate initiatives addressing key challenges, and reinforce this strategic partnership.

Senator Heflin was not only an outstanding representative of the Senate to the Assembly and an ardent supporter of the NATO Alliance, but he was also an energetic and persuasive leader on an important initiative before us today, NATO enlargement.

I recently corresponded with Senator Heflin. He brought to my attention a speech on NATO enlargement by Deputy Secretary of Defense John Hamre delivered on Veteran's day before an audience in Birmingham.

Senator Heflin suggested that I submit this speech for the RECORD, and I gladly do so. It's a strong articulation of the moral and strategic underpinnings of NATO enlargement. It decisively addresses the key concerns voiced by those who still harbor reservations about this policy.

I urge my colleagues to take Senator Heflin's advice and read this speech.

The speech follows:

REMARKS BY DEPUTY SECRETARY HAMRE AT BIRMINGHAM WORLD PEACE LUNCHEON, 11 NOVEMBER 1997

Senator Jeff Sessions, Senator Howell Heflin, Congressman Spencer Bachus, and Mayor Richard Arrington. It is great to be in Birmingham on Veterans' Day. The sons and daughters of Birmingham have served our nation both on the battlefront and on the homefront. So many served in World War II that this area was known as the "great arsenal of the South."

November 11th is set aside to honor all veterans of American wars. But I would like to single out two individual veterans today because their feats in uniform are a tribute to all veterans. In fact, their names are inscribed in the Hall of Heroes at the Pentagon, which honors America's Medal of Honor winners. We are fortunate to have these two heroes seated with us today: Bill Lawley and Lee Mize. Bill received his Medal of Honor after World War II for flying his damaged B-17 and his crew to safety in spite of his terrible wounds and continued enemy attacks. Lee received his Medal of Honor after the Korean War for almost single-handedly defending a strategic outpost from brutal and continuous enemy assaults, and then leading the counterattack that drove the enemy off. Ladies and gentlemen, on behalf of all veterans here and everywhere, let's show our appreciation to these two American heroes.

Colonels Lawley and Mize—and all their comrades-in-arms—did a great deal to make America safe, both at home and abroad.

Let me share with you a story—a true story. It now seems so long ago, but let me remind you of events back in 1989 before the Warsaw Pact collapsed and before the Berlin Wall came down. At that time there was an announcement by Hungary that they would not block East German citizens living in Hungary from emigrating to West Germany. Within days of that announcement East German citizens started showing up in Budapest. Some 800 individuals, as I recall, were "camping" in the yard at the West German embassy in Budapest. It became a crisis—what to do with them all.

After a day or so, the West German government rented an entire train and transported these East German refugees to Frankfurt. I recall how CNN was on the scene, showing the train as it slowly moved west.

The night it arrived in Frankfurt a CNN news crew was on the scene and interviewing the refugees. I recall they cornered a young German couple—probably in the mid-20s. The wife was holding an infant. After asking a series of inane questions, the reporter asked the Germans, "Is there anything you would like to say?" The man said, "Yes, there is something I would like to say. I would like to thank America for keeping a place in the world that is free."

For me, it was a stunning moment. The United States decided after painful deliberation to retain troops in Europe. We had spent hundreds of billions of dollars during the Cold War maintaining a tense peace. And just when many Americans were getting tired and forgetting what it was all about, this young German said in such simple words what it all amounted to—"keeping a place in the world that is free."

Right now, America is at relative peace. But it is an uneasy peace because we face new dangers of regional aggression, terrorism, and the spread of weapons of mass destruction. Just look at the headlines—Iraq rattling its saber, North Korea threatening and unstable, conflict brewing just below the surface in Bosnia. The challenge before our nation today was posed recently by a scholar named Donald Kagan in his book, *On the Origins of War*. He writes that: "A persistent and repeated error through the ages has been the failure to understand that the preservation of peace requires active effort, planning, the expenditure of resources, and sacrifice, just as war does."

President Clinton and Secretary Cohen are determined that the United States will not fail to seize the opportunity to preserve peace. Today, I want to talk about how we are going to preserve peace in Europe. The United States has devoted too much blood and treasure in two World Wars and a Cold War. The key to preventing war in Europe in the 21st Century is to spread the democracy, stability, and prosperity of Western Europe into Eastern and Central Europe, all the way to Russia. And the key to that is by enlarging NATO—inviting new members into the North Atlantic Treaty Organization.

Last summer, President Clinton and his 15 NATO counterparts took the historic step of inviting three former communist countries—Poland, Hungary, and the Czech Republic—to join NATO in 1999. But before this can happen, it must be approved by the citizens of all 16 NATO nations through their elected legislatures, including the United States Senate. This is a very serious decision for American and our Senate to make.

Fifty years ago, when George Marshall proposed the Marshall Plan to help rebuild Europe after World War II, he went around the country explaining the importance of rebuilding Europe. As a result, the Marshall Plan—in Harry Truman's words—was "more than the creation of statesmen. It comes from the minds and hearts of the people." NATO enlargement must also come from the minds and hearts of the people. As President Clinton said, "Because [NATO enlargement] is not without cost and risk, it is appropriate to have an open, full, national discussion."

As the Senate prepares to consider NATO enlargement, it is crucial that all Americans join in this debate. We especially need to hear from our veterans. It is your voice—the voice of the American veteran—that must be heard in support of NATO enlargement.

We must remind America how the fiery hatreds of Europe drew us into World War I. Too many failed to make it to the 11th hour of the 11th day of the 11th month, the anniversary we honor today. We all must remind Americans how this "lost generation" served and sacrificed to give America a chance to build a safer Europe for the next generation. We must warn them how, when the guns of November fell silent, American ignored the embers of hatred that still smoldered in Europe, and we missed the opportunity to prevent another war.

To those who would turn their backs on Europe today, tell them the price our veterans paid in World War II as Hitler stoked the embers of hate into the deadliest war in human history. Tell them how sons returned to the very same terrain that their fathers had died to set free, as they plunged into the crashing surf at Normandy. A reporter for Star and Stripes was there, and filed this searing dispatch: "There have been only a handful of days since the beginning of time in which the direction the world was taking has been changed for the better in one 24-hour period by an act of man. June 6, 1944 was one of them. What the Americans, the British, and the Canadians were trying to do was to get back an entire continent that had been taken from its rightful owners, whose citizens had been taken captive. It was one of the most monumentally unselfish things that one group of people ever did for another." That D-Day observer was today's Andy Rooney of "60 Minutes" fame.

We cannot turn our backs on Europe today. The generation that won the second World War gave us a second chance to build a safer world. The Marshall Plan offered an American hand of help and hope, to lift Europe out of the slough of despair and snuff the embers of war forever. Western Europe embraced the Marshall Plan and built strong democracies, strong economies, and a strong alliance called NATO. But the other half of Europe was denied the Marshall Plan when Joseph Stalin slammed down the Iron Curtain on America's helping hand. But still, America did not turn its back.

Through the long winter of the Cold War, we stood again with the free people of Europe. And today, having emerged victorious from that long, twilight struggle, we have an historic opportunity and a very sober challenge. We must complete George Marshall's vision for a Europe healed, whole, and free to ensure that Americans never again have to fight and die on European battlefields. The key is for NATO to reach out across the old Cold War divides, to nurture the new democracies in Eastern and Central Europe that have emerged from the iron grip of Soviet domination, and, when these countries are ready, willing, and able to join the Western Alliance, to invite them to join NATO.

That is what NATO has done. And today, when you visit the old capitals of the former Warsaw Pact nations, you can see a new spring in the air—of liberty, prosperity, and national security. The lines of commerce and communications are criss-crossing the old Cold War fault lines, knitting the continent closer together. Former NATO enemies are seizing every opportunity to meet, engage, and exercise their militaries with NATO—and three of these nations are now ready to join the Alliance.

This is a major step and we must have a full national debate. Some will argue that making NATO larger is going to make NATO weaker and therefore weaken America. I believe the reverse is true; a larger NATO reflects a wider allegiance to our values. Veterans of our European wars know the power of military alliances in deterring and defeating a common enemy. It was the creation of NATO in 1949 that halted Soviet designs on Western Europe. It was the enlargement of NATO with Greece, Turkey, West Germany, and Spain that helped to strengthen the wall of democracy. And thanks to NATO, no American blood has been shed fighting another war in Europe for more than 50 years. So enlarging NATO with Poland and Hungary and the Czech Republic is going to carry that promise into the next century.

Some argue that these countries aren't ready to bear the burdens of membership. But in the past few months, our national security leaders have visited these nations and they came away convinced that the Poles, the Hungarians, and the Czechs fully intend to carry their responsibilities to contribute to the Alliance, not just benefit from it.

Some argue that by enlarging NATO we are going to be creating new lines of division in Europe. But in fact, NATO is at the center of a new dynamic in Europe that is rapidly erasing these old lines and bridging over old divisions. The mere prospect of joining NATO has unleashed a powerful impetus for peace on that continent. Old rivals have settled their historic disputes and they have struck new accords and arrangements. Poland and Lithuania, Poland and Ukraine, Hungary and Romania, Italy and Slovenia, Germany and the Czech Republic—all have healed border disputes and other kinds of controversies that in the past have erupted into war. More than that, these old rivals are sealing these new ties by working together in the conference rooms and the training fields under NATO auspices.

Some argue that enlarging NATO is going to create new tensions and divisions in Russia and jeopardize Russia's move to democracy and its cooperation with the West. But in numerous actions, large and small, NATO and Russia are forging new links to overcome these old divisions. NATO and Russian air forces are now making authorized observation flights over each other's territory. Last spring, NATO and Russia signed a Founding Act that gives Russia a voice in—but not a vote or a veto over—NATO deliberations. And for the past two years, Russian and American troops have been serving together in Bosnia, going out on joint patrols to settle disputes before they ignite into conflict.

Finally, there are those who claim that NATO enlargement will cost too much. But alliances actually save money because they promote cooperation, interoperability, and they reduce redundancy. Simply put, it costs America less to defend our interests in Europe if Poland, Hungary, and the Czech Republic are in alliance with us, just as it costs them less to defend their interests by joining hands in the alliance itself. And we estimate that the cost to the United States each year over the next decade will be less than one-tenth of one percent of our defense budget. The costs of enlarging NATO are meager when weighed against the cost of potential instability and aggression in Europe if we fail to enlarge.

George Marshall knew the cost of war in Europe. He said it is "spread before us, written neatly in the ledger, whose volumes are grave stones." Well, today, there are more than 70,000 such volumes written across Europe, the grave stones of Americans who rest where they fell, liberating a continent. And so their sacrifice echoes down to us through the decades from the hillsides in Florence, from the sloping green in Luxembourg, from the dignified rows on a cliff overlooking the Normandy shore. They did not serve, they did not sacrifice, they did not die for us so that we could walk away from the lands that they freed. It's their voices that we have to heed and the voices of every veteran of every conflict that we have ever fought. You know it is better to pay the price for peace than suffer the cost of war.

John F. Kennedy once said, "A nation reveals itself not only by the individuals it produces, but also by those it honors, those it remembers." Here, today, on behalf of every man and woman who serves in the Department of Defense, let me say thank you to Birmingham. Thank you for remembering. Too many Americans observe Veterans Day in shopping malls. Too many school kids think of Veterans Day as a holiday. Too few cities pause to honor their native sons and daughters—the quiet heroes of freedom. But not Birmingham. It is because of Birmingham that America still keeps places in the world that are free. Every Veterans Day, America reveals its commitment to our armed forces by honoring and remembering the sacrifices of America's veterans. So I want to thank all the citizens of Birmingham for hosting this special event for 50 years and for making veterans everywhere feel like the heroes they are. And I want to thank all our veterans for keeping our nation safe and our citizens secure. God bless our veterans . . . God bless Birmingham . . . and God bless the United States of America.•

DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

• Mrs. MURRAY. Mr. President, soon after the upcoming recess, I will join my colleague, Senator SLADE GORTON, to introduce the Dungeness Crab Conservation and Management Act. The ocean Dungeness crab fishery in WA, OR, and CA has been successfully managed by the three states for many years. The states cooperate on season openings, male-only harvest requirements, and minimum sizes; and all three states have enacted limited entry programs. Although the resource demonstrates natural cycles in abundance, over time the fishery has been sustained at a profitable level for fishermen and harvesters with no biological problems.

The fishery is conducted both within state waters and in the federal exclusive economic zone (EEZ). Although state landing laws restrict fishermen to delivering crab only to those states in which they are licensed, the actual harvest takes place along most of the West Coast, roughly from San Francisco to the Canadian border. Thus, it is not unusual for an Oregon-licensed fisherman from Newport to fish in the EEZ northwest of Westport, WA, and deliver his catch to a processor in Astoria, OR.

In recent years, federal court decisions under the umbrella of U.S. versus Washington have held that Northwest Indian tribes have treaty rights to harvest a share of the crab resource off Washington. To accommodate these rights, the State of Washington, has restricted fishing by Washington-licensed fishermen. This led Washington fishermen to request an extension of state fisheries jurisdiction into the EEZ. The Congress partially granted this request during the last Congress by giving the West Coast states interim authority over Dungeness crab, which expires in 1999 (16 U.S.C. 1856 *note*). The Congress also expressed its interest in seeing a fishery management plan established for Dungeness crab and asked the Pacific Fishery Management Council (PFMC) to report to Congress on this issue by December, 1997.

The PFMC established an industry committee to examine the issues, which developed several options. At its June meeting, the PFMC selected two options for further development and referred them for analysis to the Tri-State Dungeness Crab Committee which operates under the Pacific States Marine Fisheries Commission. After lengthy debate, the Tri-State Committee recommended to the Council that the Congress be requested to make the interim authority permanent with certain changes, including a clarification of what license is required for the fishery, broader authority for the states to ensure equitable access to the resource, and clarification of tribal rights. The Tri-State Committee agrees that each state's limited entry laws should apply only to vessels registered in that state. I ask unanimous consent to include the report of the Tri-State Dungeness Crab Committee and the membership list of the Committee in the RECORD following my remarks.

On September 12, 1997, the PFMC unanimously agreed to accept and support the Tri-State Committee recommendation. The Council agreed that the existing management structure effectively conserves the resource, that allocation issues are resolved by the restriction on application of state limited entry laws, that tribal rights are protected, and that the public interest in conservation and fiscal responsibility are better served by the legislative proposal than by developing and implemeting a fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act. This legislation will fully implement the Tri-State Committee recommendation and ensure the conservation and sound management of this important West Coast fishery.

I look foward to the Senate's timely consideration of this bill.

REPORT OF THE TRI-STATE DUNGENESS CRAB COMMITTEE TO THE PACIFIC FISHERY MANAGEMENT COUNCIL ON OPTIONS FOR DUNGENESS CRAB FISHERY MANAGEMENT, AUGUST 7, 1997

The Tri-State Dungeness Crab Committee met on August 6–7, 1997 to review the Pacific Fishery Management Council (PFMC) Analysis of Options for Dungeness Crab Management. A list of the attending Committee members, advisors, and observers is attached. After completing that review, the Committee discussed the merits of each option and offered the following comments for PFMC consideration.

There was general agreement within the Committee that Option 1, No Action, would not satisfy the current needs of the industry. There was unanimous opposition, however, among Oregon and California representatives to Option 3, Development of a Limited Federal Fishery Management Plan (FMP). Washington representatives were not strongly in favor of a FMP, but viewed it as the only realistic means to address their concerns for the fishery. After an extended discussion, it was the consensus of the Committee that a modified version of Option 2, Extension of Interim Authority, was preferred.

There were three common themes that appeared during the discussion. No Committee members believe that there should be fishing or processing of Dungeness crab in waters of the EEZ under PFMC jurisdiction by any vessel not permitted or licensed in either Washington, Oregon, or California. The Committee generally accepted that additional tools beyond area closures and pot limits could be needed to address tribal allocation issues. Finally, the Committee also agreed that as a matter of fairness, vessels fishing alongside each other in an area should be subject to the same regulations. On that basis, the Tri-State Dungeness Crab Committee recommends that:

1. The PFMC immediately request that Congress make the current Interim Authority a permanent part of the Magnuson-Stevens Fishery Conservation and Management Act, applying only to Pacific coast Dungeness crab, with the following adjustments.

(a) delete the limitations listed in the current Section 2 of the Interim Authority so that state regulations will apply equally to all vessels in the EEZ and adjacent State waters; and

(b) clarify the language in the current Section 3B of the Interim Authority to prohibit participation in the fishery by vessels that are not registered in either Washington, Oregon, or California.

2. The PFMC defer action on a Dungeness crab FMP until March 1998 to determine whether Congress will be receptive to this extension of the Interim Authority.

Proposed draft bill language for an extension of the Interim Authority is attached.

This recommendation is not made without reservations on both sides. Washington representatives were reluctant to totally withdraw consideration of a federal FMP option, in the event that efforts to extend the Interim Authority fail. They expressed little confidence that a request for Congressional action would be successful. Representatives from Oregon were concerned that discriminatory regulations could be enacted in the future by other states that could effectively exclude them from participation on traditional fishing grounds. They preferred this risk over the involvement of federal agencies under a federal fishery management plan.

TRI-STATE DUNGENESS CRAB COMMITTEE MEETING, ATTENDANCE—AUGUST 6–7, 1997, PORTLAND, OR

COMMITTEE MEMBERS

Dick Sheldon, Columbia River Dungeness Crab Fishermen's Association, Ocean Park, WA
Ernie Summers, Washington Dungeness Crab Fishermen's Association, Westport, WA
Larry Thevik, Washington Dungeness Crab Fishermen's Association, Westport, WA
Terry Krager, Chinook Packing, Chinook, WA
Paul Davis, Oregon Fisher, Brookings, OR
Bob Eder, Oregon Fisher, Newport, OR
Tom Nowlin, Oregon Fisher, Coos Bay, OR
Stan Schones, Oregon Fisher, Newport, OR
Russell Smotherman, Oregon Fisher, Warrenton, OR
Joe Speir, Oregon Fisher, Brookings, OR
Rod Moore, West Coast Seafood Processors Association, Portland, OR
Harold Ames, CA Fisher, Bodega Bay, CA
Mike Cunningham, CA Fisher, Eureka, CA
Tom Fulkerson, CA Fisher, Trinidad, CA
Tom Timmer, CA Fisher, Crescent City, CA
Jerry Thomas, Eureka Fisheries, Inc., Eureka, CA

ADVISORS

Steve Barry, Washington Department of Fish and Wildlife, Montesano, WA
Paul LaRiviere, Washington Department of Fish and Wildlife, Montesano, WA
Neil Richmond, Oregon Department of Fish and Wildlife, Charleston, OR

OBSERVERS

Tom Kelly, WA Fisher, Westport, WA
Mike Mail, Quinault Tribe, Taholah, WA
Nick Furman, Oregon Dungeness Crab Commission, Coos Bay, OR•

JULIAN SIMON

• Mr. ABRAHAM. Mr. President, I would like to bring to my colleagues attention an article by Ben Wattenberg on the recent passing of economist Julian Simon. Dr. Simon, who I had the pleasure of meeting, was a great lover of freedom and a strong advocate for free markets. He was a pioneer who presented important research showing the benefits of legal immigration. His research also demonstrated that the rationale for the type of population control practiced in many places in the world is misguided and harmful. In other words, human beings are not problems to be solved. Such positions never won him popularity contests among certain groups, but as The Washington Times wrote of Julian Simon: "His forecasts about trends in resource availability, pollution and other effects of additional people have been completely borne out by events." A fitting epitaph. I ask that the articles by Ben Wattenberg and Julian Simon be printed in the RECORD.

The articles follow:

[From The Wall Street Journal, Feb. 11, 1998]

MALTHUS, WATCH OUT

(By Ben Wattenberg)

Julian Simon, who waged intellectual war on environmentalists and Malthusians, died suddenly on Sunday. He would have been 66 tomorrow, the day of his funeral.

Simon could sometimes glow like an exposed wire, crackling with nervous intellectual intensity. Privately, he had a soul of purest honey. But by force of will, fueled by his sizzling energy, Simon helped push a generation of Americans to rethink their views on population, resources and the environment. By now it is clear that in this task he was largely successful. As the years roll on he will be more successful yet, his work studied, and picked at, by regiments of graduate students.

His keystone work was "The Ultimate Resource," published in 1981 and updated in 1996 as "The Ultimate Resource 2" (Princeton University Press). Its central point is clear: Supplies of natural resources are not finite in any serious way; they are created by the intellect of man, an always renewable resource. Coal, oil and uranium were not resources at all until mixed well with human intellect.

The notion drove some environmentalists crazy. If it were true, poof!—there went so many of the crises that justified their existence. From their air-conditioned offices in high-rise buildings, they brayed: Simon believes in a technological fix! The attacks often got personal: Simon's doctorate was in business economics, they sniffed; he had merely been a professor of advertising and marketing, and—get this—he had actually started a mail order business and written a book about how to do it. Never mind that he also studied population economics for a quarter century.

In fact, it was Simon's knowledge of real-world commerce that gave him an edge in the intellectual wars. He knew firsthand about some things that many environmentalists had only touched gingerly, like prices. If the real resource was the human intellect, Simon reasoned, and the amount of human intellect was increasing, both quantitatively through population growth and qualitatively through education, then the supply of resources would grow, outrunning demand, pushing prices down and giving people more access to what they wanted, with more than enough left over to deal with pollution and congestion. In short, mankind faced the very opposite of a crisis.

Simon rarely presented a sentence not supported by facts—facts arranged in serried ranks to confront the opposition; facts about forests and food, pollution and poverty, nuclear power and nonrenewable resources; facts used as foot soldiers to strike blows for accuracy.

In a famous bet, gloom-meister Paul Ehrlich took up Simon's challenge and wagered that between 1980 and 1990 scarcity would drive resource prices up. Simon bet that progress would push prices down. Simon won the bet, easily. Mr. Ehrlich won a MacArthur Foundation "genius" grant. But the wheel turns, and we'll see who's a genius. Fortune magazine listed Simon among "the world's most stimulating thinkers." Mr. Ehrlich didn't make the cut.

Simon sensed the primacy of something else that many environmentalists and crisis-mongers didn't catch on to for a quite a time: Human intellect could best be transformed into beneficial goods and services in an atmosphere of political and economic liberty. At the United Nations' Mexico City population conference in 1984 Simon winced, and counterattacked, when population alarmists caricatured the Reagan-appointed American delegation as promoting the idea that "capitalism is the best contraceptive." It was not a good idea to ridicule capitalism, or free markets, or human liberty, in Simon's presence.

Of course, rising living standards do tend to depress fertility. Living standards do rise faster under democratic market systems. Smart folks now know that the fruits of economic growth can be used to diminish pollution. You don't hear much anymore about how we're running out of everything. (Next task: Simonize the Global Warmists.)

Finally, unlike many of his opponents, Julian was a traditionalist. He did not work on the Sabbath, and the Friday Sabbath dinner at the Simon house was always a gentle and joyous celebration.

At rest on the Sabbath, Julian was indefatigable the rest of the week, chasing his precious facts. If Thomas Malthus is in heaven, he's in for an argument, laced with facts, facts, facts.

[From the Wall Street Journal Tuesday, April 22, 1997]

ANOTHER SURE BET ON EARTH DAY

[By Julian L. Simon]

The message of Earth Day is uplifting today just as it was in 1970. But any reasonable person who looks at the statistical evidence must agree that Earth Day's original scientific premises are simply wrong.

Panic reigned during the first Earth Week. The doomsaying environmentalists—among whom the pre-eminent figure was Paul Ehrlich—asserted that the oceans and the Great Lakes were dying; great famines were impending; the death rate would quickly increase, due to pollution; and increasingly-scarce raw materials would reverse the past centuries' progress in the standard of living. Every ill was the result of exploding populations in the U.S. and abroad. The doomsayers urged government-coerced birth control, abroad and even at home.

Of course none of those calamities have occurred. Indeed, long before 1970, however, most agricultural economists—led by Nobel

Prize winner Theodore Schultz—had known that people throughout the world have been living longer and eating better since at least 1950 in the poor countries, and for two centuries in the rich countries. Fewer people die of famine than a century ago. The real prices of food are lower than in earlier periods.

All other raw materials, too: In the great 1963 book "Scarcity and Growth," Harold Barnett and Chandler Morse had documented that prices had been declining throughout history, signaling increased natural-resource availability rather than growing scarcity.

Data showing improved cleanliness of air and purity of water in the rich countries had been published before 1970. Since then the major air and water pollutions in the advanced countries have continued to abate rather than worsen. And statistical studies by Richard Easterlin and Nobel Prize winner Simon Kuznets had in 1967 shown there to be no statistical evidence that population growth hinders economic progress. Yet the environmental organizations, the press, and the Clinton administration still take as doctrine exactly the same falsified ideas expressed by the doomsayers in 1970.

Scientific opinion about population growth has now shifted away from the doomsayers' apocalyptic views. In 1986 the National Academy of Sciences published a report on population growth and economic development prepared by a prestigious scholarly committee chaired by economists D. Gale Johnson and Ronald Lee. It reversed almost completely the frightening conclusions of the previous NAS report in 1971. The expert group found "no statistical association between national rates of population growth and growth rates of income per capita," though they hedged their qualitative judgment a bit. The report found benefits of additional population as well as costs.

I'm sufficiently certain about these trends that I'm willing to put my money where my mouth is. In 1980, Mr. Ehrlich and two associates bet me that increasing scarcity would bring higher prices of raw materials. We agreed to assess the trends in $1,000 worth of copper, chrome, nickel, tin, and tungsten for ten years. I would win if resources grew more abundant and thus cheaper, and they would win if resources became more expensive. At settling time in 1990, the Ehrlich team sent me a check for $576.07. The inflation-adjusted price of our basket of metals had declined more than 40% over the bet period.

More environmental and resource data are available nowadays. And a single bet proves little. Hence I make the new broader bet offer to any prominent doomsayer that just about any trend pertaining to material human welfare will improve rather than get worse. The other person picks the trend(s)—life expectancy, a price of a natural resource, some measure of air or water pollution, the number of telephones per person, or whatever—and chooses the area of the world, and the future year a decade or more hence.

Professor Ehrlich and global-warming climatologist Stephen Schneider have responded to my offer with a strategy one might call switch-and-bait. They first switch the subject from material human welfare, and offer to bet on a set of physical indicators such as sperm count, global temperature, and levels of carbon dioxide and ozone. They call these elusive measures "indirect indicators." But they are not relevant. The subject is economic welfare (including health) and not atmospheric science.

Furthermore, the economic goodness or badness of many physical indicators is quite unknown. Carbon dioxide makes the plants grow faster; more of it may be a good thing. And only two decades ago Mr. Schneider wrote a book about the imminent danger of global cooling, so perhaps a higher mean temperature is not the demon he now warns us of.

When I explain these ideas, Mr. Ehrlich baits me—on National Public Radio and elsewhere—by saying that I "chickened out" and "ran." The fact that these folks have to resort to such a switch-and-bait ploy reveals a lot about the strength of their position.

The continuing influence of the failed forecasters among the media and policy makers is frustrating. But it's spring, so let's look at the good news. There is every scientific reason to be joyful about the trends in Earth's condition, and to be hopeful for humanity's future. So we can safely ignore the scare stories and have a Happy Earth Day.

TODAY'S LINE-ITEM VETO DECISION

• Mr. LEAHY. Mr. President, today, the United States District Court for the District of Columbia has again held the line-item veto unconstitutional. I respect the decision of Judge Thomas F. Hogan. I respect it not only because his analysis is consistent with that which led me to oppose this legislation when it was being considered by the Senate. I also respect it because it was right as a matter of constitutional law and as a means to preserve the separation of powers that is so central to the checks and balances that preserve our freedoms and liberty.

We hear a lot of speeches around here condemning judges. Here is a Judge who has done his job and stood up for the Constitution against the ill-advised action of the political branches.

It is not our independent federal judiciary that is upsetting the limits of government and fundamental freedoms of us all. Congress has shown a dangerous tendency over the last few years to ignore constitutional limits on Federal legislative branch authority. Maybe it is Members of Congress who need to read the Constitution and consider its wisdom.

The last week of its last term, the United States Supreme Court struck down three congressional actions as unconstitutional, including the so-called Communications Decency Act and the Brady Act, both of which I voted against. The Supreme Court withheld ruling on the line-item veto law at that time, because it held that the plaintiffs in that case were without standing to bring the challenge. It was just a matter of time and occasion. The decision by Judge Thomas Penfield Jackson in the earlier case had presaged the ruling today. The line-item veto was and is unconstitutional. I proudly stand with Senator BYRD on this matter.

I would ask Congress to step back from this specific decision and consider how unprecedented this is: Four statutes that do not comport with the constitutional limits on congressional authority overturned from a single Congress.

It is unfortunate that Congress is far too often overstepping its constitutional bounds. It is unfortunate that the courts have to rein Congress in from time to time, with increasing frequency as the Republican majority loses its moorings, but that is the thankless responsibility of the courts under our system of checks and balances.

I have come to this floor often in the last several months to defend the judiciary against shrill attacks. I come today to offer my continuing gratitude and respect for our co-equal branch of government. We are the envy of the world in part because our free and independent judicial branch has served our country so well for more than 200 years.

We should be doing more to keep it that way, not less. We are finally beginning to consider longstanding judicial nominations to fill the vacancies that plague the federal judiciary and threaten the administration of justice. We need to do more. We should consider without further delay the judiciary's requests for the resources that they need. We should consider S. 678, the Federal Judgeship Act, which I introduced at the request of the Judicial Conference to provide an additional 55 judges where needed around the country. We should act on S. 394, which I sponsored with Senator HATCH to unlink judicial salaries from our own. We should consider and confirm qualified nominees to the 83 vacancies to the federal courts.

Finally, I hope that members of Congress will rethink the rush to propose amendment to our Constitution and consider how well our fundamental charter serves us. We do not need to rewrite the Constitution, we need to respect it and act in accordance with its design.•

KATHLEEN JONES AND MOIRA DELAHANTY—WINNERS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD AND CHRISTOPHER VACHON, CHRISTOPHER PAPPAJOHN, JOSEPH ALLISON, JUSTINE BARRETT, DISTINGUISHED FINALISTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Kathleen Jones and Moira Delahanty who have achieved national recognition for receiving the Prudential Spirit of Community Award. I commend their youthful spirit and aggressive drive to improve the quality of life in New Hampshire through community service.

The award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, recognizes young people who have shown a great deal of commitment and dedication to improving their community. As New Hampshire's honorees, Kathleen and Moira will receive $1,000, a silver medallion and a trip in May to Washington, D.C., where they will join other honorees for four days of national events.

According to Kathleen, she wanted to make a difference in her community and spend time helping others. As a result, she launched an environmental group called Earth Service Corps. Today, the group has nearly 70 members who help build and maintain hiking trails, initiate and conduct recycling programs, and plant trees throughout the state. Kathleen not only was the founder, but she also plans group meetings, serves as a liaison with community groups, and handles all administrative work for the Corps.

Moira volunteers as an aide to a swimming instructor with the local chapter of the American Red Cross. She helps younger kids overcome their fears of water and then teaches them to swim. She completed a special training session and volunteered for one month over the course of two summers. Her love for teaching and her passion to help others overcome individual fears is a great attribute I admire dearly.

I also would like to salute four other young people who were named Distinguished Finalists by The Prudential Spirit of Community Award and recieved the bronze medallion for their outstanding volunteer service. They are: Christopher Vachon, 14, Pinkerton Academy in Derry, created several multimedia presentations to promote driving safety among teenagers; Christopher Pappajohn, 16, Keene High School, raised $40,000 with a group of friends to build a skate park in his town; Joseph Allison, 13, Hudson Memorial Middle School, volunteers in his community for a variety of nearby organizations; and Justine Barrett, 14, West Running Brook Middle School in Derry, helped collect money for the needy through a Holiday Fund at her school.

These extraordinary young people continue to keep alive the virtue of community service and inspire others to do the same. Their personal initiatives, dedicated service and hard work have impacted the lives of many. In a time when Americans seem to be less involved in their communities, these young Americans continue to defend and keep the community flame shining brightly. Mr. President, I want to congratulate these individuals for their outstanding work and I am proud to represent them in the U.S. Senate.•

JAMES FARMER AWARDED THE PRESIDENTIAL MEDAL OF FREEDOM

• Mr. ROBB. Mr. President, while this Congress was in recess, the President of the United States awarded the Presidential Medal of Freedom, our country's highest civilian honor, to James Farmer. The Medal was given to Mr. Farmer on January 15, 1998, the birthday of the Reverend Martin Luther King, Jr., in a symbolic gesture that reminded us again of the value of freedom, and the debt we owe those who sacrificed greatly for racial equality in America.

Mr. President, James Farmer was one of the six major civil rights leaders of the civil rights era, joining A. Philip Randolph, Roy Wilkins, Whitney Young, John Lewis and Martin Luther King, Jr. He helped establish, and later lead, the Congress of Racial Equality (CORE). He was the father of the famous Freedom Rides through the South. He organized and inspired. He placed himself in great personal danger again and again. Today, he teaches civil rights history to some very lucky students at Mary Washington College in Fredericksburg, Virginia.

Last year, I was pleased to join Congressman JOHN LEWIS and others in asking that the President award the Medal of Freedom to James Farmer. Last month, Lynda and I were privileged to be at the White House when President Clinton officially presented the Medal to Mr. Farmer.

Before the White House ceremony, Congressman LEWIS and I prepared a tribute to James Farmer, which I ask be printed in the RECORD following my remarks today. In this tribute, we thank James Farmer for a lifetime of fighting for racial equality in America. We challenge our nation to continue to learn from this great American hero—to continue to reach for a truly colorblind society—to finally lay down the burden of race.•

HUMAN CLONING PROHIBITION ACT

• Mr. DORGAN. Mr. President, I want to take a few minutes to explain why I voted against cloture on S. 1601, the Human Cloning Prohibition Act introduced by Senators BOND, FRIST, LOTT, and GREGG.

First of all, I want to state unequivocally that I am against the cloning of a human being. Cloning of a human child raises serious moral and ethical questions about society's perception of human life. The National Bioethics Advisory Commission, after a thorough review of the ethical and legal issues involved, has recommended that Congress enact legislation to prohibit the use of cloning to create a child, and I agree that Congress needs to act on this issue.

We should not, however, rush to enact legislation that could do serious harm to other critical medical research. The legislation before the Senate today is only eight days old. The Senate Labor Committee and Senate Judiciary Committee, which have jurisdiction over this bill, have not had the opportunity to hold hearings on this specific legislation or the other bills that have recently been introduced, much less consider amendments to the language.

In the meantime, the Food and Drug Administration has already determined that it has authority and jurisdiction over human cloning and has stated that it would act to prohibit any attempt to clone a human being. In addition, professional organizations representing more than 64,000 scientists have voluntarily imposed upon themselves a five-year moratorium on human cloning.

Most importantly, as we take action to ban the cloning of humans, I want to be sure that we do not also ban valuable medical research that could lead to cures or treatments for the millions of Americans suffering from cancer, heart disease, diabetes, organ failure, Alzheimer's disease, Parkinson's disease, severe skin burns, and many other diseases that perhaps we haven't even identified yet. Scientists do not yet understand exactly how somatic cell nuclear transfer, the technique used in cloning Dolly the sheep in Scotland last spring, worked.

But medical researchers believe that this technology can be used to generate stem cells to treat disease. For instance, imagine being able in the not-so-distant future to repair the damage to the cardiac muscle caused by a heart attack. Using stem cell technology, we may be able to replace damaged cardiac cells with healthy cells that would then differentiate into cardiac muscle. I do not know whether this will ultimately prove to work, but I believe we should continue to pursue this type of research if it could help to save the lives of millions of Americans each year.

The Nation's scientific community has expressed deep concern that the legislation before us, as currently drafted, could halt stem cell research and other related research that would not lead to the cloning of human beings. Everyone I have talked to agrees that this is a complicated and difficult issue. We need to proceed, but we need to do so in the careful, considered way that has earned the Senate the reputation of the "world's greatest deliberative body."

Mr. President, I ask that a New York Times editorial on this subject be printed in the RECORD.

The editorial follows:

[From the New York Times, Feb. 10, 1998]

A SLAPDASH PROPOSAL ON CLONING

The shock caused by the physicist Richard Seed's grandiose intention to clone human beings may be about to cause more damage than anything Dr. Seed could do in the laboratory. Senate Republicans are now rushing to enact a bill that would outlaw cloning a human embryo and, in the process, ban a valuable technique that could potentially cure a wide range of diseases. No wonder a slew of scientific associations and high-tech industry groups are urging more carefully constructed legislation. The sensitive scientific and moral issues involved here require careful handling, not grandstanding by politicians more interested in pandering than in reaching a reasoned solution.

Congress may ultimately want to impose limits on cloning, a technique that has arrived sooner than expected with the announcement last year that Scottish scientists had cloned a lamb from the cell of an adult sheep. That achievement, if it proves practical in humans, would make it possible to take a cell from an adult and use it to produce a genetically identical twin many years younger than the parent. A national bioethics commission, the biotechnology and pharmaceutical industries and many scientific groups have all called for a moratorium on actually cloning a person until society has time to grapple with the ethical and moral issues.

But the bill sponsored by the Republican Senators Christopher Bond, William Frist and Judd Gregg does not simply prohibit the use of cloning to produce a human embryo for implantation in the womb. It would also prohibit use of the technique to produce genetically identical tissues in the laboratory to treat diseases or injuries where a person's existing cells are damaged or insufficient. Such ailments include leukemia, diabetes, Alzheimer's disease, spinal cord injury, heart attacks and severe burns, among others.

The Republicans contend that even these approaches require creating what amounts to an embryo in the laboratory and then experimenting on it to produce the desired tissues. But that is a complex matter of definitions and techniques that requires careful evaluation. The Republican bill and others on the subject have not even gone through committee hearings. When the matter comes up for a floor vote this week, the Senate should postpone action and demand more considered deliberation. It would be a shame if the rush to ban cloning of people ended up crippling biomedical research.•

50TH BIRTHDAY OF MICHAEL B. ROBERTSON

• Mr. MOYNIHAN. Mr. President, next Wednesday, February 18, marks an auspicious occasion: Michael B. Robertson—a constituent—will turn 50. He will become a quinquagenarian. Individuals often approach this milestone with some trepidation. That need not be, for as Sir Richard Steele wrote, "Age in a virtuous person, of either sex, carries in it an authority which makes it preferable to all the pleasures of youth." Now, Steele was all of 38 or 39 when he wrote that in 1711, but I can attest to the sentiment, having become a septuagenarian last March. More important, we learn from Leviticus 25:10 that "Ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you."

Michael Robertson was born in Scotland in 1948. But he "left fair Scotland's strand" at the age of six and moved with his family to the United States. He obtained a bachelor of arts degree in English from Wilkes University in Wilkes Barre, Pennsylvania in 1969. From there, as a young man, he headed west, following the advice of Horace Greeley (actually, it was the advice of John Babsone Lane Soule, in an article published in the Terre Haute Express in 1851).

His car and his funds made it to Los Angeles. He had to find work, and ended up taking a job in the mailroom of Carson/Roberts Advertising. His superiors quickly recognized his innate ability and work ethic, and promoted him to copywriter. Soon thereafter, he was an associate creative director with Young & Rubicam, eventually returning to the East Coast. Onward and upward in the highly competitive business of advertising to his present position as executive creative director of Bates USA, where he is responsible for the overall creative product of a $1.1 billion agency.

Mr. Robertson, I might note, is a neighbor of sorts. His office is in the venerable Chrysler Building, a few floors below the suite which is my New York City office. He has a lovely family, including a daughter, Megan (just recently married); a son, Brendan (a strapping young man presently in college); and another daughter, Charlotte (a star fourth-grader at the Nightingale-Bamford School). His wife, Linda, is quite accomplished in her own right: she produced the television commercials commemorating the fiftieth anniversary of the United Nations.

I would like to take this opportunity, Mr. President, to join with Michael Robertson's family and friends too numerous to count in wishing him a very happy fiftieth birthday. May it truly be a jubilee.•

LONDONDERRY HIGH SCHOOL LANCER MARCHING BAND, PARTICIPANT IN THE WASHINGTON, D.C., ST. PATRICK'S DAY PARADE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the students of the Londonderry High School Lancers Marching Band for the distinguished honor of representing New Hampshire in the Washington, D.C., St. Patrick's Day Parade. All 201 band members and Andrew Soucy, the Band's director, deserve special commendation for their hard work and achievement.

These band members have proven that determination, hardwork and dedication are the hallmarks of success both as musicians and students. Many of the songs they play symbolize American pride and forever keep patriotism alive through the language of music. "Londonderry Ear," also known as "Oh Danny Boy," is a hometown favorite that is also played in tribute to the Granite State and their home town.

I am indeed honored to have the Londonderry High School Lancer Marching Band representing New Hampshire with their outstanding musical performances. I had the pleasure of meeting some of the band members, young men and women, who have recognized their own talents and continue to develop them into something great. I am proud to say, this continual drive for perfection and aggressive strive for greatness are commendable characteristics among Granite State students.

These students not only attended school and practice, but they also had to raise money through several fundraisers to come to Washington, D.C. As a result, the band accomplished their goal by implementing a plan and having the right attitude and talent to meet their goal.

The Londonderry High School Lancers Marching Band with their classic red, white, and blue uniforms have performed for audiences throughout the country. To name a few, they played at the Foxboro Stadium, home of the New England Patriots in Boston, Massachusetts, Nascar Winston Cup Series, and for Good Morning America, an ABC Television Network.

I also want to recognize the Londonderry community, for giving so much support in helping these young adults. I am well aware of the pride the community has for this talented band. It is much easier to be successful when you have the support of others and the backing from friends and family.

Mr. President, I want to congratulate all the students and the director on such a magnificent accomplishment and I am proud to represent them in the U.S. Senate. I also ask that a list of the names of these outstanding students be printed in the RECORD.

The list follows:

LONDONDERRY HIGH SCHOOL LANCER MARCHING BAND

Scott Abernethy, Noura Alkhamis, Bridget Ambrose, Heather Applegate, Jordon Avalos, Christina Belmonte, Matthew Blake, Danielle Boshetto, Katie Broadhead, Carolynne Camillieri, Greta Carlson, Sarah Chretien, Ashley Clover, James Dahlfred, Jessica Davis, Arthur Decaneas, Tim Desmarais, William Doss, Amanda Eaton, Sheridan Farrah Jr., Bethany Ferreira, Nathan Formalarie, Kim Garrison, Madelyn Gonzalez, Bridget Gugliotta, John Harding, Andrew Hatin, Tara Henry, Nik Janson, Adam Keller, Kerry Kilpatrick, Joy Arbruzese, Vanessa Allum,

Dan Anderson, Patrick Applegate, Sabrina Baker, Kristin Beltrimini, Suzanne Blundell, Meleah Brackett, Candice Brown, Ashley Carlson, Mike Carlson, Tim Christensen, Sarah Cody, Katie Daneau, Dave Day, Robert Decker Jr., Jenn Dillon, Kristen Dubois, Michelle Eddy, Mike Fawcett, Greg Fisher, Rachael Fryd, Leah Gaumont, Nicole Gregorio, Kate Gunnery, Jason Harrington, Kristen Hatin, Neil Huntemann, Elizabeth Jones, Andrew Keller, Katie Klasner, Alexandra Adams, Allison Alper, Andrew Applegate, Ryan Arnold, Diego Batista, Erin Blake, Robyn Bookman, Christine Bradbury, Melissa Burns, Drew Carlson, Leslie Cast, Diana Church, Rachel Cox, Abby Davidson, Karen Day, Barbara Deluca, Michelle Dillon, Dan Dussault, Michael Edwards, Adam Fernald, Marc Flore, Dana Garrison, Jamie Gogla, Kirsten Griffiths, Chris Hajjar, Karen Harvey, Erin Hegarty, Kim Huston, Kristine Jones, Carin Kilar,

Jason Krampfert, Kristen Krampfert, Danielle Levison, Greg Lufkin, Jaimie Machado, Caitlin Marrinan, Kaylie Matos, Katie McCarthy, Dary Mcgrath, Julia Mechachonis, Kim Mendonca, Paul Mistovish, Tom Morse, Sarah Munday, Kim Novielli, Elizabeth Oswald, Jason Pelletier, Katie Piper, Tim Porter, Jennifer Reynolds, Elizabeth Rockwell, Melissa Ross, Steven Roy, Collean Scali, Shannon Scioscia, Anne Shea, Katie Silvius, Matthew Smith, Joseph Soucy, James Stewart, Ashley Taylor, Jamie Thomas, Mark Tuden, Marianne Vanagel, Christine Walker, Melissa Wills, Stephanie Young. Amanda Leitch, Ryan Levison, Dave Lymburner, Kelly Macneil, Joseph Martin, Jim Maxwell, Kerry McCarty, Caitlin McIntire, Robert Mee, Eric Meyer, Emily Morgano, Eric Mosse, Colleen Murphy, Cortiney Nye, Brian Paciulan, Jessica Pelletier, Lindsay Piper, Toby Porter, David Poberson, Katherine Rork, Seana Roussel, Amanda Rudy, Paul Schacht, Kayla Scaman, Carly Sheehan, Dennis Slozak, Stephanie Smith, Sarah Soucy, Jackie Sunderland, Georgia Theodore, Robert Tobin, Jay Vaccaro, Emily Violette,

Kerry Walton, Adam Wobrock, Victoria Zabierek, Amanda Lever, Jesse Lore, Drew Macculloch, Dan Marchegiani, Lance Martin, Rachel McCarter, Shannon McCarty, Jen McMahon, Dan Melnick, Deryc Miller, John Morse, Jessica Moulton, Jessica Napier, Amanda Oswald, Enrique Paniagua, John Perry, Sue Plissey, Rebecca Predko, Mike Roberson, Jennifer Ross, Melissa Roy, Jack Ryan, Andrew Schroeder, Matthew Sharpe, Tim Sheehan, Crystal Smith, Kevin Socha, Ethan Stern, Nicki Sweet, Sarah Thesse, Peter Tomaselli, Jeff Vaccaro, Christina Vitale, Richard Williams, Renee Wright, Scott Zdankiewicz.●

A TRIBUTE TO AN AMERICAN FREEDOM FIGHTER

● Mr. ROBB. Mr. President, as one man who had the privilege to march and demonstrate alongside this dedicated pioneer during the Civil Rights Movement, and another who has long respected his courage and is proud to represent him in the U.S. Senate, we both have enormous respect and admiration for James Farmer. Now, all Americans are being given the opportunity both to learn more about this man and to appreciate his lifetime of contributions to our nation as a civil rights activist, community leader and teacher.

Yesterday, on the birth date of the Reverend Martin Luther King, Jr., President Clinton presented the Presidential Medal of Freedom, our country's highest civilian honor, to fifteen distinguished Americans. We are grateful that James Farmer, one of the "Big Six" leaders of the Civil Rights Movement and the father of the Freedom Rides, was among them.

As the Nation prepares to officially celebrate the life and legacy of Dr. Martin Luther King, Jr., it is also fitting that we join the President in recognizing one of the great soldiers and leaders of the Civil Rights Movement. In the 1940's, while still in his early twenties, James Farmer was already leading some of the earliest nonviolent demonstrations and sit-ins in the Nation, over a decade before nonviolent tactics became a vehicle for the modern Civil Rights Movement in the South.

Early in his academic career, James Farmer became interested in the Ghandian principles of civil disobedience, direct action, and nonviolence. In 1942, at the age of 22, he enlisted an interracial group, mostly students, and founded the Congress of Racial Equality (CORE), with the goal of using nonviolent protest to fight segregation in America. During these early years, James Farmer and other CORE members staged our Nation's first nonviolent sit-in, which successfully desegregated the Jack Spratt Coffee Shop in Chicago.

Five years later, in what he called the "Journey of Reconciliation," James Farmer led other CORE members to challenge segregated seating on interstate buses.

In 1961, James Farmer orchestrated and led the famous Freedom Rides through the South, which are renown for forcing Americans to confront segregation in bus terminals and on interstate buses. In the spring of that year, James Farmer trained a small group of freedom riders, teaching them to deal with the hostility they were likely to encounter using nonviolent resistance. This training would serve them well.

During the journeys, freedom riders were beaten. Buses were burned. When riders and their supporters—including James Farmer and the Reverend Martin Luther King, Jr.—were trapped during a rally in Montgomery's First Baptist Church, Attorney General Robert Kennedy ordered U.S. marshals to come to their aid and protect them from the angry mob that had gathered outside.

In reflecting on the ride from Montgomery, Alabama to Jackson, Mississippi, James Farmer said, "I don't think any of us thought we were going to get to Jackson * * * I was scared and I am sure the kids were scared." He later wrote in his autobiography, "If any man says that he had no fear in the action of the sixties, he is a liar. Or without imagination."

James Farmer made it to Jackson and spent forty days in jail after he tried to enter a white restroom at the bus station. On November 1, 1961, six months after the freedom rides began, the Interstate Commerce Commission ordered all interstate buses and terminal facilities to be integrated.

Six years ago, James Farmer told a reporter that while the fight against racism in the 1960's "required tough skulls and guts * * * now it requires intellect, training and education."

Not surprisingly, James Farmer continues to do his part. Just as he taught his freedom riders how to battle segregation over three decades ago, he has taught civil rights history at Mary Washington College in Fredericksburg, Virginia, for the past twelve years. He teaches his students how to remember and how to learn from history.

James Farmer has, in truth, spent a lifetime teaching America the value of equality and opportunity. He has taught America that its most volatile social problems could be solved nonviolently. He has reminded us of the countless acts of courage and conviction needed to bring about great change. He has shown us the idealism needed to act and the pragmatism needed to succeed. His respect for humanity and his belief in justice will forever inspire those of us privileged to call him mentor and friend.

As we celebrate the Martin Luther King Holiday on Monday, and as we honor James Farmer with the Presidential Medal of Freedom, let us vow to continue to learn. If we truly believe in the idea of the beloved community and an interracial democracy, we cannot give up. As a nation and a people, we must join together and strive towards laying down the burden of race. And we must follow in the footsteps of a courageous leader, to whom, with the Presidential Medal of Freedom, we can finally say: thank you, James Farmer.●

AUTHORIZING PRODUCTION OF SENATE DOCUMENTS BY SENATE LEGAL COUNSEL

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 178, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 178) to authorize production of Senate documents and representation by Senate Legal Counsel in *United States f.u.b.o. Kimberly Industries, Inc., et al.* v. *Trafalgar House Construction, Inc., et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a contract dispute, pending as a civil case in the United States District Court for the Southern District of West Virginia, between a subcontractor and the prime contractor constructing a Department of Labor Job Corps facility in Charleston, West Virginia. Prior to the litigation, the subcontractor, a West Virginia firm, sought assistance from Senator BYRD's and Senator ROCKEFELLER's offices in contacting the Labor Department regarding the firm's difficulties over payment for its work on the project. In the civil lawsuit that has ensued between the two contracting firms, the prime contractor has now requested that the offices of Senator BYRD and Senator ROCKEFELLER produce from their files copies of documents concerning the West Virginia Job Corps project.

The constituent subcontractor firm has advised, through the Senate Legal Counsel, that it has no objection to the release of its correspondence with the Senator's offices. Thus, the usual principle of constituent confidentiality is not implicated here. However, as is often the case when a constituent reports difficulties in dealing with an executive agency, Senator BYRD's office and Senator ROCKEFELLER's office have advised that their constituent's communications regarding this matter informed the Senators' consideration of potential alternatives to address the problem, including undertaking legislative or oversight action regarding the Labor Department's construction program and procurement procedures. In order to protect Senators' ability to undertake their legislative responsibilities free from interference and questioning, the Speech or Debate Clause of the Constitution privileges from compelled production in court proceedings materials from Senators' files relating to the legislative sphere.

Nevertheless, Senators BYRD and ROCKEFELLER are willing to provide to the parties in this case copies of documents reflecting their offices' role, to the extent that they may properly do so without impairing the important interests underlying the Senate's constitutional privileges. In view of the subcontractor's lack of objection, the Senators also have no objection to furnishing copies of their correspondence with the subcontractor. In addition, both Senators would like to provide the records of their communications with the Labor Department regarding this matter. Consistent with the overriding importance that the Constitution recognizes in fostering unimpeded communications between Senators and their staffs concerning matters of potential legislative action, the Senators will not waive their legislative privileges for their offices' internal records and work product.

Accordingly, this resolution would authorize Senator BYRD's and Senator ROCKEFELLER's offices to produce documents in this case, except where a privilege or objection should be asserted. The resolution also would authorize the Senate Legal Counsel to represent employees in Senator BYRD's and Senator ROCKEFELLER's offices, should such representation become necessary to protect the Senate's privileges in connection with this matter.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 178

Whereas, in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*, Civil Case No. 97-0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That the offices of Senator Byrd and Senator Rockefeller are authorized to produce documents in the case of *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction* except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent employees of Senator Byrd and Senator Rockefeller in connection with any subpoena or request for documents or testimony in *United States f.u.b.o. Kimberly Industries* v. *Trafalgar House Construction*.

ORDERS FOR FRIDAY, FEBRUARY 13, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, February 13, for a pro forma session only and immediately the Senate stand in adjournment until Monday, February 23, as under the provisions of H. Con. Res 201, the adjournment resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to the reading of President Washington's Farewell Address by Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that, following the reading, the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, in conjunction with the previous unanimous consent agreements, tomorrow the Senate will be in a pro forma session only. Upon the return from the President's Day recess on February 23, the Senate will reconvene at 12 noon, and following Senator LANDRIEU's reading of George Washington's Address, the Senate will be in a period for morning business until 3 p.m. No rollcall votes will occur during the Monday, February 23, session of the Senate. Members can anticipate rollcall votes after 2:15 p.m. on Tuesday, February 24.

UNANIMOUS CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. COVERDELL. At 3 p.m. on Monday, February 23, 1998, I ask unanimous consent that the Senate proceed to the campaign finance reform legislation, as outlined in the consent agreement of October 30, 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment, under the previous order, following the remarks of Senator LAUTENBERG and Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

IRAQ

Mr. SPECTER. Mr. President, I have sought recognition, and as the final speaker before we adjourn for a recess, I am going to comment about the situation in Iraq.

It had been my hope that the Congress might have addressed this issue. But it is obvious now that we will not. I think that the Congress—at least the Senate—is not addressing the issue because there is no clear-cut agreement in this body as to how to proceed.

My own view is that an air attack and a missile attack, if one is to be carried out, constitutes an act of war. And under the Constitution that requires Congressional authorization. The President is authorized as the Commander in Chief—and there is only one Commander in Chief, and it is obvious that where the 535 Members of the Congress cannot agree upon a program that we are not committed to be the executive. That is why we have an executive. But still the Constitution requires that war would be declared only by an act of Congress. And I think the international law interpretations make it plain that military action, like air attack or missile attack, does constitute an act of war.

I believe that we have not yet seen a clear definition of U.S. objectives as to what we are seeking to accomplish. My sense is that the American people are not prepared for what may occur.

I make it a practice, as I know the Chair does, of having open house town meetings. And I had three this week—on Monday in Cumberland County, Lebanon County, and Lancaster County, PA. There is great concern among my constituents—those whom I have talked to there and other places—of not having an idea as to precisely what we are going to accomplish.

It is my hope, if action is to be taken, that before any action is taken the President of the United States will address the American people and will identify the goals as he sees them and evaluate our likelihood of attaining those goals so that the people of the United States will be prepared and understand what is going to happen. But I do not see at this date how there can be public support for an attack in the absence of informing the American people, preparing them and having a public dialog on the subject. The Congress is speaking loudly by not speaking at all on a resolution to authorize the use of force against Iraq.

In 1991, on January 10, this body authorized the use of force. I was at the forefront arguing that force should be used at that time. We had an extended debate. The Congress—the Senate specifically—was complimented for having a classic debate on what our vital national interests were and how we should respond. I do believe that we have a vital national interest in what is going on in Iraq at the present time. I do believe that there are great dangers posed by Saddam Hussein and by his weapons of mass destruction.

I had an opportunity back in January of 1990—just 8 years ago on a trip with Senator RICHARD SHELBY—to talk to Saddam Hussein. It is not an easy matter to deal with Saddam Hussein, as we have seen. There is some talk that Saddam Hussein ought to be toppled. But the air attacks, the missiles, and the planes will not accomplish that. It is plain at this juncture that there is no positioning of the kind of ground forces necessary to topple Saddam Hussein. Even as to the air attacks, it is plain that we will not destroy all of Saddam Hussein's weapons of mass destruction.

The question is: How will Saddam Hussein come out of whatever military force we use? I am very much concerned that he may come out a martyr. Certainly the lack of support for the United States raises major questions as to how the rest of the world views this issue.

On my travels—and I have traveled extensively, Mr. President, in my capacity as Chairman of the Senate Intelligence Committee in the 104th Congress, and my work on the Foreign Operations Subcommittee—I have found that there is great admiration for the United States around the world. People all over the globe admire our economic achievements. They admire our values. They admire our freedom, and the success of our free enterprise system. But there is also a touch of concern about abuse of power or excessive use of power, perhaps arrogance. And, we have to evaluate that very carefully in what we do as to Iraq.

I made a trip to the Mideast from late December to mid-January, and wherever I went I heard concerns about the projection of American power and concerns about the Iraqi civilian population, not Saddam Hussein, but concern about the Iraqi civilian population. It is an odd quirk of history that after the great success of the United States, the coalition put together by President Bush, which was a masterful job, President Bush is in Houston and Saddam is still in Baghdad running Iraq.

I have spoken with some frequency on the question of greater personal Presidential involvement in international dispute resolution, a subject that I have discussed personally with the President. It is my view that President Clinton can leave the Department of Agriculture to Secretary Glickman and the Department of the Interior to Secretary Babbitt, and so forth, but only the President of the United States can wield the enormous power that comes from the Presidency.

In 1995, Senator Brown and I spoke to Prime Minister Gowda of India, who said to us that he hoped the subcontinent could become nuclear free. The next day we passed that information on to Prime Minister Benazir Bhutto of Pakistan, who asked us if we had it in writing. We told her, of course, we did not. But we asked her when she had last talked to the Prime Minister of India. She said, "We don't talk."

That night Senator Brown and I cabled President Clinton with those views fresh in our mind, urging the President to call those Prime Ministers to the Oval Office; nobody turns down an invitation to the Oval Office. And later talking to the President, he said, well, I intend to do that after I am reelected. I have talked to him since, and it has not yet happened.

I think the President did an outstanding job, and I compliment him on the negotiations in the Mideast in the 1995 timeframe where the President and the Secretary of State, Warren Christopher, almost brokered an agreement between Syria and Israel. When I met with the President in mid-December before my trip to the Mideast, I urged him to become active again on that track of the peace process because I think the parties are very close.

I had a chance to talk to Prime Minister Netanyahu and President Assad in August-November of 1996, and they were pretty far apart. Prime Minister Netanyahu said that he wanted to resume peace negotiations but he had a new mandate, he wanted to start fresh. President Assad of Syria said that he would want to start negotiations but would want to pick up where he, or Syria, and Prime Minister Rabin left off before Prime Minister Rabin's assassination in November of 1995. In talking to them last month the words were about the same but the music was different.

I think that Presidential involvement there might find success, especially with the explicit condition that any agreement would be subject to ratification by the Israeli electorate on the Golan Heights, something about which only Israel could make a decision for themselves considering all the security factors, and the issue with the Palestinians much more difficult, the Israel-Palestine crack. But here I think personal Presidential involvement might be very successful. I think there has been the absence of that, where we find ourselves with only Great Britain at our side now as we look to action against Iraq. I have heard what the Secretary of Defense has had to say, and I have total respect and confidence in Secretary Cohen based on the 16 years that I worked with him in the Senate. But he alone cannot carry the Executive burden in this matter.

On the information at hand, we do not have the cooperation of others in a military attack. I think that has to be weighed very carefully. I do think that there are alternatives. I do think that the issue of a blockade is something that might bring Saddam Hussein, if not to his knees, to a greater economic impasse. It would be my hope that before action is taken which constitutes an act of war, the issue would be debated by the Senate and by the House of Representatives and an appropriate resolution would be put before us to have the appropriate constitutional authorization.

I know that many of our colleagues have spoken on this matter in the course of the last several days, and as the last speaker in the Senate before we go to adjournment, I did want to make these comments for whatever consideration the President and the Executive may choose to make of them.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SPECTER. Mr. President, I did not have an opportunity yesterday after the Majority Leader announced the resolution of the proceedings as to the pending nomination of Judge Massiah-Jackson for the United States District Court for the Eastern District of Pennsylvania. I sought recognition to speak with unanimous consent for up to 1 minute, and there was an objection levied so I was not able to talk at that time.

I cannot limit my remarks to a single minute today because there are other things to be commented upon, but I believe that the referral of this matter to the Judiciary Committee is the appropriate course of conduct. Notwithstanding my continuing efforts to set forth the facts, my own personal activities have been grossly inaccurately reported.

First, it is President Clinton who has recommended Judge Massiah-Jackson for the Federal court. That is the President's nomination. It is not my nomination or the nomination of Senator SANTORUM. It is true that Massiah-Jackson was cleared by a nonpartisan panel appointed by Senator SANTORUM and me, but that approval does not involve any personal activity or action by either of the Senators.

Second, in my capacity as a member of the Senate Judiciary Committee and since Judge Massiah-Jackson is a constituent, I have vigorously sought to see that she received fair treatment, just as I did when the Judiciary Committee considered the nomination of Justice Clarence Thomas.

Third, I have made a public commitment to review all the matters submitted by her opponents before casting my vote on the Senate floor.

Fourth, I have been proactive in seeking all the facts against her confirmation as well as all of the facts of those who support her.

The charge has been made that I made a "deal" with the White House to appoint Judge Massiah-Jackson in exchange for the appointment of Judge Bruce Kauffman, who was sworn into the United States District Court on January 20. The facts are that I am party to an arrangement for Republicans to receive one nomination for the district courts for every three Democrats who are nominated, an arrangement identical with that now applicable to the State of New York. But I am not under any obligation to support any specific nominee, nor anybody submitted by the White House from the Democratic ranks. I am not under any obligation to support anyone, including Judge Massiah-Jackson, if I conclude the person is not qualified.

When Judge Massiah-Jackson's nomination was announced by the President on July 31, 1997, there were rumors of opposition, and in order to try to find out what the facts were in opposition, Senator SANTORUM, Senator BIDEN and I held a hearing in Philadelphia on October 3. All of the witnesses who testified favored Judge Massiah-Jackson, including five of her colleagues from the Common Pleas bench.

Mayor Rendell, who had been district attorney for 3 of her 7 years on the criminal bench, was enthusiastically in support of her nomination. Then the Judiciary Committee held its formal hearing on October 29, and again no witnesses opposed her. Senator KYL, Senator SESSIONS and I questioned her closely on her record, and on November 6 she was reported out of the Committee by a vote of 12 to 6.

Thereafter, when district attorneys from Pennsylvania raised objections, Senator SANTORUM and I took a proactive position to meet those district attorneys, and we heard them out on January 23. I then arranged to get all of their opposing cases by January 30, with an opportunity for Judge Massiah-Jackson to respond, and that is what we await at the present time. As a matter of fundamental fairness, she is entitled to that hearing.

So, I think the Senate has taken the appropriate stand to have the hearing, and those who object will hear what Judge Massiah-Jackson has to say and then I, as a juror, along with my colleagues, will take a look at all of the facts and make a decision as to whether she is to be confirmed or whether she should be rejected. I thank the Chair for the courtesy and I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 10 a.m., Friday, February 13, 1998.

Thereupon, the Senate, at 5:31 p.m, adjourned until Friday, February 13, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 12, 1998:

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KEITH W. LIPPERT, 1581
REAR ADM. (LH) PAUL O. SODERBERG, 9559

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARTIN E. JANCZAK, 9028
REAR ADM. (LH) PIERCE J. JOHNSON, 1625
REAR ADM. (LH) LARY L. POE, 6491
REAR ADM. (LH) MICHAEL R. SCOTT, 2697

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

TO BE REAR ADMIRAL (LOWER HALF)

CAPT. (LH) KATHLEEN L. MARTIN, 3639

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. ABEL, 5042
JOAN M. ABELMAN, 3889
GRANT O. ADAMS, 5827
ELIZABETH Z. ANDERSON, 9441
EDWARD L. ANGEL, 0247
ENRIQUE ARROYO, 0500
SISSAY AWOKE, 8246
GARY M. BAGLIEBTER, 7781
HILMAR H. BARTELS, 5269
JOHN BARTUS, 9342
MARK R. BASSETT, 6708
JAMES B. BECHTEL, 8007
JAMES A. BOUSKA, 6079
MICHAEL D. BRATLIEN, 4159
DONALD C. BROWN, 3382
JEFFERY W. BRYANT, 3323
MICHAEL J. BUNDSHUH, 8018
ROBERT E. BURGY, 3881
JOHN B. BURROUGHS, JR, 4750
BENTON L. BUSBEE, 0099
SUSAN T. BUSLER, 6011
FRANK L. BUTLER III, 2055
JAMES R. CALLARD, 3923
BLANCHE A. CASEY, 3180
JOE E. CASLER, 1675
PATRICIA S. CHRISTIE, 8530
RANDALL B. CLARK, 7241
THOMAS A. CLARKE, 7777
SYLVIA L. COLEMAN, 6138
GEORGE R. COOK, 9855
GEORGE J. COYLE, JR., 5493
ERIC W. CRABTREE, 0505
EDWARD F. CROWELL, 1279
WILLIAM R. CULVER, 5950
JAMES H. DEATLEY, 8372
JAMES D. DESHEFY, 3118
EDWARD D. DINGIVAN, 5797
DONNA K. DOUGHERTY, 3013
JAMES M. EITEL II, 5045
MARC I. EPSTEIN, 5507
MARIANNE G. FARRAR, 4041
DONALD E. FLETCHER, JR., 4979
JOHN C. FOBIAN, 0618
KEITH R. GABRIEL, 1875
ANITA R. GALLENTINE, 3368
DANIEL D. GAMMAGE, 0171
JAMES A. GEBHARDT, 4820
STEVEN J. GENTLING, 0760
DANIEL P. GILLEN, 6142
LARRY N. GOFF, 8079
MARIO GOICO, 4105
JAMES W. GRAVES, 4813
ROBERT S. GRAVES, 6618
ROBERT A. GUALTIERI, 8028
LYNN M. GULICK, 5407
ADELINE F. HAMMOND, 5325
REDMOND H. HANDY, 6769
JOHN S. HANSEN, 5590
ALBERT S. HARTMAN III, 4636
THOMAS W. HARTMANN, 2331
THOMAS B. HAYTHORN, 2716
ROSEMARY A. HEREDY, 6489
PATRICIA HOLDERNESS, 6366
RICHARD C. HOLLOMAN, 3668
KENNETH K. HSU, 4684
GARY C. HUCKABAY, 3503
DORIS E. HUNOLT, 3534
WILLIAM W. HURD, 1199
PHILIP D. INSCOE, 1022
JEFFREY W. IPPOLITO, 0567
CANDACE A. JACOBS, 0715
DANIEL G. JARLENSKI, JR., 6263
ARMAS J. JASKEY, JR., 0734
DAVID E. JOHNSON, 8719
PERRY C. JOHNSON, 3090
KENNETH I. JOHNSTON, 7205
ALLAN M. JONES III, 5179
LEONARD R. KIGHT, 4536
RAYMOND F. KNAPP, 5545
ELAINE L. KNIGHT, 8340
ROBERT E. KOENEN, 6080
MARK V. KOLLEDA, 4544
CRAIG W. KUEBKER, 3809
HUGH K. LANCASTER, JR., 9036
FREDERICK K. LANGE, 5298
CAROL A. LEE, 8418
ALAN F. LEHMAN, 4275

RALPH F. LIEBHABER, 5757
JOHN L. LITZENBERGER, JR., 4759
DENNIS E. LUNDQUIST, 1911
ROBERT W. MARCOTT, 3557
DEBRA L. MATTHEW, 0495
SHERYL M. MAY, 3542
MARYJO MAZICK, 0016
NEAL F. MCBRIDE, 0040
LINDA L. MCHALE, 5391
CHRISTOPHER C. MEARS, 1333
JEFFREY S. MEINTS, 6096
KATHY S. MEISETSCHLEAGER, 5827
NELSON L. MELLITZ, 4544
GERALD F. MICHELETTI, 8237
DONALD R. MICHELS, 7151
JIMMY W. MILLER, 3837
WILLIAM F. MORGAN, JR., 9544
KENNETH J. MORRIS, 3532
GEOFFREY C. MORRISON, 1760
PATRICIA A. MORRISON, 6979
RAFIK D. MUAWWAD, 6437
BRIAN D. MUDD, 9586
CARLYN R. MUNN, 4695
KATHLEEN M. MURRAY, 5703
MARK D. NICKERSON, 4197
MAUREEN OMALLEY, 4319
JON M OWINGS, 4103
LOUIS E. PAPE II, 6480
JAMES L. PARTINGTON, 2559
GREGORY B. PAVLIN, 6692
LINDA K. PEARCE, 8623
WAYNE F. PETITTO, 6940
SUSAN J. POTTER, 7747
THOMAS G. POTTS, 5406
PAMELA E. PRETE, 9454
GARY P. PRICE, 5144
WILLIAM M. PRICE, 2840
RODOLFO C. PRUNEDA, 9429
ROCKY R. QUINTANA, 7505
SANDRA B. RAUSCH, 4547
CHARLES E. REED, JR., 2522
JOHN D. REED, 5658
HAROLD G. REPASKY, 5017
CLAIR D. REPPLE, 6232
SHIRLEY RIBAK, 7276
WILLIS T. RICHIE, JR., 1122
DAVID C. RIDER, 5024
BARBARA U. RILEY-CUNNINGHAM, 1209
CRAIG M. RIRIE, 6593
BARRY K. ROBERTS, 6493
JAMES B. ROBERTS, JR., 5240
JULIO E. ROLDAN, 1289
WILLIAM F. ROLLIN, 8918
ROBERT D. ROSENBLOOM, 9036
DAVID B. ROSS, 6735
ROARK M. ROSSON, 9560
KENTON E. RUDICEL, 8739
JAMES H. RUFFNER, 5410
DIANE M. RUSSELL, 1886
RONALD A. RUTLAND, 5368
RICHARD S. SCHMIDT, 1109
HARRY W. SCHONAU III, 0891
KEVIN M. SCHROEDER, 4626
RONALD R. SEE, 2175
JAMES L. SELZER, 3197
KENNETH R. SETTLE, 7763
ROBERT D. SHANKS, JR., 6906
RICHARD V. SHAWLEY, 7488
JEFFREY J. SHORT, 7809
CARL M. SKINNER, 4165
JOHN M. SMILEY, 7748
GARY W. SMITH, 2953
SANDRA E. SMITHPOLING, 3021
GREGORY K. SPACKMAN, 2023
MICHAEL C. STAMPLEY, 6803
NORMAN P. STEELE, JR., 6374
EDWARD S. STOKES III, 2480
WILLIAM H. STROM, 1331
WILLIAM N. STRYKER, 9420
LAURA A. TALBOT, 4789
PAUL M. TORPEY, 8178
SHEILA LYNN BUCKLEY TOW, 5312
JOHN W. TURNER, 2616
THOMAS J. UNDERWOOD, 2256
MAUREEN A. VACCARO, 1327
DANIEL J. VICIAN, 9046
CHARLES T. VONO, 4958
TAKESHI WAJIMA, 8510
DAVID D. WALLS, JR., 7650
JANE D. WEAVER, 6063
SUSAN J. WENTZELL, 6378
RONALD E. WHITCOMB, 6395
KENNETH F. WIEGAND, JR., 0531
DAVID W. WOLLENBURG, 1044
TIMOTHY W. WROTEN, 8049
LINDA J. WYSE, 8392
MICHAEL J. YASZEMSKI, 7741
HELENE R. YOSKO, 8133

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12, 1998:

THE JUDICIARY

MICHAEL B. THORNTON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

DEPARTMENT OF THE TREASURY

DONALD C. LUBICK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE JUDICIARY

L. PAIGE MARVEL, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on February 12, 1998, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

LYNNE R. LASRY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN S. RHODES, SR., RETIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 12, 1997.

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997.

EXTENSIONS OF REMARKS

TELECOMMUNICATIONS ACT OF 1996

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHIMKUS. Mr. Speaker, two years ago this week, after literally years of intense and contentious debate, the President signed into law the Telecommunications Act of 1996. Passage of this landmark legislation represented the largest overhaul of our nation's communications laws in more than 60 years. The Telecommunications Act was intended to remove long standing monopoly protections to allow customers to get long-distance service from their local phone company or local phone service from their long-distance or cable company. This historic new law would also permit customers to get many communications services—local and long distance phone service, cable and cellular service—from one company on one bill.

Many in Congress hailed this new law as the "greatest jobs bill of the decade." The President praised the law saying "customers will receive the benefits of lower prices, better quality and greater choices in their telephone and cable service, and they will continue to benefit from a diversity of voices and viewpoints in radio, television and the print media."

Unfortunately, Mr. Speaker, it's two years later and consumers have yet to see most of the benefits. What they do see are mergers and lawsuits filed by frustrated would-be competitors. Thus far the Federal Communications Commission has rejected bids by three of the former Bell Companies seeking to enter the long-distance market. In many areas, cable rates have risen and potential new competitors struggle to secure the necessary programming which is critical to their survival and growth.

The FCC has a new Chairman and three new commissioners. While I am encouraged by their public statements pledging to move forward with implementation of the Act—I am disappointed in the fact that little, if any, progress has been made. There is absolutely no reason why Americans can't start realizing the benefits of the Telecommunications Act now.

JAPAN'S OPEN MARKET COMMITMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise to express my strong support for the U.S. Trade Representative's announcement of February 3, 1998, regarding Japan's Open Market Commitment. This is the first time the United States has held Japan to its publicly-stated commitments concerning its photographic film and paper market. Eastman Kodak Company, one of America's most reputable companies, has maintained a market presence in Japan for over a century. Yet in all that time, Kodak has never received fair access to consumer markets. Kodak has consistently been forced to contend with an elaborate system of unfair and arbitrary trade barriers created by a close alliance between Japanese business and Japanese government entities. These market arrangements are aimed specifically at nurturing domestic producers at the expense of consumers and U.S. competitors. The U.S. Trade Representative's statement regarding Japan's Open Market Commitment is a clear sign that the anti-U.S. trade conditions in Japan are no longer acceptable.

Asia's current economic challenges and subsequent failures are a direct consequence of the flawed Asian economic model inspired and popularized by Japan. Japan's tradition of controlling its economy and favoring specific producers has been duplicated in countries like Korea, Indonesia and Thailand, and is now being exposed as a prescription for economic failure. Japan's economic instability is demonstrated by the collapse of its fourth-largest securities firm and tenth-largest bank within days of each other. Equally, its financial crisis has brought to light far-reaching government corruption, including a scandal which forced the resignation of Finance Minister Heroshi Mitzuka, the most powerful member of the Japanese cabinet, as well as the arrests of two of his senior ministry officials. These developments expose ever-widening collusion between the Japanese government and specific Japanese businesses. These economic and financial crises stem from Japanese inflexibility, resistance to change, and the exclusion of foreign competitors.

Japan's Open Market Commitment directly addresses the need for economic flexibility and open competition. It insists Japan fulfill its publicly-stated commitments to open its markets, to increase competition, and to end control of its economy by powerful bureaucrats. Rather than government officials bent on dictating unrealistic economic outcomes, Japan's economy must be led by free market discipline.

TRIBUTE TO ELIZABETH HEFLIN-McCLOUD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEVIN. Mr. Speaker, I rise today to honor the memory of Mrs. Elizabeth Heflin-McCloud, a Royal Oak Township Trustee. Mrs. McCloud died in her home on January 6, 1998.

Born in Talladega, Alabama in 1918 to Oscar and Littie Ywyman, Mrs. McCloud later moved to Michigan. Here, through her association with many community and civic organizations, Mrs. McCloud made a difference in the lives of so many people. She served on the Library Board, Oakdale Activity Committee, New Mount Vernon Church, Business and Professional Women, AFL–CIO, Community Development Block Grant, Township Beautification Committee, and the Democratic Club of Ferndale and Royal Oak Township.

After working 38 years at Chrysler Corporation, Mrs. McCloud decided to enter public service, and served as a Royal Oak Township Trustee from 1992 to the present. She was a friend of so many people and of so many causes.

I ask my colleagues to join me as we extend our sincere sympathy to the friends and relatives of Mrs. McCloud who will always be remembered for her outstanding contributions to the world around her.

JOHN TRACY, KERN COUNTY CATTLEMAN OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. THOMAS. Mr. Speaker, I am proud to have this opportunity to recognize John Tracy of Buttonwillow, California. John Tracy, a fourth generation Kern County rancher, is the recipient of the 1998 "Kern County Cattleman of the Year" award. Kern County is one of the country's biggest agricultural counties, and cattle are one of Kern's most important products.

The Tracy family has been in Kern County over 120 years, and John is carrying on in his family's footsteps. John took over running his family's ranch when he was just 22 years old, after the death of his father. Armed with a Bachelor of Science in farm management from Cal Poly, Mr. Tracy carried on his family's proud heritage and made many innovations in the ranch's operation. Among these were reorganizing his cow-calf grazing operation into an intensive feedlot enterprise and using agricultural by-products in a scientifically balanced nutrition program, thus making conservation and recycling work.

Since taking over his family's operation nearly 30 years ago, John Tracy has become an integral and active part of the agricultural community in Kern County. He has been director of both the Kern County Cattlemen's Association and the California Beef Council. The work of John and his family with the Kern County Fair's Junior Livestock Auction has made him an outstanding role model, as well as for the young people of Kern County.

John Tracy has earned the respect and admiration of his peers and of his neighbors. He has served as Buttonwillow's honorary Mayor and last year received the Buttonwillow Peace Officers Recognition of Merit. He has been described by other ranchers as "a 21st century businessman with 19th century cattleman values."

As director of the California Cattlemen's Association, he has worked on behalf of other cattlemen against the inheritance tax, so that family farms, like his own, can be passed from one generation to the next. He has also worked for grazing and endangered species reform. I sometimes think that people like John Tracy should be at the top of the nation's endangered species list; he is a family rancher, struggling against nature, a tough economy, and federal encroachment, while trying to keep his family's proud heritage intact so he can pass it to the next generation.

I congratulate John Tracy on being Kern County's Cattleman of the Year.

INTRODUCTION OF THE "ON-LINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COBLE. Mr. Speaker, The "On-Line Copyright Infringement Liability Limitation Act" is being introduced to address concerns raised by a number of on-line service and Internet access providers regarding their potential liability for copyright infringement when infringing material is transmitted on-line through their services. While several judicially created doctrines currently address the question of when liability is appropriate, providers have sought greater certainty through legislation as to how these doctrines will apply in the digital environment.

In July of last Year, Chairman HENRY HYDE and I introduced a bill, H.R. 2180, to begin the discussion in this Congress on this issue. Since that time, the Judiciary Subcommittee on Courts and Intellectual Property, which I chair, has held two legislative hearings on that bill. In addition, Representative BOB GOODLATTE of Virginia, a senior Member of the Subcommittee, has invested months of his time leading negotiation sessions between on-line service and Internet access providers, telephone companies, libraries, universities and copyright owners.

This bill is the result of those hearings and negotiation sessions and represents a common base from which to begin the markup process. It does so by codifying the core of current case law dealing with the liability of on-line service providers, while narrowing and clarifying the law in other respects that all parties agree should be addressed.

This bill offers the advantage of incorporating and building on those judicial applications of existing copyright law to the digital environment that have been widely accepted as fair and reasonable. The bill takes a minimalist approach, and has been drafted in as simple a manner as possible, imposing limitations on liability without reference to specific technologies, without detailed procedures and codes of conduct, and without setting out a long list of factors that must be met in order to qualify.

The bill distinguishes between direct infringement and secondary liability, treating each separately. This structure is consistent with evolving case law, and appropriate in light of the different legal bases for the policies behind the different forms of liability.

As to direct infringement, liability is ruled out for passive, automatic acts engaged in through a technological process initiated by another. Thus, the bill essentially codifies the result in the leading and most thoughtful judicial decision to date; Religious Technology Center v. Netcom On-line Communications Services, Inc. In doing so, it overrules those aspects of the Playboy v. Frena case, inasmuch as that case might apply to service providers, suggesting that such acts could constitute direct infringement, and provides certainty that Netcom and its progeny, so far only a few district court cases, will be the law of the land.

As to secondary liability, the bill changes existing law in two primary respects: no monetary relief can be assessed for the passive, automatic acts identified in Religious Technology Center v. Netcom On-line Communications Services, Inc., and the current criteria for finding contributory infringement or vicarious liability are made clearer and somewhat more difficult to satisfy. In a change from the bill as introduced, additional criteria are no longer included. Injunctive relief will, however, remain available, ensuring that it is possible for copyright owners to secure the cooperation of those with the capacity to prevent ongoing infringement.

Finally, the various safeguards that were included in the bill as introduced are incorporated in the substitute, as modified to reflect comments and suggestions submitted by interested parties. These safeguards include language intended to guard against interference with privacy; a provision ensuring that nonprofit institutions such as universities will not be prejudiced when they determine that an allegedly infringing use is fair use; a provision protecting service providers from lawsuits when they act to assist copyright owners in limiting or preventing infringement; and a provision requiring payment of costs incurred when someone knowingly makes false accusations of on-line infringement.

SECTION-BY-SECTION ANALYSIS

Paragraph 512(a)(1) exempts a provider from liability on the basis of direct infringement for transmitting material over its system or network at the request of a third party, and for the intermediate storage of such material, in certain circumstances. The exempted storage and transmissions are those carried out through an automatic technological process that is indiscriminate—i.e., the provider takes no part in the selection of the particular material transmitted—where the copies are retained no longer than necessary for the purpose of carrying out the transmission. This conduct would ordinarily include forwarding of customers' Usenet postings to other Internet sites in accordance with configuration settings that apply to all such postings. It would also include routing of packets from one point to another on the Internet.

This exemption codifies the result of Religious Technology Center v. Netcom On-line Communications Services, Inc., 907 F. Supp. 1361 (N.D. Cal. 1995) ("Netcom"), with respect to liability of providers for direct infringement. See id. at 1368–70. In Netcom the court held that a provider is not liable for direct infringement where it takes no "affirmative action that directly results] in copying . . . works other than by installing and maintaining a system whereby software automatically forwards messages received from subscribers . . . and temporarily stores copies on its system." By referring to temporary storage of copies, Netcom recognizes implicitly that intermediate copies may be retained without liability for only a limited period of time. The requirement in paragraph 512(a)(1) that "any copy made of the material is not retained longer than necessary for the purpose of carrying out that transmission" is drawn from the facts of the Netcom case, and is intended to codify this implicit limitation in the Netcom holding.

Paragraph 512(a)(2) exempts a provider from any type of monetary relief under theories of contributory infringement or vicarious liability for the same activities for which providers are exempt from any liability for direct infringement under paragraph 512(a)(1). This provision extends the Netcom holding with respect to direct infringement to remove monetary exposure for claims arising under doctrines of secondary liability. Taken together, paragraphs (1) and (2) mean that providers will never be liable for any monetary damages for this type of transmission of material at the request of third parties and for intermediate storage of such material. Copyright owners may still seek an injunction against such activities under theories of secondary liability, if they can establish the necessary elements of a claim.

Paragraph 512(a)(3) similarly exempts a provider from monetary relief under theories of contributory infringement or vicarious liability for conduct going beyond the scope of paragraph (1), where a provider's level of participation in and knowledge of the infringement are low. Such conduct could include providing storage on a server and transmitting material from such storage in response to requests from users of the Internet. In addition, the provision modifies and clarifies the knowledge element of contributory infringement and the financial benefit element of vicarious liability. Even if a provider satisfies the common-law elements of contributory infringement or vicarious liability, it will be exempt from monetary liability if it satisfies the criteria in subparagraphs (A) and (B). As under paragraph (2), copyright owners may still seek an injunction even if the provider qualifies for the exemption from monetary relief.

The knowledge standard in subparagraph (A) is nearly identical to that used in the bill as introduced, and is intended to be functionally equivalent. In addition to actual knowledge, it includes "information indicating that the material is infringing." This would include a notice or any other "red flag"—information of any kind that a reasonable person would rely upon. It may, in appropriate circumstances include the absence of customary indicia of ownership or authorization, such as a standard and accepted digital watermark or other copyright management information. As subsection (b) makes clear, the bill imposes no obligation on a provider to seek out such red flags. Once a provider becomes aware of a red flag, however, it ceases to quality for the exemption and, under existing law, it may have a duty to follow up.

This standard differs from existing law, under which a defendant may be liable for contributory infringement if it knows or should have known that material was infringing.

The financial benefit standard in subparagraph (B) is intended to codify and clarify the direct financial benefit element of vicarious liability as it has been interpreted in cases such as Marobie-FL, Inc. v. National Association of Fire Equipment Distributors, F. Supp. (N.D. Ill. 1997). As in Marobie, receiving a one-time set-up fee and flat periodic payments for service from a person engaging in infringing activities would not constitute receiving "a financial benefit directly attributable to the infringing activity." Nor is subparagraph (B) intended to cover fees based on the length of the message (per number of bytes, for example) or by connect time. It would, however, include any such fees where the value of the service lies in providing access to infringing material.

The number of factors required to establish eligibility for the exemption under the bill is two, as compared with six under the bill as originally introduced. Several of the original factors were rendered unnecessary because direct infringement and secondary liability are no longer combined in a single exemption. In addition, the reduced number of factors reflects an effort to further simplify the bill, and to avoid further contention over the specific formulation of several of the factors.

INTRODUCING A BILL TO CONVEY ADMINISTRATIVE AND OTHER LANDS IN THE GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLATTE. Mr. Speaker today I introduced a bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites where appropriate and for suitable improvements for National Forest administrative purposes.

In addition, my bill grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the Allegheny Highlands Economic Development Authority via the Commonwealth of Virginia for purposes of developing a corporate area catering to high-tech companies. It will be named Innovation Park.

Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in rural areas. This project will not only address a need for good, high paying jobs, but also for additional transportation, water and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of the environmental assessment was issued in January and not a single complaint has been registered.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia along with nearly twenty other administrative land tracts or land tracts that lost their natural forest character because of proximity to U.S. Interstate 64.

The Forest Service is fully supportive of the land transfers and have been cooperative in this attempt to gain transfer authority. They believe that the property included in my bill is more conducive to economic development than forest management and therefore are anxious to remove it from their need-to-manage inventory.

I would like to offer special recognition to Glynn Lopp, the Executive Director of the Allegheny Highlands Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater area of Rockbridge, Bath, Botetourt and Craig counties. I am proud to introduce this bill, I am confident of its success and look forward to being of continued assistance in the Innovation Park project.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. MCHALE. Mr. Speaker, twenty-five years ago, when I was a student participating in the American University Washington Semester program, I would sit in the gallery and watch with wonder the speeches of Congressmen like Pete McCloskey, Andy Jacobs and Morris Udall. I remember distinctly watching a young, idealistic, compassionate, hard driving, newly elected member of Congress fighting for the causes in which he so deeply believed. We honor him today.

A quarter of a century later, RON DELLUMS retains all of the wonderful qualities of leadership and decency he brought to the House in 1971. To my great benefit, during the intervening years, he has also become my friend.

Speaking out against apartheid in 1966, Senator Robert Kennedy said, "Each time a man stands up for an ideal or strikes out against injustice, he sends forth a tiny ripple of hope * * *."

RON DELLUMS' message of hope and peace has guided this chamber and inspired his colleagues for nearly three decades. No man could leave a finer legislative legacy.

RON, you retire with the respect and great admiration of your fellow legislators, and of this friend. Our nation is and ought to be very grateful for your service. Semper Fi.

BIRTHDAY TRIBUTE TO AL ZAMPA, BUILDER OF BRIDGES—OVER WATER AND THROUGHOUT THE COMMUNITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in wishing a very happy birthday to Mr. Al Zampa of Crockett, California, who will be 93 years old on March 12.

Al Zampa is a truly remarkable man who has left his mark on his community in more ways than one. As an ironworker from 1927 through 1970, Al personally contributed to one of the San Francisco Bay Area's most distinctive characteristics, its bridges. Starting with construction of the Carquinez Bridge in Crockett, Al's career included work on the Oakland-San Francisco Bay Bridge, the San Mateo Bridge, the Richmond-San Rafael Bridge, the Benicia Bridge and, of course, the Golden Gate. In the autumn of 1936, Al became a member of the "Half-Way-to Hell Club" when he fell from the Golden Gate Bridge and lived to tell about it. Many of his friends and colleagues believed that that fall would end his career as an ironworker and a builder of bridges, but the day he was released from the hospital he returned to the Gate to climb the bridge that had nearly killed him.

But Al Zampa contributed to more than just our community's infrastructure, he also helped to shape a generation of its residents. Al was a major force in the creation of the Tri-City Baseball League, making positive recreational opportunities available to hundreds of youth. As the League's Vice President and a team coach for six years, Al helped shape the lives of many of our young people, and this is perhaps his most lasting tribute.

Again, I invite my colleagues to join me in recognizing the life of an incredible citizen, and wishing Al Zampa a happy and healthy 93rd birthday.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LEVIN. Mr. Speaker, during the debate on H. Con. Res. 202, my colleague Mr. GOODLING said that he wanted "just again to remind everyone" that the Republicans had "provided $4 billion more than the President asked for" to fund child care. This was part of the effort to demonstrate a Republican commitment to child care.

I feel compelled to correct the record. The additional $4 billion being spent on child care is not more than the President asked for.

Rather, it is more than was provided under previous law.

Indeed, the main reason for the additional money for child care beyond previous law is that the President insisted upon it, and when the Republicans resisted providing adequate funding for child care as part of the program to move people from welfare to work, the President was forced to veto that version. After the veto, the Republicans agreed to join with Democrats to increase the funds provided for child care, and the President signed the improved legislation into law.

NATIONAL RETAIL SALES TAX ACT OF 1997

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak on one effort Congress should fully consider which promises to bring true tax relief for all Americans.

There is no such things as a good tax.

Will Rogers once said, "The income tax has made liars out of more Americans than even golf." Those who are most familiar with the Internal Revenue Service, the agency charged with enforcing the income tax code, agree.

Former IRS Commissioner Fred Goldberg said, "The IRS has become a symbol of the most intrusive, oppressive and non-democratic institution in our democratic society." Former Commissioner Shirley Peterson concurred, "we should repeal the Internal Revenue Code and start over."

Indeed, this is the principle objective of the National Retail Sales Tax Act of 1997 (H.R. 2001), which has been introduced in Congress by my Colorado colleague and good friend U.S. Representative DAN SCHAEFER. The plan is predicated upon the repeal of the Constitution's Sixteenth Amendment, which was ratified in 1913 and gave Congress, for the first time, power to impose an income tax.

Income taxes and the IRS would be replaced with a 15 percent federal sales tax on the final purchase of goods and services at the retail level. The rate would decline in future years to 10 to 12 percent as economic growth allows more revenue to be raised at a lower rate and downsizing continues.

According to Mr. SCHAEFER's plan, no income would be taxed until it is consumed. Capital gains and interest income would not be taxed as long as that income is reinvested. Deductions would no longer be a relevant concept under a sales tax. Taxpayers, not the government, would get first crack at their paychecks.

Any business required to collect and remit the sales tax would keep 0.5 percent of tax receipts to offset federal compliance costs, and nothing used to directly or indirectly produce a good for retail consumption would be taxed. The burden of proof would lie with the government in any dispute with a taxpayer.

Mr. SCHAEFER's plan also includes a personal consumption refund to ensure that the basic necessities of life remain tax free. Every wage earner would receive a refund equal to the sales tax rate multiplied by the poverty level (adjusted for the number of dependents claimed) in every paycheck. As a result, every wage earner will earn up to the poverty level tax free.

Though there are several other relevant provisions of the plan, perhaps its biggest appeal is the elimination of the IRS and the need to file tax returns. This year, taxpayers will spend well over $600 billion in accounting, legal, and processing costs, and 5.4 billion hours just to complete their tax forms.

These costs, along with the cost of income taxation itself, are currently passed along to consumers concealed in the purchase price of all goods and services, including food, medical supplies and housing. Moreover, the graduated income tax punishes economic success, and discourages investment.

No one should be led to believe that the National Retail Sales Tax Act will ever make taxpaying a pleasant experience. After all, no one is proposing to abolish taxation.

Mr. SCHAEFER is, however, the first to acknowledge that his proposal requires much more discussion and he anticipates many more revisions. He points out though that just about any criticism that applies to his plan doubly applies to the current income tax structure. But as to the sales tax, there are just far fewer of them.

LYNELLE ECHEVERRIA KERN COUNTY CATTLEWOMAN OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. THOMAS. Mr. Speaker, it gives me great pleasure to congratulate a truly exemplary individual, Lynelle Echeverria, upon being named the 1998 Kern County Cattlewoman of the Year. The Kern County cattle industry has bestowed this award upon Lynelle because of her superb achievements in the beef industry as well as her contributions to the community.

Lynelle has devoted many years supporting the beef industry at both local and state levels. She chairs the highly successful fund-raiser titled "The Celebration of Western Culture", which is held every year in Kern County. She also has led the Kern County Cattlewomen's Association and is a member of the scholarship committee for the California Cattlewomen. Her long-time involvement and dedication to the industry deserves recognition.

It did not take long for Lynelle to know that she was born to be a cattlewoman. She joined the renowned girls riding group, "the Wranglerettes" at age 11 and performed with them until she was 21. She went on to Cal Poly, majoring in biological sciences with an emphasis on Botany.

In addition to her untiring commitment to the industry, Lynelle also contributes to her community. She is a notable Western artist who has painted, taught and participated in art shows across the country. She has been an active member of the Women Artists of the West for the past 10 years. Somewhere in between she found time to raise a family along with her husband Matt, who is Senior Vice-President of the Tejon Ranch Company and President of the California Cattlemen's Association. They have two children, Debbie and Michael.

Lynelle Echeverria is a remarkable woman who aptly fits the role of Cattlewoman of the Year. She embodies the spirit and dedication of family in one of the West's most historic industries. She has dedicated her life to the cattle industry but also to her family and community. I am proud to congratulate her on being named the Kern County Cattlewoman of the Year.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce the "Copyright Compulsory License Improvement Act." This bill will improve the copyright compulsory license for satellite carriers of copyrighted programming contained on television broadcast signals by applying to such carriers the same opportunities and rules as their cable competitors. This competitive parity will lead to increased exposure of copyrighted programming to consumers who will pay lower prices for cable and satellite services which deliver programming to their homes. These lower prices will result from the choices consumers will have in choosing how they want their television programming delivered. Mr. Speaker, I know I speak for many of the Members in this House when I assert that creating competition in the video delivery market is the key to more choice and lower prices for our constituents.

The Copyright Act of 1976 bestowed on cable television a permanent compulsory license enables that industry to rebroadcast network and superstation signals to cable television viewers without requiring cable operators to receive the authorization of thousands of copyright owners who have an exclusive right to authorize the exploitation of their programs. The cable operators pay a set fee for the right to retransmit and the monies collected are paid to the copyright owners through a distribution proceeding conducted under the auspices of the United States Copyright Office.

In 1988, Congress granted a compulsory license to the satellite industry. Although the cable and satellite compulsory licenses have similarities, there are important differences which I believe prevent satellite becoming a true competitor to cable. Technology has changed significantly since the cable and satellite compulsory licenses were created. In a very short time, satellite carriers will be able to bring local programming through their services to viewers of that local market. The time has come to take a comprehensive look at the satellite compulsory license as it relates to the long-term viability and competitiveness of the satellite television industry. The satellite compulsory license is set to sunset in December of next year, and the Federal Communications Commission has reported that in areas where there is no competition to cable, consumers are paying higher cable rates. We must act for our constituents to level the playing field in a manner that will allow both industries to flourish to the benefit of consumers.

To that end, the "Copyright Compulsory License Improvement Act" makes the following changes to the Satellite Home Viewer Act:

It makes the satellite compulsory license permanent, just like the cable compulsory license.

It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up for satellite service for those signals. This is not allowed today.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

It reforms the current structure of the administrative body which determines rates and distributions applicable to all copyright compulsory licenses to make it cheaper and more efficient for the parties.

In order to create parity for the above new opportunities for satellite carriers by reforming the license, the bill must also create corresponding regulatory parity between the satellite and cable industries, including must-carry rules, retransmission consent requirements, network non-duplication protection, syndicated exclusivity protection, and sports blackout protection. These regulations will apply after a period of time in which the Federal Communications Commission can carefully consider and tailor their implementation. Until that time, the portions of the satellite compulsory license which determine who is eligible to receive network and superstation signals from satellite carriers will continue to apply just as they do now.

I note that under the provisions of this bill the current state of the law (and as expressly stated in section 12(b), the unserved household provisions of current law) shall remain in effect until such time as the Commission makes determinations pursuant to section 12 of the bill regarding implementation of network nonduplication protection and other protections. I am troubled by the suggestion of some that the introduction of this legislation may form the basis of an attempt to postpone or alter the outcome of pending court proceedings regarding enforcement of the current unserved household provisions. This legislation is not intended to diminish the effect of existing law. Parties subject to the unserved household provisions of the current Section 119 license are expected to comply fully with those provisions as they currently exist, and, of course, I reject any suggestion that courts should decline to enforce or postpone enforcing existing law because Congress is debating whether to change it. The notion that parties need not comply with laws that may be changed in the future is an invitation to lawlessness which I firmly reject.

This is a forward-looking bill which will create an incentive for companies to develop the means by which to provide local programming to local markets over satellite systems. I am committed to working with Representative BILLY TAUZIN, Chairman of the Commerce Subcommittee on Telecommunications, Trade and Consumer Protection, and with Representative TOM BLILEY, Chairman of the full Commerce Committee, on the regulatory provisions in this bill. Their leadership and partnership has been and will continue to be invaluable and necessary in guaranteeing true competition between the satellite and cable industries.

I also want to recognize the leadership and care that Senator ORRIN HATCH, Chairman of the Senate Committee on the Judiciary, has paid to the development of this important bill. We have worked together closely on its provisions and I know he is committed, as I am, to assuring fair competition through this legislation. I look forward to continuing our work together as our bills move through both bodies of the Congress.

Let me make clear that this bill is a compromise, carefully balanced to ensure competition. I believe it contains the balance necessary to allow this bill to become law this session and I urge all interested parties to join us in a constructive discussion of this very important legislation.

Following is a brief section-by-section which explains the bill in more detail:

SECTION 1

The title of the bill is the "Copyright Compulsory License Improvement Act."

SECTION 2

Section 2 of the bill amends the section 119 satellite carrier compulsory license of the Copyright Act to create a statutory licensing scheme that permits satellite carriers to provide their subscribers with local and distant television broadcast signals, as well as the national satellite feed of the Public Broadcasting Service. Satellite carriers may retransmit any television broadcast signals to subscribers for private home viewing, provided that such retransmissions are in compliance with the rules and regulations of the Federal Communications Commission. Such compliance would include syndicated exclusivity, sports blackout and network nonduplication protection for broadcasters, as required by section 12 of the bill.

Section 2 requires satellite carriers to provide initial and updated lists to local television stations identifying subscribers in the local television station's area who receive satellite service and the names of the network stations provided to those subscribers. This will allow television stations to preserve their network nonduplication rights provided in section 12 of the bill.

Section 2 prohibits satellite carriers from willfully altering the programming contained on television broadcast signals and the PBS national satellite feed that carriers retransmit. In addition, satellite carriers are prohibited from unlawfully discriminating against a distributor of satellite retransmitted broadcast programming, and any such unlawful discrimination constitutes an act of copyright infringement subject to the penalties of chapter 5 of the Copyright Act. It is also copyright infringement for a satellite carrier to fail to submit a statement of account and royalty fee necessary to obtain the satellite compulsory license.

SECTION 3

Section 3 of the bill creates the terms and conditions of the satellite compulsory license. Carriers must submit a statement of account and royalty fee to the Copyright Office on a semiannual basis for subsequent distribution to copyright owners. The royalty fee for retransmission of distant television broadcast stations, and the PBS national feed, is the royalty fee in effect on date of enactment of the bill for retransmission of distant broadcast signals. There is no royalty fee for television broadcast signals that are retransmitted to subscribers who reside within the local markets of such signals.

The remainder of section 3 continues the provisions of the existing law by prescribing how the royalty fees are collected and maintained for distribution, and how copyright owners of works contained on retransmitted television broadcast signals and the PBS national feed may claim royalties.

SECTION 4

Section 4 of the bill contains definitions of terms used in section 119 compulsory license. Most of the definitions in the existing law are carried forward. New provisions include a definition of "designated market area" and "local market" for determining royalty-free local retransmissions of broadcast signals, and a definition of new PBS national feed.

SECTION 5

Section 5 of the bill carries forward the provision of existing law maintaining exclusivity of the satellite license with the cable compulsory license of the Copyright Act, found at 17 U.S.C. 111. That is, a satellite carrier making secondary transmissions of television broadcast signals, and the PBS national feed, for private home viewing may only do so under the terms of section 119 license, and may not invoke the terms of the section 111 cable license.

SECTION 6

Section 6 of the bill contains a conforming amendment amending the table of contents of chapter 1 of the Copyright Act.

SECTION 7

Section 7 of the bill completely revises chapter 8 of the Copyright Act, replacing the current Copyright Arbitration Royalty Panels with a Copyright Royalty Adjudication Board.

New section 801 of the Copyright Act establishes the Copyright Royalty Adjudication Board within the U.S. Copyright Office.

New section 802 of the Copyright Act establishes the membership and qualifications of the Board. New section 802(a) establishes that the Board should be comprised of one full-time Chief Administrative Copyright Judge and at least two part-time Administrative Copyright Judges. It is left up to the discretion of the Librarian of Congress, upon the recommendation of the Register of Copyrights, to determine how many other part-time Administrative Copyright Judges the Board shall have. The determination should be based on how many judges the Board will need to conduct its business in a timely manner.

New section 802(b) requires that the Chief Administrative Copyright Judge be an attorney with ten or more years of legal practice and have experience either in administrative hearings or court trials, and a demonstrated knowledge of copyright law. Other Administrative Copyright Judges must possess expertise in the business and economics of industries affected by the actions the Board takes.

New section 802(c) provides that the term of all Administrative Copyright Judges shall be five years on a staggered basis so that no more than one term is due to expire in any one year. To achieve this, the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall appoint some of the initial Administrative Copyright Judges to shorter than five year terms.

New section 802(d) provides compensation for the Administrative Copyright Judges at the Senior Level in accordance with the provisions of 5 U.S.C. 5376.

New section 803 of the Copyright Act provides for selection of the Administrative Copyright Judges. New section 803(a) provides that the Librarian of Congress, upon the recommendation of the Register of Copyrights, selects the Administrative Copyright Judges. The Librarian may only select those persons found qualified under section 802(b) and found to meet the financial conflict of interest standards adopted under section 805(a). The Librarian may re-select, without limit, Administrative Copyright Judges to additional terms. Section 803(b) provides that actions taken by the Board during those times will be valid, notwithstanding any temporary vacancy.

New section 804 of the Copyright Act provides for the independence of the Board. New section 804(a) provides that the Board shall have decisional independence on the substantive matters before it. Administrative Copyright Judges are neither to receive performance appraisals nor are they to be assigned duties inconsistent with their duties and responsibilities as Administrative Copyright Judges.

New section 805 of the Copyright Act provides for removal and sanction of the Administrative Copyright Judges. New section 804(a) provides that the Register of Copyrights shall adopt regulations regarding the standards of conduct that Administrative Copyright Judges are expected to maintain.

New section 804(b) provides that the Librarian, upon the recommendation of the Register of Copyrights, may remove or sanction an Administrative Copyright Judge of the Board, upon notice and opportunity for hearing, for violation of any of the standards of conduct adopted under section 804(a).

New section 806 of the Copyright Act provides for the functions of the Board. New section 806 enumerates the rate setting, royalty distribution, and rulemaking functions that are delegated to the Board. The Board determines the rates for: cable retransmission of broadcast signals, the making and distributing of phonorecords by means other than digital phonorecord delivery, satellite carrier retransmission of broadcast signals, and the importing and distributing or manufacturing and distributing of digital audio recording devices.

The Board determines the rates and terms for: public performance of a sound recording by means of a digital audio transmission; the making and distributing of phonorecords by means of a digital phonorecord delivery; the public performance of music on jukeboxes; the use of music and visual works by public broadcasting entities; and the transmission to the public by a satellite carrier of a primary transmission of a public telecommunications signal.

The Board accepts or rejects claims filed by copyright owners to royalties deposited with the Copyright Office in the cable fund, the satellite carrier fund, and the digital audio recording fund. Then, for those claims that the Board accepts, the Board determines how much each claimant should receive from those funds

The Board has jurisdiction to decide, when petitioned, if a particular digital audio recording device or digital audio recording interface device is subject to the provisions of chapter 10 for paying a royalty on the distribution of such devices.

The Board also has certain rulemaking authority concerning the filing of claims, the notice and record keeping requirements pertaining to some of the compulsory licenses, and the Board's own procedures.

New section 807 of the Copyright Act sets out the actors for determining the royalty fees for the section 114, 115, 116, 118 and 119 compulsory licenses of the Copyright Act. The section also lists the factors that the Board shall take into account when determining or adjusting royalty rates.

New section 808 of the Copyright Act provides for the institution of royalty distribution and rate adjustment proceedings under the compulsory licenses. New section 808 instructs the Board when proceedings shall occur, and whether the proceedings require a petition to initiate them or whether they commence automatically.

New section 809 of the Copyright Act describes the conduct of royalty distribution and rate adjustment proceedings. New section 809(a) provides that the Board shall conduct its proceedings in accordance with the Administrative Procedure Act. New section 809(b) provides that the Board shall adopt its own rules of procedures upon the approval of the Register of Copyrights. New section 809(c) authorizes the Copyright Office, in its discretion, to file formal pleadings with the Board on any matter pending before the Board. All Copyright Office pleadings shall be formally filed and served on all the parties to the proceeding. The Board may accept or reject the advice of the Copyright Office.

New section 809(d) provides that all actions of the Board are by majority rule. New section 809(e) allows the Board the discretion to determine whether, in a particular proceeding, one or three Administrative Copyright Judges should preside. New section 809(f) permits all parties whose claims are accepted or who have an interest in the royalty rate to be set to participate in the proceeding and submit relevant proposals and evidence.

New section 809(g) provides that, except as provided in sections 118 and 119(c), the time limit for the issuance of initial decisions in proceedings with one presiding Administrative Copyright Judge shall be six months from the declaration of the controversy, and the time limit for initial decisions in proceedings with three presiding Administrative Copyright Judges shall be one year from the declaration on the controversy.

New section 809(h) provides that the initial decision shall contain the same level of reasoned decision-making that is required under the Administrative Procedure Act, and take into account precedent of the decisions of the Copyright Royalty Tribunal, the copyright arbitration royalty panels and the decisions of the Librarian of Congress made in respect to the copyright arbitration royalty panels.

New section 809(i) provides the parties to the proceeding and the Register of Copyrights an opportunity to petition the entire Board to reconsider any initial decision issued by its presiding Administrative Copyright Judge or Administrative Copyright Judges. If there are no petitions for reconsideration, the initial decision becomes the final decision automatically. If there are petitions for reconsideration, the entire Board considers the petition, and issues a final decision. The final decision of the entire Board constitutes a final agency action. Section 809(i) provides that the time limits for filing petitions for reconsideration, and for the entire Board to issue the final decision shall be determined by regulation.

New section 809 of the Copyright Act provides for judicial review of Board determinations. New section 810(a) provides that when the initial decision becomes the final decision, the Board shall have one week to publish the final decision in the Federal Register. Parties aggrieved by the decision of the Board shall have 30 days from the appearance of the final decision in the Federal Register to appeal the decision to the United States Circuit Court of Appeals for the Federal Circuit. In that case, the Board shall be the defending party, and the Chief Administrative Copyright Judge shall refer the conduct of the Board's defense to the Department of Justice. Notwithstanding the pendency of any appeal, persons who would pay the royalty rates adjusted by the Board's decision are still obligated to pay the adjusted rate and, if applicable, to file a statement of account with the Copyright Office.

New section 810(b) provides that judicial review of the Board's final decision is in accordance with the Administrative Procedure Act.

New section 811 delineates various administrative matters related to administration of the compulsory licenses. New section 811(a) instructs the Librarian of Congress, upon the recommendation of the Register of Congress, to provide the Board with the necessary administrative services and personnel support it needs.

New section 811(b) delegates to the Board the authority to publish in the Federal Register notices of the Board's actions in its proceedings, and such regulations as the Board has been delegated the exclusive right to adopt. New section 811(c) authorizes the Register of Copyrights to deduct from the royalty fees deposited with the Copyright Office the reasonable costs incurred by the Copyright Office and the Board. In ratemaking proceedings, the reasonable costs of the Copyright Office and the Board shall be borne by the parties to the proceeding in such manner and proportion as the Board directs.

New section 811(d) provides that notwithstanding any ceiling imposed on the full-time equivalent positions in the Library of Congress, the Administrative Copyright Judges or employees in support of the Board do not count in the calculation of that ceiling.

New section 811(e) provides that when the Register of Copyright submits to Congress the budget of the Copyright Office, the Register shall identify the portion intended for the Board with a statement assessing the Board's budgetary needs.

Section 811(f) provides that the Board shall prepare its own annual report and it shall be included in the Copyright Office's annual report.

SECTION 8

Section 8 of the bill provides that, prior to the constituting of the Board, the Register of Copyrights shall adopt the Board's rules of procedure, but that when the Board is constituted, it may adopt supplemental or superseding regulations, upon the approval of the Register of Copyrights.

The section also provides that copyright arbitration royalty panels that have already been convened at the time of the passage of this act may continue and complete their proceeding, unless the Register of Copyrights, finds for good cause, that the proceeding should be discontinued. For those proceedings that continue, the report of the copyright arbitration royalty panels shall be submitted to the Librarian of Congress, or the Librarian may, in his discretion, direct the panel to submit the report to the Board. If there are any appeals pending of a decision of a copyright arbitration royalty panel that are eventually remanded by the Court, the remanded case shall go to the Board, not to a reconvened copyright arbitration royalty panel.

SECTION 9

Section 9 of the bill contains conforming amendments to substitute the Copyright Royalty Adjudication Board for the copyright arbitration royalty panels and the Librarian of Congress wherever appropriate.

SECTION 10

Section 10 amends the section 325 of the Communications Act to provide that satellite carries must in certain circumstances obtain retransmission permission from a broadcaster before they can retransmit the signal of a network broadcast station. Like the regime applicable to the cable industry, network broadcasters are afforded the option of either granting retransmission consent, or they may elect must-carry status as provided in section 11 of the bill. All satellite carriers that provide local service of television network stations must obtain either retransmission consent of the local broadcasters, or carry their signals subject to the must-carry provisions.

Section 10 does exempt carriage of certain broadcast stations from the retransmission consent requirement. Retransmission consent does not apply to noncommercial broadcasting stations, and superstations that existed as superstations on January 1, 1998. Also exempt from the retransmission consent requirement is retransmission of a network station to a household that is not subject to the network nonduplication protection provided in section 12 of the bill. The purpose of this provision is to allow subscribers who reside in the designated market area of a network affiliate, but do not live in an area where the relevant local stations can request network nonduplication (assuring that a subscriber does not or cannot otherwise receive the signal of the local affiliate) to obtain a distant signal of the same network from their satellite carrier.

Section 10 also directs the Federal Communications Commission, within 45 days of enactment of the bill, to commerce a rulemaking proceeding to adopt regulations governing the exercise of retransmission rights for satellite retransmissions for private home-viewing.

SECTION 11

Section 11 of the bill creates must-carry obligations for satellite carriers retransmitting television broadcast signals. The provisions are similar to those applicable to the cable industry. Any satellite carrier that retransmits a television broadcast signal to subscribers residing within the local market of that signal must carry all the television stations in the local market to subscribers residing in the local market. This approach of "carry one, then carry all" is subject to the retransmission consent election of section 10 of the bill. Thus, a satellite carrier does not have to carry a local television broadcast station if the station elects retransmission consent rather than must-carry. The "local market" of a broadcast station is defined as the station's Designated Market Area, as determined by Nielsen Media Research.

Section 11 tracks the cable must-carry provisions of the 1992 Cable Act by relieving satellite carriers from the burden of having to carry more than one affiliate of the same network if both of the affiliates are located in the same local market. Local broadcasters are also afforded channel positioning rights, and are required to provide a good quality signal to the satellite carrier's principal headend in order to assert must-carry rights. Satellite carriers are forbidden from obtaining compensation from local broadcasters in exchange for carriage. Section 11 also provides a means for broadcasters to seek redress from the Federal Communications Commission for violations of the must-carry obligations.

SECTION 12

Section 12 of the bill directs the Federal Communications Commission, within 45 days of enactment of the bill, to commence rulemaking proceedings to impose network nonduplication protection, syndicated exclusivity and sports blackout protection on satellite retransmissions of television broadcast signals for private home-viewing. The regulations adopted are to be similar to those currently in force for retransmissions of television broadcast signals by cable systems. In adopting network nonduplication protection rules, the Commission is directed to adopt-rules that permit satellite carriers to provide distant network signals to subscribers who reside within the designated market area of a network station affiliated with the same network but who cannot receive an over-the-air signal of the local affiliate, and further do not receive the local signal from a cable or satellite service. The purpose of this provision is to prevent local affiliates from asserting network nonduplication protection against subscribers who legitimately cannot or otherwise do not receive the local network affiliate signal. Thus, if the satellite carrier serving a subscriber provides him/her with the local affiliate for that designated market area, the satellite carrier may not also provide such subscriber with distant network signals affiliated with the same network.

ON-LINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce, along with Representative HOWARD COBLE (R–NC)—my good friend from North Carolina and Chairman of the Judiciary Subcommittee on Courts and Intellectual Property—the "On–Line Copyright Infringement Liability Limitation Act." I would like to thank Chairman COBLE for asking me to lead the negotiations between the various parties on this issue, and also for his support through this process.

The issue of liability for on-line copyright infringement, especially where it involves third parties, is difficult and complex. For me personally, this issue is not a new one: during the 104th Congress, then-Chairman Carlos Moorhead asked me to lead negotiations between the parties. Although I held numerous meetings involving members of the content community and members of the service provider community, unfortunately we were not able to resolve this issue.

At the beginning of the 105th Congress, Chairman COBLE asked me to again lead the negotiations between the parties on this issue. As a starting point, we asked the parties involved to submit written comments on H.R. 2180, the "On-Line Copyright Liability Limitation Act," introduced by Chairman COBLE and Chairman HENRY HYDE. We then used those comments as a basis for a discussion draft, which I had hoped to offer as a substitute to H.R. 2180 during Subcommittee consideration of the legislation.

Comments on the first discussion draft led to a second discussion draft, in which I, along with my staff, Chairman COBLE's staff, and Ranking Member BARNEY FRANK's staff, attempted to combine suggestions from both sides into a bill that the parties could support. While both sides attempted to work within the structure of H.R. 2180, it became clear to us that the path we were on would not result in a resolution of this issue.

The bill introduced today marks a new beginning of this process. The "On-Line Copyright Infringement Liability Limitation Act" is intended as a codification of the decision in *Religious Technology Center* v. *Netcom,* 907 F. Supp. 1361 (N.D. Cal. 1995), in which the Court held that an Internet access provider was not directly liable for copyright infringement committed by a bulletin board subscriber. While I do not yet have a proposal that I can say is supported by both sides of this debate, I am not currently aware of any opposition to the principles adopted by the Court in *Netcom.*

It is my hope that this new bill will encourage the parties involved in this issue to come together and agree on a solution. I do not see the introduction of this bill as the end of negotiations on the issue of liability for on-lone copyright infringement; to the contrary, I believe that it will further the negotiations by beginning with basic principles on which the parties can agree. Undoubtedly both sides will want to see changes made to this legislation, and I am committed to continuing to work with the parties in the hope of reaching a successful resolution to this issue.

I would additionally like to discuss the importance of the World Intellectual Property Organization treaties, and the accompanying implementing legislation, which are critical to protecting U.S. copyrights overseas. The United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes, and records. Our ability to create so many quality products has become a bulwark of our national economy, and it is vital that copyright protection for these products not stop at our borders. International protection of U.S. copyrights will be of tremendous benefit to our economy—but we need to ratify the WIPO treaties for this to happen.

Mr. Speaker, this is a critical issue to the development of the Internet, and I believe that both sides in this debate need each other. If America's creators do not believe that their works will be protected when they put them on-line, then the Internet will lack the creative content it needs to reach its true potential. And if America's service providers are subject to litigation for the acts of third parties at the drop of a hat, they will lack the incentive to provide quick and efficient access to the Internet.

The "On-Line Copyright Infringement Liability Limitation Act" will not solve every problem posed by the content and service provider communities. I do believe, however, that this bill is a good first step towards reaching consensus on this issue, and I encourage the parties involved to work together to create a mutually beneficial solution.

TRIBUTE TO MARY ZANDER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEVIN. Mr. Speaker, I rise today to recognize Mary Zander, Sterling Heights City Clerk, on the occasion of her retirement from the City of Sterling Heights, Michigan.

Ms. Zander served her City for twenty years as the City Clerk. During her two decades of dedicated service, the City of Sterling Heights has grown from a population of 61,000 in 1967 to 123,000 in 1997, now the sixth largest city in the state. Ms. Zander's leadership was critical during this period of both incredible population growth and technological advancements which have revolutionized the local clerk's office.

Ms. Zander was the Director for the International Institute of Municipal Clerks, a distinguished position that only one other clerk in the world has served in for two terms. She also received special recognition as "Clerk of the Year" from the Michigan Municipal League. As President of the Michigan Municipal League's Clerks Association, First Vice-President of the Michigan Association of Clerks and a lifetime member of the Academy of Advanced Education, Ms. Zander was a leader in her field.

Mr. Speaker, in an era of valuing efficient, customer-oriented government, Mary Zander's work for the City of Sterling Heights deserves our recognition. I am pleased to join with the residents of Sterling Heights, as well as local government officials, in thanking Mary Zander, my friend and the friend of so many others, for her years of dedicated and personal service and in extending best wishes for a healthy and happy retirement.

PUBLIC SCHOOL EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in recognition of the greatest gift we can give to our children—the gift of a strong and viable education.

Both my parents being educators, I grew up surrounded by reminders of how important public education is in America. As a parent myself of three school-aged children attending public schools in Fort Collins, I understand the value of liberal access to community schools and academic professionals.

Indeed, the reason I have devoted nine years in the Colorado State Senate and my first year in the United States Congress to improving the quality of local public schools is because I am convinced my parents were right. The future strength of the Republic lies in the hands of a well-educated citizenry.

Clearly, parents bear the primary responsibility for educating their children. Public school districts were established by states to assist, and it is at the state level, and under state constitutions that public school systems are properly organized. In Colorado, the management of public schools is entrusted to 176 locally-elected boards.

As a member of the House Committee on Education and the Workplace, I face routinely those who would dismantle America's traditions of local control and parental authority with respect to educating kids. Their preference always seems to entail centralizing education authority in Washington, D.C. as a way to address any shortcomings of America's schools.

The White House, for example, is working to abandon independent standardized testing in favor of a government-owned national test. The administration has already engaged the early stages of developing a national curriculum.

The Federal government actually has no Constitutional authority to manage public schools, but it gets around that barrier by handing out lots of cash. With every federal dollar comes strings. Of course, no school is forced to take the money, but few can resist.

Deploying such strategies, the federal government has found ways to influence almost every aspect of public schooling from the design of new school buildings, to the qualifications of teachers, to students' diets. Rarely do these tactics improve the quality of education, but more often only suppress the ability of local schools and teachers to do the jobs for which they are best trained.

My strenuous objections to various schemes to centralize education authority in Washington have at times been misinterpreted by my political foes to suggest I am somehow "anti-education." Quite the opposite is true.

My firm resistance to federalizing public schools is based entirely on my belief that public schools should be decentralized, local, parent-drive, student-centered, efficient institutions which offer competitive services enabling students to be the world's best.

We would all do well to remember that the most valuable gift we can give to any child is a quality education. As both a father, and a member of Congress, ensuring an effective public school system will continue to be among my chief objectives.

IN COMMEMORATION OF SAINT DAVID'S DAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEWIS of California. Mr. Speaker, I rise today to honor Saint David, the Welsh Patron Saint. Many of my friends and colleagues may not know that I am of Welsh descent—but then again maybe my name, Lewis, gives me away. I am very proud of the Welsh blood running through my veins. What American wouldn't be if he knew just how many great Americans were also Welsh! Let me take a moment to share some interesting facts with you.

Did you know that twenty percent of our Pilgrim Fathers were Welsh? Almost fifty percent of the signers of the American Declaration of Independence were also Welsh or of Welsh heritage—as were nine of the Presidents of the United States, including John Adams, Thomas Jefferson, James Madison, James Monroe, John Quincy Adams and Abraham Lincoln. There are just too many great Welsh-Americans to name!!

Another interesting fact I would like to share with you pertains to Saint Patrick, the Patron Saint of Ireland. Did you know that Saint Patrick was really a Welshman? As a boy of sixteen, Patrick was taken from the Welsh village where he was born by an Irish slave trading party. He was a slave in Ireland until the age of twenty-two, when he escaped and returned to Wales. Later, he became a priest and was sent back to Ireland where the Welshman Patrick became revered as Saint Patrick of Ireland.

When you are in Washington, D.C., the more athletically-inclined Welsh among you might like to hike half-way up the stairs in the Washington Monument to read an inscription there: "Fy Iaith, Fy Ngwlad, Fy Nghenedl, Wales—Cymru Am Byth." My language, my country, my nation, Wales—Wales forever!

On March 1st, Welsh Americans across the Nation will honor the birth of Saint David, the Patron Saint of Wales. At the Welsh Presbyterian Church in Los Angeles, the Welsh Choir of Southern California will give its premiere performance, conducted by famous, Welsh-born Hollywood composer Michael Lewis! I know that this concert will be a treat for all who hear it. I only wish I could be present!

I would say to my colleagues, let us all remember that March 1st is the birthday of Saint David, the Patron Saint of Wales.

COMMENDING THE SCHOOLS OF BASEL, SWITZERLAND, ON THE HOLOCAUST EDUCATION PROGRAM IN PUBLIC SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in commending the public schools of the Canton and City of Basel, Switzerland, on the comprehensive program of Holocaust education which has been adopted for their public schools.

Much has been written and said about the outrageous behavior of some Swiss banking executives with regard to deposits of gold and other valuables by Holocaust victims during the period before and during World War II, but little attention has been focused on the outstanding degree to which the people of Basel and other Swiss cities and cantons have assumed the responsibility of teaching Swiss children about the horrors of the Holocaust. By making this a communal priority, they have determined to never let such atrocities take place again.

The schools of Basel address the subject of the Holocaust with children of all ages, at all academic levels and in a wide variety of disciplines, primarily in history and in German language and culture classes. In the Wieterbildungsschule (elementary schools), young people learn about the fate of children in the Third Reich, the resistance efforts against Nazi occupation, and other introductory topics ranging from a basic understanding of anti-Semitism to the existence of ghettos, concentration camps, and Hitler's Final Solution.

In the secondary level (Grades 5–9) adolescents encounter a wealth of documentary material dealing with anti-Semitism and the murder of the Jews, including The Diary of Anne Frank, the new reader Bilder in Kopf (Pictures in the Head), and numerous short stories which provide an assortment of different approaches to the Holocaust. In Gymnasiums (high schools), older student face an even more comprehensive and substantive treatment of the topic. They survey various theories dealing with the development and forms of anti-Semitism, as well as an analytical and unprejudiced look at their own country's position during World War II. Such syllabus topics include thoughtful subjects such as "The Refugee Question in the Second World War and Neutrality."

Mr. Speaker, the people of Basel have recognized the truth of the oft-quoted Santayana observation, "Those who cannot remember the past are condemned to repeat it." Their schools are helping to raise a new generation of citizens unfettered by hatreds and prejudices of the past, a people that can use the painful lessons of decades ago to engender tolerance and understanding in the future. It is my pleasure to recognize and to commend the fruitful efforts the people of Basel.

TRIBUTE TO SAM JOHNSON "OPERATION HOMECOMING" 25TH ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. DOOLITTLE. Mr. Speaker, today, Thursday, February 12, 1998 marks the 25th anniversary of Operation Homecoming, the day on which the first group of heroes whose experience as prisoners of war ended as they were released from captivity in North Vietnam. Our colleague, Representative SAM JOHNSON was one of those heroes.

SAM JOHNSON began his 29-year career in the United States Air Force after realizing his love for adventure and his love of flying. Although his training prepared him for the war, his training did not prepare him for what he had to endure next. On April 16, 1966, SAM's F–4 was shot down over North Vietnam. It took only seconds for the enemy to capture SAM, but it took nearly seven years for SAM to see his wife, three children and his home again.

The enemy tried to break SAM JOHNSON on numerous occasions, but SAM was unbreakable. His faith in God and his strong will to live enabled him to survive. SAM was an officer, a leader, and a teacher. He would secretly communicate with the new prisoners that were brought into Hanoi, teaching them how to survive. These were the qualities of a true leader, risking his life to protect his fellow man.

SAM JOHNSON is a fighter. He fought for his country, his family and his faith. As a member of Congress, SAM valiantly wages this fight today—for all of us.

Today we honor the heroes who endured the horrible pain and suffering as prisoners of war. Today is a celebration of SAM JOHNSON's strength and courage. He demonstrated an unfailing devotion to duty, honor, and country. Let us commemorate SAM and all American POWs for their courage and determination in upholding the principles of freedom and democracy.

"EQUALITY FOR ISRAEL AT THE UNITED NATIONS ACT OF 1998"

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROTHMAN. Mr. Speaker, today I rise to introduce the "The Equality for Israel at the United Nations Act of 1998." With the strong support of over 60 original co-sponsors, including both the Chairman and Ranking Member of the House International Relations Committee, this bill seeks an end to the institutional discrimination Israel has faced at the United Nations for far too long.

Specifically, this bill requires that the Secretary of State report on actions taken by our Ambassador to the United Nations to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their group.

The bill also calls on the Secretary of State to solicit and receive responses from each of the nations of WEOG on their position concerning Israel's acceptance into their organization. In this manner, Congress can know which nations are supporting Israel's admittance to WEOG and which nations are opposed.

As many of my colleagues are already aware, the State of Israel has been a member of the UN since 1949. But what my colleagues and the American public might not know is that Israel is the only long-standing member of the United Nations to be denied acceptance into any of the organization's five regional blocs.

Membership in a regional bloc is critical because it is a prerequisite for any nation to serve on the powerful Security Council or other key U.N. bodies such as the Economic and Social Council. Due to its exclusion from a regional bloc at the United Nations, the State of Israel has been precluded from fully participating in the workings of that world body.

This amounts to institutional discrimination against Israel at the United Nations.

The real story here is two-fold: On the one hand there are Arab states who have denied Israel the consensus vote it needs to join its natural, geographic, regional bloc—the Asian bloc. On the other hand, there are the member states of the Western Europe and Others Group, otherwise known as the WEOG regional bloc, who have failed to embrace Israel's request to temporarily join their grouping.

This is where the United States must step up and show true leadership. And this is why I have introduced "The Equality for Israel at the United Nations Act of 1998."

WEOG, to which the U.S. belongs, is one of the five regional blocs at the United Nations. Other non-European countries: Western-style democracies such as Canada and Australia already belong to the WEOG. Israel would be a perfect fit, at least temporarily.

The issue is not whether Israel deserves to be treated as an equal among nations, it surely does. The challenge is how to achieve equality at the United Nations. World-wide recognition of Israel as an equal at the United Nations would be the right message to send now to help advance the struggling Middle East peace process.

But this is not just an Israel issue, this is a United Nations issue. And clearly, Israel's acceptance into the WEOG would be a welcome sign of real reform taking place at the United Nations.

There already has been a groundswell of support in the U.S. Congress for this issue. Seventy-six Members of Congress, many of whom serve on the House International Relations Committee, joined me and Representative ILEANA ROS-LEHTINEN last year in sending letters to the member states of the WEOG, asking them to allow Israel to join the WEOG as a temporary member.

Secretary of State Madeleine Albright and our Ambassador to the United Nations, Bill Richardson, both agree that this issue needs to be pursued. In fact, Ambassador Richardson told me personally that he will work to "rededicate U.S. efforts on this issue."

Supporting Israel's right to be a full member of the United Nations is the right thing to do. We owe no less to Israel, a strong U.S. ally, and to the United Nations, whose credibility is threatened if all countries are not treated as equals.

For these reasons, I ask my colleagues to lend their support for "The Equality for Israel at the United Nations Act of 1998."

TRIBUTE TO ROBERT RAUSCHENBERG

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LAMPSON. Mr. Speaker, it is with tremendous pride that I recognize a native of Port Arthur, Texas who has gone forth into the world and become a legend in the world of art. Robert Rauschenberg is the first American to win the prestigious Venice Biennale Grant Prize, as well as the first living American artist to have his work published on the cover of Time Magazine. In a career that has spanned the latter half of this century, Robert

Rauschenberg's groundbreaking work has been included in the most prestigious collections and won awards around the world.

Robert has used his artistic voice to benefit humanitarian causes. He created the first Earth Day poster in 1970. In 1990, he established the Robert Rauschenberg Foundation to promote medical research, education, the environment, and to aid the hungry and homeless in the United States and across the globe.

This weekend, Robert Rauschenberg will be honored in Houston for the greatness of his life's work. Though Robert left Port Arthur to seek his fortune in the world, he is a symbol of the greatness that lurks within each child. A child who grows up among oil refineries became one of the most important artists of his generation. He is a native of our area and we are duly proud, but we know that Robert Rauschenberg, through his work, belongs to the world and to the ages.

TRIBUTE TO LEVI PEARSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. CLYBURN. Mr. Speaker, I rise today during Black History Month to pay tribute to a true pioneer, Levi Pearson. As today is the 89th anniversary of the founding of the National Association for the Advancement of Colored People, I should note that he was President of the Clarendon County, SC, branch of the NAACP. However, it is the work he did as an ordinary citizen from a small county in South Carolina for which he should be remembered.

Last week, I paid tribute to the 20 plaintiffs of *Briggs v. Elliott*. Those plaintiffs were the foundation on which the case of *Brown of Education of Topeka* was based that eventually won the battle of public, desegregated education in our nation. Today, I pay tribute to the man who took the first courageous step on that very long road.

In 1947, the search was on in Clarendon County for a parent who had the courage to test the legality of the discriminatory bus transportation practices that were the norm. Pearson had three children who attended Scotts Branch school nine miles from their home with no public transportation. On July 28, he signed a petition asking that "school bus transportation be furnished, maintained and operated out of public funds in School District Number 26 of Clarendon County South Carolina for use of the said children of your Petitioner and other Negro school children similarly situated." The petition was submitted to the local school board chairman and the secretary of the State Board of Education by the Reverend Mr. Joseph Albert DeLaine, a prominent Clarendon County schoolteacher. No response was given.

After 8 months of silence, Pearson's attorneys filed a brief in the United States District Court. In the brief, they cited the "irreparable damage" Pearson's children suffered from being denied the free bus service to which white children were entitled. The case was dismissed saying Pearson has no legal standing because his farm straddled the line between the school district where he lived and where his children went to school.

Pearson's courageous stand made him a hero among his friends in the community, but a villain to his foes. Because he dared to question the status quo, the white community cut off the credit Mr. Pearson needed for farm supplies and refused to buy goods raised on his farm. Despite the severe hardships placed on Pearson and his family, he stood his ground and remained in Clarendon County with his family as many black families moved north.

Although his name is not on the list of 20 petitioners in the landmark case of *Briggs v. Elliott*, Pearson was the driving force that led to equal education for all. Mr. Speaker, I ask that you join me today in paying tribute to Levi Pearson for he is indeed a pioneer, a hero and an outstanding American.

A TRIBUTE TO THE ARROWHEAD CHRISTIAN ACADEMY EAGLES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of the Arrowhead Christian Academy (ACA) 1997 varsity football team of Redlands, CA. On December 13, 1997, the ACA Eagles made history by winning the 1997 CIF-Southern Section Division XII Championship, thus becoming the first team to win back-to-back CIF championships in San Bernardino County, CA. The Eagles' remarkable season was further highlighted by being ranked fifth in the state by Cal-Hi Sports in Division V.

Despite competing against several higher division teams, the Eagles racked up a total of 567 points over the course of the season and won four shut-out games. With their renowned offense scoring an average of 40 points per game that their unmovable defense holding its opponents to an average of just 14 points per game, it is no surprise that the Eagles ended their season with a remarkable record.11–3.

Special recognition is in order for Head Coach Dan Finfrock, Assistant Coaches Drew Rickert, Dave Wiseman, Dave Marshall, Jon Burgess, Nate Finfrock, and Trainer Ben Mulder for their leadership and service. Additional congratulations go to Coach Finfrock for being named CIF Southern Section Division XII Coach of the Year for the second year in a row.

Many of the Eagles were honored with awards. CIF All-Southern Section awards included: First Team—Dan Jeffers (Defensive line), and Second Team—Steve Wharry (Linebacker). All Southern-Section CIF Division XII awards included: Offensive Player of the Year: Jonathan Reed (Fullback), and Defensive Player of the Year: Dan Jeffers (Defensive Tackle). Other All CIF selections included: Brandon Camacho (Nose Guard), Danny Schaper (Offensive Tackle), Ben Ballard (Quarterback), and Trevor Wilson (Wingback).

First Team All Christian League selections were: Trevor Wilson (MVP), Steve Wharry (Defensive MVP), Brandon Camacho (Nose Guard), Ben Ballard (Quarterback), Jonathan Reed (Fullback), Robbie Ramos (Corner Back), Dan Jeffers (Offensive Tackle), and Joe Ramos (Corner Back)

Second Team All Christian League selections were: Allan Kavalich (Center), Carl Overholt (Wing Back), Robbie Ramos (Wing Back), D.J. Gallagher (Tight End), Danny Schaper (Offensive Tackle). Honorable mention: Nick Selle (Offensive Tackle), Steve Hale (Tight End), and Ben Gradias (Tight End).

Other members of the 1997 Eagle championship team include: Robbie Whittenburg, Jeff Harry, Israel Marshall, Will Kimble, Chad Aldaco, Ben Foster, Jeremy McAllister, Joey Morrison, Paul Avila, Jacob Southworth, Noah Rivera, Nick Goldtry, Bryan Traynmham, Gavin Fort, Danny Paul, Chris Hardin, Steve Avila, Daniel Meers, Nik Kreutzer, Tim Mason, and Jared Richards.

Mr. Speaker, I ask that you join me, our colleagues, the team's families and many friends in honoring the 1997 Arrowhead Christian Academy football team. It truly has been yet another unforgettable season for the Eagles and it is only fitting that the House recognize them today.

INTRODUCTION OF THE MEDICARE MANAGED HEALTH CARE SUNSHINE ACT OF 1998

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation that will require health maintenance organizations (HMOs) under Medicare to disclose certain information to individuals who subscribe to an HMO, or who are a prospective subscriber to an HMO.

Specially, my bill would require an HMO to provide Medicare subscribers or prospective subscribers with a description of the medical education and training received by the HMO's physicians, the physicians' history of domestic of foreign medical practice, and the position each physician currently holds in the HMO. In addition, my bill would require an HMO to disclose to subscribers upon request its audited financial statements, as well as the salaries of its five highest paid executives. Any promotional material by the HMO would state that the above information is available upon request. Overall, my bill would allow Medicare HMO subscribers to scrutinize their HMO's financial condition to ensure that quality health care delivery is being achieved.

It is time for HMOs, who receive federal dollars and ask for the trust of our nation's seniors, to be open and candid about their operations. It is time for Medicare HMO subscribers to benefit from efficient management. It is time we allowed a little sunshine into our nation's Medicare HMOs.

Mr. Speaker, my bill builds on the reforms passed last year as part of the Balanced Act of 1997 (Public Law 105–33). Those reforms gave HMO subscribers greater protection by giving them access to pertinent information about HMOs. This bill is also similar to a bill I introduced in the last Congress, H.R. 2249.

I urge my colleagues to join me in supporting this important legislation.

VICE PRESIDENT GORE EMPHASIZES BIOSCIENCE AND COMMITMENT TO RESEARCH AND EXPERIMENTATION TAX CREDIT IN VISIT TO GENENTECH, INC. OF SOUTH SAN FRANCISCO, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. LANTOS. Mr. Speaker, it is my great pleasure to report to my colleagues about the visit of our Vice-President, AL GORE, who is a former colleague of many of us here in this house. I had the pleasure of joining the Vice President on Thursday, January 29, 1998, for his visit to Genentech, Inc., which is located in the city of South San Francisco in the heart of my congressional district. Genentech is an innovative pioneer in the significant and increasingly important universe of biotechnology.

Mr. Speaker, Vice-President GORE's visit serves as an exclamation point—not only to the necessity of federal investment in the exciting, path-breaking research and development that will lead us into the 21st century, but also to the humanitarian nature of biotechnology as practiced by outstanding companies such as Genentech. By supporting research and development such firms conduct, we are aggressively fighting against cancer, prevailing against both rare and common diseases, and rallying against those intrepid enemies of our times that we have come to know as heart-disease, stroke, and diabetes, among others. In short, by supporting research and development, we are improving the quality of the lives of all Americans.

I would like to take this opportunity, Mr. Speaker, to bring to the attention of my colleagues the highlights of the remarks of Vice-President GORE in relation to the specific accomplishments of Genentech, Inc., which were made during the meeting at the corporate headquarters during our visit.

Genentech serves as a unique and commendable model for the high-tech industry. As Vice-President GORE pointed out, "Here at Genentech, you have taught us another lesson: in the 21st Century, research and experimentation—innovation and ingenuity—is about our livelihoods as well as our lives." In these remarks, Vice-President GORE referred to both the high-wage levels of the high-tech industry, as well as the high-tech industry's status as one of the largest employers in the United States. The fostering of the high-tech industry spurs economic growth and a healthy and vital job market that benefits whole communities.

Vice-President GORE also referred to the Administration's proposal in its annual budget to extend the $2.2 billion Research and Experimentation (R&E) Tax Credit from June 30th, 1998 to June 30th, 1999. The extension of this tax credit is especially encouraging to the growing Bay Area bioscience industry and to all of our high tech industries which depend upon the R&E Tax Credit to make their extensive and dynamic research feasible. By allowing firms such as Genentech to claim a credit against their federal taxes for a portion of their extensive research and development costs, we in the federal government are taking a critical step to ensure new, high-wage jobs in the next century. As Vice-President GORE estimated, "Here at Genentech alone, it will mean 150 new jobs for Californians."

Importantly, Mr. Speaker, the R&E Tax Credit not only promotes a healthy economy, it also stimulates additional research and experimentation. The savings gained by the biotechnology companies from the R&E Tax Credit allows them to meet significant human medical needs as expediently as possible. Genentech is a leader among United States firms in its unequivocal commitment to research and development investment, spending almost 50% of its total sales revenues on continuing research and development activities. The emphasis on research has, in part, enabled Genentech to offer the world a special insight into the disease of breast cancer. Approximately 45,000 women in the United States are affected by breast cancer every year. With the help of a new Genentech product, Herceptin, which is currently in the final clinical trial phase for the Federal Drug Administration (FDA), we may soon be able to fight cancer at a molecular level—a new and very promising breakthrough.

Genentech has completed its Herceptin research and is compiling data for the new drug application for FDA approval. The company hopes that Herceptin will be as successful as their drug Retuxin, which the FDA approved in November and is currently a significant weapon to patients battling non-Hodgkins lymphoma, a type of cancer which attacks the lymph nodes. The development of drugs such as Herceptin and Retuxin, however, come with a heavy price tag, as the average research cost for any one drug can cost over $360 million.

Despite this expenditure, Genentech works hard to make its drugs available to patients, and it is my distinct pleasure to commend one of Genentech's humanitarian operations, its Uninsured Patient's Program. Through this program, Genentech is committed to make its market products available despite the limits of a patient's government or private insurance. Essentially, to the extent that a patient cannot afford a product, it is provided to them free of charge.

During his visit to Genentech, Vice-President AL GORE reiterated the Administration's commitment to research with the 21st Century Research Fund, the "largest investment in civilian research and development in American history." The scientific community works together to produce the miraculous science that gives us our current technology and medical innovations. This 21st Century Research Fund includes the highest-ever increases in the budgets of the National Institute of Health and the National Science Foundation. As Vice-President GORE proclaimed, "Taken together, the $31 billion in the 21st Century Research Fund will help us to cure deadly diseases; to find new sources of clean energy . . . to build the next generation of the Internet, moving 1,000 times faster than the current one; and to continue to explore the heavens."

I am extremely impressed by the efforts of Genentech and the biotechnology industry in the Bay Area. I have always believed that Genentech is a special place, a different kind of company, and I was pleased that Vice-President GORE commented upon the fact that of all the corporations he has visited, he had not seen the diversity of faces that he observed at Genentech. And, as a federal legislator, I was especially affected by Vice-President GORE's words that, "In fact, Genentech's 3,200 jobs might not be here at all if our federal government had not invested in the research that led to the discovery of the DNA."

It is a meaningful and significant chain that connects our country to the high-tech industry, and Vice-President GORE wisely discerned that "More research and development means higher productivity, rising wages, and lower costs throughout our economy." Mr. Speaker, I thank my colleagues in this House for their efforts in support of funding research and development which has helped to move our country forward and make possible the exciting breakthroughs in science and technology which have furthered the progress of all of mankind.

It is with tremendous sense of excitement about the future and a profound hope that I urge my colleagues to join me in applauding the efforts of Genentech, Inc., and other American companies which are leaders in the scientific world through whose work we will step into the next century with strength, with courage, and with knowledge.

A HEARTFELT THANK YOU TO THE SHERMAN CONGREGATIONAL CHURCH

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BAESLER. Mr. Speaker, I rise today to offer my heartfelt thanks and continuing gratitude to the Sherman Congregational Church in Sherman, Connecticut, and indeed, my thanks to the entire town of Sherman, Connecticut.

Last March, Kentucky was struck by one of the worst natural disasters in recent memory. After nights of rain, streets became canals and roadways became rivers. Cars and trucks competed with boats and rafts for the right of way. Flood waters transformed neighborhood parks into tributaries as nature ran amok.

Members of the Sherman Congregational Church saw pictures of the devastation in Paris, Kentucky, and throughout Bourbon County, Kentucky. Their hearts went out to the families without homes, and the children without toys. The Church and the town of Sherman reached out to us—calling the Paris/Bourbon County Chamber of Commerce and offering their assistance. Truckloads of supplies were sent to help out the residents of Paris and Bourbon County. The response from Sherman was so great that Paris and Bourbon County were able to share those supplies with surrounding communities in need.

But the generosity did not end when the flood waters receded. In November, members of the Sherman Congregational Church called again, asking for the names, ages, and addresses for the families who were victims of the flood. More than 30 boxes arrived from Sherman containing gifts for 59 families, and the 119 children who lost so much in the flood.

Tragedies are eyeopening. They reveal a great deal about the human spirit. They teach us about the value of things we often take for granted in our fast-paced workaday world. Natural disasters have a way of changing our smug assumptions about being self-made people who can live to ourselves and by ourselves. They teach us the value of friends and neighbors.

Centuries ago, someone asked the question, "who is my neighbor?" Although the word comes from an old English word meaning "near dweller," the proximity of people does not define neighborliness. It is the proximity of the human heart during a moment of crisis that perhaps defines it best.

I speak for thousands of Kentucky residents when I say that we are grateful that the town of Sherman reached out to us—as their neighbor. We are grateful for your friendship and for your concern, and we will never forget you.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. DEGETTE. Mr. Speaker, as one of just a handful of mothers in the 105th Congress with young children, I know how difficult it is to find quality, affordable child care. That is why this resolution is particularly important to me. We must be supportive of parents who have the ability to stay home with their children and can afford to forgo a second income. However, the majority of American families with working parents rely on child care to help them care for their children.

Quality child care is critical for many families in this country. I am concerned that this resolution (H. Con. Res. 202) misrepresents how many children of preschool age have mothers in the labor force who rely on someone else to help them care for their children. The resolution includes statements which suggests that child care is not an issue for most American families. As families struggle to make ends meet, the reality is more parents are working full time, part time or looking for work than ever before. As a result, 60% of preschool aged children have mothers in the work force. The correct statistics demonstrate that quality, safe and affordable child care is vital for most American families. Even parents who forego an extra income often rely on child care, like parents day out programs, to help them. In 1996, 78% of all four year olds were in nonparental care at least some part of the week.

Congressional legislation must address the needs of both working and stay at home parents to provide them with quality, safe and affordable child care regardless of their economic situation. A family where both parents work should not have to compromise its children's well-being due to poor child care choices. The ultimate goal of this Congress should be helping families, whatever their situation, provide the best possible care for their children. We need to support ALL parents in their child care choices.

PROTECTING AMERICAN TAXPAYERS FROM IRS SEIZURES

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MCKEON. Mr. Speaker, I rise today to introduce important legislation to protect American taxpayers from wrongful and unnecessary IRS seizures.

My bill creates an independent panel of tax attorneys, certified public accountants, and enrolled agents to review all proposed IRS seizures. This panel would determine whether there are more appropriate means of collecting the unpaid taxes and will ensure that IRS agents have complied with the regulations related to seizures. Without approval of a majority of the panelists, IRS agents will not have the ability to place levies on taxpayers' homes, salaries, or assets.

In January, I held IRS forums in my district and was shocked to hear the horror stories in the testimonies of my own constituents. One after the other, stories of unwarranted pressure and direct intimidation of IRS agents were told, many of which included cases of seizures. In several situations, the agents also failed to adhere to established rules and regulations. Clearly, greater oversight of this abusive IRS practice is critical, and I have introduced this bill in response to the disturbing experiences many of my constituents have endured.

We have all witnessed the alarming stories of our fellow Americans before the Senate Finance Committee this fall. It was evident that in many cases levies and seizures have favored devices used to measure employee performance for status and promotion purposes, not for the interest of the taxpayer. More often than not, IRS agents have been pushed by their superiors to initiate more seizures to achieve promotions within the agency. As a result of new IRS procedures, the same superiors are now responsible for directly approving seizures for unpaid federal taxes.

Nearly 80% of Americans feel that the IRS has too much power. And while taxpayer rights are beneficial in many ways, they often do not go far enough. Without the means of enforcing these rights, the IRS will retain much of its power and American taxpayers will be forced to tolerate more abuses by the IRS.

Mr. Speaker, with this bill, Congress can respond to the problems the IRS has with seizures and levies that have ruined the lives of a great number of American taxpayers. The independent panel created in this bill will make the IRS accountable by stopping questionable seizures before they occur.

INTRODUCTION OF THE FARM SUSTAINABILITY AND ANIMAL FEEDLOT ENFORCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MILLER of California. Mr. Speaker, today I introduce legislation to address the most important source of water pollution facing our country—polluted runoff. A major component of polluted runoff in many watersheds is surface and ground water pollution from concentrated animal feeding operations (CAFOs), such as large dairies, cattle feedlots, and hog and poultry farms. Under current Clean Water Act regulations, CAFOs are supposed to have no discharge of pollutants, but as a result of regulatory loopholes and lax enforcement at the state and federal levels, CAFOs are in reality major polluters in many watersheds. My bill, the Farm Sustainability and Animal Feedlot Enforcement (Farm SAFE) Act addresses these deficiencies. I hope my colleagues will join me in trying to address this significant threat to water quality and human health.

Included for the RECORD is an article from the San Francisco Chronicle describing water quality problems caused by dairies in the San Joaquin Valley of California. Contaminants associated with animal waste have also been linked to this summer's outbreak of Pfiesteria in Maryland and the death of more than 100 people from infection by cryptosoridium in Milwaukee. Although considered point sources of pollution under the Clean Water Act, little has been done at the federal or state levels to control water pollution from CAFOs.

In recent years, many family farms have been squeezed out by large, well capitalized factory farms. Even though there are far fewer livestock and poultry farms today than there were twenty years ago, animal production and the wastes that accompany it have increased dramatically during this period. And although farm animals annually produce 130 times more waste than human beings, its disposal goes virtually unregulated.

Farm SAFE will require large livestock operations to do their part to reduce water pollution. The bill will lower the size threshold for CAFOs, substantially increasing the number of facilities that will have to contain animal wastes. It will require all CAFOs to obtain and abide by a National Pollution Discharge Elimination System (NPDES) permit. The bill improves water quality monitoring, recordkeeping and reporting so that the public knows which CAFOs are polluting. Farm SAFE addresses loopholes in the current regulatory program by requiring CAFOs to adopt procedures to eliminate both surface and ground water pollution resulting from the storage and disposal of animal waste. The bill also directs EPA, working with USDA, to develop binding limits on the amount of animal waste that can be applied to land as fertilizer based on crop nutrient requirements.

This legislation will restore confidence that we can swim and fish in our streams and rivers without getting sick. It will do much to address our number one remaining water pollution problem—polluted runoff. I hope the

House will join me in the effort to clean up factory farm pollution.

[From the San Francisco Chronicle, July 7, 1997]

Page One—In Central Valley, Defiant Dairies Foul the Water

(By Elliot Diringer, Chronicle Staff Writer)

Central Valley dairies routinely defy pollution laws—fouling rivers and groundwater with waste from their cows—and state regulators say there is little they can do about it.

California is now the nation's leading dairy state, and most of the cows are in the Central Valley, creating as much natural waste as a city of 21 million. Yet the state agency that is supposed to make sure they don't pollute the water has just one man on the job.

There is no telling how many miles of creek are being ruined, or how much drinking water could be lost to contaminants spreading silently underground. Regulators themselves are the first to admit that the situation is going from bad to worse.

While dairy herds keep growing, officials at the Central Valley Regional Water Quality Control Board say that most of the valley's 1,600 dairies have never been inspected and that probably fewer than half follow the law.

"Individually and cumulatively, (dairies) pose a significant threat to surface and groundwater," concluded a 1995 report to the board urging a sixfold increase in regulatory staff.

"We were barely scratching the surface," said Larry Glandon, a dairy inspector who has since retired, leaving just one. "We knew it. Everybody knew it."

The unchecked pollution attests to the considerable muscle of California's leading agribusiness.

Statewide, a million-plus cows churn out $3 billion worth of milk and cream a year, nearly twice the earnings of the state's No. 2 crop, grapes. In the past six years, dairy groups have contributed more than $700,000 to state election campaigns, most of it to incumbents in the Legislature.

"Dairies have been rather untouchable," said Glandon, who was with the board for 16 years. "They have a lot of political significance in Sacramento. It's kind of understood."

Some dairies do their best to contain their wastewater—a rich brine of manure, urine and water that is supposed to be stored in a leak-resistant lagoon, then used to irrigate crops.

The idea is to recycle the wastes right on the farm. As long as there is enough cropland, and not too many cows, potentially harmfull nutrients in the wastewater can be captured by the plants. In the right quantities, the nutrients don't harm the crops, but help them grow.

But all too often, regulators say, there are too many cows or not enough crops. Then, dairies simply let their wastes overflow—onto neighbors' fields, into roadside ditches, into creeks that feed rivers already degraded by other pollutants.

Perhaps a greater worry, they say, are findings not yet released suggesting a steady but invisible poisoning of water underground.

Industry spokesmen deny that violations are widespread.

"If they're saying they don't have the staff to go out and monitor, how can they make the statement that half are not in compliance? I question the accuracy of that statement," said Gary Conover of Western United Dairymen, the state's biggest dairy lobby.

"Over the last 20 years, the industry has come a long way to meeting its obligations under the law," Conover said. "I think all in all, the dairy has done a very good job of controlling their wastes."

Yet some dairy owners readily concede that in the grueling seven-day-a-week business of raising and milking cows, what's coming off the back end of the dairy is often little more than an afterthought.

"There's no way with the price of milk we get that we can afford to meet these rules," said one. "If they made all dairymen in California do that, I think milk prices would skyrocket."

The real problem, insist regulators, is power and money.

In 1988, when the Legislature set annual waste fees for factories, sewage plants and other dischargers, dairies were granted an exemption. Instead, they pay a one-time fee of no more than $2,000. As a result, there is little in the budget for regulating them.

In the years since, the volume of waste has kept growing as dairies relocate from fast urbanizing Southern California or try to boost profits with bigger herds. Last year, there were 891,000 milk cows and heifers in the valley, up 42 percent from a decade before. A cow typically produces as much waste as 24 people.

Pollution authorities have concerns about other "confined animal facilities" raising beef, poultry and swine, but in the Central Valley they are far outnumbered by dairies.

Bill Crooks, former executive officer of the regional water board, said the agency has appealed regularly to its parent agency, the State Water Resources Control Board, for more money to monitor dairies.

"We've continually raised the issue on a number of fronts," Crooks said. "But at the same time, we could see the handwriting on the wall. We could see it wasn't very popular, so we didn't push it very hard."

A bill before the Legislature would authorize 18 new enforcement positions statewide, and the three or four going to the Central Valley could be assigned to dairies, said Craig Wilson, assistant chief counsel at the state board. But, he said, there are many other pressing needs.

"The dairy industry prevailed upon the Legislature to give them an exemption where they pay this one-shot deal," Wilson said. "I don't think it's equitable. But we're stuck with the hand we're dealt."

Day in and day out, the man trying to play that hand is Louis Pratt. All too often, he says, it's a loser.

Since Glandon's retirement, Pratt has been the one man in the field.

He is a pollution detective, tracking dairy wastes, in some cases many miles, to their source. Sometimes, particularly when winter rains overfill lagoons, he finds huge quantities have been deliberately released. Usually, it's just a small, steady overflow from a dairy that doesn't seem to care.

Pratt's is an exasperating routine. The violation notices he writes up are frequently ignored. Even in cases where he manages to win stiff fines, some dairies go on polluting.

One dairy he has hounded for 10 years was finally hauled into court by the San Joaquin County district attorney's office—the only one in the valley that seems inclined to prosecute dairies. The owners admitted illegal releases, paid nearly $10,000 in penalties and costs, and were ordered by the court to clean up.

Last winter, their waste ponds were overflowing again. Deputy District Attorney David Irey said that this time he will insist on tougher measures. "But this case is the tip of the iceberg," said Irey. "We think there could be hundreds of violations each winter."

Cruising two-lane roads on the valley's east side one spring day, Pratt pointed to one dairy after another, casually noting violations and reciting his history of run-ins.

At one dairy near Elk Grove, a few dozen Holstein lazed in puddles of watery waste, which seeped from the muddy corral. "They just arrogantly let it go, flood the neighbors, and tell the neighbors to go to hell," said Pratt.

At the next, the waste lagoon was too small for the number of cows. To keep it from spilling, the dairy had over-applied wastewater to a field, which in turn drained to a roadside ditch. "Eventually, it ends up in the Cosumnes River," he said. "I've talked to them, and they've done nothing."

Farther south, near Escalon, Pratt pulled to the side of the road. With a long-handled scoop, he plucked a sample of a brownish liquid from a shallow canal, part of the vast grid of drainage ditches dug all across the valley floor to carry off used irrigation water.

Pratt poured the solution into a small meter that measures electrical conductivity, a crude indication of salts and solids. The needle jumped to 520, twice what it should be.

"I can come out here just about any day of the year and find dairy wastes going into that drain," he said dejectedly. "All these little creeks and drains would support fish if there was no dairy waste going into them. But there's no fish, because they can't survive."

Pratt used to get more help from the state Department of Fish and Game, which has suffered cuts of its own. Dennis DeAnda, a patrol lieutenant in Merced, said that as a field warden, he investigated several big dairy spills that left fish floating dead. But the subtler efforts of smaller, chronic releases, he said, are harder to gauge.

"We're dealing with probably several hundred dairies on the San Joaquin River alone," DeAnda said. "Those impacts certainly are going to affect fish farther downstream."

In the long run, the bigger worry may be what is happening underground, where no one can see.

When stored in a leaky lagoon, over-applied to crops or simply piled too deep in a corral, dairy wastes stand a good chance of seeping down into the ground. Eventually, the groundwater below can load up with nitrates, a form of nitrogen that in sufficient quantities can sicken or kill an infant.

Wells used by public water systems are periodically checked, and from 1984 to 1996, the number in the Central Valley with nitrates above the drinking water standard jumped fourfold. Private wells serving individual homes tend to be shallower—and more vulnerable to contamination—but there is no requirement they be routinely tested.

There are other obvious sources of nitrates—leaking septic systems and overuse of chemical fertilizers. Without sophisticated testing, it is usually impossible to trace contamination to any single source.

"Is it dairy X or is it dairy Y? Or is it the farmer who's using ammonia fertilizer between the two?" said Cindy Forbes, Central Valley drinking water chief for the state Department of Health Services. "That's the problem. There's no smoking gun."

There is evidence suggesting that collectively, dairies pose a long-term threat to

Central Valley groundwater—but the regional board has yet to release it.

In 1993, the agency dug 44 shallow monitoring wells at five dairies thought to be doing a reasonable job controlling their wastes. Groundwater samples taken over the next two years showed average nitrate levels five times the drinking water limit.

"The five dairies . . . share site characteristics and follow management practices common to hundreds of Central Valley dairies," notes a draft of the study, still under review three years later.

The "standard approach," the report says, would be to stop the pollution and order cleanups. "Despite the fact that significant pollution is apparently occurring, the standard response is not feasible . . . Current staffing levels are not adequate."

No one can predict when the contaminants might reach the deeper aquifers that supply much of the valley with its tap water.

But with farmers perennially crying for more water, and some underground supplies already lost to pesticides, any drinkable reserves are certain to become more precious if the Central Valley keeps growing as projected.

"I expect there are plumes of high-salt, high-nitrate water under dozens, if not hundreds, of these sites . . . The nitrate is eventually going to get into the deeper stuff. It is just a matter of time," said Rudy Schnagl, who oversaw dairy regulation for 10 years as chief of the regional board's agricultural unit.

"What concerns me is there are a lot of rural residences that still have old wells that don't go down so deep." Schnagl said, "I suspect a lot of those people are drinking water exceeding the nitrate standard."

Some experts say the Central Valley need only look south, to the Chino basin east of Los Angeles, to see what it ultimately risks. With the highest concentration of dairies in the world, the Chino basin years ago was forced to write off vast quantities of tainted groundwater. But with subdivisions now displacing the dairies, water is in high demand. There is talk of building exorbitant desalination plants so cities can tap the dirty underground cache.

"It's so heavily loaded now with nitrates from dairy cows, it's just useless," said Bill Fairbank, an agricultural waste engineer who spent 30 years at the University of California. "The Central Valley's headed in that direction, too, if they don't get their act together."

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. PELOSI. Mr. Speaker, the legislation before us rightly acknowledges the importance of parents who are fortunate enough to stay at home with their children. But this is only part of the story. Had this resolution actually gone through committee, we would also have addressed the importance of working parents who do not have the choice to stay at home.

All parents must be supported in their child care choices. While we all want to support parents who want to stay at home, we must acknowledge that many parents must work to keep their families out of poverty. More parents work than have ever before, and more families rely on the mother's income to make ends meet. Many mothers are essential in helping support their families financially. A national study found that 55% of employed women provide half or more of their household income.

In California, the average earning of a two-parent family with both parents working full time at the minimum wage is about $21,000. This is hardly enough to put food on the table, let alone afford quality child care.

Child care is a universal need. No parent must be discriminated against in our efforts to provide safe, quality child care for families who need it most. But we must work together to achieve this, not pit families with different needs against each other. I urge all my colleagues to work together on crafting a comprehensive child care proposal that addresses the needs of all families for safe, quality, affordable care for our most precious hope for the future—our children.

PROMISES VS. PERFORMANCE: THE 1996 TELECOM ACT REVISITED

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HASTERT. Mr. Speaker, two years ago, on February 8, 1996, virtually the entire bipartisan leadership of Congress and the Administration gathered to celebrate the passage of the Telecommunications Act of 1996. It was supposed to reduce regulation, foster competition, create new jobs, and expand customer choice.

But today, it is becoming increasingly clear that the Federal Government has not delivered on that commitment. Of course, everyone has someone else to blame. However, the fact remains that we have more regulatory roadblocks than ever. At every juncture, the FCC's approach has been to adopt more rules and regulations. Almost all of those actions have been overturned by the courts.

Why should this matter to consumers? Because it means that they aren't getting the benefits of lower prices and more choices.

Mr. Speaker, it's time for someone to get a handle on these runaway regulations, so I'm looking forward to the new commissioners stepping up to the task. My message to the FCC is simple—Congress is still looking for competition and more choice—let's allow the communications marketplace to work for the American people, not the lawyers of the regulatory bureaucracy.

TRIBUTE TO LOUIS R. MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. YATES. Mr. Speaker, a year ago Monday, on February 9, 1997, Mr. Louis R. Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man on the anniversary of his death.

I was acquainted with Lou Marchese through his son Steven, my Legislative Director for Foreign Operations Appropriations. Lou was a prominent lawyer in Illinois, nationally recognized for his work in the wholesale-distribution industry. More importantly, he was a man of integrity and high moral character.

Lou was the consummate self made man. His beginnings were humble; his parents were first generation Italians. He worked hard to rise above the trappings of poverty, and was the first in his family to attend college.

Education was a priority for Lou, and only took a backseat when he served in the Army during the Korean War. He later used the GI bill to attend law school at DePaul University in Chicago. He began his legal career at the Chicago Association of Commerce and Industry and it was there that he developed a lifelong affinity for the needs of the American businessman.

He was active in a number of industries, and was a leader among his peers. He served on the board of directors for many organizations and was instrumental in forming national, regional, and local trade associations to champion the rights of small, family-owned businesses.

During his long and distinguished career, he helped to build the law firm that would later bear his name, Halfpenny, Hahn, Roche & Marchese. Lou's expertise was sought in the areas of antitrust, trade regulation, and interstate taxation. He was well-published and the author of several books on the legal aspects of distribution.

He loved representing entrepreneurial firms, as he knew they were the backbone of a successful national economy. To achieve this end, he created the Distribution Research and Education Foundation, an organization dedicated to promoting wholesale-distribution.

Lou won recognition as a leading legal authority in the automotive industry, receiving the industry's leadership award in 1983. He also is one of only two individuals outside of the automotive field to be elected to the Automotive Hall of Fame.

Mr. Speaker, despite all of Lou's many accomplishments, he was proudest of all of his family. He is survived by his wife of 36 years, Marge, and his five children, Anne, Mary Ellen, John, Meg, and of course Steve. It is within these fine individuals that his legacy continues today.

I am honored to have known such an outstanding gentleman as Lou Marchese. His sense of humor and commanding presence will be sorely missed by all those whose lives he touched. Lou's death was a great loss to the legal community and to all whom had the pleasure to meet him. I consider myself lucky to have been one of them.

UNFULFILLED PROMISES: THE 1996 TELECOMMUNICATIONS ACT

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BAESLER. Mr. Speaker, the etymology of the phrase "buying a pig in the poke" has a rich linguistic history that can be traced back to the 16th century. In those days, as in ours, it refers to "something offered in such a way as to obscure its real nature or worth." The phrase is used these days to describe the growing sentiment regarding the Telecommunications Act of 1996.

When we voted on this legislation two years ago, we were promised a new era on the telecommunications frontier. We were promised better values for our consumers, greater competition, a higher level of local competition, and increased investments in local service facilities.

When this chamber passed the bill, we expected prompt and effective action from the Federal Communications Commission. We expected the FCC to give all consumers more long distance options and a greater array of services, in terms of local telephone and video service choices.

In my view, it seems that the FCC is moving in the wrong direction in allowing companies to compete for long distance services. This has been done at the expense of consumers and the regional Bell companies.

Although this is a tad tedious, the record speaks for itself. The FCC has attempted to subordinate state agencies through mandatory pricing "guidelines" and other requirements. Regrettably, the FCC has been joined by the U.S. Justice Department's Antitrust Division in expanding the scope of long distance "checklist" items.

Sadly, all Bell company applications to compete in long distance have been denied. This not only hurts the regional Bell companies, it also harms middle income and lower-income consumers in my Congressional District and across my home state. In Kentucky, for example, more than 60 agreements have been signed between BellSouth and competitors seeking to provide local telephone service to "re-sell" local service. In contrast to federal regulators, those closest to the ground know the value of fostering competition. In other words, state commissions continue to foster local exchange competition.

Across Kentucky we are seeing examples of competitors operating in Lexington and Louisville, where they can capture the more profitable business markets. Yet, we don't see a rush to introduce competitive services for residential customers.

In my view, it appears that there is a flaw either in the statute itself or with the manner in which the FCC is choosing to carry out its mandate. There's no doubt in my mind that we sorely need a collaborative approach by the FCC on this matter. This is what Congress expected when it voted on the Telecommunications Act. We still have this expectation.

In summary, we need an approach that is reasonable, balanced, specific and consistent with the clear intent of Congress. To do so, allows the Telecommunications Act of 1996 to achieve its intended worth and promised value to consumers and telecommunications companies. To do otherwise is to delay, or deny, the once-in-a-generation opportunity for consumers to benefit from a competitive and rapidly changing telecommunications market.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KIND. Mr. Speaker, the American people are looking to us to pass meaningful campaign finance reform in order to restore their faith in the political process. The President of the United States has called for bipartisan campaign finance reform to restore fairness and structure to a system plagued by abuses and unfair advantage. Now, leaders of corporate America have spoken out demanding campaign finance reform to ensure that businesses do not feel obliged to make large campaign contributions. The House still fails to set a date for debate and ultimately, a vote. What group needs to speak out to get the attention of House leadership?

I will continue to deliver daily statements. Individuals and public and private interests will continue to speak out. The Senate will continue to do its job by voting on reform by March 6, 1998. Will the House continue to turn a deaf ear to a growing voice calling for reform? My constituents demand to be heard, they will not take "no" for an answer.

OUR LADY OF THE LAKE UNIVERSITY INAUGURATES FIFTH PRESIDENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GONZALEZ. Mr. Speaker, on February 21st of this year, Our Lady of the Lake University will inaugurate Sally Mahoney as its fifth president. It is an honor for me to recognize and applaud this important event at one of the leading institutions of higher learning in the entire southwest portion of our Nation.

Our Lady of the Lake University is coated in the heart of the 20th Congressional District of Texas, which I have had the honor and privilege of representing in the U.S. Congress for thirty-six years now. For over one hundred years, Our Lady of the Lake University has provided premier education at the same location on the Westside of San Antonio.

The University—or "The Lake" as it is affectionately referred to in San Antonio—was originally established in Texas by the Congregation of the Sisters of Divine Providence. From its inception as a Catholic academy for young women, the Lake has grown into a coeducational institution of world renown, serving an entire region with an offering of scores of areas of study and advanced degrees. As I said on the floor of the U.S. House of Representatives some eight years ago on the University Founder's Day, "Our Lady of the Lake University stands alone in its rich history of offering opportunities to groups left out of the mainstream, including women of all ethnic groups and adult students."

While its enrollment may be small in numbers compared to some other universities, Our Lady of the Lake is big in its impact. It maintains the oldest social work program in Texas at the Worden School of Social Service. The list of University graduates reads as a who's who of those working to make a difference in their communities at the local level and nationally as well. It includes my esteemed colleague in the U.S. House of Representatives, the Honorable Ciro Rodriguez, and members of my own staff.

Other graduates include Dr. Gloria Rodriguez of Avance, Mary Jo Alvarez-Rodriguez of Project COPE, Guadalupe Gibson and Dr. Ernesto Gomez of Centro Del Barrio, Rosemary Stauber of the Bexar Country Women's Center, and Louise Locker Elliot of the Elf-Louise program. The list goes on and will only continue to grow, thanks to the strength of the University as an institution and the commitment of those associated with our Lady of the Lake.

As the recipient of an honorary doctoral degree in the humanities from Our Lady of the Lake, I would also like to extend my own personal welcome and congratulations to President Mahoney on the auspicious occasion of her inauguration as the fifth president of Our Lady of the Lake University. President Mahoney takes the reins from my long-time and very dear friend, Sister Elizabeth Anne Sueltenfuss, who served as President of the Lake for the past nineteen years. I trust that President Mahoney will have as long and productive a tenure, as Our Lady of the Lake continues into its second century of educational service and excellence.

TRIBUTE TO THE BOROUGH OF SEASIDE PARK ON THEIR 100TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SAXTON. Mr. Speaker, I am proud to rise in tribute to the 100th anniversary of the Borough of Seaside Park, New Jersey. Seaside Park is celebrating their 100th anniversary on March 2, 1998, and will be holding a ceremony on Thursday, March 5 at 8:00 p.m. at the regular meeting of the Town Council. Other events will take place this summer, including an Ocean Mini-marathon swim on August 15, a Dinner Dance on August 21, and a Centennial Parade on August 22, to be followed with a fair with children's games and music.

The history of Seaside Park began in the late 1800's, and early settlers found the area so beautiful, they planned to create a park; thus the name Seaside Park. The early settlers were self-reliant people, and through their efforts they built a strong and vibrant community. In those early days, residents hauled sand to create the first roads, and many residents kept cattle, horses, and chickens.

In 1872, the U.S. Life Saving Service was established, with William O. Miller as the first captain. The Life Saving station became the Coast Guard Station with the founding of the Coast Guard in 1915. Today, the station serves as a meeting facility and is home to the borough offices.

Train service to Seaside Park began July 4, 1881, when the train made its first run from Philadelphia to Seaside Park. The railroad station, built in 1882, is now the site of the Municipal Complex.

In 1899, the Seaside Park Yacht Club was built. Seaside Park's famous Sewell Cup for catboats was originally presented by U.S. Senator William Sewell during opening race ceremonies in 1900. The Sewell Cup is still raced today.

In 1913, Seaside Park's Volunteer Fire Department was established. That year, the company built their first vehicle, a horse drawn hose truck. A large iron gong was rung whenever there was a fire, and residents responded. The gong is presently located outside the firehouse at the Municipal Complex. In 1938, the Tri-Boro First Aid Squad was formed. The squad originally covered the area from Lavallette to Barnegat Inlet.

In 1973, Seaside Park adopted its official Borough Seal. The seal is divided into three parts, representing the trinity of land, sea and air, which are symbolized by the native beach plum, striped bass and a sea gull. The colors of the seal are blue for nobility, gold for preciousness, and white for purity.

Mr. Speaker, today the Borough of Seaside Park prides itself on its excellent beaches, its quality of life, and its community spirit, where neighbors know and care about each other. I would therefore like to recognize all of the citizens of Seaside Park and their Mayor, John Peterson, Jr., and the Centennial Committee Chairperson, Ms. Nancy Carlson, for their ongoing and continuing pride and love for their town. Once again, Mr. Speaker, I would like to congratulate the Borough of Seaside Park on this historic milestone, and wish them a happy, prosperous and successful next century.

HONORING DR. NORA KIZER BELL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. CHAMBLISS. Mr. Speaker, I have the distinct provilege today to honor a remarkable woman and the newest president of Wesleyan College in Macon, GA, Dr. Nora Kizer Bell.

On December 23, 1836, the Georgia legislature ratified the charter of the Georgia Female College and empowered its president to "confer all such honors, degrees, and licenses, as are usually conferred in colleges or universities"—making it the first college in the world chartered to grant degrees to women. The college was founded through the efforts of a group of Macon citizens and the Georgia Conference of the Methodist Episcopal Church, expressing their commitment to the higher education of women.

The Georgia Conference assumed responsibility for the college in 1843, and by an act of the state legislature changed its name to Wesleyan Female College. The "Female" was eliminated from the name in 1917, but Wesleyan has remained a women's college throughout its history.

Wesleyan is also the birthplace of the first two Greek societies for women, the Adelphean Society in 1851 (now Alpha Delta Pi) and the Philomathean Society in 1852 (now Phi Mu).

In 1928 the Liberal Arts College was moved from its original College Street site to the new Rivoli campus in north Macon. The historic College Street building continued to house the School of Fine Arts, which consisted of the Conservatory of Music and the departments of art, theatre, and speech. In 1953 the School of Fine Arts, too, was moved to the present campus.

This is the extraordinary history of the institution that is about to inaugurate an extraordinary new president. In 1997 Wesleyan College named Dr. Bell its twenty-third president, to succeed Robert Kilgo Ackerman. Dr. Bell is a Magna Cum Laude and Phi Beta Kappa graduate of Randolph-Macon Woman's College. She earned the master of arts from the University of South Carolina and the doctor of philosophy from the University of North Carolina.

In 1998, one hundred sixty-two years after the college's founding, the president who confers degrees on the graduates of Wesleyan will also be the first woman to serve in that capacity. This is a great day for post-secondary education, women educators, Wesleyan College, and the City of Macon.

I am proud to represent Wesleyan College and I commend Dr. Bell and her faculty and administration on their commitment that Wesleyan College continue to provide the best education for tomorrow's leaders.

TRIBUTE TO A.J. NASTASI: PENNSYLVANIA'S ALL-TIME HIGH SCHOOL BASKETBALL SCORING LEADER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a young man who has made an athletic accomplishment that many people thought would probably not be broken. A.J. Nastasi, a student at Northern Bedford High School located in Loysburg, Pennsylvania, broke the Pennsylvania Boys High School basketball scoring record on Saturday, February 7, 1998, with 3,627 points. I was fortunate enough to be in attendance for this historic game, watching A.J. and his teammates take on my hometown's team from Everett, Pennsylvania. A.J. has demonstrated great poise and maturity throughout this exciting basketball season, a trait no doubt attributed to his family. It should be noted that the previous record holder is a former colleague of mine here in the House of Representatives, former Representative Tom McMillen of Maryland. Tom set the state record in 1970 at Mansfield High School, scoring 3,608 points, and went on to a successful college and professional basketball career before coming to Congress. It was a privilege to be invited to honor A.J. and celebrate this momentous occasion with the many fans, friends and family members in attendance. Next Fall, A.J. will be attending West Virginia University as a scholar-athlete. A.J. has become part of an esteemed group of athletes through his accomplishment. I wish A.J. the best in his future endeavors, and hope that he continues his success on and off the court.

RECOGNIZING THE Y107/ST. JUDE'S TELETHON

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PAPPAS. Mr. Speaker, this Friday and Saturday, February 13 and 14th, radio station Y107 and the Woodbridge Center in New Jersey will be hosting the first annual Y107/St. Jude Radiothon.

The radiothon which will run for a total of forty two and a half hours over the next two days, seeks to raise money for St. Jude Children's Research Hospital for the fight against cancer and other catastrophic diseases.

Thirty-six years ago an entertainer by the name of Danny Thomas founded the only hospital devoted to solely fighting the plague of cancer on the world's children. That hospital, the St. Jude Children's Research Hospital is still today the only hospital devoted to this cause, and is still fighting cancer with a rare, precious vigor and determination.

Treating over 14,000 children and making scientific breakthroughs again and again, St. Jude's had helped to increase the overall survival rate for children stricken with cancer from 20 to 60 percent in its 36 year time span.

Today I would like to personally thank each and every person who has devoted their time, money, and hearts to St. Jude's children. I would also like to commend all of those who have made these incredible advancements in saving our children from cancer. One cannot praise the hospital staff and volunteers enough for their efforts throughout their years of service. Moreover, I must also extend my great appreciation to those who have donated to St. Jude's over the years. With costs of over $60,000 for only the first year of treatment, the children and St. Jude's count on our charity and generosity to fund their worthy cause and make treatment possible. Congratulations, best wishes and acclaim to St. Jude Children's Research Hospital, the children, staff, contributors and people of Central New Jersey that will help Y107 reach its goal this weekend.

RECOGNIZING LAUREN HOUGH FOR OUTSTANDING VOLUNTEERISM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to congratulate Lauren Hough of Agnes Irwin School. Recently, Lauren was named a Distinguished Finalist for the state of Pennsylvania in the Prudential Spirit of Community Awards. This nationwide program highlights the achievements of America's most exemplary young people, like Lauren, who volunteer to make a difference in their communities and throughout the world.

Miss Hough is being recognized for her work with Operation Smile, an organization dedicated to providing medical assistance and surgical procedures to underprivileged children throughout the world. Last year, Lauren traveled with the organization to Kenya, where she assisted doctors by comforting children who are undergoing surgery for facial deformities.

Operation Smile has made a significant impact throughout our nation and in the world. With the help of volunteers like Lauren, Operation Smile has positively influenced over 41,000 children.

Lauren Hough should be proud to have been singled out for recognition out of a national pool of over 11,000 students. I applaud the work of Miss Hough in making a difference and aiding the lives of children throughout the world. She has demonstrated a level of commitment and integrity that is exceptional for a student of her age.

Lauren's work is a model for other students and adults throughout the nation. Volunteer actions by those like Lauren is what made America great. As a representative of the youth of America, Lauren's vision for volunteerism provides me with an enthusiastic outlook for the future. I thank Lauren and encourage her to continue working to make a difference in the lives of others.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TIERNEY. Mr. Speaker, while we celebrate the many accomplishments and contributions that African Americans have brought to our diverse country this month, I would like to bring to the attention of my colleagues an individual whose spiritual faith and dedication to inner-city children has been an inspiration to many.

Rev. Walter Murray graduated from Harvard School of Divinity in 1986 and for the past eight years, has been Pastor at Zion Baptist Church in Lynn, Massachusetts. During his tenure at Zion Baptist he founded the "Inroads New England" program and provided transportation to inner-city children who otherwise would not be able to attend program events. Last fall, Rev. Murray was honored for his work with Inroads New England.

The co-founder of the Essex County Community Organization, Rev. Murray also helped create the Jump Start program in the basement of his church, which provided after-school activities for latchkey children. He is a member of the Swampscott, Massachusetts Rotary Club and has assisted in the development of youth leadership weekends. He has been honored with the Massachusetts Ecumenical Council of Churches award for Ecumenism, the First Decade Award from Harvard Alumni Association, and the Childrens Defense Fund National Achievement Award.

Frederick Douglass once said, "I cannot allow myself to be insensitive to the wrongs and sufferings of any part of the great family of man." Rev. Murray personifies the words of the great abolitionist and civil rights leader through his selfless dedication and spiritual devotion to the children who are often neglected and forgotten. His work has touched the lives of hundreds of children and adults and he continues to influence more and more individuals every day. In our lifetime, we are fortunate to know at least one person with such philanthropic commitment, and as we commemorate Black History Month, I am honored to call Rev. Murray a constituent, a dear friend, and an individual who truly represents the achievements of African Americans to our society.

SALUTING SAM JOHNSON OF TEXAS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise to salute a colleague and a true patriot, Representative SAM JOHNSON of Texas. Today marks the 25th anniversary of Mr. JOHNSON'S release from North Vietnam, where he was held as a prisoner of war for nearly seven years in the infamous Hanoi Hilton.

We have all heard stories of the horrific conditions endured by American servicemen who became pawns of the North Vietnamese as the Vietnam conflict raged. Representative JOHNSON saw some of the worst. He has been quoted as saying, "If hell is here on earth, it is located on an oddly shaped city block in downtown Hanoi, Vietnam."

Isolation, starvation, and torture were almost certainly not what Representative JOHNSON envisioned as he participated in ROTC in college and moved on to a military career as an Air Force fighter pilot. Yet when his F–4 was shot down only two months into his second tour of duty in Vietnam, Representative JOHNSON took everything that was handed to him all the while heroically maintaining his pride in the country he serves to this day.

He was labeled a diehard by his guards and banished to solitary confinement for months at a time. A patriot throughout, Representative JOHNSON returned home and continued his military service until his retirement in 1979. He was elected to the House of Representatives in 1991, where he has repeatedly shown his dedication to responsible fiscal policy, family values, and America's patriotic heritage.

Since his return from Vietnam, Representative JOHNSON has received many awards in recognition of his service to his country, including two Silver Stars, two Purple Hearts, two Legions of Merit, the Distinguished Flying Cross, and one Bronze Star with Valor, among others.

Representative JOHNSON, our tribute today is not so prestigious an award. Yet it is meant to signify the gratefulness and respect of your colleagues for the service you have done your country and continue to do as a Member of this House. Representative JOHNSON, thank you. Your enduring will and patriotism in the face of unimaginable adversity is truly exemplary.

HONORING THE WHITTIER CITY SCHOOL DISTRICT ON THE OCCASION OF ITS CENTENNIAL CELEBRATION OF EDUCATING WHITTIER'S CHILDREN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. TORRES. Mr. Speaker, I rise in honor of the 100th Anniversary of the Whittier City School District. On Friday, February 20, 1998, students, teachers, administrators, and friends and family of the Whittier City School District will come together at a special Centennial Celebration at the Whittier Community Center, in Whittier, California, to commemorate 100 years of dedication to educating Whittier's children.

The rich history of the Whittier City School District reflects the history of the State of California and of our nation. Established on February 21, 1898, the newly formed district experienced the growth boom of the west. In its first 20 years, coinciding with the incorporation of the City of Whittier, school enrollment doubled from 200 to 400 pupils. It again doubled during World War I. By 1917, the area's growing oil industry began producing over a million barrels per year. With this booming industry, new jobs and population growth followed. During this same period, to accommodate the increase in student enrollment, four new schools were built: John Muir Junior High; Jonathan Bailey Elementary; Longfellow Elementary; and Lydia Jackson Elementary.

Growth slowed during the Great Depression. Despite the stagnant economy, in the latter part of the Depression, the District built the Lou Harry Hoover School. Following World War II, phenomenal growth in the district prompted the construction and annexation of 12 schools. During the post World War II era, a total of 11,400 students graduated through the Whittier City School District. After the Korean Conflict, total school enrollment had grown to 1,700 pupils. For the last 40 years, the district has experienced steady growth. During the Vietnam Conflict years, the North Whittier School, later renamed Wallen Andrews Elementary, was built to accommodate students coming from the newly built tract homes along Workman Mill Road, north of the City of Whittier.

Currently there are 13 schools in the Whittier City School District: Wallen Andrews; Lou Henry Hoover; Lydia Jackson; Abraham Lincoln; Longfellow; Mill; Orange Grove; Daniel Phelan; Christian Sorensen; George Washington; West Whittier; Walter Dexter Intermediate and Katherine Edwards Intermediate. The Whittier City School District Board of Education, consisting of School Board President Brigitta Weger, Vice President Dr. Owen Newcomer, Clerk Dr. James Albanese, and Boardmembers Javier Gonzalez, and John Peel, along with Superintendent Dr. Carmella Franco, are dedicated to the District's motto "Educating Children . . . Our Only Business." With the arrival of the Centennial Celebration, student enrollment is near 7,000 and the Whittier City School District estimates, after the conclusion of the current academic year, a total of 43,700 students will have graduated from its schools during the past 100 years.

Mr. Speaker, I ask my colleagues to join me extending our congratulations and appreciation to the friends and family of the Whittier City School District on its 100th Anniversary and for its century of exemplary dedication to providing top quality education for our youth.

CELEBRATING THE 80TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 80th anniversary of the declaration of Lithuanian Independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past five years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

With free and fair elections recently completed, Lithuania has established a commitment to democracy and pluralism. I believe we can say with great confidence that Lithuania is becoming a full partner in the effort to build democracy and promote freedom around the world.

I commend the Lithuanian-American community for their persistence and hope through the many challenging decades. The 80th anniversary of Lithuanian independence will be celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 8, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuania's independence.

TRIBUTE TO BERNARD F. EICHOLZ

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PORTMAN. Mr. Speaker, I would like to acknowledge the outstanding and tireless contributions of a distinguished Ohioan, Bernard F. Eicholz, who recently retired from the Certified Development Company (CDC) of Warren County, Inc.

From 1981 to 1997, Bernie served as founder and President of the CDC. The CDC is a vital tool for small business owners throughout Warren County. When he founded the CDC, few could have foreseen the growth and development the area would experience. But Warren County has experienced record-breaking economic growth, and Bernie has been a driving force behind it. During Bernie's service, the CDC has helped small businesses to create or retain nearly 2,000 full-time jobs in Warren County.

Bernie has devoted his entire life to public service. Prior to founding the CDC, he served as Mayor of Covington, Kentucky; City Manager of Franklin, Ohio; Director of Economic Development for Warren County, Ohio; and Director of Economic Development for Springboro, Ohio. He has also served as a consultant to community leaders on issues ranging from annexations to charters.

Bernie has given generously of his time and talent and we are grateful for his many years of service and leadership. His leadership in the business community and Warren County as a whole have helped to transform the region. All of us in southwest Ohio congratulate him on his retirement and recognize him for his many accomplishments.

TRIBUTE TO DONALD SHAPIRO

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mrs. LOWEY. Mr. Speaker, I wish to pay tribute to Donald L. Shapiro in honor of the dedication of his portrait at the Harvard Club of New York City. He is a man of character, ambition, and faith.

Few Americans have been as successful as Donald Shapiro. A graduate of Harvard College and the Harvard Graduate School of Business, Donald Shapiro has served as Vice President of Real Estate for Levitt & Sons, and subsequently as Executive Vice President of Peerage Properties. He was also President of the Roosevelt Field Shopping Center on Long Island.

In 1974, Donald co-founded Vector Real Estate Corporation. As President, he guided the firm in development, acquisitions, and joint-ventures on residential, commercial, and retail properties. In 1989, Donald began a tenure as director of the New York Federal Savings Bank; three years later, he became its CEO. Last year, he negotiated the sale of New York Federal Savings Bank to Flushing Savings Bank and became a Senior Vice President.

It should also be noted that Donald Shapiro has helped guide several other enterprises in the New York area. He is a former board member of the Community Bankers Association of New York State and is currently a director of the Associated Builders and Owners of Greater New York.

But, Mr. Speaker, Donald Shapiro has done so much more. Religion, education, and family have played significant roles in his life. I particularly respect and admire his religious commitment. He is Vice Chairman of the Board of the Reconstructionist Rabbinical College in Philadelphia and Chair of the West End Synagogue. His leadership has helped these institutions thrive. I also commend him for his loyalty to the educational institutions that helped him grow. He recently completed a term as an Alumni Trustee of the Phillips Academy, and is currently Chair of the Academy's Campus Design Review Committee.

Donald Shapiro has embraced life. In addition to his business and volunteer ventures, he enjoys swimming and playing squash, and is an aficionado of theater and music. The New York Giants and New York Mets can count him as one of their biggest fans. He has three adult children—a rabbi, a poet, and an actor. He is married to Arlene, a real estate broker, and they reside in New York City.

From 1993 to 1996, Donald Shapiro served as President of the Harvard Club of New York City. Next week, the Club will dedicate his portrait. On this joyous occasion, I want to acknowledge his achievements and wish him happiness and success in the future.

RECOGNIZING THE NEW CASTLE AREA HONOR GUARD

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the New Castle Area Honor Guard. This group of dedicated Veterans provides an invaluable service to all those individuals who risked their lives in defense of our freedoms. I would like to take this opportunity to commend these volunteers for their years of service to the Veterans of Lawrence County.

The New Castle Area Honor Guard was formed in October 1992 when a group of concerned Veterans became aware of a terrible disservice that had recently occurred. A fellow Veteran had passed away in the New Castle area, leaving no survivors to attend his funeral service or honor his memory. The concerned men enlisted the aid of their fellow Veterans and committed themselves to honoring their comrades in an appropriate fashion. Hence, the honor guard was formed to provide military funeral services for honorably discharged Veterans of the area.

Since performing their first military funeral in 1993 the membership of the New Castle Area Honor Guard has grown to nearly 40 dedicated individuals. In addition to funeral services, they have extended their operation to perform services in which our national flag is honored. The honor guard has performed more than 500 funerals in and around the

Lawrence County area and has traveled as far as Ohio to provide their services.

Mr. Speaker, let us commend the efforts of this loyal group of American Veterans. These citizens have proven their commitment to our nation time and time again. They once served with valor in our armed forces and they continue to serve with honor in our community. I ask you and all members to join me in a special salute to the New Castle Area Honor Guard.

SAVE SOCIAL SECURITY FIRST RESERVE FUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. RANGEL, Mr. Speaker, I am today introducing legislation to establish a "Save Social Security First Reserve Fund." I am joined by Representative BARBARA KENNELLY, Ranking Democrat on the Subcommittee on Social Security, and Democratic Members of the Committee on Ways and Means. I hope that others, both Democrats and Republicans, will join us in this effort.

The bill would implement the President's call to reserve 100 percent of the budget surplus until we have taken all the necessary measures to strengthen the Social Security system for the 21st century. It would ensure that budget surpluses are set aside pending Social Security reform.

Social Security is a strong reflection of who we are as a nation. Through it, we recognize our duties to our parents and grandparents and our shared responsibility to one another. Social Security protects all of us in good times and in bad.

Without Social Security, nearly half of all older Americans would live in poverty. That is because Social Security provides most of the income of two-thirds of the people over the age of 65.

Social Security protects young and old alike from the unforeseen circumstances of death or disability. Over 7 million widows and children receive benefits due to the death of a breadwinner.

This legislation reflects our determination to save Social Security first—before we talk about tax cuts or spending priorities. Thus, the bill would require the Secretary of the Treasury to deposit any budget surplus into the Save Social Security First Reserve Fund which would be invested in U.S. government securities. The budget deficit would be zero. This would leave no doubt that we intend to save any budget surplus which materializes until we have taken action to strengthen the Social Security system.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, passage of H. Con. Res. 202, the Equitable Child Care Resolution, is an important step Congress must take to address the child care needs of American families.

The Equitable Child Care Resolution will ensure that the child care discussions by Congress include consideration of the needs of at-home parents. Unfortunately, the President's child care proposal fails to recognize that almost 70 percent of American families do not pay for child care because at-home parents or relatives care for the children. These families—many of which are low to middle income—have devised creative solutions to meet their child care needs, because they would rather have a parent, relative, or friend care for their children than an institution. However, their solutions often entail a sizeable sacrifice of family income. The President's proposal simply ignores this 70 percent of families with children and instead focuses on the remaining 30 percent.

During consideration of child care policy, it is also important that Congress not create another large federal bureaucracy. Such a bureaucracy, coupled with a subsidy for child care, would create the incentive for increased dependence on, and control by, Washington bureaucrats. The effect would be to move more children into institutionalized day care. Parents have the right to determine what kind of child care that is best for them, whether parent-based, church-based, community-based, neighborhood-based, or institution-based. They should not be pushed into one type of care through social engineering subsidies. Moreover, the President's plan would unequally distribute benefits, tilting them toward families where both parents choose to work, while taxing those who decide to stay at home.

A more effective solution would be to provide an across-the-board tax reduction—such as expanding the $500 per child tax credit recently enacted by Congress. We should expand the range of choices available to parents, not the government's control over child care. Parents should be equipped with the resources, responsibility, and personal control to raise their children.

The federal government currently sponsors numerous programs to help families with children. Since 1995, Republicans in Congress have enacted major reforms to help families afford child care. The welfare reform law has merged four programs into the better and more effective Child Care Development Block Grant. This block grant allows localities to respond to the different needs of our families, giving parents choices through vouchers. Overall, welfare reform has increased child care funds for our country's neediest families by $4 billion. In addition, the Child Development Tax Credit provides $14 billion over the next five years to families with child care expenses.

My goal is to help restore the central role of families in society while addressing the specific needs of our children. A child care plan, such as the one offered by the President, that punishes parent care and encourages government controlled institutionalized care does not strengthen the family. Rather, it weakens families while increasing the role of Washington bureaucrats in the lives of our children.

INTRODUCTION OF HOME CARE LEGISLATION

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. COOK. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Congressman McGOVERN as an original cosponsor of legislation to address some serious problems caused by certain provisions included in the Balanced Budget Act.

There were several provisions included in the Act intended to address alleged Medicare waste and fraud occurring in the home care industry. However, some of these provisions are causing a great deal of hardship and heartbreak for seniors in Utah, Massachusetts, and across the Nation.

Why is this happening?

First, the provisions in the Balanced Budget Act put the cart before the horse. They have forced home care providers to cut costs at least 6 months before the Federal Government tells the providers how much they have to cut.

Second, the provisions create a Rube Goldberg system where home care providers are rewarded or punished depending on what kind of fiscal year they use. I would need a 1-hour special order to try to explain this one.

The bill that Congressman McGOVERN and I are introducing will address these problems. I urge my colleagues to join as cosponsors of this legislation.

TRIBUTE TO CHIEF A. LEROY WARD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the late Mr. A. Leroy Ward, the former police chief of Neptune Township, NJ, who passed away earlier this week at the age of 83.

Mr. Ward served 35 years on the Neptune police force, beginning as a patrolman in 1944 and rising through the ranks of sergeant, lieutenant and captain before appointed chief on February 1, 1964. He retired in 1979. A loving husband and father, he is survived by his wife of 61 years, Dorothea, two sons, two daughters, 10 grandchildren and five great-grandchildren. His son James A. Ward currently serves as the Neptune Township Police Chief.

Mr. Ward was born in Newark, NJ, and lived for more than 50 years in the Ocean Grove area of Neptune. He was past president of the Monmouth County Chiefs of Police Association and a member of the New Jersey International Chiefs of Police Association. He was a member of St. Paul's United Methodist Church in Ocean Grove, the Wall-Spring Lake Lodge 73 of the Free and Accepted Masons, the Washington Fire Company 1 of Ocean Grove and the New Jersey Exempt Firemen's Association.

The obituary for Mr. Ward that was published in the Asbury Park Press of New Jersey quoted political and law enforcement leaders praising the former chief for his consummate professionalism. Mr. Ward served during a time of explosive growth in Neptune Township, and he responded very well to the challenges and opportunities posed by these changes. He reached out to all parts of the community, from young people to senior citizens, and fostered a strong sense of respect between the police and the community.

Mr. Speaker, I am honored to pay tribute to this great public servant and fine man, Chief A. Leroy Ward. I extend my condolences to his family, and hope that the many tributes pouring in for Mr. Ward will be a source of comfort to them.

REDUCE THE FEDERAL DEBT, ENHANCE THE LINE ITEM VETO

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. JOHN. Mr. Speaker, about a year ago, I stood on this floor for the first time as a Member of Congress and spoke in support of the balanced budget agreement. In my comments, I praised all those who worked diligently to secure our Nation's immediate future by tackling the deficit. However, I also recognized that another, more ominous problem awaited us on the horizon; and that problem could only be addressed once we got a handle on our deficit. That problem, Mr. Speaker, is our national debt.

We all know the numbers—the Federal debt now stands at over $5.3 trillion, which amounts to roughly $20,000 for every man, woman, and child in the country. According to the President's budget, we must allocate roughly 14 percent of our budget this year simply to pay the net interest on the debt.

Mr. Speaker, I know all of you share my enthusiasm over the continued expansion of the economy and the economic forecasts predicting a balanced budget as early as fiscal year 1999. In addition, we are all aware of the debate currently being waged with respect to what our priorities should be if we experience a budget surplus; however, now is not the time to abandon our fiscal belt-tightening. Rather, the tools we now have in place to ward against pork-barrel spending need to be preserved and enhanced.

An example of this is the President's line item veto authority. As you recall, the impetus behind the line item veto was, in part, to ward against wasteful spending—a concern that I believe is paramount regardless of whether a budget deficit or surplus exists. Mr. Speaker, it is with this particular concern in mind that I come to the floor today. For without legislative action, the Line Item Veto Act of 1996 and the fiscal responsibility if represents will be endangered due to a technicality.

Under current law, the President may enroll this authority only in the event of a budget deficit. Regardless of our opinion over how the President recently used this authority, if we support the ideal behind the legislation, we must remain vigilant against wasteful spending and provide this continued authority in the event of a budget surplus.

Today, I dropped a bill to remedy this problem and I urge my colleagues' serious consideration and support in moving this fiscally prudent legislation forward.

Mr. Speaker, my proposal would preserve the continuation of the line item veto by adding language to the Act clarifying its applicability during a budget surplus and directing the savings to be used to reduce the national debt. This not only provides clear congressional intent, but also strengthens the constitutionality of the Act by limiting the delegation of authority between the Legislative and Executive branches to times of a deficit or a surplus.

Again, I believe that this is a great, fiscally responsible issue for all in Congress to champion during the 2d session and I welcome your comments and cosponsorship. Please join me in supporting this legislation.

PUERTO RICO POLITICAL STATUS ACT

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, three days from today, one hundred years ago, history was made. On the night of February 15, 1898 at exactly 9:40 p.m. the United States battleship USS *Maine* exploded in Cuba's Havana Harbor.

To this day the cause of the explosion, which killed 266 naval officers and crewmen, remains a mystery. Yet despite the unknown source of the attack, it was the spark that fueled the Spanish American War in 1898.

A war that Americans proudly entered as a crusade to free Cuba from Spanish rule.

A war that also liberated Puerto Rico from Spanish rule, but turned Puerto Rico into a U.S. territory.

We have now been a territory of the United States for 100 years and disenfranchised U.S. citizens for 81 years. But a century has passed us by and we remain disenfranchised and a colony, at a time when colonies are not only unfashionable but embarrassing to a Nation that preaches democracy throughout the world and calls for a plebiscite in Cuba.

Puerto Ricans are part of the great American family. Puerto Ricans are United States citizens who have proudly fought in numerous conflicts for our Nation. They have shed their blood and they have defended democracy like any other soldier living in the 50 states.

The U.S. citizens of Puerto Rico deserve much more than the continued postponements for consideration of their case. Congress has procrastinated our political dilemma for too long. The Legislature of Puerto Rico has enacted joint resolutions which it has sent to three consecutive Congresses, the 103rd, the 104th, the 105th—asking for Congress to take the necessary steps to resolve the Puerto Rico political status. This Congress, the 105th Congress, has the authority and the moral responsibility to approve H.R. 856—the US-Puerto Rico Political Status Act, a bill for self-determination—a bill which will pave the road to enfranchisement and equality.

THE TELECOMMUNICATIONS ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. JONES. Mr. Speaker, I stand here today with one simple question for the FCC.

Where is the telecommunications competition that Congress promised the American people two years ago?

Did the dog eat it? Is it in the mail?

Congress spent years crafting a well-balanced compromise that became the Telecommunications Act of 1996.

It needed only a light touch from regulators to steer it to a safe harbor, bringing much needed competition to cable, long distance and local markets.

Instead, the Washington bureaucrats churned out unnecessary and unintended regulations.

These regulations, subsequent court cases and the steadfast quarantine of the Baby Bells has actually delayed competition by creating confusion and uncertainty.

Congress' intention was to simplify this industry. Unfortunately, this commonsense philosophy seems lost on the FCC.

So, Mr. Speaker, I renew my question for the FCC.

Where is the competition that Congress promised the American people?

Did the dog eat it? Is it in the mail?

Or has the FCC frittered it away with detail?

TELECOMMUNICATIONS ACT ANNIVERSARY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. TAYLOR of North Carolina. It would give me great pleasure to be able to stand before the American people today and cheer the second anniversary of the signing of the Telecommunications Act of 1996.

Unfortunately, there is nothing to cheer about. The sound that American consumers hear is the sound of a busy signal.

In the two years since the Telecommunications Act was signed into law, the American people have been promised a new era of competition and lower phone rates. Well ladies and gentlemen, the American people are still on hold.

Instead of receiving lower phone rates, they have received thousands of pages of new regulations and they have witnessed jurisdictional squabbles and Federal court appeals. They have gotten the stingy judgment of regulators and bureaucrats instead of the prosperous judgment of the marketplace. This is not what Congress intended when we passed this legislation.

Mr. Speaker, on this important anniversary, I call on the Federal Communications Commission to loosen the shackles on telecommunications competition.

It is time for the Federal Communications Commission to trade in its approach of confrontation and punishment, for one that celebrates cooperation and competition.

Let us unleash the markets and allow hardworking, tax-paying American people to receive the benefits of the new era of competition they were promised by Congress and the President.

Come on FCC, drop a dime and reach out and touch the American people.

CALLING FOR U.S. SUPPORT FOR TAIWAN'S REPRESENTATION IN THE WORLD HEALTH ORGANIZATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BROWN of Ohio. Mr. Speaker, I rise today to introduce a resolution calling for Taiwan's representation in the World Health Organization (WHO) and U.S. support for such a bid. As the ranking member on the House Subcommittee on Health and Environment, I am pleased that several of my colleagues from both sides of the aisle have joined me in this important endeavor, for health knows no boundaries and this issue is one that should unite rather than divide us.

Sick children feel the same pain and shed the same tears, whether they live in Taipei, Los Angeles, Milan, or Nairobi. The stated and noble aim of the WHO is to help achieve the highest possible level of health for all peoples, but the 21 million people of Taiwan are currently barred from accessing the latest medical knowledge and techniques which the WHO could provide. Moreover, Taiwan cannot contribute its own substantial health resources and expertise to furthering the goals of the WHO, as it did prior to 1972.

Quite simply, as increased international trade and travel leads to a greater potential for the cross-border spread of infectious diseases, the case for Taiwan's participation in the WHO grows stronger every day. Taiwan and its children have much to gain from the WHO, as does the WHO from Taiwan. This issue is principally a matter of the basic human right to good health, and I encourage all my colleagues to support this resolution.

IN HONOR OF MELVIN E. KAMEN: AN INVENTOR OF THE YEAR NEW JERSEY INVENTORS HALL OF FAME

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding scientist, Mr. Melvin E. Kamen, who will be honored as an "Inventor of the Year" by the New Jersey Inventors Hall of Fame at their 10th Annual Awards Banquet on Thursday, February 12, 1998, at the William Hazell Center at the New Jersey Institute of Technology in Newark, NJ.

Mr. Kamen, Chief Research Scientist for Revlon, has been with the company for 28 years. Prior to his association with Revlon, Mr. Kamen was the president and chief chemist of New Jersey-based Kamco Chemical Industries. he is recognized for his work in developing ENVIROGLUV, a revolutionary new glass decorating technology. He holds memberships in several professional organizations, including the American Institute of Chemists and American Oil Chemist Society, as well as the New York Academy of Science and the Society of Glass and Ceramic Decorators.

Mr. Kamen, a resident of Highlands, NJ, is Senior Vice President of Advanced Technology at the Revlon Research Center in Edison. Mr. Kamen spent 10 years developing and refining the ENVIROGLUV process. This process eliminates any heavy metals, solvents and volatile organic compounds from the glass decorating process. ENVIROGLUV provides both an economic and environmentally sound alternative that is superior to conventional glass decorating methods. This technology is touted as one of the biggest breakthroughs in the glass decorating business in 100 years.

Revlon Technologies is the technology licensing division of Revlon, Inc., a worldwide leader in the development and marketing of cosmetics, skin care, fragrance, personal care and professional products. The division's first product is ENVIROGLUV which uses patented and proprietary inks in a glass decorating technology based on ultraviolet light rather than old-fashion heat curing ovens. The process offers superior color, greater speed and flexibility, reduced manufacturing costs and environmental benefits.

It is an honor to recognize Mr. Melvin E. Kamen for his outstanding accomplishments. I am certain that my colleagues will join me in paying tribute to this remarkable gentleman.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WOLF. Mr. Speaker, I rise in support of House Concurrent Resolution 202, the Equitable Child Care Resolution. There's been a lot of talk about child care over the last few months, and I think that's good. It's good that we're talking about this subject. But my question is, is it fair and right to give tax credits only to those parents who use paid day care for their children? What about those who have made the decision to either be home with their kids, or who have their relatives caring for their children?

There are a lot of different child care proposals on the table right now, and there will probably be more to come. The administration has laid out its child care proposal. But there is something that all of these proposals have in common: They are all trying to help families, but only those families who use commercial day care. But what I would like to see is fairness for the families who don't fall under that category.

The fact is, at-home care of children is not just a thing of the past in some "Leave It To Beaver" world. The majority of families with preschool-aged kids are either caring for the children themselves or are having relatives take care of the kids. Some of these parents are working part-time, or working in "tag-team" shifts so they can both have time with their kids and avoid having to pay for someone else to care for them. Some of them have grandma or grandpa taking care of their children, or an aunt or uncle.

According to the most recent information that we have from the Census Bureau, only about a third of children under the age of 5 are in some form of paid day care while the mother works outside the home. Is it really fair to only give tax relief to that one-third of American families? What can we do to help the other two-thirds of families? Let's not forget about them.

The American family is under great financial pressure today. And a lot of that pressure is due to the burden of taxes. Who is being hit the hardest? Families with children. These last 50 years have meant a huge increase in the tax burden being placed on these Americans. In 1948, for example, a mom and dad with four kids only paid a mere 3 percent of their family income to the federal government in direct taxes. But last year, that figure had jumped dramatically. In fact, that same family had to pay almost a quarter of its income to Uncle Sam! (When you include state, local and indirect taxes, that 1997 figure leaps to about 38 percent.) This is ridiculous. And something has to be done about it. Why are we penalizing people for getting married and having children? And why, as we talk about child care proposals, are we penalizing those who are sacrificing even more by staying at home or having relatives take care of their kids?

And that's why I stand here to give my support to the Equitable Child Care Resolution, H. Con. Res. 202. I urge my Colleagues to take this step to ensure that all families will be treated fairly as we continues these discussions about day care.

USING SPACE TO ENSURE U.S. NATIONAL SECURITY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROHRABACHER. Mr. Speaker, on January 15 of this year, a highly respected defense think-tank, the Center for Security Policy, held a high-level roundtable focusing on the need for American space dominance to promote U.S. national security in the next millennium. Key speakers included former Defense Secretaries Caspar Weinberger and James Schlesinger, who were joined by five retired four-star flag officers and a range of senior military officials and civilian analysts.

There was a general consensus at the conference that President Clinton's recent line-item veto of three Congressionally-sponsored programs to create advanced space technology for U.S. national security—the KEASAT, Clementine 2, and military spaceplane—was misguided, inappropriate, and unacceptable because it put U.S. national security at unnecessary risk.

The roundtable dealt with a range of issues related to space and built its theme around the growing importance that space plays in ensuring U.S. national security. Secretary Weinberger began the discussion by placing space in the broader context of U.S. national security when he noted, "since the first ballistic missile rose from the pads, space has had military uses by ourselves, by others, and by those friendly to us and those not friendly to us." In reference to the Clinton administration's recent vetoes, the Secretary went on to argue, "we cannot put the country at risk by deliberate attempts to block us from the use of space or to block any attempts to develop systems that could be helpful to use in space." General Edward "Shy" Meyer, who served as Army Chief of Staff under President Carter noted that our force structure depends on space for key advantages. Admiral Wesley McDonald, former Supreme Allied Commander, Atlantic, stated, "I can't impress you enough as to how dependent on use of space the Navy is." Retired Air Force General Mike Loh, who led the Air Combat Command, stressed how "very dependent they [the military services] have become on space assets. It is almost frightening when you then turn around and look at how little we have allowed for the protection and the space superiority of those assets. As I look back over the last couple of years, we have become more and more dependent on [space] and we want to become dependent on it because, for those functions, space is a more efficient medium than the way we did it before. It is less costly in the long run, and it is better. I am all for it, provided we can maintain space superiority." In addition, conferees considered matters of procurement and policy, discussing the increasing pace of change in the commercial space markets and the impact that the proliferation of civilian space technologies will have on U.S. national security.

I want to commend the Center for holding the roundtable and encourage my colleagues to review the summary of the Roundtable's proceedings available from the Center for Security Policy at 1250 24th Street, NW, Suite 350, Washington, DC 20037 and on the Center's home page, "www.security-policy.org."

TITLE X PARENTAL NOTIFICATION ACT OF 1998

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MANZULLO. Mr. Speaker, Good morning. I stand before you today to plead the case of a young girl and her parents from Crystal Lake, Illinois, whose lives were changed forever by an intrusive, overbearing federal government.

She was 13 years old when her 37-year-old teacher began having sex with her. A few months into the affair, the teacher—tired of using condoms—brought her to a place where he knew the young girl could get birth control products without anyone finding out: the county health department. This teacher knew that federal Title X rules prohibited clinics from notifying parents when issuing birth control drugs to minors.

When the young girl arrived at the health department, the clinic nurse gave her a shot of a powerful birth control drug that would last three months. This hormonal drug, Depo-Provera, poses severe side effects including excessive bleeding and bone loss. In fact, the ACLU protested its use in chemically castrating male sex offenders in California because of the "cruel and unusual punishment" the side effects constitute to the criminals. But yet, it is safe and appropriate for little girls. And its use is widespread. In Illinois alone, health clinics injected Depo-Provera into the veins of young girls more than 6,500 times over a two-year period, despite the minimal testing of the drug on adolescents.

The little girl from Crystal Lake received at least two more shots of Depo-Provera from the county health clinic. And her teacher continued molesting her—all behind her parents' backs. The crime was finally uncovered 18 months later when the girl broke down and told her parents. The teacher was arrested and sentenced to 10 years in prison. The young girl spent five days a week in therapy and is recovering from effects of anorexia nervosa.

I told this little girl's story to the United States Congress last year when Congressman ISTOOK and I were trying to attach a parental notification amendment to the Title X program. I spoke of how her pain continued because the federal government had rules in place which shielded the teacher's crime. I spoke of how irate and helpless her parents felt when they learned that the federal government had cut them out of the discussion of their young daughter's sexuality. But in the end, parents lost again. The House's 220–201 vote for a toothless, alternative bill killed the Istook-Manzullo amendment and sent another message that parents are irrelevant in our society.

Shortly after our loss last September, I vowed to continue this battle to bring sanity and parental responsibility to this flawed program. And today, I come before you to announce that I have introduced two free-standing bills to give parents more protection and knowledge when their children seek birth control drugs from federally funded clinics.

The "Title X Parental Notification Act of 1998" would require clinics receiving Title X money to notify parents or legal guardians before providing minors with prescriptive birth control products, including birth control pills, IUDs, Norplant and Depo-Provera. The clinic would have to give actual written notice to parents or guardians at least five days before issuing the drugs to the girls. In addition, the bill would require the clinics to follow any state mandated criminal reporting requirements for signs of child abuse, child molestation, sexual abuse, rape or incest in their clients.

The second bill, known as the "Title X Child Abuse, Rape, Molestation and Incest Reporting Act," deals solely with the provision requiring Title X clinics to follow any state reporting requirements.

Any clinic that violates the provisions in either of the bills would lose its Title X funding.

The general argument for providing young girls with birth control products behind their parents' backs is cloaked in double standards. On one hand, we make laws to protect children from the dangers of drugs, alcohol and tobacco. But then we open them to the dangers of AIDS and other diseases by giving them the tools to have sex. We make laws requiring children to get their parents' permission for an aspirin at school, an earring or a tattoo. But then we give them confidential injections of powerful birth control drugs that carry tremendous side effects. We make laws saying parents are legally responsible for their childrens' actions until the children become adults. But then we rip parents from the equation when it comes to something as critical and potentially dangerous as sexuality. This doesn't make sense.

In addition to notifying parents, clinic workers must get more vigilant in protecting our children and reporting cases of child molestation. According to my amendment, clinic workers who have any suspicions that a patient is being physically or sexually abused would have to follow the state's procedures for reporting those suspicions to police. This is especially critical considering that young girls are having sex with older and older men, according to an Alan Guttmacher Institute study. In fact, the study shows that half of the babies born to mothers between 15 and 17 years old were fathered by men 20 years or older. That is statutory rape, and that should be reported and prosecuted.

These are very straightforward, simple pieces of legislation that I bring before you today. They demand the answer to one question: Who is in charge of raising our children, parents or the United States Congress? I still have faith in the parents of our great country. They deserve a chance. The parents of a traumatized little girl in Crystal Lake, Illinois deserved a chance. Thank you.

TRIBUTE TO JOHN STOEPLER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a remarkably able man dedicated to his family, his church, and his lifelong love of the profession of law. John Stoepler, professor of law, former Dean of The University of Toledo Law School, and interim President of the University, put the justice and betterment of others above all else. He died on January 19, 1998, at 66 years of age.

In his early years, John attended school in Toledo, Ohio and then his high intelligence led him to the University of Notre Dame, where he took his first degree. He never forgot his roots, though, and after serving in the army and obtaining a master's degree in law from Yale, he came back to Toledo to teach and raise his family.

His classes at the local university were the first to fill up because the students knew that John really wanted them to succeed. He greeted the challenge of teaching with energy and enthusiasm that was always evident. As former student Tom Pletz remembers, John welcomed each day of teaching with "a twinkle in his eye."

The zest that John brought to his teaching was also found in the work he did for his church as parish operations manager. His love of education and respect for people of faith were combined when he sat on the education council of the Roman Catholic Diocese of Toledo, an organization which oversees area Catholic schools.

His commitment to education did not go unnoticed; he quickly ascended through the ranks at the university's law school, becoming dean in 1983 and interim university president in 1988. He played an integral role in the expansion of the school both academically and strategically as the ground was broken for a new facility on its own corner of campus. He also became a member of the Ohio Supreme Court's commission on continuing legal education and of the national education development committee of the American Institute of Planners.

Though he dabbled in politics as an extension of his respect for the lawmaking process, his own political campaigns were not successful. He was, however, appointed to many government positions in the city, county and state, and served the community with dignity and sagacity from those posts.

Long time friend Rev. Robert Kirtland said that John thought of the ideal lawyer "as a person of integrity." That certainly describes him and earned for him the deepest respect, from a community that will never forget him.

Our thoughts are with his wife, Katherine; sons, John and Michael; daughter Charlotte; his brother and sister, Robert and Anne; and all of his grandchildren. It is our hope that they will be comforted by the prayers of a community bettered by his idealism, and a nation regirded in its fundamental precept of justice through law.

PAYING TRIBUTE TO A FALLEN PILOT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HINCHEY. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to the late Lt. Col. Henry Van Winkle, U.S.M.C., who was killed last Friday, February 6, 1998.

On Friday evening Lt. Col. Van Winkle, according to the United States Marine Corps, was returning from a mission patrolling the no fly zone above Kuwait when his F–18 collided with another Marine jet. He was pronounced dead upon the USS George Washington a short time later.

Lt. Col. Van Winkle served as a member of the Marine Corps for just under twenty years. This 1974 graduate of Susquehanna Valley High School in Conklin, New York served his country with distinction. He lived as a Marine and he died serving his country.

I ask that you join me in expressing our deepest sympathies to Lt. Col. Van Winkle's widow, Cheryl, to his sons Griffen, age nine, and Grant, age three, and to his mother and brothers during this dark time. We, as citizens grateful for the service of Lt. Colonel Henry Van Winkle, U.S.M.C., join his family in mourning his passing.

RECOGNIZING THE CUYAHOGA COUNTY BAR ASSOCIATION PUBLIC SERVANT MERIT AWARD WINNERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. STOKES. Mr. Speaker, I rise today to salute eight outstanding individuals who will be honored later this month at a special ceremony. On February 20, 1998, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will host the 51st Public Servants Merit Awards Luncheon. At the luncheon, the honorees will receive the Franklin A. Polk Public Servants Merit Award. The individuals to be honored are: John A. Baird; Janet R. Dean; Angelo Lupo; Kathleen A. Moloney; Mary Ann Murray; Charles E. Sprague; James L. Toth; and Thomas F. Washington. The Public Servants Merit Award is named in honor of a distinguished lawyer, the late Franklin A. Polk. During his career, Attorney Polk was committed to recognizing the contributions of public servants. He also chaired the annual awards luncheon for 40 years.

I take great pride in saluting the 1998 Public Servants Merit Awards recipients. Each of the individuals is more than deserving of this level of recognition. At this time, I want to share with my colleagues and the nation some information regarding the honorees.

JOHN A. BAIRD

John Baird was born in Cleveland and graduated from Benedectine High School and Fenn College/Cleveland State University. He has enjoyed a distinguished career with the Cleveland Municipal Court which spans 21 years. He currently serves as Chief Deputy Clerk where he is responsible for the processing and servicing of garnishments, as well as assisting attorneys and the public by providing information on post-judgment actions.

Mr. Baird has been an active participant in the Boy Scouts of America for over 50 years as a Scout Unit Leader, Commissioner, and Merit Badge Counselor. He is an active member of Our Lady of Good Counsel, devoting his time to the youth ministry, religious education, and the Holy Name Society, just to name a few. He and his wife, Sandy, are the proud parents of three children: Michael, Edward and Jennifer.

JANET R. DEAN

Janet R. Dean was born in Cleveland and presently resides in North Ridgeville. She joined the staff of the Cleveland Court of Common Pleas in 1977 as a judges secretary. She is currently judicial secretary for Judge James D. Sweeney, Chief Justice of the Court of Appeals. Mrs. Dean is a graduate of West Tech High School. She is also an active member at Bosworth Presbyterian Church where she sang in the adult choir for 37 years.

Mrs. Dean suffered the loss of her husband, Casper, just prior to their 43rd wedding anniversary. He would have been proud to witness the upcoming awards ceremony honoring Mrs. Dean, an outstanding court employee. In her spare time, Mrs. Dean enjoys music and working on her many photo albums. She is the mother of five children; Mark, Randy, Paul, Brad and Suzanne.

ANGELO R. LUPO

Mr. Speaker, when the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association hold the Public Servants Awards Luncheon, Mr. Angelo R. Lupo will be among the honorees. Mr. Lupo is a resident of Rocky River, Ohio. He was born in Chicago, Illinois, and graduated from Southern Illinois University. Prior to coming to Cleveland, he was employed with the Puerto Rican Economic Development Corporation as a VISTA volunteer.

In 1975, Mr. Lupo joined the Court of Common Pleas. Currently, he serves as Bailiff to John Burt Griffin whose his duties include assisting with the management of civil and criminal documents. Mr. Lupo is single and enjoys listening to music in his spare time.

KATHLEEN ANN MOLONEY

Born in Cleveland, Ms. Moloney presently resides in Westlake, Ohio. She attended St. Williams Elementary School, and Lake Catholic High School in Mentor. Prior to taking her position at Cuyahoga County Domestic Relations Court, she worked part-time at the Giovanni's Pizza Shop. Nominated by Judge Timothy Flanagan, Ms. Moloney has been employed in the court system since 1978. Currently, she serves as Payroll Officer at Domestic Relations Court where she processes payroll and benefits for approximately 105 employees. Ms. Moloney lists playing golf and spending time with her nieces and nephews as her favorite hobbies.

MARY ANN MURRAY

Mary Murray is employed by the Cuyahoga County Probate Court as Supervisor and Deputy Clerk. She has been employed by the court system since 1967. Her responsibilities include ensuring that journal entries are properly typed, numbered and microfilmed. She was nominated by Judge John J. Donnelly.

Mrs. Murray attended St. Casimir Notre Dame Academy and graduated from St. Francis High School. She and her husband, James Edward, are the parents of James Murray, Jr., and the proud grandparents of Jimmy, Angelina and Al. Mrs. Murray's hobbies include line dancing, horseback riding, bowling and roller skating. She also loves the outdoors and plans to live on a farm someday.

CHARLES E. SPRAGUE

Charles Sprague was born in Bellow Falls, Vermont. He attended Brattleboro Union High School and graduated from Allegheny College in Meadville, Pennsylvania. He also attended Cleveland Marshall College of Law, being admitted to the Ohio Bar in 1982.

During his long and distinguished career in the court system, Mr. Sprague has held a number of positions. The positions include process server, probation officer, intake officer and bailiff. Currently he serves as Magistrate, where he is responsible for the Traffic Department at Juvenile Court. He also works as an Intake Referee at the Court's detention center.

One of Mr. Sprague's most outstanding accomplishments was securing funding to start Second Helping, a county-wide food collection program which is now known as Northcoast Food Rescue. He also initiated a food program within the court, "Food for Fines," which allows juveniles to pay their offenses by donating food to area hunger centers. Mr. Sprague and his wife, Rosanna, are the proud parents of Sarah. His hobbies include serving as a Cross Country Coach and Assistant Track Coach at Regina High School.

JAMES LEONARD TOTH

James Toth is a lifelong resident of Cleveland, Ohio. For the past 20 years, Mr. Toth has held the position of Costs Clerk in the Criminal Division, Office of the Clerk of Courts. In addition to his cost accounting duties, he provides assistance with regard to criminal bonds and filing of pleadings. Prior to his current position, Mr. Toth was a member of the Armed Forces, where he received the Good Conduct Medal before being honorably discharged. His employment also includes Arter & Hadden as a docket clerk, and was an employee of the Clerk of Courts in the foreclosure department.

Mr. Toth and his wife, Theresa are the parents of three children; Joann, Anthony and Michael. He is active in several organizations including S.S. Peter and Paul Church, the Garfield Heights Little League, the American Legion, and the Benedictine High School Mom & Dads Club. He also enjoys model trains and baseball.

THOMAS F. WASHINGTON

Born in Cleveland, Thomas Washington graduated from Benedictine High School and Ohio University. Mr. Washington is employed in the Probation Department where he supervises six officers and is responsible for the oversight and guidance of their duties. Prior to his employment with the Municipal Court, Mr. Washington served as a Probation Officer in the Juvenile Court. He has also had experience as a high school English teacher.

Mr. Washington and his wife, Lugenia, reside in Cleveland, Ohio. He is the step-father of Robert. He is a former Assistant Basketball Coach. He also participated in Catholic Big Brothers for a number of years. In his spare time, Mr. Washington, enjoys fishing and pocket billiards.

Mr. Speaker, I am especially proud to recognize the 1998 Public Servants Merit Award honorees. I join the members of the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association in congratulating each of the honorees for their commitment and dedication. It is both recognized and appreciated.

REX THATCHER: PUBLISHER, LEADER, GENTLEMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. BARCIA. Mr. Speaker, our lives are influenced by many factors. Few equal the daily and life-long power that is provided by our newspapers. And the ability of a newspaper to sway, to promote meaningful dialogue, and to keep us informed of matters of local, national, and international significance is directly related to the individual at the helm of a ship that usually has diverse and sometimes conflicting purposes. Those of us who have been fortunate enough to read the Saginaw News have since 1990 benefitted from the skilled, impartial direction of its publisher, Rex Thatcher, who is about to retire from a stellar career of keeping the public informed.

For nearly thirty-five years, Rex Thatcher has motivated the people of Michigan, starting at the Jackson Citizen Patriot, where he was heavily involved in advertising and marketing efforts. He then came to the Bay City Times as manager in 1973, and then served as publisher from 1983 to 1990 when he became publisher of the Saginaw News.

Throughout his career, he has not just observed what was happening in the community, he directly participated in a number of memorable projects. He was a key leader in efforts to revitalize the Bay City downtown area. In Saginaw, he is a founding member of the Bridge Center for Racial Harmony. He has continued his personal interest in community development with the Saginaw Valley Economic Forum. Rex has also provided strong leadership for our young people, especially with his efforts for youths at risk.

His membership on the board of Directors of the Michigan Press Association extends his influence on journalistic standards throughout the state. His position on the selection committee of the Michigan Journalism Hall of Fame helps to ensure that responsible and credible reporting will be recognized by his professional peers.

It has been my personal pleasure to know Rex Thatcher, and his wonderful wife of forty six years, Yvonne. The importance that Rex places on his family, including his grandchildren, is a key demonstration of an individual who not only endorses a style of life, but actually pursues it.

Rex Thatcher has been appropriately generous in his praise of the fine men and women who are part of the Saginaw News family. We all expect that his influence will continue to show in their work. Perhaps he will now have the time to pursue his love for the outdoors, especially fly fishing, and greater opportunities to let his grandchildren know just how special their grandfather is. Mr. Speaker, I urge you and all of our colleagues to join me in wishing Rex Thatcher the very best in his retirement.

CHINA AND CHARLIE TRIE'S RECORDS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SOLOMON. Mr. Speaker, I don't like being played for a sucker, and I don't like my country being played for one, either.

Well, Mr. Speaker, that's what China's been doing to us for years, taking our money and enjoying privileges that should be limited to civilized states, all the while sabotaging our economy, meddling in our politics, and arming nations that hate us.

Monday's headline in the Washington Times was the last straw, Mr. Speaker. It reads "China won't release Trie's bank records." And we all know who Charlie Trie is, don't we, Mr. Speaker? He was a bag man for the DNC/Clinton-Gore Campaign. And what better place to hide from American justice than China, which has been stiffing our investigators from the beginning. China claims that the records our investigators seek belong to the government, and that releasing them would violate Chinese law. Baloney! Since when has China ever shown such a high regard for the rule of law? China doesn't want to release those documents because they would show the extent to which they tried to influence American elections, with the likely complicity of the White House. And that, Mr. Speaker, is what really bothers me even more than the other scandals now dominating the headlines.

This, Mr. Speaker, is what we get for our multi-billion dollar generosity with China, and our willingness to grant her Most Favored Nation trading status.

I call upon China to turn those documents over to our investigators, and to do so now. This is one member who won't forget any failure to do so when MFN comes back to us for consideration next summer.

Mr. Speaker, I would urge all members to keep the Times article handy until next MFN vote, and with that in mind I place the article in today's RECORD.

[From the Washington Times]

CHINA WON'T RELEASE TRIE'S BANK RECORDS—HOUSE INVESTIGATORS CAN'T GET ACCESS

(By Jerry Seper)

The Chinese government, which blocked congressional investigators from traveling to Hong Kong and Beijing to probe campaign-finance abuses during the 1996 election, has refused to release records from two Chinese banks targeted in the ongoing investigion.

Investigators, according to House sources, want to look at financial transactions at Bank of China branch offices in Macao and Hong Kong involving Democratic fund-raiser Charles Yah Lin Trie and Ng Lap Seng, a Macao real estate and casino tycoon also known as Mr. Wu, who visited the White House 12 times, including a dinner with President Clinton sponsored by the Democratic National Committee.

The banks, however, refused to release the documents, saying that they were owned by the Chinese government and that releasing them would violate Chinese law.

Last week, four investigators for the House Government Reform and Oversight Committee were scheduled to leave for China but were blocked by Chinese Embassy officials in Washington who rejected their visa applications. The denial prompted Rep. Dan Burton, Indiana Republican and the committee's chairman, to ask Secretary of State Madeleine K. Albright to intervene in the matter.

In a letter to the committee, the bank's U.S. attorney, Christopher Brady, said that since the financial institution in owned by the Chinese government, it is "deemed to be a foreign state" under international law. Accordingly, he said, the bank is "immune from U.S. jurisdiction"—including any responsibility to respond to subpoenas issued it by the committee.

"While the bank would like to try to help your committee as far as practicable, it does not believe that this extends to violating the laws of the jurisdiction where the documents are located," Mr. Brady wrote.

The New York lawyer said in an interview that while he was not aware of what the committee planned to do about the bank's refusal, he said the position "has support in the law."

Committee investigators were described by the sources as "frustrated" in their attempts to pursue accusations that the Chinese government sought to influence the U.S. political process during the 1996 presidential election.

Embassy spokesman Yu Shuning said China "has nothing whatsoever to do with the political contributions" in the United States.

Mr. Burton, the sources said, is expected to appeal directly to the Chinese Embassy for an exception to allow the banks to respond to the subpoenas. Failing that, they said, he will ask the Justice Department to seek a waiver from Mr. Trie to obtain his records directly from the bank.

Mr. Trie and a business associate, Antonio Pan, face trial Oct. 7 on 15 counts of obstruction of justice, conspiracy and wire fraud.

The indictment says Mr. Trie and Mr, Pan illegally diverted money to the DNC through "straw donors," who were then secretly reimbursed in cash by the two men. Mr. Trie also is accused of funneling more than $600,000 to the DNC. The indictment says much of the money came from foreign sources.

Mr. Trie, who fled to China after the probe began, returned to Washington Tuesday. He has pleaded not guilty.

About $1 million was wired from the Bank of China to the joint account of Mr. Trie and Mr. Ng at Riggs Bank here, Senate investigators have said.

Mr. Trie came to public notice in 1996 when Mr. Clinton's legal defense fund announced it was returning $640,000 in donations he had collected. Fund executives said they did not know the source of cash delivered in two envelopes. Donations included checks with signatures that matched those on other checks and money orders numbered sequentially but from different cities.

White House records show that Mr. Trie's campaign activities won him unusual access to top administration officials to promote personal business interests, including 10 dinners, lunches or coffees with Mr. Clinton, four of them at the White House; four events with Vice Presidenti Al Gore, one at the White House; and three White House tours with business associates, along with photos with the president.

Documents show that Mr. Ng visited the White House 12 times, including the dinner with Mr. Clinton. He went six times to see White House aide Mark Middleton, who left the administration in 1995 and is under investigation.

Records also show that on Feb. 6, 1996, Mr. Ng took a tour of the White House with seven other Asian visitors, including Wang Jun, a reputed arms dealer for the Chinese government who Mr. Clinton later acknowledged never should have been granted access.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. COSTELLO. Mr. Speaker, I am grateful for the opportunity to celebrate Black History Month with my esteemed colleagues today.

Black History Month marks a time in which we may all formally revisit the vast contributions and achievements of African-Americans to our country's rich history. Indeed, the legacy of the founder of Black History Month, Dr. Carter G. Woodson, is that of a poor man, who triumphed over adversity to earn a doctorate from Harvard and devote his life to teaching and recording the history of African-American life.

I would like to use this occasion to highlight two figures from my district in Illinois, whose personal talents and accomplishments have been matched by their dedication to aiding their communities.

Katherine Dunham was born in the beginning of the 20th century. She quickly established herself as a woman of enormous integrity and passion, for the humanities and social causes, which held such salience for her. She enjoyed a prominent place in the performing arts world as a choreographer combining Caribbean dances, traditional ballet, and African-American rhythms to create a dance known as the Dunham technique. Dunham's reputation as an accomplished dancer earned her engagements to dance in over 55 countries.

Dunham was unsatisfied, though, simply with the respect she had gained as a performer; Throughout the later part of her life, Dunham became engrossed in finding avenues to help others. In the arts field, she developed a school called the Performing Arts Training Center in East St. Louis. This school offered African Americans the opportunity to become involved in the arts and learn about African cultural history. Recently, in the early 1990's, Dunham has also become a strong advocate for the welfare of the Haitian people.

Another public figure from my district has also challenged herself to find ways to act on her principles and leave a legacy of aid to her community. Jackie Joyner-Kersee, is an Olympic Champion who continues to make history with her remarkable athletic achievements. Nevertheless, it is her current work that has fueled her pride that she is actively giving back to communities across America.

In 1989, Joyner-Kersee founded the JJK Foundation which provides grants for leadership training for individuals in urban cities. One of her chief goals is to eventually provide a Youth Center to her home town community of East St. Louis, Illinois. She says she hopes to show that while:

> There is discrimination. I know there is racism. There are things we don't have control over. But we do have control over our dreams and goals.

I hope we will all take time this month and throughout the year to recognize the many diverse contributions of African-Americans to our Nation's history. In so many ways, the qualities that all Americans hold dear such as strength, perseverance, ambition and integrity are evident in the lives of those African-Americans, and illustrate W.E.B. Dubois' belief that "The guiding of thought: and the deft coordination of deed is at once the path of honor and humanity."

THE 1999 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 11, 1998 into the CONGRESSIONAL RECORD.

THE PRESIDENT'S 1999 BUDGET

Last week President Clinton submitted to Congress his 368-page 1999 budget. In it he proposes to balance the federal budget next year—four years ahead of the target set in last year's historic budget agreement. If successful, the budget would be balanced for the first time in thirty years.

The annual budget is the most important government document. It is a plan for how the government spends your money, and a plan for how the government pays for its activities. It affects the nation's economy, and it is affected by that economy. If the economy is doing well, people earn more, unemployment is down, revenues increase, and the deficit shrinks. The President's budget is typically a master plan to focus the nation's attention on a President's priorities.

A few years ago it was nearly impossible to think that an American president would submit a balanced budget this soon. It marks an end to decades of deficits that have paralyzed our politics, shackled the economy, and held the American people back. A balanced budget would mark the beginning of a new era of opportunity for Americans.

The President projects revenues of $1.74 trillion, spending of 1.73 trillion, and a surplus of $10 billion. For each tax dollar taken in the President would spend 53 cents on benefits such as Social Security and Medicare, 15 cents on defense, and 16 cents on other domestic programs (education, transportation, law enforcement, etc.). International programs take 1 cent, and interest on the debt consumes 14 cents. The President would reserve 1 cent of each dollar for Social Security reforms, reducing the publicly-held federal debt in the process.

The economic assumptions used by the President seem sound. The President estimates that the economy will slow from 3.7% growth last year to 2% in 1998 and 1999, and that inflation will remain low. This is reasonable, even conservative, compared to most economists' forecasts. However, a recession would put great strains on the federal budget.

Major Themes: As in past years, the largest spending increases come in Social Security and health benefits. In the remainder of the budget, only research, education, and law enforcement rise faster than inflation. Spending in other areas is cut back to make room for these increases.

The major initiatives of the President's budget include a voluntary expansion of Medicare to persons age 62 to 64, provided they pay for their benefits; reducing elementary school class size with 100,000 new teachers; expanding child care tax credits for employers and families; and tax credits and research funding to reduce and protect against global warming.

Research: The President proposes unprecedented increases in research funding for science and technology. The budget requests almost $80 billion for military and civilian research programs combined. The National Institute of Health, the Department of Energy, and the National Science Foundation have sizable increases in their budgets for medical research, energy efficiency, climate studies, and science education. I support investment in research as an investment in future economic growth.

Social Security: The President proposes to "Save Social Security first" by placing any budget surpluses in a reserve to help reform Social Security. I agree that Social Security should take priority over calls to finance additional spending or tax cuts. I do not think we should squander a surplus that has yet to appear when we have a large national debt and long-term problems with Social Security.

There will be a heated discussion in Congress about the use of possible budget surpluses. Reducing the debt and protecting Social Security would reduce interest payments and raise private investment in the economy. The President's plan puts an obstacle in the way of others who want to give away the surpluses in a sweeping tax cut.

Tobacco: The President proposes to take $13 billion a year from a proposed tobacco settlement to fund a number of education and health initiatives. The exact source of funds in a settlement is not clear—the original settlement suggested that tobacco companies pay the government large yearly sums, but others have proposed a substantial increase in cigarette taxes. These revenues are highly speculative and uncertain because payment would only come from an overall settlement approved by Congress. If the tobacco settlement does not come through the President has indicated he will find other sources to support his domestic initiatives, or will drop them all together. This adds pressure to approve a settlement.

Next Steps: Congress will begin work on the budget as the House and Senate budget committees form a template budget resolution to lay the groundwork for additional congressional action. Congress will vote on the budget resolution in late spring, and the detailed spending and tax bills will be finalized over the summer. A final budget reconciliation bill is supposed to be completed by the end of the fiscal year September 30. If Congress and the President fail to work out their differences by this date, they must pass a "continuing resolution" or see the government shut down.

Conclusion: The President's budget is artfully crafted. It carefully balances increases in popular programs with fiscal discipline elsewhere. The booming economy, aided by tough deficit reduction packages in 1993 and 1997, has enabled the President to make a strong statement of policy and politics. The opponents of the President's budget have not rejected his proposals out of hand. They offer alternatives to meet the nation's problems, such as school vouchers, larger tax credits, business incentives, and other devices. Although there is some sweeping rhetoric about differences with the President, there is strong bipartisan support for action on child care, education, and tobacco. The stage has been set for a dynamic and important debate about the future of the country.

STATEMENT OF THE HONORABLE PETE SESSIONS, THE HONORABLE DICK ARMEY, THE HONORABLE JOE BARTON, THE HONORABLE MARTIN FROST, THE HONORABLE KAY GRANGER, THE HONORABLE SAM JOHNSON, AND THE HONORABLE EDDIE BERNICE JOHNSON TO ENCOURAGE THE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY TO DESIGNATE NORTH TEXAS A HIGH INTENSITY DRUG TRAFFICKING AREA

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. SESSIONS. Mr. Speaker, my colleagues Congressman Richard Armey, Congressman Joe Barton, Congressman Sam Johnson, Congresswoman Eddie Bernice Johnson, Congresswoman Kay Granger, and I wish to inform other members of the House of Representatives about a situation in the greater Dallas/Fort Worth metropolitan area which demands our attention.

Drug abuse and illegal drug trafficking are a major problem in the Dallas/Fort Worth area, as they are in all other parts of the country. However, there is evidence that points to the establishment of the area as a major transshipment point for major drug trafficking operations. For instance, major Colombian and Mexican drug trafficking organizations have established significant transshipment operations in the Dallas/Fort Worth metropolitan area.

Law enforcement agencies in North Texas have reported dramatic increases in the importation, transportation, and distribution of heroin, methamphetamine, cocaine, and marijuana. And the increased drug trafficking active in the area has become a breeding ground for the proliferation of street gangs and related violent crime.

But, Mr. Speaker, despite the powerful statistics, what brings these problems home to us is the deaths of children recently in and around Plano, Texas. As the Dallas Morning News wrote in a recent editorial, "At least a dozen young people from the Plano area have died from heroin-related overdoses since 1996." Just this week, we lost 17-year-old Natacha Marie Campbell to a heroine and cocaine overdose. This just adds a tragic, human dimension to our fight against illegal drugs.

Although the law enforcement community has obtained significant convictions and sentences against major drug traffickers, the increased drug activity in North Texas is overwhelming current law enforcement resources. We urge the Director of the Office of National Drug Control Policy to commit the necessary resources to the fights against drugs in the Dallas/Fort Worth area by making North Texas a High Intensity Drug Trafficking area. This crucial designation will mean greater resources or and coordination among area law enforcement agencies. It will help the parents in the Dallas/Fort Worth area take control of this problem.

Mr. Speaker, I would like to submit for the record a resolution recently passed by the Greater Dallas Crime Commission which makes similar points, and urges the Director of the Office of National Drug Control Policy to designate North Texas a High Intensity Drug Trafficking Area.

GREATER DALLAS CRIME COMMISSION RESOLUTION

Whereas: Major Colombian and Mexican drug trafficking organizations have established significant transshipment operations in the Dallas/Fort Worth metropolitan area (the "Metroplex") and North Texas generally since the early 1990's; and

Whereas: Law enforcement agencies in North Texas have reported dramatic increases in the importation, transportation and distribution of heroin, methamphetamines, cocaine, and marijuana into the area since the early 1990's; and

Whereas: Law enforcement seizures of heroin in North Texas have increased by more than 500% in recent years, and the purity of the heroin on North Texas streets has increased dramatically and lethally; and

Whereas: The increased drug trafficking active in the area has become a breeding ground for the proliferation of street gangs and related violent crimes including theft, robbery, prostitution, assault and murder; and

Whereas: The impact of the increased drug activity in North Texas has resulted in an increase of drug overdose deaths in the area, with most of the victims being teenagers or younger; and

Whereas: Although the law enforcement community has obtained significant convictions and sentences against major drug traffickers, the increased drug activity in North Texas is overwhelming current law enforcement resources; and

Whereas: Designation of North Texas a High Intensity Drug Trafficking Area by the Director of the Office of National Drug Control Policy will mean greater resources for and coordination among area law enforcement agencies to combat drug trafficking organizations; and

Now therefore, the Greater Dallas Crime Commission urges the designation of North Texas as a High Intensity Drug Trafficking Area.

In Witness Whereof This Twenty-second Day of January, 1998.

CULLEN M. GODFREY,
Chairman.
NICKIE MURCHISON,
Executive Director.

TRIBUTE TO SGT. HERMAN SMITH: WE WILL NEVER FORGET

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. ROGERS. Mr. Speaker, on February 20, 1998, Sgt. Herman Smith of Williamsburg, Kentucky, and nine other World War II crewmen of the B–24H "Liberator," serial number 42–95064, will be buried with full military honors at Arlington National Cemetery.

This ceremony is a long-overdue recognition of the honor, bravery and devotion displayed by ten World War II servicemen who lost their lives nearly 54 years ago when their plane crashed in northeastern Brazil on April 11, 1944.

At 9:05 a.m. on that fateful day, 42–95064's pilot requested weather information. That was the last word from 42–95064 and her crew.

Today, no one quite knows where the crew of 42–95064 was heading, what their mission was, or why the plane went down. For 51 years, no one even knew where the plane and her crew were. Sgt. Herman Smith's mother passed on without ever knowing what happened to her boy. Like thousands of other mothers, fathers, wives, sons and daughters whose loved ones were listed as missing in action, Mrs. Smith lived her life with an empty place in her heart, never knowing the fate of her son.

Although Herman Smith and thousands of other American servicemen have been listed as missing, they have never been forgotten. Over the years, we have continued efforts to discover the fate of American service members lost during times of war. And, with the help of the Army Central Identification Laboratory in Hawaii, hundreds of missing servicemen have been identified, providing their families with peace of mind and final resolution.

That is the story of the long-lost crew of 42–95064. During the 1990s, reports started coming back of plane wreckage in an uninhabited, isolated area of the Amazon jungle. After a 1994 search party failed to find the site, officials finally confirmed the plane's location. On Independence Day 1995, a 15-man team from the U.S. Army Central Identification Laboratory arrived in Brazil to begin the arduous process of bringing our boys back home.

Next week, the 10 crew members of 42–95064 will be placed in their resting place after 54 long years. Phyllis Bowling of Williamsburg, a first cousin of Sgt. Herman Smith and his closest living relative, will attend the service. For the people of Williamsburg, Kentucky, this service means that one more man, whose name has been forever captured on the VFW Post 3167's memorial commemorating those killed from Whitley County during the Great War, will finally receive the military honors he deserves.

Every day, men and women from counties all across our nation volunteer, like Herman Smith did, for one of the most important jobs America has to offer—military service in the United States Armed Forces. These men and women have so much faith, honor, love and respect for this nation that they are prepared to sacrifice their lives in order to preserve and protect the United States and all that she stands for.

In turn, we must remain committed to them. We must support our service personnel in times of war and times of peace. We must help their loved ones cope with the demands and stress placed upon them as military families. We must honor them after they return from service, and if they don't return, we must be dogged in our pursuit to bring them home. But, most important, we must never forget the sacrifices they have made.

We should remember, because every man and woman who has served in this nation's armed forces has helped secure the peace that we enjoy today. In times of peace and war, American's military personnel have been a beacon of hope in the darkness of conflict. They answered the call of service, prepared to make the ultimate sacrifice in the line of duty. The next generation must know about the courage, honor and strength of the men and women who gave their lives for us. Our service members must know that we will never forget.

Mr. Speaker, so everyone will remember the story of the men on B–24H "Liberator," serial number 42–95064, I ask that a newspaper article appearing in the Whitley Republican-News Journal in Williamsburg, Kentucky, be printed here, for everyone to read.

May God bless all the men and women who serve in America's Armed Forces, and may God bless the United States of America.

[From the News Journal—February 4, 1998]

LOCAL MAN WAS BALL TURRET GUNNER ON LONG-LOST WWII B-24H BOMBER

Somewhere in some foreign field, The gunner sleeps tonight . . .
But we cannot write off his final scene—Hold onto the dream . . .
"The Gunner's Dream," Pink Floyd, 1982

(By Philip A. Todd)

Like thousands of his fellow World War II servicemen, a Williamsburg man listed as missing in action (MIA) for over a half century will never come home.

However, after making the ultimate sacrifice for their country, Sgt. Herman Smith and the nine other crewmen on his B-24H bomber will finally receive the remembrance they earned with their lives.

The remains of the ten Army Air Corps aviators, who died on April 11, 1944 when their plane crashed in northeastern Brazil, will be buried Feb. 20 with full military honors in Arlington National Cemetery, official sources said.

Sadly, this recognition comes much too late for most of those who waited in vain for news of their loved ones—while for 51 years, the bomber's crash site remained lost, hidden in a dense and uninhabited region of the Amazon jungle.

Smith's mother, Martha E. Smith of Cumberland Ave., Williamsburg, apparently died years ago; and now, no one at Veterans of Foreign Wars Post 3167 seems to remember him.

His name appears on the VFW's memorial outside the courthouse, along with the other Whitley County men listed and killed during the Great War. Other than that, there has been nothing but silence surrounding Smith, the plane's ball turret gunner, and his crewmates for nearly 54 years.

DO YOU READ ME, 42-95064?

As the Allied war effort in Europe escalated towards the "longest day"—the actual invasion of Hitler's "Fortress Europe" on D-Day, June 6, 1944—America and her allies mounted heavy bombing raids throughout Axis-held Europe, North Africa and Italy.

Daily aircraft losses reaching 50 percent in some raids meant new, replacement planes moved in a steady stream from American factories to the front.

Secrecy concerns kept security so tight that even the very crews flying these replacement aircraft didn't know where they were going; and after a half-century, memories have dimmed and files have disappeared—so no one may ever know the complete story of Smith and the men on B-24H "Liberator," serial no. 42-95064.

Exact details remain a mystery; however, Smith's aircraft was apparently headed for duty in Europe by way of a series of refueling stops leading from the U.S. to Africa by way of South America when it crashed in the Brazilian jungle.

This ferry route enabled new planes to replace lost combat aircraft in a matter of a few days, instead of the weeks it would take to ship them across the Atlantic Ocean.

After probably flying from Colorado Springs to Florida and then south to Trinidad, Smith's B-24H reportedly left Trinidad's Waller Field at 6:09 a.m. April 11, 1944, enroute to Belém, Brazil.

Around 9:05, about an hour from Belém, 42-95064's pilot, 2nd Lt. Edward J. Bares, reportedly requested weather information.

A ground station in Brazil responded with a report, but heard nothing further from the plane.

Nothing further was ever to be heard from 42-95064.

LOST BUT NOT FORGOTTEN

"We were on the same route, departing probably the 16th of April," remembers R.F. "Dick" Gelvin, a B-24 navigator whose aircraft took the same route to the front only days later.

"I don't remember them telling us about having lost an airplane in the previous week."

"I do recall them telling we navigators, we would have enough fuel that we could follow the (South American) coast if we wanted to do so, but that over the (Brazilian) jungle would be closer," he said.

"After a crew discussion, we opted to take the 'great circle' (globe-line) route, over the jungle."

Apparently 42-95064's navigator, 1st Lt. Floyd D. Kyte Jr., took the same shortcut to Belém, but the plane crashed some 250 miles short of that Brazilian port city.

Authorities have never issued an official explanation for the crash.

The aircraft remained lost until the 1990s, when a group of gold prospectors reportedly stumbled across it.

A joint expedition by the Força Aérea Brasileira (FAB, Brazil's air force), and the U.S. Army located the crash site and recovered the crew's remains in July 1995.

"They told me that the place was 150 miles off course," said James K. Leitch, whose brother, Staff Sgt. John E. Leitch, was 42-95064's flight engineer.

James Leitch, also a World War II veteran, said he contacted government officials in 1995 after reading a short news report that the plane had been found.

"They don't know why it went down, but it could have run out of gas."

"They feel that the whole crew was killed on impact," he said.

A HALF-CENTURY'S SILENCE

When 42-95064 and its crew of 10 went down in April 1944, James Leitch was a 19-year-old infantry-man waiting to be shipped to duty in the Pacific.

His company commander called him to the office and told him he needed to go home to Los Angeles.

There, his parents told him his brother was reported missing in action somewhere in the Brazilian jungle.

About a month later, A Brazilian native reportedly told officials he had seen the wreckage of a four-engine plane and six bodies, but the man disappeared before anyone could verify his story, said Peter Muello, an Associated Press writer in 1995.

Shortly after that initial report, a British man told authorities he had found the plane, and even reported the aircraft's correct identification number, said Muello.

The Leitch family never heard about either of these sightings.

A letter to Leitch's parents from a Brazilian official, dated July 14, 1944, said American authorities were searching "where the plane is supposed to have made a forced landing."

Five years later, Leitch's mother contacted a U.S. vice-consul in Belem, who told her that tribes in the area were friendly, and if anything had been found, they would have contacted the Brazilian authorities.

During that same time year (1949), the Los Angeles Times reported that the U.S. Adjutant General's Office issued the statement that "no evidence has been submitted that any of the crew parachuted to the safety, nor has any indication been received that the men were found by natives."

"Any that was all we heard," said Leitch.

"My mother went to her grave believing her John was still alive, somewhere in the jungle," he said.

After these reports, no official statements about 42-95064 were made until 1995, when Brazilian army authorities said their 3rd Jungle Infantry Battalion discovered the wreckage in August 1994 and brought back "a leather artifact" that one official said was probably part of a crewmember's flight jacket.

But in December 1994, a joint search party mounted by Brazil's air force and the U.S. Embassy to Brazil failed to find the site.

Finally, officials confirmed the site; and on Independence Day, 1995, a 15-man salvage team from the U.S. Army Central Identification Laboratory arrived in Brazil to join a Brazilian army expedition to travel to the site and recover anything that was left.

"BRING THE BOYS BACK HOME"

When millions of Americans sang along with war-era stars like Vera Lynn and Glenn Miller, hoping that "We Will Meet Again" and praying to "Bring The Boys Back Home," few would dream their government and their tax dollars would still be busy trying to do exactly that, more than 50 years later.

Thanks to the ongoing mission of the Army Central Identification Laboratory in Hawaii (CILHI), many missing servicemen—especially from Vietnam—have been positively identified from even the smallest of remains, after a process involving long hours of scientific analysis.

Apparently, that's where 42-95064's crew has been since the summer of 1995, while U.S. Army officials attempted to track down next-of-kin for each man.

An FAB (Brazilian air force) team prepared the site, and assisted the CILHI researchers during a three-week recovery effort in a dense jungle area some 50 miles northeast of the Amazon River city of Macapá, located about 250 miles northwest of the plane's destination, Belém.

Searchers found two sets of "dog tags" and numerous bone fragments at the site, said Johnie Webb, a CILHI civilian deputy commander.

"It is, very dense jungle," he said, adding that "all 10 (crewmen) perished in the aircraft."

Two weeks of digging at the crash site brought nothing, Leitch said officials told him.

"They had dug several meters deep and were starting to lose hope, when suddenly, they started finding bones, rings, necklaces and dog tags with names and ranks written on them," said Fernando Allegretti, a spokesman for the Brazilian state of Amapá, where the plane crashed.

One investigator found a wallet, and another found several 1944 dollar bills, he said.

The high-speed impact of the crash meant little was left of the aircraft, and most of it—spread over a wide area and undisturbed for 51 years—will never be recovered, officials said.

After three weeks, the team recovered the remains of all 10 on board.

Officials then held a memorial service for the crew at Macapá, capital city of Amapá.

A short time later, CILHI forensics experts confirmed the remains were, indeed, those of the long-lost crew of 42-95064.

GIVE THEM PEACE

After more than two-and-a-half years of attempting to find surviving relatives of the crew, the U.S. Army has apparently decided against returning the remains to the families.

"I made call after call" to the authorities, said Leitch after hearing of the plane's discovery in 1995.

"I was told they were going to use a DNA process to identify each man," he said.

"We wanted him (John) buried out here in Los Angeles, with my parents."

Leitch said the family has kept a burial plot for John all these years.

However, last month's announcement of plans for the Feb. 20 group burial in Arlington put an end to each family's own hopes for closure.

Army officials apparently identified Peggy Bowling, a Williamsburg woman who is Smith's first cousin, as Smith's closest living relative.

Bowling and another Whitley County resident are expected to attend the Feb. 20 ceremony.

Leitch said the government is arranging to fly family members to Washington for the event.

The 42-95064's crew included:

2nd Lt. Edward I. Bares, pilot, Chicago; Flight Officer Robert W. Pearman, co-pilot, Miami; Flight Officer Laurel Stevens, bombardier, Monroe, Iowa; 1st Lt. Floyd D. Kyte Jr., navigator, Elmira, N.Y.; Sgt. John Rocasey, nose gunner, El Monte, Cal.; Staff Sgt. John E. Leitch, engineer, Los Angeles; Sgt. Michael Prasol, tail gunner, Northampton, Mass.; Sgt. Herman Smith, ball turret gunner, Williamsburg, Ky,; Sgt. Max C. McGilvrey, upper gunner, Perkins, Okla,; and Staff Sgt. Harry N. Furman, unknown replacement, Dayton Plains, Mich.

Furman, not part of the plane's original crew, replaced the crew's radio operator. Staff Sgt. Abe Shepherd of Ohio, on the fateful flight.

"It is likely that the ground crew chief may well have replaced one of the gunners, who would have gone by sea," said Kevin Welch, a B-24 veteran.

"Occasionally, some positions were manned by non-crew members," said John Jakab, another B-24 veteran.

For example, he said, "my co-pilot crossed over by ship. My co-pilot for the overseas flight was our unit operations officer."

Shepherd's fate is not known—and, after all these years, there aren't that many people still around who remember the lost crew of 42-95064.

But some will never forget them.

"I have mixed feelings" about the upcoming ceremony, said Leitch.

The Leitch brothers, born 17 months apart, "used to double date" in their young days in southern California, he said.

"I'm happy that it's coming to a close, but I really miss him. It still bothers me."

UNABLE TO ATTEND ROLLCALL VOTE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H. Res. 352 (Rollcall No. 12). If I had been present, I would have voted "Aye".

TWO YEAR ANNIVERSARY OF THE TELECOMMUNICATIONS ACT OF 1996

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mrs. MYRICK. Mr. Speaker, I rise today to commend the Federal Communications Commission on their newly demonstrated spirit of cooperation as they continue to implement the Telecommunications Act of 1996.

We are beginning to see the spirit of the new faces on that Commission. There is no question that the new members of the FCC have a lot of work to do—particularly as they work through what their predecessors started in the process which will allow local phone companies into the long distance market.

Until just recently, the 14-point check list, designed to ease the long distance entry process, has been a constant source of confinement for local service providers. They have been forced into the courts to seek refuge. The courts have ruled in favor of the local companies.

After such a long string of slanted rulings, clearly issued in defiance of the will of this Congress, I am pleased to see that the FCC is singing a new tune. I look forward to seeing those new words develop into new actions—actions that will fulfill the 2 year old promise of lower prices and more choices for American consumers.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. COYNE. Mr. Speaker, I am pleased to join my colleagues in this special order celebrating Black History Month. I would like to express my appreciation to Representatives LOUIS STOKES and MAXINE WATERS for organizing this special order, which provides the Members of the House with an important opportunity to participate in Black History Month.

The United States has officially commemorated Black History Month and its predecessors can be traced back an additional 50 years to 1926, when Dr. Carter G. Woodson, a prominent educator, historian and author, created Negro History Week. Since then, each February has been a time when Americans are called upon to educate themselves about the contributions that African Americans have made to all aspects of American life and culture—and to consider the complicated role that race and racism have played in our nation's history.

The Association for the Study of Afro-American Life and History, an organization that Dr. Woodson established in 1915 to promote a greater understanding and appreciation of the contributions that African Americans have made to this country, has selected "African Americans in Business: The Path Toward Empowerment" as the theme for this year's observance of Black History Month.

This is a most important topic because as many Americans of different racial and ethnic backgrounds have learned, economic power leads to political power. The experiences of many well-known African Americans illustrate how business success can lead to political empowerment.

Paul Cuffe was a seaman and shipowner in Massachusetts during and after the Revolutionary War. He built, commanded, and invested in a number of vessels during his long career. His activity as a black captain of a black crew shattered many widely held perceptions about African Americans. He started out in fishing, but his business ventures slowly expanded to include the coastal trade along the Atlantic coast, international trade, and whaling voyages in distant waters. At the time of his death, his shipping empire conducted trade with Europe, Asia, and the West Indies. Mr. Cuffe was politically active at an early age. He joined other African Americans in protesting their treatment under the Massachusetts Constitution of 1778, which held them liable for taxes even as it refused them the right to vote. As a result of their efforts, a court decided in 1783 that African Americans did have the right to vote in Massachusetts. Most of his political activity, however, came later in his life, after he had made his fortune. Mr. Cuffe used his wealth to support efforts to establish African American settlements in Sierra Leone. He established the Friendly Society to finance this endeavor, and he traveled to England and Africa to promote it. He also met with Treasury Secretary Albert Gallatin and President James Madison to seek their help. His business success enabled him to successfully pursue his political goals.

Another notable African American whose business success empowered him was James Forten. Born free in Philadelphia, the grandson of a slave, Mr. Forten attended an abolitionist school until the death of his father forced him to drop out to support his family. After serving on a privateer during the Revolutionary War, Forten apprenticed himself to a white sailmaker, Robert Bridges. He rapidly proved his ability, and Bridges made him his foreman. When Mr. Bridges retired in 1798, Mr. Forten took over the business, operating a racially integrated workplace with nearly 50 employees. Mr. Forten became a wealthy man, and he used his wealth to pursue political change. He circulated petitions protesting the fugitive slave laws. He published pamphlets opposing proposals to prohibit free blacks from settling in Pennsylvania. He was an active abolitionist, and he provided more financial support to the abolitionist cause than anyone except Arthur and Lewis Tappan. Even when he was not allowed to vote because of his race, his white employees voted for the candidates he supported on his behalf.

William Leidesdorff was another African American whose business success led to empowerment. Born on the West Indian island of St. Croix, Mr. Leidesdorff became a naturalized citizen of the United States in 1834 and began working as a ship's captain—sailing out of first New Orleans and then New York. One of his voyages left him in California, which was at that time part of Mexico, in 1841. Mr. Leidesdorff settled down in Yerba Buena, a little seaside town that would one day be renamed San Francisco, and he started a business selling local supplies to ships and importing goods which he sold to the other settlers. His business prospered, and he built the first hotel in San Francisco. As a result of his prominence in the community, Mr. Leidesdorff was appointed the American vice consul for the Port of San Francisco in 1845. Over the course of the next year, he was active in the efforts to secure California's independence from Mexico. Mr. Leidesdorff collaborated with Captain John Fremont, Commander John Montgomery, and Commodore John Sloat in driving the Mexican government out of California and in making California part of the United States. He was elected to the first San Francisco city council in 1847, and he served on the committee that set up San Francisco's first public schools. In short, his business success led to become an influential and respected community leader.

John Merrick was born into slavery in Clinton, NC, and worked for a number of years as a hod carrier and brick mason before becoming a barber and opening a barber shop in Durham, North Carolina, in 1880. The barber shop prospered, and he opened several other barber shops. Mr. Merrick became involved in providing insurance to the African American community, and he founded the North Carolina Mutual Life Insurance Company in 1898. From a modest initial investment of $350, the company grew and grew. At the time of Mr. Merrick's death in 1919, the company's policies provided more than $16 million worth of coverage. Mr. Merrick also worked successfully to establish a black-owned and operated bank, drug store, real estate company, and textile mill in his home of Durhanm, NC. Mr. Merrick became one of the leading black businessmen in the post-Reconstruction South, and he used his prominence and connections to help establish Lincoln Hospital, one of the best private hospitals for African Americans in the Jim Crow South.

Charles Clinton Spaulding left his family farm in North Carolina in the late 1800's to get an education. He began his career toiling as a dishwasher, bellboy, waiter and cook while he studied with children half his age to get the equivalent of a high school education. He persevered, and he eventually graduated from Whitted Grade School in 1898 at the age of 24. He took a job as the manager of a black-owned grocery company, but the business failed and Mr. Spaulding was plunged into debt. Despite this adversity, Mr. Spaulding persevered. He was hired by Jon Merrick in 1899 as the first employee of the North Carolina Mutual Life Insurance Company, and largely through his hard work and innovative marketing, the company was very successful. Mr. Spaulding became president of the company in 1923. At the time of his death in 1952, the company employed over 1,000 people and provided more than $165 million in insurance policies. Under Mr. Spaulding's leadership, the North Carolina Mutual Life Insurance Company became the largest black-owned business in the country.

One of the best-known African American entrepreneurs in this country was Madame C.J. Walker, who rose from poverty to become a millionaire. Born Sarah Breedlove to a poor farming family in Delta, Louisiana in 1867, she was orphaned when she was 6 years old and was raised by her older sister. She was married when she was 14, had a daughter several years later, and became a widow when she was 20. She worked as a washerwoman to support herself and her daughter for a number of years. In 1905, she developed a hair conditioner and a metal comb for straightening hair. She began selling her hair care products and other cosmetics door to door in Saint Louis, but as she became successful she developed other marketing approaches—mail order sales, franchised sales agents, and lecture tours—that allowed her business to expand to many parts of the South and the East. In 1910, Madam C.J. Walker moved her operations to Indianapolis, where she set up a large manufacturing facility. By the time she passed away in 1919, she was one of the most successful business women in the country. She used her wealth to support the NAACP, homes for the elderly and the needy, and educational opportunities for African Americans.

Another successful business woman born just after the Civil War was Maggie Lena Walker. A native of Richmond, VA, Maggie Lena Walker graduated from high school despite the early death of her stepfather. She went on to teach in a public school, work as an insurance agent, and take business courses in accounting and salesmanship. She worked her way up the hierarchy of a fraternal insurance cooperative known as the Grand United Order of St. Luke. The Order provided health and burial benefits for its members. In 1899, Mrs. Walker was named executive secretary-treasurer of this organization, and she changed its name to the Independent Order of St. Luke. Under her management, the organization grew substantially. In 1903, she established the St. Luke Penny Savings Bank and became its president. The St. Luke Penny Savings Bank grew steadily, and in 1929, it absorbed the other African American banks in Richmond under the name of the Consolidated Bank and Trust Company. Mrs. Walker served as the chairman of the Consolidated Bank and Trust Company's board of directors until her death in 1934. She organized and supported several large philanthropic organizations, and she was active in the state NAACP.

Robert L. Vann was born in the late 1800s into a poor farming family in rural North Carolina. Mr. Van steadfastly pursued his education—working his way through school and earning a law degree from the University of Pittsburgh in 1909. In 1910, he was the motivating force behind the establishment of the Pittsburgh Courier, a newspaper serving the African American community. Over the following 2 years, Mr. Vann acquired sole control of the paper and became its editor. The paper grew substantially, and its success allowed Mr. Vann to become involved in politics. He served as Assistant City Solicitor for the City of Pittsburgh from 1917 until 1921. He served as national director of outreach efforts to the African American community for the Republican presidential campaigns of 1920, 1924, and 1928. In the presidential campaign of 1932, he used his influence to encourage black voters to support Franklin Roosevelt, and as a result of his efforts he served in several capacities in the Roosevelt Administration, where he worked to increase African Americans' political power. Mr. Vann used his influence, for example, to push for racial equality in the U.S. armed forces. After leaving the administration, Mr. Vann returned to the Pittsburgh Courier, where he urged African Americans to refrain from making an allegiance with either political party. He believed that African Americans would enjoy greater political power if their votes could not be taken for granted by either political party.

Archie A. Alexander was born in Iowa in 1888. His father was a janitor. Mr. Alexander worked his way through college—studying engineering despite efforts to discourage him from pursuing this profession. He graduated from the University of Iowa in 1912 with a B.S. in civil engineering. In 1914, he set up an engineering firm, Alexander and Higbee, at the age of 26. The firm did well. Mr. Alexander continued the business on his own for several years after the death of his partner, but in 1929 he joined one of his university classmates to establish the firm of Alexander and Repass. Their business flourished, and they won and completed large projects across the country. In 1954, President Eisenhower appointed Mr. Alexander Governor of the U.S. Virgin Islands.

John H. Johnson, the noted African American publisher, was born in Arkansas, but his family moved to Chicago when he was 15 years old. His hard work in school led to an opportunity that changed his life. He was selected to speak at the 1936 Chicago Urban League banquet honoring high school seniors. His speech so impressed the main speaker, the president of the Supreme Liberty Life Insurance Company of Chicago, that he was hired to work in the company's offices. For the next four years, Mr. Johnson worked in the company's offices and studied at the University of Chicago and Northwestern University. When Mr. Johnson completed college, he went to work full-time for Supreme Liberty. In the course of his work, Mr. Johnson realized that many African Americans would be interested in buying a publication containing news about African Americans and the African American community. In 1942, he began publishing and selling a magazine named Negro Digest. The demand for this new publication was impressive. Circulation rose to more than 100,000 readers in a few short years. Mr. Johnson followed up on this success with other publications. In 1945, he brought out Ebony magazine, and in 1951, he introduced Jet. Today, he is one of American's leading publishers.

These are just a few of the more prominent African American entrepreneurs from the past 200 years. Many African Americans have successfully overcome adversity, financial challenges, and discrimination to create successful businesses. Many of these successful black entrepreneurs identified and addressed needs in the African American community that white businesses had ignored or disdained—but others like Paul Cuffee, James Forten, William Leidesdorff, and Archie Alexander competed head-to-head with white businesses quite profitably. In either case, the individuals I have mentioned were able to use their business successes to pursue social or political ends. The interesting question is how much more these entrepreneurs could have achieved had they not faced the widespread racism and race-based legal restrictions of their times.

Today, opportunities exist both within the black community and within the larger society for African American businesses to develop and grow. As we celebrate Black History Month, I believe that we should rededicate ourselves to the expansion of economic opportunities for African Americans and other minorities. Such efforts must go beyond the speeches we give here today. I believe that affirmative action and government programs that help develop minority-owned small businesses are still needed to create a "level playing field"—they are needed to offset the impact of residual racism in our society, and to offset the effects of decades of discrimination. I urge my colleagues to act to protect, expand, and improve federal efforts to guarantee economic and educational opportunity to all Americans.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of the amendment to S. 927, The National Sea Grant College Program Reauthorization Act of 1998. I think that it is especially appropriate that we bring this bill before the House early in 1998, which has been designated by the United Nations as the "Year of the Ocean." I can think of no better way to enter into the spirit of this designation than by passing the Sea Grant bill before us today.

Thirty-two years ago, the National Sea Grant College Program was established by Congress to improve our understanding of the nation's marine environment and to manage marine resources better. Since then, ocean and marine science hasn't stood still, and neither should the Sea Grant program. This latest reauthorization bill is the fruit of a bipartisan effort between the Committee on Science and the Committee on Resources to update and reinvigorate the Sea Grant program and to improve the accountability of the program to the taxpayers. I believe this bill achieves both of these goals, and I urge my colleagues on both sides of the aisle to support it.

This five-year reauthorization is not much different from the H.R. 437, which passed the House overwhelmingly last June. It adds and modifies various definitions, clarifies the responsibilities of the Program Director, and outlines the duties of the Sea Grant institutions conducting Sea Grant programs. It also includes merit reviews of grant and contract applications, repeals the Sea Grant International Program, which has never been funded, and ensures peer review of research sponsored by Sea Grant. Moreover, by limiting administrative spending to no more than 5 percent of the lesser of the amount authorized or appropriated each fiscal year, the bill also will help ensure that the taxpayers' money is being spent on research, not red tape.

In addition to the base authorization for the Sea Grant program, the bill includes additional authorizations for competitive, peer-reviewed research into the problems of zebra mussels, oyster disease, and *phiesteria*. I don't have to tell you how these organisms have plagued many communities throughout America and of the economic losses they have caused. This bill will help us get the best scientific minds working to improve our understanding of these problems and to find solutions.

The Sea Grant program has contributed greatly to our knowledge of the marine environment these past three decades and has earned the support of the political and scientific community. I believe the bill the Science and Resources Committees have crafted will put the program on a sound footing for the future and, just as important, will provide the taxpayer with value for money. I urge my colleagues to support it.

Before closing, I would like to commend the gentleman from California [Mr. CALVERT], Chairman of the Science Committee's Subcommittee on Energy and the Environment, and the subcommittee's ranking member, the gentleman from Indiana [Mr. ROEMER], for their hard work on this legislation. I would also like to thank the ranking member of the Science Committee, the gentleman from California [Mr. BROWN], for his support throughout the process.

I also want to take a moment to thank the gentleman from Alaska, the Chairman of the Committee on Resources [Mr. YOUNG], and his colleagues on the Committee on Resources, including the gentleman from California [Mr.

MILLER], the ranking member of the committee; the gentleman from New Jersey [Mr. SAXTON], Chairman of the Subcommittee on Fisheries, Conservation, Wildlife, and Oceans; and the gentleman from Hawaii [Mr. ABERCROMBIE], the subcommittee's ranking member. They can be proud of their handiwork.

IMPORTANCE OF RENEWABLE ENERGY IN THE UTILITY RESTRUCTURING DEBATE

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. KLUG. Mr. Speaker, legislation allowing all consumers to choose their electricity provider has been the subject of ongoing discussion during the past two sessions of Congress. It continues to be a topic that engages Congress and the American public. A majority of voters favor Congress requiring electricity companies to use renewable energy sources. In fact, almost 70% favor requiring utilities to invest in energy efficient programs. And, given a choice, 78% of Americans would be willing to pay more for non-polluting, environmentally-friendly electric power.

With this mandate, I was honored yesterday to submit a letter to Chairman BLILEY and Ranking Member DINGELL, signed by myself and 105 of my colleagues from both sides of the aisle, urging that renewable energy remain part of the overall discussion on utility restructuring. I include this letter and the list of co-signors in the record and commend it to your attention. Thank you very much.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 11, 1998.

Hon. TOM BLILEY,
Hon. JOHN D. DINGELL,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY AND REPRESENTATIVE DINGELL: Maintaining a renewable energy option for America has been a public policy supported by the past four Republican and Democratic Administrations and by large bipartisan majorities in the Congress. This is so because America's clean and domestic renewable energy resources help create U.S. jobs, contribute to a cleaner environment and healthier citizenry, and strengthen U.S. energy security by increasing America's diversity of domestic fuel supplies.

As the U.S. electricity industry undergoes change, we want to reiterate our strong support for maintaining America's renewable energy option. We urge that, when the Commerce Committee moves forward with electric industry restructuring legislation, such legislation contains provisions ensuring that the American people will continue to benefit from an increased utilization of clean and domestic renewable energy resources.

Thank you for considering this request.

Sincerely,

SCOTT KLUG.
DAVID MINGE.
MATT SALMON.
KAREN THURMAN.

LIST OF MEMBERS SIGNING RENEWABLE ENERGY LETTER

Scott Klug, (R-WI); Matt Salmon, (R-AZ); David Minge, (D-MN); Karen Thurman (D-FL) Sander Levin, (D-MI); Sherwood Boehlert, (R-NY); Lucille Roybal-Allard, (D-CA); Constance Morella, (R-MD); Benjamin Cardin, (D-MD); John Lewis, (D-GA); Wayne Gilchrest, (R-MD); Vernon Ehlers, (R-MI); Peter DeFazio, (D-OR); Ronald Dellums, (D-CA); Benjamin Gilman, (R-NY); Sue Kelly, (R-NY); Sue Kelly, (R-NY); Sam Farr, (D-CA); Earl Blumenauer, (D-OR); Collin Peterson, (D-MN); Edolphus Towns, (D-NY); Lynn Woolsey, (D-CA); Maurice Hinchey, (D-NY); John Ensign, (R-NV); Lynn Rivers, (D-MI); Nita Lowey, (D-NY); Patrick Kennedy, (D-RI); Tim Holden, (D-PA); Bud Cramer, (D-AL); Chris John, (D-LA); Jane Harman, (D-CA); Jose Serrano, (D-NY); Frank Riggs, (R-CA); John Edward Porter, (R-IL); Ed Pastor, (D-AZ); Jon Fox (R-PA); Ellen Tauscher, (D-CA); Owen Pickett, (D-VA); Jim Turner, (D-TX); Roscoe Bartlett, (R-MD); Gary Ackerman, (D-NY); Pasty Mink, (D-HI); James McGovern, (D-MA); James Walsh, (R-NY); James Greenwood, (R-PA); John Shimkus, (R-IL); Elizabeth Furse, (D-OR); Earl Pomeroy, (D-ND); William Delahunt, (D-MA); Christoper Shays, (R-CT); Marion Berry, (D-AR); F. Allen Boyd, Jr., (D-FL); Henry Waxman, (D-CA); Sonny Bono, (R-CA); Michael Castle, (R-DE); Tom Campbell, (R-CA); Lane Evans, (D-IL); Dale Kildee, (D-MI); Vic Fazio, (D-CA); Nathan Deal, (R-GA); Edward Markey, (D-MA); Bob Filner, (D-CA); Ray LaHood, (R-IL); James Oberstar, (D-MN); Barney Frank, (D-MA); John LaFalce, (D-NY); George Brown, (D-CA); Frank Pallone, (D-NJ); Martin Olav Sabo, (D-MN); Howard Berman, (D-CA); Esteban Torres, (D-CA); James Rogan, (R-CA); Mark Foley, (R-FL); George Miller, (D-GA); Bruce Vento, (D-MN); Jim McDermott, (D-WA); Jim Leach, (R-IA); Robert Scott, (D-VA); Eva Clayton, (D-NC); Nancy Pelosi, (D-CA); Leonard Boswell, (D-IA); Martin Meehan, (D-MA); Lloyd Doggett, (D-TX); James Clyburn, (D-SC); Bart Stupak, (D-MI); David Skaggs, (D-CO); David Bonior, (D-MI); Nancy Johnson, (R-CT); Jim Davis, (D-FL); Jerrold Nadler, (D-NY); Dennis Kucinich, (D-OH); Bill Barrett, (R-NE); Darlene Hooley, (D-OR); Bob Franks, (R-NY); John Olver, (D-MA); Thomas Ewing (R-IL); Caroylyn Maloney, (D-NY); Jim Kolbe (R-AZ); Jay Dickey, (R-AR); Rick Lazio, (R-NY); Barbara Kennelly, (D-CT); Rober Matsui, (D-CA); Bob Clement, (D-TN); Joseph Kennedy II, (D-MA); Tom Davis, (R-VA); Zoe Lofgren, (D-CA); Tom Lantos, (D-CA).

YORK COUNTY LITERACY COUNCIL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. GOODLING. Mr. Speaker, I am pleased to recognize the efforts of the York County Literacy Council on their "Buck A Book Week." This annual event was established in 1993 with the help of one of York County's radio stations, WSBA. The event has been highly successful in motivating people to read and in bringing new public awareness to the issue of literacy.

Literacy is the backbone of an education. I believe the York County Literacy Council and all the Literacy Councils in my district have done an excellent job in improving literacy. Their mission has been to serve adults who lack basic skills in reading, writing, and mathematics, and to improve collaboration among service providers. The "Buck A Book Week" certainly exemplifies their proactive approach to addressing the problem of illiteracy.

I believe illiteracy is one of the most serious problems facing our country. It seriously restricts the ability of individuals to participate effectively in the workforce. It has been estimated that up to 90 percent of those entering Federal training and employment programs without a high school diploma have serious literacy problems. In contrast, individuals who demonstrate higher levels of literacy skills tend to avoid long periods of unemployment, earn higher wages and work in higher skilled occupations than those at the lowest levels.

Mr. Speaker, through quality, innovative programs and the diligent efforts of individuals and community organizations such as the York County Literacy Council, the Central Pennsylvania Literacy Council, and the Adams County Literacy Council, the tragedy of illiteracy may one day become a thing of the past. I applaud these Councils on their efforts and commend them on a job well done.

THE 1996 TELECOMMUNICATIONS ACT: BLUNTED BY THE BUREAUCRACY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. DELAY. Mr. Speaker, the biggest problem with the 1996 Telecommunications Act isn't the way it was drafted, it's the way the bureaucrats at the Federal Communications Commission (FCC) have decided to implement it.

Much of what the FCC has done has been reversed on appeal by the courts, or pulled back for reconsideration by the FCC itself. The law has been good for Washington lawyers and economists. It has been great for the paper industry. But from the public's standpoint, the new law hasn't delivered on its promises.

Maybe our basic mistake was to place an independent regulatory agency in charge of trying to promote competition. If Congress had relied on the Washington bureaucracy, instead of the marketplace, to foster competition in the airline, surface transportation, energy or banking fields, we would still be waiting for true competition in those areas.

You don't need 3 years in law school to figure out that Congress expected results. Throughout the 1996 Act, Congress imposed 90-day deadlines on the FCC to act. Why would Congress establish deadlines like that if the result were no long distance applications accepted by the FCC?

The FCC has new leadership today. Four of the five FCC Commissioners are new. It seems to me that the agency's approach over the past 2 years has been wrong. They need to try a different approach.

Mr. Speaker, I don't have any magic solutions. Coming up with solutions, after all, is why we have a FCC. Congress and the American public didn't support communications reform just to help the Washington lawyers. Something needs to be done, and soon.

COMMENDING VOLUNTEER EFFORTS DURING THE SUPER-TYPHOON PAKA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. UNDERWOOD. Mr. Speaker, on December 16, Supertyphoon Paka destroyed or severely damaged more than 8,000 homes, injuring more than 200 people and leaving more than 3,000 families homeless. Of the homeless, more than 1,000 required temporary housing immediately. To the relief of these people, the Government of Guam Disaster Housing Office was quick to respond. The Liheng-ta Facility was put up to temporarily house the over 1,000 individuals who needed temporary shelter.

I rise today to commend and congratulate a number of individuals who have distinguished themselves in the midst of the most recent natural disaster to hit the island of Guam. I would like to submit for the record the names of the people who made this all possible, some of whom are still working at the facility as we speak.

First of all, I would like to make mention of people who managed the shelters: Mr. Robert Kelley, the director of the Disaster Housing Office; Jordan Kaye, the administrator of the Liheng-ta Facility; Ms. Marcia V. Mesa, the head nurse; and the staff officers: Cecilia S. Delgado; Doris Young; Frank D. Santos, Jr.; Greg S. Massy; Francis L.G. Damian; Isabel J. Gawel; Teresita D. Finona; Frances Diaz; David R. Duenas.

Lt. L.F. Castro was the Officer in Charge of the police officers tasked to provide security. Working under him were Sgt. II T.P. Tenorio, Operations Sergeant; Sgt. I M.P. Salas; Sgt. I D.C. Acfalle; PO3 P.H. Villanueva; PO3 M.J. Sayama; PO3 R.P. Fernandez; PO3 M.L. Mendoza; PO2 G.S. Topasna; PO2 K.S. Espinosa; PO2 M.M. Muna; PO2 W.J. Penn; PO2 A.J. Balajadia; PO2 P.T. Atoigue; PO2 A.B. Quitugua; PO2 J.C. Borja; PO3 D.J. Arceo; PO2 H.C. Flores; PO2 A.R.B. Pierce; CO/SGT. M.A. Reyes; D/L P.R. Manley; D/L N.J. Gogo; CO1 R.L. Delfin; CO1 P.C. Aguon; CO1 M.G. Villagomez; CO1 M.D. Aguon; CO1 F.C. Quinata; DO R.L. Blas; DO J.C. Tedtaotao; P/RCT. P.R. Blas; P/RCT. D.D. Cepeda; P/RCT. J.S. Babauta; and P/RCT. R.M. Lujan.

Last but not least, I would like to commend the men and women of the Guam Air and Army National Guard and the Army Reserves for the invaluable service they provided. It was Guam's citizen soldiers and airmen who prepared and maintained the facilities. They made sure that the buildings were safe, in good condition and provided hot meals for the residents.

These men and women came from every corner of the island. Through their sense of duty, they supported and aided those who had been less fortunate. For this they should be honored and recognized. Si Yu'os Ma'ase for your public service to the victims of Typhoon Paka.

PRESIDENT'S BUDGET AND SOCIAL SECURITY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 1998

Mr. MCINTOSH. Mr. Speaker, the President, in his State of the Union address, told the American people that he intends to devote the entire budget surplus to saving Social Security. But, the American people should know that so far his actions have not been consistent with the promise.

In fact, in his recent budget, the President has proposed to spend more on the Federal bureaucracy. That's more money for big government in Washington, D.C., not for saving Social Security and certainly not back in the pockets of hard-working Americans where it belongs.

The President proposed a 3% increase, on average, in the budgets of the 26 Federal agencies under my Subcommittee's jurisdiction alone. For some agencies the increases were larger than others—11% more for the Department of Energy and 9% more for the EPA. (I have a chart detailing the President's requests for these 26 agencies which I would like to insert into the record.) I doubt many Americans would consider it a priority to send more money to these already-bloated agencies, which will use it to create more government red tape.

Mr. Speaker, we in the Congress must not allow the President to get away with this slight of hand—he is trying to secretly use the surplus to increase big government, but get credit for using it to save Social Security. The President needs to tell the truth to the American people—they deserve to know how their money is spent.

ANALYSIS OF BUDGET REQUESTS FOR AGENCIES UNDER CONGRESSMAN McINTOSH'S OVERSIGHT[1]

[Budget Authority in millions[2]]

Department/Independent Agency	Fiscal year 1997 actual	Fiscal year 1998 budget estimate	Fiscal year 1999 budget request	Percent change fiscal year 1998–99
USDA	60,876	55,859	57,435	2.8
DOD/Army Corps of Engineers	4,157	4,098	3,258	20.5
DOC	3,759	4,149	4,955	19.4
DOE	14,082	14,458	16,063	11.1
DOI	7,411	7,926	7,867	−0.7
DOT (including Surface Transportation Board)	40,208	42,058	42,610	1.3
DOT/Surface Transportation Board	12	14		
Treasury	380,179	389,289	401,037	3.0
ARC	160	170	67	−60.6
CEA/EOP	3	4	4	0
CEQ/EOP	2	3	3	0
CFTC	55	58	63	8.6
CPSC	42	45	46	2.2
EPA	6,478	7,176	7,787	8.5
Export-Import Bank of the US	758	696	825	18.5
FDIC	−26	−44	−51	−15.9
FTC	26	24	27	12.5
NCUA	1	1		−100.0
NTSB	79	49	48	2.0
NRC	18	19	22	15.8
OPIC/ICDA	−112	−175	−176	−0.6
SEC	−62	−50	−5	90.0
SBA	838	186	680	265.6
TVA	−291	−841	−946	−12.5
USITC	41	41	46	12.2
U.S. Trade & Development Agency	54	42	50	19.0
USTR/EOP	21	23	25	8.7
Total[4]	518,757	525,264	541,740	3.1

[1] The Delaware River Basin Commission, Freddie Mac, the Susquehanna River Basin Commission, and the Thrift Depositor Protection Oversight Board are not included in the President's Budget because they are classified as being private; the Federal Reserve System is not included in the President's Budget because of its unique status in the conduct of monetary policy.

[2] Source: Analytical Perspectives, Budget of the U.S. Government Fiscal Year 1999.

[3] Treasury, USDA, and DOT account for 92.5% of the FY 99 budget request under Congressman McIntosh's oversight.

SENATE—*Friday, February 13, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 12 NOON, MONDAY, FEBRUARY 23, 1998

The PRESIDENT pro tempore. Under the previous order, the Senate will stand adjourned until 12 noon, Monday, February 23, 1998.

Thereupon, the Senate, at 10 o'clock and 2 seconds a.m., adjourned until Monday, February 23, 1998, at 12 noon.

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